

FILED
KING COUNTY SUPERIOR COURT
JAN 11 2013
SUPERIOR COURT CLERK
VICTOR L. [unclear]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

HARTLEY McGRATH,

Plaintiff,

v.

VESTUS LLC; WINDERMERE REAL
ESTATE/EAST, INC., and CHRISTOPHER
HALL and JANE DOE HALL and the Marital
Community of CHRISTOPHER AND JANE
DOE HALL,

Defendants.

NO. 12-2-08537-4 SEA

ORDER ON DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT

I. Hearing

This matter duly came on for hearing before the undersigned Judge on January 11, 2013
at 10:00 a.m., on Defendants' Motion for Summary Judgment of Dismissal.

Each party appeared through such party's counsel of record.

The Court considered the following materials:

Defendant's Motion and supporting documents:

Declaration of Brian Jessen and attached Exhibits:

- A. Compensation/Confidentiality Client Agreement
- B. PowerPoint slides - "7 Critical Mistakes You Do Not Want To Make When Buying Foreclosures"

Declaration of Philip T. Mattern and attached Exhibits:

- 1. Transcript of Deposition of Harley McGrath
- 2. Excerpts from transcript of Deposition of Mark R. Cooley

Plaintiff's Response and supporting materials:

Declaration of Sylvia Luppert in Opposition, and attached Exhibits:

- 1. Excerpts from Deposition of Hartley McGrath
- 2. Excerpts from Deposition of Mark Cooley
- 3. Excerpts from Deposition of Christopher Hall
- 4. Excerpts from Deposition of Chris Nelson
- 5. "Vestus Fact Sheet" from "Deposition Exhibit 8"
- 6. "Agent Report" from "Deposition Exhibit 8"
- 7. Pages from Vestus Website from "Deposition Exhibit 9"

Defendants' Reply Supporting Motion for Summary Judgment

The Court also considered the oral arguments of counsel and the records and files herein.

II. Order

~~After considering the foregoing, the Court finds no genuine issue as to any material fact by which the defendants could be found liable. Therefore, it is~~ *PLAINTIFF'S CLAIMS FOR FRAUD, INTENTIONAL MISREPRESENTATION*

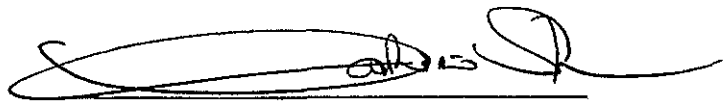
ORDERED, ADJUDGED and DECREED that ~~all claims~~ herein against defendants Vestus, LLC; Windermere Real Estate/East, Inc.; Christopher Hall and Jane Doe Hall and the

SUBJECT NOT FRAUDULENT CONCEALMENT, AND CLAIMS OF AGENCY PURSUANT TO RCW 8.86 SKY

1 marital community of Christopher and Jane Doe Hall, be and hereby are dismissed with
2 prejudice by way of summary judgment.

3 DEFENDANTS' MOTION IS DENIED AS TO PLAINTIFF'S
4 BREACH OF CONTRACT, FRAUDULENT CONCEALMENT, NEGLIGENT
5 MISREPRESENTATION, CONSUMER PROTECTION ACT, AND
6 BREACH OF RCW 18.86. ALL LEM

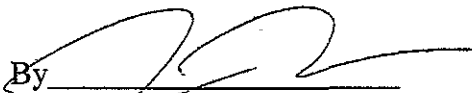
7 DONE IN OPEN COURT this 11 day of January, 2013.

8 

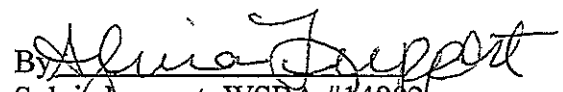
9 Judge Catherine Shaffer

10 Presented by:

11 Demco Law Firm, P.S.

12 By 
13 Lars E. Neste, WSBA #28781
14 Attorney for Defendants

15 Approved for entry by:

16 By 
17 Sylvia Luppert, WSBA #14802
18 Attorney for Plaintiff