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JUDGE MARY E. ROBERTS

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

WASTE MANAGEMENT OF
WASHINGTON, INC., a Delaware
corporation and subsidiary of WASTE
MANAGEMENT, INC., a Delaware
corporation,

Plaintiff,

v.

CITY OF SAMMAMISH, a municipality
of Washington, and RABANCO LTD.,
d/b/a REPUBLIC SERVICES, a
Washington corporation,

Defendants.

NO. 15-2-28794-0 SEA

ORDER AWARDING FEES AND COSTS TO
CITY OF SAMMAMISH, AND JUDGMENT

Clerk's Action Required

JUDGMENT SUMMARY

Judgment Creditor:	City of Sammamish
Judgment Debtor:	Waste Management of Washington, Inc., and Waste Management Inc.
Principal Amount of Judgment:	\$22,387.32
Attorneys for Judgment Creditors:	Kenyon Disend, PLLC
Attorneys for Judgment Debtors:	Davis Wright Tremaine, LLP
Interest accrued post-judgment:	12% <i>per annum</i> .

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2 This matter came before the court on the City of Sammamish's Motion for Award of
3 Attorney Fees and Costs. The court considered the following:

- 4 1. City of Sammamish's Motion for Award of Attorney Fees and Cost;
- 5 2. Declaration of Michael R. Kenton in Support of City of Sammamish's Motion for
6 Award of Attorneys' Fees and Costs;
- 7 3. Opposition to Motion for Award of Attorney Fees and Costs;
- 8 4. City of Sammamish's Reply on Motion for Award of Attorney Fees and Costs; and
- 9 5. The records on file with the court herein.

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11 This case came before the court on a fast track by the plaintiff, Wasted Management of
12 Washington, to attempt to enjoin the actions of the City of Sammamish in its bid selection
13 process that did not favor Waste Management. Waste Management of Washington,
14 successfully obtained a temporary restraining order, and the City thereafter successfully
15 resisted the entry of a preliminary injunction and the TRO was dissolved. Under such
16 circumstances the City is entitled to attorney's fees. *See, White v. Wilhelm*, 34 Wn. App. 763,
17 774 (1983); *Cornell Pump Co. v. City of Bellingham*, 123 Wn. App. 226 (2004). The court
18 previously ruled that the City is entitled to its fees and costs in successfully resisting Waste
19 Management's unreasonable request for injunctive relief where there was no dispute over the
20 fact that Waste Management's bid was nonresponsive to the City's requirements.
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1 After carefully considering the above-referenced material, including each of the
2 attorney billing entries, the court FINDS as follows:

- 3 1. The City reasonably incurred attorney fees and costs of \$22,387.32 in opposing this
4 action.
- 5 2. The legal services rendered by Kenyon Disend, PLLC in defense of the City were
6 reasonable and essential to the outcome of this litigation.
- 7 3. The attorneys and legal staff at Kenyon Disend, PLLC expended a reasonable
8 number of hours in securing a successful outcome to this litigation. The firm made
9 deductions where time was not productive, i.e. where it fairly considered a new
10 associate's presence was a training opportunity.
- 11 4. The hourly rates of the attorneys and legal staff at Kenyon Disend, PLLC were
12 reasonable at the time the services were rendered. The attorney rates charges were
13 in fact substantially below the prevailing hourly rates of similarly-experienced
14 municipal attorneys in the relevant community.
- 15 5. The costs incurred by Kenyon Disend, PLLC in defense of the City in this action
16 were reasonable.
- 17 6. The total amount of reasonable attorney fees and expenses incurred by Kenyon
18 Disend, PLLC on behalf of the City in defense of this action is \$22,387.32.
- 19 7. No upward or downward adjustment of the lodestar is required in this matter.

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23 Based on the above, it is HEREBY ORDERED AND ADJUDGED:
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1. Defendant City of Sammamish’s Motion for Attorney’s Fees and Costs is GRANTED.

2. Judgement is entered in this matter consistent with the above Judgement Summary.

DATED this 31st day of August, 2016

See digital signature
JUDGE MARY E. ROBERTS

King County Superior Court
Judicial Electronic Signature Page

Case Number: 15-2-28794-0
Case Title: WASTE MANAGEMENT OF WA INC VS CITY OF
SAMMAMISH
Document Title: ORDER AWARDING FEES TO CITY

Signed by: Mary Roberts
Date: 8/31/2016 11:27:12 AM

A rectangular box containing a handwritten signature in black ink. The signature is cursive and appears to read 'Mary Roberts'.

Judge/Commissioner: Mary Roberts

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: BEECBBFEFC4AA9C0501D794FF2648966877E42C9
Certificate effective date: 7/29/2013 10:12:51 AM
Certificate expiry date: 7/29/2018 10:12:51 AM
Certificate Issued by: C=US, E=kcscefiling@kingcounty.gov, OU=KCDJA,
O=KCDJA, CN="Mary
Roberts:kh7EvnH44hGfRL4tYYhwmw=="