

1  
2  
3  
4  
5 **SUPERIOR COURT OF WASHINGTON**  
6 **COUNTY OF PIERCE**

7 MMH, LLC, a Washington limited liability  
8 company,

9 **Plaintiff,**

10 DOWNTOWN CANNABIS COMPANY, LLC,  
11 MONKEY GRASS FARMS, LLC, and JAR  
MGMT, LLC d/b/a Rainier on Pine,  
Washington limited liability companies,

12 **Plaintiff-Intervenors,**

13 **and**

14 CITY OF FIFE, a Washington municipal  
15 corporation

16 **Defendant,**

17 ROBERT W. FERGUSON, Attorney General of  
the State of Washington,

18 **Intervenor,**

19 **Companion:**

20 GRAYBEARD, LLC, a Washington limited  
21 liability company,

22 **Plaintiff,**

23 **and**

24 CITY OF FIFE, a Washington municipal  
25 corporation

**Defendant.**

**No. 14-2-10487-7**

**ORDER GRANTING APPROVAL OF  
SETTLEMENT AND DISMISSING  
REMAINING CLAIMS WITH  
PREJUDICE**

1           THIS MATTER came before the Court for hearing on Plaintiff's request for  
2 approval of the parties' Settlement Agreement and an order that dismisses with  
3 prejudice all claims not adjudicated by the Court's September 8, 2014 Order Granting  
4 Partial Summary Judgment. Having heard oral argument and representations of the  
5 parties in open court, the Court considered the entire court file herein, and being fully  
6 advised in the premise,

7           THE COURT FINDS

8           1. Plaintiff has not rested its case; no counterclaim has been filed by any  
9 defendant or intervenor; and no circumstances exist which would make the imposition of  
10 terms or conditions on the dismissal appropriate. Plaintiff is entitled as a matter of right  
11 under CR 41(a) to dismissal with prejudice of the claims not adjudicated in the  
12 September 8, 2014 Order Granting Partial Summary Judgment with prejudice.

13           2. Plaintiffs' appeal of the September 8, 2014 Order Granting Partial  
14 Summary Judgment has been withdrawn and this court has authority to enter final  
15 judgment in this action.

16           3. MMH and the City of Fife have engaged in settlement discussions and  
17 have reached agreement as to MMH's retail marijuana business in the City of Fife. The  
18 agreement between these parties is fair and reasonable. The Settlement Agreement  
19 executed October \_\_, 2016 is incorporated fully by reference. The issues underlying this  
20 action have thus been resolved.

21           IT IS THEREFORE ORDERED, that the Court hereby approves the Settlement  
22 Agreement executed between MMH and the City of Fife on October \_\_\_\_, 2016 that and  
23 MMH and the City shall strictly comply with the terms of the agreement; and it is  
24  
25

1 FURTHER ORDERED, that all claims not adjudicated by the September 8, 2014  
2 Order Granting Partial Summary Judgment are hereby dismissed with prejudice and  
3 without costs or terms imposed to any party.

4 DONE IN OPEN COURT this \_\_\_\_ day of October, 2016  
5  
6

7  
8 THE HONORABLE RONALD CULPEPPER

9 Presented by:

10 LAW OFFICE OF MARK D. NELSON

GORDON THOMAS HONEYWELL

11 Mark D. Nelson WSB# 37833  
12 7901 Skansie Ave Ste. 240  
13 Gig Harbor, WA 98335  
mark@markdnelsonlaw.com

Salvador A. Mungia WSB# 14807  
PO Box 1157  
Tacoma, WA 98401-1157  
Tel: (253) 620-6500  
Fax: (253) 620-6565  
smungia@gth-law.com  
ACLU of Washington Foundation  
Cooperating Attorneys

16 VSI LAW GROUP, PLLC

OFFICE OF THE ATTORNEY GENERAL

18 Jennifer Combs WSB# 36264  
19 Hunter MacDonald WSB# 22857  
20 Loren D. Combs WSB# 7164  
VSI Law Group, PLLC  
3600 Port of Tacoma Road, Suite 311  
Tacoma, WA 98424  
Phone: (253) 922-5464  
Fax: (253) 922-5848  
jbc@vsilawgroup.com  
gfa@vsilawgroup.com

Jeffrey T. Even, WSB# 20367  
PO Box 40100  
Olympia, WA 98504-0100  
Phone: (360) 586-0728  
Fax: (360) 664-2963  
Jeff.even@atg.wa.gov  
Attorneys for Intervenor

1  
2 GARVEY SCHUBERT BARER  
3  
4

5 Donald B. Scaramastra  
6 Jared Van Kirk  
7 Dominique R. Scalia  
8 Garvey Schubert Barer  
9 1191 Second Avenue, Suite 1800  
10 Seattle, WA 98101-2939  
11 dscaramastra@gsblaw.com  
12 jvankirk@gsblaw.com  
13 dscaliam@gsblaw.com  
14 Counsel for Plaintiff-Intervenors  
15 Downtown Cannabis Company, LLC,  
16 Monkey Grass Farms, LLC, and JAR  
17 Mgmt, LLC  
18  
19  
20  
21  
22  
23  
24  
25