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FILED
KING COUNTY, WASHINGTON

Working Copies
Hon. Susan Craighead
Date: August 19, 2009
Without Oral Argument

AUG 21 2009

SUPERIOR COURT CLERK
BY LEANNE SYMONDS
DEPUTY

SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

AERO CONSTRUCTION COMPANY, INC.,
a Washington corporation,

Plaintiff,

v.

LEDCOR CONSTRUCTION INC., a
Washington corporation; et al.,

Defendants.

The Honorable Susan Craighead

No. 09-2-16775-3SEA

~~SECOND PROPOSED~~ ORDER
GRANTING 3922 SW ALASKA LLC'S
MOTION TO INTERVENE AND TO
CONTINUE AERO CONSTRUCTION
COMPANY, INC.'S MOTION FOR
SUMMARY JUDGMENT

THIS MATTER having come on regularly pursuant to intervenor applicant 3922 SW Alaska LLC's Motion To Intervene And To Continue Aero Construction Company, Inc.'s Motion For Summary Judgment and the Court having reviewed:

1. 3922 SW Alaska LLC's Motion To Intervene And To Continue Aero Construction Company, Inc.'s Motion For Summary Judgment and the attached Intervenor-Plaintiff Complaint thereto;

2. The Declaration Of Tom Lee In Support Of 3922 SW Alaska LLC's Motion To Intervene And To Continue Aero Construction Company, Inc.'s Motion For Summary Judgment and the attachments thereto;

3. Aero Construction Company, Inc.'s Response;

ORDER GRANTING 3922 LLC'S MOTION TO INTERVENE AND
CONTINUE AERO'S SUMMARY JUDGMENT MOTION - 1

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1 4. Ledcor Construction, Inc.'s Opposition and accompanying Declaration of
2 Anthony Scisciani;

3 5. 3922 SW Alaska LLC's Reply and accompanying Declarations of Jon
4 Hongladarom and Samuel T. Bull and the exhibits attached thereto; and

5 6. The argument of counsel, if any;

6 AND having further considered the records and files herein, and being otherwise fully
7 advised, it is hereby

8 ORDERED, ADJUDGED, AND DECREED that 3922 SW Alaska LLC's Motion To
9 Intervene And To Continue Aero Construction Company, Inc.'s Motion For Summary Judgment
10 is GRANTED.

11 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that:

12 1. 3922 SW Alaska LLC is granted status as an Intervenor Plaintiff and is authorized
13 to file its intervention Complaint For Judicial Foreclosure and serve the same upon other parties;

14 2. Plaintiff Aero Construction Company, Inc.'s Motion for Summary Judgment
15 (Docket No. 66) is continued until ⁴⁵~~ninety~~ (90) calendar days ^{from the current date} following receipt by
16 ~~for argument on the motion for summary judgment (set at Oct 30 or Nov 6, 2009)~~
3922 SW Alaska LLC of this Order allowing its intervention. Provided and ordered further that

17 upon intervention 3922 SW Alaska LLC may immediately undertake all forms of discovery and
18 all of the other parties in this lawsuit shall (i) produce deponents for depositions upon CR
19 30(b)(1) notice and without expiration of 30 days after service of summons and complaint under
20 CR 30(a), and (ii) answer interrogatories pursuant to CR 33 and produce documents pursuant to
21 CR 34 within thirty (30) days after service of the interrogatories/requests and without requiring
22 response times of 40 days after service of summons and complaint. Moreover, this Order shall
23 not constitute a waiver of 3922 SW Alaska LLC's rights to seek an additional continuance under
24 CR 56(f), if, for instance and as one example only, a party(ies) fail to respond properly to
25 discovery requests (because motion(s) to compel could be necessary).

26
ORDER GRANTING 3922 LLC'S MOTION TO INTERVENE AND
CONTINUE AERO'S SUMMARY JUDGMENT MOTION - 2

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1 DATED
2 DONE IN OPEN COURT this 20th day of August, 2009.

3
4 
5 The Honorable Susan Craighead

6 Presented by:

7 FOSTER PEPPER PLLC

8 /s/ Samuel T. Bull

9 Bradley P. Thoreson, WSBA No. 18190

10 Jon G. Hongladarom, WSBA No. 16323

11 Gregory A. V. Clark, WSBA No. 28832

12 Samuel T. Bull, WSBA No. 34387

13 Foster Pepper PLLC

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15 Seattle, WA 98101

16 bulls@foster.com

17 206-447-5142

18 Attorneys for Intervenor Plaintiff 3922 SW Alaska LLC

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ORDER GRANTING 3922 LLC'S MOTION TO INTERVENE AND
CONTINUE AERO'S SUMMARY JUDGMENT MOTION - 3

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