

FILED
KING COUNTY WASHINGTON

APR - 4 2016

SUPERIOR COURT CLERK
BY Andre Jones
DEPUTY

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

LUCAS PRICE, an individual ,

Plaintiff,

v.

DANIEL PRICE, an individual ,

Defendant.

NO. 15-2-10178-1 SEA

ORDER GRANTING
DEFENDANT'S MOTION FOR
PARTIAL SUMMARY
JUDGMENT IN PART, DENYING
IN PART

THIS MATTER having come before the Court upon Defendant's Motion for Partial Summary Judgment. The Court having reviewed the files and records herein and considered the following:

1. Defendant's Motion for Partial Summary Judgment;
2. Declaration of Paul Dayton in Support of Defendant's Motion for Partial Summary Judgment;
3. Declaration of Daniel Price in Support of Defendant's Motion for Partial Summary Judgment;
4. Plaintiff's Response to Defendant's Motion for Partial Summary Judgment;

ORDER GRANTING MOTION FOR
PARTIAL SUMMARY JUDGMENT IN
PART, DENYING IN PART - 1

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1 5. Declaration of Gregory J. Hollon Re: Plaintiff's Response to Defendant's
2 Motion for Partial Summary Judgment;

3 6. Declaration of Lucas Price Re: Plaintiff's Response to Defendant's
4 Motion for Partial Summary Judgment;

5 7. Defendant Daniel Price's Reply in Support of Motion for Partial
6 Summary Judgment;

7 8. Declaration of Paul J. Dayton in Support of Defendant Daniel Price's
8 Reply to Motion for Partial Summary Judgment;

9 9. Plaintiff's Supplementation of the Record Re Defendant's Motion for
10 Partial Summary Judgment;

11 10. Declaration of Fred Whittlesey;

12 11. Declaration of William Partin;

13 12. Praecipe to Defendant's Memorandum Addressing Expert Declarations
14 Filed in Opposition to Motion for Summary Judgment;

15 13. Declaration of Paul J. Dayton in Support of Defendant's Memorandum
16 Addressing Expert Declarations Filed in Opposition to Motion for Partial Summary
17 Judgment;

18 and being duly advised in the premises;

19 IT IS HEREBY ORDERED that Defendants' Motion for Partial Summary
20 Judgment is GRANTED, in part, as follows:

21 1. Plaintiff's Second Cause of Action for breach of fiduciary duty is not
22 dismissed, but remains for trial;

23

24

ORDER GRANTING MOTION FOR
PARTIAL SUMMARY JUDGMENT IN
PART, DENYING IN PART - 2

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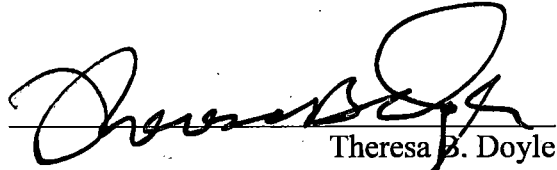
2. Plaintiff's Third Cause of Action for Breach of Contract based on the Employment Agreement is dismissed because Plaintiff Lucas is not a party to, or third-party beneficiary of, that Agreement;

3. Plaintiff's Third Cause of Action based on the Shareholders Agreement is not dismissed but remains for trial ;

4. Plaintiff's Fourth Cause of Action for Equitable Relief is dismissed; these are remedies and not a separate cause of action; and

5. Plaintiff's First Cause of Action was not the subject of Defendant's motion for Partial Summary Judgment and remains.

DATED this 4th day of April, 2016.


Theresa B. Doyle
King County Superior Court Judge

Presented by:
SHORT CRESSMAN & BURGESS PLLC

By _____
Paul J. Dayton, WSBA No. 12619
Attorneys for Defendant

ORDER GRANTING MOTION FOR
PARTIAL SUMMARY JUDGMENT IN
PART, DENYING IN PART - 3

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