

No. 90965-2

THE SUPREME COURT
OF THE STATE OF WASHINGTON

BRAVERN RESIDENTIAL II, LLC,

Petitioner

v.

STATE OF WASHINGTON, DEPARTMENT OF REVENUE,

Respondent

**JOINT MOTION TO DEFER CONSIDERATION OF
PETITION FOR REVIEW PENDING SETTLEMENT**

ROBERT W. FERGUSON
Attorney General

Charles E. Zalesky
WSBA No. 37777
Assistant Attorney General
Revenue Division, OID No. 91027
7141 Cleanwater Drive SW
P.O. Box 40123
Olympia, WA 98504-0123
(360) 753-5528
Attorneys for Respondent

Scott M. Edwards
WSBA No. 26455
LANE POWELL PC
1420 Fifth Avenue, Suite 4200
P.O. Box 91302
Seattle, Washington 98111-9402
(206) 223-7000
Attorneys for Petitioner

A. Identity of Moving Parties. Petitioner Bravern Residential II, LLC (“Bravern II”) and Respondent State of Washington, Department of Revenue (“DOR”) respectfully move for the relief set forth below.

B. Statement of Relief Requested. Bravern II and DOR jointly move this Court to defer and/or stay consideration of Bravern II’s Petition for Review pending the completion and execution of the parties’ tentative settlement agreement in this matter.

C. Statement of Material Facts. The Court of Appeals issued its decision in this matter on September 23, 2014. *Bravern Residential, II, LLC v. Dep’t of Revenue*, 183 Wn. App. 769, 334 P.3d 1182 (2014). Bravern II filed a timely Petition for Review. Department One of this Court is scheduled to consider Bravern II’s petition on March 3, 2015.

During the pendency of Bravern II’s Petition for Review, the parties engaged in discussions and reached agreement in principle to settle all issues related to this matter. The parties have exchanged a draft version of a settlement agreement, and expect to finalize that agreement shortly. Once the agreement is executed, and pursuant to the terms of that agreement, they will jointly move to withdraw and voluntarily dismiss the Petition.

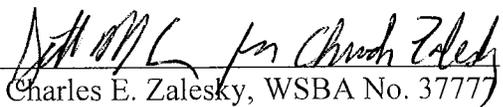
D. Ground for Relief Requested and Conclusion. This Court has discretion to stay proceedings. The parties have settled this matter, and are in the final stages of formalizing a settlement agreement. Once they do so, they will jointly move to dismiss Bravern II's Petition for Review. *See* RAP 18.2. Although the parties anticipate they will be able to finalize their agreement shortly, they cannot do so before this Court's March 3, 2015 consideration of the Petition. Both parties believe the settlement process will be furthered, and this Court's resources conserved, if this Court defers ruling on the Petition pending finalization of the settlement agreement. In the unlikely event the parties are unable to consummate their agreement, they will promptly inform this Court so that Bravern II's Petition for Review can be rescheduled for consideration.

RESPECTFULLY SUBMITTED this 2nd day of March, 2015.

LANE POWELL PC

By 
Scott M. Edwards, WSBA No. 26455
Attorneys for Bravern Residential II, LLC

ROBERT FERGUSON
Attorney General

By  *per credit*
Charles E. Zalesky, WSBA No. 37777
Anthony
Attorneys for Department of Revenue

CERTIFICATE OF SERVICE

I hereby declare under the penalty of perjury of the laws of the State of Washington that on March 2, 2014, I caused to be served a copy of the foregoing document to be delivered in the manner indicated below to the following person(s) at the following address(es):

Charles Zalesky Assistant Attorney General Attorney General's Office 7141 Cleanwater Drive SW Olympia, WA 98504-0123 chuck.zalesky@atg.wa.gov	<input type="checkbox"/> by CM/ECF <input checked="" type="checkbox"/> by Electronic Mail <input type="checkbox"/> by Facsimile Transmission <input type="checkbox"/> by U.S. Certified Mail, Return Receipt Requested <input type="checkbox"/> by U.S. First-Class Mail <input type="checkbox"/> by Hand Delivery <input type="checkbox"/> by Overnight Delivery
--	--

DATED: March 2, 2014



Kathryn Savaria