

No. 90965-2

THE SUPREME COURT  
OF THE STATE OF WASHINGTON

---

BRAVERN RESIDENTIAL II, LLC,

Petitioner

v.

STATE OF WASHINGTON, DEPARTMENT OF REVENUE,

Respondent

---

**STIPULATED MOTION TO DISMISS  
PETITION FOR REVIEW**

---

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  
Ryan P. McBride  
WSBA No. 33280  
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 and DOR jointly move this Court to dismiss Bravern’s Petition for Review (the “Petition”), with each party to bear its own costs and attorneys’ fees.

C. Statement of Material Facts. On March 2, 2015, the parties jointly asked this Court to defer ruling on Bravern’s Petition pending the parties’ consummation of a settlement in this matter. By Order dated March 4, 2015, this Court continued the date for consideration of the Petition until March 31, 2014. The parties are pleased to inform the Court that they have finalized their settlement agreement and, pursuant to the terms of the agreement, now jointly move for dismissal of the Petition.

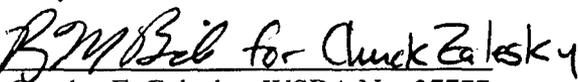
D. Grounds for Relief and Conclusion. Under RAP 18.2, this Court may grant a motion for voluntary dismissal of an petition for review upon agreement by the parties. Pursuant to the parties’ stipulation, this Court should dismiss the Petition, with each party to bear its own costs and attorneys’ fees.

RESPECTFULLY SUBMITTED this 30th day of March, 2015.

LANE POWELL PC

By   
Ryan P. McBride, WSBA No. 33280  
*Attorneys for Bravern Residential II, LLC*

ROBERT FERGUSON  
Attorney General

By  for Chuck Zalesky  
Charles E. Zalesky, WSBA No. 37777  
*Attorneys for Department of Revenue* (per  
e-mail  
authority)

## OFFICE RECEPTIONIST, CLERK

---

**To:** McBride, Ryan P.  
**Cc:** Edwards, Scott M.; [rosannf@atg.wa.gov](mailto:rosannf@atg.wa.gov); [chuckz@atg.wa.gov](mailto:chuckz@atg.wa.gov); Savaria, Kathryn  
**Subject:** RE: 90965-2 - Bravern Residential II, LLC v. Department of Revenue

Received 3-30-2015

Supreme Court Clerk's Office

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

**From:** McBride, Ryan P. [<mailto:McBrideR@LanePowell.com>]  
**Sent:** Monday, March 30, 2015 10:25 AM  
**To:** OFFICE RECEPTIONIST, CLERK  
**Cc:** Edwards, Scott M.; [rosannf@atg.wa.gov](mailto:rosannf@atg.wa.gov); [chuckz@atg.wa.gov](mailto:chuckz@atg.wa.gov); Savaria, Kathryn  
**Subject:** RE: 90965-2 - Bravern Residential II, LLC v. Department of Revenue

Ms. Carlson, attached please find the parties' stipulated motion to dismiss the petition for review, which is scheduled for consideration tomorrow.

Document: Stipulated Motion to Dismiss Petition for Review  
Case Number: 90965-2  
Case Name: Bravern Residential II, LLC v. State of Washington Department of Revenue  
Filing Attorney: Ryan P. McBride, WSBA No. 33280

Thank you for your prompt attention to this matter.

**From:** McBride, Ryan P.  
**Sent:** Monday, March 02, 2015 10:14 AM  
**To:** OFFICE RECEPTIONIST, CLERK  
**Cc:** Edwards, Scott M.; [rosannf@atg.wa.gov](mailto:rosannf@atg.wa.gov); [chuckz@atg.wa.gov](mailto:chuckz@atg.wa.gov); McBride, Ryan P.; Savaria, Kathryn  
**Subject:** RE: 90965-2 - Bravern Residential II, LLC v. Department of Revenue

Ms. Carlson, pursuant to your request, please find attached the following document:

Joint Motion to Defer Consideration of Petition for Review Pending Settlement  
Case Number: 90965-2  
Case Name: Bravern Residential II, LLC v. State of Washington Department of Revenue  
Filing Attorney: Ryan P. McBride, WSBA No. 33280

Thank you.

Ryan P. McBride



**LANE POWELL**

ATTORNEYS & COUNSELORS

Shareholder, [Bio](#) | [vCard](#)  
Lane Powell PC  
1420 Fifth Avenue, Suite 4200  
P.O. Box 91302  
Seattle, WA 98111-9402  
Direct: 206.223.7962  
Cell: 206.805.9555  
[www.lanepowell.com](http://www.lanepowell.com)

**From:** OFFICE RECEPTIONIST, CLERK [<mailto:SUPREME@COURTS.WA.GOV>]  
**Sent:** Friday, February 27, 2015 3:31 PM  
**To:** McBride, Ryan P.  
**Cc:** Edwards, Scott M.; [rosannf@atg.wa.gov](mailto:rosannf@atg.wa.gov); [chuckz@atg.wa.gov](mailto:chuckz@atg.wa.gov)  
**Subject:** RE: 90965-2 - Bravern Residential II, LLC v. Department of Revenue

Counsel: Please file a joint motion. I will advise the Court that a joint motion is coming.

Susan L. Carlson  
Supreme Court Deputy Clerk

**From:** McBride, Ryan P. [<mailto:McBrideR@LanePowell.com>]  
**Sent:** Friday, February 27, 2015 3:14 PM  
**To:** OFFICE RECEPTIONIST, CLERK  
**Cc:** Edwards, Scott M.; [rosannf@atg.wa.gov](mailto:rosannf@atg.wa.gov); [chuckz@atg.wa.gov](mailto:chuckz@atg.wa.gov)  
**Subject:** RE: 90965-2 - Bravern Residential II, LLC v. Department of Revenue

Mr. Carpenter,

I am counsel for Petitioner Bravern Residential II, LLC in this petition for review proceeding. The parties have reached a settlement in principle on this matter and are in the process of formalizing their agreement. We understand from the Court's docket that the Petition for Review is scheduled for consideration on March 3. The parties would ask that the Court defer ruling on the Petition so that they may finalize the settlement, at which time they will stipulate to its dismissal. Please let us know whether this email is sufficient, or whether we need to submit a joint letter or motion. Counsel for Respondent Washington State Department of Revenue has agreed to this request and is copied on this email.

Thank you.

Ryan P. McBride



**LANE POWELL**

ATTORNEYS & COUNSELORS

Shareholder, [Bio](#) | [vCard](#)  
Lane Powell PC  
1420 Fifth Avenue, Suite 4200  
P.O. Box 91302  
Seattle, WA 98111-9402  
Direct: 206.223.7962  
Cell: 206.805.9555  
[www.lanepowell.com](http://www.lanepowell.com)

**From:** OFFICE RECEPTIONIST, CLERK [mailto:[SUPREME@COURTS.WA.GOV](mailto:SUPREME@COURTS.WA.GOV)]  
**Sent:** Monday, November 03, 2014 11:33 AM  
**To:** Edwards, Scott M.; McBride, Ryan P.; [rosannf@atg.wa.gov](mailto:rosannf@atg.wa.gov); [chuckz@atg.wa.gov](mailto:chuckz@atg.wa.gov)  
**Cc:** Ponzoha, David  
**Subject:** 90965-2 - Bravern Residential II, LLC v. Department of Revenue  
**Importance:** High

*Clerk and Counsel:*

*Attached is a copy of the letter issued by the Clerk or Deputy Clerk on this date in the above referenced case. Please consider this as the original for your files, a copy will not be sent by regular mail. When filing documents by email with this Court, please use the main email address at [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov)*

*Kris Triboulet*  
Receptionist/Secretary  
Washington State Supreme Court  
[Kristine.triboulet@courts.wa.gov](mailto:Kristine.triboulet@courts.wa.gov)  
360-357-2077

---

This message is private or privileged. If you are not the person for whom this message is intended, please delete it and notify me immediately, and please do not copy or send this message to anyone else.

---

This message is private or privileged. If you are not the person for whom this message is intended, please delete it and notify me immediately, and please do not copy or send this message to anyone else.