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SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

STEPHEN HAMMOND; WENDY BIRNBAUM; KENNETH MILLER; MILLER BUILDING ENTERPRISES, INC.; MILLER CONSTRUCTION COMPANY, INC.; MILMOR LUMBER MANUFACTURING, INC.; MICHAEL NYKREIM; and KIRKLAND BUILDERS GROUP, LLC; individually and on behalf of the class of all persons and entities similarly situated,

Plaintiffs,

v.

KING COUNTY; KING CONSERVATION DISTRICT; PIERCE COUNTY; and PIERCE CONSERVATION DISTRICT,

Defendants.

No. 11-2-22680-8 KNT

~~PROPOSED~~ ORDER GRANTING JOINT MOTION FOR PRELIMINARY APPROVAL OF AMENDMENT TO SETTLEMENT AGREEMENT

The parties through their respective counsel evidenced by their signatures below stipulate that this order may be signed:

The Court finds that the requirements of CR 23 have been satisfied. The Court also makes a preliminary determination that the proposed Amendment To Settlement by and among the parties is fair, reasonable, and adequate.

THEREFORE, THE COURT ORDERS AS FOLLOWS:

1. The Notice to Class of the Proposed Amendment To Settlement in the instant motion is approved.

[PROPOSED] ORDER GRANTING JOINT MOTION FOR PRELIMINARY APPROVAL OF AMENDMENT TO SETTLEMENT AGREEMENT - 1

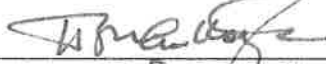
FOSTER PEPPER PLLC  
1111 THIRD AVENUE, SUITE 3000  
SEATTLE, WASHINGTON 98101-3296  
PHONE (206) 447-4400 FAX (206) 447-9700

1 2. The proposed Notice procedures are approved as follows:

- 2
- 3 A. The Notice will be published in the Seattle Times on three occasions prior  
4 to the final hearing, starting no later than on November 9, 2016.
- 5 B. The Notice will be posted at the King County Courthouses, King  
6 County Administration Building and King Conservation District  
7 Offices in a conspicuous location for such notice.
- 8 C. The Notice will be posted on the website of the King Conservation  
9 District.
- 10 D. The Notice will be posted on the website of Plaintiffs' counsel.

11 3. A final fairness hearing will be held: December 9, 2016, at 10:00 a.m.

12 DONE IN OPEN COURT this 4<sup>TH</sup> day of NOVEMBER, 2016.

13   
\_\_\_\_\_  
14 Honorable Leroy McCullough  
15 King County Superior Court Judge

16 Jointly presented by:

17 FOSTER PEPPER PLLC

18 By: s/ Christopher G. Emch

19 P. Stephen DiJulio, WSBA #7139  
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Pierce County

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[PROPOSED] ORDER GRANTING JOINT MOTION FOR  
PRELIMINARY APPROVAL OF AMENDMENT TO  
SETTLEMENT AGREEMENT - 2

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