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JAN 16 2009
SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF SNOHOMISH

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SNOHOMISH**

MT. INDEX RIVERSITES COMMUNITY CLUB, INC., a Washington Corporation,

Plaintiff,

vs.

ELEANOR ANDERSON, a single person,
GARY D GRABER, a single person, and All Others Similarly Situated,

Defendants.

NO. 07 2 07884 1

ORDER RE:

AUTHORIZATION OF NOTICE TO CLASS MEMBERS,
~~CONTINUATION OF TRIAL DATE~~

JHA

THIS MATTER having come on before the above-entitled Court for authorization of notice to class members, pursuant to CR 23, and for continuance of the previously scheduled trial date, and it appearing to the Court that justice requires granting these orders; and the Court being in all matters fully advised, NOW, THEREFORE,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED;

1. Pursuant to CR 23(d)(2) the one page "Notice of Continued Hearing" attached as Exhibit A, is approved as adequate notice to all members of the defendant

ADAMS, DUNCAN & HOWARD, INC., P.S.
A PROFESSIONAL SERVICE CORP.
LAWYERS
3128 COLBY AVENUE
EVERETT, WA 98201
425-339-8556
FAX: 339-2353

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class of the continued hearing date.

2. These notices shall be provided by first class U.S. mail using the address included in Plaintiff's annual road maintenance assessment database, as updated since the last notice was mailed out.

3. The return address on the notices sent out shall be "MIRCC Class Action Lawsuit, C/O Adams, Duncan & Howard, Inc., P.S., 3128 Colby Avenue, Everett, WA 98201."

4. These notices shall be sent out as soon as practicable, but no later than the 23rd day of January, 2009.

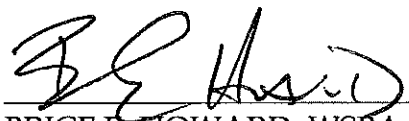
~~5. The trial date on this matter, previously scheduled for February 9, 2009, is hereby continued to _____.~~

DONE THIS 15th day of January, 2009.


Hon. James H. Allendoerfer

Presented by:
ADAMS, DUNCAN & HOWARD, INC., P.S.

Approved for Entry:
DREW T. NIELSEN


BRICE E. HOWARD, WSBA #34326
Attorney for Plaintiff

DREW T. NIELSEN #7026
Attorney for Defendants

- 1 class of the continued hearing date.
- 2 2. These notices shall be provided by first class U.S. mail using the address
- 3 included in Plaintiff's annual road maintenance assessment database, as
- 4 updated since the last notice was mailed out.
- 5
- 6 3. The return address on the notices sent out shall be "MIRCC Class Action
- 7 Lawsuit, C/O Adams, Duncan & Howard, Inc., P.S., 3128 Colby Avenue,
- 8 Everett, WA 98201."
- 9
- 10 4. These notices shall be sent out as soon as practicable, but no later than the
- 11 23rd day of January, 2009.
- 12 5. ~~The trial date on this matter, previously scheduled for February 9, 2009, is~~
- 13 hereby continued to _____
- 14
- 15 DONE THIS _____ day of _____, 2009.
- 16
- 17

Hon. James H. Allendoerfer

19 Presented by:

20 ADAMS, DUNCAN & HOWARD, INC., P.S.

21

22

23 _____

24 BRICE E. HOWARD, WSBA #34326
Attorney for Plaintiff

25


26

27

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Approved for Entry:

DREW T. NIELSEN



DREW T. NIELSEN #7026
Attorney for Defendants

ADAMS, DUNCAN & HOWARD, INC., P.S.
A PROFESSIONAL SERVICE CORP.
LAWYERS
3128 COLBY AVENUE
EVERETT, WA 98201
416-319-8336
FAX: 359-3153

NOTICE OF CONTINUED HEARING

Before the Court's Appointed Expert

regarding

Mt. Index Riversites Community Club, Inc. v. Eleanor Anderson, et al., a Class Action Lawsuit
SNOHOMISH COUNTY SUPERIOR COURT CAUSE NO. 07-2-07884-1

NOTICE IS HEREBY GIVEN that John E. Galt, the Court's appointed Expert, has scheduled a continuation of the January 10, 2009, hearing to receive additional comments and evidence from property owners who use the roads within the *Mt. Index Riversites* community to access their property. The date, time, and place of the continued hearing is as follows:

DATE: February 7, 2009

TIME: 10:00 a.m.

PLACE: Fire District No. 28 Fire Hall (Index Fire Department), 512 Avenue A, Index, Washington

PURPOSE OF HEARING: Mr. Galt convened this hearing on January 10, 2009, in accordance with a previously issued notice. As that hearing got underway, word arrived that the Mt. Index Road had eroded into the South Fork Skykomish River. After a 30 minute recess during which many attendees left, Mr. Galt continued on with the hearing to allow those remaining to speak, if they wished. He then continued the hearing to a date to be announced to allow an opportunity to participate to those who had left or were otherwise unable to testify. This will be the conclusion of that hearing process.

HOW MAY I PARTICIPATE? Persons affected by the Class Action Lawsuit who did not testify during the January 10th session may present oral comments (testimony) regarding road maintenance issues to Mr. Galt at the hearing. Because of the large number of people that may wish to participate in the hearing, **Mr. Galt will impose time limits on testimony: Each person may speak for no more than five (5) minutes** (the same amount of time allowed during the January 10th hearing); **time is not cumulative and may not be traded with or given to others.** Mr. Galt may relax the time limits depending upon attendance.

Mr. Galt also welcomes additional written submittals, whether or not you have previously testified or submitted written comments. You may submit written materials to Mr. Galt at the February 7th hearing whether or not you choose to speak at that hearing. You may also mail materials to MIRCC Class Action Lawsuit, ATTN: John E. Galt, C/O Adams, Duncan & Howard, Inc., P.S., 3128 Colby Avenue, Everett, WA 98201. In order to be considered, written materials must be received at the above address not later than 5:00 p.m. on Monday, February 9, 2009. All timely received materials will be considered by Mr. Galt in preparing his recommendation to the Court, will be catalogued, and will be submitted to the Court.

HEARING NOTICE ISSUED January ?, 2009.

EXHIBIT A