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THE HONORABLE MICHAEL J. FOX

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

V & E MEDICAL IMAGING SERVICES, INC.,

Plaintiff,

v.

MARK DeCOURSEY, et ux., et al.,

Defendants,

v.

[REDACTED] et al.,

Third-Party Defendants.

NO. 06-2-24906-2 SEA

DECLARATION OF BRENT L. NOURSE
IN SUPPORT OF MARK AND CAROL
DECOURSEY'S OPPOSITION TO
WINDERMERE'S CR 60 MOTION TO
CORRECT INTEREST RATE

I, Brent L. Nourse, hereby declare under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I am one of the trial attorneys for Mark and Carol DeCoursey. I am over the age of eighteen, have personal knowledge of the matters stated herein, and am otherwise competent to testify.

2. I was the lead attorney for Mark and Carol DeCoursey during the trial in this matter. At the conclusion of a trial before 12 jurors, Mark and Carol DeCoursey ("DeCourseys") received a plaintiffs' verdict against Windermere Real Estate/SCA, Inc.

DECLARATION OF BRENT L. NOURSE IN SUPPORT OF
OPPOSITION TO WINDERMERE'S CR 60 MOTION - 1

1 ("Windermere"), Paul Stickney, and Paul H. Stickney Real Estate Co. (collectively
2 "Defendants". Attached hereto as Exhibit A is a true and correct copy of the Verdict.

3 3. Additionally, this court granted DeCourseys' motion for attorneys' fees and
4 costs. Attached hereto as Exhibit B is a true and correct copy of the Court's Order Granting
5 DeCourseys' Motion for Attorneys' Fees and Costs.

6 4. After receiving the order awarding attorneys' fees, I prepared an amended
7 judgment based upon the verdict and order. I sent the draft judgment to Defendants' attorney
8 Matt Davis. The draft judgment incorporated a post-judgment interest rate at 12% per anum.

9 5. Mr. Davis contacted me on February 27, 2009, the same day that presentation
10 of the amended judgement was scheduled, and explained that he believed that the interest rate
11 should be calculated as a tort under RCW 4.56.110(3). I countered by explaining that the jury
12 had found other bases for liability beyond tort, including violation of the CPA, and that the
13 court had awarded attorneys' fees and costs on that same premise as well as Defendants'
14 third-party beneficiary arguments at trial. In response, Mr. Davis offered to calculate the
15 interest rate of the 26 week T-Bill rate as published by the Federal Reserve Board of
16 Governors. Mr. Davis explained that the rate should be 3.49%, and I accepted the
17 compromise, inserted the interest rate as agreed into the order and forwarded the revised
18 judgment to Mr. Davis for confirmation. Attached hereto as Exhibit C is a true and correct
19 copy of my February 27, 2009 e-mail and attachment to Matt Davis.

20 6. Mr. Davis agreed and executed the final judgment and waived presentation of
21 the same.

22 7. I did not make any mistakes in preparing the Judgment. Rather, Mr. Davis and
23 I discussed the interest rate in detail and reached agreement on the appropriate amount of
24 interest in compromise.

25 //

26 //

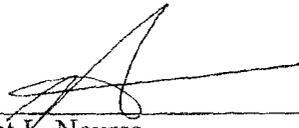
DECLARATION OF BRENT L. NOURSE IN SUPPORT OF
OPPOSITION TO WINDERMERE'S CR 60 MOTION 2

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LANE POWELL PC
1420 FIFTH AVENUE, SUITE 4100
SEATTLE, WASHINGTON 98101-2338
206.223.7000 FAX: 206.223.7107

Executed this 12th day of November, 2009 at Seattle, Washington.



Brent L. Nourse

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DECLARATION OF BRENT L. NOURSE IN SUPPORT OF
OPPOSITION TO WINDERMERE'S CR 60 MOTION 3

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CERTIFICATE OF SERVICE

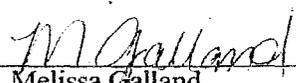
I hereby certify that on November 12th 2009, I caused to be served a copy of the foregoing Declaration of Brent L. Nourse in Support of Opposition to Windermere's CR 60 Motion on the following person(s) in the manner indicated below at the following address(es):

Matt Davis
L'Nayim Shuman-Austin
Demco Law Firm
5224 Wilson Avenue S, Suite 200
Seattle, WA 98118-2587

- by CM/ECF
- by **Electronic Mail**
- by **Facsimile Transmission**
- by **First Class Mail**
- by **Hand Delivery**
- by **Overnight Delivery**

William R. Hickman
Michael J. Budelsky
Reed McClure
Two Union Square
601 Union Street, Suite 1500
Seattle, WA 98101-1363

- by CM/ECF
- by **Electronic Mail**
- by **Facsimile Transmission**
- by **First Class Mail**
- by **Hand Delivery**
- by **Overnight Delivery**


Melissa Galland

DECLARATION OF BRENT L. NOURSE IN SUPPORT OF
OPPOSITION TO WINDERMERE'S CR 60 MOTION 4
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123057.0001/1776961.1

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