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The Honorable Richard F. McDermott

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

K & S DEVELOPMENTS, LLC, a  
Washington limited liability company,

Plaintiff,

v.

CITY OF SEATAC, et al,

Defendants.

Consolidated Under  
Case No. 12-2-40564-6 KNT

**FINAL JUDGMENT**

CITY OF SEATAC,

Plaintiff,

v.

GERALD and KATHRYN KINGEN,

Defendants.

**JUDGMENT SUMMARY**

- |                               |  |
|-------------------------------|--|
| 1. Judgment Creditor:         | K & S DEVELOPMENTS, LLC, a<br>Washington limited liability company |
| 2. Judgment Debtor:           | CITY OF SEATAC, a Washington<br>municipal corporation              |
| 3. Principal Judgment Amount: | \$9,332,469.72   |

1	4. Post Takings Interest (from	\$7,506,766.96
2	December 31, 2009 through July	
	8, 2016 at 12%): <sup>1</sup>	
3	5. Attorney's Fees:	\$1,264,587.32
4	6. Costs:	\$202,986.01
5	7. Principal Judgment shall bear	12% per annum
6	interest at:	
7	8. Attorney's Fees and Costs shall	12% per annum
8	bear interest at:	
9	9. Attorney for Judgment	BRADLEY W. ANDERSEN
	Creditors:	LANDERHOLM, P.S.
10	10. Total Judgment:	\$18,306,810.02

**FINAL ORDER AND JUDGMENT**

This court, having held a trial and various other hearings in this matter hereby enters this Final Order and Judgment.

ORDERED, ADJUDGED AND DECREED as follows:

1. Jury Verdict in favor of K&S Developments: Pursuant to the Jury's January 25, 2016 Answers to Interrogatories and Verdict, K&S Developments, LLC is awarded judgment against the City of SeaTac on its Inverse Condemnation, Interference with Business Expectancy, and Fraud claims and awarded damages in the principal amount of \$9,589,703.00. K&S is entitled to interest at the rate of 12% per annum from December 31, 2009, through the date of entry of this Judgment (presently calculated through July 8, 2016). The amount of interest from December 31, 2009 through July 8, 2016 is \$7,506,766.96.

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<sup>1</sup> *Sintra Inc. v. City of Seattle*, 131 Wn.2d 640, 657 (1997).

1           2.       Jury Verdict in favor of City of SeaTac: Pursuant to the Jury's January  
2 25, 2016 Answers to Interrogatories and Verdict, the City was awarded damages against  
3 K&S on its Fraud, Interference with Business Expectancy, Breach of Contract, and  
4 Conversion claims and awarded damages in the principal amount of \$257,233.28.

5           3.       Court's Verdict: Pursuant to this Court's March 23, 2016 Order on  
6 Plaintiff's Remaining Claims and its subsequent Findings of Fact and Conclusions of  
7 Law, K&S is awarded judgment against the City on its Promissory Estoppel claim and  
8 is awarded damages in the amount of \$9,589,703.

9           4.       Attorney's Fees and Costs: Each party is awarded their attorney's fees  
10 and costs as they each prevailed on separate claims where attorneys' fees, costs, and  
11 expert fees are recoverable by contract or statute. As set forth in the Court's Order  
12 Granting Attorneys' Fees and Costs, the Court offsets the award of fees, expert fees,  
13 and costs that each side is entitled. After applying the offset, K&S is awarded net fees  
14 and costs in the amount of \$1,467,573.33.

15           5.       Offset of Verdicts: Because K&S received a substantially larger verdict, the  
16 Court hereby offsets the City's Judgment against K&S's Judgment, thereby  
17 reducing the total Judgment to K&S to the amount of \$18,306,810.02. The  
18 Judgment shall earn interest at the rate of 12% per annum from the date of entry  
19 of this Judgment until fully satisfied.

20           6.       Other Claims:

21           A.       K&S voluntarily dismissed its Privileges and Immunities claim  
22 with prejudice, and so that claim is dismissed.

23           B.       Because the Jury's verdict rendered them moot, K&S's  
24 substantive and procedural due process claims (State claims) are  
25 dismissed with Prejudice, except that if this case is remanded or  
26 the jury's verdict is overturned, K&S will be able to renew these

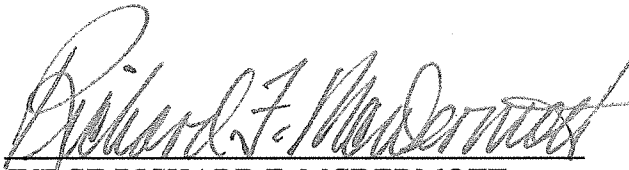
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claims.

C. All of K&S's other claims, except those claims (federal claims) that have been on hold pending the exhaustion of the Plaintiff's state remedies, are dismissed with prejudice.

D. All of the City's other claims, including all of its claims against Gerald and Kathryn Kingen, are dismissed with prejudice.

ENTERED this 8th day of July, 2016.

  
JUDGE RICHARD F. MCDERMOTT

Prepared and Submitted by:

LANDERHOLM, P.S.

/s/ Bradley W. Andersen  
BRADLEY W. ANDERSEN, WSBA #20640  
PHILLIP J. HABERTHUR, WSBA #38038  
Of Attorneys for Plaintiff K&S Developments, LL  
and Defendants Gerald and Kathryn Kingen

7/8/16  
Dated

STEPHENS & KLINGE, LLP

/s/ Richard M. Stephens  
RICHARD M. STEPHENS, WSBA #21776  
Of Attorneys for Plaintiff K&S Developments, LLC  
and Defendants Gerald and Kathryn Kingen

7/8/16  
Dated