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6 CASE #: 18-3-05993-7 SEA

7 **IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY**

8 SONYA DELANCE,

9 Petitioner,

10 v.

11 MICHAEL DELANCE,

12 Respondent.
13

NO. 18-3-05993-7 SEA

**MOTION FOR JUDGMENT AND
ORDER TO PAY AND TO
DISCHARGE THE SPECIAL MASTER**

14
15 Pursuant to the Order Enforcing CR2A Agreement entered on February 15, 2022, pursuant
16 to the Order Appointing a Special Master entered on March 28, 2022, and pursuant to the Court
17 Order entered on June 2, 2022, the Petitioner requests the Court enter, Ex Parte, a Judgment against
18 the Respondent in the amount of \$38,721.07 representing the costs awarded to her on February 15,
19 2022, representing the Special Master's Fees and Costs incurred in this matter, and representing
20 the attorney's fees and costs incurred as a result of the Special Master's appointment.
21

22 **FACTS**

23 On February 15, 2022 the Court entered an Order Enforcing the CR2A Agreement, which
24 awarded the Petitioner \$7,676.50 in attorney's fees and costs. The fees awarded in that order were
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1 reflective of the fees and costs incurred from December 10, 2021 through January 31, 2022. To
2 date, the Respondent has not paid the Petitioner anything.

3 On March 28, 2022, this Court entered an Order Appointing Special Master to effectuate a
4 transfer of stock from the Respondent to the Petitioner. The appointment of the Special Master
5 was necessary due to the Respondent's repeated failure to comply with the terms of the Decree of
6 Dissolution and the subsequent CR2A Agreement which was executed on November 26, 2021.
7 The Order Appointing Special Master specifically states that "all fees and costs charged by the
8 Special Master shall be borne by the Respondent, Michael DeLance." The Order also states that
9 "such fees shall be entered as a judgment in her favor against Respondent and may be entered as
10 an Ex Parte judgment." The order also states that all attorney's fees and costs incurred by the
11 Petitioner as a result of the special master's appointment shall be entered as a Judgment against
12 the Respondent and may be entered as an Ex Parte Judgment.
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15 Since the Court entered the Order Appointing Special Master, the Respondent has
16 unsuccessfully filed four (4) motions relative to the special master's appointment. In two of those
17 motions, the Respondent attempted to vacate that order. The other two motion were filed in an
18 attempt to compel the Petitioner to provide him with the Special Master's contact information and
19 also hold the Petitioner in contempt, though there was no legal basis to do so. These have all been
20 denied and the Petitioner has incurred fees and costs in responding to these baseless motions. On
21 June 2, 2022, the Court ordered the Respondent to pay the Petitioner \$2,500 in attorney's fees and
22 costs, which he has also failed to do.
23

24 The Respondent also inappropriately communicated with the shareholders of the company
25 in an attempt to thwart the court-ordered transfer of the stock shares to the Petitioner. The
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1 Respondent provided the shareholders with false information, which further delayed the transfer,
2 and which increased the costs and fees of both the special master and attorney's fees and costs.

3 The transfer was not completed until September 24, 2022 due to the Respondent's actions.

4 The Special Master's total fees and costs equal \$9,210.67. Mr. Wurdeman has satisfied
5 the obligations of his appointment and should be formally discharged.

6
7 The Petitioner has incurred an additional \$21,833.90 in attorney's fees and costs from
8 February 1, 2022 to September 27, 2022 related to the special masters' appointment.

9 **AUTHORITY**


10 On February 15, 2022, the Court ordered the Respondent to pay \$7,676.50 to the Petitioner.
11 On March 28, 2022, the Court specifically ordered the Respondent to pay all fees and costs
12 associated with the appointment of the Special Master and authorized the Petitioner to obtain an
13 Ex Parte Judgment awarding those fees and costs. On June 2, 2022, the Court ordered the
14 Respondent to pay \$2,500 to the Petitioner. The Petitioner is entitled to a judgment of attorney's
15 fees and costs incurred as a result of the Special Master's appointment.
16

17 See *Declaration of Anne B. Bennette in Support of Motion for Judgment* filed herewith.

18 A Proposed Judgment Order is submitted herewith.

19 Dated this 27th Day of September, 2022.

20 BERESFORD BOOTH PLLC

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22 By: 
23 Anne B. Bennette, WSBA No. 50240
24 Attorneys for Petitioner
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