

FILED  
COUNTY CLERK  
The Honorable Deborra E. Garrett

2015 MAY -7 AM 11:16

WHATCOM COUNTY  
WASHINGTON

BY \_\_\_\_\_

SCANNED 4

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR WHATCOM COUNTY

OUTSOURCE SERVICES  
MANAGEMENT, LLC,

Plaintiff,

v.

NOOKSACK BUSINESS CORPORATION,

Defendant.

Case No. 11-2-00523-9

ORDER GRANTING PLAINTIFF'S  
MOTION FOR SUMMARY  
JUDGMENT

This matter comes before the Court on the motion of Plaintiff Outsource Services Management, LLC ("OSM") for summary judgment, and the cross-motion of Nooksack Business Corporation ("NBC") for summary judgment. The Court has heard oral argument of counsel and has considered the following pleadings filed in support and opposition to the motions:

1. Plaintiff's Motion and Memorandum in Support of Summary Judgment, filed 02/13/15;
2. Declaration of Todd Moore in Support of Plaintiff's Motion for Summary Judgment, filed 02/13/15;
3. Defendant's Cross-Motion for Summary Judgment, filed 03/20/15;
4. Declaration of Lee Johnson in Support of Nooksack Business Corp.'s Cross-Motion for Summary Judgment, filed 03/20/15;

- 1 5. Declaration of Connie Sue Martin in Support of Nooksack Business Corp.'s Cross-  
2 Motion for Summary Judgment, filed 03/20/15;
- 3 6. Plaintiff's Memorandum in Response to Defendants Cross-Motion for Summary  
4 Judgment, filed 4/6/15;
- 5 7. Declaration of Philip Buri in Support of Plaintiff's Response to Cross-Motion for  
6 Summary Judgment, filed 4/6/15;
- 7 8. Defendant's Response in Opposition to Outsource Services Management, LLC's  
8 Motion for Summary Judgment, filed 4/6/15;
- 9 9. Declaration of Lee Johnson in Opposition to Outsource Services Management LLC's  
10 Motion for Summary Judgment, filed 4/6/15;
- 11 10. Declaration of Rickie Wayne in Support of Defendant's Opposition to OSM's Motion  
12 for Summary Judgment, filed 4/6/15;
- 13 11. Plaintiff's Reply Memorandum in Support of Motion for Summary Judgment, filed  
14 4/13/15; and
- 15 12. Nooksack Business Corp.'s Reply in Support of Cross-Motion for Summary Judgment,  
16 filed 4/13/15.

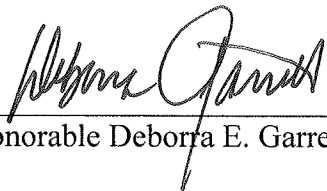
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18 The Court HEREBY GRANTS OSM's motion for summary judgment, HEREBY  
19 GRANTS IN PART AND DENIES IN PART NBC's cross-motion for summary judgment, and  
20 HEREBY ORDERS:  
21

- 22 1. That Judgment is entered against the defendant Nooksack Business Corporation  
23 ("NBC") and for OSM, in the amount of \$20,725,716.90, increasing by \$3,523.86 in  
24 unpaid interest per day after February 9, 2015;


- 1 2. Enforcement of said judgment shall be limited by the terms of the loan documents and  
2 the Indian Gaming Regulatory Act (IGRA);
- 3 3. OSM shall take no action to enforce said judgment until further order of the Court;
- 4 4. Defendant Nooksack Business Corporation is prohibited from transferring or other  
5 disposal of or interference with the property of the Nooksack Business Corporation  
6 which constitute Pledged Assets as defined in the Loan Agreement, including without  
7 limitation the River Casino or any part thereof, except in the ordinary course of the  
8 business of the River Casino until further order of this Court; and
- 9 5. The Parties shall by agreement note for further hearing the issue of those assets  
10 available for execution, including the rights or entitlements OSM has in the portion of  
11 the revenues designated as operating expenses.

13 IT IS SO ORDERED


14 Dated this 7 day of May, 2015

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17 \_\_\_\_\_  
18 Honorable Deborah E. Garrett

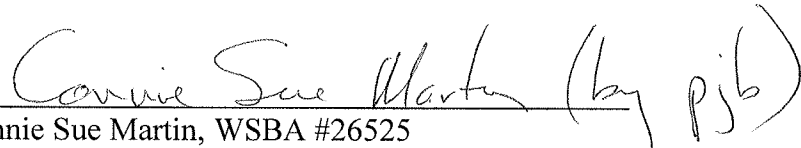
1 Presented by:  
2 BURI FUNSTON MUMFORD PLLC

3   
4 By: \_\_\_\_\_  
5 Philip Buri, WSBA #17637  
6 Attorneys for Outsource Services  
7 Management, LLC

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9 FAEGRE BAKER DANIELS LLP

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11 By: \_\_\_\_\_  
12 Jerome A. Miranowski (*pro hac vice*)  
13 Michael M. Krauss (*pro hac vice*)  
14 Jeremy Harrell (*pro hac vice*)  
15 Attorneys for Outsource Services Management

16 Approved as to form, notice of presentation waived:  
17 SCHWABE, WILLIAMSON & WYATT, P.C.

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27 By:  (by pjb)  
28 Connie Sue Martin, WSBA #26525  
29 Attorney for Nooksack Business Corporation