

1 THE HONORABLE MICHAEL K. RYAN  
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7 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
8 IN AND FOR THE COUNTY OF KING

9 EMILY TOBIN, by and through her guardian  
10 Jamie Odom,

11 Plaintiff,

12 v.

13 AYASHA ADULT FAMILY HOME LLC;  
14 AYASHA AND BIKAL CHHETRY, a  
15 married couple; and THE STATE OF  
16 WASHINGTON, DEPARTMENT OF  
17 SOCIAL AND HEALTH SERVICES,

18 Defendants.

No. 21-2-14830- 8 SEA

STIPULATION OF THE PARTIES UPON  
SIGNING OF CR 2A AGREEMENT TO  
SETTLE ALL CLAIMS

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[PROPOSED] ORDER SUSPENDING  
DISCOVERY MASTER PENDING  
SETTLEMENT APPROVAL HEARING

19 STIPULATION OF THE PARTIES

20 The parties, though their respective counsel of record, stipulate as follows:

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- 22 1. The Parties have reached a settlement of all claims;
  - 23 2. The settlement terms are contained in a CR2A Agreement, attached hereto as  
24 **Appendix A**;
  - 25 3. Because Plaintiff Emily Tobin (“Ms. Tobin”) is an incapacitated adult with a full  
26 guardian, the settlement must be approved by this Court, pursuant to the provisions of  
27 SPR 98.16;
  - 28 4. The Parties stipulate and respectfully request that this Court suspend further review  
by the Discovery Master pending the SPR 98.16 settlement approval hearing;
  5. The CR2A agreement is contingent upon the Court’s agreement that the Discovery  
Master will be discharged upon approval of the settlement; and

1 6. The Parties believe that this agreement, and having finality, is in the best interest of  
2 Ms. Tobin.

3 DATED this 1<sup>st</sup> day of June 2023

4 HAGENS BERMAN SOBOL SHAPIRO LLP  
5 Attorneys for Plaintiff Emily Tobin

OFFICE OF THE ATTORNEY GENERAL  
Attorneys for Defendant DSHS

6  
7 By: David P. Moody

8 David P. Moody, WSBA No. 22853  
9 Martin D. McLean, WSBA No. 33269  
10 James Chong, WSBA No. 54594  
11 Ryan Pittman, WSBA No. 57560

By: Eric A. Mentzer

Eric A. Mentzer, WSBA No. 21243

12 LEE SMART P.S., Inc.  
13 Attorneys for Defendants Ayasha Adult  
14 Family Home LLC, Ayasha Chhetry and Bikal  
15 Chhetry

By: David P. Moody

16 Steven G. Wraith, WSBA No. 17364  
17 Donna M. Young, WSBA No. 15455

per telephonic  
approval from  
Mr. Wraith

ORDER

18 Upon the Stipulation of the Parties, it is hereby ORDERED that, upon entry of this

19 ORDER:

- 20 1. All efforts of the Discovery Master are hereby suspended pending the Settlement  
21 Approval Hearing; and  
22 2. The SGAL shall prepare a written report, schedule a hearing with the Court, and  
23 provide notice to all parties.

24 ENTERED this 2 day of June 2023.

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26 Michael K. Ryan  
HONORABLE MICHAEL K. RYAN

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**CERTIFICATE OF SERVICE**

I hereby certify that on the date indicated below, I caused the foregoing document to be served on all parties or their counsel of record as follows:

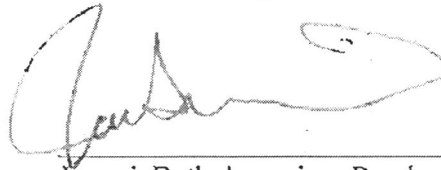
**VIA EMAIL:**

Eric A. Mentzer  
Assistant Attorney General  
Attorney General's Office – Torts Division  
7141 Cleanwater Dr SW  
PO Box 40126  
●lympia, WA 98504-0126  
eric.mentzer@atg.wa.gov

Steven G. Wraith  
Donna M. Young  
Lee Smart  
701 Pike Street, Suite 1800  
Seattle, Washington 98101  
sgw@leesmart.com  
dmy@leesmart.com

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 1<sup>st</sup> day of June 2023 at Seattle, Washington.



JeannieBeth Asuncion, Paralegal

# **APPENDIX A**

**Tobin v. DSHS & Ayasha Adult Family Home**  
**King County Superior Court Cause No. 21-2-14830-8 SEA**  
**CR2A Memorandum of Agreement**

1. This lawsuit involves claims against four defendants: (1) The State of Washington, Department of Social and Health Services ("DSHS"); (2) Ayasha Adult Family Home; (3) Ayasha Chhetry, individually; and (4) Bikal Chhetry, individually ("The Ayasha Defendants").

2. This is a settlement of all claims filed on behalf of Emily Tobin, which is subject to court approval, following a settlement approval hearing set in accordance with SPR 98.16.

3. Within 15 days from the date this agreement is signed, the Settlement Guardian ad Litem ("SGAL"), Lafcadio Darling, shall prepare a written report, schedule a hearing with the Court, and provide notice to all parties.

4. Settlements against the State of Washington are public and must be reduced to Judgment.

5. DSHS and The Ayasha Defendants will, between themselves, determine how much money each will contribute to this settlement, but Judgment in the entire amount of \$3,125,000 (Three Million, One-Hundred and Twenty-Five Thousand Dollars) shall be entered against The State of Washington, DSHS.

6. This settlement for \$3,125,000 does not include the \$125,555 which the Court ordered DSHS and the Office of the Attorney General to pay for Emily's past attorneys' fees.

7. On the date this agreement is signed, counsel for plaintiff will advise the Court and the Discovery Master (each via email) that a settlement of all claims has been reached. All parties will receive these emails.

8. Within two business days thereafter, counsel for plaintiff shall submit a Stipulation, signed by counsel for each party, requesting that the Court suspend further review by the Discovery Master pending the SPR 98.16 settlement approval hearing. The Stipulation will inform the Court that each party agrees that settlement is contingent on the Court's agreement that the Discovery Master will be discharged upon approval of the Settlement.

9. At the settlement approval hearing, counsel for each party will state their agreed position that this settlement finalizes the case in its entirety and that the Discovery Master be discharged.

10. Within 10 days of the entry of the Court's Order approving the settlement of Emily Tobin's claims, DSHS shall deposit a check for the entire amount of the Judgment (\$3,125,000) with the Clerk of the King County Superior Court.

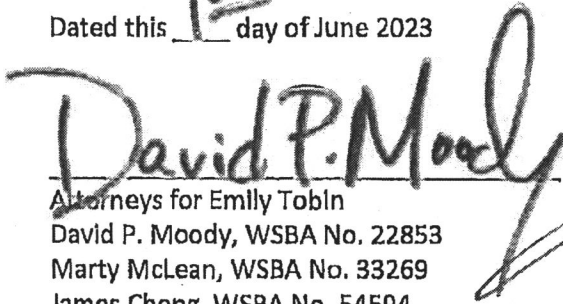
11. The parties are not aware of any liens. However, DSHS shall be responsible for satisfying any valid lien(s).

12. DSHS shall pay all fees and costs associated with the SGAL, up to a cap of \$15,000.

13. Upon a showing of valid identification, the King County Superior Court Clerk's Office shall release the funds deposited by DSHS to: *David P. Moody, In Trust for Emily Tobin.*

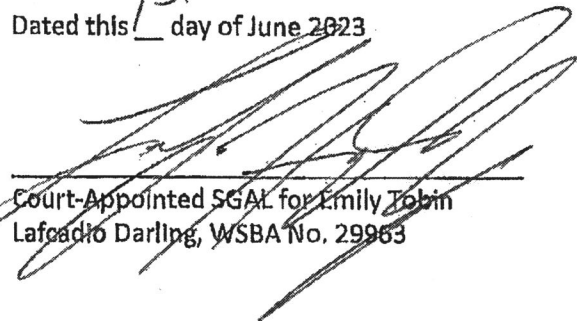
14. This agreement represents the entire agreement between Plaintiff, DSHS and The Ayasha Defendants.

Dated this 1<sup>st</sup> day of June 2023



Attorneys for Emily Tobin  
David P. Moody, WSBA No. 22853  
Marty McLean, WSBA No. 33269  
James Chong, WSBA No. 54594  
Ryan Pittman, WSBA No. 57560

Dated this 1<sup>st</sup> day of June 2023

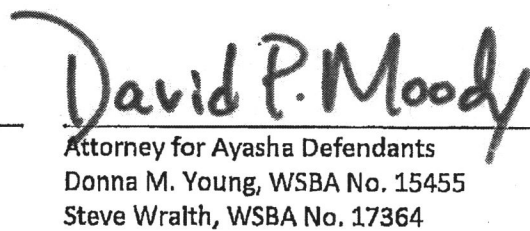


Court-Appointed SGAL for Emily Tobin  
Lafadio Darling, WSBA No. 29963

Dated this 1 day of June 2023

*Eric A. Mentzer*  
Office of the Attorney General  
Bob Ferguson, Attorney General  
Jennifer Meyer, WSBA No. 27057  
Eric Mentzer, WSBA No. 21243

Dated this 1<sup>st</sup> day of June 2023



Attorney for Ayasha Defendants  
Donna M. Young, WSBA No. 15455  
Steve Wraith, WSBA No. 17364

per telephonic approval from Mr. Wraith