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City of Yakima

Chief Judge Stanley A. Bastian

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT YAKIMA

CONFEDERATED TRIBES AND
BANDS OF THE YAKAMA NATION,

Plaintiff,

v.

CITY OF YAKIMA, a municipal
corporation,

Defendant.

No. 1:20-cv-03156-SAB

**DEFENDANT CITY OF
YAKIMA'S OFFER OF
JUDGMENT**

DEF.'S OFFER OF JUDGMENT
Case No. 1:20-cv-03156-SAB - 1

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1 Under Federal Rule of Civil Procedure (FRCP) 68, Defendant City of
2 Yakima (City) hereby offers to allow judgment to be entered against it in this
3 action for:
4

5 1. Plaintiff's past response costs incurred through November 1, 2022, in the
6 amount of \$295,000, plus prejudgment interest. This amount includes Plaintiff's
7 attorney fees and costs incurred through November 1, 2022.
8

9 2. A declaration of liability for future response costs incurred by Plaintiff at
10 the Interstate 82 Exit 33A Yakima City Landfill Site that are not inconsistent with
11 the National Contingency Plan, including reasonable attorney fees as provided by
12 statute.
13

14 3. The City specifically reserves its rights of appeal.
15

16 This offer of judgment is made to compromise a disputed claim and for the
17 purposes contemplated by FRCP 68; it shall not be construed as an admission
18 either that the City is liable in this action or that Plaintiff has incurred recoverable
19 response costs. This offer of judgment is intended to resolve all of Plaintiff's
20 claims in this action. The amount offered reflects the total costs tendered by
21 Plaintiff to the City as of the date of this offer.
22
23

24 To accept this offer, Plaintiff must serve written notice of acceptance within
25 fourteen (14) days of the date this offer is made. If Plaintiff does not accept this
26

1 offer and does not obtain a judgment more favorable than the offer, then it must
2 pay the City's costs incurred after the offer is made and Plaintiff may be barred
3 from recovering its attorney fees incurred after this date.
4

5 Respectfully submitted this 30th day of November, 2022.
6

7 s/Spencer N. Gheen

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9 Aaron P. Gilligan, WSBA #29614

10 Kurt B. Peterson WSBA #27580

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CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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