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**CENTRAL PUGET SOUND
GROWTH MANAGEMENT HEARINGS BOARD
STATE OF WASHINGTON**

LAKE ROAD GROUP, LLC, NIX 99)	Consolidated Case No. 09-3-0009c
LEGACY LLC, and JOHN M. PRESTEK)	
and CHERYL L. PRESTEK,)	Case No. 09-3-0001
Petitioner,)	<i>(Lake Road Group)</i>
)	and
v.)	Case No. 09-3-0009
)	<i>(Lake Road Group II)</i>
CITY OF MUKILTEO,)	
)	ORDER OF DISMISSAL
Respondent.)	
)	
)	
)	

I. BACKGROUND

On August 25, 2009, the Board issued its Order Granting Third Settlement Extension, Consolidating Cases Nos. 09-3-0001 and 09-3-0009, and Amending Case Schedule. The order stated: "The Petitioners shall file and serve a status report on November 18, 2009."¹ The Amended Case Schedule for the Consolidated Case indicated November 18, 2009, as the due date for Petitioners' Status Report. Petitioners have failed to file the required status report.

II. DISCUSSION AND ORDER

WAC 242-02-720 provides:

Any action may be dismissed by a board:
... (4) Upon a board's own motion for failure by the parties to comply with these rules or any order of the board.

¹ Order, at 2, and 4.

1 The Board finds that Petitioners have failed to file a status report as required by the Board's order
2 granting the third settlement extension. The Board finds and concludes that Petitioners have
3 defaulted. This case will be dismissed for lack of prosecution.

4 Accordingly, the Board enters the following Order:

- 5 1. CPSGMHB Consolidated Case No. 09-3-0009c is **dismissed**.
- 6 2. The case is **closed**.

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9 So ORDERED this 25th day of November, 2009.

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11 CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

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14 _____
15 David O Earling
16 Board Member

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18 _____
19 Margaret A. Pageler
20 Board Member