

1 BEFORE THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

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3 EUGENE BUTLER AND FUTUREWISE ,

4 Petitioners,

5  
6 v.

7 LEWIS COUNTY,

8 Respondent,

9  
10 And

11  
12 J. FRANK SCHMIDT & SON PROFIT  
13 SHARING TRUST,

14 Intervenors.  
15

Case No. 09-2-0005

**ORDER DISMISSING CASE**

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17 THIS Matter comes before the Board pursuant to a Stipulated Order of Dismissal filed by the  
18 parties on January 20, 2010.  
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20 **DISCUSSION**

21 The Boards' Rules of Practice and Procedure provide that an action may be dismissed:

- 22 (1) When all parties stipulate;  
23 (2) Upon motion of the petitioner or respondent prior to the presentation of the  
24 respondent's case.  
25 (3) Upon motion by the respondent alleging that the petitioner has failed to prosecute  
26 the case, failed to comply with these rules, or failed to follow any order of the  
27 board; or  
28 (4) Upon a board's own motion for failure by the parties to comply with these rules or  
29 any order of the board.

30 WAC 242-02-720.

31 In that all parties have stipulated to the entry of an order of dismissal, dismissal is  
32 appropriate under WAC 242-02-720.

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**ORDER**

Based on the foregoing, this case is hereby DISMISSED. Entry of this Order of Dismissal is not to be interpreted as approval by the Board of the terms of any settlement agreement, nor any agreement to enforce the terms of such settlement agreement.

Entered this 21st day of January, 2010.

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Nina Carter, Board Member

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James McNamara, Board Member

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William Roehl, Board Member

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