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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF WASHINGTON

9 PAUL GRONDAL, et al,

10 Plaintiffs,

11 vs.

12 UNITED STATES OF AMERICA; et al,

13 Defendants.
14

NO. 09-CV-00018-RMP

[PROPOSED] ORDER GRANTING
PLAINTIFFS’ MOTION FOR
SUMMARY JUDGMENT AGAINST
CERTAIN INDIVIDUAL ALLOTTEES

15 Before the court is Plaintiffs Paul Grondal and the Mill Bay Members Association,
16 Inc.’s Motion for Summary Judgment against Certain Individual Allottees (“Motion”).
17 Specifically, Plaintiffs’ Motion seeks summary judgment against the following
18 Defendants: James Abraham, Lynn Benson, Darlene Hyland, Marlene Marcellay, Maureen
19 Marcellay, Linda Saint, Michael Marcellay, Randolph Marcellay, and Gary Reyes.

1 The Court having examined Plaintiffs' Motion and the other pleadings and
2 documents on file in this matter; now, therefore,

3 **IT IS HEREBY ORDERED:**

4 1. Plaintiffs' Motion for Summary Judgment against Certain Individual
5 Allottees is **GRANTED**.

6 2. Judgment shall be entered in favor of Plaintiffs on their claim seeking
7 declaratory judgment that Non-Responding Allottees (James Abraham, Lynn Benson,
8 Darlene Hyland, Marlene Marcellay, Maureen Marcellay, Linda Saint, Michael Marcellay,
9 Randolph Marcellay, and Gary Reyes) are equitably, collaterally, or otherwise estopped
10 from denying the Plaintiffs their right to occupy and use the Mill Bay Resort (MA-8,
11 Chelan County Assessor's Office parcel number 2721012120050) until February 2, 2034
12 (ECF No. 1 at p. 43, Prayer for Relief, ¶ 2; ECF No. 197 at p. 2).

13 3. Defendants James Abraham, Lynn Benson, Darlene Hyland, Marlene
14 Marcellay, Maureen Marcellay, Linda Saint, Michael Marcellay, Randolph Marcellay, and
15 Gary Reyes are hereby equitably, collaterally, or otherwise estopped from denying the
16 Plaintiffs their right to occupy and use the Mill Bay Resort (MA-8, Chelan County
17 Assessor's Office parcel number 2721012120050) until February 2, 2034.

18 4. The Court reserves entry of a final judgment and a ruling Plaintiffs' request for
19 Attorney's fees for a later date.

20 **IT IS SO ORDERED.**

1 DATED _____, 2020.
2
3

4 HON. ROSANNA MALOUF PETERSON

5 Presented by:

6 s/SALLY W. HARMELING

7 Sally W. Harmeling, WSBA No. 49457

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18 Attorneys for Plaintiffs
19
20

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of April, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System. Notice of this filing will be sent to the parties listed below by operation of the Court’s electronic filing system. Parties may access this filing through the Court’s system.

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1 DATED at Wenatchee, Washington this 17th day of April, 2020.

2 s/ SALLY W. HARMELING

3 Sally W. Harmeling, WSBA No. 49457

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