

1 with reasonable diligence. Dkt. No. 492. Having considered Counsel Gibson’s response (Dkt.
2 No. 508), Plaintiff’s reply (Dkt. No. 509), and the relevant record, the undersigned concludes
3 that a referral to the WSBA for consideration of whether Counsel Gibson should be disciplined
4 for failure to comply with Washington Rule of Professional Conduct 1.3 is appropriate under the
5 circumstances.¹

6 Chief Judge Estudillo’s Referral Order laid out both the case history and the failures of
7 Counsel Gibson that led first to that referral, and now to this one. *See* Dkt. No. 490 at 1–6. This
8 Court will not repeat that history here but summarizes that Chief Judge Estudillo’s Referral
9 Order was based upon the following: (1) Counsel Gibson’s filing of a stipulation that, due to a
10 lack of diligence, contained a false statement that was prejudicial to her clients; (2) the history of
11 sanctions imposed in this case against Defendants—including for carelessness by Counsel
12 Gibson; and (3) Counsel Gibson’s history of discipline by the Washington State Bar Association
13 (“WSBA”) for other failures of diligence. *Id.* at 3–5, 10–11.² The specific incident that
14 proverbially broke the camel’s back involved Counsel Gibson signing and filing a stipulation in
15 which her clients, the Defendants in this case, admitted to purposely destroying evidence (Dkt.
16 No. 378 ¶ 30), a statement Defendants subsequently claimed was false and erroneously filed due
17 to a lack of diligence (Dkt. No. 429 (Defendants’ Response to Plaintiff’s Motion for
18 Reconsideration) at 3).

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21 ¹ Counsel Gibson was offered the opportunity to request a hearing to address the Order to Show Cause (Dkt.
22 No. 492 at 2) but declined to do so (Dkt. No. 508 at 1).

23 ² The Referral Order included a link to the prior reprimand of Counsel Gibson in which the WSBA Disciplinary
24 Counsel found that counsel had been negligent and that an aggravating factor was that counsel had previously been
admonished for failing to communicate with a client (RPC 1.4) and failing to properly supervise non-lawyer staff
(RPC 5.3). Stipulation to Remand ¶¶ 26, 28, 31, ODC File No. 19-00554, <https://www.mywsba.org/WebFiles/CusDocs/000000033583-0/004.pdf>.

1 In responding to the Order to Show Cause issued by the undersigned, Counsel Gibson
2 repeats what she stated in her response (Dkt. No. 472) to a related Order to Show Cause issued
3 by Chief Judge Estudillo (Dkt. No. 462), as well as in other previous filings related to requests
4 for sanctions by Plaintiff. *Compare* Dkt. No. 508 at 2–3, *with* Dkt. No. 472 at 2, 4–5; *see also*
5 Dkt. No. 427 (Gibson Decl.) at 1–2; Dkt. No. 429 at 2–3. Counsel Gibson asserts that her notes
6 on the drafts of the stipulation reflect that the paragraph at issue was supposed to be stricken
7 (Dkt. No. 472 at 2; Dkt. No. 508 at 1-2; Dkt. No. 427 at 2; *see also* Dkt. No. 427-1 at 2) but
8 admits that her oversight in failing to thoroughly review the final stipulation caused the
9 erroneous filing at issue (Dkt. No. 472 at 4, Dkt. No. 508 at 2; Dkt. No. 427 at 2). Counsel
10 Gibson “concedes she should have been more attentive when agreeing to finalize the stipulation”
11 but asserts this lapse does not rise to the level of a violation of RPC 1.3. Dkt. No. 508 at 2; *see*
12 *also* Dkt. No. 472 at 4 (same language regarding Rule 11 sanctions). She asserts that “[m]istakes
13 happen, especially when iterations of a lengthy draft joint filing are exchanged late into the
14 evening.” Dkt. No. 508 at 2; *accord* Dkt. No. 472 at 4.


15 The undersigned agrees that mistakes happen, and if this had been the first mistake, it
16 might not warrant a referral to the WSBA for further review. But the circumstances in this case
17 counsel otherwise. First, this was not just any mistake. This was counsel signing a stipulation
18 that included a very substantial, significant, and harmful mistake for her clients. A document
19 containing stipulations is one of the most important documents in a case as it locks the signing
20 party into a factual representation that can no longer be disputed and is an admission. *See* 83
21 C.J.S. Stipulations § 5 (a stipulation “is evidentiary in nature,” is “a judicial admission that
22 obviates the need for proof on the stipulated matters,” and “once entered into, filed and accepted
23 by the court, is binding upon the parties”); 73 Am. Jur. 2d Stipulations § 17 (“When an adverse
24 party is willing to stipulate to the truth of a certain allegation, the party having the burden of

1 proving that allegation is relieved from proving it, that is, a stipulation renders proof
2 unnecessary, and both prevents an independent examination by a judicial officer or body with
3 respect to the matters stipulated and binds the parties on appeal.”)

4 If there is any document for which an attorney must be on the highest alert—regardless of
5 its length or what time of day or night it is being reviewed, it is a stipulation. Therefore, the
6 undersigned shares Chief Judge Estudillo’s incredulity as to “how any member of the bar could
7 sign and submit a *stipulation* that their client *purposefully destroyed evidence* to deprive an
8 adversary of it.” Dkt. No. 490 at 3. Second, this was not Counsel Gibson’s first mistake in this
9 case, nor was this the first case in which she has made considerable mistakes as she previously
10 stipulated to a reprimand in 2020 for lack of diligence under RPC 1.3. *See id.* at 4, 10.

11 For these reasons, the undersigned determines that Counsel’s Gibson’s actions in this
12 case warrant further review but that the grievance would more appropriately be addressed by the
13 Washington State Bar Association. LCR 83.3(c)(5)(B). Accordingly, the undersigned FINDS a
14 referral to the WSBA is appropriate in this case and REFERS this matter back to Chief Judge
15 Estudillo for further action pursuant to LCR 83.3(c)(5)(B).

16 Dated this 11th day of August, 2025.

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19 Tana Lin
United States District Judge