

Honorable David G. Estudillo

UNITED STATES DISTRICT COURT
IN AND FOR THE WESTERN DISTRICT OF WASHINGTON

9	NATHEN BARTON,)	Case No. 3:21-cv-05610-DGE
)	
10	Plaintiff,)	EX PARTE REQUEST FOR STAY OF
)	PROCEEDINGS TO FACILITATE
11	vs.)	SETTLEMENT NEGOTIATIONS;
)	ALTERNATIVELY FOR EXTENSION OF
12	JOE DELFGAUW, XANADU MARKETING)	DEADLINES OT RESPOND PURSUANT TO
13	INC., STARTER HOME INVESTING INC., &)	ORDER DATED 11/13/24 AT DOCKET 425
	JOHN DOE 1-10)	
14	Defendants.)	NOTED FOR November 15, 2024
)	
15	_____)	
)	
16	AND RELATED COUNTERCLAIM)	

COMES NOW Defendants/Counterclaimants JOE DELFGAUW, XANADU MARKETING INC., STARTER HOME INVESTING INC., ex parte, and request this court stay the proceedings to attempt settlement discussions and alternatively, to request reconsideration of order at docket 415, Plaintiff's motion for reconsideration at 418, plaintiff's motion for sanctions at 419 and plaintiff's motion for summary judgment at Docket 423. This motions is based on the following brief and the records and files herein.

Dated: November 15, 2024

s/Donna Gibson
 Donna Gibson, WSBA #33583
 Attorney for Defendants/Counterclaimants
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 INVESTING, INC. and XANADU MARKETING INC
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BRIEF SUMMARY OF RELEVANT FACTS

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2 In the weeks leading up to July 23, 2024, counsel and Mr. Barton were preparing documents for trial.
3 One of which was a document that Mr. Barton insisted be filed, entitled “Stipulations”. Documents were
4 exchanged between counsel Various version of this document were created by Mr. Barton and edited
5 by Ms. Gibson and reviewed by Mr. Delfgaw. There was a statement on that, on the document that
6 was ultimately filed with an item 30 stating that items were deleted to keep them from Mr. Barton.
7 That was crossed off by Mr. Delfgaw and not to be included in the situation. At some point Mr.
8 Barton included that statement or it was not removed and the document was filed with that
9 statement. Mr. Barton then filed a Motions for Summary Judgment DKT 423, a motion for
10 sanctions Dkt419, and a request for reconsideration Dkt418.
11

12 The deadline to file a motion for reconsideration of the Order Granting Plaintiff’s Motion for
13 Summary Judgment (Dkt. 416) is today, November 15, 2024. The court has ordered a response to
14 Mr. Barton’s motion for reconsideration (Dkt 418) no later than November 22, and a Defendants
15 shall also respond to Plaintiff’s Motion for Sanctions (Dkt. No. 419) by November 25, 2025 and the
16 response to plaintiff’s motion for summary judgment (Dkt 423) is due December 3, 2024
17

18 Counsel and Mr. Delfgaw is trying to determine what happened and how best to handle
19 this. Further, if this is an error the part of counsel, she now has an inherent conflict of interest and
20 would be required to withdraw and Mr. Delfgaw would need to seek new counsel.
21

22 Counsel reached out to Mr. Barton on November 12, 2024 to inquire about having a
23 settlement discussion. I received a number from Mr. Barton. Mr. Barton and Mr Delfgaw are not
24 anywhere near a range that is workable, however counsel and Mr. Delfgaw believe that a third
25 party facilitator may be able to possibly make something work. Mr. Delfgaw, individually and on
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27
28

1 behalf of Xanadu Marketing and Starter Home Investment would like to come to the table and
2 negotiate.

3 The Court has repeatedly “encouraged” and “strongly encouraged” the parties to reach a
4 settlement and we therefore seek leave to do so.

5 Therefore, in an effort of good faith, we seek a stay or extension of time for responses, so
6 that the parties can attempt to resolve this matter outside of court and without further efforts.
7

8 Because one deadline is today, we seek this motion ex parte.

9 Should the court consider such, we would ask for a minimum five-week stay, should the
10 court consider such, and if a stay is not possible, a minimum of one week extension of each deadline
11 set by the court.
12

13 Respectfully submitted this 15th day of November, 2024

14 s/Donna Gibson

15 Donna Gibson, WSBA #33583

16 Attorney for Defendants/Counterclaimants

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