

# **Exhibit 7**

**FILED**  
KING COUNTY, WASHINGTON

OCT 22 2018

SUPERIOR COURT CLERK  
BY **Beatrice Marquez**  
DEPUTY

IN THE SUPERIOR COURT OF WASHINGTON  
IN AND FOR KING COUNTY

ALEX GALLEGOS,

Plaintiffs,

vs.

NATIONAL CREDIT SYSTEMS, INC.

Defendant.

NO. 18-2-09350-3 SEA

**[PROPOSED] ORDER COMPELLING  
DEFENDANT'S RESPONSES TO  
DISCOVERY REQUESTS**

THIS MATTER came before the Court on Plaintiff motion to compel discovery from Defendant National Credit Systems, Inc. ("NCS"), noted for consideration on October 22, 2018.

The Court, having considered Plaintiff motion, Defendant's response (if any), and any materials submitted in reply (if any), and being apprised of the record in this case, finds that Defendant NCS's responses to Plaintiff first set of discovery requests are overdue in excess of 30 days.

Therefore, it is hereby:

//

ANDERSON | SANTIAGO  
787 MAYNARD AVE S  
SEATTLE WA 98104  
(206) 395-2665 / F (206) 395-2719

**ORIGINAL**



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

FILED  
2018 NOV 19  
KING COUNTY  
SUPERIOR COURT CLERK

CASE #: 18-2-09350-3 SEA

IN THE SUPERIOR COURT OF WASHINGTON  
IN AND FOR KING COUNTY

ALEX GALLEGOS,

Plaintiffs,

vs.

NATIONAL CREDIT SYSTEMS, INC.

Defendant.

NO. 18-2-09350-3 SEA

~~PROPOSED~~ ORDER IMPOSING  
DISCOVERY SANCTIONS

THIS MATTER came before the Court on Plaintiff's motion for discovery sanctions against Defendant National Credit Systems, Inc. ("NCS"), noted for consideration on November 16, 2018.

The Court, having considered Plaintiff's motion, Defendant's response (if any), and any materials submitted in reply (if any), and being apprised of the record in this case, finds the following:

- 1) Defendant NCS has failed to follow Washington's Civil Rules on discovery by failing to respond to discovery requests for over three months;
- 2) Defendant NCS' failed to meet and confer as required by CR 26(i), and upon request by Plaintiff;

- 1 3) Defendant NCS' conduct caused Plaintiff the necessity of filing a motion to compel;
- 2 4) By failing to produce any discovery responses to Plaintiff, Defendant NCS has failed
- 3 to comply with this Court's October 22, 2018 order compelling discovery:
- 4 5) Defendant NCS continues to violate the civil rules and this Court's order each day that
- 5 it fails to provide discovery responses.

6 Therefore, it is hereby:

7 ORDERED that Defendant NCS must comply with this Court's October 22, 2018 by

8 responding, without objection, immediately to Plaintiff's first set of discovery requests. Each

9 calendar day that NCS fails to respond to discovery beyond the previously imposed deadline of

10 November 6, 2018, NCS shall accrue a \$250 sanction.

11 It is also ORDERED that the following discovery sanctions are imposed upon NCS:

- 12 1) \$1,000 for the failure to respond to discovery by the agreed upon extension date with
- 13 Plaintiff;
- 14 2) \$2,000 for necessitating a motion to compel (Plaintiff showed restraint by not asking
- 15 for monetary sanctions at that time, though such sanction was appropriate);
- 16 3) \$2,000 for failing to comply with this Court's October 22, 2018 order compelling
- 17 discovery by November 6, 2018.

18 Payment shall be made within five (5) calendar days of the issuance of this Order to the

19 trust account of Anderson Santiago, PLLC; failure to do so may result in further sanctions.

20 Finally, the Court notes that if NCS fails to respond to discovery by November 23, 2018,

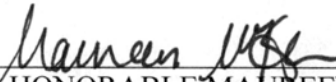
21 this Court will allow Plaintiff to move for a more severe sanction under CR 37(b), up to and

22 including the entry of default judgment, after consideration is given to all less severe sanctions,

23 should the facts and circumstances at that time warrant such an order.

1 IT IS SO ORDERED.  
2  
3

4 Entered this 16 day of November, 2018.  
5

6   
7 THE HONORABLE MAUREEN MCKEE

8 **ANDERSON SANTIAGO, PLLC**

9 By: /s/ T. Tyler Santiago  
10 T. Tyler Santiago, WSBA# 46004  
11 Jason Anderson, WSBA# 38014  
12 Attorneys for Plaintiff  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

FILED  
2018 DEC 14  
KING COUNTY  
SUPERIOR COURT CLERK

CASE #: 18-2-09350-3 SEA

IN THE SUPERIOR COURT OF WASHINGTON  
IN AND FOR KING COUNTY

ALEX GALLEGOS,

Plaintiffs,

vs.

NATIONAL CREDIT SYSTEMS, INC.

Defendant.

NO. 18-2-09350-3 SEA

~~PROPOSED~~ ORDER IMPOSING  
ADDITIONAL DISCOVERY SANCTIONS

THIS MATTER came before the Court on Plaintiff's motion for discovery sanctions against Defendant National Credit Systems, Inc. ("NCS"), noted for consideration on December 4, 2018.

The Court, having reviewed its prior orders, Plaintiff's motion, Defendant's response (if any), and any materials submitted in reply (if any), and being apprised of the record in this case, finds the following:

- 1) Defendant NCS has failed to follow Washington's Civil Rules on discovery by failing to respond to discovery requests for over three months;
- 2) Defendant NCS failed to meet and confer as required by CR 26(i), and upon request by Plaintiff;

- 1 3) Defendant NCS' conduct caused Plaintiff the necessity of filing a motion to compel;
- 2 4) By failing to produce any discovery responses to Plaintiff, Defendant NCS has failed
- 3 to comply with this Court's October 22, 2018 order compelling discovery;
- 4 5) Defendant NCS continues to violate the civil rules and this Court's order each day that
- 5 it fails to provide discovery responses;
- 6 6) By continuing to fail to produce any discovery responses to Plaintiff, Defendant NCS
- 7 has failed to comply with this Court's November 16, 2018 order granting sanctions;
- 8 7) This Court has reviewed this case through the lens of *Burnet v. Spokane Ambulance*,
- 9 131 Wn.2d 484 (1997), and considered the relevant factors therein: 1) whether a lesser
- 10 sanction would probably suffice, (2) whether the violation at issue was willful or
- 11 deliberate, and (3) whether the violation substantially prejudiced the opposing party's
- 12 ability to prepare for trial.
- 13 8) The Court finds that a lesser sanction than striking Defendant NCS' answer and
- 14 affirmative defenses, thus necessitating an order of default, will not suffice. This Court
- 15 has already given NCS two opportunities to respond to discovery (the October 22, 2018
- 16 and November 16, 2018 Orders). Additionally, Plaintiff gave NCS numerous
- 17 opportunities to respond to discovery prior to involving the Court. However, neither
- 18 an order compelling discovery, nor monetary sanctions has been effective, as NCS has
- 19 not produced discovery responses, and has not communicated with Plaintiff's counsel
- 20 or this Court.
- 21 9) This Court could take the even harsher step of entering a default judgment against NCS,
- 22 *see Magaña v. Hyundai Motor Am.*, 167 Wn.2d 570, 590 (2009), but elects to impose
- 23 the lesser sanction of default and not a default judgment.



1 10) The Court finds that NCS' conduct is willful and deliberate, as it is aware of Plaintiff's  
2 outstanding discovery requests, and this Court's orders have been communicated to  
3 NCS' counsel of record.

4 11) This Court also finds that Plaintiff is necessarily prejudiced by NCS' conduct. Trial is  
5 scheduled for the beginning of April 2019, yet NCS has taken only two actions in this  
6 case: 1) moved to vacate a default because it failed to timely answer the Complaint,  
7 and 2) filed an Answer five months after it was served. Plaintiff cannot effectively  
8 prepare for trial under these circumstances.

9 Therefore, it is hereby:

10 ORDERED that the Answer and affirmative defenses of NCS are stricken from the record.

11 It is also ORDERED that an Order of Default is entered against NCS. Plaintiff is to  
12 schedule an evidentiary hearing on the issue of damages.

13 This Court FURTHER ORDERS NCS to pay <sup>attorney's fees</sup> an additional ~~\$2,500.00~~ for Plaintiff's efforts  
14 in obtaining this Order. *Plaintiff should submit an affidavit in support of  
a request for attorney's fees within 10 days.*

15 Lastly, it is ORDERED that the daily monetary award granted in this Court's November  
16 16, 2018 Order Granting Discovery Sanctions (\$250 per day of noncompliance) shall no longer  
17 accrue. <sup>as of today</sup> NCS shall pay Plaintiff a total of ~~\$10,000.00~~ <sup>\$14,500</sup> (\$5,000.00 in initial sanctions plus \$250.00  
18 per day for ~~ten~~ <sup>39</sup> days, ~~plus the \$2,500.00 awarded above~~), which amount Plaintiff may reduce to  
19 judgment at any time during (or at the conclusion of) this case. \*

20 IT IS SO ORDERED.

21 Entered this 14<sup>th</sup> day of December, 2018.

22 \*NCS shall provide  
23 responses to Plaintiff's  
discovery requests by  
4pm on 12/21/18.

  
THE HONORABLE MAUREEN MCKEE

ANDERSON | SANTIAGO  
787 MAYNARD AVE S  
SEATTLE WA 98104  
(206) 395-2665 / F (206) 395-2719

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

**ANDERSON SANTIAGO, PLLC**

By: /s/ T. Tyler Santiago  
T. Tyler Santiago, WSBA# 46004  
Jason Anderson, WSBA# 38014  
Attorneys for Plaintiff

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

FILED  
2018 DEC 21  
KING COUNTY  
SUPERIOR COURT CLERK

CASE #: 18-2-09350-3 SEA

IN THE SUPERIOR COURT OF WASHINGTON  
IN AND FOR KING COUNTY

ALEX GALLEGOS,

Plaintiffs,

vs.

NATIONAL CREDIT SYSTEMS, INC.

Defendant.

NO. 18-2-09350-3 SEA

~~PROPOSED~~ ORDER ON ATTORNEY'S  
FEES RE PLAINTIFF'S SECOND  
MOTION FOR DISCOVERY  
SANCTIONS

THIS MATTER came before the Court on Plaintiff's second motion for discovery sanctions against Defendant National Credit Systems, Inc. ("NCS"), noted for consideration on December 4, 2018. At the December 14, 2018 hearing on Plaintiff's motion, the Court ordered that Plaintiff's counsel submit an affidavit regarding attorney's fees for the time spent pursuing the Second Motion for Discovery Sanctions. After reviewing the Declaration of T. Tyler Santiago Re Attorney's Fees, this Court finds that the time spent (8.1 hours), and the hourly rate of counsel (T. Tyler Santiago at a rate of \$310.00 per hour) are reasonable under the circumstances.

Therefore, it is hereby:

ORDERED that the Defendant shall pay Plaintiff's attorney's fees in the amount of \$2,511.00 for time spent pursuing Plaintiff's Second Motion for Discovery Sanctions. This order

1 is separate and apart from this Court's December 14, 2018 order on sanctions, and Defendant is  
2 ORDERED to pay both amounts.

3 Plaintiff may reduce this award to judgment at any time during (or at the conclusion of)  
4 this case.

5 IT IS SO ORDERED.

6 Entered this 21<sup>st</sup> day of December, 2018.

7  
8   
9 \_\_\_\_\_  
10 THE HONORABLE MAUREEN MCKEE

11 **ANDERSON SANTIAGO, PLLC**

12 By: /s/ T. Tyler Santiago  
13 T. Tyler Santiago, WSBA# 46004  
14 Jason Anderson, WSBA# 38014  
15 Attorneys for Plaintiff  
16  
17  
18  
19  
20  
21  
22  
23

**FILED**  
KING COUNTY, WASHINGTON

FEB 28 2019

SUPERIOR COURT CLERK  
BY Pamela Anzai  
DEPUTY

IN THE SUPERIOR COURT OF WASHINGTON  
IN AND FOR KING COUNTY

ALEX GALLEGOS,

Plaintiffs,

vs.

NATIONAL CREDIT SYSTEMS, INC.

Defendant.

NO. 18-2-09350-3 SEA

~~PROPOSED~~ ORDER ON ATTORNEY'S  
FEES RE PLAINTIFF'S THIRD MOTION  
FOR DISCOVERY SANCTIONS

THIS MATTER came before the Court on Plaintiff's third motion for discovery sanctions against Defendant National Credit Systems, Inc. ("NCS"), noted for consideration on February 5, 2019. At the February 7, 2019 hearing on Plaintiff's motion, the Court ordered that Plaintiff's counsel submit an affidavit regarding attorney's fees for the time spent on the Third Motion for Discovery Sanctions.

The Court has reviewed the Declaration of T. Tyler Santiago Re Attorney's Fees, Defendant's response, and Plaintiff's reply. After reviewing these documents, this Court finds that the time spent by T. Tyler Santiago (7.6 hours) on the third motion for discovery sanctions and issues related thereto, the time spent by Jason Anderson (5.3 hours) on the third motion for discovery sanctions and issues related thereto, and the hourly rate of counsel (T. Tyler Santiago at

1 a rate of \$325.00 per hour and Jason Anderson at a rate of \$400.00 per hour) are reasonable under  
2 the circumstances.

3 The Court also finds that the time spent by T. Tyler Santiago (4.8 hours) on the reply brief  
4 in support of Plaintiff's fee request is reasonable under the circumstances.

5 Therefore, it is hereby:

6 ORDERED that the Defendant shall pay Plaintiff's attorney's fees in the amount of  
7 \$4,590.00 for time spent on Plaintiff's Third Motion for Discovery Sanctions. Additionally,  
8 Defendant shall pay Plaintiff's attorney's fees in the amount of \$1,560.00 for time spent on the  
9 reply brief in support of Plaintiff's fee request. Defendant shall pay a total of \$6,150.00 to  
10 Plaintiff's counsel within ten (10) days of this order.

11 IT IS SO ORDERED.

12 Entered this 27<sup>th</sup> day of February, 2019.

13  
14   
15 THE HONORABLE MAUREEN MCKEE

16 **ANDERSON SANTIAGO, PLLC**

17  
18 By: /s/ T. Tyler Santiago  
19 T. Tyler Santiago, WSBA# 46004  
20 Jason Anderson, WSBA# 38014  
21 Attorneys for Plaintiff  
22  
23