1       May 15 2014         2       COUNTY         3       COUNTY         4       S         5       SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY         7       MAUREEN HAY, a Washington resident; IGOR SMAL, a Washington resident, JORDAN SMITH, a Washington resident, ORDAN SMITH, a Washington resident, IORDAN SMITH, a Washington resident, ALEX KULBABA, a Washington resident, NATALYA MANCHK, a Washington resident, ALEX KULBABA, a Washington resident, NATALYA MANCHK, a Washington resident, ADRIENNE MANT, a Washington resident, ADRIENNE MANTNG, a Washington resident, ADRIENNE MANTNG, a Washington resident, ADRIENNE MANTNG, a Washington resident, ADRIENNE MANTNG, a Washington resident, ADRIENNE MANTHAR, a Washington resident, ADRIENNE MANTNG, a Washington resident, TAWNY CABRAL, a Washington resident, TAWNY CABRAL, a Washington resident, JOHN BETTHEE, a Washington resident, JONE JOHNSON, a Washington resident, JOSEPHINE PANGAN, a Washington resident, CODY WHITINEY, a Washington resident, SHERRI PEWA, a Washington resident, SHERRI PENA, Washington resident, SHERRI PENA, a Washington resident, SHERRI PENA, a Washington resident, SHERRI PENA, a Washington resident, WHITINEY SARGENT, a Washington resident, WHITINEY SARGENT, a Washing	ERK'S OFFICE Y, WASHINGTOI
2       COUNTY COUNTY NO: 14-24         3       COUNTY NO: 14-24         4       S         5       SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY         7       MAUREEN HAY, a Washington resident; IGOR SMAL, a Washington resident, ORDAN SMITH, a Washington resident, ALEX KULBABA, a Washington resident, ALEX KULBABA, a Washington resident, ALEX KULBABA, a Washington resident, ADRIENNE MANNING, a Washington resident, DAN HART, a Washington resident, HANNING, a Washington resident, HART, a Washington resident, HHTNEY DECORIA, a Washington resident, ANDRC AL, a Washington resident, HHTNEY DECORIA, a Washington resident, ADREY BRADLEY, a Washington resident, ADREY BRADLEY, a Washington resident, CDIY WHITNEY, a Washington resident, CHRISTINE JOHNSON, a Washington resident, KER EDWARDS, a Washington resident, KER EDWARDS, a Washington resident, KER EDWARDS, a Washington resident, CHRISTINE JOHNSON, a Washington resident, SCHEP, a Washington resident, CHRISTINE JOHNSON, a Washington resident, SCHEP, a Washington resident, CHRISTINE JOHNSON, a WASHINGTON CONTRACT, BREACH OF CONTRACT, BREACH OF EXPRESS WARRANTY, BREACH OF CONTRACT, BREACH OF EXPRESS WARRANTY, BREACH OF CONTRACT, BREACH OF EXPRESS WARRANTY, BREACH OF CONTRACT, BREACH OF WASHINGTON COMPLAINT FOR B	14 8:30 AM
2       NO: 14-24         3       4         4       5         6       SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY         7       MAUREEN HAY, a Washington resident, IGOR SMAL, a Washington resident, ORDAN SMITH, a Washington resident, ALEX KULIBABA, a Washington resident, ALEX KULIBABA, a Washington resident, ALEX KULIBABA, a Washington resident, ALEX KULIBABA, a Washington resident, ADRIENNE MANNING, a Washington resident, ADRIENNE MANNING, a Washington resident, IOHN BETHKF, a Washington resident, WHTNEY DECORIA, a Washington resident, AVAN DECORIA, a Washington resident, AVAN DECORIA, a Washington resident, AVAN DECORIA, a Washington resident, AUREFY BRADLEY, a Washington resident, AUREFY BRADLEY, a Washington resident, CONDWINE WHITNEY, a Washington resident, DARRYL JOHNSON, a Washington resident, CONDWIR BRADLEY, a Washington resident, CONDWIR WHITNEY, a Washington resident, CONDWIR WHITNEY, a Washington resident, CONDWIR BRADLEY, a Washington resident, CONDWIR WHITNEY, a Washington resident, CONDWIR WHITNEY, a Washington resident, SHERRI PENA, a Washington resident, SHERRI PENA, a Washington resident, SHERRI PENA, a Washington resident, KEN EDWARDS, a Washington resident, SHERRI PENA, BREACH OF CONTRACT, BREACH OF EXPRESS WARRANTY, BREA	
4         5         6       SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY         7       MAUREEN HAY, a Washington resident;         16       IGOR SMAL, a Washington resident,         17       MAUREEN HAY, a Washington resident,         18       IANNA SMAL, a Washington resident,         19       CAMERON SMITH, a Washington resident,         10       NATALYA MANCHIK, a Washington resident,         11       resident, DAN HART, a Washington resident,         12       PETER MANNING, a Washington resident,         13       resident, JOHN BETHKE, a Washington         14       resident, TAWNY CABRAL, a Washington         15       Washington resident, AVAN DECORIA, a         16       Washington resident, VASILIY LYSYY, a         17       PANGAN, a Washington resident, CODY         18       Washington resident, CODY         19       YONNE JOHNSON, a         19       YONNE JOHNSON, a         19       YONNE JOHNSON, a Washington         10       RADLEY, a Washington resident, KEN         10       PENA, a Washington resident, CDDY         11       Washington resident, CHRISTINE         12       Washington resident, CHRISTINE         13       Washington resident, YONG LIM, a<	′ CLERK - <b>08793-0</b>
5       6       SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY         7       MAUREEN HAY, a Washington resident;       NO.         8       HANNA SMAL, a Washington resident,       NO.         9       CAMERON SMITH, a Washington resident,       NO.         10       NATAY AMANCHIK, a Washington resident,       NO.         11       NATAYA MANCHIK, a Washington resident,       NO.         12       PETER MANNING, a Washington resident,       ARARANY         13       resident, JON BETHEE, a Washington       SBREACH OF CONTRACT         14       resident, WHITNEY DECORIA, a       Washington resident, VASILY LYSY, a         15       Washington resident, VASILY LYSY, a       BRADLEY, a Washington resident, CODY         18       BRADLEY, a Washington resident, CODY       WHITNEY, a Washington resident, CODY         19       YVONNE JOHNSON, a Washington resident, CODY       WHITNEY, a Washington resident, CODY         19       YVONNE JOHNSON, a Washington resident, SHERRI       PEMARON SAKHI, a Washington resident, SHERRI         12       JOHNSON, a Washington resident, SHERRI       PEMARON sAWASHINGTON resident, YONG LIM, a         14       Washington resident, CHRISTINE       JOHNSON, a Washington resident, SHERRI         17       PANGAN, a Washington resident, SHERRI       PEMARONS, a Washington resident, YONG LIM, a	
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<ul> <li>CAMERON SMITH, a Washington resident, ALEX KULIBABA, a Washington resident, NATALYA MANCHIK, a Washington resident, SHAWNA HART, a Washington resident, ADRIENNE MANNING, a Washington resident, ADRIENNE MANNING, a Washington resident, JOHN BETHKE, a Washington resident, TAWNY CABRAL, a Washington resident, TAWNY CABRAL, a Washington resident, WHITNEY DeCORIA, a Washington resident, AUBREY BRADLEY, a Washington resident, AUBREY BRADLEY, a Washington resident, CODY WHITNEY, a Washington resident, OSEPHINE BRADLEY, a Washington resident, CODY WHITNEY, a Washington resident, AUBREY BRADLEY, a Washington resident, CODY WHITNEY, a Washington resident, SHERRI PENA, a Washington resident, YHITNEY JOHNSON, a Washington resident, YHITNEY Mashington resident, WHITNEY SARGENT, a Washington resident, YEVGENIY "JOHN"</li> </ul>	
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<ul> <li>SHAWNA HART, a Washington resident, ADRIENNE MANNING, a Washington resident, ADRIENNE MANNING, a Washington resident, JOHN BETHKE, a Washington resident, TAWNY CABRAL, a Washington resident, WHITNEY DECORIA, a Washington resident, RYAN DECORIA, a Washington resident, AVSIL.IY LYSYY, a Washington resident, TATYANA LYSYY, a Washington resident, JOSEPHINE PANGAN, a Washington resident, AUBREY BRADLEY, a Washington resident, OZNUR BRADLEY, a Washington resident, CODY WHITNEY, a Washington resident, CODY WHITNEY, a Washington resident, Washington resident, HAROON SAKHI, a Washington resident, DARRYL JOHNSON, a Washington resident, CHRISTINE JOHNSON, a Washington resident, KEN EDWARDS, a Washington resident, KEN EDWARDS, a Washington resident, YONG LIM, a Washington resident, YEVGENIY "JOHN"</li> <li>COMPLAINT FOR BREACH OF WASHINGTON CONDOMINIUM ACT, BREACH OF CONTRACT, BREACH OF EXPRESS WARRANTY, BREACH OF IMPLED</li> </ul>	
12       PETER MANNING, a Washington resident, ADRIENNE MANNING, a Washington resident, JOHN BETHKE, a Washington resident, TAWNY CABRAL, a Washington resident, WHITNEY DeCORIA, a Washington resident, RYAN DeCORIA, a Washington resident, RYAN DeCORIA, a Washington resident, TATYANA LYSYY, a Washington resident, TATYANA LYSYY, a Washington resident, JOSEPHINE PANGAN, a Washington resident, OZNUR BRADLEY, a Washington resident, ODRVW WHITNEY, a Washington resident, ODRVW BRADLEY, a Washington resident, ODRVW WHITNEY, a Washington resident, PANCONS, a Washington resident, HAROON SAKHI, a Washington resident, DARRYL JOHNSON, a Washington resident, CHRISTINE JOHNSON, a Washington resident, SHERRI PENA, a Washington resident, YONG LIM, a Washington resident, WHITNEY SARGENT, a Washington resident, YEVGENIY "JOHN"       CASEY & SKOGLUND PLLC (COMPLAINT FOR BREACH OF WASHINGTON CONDOMINUM ACT, BREACH OF CONTRACT, BREACH OF EXPRESS WARRANTY, BREACH OF IMPLIED       CASEY & SKOGLUND PLLC 1319 DEXTER AVE. N, SUTE 370 SEATTLE, WA 98109	
<ul> <li>resident, JOHN BETHKE, a Washington resident, TAWNY CABRAL, a Washington resident, TAWNY CABRAL, a Washington resident, WHITNEY DeCORIA, a Washington resident, RYAN DeCORIA, a Washington resident, VASILIY LYSYY, a Washington resident, TATYANA LYSYY, a Washington resident, JOSEPHINE</li> <li>PANGAN, a Washington resident, AUBREY BRADLEY, a Washington resident, OZNUR</li> <li>BRADLEY, a Washington resident, OZNUR</li> <li>BRADLEY, a Washington resident, OZNUR</li> <li>BRADLEY, a Washington resident, CODY WHITNEY, a Washington resident, AUBREY BRADLEY, a Washington resident, CODY WHITNEY, a Washington resident, CODY Washington resident, CHRISTINE</li> <li>JOHNSON, a Washington resident, SHERRI PENA, a Washington resident, SHERRI PENA, a Washington resident, YONG LIM, a Washington resident, WHITNEY SARGENT, a Washington resident, YEVGENIY "JOHN"</li> <li>COMPLAINT FOR BREACH OF WASHINGTON CONDOMINIUM ACT, BREACH OF CONTRACT, BREACH OF EXPRESS WARRANTY, BREACH OF IMPLIED</li> <li>CASEY &amp; SKOGLUND PLLC 1319 DEXTER AVE. N, SUITE 370 SEATTLE, WA 98109</li> </ul>	
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<ul> <li><sup>15</sup> Washington resident, VASILIY LYSYY, a</li> <li>Washington resident, TATYANA LYSYY, a</li> <li>Washington resident, JOSEPHINE</li> <li>PANGAN, a Washington resident, AUBREY</li> <li>BRADLEY, a Washington resident, OZNUR</li> <li>BRADLEY, a Washington resident, CODY</li> <li>WHITNEY, a Washington resident, CODY</li> <li>WHITNEY, a Washington resident, I</li> <li>YVONNE JOHNSON, a Washington</li> <li>resident, ADELA SAKHI, a Washington</li> <li>resident, DARRYL JOHNSON, a</li> <li>Washington resident, CHRISTINE</li> <li>JOHNSON, a Washington resident, KEN</li> <li>EDWARDS, a Washington resident, SHERRI</li> <li>PENA, a Washington resident, YONG LIM, a</li> <li>Washington resident, WHITNEY SARGENT, a Washington resident, YEVGENIY "JOHN"</li> <li>COMPLAINT FOR BREACH OF WASHINGTON</li> <li>COMPLAINT FOR BREACH OF MASHINGTON</li> <li>COMPLAINT FOR BREACH OF MASHINGTON</li> <li>COMPLAINT FOR BREACH OF MASHINGTON</li> <li>CASEY &amp; SKOGLUND PLLC</li> <li>1319 DEXTER AVE. N, SUITE 370</li> <li>SEATTLE, WA 98109</li> </ul>	
<ul> <li>Washington resident, JOSEPHINE</li> <li>PANGAN, a Washington resident, AUBREY BRADLEY, a Washington resident, OZNUR</li> <li>BRADLEY, a Washington resident, CODY WHITNEY, a Washington resident,</li> <li>YVONNE JOHNSON, a Washington resident, HAROON SAKHI, a Washington resident, DARRYL JOHNSON, a</li> <li>washington resident, CHRISTINE JOHNSON, a Washington resident, KEN EDWARDS, a Washington resident, SHERRI PENA, a Washington resident, YONG LIM, a Washington resident, WHITNEY SARGENT, a Washington resident, YEVGENIY "JOHN"</li> <li>COMPLAINT FOR BREACH OF WASHINGTON CONDOMINIUM ACT, BREACH OF CONTRACT, BREACH OF EXPRESS WARRANTY, BREACH OF IMPLIED</li> <li>CASEY &amp; SKOGLUND PLLC 1319 DEXTER AVE. N, SUITE 370 SEATTLE, WA 98109</li> </ul>	
<ul> <li>PANGAN, a Washington resident, AUBREY BRADLEY, a Washington resident, OZNUR</li> <li>BRADLEY, a Washington resident, CODY WHITNEY, a Washington resident,</li> <li>YVONNE JOHNSON, a Washington resident, HAROON SAKHI, a Washington resident, DARRYL JOHNSON, a</li> <li>Washington resident, CHRISTINE JOHNSON, a Washington resident, KEN EDWARDS, a Washington resident, SHERRI</li> <li>PENA, a Washington resident, YONG LIM, a Washington resident, AMBER LEE, a</li> <li>Washington resident, WHITNEY SARGENT, a Washington resident, YEVGENIY "JOHN"</li> <li>COMPLAINT FOR BREACH OF WASHINGTON CONDOMINIUM ACT, BREACH OF CONTRACT, BREACH OF EXPRESS WARRANTY, BREACH OF IMPLIED</li> <li>CASEY &amp; SKOGLUND PLLC I319 DEXTER AVE. N, SUITE 370 SEATTLE, WA 98109</li> </ul>	
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<ul> <li>YVONNE JOHNSON, a Washington resident, HAROON SAKHI, a Washington</li> <li>resident, ADELA SAKHI, a Washington resident, DARRYL JOHNSON, a</li> <li>Washington resident, CHRISTINE JOHNSON, a Washington resident, KEN EDWARDS, a Washington resident, SHERRI</li> <li>PENA, a Washington resident, YONG LIM, a Washington resident, AMBER LEE, a</li> <li>Washington resident, WHITNEY SARGENT, a Washington resident, YEVGENIY "JOHN"</li> <li>COMPLAINT FOR BREACH OF WASHINGTON CONDOMINIUM ACT, BREACH OF CONTRACT, BREACH OF EXPRESS WARRANTY, BREACH OF IMPLIED</li> <li>CASEY &amp; SKOGLUND PLLC 1319 DEXTER AVE. N, SUITE 370 SEATTLE, WA 98109</li> </ul>	
<ul> <li><sup>20</sup> resident, ADELA SAKHI, a Washington resident, DARRYL JOHNSON, a</li> <li><sup>21</sup> Washington resident, CHRISTINE JOHNSON, a Washington resident, KEN EDWARDS, a Washington resident, SHERRI</li> <li><sup>23</sup> PENA, a Washington resident, YONG LIM, a Washington resident, AMBER LEE, a</li> <li><sup>24</sup> Washington resident, WHITNEY SARGENT, a Washington resident, YEVGENIY "JOHN"</li> <li><sup>25</sup> COMPLAINT FOR BREACH OF WASHINGTON CONDOMINIUM ACT, BREACH OF CONTRACT, BREACH OF EXPRESS WARRANTY, BREACH OF IMPLIED</li> <li><sup>20</sup> Casey &amp; Skoglund Pllc 1319 Dexter Ave. N, Suite 370 SEATTLE, WA 98109</li> </ul>	
<ul> <li><sup>21</sup> Washington resident, CHRISTINE</li> <li><sup>22</sup> JOHNSON, a Washington resident, KEN</li> <li><sup>23</sup> EDWARDS, a Washington resident, SHERRI</li> <li><sup>23</sup> PENA, a Washington resident, YONG LIM, a</li> <li><sup>24</sup> Washington resident, AMBER LEE, a</li> <li><sup>24</sup> Washington resident, WHITNEY SARGENT, a Washington resident, YEVGENIY "JOHN"</li> <li><sup>25</sup> COMPLAINT FOR BREACH OF WASHINGTON</li> <li><sup>26</sup> COMPLAINT FOR BREACH OF WASHINGTON</li> <li><sup>27</sup> CONDOMINIUM ACT, BREACH OF CONTRACT, BREACH</li> <li><sup>28</sup> OF EXPRESS WARRANTY, BREACH OF IMPLIED</li> <li><sup>29</sup> CASEY &amp; SKOGLUND PLLC</li> <li><sup>20</sup> SEATTLE, WA 98109</li> </ul>	
<ul> <li>JOHNSON, a Washington resident, KEN EDWARDS, a Washington resident, SHERRI PENA, a Washington resident, YONG LIM, a Washington resident, AMBER LEE, a Washington resident, WHITNEY SARGENT, a Washington resident, YEVGENIY "JOHN"</li> <li>COMPLAINT FOR BREACH OF WASHINGTON CONDOMINIUM ACT, BREACH OF CONTRACT, BREACH OF EXPRESS WARRANTY, BREACH OF IMPLIED</li> <li>CASEY &amp; SKOGLUND PLLC 1319 DEXTER AVE. N, SUITE 370 SEATTLE, WA 98109</li> </ul>	
<ul> <li>PENA, a Washington resident, YONG LIM, a Washington resident, AMBER LEE, a</li> <li>Washington resident, WHITNEY SARGENT, a Washington resident, YEVGENIY "JOHN"</li> <li>COMPLAINT FOR BREACH OF WASHINGTON CONDOMINIUM ACT, BREACH OF CONTRACT, BREACH OF EXPRESS WARRANTY, BREACH OF IMPLIED</li> <li>CASEY &amp; SKOGLUND PLLC 1319 DEXTER AVE. N, SUITE 370 SEATTLE, WA 98109</li> </ul>	
<ul> <li>Washington resident, WHITNEY SARGENT, a Washington resident, YEVGENIY "JOHN"</li> <li>COMPLAINT FOR BREACH OF WASHINGTON CONDOMINIUM ACT, BREACH OF CONTRACT, BREACH OF EXPRESS WARRANTY, BREACH OF IMPLIED</li> <li>CASEY &amp; SKOGLUND PLLC 1319 DEXTER AVE. N, SUITE 370 SEATTLE, WA 98109</li> </ul>	
25 COMPLAINT FOR BREACH OF WASHINGTON CONDOMINIUM ACT, BREACH OF CONTRACT, BREACH OF EXPRESS WARRANTY, BREACH OF IMPLIED CASEY & SKOGLUND PLLC 1319 DEXTER AVE. N, SUITE 370 SEATTLE, WA 98109	
COMPLAINT FOR BREACH OF WASHINGTONCASEY & SKOGLUND PLLCCONDOMINIUM ACT, BREACH OF CONTRACT, BREACH1319 DEXTER AVE. N, SUITE 370OF EXPRESS WARRANTY, BREACH OF IMPLIEDSEATTLE, WA 98109	
WARRANTY - 1 T: 206.284.8165   F: 206.770.6427	

1	ZADNEPROVSKIY, a Washington resident,
2	MARINA ZADNEPROYSKIY, a
	Washington resident, EUN YOUNG LEE, a Washington resident, KURT BERG, a
3	Washington resident, TRACY BERG, a
4	Washington resident, PETE NITO, a Washington resident, JENELYN NITO, a
5	Washington resident, WILLIAM DUNGER, a
6	Washington resident, TANYA DUNGER, a Washington resident, ANTON OMELIN, a
-	Washington resident, BANNY CHHOEUN, a
7	Washington resident, SARETH CHHOEUN, a Washington resident, ADAM JACKSON, a
8	Washington resident, SARA JACKSON, a
9	Washington resident, LAYLA BUGADO, a Washington resident, BRAD BUGADO, a
10	Washington resident, PHU DO, a Washington
	resident, HIEN TRAN, a Washington resident, JASON IHDE, a Washington
11	resident, and BETH IHDE, a Washington
12	resident;
13	Plaintiffs,
14	VS.
15	HIGHMARK HOMES, LLC, a Washington
	Corporation; TOM TOLLEN and JANE DOE TOLLEN, and the marital community
16	composed thereof,
17	Defendants.
18	
19	COMES NOW Plaintiffs, Maureen Hay, Igor & Hanna Smal, Jordan & Cameron
20	Smith, Alex Kulibaba, Natalya Manchik, Dan & Shawna Hart, Peter & Adrienne Manning,
21	John Bethke, Tawny Cabral, Whitney & Ryan DeCoria, Vasiliy & Tatyana Lysyy, Josephine
22	Pangan, Aubrey & Oznur Bradley, Cody Whitney, Yvonne Johnson, Haroon & Adela Sakhi,
23	Darryl & Christine Johnson, Ken Edwards, Sherri Pena, Yong Lim, Amber Lee, Whitney
24	Sargent, Yevgeniy & Marina Zadneproyskiy, Eun Young Lee, Kurt & Tracy Berg, Pete &
25	
	COMPLAINT FOR BREACH OF WASHINGTONCASEY & SKOGLUND PLLCCONDOMINIUM ACT, BREACH OF CONTRACT, BREACH1319 DEXTER AVE. N, SUITE 370OF EXPRESS WARRANTY, BREACH OF IMPLIEDSEATTLE WA 98109

WARRANTY - 2

& SKOGLUND PLLC ER AVE. N, SUITE 370 SEATTLE, WA 98109 T: 206.284.8165 | F: 206.770.6427

1	Jenelyn Nito,	William & Tanya Dunger, Anton Omelin, Banny & Sareth Chhoeun, Adam &	
2	Sara Jackson,	Brad & Layla Bugado, Phu Do, Hien Tran, and Jason & Beth Ihde, by and	
3	through their o	counsel of record, Casey & Skoglund, PLLC, and assert the following:	
4		PARTIES	
5	1.	Plaintiff Maureen Hay is an owner of a home at Valley Haven.	
6	2.	Plaintiffs Igor & Hanna Smal are owners of a home at Valley Haven.	
7	3.	Plaintiffs Jordan & Cameron Smith are owners of a home at Valley Haven.	
8	4.	Plaintiffs Alex Kulibaba & Natalya Manchik are owners of a home at Valley	
9	Haven.		
10	5.	Plaintiffs Dan & Shawna Hart are owners of a home at Valley Haven.	
11 12	6.	Plaintiffs Peter & Adrienne Manning are owners of a home at Valley Haven.	
12	7.	Plaintiffs John Bethke & Tawny Cabral are owners of a home at Valley Haven.	
14	8.	Plaintiffs Ryan & Whitney DeCoria are owners of a home at Valley Haven.	
15	9.	Plaintiffs Vasility & Tatyana Lysyy are owners of a home at Valley Haven.	
16	10.	Plaintiff Josephine Pangan is an owner of a home at Valley Haven.	
17	11.	Plaintiffs Oznur & Aubrey Bradley are owners of a home at Valley Haven.	
18	12.	Plaintiffs Cody Whitney & Yvonne Johnson are owners of a home at Valley	
19	Haven.		
20	13.	Plaintiffs Haroon & Adela Sakhi are owners of a home at Valley Haven.	
21	14.	Plaintiffs Darryl & Christine Johnson are owners of a home at Valley Haven.	
22	15.	Plaintiffs Ken Edwards & Sherri Pena are owners of a home at Valley Haven.	
23	16.	Plaintiff Yong Lim is an owner of a home at Valley Haven.	
24 25			
20	COMPLAINT FOR BREACH OF WASHINGTON CONDOMINIUM ACT, BREACH OF CONTRACT, BREACH OF EXPRESS WARRANTY, BREACH OF IMPLIED WARRANTY - 3 CASEY & SKOGLUND PLLC 1319 DEXTER AVE. N, SUITE 370 SEATTLE, WA 98109 T: 206.284.8165   F: 206.770.6427		

1	17.	Plaintiff Amber Lee is an owner of a home at Valley Haven.	
2	18.	Plaintiff Whitney Sargent is an owner of a home at Valley Haven.	
3	19.	Plaintiffs Yevegeniy "John" & Marina Zadneprovskiy are owners of a home at	
4	Valley Haven	l.	
5	20.	Plaintiff Eun Young Lee is an owner of a home at Valley Haven.	
6	21.	Plaintiffs Kurt & Tracy Berg are owners of a home at Valley Haven.	
7	22.	Plaintiffs Pete & Jenelyn Nito are owners of a home at Valley Haven.	
8 9	23.	Plaintiffs William & Tanya Dunger are owners of a home at Valley Haven.	
10	24.	Plaintiff Anton Omelin is an owner of a home at Valley Haven.	
11	25.	Plaintiffs Banny & Sareth Chhoeun are owners of a home at Valley Haven.	
12	26.	Plaintiffs Adam & Sara Jackson are owners of a home at Valley Haven.	
13	27.	Plaintiffs Brad & Layla Bugado are owners of a home at Valley Haven.	
14	28.	Plaintiffs Phu Do & Hien Tran are owners of a home at Valley Haven.	
15	29.	Plaintiffs Jason & Beth Ihde are owners of a home at Valley Haven.	
16	30.	Hereinafter Plaintiffs, Maureen Hay, Igor & Hanna Smal, Jordan & Cameron	
17	Smith, Alex	Kulibaba, Natalya Manchik, Dan & Shawna Hart, Peter & Adrienne Manning,	
18	John Bethke, Tawny Cabral, Whitney & Ryan DeCoria, Vasiliy & Tatyana Lysyy, Josephine		
19	Pangan, Aubrey & Oznur Bradley, Cody Whitney, Yvonne Johnson, Haroon & Adela Sakhi,		
20	Darryl & Christine Johnson, Ken Edwards, Sherri Pena, Yong Lim, Amber Lee, Whitney		
21 22	Sargent, Yevgeniy & Marina Zadneproyskiy, Eun Young Lee, Kurt & Tracy Berg, Pete &		
22	Jenelyn Nito, William & Tanya Dunger, Anton Omelin, Banny & Sareth Chhoeun, Adam &		
24	Sara Jackson	, Brad & Layla Bugado, Phu Do, Hien Tran, and Jason & Beth Ihde are	
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COMPLAINT FOR BREACH OF WASHINGTON CONDOMINIUM ACT, BREACH OF CONTRACT, BREACH OF EXPRESS WARRANTY, BREACH OF IMPLIED WARRANTY - 4

CASEY & SKOGLUND PLLC 1319 DEXTER AVE. N, SUITE 370 SEATTLE, WA 98109 T: 206.284.8165 | F: 206.770.6427

1	collectively referred to as "Individual Plaintiffs."		
2	31. Defendant Highmark Homes (hereinafter "Highmark") is a Washington		
3	corporation doing business in Fife, Pierce County Washington.		
4	32. Defendant Highmark constructed 29 homes located within Valley Haven		
5	project development, in Fife, Washington.		
6	33. Defendant Highmark sold 29 homes located within Valley Haven project		
7	development, in Fife, Washington.		
9	34. Defendant Tom Tollen and Defendant Jane Doe Tollen are husband and wife		
10	and the actions of each is in furtherance of the marital community.		
11	35. Defendant Tom Tollen is a Member of Defendant Highmark.		
12	36. Defendant Tom Tollen is Managing Member of Defendant Highmark.		
13	37. Defendant Tom Tollen is a licensed Real Estate Agent.		
14	38. Defendant Tom Tollen is a licensed Real Estate Broker.		
15	39. Defendant Tom Tollen acted as Broker on behalf of Highmark for the purchase		
16	and / or the sale of the Valley Haven homes constructed by Defendant Highmark.		
17	40. Defendant Tom Tollen acted as Broker on behalf of one or more named		
18	Plaintiffs pertaining to his/her or their purchase of a Highmark constructed home located		
19 20	within Valley Haven community development, located in Fife Washington.		
20	<b>VENUE / JURISDICTION</b>		
22	41. Pierce County Superior Court is the proper venue for this action and also has		
23	jurisdiction over this matter as the property and damages associated therewith is located in		
24	Fife, Pierce County Washington, the Defendant performs business related hereto in Fife,		
25			
	COMPLAINT FOR BREACH OF WASHINGTON CONDOMINIUM ACT, BREACH OF CONTRACT, BREACH OF EXPRESS WARRANTY, BREACH OF IMPLIEDCASEY & SKOGLUND PLLC 1319 DEXTER AVE. N, SUITE 370 		

Pierce County Washington, and the Individual Plaintiffs properties and sales contracts related 2 hereto are located and were executed in Fife, Pierce County Washington.

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## **CAUSES OF ACTION:**

## VIOLATION OF WASHINGTON CONDOMINIUM ACT

42. The Individual Plaintiffs re-allege and incorporate herein all preceding paragraphs.

43. According to the WCA, Defendant Highmark is the "declarant," and / or "dealer" for Valley Haven, or an "affiliate" thereof.

44. Under the WCA, Defendant Highmark impliedly warranted that the units were suitable for the ordinary uses of real estate of its type, and that the improvements made or contracted for by Highmark were free from defective materials and constructed in accordance with sound engineering and construction standards, and in a workmanlike manner and / or in compliance with all applicable laws.

45. Defendant Highmark breached one or more the above-described implied warranties, and the resulting construction deficiencies are adversely affecting the Individual Plaintiffs' homes. Water is able to penetrate into their homes exterior and interior building surfaces and framing components and cause property damage. The useful safe-life of their homes has also been shortened by the resulting property damage and other structural deficiencies in their construction.

46. The Individual Plaintiffs are entitled recover the cost to repair all defects adversely affecting the homes of the Individual Plaintiffs and any and all associated property damage caused thereby. The Individual Plaintiffs are further entitled to any and all other

COMPLAINT FOR BREACH OF WASHINGTON CONDOMINIUM ACT, BREACH OF CONTRACT, BREACH OF EXPRESS WARRANTY, BREACH OF IMPLIED WARRANTY - 6

CASEY & SKOGLUND PLLC 1319 DEXTER AVE. N, SUITE 370 SEATTLE, WA 98109 T: 206.284.8165 | F: 206.770.6427

damages that may be awarded to them under the WCA for declarant's breach of the warranties 1 2 prescribed therein. 3 47. Defendant Highmark also breached the WCA by failing to deliver a Public 4 Offering Statement to the Individual Plaintiffs. 5 48. The Individual Plaintiffs are entitled to damages for Highmark's failure to 6 deliver a Public Offering Statement as described in RCW 64.34.420. 7 **BREACH OF CONTRACT** 8 49. The Individual Plaintiffs incorporate all preceding paragraphs. 9 50. Defendant Highmark entered into real estate purchase and sales agreements 10 ("RESPA") with the Individual Plaintiffs named herein. 11 51. The RESPAs, and documents related thereto or made a part thereof, include an 12 implied duty to act in good faith. 13 14 52. Defendant Highmark failed to exercise good faith by failing to ensure the 15 homes, prior to their sale, meet minimum construction standards. 16 53. The Individual Plaintiffs' homes are damaged as a result of the defects; 17 including water penetrating exterior and interior building surfaces and damaging framing 18 components of homes. 19 The useful safe-life of Individual Plaintiffs' homes is shortened as a result of 54. 20 property damage. 21 55. Individual Plaintiffs are entitled to recover the full cost to repair and any 22 consequential losses arising out of or related to Defendant Highmark's breach, and the 23 property damages caused thereby, including any costs paid to investigate and make necessary 24 25 COMPLAINT FOR BREACH OF WASHINGTON CASEY & SKOGLUND PLLC CONDOMINIUM ACT, BREACH OF CONTRACT, BREACH 1319 DEXTER AVE. N, SUITE 370 OF EXPRESS WARRANTY, BREACH OF IMPLIED SEATTLE, WA 98109 WARRANTY - 7 T: 206.284.8165 | F: 206.770.6427

> COMPLAINT FOR BREACH OF WASHINGTON CONDOMINIUM ACT, BREACH OF CONTRACT, BREACH OF EXPRESS WARRANTY, BREACH OF IMPLIED WARRANTY - 8

**CASEY & SKOGLUND PLLC** 1319 DEXTER AVE. N, SUITE 370 SEATTLE, WA 98109 T: 206.284.8165 | F: 206.770.6427

# The Individual Plaintiffs incorporate all preceding paragraphs. 56. 57. Defendant Highmark's RESPAs include express warranties pertaining to the construction of the homes. 58 Defendant Highmark promised the homes are free of defects, built in compliance with industry standards and applicable building codes, and built in a workmanlike manner. 59. Defendant Highmark breached the RESPAs by failing to ensure the homes sold to the Individual Plaintiffs are free from defects, built in compliance with industry standards and applicable codes, and built in a workmanlike manner. 60. Individual Plaintiffs are entitled to recover the full cost of repairing the homes and consequential loss arising out of, or related to Defendant's breach. Such costs include any costs paid to investigate and make necessary immediate / emergency repairs, and stigma damages. **BREACH OF IMPLIED WARRANTY** 61. Individual Plaintiffs incorporate all preceding paragraphs. 62. Defendant Highmark is a builder-vendor of the homes. 63. The Individual Plaintiffs are original purchasers. 64. Defendant Highmark warranted the homes sold to the Individual Plaintiffs included firm and secure foundations, that the homes were structurally fit and safe for their intended purpose.

immediate / emergency repairs, and stigma damages.

# **BREACH OF EXPRESS WARRANTY**

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65. Defendant Highmark did not construct and/or sell the Individual Plaintiffs homes that are safe or fit for their intended purpose, and thus breached the implied warranty of habitability.

66. Defendant Highmark did not disclaim the implied warranties of habitability.

67. Individual Plaintiffs are entitled to recover the cost to correct the conditions in their homes that render them unsafe or unfit for their intended purpose, including consequential loss associated therewith and stigma damages.

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#### VIOLATION OF RCW 18.86 / NEGLIGENCE

68. Individual Plaintiffs incorporate all preceding paragraphs.

69. As Agent on behalf of both certain of the buyers and the seller, his company Defendant Highmark, Defendant Tom Tollen had a duty to disclose all material facts to Plaintiffs, had a duty to exercise reasonable care and skill, including to dealing honestly and in good faith with Plaintiffs pertaining to their purchase of Valley Haven homes constructed by Defendant Highmark.

70. As Broker, Defendant Tom Tollen had a duty to present all written communications from Defendant Highmark Homes in a timely manner, regardless of whether the property is subject to an existing contract for sale or the buyer is already a party to an existing contract to purchase.

71. As Broker, Defendant Tom Tollen had a duty to disclose all existing material facts known and not readily apparent or ascertainable.

23
72. Defendant Tom Tollen failed to ensure the identity and/or provide a copy of a
24
24 New Home Warranty Booklet prior to or at the time of purchase and sale.

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COMPLAINT FOR BREACH OF WASHINGTON CONDOMINIUM ACT, BREACH OF CONTRACT, BREACH OF EXPRESS WARRANTY, BREACH OF IMPLIED WARRANTY - 9 CASEY & SKOGLUND PLLC 1319 DEXTER AVE. N, SUITE 370 SEATTLE, WA 98109 T: 206.284.8165 | F: 206.770.6427

1	73.	Defendant Tom Tollen failed to advise the buyers to seek expert advice on	
2	matters relating to the transaction.		
3	74.	The Plaintiffs are damaged by Defendant's failure as a result thereof in an	
4	amount that will be proven at time of trial.		
5	PRAYER FOR RELIEF		
6	The Association and Individual Plaintiffs pray for judgment against the Defendant as		
7	follows:		
8	1.	Damages for breach of the WCA and breach of contract, including express and	
9		anty, in an amount to be proven at trial.	
10	2.	Attorneys' fees, costs, and expenses as provided for in the WCA, purchase and	
11		ts or pursuant to any other applicable law or statute.	
12 13	3.		
13		For such other and further relief as the Court may deem just and equitable.	
14	RESE	PECTFULLY SUBMITTED this 15 <sup>th</sup> day of May, 2014.	
15		CASEY & SKOGLUND, PLLC	
17		By: <u>/s/ Christopher Casey</u>	
18		Christopher R. Casey, WSBA No. 27684 Adil A. Siddiki, WSBA No. 37492	
19		Attorneys for Plaintiff	
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	CONDOMINI	FOR BREACH OF WASHINGTONCasey & Skoglund PllcJM ACT, BREACH OF CONTRACT, BREACH1319 DEXTER AVE. N, SUITE 370WARRANTY, BREACH OF IMPLIEDSEATTLE, WA 98109- 10T: 206.284.8165   F: 206.770.6427	