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SUPERIOR COURT  
THURSTON COUNTY, WASH

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EXPEDITE  
 No Hearing is Set  
 Hearing is Set:  
Date: January 15, 2010  
Time: 9:00 a.m.  
Judge/Calendar: Hon. Thomas McPhee

SUPERIOR COURT OF WASHINGTON  
FOR THURSTON COUNTY

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,  
  
Plaintiff,  
  
v.  
  
MIRACLE MOVERS, INC.,  
  
Defendant.

NO. 09-2-02833-5  
  
~~[PROPOSED]~~  
ORDER OF DEFAULT

**I. BASIS**

This matter came before the Court on plaintiff Washington Utilities and Transportation Commission's motion for an order of default against defendant Miracle Movers, Inc. The motion was based on the ground that defendant Miracle Movers, Inc. had not appeared, answered, or otherwise defended in this action.

**II. FINDINGS**

The Court heard plaintiff's default motion on this date. Plaintiff appeared at the hearing through its attorney of record. Notice of the hearing was given to defendant Miracle

1 Movers, Inc. and it did not appear personally or through an attorney at the hearing. Defendant  
2 failed to file a notice of appearance or any pleading in response to plaintiff's default motion.

3 The Court considered the pleadings filed in this action, the declaration of plaintiff's  
4 counsel, Michael A. Fassio, and the following evidence: Proof of service of summons and  
5 petition for enforcement on defendant by process server, attached as Exhibit A to the  
6 declaration of Michael A. Fassio.  
7

8 Based on the oral argument of plaintiff's counsel, the pleadings and evidence presented,  
9 the Court finds:

- 10 1. Plaintiff properly served defendant Miracle Movers, Inc. with plaintiff's  
11 summons and petition for enforcement in this action.
- 12 2. Defendant Miracle Movers, Inc. has failed to appear, answer, or otherwise  
13 defend in this action.
- 14 3. No notice of appearance was filed by defendant Miracle Movers, Inc. with the  
15 court, or served on plaintiff or its counsel.
- 16 4. The time for defendant to answer the plaintiff's petition for enforcement is  
17 within 20 days after the date of service. More than 20 days have passed since  
18 the defendant was served with the summons and petition for enforcement.  
19
- 20 5. Venue is proper in this action.  
21

### 22 III. ORDER

23 Based on the above findings, IT IS ORDERED:

- 24 1. Plaintiff's Motion for Order of Default is granted.  
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2. Defendant Miracle Movers, Inc. is declared to be in default for failing to appear or defend in this action.

DATED this 15 day of January, 2010.

  
\_\_\_\_\_  
JUDGE

Presented by:

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Attorney General

  
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