



January 18, 2022

Charles A. Klinge  
Stephens & Klinge, LLP  
Attorneys at Law  
601 108th Ave. NE, Suite 1900  
Bellevue, WA 98004

Re: Cherberg v. Griffith –King County Cause No. 15-2-10983-9 SEA  
Our File No. 12149:034205

Dear Mr. Klinge:

I am providing you with this update as to the status of the above-referenced lawsuit involving the Cherbergs and their neighbors, the Griffiths. As you represent the Cherbergs in the permitting process at the City of Mercer Island, this letter is to advise that an additional extension will need to be requested from the City given the current status of the case.

As you know, the Cherbergs prevailed at trial, with the Court requiring the Griffiths to sign the Joint Use Agreement required by the City of Mercer Island to approve the Cherbergs' dock application, because the proposed dock is within 35 feet of the Griffiths' dock. The Griffiths refused to sign the Joint Use Agreement, obtained a stay and appealed. Last August the Court of Appeals upheld the trial court's order that the Griffiths must sign the Joint Use Agreement. After an unsuccessful motion for reconsideration, the Griffiths petitioned for Supreme Court review, their final available legal maneuver. The Supreme Court is scheduled to decide on the petition next month. If the petition is denied, it will still take two to four months to resolve all outstanding issues.

Let me know if you need any additional information.

Sincerely,

*FREYBUCK, P.S.*

Karen L. Cobb

cc: clients