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KING COUNTY
SUPERIOR COURT CLERK
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CASE #: 23-2-10294-1 SEA

THE HONORABLE WILLAM L. DIXON V
Department 46
Hearing Date: July 17, 2026

IN THE SUPERIOR COURT OF THE STATE WASHINGTON
COUNTY OF KING

EPIC HOMEOWNERS ASSOCIATION, a
Washington limited liability company;
BAYVIEW ON THE LAKE CONDOMINIUM
OWNERS ASSOCIATION, a Washington
nonprofit corporation; ARBORETUM AT VISTA
PARK CONDOMINIUM ASSOCIATION, a
Washington nonprofit corporation; THE VINE
BUILDING OWNERS ASSOCIATION, a
Washington nonprofit corporation; and THE
COSMOPOLITAN CONDOMINIUM OWNERS'
ASSOCIATION, a Washington nonprofit
corporation, all individually and on behalf of
similarly situated entities,

Plaintiffs,

v.

MARK HOLMES and J. DOE HOLMES, and the
marital community comprised thereof;
KAPPES MILLER MANAGEMENT, LLC, a
Washington limited liability company; YATES,
WOOD & MCDONALD, INC., a Washington
corporation; ECONDOSERVICES.COM, LLC, a
Washington limited liability company;
ASSOCIATION UNDERWRITERS OF
WASHINGTON, LLC, a Washington limited
liability company; DOE ENTITIES 1–20; and
KELLY SZETO and J. DOE SZETO, and the
marital community comprised thereof,

Defendants.

NO. 23-2-10294-1 SEA

**DECLARATION OF MICHAEL FITZGERALD
IN SUPPORT OF PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES, LITIGATION
COSTS, AND SERVICE AWARDS**

1 I, Michael Fitzgerald, declare as follows:

2 1. I am over 18 years of age, I make this declaration based on my own personal
3 knowledge, and I am competent to testify to the facts in this declaration.

4 2. I am the Managing Agent of Bayview on the Lake Condominium Owners
5 Association ("Bayview"). Prior to managing the Association on behalf of the Board, I was on the
6 Board of Directors from 2017 - 2023.

7 3. Bayview is a 40-unit condominium community located in Kirkland, Washington.

8 4. Attached hereto as Exhibit A is a true and correct copy of a Condominium
9 Management Agreement between Bayview and ("Kappes Miller").

10 5. Among the services that Bayview's property management companies provide is
11 procuring insurance coverage for the condominium.

12 6. Insurance coverage is important to Bayview and its owners and is often one of
13 Bayview's most significant operating expenses.

14 7. Bayview is largely run by volunteers. Our Board of Directors consists of residents
15 who volunteer their time to run the condominium. These volunteers typically have limited time,
16 financial resources, administrative support, and expertise.

17 8. Bayview had an agreement with defendant Kappes Miller Management, LLC to
18 serve as the condominium's property manager for many years.

19 9. When Bayview hired new property management to succeed Kappes Miller, we
20 learned that the insurance placed by Association Underwriters of Washington, LLC ("AUW") had
21 premiums that were lower than the amount AUW had represented.

22 10. I made a complaint with the Office of the Insurance Commissioner, which
23 determined that Bayview had been overcharged for premiums by AUW in amounts exceeding
24 \$10,000 and that AUW and Kappes Miller were owned or controlled by the same person, Mark
25 Holmes.

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CERTIFICATE OF SERVICE

I, Blythe H. Chandler, hereby certify that on May 14, 2026, I caused true and correct copies of the foregoing to be served via the means indicated below:

Mary DePaolo Haddad, WSBA #30604
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- U.S. Mail, postage prepaid
- Hand Delivered via Messenger Service
- Overnight Courier
- Facsimile
- Electronic Mail
- King County Electronic Filing System

Attorneys for Defendants Kappes Miller Management, LLC, Yates, Wood & MacDonald, Inc., and eCondoservices.com, LLC

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Attorneys for Mark Holmes

I declare under penalty of perjury under the laws of the State of Washington and the

1 United States that the foregoing is true and correct.

2 DATED this 14th day of May, 2026.

3 By: /s/ Blythe H. Chandler, WSBA #43387

4 Blythe H. Chandler, WSBA #43387

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