

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANNA F. DANIELI,

Plaintiff,

v.

KING COUNTY, a municipal corporation;
CITY OF BELLEVUE, a municipal
corporation; KING COUNTY HEARING
EXAMINER; REGIONAL ANIMAL SERVICES
OF KING COUNTY; GENE EDWARD
MUELLER, and marital community; TIM
ANDERSON, and marital community; and
DOES 1-10,

Defendants.

Case No.: 3:21-CV-05163-RSM

**PLAINTIFF'S MOTION FOR SANCTIONS
UNDER FRCP 11**

**NOTE ON MOTION CALENDAR: Friday,
April 30, 2021.**

Oral Argument Requested

I. INTRODUCTION AND RELIEF REQUESTED

Plaintiff, ANNA F. DANIELI, pursuant to Fed. R. Civ. P. 11, hereby moves that this Court impose sanctions upon Defendants' attorneys, Amy Montgomery, Cheryl A Zakrzewski, Chad R. Barnes, and Jennifer Stacy, for the filing of a legally baseless and unnecessary Notice of Removal of Action under 28 U.S.C. 1441(c) ("Notice of Removal"), which in addition to lacking legal basis was filed on the basis of material misstatements of both law and fact. Though the pleadings were signed and certified

1 by Senior Deputy Prosecuting Attorney, Amy Montgomery, based on the
 2 representations contained in her pleadings, all of the Defendants consented to the
 3 actions taken by the King County Defendants.

4 II. RELEVANT FACTUAL AND PROCEDUAL BACKGROUND

5 Initial Pleadings and First Amended Complaint

6 On April 12, 2019, Plaintiff filed with the Superior Court in Pierce County a
 7 Summons and Complaint against the various Defendants, seeking Declaratory and
 8 Injunctive relief with respect to the King County Hearing Examiner's authority to hear
 9 civil infraction cases involving animal enforcement arising from the City of Bellevue.
 10 The case was ultimately assigned to the Hon. Bryan Chushcoff. On October 7, 2019,
 11 the Plaintiff filed her First Amended Complaint, which retained the Declaratory and
 12 Injunctive relief as well as adding additional tort claims.

13 Cross-Motions for Summary Judgment and Partial Summary Judgment

14 On September 25, 2020, Plaintiff and the several Defendants filed four separate
 15 Motions for Summary Judgment. The Plaintiff's Motion for Partial Summary Judgment
 16 sought the Superior Court's ruling on the Plaintiff's Declaratory and Injunctive Relief
 17 contained in its First Amended Complaint. The other three Motions for Summary
 18 Judgment from the several Defendants sought dismissal of all Plaintiff's claims. A
 19 Hearing was held on October 23, 2020, wherein the Superior Court by oral ruling
 20 granted Plaintiff's Motion for Partial Summary Judgment on Declaratory and
 21 Injunctive Relief and expressly decided not to address the Defendants' request to
 22 dismiss Plaintiff's tort claims. The final order on Plaintiff's Motion for Partial
 23 Summary Judgment was presented and entered on November 13, 2020. This Order
 24 on Partial Summary Judgment, among other things, determined that the King County
 25 Hearing Examiner had no legal authority to hear civil infraction animal enforcement
 26

1 cases from the City of Bellevue, and that the Plaintiff was the prevailing party as to
2 these causes of action contained in her First Amended Complaint.

3 Motion for Attorney's Fees Award and Appeal on Denial of Fees

4 On November 23, 2020, the Plaintiff moved forward with a Motion for an Award
5 of Attorney's Fees and Costs for prevailing on her Motion for Partial Summary
6 Judgment. On December 11, 2020, the Superior Court denied Plaintiff's motion.

7 On January 11, 2021, Plaintiff filed a Notice of Appeal relating to the Superior
8 Court's ruling on her Motion for an Award of Attorney's Fees and Costs ("Plaintiff's
9 Appeal").

10 Reassignment of Case and Motion for Leave to Amend Complaint

11 On February 1, 2021, the case was reassigned from the Hon. Bryan E. Chushcoff
12 to the Hon. Timothy L. Ashcraft. On February 5, 2021, Plaintiff filed a Motion for Leave
13 to File a Second Amended Complaint in order to plead additional claims to the
14 existing causes of action, namely violations of the 14th Amendment under 42 U.S.C.
15 § 1983 ("Section 1983 Claims"), with a hearing noted for February 19, 2021 ("Motion
16 for Leave to Amend"). As required by relevant State and Local Rule, an exemplar of
17 the proposed order and proposed amended complaint was attached as an exhibit to
18 the Motion for Leave to Amend. As an exemplar only, the proposed amended
19 pleading was unsigned and not filed with the Superior Court. Defendants did not
20 respond to Plaintiff's Motion for Leave to Amend, and on February 17, 2021, the
21 Plaintiff and Defendants initially agreed to the entry of a Stipulated Order on
22 Plaintiff's Motion for Leave to Amend and notified the trial court of such intention to
23 enter a Stipulated Order on the pending motion. The Court did not agree to the
24 stipulation but instead requested that the parties attend the scheduled hearing on
25 the Plaintiff's Motion for Leave to Amend.

1 On February 19, 2021, the trial court held its hearing on the Plaintiff's Motion for
2 Leave to Amend. At this hearing, Judge Ashcraft raised *sua sponte* to the parties the
3 trial court's concern that because of Perfection Notice received from the Court of
4 Appeals on the Plaintiff's Appeal (February 16, 2021), the trial court lacked jurisdiction
5 to move forward with the Plaintiff's case in the Superior Court. This lack of jurisdiction
6 by the trial court would also include the entry of an order by the trial court to grant
7 the Plaintiff's Motion for Leave to Amend. Until this issue was resolved, Judge
8 Ashcraft made it clear to the parties that he was not going to grant the Plaintiff's
9 request for leave to amend her First Amended Complaint to add the additional
10 Section 1983 Claims. The Plaintiff's motion was then set over to March 5, 2021, with
11 the clear instructions from Judge Ashcraft that the parties were to return to court
12 with legal authority on how to deal with the procedural and jurisdictional issues
13 raised by the court.

14 On March 3, 2021 (two-days before the set-over hearing before Judge Ashcraft),
15 the Defendants filed with the Court of Appeals a joint motion to redesignate Plaintiff's
16 Appeal as a Motion for Discretionary Review.

17 On March 5, 2021, at the set-over hearing on Plaintiff's Motion for Leave to
18 Amend, Plaintiff's Counsel updated the trial court on the legal authority and
19 procedural steps required for the Superior Court to be able to act upon the pending
20 Motion for Leave to Amend. The Plaintiff's Counsel then described to the court the
21 additional motion that would need to be brought forward pursuant to CR 54(b) in
22 order to obtain supplemental findings to the Order on Partial Summary Judgment to
23 allow the trial court to proceed. Senior Deputy Prosecuting Attorney Amy
24 Montgomery, actively participated in this discussion with the trial court. It was
25 understood that nothing could move forward until this was done, including any order
26 allowing the Plaintiff to amend her First Amended Complaint. Before concluding the

1 hearing, which was to be set aside to March 26, 2021, Judge Ashcraft specifically
2 asked the attorneys present if there were any additional procedural or other issues
3 to be addressed, and all counsel for the Defendants affirmatively indicated to the
4 trial court that there were not.

5 Defendants' Premature Filing of Notice of Removal

6 Approximately four hours following the hearing before Judge Ashcraft, and with
7 full knowledge that no order granting Plaintiff Leave to Amend her complaint had
8 been signed, the King County Defendants filed a Notice of Removal with the United
9 States District Court for the Western District of Washington, and in the Pierce County
10 Superior Court. These pleadings were filed and signed by attorney Amy Montgomery
11 and consented to by all Defendants. The effect of the King County Defendants' Notice
12 of Removal was to strip the Superior Court of jurisdiction on the case, before it could
13 rule on any of the pending motions, including the Plaintiff's Motion for Leave to
14 Amend her complaint. Although the King County Defendants failed to file notice with
15 the Court of Appeals, the effect of the Notice of Removal likely removed jurisdiction
16 from the Court of Appeals on Plaintiff's Appeal as well. Because the Court of Appeals
17 granted the Defendant's Motion to Redesignate on March 9, 2021, 2 court days
18 following the Notice of Removal and without having been provided notice, the Court
19 of Appeals ruling is likely void.

20 Despite stating in the body of the Notice of Removal, that the pleading was filed
21 "out of an abundance of caution" and advised the Court to "reserve any action until
22 after March 26, 2021" (the set-over Superior Court hearing date on the Plaintiff's
23 Motion for Leave to Amend), the Defendants have continued with the procedures for
24 the Removal of the case to Federal Court, including the filing of a Verification of State
25 Court Records, and additionally, on March 11, 2021, yet another filing of a Motion for
26 Extension of Time to File Responsive Pleadings. (Dkt. #5).

On March 8, 2021, Plaintiff filed with the Court of Appeals an answer to the Defendants' Motion to Redesignate its Appeal. The Court of Appeals granted the Defendants' Motion to Redesignate on March 9, 2021. (2 court days after the Notice of Removal was filed). The Defendants have yet to notify the Court of Appeals on their Notice of Removal.

III. ARGUMENT

This Court should sanction attorney Amy Montgomery and other counsel for the various Defendants as the Notice of Removal filed on March 5, 2021 lacked a legal basis and was filed with the Federal Court based on material misrepresentations of both law and fact, signed and certified by Amy Montgomery.

A. FRCP 11 Exists to Prohibit Legally Frivolous and Factually Baseless Pleadings.

FRCP 11(b) specifically provides that in all pleadings filed with the Court:

"(2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;"

"(3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery;"

The central purpose of FRCP 11 is to deter baseless filings in District Court. *Cooter & Gell v. Hartmarx Corp.*, 110 S.Ct. 2447 2454, 110 L.Ed.2d 359 (1990). FRCP 11 imposes an objective standard of conduct on parties that make filings with the District Court. *Business Guides, Inc. v. Chromatic Communications Enterprises, Inc.*, 892 F.2d 802 (9th Cir. 1989).

1 Defendants' Notice of Removal is unambiguously frivolous, as it is not based on
2 pertinent law or facts – most specifically that the Defendants filed the Notice of
3 Removal without the District Court having subject matter jurisdiction over the case.
4 The Defendants' filing allegedly relies on the purported "service" of Plaintiff's "Second
5 Amended Complaint" on the Defendants as the basis for this court filing in District
6 Court, yet an actual Second Amended Complaint has neither been served on any
7 Defendant nor filed in any court.

8 The Defendants misrepresent to the Court in their Notice of Removal that the
9 Plaintiff served them with a Second Amended Complaint on February 5, 2021. (Notice
10 of Removal, Dkt. #1 at p.1, l.23). The Plaintiff served the various Defendants a Motion
11 for Leave to Amend, which included a proposed order and an exemplar Second
12 Amended Complaint as required by State and Local Rule. At no time before the filing
13 of the Notice of Removal did the Superior Court grant Plaintiff's Motion for Leave to
14 Amend, nor was a Second Amended Complaint ever served on the Defendants or
15 filed with the court. Specifically, the "Second Amended Complaint" referenced and
16 relied upon in the Defendants' Notice of Removal, is unquestionably an "unsigned"
17 and clearly denominated "proposed" exemplar of a Second Amended Complaint
18 attached as an exhibit to Plaintiff's Motion for Leave to Amend, which has not been
19 approved by the trial court. It is a requirement under State and Local rule, specifically
20 CR 15(a), that when a party seeks leave of court to amend a complaint, a proposed
21 version of the amended pleading must be attached to the motion. This required
22 procedure is known or should be known by the Defendants' counsel.

23 Alternatively, the stipulation by the Defendants to Plaintiff's Motion for Leave to
24 Amend does not constitute a "written consent of the adverse party" (to the
25 amendment of the pleadings) as set out in CR 5(a) because: (a) the Plaintiff did not
26 sign and serve the Defendants with a Second Amended Complaint after the

1 stipulation was signed (the Court should note that the only version of a "Second
2 Amended Complaint" the Defendants received was before the stipulation was signed
3 as an exhibit to the Plaintiff's Motion for Leave to Amend); and (b) the stipulation
4 itself was for the sole purpose of agreeing that the Superior Court could grant
5 Plaintiff's Motion for Leave to Amend, by the signing of the proposed order attached
6 to that motion. Thus, the stipulation even by its own terms, was clear that even if the
7 Superior Court had agreed to enter the proposed order, which it didn't, only then
8 could the Plaintiff file and serve any Second Amended Complaint. At no time did this
9 ever occur, and now because of the Defendants' premature filing of the Notice of
10 Removal, this has been prevented from occurring because the filing of a Notice of
11 Removal strips the trial court of jurisdiction and the ability to take any action,
12 including action on any pending motions. The Stipulation of the parties is attached
13 to the Declaration of Counsel in Support of this Motion as Exhibit A.

14 The Defendants' representations to the Federal Court that the Notice of Removal
15 was filed "out of an abundance of caution pursuant to the 30-day provision in 28
16 U.S.C. § 1446 (b)(3)" are baseless. (*See*. Notice of Removal, Dkt. #1 at p2. L.9-12). Even
17 a casual reading of the relevant law, namely 28 U.S.C. § 1446 (b)(3), clearly indicates
18 that the 30-days only begins after a party receives a legal document "from which it
19 may first be ascertained that the case is one which is or has become
20 removable."(Emphasis added). On an objective basis, the Defendants' counsel failed
21 to make a reasonable inquiry into the law before making these representations to
22 the court.

23 Whether the Defendants' counsel made a reasonable inquiry or not, there was no
24 legal basis for the Defendants filing of a Notice of Removal. But, as noted above, a
25 simple review of 28 U.S.C. § 1446 (b)(3) would have removed any concern that the 30-
26 day deadline would start prior to Plaintiff serving the parties with and/or filing a

Second Amended Complaint with the Superior Court. It is obvious that the Defendants' counsel, at best, did not conduct proper inquiry into the relevant legal authority to determine that they lacked the procedural and subject matter jurisdiction to properly file a Notice of Removal. In every possible way that it can be viewed, the Defendants' filing is frivolous. *See In re Keegan Management Co., Securities Litigation*, 78 F.3d 431 (9th Cir. 1995) ("*[A]n attorney violates [R]ule 11 whenever he signs a pleading, motion, or other paper without having conducted a reasonable inquiry into whether his paper is frivolous, legally unreasonable, or without factual foundation.*") *Unioil, Inc. v. E.F. Hutton & Co.*, 809 F.2d 548, 557 (9th Cir. 1986) (*italics in original*), *cert. denied*, 484 U.S. 822, 108 S.Ct. 83, 98 L.Ed.2d 45 (1987). Under [the rule set out in] *Unioil*, it appears not to matter whether a filing is frivolous, so long as the signing attorney has failed to conduct a reasonable inquiry."; *Holgate v. Baldwin*, 425 F.3d 671 (9th Cir. 2005)): "The reasonable inquiry test is meant to assist courts in discovering whether an attorney, after conducting an objectively reasonable inquiry into the facts and law, would have found the complaint to be well-founded. *Christian*, 286 F.3d at 1127." *Holgate v. Baldwin*, 45 F.3d 671, 676 (9th Cir. 2005).

Furthermore, the Defendants either knew, or at the very least with the slightest amount of legal research, should have known, the effect of the filing of a Notice of Removal; namely that the filing a Notice of Removal automatically strips the Superior Court of Jurisdiction, and as such prevents the trial court from ruling Plaintiff's Motion For Leave to Amend; the very action required by the Superior Court as a minimal prerequisite for the Defendants from having any potential legal basis for removal.

Furthermore, the Defendants' continued actions following the filing the Notice of Removal make obvious that they are not treating their Notice of Removal as any kind of "placeholder" but are instead moving forward as if the State Court action has

1 already been properly removed to Federal Court and that the Federal Court has
2 subject matter jurisdiction over the case.

3 Following the filing of the Notice of Removal on March 5, 2021, the Defendants
4 filed a Verification of State Court records (Dkt. 4) and then on March 11, 2021 filed a
5 Motion for Extension of Time to File Responsive Pleadings (Dkt. 5) (where, once again
6 the Defendants misrepresent to the District Court that the Plaintiff served them with
7 a Second Amended Complaint).

8 The Defendants filed a Notice of Removal for removal of a State Action to Federal
9 Court without a legal basis, namely a filing for removal without the Federal Court
10 having subject matter jurisdiction over the case. The assertion of a claim with a clear,
11 insurmountable procedural or jurisdictional defect has been held to be sanctionable
12 conduct. *See. Roundtree v. United States*, 40 F.3d 1036, 1040 (9th Cir. 1994).

13 The Defendants' complete disregard of basic rules of civil procedure in both the
14 State and Federal Courts, while being represented by senior attorneys with the
15 resources of the entire legal departments of the largest governmental jurisdictions
16 in the State of Washington, is both surprising and troubling. This alone demonstrates
17 even more clearly that under an objective standard, the Defendants' filing was
18 frivolous. "Obviously, what is objectively reasonable for a client may differ from what
19 is objectively reasonable for an attorney..." *See Business Guides, Inc. v. Chromatic*
20 *Communications Enterprises, Inc.*, 892 F.2d 802, 810 (9th Cir. 1989). In the context of
21 a private citizen seeking legal redress against her government, the legally baseless,
22 unreasonable, and costly actions of the government Defendants should be even
23 more troubling.

24 **B. Enhanced Sanctions Are Required Due to the Harsh Implications**
25 **of Defendants' Frivolous Notice**
26

1 The consequences of the Defendants' frivolous filing of a Notice of Removal is
2 significant. The Defendants simultaneously stripped the Superior Court and the
3 Court of Appeals of jurisdiction, while simultaneously attempting to also avail
4 themselves of the Federal Courts, without first having or obtaining subject matter
5 jurisdiction. Both court systems now lack a proper legal basis to proceed, because
6 the Defendants have essentially jammed a procedural and jurisdictional crowbar
7 between the gears of two separate but interrelated court systems.

8 The Defendants' actions have caused unnecessary and expensive delays in the
9 both the Superior Court, the Court of Appeals, and Federal Courts; and now the
10 Plaintiff will be required to spend a significant amount of time and financial resources
11 in order to rectify the Defendants' actions. "Willful or reckless disregard of court rules
12 justifies punitive action." *Zambrano v. City of Tustin*, 885 F.2d 1473 (9th Cir. 1989) at
13 1484.

14 The Court should take note that the Defendants' current conduct is only part of a
15 pattern of questionable actions throughout this case. Previously at the trial court, the
16 Defendants relied on in their respective Motions for Summary Judgment acts that
17 were arguably illegal and official misconduct by King County employees, as an
18 attempt to wrongfully moot the case and eliminate standing for the Plaintiff. These
19 ultimately unsuccessful efforts to remove standing by the Plaintiff by attempting to
20 unilaterally and wrongfully void the underlying infractions were ignored by the trial
21 court; and the trial court then ruled in the favor of the Plaintiff – but only after great
22 cost to the Plaintiff.

23 The District Court is not without guidance for situations such as these. The
24 Advisory Committee Notes ("Notes") to the 1993 amendments to FRCP 11 set out
25 factors to consider in determining what sanctions, if any, should be imposed under
26 FRCP 11:

1 “Whether the improper conduct was willful, or
2 negligent; whether it was part of a pattern of
3 activity, or an isolated event; whether it infected
4 the entire pleading, or only one particular count
5 or defense; whether the person has engaged in
6 similar conduct in other litigation; whether it
7 was intended to injure; what effect it had on the
8 litigation process in time or expense; whether
9 the responsible person is trained in the law;
10 what amount, given the financial resources of
11 the responsible person, is needed to deter that
12 person from repetition in the same case; what
13 amount is needed to deter similar activity by
14 other litigants.”

15 Accordingly, the Court should consider the significant effects of the Defendants’
16 unwarranted and legally baseless actions in the Notice of Removal itself, and the fact
17 that this latest frivolous filing is part of a pattern of conduct and arguably not a
18 mistake, as it considers the imposition of sanctions on the Defendants under FRCP
19 11, and/or the District Court’s inherent authority, to pay the Plaintiff’s attorney’s fees
20 and costs, and any other sanctions the Court deems appropriate within the Court’s
21 discretion.

22 IV. CONCLUSION

23 For the foregoing reasons, the Court is requested to enter an Order imposing on
24 the Defendants; attorney’s fees, costs, and sanctions.

25 A Proposed Order is enclosed with this Motion.

26 ///

27 ///

28 ///

////

POSSINGER LAW GROUP, PLLC

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918 South Horton Street, Suite 902
Seattle, WA 98134
(t) 206-285-5060
jon@seattletrafficattorneys.com

CERTIFICATE OF SERVICE

I certify that on the date shown below a copy of this Motion for Sanctions Under FRCP 11 was sent as stated below.

Amy E. Montgomery, WSBA #32068 Senior Deputy Prosecuting Attorney King County Prosecuting Attorney 500 Fourth Avenue, Suite 900 Seattle, Washington 98104 Amy.montgomery@kingcounty.gov Attorney for King County Defendants	<input type="checkbox"/> via eFiling/Email <input checked="" type="checkbox"/> via Messenger/Process Service <input type="checkbox"/> via US Mail <input type="checkbox"/> via Fax
Cheryl A. Zakrzewski, WSBA #15906 Chad R. Barnes, WSBA #30480 Office of the City Attorney 450 110 th Avenue NE P.O. Box 90012 Bellevue, Washington 98004 czakrzewski@bellevuewa.gov cbarnes@bellevuewa.gov Attorneys for Defendant City of Bellevue	<input type="checkbox"/> via eFiling/Email <input checked="" type="checkbox"/> via Messenger/Process Service <input type="checkbox"/> via US Mail <input type="checkbox"/> via Fax
Jennifer Stacy, WSBA #30754 Senior Deputy Prosecuting Attorney King County Prosecuting Attorney King County Courthouse 516 Third Avenue, Room W400 Seattle, Washington 98104 Jennifer.stacy@kingcounty.gov Attorney for King County Hearing Examiner	<input type="checkbox"/> via eFiling/Email <input checked="" type="checkbox"/> via Messenger/Process Service <input type="checkbox"/> via US Mail <input type="checkbox"/> via Fax

DATED this __12th____ day of __April__, 2021.

s/ David Selka
David Selka
Paralegal

EXHIBIT A

THE HONORABLE TIMOTHY L. ASHCRAFT

SUPERIOR COURT OF THE STATE OF WASHINGTON
PIERCE COUNTY

ANNA F. DANIELI,

Plaintiff,

v.

KING COUNTY, a municipal corporation;
CITY OF BELLEVUE, a municipal corporation;
KING COUNTY HEARING EXAMINER;
REGIONAL ANIMAL SERVICES OF KING
COUNTY; GENE EDWARD MUELLER, and
marital community; TIM ANDERSON, and
marital community; and DOES 1-10,

Defendants.

Case No.: **19-2-07054-0**

**STIPULATION AND AGREED ORDER RE:
PLAINTIFF'S LEAVE TO FILE SECOND
AMENDMENT COMPLAINT**

The Plaintiff Anna Danieli through her counsel, and the various Defendants, by and through their respective counsel of record, stipulate and agree to the granting of Plaintiff's Motion for Leave to File Second Amendment Complaint.

STIPULATION OF THE PARTIES

The Parties stipulate as follows:

1. That this Court, pursuant to Washington Civil Rule 15, enter an Order, GRANTING Plaintiff's Motion for Leave to File Second Amendment Complaint.

STIPULATION AND AGREED ORDER RE: PLAINTIFF'S
MOTION FOR LEAVE TO FILE SECOND
AMENDMENT COMPLAINT
[PAGE 1 of 5]

Possinger Law Group
A Professional Limited Liability Company

20250 144th Avenue NE, Suite 205
Woodinville, Washington 98072
206-512-8030

It is so stipulated:

[SIGNATURE PAGE TO FOLLOW]

////

1 /////

2 **POSSINGER LAW GROUP, PLLC**
3 Attorney for Plaintiff

4 By: _____
5 Jeffrey Possinger
6 WSBA # 30854

7 Date: _____


LAW OFFICES JON M. ZIMMERMAN, PLLC
Attorney for Plaintiff

By: _____
Jon M. Zimmerman
WSBA # 36296

Date: _____

9 **KING COUNTY PROSECUTING**
10 **ATTORNEY**

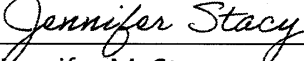
11 Attorney for Defendants King County,
12 RASKC, Mueller, Anderson.

13 By: 
14 Amy E. Montgomery
15 WSBA #32068

16 Date: _____

KING COUNTY PROSECUTING
10 **ATTORNEY**

11 Attorney for Defendant, King County
12 Hearing Examiner.

13 By: 
14 Jennifer M. Stacy
15 WSBA #30754

16 Date: _____

18 **BELLEVUE CITY ATTORNEY'S OFFICE**
19 Attorney for Defendant, City of Bellevue

20 By: _____
21 Chad R. Barnes
22 WSBA #30480

23 Date: _____

BELLEVUE CITY ATTORNEY'S OFFICE
Attorney for Defendant, City of Bellevue

20 By: _____
21 Cheryl Ann Zakrzewski
22 WSBA #15906

23 Date: _____

24
25
26
27 *
28 STIPULATION AND AGREED ORDER RE: PLAINTIFF'S
MOTION FOR LEAVE TO FILE SECOND
AMENDMENT COMPLAINT
[PAGE 3 of 5]

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1 /////

2 **POSSINGER LAW GROUP, PLLC**
3 Attorney for Plaintiff

4 By: _____
5 Jeffrey Possinger
6 WSBA # 30854

7 Date: _____


LAW OFFICES JON M. ZIMMERMAN,
PLLC
Attorney for Plaintiff

By: _____
Jon M. Zimmerman
WSBA # 36296

Date: _____

9 **KING COUNTY PROSECUTING**
10 **ATTORNEY**

11 Attorney for Defendants King County,
12 RASKC, Mueller, Anderson.

13 By:  _____
14 Amy E. Montgomery
15 WSBA #32068

16 Date: _____

KING COUNTY PROSECUTING
ATTORNEY

Attorney for Defendant, King County
Hearing Examiner.

By: _____
Jennifer M. Stacy
WSBA #30754

Date: _____

18 **BELLEVUE CITY ATTORNEY'S OFFICE**
19 Attorney for Defendant, City of Bellevue

20 By: /s/ Chad Barnes _____
21 Chad R. Barnes
22 WSBA #30480

23 Date: 2/17/21 _____

BELLEVUE CITY ATTORNEY'S OFFICE
Attorney for Defendant, City of Bellevue

By: _____
Cheryl Ann Zakrzewski
WSBA #15906

Date: _____

ORDER

THIS COURT having reviewed the foregoing stipulation of the parties, and being otherwise fully advised; it is now hereby:

ORDERED, ADJUDGED, AND DECREED that the above-referenced stipulation of the parties is entered, and that:

1. The Plaintiff's Motion for Leave to File Second Amendment Complaint is GRANTED, and that Plaintiff may file her Second Amended Complaint in the form substantially the same as that attached as Exhibit A to the Parties Stipulation.

IT IS SO ORDERED this ____ day of _____, 2021

The Honorable Timothy L. Ashcraft
Superior Court Judge

CERTIFICATE OF SERVICE

I certify that on the date shown below a copy of this _____
was sent as stated below.

Amy E. Montgomery, WSBA #32068 Senior Deputy Prosecuting Attorney King County Prosecuting Attorney 500 Fourth Avenue, 9 th Floor Seattle, Washington 98104 Amy.montgomery@kingcounty.gov Attorney for King County Defendants	<input checked="" type="checkbox"/> via eFiling/Email <input type="checkbox"/> via Messenger <input type="checkbox"/> via US Mail <input type="checkbox"/> via Fax
Cheryl A. Zakrzewski, WSBA #15906 Chad R. Barnes, WSBA #30480 Office of the City Attorney 450 110 th Avenue NE P.O. Box 90012 Bellevue, Washington 98004 czakrzewski@bellevuewa.gov cbarnes@bellevuewa.gov Attorneys for Defendant City of Bellevue	<input checked="" type="checkbox"/> via eFiling/Email <input type="checkbox"/> via Messenger <input type="checkbox"/> via US Mail <input type="checkbox"/> via Fax
Jennifer Stacy, WSBA #30754 Senior Deputy Prosecuting Attorney King County Prosecuting Attorney 516 Third Avenue Seattle, Washington 98104 Jennifer.stacy@kingcounty.gov Attorney for King County Hearing Examiner	<input checked="" type="checkbox"/> via eFiling/Email <input type="checkbox"/> via Messenger <input type="checkbox"/> via US Mail <input type="checkbox"/> via Fax

DATED this _____ day of _____, 2021.

s/ _____
[PRINTED NAME]
Paralegal

STIPULATION AND AGREED ORDER RE: PLAINTIFF'S
MOTION FOR LEAVE TO FILE SECOND
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[PAGE 5 of 5]

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