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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

JOSEPH J. KIRBY and DEBORAH A.
KIRBY, husband and wife,

No. 99-2-13911-4

Plaintiffs,

ORDER DENYING PLAINTIFFS'
MOTION FOR RECONSIDERATION
OF COURT'S SUMMARY
JUDGMENT RULING AND ORDER
GRANTING SUMMARY JUDGMENT
AND BRIEF IN SUPPORT OF
MOTION

v.

NOTED FOR:
January 24, 2003

THE CITY OF TACOMA, a municipal
corporation; RAY CORPUZ and
"JANE DOE" CORPUZ, husband and
wife; PHILIP ARREOLA and "JANE
DOE" ARREOLA, husband and wife;
WILLIAM WOODARD and
CATHERINE WOODARD, husband
and wife; RAYMOND ROBERTS and
"JANE DOE" ROBERTS, husband and
wife; DAVID BRAME and "JANE DOE"
BRAME, husband and wife; and
JAMES HAIRSTON and "JANE DOE"
HAIRSTON, husband and wife,

ASSIGNED:
Judge Katherine M. Stolz

Defendants.

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THIS MATTER having come on regularly to be heard before the undersigned judge of the above-entitled court upon the motion of plaintiffs for reconsideration of the court's summary judgment ruling and order granting summary judgment and brief in support of motion. Defendants represented by and through Shelley M. Kerslake, Assistant City Attorney, plaintiff represented by John L. Messina, and the court having considered the records and file herein, in particular the following documents:

- 1. Motion for Reconsideration of Court's Summary Judgment Ruling and Order Granting Summary Judgment and Brief in Support of Motion;
- 2. Declaration of John L. Messina in Support of Plaintiffs' Motion for Reconsideration;
- 3. Defendants' Response to Plaintiffs' Motion for Reconsideration of Court's Summary Judgment Ruling and order Granting Summary Judgment and Brief in Support of Motion;

plus all attachments and exhibits thereto; and being fully advised in the premises, it is hereby

ORDERED, ADJUDGED and DECREED that Plaintiffs' Motion for Reconsideration of Court's Summary Judgment Ruling and Order Granting Summary Judgment and Brief in Support of Motion is hereby DENIED; and it is further

ORDERED, ADJUDGED and DECREED that the above-entitled action is hereby DISMISSED, in its entirety, and with prejudice.

FILED this 24th day of January, 2003.

FILED
DEPT. 2
IN OPEN COURT
JAN 24 2003
Pierce County Clerk
DEPUTY

[Handwritten Signature]
JUDGE KATHERINE M. STOLZ


ORDER DENYING PLAINTIFFS' MOTION FOR RECONSIDERATION - 2

Tacoma City Attorney
Civil Division
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Tacoma, Washington 98402-3767
(253) 591-5885 / FAX 591-5755

Presented by:

ROBIN S. JENKINSON, City Attorney
ELIZABETH A. PAULI, Ch. Asst. City Atty.

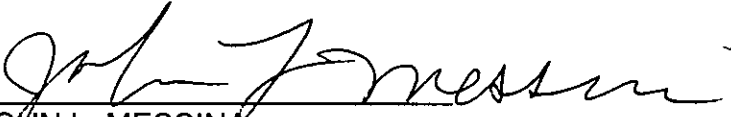
By:


SHELLEY M. KERSLAKE
WSBA# 21820
Attorney for Defendants

Approved as to form:

MESSINA LAW FIRM

By:


JOHN L. MESSINA
WSBA# 4440
Attorney for Plaintiff

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