

99-2-13911-4 18557784 DSGCKP 03-06-03

HON. KATHERINE M. STOLZ

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FILED  
IN COUNTY CLERK'S OFFICE

A.M. MAR - 5 2003 P.M.

PIERCE COUNTY, WASHINGTON  
KEVIN STOCK, County Clerk  
BY \_\_\_\_\_ DEPUTY

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, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
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, )  
 )  
Defendants. )

No. 99 2 13911 4  
Court of Appeals  
No. 29963-1  
ON APPEAL TO COURT OF  
APPEALS, DIVISION II  
DESIGNATION OF CLERK'S  
PAPERS

TO: CLERK OF THE SUPERIOR COURT OF PIERCE COUNTY

**MESSINA • BULZOMI**  
5316 Orchard St. W.  
Tacoma, WA 98467-3633  
(253) 472-6000

*Kirby*

1           You are hereby directed to prepare, certify and file in  
 2 your office a transcript of record in the above-entitled cause  
 3 on appeal from the Superior Court of the State of Washington  
 4 for Pierce County to the Court of Appeals of the State of  
 5 Washington containing the following:

6	<u>DOCUMENT</u>	<u>DATE FILED</u>
	Summons & Complaint	12/20/99
7	Answer & Affirmative Defense	01/26/00
	Motion to Amend	04/17/00
8	Order Granting Leave to Amend	05/22/00
	Summons	05/22/00
9	Amended Complaint	05/22/00
	Ex-Parte Action with Order	05/22/00
10	Disclosure of Witnesses	06/07/00
	Notice Filing Pet Remove to US Distr	06/07/00
11	Affidavit/Declaration of Service 2	06/13/00
	Order of Dismissal w/out Prejudice	12/20/00
12	Ex-Parte Action with Order	12/20/00
	Proceedings Back from Dist Ct.	04/17/01
13	Volume 2 JL	04/17/01
	Volume 3 JL	04/17/01
14	Motion to Amend	05/15/01
	Stipulation to Amend	05/31/01
15	Summons	07/02/01
	Amended Complaint	07/02/01
16	Disclosure of Witnesses	07/02/01
	Disclosure of Witnesses	07/30/01
17	Disclosure of Witnesses	09/11/01
	Affidavit of Shelley M. Kerslake	09/13/01
18	Memorandum in Support	09/13/01
	Motion for Protective Order	09/13/01
19	Affidavit of William Meeks	09/13/01
	Affidavit of David Brame	09/13/01
20	Memorandum in Support	09/13/01
	Affidavit of Shelley M. Kerslake	09/13/01
21	Motion re Request	09/13/01
	Letter from Dept. 18	09/14/01
22	Disclosure of Rebuttal Witnesses	09/17/01
	Objection/Opposition	09/20/01
23	Answer & Affirmative Defenses	09/24/01
	Letter from Dept. 18	09/24/01
24	Ex-Parte Action without Order	09/25/01
	Order Sealing File	09/25/01
25	Affidavit of Shelley M. Kerslake	10/11/01

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1	Order Amending Answer	10/19/01
	Declaration of John L. Messina	10/23/01
2	Response	10/23/01
	Affidavit in Support	10/25/01
3	Motion Hearing	10/26/01
	Answer & Affirmative Defense Amend	11/01/01
4	Motion for Protective Order	11/26/01
	Motion for Protective Order	12/26/01
5	Memorandum in Support	12/26/01
	Affid of Shelley M. Kerslake in Supp.	12/26/01
6	Affid of James O. Hairston in Supp.	12/26/01
	Brief	01/02/02
7	Declaration of Joseph Kirby	01/02/02
	Letter from Department 2	01/02/02
8	Letter from Department 2	01/02/02
	Letter from Department 2	01/02/02
9	Memorandum in Support	01/09/02
	Affidavit in Support	01/09/02
10	Order of Intervention	01/11/02
	Clerk's Minute Entry	01/11/02
11	Clerk's Minute Entry	01/11/02
	Order Denying Motion	01/11/02
12	Order of Continuance	02/15/02
	Clerk's Minute Entry	06/21/02
13	Order Denying Motion	07/23/02
	Letter from Attorney	07/23/02
14	Disclosure of Witnesses	07/29/02
	Notice of Claim	07/29/02
15	Affidavit of Shelley M. Kerslake	11/14/02
	Memorandum in Support	11/14/02
16	Motion for Partial Summary Judgment	11/14/02
	Memorandum in Support	11/14/02
17	Motion for Partial Summary Judgment	11/14/02
	Memorandum in Support	11/14/02
18	Affidavit of Mary Brown	11/14/02
	Affidavit of Shelley M. Kerslake	11/14/02
19	Motion for Partial Summary Judgment	11/14/02
	Motion for Partial Summary Judgment	11/20/02
20	Memorandum in Support	11/20/02
	Affidavit in Support	11/20/02
21	Affidavit in Support	11/21/02
	Memorandum in Support	11/21/02
22	Motion for Partial Summary Judgment	11/21/02
	Affidavit in Support	11/21/02
23	Declaration of William Woodard	12/03/02
	Affidavit of Shelley M. Kerslake	12/03/02
24	Memorandum in Support	12/03/02
	Motion for Partial Summary Judgment	12/03/02
25	Affidavit of Shelley M. Kerslake	12/03/02

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1	Memorandum in Support	12/03/02
	Motion for Summary Judgment	12/03/02
2	Affidavit of Shelley M. Kerslake	12/03/02
	Memorandum in Support	12/03/02
3	Motion for Summary Judgment	12/03/02
	Order of Dismissal with Prejudice	12/03/02
4	Order of Dismissal with Prejudice "Jane Does"	12/04/02
	Letter from Department 2	12/06/02
5	Objections/Opposition	12/09/02
	Declaration of John Messina	12/09/02
6	Declaration of Joseph Kirby	12/09/02
	Declaration of Philip Lindsay	12/09/02
7	Declaration of John Messina	12/09/02
	Affidavit of D P Van Blaricom	12/09/02
8	Letter from Department 2	12/23/02
	Letter from Department 2	12/27/02
9	Letter from Department 2	12/27/02
	Notice of Submission of Additional Authority	01/02/03
10	Notice Re: Evidentiary Rule	01/03/03
	Plaintiff's List of Witnesses	01/03/03
11	Reply Memorandum in Support	01/03/03
	Notice Re: Evidentiary Rule	01/03/03
12	Affidavit of Shelley M. Kerslake	01/06/03
	Affidavit of Shelley M. Kerslake	01/06/03
13	Memorandum in Reply/Response	01/06/03
	Affidavit of Paul Mielbrecht	01/06/03
14	Affidavit of Shelley M. Kerslake	01/06/03
	Memorandum in Reply-Response	01/06/03
15	Memorandum in Reply-Response	01/06/03
	Order of Dismissal "Partial"	01/07/03
16	Declaration of John Messina	01/07/03
	Affidavit of Shelley Kerslake	01/08/03
17	Objections/Opposition	01/08/03
	Letter from Attorney	01/08/03
18	Clerk's Minute Entry	01/10/03
	Clerk's Minute Entry	01/10/03
19	Clerk's Minute Entry	01/10/03
	Clerk's Minute Entry	01/10/03
20	Clerk's Minute Entry	01/10/03
	Clerk's Minute Entry	01/10/03
21	Order Granting Summary Judgment	01/13/03
	Declaration of John Messina	01/15/03
22	Motion for Reconsideration	01/15/03
	Response	01/22/03
23	Clerk's Minute Entry	01/24/03
	Order of Dismissal with Prejudice & Order Denying	01/24/03
24	Cost Bill	01/24/03
	Judgment	01/24/03
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I understand upon receipt of acceptable payment, the Clerk will transmit the Clerks Papers to the appropriate court. I agree to pay the amount owed within 30 days of receiving a copy of the Index.

DATED this 5 day of March 2003.

MESSINA BULZOMI

By   
JOHN L. MESSINA 4440  
Attorneys for Plaintiffs

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