

99-2-13911-4 3717965 OR 04-28-03

TACOMA CITY ATTORNEY
CIVIL DIVISION

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IN OPEN COURT
OCT 19 2001
Pierce County Clerk
By [Signature] DEPUTY

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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,

Plaintiffs,

v.

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

STIPULATION AND ORDER
AMENDING DEFENDANTS'
ANSWER TO PLAINTIFFS'
COMPLAINT

6 OCT 24 2001

DEFENDANTS and PLAINTIFFS, by and through their attorneys of record, here by stipulate that plaintiffs may amend their answer to include the following affirmative defense:

The defendant City of Tacoma alleges that the plaintiff has failed to mitigate his damages.

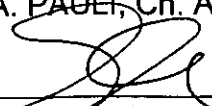
STIPULATION AND ORDER TO AMEND DEFS'
ANSWER TO PLAINTIFFS' COMPLAINT - 1

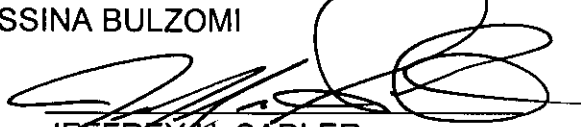
ORIGINAL

Tacoma City Attorney
Civil Division
747 Market Street, Room 1120
Tacoma, Washington 98402-3767
(253) 591-5885 / FAX 591-5755

DATED this 17 day of October, 2001.

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

By: 
SHELLEY M. KERSLAKE
WSBA# 21820
Attorney for Defendants

MESSINA BULZOMI
By: 
JEFFREY H. SADLER
WSBA# 27136
Attorney for Plaintiffs

ORDER

Based upon the foregoing stipulation, it is hereby

ORDERED that defendants may amend their answer to include the failure to mitigate damages affirmative defense.

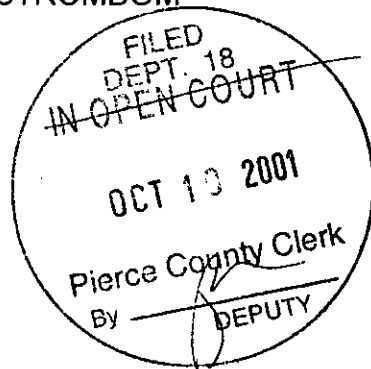
DONE IN OPEN COURT, this 19th day of October, 2001.


JUDGE KAREN L. STROMBOM

Presented by:

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

By: 
SHELLEY M. KERSLAKE, #21820
Attorney for Defendants



Copy received; Notice of Presentation Waived:

By: 
JEFFERY H. SADLER, # 27136
Attorney for Plaintiffs