

1 THE HONORABLE CATHERINE SHAFFER

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8 SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

9 WINNIE CHAN, et al.,

10 Plaintiffs,

No. 09-2-39574-8 SEA

11 v.

**ORDER GRANTING PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT**

12 CITY OF SEATTLE, et al.,

~~PROPOSED~~

13 Defendants.

14
15 THIS MATTER is before the Court on Plaintiffs' Motion for Summary Judgment.

16 The Court has reviewed:

- 17 1. Plaintiffs' Motion for Summary Judgment,
- 18 2. Declarations submitted in support of Plaintiffs' Motion for Summary
- 19 Judgment, with exhibits,
- 20 3. Defendants' Response to Plaintiffs' Motion for Summary Judgment,
- 21 5. Plaintiffs' Reply in Support of Plaintiffs' Motion for Summary Judgment,
- 22 6. _____,
- 23 7. _____, and
- 24 8. the records and files herein,

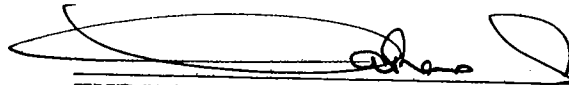
1 and has considered the arguments of counsel. The Court finds that there is no genuine issue
2 of material fact on which reasonable minds could differ. Further, the Court concludes that,
3 pursuant to RCW 9.41.290, the City of Seattle's authority to regulate the possession of
4 firearms in City parks and recreation facilities during public use of those facilities is
5 preempted by state law, and therefore Seattle's Department of Parks and Recreation's
6 Rule/Policy Number P 060-8.14 ("Firearms Rule") violates Washington law and, on that
7 basis, is null and void. Plaintiffs are entitled to judgment as a matter of law.

8 NOW, THEREFORE, IT IS HEREBY ORDERED that:

- 9 1. Plaintiffs' Motion for Summary Judgment is GRANTED,
10 2. The City of Seattle's Firearms Rule is declared null and void,
11 3. The City of Seattle is permanently enjoined from enforcing the Firearms Rule
12 in any way. [Rider A attached.]
13 4. The City is further ordered to immediately remove all signage posted pursuant
14 to the Firearms Rule, within 30 days from the date of this Order.

15 Dated this 12 day of FEBRUARY, 2010.

16 [Rider B Attached.]

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18 THE HONORABLE CATHERINE SHAFFER

19 Presented by:

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23 Steven W. Fogg, WSBA No. 23528
24 Molly A. Malouf, WSBA No. 31972

25 Approved as to form; notice of presentation waived.

 [counsel for Plaintiffs]

[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT - 2

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RIDER A:

SWF

The Court finds that:

1. Plaintiffs have a clear legal or equitable right to carry firearms under federal and state constitutions.
2. Plaintiffs have established a well-grounded fear of invasion of that right.
3. Plaintiffs have established that they have suffered a substantial injury.

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RIDER B:

SWF

5. The Court finds that the Organization's Plaintiffs lack standing to bring claims, and thus claims are dismissed with prejudice.