

The Honorable Marsha J. Pechman

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT C. WARDEN,

Plaintiff,

v.

GREGORY J. NICKELS and CITY OF
SEATTLE,

Defendants.

Case No. 2:09-CV-01686-MJP

**DECLARATION OF DAVID S.
KEENAN IN SUPPORT OF
DEFENDANTS' UNOPPOSED
MOTION FOR LEAVE TO FILE
SUPPLEMENTAL BRIEF
CONCERNING *CHAN v. CITY OF
SEATTLE AND STATE v. SIEYES***

1 I, David S. Keenan, declare as follows:

2 1. I am an attorney licensed in the State of Washington. I am associated with the
3 law firm of Orrick, Herrington & Sutcliffe LLP, counsel of record for Defendants Gregory J.
4 Nickels and City of Seattle (collectively, "Defendants") in the above-captioned matter. I
5 submit this declaration in support of Defendants' Motion for Leave to File Supplemental Brief
6 Concerning *Chan v. City of Seattle* and *State v. Sieyes*. I have personal knowledge of the
7 matters set forth herein and, if called upon, I could and would competently testify thereto.

8 2. In addition to representing Defendants here, I am one of the attorneys
9 representing the City of Seattle and other defendants in *Chan v. Seattle*, King County Superior
10 Court No. 09-2-39574-8 SEA. A true and correct copy of the Complaint filed October 29,
11 2009 in *Chan* is attached hereto as Exhibit A.

12 3. On January 15, 2010, the plaintiffs in *Chan* filed a Motion for Summary
13 Judgment. A true and correct copy of that Motion is attached hereto as Exhibit B.

14 4. On February 1, 2010, the defendants in *Chan* filed their Opposition to
15 Plaintiff's Motion for Summary Judgment. A true and correct copy of that Opposition is
16 attached hereto as Exhibit C.

17 5. On February 8, 2010, the plaintiffs in *Chan* filed their Reply in Support of
18 Motion for Summary Judgment. A true and correct copy of that Reply is attached hereto as
19 Exhibit D.

20 6. On February 12, 2010, a hearing was held in King County Superior Court
21 regarding the *Chan* plaintiffs' Motion for Summary Judgment. A true and correct copy of the
22 transcript of that hearing is attached hereto as Exhibit E.

23 7. On February 12, 2010, the King County Superior Court granted the *Chan*
24 plaintiffs' Motion for Summary Judgment. A true and correct copy of the Order from that
25 hearing is attached hereto as Exhibit F.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 26th day of February, 2010, in Seattle, Washington.

s/ David S. Keenan
David S. Keenan

CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2010, I electronically filed the following document with the Clerk of the Court using the CM/ECF system which will send notification of the filing to all counsel of record:

DECLARATION OF DAVID S. KEENAN IN SUPPORT OF DEFENDANTS' MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF CONCERNING *CHAN v. CITY OF SEATTLE AND STATE v. SIEYES*

DATED this 26th day of February, 2010.

ORRICK, HERRINGTON & SUTCLIFFE LLP

By s/ David S. Keenan
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