

1 Judge Nicole Gaines Phelps
2 NOTED FOR HEARING: Friday, December 6, 2019 at 9:00 a.m.

3 **FILED**
4 KING COUNTY, WASHINGTON

5 JAN - 3 2020

6 SUPERIOR COURT CLERK
7 BY Jill Johnson
8 DEPUTY

9 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
10 IN AND FOR THE COUNTY OF KING

11 LARGO WALES, a married woman,

12 Plaintiff,

13 v.

14 CITY OF AUBURN, WA, a Washington,
15 State municipality; NANCY BACKUS, as
16 Mayor of the City of Auburn, and
17 Individually and her marital community;
18 and The Committee to Elect Nancy
19 Backus and
20 its J. Doe committee members thereto; and
21 ROB ROSCOE and his marital
22 community,

23 Defendants.

No. 19-2-20274-2 KNT

24 ~~[PROPOSED]~~ ORDER GRANTING
25 DEFENDANTS CITY OF AUBURN,
26 ROB ROSCOE, AND MAYOR
27 NANCY BACKUS' CR 12(B)(6)
MOTION TO DISMISS PLAINTIFF'S
COMPLAINT

18 THIS MATTER having come on regularly before this Court on Defendants City Of
19 Auburn, WA, a Washington, State municipality; Nancy Backus, as Mayor of the City of
20 Auburn, and Rob Roscoe and his marital community's CR 12(b)(6) Motion to Dismiss
21 Plaintiff's Complaint; the Court having considered the records and files herein, including:

22 1. Defendants City of Auburn, Rob Roscoe and Mayor Nancy Backus' CR
23 12(b)(6) Motion to Dismiss Plaintiff's Complaint;

24 2. Plaintiff's Complaint for Damages Violation of Freedom of Speech, Right to
25 Privacy (filed September 12, 2019);

26
27 [PROPOSED] ORDER GRANTING DEFENDANTS CITY
OF AUBURN, ROB ROSCOE, AND MAYOR NANCY
BACKUS' CR 12(B)(6) MOTION TO DISMISS
PLAINTIFF'S COMPLAINT - 1

19-2-20274-2 KNT
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KEATING, BUCKLIN & MCCORMACK, INC., P.S.
ATTORNEYS AT LAW
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SEATTLE, WASHINGTON 98104
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1 3. Plaintiff's Amended Complaint for Damages Violation of Freedom of
2 Speech, Right to Privacy (filed August 1, 2019);

3 4. Plaintiff's 2nd Amended Complaint to Correct Scriveners Error; Violation of
4 Freedom of Speech, Right to Privacy (filed September 19, 2019);

5 5. Defendant Backus (ind.) Motion to dismiss,
6 Plaintiff's response to Motions to dismiss,
7 All Defendants' Reply Briefs.
8 6. Oral Arguments of Counsel

9 IT IS HEREBY ORDERED that Plaintiff's Second Amended Complaint and all
10 claims and causes of action therein are dismissed as a matter of law with prejudice.

11 DONE IN OPEN COURT this 3rd day of January, 2020
~~December, 2019.~~

12
13 
14 Judge Nicole Gaines Phelps
15 King County Superior Court Judge

16 Presented by:


17 KEATING, BUCKLIN & McCORMACK, INC., P.S.
18

19 By: /s/ Jayne L. Freeman

20 Jayne L. Freeman, WSBA #24318
21 Attorney for Defendants City of Auburn,
22 Rob Roscoe, and Nancy Backus, in Her
Official Capacity as Mayor of City of Auburn

23 Approved as to form; Notice of presentation waived:

24 AUBURN LAW OFFICES PLLC
25


26 
27 [PROPOSED] ORDER GRANTING DEFENDANTS CITY
OF AUBURN, ROB ROSCOE, AND MAYOR NANCY
BACKUS' CR 12(B)(6) MOTION TO DISMISS
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1 John Max Torres Jr., WSBA #26287
2 Attorney for Plaintiff

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4 WAKEFIELD & KIRKPATRICK, PLLC

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6 _____
7 Scott Wakefield, WSBA # 11222
8 Attorney for Defendant Nancy Backus, in Her Individual Capacity
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