

The Honorable Douglass A. North  
Hearing: July 31, 2015, at 1:30 p.m.  
*With Oral Argument*

SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

PUGET SOUNDKEEPER ALLIANCE, a  
Washington corporation; SIERRA CLUB, a  
California corporation; and WASHINGTON  
ENVIRONMENTAL COUNCIL, a  
Washington corporation; and SEATTLE  
AUDUBON SOCIETY, a Washington  
corporation,

Plaintiffs,

v.

PORT OF SEATTLE, a special purpose  
municipal corporation; TOM ALBRO, in his  
official capacity as a Port of Seattle  
Commissioner; STEPHANIE BOWMAN, in  
her official capacity as a Port of Seattle  
Commissioner; BILL BRYANT, in his official  
capacity as a Port of Seattle Commissioner;  
JOHN CREIGHTON in his official capacity as  
a Port of Seattle Commissioner; and  
COURTNEY GREGOIRE in her official  
capacity as a Port of Seattle Commissioner;

Defendants,

and

FOSS MARITIME COMPANY, a Washington  
corporation,

Joined Party-Defendant.

No. 15-2-05143-1 SEA

ORDER GRANTING PORT OF  
SEATTLE'S MOTION FOR SUMMARY  
JUDGMENT AND DENYING  
PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT

ORDER GRANTING PORT OF SEATTLE'S MOTION FOR  
SUMMARY JUDGMENT AND DENYING PLAINTIFF'S MOTION  
FOR SUMMARY JUDGMENT - 1

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1           THIS MATTER came before the Court on the Port of Seattle's Motion for Summary  
2 Judgment and the Plaintiffs' Motion for Summary Judgment. The Court has considered all of the  
3 records and files herein, including the following:

- 4           1.     Port of Seattle's Motion for Summary Judgment;
- 5           2.     Foss Maritime Company's Joinder in Port of Seattle's Motion for Summary  
6 Judgment;
- 7           3.     Plaintiffs' Opposition to Port of Seattle's Motion for Summary Judgment and  
8 Foss Maritime Company's Joinder in that Motion;
- 9           4.     Port of Seattle's Reply to Plaintiffs' Response to Motion for Summary Judgment;
- 10          5.     Foss Maritime Company's Joinder in Port of Seattle's Reply to Plaintiffs'  
11 Response to Motion for Summary Judgment;
- 12          6.     Plaintiffs' Motion for Summary Judgment and Supporting Memorandum of  
13 Authorities;
- 14          7.     Declaration of Paul Fredrickson;
- 15          8.     Declaration of Elinor Vivian ("Vicky") Gannon;
- 16          9.     Declaration of Jerry Joyce;
- 17          10.    Declaration of Susan North;
- 18          11.    Declaration of Mark Powell;
- 19          12.    Declaration of Chris Wilke;
- 20          13.    Port of Seattle's Response to Plaintiffs' Motion for Summary Judgment and Port  
21 of Seattle's Motion to Strike;
- 22          14.    Foss Maritime Company's Response to Plaintiffs' Motion for Summary  
23 Judgment;
- 24          15.    Plaintiffs' Reply in Support of Plaintiffs' Motion for Summary Judgment;
- 25          16.    Plaintiffs' Opposition to Port of Seattle's Motion to Strike and Foss Maritime  
26 Company's Joinder in that Motion;

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- 17. Port of Seattle's Reply in Support of its Motion to Strike;
- 18. The Port of Seattle's Record for Constitutional Writ of Certiorari;
- 19. The documents attached to the Declaration of Mathew R. Baca that accompanied Plaintiffs' Motion to Complete the Record;
- 20. The documents attached to the Second Declaration of Mathew R. Baca that accompanied Plaintiffs' Reply in Support of the Motion to Complete the Record; and
- 21. the record
- 22. \_\_\_\_\_.

The Court is fully advised in the premises and now,

**HEREBY ORDERS** that the Port of Seattle's Motion for Summary Judgment as to Plaintiffs' appeal by constitutional writ of certiorari is **GRANTED**, and the Plaintiffs' Motion for Summary Judgment is **DENIED**. The Port acted within its jurisdiction and authority as SEPA lead agency, and the Port's actions were not arbitrary and capricious. All issues raised by Plaintiffs' appeal by constitutional writ of certiorari are hereby **DISMISSED WITH PREJUDICE**.

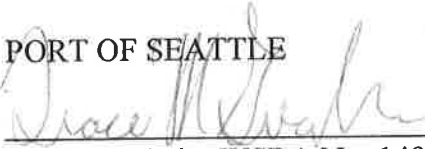
The Court **FURTHER ORDERS** that the Port of Seattle's Motion to Strike the Declarations of Paul Fredrickson, Elinor Vivian ("Vicky") Gannon, Jerry Joyce, Susan North, Mark Powell, and Chris Wilke filed in support of Plaintiffs' Motion for Summary Judgment is **DENIED**.

DATED this 31st day of July, 2015.

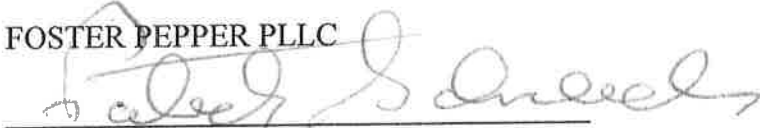
Douglass A. North  
The Honorable Douglass A. North  
Superior Court Judge

1 **Presented by:**

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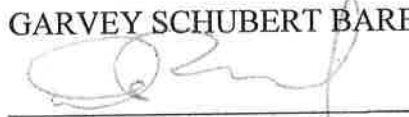
11 *Attorneys for Defendants Port of Seattle,*  
12 *Tom Albro, Stephanie Bowman, Bill Bryant, John*  
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14 **Copy received:**

15 EARTHJUSTICE

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