

MAR 02 2012

SUPERIOR COURT CLERK  
SUNG KIM

IT IS ~~ORDERED~~ DEPOSED that moving party  
is required to provide a copy of this  
order to all parties who have  
appeared in the case.

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**STATE OF WASHINGTON  
KING COUNTY SUPERIOR COURT**

NO. 11-2-16008-4 SEA

DKG  
[PROPOSED] ORDER GRANTING  
DEFENDANTS' MOTION TO DISMISS

*(class action  
required)*

ADORA SVITAK, a minor child, by and  
through her guardian, JOYCE SVITAK;  
TALLYN LORD, a minor child, by and  
through his guardians, JUSTIN LORD  
and SARA WETSTONE; HARPER  
LORD, a minor child, by and through his  
guardians, JUSTIN LORD and SARA  
WESTONE; ANNA IGLITZIN, a minor  
child, by and through her guardians,  
DMITRI IGLITZIN and EILEEN  
QUIGLEY; JACOB IGLITZIN, a minor  
child, by and through his guardians,  
DMITRI IGLITZIN and EILEEN  
QUIGLEY; COLIN SACKET, a minor  
child, by and through his guardians, BJ  
CUMMINGS and TOM SACKETT,

Plaintiffs,

v.

STATE OF WASHINGTON;  
CHRISTINE GREGOIRE, in her official  
capacity as Governor of Washington  
State; TED STURDEVANT, in his  
official capacity as Director of the  
Department of Ecology; PETER  
GOLDMARK, in his official capacity as  
Commissioner of Public Lands; PHIL  
ANDERSON, in his official capacity as  
Director of the Department of Fish and  
Wildlife,

Defendants.

DKG  
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1 THIS MATTER came on regularly for hearing on October 28, 2011, before this Court  
2 upon Defendants' Motion to Dismiss, said Defendants, State of Washington, Governor  
3 Christine Gregoire, Ted Sturdevant, Director of Department of Ecology, Peter Goldmark,  
4 Commissioner of Public Lands, and Phil Anderson, Director of Department of Fish and  
5 Wildlife, appearing by and through Robert M. McKenna, Attorney General, and Mary Sue  
6 Wilson, Senior Assistant Attorney General, Leslie R. Seffern and Joseph V. Panesko, Assistant  
7 Attorneys General, and Plaintiffs appearing through their attorneys, Andrea K. Rodgers Harris,  
8 Matthew Mattson, Richard Smith, and Knoll Lowney. The court has heard oral arguments and  
9 has considered the pleadings, records, briefs, testimony and evidence submitted by the parties:

10 Having considered the above listed materials, and having further considered the written  
11 and oral arguments of the parties,

12 It is now, therefore, ORDERED that Defendants' Motion to Dismiss is GRANTED.

13 DATED: 2-29-12

14   
15 HONORABLE CAROL SCHAPIRA *Carol Lowney*  
16 Judge, King County Superior Court

17 Presented by:

18 ROBERT M. MCKENNA  
19 Attorney General

20 *s/ Leslie R. Seffern*

21 MARY SUE WILSON, WSBA #19257

22 Senior Assistant Attorney General

23 LESLIE R. SEFFERN, WSBA #19503

24 JOSEPH V. PANESKO, WSBA #25289

25 Assistant Attorneys General

26 *Attorneys for Defendants*

*State of Washington*

*Christine Gregoire, Governor*

*Ted Sturdevant, Director, Department of Ecology*

*Peter Goldmark, Commissioner of Public Lands*

*Phil Anderson, Director, Department of Fish &*

*Wildlife*

(360) 586-6770

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DEFENDANTS' MOTION TO DISMISS

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Attorney General of Washington  
Ecology Division  
PO Box 40117  
Olympia, WA 98504-0117  
(360) 586-6770

1 Approved as to form and  
notice of presentation waived:

2 MATTSON RODGERS, PLLC  
3  
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ANDREA K. RODGERS HARRIS, WSBA #38683  
MATTHEW MATTSON, WSBA #37165  
6 *Attorneys for Plaintiffs*

7 SMITH & LOWNEY, PLLC  
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RICHARD SMITH, WSBA #21788  
10 KNOLL LOWNEY, WSBA #23457  
*Attorneys for Plaintiffs*  
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