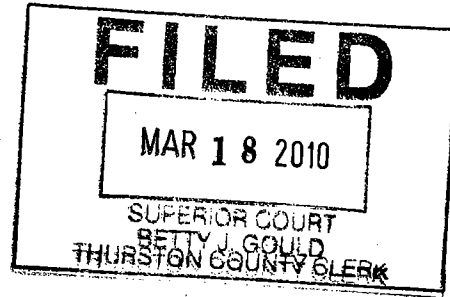


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ATTORNEY GENERAL
OF
WASHINGTON



STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT

STEPHEN K. EUGSTER,

Plaintiff,

v.

NO. 09-2-02873-4

STATE OF WASHINGTON;

WASHINGTON COURT OF APPEALS
and DIVISIONS I, II and III, thereof;

JUDGES OF WASHINGTON COURT
OF APPEALS, DIVISION III, namely,
STEPHEN BROWN, KEVEN M.
KORSMO, TERESA C. KULIK, JOHN A.
SCHULTHEIS, and DENNIS J.
SWEENEY;

JUDGES OF WASHINGTON COURT OF
APPEALS, DIVISION I, namely, SUSAN
R. AGID, MARLIN J. APPELWICK,
MARY KAY BECKER, RONALD E.
COX, STEPHEN J. DWYER, ANNE
ELLINGTON, C. KENNETH GROSSE,
LINDA LAU, J. ROBERT LEACH and

ORDER ON MOTIONS
FOR SUMMARY
JUDGMENT AND
DISMISSAL

1 ANN SCHINDLER; and,
2
3 JUDGES OF WASHINGTON COURT OF
4 APPEALS, DIVISION II, namely, DAVID
5 ARMSTRONG, C.C. BRIDGEWATER,
6 ELAINE HOUGHTON, J. ROBIN HUNT,
7 JOEL PENOYAR, CHRISTINE QUINN-
8 BRINTNALL, and MARYWAVE VAN
9 DEREN,

Defendants.

10 This matter came on for hearing on February 5, 2010, on the motion of the
11 Plaintiff for partial summary judgment and the motions of the Defendants for
12 dismissal. The Court considered the motions filed, the memoranda of counsel,
13 together with attachments and other material submitted, the pleadings on file, and
14 the arguments of counsel. Specifically, the Court considered:

- 15 1. The Summons and Complaint;
- 16 2. The Answer;
- 17 3. Plaintiff's Motion for Partial Summary Judgment;
- 18 4. The Declaration of Stephen Eugster, together with attachments;
- 19 5. Defendants' Motions to Dismiss and Cross Motion for Summary
20 Judgment;
- 21 6. Plaintiff's Reply Memorandum;
- 22 7. The oral arguments of counsel.

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24 Based on the foregoing, it is hereby ORDERED that

- 25 1. The Plaintiff's motion for partial summary judgment is DENIED.
- 26

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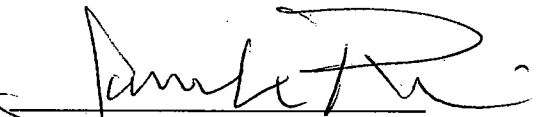
2. The Defendants' motion to dismiss all of the individually named Court of Appeals judges is GRANTED.

3. The Defendants' motion for dismissal for failure to state a claim on which relief can be granted is GRANTED.

DATED this 18 day of March, 2010.

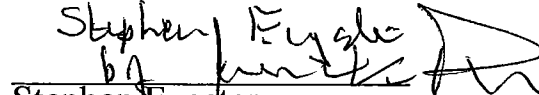
RICHARD D. HICKS
Judge Richard D. Hicks

Presented by:



James K. Pharris
Deputy Solicitor General
Attorney for Defendants

PRESENTATION WAIVED
AND APPROVED AS TO FORM


Stephen Eugster
Attorney for Plaintiff *Per authorization*