

# THE SUPREME COURT OF WASHINGTON

STEPHEN K. EUGSTER,

Appellant,

v.

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

Respondents.

## ORDER

No. 84380-5

Thurston County Superior Court  
No. 09-2-02873-4

Department I of the Court, composed of Chief Justice Madsen and Justices C. Johnson, Sanders, Owens and J. Johnson (Justice Chambers sat for Justice C. Johnson), considered this matter at its August 5, 2010, Motion Calendar and unanimously agreed to continue the matter to this Court's September 9, 2010, En Banc Conference. Upon further consideration, the Department unanimously agreed that the following ordered be entered.

IT IS ORDERED:

That the above referenced cause is retained for decision by this Court.

DATED at Olympia Washington, this 10<sup>th</sup> day of September, 2010.

For the Court

*Madsen, C.*  
CHIEF JUSTICE

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
2010 SEP 10 A 8:25  
BY RONALD R. CARPENTER  
CLERK