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JUDGE JOHN ERLICK
ORAL ARGUMENT: August 28, 2009

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

JEFFERY GUNDERSON, a married)	
man, ROBERT DAVID BANTOLINO, a)	Case No. 06-2-32452-8 SEA
single man, and others similarly)	
situated,)	
)	ORDER GRANTING PLAINTIFFS'
Plaintiffs,)	SECOND MOTION FOR SUMMARY
vs.)	JUDGMENT ON LIABILITY
)	
PIERCE COUNTY, a municipal)	
corporation,)	<u>CLASS ACTION</u>
)	
Defendant.)	

THIS MATTER came on for hearing upon Plaintiffs' Second Motion for Summary Judgment on Liability. The court has reviewed the following documents:

1. Plaintiffs' Second Motion for Summary Judgment on Liability;
2. Declaration of Patrick A. Palace in Support of Plaintiffs' Second Motion for Summary Judgment, (8/21/09);

**ORDER GRANTING PLAINTIFFS'
SECOND MOTION FOR SUMMARY
JUDGMENT ON LIABILITY**



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- 3. Declaration of Robert David Bantolino;
- 4. Defendant's Response to Plaintiffs' Second Motion for Summary Judgment on Liability; and Cross-Motion for Summary Judgment;
- 5. Plaintiffs' Reply in Support of Plaintiffs' Second Motion for Summary Judgment on Liability;
- 6. Declaration of Tom Stuckert;
- 7. Declaration of Pam Lacipierre;
- 8. Declaration of Lund, (4/07);
- 9. Declaration of Spencer, (4/07);
- 10. Declaration of Bission, (4/07); and
- 11. Declaration of Bisson (9/07).

and the files herein, and being otherwise fully advised in the premises, it is hereby

ORDERED, ADJUDGED and DECREED that Plaintiffs' Second Motion for Partial Summary Judgment on Liability is Granted in part wherein the Court holds that the application of Pierce County's booking fee policy and procedure is unconstitutional and violates the due process clause of the 14th Amendment. It is further,

ORDERED, ADJUDGED and DECREED Defendant's Cross-Motion for Summary Judgment is Denied, and it is further,

**ORDER GRANTING PLAINTIFFS'
SECOND MOTION FOR SUMMARY
JUDGMENT ON LIABILITY**



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ORDERED, ADJUDGED and DECREED Defendant's Motion to Strike is
Granted in part and Denied in part, wherein the Court Denies Defendant's Motion
to Strike the Declaration of Patrick A. Palace in Support of Plaintiffs' 2nd Motion
for Summary Judgment, and Grants Defendant's Motion to Strike Exhibit "A" of
the Declaration of Robert Bantolino.

DONE IN OPEN COURT this _____ day of September, 2009.

JUDGE JOHN P. ERLICK

Presented By:

PALACE LAW OFFICES

By: s/ Patrick A. Palace
Patrick A. Palace WSBA No. 21396
Attorney for Plaintiff

CENTER FOR JUSTICE

By: s/ Breean L. Beggs
Breean L. Beggs WSBA No. 20795

Approved as to form, notice of
presentation waived by:

By: _____
P. Grace Kingman, WSBA No. 16717
Attorney for Defendant

**ORDER GRANTING PLAINTIFFS'
SECOND MOTION FOR SUMMARY
JUDGMENT ON LIABILITY**



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