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FILED

JUN 27 2017

SONYA KRASKI
COUNTY CLERK
SNOHOMISH CO. WASH.

CIVIL MOTIONS JUDGE
HEARING DATE: June 2, 2017

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

LARRY BANGERTER; ALEX AND
ELENA BORROMEIO; CAROL BRITTEN;
MATT SUROWIECKI, SR.; JAMES WAAK,
individually as lot owners and derivatively on
behalf of HAT ISLAND COMMUNITY
ASSOCIATION, a Washington non-profit
corporation,

Plaintiffs,

vs.

HAT ISLAND COMMUNITY
ASSOCIATION, a Washington non-profit
corporation; CHUCK MOTSON, an
individual; KAREN CONNER, an individual;
ALAN DASHEN, an individual; SUSAN
DAHL, an individual; and JOHN DOES 1-10,
individuals,,

Defendants.

NO. 14-2-04595-4

~~PROPOSED~~ ORDER GRANTING
DEFENDANTS' MOTION FOR PARTIAL
SUMMARY JUDGMENT REGARDING
2014 RECALL ELECTION

CLERK'S ACTION REQUESTED

THIS MATTER came on for hearing on Defendants' Motion for Partial Summary
Judgment Regarding 2014 Recall Election. The Court has reviewed and considered the following:

1. Defendants' Motion for Partial Summary Judgment Regarding 2014 Recall
Election;

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1 2. The Declaration of Patrick M. Paulich In Support of Defendants' Motion for Partial
2 Summary Judgment Regarding 2014 Recall Election and the exhibits thereto;

3 3. Errata Plaintiffs' Omnibus Opposition to Defendants' Motions for Summary
4 Judgment;

5 4. The Declaration of Alex Borromeo In Support of Plaintiffs' Omnibus Opposition
6 to Defendants' Motions for Summary Judgment;

7 5. The Declaration of Carol Britten In Support of Plaintiffs' Omnibus Opposition to
8 Defendants' Motions for Summary Judgment;

9 6. The Declaration of Robert Gowing In Support of Plaintiffs' Omnibus Opposition
10 to Defendants' Motions for Summary Judgment;

11 7. The Declaration of Matt Surowiecki, Sr. In Support of Plaintiffs' Omnibus
12 Opposition to Defendants' Motions for Summary Judgment;

13 8. The Declaration of James Waak In Support of Plaintiffs' Omnibus Opposition to
14 Defendants' Motions for Summary Judgment;

15 9. The Declaration of Daniel M. Weiskopf In Support of Plaintiffs' Omnibus
16 Opposition to Defendants' Motions for Summary Judgment and the exhibits thereto;

17 10. Supplemental Declaration of Daniel M. Weiskopf in Support of Plaintiffs'
18 Omnibus Opposition to Defendants' Motions for Summary Judgment, and Exhibits 117-118
19 thereto; and

20 11. Defendants' Reply on Motion for Partial Summary Judgment Regarding 2014
21 Recall Election.

22 NOW, THEREFORE, it is hereby ORDERED, ADJUDGED, AND DECREED as follows:

23 Defendants' Motion for Partial Summary Judgment Regarding 2014 Recall Election is
24 hereby GRANTED.
25


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It is further ORDERED that the all claims against all defendants regarding the Special Meeting to Recall Board Members in 2014 are dismissed with prejudice, provided that plaintiffs are granted leave to argue that evidence of these facts is admissible to support their theory of fiscal mismanagement and breach of fiduciary duty.

DATED this 27 day of June, 2017.



Judge Eric Z. Lucas

Eric Z. Lucas

Presented by:

BETTS, PATTERSON & MINES, P.S.

By Matthew Munson
Patrick M. Paulich, WSBA No. 10951
Matthew Munson, WSBA No. 32019
Attorneys for Defendants Karen Connor,
Alan Dashen and Susan Dahl

SCHEER LAW GROUP LLP

By Lily S. Yee, approved via email
Mark P. Scheer, WSBA No. 16651
Lily S. Yee, WSBA No. 49370
Attorneys for Defendant Chuck Motson

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[PROPOSED] ORDER GRANTING
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2014 RECALL ELECTION

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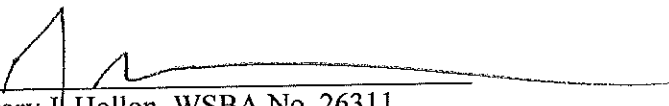
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BARKER MARTIN, P.S.

By Jeremy Stilwell, approved via email
Jeremy Stilwell, WSBA No. 31666
Attorneys for Defendant Hat Island

Approved as to form; notice of presentation waived

McNAUL EBEL NAWROT & HELGREN

By 
Gregory J. Hollon, WSBA No. 26311
Daniel M. Weiskopf, WSBA No. 44941
Attorneys for Plaintiffs

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DEFENDANTS' MOTION FOR PARTIAL
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