

FILED
KING COUNTY WASHINGTON

FEB 27 2018

SUPERIOR COURT CLERK
BY Dawn Tubbs
DEPUTY

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

Commissioner Eric Watness, as Personal
Representative of the Estate of Charleena
Lyles; Karen Clark, as Guardian Ad Litem on
behalf of the four minor children of decedent,

Plaintiff,

v.

The City of Seattle, a Municipality; Jason M.
Anderson and Steven A. McNew, individually;
Solid Ground, A Washington non-profit
corporation,

Defendants.

NO. 17-2-23731-1 SEA

ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANTS'
JASON M. ANDERSON AND STEVEN
A. MCNEW'S MOTION TO DISMISS
UNDER CR 12 (b)(6)

THIS MATTER having come before the undersigned Judge of the above-entitled Court pursuant to Defendants Jason M. Anderson and Steven A. McNew's Motion to dismiss the three causes of action against them pursuant to CR 12(b)(6). The court has reviewed the pleadings and attachments filed by the moving parties and the responsive pleadings as follows:

1. Defendants Jason M. Anderson and Steven A. McNew's Motion to Dismiss Under CR 12 (b)(6);
2. Plaintiffs' Opposition to Defendants Anderson and McNew's Motion to Dismiss;

ORDER GRANTING IN PART AND DENYING
IN PART DEFENDANTS' ANDERSON AND
MCNEW'S MOTION TO DISMISS UNDER CR 12
(b)(6) - 1

JUDGE JULIE SPECTOR
516 THIRD AVENUE C-203
SEATTLE, WA 98104
206-477-1342

ORIGINAL

- 1 3. Declaration of Edward H. Moore in Support of Plaintiffs' Opposition to Defendant
2 McNew and Anderson's Motion to Dismiss;
3 4. Defendant City of Seattle's Joinder to Defendants Janson M. Anderson and Steven A.
4 McNew's Motion to Dismiss Under CR 12 (b)(6);
5 5. Defendants Jason M. Anderson and Steven A. McNew's Reply in Support of Motion
6 to Dismiss Under CR 12 (b)(6);

7 The court is bound by the second amended complaint filed on December 27, 2017. There
8 are three separate causes of actions: 1) Negligence, 2) Violation of the Washington Law Against
9 Discrimination (WLAD), and 3) a violation of the State Constitution.

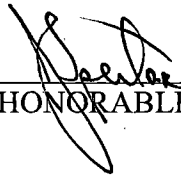
10 Plaintiffs failed to respond in its brief to the claim of a violation of the WLAD.
11 Therefore, that claim is dismissed.

12 Second, there is no separate cause of action for a claim an alleged violation of the State
13 Constitution, Article I, Sections 3. Therefore, that claim is dismissed.

14 However, as a 12(b)(6) motion regarding the negligence claim, that motion is denied.

15 IT IS SO ORDERED.

16 DATED this 27th day of February, 2018.

17 
18 _____
19 HONORABLE JULIE SPECTOR
20
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