

1 Attorneys for City of Seattle
2 James P. Savitt, WSBA #16847
3 Brandi B. Balanda, WSBA #48836
4 Sarah Gohmann Bigelow, WSBA #43634
5 SAVITT BRUCE & WILLEY LLP
6 1425 Fourth Avenue Suite 800
7 Seattle, Washington 98101-2272
8 Email: jsavitt@sbwllp.com, bbalanda@sbwllp.com, sgohmannbigelow@sbwllp.com
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SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

STACY IRWIN and KIMBERLY FERREIRO,

Plaintiffs,

v.

CITY OF SEATTLE, a municipal corporation
under the laws of the State of Washington,

Defendant.

NO. 21-2-11739-9 SEA

**REVISED AND UPDATED ORDER
GRANTING CITY OF SEATTLE'S
MOTION FOR PRIVILEGE
DETERMINATION**

THIS MATTER came before the Court on Defendant City of Seattle's Motion for Privilege Determination (the "Motion"), and the Court having considered:

- (a) The Pleadings and files in this matter;
- (b) The Motion;
- (c) The Documents submitted *in-camera*;
- (d) Declaration of Brandi Balanda in Support of the Motion and exhibits thereto;
- (e) Declaration of Joseph Groshong in Support of the Motion;
- (f) Plaintiffs' Opposition to the Motion;
- (g) Declaration of Jeffrey Needle in Opposition to Motion to Determine Privilege with exhibits;
- (h) Defendant's Reply; and

1 (i) having considered oral argument on August 31, 2022;
2 and having been familiar with the files and records in this case is fully advised.

3 NOW, THEREFORE, the Motion is **GRANTED** in part as follows:

4 1. For the following Documents, the City's asserted attorney-client and/or work
5 product privilege is sustained:

- 6 a. COS_00007164-COS_00007176 (IRWIN_0000659-IRWIN_0000671);
7 b. COS_00007180 (IRWIN_0000725);
8 c. COS_00007046-COS_00007047 (FERREIRO_000094-
9 FERREIRO_000095);
10 d. COS_00007048-COS_00007050 (FERREIRO_000099-
11 FERREIRO_0000101);
12 e. COS_00007052 (FERREIRO_0000105);
13 f. COS_00007117 (IRWIN_0000269);
14 g. COS_00007141-COS_00007143 (IRWIN_0000329-IRWIN_0000331);
15 h. COS_00007154-COS_00007156 (IRWIN_0000377-IRWIN_0000379);
16 i. COS_00007039-COS_00007040 (FERREIRO_000085-
17 FERREIRO_000086);
18 j. COS_00007051 (FERREIRO_0000104);
19 k. COS_00007070-COS_00007071 (FERREIRO_0000238-
20 FERREIRO_0000239);
21 l. COS_00007032-COS_00007034 (FERREIRO_000078-
22 FERREIRO_000080);
23 m. COS_00007053-COS_00007054 (FERREIRO_0000108-
24 FERREIRO_0000109);
25 n. COS_00007055-COS_00007056 (FERREIRO_0000116-
26 FERREIRO_0000117);
27

- 1 o. COS_00007072-COS_00007073 (FERREIRO_0000240-
2 FERREIRO_0000241);
- 3 p. COS_00007118-COS_00007119 (IRWIN_0000273-IRWIN_0000274);
- 4 q. COS_00007120 (IRWIN_0000275);
- 5 r. COS_00007121-COS_00007124 (IRWIN_0000276-IRWIN_0000279);
- 6 s. COS_00007125-COS_00007128 (IRWIN_0000280-IRWIN_0000283);
- 7 t. COS_00007133-COS_00007135 (IRWIN_0000297-IRWIN_0000299);
- 8 u. COS_00007139-COS_00007140 (IRWIN_0000326-IRWIN_0000327);
- 9 v. COS_00007144-COS_00007146 (IRWIN_0000332-IRWIN_0000334);
- 10 w. COS_00007147 (IRWIN_0000335);
- 11 x. COS_00007148-COS_00007149 (IRWIN_0000350-IRWIN_0000351);
- 12 y. COS_00007150-COS_00007153 (IRWIN_0000373-IRWIN_0000376);
- 13 z. COS_00007157-COS_00007159 (IRWIN_0000384-IRWIN_0000386);
- 14 aa. COS_00007029 (FERREIRO_000045);
- 15 bb. COS_00007030-COS_00007031 (FERREIRO_000046-
16 FERREIRO_000047);
- 17 cc. COS_00007038 (FERREIRO_000084);
- 18 dd. COS_00007041-COS_00007042 (FERREIRO_000089-
19 FERREIRO_000090);
- 20 ee. COS_00007043 (FERREIRO_000091);
- 21 ff. COS_00007044 (FERREIRO_000092);
- 22 gg. COS_00007045 (FERREIRO_000093);
- 23 hh. COS_00007066 (FERREIRO_0000232);
- 24 ii. COS_00007067-COS_00007068 (FERREIRO_0000233-
25 FERREIRO_0000234);
- 26 jj. COS_00007069 (FERREIRO_0000235);
- 27 kk. COS_00007109 (IRWIN_0000261);

1 ll. COS_00007110-COS_00007111 (IRWIN_0000262-IRWIN_0000263);
2 mm. COS_00007112 (IRWIN_0000264);
3 mn. COS_00007113-COS_00007114 (IRWIN_0000265-IRWIN_0000266);
4 oo. COS_00007058-COS_00007061 (FERREIRO_0000205-
5 FERREIRO_0000208);
6 pp. COS_00007077-COS_00007080 (FERREIRO_0000247-
7 FERREIRO_0000250);
8 qq. COS_00007092-COS_00007093 (IRWIN_0000149-IRWIN_0000150);
9 rr. COS_00007094 (IRWIN_0000163);
10 ss. COS_00007115-COS_00007116 (IRWIN_0000267-IRWIN_0000268);
11 tt. COS_00007095-COS_00007096 (IRWIN_0000173-IRWIN_0000174);
12 uu. COS_00007107-COS_00007108 (IRWIN_0000187-IRWIN_0000188);
13 vv. COS_00007181-COS_00007184 (IRWIN_0000734-IRWIN_0000737);
14 ww. COS_00007185-COS_00007189 (IRWIN_0000738-IRWIN_0000742);
15 xx. COS_00007100-COS_00007106 (IRWIN_0000180-IRWIN_0000186);
16 yy. COS_00007090 (IRWIN_0000141);
17 zz. COS_00007130 (IRWIN_0000294);
18 aaa. COS_00007131 (IRWIN_0000295).

19 2. For the following Documents, the City's asserted attorney-client and/or work
20 product privilege is overruled:

21 a. COS_00007160-COS_00007163 (IRWIN_0000602-IRWIN_0000605);
22 b. COS_00007035-COS_00007037 (FERREIRO_000081-
23 FERREIRO_000083);
24 c. COS_00007074-COS_00007076 (FERREIRO_0000242-
25 FERREIRO_0000244).

26 3. For the following Documents, the City's asserted attorney-client and/or work
27 product privilege is sustained in part:

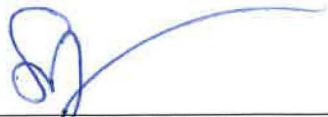
- 1 a. COS_00007062-COS_00007065 (FERREIRO_0000220-
2 FERREIRO_0000223): The asserted privilege on COS_00007062 is
3 overruled; the asserted privilege on COS_00007064 and COS_00007065 is
4 sustained.
- 5 b. COS_00007097-COS_00007099 (IRWIN_0000177-IRWIN_0000179): On
6 Irwin 0000177, the first asserted privilege is sustained. The second which
7 begins with “pretty soon ...” is not privileged. The blue highlighted privilege
8 on Irwin 0000178 is sustained.

9 4. Plaintiffs shall not disclose or use any of the information ruled by this Court to
10 be the City’s privileged attorney-client information and/or protected work product (collectively,
11 the “Privileged Information”) in any way.

12 5. Plaintiffs shall destroy any and all documents, whether electronic or hard copy,
13 that contain any portion of the Privileged Information within ten business days of entry of this
14 Court’s November 1, 2022 Preliminary Order Granting City of Seattle’s Motion for Privilege
15 Determination and shall confirm their compliance in writing to the City.

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18 **IT IS SO ORDERED.**

19 DATED this 16th day of November, 2022.

20 
21 _____
22 The Honorable Suzanne R. Parisien

1 PRESENTED BY:

2 **SAVITT BRUCE & WILLEY LLP**

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4 By: s/ James P. Savitt
5 James P. Savitt, WSBA #16847
6 Sarah Gohmann Bigelow, WSBA #43634
7 1425 Fourth Avenue Suite 800
8 Seattle, Washington 98101-2272
9 Telephone: 206.749.0500
Facsimile: 206.749.0600
Email: jsavitt@sbwLLP.com
Email: sgohmannbigelow@sbwLLP.com

10 *Attorneys for Defendant City of Seattle*

1 CERTIFICATE OF SERVICE

2 I hereby declare under penalty of perjury under the laws of the State of Washington that
3 on this date, I caused a true and correct copy of the foregoing document to be served on the
4 following in the manner(s) indicated:

5 Susan B. Mindenbergs, WSBA #20545
6 Law Office of Susan B. Mindenbergs
7 705 Second Avenue, Suite 1050
8 Seattle, WA 98104
9 Telephone: (206) 447-1560
10 Facsimile: (206) 447-1523
11 Email: susanmm@msn.com

- Via E-Filing
- Via Legal Messenger
- Via Email
- Via U.S. Mail
- Via Fax

12 *Attorney for Plaintiffs*

13 Jeffrey L. Needle, WSBA #6346
14 Law Office of Jeffrey L. Needle
15 705 Second Avenue, Suite 1050
16 Seattle, WA 98104
17 Telephone: (206) 447-1560
18 Facsimile: (206) 447-1523
19 Email: jneedle@wolfenet.com
20 jneedle@jneedlelaw.com

- Via E-Filing
- Via Legal Messenger
- Via Email
- Via U.S. Mail
- Via Fax

21 *Attorney for Plaintiffs*

22 SIGNED on this 14th day of November, 2022 at Seattle, Washington.

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Rondi A. Greer

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

STACY IRWIN and KIMBERLY FERREIRO,)	
)	NO. 21-211739-9 SEA
Plaintiffs,)	DENYING
)	ORDER GRANTING MOTION TO
V.)	RECONSIDER DETERMINATION
)	OF PRIVILEGE
CITY OF SEATTLE, a municipal corporation,)	
)	
Defendant.)	

THIS MATTER having come on before the undersigned judge of the above-entitled court and the Court having read all pleadings filed in support and in opposition, and being ^{fully} advised.

IT IS HEREBY ORDERED that the Plaintiffs' Motion to Reconsider the Revised and Updated Order granting the City of Seattle's Motion for a Determination of Privilege entered on November 16, 2022 is ~~GRANTED~~ ^{DENIED}.

Dated this 2nd day of December, 2022.



Judge Suzanne R. Parisien

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Presented by:

 /s/ Jeffrey Needle
Jeffrey Needle, WSBA #6346
Susan Mindenbergs, WSBA #20545
Attorneys for Plaintiffs