

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

9	STACY IRWIN and KIMBERLY FERREIRO,	)	
10		)	NO. 21-211739-9 SEA
11	Plaintiffs,	)	
12	v.	)	AMENDED NOTICE FOR
13		)	DISCRETIONARY REVIEW TO THE
14	CIT OF SEATTLE, a municipal corporation,	)	COURT OF APPEALS
		)	
	Defendant.	)	RAP 5.3(h)(ii)
		)	

The Plaintiffs, Stacy Irwin and Kimberly Ferreiro, seek review by the Court of Appeals, Division I, from the trial court’s Revised and Updated Order Granting City of Seattle’s Motion for Privilege Determination, dated November 16, 2022; the trial court’s Order Denying Motion to Reconsider Determination of Privilege, dated December 2, 2022; and the trial court’s Order Denying Plaintiffs’ Revised Motion to Compel Discovery and for In Camera Review and the Appointment of a Special Master, dated January 6, 2023.

Dated this 12<sup>th</sup> day of January 2023.

/s/ Jeffrey Needle  
 Jeffrey Needle, WSBA #6346  
 Susan Mindenbergs, WSBA #20545  
 705 Second Ave. – Suite #1050  
 Seattle, Washington 98104  
 Attorney for Plaintiffs

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Attorneys for City of Seattle

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:

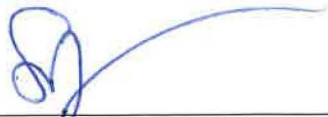
- 1 a. COS\_00007062-COS\_00007065 (FERREIRO\_0000220-  
2 FERREIRO\_0000223): The asserted privilege on COS\_00007062 is  
3 overruled; the asserted privilege on COS\_00007064 and COS\_00007065 is  
4 sustained.
- 5 b. COS\_00007097-COS\_00007099 (IRWIN\_0000177-IRWIN\_0000179): On  
6 Irwin 0000177, 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.

16  
17  
18 **IT IS SO ORDERED.**

19 DATED this 16<sup>th</sup> day of November, 2022.

20   
21 \_\_\_\_\_  
22 The Honorable Suzanne R. Parisien

1 PRESENTED BY:

2 **SAVITT BRUCE & WILLEY LLP**

3  
4 By: s/ James P. Savitt  
5 James P. Savitt, WSBA #16847  
6 Sarah Gohmann Bigelow, WSBA #43634  
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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  
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- Via E-Filing
- Via Legal Messenger
- Via Email
- Via U.S. Mail
- Via Fax


12 *Attorney for Plaintiffs*

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- 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 <del>GRANTING</del> 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 <sup>fully</sup> ~~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~~ <sup>DENIED</sup> GRANTED.

Dated this 2<sup>nd</sup> day of December, 2022.

  
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Judge Suzanne R. Parisien

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Presented by:

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

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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

**ORDER DENYING PLAINTIFFS’  
REVISED MOTION TO COMPEL  
DISCOVERY AND FOR *IN CAMERA*  
REVIEW AND THE APPOINTMENT  
OF A SPECIAL MASTER**

THIS MATTER came before the Court on Plaintiffs’ Revised Motion to Compel  
Discovery and for *In Camera* Review and the Appointment of a Special Master (the “Motion”),  
and the Court having considered:

- (a) The Pleadings and files in this matter;
- (b) The Motion;
- (c) Declaration of Stacy Irwin;
- (d) Declaration of Kimberly Ferreiro;
- (e) The Revised Declaration of Jeffrey Needle ISO the Motion;
- (f) Defendant City of Seattle’s Opposition to the Motion;
- (g) Declaration of Sarah Gohmann Bigelow ISO Opposition to the Motion;
- (h) Plaintiffs’ Reply;



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:

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- Via Fax

21 *Attorney for Plaintiffs*

22 DATED this 29<sup>th</sup> day of November, 2022 at Seattle, Washington.

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24  
25  
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27  
  
Meghan Parker

King County Superior Court  
Judicial Electronic Signature Page

Case Number: 21-2-11739-9  
Case Title: IRWIN ET ANO VS SEATTLE CITY OF  
Document Title: ORDER RE MOTION FOR IN CAMERA REVIEW  
  
Signed By: Suzanne Parisien  
Date: January 06, 2023



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Judge: Suzanne Parisien

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: C500F9769F1E11AD3B962C5FEC95F1413821C70B  
Certificate effective date: 7/16/2018 2:19:35 PM  
Certificate expiry date: 7/16/2023 2:19:35 PM  
Certificate Issued by: C=US, E=kcscefiling@kingcounty.gov, OU=KCDJA,  
O=KCDJA, CN="Suzanne Parisien:  
VMmj0wrS5hGRAa/2AFk6yQ=="