

Honorable Joan DuBuque
Plaintiff's Motion for Summary Judgment
Noted for June 3, 2011, 1:30 p.m.

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

CITY OF SEATTLE, A Washington municipal corporation,
Plaintiff,
vs.
SEATTLE CITIZENS AGAINST THE TUNNEL; ELIZABETH A. CAMPBELL, in her capacity as Seattle Citizens Against the Tunnel's Campaign Manager and the principal initiative petitioner; WASHINGTON STATE DEPARTMENT OF TRANSPORTATION.
Defendants.

) No. 11-2-13620-5SEA
) [PROPOSED] ORDER GRANTING
) PLAINTIFF CITY OF SEATTLE'S
) MOTION FOR SUMMARY JUDGMENT
) Noted for: June 3, 2011, 1:30 p.m.
) With Oral Argument
) **(CLERK'S ACTION REQUIRED)**

THIS COURT, having considered Plaintiff City of Seattle's Motion for Summary Judgment and its accompanying supporting documents, any responses thereto and their accompanying supporting documents, any replies in support thereof, and the other pleadings and documents on file with this Court,

1 It is hereby ORDERED, ADJUDGED, AND DECREED that:

- 2 1. The Plaintiff City of Seattle's Motion for Summary Judgment is **GRANTED**;
- 3 2. There is no genuine issue of material fact regarding proposed Initiative 101 being beyond
- 4 the scope of the initiative power; and
- 5 3. Proposed Initiative 101 is not subject to Seattle's local initiative power and shall not be
- 6 placed upon the ballot.

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8 DATED this _____ day of _____, 2011.

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11 By: _____

12 Honorable Joan DuBuque
Superior Court Judge

13 Presented by:

14 PETER S. HOLMES
15 Seattle City Attorney

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18 Jeff Slayton, WSBA No. 14215
19 John B. Schochet, WSBA No. 35869
20 Gary E. Keese, WSBA No. 19265
21 Assistant City Attorneys
22 Attorneys for Plaintiff City of Seattle
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