

SUPERIOR COURT OF WASHINGTON FOR THE COUNTY OF KING

POTALA VILLAGE KIRKLAND, LLC, a Washington limited liability company, and LOBSANG DARGEY and TAMARA AGASSI DARGEY, a married couple,

Plaintiffs/Petitioners,

vs.

THE CITY OF KIRKLAND, a Washington municipal corporation,

Defendant/Respondent.

NO. 14-2-25112-2 SEA

NOTICE OF APPEAL TO COURT OF APPEALS, DIVISION 1

Clerk's Action Required

POTALA VILLAGE KIRKLAND, LLC, and LOBSANG DARGEY and TAMARA AGASSI DARGEY, Appellants, by and through their/its undersigned counsel of record, seek(s) review by the designated appellate court of the ORDER GRANTING CITY OF KIRKLAND'S MOTION FOR SUMMARY JUDGMENT, dated May 22, 2015.

A copy of the ORDER GRANTING CITY OF KIRKLAND'S MOTION FOR SUMMARY JUDGMENT is attached to this Notice, with the requisite filing fee on appeal of \$290.00.

Attorneys of Record in this matter are:

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Attorneys for Plaintiffs/Appellants

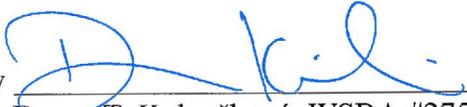
Stephanie E. Croll, WSBA #18005
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Attorneys for Deft./Respondent City of Kirkland

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	Robin S. Jenkinson, City Attorney WSBA #10853 CITY OF KIRKLAND 123 Fifth Avenue Kirkland, WA 98033 Tel: 425-587-3030 / Fax: 425-587-3025 rjenkinson@kirklandwa.gov Attorneys for Deft./Respondent City of Kirkland In Association with Stephanie Croll
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DATED this 16th day of June, 2015.

JOHNS MONROE MITSUNAGA &
KOLOUŠKOVÁ, PLLC

By 
 Duana T. Koloušková, WSBA #27532
 Vicki E. Orrico, WSBA #16849
 Attorneys for Plaintiffs/Petitioners

435-1 Notice of Appeal to Court of Appeals 06-16-15

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THE HONORABLE DEAN S. LUM
Hearing Date: Friday, May 8, 2015
Time: 10:00 a.m.

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

POTALA VILLAGE KIRKLAND, LLC, a
Washington limited liability company, and
LOBSANG DARGEY and TAMARA
AGASSI DARGEY, a married couple,

Plaintiffs/Petitioners,

v.

CITY OF KIRKLAND, a Washington
municipal corporation,

Defendant/Responded.

No. 14-2-25112-2 SEA

~~PROPOSED~~ ORDER GRANTING
CITY OF KIRKLAND'S MOTION
FOR SUMMARY JUDGMENT

THIS MATTER CAME ON FOR HEARING on May 8, 2015, on the parties' cross-motions for summary judgment. The City was represented by Stephanie Croll Law and Stephanie Croll; and Robin Jenkinson, the City Attorney for the City of Kirkland. Plaintiffs/Petitioners were represented by Johns Monroe Mitsunaga & Kolouskova and Duana T. Kolouskova.

I. EVIDENCE RELIED UPON

The Court heard oral argument from both parties, reviewed the pleadings, exhibits and other documents in the file, and specifically considered the documents listed below:

~~PROPOSED~~ ORDER GRANTING CITY OF
KIRKLAND'S MOTION FOR SUMMARY
JUDGMENT - 1

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City's Motion to Dismiss on Summary Judgment / Moving Papers

- (1) City's Motion to Dismiss LUPA and Complaint on Summary Judgment;
- (2) Declaration of Tom Jensen in Support of the City's Motion to Dismiss on Summary Judgment, with attached exhibits;
- (3) Declaration of Stephanie Croll in Support of the City's Motion to Dismiss on Summary Judgment, with attached exhibits;
- (4) Declaration of Tom Jensen in Support of the City's Motion to Dismiss on Summary Judgment, with attached exhibits;

Potala Village's Motion for ~~Partial~~ Summary Judgment

- (5) Plaintiffs Potala Village Kirkland, LLC's and Dargey's Motion for ~~Partial~~ Summary Judgment;
- (6) ;
- (7) :

City's Opposition to Potala Village's Motion for Summary Judgment

- (8) City's Response in Opposition to Plaintiffs' Motion for ~~Partial~~ Summary Judgment and in Support of the City's Motion for Summary Judgment;
- (9) ;
- (10) ;

Potala Village's Opposition to the City's Motion for Summary Judgment

- (11) Potala Village's Response in Opposition to the City's Motion for Summary Judgment and in Support of Potala Village's ~~Partial~~ Motion for Summary Judgment;
- (12) ;
- (13) ;

City's Reply

- (14) City's Reply in Support of the City's Motion for Summary Judgment:
- (15) ;
- (16) ;

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Potala Village's Reply

(17) Potala Village's Reply in Support of Potala Village's ~~Partial~~ Motion for Summary Judgment;

(18) ;

Based upon the forgoing documents listed above and the argument of counsel for each party, the Court hereby enters the following:

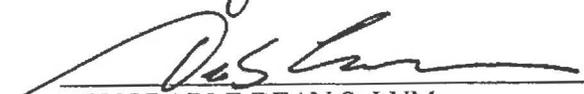
II. ORDER

IT IS HEREBY ORDERED ADJUDGED AND DECREED that the City's Motion for Summary Judgment is GRANTED;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Potala Village's Cross-Motion for [Partial] Summary Judgment is DENIED; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Potala Village's lawsuit against the City is DISMISSED in its entirety with prejudice and without an award of fees or costs to Potala Village.

Done in open court this 22nd day of May, 2015.


HONORABLE DEAN S. LUM

Presented by:
STEPHANIE CROLL LAW

By: _____
Stephanie E. Croll, WSBA #18005
Attorney for City of Kirkland

CITY OF KIRKLAND

DB: _____
[PROPOSED] ORDER GRANTING CITY OF KIRKLAND'S MOTION FOR SUMMARY JUDGMENT - 3

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Robin S. Jenkinson, WSBA #10853
Attorney for Defendant City of Kirkland

Approved as to form; Notice of Presentation waived:

JOHNS MONROE MITSUNAGA KOLOUŠKOVÁ, PLLC

By: _____
Duana Kolouskova, WSBA #27532
Attorneys for Plaintiffs