

MAY 10 2013

SUPERIOR COURT CLERK  
BY Carolina Ceja  
DEPUTY

THE HONORABLE MONICA BENTON  
HEARING DATE: MAY 3, 2013 / 10:00 AM

**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. 12-2-18714-2 SEA**

ORDER GRANTING PLAINTIFFS'  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT

THIS MATTER having duly come on for hearing before the undersigned Judge of the above-entitled Court upon cross motions for summary judgment filed by both Plaintiffs/Petitioners Potala Village Kirkland, LLC, and Lobsang Dargey and Tamara Agassi Dargey, and by Defendant/Respondent the City of Kirkland, all parties having been duly represented by counsel, and the Court, being fully advised in the premises, having heard oral arguments of counsel for the parties, having reviewed the pleadings, exhibits, and other documents in the court file, and having reviewed those documents specifically listed below, finds that there are no genuine issues of material fact and that summary judgment should be entered as set forth below.

ORDER GRANTING PLAINTIFFS' MOTION FOR  
PARTIAL SUMMARY JUDGMENT - *Part 1 of 5*

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1. Plaintiffs/Petitioners' Motion For Partial Summary Judgment;
2. Declaration Of Duana T. Koloušková In Support Of Plaintiffs/Petitioners' Motion For Partial Summary Judgment And Exhibits;
3. Declaration Of Lobsang Dargey In Support Of Plaintiffs/Petitioners' Motion For Partial Summary Judgment And Exhibits;
4. City's Response in Opposition to Plaintiffs' Partial Motion for Summary Judgment and in Support of the City's Motion for Summary Judgment;
5. Supplemental Declaration of Teresa Swan;
6. Declaration of Eric Shields in Opposition to Plaintiffs' Partial Motion for Summary Judgment and in Support of the City's Motion for Summary Judgment;
7. Plaintiffs' Reply in Motion for Partial Summary Judgment;
8. Proposed Order Granting Plaintiffs' Motion for Partial Summary Judgment;
9. City of Kirkland's Motion for Summary Judgment to Dismiss Petitioners Request for Issuance of a Writ of Mandamus;
10. Declaration of Kurt Triplett in Support of City's Motion for Summary Judgment to Dismiss Petitioners Request for Issuance of a Writ of Mandamus;
11. Declaration of Tom Radford in Support of City's Motion for Summary Judgment to Dismiss Petitioners Request for Issuance of a Writ of Mandamus;
12. Declaration of Desiree Goble in Support of City's Motion for Summary Judgment to Dismiss Petitioners Request for Issuance of a Writ of Mandamus;
13. Declaration of Teresa Swan in Support of City's Motion for Summary Judgment to Dismiss Petitioners Request for Issuance of a Writ of Mandamus;
14. Proposed Order Granting City of Kirkland's Motion for Summary Judgment to Dismiss Petitioners Request for Issuance of a Writ of Mandamus;
15. Plaintiffs Potala Village Kirkland, LLC's and Dargey's Response to City of Kirkland's Motion for Summary Judgment;
16. Declaration of Justin Stewart;
17. Second Declaration of Duana T. Koloušková;
18. Proposed Order Granting Plaintiffs' Motion for Partial Summary Judgment;
19. City of Kirkland's Reply in Support of City's Motion for Partial Summary Judgment;

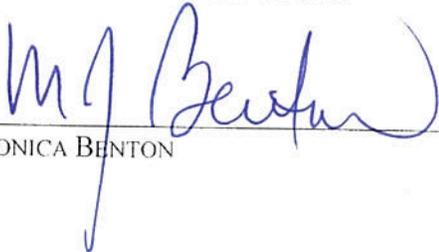


1 regulations in effect on the date of the shoreline substantial development permit application,  
2 i.e. February 23, 2011.

3 10. In addition, this Court hereby enters a peremptory writ of mandamus  
4 commanding Defendant/Respondent City of Kirkland to accept and process an application  
5 for building permit by Plaintiffs based on the on the zoning and land use regulations in effect  
6 on the date of the shoreline substantial development permit application, i.e. February 23,  
7 2011, if said application is otherwise complete as required by state law and local regulation.

8 DATED this 9 day of May, 2013.

9 KING COUNTY SUPERIOR COURT

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12 JUDGE MONICA BENTON

13 Presented by:

14 JOHNS MONROE MITSUNAGA & KOLOUŠKOVÁ, PLLC

15 By \_\_\_\_\_  
16 Duana T. Koloušková, WSBA #27532  
17 Attorneys for Petitioners/Plaintiffs

18 Approved as to form; Notice of Presentation waived:

19 KEATING BUCKLIN & MCCORMACK, INC., P.S.

20 By \_\_\_\_\_  
21 Stephanie E. Croll, WSBA #18005  
22 Attorneys for Defendant

23 CITY OF KIRKLAND

24 By \_\_\_\_\_  
25 Robin S. Jenkinson, WSBA #18053  
Attorneys for Defendant

435-1 Order (Proposed) Granting Plaintiffs' Motion for Summary Judgment 04-29-13.doc

ORDER GRANTING PLAINTIFFS' MOTION FOR  
PARTIAL SUMMARY JUDGMENT - *Page 4 of 5*

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Town of  
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App. 643  
(2013)