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

BRETT BASS, an individual; SWAN SEABERG, an individual; THE SECOND AMENDMENT FOUNDATION, INC., a Washington non-profit corporation; and NATIONAL RIFLE ASSOCIATION OF AMERICA, INC., a New York non-profit association,

Plaintiffs,

v.

CITY OF EDMONDS, a municipality; DAVE EARLING, Mayor of the City of Edmonds, in his official capacity; EDMONDS POLICE DEPARTMENT, a department of the City of Edmonds; and AL COMPAAN, Chief of Police, in his official capacity,

Defendants.

CASE NO. 18-2-07049-31

NOTICE OF APPEAL

Defendant City of Edmonds seeks review by the designated appellate court of Paragraphs 2, 3, 4, and 5 of the Order Granting in Part and Denying in Part Plaintiffs' Motion for Summary Judgment entered on October 18, 2019.

A copy of the decision is attached to this Notice.

1 DATED this 15th day of November, 2019.

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3 *Attorneys for Defendant City of Edmonds*

4 By: 

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CERTIFICATE OF SERVICE

I hereby certify that on this day I caused the foregoing to be served, as indicated, upon the following:

Attorneys for Plaintiffs

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DATED this 15th day of November, 2019.



Sharon K. Hendricks, Legal Assistant
SharonH@summitlaw.com

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SUPERIOR COURT OF WASHINGTON
IN AND FOR SNOHOMISH COUNTY

BRETT BASS, an individual; CURTIS
MCCULLOUGH, an individual; and SWAN
SEABERG, an individual,

Plaintiffs,

v.

CITY OF EDMONDS, a municipality;
EDMONDS POLICE DEPARTMENT, a
department of the City of Edmonds,

Defendants.

No. 18-2-07049-31

**(PROPOSED) ORDER GRANTING
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT** *in part
and denying in part*

THIS MATTER having come on regularly for hearing before the undersigned Judge on
Plaintiffs' Motion for Summary Judgment; and the Court having reviewed

1. Plaintiffs' Motion for Summary Judgment;
2. Declaration of Eric A. Lindberg in Support of Plaintiffs' Motion for Summary Judgment, and exhibits thereto;
3. Declaration of Brett Bass in Support of Plaintiffs' Motion for Summary Judgment;
4. Declaration of Curtis McCullough in Support of Plaintiffs' Motion for

Summary Judgment;

5. Declaration of Swan Seaberg in Support of Plaintiffs' Motion for Summary Judgment;

6. Defendants' Opposition to Plaintiffs' Motion for Summary Judgment and Cross-Motion for Summary Judgment;

7. Declaration of Jessica L. Goldman in Support of Defendant City of Edmonds' Cross-Motion for Summary Judgment; and exhibits thereto;

8. Plaintiffs' Reply in Support of Motion for Summary Judgment, and

9. Declaration of Eric Lindberg in Support of Plaintiffs' Reply in Support of Motion for Summary Judgment;

and the files and records herein, and deeming itself fully advised;

THE COURT MAKES THE FOLLOWING FINDINGS:

1. Plaintiffs do not have standing to challenge Edmonds City Code 5.26.020
2. ~~A.~~ The Plaintiffs have standing to challenge Edmonds City Code Chapter 5.26; [^]
3. ~~Z.~~ RCW 9.41.290 is intended to create statewide uniformity of firearms regulations;
4. ~~Z.~~ The Legislature fully preempted the field of firearm regulation within the boundaries of the state in RCW 9.41.290;
5. ~~A.~~ Edmonds City Code Edmonds City Code Chapter ^{5.26.020} ~~5.26~~ impermissibly regulates firearms in violation of RCW 9.41.290;

Pursuant to the Court's oral ruling, and prior written order

Ed

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Plaintiffs' Motion for Summary Judgment is **GRANTED**;
2. Plaintiffs have satisfied the requirements for injunctive relief;

in part and denied in part.

1 3. Defendants, and their officers, agents, servants, employees, and attorneys, are hereby
2 PERMANENTLY ENJOINED from enforcement of Edmonds City Code Chapter 5.26 because
3 those provisions are preempted and repealed by RCW 9.41.290. ^{pending appeal,} ^{5.26.020}


4 4. Upon final mandate, if the City does ^{Not Off} prevail or does
5 not appeal this order, this section must be repealed.

6 DONE IN OPEN COURT this 18th day of October, 2019.

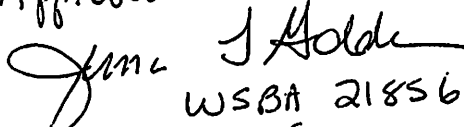
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9 HON. ANITA FARRIS

10 Presented by:

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21 *Attorneys for Plaintiffs*

22 Approved as to form
23 
24 WSBA 21856
25 Counsel for the City of Edmonds