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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

NOTICE OF CROSS-APPEAL

TO: Clerk of the Court

AND TO: All counsel of record

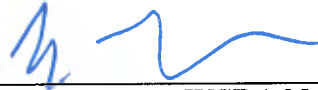
Plaintiffs Brett Bass, Curtis McCullough, and Swan Seaberg seek review by Division I of the Washington State Court of Appeals of Paragraph 1 of the Findings in the Order Granting in Part and Denying in Part Plaintiffs' Motion for Summary Judgment, entered on October 18, 2019, finding that Plaintiffs lacked standing to challenge Edmonds City Code Chapter 5.26.030 and incorporating by reference the Court's oral ruling and the Court's Order Denying Defendants' Motion to Dismiss, entered on March 19, 2019.

A copy of the Order is attached to this Notice of Cross-Appeal. This Order is appealable

1 pursuant to RAP 2.2(a)(1) as it is a final judgment, resolving all issues in dispute and settling the
2 parties' rights with respect to those issues.

3 DATED: December 2, 2019.

4 CORR CRONIN LLP

5 

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8 Eric A. Lindberg, WSBA No. 43596
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14 *Attorneys for Plaintiffs*

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CERTIFICATE OF SERVICE

The undersigned certifies as follows:

1. I am employed at Corr Cronin LLP, attorneys for Plaintiffs herein.

2. On December 2, 2019, I caused a true and correct copy of the foregoing document to be served on the following parties in the manner indicated below:

Attorneys for Defendants:

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Court of Appeals Division I:

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Court Administrator/Clerk
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- Via Messenger Delivery
- Via Overnight Courier
- Via electronic mail

1 I declare under penalty of perjury under the laws of the state of Washington that the
2 foregoing is true and correct.

3
4 DATED: December 2, 2019, at Seattle, Washington.


5 
6 Monica Dawson

EXHIBIT 1

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7 SUPERIOR COURT OF WASHINGTON
IN AND FOR SNOHOMISH COUNTY

8 BRETT BASS, an individual; CURTIS
9 MCCULLOUGH, an individual; and SWAN
10 SEABERG, an individual,

11 Plaintiffs,

12 v.

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

15 Defendants.

No. 18-2-07049-31

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

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

- 18 1. Plaintiffs' Motion for Summary Judgment;
19 2. Declaration of Eric A. Lindberg in Support of Plaintiffs' Motion for Summary
20 Judgment, and exhibits thereto;
21 3. Declaration of Brett Bass in Support of Plaintiffs' Motion for Summary
22 Judgment;
23 4. Declaration of Curtis McCullough in Support of Plaintiffs' Motion for
24
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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~~ 526.020
- 2. ~~A.~~ The Plaintiffs have standing to challenge Edmonds City Code Chapter ~~5.26~~ 526; ^
- 3. ~~Z.~~ RCW 9.41.290 is intended to create statewide uniformity of firearms regulations;
- 4. ~~X.~~ 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~~ ^{526.020} impermissibly regulates firearms in violation of RCW 9.41.290;

NOW, THEREFORE, IT IS HEREBY ORDERED:

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

Pursuant to the Court's oral filing and prior written order

att

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 ~~526~~ because
3 those provisions are preempted and repealed by RCW 9.41.290. ^{pending appeal,} ~~526~~ 5.26.020

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

5
6 DONE IN OPEN COURT this 18th day of October, 2019.

7
8 
9 HON. ANITA FARRIS

10 Presented by:

11
12 CORR CRONIN LLP

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21 *Attorneys for Plaintiffs*

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