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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;  
14 EDMONDS POLICE DEPARTMENT, a  
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  
25

ORDER GRANTING PLAINTIFFS' MOTION FOR SUMMARY  
JUDGMENT - 1

**COPY**

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1 Summary Judgment;

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

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

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

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

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

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

12 THE COURT MAKES THE FOLLOWING FINDINGS:

- 13
- 14 1. Plaintiffs do not have standing to challenge Edmonds City Code ~~5.26.020~~ 5.26.020
- 15 2. ~~A.~~ The Plaintiffs have standing to challenge Edmonds City Code Chapter 5.26; <sup>^</sup>
- 16 3. ~~Z.~~ RCW 9.41.290 is intended to create statewide uniformity of firearms regulations;
- 17 4. ~~B.~~ The Legislature fully preempted the field of firearm regulation within the
- 18 boundaries of the state in RCW 9.41.290;
- 19 5. ~~A.~~ Edmonds City Code Edmonds City Code Chapter ~~5.26~~ <sup>5.26.020</sup> impermissibly regulates
- 20 firearms in violation of RCW 9.41.290;
- 21

22 NOW, THEREFORE, IT IS HEREBY ORDERED:

- 23 1. Plaintiffs' Motion for Summary Judgment is **GRANTED**;
- 24 2. Plaintiffs have satisfied the requirements for injunctive relief;
- 25

*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 5.26 because  
3 those provisions are preempted and repealed by RCW 9.41.290. <sup>pending appeal,</sup>


4 4. Upon final mandate, if the City does <sup>Not</sup> prevail or does <sup>5.26.020</sup>  
5 not appeal this order, this section must be repealed.

6 DONE IN OPEN COURT this 18<sup>th</sup> day of October, 2019.

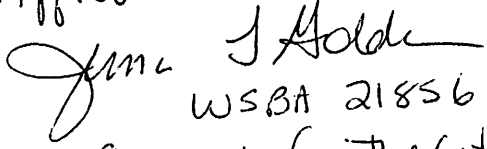
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HON. ANITA FARRIS

10 Presented by:

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18 *Attorneys for Plaintiffs*

19  
20 Approved as to form  
21   
22 WSBA 21856  
23 Counsel for the City of Edmonds  
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