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

ANNIE JANICKI,

Petitioner,

vs.

CITY OF SEDRO-WOOLLEY, a municipal  
corporation, and DELUXE RECYCLING  
AND DISPOSAL LLC, a Washington  
Corporation,

Respondents,

vs.

SKAGIT COUNTY, a political subdivision in  
the State of Washington,

Intervenor.

No. 08-2-01130-8

**ORDER DENYING MOTIONS TO  
DISMISS**

**THIS MATTER** having come before the Court upon Respondent City of Sedro Woolley  
and Deluxe Recycling and Disposal's Motions to Dismiss the Petition, Petitioner being  
represented by C. Thomas Moser, Respondent City of Sedro Woolley being represented by  
Robert Carmichael and Eron Berg, and Respondent Deluxe Recycling being represented by

ORDER DENYING MOTIONS TO  
DISMISS - 1

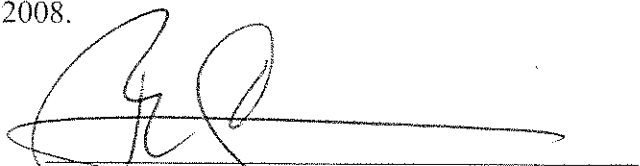
1 Philip Serka, Intervenor Skagit County being represented by William Honea and the Court  
2 having reviewed the following files and records herein;

- 3 1. Respondent City of Sedro Woolley's Motion To Dismiss;
- 4 2. Declaration of Robert Carmichael in Support Of Motion To Dismiss;
- 5 3. Respondent City of Sedro Woolley's Reply In Support of Its Motion To Dismiss;
- 6 4. Motion And Declaration To Dismiss Petitioner's Complaint filed by Deluxe;
- 7 5. Declaration of Steve Seeger;
- 8 6. Declaration of Larry McCarter; *AND DECLARATION OF STEVE SNELL;*
- 9 7. Memorandum of Law: Deluxe Recycling and Disposal LLC In Support of Motion;
- 10 8. Deluxe Recycling and Disposal LLC's Motion To Strike;
- 11 9. Declaration of Philip Serka; *dated July 1, 2008;*
- 12 10. Deluxe Recycling and Disposal LLC's Reply in Favor of Motion To Dismiss;
- 13 11. Petitioner's Response To Motion To Dismiss And Objection To Joinder of Fire Ridge  
14 LLC;
- 15 12. Skagit County's Opposition To City/Deluxe Motion To Dismiss; *except 7:18-8:4*  
*STRICKEN*
- 16 13. Declaration of Steve Fallquist In Support of Skagit County's Opposition To City/Deluxe  
17 Motions To Dismiss ; *EXHS. D, G & O STRICKEN; EXHS. J & P illustrative only*
- 18 14. Skagit County's Response To Deluxe's Motion To Strike.
- 19 15. *DECLARATION OF PHIL SERKA dated JULY 23, 2008.*


20 And the Court having ordered that the following exhibits are stricken and not considered  
21 in deciding these motions: *Declaration SEE ABOVE*

22 **IT IS HEREBY ORDERED ADJUDGED AND DECREED** that the Motions to  
23 Dismiss the Petition are each denied.

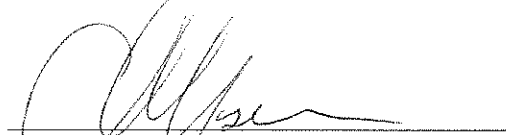
24 ENTERED this 29 day of July, 2008.

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\_\_\_\_\_  
JUDGE CASTLEBERRY

ORDER DENYING MOTIONS TO  
DISMISS - 2

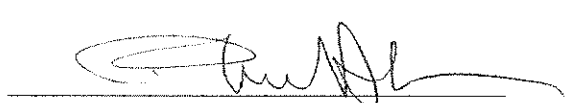
 **MOSER**  
LAW OFFICE  
C. Thomas Moser, WSPA # 7287  
411 Main Street, Mount Vernon, WA 98273  
Tel: 360-428-7900 FAX: 360-336-3488

1 Presented by:

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4 C. Thomas Moser, WSBA # 7287  
Attorney for Petitioner

5 Approved for Entry:

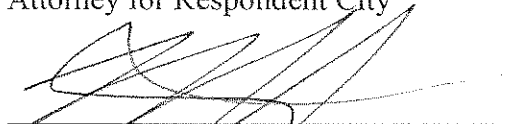
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8 Phil Serka, WSBA # 6814  
Attorney for Respondent Deluxe

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10 Robert Carmichael, WSBA # 14008  
11 Attorney for Respondent City

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13 Eron Berg, WSBA # 29930  
Attorney for Respondent City

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16 William Honea, WSBA #33528  
Attorney for Skagit County

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ORDER DENYING MOTIONS TO  
DISMISS - 3



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