

The Honorable Karen Donohue
August 13, 2018
Without Oral Argument

FILED
KING COUNTY, WASHINGTON

AUG 14 2018

SUPERIOR COURT CLERK
BY Ruby Appel
DEPUTY

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
KING COUNTY

SARA L. LACY, in her Personal Capacity and
as Personal Representative of the Estate of
CECIL D. LACY, JR., deceased,

Plaintiff,

v.

SNOHOMISH COUNTY, a political
subdivision of the State of Washington,

Defendant.

Case No. 16-2-21526-2 SEA ^{AD}

~~PROPOSED~~ ORDER ^{DEVIKIS} GRANTING
DEFENDANT'S MOTION FOR
RECONSIDERATION OF DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT

ORDER

This matter came before the Court on Defendant's Motion for Reconsideration and Clarification of the Court's decision on Defendant Snohomish County's Motion for Summary Judgment. The Court has reviewed the pleadings and papers on file and the papers submitted by the parties.

Being fully advised in the matter, the Court hereby ORDERS AS FOLLOWS:

1. Defendant's Motion to Strike is GRANTED as follows:

A. The Court strikes Exhibits D, I, L, M and R, to the Declaration of Ryan Dreveskracht in Support of Plaintiff's Response.

1 ~~B. The Court strikes the portions of the reports of Sue Peters and Dr. Jared Strote~~
2 ~~that are impermissible opinion testimony on the question of legal duty.~~

3 **Defendant's motion for Reconsideration and Clarification of the**

4 2. The ~~Court~~ ^{courts} hereby clarifies its July 24, 2018 decision on Defendant Snohomish County's

5 Motion for Summary Judgment and Defendant's Motion for Summary Judgment is,

6 **DENIED**

7 ~~hereby GRANTED, in part, and DENIED, in part, as follows:~~

8 A. Deputy Pendergrass did not have a duty to summon medical aid during his initial
9 contact with Mr. Lacy.

10 B. The officers' decision to take Mr. Lacy to a hospital or to transport him home was
11 completely appropriate under RCW 71.05.153.

12 C. The Court is/is not recognizing Plaintiff's claim for "Negligent Use of Excessive
13 Force," as a cause of action in the State of Washington.

14 D. The Court holds that legal authority to detain under RCW 71.05.153, and probable
15 cause for Assault Third Degree, Disorderly Conduct and Obstructing a Law
16 Enforcement Officer are/are not valid defenses to False Imprisonment.

17 E. The Court holds that the Battery and False Imprisonment claims arise from Deputy
18 Pendergrass's restraint of Mr. Lacy after Mr. Lacy exited the Tulalip Tribal Police
19 vehicle.

20 F. The Court holds that any negligence duty owed to Plaintiff by Deputy Pendergrass is
21 based on:

22 _____
23 _____

24 G. The Court holds that any such negligence duty is the common law duty owed by a
25 reasonable person, rather than a "duty to act as a reasonable police officer."

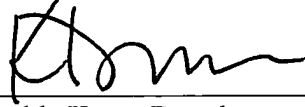
26 3. Plaintiff's claim of Outrage is dismissed with prejudice.

27 4. Plaintiff's claims for Negligent Training and Supervision are dismissed with prejudice.

5. _____

6. _____

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2 Signed this 14 day of AUGUST, 2018.

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4 The Honorable Karen Donohue

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7 Presented by:

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10 Snohomish County Prosecuting Attorney

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