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**SUPERIOR COURT OF
WASHINGTON
FOR SPOKANE COUNTY**

NO. 17-2-02507-5

JOHN E. DURGAN et al
Plaintiffs

VS.

CITY OF SPOKANE
Defendants

ORDER DENYING
DEFENDANT'S MOTION FOR
RECONSIDERATION

BASIS

The Defendant, City of Spokane, moved the Court for Order on Reconsideration of the December 4, 2018, Order Granting Plaintiffs' Class Notice Plan.

The Court received copies of (1) Defendant City of Spokane's Motion for Reconsideration and Clarification, (2) Defendant City of Spokane's Memorandum in Support of Motion for Reconsideration and Clarification; (3) Declaration of Marlene Feist in Support of Motion for Reconsideration and Clarification; (4) Plaintiff's Response; and (5) Defendant City of Spokane's Reply in Support of Motion for Reconsideration and Clarification.

FINDING

After review of the documents outlined above, the files and records herein, there is good cause to deny in part and grant in part Defendant's Motion for Reconsideration.

Defendant's request for reconsideration is granted in part regarding the Defendant's request that the Plaintiff be responsible for the standard fee insert charge. It was the Court's intent to require Plaintiff's to be responsible for the utility bill insert fee, just as other users of this service

1 have been required to pay as outlined in Defendant's original response. The omission of this cost
2 as one born by the Plaintiff was an oversight. The remainder of the Defendant's request for
3 reconsideration is denied.

4 Regarding Defendant's Motion for Clarification of the timing of the notice mailing, the
5 Court did not order a specific date. Please refer to Page 2, Paragraph 3(a) of the Order, which
6 indicates the notice shall be inserted in the next *possible* regularly-scheduled utility mailing. The
7 Court's expectation was that the parties would confer as to when the next possible mailing could
8 reasonably occur. It does not appear that the parties have conferred; therefore, the Court will
9 clarify that notice will go out in the February 2019 utility mailing.

10 **III. ORDER**

11 IT IS ORDERED that Defendant's Motion for Reconsideration is granted in part and
12 denied in part. Defendant's Motion for Clarification has been clarified as the notice will go out in
13 the February 2019 utility mailing.

14 Dated: January ^{11th} 11, 2018


15 _____
16 JULIE M. MCKAY
17 SUPERIOR COURT JUDGE

18 **DECLARATION OF SERVICE**

19 I, Lisa R Gurkowski, certify that on January 11, 2019, I e-mailed and mailed a copy of this
20 Briefing Schedule to:


21 Robert A Dunn
22 Bil Childress
23 Dunn & Black PS
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25 Spokane, WA 99201-4911
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28 I certify under penalty of perjury under the laws of the state of Washington that the forgoing is
29 true and correct.

Date: January 11, 2019


Lisa R Gurkowski, Judicial Assistant to
Julie M. McKay, Superior Court Judge