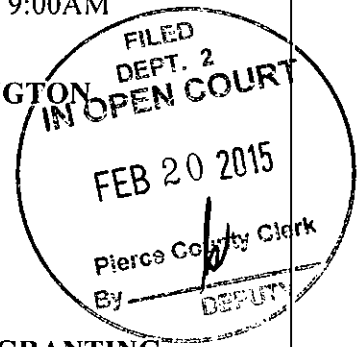


13-2-10152-7 44174236 ORGSJ 02-23-15

The Honorable Katherine M. Stolz  
Hearing Date: February 20, 2015  
Hearing Time: 9:00AM

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR PIERCE COUNTY**



INSTITUTE FOR JUSTICE, *et al.*,  
Plaintiffs,  
v.  
STATE OF WASHINGTON, *et al.*,  
Defendants.

No. 13-2-10152-7

**[PROPOSED] ORDER GRANTING  
PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT**

**ORDER**

THIS MATTER came before the Court on Plaintiffs' Motion for Summary Judgment.  
The Court reviewed the following materials submitted by the parties:

1. Plaintiffs' "Civil Rights Complaint for Declaratory and Injunctive Relief";
2. Defendants' "Answer of Defendants and Affirmative Defenses";
3. "Plaintiffs' Motion for Summary Judgment and Memorandum in Support Thereof" and the accompanying
  - a. "Parties Stipulation as to Undisputed Facts" and the exhibits thereto;
  - b. "Declaration of Barnaby Zall in Support of Plaintiffs' Motion for Summary Judgment";
  - c. "Declaration of Steven Anderson in Support of Plaintiffs' Motion for

[PROPOSED] Order Granting Plaintiffs' Motion for Summary Judgment- 1

**INSTITUTE FOR JUSTICE**  
10500 NE 8<sup>th</sup> Street, Suite 1760  
Bellevue, Washington 98004  
(425) 646-9300

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Summary Judgment” and the exhibit thereto;

d. “Declaration of Robin Farris in Support of Plaintiffs’ Motion for Summary Judgment” and the exhibits thereto;

e. “Declaration of Jeffrey Paul Helsdon in Support of Plaintiffs’ Motion for Summary Judgment” and the exhibits thereto; and

f. “Affidavit of Paul V. Avelar in Support of Plaintiffs’ Motion for Summary Judgment” and the exhibits thereto;

4. “Defendants’ Opposition to Plaintiffs’ Motion for Summary Judgment” and the accompanying

a. “Declaration of Linda Dalton in Opposition to Plaintiffs’ Motion for Summary Judgment” and the exhibits thereto;

b. “Declaration of Tony Perkins in Support of Defendants’ Response to Plaintiffs’ Motion for Summary Judgment” and the exhibits thereto;

c. “Declaration of Lori Anderson in Support of Defendants’ Response to Plaintiffs’ Motion for Summary Judgment” and the exhibit thereto; and

d. “Declaration of Marcus S. Owens in Support of Defendants’ Opposition to Plaintiffs’ Motion for Summary Judgment” and the exhibits thereto;

5. “Plaintiffs Reply to Defendants’ Response in Opposition to Plaintiffs’ Motion for Summary Judgment” and the accompanying

a. “Reply Declaration of Barnaby Zall in Support of Plaintiffs’ Motion for Summary Judgment” and the exhibits thereto;

b. “Reply Declaration of Steven Anderson in Support of Plaintiffs’ Motion for Summary Judgment”; and

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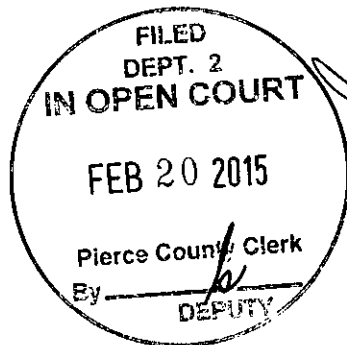
1 c. "Affidavit of Paul V. Avelar in Support of Plaintiffs' Reply to Defendants'  
2 Response in Opposition to Plaintiffs' Motion for Summary Judgment" and the  
3 exhibits thereto; and

4 6. The filings and pleadings herein.

5 The Court, having considered these admissions and hearing oral argument of the parties,  
6 now ORDERS, ADJUDGES, AND DECREES that:

7 Plaintiffs' Motion for Summary Judgment is **GRANTED**. Plaintiffs present a justiciable  
8 controversy and have standing to bring this action. Defendants' treatment of free legal  
9 assistance to a political committee in a federal civil rights lawsuit as a "contribution," as that  
10 term is defined in RCW 42.17A.005(13), is unconstitutional under the U.S. Constitution.  
11 Defendants are permanently enjoined from applying any cap on the amount of free legal  
12 services a political committee may receive in a federal civil rights case. Defendants are also  
13 permanently enjoined from requiring Recall Dale Washam or any other political committee to  
14 report free legal services provided by the Institute for Justice, Oldfield & Helsdon PLLC, or any  
15 other attorney in a federal civil rights lawsuit as a campaign contribution. Plaintiffs are  
16 prevailing parties for purposes of attorneys' costs and fees.

17 SO ORDERED this 20<sup>th</sup> day of Feb. 2015.



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*[Signature]*  
Judge Katherine M. Stolz