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6 **SUPERIOR COURT OF WASHINGTON**
7 **COUNTY OF PIERCE**

8 MMH, LLC, a Washington limited liability
9 company,

10 **Plaintiff,**

11 **and**

12 CITY OF FIFE, a Washington municipal
13 corporation

14 **Defendant.**

No. 14-2-10487-7

**DECLARATION OF MARK D.
NELSON IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PARTIAL SUMMARY JUDGMENT**

**Hearing Date: August 29, 2014
Time: 8:30 a.m.**

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16 I, Mark D. Nelson, subject to penalty of perjury under the laws of the state of
17 Washington, declare as follows:

18 1. I am one of the attorneys for the Plaintiffs in the above-captioned matter. I
19 am over the age of eighteen and am competent to testify to the matters addressed
20 herein. I make this declaration from personal knowledge.

21 2. Attached hereto as Exhibit 1 is a true and correct copy of Initiative 502,
22 Chapter 3, Laws of 2013.

23 3. Attached hereto as Exhibit 2 is a true and correct copy of the number of
24

25 **DECLARATION OF MARK D. NELSON IN SUPPORT OF
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1 marijuana retail licenses apportioned by county as determined by the Washington State
2 Liquor Control Board. The breakdown can be accessed at [http://liq.wa.gov/marijuana/l-](http://liq.wa.gov/marijuana/l-502#)
3 502#.

4 4. Attached hereto as Exhibit 3 is a true and correct copy of the City of Fife
5 Emergency Ordinance No. 1841.

6 5. Attached hereto as Exhibit 4 is a true and correct copy of the August 13,
7 2013, Fife City Council Regular Meeting Agenda Bill, with Exhibit B. Exhibits A and C
8 have been excluded for conciseness purposes.

9 6. Attached hereto as Exhibit 5 is a true and correct copy of the August 13,
10 2013, Fife City Council Regular Meeting Minutes.

11 7. Attached hereto as Exhibit 6 is a true and correct copy of the January 27,
12 2014, Fife City Council Planning Commission Minutes.

13 8. Attached hereto as Exhibit 7 is a true and correct copy of the January 27,
14 2014, Fife City Council Planning Commission Staff Report, with Exhibits. Exhibit 2 has
15 been excluded for conciseness purposes.

16 9. Attached hereto as Exhibit 8 is a true and correct copy of the February 3,
17 2014, Fife City Council Planning Commission Minutes

18 10. Attached hereto as Exhibit 9 is a true and correct copy of the March 3,
19 2014, Fife City Council Planning Commission Minutes.

20 11. Attached hereto as Exhibit 10 is a true and correct copy of the March 31,
21 2014, Fife City Council Staff Report, with Exhibits. Exhibit A is the draft ordinance dated
22 April 7, 2014. Exhibits D, I, J, K, and L have been excluded for conciseness purposes.

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25 DECLARATION OF MARK D. NELSON IN SUPPORT OF
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1 12. Attached as Exhibit 11 is a true and correct copy of the April 7, 2014, Fife
2 City Council Planning Commission minutes.

3 13. Attached hereto as Exhibit 12 is a true and correct copy of the April 27,
4 2014, Fife City Council Staff Report, with Exhibits.

5 14. Attached hereto as Exhibit 13 is a true and correct copy of the May 5,
6 2014, Fife City Council Planning Commission Minutes.

7 15. Attached hereto as Exhibit 14 is a true and correct copy of the May 20,
8 2014, Fife City Council Study Session Meeting Minutes.

9 16. Attached hereto as Exhibit 15 is a true and correct copy of the May 20,
10 2014, Fife City Council Study Session Agenda Bill, with Exhibits. Exhibit 1 has been
11 excluded for conciseness purposes.

12 17. Attached hereto as Exhibit 16 is a true and correct copy of the June 10,
13 2014, Fife City Council Regular Meeting Minutes.

14 18. Attached hereto as Exhibit 17 is a true and correct copy of the June 10,
15 2014, Fife City Council Regular Meeting Agenda Bill, with Exhibit 1. All other exhibits
16 have been excluded for conciseness purposes.

17 19. Attached hereto as Exhibit 18 is a true and correct copy of the June 24,
18 2014, Fife City Council Regular Meeting Minutes.

19 20. Attached hereto as Exhibit 19 is a true and correct copy of the June 24,
20 2014, Fife City Council Regular Meeting Agenda Bill, with Exhibits 1, 32, and 34.

21 21. Attached hereto as Exhibit 20 is a true and correct copy of the July 8,
22 2014, Fife City Council Regular Meeting Minutes.

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25 DECLARATION OF MARK D. NELSON IN SUPPORT OF
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22. Attached hereto as Exhibit 21 is a true and correct copy of City of Fife Ordinance No. 1872.

23. Attached hereto as Exhibit 22 is a true and correct copy of the State of Washington Voters' Pamphlet for the November 6, 2012, General Election (Pierce County). The Voters' Pamphlet has been edited to only include information with regard to I-502.

Signed at Tacoma, Washington, this 1st day of August, 2014.

DAVIES PEARSON P.C.



MARK D. NELSON, WSB# 37833
Attorneys for Plaintiffs