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**STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT**

COLLEEN DAVISON, legal guardian for
K.B., a minor on behalf of themselves and
others similarly situated and GARY
MURRELL,

Plaintiffs,

v.

STATE OF WASHINGTON and
WASHINGTON STATE OFFICE OF
PUBLIC DEFENSE,

Defendants.

NO. 17-2-01968-34

[PROPOSED]
ORDER

THIS MATTER came on for hearing on December 14, 2018. Counsel of record appeared on behalf of the Plaintiff class, and on behalf of Defendants State of Washington and Washington State Office of Public Defense. Before the Court were cross motions for summary judgment from both the Plaintiffs and Defendants. The Court considered the motion, the arguments of counsel, and the following:

1. Defendants' Memorandum in Support of Motion for Summary Judgment;
2. Declaration of Joanne Moore in Support of Defendants' Motion for Summary Judgment;
3. Declaration of Jeffrey T. Even in Support of Defendants' Motion for Summary

- 1 Judgment;
- 2 4. Plaintiffs' Opening Brief in Support of Motion for Summary Judgment;
- 3 5. Declaration of Simmie Ann Baer;
- 4 6. Declaration of Mathew L. Harrington;
- 5 7. Defendants' Response to Plaintiffs' Opening Brief in Support of Motion for
- 6 Summary Judgment;
- 7 8. Declaration of Jeffrey T. Even in Support of Defendants' Response to Plaintiffs'
- 8 Opening Brief in Support of Motion for Summary Judgment;
- 9 9. Plaintiffs' Opposition to Defendants' Motion for Summary Judgment;
- 10 10. Declaration of Theresa H. Wang;
- 11 11. Reply in Support of Defendants' Motion for Summary Judgment;
- 12 12. Reply in Support of Plaintiffs' Motion for Summary Judgment;
- 13 13. Declaration of Theresa H. Wang in Support of Plaintiffs' Reply in Support of
- 14 Plaintiffs' Motion for Summary Judgment;
- 15 14. Order Requesting Supplemental Briefing;
- 16 15. State's Supplemental Brief in Support of Summary Judgment;
- 17 16. Plaintiffs' Response to 11/1/18 Order Requesting Supplemental Briefing;
- 18 17. State's Response to Plaintiffs' Response to November 1, 2018 Order Requesting
- 19 Supplemental Briefing;
- 20 18. Plaintiffs' Response to Defendants' Supplemental Brief;
- 21 19. Declaration of John Midgley in Support of Plaintiffs' Supplemental Briefing;
- 22 20. Other pleadings, papers, and records on file with this Court in this action; and
- 23 21. _____
- 24 _____

25 NOW, THEREFORE, having considered the Motions, the arguments of counsel, and the

26 papers, records, and files in this matter, and the Court deeming itself fully advised in the

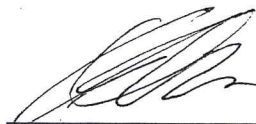
1 premises, the Court orders as follows:

2 1. THE STATE'S MOTION FOR SUMMARY JUDGMENT IS
3 DENIED, AND THE COURT HOLDS THE PLAINTIFF'S
4 MOTION IN ABEYANCE;

5 2. THE COURT CERTIF^{IES}~~IES~~ THAT ~~THE~~ ^{THIS} ORDER INVOLV^{ES}~~ES~~
6 A CONTROLLING QUESTION OF LAW AS TO
7 WHICH THERE IS SUBSTANTIAL GROUND FOR
8 A DIFFERENCE OF OPINION AND THAT
9 IMMEDIATE REVIEW OF THE ORDER MAY
10 MATERIALLY ADVANCE THE ULTIMATE ~~TERMINATION~~
11 OF THE LITIGATION, PURSUANT TO RAP 2.3(b)(4).

12 3. PENDING DATES AND DEADLINES ARE
13 STRICKEN, AND THE COURT WILL SCHEDULE
14 A STATUS CONFERENCE, MARCH 29, 2019

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21 DONE IN OPEN COURT this 14th day of December, 2018.

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25 The Honorable Chris Lanese
26 Judge of the Superior Court