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AUG 04 2025

Timothy W. Fitzgerald
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AUG 04 2025

SUPERIOR COURT OF WASHINGTON IN AND FOR SPOKANE COUNTY

CITY OF SPOKANE VALLEY, a municipal
corporation,

Plaintiff,

v.

ALBERT W. MERKEL, an individual,

Defendant.

NO. 25-2-00710-32

ORDER DENYING MOTION TO
DISMISS AND MOTION FOR AWARD
OF ATTORNEYS' FEES AND COSTS

THIS MATTER came for hearing before the above-entitled Court on July 18, 2025, upon the Motion to Dismiss and Motion for Attorneys' Fees and Costs filed by Defendant Albert W. Merkel, and the Court having reviewed the Court file, including the following:

1. Motion to Dismiss as a matter of law pursuant to CR 12(b)(6) and Motion for Attorneys' Fees and Costs pursuant to RCW 4.84.185 and CR 11;
2. Memorandum in support of Motion to Dismiss and Award of Attorneys' Fees and Costs;
3. Plaintiff's Opposition to Motion to Dismiss and Award of Attorneys' Fees and Costs;
4. Declaration of Reid Johnson in support of Opposition to Motion to Dismiss;
5. Reply in support of Motion to Dismiss and Award of Attorneys' Fees and Costs; and
6. Declaration of Albert W. Merkel in support of Motion for Attorneys' Fees and Costs.

ORDER DENYING MOTION TO DISMISS AND
MOTION FOR AWARD OF ATTORNEYS' FEES
AND COSTS: 1

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And having reviewed the Court record and files herein, and hearing oral argument from the parties on July 18, 2025, the Court hereby DENIES Defendant Albert W. Merkel's Motion to Dismiss and Motion for Attorneys' Fees and Costs.

IT IS HEREBY ORDERED that Defendant Albert W. Merkel's Motion to Dismiss as a matter of law pursuant to 12(b)(6) is DENIED.

IT IS FURTHER ORDERED that Defendant Albert W. Merkel's Motion for Attorneys' Fees and Costs pursuant to RCW 4.84.185 and CR 11 is DENIED.

IT IS SO ORDERED.

DONE IN OPEN COURT this 7 day of July, 2025

Barbara Strader

HONORABLE JUDGE RACHELLE ANDERSON

Presented by:

LUKINS & ANNIS, P.S.

By 
MICHAEL J. HINES, WSBA #19929
REID G. JOHNSON, WSBA #44338
ZAINE M. YZAGUIRRE, WSBA #58265
Attorneys for Plaintiff City of Spokane Valley

Approved and Notice of Presentment Waived By:

PATRICK J. KIRBY LAW OFFICE, PLLC

By Approved via email 7/28/25 at 12:26 p.m.
PATRICK J. KIRBY, WSBA #24097
Attorney for Defendant Albert W. Merkel

**ORDER DENYING MOTION TO DISMISS AND
MOTION FOR AWARD OF ATTORNEYS' FEES
AND COSTS: 2**

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