

**FILED****AUG 04 2025**Timothy W. Fitzgerald  
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## 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: 1LAW OFFICES OF  
**LUKINS & ANNIS, PS**  
A PROFESSIONAL SERVICE CORPORATION  
717 W Sprague Ave., Suite 1600  
Spokane, WA 99201  
Telephone: (509) 455-9555  
Fax: (509) 747-2323

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

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

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

8 IT IS SO ORDERED.

9 DONE IN OPEN COURT this 14th day of July, 2025

*Rachelle Anderson*

11  
12 HONORABLE JUDGE RACHELLE ANDERSON

13 **Presented by:**

14 LUKINS & ANNIS, P.S.

16 By *[Signature]*

17 MICHAEL J. HINES, WSBA #19929

18 REID G. JOHNSON, WSBA #44338

19 ZAINE M. YZAGUIRRE, WSBA #58265

*Attorneys for Plaintiff City of Spokane Valley*

20 **Approved and Notice of Presentment Waived By:**

21  
22 PATRICK J. KIRBY LAW OFFICE, PLLC

23  
24 By *Approved via email 7/28/25 at 12:26 p.m.*

25 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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