

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

MARSHALL HORWITZ, DAVID LAYTON,
RICHARD JOHNSON, and a class of similarly
situated individuals,

Plaintiffs,

v.

UNIVERSITY OF WASHINGTON, an
agency of the STATE OF WASHINGTON,

Defendant.

No. 22-2-15374-1 SEA

**ORDER GRANTING PLAINTIFFS’
MOTION FOR PARTIAL SUMMARY
JUDGMENT AND DENYING
DEFENDANT’S MOTION TO DISMISS**

MATTER BEFORE THE COURT

This matter comes before the Court on the parties’ cross motions for summary judgment. The defendant University of Washington moves for summary judgment to dismiss plaintiffs’ claims for failure to exhaust administrative remedies. The plaintiffs’ move for partial summary judgment to strike the University’s exhaustion defense. This Court has considered the pleadings and records on file, the arguments of counsel, and the briefing and evidence filed by the parties in connection with this motion, including:

1. Defendant’s Motion for Summary Judgment (Dkt. 28);
2. Declaration of Rachel Gatlin re Motion for Summary Judgment (Dkt. 29);
3. Declaration of Marshall Horwitz (Dkt. 32);
4. Declaration of Marshall Horwitz (Dkt. 50);

- 1 5. Plaintiffs' Motion for Partial Summary Judgment (Dkt. 74);
- 2 6. Plaintiffs' Opposition to Defendant's Motion to Dismiss (Dkt. 81);
- 3 7. Declaration of Marshall Horwitz (Dkt. 82);
- 4 8. Declaration of David Layton (Dkt. 83);
- 5 9. Declaration of Richard Johnson (Dkt. 84);
- 6 10. Declaration of Erika Haack in support of Plaintiffs' Opposition (Dkt. 85);
- 7 11. Defendant's Opposition to Plaintiffs' Motion for Partial Summary Judgment (Dkt.
- 8 86);
- 9 12. Declaration of David Ward (Dkt. 87);
- 10 13. Supplemental Declaration of Rachel Gatlin (Dkt. 88);
- 11 14. Defendant's Reply Memo in support of Motion for Summary Judgment (Dkt. 90);
- 12 15. Plaintiffs' Reply on Motion for Partial Summary Judgment (Dkt. 91);
- 13 16. Declaration of Alexander Strong (Dkt. 92);
- 14 17. Declaration of Marshall Horwitz (Dkt. 93);

15 **ORDER**

16 Having considered the arguments of the parties and the record herein, the Court rules as
17 follows:

18 Defendant's motion for summary judgment to dismiss plaintiffs' claims for failure to
19 exhaust administrative remedies is DENIED.

20 Plaintiffs' motion for summary judgment to strike defendant UW's exhaustion of
21 administrative remedies defense is GRANTED.

1 DATED this ____ day of _____, 2023.

2
3
4 The Honorable Brian McDonald

5 Presented by:

6 BENDICH, STOBAUGH & STRONG, P.C.

7 /s/ Alexander F. Strong

8 Alexander F. Strong, WSBA #49839

9 David F. Stobaugh, WSBA #6376

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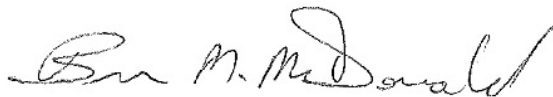
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King County Superior Court
Judicial Electronic Signature Page

Case Number: 22-2-15374-1
Case Title: HORWITZ ET AL VS UNIVERSITY OF WASHINGTON
Document Title: ORDER
Signed By: Brian McDonald
Date: November 09, 2023



Judge: Brian McDonald

This document is signed in accordance with the provisions in GR 30.

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