

FILED  
COURT OF APPEALS  
DIVISION II

**NO. 38857-0-II**

09 MAY 12 PM 1:59

STATE OF WASHINGTON

BY  DEPUTY

**COURT OF APPEALS, DIVISION II  
STATE OF WASHINGTON**

City of Puyallup, a municipal corporation, Appellant

v.

Michael Stanzel and Pierce County, a Washington State political  
subdivision, Respondents

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**BRIEF OF RESPONDENT PIERCE COUNTY**

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GERALD A. HORNE  
Prosecuting Attorney

By  
DAVID B. ST. PIERRE  
Deputy Prosecuting Attorney  
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## Table of Authorities

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### Cases

<u>Kaiser Aluminum v. Department of Labor and Industries</u> , 121 Wn.2d 776, 854 P.2d 611 (1993).....	1
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COMES NOW Respondent Pierce County, by and through Gerald Horne, Prosecuting Attorney, by his deputy, David B. St.Pierre, Deputy Prosecuting Attorney, and files this response to Appellant City of Puyallup's opening brief. Pierce County's participation in this matter is restricted to representing the Pierce County Hearing Examiner and his decision giving rise to this LUPA. Therefore, because of the Hearing Examiner's limited powers on appeal (See Kaiser Aluminum v. Department of Labor and Industries, 121 Wn.2d 776, 854 P.2d 611 (1993)), the findings of fact, the conclusions of law, and the legal arguments upon which those conclusions were based are found in the Deputy Hearing Examiner's decision attached to the petition in this case and are incorporated herein by reference without elaboration.

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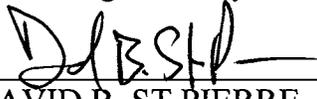
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DATED: May 12, 2009

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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
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CITY OF PUYALLUP, a municipal  
corporation,

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vs.

MICHAEL STANZEL and PIERCE  
COUNTY, a Washington State political  
subdivision,

Respondents.

NO. 38857-0-II

DECLARATION OF SERVICE

I, Chandra Zimmerman, declare that on the 12<sup>th</sup> day of May, 2009, I caused a true and correct copy of:

***Brief of Respondent Pierce County***

to be served by ABC Legal Services, Inc. to the following:

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Kevin J. Yamamoto  
Puyallup City Attorney's Office  
333 South Meridian, 4<sup>th</sup> Floor  
Puyallup, WA 98371

DATED: May 12, 2009.

  
\_\_\_\_\_  
CHANDRA ZIMMERMAN  
Legal Assistant