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CASE NO. 50574-6-II

COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON

KITSAP COUNTY,

Respondent,

vs.

KITSAP RIFLE AND REVOLVER CLUB,

Appellant,

ON APPEAL FROM THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KITSAP COUNTY
Superior Court No. 15-2-00626-8

RESPONSE BRIEF OF KITSAP COUNTY

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I. INTRODUCTION

In 2016, the trial court granted Kitsap County's request for declaratory judgment and ruled that the Kitsap Rifle and Revolver Club ("KRRC") was required to comply with Kitsap County Code Chapter 10.25 ("KCC 10.25"), which requires shooting facilities to obtain an operating permit. Despite the final resolution of this issue in Kitsap County's favor, KRRC continued to operate a shooting facility without obtaining the required permit. During trial court proceedings, KRRC made only a half-hearted attempt to comply. It submitted two permit applications and then allowed each application to lapse by failing to provide additional information requested by Kitsap County's Department of Community Development ("DCD") during the permit review process.

Consequently, the trial court entered an Order Granting Permanent Injunction with Findings of Fact and Conclusions of Law ("Permanent Injunction Order") which prohibits KRRC from operating a shooting facility until it obtains the required permit. The Permanent Injunction Order was entered pursuant to RCW 7.24.080 and KCC 10.25.090. It was entered as a means of enforcing the trial court's prior order granting declaratory judgment ("Final Judgment").

The Permanent Injunction Order is supported by several conclusions of law and findings of fact, all of which are supported by the evidence in

the record. Based upon its several findings, the trial court concluded that "[a] permanent injunction is necessary and proper given KRRC's repeated and continuous failure to comply with KCC Chapter 10.25, KRRC's bad faith conduct in the permitting process and in allowing its two permit applications to lapse." CP 2080 (Conclusion of Law No. 7).

In this appeal, KRRC asserts that the Permanent Injunction Order is improper. KRRC's appeal must fail because the very foundation of the appeal rests upon flawed assertions which are expressly contradicted by the record. KRRC's appeal is largely based upon the following incorrect assertions: (1) the Permanent Injunction Order improperly modifies or exceeds a final order and (2) KRRC was denied a hearing on the merits.

1. Permanent Injunction Order Does Not Modify or Exceed Final Order

KRRC's assertion that the Permanent Injunction Order modifies or exceeds a final order is expressly contradicted by the trial court record. The underlying lawsuit was initiated by Kitsap County as an enforcement action to obtain KRRC's compliance with KCC 10.25. During the trial court proceedings, KRRC attempted to challenge KCC 10.25 on several grounds. Following a summary judgment hearing on the merits of Kitsap County's

lawsuit, the trial court validated the regulation.[1] Although KRRC eventually submitted a permit application as required by KCC 10.25 on two separate occasions, it allowed both of its applications to lapse and failed to obtain the required permit.

Following KRRC's noncompliance, Kitsap County sought entry of the Permanent Injunction Order as a form of post-judgment relief to enforce the trial court's order granting declaratory judgment and to enforce the provisions of KCC 10.25 against KRRC. The Permanent Injunction Order requires nothing more than what is required by Kitsap County Code—for KRRC to refrain from operating a shooting facility until it obtains an operating permit. RCW 7.24.080 expressly authorizes further relief where proper and necessary to enforce a declaratory judgment. KCC 10.25.090 specifically authorizes injunctive relief as a remedy to enforce compliance with KCC 10.25's provisions. The Permanent Injunction Order was therefore proper and within the trial court's authority.

Furthermore, in its assertion that the Permanent Injunction Order modifies a final order, KRRC compares the terms of the Permanent Injunction Order to the terms of a ***preliminary*** injunction. KRRC conflates the preliminary injunction with a final order. The preliminary injunction,

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[1] This Court affirmed the Final Judgment which determined that KCC 10.25 was valid and enforceable against KRRC. See *Kitsap County v. Kitsap Rifle & Revolver Club*, 405 P.3d 1026 (2017), provided as Appendix A-3 to Appellant's Opening Brief.

however, is not a final order and was lifted prior to the entry the Final Judgment.

2. KRRC Received More Due Process Than Required

KRRC's assertion that it did not receive a full hearing on the merits in violation of its due process rights is similarly contradicted by the record. Before entering Final Judgment, the trial court held a hearing on the merits regarding Kitsap County's request for declaratory judgment during summary judgment proceedings. Before entering the Permanent Injunction Order during post-judgment proceedings, the trial court held not one, but three separate hearings specifically regarding Kitsap County's request for entry of an injunction. In addition to the oral argument presented by KRRC's counsel at these hearings, KRRC presented multiple declarations and briefs in opposition to the entry of the Permanent Injunction Order. All of the facts and arguments presented by KRRC were considered by the trial court in entering the Permanent Injunction Order.

3. KRRC Fails To Challenge Any Finding of Fact Or Conclusion of Law

KRRC alleges that it was improper for the trial court to make any findings of fact because the trial court failed to hold a full hearing on the issue of the permanent injunction in light of "contradictory factual contentions." This argument fails because the trial court conducted a full

hearing on the merits of Kitsap County's claims during summary judgment proceedings then held three separate hearings regarding post-judgment enforcement. Furthermore, KRRC fails to challenge any specific factual finding or conclusion of law by the trial court. As a result, all factual findings are verities on appeal and all conclusions of law are the law of the case. Furthermore, a review of the record establishes that there is sufficient evidence to support all of the trial court's findings of fact and conclusions of law.

II. COUNTERSTATEMENT OF THE ISSUES

1. Did the trial court have authority to enter the Permanent Injunction Order during post-judgment proceedings in order to enforce the trial court's Final Judgment? (Assignment of Error No. 1) **Yes.**

2. Is the Permanent Injunction Order proper where it merely enforces and does not change or modify the Final Judgment? (Assignment of Error No. 2) **Yes.**

3. Was it proper for the trial court to enter the Permanent Injunction Order to enforce the Final Judgment while KRRC's appeal of the Final Judgment was still pending? (Assignment of Error No. 3) **Yes.**

4. Did KRRC receive sufficient due process when the trial court held three separate post-judgment hearings prior to the entry of the

Permanent Injunction Order? (KRRC raises this argument in its Opening Brief although this argument is not associated with any assignment of error or issue.) **Yes.**

5. Should the Permanent Injunction Order be affirmed because it is supported by sufficient findings of fact and conclusions of law, which are unchallenged by KRRC? **Yes.**

III. STATEMENT OF THE CASE

The underlying litigation is an enforcement action brought by Kitsap County against KRRC to obtain KRRC's compliance with Kitsap County Code Chapter 10.25 ("KCC 10.25"). The following is a summary of facts regarding the relevant provisions of KCC 10.25 and Kitsap County's attempts to obtain KRRC's compliance with the same.

A. KCC 10.25

The Kitsap County Board of County Commissioners adopted Ordinance 515-2014 on September 22, 2014. CP 2112-2127. This ordinance became effective December 22, 2014 and was codified as Kitsap County Code Chapter 10.25. CP 2108 (¶5).

KCC 10.25 requires all shooting facilities, unless otherwise exempt, to apply for and obtain an operating permit from the Kitsap County Department of Community Development ("DCD"). CP 2120 (KCC

10.25.090(1). KCC 10.25 required shooting facilities already in existence to apply for an operating permit within 90 days of the Ordinance's effective date, December 22, 2014. CP 2121 (KCC 10.25.090(2)).

KCC 10.25 specifically provides: "No proposed or existing shooting facility may operate without an operating permit issued." CP 2120 (KCC 10.25.090(1)). Failure to obtain an operating permit "will result in closure of the range until such time a permit is obtained." CP 2120-21 (KCC 10.25.090(1)). KCC 10.25.090 specifically authorizes injunctive relief as a remedy for noncompliance. CP 2120-21 (KCC 10.25.090(1)).

Kitsap County's review of operating permit applications under KCC 10.25 is governed by the procedures set forth in Kitsap County Code Chapter 21 for "Type 1 Director's Decision" permits. CP 2125 (KCC 10.25.090(9)).

B. <u>County Initiates Enforcement Action</u>

KRRC failed to apply for an operating permit within 90 days of the Ordinance's effective date as required. CP 2109 (¶8-9). Instead of submitting an application for an operating permit, KRRC (acting through its counsel of record) sent a letter to DCD challenging the Ordinance and KRRC's need to comply with the same. CP 2135-2137. On March 31, 2015, Kitsap County filed a lawsuit against KRRC. CP 7. The lawsuit sought to enforce KCC 10.25 against KRRC and specifically requested relief in the

form of a declaratory judgment and permanent injunction. CP. 12-13.

On April 24, 2015, on Kitsap County's motion, the trial court entered a preliminary injunction enjoining KRRC from operating a shooting facility until it submitted a complete application for an operating permit under KCC 10.25. CP 2155-2161.

The County then filed a motion for summary judgment requesting the trial court to declare that KRRC's operation of a shooting facility without an operating permit violates KCC 10.25 and requesting that the trial court enjoin KRRC from operating a shooting facility until it obtains an operating permit pursuant to KCC 10.25. CP 2162-63. The hearing on this motion was continued multiple times for different reasons, including KRRC's request for discretionary review of the preliminary injunction, KRRC's request to disqualify the trial court judge, and KRRC's request for a discovery continuance. CP 50(¶5); CP 2176; CP 217. The hearing was finally scheduled for April 20, 2016. CP 50(¶5); CP 2180; CP 2181.

C. <u>KRRC Submits Deficient Permit Application</u>

On March 16, 2016, nearly a year after the trial court entered its preliminary injunction, KRCC submitted an application for an operating permit. CP 2076-77; CP 2194 (¶3). The application was submitted "under protest." CP 2076-77. Consequently, upon KRRC's motion, the trial court lifted the preliminary injunction on April 7, 2016. CP 50(¶5); CP 2077 (¶7).

David Lynam with DCD was tasked with reviewing KRRC's permit application. CP 2193-94. Upon review of the application, Mr. Lynam determined that additional information was needed from KRRC in order to make a decision as to whether the permit would be granted or denied. CP 2194 (¶3). On May 3, 2016, in accordance with the permit review procedure of KCC 21.04.200(B), Mr. Lynam mailed KRRC a letter requesting additional information. CP 2077 (¶8); CP 2194 (¶3). Pursuant to KCC 21.04.200(B)(1), KRRC had ninety days to respond. CP 2077 (¶8); CP 2194 (¶4). KRRC's deadline to respond was August 1, 2016. CP 2077 (¶10); CP 2194 (¶4).

D. Trial Court Grants Kitsap County's Motion for Declaratory Judgment (Kitsap County Obtains "Final Judgment")

The parties appeared before the trial court on April 20, 2016 on Kitsap County's Motion for Summary Judgment. CP 2181. Because KRRC had submitted its application for an operating permit, which was then being processed by DCD, Kitsap County withdrew its request for a permanent injunction at that time and sought only declaratory judgment. CP 2181-82. The trial court entered an order on May 31, 2016 granting Kitsap County's motion for summary judgment, granted Kitsap County's request for declaratory judgment, and determined that KRRC is subject to and must comply with Chapter 10.25 ("Final Judgment"). CP 2181-88.

After summary judgment was granted in Kitsap County's favor, the parties presented, and the trial court entered, an agreed order to dismiss KRRC's counterclaims without prejudice. CP 2191. KRRC then appealed both the Court's preliminary injunction and the declaratory judgment to the Court of Appeals. CP 50(¶6). Subsequently, the parties presented, and the trial court entered, an agreed order identifying the documents upon which the trial court relied in granting summary judgment and to affirm the finality of the issues between the parties in compliance with CR 56(h) and RAP 9.12 for potential appeal purposes. CP 32-36.

E. <u>KRRC Allowed Its Permit Application to Lapse</u>

KRRC's deadline to respond to Mr. Lynam's request for additional information regarding its permit application was August 1, 2016. CP 2194. DCD never received a response. CP 2194.

Pursuant to KCC 21.04.200(B)(1), an applicant's failure to respond causes the permit application to automatically lapse. KCC 21.04.200(B)(1). The applicant must then submit a new permit application to restart the application process. KCC 21.04.200(B)(5). On August 23, 2016, Mr. Lynam notified KRRC that its application had lapsed. CP 2208. Mr. Lynam informed KRRC that DCD would retain its application materials for sixty days should KRRC elect to resubmit the material. CP 2208. KRRC did not respond to this letter. CP 2194 (¶4).

F. KRRC Continued To Operate a Shooting Facility In Violation of KCC 10.25

KRRC continued to operate a shooting facility without an operating permit despite the trial court's Final Judgment. In August 2016, KRRC's website showed calendared events such as "Junior Smallbore Practice," "USPSA Practice," and "USPSA Pistol Matches." CP 51; CP 65-68. KRRC's website advertised a "Glock match" to occur on August 20, 2016 and August 21, 2016 at the KRRC range. CP 66. Kitsap County continued to receive complaints from neighboring residents about firing activities occurring on KRRC's property. CP 51. On August 5, 2016, after KRRC's operating permit application had lapsed, KRRC encouraged its members to "Grab any and all of your handguns, shotguns and come back out to get into practice." CP 65.

G. Kitsap County Obtains Permanent Injunction

1. Kitsap County Filed Petition for Further Relief

In September of 2016, Kitsap County filed a Petition for Further Relief ("Petition") with the trial court. CP 37-47. Kitsap County's Petition sought a permanent injunction enjoining the Club from operating a shooting range until it obtained an operating permit as required by Chapter 10.25 and as required by the trial court's grant of declaratory judgment in the Final Judgment. CP 37-47.

On September 27, 2016, KRRC filed an opposition to Kitsap County's Petition. CP 69-73. On the same day, KRRC also filed the Declaration of William Marshall Denny II In Response to Petition For Further Relief. CP 75-78.

2. KRRC Submits Second Deficient Application

On the morning of September 29, 2016, the Club submitted a second application for an operating permit ("Second Application") just prior to the hearing on Kitsap County's Petition. CP 98; CP 105; CP 2210. For this reason, the Court continued the hearing on the Petition to February 2, 2017. CP 98; CP 2210-11; RP (September 29, 2016), 12-15.[2]

Upon review of the Club's Second Application, DCD determined that it was essentially a resubmittal of KRRC's first application and would require KRRC to provide the same additional information and corrections previously requested. CP 105. On October 17, 2016, Mr. Lynam contacted KRRC to request the additional information. CP 105; CP 109-120. Mr. Lynam informed KRRC that it had 90 days to respond. CP 105; CP 109.

[2] It appears that the verbatim report of the post-judgment proceedings are not numbered pursuant to the procedure set forth in RAP 9.2(f)(2). For consistency and clarity, Kitsap County will reference the verbatim report of proceedings for each individual hearing by indicating the date of the proceeding being cited.

3. KRRC's Second Application Lapses and is Denied

Mr. Lynam heard nothing from KRRC until January 9, 2017, nearly three months later and on the eve of KRRC's 90 day deadline to respond. On this day, Barbara Butterton, Chair of KRRC's Permit Application Committee, requested clarification regarding the additional information sought by DCD. CP 105; CP 122-25. Mr. Lynam emailed Ms. Butterton on January 11, 2017 to remind her of the 90-day deadline to provide the requested information. CP 105. Mr. Lynam also sent Ms. Butterton a letter on January 12, 2017 to inform her that the 90-day deadline was January 15, 2017. CP 105; CP 127. In the same letter, Mr. Lynam responded to Ms. Butterton's requests for clarification. CP 127-32.

On this same day, January 12, 2017, KRRC requested a 90 day extension of time to provide the information sought by DCD. CP 105; CP 134. Mr. Lynam determined that KRRC's request for an extension did not meet the standards set out in KCC 21.04.200(F)(2) and denied KRRC's request for an extension. CP 106. Specifically, Mr. Lynam determined that because KRRC had merely refiled its initial deficient application, it essentially had over 300 days to gather and provide the same additional material requested. CP 1997-98. KRRC was dilatory in its communications with DCD regarding the permit and specifically did not submit a request for

an extension until the eve of the 90-day deadline for its Second Application. CP 1998.

Mr. Lynam informed KRRC that the request for an extension was denied and that KRRC could appeal this decision through the hearing examiner process. CP 1989; CP 1997-98.

As a result of the denial of the request for an extension to provide additional information, KRRC's Second Application was denied. CP 2030.

4. Trial Court Grants Kitsap County's Petition for Further Relief During Show Cause Hearing

On February 2, 2017, the parties appeared before the trial court for hearing on Kitsap County's Petition. CP 1999-00. In advance of this hearing, KRRC submitted a second brief in opposition to Kitsap County's Petition, CP 1958-80, as well as the Declaration of Barbara Butterton outlining KRRC's efforts to apply for an operating permit and including a copy of KRRC's permit application. CP 135-1956.

At the hearing, KRRC requested that the trial court order DCD to grant KRRC's request for a 90 extension. RP (February 2, 2017), 7-11. In the alternative, KRRC requested an evidentiary hearing regarding DCD's denial of its request for an extension and KRRC's compliance efforts. RP (February 2, 2017), 28. The trial court noted that DCD's denial of KRRC's request for an extension would be subject to an administrative hearing, at

which time KRRC would be afforded a factual hearing on the propriety of DCD's denial. RP (February 2, 2017), 33. The trial court allowed additional briefing on the issue and took the matter into consideration. CP 1999-00; CP 2001-06; CP 2008-11. RP (February 2, 2017), 43-44.

The trial court ultimately denied KRRC's request to order the County to grant an extension on its application and also denied its request for an evidentiary hearing on this issue. CP 2215-17. The trial court ruled that KRRC had an administrative remedy by way of an appeal to the hearing examiner and that KRRC had not exhausted or availed itself of this remedy. CP 2215-17.

On March 24, 2017, the trial court entered an order to show cause regarding Kitsap County's Petition. CP 2013-17. The trial court noted that although two hearings had already been held on the County's Petition, there had not been a show cause hearing as contemplated by RCW 7.24.080. CP 2016-17. The trial court ordered KRRC to appear on March 31, 2017 and show cause why the County's Petition should not be granted. CP 2017.

KRRC filed a response to the trial court's order to show cause on March 29, 2017. CP 2019-23. KRRC also filed the Declaration of Marcus Carter In Support of Response to Order to Show Cause. CP 2026-30.

The parties appeared before the trial court for the show cause hearing on March 31, 2017. CP 2042; RP (March 31, 2017), 2-9. The trial

court granted Kitsap County's Petition. CP 2042; RP (March 31, 2017), 9. Kitsap County filed a proposed order on April 28, 2017. CP 2043-58. KRRC responded on May 9, 2017 indicating its disagreement with the proposed order. CP 2059-64.

The trial court entered the Permanent Injunction Order on June 12, 2017. CP 2073. The Permanent Injunction Order identifies all the materials reviewed and considered by the trial court in entering the order, including the multiple briefs and declarations submitted by KRRC. CP 2073-75. The Permanent Injunction Order prohibits KRRC from operating a shooting facility until it obtains an operating permit under KCC 10.25. CP 2082. This is consistent with the statutory requirements of KCC 10.25.090(1).

IV. ARGUMENT

A. Standard and Scope of Review

1. Standard of Review for Entry of Injunction

The standard of review set forth by the Club is incorrect. KRRC appeals the entry of a permanent injunction, not an order on summary judgment. The standard of review for the entry of an injunction is abuse of discretion. *Kucera v. State, Dep't of Transp.*, 140 Wn.2d 200, 209, 995 P.2d 63 (2000). Trial courts have broad discretionary power to fashion injunctive relief to fit the particular circumstances of the case before it. *Hoover v.*

Warner, 189 Wn. App. 509, 528, 358 P.3d 1174 (2015). A trial court abuses its discretion only when its decision is based upon untenable grounds or is manifestly unreasonable or arbitrary. *Kucera*, 140 Wn.2d at 209.

2. Standard of Review for Findings of Fact and Conclusions of Law

Appellate courts review findings of fact based upon the sufficiency of the evidence. *Miles v. Miles*, 128 Wn. App. 64, 69–70, 114 P.3d 671 (2005). Under this standard of review, a finding of fact will be upheld when the evidence is sufficient to "persuade a fair-minded, rational person of the finding's truth." *Id.* Where evidence is conflicting, the appellate courts must only determine whether evidence supports the challenged finding when viewed most favorably to the respondent. *In re Estate of Haviland*, 162 Wn. App. 548, 561, 255 P.3d 854 (2011). Where an appellant fails to challenge a finding of fact, that finding is a verity on appeal. *Miles*, 128 at 69–70.

Appellate review of a conclusion of law, based upon findings of fact, is limited to determining "whether a trial court's findings are supported by substantial evidence, and if so, whether those findings support the conclusion of law." *Am. Nursery Products, Inc. v. Indian Wells Orchards*, 115 Wn.2d 217, 222, 797 P.2d 477 (1990). Unchallenged conclusions of law are the law of the case. *Nguyen v. City of Seattle*, 179 Wn. App. 155, 163, 317 P.3d 518 (2014).

3. Scope of Review Is Limited To Authority of Trial Court

In this case, review should be limited to whether the trial court had authority to enter an injunction during post-judgment proceedings to enforce a Final Judgment. This is the only issue raised by KRRC's Opening Brief and the only issue properly before this Court.

KRRC's Opening Brief might be interpreted by this Court to raise additional arguments or assertions beyond its assignments of error and issues identified for review. These arguments should be disregarded by the Court. Specifically, this Court should not review the sufficiency of the trial court's findings of fact or conclusions of law because KRRC has failed to challenge any finding or conclusion. As a result, the trial court's findings are verities on appeal and its conclusions are the law of the case.

To the extent KRRC appears to challenge the propriety of DCD's conduct in reviewing/processing KRRC's permit applications, this issue is beyond the jurisdiction of the Court. KCC 10.25 provides that operating permit applications are to be "processed, reviewed and be appealable under the procedures for a Type I director's decision pursuant to Title 21." KCC 10.25.090(10). KCC 21.04.290 provides for an administrative appeal to the Kitsap County hearing examiner. KRRC thus has an administrative remedy regarding DCD's actions on its permit application. No court may review any such action unless and until KRRC first exhausts its administrative

remedies. *Cost Management Services, Inc. v. City of Lakewood*, 178 Wn.2d 635, 641, 310 P.3d 804 (2013).

B. The Court of Appeals Should Affirm the Permanent Injunction Order Because The Trial Court Has Statutory and Constitutional Authority to Grant Injunctive Relief During Post-Judgment Proceedings To Enforce The Final Judgment.

The Court should affirm the Permanent Injunction Order because the trial court has both statutory and constitutional authority to grant injunctive relieve during post-judgment proceedings in order to enforce a final judgment. KRRC has failed to show an abuse of discretion by the trial court.

KRRC argues that the trial court lacked authority to enter the Permanent Injunction Order because the trial court already issued a final order or judgment in the case. KRRC argues the entry of a final judgment divests a trial court of authority to take further action other than to "execute the judgment." Opening Brief, page 10. This is inconsistent with Washington law.

Under Washington law, trial courts have inherent and statutory authority to grant injunctive relief in post-judgment proceedings as a means to enforce prior court orders. "A trial court may [...] hear a postjudgment motion authorized by the civil rules or statutes." *Burrill v. Burrill*, 113 Wn. App. 863, 873–74, 56 P.3d 993 (2002). This is a point that KRRC itself

concedes.[3] As explained further below, the trial court had both statutory and constitutional authority to enter the Permanent Injunction Order.

In support of its argument, KRRC provides a ***partial*** quote from the case of *Kemmer v. Keiski*, 116 Wn. App. 924, 932, 68 P.3d 1138 (2003). The full quote from *Kemmer* is as follows (emphasis added):

> When a judgment disposes of all claims and all parties, it is both appealable and preclusive. It remains appealable for 30 days. If not appealed in that period of time, it directly precludes all further proceedings in the same case, **<u>except "clarification" and enforcement proceedings</u>**, and it collaterally precludes other suits based on the same claim.

Kemmer, 116 Wn. App. at 932 (internal citations omitted) (bold and underline added). Accordingly, the ruling in *Kemmer* does not advance KRRC's position.

1. Trial Court Had Statutory Authority Under RCW 7.24.080

In this case, the trial court entered a permanent injunction under RCW 7.24.080 which provides that "[f]urther relief based on a declaratory judgment or decree may be granted whenever necessary and proper." This statute provides that the court "shall" on reasonable notice "require any adverse party whose rights have been adjudicated by the declaratory

[3] Opening Brief, page 10-11 ("Once a judgment is final, a court may reopen it only if authorized by statute or court rule.")

judgment or decree, to show cause why further relief should not be granted forthwith." RCW 7.24.080.

> [RCW 7.24.080] codifies "the principle that every court has the inherent power to enforce its decrees and make such orders as may be necessary to render them effective." The statute allows further relief based on a declaratory judgment once it has been entered.

Nelson v. Appleway Chevrolet, Inc., 160 Wn.2d 173, 197, 157 P.3d 847 (2007) (dissenting opinion) (internal citations omitted).

The trial court did not abuse its discretion in entering the Permanent Injunction Order pursuant to RCW 7.24.080 given the undisputed findings of fact which highlight KRRC's failures to comply with KCC 10.25. Washington courts have specifically held that it is proper for a trial court to impose injunctive relief under RCW 7.24.080 in addition to declaratory judgment in light of a defendant's "continuing abusing practices" in violating a statutory mandate. *Pac. Mkt. Int'l, LLC v. TCAM Core Prop. Fund Operating LP*, 197 Wn. App. 1061 (2017) ("TCAM's request for a money judgment based on the declaratory judgment was 'necessary' and 'proper' under RCW 7.24.080 because, after entry of the declaratory judgment in favor of TCAM, PMI refused to pay the money owed."); *Ronken v. Board of County Com'rs of Snohomish County*, 89 Wn.2d 304, 311-12, 572 P.2d 1 (1977).

In this case, the record and the undisputed findings of fact clearly demonstrate KRRC's repeated failure to comply with KCC 10.25 rendering further injunctive relief necessary and proper.

Initially, KRRC refused to submit an application for an operating permit within 90 days of the effective date of KCC 10.25. CP 2090 (Finding of Fact ("FOF") 4-5). KRRC then submitted a deficient permit application only in order to have the trial court's preliminary injunction lifted. CP 2090-91 (FOF 7-8). After DCD requested additional information to complete review of the application, KRRC failed to respond and allowed its application to lapse. CP 2091 (FOF 10).

On May 31, 2016, the trial court granted Kitsap County's request for a declaration that "KRRC's operation of a shooting range without an operating permit violates KCC 10.25." CP 2184 (lines 19-21); CP 2188 (lines 21-24); CP 2091 (FOF 9). In so ordering, the trial court settled to finality that KRRC was required to comply with KCC 10.25. Despite this, and although its permit application had lapsed, KRRC continued to operate a shooting facility without a permit in violation of KCC 10.25. CP 65-68. When faced with Kitsap County's Petition, KRRC resubmitted the same deficient permit application and again failed to provide the additional information within the required timeframe. CP 2091-92 (FOF 11-15). Instead, on the eve of the deadline to provide additional information, KRRC

requested clarifications regarding the information sought and then requested an extension. The trial court properly exercised its discretion in granting injunctive relief pursuant to RCW 7.24.080 under these facts and circumstances.

2. Trial Court Had Authority Under KCC 10.25.090

The trial court also had authority to enter the Permanent Injunction Order pursuant to KCC 10.25.090(1). This provision provides, in relevant part, as follows:

> Failure to obtain a range operational permit will result in closure of the range until such time a permit is obtained. Ranges that operate without a permit are subject to code compliance enforcement, including but not limited to injunctive relief.

KCC 10.25.090(1).

KCC 10.25 expressly authorizes injunctive relief to enforce its provisions and as a remedy for a shooting facility's non-compliance. Injunctive relief is appropriate under this provision where a party operates a range without a permit. There is no requirement, under this provision, to demonstrate bad faith or a repeated failure to comply. By the express terms of this provision, injunctive relief is appropriate simply by virtue of a party's non-compliance.

3. Constitutional Authority

In addition to, and independently from, the authority granted by RCW 7.24.080 and KCC 10.25.090(1), the trial court had authority to grant injunctive relief pursuant to its inherent, broad equitable powers. The authority to grant injunctive relief is conferred by superior courts pursuant to article 4, §6 of the Washington State Constitution. *State v. Lew*, 25 Wn.2d 854, 865–68, 172 P.2d 289 (1946) (in which the court affirmed an injunction to abate a nuisance despite the fact there was no statutory provision expressly authorizing injunctive relief); *Blanchard v. Golden Age Brewing Co.*, 188 Wn. 396, 405, 63 P.2d 397 (1936) (holding that the judicial power over cases in equity has been vested in the courts independently of any legislative enactment).

It is the duty of the court to "exercise its equity power and grant the necessary relief" "upon a clear showing of necessity in order to afford immediate protection of a complainant's right." *Id.* at 405. It was necessary and proper for the trial court to grant injunctive relief in this case to protect the rights of Kitsap County as established by the Final Judgment.

4. Case Law Cited By KRRC Does Not Support Its Argument

The cases cited by KRRC fail to support its argument that once there is a final judgment, the trial court has no further authority to act.

KRRC cites *Catlin v. United States*, 324 U.S. 229, 65 S. Ct. 631 (1945). In *Catlin*, the Supreme Court defined the term "final decision" within the context of determining the scope of a federal circuit court's appellate jurisdiction. *Catlin*, 324 U.S. at 231 and n.2. The Supreme Court explained that a final decision is one which ends the litigation and leaves nothing for the trial court to do but "execute the judgment." *Catlin*, 324 U.S. at 233. This general definition of a final decision in this context merely determines when a decision is final such that a party may seek appeal of that decision as a matter of right. This case does not limit or even address a trial court's authority to enforce a final judgment in post-judgment proceedings.

KRRC's reliance on *Anderson & Middleton Lumber Co. v. Quinault Indian Nation*, 79 Wn. App. 221, 225, 901 P.2d 1060, 1062 (1995) is misplaced for the same reason. In *Anderson*, like in *Catlin*, the court was merely determining what constitutes a "final judgment" in the context of when a party can seek review as a matter of right.

KRRC's reliance on *Green v. Normandy Park*, 137 Wn. App. 665, 151 P.3d 1038 (2007) is also unhelpful. The trial court in *Green* properly denied a party's request for clarification under CR 60(a) because that rule does not allow a trial court to "rethink" the case and enter an amended judgment. *Green* at 700. In the present case, Kitsap County sought an

injunction to enforce a declaratory judgment. It did not ask the trial court to "rethink" the case.

KRRC has failed to provide any persuasive legal authority to support its position that a trial court is divested of authority to engage in enforcement proceedings following the entry of a final judgment.

C. The Court Should Affirm the Permanent Injunction Order Because It Merely Enforces And Does Change Or Exceed The Final Judgment.

The Court should affirm the trial court's Permanent Injunction Order because the Permanent Injunction Order merely enforces and does not exceed or modify the trial court's Final Judgment. KRRC concedes that the trial court retains authority to grant further relief based upon its prior orders. (Opening Brief, page 6). Yet, KRRC incorrectly asserts that the Permanent Injunction Order entered by the trial court is improper because it exceeds a final order of the trial court. KRRC has failed to show how the trial court abused its discretion and its appeal should be denied.

1. KRRC Incorrectly Refers To The Preliminary Injunction As A "Final Judgment"

KRRC asserts that the Permanent Injunction Order is improper because it exceeds or modifies the trial court's preliminary injunction. The entire basis of KRRC's argument rests upon the flawed assertion that the preliminary injunction is a final order or judgment.

A preliminary injunction, by its very definition and purpose, is **not** a final judgment. To the contrary, "[a] preliminary injunction serves the same general purpose as a temporary restraining order—to preserve the status quo until the trial court can conduct a full hearing on the merits of the complaint." *Northwest Gas Ass'n v. Washington Utilities & Transp. Com'n*, 141 Wn. App. 98, 115–16, 168 P.3d 443 (2007). The injunction process is governed by CR 65 and generally progresses from temporary restraining order to preliminary injunction to permanent injunction. *Id.* at 113.

The preliminary injunction entered in this case was temporary. It was granted at the initiation of the underlying trial court proceedings and then lifted by the trial court upon motion by KRRC on April 7, 2017. CP 50(¶5); CP 2077(¶7). When the trial court entered Final Judgment, the preliminary injunction was no longer in effect. KRRC essentially argues that the Permanent Injunction Order is improper because it modified a temporary preliminary injunction no longer in effect. This argument is absurd and has no support under Washington law.

KRRC asserts that the Permanent Injunction Order was improper and constituted "new relief" because the terms of that injunction differ from the terms of the preliminary injunction. The preliminary injunction prohibited KRRC from operating a shooting facility until it ***submitted an application*** for an operating permit. CP 2159. The Permanent Injunction

Order, on the other hand, prohibits KRRC from operating a shooting facility until it ***obtains an operating permit***. CP 2096. KRRC has failed to provide any authority to supports its position that this is improper. Nothing in Washington law restricts a permanent injunction from exceeding the terms of a temporary preliminary injunction. Furthermore, RCW 7.24.080 expressly authorized the granting of "further" (i.e., new or additional) relief to enforce a declaratory judgment.

Regardless, the terms of the Permanent Injunction Order require nothing more than what is already required by the Final Judgment and KCC 10.25. All of these consistently prohibit KRRC from operating a shooting facility until it obtains an operating permit. This is not "new relief." Kitsap County's purpose in initiating the underlying litigation has always been to enforce KCC 10.25's provisions against KRRC. Kitsap County's Complaint expressly states that "Plaintiff is entitled to injunctive relief enjoining Defendant from operating a shooting facility until Defendant is issued an Operating Permit." CP 12.(¶6.5).

2. The Permanent Injunction Order Enforces And Does Not Modify, Amend, or Exceed Final Judgment

KRRC claims the Permanent Injunction Order is improper because its entry did not comply with CR 59 or CR 60. KRRC has failed to demonstrate that the Permanent Injunction Order modifies, amends, or

exceeds the Final Judgment entered by the trial court. To the contrary, the record establishes that the Permanent Injunction Order merely enforces the Final Judgment. The provisions of CR 59 and 60, which govern motions for new trial, amendment of a judgment, and relief from a judgment, simply do not apply.

In granting Kitsap County's Petition and entering the Permanent Injunction Order, the trial court stated as follows:

> The injunction sought by the County is to enforce the declaratory judgment that was previously granted by this court on May 31, 2016.
>
> The relief that is being sought is solely to enforce that declaratory judgment. It is not to seek the change of the court's original granting of summary judgment.

RP (March 31, 2017), 7-8.

The Permanent Injunction Order does nothing more than enforce the trial court's Final Judgment which, in turn, does nothing more than require KRRC to comply with KCC 10.25—i.e., to refrain from operating a shooting facility until it obtains an operating permit. To hold otherwise would be to excuse KRRC from complying with the law.

3. The Terms of the Injunction Are Not An Abuse of Discretion

KRRC attempts to challenge the terms of the Permanent Injunction Order even though KRRC has failed to assign error to any such term. Essentially, KRRC appears to argue that the terms of the injunction are

improper because the injunction can only be lifted by KRRC obtaining a permit and this act is solely within the control of the County. KRRC's argument fails for several reasons.

First, KRRC provides no relevant or applicable legal authority to support its position. Instead, KRRC relies upon cases dealing with contempt proceedings which are governed by an entirely different statutory scheme—RCW 7.21, et. seq. Unlike RCW 7.24.080, the contempt statutes expressly state that the trial court can hold a party in contempt if it fails to perform an act "within the person's power to perform." Based upon this language, Washington courts have ruled that the purge condition of a contempt sanction is improper when that condition is an act outside of the contemnor's control. *In re of Rapid Settlements, Ltd's*, 189 Wn. App. 584, 614, 359 P.3d 823 (2015). Also see Appendix A-3 (page 20 of the COA Opinion) to KRRC's Appellate Brief.

Neither RCW 7.24.080 nor the statutory scheme governing injunctions (RCW 7.40, et. seq.) contain a similar element or prerequisite. There is no requirement that a permanent injunction's prohibitions under RCW 7.24.080 (or RCW 7.40, et. seq.) contain a purge condition at all, much less a purge condition that is within the enjoining party's control. If this were the case, trial courts and local governments would be powerless to enforce any local permitting requirements through injunctive relief

because the issuance of a permit is an act which is always within the regulating authority's control. Individuals would be free to engage in regulated conduct without the required permits so long as they submit a permit application, even if the application is deficient and a permit is never issued.

Furthermore, contrary to KRRC's assertion, the law of the case doctrine does not apply between the present case and *Kitsap County v. Kitsap Rifle and Revolver Club*, COA Case No. 50011-6-11. This doctrine stands for the proposition that an appellate court holding will apply to subsequent stages of ***the same litigation***. *Roberson v. Perez*, 156 Wn.2d 33, 41, 123 P.3d 844 (2005). COA Case No. 50011-6-11 is an entirely independent case involving different facts and legal issues.

D. The Court Should Affirm the Permanent Injunction Order Because It Was Proper For The Trial Court to Grant Injunctive Relief To Enforce The Final Judgment While KRRC's Appeal Was Pending.

The Court should affirm the Permanent Injunction Order because it was proper for the trial court to grant injunctive relief to enforce the Final Judgment while KRRC's appeal of the Final Judgment was pending. Because the Permanent Injunction Order merely enforces and does not modify the Final Judgment, injunctive relief was proper.

RAP 7.2(c) provides that "except to the extent enforcement of a judgment or decision has been stayed" the trial court has "authority to enforce any decision of the trial court and a party may execute on any judgment." This provision states that any person may take action premised on the validity of a trial court judgment or decision until a stay is imposed. RAP 7.2(c). When KRRC appealed the Final Judgment, KRRC did not obtain a stay. RAP 7.2(c) fully authorized the trial court to enforce its declaratory judgment despite the pendency of KRRC's appeal.

Furthermore, the rules of appellate procedure do not prohibit post judgment motions or even modifications of a judgment. Pursuant to RAP 7.2(e), the trial court may take action to change or modify a decision during post-judgment proceedings. If the trial court's action will change a decision being reviewed by the appellate court, then the trial court must obtain permission of the appellate court prior to the formal entry of the trial court's decision. RAP 7.2(e).

In this case, the trial court correctly determined that the Permanent Injunction Order did not change the Final Judgment that was pending review by the appellate court. Accordingly, the trial court was not required to obtain permission of the appellate court before formal entry of the Permanent Injunction Order.

E. The Court Should Affirm the Permanent Injunction Order Because KRRC Had More Due Process Than Required.

The Court should affirm the Permanent Injunction Order because KRRC had more due process than was required. KRRC asserts that the Permanent Injunction Order was improper because KRRC was denied due process when the trial court failed to allow a "full hearing on the merits" and an evidentiary hearing. KRRC does not assign any error to this issue nor does KRRC describe this issue in its "Issues Related to Assignments of Error." Instead, KRRC raises this issue spontaneously in its briefing. Should the Court consider this issue, the Court will find that KRRC's position is directly contradicted by the record and unsupported by Washington law.

As KRRC acknowledges, due process of law requires "notice and an opportunity to be heard." Opening Brief, page 16. "Due process of law guarantees no particular form of procedure; it protects substantial rights." *James v. Wright*, 181 Wn. App. 1037 (2014) (internal quotations omitted). Washington courts have held that a party receives due process in the entry of an injunction where the trial court considers that party's briefing and the evidence attached thereto and allows the party to respond in a hearing. *DeLong v. Parmelee*, 157 Wn. App. 119, 163, 236 P.3d 936 (2010).

RCW 7.24.080 is the governing statute regarding the issuance of further relief to enforce a declaratory judgment. Pursuant to this statute, the

trial court may grant further relief after requiring the opposing party to show cause why further relief should not be granted. Accordingly, under this statute, due process only required the trial court to provide KRRC with a show cause hearing.

1. KRRC Had Three Opportunities to Be Heard, Including A Show Cause Hearing

KRRC received notice and an opportunity to be heard in this case as the trial court held not one, but three separate post-judgment hearings on Kitsap County's Petition. The first post-judgment hearing occurred on September 29, 2016. At that time, KRRC was present and filed legal briefs and a declaration in opposition to the County's Petition. Based upon KRRC's argument and evidence, the Court continued the hearing.

The second hearing occurred on February 2, 2017. Prior to this hearing, KRRC submitted additional briefing as well as an additional declaration. Following this hearing, the Court entered an order requiring KRRC to show cause why Kitsap County's Petition should not be granted. The third and final hearing was thus a show cause hearing. This hearing occurred on March 31, 2017. Once again, KRRC presented additional briefing and a declaration in opposition to the Petition. Accordingly, KRRC was afforded three separate opportunities to be heard on Kitsap County's

Petition, including the show cause hearing required by RCW 7.24.080. KRRC had more due process than was required.

2. KRRC Not Entitled To New Trial or Formal Evidentiary Hearing Because Rights Of Parties Already Adjudicated

KRRC argues that it was denied due process because it was not entitled to a "full hearing on the merits" or a formal "evidentiary hearing."[4] KRRC argues that the trial court's findings were improper because the trial court made these findings despite "contradictory factual contentions of the parties." KRRC appears to confuse the Permanent Injunction Order's post-judgement relief with an order adjudicating the final claims and rights of the parties,

KRRC had already received a full hearing on the merits of Kitsap County's lawsuit through the summary judgment proceedings. In those proceedings, the trial court determined that there was no genuine issue of material fact and resolved Kitsap County's claims as well as KRRC's defenses. CP 2155-61. The trial court granted summary judgment in Kitsap County's favor and finally adjudicated the rights and claims of the parties

[4] While KRRC now claims it requested an "evidentiary hearing" regarding the entry of the Permanent Injunction Order, it actually requested an evidentiary hearing regarding the propriety of DCD's denial of its request for an extension of time to submit additional permit application material. KRRC asserted to the trial court that DCD's processing of the permit application was in bad faith and wanted a factual hearing to address that claim. The trial court specifically noted that KRRC had an administrative remedy to address this issue and that KRRC would be afforded its "factual hearing" during those proceedings. RP (February 2, 2017, 33); CP 2216-17; CP 1959.

in the lawsuit. KRRC has offered no support for its assertion that it was entitled to additional due process regarding the fully adjudicated rights and claims of the parties.

Unlike the Final Judgment which fully adjudicates the rights of the parties, the Permanent Injunction Order does nothing more than enforce those rights. The Permanent Injunction Order offers "further relief" in the form of a permanent injunction to enforce the Final Judgment. KRRC has provided no authority to support its position that due process requires a trial court to hold a formal evidentiary hearing (with live testimony) before it can issue an injunction to enforce a final judgment when the rights of the parties have already been adjudicated.

F. The Court Should Affirm the Permanent Injunction Order Because It Is Supported By Sufficient Findings of Fact and Conclusions of Law Which Are Unchallenged by KRRC.

The Court should affirm the Permanent Injunction Order because KRRC failed to challenge to any finding of fact or conclusion of law entered by the trial court. Instead of challenging any finding or conclusion by the trial court, KRRC merely argues that it was improper for the trial court to make any findings of fact without a formal evidentiary hearing. As outlined in the sections above, this argument fails. Accordingly, the Court should limit its review of the Permanent Injunction Order to whether the trial court

abused its discretion based upon the undisputed findings and conclusions of law. *Moreman v. Butcher*, 126 Wn.2d 36, 40, 891 P.2d 725 (1995).

1. KRRC Failed to Challenge Any Finding of Fact or Conclusion of Law

Pursuant to RAP 10.3(g), an appellant must specifically assign error to each challenged finding of fact. If a party fails to comply with the technicalities of this rule, the Court may still undertake review of a finding of fact only where the nature of the challenge is clear and the challenged finding is set forth in the appellant's brief. *Fuller v. Employment Sec. Dep't of State of Wash.*, 52 Wn. App. 603, 605, 762 P.2d 367 (1988). Where a party fails to "set forth the challenged findings in [its] brief," the appellate court will treat the findings as verities on appeal. *Id.* at 606.

Not only has KRRC failed to assign error to any finding of fact, it has also failed to identify a challenge to any finding of fact. Because KRRC fails to challenge any finding of fact, all the trial court's findings are verities on appeal.

Similarly, KRRC has failed to challenge any conclusion of law. KRRC does not assign error to any conclusion of law and does not identify any issues associated with a conclusion of law. Instead, merely challenges the trial court's authority to enter an injunction during post-judgment

proceedings. Because KRRC has failed to challenge any conclusion of law, the trial court's conclusions are the law of the case.

2. All Findings Supported By Competent Evidence

Should this Court review any finding of fact despite KRRC's failure to assert a challenge to any finding, the Court would conclude that there is more than sufficient evidence to support all of the trial court's findings.

During the post-judgment proceedings, the trial court found as follows: KRRC failed to apply for an operating permit by the initial deadline (FOF 4-5), KRRC submitted a deficient application for an operating permit and then allowed that application to lapse by failing to provide additional information (FOF 7-10), and KRRC's second attempted permit application also lapsed and was denied due to KRRC's continued failure to provide additional information (FOF 12-15). CP 2089-92. These findings are sufficiently supported by the Declaration of Larry Keeton (CP 2107-37), and the multiple declarations of David Lynam (CP 95-97; CP 104-134; CP 1988-1992; CP 2036-41; CP 2193-2208).

Where the appellate court is presented with conflicting evidence, the findings must be upheld so long as the evidence, when viewed most favorably to the respondent, supports the findings. *In re Estate of Haviland*, 162 Wn. App. 548, 561, 255 P.3d 854 (2011). While KRRC may disagree with the evidence presented by Kitsap County and may disagree with the

trial court's findings, there is more than sufficient evidence in the record for the Court to uphold all of the trial court's findings.

3. "Bad Faith" Finding/Conclusion Supported By Evidence

While KRRC failed to challenge to any conclusion of the trial court, KRRC's Opening brief briefly discusses Conclusion of Law No. 7. To the extent the Court undertakes review of this conclusion, it should determine that Conclusion of Law 7 is sufficiently supported by the findings and the evidentiary record.

KRRC appears to take issue with the mixed finding/conclusion that it acted in bad faith in the permitting process by allowing its two permit applications to lapse. Opening Brief, page 14 (Conclusion of Law No. 7). The trial court's findings and the evidence in the record, specifically the Declaration of Larry Keeton and the multiple declarations of David Lynam, regarding KRRC's repeated failures to obtain a permit support this conclusion.

Even if the Court determined that the bad faith finding/conclusion is improper, this does not require the Permanent Injunction Order to be overturned because such a finding is unnecessary. The finding or conclusion that a party acted in bad faith is not a prerequisite to the entry of injunctive relief under RCW 7.24.080. Even if the trial court had not determined that KRRC's conduct constituted bad faith, it still would have been proper for

the trial court to enter a permanent injunction to enforce the Final Judgment and the provisions of KCC 10.25. If the Court somehow finds that this finding/conclusion was improper, the trial court's permanent injunction must be upheld and affirmed.

4. All Elements of Injunction Have Been Established

The entry of a permanent injunction is proper when the following three elements have been established: (1) a clear legal or equitable right, (2) a well-grounded fear of immediate invasion of that right, and (3) that the acts complained of are either resulting in or will result in actual and substantial injury. *Kucera v. State, Dep't of Transp.*, 140 Wn.2d 200, 209, 995 P.2d 63 (2000). The trial court properly determined, by way of the Final Judgment, that KCC 10.25 was valid and enforceable against KRRC. Thus, Kitsap County had a clear legal right to enforce KCC 10.25's permit requirement against KRRC. This element has already been adjudicated in Kitsap County's favor.

The record shows that KRRC continued to operate a shooting facility even though it had not obtained a permit as required and, instead, allowed its two attempted permit applications to lapse for failure to provide additional information. There was thus a clear invasion of Kitsap County's rights under KCC 10.25. This is not disputed by KRRC and was not disputed even at the trial court level.

Finally, as the trial court properly recognized in its Conclusion of Law No. 10 (CP 2056), an actual and substantial injury exists as a matter of law. Washington courts have held that where an ordinance specifically provides for an injunction against violations of its provisions, the governing legislative body has already established that "the violation itself is an injury to the community." *King County ex rel. Sowers v. Chisman*, 33 Wn. App. 809, 818-19, 658 P.2d 1256 (1983). KCC 10.25.090(1) specifically provides for injunctive relief to enjoin violations. Accordingly, the legislative body has established that a violation of KCC 10.25 is an injury to the community. KRRC's failure to obtain an operating permit constitutes a continuing injury to the community as a matter of law.

Because all of the requirement elements of a permanent injunction have been met in this case, the trial court's Permanent Injunction Order was proper and should be affirmed by the Court.

V. CONCLUSION

For all of the foregoing reasons, the Court should affirm the trial court's Order Granting Permanent Injunction. Kitsap County respectfully requests that the Court award its costs as the prevailing party in this matter pursuant to RAP 14.2. The Court should award all costs allowed under RAP 14.3 and all other statutory attorney fees and expenses.

Respectfully submitted this 7th day of May, 2018.

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CERTIFICATE OF SERVICE

I, Batrice Fredsti, declare, under penalty of perjury under the laws of the State of Washington, that I am now and at all times herein mentioned, a resident of the state of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the above document and Appendices in the manner noted upon the following:

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SIGNED in Port Orchard, Washington this 7th day of May, 2018.

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KITSAP COUNTY PROSECUTING ATTORNEY'S OFFICE - CIVIL DIVISION

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