

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

RICHARD SCOTT,)
)
 Respondent,) No. 72940-3-1
)
 v.) DIVISION ONE
)
 DON PORTER,) UNPUBLISHED OPINION
)
 Appellant.) FILED: DEC 28 2015

PER CURIAM. Richard Scott appeals from the trial court's order granting respondent's special motion to strike under RCW 4.24.525, Washington's Strategic Lawsuit Against Public Participation statute. While Scott's appeal was pending, our Supreme Court declared RCW 4.24.525 unconstitutional in its entirety. Davis v. Cox, 183 Wn.2d 269, 275, 351 P.3d 862 (2015). We agree with respondent that this matter must be therefore be remanded with directions to vacate the trial court's order and the award of damages and attorney fees.

The stay previously imposed is lifted. We reverse and remand for further proceedings, with instructions to the trial court to vacate the order granting the motion to strike and the award of damages and attorney fees.

Reversed and remanded for further proceedings.

For the court:

Trickoy, J

Becker, J.

Jan, J.

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