

FILED
COURT OF APPEALS
DIVISION II

08 SEP 25 PM 1:41

STATE OF WASHINGTON

BY  DEPUTY

NO. 37697-1-II

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

MICHAEL STANZEL, Respondent

v.

PIERCE COUNTY, a political subdivision, Respondent
and CITY OF PUYALLUP, a municipal corporation, Appellant

BRIEF OF RESPONDENT PIERCE COUNTY

GERALD A. HORNE
Prosecuting Attorney

By
DAVID B. ST. PIERRE
Deputy Prosecuting Attorney
Attorneys for Pierce County

955 Tacoma Avenue South
Suite 301
Tacoma, WA 98402
PH: (253) 798-6503

Table of Authorities

Page

Cases

<u>Kaiser Aluminum v. Department of Labor and Industries</u> , 121 Wn.2d 776, 854 P.2d 611 (1993).....	1
---	---

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.

////

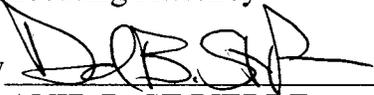
///

//

/

DATED: September 25, 2008.

GERALD A. HORNE
Prosecuting Attorney

By 

DAVID B. ST. PIERRE
Deputy Prosecuting Attorney
Attorneys for Pierce County
Ph: (253)798-6503 / WSB # 27888

FILED
COURT OF APPEALS
DIVISION II

08 SEP 25 PM 1:41

STATE OF WASHINGTON
BY
DEPUTY

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

MICHAEL STANZEL,

Respondent,

NO. 37697-1-II

vs.

PIERCE COUNTY, a political subdivision;
and CITY OF PUYALLUP, a municipal
corporation,

DECLARATION OF SERVICE

Appellants.

I, Chandra Zimmerman, declare that on the 25th day of September, 2008, I caused a true and correct copy of:

Brief of Appellant Pierce County

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

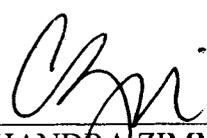
J. Richard Aramburu
Aramburu & Eustis, LLP
720 Third Avenue, Suite 2112
Seattle, WA 98104

Michael C. Walter
Keating Bucklin & McCormack, Inc., P.S.
800 Fifth Avenue, Suite 4141
Seattle, WA 98104

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

DATED: September 25, 2008.



CHANDRA ZIMMERMAN
Legal Assistant
Pierce County Prosecuting Attorney
Civil Division