

ORIGINAL

FILED IN OPEN COURT

9-18 2006  
WHATCOM COUNTY CLERK

By \_\_\_\_\_  
Deputy

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR WHATCOM COUNTY

THE CITY OF BELLINGHAM

No. 06 2 01918 7

Plaintiff,

v.

PEOPLE FOR A HEALTHY BAY, a  
political committee; ANNA HALL- EVANS  
Committee Chair; FRANCES BADGETT,  
Secretary; ELIZABETH BRITT,  
Treasurer; PATTY BEAN, Campaign  
Manager; LISA MCSHANE, Officer;  
MARISSA ROSATI, Officer; MITCH  
FRIEDMAN, Officer,

ORDER AND JUDGMENT  
GRANTING MOTION FOR  
DECLARATORY JUDGMENT  
AND INJUNCTIVE RELIEF

Defendants.

v.

PORT OF BELLINGHAM, a  
Washington Municipal Corporation;  
STATE OF WASHINGTON Department  
of Natural Resources; STATE OF  
WASHINGTON Department of Ecology;  
GEORGIA-PACIFIC WEST, INC., an  
Oregon Corporation; GEORGIA-PACIFIC  
CORPORATION, a Georgia Corporation,

~~PROPOSED~~

Potentially Interested  
Party Defendants.

Order and Judgment Granting Motion for Declaratory  
Judgment and Injunctive Relief (1)

City of Bellingham  
CITY ATTORNEY  
210 Lottie Street  
Bellingham, Washington 98225  
Telephone (360) 676-6903

1 This matter having come before the Court for argument on September 18, 2006  
2 upon the Motion for Declaratory Judgment and Injunctive Relief brought by the City of  
3 Bellingham ("City"); and all parties being represented by their respective attorneys; and  
4 the Court having heard the argument of counsel, being fully advised in the premises, and  
5 having reviewed the files and records herein, including the following:  
6

- 7 1. City of Bellingham's Motion for Declaratory Judgment and Injunctive  
8 Relief;
- 9 2. Declaration of Richard E. McKinley with attachments;
- 10 3. Declaration of Chris D. Spens with attachments;
- 11 4. Declaration of Peter M. Ruffatto with attachments
- 12 5. Defendant Port of Bellingham's Memorandum of Law In Support of the  
13 City of Bellingham's Motion for Declaratory Judgment and Injunctive Relief;
- 14 6. Declaration of Jim Darling with attachments;
- 15 7. Declaration of Michael G. Stoner with attachments;
- 16 8. Second Declaration of Michael G. Stoner with attachments;
- 17 9. Georgia-Pacific's Response To Motion For Declaratory Judgment and  
18 Injunctive Relief;
- 19 10. People for a Healthy Bay's Response to Motion for Declaratory Judgment  
20 and Injunctive Relief;
- 21 11. Declaration of John Blethen;
- 22 12. Declaration of Elisabeth Darby Britt with attachments;
- 23 13. City of Bellingham's Reply Brief In Support of Motion for Declaratory  
24 Judgment and Injunctive Relief;
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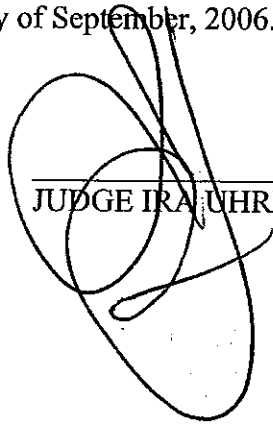
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- 14. Second Declaration of Peter M. Ruffatto with attachments;
- 15. Port of Bellingham's Reply Brief In Support of Motion for Declaratory Judgment and Injunctive Relief; and
- 16. Third Declaration of Michael G. Stoner with attachments.

**NOW THEREFORE** the Court does hereby order and enter judgment as follows:

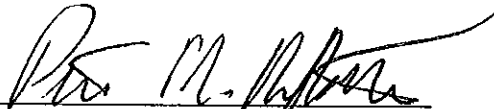
- 1. The City of Bellingham's Motion for Declaratory Judgment and Injunctive Relief is granted;
- 2. The Initiative at issue is not within the scope of initiative power and shall not be placed on the ballot; and
- 3. All parties to this action are hereby enjoined from taking further steps to place the Initiative on the November 2006 ballot.

ENTERED this 18 day of September, 2006.



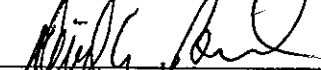
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JUDGE IRA UHRIG

1 Presented by:


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3 \_\_\_\_\_  
4 Peter M. Ruffatto WSBA #24366  
5 Attorney for City of Bellingham

6 Copy received by:

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8 BRICKLIN NEWMAN DOLD, LLP

9   
10 \_\_\_\_\_  
11 DAVID BRICKLIN, WSBA #7583  
12 CLAUDIA M. NEWMAN, WSBA #24928  
13 Attorneys for People for a Healthy Bay and individual officers.

14 CHMELIK SITKIN & DAVIES, P.S

15   
16 \_\_\_\_\_  
17 FRANK J. CHMELIK, WSBA #13969  
18 JON K. SITKIN, WSBA #17604  
19 Attorneys for Port of Bellingham

20 CORR CRONIN MICHELSON BAUMGARDNER & PREECE LLP

21 \_\_\_\_\_  
22 JOSHUA J. PREECE, WSBA #7583  
23 Attorneys for Georgia-Pacific West Inc. Georgia-Pacific Corp.

State of Washington, )  
County of Whatcom ) SS.

I, N.F. Jackson, Jr., County Clerk of Whatcom county and ex-officio Clerk of the Superior Court of the State of Washington, for the County of Whatcom, do hereby certify that the foregoing instrument is a true and correct copy of the original, consisting of Four pages, now on file in my office, and that the undersigned has the custody thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at my office at Bellingham this 18 day of September 2006.

N.F. Jackson, Jr., County Clerk

By Sindata Jackson  
Deputy Clerk