

SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

BENDARE DUNDAT, INC.,

Plaintiff, and

MASTER BUILDERS ASSOCIATION OF  
KING AND SNOHOMISH COUNTIES,

Intervenor,

v.

CITY OF SEATTLE,

Defendant.

No. 16-2-08259-9 SEA

ORDER DENYING CITY'S MOTION TO  
DISMISS

**[Clerk's Action Required]**

THIS MATTER has come before the Court on Defendant City of Seattle's ("City's") Motion to Dismiss, and the Court has considered the pleadings and declarations filed herein, including the following:

1. Plaintiff Bendare Dundat's Complaint for Declaratory Judgment;
2. City's Motion to Dismiss;
3. Plaintiff's Response to City's Motion to Dismiss;
4. Affidavit of Service of: Summons; Complaint for Declaratory Judgment; Case Information Cover Sheet and Area Designation; Order Setting Case Schedule;
5. Seattle Department of Construction and Inspections, Tip 201: MASTER USE PERMIT (MUP) OVERVIEW (June 2, 2011), of which the Court took judicial

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1 notice pursuant to ER 201(b);

2 6. City's Reply Regarding is Motion to Dismiss; and

3 7. The other pleadings and papers related to this matter on file with the Court.

4 The Court also heard oral argument of the parties. Based on the record, NOW,  
5 THEREFORE, it is hereby ORDERED, ADJUDGED, and DECREED that Defendant City  
6 of Seattle's Motion to Dismiss is **DENIED**.

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8 IT IS SO ORDERED.

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10 Dated this 17 day of June, 2016.

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The Honorable Barbara A. Mack

14 **Presented by:**

FOSTER PEPPER PLLC

15 /s/Patrick J. Schneider

16 /s/Jacqueline C. Quarré

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Attorneys for Plaintiff Bendare Dundat, Inc.

22 **Notice of Presentation waived; approved as to form:**

23 THE CITY OF SEATTLE

24 \_\_\_\_\_  
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Attorneys for Defendant City of Seattle

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