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The Honorable Julie Spector
Hearing Date: February 19, 2021
Hearing Time: 10:00 a.m.

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON,

Plaintiff,

v.

STARKIST COMPANY, *et al.*,

Defendants.

NO. 20-2-09491-9 SEA

~~PROPOSED~~

ORDER GRANTING THE STATE'S
MOTION FOR PARTIAL
SUMMARY JUDGMENT ON
DEFENDANT STARKIST'S
LIABILITY FOR PRICE FIXING
PACKAGED TUNA FROM
NOVEMBER 2011 THROUGH
DECEMBER 2013, AND ON
AFFIRMATIVE DEFENSES 1, 2, 4,
15, 16, AND 18

THIS MATTER comes before the Court on the State's Motion for Partial Summary Judgment on Defendant Starkist's Liability for Price Fixing Packaged Tuna from November 2011 Through December 2013, and on Affirmative Defenses 1, 2, 4, 15, 16, and 18.

Having reviewed:

1. The State's motion;
2. The declaration of Assistant Attorney General Rahul Rao in support of the State's motion, and the attached exhibits;
3. StarKist's opposition, if any;
4. The State's reply, if any;
5. The parties' oral arguments;
6. The pleadings and record on file; and

~~PROPOSED~~
ORDER GRANTING THE STATE'S MOTION
FOR PARTIAL SUMMARY JUDGMENT

1 ATTORNEY GENERAL OF WASHINGTON
Antitrust Division
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- 7. _____;
- 8. _____;
- 9. _____;

The Court rules that:

- 1. The State's motion for summary judgment on StarKist's liability under RCW 19.86.030 from November 2011 through December 2013 is GRANTED.
- 2. The State's motion for summary judgment on StarKist's Affirmative Defenses 1, 2, 4, 15, 16 And 18 is GRANTED and:
 - a. Affirmative defense 1 is DISMISSED WITH PREJUDICE;
 - b. Affirmative defense 2 is DISMISSED WITH PREJUDICE;
 - c. Affirmative defense 4 is DISMISSED WITH PREJUDICE;
 - d. Affirmative defense 15 is DISMISSED WITH PREJUDICE;
 - e. Affirmative defense 16 is DISMISSED WITH PREJUDICE;
 - f. Affirmative defense 18 is DISMISSED WITH PREJUDICE; and
- 3. The parties' agreement to dismiss StarKist's affirmative defenses 3, 5-14, 17, 19, and 20, is GRANTED, and affirmative defenses 3, 5-14, 17, 19, and 20 are DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

DATED this 19th day of February, 2021.



 THE HONORABLE JULIE SPECTOR

~~PROPOSITION~~
ORDER GRANTING THE STATE'S MOTION FOR PARTIAL SUMMARY JUDGMENT

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Presented by:

ROBERT W. FERGUSON
Attorney General

/s/ Rahul Rao
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