

The Honorable David L. Edwards  
Hearing Date: May 5, 2014  
Hearing Time: 1:30 p.m.  
Hearing Location: Grays Harbor County Superior Court

STATE OF WASHINGTON  
GRAYS HARBOR COUNTY SUPERIOR COURT

CURLIN PENNICK, III,

Plaintiff,

v.

JOHN DOE SCHALLER, et al.,

Defendants.

NO. 14-2-00013-4

ORDER GRANTING DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT

(PROPOSED)

THIS MATTER having come before the Court on Defendants' Motion for Summary Judgment and Plaintiff's Motion for Leave to Amend Verified Complaint on May 5, 2014. In reaching its decision, the Court considered the court file in this matter, the oral argument of Plaintiff and Counsel for the Defendants in addition to the following pleadings of the parties:

1. Defendants' Motion for Summary Judgment;
2. Plaintiff's Response to Motion for Summary Judgment;
3. Defendants' Reply to Plaintiff's Response to Defendants' Motion for Summary Judgment;
4. Plaintiff's Motion for Leave to Amend Verified Complaint; and
5. Defendants' Response to Plaintiff's Motion for Leave to Amend.

It is hereby **ORDERED** that:

1. Defendants' Motion for Summary Judgment is **GRANTED**;

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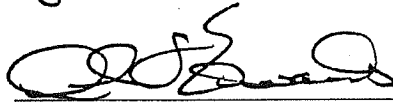
2. Plaintiff's Motion for Leave to Amend is **DENIED** because the Court finds that amendment would be futile;

3. Plaintiff's claims are **DISMISSED WITH PREJUDICE**;

4. The Court finds that this action is frivolous under RCW 4.24.430;

5. Defendants' counsel shall provide Plaintiff with a copy of this order.

DATED this 5<sup>th</sup> day of May, 2014.



JUDGE DAVID L. EDWARDS  
Grays Harbor Superior Court Judge

Presented by:

ROBERT W. FERGUSON  
Attorney General



TIMOTHY J. FEULNER, WSBA #45396  
Assistant Attorney General  
Corrections Division