

FILED
SUPERIOR COURT
THURSTON COUNTY, WA

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Linda Myhre Enlow
Thurston County Clerk

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x Hearing set for:
Date: Friday, August 13, 2021
Time: 9:00 a.m.
Judge/Calendar: Judge James Dixon

SUPERIOR COURT OF WASHINGTON
FOR THURSTON COUNTY

CANDIS RUSH, JUSTIN AUTREY,
GREGORY STEEN, THEODORE RHONE,
and MICHAEL LINEAR,

Plaintiffs,

vs.

WASHINGTON STATE DEPARTMENT OF
CORRECTIONS, a state agency; STEPHEN
SINCLAIR, Secretary of the Washington State
Department of Corrections; WASHINGTON
STATE DEPARTMENT OF HEALTH, a state
agency; and DR. UMAIR SHAH, Secretary for
the Washington State Department of Health,

Defendants.

No. 21-2-00491-34

(PROPOSED) ORDER DENYING
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT.

This matter came before the Court on the Defendants' Motion for Summary Judgment.
The Court having heard oral argument of counsel and considered the pleadings and documents
filed in support and opposition to this motion. Based on the argument of counsel and the
evidence presented, the Court makes the following findings of fact and conclusions of law:

- (1) Plaintiffs have not had the opportunity to commence discovery making the motion
for summary judgment premature.

(PROPOSED) ORDER DENYING
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT- 1

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(2) There are material and disputed facts related to the risk posed by unvaccinated staff to plaintiffs such that a trier of fact is needed to determine whether, in light of all circumstances, unvaccinated staff pose an unreasonable and unnecessary risk of serious harm or death to the plaintiffs.

(3) Plaintiffs have demonstrated that discovery may produce evidence to support their claims, including evidence related to the effectiveness of Defendants' COVID policies, whether Defendants have explored options to protect people in custody from unvaccinated staff members, the accuracy of Defendants' publicly displayed data, and the effectiveness of Defendants COVID/Vaccine education campaign.

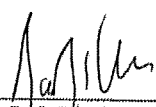
ORDER

Based upon these findings the Court enters the following order:

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(1) ~~The Defendants motion for summary judgment is denied/~~ The Defendants' motion ^{continued} for summary judgment is postponed until a later date and may be re-noted after the parties have had the opportunity to engage in discovery.

Dated this 12 day of August, 2021.



JUDGE JAMES DIXON
Thurston County Superior Court

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