

FILED  
SUPREME COURT  
12 FEB -1 PM 1:16  
BY RONALD R. CARPENTER  
RC CS  
CLERK

# THE SUPREME COURT OF WASHINGTON

KEVIN DOLAN, and a class of similarly situated  
individuals,

Respondents,

v.

KING COUNTY, a political subdivision of the State of  
Washington,

Petitioner.

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MANDATE

NO. 82842-3

Pierce County No.  
06-2-04611-6

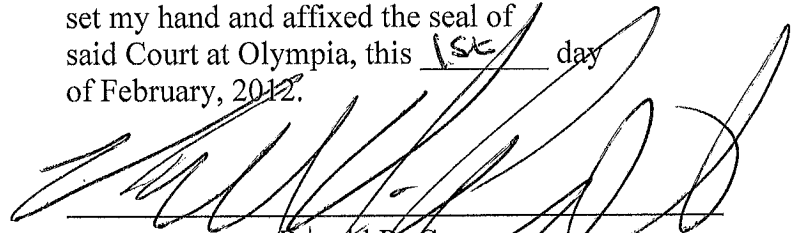
**THE STATE OF WASHINGTON TO:** The Superior Court of the State of Washington  
in and for Pierce County.

The opinion of the Supreme Court of the State of Washington was filed on August 18,  
2011. On January 5, 2012, an Order Changing Opinion was filed. On January 10, 2012, an  
Order Denying Further Reconsideration was filed and the decision terminating review of this  
Court became final. This cause is mandated to the superior court from which the appeal was  
taken for further proceedings in accordance with the attached true copy of the opinion, order  
changing opinion and the order denying further reconsideration.

11/6/19

Pursuant to Rule of Appellate Procedure 14.6(c), costs are taxed as follows: No cost bills having been timely filed, costs are deemed waived.

IN TESTIMONY WHEREOF, I have hereunto  
set my hand and affixed the seal of  
said Court at Olympia, this 15<sup>th</sup> day  
of February, 2012.



Ronald R. Carpenter  
Clerk of the Supreme Court  
State of Washington

- cc: Hon. Kevin Stock, Clerk  
Pierce County Superior Court  
Michael Reiss  
Roger Leishman  
Amy Pannoni  
Gillian Murphy  
Philip Talmadge  
Emmelyn Hart  
David Stobaugh  
Stephen Strong  
Lynn Prunhuber  
Stephen Festor  
William Hickman  
Reed McClure  
Reporter of Decisions

THE SUPREME COURT OF WASHINGTON

No. 82842-3

KEVIN DOLAN and a class of similarly  
Situated individuals,

Respondents,

v.

KING COUNTY, a political subdivision  
Of the State of Washington

Petitioner.

ORDER

CHANGING OPINION

CLERK  
E  
ROMANUS J. CARPENTER  
67 JUN 19 AM 10:19  
CRB

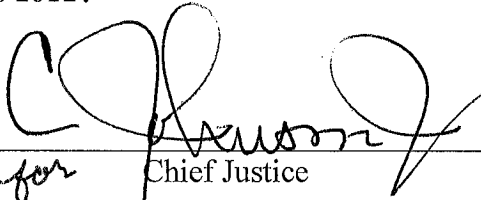
It is hereby ordered that the opinion of the court filed in the above cause on August 18, 2011 be changed as follows:

1. Page 13, tenth line down, the phrase “every branch, department, agency, commission, board, and office” is deleted and the phrase “any political subdivision” is inserted in its place.
2. Page 13, eleventh and twelfth line down, the phrase and citation ““but arms or agencies of the state.’ *State ex. Rel. Taylor v. Superior Court*, 2 Wn.2d 575, 579, 98 P.2d 985 (1940)” are deleted and the phrase and citation “political subdivisions of the State and therefore PERS employers. *See Fitzpatrick v. Okanogan County*, 169 Wn.2d 598, 628, 238 P.3d 1129 (2010) (quoting *Olson v. King County*, 71 Wn.2d 279, 284, 428 P.2d 562 (1967)” are inserted in their place.

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3. Page 13, eighteenth line down, the phrase and comma “and thus the State,” are deleted.
4. Page 15, thirteenth line down, the word “State” is deleted and the word “county is inserted in its place.
5. Page 18, nineteenth line down, the phrase “the State” is deleted and the phrase “a PERS employer” is inserted in its place.
6. Page 18, twentieth line down, the word “State” is deleted and the phrase “PERS employer” is inserted in its place.
7. Page 19, second line down, the word “state” is deleted and the word “county” is inserted in its place.

Dated this 5<sup>th</sup> day of January, 2012.

  
 for Chief Justice

APPROVED:

Alexander, J.P.T.

J.M. [Signature]

[Signature]

[Signature]

[Signature]

Sanders, J.P.T.

Fairhurst, J.

Leach, J.P.T.

# THE SUPREME COURT OF WASHINGTON

KEVIN DOLAN, and a class in similarly situated individuals,  
  
Respondents,  
  
v.  
  
KING COUNTY, a political subdivision of the State of Washington,  
  
Petitioner.

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## ORDER DENYING FURTHER RECONSIDERATION

No. 82842-3

FILED  
SUPREME COURT  
12 JAN 10 AM 9:36  
BY RONALD M. CARPENTER  
CLERK

The Court having considered “KING COUNTY’S MOTION FOR RECONSIDERATION” and Respondent’s “MOTION TO STRIKE PORTIONS OF THE APPENDIX AND PORTIONS OF THE MOTIONS TO RECONSIDER BASED THEREON”, “KING COUNTY’S ANSWER TO MOTION TO STRIKE PORTIONS OF THE APPENDIX AND PORTIONS OF THE COUNTY’S MOTION TO RECONSIDER”, “RESPONDENT’S ANSWER TO KING COUNTY’S MOTION TO RECONSIDER” and “PLAINTIFF’S REPLY ON PLAINTIFF’S MOTION TO STRIKE” and the Court having entered an order changing opinion in the above cause on January 5, 2012;

Now, therefore, it is hereby

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Page 2  
Order Denying Further Reconsideration  
82842-3

ORDERED:

That further reconsideration is denied.

DATED at Olympia, Washington this 10<sup>th</sup> day of January, 2012.

For the Court

  
for CHIEF JUSTICE

172 Wn.2d 299