

The Honorable John R. Hickman



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

KEVIN DOLAN and a class of similarly situated individuals,

NO. 06-2-04611-6

Plaintiffs,

v.

ORDER MODIFYING PERMANENT INJUNCTION

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

Defendant.

PRIOR PROCEEDINGS

Following a trial, the Court entered a permanent injunction on April 17, 2009, ordering King County to enroll the currently employed class members, King county public defenders and staff, and those employed in the future, as required by RCW 41.40.111(1). The Court left open the precise enrollment date for later determination by motion. The Court stayed the permanent injunction while King County appealed.

The Supreme Court affirmed the Court. *Dolan v. King County*, 172 Wn.2d 299 (2011). The Court issued its mandate on February 1, 2011, remanding to the Court for further proceedings regarding remedies.

ORDER

The Court hereby modifies its permanent injunction and ~~enrolls~~ ^{orders that} the class members ^{shall be enrolled} in the Public Employee Retirement System (PERS) Plan 2, ^{unless} if the class member is ~~not~~ already enrolled in ^{a different} PERS ^{plan} due to other employment.

The Court modifies its permanent injunction and directs King County to enroll and report to the Department of Retirement Systems (DRS) ^{by no later than April 16, 2012} in ~~March 2012~~ the currently employed ^{currently employed PERS} class members as members in PERS Plan 2, and returning members (based on other prior employment) as members of the PERS plan in which they had previously been enrolled so that

the employees will have before-tax deductions made from their paychecks commencing ^{no later than the pay period including the date of} ~~March 2012~~ ^{current} ~~March 2012~~. The employees include all ^{current} W-2 employees of the four public defense agencies, as ^{APRIL 16 2012}

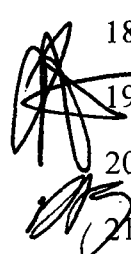
defined in the class definition, regardless of the source of funds for the agencies to pay them

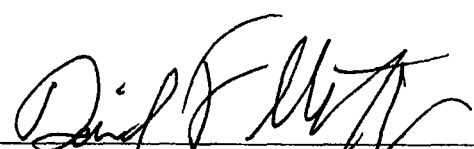
and regardless of the nature and location of any employee's work, e.g., whether superior court, district court, or any municipal court (including Seattle). ^{King County does not need to enroll} ~~The only exceptions~~ are any class

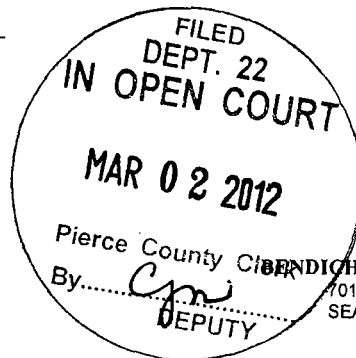
members who do not work enough hours (70 hours per month) or enough months (five months per year) to meet the minimum eligibility requirements in RCW 41.40.010(25).

DATED this ^{2nd} day of March, 2012.


JOHN R. HICKMAN
SUPERIOR COURT JUDGE

 This order is without prejudice to the issues the court reserved today on the record. Presented by: ^{The parties will submit an agreed briefing schedule on the reserved issues.} BENDICH STOBAUGH & STRONG, P.C.


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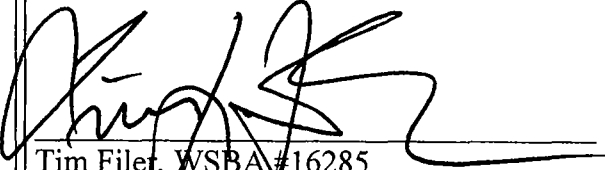


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