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HONORABLE SANDRA WIDLAN
SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

ADBERG, et. al.

Plaintiffs,

v.

CITY OF SEATTLE, a governmental entity;

Defendant.

NO. 20-2-14351-1 SEA

**ORDER GRANTING IN PART
PLAINTIFF JENNA KINYON'S
MOTION FOR PARTIAL
SUMMARY JUDGMENT
ONLY AS TO THE CITY'S
AFFIRMATIVE DEFENSE OF
ASSUMPTION OF THE RISK**

THIS MATTER having come on regularly for hearing upon the Plaintiff Jenna Kinyon's Motion for Partial Summary Judgment re: Events of June 7-8, 2020, the Court having considered the records and files herein, and having reviewed the following documents:

1. Plaintiff Jenna Kinyon's Motion for Partial Summary Judgment re: Events of June 7-8, 2020;
2. Declaration of Karen Koehler in Support of Plaintiffs Motion, with Exhibits;
3. The City's Response to the Motion;
4. The Declaration of Martha Dawson in support of the City's Response and the exhibits thereto;
5. The Declaration of James Dymment in support of the City's Response;
6. The Declaration of Ryan Groshong in support of the City's Response and the exhibits

1 thereto;

2 7. Plaintiffs' Reply in support of the Motion, with the accompanying declaration and
3 exhibit;

4 8. Oral argument of counsel;

5 9. Plaintiff's supplemental briefing; and

6 10. The City's Response to Plaintiff's supplemental briefing along with declaration of
7 Ryan Groshong and Exhibit.

8 Being fully advised, now, therefore, it is hereby ORDERED, ADJUDGED and DECREED
9 that Plaintiff Jenna Kinyon's Motion for Partial Summary Judgment re: Events of June 7-8, 2020
10 is GRANTED in part and only as to the City's affirmative defense of Assumption of the Risk
11 which is hereby STRICKEN. The Court distinguishes *Watness v. City of Seattle*, 16 Wn. App. 2d
12 297, 481 P.3d 570 (2021), on the basis that unlike the plaintiff in *Watness*, plaintiff Kinyon was
13 exercising her constitutional rights to speech and assembly. The Court finds no basis to extend
14 *Watness* to constitutionally protected speech and assembly. The City may still proceed on the
15 defense of contributory negligence.

16 DATED this ____ day of _____, 2024.

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18 _____
19 JUDGE SANDRA WIDLAN
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King County Superior Court
Judicial Electronic Signature Page

Case Number: 20-2-14351-1
Case Title: ZOE ADBERG ET AL VS CITY OF SEATTLE
Document Title: ORDER RE STRIKING ASSUMPTION OF THE RISK
Signed By: Sandra Widlan
Date: January 18, 2024

A handwritten signature in black ink that reads "Sandra Widlan". The signature is written in a cursive, flowing style. The first letter 'S' is large and loops around. The name is written in a single line.

Judge: Sandra Widlan

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: A923B65A9FE83BD587BE12398DC6F053EDE11266
Certificate effective date: 3/30/2023 1:46:47 PM
Certificate expiry date: 3/30/2028 1:46:47 PM
Certificate Issued by: C=US, E=kcscefiling@kingcounty.gov, OU=KCDJA,
O=KCDJA, CN="Sandy Widlan:
jPntpqkz7RGhk7Pp/BkmVQ=="