

**CASE NUMBER
2520071032
SN:39.0 PC:3**

FILED
7/14/2025
Timothy W Fitzgerald
Spokane County Clerk

3
4
5
6
7 **SUPERIOR COURT OF WASHINGTON IN AND FOR SPOKANE COUNTY**
8

9 CITY OF SPOKANE VALLEY, a municipal
10 corporation,

11 Plaintiff,

12 v.
13 ALBERT W. MERKEL, an individual,
14 Defendant.

15 **PLAINTIFF'S MOTION TO STRIKE**

16 **I. INTRODUCTION**

17 Plaintiff City of Spokane Valley (“the City”) hereby moves for an Order striking
18 portions of the Declaration of Albert W. Merkel in Support of Motion for Protective Order,
19 filed on July 7, 2025 (the “Merkel Declaration”). That declaration is replete with statements
20 that: (1) lack accuracy; (2) lack adequate foundation and are too speculative to be admissible;
21 (3) contain inadmissible conclusory statements; (4) constitute hearsay; (4) constitute legal
22 conclusions; and (5) violate the best evidence rule. As a result, all of the inadmissible
23 statements in the Merkel Declaration should not be considered by the Court on Defendant’s
24 Motion for Protective Order and should be stricken.
25 //

PLAINTIFF'S MOTION TO STRIKE: 1

LAW OFFICES OF
LUKINS & ANNIS, PS
A PROFESSIONAL SERVICE CORPORATION
717 W Sprague Ave, Suite 1600
Spokane, WA 99201
Telephone: (509) 455-9555
Fax: (509) 747-2323

1 DATED this 14TH day of July, 2025.
2
3

4 LUKINS & ANNIS, P.S.
5

6 By: 
7 MICHAEL J. HINES, WSBA #19929
8 REID JOHNSON, WSBA #44338
9 ZAINE M. YZAGUIRRE, WSBA #58265
10 Attorneys for Plaintiff
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PLAINTIFF'S MOTION TO STRIKE: 2

LAW OFFICES OF
LUKINS & ANNIS, P.S.
A PROFESSIONAL SERVICE CORPORATION
717 W Sprague Ave., Suite 1600
Spokane, WA 99201
Telephone: (509) 455-9555
Fax: (509) 747-2323

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of July 2025, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to all entities as follows:

Patrick J. Kirby
PATRICK KIRBY LAW OFFICE PLLC
42353 S. Greystone Lane
Spokane, WA 99223

U.S. Mail
 Hand Delivered
 Overnight Mail
 Telecopy (FAX)
 Via email:
pkirby@pldrbylaw.com

Attorney for Defendant Merkel

LUKINS & ANNIS, P.S.

KIRSTEN PRICE, Legal Assistant

PLAINTIFF'S MOTION TO STRIKE: 3

LAW OFFICES OF
LUKINS & ANNIS, PS
A PROFESSIONAL SERVICE CORPORATION
717 W Sprague Ave., Suite 1600
Spokane, WA 99201
Telephone: (509) 455-9555
Fax: (509) 747-2323