

CASE NUMBER
2520071032
SN:39.0 PC:3

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

SUPERIOR COURT OF WASHINGTON IN AND FOR SPOKANE COUNTY

CITY OF SPOKANE VALLEY, a municipal
corporation,

NO. 25-2-00710-32

Plaintiff,

PLAINTIFF'S MOTION TO STRIKE

v.

ALBERT W. MERKEL, an individual,

Defendant.

I. INTRODUCTION

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

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PLAINTIFF'S MOTION TO STRIKE: 1

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1 DATED this 14TH day of July, 2025.

2
3 LUKINS & ANNIS, P.S.

4
5 By: 

6 MICHAEL J. HINES, WSBA #19929
7 REID JOHNSON, WSBA #44338
8 ZAINE M. YZAGUIRRE, WSBA #58265
9 Attorneys for Plaintiff
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PLAINTIFF'S MOTION TO STRIKE: 2

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1 **CERTIFICATE OF SERVICE**

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

5 Patrick J. Kirby
6 PATRICK KIRBY LAW OFFICE PLLC
7 42353 S. Greystone Lane
8 Spokane. WA 99223

9 *Attorney for Defendant Merkel*

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

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11 LUKINS & ANNIS, P.S.

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13 _____
14 KIRSTEN PRICE, *Legal Assistant*

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PLAINTIFF'S MOTION TO STRIKE: 3

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