

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 JULIE ANN HANSON, individually
9 and as personal representative of the
10 estate of Marilyn Mowan, deceased,

11 Plaintiff,

12 v.

13 SNOHOMISH COUNTY, a municipal
14 corporation, TY TRENARY, KAITLIN
15 GEARY, JEFFREY LANGSAM,
16 JULIE ROUNTREE, and I-CHEN LIU,

17 Defendants.

C16-930-TSZ

MINUTE ORDER

18 The following Minute Order is made by direction of the Court, the Honorable
19 Thomas S. Zilly, United States District Judge:

20 (1) Defendants' Motion for Summary Judgment, docket no. 64, is DENIED.
21 Plaintiff's right to sue under Section 1983 for a failure to protect claim under the
22 Fourteenth Amendment was clearly established in September 2014. *Castro v. County of*
23 *Los Angeles*, 833 F.3d 1060 (9th Cir. 2016). There are material issues of facts as to
whether a reasonable officer in the circumstances would have appreciated the nature and
degree of risk involved with plaintiff and would have failed to take reasonable measures
to protect plaintiff. The individual defendants, Langsam, Liu, Rountree, and Geary are
therefore not entitled to qualified immunity. For the same reasons, the Court denies the
motion by defendant Sheriff Trenary and Snohomish County. There are also material
issues of fact as to whether the County is liable in negligence for improper training or
improper procedures even if the other individual defendants are exonerated. *See Fairley*
v. Luman, 281 F.3d 913, 917 (9th Cir. 2002).

(2) The parties should be prepared to discuss the possibility of resolving the case by mediation at the Status Conference set for Thursday, October 12, 2017, at 9:00 AM.

(3) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Dated this 18th day of September, 2017.

William M. McCool

Clerk

s/Karen Dews

Deputy Clerk