

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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

Plaintiff,

V.

C16-930-TSZ

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

## Defendants.

## MINUTE ORDER

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

(1) Defendants' Motion for Summary Judgment, docket no. 64, is DENIED. Plaintiff's right to sue under Section 1983 for a failure to protect claim under the Fourteenth Amendment was clearly established in September 2014. *Castro v. County of 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