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HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEVIN M. DECKER,

Petitioner,

vs.

CITY OF PORT ORCHARD; the CITY
COUNCIL OF PORT ORCHARD;
CAROLYN POWERS; FRED CHANG and
JANE DOE CHANG, husband and wife; JIM
COLEBANK and JANE DOE COLEBANK,
husband and wife; FRED OLIN and JANE
DOE OLIN, husband and wife; JERRY
CHILDS and JANE DOE CHILDS, husband
and wife;

Defendants.

NO. C09-5000

KITSAP COUNTY SUPERIOR
COURT CAUSE NO. 08-2-03060-3

ORDER BIFURCATING AND
REMANDING STATE CLAIM

THIS COURT having considered the parties' Stipulated Bifurcation and Remand of State Claims, hereby finds that:

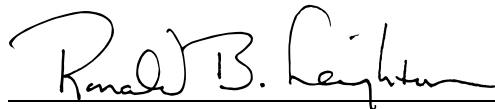
The parties have stipulated to a bifurcation and remand of Petitioner's Land Use Petition Act (LUPA) claim back to Kitsap County Superior Court which has concurrent subject matter jurisdiction over Petitioner's LUPA claim.

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ORDER

It is hereby **ORDERED** and **ADJUDGED** that this case is bifurcated, and Petitioner's Land Use Petition Act (LUPA) cause of action under RCW 36.70C is remanded to Kitsap County Superior Court, State of Washington, which has concurrent subject matter jurisdiction; provided that, this Court has original jurisdiction over Petitioner's causes of action that are cognizable under 42 U.S.C. §§ 1983 and 1988, which claims shall proceed in this District Court.

DATED this 2nd day of February, 2009.



RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

Presented by:

SHERRARD & MCGONAGLE, P.S.

MORRIS & TARADAY, P.C.

/s/ _____
Matthew A. Lind, WSBA # 37179
Attorney for Petitioner Kevin Decker

/s/ _____
Carol A. Morris, WSBA #19241
Attorney for Defendants