

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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9	UNITED STATES OF AMERICA,	)	
10		)	Case No. 2:12-cv-01282-JLR
11	Plaintiff,	)	
12		)	<b>CITY OF SEATTLE’S STIPULATED</b>
13	v.	)	<b>MOTION TO EXTEND TEMPORARY</b>
14		)	<b>RESTRAINING ORDER AND RELATED</b>
15	CITY OF SEATTLE,	)	<b>BRIEFING SCHEDULE</b>
16		)	
17	Defendant.	)	<b>NOTE ON MOTION CALENDAR: August</b>
18		)	<b>17, 2020</b>
19		)	
20		)	
21		)	
22		)	

The City of Seattle hereby moves to extend the Court’s temporary restraining order regarding the City’s Crowd Control Weapons Ordinance by an additional three weeks and to extend the related briefing schedule. The U.S. Department of Justice consents to this motion.

The City requests additional time for two reasons. First, as part of the process to formulate the City’s ultimate position on the temporary restraining order, the City recently retained outside counsel to advise the City Council regarding the interaction between the Consent Decree and the CCW Ordinance. Under the Open Public Meetings Act, RCW Ch. 42.30, privileged legal advice

1 can be presented to and discussed with the full City Council only in an executive session which  
 2 must be scheduled around other necessary legislative activities. The City believes that allowing  
 3 time for outside counsel to become familiar with the legal issues and to meet with the City Council  
 4 in a privileged executive session will assist the City in submitting a brief helpful to the Court.

5 The second reason the City requests additional time is to allow the City to develop a  
 6 considered response to the reports of the Office of Police Accountability, the Office of Inspector  
 7 General for Public Safety, and the Community Police Commission (collectively the  
 8 “Accountability Partners”) filed with the Court on August 14, 2020. The Accountability Partners  
 9 were asked by Mayor Durkan and the City Council to provide recommendations regarding SPD’s  
 10 use of less lethal devices for crowd control management. Their reports represent months of  
 11 thoughtful work and community engagement. They are voluminous, totaling over one hundred  
 12 pages with attachments. The City will benefit from having adequate time to review and respond to  
 13 the Accountability Partners’ findings and recommendations.

14 For the foregoing reasons and in order to allow the needed additional time for briefing, the  
 15 City stipulates to extend the temporary restraining order by an additional three weeks to October  
 16 9. The City further proposes adjustments to the briefing schedule as follows:

	<u>Current</u>	<u>Proposed</u>
17 Parties’ Memoranda (Dkt. 626)	August 22	September 12
18 DOJ’s PI Motion	August 27	September 17
19 City’s Response	September 8	September 29
20 DOJ’s Reply	September 11	October 2
21 TRO Expiration	September 18	October 9

1 Respectfully submitted,

2 DATED this 17th day of August, 2020.

3  
4 For the CITY OF SEATTLE

5 PETER S. HOLMES  
6 Seattle City Attorney

7 s/ Kerala T. Cowart  
Kerala T. Cowart, WSBA #53649

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23 **CITY OF SEATTLE'S STIPULATED MOTION TO EXTEND  
TEMPORARY RESTRAINING ORDER AND RELATED  
BRIEFING SCHEDULE - 3**  
(12-CV-01282-JLR)

**Peter S. Holmes**  
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**CERTIFICATE OF SERVICE**

I hereby certify that on August 17, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

- Brian T. Moran [bmoran@usdoj.gov](mailto:bmoran@usdoj.gov)
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DATED this 17th day of August, 2020, at Seattle, King County, Washington.

s/ Kerala T. Cowart  
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Assistant City Attorney  
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