

Honorable Kimberly Prochnau
Noted for: July 22, 2011 at 9 a.m.
(with oral argument)

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING**

HUGH K. SISLEY and MARTHA E.
SISLEY, both individually and on behalf
of their marital community,

Plaintiffs,

v.

SEATTLE SCHOOL DISTRICT NO. 1,
a public corporation,

Defendant.

NO. 10-2-10522-1 SEA

ORDER GRANTING
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT

~~PROPOSED~~

THIS MATTER came before the Court on defendant's CR 56 motion for summary judgment and the Court having reviewed the record herein, heard oral argument, and, to the extent deemed relevant and admissible, reviewed the material submitted by the parties concerning this motion, including:

1. Defendant's Summary Judgment Motion and Memorandum, along with the attached Declaration of Jeffrey Freimund and Attachment 1 (with Exhibits 1-11 thereto) and Attachment 2 thereto, and Declaration of Emily Shugerman and Exhibit 1 thereto;

2. Plaintiffs' Response to Defendant's Motion for Summary Judgment, along with the attached Declaration of Jeffrey Grant and Exhibits A – E thereto and the Declaration of Drake Sisley; and

1 3. Plaintiffs' Motion in Limine Regarding Certain Documents Submitted in
2 Support of Defendant's Motion for Summary Judgment;

3 4. Defendant's Reply in Support of Summary Judgment;

4 5. Defendant's Response to Plaintiffs' Motion in Limine Regarding Newspaper
5 Articles and Plaintiff Hugh Sisley's Testimony;

6 6. Plaintiffs' Reply in Support of Their Motion in Limine; and being fully
7 advised, now, therefore,

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9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's
10 summary judgment motion is granted and this matter is dismissed with prejudice. Summary
11 judgment is granted on the following grounds:

12 1. Defendant Seattle School District is not vicariously liable for a student's allegedly
13 defamatory statement that plaintiffs were "accused of racist renting policies."

14 GRANTED ✓ DENIED

15 2. As a matter of law, plaintiffs are unable to prove that, consistent with the First
16 Amendment, the defendant Seattle School District should have censored the
17 student's speech.

18 GRANTED ✓ DENIED

19 3. The student's report that Hugh and Drake Sisley had been "accused of racist
20 renting policies" is a non-actionable opinion that is not defamatory as a matter of
21 law.

22 GRANTED ✓ DENIED

1 4. Plaintiffs are unable to prove the statement that Hugh and Drake Sisley had been
2 "accused of racist renting policies" is false.

3 GRANTED DENIED

4 5. Plaintiffs are unable to prove the defendant was at fault for the student's speech, ~~or~~
5 *but is negligent*
6 ~~the statement was made with actual malice.~~

7 GRANTED DENIED

8 6. Plaintiffs are unable to prove the student's statement caused damage to their
9 reputation.

10 GRANTED DENIED

11 7. Plaintiffs are unable to prove plaintiff Martha Sisley was a target of the alleged
12 defamation.

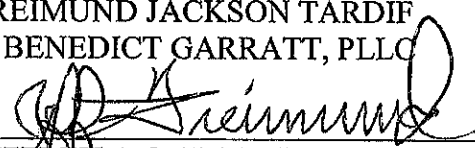
13 GRANTED DENIED

14 DONE IN OPEN COURT this 22 day of July, 2011.

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19 JUDGE KIMBERLY PROCHNAU
King County Superior Court Judge

20 Presented by:


21 FREIMUND JACKSON TARDIF
22 & BENEDICT GARRATT, PLLC

23 
24 JEFFREY A.O. FREIMUND, WSBA #17384
Attorneys for Defendant Seattle School District

1 Approved as to form; notice of presentation waived:

RSC'Q

2 SKELLENGER BENDER, P.S.

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5 JEFFREY C. GRANT, WSBA #11046
6 Attorneys for Plaintiffs

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