

FILED

APR 03 2025

FILED

Timothy W. Fitzgerald
SPOKANE COUNTY CLERK

2025 APR -3 A 7:15

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

PATRICK J. KIRBY, WSBA #24097
PATRICK J. KIRBY LAW OFFICE, PLLC
4353 S. Greystone Lane
Spokane, Washington 99223
Telephone: (509) 835-1200
pkirby@pkirbylaw.com
Attorney for Defendant Albert W. Merkel

SUPERIOR COURT, STATE OF WASHINGTON

COUNTY OF SPOKANE

CITY OF SPOKANE VALLEY, a municipal
corporation,

Plaintiff,

vs.

ALBERT W. MERKEL, an individual,

Defendant.

Cause: 25-2-00710-32

**MOTION TO DISMISS AND
MOTION FOR ATTORNEYS'
FEES AND COSTS.**

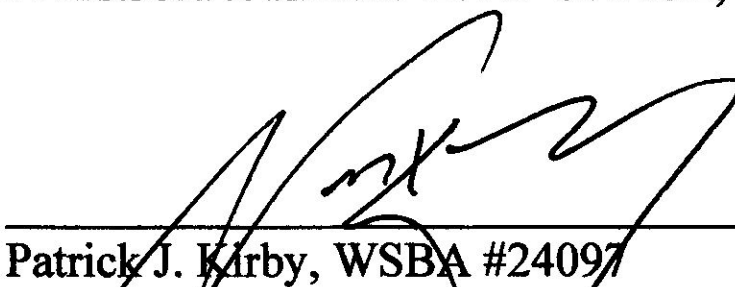
Defendant Albert W. Mekel, by and through his attorney Patrick J. Kirby moves the Court for an Order to Dismiss the above captioned matter for failure to state a claim upon which relief can be granted pursuant to RCW 12(b)(6).

Defendant further moves the Court for an Order Awarding Attorney's Fees and Costs to Defendant Merkel in opposing the above captioned frivolous action advanced without reasonable cause pursuant to RCW 4.84.185, and CR 11.

**MOTION TO DISMISS AND
MOTION FOR ATTORNEYS'
FEES AND COSTS – 1**

1
2 DATED this 3rd day of April, 2025.

3
4 PATRICK J. KIRBY LAW OFFICE, PLLC.

5
6 
7 Patrick J. Kirby, WSBA #24097
8 *Attorney for Defendant Albert W. Merkel*
9 4353 S. Greystone Lane
10 Spokane, Washington 99223
11 Telephone: (509) 835-1200
12 Facsimile: (509) 624-3493
13 Email: pkirby@pkirbylaw.com
14
15
16
17
18
19
20
21
22
23

24 **MOTION TO DISMISS AND**
25 **MOTION FOR ATTORNEYS'**
FEES AND COSTS – 2

 PATRICK KIRBY
LAW OFFICE PLLC
42353 S. Greystone Lane
Spokane, WA 99223
509-835-1200 (Phone)

CERTIFICATE OF SERVICE

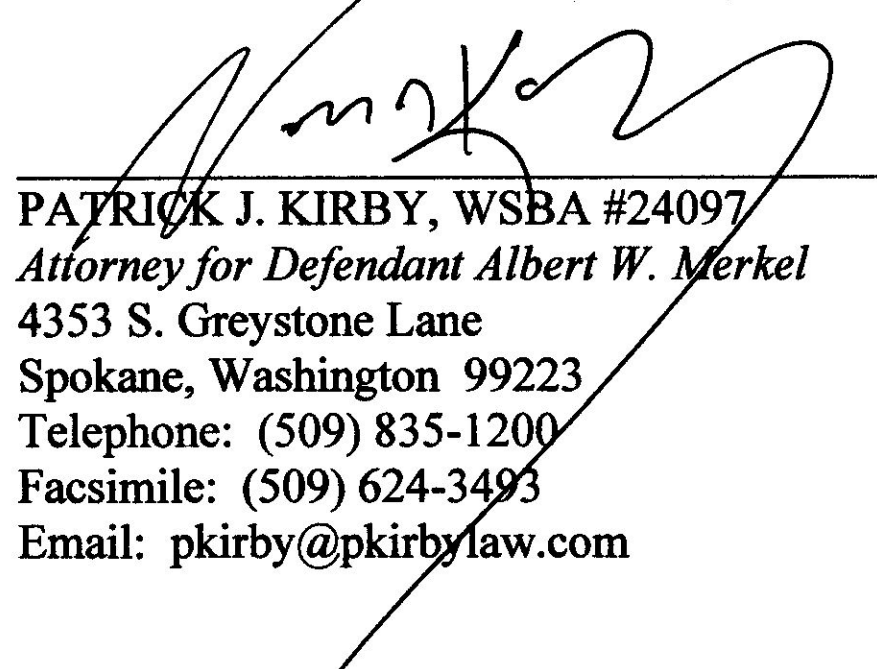
I HEREBY CERTIFY that on the 3rd day of April, 2025, I caused to be served a true and correct copy of the foregoing document to the following:

☒ HAND DELIVERY
☐ U.S. MAIL
☐ OVERNIGHT MAIL
☐ FACSIMILE
☒ EMAIL

LUKINS & ANNIS, P.S.
Reid G. Johnson, WSBA # 44338
Michael J. Hines, WSBA #19929
Zaine M. Yzaguirre, WSBA #58265
717 W. Sprague Ave., Suite 1600
Spokane, WA 99201

Telephone: (509) 455-9555
Fax: (509) 747-2323
Email: rjohnson@lukins.com
mhines@lukins.com
zyzaguirre@lukins.com

PATRICK J. KIRBY LAW OFFICE, PLLC


PATRICK J. KIRBY, WSBA #24097
Attorney for Defendant Albert W. Merkel
4353 S. Greystone Lane
Spokane, Washington 99223
Telephone: (509) 835-1200
Facsimile: (509) 624-3493
Email: pkirby@pkirbylaw.com