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JUN 11 2010
THOMAS R. FALLQUIST
SPOKANE COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

| | | |
|-------------------------------|---|--------------------|
| DIANA L. HARDING |) | NO. 10-2-02147-1 |
| |) | |
| v. |) | ORDER |
| |) | EXTENDING |
| |) | PRELIMINARY |
| THE SPOKANE HOUSING AUTHORITY |) | INJUNCTION (CR 65) |
| D/B/A NORTHEAST |) | |
| WASHINGTON HOUSING SOLUTIONS |) | |
| |) | |

This matter came on for hearing on June 11, 2010, on the Motion of the Petitioner/Plaintiff, Diana L. Harding, by and through her attorney of record, Cheryl C. Mitchell. The Petitioner/Plaintiff moved the Court for an Order Extending the Preliminary Injunction against the Spokane Housing Authority.

The Court read the Plaintiff's/Petitioner's Motion, reviewed the two court files (No. 10-2-02147-1 and No. 10-2-02229-0), and heard arguments of Counsel for the Petitioner/Plaintiff, Diana L. Harding, and Sean O'Quinn, Counsel for the Spokane Housing Authority. Therefore, the Court makes the following:

ORDER EXTENDING
TEMPORARY INJUNCTION--PAGE 1

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I. FINDINGS OF FACT

1 1. The Spokane Housing Authority has increased the rent to be paid by Diana L.
2 Harding, the Petitioner/Plaintiff, from \$122 per month to \$438 per month, effective
3 June 1, 2010. This increase has been contested by the Petitioner/Plaintiff.

4 2. The Petitioner/Plaintiff is disabled and receives Supplemental Security Income
5 (SSI).
6

7 3. The Petitioner/Plaintiff receives Temporary Assistance to Needy Families
8 (TANF) in most months.

9 4. The Petitioner/Plaintiff, in some months, receives child support payments from
10 her former husband. The amounts paid by the former husband of the
11 Petitioner/Plaintiff are unpredictable and inconsistent. Child support payments are
12 collected by the Office of Support Enforcement (OSE).
13

14 5. The Petitioner/Plaintiff is eligible for and receives food stamps.

15 6. The Petitioner/Plaintiff has two children who reside with her: her son Richard
16 Cody Harding who is 18 years of age and her daughter, Shelby Lynn Harding, who is
17 17 years of age.
18

19 7. The total monthly income of the Petitioner/Plaintiff is approximately \$1,186.00.

20 8. The Special Needs Trust for Diana L. Harding cannot pay for food or shelter
21 (rent). She has no means to pay for an increase in her rent.

22 9. There is no plain, adequate, or speedy remedy available to Diana L. Harding,
23 and therefore injunctive relief is appropriate and necessary.
24

II. CONCLUSIONS OF LAW

25 1. The Petitioner/Plaintiff has established that she is not able to pay the rent
26 increase from the current amount of \$122 per month, to \$438.00 per month, as
27 ordered by the Spokane Housing Authority.
28

29 2. If the Court does not extend the Temporary Injunction, Diana L. Harding will
30 be required to pay an increased rent of \$438.00 per month.
31
32

3. If the Petitioner/Plaintiff, Diana L. Harding does not pay the increased rent as ordered by the Spokane Housing Authority, Ms. Harding will be in breach of her rental agreement with the Spokane Housing Authority.

4. If the Petitioner/Plaintiff does not pay the increased rent in the amount of \$438 per month as ordered by the Spokane Housing Authority, she will be subject to eviction proceedings.

5. A Temporary Injunction signed on June 1, 2010, directed that the rent of Diana L. Harding was to remain at \$122.00 per month until June 15, 2010.

6. It is therefore necessary to enter this Order to Extend the Temporary Injunction to preserve the status quo of the parties, until a trial on the merits can take place.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Court now, therefore makes the following:

III. ORDER CONTINUING TEMPORARY INJUNCTION

The Spokane Housing Authority (Northeast Washington Housing Solutions) is hereby enjoined from:

1. Increasing the rent of Diana L. Harding from the current amount of \$122;
2. Terminating or attempting to terminate Section 8 Housing assistance for Diana L. Harding;
3. Evicting or attempting to evict Diana L. Harding from her current residence which is located at 5123 N. Morton Street.

During the pendency of this Order, the Spokane Housing Authority shall continue to pay, to the landlord of Diana L. Harding, the sum of \$628 per month, which was the amount previously established by and paid by the Spokane Housing

Authority. *Security in the amount of \$1,750 shall be posted by the Plaintiff with fifteen days.*

This order shall remain in full force and effect until the Court hears and rules upon the Petition and Complaint filed by the Petitioner/Plaintiff, Diana L. Harding.

DONE IN OPEN COURT this _____ day of June, 2010.

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MICHAEL PRICE
JUDGE MICHAEL P. PRICE

Prepared and Presented by:

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HARDING/D10A
INJ-EXT.ORD

ORDER EXTENDING
TEMPORARY INJUNCTION--PAGE 4

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