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Scott G. Weber, Clerk  
Clark County

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

STEVEN D. BANG, in his individual capacity  
and as trustee for the CANEPA BANG TRUST,

Plaintiff,

v.

LACAMAS SHORES HOMEOWNERS  
ASSOCIATION, a Washington nonprofit  
corporation,

Defendant.

Case No. 22-2-01987-06

**ORDER GRANTING IN PART AND  
DENYING IN PART PLAINTIFF'S  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT**

THIS MATTER having come before the Court on the Plaintiff's Motion for Partial  
Summary Judgment, the Court having heard the arguments of counsel for all of the parties at a  
hearing on May 26, 2023 and having reviewed the following pleadings:

Plaintiff's Motion for Partial Summary Judgment filed May 1, 2023;

First Declaration of Marie Tabata-Callerame filed April 28, 2023;

1 First Declaration of Steven Bang filed April 28, 2023;

2 First Declaration of John McConnaughey filed April 28, 2023;

3 Second Declaration of Jesse Denike filed April 28, 2023;

4 Defendant's Response to Plaintiff's Motion for Partial Summary Judgment filed on May  
5 16, 2023;

6 Declaration of David Phillips in Support of Defendant's Response to Plaintiff's Motion  
7 for Partial Summary Judgment filed May 16, 2023;

8 Declaration of Ryan Moore in Support of Defendant's Response to Plaintiff's Motion for  
9 Partial Summary Judgment filed May 16, 2023;

10 Declaration of Jennifer Wynkoop in Support of Defendant's Response to Plaintiff's  
11 Motion for Partial Summary Judgment filed May 16, 2023;

12 Plaintiff's Reply on Motion for Partial Summary Judgment filed on May 22, 2023;

13 Second Declaration of Steven Bang filed May 22, 2023;

14 Second Declaration of John McConnaughey filed May 22, 2023; and

15 Second Declaration of Marie Tabata-Callerame filed May 22, 2023.

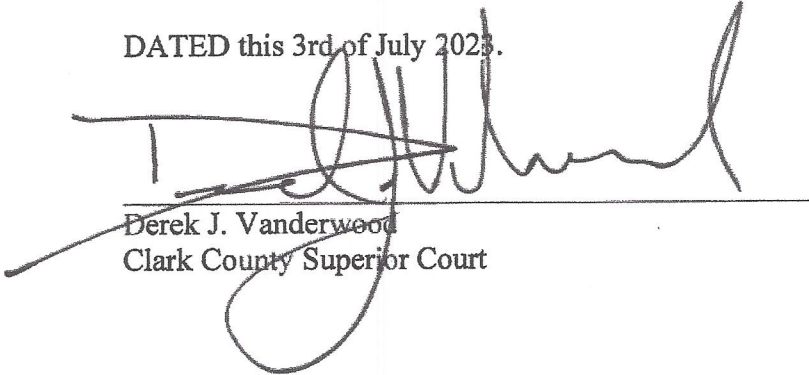
16 **IT IS HEREBY ORDERED, ADJUDGED and DECREED** as follows:

17 The Plaintiff's Motion for Partial Summary Judgment is GRANTED in part and DENIED  
18 in part.

19 Because a genuine issue of material fact does not exist regarding Defendant's violation of  
20 the Declaration, the Plaintiff is entitled to a partial summary judgment as follows: the Defendant  
21 is in violation of the Declaration of Covenants, Conditions, and Restrictions for the Lacamas  
22 Shores Development by failing to maintain the storm drainage and treatment system located on  
23 the Defendant's property.

1           The Plaintiff failed to demonstrate the absence of a genuine issue of material fact  
2 regarding the nuisance per se claims and, therefore, the Plaintiff's motion for partial summary  
3 judgment regarding those claims is DENIED.

4                     DATED this 3rd of July 2023.

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7                     Derek J. Vanderwood  
8                     Clark County Superior Court

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