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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR SKAGIT COUNTY

WHATCOM COUNTY, a charter county  
and political subdivision of the State of  
Washington and THE CITY OF  
BELLINGHAM, a municipal corporation  
and political subdivision of the State of  
Washington,

Plaintiffs,

v.

THE STATE OF WASHINGTON, a  
sovereign state of the United States, and the  
WASHINGTON STATE DEPARTMENT  
OF REVENUE and CINDI L.  
HOLMSTROM, DIRECTOR, in her  
official capacity,

Defendants.

No. **10 2 01216 1**

ORDER GRANTING TEMPORARY  
RESTRAINING ORDER

This matter having come before the court on June 30, 2010, on Plaintiffs', the City  
of Bellingham and Whatcom County, Motion for a Temporary Restraining Order and the  
Court having reviewed the documents and records filed herein in supporting the motion,  
including, but not limited to:

1. Complaint and supporting exhibits;
2. Motion for Temporary Restraining Order;
3. Memorandum in Support of Temporary Restraining Order; and
4. Affidavits in Support of Temporary Restraining Order.

ORDER GRANTING TEMPORARY  
RESTRAINING ORDER -1

COPY

City of Bellingham  
CITY ATTORNEY  
210 Lottie Street  
Bellingham, Washington 98225  
Telephone (360) 778-8270  
Fax (360) 778-8271

1 The Court, having reviewed all materials submitted in support thereof and  
2 deeming itself fully advised in the premises, IT IS NOW THEREFORE,

3 ORDERED, ADJUDGED, AND DECREED that Defendants State of  
4 Washington, Department of Revenue, its Director, Cindi L. Holmstrom, in her official  
5 capacity, jointly, individually, and collectively are immediately restrained and directed as  
6 follows:  
7

- 8 1. To update the press release dated June 8, 2010 referring the non-resident sale  
9 tax exemption for British Columbia residents beginning July 1, 2010, to  
10 inform retailers that Department of Revenue opinions and advice regarding the  
11 eligibility for this tax exemption has been challenged in a legal action filed by  
12 the City of Bellingham and Whatcom County. That the outcome of the  
13 pending litigation is unknown and that tax liability of retailers may be  
14 affected.  
15
- 16 2. To update instruction for retailers on the sales tax exemption dated January 10,  
17 2010 that is on the Department of Revenue's website to reflect the legal  
18 challenge to the advisory opinion.  
19
- 20 3. To refrain from issuing any further excise tax advisory opinions in this matter,  
21 beyond that provided in Excise Tax Advisory 3054.2009.  
22

23 ORDERED, ADJUDGED, AND DECREED that the foregoing temporary  
24 restraining order shall remain in effect until further order by the Court.  
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DATED this 30<sup>th</sup> day of June, 2010.

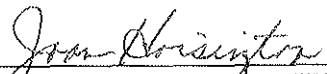
**SUSAN K. COOK**


Judge/Commissioner

Presented by:

CITY OF BELLINGHAM

WHATCOM COUNTY

  
Joan Hoisington, WSBA #7966  
Bellingham City Attorney

  
David McEachran, WSBA # 2496  
Whatcom County Prosecuting Attorney