NO. 90113-9

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

BF FOODS, LLC, FILO FOODS, LLC, ALASKA AIRLINES, INC., and WASHINGTON RESTAURANT ASSOCIATION,
Petitioners/Plaintiffs,

v.

CITY OF SEATAC,
Respondent/Defendant,

v.

SEATAC COMMITTEE FOR GOOD JOBS,
Respondent/Intervenor.

ANSWER OF SEATAC COMMITTEE FOR GOOD JOBS TO PLAINTIFFS' MOTION FOR (1) ACCELERATED REVIEW AND (2) CONSOLIDATION WITH CASE NO. 89723-9

Dmitri Iglitzin, WSBA # 17673
Jennifer Robbins, WSBA # 40861
SCHWERIN CAMPBELL BARNARD IGLITZIN & LAVITT, LLP
18 West Mercer Street, Suite 400
Seattle, WA 98119

I. IDENTITY OF PARTY AND INTRODUCTION

The SeaTac Committee for Good Jobs ("the Committee") opposes the motion filed by Petitioners/Plaintiffs Alaska Airlines, Inc., Filo Foods, LLC, BF Foods, LLC and the Washington Restaurant Association ("Plaintiffs") to consolidate the instant appeal with Case No. 89723-9 ("Motion to Consolidate"). This case presents none of the limited grounds for consolidating cases on review. *See* RAP 3.3(b) (consolidation proper where it "would save time and expense and provide for a fair review of the cases"). Moreover, for the reasons set forth below, consolidation would undermine the orderly administration of justice.

The Committee does not oppose the motion for accelerated review of the Petition for Review filed by Plaintiffs seeking discretionary review of the published opinion filed on February 10, 2014 by Division I of the Washington Court of Appeals. Appendix to Plaintiff's Motion to Consolidate (" Pl. App."), 1-8. The Court has set an accelerated briefing schedule for the Petition for Review. April 11, 2014 Letter from Supreme Court Clerk to Parties. The Committee opposes discretionary review and will file its Answer in accordance with the schedule set by this Court.

II. STATEMENT OF RELIEF SOUGHT

The Committee requests that this Court deny Plaintiffs' motion to consolidate the instant appeal with Case No. 89723-9.

III. GROUNDS FOR RELIEF SOUGHT

A. Consolidation Is Inappropriate Because the Two Appeals Involve Multiple Separate Issues Arising From Wholly Distinct Phases Of The Same Superior Court Case, and Addressing Both Appeals In the Same Proceeding Will Cause Delay and Confusion.

Case Nos. 90113-9 and 89723-9 should not be consolidated because they involve separate appeals arising from separate phases of the underlying case. Moreover, because Case No. 90113-9, the "Signature Sufficiency Appeal,"[1] involves a whole host of legal issues that would have to be briefed and argued to this Court, beyond the one issue Plaintiffs wish this Court to address and which Plaintiffs are also asking this Court to address in Case No. 89723-9, consolidating the two cases will cause both delay and confusion. Consolidation is therefore not appropriate under RAP 3.3(b).

1. The Signature Sufficiency Appeal

The Signature Sufficiency Appeal arises from a pre-election challenge by Plaintiffs, who sought writs of review, mandate and

[1] Plaintiffs refer to this appeal as the "Signature Validity Appeal." However, as is explained below, the dispute underlying Case No. 90113-9 involved not only the "validity" of certain signatures on initiative petitions, i.e., the signatures of those registered SeaTac voters who signed the petition more than once. It also involved whether, regardless of the determination of that issue, the SeaTac Good Jobs Ordinance was or was not supported by the number of signatures it needed to be sent to the November 5, 2013, ballot. Thus, the overall question is whether the signatures gathered by the Committee were "sufficient," not merely whether a subset of those signatures were "valid," and the Committee therefore refers to the appeal in Case No. 90113-9 with the more accurate designation "Signature Sufficiency Appeal."

prohibition and injunctive relief from King County Superior Court to keep Proposition 1, known as the Good Jobs Initiative, off of the November 5, 2013, ballot for the City of SeaTac. App. at 3. Plaintiffs sought to prohibit a vote on the Good Jobs Initiative on the basis that 61 signatures of people who signed the petition multiple times should have been stricken, and that there were thus insufficient signatures supporting the measure. *See id.*

The trial court in that phase of the case addressed whether writs of review, mandate and prohibition should issue precluding the Good Jobs Initiative from being placed on the November 5, 2013, ballot in light of the fact that RCW 35A.01.040(7), as then in effect,[2] required that the City strike all signatures, including the original, of each person who signed the petition two or more times.

The trial court granted the requested writs and removed Proposition 1 from the November 5, 2013 ballot. Pl. App. 17-27. The Court of Appeals, on a request for emergency discretionary review reversed. Pl. App. 1-8. The Court's written opinion explaining its decision issued on February 10, 2014, holding that the statute requiring the striking of all signatures, including the original, of any person who signed an initiative petition two or more times violated the First Amendment. Pl.

[2] Effective June 12, 2014, RCW 35A.01.040(7) has been amended to require the first valid signature to be counted.

App. at 6. In the Signature Sufficiency Appeal, Plaintiffs seek discretionary review of the February 10, 2014 decision.

Importantly, the issues that were presented to the Court of Appeals in the Signature Sufficiency Appeal were not limited to the one issue regarding which Plaintiffs have based their request for discretionary review, i.e., the constitutionality of former RCW 35A.01.040(7). As articulated by the Committee in the "Issues Presented for Review" section of its Emergency Motion for Discretionary Review, filed on August 29, 2013, there were three separate grounds asserted by the Committee for finding that the superior court had erred in issuing the writs:

> 1. Did the superior court commit probable error by issuing its Order where King County had already determined that the Initiative had sufficient signatures and therefore issued a Notice of Sufficiency?
>
> 2. Did the superior court commit probable error by issuing its Order where, even if the Court acted correctly in striking all signatures of voters who signed the Petition more than once, sufficient other valid signatures (wrongly stricken by the Petition Review Board) existed to warrant upholding a determination of sufficiency?
>
> 3. Did the superior court commit probable error by issuing its Order where the procedures and decisions of the Petition Review Board and Judge Darvas depriving SeaTac voters of federal Constitutional rights?

Appendix to Answer of SeaTac Committee For Good Jobs ("Comm. App."), 2-3.

Thus, at issue before the Court of Appeals was not only whether 61 signatures should have been stricken pursuant to former RCW 35A.01.040(7), but also whether the Petition Review Board that was empanelled by the City of SeaTac subsequent to the date the King County Department of Elections ("the King County Auditor") validated the signatures as sufficient erred in deeming 201 signatures void for reasons wholly unrelated to former RCW 35A.01.040(7).

This argument itself had two prongs. First, the Committee contended that under state law "it is the King County Auditor—and only the King County Auditor" that has the duty to determine the sufficiency of a petition. Comm. App. 6-7. Thus, the Petition Review Board had no authority to reject King County's finding that a sufficient number of signatures had been obtained. Second, the Committee contended that even if the Petition Review Board had some authority to independently determine the validity of petition signatures, it erred in rejecting some 159 signatures (out of the 201 the Petition Review Board rejected) that King County had previously deemed valid. Comm. App. 10-17.

The significance of these arguments by the Committee is that either argument, if found persuasive, would have constituted an independent basis for reversing the trial court's decision to grant the various writs and thereby prevent Proposition 1 from going on the ballot.

The Court of Appeals did not rule on either of these arguments, because it resolved the issue in the Committee's favor and reversed the trial court's ruling solely on the grounds that former RCW 35A.01.040(7) violated the United States Constitution. However, Judge Dwyer, in his concurrence, agreed with the Committee that the Petition Review Board had no power in any event to second-guess the determination of the King County Auditor. He, at least, would have reversed the trial court's ruling on this independent basis, and the majority opinion did not reject his analysis.

The Committee will raise these issues in its Answer to Plaintiffs' Petition for Review as alternate bases for affirmance. Thus, both the issue of the authority of the Petition Review Board in general, and the Board's judgment as to 159 disputed signatures in particular, are live issues which may be addressed by the Supreme Court in any discretionary review it might grant regarding the decision in Case No. 90113-9. *See* RAP 13.7(b).

2. The Declaratory Judgment Appeal

The Declaratory Judgment Appeal,[3] Case No. 89723-9, arises from Plaintiffs' post-election challenge to the validity of SeaTac Municipal

[3] Plaintiffs repeatedly refer to the motions and Order disposing of the superior court case as summary judgment motions and an order on summary judgment. *See, e.g.,* Motion at 6-8. This is perplexing, given that the motions were for *declaratory* judgment, not *summary* judgment; indeed, none of the motions filed by Plaintiffs below contain any reference whatsoever to CR 56 or the summary judgment standards at all. Pl. App. 28-60

Code ('SMC") 7.45 ("the Ordinance") based on a host of substantive state law, federal law and constitutional grounds, including

> (a) state-law claims based on the "single-subject" and "subject-in-title" rules contained in RCW 35A.12.130 (mirroring Const. art. II, § 19);
>
> (b) state-law claims based on RCW 14.08.330;
>
> (c) an argument based on a purported violation of state-law "standing" requirements;
>
> (d) claims that the Ordinance is preempted by federal labor law, i.e., the National Labor Relations and Railway Labor Acts;
>
> (e) that the Ordinance is preempted by the Airline Deregulation Act; and
>
> (f) that the Ordinance violates the dormant Commerce Clause of the United States Constitution.

See generally Comm. App. 24-54, 55-81.

All but three of the arguments identified above are now being raised by Plaintiffs in their response to the Committee's and the City of SeaTac's appeals, or in their cross-appeal. Comm. App. 95-166.[4]

(Memorandum Decision and Order on Plaintiffs' Motions for Declaratory Judgment); *id.* at 28-29 (listing motions and supporting affidavits). Thus, calling this Court's direct review of the Memorandum Decision and Order on declaratory judgment motions a "Summary Judgment Appeal" is inaccurate and misleading.

[4] Plaintiffs appear to have dropped their "subject in title" argument, their "standing" argument, and their preemption argument premised on the Railway Labor Act.

3. The Two Appeals Do Not Substantially Overlap and Consolidation Would Save Neither Time Nor Expense, But Instead Would Cause Confusion and Delay

The foregoing summary of the two appeals at issue here reveals that the numerous state and federal-law issues on appeal in the Declaratory Judgment Appeal are largely, if not entirely, distinct from the state and federal-law issues at issue in the Signature Sufficiency Appeal. For that reason, consolidating these two appeals will cause both delay and confusion.

It is true that Plaintiffs now argue that the trial court's decision below that is subject to challenge in the Declaratory Judgment Appeal could potentially be affirmed in part and reversed in part by this Court through a finding that former RCW 35A.01.040(7) was not, contrary to the decision of the Court of Appeals in Case No. 90113-9, unconstitutional (assuming that Plaintiffs prevail on all of the other legal issues raised in that dispute).

However, the "duplicate signatures" issue was not a basis for the request for declaratory judgment Plaintiffs sought in the fall of 2013, *see* generally Comm. App. 24-54, 55-81. For this reason, Plaintiffs' request that the Court in the Declaratory Judgment Appeal rule on this new argument is improper. As a general matter, an argument neither pleaded nor argued to the trial court cannot be raised for the first time on appeal.

Sourakli v. Kyriakos, Inc., 144 Wn. App. 501, 509, 182 P.3d 985 (2008), *rev. denied*, 165 Wn.2d 1017, 199 P.3d 411 (2009); *see also Mangat v. Snohomish County*, 176 Wn. App. 324, 334, 308 P.3d 786 (2013) ("These arguments, however, were never made to the trial court and are instead being raised for the first time on appeal. As such, we decline to consider them."); RAP 2.5(a) (appellate court may "refuse to review any claim of error which was not raised in the trial court").

RAP 2.5(a) provides that a party may seek *affirmance* on a ground not presented to the trial court if the record has been sufficiently developed to fairly consider the ground. However, Plaintiffs seek to go far beyond that, asking this Court, in the Declaratory Judgment Appeal, to *reverse* all portions of Judge Darvas' ruling below upholding the Ordinance, and to invalidate the Good Jobs Ordinance in its entirety. It does so based on legal arguments not presented to Judge Darvas in the motions for declaratory judgment. RAP 2.5(a) was never intended to countenance such legal sleight of hand. While the rule permits parties to ask this Court to affirm on any theory, it is not symmetrical; the Court should not permit a party to argue for reversal of the greater portion of a trial court's ruling based on a theory never raised in the trial court.

Moreover, the fact that this Court might, in its discretion, address the constitutionality of former RCW 35A.01.040(7), an issue that it also

might conceivably choose to address in the Signature Sufficiency Appeal, is not a persuasive basis for the Court to consolidate the two appeals. Doing so would save neither time nor expense.

Instead, consolidating these two appeals will cause great delay and confusion in the adjudication of the Declaratory Judgment Appeal. That latter appeal has already been the subject of substantial briefing from the Committee and the City of SeaTac (briefs filed on March 3, 2014), as well as from the Port of Seattle and Plaintiffs (briefs filed on April 2, 2014). After one more brief each from the Committee and the City of SeaTac, due May 2, and a reply brief from the Plaintiffs and the Port, June 2, and after this Court receives whatever brief of *amici curiae* may be submitted (due May 14), the matter will be ready for review by this Court at oral argument on June 26. *See* April 2, 2014, letter from Supreme Court Deputy Clerk Susan L. Carlson (Comm. App. 91-94).

Plaintiffs' petition for review in the Signature Sufficiency Case, however, will not be ruled upon by this Court until April 29, 2014, at the earliest. April 11, 2014, Letter from Supreme Court Clerk to Parties. That barely allows the parties the 30 days for supplemental briefing normally permitted by RAP 13.7(d) once the Supreme Court grants a petition for review, given that the matter is currently on an expedited schedule for oral argument, which has been set for June 26, 2014. Moreover, this highly

expedited schedule would leave no opportunity, as a practical matter, for any *amici curiae* to share their perspectives with the Court – thus depriving this Court of the potential input of third parties such as the Association of Washington Cities, the Washington State Association of Counties, the Washington State Association of Municipal Attorneys, and the American Civil Liberties Union of Washington, to name just a few of the organizations that might well wish to be heard regarding the constitutional issues underlying Plaintiffs' arguments in the Signature Sufficiency Appeal.[5]

In sum, consolidating the Signature Sufficiency Appeal with the Declaratory Judgment Ruling Appeal would have the effect of adding several separate and distinct legal issues that have not yet been, and will need to be, substantively briefed, and doing so will inevitably confuse the proceedings and cause substantial delay, thus defeating the goals which would otherwise make consolidation proper. See RAP 3.3(b).

[5] As was noted above, the current deadline for the submission of motions for leave to file a brief of *amicus curiae* is May 14, 2014. Although this Court could, upon granting review of the Signature Sufficiency Appeal on or after April 29, 2014, designate a later date for the submission of such motions with regard to the issues raised in that appeal, most groups and organizations with an interest in filing an *amicus curiae* are unlikely to be able to do so as expeditiously as would be necessary in order for this Court to benefit from such input, and there also would be little or no time for any of the parties to file responses to such briefs, were they to be submitted to and accepted by the Court.

B. Consolidation Should Be Denied Because Whether Plaintiffs Were Entitled to Various Writs On The Basis Of RCW 35A.01.040(7), Which is the Only Question at Issue in Case No. 90113-9, Is Now Moot.

The Signature Sufficiency Appeal is moot and, for this independent reason, the Court should not consolidate it with the Declaratory Judgment Appeal. The Signature Sufficiency Appeal is moot because the election has already taken place and the relief sought below (a writ and injunction to prevent the election) is no longer available.

Generally, a claim is considered moot "where it presents purely academic issues and where it is not possible for the court to provide effective relief." *Klickitat Cnty. Citizens Against Imported Waste v. Klickitat Cnty.*, 122 Wn.2d 619, 631, 860 P.2d 390 (1993), *as amended on denial of recons.* 866 P.2d 1256 (1994); *see also SEIU Healthcare 775NW v. Gregoire*, 168 Wn.2d 593, 602, 229 P.3d 774 (2010) (citing cases). Here, the merits of the Plaintiffs' Signature Sufficiency Appeal are purely academic because the election Plaintiffs sought to prevent has already taken place, and the relief requested by the Plaintiffs (writs and an injunction to impose additional procedural hurdles and prevent the Initiative from reaching the November 5, 2013 ballot) could no longer be effectively granted.

While the occurrence of an election does not render *every* pre-election challenge moot, this Court has held that claims which request relief designed to prevent an election from going forward become moot once the election has occurred. *City of Sequim v. Malkasian*, 157 Wn.2d 251, 259-61, 138 P.3d 943 (2006) (distinguishing claims "instituted solely for the purpose of preventing an election" which become moot after an election, from subject matter challenges where relief may be granted after an election); *West v. Reed*, 170 Wn.2d 680, 682, 246 P.3d 548 (2010) ("Since the election sought to be enjoined has been held, and the referendum was approved, no effective relief can be granted in reviewing the superior court's decision and reversing it."), *cert. denied* 132 S.Ct. 423 (2011); *State ex. rel. Jones v. Byers*, 24 Wn.2d 730, 733, 167 P.2d 464 (1946) (appeal from denial of injunction to prevent election became moot after election held as "court cannot now prevent the doing of a thing which has already been done"). In light of the November 5, 2013, election, this Court's order granting the relief requested by Plaintiffs would have no operative effect.

Further, though in some instances this Court has exercised discretion to grant review in cases notwithstanding the lack of a live case or controversy where an issue of continuing and substantial public interest was presented, the Court should not exercise its discretion here to consider

the constitutionality of former RCW 35A.01.040(7).[6] This is because the statute has since been amended to correct the alleged constitutional deficiency. *See* Laws of 2014, Chapter 121, § 3 (supplanting the unconstitutional langue with the following: "If a person signs a petition more than once, all but the first valid signature must be rejected."). Comm. App. 82-90.

Thus, the question of the statute's constitutionality will not recur, no continuing public interest remains warranting judicial guidance, and any opinion from this Court on the constitutional question posed, including the level of scrutiny to be applied to municipal code provisions for determining the validity of certain signatures counted in support of an initiative petition, would be merely advisory. Advisory opinions are greatly disfavored. *Hart v. Dep't of Soc. & Health Servs.*, 111 Wn.2d 445, 450, 759 P.2d 1206 (1988) ("Actual application of the *Sorenson* criteria... is necessary to ensure that an actual benefit to the public interest in reviewing a moot case outweighs the harm from an essentially advisory

[6] When determining whether an issue of continuing and substantial public interest is present, the Court considers: (1) whether the issue is of a public or private nature, (2) whether an authoritative determination is desirable to provide future guidance to public officers, and (3) whether the issue is likely to recur. *Sorensen v. City of Bellingham*, 80 Wn.2d 547, 558, 496 P.2d 512 (1972)). The Committee does not dispute that the issues raised by the Plaintiffs are more likely public than private.

opinion."); *see generally Walker v. Munro*, 124 Wn.2d 402, 414, 879 P.2d 920 (1994).

C. Consolidation Should Also Be Denied Because Even Reversal By This Court Of The Court Of Appeals' February 10, 2014 Opinion Would Not Be Grounds For Invalidating The Ordinance.

Even if this Court were to reverse the Court of Appeals' February 10, 2014 opinion and hold former RCW 35A.01.040(7) constitutional, neither that statute nor its municipal law equivalent, SMC 1.10.140(C), can be wielded to invalidate an initiative, approved by a majority of voters, after the election has already taken place.

This principle has been adopted by every state court that has considered the question, including Washington's. *See, e.g., Vickers v. Schultz*, 195 Wash. 651, 654-55, 81 P.2d 808 (1938). In *Vickers,* the county auditor failed to post notices which alerted voters to the fact that a special election was to be held on the formation of a public utility district and election of district commissioners. *Id* at 651. While this undisputedly failed to comply with the requirements of the public utility district statute, the Court found that the vote nonetheless represented "an intelligent and well-formed expression of the popular will." *Id.* at 657. The Court announced that an election will not be void for failure to strictly observe

statutory requirements "unless the statute itself declares that the election shall be void if the statutory requirements are not strictly observed." *Id.*

As this Court stated in *Groom v. Port of Bellingham*, 189 Wash. 445, 447, 65 P.2d 1060 (1937), another case involving insufficient notice of a special election:

> An election will not be declared invalid for any irregularities when it appears that the result of the election was an intelligent expression of the popular will, and the want of statutory notice did not result in depriving sufficient of the electors of the opportunity to exercise their franchise to change the result of the election.

See also State ex rel. Sampson v. Superior Court for King Cnty., 71 Wash. 484, 487, 128 P. 1054 (1913) (Whether vote represents "intelligent expression of the popular will ... is the real test moving all courts in holding that, unless the contrary appears, mere irregularities should not be held to defeat and set aside the popular will.").

Other state courts have articulated the rationale for this rule. In *Renck v. Superior Court,* 66 Ariz. 320, 327, 187 P.2d 656, 661 (1947), the Supreme Court of Arizona explained that even where a legal challenge to the sufficiency of initiative petition signatures is initiated *before* the general election,

> once the measure has been placed upon the ballot, voted upon and adopted by a majority of the electors, the matter becomes political and is not subject to further judicial

> inquiry as to the legal sufficiency of the petition originating it.

Similarly, in *Montanans for Equal Application of Initiative Laws v. State ex rel. Johnson,* 336 Mont. 450, 457, 154 P.3d 1202, 1207 (2007), the Supreme Court of Montana observed that:

> [A]fter a majority of the Montana electorate have voted to support an initiative, it is absurd for the State and the courts to be tied up with the question of whether five percent of Montana voters had wanted it on the ballot.

Accord Hernandez v. Frohmiller, 68 Ariz. 242, 259, 204 P.2d 854, 865 (1949) ("after a statute has been passed by a vote of the people and promulgated as the law, this court's sphere of inquiry is and should be whether the law itself in its final form is constitutional as to its provisions, and not whether there was a constitutional defect in the proceedings leading to its final passage"); *State ex rel. Graham v. Bd. of Examiners*, 125 Mont. 419, 428-29, 239 P.2d 283, 289-90 (1952) (after a statute is passed by a vote of the people, a court's inquiry is limited to whether the statute's provisions are constitutional and not defects in proceedings leading to final passage); *Wadsworth v. Neher*, 138 Okl. 4, 4, 280 P. 263, 263 (1929) ("In the absence of fraud, an election will not be held invalid on the ground that mandatory provisions of the state election laws have been disobeyed, unless it is expressly declared in the statute that the particular act is essential to the validity of an election or that its omission

shall render it void"); *City of Albuquerque v. Water Supply Co.*, 24 N.M. 368, 368, 174 P. 217, 217 (1918) ("Where an election is held under authority of an order of the proper authorities, and in the main conforms to the requirements of the statute, though wanting in some particular not essential to the power to hold such an election, and is acquiesced in by the people and approved by their agent, such irregularities do not render the bonds thus issued void"); *Mayer v. Adams*, 182 Ga. 524, 186 S.E. 420, 424-25 (1936) ("substance is more important than form, and ... the will of the people expressed at the proper time and in the proper manner at the ballot box... ought not to be lightly disregarded and set at naught" despite technical irregularities that do not substantially affect result).

The case and statute cited by Plaintiffs does not yield a contrary result. Plaintiffs contend that the Ordinance must be overturned should this Court rule that it was not supported by a sufficient number of petition signatures. They cite RCW 35A.01.040(4) for the proposition that "the remedy in this situation is invalidation of the resulting Ordinance." Comm. App. 136. However, that statutory provision contains no such mandate. It addresses the sufficiency of petition signatures, but says nothing about the appropriate remedy when an initiative is approved by a majority of voters at the general election, but it is later determined that the

petition was insufficient. Neither has any case or administrative decision read into the statute the remedy Plaintiffs urge.

The case cited by Plaintiffs, *State ex rel. Uhlman v. Melton,* 66 Wn.2d 157, 161, 401 P.2d 631 (1965), likewise fails to support the claim that invalidation of the Ordinance could be an appropriate remedy in this situation. That case involved a failed attempt to invalidate two ordinances passed by a city council through a popular referendum. *Id.* at 158. The City Charter allowed for ordinances to be immediately suspended from taking effect and eventually put to a popular vote when a minimum number of signatures were filed with the City Clerk before the ordinance went into effect. *Id.* Petitioners filed an insufficient number of signatures within the requisite timeframe, but tried to supplement their filing with additional signatures after the ordinances had gone into effect. *Id.* at 159. The court held that the petitioners' failure to strictly comply with the charter's filing requirements was "fatal" to petitioners' efforts. *Id.* at 161. That case did not address a situation where procedural irregularities were "cured" through a vote of the general electorate and has no applicability beyond the context of a proposition's initial qualification for the ballot.

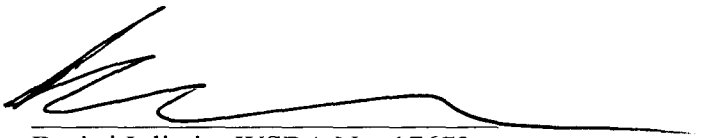
Because a ruling in Case No. 90113-9 cannot impact this Court's decision in the Declaratory Judgment Appeal, there is nothing to be

gained, and only delay and confusion to be caused, by consolidating that case with Case No. 89723-9.

IV. CONCLUSION

For the foregoing reasons, the Committee requests that this Court deny Plaintiffs' motion to consolidate the Signature Sufficiency Appeal, Case No. 90113-9, with the Declaratory Judgment Appeal, Case No. 89723-9.

Respectfully submitted this 16th day of April, 2014.



Dmitri Iglitzin, WSBA No. 17673
Jennifer Robbins, WSBA No. 40861
SCHWERIN CAMPBELL BARNARD
IGLITZIN & LAVITT, LLP
18 West Mercer Street, Suite 400
Seattle, WA 98119
Ph. (206) 257-6003
Fax (206) 257-6038
Iglitzin@workerlaw.com
Robbins@workerlaw.com

Attorneys for SeaTac Committee For Good Jobs

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of April, 2014, I caused the foregoing Answer of SeaTac Committee For Good Jobs to Plaintiffs' Motion for (1) Accelerated Review and (2) Consolidation With Case No. 89723-9 to be filed sent via UPS Overnight mail to the Clerk of the Supreme Court, and a true and correct copy of the same to be delivered via UPS Overnight mail to:

Harry J. F. Korrell
Rebecca Meissner
Taylor Ball
Roger A. Leishman
Davis Wright Tremaine LLP
1201 Third Avenue, Suite 2200
Seattle, WA 98101-3045
harrykorrell@dwt.com
RebeccaMeissner@dwt.com
TaylorBall@dwt.com
rogerleishman@dwt.com

Herman Wacker
Alaska Airlines
19300 International Boulevard
Seattle, WA 98188
Herman.Wacker@alaskaair.com

Cecilia Cordova
Pacific Alliance Law
601 Union Street, Suite 4200
Seattle, WA 98101
cecilia@cordovalawfirm.com

Wayne D. Tanaka
Ogden Murphy Wallace P.L.L.C.
901 Fifth Avenue, Suite 3500
Seattle, WA 98164
wtanaka@omwlaw.com

Mary Mirante Bartolo
Mark Johnsen
City of SeaTac Attorney's Office
4800 South 188th Street
SeaTac, WA 98188-8605
mmbartolo@ci.seatac.wa.us
mjohnsen@ci.seatac.wa.us

Tim G. Leyh
Shane Cramer
Calfo Harrigan Leyh
& Eakes, LLP
999 3rd Ave, Suite 4400
Seattle, WA 98104-4022
Timl@calfoharrigan.com
Shanec@calfoharrigan.com

Frank J. Chmelik
Seth Woolson
Chmelik Sitkin & Davis P.S.
1500 Railroad Avenue
Bellingham, WA 98225
fchmelik@chmelik.com

Christopher Howard
Averil Rothrock
Virginia Nicholson
Schwabe Williamson & Wyatt
1420 5th Avenue, Suite 3400
Seattle, WA 98101-4010
choward@schwabe.com

Dmitri Iglitzin, WSBA No. 17673