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STATE OF WASHINGTON
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No. 90475-8

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SUPREME COURT
OF THE STATE OF WASHINGTON

ROBIN EUBANKS, ERIN GRAY, ANNA DIAMOND,
and KATHY HAYES,

Respondents,

v.

KLICKITAT COUNTY and DAVID BROWN, individually and on behalf
of his marital community,

Petitioners.

**PETITIONER KLICKITAT COUNTY MOTION FOR
EXTENTION OF TIME TO FILE A JOINDER TO PETITIONER
DAVID BROWN'S PETITION FOR DISCRETIONARY REVIEW
TO THE SUPREME COURT**

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Attorneys for Petitioner Klickitat County

I. Identity of Moving Party.

Defendant/Appellant/Petitioner Klickitat County (“County”) is the entity filing the Motion for Extension of Time.

II. Relief Requested.

The County respectfully and retroactively requests a six-day extension of time (from July 3, 2014 to July 9, 2014) within which to file its Joinder to Petitioner Brown’s Petition for Discretionary Review to the Supreme Court.

III. Statement of Facts Relevant to the Motion.

On June 3, 2014, the Court of Appeals filed its published decision in this matter. *See* Court Docket. On July 1, 2013, Defendant/Petitioner Brown filed with the Court of Appeals his Petition for Discretionary Review to the Supreme Court. *Id.* After reviewing the Petition, the County filed with the Court of Appeals its two-paragraph Joinder to Petitioner Brown’s Petition for Discretionary Review to the Supreme Court on July 9, 2014. *Id.* The Joinder was designated as “other filing” on the appellate docket. *Id.*

Throughout the trial court and Division II proceedings, the County joined Brown’s motions and appellate briefing. Respondents did not respond or object to the joinders.

On July 9, 2014, the Supreme Court issued a letter stating that the Court of Appeals had forwarded the Petition for Review and “related Court of Appeals case file.”

On July 25, 2014, Respondents filed their Answer to Brown's Petition for Review. On August 19, 2014, the Supreme Court issued a letter noting that the County's Joinder was due on July 3, but not received until July 9, 2014, and allowing the County to timely file and serve a motion for extension of time to retroactively file its Joinder.

IV. Legal Argument.

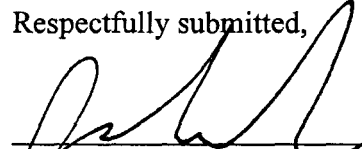
In cases with more than one party to a side, RAP 10.1(g) allows a party to "join with one or more parties in a single brief" or "file a separate brief and adopt by reference any part of the brief of another." Here, Petitioner Brown timely filed a Petition for Discretionary Review, and six days later (including a holiday and weekend), the County filed its two-paragraph Joinder, incorporating by reference Brown's arguments.

RAP 18.8(b) governs extensions of time within which to file certain documents. The designation of documents does not specifically include Joinders. To the extent that Joinders are included (as provided in RAP 10.1(g)), the County states that it was unable to coordinate with Brown or review Brown's Petition before it was timely filed. The County filed its two-paragraph Joinder immediately upon receipt of Brown's Petition. If the Supreme Court accepts discretionary review of Brown's Petition, then the County's relief is derivative.

Based on the foregoing, the County respectfully requests that the Court extend the time within which the County filed its Joinder.

Dated August 21, 2014.

Respectfully submitted,



Francis S. Floyd, WSBA No. 10642
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Attorneys for Petitioner Klickitat County

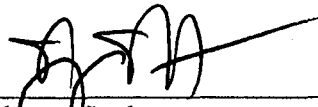
CERTIFICATE OF SERVICE

This is to certify that on the 21st day of August, 2014, I caused to be served a true and correct copy of the foregoing to be served.

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Case Name: Robin Eubanks, Erin Gray, Anna Diamond, and Kathy Hayes, v. Klickitat County and David Brown	Cause No. 90475-8
Attorney: John A. Safarli, WSBA no. 44056 jsafarli@floyd-ringer.com	Document: Petitioner Klickitat County Motion for Extension of Time to File Joinder.

Please let me know if you have any questions.

Sincerely,

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