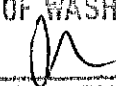


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DIVISION II

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STATE OF WASHINGTON

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COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON

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ENID DUNCAN, et al., Petitioners, v. CITY OF EDGEWOOD, (Local Improvement District #1) Respondent.	NO. 48025-0-II PETITIONERS ENID DUNCAN ET AL'S. MOTION TO FILE OVERLENGTH PETITION FOR REVIEW
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I. IDENTITY OF MOVING PARTY

Petitioners Eric Docken, Docken Properties, LP; Enid and Edward Duncan; James and Patricia Schmidt, Darlene Masters; AKA The Brickhouse, LLC; and Suelo Marina, LLC, ("Petitioners Duncan et al") hereby asks for the relief designated in Part II.

II. STATEMENT OF RELIEF SOUGHT

Simultaneous with this Motion, Petitioners Duncan et al. submits their Petition for Review by the Supreme Court, which is the subject of this Motion. The Petition at 25 pages slightly exceeds the 20 page limit for the Petition for Review. Petitioners request that the Court allow this filing of an over-length petition and accept

its Petition as filed pursuant to RAP 10.4(b).

III. STATEMENT OF GROUNDS FOR RELIEF

Petitioners requests this Motion be granted pursuant to RAP 10.7 directs that Petitioners' Petition for Review should not exceed 20 pages, and provides that "for compelling reasons the court may grant a motion to file an over-length brief."

1. The overlength petition is required to address complex facts and issues, addressing the issues of seven Petitioners. The Court may grant a motion to file an over-length petition per RAP 10.7. The issues in this case are very fact dependant and require extensive citation to transcripts from the administrative proceedings. In addition, numerous issue of law are presented which require exceeding the 20 page limit in order to fully and fairly address. Petitioners request permission to file the over length petition, which is filed simultaneous to this Motion, in order to fully present its facts and issues on appeal.

2. Denying this Motion Does Not Serve the Ends of Justice. RAP 10.7 provides that if a party files a petition that is not in compliance with requirements for length, the Court may "(1) order the brief returned for correction or replacement within a specified time, (2) order the brief stricken from the files with leave to file a

new brief within a specified time, or (3) accept the brief,” at the Court’s discretion.

Refusing to grant Petitioners’ Motion would work an injustice due to the complexity of the facts necessary for a correct determination and based on the issues raised.

Petitioners request that this Motion be considered without oral argument by the Commissioner or Clerk. RAP 17.6(a).

IV. CONCLUSION

This Motion should be granted for the above reasons and to serve the ends of justice. Petitioners request that their over-length petition be accepted for filing by the Court. The request serves the ends of justice, and is not requested for purposes of delay, and no significant prejudice will result in the extension of time.

RESPECTFULLY SUBMITTED this 1st day of December 2016.

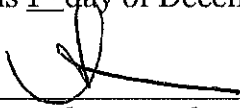
GOODSTEIN LAW GROUP PLLC

By: 

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501 S. G Street
Tacoma, WA 98405
253-779-4000
Attorney for Petitioners Duncan et al.

I, Carolyn A. Lake, declare under penalty of perjury and pursuant to the laws of the State of Washington that the foregoing is true and correct.

Signed at Tacoma, Washington this 1st day of December 2016.



Carolyn A. Lake