

NOS. 94495-4
94522-5

WASHINGTON STATE SUPREME COURT

In re the Detention of:

DONALD HERRICK,

Petitioner.

MOTION TO
CONSOLIDATE CASES

I. IDENTITY OF THE PARTIES

The Parties are the Respondent, State of Washington, by and through the Office of the Attorney General, and Petitioner Donald Herrick, by and through his attorney Susan Lee Elliott.

II. RELIEF SOUGHT

Respondent moves the Court, pursuant to RAP 3.3(b), to consolidate these two cases for purposes of considering Mr. Herrick's Petitions for Review. Respondent contacted Mr. Herrick's attorney who advised that she does not object to consolidation of the Petitions.

III. ARGUMENT

RAP 3.3(b) permits an appellate court to consolidate cases on its own motion or at the request of a party, if doing so "would save time and expense and provide for a fair review of the cases." The two *Herrick* Petitions for Review because seek review of a trial court order that Mr. Herrick participate

in physiological testing, and a subsequent order finding him in contempt of that order. The Petitions present nearly identical facts, identical issues, the same legal counsel and the orders at issue were entered by the same judge. Respondent therefore moves for consolidation, in the interest of judicial economy.

RESPECTFULLY SUBMITTED this 26th day of May, 2017.

ROBERT W. FERGUSON
Attorney General



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DECLARATION OF
SERVICE

I, Kelly Hadsell, declare as follows:

On May 26, 2017, I sent via electronic mail and deposited in the United States mail true and correct cop(ies) of Motion To Consolidate Cases and Declaration of Service, postage affixed, addressed as follows:

Suzanne Elliott suzanne-elliott@msn.com
705 Second Avenue, Suite 1300
Seattle, WA 98104-1797

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 26th day of May, 2017, at Seattle, Washington.


KELLY HADSELL

WASHINGTON STATE ATTORNEY GENERAL'S OFFICE - CRIMINAL JUSTICE DIVISION

May 26, 2017 - 1:53 PM

Transmittal Information

Filed with Court: Supreme Court
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Appellate Court Case Title: In re the Detention of: Donald Herrick
Superior Court Case Number: 10-2-00981-1

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