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IN THE WASHINGTON STATE SUPREME COURT

TAZMINA VERJEE-VAN and BRIAN VAN,)
)
Petitioners,)
)
vs.)
)
PIERCE COUNTY, acting through its)
Department of Planning and Land Services)
and Office of Pierce County Hearing)
Examiner,)
)
Respondent.)
)

NO. 95461-5

MOTION TO CONSOLIDATE
PETITIONS FOR REVIEW

I. Identity of Moving Party.

The petitioners request the relief designated in part II.

II. Statement of Relief Sought.

Petitioners respectfully requests that this court consolidate this case with the petition for review filed in Verjee-Van v. Pierce County, Case No. 95461-5.

III. Statement of Facts Relevant to Motion.

This Court is currently reviewing Verjee-Van v. Pierce County, Case No. 95461-5. The issue in that appeal is whether the Superior Court erred in denying the appellant’s petition for writ of mandamus to require the County to apply the Shoreline Management codes to various structures on Lake Tapps. This is also

1 the primary issue in the current appeal. The Superior Court, in its decision, noted
2 that a determination as to whether the Borgert pier is lawful is a primary issue in both
3 that case and in the LUPA case. If this court grants the petition for review on the writ
4 of mandamus case, then the underlying decision rendered by the Hearing Examiner
5 in the current petition may be different and likely in favor of petitioners. Accordingly,
6 and based upon the concepts of judicial economy, petitioners respectfully urge this
7 Court to consolidate this petition for review with the petition for review filed in case
8 no. 95461-5.

9 **IV. Grounds for Relief and Argument.**

10 **A. THIS COURT SHOULD GRANT PETITIONERS'
MOTION TO CONSOLIDATE.**

11 RAP 3.3 deals with consolidation of cases. RAP 3.3(b) provides:

12 **(b) Cases Consolidated in Appellate Court.** The appellate court, on
13 its own initiative or on motion of a party, may order the consolidation of
14 cases or the separation of cases for the purpose of review. A party
15 should move to consolidate two or more cases if consolidation would
16 save time and expense and provide for a fair review of the cases. If
two or more cases have been consolidated for review in
the Court of Appeals, the cases remain consolidated for review in the
Supreme Court unless the Supreme Court otherwise directs.

17 Petitioners request that this court grant their motion to consolidate this
18 case with Verjee-Van v. Pierce County, Case No. 95461-5.

19 **V. Conclusion.**

20 Based on the arguments, records and files contained herein,
21 petitioners respectfully requests that this court grant their motion to consolidate this

22 **

23 **

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25 **

1 petition for review with the petition filed in Verjee-Van v. Pierce County, Case No.
2 95461-5.

3 DATED this 29th day of March, 2018.

4 HESTER LAW GROUP, INC. P.S.
5 Attorneys for Petitioners

6 By: 
7 _____
8 Brett A. Purtzer
9 WSB #17283

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CERTIFICATE OF SERVICE

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I certify that on the day below set forth, I caused a true and correct copy of this motion to be served on the following in the manner indicated below:

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Signed at Tacoma, Washington this 3rd day of April, 2018.

Kathy Herbstler

HESTER LAW GROUP, INC., P.S.

April 03, 2018 - 8:55 AM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 95677-4
Appellate Court Case Title: Tazmina Verjee-Van and Brian Van v. Pierce County, et al.
Superior Court Case Number: 16-2-04323-8

The following documents have been uploaded:

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