

RECEIVED
 SUPREME COURT
 STATE OF WASHINGTON
 08 OCT -6 AM 6:02
 BY RONALD R. CARPENTER
 CLERK

No. 81271-3

SUPREME COURT
 OF THE STATE OF WASHINGTON

City of Spokane,)	
)	MOTION FOR PERMISSION TO
<i>Petitioner,</i>)	FILE A SUPPLEMENTAL
)	AMICUS CURIAE BRIEF (RAP
vs.)	10.6) OR ALTERNATIVELY
)	JOIN IN PREVIOUSLY FILED
Lawrence J. Rothwell, <i>et. al.,</i>)	BRIEF
)	
<i>Respondents.</i>)	(WITH DECLARATION OF
_____)	SERVICE)

1. **Relief Requested.** On behalf of the Washington State Association of Municipal Attorneys (WSAMA), applicant moves this court to grant permission to file an supplemental amicus curiae brief. Applicant additionally moves on behalf of the Association of Washington Cities (AWC) to join in the brief(s) filed by applicant on behalf of WSAMA.

Applicant is in receipt of this court's September 9 order granting petitioner and respondent leave to petitioner and respondent to file supplemental briefs by not later than November 3, 2008. If granted permission to file a supplemental brief, applicant would file its brief by that same date, unless otherwise directed by the court.

In the event that the motion for permission to file a supplemental

Motion to permit filing
 of suppl. amicus curiae brief: 1

*Joinder of WA Association of WA
 Cities to amicus brief of WA ST ASSN of Municipal Attorneys*

amicus brief is denied, AWC alternatively moves for permission to join in the amicus memorandum previously filed by WSAMA by mail on April 21, 2008 in support of the petition for review in this case.

2. **Authority.** RAP 10.6 & RAP 13.7.

3. **Applicant's interest and the party applicant represents.** Applicant is the City Attorney for the City of Walla Walla and a member of the WSAMA. The City of Walla Walla is additionally a member of the AWC. WSAMA is a nonprofit Washington corporation organized primarily for educational purposes and the advancement of knowledge in the area of municipal law. AWC is a private non-profit, non-partisan corporation which represents Washington's cities and towns.

4. **Applicant's familiarity with the issues involved in the review and scope of argument.** Applicant has been the Walla Walla City Attorney and a member of the WSAMA since 1996, and the City is a long-standing member of AWC. Applicant has reviewed the record and is familiar with the arguments made by the parties hereto. Applicant has researched the issues before this court, and this court previously granted permission for applicant to file an amicus memorandum in support of the petition for review. Applicant filed an amicus memorandum by mail on April 21, 2008.

5. Specific issues to which the amicus curiae brief will be directed.

Applicant's supplemental amicus curiae brief would be limited to supplementation of authorities and development of the issues addressed in applicant's initial amicus memorandum.

6. Applicant's reason for believing that additional argument is necessary.

Supplementation of the authorities of the authorities contained in applicant's initial amicus curiae memorandum will assist the court by more fully developing issues regarding *de jure* and *de facto* judicial authority.

DATED 10/2/2008

TIM DONALDSON, WSBA #17128
Washington State Association of
Municipal Attorneys and Washington
Association of Cities
15 N. Third Ave.
Walla Walla, WA 99362
(509) 522-2843

Certificate of Service

I certify that I mailed a copy of the foregoing MOTION FOR PERMISSION TO FILE A SUPPLEMENTAL AMICUS CURIAE BRIEF (RAP 10.6) to respondents' attorney: Breean Beggs, Center for Justice, 35 W. Main St., Suite 300, Spokane, WA 99201, and to petitioner's attorneys: Howard Delaney and Michelle Szambelan, Spokane City Attorney's Office, 808 W. Spokane Falls Blvd., Spokane, WA 99201-3326, Jim A. Bledsoe, Spokane City Prosecutor, 909 W. Mallon, Spokane, WA 99201-2129, and Charles Kenneth Wiggins, Wiggins & Masters PLLC, 241 Madison Ave. N.

Motion to permit filing
of suppl. amicus curiae brief: 3

Bainbridge Island, WA 98110-1811, postage prepaid, on the date stated below.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct:

10-2-08 Walla Walla, WA
(Date and Place)

Ann M. Cambridge
(Signature)