

No. 81287-0

SUPREME COURT OF THE STATE OF WASHINGTON

LISA BROWN, Washington State Senator and Majority Leader of the
Washington State Senate,

Petitioner,

v.

BRAD OWEN, Lieutenant Governor of the State of Washington,

Respondent.

**PETITIONER'S REPLY TO
RESPONDENT'S RESPONSE TO
PETITIONER'S MOTION FOR ACCELERATED REVIEW**

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BY RONALD R. CARPENTER


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The Petitioner files this short Reply to acknowledge two valid points made in the Respondent's Response, and to therefore agree with the propriety of amending the alternative relief requested by Petitioner's motion.

One point made in the Respondent's Response is that this controversy satisfies the legal criteria for the exception to the mootness doctrine if it is not decided before the March 13 end of the legislative session. Respondent's Response at bottom of p.7 ("In Respondent's view, this case meets these criteria and the Court may retain jurisdiction.").

Petitioner agrees.

Another point made in the Respondent's Response is that the Respondent has arguments other than mootness that may allow this Court to dispose of this case without answering whether the 2/3 supermajority provision in RCW 43.135.035(1) is constitutional. Respondent's Response at pages 2-6, and conclusion at bottom of p.8 ("As the above discussion briefly demonstrates, this case may well be disposed of without reaching the validity of RCW 43.135.035(1).").

Petitioner agrees that the Respondent should not be foreclosed from making those other arguments if this Court grants the Petitioner's alternative request for a non-expedited briefing and hearing schedule. (Petitioner does not agree with those arguments – instead, merely agrees the Respondent need not be foreclosed from making them.)

Given the two points above, Petitioner agrees with the propriety of amending Petitioner's alternative request for relief to be a request that this

Court set a briefing and hearing schedule before this Court that allows this Court's final decision in this action to be issued before the next legislative session begins in January 2009, and forecloses only the argument that the passage of time under the non-expedited schedule set by this Court allows this action to be dismissed as moot.

Given the points made in the Respondent's Response, and that Response's recognition of the "important issue of constitutional law and broad public interest" that this action raises,¹ Petitioner believes the non-expedited request (if amended as noted above) is proper, is consistent with the arguments made in the Respondent's Response, and serves the ends of justice under the rules cited in Petitioner's motion (RAP 1.2(c), 18.8, & 18.12).

RESPECTFULLY SUBMITTED this 4th day of March, 2008.

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¹ Respondent's Response, section heading "C" on page 6.