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SUPREME COURT  
STATE OF WASHINGTON  
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SUPREME COURT  
OF THE STATE OF WASHINGTON

RECEIVED BY E-MAIL <sup>bjh</sup>

AUTOMOTIVE UNITED TRADES  
ORGANIZATION, a non-profit trade  
association,

Appellant,

v.

THE STATE OF WASHINGTON;  
CHRISTINE GREGOIRE, in her capacity  
as Governor of the State of Washington;  
LIZ LUCE, in her official capacity as  
Director, Washington State Department of  
Licensing,

Respondents.

NO. 85661-3

STATEMENT OF  
ADDITIONAL  
AUTHORITIES

COMES NOW the appellant AUTO and submits the following  
additional authorities to the Court pursuant to RAP 10.8 in response to  
questions from the Court during oral argument:

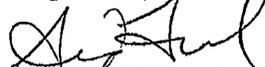
- *Wright v. Colville Tribe Enterprises Corp.*, 159 Wn. App. 108, 147 P.3d 1275 (2006) (concurrence and dissent discuss treatment of tribal sovereignty issue under CR 12(b)(1) and (6), but not CR 12(c));
- *Parrilla v. King County*, 138 Wn. App. 427, 432, 157 P.3d 879 (2007) (for purposes of CR 12(c) motion for judgment on the pleadings, a court must accept statements in the plaintiff's complaint as true);
- CP 295, 300, 309-10 (record indicates tribes spent Motor Vehicle Fund "refund" money for non-highway purposes);
- RCW 82.36.450(3)(b)/RCW 82.38.310(3)(b) (statutes authorized funds received pursuant to compacts to be spent on boat ramps and public transportation, services

specifically not included as highway purposes in article II, § 40 and *State ex rel. O'Connell v. Slavin*, 75 Wn.2d 554, 452 P.2d 943 (1969));

- CP 118, reply brief at 2-3, 6-8 (AUTO has not sought abrogation of compacts or damages).

DATED this 13<sup>th</sup> day of January, 2012.

Respectfully submitted,



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Philip A. Talmadge, WSBA #6973

Sidney Tribe, WSBA #33160

Talmadge/Fitzpatrick

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Tukwila, WA 98188-4630

(206) 574-6661

Attorneys for Appellant AUTO

DECLARATION OF SERVICE

On said day below I emailed and deposited with the U.S. Postal Service a true and accurate copy of: Statement of Additional Authorities in Supreme Court Cause No. 85661-3 to the following parties:

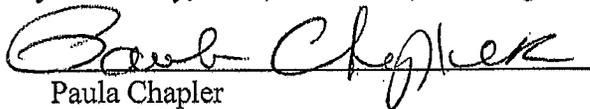
Van A. Collins 410 11 <sup>th</sup> Avenue SE, Suite 203 Olympia, WA 98501-2371	Kristopher I. Tefft PO Box 658 Olympia, WA 98507-0658
Harry J.F. Korrell Davis Wright Tremaine, LLP 1201 3 <sup>rd</sup> Avenue, Suite 2200 Seattle, WA 98101-3045	Todd R. Bowers, Senior Counsel Attorney General of Washington--CJD 800 5 <sup>th</sup> Avenue, Suite 2000 Seattle, WA 98104-3188
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Original efiled with:

Washington Supreme Court  
Clerk's Office  
415 12<sup>th</sup> Street W  
Olympia, WA 98504

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

DATED this 3 day of January, 2012, at Tukwila, Washington.



Paula Chapler  
Talmadge/Fitzpatrick