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SUPREME COURT
STATE OF WASHINGTON
May 18, 2015, 2:44 pm
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SUPREME COURT
OF THE STATE OF WASHINGTON

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AUTOMOTIVE UNITED TRADES
ORGANIZATION,

Appellant,

v.

The STATE OF WASHINGTON; JAY
INSLEE, in his official capacity as
Governor of the State of Washington;
PAT KOHLER, in her official capacity
as Director of the Washington State
Department of Licensing,

Respondents.

No. 89734-4

AUTO'S RESPONSE
TO MOTION TO
STRIKE STATEMENT
OF ADDITIONAL
AUTHORITIES

Appellant Automotive United Trades Organization ("AUTO")
opposes the State's motion to strike its Second Statement of Additional
Authorities.

As was noted in the Statement itself, the authorities provided to the
Court were in specific response to questions from the justices during oral
argument on May 12, 2015. *Nowhere* in its motion does the State deny
that the authorities cited are pertinent to questions, both relating to law or
fact, that arose during the argument.

AUTO's counsel is aware that counsel appearing before the Court
provide additional authority pertinent to questions from the justices during
argument by letter to the Clerk or as a statement of additional authority

Auto's Response to Motion to Strike - 1

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under RAP 10.8. The State, despite complaining about how to respond to such information, does not indicate how such information should be communicated to the Court. In fact, the WSBA's *Washington Appellate Practice Deskbook* notes at § 19.11 "The statement of additional authorities is also useful in responding to a question of the appellate court at oral argument on a matter not covered by the briefs, or in responding to an adversary's misrepresentation of facts in oral argument."

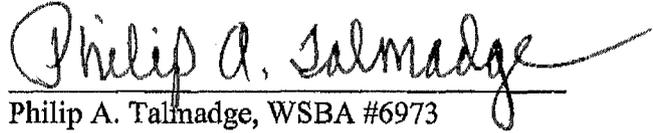
As for the contents of such a statement, *nothing* in RAP 10.8 limits such statements to *legal* authorities. Similarly, nothing in the Official Comments on the rule's adoption is so limiting.

Finally, the State's complaints about the parentheticals to the citations of authority fails to appreciate the direction in RAP 10.8 itself that the party offering the statement "should indentify the issue for which the authority is offered," or that such parentheticals are proper. WSBA *Deskbook* at § 19.11. The citations of authority by AUTO are not argumentative. In the case cited by the State, motion at 2, the Court of Appeals acknowledged the ability of a party submitting a RAP 10.8 statement to indentify the issue for which the authority is cited and *denied* the motion to strike.

This Court should deny the State's motion to strike.

DATED this 24th day of May, 2015.

Respectfully submitted,



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DECLARATION OF SERVICE

On said day below, I emailed a courtesy copy and deposited with the U.S. Postal Service a true and accurate copy of Auto's Response to Motion to Strike Statement of Additional Authorities in Supreme Court cause number 89734-4 to the following:

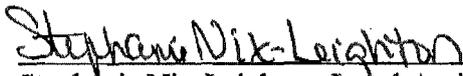
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<p>Bruce Didesch Didesch & Associates P.O. Box 1076 Mead, WA 99021 Sent by U.S. mail only</p>	

Original E-filed with:
Washington Supreme Court
Clerk's Office

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 18th day of May, 2015, at Seattle, Washington.


Stephanie Nix-Leighton, Legal Assistant
Talmadge/Fitzpatrick/Tribe

OFFICE RECEPTIONIST, CLERK

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Subject: RE: Automotive United Trades Organization v. State of Washington, Cause No. 89734-4

Received 5-18-2015

Supreme Court Clerk's Office

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Matt Albers [mailto:Matt@tal-fitzlaw.com]
Sent: Monday, May 18, 2015 2:42 PM
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Subject: Automotive United Trades Organization v. State of Washington, Cause No. 89734-4

Good Afternoon:

Attached please find Auto's Response to Motion to Strike Statement of Additional Authorities in Supreme Court Cause No. 89734-4 for today's filing. Thank you.

Sincerely,

Stephanie Leighton on behalf of
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