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May 1, 2015

Washington Supreme Court
Temple of Justice
PO Box 40929
Olympia, WA 98504

RECEIVED *vs*
SUPREME COURT
STATE OF WASHINGTON
May 01, 2015, 2:48 pm
BY RONALD R. CARPENTER
CLERK

bjh
RECEIVED BY E-MAIL

Re: City of Seattle v. Wayne Evans (No. 90608-4)

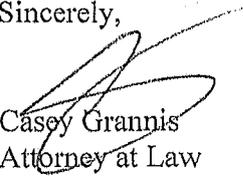
Dear Court:

I filed the supplemental brief in the above-referenced case on February 3, 2015. Oral argument is scheduled for May 7. In preparing for argument, I became aware of procedural developments in two cases cited in my briefing.

On April 21, 2015, the Sixth Circuit ordered that the case of Tyler v. Hillsdale County Sheriff's Dep't be reheard en banc. The effect of the order granting a hearing en banc was to vacate the previous opinion in Tyler v. Hillsdale County Sheriff's Dep't, 775 F.3d 308 (6th Cir. 2014) (copy of order enclosed).

Further, on March 26, 2015, the Ninth Circuit ordered that the case of Peruta v. County of San Diego be reheard en banc. The order does not vacate the opinion in Peruta v. County of San Diego, 742 F.3d 1144 (9th Cir. 2014). It does state in part that "The three-judge panel opinion and order denying motions to intervene shall not be cited as precedent by or to any court of the Ninth Circuit." (copy of order enclosed).

Sincerely,


Casey Grannis
Attorney at Law

c. City of Seattle - Richard Greene

FILED AS
ATTACHMENT TO EMAIL

No. 13-1876

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

CLIFFORD CHARLES TYLER,

Plaintiff-Appellant,

v.

HILLSDALE COUNTY SHERIFF'S DEPARTMENT, ET AL.,

Defendants-Appellees.

FILED

Apr 21, 2015

) DEBORAH S. HUNT, Clerk

ORDER

BEFORE: COLE, Chief Judge; BOGGS, BATCHELDER, MOORE, CLAY, GIBBONS,
ROGERS, SUTTON, COOK McKEAGUE, GRIFFIN, KETHLEDGE, WHITE,
STRANCH, and DONALD, Circuit Judges.

A majority of the Judges of this Court in regular active service have voted for rehearing of this case en banc. Sixth Circuit Rule 35(b) provides as follows:

"The effect of the granting of a hearing en banc shall be to vacate the previous opinion and judgment of this court, to stay the mandate and to restore the case on the docket sheet as a pending appeal."

Accordingly, it is **ORDERED**, that the previous decision and judgment of this court is vacated, the mandate is stayed and this case is restored to the docket as a pending appeal.

The Clerk will direct the parties to file supplemental briefs and will schedule this case for oral argument as soon as possible.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

FILED

FOR PUBLICATION

MAR 26 2015

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

**EDWARD PERUTA; MICHELLE
LAXSON; JAMES DODD; LESLIE
BUNCHER, Dr.; MARK CLEARY;
CALIFORNIA RIFLE AND PISTOL
ASSOCIATION FOUNDATION,**

Plaintiffs - Appellants,

STATE OF CALIFORNIA,

Intervenor - Pending,

v.

**COUNTY OF SAN DIEGO; WILLIAM
D. GORE, individually and in his
capacity as Sheriff,**

Defendants - Appellees.

No. 10-56971

D.C. No. 3:09-cv-02371-IEG-BGS

ORDER

THOMAS, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel opinion and order denying motions to intervene shall not be cited as precedent by or to any court of the Ninth Circuit.

OFFICE RECEPTIONIST, CLERK

To: Patrick Mayovsky
Cc: richard.greene@seattle.gov
Subject: RE: State v. Waye Evans, No. 90608-4 / Letter to the Court

Received 5-1-2015

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: Patrick Mayovsky [mailto:MayovskyP@nwattorney.net]
Sent: Friday, May 01, 2015 2:44 PM
To: OFFICE RECEPTIONIST, CLERK
Cc: richard.greene@seattle.gov
Subject: State v. Waye Evans, No. 90608-4 / Letter to the Court

Attached for filing today is a letter to the court for the case referenced below.

City of Seattle v. Wayne Evans

No. 90608-4

Letter to the Court

Filed By:
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