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SUPREME COURT  
STATE OF WASHINGTON  
3/27/2020 1:41 PM  
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SUPREME COURT  
OF THE STATE OF WASHINGTON

LAKEHAVEN WATER AND SEWER  
DISTRICT, HIGHLINE  
WATER DISTRICT, and MIDWAY  
SEWER DISTRICT, municipal  
corporations,

Appellants,

v.

CITY OF FEDERAL WAY, a municipal  
corporation,

Respondents.

No. 96585-4

THIRD STATEMENT  
OF ADDITIONAL  
AUTHORITIES

COME NOW appellants Lakehaven Water and Sewer District, Highline Water District, and Midway Sewer District (“Districts”), and submit the following additional authorities to the Court pursuant to RAP 10.8:

- The COVID-19 pandemic continues to make clear that utility services are vital governmental services, and governments will not allow such utilities to be shut off during the crisis. *See* Washington Governor Proclamation 20.23, [www.governor.wa.gov/sites/default/files/proclamations/20-23%20-%20COVID-19%20UTC%20Waivers%20%28tmp%29.pdf](http://www.governor.wa.gov/sites/default/files/proclamations/20-23%20-%20COVID-19%20UTC%20Waivers%20%28tmp%29.pdf) (recognizing “maintaining provision of utility services during this crisis is an essential tool in sustaining and protecting the health and welfare of our people and businesses as a critical part of the overall response to the COVID-19 pandemic[,]” “that municipal utilities, public utility districts, and water and sewer districts impacted by the COVID-19 pandemic are authorized under Title 35 RCW, Title 54 RCW, and Title 57 RCW to provide essential services,” and “that preserving and maintaining essential services to vulnerable populations during this crisis

supports the fundamental public purpose of protecting public health and welfare”);

- [www.governor.wa.gov/sites/default/files/WA%20Essential%20Critical%20Infrastructure%20Workers%20%28Final%29.pdf](http://www.governor.wa.gov/sites/default/files/WA%20Essential%20Critical%20Infrastructure%20Workers%20%28Final%29.pdf) (same);
- Washington Governor Proclamation 20-25, [www.governor.wa.gov/sites/default/files/proclamations/20-25%20Coronavirus%20Stay%20Safe-Stay%20Healthy%20%28tmp%29%20%28002%29.pdf](http://www.governor.wa.gov/sites/default/files/proclamations/20-25%20Coronavirus%20Stay%20Safe-Stay%20Healthy%20%28tmp%29%20%28002%29.pdf) and the incorporated “Essential Critical Infrastructure Workers” list at [www.governor.wa.gov/sites/default/files/WA%20Essential%20Critical%20Infrastructure%20Workers%20%28Final%29.pdf](http://www.governor.wa.gov/sites/default/files/WA%20Essential%20Critical%20Infrastructure%20Workers%20%28Final%29.pdf) (“Multiple governing authorities pertaining to the Water and Wastewater Sector provide for public health, environmental protection, and security measures, among others.”); *see also* Kittitas County Health Order, <http://mrsc.org/getmedia/23e716e6-f2e9-45e8-9022-d8818bb87cf5/k551stayhome.pdf.aspx> (“For the purposes of this order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of essential infrastructure, including but not limited to water, sewer, gas, electrical, roads and highways, solid waste collection and removal, public transportation, internet and critical network access, and telecommunications systems.”); City of Anacortes Mayoral Directive, [mrsc.org/getmedia/3c35fc7d-5ffe-48e8-a105-f0f5bb771bdf/a5mdsocialdist.pdf.aspx](http://mrsc.org/getmedia/3c35fc7d-5ffe-48e8-a105-f0f5bb771bdf/a5mdsocialdist.pdf.aspx) (“All City essential services will continue, including fire, police, and emergency medical services as well as solid waste services, water and sewer.”);
- City of Everett Mayoral Directive, <http://mrsc.org/getmedia/ef3a9e84-7da7-4f07-8767-8e5e6df729bf/e9stayhome.pdf.aspx> (“Essential infra-structure, including construction of housing (residential and mixed-use), industrial and commercial projects currently underway; and operation of public transportation and utilities.”).

DATED this 27th day of March, 2020.

Respectfully submitted,

/s/ Philip A. Talmadge

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DECLARATION OF SERVICE

On said day below, I electronically served a true and accurate copy of the *Third Statement of Additional Authorities* in Supreme Court Cause No. 96585-4 to the following parties indicated below:

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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: March 27, 2020 at Seattle, Washington.

/s/ Sarah Yelle  
Sarah Yelle, Legal Assistant  
Talmadge/Fitzpatrick

# TALMADGE/FITZPATRICK

March 27, 2020 - 1:41 PM

## Transmittal Information

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**Appellate Court Case Title:** Lakehaven Water and Sewer District, et al v. City of Federal Way

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Third Statement of Additional Authorities

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