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IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

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Supreme Court No. 90113-9

(Court of Appeals No. 70758-2-1)

FILO FOODS, LLC, BF FOODS, LLC, ALASKA AIRLINES, INC., and
WASHINGTON RESTAURANT ASSOCIATION,

Petitioners/Plaintiffs,

v.

CITY OF SEATAC,

Respondent/Defendant,

v.

SEATAC COMMITTEE FOR GOOD JOBS,

Respondent/Intervenor.

**PLAINTIFFS' REPLY TO
COMMITTEE'S CROSS-PETITION FOR REVIEW**

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 ORIGINAL

I. INTRODUCTION

Plaintiffs agree with Respondent / Intervenor SeaTac Committee for Good Jobs (the “Committee”) that the Court should consider *all* issues raised by the parties regarding the sufficiency of the Ordinance petitions, including the two additional issues identified by the Committee concerning the authority and actions of the Petition Review Board.

Like the Committee, Plaintiffs urge the Court “to avoid piecemeal appellate review.” Committee Ans. at 19. For the reasons set forth in their Petition for Review and their Motion for Consolidation, Plaintiffs/Petitioners Filo Foods, LLC, BF Foods, LLC, Alaska Airlines, Inc., and Washington Restaurant Association Court respectfully request that the Court formally grant review of all three issues raised by the Court of Appeals’ February 10, 2014 decision, consolidate this appeal with Case No. 89723-9, and maintain the briefing schedule and oral argument date set in its April 2, 2014 Order in that appeal.

II. ARGUMENT

In its February 10, 2014 decision, the Court of Appeals relied on the impact of the First Amendment on RCW 35A.01.040(7) and SMC 1.10.140(C) as the basis for its earlier summary reversal of the superior court’s signature sufficiency order. This is the issue Plaintiffs identified in their Petition for Review. Plaintiffs agree the two additional

issues briefed below and identified by the Committee in its Cross-Petition for Review—the authority of the Petition Review Board and its decision to reject additional signatures—likewise warrant review by this Court under RAP 13.4(b).

In any event, all three issues are *already* before the Court in its direct review of the superior court’s final judgment in the Summary Judgment Appeal, Case No. 89723-9. *See* Plaintiffs’ Motion for Consolidation at 8; Plaintiffs’ Reply in Support of Consolidation at 2-4; *see also* City Ans. to Consolid. Mot. at 1 (“Plaintiffs’ [sic] have argued the same issues likely to be raised in this appeal under cause No. 89723-9”) City Ans. to Pet. for Review at 6 (“There is no reason to have to consider the matter in a separate appeal”).

III. CONCLUSION

This Court has already accepted direct review of the superior court’s final judgment in this action, and set the case for oral argument on the merits on June 26, 2014. However, a confluence of unusual events—including a successful pre-election initiative challenge, an expedited summary reversal by the Court of Appeals, a deferral of consideration by this Court, a post-election final judgment in the case, the commencement of another appeal, and the subsequent issuance of an opinion by the Court of Appeals explaining its interlocutory ruling—has left these two related

appeals in an extraordinary (and perhaps unique) procedural posture. To promote the orderly administration of justice and to ensure the finality of the Court's decision, Plaintiffs respectfully request that the Court cut the Gordian procedural knot before it by (1) formally accepting review of all three issues raised by the Court of Appeals' February 10, 2014 decision, (2) consolidating this appeal with the Summary Judgment Appeal for consideration of all issues raised by the parties, including the additional signature sufficiency issues identified by the Committee, and (3) maintaining the agreed briefing schedule and oral argument date set in its April 2, 2014 Order.

RESPECTFULLY SUBMITTED this 25th day of April, 2014.

Attorneys for Alaska Airlines, Inc.
and Washington Restaurant
Association

Attorney for Filo Foods, LLC and
BF Foods, LLC

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CERTIFICATE OF SERVICE

The undersigned declares under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned a citizen of the United States, a resident of the state of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On this date I caused to be served in the manner noted below a copy of the foregoing document.

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Dated this 25th day of April, 2014.



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Subject: RE: Filo Foods et al v. The City of SeaTac; SC No. 90113-9

Received 4/25/14

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Subject: Filo Foods et al v. The City of SeaTac; SC No. 90113-9

Dear Clerk:

Attached for filing please find Plaintiffs' Reply to Committee's Cross-Petition for Review.

Thank you.

Sent on behalf of:
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