

RECEIVED  
SUPREME COURT  
STATE OF WASHINGTON  
May 05, 2014, 4:57 pm  
BY RONALD R. CARPENTER  
CLERK

RECEIVED BY E-MAIL

No.

90204-6

---

**IN THE SUPREME COURT OF  
THE STATE OF WASHINGTON**

---

---

**JOHN WORTHINGTON, ET AL  
appellants,  
Vs.**

**CITY OF KENT, et al  
respondents**

---

---

**PLAINTIFF-INTERVENER-APPELLANT WEST'S  
MOTION FOR LEAVE TO INTERVENE**

---

---

**On appeal from the ruling of  
Division I of the Court of Appeals**

---

Arthur West  
120 State Ave N.E. #1497  
Olympia, Washington, 98501

ORIGINAL

## **I. IDENTITY OF PETITIONER**

Comes now Plaintiff West and respectfully moves the Court for the relief designated in Part B of this Motion.

## **II. RELIEF REQUESTED**

Plaintiff West seeks an order granting his intervention in this action as a necessary party now that it appears that no counsel has appeared to defend his interests in further proceedings.

## **III. FACTS**

This is a case involving an injunction entered by the City of Kent. West did not participate by filing a separate appeal brief in the Court of Appeals because under the trial court ruling he lacked standing and his interests were adequately protected by very competent counsel retained by the other parties in the appellate court proceedings.

Now, however, no counsel appears to have been retained to oppose the cancellation of the Order of Stay issued by the Commissioner of this Court. While West has great respect for and appreciates the zealous work of Mr. Worthington, as a non-lawyer with substantially different views on the issues in the case, he cannot adequately represent West's interests.

Under the terms of the ruling of the Honorable Judge Dwyer, Plaintiff-Intervener West has standing and an interest in the continuation of the Order of Stay issued by this Court.

## **IV. ARGUMENT**

CR 24(a)(2) provides a party with intervention of right "when the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that

interest, unless the applicant's interest is adequately represented by existing parties."

West has an interest in the subject of this action and is so situated that the disposition of the petition for review will impair or impede his ability to protect that interest, and this interest is not adequately protected by the existing party, Mr. Worthington, who is himself a pro se litigant. No delay or prejudice to the defendants will be posed by West's participation.

Given the substantial sanctions the appellate courts routinely impose in land use actions on parties who lack standing, it is understandable why West would not tempt fate by unnecessarily filing duplicative briefs when any interest he had was already adequately represented. It would be unjust to punish him for sparing the parties and the court in the Court of Appeals the inconvenience and expense of reviewing and responding to yet one more set of briefs containing no additional issues when the court had adequate and ample briefing before it to begin with.

Attached to this pleading is a proposed Petition.

In the alternate, West seeks an Order allowing him to file an Amicus brief.

Done May 5, 2014, in Olympia Washington.

---

ARTHUR WEST