

NOS. 94495-4  
94522-5

**WASHINGTON STATE SUPREME COURT**

In re the Detention of:  
  
DONALD HERRICK,  
  
Petitioner.

MOTION TO  
CONSOLIDATE CASES

**I. IDENTITY OF THE PARTIES**

The Parties are the Respondent, State of Washington, by and through the Office of the Attorney General, and Petitioner Donald Herrick, by and through his attorney Susan Lee Elliott.

**II. RELIEF SOUGHT**

Respondent moves the Court, pursuant to RAP 3.3(b), to consolidate these two cases for purposes of considering Mr. Herrick's Petitions for Review. Respondent contacted Mr. Herrick's attorney who advised that she does not object to consolidation of the Petitions.

**III. ARGUMENT**

RAP 3.3(b) permits an appellate court to consolidate cases on its own motion or at the request of a party, if doing so "would save time and expense and provide for a fair review of the cases." The two *Herrick* Petitions for Review because seek review of a trial court order that Mr. Herrick participate

in physiological testing, and a subsequent order finding him in contempt of that order. The Petitions present nearly identical facts, identical issues, the same legal counsel and the orders at issue were entered by the same judge. Respondent therefore moves for consolidation, in the interest of judicial economy.

RESPECTFULLY SUBMITTED this 26<sup>th</sup> day of May, 2017.

ROBERT W. FERGUSON  
Attorney General



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**WASHINGTON STATE SUPREME COURT**

In re the Detention of:

DONALD HERRICK,

Petitioner.

DECLARATION OF  
SERVICE

I, Kelly Hadsell, declare as follows:

On May 26, 2017, I sent via electronic mail and deposited in the United States mail true and correct cop(ies) of Motion To Consolidate Cases and Declaration of Service, postage affixed, addressed as follows:

Suzanne Elliott                      [suzanne-elliott@msn.com](mailto:suzanne-elliott@msn.com)  
705 Second Avenue, Suite 1300  
Seattle, WA 98104-1797

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 26<sup>th</sup> day of May, 2017, at Seattle, Washington.

  
\_\_\_\_\_  
KELLY HADSELL

**WASHINGTON STATE ATTORNEY GENERAL'S OFFICE - CRIMINAL JUSTICE DIVISION**

**May 26, 2017 - 1:52 PM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 94495-4  
**Appellate Court Case Title:** In re the Detention of: Donald Herrick  
**Superior Court Case Number:** 10-2-00981-1

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**Comments:**

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