

FILED
SUPREME COURT
STATE OF WASHINGTON
5/21/2020 2:26 PM
BY SUSAN L. CARLSON
CLERK

No. 983658

SUPREME COURT
OF THE STATE OF WASHINGTON

PRESERVE RESPONSIBLE SHORELINE
MANAGEMENT, et al.,

Petitioners,

v.

CITY OF BAINBRIDGE ISLAND, et al.,

Respondents.

MOTION TO STRIKE REPLY IN SUPPORT OF PETITION
FOR REVIEW

James E. Haney, WSBA #11058
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Bainbridge Island
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1. Identity of Moving Parties

The City of Bainbridge Island (“City”), respondent in the Court of Appeals and in this Court, seeks the relief designated in part 2 below.

2. Statement of Relief Sought

The City requests that this Court strike the Reply in Support of Petition for Review that was improperly filed by Petitioners on May 20, 2020.

3. Facts Relevant to Motion

Petitioners have asked this Court to review a Court of Appeals decision. Petitioners raised multiple issues for review. Respondents—the City and the Washington State Department of Ecology (“Ecology”)—each filed an answer to the petition. In their answers, Respondents did not ask this Court to review any issue. Petitioners then filed a reply in support of their petition.

4. Grounds for Relief and Argument

This Court’s rules permit a petitioner to “file a reply to an answer *only if the answering party seeks review of issues not raised in the petition for review.*” RAP 13.4(d) (emphasis added). Because neither the City nor Ecology have requested review of any issues, this rule prohibits Petitioners

from filing a reply in support of their petition. This Court should therefore strike Petitioners' impermissible reply.

RESPECTFULLY SUBMITTED this 21st day of May, 2020.

Respectfully submitted,

OGDEN MURPHY WALLACE, PLLC

By /s/James Haney

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Attorneys for Respondent City of
Bainbridge Island

PROOF OF SERVICE

I, Bonnie Rakes, hereby state and declare as follows:

1. That I am a citizen to the United States of America, a resident of the State of Washington, over the age of eighteen (18) years, and not a party to the above-entitled action.
2. That on the 21st day of May 2020, I cause to be served a true and correct copy of the Motion to Strike Reply in Support of Petition for Review, as follows:

E-filed via Washington State Appellate Courts Portal

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I DECLARE UNDER PENALTY OF PERJURY UNDER THE
LAWS OF THE STATE OF WASHINGTON that the foregoing is true
and correct.

DATED this 21st day of May 2020, in Seattle, Washington.


Bonnie Rakes
Bonnie Rakes

OGDEN MURPHY WALLACE, P.L.L.C.

May 21, 2020 - 2:26 PM

Transmittal Information

Filed with Court: Supreme Court
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Appellate Court Case Title: Preserve Responsible Shoreline, et al. v City of Bainbridge Island, et al.
Superior Court Case Number: 15-2-00904-6

The following documents have been uploaded:

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