

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

COLUMBUS PARK,) No. 99670-9
)
Respondent,) **MOTION TO ACCEPT**
) **OVERLENGTH BRIEF AND**
v.) **PETITION FOR REVIEW**
)
PATRICIA CROGHAN,)
Appellant.)
_____)

I. IDENTITY OF MOVING PARTY

Petitioner Croghan respectfully asks this Court to grant the relief requested in Section II, Statement of Relief Sought.

II. STATEMENT OF RELIEF SOUGHT

A. Acceptance of overlength brief. On March 10, 2021, Petitioner Croghan filed a *Brief in Support of Emergency Motion for Third Party Standing*, under Supreme Court No. 97610-4. RAP 10.4(b) limits the length of briefs to 50 pages (not counting the title sheet, table of contents, and table of authorities). Petitioner Croghan respectfully asks permission to file her overlength brief, which exceeded the limit by 8 pages, followed by an Appendix of 9 pages.

B. Acceptance of overlength petition. On May 10, 2021, Petitioner Croghan filed an *Amended Petition for Review*, under Supreme Court No. 99670-9. RAP 13.4(f) provides that the petition for review should not exceed 20 pages double spaced, excluding

appendices. Petitioner Croghan respectfully requests permission to file her overlength petition, which exceeded the limit by 11 pages.

C. Acceptance of Corrected Paragraph - Page 17 of *Petition for Review*.

Petitioner Croghan has previously informed this Court of the sudden disruption of her living situation and her challenges in preparation of court documents. The *Amended Petition for Review* was filed under duress of lack of time, and was filed without proofreading in order to be filed timely. After filing, to Croghan's disappointment, she observed that the first paragraph of Page 17 was a "train wreck", leaving out a key reference and its meaning unclear. Croghan has attached herein a corrected Page 17 of the same length, that may be "swapped out" with the existing Page 17 with no effect to the *Petition for Review*.

III. FACTS RELEVANT TO MOTION

The overlength of both Croghan's *Brief in Support of Emergency Motion for Third Party Standing* and *Amended Petition for Review* are due to multi-faceted complex issues:

- 1) the motion seeks a decision from this Court that has never before been sought from any court in the world;
- 2) legal doctrines exist in judicial practice which prevent fair consideration of Croghan's motion for third-party standing, and thus required historical analysis, discussion and argument;
- 3) refuting the constitutionality of the above-referenced legal doctrines required analysis of Article III of the *U.S. Constitution*, as well as inspection of pertinent records from the *National Archives*;

4) providing the pertinent verbatim records from the *National Archives* resulted in an overly-lengthy *Appendix* in the *Brief in Support of Emergency Motion for Third-Party Standing*; and

5) The above complex issues which were initially raised in the brief, were necessarily mirrored and summarized in the *Petition for Review*, causing it to be overly lengthy as well.

6) It is appropriate that this Court receive a corrected Paragraph 1 of Page 17 of the *Petition for Review*, in order that the Court may adequately follow Croghan's argument.

IV. GROUNDS FOR RELIEF AND ARGUMENT

RAP 10.4(b) provides that “[f]or compelling reasons the court may grant a motion to file an over-length brief.”

The additional pages of the *Brief in Support of Emergency Motion for Third-Party Standing* were critically necessary for Croghan to provide sufficient information, analysis and argument for this Court to be fully briefed on the issues and challenges to court doctrines which pertain to the motion presented.

The additional pages of the *Petition for Review* reflected the number and complexity of the issues raised in the motion for third-party standing, and the incorporation of those as well as other issues resulted in the overlength petition.

Lastly, Petitioner Croghan desires to have her case arguments set forth clearly and concisely for this Court's consideration, and has provided a corrected paragraph on Page 17 of the *Petition for Review* so that the Court may follow the important point Croghan is presenting.

V. CONCLUSION

Croghan sincerely thanks this Court for its patience in its review of her overlength *Brief in Support of Emergency Motion for Third-Party Standing*, as well as her overlength *Amended Petition for Review*. Since the overlength of both documents was due to the number and depth of the issues presented, this Court should grant this motion to allow acceptance of Croghan's *Brief in Support of Emergency Motion for Third-Party Standing* and *Amended Petition for Review*, along with the corrected paragraph on Page17 of the *Amended Petition for Review*.

DATED this 21st day of June, 2021.

Patricia Croghan [Electronic signature] _____
PATRICIA CROGHAN, Petitioner *pro se*
P.O. Box 6451, Olympia, WA 98507
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CERTIFICATE OF SERVICE

I, Patricia Croghan, hereby certify that I caused a copy of the foregoing document to be served on all parties or their counsel of record, as follows:

VIA COURT OF APPEALS E-FILE:

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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 June, 2021.

Patricia Croghan [Electronic signature]
PATRICIA CROGHAN

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June 21, 2021 - 1:42 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 99670-9
Appellate Court Case Title: Columbus Park v. Patricia Croghan
Superior Court Case Number: 18-2-06365-2

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Comments:

Motion to Accept Overlength Brief and Amended Petition for Review

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Five (5) days after Croghan's report, Lerud and her agent received both phone and written communications from the Army Corps of Engineers regarding the immediate suspension of the project due to a resident complaint. Thus, **ten (10) days prior to serving the eviction upon Croghan, Lerud had received second and third notifications of the suspension of her project** (Croghan's *Second Suppl Brief in Support of Def's Amended Answer*, Ex. 1 of the *Declaration of Carrie Lerud*).

Lerud's declaration falsely states she had no knowledge that her construction project had been suspended until her agent, Leah Pawlawski, forwarded it to her on **October 18, 2018**. Page 2 of Exhibit 1 contains the *hidden email* that was invisible until Croghan repeatedly darkened the email thread to reveal the **Sept. 25th** letter from Zach Meyer to Croghan.

Meyer wrote to Croghan on Sept. 25th: "*ACOE project manager Brandon Clinton has contacted the project proponent [manager Lerud] to follow up on this.*" In Croghan's attachments (*Second Suppl Brief in Support of Def's Amended Answer*), following Exhibit 1 is a Sept. 25th email From ACOE Clinton to Zach Meyer of Ecology, wherein Clinton states he is drafting a letter to the project proponent (manager Lerud) and her agent (Kim Pawlawski), and that he is also reaching out via phone and email to the project proponent and the agent. Here is State-issued documentary proof that ACOE contacted both Lerud and her consulting agent, Pawlawski, by phone on September 25th to inform them that there had been a report of unlawful dredging, followed up with a formal letter to

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