

No. 42925-0-II  
Consolidated into No. 41201-2-II

BY  
  
DEFREES

STATE OF WASHINGTON  
2012 SEP 18 AM 9:43

FILED  
COURT OF APPEALS  
DIVISION II

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COURT OF APPEALS, DIVISION TWO  
OF THE STATE OF WASHINGTON

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DALE E. and LETA L. ANDERSON; DALE E. ANDERSON and LETA  
L. ANDERSON, TRUSTEES OF THE DALE E. ANDERSON AND  
LETA L. ANDERSON FAMILY TRUST; and RIVER PROPERTY, LLC,

**Respondents/Cross-Appellants,**

v.

JAMES W. BROWN; ROBERTA D. DAVIS; KAE HOWARD,  
TRUSTEE OF THE KAE HOWARD TRUST; MICHAEL J. and CRISTI  
D. DEFREES; TUAN TRAN and KATHY HOANG; VINCENT and  
SHELLY HUFFSTUTTER; THOMAS J. and GLORIA S. KINGZETT;  
LARRY R. and SUSAN I. MACKIN; TOD E. MCCLASKEY, JR. and  
VERONICA A. MCCLASKEY, TRUSTEES OF THE MCCLASKEY  
FAMILY TRUST—FUND; CRAIG STEIN, RICHARD AND CAROL  
TERRELL,

**Appellants/Cross-Respondents.**

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**RESPONDENTS/CROSS-APPELLANTS' SUPPLEMENT TO  
RESPONSE BRIEF**

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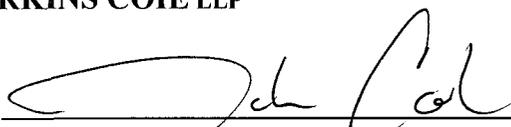
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**I. The Court Must Award the Andersons Their  
Reasonable Attorneys' Fees and Costs if the Anderson Prevail  
in this Appeal**

Pursuant to Rule of Appellate Procedure 18.1, Respondent Dale and Leta Anderson request that the Court award its reasonably attorneys' fees and costs should it prevail in this appeal. Reasonable attorneys' fees and costs shall be awarded the prevailing party on appeal to the Court of Appeals or this Court of a local jurisdiction's land use decision that is also affirmed by the superior court below. RCW 4.84.370; *see also Habitat Watch v. Skagit County*, 155 Wn.2d 397, 413, 120 P.3d 56 (2005). The land use decision must have been issued in the requesting party's favor and at least two courts must affirm that decision. *Id.*

Here, the City of Vancouver administratively approved the Anderson Short Plat on April 6, 2010. CP at 375 (Finding 7). Appellants filed an administrative appeal with the City Hearing Examiner (*Id.* (Finding 8) which denied the appeal. CP at 384. Appellants then appealed that decision to the Clark County Superior Court, which also denied the appeal and affirmed the City Hearing Examiner's decision. CP at 1701-1703 In the event this Court also denies Appellant's land use appeal and affirms the decision of the City Hearing Examiner, the Court must award the Andersons its reasonable attorneys' fees and costs. RCW 4.84.370.

DATED: September 17<sup>th</sup>, 2012 PERKINS COIE LLP

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## CERTIFICATE OF SERVICE

I certify that I caused the foregoing RESPONDENTS/CROSS-APPELLANTS' MOTION TO FILE ATTACHED SUPPLEMENTAL RESPONSE PURSUANT TO RAP 101(h) AND SUPPLEMENT TO RESPONSE BRIEF to be served on the following:

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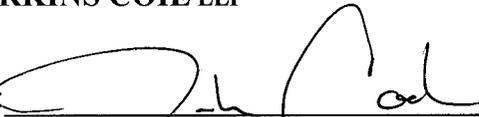
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