

RECEIVED
SUPREME COURT
STATE OF WASHINGTON

2008 NOV 25 P 3:27

BY RONALD R. CARPENTER

CLERK

No. 82225-5

SUPREME COURT
OF THE STATE OF WASHINGTON

CITY OF PORT ANGELES, Respondent,

v.

OUR WATER-OUR CHOICE, and PROTECT OUR WATERS,
Petitioners

and

WASHINGTON DENTAL SERVICE FOUNDATION, LLC,
Respondent.

REPLY TO ANSWER TO PETITION FOR REVIEW

Gerald B. Steel
Gerald B. Steel, PE
Attorneys for Our Water-Our Choice
and Protect Our Waters as Appellants

Gerald Steel PE
7303 Young Rd. NW
Olympia, WA 98502
(360) 867-1166
(360) 867-1166 FAX
geraldsteel@yahoo.com
WSBA No. 31084

FILED
NOV 25 2008

CLERK OF SUPREME COURT
STATE OF WASHINGTON
aj

TABLE OF CONTENTS

	Page
A. IDENTITY OF PETITIONER	1
B. REJECTION OF ISSUES PRESENTED FOR REVIEW IN THE ANSWER.	1
C. CONCLUSION	2
CERTIFICATE OF SERVICE	4

TABLE OF AUTHORITIES

Other Authorities

Page

1 RAP 13.4(d)

A. IDENTITY OF PETITIONER

Protect Our Waters (“POW”) and Our Water-Our Choice (“OWOC”) submit this reply to Respondents’ Answer to Petition for Review.

B. REJECTION OF ISSUES PRESENTED FOR REVIEW IN THE ANSWER

Respondents City of Port Angeles (“City”) and Washington Dental Service Foundation, LLC, (“WDSF”) propose a Restatement of Issues Presented for Review in Section 2 on pages 4 to 6 of their Answer to Petition for Review (“Answer”). The City and WDSF present four Issues that they claim are restatements of the five Issues presented by OWOC and POW in the Petition for Review. Answer at pages 4 to 6. The four issues presented by the City and WDSF should be rejected by this Court because they are not restatements of the OWOC and POW issues and they do not appear to be issues seriously proposed by the City and WDSF for Supreme Court review.

The Rules of Appellate Procedure provide:

A party may file an answer to a petition for review. If the party wants to seek review of any issue that is not raised in the petition for review, including any issues that were raised but not decided in the Court of Appeals, the party must raise those new issues in an answer.

RAP 13.4(d). The intent of an “Issues Presented for Review” section in an answer should be to state issues, if any, where review is first requested in the answer. The “Restatement of Issues Presented for Review” section of the Answer does not appear to identify any issues where review is requested in the Answer. Instead the operative question in Issues 1, 2 and 4 in the Answer is whether certain aspects of the Court of Appeals Opinion are issues “of substantial public interest.” The operative question in Issue 3 in the Answer

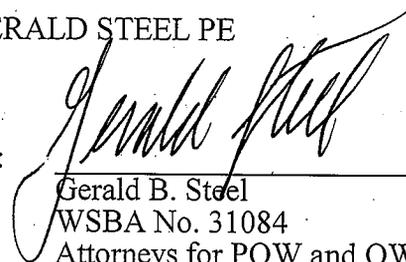
or not fluoride and other drugs could be put in their local public water systems” and this issue is of “great public interest in this state.”

Dated this 25th day of November, 2008.

Respectfully submitted,

GERALD STEEL PE

By:



A handwritten signature in cursive script, appearing to read "Gerald Steel", is written over a horizontal line. The signature is written in black ink and is positioned to the right of the word "By:".

Gerald B. Steel
WSBA No. 31084
Attorneys for POW and OWOC

CERTIFICATE OF SERVICE

I certify that on the 25th day of November, 2008, I caused a true and correct copy of this certificate and the Reply to Answer to Petition for Review to be served on the following by first class mail:

Counsel for Washington Dental Service Foundation, LLC:

Roger Pearce/P. Steven DiJulio
Foster Pepper PLLC
1111 Third Ave., Ste. 3400
Seattle, WA 98101-3299

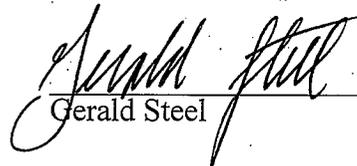
Counsel for the City of Port Angeles:

William Bloor
Port Angeles City Attorney
P.O. Box 1150
Port Angeles, WA 98362

Counsel for Fluoride Class Action

James Robert Deal II
James Robert Deal PS
4130 166th Pl SW
Lynnwood, WA 98037-9027

Dated this 25th day of November, 2008, at Olympia, Washington.


Gerald Steel

OWOC11a25.08