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SUPREME COURT
STATE OF WASHINGTON

2009 MAR -2 P 4: 21

BY RONALD B. CARPENTER

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NO. 82551-3

NO. 82577-7

SUPREME COURT OF THE STATE OF WASHINGTON

SEIU HEALTHCARE 775NW,

Petitioner,

v.

GOVERNOR CHRISTINE
GREGOIRE,

Respondent.

SEIU LOCAL 925,

Petitioner,

v.

GOVERNOR CHRISTINE
GREGOIRE,

Respondent.

MOTION TO STRIKE
PETITIONERS'
STATEMENT OF
ADDITIONAL
AUTHORITY

I. IDENTITY OF THE PARTY FILING THE MOTION

Respondent, Governor Christine Gregoire, submits this motion.

II. STATEMENT OF RELIEF SOUGHT

Respondent seeks an order striking Petitioners' Statement of
Additional Authority, dated February 27, 2009.

III. RECORD RELEVANT TO THE MOTION

The record relevant to this motion is the Petitioners' Statement of Additional Authority, dated February 27, 2009, and attached decision.

IV. GROUNDS FOR RELIEF REQUESTED

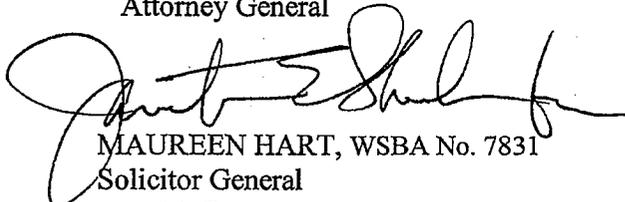
RAP 10.8 authorizes a party or amicus to file a statement of additional authority. Citing this rule, Petitioners submitted the decision of a hearing examiner, Jamie L. Siegel, issued on February 26, 2009, in proceedings before the Public Employment Relations Commission, in *Washington State Patrol Troopers Association v. State – Office of the Governor*, Case 22171-U-09-5654, an unfair labor practice case.

Under regulations of the Public Employment Relations Commission, WAC 391-45-310(2) and WAC 391-45-350, the decision of the hearing examiner submitted by Petitioners is subject to appeal within 20 days following its entry. Such a decision becomes the final decision of PERC only if it is not appealed within that period. WAC 391-45-310(2) provides: "After the close of the hearing and the filing of all briefs, the examiner shall issue a decision containing findings of fact, conclusions of law, and an order. Unless appealed to the commission under WAC 391-45-350 a decision issued under this section shall be the final order of the agency, with the same force and effect as if issued by the commission." WAC 391-45-350 provides for a 20 day appeal period.

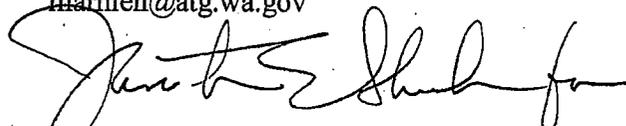
The appeal period remains open, and the State is in the process of preparing an appeal. The hearing examiner's decision submitted by Petitioners accordingly is not the decision of the administrative agency, and for this reason, it does not constitute legal authority. The Court should not consider the decision and should strike it from the record in this matter.

RESPECTFULLY SUBMITTED this 2nd day of March, 2008.

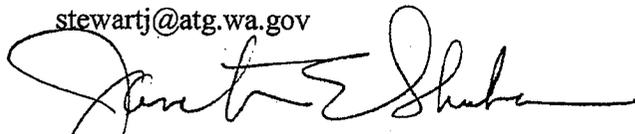
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PROOF OF SERVICE

I certify that I served a copy of this document on all parties or their counsel of record on the date below as follows:

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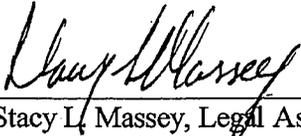
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I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 2nd day of March, 2009, at Olympia, WA.


Stacy L. Massey, Legal Assistant

FILED AS
ATTACHMENT TO EMAIL

OFFICE RECEPTIONIST, CLERK

From: OFFICE RECEPTIONIST, CLERK
Sent: Monday, March 02, 2009 4:26 PM
To: 'Massey, Stacy L (ATG)'
Cc: Dmitri Iglitzin; Robert Lavitt; Judy.Krebs@seiu775.org; Johnston, Stewart (ATG); Sheehan, Janetta (ATG); Hart, Marnie (ATG); Sutter, Karen (ATG)
Subject: RE: SEIU Healthcare 775NW v. Gregoire, No. 82551-3; SEIU 925 v. Gregoire, No. 82577-7

Received 3/2/09

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From: Massey, Stacy L (ATG) [mailto:StacyM@ATG.WA.GOV]
Sent: Monday, March 02, 2009 4:24 PM
To: OFFICE RECEPTIONIST, CLERK
Cc: Dmitri Iglitzin; Robert Lavitt; Judy.Krebs@seiu775.org; Johnston, Stewart (ATG); Sheehan, Janetta (ATG); Hart, Marnie (ATG); Sutter, Karen (ATG)
Subject: SEIU Healthcare 775NW v. Gregoire, No. 82551-3; SEIU 925 v. Gregoire, No. 82577-7

The attached document is for filing with the Court.

Case Name: SEIU Healthcare 775NW v. Governor Christine Gregoire

SEIU Local 925 v. Governor Christine Gregoire

Case Nos.: 82551-3

82577-7

Party Filing: Jenny Sheehan, Assistant Attorney General, WSBA No. 22575

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<<Motion to Strike.pdf>>

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