

No. 84362-7

RECEIVED BY E-MAIL

SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Defendant/Appellant,

v.

MATHEW & STEPHANIE
MCCLEARY, on their own behalf
and on behalf of KELSEY &
CARTER MCCLEARY, their two
children in Washington's public
schools; ROBERT & PATTY
VENEMA, on their own behalf and
on behalf of HALIE & ROBBIE
VENEMA, their two children in
Washington's public schools; and
NETWORK FOR EXCELLENCE IN
WASHINGTON SCHOOLS
("NEWS"), a state-wide coalition
of community groups, public
school districts, and education
organizations,

Plaintiffs/Respondents.

PLAINTIFFS' RESPONSE TO
SUPERINTENDENT OF
PUBLIC INSTRUCTION'S
MOTION TO FILE AN
AMICUS BRIEF AS PART OF
A TIMELY 2016 BRIEFING
SCHEDULE

Plaintiffs file this Response to the Superintendent Of Public Instruction's Motion To File An Amicus Brief As Part Of A Timely 2016 Briefing Schedule ("Amicus Motion"). Plaintiffs do so solely to prevent their not responding from being misconstrued:

- Plaintiffs do not object to the Superintendent being allowed to file an amicus brief as part of a timely 2016 briefing schedule.¹
- Plaintiffs do object to the 80 days of delay in the Superintendent's proposed briefing schedule.²
- Plaintiffs do not waste the Court's time correcting various claims and assertions alleged in the Superintendent's motion because they are not relevant to plaintiffs' lack of objection to the person holding the office of Superintendent being allowed to file an amicus brief.

RESPECTFULLY SUBMITTED this 5th day of January, 2016.

s/ Thomas F. Ahearne

Thomas F. Ahearne, WSBA No. 14844
Christopher G. Emch, WSBA No. 26457
Adrian Urquhart Winder, WSBA No. 38071
Kelly A. Lennox, WSBA No. 39583
Lee R. Marchisio, WSBA No. 45351
Attorneys for Plaintiffs

¹ *Amicus Motion at p.1 accurately notes this fact.*

² *Plaintiffs explained the reasons for their proposed schedule in their November 18 Motion and December 28 Reply.*

DECLARATION OF SERVICE

Christopher G. Emch declares:

I am a citizen of the United States of America and a resident of the State of Washington. I am over the age of twenty-one years. I am not a party to this action, and I am competent to be a witness herein. On Tuesday, January 5, 2016, I caused PLAINTIFFS' RESPONSE TO SUPERINTENDENT OF PUBLIC INSTRUCTION'S MOTION TO FILE AN AMICUS BRIEF AS PART OF A TIMELY 2016 BRIEFING SCHEDULE to be served as follows:

William B. Collins Special Assistant Attorney General 3905 Lakehills Drive SE Olympia, WA 98501 wbcollins@comcast.net Roni.Pettit@k12.wa.us <i>Movant Superintendent of Public Instruction</i>	<input checked="" type="checkbox"/> Via Electronic Mail (cc of the same email sent to the Supreme Court for the filing) <input checked="" type="checkbox"/> Via U.S. First Class Mail
---	--

David A. Stolier, Sr. Alan D. Copsy Office of the Attorney General 1125 Washington Street SE Olympia, WA 98504-0100 daves@atg.wa.gov alanc@atg.wa.gov	<input checked="" type="checkbox"/> Via Electronic Mail (cc of the same email sent to the Supreme Court for the filing) <input checked="" type="checkbox"/> Via U.S. First Class Mail
---	--

Defendant State of Washington

William G. Clark
Office of the Attorney General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
billc2@atg.wa.gov

Via Electronic Mail (cc of the
same email sent to the Supreme Court
for the filing)

Via U.S. First Class Mail

Defendant State of Washington

I declare under penalty of perjury under the laws of the State of
Washington that the foregoing is true and correct.

EXECUTED in Seattle, Washington, this 5th day of January, 2016.

s/ Christopher G. Emch

Christopher G. Emch