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STATE OF WASHINGTON
Jun 06, 2012, 4:18 pm
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SUPREME COURT
OF THE STATE OF WASHINGTON

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bjh

AUTOMOTIVE UNITED TRADES
ORGANIZATION, a non-profit trade
association,

Appellant,

v.

THE STATE OF WASHINGTON;
CHRISTINE GREGOIRE, in her capacity
as Governor of the State of Washington;
LIZ LUCE, in her official capacity as
Director, Washington State Department of
Licensing,

Respondents.

NO. 85971-0

STATEMENT OF
ADDITIONAL
AUTHORITIES

COMES NOW the appellant AUTO and submits the following
additional authorities to the Court pursuant to RAP 10.8:

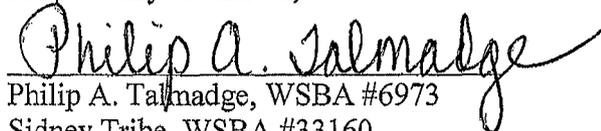
- *Powell v. McCormack*, 395 U.S. 486, 546-47, 98 S. Ct. 1944, 23 L. Ed.2d 491 (1969) (“that an unconstitutional action has been taken before surely does not render that same action any less unconstitutional at a later date.”);
- *Puerto Rico v. Brandstad*, 483 U.S. 219, 229, 107 S. Ct. 2802, 97 L. Ed.2d 187 (1987) (“long continuation of decisional law or administrative practice incompatible with the requirements of the constitution cannot overcome our responsibility to enforce those requirements.”);
- *Cary v. Mason County*, 173 Wn.2d 697, 702-03, 272 P.3d 194 (2012) (statute may not preclude judicial challenge to constitutionality of a statute);
- *Blanchard v. Golden Age Brewing Co.*, 188 Wash. 396, 415, 63 P.2d 397 (1936) (“Any legislation . . . , the purpose or effect of which is to divest, in whole or in part, a

constitutional court of its constitutional powers, is void as being an encroachment by the legislative department upon the judicial department.”);

- *Zachmann v. Whirlpool Financial Corp.*, 123 Wn.2d 667, 671, 869 P.2d 1078 (1994) (in interpreting constitutional amendment, courts look to legislative history and Voter’s Pamphlet; courts should interpret constitutional provision in such a fashion as to give effect to the manifest purpose for which the provision was adopted);
- *Wash. Water Jet Workers Assn’n v. Yarbrough*, 151 Wn.2d 470, 477, 90 P.3d 42 (2004) (courts look to historical context in which constitution was adopted; courts interpret constitutional language as determined at the time the provision was drafted);
- *City of Bothell v. Barnhart*, 172 Wn.2d 223, 229, 257 P.3d 648 (2011) (courts may not engraft exceptions to constitution no matter how expedient or desirable).

DATED this 6th day of June, 2012.

Respectfully submitted,



Philip A. Talmadge, WSBA #6973

Sidney Tribe, WSBA #33160

Talmadge/Fitzpatrick

18010 Southcenter Parkway

Tukwila, WA 98188-4630

(206) 574-6661

Attorneys for Appellant AUTO

DECLARATION OF SERVICE

On said day below I emailed and deposited with the U.S. Postal Service a true and accurate copy of: Statement of Additional Authorities in Supreme Court Cause No. 85971-0 to the following parties:

Laura J. Watson Kelly Thomas Wood Attorney General's Office PO Box 40117 Olympia, WA 98504-0117	David M. Hankins Attorney General's Office Revenue Division PO Box 40123 Olympia, WA 98504-0123
Anne Egeler Attorney General's Office PO Box 40100 Olympia, WA 98504-0100	Kenneth Lederman Steven Gillespie Foster Pepper PLLC 1111 3 rd Avenue, Suite 3400 Seattle, WA 98101-3264
Alexandra Kennard Smith Port of Olympia 915 Washington Street NE Olympia, WA 98501-6931	Bryce Wilcox 717 W. Sprague Avenue, Suite 1600 Spokane, WA 99201-3923

Original efiled with:

Washington Supreme Court
Clerk's Office
415 12th Street W
Olympia, WA 98504

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

DATED this 6 day of June, 2012, at Tukwila, Washington.



Paula Chapler
Talmadge/Fitzpatrick

OFFICE RECEPTIONIST, CLERK

To: Paula Chapler
Subject: RE: Automotive United Trades Organization v. The State of Washington, et al., Cause No. 85971-0

Rec. 6-6-12

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Paula Chapler [<mailto:paula@tal-fitzlaw.com>]
Sent: Wednesday, June 06, 2012 4:15 PM
To: OFFICE RECEPTIONIST, CLERK
Subject: Automotive United Trades Organization v. The State of Washington, et al., Cause No. 85971-0

Per Mr. Talmadge's request, attached please find the Statement of Additional Authorities for filing in the following case:

Case Name: Automotive United Trades Organization v. The State of Washington, et al.
Cause No. 85971-0
Attorney: Philip A. Talmadge, WSBA #6973
Talmadge/Fitzpatrick
18010 Southcenter Parkway
Tukwila, WA 98188

Sincerely,

Paula Chapler
Legal Assistant
Talmadge/Fitzpatrick
(206) 574-6661