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SUPREME COURT  
OF THE STATE OF WASHINGTON

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DUANE STORTI, and a class of faculty  
members,  
  
Petitioners,  
  
v.  
  
UNIVERSITY OF WASHINGTON,  
  
Respondent.

No. 88323-8  
  
SECOND STATEMENT OF  
ADDITIONAL  
AUTHORITIES

COME NOW the petitioners who submit the following additional  
authorities to the Court pursuant to RAP 10.8 with respect to their motion  
for reconsideration:

- *Wash. Education Ass'n. v. Wash. St. Dep't of Retirement Sys.*, \_\_\_, Wn.2d \_\_\_, \_\_\_ P.3d \_\_\_, 2014 WL 3970233 (2014) (reservation provision in statutory gainsharing program offered to employees must make program explicitly contingent on future acts of Legislature; repeal was prospective only and did not affect garnishing benefits already earned.)
- *Wash. Education Ass'n. v. Wash. St. Dep't of Retirement Sys.*, \_\_\_, Wn.2d \_\_\_, \_\_\_ P.3d \_\_\_, 2014 WL 3970240 (2014) (same re: COLAs; Court noted at \* 6:

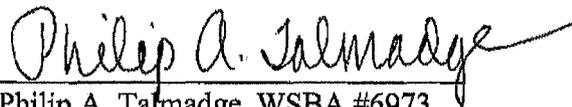
"The ordinary rules of construction link the enforceability of reservation clauses to the degree of specificity contained in the clause. See, e.g., *Wash. Fed'n*, 127 Wn.2d at 563 ("To be effective as a reservation of powers clause, the language must specifically and explicitly mention future retroactive modification of preexisting or already performed contracts."); *Caritas*, 123 Wn.2d at 406-07 (holding a reservation clause unenforceable and reasoning that "our case law requires such reservation clauses



to be made *explicitly contingent on future acts of the Legislature with retroactive effect*"); *Carlstrom*, 103 Wn.2d at 398 (holding a reservation clause unenforceable because it was not specific enough and reasoning that "[t]he Legislature knows how to use plain English to make existing contracts subject to future modification.") (emphasis added.)

DATED this 18<sup>th</sup> day of August, 2014.

Respectfully submitted,



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Attorneys for Petitioners

DECLARATION OF SERVICE

On this day said forth below, I emailed a courtesy copy and deposited with the U.S. Postal Service for service a true and accurate copy of the Second Statement of Additional Authorities in Supreme Court Cause No. 88323-8 to the following parties:

Louis David Peterson  
Mary Eileen Crego Peterson  
Michael Jacob Ewart  
Hillis Clark Martin & Peterson  
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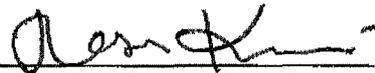
Stephen K. Strong  
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Original E-filed with:

Washington Supreme Court  
Clerk's Office  
415 12<sup>th</sup> 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: August 19<sup>th</sup>, 2014, at Seattle, Washington.

  
\_\_\_\_\_  
Roya Kolahi, Legal Assistant  
Talmadge/Fitzpatrick

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**Subject:** RE: Second Statement of Additional Authorities

Received 8-18-14

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**From:** Roya Kolahi [mailto:Roya@tal-fitzlaw.com]  
**Sent:** Monday, August 18, 2014 3:42 PM  
**To:** OFFICE RECEPTIONIST, CLERK  
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**Subject:** Second Statement of Additional Authorities

Good Afternoon:

Attached please find the Second Statement of Additional Authorities in Supreme Court Cause No. 88323-8 for today's filing. Thank you.

Sincerely,

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