

FILED
SUPREME COURT
STATE OF WASHINGTON
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No. 95029-6

IN THE SUPREME COURT
FOR THE STATE OF WASHINGTON

SPOKANE COUNTY, a political subdivision of
the State of Washington; et al.,

Appellants,

v.

STATE OF WASHINGTON DEPARTMENT OF
FISH AND WILDLIFE,

Respondent.

APPELLANTS' STATEMENT
OF ADDITIONAL AUTHORITIES

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Attorneys for Appellants

Pursuant to RAP 10.8, Appellants respectfully submit this Statement of Additional Authorities. These authorities pertain to Issue Numbers 1 and 3 in Appellants' Opening Brief regarding the scope of the Department of Fish and Wildlife's (DFW's) authority under Chapter 77.55 RCW. These authorities also pertain to DFW's Brief at II.B, pp. 12-13, and DFW's Statement of Additional Authorities.

- *In re Personal Restraint of Andress*, 147 Wn.2d 602, 611, 56 P.3d 981 (2002), *superseded by statute*, *Bowman v. State*, 162 Wn.2d 325, 172 P.3d 681 (2007) (“[E]ven where an actual bill is before the Legislature, we generally decline to speculate as to why the Legislature rejects a proposed amendment.”);
- *State v. Cronin*, 130 Wn.2d 392, 400, 923 P.2d 694 (1996) (“As a general principle, we are loathe to ascribe any meaning to the Legislature's failure to pass a bill into law.”);

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- *Spokane County Health District v. Brockett*, 120 Wn.2d 140, 153, 839 P.2d 324 (1992) (“[W]hen the Legislature rejects a proposed amendment, as they did here, we will not speculate as to the reason for the rejection.”) (citing *Wilmot v. Kaiser Aluminum & Chem. Corp.*, 118 Wn.2d 46, 63–64, 821 P.2d 18 (1991)).

DATED this 13th day of September, 2018.

Respectfully submitted,

K&L GATES LLP

By *s/ John C. Bjorkman* _____

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DECLARATION OF SERVICE

Peggy Mitchell declares as follows:

1. I am over the age of 18 and am competent to testify herein.
2. I am a Senior Practice Assistant at the law firm of K&L GATES LLP.
3. On September 13, 2018, I caused the foregoing Appellants'

Statement of Additional Authorities to be filed with the court and to be sent by United States mail, postage prepaid, and by email to the following attorneys of record:

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

Dated this 13th day of September, 2018 at Seattle, Washington.



Peggy Mitchell, Senior Practice Assistant

K & L GATES LLP

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Transmittal Information

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