

FILED
SUPREME COURT
STATE OF WASHINGTON
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BY SUSAN L. CARLSON
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May 10, 2018

Susan L. Carlson, Supreme Court Clerk
Supreme Court of the State of Washington
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

Re: Correction to Department's briefs
Murray v. Dep't of Labor & Indus., No. 95251-5

Dear Ms. Carlson:

In reviewing the Department of Labor and Industries' Answer to Petition for Review and Supplemental Brief, I discovered an error. I would appreciate it if you would pass this correction on to the Court.

The supplemental brief and answer cite *City of Auburn v. King County*, 114 Wn.2d 447, 451-52, 788 P.2d 534 (1990), for the proposition that a "constitutional writ [is an] acceptable review of legislative power of [a] board of arbitration." L&I Suppl. Br. 10; Ans. 12. Although *City of Auburn* reviewed a delegation of both legislative and judicial power, a procedural posture normally subject to a constitutional writ, the Court reviewed the case as a statutory writ. 114 Wn.2d at 451-52. I do not believe that this misstatement changes the Department's primary point that the *Barry & Barry* test is satisfied by the arbitrary and capricious review in a writ, but want to correct the record with the Court.

I apologize for the error.

Sincerely,

ANASTASIA SANDSTROM
Assistant Attorney General
Labor & Industries Division
(206) 464-7740

cc: Patrick Palace, Philip Buri, Kathleen Sumner, Brian Wright, Daniel Huntington,
Valerie McOmie

No. 95251-5

SUPREME COURT OF THE STATE OF WASHINGTON

MICHAEL E. MURRAY,

Appellant,

v.

DEPARTMENT OF LABOR AND
INDUSTRIES and BROCKS INTERIOR
SUPPLY, INC.,

Respondents.

CERTIFICATE OF
SERVICE

The undersigned, under penalty of perjury pursuant to the laws of the State of Washington, declares that on the below date, she caused to be served the Department's Letter Correcting Mistake and this Certificate of Service in the below described manner:

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DATED this 10th day of May, 2018.



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May 10, 2018 - 9:25 AM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 95251-5
Appellate Court Case Title: Michael E. Murray v. State of Washington, Department of Labor & Industries
Superior Court Case Number: 15-2-00566-1

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Comments:

Letter Correcting Department's Brief and Certificate of Service

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