

FILED
SUPREME COURT
STATE OF WASHINGTON
1/7/2019 4:00 PM
BY SUSAN L. CARLSON
CLERK

FILED
SUPREME COURT
STATE OF WASHINGTON
1/15/2019
BY SUSAN L. CARLSON
CLERK

NO. 95586-7

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

THURSTON COUNTY, ex rel.,
JOHN SNAZA, THURSTON COUNTY SHERIFF,
Appellants,

vs.

CITY OF OLYMPIA, CITY OF LACEY,
CITY OF TUMWATER and CITY OF YELM;
Respondents,

and

CITY OF TENINO,
Intervenor

BRIEF OF *AMICUS CURIAE* WASHINGTON STATE ASSOCIATION
OF MUNICIPAL ATTORNEYS IN SUPPORT OF RESPONDENTS

Daniel G. Lloyd, WSBA No. 34221
Assistant City Attorney
City of Vancouver, Washington
P.O. Box 1995
Vancouver, WA 98668-1995
(360) 487-8500
dan.lloyd@cityofvancouver.us

Darcey J. Eilers, WSBA No. 42150
Deputy City Attorney
City of Bothell, Washington
18415 101st Ave. NE
Bothell, WA 98011-3499
(425) 806-6229
darcey.eilers@bothellwa.gov

Counsel for Amicus Curiae
Washington State Association of Municipal Attorneys

TABLE OF CONTENTS

	PAGE
TABLE OF CONTENTS.....	i
TABLE OF AUTHORITIES	ii
I. INTRODUCTION	1
II. IDENTITY AND INTEREST OF <i>AMICI CURIAE</i>	1
III. STATEMENT OF THE CASE	1
IV. ARGUMENT	2
A. This Court has consistently rejected arguments to blindly defer to Attorney General Opinions because to do so would abdicate the judiciary’s exclusive constitutional duty to interpret the law.	3
B. The proviso in RCW 70.48.130(6) demonstrates that the legislature considered the phrase “law enforcement officer” to include prosecuting attorneys.	11
V. CONCLUSION	16
CERTIFICATE OF SERVICE.....	18

TABLE OF CASES AND AUTHORITIES

PAGE(S)

WASHINGTON CASES WASHINGTON CASES (continued)

<i>Amalgamated Transit Union Legislative Council v. State of Washington</i> , 145 Wn.2d 544, 40 P.2d 656 (2002).....	6, 7
<i>Burns v. City of Seattle</i> , 161 Wn.2d 129, 164 P.3d 475 (2007).....	12
<i>Dinino v. State of Washington</i> , 102 Wn.2d 327, 684 P.2d 1297 (1984).....	4, 5
<i>Diversified Indus. Dev. Corp. v. Ripley</i> , 82 Wn.2d 811, 514 P.2d 137 (1973).....	4
<i>HomeStreet, Inc. v. Dep't of Revenue</i> , 166 Wn.2d 444, 210 P.3d 297 (2009).....	15
<i>Kasper. v. City of Edmonds</i> , 69 Wn.2d 799, 420 P.2d 346 (1966).....	4
<i>McKenzie v. Mukilteo Water Dist.</i> , 82 Wn.2d 811, 514 P.2d 137 (1973).....	12, 13
<i>Monroe Calculating Mach. Co. v. Dep't of Labor & Indus.</i> , 11 Wn.2d 636, 120 P.2d 466 (1941).....	13
<i>Overton v. Wash. State Econ. Assistance Auth.</i> , 96 Wn.2d 552, 637 P.2d 652 (1981).....	5
<i>Roza Irrigation Dist. v. State of Washington</i> , 80 Wn.2d 633, 497 P.2d 166 (1972).....	13
<i>Segaline v. Dep't of Labor & Industries</i> , 169 Wn.2d 467, 238 P.3d 1107 (2010).....	5
<i>State ex rel. Blume v. Yelle</i> , 52 Wn.2d 158, 324 P.2d 247 (1958).....	4
<i>State of Washington v. Wanrow</i> , 88 Wn.2d 221, 559 P.2d 548 (1977).....	12, 13

FEDERAL CASES

<i>Public Service Comm'n v. Wycoff Co.</i> , 344 U.S. 237, 73 S. Ct. 236, 97 L. Ed. 291 (1952).....	4
--	---

STATUTES

REVISED CODE OF WASHINGTON (RCW) 13.50.2707
RCW 26.44.020.....7
RCW 43.10.030.....5
RCW 70.48.130.....1, 2, 3, 7, 8, 9, 10, 11, 12, 14, 15

LEGISLATIVE HISTORY

LAWS OF 2007, CH. 259 § 66.....8, 10
2 SENATE JOURNAL, 60th Legislature, Regular Session.....10
2 HOUSE JOURNAL, 60th Legislature, Regular Session10
HOUSE AMENDMENT 760 TO ENGROSSED SECOND SUBSTITUTE SENATE
BILL, 60th Legislature, Regular Session.....8
*Providing High Quality, Affordable Health Care To Washingtonians
Based on the Recommendations of the Blue Ribbon Commission on
Health Care Costs and Access: House Floor Debate on Engrossed
Second Substitute Senate Bill 5390, 60th Legislature, Regular Session
(April 12, 2007) (statement of Representative Richard Curtis on House
Amendment 760 to E2SSB 5390)9, 10*

OTHER SECONDARY SOURCES

OPINION OF THE WASHINGTON STATE ATTORNEY GENERAL (AGO) No. 8
(2005).....6, 7

I. INTRODUCTION

This statutory interpretation case involves RCW 70.48.130(6), a portion of the City and County Jails Act. This Court must determine whether the statute authorizes the County to seek reimbursement from cities for the medical costs incurred for felony inmates. The decision depends on the interpretation of phrase authorizing reimbursement “from the unit of government whose law enforcement officers initiated the charges” and whether the phrase includes prosecuting attorneys or is limited to commissioned police officers.

II. IDENTITY AND INTEREST OF *AMICI CURIAE*

The Washington State Association of Municipal Attorneys (WSAMA) is a non-profit organization of municipal attorneys who represent Washington’s 281 cities and towns. WSAMA members represent municipalities throughout the state. Its members include municipalities that will be burdened with substantially more financial exposure than what the legislature intended if the Court were to accept Thurston County’s interpretation of RCW 70.48.130.

III. STATEMENT OF THE CASE

The facts of this case are undisputed. At issue is which entity—Thurston County or municipalities located within the County—bears

financial responsibility for medical costs for three classes of inmates.

Respondent Cities describe these classes as follows:

(1) Those arrested by municipal law enforcement officers on probable cause that they committed a felony;

(2) Those arrested by county deputy sheriffs on probable cause that a felony occurred, but whose detention was authorized also by outstanding misdemeanor arrest warrants issued by one of the City's municipal courts; and

(3) Those arrested by law enforcement officers outside Washington State on an outstanding felony warrant issued by the superior court, but whose detention was authorized also by outstanding misdemeanor arrest warrants issued by one of the City's municipal courts. CP 125-25, 132, 134.

The superior court interpreted the applicable statute, RCW 70.48.130(6), and concluded that Thurston County was financially responsible for the medical costs incurred by the inmates in all three classes identified above. Thurston County sought this Court's direct review, which was granted on October 31, 2018.

IV. ARGUMENT

WSAMA fully agrees with the arguments advanced by Respondent Cities. The following discussion augments that analysis, particularly the

policy reasons why this Court need not, and in the present case should not, blindly embrace statutory construction by the State's chief legal officer. Additionally, WSAMA provides this Court with additional analysis on language in RCW 70.48.130(6) that neither the County nor Respondent Cities have addressed in any meaningful way. This language, when analyzed correctly, supports the Respondent Cities' position and lends further confirmation that the superior court correctly interpreted and applied the law here.

A. This Court has consistently rejected arguments to blindly defer to Attorney General Opinions because to do so would abdicate the judiciary's exclusive constitutional duty to interpret the law.

Respondent Cities accurately point out that the County's position "essentially boils down to one argument: this Court should wholesale adopt the conclusions of an Attorney General Opinion ("AGO") because, 'the Attorney General has already performed an analysis as to the meaning of RCW 70.48.130 and further inquiry does not seem necessary.'" Br. of Resp'ts at 28 (quoting Br. of Pet'r at 14). The present case affords this Court with an opportunity to further explain why attorney general opinions deserve no more deference than any other brief in the context of statutory construction and in particular here, when the exact question answered by the Attorney General involves a factually distinct hypothetical.

This Court has long rejected the notion that an attorney general opinion, even if developed through the formal process, dictates the outcome of litigation. *E.g.*, *State ex rel. Blume v. Yelle*, 52 Wn.2d 158, 159, 165-66, 324 P.2d 247 (1958). This is particularly true in the context presented here, namely statutory construction. *Kasper v. City of Edmonds*, 69 Wn.2d 799, 805-06, 420 P.2d 346 (1966). There is sound reason for such reticence. This Court has long recognized the pitfalls of diving into “the prohibited area of advisory opinions,” *Diversified Indus. Dev. Corp. v. Ripley*, 82 Wn.2d 811, 815, 514 P.2d 137 (1973), which arises whenever the Court is asked to resolve “hypothetical, speculative controvers[ies],” *Dinino v. State*, 102 Wn.2d 327, 332, 684 P.2d 1297 (1984). Permitting litigation over such theoretical disputes, this Court has said, “would not be beneficial to the public or to other branches of government.” *Id.* The United States Supreme Court once explained the importance of this principle: “The disagreement must not be nebulous or contingent but must have taken on *fixed and final shape* so that a court can see what legal issues it is deciding, what effect its decision will have on the adversaries, and some useful purpose to be achieved in deciding them.” *Pub. Serv. Com. v. Wycoff Co.*, 344 U.S. 237, 244, 73 S. Ct. 236, 97 L. Ed. 291 (1952) (emphasis added). In other words, the branch of government entrusted to interpret the law (the judiciary) is in

the best position to do so only when facing real parties with real interests as opposed to abstract hypotheticals.

In stark contrast, the Attorney General necessarily answers hypotheticals when asked to “[g]ive written opinions, when requested by either branch of the legislature, or any committee thereof, upon constitutional or legal questions.” RCW 43.10.030(7). Attorney General Opinions are the exact kind of advisory opinions this Court rightfully avoids when discharging its constitutional duty responsibility to “say what the law is.” *Overton v. Wash. State Econ. Assistance Auth.*, 96 Wn.2d 552, 555, 637 P.2d 652 (1981). Given that advisory opinions “would not be beneficial to the public or to other branches of government” when originating from the courts, *Dinino*, 102 Wn.2d at 332, it logically follows that the same type of advisory opinion should be of minimal value when presented to the Court in a statutory construction case.

This is not to say that opinions of the Attorney General have no value at all. But if a court does not blindly accept the statutory analysis of the Attorney General when the State or one of its departments is a party in pending litigation, *e.g.*, *Segaline v. Dep’t of Labor & Indus.*, 169 Wn.2d 467, 472-75, 238 P.3d 1107 (2010) (rejecting State’s construction of RCW 4.24.510), then there exists no reason why any more deference should be owed when the State’s chief legal advisor opines on a statute’s construction

in a hypothetical setting. *Accord Amalgamated Transit Union Legislative Council v. State*, 145 Wn.2d 544, 554, 40 P.3d 656 (2002) (“this court gives little deference to attorney general opinions on issues of statutory construction”).

Respondent Cities’ analysis accurately and persuasively explains why canons of statutory construction demand rejection of the 2005 Attorney General Opinion relied upon by the County. Additional justifications countenance such a rejection as well. First, the precise hypothetical that the Attorney General answered on July 7, 2005, was “[w]ho is responsible for paying the cost of necessary medical treatment of an arrestee during the period after the arrest *but before the arrestee is booked and confined in jail*—the arrestee, the arresting law enforcement agency, or the agency which operates the jail?” AGO 2005 No. 8 at 1, *reproduced at* CP 81 (emphasis added). The present dispute between Respondent Cities and Thurston County involves inmates who, unlike those addressed in the AGO, *have already been booked and confined* in Thurston County’s jail when the need for medical treatment arises. *See* CP 153 ¶¶ 24, 26 (noting that Thurston County will “not ... accept[] into the Accountability and Restitution Center” arrestees in need of immediate medical care, in which case “the arresting/transporting officer will leave with the arrestee and all of their property”). Consequently, the 2005 AGO on which the County

relies so heavily can be easily distinguished on the premise that it answers a different question than one presented in this case. Even assuming the AGO correctly interpreted RCW 70.48.130, it does nothing to answer the question posed by this case and controversy.

Second, assuming the AGO’s rationale was intended to encompass the factual situation in this case, the rationale used therein is fundamentally flawed. The AGO reached its conclusion on the assumption that “we have reviewed the numerous statutory references to the term ‘law enforcement officer’ and note that we could find no examples in which this term includes prosecuting attorneys.” AGO 2005 No. 8 at 4-5, *reproduced at* CP 84. This premise is flat wrong. *See, e.g.,* RCW 26.44.020(15) (“[l]aw enforcement agency’ means the police department, *the prosecuting attorney*, the state patrol, the director of public safety, or the office of the sheriff” (emphasis added)); *see also* RCW 13.50.270(1)(a) (including “prosecutor’s office” under umbrella of “law enforcement agency”). Given that the AGO rests its entire conclusion on a false underlying premise, the validity of its conclusion evaporates. *Accord Amalgamated Transit Union Legislative Council*, 145 Wn.2d at 555 (“*cessante ratione legis, cessat et ipsa lex*—the reason for the law ceasing, the law itself ceases”).

Finally, as Respondent Cities note, the Legislature rebuked the Attorney General’s analysis less than two years after the 2005 AGO was

published. *See* LAWS OF 2007, ch. 259, § 66. The Cites note in their brief that “the phrase ‘law enforcement officers’ was resurrected, likely inadvertently.” Br. of Resp’ts at 34. An examination of how the language from the amendment was adopted by the Legislature supports this statement. The 2007 amendment to RCW 70.48.130 was introduced by way of floor amendment by Representative Richard Curtis on April 12, 2007. *See* Amd. 760 to ESSB 5930 (adopted Apr. 12, 2007), *available at* <http://lawfilesexternal.wa.gov/biennium/2007-08/Pdf/Amendments/House/5930-S2.E%20AMH%20CURT%20H3533.2.pdf>. The proposed amendment contained two parts. First, it eliminated the words “law enforcement officers” from RCW 70.48.130. *Id.* Second, it added a cap on how much healthcare providers could charge jails for the healthcare provided to inmates, limiting that amount to 160 percent of Medicaid rates. *Id.*¹ Speaking in favor of the proposed amendment, Rep. Curtis stressed that the emphasis of the amendment—and the reason for its two-year sunset

¹ The relevant added language provided:

If a confined person is unable to be financially responsible for medical care and is ineligible for the department's medical care programs under chapter 74.09 RCW, the rate charged for any medical care provided by a health care provider shall not exceed one hundred sixty percent of the medicaid rates for such service.

See Amd. 760 to ESSB 5930 (adopted Apr. 12, 2007), *available at* <http://lawfilesexternal.wa.gov/biennium/2007-08/Pdf/Amendments/House/5930-S2.E%20AMH%20CURT%20H3533.2.pdf>.

clause—was to prevent counties from being gouged by healthcare providers charging as much as 250 percent above cost for inmates needing medical treatment:

Thank you Mr. Speaker. This -- you know, we have a problem. And one of the problem -- this particular problem is with our local governments who can no longer really afford to provide healthcare to the people that they incarcerate. However, they do have the responsibility to do that by law. And so, we hear over and over again how expensive it's getting and in fact they're being charged in many cases 250% of cost which is sometimes the uninsured person's rate for the healthcare they're required to provide to those people that they've arrested. This bill says that they cannot be charged greater than 160% of Medicaid. That formula was brought to me by the Director of the Healthcare Authority and we came up with that formula to try to get closer to the private insurance rate. We don't want people to lose money while caring for our inmates but we also want the taxpayer money to be used in an efficient manner and not to be taken advantage of. So this bill will allow for that. It has a two-year sunset on it, I believe, and so at the end of two years we'll take a look at it and see how it's working. It also allows the counties to try and work on other options while not losing as much money as they have lost.

See Statement of Rep. Curtis on Amd. 760 to ESSB 5390 (Apr. 12, 2007), 35m39s-37m.26s *available at* <https://www.tvw.org/watch/?eventID=2007041129>. Rep. Curtis then explained the purpose of removing “law enforcement officer” from the text of RCW 70.48.130:

In addition, [the amendment] corrects an underlying problem with the law itself, which allowed for the agency that was arresting to be the one that received the bill which did not promote going out and arresting someone with medical problems. But it -- rather the agency that issues the arrest warrant is the one that should have been responsible for that bill and this corrects the underlying -- initial legislation. So I'd ask for your support on this. Thank you.

Id. at 37m26s-37m53s. In short, the author of the amendment emphasized that the two-year expiration of the statutory revision was intended to apply to the 160 percent cap. *See id.* The House approved the amendment and referred the bill to the Senate.

The Senate, however, rejected all of the amendments submitted by the House. 2 SENATE JOURNAL, 60th Leg., Reg. Sess., at 1826 (Wash. Apr. 16, 2007). The House then insisted on its amendments and requested a conference with the Senate. 2 HOUSE JOURNAL, 60th Leg., Reg. Sess., at 1779 (Wash. Apr. 18, 2007). Two days later, that conference produced an entirely new bill that largely addressed healthcare insurance plans. Representative Curtis's amendment to RCW 70.48.130 was retained, but only in regards to striking "law enforcement officer" from the text; the percentage cap on what healthcare providers could charge government agencies was removed. *See* 2 HOUSE JOURNAL, 60th Leg. Reg. Sess., at 2058-78 (Wash. Apr. 20, 2007). The bill as revised out of the conference passed both houses of the legislature as written. LAWS OF 2007, ch. 259.

The foregoing history bolsters the Respondent Cities' argument that the legislature disagreed with the view that the arresting agency should bear ultimate responsibility for paying inmate medical costs; rather, as the language of RCW 70.48.130, that should rest with whichever unit of government initiated the charges against the individual.

B. The proviso in RCW 70.48.130(6) demonstrates that the legislature considered the phrase “law enforcement officer” to include prosecuting attorneys.

The Court must determine whether RCW 70.48.130(6) authorizes a county to foist medical costs incurred for inmates charged with a felony on to a city when a city police officer makes the felony arrest. WSAMA urges the Court to affirm the trial court, concluding that the statute does not authorize a county to seek reimbursement for the medical costs of felony inmates charged by the county.

The Respondent Cities present a reasonable interpretation of the statute, where the phrase “law enforcement officers initiated the charges” encompasses prosecuting attorneys who initiate felony charges against defendants regardless of whether city, county, or state officers initially arrested the individual.

The Respondent Cities’ interpretation is further supported by proviso language in RCW 70.48.130(6) that the parties have not yet analyzed or addressed, specifically the limiting language at the end of the subsection. For ease of reference, the subsection is recited here with the proviso italicized:

To the extent that a confined person is unable to be financially responsible for medical care and is ineligible for the authority's medical care programs under chapter 74.09 RCW, or for coverage from private sources, and in the absence of an interlocal agreement or other contracts to the contrary, the governing unit may obtain reimbursement for

the cost of such medical services from the unit of government whose law enforcement officers initiated the charges on which the person is being held in the jail: *PROVIDED, That reimbursement for the cost of such services shall be by the state for state prisoners being held in a jail who are accused of either escaping from a state facility or of committing an offense in a state facility.*

RCW 70.48.130(6) (emphasis added).

Most often, “a proviso is intended to restrain the preceding provisions and to except something that would otherwise have been within the act.” *McKenzie v. Mukilteo Water Dist.*, 4 Wn.2d 103, 114, 102 P.2d 251 (1940). With such a proviso, “the general language of the main provisions is to be construed as covering the matters contained in the proviso had those provisions stood alone.” *Id.*; see also *Burns v. City of Seattle*, 161 Wn.2d 129, 146, 164 P.3d 475 (2007) (“[W]e may infer the intended scope of an enacting clause from the character of the provisos or exceptions pertaining to it.”).

This Court has had several occasions to interpret the language of a general provision by evaluating how circumstances excepted in a proviso would have otherwise fit within the general words if the proviso had not been included. For example, in *State v. Wanrow*, 88 Wn.2d 221, 559 P.2d 548 (1977), this Court held that the existence of a proviso limiting the recording of calls to police and fire stations implied that these calls were otherwise private under the former version of Washington’s Privacy Act

because the legislature specifically allowed recording only for verifying the accuracy of reception of emergency calls under the former statute. *Id.* at 227-29. The Court explained, “The exception of a particular thing from the operation of the general words of a statute shows that in the opinion of the law-maker the thing excepted would be within the general words had not the exception been made.” *Id.* at 228-29 (internal citation omitted). This is because “[t]here would be no purpose in enacting this exclusion unless the legislature believed such communications were otherwise within the scope of the section.” *Id.* at 228.

Similar analysis has been employed by this Court on previous occasions. *See, e.g., Monroe Calculating Mach. Co. v. Dep't of Labor & Indus.*, 11 Wn.2d 636, 643-44, 120 P.2d 466 (1941) (interpreting the scope of the statutory phrase “power-driven machinery” by considering that items listed in a proviso were otherwise included within the scope of the enumerated extrahazardous employments); *McKenzie*, 4 Wn.2d at 114-15 (interpreting whether a statute was retroactive by considering a proviso excluding certain actions from retroactive operation); *see also Roza Irrigation Dist. v. State*, 80 Wn.2d 633, 641, 497 P.2d 166 (1972) (interpreting the meaning of the phrase “municipal corporation” to include most quasi-municipal entities by considering a proviso that expressly excluded certain quasi-municipal entities).

Employing the same logic here, the conditional proviso illuminates the general phrase “whose law enforcement officers initiated the charges” used in subsection (6). The legislature must have understood the general words “law enforcement officers” referenced in RCW 70.48.130(6) in a sense that encompasses non-state officers initiating charges against “state prisoners being held in a jail who are accused of either escaping from a state facility or of committing an offense in a state facility,” RCW 70.48.130(6), for the proviso to be necessary to make an exception for such individuals.

Such a meaning can readily be attributed to the phrase “law enforcement officers” if the Court interprets it to include prosecuting attorneys, as a state inmate accused of escape or of committing an offense in a state facility would be charged by the county prosecutor. These state inmates, facing new charges as a result of their activities while incarcerated by the state, would be transported from the state facility to the county’s jail for arraignment and other court appearances on the new charges. Under the general language of RCW 70.48.130(6), the county, as the governing initiating charges against the inmate, would be responsible for the costs of such an inmate’s medical care. But the proviso makes an exception to the general rule, requiring instead that the state nevertheless reimburse for the costs of such an inmates medical care despite the fact that the county would have initiated the charges rather than the state officers. The existence of the

proviso implies that the state is not otherwise responsible for medical reimbursement for individuals arrested by state law enforcement officers.

In contrast, the County's proposed interpretation would render the proviso irrelevant and meaningless. If "law enforcement officer" included only commissioned officers, there would be no need to provide an exception for an inmate accused of committing an offense in a state facility. It is difficult to conceive of many situations where a commissioned officer other than a state officer would be in the state facility to arrest such an individual. Therefore, even without the proviso, the state would be responsible for reimbursing the county under the general terms of the statute. This result would render that portion of the proviso entirely unnecessary and meaningless. "Whenever possible, statutes are to be construed so no clause, sentence or word shall be superfluous, void, or insignificant." *HomeStreet, Inc. v. Dep't of Revenue*, 166 Wn.2d 444, 452, 210 P.3d 297 (2009) (internal quotations omitted). The County's interpretation places too narrow an interpretation on "law enforcement officers," which is only part of the subsection, and ignores other relevant parts, including the proviso.

The proviso here, when analyzed correctly, supports the Respondent Cities' position and lends further confirmation that the superior court correctly interpreted and applied the law here. This Court should interpret RCW 70.48.130(6) to include prosecuting attorneys as a law enforcement

officer initiating charges against an inmate. The Court should conclude that the County cannot seek reimbursement from cities for the costs of medical care attributed to inmates charged with a felony by the County.

V. CONCLUSION

For all of the foregoing reasons, this Court should affirm.

RESPECTFULLY SUBMITTED this 7th day of January, 2019.

By: /s/ Daniel G. Lloyd
Daniel G. Lloyd
WSBA No. 34221
Assistant City Attorney
City of Vancouver, Wash.
P.O. Box 1995
Vancouver, WA 98668-1995
(360) 487-8500
dan.lloyd@cityofvancouver.us

By: /s/ Darcey J. Eilers
Darcey J. Eilers,
WSBA No. 42150
Deputy City Attorney
City of Bothell, Wash.
18415 101st Ave. NE
Bothell, WA 98011-3499
(425) 806-6229
darcey.eilers@bothellwa.gov

Counsel for Amicus Curiae
Washington State Association of Municipal Attorneys

CERTIFICATE OF SERVICE

I certify that on the date referenced below, I served this document by electronic filing via the Washington State Courts Appellate Portal System, which will send notification to all counsel of record as listed below:

Donald R. Peters
Sr. Deputy Prosecuting Attorney
Thurston County Prosecuting Attorney's
Office – Civil Division
2000 Lakeridge Dr. SW
Olympia, WA 98502
Petersr@co.thurston.wa.us

Michael R. Kenyon
Charlotte Archer
Kenyon Disend, PLLC
11 Front Street South
Issaquah, WA 98024-3820
Mike@kenyondisend.com
Charlotte@kenyondisend.com

Mark Barber
City Attorney, City of Olympia
PO Box 1967
Olympia, WA 98507
mbarber@ci.olympia.wa.us

Karen Kirkpatrick
City Attorney, City of Tumwater
555 Israel Road SW
Tumwater, WA 98501
kkirkpatrick@ci.tumwater.wa.us

David S. Schneider
City Attorney, City of Lacey
420 College Street SE
Lacey, WA 98503
dave@laceylawgroup.com

Brent Dille
Dille Law, PLLC
2010 Caton Way SW, Ste. 101
Olympia, WA 98502
brent@dillelaw.com

Rick Hughes
324 West Bay Drive NW, Ste. 201
Olympia, WA 98502
rick@hugheslaw.com

DATED on January 7, 2019.

/s/ Darcey J. Eilers
Darcey J. Eilers, WSBA No. 42150
Deputy City Attorney
City of Bothell, Washington
18415 101st Ave. NE
Bothell, WA 98011-3499
(425) 806-6229
darcey.eilers@bothellwa.gov

CITY OF BOTHELL

January 07, 2019 - 4:00 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 95586-7
Appellate Court Case Title: Thurston County, et al. v. City of Olympia, et al.
Superior Court Case Number: 16-2-04768-5

The following documents have been uploaded:

- 955867_Briefs_20190107155829SC094924_3493.pdf
This File Contains:
Briefs - Amicus Curiae
The Original File Name was 190107.WSAMA.Thurston v. Cities.brief.pdf
- 955867_Motion_20190107155829SC094924_5645.pdf
This File Contains:
Motion 1 - Amicus Curiae Brief
The Original File Name was 190107.WSAMA.Thurston v. Cities.motion.pdf

A copy of the uploaded files will be sent to:

- Charlotte@KenyonDisend.com
- PAOAppeals@co.thurston.wa.us
- brent@dillelaw.com
- dan.lloyd@cityofvancouver.us
- dave@laceylawgroup.com
- deborah.hartsoch@cityofvancouver.us
- jcpurves@co.kitsap.wa.us
- kcpaciv@co.kitsap.wa.us
- kkirkpatrick@ci.tumwater.wa.us
- mbarber@ci.olympia.wa.us
- mike@kenyondisend.com
- petersr@co.thurston.wa.us
- rick@richardhugheslaw.com
- tunheij@co.thurston.wa.us

Comments:

Sender Name: Greg Tipple - Email: greg.tipple@bothellwa.gov

Filing on Behalf of: Darcey Julia Eilers - Email: darcey.eilers@bothellwa.gov (Alternate Email:)

Address:

18415 101st Ave NE

Bothell, WA, 98011

Phone: (425) 806-6225

Note: The Filing Id is 20190107155829SC094924