

WASHINGTON STATE SUPREME COURT

CHONG and MARILYN YIM,	)	
KELLY LYLES, BETH BYLUND,	)	
CAN APARTMENTS, LLC, and	)	
EILEEN, LLC,	)	
	)	
Respondents,	)	CITY OF SEATTLE’S
	)	STATEMENT OF
vs.	)	ADDITIONAL AUTHORITIES
	)	
CITY OF SEATTLE,	)	
	)	
Appellant.	)	
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Appellant City of Seattle offers this statement of additional authorities under RAP 10.8.

Regarding the City’s contentions about the analysis this Court has applied to substantive due process claims under the Washington Constitution since issuing *Amunrud* (see City Opening Brief at 21 & n.57), please see *Fields v State Department of Early Learning*, \_\_ Wn.2d \_\_, 434 P.3d 999, 1008 (2019) (Gordon McCloud, J., concurring); *id.*, 434 P.3d at 1014 (Fairhurst, C.J., dissenting).

Regarding the City’s contentions about the analysis other courts have applied to substantive due process claims under the Washington

Constitution since *Amunrud* (*see* City’s Opening Brief at 23 & n.64), please see *State v. Conway*, \_\_\_ Wn. App. 2d. \_\_\_, 438 P.3d 1235, 1244 (2019); *Haines-Marchel v. Washington State Liquor & Cannabis Bd.*, 1 Wn. App. 2d. 712, 406 P.3d 1199 (2017), *rev. denied*, 191 Wn.2d 1001, 422 P.3d 913 (2018); *cert. denied*, \_\_\_ U.S. \_\_\_, 139 S.Ct. 1383 (2019); *State v. Pendell*, 1 Wn. App. 2d 1064, 2018 WL 287503 at \*4 (2018, unpublished); *State v. Chesley*, 4 Wn. App. 2d 1024, 2018 WL 3039829 at \*2 (2018, unpublished); *State v. Seward*, 196 Wn. App. 579, 584, 384 P.3d 620 (2016); *State v. Ma*, 195 Wn. App. 1036, 2016 WL 4248585 at \*5 (2016, unpublished).

Regarding the City’s contentions about the analysis the Ninth U.S. Circuit Court of Appeals applies to federal substantive due process claims (*see* City Opening Brief at 23 & n.67), please see *Halverson v. Skagit County*, 42 F.3d 1257, 1262 (9th Cir. 1994).

Regarding the City’s contentions about the analysis to apply when assessing the constitutionality of a requirement that commercial speakers disclose information (*see* City Opening Brief at 55 & n.191), please see *American Beverage Ass’n v. City and County of San Francisco*, 916 F.3d 749, 754-56 (2019).

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Respectfully submitted May 28, 2019.

PETER S. HOLMES  
Seattle City Attorney

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DATED May 28, 2019 at Seattle, Washington.

/s/ Alicia Reise

ALICIA REISE, Legal Assistant

**SEATTLE CITY ATTORNEY'S OFFICE - LAND USE SECTION**

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