

FILED
SUPREME COURT
STATE OF WASHINGTON
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NO. 96766-1

SUPREME COURT OF THE STATE OF WASHINGTON

COLLEEN DAVISON, legal guardian for K.B., a minor, on behalf of
themselves and others similarly situated, and GARY MURRELL,

Respondents,

v.

STATE OF WASHINGTON and WASHINGTON STATE OFFICE OF
PUBLIC DEFENSE,

Petitioners.

**PETITIONERS' REPLY IN SUPPORT OF MOTION FOR
DISCRETIONARY REVIEW**

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The parties and the trial court agree that this case warrants discretionary review. This case presents a novel issue as to whether plaintiffs alleging that a *county* systemically fails to provide constitutionally sufficient indigent juvenile defense can sue *the state* without either making the county a party or establishing that the county is incapable of satisfying legal requirements. As the court below stated, “I believe that there is a sufficiently substantial and differing opinion [on a] question of law that it might be very beneficial in this case if a higher court were to look at this threshold question [of the State’s duty], not only because it might obviate the need for significantly more resources moving forward, but even if a higher court would agree that this should move forward, they might have helpful guidance about what the standard should look like.” RP 29:15-23.

The merits of the case are not presently at issue. This Court should grant discretionary review.

RESPECTFULLY SUBMITTED this 22nd day of February 2019.

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CERTIFICATE OF SERVICE

I hereby declare that on this day true copies of the foregoing document were served via electronic mail upon the following parties:

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s/ Leena R. Vanderwood
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SOLICITOR GENERAL OFFICE

February 22, 2019 - 11:13 AM

Transmittal Information

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