

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
4/8/2019 8:59 AM  
BY SUSAN L. CARLSON  
CLERK

No. 97020-3

---

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

---

KAN QIU, ZHIMING YU, and GANG CHENG,

*Plaintiffs-Petitioners*

vs.

KIM WYMAN, in her official capacity as Secretary of State,

*Defendant-Respondent*

---

OPENING BRIEF OF PETITIONERS

---

Joel B. Ard, WSBA #40104 Ard Law Group PLLC P.O. Box 11633 Bainbridge Island, WA 98110 206.701.9243	Matthew C. Albrecht, WSBA #36801 David K. DeWolf, WSBA #10875 ALBRECHT LAW PLLC 421 W. Riverside Ave., STE 614 Spokane, WA 99201 (509) 495-1246
Attorneys for Petitioners	

**TABLE OF CONTENTS**

I. INTRODUCTION AND SUMMARY OF ARGUMENT ..... 3

II. ASSIGNMENTS OF ERROR ..... 6

III. STATEMENT OF THE CASE..... 6

    A. Background Facts..... 6

    B. The Litigation..... 9

IV. ARGUMENT ..... 10

    A. Standard of Review ..... 10

    B. The Secretary’s Compliance With WAC 434-379-010 Is Not  
        Discretionary ..... 11

    C. Plaintiffs Showed A Genuine Issue As To Non-Compliance With  
        The Rules ..... 12

    D. Complaints Under RCW 29A.72.240 Need Not Contain Proof Of A  
        Specific Signature Count ..... 15

    E. This Court Must Remand For Thurston County To Conduct An  
        Examination Commensurate With Plaintiffs’ Proof ..... 18

V. CONCLUSION..... 21

## TABLE OF AUTHORITIES

### Cases

<i>Ball v. Wyman</i> , 435 P.3d 842 (2018) .....	11
<i>Edwards v. Hutchinson</i> , 178 Wash. 580 (1934) .....	19
<i>Schrempp v. Munro</i> , 116 Wash. 2d 929 (1991) .....	19
<i>State ex rel. Donohue v. Coe</i> , 49 Wash. 2d 410 (1956) .....	18
<i>Sudduth v. Chapman</i> , 88 Wash. 2d 247 (1977) .....	16
<i>Trimble v. Washington State Univ.</i> , 140 Wash. 2d 88 (2000) .....	11

### Statutes

RCW 29A.72.230.....	4, 12
RCW 29A.72.240.....	passim

### Rules

CR 56 .....	11, 17
-------------	--------

### Regulations

WAC 434-379-009.....	12
WAC 434-379-010.....	passim

### Constitutional Provisions

Wash. Const. Art. II § 1(a).....	4
----------------------------------	---

## **I. INTRODUCTION AND SUMMARY OF ARGUMENT**

No one knows how many valid, non-duplicate signatures were actually submitted to the Secretary of State in support of Initiative No. 1000 (“I-1000”). That’s because the Secretary only verified 3% of the signatures and projected a likely result. However, while that process is sanctioned in the governing statutes, Appellants Kan Qiu and his co-plaintiffs (“Qiu”) raised a genuine issue of material fact that the Secretary did not comply with the mandatory Washington Administrative Code, and that her error rendered the projection and certification unreliable and not in compliance with the law.

Thus, while the facts leading to this dispute are undisputed, they nonetheless raise a genuine issue of material fact regarding the Secretary of State’s compliance with the law and certification of I-1000. Because the I-1000 petitions were riddled with problems to an unusual degree, the Secretary actually performed the 3% selection and verification procedure twice. As Qiu demonstrated in the court below, the results of those two samples of the petitions raise a genuine issue that the Secretary’s procedures did not take an unrestricted random sample of signatures, as required by the rules governing verification. Qiu also showed a genuine issue of material fact that the flaws in the petitions, coupled with the flawed sampling methodology, mean that the certification was not in accordance with the

law, is not statistically reliable, and that a proper sample and verification could result in the Secretary reversing the certification decision.

Art. II § 1(a) of the Washington Constitution requires that any initiative to the legislature must be supported by the signatures of eight percent of the votes cast for the office of governor at the last gubernatorial election. The legislature assigned the Secretary of State the obligation to make initial confirmation of this constitutional minimum. The legislature also provided for judicial review of the Secretary's work. Here, the Thurston County Superior Court instead adopted the Secretary's proposal that her actions are not subject to any meaningful oversight by the state's independent judiciary. This Court must reverse the decision below and reaffirm the judiciary's oversight of the Secretary's actions.

To confirm the minimum number of signatures, the Secretary must "verify and canvass the names of the legal voters on the petition." RCW 29A.72.230. In doing do, the Secretary "may use any statistical sampling techniques for this verification and canvass which have been adopted by rule as provided by chapter 34.05 RCW." *Id.* RCW 29A.72.240 thereafter grants any citizen who is dissatisfied with the Secretary's decision on certification the right to petition the Superior Court of Thurston County. That court's jurisdiction includes review of the Secretary's compliance with the statutes and rules governing her conduct. As a prelude to determining

whether to mandate or enjoin the Secretary's certification, the trial court may order the Secretary to "submit the petition to said court for examination." RCW 29A.72.240.

Here, three dissatisfied citizens sought that legislatively authorized judicial review. They showed at least a genuine issue of material fact that they are entitled to statutorily established relief. Specifically, through expert testimony reviewing the Secretary's own documents, Qiu and his co-plaintiffs raised a genuine issue of fact as to whether the Secretary's sampling procedure complied with the governing rules, inasmuch as the Office did not take an unrestricted random sample of signatures. Qiu also showed that the Secretary's error was statistically significant, inasmuch as correct sampling could have resulted in a non-certification decision, triggering the required manual count.

In response, the Secretary argued that no dissatisfied citizen can challenge her work unless his complaint includes final proof that the Secretary falsely certified an initiative in the face of publicly available and indisputable facts which show that it had too few valid, non-duplicate signatures. This standard, adopted by the Court below, has no support in the statute granting judicial review of the Secretary's actions. The order of the Thurston County Superior Court granting summary judgment to the Secretary must be reversed.

## **II. ASSIGNMENTS OF ERROR**

1. The trial court erred in granting summary judgment to the Secretary of State when Qiu demonstrated a genuine issue as to whether the Secretary of State followed governing WAC rules because she did not begin with an unrestricted random sample of signatures for statistical verification of I-1000.
2. The trial court erred in granting summary judgment to the Secretary of State when Qiu demonstrated a genuine issue as to whether there are a sufficient number of valid signatures affixed to the petitions submitted in support of I-1000.
3. The trial court erred in failing to order that the petitions supporting I-1000 be submitted to the court for examination.

## **III. STATEMENT OF THE CASE**

### **A. Background Facts**

The initiative sponsors delivered petition signature sheets to the Secretary of State on January 4, 2019. Appx. at 21. After sorting, scanning, and counting proffered signatures, the Secretary concluded that the sponsors had submitted 393,313 potential signatures for validation. The next day, after recognizing a handling error, the Secretary updated that count to 394,716 potential signatures. The Secretary then followed long-standing practice for validating a petition based on a small sample of total signatures

as allowed by WAC 434-379-010. Appx. at 64. Between January 16 and January 25, she selected 11,881 of the proffered signatures and checked for the number of valid, non-duplicate signatures. Based on that verification, the Secretary concluded that 9,150 of the signatures were valid and non-duplicate while 1,964 were not signatures of registered voters, 10 signatures were not in the state database, 732 of the signatures did not match the voter registration signature, and 25 pairs of duplicate signatures were identified. Appx. at 65.

During that check, the Secretary also identified 61 sheets on which the ballot title and summary differed from the text approved for I-1000. Specifically, on January 25, the Secretary of State identified 61 sheets containing 891 signatures with language that was not I-1000 and differed from the official ballot title and summary created by the Office of the Attorney General. Appx. at 110. The Secretary decided not to include those 61 sheets and 891 signatures in the total pool of potentially valid signatures. Appx. at 110. On January 29, the Secretary announced that the total potential signature count was instead 393,825. The following day, the Secretary realized that one box of sheets had not been included in the total—a box that had been set aside for special handling. Appx. at 111. The Secretary then concluded that the total number of potentially valid signatures was 395,891. Based on that total, the Office selected 11,919

signatures for verification, again following prior practice for sampling and verification under WAC 434-379-010. Appx. at 111.

Between January 31 and February 5, 2019, the Secretary of State processed and verified petition signatures selected from the complete set of 395,981 potentially valid signatures—essentially repeating the earlier process, but based on a sample set that had 891 signatures removed and 2,066 added. However, just as with the first check of signatures, during this second verification, the Secretary again found sheets with the incorrect ballot title and summary—three more sheets, with 43 signatures. Appx. at 111. But instead of removing the sheets, re-totaling, and resampling, the Secretary removed those sheets and continued verification. This time through, the Secretary concluded that 9,047 should be accepted and 2,859 rejected. Appx. at 111. Specifically, 1,973 registrations were not found, 9 signatures were not on the state database, and 877 signatures did not match the voter registration signature. Appx. at 111. The check also found 13 pairs of duplicate signatures. Appx. at 128. In sum, the Secretary made a statistical projection that the final set of 395,981 signatures the Office checked likely contained 94,984 invalid signatures and 14,349 duplicate signatures.

## **B. The Litigation**

Within five days after certification, as required by statute, Qiu filed suit under RCW 29A.72.240, challenging the certification. Appx. at 4. Alleging the two sole statutory requirements of citizenship and dissatisfaction with the Secretary's certification, Plaintiffs also alleged a variety of facts concerning the extraordinary problems with the I-1000 petitions and out-of-the-ordinary process that resulted from the Secretary struggling to address those issues as they were discovered. Plaintiffs sought relief including the statutory relief that the Secretary produce the petitions for examination. Appx. at 4.

The Secretary filed an Answer and simultaneously moved for summary judgment. Appx. at 38 (Answer); 47 (Motion for Summary judgment). The Secretary's Motion argued that unless a complaint under RCW 29A.72.240 included dispositive proof that the Secretary's decision to certify was actually wrong, the Secretary was entitled to judgment.

Qiu opposed summary judgment with substantial evidence that the Secretary had not complied with WAC 434-379-010. Appx. at 75. Through expert analysis of documents provided by the Secretary of State in response to Public Records Act requests, Qiu showed that the Secretary had not taken an unrestricted random sample of signatures, as required in step one of the WAC-established sampling process. Appx. at 98. Qiu, through the Expert

Report of Dr. William Huber (“Huber Report”), showed that the Secretary began her sample with a non-random selection of signatures, not taken in accordance with laws and regulations. Appx. at 125-142. Thus, he showed a genuine issue of material fact that the Secretary did not comply with the non-discretionary requirement of WAC 434-379-010 that she begin with an unrestricted random sample of signatures. He showed that, as a result, the certification was based on a projection that lacked an acceptable statistical foundation. Qiu showed that there was at the very least a genuine issue of material fact that the certification was not correct in projecting that I-1000 had the requisite number of valid signatures.

The Secretary filed a Reply at 1 pm March 27. Appx. at 160. The Superior Court issued its Order granting her summary judgment motion at 4 pm. Appx. at 179. It held “[t]he Court agrees with each argument raised by Defendant. The bases for challenging the conduct at issue here are exceptionally narrow and Plaintiffs have failed to establish a genuine issue of material fact as to their applicability in this case.” This appeal followed.

#### **IV. ARGUMENT**

##### **A. Standard of Review**

The standard of review on summary judgment is well settled. Review is de novo; the appellate court engages in the same inquiry as the trial court. Summary judgment is appropriate if there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. All facts submitted and all reasonable

inferences from them are to be considered in the light most favorable to the nonmoving party. The motion should be granted only if, from all the evidence, reasonable persons could reach but one conclusion. However, bare assertions that a genuine material issue exists will not defeat a summary judgment motion in the absence of actual evidence

*Trimble v. Washington State Univ.*, 140 Wash. 2d 88, 92–93 (2000) (internal citations omitted). Here, Qiu readily defeated the Secretary’s motion according to the CR 56 standard. He showed a genuine issue of fact that the Secretary had not complied with WAC 434-379-010 in sampling signatures, and moreover, that the error rendered her projection unreliable, her certification wrong, and that a proper sample could result in her decision not to certify based on sampling.

**B. The Secretary’s Compliance With WAC 434-379-010 Is Not Discretionary**

The court below granted summary judgment on the grounds that it agreed with every argument proffered by the Secretary, which presumably includes the argument that her selection of signatures to verify is discretionary and not subject to review under this Court’s decision in *Ball v. Wyman*, 435 P.3d 842 (2018). This argument has no support in the statute or rules. The Secretary must follow the law. Furthermore, as discussed below, the legislature explicitly granted the Thurston County court the responsibility to engage in meaningful judicial review of the Secretary’s actions in verifying and tallying signatures and certify initiatives.

The Secretary's discretion in counting signatures is limited to electing between two options: "Upon the filing of an initiative or referendum petition, the secretary of state *shall* proceed to verify and canvass the names of the legal voters on the petition. . . The secretary of state *may* use any statistical sampling techniques for this verification and canvass which have been adopted by rule as provided by chapter 34.05 RCW." RCW 29A.72.230 (emphasis added). The rules concur that this is a narrow discretionary election. "The secretary of state *must* verify either a random sample of the signatures submitted using the statistical formula authorized by RCW 29A.72.230 and established in WAC 434-379-010, or all of the signatures submitted." WAC 434-379-009(10) (emphasis added). Thus, she may elect either to count every signature or to count a sample. If she counts a sample, she must follow the requirements of WAC 434-379-010. She may not elect to count a sample and follow other requirements, nor does she have discretion to ignore any of the requirements of WAC 434-379-010.

**C. Plaintiffs Showed A Genuine Issue As To Non-Compliance With The Rules**

All parties agree that the Secretary's decision to certify I-1000 did not result from an actual count of every signature, because the Secretary elected to review a 3% sample of signatures. Qiu demonstrated through the

Secretary's documents and the Huber Report that there is a genuine issue of material fact as to whether or not the Secretary complied with WAC 434-379-010, inasmuch as it appears she did not take an unrestricted random sample of signatures for verification, the very first non-discretionary step required when sampling in lieu of verifying every signature.

The sponsors submitted many apparently invalid signatures and many duplicate signatures. Faced with an unusually error-laden set of documents, the Secretary committed demonstrated errors with regard to WAC compliance. Because the sponsors gave the Secretary such a difficult task with so little margin for error, the Secretary's failure to begin her verification with an unrestricted random sample not only renders the certification inconsistent with law and lacking in a reliable foundation, but may be dispositive to the final outcome. As discussed in the Huber Report, the final outcome of the Secretary's sample and projection is not statistically reliable, and precludes the certification the Secretary issued.

The court below erred in granting summary judgment in the face of this demonstrated genuine issue of fact, and did so on the erroneous legal basis that the Secretary's decision of what signatures to verify, and how to select which signatures to verify, is entirely committed to her discretion. This is wrong, as discussed above, because she must begin with an unrestricted random sample.

Qiu is entitled to proceed, having defeated summary judgment by demonstrating a genuine issue that the procedure the Secretary of State followed did not comply with requirement of WAC 434-379-010 to take an “unrestricted random sample” of signatures. *See* Huber Report at ¶ 2(a), Appx. at 126. Dr. Huber analyzed the large differences between results of the two procedures the Secretary performed on nearly identical signature sets for I-1000. He concluded that “[t]he statistical variation ordinarily exhibited by random samples cannot explain this large difference. It is likely, therefore, that at least one (and possibly both) of these samples do not reflect the populations of signatures they are intended to represent. This calls into question all inferences made by the SoS about the numbers of valid and invalid signatures in either population.” *See* Huber Report at ¶2(c), Appx. at 126.

Dr. Huber supports his conclusions with a comparison of the process used by the Secretary of State to the process that would actually entail using an unrestricted random sample. Huber Report at ¶¶ 12-27, Appx. at 130-134. Dr Huber also explains that because the Secretary did not use a true unrestricted random sample, the Office’s response to discovery of the myriad problems presented to them by the I-1000 sponsors resulted in a statistically invalid conclusion on which the certification decision was based:

In effect, this process of sampling, discovering batches of invalid sheets, removing the sheets from the population, and then resampling just part of the population is tantamount to an iterative way of discovering problems in the population and removing them until the modified population is “acceptable.” In effect, the process followed by the SoS may have acted as a mechanism to adjust the population to the sample rather than using the sample to characterize the population, as intended. This is not statistically valid, because it is no longer possible to draw any objective connection between statistical properties of the sample and corresponding properties of the population.

Huber Report at ¶ 27, Appx. at 134. Dr. Huber reviewed the Secretary’s own documents. He recognized that the Secretary did not comply with WAC 434-379-010 inasmuch as the Office did not take a true unrestricted random sample as required. This is sufficient evidence to defeat summary judgment.

**D. Complaints Under RCW 29A.72.240 Need Not Contain Proof Of A Specific Signature Count**

The Secretary asserted that she was entitled to summary judgment because the plaintiffs “never once allege, and cannot demonstrate, that the petitions for Initiative 1000 do not contain [the] ‘requisite number of signatures of legal voters for certification to the Legislature,’ the exclusive grounds for challenging the initiative under [RCW 29A.72.240].” Mot. at 1:23-26. The Court below adopted this argument. It disregards the relevant statute, which explicitly obliges the Thurston County court to review the Secretary’s certification decision. Even though there is authority to presume

that the signatures on a petition are valid, *Sudduth v. Chapman*, 88 Wash. 2d 247 (1977), if there are reasonable grounds to question that presumption, it falls away and the court must conduct an examination.

The trial court ruled as it did because it concluded that RCW 29A.72.240 only provides “exceptionally narrow” bases for granting relief to a citizen dissatisfied with the Secretary’s determination of the number of valid signatures. Narrow or not, the Plaintiffs’ claim addressed precisely one of those bases that the legislature opened to judicial review—the Secretary failed to follow the procedure specified in WAC 434-379-010 for sampling signatures, and made a statistically invalid projection and legally invalid certification as a result.

The Legislature granted every citizen the right to seek judicial review of the Secretary’s certifications decision if that citizen is “dissatisfied with the determination of the secretary of state that an initiative or referendum petition contains or does not contain the requisite number of signatures of legal voters . . .” RCW 29A.72.240 (emphasis added). “Dissatisfaction” cannot require dispositive proof at the pleading stage, as suggested by the Secretary and apparently adopted by the court below. Nothing in the statute requires a dissatisfied citizen to include dispositive proof in the complaint that the citizen already knows the exact number of

valid, non-duplicate signatures of registered voters, which is the Secretary's proposed standard.

As an additional blow to the adopted standard, RCW 29A.72.240 gives the trial court three forms of relief it can order. Those three different forms of relief correspond to three different eventual proofs by a dissatisfied citizen, and contradict the Secretary's assertion that the exclusive grounds for challenge under RCW 29A.72.240 is proof at the pleading stage that the Secretary certified an initiative with too few signatures.

First, the Court can issue "a citation requiring the secretary of state to submit the petition to said court for examination." Second, the Court can issue "a writ of mandate compelling the certification of the measure and petition." Third, the Court can issue "an injunction to prevent the certification thereof to the legislature." RCW 29A.72.240.

Obviously, a writ of mandate compelling certification would be the relief granted to an initiative proponent dissatisfied with denial of certification who proves that the petitions did contain the requisite number of signatures of legal voters. An injunction preventing certification would be relief granted to an initiative challenger dissatisfied with a grant of certification who proves that the petitions did not contain the requisite number of signatures of legal voters. Nothing in the statute, civil rules, or

case law suggests that a RCW 29A.72.240 complaint must satisfy the CR 56 standard of proving the signature total, as the Secretary suggests.

The third avenue of relief—submitting the actual sheets to this Court for examination—further belies the insurmountable pleading standard adopted below. Submitting the sheets for examination makes no sense as relief ordered after definitive final proof of too few signatures, nor relief ordered after definitive final proof of sufficient signatures. It is instead the relief this Court would order after a dissatisfied citizen shows, as Qiu did here, that the Secretary’s certification was improper, and requires meaningful review by the court.

**E. This Court Must Remand For Thurston County To Conduct An Examination Commensurate With Plaintiffs’ Proof**

The first argument presented by the Secretary in support of her motion for summary judgment—adopted in full by the trial court—was that RCW 29A.72.240 did not authorize the remedies sought by the Plaintiffs. Appx. at 48-49. But the Secretary misapprehended the nature of the Plaintiffs’ claims and consequently failed to acknowledge the availability of precisely the remedy sought by the Plaintiffs in this case: an examination by the trial court of the petition in question. For example, in *State ex rel. Donohue v. Coe*, 49 Wash. 2d 410 (1956), the plaintiff sought under a predecessor statute to prevent the certification of an initiative. As the court

noted, “It is the acceptance and filing of the petitions and of the statements referred to in § 11 of which the relators really complain, but no review is provided if the secretary of state accepts and files the petitions.” *Id.* at 414. Here, by contrast, the statute that replaced the statute in *Donohue v. Coe* explicitly gives the superior court the authority to conduct an examination of the signature count, and to enjoin certification if the signature count does not meet the constitutional standard. Similarly, in *Schrempp v. Munro*, 116 Wash. 2d 929 (1991), the plaintiffs challenged the decision to accept and file the petitions, and the court again held that there was no statutory authority to enjoin the Secretary from accepting and filing an initiative petition.

To be sure, RCW 29A.72.240 speaks in terms of “requiring the secretary of state to submit the petition to said court for examination,” but as noted above, some flexibility must be accorded the trial court in conducting the examination. Because of the explicit authority under RCW 29A.72.240 given to the trial courts to require an “examination” of the petition(s) submitted in support of an initiative, cases cited by the Secretary to suggest a limitation on the courts’ power are inapposite. For example, in *Edwards v. Hutchinson*, 178 Wash. 580 (1934), the court rejected an appeal to prevent the Secretary from certifying an initiative based on the claim that the signatures had been fraudulently obtained and were invalid. Since at that

time the signatures were verified at the local level, and the Secretary's authority was limited to adding up the total number of those signatures, the judiciary had no power to require the Secretary to perform a task assigned to local officials. Here, by contrast, after the adoption of RCW 29A.72.240, the *Secretary* is assigned the task of verifying the accuracy of the signatures submitted in support of an initiative, and the statute specifically directs the Thurston County Superior Court to submit those petitions to examination if a dissatisfied citizen asks it to do so.

Because the statute does not specify what sort of examination is to be conducted, the trial judge must exercise sound discretion. We know at the extremes what would be an abuse of discretion: if, for example, the trial court attempted to conduct a manual recount of the petition signatures. This can hardly be the legislature's meaning, because the trial court has neither the resources nor the time to conduct such a review, if for no other reason than that the Secretary keeps the voter registration cards that signatures must be checked against. At the other extreme, one could argue that the statutory requirement is satisfied if the Secretary physically presented the boxes of petitions to the Superior Court, and gave the trial judge the opportunity to verify that they did indeed contain petitions in support of the initiative. This would not result in any meaningful review of the Secretary's count and compliance, and therefore also cannot be the legislature's intent. Instead, a

reasonable interpretation of the “examination” required by RCW 29A.72.240 calls on the trial judge to adopt a procedure that corresponds to the nature of the demonstration of issues of fact raised by the “dissatisfied citizen.”

In this case Qiu showed that the Secretary did not begin her sample and validation with an unrestricted random sample, the necessary prelude to making an accurate projection of the number of valid signatures. Precisely because the sampling procedure is a substitute for an actual count of the number of valid signatures, the projection of the expected total cannot be accurate and reliable unless the sample is truly random. Therefore, upon remand the trial court should order the Secretary to establish to the court’s satisfaction that the sample from which the projection was made was truly random, and if not, to make a projection based upon a proper sampling and verification procedure.

## **V. CONCLUSION**

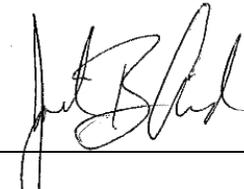
The court below should not have granted summary judgment to the Secretary because Qiu showed a genuine issue of material fact as to whether or not the Secretary performed the non-discretionary step of selecting an unrestricted random sample of signatures for validation. Qiu also demonstrated a genuine issue of fact that the failure to properly select signatures for validation means that her projection of the likely number of

valid signatures has no statistical support, and is not in accordance with law. This Court should remand for the Thurston County Superior Court to engage in the required examination, consistent with the showing made by Qiu as to the errors in the validation and certification.

RESPECTFULLY SUBMITTED this 8<sup>th</sup> day of April 2019.

ARD LAW GROUP PLLC

By



---

Joel B. Ard, WSBA # 40104  
P.O. Box 11633  
Bainbridge Island, WA 98104  
Phone: (206) 701-9243  
E-Mail: [Joel@Ard.law](mailto:Joel@Ard.law)  
Attorneys for Appellants

ALBRECHT LAW PLLC

Attorneys for Plaintiff Intervenor

By:



---

Matthew C. Albrecht, WSBA #36801  
David K. DeWolf, WSBA #10875  
421 W. Riverside Ave., Ste. 614  
Spokane, WA 99201  
(509) 495-1246

**CERTIFICATE OF SERVICE**

I certify, under penalty of perjury under the laws of the state of Washington, that on this date I electronically filed the foregoing document via the Washington State Appellate Courts' Secure Portal which will send a copy of the document to all parties of record via electronic mail.

Signed on April 8, 2018 at Spokane, Washington.

---

Melanie A. Evans

**ALBRECHT LAW PLLC**

**April 08, 2019 - 8:59 AM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 97020-3  
**Appellate Court Case Title:** Kan Qiu, et al. v. Kim Wyman  
**Superior Court Case Number:** 19-2-00829-3

**The following documents have been uploaded:**

- 970203\_Briefs\_20190408085717SC074183\_2999.pdf  
This File Contains:  
Briefs - Petitioner's Opening Brief (PRP)  
*The Original File Name was 20190408 FINAL Opening SCt Brief.pdf*
- 970203\_Notice\_20190408085717SC074183\_5793.pdf  
This File Contains:  
Notice - Appearance  
*The Original File Name was NOA DeWolf.pdf*
- 970203\_Other\_20190408085717SC074183\_7259.pdf  
This File Contains:  
Other - Appendix  
*The Original File Name was 20190408 SCt Appendix in Qiu v Wyman.pdf*

**A copy of the uploaded files will be sent to:**

- ahearne@foster.com
- calliec@atg.wa.gov
- joel@ard.law
- litdocket@foster.com

**Comments:**

---

Sender Name: Melanie Evans - Email: melanie@albrechtlawfirm.com

**Filing on Behalf of:** David Knox Dewolf - Email: david@albrechtlawfirm.com (Alternate Email: )

Address:  
421 W. Riverside Ave  
Suite 614  
Spokane, WA, 99201  
Phone: (509) 495-1246

**Note: The Filing Id is 20190408085717SC074183**