

FILED
SUPREME COURT
STATE OF WASHINGTON
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BY SUSAN L. CARLSON
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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

RESPONSE BRIEF OF PETITIONERS TO AMICUS

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Attorneys for Petitioners	

Amicus Nat Jackson asks this Court to dismiss the appeal for two reasons lacking any support beyond his bare assertions. Jackson argues that because he was not named as a party in the suit, the court lacks subject matter jurisdiction. RCW 29A.72.240 authorizes suit in Thurston County against the Secretary of State to contest actions taken by the Secretary of State. It makes no mention of initiative sponsors. Plaintiffs, the dissatisfied citizens under the statute, can procure complete relief from the Secretary. The sponsors are not necessary parties, and elected not to intervene despite Washington courts' permissive rules on intervention of initiative sponsors.¹

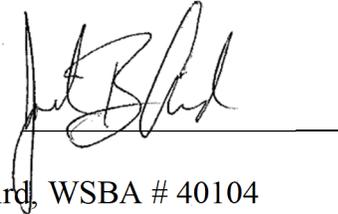
Jackson also claims that the Declaration of Kan Qiu, signed under penalty of perjury and attaching the Secretary's own documents, is not sworn, justifying summary judgment in favor of the Secretary on procedural grounds. The Secretary herself did not object that the evidence and analysis Plaintiffs presented was inadmissible. Instead, she relied on the argument that the scope of her discretion is sufficiently broad as to render her unreliable projection unreviewable by any court. This Court should reject the sponsor's invitation to ignore the actual record below.

¹ The sponsors may have not intervened due to being over a million dollars in debt. *See* https://www.pdc.wa.gov/browse/campaign-explorer/committee?filer_id=ONE%20WE%20165&election_year=2019 (showing \$1,339,513.92 in debt including to signature gathering companies).

RESPECTFULLY SUBMITTED this 12th day of April 2019.

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By



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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 12, 2018 at Spokane, Washington.


Melanie A. Evans

ALBRECHT LAW PLLC

April 12, 2019 - 8:58 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_Other_20190412085759SC861712_0423.pdf
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Comments:

Response Brief of Petitioners to Amicus

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