

**SUPREME COURT OF THE STATE OF WASHINGTON**

JOE PATRICK FLARITY, a  
marital community,

Petitioner,

v.

STATE OF WASHINGTON, et. al

Respondent.

**STATE'S  
RESPONSE TO  
MOTION TO  
INCLUDE  
SUPPLEMENTAL  
AUTHORITY**

Respondents State of Washington and Unknown State  
Officials oppose Petitioner Joe Patrick Flarity's Motion To  
Include Supplemental Authority Supporting Abuse of  
Discretion for Separation By Class (filed December 9, 2024).  
Respondents request the Court reject the motion.

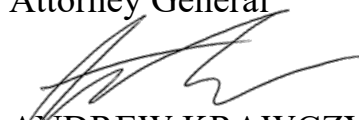
Flarity requests the Court consider orders and a letter  
filed in another matter as supplemental authority. RAP 10.8 is  
only intended to provide a party the opportunity to bring to the  
court's attention, precedent decided after the completion of  
briefing. *Whitehall v. Emp. Sec. Dep't*, 25 Wn.App.2d 412, 419

n.3, 523 P.3d 835 (2023) (*citing, Ghodsee v. City of Kent*, 21 Wn.App.2d 762, 782 n.16, 508 P.3d 193 (2022)). It is not used to supplement the record with orders from another case. *See Brewer v. Fibreboard Corp.*, 127 Wn.2d 512, 531, 901 P.2d 297 (1995) (rejecting RAP 10.8 motion to consider memoranda, orders, stipulations and final judgment and attachments from another case). Accordingly, the Court should reject the motion and not consider the appendices attached to Flarity's motion.

This document contains 165 words, excluding the parts of the document exempted from the word count by RAP 18.17.

RESPECTFULLY SUBMITTED this 16th day of  
December, 2024.

ROBERT W. FERGUSON  
Attorney General



ANDREW KRAWCZYK, WSBA No. 42982  
Assistant Attorney General  
Attorneys for State of Washington and  
Unknown State Officials  
PO Box 40123  
Olympia, WA 98504-0123  
(360) 753-5515, OID No. 91027

## PROOF OF SERVICE

I certify that I electronically filed this document with the Clerk of the Court using the Washington State Appellate Courts' e-file portal and thus served the following:

Mr. and Mrs. Joe Flarity  
[piercefarmar@yahoo.com](mailto:piercefarmar@yahoo.com)

Matthew Kernutt  
Attorney General of Washington  
1125 Washington St SE  
Olympia, WA 98504-0100  
[matthew.kernutt@atg.wa.gov](mailto:matthew.kernutt@atg.wa.gov)  
[joshua.arquetterotman@atg.wa.gov](mailto:joshua.arquetterotman@atg.wa.gov)  
[gceef@atg.wa.gov](mailto:gceef@atg.wa.gov)

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 16th day of December, 2024, at Chehalis,  
WA.



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Dani McFadden, Paralegal

# ATTORNEY GENERAL'S OFFICE - REVENUE & FINANCE DIVISION

December 16, 2024 - 1:15 PM

## Transmittal Information

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 103,322-2  
**Appellate Court Case Title:** Joe Patrick Flarity v. State of Washington, et al.  
**Superior Court Case Number:** 22-2-02806-5

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