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IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

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Supreme Court No. 90113-9

Court of Appeals No. 70758-2-I

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FILO FOODS, LLC, BF FOODS, LLC, ALASKA  
AIRLINES, INC., and WASHINGTON RESTAURANT  
ASSOCIATION,

Petitioners/Plaintiffs,

v.

CITY OF SEATAC, KRISTINA GREGG, City Clerk,

Respondents/Defendants,

v.

SEATAC COMMITTEE FOR GOOD JOBS,

Respondent/Intervenor.

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**CITY OF SEATAC'S REPLY TO COMMITTEE'S  
CROSS-PETITION FOR REVIEW**

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## I. ARGUMENT

The City of SeaTac, Washington, and Kristina Gregg, City Clerk (collectively “City”), opposes Respondent/Intervenor SeaTac Committee for Good Jobs’ (the “Committee”) cross-petition for review. What has been ignored by Plaintiffs is that in the superior court and in the Court of Appeals the City opposed consideration of the additional issues identified by the Committee for cross review. The City would do so again. However, given the accelerated briefing required in Cause No. 89723-9, it will not be possible for the City to adequately respond to the Committee’s arguments. Presumably the Committee would include arguments on its cross review in its brief due May 2. The City’s brief is due at the same time. Thus, at a minimum, the City would be afforded the opportunity to respond to the cross appeal issues on June 2, along with Plaintiffs’ reply brief. However, a new briefing schedule would have established to allow the Committee a reply. This new briefing schedule may require moving the date for oral argument in Cause No. 89723-9. For this reason alone, consolidation of the two cases should be denied.

In addition, as has been pointed out, Plaintiffs have failed to establish that they have met the requirements for discretionary review of the Court of Appeals’ decision.

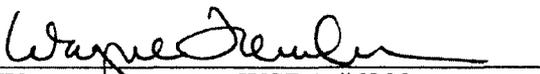
## II. CONCLUSION

The Court should deny Plaintiffs' Motion for Discretionary Review. If the Court does determine to grant discretionary review and to consolidate the two cases (which the City opposes), the Court should establish a new briefing date and possible oral argument date to allow the City to properly respond to the new issues that will be addressed by the Committee.

RESPECTFULLY SUBMITTED this 25th day of April, 2014.

Respectfully submitted,

OGDEN MURPHY WALLACE, P.L.L.C.

By   
Wayne D. Tanaka, WSBA #6303  
Attorneys for City of SeaTac and Kristina  
Gregg, City Clerk

**DECLARATION OF SERVICE**

I, Gloria J. Zak, make the following declaration:

On the 25th day of April, 2014, I provided the foregoing document  
in the following manner:

Filed in the Supreme Court of the State of Washington; and copies  
to the following counsel of record via email:

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I declare under penalty of perjury under the laws of the State of  
Washington that the foregoing is true and correct.

EXECUTED at Seattle, Washington this 25th day of April, 2014.

  
Gloria J. Zak

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**Cc:** Wayne D. Tanaka  
**Subject:** City of Seatac's Reply to Committee's Cross-Petition for Review - Case No. 90113-9

Attached is the above document. Hard copies follow via regular mail.

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