5-18-2018

Plaintiffs' Answer to Motion for Limited Intervention and Motion to Recuse by 14 Legislators

No. 84362-7

SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Defendant/Appellant,

v.

MATHEW & STEPHANIE MCCLEARY, on their own behalf and on behalf of KELSEY & CARTER MCCLEARY, their two children in Washington's public schools; ROBERT & PATTY VENEMA, on their own behalf and on behalf of HALIE & ROBBIE VENEMA, their two children in Washington's public schools; and **N**ETWORK FOR **E**XCELLENCE IN **W**ASHINGTON **S**CHOOLS ("NEWS"), a state-wide coalition of community groups, public school districts, and education organizations,

Plaintiffs/Respondents.

PLAINTIFFS' ANSWER TO MOTION FOR LIMITED INTERVENTION AND MOTION TO RECUSE BY 14 LEGISLATORS

TABLE OF CONTENTS

Page

Representative Drew Stokesbary signed and filed two related motions for 13 of his fellow legislators asking to intervene and have Justice Yu recused (collectively the 14 legislators' "Motion").[1] This is plaintiffs' Answer pursuant to RAP 17.4(e).

I. PROCEDURE: THE MOTION'S INTERVENTION REQUEST LACKS MERIT

The Motion failed to satisfy the three intervention elements it identified – i.e., that:

(1) the applicants claim an interest relating to the property or transaction which is the subject of what remains of the pending *McCleary* action;

(2) the applicants are so situated that the disposition of that action may as a practical matter impair or impede their ability to protect that interest, and

(3) the applicants' interest is not adequately represented by existing parties.

Motion at 6.[2]

---

[1] *May 8 2018 Motion For Limited Intervention And Motion To Recuse By State Legislators (**"Motion"**) and May 8, 2018 Notice Of Erratum By Proposed Intervenors (**"Erratum Notice"**). Representative Stokesbary represents the 31st legislative district. http://drewstokesbary.houserepublicans.wa.gov/about/ . His Erratum Notice identifies the clients he's representing as Representatives Matt Manweller, David Taylor, Joe Schmick, Mary Dye, Mike Volz, Brandon Vick, Jacquelin Maycumber, Cary Condotta, Matt Shea, Morgan Irwin, Luanne Van Werven, and Senators Michael Baumgartner and Doug Erickson. Erratum Notice at 1-2.*

[2] *The Motion states the applicable legal test as follows (quoting Superior Court Civil Rule CR 24(a)(2)): "Upon timely application anyone shall be permitted to intervene in an action ... when the applicant claims an interest relating to the property or transaction which is the subject of the action and the person is so situated that the disposition of the action may as a practical matter impair or impede the person's ability to protect that interest, unless the applicants interest is adequately represented by existing parties." Motion at 6.*

A. *First Element:* Whether Applicant Has A Legally Protected Interest Relating To The Transaction That's The Subject Of The Suit

The subject of this suit: This proceeding is an appeal from the 2010 Final Judgment that found the State's *prior* funding formulas violated Article IX, section 1. This Court's remedial order required the State to fund the *new* formulas the State said it was working on by September 1, 2018. The parties' 2018 Post-Budget Filings agree the State has now met that September 1 deadline.[3]

Interest in justice: The first interest claimed by the Motion is applicants' "compelling interest in the proper resolution of this case."[4] But that doesn't distinguish them from anyone else interested in the proper administration of justice. Indeed, if simply being interested in justice is a legally sufficient "interest" to warrant intervention in a lawsuit, this first element's interest requirement is really no requirement at all.

Interest in legislation: The Motion states that the applicants have a legally sufficient interest because, as legislators, they've helped negotiate and pass State budget legislation.[5] Indeed, the Motion says that's the only part of the record relevant to the applicants' intervention interest:

---

[3] *E.g., State's April 9, 2018 Post-Budget Filing at 9-11; Plaintiffs' April 30, 2018 Post-Budget Filing at 8-9.*

[4] *Motion at 7.*

[5] *Motion at 7; accord at 2 (these applicants "are among the legislators who have negotiated and passed state budgets since this case was filed").*

> The record relevant to the motion to intervene consists of the elected positions as state legislators held by movants and their roles crafting the legislation now under consideration by the Court.

Motion at 3. If doing one's job as a legislator is a legally sufficient "interest" to warrant intervention in lawsuits involving legislation, this first element's interest requirement is really no requirement at all for any legislator. (Nor, under the same "interest" theory, for any other State official.)

Personal monetary interest: The Motion also suggests that the applicants have a personal monetary interest because each one of them

> is a member of an institution that has been held in contempt and been fined in this case, and each face the prospect of seeing their salaries withheld or other personal financial sanctions.

Motion at 7; see also at 8 ("First, and most concretely, the outcome of this case could affect their salaries").

But the above factual premise is not true. For example, the institution in this case held in contempt and fined is the defendant State – not the institution these applicants cite their membership in (the legislature). And since the parties in this case agree the State has now provided for funding the fine's $102.5 million principal,[6] the only "prospect" relating to that fine is whether the defendant State (not an individual legislator) owes accrued interest on the fine's liquidated daily

[6] *Plaintiffs' 2018 Post-Budget Filing at 10-12; State's 2018 Post-Budget Filing at 14.*

amounts.[7] Neither plaintiffs nor the State have argued that individual legislators are liable for that accrued interest.

In sum: the Motion did not establish the type of legally protected interest required to satisfy the first element of the intervention it requests.

B. *Second Element:* Whether Disposition Of The Suit Impairs The Applicant's Ability To Protect His Or Her Legally Protected Interest

The Motion asserts that "the resolution of this case without movants' intervention may impair and impede their ability to protect their interests, and no current party will adequately represent those interests." Motion at 7.

Even if being a citizen interested in justice, being a legislator interested in legislation, or being an individual asserting a non-existent

---

[7] *The plaintiffs and defendant disagree on the issue of whether a $100,000 contempt sanction fine accrues interest from the date it is immediately due and payable. See, e.g., Plaintiffs' 2018 Post-Budget Filing at 10-12; State's 2018 Post-Budget Filing at 14; Prier v. Refrigeration, 74 Wn.2d 25, 32, 442 P.2d 621, 626 (1968) (Pre-judgment interest is proper "when an amount claimed is 'liquidated'"; "Little or no difficulty is encountered by the courts, except when restrained by statute, in allowing interest as damages for the breach of an obligation to pay a sum of money whose exact amount is fixed and known. Such an amount is termed a liquidated sum"); In re Marriage of Kaplan, 2016 Wash.App. LEXIS 1382, 2016 WL 3337280 (Div. 1 June 13, 2016) ("Not granting an award of prejudgment interest on the CR 11 sanctions would wrongly reward the at-fault party.... An at-fault party should not benefit by delaying the sanction."); In re Structured Settlement Payment Rights of Rapid Settlements, Ltd., 189 Wn.App. 584, 608-09, 359 P.3d 823 (2015) (judicial sanctions in civil contempt proceedings have two purposes: coerce compliance and fund complainant's loss) [e.g, in this McCleary case, fund Washington children's upcoming basic education costs]; Monessen S. R. Co. v. Morgan, 486 U.S. 330, 348, 108 S.Ct. 1837 (1988) (Interest reflects that "'a given sum of money in hand is worth more than the like sum of money payable in the future' [and] a given sum of money in hand is worth less than the like sum of money had it been paid in the past."); Hansen v. Rothaus, 107 Wn.2d 468, 730 P.2d 662 (1986) (prejudgment interest is based on improper retention of money).* ***Neither plaintiffs nor the State, however, have argued that individual legislators are liable for any accrued interest obligation not currently funded by the State.***

personal financial liability constitutes a legally sufficient "interest" to satisfy the interest element required for intervention, the Motion failed to demonstrate that applicants' ability to protect that interest will be impaired by the Court disposing of what remains of this *McCleary* suit without their intervention. The Motion accordingly did not establish the type of legally sufficient prejudice required to satisfy the second element of the intervention it demands.

C. *Third Element:* Whether Existing Parties Do Not Adequately Represent The Applicant's Legally Protected Interest

The applicants' Motion alleges this element when it asserts that "no current party will adequately represent [their] interests." Motion at 7.

The Motion provided no factual basis to allege that neither the defendant State nor plaintiffs will adequately represent applicants' interests with respect to the "prospect" of a legislator's personal financial liability for accrued interest. Indeed, the Motion cannot provide any good faith, CR 11 basis for that allegation – for as noted earlier, neither the State nor the plaintiffs claim that legislators have personal financial liability for the State's currently accrued interest obligation (if any).

The Motion provided no factual basis to allege the defendant State and Attorney General's Office provide inadequate representation with respect to applicants' interest in legislation. To the contrary, the history of this case confirms the defendant State and Attorney General's Office are

zealously representing legislators' claims that the legislation at issue is lawful and constitutional.

Finally, the Motion provided no factual basis to allege that the defendant State and Attorney General's Office provide inadequate representation with respect to applicants' interest in justice and the proper resolution of what remains of this *McCleary* case. To the contrary, the history of this case confirms that the Attorney General's Office is zealously defending against plaintiffs' claims in this case with great skill, expertise, and ability. *(Notably, the Motion did not base its inadequate representation claim on the Attorney General's Office rejecting any request by the applicants that defense counsel move to have Justice Yu recused – for the Motion did not claim any such request was ever even made or rejected.)*

In short, the Motion did not demonstrate the inadequate legal representation by the State Attorney General required to satisfy the third element of the intervention it demands.

D. Intervention Conclusion

The Motion's intervention request fails as a straightforward matter of Washington law because the Motion did not establish the three elements it cites for the intervention it requests. *Supra Parts I.A-C of this Answer.*

II. SUBSTANCE: THE MOTION'S RECUSAL REQUEST LACKS MERIT

Even if Washington law gives legislators a free pass to intervene in suits they want to intervene in, the pending Motion's corresponding recusal request must be denied because it lacks factual and legal merit.

A. The Motion Rests On An "Alternative Fact" That's Not A Fact.

The Motion invokes a different case: Justice Sanders' recusal after he met with plaintiffs in a pending appeal and asked them specific questions about a pivotal issue in that appeal.[8]

The applicants' Motion accordingly bases its recusal demand on the "fact" that, like the plaintiffs in that Justice Sanders case, the WEA is one of the party plaintiffs in the pending *McCleary* case.[9]

---

[8] *Motion at 11 (noting that Justice Sanders "embarked on the tour and met with litigants who had pending cases before the court"); accord, the case invoked by the applicants' Motion: In re Disciplinary Proceedings Against Sanders, 145 P.3d 1208, (2006) (explaining that Justice Sanders met with plaintiffs in the appeal proceedings pending before the Court, that he asked "specific questions" about a "pivotal issue" in that appeal (volitional control), and asked what they thought of the issue); see also State v. Davis, 175 Wn.2d 287, 307, 290 P.3d 43 (2012) (explaining that In re Disciplinary Proceeding Against Sanders was recusal from a consolidated case involving several sexually violent predators (SVPs) after Justice Sanders met with a group of SVPs, including at least one who was a party to that case and who inquired about a central issue in the case).*

[9] *Motion at 13 ("Justice Yu both spoke at the annual political event of one of the plaintiffs here and spent time with individual members of the organization."); Motion at 4 ("The record relevant to the motion to recuse is publicly available. The WEA is a party to this case as one of the plaintiffs, the Network for Excellence in Washington Schools, includes the WEA as a member.").*

But that foundational "fact" upon which the Motion relies is not a fact.[10]

The party plaintiffs in this case are:

(1) the McCleary family *(mom, dad, daughter Kelsey, & son Carter)*,

(2) the Venema family *(mom, dad, daughter Halie, & son Robbie)*, and

(3) the Network for Excellence in Washington Schools *(a Washington non-profit corporation)*.

February 2010 Final Judgment at ¶¶13-21 (CP 2876-2877).

The politicians filing the pending Motion can dislike – even hate – the WEA. That's entirely their right. (Heck, some members of the plaintiff Network for Excellence in Washington Schools probably aren't particularly fond of the WEA at times either.)

But political dislike doesn't change the fact that the WEA is not a plaintiff in this case. And the Motion offers no legal authority holding that members of a non-profit corporation are parties to a lawsuit if that corporation is a party.

---

[10] *A casual observer of today's political climate might excuse the looseness of the Motion's factual assertions because, as the Motion itself acknowledges, the applicants filing that Motion are "inherently political actors" (Motion at 3). And "alternative facts" are now sometimes invoked by politicians on both sides of the aisle in the <u>other</u> Washington. But factual looseness should not be excused here, because alternative facts are not a valid foundation for court filings in <u>this</u> Washington. E.g., CR 11.*

In short: the Motion's recusal demand must be denied because the foundational "fact" upon which it bases its demand – that Justice Yu's speech was to a party plaintiff in this case – is not a fact.

B. The Motion Rests On A Faulty Application Of Washington Law.

Even if one ignores the fact that the WEA is a member of a plaintiff entity instead of being that plaintiff entity, the Motion must also be denied because it's based on a faulty interpretation and application of the recusal provisions upon which it rests.

The Motion distills its recusal demand down to the Code of Judicial Conduct being "quite clear" that

> a "judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned[.]" CJC 2.11. Actual impartiality is not necessary, for when a "judge's decisions are tainted by even a mere suspicion of partiality, the effect on the public's confidence in our judicial system can be debilitating." *Sherman v. State*, 905 P.2d 355, 378 (Wash. 1995).

Motion at 11-12.[11]

What the Motion's legal discussion omits, however, is that Washington law's test for determining whether a judge's impartiality

---

[11] *Although the Motion adds that "when it comes to ex parte communications, even 'inadvertently obtain[ing] information critical to a central issue' requires recusal" (Motion at 12, partially quoting Sherman, 905 P.2d at 379), the primary definition of ex parte communication for the CJC is "'communication between counsel and the court when opposing counsel is not present." E.g., State v. Davis, 175 Wn.2d 287, 306, 290 P.3d 43 (2012) (citing State v. Watson, 155 Wn.2d 574, 579, 122 P.3d 903 (2005) and BLACK'S LAW DICTIONARY 296 (8th ed. 2004)). The Motion does not claim such counsel communications happened in this case.*

might reasonably be questioned is an objective test that assumes a reasonable person knows and understands all the relevant facts.[12] And as summarized in the following paragraphs, the Motion's recusal request fails under that test.

Member fact: Here, one relevant fact is that the entity about which the Motion complains (WEA) is one of 440 community groups, school districts, and education organizations that are members of the non-profit corporation Network for Excellence in Washington Schools.[13]

Other members include, for example, 207 of our State's 295 school districts representing more than 90 percent of Washington's public school students.[14] A reasonable person would not objectively conclude that a judge's talking to a group of individuals affiliated with a member school district (be they parents, or students, or voters) taints that judge with a reasonable suspicion of partiality such that his or her impartiality might reasonably be questioned in what remains of this *McCleary* case. In short: the Motion did not establish that Washington law provides that if a judge talks to a group of individuals who affiliate with an entity that is a member

---

[12] *E.g.,* State v. Davis, *175 Wn.2d 287, 306, 290 P.3d 43 (2012) ("The test for determining whether the judge's impartiality might reasonably be questioned is an objective test that assumes that 'a reasonable person knows and understands all the relevant facts.'") (quoting* Sherman v. State, *128 Wn.2d 164, 206, 905 P.2d 355 (1995), which quoted* In re Drexel Burnham Lambert Inc., *861 F.2d 1307, 1313 (2d Cir. 1988)).*

[13] *This fact is confirmed by the NEWS membership website cited at page 4 of the applicants' Motion: https://waschoolexcellence.org/about/news-members/*

[14] *https://waschoolexcellence.org/about/*

of a plaintiff entity, that judge is tainted with a reasonable suspicion of partiality such that his or her impartiality might reasonably be questioned.

Speech fact: Another relevant fact is that the Motion acknowledges there was closed captioning of Justice Yu's speech.[15]

But instead of saying applicants bothered to ask for a copy of that closed captioning transcript, the Motion implies nefarious hiding by citing an article written by a Mr. Orenstein that claimed "Justice Yu and the WEA declined to provide a video or audio recording of the speech to the news media."[16]

Simply googling the words "justice yu closed caption transcript", however, yields that transcript.[17] And a reasonable person reading that transcript would not objectively conclude that it taints Justice Yu with a reasonable suspicion of partiality such that her impartiality might reasonably be questioned in what remains of the pending *McCleary* case.

Indeed, if anything, that transcript parallels the applicants themselves when their Motion proclaims that they "make no secret of their

---

[15] *Motion at 4-5 (expressly noting that "closed captioning" and including two photos of that closed captioning).*

[16] *Motion at 5.*

[17] *While drafting this Answer, the undersigned counsel typed the words "justice yu closed caption transcript" in the Google search term box, pressed the "Enter" key, and the first hit shown was the following link:* https://www.washingtonea.org/membership/weareblog/post/supreme-court-justice-mary-yu-asks-you-to-invite-judge-to-your-classroom/
Opening that link and tapping on the "closed-captioning transcript of her speech" line then downloads the closed captioning referenced in the applicants' Motion. (Anyone bothering to open that publicly available link would also see the speech was not video or audio recorded. The above link readily found on Google notes that "While WEA didn't record or video her [Justice Yu's] speech, we were able to retrieve the closed-captioning transcript of her speech so you can read it for yourself.").

support for an amply-funded program of basic education".[18] And their Motion did not establish that Washington law provides that her speech's other point – inviting educators to "think about inviting a judge into your school to talk about civics, to talk about the rule of law, to come in and wear a robe and teach your students about this branch of government whose duty it is to protect the individual rights of everyone" – taints her with a reasonable suspicion of partiality such that that her impartiality might reasonably be questioned in what remains of this *McCleary* case.

Bias fact: The Motion alleges that applicants are demanding Justice Yu be recused to ensure an absence of bias on the Court.[19] But the Motion submitted no facts to demonstrate Justice Yu is biased. It is neither reasonable nor workable to interpret Washington law to provide that a judge is tainted with a reasonable suspicion of partiality such that his or her impartiality might reasonably be questioned whenever a politician alleges that that judge is biased.

Public confidence fact: The Motion contends that applicants are demanding Justice Yu be recused because they have a genuine and sincere interest in ensuring public confidence in our judicial system.[20]

---

[18] *Motion at 3.*

[19] *E.g., Motion at 8 ("Movants have standing to ensure that any decision about such a resolution is made by an unbiased panel of judges") & at 3 (claiming the applicants "have a special interest in ensuring that such judicial review is ... actually unbiased....")*

[20] *E.g., Motion at 13-14 ("If Justice Yu fails to recuse, 'the effect on the public's confidence in our judicial system can be debilitating'") & at 3 (claiming the applicants*

The Motion submitted nothing to support or establish that contention. Indeed, to the contrary, applicants here have a history of instead loudly proclaiming to the public that this Court is not worthy of public confidence or trust – for example, insisting in social media, their taxpayer-funded legislative websites, and the press that:

- Washington's Supreme Court Justices have "gone rogue" and should be impeached.[21]

- Washington's Supreme Court Justices violate the constitution and should just pound sand.[22]

"have a special interest in ensuring that such judicial review...appears to the public as unbiased").

[21] *E.g., applicant Representative Manweller's first amendment proclamations at https://twitter.com/mmanweller/status/631896778552426496 ("The Washington Supreme Court has gone rogue. It is time for articles of impeachment"); cf. also, http://blogs.seattletimes.com/politicsnorthwest/2015/01/14/republican-rep-manweller-on-why-he-dissed-supreme-court/ (publicly labelling Washington's Supreme Court as "a group of judges who have done so much damage to the Constitution they are supposed to defend"); http://mynorthwest.com/820614/manweller-wait-out-supreme-court/? (on case pending before Washington's Supreme Court: "the group of legislators were laughing because 'we don't even need to hear your case, we don't need to read your pleading, we don't need to go to the oral arguments. We already know the outcome of the case before it is argued.' That's what happens when you have an interest group driven court. . . .The people on the court are there to represent stakeholders, not because they are great legal minds. ... Their political abilities have gotten them there, not their understanding of constitutional law."); https://wsrp.org/state-supreme-court-message-manweller/ ("Once again, the Court has reminded citizens that they are not intellectually suited to do their job.... They simply lack the intellectual fire power to grasp complicated policy dilemmas. But they also fail to understand taxation policy, educational policy, and most surprisingly, legal procedure.")*

[22] *E.g., applicant Senator Baumgartner's first amendment proclamations at http://michaelbaumgartner.src.wastateleg.org/open-letter-from-members-of-majority-coalition-caucus-response-to-supreme-court/ ("The court's order directly contravenes state and federal constitutional provisions, politicizes the judiciary, and demonstrates disdain for other co-equal branches of government. ... It is worth noting that no prior court in our state's 126 year history has seen fit to issue such an order."); http://votebaumgartner.com/#services (list of "Top 10" favorite moments in the State Senate, with # 7 being "Fighting the State Supreme Court's unconstitutional overreach on the McCleary decision. ... When the teacher union election-funded state Supreme Court*

- Washington's Supreme Court Justices should be ignored.[23]
- Washington's Supreme Court Justices are "very partisan" and "very biased".[24]

The applicants have a First Amendment free speech right to say what they want to say. But their repeatedly telling the public to not have confidence in our judicial system undercuts the credibility of their Motion's statements to this Court. The Motion did not establish that Washington law provides that a judge is tainted with a reasonable suspicion of partiality such that his or her impartiality might reasonably be questioned simply because politicians who consistently call that judge biased file a Motion calling that judge biased.

In summary: the second reason the Motion's recusal demand must be denied is that it rests on a faulty interpretation and application of the recusal law upon which it rests. As noted at the beginning of this Answer's Part II.B, the legal test for whether Justice Yu's impartiality might reasonably be questioned is an objective test that assumes a reasonable person knows and understands all the relevant facts. And as outlined above, those facts do not taint Justice Yu with a reasonable

---

overstepped their bounds and attempted to dictate to the legislature what should happen in the budget, I sent them a picture of a bag of sand and a hammer.").

[23] *E.g., applicant Representative Taylor's first amendment proclamation at https://washingtonstatewire.com/legislators-ignore-supreme-courts-recent-mccleary-ruling/ ("My personal opinion is we ignore the court").*

[24] *E.g., applicant Senator Erickson's first amendment proclamation at http://www.washingtonagnetwork.com/2016/10/11/ferndale-senator-prepping-legislation-hirst-decision/ (publicly pronouncing our judicial system is headed by "a very partisan, very biased Washington Supreme Court").*

suspicion of partiality such that that her impartiality might reasonably be questioned in what remains of this *McCleary* case. Politicians are of course free to like, dislike, or not even care about Justice Yu. And depending upon one's viewpoint, the dislike demonstrated in applicants' Motion might or might not be warranted. But if the rule of law matters in our State, politicians' strong dislike for a judge does not warrant the recusal these applicants' pending Motion demands.

C. The Motion Did Not Demonstrate A Legitimate Entitlement To The Oral Argument Soapbox These Applicants Request.

The Motion summarily states: "Due to the serious issues raised, movants also request oral argument on this motion".[25]

One can understand the pragmatic political reason for the 14 legislators who filed the Motion to make that request for a news event.[26] But the Motion offers no legal rationale for why the time and expense of oral argument is needed to rule on the straightforward intervention and recusal request the Motion makes. The Motion should accordingly be disposed of on the papers filed.

---

[25] *Motion at 3.*

[26] *With November elections approaching and the understandable need of politicians of all stripes to rally their respective base, it undeniably makes pragmatic sense for the legislators filing the Motion at issue to request oral argument to create an event for audio or video sound bites to repeat or punctuate for the public what they've said in the written court filings. Although that's an entirely understandable political or public relations justification, it's not a legitimate legal justification.*

III. CONCLUSION

The 14 legislators filing the pending Motion have a strong, not-flattering opinion about Justice Yu. That's their free speech right. But as Part I of this Answer explains, their Motion failed to establish a legal right to the intervention they request. And even if it did, as Part II explains, their Motion failed to establish a legal right to the recusal they demand. Plaintiffs accordingly request that applicants' Motion be denied.

RESPECTFULLY SUBMITTED this 18th day of May, 2018.

FOSTER PEPPER PLLC

s/ Thomas F. Ahearne

Thomas F. Ahearne, WSBA No. 14844
Christopher G. Emch, WSBA No. 26457
Adrian Urquhart Winder, WSBA No. 38071
Kelly A. Mennemeier, WSBA No. 51838
1111 Third Avenue, suite 3000
Seattle, WA 98101-3299
Telephone: (206) 447-8934/447-4400
Telefax: (206) 749-1902/447-9700
E-mail: ahearne@foster.com

Attorneys for Plaintiffs/Respondents McCleary Family, Venema Family, and Network for Excellence in Washington Schools (NEWS)

DECLARATION OF SERVICE

Laura G. White declares:

I am a citizen of the United States of America and a resident of the State of Washington. I am over the age of twenty-one years. I am not a party to this action, and I am competent to be a witness herein. On May 18, 2018, I caused PLAINTIFFS' ANSWER TO MOTION FOR LIMITED INTERVENTION AND MOTION TO RECUSE BY 14 LEGISLATORS to be served as follows:

David A. Stolier, Sr.
Alan D. Copsey
Office of the Attorney General
1125 Washington Street SE
Olympia, WA 98504-0100
daves@atg.wa.gov
alanc@atg.wa.gov

☒ Via Electronic Mail
☒ Via Supreme Court Web Portal
☒ Via U.S. First Class Mail

Defendant State of Washington

Summer Stinson
311 NW 74th Street
Seattle, Washington 98117
summerstinson@gmail.com

☒ Via Electronic Mail
☒ Via Supreme Court Web Portal
☒ Via U.S. First Class Mail

Amicus Washington's Paramount Duty

Kathryn Russell Selk
Russell Selk Law Office
1037 NE 65th Street, #176
Seattle, WA 98115
karsdroit@gmail.com

☒ Via Electronic Mail
☒ Via Supreme Court Web Portal
☒ Via U.S. First Class Mail

Amicus Washington's Paramount Duty

Andrew R. Stokesbary
Stokesbary PLLC
1003 Main Street, Suite 5
Sumner, WA 98390
dstokesbary@stokesbarypllc.com

Proposed Intervenors

☒ Via Electronic Mail
☒ Via Supreme Court Web Portal
☒ Via U.S. First Class Mail

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

EXECUTED in Seattle, Washington, this 18th day of May, 2018.

s/ Laura G. White
Laura G. White, Legal Assistant

FOSTER PEPPER PLLC

May 18, 2018 - 4:19 PM

Transmittal Information

Filed with Court:	Supreme Court
Appellate Court Case Number:	84362-7
Appellate Court Case Title:	MATHEW & STEPHANIE MCCLEARY ET AL VS STATE OF WASHINGTON
Superior Court Case Number:	07-2-02323-2

The following documents have been uploaded:

- 843627_Answer_Reply_20180518161745SC119394_7434.pdf
  This File Contains:
  Answer/Reply - Answer to Motion
  The Original File Name was Plaintiffs Answer to Motion for Limited Intervention and Motion to Recuse by 14 Legislators.pdf

A copy of the uploaded files will be sent to:

- EduLitigation@ATG.WA.GOV
- KARSdroit@gmail.com
- adrian.winder@foster.com
- alanc@atg.wa.gov
- buzz@pfrwa.com
- canderson@perkinscoie.com
- chris.emch@foster.com
- cindy.bourne@pacificalawgroup.com
- cjones@joneslegalgroup.net
- cyndi@pfrwa.com
- daves@atg.wa.gov
- david.keenan@kingcounty.gov
- dawn.taylor@pacificalawgroup.com
- dejulioc@amazon.com
- dscaramastra@gsblaw.com
- dstokesbary@StokesbaryPLLC.com
- emaffeo@pseofwa.org
- gabrielle.thompson@klgates.com
- grace.yuan@klgates.com
- gwiens@mickesotoole.com
- hcassubhai@spiroharrison.com
- hloya@ij.org
- hstrasberg@comcast.net
- hstrasberg@me.com
- ivy.rosa@columbialegal.org
- jamie.lisagor@pacificalawgroup.com
- jasonmackay@hotmail.com
- jmackay@pseofwa.org
- john.bjorkman@klgates.com
- kathleen@pfrwa.com
- kathy@johnstongeorge.com

- maia@pfrwa.com
- mary.vancleve@columbialegal.org
- matthew.segal@pacificalawgroup.com
- mbindas@ij.org
- michael.althauser@leg.wa.gov
- paul.lawrence@pacificalawgroup.com
- peggy.mitchell@klgates.com
- pshillington@gsblaw.com
- rmckenna@orrick.com
- sarahadunne@yahoo.com
- scot@johnstongeorge.com
- sea_wa_appellatefilings@orrick.com
- sgoolyef@atg.wa.gov
- summerstinson@gmail.com
- talner@aclu-wa.org
- valerie.kathrynrussellselk@gmail.com
- vhughes@perkinscoie.com
- wbcollins@comcast.net

Comments:

Plaintiffs' Answer To Motion For Limited Intervention And Motion To Recuse By 14 Legislators

---

Sender Name: Laura White - Email: laura.white@foster.com
Filing on Behalf of: Thomas Fitzgerald Ahearne - Email: ahearne@foster.com (Alternate Email: litdocket@foster.com)

Address:
1111 Third Avenue, Suite 3000
Seattle, WA, 98101
Phone: (206) 447-4400

Note: The Filing Id is 20180518161745SC119394