Honorable Joan Dubuque
Plaintiff's Motion to Clarify
Noted for May 16, 2011 w/o argument

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

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| CITY OF SEATTLE, a Washington municipal corporation,<br><br>Plaintiff,<br><br>vs.<br><br>SEATTLE CITIZENS AGAINST THE TUNNEL; ELIZABETH A. CAMPBELL, in her capacity as Seattle Citizens Against the Tunnel's Campaign Manager and the principal Initiative petitioner; WASHINGTON STATE DEPARTMENT OF TRANSPORTATION,<br><br>Defendants. | No. 11-2-13620-5SEA<br><br>MOTION TO CLARIFY STATUS OF PARTY REPRESENTATION |

## I. INTRODUCTION AND RELIEF REQUESTED

By filing this action for declaratory judgment, the Plaintiff City of Seattle ('City') seeks an order determining whether or not proposed Initiative 101 is beyond the scope of the initiative power. Proposed I-101 concerns use of City property for a tunnel to replace the Alaskan Way Viaduct. In its complaint, the City named three defendants: (1) Seattle Citizens Against the Tunnel (SCAT), a political campaign committee registered with the City of Seattle Ethics and Elections Commission and a principal proponent of proposed I-101; (2) Elizabeth A. Campbell, the Campaign



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Manager of SCAT and the principal petitioner who filed proposed I-101 with the Seattle City Clerk; and The Washington State Department of Transportation (the State), an agency of the State of Washington and the project manager for the Alaskan Way Viaduct replacement project.

For reasons stated below, the City is interested in obtaining a declaratory judgment before the City Council meets on June 13, 2011. The City has noted a motion for summary judgment on June 3, 2011. In this motion the City seeks an order from the Court that clarifies whether Ms. Campbell is allowed to represent Defendant Seattle Citizens Against the Tunnel ('SCAT').

## II. STATEMENT OF FACTS

On July 29, 2010, Elizabeth Campbell filed an initiative petition form with the Seattle City Clerk. Shenk Dec. ¶ 7. On April 13, 2011, King County verified that sufficient valid signatures had been submitted. Shenk Dec. ¶ 14. The City filed this action on that same day to determine whether or not the proposed initiative was beyond the scope of the initiative power. *See* City's complaint.

SCAT filed a notice of appearance on May 3, 2011 indicating that Elizabeth A. Campbell was appearing pro se to represent SCAT. Ms. Campbell is also a defendant and she also filed a notice of appearance on May 3, 2011 indicating that she was appearing to represent herself. The City filed a motion for summary judgment on May 6, 2011, which is noted for June 3, 2011. *See* Plaintiff City Of Seattle's Motion For Summary Judgment And Request For Tolling A Charter Time Period.

Under the Seattle City Charter, the City Council has until June 16th to act on the proposed initiative. Charter Art. IV §1(D). The last regular council meeting before the Charter deadline is on Monday, June 13, 2011. Shenk Dec. ¶ 16.



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## III. ISSUE

Is Ms. Campbell able to represent SCAT without being a lawyer?

## IV. EVIDENCE RELIED UPON

The City relies upon the Declaration of Carol Shenk[1], the documents on file with this Court, and the legal authorities cited in this motion.

## V. ARGUMENT AND AUTHORITY

Because of the City Charter timelines and the importance of the underlying issues to the public the City is interested in a quick resolution of this case. The City, therefore, is interested in having its summary judgment motion and motion for tolling the Charter time period, which is noted for June 3, 2011, heard and decided without concern for possible collateral attacks on the judgment.

Ms. Campbell is not a licensed attorney, and Washington law appears to require organizations appearing in litigation to be represented by attorneys and not by pro se individuals. *See, e.g.*, *Lloyd Enterprises, Inc. v. Longview Plumbing & Heating Co., Inc.*, 91 Wn. App. 697, 701, 958 P.2d 1035 (1998), *rev. denied* 137 Wn.2d 1020 (1999). While the City would otherwise have no opposition to Ms. Campbell representing SCAT, the City and the public need to be able to rely on the judgment of this Court with regard to the central issues in this case. Thus, the City requests a ruling as to whether Ms. Campbell's appearance on behalf of SCAT is valid.

[1] The City relies on the declaration that was filed with its summary judgment motion noted for June 3, 2011. The Judge's working copy of the declaration has been marked to show that the declaration is in support of the motion noted for May 16, 2011.



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## VI. ORDER

A proposed Order on City's Motion to Clarify Status of Party Representation is submitted herewith.

DATED this 6th day of May 2011.

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