

THE SUPREME COURT

STATE OF WASHINGTON

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July 25, 2011

LETTER SENT BY E-MAIL ONLY

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Hon. Barbara Miner, Clerk
King County Superior Court
516 3rd Avenue, Room E609
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Re: Supreme Court No. 86290-7 - City of Seattle v. Seattle Citizens Against The Tunnel, et al.
King County Superior Court No. 11-2-13620-5 SEA

Clerk and Counsel:

The "NOTICE OF APPEAL TO THE WASHINGTON SUPREME COURT", which was filed in the King County Superior Court on July 21, 2011, was forwarded to this Court by the Clerk of the Superior Court pursuant to RAP 5.4 and received on July 25, 2011. The appeal has been assigned the above referenced Supreme Court cause number.

The Appellants' "EMERGENCY MOTIONS: FOR STAY OF TRIAL COURT DECISION AND FOR ACCELERATED REVIEW" (emergency motion for stay) was received on July 22, 2011. **The emergency motion for stay will be considered by the Court on August 8, 2011.** The motion will be considered without oral argument. See RAP 17.5(b). Any answer to the motion should be served and received for filing by not later than 9:00 a.m. on Thursday, July 28, 2011. Any reply to any answer should be served and received for filing by the close of business on Monday, August 1, 2011. Any answer or reply may be filed in this Court by attachment to e-mail sent to the address indicated in our letterhead.

The following schedule sets forth the time requirements for completing the record on review and the filing of briefs pursuant to the Rules of Appellate Procedure (RAP):

1. **STATEMENT OF GROUNDS FOR DIRECT REVIEW:** August 5th
Within 15 days after filing the notice of appeal, the Appellants must serve on all other parties and file with the Clerk of this Court a statement of grounds for direct review. A Respondent may file an answer to the statement of grounds for direct review with the Clerk of this Court within 14 days of service of the statement on the Respondent. (RAP 4.2). August 22nd
2. **DESIGNATION OF CLERICS PAPERS:**
Within 30 days after the notice of appeal was filed in the trial court, the Appellants must serve on all other parties and file with the trial court clerk and with the Clerk of this Court a designation of those Clerk's papers and exhibits the party wants the trial court clerk to transmit to this Court. Any party may supplement the designation of clerk's papers and exhibits prior to or with the filing of the party's last brief. (See RAP 9.6)
3. **STATEMENT OF ARRANGEMENTS FOR VERBATIM REPORT OF PROCEEDINGS:**
If the Appellants intend to provide a verbatim report of the proceedings, then within 30 days after the notice of appeal was filed in the trial court the Appellants must serve and file with the Clerk of this Court a statement that arrangements have been made for the transcription of the report. The Appellants must indicate the date the transcription was ordered and the financial arrangements which have been made for payment of transcription costs. (RAP 9.2). If the Appellants arrange for only a partial report of proceedings, then the Appellants must comply with the additional requirements of RAP 9.2(c). If the Appellants do not intend to provide a verbatim report of proceedings, a statement to that effect should be served and filed in lieu of a statement of arrangements within 30 days after the notice of appeal was filed. RAP 9.2(a).
4. **APPELLANTS' BRIEF** (if no report of proceedings filed):
NOTE: IF THE RECORD OF REVIEW DOES NOT INCLUDE A REPORT OF PROCEEDINGS (as defined by RAP 9.2, RAP 9.3 and RAP 9.4), then the Appellants shall file an opening brief with the Clerk of this Court within 45 days after filing the designation of Clerk's papers and exhibits. At the same time the Appellants shall serve one copy of the brief on every other party and on any amicus curiae and file with the Clerk of this Court proof of such service. RAP 10.2.

5. **FILING OF REPORT OF PROCEEDINGS:**
Any report of proceedings must be filed with the clerk of the trial court within 60 days after the statement of arrangements is filed (RAP 9.5(a)). As to when, where and how a party may serve and file objection to, and proposed amendments to, a narrative report of proceedings or a verbatim report of proceeding. RAP 9.5(c).
6. **APPELLANTS' BRIEF (if a report of proceedings is filed):**
Within 45 days after the report of proceedings is filed, the Appellants shall file an opening brief with the Clerk of this Court. At the same time the Appellants shall serve one copy of the brief on every other party and on any amicus curiae, and file with this Court proof of such service. RAP 10.2.
7. **RESPONDENT'S BRIEF:**
Within 30 days after service of Appellants' brief, the Respondent shall file a response brief with the Clerk of this Court. At the same time the Respondent shall serve one copy of the brief on every other party and on any amicus curiae, and file with this Court proof of such service. RAP 10.2.
8. **APPELLANTS' REPLY BRIEF:**
Appellants' reply brief shall be filed with the Clerk of this Court within 30 days after service of the brief of the Respondent. At the same time the Appellants shall serve one copy of the brief on every other party and on any amicus curiae, and file with the Clerk of this Court proof of such service. RAP 10.2.

It is noted that in the Rules of Appellate Procedure (RAP) "should" is used when referring to an act a party or counsel is under an obligation to perform. Accordingly, the failure to comply with the above specified time requirements and/or procedures for completing the record on review and the service and filing of briefs, may subject the offending party to the sanctions pursuant to RAP 18.9. A request for an extension of time must be made by motion pursuant to the provisions of RAP Title 17.

All briefs and other papers submitted to the Supreme Court to be filed or considered in a case should be addressed to the Clerk of the Court and should clearly show the information required by RAP 18.23 and APR 13(a).

Any request for reasonable attorney fees must be made pursuant to RAP 18.1.

At the appropriate time, usually sometime after the Respondent's response brief has been filed, a decision will be made by the Court as to whether or not direct review will be accepted. RAP 4.2.

Counsel are advised that future correspondence from this Court regarding this matter will most likely only be sent by an e-mail attachment, not by regular mail. This office uses the e-mail address that appears on the Washington State Bar Association lawyer directory. Counsel are responsible for maintaining a current business-related e-mail address in that directory.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan L. Carlson", with a long horizontal flourish extending to the right.

Susan L. Carlson
Supreme Court Deputy Clerk

SLC: daf