

No. 84362-7

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**SUPREME COURT OF THE STATE OF WASHINGTON**

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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

NETWORK FOR EXCELLENCE IN WASHINGTON SCHOOLS ("NEWS"), a state-wide coalition of community groups, public school districts, and education organizations,

Plaintiffs/Respondents.

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**PLAINTIFF/RESPONDENTS'  
RESPONSE TO MOTIONS TO FILE  
AMICUS BRIEFS**

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Thomas F. Ahearne, WSBA No. 14844  
Christopher G. Emch, WSBA No. 26457  
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On June 7, 2016, motions for leave to file amicus briefs were filed

by:

- [Proposed] Amici Curiae The Arc Of Washington State, The Arc Of King County, TeamChild, Washington Autism Alliance & Advocacy, Open Doors For Multicultural Families, Seattle Special Education PTSA, Bellevue Special Needs PTA, Highline Special Needs PTA, Gary Stobbe, M.D., James Mancini, and Conan Thornhill
- [Proposed] Amici Curiae Columbia Legal Services, Equity In Education Coalition, The Children's Alliance, and The Washington Low Income Housing Alliance
- [Proposed] Amicus Curiae Washington's Paramount Duty

Since plaintiffs understand they will be allowed to file Answers to these three amicus briefs on June 17, 2016, pursuant to the Court's January 11, 2016 Order setting a 2016 briefing schedule, plaintiffs have no objection to the filing of these three amicus briefs.<sup>1</sup>

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<sup>1</sup> *The Washington State Superintendent of Public Instruction was previously granted permission to file an amicus brief by letter from the Court dated March 2, 2016, which cited to the Court's January 11, 2016 Order and stated that "any answer to any amicus brief shall be filed 10 days after... the filing of any amicus brief."*

RESPECTFULLY SUBMITTED this 14<sup>th</sup> day of June, 2016.

Foster Pepper PLLC

*s/ Thomas F. Ahearne*

Thomas F. Ahearne, WSBA No. 14844

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

**DECLARATION OF SERVICE**

Adrian Urquhart Winder 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 Tuesday, June 14, 2016, I caused PLAINTIFF/RESPONDENTS' RESPONSE TO MOTIONS TO FILE AMICUS BRIEFS to be served as follows:

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Via Electronic Mail (cc of the same email sent to the Supreme Court for the filing)  
 Via U.S. First Class Mail

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*Defendant State of Washington*

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*Amicus Curiae Superintendent of Public Instruction Randy Dorn*

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*[Proposed] Amici Curiae The Arc Of Washington State, The Arc Of King County, TeamChild, Washington Autism Alliance & Advocacy, Open Doors For Multicultural Families, Seattle Special Education PTSA, Bellevue Special Needs PTA, Highline Special Needs PTA, Gary Stobbe, M.D., James Mancini, and Conan Thornhill*

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*[Proposed] Amici Curiae Columbia Legal Services, Equity In Education Coalition, The Children's Alliance, and The Washington Low Income Housing Alliance*

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Via Electronic Mail (cc of the  
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Court for the filing) [*note: counsel  
agreed to accept email service*]

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*[Proposed] Amicus Curiae Washington's Paramount Duty*

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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 in Seattle, Washington, this 14<sup>th</sup> day of June, 2016.

*s/ Adrian Urquhart Winder*  
Adrian Urquhart Winder