

SUPREME COURT OF THE STATE OF WASHINGTON

MATHEW & STEPHANIE MCCLEARY, on their own behalf and on behalf of KELSEY & CARTER MCCLEARY, their two children in Washington’s public schools, et al.,

Plaintiff/Respondents,

v.

STATE OF WASHINGTON,

Defendant/Appellant.

PLAINTIFF/RESPONDENTS’
RESPONSE TO MOTIONS
FOR LEAVE TO FILE
AMICI CURIAE BRIEFS

On August 4, 2014, four groups of applicants filed motions for leave to file amici curiae briefs regarding the upcoming September 3 show cause hearing:

- (1) Washington State Budget and Policy Center, Centerstone, the ElderCare Alliance, the Equity in Education Coalition, Statewide Poverty Action Network, Solid Ground, Jennifer Papest, Kristin Lindenmuth, Patrick Lenning, and Viral Shaw;
- (2) Columbia Legal Services, The Children’s Alliance, and The Washington Low Income Housing Alliance;
- (3) Superintendent of Public Instruction Randy Dorn; and
- (4) Former Governors Daniel J. Evans, John Spellman, Mike Lowry, Gary Locke, and Christine Gregoire.

Plaintiffs file this single, consolidated response to those four motions.

As a procedural matter, plaintiffs object that these amicus brief motions do not satisfy the requirements of RAP 10.6.¹

¹ RAP 10.6(a) permits an amicus brief “only if all parties consent or if the filing of the brief would assist the appellate court.” To that end, the rule requires the applicant’s motion to establish: (1) the applicant’s interest and the person or group the applicant represents; (2) the applicant’s familiarity with the issues involved in the review and with

But as a practical matter, since this Court recently granted Mr. Eugster's amicus brief motion over plaintiffs' similar objection, plaintiffs recognize this Court will likely grant these four amicus brief motions for the September 3 show cause hearing as well.

Accordingly, plaintiffs respectfully request that if this Court grants the four new amicus brief motions, this Court allow plaintiffs adequate time to prepare and file Answers to what would then be the five different amicus briefs regarding the upcoming September 3 hearing. Plaintiffs therefore propose that this Court set a deadline of Monday, August 25, 2014, for plaintiffs and defendant to file and serve their Answer to each of the five amici briefs.

RESPECTFULLY SUBMITTED this 7th day of August, 2014.

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)

the scope of the argument presented or to be presented by the parties; (3) specific issues to which the amicus curiae brief will be directed; and (4) the applicant's reason for believing that additional argument is necessary on these specific issues. RAP 10.6(b).

DECLARATION OF SERVICE

Christopher G. Emch 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 Thursday, August 7, 2014, I caused PLAINTIFF/RESPONDENTS' RESPONSE TO MOTIONS FOR LEAVE TO FILE AMICI CURIAE BRIEFS to be served as follows:

William G. Clark Office of the Attorney General 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188 billc2@atg.wa.gov	<input checked="" type="checkbox"/> Via Electronic Mail (cc of the same email sent to the Supreme Court for the filing) <input checked="" type="checkbox"/> Via U.S. First Class Mail
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Defendant State of Washington

David A. Stoler, Sr. Alan D. Copsy Office of the Attorney General 1125 Washington Street SE Olympia, WA 98504-0100 daves@atg.wa.gov alanc@atg.wa.gov	<input checked="" type="checkbox"/> Via Electronic Mail (cc of the same email sent to the Supreme Court for the filing) <input checked="" type="checkbox"/> Via U.S. First Class Mail
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Defendant State of Washington

Stephen K. Eugster 2418 West Pacific Avenue Spokane, WA 99201-6422 eugster@eugsterlaw.com	<input checked="" type="checkbox"/> Via Electronic Mail (cc of the same email sent to the Supreme Court for the filing) <input checked="" type="checkbox"/> Via U.S. First Class Mail <input checked="" type="checkbox"/> Via Hand Delivery
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*Amici Curiae Applicants The Honorable Daniel J. Evans, The Honorable
John Spellman, The Honorable Mike Lowry, The Honorable Gary Locke,
and The Honorable Christine Gregoire*

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 7th day of August, 2014.

s/ Christopher G. Emch
Christopher G. Emch