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**THE SUPREME COURT**  
STATE OF WASHINGTON



TEMPLE OF JUSTICE  
P.O. BOX 40929  
OLYMPIA, WA 98504-0929

(360) 357-2077  
e-mail: [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov)  
[www.courts.wa.gov](http://www.courts.wa.gov)

August 13, 2020

**LETTER SENT BY E-MAIL**

Rebecca Jane Roe  
Schroeter Goldmark Bender  
810 3rd Avenue, Suite 500  
Seattle, WA 98104-1657

G. William Shaw  
Ryan James Groshong  
Matthew Phillip Clark  
K&L Gates LLP  
925 4th Avenue, Suite 2900  
Seattle, WA 98104-1158

Elliot Grace Harvey  
1505 11th Avenue, Apt. 203  
Seattle, WA 98122

Matthew Lee Cromwell  
418 23rd Avenue E.  
Seattle, WA 98112

Alan Lawrence Meekins Jr.  
4200 Mary Gates Memorial Drive NE, #Q221  
Seattle, WA 98105

Courtney K. Scott  
1907 13th Avenue S.  
Seattle, WA 98144

Leah Michele Solomon  
1621 N. 47th Street  
Seattle, WA 98103

Janine Elizabeth Joly  
Jennifer H. Atchison  
Office of the Prosecuting Attorney  
500 4th Avenue  
Seattle, WA 98104-2337

Charlie Jenna Stone  
505 Boylston Avenue E, #304  
Seattle, WA 98102

Hon. Barbara Miner, Clerk  
**(sent by US mail only)**  
King County Superior Court  
516 3rd Avenue, Room E609  
Seattle, WA 98104-2363

Re: Supreme Court No. 98897-8 - In Re the Matter of the Recall Charges Against City of  
Seattle Mayor, Jenny Durkan  
King County Superior Court No. 20-2-10455-8 SEA

Clerk, Counsel and Parties:

The "NOTICE OF APPEAL TO WASHINGTON SUPREME COURT" and the  
"NOTICE OF CROSS-APPEAL TO WASHINGTON SUPREME COURT," which were filed in  
the King County Superior Court on August 12, 2020, were forwarded to this Court by the Clerk

of the Superior Court pursuant to RAP 5.4 and received on August 13, 2020. Courtesy copies of the notices and certificates of service were also filed by the parties. The appeal has been assigned the above referenced Supreme Court cause number.

On August 13, 2020, the Court received the “PETITIONER’S EMERGENCY MOTION TO SET A BRIEFING SCHEDULE THAT COMPLIES WITH RCW 29A.56.270.”

The motion requests an expedited briefing schedule pursuant to RCW 29A.56.270. The parties are advised that the Court’s Rules of Appellate Procedure (RAP), specifically RAP 18.22, supersede that statute to the extent of the procedure in the appellate court. However, the court will consider the legislature’s treatment of recall cases as “urgent and deserving of accelerated procedure.” See *In re Recall of West*, 156, Wn.2d 244, 251 n.2 (2006).

**Any answer to the motion for an expedited briefing schedule should be served and filed by 2:00 p.m. on Friday, August 14, 2020. Any reply to any answer should be served and filed by 9:00 a.m. on Monday, August 17, 2020.**

The parties are advised that recall cases are generally set for consideration without oral argument at an En Banc Conference after all briefing has been filed.

While the motion is pending, the parties should proceed to file their designation of clerk’s papers and statements of arrangements as soon as possible. Specifically, the Appellant 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)

If the Appellant intends to provide a verbatim report of the proceedings, then the Appellant must serve and file with the Clerk of this Court a statement that arrangements have been made for the transcription of the report. The Appellant 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 Appellant arranges for only a partial report of proceedings, then the Appellant must comply with the additional requirements of RAP 9.2(c). If the Appellant does 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. RAP 9.2(a).

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, the case will be set for consideration by the Court at an en banc conference.

**Counsel are advised all future correspondence from this Court regarding this case will 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. For the parties, this Court has the following e-mail addresses: [elliottgraceharvey@gmail.com](mailto:elliottgraceharvey@gmail.com), [matthewlcromwell@gmail.com](mailto:matthewlcromwell@gmail.com), [nullagent@gmail.com](mailto:nullagent@gmail.com), [courtneykscott@me.com](mailto:courtneykscott@me.com), [solomon.lm@gmail.com](mailto:solomon.lm@gmail.com), and [charliehorsepower26@gmail.com](mailto:charliehorsepower26@gmail.com). If these e-mail addresses are incorrect or changed, the parties should immediately advise this Court in writing.**

Sincerely,



Erin L. Lennon  
Supreme Court Deputy Clerk

ELL:bw