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**State of Washington
GROWTH MANAGEMENT HEARINGS BOARD
FOR EASTERN WASHINGTON**

WILMA et al.,

Petitioners,

v.

STEVENS COUNTY,

Respondent,

Case No. 06-1-0009c

ORDER ON PETITIONERS' MOTION
TO FILE A MOTION, MOTION TO
FILE AN EXTENDED REPLY BRIEF,
AND MOTION FOR COMPLETE CD
RECORD

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I. PROCEDURAL HISTORY

On September 8, 2006, SAUNDRA WILMA and ROBERT BERGER, filed a Petition for Review.

On September 11, 2006, JAMES DAVIES and LARSON BEACH NEIGHBORS and JEANIE WAGENMAN, filed Petitions for Review.

On October 10, 2006, the Board held a telephonic Prehearing conference for Case Nos. 06-1-0007, 06-1-0008, and 06-1-0009 collectively. Present were, John Roskelley, Acting Presiding Officer, Board Members Judy Wall and Dennis Dellwo were unavailable.

1 Present for Petitioners were Sandra Wilma, Robert Berger, James Davies, and Jeanie
2 Wagenman. Present for Respondent was Peter Scott.

3 The Board at the Prehearing conference consolidated Case Nos. 06-1-0007-06-1-
4 0009. The new Case Name and Number is as follows and shall be captioned accordingly:
5 WILMA et al. v. STEVENS COUNTY, 06-1-0009c. The acting Presiding Officer instructed the
6 Petitioners to consolidate the issues and provide the Board and Respondent with copies of
7 consolidated issues by October 16, 2006. The Petitioners advised they were unable to meet
8 the October 16, 2006, deadline for submitting the proposed consolidated issues and would
9 provide the Board and Respondent the issues as soon as possible.

10 On October 24, 2006, the Board received the proposed consolidated issues.

11 On October 25, 2006, the Board asked the Respondent to advise the Board if it
12 objected to the rewritten issues. Mr. Scott on October 31, 2006, filed with the Board
13 Respondent's Objection and Motion for Extension.

14 On October 31, 2006, the Board received Petitioners' Motion to Supplement the
15 Record.

16 On November 1, 2006, the Board issued its Prehearing Order.

17 On November 8, the Board received Respondent's Motion to Dismiss Issue Nos. 11,
18 12, and 13, filed by Petitioner James Davies.

19 On November 15, 2006 the Board received from Petitioner James Davies, Response
20 to Motion to Dismiss, Respondent Stevens County's Response to Motion to Supplement the
21 Record, and Request for Extension.

22 On November 20, 2006, the Board received Respondent's Reply in Support of Motion
23 to Dismiss and Response to Petitioners' Request for Extension.

24 On November 27, 2006, the Board received Larson Beach Neighbors & Jeanie
25 Wagenman's Response to Stevens County's Response to Motion to Supplement Record.

26 On November 27, 2006, the Board held the telephonic motion hearing. Present were,
John Roskelley, Presiding Officer, and Board Members Dennis Dellwo and Joyce Mulliken.

1 Present for Petitioners were, Sandra Wilma, James Davies, Larson Beach Neighbors, &
2 Jeanie Wagenman. Present for Respondent was Peter Scott, Clay White, and the Stevens
3 County Board of County Commissioners.

4 On December 4, 2006, the Board issued its Order on Motions.

5 On December 18, 2006, the Board received from Stevens County's PUD No. 1 a
6 Request for Permission to File a Motion After the Date Set Forth in the Prehearing Order;
7 and Motion to File Amicus Curiae Brief.

8 On December 20, 2006, the Board issued its Order on Motion to File Amicus Brief.

9 On December 29, 2006, the Board received Petitioners' Wilma et al. Response to
10 Stevens County P.U.D. Request to File Late Motion and Response to PUD Motion to File
11 Amicus Curiae Brief.

12 On January 3, 2007, the Board received CTED's Request for Permission to File a
13 Motion After the Date Set Forth in the Prehearing Order and Motion to File Amicus Brief.

14 On January 4, 2007, the Board issued its Order on Stevens County PUD's Motion to
15 File Amicus Curiae Brief.

16 On January 11, 2007, the Board received Petitioners Larson Beach Neighbors and
17 Jeanie Wagenman's letter expressing concern over CTED's involvement in this matter.

18 On January 12, 2007, the Board issued its Order on CTED's Motion to File Amicus
19 Curiae Brief.

20 On January 31, 2007, the Board received Petitioner Larson Beach Neighbors and
21 Jeanie Wagenman's Motion to File a Motion, a Motion to File an Extended Reply Brief, and
22 Motion Requesting the Eastern Washington Growth Management Hearings Board
23 (EWGMHB) ask for a complete CD record.

24 **II. DISCUSSION**

25 Petitioners, Larson Beach Neighbors and Jeanie Wagenman, submitted on January
26 31, 2007, a Motion to File a Motion and a Motion to File an Extended Reply Brief. The same
Petitioners also submitted on that same date another Motion to File a Motion and a Motion

1 Requesting the EWGMHB Ask For Complete CD Record. The Board will address each one
2 separately.

3 As allowed by WAC 242-02-522(5), the Presiding Officer may "[R]ule on all
4 procedural matters, objections and motions unless a board determination is required." The
5 Petitioners motions are judged by the Board on the circumstances and argument presented.

6 The Presiding Officer, after review of the Petitioners' written motions, which were
7 written using 1.5 line spacing, believes the Petitioners' have the knowledge, technical
8 expertise and capabilities within their power to conform to an accepted professional format
9 used by other pro se litigants and practicing attorneys.

10 III. ORDER

11 The Motion to File a Motion in both requests is granted. The Petitioner has made the
12 motions in writing, has stated with particularity the grounds, and has set forth the relief
13 sought.

14 The Motion to File an Extended Reply Brief is granted under the following conditions
15 as imposed by the Presiding Officer per WAC 242-02-570:

- 16 (1) The Reply Brief shall be no more than 40 pages in length.
- 17 (2) The Reply Brief shall be submitted in Tahoma or Times New Roman font,
18 size 12, with 1.5 line spacing.
- 19 (3) The Reply Brief shall have "[C]larity and brevity" and "assist a board in
20 meeting its statutorily imposed time limits."

21 The Motion Requesting the EWGMHB (to) Ask for Complete CD Record is granted in
22 part and denied in part. There is no requirement in the WAC's or RCW's for the record to be
23 submitted on CD, so that part is denied. The Board grants the Petitioners' request that
24 Stevens County be required to submit a complete copy of the Index of the Record, including
25 the Petitioners' requested exhibits. The Respondent can submit these additional exhibits in
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1 writing (if not already submitted) or on CD. The requested index shall be sent to the Board
2 within five working days from receipt of this Order.

3 **SO ORDERED** this 5th day of February 2007.

4 EASTERN WASHINGTON GROWTH MANAGEMENT
5 HEARINGS BOARD

6 _____
7 John Roskelley, Board Member

8 _____
9 Dennis Dellwo, Board Member

10 _____
11 Joyce Mulliken, Board Member