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

LARRY JAMES NICKEL, Petitioners, v. CITY OF ELLENSBURG, Respondent.

Case No. 07-1-0016

ORDER OF DISMISSAL

I. PROCEDURAL HISTORY

On November 13, 2007, LARRY JAMES NICKEL and JOE BACH, by and through their representative, David Mann, filed a Petition for Review.

On November 16, 2007, LARRY JAMES NICKEL and JOE BACH, filed an Amended Petition for Review.

On December 13, 2007, the Board held the telephonic Prehearing conference. Present were Joyce Mulliken, Presiding Officer, and Board Members, Dennis Dellwo and John Roskelley. Present for the Petitioners were David Mann. Present for the Respondent was Carol Morris.

1 On December 17, 2007, the Board issued its Prehearing Order.

2 On January 2, 2008, the Board received Triple L's Motion to Intervene and
3 Declaration of Molly Lawrence in Support of Triple L's Motion to Intervene.

4 On January 16, 2008, the Board received Notice of Intent to Withdraw from David
5 Mann, Petitioners' representative.

6 On January 23, 2008, the Board received City's Response to Triple L's Motion to
7 Intervene.

8 On January 31, 2008, the Board received Petitioner JOE BACH's Notice of Withdrawal
9 of Petition for Review, withdrawing himself from the petition filed on November 13, 2007.

10 On January 31, 2008, the Board held a telephonic motions hearing to hear the
11 Motion to Intervene filed by Triple L on January 2, 2008. Present were Joyce Mulliken,
12 Presiding Officer, and Board Members, Dennis Dellwo and John Roskelley. Present for the
13 Petitioner was Larry James Nickel. Respondent's attorney Carol Morris did not participate.
14 Present for Intervenors was Molly Lawrence.

15 On February 1, 2008, the Board issued its Order on Motion to Intervene.

16 On February 27, 2008, Petitioner notified the Board by e-mail of his withdrawal of
17 the petition.

18 On March 12, 2008, the Board received Petitioner, Larry J. Nickel's, Notice of
19 Withdrawal of Appeal.

20 WAC 242-02-720 provides: "Any action may be dismissed by a board ... (2) upon
21 motion of the petitioner ... prior to the presentation of the respondent's case." The
22 Petitioner has moved this Board to dismiss the action.

23 II. ORDER

24 Based upon the request for withdrawal by the Petitioner, the Growth Management
25 Act, Board rules and decisions, the Board enters the following ORDER:

- 26 1. The Petition for Review in this matter has been withdrawn. Therefore
the matter of *LARRY J. NICKEL v. CITY OF ELLENSBURG*, EWGMHB
Case No. 07-1-0016, is **dismissed**.

1 2. All further scheduled hearings in this matter are **cancelled** and the
2 case is **closed**.

3 **SO ORDERED** this 14th day of March 2008.

4 EASTERN WASHINGTON GROWTH MANAGEMENT
5 HEARINGS BOARD

6 _____
7 Joyce Mulliken, Board Member

8 _____
9 John Roskelley, Board Member

10 _____
11 Dennis Dellwo, Board Member