

Wiser, Sonja

From: Orjiako, Oliver
Sent: Monday, July 10, 2017 10:06 AM
To: Albrecht, Gary; Alvarez, Jose; Anderson, Colete; Euler, Gordon; Hermen, Matt; Kamp, Jacqueline; Lebowsky, Laurie; Lumbantobing, Sharon; Orjiako, Oliver; Schroader, Kathy; Wiser, Sonja
Subject: FW: FW: Electronic Filing - Document Upload for Starting a New Appellate Court Case (AFS) - Confirmed

Follow Up Flag: Follow up
Flag Status: Flagged

Here is it. Thanks.



Oliver Orjiako
Director
COMMUNITY PLANNING

360.397.2280 ext 4112



From: Cook, Christine
Sent: Friday, July 07, 2017 3:44 PM
To: Orjiako, Oliver
Subject: RE: FW: Electronic Filing - Document Upload for Starting a New Appellate Court Case (AFS) - Confirmed

You're welcome, and thank you for forwarding your document.

From: Orjiako, Oliver
Sent: Friday, July 07, 2017 3:44 PM
To: Cook, Christine
Subject: RE: FW: Electronic Filing - Document Upload for Starting a New Appellate Court Case (AFS) - Confirmed

Thanks Chris.



Oliver Orjiako
Director
COMMUNITY PLANNING



From: Cook, Christine
Sent: Friday, July 07, 2017 3:38 PM
To: Orjiako, Oliver
Subject: FW: FW: Electronic Filing - Document Upload for Starting a New Appellate Court Case (AFS) - Confirmed

From: Carol Levanen [<mailto:cccuinc@yahoo.com>]
Sent: Friday, July 07, 2017 11:50 AM
To: Tim Trohimovich; Cook, Christine; Horne, Chris; Horne, Chris; Kremer, Thelma; Kremer, Thelma; dionnep@atg.wa.gov; dionnep@atg.wa.gov; lalseaef@atg.wa.gov; lalseaef@atg.wa.gov; parkerlaw@wwestsky.net; parkerlaw@wwestsky.net; Steve@horensteinlawgroup.com; Steve@horensteinlawgroup.com; susan@susandrummond.com; susan@susandrummond.com; dan@reevekearns.com; dan@reevekearns.com; mack@tmw-law.com; mack@tmw-law.com; doll@tmw-law.com; doll@tmw-law.com; schulz@tmw-law.com; schulz@tmw-law.com; jamie.howsley@jordanramis.com; jamie.howsley@jordanramis.com; lisa.mckee@jordanramis.com; lisa.mckee@jordanramis.com; joseph.schaefer@jordanramis.com; joseph.schaefer@jordanramis.com; cccuinc@yahoo.com; cccuinc@yahoo.com; cnldental@yahoo.com; cnldental@yahoo.com; Cc: David McDonald; david@mcdonaldpc.com
Subject: Fw: FW: Electronic Filing - Document Upload for Starting a New Appellate Court Case (AFS) - Confirmed

Clark County Citizens United, Inc. P.O. Box 2188 Battle Ground, Washington 98604 E-Mail cccuinc@yahoo.com

----- Forwarded Message -----

From: Carol Levanen <cccuinc@yahoo.com>
To: Div-2e/docManagers@ciurts.wa.gov <Div-2e/docManagers@ciurts.wa.gov>
Sent: Friday, July 7, 2017, 11:35:23 AM PDT
Subject: Fw: FW: Electronic Filing - Document Upload for Starting a New Appellate Court Case (AFS) - Confirmed

Dear Court of Appeals Case Manager,

Clark County Citizens United, Inc. is responding to this email and a previous email sent by Futurewise, regarding CCCU, Inc.'s appeal to Superior Court and Futurewise appeal to Court of Appeals, Division II. To date, CCCU has not received notification of a case number for these actions, and ask, if one has been issued, that it be sent to CCCU, Inc. as soon as possible.

The Superior Court and the Western Washington Growth Management Hearing Board have been noticed that Heather Burgess is no longer counsel for CCCU, Inc., This letter is to inform the Board and the Courts that CCCU, Inc. is in the process of changing counsel, to a different attorney, who is now looking at the case, and will be filing notice of counsel soon. We ask the courts to allow for new counsel to become familiar with the case so that appropriate representation can be afforded CCCU, Inc.

Clark County Citizens United, Inc. did not oppose a consolidation of the various appeals to Superior Court, but were not in favor of consolidation, as we believe each appeal is important on its own

merit. CCCU, Inc. believes the Superior Court is the first step and appropriate venue to initially hear these cases, as many of them could be resolved through those actions. Any remaining issues, that would require more consideration and resolved via a higher court, could then go forward.

Regarding this request from Futurewise, to bypass the Superior Court and go directly to the Court of Appeals is without merit and CCCU, Inc. opposes such actions. Each of these appeals are common issues, with the adoption of any Comprehensive Plan. and have always been heard in the Superior Court, first. The appeals filed in this case are common urban growth boundary, de-designation of agriculture land and public process issues and are not unique to the GMA processes. The majority of similar cases have been resolved in Superior Court and have not needed to go beyond that court, into the Court of Appeals.

Clark County Citizens United, Inc. respectfully requests the courts to allow for the necessary transition period as CCCU, Inc. retains new counsel. CCCU, Inc. also requests denial of Futurewise starting a new appellate court case. CCCU, Inc. believes a resolution to the associated appeals in this case, can be met in the Superior Court, rather than the Court of Appeals.

Respectfully,

Carol Levanen, Exec. Secretary

Clark County Citizens United, Inc. P.O. Box 2188 Battle Ground, Washington 98604 E-Mail
cccuinc@yahoo.com

----- Forwarded Message -----

From: Tim Trohimovich <Tim@futurewise.org>

To: Christine.Cook@clark.wa.gov <Christine.Cook@clark.wa.gov>; chris.horne@clark.wa.gov <chris.horne@clark.wa.gov>; Thelma.Kremer@clark.wa.gov <Thelma.Kremer@clark.wa.gov>; dionnep@atg.wa.gov <dionnep@atg.wa.gov>; lalseaef@atg.wa.gov <lalseaef@atg.wa.gov>; parkerlaw@wwestsky.net <parkerlaw@wwestsky.net>; Steve@horensteinlawgroup.com <Steve@horensteinlawgroup.com>; susan@susandrummond.com <susan@susandrummond.com>; dan@reevekearns.com <dan@reevekearns.com>; mack@tmw-law.com <mack@tmw-law.com>; doll@tmw-law.com <doll@tmw-law.com>; schulz@tmw-law.com <schulz@tmw-law.com>; jamie.howsley@jordanramis.com <jamie.howsley@jordanramis.com>; lisa.mckee@jordanramis.com <lisa.mckee@jordanramis.com>; joseph.schaefer@jordanramis.com <joseph.schaefer@jordanramis.com>; cccuinc@yahoo.com <cccuinc@yahoo.com>; cnldental@yahoo.com <cnldental@yahoo.com>

Cc: David McDonald (david@mcdonaldpc.com) <david@mcdonaldpc.com>

Sent: Friday, July 7, 2017, 10:00:35 AM PDT

Subject: FW: Electronic Filing - Document Upload for Starting a New Appellate Court Case (AFS) - Confirmed

Hi:

The Court of Appeals Case Manager requested a letter explaining our direct appeal to the Court of Appeals. Enclosed please find the letter I filed. You can also access the letter through the link below. Some of you received this notice directly from the efilng system, but since it only allows eight emails I was not able to serve everyone that way so I am also sending this email.

I am only serving the letter electronically. If you want a paper version, please let me know.

Tim Trohimovich, AICP

Director of Planning & Law



816 Second Avenue, Suite 200

Seattle, WA 98104-1530

206 343-0681 Ex 118

tim@futurewise.org

connect:  

futurewise.org

From: COA2 File Upload Manager [<mailto:Div-2eDocManagers@courts.wa.gov>]

Sent: Friday, July 07, 2017 9:50 AM

To: Tim Trohimovich <Tim@futurewise.org>

Cc: COA2 File Upload Manager <Div-2eDocManagers@courts.wa.gov>

Subject: Electronic Filing - Document Upload for Starting a New Appellate Court Case (AFS) - Confirmed

The file(s) listed below were successfully sent to the Court of Appeals Division II along with a transmittal letter.

Attached is a copy of the Transmittal Letter for your records.

The following is a list of file(s) that were uploaded:

- FOCC Let Explaining the Posture of the Appeal June 7 2017.pdf

The uploaded file(s) were renamed, and can be viewed online by clicking on the link(s) below:

- [0-AFS_Other_20170707094046D2321040_5576.pdf](#)

The files(s) and transmittal letter were also sent to:

cccuinc@yahoo.com

Christine.Cook@clark.wa.gov

dan@reevekearns.com

dionnep@atg.wa.gov

jamie.howsley@jordanramis.com

mack@tmw-law.com

parkerlaw@wwestsky.net

Steve@horensteinlawgroup.com

Please do not reply to this message. Replies to this message are routed to an unmonitored mailbox. If you have questions, you may email this office at coa2@courts.wa.gov or call us at (253) 593-2970 and reference Filing Id 20170707094046D2321040.