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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SKAGIT**

ANNIE JANICKI,

Petitioner,

v.

CITY OF SEDRO-WOOLLEY, a municipal corporation; DELUXE RECYCLING AND DISPOSAL LLC, a Washington limited liability company; and FIRE RIDGE LLC, an Oregon limited liability company,

Respondents,

v.

SKAGIT COUNTY, a political subdivision of the State of Washington,

Intervenor.

No. 08-2-01130-8

**DECLARATION OF STEVE  
FALLQUIST IN SUPPORT OF  
SKAGIT COUNTY'S OPPOSITION  
TO CITY/DELUXE MOTIONS TO  
DISMISS**

I, the undersigned declarant, make this statement on the basis of facts within the scope of my first-hand knowledge as to matters to which I am competent to testify.

1. I am a Deputy Prosecuting Attorney with the Office of the Skagit County Prosecuting Attorney. Among other things, I represent the Skagit County Department of Public Works.

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1 2. True and correct copies of the following documents are attached hereto:

2 **Exhibit A** Appellant Janicki's Response to Staff Report dated April  
3 25, 2008 (filed with Hearing Examiner). Hearing  
4 Examiner Exh. C.

4 **Exhibit B** Findings, Conclusions and Decision of the Hearing  
5 Examiner, City of Sedro-Woolley, dated May 22, 2008

6 **Exhibit C** Oregon Secretary of State, record of corporate formation  
7 for Fire Ridge LLC, dated May 20, 2008.

7 **Exhibit D** Email chain between Sedro-Woolley City Supervisor /  
8 City Attorney Eron Berg and Deluxe principal Steve  
9 Snell, dated October 26, 2007. Produced by City for first  
10 time on July 9, 2008. Should have been included in  
11 Hearing Examiner record. RCW 36.70C.120(4).

10 **Exhibit E** City of Sedro-Woolley Notice of Application and SEPA  
11 Comment Period, dated January 16, 2008. Hearing  
12 Examiner Exh. O.

12 **Exhibit F** City of Sedro-Woolley Staff Report to Hearing Examiner  
13 dated May 5, 2008. Hearing Examiner Exh. B.

14 **Exhibit G** Comment letters from citizens, entities and agencies to  
15 City of Sedro-Woolley in opposition to Deluxe MDNS,  
16 January – May 2008. Hearing Examiner Exhs. P through  
17 Y.

16 **Exhibit H** City of Sedro-Woolley SEPA Notice of Threshold  
17 Determination, Mitigated Determination of Non-  
18 Significance, dated March 7, 2008 (publication date  
19 March 16, 2008). Hearing Examiner Exh. G.

19 **Exhibit I** City of Sedro-Woolley Ordinance No. 1607-08, dated  
20 March 5, 2008. Judicial notice. ER 201.

20 **Exhibit J** Comparison Analysis of Sedro-Woolley code relating to  
21 SEPA appeals, as modified by Ordinance No. 1607-08.  
22 Summary. ER 1006.

22 **Exhibit K** City of Sedro-Woolley Resolution No. 765-08 dated  
23 March 25, 2008. Judicial notice. ER 201.

24 **Exhibit L** Appeal and Email chain between Ms. Shelley Burgett of  
25 Sedro-Woolley and City of Sedro-Woolley staff, dated  
26 March 22-24, 2008. Produced by City for first time on  
27 July 9, 2008. Should have been included in Hearing  
28 Examiner record. RCW 36.70C.120(4).

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**Exhibit M** Invoice from City of Sedro-Woolley to Petitioner Annie Janicki, dated July 10, 2008. Produced by City on July 15, 2008.

**Exhibit N** City of Sedro-Woolley Notice of Public Hearing by Hearing Examiner, published on April 23, 2008. Should have been included in Hearing Examiner exhibits but was not. RCW 36.70C.120(4).

**Exhibit O** E. Wilson, "Sedro-Woolley Files Motion To Dismiss Deluxe Appeal," Skagit Valley Herald, July 3, 2008. Submitted as not as evidence of truth of matters asserted but rather as evidence of well-grounded belief that Deluxe and Fire Ridge LLC are related companies. Also admissible per ER 801(d)(2).

**Exhibit P** Screen print dated July 13, 2008 of Sedro-Woolley website depicting City publication of SEPA files on July 10, 2008.

**SIGNED on penalty of perjury under the laws of the State of Washington this 17<sup>th</sup> day of July, 2008 at Mount Vernon, Washington.**

By   
\_\_\_\_\_  
Stephen Fallquist, WSBA No. 31678  
Attorney for Skagit County