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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

SKAGIT COUNTY'S MOTION TO SHORTEN TIME TO HEAR COUNTY'S MOTION TO CLARIFY RECORD, VACATE THE HEARING EXAMINER'S DECISION, AND REMAND THE PROCEEDINGS

I. MOTION

Skagit County moves for an order to shorten time to hear Skagit County's attached Motion to Clarify the Record, Vacate the Hearing Examiner's Decision and Remand the Proceedings. The County's request is based on newly-discovered material

SKAGIT COUNTY'S MOTION TO SHORTEN TIME TO HEAR COUNTY'S MOTION TO CLARIFY THE RECORD, VACATE THE HEARING EXAMINER'S DECISION, AND REMAND THE PROCEEDINGS - 1 -

**SKAGIT COUNTY PROSECUTING ATTORNEY
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Phone: (360) 336-9460
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1 evidence that was apparently removed from the record by the City, as further set forth in
2 the accompanying Declaration of William Honea.

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4 **II. AUTHORITY**

5 Under CR 6(d), the court may enter an order allowing a motion to be served and
6 filed with less notice than would otherwise be required. Thus, counsel may seek
7 to have a motion heard on less than minimum notice. This is done by filing a
8 motion to shorten time. A motion to shorten time may be filed and heard on an ex
9 parte basis, for good cause shown. CR 6(d).

10 The accompanying affidavit or declaration should explain the moving party's
11 need for a shortened notice period. If the motion to shorten time is brought ex
12 parte, the affidavit should set forth good cause for proceeding ex parte and
13 indicate what if any attempts were made to provide notice.

14 K. Tegland, 3A Washington Practice Series CR6 (online Westlaw Version, current
15 through 2008 Pocket Parts, last visited August 25, 2008).

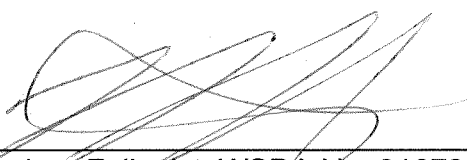
16 The scheduling order in this matter requires the County and the Petitioner to
17 furnish opening trial briefing by September 3, 2008. Honea Dec. Exh. 4. For the
18 reasons set forth in the accompanying papers, the County's Motion to Clarify the
19 Record, Vacate the Hearing Examiner's Decision, and Remand the Proceedings should
20 properly be heard prior to September 3, 2008.

21 **III. CONCLUSION**

22 The County's motion to shorten time should be granted. A proposed form of
23 order accompanies this motion.

24 DATED this 25th day of August, 2008.

25 SKAGIT COUNTY PROSECUTING ATTORNEY

26
27 By 
28 Stephen Fallquist, WSBA No. 31678
William Honea, WSBA No. 33528
Attorneys for Skagit County

SKAGIT COUNTY'S MOTION TO
SHORTEN TIME TO HEAR COUNTY'S
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