

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

No. 08-2-01130-8

ANNIE JANICKI,

Petitioner,

vs.

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,

vs.

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

Intervenor.

**CITY'S RESPONSE TO SKAGIT
COUNTY'S MOTION TO
SHORTEN TIME**

The City of Sedro-Woolley ("City"), by and through its attorneys, Robert A. Carmichael and Simi Jain of Zender Thurston, P.S submit this Response to Skagit County's Motion to Shorten Time.

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I. FACTS

Skagit County (County) moved to shorten time for the hearing on the County's Motion to Clarify the Record, Vacate the Hearing Examiner's Decision and Remand the Proceedings ("County's Motion to Clarify"). The City received the County's pleadings on or about August 25, 2008. The Declaration of Judy L. Kiesser dated August 25, 2008, does not indicate that the County's motions were served on Respondent, Fire Ridge, LLC. Similarly, the County states that it needs to shorten time as the current briefing schedule requires the County to submit its opening brief by September 3, 2008. The County's Motion to Clarify requests permission to conduct additional discovery and additional time to submit its opening brief. County's Motion to Clarify at 8. According to the Scheduling Order, Respondents' briefs are due on or before September 25, 2008. Order Setting Dates for Submittal of Record, Briefing Schedule, and Hearing/Trial on the Merits ("Scheduling Order"). The hearing on the merits is scheduled for October 10, 2008.

II. ARGUMENT

The City opposes the County's motion to shorten time. The motion and arguments made by the County can be included in the County's brief due September 3, 2008 and noted for separate hearing with proper notice prior to the scheduled hearing on the merits. If the County's motion to vacate and remand is granted, these proceedings will terminate at that time. If the County's motion for additional discovery is granted as requested, the briefing schedule can be revised and the hearing date postponed. There is no reason, however, to postpone the briefing schedule or postpone the hearing date at this time. Nor is there reason to grant the County's motion to shorten time. The County is free to incorporate all arguments in its brief due September 3rd and note its preliminary motions for hearing with proper notice.

