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HONORABLE RICHARD EADIE

STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT

SEATTLE CITIZENS AGAINST THE TUNNEL
and ELIZABETH CAMPBELL,

Plaintiffs/Petitioners,

v.

WASHINGTON STATE DEPARTMENT OF
TRANSPORTATION; PAULA HAMMOND, IN
HER OFFICIAL CAPACITY AS SECRETARY
OF THE WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION,

Defendants/Respondents.

NO. 09-2-36276-9SEA

DEFENDANTS' RESPONSE TO
PLAINTIFFS' MOTION TO SHORTEN
TIME

ELIZABETH A. CAMPBELL,

Plaintiff/Petitioner,

v.

CITY OF SEATTLE, a municipal corporation,

Defendant/Respondent.

(CONSOLIDATED WITH
NO. 09-2-40939-1SEA)

I. RELIEF REQUESTED

Defendants request that the Court deny Plaintiffs' motion to shorten time.

II. STATEMENT OF FACTS

On March 12, 2010, the Court entered an order continuing the hearing on Defendants' motion to dismiss to April 30, 2010. Plaintiffs hired Jill Smith to represent them in this case

1 on April 12, 2010, and she entered her appearance on their behalf on April 14, 2010. Prior to
2 entering her appearance, Ms. Smith did not contact the attorneys for Defendants to determine
3 whether they would agree to continue the hearing on Defendants' motion to dismiss. Shortly
4 after Ms. Smith entered her appearance, the attorneys for the Defendants made it very clear
5 that the hearing had been continued twice and that they would oppose any motion to continue
6 it for a third time. Despite this, Ms. Smith waited until April 26, 2010, to file a motion for
7 continuance. Waiting until four days prior to the hearing to file the motion for continuance
8 necessitated the filing of a motion to shorten time. No note for hearing was served with the
9 motions.

10 III. STATEMENT OF ISSUES

11 1. Have Plaintiffs shown good cause to shorten the time to hear their motion for a
12 continuance when their new attorney did not file a motion for continuance until two weeks
13 after she was hired?

14 IV. EVIDENCE RELIED UPON

15 In addition to the Court file on the case, Defendants offer the following evidence to the
16 Court: Declaration of Deborah L. Cade.

17 V. ARGUMENT/AUTHORITY

18 King County Local Court Rule 7(b)(5)(D)(10) provides that the time for notice and
19 hearing of a motion may be shortened only for good cause shown upon written application to
20 the court in conformance with this Rule. Plaintiffs have not shown good cause to shorten the
21 time for notice and hearing on this motion for continuance. The hearing the Plaintiffs seek to
22 continue has already been continued twice. The Court set the hearing for April 30, 2010, well
23 over a month ago. There is no good cause to wait until four days before the hearing to ask for
24 a continuance, especially given that this hearing date was set on March 12, 2010. This is true
25 even though Plaintiffs hired a new attorney on April 12, 2010. Plaintiffs could have acted
26 more diligently and hired an attorney soon after the Court entered the order on March 12,

1 2010, continuing the hearing to April 30, 2010. Also, Ms. Smith could have filed a motion for
2 continuance when she entered her appearance on April 14, 2010. Doing so would have
3 allowed Plaintiffs to note a hearing on their motion for continuance well before April 30,
4 2010, without the need to shorten time.

5 Further, no note for hearing was served with the motion to shorten time and motion for
6 continuance. KCLCR 7(b)(5)(A) provides that "a Note for Motion shall be filed with the
7 motion. The Note shall identify the moving party, the title of the motion, the name of the
8 hearing judge, the trial date, the date for hearing, and the time of the hearing if it is a motion
9 for which oral argument will be held." Although some documents served indicate a date, the
10 information is conflicting and no time is indicated. This made it very difficult to determine
11 when a response was due.

12 VI. CONCLUSION

13 Plaintiffs have not shown good cause to shorten time. Their new attorney was hired
14 on April 12, 2010. Filing a motion for a continuance when she entered her appearance in this
15 case would have allowed her to file and serve the motion at least six court days before the date
16 she wanted the motion to be considered as required by the King County Local Court
17 Rule 7(b)(4)(A). Accordingly, Plaintiffs' motion to shorten time should be denied.

18 DATED this 27th day of April, 2010.

19 ROBERT M. MCKENNA
20 Attorney General

21 

22 DEBORAH L. CADE, WSBA #18329
23 AMANDA G. PHILY, WSBA #36776
24 Assistant Attorneys General
25 Attorneys for Defendants WSDOT
26 and City of Seattle