



# Washington State Court of Appeals

## Division Two

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General Orders, Calendar Dates, and General Information at <http://www.courts.wa.gov/courts> **OFFICE HOURS:** 9-12, 1-4.

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June 3, 2024

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**CASE #: 58881-1-II Save the Davis Meeker Garry Oak v. Debbie Sullivan**  
**Case Manager: Jodie**

Counsel:

On the above date, this Court entered the following notation ruling:

### **A RULING BY COMMISSIONER BEARSE:**

The Save the Davis Meeker Garry Oak citizen group files a document captioned an "emergency appeal." It requests this Court to reverse the superior court's decision to dissolve a temporary restraining order (TRO), which allows for the removal of an historical oak tree located in Tumwater, Washington.

But this Court cannot decide an appeal before the record on appeal is submitted and before full merits briefing, even if it determines to accelerate review under RAP 18.12. See generally RAPs 9 & 10. In addition, the expedited emergency motion procedure in RAP 17.4(b) only covers motions, not appeals, and no motion appears to have been included in the "emergency appeal" filing. As a result, the "emergency appeal" will be placed in the appellate court file with no action.

The superior court temporarily stayed its decision to dissolve the TRO until Wednesday, June 5, at 5pm. Although the last page of the "emergency appeal" appears to reference one usual requirement for obtaining an extended appellate stay of the oak's removal-the posting of a bond-this Court can grant no timely relief absent an emergency motion requesting this

Court to stay the superior court's decision to dissolve the TRO while the group pursues its appeal. See generally RAP 8.1(b)(2) (stay as of right); RAP 8.3 (discretionary stay).

Sincerely,

A handwritten signature in black ink, appearing to be 'Derek M. Byrne', with a long horizontal line extending to the right.

Derek M. Byrne  
Court Clerk

:jlt