

January 7, 2025

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

SAVE THE DAVIS-MEEKER GARRY OAK,

Appellant,

v.

DEBBIE SULLIVAN, in her capacity of Mayor
of Tumwater,

Respondent.

No. 58881-1-II

ORDER GRANTING MOTION
TO MODIFY COMMISSIONER'S
RULING, ACCEPTING REPLY
BRIEF FOR FILING, AND
DEFERRING MOTION TO STRIKE


Appellant, Save the Davis-Meeker Garry Oak, moves this court to modify the commissioner's October 8, 2024 ruling striking Appellant's reply brief due to the inclusion of non-record evidence. After consideration, this court grants Appellant's motion to modify the commissioner's ruling and accepts the brief as filed on September 23, 2024, subject to the consideration of the panel assigned to hear this matter, as described below. This court further orders that the extrajudicial materials attached to the reply brief are not made part of the record by being included as an appendix. This court defers consideration of a portion of the Respondent's September 25, 2024 motion to strike—specifically whether to strike parts of the reply brief relying

on, and including, the extrajudicial materials attached to the reply brief as Appendices C-F—to the panel assigned to hear this matter. It is

SO ORDERED.

Panel: Jj. Veljacic, Price, Che

FOR THE COURT:


Acting Chief Judge