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**SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY**

SERVICE EMPLOYEES
INTERNATIONAL UNION 775,
WASHINGTON PUBLIC EMPLOYEES
ASSOCIATION/UNITED FOOD AND
COMMERCIAL WORKERS LOCAL
365, SERVICE EMPLOYEES
INTERNATIONAL UNION LOCAL 925,
SERVICE EMPLOYEES
INTERNATIONAL UNION DISTRICT
1199NW, INLANDBOATMEN'S UNION
OF THE PACIFIC/ILWU, UNITED
FOOD AND COMMERCIAL
WORKERS LOCAL 21, and
WASHINGTON STATE NURSES
ASSOCIATION

Plaintiffs,

v.

STATE OF WASHINGTON, OFFICE OF
FINANCIAL MANAGEMENT, and
STEVE MCLAIN, Director of Labor
Relations, in his official capacity,

Defendants.

NO. 07-2-05431-6SEA

AGREED MOTION TO
CONTINUE HEARING ON
PLAINTIFFS' MOTION FOR
PRELIMINARY
INJUNCTION

ASSIGNED TO:
JUDGE HILYER

I. RELIEF REQUESTED

Defendants, State of Washington, Office of Financial Management, by and through its attorneys of record, ROBERT M. MCKENNA, Attorney General, and FRANKLIN J. PLAISTOWE, Assistant Attorney General hereby moves this court for immediate entry of an

1 order continuing the hearing date on Plaintiffs' Motion for Preliminary Injunction to May 4,
2 2007. The hearing is currently set for March 9, 2007. Based on the current hearing date
3 Defendants will need to file a brief in opposition to Plaintiffs' motion by noon tomorrow.
4 Accordingly, Defendants request that the Court enter an immediate order granting this
5 unopposed motion to continue the hearing date.

6 Plaintiffs do not oppose this motion.

7 This motion is based upon the files and records herein and upon the subjoined
8 Declaration of Franklin J. Plaistowe in support of Motion to Continue Hearing on
9 Plaintiffs' Motion for Preliminary Injunction.

10 II. FACTUAL BACKGROUND

11 The matter before this Court involves a public disclosure request filed on November 30,
12 2006 by the Evergreen Freedom Foundation (EFF) seeking documents created during the
13 2007-2009 collective bargaining sessions between the State of Washington and several public
14 employee unions. Prior to providing responsive documents to the EFF, the Defendants notified
15 all of the public employee unions involved in the 2007-2009 collective bargaining agreement
16 sessions. A group of public employee unions filed this action and a Motion for Preliminary
17 Injunction arguing that the requested records are exempt under the Public Records Act, RCW
18 42.56.001-42.56.903. On February 28, 2006, EFF filed a motion seeking to intervene in this
19 matter.

20 III. ARGUMENT

21 In support of its motion for Preliminary Injunction, the Plaintiffs filed a 50 page brief
22 and noted the motion for hearing on March 9, 2007. In conjunction with filing its brief,
23 Plaintiffs' also filed a Motion for Leave to File an Over Length Brief. On February 28, 2007,
24 after the Plaintiffs filed their motion, the party requesting the documents filed a Motion to
25 intervene in this matter. In light of the length of Plaintiffs' brief and the pending motions
26 before this Court regarding the length of Plaintiffs' brief, and in recognition of EFF's Motion

1 to Intervene, the Defendants have filed this motion to continue the hearing date for Plaintiff's
2 Motion for Preliminary Injunction. Plaintiffs counsel had previously contacted the Court and
3 learned that the Court is available on May 4, 2007 to hear Plaintiffs Motion for Preliminary
4 Injunction.

5 The plaintiffs do not oppose continuing the March 9, 2007, hearing date on Plaintiffs'
6 Motion for Preliminary Injunction and are in agreement that should the date be continued, it
7 should be reset to May 4, 2007. *Best 7* *2/5/07* Continuing the hearing on Plaintiffs' to motion May 4, 2007
8 will allow Defendants to completely and adequately respond to the matter before this Court.
9 In addition, continuing Plaintiffs' Motion will allow this Court to resolve EFF's pending
10 motion to intervene before ruling on whether or not the documents are exempt under the Public
11 Records Act, and will allow EFF sufficient time to file appropriate responsive pleadings, in the
12 event EFF's motion to intervene is granted. Moreover, all parties have agreed that the
13 documents at issue in this action will not be released until this Court has heard Plaintiffs'
14 Motion for Preliminary Injunction. Accordingly, continuing this matter will not adversely
15 impact the interested parties.

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1 All parties have agreed to this Motion to Continue the Hearing Date on Plaintiffs'
2 Motion for Preliminary Injunction.

3 DATED this 6th day of March, 2007.

4 ROBERT M. MCKENNA
5 Attorney General

6 

7 FRANKLIN PLAISTOWE, WSBA No. 34228
8 Assistant Attorney General
9 STEWART A. JOHNSTON, WSBA No. 8774
10 Senior Counsel

11 SCHWERIN CAMPBELL BARNARD & IGLITZIN

12 

13 LAWRENCE SCHWERIN, WSBA No. 4360
14 DMITRI IGLITZIN, WSBA No. 17673
15 ROBERT H. LAVITT, WSBA No. 27758
16 CARSON GLICKMAN-FLORA, WSBA No. 37608