

1 EXPEDITE
2 No hearing set
3 Hearing is set
Date: _____
Time: _____

The Honorable Judge James J Dixon

4
5 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
6 IN AND FOR THE COUNTY OF THURSTON

7 FRIENDS OF THE COLUMBIA
8 GORGE, INC , and SAVE OUR
SCENIC AREA,

9 Petitioners,

10 vs.

11 STATE ENERGY FACILITY SITE
12 EVALUATION COUNCIL and
13 CHRISTINE O. GREGOIRE, Governor
of the STATE OF WASHINGTON,

14 Respondents,

15 and

16 WHISTLING RIDGE ENERGY LLC,
17 SKAMANIA COUNTY, and
18 KLINKITAT COUNTY PUBLIC
ECONOMIC DEVELOPMENT
AUTHORITY,

19 Intervenors-Respondents.

No. 12-2-00692-7

PETITIONERS' MOTION ON SHORTENED
TIME TO SET OVER HEARING DATE
AND MODIFY BRIEFING SCHEDULE FOR
RESPONDENTS' MOTION TO CERTIFY
PETITION FOR REVIEW TO SUPREME
COURT

(Oral Argument Not Requested)

20
21 COME NOW Petitioners Friends of the Columbia Gorge, Inc. and Save Our Scenic Area
22 and move this Court to set over the hearing and modify the briefing schedule for Respondents'
23 Motion to Certify Petition for Review to Supreme Court.

1 Yesterday (September 20), Respondents filed a motion to certify this case for direct review
2 by the Washington Supreme Court and noted a hearing on their motion for September 28 at
3 11:00 a.m. Petitioners are concerned that this hearing date does not allow for adequate time to
4 brief the motion prior to the hearing date.

5 Earlier today, counsel for Petitioner Friends of the Columbia Gorge conferred with counsel
6 for Intervenor-Respondents Whistling Ridge Energy LLC, Skamania County and Klickitat
7 County Public Economic Development Authority, all of whom have agreed to set over the
8 hearing to October 26 at 11:00 a.m. This revised hearing date has the added benefit of allowing
9 the administrative record to be settled first, prior to argument and a decision on Respondents'
10 motion to certify for direct review by the Washington Supreme Court. Counsel for Petitioner
11 Save Our Scenic Area has also agreed to this revised date. Petitioners have attempted to confer
12 with counsel for State Energy Facility Site Evaluation Council and Governor Gregoire who is out
13 of his office today.

14 Accordingly, Petitioners propose the following schedule for briefing and argument on
15 Respondents' motion:

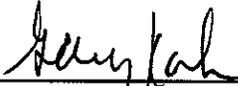
- 16 • Petitioners' Response due by Oct. 17 at 5:00 p.m.
- 17 • Respondents' Reply due by Oct. 23 at noon
- 18 • Hearing date: Oct. 26 at 11:00 a.m.

19 Petitioners anticipate that by Monday, September 24, the remaining Respondents will have
20 agreed to the proposed schedule. In light of the current impending hearing date, Petitioners
21 propose that any responses or objections to Petitioners' proposal to modify the schedule as
22 proposed above be filed by Monday, September 24 at noon

23 ///

1 Petitioners request that the Court adopt the attached proposed order or a similar order
2 consistent with this Motion.

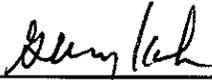
3 Dated this 21st day of September, 2012

4 

5 _____
6 Gary K. Kahn, WSBA No. 17928
7 Reeves, Kahn, Hennessy & Elkins
8 Attorney for Petitioner Friends

4 

5 _____
6 Nathan J. Baker, WSBA No. 35195
7 Friends of the Columbia Gorge
8 Staff Attorney for Petitioner Friends

7 

8  _____
9 J. Richard Aramburu, WSBA No. 466
10 Aramburu & Eustis, LLP
11 Attorney for Petitioner SOSA

CERTIFICATE OF SERVICE

I certify that I have this day caused to be served the PETITIONERS' MOTION ON SHORTENED TIME TO SET OVER HEARING DATE AND MODIFY BRIEFING SCHEDULE FOR RESPONDENTS' MOTION TO CERTIFY PETITION FOR REVIEW TO SUPREME COURT in the above-entitled action and this Certificate of Service by electronic mail and first-class United States mail, postage prepaid, to the following persons at the specified addresses:

Kyle Crews, AAG
Office of the Attorney General (GOV)
P.O. Box 40108
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kylec@atg.wa.gov
Counsel for EFSEC

Susan Elizabeth Drummond
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Counsel for Skamania County and Klickitat
County Public Economic Development Authority

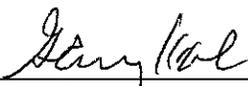
Tim McMahan
Stoel Rives LLP
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Adam N. Kick
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Counsel for Skamania County

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Aramburu & Eustis, LLP
720 Third Avenue, Suite 2112
Pacific Building
Seattle, WA 98104-1860
rick@aramburu-eustis.com
Attorney for Petitioner Save Our Scenic Area

I certify, or declare, under penalty of perjury under the laws of the State of Washington that the foregoing statements are true and correct.

Signed at Portland, Oregon this 21st day of September, 2012



Gary K. Kahn, WSBA No 17928
Attorney for Petitioner Friends

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2 No hearing set
3 Hearing is set
Date:
Time:

3 The Honorable Judge James J Dixon

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13 Respondents.

14 and

15 WHISTLING RIDGE ENERGY LLC,
16 SKAMANIA COUNTY, and
17 KLIKITAT COUNTY PUBLIC
ECONOMIC DEVELOPMENT
AUTHORITY,

18 Intervenors-Respondents

No. 12-2-00692-7

[PROPOSED]

ORDER SETTING OVER HEARING DATE
AND MODIFYING BRIEFING SCHEDULE
FOR RESPONDENTS' MOTION TO
CERTIFY PETITION FOR REVIEW TO
SUPREME COURT

21 THIS MATTER came on for hearing on the motion of Petitioners Friends of the Columbia
22 Gorge, Inc and Save Our Scenic Area to set over the hearing and modify the briefing schedule for
23 Respondents' motion to certify the case for direct review by the Washington Supreme Court. Petitioner
Friends of the Columbia Gorge, Inc , appeared by and through its attorneys, GARY K. KAHN and

1 NATHAN J. BAKER; Petitioner Save Our Scenic Area appeared by and through its attorney, J.
2 RICHARD ARAMBURU; Respondents appeared by and through their attorney Kyle Crews; Intervenor-
3 Respondent Skamania County appeared by and through its attorneys ADAM KICK and SUSAN
4 ELIZABETH DRUMMOND; Intervenor-Respondent Klickitat County Public Economic Development
5 Authority appeared by and through its attorney, SUSAN ELIZABETH DRUMMOND; and Intervenor-
6 Respondent Whistling Ridge Energy LLC, appeared by and through its attorney, TIMOTHY L.
7 MCMAHAN.

8 Being fully advised, the Court finds that the briefing schedule shall be as set forth below.

9 NOW, THEREFORE,

10 IT IS HEREBY ORDERED that:

- 11 1. Petitioners have until October 17, 2012 at 5:00 p.m. to file their Response to the
12 Motion
13 2. Respondents have until October 23, 2012 at noon to file their Reply
14 3. The hearing date on the motion shall be set over to Oct. 26 at 11:00 a.m.

15 Dated this ____ day of September, 2012.

16 _____
JUDGE JAMES J. DIXON

17 **PRESENTED BY:**

18 REEVES, KAHN HENNESSY & ELKINS

19 *Gary Kahn*
Gary K. Kahn WSBA # 17928
Counsel for Friends of the Columbia Gorge, Inc

20 *Nathan J. Baker*
FRIENDS OF THE COLUMBIA GORGE

21 Nathan J. Baker, WSBA # 35195
Staff Attorney, Friends of the Columbia Gorge, Inc.

22 ARAMBURU & EUSTIS LLP

23 *Richard Aramburu*
Richard Aramburu, WSBA # 466
Counsel for Save Our Scenic Area

CERTIFICATE OF SERVICE

I certify that I have this day caused to be served the [PROPOSED] ORDER SETTING OVER HEARING DATE AND MODIFYING BRIEFING SCHEDULE FOR RESPONDENTS' MOTION TO CERTIFY PETITION FOR REVIEW TO SUPREME COURT in the above-entitled action and this Certificate of Service by electronic mail and first-class United States mail, postage prepaid, to the following persons at the specified addresses:

Kyle Crews, AAG
Office of the Attorney General (GOV)
P.O. Box 40108
Olympia, WA 98504
kylec@atg.wa.gov
Counsel for EFSEC

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Bldg 5000, Ste. 476
Kirkland, WA 98033
susan@susandrummond.com
Counsel for Skamania County and Klickitat
County Public Economic Development Authority

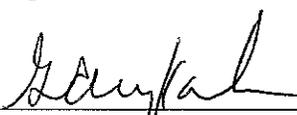
Tim McMahan
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Counsel for Whistling Ridge Energy LLC

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Skamania County Prosecutor
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kick@co.skamania.wa.us.
Counsel for Skamania County

J. Richard Aramburu
Aramburu & Eustis, LLP
720 Third Avenue, Suite 2112
Pacific Building
Seattle, WA 98104-1860
rick@aramburu-eustis.com
Attorney for Petitioner Save Our Scenic Area

I certify, or declare, under penalty of perjury under the laws of the State of Washington that the foregoing statements are true and correct.

Signed at Portland, Oregon this 21st day of September, 2012.



Gary K. Kahn, WSBA No. 17928
Attorney for Petitioner Friends