

No. 81857-6

SUPREME COURT OF THE STATE OF WASHINGTON

COMMUNITY CARE COALITION OF WASHINGTON; HOME
CARE OF WASHINGTON, INC.; THE FREDRICKSON HOME;
CYNTHIA O'NEILL, a Washington Citizen and Taxpayer;
RON RALPH and LOIS RALPH, husband and wife and
Washington Citizens and Taxpayers,

Petitioners,

v.

SAM REED, Secretary of State,

Respondent,

and

LINDA LEE and PEOPLE FOR SAFE QUALITY CARE,

Intervenors/Respondents.

REQUEST FOR JUDICIAL NOTICE

Narda Pierce, WSBA No. 10923
Kathleen D. Benedict, WSBA No. 7763
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I. IDENTITY OF REQUESTING PARTIES

Petitioners request this Court to take judicial notice, pursuant to ER 201(b), of the documents attached to the Declaration of Narda Pierce in Support of Request for Judicial Notice.

II. FACTS RELEVANT TO MOTION

This is an original action against Secretary of State Sam Reed, filed under article IV, section 4 of the Washington Constitution, regarding his actions with regard to Initiative 1029. The parties have filed an Agreed Statement of Facts, which provides in paragraph 31: "This Statement of Facts is not intended to preclude the parties from citing additional factual matters, or matters with respect to which the Court may take judicial notice."

On July 16, 2008, the undersigned counsel submitted a public records request to Brenda Galaraza, Public Records Officer for the Secretary of State, requesting public records pursuant to chapter 42.56 RCW. In response to the request, Ms. Galaraza provided a number of documents from the files of the Secretary of State's office. The documents attached to the Declaration of Narda Pierce in Support of

Request for Judicial Notice are documents provided by the Secretary of State's office from its own files.

III. AUTHORITIES

Petitioner requests this Court to take judicial notice pursuant to ER 201(b), which provides: "A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." Judicial notice may be taken of those "facts capable of immediate and accurate demonstration by resort to easily accessible sources of indisputable accuracy and verifiable certainty." *CLEAN v. State*, 130 Wn.2d 782, 809, 928 P.2d 1054 (1996) (citation omitted).

IV. CONCLUSION

For the reasons set forth above, petitioners respectfully request the Court take judicial notice of the documents from the files of the Secretary of State's office.

Respectfully submitted this 5th day of August, 2008.



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