

1 proceed in a single forum. Although other venues would also be appropriate, venue in Chelan
2 County is consistent with RCW 29A.68. Since this Court has already begun proceedings on
3 this matter, the interest in judicial economy counsels against a transfer of venue. The fact that
4 this case involves a single statewide election as to which a single statewide standard must be
5 applied to the facts also supports the conclusion that the matter should not be permitted to
6 proceed piecemeal in multiple counties. The principle that ordinarily the proper venue for a
7 suit against a county lies in that county or the two nearest counties does not conflict with this
8 principle. *Baker v. Hilton*, 64 Wn.2d 964, 965, 395 P.2d 486 (1964) (where relevant statute
9 provides several places for venue, the initial choice is the plaintiff's; the matter comes within
10 the discretion of the trial court and is reviewable only for abuse of discretion); *Shoop v.*
11 *Kittitas Cy.*, 149 Wn.2d 29, 37-38, 65 P.3d 1194 (2003) (the filing requirements of RCW
12 36.01.050 relate only to venue, not to the trial court's subject matter jurisdiction).

13 This does not mean that it is always appropriate for a plaintiff to commence an action
14 against a state officer, such as Secretary Reed, in a county other than that designated in RCW
15 4.12.020(2), which provides that venue for an action against a public officer lies in the county
16 in which the cause of action arose. Ordinarily, this means that an action against Secretary
17 Reed should be filed in Thurston County—where his office is located and where official
18 actions are performed. The state Supreme Court has recently established, however, that RCW
19 4.12.020 relates only to venue, overruling a prior decision treating the statute as a
20 jurisdictional requirement. *Young v. Clark*, 149 Wn.2d 130, 131, 65 P.3d 1192 (2003)
21 (overruling *Aydelotte v. Audette*, 110 Wn.2d 249, 253, 750 P.2d 1276 (1988)).

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1 For these reasons, the Secretary respectfully submits that the motion to dismiss for
2 improper venue should be denied.

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4 DATED this 26th day of January, 2005.

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