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ARAMBURU & EUSTIS
Honorable William Downes

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SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

CASCADE BICYCLE CLUB, a
Washington non-profit corporation,
FUTUREWISE, a Washington non-profit
corporation and SIERRA CLUB, a
California non-profit corporation,

Plaintiffs,

v.

PUGET SOUND REGIONAL COUNCIL,
a state regional transportation planning
organization and a federally designated
metropolitan planning organization,

Defendant,

NO. 10-2-22228-6

STIPULATION AND AGREED ORDER
AMENDING CASE SCHEDULE

STIPULATION

The parties agree and stipulate to entry of the following Agreed Order:

1 DATED this 4th day of November, 2010.

3 ARAMBURU & EUSTIS, LLP

4 By [Signature]

5 Jeffrey M. Eustis, #9262
6 ARAMBURU & EUSTIS LLP
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8 Seattle, WA 98104
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eustis.com](mailto:eustis@aramburu-eustis.com)

10 Attorneys for Cascade Bicycle Club and
the Sierra Club

FUTUREWISE

By [Signature]

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Attorney for Futurewise

12 HILLIS CLARK MARTIN & PETERSON

13 By [Signature]

14 Melody B. McCutcheon, #18112
15 HILLIS CLARK MARTIN & PETERSON, P.S.
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17 Seattle, Washington 98101-2925
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18 Attorneys for Defendant, Puget Sound
19 Regional Council

CASCADIA LAW GROUP

By [Signature]

Rodney L. Brown, Jr., #13089
CASCADIA LAW GROUP
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Seattle, Washington 98101
Telephone: (206) 292-6300
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Attorneys for Defendant, Puget Sound
Regional Council

20 **AGREED ORDER**

21 Based upon the above stipulation, it is hereby ordered as follows:

22 **A. Administrative Decision Record.**

- 23 1. Contents of the Decision Record. The prior Stipulation and Order

24 Authorizing Filing of Administrative Record in Electronic Form and Revising the

25 STIPULATION AND AGREED ORDER AMENDING
CASE SCHEDULE - 2

ARAMBURU & EUSTIS LLP
720 Third Avenue, Suite 2112
Seattle, Washington 98104
Tel. (206) 625-9515 Fax (206) 682-1376

1 Filing Date in the Case Schedule approved by the court on August 17, 2010
2 governs the form and filing date of the record. Through the initial designation
3 by the Puget Sound Regional Council ("PSRC"), requests for supplementation
4 by plaintiffs and PSRC's subsequent supplementation, the record filed on
5 September 24, 2010 constitutes the decision record. The parties do not
6 anticipate that the decision record would be supplemented through motions for
7 supplementation or through testimony, affidavits or declarations of witnesses.
8

9 2. Additional measures. The parties agree that additional means for
10 compiling a decision record will not be utilized, such as those available through
11 under Article IV, Section 6 of the Washington State Constitution, Chapters 7.24,
12 7.40, and 43.21C RCW, and the rules of discovery under CR 26-37. The parties
13 agree that PSRC's actions may be reviewed on the decision record filed with
14 the court, without issuance of a writ of review.
15

16 **B. Trial/Hearing.**

17 1. The trial in this matter shall be conducted as a hearing on the
18 decision record, briefing and argument of counsel under the schedule below,
19 without the presentation of additional evidence or testimony at the hearing.
20 However, documents in Category 7 of the Administrative Agency Record are
21 draft, working files that were added to the Record at Plaintiffs' request. PSRC
22 added those documents to the Record subject to its express reservation of
23 rights to object to Plaintiffs' use of those materials, including the intent to
24 present such objections by affidavit or declaration. Plaintiffs do not agree that
25

1 such affidavits or declarations are appropriate. If necessary, this matter would
2 be resolved by motion presented as part of the briefing by the parties.

3 2. The parties do not anticipate the presentation of dispositive issues by
4 motion. The briefing of any affirmative defenses shall be combined with the
5 briefing on the merits and presented under the schedule set forth within Part D
6 below. The parties reserve the right to include affidavits or declarations as part
7 of their briefing in order to raise and respond to affirmative defenses.
8

9 **C. Schedule for Briefing and the Hearing.**

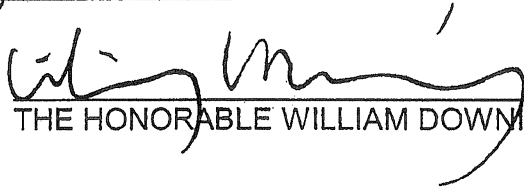
10 The case schedule shall be amended as follows:

Deadline	Event
January 14, 2011	Plaintiffs' opening brief
March 25, 2011	PSRC responsive brief
April 29, 2011	Plaintiffs' reply brief
May 13, 2011	Deadline for engaging in alternative dispute resolution
May 20, 2011	PSRC reply, limited to plaintiffs' response to affirmative defenses raised in PSRC's responsive brief, if any
May 31, 2011	Hearing, or as determined by the court's schedule

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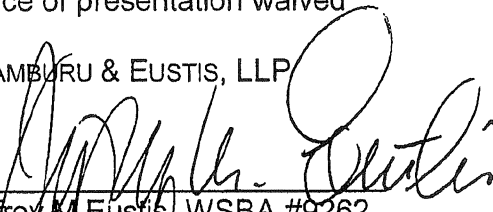
1 3. This Stipulation and Agreed Order may be amended upon agreement of
2 the parties and approval by the court.

3 Dated this 5 day of November, 2010.

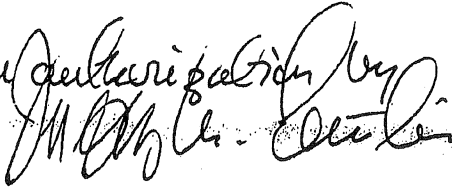
4
5 
6 THE HONORABLE WILLIAM DOWNING

7 Approved for entry;
8 notice of presentation waived

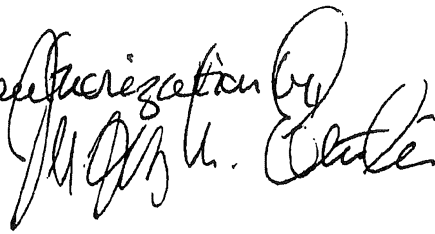
9 ARAMBURU & EUSTIS, LLP

10 By: 
11 Jeffrey M. Eustis, WSBA #9262
12 Attorney for Cascade Bicycle Club and Sierra Club

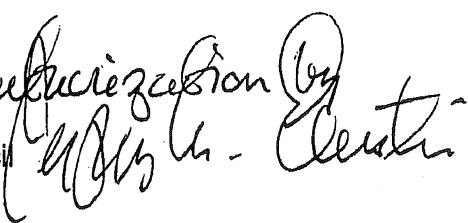
13 FUTUREWISE

14 By: 
15 Tim Trohimovich, WSBA #22367
16 Attorney for Futurewise

17 HILLIS CLARK MARTIN & PETERSON

18 By: 
19 Melody McCutcheon, WSBA #18112
20 Attorney for Puget Sound Regional Council

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23 Rodney L. Brown, Jr., WSBA # 13089
24 Attorney for Puget Sound Regional Council