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**SUPERIOR COURT OF WASHINGTON
COUNTY OF KING**

Washington Election Integrity Coalition United, et. al,)	Case No. 21-2-12603-7 KNT
Plaintiffs,)	
v.)	MOTION FOR RECONSIDERATION
Julie Wise, et al.,)	CR 59(a)(7)
Defendants,)	
and)	
Washington State Democratic Central Committee,)	
Intervenor Defendant;)	
Julie Wise, King County,)	
Counter-claimants,)	
v.)	
Washington Election Integrity Coalition United,)	
Counterclaim Defendant.)	

RELIEF REQUESTED

Plaintiff Washington Election Integrity Coalition United (“WEiCU”) respectfully requests that the Court reconsider the striking of WEiCU’s Public Records Act cause of action under Civil Rule 11

1 as an “alternative” basis for dismissal of that cause of action in rulings dated June 15, 2023 denying the
2 Motion for Declaratory Judgment on the Meaning and Application of RCW 29A.08.161, denying
3 Plaintiff WEICU’s Motion to Show Cause Re Public Records Request, and granting Defend-
4 ants/Counterclaimants Julie Wise and King County’s Motion for Summary Judgment (“Orders”). CR
5 59(a)(7) (no evidence or reasonable inference from the evidence to justify the decision or is contrary to
6 law).

7
8 **STATEMENT OF FACTS RELEVANT TO MOTION**

9 The facts relevant to this motion are contained in documents and pleadings in the court file and
10 the Declaration of Virginia P. Shogren with attachments that are filed contemporaneously with this
11 motion. The Court’s rulings with respect to CR 11 are as follows:

12 In the alternative, the Court finds that the [Public Records Act] PRA cause of action set
13 forth in the verified complaint filed in this case failed to comply with CR 11. A com-
14 plaint filed by a corporate body must bear the signature of a licensed attorney. In this
15 matter, the verified complaint was not signed by an attorney.

16 Orders: Dec Judgment p. 5, ll. 8-11, Show Cause p. 5, ll. 10-13, Summary Judgment p. 6, ll. 7-10.

17 **STATEMENT OF ISSUE**

18 Question: Under Civil Rule 59(a)(7), should this Court reconsider the striking and dismissal of
19 a verified Public Records Act cause of action where WEiCU was represented for all purposes com-
20 mencing October 26, 2022?

21 Answer: Yes, Civil Rule 11 does not require that a complaint filed by a corporate body bear the
22 signature of a licensed attorney, and, in any event, WEiCU has been represented for all purposes under
23 Civil Rule 70.1 since the matter was remanded to state court in October 2022.

24 **EVIDENCE RELIED UPON**

25 WEiCU relies upon the Declaration of Virginia P. Shogren, filed herewith, and Notices of
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1 Appearance for WEiCU filed October 17, 2021 and October 26, 2022, Exhibits “A” and “B” thereto,
2 incorporated herein by this reference.

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 Public Records Act claims must be brought by the requestor of the records:

5 Upon the motion of any person having been denied an opportunity to inspect or copy a
6 public record by an agency, the superior court in the county in which a record is main-
7 tained may require the responsible agency to show cause why it has refused to allow
inspection or copying of a specific public record or class of records.

8 RCW 42.56.550(1).

9 Civil Rule 11 does not require that a complaint filed by a corporate body bear the signature of a
10 licensed attorney:

11 A party who is not represented by an attorney shall sign and date the party's pleading,
12 motion, or legal memorandum and state the party's address. . . . The signature of a party
13 or of an attorney constitutes a certificate by the party or attorney that the party or at-
14 torney has read the pleading, motion, or legal memorandum, and that to the best of the
15 party's or attorney's knowledge, information, and belief, formed after an inquiry rea-
sonable under the circumstances

16 CR 11(a).

17 The striking of a pleading for lack of attorney signature where a general Notice of Appearance
18 has been filed contravenes Civil Rule 70.1:

19 **(a) Notice of Appearance.** An attorney admitted to practice in this state may appear for
20 a party by serving a notice of appearance.

21 CR 70.1.

22 The striking of an initial pleading (complaint) renders the Court powerless to address the claims
23 in said pleading, as the plaintiff/petitioner must necessarily have lacked standing in the action. *Ullery v.*
24 *Fulleton*, 162 Wash.App. 596, 604-605, 256 P.3d 406 (2011) (“[I]ack of standing is tantamount to a
25 finding that the trial court lacks subject matter jurisdiction to hear the claim. . . render[ing] the superior
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1 court powerless to pass on the merits of the controversy before it”[.] [citations omitted].) Without
2 standing, the trial court is without authority to proceed. *Id.* This means that the Court’s striking of the
3 PRA cause of action renders the other Orders null and void.

4 *Dutch Village Mall v. Pelletti*, 162 Wash.App. 531 (2011) involved a corporate party that was
5 never represented by counsel under Civil Rule 70.1. Counsel was needed “in order to litigate.” *Id.*, at p.
6 534. Contrary to *Dutch Village Mall*, WEiCU has been represented by counsel well before and after
7 remand in October 2022. Shogren Decl., Exhs. “A”, “B”.

8
9 **REQUEST UNDER LCR 59(b)**

10 WEiCU requests that the Court grant leave for the filing of a response to this motion for re-
11 consideration per LCR 59(b) which provides that “[n]o motion for reconsideration will be granted
12 without such a request.”


13
14 **CONCLUSION**

15 The striking and associated dismissal of a represented corporate party’s verified Public Records
16 Act cause of action under CR 11 had no basis in evidence or reasonable inference from the evidence to
17 justify the decision or is contrary to law.

18 I certify that this pleading contains 833 words in compliance with LCR 7(b)(5)(B)(vi).

19
20 Respectfully submitted,

21 VIRGINIA P. SHOGREN, P.C.

22 

23 Dated: June 21, 2023

24 By: Virginia P. Shogren, Esq.

25 WSBA No. 33939

26 961 W. Oak Court

27 Sequim, WA 98382

28 360-461-5551

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Attorney for Plaintiff WEiCU

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Sequim WA 98382
360-461-5551

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2023, I electronically filed the following documents with the Clerk of the Court using the King County Superior Court E-Filing System and caused a copy to be served upon the parties listed below via the method indicated:

NOTICE FOR HEARING – MOTION FOR RECONSIDERATION

MOTION FOR RECONSIDERATION

DECLARATION OF VIRGINIA P. SHOGREN IN SUPPORT OF MOTION FOR RECONSIDERATION

ORDER GRANTING RECONSIDERATION [PROPOSED]

Counsel for Defendants:

Ann M. Summers

Via email: ann.summers@kingcounty.gov

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Via email: david.hackett@kingcounty.gov

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Via email: HHyatt@perkinscoie.com

The foregoing documents were also served via email provided by the following *pro se* plaintiffs:

Doug Basler

Timofey Samoylenko

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: June 21, 2023

s/ Virginia P. Shogren
Virginia P. Shogren
961 W. Oak Court
Sequim, WA 98382

MOTION FOR RECONSIDERATION