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2 The Honorable Marshall Ferguson
3 Hearing Date: Friday, December 13, 2019
4 Without Oral Argument
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7 SUPERIOR COURT OF THE STATE OF WASHINGTON
8 FOR KING COUNTY

9 GARFIELD COUNTY TRANSPORTATION
10 AUTHORITY; KING COUNTY; CITY OF
11 SEATTLE; WASHINGTON STATE
12 TRANSIT ASSOCIATION; ASSOCIATION
13 OF WASHINGTON CITIES; PORT OF
14 SEATTLE; INTERCITY TRANSIT;
15 AMALGAMATED TRANSIT UNION
16 LEGISLATIVE COUNCIL OF
17 WASHINGTON; and MICHAEL ROGERS,

18 Plaintiffs,

19 and

20 WASHINGTON ADAPT,

21 Intervenor-Plaintiff,

22 v.

23 STATE OF WASHINGTON,

24 Defendant.
25

NO. 19-2-30171-6 SEA

ORDER GRANTING
INTERVENOR STATUS TO CLINT
DIDIER AND DENYING IN PART
MOTION TO INTERVENE

21 THIS MATTER came before the Court upon the Third Party Motion To Intervene
22 (“Motion To Intervene” herein) brought by proposed intervenors Clint Didier, Kevin Heinen,
23 Matthew Morell, John Logue, and Parker Olsen. The Court considered the Motion To Intervene,
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ORDER GRANTING INTERVENOR
STATUS TO CLINT DIDIER AND
DENYING IN PART MOTION TO
INTERVENE - 1

JUDGE MARSHALL FERGUSON
KING COUNTY SUPERIOR COURT
516 THIRD AVENUE
SEATTLE WA 98104
(206) 477-1513

COPY

1 the supporting declarations of Stephen Pidgeon and Tim Eyman¹ (Sub. Nos. 84, 85) and the
2 “verifications” signed by the proposed intervenors stating, but not attesting under oath or penalty
3 of perjury, that the facts set forth in a previously filed motion to intervene are true (Sub. No. 41).

4 No existing party has filed either a stipulation or an opposition to the motion. The
5 proposed intervenors have not provided a proposed pleading setting forth their claims or
6 defenses, as required by CR 24(c). Based upon the Court’s review of the motion, the supporting
7 materials, and the Court file, it is hereby

8 ORDERED, ADJUDGED AND DECREED that the motion to intervene is GRANTED
9 IN PART, in that proposed intervenor Clint Didier is granted intervenor status in the above-
10 captioned matter. It is further

11 ORDERED, ADJUDGED AND DECREED that the motion to intervene is DENIED IN
12 PART, in that proposed intervenors Kevin Heinen, Matthew Morell, John Logue, and Parker
13 Olsen are denied intervenor status in the above-captioned matter.

14 The Motion To Intervene fails to provide any factual basis for distinguishing between
15 each of the five individuals seeking to intervene. All are identically self-described as “a
16 taxpayer, a vehicle owner, and a registered voter who voted in support of I-976.” Sub. No. 41.
17 Nowhere do the proposed intervenors explain why five identically described individual
18 taxpayers should all be granted intervenor status in this case rather than just one, especially where
19 all five would be represented by the same attorney asserting the same arguments on their behalf.
20 Since the interests of Messrs. Heinen, Morell, Logue, and Olsen will be adequately represented
21 by intervenor Mr. Didier, intervention of right as to the four others is denied. CR 24(a)(2).

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25 ¹ The Court intends no disrespect to Mr. Eyman by informally referring to him as “Tim Eyman” here. The subject
declaration is entitled “Declaration of Tim Eyman.” Other documents filed with the Court refer to Mr. Eyman as
“Timothy Eyman” or “Timothy Donald Eyman”.

1 The Court exercises its discretion in denying permissive intervention to Messrs. Heinen,
2 Morell, Logue, and Olsen. The Motion To Intervene offers no explanation as to each proposed
3 intervenor's distinctive basis for intervention and no limiting principle on the notion that each
4 and every individual taxpaying vehicle owner who voted for I-976 should be granted intervenor
5 status in this lawsuit. Absent such information, the Court grants intervenor status to Mr. Didier
6 alone, without prejudice to the other proposed intervenors bringing a supplemental motion to
7 intervene establishing individualized grounds for their intervention.² Or, if another of the
8 proposed intervenors should be substituted for Mr. Didier, the Court would consider such a
9 request.

10 The case caption shall be amended to add Mr. Didier as an intervenor-defendant.

11 DATED this 13th day of December, 2019.

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14 JUDGE MARSHALL FERGUSON

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25 ² This Order extends the existing, stipulated December 9, 2019 deadline for filing motions to intervene to December 23, 2019 solely to accommodate the four potential intervenors other than Mr. Didier, and not for any other purpose.