THE HONORABLE MICHAEL SCOTT
HEARING DATE: May 2, 2025
WITHOUT ORAL ARGUMENT

SUPERIOR COURT OF THE STATE OF WASHINGTON
KING COUNTY

IN THE MATTER OF RECALL CHARGES AGAINST KENT SCHOOL DISTRICT NO. 415 BOARD DIRECTORS MEGHIN MARGEL AND TIM CLARK	No. 25-2-07890-6 KNT **PETITIONERS' MOTION FOR RECONSIDERATION AND CLARIFICATION OF APRIL 11, 2025 COURT ORDER**

COMES NOW Petitioners Greta Nelson, Michele Bettinger, and Lori Waight ("Petitioners"), pursuant to Civil Rule (CR) 59(a) and (e), and respectfully move the Court for reconsideration and clarification of its April 11, 2025 Findings of Fact, Conclusions of Law, and Order Dismissing Petitions for Recall against Kent School District No. 415 Board Directors Meghin Margel and Tim Clark (the "Order"). Petitioners' Motion for Reconsideration and Clarification of April 11, 2025 Order (the "Motion") is based on the record—including the Petitioners' "Recall Petitions" (at Dkt. 1), Petitioners' Supplemental Brief ("Pet. Supp. Br." at Dkt. 25), Respondents' Joint Brief in Response to Petitions for Recall ("Resp. Br." at Dkt. 23), the Order at Dkt. 27, and the Declaration of Greta Nelson in Support of Petitioners' Motion for Reconsideration and Clarification ("Decl. of Nelson") filed concurrently with this Motion, which includes a certified transcript of the April 11, 2025 sufficiency hearing attached as Exhibit A—the "Tr. 4/11/25")—and on the following grounds.

I. INTRODUCTION

On April 11, 2025, this Court dismissed Petitioners' individual Recall Petitions as filed with King County Superior along with a Petition for Sufficiency and related Ballot Synopses on

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March 11, 2025 Court by the King County Prosecuting Attorney's Office (at Dkt. 1), against Directors Meghin Margel and Tim Clark (collectively, "Respondents"), concluding that Charges 1–7 against Margel and Charges 1–6 against Clark were factually and legally insufficient under RCW 29A.56.110. At the sufficiency hearing's outset, the Court ruled it would "not consider any new facts or new charges" in the Petitioners' Supplemental Brief, which provided detailed allegations, referenced the Recall Petitions' 35 exhibits, and statutory support essential to meeting sufficiency standards under *In re Recall of Ruelas* (No. 103444-0 at 9, Wash. 2025) (Tr. 4/11/25, p. 6, lines 4–12). The Court further stated "I will not hear argument about any of the new facts or charges (Tr. 4/11/25, p. 7, lines 6-11). This ruling, made before Petitioners' oral arguments, aligned with Respondents' objection to limit review to the Recall Petitions' original allegations (Resp. Br. at 5–6), effectively endorsing a restrictive procedural stance that prejudiced Petitioners' ability to effectively present their case at the sufficiency hearing. The Order fails to specify deficiencies in the Charges, raising due process concerns.

Petitioners, acting *pro se*, diligently prepared individualized Recall Petitions, provided extensive evidentiary support, along with a comprehensive Supplemental Brief, alleging misfeasance, malfeasance, and oath violations, and supported by statutes (*e.g.*, RCW 42.30, RCW 39.26.140) and evidence (*e.g.*, Foster Garvey Memo, public records, communications with the Board and District, PDC warnings, District-disclosed legal memos). The Washington Supreme Court emphasizes that recall is a constitutional right to hold elected officials accountable, requiring courts to facilitate its operation without undue barriers (*In re Recall of Suggs*, No. 103314-1 at 4, Wash. 2025; *Ruelas*, No. 103444-0 at 1). The Court's exclusion of the Supplemental Brief, restrictive application of *In re Recall of Wasson* (149 Wn.2d 787, 72 P.3d 170, 2003), and vague Order denied Petitioners a fair hearing, violating the Appearance of Fairness Doctrine (*In re Recall of Lindquist*, 172 Wash.2d 120, 131–32, 258 P.3d 9, 2011).

This recall action, tied to significant community distrust (including a 9-union full membership vote of "no confidence in Board President Meghin Margel and Superintendent Israel Vela) over Resolution 1669 and its related litigation (*Nelson and Cook v. Kent School District*

No. 415, et al., KCSC No. 24-2-06877-5 KNT), demands judicial neutrality to maintain public confidence. The March 28, 2025 CR2A settlement in *Nelson and Cook* failed to resolve transparency concerns, amplifying the public's stake (Pet. Supp. Br. at 10). Petitioners were prohibited from presenting detailed evidence in the Supplemental Brief and during oral argument at the April 11 hearing, while Respondents referenced the *Nelson and Cook* litigation (Resp. Br. at 2–4) leaving an impression of "ongoing litigation" when there was no more litigation, creating an uneven procedural standard.

The "new" information of the CR2A settlement agreement on March 28, and the resulting stipulated dismissal filed April 10, the day before the hearing, would not have significantly expanded the scope of any of the Charges or disrupted the case's timeline—however the new information certainly does show that there was likely some level of intent shown or evidence of harm to Director Cook if the District (through Superintendent Vela Board President Meghin Margel) chose to settle the litigation in advance of the opening brief filing in the Court of Appeals, Division I (without advising the full Board about that development in an executive session prior to the March 26 regular meeting).

Petitioners request reconsideration under CR 59(a) to correct procedural irregularities, legal errors, and manifest injustice, and seek clarification to ensure an appellate record.

II. GROUNDS FOR RECONSIDERATION

Petitioners move for reconsideration under CR 59(a)(4), (7), (8), and (9), which permit relief when:

- There is irregularity in the proceedings preventing a fair hearing (CR 59(a)(4));
- The Order is contrary to law (CR 59(a)(7));
- There was an error in law or misapplication of legal standards (CR 59(a)(8)); and
- Substantial justice has not been done (CR 59(a)(9)).

Petitioners also seek clarification to understand: (a) the basis for excluding the Supplemental Brief, (b) whether the Court adopted Respondents' *Wasson* argument, (c) how these decisions influenced the order of insufficiency, and (d) specific Charge deficiencies, to

preserve appellate rights.

III. STATEMENT OF FACTS AND AUTHORITIES

A. Legal Standard for Reconsideration.

Under CR 59(a), a court may reconsider its decision if it results from procedural irregularity, is contrary to law, based on erroneous legal interpretation, or causes manifest injustice (*Go2Net, Inc. v. C I Host, Inc.*, 115 Wn. App. 73, 88, 60 P.3d 1245, 2003). In recall proceedings, courts must take petitioners' allegations as true and assess sufficiency liberally to preserve the constitutional recall right (*In re Recall of Boldt*, 187 Wn.2d 542, 549, 386 P.3d 1104, 2017; *Suggs*, No. 103314-1 at 4). A charge is sufficient if it identifies specific acts of misfeasance, malfeasance, or oath violation, supported by identifiable facts and a clear legal violation (*In re Recall of Anderson*, 131 Wn.2d 92, 95, 929 P.2d 410, 1997; *Ruelas*, No. 103444-0 at 9). Courts must ensure a fair hearing, avoiding prejudgment, to uphold due process and the Appearance of Fairness Doctrine (*In re Recall of Ackerson*, 143 Wn.2d 366, 377, 20 P.3d 930, 2001; *State v. Post*, 118 Wn.2d 596, 619, 826 P.2d 172, 1992).

B. Errors of Law and Fact in the Court's Order.

1. Procedural Irregularity: Refusal to Consider Supplemental Brief and Violation of Appearance of Fairness Doctrine.

At the April 11, 2025, hearing, the Court preemptively ruled, in response to Respondents' preliminary objection, that it would "not consider any new facts or new charges" in the Petitioners' Supplemental Brief, stating, "The law allows me only to consider the sufficiency of the charges in the petition" (Tr. 4/11/25, p. 6, lines 4–12). This ruling, made before Petitioners could present oral arguments, signaled a restrictive approach that limited their ability to meet *Ruelas's* requirement for detailed allegations (No. 103444-0 at 9). The Court's alignment with Respondents' narrow interpretation of *Wasson* (149 Wn.2d 787, 792–93), without engaging Petitioners' filings (Pet. Supp. Br. at 29), created an appearance of partiality, violating the Appearance of Fairness Doctrine (*Lindquist*, 172 Wash.2d at 131–32). The Court's further comment that it had "spent a fair amount of time reviewing the written submissions and [was]

familiar with the charges" (Tr. 4/11/25, p. 6, lines 16–18) suggested a predisposition to dismiss, discouraging Petitioners' full presentation.

The Recall Petitions and Supplemental Brief were a diligent *pro se* effort to meet *Ruelas's* sufficiency standards, providing 35 exhibits (*e.g.*, Foster Garvey Memo, meeting records, PDC warnings) to address Respondents' challenges (Pet. Supp. Br. at 29–37; *see also* Recall Petitions, Index to Exhibits). The exclusion of the Supplemental Brief denied Petitioners a fair opportunity to present their case, particularly in a recall tied to the Resolution 1669 litigation in *Nelson and Cook* (KCSC No. 24-2-06877-5 KNT), where the March 28, 2025, settlement had failed to restore community trust (Pet. Supp. Br. at 10). Respondents referenced this litigation (Resp. Br. at 2–4), yet Petitioners were barred from clarifying its relevance or that it had recently settled prior to the opening brief being filed in the Court of Appeals, Division I, creating an uneven standard. This irregularity, coupled with the Court's certified hearing transcript (Decl. of Nelson at Exhibit A), supports an Appearance of Fairness violation (*Post*, 118 Wn.2d at 619).

The District, through Margel's and Clark's individual actions, has caused uninsured financial risk and liability (Margel Petition at pp. 12-13, Clark Petition at pp. 11-12, and Pet. Supp. Br. at pp. 3, 4, 16, 23). The Resolution 1669 litigation involved claims of wrongful acts, violations of civil rights, damages to others, and the aggrieved party brought claims showing the Board and three of its directors and officers were not acting within the scope of their duties.

2. Relevance of "New" Evidence or Information.

The "new evidence" was the CR2A Settlement agreement Petitioner Greta Nelson had reviewed and declined to sign on March 28, 2025, and Petitioners would have also introduced evidence during oral argument of the April 10, 2025 stipulated dismissal filed in the Court of Appeals, Division I, and in King County Superior Court—but the Court prohibited the new and highly relevant details contained in the Supplemental Brief and during the hearing. The new facts strengthen the factual basis of several of Charges 1 through 4 by showing tangible consequences of Margel's and Clark's actions.

The lack of explicit statutory or case law guidance on supplemental briefing including new information in recall actions means that courts should evaluate such a request under general procedural principles, balancing relevance against procedural fairness and the recall process's expedited nature.

a. Settlement Notice Showing Harm.

The settlement of the litigation directly supports the merit of the recall charges by demonstrating harm caused by the official's actions. Washington courts have held that charges must be factually sufficient, meaning they provide "concrete facts" that, if true, establish a prima facie case of misconduct (*In re Recall of Washam*, 2011). A settlement showing harm could bolster factual sufficiency by providing evidence of impact, such as financial or public harm, directly tied to the alleged malfeasance or misfeasance. For example, in *In re Recall of Pearsall-Stipek* (2000), the court emphasized that evidence must clearly link the official's actions to the harm alleged.

b. Judicial Discretion to Allow New Evidence

Washington courts have broad discretion in procedural matters, including whether to accept new evidence or supplemental briefing. In civil procedure, CR 15(d) allows courts to permit supplemental pleadings to address new developments, provided they don't prejudice the opposing party or disrupt the case's timeline. Similarly, under CR 7(b), courts can request or allow additional briefing if it aids in resolving the matter justly. While recall actions are not standard civil cases, courts may apply analogous principles, especially if the new evidence is critical to determining the charges' sufficiency, which is the case here.

In re Recall of Inslee (2019) and *In re Recall of Fortney* (2023) illustrate that courts focus narrowly on the petition's allegations during sufficiency hearings, but they don't explicitly prohibit new evidence. If a settlement notice was unavailable at the petition's filing but later obtained, a court should consider it under its equitable powers, particularly if it directly supports the charge's merit. Recall petitions are expected to be comprehensive at filing (*In re Recall of Cole*, 1995), however the evidence wasn't included initially because the developments did not

occur until after the Recall Petitions were filed, but the information is highly relevant to this action and the factual sufficiency of the Charges.

Appellate rules, like RAP 9.11, allow courts to accept additional evidence in rare cases if it's material, couldn't have been presented earlier, and serves justice, which is the case here. While not directly applicable to trial-level recall actions, this suggests courts have discretion to consider new evidence in exceptional circumstances, such as when a settlement notice materially strengthens the case for recall.

c. Settlement notice and related dismissal of the litigation corroborates existing allegations.

Courts may hesitate to allow new evidence in supplemental briefing for several reasons such as procedural fairness, expediency, or the scope of review, since new evidence might be seen as expanding the charges beyond their original framing, which is generally disfavored. However, if the settlement notice merely clarifies or corroborates existing allegations (*e.g.*, by quantifying harm already alleged), a court should be more inclined to admit it, as it wouldn't constitute a new charge but rather strengthens the original ones.

d. Case Law Analysis.

No Washington case directly addresses new evidence in supplemental briefing for recall actions. Relevant cases provide indirect guidance:

- *In re Recall of Washam* (2011-2014): Focused on the sufficiency of charges and campaign finance issues but didn't discuss supplemental evidence. The court's emphasis on clear, verified allegations suggests new evidence like a settlement notice could be relevant if it directly supports the petition's claims.
- *In re Recall of Pearsall-Stipek* (2000): Stressed that evidence must link the official's actions to harm, supporting the argument that a settlement notice showing harm could be persuasive if properly introduced.
- *In re Recall of Inslee (2022)*: Highlighted the court's gatekeeping role and strict evidentiary requirements, suggesting new evidence might face scrutiny unless it's

narrowly tailored to the original charges.

- *Chandler v. Otto (1985)*: While not a recall case, it allowed supplemental briefing in a civil context when new evidence was critical and non-prejudicial, indicating courts' general flexibility in procedural matters.

Given the recall process's public interest in addressing official misconduct, a court should admit highly relevant evidence like a settlement notice if it significantly bolsters the charges' merit without derailing the process.

Courts have discretion under general procedural rules (e.g., CR 15(d), CR 7(b)) to allow such evidence if it's relevant, non-prejudicial, and aligns with the recall process's requirements. A settlement notice demonstrating harm having occurred strengthens the factual sufficiency of recall charges, making it a compelling candidate for inclusion, provided it's properly justified and doesn't expand the original charges.

3. Error in Procedural Dismissal: Misapplication of *Wasson*.

The Court's procedural ruling, limiting review to the original Recall Petitions and excluding the Supplemental Brief (Tr. 4/11/25, p. 6, lines 4–12), aligned with Respondents' argument that the Recall Petitions should have been rejected for non-compliance with *Wasson* (Resp. Br. at 5–6). This stance is contrary to law under CR 59(a)(7), as *Wasson* (149 Wn.2d 787, 792–93, 2003) limits the prosecutor's role to administrative form review, not substantive gatekeeping, and permits refiled Recall Petitions correcting defects. Petitioners addressed Senior Deputy Prosecuting Attorney Lindsey Grieve's February 15, 2025 rejection by filing individualized Recall Petitions against Margel (7 charges) and Clark (6 charges), which Grieve accepted (Pet. Supp. Br. at 29 and Dkt. 1). Historical context and meeting documentation and votes of what led to several improper contracts of the District due to the conflict of interest for Director Farah, was not allowed to be presented.

By accepting Respondents' narrow interpretation without addressing Petitioners' compliance with RCW 29A.56.110, the Court imposed an erroneous procedural barrier, denying a substantive hearing as mandated by *Ruelas* (No. 103444-0 at 1).

4. Failure to Apply the Correct Sufficiency Standard.

The Order's blanket dismissal of all Charges as factually and legally insufficient under RCW 29A.56.110, without specific reasoning, misapplies the liberal sufficiency standard under CR 59(a)(8) (*Boldt*, 187 Wn.2d at 549). At the hearing, Petitioners detailed charges, including Resolution 1669's quorum violation (Tr. 4/11/25, p. 9, lines 12–22), OPMA violations (Tr. p. 11, lines 3–25), and procurement breaches (Tr. p. 12, lines 3–25), as supported in the Recall Petitions and exhibits by specific dates, locations, and statutes. The Court's minimal engagement, stating it had "no specific questions" (Tr. p. 9, line 7), and refusal to consider the Supplemental Brief or engage with any of the Petitioners' evidentiary support, prevented a proper sufficiency review. This deviated from *Boldt's* mandate to take allegations as true and *Ruelas's* requirement for a prima facie case (No. 103444-0 at 12), prejudicing Petitioners' recall rights.

Key charges included:

- **Charge 1:** Margel and Clark's February 28, 2024, vote for Resolution 1669 created a Labor Policy Committee, violating Board Policy 1240's quorum limits (Tr. 4/11/25, p. 9, lines 12–22; Pet. Supp. Br. at 29–30). Respondents claimed discretion (Resp. Br. at 21–22), but Petitioners' evidence of improper executive sessions (January 24, February 7, February 14, 2024) establishes a prima facie case (*Ruelas*, No. 103444-0 at 9). Discretion does not excuse unlawful acts (*In re Recall of Inslee*, 173 Wn.2d 477, 268 P.3d 924, 2012).
- **Charge 2:** OPMA violations from un-noticed executive sessions and the October 9, 2024, suspension of Resolution 1669, violating RCW 42.30 (Tr. 4/11/25, p. 11, lines 3–25; Pet. Supp. Br. at 31–32). Respondents cited exemptions (Resp. Br. at 24), but Petitioners' records show lack of appropriate notice, supporting misfeasance (*Ackerson*, 143 Wn.2d at 377).
- **Charge 5:** Procurement violations, including unbid contracts (*e.g.*, Apptegy; Dr. Nyland) and a retroactive superintendent contract, violating RCW 39.26.140 and

RCW 28A.400.315 (Tr. 4/11/25, p. 12, lines 3–25; Pet. Supp. Br. at 35–36). Respondents denied Board involvement (Resp. Br. at 28–31), but Petitioners' oversight failure claims must be taken as true (*Chandler v. Otto*, 103 Wn.2d 268, 274, 693 P.2d 71, 1984).

Competitive bides are a requirement and they were not able to be produced and were not reviewed by the Board, which is a lack of oversight of the Directors of the Board, including Directors Margel and Clark. The fact that Petitioners are not proceeding against a recall action against all responsible Board members is irrelevant (former Director Farah is no longer "recallable" having stepped down from the Board, and Petitioners have chosen to not pursue charges on this specific point against Director Song for voting to approve the retroactive Superintendent contract extension that is in violation of Washington law. (Any other member of the Public certainly may take the initiative in an action against Director Song if they choose to do so—Petitioners reviewed the evidence of the meeting and subsequent vote and have chosen not to move forward with action against Director Song on this Charge alone and Director Cook voted against the extension, so a Charge that includes him as a member of the Board when he did not participate in the improper action.)

The earlier Nyland detail shows the conflict of interest with the Superintendent, that caused the related conflict of interest in evaluation of the Superintendent by the Board, and is the subject of an OMPA lawsuit, which is active litigation. See KCSC No. _____.

- **Charge 7 (Margel Only):** Failure to stop pro-levy comments on September 25, 2024, violating RCW 42.17A.555, resulting in a PDC warning (Pet. Supp. Br. at 37). Respondents argued this is not recallable (Resp. Br. at 34), but Petitioners cited Margel's duty under KSD BP 1220 (*In re Recall of Pearsall-Stipek*, 136

Wn.2d 255, 263, 961 P.2d 343, 1998).

- **Charge 8 (Margel Only):** Reserved for additional allegations pending transcript review.
- "Margel committed an unfair labor practice by pressuring Director Cook to have his wife resign from her union role, violating RCW 41.56.140."
- Respondent Margel's January 10, 2024 meeting with Cook, pressuring his wife to resign her KEA union role, is cited as an unfair labor practice (Petition, "January 10, 2024 Meeting at KSD" at p. 19). This isn't in the current Ballot Synopsis for Respondent Margel but ties to Cook's exclusion and rights violations.

Petitioners request the addition of this new charge to Respondent Margel's Ballot Synopsis, as the detail for the new Charge was included in the initial Recall Petition against Meghin Margel at pp. 19-20, 36-37 and 190 (with timestamps to the meeting discussion and Director comments at 3:42:40, and a link to the recorded meeting.

By excluding the Supplemental Brief, the Court failed to engage this evidence, deviating from *Boldt* and *Ruelas* standards, constituting legal error.

5. Overlooking Material Evidence of Misfeasance and Malfeasance.

The Order ignores key evidence under CR 59(a)(8), exacerbated by the exclusion of the Supplemental Brief, which included:

- **OPMA Violations (Charges 1, 2, 4):** Improper executive sessions (January–February 2024) and un-noticed actions violated RCW 42.30, supported by meeting records and the Foster Garvey Memo (Pet. Supp. Br. at 31–34). Respondents' exemption claims (Resp. Br. at 24) do not negate Petitioners' due process allegations (*Ackerson*, 143 Wn.2d at 377).
- **Charge 3:** Specific notice requirements were not followed for the adoption, amendment or suspension of a policy, and no stated emergency was provided for the immediate suspension. The only members of that were allowed to comment on the suspension of the policy, were those members of the Public that were in the

room prior to the close of the public comment period.

- **Procurement Violations (Charge 5):** Evidence of unbid contracts and retroactive agreements supports fiduciary breaches (Pet. Supp. Br. at 35–36).
- **Conflict of Interest (Charge 6):** Approval of Living Well Kent contracts despite Farah's spousal conflict violated RCW 42.23.030 (Pet. Supp. Br. at 36). Respondents noted Farah's recusal (Resp. Br. at 33), but Petitioners' claim of knowing inaction warranted review (*Ruelas*, No. 103444-0 at 12).
- **PDC Violation (Charge 7):** Margel's failure to stop pro-levy comments, resulting in a PDC warning, supports a prima facie violation of RCW 42.17A.555 (Pet. Supp. Br. at 37; *Pearsall-Stipek*, 136 Wn.2d at 263).

6. Inconsistent Treatment of Director Cook's Rights.

Petitioners allege Margel and Clark denied Director Cook due process via Resolution 1669, violating RCW 42.30.110(1)(f) (Pet. Supp. Br. at 29–34). Respondents cited Judge Straley's preliminary ruling in *Nelson and Cook* (Resp. Br. at 2–4), but the March 28, 2025 CR2A settlement agreement and the subsequent April 10, 2025 dismissal of the litigation prior to the opening brief filing in the Court of Appeals case indicates merit to Cook's claims (Pet. Supp. Br. at 10; *see also* Decl. of Nelson at Exhibit B. The Order's failure to address Petitioners' evidence (*e.g.*, Foster Garvey Memo, public records) violates *Boldt* standards.

7. Respondents' Reliance on the Advice of Legal Counsel.

The "advice of counsel" defense, common in legal liability cases, has limited application in recall proceedings, which prioritize voter dissatisfaction. In the context of public officials, Washington state law emphasizes accountability to constituents, as seen in the Office of Superintendent of Public Instruction's (OSPI) clarification that it does not investigate school board members, leaving such accountability to voters (*see* https://ospi.k12.wa.us/educator-support/investigations). This reinforces that recalls are voter-driven, focusing on perceived misconduct rather than legal defenses like the advice of counsel.

C. Due Process and Community Context.

The Court's exclusion of the Supplemental Brief and restrictive ruling violated due process under the Washington Constitution (Article I, Section 3) and the Fourteenth Amendment (*Goldberg v. Kelly*, 397 U.S. 254, 90 S. Ct. 1011, 1970). The recall's context—Resolution 1669, the Nelson and Cook settlement, and the Kent Labor Alliance's "no confidence" vote in Margel (Pet. Supp. Br. at 10)—underscores the public's stake in transparency, which the Court's procedural barriers undermined (*Suggs*, No. 103314-1 at 4).

D. Clarification Needed for Appellate Review

The Order's lack of reasoning hinders appellate review, necessitating clarification on:

- The legal basis for excluding the Supplemental Brief, given the Court's statement that "the law allows me only to consider the sufficiency of the charges in the petition" (Tr. 4/11/25, p. 6, lines 7–8), despite *Ruelas's* requirement for detailed allegations (No. 103444-0 at 9).
- Whether the Court adopted Respondents' *Wasson* argument (Resp. Br. at 5–6) to limit review.
- How the exclusion impacted the sufficiency determination.
- Specific factual or legal deficiencies in each charge, as required for appellate clarity (*In re Recall of West*, 155 Wn.2d 659, 662, 121 P.3d 1190, 2005).

Without clarification, Petitioners cannot cure deficiencies or appeal effectively (*Anderson*, 131 Wn.2d at 95).

E. Substantial Justice Requires Reconsideration

Dismissing the Recall Petitions without considering the Supplemental Brief or providing clear reasoning undermines the constitutional recall process and public trust (*Suggs*, No. 103314-1 at 4). Petitioners' detailed charges and evidence demonstrate a good-faith effort to meet *Ruelas* standards, warranting reconsideration to ensure justice (No. 103444-0 at 9).

IV. RELIEF REQUESTED

Petitioners respectfully request that the Court:

1. Reconsider the April 11, 2025, Order, vacate the dismissal due to procedural irregularities, legal errors, and overlooked evidence, and find one or more charges sufficient under RCW 29A.56.110, allowing the Recall Petitions to proceed.

2. Clarify the Order by specifying: (a) the basis for refusing to consider the Supplemental Brief, (b) whether Respondents' Wasson argument was adopted, (c) the impact of these decisions on sufficiency, and (d) deficiencies in each charge, preserving appellate rights.

3. Grant amendment opportunities if deficiencies are identified, to uphold Petitioners' recall rights.

4. Grant alternative relief, such as a new hearing to consider the Supplemental Brief, to remedy the Appearance of Fairness violation (State v. Post, 118 Wn.2d 596, 619, 826 P.2d 172, 1992).

Failure to grant relief prejudices Petitioners' appellate chances and erodes public confidence.

V. CONCLUSION

Petitioners certify this Motion is brought in good faith, supported by the record, and material to the constitutional right to recall. The Court's exclusion of the Supplemental Brief, restrictive procedural rulings, and vague dismissal prejudiced Petitioners' due process rights and community trust. Reconsideration and clarification are essential to restore fairness and transparency.

RESPECTFULLY SUBMITTED this 21st day of April, 2025.

RECALL PETITIONERS

By */s/ Greta Nelson*
GRETA NELSON

By */s/ Michele Bettinger*
MICHELE BETTINGER

By */s/ Lori Waight*
LORI WAIGHT

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the document to which this Certificate of Service is attached to be served in the manner as indicated below:

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Declared under penalty of perjury under the laws of the State of Washington.

DATED April 21, 2025 at Renton, Washington.

RECALL PETITIONERS, *Pro Se*

By */s/ Greta Nelson*

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