

Honorable Michael Scott

SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

IN RE THE MATTER OF RECALL
CHARGES AGAINST KENT SCHOOL
DISTRICT NO. 415 BOARD DIRECTORS
MEGHIN MARGEL AND TIM CLARK,

No. 25-2-07890-6 KNT

MOTION TO CONTINUE BRIEFING
SCHEDULE AND SUFFICIENCY
HEARING

I. RELIEF REQUESTED

The Kent School District Board Directors Tim Clark and Meghin Margel move for a continuance of the briefing schedule and sufficiency hearing in this matter.

II. FACTS

Pursuant to the Court's Order Setting Briefing Schedule and Hearing Date, a hearing is currently scheduled for March 24, 2025 and briefs, if any, are scheduled to be filed by March 19, 2025.

The Kent School District Board of Directors approved indemnity for Mr. Clark and Ms. Margel at a Board Meeting on March 12, 2025.

Petitioners have filed over 1100 pages of briefing and exhibits in support of their petitions for recall of Mr. Clark and Ms. Margel.

Additionally, the District has informed us that Ms. Margel is out of town from March 13, 2025 through March 16, 2025.

MOTION TO CONTINUE BRIEFING SCHEDULE
AND SUFFICIENCY HEARING

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**PATTERSON BUCHANAN
FOBES & LEITCH, INC., P.S.**

1000 Second Ave., 30th Floor, Seattle, WA 98104
Tel. 206.462.6700 Fax 206.462.6701

1 At this juncture, counsel for Mr. Clark and Ms. Margel does not have sufficient time to
2 review the petitioners' briefing and respond by March 19, 2025, especially given Ms. Margel's
3 unavailability.

4 **AUTHORITY**

5 This Court has discretion to set the sufficiency hearing beyond the 15-day timeframe
6 provided in RCW 29A.56.140. *See, e.g., In the Matter of the Recall of Dale Washam*, 171
7 W.2d 503, 518, 257 P.3d 513 (2011) ("Washam challenges the trial court's failure to determine
8 the adequacy of the charges within 15 days of receiving the petition, as required by RCW
9 29A.56.140. We note that the trial judge set a hearing on the ninth day after receiving the
10 petition, which would have allowed him to meet the statutory requirement, but that Washam
11 himself asked for more time. This is what took the court out of the 15-day window. Again,
12 'procedures will be regarded as mandatory only if they affect the actual merits of the election.'
13 (quoting, *Pederson*, 99 Wn.2d at 460, 662 P.2d 866). Granting Washam more time to review
14 the charges does not go to the actual merits of the election, and is not ground to vacate the
15 recall.") *See also Pederson v. Moser*, 99 Wn.2d 456, 460, 662 P.2d 866 (1983) ("[T]he
16 mandatory wording of RCW 29.82.090 is not dispositive. Where the recall statute declares that
17 things shall be done in a particular time and manner, the procedures will be regarded as
18 mandatory only if they affect the actual merits of the election."))

19 Because this Court has such discretion to amend the procedure 15-day timeframe, we
20 respectfully request that the Court exercise such discretion and continue the briefing schedule
21 and hearing date for this matter based on the reasons stated above.
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CONCLUSION

For the above reasons, counsel for Ms. Margel and Mr. Clark request that the Court continue the briefing schedule and hearing date of this matter.

DATED this 14th day of March, 2025.

PATTERSON BUCHANAN
FOBES & LEITCH, INC., P.S.

By: s/Duncan K. Fobes
Duncan K. Fobes, WSBA No. 14964
Karen R. Griffith, WSBA No. 42681
Casey J. Schaub, WSBA No. 50184
Attorneys for Kent School District No. 415 Board
Directors Meghan Margel and Tim Clark