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SUPERIOR COURT OF WASHINGTON FOR JEFFERSON COUNTY

IRON MOUNTAIN QUARRY, LLC, a  
Washington Limited Liability Company,  
and POPE RESOURCES, a Delaware  
Limited Partnership;

Petitioners/Plaintiffs,

vs.

JEFFERSON COUNTY, a Washington  
Municipal Corporation, acting through its  
Department of Community Development;  
and STACIE L. HOSKINS, Planning  
Manager, Jefferson County Department of  
Community Development;

Respondents/Defendants.

AND

PORT LUDLOW VILLAGE COUNCIL,

Intervener.

NO. 10-2-00181-5

NOTICE OF APPEAL TO THE COURT  
OF APPEALS, DIVISION II

**TO: COURT OF APPEALS, DIVISION II**  
AND TO: Dale N. Johnson and Keith Moxon at GordonDerr LLP, Attorneys for  
Plaintiffs;  
AND TO: Kenneth W. Harper and Quinn N. Plant at Menke Jackson Beyre Ehls &  
Harper, LLP, Attorneys for Defendants.

Port Ludlow Village Council, intervener, seek review by the designated  
appellate court of the following orders: (1) Order Denying Port Ludlow Village Council's

**COPY**

1 Motion to Intervene and Striking the Declaration of Anthony Simpson entered  
2 September 3, 2010; and (2) the Denial of intervener's motion for reconsideration dated  
3  
4 September 14, 2010.

5 A copy of the decisions are attached to this notice.

6 DATED this 8<sup>th</sup> day of October, 2010.

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8 POWERS & THERRIEN, P.S.

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11 Leslie A. Powers, 06103

12 Attorney for Intervener  
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CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington, that on this day I served a true copy of this document on the Respondent/Defendant named herein, by and through the attorney of record, properly addressed as follows:

Dale N. Johnson  
Keith Moxon  
GordonDerr LLP  
2025 First Avenue, Suite 500  
Seattle, WA 98121-3140  
Ph: 206-382-9540  
Fx: 206-626-0675  
Em: djohnson@gordonderr.com  
Em: kmoxon@gordonderr.com

by:  
  
 US First-Class Mail, postage prepaid  
 US Registered Mail, postage prepaid  
 US Certified Mail, postage prepaid  
 Overnight Delivery  
 Facsimile Transmission  
 Electronic Mail  
 Hand Delivered

Kenneth W. Harper  
Quinn N. Plant  
Menke Jackson Beyer Ehlis & Harper, LLP  
807 North 39<sup>th</sup> Avenue  
Yakima, WA 98902  
Ph: 509-575-0310  
Fx: 509-575-0351  
Em: kharper@mjbe.com  
Em: qplant@mjbe.com

by:  
  
 US First-Class Mail, postage prepaid  
 US Registered Mail, postage prepaid  
 US Certified Mail, postage prepaid  
 Overnight Delivery  
 Facsimile Transmission  
 Electronic Mail  
 Hand Delivered

DATED this 12<sup>th</sup> day of October, 2010 at Port Ludlow, Washington.

  
\_\_\_\_\_  
Tony Simpson

Leslie A. Powers  
Powers & Therrien, P.S.  
3502 Tieton Drive  
Yakima, WA 98902  
Phone (509) 453-8906  
Fax (509) 453-0745

The Honorable Anna Laurie  
Kitsap County Superior Court

RECEIVED AND FILED  
IN OPEN COURT

SEP - 3 2010

DAVID W. PETERSON  
KITSAP COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF JEFFERSON

IRON MOUNTAIN QUARRY, LLC, a  
Washington Limited Liability Company, and  
POPE RESOURCES, a Delaware Limited  
Partnership;

Petitioners/Plaintiffs,

vs.

JEFFERSON COUNTY, a Washington  
Municipal Corporation, acting through its  
Department of Community Development; and  
STACIE L. HOSKINS, Planning Manager,  
Jefferson County Department of Community  
Development;

Respondents/Defendants,

No. 10-2-00181-5

ORDER DENYING PORT  
LUDLOW VILLAGE COUNCIL'S  
MOTION TO INTERVENE AND  
STRIKING THE DECLARATION  
OF ANTHONY SIMPSON

*(PROPOSED)*

THIS MATTER came before the Court on Port Ludlow Village Council's (PLVC) Motion to Intervene pursuant to Civil Rule 24(a).

The Court heard oral argument of Counsel for PLVC, Counsel for Petitioners, and Counsel for Respondents. The Court considered the pleadings filed in this action and PLVC's and the Parties' briefing on the issues presented. Based on the argument of counsel, and the standard of review for motions to intervene under CR 24(a) the Court finds that PLVC has not established grounds for intervention in this matter. The Court

ORDER DENYING PORT LUDLOW VILLAGE  
COUNCIL'S MOTION TO INTERVENE AND STRIKING  
THE DECLARATION OF ANTHONY SIMPSON - 1

**GordonDerr.**

2025 First Avenue, Suite 500  
Seattle, WA 98121-3140  
(206) 382-9540

ORIGINAL

1 further finds that the Declaration of Anthony Simpson and attachments thereto are not  
2 included in the administrative record before the Court and should not be considered during  
3 this constitutional writ proceeding.

4 Based upon the above finding, IT IS ORDERED:

- 5 1. Port Ludlow Village Council Motion to Intervene Under CR 24 is DENIED; and  
6 2. The representations in the Declaration of Anthony Simpson and attachments  
7 thereto are hereby stricken from the record and will not be considered by this Court in any  
8 subsequent proceedings.

9 DONE IN OPEN COURT this 3 day of Sept 2010.

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JUDGE/COURT COMMISSIONER

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Presented by:

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GORDONDERR LLP

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By:  31 Dec 10  
Dale N. Johnson, WSBA #26629  
Keith Moxon, WSBA #15361  
Attorneys for Iron Mountain, LLC and Pope Resources

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Approved as to Form:

Approved as to Form:


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MENKE JACKSON BEYER EHLIS & HARPER, LLP

POWERS & THERRIEN, P.S.

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By:   
Kenneth W. Harper, WSBA #25578  
Quinn N. Plant, WSBA #31339  
Attorneys for Jefferson County

By:   
Leslie A. Powers, WSBA #06103  
Attorney for Port Ludlow Village  
Council

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ORDER DENYING PORT LUDLOW VILLAGE  
COUNCIL'S MOTION TO INTERVENE AND STRIKING  
THE DECLARATION OF ANTHONY SIMPSON - 2

**GordonDerr.**

2025 First Avenue, Suite 500  
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**SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KITSAP COUNTY**

IRON MOUNTAIN QUARRY, LLC,  
and POPE RESOURCES;

No. 08-2-01776-3

Plaintiffs,

vs.

**ORDER ON MOTION  
FOR RECONSIDERATION**

JEFFERSON COUNTY and STACIE L.  
HOSKINS, Planning Manager, Jefferson County  
Department of Community Development;

Defendants.

and

PORT LUDLOW VILLAGE COUNCIL;

Proposed Intervener.

**THIS MATTER** comes before the Court upon Proposed Intervener Port Ludlow Village Council's Motion for Reconsideration of the Court's September 3, 2010 Order Denying Intervention and denying its motion to have the record expanded.

The Court has considered the following documents:

- (1) Port Ludlow Village Council's Motion for Reconsideration
- (2) Port Ludlow Village Council's Memorandum or Points and Authorities

ORDER ON MOTION  
FOR RECONSIDERATION

**COPY** JUDGE ANNA LAURIE  
Kitsap County Superior Court  
614 Division Street, MS-24  
Port Orchard, WA 98366  
(360) 337-7140

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Being so advised, it is hereby **ORDERED** as follows: Plaintiff's Motion for Reconsideration is **DENIED** without oral argument or response.

Dated: September 14, 2010.

  
\_\_\_\_\_  
JUDGE ANNA M. LAURIE

CERTIFICATE OF SERVICE

I, Michelle Dellino, certify under penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above entitled action, and competent to be a witness herein.

On September 14, 2010, I caused a copy of the foregoing document to be served in the manner noted on the following:

|  |   |
|--|---|
| Leslie A. Powers<br>Powers & Therrien, P.S.<br>3502 Tieton Drive<br>Yakima, WA 98902   | <input checked="" type="checkbox"/> Via U.S. Mail<br><input type="checkbox"/> Via Fax:<br><input type="checkbox"/> Via Hand Delivery<br><input type="checkbox"/> Via E-mail |
| Dale N. Johnson<br>Keith Moxon<br>GordonDerr LLP<br>2025 First Avenue, Suite 500<br>Seattle, WA 98121-3140                             | <input checked="" type="checkbox"/> Via U.S. Mail<br><input type="checkbox"/> Via Fax:<br><input type="checkbox"/> Via Hand Delivery<br><input type="checkbox"/> Via E-mail |
| Kenneth W. Harper<br>Quinn N. Plant<br>Menke Jackson Beyer Ehlis & Harper LLP<br>807 North 39 <sup>th</sup> Avenue<br>Yakima, WA 98902 | <input checked="" type="checkbox"/> Via U.S. Mail<br><input type="checkbox"/> Via Fax:<br><input type="checkbox"/> Via Hand Delivery<br><input type="checkbox"/> Via E-mail |
| Jefferson County Clerk<br>PO Box 1220<br>Port Townsend, WA 98368   | <input checked="" type="checkbox"/> Via U.S. Mail<br><input type="checkbox"/> Via Fax:<br><input type="checkbox"/> Via Hand Delivery<br><input type="checkbox"/> Via E-mail |

DATED this 14<sup>th</sup> day of September, 2010, at Port Orchard, Washington.

Michelle Dellino  
Law Clerk