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June 17, 2008

Lynn Gauché  
P.O. Box 65-423  
Port Ludlow, Washington 98365

Mike Morgan  
South Bay Community Association  
120 Spinnaker Place  
Port Ludlow, WA 98365


Diana Smeland, President  
Port Ludlow Associates  
70 Breaker Lane  
Port Ludlow, Washington 98365

Re: **Order on Iron Mountain**

Dear Lynn, Diana and Mike:

As I discussed with Lynn, I am happy to report that the Court agreed with our position at the initial hearing held yesterday. You will find enclosed a copy of the Order issued by the Court. Note with particular at page three the "cut-off dates" associated with completing this LUPA appeal effort.

Of course, if you have any questions, please feel free to give me a call.

Very truly yours,  
  
RICHARD B. SHATTUCK

RBS/jef  
Enclosure

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

PORT LUDLOW VILLAGE COUNCIL, a )  
Washington Nonprofit Corporation; )  
PORT LUDLOW ASSOCIATES, LLC, a )  
Washington Limited Liability Company; and )  
SOUTH BAY COMMUNITY ASSOCIATION, )  
a Washington Nonprofit Corporation, )

Petitioners, )

vs. )

JEFFERSON COUNTY, a Washington )  
Municipal Corporation; acting through its )  
Department of Community Development )  
and Office of the Hearing Examiner; POPE )  
RESOURCES, a Delaware Limited )  
Partnership; and IRON MOUNTAIN )  
QUARRY, LLC, a Washington )  
Limited Liability Company; )

Respondents. )

NO. 08-2-00142-2

**ORDER REGARDING INITIAL  
HEARING AND CASE  
SCHEDULE; AND DENYING  
MOTION TO DISMISS**

THIS MATTER came on for hearing on (1) Petitioners' Motion for an Initial Hearing under RCW 36.70C.080, and (2) Respondent Iron Mountain Quarry, LLC's Motion to Dismiss under CR 12(b)(1) for Failure to Establish Standing as Required by

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RCW 36.70C.060. The Court having reviewed the files and records herein, heard the argument of counsel, and being otherwise advised in the premises, makes the following Orders:

1. The Court heard Respondent Iron Mountain Quarry, LLC's Motion to Dismiss under CR 12(b)(1) for Failure to Establish Standing as Required by RCW 36.70C.060. The Court heard oral argument, and reviewed and considered the following briefing and evidence:

- a. Respondent Iron Mountain Quarry, LLC's Motion to Dismiss and attached Exhibits A-F;
- b. Declaration of Dale Johnson;
- c. Petitioners' Response to Respondent Iron Mountain Quarry's Motion to Dismiss;
- d. Declaration of Lynn Gauché;
- e. Declaration of John Cragoe;
- f. Declaration of Diana Smeland;
- g. Declaration of Esther "Soozie" Darrow; and
- h. Declaration of Richard B. Shattuck.

Based on the foregoing, it is Ordered that Respondent Iron Mountain Quarry, LLC's Motion to Dismiss for Failure to Establish Standing as Required by RCW 36.70C.060 is DENIED.

2. Having received no timely motion from any Respondent, the Court finds, concludes and Orders that defenses of untimely filing or service of the petition, and failure to join persons needed for just adjudication are waived by the Respondents.

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2 3. The Court establishes the following case schedule:

- 3 a. Filing of record/transcript: July 10, 2008  
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5 b. Opening brief due: August 11, 2008  
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7 c. Response brief due: September 8, 2008  
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9 d. Reply brief due: September 22, 2008  
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11 e. Hearing on the merits: October 8, 2008 @ 1:30 p.m.

12 4. Respondent Jefferson County will prepare the administrative record of the  
13 hearing and file the same with the Court on or before the date set forth in  
14 the case schedule.

15 5. Petitioners will pay the cost for preparing the record prior to submittal of the  
16 record and pursuant to RCW 36.70C.110(3).

17 6. Petitioners will cause to be prepared a verbatim transcript of hearing and file  
18 the same with the Court on or before the date set forth in the case schedule.

19 DONE IN OPEN COURT this 16<sup>th</sup> day of June, 2008.  
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21  
22 CRADDOCK VERSER

23 JUDGE, JEFFERSON COUNTY SUPERIOR COURT  
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