

SUSAN L. CARLSON
SUPREME COURT CLERK

ERIN L. LENNON
DEPUTY CLERK/
CHIEF STAFF ATTORNEY

THE SUPREME COURT
STATE OF WASHINGTON



TEMPLE OF JUSTICE
P.O. BOX 40929
OLYMPIA, WA 98504-0929

(360) 357-2077
e-mail: supreme@courts.wa.gov
www.courts.wa.gov

March 27, 2020

LETTER SENT BY E-MAIL ONLY

Nicholas Brian Allen
Nicholas Broten Straley
Janet S. Chung
Columbia Legal Services
101 Yesler Way, Suite 300
Seattle, WA 98104-2528

Jeffrey Todd Even
Timothy Norman Lang
Office of The Attorney General
P.O. Box 40100
1125 Washington Street SE
Olympia, WA 98504-0100

Re: Supreme Court No. 98317-8 - Shyanne Colvin et al. v. Jay Inslee et al.

Counsel:

On March 24, 2020, the Supreme Court received a letter indicating that the filing fee had been placed in the mail to the Court. The letter was accompanied by a scanned copy of the filing fee check. On March 26, 2020, the Court received certificates indicating that the Respondents have been personally served. Therefore the filing fee and service requirements have been met.

Generally, a petition for a writ of mandamus should not exceed 20 pages in length. The "PETITION FOR A WRIT OF MANDAMUS" filed in this case is significantly overlength. However, due to the emergency nature of the petition, the Court has determined to accept the petition. If any future filings in this case exceed the page limits established in the Rules of Appellate Procedure, a motion for permission to file an overlength document should also be filed.

On March 25, 2020, the Court received the "PETITIONERS' MOTION TO ACCELERATE REVIEW". In regard to the motion, the Supreme Court Commissioner Michael E. Johnston entered the following ruling:

On March 25, 2020, petitioners Shyanne Colvin, Shanell Duncan, Terry Kill, Leondis Berry, and Theodore Rhone, all of whom are prisoners housed in correctional facilities operated by the Washington Department of Corrections, jointly filed an original action in this court seeking issuance of a writ of mandamus compelling respondents Governor Jay Inslee and Washington Department of Corrections Secretary Steven Sinclair to take certain actions to relieve petitioners of threats posed by COVID-19. Petitioners further move for accelerated review of this original action. Having reviewed the petition, declarations filed in support of the petition, and the motion for accelerated review, and mindful that the spread of COVID-19 is a matter of urgent statewide concern, I have concluded that (1) this court has original jurisdiction over this matter under article IV, section 4 of the Washington Constitution and RAP 16.2(a); (2) this original action should be retained in this court for a decision on the merits pursuant to RAP 16.4(d); and (3) this action should be reviewed on an accelerated basis. Accordingly, the original action is retained in this court and the motion for accelerated review is granted, with the schedule for providing a record and briefing as indicated below.

In accord with the Commissioner's ruling, the schedule for providing the record and briefing shall be as follows:

1. The parties shall provide this Court an agreed record by no later than April 3, 2020. In the event that the parties are unable to agree on the record for this case, each party shall submit by April 3, 2020, the materials they wish to have considered as the record for the case. In this situation, the parties are requested to work together to avoid providing duplicate documents.
2. The Petitioners' merits brief shall be served and filed by April 6, 2020.
3. The Respondents' brief shall be served and filed by April 13, 2020.
4. The Petitioners' reply brief shall be served and filed by April 16, 2020.

Sincerely,



Susan L. Carlson
Supreme Court Clerk