

FILED
LEWIS COUNTY

2023 MAR 22 PM 1:34

SUPERIOR COURT
CLERK'S OFFICE

23-2-00253-21
APL 3
Application
14176092



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR LEWIS COUNTY

CITY OF WINLOCK, a Washington Municipal
Corporation,

Petitioner,

v.

STATE OF WASHINGTON BOUNDARY
REVIEW BOARD FOR LEWIS COUNTY, et.
al.,

Respondents.

Case No. **23 200253 21**

**APPLICATION FOR ISSUANCE OF
ALTERNATIVE WRIT OF MANDAMUS
AND ALTERNATIVE WRIT OF
PROHIBITION (TO SHOW CAUSE)**

COMES NOW, the Petitioner, the CITY OF WINLOCK, a Washington Municipal Corporation, through its attorneys of record BUZZARD O'ROURKE, P.S., and respectfully applies for issuance of an Alternative Writ of Mandamus and Alternative Writ of Prohibition directing the State of Washington Boundary Review Board for Lewis County (hereinafter referred to as "Boundary Review Board") to appear and show cause why the Court should not:

1. Determine that the Effective Filing Date of Winlock's NOI is December 1, 2022.
2. Determine that the statutory 45-day period in which to invoke the jurisdiction of the Boundary Review Board began to run on December 1, 2022, the Effective Filing Date.
3. Determine that the statutory 45-day period in which to invoke the jurisdiction of the Boundary Review Board expired on January 15, 2023.

Application for Alternative Writ of
Mandamus & Prohibition (to show cause)
Page | 1

ORIGINAL



Buzzard O'Rourke, P.S.
attorneys at law

Service Address
314 Harrison Avenue
Centralia
Washington
98531

Mailing Address
PO Box 59
Centralia
Washington
98531

Contact Information
Ph: (360) 736-1108
Fax: (360) 330-2078
buzzardlaw.com

- 1 4. Determine that no person or entity invoked the jurisdiction of the Boundary Review Board
2 on or before January 15, 2023.
- 3 5. Determine that the Boundary Review Board did not invoke its own jurisdiction on or before
4 January 15, 2023.
- 5 6. Determine that the Winlock annexation is deemed approved by operation of law, and
6 issuance of a Permanent Writ of Mandamus to the Boundary Review Board to formally
7 accomplish the same.
- 8 7. Determine that the Boundary Review Board acted in without or in excess of statutory
9 authority by issuing its own second purported notice of intent on January 12, 2023, and
10 issuance of a Permanent Writ of Prohibition to permanently restrain the Boundary Review
11 Board from taking any action in regards thereto.
- 12 8. Determine that the Boundary Review Board acted without or in excess of statutory authority
13 by establishing a 45-day period in which jurisdiction of the Boundary Review Board could
14 be invoked commencing January 12, 2023 and expiring February 27, 2023, and issuance of
15 a Permanent Writ of Prohibition to permanently restrain the Boundary Review Board from
16 taking any action in regards thereto.
- 17 9. Determine that the Boundary Review Board acted without or in excess of statutory authority
18 in recognizing and accepting Lewis County's invocation of jurisdiction via correspondence
19 dated February 27, 2023, and issuance of a Permanent Writ of Prohibition to permanently
20 restrain the Boundary Review Board from taking any action in regards thereto.
- 21 10. Determine that the Boundary Review Board acted without or in excess of statutory authority
22 in recognizing and accepting Interested Citizens invocation of jurisdiction via
23 correspondence dated February 23, 2023, received by the Boundary Review Board on
24
25
26
27
28



1 February 24, 2023, and certified by the Lewis County Auditor on February 28, 2023, and
2 issuance of a Permanent Writ of Prohibition to permanently restrain the Boundary Review
3 Board from taking any action in regards thereto.

4
5 11. For an award of statutory costs and reasonable attorney fees.

6 12. For such other and further relief as the Court may deem just and proper.

7 This Application is made under the authority of the Washington State Constitution, Article
8 IV, Section 4 and Section 6; Chapter 7.16 RCW; RCW 36.93.090; and RCW 36.93.100. This
9 Application is based on the files and records herein as well as the attached affidavit.

10 DATED THIS 22 day of March, 2023.

11
12 BUZZARD O'ROURKE, P.S.

13
14 
15 JAMES M.B. BUZZARD, WSBA #33555
16 Attorney for Petitioner

17 **AFFIDAVIT**

18 STATE OF WASHINGTON)
19) ss.
20 COUNTY OF LEWIS)

21 JAMES M.B. BUZZARD, being first duly sworn on oath, deposes and states: I am an
22 attorney with Buzzard O'Rourke, P.S., attorneys of record for Petitioner herein. As such, I am
23 familiar with the facts of this case, as well as the facts set forth in the Petition filed
24 contemporaneously herewith, and make this affidavit on behalf of my client. The Respondent, State
25 of Washington Boundary Review Board for Lewis County, is a local agency established by the
26 Lewis County Board of County Commissioners. The purpose of the Boundary Review Board is to
27 review annexations by municipalities within Lewis County, in this case the City of Winlock.



1 However, the jurisdiction of the Boundary Review Board is not automatic. Jurisdiction of the
2 Boundary Review Board must be invoked within a statutorily defined timeframe of 45 days. The
3 45-day time period to invoke jurisdiction commenced upon the "Effective Filing Date" of
4 Winlock's Notice of Intent to annex real property, which was December 1, 2022. If no person or
5 entity invokes the jurisdiction of the Boundary Review Board within said 45-day period, then the
6 proposed annexation is approved by operation of law (RCW 36.93.100).
7

8 Here, no person or entity invoked the jurisdiction of the Boundary Review Board on or
9 before January 15, 2023 (45 days from December 1, 2022). By operation of law, the proposed
10 annexation is approved.
11

12 Although commencement of said 45-day period is mandated by RCW 36.93.100 and further
13 defined in the Boundary Review Board's own Rules of Practice and Procedure, the Boundary
14 Review Board erroneously proclaimed said 45-day period commenced on January 12, 2023 and
15 expired on February 27, 2023. This action by the Boundary Review Board exceeded its statutory
16 authority.
17

18 On February 24, 2023, Interested Citizens submitted a Petition to invoke the Boundary
19 Review Board's jurisdiction to review the annexation. And on February 27, 2023, the Lewis
20 County Board of County Commissioners submitted a letter to invoke the Boundary Review Board's
21 jurisdiction. Each of these submissions occurred after January 15, 2023, which was the expiration
22 date of the statutorily defined, and Boundary Review Board rule defined, 45-day period. The
23 Boundary Review Board has accepted jurisdiction based on said submissions. The 45-day review
24 period expired on January 15, 2023, and therefore the Boundary Review Board is acting without
25 jurisdiction as allowed by law and its own rules.
26
27



1 The Boundary Review Board has failed and/or refuses to recognize Winlock's annexation
2 as approved by operation of law, and therefore an Alternative Writ of Mandamus is necessary and
3 appropriate.

4 The Boundary Review Board's action of erroneously establishing a 45-day review period,
5 contrary to statute and contrary to their own rules, exceeds its authority and therefore an Alternative
6 Writ of Prohibition is necessary and appropriate.

7 The Boundary Review Board's action of accepting jurisdiction over Winlock's annexation,
8 although the time period to do so had expired, exceeds its authority and therefore an Alternative
9 Writ of Prohibition is necessary and appropriate.

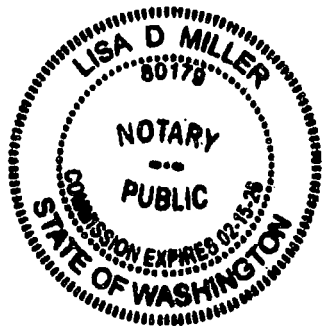
10 The Boundary Review Board has exceeded its authority and is wrongfully exercising
11 jurisdiction. There is not a plain, speedy, and adequate remedy in the ordinary course of law.

12 Reference to Petitioner's *Petition* should be made and the same is incorporated herein by
13 this reference as if fully set forth herein.

14 DATED THIS 22 day of March, 2023.

15
16
17
18
19
20 J. M. B. Buzzard
21 JAMES M.B. BUZZARD

22 SUBSCRIBED and SWORN to before me this 22 day of March, 2023.



23
24 Lisa D. Miller
25 NOTARY PUBLIC in and for the State of
26 Washington, Residing at: Centralia
27 Commission Expires: 02/15/2026
28 Printed Name: Lisa D. Miller



FILED
LEWIS COUNTY

2023 MAR 22 PM 1:34

SUPERIOR COURT
CLERK'S OFFICE

23-2-00253-21
CICS 0.1
Case Information Cover Sheet
14176034



CIVIL (Case Type 2)

LEWIS COUNTY SUPERIOR COURT

Case Information Cover Sheet (CICS)

Case Number **23 200253 21**

Case Title *City of Winlock v. Lewis County Boundary Review Board*

Attorney Name *J. Buzzard* Bar Membership Number *33555*

Please check one category that best describes this case for indexing purposes. Accurate case indexing not only saves time in docketing new cases, but helps in forecasting needed judicial resources. Cause of action definitions are listed on the back of this form. Thank you for your cooperation.

- | | |
|--|--|
| <input type="checkbox"/> ABJ Abstract of Judgment | <input type="checkbox"/> PRG Property Damage – Gangs |
| <input type="checkbox"/> ALR Administrative Law Review | <input type="checkbox"/> PRP Property Damages |
| <input type="checkbox"/> ALRJT Administrative Law Review-Jury Trial (L&I) | <input type="checkbox"/> QTI Quiet Title |
| <input type="checkbox"/> BAT Ballot Title | <input type="checkbox"/> RDR Relief from Duty to Register |
| <input type="checkbox"/> CHN Non-Confidential Change of Name | <input type="checkbox"/> RFR Restoration of Firearm Rights |
| <input type="checkbox"/> COL Collection | <input type="checkbox"/> SDR School District-Required Action Plan |
| <input type="checkbox"/> CON Condemnation | <input type="checkbox"/> SER Subdivision Election Process Law Review |
| <input type="checkbox"/> COM Commercial | <input type="checkbox"/> SPC Seizure of Property-Commission of Crime |
| <input type="checkbox"/> CRP Pet. for Cert. of Restoration of Opportunity | <input type="checkbox"/> SPR Seizure of Property-Resulting from Crime |
| <input type="checkbox"/> DOL Appeal Licensing Revocation | <input type="checkbox"/> STK Stalking Petition |
| <input type="checkbox"/> DVP Domestic Violence | <input type="checkbox"/> SXP Sexual Assault Protection |
| <input type="checkbox"/> EOM Emancipation of Minor | <input type="checkbox"/> TAX Employment Security Tax Warrant |
| <input type="checkbox"/> XRP Extreme Risk Protection Order | <input type="checkbox"/> TAX L & I Tax Warrant |
| <input type="checkbox"/> FJU Foreign Judgment | <input type="checkbox"/> TAX Licensing Tax Warrant |
| <input type="checkbox"/> FOR Foreclosure | <input type="checkbox"/> TAX Revenue Tax Warrant |
| <input type="checkbox"/> FPO Foreign Protection Order | <input type="checkbox"/> TMV Tort – Motor Vehicle |
| <input type="checkbox"/> HAR Unlawful Harassment | <input type="checkbox"/> TRJ Transcript of Judgment |
| <input type="checkbox"/> INJ Injunction | <input type="checkbox"/> TTO Tort – Other |
| <input type="checkbox"/> INT Interpleader | <input type="checkbox"/> TXF Tax Foreclosure |
| <input type="checkbox"/> LCA Lower Court Appeal – Civil | <input type="checkbox"/> UND Unlawful Detainer – Commercial |
| <input type="checkbox"/> LCI Lower Court Appeal – Infractions | <input type="checkbox"/> UND Unlawful Detainer – Residential |
| <input type="checkbox"/> LUPA Land Use Petition Act | <input type="checkbox"/> VAP Vulnerable Adult Protection Order |
| <input type="checkbox"/> MAL Other Malpractice | <input type="checkbox"/> VEP Voter Election Process Law Review |
| <input type="checkbox"/> MED Medical Malpractice | <input type="checkbox"/> VVT Victims of Motor Vehicle Theft-Civil Action |
| <input type="checkbox"/> MHA Malicious Harassment | <input type="checkbox"/> WDE Wrongful Death |
| <input type="checkbox"/> MSC2 Miscellaneous – Civil | <input type="checkbox"/> WHC Writ of Habeas Corpus |
| <input type="checkbox"/> MST2 Minor Settlement – Civil (No Guardianship) | <input type="checkbox"/> WMW Miscellaneous Writs |
| <input type="checkbox"/> PCC Petition for Civil Commitment (Sexual Predator) | <input checked="" type="checkbox"/> WRM Writ of Mandamus |
| <input type="checkbox"/> PFA Property Fairness Act | <input type="checkbox"/> WRR Writ of Restitution |
| <input type="checkbox"/> PIN Personal Injury | <input type="checkbox"/> WRV Writ of Review |
| <input type="checkbox"/> PRA Public Records Act | <input type="checkbox"/> XRP Extreme Risk Protection Order |

IF YOU CANNOT DETERMINE THE APPROPRIATE CATEGORY, PLEASE DESCRIBE THE CAUSE OF ACTION BELOW.

Please Note: Public information in court files and pleadings may be posted on a public Web site.



FILED
LEWIS COUNTY

2023 MAR 22 PM 1:34

SUPERIOR COURT
CLERK'S OFFICE

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

CITY OF WINLOCK, a Washington
Municipal Corporation,

Petitioner,

vs.

STATE OF WASHINGTON BOUNDARY
REVIEW BOARD FOR LEWIS COUNTY,
et al.,

Respondents.

No. **23 200253 21**

DOCKET NOTICE

*****CLERK'S ACTION REQUIRED**

TO: CLERK OF THE ABOVE-ENTITLED COURT;
AND TO: RESPONDENTS.

DATE AND TIME OF HEARING: April 14, 2023 at 9:30 a.m.

PLACE OF HEARING: LEWIS COUNTY SUPERIOR COURT
LAW & JUSTICE CENTER
345 West Main Street
Chehalis, WA 98532

DESCRIPTION OF CASE: CIVIL

NATURE OF ACTION: PETITION FOR ISSUANCE OF: (1)
ALTERNATIVE WRIT OF MANDAMUS; AND (2)
PERMANENT WRIT OF MANDAMUS; AND (3)
ALTERNATIVE WRIT OF PROHIBITION; AND
(4) PERMANENT WRIT OF PROHIBITION, AND
IT APPEARING TO THE COURT FROM
PETITIONER'S PETITION AND APPLICATION
FOR ISSUANCE OF ALTERNATIVE WRIT OF

Docket Notice
Page | 1

ORIGINAL



Buzzard O'Rourke, P.S.
attorneys at law

Service Address
314 Harrison Avenue
Centralia
Washington
98531

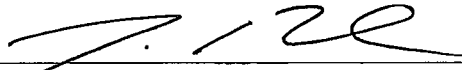
Mailing Address
PO Box 59
Centralia
Washington
98531

Contact Information
Ph: (360) 736-1108
Fax: (360) 330-2078
buzzardlaw.com

MANDAMUS AND ALTERNATIVE WRIT OF
PROHIBITION (TO SHOW CAUSE)

DATED this 22 day of March, 2023.

BUZZARD O'ROURKE, P.S.



JAMES M.B. BUZZARD, WSBA #33555
Attorney for Petitioner

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26





FILED
LEWIS COUNTY

2023 MAR 22 PM 1:34

SUPERIOR COURT
CLERK'S OFFICE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR LEWIS COUNTY

Case No. **23 200253 21**

CITY OF WINLOCK, a Washington Municipal Corporation,

Petitioner,

v.

STATE OF WASHINGTON BOUNDARY REVIEW BOARD FOR LEWIS COUNTY, et al.,

Respondents.

MOTION AND AFFIDAVIT FOR SERVICE VIA MAIL (REGULAR AND CERTIFIED)

COMES NOW, Petitioner, the CITY OF WINLOCK, a Washington Municipal Corporation, through its attorneys of record, BUZZARD O'ROURKE, P.S., and respectfully moves the Court for an Order allowing for service of process upon the Interested Citizens identified herein via regular and certified mail. This motion is based on the files and records herein, the attached affidavit, as well as RCW 7.16.270.

DATED this 22 day of March, 2023.

BUZZARD O'ROURKE, P.S.

JAMES M.B. BUZZARD, WSBA #33555
Attorney for Petitioner

ORIGINAL



Buzzard O'Rourke, P.S.
attorneys at law

Service Address
314 Harrison Avenue
Centralia
Washington
98531

Mailing Address
PO Box 59
Centralia
Washington
98531

Contact Information
Ph: (360) 736-1108
Fax: (360) 330-2078
buzzardlaw.com

1 STATE OF WASHINGTON)

: ss.

2 COUNTY OF LEWIS)

3
4 JAMES M.B. BUZZARD, being first duly sworn on oath, deposes and states: I am an
5 attorney with Buzzard O'Rourke, P.S., attorneys of record for Petitioner herein.

6 Identified as Respondents in this matter are Interested Citizens who submitted a petition to
7 the Boundary Review Board to purportedly invoke the jurisdiction of the Boundary Review Board.
8 Attached as Exhibit E to Petitioner's *Petition for Issuance of: (1) Alternative Writ of Mandamus;*
9 *and (2) Permanent Writ of Mandamus; and (3) Alternative Writ of Prohibition; and (4) Permanent*
10 *Writ of Prohibition*, is a true and correct copy of said petition submitted by the Interested Citizens.
11 There are 65 signatories to the petition. Each signatory listed their address thereon.

12 Also attached as Exhibit E to Petitioner's *Petition* is a true and correct copy of a Certificate
13 of Sufficiency of the Lewis County Auditor, Larry E. Grove. Said Certificate of Sufficiency
14 verified 54 signatories and rejected 11 signatories. The Certificate of Sufficiency does not identify
15 the verified and rejected signatories.
16

17 Without identification of the 54 verified signatories, Petitioner is unable to determine which
18 of the signatories are interested herein. It is the position of Petitioner that all signatories, regardless
19 of verification or rejection, should be provided notice of this matter.
20


21 RCW 7.16.270 states: "The writ must be served in the same manner as a summons in a civil
22 action, **except when otherwise expressly directed by order of the court.** Service upon a majority
23 of the members of any board or body is service upon the board or body, whether at the time of the
24 service the board or body was in session or not." (Emphasis added).
25
26
27
28



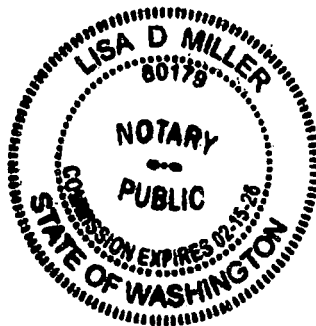
1 The Petitioner is requesting an Order permitting service of pleadings herein to be
2 accomplished to the Interested Citizens via mailing, both regular and certified. The addresses
3 submitted by the signatories is very recent in time, to wit: February 2023. Service in this matter is
4 just as likely to give actual notice as service by publication or personal service. However, personal
5 service upon 65 signatories, some rejected, would be difficult, if not impossible. The Petitioner
6 believes service by regular and certified mail, to the addresses recently voluntarily submitted by
7 each signatory, is a fair balance of providing notice to interested parties and of providing speedy
8 access to Court which is needed by Petitioner. Each signatory shall be served individually via
9 regular and certified mail.
10

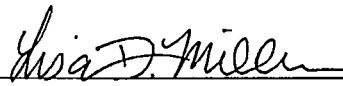
11
12 This motion only pertains to the Interested Citizens, and not to any other identified
13 Respondent.

14
15 DATED THIS 22 day of March, 2023.

16
17 
18 JAMES M.B. BUZZARD

19 SUBSCRIBED and SWORN to before me this 22 day of March, 2023.



29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

Notary Public in and for the State of
Washington, Residing at: Centralia
Commission Expires: 02/15/2028
Printed Name: Lisa D Miller





FILED
Lewis County Superior Court
Clerk's Office

MAR 22 2023

Scott Tinney, Clerk

By _____, Deputy

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR LEWIS COUNTY

CITY OF WINLOCK, a Washington Municipal
Corporation,

Petitioner,

v.

STATE OF WASHINGTON BOUNDARY
REVIEW BOARD FOR LEWIS COUNTY, et.
al.,

Respondents.

Case No. **23 200253 21**

**ORDER AUTHORIZING SERVICE VIA
MAIL (REGULAR AND CERTIFIED)**

THIS MATTER having come on regularly for hearing before the undersigned
Judge/Commissioner of the above-entitled Court upon motion of the Petitioner, the CITY OF
WINLOCK, through its attorneys of record, BUZZARD O'ROURKE, P.S., and the Court being
fully advised in the premises and having heretofore examined the records and files herein, NOW
THEREFORE,

IT IS HEREBY ORDERED:

1. Petitioner is authorized to accomplish service of process of the initial pleadings herein upon
the Interested Citizens identified in Petitioner's *Petition for Issuance of: (1) Alternative
Writ of Mandamus; and (2) Permanent Writ of Mandamus; and (3) Alternative Writ of*

Order Authorizing Service via Mail
(Regular and Certified)
Page | 1

ORIGINAL



Buzzard O'Rourke, P.S.
attorneys at law

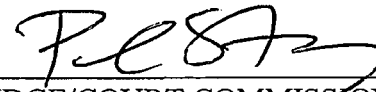
Service Address
314 Harrison Avenue
Centralia
Washington
98531

Mailing Address
PO Box 59
Centralia
Washington
98531

Contact Information
Ph: (360) 736-1108
Fax: (360) 330-2078
buzzardlaw.com

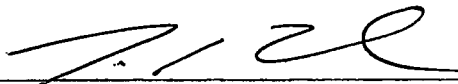
1 *Prohibition; and (4) Permanent Writ of Prohibition* via regular and certified mail, to the
2 persons and addresses listed on the petition attached as Exhibit E of Petitioner's *Petition*.

3
4 DONE IN OPEN COURT THIS 22 day of March, 2023.

5
6 
7 _____
8 JUDGE/COURT COMMISSIONER
9 **EX PARTE**
10 **Paul A. Strophy**

11 Presented by:

12 BUZZARD O'ROURKE, P.S.

13 
14 _____
15 JAMES M.B. BUZZARD, WSBA #33555
16 Attorney for Petitioner





FILED
LEWIS COUNTY

2023 MAR 22 PM 1:34

SUPERIOR COURT
CLERK'S OFFICE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR LEWIS COUNTY

CITY OF WINLOCK, a Washington Municipal
Corporation,

Petitioner,

v.

STATE OF WASHINGTON BOUNDARY
REVIEW BOARD FOR LEWIS COUNTY, et.
al.,

Respondents.

Case No. **23 200253 21**

**COURT ORDERED ALTERNATIVE
WRIT OF MANDAMUS AND
ALTERNATIVE WRIT OF PROHIBITION
(ORDER TO SHOW CAUSE)**

Petitioner having filed a *Petition for Issuance of: (1) Alternative Writ of Mandamus; and (2) Permanent Writ of Mandamus; and (3) Alternative Writ of Prohibition; and (4) Permanent Writ of Prohibition*, and it appearing to the Court from Petitioner's *Petition and Application for Issuance of Alternative Writ of Mandamus and Alternative Writ of Prohibition (to Show Cause)* that Petitioner is properly entitled to the Court directing Respondent, State of Washington Boundary Review Board for Lewis County, to appear and show cause, why the Court should not grant the following relief as requested in the *Petition*:

1. Determination that the Effective Filing Date of Winlock's NOI is December 1, 2022.
2. Determination that the statutory 45-day period in which to invoke the jurisdiction of the Boundary Review Board began to run on December 1, 2022, the Effective Filing Date.

Alternative Writ of Mandamus/Prohibition
(Order to Show Cause)
Page | 1

ORIGINAL



Buzzard O'Rourke, P.S.
attorneys at law

Service Address
314 Harrison Avenue
Centralia
Washington
98531

Mailing Address
PO Box 59
Centralia
Washington
98531

Contact Information
Ph: (360) 736-1108
Fax: (360) 330-2078
buzzardlaw.com

- 1 3. Determination that the statutory 45-day period in which to invoke the jurisdiction of the
2 Boundary Review Board expired on January 15, 2023.
- 3 4. Determination that no person or entity invoked the jurisdiction of the Boundary Review
4 Board on or before January 15, 2023.
- 5 5. Determination that the Boundary Review Board did not invoke its own jurisdiction on or
6 before January 15, 2023.
- 7 6. Determination that the Winlock annexation is deemed approved by operation of law, and
8 issuance of a Permanent Writ of Mandamus to the Boundary Review Board to formally
9 accomplish the same.
- 10 7. Determination that the Boundary Review Board acted in without or in excess of statutory
11 authority by issuing its own second purported notice of intent on January 12, 2023, and
12 issuance of a Permanent Writ of Prohibition to permanently restrain the Boundary Review
13 Board from taking any action in regards thereto.
- 14 8. Determination that the Boundary Review Board acted without or in excess of statutory
15 authority by establishing a 45-day period in which jurisdiction of the Boundary Review
16 Board could be invoked commencing January 12, 2023 and expiring February 27, 2023, and
17 issuance of a Permanent Writ of Prohibition to permanently restrain the Boundary Review
18 Board from taking any action in regards thereto.
- 19 9. Determination that the Boundary Review Board acted without or in excess of statutory
20 authority in recognizing and accepting Lewis County's invocation of jurisdiction via
21 correspondence dated February 27, 2023, and issuance of a Permanent Writ of Prohibition
22 to permanently restrain the Boundary Review Board from taking any action in regards
23 thereto.
- 24
- 25
- 26
- 27
- 28



1 10. Determination that the Boundary Review Board acted without or in excess of statutory
2 authority in recognizing and accepting Interested Citizens invocation of jurisdiction via
3 correspondence dated February 23, 2023, received by the Boundary Review Board on
4 February 24, 2023, and certified by the Lewis County Auditor on February 28, 2023, and
5 issuance of a Permanent Writ of Prohibition to permanently restrain the Boundary Review
6 Board from taking any action in regards thereto.

8 11. For an award of statutory costs and reasonable attorney fees.


9 12. For such other and further relief as the Court may deem just and proper.

10 NOW THEREFORE,

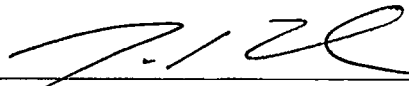
11 IT IS HEREBY ORDERED:

12
13 The Respondent, State of Washington Boundary Review Board for Lewis County, is
14 ordered to appear before the Lewis County Superior Court, located at 345 W. Main Street, Chehalis,
15 WA 98532, at the hour of 9:30 A.M. [] P.M. on the 14 day of
16 APRIL, 2023, and then and there show cause why the Court should not grant the
17 relief as requested in the Petition and set forth herein above.

18 DONE IN OPEN COURT this 22 day of March, 2023.

19
20
21 
22 JUDGE/COMMISSIONER
23 **EX PARTE**
24 **Paul A. Strophy**

23 PRESENTED BY:
24 BUZZARD O'ROURKE, P.S.

25 
26 JAMES M.B. BUZZARD, WSBA #33555
27 Attorney for Petitioner





FILED
LEWIS COUNTY

2023 MAR 22 PM 1:36

SUPERIOR COURT
CLERK'S OFFICE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR LEWIS COUNTY

CITY OF WINLOCK, a Washington Municipal
Corporation,

Petitioner,

v.

STATE OF WASHINGTON BOUNDARY
REVIEW BOARD FOR LEWIS COUNTY, et.
al.,

Respondents.

Case No. **23 200253 21**

SUMMONS

TO THE RESPONDENTS:

STATE OF WASHINGTON BOUNDARY REVIEW BOARD FOR LEWIS COUNTY; LEWIS COUNTY BOARD OF COUNTY COMMISSIONERS, governing board for LEWIS COUNTY, a Washington Municipal Corporation; ALISHIA HORNBURG; KEN HORNBURG; KALEB HORNBURG; GEORGE MARINCIN, II; VICTORINA MARINCIN; CHRISTINA MARINCIN; RANDY PENNINGTON; BEVERLY BUTLER; KIMBERLY BUTLER; KYLE MILLER, CHRISTINA MILLER; JANIS BEARSE, KATHY GAUL-MONTGOMERY; CYNTHIA PETERSON; JOHN PETERSON; BRADLEY BALCH; LARRY MICHELSON; ALBERTA LUURS; MORGAN BROWN; ADAM KASPER; KAREN DEXTER; MIKE MURPHY; JAMIE MURPHY; JANET ANDERSON; ALEX ANDERSON; LAWRENCE BOERS; TERESA BOERS; ROY ANDERSON; HOWARD ANDERSON; DERRICK BROWN; MARGARET CHASTAIN; RICHARD CHASTAIN; CRAIG CHASTAIN; JEREMY CLOUD; ERIN RUBEN; MICHAEL PIERSON; DEBRA DWELLY; ANGELA DWELLY; MARK VEACH; CAROL VEACH; BRIGETTE DAVIS; MICHAEL NICHOLS;

ORIGINAL



Buzzard O'Rourke, P.S.
attorneys at law

Service Address
314 Harrison Avenue
Centralia
Washington
98531

Mailing Address
PO Box 59
Centralia
Washington
98531

Contact Information
Ph: (360) 736-1108
Fax: (360) 330-2078
buzzardlaw.com

1 VERONICA NICHOLS; DAVID NONNEMAKER; TABITHA
2 NONNEMAKER; JOHN LEWIS; MIKE PAYNE; HENRY
3 LEON; ROGER BENNETT; TERRY ANDRUS; SANDRA
4 ANDRUS; RAY SHIPMAN; HEIDI SHIPMAN; LAURIE FIFE;
5 TIMOTHY FIFE; RAY REYNOLDS; JUDIE CLEVINGER;
6 DAVID CLEVINGER; WANDA TROUPE; MIKE BROWN;
7 TERRY BROWN; ROSELLA BRITTAIN; DEBRA HENSLEY;
8 ANGELA ROBERTSON; JOHN ROBERTSON

6 A lawsuit has been started against you in Lewis County Superior Court located at 345 W.
7 Main Street, Chehalis, WA 98532, by the Petitioner, the City of Winlock, a Municipal Corporation.
8
9 Petitioner's claims are set forth in the written *Petition for Issuance of: (1) Alternative Writ of*
10 *Mandamus; and (2) Permanent Writ of Mandamus; and (3) Alternative Writ of Prohibition; and*
11 *(4) Permanent Writ of Prohibition*, a copy of which is served upon you with this Summons.

12 The Petitioner is requesting the following relief from the Court:

- 13 1. Determination that the Effective Filing Date of Winlock's NOI is December 1, 2022.
- 14 2. Determination that the statutory 45-day period in which to invoke the jurisdiction of the
15 Boundary Review Board began to run on December 1, 2022, the Effective Filing Date.
- 16 3. Determination that the statutory 45-day period in which to invoke the jurisdiction of the
17 Boundary Review Board expired on January 15, 2023.
- 18 4. Determination that no person or entity invoked the jurisdiction of the Boundary Review
19 Board on or before January 15, 2023.
- 20 5. Determination that the Boundary Review Board did not invoke its own jurisdiction on or
21 before January 15, 2023.
- 22 6. Determination that the Winlock annexation is deemed approved by operation of law, and
23 issuance of a Permanent Writ of Mandamus to the Boundary Review Board to formally
24 accomplish the same.
25
26
27



- 1 7. Determination that the Boundary Review Board acted in without or in excess of statutory
2 authority by issuing its own second purported notice of intent on January 12, 2023, and
3 issuance of a Permanent Writ of Prohibition to permanently restrain the Boundary Review
4 Board from taking any action in regards thereto.
5
- 6 8. Determination that the Boundary Review Board acted without or in excess of statutory
7 authority by establishing a 45-day period in which jurisdiction of the Boundary Review
8 Board could be invoked commencing January 12, 2023 and expiring February 27, 2023, and
9 issuance of a Permanent Writ of Prohibition to permanently restrain the Boundary Review
10 Board from taking any action in regards thereto.
11
- 12 9. Determination that the Boundary Review Board acted without or in excess of statutory
13 authority in recognizing and accepting Lewis County's invocation of jurisdiction via
14 correspondence dated February 27, 2023, and issuance of a Permanent Writ of Prohibition
15 to permanently restrain the Boundary Review Board from taking any action in regards
16 thereto.
17
- 18 10. Determination that the Boundary Review Board acted without or in excess of statutory
19 authority in recognizing and accepting Interested Citizens invocation of jurisdiction via
20 correspondence dated February 23, 2023, received by the Boundary Review Board on
21 February 24, 2023, and certified by the Lewis County Auditor on February 28, 2023, and
22 issuance of a Permanent Writ of Prohibition to permanently restrain the Boundary Review
23 Board from taking any action in regards thereto.
24
- 25 11. For an award of statutory costs and reasonable attorney fees;
26
27 12. For such other and further relief as the Court may deem just and proper.
28




1 Respondent, State of Washington Boundary Review Board for Lewis County, has been
2 ordered to appear before the Lewis County Superior Court, located at 345 W. Main Street, Chehalis,
3 WA 98532, at the hour of 9:30 A.M. [] P.M. on the 14 day of April,
4 2023, and then and there show cause why the Court should not grant the relief requested in the
5 Petitioner's *Petition for Issuance of: (1) Alternative Writ of Mandamus; and (2) Permanent Writ of*
6 *Mandamus; and (3) Alternative Writ of Prohibition; and (4) Permanent Writ of Prohibition.*

8 If you want to defend yourself in this lawsuit, you are entitled to answer the Petitioner's
9 *Petition for Issuance of: (1) Alternative Writ of Mandamus; and (2) Permanent Writ of Mandamus;*
10 *and (3) Alternative Writ of Prohibition; and (4) Permanent Writ of Prohibition* in writing, under
11 oath, in the same manner as an answer to a complaint in a civil action, by filing your answer with
12 the Court and by serving a copy of your answer on the person signing this Summons by no later
13 than 5:00 P.M. on the 13 day of April, 2023, which is the day prior to the court
14 hearing identified above (RCW 7.16.200). If you do not appear in this matter, or if you do not file
15 and serve an answer to the *Petition*, the Court will proceed to hear the matter on the pleadings in
16 the record (RCW 7.16.190).

19 If you wish to seek the advice of an attorney in this matter, you should do so promptly so
20 that your written answer, if any, may be filed and served on time.

21 SIGNED at Centralia, Washington, this 22 day of March, 2023.

23 BUZZARD O'ROURKE, P.S.

24
25 
26 JAMES M.B. BUZZARD, WSBA No. 33555
27 Attorney for Petitioner
314 Harrison Avenue
P.O. Box 59
Centralia, WA 98531

