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CLALLAM CO CLERK  
2006 SEP 26 A 9 21  
BARBARA CHRISTENSEN

SUPERIOR COURT OF WASHINGTON IN AND FOR CLALLAM COUNTY

OUR WATER--OUR CHOICE PAC, and  
PROTECT OUR WATERS PAC,

Plaintiffs/Petitioners,

v.

PORT ANGELES CITY CLERK, and  
CITY OF PORT ANGELES,

Defendants/Respondents.

No. 06-2-00828-9

STIPULATION AND ORDER  
(1) CONSOLIDATING ACTIONS;  
(2) PERMITTING INTERVENTION,  
(3) FORWARDING INITIATIVE  
PETITIONS TO COUNTY AUDITOR, and  
(4) SETTING HEARING SCHEDULE AND  
TRIAL DATE

**I. STIPULATION**

Plaintiffs/Petitioners, Our Water—Our Choice (“OWOC”) and Protect Our Waters (“POW”), by and through their attorney of record, Gerald Steel, PE; Defendants/Respondents, Port Angeles and Port Angeles City Clerk (collectively “City”), by and through the City’s attorney of record, William E. Bloor, City Attorney; and Washington Dental Service Foundation, LLC, (“WDSF”) by and through its attorneys, Foster Pepper PLLC, P. Stephen DiJulio and Roger A. Pearce, stipulate as follows:

1. On September 8, 2006, and September 11, 2006, POW filed initiative petitions with the City, seeking to have the City Council enact, or submit to a vote of the registered voters of the City, an ordinance entitled the Water Additives Safety Act.

STIPULATION AND ORDER - 1

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1           2.       On September 8, 2006, and September 12, 2006, OWOC filed initiative petitions  
2 with the City to have the City Council enact, or submit to a vote of the registered voters of the  
3 City, an ordinance entitled the Medical Independence Act.

4           3.       The City and WDSF are parties to an agreement entitled Agreement Regarding  
5 Gift of Fluoridation System.

6           4.       On September 18, 2006, the City filed a Complaint for Declaratory Judgment  
7 under Clallam County Cause No. 06-2-00823-8. That action seeks a declaration that the  
8 initiatives for the Medical Independence Act and the Water Additives Safety Act are beyond the  
9 scope of the initiative power. The City named WDSF as a party to the declaratory judgment  
10 action.

11          5.       On September 19, 2006, OWOC and POW filed this action under Clallam County  
12 Cause No. 06-2-00828-9. This action seeks an order to compel the City Clerk to forward the  
13 POW and OWOC initiative petitions to the County Auditor, to find that the initiative petitions  
14 are legally sufficient, and to order an election for the purpose of voting on the ordinances  
15 proposed in the POW and OWOC initiatives.

16          6.       The actions under Clallam County Cause Nos. 06-2-00823-8 and 06-2-00828-9  
17 involve the same general subject matter and should therefore be consolidated for all purposes.

18          7.       WDSF has an interest that would be affected by the ordinances proposed in the  
19 POW and OWOC initiative petitions. WDSF should therefore be joined as a party defendant in  
20 Cause No. 06-2-00828-9.

21          8.       No later than Tuesday September 26, 2006, the City will cause the City Clerk to  
22 promptly forward the POW and OWOC initiative petitions to the County Auditor for  
23 determination of sufficiency.

24          9.       The City has no legal obligation to take further actions with respect to the POW  
25 and OWOC initiative petitions, pending the final order of the Superior Court in the consolidated  
26 actions under Cause Nos. 06-2-00823-8 and 06-2-00828-9.

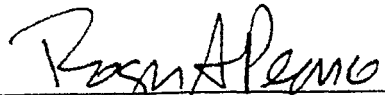
STIPULATION AND ORDER - 2

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1 So stipulated the 21<sup>st</sup> day of September 2006.

2 FOSTER PEPPER PLLC

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4   
5 P. Steven DiJulio, WSBA #7139  
6 Roger A. Pearce, WSBA #21113  
7 Attorneys for Washington Dental Service Foundation, LLC

8 **II. ORDER**

9 Pursuant to the stipulation above, it is hereby ORDERED as follows:

10 1. The actions under Clallam County Cause Nos. 06-2-00823-8 and 06-2-00828-9  
11 should be, and hereby are, consolidated for all purposes.

12 2. The Washington Dental Service Foundation is hereby joined as a party defendant  
13 in the action under Cause No. 06-2-00828-9.

14 3. The City shall have no further legal obligations with respect to the POW and  
15 OWOC initiative petitions, pending the Superior Court's final order in the consolidated cases  
16 under Clallam County Cause Nos. 06-2-00823-8 and 06-2-00828-9.

17 4. The parties shall abide by the following briefing schedule for all matters raised in  
18 Clallam County Cause Nos. 06-2-00823-8 and 06-2-00828-9:

19	Opening Briefs of	October 13, 2006
	OWOC/POW, City and WDSF	
20	Responding Briefs of	October 24, 2006
	OWOC/POW, City and WDSF	
21	Reply Briefs of	November 3, 2006
	OWOC/POW, City and WDSF	

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26 STIPULATION AND ORDER - 4

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