

DANIEL T. SATTERBERG  
PROSECUTING ATTORNEY



Office of the Prosecuting Attorney  
CIVIL DIVISION  
W400 King County Courthouse  
516 Third Avenue  
Seattle, Washington 98104  
(206) 477-1120  
FAX (206) 296-0191

February 27, 2015

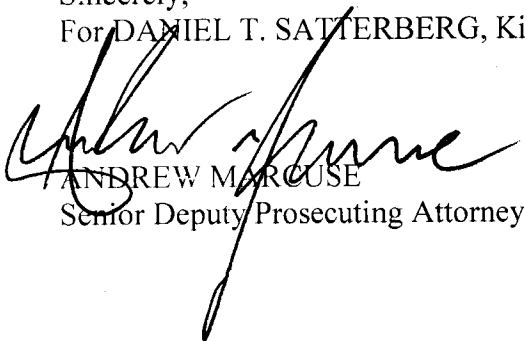
Washington Utilities and Transportation Commission  
ATTN: STEVEN V. KING  
1300 S. Evergreen Park Dr. SW  
P.O. Box 47250  
Olympia, Washington 98504-7250

RE: *City of Woodinville v. Eastside Community Rail, King County, Ballard Terminal and  
Washington State Department of Transportation*  
Docket TR-143903

Dear Mr. King:

Enclosed for filing in the above-referenced matter is the original and one copy of the Notice of Appearance of Andrew Marcuse, on behalf of King County, and Certificate of Service.

Sincerely,  
For DANIEL T. SATTERBERG, King County Prosecuting Attorney



ANDREW MARCUSE  
Senior Deputy Prosecuting Attorney

Encs.

RECEIVED  
RECORDS MANAGEMENT  
2015 MAR -3 AM 8:06  
STATE OF WASH.  
UTIL. AND TRANSP.  
COMMISSION

1 **BEFORE THE WASHINGTON**  
2 **UTILITIES AND TRANSPORTATION COMMISSION**

3 CITY OF WOODINVILLE, )  
4 )  
5 ) Petitioner, )  
6 )  
7 ) vs. )  
8 )  
9 ) EASTSIDE COMMUNITY RAIL, KING )  
10 ) COUNTY, BALLARD TERMNAL RAIL, AND )  
11 ) WASHINGTON STATE DPEARTMENT OF )  
12 ) TRANSPORTATION, )  
13 ) Respondents. )  
14 )

DOCKET TR-143903

NOTICE OF APPEARANCE

15 TO: STEVEN V. KING, Executive Director and Secretary, Washington Utilities and  
16 Transportation Commission;

17 AND TO: PARTIES OF RECORD.

18 PLEASE TAKE NOTICE THAT THE UNDERSIGNED hereby enter their appearance as  
19 counsel for King County in the above-entitled matter and request that all further motions, notices,  
20 pleadings, and other papers in the proceeding be served upon them at the following address:

21 Deliver by Mail:

Deliver in Person:

22 ANDREW MARCUSE  
23 CIVIL DIVISION  
E554 King County Courthouse  
516 Third Avenue  
Seattle, Washington 98104

ANDREW MARCUSE  
CIVIL DIVISION  
W400 King County Courthouse  
516 Third Avenue  
Seattle, Washington 98104

The undersigned appear on behalf of King County without waiving the question of:

1. Lack of jurisdiction over the subject matter;
2. Lack of jurisdiction over the person;
3. Improper venue;
4. Insufficiency of process;
5. Insufficiency of service of process;

///  
23

STATE OF WASH.  
UTIL. AND TRANSP.  
COMMISSION

2015 MAR -3 AM 8:06

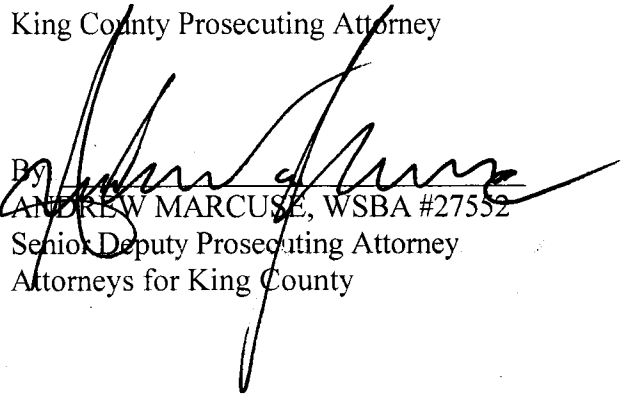
RECEIVED  
RECORDS MANAGEMENT

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

- 6. Failure to state a claim upon which relief may be granted;
- 7. Statute(s) of limitation.

DATED this 27<sup>th</sup> day of February, 2015.

DANIEL T. SATTERBERG  
King County Prosecuting Attorney

By   
ANDREW MARCUSE, WSBA #27552  
Senior Deputy Prosecuting Attorney  
Attorneys for King County

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

CITY OF WOODINVILLE,	)	
	)	
Petitioner,	)	DOCKET TR-143903
	)	
vs.	)	
	)	CERTIFICATE OF SERVICE
EASTSIDE COMMUNITY RAIL, KING	)	
COUNTY, BALLARD TERMNAL RAIL, AND	)	
WASHINGTON STATE DPEARTMENT OF	)	
TRANSPORTATION,	)	
	)	
Respondents.	)	
	)	

1. I am a legal secretary employed by King County Prosecutor’s Office, am over the age of 18, am not a party to this action and am competent to testify herein.

2. On February 27<sup>th</sup>, 2015, I did cause to be delivered by U.S. mail and email a true copy of King County’s Notice of Appearance and this Certificate of Service to the following:

City of Woodinville Thomas E. Hansen, P.E. Assistant Public Works Director 17301 133 <sup>rd</sup> Avenue NE Woodinville, WA 98072 <a href="mailto:thomash@ci.woodinville.wa.us">thomash@ci.woodinville.wa.us</a>	Greg A. Rubstello Ogden MurphyWallace P.L.L.C. 901 Fifth Avenue, Suite 3500 Seattle, WA 98164-2008 <a href="mailto:grubstello@omwlaw.com">grubstello@omwlaw.com</a>
Eastside Community Rail Doug Engle Managing Director 1011 Maple Avenue Snohomish, WA 98290 <a href="mailto:Doug.engle@escrail.org">Doug.engle@escrail.org</a>	Ballard Terminal Railroad Byron Cole 4725 Ballard Avenue NW Seattle, WA 9817-4810 <a href="mailto:byroncole@comcast.net">byroncole@comcast.net</a>
Washington State Dept. of Transp. Ahmer Nizam 310 Maple Park Avenue SE P.O. Box 47329 Olympia, WA 98504-7250	Wash. Utilities and Transp. Comm. 1300 S. Evergreen Park Drive SW P.O. Box 47250 Olympia, WA 98504-7250

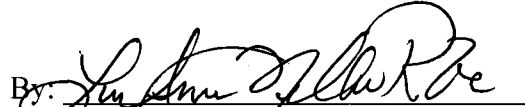
**Daniel T. Satterberg**, Prosecuting Attorney  
 CIVIL DIVISION  
 W400 King County Courthouse  
 516 Third Avenue  
 Seattle, Washington 98104  
 (206) 477-1120/FAX (206) 296-0191

<a href="mailto:nizama@wsdot.wa.gov">nizama@wsdot.wa.gov</a>	
Julian Beattie Assistant Attorney General 1400 S. Evergreen Park Drive SW P.O. Box 40128 Olympia, WA98504-0128 <a href="mailto:jbeattie@utc.wa.gov">jbeattie@utc.wa.gov</a>	Erica Jacobs 201 S. Jackson Street, Suite 700 Seattle, WA 98104 <a href="mailto:Erica.jacobs@kingcounty.gov">Erica.jacobs@kingcounty.gov</a>

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 27<sup>th</sup> day of February, 2015 at Seattle, Washington.

DANIEL T. SATTERBERG  
 King County Prosecuting Attorney

By:   
 LuAnna Yellow Robe, Legal Assistant to  
 Andrew Marcuse, WSBA #27552  
 Senior Deputy Prosecuting Attorney  
 Attorneys for King County