

Hearing Date: September 9, 2024
Hearing Time: 9:00 a.m.
Judge/Calendar: Hon. Anne Egeler

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

SAVE THE DAVIS-MEEKER GARRY
OAK,

No. 24-2-01895-34

Plaintiff,

**PLAINTIFF’S MOTION TO SET
AMOUNT OF SUPERSEDEAS
BOND**

v.

DEBBIE SULLIVAN, in her capacity of
Mayor of Tumwater

Defendant.

I. INTRODUCTION

Pursuant to Rule 8.1 of the Washington Rules of Appellate Procedure (“RAP”), Plaintiff Save the Davis-Meeker Garry Oak hereby moves this Court for an order setting the amount of a supersedeas bond to stay the effectiveness of this Court’s Order Granting Motion to Dissolve TRO (May 31, 2024) pending review by Division II of the Washington Court of Appeals.

II. EVIDENCE RELIED UPON

This motion relies on the accompanying declaration of Bryan Telegin (August 12, 2024; herein, “Telegin Decl.”) and on the pleadings and filings herein.

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1 **III. OVERVIEW OF THE CASE**

2 On May 24, 2024, Plaintiff Save the Davis-Meeker Garry Oak filed the complaint in this
3 matter seeking to enjoin Debbie Sullivan, the Mayor of the City of Tumwater, from directing a
4 400-year-old oak tree known as the Davis Meeker oak to be cut down. (*See* Complaint for
5 Declaratory and Injunctive Relief, Including Temporary Restraining Order (May 24, 2024).)
6 Plaintiff’s primary claim was that because the tree is listed as an historic property on the City’s
7 Register of Historic Places, it may not be cut down under the City’s Historic Preservation
8 Ordinance without prior review and approval by the Tumwater Historic Preservation Commission.
9 (*Id.* at 6, ¶ 32.)

11 The same day Plaintiff filed the complaint, the Honorable Sharonda D. Amamilo granted
12 Plaintiff’s request for a temporary restraining order (“TRO”), providing that “Defendant shall
13 immediately cease and desist from all efforts to remove the Davis Meeker Garry Oak until further
14 court order.” (Order Granting Temporary Restraining Order (May 24, 2024).) Counsel for the
15 Mayor also filed a motion to dissolve the TRO. (*See* Defendant’s Emergency Motion to Dissolve
16 Temporary Restraining Order) (May 24, 2024).)

18 On May 28, 2024, Plaintiff filed a response to the Mayor’s motion to dissolve the TRO,
19 together with a cross-motion seeking to extend the TRO. (*See* Response to Motion to Dissolve
20 Temporary Restraining Order and Cross-Motion to Extend Temporary Restraining Order to July
21 30, 2024 (May 28, 2024).) Plaintiff later requested that its cross-motion be treated as one for a
22 preliminary injunction. (*See* Telegin Decl., Ex. A at 10 (requesting that this Court “construe
23 plaintiff’s motion as one to impose temporary injunction as opposed to extend the TRO”).
24

25 The cross-motions went to hearing on Friday, May 31, 2024. At the conclusion of that
26 hearing, this Court granted the Mayor’s motion to dissolve the TRO, denying Plaintiff’s cross-

