



Washington State Court of Appeals Division Two

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General Orders, Calendar Dates, and General Information at <http://www.courts.wa.gov/courts> **OFFICE HOURS:** 9-12, 1-4.

July 3, 2024

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CASE #: 58881-1-II Save the Davis Meeker Garry Oak, Appellant v. Debbie Sullivan,
Respondent

Counsel:

On the above date, this court entered the following notation ruling:

A RULING BY COMMISSIONER BEARSE:

The Save the Davis-Meeker Garry Oak citizen group (SDMGO) appeals the superior court's dissolution of a temporary restraining order (TRO) that prevented the City of Tumwater from cutting down the oak tree. SDMGO now moves for a stay to preserve the tree pending the group's appeal. RAP 8.3; RAP 17.4(b); see also RP at 4 (May 31, 2024) (attached to Notice of Appeal).

SDMGO states that after it filed the appeal, the Tumwater mayor, Respondent Debbie Sullivan, agreed to obtain additional risk assessments for the tree. Stay Mot. at 13. But it contends that Sullivan recently told a local newspaper that the tree "will not be there ultimately." Stay Mot. at 26 (citing Larson Kramer Decl., Exhibit J (article)). So it contends a stay is now necessary under RAP 8.3.

This court grants a temporary stay of the TRO dissolution to allow it to fully consider the stay motion with the benefit of full briefing. RAP 7.3. No bond will be required during this temporary administrative stay, which will automatically dissolve when this court issues a decision on the stay motion. This stay does not extend to any ongoing or future risk assessments.

Respondent is requested to file an answer to the stay motion on or before **July 15, 2024**. Any reply is due on or before **July 18, 2024**. The response and any reply should address the discretionary stay standards under RAP 8.3. They should also address whether RAP

8.1(b)(2) applies instead, which would allow the group to obtain a stay as of right upon the posting of a supersedeas bond or alternate security. SDMGO's other request, for an expedited appeal under RAP 18.12, will be considered when the court rules on the stay motion.

Sincerely,

A handwritten signature in black ink, appearing to be 'Derek M. Byrne', with a long horizontal flourish extending to the right.

Derek M. Byrne
Court Clerk