

HONORABLE CAROL MURPHY

Hearing Date: Friday, January 14, 2022

Hearing Time: 9:00 AM

Civil Calendar

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

TIM EYMAN,

Plaintiff

v.

JAY INSLEE, in his official capacity as  
Governor of the State of Washington,  
LAURA WATSON, in her official capacity as  
director of Ecology, and the STATE OF  
WASHINGTON,

Defendants.

Case No. 21-2-01945-34

REPLY TO DEFENDANTS' RESPONSE  
TO MOTION FOR WRIT OF  
MANDAMUS/PROHIBITION

Here we go again. This Court has already ruled that the Governor exceeded his constitutional authority regarding vetoes in *Wash. State Legislature v. Inslee*, 198 Wn.2d 561, (2021). This Court's ruling was then upheld by an en banc decision of the State Supreme Court. *Inslee*. Now, we are back again litigating the same issues in the same Court.

Defendants claim that I am, "...worried about hypothetical future vetoes." That is not true. The case at bar is not hypothetical. There is nothing hypothetical about the Governor's illegal vetoes in 2021. In fact, this Court would be well within its authority to sanction Defendants for contempt, Sua Sponte.

Will this Court allow the Governor to repeatedly exceed his constitutional authority with impunity? This is the only issue before the Court. Is the Governor required to follow the Constitution, or is he not? Is the Governor required to respect the rulings of this Court and abide by the decision of the State Supreme Court, or is he not? It is not within the Governor's

REPLY TO DEFENDANTS' RESPONSE TO MOTION  
FOR WRIT OF MANDAMUS/PROHIBITION

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1 discretion to repeatedly exceed his constitutional authority in the exact same manner,  
2 exacerbating the Court.

3 It is Black Letter Law that, "A mandamus is the proper remedy to compel a Secretary of  
4 State to deliver a commission to which the party is entitled." *Marbury v. Madison*, 5 U.S. 137,  
5 2L. Ed 60, 1 Cranch 137, (1803). Clearly, this Court is well within its' discretion to issue this  
6 writ.

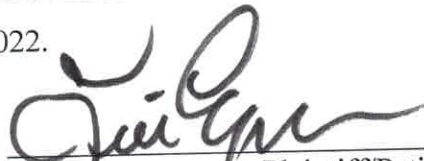
7 No affidavit is required in the case at bar because no facts are in dispute. The Legislature  
8 passed these bills and the Governor issued partial vetoes that exceeded his constitutional  
9 authority. Either the case at bar is a repeat of *Inslee*, or it is not. Either the Court is prepared to  
10 entertain repeated lawsuits whenever this Governor continuously exceeds his veto authority, or  
11 it is not. Certainly, the latter does not qualify as a "plain, speedy, and adequate remedy at law."  
12 Defendants' Reply at Pg. 5, Line 3.

13 Either the rulings of this Court and the State Supreme Court are respected by the  
14 Governor, or they are not.

15 I respectfully request that the Court agree to issue a writ.

16 Please note that the proposed order that I filed was likely premature. Upon reflection, I  
17 expect the wording of the writ will require some direction from the Court.

18 Submitted this 12th day of January, 2022.

19 

20 Tim Eyman, *pro se* Plaintiff/Petitioner

21 In Bellevue Washington on January 12th, 2021