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JAN - 3 2022

Superior Court
Linda Myhre Enlow
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Hearing date: Friday, Jan 14, 2022
Hearing time: 9:00 am
Judge/Calendar: Hon. Carol Murphy -3 A10 :40

THURSTON
SUPERIOR COURT

STATE OF WASHINGTON
THURSTON COUNTY COUNTY SUPERIOR COURT

In the Matter of:

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 the Department of Ecology,
and the STATE OF WASHINGTON

Defendants.

No. 21-2-01945-34

MOTION FOR WRIT OF
MANDAMUM/PROHIBITION,
and SHOW CAUSE HEARING

Plaintiff/Petitioner respectfully submits this Motion requesting the
Court to issue a Writ of Mandamus/Prohibition ordering the Defendants to
cease exceeding their constitutional authority, specifically regarding Wash.
Const. article III, § 12, and *Washington State Legislature v Inslee*, 198 Wn.2d
561 (2021).

MOTION FOR WRIT OF
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1 As this Court is well aware, *Washington State Legislature v. Inslee*
2 was first heard before this Court that issued an oral ruling that read in part:

3 In a time of great uncertainty in our country and in our
4 community during this pandemic, this case assures us
5 that disputes regarding the constitutional roles of our
6 three branches of government and the system of
7 checks and balances are quite relevant today. ... And
8 similar to the court's prior analysis, the court defers to
9 the legislature unless sufficient manipulation has been
10 shown by the legislature to overcome such deference.
11 Again, that burden has not been met. ... The court
12 concludes that the vetoes are, therefore, invalid ...

13 Thurston County Superior Court, June 19, 2020

14 This Court's well-reasoned decision was recently affirmed by the
15 Supreme Court, holding:

16 This case requires the court to exercise two of our
17 most fundamental duties; to 'delineate and maintain
18 the proper constitutional balance between the
19 coordinate branches of our State government with
20 respect to the veto and, more broadly, to interpret the
21 constitution faithfully' ... We affirm the superior
22 court's orders on summary judgment in favor of the
23 legislature.

24 *Wash. State Legislature v. Inslee*, 198 Wn.2d 561, 566,
2021

Unless this Court issues a Writ, Defendants will not be deterred from
such unconstitutional actions in the future and lawsuits such as this will
proliferate. Defendants cannot be allowed to clog the Court's calendar because
Defendants claim that each act of the Legislature is distinguished from *Inslee*.

1 Further, Plaintiff respectfully requests that Defendants appear before
2 this Court to "Show Cause" why an Order of Mandamus/Prohibition should not
3 be issued against them and in favor of Plaintiff.

4 **CONCLUSION**

5 Defendants cannot be allowed to ignore the courts and the Legislature.
6 Only a Writ issued by this Court will ensure the Defendants abide by the rulings
7 of the court and follow the laws passed by the Legislature.

8 Respectfully submitted this 3rd day of January 2022.

9 

10 Tim Eyman, *pro se* Plaintiff/Petitioner
11 In Bellevue Washington on January 3rd, 2021