

**Supreme Court  
of the State of Washington**

*In re:*

Petition for Recall of John  
Pais, et al.

No. 101490-2

**Motion for Accelerated  
Review**

**1. Identity of Moving Party**

Kristin Masteller and Amanda Gonzales,  
Respondents, ask for the relief designated in Part 2.

**2. Statement of Relief Sought**

Set this case for accelerated review under  
RAP 18.12, with a schedule as set forth below.

**3. Facts Relevant to Motion**

Respondents filed their Petitions for Recall of  
John Pais, Brian Jutson, and Albert (Buck) Wilder on  
October 6, 2022. Mason County Superior Court

reviewed the charges and entered orders on November 8, 2022, finding that multiple charges of misfeasance or malfeasance and misappropriation of public funds were sufficient, and amending the ballot synopsis. Pais, Jutson, and Wilder filed their Notice[s] of Appeal on November 17, 2022.

Respondents have spent the past month obtaining counsel to defend their recall petition on appeal. Undersigned counsel was retained on December 15, 2022, and promptly prepared this motion for accelerated review.

Under RCW 29A.56.110 *et seq.*, the recall cannot be placed on the ballot until this Court renders a final decision on appeal, followed by a period of time for gathering signatures to support the recall and verification of those signatures by the elections officer. Consequently, this Court must decide this matter quickly so the recalls can be placed on the ballot in a timely manner.

Respondents have determined that the 2023 primary election is the most desirable date for the recall to be held. Wilder will be up for re-election in 2023, potentially rendering his recall moot if it is not held before the 2023 general election. On the other hand, given the timelines for gathering and verifying signatures, an election prior to the 2023 primary is not feasible. Respondents are confident they can get this matter onto the 2023 primary ballot if the Court accepts their proposed, accelerated schedule.

Respondents propose the following accelerated schedule in this matter:

Designation of CP	Dec. 19, 2022
Statement of Arr.	Dec. 19, 2022
Filing of VRP, CP	Jan. 11, 2023
Brief of Appellants	Jan. 25, 2023
Brief of Respondents	Feb. 8, 2023
Reply Brief	Feb. 22, 2023
En Banc Conference	Mar. 9, 2023

Respondents ask the Court to issue its decision no later than April 1, 2023.

#### **4. Grounds for Relief**

Under RAP 18.12, the Court may set any review proceeding for accelerated disposition. The legislature has determined that recall appeals are urgent and deserving of accelerated consideration. *In re Recall of West*, 156 Wn.2d 244, 251, 126 P.3d 798 (2006); *see* RCW 26A.56.270. Appellants have been charged with serious malfeasance, including misappropriation of public funds. To protect the public, the recall process must be swift, as any delay provides opportunity for further misconduct or diversion of public funds. Additionally, because Wilder is scheduled to be up for re-election in 2023, the recall election needs to be held before the 2023 general election for it to be of any use. Respondents' proposed schedule will enable the recall election to be held with the 2023 primary election.

## **5. Conclusion**

The Court should accelerate review according to Respondents' proposed schedule.

I certify that this document contains 498 words.

Submitted this 16<sup>th</sup> day of December, 2022.

/s/ *Kevin Hochhalter*  
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## **Certificate of Service**

I certify, under penalty of perjury under the laws of the State of Washington, that on December 16, 2022, I caused the foregoing document to be filed with the Court and served on counsel listed below by way of the Washington State Appellate Courts' Portal.

Aaron T. Haynes  
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SIGNED at Lacey, Washington, this 16<sup>th</sup> day of  
December, 2022.

*/s/ Rhonda Davidson*  
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# OLYMPIC APPEALS PLLC

December 16, 2022 - 8:06 AM

## Transmittal Information

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 101,490-2  
**Appellate Court Case Title:** In Re the Petition for Recall of John Pais et al.  
**Superior Court Case Number:** 22-2-00536-3

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