

NO. 86822-1

**SUPREME COURT OF THE STATE OF WASHINGTON**

LEYA REKHTER, et al.,

Plaintiffs/Respondents,

v.

STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND  
HEALTH SERVICES, et al.,

Defendants/Appellants.

MOTION TO FILE  
OVERLENGTH BRIEF

**I. Identity Of Moving Party**

The State of Washington Department of Social and Health Services, appellants in the above action.

**II. Statement Of Relief Sought**

The Department seeks an order allowing the filing of the Department's 61 page Reply/Response to Cross Appeal Brief. The brief is 11 pages over the 50 page brief allowed by RAP 10.4(b). This order is authorized by RAP 10.4(b), which provides that "[f]or compelling reasons the court may grant a motion to file an over-length brief."

This motion seeks a summary determination in accordance with RAP 17.4(c)(1) because the motion does not affect the substantial rights of any party.

**III. Facts Relevant To Motion**

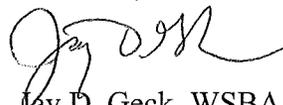
The subject of the appeal and the complexity of the issues has been described by prior motions seeking over length briefs by both appellants and respondents. In the last round of briefing, the two respondents filed 130 pages of briefing to which DSHS is now replying and responding. DSHS has attempted diligently to stay within the page limits. But the number of issues raised by the two Response/Cross Appeal briefs reasonably required 61 pages to reply and respond.

**IV. Grounds For Relief And Argument**

RAP 10.4(b) provides that “[f]or compelling reasons the court may grant a motion to file an over-length brief.” The additional pages of briefing are necessary to assist the Court with the significant issues raised by this case.

RESPECTFULLY SUBMITTED this 28th day of November 2012.

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