



STATE OF WASHINGTON
ENVIRONMENTAL HEARINGS OFFICE

Mailing Address: PO Box 40903, Olympia, WA 98504-0903

Physical Address: 4224 - 6th Ave. SE, Bldg. 2, RoweSix, Lacey, WA 98504-0903

February 13, 2008

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Attorney at Law
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Everett WA 98201

James A. Tupper, Jr.
TUPPER MACK BROWER
1100 Market Place Tower
2025 First Avenue
Seattle WA 98121

RE: SHB NO. 08-002

**ANGELA & ROBERT DAY; CITIZENS TO PRESERVE THE UPPER
SNOHOMISH RIVER VALLEY v. CAAM PARTNERSHIP, PLLC;
SKOTDAL BROS. LLC & SNOHOMISH COUNTY**

Dear Parties:

Enclosed is an Order of Dismissal in this matter.

Sincerely yours,

Phyllis K. Macleod
Administrative Appeals Judge

PKM/jg/S 08-002

Enc.

Cc: Don Bales – Shorelands
Snohomish County Planning

CERTIFICATION

On this day, I forwarded a true and accurate copy of the documents to which this certificate is affixed via United States Postal Service postage prepaid to the attorneys of record herein.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED Feb 13, 2008 at Lacey, WA.

1 BEFORE THE SHORELINES HEARINGS BOARD
2 STATE OF WASHINGTON

3 ANGELA and ROBER DAY; CITIZENS TO
4 PRESERVE THE UPPER SNOHOMISH
5 RIVER VALLEY,

6 Petitioners,

7 v.

8 CAAM PARTNERSHIP, PLLC; SKOTDAL
9 BROS. LLC AND SNOHOMISH COUNTY,

10 Respondents.

SHB NO. 08-002

ORDER OF DISMISSAL

11 The Petitioners Angela and Robert Day, and the Citizens to Preserve the Upper
12 Snohomish River Valley ("Petitioners"), submitted a written notice in this matter withdrawing
13 their Petition for Review and requesting that the Board enter an order dismissing the case.

14 The petition has been withdrawn, and there is no contested case remaining for hearing.

15 Now, therefore,

16 IT IS ORDERED that this appeal is DISMISSED.

17 DATED this 13th day of February, 2008.

18 SHORELINES HEARINGS BOARD

19 Kathleen D. Mix
KATHLEEN D. MIX, CHAIR

20 William H. Lynch
21 WILLIAM H. LYNCH, MEMBER

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Andrea M. Doyle
ANDREA MCNAMARA DOYLE, MEMBER

Judy Wilson
JUDY WILSON, MEMBER

Phyllis K. Macleod
Phyllis K. Macleod
Administrative Appeals Judge

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ENVIRONMENTAL
HEARINGS OFFICE

BEFORE THE SORELIN HEARINGS BOARD
OF THE STATE OF WASHINGTON

ANGELA AND ROBERT DAY; CITIZENS
TO PRESERVE THE UPPER SNOHOMISH
RIVER VALLEY,

Petitioners,

vs.

CAAM PARTNERSHIP, PLLC; SKOTDAL
BROS. LLC & SNOHOMISH COUNTY

Respondents.

CASE NO. 08-002

PETITIONERS' VOLUNTARY
WITHDRAWAL OF APPEAL

On January 14, 2008, Petitioners Angela and Robert Day and the Citizens to Preserve the Upper Snohomish River Valley ("Petitioners") filed a Petition for Review with the Shorelines Hearings Board. Petitioners, by and through their attorneys of record, hereby voluntarily withdraw their Petition for Review in its entirety and seek an order from the Board dismissing the above-captioned matter.

The Board issued a letter on January 16, 2008 setting two preliminary dates in the case, establishing a deadline for production of witness and exhibit lists and setting a prehearing telephonic conference which has not yet occurred. No other Board orders have been issued in this case and no hearings have been held.

The Board's rules of procedure govern the voluntary dismissal of an appeal. WAC 461-08-485 mandates dismissal of an appeal when voluntarily withdrawn by a petitioner prior to resting:

- (2) An appellant may request to withdraw an appeal. Requests before the appellant rests its case-in-chief during the hearing are mandatory and afterwards are permissive.

ORIGINAL

1 Based on the Board's procedures, the absence of any hearing on the merits in this case to date, and the
2 request to withdraw the appeal herein, we request that the Board issue an order dismissing the appeal.

3 DATED this 7th day of February, 2008

4 TOM EHRLICHMAN
5 Attorney at Law

6 By 

7 Thomas J. Ehrlichman, WSBA No. 20952
8 Attorney for Petitioners Angela and Robert Day

9 BRICKLIN NEWMAN DOLD

10 By  FOR JENNIFER DOLD

11 PER TELEPHONE AUTHORIZATION
12 Jennifer Dold, WSBA No. 23822
13 Attorneys for Petitioners Citizens to Preserve
14 the Upper Snohomish River Valley
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III. PROPOSED ORDER

The Shorelines Hearings Board, having reviewed the above voluntary withdrawal of appeal, and the records and files herein, now, therefore, IT IS HEREBY

ORDERED, ADJUDGED AND DECREED that:

1. The Board's Rules of Procedure require dismissal of an appeal when requested by the Petitioners, prior to resting their case-in-chief. WAC 461-08-485.

2. On February 7, 2008, the Petitioners in Case No. 08-002 voluntarily withdrew their appeal filed with the Board on January 14, 2008. Petitioners requested an order of dismissal.

3. The Board hereby dismisses Case No. 08-002.

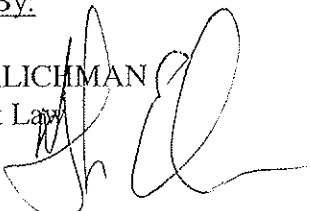
DATED this ___ day of February, 2008.

SHORELINES HEARINGS BOARD

By _____
Phyllis K. Macleod
Administrative Appeals Judge

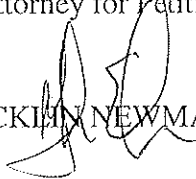
Presented By:

TOM EHRLICHMAN
Attorney at Law



By _____
Thomas J. Ehrlichman, WSBA No. 20952
Attorney for Petitioners Angela and Robert Day

BRICKLIN NEWMAN DOLD
FOR JENNIFER DOLD



By PER TELEPHONE AUTHORIZATION
Jennifer Dold, WSBA No. 23822
Attorneys for Petitioners Citizens to Preserve the Upper Snohomish River Valley