IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF SNOHOMISH

MASTER BUILDERS ASSOCIATION OF KING AND SNOHOMISH COUNTIES, BUILDING INDUSTRY ASSOCIATION OF WASHINGTON, WASHINGTON AGGREGATES & CONCRETE ASSOCIATION, GREENCITY DEVELOPMENT, LLC, OSPREY LOGISTICS, LLC, ROBINETT BROTHERS CONSTRUCTION LLC, ROBINETT INVESTMENT COMPANY, LLC, AND MARTIN ROBINETT, Plaintiffs, vs. THE CITY OF EVERETT, Defendant, and STANDING FOR NATURE, Proposed Intervenor Defendant.	Case No.: 25-2-00902-31 STANDING FOR NATURE'S UNOPPOSED MOTION TO INTERVENE WITH ATTACHED MOTION TO DISMISS AS EXHIBIT A

Standing for Nature (formerly Rights of Nature Initiative), a 501(c)(3) nonprofit organization incorporated in the State of Washington, respectfully moves this Court, pursuant to

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Washington Superior Court Civil Rule 24(a) or, in the alternative, CR 24(b), for an order granting its intervention in the above-captioned matter to defend Everett Initiative No. 24-03("the Initiative") against Plaintiffs' challenge. In support of this motion, Standing for Nature states as follows:

I. INTRODUCTION

1. Standing for Nature is a 501(c)(3) nonprofit dedicated to educating and advocating for using direct democracy to gain legal standing for nature so communities can directly protect their local ecosystems. Standing for Nature legally changed its name from "Rights of Nature Initiative" to "Standing for Nature" by filing Articles of Amendment with the Washington Secretary of State's office on November 25, 2024.

2. Standing for Nature authored Everett Initiative No. 24-03, and served as the original primary fiscal sponsor of "Standing for Washington," a political committee formed with the Washington state Public Disclosure Commission that ran the Initiative.

3. The Initiative was a local ballot measure enacted by the voters of Everett, Washington in November 2024 with 56.74% of the vote, to recognize legal rights for the Snohomish River Watershed ("the Watershed") and give it the legal standing to protect those rights in court.

4. Plaintiffs' lawsuit seeks to overturn the Initiative, threatening Standing for Nature's significant interests as the measure's proponent and the organizational mission it advanced through the campaign process.

5. Washington courts have consistently permitted organizations that supported ballot measures to intervene in litigation to defend them, as exemplified by *Washington State Grange v. Washington State Republican Party*, 552 U.S. 442 (2008), *Pierce County v. State*,

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150 Wn.2d 422, 78 P.3d 640 (2003), and *Amalgamated Transit Union Local 587 v. State*, 142 Wn.2d 183, 11 P.3d 762 (2000).

6. Pursuant to CR 24(c), Standing for Nature attaches its proposed Motion to Dismiss as Exhibit A, setting forth its defense that Plaintiffs lack standing and fail to state a claim under CR 12(b)(1) and CR 12(b)(6). This exhibit demonstrates Standing for Nature's intended contribution to the defense of Initiative 24-03 if intervention is granted.

7. Plaintiffs' counsel has indicated by telephone on February 26, 2025, that Plaintiffs would not oppose Standing for Nature's intervention.

8. The Defendant City of Everett, in its Answer to the Complaint, asked the court to allow the sponsors of the Initiative "be allowed to intervene to defend against Plaintiffs' claims" (Def.'s Ans. p. 5, Prayer for Relief No. 1).

II. GROUNDS FOR INTERVENTION

A. Standing for Nature is Entitled to Intervene as of Right Under CR 24(a)

9. Under CR 24(a), intervention as of right is warranted when an applicant: (1) claims an interest relating to the subject of the action; (2) is so situated that disposition may impair or impede its ability to protect that interest; and (3) its interest is not adequately represented by existing parties.

1. Significant Interest

10. Standing for Nature has a direct and substantial interest in this litigation as the primary sponsor of the Initiative that qualifies it under CR 24(a)(1). Under Ninth Circuit case law, it is well established that a "public interest group is entitled as a matter of right to intervene in an action challenging the legality of a measure it supported." *Idaho Farm Bureau Fed'n v. Babbitt*, 58 F.3d 1392, 1397 (9th Cir. 1995) (environmental group that supported listing of

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species as endangered had right to intervene in defense of listing decision); *see also Sagebrush Rebellion v. Watt*, 713 F.2d 525, 527-28 (9th Cir. 1983) (National Audubon Society had right to intervene as it had participated in the administrative process the Interior Secretary followed to establish conservation area for birds of prey).

11. Washington courts have applied these standards to allow ballot measure sponsors to intervene, recognizing their unique interests stemming from campaign efforts and organizational goals. Numerous cases have moved forward with ballot measures sponsors as permitted intervenors. *See Washington State Grange v. Washington State Republican Party* (the Washington State Grange, as sponsor of Initiative 872, intervened to defend its measure against a constitutional challenge), *Pierce County v. State* (Permanent Offense, the sponsors of Initiative 776, were permitted to intervene to defend Initiative 776), and *Amalgamated Transit Union Local 587 v. State* (\$30 License Tab Initiative Campaign was permitted to intervene to defend its initiative, Initiative 695).

2. Impairment of Interest

12. The disposition of Plaintiffs' claims could adversely affect Standing for Nature's interests. "[A]n adverse court decision on … a measure may, as a practical matter, impair the interest held by the public interest group" that supported it. *Prete v. Bradbury*, 438 F.3d 949, 954 (citing *Sagebrush Rebellion*, 713 F.2d at 528). Preserving laws is unequivocally an interest held by public interest groups. Standing for Nature invested significant resources in drafting the Initiative language, and in forming the political committee that campaigned for and secured voter approval of the Initiative. The interests of Standing for Nature in protecting the law it worked so hard to pass is more than sufficient to satisfy the minimal interest standard under CR 24(a)(2).

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3. Inadequate Representation by Existing Parties

13. The City of Everett, while a defendant, may not adequately represent Standing for Nature's interests. In all of the cases previously mentioned, sponsors of the respective initiatives were permitted to intervene because of the recognition that no party could properly defend an initiative as well as the party that put forth the initiative. Standing for Nature spent a year researching similar initiatives and the caselaw around them in order to craft an initiative that could withstand legal scrutiny, including *Spokane Entrepreneurial Ctr. v. Spokane Moves to Amend Constitution*, 185 Wn.2d 97, 109 (2016), the case upon which Plaintiff heavily relies for their legal arguments against the Initiative. The City may prioritize procedural or municipal interests, whereas Standing for Nature seeks to uphold the voter-approved legal standing for the Watershed, a distinct perspective rooted in its creation of the Initiative and sponsorship role.

B. Permissive Intervention is Warranted Under CR 24(b)

14. Alternatively, under CR 24(b), permissive intervention is appropriate when the applicant's defense shares common questions of law or fact with the main action, and intervention will not unduly delay or prejudice the original parties' rights. With Plaintiffs challenging the legality and constitutionality of the Initiative, Standing for Nature as the Initiative's sponsor clearly has satisfied the permissive intervention standard.

15. Even if intervention as of right is not granted, permissive intervention is appropriate. Standing for Nature's defense of the Initiative shares common questions of law and fact with the main action, including the measure's validity and constitutionality. However, "exact parallelism between the original action and the intervention action is not required." *State ex rel. Keeler v. Pt. of Peninsula*, 89 Wn.2d 764, 767, 575 P.2d 713 (1978). As the Ninth Circuit has determined when analyzing the analogous federal rule, the intervenor's claim or

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defense must only "relate to the subject matter of the action[.]" *Greene v. United States*, 996 F.2d 973, 978 (9th Cir. 1993).

16. Intervention will not delay or prejudice the proceedings, given that no substantive rulings have been made yet. *See Nw. Forest Res. Council v. Glickman*, 82 F.3d 825, 836-37 (9th Cir. 1996) (existing parties are not prejudiced when a motion to intervene is filed before any substantive rulings by the court)

C. Lack of Opposition Supports Intervention

17. On February 26, 2025, Plaintiffs' counsel confirmed by telephone that Plaintiffs would not oppose Standing for Nature's intervention, reflecting agreement that its participation is appropriate.

18. The Defendant City of Everett, in its Answer to the Complaint, asked the court to allow the sponsors of the Initiative "be allowed to intervene to defend against Plaintiffs' claims," recognizing Standing for Nature's unique stake as the measure's sponsor, consistent with the collaborative defense seen in prior cases like *Washington State Grange*.

IV. CONCLUSION

Washington precedent, including *Washington State Grange, Pierce County v. State,* and *Amalgamated Transit Union Local 587 v. State*, affirms that organizations like Standing for Nature, which authored a ballot measure and supported it during its campaign, may intervene to defend it against challenges seeking to overturn it. With no opposition from Plaintiffs and support from the City of Everett, Standing for Nature respectfully requests that this Court grant its Motion to Intervene under CR 24(a) or, alternatively, CR 24(b), to protect its significant interests in Everett Initiative 24-03. Attached as Exhibit A is Standing for Nature's proposed Motion to Dismiss, filed concurrently and submitted pursuant to CR 24(c) as its pleading in

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defense of this action. If intervention is granted, Standing for Nature seeks to proceed with the Motion to Dismiss to resolve this case expeditiously.

DATED this 5th day of March, 2025.

Respectfully submitted,

By: /s/Rachel Kurtz-McAlaine_____

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