

The Honorable Marsha J. Pechman

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

MARY M. CARNEY,

Plaintiff,

v.

STATE OF WASHINGTON,
WASHINGTON STATE PARKS AND
RECREATION COMMISSION, and
SWINOMISH INDIAN TRIBAL
COMMUNITY, a federally recognized
Indian tribe,

Defendants.

NO. 2:21-cv-00415 MJP

WASHINGTON STATE PARKS AND
RECREATION COMMISSION'S
RESPONSE TO MOTION TO
REMAND TO STATE COURT

Defendant State of Washington, Washington State Parks and Recreation Commission [State] agrees, based on the available records on file in this case and for the reasons stated in the Notice of Removal, Motion to Dismiss, and accompanying documents, that jurisdiction is proper before this Court pursuant to 28 U.S.C. § 1441(a) and 28 U.S.C. § 1442(a)(2). To avoid presenting duplicative or extraneous legal arguments on this issue, the State will simply affirm that, as submitted in the Tribe's Notice for Removal, the State has provided consent as co-defendant for removal to this Court for the purposes of 28 U.S.C. 1441(a), as required by 28 U.S.C. § 1446(b)(2)(A).

1 Therefore, the State believes this Court should deny Plaintiff's Motion for Remand, and
2 proceed to decide the Tribe's pending Motion to Dismiss.

3 DATED this 24th day of May, 2021.

4 ROBERT W. FERGUSON
5 Attorney General

6 s/ John Heidinger
7 JOHN HEIDINGER, WSBA No. 50984
8 Assistant Attorney General
9 ANDY WOO, WSBA No. 46741
10 Assistant Attorney General

11 *Attorneys for Respondent Washington State*
12 *Parks and Recreation Commission*
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2021, I electronically filed *Washington State Parks and Recreation Commission's Response to Motion to Remand to State Court* with the Clerk of the Court using CM/ECF system, which will send notification of such filing to the parties registered in the Court CM/ECF system.

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

DATED this 24th day of May, 2021, at University Place, Washington.

s/ Jeanne Roth

JEANNE ROTH

Legal Assistant