

FILED
SUPREME COURT
STATE OF WASHINGTON
4/19/2022 9:23 AM
BY ERIN L. LENNON
CLERK

No. 100827-9
SUPREME COURT
OF THE STATE OF WASHINGTON

OLIVE OSHIRO, *et al.*, Petitioners,
v.
WASHINGTON STATE HOUSING FINANCE
COMMISSION, *et al.*, Respondents.

**PETITIONERS' REPLY ON EMERGENCY MOTION
FOR PRELIMINARY INJUNCTIVE RELIEF**

Gabriel S. Galanda, WSBA #30331
Corinne Sebren, WSBA #58777
Matthew J. Slovin, WSBA #58452
Attorneys for Petitioners
8606 35th Avenue NE, Suite L1
Seattle, WA 98115
(206) 557-7509

The State Partnership Respondents failed to address Petitioners' request for emergency preliminary injunctive relief. *See generally* Answer.¹ Petitioners seek that relief because eviction proceedings are scheduled for tomorrow, April 20, 2022. *See* A-0825. This Court has the power to grant injunctive relief "to insure effective and equitable review." RAP 8.3; *see also* *Washington Federation of State Employees, Council 28, AFL-CIO v. State*, 99 Wash. 2d 878, 883 (1983) (noting the Court enjoined implementation of a payroll plan pending its review of a superior court denial of a motion for preliminary injunction).

¹ By letter of April 14, 2022, the Clerk instructed: (1) that "[a]ny answer to the emergency motion for preliminary injunctive relief should be served and filed by noon on April 18, 2022"; and (2) that "[a]ny answer to the motion for discretionary review and the statement of grounds for direct review should be served and filed by April 29, 2022." Letter from Clerk to Parties (Apr. 14, 2022). On April 18, 2022, Respondents Nooksack Housing Limited Partnerships #2-4 (the "State Partnership Respondents") filed an answer to Petitioners' motion for discretionary review, but they have not filed an answer to Petitioners' emergency motion for preliminary injunctive relief. *See generally* Answer. This reply by Petitioners is limited to the issue of emergency preliminary injunctive relief. Petitioners will file a reply on the issue of discretionary review by the Court's deadline of May 6, 2022.

If evictions take place before this Court’s review, “effective and equitable review” will be impossible because Petitioners will suffer irreparable harm: (1) the loss of their longtime homes, which the State Partnership Respondents promised Petitioners would own by now or in the coming years; and (2) the violation of their federal and contractual right not to be evicted without good cause.² Petitioners, therefore, respectfully request that this Court maintain the status quo by enjoining any eviction activity until further order of the Court.

This document contains 371 words, excluding the parts of the document exempted from the word count by RAP 18.17.

² Petitioners have a federal right to enforce the Internal Revenue Code’s prohibition on evictions without good cause “in any State court.” 26 U.S.C. § 42(h)(6)(B)(ii). The State Partnership Respondents’ discussion of RCW Chapter 37.12 is inapposite, as Petitioners do not invoke that Washington state statute as the basis for jurisdiction in this case. *See* A-1006.

April 19, 2022

Respectfully submitted,

/s Gabriel S. Galanda

Gabriel S. Galanda, WSBA #30331

Corinne Sebren, WSBA #58777

Matthew J. Slovin, WSBA #58452

GALANDA BROADMAN

April 19, 2022 - 9:23 AM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 100,827-9
Appellate Court Case Title: Olive Oshiro et al. v. Washington State Housing Finance Commission et al.
Superior Court Case Number: 22-2-00567-7

The following documents have been uploaded:

- 1008279_Answer_Reply_20220419092149SC234551_8090.pdf
This File Contains:
Answer/Reply - Reply to Answer to Motion
The Original File Name was 4-19-22 Reply.pdf

A copy of the uploaded files will be sent to:

- churt@nooksack-nsn.gov
- cnhurtjr@gmail.com
- corinnesebren@gmail.com
- emmerson@galandabroadman.com
- kai.smith@pacificallawgroup.com
- matt@galandabroadman.com
- rarmstrong@nooksack-nsn.gov
- sydney.henderson@pacificallawgroup.com
- taki.flevaris@pacificallawgroup.com
- thien.tran@pacificallawgroup.com
- wendy@galandabroadman.com

Comments:

Sender Name: Wendy Foster - Email: wendy@galandabroadman.com

Filing on Behalf of: Gabriel Steven Galanda - Email: gabe@galandabroadman.com (Alternate Email:)

Address:
PO Box 15146
Seattle, WA, 98115
Phone: (206) 557-7509

Note: The Filing Id is 20220419092149SC234551