IN THE SUPREME COURT OF THE STATE OF WASHINGTON

SCOTT HILLIUS, et al.,

No. 1036850

Appellants,

٧.

18 PARADISE, LLP, et al.,

Respondents.

MOTION TO ACCEPT TIMELY FILING OF NOTICE OF APPEAL OR FOR EXTENSION OF TIME

I. IDENTITY OF MOVING PARTY

Appellants Scott Hillius; Tom Staehr; Randy Drubek; Mark Miedema; Daniel Lyons; Sonja Lyons; Douglas Scarlett; Angelique Scarlett; Steven Zehm; Lisa Zehm; and Ronald Saran request the relief set forth in Section II.

IL STATEMENT OF RELIEF SOUGHT

Appellants ask the Court to accept their Notice of Appeal that was filed with the Whatcom County Superior Court on November 4, 2024, or in the alterative grant an extension of time until the Court acknowledged the filing on November 22, 2024.

III. FACTS RELEVANT TO MOTION

On December 11, 2024, this Court sent a letter to counsel for appellants in which it said that "The "NOTICE OF APPEAL TO SUPREME COURT" filed in the Whatcom County Superior Court on November 22, 2024, was forwarded to this Court by the Whatcom County Clerk." The Court's statement came as a surprise to appellants because they filed their Notice of Appeal with the Whatcom County Superior Court on November 4, 2024.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR WHATCOM COUNTY

SCOTT HILLIUS, et al.,

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

No. 20-2-00701-37

Plaintiffs,

NOTICE OF APPEAL TO SUPREME

V ...

Judge David Freeman

18 PARADISE, LLP, et al.,

Defendants.

Plaintiffs Scott Hillius, Tom Staehr, Randy Drubek, Mark Miedema, Daniel and Sonja Lyons, Douglas and Angelique Scarlett, Steven and Lisa Zehm, and Ronald Saran seek review by the designated appellate court of the Order on Plaintiffs' and Defendant MJ Management's Motions to Reconsider entered on October 4, 2024 and the Findings of Fact, Conclusions of Law, and Order on Remaining Claims entered on September 11, 2024.

In addition, plaintiffs seek review of the following orders entered in this action.

- Order Granting Summary Judgment in Favor of the City of Lynden entered on February 10, 2022
- Order Granting Motion for a Protective Order Limiting Plaintiffs' Examinations and/or for an Evidentiary Hearing entered on September 8, 2023.
- Order Granting Temporary Restraining Order and Show Cause Hearing entered on September 21, 2023.
- Findings of Fact and Conclusions of Law re: Entry of Preliminary Injunction Pending Outcome
 of Hearing on Motion for a Protective Order entered on October 13, 2023.
- · Protective Order entered on January 26, 2024.
- Order (1) Granting in Part and Denying in Part Motion for Partial Summary Judgment re
 Ownership Claims and Improper Profits Claims, and (2) Certifying Ruling on Ownership
 Claims under Cr 54(B) entered on January 26, 2024.
- Findings of Fact, Conclusions of Law, and Order Denying in Part and Granting in Part Motion to: (1) Disqualify Plaintiffs' Counsel (2) Impose Sanction on Plaintiffs and Plaintiff's Counsel (3) for a Protective Order (4) for Claw Back of Polley Production entered on March 8, 2024.
- Order Granting 18 Paradise, L.L.P.'S Motion for Award of Attorney Fees and Costs entered on March 22, 2024
- Order re: in Camera Review entered on March 22, 2024.

- Order Granting 18 Paradise, L.L.P. and MJ Management, LLC's Joint and Renewed Motion for Partial Summary Judgment re Consumer Protection Act entered on April 12, 2024.
- Order Granting 18 Paradise, L.L.P.'S Motion for Award of Attorney Fees Pertaining to the Temporary Restraining Order and Preliminary Injunction entered on May 31, 2024
- Judgment and Order Granting Motion for Entry of Judgment on Fees and Costs Awarded entered on August 9, 2024

Copies of the decisions are attached hereto.

DATED this 1st day of November, 2024.

ANDERSSON CROSS-BORDER LAW

MATTHEW F. DAVIS, PLLC

K. David Andersson, WSBA 24730

Attorneys for plaintiffs

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

Matthew F. Davis, WSBA 20939

Attorneys for plaintiffs