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Ex Parte Presentation Requested

2017 MAY 11 PM 2:24

CHARLEEN GROOMES
OKANOGAN COUNTY CLERK

Record Certification: I certify that the electronic copy is a correct copy of the original, on the date filed in this office, and was taken under the Clerk's direction and control.
Okanogan County Clerk,
by CO'kdescoteaux Deputy - # pages 10 - 5/22/2017 11:33:40 AM

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR OKANOGAN COUNTY**

Eagle Newspaper, Inc. DBA The Omak-Okanogan
County Chronicle, a Washington Corporation,

PETITIONER.

No. 17-2-00006-1

**ORDER GRANTING THE OMAK-
OKANOGAN COUNTY
CHRONICLE LEGAL
NEWSPAPER STATUS IN
OKANOGAN COUNTY**

[Clerk's Action Required]

This matter came before the Court on Eagle Newspapers, Inc. DBA The Omak-Okanogan County Chronicle's Petition to Become Legal Newspaper. The Court has reviewed the files and records herein, including:

1. Petition to Become Legal Newspaper; and
2. Declaration of Teresa Myers;

THE COURT HEREBY FINDS that the Omak-Okanogan County Chronicle has presented satisfactory evidence that the Omak-Okanogan County Chronicle meets the requirements of a legal newspaper as set forth in RCW 65.16.020; and

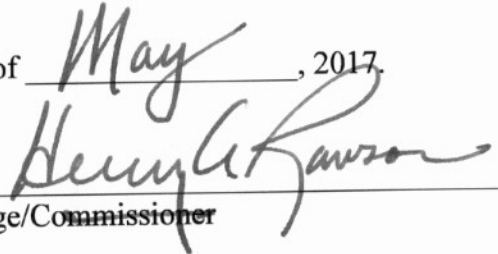
THE COURT HEREBY GRANTS the Omak-Okanogan County Chronicle's Petition to Become Legal Newspaper, and the Omak-Okanogan County Chronicle is hereby declared to be

ORDER GRANTING THE OMAK-
OKANOGAN COUNTY CHRONICLE
LEGAL NEWSPAPER STATUS IN
OKANOGAN COUNTY - 1

ALLIED
LAW GROUP
P.O. Box 33744
Seattle, WA 98133
(206) 443-0200 (Phone)
(206) 428-7169 (Fax)

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2 a legal newspaper in Okanogan County. The Clerk is hereby instructed to add The Omak-
3 Okanogan County Chronicle to any list of the legal newspapers in Okanogan County
4 maintained by the Court for the benefit of the public, parties, attorneys, or Court
5 personnel.

6 DONE IN OPEN COURT this 11th day of May, 2017.

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Judge/Commissioner

FILED

2017 MAY 10 AM 11:24

CHARLEEN GROOMES
OKANOGAN COUNTY CLERK

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

Eagle Newspaper, Inc. DBA The Omak-Okanogan
County Chronicle, a Washington Corporation,

PETITIONER,

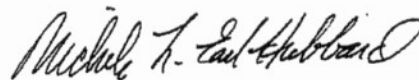
No. 17-2-00006-1

**NOTE FOR EX PARTE
PRESENTATION AND HEARING:**

**THE OMAK-OKANOGAN COUNTY CHRONICLE ASKS FOR EX PARTE
PRESENTATION AND CONSIDERATION AT THE EARLIEST AVAILABLE DATE
OF THE ATTACHED PETITION TO BECOME A LEGAL NEWSPAPER IN
OKANOGAN COUNTY**

DATED this 8th day of May, 2017.

ALLIED LAW GROUP LLC
Attorneys for Petitioner The Omak-Okanogan
County Chronicle



Michele Earl-Hubbard, WSBA #26454
P.O. Box 33744
Seattle, WA 98133
(206) 428-7169 (facsimile)
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NOTE FOR EX PARTE PRESENTATION
AND HEARING OF PETITION TO
BECOME LEGAL NEWSPAPER- 1

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2017 MAY 10 AM 11:24

CHARLEEN GROOMES
OKANOGAN COUNTY CLERK

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

EAGLE NEWSPAPERS, INC. DBA THE
OMAK-OKANOGAN COUNTY CHRONICLE, a
Washington Corporation,

PETITIONER.

No. 17-2-00006-1

**DECLARATION OF TERESA
MYERS**

Teresa Myers declares and states as follows:

1. I am over the age of eighteen and competent to testify to the matters hereto. I
make this declaration on personal knowledge.

2. I am the Publisher of the Eagle Newspapers, Inc. DBA Omak-Okanogan County
Chronicle Newspaper.

3. The Omak-Okanogan County Chronicle ("the Chronicle") is a weekly newspaper
serving Okanogan County.

4. The Chronicle publishes local and national news and does not focus on any
particular group or subject area, is printed in English, and is a newspaper of general circulation.

DECLARATION OF
TERESA MYERS- 1

ALLIED
LAW GROUP
P.O. Box 33744
Seattle, WA 98133
(206) 443-0200 (Phone)
(206) 428-7169 (Fax)

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2 5. The Chronicle is published in Omak, WA, in Okanogan County and has been
3 since 1910.

4 6. The Chronicle has a periodical class mailing permit, USPS – 408-300.

5 7. It is the policy of the Chronicle to publish all properly submitted legal notices.

6 I declare under penalty of perjury that the foregoing is true and correct.

7 Signed this 9 day of May, 2018, at Omak, Washington.

8 
9 Teresa Myers

5

FILED

2017 MAY 10 AM 11:25

CHARLEEN GROOMS
OKANOGAN COUNTY CLERK

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

Eagle Newspapers, Inc. DBA The Omak-
Okanogan County Chronicle,

PETITIONER

No. 17-2-00006-1

PETITION TO BECOME LEGAL
NEWSPAPER

I. RELIEF REQUESTED

Petitioner respectfully requests that this Court approve the status of the Eagle Newspapers, Inc. DBA Omak-Okanogan County Chronicle as a legal newspaper in Okanogan County pursuant to RCW Ch. 65.16.

II. STATEMENT OF FACTS

The Omak-Okanogan County Chronicle ("the Chronicle") is a weekly newspaper serving Okanogan County. See Declaration of Teresa Myers ("Myers Decl.") at ¶ 3. The Chronicle publishes local and national news and does not focus on any particular group or subject area, is printed in English, and is a newspaper of general circulation. Id. at ¶4. The Chronicle is published in Omak, WA, in Okanogan County and has been since 1910. Id. at ¶5. It has a

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2 periodical class mailing permit, USPS – 408-300. Id. at ¶6. It is the policy of the Chronicle to
3 publish all properly submitted legal notices. Id. at ¶7.

4 III. ISSUES

5 Whether the Omak-Okanogan County Chronicle should be granted the status of legal
6 newspaper in Okanogan County?

7 IV. EVIDENCE RELIED UPON

8 Petitioner relies on this Petition and the Declaration of Teresa Myers.

9 V. ARGUMENT AND AUTHORITY

10 RCW 65.16.040 allows a newspaper that meets the qualifications of a “legal newspaper”
11 to petition for approval to become a legal newspaper in the superior court of the county for
12 which the newspaper seeks such status:

13 a legal newspaper for the publication of any advertisement, notice, summons,
14 report, proceeding, or other official document now or hereafter required by law to
15 be published, shall be a newspaper which has been approved as a legal newspaper
16 by order of the superior court of the county in which such newspaper is published.
Such order may be entered without notice upon presentation of a petition by or on
behalf of the publisher, setting forth the qualifications of the newspaper as required
by this act, and upon evidence satisfactory to the court that such newspaper is so
qualified.

17 The Omak-Okanogan County Chronicle should be granted status as a legal newspaper
18 in Okanogan County because it meets all requirements of a legal newspaper. The relevant
19 portion of RCW 65.16.020, setting forth the requirements of a legal newspaper provides:

20 The qualifications of a legal newspaper are that such newspaper shall have been
21 published regularly, at least once a week, in the English language, as a newspaper
22 of general circulation, in the city or town where the same is published at the time
23 of application for approval, for at least six months prior to the date of such
24 application; shall be compiled either in whole or in part in an office maintained at
the place of publication; shall contain news of general interest as contrasted with
news of interest primarily to an organization, group or class; shall have a policy to
print all statutorily required legal notices; and shall hold a periodical class mailing
permit[.]

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2 The **Omak-Okanogan County Chronicle** has been published on a weekly basis,
3 in the English language, since 1910. **See** Teresa Myers Decl. at ¶¶3-5. The **Omak-Okanogan**
4 **County Chronicle** is published in Omak, Washington, in Okanogan County, and has been
5 published in Okanogan County since 1910. **Id.** at ¶¶3-5. The **Omak-Okanogan County**
6 **Chronicle** has a periodical class mailing permit, USPS – 408-300. **Id.** at ¶6. It is in general
7 circulation rather than distributed to a distinct group or class of individuals. **Id.** at ¶¶4, 6. It has
8 a policy to publish all properly submitted legal notices. **Id.** at ¶7.

9 The **Omak-Okanogan County Chronicle** publishes news of general interest and is not
10 focused on one specific organization, group, or class. **Id.** at ¶4. The content of the **Omak-**
11 **Okanogan County Chronicle** is far broader than that of publications that have been found to be
12 too specific to qualify as a “legal newspaper.” For example, in **Daily Journal of Commerce,**
13 **Inc. v. Daily Journal Corporation**, 86 Wn. App. 324, 936 P.2d 1179 (1997), Division I ruled
14 that the “Washington Journal” (published by Daily Journal Corporation) did not contain news of
15 general interest because it contained primarily news that was of particular interest to lawyers. 86
16 Wn. App. at 329-330. The Court noted that a “vast majority [of articles] are closely related to
17 legal issues, proceedings, and subjects. Its news is predominantly special interest news, and it
18 does not contain news of general interest, as opposed to news primarily of interest to a class.”
19 **Id.** at 330. Even though some articles could be of interest to the general community, the primary
20 focus on legal issues supported the Court’s finding that the “Washington Journal” was not a legal
21 newspaper because it did not contain “news of general interest.” **Id.** at 332. The Court went on
22 to state that “In context, the phrase ‘shall contain news of general interest as contrasted with news
23 of interest primarily to an organization, group or class,’ requires the publication to dedicate itself
24 to topics in such a way as to ensnare a broad-based readership.” **Id.** The **Omak-Okanogan**

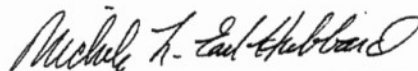
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2 **County Chronicle** does not focus on any particular area of news and covers a wide variety of
3 perspectives and thus “ensnares broad based readership” as required by **Daily Journal**.

4 **VI. CONCLUSION**

5 Because the **Omak-Okanogan County Chronicle** meets all qualifications for a legal
6 newspaper as required by RCW 65.16.020, it respectfully requests that this Court enter an order
7 approving the status of the **Omak-Okanogan County Chronicle** as a legal newspaper in
8 Okanogan County, WA, pursuant to RCW 65.16.040.

9 DATED this 8th day of May, 2017.

10 ALLIED LAW GROUP LLC
11 Attorneys for Petitioner

12 

13 Michele Earl-Hubbard, WSBA #26454
14 P.O. Box 33744
15 Seattle, WA 98133
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17 (206) 443-0200 (phone)
18 michele@alliedlawgroup.com

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5 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
6 **IN AND FOR OKANOGAN COUNTY**

7 Eagle Newspapers, Inc. DBA The Omak-Okanogan
8 County Chronicle,

9 Petitioner.

No.

**DECLARATION PURSUANT TO
GR 17(a)(2)**

10
11
12 Teresa Myers, declares and states as follows:

- 13 1. I am over the age of eighteen and competent to testify to the matters herein.
14 2. I have examined the attached Petition to Become Legal Newspaper,

15 determined that it consists of five (5) pages, including this Declaration page, and that it is
16 complete and legible.

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

19 Executed this 9 day of May, 2017, at Omak, Washington,
20 Washington.

21
22 Sign: Teresa L Myers
23 Print Name:
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