

FILED

2017 MAY 11 PM 2:25 Ex Parte Presentation Requested

CHARLEEN GROOMES
OKANOGAN COUNTY CLERK

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

The Okanogan Valley Gazette-Tribune,

PETITIONER.

No. 17-2-00006-1

**ORDER GRANTING THE
OKANOGAN VALLEY
GAZETTE-TRIBUNE LEGAL
NEWSPAPER STATUS IN
OKANOGAN COUNTY ~~(Proposed)~~**

[Clerk's Action Required]

This matter came before the Court on The Okanogan Valley Gazette-Tribune'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 Gary DeVon.

THE COURT HEREBY FINDS that the Okanogan Valley Gazette-Tribune has presented satisfactory evidence that it meets the requirements of a legal newspaper as set forth in RCW 65.16.020; and

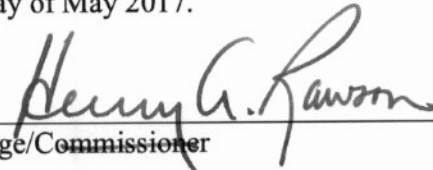
THE COURT HEREBY GRANTS the Okanogan Valley Gazette-Tribune's Petition to Become Legal Newspaper, and the Okanogan Valley Gazette-Tribune is hereby declared to be a legal newspaper in Okanogan County. The Clerk is hereby instructed to add the Okanogan Valley Gazette-Tribune to any list of the legal newspapers in Okanogan County

ORDER GRANTING LEGAL
NEWSPAPER STATUS IN OKANOGAN
COUNTY - 1

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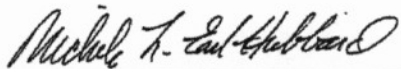
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2 maintained by the Court for the benefit of the public, parties, attorneys, or Court
3 personnel.

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

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6 
Judge/Commissioner

7 Presented by:

8 ALLIED LAW GROUP LLC
9 Attorneys for Petitioner

10 

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2017 MAY 10 PM 1:23

CHARLEEN BROOKES
OKANOGAN COUNTY CLERK

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

The Okanogan Valley Gazette-Tribune,
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 Okanogan Valley Gazette-Tribune as a legal newspaper in Okanogan County pursuant to RCW Ch. 65.16.

II. STATEMENT OF FACTS

The Okanogan Valley Gazette-Tribune, previously known as the Oroville Weekly Gazette, is a weekly newspaper serving Okanogan County. See Declaration of Gary DeVon ("DeVon Decl.") at ¶3. The Okanogan Valley Gazette-Tribune began as the Oroville Weekly Gazette in 1905. Id. Today, the Okanogan Valley Gazette-Tribune publishes every Thursday, covering the Okanogan County cities of Oroville and Tonasket and the unincorporated areas that make up the North County region. Id. The Okanogan Valley Gazette-Tribune is printed in English, is a newspaper of general circulation, and publishes local and regional news

1 stories that are not focused on any particular interest group or type of news. Id. at ¶4. The
2 Okanogan Valley Gazette-Tribune is published in Oroville, Washington in Okanogan
3 County. Id. at ¶5. The Okanogan Valley Gazette-Tribune has a periodical class mailing
4 permit, USPS – 412-120. Id. at ¶6. The Okanogan Valley Gazette-Tribune has a policy to
5 publish any properly submitted legal notice. Id. at ¶7.
6

7 8 III. ISSUES

9 Whether the Okanogan Valley Gazette-Tribune should be granted the status of legal
10 newspaper in Okanogan County?

11 IV. EVIDENCE RELIED UPON

12 Petitioner relies on this Petition and the Declaration of Gary DeVon.

13 V. ARGUMENT AND AUTHORITY

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

17 a legal newspaper for the publication of any advertisement, notice, summons,
18 report, proceeding, or other official document now or hereafter required by law to
19 be published, shall be a newspaper which has been approved as a legal newspaper
20 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.

21 The Okanogan Valley Gazette-Tribune should be granted status as a legal newspaper
22 in Okanogan County because it meets all requirements of a legal newspaper. The relevant
23 portion of RCW 65.16.020, setting forth the requirements of a legal newspaper provides:

24 The qualifications of a legal newspaper are that such newspaper shall have been
published regularly, at least once a week, in the English language, as a newspaper

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2 of general circulation, in the city or town where the same is published at the time
3 of application for approval, for at least six months prior to the date of such
4 application; shall be compiled either in whole or in part in an office maintained at
5 the place of publication; shall contain news of general interest as contrasted with
6 news of interest primarily to an organization, group or class; shall have a policy to
7 print all statutorily required legal notices; and shall hold a periodical class mailing
8 permit[.]

9 The Okanogan Valley Gazette-Tribune, originally known as the Oroville Weekly
10 Gazette, has been published on a weekly basis, in the English language, since 1905. See Gary
11 DeV-on Decl. at ¶¶3-5. The Okanogan Valley Gazette-Tribune is published in Oroville,
12 Washington, in Okanogan County, and has been published there since its inception in 1905. Id.
13 at ¶¶3-5. The Okanogan Valley Gazette-Tribune has a periodical class mailing permit, USPS -
14 412-120, and is in general circulation rather than distributed to a distinct group or class of
15 individuals. Id. at ¶¶4, 6.

16 The Okanogan Valley Gazette-Tribune publishes news of general interest and is not
17 focused on one specific organization, group, or class. Id. at ¶4. The content of the Okanogan
18 Valley Gazette-Tribune is far broader than that of publications that have been found to be too
19 specific to qualify as a “legal newspaper.” For example, in Daily Journal of Commerce, Inc. v.
20 Daily Journal Corporation, 86 Wn. App. 324, 936 P.2d 1179 (1997), Division I ruled that the
21 “Washington Journal” (published by Daily Journal Corporation) did not contain news of general
22 interest because it contained primarily news that was of particular interest to lawyers. 86 Wn.
23 App. at 329-330. The Court noted that a “vast majority [of articles] are closely related to legal
24 issues, proceedings, and subjects. Its news is predominantly special interest news, and it does not
contain news of general interest, as opposed to news primarily of interest to a class.” Id. at 330.
Even though some articles could be of interest to the general community, the primary focus on
legal issues supported the Court’s finding that the “Washington Journal” was not a legal

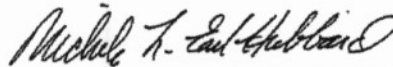
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2 newspaper because it did not contain "news of general interest." Id. at 332. The Court went on
3 to state that "In context, the phrase 'shall contain news of general interest as contrasted with news
4 of interest primarily to an organization, group or class,' requires the publication to dedicate itself
5 to topics in such a way as to ensnare a broad based readership." Id. The Okanogan Valley
6 Gazette-Tribune does not focus on any particular area of news and covers a wide variety of
7 perspectives and thus "ensnares broad based readership" as required by Daily Journal.

8 VI. CONCLUSION

9 Because the Okanogan Valley Gazette-Tribune meets all qualifications for a legal
10 newspaper as required by RCW 65.16.020, it respectfully requests that this Court enter an order
11 approving the status of the Okanogan Valley Gazette-Tribune as a legal newspaper in
12 Okanogan County, WA, pursuant to RCW 65.16.040.

13 DATED this 8th day of May, 2017.

14 ALLIED LAW GROUP LLC
15 Attorneys for Petitioner

16 

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

8 The Okanogan Valley Gazette-Tribune,
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Petitioner.

No. _____

DECLARATION PURSUANT TO
GR 17(a)(2)

Gary A. DeVon, declares and states as follows:

1. I am over the age of eighteen and competent to testify to the matters herein.

2. I have examined the attached Petition to Become Legal Newspaper,
determined that it consists of five (5) pages, including this Declaration page, and that it is
complete and legible.

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

Executed this 10th day of May, 2017, at 11:30 p.m.,
Washington.

Sign: Gary A. DeVon
Print Name: Gary A. DeVon

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2017 MAY 10 PM 1:22

CHARLEEN GROOMES
OKANOGAN COUNTY CLERK

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

The Okanogan Valley Gazette-Tribune,

PETITIONER.

No.
17-2-00006-1

DECLARATION OF GARY
DEVON

Gary DeVon declares and states as follows:

1. I am over the age of 18 and competent to testify to the matters hereto. I make this declaration on personal knowledge.
2. I am the Managing Editor of the Okanogan Valley Gazette-Tribune Newspaper.
3. The Okanogan Valley Gazette-Tribune is a weekly newspaper serving Okanogan County. The Okanogan Valley Gazette-Tribune began as the Oroville Weekly Gazette in 1905. Today, the Okanogan Valley Gazette-Tribune publishes every Thursday, covering the Okanogan County cities of Oroville and Tonasket, the unincorporated areas that make up the North County region and news of county-wide interest.
4. The Okanogan Valley Gazette-Tribune is printed in English, is a newspaper of general circulation, and publishes local and regional news stories that are not focused on any particular interest group or type of news.

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2 5. The Okanogan Valley Gazette-Tribune is published in Oroville, Washington in
3 Okanogan County, and has been published in Oroville since 1905 (originally as the Oroville
4 Weekly Gazette).

5 6. The Okanogan Valley Gazette-Tribune has a periodical class mailing permit,
6 USPS – 412-120.

7 7. The Okanogan Valley Gazette-Tribune has a policy to publish any properly
8 submitted legal notice.

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

10
11 Signed this 10th day of May, 2017, at Okanogan, Washington.

12
13 
14 GARY DEVON