

Bond Case Briefs

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Matter of Recall of Suggs

Supreme Court of Washington, EN BANC - March 27, 2025 - P.3d - 2025 WL 922791

Petitioner filed petitions seeking to recall mayor and three city council members.

The Superior Court found petitioner lacked standing and dismissed the recall petitions. Mayor and council members moved for attorney fees, which were granted. Petitioner appealed.

The Supreme Court held that:

- As a matter of first impression, petitioner lacked standing to file petition to recall mayor and city council members;
- Mere fact that mayor and city council members participated in nonprofits outside of the political subdivision in which they had been elected did not result in mayor or city council members “opting out” of their political subdivision and creating a two-county political subdivision, which would have allegedly allowed petitioner to have standing to fill recall petitions;
- E-mail message from counsel which noted that entering into an agreed briefing schedule would not mean petitioner had to give up the issues he wished to raise did not create a contract wherein counsel agreed to have recall petitions decided on the merits;
- Actions of mayor and city council members in seeking sanctions, attorney fees, and entry of judgment did not result in waiver of their argument that petitioner lacked standing to file recall petitions;
- Mayor and city council members were entitled to an award of attorney fees; and
- Mayor and city council members were not equitably estopped from seeking an award of attorney fees.