

## SKAGIT COUNTY HEARING EXAMINER

**re:** Appeal by Eric Battles & Emily  
McLaughlin of Substantial Improvement  
& Substantial Damage Cost  
Determination in FLOOD-2006-0028

**No.: APL 2026-0002**

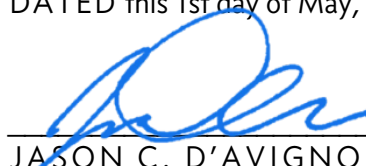
### **RESPONSE TO MOTION TO STAY**

The Skagit County Planning and Development Services ("PDS" or the "Department") request the Hearing Examiner deny the "Request/Demand to Stay Administrative Appeal Proceeding." The Appellants seek the stay "to allow an independent court, free of County influence, to empanel a jury to address Appellants' constitutional claims."

The Department opposes this stay. First, the motion does not to comply with SCHE 25(A), which requires that "[u]nagreed motion should be served thirty ... days before any hearing that they may affect". This motion was filed eight days prior to the pre-hearing conference, which is the nearest hearing it may affect. This motion was not filed with a motion to shorten time. This motion should be denied for its failure to comply with the Rules. Second, the Appellants have not filed any claim in any court as far the Department is aware. And even they had, it is unclear that their appeal before the Hearing Examiner would impact any potential claim they may have. The Department's view is that the scope of this appeal is exceedingly narrow: did the Department follow Ecology's recommendation that the home did not qualify for waiver and thus could not be rebuilt or repaired.<sup>1</sup>

For these reasons the Department respectfully requests the motion to stay be denied.

DATED this 1st day of May, 2026.



JASON C. D'AVIGNON, WSBA #44259  
Civil Deputy Prosecuting Attorney  
Attorney for Skagit County

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<sup>1</sup> See *Klineburger v. King Cnty. Dep't of Dev. & Envtl. Servs. Bldg.*, 189 Wn.App. 153 (2015)

## CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2026, I filed the foregoing document with the Skagit County Hearing Examiner via email to the Hearing Coordinator at [HEhearings@co.skagit.wa.us](mailto:HEhearings@co.skagit.wa.us) and served, and/or otherwise provided, the document via that same email to:

- Pamela C. Herman, Records Manager, at [pherman@co.skagit.wa.us](mailto:pherman@co.skagit.wa.us);
- Jane Koler, Attorney for the Appellants, at [jane@jkolerlaw.com](mailto:jane@jkolerlaw.com);

Dated this 1st day of May, 2026, at Mount Vernon, Washington.



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JASON C. D'AVIGNON, WSBA #44259  
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