

No. 83768-6

**IN THE SUPREME COURT
OF THE STATE OF WASHINGTON**

JANE ROE,

Petitioner,

v.

TELETECH CUSTOMER CARE
MANAGEMENT (COLORADO) LLC,

Respondent.

**MOTION FOR LEAVE TO FILE
BRIEF *AMICUS CURIAE* OF THE AMERICAN
CIVIL LIBERTIES UNION OF WASHINGTON IN
SUPPORT OF PETITIONER**

Matthew A. Carvalho, WSBA No. 31201
YARMUTH WILSDON CALFO PLLC
818 Stewart Street, Suite 1400
Seattle, WA 98101
(206) 516-3800

Alison C. Holcomb, WSBA No. 23303
Mark M. Cooke, WSBA No. 40155
ACLU OF WASHINGTON FOUNDATION
901 Fifth Avenue, Suite 630
Seattle, WA 98164
(206) 624-2184

Attorneys for *Amicus Curiae* American
Civil Liberties Union of Washington

I. RELIEF REQUESTED

The American Civil Liberties Union of Washington (“ACLU”) moves for permission, pursuant to Rule of Appellate Procedure 10.6(a)-(b), to file an *amicus curiae* brief.

II. IDENTITY AND INTEREST OF THE *AMICUS*

The ACLU is a statewide, non-partisan, non-profit organization with more than 20,000 members dedicated to the preservation and defense of civil liberties. The ACLU has been involved in the development of Washington’s body of law regarding the medical use of marijuana since the mid-1990s. The organization endorsed the Medical Use of Marijuana Act,¹ participated in the drafting of Engrossed Substitute Senate Bill 6032 that amended the Act in 2007,² and provided written comment to the Department of Health during the development of WAC 246-75-010, the rule defining a presumptive “sixty-day supply” of medical marijuana. This Court has accepted *amicus curiae* briefs and memoranda from the ACLU in a number of other medical marijuana cases. *See, e.g., Seeley v. State*, Cause No. 63534-0; *State v. Shepherd*, Cause No. 72521-7; *State v. Ackerson*, Cause No. 76152-3; *State v. Tracy*, Cause No. 77534-6 (joint *amicus curiae* brief filed with the Washington Association of

¹ The Act is codified at Chapter 69.51A RCW.

² 2007 Wash. Laws ch. 371 § 1.

Criminal Defense Lawyers (“WACDL”)); and *State v. Fry*, Cause. No. 81210-1 (joint amicus curiae brief filed with WACDL).

The ACLU also provides the public with information regarding the Act in its brochure entitled “Washington’s Medical Use of Marijuana Act: A Guide for Patients, Providers, Health Care Professionals, Law Enforcement, and the Public,”³ presents on the topic at Continuing Legal Education seminars, and regularly consults with patients, providers, government agency staff and elected officials concerning medical marijuana issues.

II. FAMILIARITY WITH ISSUES AND SCOPE OF ARGUMENT

Attorneys for the ACLU have reviewed all of the briefs of the parties filed with the Court and the arguments presented therein.

III. ISSUE TO WHICH THE ACLU’S BRIEF WILL BE DIRECTED

The ACLU’s Brief *Amicus Curiae* will be directed to whether TeleTech’s termination of Roe’s employment solely for her lawful, off-site use of medical marijuana violated public policy.

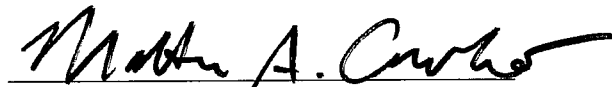
IV. BELIEF THAT ADDITIONAL ARGUMENT IS NECESSARY ON THESE ISSUES

³ Available for download at http://www.aclu-wa.org/sites/default/files/attachments/Medicalmarijuanabrochure_6_10.pdf.

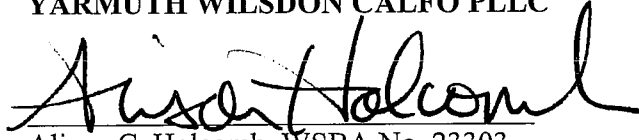
As described in section I above, the ACLU is uniquely positioned to address the public policy issues in this case based on its legislative and advocacy work on the legislation at issue. The ACLU believes it can address those issues in greater detail than they have been addressed in the briefs filed by the parties.

RESPECTFULLY SUBMITTED this ^{CU}20 day of December, 2010.

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