

COA Cause No. 405630

THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION III

**RICHARD J. EGGLESTON,
M.D.**

APPELLANT,

vs.

**WASHINGTON MEDICAL
COMMISSION,**

RESPONDENT

**NOTICE OF
FURTHER RELATED
PROCEEDINGS
WHICH MAY
AFFECT THIS CASE**

COMES NOW the Appellant, Richard Eggleston, by and through his attorney of record, Todd S. Richardson, and hereby gives notice to Court and Counsel of a collateral proceeding that may directly affect this case.

In March of 2024, Appellant, Dr. Richard Eggleston, was a named plaintiff in the Eastern District of Washington case of

John Stockton, Richard Eggleston M.D., Thomas T. Siler M.D., Daniel Moynihan M.D., Children's Health Defense, and John and Jane Doe M.Ds 1-50 v Robert Ferguson, Attorney General of the State of Washington, and Kyle S. Karinen, Executive Director of the Washington Medical Commission. In this case, Mr. Stockton, Dr. Eggleston, and the other plaintiffs sought injunctive protection of their First Amendment rights under the United States Constitution.

The motion for a preliminary injunction in that case was denied and the case was dismissed. Plaintiffs appealed to the 9th Circuit Court of Appeals and applied for a stay pending appeal. The panel that considered that application denied the stay.

Application was then made to the United State Supreme Court for a stay. Justice Kagan is the justice with responsibility to review such applications from the 9th Circuit. Justice Kagan denied the application.

The application was then re-submitted to the Supreme

Court with it directed to Justice Thomas, as allowed under the rules of the U.S. Supreme Court.

Today, the undersigned received notice that Justice Thomas has accepted the application and is forwarding it to the Court for consideration in conference on January 10, 2025. Should the Court grant the stay, then, except for the underlying appeal, all cases (including the instant case) involving prosecution by the Washington Medical Commission of Dr. Eggleston for the exercise of his free speech rights will be stayed pending final resolution of the federal case.

This Court has under consideration a Motion for Stay filed by Dr. Eggleston. Dr. Eggleston's case herein turns on an assertion of free speech protections under the Washington State Constitution, Art. 1, Sec. 5, which grants broader protections than does the First Amendment to the U.S. Constitution. Thus, while the decision from the U.S. Supreme does not preclude this Court from finding greater protections and entering a stay, if the U.S.

Supreme Court grants the stay, it will preclude any need for further action in this Court. Indeed, the application to the U.S. Supreme Court specifically referenced this case as one to be stayed; and we requested that the Court consider converting the application to a Petition for Certiorari in the event a stay was granted.

This notice is not to provide any additional argument to the Court, but to inform the Court of the matter now pending before the United States Supreme Court and the possible effect on this case.

I hereby certify that the number of words contained in the document, exclusive of words contained in the appendices, the title sheet is 454.

RESPECTFULLY SUBMITTED this 4th day of December,
2024.



Todd S. Richardson WSBA 30237
Richard Jaffe Pro Hac Vice
Attorneys for Appellant

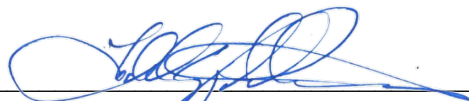
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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury under the laws of the State of Washington that on the 4 day of December, 2024, I caused a true and correct copy of the foregoing via email and through the Electronic Filing Portal to the following:

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