Case # 90288-7
COA II Case # 45435-1

In the Supreme Court
for the State of Washington

William Scheidler

Appellant/Petitioner

v

Scott Ellerby, Esq.

Defendant/Respondent

Reply to Ellerby's Response

Case 09-2-00660-3

Successor Judge Kevin Hull

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A. REPLY TO ANSWER

Rule 13.4 provides a Reply to an Answer if the Answer raises new issues.

The pertinent language of RAP 13.4(d) states:

> *"A party may file a reply to an answer only if the answering party seeks review of issues not raised in the petition for review. A reply to an answer should be limited to addressing only the new issues raised in the answer".*

B. RESPONDENT'S FACTUAL CLAIMS RAISES NEW ISSUES.

Ellerby, by his answer, raises the very issues Scheidler addresses in detail in his "opening brief," which David Penzoha refused to file precipitating this "petition". See Decl. Downer Ex 4, page 20. The issues are:

- Scheidler is absolutely immune from all Ellerby's counterclaims under constitutional provision Article 1, Section 1 and 4, and this Court's holding in **"DISCIPLINE OF DANN 136 Wn.2d 67 "; "Wash. State Labor Council v. Reed 149**

Wn.2d 48"; SPOKANE COUNTY v. STATE 136 Wn.2d 663. [see appendix A: Authorities]

- Scheidler never waived his right to a jury trial
- Scheidler's case involves monetary damages, a jury was demanded. A judge has no authority to decide matters of fact
- Judges are disqualified in deciding matters of fact
- Inherent Prejudice, orders are VOID
- Actual prejudice, Orders are Void
- Fraud by the COA II, Its orders are VOID
- Judge Russell Hartman engaged in a fraud upon the court. His orders are VOID
- Judge Kevin Hull engaged in a fraud upon the court. His orders are VOID
- Jeffry Downer, an officer of the court, committed a fraud upon the Court, justice has been perverted, delayed and denied. The proceedings are void
- Lack of Jurisdicition/Authority to render decision. Orders are Void
- Conflict among court rules, common law, statutes, constitutional rights and protections.

C. FACTS RAISED BY ELLERBY'S ANSWER AND DISPUTED BY SCHEIDLER:

1. Ellerby claims, without any rationale, everything Scheidler did, alleged, cited as law and fact, is either false, without merit, or is frivolous. Scheidler disputes these factual allegations,

which are for a jury to decide. See RCW 4.40.060 and RCW 4.40.070, Appendix A.

2. Ellerby claims, without any rationale, Scheidler has violated nearly every rule that is made, interpreted and applied by WA State Bar Members through their positions within the judicial branch. Scheidler disputes these factual allegations, which are for a jury to decide. Id.

3. Ellerby claims whatever his conduct, or the conduct of any and all other WSBA members involved in this case, it is within the law and within the rules that WSBA members make, interpret and enforce through their positions within the judicial branch. Scheidler disputes these factual allegations, which are for a jury to decide. Id.

4. Ellerby, a WA State Bar member, claims that Scheidler, a pathetic pro se, has violated everything on earth and Ellerby's conduct was of the highest standards of truth and honor. Ellerby requests a ruling, from his colleagues of the WA State Bar, granting him >$88k from Scheidler as restitution for dealing with Scheidler's nonsense, to

lien Scheidler's property and the full exoneration from wrongdoing. Scheidler disputes Ellerby's claims, which are for a jury to decide. Id.

4. Members of the WA State Bar, in whatever judicial branch role they fill, granted all Ellerby's requests accepting as true all Ellerby's claims, allegations and facts and judges everything Scheidler did as "frivolous". Scheidler disputes every and all orders, rulings, findings of fact as VOID for actual and inherent prejudice among other violations of law. A jury has the authority, under RCW 4.04.010 to determine the "conditions of society", not WA State Bar members in whatever capacity they work. [see app A.]

5. Ellerby attests as TRUE all of David Penzoah's vague and unsubstantiated claims that Scheidler's opening brief was "non-conforming" and therefore Scheidler's right to an appeal was properly denied. [See Downer, page 2]. Scheidler disputes these allegations and offers counter facts for a jury, which are:

Penzoha [Downer at Ex 3], claims Scheidler's brief [Decl Downer, Ex 4] is non-conforming with respect to the court's procedural rules.

Penzoha claims and Downer validates Scheidler's brief...

i. Doesn't include assignments of error.

A false claim. Refer to Decl. Downer, Ex 4, Page 20, the opening brief notes the issues mandating remand for jury trial. The document proves the lie.

ii. Didn't cite the record.

A false claim. The 'brief' contains no less than 23 references to the record. See again Exhibit 4, which is a copy of Scheidler's Opening Brief, and count the number of citations noted!

iii. The brief is overlength.

A false claim. See again Ex 4. The brief is 48 pages, which is a number less than 50 pages authorized under RAP 10.4(b). [see app A]

iv. The attachments are not part of the record on review and, therefore, this Court cannot consider them.

I dispute that the attachments are not part of the record as the attachments are captioned by reference to the record.

NOTE: Downer fails to include the attachments as it would prove the lie.

v. An original and one copy must be filed with the court.

The "original was submitted for filing" with a copy provided by email attachment. Mr. Penzoha's unilateral decision to not file created his own argument and is a fraud upon the court.

6. Ellerby claims Scheidler is a 'serial litigant.' This is false; and requires adjudication of the facts by an impartial jury.

7. Ellerby claims Scheidler's brief has no merit. This is false; and requires adjudication of the facts by an impartial jury.

8. Ellerby claims a pro se is held to the same standard as attorneys and must comply with all procedural rules on appeal. Citing Batten v Abrams and State v Marintorres. This is false.

D. ARGUMENT

1. This matter, Scheidler v Ellerby, Esq., presents a conflict in law as well as a conflict of interests for the Judicial Branch.

This Court should refer to Scheidler's 'Opening Brief' with respect to the issues raised by Ellerby's answer. See Decl. Downer, Ex 4, pages 20, et seq. The reason is, Ellerby's answer raises the same issues Scheidler raised in his 'opening brief.' Had David Penzoha, clerk COA II, filed Scheidler's 'opening brief,' as he is legally obligated to do, and the lower court complied with their legal obligations, they did not, this proceeding would not be an unnecessary duplication and burden upon Scheidler.

Notwithstanding the unnecessary duplication noted above, it is important to note -- ***again*** -- that every WSBA member has a direct interest in the laws that apply to them, the scope of their own authority and what they are permitted to do, or not do no matter what functions the WSBA member performs.

Furthermore all WA State Bar members are ultimately regulated by WA State Bar members sitting as justices of the Supreme Court – there is no 'independent oversight'.

All WA State Judges must therefore be disqualified as judge in this matter; there is no distinction between one WA State Bar member or another whose decisions can be evaluate objectively regardless of the Bar members function performed for the judicial branch. See RCW 2.28.030(1) Appendix A.

2. **Scheidler, a pro se, is not held to the same standard as an attorney.**

a. The premise that Scheidler is held to the same standards as an attorney is repugnant to Article 1, section 1. This constitutional provision explicitly states "governments are created to "protect and maintain" individual rights! Lawyers are "officer of the court" and members of an agency of the state... they are "government agents" and owe a duty to Scheidler, not the other way around. Or, as Ellerby would have it, a "free for all."

b. The premise, too, violates the 'separations of powers' doctrine in that "lawyers" have a statutory obligation as noted in RCW 2.48.210 and RCW 2.48.180 and RCW 18.130.180(1, 7 and 13) [see app A]. To shift a lawyer's statutory obligations to a pro se by creating a 'court rule' not only renders the obligations imposed upon the legal profession irrelevant but creates a procedural condition a non-lawyer must meet before his substantive rights can be addressed. See "Petition", pg 8.

c. Furthermore, court rules are established by the courts. There is no citizen oversight or involvement in how the rules are created, interpreted or applied. RCW 2.28.030(1) [App A] is violated as there is no impartial adjudicator for claimed "rule violations."

d. The cases cited by Ellerby is the lower courts self-serving determinations and extent of their own power. Such claim of absolute power under their own devised court rules violates this Court's holding stating,

"It is an essential safeguard of our system of separation of powers that the legislative branch cannot determine whether it has exceeded its own authority. To permit branches to measure their own authority would quickly subvert the principle that state governments, while governments of general powers, must govern by the consent of the people as expressed by the constitution." ***Wash. State Labor Council v. Reed 149 Wn.2d 48, 64 Apr. 2003***

3. **Standard of "truth and honor" set by RCW 2.48.210, by which all WSBA members conduct must be measured, is set by this Court.**

Fraudulent misrepresentation may be effected by half-truths calculated to deceive. A representation literally true is actionable if used to create an impression substantially false. 37 C. J. S. 251, Fraud, § 17 b. ***IKEDA v. CURTIS. 43 Wn. (2d) 449, 460 (1953)***

E. RELIEF REQUESTED:

1) Declare all orders entered in this case are void for being unlawful under Authorities noted in Scheidler's "opening brief."

2) Order all monies held by the Clerk of Superior Court, $170,000, with respect to this case, be immediately returned to Scheidler

3) Order Ellerby remove all his "liens" on all Scheidler's property

4) Order Ellerby compensate all Scheidler's medical providers

5) Order this case be tried to a jury upon an amended complaint to name all WSBA members whose hands touched this case.

6) Or in the alternative to 5 above, award Scheidler $3,750,000.00 as compensation for all harms suffered at the hands of all WSBA members in whatever capacity they work.

F. CONCLUSION

This Court should accept review and grant the relief requested.

Respectfully submitted,

July 6, 2014

Signature

Appendix A

Authorities cited by Scheidler's Reply

ARTICLE 1,

SECTION 1 POLITICAL POWER. All political power is inherent in the people, and ***governments derive their just powers from the consent of the governed***, and are established to protect and maintain individual rights.

SECTION 4 RIGHT OF PETITION AND ASSEMBLAGE. The ***right of petition*** and of the people peaceably to assemble for the common good ***shall never be abridged.***

DISCIPLINE OF DANN 136 Wn.2d 67 "

[13-16] We give "particularly great weight" to the question of the extent of injury involved due to the attorney's misconduct. In re Discipline of Curran, 115 Wn.2d 747, 772, 801 P.2d 962, 1 A.L.R.5TH 1183 (1990). We do so to "maintain public confidence in our legal institutions with an eye toward enhancing respect for the law generally. ***We must therefore administer the rule in a manner which holds individuals accountable for the results, even unintended results, of their actions."*** Curran, 115 Wn.2d at 772 (emphasis added). Thus, for example, even if the overbilling of Vertecs and Restec was unintended, it is still censurable. The familiar benchmark of the attorney-client relationship is that "[a]ttorneys have a duty of zealously representing their clients within the bounds of the law. When their clients have opposing interests with third parties, attorneys are supposed to represent their clients' interests over the interests of others." Bohn v. Cody, 119

Wn.2d 357, 367, 832 P.2d 71 (1992). After all, "an attorney must continually be aware that the attorney-client relationship is a fiduciary one as a matter of law and thus the attorney owes the highest duty to the client." Perez v. Pappas, 98 Wn.2d 835, 840-41, 659 P.2d 475 (1983) (citing Liebergesell v. Evans, 93 Wn.2d 881, 890, 613 P.2d 1170 (1980); McCutcheon v. Brownfield, 2 Wn. App. 348, 356-57, 467 P.2d 868, review denied, 78 Wn.2d 993 (1970)). Dann's actions are not in keeping with the high responsibility that rests with attorneys. Lying to clients is an assault upon the most fundamental tenets of attorney-client relations. "'The relation of attorney and client has always been regarded as one of special trust and confidence.'" In re Disbarment of Beakley, 6 Wn.2d 410, 423, 107 P.2d 1097 (1940) (quoting approvingly 7 C.J.S. Attorney and Client § 127). Dann's misconduct certainly warrants the presumptive sanction of suspension from the practice of law: "Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed to the profession and causes injury or potential injury to a client, the public, or the legal system." AMERICAN BAR ASS'N, STANDARDS FOR IMPOSING LAWYER SANCTIONS std.7.2, at 14 (1991).«3»

WASH. STATE LABOR COUNCIL V. REED 149 WN.2D 48

"All political power is inherent in the people, and governments derive their just powers from the consent of the governed." CONST. art. I, § 1. From this basic concept this court has perceived that the purpose of the Seventh Amendment is to provide "a broad base for the exercise of power by the people," Yelle v. Kramer, 83 Wn.2d 464, 476, 520 P.2d 927 (1974), and declared that the right of referendum is "the first of all the sovereign rights of the citizen - the right to speak ultimately and finally in matters of political concern." State ex rel. Mullen v. Howell, 107 Wash. 167, 171, 181 P. 920 (1919).

SPOKANE COUNTY v. STATE 136 Wn.2d 663.

"[t]he question to be asked is not whether two branches of government engage in coinciding activities, but rather whether the activity of one branch threatens the

independence or integrity or invades the prerogatives of another." Carrick, 125 Wn.2d at 135 (citing Zylstra, 85 Wn.2d at 750) (emphasis added).

RCW 2.28.030(1) Judicial officer defined — When disqualified.

A judicial officer is a person authorized to act as a judge in a court of justice. Such officer shall not act as such in a court of which he or she is a member in any of the following cases:

(1) In an action, suit, or proceeding to which he or she is a party, or in which he ***or she is directly interested***.

RCW 2.48.210 Oath on admission.

Every person before being admitted to practice law in this state shall take and subscribe the following oath:

I do solemnly swear:

I am a citizen of the United States and owe my allegiance thereto;

I will support the Constitution of the United States and the Constitution of the state of Washington;

I will maintain the respect due to courts of justice and judicial officers;

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land, unless it be in defense of a person charged with a public offense; ***I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;***

I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with his or her business except from him or her or with his or her knowledge and approval;

I will abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any person's cause for lucre or malice. So help me God.

[2013 c 23 § 1; 1921 c 126 § 12; RRS § 139-12. Prior: 1917 c 115 § 14.]

RCW 2.48.180 Definitions — Unlawful practice a crime — Cause for discipline — Unprofessional conduct — Defense — Injunction — Remedies — Costs — Attorneys' fees — Time limit for action.

(1) As used in this section:

(a) "Legal provider" means an active member in good standing of the state bar, and any other person authorized by the Washington state supreme court to engage in full or limited practice of law;

(b) "Nonlawyer" means a person to whom the Washington supreme court has granted a limited authorization to practice law but who practices law outside that authorization, and a person who is not an active member in good standing of the state bar, including persons who are disbarred or suspended from membership;

(c) "Ownership interest" means the right to control the affairs of a business, or the right to share in the profits of a business, and includes a loan to the business when the interest on the loan is based upon the income of the business or the loan carries more than a commercially reasonable rate of interest.

(2) The following constitutes unlawful practice of law:

(a) A nonlawyer practices law, or holds himself or herself out as entitled to practice law;

(b) A legal provider holds an investment or ownership interest in a business primarily engaged in the practice of law, knowing that a nonlawyer holds an investment or ownership interest in the business;

(c) A nonlawyer knowingly holds an investment or ownership interest in a business primarily engaged in the practice of law;

(d) A legal provider works for a business that is primarily engaged in the practice of law, knowing that a nonlawyer holds an investment or ownership interest in the business; or

(e) A nonlawyer shares legal fees with a legal provider.

(3)(a) Unlawful practice of law is a crime. A single violation of this section is a gross misdemeanor.

(b) Each subsequent violation of this section, whether alleged in the same or in subsequent prosecutions, is a class C felony punishable according to chapter 9A.20 RCW.

(4) Nothing contained in this section affects the power of the courts to grant injunctive or other equitable relief or to punish as for contempt.

(5) Whenever a legal provider or a person licensed by the state in a business or profession is convicted, enjoined, or found liable for damages or a civil penalty or other equitable relief under this section, the plaintiff's attorney shall provide written notification of the judgment to the appropriate regulatory or disciplinary body or agency.

(6) A violation of this section is cause for discipline and constitutes unprofessional conduct that could result in any regulatory penalty provided by law, including refusal, revocation, or suspension of a business or professional license, or right or admission to practice. ***Conduct that constitutes a violation of this section is unprofessional conduct in violation of RCW 18.130.180.***

(7) In a proceeding under this section it is a defense if proven by the defendant by a preponderance of the evidence that, at the time of the offense, the conduct

alleged was authorized by the rules of professional conduct or the admission to practice rules, or Washington business and professions licensing statutes or rules.

(8) Independent of authority granted to the attorney general, the prosecuting attorney may petition the superior court for an injunction against a person who has violated this chapter. Remedies in an injunctive action brought by a prosecuting attorney are limited to an order enjoining, restraining, or preventing the doing of any act or practice that constitutes a violation of this chapter and imposing a civil penalty of up to five thousand dollars for each violation. The prevailing party in the action may, in the discretion of the court, recover its reasonable investigative costs and the costs of the action including a reasonable attorney's fee. The degree of proof required in an action brought under this subsection is a preponderance of the evidence. An action under this subsection must be brought within three years after the violation of this chapter occurred.

[2003 c 53 § 2; 2001 c 310 § 2. Prior: 1995 c 285 § 26; 1989 c 117 § 13; 1933 c 94 § 14; RRS § 138-14.]

Notes:

Rules of court: RLD 1.1(h).

Intent -- 2003 c 53: "The legislature intends by this act to reorganize criminal provisions throughout the Revised Code of Washington to clarify and simplify the identification and referencing of crimes. It is not intended that this act effectuate any substantive change to any criminal provision in the Revised Code of Washington." [2003 c 53 § 1.]

Effective date -- 2003 c 53: "This act takes effect July 1, 2004." [2003 c 53 § 423.]

Purpose -- 2001 c 310: "The purpose of this act is to respond to State v. Thomas, 103 Wn. App. 800, by reenacting and ranking, without changes, legislation relating to the crime of unlawful practice of law, enacted as sections 26 and 27, chapter 285, Laws of 1995." [2001 c 310 § 1.]

Effective date -- 2001 c 310: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 14, 2001]." [2001 c 310 § 5.]

Effective date -- 1995 c 285: See RCW 48.30A.900.

Severability -- 1989 c 117: See RCW 19.154.901.

Practicing law with disbarred attorney: RCW 2.48.220(9).

RCW 18.130.180(1, 7 and 13) Unprofessional conduct.

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a

nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice any health care profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) Except when authorized by RCW 18.130.345, the possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers, documents, records, or other items;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority;

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding; or

(d) Not providing reasonable and timely access for authorized representatives of the disciplining authority seeking to perform practice reviews at facilities utilized by the license holder;

(9) Failure to comply with an order issued by the disciplining authority or a stipulation for informal disposition entered into with the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Violations of rules established by any health agency;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The willful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW;

(22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action, or by the use of financial inducements to any patient or witness to

prevent or attempt to prevent him or her from providing evidence in a disciplinary proceeding;

(23) Current misuse of:

(a) Alcohol;

(b) Controlled substances; or

(c) Legend drugs;

(24) Abuse of a client or patient or sexual contact with a client or patient;

(25) Acceptance of more than a nominal gratuity, hospitality, or subsidy offered by a representative or vendor of medical or health-related products or services intended for patients, in contemplation of a sale or for use in research publishable in professional journals, where a conflict of interest is presented, as defined by rules of the disciplining authority, in consultation with the department, based on recognized professional ethical standards.

[2010 c 9 § 5; 2008 c 134 § 25; 1995 c 336 § 9; 1993 c 367 § 22. Prior: 1991 c 332 § 34; 1991 c 215 § 3; 1989 c 270 § 33; 1986 c 259 § 10; 1984 c 279 § 18.]

RCW 4.04.010 Extent to which common law prevails.

The common law, so far as it is not inconsistent with the Constitution and laws of the United States, or of the state of Washington ***nor incompatible with the institutions and condition of society in this state***, shall be the rule of decision in all the courts of this state.

[1891 c 17 § 1; Code 1881 § 1; 1877 p 3 § 1; 1862 p 83 § 1; RRS § 143. Formerly RCW 1.12.030.]

RCW 4.40.060 Trial of certain issues of fact — Jury.

An issue of fact, in an action for the recovery of money only, or of specific real or personal property shall be tried by a jury, unless a jury is waived, as provided by law, or a reference ordered, as provided by statute relating to referees.

[1893 c 127 § 33; Code 1881 § 204; 1877 p 42 § 208; 1873 p 52 § 206; 1869 p 50 § 208; 1854 p 164 § 183; RRS § 314.]

RCW 4.40.070 Trial of other issues of fact.

Every other issue of fact shall be tried by the court, ***subject, however, to the right of the parties to consent***, or of the court to order, that the whole issue, or any specific question of fact involved therein, be tried by a jury, or referred.

[1893 c 127 § 34; RRS § 315.]

RAP 10.4(b) PREPARATION AND FILING OF BRIEF BY PARTY

(b) Length of Brief. A brief of appellant, petitioner, or respondent should not exceed 50 pages. Appellant's reply brief should not exceed 25 pages. An amicus curiae brief, or answer thereto, should not exceed 20 pages. In a cross-appeal, the brief of appellant, brief of respondent/cross appellant, and reply brief of appellant/cross respondent should not exceed 50 pages and the reply brief of the cross appellant should not exceed 25 pages. ***For the purpose of determining compliance with this rule appendices, the title sheet, table of contents, and table of authorities are not included. For compelling reasons the court may grant a motion to file an over-length brief.***

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Cc: jpd@leesmart.com; billscheidler@wavecable.com
Subject: e filing Scheidler v Ellerby 90288-7

Greetings,

Petitioner, Scheidler, has attached for filing his reply to respondents answer in the above referenced case.

Bill Scheidler
360-769-8531