

SUPREME COURT OF THE STATE OF WASHINGTON

Bessie Williams,
Petitioner,)
)
vs)
) NO. 92368-0

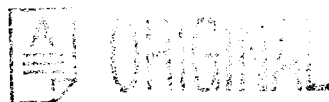
John Doe, First Transit, Inc., City of Tacoma, and
Central Bible Evangelical Church,
Respondents.

Received
Washington State Supreme Court

JAN 15 2016

Ronald R. Carpenter
Clerk *rg*

1. Petitioner Bessie Williams, respectfully asks this Court for permission to file an amended petition and states as follows:
2. That on 12/31/15 Petitioner filed an amended petition for review prior to any answer being filed.
3. That Petitioner received a letter dated January 4, 2016, from Clerk Carpenter indicating that there was no motion filed seeking permission to file an amended petition, that petitioner did not indicate why an amendment was necessary and that the amended petition would be "rejected for filing", while citing no rule that amending a petition for review *prior* to an answer being filed must first seek the permission of the Court.
4. The amended petition for review is necessary because at the time Petitioner's first petition was timely filed on 9/10/15, the Supreme Court decision of Keck v Collins __ Wash 2d __, 9/24/15, which sets out the standard of review for a challenged ruling striking untimely evidence submitted in response to a summary motion, and which is in direct conflict with the Court of Appeals decision in this matter, had not yet been decided. Secondly, upon subsequent review of the petition for review upon reading Keck, Petitioner realized that the rough draft of the petition had been filed instead of the final draft, as is evident when one looks at the petition and sees that there is no table of authorities and no argument addressing any of the issues listed in the table of contents.
5. That there is no appellate rule which addresses amending a petition for review.
6. Prior to filing the amended petition, Petitioner was informed upon contacting the clerk's office to inquire of the procedure for filing an amended petition, that an amended petition could be filed at any time before the answer was filed.
7. Respondents would not be prejudiced as they would be given an opportunity to file an answer to the amended petition.
8. That RAP 1.2(a) says that the outcome of a case should not be determined on the basis of compliance or noncompliance with the rules of appellate procedure. Petitioner should not be prevented from filing an amended petition to correct an inadvertent mistake or be penalized for



failure to file a motion to file an amended petition, and where there is no appellate rule that addresses the filing of an amendment *before* an answer is filed.

9. Petitioner respectfully asks this court to allow the filing of the amended petition to prevent a miscarriage of justice.

Respectfully submitted,

/s/ Bessie M. Williams
Bessie M. Williams
13023 Greenwood Ave N.
Seattle, WA 98133

January 15, 2016