No. 93219-1

SUPREME COURT
OF THE STATE OF WASHINGTON

DANIEL THOMPSON and THEODORE MISSELWITZ,

Appellants,

v.

CITY OF MERCER ISLAND,

Respondent,

GIB DEVELOPMENT LLC (ON THE ROCK, LLC) and ANDERSON ARCHITECTURE,

Additional Parties.

ADDITIONAL PARTIES' ANSWER TO PETITION FOR REVIEW

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I. IDENTITY OF ADDITIONAL PARTIES AND INTRODUCTION

Additional Parties GIB Development LLC and Anderson Architecture hereby answer and oppose the June 3, 2016 Petition for Review filed by Appellants Daniel Thompson and Theodore Misselwitz[1] in the above-captioned appeal. Appellants do not cite—much less satisfy—the standards governing the Supreme Court's acceptance of review enumerated at RAP 13.4(b), and their Petition should be rejected accordingly.

The instant case involves a Land Use Petition Act (LUPA) appeal arising from the City of Mercer Island's approval of a small, two-lot short residential plat. GIB Development LLC is the current owner of the underlying property[2]; Anderson Architecture is the short plat applicant that obtained the City's regulatory approval on the landowner's behalf.

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[1] Appellants' Petition for Review states that it is filed on behalf of both Thompson and Misselwitz. *See* Petition for Review at 1. On May 20, 2016, Thompson filed a Notice of Withdrawal indicating that his representation of Misselwitz would terminate effective ten days from the date of service of the notice or upon order of the court, whichever come earlier. Ten days elapsed on May 30, 2016, at which time Thompson's withdrawal became effective. As of the date of this Answer, Thompson has not rescinded his original Notice of Withdrawal or otherwise filed any subsequent notice indicating that Misselwitz has re-engaged his representation. Moreover, no replacement counsel has since appeared in this case on behalf of Misselwitz. The ethical ramifications of this situation are beyond the scope of this Answer. *See* RPC 1.2(a)&(f); RPC 1.4; RPC 3.3(a)(1); RPC 8.4(c).

[2] GIB Development, LLC was substituted for the original landowner, On the Rock, LLC, by order of the Court of Appeals. *See Thompson v. City of Mercer Island,* 72809-1-I, 2016 WL 2647578, at *6 (Wash. Ct. App. Mar. 14, 2016).

Division One of the Court of Appeals affirmed the Superior Court's dismissal of the appeal, concluding that neither Appellant had standing to challenge the underlying land use decision. In reaching this determination, the Court of Appeals applied two well-established principles governing LUPA standing. First, parties who judicially appeal a local land use decision must fully exhaust their administrative remedies by exercising any available appeal rights at the local level. Second, LUPA appellants must establish an injury-in-fact demonstrating that the challenged land use decision would actually harm them in some perceptible way. The Court of Appeals correctly dismissed Appellants' LUPA petition under these standards.

The Court of Appeals' decision does not conflict in any manner with existing precedent, and the issues implicated by this case are not of substantial public interest such as to warrant review by the Supreme Court. Appellants' contrary arguments variously mischaracterize the Court of Appeals' opinion, applicable caselaw and/or the record in this proceeding. This Court should deny Appellants' Petition for Review.

II. COURT OF APPEALS DECISION

Appellants' Petition for Review seeks review of the decision issued by Division One of Court of Appeals in the above-captioned matter.

See Petition for Review at 1. The Court of Appeals issued an unpublished opinion on March 14, 2016, affirming the Superior Court's dismissal of Appellants' Land Use Petition. Appellants also seek review of the Court of Appeals' subsequent May 4, 2016 Order Granting Additional Parties' Motion for Reconsideration and Amending Opinion, Granting Motion to Publish, and Denying Appellants' Motion for Reconsideration.[3] *See* Petition for Review at 1.

III. RESTATEMENT OF ISSUES PRESENTED FOR REVIEW

Should the Supreme Court deny review pursuant to RAP 13.4(b) where the challenged Court of Appeals decision is consistent with applicable precedent and where the case involves no significant constitutional questions or other issues of substantial public interest? [YES]

IV. RESTATEMENT OF THE CASE

4.1 Short Plat Approval and Administrative Appeal.

This appeal arises out of the City of Mercer Island's administrative approval of a preliminary two-lot short plat in February 2014. The short plat slightly reconfigured a pre-existing, vacant, two-lot development site by

[3] Copies of the Court of Appeals' unpublished opinion and its May 4, 2016 Order are attached to Appellants' Petition for Review as Appendix 1 and Appendix 2, respectively.

replacing an existing driveway easement with a small, new jointly-owned tract to serve as a shared access route for both lots. CP 103, 117-34, CP 133, CP 136-38, CP 140-41. This modification was facially negligible in relation to the original configuration of the property, which remains as two code-compliant residential lots in their pre-existing location, with an access route/driveway located in precisely the same place. *Compare* CP 137 *with* CP 138. The record contains no evidence of any perceptible impacts to views, traffic flows, storm runoff volumes, odor or noise levels resulting from the 2014 short plat approval.

The City of Mercer Island's land use regulations allow for short plat approvals to be administratively appealed to the City's Planning Commission. *See* 19.15.010(E) and 19.15.020(J). In accordance with this authority, Thompson appealed the staff decision approving the short plat to the Planning Commission in February 2014. CP 218-30. The Planning Commission held an open-record hearing on Thompson's administrative appeal on July 23, 2014. Although Misselwitz testified at the open record appeal hearing as an interested member of the public, he neither joined in Thompson's appeal nor filed a separate appeal in his own right. *Id.;* CP 103, CP 218-30. The Planning Commission ultimately issued a final written decision on July 28, 2014, formally denying Thompson's administrative appeal and upholding the

preliminary short plat approval. CP 103-05, CP 103, CP 1371, CP 1259-1373. The July 28, 2014 Planning Commission decision is the City's final, appealable land use decision challenged in the instant case. CP 3, 105.

4.2 The Superior Court's Dismissal of Appellants' Land Use Petition.

Appellants initiated the instant litigation by filing a Land Use Petition in King County Superior Court on August 14, 2014. CP 1-24. Pursuant to RCW 36.70C.080, the Superior Court scheduled an initial hearing for October 31, 2014. CP 1575-78; RP 1-59. The case scheduling order provided in relevant part that "motions on jurisdictional and procedural issues shall comply with Civil Rule 7 and King County Local Rule 7, except that the minimum notice of hearing requirement shall be 8 days." CP 29. In accordance with this directive, separate motions challenging the LUPA standing of both Appellants were timely noted for consideration at the initial hearing by the City and by Anderson Architecture and On the Rock. CP 52-70, 71-92.

The Superior Court heard oral argument from all parties on the motions at the October 31, 2014 initial hearing. CP 1575-76; RP 1-59; CP 1562-64, 1576. On November 7, 2014, the Superior Court entered an order dismissing Appellants' LUPA petition, concluding that neither Appellant satisfied the standards for judicial standing codified at RCW 36.70C.060. CP

1575-78.

4.3 Court of Appeals Decision.

Appellants appealed to Division One of the Court of Appeals by filing a Notice of Appeal on December 5, 2014. CP 1641-42. On March 14, 2016, the Court of Appeals issued an unpublished opinion concluding that both Appellants lacked standing and affirming the trial court's dismissal of their Land Use Petition. The Court's opinion also granted the motion that had been filed by GIB Development LLC, the new owner of the underlying property, to substitute for the original landowner, On the Rock, LLC, pursuant to RAP 3.2. By subsequent order on May 4, 2016, the Court granted Additional Parties' motion for reconsideration and issued an amended decision awarding Additional Parties attorneys' fees pursuant to RCW 4.84.370. A separate motion for reconsideration filed by Appellants was denied in the same order.[4] The Court of Appeals also granted a joint motion to publish the opinion that was initiated by G. Richard Hill, a land use attorney not otherwise affiliated with the case.

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[4] During the course of the Court of Appeals proceeding, Appellants filed over 10 motions and a noncompliant Opening Brief that was rejected by the Court. A complete listing of the various filings, motions, briefs, and other submittals in this proceeding were outlined in additional Parties' Fee affidavit at page 4. All of Appellants' various motions were ultimately denied. *See Thompson v. City of Mercer Island,* 72809-1-I, 2016 WL 2647578, at *6 (Wash. Ct. App. Mar. 14, 2016); Order Granting Additional Parties' Motion for Reconsideration and Denying Appellants' Motion for Reconsideration.

V. ARGUMENT WHY REVIEW SHOULD BE DENIED

The standards governing the Supreme Court's acceptance of discretionary review of a Court of Appeals decision are enumerated at RAP 13.4(b):

> A petition for review will be accepted by the Supreme Court only:
>
> (1) If the decision of the Court of Appeals is in conflict with a decision of the Supreme Court; or
>
> (2) If the decision of the Court of Appeals is in conflict with another decision of the Court of Appeals; or
>
> (3) If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or
>
> (4) If the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

Appellants' Petition for Review fails to cite, much less satisfy, these criteria, and they are unable to demonstrate that the instant case warrants review by this Court. Their Petition should be denied accordingly.

5.1 The Court of Appeals Followed Existing Precedent in Determining that Thompson Lacks LUPA Standing.

In concluding that Thompson lacked standing to judicially appeal the City's approval of the challenged short plat decision, the Court of

Appeals cited and applied well-established precedent under which LUPA petitioners must affirmatively allege and demonstrate some actual, perceptible harm to themselves. *See Thompson v. City of Mercer Island*, 72809-1-I, 2016 WL 2647578, at *4 (Wash. Ct. App. Mar. 14, 2016) (citing *Chelan County v. Nykreim*, 146 Wn.2d 904, 934, 52 P.3d 1 (2002); *Knight v. City of Yelm*, 173 Wn.2d 325, 341, 267 P.3d 973 (2011); *Suquamish Indian Tribe v. Kitsap County*, 92 Wn. App. 816, 829, 965 P.2d 636 (1998); *Anderson v. Pierce County*, 86 Wn. App. 290, 30, 936 P.2d 432 (1997)).

The voluminous record in this case contains no such allegation—much less any actual evidence—that Thompson or his property would suffer any cognizable injury as a result of the challenged short plat. Instead, Thompson's arguments at the administrative, trial court and appellate levels assert abstract, generalized concerns regarding the project's compliance with applicable land use regulations and do not allege any specific harm. CP 219-30; CP 347-1256; CP 1289-1303, CP 1331-36, CP 1342-43, CP 1351-52; Appellants' Opening Brief at 42-49; Appellants' Reply Brief at 21-23. Indeed, Thompson conceded during the administrative proceedings below that the proposal would actually improve the view corridor from his own neighboring property. CP 348.

Appellants' LUPA petition, which likewise contained only a vague, generic and unspecified allegation of Thompson's purported aggrievement, *see* CP 4, was correctly dismissed by the Court of Appeals under the longstanding body of precedent above.

The Court's decision in this regard simply tracks the plain language of Chapter 36.70C RCW, which limits LUPA standing to "aggrieved or adversely affected" persons who would be "prejudiced" by the land use decision. RCW 36.70C.060(2)(a). As the Court of Appeals correctly acknowledged in citing *Nykreim*, a LUPA petitioner's proffered interest in the enforcement of local land use regulations is, without more, insufficient to confer standing. *Thompson v. City of Mercer Island*, 72809-1-I, 2016 WL 2647578, at *5 (Wash. Ct. App. Mar. 14, 2016) (citing *Nykreim,* 146 Wn.2d at 935). Appellants' Petition for Review to this Court cites no contradictory authority, and they are unable to demonstrate that the discretionary review criteria enumerated at RAP 13.4(b) are satisfied here.

Contrary to Appellants' core premise, no reported Washington caselaw remotely requires courts to presume harm to a LUPA petitioner. Petition for Review at 16. Appellants fail to identify any caselaw contradicting the Court of Appeals' determination in this regard, as no

contradicting the Court of Appeals' determination in this regard, as no such precedent exists. Washington courts have likewise flatly rejected Thompson's suggestion that a party's status as a neighbouring landowner automatically conveys standing absent allegations of an actual, specific injury that would result from the challenged development project. *See, e.g., Knight,* 173 Wn.2d at 341; *Suquamish Indian Tribe,* 92 Wn. App. at 829. The Court of Appeals' decision followed, and is entirely consistent with, this substantial body of controlling authority. *Thompson v. City of Mercer Island*, 72809-1-I, 2016 WL 2647578, at *5 (Wash. Ct. App. Mar. 14, 2016). Appellants identify no reason for the Supreme Court to revisit this well-established principle.

5.2 Appellants' Supplementation Argument Does Not Warrant Supreme Court Review.

Vaguely citing *Lauer v. Pierce County*, 173 Wn.2d 242, 267 P.3d 988 (2011), Appellants contend that Thompson should have been afforded the opportunity to supplement the record with additional evidence of his standing. Petition for Review at 17-18. This argument is a red herring in the context of the above-captioned appeal, where Appellants filed a staggering twelve (12) motions during the Superior Court and Court of Appeals proceedings but nevertheless offered no evidence to support Thompson's standing. The Court of Appeals did not prevent Thompson

from supplementing the record with documentation to this effect in derogation of *Lauer*. Rather, the Court determined, correctly, that Thompson had simply failed to identify any such evidence in the first instance. *Thompson v. City of Mercer Island*, 72809-1-I, 2016 WL 2647578, at *4-5 (Wash. Ct. App. Mar. 14, 2016).

At its core, Appellants' assertion essentially attempts to conflate administrative party of record status with LUPA standing under RCW 36.70C.060. Petition for Review at 17-18. These two concepts are facially distinct. Appellants do not—and cannot—cite any legal authority supporting their position, much less demonstrate how the Court of Appeals' decision is inconsistent with such authority.

More fundamentally, Appellants make no attempt to explain how this issue satisfies the standards for discretionary review set forth at RAP 13.4(b). Instead, they offer only their own subjective—and unsupported—belief that "a bright line rule is preferable" and they "ask the Supreme Court to hold that a party's failure to raise lack of standing at the administrative level waives standing at the superior court." Petition for Review at 17-18. "Passing treatment of an issue or lack of reasoned argument is insufficient to merit judicial consideration." *City of Bonney Lake v. Kanany*, 185 Wn. App. 309, 320, 340 P.3d 965 (2014) (citation

omitted)); *West v. Thurston County,* 168 Wn. App. 162, 275 P.3d 1200 (2012), *review denied,* 176 Wn.2d 1021, 297 P.3d 708 (2013) (alteration omitted)). Appellants' cursory argument should be summarily rejected under this standard.

5.3 The Court of Appeals Followed Existing Precedent in Determining that Misselwitz Lacked LUPA Standing.

It remains undisputed that Appellant Misselwitz did not independently appeal the City of Mercer Island's approval of the underlying short plat decision to the City's Planning Commission as authorized by the City's regulations. The Court of Appeals' determination that Misselwitz lacked standing was based upon the longstanding requirement that LUPA appellants must first exhaust their administrative remedies by exercising any available appeal rights at the administrative level. *Thompson v. City of Mercer Island*, 72809-1-I, 2016 WL 2647578, at *4 (Wash. Ct. App. Mar. 14, 2016). The Court's holding in this regard was entirely consistent with—and indeed, compelled by—both applicable caselaw and the plain language of Chapter 36.70C RCW. *See, e.g.,* RCW 36.70C.060(2)(d) (LUPA standing requires that the petitioner must have "exhausted his or her administrative remedies to the extent required by law"); *Nickum v. City of Bainbridge Island*, 153 Wn. App. 366, 375, 223 P.3d 1172 (2009); ("[A]gency action cannot be challenged on review

unless all rights of administrative appeal have been exhausted"); *Ward v. Bd. of County Cmmn'rs*, 86 Wn. App. 266, 271, 936 P.2d 42 (1997) (citation omitted).

Appellants erroneously contend that the Court of Appeals' decision is inconsistent with *Citizens for Mount Vernon v. City of Mount Vernon*, 133 Wn.2d 861, 947 P.2d 1208 (1997), and that Misselwitz should be deemed to have exhausted his administrative remedies merely by testifying at the Planning Commission appeal hearing. Petition for Review at 20. *Mount Vernon* is clearly distinguishable on its facts. Unlike the Mercer Island land use procedures in the instant case, the local regulations at issue in *Mount Vernon* did not include a specific option to administratively appeal the subject land use decision. *Mount Vernon*, 133 Wn.2d at 865-71. The Court of Appeals' decision does not contradict *Mount Vernon* in any manner.[5]

5.4 The Hearing Procedure Before the Superior Court Does Not Conflict with Existing Authority.

The King County Superior Court case schedule order for this case unambiguously provided that "motions on jurisdictional and procedural

[5] As explained in note 1, *supra,* Misselwitz is no longer legally represented by Thompson in this matter. As such, Thompson cannot assert in his own right arguments that are specific to Misselwitz himself. It is a basic principle of standing that "prohibit[s] a litigant from raising another's legal rights." *Habberman v. Washington Public Power Supply*, 109 Wn.2d 107, 138, 744 P.2d 1032 (1987).

issues shall comply with Civil Rule 7 and King County Local Rule 7, except that the minimum notice of hearing requirement shall be 8 days." CP 29 (emphasis added). The motions filed by Additional Parties and the City to dismiss Appellants' LUPA appeal for lack of standing were filed on eight days notice and were facially compliant with this directive—a deadline that was known to Appellants since the commencement of the case. *Thompson v. City of Mercer Island*, 72809-1-I, 2016 WL 2647578, at *2 (Wash. Ct. App. Mar. 14, 2016); CP 28-30.

Noting that standing is jurisdictional for purposes of LUPA, the Court of Appeals correctly determined that the eight day notice requirement properly governed motion to dismiss for lack of standing under the case schedule order. *Thompson v. City of Mercer Island*, 72809-1-I, 2016 WL 2647578, at *2 (Wash. Ct. App. Mar. 14, 2016) (citing *Knight*, 173 Wn.2d at 336). The Court of Appeals' holding was based upon its straightforward construction of King County Local Rule 56(c)(2), which unequivocally provides that the deadline for filing motions "shall be as set forth in CR 56 and the Order Setting Case Schedule." *Thompson v. City of Mercer Island*, 72809-1-I, 2016 WL 2647578, at *2 (Wash. Ct. App. Mar. 14, 2016) (emphasis added). Appellants contend that this procedure violates the 28 day hearing notice requirements under Civil

Rule 12(b) and Civil Rule 56, but they are unable to cite any authority actually contradicting the Court of Appeals' determination of this issue. *Petition for Review at 12-15.* No such authority exists. As the Court noted, "Appellants cannot evade the plain language of the local rule, which contemplates that deadlines will be set in the case schedule order." *Thompson v. City of Mercer Island*, 72809-1-I, 2016 WL 2647578, at *2 (Wash. Ct. App. Mar. 14, 2016). Appellants likewise cannot demonstrate that this aspect of the Court of Appeals' decision meets the discretionary review criteria of RAP 13.4(b).[6]

5.5 The Court of Appeals' Grant of GIB Development LLC's Motion for Substitution Does Not Conflict With Existing Authority.

After the Mercer Island Planning Commission denied Appellant Thompson's administrative appeal, but before Appellants filed their LUPA petition in King County Superior Court, On the Rock, LLC conveyed the real property underlying the challenged short plat to GIB Development LLC, a separate limited liability company under the control

[6] Appellants' repeated emphasis on Civil Rule 12(b) is simply unavailing. *See* Petition for Review at 1-2, 5, 12-17. Neither the City nor Additional Parties relied upon CR 12(b) in their respective motions, which by their plain terms were presented under Civil Rule 7, King County Local Rule 7, RCW 36.70C.080, and the Superior Court's August 14, 2014 case scheduling order rather than CR 12(b). CP 58-59; CP 81. The Superior Court's November 7, 2014 order granting the City's motion likewise did not reference Civil Rule 12(b)(6) in any manner, and instead acknowledged that the Court's ruling was decided "pursuant to CR 7, KCLR 7, RCW 36.70C.080 and the Court's Order Setting Land Use Case Schedule[.]" CP 1577.

of the same individual corporate officer. *See Thompson v. City of Mercer Island*, 72809-1-I, 2016 WL 2647578, at *5 (Wash. Ct. App. Mar. 14, 2016). While the appellate proceedings were pending, the Court of Appeals granted GIB Development LLC's motion to substitute for On the Rock, LLC pursuant to RAP 3.2. *Id.*, at 6. Appellants erroneously contend that this substitution conflicts with existing precedent. Petition for Review at 4.

Preliminary, this Court should disregard Appellants' argument for inadequate briefing. Appellants devote only two sentences to this issue in the "Issues Presented for Review" section of their Petition for Review, and they fail to provide <u>any</u> treatment of the matter whatsoever in the Argument section. Petition for Review at 4, 12-20. The lack of any meaningful analysis regarding this point precludes judicial consideration. *Kanany*, 185 Wn. App. at 320.

Irrespective, the Court of Appeals' decision in this regard involved a basic application of RAP 3.2(a), which provides in relevant part:

> The appellate court <u>will</u> substitute parties to a review when it appears. . . that the interest of a party in the subject matter of the review has been transferred.

Thompson v. City of Mercer Island, 72809-1-I, 2016 WL 2647578, at *6 (Wash. Ct. App. Mar. 14, 2016) (citing RAP 3.2) (emphasis added). GIB

Development LLC's motion for substitution fell squarely within the scope of this mandatory provision, and was properly granted by the Court of Appeals.

Appellants nevertheless contend that the Court of Appeals departed from existing precedent by allowing the substitution to relate back to the date upon which Appellants' Land Use Petition was filed. Petition for Review at 4. The authority cited by Appellants does not support their argument. RAP 3.2 itself is silent on the issue. *Thompson v. City of Mercer Island*, 72809-1-I, 2016 WL 2647578, at *6 (Wash. Ct. App. Mar. 14, 2016). As the Court of Appeals acknowledged, this Court's decision in *Miller v. Campbell,* 164 Wn.2d 529, 192 P.3d 352 (2008), allowed relation back at the appellate level where the opposing party was—like Appellants here—not prejudiced by the substitution. *Thompson v. City of Mercer Island*, 72809-1-I, 2016 WL 2647578, at *6 (Wash. Ct. App. Mar. 14, 2016) (citing *Miller*, 164 Wn.2d at 538). Appellants' reliance upon *Stella Sales, Inc. v. Johnson*, 97 Wn. App. 11, 985 P.2d 391, *review denied*, 139 Wn.2d 1012, 994 P.2d 849 (1999), and *Martin v. Dematic*, 182 Wn.2d 281, 340 P.3d 834 (2014), is similarly misplaced, as those cases involved substitution at the trial court level under the Civil Rules rather than at the appellate level under RAP 3.2. The Court of

Appeals decision does not conflict with any other reported caselaw.

VI. ATTORNEYS' FEES PURSUANT TO RAP 18.1(J)

Additional Parties were awarded attorneys' fees by the Court of Appeals pursuant to the land use appeal fee recovery statute, RCW 4.84.370, as the prevailing parties before that Court. *See* Order Granting Additional Parties' Motion for Reconsideration and Amending Opinion, Granting Motion to Publish, and Denying Appellants'' Motion for Reconsideration, at 2. If this Court denies Appellants' Petition for Review, Additional Parties respectfully request an additional award of attorneys' fees pursuant to RAP 18.1(j). The Rule allows a party who was awarded fees by the Court of Appeals to further recover its legal expenses incurred in answering a petition for review that is ultimately denied:

> (j) Fees for Answering Petition for Review. If attorney fees and expenses are awarded to the party who prevailed in the Court of Appeals, and if a petition for review to the Supreme Court is subsequently denied, reasonable attorney fees and expenses may be awarded for the prevailing party's preparation and filing of the timely answer to the petition for review.

RAP 18.1(j).

Additional Parties' request falls squarely within the ambit of RAP 18.1(j) and should be granted by this Court.

VII. CONCLUSION

The Court of Appeals' decision in the above-captioned case was well-reasoned and consistent with applicable precedent. The subject matter and posture of this appeal—i.e., neighboring landowner objections to a minor, two-lot residential short plat—likewise do not implicate any significant constitutional issues or otherwise involve the type of substantial public interest for which Supreme Court review is warranted. Appellants do not, and cannot, demonstrate that the Court of Appeals' decision satisfies any of the criteria enumerated at RAP 13.4(b), and their Petition should be denied.

RESPECTFULLY SUBMITTED this 5th day of July, 2016.

Respectfully submitted,

OGDEN MURPHY WALLACE, P.L.L.C.

By _____
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Attorneys for GIB Development, LLC and
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DECLARATION OF MAILING

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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED at Seattle, Washington this 5th day of July, 2016.

Gloria J. Zak

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Attached is Additional Parties' Answer to Petition for Review.

Counsel only will be receiving hard copies as well.

Gloria Zak, Legal Asst.

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