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NO. 73427-0-I

**COURT OF APPEALS OF THE
STATE OF WASHINGTON, DIVISION ONE**

LSF STRUCTURES LTD., a foreign corporation;
LIGHTWEIGHT STEEL FRAMING 2007 LTD.,
a Washington corporation,

Appellants,

vs.

W.G. CLARK, CM, INC., a Washington corporation;
BRIX CONDOMINIUM, LLC, a Washington
limited liability company; et al.,

Respondents.

FILED
DEC 13 2016
WASHINGTON STATE
SUPREME COURT

**MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR
REVIEW TO THE WASHINGTON STATE SUPREME COURT**

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COURT OF APPEALS DIV 1
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1. IDENTITY OF MOVING PARTY

Appellants LSF STRUCTURES LTD. and LIGHTWEIGHT STEEL FRAMING 2007 LTD. (“Appellants”) respectfully move this Court for a brief extension of time to file a Petition for Review to the Washington Supreme Court.

2. STATEMENT OF RELIEF SOUGHT

This case involves an appeal of a summary judgment decision. The Court of Appeals’ opinion in this matter issued on November 7, 2016, at a time that Attorney Paul Beattie was not actively involved in this case, although he has done other limited work for the Appellants in the past. Attorney Beattie is now just joining this matter as lead counsel, with insufficient time to file a properly supported and drafted Petition for Review to the Supreme Court of Washington. That Petition would normally be due today, but counsel is just now putting in his appearance, as noted (*see* attached). Co-counsel Sean Malcolm is already attorney of record on this matter.

After explaining this dilemma to the clerk of this Court, the clerk kindly suggested that Appellants file this motion to extend. Appellants therefore respectfully and gratefully request a three-week extension of time to file that Petition for Review to the Washington State Supreme Court under R.A.P. 13, making that Petition due on or before December 28, 2016.

3. FACTS RELEVANT TO MOTION FOR BRIEF EXTENSION

As set forth in the attached Declaration of Paul Beattie, co-counsel, and henceforth lead counsel, is just now joining this matter of behalf of Appellants. A Notice of Appearance of Co-Counsel accompanies this petition and the Declaration of Paul Beattie. Briefly, co-counsel Beattie recently received word that counsel Sean Malcom, and the Appellants, wanted co-counsel Beattie to become actively involved in this matter and take the lead on the Petition for Review to the Washington Supreme Court. However, with that Petition being due today, there simply is not time for counsel to do the kind of careful work that the Court of Appeals and Supreme Court of Washington deserve and rightly demand. Additionally, counsel Beattie already had a full schedule this week (particularly in light of a fairly serious recent illness that prevented him from working recently) and cannot drop everything to handle the Petition.

Accordingly, Appellants respectfully request a three-week extension to file their Petition for Review to the Supreme Court of Washington under RAP 13, making that Petition due on or before December 28, 2016.

4. GROUNDS FOR RELIEF AND ARGUMENT

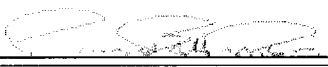
RAP 18.8(a) provides that the Court may enlarge the time for which an act must be done upon the motion of a party in order to serve the ends of justice.

5. CONCLUSION

For the foregoing reasons, Appellants request an extension of time to file their Petition of Review to the Supreme Court under RAP 13 until December 28, 2016. The requested extension will not prejudice Respondents or significantly delay the Court's consideration of this case.


RESPECTFULLY SUBMITTED this 7th day of December, 2016.

PAUL H. BEATTIE

By 

Paul H. Beattie, WSBA No. 30277
Rimon Law Group, P.C.
Co-Counsel for Appellants

SEAN B. MALCOLM PLLC

By 

Sean B. Malcolm, WSBA No. 36245
Attorneys for Appellants

Certificate of Service

I hereby certify that I caused the foregoing document to be filed with the Court by Facsimile (206.389.2613) and served upon the below named individual(s) by email and mail on this 7th day of December, 2016:

Email:

Counsel For Respondents W.G. Clark, et al.

Matt Adamson, Esq.
Jameson Babbitt Stites & Lombard, PLLC
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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.



Devon Warner

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DEC 7 2016

**DECLARATION OF PAUL BEATTIE IN SUPPORT OF MOTION
FOR EXTENSION OF TIME TO FILE PETITION FOR REVIEW
TO THE WASHINGTON STATE SUPREME COURT**

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Facsimile: 800-930-7271
Attorneys for Appellants LSF Structures Ltd.
and Lightweight Steel Framing 2007 Ltd.

DECLARATION

1. I, Paul H. Beattie, being conscious of the penalties of perjury under Washington State law, aver the following under oath. All statements in this declaration are based on my own personal knowledge and are true and correct.

2. I am an attorney who graduated from the University of Michigan, with Honors in 1993, did a federal court of appeals clerkship (5th Circuit), and have worked as a litigator and trial lawyer for over 20 years. I have been a licensed attorney in Washington State since the year 2000.

3. I have done some limited work for the owner of the Appellants before, although nothing tangible or concrete on this case. This week, after some deliberation, the owner of the appellants elected to proceed with a Petition for Review to the Supreme Court in this matter under RAP 13. Appellants, and existing counsel (Sean Malcolm) also decided that I should take the lead in drafting any Petition for Review, and on subsequent briefing (assuming review occurs) in this matter.

4. However, with the Petition due today, there is simply not time for me to do an exemplary or even a serviceable job on any such Petition for Review. When I called the clerk to discuss this dilemma, she informed me that I could file a motion for an extension of time to file the Petition for Review, assuming I got that in before 5:00 pm (17:00) today.

5. Appellants are electing to do so, and we therefore are filing a short Motion for a Three-Week Extension of Time. I also file a Notice of Appearance, joining existing co-counsel of record, Sean Malcolm, who remains involved in this matter and joins me in requesting the three-week extension, as counsel of record.

6. In addition to the fact that my formal involvement in this matter begins with my appearance today, I also had a full docket and schedule this past week and could not have drafted the Petition for Review without additional time. This is particularly true because I lost over a week of time last month to an illness that briefly hospitalize me, making my calendar particularly bad recently. For all these reasons, a three-week extension of time, until December 28, 2016 is justified, supported by good cause, and fully warranted.

7. Signed in King County, Washington under penalties of perjury.

Dated: December 7, 2016,


Paul H. Beattie, WSBA No. 30277

Certificate of Service

I hereby certify that I caused the foregoing document to be filed with the Court by Facsimile (206.389.2613) and served upon the below named individual(s) by email and mail on this 7th day of December, 2016:

Email:

Counsel For Respondents W.G. Clark, et al.

Matt Adamson, Esq.
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801 2nd Avenue, Suite1000
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FAX: (206) 292-1995

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



Devon Warner

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