

FILED
SUPREME COURT
STATE OF WASHINGTON
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No. 95327-9

SUPREME COURT OF THE STATE OF WASHINGTON

In Re the Matter of the Marriage of

RALUCA VETRICI,

Respondent,

v.

GRIGORE VETRICI,

Petitioner.

**PETITIONER'S MOTION TO STRIKE "RESPONDENT'S
(COMBINED) ANSWER TO (1) APPELLANT'S SECOND
AMENDED MOTION TO EXTEND TIME AND (2) APPELLANT'S
AMENDED PETITION FOR REVIEW" OR PORTIONS THEREOF
AND DIRECTIONS FOR FILING THE REPLY**

**Grigore Vetrici, pro se
307, 935 Marine Drive
West Vancouver, BC V7T 1A7
(403) 702-5692**

MOVING PARTY

This motion to strike “Respondent's (COMBINED) Answer To (1) Appellant’s Second Amended Motion To Extend Time And (2) Appellant’s Amended Petition For Review” (“Combined Answer”) is brought by Petitioner Grigore Vetrici.

REQUESTED RELIEF

Petitioner respectfully requests that portions of the Combined Answer should be struck for non-conformance to RAP 10.3 or that the pleading be returned for correction and replacement under RAP 10.7. Petitioner further requests direction as to the filing date for a combined reply to the Combined Answer.

FACTS RELEVANT TO MOTION

Respondent Raluca Vetrici cites to “CP at 71-72, Canadian Order”. Combined Answer at 2-3. She further states as fact what “appears” to her in the petition for review. Combined Answer at 10-11.

A filing deadline of March 29, 2018 has been set for the reply to the answer to the motion to extend time. Court's letter of February 15, 2018.

GROUND FOR RELIEF

Under RAP 10.3(5), the statement of facts and procedure must be fair and without argument. But interpretation of fact is an issue of law and should be restricted to under the argument heading. See RAP 10.3(a)(6). See also *e.g., Port of Seattle v. PCHB90, 151 Wn.2d 568, P. 3d 659*

(2004). (A legal conclusion is the result which follows from examination and consideration of circumstances in a particular case and **interpretation** and application of legal principles to those **facts**). Thus while Raluca may choose to distort the arguments put forward by Grigore in his petition and hope that the court accept her interpretations, these arguments must be under the argument heading lest they prejudice the Court.

By stating that CP 71-72 references a Canadian order, Raluca is also making argument that should be struck from under the facts heading. Under RCW 5.24.050, foreign law is an issue for the court. CP 71-72 references the “Reasons for Judgment” of a foreign court. By that court's own reckoning in *First Majestic Silver Corp.*, “Reasons for Judgment” is not an order; the order of that court was entered long after the trial in the court below. See the Canadian order associated with that “Reasons for Judgment” in petitioner's second amended motion for extension of time. Grigore recognizes Raluca's entitlement to make any arguments within the bounds of reason but they must be under the argument heading.

RAP 13.4(d) requires that a reply to an answer to a petition for review be filed within 15 days after service of the answer. Respondent has chosen to combine her answer to the petition with the answer to the motion to extend time. The filing date for reply to the latter has already been set by the court. This same date should now apply for a combined reply. The court has not seen fit to order that the Combined Answer be separated into its

two component parts, and Grigore is not making such a request.

For the reasons stated above, Petitioner respectfully requests this Court grant the motion to strike, to allow correction and replacement if Respondent so chooses, and to confirm or provide the filing deadline for a combined reply.

Respectfully submitted this 12th day of March, 2018.

s/ Grigore Vetrici
Petitioner, Pro Se

DECLARATION

I, Grigore Vetrici, declare and say:

I am the petitioner in this matter.

The Court of Appeal for British Columbia has held that the title “Reasons for Judgment” does not amount to an order of the court. *First Majestic Silver Corp. v. Davila Santos*, 2015 BCCA 452 (CanLII) at ¶35, <<http://canlii.ca/t/gm91n>>.

/s/ Grigore Vetrici
Grigore Vetrici, Pro Se
307, 935 Marine Drive
West Vancouver, BC V7T 1A7

GRIGORE VETRICI - FILING PRO SE

March 12, 2018 - 12:09 PM

Transmittal Information

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Address:
307, 935 Marine Drive
West Vancouver, BC, V7T 1A7
Phone: (403) 702-5692

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