

FILED
SUPREME COURT
STATE OF WASHINGTON
1/8/2018 12:09 PM
BY SUSAN L. CARLSON
CLERK

Supreme Court No. _____

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

(Court of Appeals Case No. 75262-6-I)

21st Mortgage Corporation
Respondent/Appellee

v.

Duncan K. Robertson, et al,

Petitioner/Appellant

MOTION FOR EXTENSION OF TIME TO FILE PETITION
FOR DISCRETIONARY REVIEW

Duncan K. Robertson
Petitioner, appearing pro se
3520 SE Harold Court
Portland, OR 86292-4344
(503)775-9164
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I. IDENTITY OF MOVING PARTY

Duncan K. Robertson (“Robertson”), Petitioner/Appellant, respectfully requests the relief described in part II. Pursuant to RAP 13.4, 13.5(a) this Request is being filed in both the Washington Supreme Court and Washington Court of Appeals, Div. 1.

II. RELIEF SOUGHT

Pursuant to RAP 18.8(a) and based upon his current health status, Robertson requests 60 day extension of time to file petition for review before the Supreme Court of the State of Washington, from the present due date of January 10, 2018 to March 11, 2018. Order denying Motion to Reconsider was issued on December 12, 2017.

This motion is supported by the concurrently filed Declaration of Duncan K. Robertson and its Exhibit 1, Letter of Dr. Darren Young, which is incorporated by this reference.

III. PORTIONS OF THE RECORD RELEVANT TO MOTION

Robertson will be seeking relief from orders by the Appellate Court including, but not limited to, its December 12, 2017 denial of Robertson’s Motion to Reconsider its October 30, 2017 Amended Opinion in this case, and partial relief from that Opinion.

IV. GROUNDS FOR RELIEF

RAP 13.4(a) requires a party seeking review by the Supreme Court of a Court of Appeals decision, to file a petition for review within 30 days after the decision is filed, or after the date of a denial of reconsideration of such decision. *Id.* However, RAP 18.8(b) allows the Court to alter these

provisions, and under extraordinary circumstance enlarge this time in order to serve the ends of justice. *Id.* Based on these rules and the circumstances here, Petitioner/Appellant Robertson asks this Court to grant a sixty day extension for filing his Petition for Discretionary Review with the Supreme Court, whereas his present state of health makes it physically prohibitive to do so at the present, and to allow time for healing and its proper preparation.

Robertson has suffered severe deterioration of his health and finances through being forced to litigate the same *in rem/res* issues in multiple court systems simultaneously. The December 12, 2017 Appellate Court's denial of his Motion to Reconsider its October 30, 2017 Amended Opinion in this case, set the deadline for a Petition for Discretionary Review to the Supreme Court at January 10, 2018. However, Robertson was already faced with a January 3, 2018 deadline in which to file a Petition for Writ of Certiorari to the U.S. Supreme Court in his concurrent federal action. That deadline was met; however with serious consequences to Mr. Robertson's health. Along the way he has suffered what his physician has potentially identified as two "TIA's" (mini strokes) and multiple infections on his right leg, requiring its elevation, and virtually precluding any typing activity until healed. These conditions and a review of Mr. Robertson's emergency room procedures are reviewed in a letter from Dr. Darren Young, MD, Robertson's personal physician, together with the doctor's recommendation that maximum extension of

time to file be granted in the interests of his health. *See* Robertson Declaration and its Exhibit 1.

The Appellate Court's Amended Opinion of October 30, 2017 reversed and remanded portions of this case to King County Superior Court, finding Robertson had furnished substantial evidence that the subject promissory Note together with allonges (which did not appear in the case until a year after it was filed) are forgeries. Thus, the granting of extension of time here will not prejudice any parties, because this case cannot be ultimately decided in any event until this issue is addressed.

V. CONCLUSION

For these reasons and it is respectfully requested Robertson be granted a 60 day extension of time to file Petition for Discretionary Review with the Supreme Court.

Respectfully submitted this 8th Day of January, 2018 by -

s/ Duncan K. Robertson
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CERTIFICATE OF SERVICE

I, Duncan K. Robertson certify under penalty of perjury that the following is true and correct:

1. At all times hereinafter mentioned I am a citizen of the United States of America, a resident of the State of Oregon, over the age of eighteen years, a party to the above-entitled action, and competent to be a witness therein.

2. That on the 8th day of January, 2018, I filed via Electronic Filing with the Washington State Court of Appeals and Washington Supreme Court the above MOTION FOR EXTENSION OF TIME TO FILE PETITION in the Washington Supreme Court, and Declaration of Duncan K. Robertson, and its Exhibit 1, and caused these items to be served via email to the following persons:

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DATED this 8th day of January, 2018, at Portland, Oregon.

BY:

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DUNCAN ROBERTSON - FILING PRO SE

January 08, 2018 - 12:09 PM

Filing Motion for Discretionary Review of Court of Appeals

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: Case Initiation
Appellate Court Case Title: 21st Mortgage Corp., Respondent v. Linda C. Nicholls; Duncan K. Robertson, Appellant (752626)

The following documents have been uploaded:

- DCA_Motion_Discretionary_Rvw_of_COA_Plus_20180108120745SC237415_5487.pdf

This File Contains:

Motion for Discretionary Review of Court of Appeals

Motion 1 - Extend Time to File

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Comments:

Being filed concurrently with Appellate Court Declaration of Duncan K. Robertson being filed concurrently

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