

FILED
SUPREME COURT
STATE OF WASHINGTON
9/14/2018 1:26 PM
BY SUSAN L. CARLSON
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NO. 96139-5

SUPREME COURT OF THE STATE OF WASHINGTON

KEVIN ERICKSON, as Personal Representative of the Estate of Ryan
Erickson,
Petitioner,

v.

AMERICA'S WHOLESALE LENDER, a New York corporation,
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC., an
inactive Washington corporation,

and

U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE FOR GSAA
HOME EQUITY TRUST 2006-1, QUALITY LOAN SERVICE CORP.
OF WASHINGTON,
Respondent.

RESPONDENT'S ANSWER TO MOTION FOR EXTENSION OF TIME
TO FILE AN AMENDED PETITION FOR REVIEW

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I. ANSWER

This Court should deny Petitioner Kevin Erickson's motion for extension of time to file an amended petition for review,¹ for the following reasons.

First, an amended petition in this matter would be fruitless and would not assist the Court in reaching the correct decision. As explained in detail in US Bank's Answer to Petition for Review, this case presents a straightforward application of established Washington law, and does not merit review by this Court. Erickson's present motion does not point to any deficiency in the existing briefing or otherwise show that further briefing would shed additional light on the merits of this case. Although Erickson's motion states that he "lost confidence" in his counsel, he does not identify any issue that was purportedly incorrectly argued in the Petition for Review, or any issue that purportedly should have been raised but was not. Nor does Erickson identify any specific objection to his former counsel's approach to the case or to the existing briefing, either in this Court or in the Court of Appeals. Erickson's motion also does not identify any prospective counsel who may enter an appearance in Erickson's former counsel's place.

¹ Erickson styled his motion "Motion for Extension of Time to File an Amended Brief." By letter dated September 5, 2018, the Deputy Clerk of this Court ruled that Erickson's motion would be treated as a motion for extension of time to file an amended petition for review.

Allowing additional briefing in this matter would accordingly only serve to delay the proper resolution of this case.

Second, Erickson's motion similarly presents no reason to depart from the usual rule that a party to litigation is bound by the actions of the party's counsel. Here, US Bank timely and properly answered the Petition for Review, properly relying on Erickson's former counsel's authority to file the Petition for Review on behalf of his client. *See Heller v. Wallis*, 89 Wn. 2d 539, 548, 573 P. 2d 1302, 1308 (1978) ("once a party has designated an attorney to represent him in regard to a particular matter, the court and the other parties to an action are entitled to rely upon that authority until the client's decision to terminate it has been brought to their attention . . .").

Third, Erickson's motion now contends that Erickson did not hear from his former counsel since 2016, but provides no justification for waiting until 2018 to seek new counsel. If Erickson had doubts about his choice of counsel or any alleged lack of communication, there was ample time to address the issue during the nearly three years this case has been pending in the trial and appellate courts.

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II. CONCLUSION

For these reasons, further briefing in this matter would be unhelpful and unwarranted. This Court should deny Erickson's motion for extension of time to file an amended petition for review.

Respectfully submitted this 14th day of September, 2018.

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CERTIFICATE OF SERVICE

I hereby certify that on the date stated below, I caused to be served a true and correct copy of the foregoing document on the below-listed attorney(s) of record by the method(s) noted:

- E-mail and first-class United States mail, postage prepaid, to the following:

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DATED this 14th day of September, 2018.

s/ Garrett S. Garfield

Garrett S. Garfield

HOLLAND AND KNIGHT LLP

September 14, 2018 - 1:26 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 96139-5
Appellate Court Case Title: Kevin Erickson v. America's Wholesale Lender, et al.
Superior Court Case Number: 15-2-12744-1

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