

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
8/15/2019 8:00 AM  
BY SUSAN L. CARLSON  
CLERK

Supreme Ct. No. 97433-1  
Ct. of Appeal No. 78121-9-I

**SUPREME COURT OF THE STATE OF  
OF THE STATE OF WASHINGTON**

In re the Estate of:  
  
SASSAN SANAI, MD  
  
Deceased.

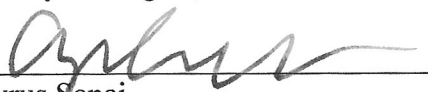
OPPOSITION TO MOTION TO  
DISMISS AND MOTION FOR  
EXTENSION OF TIME TO FILE  
PETITION FOR REVIEW

---

TO: The Clerk of the Supreme Court and Astrid Sanai

Petitioner Cyrus Sanai ("Petitioner") hereby moves this Court for an order for extension of time to file a petition for review 3.5 hours (or one court day) after the deadline, which was due to internet service interruption by Spectrum, and accept the check delivered, and to deny the motion to dismiss of the Clerk.

DATED this 15th day of August, 2019.

  
Cyrus Sanai  
433 North Camden Drive #600  
Beverly Hills, CA 90210

## **MOTION**

### **I. IDENTITY OF PARTY**

I, Cyrus Sanai, Petitioner hereby request the relief set forth in Part II.

### **II. RELIEF REQUESTED**

I request an order granting a 3.5 hour (or one court day) extension of time to file the instant Petition for Review, and to deny the Clerk's motion to dismiss.

### **III. ISSUES PRESENTED**

1. Should this Court extend the time to file a petition for review by 3.5 hours (or one Court day) under RAP 18.8 due to independently documented service interruptions by Spectrum, the Internet service provider of Petitioner?
2. Should this Court deny the motion to dismiss the petition for review?

### **IV. FACTS**

Two days before filing the instant petition for review, Petitioner called the Court of Appeal clerk's office to determine if he could file the petition electronically. He was told that he could. He asked how he could pay the fee, and was told to contact the Supreme Court clerk. Sanai Decl. ¶2.

The day he filed the petition he called the clerk of the Supreme Court I was told he could mail the check. He did so the following day; however, he misread the Court's website and made the check for \$250.00. Sanai Decl. ¶3.

The petition for review was filed three hours late. The reason for this delay was that the Internet Service Provider, Spectrum, had an interruptions of service on July 15, 2019. Sanai Decl. ¶3. This service interruption was independently logged at the outage report tracking website, outage.report. A printout of the outage reports for July 15, 2019 is attached hereto as Exhibit B.

Petitioner regularly followed up with the Court clerk by telephone. It took

more than a week for the check to arrive. Petitioner was told to wait to see if the check would arrive, and though he asked each time he called on July 24, 2019, July 26, 2019, July 23, 2019, he was told he did not need to file any kind of motion. By July 29, 2019, he had concluded that the check was lost and he prepared a new check. On July 30, 2019, as he was headed to the post office to send the new check, he was called by the clerk's office and told that the check had arrived, but that he had put the wrong amount. He asked if it could be deposited and a refund issued, but was told that I had to send a new check. Sanai Decl. ¶4.

Petitioner sent the check in the correct amount on July 31, 2019 by priority express; the tracking number was EE 412 817 680 US. A copy of the tracking information, which this Court can enter on its own on the US Post Office website at [https://tools.usps.com/go/TrackConfirmAction\\_input](https://tools.usps.com/go/TrackConfirmAction_input) is attached hereto as Exhibit A. As the Court can see, the envelope was supposed to arrive on August 1, 2019, but the Post Office did not deliver it until August 5, 2019. Sanai Decl. ¶5.

Petitioner sent the check in a timely fashion TWICE, and the Post Office failed to deliver it, even when sent by tracked overnight mail. These delays were not Petitioner's fault; though he put the wrong amount on the first check, he was perfectly happy for the check to be deposited, but the Court could not do it. Sanai Decl. ¶6.

Petitioner was not told that he had to file any motion during his calls. Nonetheless, it appears that the Court did email Petitioner a notice to file a motion for an extension on July 29, 2019. He did not receive that email. He asked on August 12, 2019 to see a confirmation that it was sent, and the Clerk forwarded him a .pdf printout of an correctly addressed to his email address. Sanai Decl. ¶7. On August 13, 2019 this Court granted a motion to provide a copy of the sent email showing the header data. Petitioner has followed up with Godaddy (which hosts the sanaislaw.com domain) and Spectrum (which is the internet service

provider and secondary email host) to find out what happened. It is almost certain that Spectrum is the culprit.

#### **IV. ARGUMENT**

Under the facts of this case, dismissal is not proper. The delay in filing was due to Spectrum's unreliable Internet service, the degradation of which is logged at <https://outage.report/us/spectrum>; a printout of that page showing interruption in service for Spectrum on July 15, 2019 is attached hereto as Exhibit B. As the Court will see, there were nationwide interruptions, including in Southern California, beginning 3:00 pm to 10:30 pm EDT (noon to 7:30 PDT) on July 15, 2019. In general, from June onwards, there has been substantial degradation of Spectrum's service.

As for the check, Petitioner, diligently following the oral instructions of the Court clerks. He actually sent a check, and when informed of the incorrect amount, sent it again. In both cases the Post Office failed to timely deliver the check, the second time violating its own overnight mail guarantee. *See* Exhibit A.

Internet service interruption qualifies as "an extraordinary circumstances". The independently recorded interruption for Spectrum, including Southern California, span the time in question. The delay in filing was literally 3.6 hours. Because service was by mail, there was no prejudice to the other side. In addition, this appeal concerns a fundamental due process problem with Washington State's probate system, so it would be a gross injustice to dismiss the petition.

**V. CONCLUSION**

The saga of filing this opinion has been an illustration that filing and service of documents and checks is fraught with hazards. The Post Office failed to timely deliver checks to this Court, even when utilizing guaranteed overnight delivery; Petitioner's Internet service provider went down the afternoon he needed to file the petition. These are extraordinary circumstances that merit an extension of time, as they were outside Petitioner's control and it would be a gross injustice to dismiss an appeal due to the failure of an internet service provider to furnish reliable service in a case that presents serious questions of due process.

Dated this 15th Day of August, 2019

  
\_\_\_\_\_  
Cyrus Sanai

## **DECLARATION**

1. I am a California attorney and an English solicitor, though non-practicing. I am very familiar with the procedural law and practice in Washington State Courts. I have an active legal practice.

2. Two days before-filing my petition for review, I called the Court of Appeal clerk's office to determine if I could file the petition electronically. I was told that I could. I asked how I could pay the fee, and was told to contact the Supreme Court clerk.

3. I timely prepared a petition for review, but I was not able to file it by 5:00 pm as my Internet service provider, Spectrum, had interruptions for July 15, 2019 through approximately 8:30 pm on July 15, 2019. Spectrum, which took over my Internet service from Time Warner Cable, has been imposing serious degradation in the previously reliable service I had been receiving. The day I filed the petition I called the clerk of the Supreme Court I was told I could mail the check. I did so the following day; however, I misread the Court's website and made the check for \$250.00.

4. The regularly followed up with the Court clerk by telephone. It took more than a week for the check to arrive. I was told to wait to see if the check would arrive, and though I asked each time I called on July 24, 2019, July 26, 2019, July 23, 2019, I was told I did not need to file any kind of motion. By July 29, 2019, I had concluded that the check was lost and I prepared a new check. On July 30, 2019, as I was headed to the post office to send the new check, I was called by the clerk's office and told that the check had arrived, but that I had put the wrong amount. I asked if it could be deposited and a refund issued, but was told that I had to send a new check.

5. I sent the check in the correct amount on July 31, 2019 by priority express;

the tracking number was EE 412 817 680 US. A copy of the tracking information, which this Court can enter on its own on the US Post Office website at [https://tools.usps.com/go/TrackConfirmAction\\_input](https://tools.usps.com/go/TrackConfirmAction_input) is attached hereto as Exhibit A. As the Court can see, the envelope was supposed to arrive on August 1, 2019, but the Post Office did not deliver it until August 5, 2019.

6. I sent the check in a timely fashion TWICE, and the Post Office failed to deliver it, even when sent overnight. These delays were not my fault; though I put the wrong amount on the check, I was perfectly happy for the check to be deposited, but the Court could not do it.

7. I was not told that I had to file any motion. Nonetheless, it appears that the Clerk did take the proper actions to email me a notice instructing me to file a motion for an extension on July 29, 2019 by August 5, 2019. I did not receive that email. On August 12, 2019, I asked to see a confirmation that it was sent, and a clerk forwarded me a .pdf printout of an email appearing to show email service of order instructing me to file a motion for extension. On motion I subsequently received a message showing that the email notice was sent.

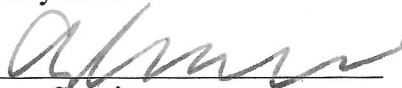
8. Based on my investigation so far, it seems quite clear that Spectrum is again the culprit.

9. Attached hereto as Exhibit B is a printout of the Internet service interruptions for Spectrum logged at <https://outage.report/us/spectrum> for the date July 15, 2019. This website is a service that logs internet service outage reports. These show widespread national outages on the date of filing July 15, 2019, including Southern California (North Hollywood is referenced), for the time period of 3:00 pm to 10:30 pm EDT, which is noon to 7:30 pm PDT. The service logs outage reports, not reports of restoration of service, but once outage reports drop it means that service is being restored. As the Court will see from the chart on the left hand side, Spectrum's service has been getting worse since June of this

year. I have begun exploring possible alternative for Internet service, but the changeover carries with it the loss of email addresses that will in turn result in interruption of services.

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

Executed this 15th Day of August 2019 in Beverly Hills CA

  
\_\_\_\_\_  
Cyrus Sanai



# **EXHIBIT A**

# USPS Tracking®

FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

## Track Another Package +

Tracking Number: EE412817680US

Remove X

Scheduled Delivery by

**THURSDAY**

**1** AUGUST  
2019 ⓘ

by  
**3:00pm** ⓘ

 **Delivered**

August 5, 2019 at 7:10 am  
Delivered  
OLYMPIA, WA 98504

Get Updates ▼

---

**Text & Email Updates**



---

**Proof of Delivery**



---

**Tracking History**



**August 5, 2019, 7:10 am**  
Delivered  
OLYMPIA, WA 98504

Your item was delivered at 7:10 am on August 5, 2019 in OLYMPIA, WA 98504 to CMS WA ST MAIL. The item was signed for by T MARTIN.

---

**August 3, 2019, 3:03 pm**

Delivery Attempted - No Access to Delivery Location  
98504

---

**August 3, 2019, 11:19 am**

Delivery Attempted - No Access to Delivery Location  
98504

---

**August 3, 2019, 11:17 am**

Arrived at Post Office  
OLYMPIA, WA 98501

---

**August 3, 2019, 7:41 am**

Arrived at USPS Regional Destination Facility  
SEATTLE WA DISTRIBUTION CENTER

---

**August 1, 2019, 8:05 pm**

Departed USPS Regional Origin Facility  
LOS ANGELES CA INTERNATIONAL DISTRIBUTION CENTER

---

**July 31, 2019, 6:41 pm**

Departed Post Office  
SANTA MONICA, CA 90403

---

**July 31, 2019, 2:01 pm**

USPS in possession of item  
SANTA MONICA, CA 90403

---

**July 31, 2019**

USPS expects item for mailing (SSK)  
SANTA MONICA, CA 90403

---

---

**July 31, 2019, 1:42 pm**

Arrived at USPS Regional Origin Facility  
LOS ANGELES CA INTERNATIONAL DISTRIBUTION CENTER

---

**July 31, 2019, 1:42 pm**

Inbound Out of Customs

---

---

**Product Information**



---

**See Less** ^

## Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

**FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)**

Feedback

## The easiest tracking number is the one you don't have to know.

With Informed Delivery<sup>®</sup>, you never have to type in another tracking number. Sign up to:

- See images\* of incoming mail.
- Automatically track the packages you're expecting.
- Set up email and text alerts so you don't need to enter tracking numbers.
- Enter USPS Delivery Instructions<sup>™</sup> for your mail carrier.

### Sign Up

[https://reg.usps.com/entreg/RegistrationAction\\_input?](https://reg.usps.com/entreg/RegistrationAction_input?app=UspsTools&appURL=https%3A%2F%2Ftools.usps.com%2Fgo%2FTrackConfir)

\*NOTE: Black and white (grayscale)

images show the outside, front of

letter-sized envelopes and mailpieces

that are processed through USPS

automated equipment.

# **EXHIBIT B**

# OUTAGE.REPORT

(HTTPS://OUTAGE.REPORT)

# COMPANIES

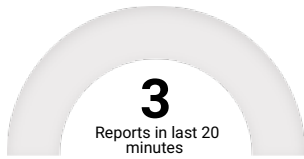
(HTTPS://OUTAGE.REPORT/COMPANIES)



Home (https://outage.report) » United States (https://outage.report/us) » Spectrum » Outage Map (https://outage.report/us/spectrum/map)

## Is Spectrum Having an Outage Right Now?

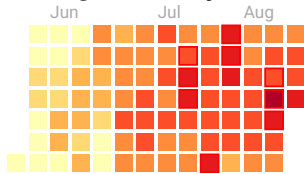
Spectrum (former Charter Spectrum) is a brand under which Charter Communication offers their telecommunication services. It offers cable television, fiber Internet and telephone. It is the second largest cable operator in the U.S. serving over 26 million customers in 41 states.



Not Working For Me!

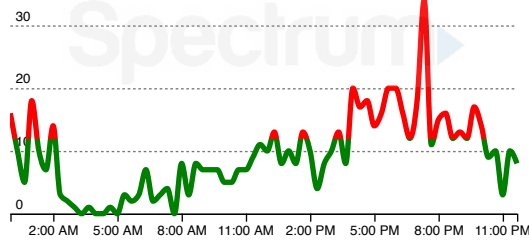
- Internet down - 81%
- Everything is down - 12%
- TV channels not working - 3%
- Internet speed issues - 2%
- Landline problems - 2%

### Outage History



Showing Details for July 15, 2019 [Back](#)

### Reports Dynamics EDT (GMT -04:00)



Received 779 reports, originating from Charlotte (https://outage.report/us/spectrum/charlotte-mecklenburg-county-north-carolina-united-states-4460243), Chicago (https://outage.report/us/spectrum/chicago-cook-county-illinois-united-states-4887398), Taylor (https://outage.report/us/spectrum/taylor-wayne-county-michigan-united-states-5011908), Miami (https://outage.report/us/spectrum/miami-miami-dade-county-florida-united-states-4164138), North Hollywood (https://outage.report/us/spectrum/north-hollywood-los-angeles-county-california-united-states-5377654) and 205 more cities

### Spectrum Outage Map

© MapTiler (https://www.maptiler.com/copyright/) ©  
 OpenStreetMap contributors  
 (https://www.openstreetmap.org/copyright)

### Discussion

Please **don't call "support numbers"** posted below – most probably it's a scam. Make sure to report and "downvote" such posts. Also don't post any of your personal information.

Comments [Community](#) [Login](#)

[Recommend](#) 271 [Tweet](#) [Share](#) [Sort by Newest](#)

### Having problems? Complain here:

- [https://twitter.com/Ask\\_Spectrum](https://twitter.com/Ask_Spectrum) (https://twitter...)
- <https://www.facebook.com/Spectrum/> (https://ww...)
- <https://www.spectrum.net/support/> (https://www.s...)

### Twitter Reaction

- David Sterling** @maturefinancier (http... an hour ago  
apparently we all sit somewhere on the autism spectrum - swinson is well past the centre
- jc** @joanie\_ues (https://twitter.com/jo... 2 hours ago  
So, I'm not getting @FoxNews (https://twitter.com/FoxNews) on my #spectrum (https://twitter.com/hashtag/spectrum) cable. Anyone else experiencing a problem???
- jc** @joanie\_ues (https://twitter.com/jo... 2 hours ago  
@Ask\_Spectrum (https://twitter.com/Ask\_Spectrum) hey, all my channels are working EXCEPT for @FoxNews (https://twitter.com/FoxNews)! I've rebooted twice. nothing! Can you fix??? @FoxFriendsFirst (https://twitter.com/FoxFriendsFirst)
- Digital** @Emyst (https://twitter.com/E... 3 hours ago  
@Ask\_Spectrum (https://twitter.com/Ask\_Spectrum) down again...
- Josh Cash** @Wadevz (https://twitter.c... 3 hours ago  
@Ask\_Spectrum (https://twitter.com/Ask\_Spectrum) internet down in Reno, NV?
- brvnn** @arimoonbabie (https://... 4 hours ago

**Outage.Report**  
2,523 likes

[Like Page](#) [Send Message](#)

Be the first of your friends to like this

### Most Common Report Sources by City

- Chicago, IL (https://outage.report/us/spectrum/chicago-cook-county-illinois-united-states-4887398)
- Woodstock, GA (https://outage.report/us/spectrum/woodstock-chokeee-county-georgia-united-states-4231874)
- Charlotte, NC (https://outage.report/us/spectrum/charlotte-mecklenburg-county-north-carolina-united-states-4460243)
- Taylor, MI (https://outage.report/us/spectrum/taylor-wayne-county-michigan-united-states-5011908)
- Dallas, TX (https://outage.report/us/spectrum/dallas-dallas-county-texas-united-states-4684888)
- Los Angeles, CA (https://outage.report/us/spectrum/los-angeles-los-angeles-county-california-united-states-5377654)



2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**SUPREME COURT OF THE STATE OF WASHINGTON**

ESTATE OF

Case No. 97433-1

SASSAN SANAI, MD

CERTIFICATE OF SERVICE


CYRUS SANAI hereby declares as follows:

1. I am over 18 years of age and a resident of California.
2. On August 15, 2019 I served a OPPOSITION TO MOTION TO DISMISS AND MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR REVIEW by mailing copies thereof inserted in envelopes addressed respectively to:

Astrid Sanai, 152 E. 84th Street, Apr. 5G, New York NY 10028

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

Signed at Santa Monica, CA, on August 15, 2019.

  
CYRUS SANAI

**CYRUS SANAI - FILING PRO SE**

**August 15, 2019 - 6:49 AM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 97433-1  
**Appellate Court Case Title:** In the Matter of the Estate of Sassan Sanai, M.D.  
**Superior Court Case Number:** 17-4-00826-1

**The following documents have been uploaded:**

- 974331\_Cert\_of\_Service\_20190815064444SC800147\_5997.pdf  
This File Contains:  
Certificate of Service  
*The Original File Name was extension motion POS.pdf*
- 974331\_Motion\_20190815064444SC800147\_3278.pdf  
This File Contains:  
Motion 1 - Extend Time to File  
*The Original File Name was extension motion 4.pdf*

**Comments:**

Combined Motion for Extension to File and Opposition to Motion to Dismiss

---

Sender Name: Cyrus Sanai - Email: cyrus@sanaislaw.com  
Address:  
433 North Camden Drive  
#600  
Beverly Hills, CA, 90403  
Phone: (310) 717-9840

**Note: The Filing Id is 20190815064444SC800147**

**CYRUS SANAI - FILING PRO SE**

**August 15, 2019 - 6:50 AM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 97433-1  
**Appellate Court Case Title:** In the Matter of the Estate of Sassan Sanai, M.D.  
**Superior Court Case Number:** 17-4-00826-1

**The following documents have been uploaded:**

- 974331\_Cert\_of\_Service\_20190815064444SC800147\_6875.pdf  
This File Contains:  
Certificate of Service  
*The Original File Name was extension motion POS.pdf*
- 974331\_Motion\_20190815064444SC800147\_4508.pdf  
This File Contains:  
Motion 1 - Extend Time to File  
*The Original File Name was extension motion 4.pdf*

**Comments:**

Combined Motion for Extension to File and Opposition to Motion to Dismiss

---

Sender Name: Cyrus Sanai - Email: cyrus@sanaislaw.com  
Address:  
433 North Camden Drive  
#600  
Beverly Hills, CA, 90403  
Phone: (310) 717-9840

**Note: The Filing Id is 20190815064444SC800147**