

FILED
SUPREME COURT
STATE OF WASHINGTON
3/8/2023 11:35 AM
BY ERIN L. LENNON
CLERK

No. 101675-1

SUPREME COURT
OF THE STATE OF WASHINGTON

OLASEBIKAN AKINMULERO,

Petitioner,

v.

ALLIED RESIDENTIAL-CARRIAGE HOUSE,

Respondent.

RESPONSE TO PETITION FOR ORAL ARGUMENT

By:

HARBOR APPEALS AND LAW, PLLC
Drew Mazzeo, WSBA No. 46506
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Phone: (360) 539-7156
Fax: (360) 539-7205

Attorney for Respondent

1. IDENTITY OF PARTY

Allied Residential-Carriage House (“Respondent”) is the Respondent to this Petition for Oral Argument filed by Olasebikan Akinmulero (“Petitioner”).

2. STATEMENT OF RELIEF SOUGHT

Deny Petitioner’s Petition for Oral Argument.

3. FACTS

3.1. Petitioner has filed instant Petition for Oral Argument, regarding his Petition for Review to the Supreme Court, citing RAP 17.5(a). He argues that “The Clerk has the authority and discretionary authority to allow Oral Argument on this matter.”

3.2. Petitioner claims oral argument is justified because Division One’s decision “infringe[d] on [his] Human and due process rights. . . .” He also stated that “more importantly” Division One’s decision was a “constitutional violation of civil rights Act of 1964. . . .”

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4. GROUNDS JUSTIFYING RELIEF AND ARGUMENT

4.1. Petitions for Review are Decided Without Oral Argument.

Pursuant to RAP 13.4(i), “The Supreme Court will decide . . . petition[s for review] without oral argument.” Under RAP 17.5(a), if a General Order allows oral argument regarding a motion a commissioner or clerk may hear it.

Here, rules on appeal explicitly prohibit oral argument regarding petition for review to the supreme court. RAP 13.4(i); *see also* RAP 17.5(b). Petitioner’s argument that RAP 17.5(a) allows a commissioner to set oral argument regarding a petition for review has not merit and is frivolous; petitions for review are not “decided by a commissioner or the clerk” and not general orders allow oral argument for petitions for review. Moreover, the reasons he sets forth for argument are utterly unrelated to RAP 13.4(b) governing reasons to grant petitions for review even some authority allowed the relief he seeks.

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4.2. Petitioner’s Motion is Frivolous, an Explicit Failure to Comply with RAP 13.4(i), and Sanctionable.

“The appellate court . . . may order a party . . . who . . . fails to comply with these rules to pay terms or compensatory damages to any other party who has been harmed by . . . the failure to comply. . . .” RAP 18.9(a). “[P]ro se litigants are bound by the same rules of procedure and substantive law as attorneys.” *Westberg v. All-Purpose Structures*, 86 Wash.App. 405, 411, 936 P.2d 1175 (1997) (citing *Patterson v. Superintendent of Public Instruction*, 76 Wash.App. 666, 671, 887 P.2d 411 (1994), *review denied*, 126 Wash.2d 1018, 894 P.2d 564 (1995)).

Here, there is no basis whatsoever to grant Petitioner’s motion. Worse, rules of appeal are explicitly contrary to the relief requested. RAP 13.4(i); *see also* RAP 17.5(b). An attorney filing such a frivolous petition blatantly contrary to rules on appeal would surely be sanctioned and so should Petitioner. *See Westberg*, 86 Wash.App. at 411. Respondent respectfully requests one hour and a half of time at \$300.00 per hour, \$450.00,

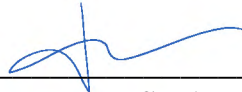
for having to respond to this Petition.

5. CONCLUSION

Respondent respectfully requests this Petition be denied and that Petitioner be sanctioned as argued above.

Respectfully submitted this 8th day of March, 2023.

HARBOR APPEALS AND LAW, PLLC



Drew Mazzeo WSBA No. 46506
Attorney for Respondent

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT, TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENT

This document contains 480 words and is compliant with type-volume, typeface and type-style requirements, being 14-point, Times New Roman font, and less than the maximum allowable total words, excluding the parts of the document exempted from the word count by RAP 18.17.

HARBOR APPEALS AND LAW,
PLLC



Drew Mazzeo WSBA No. 46506
Attorney for Respondent

HARBOR APPEALS AND LAW, PLLC

March 08, 2023 - 11:35 AM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 101,675-1
Appellate Court Case Title: Olasebikan Akinmulero v. Allied Residential - Carriage House

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DECLARATION OF DREW MAZZEO RE: ATTORNEY
FEES AND COSTS

By:

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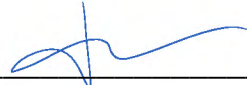
I, Drew Mazzeo, am over the age of 18 and competent and an attorney for Respondent. I make the following Declaration based on my own personal knowledge:

1. I am licensed to practice law in all courts in Washington State, federal and state, as well as the United States Supreme Court. I have handled appeals for about a decade, practiced at three law firms, own my own practice now, was a constitutional law clerk for the Goldwater Institute, graduated law school cum laude on law review, served three judicial chambers federal and state trial and appellate, and have worked under and with seasoned appellate and litigation attorneys in this state, including those who have clerked for this and other courts of appeal, owned their own practices for decades, and/or worked for the attorney generals office. Based on other attorneys in this state and county with similar experience, my hourly rate of \$300.00 in this case is reasonable.

2. I spent one hour and a half responding to Petitioner's Petition for Oral Argument at \$300.00 per hour, or

\$450.00, and such time is reasonable given the arguments made.

Respectfully submitted this 8th day of March, 2023,




Drew Mazzeo
WSBA No. 46506
Attorney for Respondent

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME
LIMIT, TYPEFACE REQUIREMENTS, AND TYPE-STYLE
REQUIREMENT**

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**HARBOR APPEALS AND LAW,
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Drew Mazzeo WSBA No. 46506
Attorney for Respondent

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