

FILED
SUPREME COURT
STATE OF WASHINGTON
6/9/2023 11:18 AM
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No. 101924-6

SUPREME COURT
OF THE STATE OF WASHINGTON

TONY VARNEY and GERALYN VARNEY

Petitioners,

V.

CITY OF TACOMA,

Respondents.

PETITIONERS' REPLY TO CLERK'S MOTION TO
STRIKE REPLY

[Treated as Motion to Strike Answer to Petition for Review](#)

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I. ANSWER

Pursuant to RAP 13.5, the Petitioners (“Varneys”), filed a motion for discretionary review of the Appellate Court’s February 14, 2023 written opinion. The Supreme Court requested that the City file an answer. The City filed an answer. The Varneys filed a reply to the City’s answer.

The Varneys’ motion for discretionary review was brought pursuant to RAP 13.5, but the “Issue for Review” in the City’s answer revolved around the factors in RAP 13.4(b). The City’s “Issue for Review” pertained to the wrong RAP.

Because the City’s answer focused on the wrong RAP (i.e. RAP 13.4(b)), instead of the correct RAP (i.e. RAP 13.5), the Court should strike the City’s answer.

II. CONCLUSION

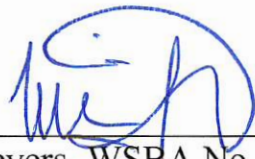
The City focused on the wrong RAP, and its answer should therefore be stricken.

Word certification – pursuant to RAP 18.17 this Reply contains 129 words, exclusive of words contained

in the title sheet, table of contents, table of authorities,
certificate of compliance, certificate of service, signature
blocks and pectoral images – if any.

Dated this 9 day of June, 2023.

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