

FILED
SUPREME COURT
STATE OF WASHINGTON
11/14/2023 2:49 PM
BY ERIN L. LENNON
CLERK

No. 102323-5

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

KEITH WELCH,

Appellant,

v.

CHRIS WALDEN

Respondent.

**RESPONDENT'S RESPONSE TO
APPELLANT'S MOTION FOR
EXTENSION OF TIME TO FILE PETITION FOR REVIEW**

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Attorney for Respondent
Chris Walden

MOVING PARTY

The Respondent, Chris Walden, by and through his attorney, Gregory L. Gilday and the Law Office of Cole & Gilday, PC.

STATEMENT OF RELIEF SOUGHT

1. Denial of Appellant's Motion for Extension of Time to File Petition for Review.

FACTS

Delay has been the Appellant's approach since the beginning of this process. A Summary Judgment was granted in the underlying case on November 12, 2021, and Appellant filed his appeal to the Court of Appeals on December 2, 2021. Since that time, he has been granted extension after extension for filing the Statement of Arrangements, the Designation of Clerk's Paper, the Verbatim Report of proceedings, Appellant's Brief, and Appellant's Reply Brief.

The Court of Appeals issued its opinion on July 31, 2023, and Appellant appealed to the Supreme Court, where he promptly again asking for more time.

ARGUMENT

In this case, as well as the second appeal stemming from the same underlying case (the other being Div. 1 Case No. 83114-3 and now Supreme Court Case No. 102322-7), the Appellant has continually shown disregard for the timelines set out in the RAP. There has been a clear pattern shown of an intent to delay until the Court indicates no further delay will be tolerated, then the delay starts again on the next step.

Appellant had ample opportunity to draft and submit his Petition for Review, and his continued delay tactics show he is not operating in good faith.

This appeal has been in progress for over two years, and during that time, the Respondent has assumed the burden of the

carrying costs of the underlying real property without being able to collect rent or sell the property. This prejudice is significant.

CONCLUSION

Appellant's Motion To Extend Time to File Petition for Review should be DENIED.

Respectfully Submitted



Gregory L. Gilday, WSBA#36608
Attorney for Chris Walden

DECLARATION OF SERVICE

I, Gregory L. Gilday, declare under penalty of perjury of the laws of the State of Washington, and on this day, I caused a copy of this Response to Motion for Extension of Time to File Petition for Review to be served to this Court electronically via the Appellate Courts Portal, and the parties listed below via electronic mail and regular 1st class mail, postage pre-paid.

Keith Welch
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Signed in Stanwood, Washington this 14th day of November 2023.



Gregory L. Gilday

LAW OFFICE OF COLE & GILDAY, PC

November 14, 2023 - 2:49 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 102,323-5
Appellate Court Case Title: Keith Welch v. Chris Walden
Superior Court Case Number: 21-2-00112-1

The following documents have been uploaded:

- 1023235_Answer_Reply_20231114144650SC852595_5535.pdf
This File Contains:
Answer/Reply - Answer to Motion
The Original File Name was Respondents Respose to Motion to Extend Time.pdf
- 1023235_Briefs_20231114144650SC852595_9962.pdf
This File Contains:
Briefs - Respondents Reply
The Original File Name was Respondents Answer to Petition.pdf

A copy of the uploaded files will be sent to:

- david@fairhavenlegal.com
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