

FILED
SUPREME COURT
STATE OF WASHINGTON
3/11/2024 10:17 AM
BY ERIN L. LENNON
CLERK

No. 102743-5

SUPREME COURT
STATE OF WASHINGTON

IN RE BLAKELY FARMS TRUST, et al.,

Respondent,

vs.

RALPH H. BLAKELY, JR.,

Appellant.

TRUSTEE'S ANSWER TO APPELLANT'S "MOTION TO
MODIFY" and "MOTION FOR ORDER
WRIT OF PROHIBITION"

BEVERLY L. ANDERSON, WSBA #14593
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Attorneys for Respondent

1. Introduction.

The nature of Appellant's various filings are unclear, but raise no basis for this Court's discretionary review of the Commissioner's Order of December 5, 2023, dismissing his appeal for failure to properly file the required Statement of Arrangements and Designation of Clerk's Papers. The Trustee here briefly responds so that this Court knows no other substantive response will be filed by the Trustee.

2. Statement of the Case.

On January 28, 2022, Mr. Blakely filed a Notice of Appeal to the Court of Appeals (No. 38738-1-III) apparently seeking review of a Spokane County Superior Court Order entered on December 17, 2021. After multiple warnings from the Court of Appeals to comply with the rules and properly file the required Statement of Arrangements and Designation of Clerk's Papers, the appeal was dismissed by Commissioner's Order on December 5, 2024; a Motion to Modify that Order was denied on January 17, 2023. No ruling on the merits was made.

Mr. Blakely filed a “Motion to Modify” to this Court on January 22, 2024, which this Court indicated by letter would be treated as a Petition for Review. Mr. Blakely thereafter filed a “Motion for Order/Writ of Prohibition” on February 20, 2024.

3. Argument.

There has been no sufficient Petition for Review to which the Trustee could respond; there similarly is no basis on which a motion for “Writ of Prohibition” is properly made here. As a pro se, Mr. Blakely remains bound by the Court’s rules and procedures, and the only final Order here at issue is the Court of Appeals’ dismissal for failure to provide a Statement of Arrangements or Designation of Clerk’s Papers. No rulings on any merits are at issue, and no error is identified to provide a basis for this Court’s review, or for any further response by the Trustee.

4. Conclusion.

Appellant has failed to file any appropriate pleading necessitating an Answer, and no basis exists for this Court's further review.

The undersigned counsel for Respondent hereby certifies that the foregoing document contains 326 words.

DATED this 8th day of March, 2024.

/s/ Beverly L. Anderson

BEVERLY L. ANDERSON, WSBA #14593
WINSTON & CASHATT
Attorneys for Trustee James P. Spurgetis

DECLARATION OF SERVICE

The undersigned hereby declares under penalty of perjury under the laws of the State of Washington that on March 8, 2024, I caused a true and correct copy of the foregoing document to be served on the following person in the manner indicated:

Ralph Blakely, #817995
Coyote Ridge Correction
Center
P.O. Box 769
Connell, WA 99362

VIA REGULAR MAIL
HAND DELIVERED
BY FACSIMILE

DATED on March, 2024, at Spokane, Washington.

/s/ Janel Martindale
Janel Martindale, Paralegal

WINSTON & CASHATT, LAWYERS

March 11, 2024 - 10:17 AM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 102,743-5
Appellate Court Case Title: In re: Trust of Blakely Farms
Superior Court Case Number: 10-4-00660-7

The following documents have been uploaded:

- 1027435_Answer_Reply_20240311101443SC590370_8797.pdf
This File Contains:
Answer/Reply - Answer to Motion
The Original File Name was Trustee Answer to Appellant Motion to Modify and Motion for Order Writ of Prohibition.pdf

Comments:

Sender Name: Janel Martindale - Email: jlm@winstoncashatt.com

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