

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
Mar 25, 2015, 8:14 am
BY RONALD R. CARPENTER
CLERK

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RECEIVED BY E-MAIL

No. 91266-1

IN THE SUPREME COURT OF THE STATE OF
WASHINGTON

JAMES ENGLE, an individual,
Plaintiff/Respondent,

v.

JAY DEE MILLER and his separate property only,
Defendant/Appellant.

APPEAL FROM THE SNOHOMISH COUNTY
SUPERIOR COURT
The Honorable Joseph Wilson, Trial Judge

DECLARATION OF JOHN MUENSTER IN SUPPORT
OF APPELLANT'S MOTION FOR EXTENSION OF
TIME TO FILE PETITION FOR REVIEW

JOHN R. MUENSTER
Attorney at Law, WSBA No. 6237
MUENSTER AND KOENIG
14940 Sunrise Drive N.E.
Bainbridge Island, WA 98110
Telephone: (206)501-9565
Email: jrmuenster@muensterkoenig.com
Attorneys for Defendant/Appellant

STATE OF WASHINGTON)
COUNTY OF KITSAP) ss

I, John R. Muenster, declare under penalty of perjury under the laws of the state of Washington that the following is true and correct:

(1) I am retained counsel for the appellant, Jay Dee Miller, appellant herein, and make this declaration in that capacity. I am familiar with the records and files herein.

(2) On December 1, 2014, on appellant's behalf, I filed a motion for reconsideration of the court of appeals panel decision affirming the superior court decision.

(3) On January 2, 2015, I filed a supplemental memorandum in support of our motion to reconsider.

(3) On January 23, 2015, I filed my declaration in support of appellant's motion for reconsideration.

(4) On January 27, 2015, I received a voice mail from the case manager, Ms. Helen Kistler. I called her back. She advised that the Court of Appeals had received my supplemental memorandum and declaration, but the panel did not look at them. She explained that the motion for reconsideration had been denied. This was

the first that I heard of the denial. Ms. Kistler advised that the order had been entered on December 22, 2014, and that notice of the order had been sent out by email on that date.

(5) I looked in my email and backup email folders. I could not find an email with the denial order. I was unaware of the Court's denial order until January 27, 2015.

(6) Ms. Kistler emailed me a copy of the order denying the motion for reconsideration. A copy of Ms. Kistler's January 27, 2015 email to me, with the denial order, is attached hereto as Exhibit A and by this reference incorporated herein.

(7) On or about December 22, 2014, I had computer problems which arose from malware that had infected my computer. Specifically, one of my children, visiting for the Christmas holiday, attempted to download some music on my office computer. After that, documents on my computer began to display moving icons next to words which did not belong to the document. Unwanted programs and accompanying icons appeared on my desktop.

(8) On December 23rd, 2014, I purchased the Malwarebytes Anti-Malware program. I paid for the program with my debit card. The record of the transaction from my bank, labeled "Transaction Detail", is attached hereto as Exhibit B and by this reference incorporated herein.

(9) On December 23rd, I installed the new anti-malware software and ran a scan on my computer. According to the summary, the scan found 244 potentially unwanted program files (PUP's) in 53 folders, and quarantined them.

(10) The Malwarebytes threat scan record, 12-23-2015, 20 pages, is attached hereto as Exhibit C and by this reference incorporated herein. Quarantines performed by the program are highlighted in yellow.

(11) The Malwarebytes daily protection log, 12-23-2014, 3 pages, is attached hereto as Exhibit D and by this reference incorporated herein.

(12) The program ran a scan on my computer on December 24th, 2014. The Malwarebytes threat scan record for December 24th, one page in length, is attached hereto as Exhibit E and by this reference incorporated herein. The scan record states that no malicious items

were detected.

(14) The Malwarebytes daily protection log, 12-24-2014, 3 pages, is attached hereto as Exhibit F and by this reference incorporated herein.

(15) I believe that the appellate court's 12-22-2014 email with the order denying the motion to reconsider arrived at my system while the malware was active and did not appear in my email.

(16) Under the rules, the petition for review would be due by January 21, 2015. I certainly would have filed our petition for review by that date had I known of the panel's order.

(17) I also would not have prepared and filed the supplemental memorandum in support of the motion to reconsider on January 2nd, 2015 had I known of the December 22nd order

(18) I also would not have prepared and filed my declaration in support of appellant's motion for reconsideration with the Court of Appeals on January 23rd, 2015 had I known of the order of December 22nd.

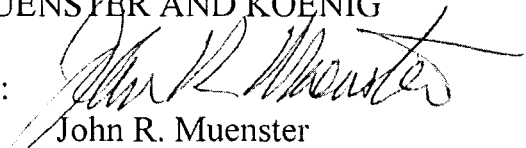
(19) I believe that these circumstances justify granting a short extension of time within which to file the petition for review, until the date of filing, January 28,

2015, which was one day after I learned of the order denying reconsideration.

Dated and signed this the 24th day of March, 2015.

Respectfully submitted,
MUENSTER AND KOENIG

By:


John R. Muenster

Attorney at Law, WSBA # 6237
Of Attorneys for Appellant

CERTIFICATE OF SERVICE

I certify that on or about the 24th day of March, 2015,
I caused a true and correct copy of this document to be
served on counsel of record via email and first class mail.

Dated this the 24th day of March, 2015.

S/ John R. Muenster

Attorney at Law

Exhibit A

Email from Helen Kistler to John

Muenster, 1-27-2015

Subject: FW: COURT OF APPEALS 70609-8-I James Engle, Resp. vs. Jay Dee Miller, App.
From: "Kistler, Helen" <Helen.Kistler@courts.wa.gov>
Date: 1/27/2015 11:49 AM
To: "jrmuenster@muensterkoenig.com" <jrmuenster@muensterkoenig.com>, "jmkk1613@aol.com" <jmkk1613@aol.com>

Attached is a copy of the Order Denying Motion for Reconsideration issued on December 22, 2014.

From: Kistler, Helen
Sent: Monday, December 22, 2014 2:01 PM
To: 'jim@russellandhill.com'; 'brandon@russellandhill.com'; 'jrmuenster@muensterkoenig.com'
Subject: COURT OF APPEALS 70609-8-I James Engle, Resp. vs. Jay Dee Miller, App.
Importance: High

RICHARD D. JOHNSON,
Court Administrator/Clerk

*The Court of Appeals
of the
State of Washington*

DIVISION I
One Union Square
600 University Street
Seattle, WA
98101-4170
(206) 464-7750
TDD: (206) 587-5505

The attached order is being transmitted to counsel electronically. No hard copy will follow.

Helen Kistler, Case Manager
Court of Appeals, Division One
One Union Square
600 University Street
Seattle, WA 98101
(206) 464-5371

Attachments:

70609-8recon1.pdf

59.4 KB

RICHARD D. JOHNSON,
Court Administrator/Clerk

*The Court of Appeals
of the
State of Washington*

DIVISION I
One Union Square
600 University Street
Seattle, WA
98101-4170
(206) 464-7750
TDD: (206) 587-5505

December 22, 2014

James Vincent Hill
Russell & Hill PLLC
1732 Broadway
Everett, WA, 98201-2347
jim@russellandhill.com

John Rolfing Muenster
Muenster & Koenig
14940 Sunrise Dr NE
Bainbridge Island, WA, 98110-1113
jrmuenster@muensterkoenig.com

Brandon K. Batchelor
Russell & Hill
3811A Broadway
Everett, WA, 98201-5031
brandon@russellandhill.com

CASE #: 70609-8-1
James Engle, Resp. vs. Jay Dee Miller, App.

Counsel:

Enclosed please find a copy of the Order Denying Motion for Reconsideration entered in the above case.

Within 30 days after the order is filed, the opinion of the Court of Appeals will become final unless, in accordance with RAP 13.4, counsel files a petition for review in this court. The content of a petition should contain a "direct and concise statement of the reason why review should be accepted under one or more of the tests established in [RAP 13.4](b), with argument." RAP 13.4(c)(7).

In the event a petition for review is filed, opposing counsel may file with the Clerk of the Supreme Court an answer to the petition within 30 days after the petition is served.

Sincerely,



Richard D. Johnson
Court Administrator/Clerk

hek

c: The Hon. Joseph P. Wilson

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

JAMES ENGLE, an individual,)	
)	No. 70609-8-1
Respondent,)	
)	ORDER DENYING MOTION
v.)	FOR RECONSIDERATION
)	
JAY DEE MILLER, and his separate)	
property only,)	
)	
Appellant,)	
)	
and)	
)	
JANIS DEE MILLER, as wife and)	
the marital community composed)	
thereof,)	
Defendant.)	

The appellant, Jay Dee Miller, has filed a motion for reconsideration herein. The court has taken the matter under consideration and has determined that the motion should be denied.

Now, therefore, it is hereby

ORDERED that the motion for reconsideration is denied.

Done this 22ND day of December, 2014.

FOR THE COURT:

Trichey, J

2014 DEC 22 PM 1:45
COURT OF APPEALS
STATE OF WASHINGTON

Exhibit B

Bank transaction record, purchase of
Malwarebytes anti-malware software,
12-23/24, 2014



formerly Sterling Bank

Bank Home | Help | Sig

Online Bank

Financial Center	Accounts	Pay and Transfer	Customer Service
----------------------------------	--------------------------	----------------------------------	----------------------------------

Transaction Detail

Here's a summary of your completed transaction. You may add a note or categorize this transaction now. When you're done, click "Save changes."

Completed on: 12/24/2014
 Description: POS PURCHASE POS PURCHASE TERMINAL VBASE2
 CBI\MALWAREBYTES C ORP 800-799-9 IL
 Amount: \$24.95
 Transaction type: WITHDRAWAL

Personal note (optional):

Category (optional): **Not Categorized**
[Add a new category to the list](#)

Save changes Don't save changes

[Previous transaction](#) • [Next transaction](#) • [Return to Account Activity](#)

[How Do I...](#) [Terms](#) [FAQs](#)

[Terms & Conditions](#) [Privacy Policy](#) [Security & Browser Requirements](#)



Exhibit C

Malwarebytes threat scan record,

12-23-2014

20 pages

Malwarebytes threat scan record, 12-23-2015
Malwarebytes Anti-Malware
www.malwarebytes.org

Scan Date: 12/23/2014
Scan Time: 8:13:41 PM
Logfile: Malwarebytes scan record, 12-23-2015.txt
Administrator: Yes

Version: 2.00.4.1028
Malware Database: v2014.12.24.01
Rootkit Database: v2014.12.23.02
License: Trial
Malware Protection: Enabled
Malicious Website Protection: Enabled
Self-protection: Disabled

OS: Windows XP Service Pack 3
CPU: x86
File System: NTFS
User: John

Scan Type: Threat Scan
Result: Completed
Objects Scanned: 373109
Time Elapsed: 42 min, 36 sec

Memory: Enabled
Startup: Enabled
Filesystem: Enabled
Archives: Enabled
Rootkits: Disabled
Heuristics: Enabled
PUP: Enabled
PUM: Enabled

Processes: 4
PUP.Optional.LuckyTab.A, C:\Program Files\LuckyTab\LuckyTab.exe, 228,
Delete-on-Reboot, [376aca9c146852e413a9822d768f24dc]
PUP.Optional.DonutLeads.A, C:\Program Files\donutleads\DonutLeadsService.exe, 1288,
Delete-on-Reboot, [346d4e1856262313d15525887c89af51]
PUP.Optional.Clara.A, C:\Program Files\Common Files\ClaraUpdater\ClaraUpdater.exe,
1656, Delete-on-Reboot, [584984e2d8a490a6769ff657e32031cf]
PUP.Optional.ConvertAd.A, C:\Documents and Settings\NetworkService\Local
Settings\Application Data\ConvertAd\CASrv.exe, 2180, Delete-on-Reboot,
[b5ecf96df389a98df74f410ed42f44bc]

Modules: 0
(No malicious items detected)

Registry Keys: 55
PUP.Optional.DonutLeads.A,
HKLM\SYSTEM\CURRENTCONTROLSET\SERVICES\donutleadsServiceCore, Quarantined,
[346d4e1856262313d15525887c89af51],
PUP.Optional.HDQuality.A,
HKLM\SOFTWARE\CLASSES\CLSID\{11111111-1111-1111-1111-110611571159}, Quarantined,
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PUP.Optional.HDQuality.A,

Malwarebytes threat scan record, 12-23-2015

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HKLM\SYSTEM\CURRENTCONTROLSET\SERVICES\{dead8101-77d0-4746-8aee-5cc00be3fdb4}Gt, Quarantined, [6d34a4c2bfbfd122446fbd9c9763a029d7], PUP.Optional.GamesDesktop.A, HKLM\SOFTWARE\GAMESDESKTOP, Quarantined, [871afb6bbfbd82b4218d77e424dff709], PUP.Optional.CrossRider.A, HKLM\SOFTWARE\HD-Quality-3.1v23.12, Quarantined, [f4adc89ee59724128405b1b3c34027d9], PUP.Optional.LuckyTab.A, HKLM\SOFTWARE\LuckyTab, Quarantined, [911090d6c2ba1c1aded01fbc16ee827e], PUP.Optional.GlobalUpdate.T, HKLM\SOFTWARE\GLOBALUPDATE\UPDATE, Quarantined, [198887dffe7e0c2ae89b2c49847f8b75], PUP.Optional.CrossRider.A, HKLM\SOFTWARE\INSTALLEDBROWSEREXTENSIONS\30935,

Malwarebytes threat scan record, 12-23-2015

Quarantined, [5c454c1a0b71ec4ab993d4bc5ca77888],
PUP.Optional.DonutLeads.A, HKLM\SOFTWARE\MICROSOFT\ESENT\PROCESS\DonutLeadsService,
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Quarantined, [18890a5cf5871b1bf82193cf847f39c7],
PUP.Optional.SearchProtect, HKLM\SOFTWARE\MICROSOFT\WINDOWS
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, Quarantined, [534eb9adb9c33ff78617d9fd39cbd729],
PUP.Optional.GlobalUpdate.A,
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PUP.Optional.GlobalUpdate.A,
HKLM\SOFTWARE\MOZILLAPLUGINS\@staging.google.com/globalUpdate Update;version=4,
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PUP.Optional.Tuto4PC.A,
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E4}-0\SOFTWARE\CROSSRIDER, Quarantined, [2e739bcb3646fc3ae88fb8fbb94b51af],
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PUP.Optional.GlobalUpdate.T, HKLM\SOFTWARE\MICROSOFT\WINDOWS NT\CURRENTVERSION\IMAGE
FILE EXECUTION OPTIONS\GOOGLEUPDATE.EXE, Quarantined,
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PUP.Optional.GlobalUpdate.T,
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[f5acf670a2daa0960a35023ccc371be5],
PUP.Optional.GlobalUpdate.T, HKLM\SOFTWARE\CLASSES\globalUpdate.OneClickCtrl.10,
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RIGHTS\ELEVATIONPOLICY\{5645E0E7-FC12-43BF-A6E4-F9751942B298}, Quarantined,
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Malwarebytes threat scan record, 12-23-2015

PUP.Optional.GlobalUpdate.T,
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PUP.Optional.HDQuality.A,
HKLM\SOFTWARE\MICROSOFT\WINDOWS\CURRENTVERSION\UNINSTALL\HD-Quality-3.1v23.12, Quarantined, [178ab2b4ec90da5cdad3a99afc07a55b],
PUP.Optional.Clara.A, HKLM\SYSTEM\CURRENTCONTROLSET\SERVICES\ClaraUpdater, Quarantined, [584984e2d8a490a6769ff657e32031cf],
PUP.Optional.Clara.A, HKLM\SOFTWARE\MICROSOFT\WINDOWS\CURRENTVERSION\UNINSTALL\I - Cinema, Quarantined, [584984e2d8a490a6769ff657e32031cf],
PUP.Optional.Clara.A,
HKU\S-1-5-18-{ED1FC765-E35E-4C3D-BF15-2C2B11260CE4}-0\SOFTWARE\MICROSOFT\WINDOWS\CURRENTVERSION\UNINSTALL\BoBrowser, Quarantined, [584984e2d8a490a6769ff657e32031cf],
PUP.Optional.ConvertAd.A, HKLM\SYSTEM\CURRENTCONTROLSET\SERVICES\serverca, Quarantined, [b5ecf96df389a98df74f410ed42f44bc],

Registry values: 6

PUP.Optional.LuckyTab.A,
HKLM\SOFTWARE\MICROSOFT\WINDOWS\CURRENTVERSION\RUN|LuckyTab, C:\Program Files\LuckyTab\LuckyTab.exe, Quarantined, [376aca9c146852e413a9822d768f24dc]
PUP.Optional.GlobalUpdate.T, HKLM\SOFTWARE\GLOBALUPDATE\UPDATE|path, C:\Program Files\globalUpdate\Update\GoogleUpdate.exe, Quarantined, [198887dffe7e0c2ae89b2c49847f8b75]
PUP.Optional.GamesDesktop.A,
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[b5ecf96df389a98df74f410ed42f44bc],
PUP.Optional.ConvertAd.A, C:\Documents and Settings\NetworkService\Local
Settings\Application Data\ConvertAd\CASrv.exe, Delete-on-Reboot,
[b5ecf96df389a98df74f410ed42f44bc],
PUP.Optional.ConvertAd.A, C:\Documents and Settings\NetworkService\Local
Settings\Application Data\ConvertAd\ConvertAd.exe, Quarantined,
[b5ecf96df389a98df74f410ed42f44bc],
PUP.Optional.ConvertAd.A, C:\Documents and Settings\NetworkService\Local
Settings\Application Data\ConvertAd\Uninstall.exe, Quarantined,
[b5ecf96df389a98df74f410ed42f44bc],
PUP.Optional.WList.A, C:\Documents and Settings\John\Application
Data\{D2020D47-707D-4E26-B4D9-739C4F4C2E9A}\{FBC0652C-7B29-4FB6-8ADA-91F54B267AD4}\1
.5\config.js, Quarantined, [4c55d49213691521391f97b97b889c64],
PUP.Optional.WList.A, C:\Documents and Settings\John\Application
Data\{D2020D47-707D-4E26-B4D9-739C4F4C2E9A}\{FBC0652C-7B29-4FB6-8ADA-91F54B267AD4}\1
.5\tree.js, Quarantined, [4c55d49213691521391f97b97b889c64],
PUP.Optional.WList.A, C:\Documents and Settings\John\Application
Data\{D2020D47-707D-4E26-B4D9-739C4F4C2E9A}\{FBC0652C-7B29-4FB6-8ADA-91F54B267AD4}\1
.5\wlist.js, Quarantined, [4c55d49213691521391f97b97b889c64],
PUP.Optional.LuckyTab.A, C:\Documents and Settings\John\Start Menu\LuckyTab\Get
Lucky.lnk, Quarantined, [aff2254138447db96f584113c340b848],
PUP.Optional.LuckyTab.A, C:\Documents and Settings\John\Start
Menu\LuckyTab\Help.lnk, Quarantined, [aff2254138447db96f584113c340b848],
PUP.Optional.LuckyTab.A, C:\Documents and Settings\John\Start
Menu\LuckyTab\Uninstall.lnk, Quarantined, [aff2254138447db96f584113c340b848],
PUP.Optional.WList.A, C:\Documents and Settings\John\Local Settings\Application
Data\{D2020D47-707D-4E26-B4D9-739C4F4C2E9A}\{FBC0652C-7B29-4FB6-8ADA-91F54B267AD4}\1
.5\sts.js, Quarantined, [3d6406604438350164004015a65d5ba5],
PUP.Optional.WList.A, C:\Documents and Settings\LocalService\Local
Settings\Application
Data\{D2020D47-707D-4E26-B4D9-739C4F4C2E9A}\{FBC0652C-7B29-4FB6-8ADA-91F54B267AD4}\1
.5\config.js, Quarantined, [a2fffd69b3c946f0c99b72e3788b06fa],
PUP.Optional.WList.A, C:\Documents and Settings\LocalService\Local
Settings\Application
Data\{D2020D47-707D-4E26-B4D9-739C4F4C2E9A}\{FBC0652C-7B29-4FB6-8ADA-91F54B267AD4}\1

Malwarebytes threat scan record, 12-23-2015
.5\sts.js, Quarantined, [a2fffd69b3c946f0c99b72e3788b06fa],
PUP.Optional.Trovi, C:\Documents and Settings\John\Application
Data\Mozilla\Firefox\Profiles\z1e5z2bx.default\prefs.js, Good: (), Bad:
(user_pref("browser.search.selectedEngine", "Trovi search");),
Replaced,[376aed794933ca6cf82b6c477b8adc24]
PUP.Optional.CrossRider.A, C:\Documents and Settings\John\Application
Data\Mozilla\Firefox\Profiles\z1e5z2bx.default\prefs.js, Good: (), Bad:
(user_pref("extensions.crossrider.bic", "14a798abdf4b08251c540cd6257568f6");),
Replaced,[bce568fe2458181e4faea70c0cf949b7]

Physical sectors: 0
(No malicious items detected)

(end)

Exhibit D

Malwarebytes daily protection log,
12-23-2014

Malwarebytes Anti-Malware

www.malwarebytes.org

Protection, 12/23/2014 8:13:15 PM, SYSTEM, JOHNPC, Protection,
Malware Protection, Starting,

Protection, 12/23/2014 8:13:15 PM, SYSTEM, JOHNPC, Protection,
Malware Protection, Started,

Protection, 12/23/2014 8:13:15 PM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Starting,

Update, 12/23/2014 8:13:25 PM, SYSTEM, JOHNPC, Manual,
Remediation Database, 2013.10.16.1, 2014.12.6.1,

Update, 12/23/2014 8:13:25 PM, SYSTEM, JOHNPC, Manual, Rootkit
Database, 2014.11.18.1, 2014.12.23.2,

Update, 12/23/2014 8:13:30 PM, SYSTEM, JOHNPC, Manual, Malware
Database, 2014.11.20.6, 2014.12.24.1,

Protection, 12/23/2014 8:13:30 PM, SYSTEM, JOHNPC, Protection,
Refresh, Starting,

Protection, 12/23/2014 8:13:41 PM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Started,

Protection, 12/23/2014 8:13:41 PM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Stopping,

Protection, 12/23/2014 8:13:41 PM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Stopped,

Protection, 12/23/2014 8:14:01 PM, SYSTEM, JOHNPC, Protection,
Refresh, Success,

Protection, 12/23/2014 8:14:01 PM, SYSTEM, JOHNP, Protection,
Malicious Website Protection, Starting,

Protection, 12/23/2014 8:14:35 PM, SYSTEM, JOHNP, Protection,
Malicious Website Protection, Started,

Scan, 12/23/2014 9:22:22 PM, SYSTEM, JOHNP, Manual,
Start:12/23/2014 8:13:41 PM, Duration:42 min 36 sec, Threat Scan, Completed,
8 Malware Detections, 718 Non-Malware Detections,

Protection, 12/23/2014 9:22:23 PM, SYSTEM, JOHNP, Protection,
Malicious Website Protection, Stopping,

Protection, 12/23/2014 9:22:23 PM, SYSTEM, JOHNP, Protection,
Malicious Website Protection, Stopped,

Protection, 12/23/2014 9:22:23 PM, SYSTEM, JOHNP, Protection,
Malicious Website Protection, Starting,

Protection, 12/23/2014 9:22:53 PM, SYSTEM, JOHNP, Protection,
Malicious Website Protection, Started,

Protection, 12/23/2014 9:25:33 PM, SYSTEM, JOHNP, Protection,
Malware Protection, Starting,

Protection, 12/23/2014 9:25:33 PM, SYSTEM, JOHNP, Protection,
Malware Protection, Started,

Protection, 12/23/2014 9:25:33 PM, SYSTEM, JOHNP, Protection,
Malicious Website Protection, Starting,

Protection, 12/23/2014 9:25:53 PM, SYSTEM, JOHNP, Protection,
Malicious Website Protection, Started,

Update, 12/23/2014 10:53:53 PM, SYSTEM, JOHNP, Scheduler,
Malware Database, 2014.12.24.1, 2014.12.24.2,

Protection, 12/23/2014 10:53:53 PM, SYSTEM, JOHNP, Protection,
Refresh, Starting,

Protection, 12/23/2014 10:53:53 PM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Stopping,

Protection, 12/23/2014 10:53:53 PM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Stopped,

Protection, 12/23/2014 10:54:12 PM, SYSTEM, JOHNPC, Protection,
Refresh, Success,

Protection, 12/23/2014 10:54:12 PM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Starting,

Protection, 12/23/2014 10:54:33 PM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Started,

Update, 12/23/2014 11:53:05 PM, SYSTEM, JOHNPC, Scheduler,
Malware Database, 2014.12.24.2, 2014.12.24.3,

Protection, 12/23/2014 11:53:05 PM, SYSTEM, JOHNPC, Protection,
Refresh, Starting,

Protection, 12/23/2014 11:53:05 PM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Stopping,

Protection, 12/23/2014 11:53:05 PM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Stopped,

Protection, 12/23/2014 11:53:31 PM, SYSTEM, JOHNPC, Protection,
Refresh, Success,

Protection, 12/23/2014 11:53:31 PM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Starting,

Protection, 12/23/2014 11:53:53 PM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Started,

(end)

Exhibit E

Malwarebytes threat scan record,

12-24-2014

One page

Malwarebytes threat scan record, 12-24-2014
Malwarebytes Anti-Malware
www.malwarebytes.org

Scan Date: 12/24/2014
Scan Time: 3:16:02 AM
Logfile: Malwarebytes scanning history log, 12-24-2014.txt
Administrator: Yes

Version: 2.00.4.1028
Malware Database: v2014.12.24.04
Rootkit Database: v2014.12.23.02
License: Trial
Malware Protection: Enabled
Malicious website Protection: Enabled
Self-protection: Disabled

OS: Windows XP Service Pack 3
CPU: x86
File System: NTFS
User: John

Scan Type: Threat Scan
Result: Completed
Objects Scanned: 372768
Time Elapsed: 38 min, 36 sec

Memory: Enabled
Startup: Enabled
Filesystem: Enabled
Archives: Enabled
Rootkits: Disabled
Heuristics: Enabled
PUP: Enabled
PUM: Enabled

Processes: 0
(No malicious items detected)

Modules: 0
(No malicious items detected)

Registry Keys: 0
(No malicious items detected)

Registry values: 0
(No malicious items detected)

Registry Data: 0
(No malicious items detected)

Folders: 0
(No malicious items detected)

Files: 0
(No malicious items detected)

Physical sectors: 0
(No malicious items detected)

(end)

Exhibit F

Malwarebytes daily protection log,

12-24-2014

3 pages

Malwarebytes Anti-Malware

www.malwarebytes.org

Update, 12/24/2014 3:06:49 AM, SYSTEM, JOHNPC, Scheduler,
Malware Database, 2014.12.24.3, 2014.12.24.4,

Protection, 12/24/2014 3:06:49 AM, SYSTEM, JOHNPC, Protection,
Refresh, Starting,

Protection, 12/24/2014 3:06:49 AM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Stopping,

Protection, 12/24/2014 3:06:49 AM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Stopped,

Protection, 12/24/2014 3:07:18 AM, SYSTEM, JOHNPC, Protection,
Refresh, Success,

Protection, 12/24/2014 3:07:18 AM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Starting,

Protection, 12/24/2014 3:07:44 AM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Started,

Scan, 12/24/2014 3:54:39 AM, SYSTEM, JOHNPC, Manual,
Start:12/24/2014 3:16:02 AM, Duration:38 min 36 sec, Threat Scan,
Completed, 0 Malware Detections, 0 Non-Malware Detections,

Protection, 12/24/2014 3:54:39 AM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Stopping,

Protection, 12/24/2014 3:54:40 AM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Stopped,

Protection, 12/24/2014 3:54:40 AM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Starting,

Protection, 12/24/2014 3:55:06 AM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Started,

Protection, 12/24/2014 12:36:21 PM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Stopping,

Protection, 12/24/2014 12:36:22 PM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Stopped,

Protection, 12/24/2014 12:36:22 PM, SYSTEM, JOHNPC, Protection,
Malware Protection, Stopping,

Protection, 12/24/2014 12:36:23 PM, SYSTEM, JOHNPC, Protection,
Malware Protection, Stopped,

Update, 12/24/2014 12:36:59 PM, SYSTEM, JOHNPC, Manual,
Remediation Database, 2013.10.16.1, 2014.12.6.1,

Update, 12/24/2014 12:36:59 PM, SYSTEM, JOHNPC, Manual, Rootkit
Database, 2014.11.18.1, 2014.12.23.2,

Protection, 12/24/2014 12:37:00 PM, SYSTEM, JOHNPC, Protection,
Malware Protection, Starting,

Protection, 12/24/2014 12:37:00 PM, SYSTEM, JOHNPC, Protection,
Malware Protection, Started,

Protection, 12/24/2014 12:37:00 PM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Starting,

Update, 12/24/2014 12:37:04 PM, SYSTEM, JOHNPC, Manual, Malware
Database, 2014.11.20.6, 2014.12.24.12,

Protection, 12/24/2014 12:37:04 PM, SYSTEM, JOHNPC, Protection,
Refresh, Starting,

Protection, 12/24/2014 12:37:24 PM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Started,

Protection, 12/24/2014 12:37:24 PM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Stopping,

Protection, 12/24/2014 12:37:25 PM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Stopped,

Protection, 12/24/2014 12:37:42 PM, SYSTEM, JOHNPC, Protection,
Refresh, Success,

Protection, 12/24/2014 12:37:42 PM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Starting,

Protection, 12/24/2014 12:38:09 PM, SYSTEM, JOHNPC, Protection,
Malicious Website Protection, Started,

(end)

OFFICE RECEPTIONIST, CLERK

To: John Muenster
Cc: James Hill
Subject: RE: Engle v. Miller, No 91266-1, Declaration of John Muenster in Support of Appellant's Motion for Extension of Time

Received 3-25-2015

Supreme Court Clerk's Office

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: John Muenster [mailto:jmkk1613@aol.com]
Sent: Tuesday, March 24, 2015 8:47 PM
To: OFFICE RECEPTIONIST, CLERK
Cc: James Hill
Subject: Engle v. Miller, No 91266-1, Declaration of John Muenster in Support of Appellant's Motion for Extension of Time

Ladies and Gentlemen,

Attached as a .pdf file please find the Declaration of John Muenster in Support of Appellant's Motion for Extension of Time to File Petition for Review, with Exhibits A-F.

This matter is currently scheduled for consideration by a Department of the Court on the Court's April 28, 2015 Motion Calendar.

Thank you for your attention.

John Muenster

Muenster and Koenig
14940 Sunrise Drive NE
Bainbridge Island, WA 98110
206-501-9565
Bainbridge fax: 206-855-1027