

Oct 26, 2016, 4:25 pm

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IN THE SUPREME COURT
FOR THE STATE OF WASHINGTON

STEVEN KOZOL,
Petitioner-Appellant;

v.

WASHINGTON DEPARTMENT OF
CORRECTIONS,
Respondent-Appellee;

No. 93365-1

REPLY ON THE MOTION TO
STRIKE SECTIONS III AND IV(B)
OF RESPONDENT'S ANSWER TO
THE PETITION

1. ARGUMENT:

The Department argues that the trial court considered the documents in question to determine if the lawsuit was frivolous but did not consider them when ruling on its summary judgment motion. Answer, p. 2. This admission supports the motion to strike because the issue of frivolousness was not raised by the Department. Proof of this is that the Department never argued or relied on the alleged frivolousness of the lawsuit and the word itself was only mentioned once in its Answer. Answer, p. 7.

2. CONCLUSION

For the reasons stated above, Kozol asks this Court to either strike or disregard the evidence previously disregarded by both the trial and appellate courts. He also asks that this Court provide whatever relief it may feel is just and proper including attorney fees and costs.


REPLY ON THE MOTION TO STRIKE
SECTIONS III AND IV(B) OF
RESPONDENT'S ANSWER TO THE PETITION - 1

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ORIGINAL

DATED THIS 26 day of October, 2016.


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Attorney for Petitioner-Appellant Kozol

**REPLY ON THE MOTION TO STRIKE
SECTIONS III AND IV(B) OF
RESPONDENT'S ANSWER TO THE PETITION - 2**

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CERTIFICATE OF SERVICE

The undersigned certifies, under penalty of perjury according to the laws of the United States and the State of Washington, that on the date set forth below, I caused to be served in the manner noted below a copy of the forgoing document on Defendant(s) in this case:

- VIA U.S. MAIL [first class] [priority] [express]
- VIA HAND DELIVERY
- VIA FACSIMILE
- VIA ELECTRONIC MAIL [by prior agreement]

TO:

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Michael C. Kahrs

10/26/16

Date