

Jan 27, 2017, 2:38 pm

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Washington Court of Appeals No. 73427-0-1
Washington Supreme Court No. 93917-9

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

LSF Structures LTD, a foreign corporation; and Lightweight Steel
Framing 2007 LTD, a Washington corporation,

Appellant,

v.

W.G. Clark, CM, Inc. a Washington corporation, and Brix
Condominium, LLC, a Washington limited liability company, et al,

Respondents.

RESPONSE TO MOTION FOR EXTENSTION OF TIME TO FILE
PETITION FOR REVIEW, AND ANSWER TO PETITION

Attorneys for Respondents

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ARGUMENT

The Court should deny the petitioners' motion for extension of time. RAP 18.8(b) provides that the "appellate court will only in extraordinary circumstances and to prevent a gross miscarriage of justice extend the time within which a party must file ...a petition for review." Changing attorneys at the last minute and/or after the deadline is not an "extraordinary circumstance." It is also not a "gross miscarriage of justice" to reject a late notice when the party's excuse is that they waited too long to find a new attorney.

If the motion is granted, the petition must be rejected. The Court of Appeals simply affirmed the trial court's ruling that petitioners ("LSF") did not comply with the contract's condition precedent prior to filing suit. LSF's unwillingness, or inability, to present "its full claim in writing ... with all cost documentation and all points of argument" prior to filing a lawsuit, is not a matter of "substantial public interest." RAP 13.4(b)(4) and Appendix A to Petition for Review.

DATED this 27th day of January, 2017

JAMESON BABBITT STITES
& LOMBARD, P.L.L.C.

By 

Matt Adamson, WSBA #31731
Attorneys for Respondents
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CERTIFICATE OF SERVICE

I, Kelli Huerta, declare as follows:

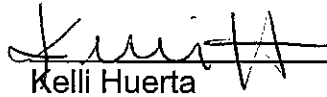
1. I am a legal assistant with the law firm of Jameson Babbitt Stites & Lombard, P.L.L.C., over the age of 18 years, a resident of the State of Washington, and not a party to this matter.
2. On June January 27, 2017, I sent by email and U.S. Mail a copy of the foregoing Response and Answer to be served upon counsel of record at the following address:

Sean B. Malcolm
Sean B. Malcolm PLLC
5400 Carillon Point
Kirkland, WA 98033

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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED: January 27, 2016, at Seattle, Washington.


Kelli Huerta