

Sep 13, 2017, 11:25 am

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No. 94632-9

SUPREME COURT OF WASHINGTON

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RALPH HOWARD BLAKELY,

Petitioner,

vs.

MICHAEL CHARLES KAHRS,

Respondent.

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RESPONDENT'S OPPOSITION TO PETITIONER'S MOTION  
FOR EXTENSION OF TIME RAP 18.8

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Roy A. Umlauf, WSBA #15437  
Jeffrey T. Kestle, WSBA #29648  
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Attorneys for Respondent

Respondent Michael Kahrs (“Kahrs”) asks the Court to deny Petitioner’s Motion for Extension of Time to file his Petition for Discretionary Review because there are no extraordinary circumstances justifying an extension.

On April 24, 2017, the Court of Appeals for Division One issued its unpublished opinion affirming the trial court’s dismissal of Petitioner Ralph Blakely’s claims. The Court of Appeals denied Blakely’s Motion for Reconsideration on May 17, 2017. Under RAP 13.4(a), Blakely was required to file his Petition for Review to this Court by June 16, 2017. He did not do so.

On June 9, 2017, Blakely filed a “Motion for Extension of Time RAP 18.8.” In his supporting declaration, Blakely, who is incarcerated, stated that correction officers (1) improperly seized unidentified legal documents from him on April 22, 2017, and (2) improperly seized his legal research notes and other legal documents on June 5, 2017.

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. . . .” Blakely has failed to demonstrate that extraordinary circumstances exist justifying an extension of the deadline to file his Petition for Review. He alleges that correction officers seized documents

relating to his case on April 22, 2017, which was two days before the Court of Appeals published its decision. He does not explain how this impacted his ability to prepare his Petition for Review.

Blakely also alleges that correction officers seized “legal research notes” and other documents on June 5, 2017. However, he does not explain how this alleged incident impacted his ability to submit his Petition for Review by the June 16, 2017 deadline.

Blakely has failed to demonstrate that extraordinary circumstances exist justifying an extension of the deadline to file his Petition for Review or that a miscarriage of justice will result if his motion for an extension is denied. For these reasons, Kahrs requests that the motion for an extension of time be denied.

Respectfully submitted this 13<sup>th</sup> day of September, 2017.

FORSBERG & UMLAUF, P.S.

By: 

Roy A. Umlauf, WSBA #15437

Jeffrey T. Kestle, WSBA #29648

Susan K. McIntosh, WSBA #26138

Attorneys for Respondent Michael Kahrs

**CERTIFICATE OF SERVICE**

The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the **RESPONDENT'S OPPOSITION TO PETITIONER'S MOTION FOR EXTENSION OF TIME RAP 18.8** on the following individual in the manner indicated:

Ralph Howard Blakely, #817995  
Stafford Creek Correction Center, H4 B36  
191 Constantine Way  
Aberdeen, WA 98520-9504  
(X) Via U.S. Mail  
(X) Via UPS Delivery

**SIGNED** this 13<sup>th</sup> day of September, 2017, at Seattle, Washington.

  
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Lynda T. Ha