

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
9/13/2018 4:33 PM  
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Supreme Court No. 95863-7  
(Court of Appeals No. 75593-5-I)  
Division I

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SUPREME COURT OF THE STATE OF WASHINGTON

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RYAN HOWARD,

Plaintiff/Petitioner,

v.

OCWEN LOAN SERVICING, LLC, et al.

Defendants/Respondents.

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**RESPONDENTS' ANSWER TO APPELLANT'S MOTION TO  
EXTEND FILING DEADLINE OF REPLY TO ANSWER TO  
APPELLANT'S AMENDED PETITION FOR REVIEW**

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Servicing, LLC and Deutsche Bank  
National Trust Company as Trustee for  
IndyMac INDA Mortgage Loan Trust  
2007-AR7, Mortgage Pass-Through  
Certificates Series 2007-AR7

**ANSWER TO APPELLANT’S MOTION TO EXTEND FILING  
DEADLINE OF REPLY TO ANSWER TO APPELLANT’S  
AMENDED PETITION FOR REVIEW**

Respondents Ocwen Loan Servicing, LLC and Deutsche Bank National Trust Company as Trustee for IndyMac INDA Mortgage Loan Trust 2007-AR7, Mortgage Pass-Through Certificates Series 2007-AR7 (collectively, “Respondents”), herein oppose Petitioner Ryan Howard (“Petitioner”)’s filing entitled “Appellant’s Motion to Extend Filing Deadline of Reply to Answer to Appellant’s Amended Petition for Review.”

Although Petitioner’s motion outlines circumstances that would generally justify grant of an extension under this Court’s rules, an extension here is not warranted or necessary because Petitioner is not entitled to file a reply under the Washington Rules of Appellate Procedure (“RAP”), Rule 13.4(d). The rule specifies that “[a] party may file a reply to an answer only if the answering party seeks review of issues not raised in the petition for review.” Here, the Answer to Amended Petition for Review filed by Respondents did not ask this Court to review issues that were not raised in the Amended Petition. Rather, the Answer only explained why the Court of Appeals’ decision in the proceeding below, *Howard v. Ocwen Loan Servicing, LLC*, No. 75593-5-I, 2018 WL 1152012 (Wash. Ct. App. Mar. 5, 2018), was entirely correct and not in

need of review, and that the case before this Court does not satisfy this Court's criteria for review under RAP 13.4(b).

Indeed, aside from pointing out that Petitioner's brief failed to establish the criteria set forth in RAP 13.4(b), all of Respondents' arguments opposing review were the same arguments presented in its Answering Brief on Appeal in the Court below, and therefore Petitioner could have responded to all of the arguments in his initial or amended Petition. Accordingly no Reply to the Amended Petition is allowed under the RAP, nor is there any reasoned argument Petitioner can make as to why the Petition could not have contained all relevant arguments at the time it was filed, without the need for a reply memorandum.

For the reasons set forth above, this Court should deny Petitioner's Motion for Extension of Time to file a Reply in Support of his Petition for Review.

DATED this 13th day of September, 2018.

HOUSER & ALLISON, APC

*s/ Emilie K. Edling*

Emilie K. Edling, WSBA #45042  
Attorneys for Respondents Ocwen Loan  
Servicing, LLC and Deutsche Bank National  
Trust Company as Trustee for IndyMac  
INDA Mortgage Loan Trust 2007-AR7,  
Mortgage Pass-Through Certificates Series  
2007-AR7

**DECLARATION OF SERVICE**

I the undersigned declare as follows: I am over the age of 18 and am not a party to this action. I certify under penalty of perjury in accordance with the laws of the State of Washington that on September 13, 2018, I caused RESPONDENTS' ANSWER TO APPELLANT'S MOTION TO EXTEND FILING DEADLINE OF REPLY TO ANSWER TO APPELLANT'S AMENDED PETITION FOR REVIEW to be served by email and U.S. Mail, to the following address:

Melissa A. Huelsman, WSBA 30935  
705 Second Avenue, Suite 601  
Seattle, WA 98104  
Attorney for Appellant Ryan Howard

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

DATED this 13th day of September, 2018, at Seattle, WA.

*s/ Shawn K. Williams*  
SHAWN K. WILLIAMS  
Legal Assistant

**HOUSER & ALLISON, APC (SEATTLE**

**September 13, 2018 - 4:33 PM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 95863-7  
**Appellate Court Case Title:** Ryan R. Howard v. Ocwen Loan Servicing, LLC, et al.  
**Superior Court Case Number:** 15-2-21740-2

**The following documents have been uploaded:**

- 958637\_Answer\_Reply\_20180913163202SC481044\_8003.pdf  
This File Contains:  
Answer/Reply - Answer to Motion  
*The Original File Name was Howard Opposition to Borrowers Motion for Extension to file Reply.pdf*

**A copy of the uploaded files will be sent to:**

- Mhuelsman@predatorylendinglaw.com
- paralegal@predatorylendinglaw.com
- rmoore@houser-law.com

**Comments:**

Answer to Borrower's Motion for Extension to file Reply

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