

FILED
SUPREME COURT
STATE OF WASHINGTON
10/31/2018 3:02 PM
BY SUSAN L. CARLSON
CLERK

THE SUPREME COURT
OF THE STATE OF WASHINGTON

STEPHEN and SANDRA KLINEBURGER,

NO. 96423-8

Appellants,

Court of Appeals No. 76458-6-1

vs.

WASHINGTON STATE DEPARTMENT
OF ECOLOGY

MOTION TO EXTEND TIME BY
DAY TO FILE PETITION FOR
REVIEW

Respondent.

I. IDENTITY OF MOVING PARTY

Appellants, Stephen and Sandra Klineburger, request the relief designated in Part II.

II. STATEMENT OF RELIEF SOUGHT

Appellants, Stephen and Sandra Klineburger, seek a 1-day extension of time for filing the Appellants' Petition for Review from the due date October 15, 2018 to October 16, 2018, the date that Appellants' filed their Petition and mailed the Court the filing fee.

III. FACTS RELEVANT TO MOTION

Certain other existing cases in our law office caused time constraints due to the emergency nature of the many of the issues and scheduled

Appellants' Petition for Review was filed October 16, 2018 and the requested one day extension does not affect a substantial right of any party. The filing fee has been paid.

DATED this 31st day of October, 2018

By: _____



Allen T. Miller, WSBA No. 12936
Attorneys for Appellant
LAW OFFICES OF ALLEN T. MILLER, PLLC
1801 West Bay Drive NW, Suite 205
Olympia, WA 98502
360-754-9156 * 360-754-9472 (fax)
allen@atmlaw.com; mmoc@atmlaw.com

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vs.

WASHINGTON STATE DEPARTMENT
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Respondent.

NO. 96423-8

Court of Appeals No. 76458-6-1

DECLARATION IN SUPPORT
OF MOTION TO EXTEND TIME
TO FILE PETITION FOR REVIEW
BY ONE DAY

I, Allen T. Miller, certify and declare as follows:

1. I am over the age of 18 and competent to testify to the matters herein.
2. I am the principal Attorney and owner of the Law Offices of Allen T. Miller, PLLC.

We are requesting a one day extension of time for filing Appellant's Petition for Review from October 15, 2018 to October 16, 2018.

3. The basis of this motion is certain other existing cases in our law office caused time constraints due to the emergency nature of the many of the issues and scheduled

appearances and deadlines as set forth: Betsy and Allen Giles regarding the Department of Ecology (action Involving toxic petroleum contamination of client's property from an adjacent commercial property); Klineburger v. King County (Klineburger et al v. King County Department of Permitting and Environmental Review, in Case No. 1802009782-7 SEA: attempting to resolve the Superior Court's failure to transmit Appellants' Notice of Appeal to District 1, Court of Appeals); Moser v. Glueck, Thurston County Superior Court Case No. 18-2-0565-3 (Attempting to prevent on-going damage to Plaintiff's property) and State of Washington Department of Fish and Wildlife v. Cloninger, Thurston County District Court Case No. 18-M00106 TCP (Trial October 17, 2018).

4. Appellants' Petition for Review was filed October 16, 2018 and the requested one-day extension does not affect a substantial right of any party. The filing fee in the amount of \$200.00 was mailed to the Clerk of the Supreme Court on October 17, 2018 and has been paid by check number 6409 (See Exhibit "A" attached hereto).

5. In light of extenuating circumstances, a one day extension of time is requested to permit the filing of Appellant's Petition for Review. Appellant has made no prior requests for extension in this case before this court.

I declare under penalty of perjury of the laws of the state of Washington that the foregoing is true and correct to the best of my knowledge and that this declaration is executed in Olympia, Washington on October 30, 2018.

By: Allen T. Miller
Allen T. Miller, WSBA#12936

EXHIBIT "A"



LAW OFFICES OF
ALLEN T. MILLER, PLLC

October 17, 2018

Attn: Clerk of the Court
Washington State Supreme Court
PO Box 40929
Olympia, Washington 98504

Re: Klineburger v. State of Washington Dept. of Ecology
No: 76458-6 Division I

Dear Clerk of the Court:

Enclosed please find our filing fee for the above matter in the amount of \$200.00, check number 6409. This filing fee is for "Petition for Review" which was filed in the Supreme Court of the State of Washington at 4:55PM on Tuesday October 16, 2018 via e-mail to the Clerk of the Supreme Court.

If possible, please send receipt of payment by mail, or electronic mail to andrea@atmlawoffice.com.

Kindest regards,

A handwritten signature in blue ink, appearing to read 'Andrea Matala Adler'.

Andrea Matala Adler
Legal Assistant to Allen T. Miller
The Law Offices of Allen T. Miller, PLLC

:ama
enclosure

ALBERT VILBER INVOLVED

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CONTACT BANK

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Washington State Superior Court

Plaintiff for Review

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CERTIFICATE OF SERVICE

I certify that on the date signed below, I caused the foregoing document to be electronically filed with this Court and served upon Respondents' attorney of record, as follows:

Attorney for Washington State Dept of Ecology
Katharine G. Shirey
Atty Generals Office Ecology Division
2425 Bristol Court SW
Olympia, WA 98502-6003
Kays1@atg.wa.gov

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

DATED this 31st day of October, 2018 at Olympia, WA



Andrea Adler
Paralegal to Allen T. Miller

THE LAW OFFICES OF ALLEN T. MILLER

October 31, 2018 - 3:02 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 96423-8
Appellate Court Case Title: Stephen Klineburger, et ux. v. Washington State Department of Ecology
Superior Court Case Number: 16-2-14971-5

The following documents have been uploaded:

- 964238_Affidavit_Declaration_20181031145922SC534228_2719.pdf
This File Contains:
Affidavit/Declaration - Other
The Original File Name was Declaration in support of motion to extend time.pdf
- 964238_Motion_20181031145922SC534228_5727.pdf
This File Contains:
Motion 1 - Extend Time to File
The Original File Name was Motion to extend time.pdf

A copy of the uploaded files will be sent to:

- ECYOlyEF@atg.wa.gov
- kays1@atg.wa.gov

Comments:

Sender Name: Andrea Adler - Email: andrea@atmlawoffice.com

Filing on Behalf of: Allen T. Miller - Email: allen@atmlawoffice.com (Alternate Email: mmoc@atmlawoffice.com)

Address:
1801 West Bay Drive NW
Suite 205
Olympia, WA, 98502
Phone: (360) 754-9156

Note: The Filing Id is 20181031145922SC534228


CERTIFICATE OF SERVICE

I certify that on the date signed below, I caused the foregoing document to be electronically filed with this Court and served upon Respondents' attorney of record, as follows:

Attorney for Washington State Dept of Ecology
Katharine G. Shirey
Atty Generals Office Ecology Division
2425 Bristol Court SW
Olympia, WA 98502-6003
Kays1@atg.wa.gov

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Andrea Adler
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- kays1@atg.wa.gov

Comments:

Sender Name: Andrea Adler - Email: andrea@atmlawoffice.com

Filing on Behalf of: Allen T. Miller - Email: allen@atmlawoffice.com (Alternate Email: mmoc@atmlawoffice.com)

Address:
1801 West Bay Drive NW
Suite 205
Olympia, WA, 98502
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