

RECEIVED  
JUN - 6 2019

Washington State  
Supreme Court

**IN THE SUPREME COURT  
STATE OF WASHINGTON**

---

**Case No. 97200-1**

---

**LORI JONES JORDAN  
Respondent**

**v.**

**STEPHEN E. WHITTED  
Petitioner**

---

**MOTION TO ENLARGE TIME TO FILE PETITION FOR  
DISCRETIONARY REVIEW**

COMES NOW Petitioner, Stephen E. Whitted, proceeding *pro se*, and pursuant to Rule of Appellate Procedure 18.8(b), and hereby moves to enlarge the time by one day to file his Petition for Discretionary Review.

In support of this Motion, Petitioner respectfully states the following:

1. Division I of the Court of Appeals decided Case No. 77967 – 2 – 1 and issued an unpublished opinion in that matter on April 22, 2019.

2. Pursuant to RAP 13.4(a), a Petition for Discretionary Review was due within 30 days after the decision terminating review was

filed. In this case, the Petition for Discretionary Review was due to be filed on May 22, 2013.

3. Thereafter, on May 1, 2019, the undersigned mistakenly filed a Notice of Appeal of the April 22, 2019 decision with the Court of Appeals. This was done 21 days before the deadline.

4. On May 15, 2019, the undersigned received correspondence from the Supreme Court Deputy Clerk informing of the mistaken filing. That correspondence informed that the Petition for Review was due to be filed in the Supreme Court by close of business on May 22, 2019.

5. The undersigned prepared a formal Petition for Review in full compliance with the requirements of RAP 13.4. The undersigned attempted to file the Petition electronically on May 21, 2019 but was unable to do so. Also, on the morning of May 21, 2019 at 10:49 a. m. (EST), the undersigned forwarded the Petition for Discretionary Review to the Clerk of the Supreme Court with a second copy via Priority Mail Express. (See, Exhibit "A"). The undersigned paid the priority mailing express fee of \$25.50. (See, Exhibit "B"). The undersigned included the \$200.00 filing fee in the express mailing. (See, Exhibit "C"). Significantly, the postal clerk informed that the priority mail express package would be delivered in Olympia, Washington on the following day,

May 22, 2019. Priority Mail Express is guaranteed for next – day delivery.

6. On May 22, 2019, Lori Jordan was served with a copy of the Petition for Discretionary Review via electronic mail.

7. The undersigned forwarded the Petition for Discretionary Review through the U. S. Postal Service because the only address provided for mailing of the Petition for Discretionary Review to the Supreme Court is a post office box located within a U. S. Post Office.

8. On May 28, 2019, the Supreme Court Clerk informed that the Petition for Discretionary Review was not received on May 22, 2019, as the U. S. Postal Service promised, but, rather, was received on May 23, 2019, one day later.

9. On May 30, 2019, the undersigned visited the post office of origin of the priority express mailing to determine the reason for the late delivery of the package. Mr. Terry Moore, Customer Service Supervisor, investigated the matter. (See, Exhibit “D”). He learned that a Window Clerk failed to properly put the correct destination for the Priority Mail Express package in their system. Specifically, the Clerk did not complete the entire right side of the shipping label. (See, Exhibit “A”). Without this information on the shipping label, the package was not processed as a Priority Mail Express package, consequently, it was not delivered as

guaranteed on May 22, 2019, but, rather, one day late.

10. The undersigned has never experienced this type of error with a Priority Mail Express package.

11. Lori Jordan is not prejudiced by the filing of the Petition for Discretionary Review one day after the deadline, as she 1) received a copy of the Petition electronically in a timely manner on May 22, 2019, 2) she has been aware of the appellate issues discussed in the Petition for many months, and 3) presumably, she has not and will not incur any additional costs as a consequence of this Court accepting the filing one day after the deadline. On the other hand, the undersigned will be greatly prejudiced if the Petition for Discretionary Review is not accepted one day after the deadline, as he will have no other recourse for the determination of his rights.

12. The Petitioner has not filed a frivolous appeal. Rather, the issues raised in the Petition for Discretionary Review have legal merit and are based upon law decided by this Supreme Court and the Court of Appeals. Petitioner argues that the Court of Appeals decision in Case No. 77967-2-1 is in conflict with legal authority decided by the Supreme Court and an unpublished opinion of the Court of Appeals. *See*, RAP 13.4 (petition for review will be accepted if decision of the Court of Appeals is

in conflict with a decision of the Supreme Court).

**CONCLUSION**

**WHEREFORE**, for the grounds set forth more fully in the instant Motion, and the Exhibits incorporated therein and attached thereto, the undersigned requests that this Court enlarge the time and accept the Petition for Discretionary Review, which was received by this Court on May 23, 2019, as filed on May 22, 2019.

Respectfully submitted,



Stephen E. Whitted, *Pro Se*  
1 Stratford Garden Court  
Silver Spring, Md 20904  
(919) 223 – 7011  
attyswhitted@yahoo.com

CUSTOMER USE ONLY

FROM: (PLEASE PRINT)

PHONE ( )

979 223 1011  
 Stephen Whitted  
 1 Stratford Center Court  
 Silver Spr MA 02094



EL 756169593 US



**PRIORITY  
 ★ MAIL ★  
 EXPRESS™**

PAYMENT BY ACCOUNT (if applicable)

USPS® Corporate Acct. No.

Federal Agency Acct. No. or Postal Service™ Acct. No.

DELIVERY OPTIONS (Customer Use Only)

**SIGNATURE REQUIRED** Note: The mailer must check the "Signature Required" box if the mailer: 1) Requires the addressee's signature; OR 2) Purchases additional insurance; OR 3) Purchases COD service; OR 4) Purchases Return Receipt service. If the box is not checked, the Postal Service will leave the item in the addressee's mail receptacle or other secure location without attempting to obtain the addressee's signature on delivery.

Delivery Options

- No Saturday Delivery (delivered next business day)
  - Sunday/Holiday Delivery Required (additional fee, where available\*)
  - 10:30 AM Delivery Required (additional fee, where available\*)
- \*Refer to USPS.com® or local Post Office™ for availability.

TO: (PLEASE PRINT)

PHONE ( )

Ms Erin Lennon  
 Deputy Clerk  
 P.O. Box 40929  
 Olympia WA  
 ZIP + 4® (U.S. ADDRESSES ONLY)  
 98504-0929

ORIGIN (POSTAL SERVICE USE ONLY)

<input type="checkbox"/> 1-Day		<input type="checkbox"/> 2-Day		<input type="checkbox"/> Military		<input type="checkbox"/> DPO	
PO ZIP Code	Scheduled Delivery Date (MM/DD/YY)	Postage					
		\$					
Date Accepted (MM/DD/YY)	Scheduled Delivery Time <input type="checkbox"/> 10:30 AM <input type="checkbox"/> 3:00 PM <input type="checkbox"/> 12 NOON	Insurance Fee	COD Fee				
		\$	\$				
Time Accepted <input type="checkbox"/> AM <input type="checkbox"/> PM	10:30 AM Delivery Fee	Return Receipt Fee	Live Animal Transportation Fee				
	\$	\$	\$				
Special Handling/Fragile	Sunday/Holiday Premium Fee	Total Postage & Fees					
\$	\$						
Weight lbs. ozs.	<input type="checkbox"/> Flat Rate	Acceptance Employee Initials					
		\$					

DELIVERY (POSTAL SERVICE USE ONLY)

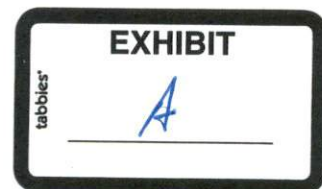
Delivery Attempt (MM/DD/YY)	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Delivery Attempt (MM/DD/YY)	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature

- For pickup or USPS Tracking™, visit USPS.com or call 800-222-1811.
- \$100.00 insurance included.

LABEL 11-B, OCTOBER 2016

PSN 7690-02-000-9996

2-CUSTOMER COPY



COLESVILLE  
13217 NEW HAMPSHIRE AVE  
SILVER SPRING, MD  
20904-9997  
2384810904

05/21/2019 (800)275-8777 10:49 AM

Product Description	Sale Qty	Final Price
Dom M.O. - Value		\$200.00
(Serial#:25816922144)		
Dom M.O. Fee		\$1.25
Bethesda PME	1	\$25.50
Marvin Gaye Pn16	1	\$8.80
<b>Total</b>		<b>\$235.55</b>

Debit Card Remit'd \$235.55  
(Card Name:VISA)  
(Account #:XXXXXXXXXX5212)  
(Approval #:  
(Transaction #:207)  
(Receipt #:020310)  
(Debit Card Purchase:\$235.55)  
(Cash Back:\$0.00)  
(AID:A0000000980840 Chip)  
(AL:US DEBIT)  
(PIN:Verified)

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

Preview your Mail  
Track your Packages  
Sign up for FREE @  
[www.informedelivery.com](http://www.informedelivery.com)

All sales final on stamps and postage.  
Refunds for guaranteed services only.  
Thank you for your business.

HELP US SERVE YOU BETTER

TELL US ABOUT YOUR RECENT  
POSTAL EXPERIENCE

Go to:  
<https://postalexperience.com/Pos>  
840-5200-0217-001-00046-07992-01

or scan this code with  
your mobile device:



or call 1-800-410-7420.

YOUR OPINION COUNTS

EXHIBIT

tabbles

B



# CUSTOMER'S RECEIPT

SEE BACK OF THIS RECEIPT  
FOR IMPORTANT CLAIM  
INFORMATION

Pay to

*Clerk, Sep*

Address

**NOT  
NEGOTIABLE**

*Filing fee 97200-1*

KEEP THIS  
RECEIPT FOR  
YOUR RECORDS

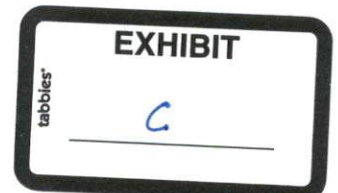
Serial Number  
**25816922144**

Year, Month, Day  
**2019-05-21**

Post Office  
**209041**

Amount  
**\$200.00**

Clerk  
**35**





Date: May 30, 2019

To: Erin Lennon, Deputy Clerk

From: Terry Moore (United States Postal Service)

Re: Stephen Whitted  
1 Stratford Garden Court  
Silver Spring, Md 20904

Please accept this letter of understanding on behalf of Mr. Stephen Whitted of 1 Stratford Garden Court Silver Spring Md 20904. On May 5/21/2019, Mr. Whitted visited my Post Office of 20904 and purchased an Express Shipping destined for your location at P.O.Box 40929 Olympia, Washington 98504.

Due to a mistake on my Window Clerk behalf, we failed to properly put the correct destination in the system and this was the reason for this Package Tracking: EL756169593US to become delayed and not reach your PO Box on 5/22/2019. This clerk will be disciplined accordingly. We apologize for any inconvenience this has caused Mr. Whitted and your Office. The Service was guaranteed for Delivery on 5/22/2019, which is why Mr. Whitted used our agency to deliver the item. Please direct any questions to me directly.

Thanks for your attention,



Terry Moore  
Customer Service Supervisor  
United States Postal Service  
13217 New Hampshire Ave  
Silver Spring, Md 20904  
(301) 879-2330  
Terry.L.Moore@usps.gov

EXHIBIT

tabbles®

D

**CERTIFICATE OF SERVICE**

I HERBY CERTIFY that on this 3rd day of June 2019, a copy of the foregoing Motion  
was electronically forwarded to:

Lori Jones Jordan  
15600 NE 8<sup>th</sup> Street  
Suite B- 1, Box 381  
Bellevue, WA 98008  
Lorijordan@outlook.com

RECEIVED  
JUN - 6 2019

Washington State  
Supreme Court

  
Stephen E. Whitted