

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
10/18/2019 3:09 PM  
BY SUSAN L. CARLSON  
CLERK

SUPREME COURT  
OF THE STATE OF WASHINGTON

In Re the Estate of:

SASSAN SANAI, MD,

Deceased.

No. 97433-1

ANSWER TO SANCTIONS  
MOTION AND  
MOTION TO STRIKE  
SECOND REPLY  
ON PETITION  
FOR REVIEW

A. INTRODUCTION

In accordance with this Court's October 4, 2019 letter, the respondent Astrid Sanai, personal representative of the Estate of Sassan Sanai, M.D. ("Estate"), provides this answer to Cyrus Sanai's ("Cyrus") latest two motions. The Estate asks this Court to deny Cyrus's spurious sanctions motion, to strike his second reply on his petition for review, and to impose sanctions pursuant to RAP 18.9(a).

B. FACTUAL BACKGROUND

Counsel for the Estate received pleadings denominated a "motion for sanctions pursuant to RAP 18.9(a)" and an "answer to request for attorney fees in answer to petition for review" on October 3, 2019. The motion for sanctions lacks any specific discussion as to why fees should be assessed against the Estate. The answer, as this Court will readily discern, is nothing but a further "reply" on Cyrus's petition for review, and

Answer to Sanctions Motion/  
Motion to Strike Second Reply  
on Petition for Review - 1

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may not be filed under RAP 13.4(d).

C. ARGUMENT

(1) Motion for RAP 18.9(a) Sanctions

Cyrus's motion for RAP 18.9(a) sanctions is spurious; it is designed to offer a mask for his own misconduct in filing 2 improper replies on his petition for review. In its answer to Cyrus's petition for review, the Estate was not raising a "new issue" as to the trial court's or Division I's decisions on TEDRA fees. Rather, it was seeking its fees before *this* Court for being compelled to respond to Cyrus's petition for review, a transparent effort to delay, the closure of his father's Estate and to run up Estate legal fees. Moreover, as the Estate explained in its answer at 13-14, this Court is entitled to make its *independent* judgment at this stage of the case whether fees should be assessed against Cyrus under TEDRA or the RAP for the Estate's fees incurred before this Court. RAP 18.1/RAP18.9(a). Cyrus cites *no authority* under TEDRA or RAP 18.9(a) barring this Court from determining whether it should impose fees against him for this stage of the review, independent of what happened in the trial court or the Court of Appeals on fees. In fact, RCW 11.96A.150(1) specifically states that fees may be assessed by "*any court on appeal,*" (emphasis added.) indicating that this Court may independently assess whether TEDRA fees should be assessed.

(2) Motion to File a Second Reply

Cyrus's motion to file an answer to the request for fees, should also be denied. In fact, it is nothing but a *second* reply to an issue raised in the Estate's answer to his petition for review.<sup>1</sup> Nothing in RAP 13.4(d) authorizes the filing of serial replies.

Cyrus's pleadings further confirm the frivolous nature of his petition for review, and his inability to comply with the Rules of Appellate Procedure. As noted in the Estate's first motion to strike, Cyrus was not entitled to file a reply under RAP 13.4(d) because the Estate's answer did not raise new issues; specifically, it did not seek cross-review, that is, it did not raise added issues for this Court to address upon the *granting* of review. Rather, it merely sought to defeat review and asked this Court to assess fees against Cyrus under TEDRA or RAP 18.9(a) for the expense the Estate was forced to incur on review in this Court. This second reply, like the first, does not comport with RAP 13.4(d).

Additionally, Cyrus's second reply, like the first, is untimely, and, even were the Court to consider it, overlength. The Estate's answer here was filed on September 12, 2019. Cyrus's first reply was filed on September 30 and the second was filed on October 3. *Both* are untimely

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<sup>1</sup> In fact, the bulk of the answer merely repeats arguments on the issues raised in his petition for review.

as they were not filed within 15 days of the Estate's answer. RAP 13.4(d).  
Further, if both replies are considered, they total 38 pages of materials.  
Any reply is confined to 20 pages. RAP 13.4(f).


For the reasons set forth in the Estate's first motion to strike at 3-4,  
sanctions are in order for Cyrus's latest pleading filed in derogation of the  
RAPs.

D. CONCLUSION

The Estate respectfully requests that the Court deny Cyrus's  
baseless motion for RAP 18.9(a) sanctions and strike Cyrus's second  
reply. That second reply is both untimely and overlength, and it fails to  
comply with provisions of RAP 13.4(d) as to the content of a reply on a  
petition for review. Sanctions are merited. RAP 18.9(a).

Dated this 13<sup>th</sup> day October, 2019.

Respectfully submitted,



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Attorneys for Respondent  
Astrid Sanai, as personal representative of  
the Estate of Sassan Sanai, M.D.

DECLARATION OF SERVICE

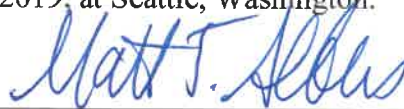
On said day below, I electronically served a true and accurate copy of the *Answer to Sanctions Motion and Motion to Strike Second Reply on Petition for Review* in Supreme Court Case No. 97433-1 to the following:

Cyrus Sanai  
433 North Camden Drive #600  
Beverly Hills, CA 90210

Original filed with:  
Supreme Court  
Clerk's Office

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

DATED: October 18, 2019, at Seattle, Washington.



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Matt J. Albers, Paralegal  
Talmadge/Fitzpatrick

**TALMADGE/FITZPATRICK**

**October 18, 2019 - 3:09 PM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 97433-1  
**Appellate Court Case Title:** In the Matter of the Estate of Sassan Sanai, M.D.  
**Superior Court Case Number:** 17-4-00826-1

**The following documents have been uploaded:**

- 974331\_Answer\_Reply\_20191018150619SC923430\_2918.pdf  
This File Contains:  
Answer/Reply - Answer to Motion  
*The Original File Name was Answer to Sanctions and Mot to Strike Second Reply.pdf*

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

- assistant@tal-fitzlaw.com
- cyrus@sanaislaw.com
- matt@tal-fitzlaw.com

**Comments:**

Answer to Sanctions Motion and Motion to Strike Second Reply on Petition for Review

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