

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
10/1/2019 8:42 AM  
BY SUSAN L. CARLSON  
CLERK

No. 97480-2

SUPREME COURT  
OF THE STATE OF WASHINGTON

In re the:

ESTATE OF CONSTANCE  
LITTLE

RENAE ROBERSON

Petitioner,

v.

ROXANNE TREES,  
Individually and as Personal  
Representative of the Estate  
of Constance Little,

Respondent.

MOTION TO STRIKE REPLY  
TO RESPONSE TO  
PETITION FOR REVIEW

**A. Relief Sought By Moving Party.**

Respondent Roxanne Trees, as personal representative of the Estate of Constance Little, asks this Court to strike petitioner Renae Roberson's "Reply Brief to Response to Petition for Review," filed on September 30, 2019, as it is unauthorized by the Rules of Appellate Procedure.

**B. Facts Relevant to Motion and Grounds for Relief.**

Petitioner Renae Roberson's Reply Brief to Response to Petition for Review does not comply with the appellate rules. RAP 13.4(d) allows a reply only "if the answering party seeks review of issues not raised in the petition for review. A reply to an answer should be limited to addressing only the new issues raised in the answer."

Respondent opposed the petition and did not raise any new issues in her answer, save for a conditional request that should the Court grant review, it should also review the Court of Appeals' denial of respondent's fees on appeal. (Answer 18) As the Reply does not address this issue, the Reply should be stricken in its entirety.

**C. Conclusion.**

This Court should strike petitioner Renae Roberson's Reply Brief to Response to Petition for Review.

This motion is submitted for consideration without oral argument.

DATED this 1<sup>st</sup> day of October, 2019.

SMITH GOODFRIEND, P.S.

By: 

Howard. M. Goodfriend

WSBA No. 14355

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Seattle, WA 98109  
(206) 624-0974

Attorneys for Respondent  
Personal Representative

**DECLARATION OF SERVICE**

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct:

That on October 1, 2019, I arranged for service of the foregoing Motion to Strike Reply to Response to Petition for Review, to the court and to the parties to this action as follows:

Office of Clerk Washington Supreme Court Temple of Justice P.O. Box 40929 Olympia, WA 98504-0929	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-File
Bruce R. Moen Sarah L. Moen Moen Law Offices, PS 1325 4th Avenue, Suite 1025 Seattle, WA 98101 (206) 441-1156 brm@moenlaw.com sarah@moenlaw.com	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail
Adrienne McEntee Terrell Marshall Law Group PLLC 936 N 34th St, Ste 300 Seattle WA 98103 amcentee@terrellmarshall.com	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail
Rena Roberson PO Box 222 Milton WA 98354	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> E-Mail

**DATED** at Seattle, Washington this 1<sup>st</sup> day of October, 2019.

  
\_\_\_\_\_  
Sarah N. Eaton

**SMITH GOODFRIEND, PS**

**October 01, 2019 - 8:42 AM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 97480-2  
**Appellate Court Case Title:** In re the Estate of Constance E. Little, Deceased; Roxanne Trees v. Renae Roberson

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