

No. 72517-3-1

---

WASHINGTON STATE COURT OF APPEALS – DIVISION I

---

**PEGGI NORTHWICK**

Respondent

vs.

**ANDREW LONG**

Appellant.

---

On appeal from King County Superior Court  
Honorable Laura Inveen

---

**BRIEF OF RESPONDENT NORTHWICK**

---

By: Steven L. Shaw, WSBA #33007  
165 NE Juniper Street, Suite 200  
Issaquah, WA 98027  
(425) 831-3100

*Attorney for Respondent Northwick*

FILED  
COURT OF APPEALS DIV I  
STATE OF WASHINGTON  
2015 MAY 27 PM 3:30

**TABLE OF CONTENTS**

TABLE OF CONTENTS.....i

TABLE OF AUTHORITIES.....ii

A. INTRODUCTION.....1

B. ASSIGNMENTS OF ERROR .....2

C. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR.....2

D. STATEMENT OF THE CASE.....3

E. AUTHORITY AND ARGUMENT.....5

    1. STANDARD OF REVIEW.....5

    2. VALID SUBSTITUTE SERVICE OF PROCESS TOOK PLACE.....6

        a. Northwick established her prima facie case for sufficient service of process.....6

        b. Long did not produce “clear and convincing” evidence demonstrating Mr. Long’s “usual abode” was anywhere other than the location where service of process took place.....7

        c. A plaintiff is not require to put forth evidence that demonstrates the defendant actually lived at the dwelling in question.....10

        d. Ms. Northwick had time to perfect service on Andrew Long, but no notice that substitute service was being called into question.....13

    3. THE TRIAL COURT DID NOT ABUSE ITS DISCRETION.....14

        a. The trial court used its discretion reasonably, when it determined an evidentiary hearing was unnecessary to reach its denial of Mr. Long’s motion for reconsideration.....14

b.	Judge Inveen is qualified and open to receiving instruction from this Court should this matter be remanded for an evidentiary hearing.....	16
G.	CONCLUSION.....	17

**TABLE OF AUTHORITIES**

**Cases**

1.	<u>Scanlan v. Townsend</u> , 181 Wn.2d 838, 847, 336 P.3d 115 (2014).....	5
2.	<u>Wichert v. Caldwell</u> , 117 Wash. 2d 148, 152, 812 P.2d 858 (1991).....	5,10
3.	<u>Woodruff v. Spence</u> , 76 Wn. App. 207, 210, 883 P.2d 936 (1994).....	5,6
4.	<u>State ex rel. Coughlin v. Jenkins</u> , 102 Wash.App. 60, 65, 7 P.3d 818 (2000).....	6
5.	<u>Lee v. W. Processing Co.</u> , 35 Wash.App. 466, 469, 667 P.2d 638 (1983).....	6
6.	<u>Miebach v. Colasurdo</u> , 35 Wash.App. 803, 808, 670P.2d 276 (1983).....	7
7.	<u>Woodruff v. Spence</u> , 88 Wash.App. 565, 945 P.2d 745, (1997).....	7,10
8.	<u>Vukich v. Anderson</u> , 97 Wash.App. 684, 985 P.2d 952 (1999).....	8
9.	<u>Streeter-Dybdhal v. Nguyet Huynh</u> , 157 Wash.App. 408, 236 P.3d 986 (2010).....	8
10.	<u>Lynott v. Nat’l Union Fire Ins. Co. of Pittsburg, PA</u> , 123 Wn2d 678, 689, 871 P.2d 146 (1994).....	9
11.	<u>Sheldon v. Fettig</u> , 129 Wn.2d 601, 919 P.2d 1209 (1996).....	10,13
12.	<u>Farmer v. Davis</u> , 161 Wash.App. 420, 250 P.3d 138 (2011), citing <u>In re Det. Of Schuoler</u> , 106 Wash.2d 500, 512, 723 P.2d 1103 (1986).....	15
13.	<u>Swan v. Landgren</u> , 6 Wash.App. 713, 495 P.2d 1044 (1972).....	15
14.	<u>Turner v. Kohler</u> , 54 Wash.App. 688, 693, 775 P.2d 474 (1989).....	16

**Statutes**

1.	RCW 4.16.350 RCW 4.28.080(15).....	6
2.	RCW 1.12.010.....	12

## A. INTRODUCTION

On March 30, 2011, Andrew Long drove his vehicle into another one, severely injuring Peggi Northwick. Ms. Northwick filed a complaint for damages and hired a process server to serve the summons and complaint on Mr. Long at his last known address. Mr. Long's father answered the door and when asked, he replied Mr. Long lived there but was not at home at the time. Mr. Long's father agreed to deliver the summons and complaint to Mr. Long, and again confirmed Mr. Long lived there before the process server left. The process server filed a declaration of service, defense counsel appeared, and shortly after the passing of the statute and the 90-day window for service, Mr. Long filed a motion to dismiss.

At the hearing on the motion, the trial court held the co-resident service conformed to the law, and held the declaration of Mr. Long's father did not amount to "clear and convincing evidence" that co-resident service had not been accomplished. On reconsideration, Mr. Long requested an evidentiary hearing, which the trial court denied. Mr. Long requested discretionary review of the trial court's decision.

The commissioner's ruling granting discretionary review held that the trial court's reliance on the credibility of the testimony necessitated a separate evidentiary hearing. Though not included in the commissioner's ruling, Mr. Long also argues co-resident service was not proper.

## **B. ASSIGNMENTS OF ERROR**

1. The trial court did not err when it denied Mr. Long's motion to dismiss for lack of proper service of process, where Mr. Long failed to present clear and convincing evidence to the contrary.
2. The trial court did not err when it denied Mr. Long's motion for reconsideration and refused to conduct an evidentiary hearing, where the motion presented nothing new for the trial court's consideration.

## **C. ISSUES PRESENTED**

1. Did the trial court make a reversible error by denying Mr. Long's motion to dismiss where substitute service was accomplished at his last known address and Mr. Long could not produce clear and convincing evidence he lived anywhere else? (Pertaining to Assignment of Error No. 1)
2. Was the trial court's reliance on the declaration and testimony of the process server proper, in its determination that substitute service of process was accomplished? (Pertaining to Assignment of Error No. 1)
3. Did the trial court reasonably exercise its discretion when it denied Mr. Long's request for an evidentiary hearing in his motion for reconsideration? (Pertaining to Assignment of Error No. 2)

#### **D. STATEMENT OF THE CASE**

Andrew Long drove his car into another car on the freeway, injuring Peggi Northwick, On March 20, 2011. (CP 2) Ms. Northwick timely filed a summons and complaint for damages against Mr. Long on March 6, 2014. (CP 1-6). Two days later, a process server hired by Ms. Northwick went to Mr. Long's last known address in Snohomish to serve the summons and complaint. (CP 10) The process server made contact with Mr. Long's father at the door. (CP 61) The process server asked Mr. Long's father if Mr. Long lived there and if he was home. (CP 61) Mr. Long's father replied that Mr. Long lived there, but was not home at the time. (CP 61) The process server asked Mr. Long's father if he would deliver the summons and complaint to Mr. Long. (CP 62) Mr. Long's father said that he would. (CP 62) The process server once more asked Mr. Long's father to confirm that Mr. Long lived at that residence. (CP 62) Mr. Long's father once more responded that was true. The process server filed a declaration of service upon a co-resident with the clerk of the trial court on March 24, 2014. (CP 95)

Mr. Long's attorney filed a notice of appearance on March 21, 2014. (CP 7). Two weeks after the end of the 90-day window for service of process, Mr. Long's attorney filed a motion to dismiss the complaint for lack of service of process, along with a declaration from Mr. Long's father that Mr. Long did not reside at the address where process was served. (CP 11-17, 23-24) The

deposition of Ms. Northwick's process server, Randy Bennett, took place on July 21, 2014. (CP 52). At Mr. Bennett's deposition, he testified Mr. Long's father twice confirmed Mr. Long lived at the Snohomish address where service took place. (CP 62) Getting multiple confirmations of the residence of the defendant from a co-resident was Mr. Bennett's typical practice. (CP 64) Mr. Bennett also testified that his post-motion review of Mr. Long's vehicle identification from Washington Department of Licensing database and a US Postal trace confirmed that Mr. Long resided at the Snohomish address as late at May 8, 2014. (CP 68-75)

The trial court held a hearing on Mr. Long's motion to dismiss on August 8, 2014. (RP 1) At the hearing, Mr. Long conceded that Ms. Northwick had fulfilled her duty under the law to file the declaration of service, and it was his burden to demonstrate by clear and convincing evidence he had not been properly served. (RP 6-7) Mr. Long argued that his father's declaration met his burden of clear and convincing evidence. (RP 7) Ms. Northwick argued the declaration was contradicted by Mr. Bennett's testimony, as well as evidence from the Department of Licensing, the United States Postal Service, and the credit reporting agency TransUnion. (RP 24) In its oral ruling, the trial court stated Ms. Northwick satisfied the establishment of a *prima facie* case through the process server's declaration, and Mr. Long failed to meet his burden to establish by clear and convincing evidence that the Snohomish address where service took place

was not his current residence. (RP 29) The trial court’s basis for its finding was due to the weight of Ms. Northwick’s evidence – a highly trained and experienced process server with a clear recollection of that particular service along with public and private records supporting that location as Mr. Long’s residence, against a declaration by Mr. Long’s father which was vague and lacking independent support that Mr. Long’s residence was anywhere other than where service took place. (RP 29)

## **E. AUTHORITY AND ARGUMENT**

### **1. Standard of Review**

Appellate review of service of process is *de novo*. Scanlan v. Townsend, 181 Wn.2d 838, 847, 336 P.3d 115 (2014). No “bright line” rule exists when evaluating substitute service of process; a case by case determination is required by the “fact-specific requirements of the statute.” Wichert v. Caldwell, 117 Wash. 2d 148, 152, 812 P.2d 858 (1991). The question to be asked in every case involving an alternative to personal service is, “...was it reasonably calculated to provide notice to the defendant?” Id. Statutory compliance outweighs actual notice: “It is hornbook law that a constitutionally proper method of effective substituted service need not guarantee that in all cases the defendant will in fact receive actual notice...” Id. citing Bossuk v. Steinberg, 58 N.Y.2d 916, 918, 460 N.Y.S.2d 509, 447 N.E.2d 56 (1983).

Trial court decisions regarding the need for an evidentiary hearing are reviewed for abuse of discretion. Woodruff v. Spence, 76 Wn. App. 207, 210, 883 P.2d 936 (1994).

**2. Valid substitute service of process took place**

**a. Northwick established her *prima facie* case for sufficient service of process**

RCW 4.28.080(15) directs plaintiffs to serve process personally on the defendants named in the pleadings, or people of adequate age and discretion who share the same residence. If a defendant challenges service of process, the plaintiff must establish a *prima facie* case that service has been accomplished. Woodruff v. Spence, 76 Wash.App. 207, 209-210, 883 P.2d 936 (1994). A plaintiff can establish her *prima facie* case by providing a declaration which covers all aspects of the statute, from a process server that demonstrates proper service. State ex rel. Coughlin v. Jenkins, 102 Wash.App. 60, 65, 7 P.3d 818 (2000). A proper declaration from a process server is presumptively correct if it follows proper form. Lee v. W. Processing Co., 35 Wash.App. 466, 469, 667 P.2d 638 (1983).

Ms. Northwick hired process server Randy Bennett to serve process on Mr. Long at his last known address. Mr. Bennett properly drafted and filed a declaration of service with the clerk of the trial court. Mr. Long has not argued that Ms. Northwick failed in any regard in the presentation and filing of Mr.

Bennett's declaration of service. Mr. Long has conceded that point more than once.

**b. Long did not produce “clear and convincing” evidence demonstrating Mr. Long’s “usual abode” was anywhere other than the location where service of process took place.**

It is the burden of the party challenging service to show by “clear and convincing evidence” that service was improper. Woodruff v. Spence, 88 Wash.App. 565, 945 P.2d 745, (1997), citing Miebach v. Colasurdo, 35 Wash.App. 803, 808, 670P.2d 276 (1983). Clear and convincing evidence is: “Evidence indicating that the thing to be provided is highly probable or reasonably certain.” Black’s Law Dictionary 235 (Pocket Edition, 1996).

Washington Courts have found defendants presentations of “clear and convincing evidence” lacking when no credible evidence of a different “usual abode” has been included. State ex rel. Coughlin v. Jenkins, 102 Wash.App. 60, 7 P.3d 818 (2000) (Affidavits from mother and ex-wife that defendant did not live at the place where co-resident service took place, were not clear and convincing evidence of improper service of process, when compared to mail from that address which demonstrated he did live there); Woodruff v. Spence, 88 Wash. App. 565, 945 P.2d 745 (1997) (Defendant failed to establish that service was irregular, even though defendant did establish he was not at the residence on the date of service and denied ever actually receiving the documents served).

Cases where the Court does find clear and convincing evidence of improper service are when defendants present 1) substantial evidence, that 2) would have been available to a reasonably diligent plaintiff. Vukich v. Anderson, 97 Wash.App. 684, 985 P.2d 952 (1999) (Defendant's evidence of other residence included a lease, a tenant's statement, a California bank account, a California home purchase, and mail forwarding); Streeter-Dybdhal v. Nguyet Huynh, 157 Wash.App. 408, 236 P.3d 986 (2010) (Defendant's evidence of other residence included property records showing she purchased a different residence almost eight months before service was attempted at the old address).

The single piece of evidence that Andrew Long presented to the trial court was the declaration of his father, Hoeun Long. (CP 23) At point four, Hoeun Long tells us Andrew Long was a resident of the home of Hoeun Long up until December of 2013 – six months before the signing of the declaration, which was about two months before service of the lawsuit. While it is specific with regard to the Snohomish address, no address as to where he established a new residence, is provided. No reference to documentation or information publicly accessible is referenced which would tend to show the establishment of a new residence.

At point nine, Hoeun Long tells us that at the time he signed the declaration, Andrew Long was working and going to school in Texas, and that he has been doing so since he left in December of 2013. However, there is no address for Andrew Long. There is no identification of the school where Andrew

Long is attending. There is no identification of the company where Andrew Long is working. Further, Hoeun Long has established no foundation for knowing anything regarding the residence of Andrew Long since he allegedly left the family home in December of 2013 – no testimony about receiving letters from any address, tuition bills from any school, visits to see him wherever he actually resides.

Point ten tells us that Andrew Long did not spend his school break at home, and his father has no idea whether Andrew Long will return home after the spring term ends. This testimony is telling, as it leaves open the question of when Andrew Long will return to the family home.

When a defendant who challenges service of process leaves out his true place of abode, an adverse inference is reasonably drawn. “When a party fails to produce relevant evidence within its control, without satisfactory explanation, the inference is that such evidence would be unfavorable to the nonproducing party.” Lynott v. Nat’l Union Fire Ins. Co. of Pittsburg, PA, 123 Wn2d 678, 689, 871 P.2d 146 (1994). It would appear to most that obtaining the most basic of information regarding the “usual abode” of Andrew Long would be well within the power of either his father or his attorney of record. The trial court also noted this vacancy:

“The Court: Let me ask you another question. And I’m sorry to get you off track. I don’t have anything from Andrew Long, do I, saying anything? There’s no declaration. Can I take an inference from that?”

(RP 15)

“The Court:...Wouldn’t it be helpful if Andrew Long truly did have a different place of abode to have a declaration from him saying this is where I live and this is what I’m doing, as opposed to I’m going to Texas U and I’m a work study student is my employ – you know, my two hours a week, and I, you know, don’t have any intention to live in Texas?”

(RP 15)

**c. A plaintiff is not required to put forth evidence that demonstrates the defendant actually lived at the dwelling in question.**

“A constitutionally proper method of effecting substituted service need not guarantee that in all cases the defendant will in fact receive actual notice; what is essential is that the method of attempted service be reasonably calculated to provide notice to the defendant.” Woodruff v. Spence, 88 Wash.App. 565, 571, 945 P.2d 745 (1997), citing Wichert v. Cardwell, 117 Wash.2d 148, 151-52, 812 P.2d 858 (1991). For purposes of this action, the only usual abode identified for Andrew Long was his father’s house in Snohomish. The only place where he

could reasonably be expected to receive notice with sufficient time to respond was at his father's house in Snohomish.

The Washington State Supreme Court looked at concept of "usual abode" in depth in 1996. Sheldon v. Fettig, 129 Wn.2d 601, 919 P.2d 1209 (1996). Pamela Sheldon was injured in a motor vehicle collision, and sued Francine Fettig. The process was served on Ms. Fettig by leaving the documents at her parents' home with her brother. Eight months before that service, Ms. Fettig had relocated to Chicago to begin a training course as a flight attendant. Ms. Fettig always used her parents' home as the place where she could be reached.

"Upon moving back into her parents' home, she changed her address with the post office giving her parents' address as her own and continued having all her mail sent there for at least seven weeks after moving to Chicago. Two weeks after Ms. Fettig went to Chicago, she registered to vote in Washington swearing that she was a Washington resident living at her parents' address. Ms. Fettig's car was registered at the same address. When she moved to Chicago she left her car with her father and gave him power of attorney to sell it. The address on the car insurance was changed to her parents' address and kept valid until the car was sold. When the car was sold, one and a half months prior to service of process, the bill of sale filed with the Department of Licensing listed the Seattle Fettig home as Ms. Fettig's address."

Sheldon v. Fettig, 129 Wash.2d 601, 604-605, P.2d 1209, 1210 (1996). Ms. Fettig also kept her Washington State Driver's License and her Washington State Voter Registration. Further, no evidence was given to indicate where Ms. Fettig was on the date the documents were served. The trial court denied a motion by the defense to rule co-resident service on Ms. Fettig was ineffective, finding that Ms. Fettig maintained two separate abodes. Id at 606. That finding was affirmed by Division I. Id. The case was then accepted for review by the Supreme Court.

Justice Sanders, in his opinion, discussed how narrowly to interpret the service of process statutes. "...[W]e have applied liberal construction to substitute service of process in order to effectuate the purpose of the statute while adhering to its spirit and intent." Id at 607. Justice Sanders referred to a case where the non-resident motorist statute was used to serve a defendant which could not be found within the State, who was later shown to be a resident. Id. He then referred to another case where the Court had found a step-daughter watching her parent's house sufficient to qualify as a co-resident for purposes of service. Id at 608.

"We focused on the 'spirit and intent of the statute' rather than 'the literal letter of the law' and stated that the term should be defined so as to uphold the underlying purpose of the statute. Id. at 151, 812 P.2d 858. We held the dual purpose of the statute is to (1) provide means to serve defendants in a fashion reasonably calculated to accomplish notice and (2) allow injured parties a reasonable means to serve defendants."

Id at 608. Justice Sanders supported the Court’s position by referring to RCW 1.12.010, “[t]he provisions of this code shall be liberally construed, and shall not be limited by any rule of strict construction.” RCW 1.12.010, (2014). However, the most compelling argument in favor of Justice Sanders’ opinion, was the quote he used from the opinion from Division I in the same case, which was, “The term “usual place of abode” is used in the statute because it is the place at which the defendant is most likely to receive notice of the pendency of a suit. Id at 610.

**d. Ms. Northwick had time to perfect service on Andrew Long, but defendant gave no notice that substitute service was being called into question.**

On March 24, 2014, three weeks after the lawsuit in this case was filed, a notice of appearance was served on behalf of Mr. Long. The same date the notice of appearance was received, the declaration of substitute service was filed and served on Mr. Long’s newly appeared attorney. From that date until June 4, 2014, no assertion was made by Mr. Long that he found service lacking.

In his dissent in Sheldon v. Fetting, *infra*, Justice Talmadge did not agree with Justice Sanders’ view of usual abode. Justice Talmadge wrote at length on the issue of “usual place of abode.” It was his opinion that the only meaning of “usual place of abode” is the location where the defendant is actually living at the time of service. Notwithstanding his disapproval of the majority opinion, Justice Talmadge suggests in a foot note that even if service takes place where the

defendant was not “actually living, sufficiency of process can be shown if the following tests are met: 1) Defendant did not give notice of insufficiency of process, and 2) Plaintiff promptly served the defendants. Sheldon at 620. Both of the above tests are met in this case. After receiving the summons and complaint, Mr. Long’s attorney made no reference to insufficiency of process in any of his communications with the Ms. Northwick, despite making contact just three weeks later with months left in the 90-day window. Further, Ms. Northwick accomplished service on Mr. Long just a few days after filing the summons and complaint. It is clear that even if Justice Talmadge’s strict interpretation of “usual abode” was applied to this case, Mr. Long would be unable to demonstrate insufficient process.

**3. The trial court did not abuse its discretion**

- a. The trial court used its discretion reasonably, when it determined that an evidentiary hearing was unnecessary to reach its denial of Mr. Long’s motion for reconsideration.**

“Where the decision of the trial court is a matter of discretion, it will not be disturbed on review except on a clear showing of abuse of discretion. Discretion is abused when it is based on untenable grounds or is manifestly unreasonable.” Farmer v. Davis, 161 Wash.App. 420, 250 P.3d 138 (2011), citing In re Det. Of Schuoler, 106 Wash.2d 500, 512, 723 P.2d 1103 (1986). A court may direct that an issue raised in a motion be heard by way of live testimony if it

“is necessary for a just determination.” Swan v. Landgren, 6 Wash.App. 713, 495 P.2d 1044 (1972).

In every case cited by either party, the decision to hold an evidentiary hearing is discretionary. The trial court exercised that discretion in this matter, and weighed all aspects of the declaration from Mr. Long’s father and the declaration of service and deposition testimony of the process server Randy Bennett. At the deposition, Mr. Long had the opportunity to vet Mr. Bennett as a witness and to cross examine him – an opportunity not afforded to Ms. Northwick with Mr. Long’s father. Mr. Long had two months to request the live testimony of Hoeun Long or Andrew Long, as Ms. Northwick did with Mr. Bennett, and chose to rely only on the declaration of his father.

Mr. Long’s request for live testimony was not made until he filed his motion for reconsideration after the trial court denied his motion to dismiss. Mr. Long may argue that was because he was unaware that the trial court would judge the weight and credibility of his declarant against Ms. Northwick’s witness, but that would be an unreasonable position. The weight and credibility of written testimony is considered by Washington Courts in mandatory arbitration, district court, and in superior court on summary judgment.

By analogy, moving parties in summary judgment motions are at times permitted to present live testimony, but it is not permitted without qualification. Farmer v. Davis at 430. The court may deny a request for live testimony if 1) the

requesting party does not offer a good reason for the delay in obtaining the desired evidence; 2) the requesting party does not state what evidence would be established through the live testimony; and 3) the desired evidence is not material to the inquiry. Turner v. Kohler, 54 Wash.App. 688, 693, 775 P.2d 474 (1989). To date before this Court, Mr. Long has not provided any credible reasoning for not requesting live testimony, or what evidence he predicts he would obtain.

In spite of Ms. Northwick's position that the trial court did not abuse its discretion by denying Mr. Long's request for live testimony at an evidentiary hearing, she would not object to direction from this Court to do so on remand to the trial court, as long as Mr. Long is limited to the scope of the evidence that was presented to the trial court at the time of Mr. Long's motion to dismiss.

**b. Judge Inveen is qualified and open to receiving instruction from this Court should this matter be remanded for an evidentiary hearing.**

Before argument began, Judge Inveen prefaced the arguments with the comment that she was recording the hearing and anticipated giving an oral ruling "for the aid of the Court of Appeals." (RP 5) At no point in during the argument by the parties or within her ruling did she indicate any prejudice toward either side. She questioned both parties' evidence and positions fairly, and again commented after her oral ruling that she anticipated the Court of Appeals could weigh in on the matter. At no place in her ruling did Judge Inveen "impugn" the

credibility of either witness or express opinions that were inappropriate given the parties' positions on the matter. To the contrary, she gave each witness and each party every benefit of the doubt, and found the weight of Mr. Long's evidence insufficient to reach his burden. Further, Judge Inveen will be the best jurist to receive instruction from this Court should remand occur, as she is already familiar with the parties, the evidence, and the law surrounding these issues.

#### **F. CONCLUSION**

Ms. Northwick established a prima facie case for substitute service of process pursuant to RCW 4.28.080(15) and it was conceded to by Mr. Long. The burden was then upon Mr. Long to establish by clear and convincing evidence he lived somewhere other than 9517 210<sup>th</sup> Street SE in Snohomish, Washington. He chose to rely on the declaration of his father, who confirmed that he received service from the process server, but failed to establish Mr. Long's residence anywhere other than his home. Further, the trial court found that Mr. Bennett's testimony put the declaration of Mr. Long's father in doubt. The result was the denial of Mr. Long's motion to dismiss for incomplete service of process, and the denial of his motion to reconsider. The trial court's decisions were based on its sound discretion; they cannot be disturbed short of untenable grounds and manifest unreasonableness, which are not present here.

Ms. Northwick requests this Court deny Mr. Long's appeal to dismiss the lawsuit against him for the injury and damage he caused Ms. Northwick, and to

deny Mr. Long's request for the case to be remanded to the trial court for an evidentiary hearing. In the alternative, should this Court decide to remand the matter, Ms. Northwick requests the matter be maintained with the same judge who considered Mr. Long's motion originally.

Dated this 27th day of May, 2015.

By: \_\_\_\_\_

A handwritten signature in black ink, appearing to be 'SLS', written over a horizontal line.

Steven L. Shaw, WSBA #33007  
Attorney for Appellants

No. 72517-3-1

THE COURT OF APPEALS  
DIVISION I  
OF THE STATE OF WASHINGTON

PEGGI NORTHWICK,

Respondent

vs.

ANDREW LONG

Appellant

FILED  
COURT OF APPEALS DIV I  
STATE OF WASHINGTON  
2015 MAY 27 PM 3:31

---

**DECLARATION OF SERVICE OF RESPONDENT'S BRIEF**

---

I, STEVEN L. SHAW, declare as follows:

1. A copy of Respondent Northwick's brief, together with a copy of this document, was hand-delivered to:  
  
Michael N. Budelsky, Reed McClure, 1215 Fourth Ave, Suite 1700,  
Seattle, Washington; and  
  
Richard Johnson, Clerk, Court of Appeals, Division I, 600 University  
Street, Seattle, Washington,  
  
via hard copy on the 27<sup>th</sup> day of May, 2015.

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

DATED this 27<sup>th</sup> day of May, 2015.

A handwritten signature in black ink, appearing to read 'S. Shaw', written over a horizontal line.

STEVEN L. SHAW #33007

**165 Juniper Street, Suite 200  
Issaquah, WA 98027  
(425) 831-3100 x.213**