

FILED
COURT OF APPEALS
DIVISION II
2013 DEC 30 AM 11:55
STATE OF WASHINGTON
BY _____
DEPUTY

No. 44154-3-II

No. 45264-2-II (consolidated)

Cowlitz County Superior Court Cause No. 12-2-00237-2

COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

KATALIN K. NYITRAI

Appellant,

vs.

JEREMY GOODSON, dba GOODSON PROPERTIES,

Respondent.

Supplement to Respondent's Brief

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TABLE OF AUTHORITIES

Additional Cases

- 1. *Spinelli v. Economy Stations, Inc.*, 71 Wn.2d 503, 429 P.2d 240 (1967).
- 2. *Stastny v. Board of Trustees of Central Washington University*, 32 W.App. 239, 647 P.2d 496 (1982).

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SUPPLEMENT TO: II. ARGUMENT - ISSUE 1

Implicit from the facts of the case, and suggested in Respondent's brief under Issue 1, is that no exceptions were filed or taken by Appellant to the proposed Order presented on September 18th, 2012 [CP 35] by Respondent; nor was an alternate proposed Order presented to the Court for consideration. Issues not presented to the trial court, should not be considered for the first time on appeal. *Spinelli v. Economy Stations, Inc.*, 71 Wn.2d 503, 429 P.2d 240 (1967); *Stastny v. Board of Trustees of Central Washington University*, 32 W.App. 239, 647 P.2d 496 (1982). The trial court must have an opportunity to hear and determine Appellant's objections to a proposed Order, before the trial court's decision approving the Order, can be claimed as error.

RESPECTFULLY SUBMITTED this 24th day of December, 2013.


KENNETH V. HOFFMAN, WSBA #10818
Attorney for Respondent

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Court of Appeals
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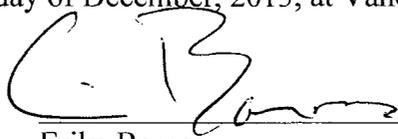
AFFIDAVIT OF MAILING

I, Erika Barnes, under penalty of perjury under the laws of the State of Washington, declare that the following is true and correct:

That I am a citizen of the United States of America and of the State of Washington, living and residing in Clark County, in said State; that I am over the age of 18 years, not a party to the above-entitled action and competent to be a witness herein; that on the 24th day of December, 2013, regular mail, postage prepaid, I mailed a true copy of a SUPPLEMENT TO RESPONDENT'S BRIEF to the following named individual:

John A. Hays
Attorney at Law
1402 Broadway St.
Longview, WA 98632

DATED this 24th day of December, 2013, at Vancouver, Washington.


Erika Barnes