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Court of Appeals  
Division II  
State of Washington  
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Court of Appeals No. 51217-3-II

DIVISION II  
COURT OF APPEALS  
IN AND FOR THE STATE OF WASHINGTON

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TERRY GROVER,  
Petitioner

V.

LISA LITTLETON,  
Respondent.

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BRIEF OF RESPONDENT

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**A. INTRODUCTION**

This case involves an Order for Protection – Harassment (the “Order”) entered against Petitioner Terry Grover (“Petitioner”) arising out of harassment directed toward Respondent Lisa Littleton (“Respondent”). The Order was entered on December 14, 2016, and expired by its terms on December 14, 2017. Respondent has not sought to renew the Order and it is now expired. As a result, this matter is moot and this appeal should be dismissed. If the appeal is not dismissed on mootness grounds, the District Court’s entry of the Order should be affirmed for the same reasons it was affirmed by the Superior Court.

**B. ASSIGNMENTS OF ERROR**

Petitioner puts forth numerous assignments of error to the District Court’s entry of the Order. These assignments of error should not be considered because this case is now moot. Even if this Court were to consider Petitioner’s assignments of error, they are without merit.

**C. STATEMENT OF THE CASE**

Petitioner is challenging an Order, which is now expired.

**D. ARGUMENT**

Because the Order at issue is now expired, this case is moot and Petitioner’s appeal should be dismissed. If it is not dismissed on mootness

grounds, the District Court's entry of the Order should be upheld by this Court for the same reasons that it was upheld by the Superior Court.

1. Petitioner's Appeal Should Be Dismissed Because This Case Is Moot.

The Order that is the subject of Petitioner's appeal was entered on December 14, 2016. CP 382-84. By its terms, the Order remained in place for one year and expired on December 14, 2017. *Id.* Respondent has not sought to renew the Order. Because the Order has expired and is no longer in force, this case is moot and Petitioner's appeal should be dismissed.

Under Washington law, a "case is moot if a court can no longer provide effective relief." *In re Cross*, 99 Wn.2d 373, 377 (1983). That is the case here. Petitioner is no longer restricted by the Order. If the Court grants the relief that he seeks and overturns the Order, it would have no practical effect on the rights of Petitioner. As a result, the Court can no longer provide effective relief to Petitioner and the case is moot. Because the case is moot, Petitioner's appeal should be dismissed.

2. If Petitioner's Appeal Is Not Dismissed on Mootness Grounds, the District Court's Order Should Be Upheld.

If the Court does not dismiss the appeal on mootness grounds, it should affirm the decisions of the lower courts. Petitioner already appealed the District Court's decision to the Superior Court, which affirmed. CP 431.

Petitioner makes the same arguments here that he made to the Superior Court. Respondent incorporates by reference her briefing to the Superior Court, CP 274-91, which is equally applicable to the arguments that Petitioner now makes to this Court. For the reasons discussed therein, Petitioner's arguments are without merit and the District Court's Order should be affirmed.

**E. CONCLUSION**

For the reasons discussed herein, Petitioner's appeal should be dismissed on mootness grounds or, in the alternative, the District Court's Order should be affirmed.

DATED this 20th day of February, 2018.

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**CERTIFICATE OF SERVICE**

I certify that I caused to be served the foregoing Brief of Respondent on the following recipient:

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by having placed a true copy in an envelope addressed to said recipient at the above-listed address and depositing the envelope, with postage prepaid, in the mails of the United States Postal Service in Portland, Oregon.

DATED this 20th day of February, 2018.

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