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NO. 93824-5
NO. 74611-1-I

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SUPREME COURT
OF THE STATE OF WASHINGTON

FUTURESELECT PORTFOLIO MANAGEMENT, INC.,
FUTURESELECT PRIME ADVISOR II LLC, THE MERRIWELL
FUND, L.P. , and TELESIS IIW, LLC, Plaintiffs/Appellants,

v.

TREMONT GROUP HOLDINGS, INC., TREMONT PARTNERS,
INC., OPPENHEIMER ACQUISITION CORPORATION,
MASSACHUSETTS MUTUAL LIFE INSURANCE CO.,
GOLDSTEIN GOLUB KESSLER LLP, ERNST & YOUNG LLP and
KPMG LLP, Defendants/Respondents.

**KPMG LLP'S REPLY IN SUPPORT OF ITS MOTION TO DEEM
THE ALREADY FULLY BRIEFED MOTION TO DISQUALIFY
AS FILED AND PENDING BEFORE THIS COURT**

George E. Greer (WSBA No. 11050)
Paul F. Rugani (WSBA No. 38664)
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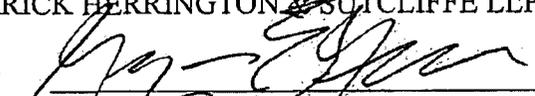
 ORIGINAL

In its answer to KPMG's motion, FutureSelect has agreed that KPMG's motion should be granted. There is thus no dispute that if the Court were to accept review—despite the absence of any basis for review, as discussed in KPMG's separate briefing on that issue—the Court then should proceed to consider and rule upon KPMG's motion to disqualify. In its answer, FutureSelect repeated the same empty excuses it raised in the underlying briefing to try to justify its use of conflicted counsel without an adequate screen. KPMG will not burden the Court with further briefing on those issues as they already have been fully addressed in KPMG's underlying briefing, which can be found in Exhibits A and C to the Declaration of George E. Greer In Support of KPMG LLP's Motion to Deem the Already Fully Briefed Motion to Disqualify as Filed and Pending Before This Court.

Dated this 6th day of January 2017 at Seattle, Washington.

Respectfully submitted,

ORRICK HERRINGTON & SUTCLIFFE LLP

By: 

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Jan 06, 2017, 4:11 pm

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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

FUTURESELECT PORTFOLIO
MANAGEMENT, INC., et al.,

Petitioners,

v.

TREMONT GROUP HOLDINGS,
INC., et al.,

Respondents.

No. 93824-5

CERTIFICATE OF SERVICE

(KPMG LLP'S REPLY IN
SUPPORT OF ITS MOTION TO
DEEM THE ALREADY FULLY
BRIEFED MOTION TO
DISQUALIFY AS FILED AND
PENDING BEFORE THIS
COURT)

I, Malissa A. Tracey, hereby certify that on January 6, 2017, I caused the following documents to be served on the parties below via the method specified:

1. KPMG LLP's Reply in Support of Its Motion to Deem the Already Fully Briefed Motion to Disqualify As Filed and Pending Before This Court; and this
2. Certificate of Service.

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Washington State Supreme Court

Supreme@courts.wa.gov

Via Email & Legal Messenger

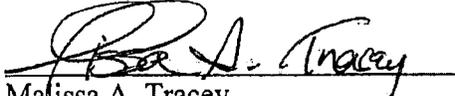
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I declare under penalty of perjury under the laws of the State of
Washington that the foregoing is true and correct.

Dated this 6th day of January 2017 at Seattle, Washington.



Malissa A. Tracey

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Subject: 93824-5: FutureSelect Portfolio Management, Inc., et al. v. Tremont Group Holdings, Inc., et al.

FutureSelect Portfolio Management, Inc., et al. v. Tremont Group Holdings, Inc., et al.
Case No. 93824-5 (Court of Appeals Case No. 74611-1-l)

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Documents attached are:
KPMG LLP's Reply in Support of Its Motion to Deem the Already Fully Briefed Motion to Disqualify as Filed and Pending Before This Court
Certificate of Service

Malissa Tracey
Legal Secretary

Orrick

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