

FILED
SUPREME COURT
STATE OF WASHINGTON
10/14/2021 12:24 PM
BY ERIN L. LENNON
CLERK

No. 100179-1

Court of Appeals No. 54031-2-II (consolidated with No. 54138-6-II,
54021-5-II and 54148-3-II)

IN THE SUPREME COURT FOR
THE STATE OF WASHINGTON

JEFFREY T. CLOSSON, LISA GANOWSKI,

Respondent,

v.

ELIZABETH KELSEY,

Petitioner/Appellant.

ANSWER TO PETITION FOR REVIEW

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I. IDENTITY OF RESPONDENT, RELIEF REQUESTED & INTRODUCTION

Respondents Jeffrey Closson and Lisa Ganowski ask this Court to deny Elizabeth Kelsey's Petition for Review. The Court of Appeals Division II Opinion, filed August 3rd, 2021 is attached.

The Court of Appeals concluded that the trial court did not abuse its discretion in granting Closson's and Ganowski's petitions for antiharassment protection orders. It also concluded that the trial court did not abuse its discretion in awarding them reasonable attorney fees. This Court should deny review.

II. FACTS RELEVANT TO ANSWER

The appellate decision correctly recites the relevant facts and procedure.

III. REASON THIS COURT SHOULD DENY REVIEW

Under RAP 13.4(b), this Court will grant a petition for review only when:

- (1) If the decision of the Court of Appeals is in conflict with a decision of the Supreme Court; or
- (2) If the decision of the Court of Appeals is in conflict with another decision of the Court of Appeals; or

- (3) If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or
- (4) If the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

Kelsey's Petition argues that this case should be reviewed under RAP 13.4(b)(4) as an issue of substantial public interest that should be determined by the Supreme Court. However, the argument made is one simply re-arguing the facts. The appellate decision applied the correct standards regarding the factual argument and correctly found that the trial court did not abuse its discretion.

Concerning attorney fees, the appellate decision correctly held that proceedings under RCW 10.14 are special proceedings as they are specifically created by the legislature and did not exist at common law. Thus, no separate CR(d)(2) 54 motion is required.

IV. CONCLUSION

The Court of Appeals correctly concluded that the trial court did not abuse its discretion in granting Closson's and Ganowski's petitions for antiharassment protection orders and reasonable attorney fees. Kelsey's Petition should be denied.

RESPECTFULLY SUBMITTED this 14th day of October, 2021.

/s/John Brennan

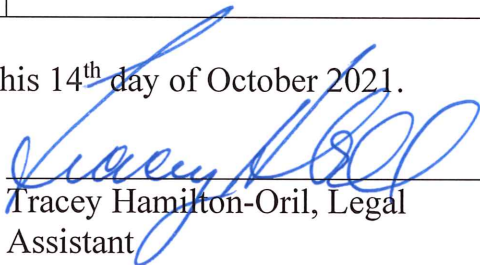
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CERTIFICATE OF SERVICE

The undersigned certifies, under penalty of perjury of the laws of the State of Washington, that on October 14, 2021, I caused a copy of the foregoing to be served to the following in the manner noted below:

Elizabeth Kelsey Pro se Appellant/Defendant claytonernest87@gmail.com	<input checked="" type="checkbox"/> Via U.S. Mail, Postage Prepaid <input type="checkbox"/> US Mail, Certified <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Email
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DATED at Silverdale, Washington, this 14th day of October 2021.



Tracey Hamilton-Oril, Legal
Assistant

TEMPLETON HORTON WEIBEL PLLC

October 14, 2021 - 12:23 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 100,179-7
Appellate Court Case Title: Jeffrey T. Closson, et al. v. Elizabeth J. Kelsey
Superior Court Case Number: 19-2-02404-8

The following documents have been uploaded:

- 1001797_Answer_Reply_20211014122309SC555045_9420.pdf
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