

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
9/15/2022 10:22 AM  
BY ERIN L. LENNON  
CLERK

No. 101014-1

---

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

---

JOHN GARRETT SMITH,

Petitioner,

v.

ANTHONY GOLIK,

Respondent.

---

**RESPONDENT'S RESPONSE TO PETITIONER'S MOTION  
FOR JUDGMENT AS A MATTER OF LAW**

---

ANTHONY F. GOLIK  
Prosecuting Attorney  
Clark County, Washington

CURTIS M. BURNS, WSBA #42824  
Deputy Prosecuting Attorney  
Clark County Prosecuting Attorney's Office  
Civil Division  
PO Box 5000  
Vancouver, WA 98666-5000  
Tele: (564) 397-2478  
Email: [curtis.burns@clark.wa.gov](mailto:curtis.burns@clark.wa.gov)

*Attorney for Respondent*

## **RESPONSE**

Once again, Petitioner Smith has filed a nonsensical motion without making any attempt at serving the document on Respondent. Respondent only became aware of this filing upon receipt of the scheduling letter from this court. Indeed, Petitioner Smith has also filed the same “Motion for Judgement As a Matter of Law” at the Superior Court and Court of Appeals without bothering to provide a copy to Respondent. These were filed despite the fact that neither of these venues have a pending matter before them.

Regardless, these motions amount to more “foot stamping” from Petitioner Smith. This matter comes before this court under the guise of a Petition for Review. Respondent has filed a timely response and Petitioner Smith has even filed an unpermitted Reply. There is no mechanism for taking default in this matter as evidenced by Petitioner Smith’s citation to wholly irrelevant authority. Indeed, it is perplexing why this Motion for Judgment As a Matter of Law was set for consideration rather than being dismissed summarily.

Respondent requests that this frivolous motion be dismissed and that Petitioner Smith be admonished to follow the applicable court guidelines and rules.

**Certificate of Compliance-RAP 18.17**

This response contains 354 words

DATED this 14th day of September, 2022.

Respectfully submitted:

*s/ Curtis M. Burns* \_\_\_\_\_

Curtis M. Burns, WSBA #42824  
Deputy Prosecuting Attorney  
Clark County Prosecuting Attorney's Office  
Civil Division  
PO Box 5000  
Vancouver, WA 98666-5000  
Email: [curtis.burns@clark.wa.gov](mailto:curtis.burns@clark.wa.gov)

*Attorneys for Respondent*

**CERTIFICATE OF SERVICE**

I, Sheryl Thrasher, hereby certify that on this 14<sup>th</sup> day of September, 2022, I electronically filed the foregoing, *Respondent's Response to Petitioners Motion* using the Washington State JIS Appellate Courts' Portal, which will send notification of such filing to the following and sent via USPS regular mail to the following:

*John Garrett Smith  
DOC #351176  
Cedar Creek Corrections Center  
P.O. Box 37  
Little Rock, WA 98556  
docccinmatefederal@docl.wa.gov*

*s/ Sheryl Thrasher* \_\_\_\_\_  
Sheryl Thrasher, Legal Assistant

**CLARK COUNTY PROSECUTING ATTORNEY**

**September 15, 2022 - 10:22 AM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 101,014-1  
**Appellate Court Case Title:** John Garrett Smith v. Anthony Golik  
**Superior Court Case Number:** 20-2-00406-9

**The following documents have been uploaded:**

- 1010141\_Other\_20220915101943SC322597\_7882.pdf  
This File Contains:  
Other - Response to Pet Motion  
*The Original File Name was Response.pdf*

**A copy of the uploaded files will be sent to:**

- docsccinmatefederal@doc1.wa.gov

**Comments:**

---

Sender Name: Sheryl Thrasher - Email: sheryl.thrasher@clark.wa.gov

**Filing on Behalf of:** Curtis M Burns - Email: curtis.burns@clark.wa.gov (Alternate Email: )

Address:

PO Box 5000

Vancouver, WA, 98666-5000

Phone: (564) 397-2478 EXT 4798

**Note: The Filing Id is 20220915101943SC322597**