

FILED
SUPREME COURT
STATE OF WASHINGTON
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CLERK

WASHINGTON STATE SUPREME COURT

NO. 101149-1

COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION III
(COA No. 374483-III)

DALTON M, LLC, a Washington limited liability corporation,

Plaintiff/Respondent

v.

U.S. BANK NATIONAL ASSOCIATION, as Trustee; NORTH
CASCADE TRUSTEE SERVICES, INC.; and DOES 1 through 10
inclusive,

Defendant/Petitioner.

MOTION FOR EXTENSION OF TIME

On Appeal from Judgment of the Superior Court of Washington,
County of Spokane, Civil Case No. 18-2-00755-5
The Honorable John Cooney

Emilie K. Edling, WSBA # 45042
Robert W. Norman, Jr., WSBA # 37094

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*Attorneys for U.S. Bank National Association, as
Trustee, successor in interest to Bank of America,
National Association, as Trustee, successor by merger
to LaSalle Bank National Association as Trustee for
Morgan Stanley Mortgage Loan Trust 2007-1XS
Mortgage Pass-Through Certificates, Series 2007-1XS*

I. IDENTITY OF THE MOVING PARTY

The party seeking relief via this motion for extension is U.S. Bank National Association, as Trustee, successor in interest to Bank of America, National Association, as Trustee, successor by merger to LaSalle Bank National Association as Trustee for Morgan Stanley Mortgage Loan Trust 2007-1XS Mortgage Pass-Through Certificates, Series 2007-1XS (the “Trust”), who is Petitioner on review and was Defendant-Appellant in the proceedings below.

This Motion is supported by the Declaration of Emilie K. Edling, filed concurrently herewith.

III. STATEMENT OF RELIEF SOUGHT

Pursuant to RAP 18.8, the Trust requests this Court extend its deadline to file a Petition for Review to this Court following the Court of Appeals Division III’s opinion published in *Dalton M, LLC v. N. Cascade Tr. Servs., Inc.*, 20 Wash. App. 2d 914, 504 P.3d 834 (2022) (“*Dalton M*”) (App. 1-64), and Division III’s subsequent denial of reconsideration.

The request is made due to the inadvertent untimely filing that occurred when counsel was unexpectedly unable to log into the Washington State Appellate Courts' Portal (the "Portal") on August 8, 2022, the day the Petition for Review ("Petition") was due. The requested extension would extend the Petition deadline 24-minutes or, pursuant to GR 30(c), to 8:00 a.m. the day after the original due date. Granting this motion would provide relief to a party whose counsel diligently and timely prepared the Petition, was focused on the Petition the entire day it was due; and only delayed filing in an attempt to perfect the Petition and comply with the word count limitation – but who unexpectedly was unable to log into the Court's e-filing system in the late afternoon on the due date.

IV. FACTS RELEVANT TO MOTION

A. The Import and Complex Nature of the Decision from which Review is Sought

The Trust's Petition for Review concerns the Division III Court's recent opinion in *Dalton M, LLC v. N. Cascade Tr.*

Servs., Inc., 20 Wash. App. 2d 914, 504 P.3d 834 (2022) (“*Dalton M*”) which, by its own acknowledgment, decides “in a case of first impression [that] fees can be awarded for the prelitigation bad faith of [that] party” *Id.* at 918. The Division III opinion explicitly conflicts with the Division I case, *Greenbank Beach & Boat Club v. Bunney*, 168 Wn. App. 517, 525, 280 P.3d 1133 (2012) and also with this Court’s precedent in *Maytown Sand & Gravel, LLC v. Thurston County*, 191 Wash.2d 392, 436, 423 P.3d 223 (2018), although Division III found it could distinguish *Maytown*. *Dalton M*, 20 Wn. App. 2d at 95. In addition to presenting a conflict that warrants this Court’s review, the Division III Court’s opinion awarded fees to the plaintiff-respondent Dalton M – who was otherwise the losing party on appeal – on a theory never advanced by Dalton M at trial or on appeal, *Dalton M*, 20 Wn. App. 2d at 941-42, and based on case law and legal analysis not advanced by Dalton M in the supplemental briefing requested by the Court. *Id.* at 941-63 (rejecting Dalton M’s argument).

Further, Division III’s decision tried and determined new facts on appeal that had not been litigated or determined by the trial court,¹ but failed to appreciate that its consideration of unlitigated issues would prejudice the Trust’s ability to point to supporting evidence in the record because the Trust had no adequate opportunity to prepare a case and defend itself. *See, e.g., Dalton M* at 941 (noting “overwhelming” evidence of pre-litigation bad faith issue, in issue never tried to court.) This problem is addressed in more detail in the Trust’s Petition for Review at Section IV.B.2 and V.B.

Given the nature of the Division III decision, the Trust filed a timely Motion for Reconsideration on March 9, 2022, and Division III entered an order denying the Motion for Reconsideration on July 7, 2022. Pursuant to RAP 13.4(a), the Petition for Review before this Court was therefore due on August 8, 2022.

¹ *See Dalton M*, 20 Wn. App. 2d at 961 (“The superior court did not expressly find that the bank engaged in bad faith when refusing to lift the cloud on Dalton M’s title before suit”)

B. The Trust's Counsel Prepare the Brief by the Deadline, but are Unexpectedly Delayed While Attempting to Electronically File

The Trust's law firm has an active litigation practice which involves frequent electronic filings. (Edling Dec., ¶¶ 2-3.) The Trust's counsel makes it a practice and policy to diligently file documents and not miss deadlines. (*Id.* at ¶ 2.) Further, the firm generally, and undersigned counsel specifically, are aware that unlike other courts the firm practices in, there is a 5:00 p.m. filing deadline in Washington Courts; and also aware that deadlines for Petitions for Review in Washington are strict in nature. (*Id.* at ¶ 3.) Such a deadline has never been missed before, to the knowledge of counsel or partners at the firm. (*Id.* at ¶ 3.)

In this matter, the Petition was largely ready to file by 10:30 a.m. on Monday, August 8, 2022 (the day it was due), and was circulated for a final review at that time. (*Id.* at ¶ 7.) The remaining issue, however, was the need to further shorten the brief (which at one time had an initial draft of 18,000-

something words) to the 5,000 words required by the Court. RAP 18.17(c) (10). (*Id.*) This was particularly challenging, given the length of the Division III Court's *Dalton M* opinion, the issues at stake, and the fact that the Trust had never had a meaningful opportunity to respond to *Dalton M*'s lengthy discussion of facts and legal analysis, outside of the very limited opportunity provided in the Trust's motion for reconsideration, which was subject to a 20-day deadline, limited word count, and limitations on content. RAP 12.4(b)-(c), (e). (*Id.* at ¶ 7.) Ascertaining how to best shorten the brief also required delaying finalization of tables that required reference to page numbers, and other proofing. (*Id.*)

Accordingly, counsel continued to revise the brief throughout the day in an effort to conform to the word limit and perfect the contents thereof, to present the most succinct and best quality brief to the Court. (*Id.* at ¶ 8.) Finalizing the Petition was the sole focus of counsel's day on Monday, August 8, 2022, and she checked in with her legal assistant that

morning to ensure availability to assist with filing at the end of the day. (*Id.*) Counsel's legal assistant was an experienced assistant for the firm, but was not routinely assigned to the undersigned counsel, and was covering following the recent departure of counsel's assigned assistant. (*Id.* at ¶ 9.)

Accordingly, counsel forwarded the legal assistant her last known login and password information for the Portal, to ensure an ability to timely file. (*Id.*)

Although counsel was aware of the 5:00 p.m. deadline for the Petition under GR 30(c), she was aware from prior experience that filing through the Washington State Appellate Courts' Portal (the "Portal") was generally a quick process and anticipated that she could continue to finalize the brief up to close to that time. (*Id.*) At 4:00 p.m., while still making some additional edits to the brief and proofing language, counsel contacted her legal assistant to ensure she could prioritize the brief at 4:30 p.m. and immediately file it, and her legal assistant confirmed. (*Id.* ¶ 10.)

Accordingly, counsel worked to complete her edits and forwarded the brief to her legal assistant at that time, requesting the Petition be filed immediately. (*Id.*) Counsel made every effort to be in constant contact through e-mail and phone with her legal assistant from that point forward, to confirm the filing was complete. (*Id.*) After an initial inquiry of e-mails around 4:35-4:40, counsel called her assistant to check the status of filing and learned for the first time that her assistant was still working on final edits to the .pdf. (*Id.*) Counsel requested by phone that all editing stop and the Petition be immediately filed, and learned five minutes later that the legal assistant was having trouble logging into the Portal. (*Id.*)

On investigation, it appears that the staff member who had conducted the last filing within the Portal in March 2022 was no longer with the firm, and that she either changed the password for the account prior to leaving, or the password otherwise had expired. (*Id.*) Counsel and her legal assistant, working on the phone together and attempting to access the

Portal from different computers, attempted to change the password to gain access to the login information, but the e-mail for the account had been set to a prior staff member and immediate access could not be gained. (*Id.*) Both counsel and her assistant collaborated on the phone, attempting to ascertain how to reset the password, but were unable to do so, in part because they were unable to correctly answer the security question asked or ascertain the e-mail the account was associated with. (*Id.*)

After several attempts to locate the e-mail attached to the account and reset the password, counsel's legal assistant began to create a new account under which to file. (*Id.* at ¶ 12.) Unfortunately, by that point, it was impossible to do so by the 5:00 p.m. deadline. (*Id.*) During this same time, counsel attempted to contact the clerk's office for assistance by telephone, but the office had already closed. (*Id.*) The new account was created and the Petition for Review filed in the Division III Court, as required, and served electronically at 5:24

p.m., just 24-minutes after the deadline. (*Id.*) In an abundance of caution, counsel also filed the Petition in the Washington Supreme Court, in the event that ensuring some record of filing on the August 8, 2022 made a difference to the Court. (*Id.*)

Further, counsel immediately reviewed the Washington Supreme Court's instructions for paying the mandatory filing fee for Petitions for Review. (*Id.* at ¶ 13.) Pursuant to the instructions on the Supreme Court's website,² counsel e-mailed the Court at supreme@courts.wa.gov to arrange for payment of the filing of the fee, which has now been paid. (*Id.*) This Court's letter advising of the need for a Motion for Extension followed soon after.

C. The Trust's Counsel Prioritized and Diligently Prepared the Instant Petition

In addition to making diligent attempts on August 8, 2022 to provide the best possible Petition to this Court by the

² See

https://www.courts.wa.gov/appellate_trial_courts/supreme/clerks/?fa=atc_supreme_clerk_s.display&fileID=faq#:~:text=The%20filing%20fee%20is%20%2425%2C%20except%20for%20a.of%20appeals%20pursuant%20to%20RAP%2013.5%20and%2013.5A%29

due date, the Trust's counsel also diligently prepared and prioritized the instant Petition well prior to that deadline. The deadline for the Petition became known to counsel on one month notice, on July 7, 2022. At that time, in addition to the press of other business and more routine litigation and hearings, counsel (1) was engaged in preparing an Answering Brief due July 26, 2022 for another client in the Oregon Court of Appeals, which defended the vacatur of a default judgment for approximately \$12,000,000; and (2) had an imminent, planned, out-of-country trip to Calgary, Alberta (Canada), which was originally planned to take place from July 27, 2022 to August 4, 2022, and meant counsel would be out of the office and/or driving during that entire time. (*Id.* at ¶ 4.)

Moreover, the time required to prepare the Petition for Review was substantial, given the nature of the Division III decision and number of issues it raised that warranted this Court's consideration; the fact that the Trust had never had a fair opportunity to respond to the authorities that Division III

relied on in making its fee award; and the sheer length of the Division III Opinion and numerous authorities and points raised therein. (*See generally* Trust’s Petition for Review, Edling Dec. ¶ 5.)

Nonetheless, the Trust’s Petition for Review for this Court was prioritized in order to accomplish the filing by the August 8, 2022 deadline. (Edling Dec., ¶ 6.) Counsel obtained an extension of time to complete briefing on her Oregon appeal, shortened her out-of-the-country vacation plans two days, and also worked on the Petition for Review around the clock, evenings, weekends, and while on vacation, to prepare it in time. (*Id.*)

V. GROUNDS FOR RELIEF

Under RAP 18.8(a), this Court is empowered to “on its own initiative or on motion of a party . . . waive or alter the provisions of any” Rule of Appellate Procedure, or to “enlarge or shorten the time within which an act must be done in a particular case in order to serve the ends of justice.” Similarly,

RAP 1.2(a) provides that the Rules of Appellate Procedure “will be liberally interpreted to promote justice and facilitate the decision of cases on the merits. . . .” These rules are, however, tempered by RAP 18.8(b), which provides a qualification that, for Petitions for Review, extensions under these rules will only be granted “in extraordinary circumstances and to prevent a gross miscarriage of justice.”

While RAP 18.8(b) establishes a rigorous test for extending the time to seek review in an appellate court, the test is satisfied in cases where “the filing, despite reasonable diligence, was defective due to excusable error or circumstances beyond the party’s control.” *Reichelt v. Raymark Indus., Inc.*, 52 Wn. App. 763, 765-66, 764 P.2d 653 (1988). *See also Scannell v. State*, 128 Wn. 2d 829, 833-34 (1996) (noting full consideration of the circumstances can result in an extension being granted, even under the strict standard set forth in RAP 18.8(b).) *See also Weeks v. Chief of State Patrol*, 96

Wn. 2d 893, 895-96 (1982); *State v. Ashbaugh*, 90 Wn.2d 432, 438 (1978).

Here, the Trust's counsel diligently attended to the Petition for Review, prioritizing it above personal plans, other deadlines, and other routine matters, and counsel intended at all times to file the Petition for Review by the August 8, 2022 deadline. The inability to log into the Court's Portal during the last half hour before the deadline was unexpected and the inability to gain access to the account typically used was unexpected. In hindsight, counsel would have filed the Petition for Review earlier, but it cannot be said that the failure to do so resulted from a lack of diligence, given the substantial efforts made to meet this Court's deadline. The fact that the delay in filing was only 24-minutes also demonstrates the reasonable diligence of counsel and quick effort to fix the error causing the delay in filing. *See, e.g., Shumway v. Payne*, 136 Wn. 2d 283, 396 (1988) (considering amount of time between due date and

filing date in ascertaining whether there was reasonable diligence).

In *Scannell v. State*, this Court granted an extension of nearly two months to file a notice of appeal (also subject to RAP 18.8(b) where the Court determined there was confusion over the filing deadline, an understandable misinterpretation of a recently amended court rule, and a resulting “clearly innocent mistake” in spite of “good faith efforts to satisfy the rules’ requirements.” 128 Wn.2d 829, 834 (1996). Here, similarly, the circumstances satisfy the strict standards of RAP 18.8(b), meriting grant of an extension of time to file the Petition. The delay was caused by a very desire to attend fully to the Petition and provide the best possibly quality Petition to the Court. Here, while counsel would handle the situation differently in the future, counsel believed that filing would smoothly occur as it had in the past, using the same login information and password previously used. (Edling Dec., ¶ 2-3.) Upon learning there was a problem with the login and password, counsel

actively worked to correct the problem, attempted to contact the Court for assistance, and ultimately worked with her assistant to submit the filing through another account recently created, albeit 24-minutes late. (*Id.*)

In light of the excusable error causing the inability to meet the filing deadline, a gross miscarriage of justice would occur if this Court did not allow the Petition for Review. The Trust has diligently pursued this appeal from the Superior Court to the Court of Appeals. Now, the Division III Court's decision to allow attorney fees on a new theory after the parties had already waived oral argument on appeal rendered the Trust (1) unable to avail itself of any of the typical methods for managing the risk of liability during litigation before the trial court (i.e., discovery, settlement discussions, motion practice, offers of judgment); (2) unable to develop the issue of prelitigation bad faith factually at trial or develop the legal points of the issue except on the shortened time frame provided by the Court in its request for supplemental briefing; (3) unable to respond to

points raised by Dalton M for the first time in its supplemental brief, due the same day as the Trust's supplemental brief; and (4) unable to respond to the numerous authorities from across the country provided in this Court's 59-page opinion, except for any response the Trust is able to prepare in the short 20-day time period allowed for filing a (disfavored) Motion for Reconsideration. As a result of the Division III Court's decision to allow a new theory into the case, the Trust had no opportunity to develop the facts necessary at trial to defeat this Court's ruling.

In light of the above, the instant Petition for Review is the first meaningful opportunity that the Trust has had to respond to legal authorities cited by the Division III Court or appeal from the factual determination unilaterally made by the Division III Court without a trial. It would be a gross miscarriage of justice for an innocent and brief, 24-minute delay in filing, to halt the Trust's ability to seek review.

Finally, given the litigation and appellate history between the parties, it is a near certainty that Dalton M will object to the requested extension, in spite of the clear lack of any prejudice to Dalton M in receiving the Petition 24 minutes late through the Court's electronic filing system. The Trust also anticipates that Dalton M will, in response to the instant motion, air every possible grievance it has with the Trust or its counsel, including discussion of grievances outside the record, and discussion of matters that are irrelevant. The Trust does not wish to engage in that kind of unprofessional briefing preemptively, but requests that the Court allow leave to file a Reply to Dalton M's accusations if the Court deems them relevant.

VI. CONCLUSION

For the reasons set forth above, the Trust respectfully requests that this Court extend the deadline for filing of the Trust's Opening Brief by 24-minutes or one day.

I hereby certify the number of words contained in this document, exclusive of words contained in appendices, title

sheet, the table of contents, the table of authorities, the certificate of compliance, and the certificate of service and signature blocks is 4,933 words.

DATED this 15th day of August, 2022.

By: /s/ Emilie K. Edling
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Association, as Trustee, successor in
interest to Bank of America, National
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merger to LaSalle Bank National
Association as Trustee for Morgan
Stanley Mortgage Loan Trust 2007-
1XS Mortgage Pass-Through
Certificates, Series 2007-1XS*

WASHINGTON STATE SUPREME COURT

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COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION III
(COA No. 374483-III)

DALTON M, LLC, a Washington limited liability corporation,

Plaintiff/Respondent

v.

U.S. BANK NATIONAL ASSOCIATION, as Trustee; NORTH
CASCADE TRUSTEE SERVICES, INC.; and DOES 1 through 10
inclusive,

Defendant/Petitioner.

**DECLARATION OF EMILIE K. EDLING IN SUPPORT OF
MOTION FOR EXTENSION OF TIME**

I, Emilie K. Edling, say and declare as follows:

1. I make the following statements based upon my own personal knowledge and, if called upon to do so, could and would competently testify thereto under oath.
2. I am the Appellate Practice Chair with Houser LLP, and the primary appellate counsel for the defendant-respondent in this matter, and now petitioner on review, U.S. Bank National Association, as Trustee, successor in interest to

Bank of America, National Association, as Trustee,
successor by merger to LaSalle Bank National Association
as Trustee for Morgan Stanley Mortgage Loan Trust 2007-
1XS Mortgage Pass-Through Certificates, Series 2007-1XS
(the "Trust").

3. Houser LLP has an active litigation practice that involves frequent electronic filings primarily in federal court. The Trust's counsel makes it a practice and policy to diligently file documents and not miss deadlines. Further, the firm generally, as well as myself, are aware that unlike other courts the firm practices in, there is a 5:00 p.m. filing deadline in Washington Courts; and also aware that deadlines for Petitions for Review in Washington are strict in nature. To the best of my knowledge and the partners I spoke with at Houser LLP, the firm has never missed a deadline of a Petition for Review.
4. The deadline for the Petition became known to me on thirty-days' notice, on July 7, 2022. At that time, in addition to the

press of other business and more routine litigation and hearings, I (1) was engaged in preparing an Answering Brief due July 26, 2022 for another client in the Oregon Court of Appeals, which defended the vacatur of a default judgment for approximately \$12,000,000; and (2) had an imminent, planned, family vacation with her minor daughter and several golden retrievers to attend a National competition together in Calgary, Alberta (Canada), and such plans required that I personally drive the nearly 800-miles to Calgary and also meant I would be out of the office and/or driving from the evening of July 27, 2022 to August 4, 2022.

5. Moreover, the time required to prepare the Petition for Review was substantial, given the unique nature of the Division III decision and number of issues it raised that warranted this Court's consideration; the fact that the Trust had never had a fair opportunity to respond to the authorities that Division III relied on in making its fee award; and the

sheer length of the 69-page Division III Opinion and numerous authorities and points raised therein.

6. Nonetheless, the Petition was prioritized and a plan was in place for the timely filing of the Trust's Petition in this matter by the August 8, 2022 deadline. I obtained an extension of time to complete briefing on the Oregon appeal I was working on, and also shortened my vacation plans two days, and also worked on the Petition for Review around the clock, evenings, weekends, and while on vacation, to prepare it in time.
7. With the above-described efforts, the Petition was largely ready to file by 10:30 a.m. on Monday, August 8, 2022, and was circulated for a final review at that time. The remaining issue, however, was the need to further shorten the brief (which at one time had an initial draft of 18,000-something words) to the 5,000 words required by the Court. RAP 18.17(c)(10). From my perspective, this was particularly challenging, given the length of the Division III Court's

Dalton M opinion, the issues at stake, and the fact that the Trust had never had a meaningful opportunity to respond to Dalton M's lengthy discussion of facts and legal analysis, outside of the very limited opportunity provided in the Trust's motion for reconsideration, which was subject to a 20-day deadline, limited word count, and limitations on content. RAP 12.4(b)-(c), (e). Ascertaining how to best shorten the brief also required delaying finalization of tables that required reference to page numbers, and other proofing.

8. Accordingly, I continued to revise the brief throughout the day of August 8, 2022, in an effort to conform to the word count limit and perfect the contents thereof, to present the most succinct and best quality brief to the Court. Finalizing the Petition was the sole focus of my day on Monday, August 8, 2022, and I checked in with my legal assistant that morning to ensure availability to assist with filing at the end of the day.

9. My legal assistant was an experienced assistant for the firm, but was not routinely assigned to the me, and was covering following the recent departure of my assigned assistant. Accordingly, I forwarded the legal assistant my last known login and password information for the Portal, to ensure an ability to timely file. At this time, however, my understanding from my past experience with the Portal was that filing was generally a quick process that could be done in seconds, and allowed time to continue to finalize the brief up until the deadline.

10. At 4:00 p.m., while still seeing some additional edits that could be made to the brief, I contacted my legal assistant to ensure she could prioritize the brief at 4:30 p.m. and immediately file it, and my legal assistant confirmed. Accordingly, I worked to complete my edits and forward the brief to my legal assistant at that time, requesting the Petition be filed immediately. I then made every effort to be in constant contact through e-mail and phone with my legal

assistant from that point forward, to confirm the filing was complete. After an initial inquiry of e-mails around 4:35-4:40, I called my assistant to check the status of filing and learned for the first time that she was still working on final edits to the .pdf to prepare it for filing. I then asked for all editing to stop and for the Petition be immediately filed, and learned five minutes later that the legal assistant was having trouble logging into the Portal.

11. At this time, my legal assistant advised that she was unable to log into the Portal or reset the password on it. On investigation, it appears the staff member who had conducted the last filing within the Portal in March 2022 was no longer with the firm, and it appears she either changed the password for the account prior to leaving, or the password otherwise had expired. Both I and my legal assistant, working on the phone together and attempting to access the Portal from different computers, attempted to change the password to gain access to the login information,

but the e-mail for the account had been set to a prior staff member and immediate access could not be gained. We collaborated on the phone, attempting to ascertain how to reset the password, but were unable to do so, in part because we were unable to correctly answer the security question asked or ascertain the e-mail the account was associated with.

12. After several attempts to locate the e-mail attached to the account and reset the password, my legal assistant began to create a new account under which to file. Unfortunately, by that point, it was impossible to do so by the 5:00 p.m. deadline. During this same time, I attempted to contact the clerk's office for assistance by telephone, but the office had already closed. The new account was created and the Petition for Review filed in the Division III Court, as required, and served electronically at 5:24 p.m., just 24-minutes after the deadline. In an abundance of caution, I also filed the Petition in the Washington Supreme Court, in

the event that ensuring some record of filing on the August 8, 2022 made a difference to the Court.

13. Further, I immediately reviewed the Washington Supreme Court's instructions for paying the mandatory filing fee for Petitions for Review. (Id. at ¶ 3.) Pursuant to the instructions as provided on the Supreme Court's website, on August 8, 2022, I e-mailed the Court at supreme@courts.wa.gov to arrange for payment of the filing of the fee, which has now been paid. This Court's letter advising of the need for a Motion for Extension followed soon after.

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

DATED this 15th day of August, 2022 and executed in Sherwood, Oregon.

By: /s/ Emilie K. Edling
Emilie Edling, WSBA #45042
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CERTIFICATE OF SERVICE

I certify that on the 15th day of August 2022, I caused a true and correct copy of this **U.S. BANK AS TRUSTEE's MOTION FOR EXTENSION** to be served on the following via the identified methods:

Dennis P. Thompson
Kayla Goyette
Dennis P. Thompson, P.S.
12410 E. Mirabeau Parkway, Suite
100
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Counsel for Plaintiff/Respondent

- U.S. Mail, Postage Prepaid
- UPS Overnight
- UPS 2 Day Shipping
- Appellate E-File & Serve & E-MAIL
- Courier

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

DATED this 15th day of August, 2022.

By: /s/ Emilie K. Edling
Emilie Edling, WSBA #45042
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HOUSER LLP

August 15, 2022 - 4:33 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 101,149-1
Appellate Court Case Title: Dalton M, LLC v. U.S. Bank National Association, et al.
Superior Court Case Number: 18-2-00755-5

The following documents have been uploaded:

- 1011491_Motion_20220815163254SC893035_1718.pdf
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Motion 1 - Extend Time to File
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A copy of the uploaded files will be sent to:

- dt@tandgattorneys.com
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- rnorman@houser-law.com
- rperez@houser-law.com

Comments:

Sender Name: Emilie Edling - Email: eedling@houser-law.com
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