

FILED
SUPREME COURT
STATE OF WASHINGTON
7/11/2023 3:20 PM
BY ERIN L. LENNON
CLERK

SUPREME COURT OF WASHINGTON STATE

P. KOICHI YAGI

Petitioner

vs.

ESTATE OF
ROBERT CHARLES
CANNON

Respondent

SUPREME COURT
NO. 1020201

MOTION FOR
COURT TO
CONSIDER
CORRECTED
PETITION FOR
REVIEW

COMES NOW the petitioner P. Koichi Yagi (Yagi) without conceding jurisdiction or venue, hereby moves this Court to consider the Corrected Petition for Review when deciding whether to accept the corrected petition.

II. STATEMENT OF FACTS

The following facts come from the court's docket and the files of this case.

1, On April 24th, 2023, the court of appeals issued its decision on appeal.

2. On May 16, 2023 a motion to publish was filed,. Since it was filed after 5:00 on May 15, 2023, a motion for extension of time was filed.

3. A Motion for Discretionary Review was delivered to the court on May 24th, 2023 in the event the motion for an extension of time on the motion to publish was not granted..

However it was not filed because the Supreme Court said it was premature and would be held until the case was final, that is the motion to publish was decided. Then the petitioner was to have notified the court if he wanted to proceed.,

4. On June 1, 2023, the court of appeals granted extension of time to file the motion to publish but denied the Motion to Publish.

5. On July 3rd, 2023, a timely Corrected Petition for Review was filed with the court which corrected some of the technical errors in the first brief such as not having all the tables and being called a motion for discretionary review, instead of a petition for review. It also supplied in the appendix copies of

the decisions being reviewed. Later a copy of the records from the court of appeals was also attached so the court could see the basis for its decisions of some motions. Since the court of appeals had not granted the motion to publish this raised some other issues which were also addressed.

6. On July 5, 2023 the clerk of the court has ruled it was the May 21st Motion for discretionary review the Supreme Court that the court would be considering and if the appellant wanted the other petition considered a motion should be filed.

ISSUE

Should this court consider the corrected Petition for Review filed by the Petitioner?

ARGUMENT

RAP 18.8(a) authorizes the court to waive or alter the provisions of any of the rules of appellate procedure and enlarge or shorten the time within which an act must be done in a particular case in order to serve the ends of justice.

Here one of the primary purpose of the correction was simply to add the tables of authorities and contents and supply some of the record so the court could see the basis for the

motions and the ruling. Since the decision on the motion to publish had not been made yet, consideration of those issues resulting from the denial were not ripe for review yet at the time of the original motion. Allowing the corrected version to be substituted in would not significantly prejudice the rights of the parties and would serve the ends of justice.

I certify that this motion is in 14 point Times New Roman font and contains 539 words, in compliance with the Rules of Appellate Procedure. RAP 18.27(b)

Conclusion

For the reasons given in this motion, the court should consider the Corrected Petition for Review.

Dated this 11th day of July, 2023

/S/ P. Koichi Yagi

P. Koichi Yagi
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DECLARATION OF SERVICE

I declare that on this date I served the following individuals by uploading it into the electronic filing system of the Washington State Supreme Court.

Jonathan Collins

Christopher Cairns

P. Koichi Yagi

Dated this 11th day of July, 2023

/S/ P. Koichi Yagi

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Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 102,020-1
Appellate Court Case Title: Estate of Robert C. Cannon v. P. Koichi Yagi aka Peter Yagi

The following documents have been uploaded:

- 1020201_Motion_20230711150337SC128109_1152.pdf
This File Contains:
Motion 1 - Other
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Comments:

Motion to Allow for Corrected Petition for Review

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