

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
11/28/2023 4:50 PM  
BY ERIN L. LENNON  
CLERK

Case No. 102323-5

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**IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON**

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**Court of Appeals Division I, Case No. 83427-4**

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KEITH WELCH

Plaintiff/Appellant,

v.

CHRIS WALDEN

Defendant/Respondent.

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**REPLY TO RESPONDENT'S OPPOSITION TO APPELLANT'S  
EXTENSION OF TIME TO FILE PETITION FOR REVIEW**

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Keith Welch, Plaintiff/Appellant  
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## I. REPLY

Rule of Appellate Procedure 18.8(a) empowers this Court, “on its own initiative or on motion of a party,” to “waive or alter the provisions of any of [the Rules of Appellate Procedure]” and 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...”

Appellant’s extension request involved several issues requiring a response with specificity. RAP 13.4(b)(2),(3).

The circumstances which made it impractical or impossible for Appellant to comply with the 30-day provision of RAP 13.4(a), was that the Appellate Court, chose to link together Appellant’s two (2) appeals that are currently before this Court.

The Appellate Court’s, decision to rule together Appellant’s two (2) appeals, on the same day, made it impossible for Appellant to write a clear and effective petition by the deadline date of August 30, 2022, in both this case, and the concurrent case.

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 beyond Appellant’s control, such as the case was in this case, and Appellant’s concurrent case.

Furthermore, the Appellate Court observes that the Rules of Appellate Procedure “were designed to allow some flexibility to avoid harsh results.” RAP 18.8.

Therefore, the lost opportunity to appeal, due to a brief 45-day delay, would constitute a gross miscarriage of justice, due impart to what had transpired, which was beyond Appellant’s control.

Finally, in reply to Respondent’s prejudicial “delay” argument that Appellant has purportedly caused prejudice on the Respondent from Appellant’s brief 45-day extension, is to remind this Court that according to the Skagit County, Assessor’s website’s the Respondent’s investment in the Property has increased nearly \$400,000.000 from his initial investment.

(See <https://www.skagitcounty.net/Search/Property/?id=P117052>).

Additionally, the continuation of Appellant’s supersedeas bond ensures Appellant’s ability to satisfy a judgment pending this Courts review.

Therefore, Appellant’s brief 45-day extension could not have prejudice the Respondent as Respondent described. Yet, if Appellant’s motion is not granted, Appellant will be denied the opportunity to seek this Court’s review of the multiple legal issues raised in the Appellate Court, which the Appellate Court failed to address in its decision.

Therefore, to avoid a gross miscarriage of justice, this Court should grant Appellant's brief 45-day Motion for Extension of Time, and accept Appellants Petition for Review, in order to correct the Court of Appeal's earlier error's resulting from the Court's misinterpretation, and in order to clarify Washington law. RAP 13.4(b)(2),(3).

Appellant apologizes to this Court for the delay and inconvenience, but again, the request was made in good faith, with a view to providing a clear, effective, and competent Petition for Review.

#### V. CONCLUSION

Appellant respectfully request that Appellant's brief 45-day Motion for Extension of Time to File Petition for Review, be granted by this Court.

DATED this 29th day of November, 2023.

RESPECTFULLY SUBMITTED:

/s/ Keith Welch

Keith Welch, Plaintiff/Appellant

## VI. CERTIFICATE OF COMPLIANCE

The undersigned certifies that this document, exclusive of words contained in the appendices, the title sheet, the table of contents, the table of authorities, the certificate of compliance, the certificate of service, signature blocks, and pictorial images, if any, contains 506 words, in compliance with RAP 18.17.

Respectfully submitted this 28th day of November, 2023.

*/s/ Keith Welch*

Keith Welch, Plaintiff/Appellant

DECLARATION OF SERVICE

I, Keith Welch, certify under penalty of perjury under the laws of the State of Washington, that on the day I signed this declaration of service, I caused a copy of the Motion for Extension of Time to File Petition for Review, to be serve electronically *via* the Appellate Courts Portal, to this Court, and electronically mailed upon Counsel and Transcriptionist of record:

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Attn: Eileen Sterns

Signed at Mount Vernon, Washington, this 28th day of November, 2023.

*/s/ Keith Welch*  
Keith Welch, Plaintiff/Appellant

**KEITH WELCH - FILING PRO SE**

**November 28, 2023 - 4:50 PM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 102,323-5  
**Appellate Court Case Title:** Keith Welch v. Chris Walden  
**Superior Court Case Number:** 21-2-00112-1

**The following documents have been uploaded:**

- 1023235\_Answer\_Reply\_20231128164554SC480565\_3463.pdf  
This File Contains:  
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