

No. 102677-3

SUPREME COURT
OF THE STATE OF WASHINGTON

In re the Marriage of:

ROBERT W. COONEY,
Respondent,

and

HILLARY A. BROOKS,
Petitioner.

REPLY IN SUPPORT OF
ANSWER TO
PETITIONER'S FIRST
AND SECOND
STATEMENT OF
ADDITIONAL
AUTHORITIES

Respondent Robert Cooney submits this reply in support of his request that this Court disregard the two statements of additional authorities filed by petitioner Hillary Brooks in support of her petition for review:

The “common sense” that petitioner expounds to support these additional statements goes beyond the

permissible bounds of RAP 10.8 by suggesting that parties are allowed to file unlimited mini supplemental briefs of 350 words or less, whenever they discover (new or old) authority that addresses issues raised in their case that they previously failed (or chose not) to cite. If petitioner's distorted interpretation of RAP 10.8 were correct, it would undermine several other rules.

If a party can file multiple 350-word statements of additional authorities, what would be the point of the word count limits under RAP 18.17? What would be the point of RAP 10.1(h) requiring parties to seek permission to file "briefs on the merits other than those listed" in the rule?

Respondent does not dispute that RAP 10.8 does not specifically limit a statement of additional authorities to only newly issued authority. *See Futurewise v. W. Washington Growth Mgmt. Hearings Bd.*, 164 Wn.2d 242, 247, n. 2, 189 P.3d 161 (2008) ("nothing in [RAP 10.8] limits its application to newly created law"). However,

citation to older authority in a statement of additional authorities should be limited, as it was in *Futurewise*, to address issues raised in oral argument that might not have been addressed in the briefs. 164 Wn.2d at 247, n.2; *see also Ghodsee v. City of Kent*, 21 Wn. App. 2d 762, 782, n. 16, 508 P.3d 193 (2022). Misusing RAP 10.8 to always get the “last word” is a waste of the parties’ resources, and the Court’s time.

I certify that this reply is in 14-point Georgia font and contains 287 words, in compliance with the Rules of Appellate Procedure. RAP 18.17(b).

Dated this 14th day of March, 2024.

SMITH GOODFRIEND, P.S.

By: /s/ Valerie A. Villacin

Valerie A. Villacin

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DECLARATION OF SERVICE

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct:

That on March 14, 2024, I arranged for service of the foregoing Reply in Support of Answer to Petitioner's First and Second Statement of Additional Authorities, to the court and to the parties to this action as follows:

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DATED at Everett, Washington this 14th day of
March, 2024.

/s/ Victoria K. Vigoren
Victoria K. Vigoren

SMITH GOODFRIEND, PS

March 14, 2024 - 3:12 PM

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Appellate Court Case Number: 102,677-3
Appellate Court Case Title: In the Matter of the Marriage of Robert W. Cooney and Hillary A. Brooks

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