

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
2/6/2024 8:00 AM  
BY ERIN L. LENNON  
CLERK

No. 1027397

SUPREME COURT  
OF THE STATE OF WASHINGTON

COA No. 82407-4-I

COURT OF APPEALS,  
OF THE STATE OF WASHINGTON

RANDAL R. STEICHEN,

Petitioner,

vs.

1223 SPRING STREET  
OWNERS ASSOCIATION, et al.,

Respondents.

RESPONDENT CLG'S  
RESPONSE TO  
PETITIONER'S  
MOTION TO ALLOW  
FILING OF  
CORRECTED PETITION  
FOR REVIEW, AND  
SUBJOINDER  
DECLARATION

## I. RESPONSE TO MOTION

Respondents Valerie Oman and Condominium Law Group, PLLC (collectively "CLG") request that this Court deny Petitioner Randall Steichen's Motion to Allow Filing of Corrected Petition for Review and strike the unauthorized Corrected Petition for Review subsequently filed by Steichen.

In the alternative, CLG requests that this Court assess terms against Steichen for the waste of time and effort he is causing all other parties and this Court. CLG requests that, if

Steichen is permitted to file a Corrected Petition, that Steichen be made to pay CLG at least \$3,500.00, where its attorney has almost completed CLG's response to the original Petition, which was filed without any indication that Steichen would be seeking to file a "corrected" Petition.

CLG notes that Steichen engaged in the same wasteful behavior when he filed an Amended Corrected Brief in Division I in the Court of Appeals, wasting the time of everyone who had taken significant time responding to his bloated overlength opening brief.

## **II. DECLARATION**

1. I, Marc Rosenberg, am an attorney for CLG in the above-captioned matter. I am competent to testify and do so from personal knowledge.

2. Steichen filed his Petition for Review on January 19, 2024. When filing, he did not indicate any intention of supplementing or amending the Petition. Nor did Steichen alert the other parties that he was intending to file a

corrected or amended Petition, although he obviously spent a significant amount of time making substantial changes to the Petition. Time he could have used to warn other parties that he intended to file a significantly different Petition and potentially save them from wasting their time. He did not do so.

3. Being conscientious and diligent, I immediately started an Answer to Steichen's Petition for Review. Indeed, I am essentially done drafting an Answer to the Petition for Review and must only add the tables for the document to be complete. I expended thousands of dollars worth of time in drafting an Answer, conducting the legal research to obtain authority, and reviewing the record on appeal necessary to do support the Answer. I estimate that the value of my time in preparing an Answer exceeded \$3,500.00.

4. The time I spent drafting an Answer to the Petition was very important to me. I am still trying to catch up from work that piled up while I was litigating a three-week trial. The time I spent answering the Petition reduced time I could have

spent on other important tasks. Now, Steichen has filed a motion to essentially nullify much of my prior work and cause me to have to expend additional precious time in responding to a brand new Petition. It is wasteful and unfair.

5. It is of note that Steichen engaged in the exact same conduct in the Court of Appeals. He filed an Opening Brief, and then, weeks later, without warning, filed a “corrected” brief. He wasted my time and my client’s money in the same way then, and the Court of Appeal’s permitted it. Steichen should not be permitted to continually flout the rules of this and every other court that this case has been in.

6. To avoid waste of my precious time and my client’s money, I request that this Court deny Steichen’s Motion to Allow Filing of Corrected Petition for Review, to strike the unauthorized Corrected Petition for Review subsequently filed by Steichen, and to proceed using Steichen’s initial Petition.

7. In the alternative, on behalf of myself and my client, I requests that this Court assess terms against Steichen

for the waste of time and effort he is causing all other parties and this Court. I request that, if Steichen is permitted to file the Corrected Petition, that he be made to pay CLG at least \$3,500.00, where I have almost completed CLG's response to the original Petition, which was filed without any indication that Steichen would be seeking to file a "corrected" Petition.

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

Respectfully submitted this 6th day of February, 2024.

I certify that this memorandum contains  
647 words, in compliance with  
RAP 18.17.

LEE SMART, P.S., INC.

By: s/ Marc Rosenberg  
Marc Rosenberg  
WSBA No. 31034  
Of Attorneys for Respondents  
Valerie Farris Oman and  
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## DECLARATION OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington, that I caused service of the foregoing pleading on the attorneys of record and their staff at the following email addresses through the Court's ECF service.

[adecaracena@rmlaw.com](mailto:adecaracena@rmlaw.com)  
[christopher.hoover@bullivant.com](mailto:christopher.hoover@bullivant.com)  
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[david@davislawgroupseattle.com](mailto:david@davislawgroupseattle.com)  
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DATED this 6th day of February, 2024, at Seattle, WA.

LEE SMART, P.S., INC.

By: s/ Marc Rosenberg \_\_\_\_\_  
Marc Rosenberg,  
WSBA No. 31034  
Attorneys for Respondents  
Valerie Farris Oman and  
Condominium Law Group, PLLC

**LEE SMART PS INC**

**February 06, 2024 - 7:15 AM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 102,739-7  
**Appellate Court Case Title:** Randall R. Steichen v. 1223 Spring Street Owners Assoc, et al.

**The following documents have been uploaded:**

- 1027397\_Answer\_Reply\_20240206071213SC478825\_8093.pdf  
This File Contains:  
Answer/Reply - Answer to Motion  
*The Original File Name was Steichen - M-Amend Petition\_ Response.pdf*

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

- adecaracena@rmlaw.com
- ashleysteichen@gmail.com
- christopher.hoover@bullivant.com
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- owen.mooney@bullivant.com
- sfjelstad@pstlawyers.com

**Comments:**

Respondent CLG's Answer to Petitioner's Motion for File a Corrected Petition for Review and Subjoined Declaration.

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**Note: The Filing Id is 20240206071213SC478825**