

FILED
SUPREME COURT
STATE OF WASHINGTON
2/5/2024 4:51 PM
BY ERIN L. LENNON
CLERK

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

RANDALL R. STEICHEN,

Appellant,

vs.

1223 SPRING STREET OWNERS
ASSOCIATION, a Washington
non-profit corporation; CWD
GROUP, a Washington corporation;
VALERIE FARRIS OMAN, a
citizen of the State of Washington;
CONDOMINIUM LAW GROUP,
PLLC, a Washington professional
limited liability company;
DAVID BUCK, a citizen of the
State of Washington; DANA REID, a
citizen of the State of Washington;
JEREMY SPARROW, a citizen of
the State of Washington; ROBERT
MOORE, a citizen of the State of
Washington; CATHERINE
RAMSDEN, a citizen of the State
of Washington,

Respondents.

No. 102739-7

MOTION TO ALLOW
FILING OF CORRECTED
PETITION FOR REVIEW

Petitioner, Randall R. Steichen, respectfully requests the
relief set forth below.

RELIEF REQUESTED

Mr. Steichen requests that this Court accept: (1) a corrected petition for discretionary review; and (2) an updated appendix.

RELEVANT FACTS

On December 20, 2023, Division One of the Court of Appeals denied Steichen's Motion for Reconsideration of the decision. Updated Appendix to Corrected Petition (App.) at 44-45. On December 21, 2023, Steichen's counsel tested positive for the coronavirus. Steichen Decl., ¶ 2.

On January 19, 2023, Steichen's counsel timely filed his petition for review. On January 22, 2023, Division One filed the petition in this Court.

GROUND FOR RELIEF

This Court should accept Steichen's corrected petition for review and updated appendix. RAP 1.2(a),(c); RAP 10.1(h).¹

¹ The corrected petition and updated appendix are filed with this motion for the Court to review.

“Under RAP 10.1(h), an appellate court ‘may in a particular case, on its own motion or on motion of a party, authorize or direct the filing of briefs on the merits other than those listed in this rule.’” *In re Higgins*, 152 Wn.2d 155, 160, 95 P.3d 330 (2004). One day after Division One denied Steichen’s motion for reconsideration of its decision, Steichen’s counsel tested positive for the coronavirus. App., 44-45; Steichen Decl., ¶ 2. Steichen’s counsel was unable to work for approximately two weeks and only able to work in a limited capacity thereafter. Steichen Decl., ¶ 2. This significantly impacted Steichen’s petition for review.

Steichen’s corrected petition will assist the Court in deciding the merits of the petition. The corrected petition contains slight revisions, but it does not materially alter the original petition. The corrected petition: (a) fixes typographical errors, including correcting the date in footnote two on page four from 2021 to 2023; (b) slightly revises the statement of the case to assist the Court with background information; and (c) slightly revises the headings to clarify the reasons why this Court should

accept review, so the headings track with the issues.² The corrected petition does not contain any new or amended issues. Likewise, the corrected petition does not cite additional legal or statutory authority and does not contain new, amended, or revised arguments.

The updated appendix contains additional articles regarding homeowner associations in Washington State to remedy the following material factual misstatements.

A more inequitable result than that imposed by Division One’s opinion is difficult to imagine—and if left to stand by this Court, the effect on the three million homeowners in associations in Washington State will be far-reaching....

If left standing, Division One’s opinion will have sweeping consequences and subject the three million homeowners in associations in Washington to fees without notice or the ability to make an informed decision regarding litigation risks.

² Steichen’s counsel drafted the statement of the case and headings for the reasons why this Court should accept review last, and, upon reflection, they do not accurately state what undersigned counsel intended. Steichen Decl., ¶ 3.

Pet. at 13, 17-18. There are approximately 2.4 million people who are members in homeowner associations in Washington State. App. at 48-87. There are not three million homeowners in associations in Washington. This should be corrected.


CONCLUSION

This Court should accept Mr. Steichen's corrected petition and updated appendix. The corrected petition and updated appendix will assist this Court in understanding the issues and arguments and enable the Court to make a more reasoned decision on the merits of the Petition. Additionally, this Court's acceptance is warranted because Steichen's counsel contracted the coronavirus, which significantly limited her time to draft the original petition.

Signature is on the following page.

This Motion contains 597 words, excluding words that are exempt from the word count requirement and complies with Rule of Appellate Procedure 18.17.

DATED this 5th day of February 2024.



Ashley H. Steichen, WSBA #54433
ATTORNEY AT LAW
2565 Dexter AVE N, #301
Seattle, Washington 98109
Telephone: 206.818.6092
Attorney for Randall R. Steichen

DECLARATION OF SERVICE

I hereby certify under penalty of perjury under the laws of the State of Washington that on February 5, 2024, I filed a true and correct copy of the foregoing document with the Washington State Appellate Court's Portal. The Court will notify counsel of record of the filing at the following email addresses:

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Stephan O. Fjelstad: sfjelstad@pstlawyers.com

Owen R. Mooney: owen.mooney@bullivant.com

Matthew R Wojcik: matt.wojcik@bullivant

DATED February 5, 2024 at Seattle, Washington.


Ashley H. Steichen, WSBA #54433

ATTORNEY AT LAW

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Attorney for Randall R. Steichen

ASHLEY H. STEICHEN

February 05, 2024 - 4:51 PM

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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.

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Respondents.

No. 102739-7

DECLARATION OF
ASHLEY H. STEICHEN
IN SUPPORT OF MOTION
TO ALLOW FILING OF
CORRECTED PETITION
FOR REVIEW

1. I am a citizen of the United States of America and a
resident of the State of Washington. I am over eighteen years

old, and I have personal knowledge of the matters set forth below. I am competent to testify, and I affirm that the matters set forth below are true and accurate in all respects.

2. On December 21, 2023, I tested positive for the coronavirus. I was unable to work for approximately two weeks and then was only able to work in a limited capacity for one and a half to two weeks. This limited the time I had to draft the original petition.

3. I drafted the statement of the case and headings for the reasons why this Court should accept review last, and, upon reflection, they do not accurately state what I intended.

4. There is just cause for this Court to accept Steichen's corrected petition and appendix.

Signature is on the following page.

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

DATED this 5th day of February 2024.



Ashley H. Steichen, WSBA #54433

ATTORNEY AT LAW

2565 Dexter AVE N, #301

Seattle, Washington 98109

Telephone: 206.818.6092

Attorney for Randall R. Steichen

DECLARATION OF SERVICE

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Owen R. Mooney: owen.mooney@bullivant.com

Matthew R Wojcik: matt.wojcik@bullivant

DATED February 5, 2024 at Seattle, Washington.



Ashley H. Steichen, WSBA #54433

ATTORNEY AT LAW

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Seattle, Washington 98109

Telephone: 206.818.6092

Attorney for Randall R. Steichen

ASHLEY H. STEICHEN

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