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SUPREME COURT NO.: 1027397
COURT OF APPEALS NO.: 82407-4-I

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

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RANDAL R. STEICHEN,

Petitioner.

v.

1223 SPRING STREET OWNERS ASSOCIATION, et al.,

Respondents.

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# RESPONDENTS VALERIE OMAN AND CONDOMINIUM LAW GROUP, PLLC'S RESPONSE TO PETITIONER'S MOTION FOR DISCRETIONARY REVIEW

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## I. IDENTITY OF RESPONDING PARTIES

These responding parties are Respondents-Defendants Valerie Oman and Condominium Law Group, PLLC (collectively "CLG").

## II. CITATION TO COURT OF APPEALS DECISION

The unpublished decision of the Court of Appeals, Division I, being appealed is captioned *Steichen v. 1223 Spring St. Owners Ass'n*, et al., Case No. 82407-4-I, 2023 WL 6973845 (Wash. Ct. App. Oct. 23, 2023) (unpublished).

## III. ISSUE PRESENTED FOR REVIEW

Whether this Court should deny the Petition for Review filed by Petitioner-Plaintiff Randall Steichen ("Steichen") where Steichen fails to establish a basis for review under RAP 13.4(b); and instead challenges a series of claimed errors, which he characterizes as due process issues, but which are not due process issues, and where Steichen has availed himself of an abundant amount of due process.

## IV. STATEMENT OF THE CASE

### A. Steichen was delinquent paying condominium assessments, which led to action being taken against him by his condominium association.

For underlying facts of this case, CLG adopts facts set forth in *Steichen*, 2023 WL 6973845 at *1-3. These facts show that Steichen was admittedly delinquent paying condominium assessments to the condominium association where he lived, the 1223 Spring Street Owners Association (the "Association"). The Association eventually had its attorney, CLG, seek to recover these delinquent payments.

### B. Steichen sued the Association, its attorney CLG, and others, and all of his claims were dismissed either on dispositive motion or at trial.

For the underlying procedural facts of this case occurring in the trial court, CLG adopts the facts set forth in *Steichen*, 2023 WL 6973845 at *3.

On December 24, 2018, Steichen sued the Association and five individual board members (collectively Association), the Association's property management company, CWD, the Association's law firm, CLG, and attorney Valerie Oman

(collectively CLG). Neither Steichen's first complaint nor amended complaint are in the appellate record. Steichen's second amended complaint asserted 14 claims, most against all three respondents. The Association counterclaimed against Steichen for his unpaid assessments.

Protracted litigation occurred for two years. The trial judge held approximately 17 hearings and issued about 60 orders. The trial date was continued three times. Dispositive rulings by the trial court dismissed claims against the Association, CWD, and CLG. By the time of trial, only CLG remained as a respondent.

On the first day of trial, Steichen refused to participate, and his remaining claims were dismissed.

### C. In an unpublished decision, Division I of the Court of Appeals affirmed the trial court.

Steichen appealed to Division I of the Court of Appeals. Steichen's significantly overlength brief identifies 10 issues pertaining to his assignments of error, and then raises 13 arguments. *Steichen,* 2023 WL 6973845, at *3. "There is little

overlap between the identified issues and arguments." *Id*. Steichen's issues and arguments are so lengthy and convoluted that Division I set forth facts alongside its analysis, rather than separating facts into a separate section. CLG does the same here, as needed, as the claimed errors are addressed.

In a 3-0 unpublished decision, Division I affirmed the superior court.

## V. ARGUMENT

### A. Review is not warranted under the grounds in RAP 13.4.

A petition for review will be accepted by this Court only:

> (1) If the decision of the Court of Appeals is in conflict with a decision of the Supreme Court; or
>
> (2) If the decision of the Court of Appeals is in conflict with a decision of another division of the Court of Appeals; or
>
> (3) If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or
>
> (4) If the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

RAP 13.4(b).

Steichen's petition for review should be denied because it fails to satisfy any basis for Supreme Court review.

Furthermore, nothing in RAP 13.4 or in Washington law entitles Steichen to review by this Court simply because he disagrees with the Court of Appeals' decision:

> [I]t is a mistake for a party seeking review to make the perceived injustice the focus of attention in the petition for review. RAP 13.4(b) says nothing in its criteria about correcting isolated instances of injustice. This is because the Supreme Court, in passing upon petitions for review, is not operating as a court of error. Rather, it is functioning as the highest policy-making judicial body of the state. …
>
> The Supreme Court's view in evaluating petitions is global in nature. Consequently, the primary focus of a petition for review should be on why there is a compelling need to have the issue or issues presented decided *generally*. The significance of the issues must be shown to transcend the particular application of the law in question. Each of the four alternative criteria of RAP 13.4(b) supports this view. The court accepts review sparingly, only approximately 10 percent of the time. Failure to show the court the "big picture" will likely diminish the already statistically slim prospects of review.

Wash. Appellate Prac. Deskbook § 27.11 (1998) (italics in original).

### B. Steichen complains only of a series of claimed errors that do not warrant review.

Steichen repeatedly asserts Division I "erred," and that such perceived errors fulfill RAP 13.4(b)'s four enumerated grounds. They do not. Rather than presenting perceived errors to correct, Steichen must show that this case is sufficiently exceptional to "transcend the particular application of the law in question." Wash. Appellate Prac. Deskbook § 27.11. This he fails to do. Thus, Steichen's assertions do not meet RAP 13.4 or warrant the extraordinary step of review by this Court. This is especially so where the decision is unpublished and has no precedential value for other cases in the future.

#### 1. The trial court's evidentiary decisions, which were affirmed by the Court of Appeals, are both correct and not a basis for review under RAP 13.4(b).

Steichen claims error because the trial court and Court of Appeals considered a ledger attached to a declaration and did not consider evidence that was not raised at the trial court level. Petition at 6-11.

Steichen failed to object to the ledger in the trial court, waiving the hearsay objection for purposes of appeal. *Steichen*, 2023 WL 6973845 at *6, fn 4 (citing RAP 2.5(a)). Likewise, for the first time on appeal, Steichen argued that the ledgers showed a credit (despite his own admission that he was behind in his payments).[1] The Court of Appeals held that "[a]n argument that was neither pleaded nor argued to the superior court on summary judgment cannot be raised for the first time on appeal. *Steichen*, 2023 WL 6973845 at *6 (citing *Johnson v. Lake Cushman Maint. Co.*, 5 Wn. App. 2d 765, 780, 425 P.3d 560 (2018); RAP 2.5(a)).

These evidentiary decisions in an unpublished decision do not involve an issue of substantial public interest, or a significant question of law under the Washington or U.S. Constitutions. Likewise, the holding that issues not raised

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[1] *Steichen*, 2023 WL 6973845, at *3. ("On August 13, 2018, Steichen conceded that he owed unpaid monthly dues for the months of April, May, June, July, and August 2018, calling them undisputed amounts").

below generally cannot be raised for the first time on appeal is not in conflict with decisions of this Court or another division of the Court of Appeals.

Steichen lists a few cases, which he claims conflict with the decision, but none of the cases involve a failure to raise issues in the trial court level or assert new issues for the first time on appeal. Steichen argues that the two evidentiary decisions deprived him of due process. It did not. Steichen has had, and continues to have, an extremely great amount of due process in this extensive litigation.

Ultimately, the claimed errors as to the trial court's evidentiary decisions, as unanimously affirmed on appeal, do not involve an issue of substantial public interest or a significant question of law under the Washington or U.S. Constitutions. Likewise, the decision of Division I is not in conflict with decisions of either this Court or a decision of another division of the Court of Appeals. Therefore, this issue does not present grounds for review under RAP 13.4(b).

**2. The trial court's denial of Steichen's motion for partial summary judgment, which was unanimously affirmed by the Court of Appeals, is correct and not a basis for review under RAP 13.4(b).**

Steichen argues that Division I erred by declining to review his motion for partial summary judgment. But after denial of summary judgment, the causes of action at issue were litigated and dismissed, *Steichen*, 2023 WL 6973845, at *11-12. Because the claims at issue were dismissed, review of the interlocutory order would have been useless.

Ultimately, the claimed error in an unpublished decision of failure to properly dispose of an interlocutory order does not involve an issue of substantial public interest, or a significant question of law under the Washington or U.S. Constitutions. Likewise, the decision of Division I is not in conflict with decisions of either this Court or a decision of another division of the Court of Appeals. Therefore, this issue does not present grounds for review under RAP 13.4(b).

**3. The trial court's entry of a final judgment that included foreclosure, after entering a CR 54(b) order was proper and is not a basis for review under RAP 13.4(b).**

Steichen argues that the trial court erred by entering a final judgment in favor of the Association in the form required under RCW 4.64.030(3), after entering an order under CR 54(b) permitting entry of a final judgment. Petition at 14-16. This is not CLG's issue, but CLG will briefly address it here by providing Division I's analysis,

> On January 29, 2021, the trial court granted the Association's motion for CR 54(b) certification of the trial court's order granting summary judgment on the Association's counterclaim against Steichen for monthly dues and order awarding attorney fees. This order was not itself a final judgment but instead directed entry of final judgment. The trial court granted the Association's motion for entry of final judgment on April 23, 2021.
>
> Steichen's fourth argument is that "The trial court erred in entering a second, purported judgment on the Association's Counterclaim, which included a foreclosure decree." We disagree.
>
> First, the trial court did not enter a second judgment. RCW 4.64.030(3) proscribes the form a judgment summary must take "and a judgment does not take effect, until the judgment has a summary in compliance with this section." The

> judgment entered on April 23, 2021, was entered pursuant to the trial court's prior order certifying entry of final judgment on the Association's claim under CR 54(b). The April 23, 2021 judgment is the only final judgment entered on the Association's counterclaim.
>
> Next, without citing any authority, Steichen asserts that the April 23, 2021, final judgment expanded the scope of the first judgment by awarding mortgage foreclosure rights. Again, the April 23, 2021 judgment is the only judgment entered by the trial court. In addition, the Association's proposed order granting summary judgment sought entry of a formal judgment, a lien, foreclosure rights, an execution against Steichen for any deficiency, and for the right to seek an appointment of a receiver of Steichen's unit. As did the Association's motion for entry of a final judgment. Thus, Steichen had notice that the Association was seeking foreclosure rights. Steichen fails to argue or cite authority as to why the trial court's entry of foreclosure rights was erroneous.
>
> The trial court did not err in entering a final judgment.

*Steichen*, 2023 WL 6973845, at *7.

Steichen argues that the CR 54(b) order is the final judgment. Petition at 14-15. This is wrong, and the cases relied on by Steichen are inapplicable. For example, this case relates to an order under CR 54(b), but the judgment at issue in

*Bank of Am., N.A. v. Owens*, 173 Wn.2d 40, 51, 266 P.3d 211 (2011), was a judgment under CR 54(a)(1). *Id*. at 51. Steichen argues that the public interest will be affected because the public "will have to be soothsayers to determine when a decision might be a judgment." Petition at 16. However, as Division I noted: "The clerk may not enter a judgment, and a judgment does not take effect, until the judgment has a summary in compliance with this section. *Steichen*, 2023 WL 6973845, at *7-8 (citing RCW 4.64.030(3)). *Id*. There can be no confusion with such unambiguous language.

Ultimately, the claimed error in an unpublished decision regarding how the final judgment was entered in this case does not involve an issue of substantial public interest, or a significant question of law under the Washington or U.S. Constitutions. Likewise, the decision of Division I is not in conflict with decisions of either this Court or a decision of another division of the Court of Appeals. Therefore, this issue does not present grounds for review under RAP 13.4(b).

### 4. The trial court's award of attorney fees, which was unanimously affirmed by the Court of Appeals, was proper and not a basis for review under RAP 13.4(b).

Steichen argues that the trial court's award of attorney fees, which was unanimously affirmed by the Court of Appeals, contradicts other cases and deprived him of due process. Petition at 15-18. Neither claim is true. Steichen relies on *Dalton M, LLC v. N. Cascade Tr. Servs., Inc.*, 2 Wn.3d 36, 534 P.3d 339, 347 (2023). *Dalton* is easily distinguishable. In *Dalton*, the issue of attorney fees was never raised in the trial court, the Court of Appeals *sua sponte* raised the issue, and awarded fees on appeal. *Id*. at 349. This Court then held:

> Injection of a brand-new issue that is akin to an unpleaded claim at the appellate level creates problems for a reviewing court because the record will likely lack factual development related to that new issue. That is what happened here: to decide the merits of this new theory of recovery that the appellate court raised, that court also had to raise new issues—issues that required factual development that had not occurred at the trial.

*Id*.

In contrast, CLG prayed for reasonable attorney's fees and taxable costs incurred in defending this cause in its answer to Steichen's second amended complaint. CP 5177. Steichen had an opportunity to conduct discovery on the issue of entitlement to fees but did not pursue the issue. CLG then timely moved for attorney fees upon prevailing at trial. CP 10683-96. There was notice and opportunity for a hearing.

Steichen also relies on *Sixty-01 Ass'n of Apartment Owners v. Parsons*, 178 Wn. App. 228, 234, 314 P.3d 1121, 1125 (2013), which is distinguishable. In *Parsons*, a sheriff's sale held after a foreclosure was reversed, and the court denied fees sought under RCW 64.34.364(14), which provides for recovery of attorney fees in foreclosure actions. In this case, fees were sought under RCW 64.34.455, a completely different provision with different standards and different supporting legal authority. In addition, CLG had no foreclosure action. CLG was aggrieved because it was dragged into years of extremely

expensive and vexatious litigation all because Steichen failed to pay his assessments under the statute and declaration.

Fees were properly awarded here. Steichen filed a lawsuit alleging violations of Washington's Condominium Act ("WCA"). "After dismissal of Steichen's claims, the trial court granted the Association, CLG, and CWD's motion for an award of attorney fees under RCW 64.34.455." *Steichen*, 2023 WL 6973845 at *10. In appropriate cases, the trial court may award attorney fees. RCW 64.34.445. The Court of Appeals provided a reasonable basis for affirming the attorney fee awards.

"Washington law is clear that RCW 64.34.455 allows for an award of attorney fees against an unsuccessful plaintiff." *Steichen*, 2023 WL 6973845 at *10 (citing *Bilanko v. Barclay Ct. Owners Ass'n*, 185 Wn.2d 443, 452 n8, 375 P.3d 591 (2016) ("RCW 64.34.455 grants courts the discretion to award attorney fees to the 'prevailing party'"); *Eagle Point Condo. Owners Ass'n v. Coy*, 102 Wn. App. 697, 713, P.3d 898 (2000) ("A defendant can be awarded fees as a prevailing party under

the Condominium Act.”)). The WCA's remedies “shall be liberally administered to the end that the aggrieved party is put in as good a position as if the other party had fully performed.” RCW 64.34.100.

> Steichen argued that the respondents were not entitled to fees under RCW 64.34.455 because they argued throughout the case that the WCA did not apply. Steichen's argument is misplaced. While the respondents argued that the notice and meeting requirements in RCW 64.34.308 did not apply, they did not argue that RCW 64.34.455 was inapplicable.

*Steichen*, 2023 WL 6973845 at *10.

Steichen argues that Respondents are not aggrieved parties because he should have won. Steichen did not win, and with good reason. As a unit owner, Steichen is subject to the WCA. He violated provisions of the WCA by not paying his regular monthly dues. *Id.* at *11. Steichen then chose to sue the Respondents under largely the same theories. *Id*. Respondents were “adversely affected” by Steichen's actions by being subject to years of vexatious litigation. *Id*. Because Steichen violated the WCA, and the respondents were adversely affected

by Steichen's failure to comply, the trial court did not err in awarding attorney fees. *Id*.

Ultimately, the claimed error in awarding attorney fees, which was unanimously affirmed in an unpublished opinion, does not involve an issue of substantial public interest, or a significant question of law under the Washington or U.S. Constitutions. Likewise, the decision of Division I is not in conflict with decisions of either this Court or a decision of another division of the Court of Appeals. Therefore, this issue does not present grounds for review under RAP 13.4(b).

**5. The trial court's dismissal of a conversion claim, unanimously affirmed by the Court of Appeals, is not a basis for review under RAP 13.4(b).**

Steichen asserts it was error to dismiss his conversion claim against CWD. Petition at 18-20. While the trial court dismissed conversion claims against all Respondents, Steichen seeks review of dismissal of claims against CWD. *Id*. Since this is not CLG's issue. CLG will generally rest on Division I's analysis as to this cause of action, which was dismissed by the

trial court, and dismissal was unanimously affirmed by Division I. *Steichen*, 2023 WL 6973845, at *15-17.

Ultimately, the claimed error in unanimously affirming dismissal of a conversion claim in an unpublished decision does not involve an issue of substantial public interest, or a significant question of law under the Washington or U.S. Constitutions. Likewise, the decision of Division I is not in conflict with decisions of either this Court or a decision of another division of the Court of Appeals. Therefore, this issue does not present grounds for review under RAP 13.4(b).

**6. The trial court's denial of a motion for disqualification, unanimously affirmed by the Court of Appeals, is proper and not a basis for review under RAP 13.4(b).**

Steichen claims it was error to deny his motion to disqualify the trial judge. Petition 23-27. Steichen's argument centers around a dispute that he waived disqualification as an issue. But not only was denial of disqualification appropriate, Steichen's argument is limited to the issue of waiver. Division I's decision was not limited to waiver, but showed

why denial of disqualification was not warranted on the merits.

As Division I discussed in its decision:

> Steichen did not move to disqualify the trial judge until January 4, 2021. By January 2021, the trial date, which had been continued three times, was less than a month away. In the interim, the trial court held approximately 17 hearings and issued around 60 orders in this case. Steichen has waived this argument. **In any case, the trial judge's statement did not reflect bias**—it reflected the court's experience in dealing with claims such as Steichen's.

*Steichen*, 2023 WL 6973845, at *18 (emphasis added).

Division I also noted that, during a hearing on May 31, 2019, at the inception of the case, Steichen asserted that the trial court made known its antipathy for condominium owners. *Steichen*, 2023 WL 6973845, at *18. Thus, it can easily be seen that Steichen waived the ability to seek disqualification where he was aware of his alleged grounds for disqualification as early as May 2019, but did not move to disqualify the trial judge until January 2021, when trial was less than a month away. *Steichen*, 2023 WL 6973845, at *17 (citing *Lefebvre v. Clifford*, 65

Wash. 313, 316, 118 P.40 (1911); *Brauhn v. Brauhn*, 10 Wn. App. 592, 597, 518 P.2d 1089 (1974)).

Division I then proceeded to show that no bias was shown by the record: The Court of Appeals noted:

> [T]hough the trial court ultimately dismissed most of Steichen's claims, he did enter several orders in Steichen's favor during the proceedings. For example, the trial court granted at least two of Steichen's motions to change the trial date over the objections of respondents. The trial court granted several of Steichen's motions to shorten time, to extend time to respond, and to file over-length briefs. The trial court denied summary judgment to the respondents on several occasions. The trial court also granted Steichen reconsideration on several occasions and reinstated several claims.

*Steichen*, 2023 WL 6973845, at *19.

Division I did a sufficient job of explaining why it was otherwise appropriate to deny the motion to disqualify, and CLG adopts it. *See Steichen*, 2023 WL 6973845, at *18-19. Steichen's wild conspiracy theories and petty grievances were not grounds to disqualify the judge.

Ultimately, the claimed error in not disqualifying the trial judge, as affirmed in an unpublished case, does not involve an

issue of substantial public interest, or a significant question of law under the Washington or U.S. Constitutions. Likewise, the decision of Division I is not in conflict with decisions of either this Court or a decision of another division of the Court of Appeals. Therefore, this issue does not present grounds for review under RAP 13.4(b).

#### 7. It is common and appropriate for the Court of Appeals to decline to consider new arguments and issues raised for the first time in a reply brief.

A reply brief should be limited to a response to the issues in the brief to which the reply brief is directed. RAP 10.3(c); *Bergerson v. Zurbano*, 6 Wn. App. 2d 912, 926, 432 P.3d 850 (2018). The Courts of Appeals does not consider arguments raised for the first time on reply, not only because it is against the rules, but because it denies the opposing party an opportunity to respond. *Cowiche Canyon Conservancy v. Bosley*, 118 Wn.2d 801, 809, 828 P.2d 549 (1992); *Dykstra v. Cnty. of Skagit*, 97 Wn. App. 670, 676, 985 P.2d 424, 428 (1999) ("We decline to consider these issues, raised for first

time in the reply brief, because there was no opportunity for the opposing party to respond"); *City of Spokane v. White*, 102 Wn. App. 955, 963, 10 P.3d 1095, 1099 (2000) ("A reply brief is generally not the proper forum to address new issues because the respondent does not get an opportunity to address the newly raised issues").

To be clear, the Court of Appeals did not strike the entirety of Steichen's bloatedly overlength reply brief. Rather, Steichen asserts that the Court of Appeals erred by declining to consider new arguments and issues raised for the first time in a reply brief. *See Steichen*, 2023 WL 6973845, at *3, n2 ("Respondent CLG moved to strike portions of appellant's reply brief because it contained new arguments. We agree and grant CLG's motion to strike").

Steichen frames this as a due process issue. It is not. Steichen had, and continues to have, abundant due process. Division I bent over backwards to indulge Steichen with his multitude of non-compliant filings. However, Steichen raised

new facts and arguments in his reply brief in the Court of Appeals, and attempted to support them with a supplemental designation of clerk's papers that was not filed until after the filing of the Response Briefs on the Merits.

In its motion to strike, CLG noted that Steichen's Reply Brief at pp. 4-20, 38-48, and 50-58 did not contain any legal authority, but rather asserted over 34 pages of purported "facts" that should have been included in an opening brief. These "facts" were often supported by citations to documents not referred to in Steichen's opening brief, including Clerk's Papers that were not designated until after CLG filed a Response Brief.

CLG noted that Steichen indiscriminately cited evidence not identified in the trial court's summary judgment orders even though, under RAP 9.12, the Court of Appeals could consider only evidence and issues called to the attention of the trial court and included in a summary judgment order.

CLG also noted with specificity that Steichen raised new issues and arguments in his reply brief. For example:

- Steichen argued for the first time in reply that efforts to bring him current constituted modification of a contract that required his assent. Reply Brief at p. 21.

- Steichen's amended opening brief presented no argument or authority on conspiracy or agency. The word "conspire" did not appear in the opening brief, the word "conspiracy" only appeared on page 39 in a general statement, and the word "agent" likewise only appeared once in passing. App. Br. at 17, 39. Steichen's Reply Brief presented new argument and authority on agency and conspiracy that he did not raise before. Reply Brief at 22-27.

- Steichen's amended opening brief presented no argument or authority on aiding and abetting. Steichen presented new argument and authority on aiding and abetting in his reply brief. Reply Brief at 43.

- Steichen's amended opening brief presented no argument or authority on exclusion of witnesses or testimony.

Steichen's Reply Brief presented new argument and authority on exclusion of witnesses. Reply Brief at 46-47.

- Steichen's amended opening brief presented no argument or evidence as to whether Judge Schubert intended to hold a jury trial. Steichen's reply presented new argument and evidence not even in the record to assert that Judge Schubert never intended to set a jury trial. Reply Brief at 49-56.

Ultimately, the claimed error in an unpublished decision striking of issues raised for the first time in a reply brief does not involve an issue of substantial public interest, or significant question of law under the Washington or U.S. Constitutions. Likewise, the decision of the Division I is not in conflict with decisions of either this Court or a decision of another division of the Court of Appeals. Therefore, this issue does not present grounds for review under RAP 13.4(b).

### C. CLG requests attorney fees for having to respond to the Petition.

Under RAP 18.1 this Court may award reasonable attorney fees to the prevailing party on appeal if allowed under

applicable law. Here, unlike Steichen, if CLG prevails on opposing the Petition, the decision would be dispositive, and CLG would be a prevailing party and entitled to attorney fees and costs under RCW 64.34.455 and/or 15 U.S.C. § 1692k(a)(3), as well as statutory attorney fees and costs.

There should at least be an award of attorney fees related to Steichen filing a Petition for review, waiting while Respondents worked on an Answer to the Petition, and then moving to file a different "corrected" Petition after CLG's counsel had already put in significant work.

## VI. CONCLUSION

This Court should decline review in response to Steichen's petition for review. Division I's decision is unpublished and holds no precedential value to any future action. Division I's decisions are not in conflict with any decision of this Court or any other division of the Court of Appeals. Division I's decisions do not present any significant question of law under the Constitution of the State of Washington or of the United

States. Division I's decisions do not involve any issue of substantial public interest. Thus, there are no RAP 13.4(b) grounds present upon which review can be taken in this case.[2]

Respectfully submitted this 4th day of March 2024.

I certify that this memorandum contains 4708 words, in compliance with RAP 18.17(c)(10).

LEE SMART, P.S., INC.

By: s/ Marc Rosenberg
Marc Rosenberg
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[2] CLG has responded only to Steichen's initial Petition for Review. The "Corrected Petition for Review" is unauthorized and untimely, and there is insufficient time to respond to it. As such, if this Court permits the filing of a Corrected Petition, CLG would ask for additional time to respond to it.

## 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.

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DATED this 4th day of March, 2024, at Seattle, WA.

LEE SMART, P.S., INC.

By: s/ Marc Rosenberg________
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# LEE SMART PS INC

## March 04, 2024 - 9:16 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_20240304091219SC149509_6335.pdf
  This File Contains:
  Answer/Reply - Answer to Petition for Review
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**Comments:**

Respondents' Valerie Oman and Condominium Law Group's Answer to Petition for Review

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