

agreed to accept service of the Petition for Review by e-mail is incorrect, and the record on this issue should be clear.

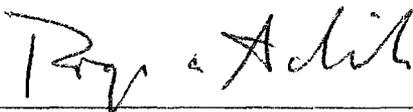
I do admit that there was a mutual agreement by the parties to accept electronic service of documents in the underlying action filed in Pierce County Superior Court, and I do not recall if we had a similar agreement regarding the Court of Appeals proceedings. However, there was absolutely no agreement to accept electronic service of the Petition for Review, and the Petitioner's statements to the contrary are not true.

"Extraordinary circumstances" that warrant an extension of time for filing the Petition for Review do not exist in this case. RAP 18.6(c) is clear and unambiguous when it states that "...a Petition for Review is timely filed only if it is received by the Appellate Court within the time permitted for filing." (Emphasis added). The Petitioner has at least two (2) competent attorneys working for her, and by their own admission, they knew the due date for filing the Petition for Review. They had thirty (30) days to timely file the Petition. By their own admission, they waited for the very last day to file it. By intentionally waiting to the last possible date to file, the Respondent risked missing the deadline and being in non-compliance with RAP 13.4(a) and RAP 18.6(c). This was not an "excusable error". The Petitioner failed to properly file the Petition for Review in a timely manner and her request for an

extension of time should be denied. The Respondent is entitled to closure and peace of mind, and he respectfully requests that the Petitioner's motion be denied.

Respectfully submitted this 28th day of January, 2014.

McCarthy & Causseaux

By: 
Roger C. Schweinler, WSBA #20169
Attorney for Respondent

CERTIFICATE OF SERVICE:

The undersigned certifies that on this day she delivered by U-S-Mail or ABC-LMI delivery to Roger B. Madison, Jr. 2102 Carriage Drive S.W., Suite A103, Olympia, WA a true and correct copy of the document to which this certificate is attached. This statement is certified to be true and correct under penalty of perjury of the laws of the State of Washington. Signed at Tacoma, Washington on the date below.

1-29-14
Date


Signature

OFFICE RECEPTIONIST, CLERK

From: Rebecca Taylor-Hewett <r.taylor-hewett@mchlawoffices.com>
Sent: Wednesday, January 29, 2014 8:43 AM
To: OFFICE RECEPTIONIST, CLERK
Subject: Case No. 89672-1, Richard B. Ferguson, Declaration in Answer/Response to Motion
Attachments: 1.29.14 Declaration of Roger C. Schweinler.pdf

Respondent's Answer/Response to Motion is attached.

*Rebecca Taylor-Hewett
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