

SUPREME COURT NO. 694138
COURT OF APPEALS NO.: 89867-7

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

JACKSON MIKA,

Plaintiff/Respondent/Petitioner,

v.

JBC ENTERTAINMENT HOLDINGS INC., a corporation doing business
in the State of Washington; JBC OF SEATTLE, WA, INC., a Washington
business, a subsidiary of JBC ENTERTAINMENT HOLDINGS INC.;

MARQUIS HOLMES, an individual, dba BOSS LIFE
ENTERTAINMENT; JANE DOE, husband and wife, and their
community; GREG STEVENS, an individual, husband and wife, and their
community; TONY HUMPHREYS, husband and wife, and their
community,

Defendants/Appellants/Respondents.

RESPONDENT'S OBJECTION TO PETITIONER'S REPLY ON
PETITION FOR DISCRETIONARY REVIEW

Peter E. Sutherland, WSBA No. 17745
Of Attorneys for Respondents Greg Stevens
and Tony Humphreys

LEE SMART, P.S., INC.
1800 One Convention Place
701 Pike Street, Suite 1800
Seattle, WA 98101-3929
(206) 624-7990

Received 
Washington State Supreme Court

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Ronald R. Carpenter 
Clerk

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I. ARGUMENT

A. RAP 13.4 does not authorize Petitioner's reply.

Petitioner reply brief is in violation of RAP 13.4(d) and should not be considered by the court. Petitioner's Reply, dated March 24, 2014, raises again arguments regarding the jurisdictional effect of Respondent Greg Stevens' visits to Washington and relevance of unpublished options. RAP 13.4(d) provides as follows:

Answer and Reply. A party may file an answer to a petition for review. A party filing an answer to a petition for review must serve the answer on all other parties. If the party wants to seek review of any issue that is not raised in the petition for review, including any issues that were raised but not decided in the Court of Appeals, the party must raise those new issues in an answer. Any answer should be filed within 30 days after the service on the party of the petition. A party may file a reply to an answer only if the answering party seeks review of issues not raised in the petition for review. A reply to an answer should be limited to addressing only the new issues raised in the answer. A party filing any reply to an answer must serve the reply to the answer on all other parties. A reply to an answer should be filed within 15 days after the service on the party of the answer. An answer or reply should be filed in the Supreme Court. The Supreme Court may call for an answer or a reply to an answer.

Petitioner fails to explain how any new issues were raised in the answer to the petition. Respondent has asserted only that plaintiff failed to raise the argument stated in the petition—that Greg Stevens' visits to Washington state raised issues as to jurisdiction thereby defeating summary judgment—before either the trial court or the Court of Appeals.

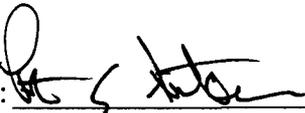
The argument is addressed directly to petitioner's central claim within his petition. Moreover, the petition pointed out that the Court of Appeals Decision in the case is unpublished. Respondent does not raise a new issue by also referring to that fact. Respondent is not asking the Court of Appeals to review any issue as considered under RAP 13.4(d) and therefore has not opened the door to additional argument from the petitioner.

A. Petitioner has failed to timely file his reply.

RAP 13.4(d) further requires that a reply be filed within 15 days after service of the answer. Respondent's answer was signed and filed on or about February 24, 2014, approximately 28 days before petitioner's reply, which is dated March 24, 2014. The reply is therefore not only unauthorized, but untimely as well.

Respectfully submitted this 2 day of April, 2014.

LEE SMART, P.S., INC.

By: 

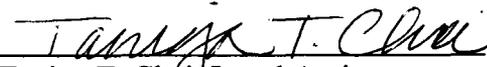
Peter E. Sutherland, WSBA No. 17745
Attorney for Respondent

CERTIFICATE OF SERVICE

I, Taniya T. Chai, certify under penalty of perjury and the laws of the State of Washington that on April 2, 2014, I caused service of Respondent's Objection to Petitioner's Reply on Petition for Discretionary Review via ABC Legal Messengers, Inc., to:

Mr. Howard Phillips
Phillips Law LLC
3815 S. Othello St., #100-353
Seattle, WA 98118

Ms. Catherine C. Clark
The Law Office of Catherine C. Clark PLLC
701 5th Avenue, Suite 4785
Seattle, WA 98104-7063


Taniya T. Chai, Legal Assistant