

Received   
Washington State Supreme Court

OCT 12 2015 

CASE No. 92277-2

Ronald R. Carpenter  
Clerk

SUPREME COURT OF THE STATE OF WASHINGTON

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BRENT McFARLAND,

*Petitioner,*

v.

BNSF RAILWAY COMPANY,

*Respondent.*

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**BNSF RAILWAY COMPANY'S  
ANSWER TO MOTION TO EXTEND TIME**

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Kelsey Endres, WSBA #39409  
Attorney for Respondent

MONTGOMERY SCARP, PLLC  
Seattle Tower, 25<sup>th</sup> Floor  
1218 3<sup>rd</sup> Avenue,  
Seattle, WA 98101

ORIGINAL

## **Introduction**

Petitioner Brent McFarland's untimely *Petition for Discretionary Review in the Washington Supreme Court Pursuant to 13.4 RAP* does not meet the test under Washington Rule of Appellate Procedure ("RAP") 18.8 to extend the time within which a party must file a notice for discretionary review. While respondent BNSF Railway Company ("BNSF") is sympathetic to Mr. Friedman and his daughter's healthcare needs, the desirability of finality of decisions outweighs the privilege of a party to obtain an extension of time where McFarland was and is represented by a second capable attorney, Steven Jones. As such, BNSF respectfully requests that this Court deny *Petitioner's Verified Motion to Extend Time to File Petition for Discretionary Review in the Washington Supreme Court Pursuant to Rule 13.4 RAP*.

## **Factual Background**

One of McFarland's attorneys, C. Marshall Friedman from C. Marshall Friedman, P.C., filed and served McFarland's petition for review and motion to extend time after the time provided in RAP 13.4(a).<sup>1</sup> Mr.

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<sup>1</sup> *Petitioner's Verified Motion to Extend Time to File Petition for Discretionary Review in the Washington Supreme Court Pursuant to Rule 13.4 RAP* ("MOTION TO EXTEND").

Friedman cites his adult daughter's medical issues and his resultant emotional turmoil as explanation for his tardy filing.<sup>2</sup>

McFarland is represented by a second attorney, however. Steven L. Jones from the firm Eymann Allison Hunter Jones P.S. entered his appearance as local counsel for McFarland with the Court of Appeals and certified that "*I will be the lawyer of record in this proceeding, responsible for the conduct of the applicant* [C. Marshall Friedman], and present at proceedings in this matter unless excused by the court."<sup>3</sup> Mr. Jones sat with Mr. Friedman at counsel's table during appellate oral argument. McFarland's opening brief in his appeal and his petition for review in this Court included both Mr. Friedman's and Mr. Jones' names.<sup>4</sup>

Mr. Friedman acknowledges that the deadline to file McFarland's petition was September 10, 2015, and that he did not file the petition on time.<sup>5</sup> BNSF did not receive the petition or motion until September 18, 2015; in fact, on September 16, 2015, BNSF's counsel emailed Mr. Friedman asking for confirmation that McFarland had *not* filed a petition

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<sup>2</sup> MOTION TO EXTEND at 1–2.

<sup>3</sup> Notice of Appearance dated January 24, 2014, Exhibit A to the Declaration of Kelsey Endres ("Endres Decl."). Motion for Limited Admission Pursuant to APR 8(b) (Pro Hac Vice) and [Proposed] Order, filed January 24, 2014, Exhibit B to Endres Decl.

<sup>4</sup> *Opening Brief of Appellant* (first page, with attorney names), Exhibit C, to Endres Decl.

<sup>5</sup> The Court of Appeals' denial of McFarland's motion for reconsideration was filed August 11, 2015; under RAP 13.4(a), a petition for review must be filed within 30 days of a decision on a motion for reconsideration, if there is one.

for review, to which he did not respond.<sup>6</sup> This Court indicated by letter to both parties that it received the petition and motion on September 24, 2015.<sup>7</sup> On September 25, 2015, the Supreme Court Deputy Clerk notified BNSF that BNSF had until October 12, 2015, to serve and file any answer to the motion for extension and any answer to the petition for review.<sup>8</sup>

McFarland's motion for extension did not contain any explanation for Mr. Jones' failure to timely file on his client's behalf.

### **Argument**

BNSF respectfully states that this Court should deny McFarland's request to file late, and decline to review the case. Setting aside whether caring for an ill family member constitutes the type of "extraordinary circumstance" that might justify an extension under the RAP 18.8(b), McFarland's motion for extension does not satisfy RAP 18.8(b) for the simple reason that it does not address or explain why Mr. Jones failed to fulfill his obligation to act as McFarland's "lawyer of record in this proceeding" when Mr. Friedman could not fulfill his primary role.

The appellate rule on time provides:

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<sup>6</sup> Petition (first page) with date stamp, Exhibit D to Endres Decl.; Email to Friedman, Exhibit E to Endres Decl.

<sup>7</sup> September 25, 2015, Letter, Exhibit F to Endres Decl.

<sup>8</sup> *Id.* This gave BNSF 24 days to respond to both motions. A responding party generally has 30 days to respond after receiving a petition for review. RAP 13.4(d). Mr. Friedman's declaration is signed September 11, 2015, but BNSF did not receive the briefs until a week later, losing a week of time to complete and submit its responses.

Restriction on Extension of Time. The appellate court *will only in extraordinary circumstances and to prevent a gross miscarriage of justice extend the time within which a party must file a notice of . . . a petition for review . . .* The appellate court will ordinarily hold that the desirability of finality of decisions outweighs the privilege of a litigant to obtain an extension of time under this section. The motion to extend time is determined by the appellate court to which the untimely . . . petition is directed.

RAP 18.8(b) (emphasis added). “‘Extraordinary circumstances’ include instances where the filing, despite reasonable diligence, was defective due to excusable error or circumstances beyond the party’s control.” *Shumway v. Payne*, 136 Wn.2d 383, 395, 964 P.2d 349 (1998). “Extraordinary circumstances” do not include lack of diligence or a heavy work load. *Bostwick v. Ballard Marine, Inc.*, 127 Wn. App. 762, 776, 112 P.3d 571 (2005) (“lack of diligence in monitoring entry of an order on a pending motion does not amount to ‘extraordinary circumstances.’”); *Reichelt v. Raymark Indus., Inc.*, 52 Wn. App. 763, 764-66, 764 P.2d 653 (1988) (refusing to extend the time for filing a notice of appeal where one of appellant’s two trial attorneys had left the firm during the 30 days following entry of judgment, and the firm’s appellate attorney had an unusually heavy work load at the time); *Beckman ex rel. Beckman v. State, Dep’t of Soc. & Health Servs.*, 102 Wn. App. 687, 695-96, 11 P.3d 313 (2000) (lack of diligence and inadequate office procedures not extraordinary circumstances).

“The standard set forth in the rule is rarely satisfied.” *Id.* A party’s failure to identify any extraordinary circumstances, as is required under RAP 18.8(b), requires that the motion be denied. *City of Mount Vernon v. Weston*, 68 Wn. App. 411, 417, 844 P.2d 438 (1992). Lack of prejudice to the respondent is irrelevant. *Shumway*, 136 Wn.2d at 395 (“The court considered a lack of prejudice to the respondent as irrelevant and noted that the prejudice of granting an extension of time would be to the appellate system and to litigants generally . . .”). Nor does filing a short time after the deadline passes save the filing. *See State v. Moon*, 130 Wn. App. 256, 259, 122 P.3d 192 (2005) (refusing to reinstate appeal filed five days late).

McFarland’s motion for extension offers no explanation as to why **Mr. Jones** failed to file a timely petition. Nor does it generate a “gross miscarriage of justice” if McFarland is not allowed to continue to attempt to prosecute a case that the jury and Court of Appeals squarely and unanimously rejected, especially when any alleged “miscarriage of justice” stems from his attorney’s failure to meet a deadline.

Finally, just as McFarland was initially entitled to his day in court, and had it, BNSF is “entitled to an end to [its] day in court.” *See Shumway*, 136 Wn.2d at 395-96 (“The court . . . noted that the prejudice of granting an extension of time would be to the appellate system and to

litigants generally, who are entitled to an end to their day in court.”  
(internal quotation omitted) (citing *Reichelt*, 52 Wn.App. at 766, n. 2)).  
McFarland has litigated in the trial court and lost, appealed that court’s  
decision and lost, and requested reconsideration of that appellate decision  
and lost. The desirability of finality of decisions outweighs the privilege of  
obtaining an extension of time here.<sup>9</sup>

Accordingly, BNSF moves the Court for dismissal of this matter  
pursuant to RAP 18.9(c), which provides in part that “[t]he appellate court  
will, on motion of a party, dismiss review of a case . . . except as provided  
in rule 18.8(b), for failure to timely file a . . . petition for review.”

### **Conclusion**

McFarland offers no excuse that justifies his tardiness in filing the  
petition for review, in light of having a second attorney who could have  
filed a timely petition. The strong interest in finality of decisions and  
BNSF’s right to an end to litigation weigh heavily in favor of rejecting the  
late petition, although BNSF is sympathetic to Mr. Friedman and his  
daughter.

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<sup>9</sup> See *Beckman*, 102 Wn. App. at 696 (“The State was not ‘reasonably diligent’ in attempting to file a timely appeal. It fails to demonstrate ‘extraordinary circumstances’ and ‘a gross miscarriage of justice’ that would allow this court to overlook the late filing. Therefore, ‘the desirability of finality of decisions outweighs the privilege of a litigant to obtain an extension of time.’” (internal citations omitted)).

Dated October 9, 2015  
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kelsey E. Endres", written over a horizontal line.

Attorney for Respondent  
Kelsey E. Endres, WSBA No. 39409

CASE No. 92277-2

SUPREME COURT OF THE STATE OF WASHINGTON

---

BRENT McFARLAND,

*Petitioner,*

v.

BNSF RAILWAY COMPANY,

*Respondent.*

---

**DECLARATION OF KELSEY ENDRES IN SUPPORT OF  
BNSF RAILWAY COMPANY'S  
RESPONSE TO MOTION TO EXTEND TIME**

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Kelsey Endres, WSBA #39409  
Attorney for Respondent

MONTGOMERY SCARP, PLLC  
Seattle Tower, 25<sup>th</sup> Floor  
1218 3<sup>rd</sup> Avenue,  
Seattle, WA 98101

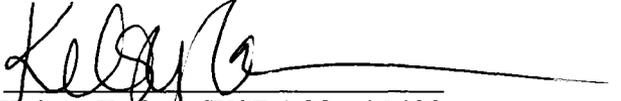
I, Kelsey Endres, declare as follows:

1. I am an attorney representing Defendant BNSF Railway Company (“BNSF”) in the above-captioned matter and have personal knowledge of the facts set forth in this declaration.
2. Attached hereto as Exhibit A is a true and correct copy of Steven Jones’ Notice of Appearance in the Court of Appeals, Division III, dated January 24, 2014.
3. Attached hereto as Exhibit B is a true and correct copy of Mr. C. Marshall Friedman’s Motion for Limited Admission Pursuant to APR 8(b) (Pro Hac Vice) and [Proposed] Order, filed January 24, 2014.
4. Attached hereto as Exhibit C is a true and correct copy of the first page of *Opening Brief of Appellant*, noting attorney names, submitted to the Court of Appeals.
5. Attached hereto as Exhibit D is a true and correct copy of the first page of petitioner’s petition with date stamp noting the date received as September 18, 2015.
6. Attached hereto as Exhibit E is a true and correct copy of my email to Mr. Friedman, dated September 16, 2015. I received no response to this email.

7. Attached hereto as Exhibit F is a true and correct copy of the September 25, 2015, Letter received from Supreme Court Deputy Clerk Susan L. Carlson.

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

DATED this 9<sup>th</sup> day of October 2015, at Seattle, Washington.

  
Kelsey Endres, WSBA No. 39409

# **EXHIBIT A**

RECEIVED

JAN 27 2014

**COURT OF APPEALS, DIVISION III  
OF THE STATE OF WASHINGTON**

MONTGOMERY SCARP, PLLC

BRENT McFARLAND,

Plaintiff/Petitioner,

v.

BNSF RAILWAY COMPANY,

Defendant/Respondent.

TRIAL CAUSE NO: 12-2-50088-9

No. **320669**

NOTICE OF APPEARANCE

TO: THE PARTIES OF RECORD, and

TO: THEIR RESPECTIVE COUNSEL OF RECORD.

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that Steven L. Jones of the law firm of EYMANN ALLISON HUNTER JONES P.S. hereby enters his appearance in the above-entitled cause as local counsel for plaintiff/petitioner and requests that copies of any and all further pleadings or notices in this matter be served upon him at the address below stated.

DATED THIS 24<sup>th</sup> day of January, 2014.

EYMANN ALLISON HUNTER JONES P.S.



STEVEN L. JONES, WSBA # 4876  
Local Counsel for Plaintiff/Petitioner  
2208 W. Second Ave., Spokane, WA 99201  
Phone (509) 747-0101; Email [sljones@eahilaw.com](mailto:sljones@eahilaw.com)

**CERTIFICATE OF SERVICE**

I, STEVEN L. JONES, hereby certify that on the 24<sup>th</sup> day of January, 2014, I caused a true and correct copy of the foregoing document to be served via first class U.S. mail on the following counsel of record:

C. Marshall Friedman  
Attorney for Plaintiff/Petitioner  
C. MARSHALL FRIEDMAN, P.C.  
1010 Market Street, Suite 1340  
St. Louis, MO 60131  
Phone: 312-641 8400  
Email: [cmf@friedman-legal.com](mailto:cmf@friedman-legal.com)

William J. Flynn, Jr.  
Attorney for Plaintiff/Petitioner  
Flynn Merriman McKennon P.S.  
8203 West Quinault Ave., Suite 60  
Kennewick, WA 99336

Bradley Scarp  
Jeremy Rogers  
Attorneys for Defendant/Respondent  
Montgomery Scarp PLLC  
1218 Third Avenue, Suite 2700  
Seattle, WA 98101

  
\_\_\_\_\_  
STEVEN L. JONES

# **EXHIBIT B**

**FILED**

JAN 24 2014

COURT OF APPEALS  
DIVISION III  
STATE OF WASHINGTON  
By \_\_\_\_\_

RECEIVED

JAN 30 2014

MONTGOMERY SCARP, PLLC

**COURT OF APPEALS, DIVISION III  
OF THE STATE OF WASHINGTON**

<p>BRENT McFARLAND,  Plaintiff/Petitioner,  v.  BNSF RAILWAY COMPANY,  Defendant/Respondent.</p>	<p>TRIAL CAUSE NO: 12-2-50088-9  No. 320669  MOTION FOR LIMITED ADMISSION PURSUANT TO APR 8(b) (PRO HAC VICE) AND ORDER</p>
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**Identity of Moving Party (Washington State Bar Association Member):**

Name: Steven L. Jones WSBA No. 4876

Address: 2208 West Second Avenue

Spokane, WA 99201

Telephone No. (509) 747-0101 Email: sljones@eahilaw.com

**Identity of Applicant for Limited Admission:**

Name: C. Marshall Friedman Bar No. 19131

Jurisdiction of Primary Practice: Missouri

Address: 1010 Market Street, Suite 1340

Saint Louis, MO 63101

Telephone No. (314) 621-8400 Email: cmf@friedman-legal.com

Washington Address (if applicable): \_\_\_\_\_

Telephone No. \_\_\_\_\_ Email: \_\_\_\_\_

**Statement of Relief Sought:**

Limited admission of the above-named applicant to the practice of law pursuant to APR 8(b) for the purpose of appearing as a lawyer in this proceeding.

**Facts Relevant to Motion:**

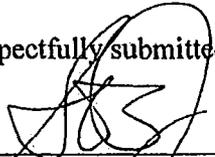
Applicant C. Marshall Friedman was admitted and served as trial counsel for this matter, and intends/wishes to serve as appellate counsel in this matter. In connection with his application and admission *pro hac vice* in the trial court, Applicant also paid the fee at that time of \$250.00 to the Washington State Bar Association in this matter. A copy of the receipt from the Washington State Bar Association acknowledging that payment is attached hereto.

**Grounds for Relief and Argument:**

This motion is made pursuant to Rule 8(b) of the Admission to Practice Rules (APR) and based on the accompanying certifications of the Moving Party and the Applicant for Limited Admission.

DATED THIS 24<sup>th</sup> day of January, 2014.

Respectfully submitted,



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Attorney for Plaintiff/Petitioner, Bar No. 4876  
Name: STEVEN L. JONES  
Address: 2208 W. Second Ave., Spokane, WA 99201  
Phone: (509) 747-0101

**CERTIFICATION OF APPLICANT FOR LIMITED ADMISSION**

I hereby certify under penalty of perjury under the laws of the state of Washington that:

1. I am a member in good standing of the bar of the state or territory of the United States or of the District of Columbia listed above as my jurisdiction of primary practice.

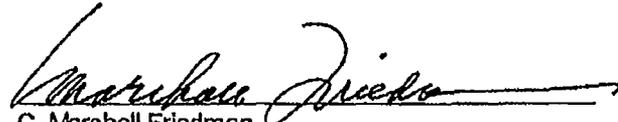
2. I am a resident of and maintain a law practice in that jurisdiction of primary practice.

3. I have read the Rules of Professional Conduct adopted by the Supreme Court of the State of Washington and agree to abide by them.

4. I have complied with all of the requirements of APR 8(b).

5. I have read the foregoing motion and certification and the statements contained in it are full, true and correct.

Signed on January 15, 2014 at St. Louis, Mo.

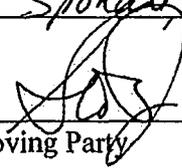
  
C. Marshall Friedman  
Applicant for Limited Admission

**CERTIFICATION OF MOVING PARTY/WSBA MEMBER**

I hereby certify under penalty of perjury under the laws of the State of Washington that:

1. I am an active member in good standing of the Washington State Bar Association.
2. I will be the lawyer of record in this proceeding, responsible for the conduct of the applicant, and present at proceedings in this matter unless excused by the court.
3. I have submitted a copy of this motion to the Washington State Bar Association, 1325 4<sup>th</sup> Ave., Ste. 600, Seattle, WA 98101-2539.
4. I have complied with all of the requirements of APR 8(b).
5. I have read the foregoing motion and certification and the statements contained in it are full, true and correct.

Signed on January 24, 2014 at Spokane, Wash, In

  
\_\_\_\_\_  
Moving Party

**ORDER**

It is hereby ORDERED that the Applicant for Limited Admission pursuant to APR 8(b) listed above is admitted to practice as a lawyer in this proceeding. The Moving Party shall be the lawyer of record herein, is responsible for the conduct hereof, and shall be present at all proceedings unless excused by this court.

Dated \_\_\_\_\_.

\_\_\_\_\_  
Judge/Commissioner/Clerk



Washington State Bar Association  
 1325 4th Avenue, Suite 600, Seattle, WA, 98101-2539, USA  
 Phone: 1-800-945-9722 Fax: 206-727-8320 Email: questions@wsba.org

### INVOICE

Date: 16-Jan-2014

Bill to: 9103648  
 Charles Marshall Friedman  
 C Marshall Friedman PC  
 1010 Market St Fl 13  
 Saint Louis, MO 63101-2026

Ship to: 9103648  
 Charles Marshall Friedman  
 C Marshall Friedman PC  
 1010 Market St Fl 13  
 Saint Louis, MO 63101-2026

Product	Fulfil Status	Status	Qty	Unit Price	Unit Discount	Coupon	Adjustment	Total
PHV - Pro Hac Vice Fees	Pre-Shipped	Active	1.00	250.00	0.00	0.00	0.00	250.00
Shipping:								0.00
Total:								250.00
Paid To Date								(250.00)
Current Amount Due:								0.00

Receipt Date: June 25, 2012  
 Check Number: 87261

# **EXHIBIT C**

RECEIVED

AUG 11 2014

MONTGOMERY SCARP, PLLC

No. 320669

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION III

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BRENT McFARLAND,

Appellant,

v.

BNSF RAILWAY COMPANY,

Respondent.

---

**OPENING BRIEF OF APPELLANT**

---

C. Marshall Friedman  
C. MARSHALL FRIEDMAN, P.C.  
1010 Market Street  
Thirteenth Floor  
St. Louis, MO 63101  
(314) 621-8400  
*\* pro hac vice*

Steven Lawrence Jones  
EYMANN ALLISON HUNTER JONES, PS  
2208 W. 2<sup>nd</sup> Avenue  
Spokane, WA 99201-5417  
(509) 747-0101

# **EXHIBIT D**

No.  
IN THE WASHINGTON SUPREME COURT  
BRENT McFARLAND,  
Petitioner,  
v.  
BNSF RAILWAY COMPANY,  
Respondent

**RECEIVED**  
**SEP 18 2015**  
**MONTGOMERY SCARP, PLLC**

Court of Appeals No. 32066-9-III  
Franklin County Court Cause No. 12-2-50088-9

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PETITION FOR DISCRETIONARY REVIEW IN THE WASHINGTON SUPREME  
COURT PURSUANT TO RULE 13.4 RAP

---

Steven Lawrence Jones  
Eymann Allison Hunter Jones PS  
2208 W 2nd Ave  
Spokane, WA 99201-5417  
(509) 747-0101

C. Marshall Friedman  
C. Marshall Friedman, P.C.  
1010 Market Street  
Thirteenth Floor  
St. Louis, MO 63101  
(314) 621-8400

# **EXHIBIT E**

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**From:** Kelsey Endres  
**Sent:** Wednesday, September 16, 2015 8:45 AM  
**To:** 'cmf@friedman-legal.com'  
**Subject:** McFarland

Good morning Mr. Friedman,

I hope you are doing well. I did not see that Mr. McFarland filed a petition for Washington Supreme Court review, and wondered if you could confirm that he decided against it. Alternately, please advise if we should have received the brief. Thank you.

Regards,

*Kelsey E. Endres*

MONTGOMERY SCARP, PLLC  
Seattle Tower | 1218 Third Avenue, Suite 2500 | Seattle, WA 98101  
*Office:* 206-625-1801 | *Fax:* 206-625-1807  
[kelsey@montgomeryscarp.com](mailto:kelsey@montgomeryscarp.com) | [www.montgomeryscarp.com](http://www.montgomeryscarp.com)

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**Confidentiality Notice:** This e-mail message may contain confidential or privileged information. If you have received this message by mistake, please do not review, disclose, copy, or distribute the e-mail. Instead, please notify us immediately by responding to this message or telephoning us. Thank you.

# **EXHIBIT F**

RONALD R. CARPENTER  
SUPREME COURT CLERK

SUSAN L. CARLSON  
DEPUTY CLERK / CHIEF STAFF ATTORNEY

**THE SUPREME COURT**  
STATE OF WASHINGTON



TEMPLE OF JUSTICE  
P.O. BOX 40929  
OLYMPIA, WA 98504-0929

(360) 357-2077  
e-mail: [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov)  
[www.courts.wa.gov](http://www.courts.wa.gov)

September 25, 2015

**LETTER SENT BY E-MAIL ONLY**

Steven Lawrence Jones  
Eymann Allison Hunter Jones PS  
2208 West 2nd Avenue  
Spokane, WA 99201-5417

Hon. Renee Townsley, Clerk  
Court of Appeals, Division III  
500 North Cedar Street  
Spokane, WA 99201

C. Marshall Friedman  
1010 Market Street Suite 1340  
St. Louis, MO 63101

Bradley Patrick Scarp  
Kelsey E. Endres  
Montgomery Scarp PLLC  
1218 3rd Avenue Floor 27  
Seattle, WA 98101-3097

Re: Supreme Court No. 92277-2 - Brent McFarland v. BNSF Railway Company  
Court of Appeals No. 32066-9-III

Clerk and Counsel:

On September 24, 2015, this Court received the "PETITIONER'S VERIFIED MOTION TO EXTEND TIME TO FILE PETITION FOR DISCRETIONARY REVIEW IN THE WASHINGTON SUPREME COURT PURSUANT TO RULE 13.4 RAP" and "PETITION FOR DISCRETIONARY REVIEW IN THE WASHINGTON SUPREME COURT PURSUANT TO RULE 13.4 RAP" in the above referenced matter. The matter has been assigned the above referenced Supreme Court case number.

The motion for extension to file petition for review and untimely petition for review, have been set for consideration without oral argument by a Department of the Court on the Court's December 1, 2015, Motion Calendar. If the members of the Department do not unanimously agree on the manner of the disposition, consideration of the matter will be continued for determination by the En Banc Court.



Counsel for Respondent should serve and file any answer to the motion for extension and any answer to the petition for review by not later than October 12, 2015. If the Respondent wishes, a combined answer may be served and filed. If the Respondent wants to raise an issue which is not raised in the petition for review, the Respondent must raise the new issue in the answer.

If the Court grants the motion for an extension of time to file the petition for review, the Court will consider the petition for review on the merits.

The parties are referred to the provisions of General Rule 31(e) in regards to the requirement to omit certain personal identifiers from all documents filed in this court. This rule provides that parties "shall not include, and if present shall redact" social security numbers, financial account numbers and driver's license numbers. As indicated in the rule, the responsibility for redacting the personal identifiers rests solely with counsel and the parties. The Clerk's Office does not review documents for compliance with the rule. Because briefs and other documents in cases that are not sealed may be made available to the public on the court's internet website, or viewed in our office, it is imperative that such personal identifiers not be included in filed documents.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan L. Carlson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Susan L. Carlson  
Supreme Court Deputy Clerk

SLC:jd