

responsibilities is the calendaring of appellate filing deadlines, such as the Petition for Review at issue in the current motion, which sought this Court's review of the Court of Appeals' August 24, 2015 unpublished decision, *Kalahar v. Alcoa, Inc.*, 72635-8-I, 2015 WL 5012588 (Wn. Ct. App. Aug. 24, 2015). At all times prior to the filing of the Petition for Review, I believed that the deadline pursuant to RAP 13.4(a) for seeking review of the Court of Appeals' unpublished decision was September 24, 2015.

3. Before the Petition was filed, I believed that court holidays were not included in the calculation of deadlines for my firm's docket, and therefore calculated the 30-day deadline for filing a petition for review of the Court of Appeals' unpublished decision in this case by counting 30 calendar days, but skipping Labor Day, which fell on September 7th this year. I have since learned that this was an error and that I had misapplied the concept that a deadline falling on a court holiday is moved to the following business day. Under my calculation skipping the Labor Day holiday, I docketed the deadline for filing the Petition for Review as falling on September 24, 2015.

**I DECLARE UNDER PENALTY OF PERJURY OF THE LAWS OF
THE STATE OF WASHINGTON THAT THE FOREGOING IS
TRUE AND CORRECT.**

Executed at Seattle, Washington, this 6th day of October, 2015.



JOLIE COUNTS

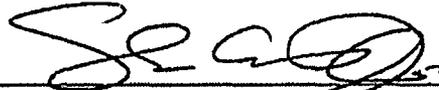
CERTIFICATE OF SERVICE

I certify that on October 6, 2015, I caused to be served a true and correct copy of the foregoing document upon:

Mark B. Tuvim
Kevin J. Craig
GORDON & REES, LLP
701 Fifth Avenue, Suite 2100
Seattle, WA 98104
(Via Electronic Mail and Messenger)

Dated at Seattle, Washington this 6th day of October 2015.

BERGMAN DRAPER LADENBURG



Shane A. Ishii-Huffer

OFFICE RECEPTIONIST, CLERK

To: April Magruder
Cc: Kaitlin Wright; Shane Ishii-Huffer; Wil Cabatic; Kristen Herndon; Jolie Counts; Tana Daugherty; Matthew Bergman
Subject: RE: Kalahar v. Alcoa, Inc.; Case No. 92313-2

Rec'd 10/6/15

Supreme Court Clerk's Office

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: April Magruder [mailto:April@bergmanlegal.com]
Sent: Tuesday, October 06, 2015 3:44 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Kaitlin Wright <Kaitlin@bergmanlegal.com>; Shane Ishii-Huffer <shane@bergmanlegal.com>; Wil Cabatic <wil@bergmanlegal.com>; Kristen Herndon <Kristen@bergmanlegal.com>; Jolie Counts <Jolie@bergmanlegal.com>; April Magruder <April@bergmanlegal.com>; Tana Daugherty <tana@bergmanlegal.com>; Matthew Bergman <matt@bergmanlegal.com>
Subject: Kalahar v. Alcoa, Inc.; Case No. 92313-2

Good afternoon,

Please file the following documents on behalf of:

Kaitlin T. Wright
kaitlin@bergmanlegal.com
WSBA #45241

- **Petitioner's Motion for Extension of Time to File Petition for Review; and**
- **Declaration of Jolie Counts In Support of Petitioner's Motion for Extension of Time to File Petition for Review**

Feel free to let me know if you need anything else from our office in regards to the attached documents.

Regards,



April Magruder
Legal Assistant
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Seattle, WA 98104
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