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Washington State Supreme Court

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Ronald R. Carpenter
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COURT OF APPEALS
DIVISION I
OF THE STATE OF WASHINGTON
NO. 71994-7-I

NADIA SHAFAPAY,

Appellant,

vs.

MEHRDAD SHAFAPAY,

Respondent.

ANSWER TO MOTION [PETITION] FOR REVIEW

JAMES A. PERKINS, WSBA #13330
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I. INTRODUCTION

Under RAP 13.4(a), a Petition for Discretionary Review by the Supreme Court must be filed with the Court of Appeals. In August 2015, the Petitioner Nadia Shafapay (Nadia) filed what is termed a “Motion for Review” which seems to be a *pro se* “Petition for Review”.

Assuming this to be the case, under RAP 13.4(b) to be accepted by the Supreme Court, one of four articulated tests must be met. The pleading filed by the Petitioner identifies none of the four tests she thinks might support the requested review petition in this case.

Under RAP 13.4(c) the required form and content of a petition are spelled out and in RAP 13.4(e) the form of the petition is required to comply with the requirements set forth in RAP rules 10.3 and 10.4.

Contrary to these applicable rules, the one page pleading now filed by Nadia complies with none of these requirements. As a consequence, it is extremely difficult to fully respond either procedurally or substantively to what has been filed. Subject to these limitations however, Respondent denies that this matter qualifies for Supreme Court review for the reasons stated in the Arguments section below.

II. ARGUMENT

To the best of Respondent's understanding, the Court of Appeals is not required to accept a Petition for Review which has not been prepared and does not properly comply with the necessary appellate rule content and format requirements. In this regard, it should be noted that the format requirements are designed in part to help the Court and parties determine whether any of the four tests required to support a Petition for Review actually exist. The Petitioner's deficient one page "motion" does not fulfill this purpose among its many other failings.


Under RAP 13.4(c)(7) one necessary component of a sufficient review request is "a direct and concise statement of the reason why a review should be accepted under one or more of the tests established in section (b), with argument." The pleading filed by Petitioner again does not meet this requirement and further what is stated does not appear to meet any of the four tests necessary for a review to be accepted.

Accordingly, unless and until the Petitioner complies with the applicable appellate rules and provides some understandable basis which might support a review, the request for review should be denied.

RESPECTFULLY SUBMITTED this 2 day of October, 2015.

LARSON BERG & PERKINS PLLC

By:



James A. Perkins
Attorney Respondent
WSBA #13330

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of October, 2015, I caused to be served by forwarding via both USPS First Class Mail, and Certified Mail/Return Receipt Requested, a true and correct copy of the Answer to Motion [Petition] for Review to:

Nadia Shafapay
10930 Forbes Creek Drive S 108
Kirkland, WA 98003

LARSON BERG & PERKINS PLLC



Susan Palmer, Legal Assistant to
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Attorneys for Respondent