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NO. 92349-3

SUPREME COURT
OF THE STATE OF WASHINGTON

REBECCA A. RUFIN,

Petitioner,

v.

CITY OF SEATTLE and JORGE CARRASCO,

Respondents.

**ANSWER TO
MOTION TO CONSOLIDATE CASES FOR REVIEW**

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 ORIGINAL

Ms. Rufin's request for consolidation should be denied. There is no efficiency to be gained by together considering a request for discretionary review of an order of the Court of Appeals (affirming partial summary judgment) and a request for direct review of another order of the trial court (denying vacatur of judgment on the jury's verdict in favor of Respondents City of Seattle and Jorge Carrasco (together, "City Light")).

It is not simply that these two requests for review are considered under different standards provided by RAP 13.4(b) and RAP 4.2(a). The two appealed orders each arose in a different procedural posture, and the legal issues presented by each are distinct. In addition, Ms. Rufin's Petition for Discretionary Review in the captioned appeal is briefed and ready for decision, whereas her Statement of Grounds for Direct Review in Appeal No. 92915-7, which City Light will answer and oppose, is only recently submitted. As such, consolidation at this juncture would save no time and no expense. RAP 3.3(b).

Nor is "fair review" of the two appeals advanced by considering them together at this juncture. RAP 3.3(b). A request for discretionary review of a decision of the Court of Appeals and a request for direct review of a decision of a trial court are not the same; each deserves separate consideration by this Court. In this case, the two requests for review involve different orders, different issues presented for review,

different relevant records on appeal, and different underlying legal principles. City Light can find no efficiency or fairness grounds for consolidation at this juncture. Ms. Rufin's motion – which instead focuses on attempting to conflate the substantive issues she contends are presented by each appeal – identifies none. (Mot. at 5-6.) The motion to consolidate should be denied.

DATED: April 8, 2016.

SAVITT BRUCE & WILLEY LLP

By: /s/ David N. Bruce

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 8, 2016, a true and correct copy of the foregoing **DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION TO CONSOLIDATE CASES FOR REVIEW** was served via Email/PDF on the following:

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DATED this 8th day of April, 2016, at Seattle, Washington.


Ashlee Hooten

OFFICE RECEPTIONIST, CLERK

To: Ashlee Hooten
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Rec'd 4/8/16

Supreme Court Clerk's Office

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Subject: Rufin v. City of Seattle and Jorge Carrasco, No. 92349-3 - Answer to Motion to Consolidate Cases for Review

Attached for filing please find:

- 1) Answer to Motion to Consolidate Cases for Review in *Rufin v. City of Seattle and Jorge Carrasco*, No. 92349-3

on behalf of:

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Thank you,

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