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SUPREME COURT  
STATE OF WASHINGTON  
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Apr 28, 2016, 3:30 pm

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No. 73016-9-I

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

Lorina Delfierro,

Appellant,

v.

BSI Financial Services; Del Toro Loan Servicing, Inc.; Mariners Investment Fund, LLC; Mariners Investment Fund II REO, LLC; Mariners Second Fund II REO, LLC; Second Mariners Investment Fund II REO, LLC; Second Mariners RES Fund II REO, LLC; American Default Management; PENSCO Trust Company Custodian FBO Jeffery D. Hermann, IRA Account Number 20005343; April Smith in her individual and official capacity; Teresa Cenicerros in her individual and official capacity; Jeffery D. Hermann in his individual and official capacity; Jennifer Tait in her individual and official capacity; and Steve Olson in his individual and official capacity.

Respondents.

**APELLANTS' MOTION TO SUPPLEMENT APPELLANTS'  
REPLY TO RESPONDENTS ANSWER TO APPELLANTS'  
PETITION FOR REVIEW**

Charles M. Greenberg, WSBA #17661  
TRIAD LAW GROUP  
209 Dayton Street, Suite 105  
Edmonds, WA 98020  
Tel: 425-774-0138 Fax: 425-582-9155  
Email: [cmg@triadlawgroup.com](mailto:cmg@triadlawgroup.com)  
Attorney for Appellant

 ORIGINAL



**I. RELIEF REQUESTED**

Appellant respectfully requests the Court to allow supplementation of Appellants' Reply to Respondents' Answer to Appellants' Petition for Review which was initially filed in this matter on February 26, 2016.

**II. STATEMENT OF FACTS**

On February 26, 2016 Counsel for Appellant filed Appellants' Reply to Respondents Answer to Appellants' petition for Review. Upon further review, counsel for Appellant realized that an important exhibit was left out of the filing.

After a conversation with the clerk at the Court of Appeals on February 26, 2016 Counsel for Appellant was advised to file an additional submission with the Court that included the exhibit that had yet to be filed. Per the courts instruction, the two filings would be put together before being forwarded along to the Supreme Court.

Counsel for Appellant was given email verification that both the initial filing and the supplemental exhibit were received by the Court of Appeals. Both of these submissions were to be forwarded to the Supreme Court.

Upon review, it is clear that the additional exhibit was left out of

Appellants' Reply to Respondents Answer to Appellants' Petition for Review that was forwarded along to the Supreme Court.

On Thursday April 21, 2016 Counsel for Appellant had conversations with both the clerk at the Court of Appeals and the Supreme Court to determine the best way to include the additional exhibit.

Counsel was advised to file a Motion to Supplement. Hence this Motion.

### **III. STATEMENT OF ISSUES**

Whether or not to grant Appellant's Motion to Supplement Appellants' Reply to Respondents Answer to Appellants' Petition for Review.

### **IV. EVIDENCE RELIED UPON**

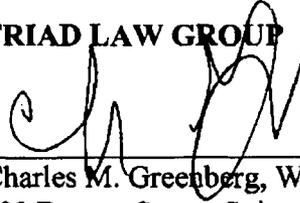
Appellants' Motion to Supplement Appellants' Reply to Respondents Answer to Appellants' Petition for Review and the Declaration of Zachary D. Greenberg.

### **V. AUTHORITY**

Counsel for Plaintiff relies upon the inherent authority of the Court herein to consider this Motion to Supplement.

Respectfully submitted this 28<sup>th</sup> day of April, 2016.

**TRIAD LAW GROUP**



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Fax: 425-672-7867  
Attorney for Plaintiff- Appellant

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**IN THE COURT OF APPEALS  
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Lorina Delfierro,

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BSI Financial Services; Del Toro Loan Servicing, Inc.; Mariners Investment Fund, LLC; Mariners Investment Fund II REO, LLC; Mariners Second Fund II REO, LLC; Second Mariners Investment Fund II REO, LLC; Second Mariners RES Fund II REO, LLC; American Default Management; PENSCO Trust Company Custodian FBO Jeffery D. Hermann, IRA Account Number 20005343; April Smith in her individual and official capacity; Teresa Cenicerros in her individual and official capacity; Jeffery D. Hermann in his individual and official capacity; Jennifer Tait in her individual and official capacity; and Steve Olson in his individual and official capacity.

Respondents.

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**DECLARATION OF ZACHARY D. GREENBERG IN SUPPORT  
OF APPELLANTS' MOTION TO SUPPLEMENT APPELLANTS'  
REPLY TO RESPONDENTS ANSWER TO APPELLANTS'  
PETITION FOR REVIEW**

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Charles M. Greenberg, WSBA #17661  
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Edmonds, WA 98020  
Tel: 425-774-0138 Fax: 425-582-9155  
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Attorney for Appellant



**ORIGINAL**



I, Zachary D. Greenberg, am over the age of 18, am competent to testify to the matters set forth herein, and make this declaration of my own personal knowledge and belief.

1. I am the paralegal for the law firm that represents Appellant Lorina Delfierro.

2. On February 26, 2016-the day it was due-I filed with the Court of Appeals Appellants' Reply to Respondents Answer to Appellants' Petition for Review.

3. Upon review, I determined that one page of a two page exhibit was left out of Appellant's submission.

5. After an extensive conversation with the clerk of the Court of Appeals and the clerk of the Supreme Court it was suggested that I submit an additional filing that included the one page of the exhibit that was left out.

6. Attached to this Declaration as Exhibit A please find email confirmation received from the Court of Appeals that Counsel's supplemental submission was timely received and filed by the Court of Appeals on February 26, 2016.

7. Attached to this Declaration as Exhibit B please find the supplemental exhibit that was left out of Appellant's February 26, 2016 filing.

8. With the enclosed filing, please find Appellants' Reply to Respondents Answer to Appellant's Petition for Review to be complete.

9. Hence, this Motion should be granted.

Respectfully submitted this 28<sup>th</sup> day of April, 2016 in Edmonds,  
Washington.

  
Zachary D. Greenberg, Paralegal

# EXHIBIT A

**From:** OFFICE RECEPTIONIST, CLERK [mailto:[SUPREME@COURTS.WA.GOV](mailto:SUPREME@COURTS.WA.GOV)]  
**Sent:** Friday, February 26, 2016 4:34 PM  
**To:** 'Zachary Greenberg'; Vita T  
**Cc:** Charles Greenberg; [jsolseng@robinsontait.com](mailto:jsolseng@robinsontait.com)  
**Subject:** RE: Request for Filing of Brief / Court of Appeals-Division I / Case No. 73016-9

Received on 02-26-2016

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:** Zachary Greenberg [mailto:[Zach.Greenberg@triadlawgroup.com](mailto:Zach.Greenberg@triadlawgroup.com)]  
**Sent:** Friday, February 26, 2016 4:23 PM  
**To:** OFFICE RECEPTIONIST, CLERK <[SUPREME@COURTS.WA.GOV](mailto:SUPREME@COURTS.WA.GOV)>; Vita T <[vita@triadlawgroup.com](mailto:vita@triadlawgroup.com)>  
**Cc:** Charles Greenberg <[cmg@triadlawgroup.com](mailto:cmg@triadlawgroup.com)>; [jsolseng@robinsontait.com](mailto:jsolseng@robinsontait.com)  
**Subject:** RE: Request for Filing of Brief / Court of Appeals-Division I / Case No. 73016-9

Per my conversation with the court clerk, enclosed please find an attachment that was left out of our prior filing from earlier today of the following document:  
-Appellants' Reply to Respondents Answer to Appellants' Petition for Review;

The enclosed attachment should be placed at the very end of Appellants' Reply regarding the aforementioned case. If you have any questions please feel free to contact me.

Zachary D. Greenberg  
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# EXHIBIT B



## OFFICE RECEPTIONIST, CLERK

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**To:** TRIAD LAW GROUP  
**Cc:** jsolseng@robinsontait.com  
**Subject:** RE: Appellant's Motion to Supplement

Rec'd 4/28/16

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:** TRIAD LAW GROUP [mailto:zach.greenberg@triadlawgroup.com]  
**Sent:** Thursday, April 28, 2016 3:30 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Cc:** jsolseng@robinsontait.com  
**Subject:** Appellant's Motion to Supplement

To the Supreme Court clerk: per our prior conversation, enclosed please find Appellant's Motion to Supplement and the Declaration of Zachary D. Greenberg. The package includes the Exhibit that was left out of the original submission. If you have any questions, please feel free to contact me. I will follow up with a phone call.

Kind regards,

**Zachary D. Greenberg**

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