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Supreme Court Case No. 92959-9
(Court of Appeals Case No. 73614-1-1)

IN THE SUPREME COURT
FOR THE STATE OF WASHINGTON

DAVID A. KOHLES, INC. P.S.,
Petitioner/Appellant,

v.

MICHAEL COOK, individually; DONNA COOK, individually; and the
marital community composed of MICHAEL COOK and DONNA
COOK; AND IN REM AGAINST ANY ALL PAYMENTS RECEIVED
BY MICHAEL COOK AND DONNA COOK FROM THE
DEPARTMENT OF LABOR AND INDUSTRIES ON ACCOUNT OF
WORKER'S COMPENSATION BENEFITS, et al.,
Respondents/Appellee.

ON REVIEW FROM THE COURT OF APPEALS, DIVISION I

PETITIONER'S REPLY
IN SUPPORT OF PETITION FOR REVIEW

SCHWEET LINDE & COULSON, PLLC
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II. TABLE OF AUTHORITIES

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III. REPLY

Petitioner David A. Kohles, P.S., Inc. and its principal David A. Kohles (“Petitioner” or “Kohles”) filed a petition for review with the Supreme Court on March 30, 2016. On April 29, 2016, Petitioner received via electronic mail a word document purporting to be Respondent Donna Cook’s answer to the petition for review (“Answer”). The Answer raises and seeks review of two additional issues which are, verbatim:

- 1) “A closer look at the Fee Agreement signed by Michael.”
- 2) “Footnote 3 from the Court of Appeals of the State of Washington, Division One Unpublished Opinion dated February 29, 2016.”

Petitioner assumes that the first issue is short hand for the various factual disputes Respondent complains of in her Answer. Petitioner notes that Respondent failed to appeal the factual findings of the trial court to the Court of Appeals. Furthermore, the factual allegations in Respondent’s Answer are wholly unsupported by the record below or the trial court’s findings of fact, which were left untouched by the Court of Appeals.

More importantly, Respondent fails to explain why “A closer look at the Fee Agreement signed by Michael,” satisfies any one of the criteria for review by the Supreme Court, pursuant to RAP 13.4(b). The first issue appears to simply be Respondent’s displeasure with the factual findings repeatedly made against her, and is not a matter of public interest or a conflict of law appropriate for review by the Supreme Court. Nor does it weigh against consideration of the issues raised by Petitioner.

The second issue raised by Respondent pertains to a footnote in the unpublished opinion being appealed. In this cryptic footnote, the Court of Appeals stated that, “Donna has not challenged the use of an in rem proceeding for the foreclosure of an attorney’s lien against the proceeds of an action, and we express no opinion on that question.” In her Answer, Respondent cites RCW 6.15.020, and states, “I am not sure this is what footnote 3 is referring to, but it seems that my pension is exempt from any form of attachment by Mr. Kohles.”

Respondent again fails to explain why “footnote 3” satisfies any one of the criteria for review by the Supreme Court, pursuant to RAP 13.4(b). Nor does the footnote weigh against consideration of the issues raised by Petitioner.

To the extent Respondent is raising an issue regarding the application of RCW 6.15.020, this is the first time this statute has ever been raised as an issue in these proceedings. As explained below, this statute is irrelevant to the facts of this case.

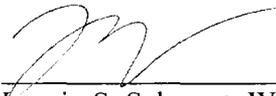
RCW 6.15.020 only applies to Federal pensions and employer retirement. RCW 6.15.020. Subsection (2) covers "any money received by any citizen of the state of Washington as a pension from the government of the United States," while Subsection (3) covers benefits "under any employee benefit plan." *Id.* The payments received by Respondent, which stem from a worker’s compensation settlement obtained by Petitioner, do not fall within these provisions.

IV. CONCLUSION

Because Respondent has not set forth grounds supporting her request for review of the two additional issues raised in her Answer, and because Respondent has not made any argument against consideration of the reviews raised by Petitioner, the Supreme Court should deny review of the issues raised in Respondent's Answer and accept review of the issues raised by Petitioner.

DATED May 13, 2016

SCHWEET LINDE & COULSON, PLLC



Laurin S. Schweet, WSBA 16431

Binah B. Yeung, WSBA 44065

Attorneys for Petitioner, David A. Kohles, Inc. P.S.

CERTIFICATE OF SERVICE

The undersigned declares and states as follows:

I am a citizen of the United States of America, and of the State of Washington, over the age of eighteen years, not a party to the above entitled proceeding and competent to be a witness therein.

On May 13, 2016, I caused to be served the foregoing Reply in Support of Petition for Review, and this Certificate of Service on the following:

Donna Cook
15507 72nd Drive NW
Stanwood, WA 98292
Respondent, Pro Se

Via legal messenger, for delivery on 5-13-2016 AND
Via e-mail: donnaorricook@icloud.com

Washington State Supreme Court
415 12th Ave SW
Olympia, WA 98501-2314
supreme@courts.wa.gov
Electronically filed via email on 5-13-2016

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct:

May 13, 2016 at Seattle, Washington
(Date and Place)



(Signature)

OFFICE RECEPTIONIST, CLERK

To: Binah Yeung
Cc: Laurin Schweet; Maureen Fitzgerald; 'donnanorriscook@icloud.com'
Subject: RE: Case No. 92959-9, Kohles v. Cook - Petitioner's Reply Brief

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Supreme Court Clerk's Office

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Sent: Friday, May 13, 2016 10:00 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Laurin Schweet <LaurinS@schweetlaw.com>; Maureen Fitzgerald <MaureenF@schweetlaw.com>; 'donnanorriscook@icloud.com' <donnanorriscook@icloud.com>
Subject: Case No. 92959-9, Kohles v. Cook - Petitioner's Reply Brief

Dear Clerk of Court,

Attached is the Petitioner's Reply in Support of Petition for Review for filing today.

Thank you,

Binah B. Yeung, Attorney

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