

Jul 07, 2016, 11:47 am

RECEIVED ELECTRONICALLY

SUPREME COURT No. 93141-1

COURT OF APPEALS No. 47462-0-II

**SUPREME COURT OF THE
STATE OF WASHINGTON**

ANGEL GARCIA-TITLA, individually, and LETICIA SARMIENTO
FLORES, individually, and the marital community composed
thereof

Appellants,

v.

SFC HOMES, LLC, a Washington

Corporation, Respondent.

**APPELLANT'S REPLY TO
RESPONDENT'S MOTION TO
STRIKE**

BETSY RODRIGUEZ, P.S.

Betsy Rodriguez
Attorney for
Appellant
PO BOX 11245
Tacoma WA 98411
(253) 566-0127

REPLY

RAP 13.4(d) states: "A reply to an answer should be limited to addressing only the new issues raised in the answer."

Appellant raised one issue in his Petition for Review: Whether this Court should adopt or create a standard or test to determine what evidence is satisfactory to determine *prima facie*, when a general contractor is deemed responsible for its site at the time of a subcontractor's injury. Respondent raised several new issues in its Answer, including issues concerning negligence and causation, WISHA citations issued by the State (which are not necessary), and the ability of expert safety witnesses to opine in regard to the applicable law (the WAC) as opposed to opining only in regard to the standard of care. Appellant addressed these new issues in its Reply. This appears appropriate, it is respectfully submitted. Alternatively, all the issues brought up in Respondent's Answer should be stricken and not considered.

Respondent specifically states at page 1 of its Motion to Strike: "Here, Respondent did not seek Review." So if Respondent is not seeking review of any issue, then all issues raised in its Answer that go beyond the issue raised in Appellant's Petition for Review,

should be stricken.

RESPECTFULLY SUBMITTED this 7th day of July, 2016.

BETSY RODRIGUEZ, PS



Betsy Rodriguez, WSBA#28096

Counsel for Appellant

4008 S. Pine Street PO Box 11245

Tacoma, WA 98411-0245

253 566-0127

CERTIFICATE OF SERVICE BY MAIL

I certify that I caused to be mailed, a copy of the foregoing
REPLY TO MOTION TO STRIKE, postage prepaid, via U.S. mail on
the 9th day of July, 2016, to the following counsel of record at the
following addresses:

Counsel for Respondent

Pamela M. Andrews
Kristen Dorrity
Andrews Skinner, P.S.
645 Elliot Ave. W Suite 350
Seattle, WA 98119



Betsy Rodriguez, WSBA 28096
Counsel for Appellant