

Oct 11, 2016, 3:58 pm

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SUPREME COURT
OF THE STATE OF WASHINGTON

In re: Estate of

DANA BRUCE MOWER,

Deceased.

NO. 93521-1

RESPONDENTS' MOTION
TO STRIKE

I. IDENTITY OF THE MOVING PARTY

Eric Schuler and Teresa Schuler (collectively "the Schulers") request this Court grant the relief designated in Part II below.

II. AND STATEMENT OF RELIEF SOUGHT

The Schulers request this Court strike The Reply to Answer to Petition for Review filed by Linda Turner, Personal Representative of the Estate of Dana Bruce Mower ("Turner"), on October 11, 2016.

III. FACTS RELEVANT TO MOTION

On August 26, 2016, Turner filed her Petition for Review ("Petition") before this Court. The Petition seeks review of the Court of Appeals decision, *In re Estate of Mower*, 193 Wn. App. 706, 374 P.3d 180 (2016). Petition at 1. The Schulers filed their Answer to Petition ("Answer") on September 26, 2016. In their Answer, the Schulers did not independently raise, or request this Court review, new issues. See

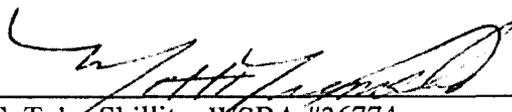
Moreover, the plain language of RAP 13.4(d) reflects a party may use the Reply only to address the issues first raised in the Respondent's Answer. However, Turner's Reply does not address any new issues but merely addresses the same arguments raised in her Petition. Therefore, Turner improperly submitted this Reply apparently solely for the purpose of additional argument, contrary to the plain language of RAP 13.4(d). For these reasons, the Schulers respectfully request this Court strike Turner's Reply.

V. CONCLUSION

This Court should strike Turner's Reply for the reasons stated herein.

DATED this 11th day of October, 2016.

SMITH ALLING, P.S.

By 

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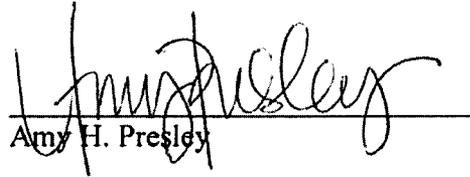
CERTIFICATE OF SERVICE

I hereby certify that I have this 11th day of October, 2016, served a true and correct copy of the foregoing document, upon counsel of record via the methods noted below, properly addressed as follows:

Stuart Charles Morgan	
Chrystina R. Solum	<input checked="" type="checkbox"/> Hand Delivery
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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 11th day of October, 2016, at Tacoma, Washington.



Amy H. Presley