

NO. 94118-1

SUPREME COURT OF THE STATE OF WASHINGTON

INLAND EMPIRE DRYWALL )	
SUPPLY CO., )	
Respondent, )	
v. )	<b>MOTION TO STRIKE</b>
WESTERN SURETY CO., )	<b>PETITIONER'S REPLY TO</b>
Petitioner. )	<b>ANSWER TO PETITION FOR</b>
)	<b>REVIEW</b>

**I. INTRODUCTION**

The rules of appellate procedure only permit a party to file a reply opposing an answer to a Petition for Review if the answer raised new issues. Here, the answer did not raise any new issues, and Petitioner improperly filed a reply in violation of RAP 13.4(d). As a result, Respondent respectfully requests that the Court strike Petitioner's reply.

**II. IDENTITY OF MOVING PARTY**

Respondent Inland Empire Dry Wall Supply, Co. respectfully asks the Court for the relief designated in Section III.

**III. RELIEF SOUGHT BY MOVING PARTY**

Respondent asks the Court to strike Petitioner’s Reply to Answer to Petition for Review.

**IV. FACTS RELEVANT TO MOTION**

Petitioner filed an improper reply on March 27, 2017.

**V. ARGUMENT AND GROUNDS FOR RELIEF**

The rules of appellate procedure permit a party to file a reply brief to the opposing party’s answer to a petition for review only if the answer has raised new issues not addressed in the original petition. RAP 13.4(d). Contrary to Petitioner’s assertions, Respondent did not cross-petition and raised no new issues in the Answer to the Petition for Review. The reply should be stricken, as it is not authorized by the appellate rules.

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**VI. CONCLUSION**

Respondent respectfully requests that the Court strike  
Petitioner's improper Reply to Answer to Petition for Review.

DATED this 5 day of April, 2017.

DUNN & BLACK, P.S.



SUSAN C. NELSON, WSBA #35637  
Attorney for Respondent

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 5th day of April, 2017, I caused to be served a true and correct copy of the foregoing document to the following:

- |                                     |                  |  |
|-------------------------------------|------------------|--|
| <input type="checkbox"/>            | HAND DELIVERY    | Timothy G. Klashke                               |
| <input checked="" type="checkbox"/> | U.S. MAIL        | Kuffel, Hultgren, Klashke, Shea<br>& Ellerd, LLP |
| <input type="checkbox"/>            | OVERNIGHT MAIL   | 1915 Sun Willows Blvd., Suite A                  |
| <input type="checkbox"/>            | FAX TRANSMISSION | P.O. Box 2368                                    |
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SHELLIE GARRETT