

SUPREME COURT OF
THE STATE OF WASHINGTON

JOHN DOE G, *et al.*, as individuals
and on behalf of others similarly
situated,

Respondents,

v.

DEPARTMENT OF
CORRECTIONS,

Petitioner.

and

DONNA ZINK,

Petitioner.

No. 94203-0

RESPONDENTS' MOTION
TO STRIKE PETITIONER
ZINK'S REPLY

The Reply that Petitioner Donna Zink has filed today is prohibited.
It should be stricken and should not be considered.

The Rules of Appellate Procedure provide that “[a] party may file
a reply to an answer *only* if the answering party seeks review of issues not
raised in the petition for review.” RAP 13.4(d) (emphasis added); *see also*
3 Karl B. Tegland, *Washington Practice: Rules Practice* 215 (7th ed.

2011) (“RAP 13.4(d) allows the filing of a reply to an answer, but only if the answer raises a new issue for review.”).

In their answer to the petition for review, Petitioners did not seek review of any issues not raised in the petition for review—as, indeed, Zink appears to acknowledge. *See* Reply to Answer to Petitions for Review 6. RAP 13.4(d) therefore prohibits the Reply that Zink filed today.

Because RAP 13.4(d) prohibits replies like Zink’s, this Court has a longstanding practice of granting motions to strike replies. *See, e.g.,* Order, *Walsh v. Reynolds*, No. 91078-2 (Wash. Mar. 31, 2015) (granting respondent’s motion to strike reply); Order, *Grant v. Alperovich*, No. 90429-4 (Wash. Oct. 7, 2014) (same); Order, *In re Marriage of Schnurman*, No. 89861-8 (Wash. Apr. 29, 2014) (same); Order, *Mika v. Stevens*, No. 89867-7 (Wash. Apr. 29, 2014) (same). Petitioners respectfully ask that the Court follow that practice here.

DATED this 24th day of March, 2017.

KELLER ROHRBACK L.L.P.

By *s/ Benjamin Gould*

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CERTIFICATE OF SERVICE

I certify under penalty of perjury of the laws of the State of Washington that on March 24, 2017, I caused a true and correct copy of this document to be served on Donna and Jeff Zink (dlczink@outlook.com) and Timothy John Feulner (TimF1@atg.wa.gov; cherriek@atg.wa.gov; correader@atg.wa.gov) via email, pursuant to RAP 18.5(a) and CR 5(b)(7).

s/ Cathy A. Hopkins _____

Cathy A. Hopkins
Seattle, Washington
March 24, 2017