

Court of Appeals Case No. 74979-0-I

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

MARK AND JULIE DAVISCOURT

Appellants,

v.

QUALITY LOAN SERVICES CORPORATION OF WASHINGTON, a
Washington corporation; SELECT PORTFOLIO SERVICING, INC., a
foreign corporation; BANK OF NEW YORK MELLON fka BANK OF
NEW YORK, a national association; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., a foreign corporation; MERSCORP
HOLDINGS, INC., a foreign corporation; ALTERNATIVE LOAN
TRUST 2005-62, MORTGAGE PASS-THROUGH CERTIFICATES
SERIES 2005-62; JOHN DOES 1-99

Respondents.

**ANSWER TO THE DAVISCOURTS' PETITION FOR
DISCRETIONARY REVIEW OF RESPONDENTS SELECT
PORTFOLIO SERVICING, INC., MORTGAGE ELECTRONIC
REGISTRATIONS SYSTEMS, INC., MERSCORP HOLDINGS,
INC., AND BANK OF NEW YORK MELLON F/K/A BANK OF
NEW YORK AS TRUSTEE**

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& Bank of NY Mellon as Trustee*

I. INTRODUCTION

Respondents,¹ Defendants below, submit this answer in opposition to Petitioners Mark and Julie Daviscourt's (the "Daviscourts") Petition for Discretionary Review ("Petition"). The Daviscourts do not address the Court of Appeals opinion this case and provide no argument in support of discretionary review. The Petition should be denied.

II. ARGUMENT

The Daviscourts present no argument on the merits of the dispute litigated in the trial court below and appealed to the Court of Appeals. Instead, the Daviscourts have filled their Petition with a lengthy recitation of various allegations against the Court of Appeals and their former attorney, arising out of dealings between the Daviscourts and their former attorney related to scheduling of oral argument of this case in the Court of Appeals, and the Court of Appeals' response to the Daviscourts' request for a disability accommodation. None of these events involve action or inaction by any Respondent. From these events, the Daviscourts allege various violations of the American with Disabilities Act, and other civil

¹ Select Portfolio Servicing, Inc. ("SPS"), Mortgage Electronic Registrations Systems, Inc. ("MERS"), MERSCORP Holdings, Inc. ("MERSCORP"), and Bank of New York Mellon F/K/A Bank of New York, Individually and as Trustee for the Alternative Loan Trust 2005-62, Mortgage Pass Through Certificates Series 2005-62 ("BONY as trustee") (collectively, "Respondents").

rights violations, against the Court of Appeals and their former attorney, but not against Respondents.

Regardless of the merits or demerits of the Daviscourts' complaints outlined in their Petition, the Petition demonstrates no grounds for discretionary review in this case. RAP 13.4(b). The merits of a petition for discretionary review in this case must turn on the substantive issues addressed in the case by the courts below. The Daviscourts provide no argument regarding any issue addressed by the Court of Appeals' opinion, or regarding any of the grounds for review by this Court as required by RAP 13.4(b). Indeed, the Daviscourts have offered no explanation or argument how their arguments on the merits were not fully presented in the lengthy appellate briefs filed by their former attorney, or how oral argument would have changed the Court of Appeals' ruling.

Because no argument on the merits of this dispute has been presented by the Daviscourts, the Petition should be denied. Indeed, it would seem that new claims raised against the Court of Appeals and the Daviscourts' former attorney by the Daviscourts should be addressed in a separate lawsuit to determine their merit or lack thereof. In any event, these Respondents have no obligation or standing to address issues raised by the Daviscourts against other parties in their Petition. Regardless, such claims are not before this Court. The Petition should be denied.

III. CONCLUSION

The Court is respectfully requested to deny the Daviscourts' Petition.

Respectfully submitted this 17th day of October, 2017.

STOEL RIVES LLP

s/John E. Glowney

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Attorneys for Respondents Select Portfolio Servicing, Inc., Mortgage Electronic Registrations Systems, Inc., MERSCORP Holdings, Inc., and Bank of New York Mellon F/K/A Bank of New York as trustee

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the state of Washington that I caused the **Answer to the Daviscourts' Petition for Discretionary Review of Respondents Select Portfolio Servicing, Inc., Mortgage Electronic Registrations Systems, Inc., MERSCORP Holdings, Inc., and Bank of New York Mellon f/k/a Bank of New York as Trustee** to be served upon the parties listed below as hereinafter indicated:

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**VIA U.S. MAIL, POSTAGE
PREPAID**

DATED: October 17, 2017, at Seattle, Washington.



Sherry R. Toves, Practice Assistant
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October 17, 2017 - 4:12 PM

Filing Petition for Review

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