## TREATED AS PETITIONERS ADDITIONAL AUTHORITIES SEE 4-23-18 LETTER

## SUPREME COURT OF THE STATE OF WASHINGTON

HERBERT HEINTZ, AND BARBARA	)	C 1
HEINTZ, his wife,	)	
APPELLANTS,	)	No. 95484-4
V.	)	
U.S. BANK TRUST, N.A. AS TRUSTEE	)	APPELLANT'S ADDITIONAL GROUNDS FOR
FOR LSF 9 MASTER PARTICIPATION TRUST, ET	)	REVIEW
AL,	)	
RESPONDENTS.	)	

APPELLANT ASKS THIS HONORABLE COURT TO CONSIDER ADDITIONAL GROUNDS FOR REVIEW OF THIS CASE NOT HERETOFORE STATED AS BEARING ON THE QUESTION RAISED ON PROSPECTIVE OR RETRO-ACTIVE APPLICATION OF THE CASE OF EDMUNDSON v. BANK OF AMERICA, COURT OF APPEALS, DIV. 1 (JULY 11, 2016):

IN THE CASE OF TASKETT V. KING BROADCASTING CO., 86 WASH. 2D 439 (1976), THIS COURT WAS ENGAGED IN THE CONSIDERATION OF THE RULES BEARING ON PROSPECTIVE OR RETROACTIVE APPLICATION OF A DECISION ON DEFAMATION. IN THE PROCESS, THE COURT QUOTED THE RULE THAT THE SUPREME COURT OF THE UNITED STATES ESPOUSED IN CONSIDERING THE RULE'S APPLICATION.

" IN CHEVRON OIL CO. v. HUSON, 404 U.S. 97 (1971)

THE UNITED STATES SUPREME COURT SET DOWN 3

FACTORS TO SERVE AS THE PROPER TEST FOR DETERMINING

RETROACTIVITY IN CIVIL SUITS:

(1) THE DECISION TO BE APPLIED RETROACTIVELY MUST
ESTABLISH A NEW PRINCIPLE OF LAW EITHER BY OVERRULING

CLEAR PAST PRECEDENTS ON WHICH THE LITIGANTS MAY

HAVE RELIED OR BY DECIDING AN ISSUE OF FIRST IMPRESSION

WHOSE RESOLUTION IS NOT FORESHADOWED;

- MUST WEIGH THE MERITS AND DEMERITS IN EACH CASEBY LOOKING AT THE PRIOR HISTORY OF THE RULE IN QUESTION;
- 3. WHERE APPLYING RETROACTIVITY COULD PRODUCE SUBSTANTIAL INEQUITABLE RESULTS ".

IN THE PENDING PETITION FOR REVIEW, THIS QUESTION ARISES IF THE STATUTE OF LIMITATIONS

HAS IN FACT AND LAW RUN AND RETROACTIVITY OF EDMUNDSON WOULD DEPRIVE THE APPELLANTS

OF THE BAR OF THE STATUTE.

DATED THIS 7<sup>TH</sup> DAY OF APRIL, 2018.

**ROBERT H. STEVENSON WSBA 519** 

On this day I deposited in the mails of the United States of America a properly stamper and addressed envelope directed to the attorney of record for plaintiff-defendant, containing a SPHE BBBy of the document to which this affidavit is affixed

tily under penalty of perjury under the laws of the State of Washington that the