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No. 96075-5

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

RICHARD LEE,

Petitioner,

v.

CITY OF SEATTLE,

COURTNEY LOVE COBAIN, ET AL.,

Respondents.

**LEE'S REPLY TO JOINT ANSWER TO
APPELLANT'S MOTION FOR EXTENSION OF TIME**

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Appellant Richard Lee hereby replies to the Respondents' Joint Answer to Appellant's Motion for Extension of Time.

The respondents have opposed Lee's Motion for Extension of Time and moved to strike his Omnibus Reply under RAP 13.4(d), which states, "[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."

In a case of this complexity it may be difficult to determine where "issues" under the usage in RAP 13.4(d) may begin or end, but Lee's Omnibus Reply was written in an effort to respond to many issues, contentions and factual points brought up in the Answers of the Cobains and the City of Seattle-Seattle Police Department ("COS-SPD").

Specifically, Lee lists these as many of the areas he replied to in specifically countering the content of the two Answers:

1. The Cobains' Answer contained bold assertions seeking to undermine Lee's legitimacy as a journalist, especially of Lee's supposedly being "obsessed" with Kurt Cobain's death (Cobains' Resp. Brf. pp. 3-4). The Cobains' brief is lengthy in this regard, making allegations based on a 17-year-old restraining order case against Lee by a Kurt Cobain business associate (*Id.* pp. 4-5), and the very odd claim that Courtney Love Cobain was distressed under a scenario in which Lee allegedly followed a limousine which had nothing to do with Courtney Love Cobain (*Id.* pp. 4-5). There is even a "stalking" allegation included in the Cobains' Answer, although that term is left undefined, and Lee has never been charged with any such criminal

offense, has asserted throughout this case that he has acted with journalistic propriety, and no member of the Cobain family has ever sought a restraining order against Lee on any basis.

2. Both the Cobains' and COS-SPD Answers include analysis of the *Reid* and *Marsh* cases, arguing that these cases are precedential to this case, and while Lee recognizes their relevance, he has sought to underline a primary difference in the extreme degree of public interest which swirls around the Kurt Cobain death, which has been recognized with frequency as suspicious, newsworthy, and worthy of reporting as a possible murder since 1994. "Public interest" of course is not merely a phenomenon of the public having idle curiosity about the true nature of the death of a controversial public figure, but also having a genuine basis for seeking disclosure of documents which would clear up confusing issues and assertions, and therefore accurately portray governmental functions, in this case police functions in a long-closed violent homicide case. Lee's Omnibus Reply includes an explanation of "five layers of contradiction and fraud" (Lee's Reply Brf. pp. 6-7) in one key aspect of this matter, i.e., the wound scenario that left Cobain dead of a purported shotgun wound that was reported by authorities in boldly contradictory terms, a sometimes officially a "perforating" wound and sometimes officially as the definitional opposite, a "penetrating" wound.

3. This contradictory official reporting of the nature of the purported wound was meant to obfuscate the reality that Cobain died at a bloodless or near-bloodless crime scene. This is especially relevant because of

the many assertions of COS-SPD especially that the 55 crime scene photographs should be exempted from disclosure because of their “gory” and “gruesome” nature, which appears to be a deliberate misrepresentation by COS-SPD and others in this case. As an aside please notice that the online Merriam-Webster’s Dictionary differentiates “gory” from its synonyms as, “GORY suggests a profusion of blood and slaughter,” and that “GRISLY and GRUESOME suggest additionally the results of extreme violence or cruelty.” The outlandish mischaracterizations of the content of the 55 photos is highly relevant to any analysis of the touchstone cases of *Marsh*, *Reid*, and *Favish*.

4. Lee also responded to the *Marsh*-based assertions of relevant privacy rights, by demonstrating that if *Marsh* exemplifies a mother’s seeking “private grief,” then the behavior of Courtney Love Cobain and others represents the polar opposite, that of maximum exposure of “public grief” for its commercial value, beginning with Courtney Love Cobain’s obscenity-laced commentary as she read Kurt Cobain’s purported suicide note two days after his body was discovered, and continuing through their 2015 scandal-mongering film *Kurt Cobain: Montage of Heck*, produced by Frances Bean Cobain, and featuring fully consensual interviews with Courtney Love Cobain, Kurt Cobain’s father and stepmother. Lee’s Omnibus Reply analysis is highly relevant to understanding these many issues of publicity and privacy under the case law, especially involving new elements of highly controversial and publicity-seeking public figures, and the decades-long much-publicized controversy about the true manner of death of Kurt Cobain.

5. COS-SPD spends most of its brief in incorporating claims and imputations and inferences that Lee has deliberately ignored or in some ways has disputed federal supremacy, and the Omnibus Reply responds thereto.

6. Lee also responds to the Cobains' observation that Lee did not argue concerning the various other withheld documents in this matter, with Lee stating in his Reply that this was under anticipation that the case would likely be remanded for in a trial *de novo*, in which these matters would be revisited.

The Omnibus Reply contains very many responses to the issues and contentions of the parties the Cobains and COS-SPD, and provides a very important response and further exploration of the issues in this case. Accordingly, the Motion for Extension of Time should be granted and the Omnibus Reply should not be stricken.

Respectfully submitted on this 11 day of October, 2018.



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CERTIFICATE OF SERVICE

I hereby affirm that a copy of this Motion will be sent via email to the usual email accounts for Mr. Michael K. Ryan of the Seattle City Attorney,

the Cobains' attorney Mr. Michael Hunsinger, and the WSAMA attorneys at their Auburn, Washington addresses.

Signed this day, 11 of October, 2018.



Richard Lee

RICHARD LEE - FILING PRO SE

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Transmittal Information

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