

FILED
SUPREME COURT
STATE OF WASHINGTON
2/22/2019 8:00 AM
BY SUSAN L. CARLSON
CLERK

SUPREME COURT OF THE STATE OF WASHINGTON

Oly-Ida Shorewood Heights, LLC, *et*
ano,

Defendant/Respondent,

v.

Andrew L. Magee, *et ano*,

Plaintiff/Petitioner.

Case No.: 96734-2

PLAINTIFF/PETITIONER'S MOTION
TO ENFORCE RAP 13.4(D) FOR
RESPONDENT'S FAILURE TO
TIMELY FILE AN ANSWER AND
TO GRANT PETITION AND RELIEF
REQUESTED THEREIN AS
UNOPPOSED

Petitioner, Andrew L. Magee, *et ano*, (The Magee Family) respectfully submitted their "PETITION FOR DISCRETIONARY REVIEW" to this Court on January 9, 2019. Subsequent to paying the \$200 filing fee per check #7675 on or about January 18, 2019, this Court issued a letter dated January 23, 2019 (attached hereto as Exhibit A) to counsel for both Petitioner and Respondent, wherein it states, "Any answer to the petition for review should be served and filed by not later than February 21, 2019." (Exhibit A)

PLAINTIFF/PETITIONER'S MOTION TO ENFORCE RAP 13.4(D) FOR RESPONDENT'S FAILURE TO TIMELY FILE AN ANSWER AND TO GRANT PETITION AND RELIEF REQUESTED THEREIN AS UNOPPOSED - 1

Andrew L. Magee LLC
44th Floor
1001 Fourth Avenue
Seattle, Washington 98154
(206) 389-1675
amagee@mageelegal.com

1 In good-faith, counsel for Petitioner represents that as of 5:00 o'clock p.m.,
2 Thursday, February 21, 2019 he/his office has/had not had delivered (via the Court
3 Portal) an answer from Respondent, nor confirmation that one had been filed.
4

5 Accordingly, and so that the Court's edict/January 23, 2019 letter in this
6 matter to both parties may be complied with as stated explicitly, Petitioner
7 respectfully submits and so moves that:
8

9 (a) Rules of Appellate Procedure (RAP) 13.4(d) be enforced so that it is
10 determined that Respondent has failed to timely submit an answer to Petitioners
11 Petition and/or failed to request/move for additional time to file an answer, and is
12 prohibited from doing so, and;
13
14

15 (b) That, accordingly, Petitioner's Petition be granted in its entirety as
16 unopposed to include granting all relief requested therein.
17
18

19 Presented this 21st day of February, 2019

20
21 
22 Andrew L. Magee, WSBA #31281
23 Attorney for Plaintiffs/Petitioner
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25 1001 Fourth Avenue
26 Seattle, Washington 98154
27 Tel.: (206) 389-1675
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CERTIFICATE OF SERVICE

I certify that on the 21st day of February, 2019 I caused a true and correct copy of this Plaintiff/Petitioner's Motion to Enforce RAP 13.4(d) for Respondent's Failure to Timely File an Answer and to grant Petition and Relief Requested therein as unopposed via the Court Portal/electronic mail on the following:

Christopher Daniel Cutting
Cutting Law Office PC
2701 1st Avenue, Suite 500
Seattle, Washington 98121-1179

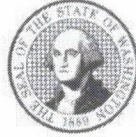
Ecce Signum:


Andrew L. Magee, WSBA# 31281
44th Floor
1001 Fourth Avenue Plaza
Seattle, Washington 98154
(206) 389-1675
amagee@mageelegal.com

SUSAN L. CARLSON
SUPREME COURT CLERK

ERIN L. LENNON
DEPUTY CLERK/
CHIEF STAFF ATTORNEY

THE SUPREME COURT
STATE OF WASHINGTON



TEMPLE OF JUSTICE
P.O. BOX 40929
OLYMPIA, WA 98504-0929

(360) 357-2077
e-mail: supreme@courts.wa.gov
www.courts.wa.gov

January 23, 2019

LETTER SENT BY E-MAIL ONLY

Andrew Luke Magee
Attorney at Law
1001 4th Ave Plaza
44th Floor
Seattle, WA 98154-1119

Christopher Daniel Cutting
Cutting Law Office PC
2701 1st Avenue, Suite 500
Seattle, WA 98121-1179

Re: Supreme Court No. 96734-2 - Oly-Ida Shorewood Heights, LLC, et ano. v. Andrew L. Magee, et ano.
Court of Appeals No. 76563-9-1

Counsel:

On January 18, 2019, the \$200 filing fee (check #7675) was received.

Any answer to the petition for review should be served and filed by not later than February 21, 2019. The parties are directed to review the provisions set forth in RAP 13.4(d) regarding the filing of any answer to petition for review and any reply to answer.

The petition for review will be set for consideration without oral argument by a Department of the Court; see RAP 13.4(i). If the members of the Department do not unanimously agree on the manner of the disposition, consideration of the petition will be continued for determination by the En Banc Court.

Usually there is approximately three to four months between receipt of the petition for review in this Court and consideration of the petition. This amount of time is built into the process to allow an answer to the petition and for the Court's normal screening process. At this time it is not known on what date the matter will be determined by the Court. The parties will be advised when the Court makes a decision on the petition.

Any amicus curiae memorandum in support of or in opposition to a pending petition for review should be served and received by this Court and counsel of record for the parties and



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No. 96734-2
January 23, 2019

other amicus curiae by not later than 60 days from the date the petition for review was filed; see RAP 13.4(h).

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Lennon', with a stylized flourish at the end.

Erin L. Lennon
Supreme Court Clerk

ELL:sk

Exhibit A, p. 2 of 2

February 21, 2019 - 5:11 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 96734-2
Appellate Court Case Title: Oly-Ida Shorewood Heights, LLC, et ano. v. Andrew L. Magee, et ano.
Superior Court Case Number: 16-2-29636-0

The following documents have been uploaded:

- 967342_Other_20190221170808SC802234_6912.pdf
This File Contains:
Other - Motion to grant Petition as unopposed
The Original File Name was Magee Family v. Shorewood Case No 96734-2 motion re Respondent failing to file answer.pdf

A copy of the uploaded files will be sent to:

- andrew@mageelegal.com
- christopher@cuttinglaw.com

Comments:

Please find attached/enclosed for your review Petitioner's Motion to Enforce RAP 13.4(d) for Respondent's Failure to Timely File an Answer and to Grant Petition and Relief Requested Therein as Unopposed. Thank you very much.
Andrew L. Magee

Sender Name: Andrew Magee - Email: amagee@mageelegal.com
Address:
44TH FL
1001 4TH AVE PLAZA
SEATTLE, WA, 98154-1119
Phone: 206-389-1675

Note: The Filing Id is 20190221170808SC802234