

FILED
SUPREME COURT
STATE OF WASHINGTON
1 3/5/2019 8:00 AM
BY SUSAN L. CARLSON
2 CLERK

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5 SUPREME COURT OF THE STATE OF WASHINGTON
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9 Oly-Ida Shorewood Heights, LLC, *et*
ano,

10 Defendant/Respondent,

11 v.

12 Andrew L. Magee, *et ano*,

13 Plaintiff/Petitioner.
14
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Case No.: 96734-2

MOTION TO GRANT PETITIONER'S
MOTION AS UNOPPOSED FOR
RESPONDENT'S FAILURE TO
COMPLY WITH RAP 17.4(E), ET AL.
AND INSTRUCTIONS CONTAINED
IN FEBRUARY 25, 2019 LETTER
FROM THE COURT TO PARTIES

16
17 Petitioner, Andrew L. Magee, *et ano*, (The Magee Family) respectfully
18 submits this Motion in good-faith to be timely and in compliance with all court
19 rules and in the interests of justice and fundamental fairness. This Motion (and/or
20 notation) is submitted in conjunction with Petitioner's timely and properly (and it
21 is respectfully submitted – well pled) Petition for Discretionary Review and
22 subsequent Motion (Plaintiff/Petitioner's Motion to Enforce RAP 13.4(d) for
23 Respondent's Failure to Timely File an Answer and to Grant Petition and Relief
24 Requested therein as Unopposed (Motion) served/filed on February 22, 2019.
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MOTION TO GRANT PETITIONER'S MOTION AS UNOPPOSED FOR RESPONDENT'S FAILURE TO COMPLY WITH RAP 17.4(E), ET AL. AND INSTRUCTIONS
CONTAINED IN FEBRUARY 25, 2019 LETTER FROM THE COURT TO PARTIES - 1

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

1 Such filing produced a response from the Court dated February 25, 2019
2 (Exhibit A) stating; “Any answer to the motion should be served and filed by
3 March 4, 2019. Any reply to any answer should be served and filed by March 8,
4 2019.” (Exhibit A)
5

6 Via this document, it is declared that as of March 4, 2019 at 5:00 o’clock
7 p.m., The Magee Family has received (a) No answer to The Magee Family’s
8 Petition (*supra*) from Respondent, and; (b) No answer to The Magee Family’s
9 Motion. It is respectfully submitted that The Magee Family’s Petition and Motion
10 are/were submitted in good-faith and to be compliant with all Court rules/law, and
11 that they (both Petition and Motion) were well pled so that they both may be
12 granted (and as so moved) as unopposed.¹
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15 Respondent has failed to comply/avail themselves of RAP 13.4(d) and RAP
16 17.4(e) as provided to do so by this Court in not filing either an answer to The
17 Magee Family’s Petition, nor their Motion to Strike and (as respectfully submitted)
18 Petitioner, The Magee Family has submitted a well pled Petition so that it may be
19 granted as unopposed: it is respectfully so moved so that The Magee Family’s
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26 ¹ It is respectfully submitted and requested - and hereby so moved (unless to do so is to waive any
27 rights/claims/objections of any kind whatsoever) - that in the interim, (between the time of this motion being
28 considered the pending petition for review.” (Exhibit A) that Petitioner, The Magee Family, be given
leave/permission to submit additional briefing in support and/or to supplement their Petition/Briefing.

1 Motion may be granted, and that Petitioner's/The Magee Family's Petition may be
2 granted and relief requested therein be granted.
3

4 Presented this 4th day of March, 2019


5
6 Andrew L. Magee, WSBA #31281
7 Attorney for Plaintiffs/Petitioner
8 44th Floor
9 1001 Fourth Avenue
10 Seattle, Washington 98154
11 Tel.: (206) 389-1675
12 Fax.: (206) 389-1708
13 amagee@mageelegal.com

14 CERTIFICATE OF SERVICE

15 I certify that on the 4th day of March, 2019 I caused a true and correct copy
16 of this Plaintiff/Petitioner's Motion to Grant Petitioner's Motion as Unopposed for
17 Respondent's Failure to Comply with RAP 17.4(e), *et al.*, and Instructions
18 Contained in February 25, 2019 Letter from the Court to Parties via the Court
19 Portal/electronic mail on the following:

20 Christopher Daniel Cutting
21 Cutting Law Office PC
22 2701 1st Avenue, Suite 500
23 Seattle, Washington 98121-1179

24 *Ecce Signum:*

25 
26 Andrew L. Magee, WSBA# 31281
27 44th Floor
28 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

February 25, 2019

LETTER SENT BY E-MAIL ONLY

Andrew Luke Magee
Attorney at Law
1001 4th Avenue 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 February 22, 2019, this Court received and filed the "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" in the above referenced matter.

Any answer to the motion should be served and filed by March 4, 2019. Any reply to any answer should be served and filed by March 8, 2019.

The motion to strike will be set for consideration without oral argument at the same time as the Court considers the pending petition for review.

Sincerely,

A handwritten signature in black ink, appearing to read "Erin L. Lennon".

Erin L. Lennon
Supreme Court Deputy Clerk

ELL:sk

March 04, 2019 - 5:32 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_20190304172910SC637825_8168.pdf
This File Contains:
Other - Motion to grant Motion and Petition as Unopposed
The Original File Name was The Magee Family v. Shorewood Heights Apartments Case No. 96734-2.pdf

A copy of the uploaded files will be sent to:

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

Comments:

To the Clerk of the Court: Please find attached for your review to be submitted as timely, proper, and in good-faith, Petitioner/The Magee Family's Motion to Grant Petitioner's Motion as Unopposed for Respondent's Failure to Comply with RAP 17.4(e), et al., and Instructions Contained in February 25, 2019 Letter from the Court to Parties. 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 20190304172910SC637825