

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
8/27/2019 3:55 PM  
BY SUSAN L. CARLSON  
CLERK

No. 97429-2  
Court of Appeals No. 78356-4-I

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IN THE SUPREME COURT OF WASHINGTON

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STEVEN BURNETT, individually and on behalf of all others similarly  
situated,

Respondent,

v.

PAGLIACCI PIZZA, INC.,

Petitioner.

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**RESPONDENT'S MOTION TO STRIKE PETITIONER'S REPLY  
IN SUPPORT OF PETITION FOR REVIEW**

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*Attorneys for Plaintiff/Respondent*

Respondent Steven Burnett respectfully requests an order striking and refusing to consider Petitioner Pagliacci Pizza Inc.'s reply in support of its petition for review. *See* RAP 17.1 and 17.3.

Under Rule of Appellate Procedure 13.4(d): “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. A reply to an answer *should be limited to addressing only the new issues raised in the answer.*” RAP 13.4(d) (emphasis added). Section V.E. of Mr. Burnett’s answer to Pagliacci’s petition for review raises a single new issue. Pagliacci’s reply fails to address that new issue and instead responds to Mr. Burnett’s arguments against acceptance of review of the issues raised by Pagliacci’s petition, in violation of Rule 13.4(d). Accordingly, the reply should be stricken and not considered by the Court.

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RESPECTFULLY SUBMITTED AND DATED this 27th day of  
August, 2019.

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**CERTIFICATE OF SERVICE**

I certify that on August 27, 2019, I caused a true and correct copy of the foregoing to be served on the following via the means indicated:

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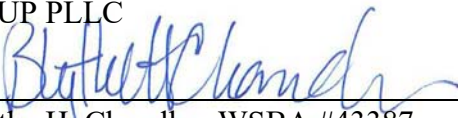
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*Attorney for Appellant/Defendant*

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 27th day of August, 2019.

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**August 27, 2019 - 3:55 PM**

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**Appellate Court Case Number:** 97429-2  
**Appellate Court Case Title:** Steven Burnett, et al. v. Pagliacci Pizza, Inc.

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