

FILED
SUPREME COURT
STATE OF WASHINGTON
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BY SUSAN L. CARLSON
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SUPREME COURT OF
THE STATE OF WASHINGTON

CHRISTOPHER GUEST AND
SUZANNE GUEST, husband and
wife,

Appellants,

v.

DAVID LANGE AND KAREN
LANGE, husband and wife, and the
marital community comprised
thereof,

Respondents.

THE COE FAMILY TRUST and
Trustee Michael Coe,

Interveners/Respondents,

v.

CHRISTOPHER GUEST AND
SUZANNE GUEST,

Respondents/Appellants.

No. 97468-3

RESPONDENTS DAVID
LANGE AND KAREN
LANGE'S MOTION TO
STRIKE

I. IDENTITY OF PETITIONER

Respondents David Lange and Karen Lange (“Langes”) file this motion to strike Appellant Guests’ Petition for Review Reply.

II. STATEMENT OF RELIEF SOUGHT

Respondents Lange ask the Court to strike and not consider Appellants Christopher Guest and Suzanne Guest’s (“Guests”) Petition for Review Reply, filed on September 9, 2019, because no Reply is permitted under RAP 13.4(d).

III. FACTS RELEVANT TO THE MOTION

The Guests filed Appellants’ Amended Petition for Review on August 7, 2019, asking the Supreme Court to accept discretionary review of the unpublished Court of Appeals decision in this case filed on May 7, 2019, and the Court of Appeals Order Denying the Guests Motion for Reconsideration filed on June 19, 2019. The Langes filed their Answer to the Amended Petition for Review on September 6, 2019. Likewise, respondents The Coe Family Trust and Trustee Michael A. Coe, filed their Answer to the Amended Petition for Review on September 6, 2019. In their Answers, neither the Langes nor the respondents The Coe Family Trust and Trustee Michael A. Coe sought review of any issues. Instead, both Answers argued that the Court should not accept review of any issues. Despite this, on September 23, 2019, the Guests filed a “Reply” to the Langes and

respondents The Coe Family Trust and Trustee Michael A. Coe's Answers to the Amended Petition for Review.

IV. GROUNDS FOR RELIEF AND ARGUMENT

The Court should strike and not consider Appellants' Petition for Review Reply because no reply is allowed under the controlling Rule of Appellate Procedure, RAP 13.4. RAP 13.4(d) provides in relevant part:

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.

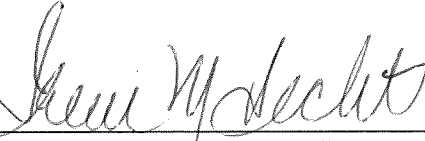
(emphasis added). In this case, the Answers filed by the Langes and respondents The Coe Family Trust and Trustee Michael A. Coe did not seek review of issues not raised in the petition for review; in fact, they did not seek review of any issues. As such, the Guests' Reply is improper and in direct violation of RAP 13.4(d).

V. CONCLUSION

Based on the foregoing, the Langes respectfully request that the Court strike and not consider Appellants' Petition for Review Reply in ruling on the Guests' amended petition for discretionary review.

DATED this 24th day of September, 2019.

KELLER ROHRBACK L.L.P.

By  _____

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CERTIFICATE OF SERVICE

I, Krystal Lynn Brown, declare under penalty of perjury under the laws of the State of Washington that at all times hereinafter mentioned, I am a resident of the State of Washington, over the age of eighteen (18) years, not a party to the above-entitled action, and competent to be a witness herein.

On the date below, I caused a copy of the foregoing document to be served electronically on the individuals identified below:

Mr. Christopher Guest
Mrs. Suzanne Guest
6833 Mail Sail Lane
Gig Harbor, WA 98335
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Mr. Timothy J. Farley
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SIGNED this 24th day of September, 2019, at Seattle, Washington.


Krystal Lynn Brown, Legal Assistant

4821-0579-4471, v. 1

KELLER ROHRBACK L.L.P.

September 24, 2019 - 4:29 PM

Transmittal Information

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