

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
10/24/2019 11:32 AM  
BY SUSAN L. CARLSON  
CLERK

Supreme Court No. 97519-1  
Court of Appeals Cause No. 78014-0-I

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

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DAVID ESSIG,

Plaintiff and Respondent,

v.

MICHAEL LAI AND VEENY VAN, et al.

Appellants and Petitioners.

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DECLARATION OF MICHAEL LAI FOR REPLY TO ANSWER  
TO MOTION TO EXTEND TIME FOR PETITION FOR REVIEW

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Randy Baker, WSBA# 27421  
Attorney at Law  
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Seattle WA, 98112  
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Attorney for Appellants and  
Petitioners Michael Lai, et al.

I, Michael Lai, am an appellant and petitioner in the above-titled case. The August 6, 2019 declaration I submitted in support of my motion to extend time to file a petition for review in this case was a true and correct statement of the facts to the best of my understanding.

However, I was mistaken in asserting Mr. Essig and his counsel repeatedly postponed settlement negotiations. I was communicating with Mr. Essig and his attorney about settlement through my Attorney Craig Sternberg. I was telephoning and or texting messages to Mr. Sternberg several times a week during weeks preceding August 6, 2019 in order to quickly reach a settlement. The delays arose from my interactions with Mr. Sternberg.

That I took so long to recognize a settlement would not be reached before it would become impossible for an attorney to timely file a petition for review, reflected my misunderstanding of the state of settlement negotiations.

I believe this misunderstanding and the inaccuracy in my declaration reflects my imperfect command of English. I am Vietnamese and did not learn English until I came to the United States at age 18. Although I have lived in the United States since 1993, my principal language remains Vietnamese. It is the language in which I speak with my family, and the language in which I largely conduct business, which is

with the Vietnamese community. At the trial of this lawsuit, I relied on a Vietnamese interpreter.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge. Executed in Seattle Washington on this 22nd day of October 2019.

 10/23/2019  
Michael Lai

*Essig v. Lai et al.*, No. 97519-1, Court of Appeals No. 78014-0-I

I, Randy Baker, declare, I am above 18 years of age and not a party to the above titled suit. My business address is 2719 E. Madison St., Suite 304, Seattle, WA 98112.

On October 24, 2019 I served a copy of the attached Declaration of Michael Lai on Respondent's counsel, Brian K. Keeley, through this court's electronic filing system.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Seattle, Washington on this 24th day of October 2019.

Randy Baker /s/

October 24, 2019 - 11:32 AM

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 97519-1  
**Appellate Court Case Title:** David Essig v. Michael Lai and Veeny Van, et al.

**The following documents have been uploaded:**

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