

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
10/28/2019 8:00 AM  
BY SUSAN L. CARLSON  
CLERK

No. 97724-1

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SUPREME COURT OF THE STATE OF WASHINGTON

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PATRICIA LANDES,  
Petitioner,

v.

PATRICK CUZDEY,  
Respondent.

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DECLARATION OF  
ATTORNEY DREW MAZZEO

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By:

Drew Mazzeo  
Bauer Pitman Snyder Huff Lifetime Legal, PLLC  
1235 4th Ave E #200  
Olympia, WA 98506  
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[dpm@lifetime.legal](mailto:dpm@lifetime.legal)

Attorney for Petitioner

I Drew Mazzeo, declare the following to be true to the best of my knowledge, under penalty of perjury under the laws of Washington State.

1. The facts stated in Mrs. Landes' Response to the Motion to Disqualify, are true and correct, including the fact that I do not have Mr. Cuzdey's client file. As far as I can tell, Mary Ann Strickler, is still a licensed and practicing attorney. (Att. 1, WSBA Public Information on Mary Ann Strickler). Mr. Cuzdey should speak with his prior attorney about any file of his and/or hers.

2. I have great respect for Mr. Cushman and Mr. Hochhalter. They are fine attorneys in our small community. Many times, they advance causes and arguments that I agree with and support. Advancing the argument that residential tenants do not have residential protections under Residential Landlord-Tenant Act, as they have done in their response to the petition for review, is not one of those arguments, however, regardless of the fact that I am a landlord attorney.

3. The respect between Mr. Cushman, Mr. Hochhalter, and myself has been mutual. I have had personal conversations, lunch, and/or meetings with both attorneys. Obviously, we do not violate our ethical duties to our respective clients during such times. Attorneys being courteous and professional with another in a small community is essential for justice and judicial economy.

4. The arguments advanced by Mr. Cuzdey to attempt to disqualify me from representing a widowed, elderly, and financially limited member of our community, Mrs. Landes, are distasteful and beyond the pale, however. They know that if Mrs. Landes lost counsel at this point, she could not afford counsel, let alone one with the knowledge and experience to advance the arguments regarding landlord-tenant law necessary in this case. The arguments advanced by Mr. Cuzdey are akin to when clients (unreasonably) get upset when opposing attorneys have cordial conversations with one another. Professionals being adversaries does not mean that we cannot discuss matters outside of representation with another. It does not mean professional adversaries in litigation cannot conduct business, within ethical boundaries, with one another. Perhaps Mr. Cuzdey would be upset to know that I have even been expressly offered current employment by one of Mr. Cuzdey's current attorneys. But just like the arguments he advances to attempt to disqualify me from representing Mrs. Landes, Mr. Cuzdey being upset that one of his attorneys offered me employment would of course be unreasonable. I, of course, declined the offer.

5. Additionally, it should be noted that Mr. Cuzdey's interpretation of RPC 1.17, in my opinion, is so poor that it could call into question any argument, on any matter, that he advances. RPC 1.17 is written, and commented on, in a way that clearly articulates and balances the policy

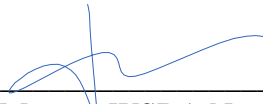
concerns. On one hand, lawyers should be barred from selling practice areas in a way to prevent cherry picking certain clients. Doing so would treat clients like commodities, deeming some worth more than another. People are not commodities. On the other hand, purchasers cannot be compelled to contact or take on clients from a seller that would in turn prejudice the purchaser's own current clients.

6. Finally, the absurdity of Mr. Cuzdey's arguments are made plain by his claim that I, as Mrs. Landes' counsel, would have been mandated under RPC 1.17 to contact Mr. Cuzdey about anything, which obviously would be an ethical violation in and of itself, since Mr. Cuzdey is represented by at least two attorneys presently.

RPC 1.17(c) clearly, in plain words, only puts responsibilities on sellers of law firms. (stating "The seller gives written notice to each of the seller's clients regarding: . . ."). Anything else would be in conflict with a host of other RPC's. Comment 16's statement that (1) "Purchases are required to undertake all client matters in the practice or practice area, *subject to client consent,*" and (2) "This requirement is satisfied, however, even *if a purchaser is unable to undertake a particular client matter because of a conflict of interest*"—clearly stand for the proposition that purchasers do not take any client of a seller that would create a conflict of interest with the purchaser's current client load. (emphasis added). Obviously, I have never

spoken with, nor even thought of attempting to obtain Mr. Cuzdey's "consent" and the rule does not allow me to represent him anyway "because of a conflict of interest." *See* RPC 1.17, Comment 16.

Respectfully submitted this 26th day of October, 2019,

  
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Drew Mazzeo WSBA No. 46506  
Attorney for Respondent

# **ATTACHMENT 1**

**Mary Ann Strickler**

License Number: 25294

License Type: Lawyer

Eligible To Practice: Yes

License Status: Active

WSBA Admit Date: 11/14/1995

**Contact Information**

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Public/Mailing Address: PO Box 13153  
Olympia, WA 98508-3153  
United States

Email:

Phone: (360) 539-7156

Fax:

Website:

TDD:

**Practice Information Identified by Legal Professional**

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Firm or Employer:

Office Type and Size: Solo practice

Practice Areas: Landlord/ Tenant

Languages Other Than English: None Specified

**Professional Liability Insurance**

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Private Practice: Yes

Has Insurance? Yes - [Click for more info](#)

Last Updated: 1/31/2019 8:02:26 AM

**Committees**

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Member of these committees/boards/panels:

None

**Disciplinary History**

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*In some cases, discipline search results will not reveal all disciplinary action relating to a Washington licensed legal professional, and may not display links to the official decision documents.*

**LIFETIME LEGAL, PLLC**

**October 26, 2019 - 2:10 PM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 97724-1  
**Appellate Court Case Title:** Patricia Landes v. Patrick Cuzdey, and Any Other Residents  
**Superior Court Case Number:** 17-2-05765-4

**The following documents have been uploaded:**

- 977241\_Affidavit\_Declaration\_20191026141017SC542923\_2073.pdf

This File Contains:

Affidavit/Declaration - Other

*The Original File Name was LANDES PATRICIA supreme court response to motion to disqualify declaration of drew.pdf*

**A copy of the uploaded files will be sent to:**

- elisabethc@cushmanlaw.com
- joncushman@cushmanlaw.com
- kevin@olympicappeals.com
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**Comments:**

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