

FILED
SUPREME COURT
STATE OF WASHINGTON
3/9/2020 1:58 PM
BY SUSAN L. CARLSON
CLERK

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

THE SUPREME COURT
STATE OF WASHINGTON

INDIRA RAI-CHOUDHURY,
Plaintiff,

v.

STEPHANIE INSLEE, in her official
capacity as personal representative of the
Estate of Margaret Rai-Choudhury,
Defendant.

Case No. 98013-6

Court of Appeals No. 78696-2-I

ANSWER TO MOTION TO STRIKE
REPLY

1. IDENTITY OF ANSWERING PARTY

Indira Rai-Choudhury, party seeking discretionary review.

2. STATEMENT OF RELIEF SOUGHT

Appellant Indira Rai-Choudhury requests the Washington State Supreme Court accept
her reply.

3. FACTS

Indira Rai-Choudhury's reply addressed:

- Two factual inaccuracies in the answering party's statement of facts (Section II, Reply to Statement of Facts);
- California case regarding presumption of lucidity (Section III, Reply to Legal Arguments, Part A);

- New evidentiary argument based on RCW 5.60.030, “Dead Man’s Statute,” (Section III, Part B); and
- Existence of substantial evidence in reply to argument that medical records were not admitted (Section III, Part C); and
- Answering party’s request for attorney’s fees and costs in answering petition for discretionary review (Section III, Part D).

4. ARGUMENT

“A reply to an answer should be limited to addressing only the new issues raised in the answer.” RAP 13.4 (d); *see Chevron U.S.A., Inc. v. Hearings Bd.*, 156 Wash.2d 131, fn. 6, 124 P.3d 640 (2005) (reply brief accepted addressing the issue of attorney fees).

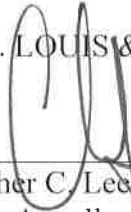
Section II of the Reply in Support of Petition for Review to the Washington State Supreme Court, corrected two factual misstatements in the answering party’s brief.

Section III of the Reply responded to one legal and two evidentiary arguments raised in the answering party’s brief. Part D of Section III responded to request for attorneys’ fees. The answering party’s reply brief addressed new arguments not directly responsive to the legal issues raised in the petition for discretionary review.

DATED this 9th day March, 2020.

Respectfully submitted,

AIKEN, ST. LOUIS & SILJEG, P.S.

By 
Christopher C. Lee, WSBA #26516
Attorney for Appellant Indira Rai-Choudhury

CERTIFICATE OF SERVICE

I certify, under penalty of perjury under the laws of the State of Washington, that on the date noted below, I sent by electronic mail, copies of: Answer to Motion to Strike Reply; and this Certificate of Service, to:

Attorneys for Respondent

Doug Shepherd
Heather C. Shepherd
Shepherd and Allen
2011 Young Street, Suite 202
Bellingham, WA 98225
heather@saalawoffice.com
dougshepherd@saalawoffice.com
info@saalawoffice.com



Print Name: Jannavie Pienh
Date: March 9, 2020

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

AIKEN, ST. LOUIS & SILJEG, P.S.

March 09, 2020 - 1:58 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 98013-6
Appellate Court Case Title: Indira Rai-Choudhury v. Stephanie Inslee
Superior Court Case Number: 17-2-00481-9

The following documents have been uploaded:

- 980136_Answer_Reply_20200309135736SC040333_2054.pdf
This File Contains:
Answer/Reply - Answer to Motion
The Original File Name was Answer to Motion to Strike Reply 3.9.20.pdf

A copy of the uploaded files will be sent to:

- dougshepherd@saalawoffice.com
- heather@saalawoffice.com
- jen@saalawoffice.com

Comments:

Sender Name: Christopher Lee - Email: lee@aiken.com
Address:
801 2ND AVE STE 1200
SEATTLE, WA, 98104-1571
Phone: 206-624-2650

Note: The Filing Id is 20200309135736SC040333