

FILED
SUPREME COURT
STATE OF WASHINGTON
2/20/2020 9:18 AM
BY SUSAN L. CARLSON
CLERK

No. 98062-4

IN THE WASHINGTON STATE SUPREME COURT

COA No. 77769-6-I

JEFFREY HALEY, an individual,

Petitioner,

v.

KATHLEEN HUME, an individual; and FIRST
AMERICAN TITLE INSURANCE COMPANY, formally
known as Pacific Northwest Title Company,

Respondents

ON APPEAL FROM KING COUNTY SUPERIOR COURT

**JEFF HALEY'S REPLY TO HUME'S ANSWER TO PETITION
FOR REVIEW**

Gregory M. Miller, WSBA No. 14459
Linda B. Clapham, WSBA No. 16735
John R. Welch, WSBA No. 26649

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Attorneys for Petitioner Jeffrey Haley

Jeff Haley replies to Hume’s Answer to his Petition for Review to address an issue raised in Hume’s Answer: whether she is entitled to fees under RAP 18.1(j) for responding to Haley’s Petition for Review. The rule states (emphasis added):

(j) Fees for Answering Petition for Review. If attorney fees and expenses are awarded to the party who prevailed in the Court of Appeals, and if a petition for review to the Supreme Court is subsequently denied, reasonable attorney fees and expenses **may** be awarded for the prevailing party's preparation and filing of the timely answer to the petition for review. A party seeking attorney fees and expenses should request them in the answer to the petition for review.

Hume’s Answer paraphrases the rule, including the underlined portion that fees are contingent on an award of fees by the Court of Appeals decision subject to review. Answer at 16. It then states, *contrary* to the second underlined part of the rule and to the record, that “Hume is **entitled** to an award of fees and costs if the Court denies Haley’s Petition for Review.” *Id.* She is not.

First, the rule does not “entitle” Hume (or any respondent) to fees – it uses “may” not “shall.” ***Second***, the rule’s factual predicate for granting fees is missing: Hume was ***not*** awarded fees by the Court of Appeals! Even if the Petition is denied, the rule gives no basis for granting fees to Hume.

Respectfully submitted this 20th day of February, 2020.

CARNEY BADLEY SPELLMAN, P.S.

By 

Gregory M. Miller, WSBA No. 14459

Linda B. Clapham, WSBA No. 16735

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Attorneys for Appellant/Plaintiff Jeffrey Haley

CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington that I am an employee at Carney Badley Spellman, P.S., over the age of 18 years, not a party to nor interested in the above-entitled action, and competent to be a witness herein. On the date stated below, I caused to be served a true and correct copy of the foregoing document on the below-listed attorney(s) of record by the method(s) noted:

Eileen I. McKillop Selman Breitman, LLP 600 University St, Ste. 1800 Seattle, WA 98101-4129 emckillop@selmanlaw.com	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Messenger <input type="checkbox"/> email <input checked="" type="checkbox"/> Other – via Portal
Thomas F. Peterson Socius Law Group, PLLC 601 Union St, Ste 4950 Seattle, WA 98101 tpeterson@sociuslaw.com	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Messenger <input type="checkbox"/> email <input checked="" type="checkbox"/> Other – via Portal

DATED this 20th day of February, 2020.


Elizabeth C. Fuhrmann, PLS, Legal
Assistant/Paralegal to Gregory M. Miller

CARNEY BADLEY SPELLMAN

February 20, 2020 - 9:18 AM

Transmittal Information

Filed with Court: Supreme Court
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The following documents have been uploaded:

- 980624_Answer_Reply_20200220091550SC341156_8852.pdf
This File Contains:
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