No. 99943-1

Court of Appeals No. 53486-0-II

SUPREME COURT OF THE STATE OF WASHINGTON

WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES,
Petitioner,

v.

HOOD CANAL SHELLFISH COMPANY, LLC, a Washington limited liability company, MARLENE IDDINGS, LINDA SLATES, LLOYD E. IDDINGS, RENEE HANOVER, and VIRGIL G. TIMMERMAN,
Respondents,

ANSWER TO PETITION FOR REVIEW

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I. INTRODUCTION

In a quiet title action more than fifty years ago, the Washington State Department of Natural Resources ("DNR") accepted payment for a parcel of land known as the "Murray Tidelands" and relinquished any claims it might have had in the property. The boundaries were set in a Stipulation and Order and the Mason County Superior Court quieted title in the property owner.

DNR now once again claims it owns a portion of those same tidelands and seeks to quiet title. The Court of Appeals correctly held that res judicata bars DNR's claims. DNR seeks review of that decision on a single ground: that it conflicts with a prior decision of this Court. But the Court of Appeals correctly applied this Court's precedent. No conflict exists and review is unwarranted.

II. ISSUES PRESENTED FOR REVIEW

1. Whether the Court of Appeals' decision that res judicata bars the Department of Natural Resources' claim for quiet title of the Murray Tidelands conflicts with this Court's decision in *Seattle-First National Bank v. Kawachi*, 91 Wn.2d 223, 588 P.2d 725 (1978), warranting discretionary review under RAP 13.4(b)(1).[1]

2. Alternatively, whether waiver, laches, and equitable estoppel bar the Department of Natural Resources' claim to quiet title.

[1] Mr. Timmerman limits this response to the res judicata issue raised in the Petition for Review because that issue relates directly to his property. He joins the co-Respondents' Answer as to the other issues of which DNR seeks review.

III. STATEMENT OF THE CASE

A. The Underlying Dispute

DNR seeks review of the decision of the Court of Appeals that res judicata bars DNR's claims to a portion of the "Murray Tidelands" in Dewatto Bay, Mason County, [2] Petition at 2. Respondent Virgil Timmerman has owned those tidelands since 1977, and he has protected, maintained, and invested significant time, energy, and money into improving them. CP 744.

In 2015, a dispute arose between Hood Canal Shellfish Company ("HCSC") and DNR over title to HCSC's tidelands, which are also located in Dewatto Bay. HCSC sought to quiet title in Mason County Superior Court, and DNR filed an answer and brought third-party claims seeking quiet title for portions of neighboring tidelands, including the Murray Tidelands. CP 765-67.

B. History of the Murray Tidelands

1. 1903 Conveyance to James Murray and Setting of Boundaries

In 1903, the State of Washington conveyed the tidelands in question to James Murray. CP 694. The deed set the parcel's boundaries as consisting of "all tide lands of the second class owned by the State of Washington, situate[sic] in front of, adjacent to or abutting upon that

[2] The tidelands have been referred to as the "Murray Tidelands" throughout this litigation. James Murray acquired the tidelands from Washington State in 1903.

portion of the United States government meander line described as follows . . ." CP 694. The deed then described a series of calls and chains along the meander line, which was the standard method for defining tideland boundaries in 1903. CP 694; *see also* CP 703 (sketch of boundaries); CP 2074-75.

2. 1966 Quiet Title Litigation and Settlement

More than fifty years ago, the then-owners of the Murray Tidelands sued to quiet title in Mason County Superior Court Cause No. 9217 (the "*Margett* Litigation"). CP-755-63. The State of Washington, "acting by and through its Department of Natural Resources," filed an Answer and asked that title be quieted to the state in DNR. CP 765-67. Before trial, the parties entered into a Stipulation and Order of Dismissal with prejudice. CP 769-73. The Stipulation and Order contained a legal description of the land as defined in the deed and stated that the State of Washington would accept payment of $1,000 in exchange for dismissal of "any and all claims it may have to the property described" in the order. CP 770.

The superior court ordered the case dismissed with prejudice and found that the 1903 convenance of the tidelands to Mr. Murray had been valid. CP 772-73. The order contained the legal description of the land to which the parties had stipulated, CP 772, and stated that, upon receipt of payment, the state "shall have no further claim of right to the property

described herein." CP 773. The Commissioner of Public Lands then issued an order accepting the $1,000 "as payment in full for any claim the State of Washington may have had in any of the tidelands herein described." CP 775. DNR also revised its aquatic plates showing land transactions in Washington State to reflect the private ownership of the Murray Tidelands and mapped the parcel's boundaries. CP 2065-67, 404. Mr. Timmerman purchased the property in 1977. In 1992, Robert Winters, a DNR surveyor, used the deed's legal description to depict the parcel's western lateral boundary, CP 3545, which was in the same location identified as surveyors John Thalacker and Robert Wilson in 2018. CP 679, 2043; 2074-75; 2087-88.

3. The Current Litigation

This litigation began when HCSC sought quiet title for certain tidelands, and DNR answered and filed a third-party complaint. CP 1, 14, 24. In its third-party complaint, DNR sought quiet title and joinder of "all landowners whose property interests will be affected," including Mr. Timmerman. CP 24. Despite its prior settlement and waiver of any further claims to the Murray Tidelands—including all of those DNR "may have" had in 1966—DNR alleged that the lateral boundaries of those tidelands and others needed to be prorated under *Spath v. Larsen*, 20 Wn.2d 500, 148 P.2d 834 (1944) as a matter of equity. CP 24.

HCSC and DNR filed cross motions for partial summary judgment. CP 2220. Mr. Timmerman filed a Response in Support of HCSC's motion for summary judgment and in opposition to DNR's motion, arguing in relevant part that res judicata, waiver, laches, and estoppel barred DNR's claims. CP 1997-2032. Superior Court Visiting Judge William C. Houser granted DNR's motion without explanation or analysis. CP 2220-26.

The Court of Appeals, reversing the Superior Court, held that res judicata bars DNR's claims against Mr. Timmerman's property. Petition Appendix A at 19-21. The Court found that the four factors courts consider in the context of res judicata were satisfied because:

> (1) The persons and parties are identical: Timmerman's predecessor in interest and DNR were parties to the *Margett* litigation. (2) Both causes of action were for quiet title. (3) The subject matter in both cases was a portion of the Murray tidelands. If DNR wanted to argue that *Spath* applied and that the tidelands in the area should be equitably apportioned, it could have. It did not. (4) The quality of the persons in each case was the same because Timmerman is in privity with his predecessor in interest.

Id. at 20. The Court rejected DNR's argument that res judicata did not apply because DNR was not asking to narrow Timmerman's deed. In doing so, the Court reasoned that the equitable apportionment DNR sought "would necessarily alter the boundary of Timmerman's *parcel*," even if it would not alter the deed. *Id*. Citing *Karlberg v. Otten*, 167 Wn. App. 522,

280 P.3d 1123 (2012), the Court noted that, although DNR claimed only the angle of the boundary would change, a boundary may not be altered once title is quieted. *Id*. The Court found that because the deed set forth a complete description of the Murray Tidelands, res judicata barred DNR's claim. *Id*. at 21.

DNR now seeks review under RAP 13.4(b)(1) on grounds the decision of the Court of Appeals conflicts with this Court's decision in *Seattle-First National Bank v. Kawachi*, 91 Wn.2d 223, 588 P.2d 725 (1978). DNR claims res judicata cannot apply unless the specific question at issue was litigated in the prior action, and that because DNR did not dispute the western boundary in 1966, res judicata does not bar its current claim. DNR is wrong, and review is unwarranted.

IV. ARGUMENT

A. Standard of Review

The only ground on which DNR seeks review is RAP 13.4(b)(1). Under that Rule, this Court accepts a petition for review only if "the decision of the Court of Appeals is in conflict with a decision of the Supreme Court." RAP 13.4(b)(1). The petitioner must persuade this Court that RAP 13.4(b)(1) has been satisfied. *Id*.; *see also In re Coats*, 173 Wn.2d 123, 132-33, 267 P.3d 324 (2011).

B. The Decision of the Court of Appeals Does Not Conflict with *Seattle-First National Bank v. Kawachi*

"The need for finality when actions are settled is safeguarded by res judicata." *Schoeman v. New York Life Ins. Co.*, 106 Wn.2d 855, 862, 726 P.2d 1 (1986). Res judicata, or claim preclusion, "is a judicially created doctrine designed to prevent relitigation and to curtail multiplicity of actions by parties, participants or privies who have had an opportunity to litigate the same matter in a former action in a court of competent jurisdiction." *Karlberg v. Otten*, 167 Wn. App. 522, 535, 280 P.3d 1123 (2012).

DNR contends that for res judicata to apply, the question at issue must have been specifically litigated in the prior proceeding and that any other result conflicts with this Court's precedent. Petition at 7-10. According to DNR, because the parties in *Margett* did not dispute the location of the lateral boundary, res judicata is inapplicable. Petition at 7-8. This argument lacks merit and is simply DNR's attempt to recast its disagreement with the conclusion of the Court of Appeals as something worthy of review under RAP 13.4(b). There is no conflict with *Kawachi* and DNR's position is incorrect.

This Court has repeatedly recognized that "res judicata acts to prevent litigation of claims that were *or should have been* decided among

the parties in an earlier proceeding." *Golden v. McGill*, 3 Wn.2d 708, 720, 102 P.2d 219 (1940) (emphasis added); *see also Schoeman v. New York Life Ins. Co.*, 106 Wn.2d 855, 859, 726 P.2d 1 (1986) (same); *Sanwick v. Puget Sound Title Ins. Co.*, 70 Wn.2d 438, 441-42, 423 P.2d 624 (1967) ("This court from early years has dismissed a subsequent action on the basis that the relief sought *could have and should have* been determined in a prior action") (emphasis added); *see also Kelly-Hanson v. Kelly-Hansen*, 87 Wn. App. 320, 329 n.22, 941 P.2d 1108 (1997) (citing more than twenty cases).

Even when every issue in a subsequent case is not identical to the prior case, when "the causes of action are the same the rule applies, not only to questions presented, but to all matters which rightfully belong to the litigation which the parties could, by exercising reasonable diligence, have presented at the trial." *Metropolitan Life Ins. Co. v. Davis*, 2 Wn.2d 155, 161, 97 P.2d 686 (1940); *see also Roberson v. Perez*, 156 Wn.2d 33, 41 n.7, 123 P.3d 844 (2005) (same); *In re Estate of Black*, 153 Wn.2d 152, 170, 102 P.3d 796 (2004) (same) (citing cases); *DeYoung v. Cenex Ltd.*, 100 Wn. App. 885, 891-92, 1 P.3d 587 (2000) (same). In Washington, "'res judicata applies, except in special cases, not only to points upon which the court was actually required by the parties to form an opinion and pronounce a judgment, but to every point which properly belonged to

the subject of the litigation, and which the parties, exercising reasonable diligence, might have brought forward at the time." *Witte v. Old Nat. Bank of Spokane*, 29 Wn.2d 704, 708-09, 189 P.2d 250 (1948) (quoting *Sayward v. Thayer*, 9 Wn.22, 36 P.966 (1894) (citing cases).

To determine whether a point "properly belonged" to the subject of the prior litigation, courts consider whether there is "concurrence of identity" in four respects: (1) subject matter; (2) cause of action; (3) persons and parties; and (4) in the quality of the persons for or against whom the claim is made. *Forston-Kemmerer v. Allstate Insurance Co.*, 198 Wn. App. 387, 393, 393 P.3d 849 (2017). Only the first two factors—subject matter and cause of action—are at issue here. Considering them, the Court of Appeals reasoned that because both the *Margett* litigation and this litigation involve a quiet title action between the same parties over the same tidelands, concurrence of identity existed, and res judicata applied. The Court noted that, while DNR claimed *Margett* did not involve a dispute as to the western lateral boundary, the *Margett* Stipulation and Order defined the Murray Tidelands, including its boundaries. Petition Appendix A at 20. DNR could have disputed those boundaries and argued for application of *Spath* but did not. *Id*. The Court's analysis is consistent with this Court's precedent.

DNR accuses the Court of Appeals of "oversimplification" and

suggests it applied res judicata simply because the western boundary could have been litigated previously, without considering whether the four "identity" considerations were satisfied, Petition at 7-8, but the Court of Appeals expressly cited all four factors and properly considered them. Petition Appendix A at 20.

DNR also suggests that under *Kawachi*, the specific question of the western boundary must have been litigated for res judicata to apply. But that is not the holding of *Kawachi*. In *Kawachi*, this Court considered whether res judicata barred "independent claims, arising out of separate transactions" involving two separate instruments negotiated at different times when the claims could have been joined and litigated together. *Id*. at 227-28. *Kawachi* noted that a plaintiff is not required to join every cause of action that is joinable when he brings a suit against a given defendant, and that a judgment in one cause of action "does not bar suit upon another cause which is independent of the cause which was adjudicated." *Kawachi*, 91 Wn. at 727. *Kawachi* recognized the limits of res judicata and distinguished it from collateral estoppel, which applies to *issues* actually litigated, but *Kawachi* did not alter the state of the law. It is still the case that res judicata applies "to matters actually litigated and those that could and should have been raised in the prior proceeding." *In re Estate of Black*, 153 Wn.2d at 170 (citing *Kawachi* and *DeYoung*, 100 Wn.

App. at 891-92). *Kawachi* recognized that res judicata does not bar *claims* that were never adjudicated, but does bar "every *question* which was properly a part of the matter in controversy." *Kawachi*, 91 Wn.2d at 226 (emphasis added).

Under *Kawachi* and this Court's precedent, the western lateral boundary of the Murray Tidelands is a question that was properly part of the quiet title controversy with DNR. Res judicata applies to what might or should have been litigated, as well as to what was actually litigated, if part of the same claim or cause of action. *See* Philip A. Trautman, *Claim and Issue Preclusion in Civil Litigation in Washington*, 60 Wash. L. Rev. 805 at 813-14 (1985) (hereafter Trautman, *Claim and Issue Preclusion*) (summarizing Washington law, including *Kawachi*); *see also In re Estate of Black*, 153 Wn.2d at 170 (same). In this case, both lawsuits involve claims for quiet title *of the same land*, and that parcel's boundaries were set in the first lawsuit. Thus, contrary to DNR's contention, there is no conflict between *Kawachi* and the Court of Appeals' decision.

C. The Court of Appeals Correctly Concluded that Res Judicata Bars DNR's Claims Against the Murray Tidelands

DNR also argues that the Court of Appeals erred in its application of the four "identity" factors. Because DNR's disagreement with the analysis of the Court of Appeals is insufficient to warrant review under

RAP 13.4(b), this Court need not consider its arguments on this point. Nevertheless, those arguments lack merit.

As noted above, DNR concedes that this case satisfies the third and fourth identity considerations—the parties are identical, as is the quality of the persons for or against whom the claim is made. DNR only argues, as it did before the Court of Appeals, that the causes of action and subject matter are not the same. The Court of Appeals correctly rejected these arguments.

1. The Causes of Action are Identical

When considering whether causes of action are identical for purposes of res judicata, courts generally consider (1) whether rights or interests established in the prior judgment would be destroyed or impaired by prosecution of the second action; (2) whether substantially the same evidence is presented in the two actions; (3) whether the two suits involve infringement of the same right; and (4) whether the two suits arise out of the same transactional nucleus of facts. *DeYoung*, 100 Wn. App. at 892. There is no specific test, however, and all four factors need not be present. *Ensley v. Pitcher*, 152 Wn. App. 891, 903, 222 P.3d 99 (2009).

DNR claims the causes of action are not identical because the current litigation would not destroy or impair Mr. Timmerman's title. This ignores that both actions are for quiet title to a portion of the Murray

Tidelands. In its Third-Party Complaint, DNR acknowledged that it was joining Mr. Timmerman because he is a landowner "whose property interest will be affected by the action." CP at 2. DNR cannot have it both ways – joining Mr. Timmerman in the lawsuit based on his affected property interests and then claiming in its briefing before this Court that its lawsuit will not affect those interests. If DNR succeeds in its quiet title action, Mr. Timmerman will lose a portion of the tidelands he currently owns, thus destroying and impairing the very property interest secured in the *Margett* litigation. DNR also ignores that in the *Margett* litigation, it waived and relinquished any claim of ownership interest it may have had in the Murray Tidelands. Its current claim that it owns a portion of those tidelands is in direct contradiction to that waiver and, if allowed to go forward, would destroy and impair the rights and interests it established.

This lawsuit and the *Margett* litigation also concern substantially the same evidence, which largely consists of the chain of title for the Murray Tidelands and other related public records, along with the legal descriptions contained therein. Both lawsuits concern infringement of the same right: whether DNR has any right, title, or interest in any portion of the Murray Tidelands. Both lawsuits also arise out of the same nucleus of facts – to determine the lawful ownership of the Murray Tidelands based on the legal descriptions and conveyances of those tidelands.

DNR attempts to distinguish the *Margett* litigation on grounds it concerned validity of title, whereas this case concerns the location of the lateral boundary, but that distinction is immaterial. Res judicata bars a party from using a different theory to avoid the preclusive effect of a prior judgment. *See* Trautman, *Claim and Issue Preclusion* at 815 (citing cases and noting that a mere change in theory does not represent a different claim or cause of action, and the availability of alternative remedies does not create several separate claims). DNR cannot void the results of the *Margett* litigation by suing fifty years later on a legal theory (equitable apportionment) that it could have advanced at the time.

DNR claims it is only seeking to establish a western lateral boundary, but the boundaries to the Murray Tidelands have been set for more than fifty years. An action to quiet title is an equitable proceeding "designed to resolve competing claims or ownership" to property. *Bavand v. OneWest Bank, FSB,* 176 Wn. App. 475, 502, 309 P.3d 636 (2013). The entire purpose is to quiet title to real property in the holder of superior title. *See* RCW 7.28.120. Determining who owns a certain parcel of land necessarily requires defining that land. To that end, the Stipulation and Order in the *Margett* litigation contained a legal description of the Murray Tidelands. That description is sufficient to locate the lateral boundaries, as the Winters, Thalacker, and Wilson surveys demonstrate. The causes of

action are identical.

2. The Subject Matter is Identical

DNR argues the subject matter in the two lawsuits is not identical because *Margett* did not involve a boundary dispute. Petition at 10. As noted above, DNR's attempt to distinguish the *Margett* litigation on this ground fails. The *Margett* litigation determined ownership of the Murray Tidelands and the Stipulation and Order provided a legal description of those tidelands. DNR did not object to that description, but it could have. *Spath v. Larsen*, which DNR now claims applies, had already been decided. Had DNR exercised reasonable diligence in 1966, it could have argued that the boundaries of the Murray Tidelands should be defined through proration. DNR made no such argument. To the contrary, it stipulated to the legal description contained in the deed and waived "any and all claims it may have to the" Murray Tidelands. CP 770. DNR's attempt, more than a half century later, to claim ownership in those tidelands is exactly the type of injustice the doctrine of res judicata seeks to avoid.

DNR also claims the Court of Appeals erred when it relied on *Karlberg v. Otten*, 167 Wn. App. 522, 280 P.3d 1123 (2012), but the Court of Appeals correctly applied *Karlberg*. That case involved two successive judgments quieting title. In the first action, *Karlberg* sought and obtained

a judgment placing a new boundary line between his property and the defendant's property. In the second, he sought and obtained a judgment establishing a different boundary line for the same property. The court held that res judicata barred the second lawsuit. The court quoted the general rule that when an action is "brought for part of a claim, a judgment obtained in the action precludes the plaintiff from bringing a second action for the residue of the claim," and noted that "commencement of a new and independent action upon the same subject matter is not an approved way to correct a mistake." *Karlberg*, 167 Wn. at 535, 538. Because the first quiet title action related to defining the same property at issue in the second, res judicata applied.

DNR argues *Karlberg* is distinguishable because both lawsuits in that case involved a boundary dispute, but that misses the point. Both the *Margett* litigation and this case concern the extent of DNR's ownership interest in the Murray Tidelands. The boundaries were set in the first lawsuit and DNR seeks to change them in this lawsuit. Res judicata bars such attempts.

DNR is also wrong that this result allows Timmerman to draw the lateral boundary in "any fashion whatsoever." Petition at 7. As the Court of Appeals correctly noted, under the laws in effect in 1903, the Murray Tidelands extended to mean low tide and the lateral boundaries were

determined using the angles and limiting points listed in the deed along the meander line, and by extending perpendicular lines from those limiting points to the waterward limit. Petition Appendix A at 21; Laws of 1897, ch. 89, § 4. The boundaries of the Murray Tidelands were set in the deed and confirmed in the *Margett* litigation, and multiple surveys—including one commissioned by DNR in 1992—have now used that legal description to identify the lateral boundaries. CP 2043, 2058, 2133-37, 3545, 2087-88. *Karlberg* is informative, and the Court of Appeals did not err in considering it.

DNR's claim that the lateral boundary dispute was not "ripe" in the 1960s fails for the same reasons its other claims fail. DNR accepted the boundaries as set in the Order and Stipulation. That DNR failed to raise the issue does not mean the matter was unripe for review. A matter is ripe "when 'the issues raised are primarily legal, and do not require further factual development.'" *Thun v. City of Bonney Lake*, 3 Wn. App. 2d 453, 460, 416 P.3d 748 (2018) (quoting *Jafar v. Webb*, 177 Wn.2d 520, 525, 303 P.3d 1042 (2013)). The proration doctrine was in effect during the *Margett* litigation and *Spath* had already been decided. If DNR had wanted to challenge the legal description of the property to which it sought quiet title, it could have done so. DNR may not seek to quiet title in the same parcel of land fifty years later in an attempt to correct its mistake.

D. The Doctrines of Waiver, Laches, and Equitable Estoppel Also Bar DNR's Claim in the Murray Tidelands

Although the Court of Appeals did not reach Mr. Timmerman's arguments regarding alternative grounds for relief, if this Court grants DNR's petition for review, it may also affirm the Court of Appeals on grounds of waiver, laches, or equitable estoppel. *See* RAP 13.4(d); *LK Operating, LLC v. Collection Group*, LLC, 181 Wn.2d 48, 73, 331 P.3d 1147 (2014) ("an appellate court may affirm a decision on any ground supported by the record.").[3]

1. Waiver Bars DNR's Claims

A waiver is the intentional and voluntary relinquishment of a known right. *Bowman v. Webster*, 44 Wn.2d 667, 669-70, 269 P.2d 960 (1954). In the *Margett* Stipulation and Order, DNR waived "any claim [it] may have had in any of the tidelands herein described." CP 2139-41. The superior court's order also stated that in exchange for payment of $1,000, the State "shall have no further claim of right to the property described herein." CP 773. The Commissioner of Lands likewise ordered that the $1,000 payment was accepted "in full for any claim the State of Washington may have had in any of the tidelands herein described." CP 777, 2139-41. DNR's waiver of any claims it might have had in the

[3] Mr. Timmerman raises these issues conditionally – that is, only if DNR's petition is granted. *See Lewis River Golf, Inc. v. O.M. Scott & Sons*, 120 Wn.2d 712, 725, 845 P.2d 987, 994 (1993).

Murray Tidelands includes its right to argue that those tidelands should be defined by the proration doctrine announced in *Spath*.

2. Equitable Estoppel and Laches Also Bar DNR's Claims

The doctrine of equitable estopped reflects the principle that "a party should be held to a representation made or position assumed where inequitable consequences would otherwise result to another party who has justifiably and in good faith relied thereon." *Kramarevcky v. Department of Social and Health Services*, 122 Wn.2d 738, 743, 863 P.2d 535 (1993). More than fifty years ago, DNR agreed to surrender any claims in the Murray Tidelands. Mr. Timmerman has relied on that representation and, if it is not enforced, he would suffer the inequitable consequence of losing a portion of his tidelands. Equitable estoppel therefore bars DNR's claims.

Laches is "an implied waiver arising from knowledge of existing conditions and acquiescence in them." *Lopp v. Peninsula School Dist. No. 401*, 90 Wn.2d 754, 759, 585 P.2d 801 (1978) (1978) (citation omitted). Because DNR knew in 1966 that proration was not being applied to determine the lateral boundaries of the Murray Tidelands and waited more than fifty years to challenge the boundaries on that ground, laches bars its claims.

V. CONCLUSION

For reasons stated herein and based on the entire record in this case, this Court should deny DNR's Petition for Review. DNR has not met its burden of showing the requirements of RAP 13.4(b)(1) are met.

Respectfully submitted this 2nd day of August, 2021.

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CERTIFICATE OF SERVICE

I, I'sha Willis, declare as follows:

That I am over the age of 18 years, not a party to this action, and competent to be a witness herein;

That I, as legal assistant in the office of Van Ness Feldman LLP, caused true and correct copies of the following documents to be delivered as set forth below:

1. Answer to Petition for Review;
2. Certificate of Service.

and that on August 2, 2021, I caused the foregoing documents to be e-filed and e-served electronically through Washington State Appellate Courts' Secure Portal as follows:

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Jose F. Vera Vera & Associates, PLLC 200 W. Thomas Street, Suite 420 Seattle, WA 98119 josevera@veraassociates.com *Attorney for Respondent Earl J. Iddings*	[ ] U.S. Mail Postage Prepaid [ ] Certified Mail Postage Prepaid[ ] State Campus Mail [ ] Hand Delivered [ ] ABC Legal Messenger[ ] FedEx Overnight [X] Email
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Renee Hanover 41202 5th Avenue Ct. S. Roy, WA 98580 Renee.ahr@gmail.com *Pro Se Respondent*	[X] U.S. Mail Postage Prepaid [ ] Certified Mail Postage Prepaid[ ] State Campus Mail [ ] Hand Delivered [ ] ABC Legal Messenger[ ] FedEx Overnight [X] Email

Dated this 2nd day of August, 2021.

s/ I'sha Willis
I'sha Willis, Declarant

VAN NESS FELDMAN LLP

August 02, 2021 - 2:04 PM

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