

64506-4

64506-4

64506-4

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION 1

PAMELA BIRIMISA, a single woman,

Appellant

v.

PILATES CENTER OF REDMOND, L.L.C.,
a Washington limited liability company,
and BRIAN HEBERLING and LARISSA WILSON HEBERLING,
husband and wife, and the marital community composed thereof,

Respondent

Appeal from the Superior Court for King County

The Honorable Mary Yu

Cause No. 07-2-37547-3SEA

REPLY BRIEF OF APPELLANT

Gerald M. Hahn
Charles E. Watts
Oseran, Hahn, Spring, Straight & Watts, P.S.
10900 NE 4th Street, #850
Bellevue, WA 98004
425-455-3900

2010 JUN -8 AM 10:44
W

ORIGINAL

INDEX

	<u>Page No.</u>
Table of Authorities	ii
I. Appellant’s Reply to Respondent’s Introduction	1
II. Appellant’s Response to Respondent’s Statement of the Case	1
III. Appellant’s Response to Respondent’s Argument	1 - 2
IV. Conclusion.....	2

TABLE OF AUTHORITIES

Statutes

RCW Ch. 49.48.030 1, 2

I. APPELLANT’S REPLY TO RESPONDENT’S INTRODUCTION

Respondent Pilates Center of Redmond, LLC’s choice of debt avoidance – bankruptcy is not relevant to this Court’s deciding whether the trial court erred in awarding attorneys’ fees to Respondent under RCW 49.48.030 and/or under paragraph 17.2 of the Pilates Center of Redmond LLC Agreement. CP 1 and CP Exhibit A.

II. APPELLANT’S RESPONSE TO RESPONDENT’S STATEMENT OF THE CASE

This appeal is limited to the issue of attorneys’ fees. There is no transcript before the Court for review of the Court’s decision on the merits. Consequently, Respondent’s statement of the case is irrelevant and should be disregarded by this Court.

III. APPELLANT’S RESPONSE TO RESPONDENT’S ARGUMENT

Respondent cites no cases or other authority that would allow an employer to recover attorneys’ fees against an employee under RCW 49.48.030.

Appellant made no wage claims under the LLC Agreement. Quite to the contrary, Respondent asserted five counterclaims under the LCC Agreement. CP 2. As noted in Appellant’s Brief (pages 2 and 3 and CP 77), all but one of the counterclaims of Respondent was abandoned and the Court ruled against Respondent as to the remaining

PROOF OF SERVICE

TO: Clerk, Division One, Court of Appeals

AND TO: Respondent

PLEASE TAKE NOTICE on the 3rd day of June, 2010,

Appellant's Reply Brief was mailed to the following:

Court of Appeals/Division 1
One Union Square
600 University Street
Seattle, WA 98101-4170

Brian and Larissa Heberling
P. O. Box 7415
Bellevue, WA 98008

Pilates Center of Redmond LLC
P. O. Box 7415
Bellevue, WA 98008

Dated this 3rd day of June, 2010.



Joy Griffin