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SUPREME COURT  
STATE OF WASHINGTON  
Aug 28, 2014, 2:41 pm  
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Supreme Court No. 201,327-9

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THE SUPREME COURT  
STATE OF WASHINGTON

In re

Matthew Franklin Pfefer ("Peffer")  
Appellant Lawyer, Bar No. 31166

**Appellant's Reply Regarding  
His Request for Judicial Notice  
of Distance between the Office of David Heller  
and the Location of the Disciplinary Hearing**

Matthew F. Pfefer  
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ORIGINAL

In accordance with RAP 17.4(e), Matthew F. Pfefer hereby replies regarding his Request for Judicial Notice.

1) While Pfefer had no list of the Bar's specific disbursements or documentation for any of them (esp., no specifics as to mileage reimbursement for anyone), the Bar complains that Pfefer didn't object to Mr. Heller's mileage reimbursement in Pfefer's initial exceptions. This complaint is not well taken.

2) While the Bar did not provide their specific disbursements or related documentation and while the rule allows Pfefer 20 days to object, the Bar complains that Pfefer "waited until the end of the 20-day period" to file his exceptions. As Pfefer complied with the rule, this complaint is again not well taken.

3) While the Bar admits that "ELC 13.9 does not provide for the filing of further exceptions or replies," the Bar complains that Pfefer "effectively gave himself a 24-day extension of time." As the Bar didn't identify its specific disbursements or provide documentation for them until after Pfefer filed his only allowed filing, the Bar's complaint that Pfefer didn't address the Bar's specific disbursements until after the Bar disclosed those disbursements to Pfefer is another dodge of the issue.

4) While the rules do not allow Pfefer to respond to the Bar's specific disbursements and while the Chair did not authorize such response either, the Chair's ruling on these disbursements without Pfefer's response to them was a blatant violation of Pfefer's constitutional due-process rights to notice and opportunity to be heard prior to deprivation. The Bar complains that Pfefer did not "timely" raise Pfefer's concerns. The Bar also complains that the Chair did not consider Pfefer's concerns. Neither complaint is well taken.

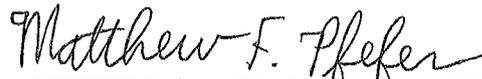
The effect of the Bar's view would be to avoid any substantive opportunity for response to the Bar's specific disbursements. Pfefer doesn't even need to reduce the Bar's argument to the absurd (reductio ad absurdum). It is already absurd.

The Bar chose to file its statement of costs without stating its actual disbursements; and then—when Pfefer complained—the Bar acknowledged that it had made a mistake, chose to produce documentation without Pfefer having any opportunity under the rules to respond; and—when Pfefer poked holes in the Bar's documents—the Bar now wants this Court to ignore the Bar's failure of proof or allow the Bar to add evidence it omitted earlier.

In any event, Pfefer may be willing to withdraw his request for judicial notice provided that the Bar produces a statement under GR 13 from Mr. Heller consistent with the Bar's offer of proof and adequately explaining the reimbursement request of Mr. Heller.

Depending on the specific content of such statement, Pfefer may also withdraw lines 14-15 of page 60 in his opening brief (the 2<sup>nd</sup> and 3<sup>rd</sup> sentences of the paragraph those lines are in).

Respectfully submitted this 28<sup>th</sup> day of August 2014.

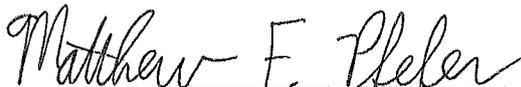


Matthew F. Pfefer, WSBA #81166  
Appellant In Pro Per

#### DECLARATION OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington that the following is true and correct: I am over the age of 18, am competent to testify, and make these statements upon my own personal knowledge. I served this document on M. Craig Bray of the Washington State Bar Association, 1325 4<sup>th</sup> Ave #600, Seattle WA 98101, by prepaid postal mail on the date below.

Signed this 28<sup>th</sup> day of August 2014 in Spokane, Washington.



Matthew F. Pfefer, WSBA #81166

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**To:** Matthew F. Pfefer  
**Cc:** Craig Bray  
**Subject:** RE: Pfefer's RJN Reply in 201,327-9

Received 8-28-14

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

**From:** Matthew F. Pfefer [mailto:matthew@matthewpfefer.com]  
**Sent:** Thursday, August 28, 2014 2:34 PM  
**To:** OFFICE RECEPTIONIST, CLERK  
**Cc:** Craig Bray  
**Subject:** Pfefer's RJN Reply in 201,327-9

In re Matthew Franklin Pfefer ("Peffer"),  
Appellant-Lawyer, Bar No. 31166  
No. 201,327-9

Regards,  
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