

NO. 79027-2

THE SUPREME COURT
OF THE STATE OF WASHINGTON

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
2007 MAY 15 2:48
ORIGINAL

BY RONALD R. CARPENTER

MUTUAL OF ENUMCLAW INSURANCE COMPANY,

Respondent and Cross-Petitioner,

v.

DAN PAULSON CONSTRUCTION, INC., a Washington
corporation, KAREN and JOSEPH MARTINELLI, and the
marital community composed thereof,

Petitioners.

**DECLARATION OF K.C. WEBSTER
REGARDING PETITIONERS MOTION TO STRIKE A PORTION OF
MUTUAL OF ENUMCLAW'S SUPPLEMENTAL BRIEF**

ORIGINAL

HACKETT, BEECHER & HART
James M. Beecher, WSBA #468
Brent W. Beecher, WSBA #31095
1601 Fifth Avenue, Suite 2200
Seattle, WA 98101
Telephone: (206) 624-2200

PHILLIPS & WEBSTER, P.L.L.C.
K.C. Webster, WSBA #7198
13303 Northeast 175th Street
Woodinville, WA 98072-8503
Telephone: (425) 482-1111

Attorneys for Mutual of Enumclaw
Insurance Company

I am K.C. Webster. I have personal knowledge of the facts set forth below.

1. I am counsel for respondent Mutual Enumclaw Insurance Company (MOE). I have been primarily responsible for the preparation of the appellate briefs in this proceeding.

2. On May 10, 2007, I received the petitioners motion to strike a portion of MOE's supplemental brief. That motion was not accompanied by a notice setting the time and date for hearing of this motion. After speaking with counsel for the petitioners, it is my understanding that no time and date for hearing on the motion has been requested.

3. I will be on vacation the week of May 14 – 18, 2007.

4. On May 11, 2007, I contacted Brian Waid, co-counsel for the petitioners. I advised Mr. Waid of the lack of a noted hearing date for his motion, and the fact that I would be on vacation. Mr. Waid authorized me to indicate to the court that I would be filing MOE's response to the motion after I returned from vacation. I will do so.

I declare under the laws for perjury in the State of Washington that the information contained in this declaration is true and correct to the best of my knowledge. I am over the age of 21 and am competent to testify to the matters set forth above.

DATED and signed at Woodinville, Washington this 12th day of May, 2007.

PHILLIPS & WEBSTER, P.L.L.C.



K.C. Webster, WSBA #7198
13303 Northeast 175th Street
Woodinville, Washington 98072-8503
Telephone: (425) 482-1111