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SUPREME COURT
STATE OF WASHINGTON
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No. 80348-0

SUPREME COURT
OF THE STATE OF WASHINGTON

In Re the Marriage of:

GLORIA BERNARD,

Respondent,

and

THOMAS BERNARD,

Petitioner.

RESPONDENT'S
STATEMENT OF
SUPPLEMENTAL
AUTHORITY

Respondent Gloria Bernard submits this statement of supplemental authority pursuant to RAP 10.8:

Timm v. Timm, 34 Wash. 228, 236-37, 75 P. 879 (1904) (holding that equitable rule that a contract will not be enforced unless it appears to have been fairly entered into, and to be reasonably just should be applied to "agreements made during the pendency of divorce suits as well as to such contracts made in contemplation

thereof").

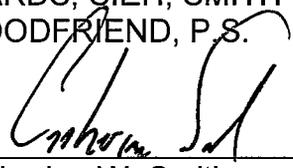
Ferree v. Doric Co., 62 Wn.2d 561, 566-67, 383 P.2d 900 (1963) (when inconsistent with written order, comments made during oral ruling have no effect unless formally incorporated into written findings).

Fortune View Condominium Ass'n v. Fortune Star Development Co., 151 Wn.2d 534, 538-39, 90 P.3d 1062 (2004) (noting that an issue conceded in petition for review was not before the Court).

Oltman v. Holland America Line USA, Inc. 163 Wn.2d 236, 257, ¶ 43, fn. 15, 178 P.3d 981 (2008) (noting that an issue that was not raised in petition for review was not before the Court, as conceded in supplemental brief).

Dated this 20 day of June, 2008.

EDWARDS, SIEH, SMITH
& GOODFRIEND, P.S.

By: 

Catherine W. Smith
WSBA No. 9542

1109 First Avenue, Suite 500
Seattle, WA 98101-2988
(206) 624-0974

Attorneys for Respondent

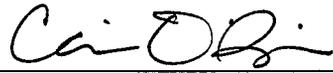
DECLARATION OF SERVICE

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct:

That on June 2nd, 2008, I arranged for service of the Respondent's Statement of Supplemental Authority, to the court and the parties to this action as follows:

| | |
|---|--|
| Office of Clerk Washington Supreme Court Temple of Justice P.O. Box 40929 Olympia, WA 98504-0929 | <input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Email |
| Cynthia Whitaker Attorney at Law 1200 Fifth Avenue, Suite 2020 Seattle, WA 98101 | <input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Overnight Mail |
| Jerry R. Kimball Attorney at Law Law Office of Jerry R. Kimball 1200 Fifth Avenue, Suite 2020 Seattle, WA 98101 | <input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Overnight Mail |
| Kenneth W. Masters Wiggins & Masters, P.L.L.C. 241 Madison Avenue N Bainbridge Island, WA 98110 | <input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> EMail |
| Doug Becker Wechsler, Becker, LLP 4550 Bank of America Tower 701 Fifth Avenue Seattle WA 98104 | <input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Email |

DATED at Seattle, Washington this 2nd day of June, 2008.



Carrie O'Brien