

Oct 14, 2016, 4:26 pm

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No. 93056-2

SUPREME COURT
OF THE STATE OF WASHINGTON

CERTIFICATION FROM UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
IN

MICHAEL ALLEN,

Appellant,

v.

ZECHARIAH CLIFTON DAMERON IV, and
DANIEL STANDEN,

Respondents.

RESPONDENTS' MOTION FOR EXTENSION OF TIME TO
FILE ANSWER TO BRIEF OF *AMICUS CURIAE*
WASHINGTON EMPLOYMENT LAWYERS ASSOCIATION
SUPPORTING APPELLANT MICHAEL ALLEN

Jackson Lewis P.C.
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 ORIGINAL

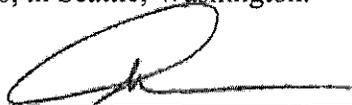
Motion to File Amicus Brief or that any Answer to such brief was due on or before September 29, 2016.

3. I have since discovered that the September 13, 2016, email containing the letter from Commissioner Narda Pierce was moved to my “Junk E-mail” folder in Microsoft Outlook; presumptively as a result of being flagged by our anti-spam software. I have since restored that communication and moved it to my “Inbox” in Microsoft Outlook.

4. Due to my lack of awareness as to the deadline that had been set for filing an Answer to the Brief of *Amicus Curiae* WELA, and out of an abundance of caution, I caused our Answer to the Brief of *Amicus Curiae* WELA to be filed on October 13, 2016 – the deadline for filing a statement of additional authorities pursuant to RAP 10.8.

I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

Dated: October 14, 2016, in Seattle, Washington.



Peter H. Nohle

4. GROUND FOR RELIEF AND ARGUMENT. Under RAP 18.8(a), the Court may extend the time within which an act must be done, to serve the ends of justice. The requested extension does not fall within the class of submissions delineated in RAP 18.8(b) for which extraordinary circumstances must be present, nor does it impact the finality of a decision as described in RAP 18.8(c).

Moreover, RAP 1.2 provides that the Rules of Appellate Procedure “will be liberally interpreted to promote justice and facilitate the decision of cases on the merits” and that “[c]ases and issues will not be determined on the basis of compliance or noncompliance with these rules except in compelling circumstances where justice demands, subject to the restrictions in rule 18.8(b).”

Here, the requested extension would serve and promote the ends of justice and would facilitate a fully informed decision on the merits.

For the reasons set forth above, an extension of time to October 13, 2016, for the filing of Respondents’ Answer to the Brief of *Amicus Curiae* Washington Employment Lawyers Association Supporting Appellant Michael Allen is appropriate pursuant to RAP 18.8.

5. CONCLUSION. This Court should extend the due date of Respondents’ Answer to the Brief of *Amicus Curiae* Washington Employment Lawyers Association Supporting Appellant Michael Allen from September 29, 2016, to October 13, 2016.

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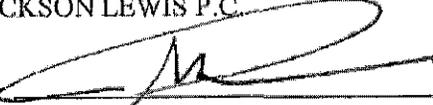
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RESPECTFULLY SUBMITTED this 14th day of October, 2016.

JACKSON LEWIS P.C.

By 

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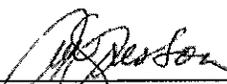
Attorneys for Defendants-Respondents
Zechariah Clifton Dameron IV and Daniel
Standen

DECLARATION OF SERVICE

The undersigned declares under penalty of perjury under the laws of the State of Washington that a true and accurate copy of the document to which this declaration is affixed was sent via hand delivery, on this day, to:

Attorneys for Appellant Michael Allen
Michael C. Subit, WSBA #29189
Frank Freed Subit & Thomas LLP
705 Second Avenue
Hoge Building, Suite 1200
Seattle, WA 98104-1798

Dated this 14th day of October, 2016, at Seattle, Washington.



Andrea W. Preston

OFFICE RECEPTIONIST, CLERK

To: Preston, Andrea (Seattle)
Cc: Nohle, Peter H. (Seattle); Baker-Brown, Sarah E. (Seattle)
Subject: RE: Allen v. Dameron, et al., 93056-2 - Motion for Extension of Time for Answering Brief to Brief of Amicus Curiae

Received 10-14-16

Supreme Court Clerk's Office

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From: Preston, Andrea (Seattle) [mailto:Andrea.Preston@jacksonlewis.com]

Sent: Friday, October 14, 2016 4:25 PM

To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>

Cc: Nohle, Peter H. (Seattle) <Peter.Nohle@jacksonlewis.com>; Baker-Brown, Sarah E. (Seattle) <Sarah.Baker-Brown@jacksonlewis.com>

Subject: Allen v. Dameron, et al., 93056-2 - Motion for Extension of Time for Answering Brief to Brief of Amicus Curiae

TO: CLERK OF THE COURT

RE: Michael Allen, Appellant v. Zechariah Clifton Dameron IV and Daniel Standen, Respondents

Case No. 93056-2

Please file the attached motion:

- Respondents' Motion for Extension of Time to File Answer to Brief of Amicus Curiae Washington Employment Lawyers Association Supporting Appellant Michael Allen.

SUBMITTED BY: Peter H. Nohle, WSBA #35849

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Counsel for Mr. Allen will be served separately.

Respectfully submitted,

Andrea

Andrea W. Preston

Assistant to Bryan O'Connor, Peter Nohle, and Megan Carpenter



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