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No. 69224-1-I

**IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION I**

Northwest Center, *et al.*,

Defendants/Appellants,

v.

Lennie J. Thompson,

Plaintiff/Respondent.

**REPLY BRIEF OF DEFENDANTS/APPELLANTS
NORTHWEST CENTER, *et al.***

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I. INTRODUCTION

Defendants/Appellants the Northwest Center, Tom Everill, John Tye, Virginia Burzotta, Jonathon Whipple, and the NWC Board of Directors (collectively, the “Northwest Center”) submit the following reply brief in support of their opening brief.

Plaintiff/Respondent Lennie J. Thompson (“Mr. Thompson”) filed his response brief with the Court on March 22, 2013. The Northwest Center was served via U.S. Mail and received the response brief on March 27, 2013. None of the arguments raised by Mr. Thompson in his response brief preclude expedited review and reversal of the trial court order granting the Northwest Center’s special motion to strike pursuant to Washington’s Act Limiting Strategic Lawsuits Against Public Participation (“anti-SLAPP”), RCW 4.24.525, but reserving for trial the mandatory award of attorney fees, costs, and \$10,000 penalty provided by statute. The Northwest Center requests the statutory award and penalty be issued contemporaneously with the order granting its special motion to strike.

II. ARGUMENT

A. Mr. Thompson Misquotes the Report of Proceedings.

In his response brief, Mr. Thompson misquotes the Report of Proceedings (the transcript of the trial court hearing) when he claims that an attorney representing the Northwest Center agreed to drop its request for the statutory award and penalty under RCW 4.24.525:

And that is why [Judge Andrus] cut off Summit Law's attorney when he states that, "Since Mr. Thompson is dropping the defamation part of his lawsuit, Summit Law is dropping its request for a \$10,000 fine, court costs, and legal fees."

Response Brief at 4. This quote does not appear in the Report of Proceedings and was not spoken during the anti-SLAPP hearing in King County Superior Court. The Northwest Center never agreed to drop its request for a mandatory award of attorney fees, costs, and \$10,000 penalty provided by statute. Mr. Thompson's quote is inaccurate should not be considered.

B. The Law Review Materials Cited by Mr. Thompson in His Response Brief Support the Northwest Center's Position.

In his response brief, Mr. Thompson quotes an article from the Gonzaga Law Review discussing the history and policy considerations supporting Washington's anti-SLAPP statutes. Response Brief at 1-4 (*quoting* 38 Gonzaga Law Review 263 (2002-2003)). This article, and the policy considerations it discusses, reinforces the Northwest Center's right to full and speedy recovery under RCW 4.24.525.

Mr. Thompson mistakenly believes he is the victim under Washington's anti-SLAPP laws, not the Northwest Center and its employees. When Mr. Thompson cited the Gonzaga Law Review article during oral argument at the trial court level, the trial court highlighted his mistake:

Thank you, Mr. Thompson. But you understand the defendants are claiming that you're the one who brought them needlessly into court because of things they said. So,

I mean, I understand what you read, but they're the ones who—Mr. Whipple is the one who is claiming to have been victimized by...standing up and making statements in the court. I hope you understand, this is the posture right now of the case.

RP 23:7-17. Mr. Thompson violated the anti-SLAPP statutes when he filed his lawsuit against the Northwest Center. The historical and policy considerations supporting Washington's anti-SLAPP statutes do not favor Mr. Thompson on appeal.

C. The Remainder of Mr. Thompson's Arguments are Irrelevant to the Issues Raised on Appeal.

Mr. Thompson devotes the remainder of his response brief to a discussion of the history of U.S. jurisprudence, his job performance at the Northwest Center, the factors supporting his termination, his personality conflicts with supervisors at the Northwest Center, and the issuance of the anti-harassment order against him in King County District Court. Response Brief at 5-35. These materials are irrelevant to the issues concerning RCW 4.24.525 raised by the Northwest Center on appeal.

D. The Exhibits Submitted by Mr. Thompson are Immaterial.

Mr. Thompson attached copies of 41 email messages to his response brief. *See* Response Brief at 37-39. These exhibits are irrelevant to the issues raised by the Northwest Center on appeal.

III. CONCLUSION

The arguments raised by Mr. Thompson in his response brief do not contradict nor rebut the arguments raised by the Northwest Center concerning its right to full and speedy recovery under RCW 4.24.525. The Northwest Center respectfully requests the Court reverse the trial court's order, which reserved for trial the mandatory award of attorney fees, costs, and statutory penalty under RCW 4.24.525, and require the award and penalty be issued contemporaneously with the order granting the Northwest Center's special motion to strike.

DATED this 25th day of April, 2013.

Respectfully submitted,

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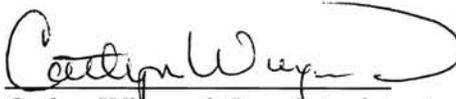
CERTIFICATE OF SERVICE

I, the undersigned, certify under penalty of perjury according to the laws of the State of Washington that on this date the foregoing document was filed with the Court of Appeals of the State of Washington, and caused to be served in the manner noted below a copy of same on the following individuals:

Mr. Lennie J. Thompson
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Via e-mail and U.S. Mail.

DATED this 25th day of April, 2013.


Catlyn Wiegand, Legal Assistant