

FILED
SUPREME COURT
STATE OF WASHINGTON
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BY ERIN L. LENNON
CLERK

No. 102224-7

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

*MARCUS DUELL, an individual,
Plaintiff-Respondent,*

v.

*PENINSULA AVIATION SERVICES, INC., doing business as PenAir, a
Delaware corporation, Defendant-Petitioner,*

and

*ALASKA AIRLINES, INC., a Delaware corporation; and DOES 1-20,
Defendants.*

*ERIN OLTMAN, individually and as Personal Representative of the Estate
of David Oltman, and on behalf of REECE OLTMAN and EVAN
OLTMAN, minors, Plaintiffs-Respondents,*

v.

*PENINSULA AVIATION SERVICES, INC., doing business as PenAir, a
Delaware corporation, Defendant-Petitioner,*

and

*ALASKA AIRLINES GROUP, INC. and ALASKA AIRLINES, INC.
Defendants.*

ALASKA AIRLINES, INC., AND ALASKA AIR GROUP, INC.'S
MOTION FOR EXTENSION OF TIME TO FILE JOINDER TO
PETITION FOR REVIEW

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Alaska Air Group, Inc.

I. INTRODUCTION

Alaska Airlines, Inc., and Alaska Air Group, Inc. (“Alaska Airlines”) are co-defendants with Petitioner Peninsula Aviation Services, Inc. (“PenAir”) in the underlying action. Alaska Airlines requests an extension of time to file its Joinder to PenAir’s Petition for Review.

II. BACKGROUND

On July 27, 2023, PenAir filed and served its Petition for Review with the Court of Appeals, Division I, of the State of Washington, No. 83424-0-I. PenAir’s Petition seeks review of the Court of Appeals’ decisions terminating review of its published opinion on June 12, 2023, and denying PenAir’s timely motion for reconsideration on July 10, 2023. These decisions are included in the Appendix to PenAir’s Petition for Review.

On July 28, 2023, the Supreme Court Deputy Clerk served a letter on all parties, indicating receipt of PenAir’s Petition for Review and directing all parties to RAP 13.4(d) regarding the timeline for the filing of any answer to the petition and the filing of any reply to an answer.

On August 25, 2023, Alaska Airlines filed and served an Answer in Joinder to PenAir’s Petition for Review. In its brief, Alaska Airlines states that it agrees with the bases set forth by PenAir in its Petition for

Review and supplements PenAir’s argument why review should be accepted.

On August 28, 2023, the Oltman Respondents filed and served a Motion for Extension of Time to File Answer to Petition for Review.

On August 29, 2023, the Supreme Court Clerk issued a letter to all parties granting the Oltman Respondents’ Motion for an Extension of Time to File Answer to Petition for Review. The letter also states that Alaska Airlines’ Joinder does not appear to be an Answer and was, therefore, rejected as untimely. The letter states, “If Alaska Airlines, Inc. and Alaska Air Group, Inc. wish for their joinder to be considered, they must file a motion for extension of time.”

III. ARGUMENT

The Court may enlarge the time within which an act must be done in a particular case to serve the ends of justice. RAP 18.8(a). Here, permitting Alaska Airlines additional time to join in PenAir’s Petition for Review serves the ends of justice and assists the Court. Alaska Airlines was served with PenAir’s Petition on July 27, 2023. Thereafter, Alaska Airlines filed and served its Joinder believing the 30-day timeline set forth in RAP 13.4(d) to be the applicable timeline.

Because the Oltman Respondents have been granted an extension to file their Answer to PenAir’s Petition, from August 28, 2023 to

September 27, 2023, and considering that the Oltman Respondents were served with Alaska Airlines' Joinder on August 25, 2023, the Oltman Respondents will have sufficient time to respond to Alaska Airlines' arguments, if desired. Thus, no prejudice to any party is expected to result if this extension is granted.

IV. CONCLUSION

Alaska Airlines respectfully requests that the Court extend the time for Alaska Airlines to file its joinder to PenAir's Petition for Review. If granted, Alaska Airlines will file and serve the same brief (*i.e.*, no new arguments) as previously filed and served on August 25, 2023.

Word-Count Certification

This document 513 words, excluding parts of the document exempted from the word count, in compliance with RAP 18.17.

Dated this 31st day of August 2023.

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PROOF OF SERVICE

I hereby declare under penalty of perjury under the laws of the State of Washington that on the 31st day of August 2023, I caused a true and correct copy of the foregoing document to be served via appellate court web portal/e-service program, or via email to counsel:

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Dated this 31st day of August 2023, at Seattle, Washington.

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STOKES LAWRENCE, P.S.

August 31, 2023 - 11:36 AM

Transmittal Information

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