

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

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

Supreme Court No. 1029985

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

JONATHAN WESLEY EBBELER and
ELIZABETH ASHLEY EBBELER, husband and wife,

Plaintiffs-Respondents,

v.

WFG NATIONAL TITLE COMPANY OF WASHINGTON,
LLC, a Washington limited liability company;
DANI LEGGETT and JANE/JOHN DOE LEGGETT,
believed to be married persons,

Defendants-Petitioners.

ANSWER TO CLERK'S MOTION TO STRIKE

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I. INTRODUCTION

This Court should accept and not strike WFG's Reply, because the Reply only addresses the new issues raised in the Ebbelers' Answer to WFG's Petition for Review. The Ebbelers' Answer raised two issues not raised or addressed in the Petition for Review: (1) issues under RAP 13.4(b)(4) and (2) issues regarding the award of attorney's fees.

II. STATEMENT OF THE CASE

WFG's Reply was titled "REPLY IN SUPPORT OF PETITION FOR DISCRETIONARY REVIEW." Perhaps a more appropriate title may have been "REPLY ADDRESSING NEW ISSUES RAISED IN RESPONDENTS' ANSWER." WFG's Reply focuses only on these new issues and does not simply argue again the issues raised in WFG's Petition for Review. WFG's Reply raises no new issues.

III. ARGUMENT – WFG'S REPLY SHOULD BE ACCEPTED

"A party may file a reply to an answer only if the answering party seeks review of issues not raised in the petition

for review.” RAP 13.4(d). Here, the Ebbelers’ Answer (1) raises issues under RAP 13.4(b)(4) and (2) raises issues regarding the award of attorney’s fees. Neither of these issues was raised or addressed in WFG’s Petition for Review. WFG’s Reply now addresses the new issues separately and succinctly. Accordingly, this Court should permit WFG’s Reply under RAP 13.4(d).

If this Court does grant the clerk’s motion to strike, this Court should grant WFG leave to amend the Reply, in order to comply with this Court’s definition of RAP 13.4(d).

IV. CONCLUSION

Defendant-Petitioner requests that this Court not strike WFG’s Reply, which is permitted under the rules.

I certify that this document contains 254 words in compliance with RAP 18.17 (excluding the Title Sheet/Caption, Tables of Contents/Authorities, Certificate of Compliance/Service, and Signature Block), as calculated by the word processing software used to prepare this document.

RESPECTFULLY SUBMITTED this 24th day of June,
2024.

/s/ Hunter M. Abell

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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury under the laws of the State of Washington that on the below date, I caused a true and correct copy of this document to be served on the following parties and counsel of record via the Washington State Appellate Courts' Portal:

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/s/ Deborah Johnson-Perea
Deborah Johnson-Perea, Legal Assistant

WILLIAMS KASTNER

June 24, 2024 - 3:19 PM

Transmittal Information

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Appellate Court Case Title: Jonathan Wesley Ebbeler, et ux. v. WFG National Title Company of WA, et al.

The following documents have been uploaded:

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