

SUPREME COURT  
OF THE STATE OF WASHINGTON

SHEILA LAROSE

Respondent/Petitioner,  
v.

KING COUNTY,

Appellant/Respondent.

No. 103248-0

KING COUNTY'S ANSWER  
TO CLERK'S MOTION TO  
STRIKE PURSUANT TO RAP  
13.4(d)

King County respectfully requests that the Clerk's motion to strike LaRose's "Reply on Petition for Review" be granted.

On August 22, 2024, King County filed the answer to LaRose's petition for review. In her petition, LaRose seeks review of the Court of Appeals decision holding that King County is entitled to judgment as a matter of law and reversing the judgment of the trial court. King County, as appellant, has raised additional issues that the Court of Appeals did not reach, including substantial prejudicial instructional and evidentiary errors, that support reversal of the judgment of the trial court.

RAP 13.7(b) provides that “If the Supreme Court reverses a decision of the Court of Appeals that did not consider all of the issues raised which might support that decision, the Supreme Court will either consider and decide those issues or remand the case to the Court of Appeals to decide those issues.” In accordance with RAP 13.7(b), King County advised this Court in the answer that there are additional issues raised that would support reversing the judgment of the trial court. If this Court accepts review and reverses, those additional issues would either need to be decided by this Court or be remanded to the Court of Appeals for determination. It is within this Court’s discretion under RAP 13.7(b) to either consider those additional issues or remand them to the Court of Appeals.

RAP 13.4(d) provides that a reply to an answer is only allowed if the answering party seeks review of issues not raised in the petition for review. The Clerk has correctly interpreted King County’s answer: King County is not seeking review of additional issues under RAP 13.4(b) or (d). King County rather

advised the Court of the need for *a* court to address the additional issues that have been raised on review *if* this Court both accepts review and reverses the Court of Appeals decision, consistent with RAP 13.7(b).

Moreover, pursuant to RAP 13.4(d) any reply must be limited to addressing only the new issues raised in the answer. The “Response to Statement of the Case” in LaRose’s purported reply is improper argument pertaining to the issue presented in the Petition for Review.

LaRose’s Reply on Petition for Review is not authorized by the Rules of Appellate Procedure. The Clerk’s motion to strike should be granted.

*This document contains 388 words in compliance with RAP 18.17.*

DATED this 19<sup>th</sup> day of September, 2024.

LEESA MANION (she/her)  
King County Prosecuting Attorney

By: /s/ Ann Summers  
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Senior Deputy Prosecuting Attorney

By /s/ Damon C. Elder  
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### **CERTIFICATE OF SERVICE**

I hereby certify that on this date I electronically filed the foregoing document with the Clerk of the Court via the Washington State Appellate Courts' Portal, which automatically serves a copy of the uploaded file upon all active case participants with an email address and any additional interested individuals for which an email address is manually entered.

Dated: September 19, 2024 at Seattle, Washington.

*s/ Meredith Harrigan*  
Meredith Harrigan, Legal Assistant

**MORGAN, LEWIS & BOCKIUS LLP**

**September 19, 2024 - 2:04 PM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 103,248-0  
**Appellate Court Case Title:** Sheila LaRose v. King County  
**Superior Court Case Number:** 15-2-13418-9

**The following documents have been uploaded:**

- 1032480\_Answer\_Reply\_20240919135557SC493475\_8561.pdf

This File Contains:

Answer/Reply - Answer to Motion

*The Original File Name was 091924 King County Answer to Clerk Motion to Strike.pdf*

**A copy of the uploaded files will be sent to:**

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**Comments:**

King County's Answer to Clerk's Motion to Strike Pursuant to RAP 13.4(d)

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