

FILED
SUPREME COURT
STATE OF WASHINGTON
8/27/2024 12:00 PM
BY ERIN L. LENNON
CLERK

COA No. 39659-2-III

Case #: 1034075

SUPREME COURT
OF THE STATE OF WASHINGTON

CHARLES HAUSE, an individual, Petitioner,

v.

SPOKANE COUNTY, a Washington Municipal Corporation,
Respondent.

CHARLES HAUSE'S MOTION FOR EXTENSION

MAX K. ARCHER, WSBA No. 54081
RIVERSIDE NW LAW GROUP, PLLC
905 West Riverside Avenue, Suite 208
Spokane, Washington 99201
Phone: (509) 504-8714
mka@rnwlg.com
Counsel for Petitioner Charles Hause

IDENTITY OF THE MOVING PARTY

Petitioner Charles Hause (“Mr. Hause”) is the party respectfully moving the Court pursuant to RAP 18.8 to extend the deadline for filing his Petition for Review to 8:00 a.m. PST, August 27, 2024.

INTRODUCTION & RELIEF REQUESTED

Mr. Hause’s Petition for Review was due yesterday, Monday, August 26, 2024. Mr. Hause completed, served, and submitted his Petition for e-filing with this Court the day it was due (August 26, 2024). However, due to technical issues encountered by his undersigned counsel, Mr. Hause’s Petition was submitted for e-filing shortly before 6:38 p.m. PST. As a result, the Petition is file stamped “8:00 a.m., August 27, 2024.”

The foregoing technical issues encountered by his undersigned counsel are not Mr. Hause’s fault. Mr. Hause thus respectfully requests that the Court extend the deadline for the filing of his Petition to 8:00 a.m. PST, today, August 27, 2024. Mr. Hause’s request for relief is appropriate under RAP 18.8, as

extending the deadline to 8:00 a.m. today would prevent a gross miscarriage of justice.

Furthermore, if the Court is inclined, the undersigned counsel respectfully requests that the Court please sanction and/or impose terms on himself, personally, as it's his fault (not Mr. Hause's) for failing to resolve all technical issues in time to file the Petition before 5:00 p.m. PST.

ISSUE

The issue presented is whether the Court should extend the deadline for filing Mr. Hause's Petition for Review to 8:00 a.m., today, August 27, 2024.

FACTS

This Motion is based upon the supporting Declaration of Max K. Archer, which is filed herewith.

ARGUMENT & AUTHORITIES

This Motion is brought pursuant to RAP 18.8. The Rule allows the Court to enlarge the time within which an act must be done and to otherwise alter or waive the RAPs in order to

serve the ends of justice. RAP 18.8(b) specifically permits the Court to take these acts with respect to petitions for review to prevent a gross miscarriage of justice. Moreover, RAP 1.2 encourages the modification of the RAPs to serve the interests of justice and to facilitate the resolution of appeals on their merits.

Here, to no fault of Mr. Hause's, the undersigned counsel encountered technical issues while working to format Mr. Hause's Petition for Review in a manner that complied with the RAPs. *Archer Decl.* As a result, to no fault of Mr. Hause's, the undersigned counsel served and submitted Mr. Hause's Petition for e-filing at 6:38 p.m. PST on the day the Petition was due. *Id.*

Granting Mr. Hause's Motion will thus prevent a gross miscarriage of justice. The time of the e-filing submission and the technical issues encountered by the undersigned counsel are not related in any way to the acts or omissions of Mr. Hause. *Id.* Likewise, the time of the e-filing submission and the technical

issues encountered by the undersigned counsel have no bearing whatsoever on the merits of Mr. Hause's Petition. *Id.*

If the Court is inclined, the undersigned counsel respectfully requests that terms be imposed against himself, personally. Mr. Hause and his case should not be punished for technical difficulties experienced by the undersigned counsel.

CONCLUSION

Based upon the foregoing, Mr. Hause respectfully requests that the Court extend the deadline for filing his Petition to 8:00 a.m. PST, today, August 27, 2024.

CERTIFICATION

Pursuant to RAP 18.17(b), Appellant hereby certifies that this Motion complies with the formatting requirements of RAP 18.17(a) and has 549 words pursuant to RAP 18.17(c)(11).

RESPECTFULLY SUBMITTED this 27th day of
August, 2024.

RIVERSIDE NW LAW GROUP, PLLC

Max K. Archer

MAX K. ARCHER, WSBA No. 54081
Counsel for Petitioner


CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the state of Washington, that on the 27th day of August, 2024, the foregoing was filed with the Washington State Supreme Court, and delivered to the following persons in manner indicated:

Counsel for Appellant

John R. Nicholson
Jackson & Nicholson, PS
900 SW 16th St., Ste. 215
Renton, WA 98057

- ☐ Hand Delivery
 - ☐ U.S. Mail, postage prepaid
 - ☒ Via Court's Electronic Court Records System
 - ☐ Facsimile Transmission
 - ☒ Via Electronic Mail
- john@jnseattle.com
jenny@jnseattle.com



Max K. Archer

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COA No. 39659-2-III

SUPREME COURT
OF THE STATE OF WASHINGTON

CHARLES HAUSE, an individual, Petitioner,

v.

SPOKANE COUNTY, a Washington Municipal Corporation,
Respondent.

**DECLARATION OF MAX K. ARCHER IN SUPPORT OF
CHARLES HAUSE'S MOTION FOR AN EXTENSION**

MAX K. ARCHER, WSBA No. 54081
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Spokane, Washington 99201
Phone: (509) 504-8714
mka@rnwlg.com
Counsel for Petitioner Charles Hause

I, MAX K. ARCHER, hereby declare under penalty of perjury under the laws of the state of Washington:

1. I am over the age of 18; I am competent to testify herein; and I make the following statements based upon my personal knowledge and belief.

2. I am one of the attorneys of record for Petitioner Charles Hause (“Mr. Hause”).

3. Mr. Hause’s Petition for Review in this above-captioned case was due to be filed and served yesterday, August 26, 2024.

4. While working to complete the Table of Contents and Table of Authorities for the Petition for Review, I encountered technical issues that I had difficulty resolving.

5. My office does not employ any legal assistants or paralegals. Thus, I had to resolve the issues myself, and it took me approximately two-and-a-half hours to do so.

6. Unfortunately, by the time I successfully resolved the issues and completed the Table of Contents and Table of

Authorities, it was approximately 6:35 p.m. PST. I then submitted the Petition for Review for e-filing with the Court at approximately 6:38 p.m. PST.

7. Because it was submitted for e-filing after 5:00 p.m., August 27, 2024, Mr. Hause's Petition for Review is file stamped "8:00 a.m., August 27, 2024."

8. None of the foregoing matters are due to any fault whatsoever of Mr. Hause. I accept full responsibility, and I respectfully request that the Court consider sanctioning or imposing terms on me, personally, as opposed to Mr. Hause.

9. I sincerely apologize. Please do not dismiss Mr. Hause's Petition due to my failure to timely resolve the issues I encountered with the Table of Contents and Table of Authorities. I will do everything I possibly can to ensure this never happens again.

CERTIFICATION

Pursuant to RAP 18.17(b), I hereby certify that this Declaration complies with the formatting requirements of RAP 18.17(a) and has 289 words pursuant to RAP 18.17(c)(11).

DONE this 27th day of August, 2024 in Coeur d'Alene, ID.

RIVERSIDE NW LAW GROUP, PLLC

Max K. Archer

MAX K. ARCHER, WSBA No. 54081
Counsel for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the state of Washington, that on the 27th day of August, 2024, the foregoing was filed with the Washington State Supreme Court and Court of Appeals, and delivered to the following persons in manner indicated:

Counsel for Appellant

John R. Nicholson
Jackson & Nicholson, PS
900 SW 16th St., Ste. 215
Renton, WA 98057

- ☐ Hand Delivery
 - ☐ U.S. Mail, postage prepaid
 - ☒ Via Court's Electronic Court Records System
 - ☐ Facsimile Transmission
 - ☒ Via Electronic Mail
- john@jnseattle.com
jenny@jnseattle.com

Max K. Archer
Max K. Archer

RIVERSIDE NW LAW GROUP, PLLC

August 27, 2024 - 12:00 PM

Filing Petition for Review

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: Case Initiation
Appellate Court Case Title: Charles Hause v. Spokane County (396592)

The following documents have been uploaded:

- PRV_Motion_20240827115900SC765377_6046.pdf
This File Contains:
Motion 1 - Extend Time to File
The Original File Name was CH Motion for Extension.pdf

A copy of the uploaded files will be sent to:

- John@jnseattle.com
- heather@bardenandbarden.net

Comments:

Sender Name: Maximillian Archer - Email: mka@rnwlg.com

Address:

905 W RIVERSIDE AVE STE 208

SPOKANE, WA, 99201-1099

Phone: 509-504-8714

Note: The Filing Id is 20240827115900SC765377