

FILED
SUPREME COURT
STATE OF WASHINGTON
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Court of Appeals
Division I
State of Washington
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IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

Supreme Court No. 1035080

Court of Appeals No. 866303 – Division I

ANNA G. BELL,

Petitioner,

v.

CANDACE K. SCHUPP,

Respondent.

DEFENDANT'S ANSWER IN
SUPPORT OF MOTION TO STRIKE

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TABLE OF AUTHORITIES

Washington Cases

In re Davis,
152 Wash.2d 647, 671, 101 P.3d 1 (2004).....1

Starr Indemnity v. PC Collections,
25 Wash.App.2d 382, 397, 523 P.3d 805, 814,
review denied sub nom.,
Thomsen Ruston v. Point Ruston,
534 P.3d 805 (Wash. 2023) 1-2

Washington Court Rules

RAP 10.3(c) 1

RAP 13.4(d) 1

I. ARGUMENT

Defendant Schupp supports the Court Clerk's Motion to Strike Plaintiff Bell's Reply. The Reply is prohibited by governing Rules of Appellate Procedure because defendant Schupp merely answered plaintiff Bell's issues:

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).

A reply brief should . . . be limited to a response to the issues in the brief to which the reply is directed.

RAP 10.3(c).

Moreover, the Washington Supreme Court holds that:

A "new" issue is not created merely by supporting a previous ground for relief with different factual allegations or with different legal arguments.

In re Davis, 152 Wash.2d 647, 671, 101 P.3d 1 (2004). See also

Starr Indemnity v. PC Collections, 25 Wash.App.2d 382, 397,

523 P.3d 805, 814, review denied sub nom., *Thomsen Ruston v.*

Point Ruston, 534 P.3d 805 (Wash. 2023) (“Starr is not raising new issues merely because it approaches its arguments in a different way.”)

* * *

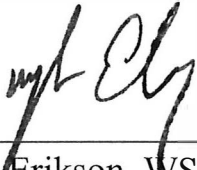
CONCLUSION

Plaintiff Bell’s Reply should be stricken because the defendant Schupp’s Answer was limited to issues raised in plaintiff Bell’s Petition for Review.

Based upon software, this Answer contains 302 words.

DATED this 1st day of November, 2024

ERIKSON & ASSOCIATES, PLLC
Attorney for defendant/respondent Schupp

By: 
Mark A. Erikson, WSBA #23106

CERTIFICATE OF SERVICE

#86630-3-I

I certify that on November 1, 2024, I caused a true and correct copy of the foregoing Answer be served on the following in the manner indicated below:

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by recipient

DATED this 1st day of November, 2024

By: Kris Eklove
Kris Eklove

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November 01, 2024 - 1:49 PM

Transmittal Information

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Superior Court Case Number: 22-2-01457-5

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