

FILED
SUPREME COURT
STATE OF WASHINGTON
10/7/2024 9:21 AM
BY ERIN L. LENNON
CLERK

COURT OF APPEALS OF THE STATE OF
WASHINGTON, DIVISION I

ERIC HOOD,

Appellant

, v.

CITY OF LANGLEY,

Respondent.

No. 850750

Island Co. 16-2-00107-1

**MOTION FOR
EXTENSION OF TIME
TO FILE PETITION
FOR REVIEW**

I. MOTION AND RELIEF SOUGHT

Pursuant to RAP 1.2 and RAP 18.8, appellant moves the Court for an extension of time to file a Petition for Review.

II. FACTS RELEVANT TO MOTION

On July 1, 2024, this Court issued its *Opinion* in this case.

On July 21, 2024, Hood filed, pro se, his *Motion for Reconsideration*.

On August 8, 2024, this Court called for an answer in a cover letter addressed to Hood.

On August 16, 2024, City filed *Respondent's Answer To Motion For Reconsideration*.

On October 5, 2024, Hood remarked to William Crittenden, Hood's former attorney in this case, that this Court had not yet issued a decision on Hood's *Motion for Reconsideration*.

On October 6, 2024, Mr. Crittenden forwarded to Hood for the first time this Court's *Order Denying Motion For Reconsideration*, dated August 26, 2024. The Court's accompanying cover letter was *not* addressed to Hood.

Hood became aware of and was provided this Court's *Order Denying Motion For Reconsideration* for the first time on October 6, 2024.

III. GROUNDS FOR RELIEF

The basis of this Court's 8/26/24 *Order* was not stated, thus whether the Court unintentionally *did* not send its 8/26/24 *Order* to Hood is unclear. If Court's action was unintentional, then Hood argues as follows:

RAP 1.2(a) should be "construed "liberally" to avoid "dismiss[ing] a case solely on the basis of "noncompliance". *In*

re Fero, 190 Wash. 2d 1, 13 (Wash. 2018) *And see In re Carlstad*, 150 Wn. 2d 583, 597 (Wash. 2003) (Sanders, dissenting, on basis that untimeliness was “due to circumstances beyond his control.”) Because Hood was not aware of this Court’s 8/26/24 *Order* until October 6, 2024, an extension of time to file a Petition for Review is warranted. RAP 1.2, 18.8

If this Court intentionally did not send Hood its 8/26/24 *Order* based on City’s claim that Hood was “not permitted to file” his motion because he “is represented here by a PRA lawyer,” *Answer*, p. 2, then Hood argues as follows.

“A “decision terminating review” is defined as having three characteristics: (1) it is filed after review is accepted by the appellate court filing the decision, (2) it terminates review unconditionally, and (3) it is “(i) a decision on the merits.”

Personal Restraint of Lord, 123 Wn. 2d 737, 739 (Wash. 1994).

This Court’s 7/1/24 *Opinion* terminated Mr. Crittenden’s representation of Hood. In addition, City’s claim that Hood was not permitted to file is contradicted by its claim that Hood is “now pro se,” *Answer*, p. 1, and “Mr. Hood” should be

sanctioned. *Id.*, p. 32. City's citation to a criminal case in which a defendant who was *appointed* counsel filed briefs or asked advice has no application or relevance here, and no civil case supports the City's conflicting claims. *Answer*, p. 2.

City's conflicting claims and misrepresentation of case law did not provide a just basis for this Court to intentionally not send its 8/26/24 *Order* to Hood.

City would not be prejudiced by extension of time.

IV. CONCLUSION

For all these reasons, the Court should grant Hood an extension of 30 days after October 7, 2024 to file a Petition for Review of its decisions in this case.

This brief contains 530 words.

DATED this 6th day of October, 2024, by,

s/Eric Hood
Eric Hood
PO Box 1547
360.632.9134
Langley, WA 98260
ericfence@yahoo.com

Pursuant to RCW 9A.72.085, the undersigned hereby certifies
under penalty of perjury according to the laws of the State of
Washington that on the date below the foregoing was delivered
to the following persons via email: Jessica Goldman.

Signed by:

Date: October 6, 2024

s/Eric Hood

Eric Hood
PO Box 1547 360.632.9134
Langley, WA 98260
ericfence@yahoo.com

ERIC HOOD

October 07, 2024 - 9:21 AM

Filing Petition for Review

Transmittal Information

Filed with Court: Supreme Court

Appellate Court Case Number: Case Initiation

Appellate Court Case Title: Eric Hood, Appellant v. City of Langley, Respondent (850750)

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Motion 1 - Extend Time to File

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