

FILED
SUPREME COURT
STATE OF WASHINGTON
12/11/2024
BY ERIN L. LENNON
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Court of Appeals
Division I
State of Washington
12/14/2024 12:53 PM

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

Case #: 1036833

MESHAL Y. EL GAMIA,
Appellant,
vs.
MICHAEL J. ROMOSER and
TRACY A. ROMOSER, husband and
wife, and the marital community
composed thereof,
Respondents,
and
JOHN DOES 1-5,
Defendants.

No. 86222-7-I

ANSWER TO MOTION
TO ENLARGE TIME TO
FILE PETITION FOR
REVIEW

I. IDENTITY OF PARTY

Respondents provide the following response in opposition to appellant's Motion to Enlarge Time to File Petition for Review which was received by respondents on December 2, 2024.

II. RELIEF REQUESTED

Respondents ask this Court to deny appellant's motion.

III. ARGUMENT

Appellant has requested a 64-day extension (from December 26, 2024 to March 1, 2025) to file a Petition for

Review. Appellant has not shown any grounds at all for an extension of time. The motion should be denied.

The Court of Appeals issued its Unpublished Opinion in this case on November 25, 2024. RAP 13.4(a) requires a Petition for Review to be filed as follows:

If no motion to publish or motion to reconsider all or part of the Court of Appeals decision is timely made, a petition for review must be filed within 30 days after the decision is filed.

Any motion for reconsideration or motion to publish would be due by December 16, 2024. Appellant does not mention filing either a motion for reconsideration or motion to publish. The Petition for Review would then be due by December 26, 2024.

RAP 18.8(c) states:

The appellate court will only in extraordinary circumstances and to prevent a gross miscarriage of justice extend the time within which a party must file . . . a petition for review The appellate court will ordinarily hold that the desirability of finality of decisions outweighs the privilege of a litigant to obtain an extension of time under this section.

RAP 18.8(c) is an exception to the general rule of liberal construction of the appellate rules under RAP 1.2(a). The standard of “extraordinary circumstances” is rarely satisfied. *Shumway v. Payne*, 136 Wn.2d 383, 394-95, 964 P.2d 349 (1998).

Appellant has not shown any grounds at all for an extension of time, let alone extraordinary circumstances. The Court should deny his motion.

IV. CONCLUSION


The requirements of RAP 18.8(c) have not been met to extend the time for filing a Petition for Review by appellant. Appellant’s motion should be denied.

CERTIFICATE OF COMPLIANCE

I certify that the Answer to Motion to Enlarge Time to File Petition for Review contains 342 words.

DATED this 4th day of December, 2024.

REED McCLURE

By  _____

Michael S. Rogers
WSBA #16423
Attorneys for Respondents

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CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2024, a copy of the following document was served on counsel as follows via the Washington State Appellate Court's Electronic Filing Portal:

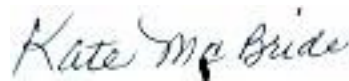
Answer to Motion to Enlarge Time to File Petition for Review

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I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated this 4th day of December, 2024, at Lillian, Alabama.



Kate McBride

060349.099786/1783829

REED MCCLURE

December 04, 2024 - 12:53 PM

Transmittal Information

Filed with Court: Court of Appeals Division I
Appellate Court Case Number: 86222-7
Appellate Court Case Title: Meshal El Gamia, Appellant v. Micheal J. Romoser et al,
Respondent

The following documents have been uploaded:

- 862227_Answer_Reply_to_Motion_20241204124832D1476204_9598.pdf
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