

IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

In the Matter of the Marriage  
of

ISABELLE LATOUR,

Respondent,

and

SEAN KUHLMAYER,

Petitioner.

No. 103736-8

(Court of Appeals  
No. 85544-1-I)

(King County Superior  
Court No. 17-3-011634  
SEA)

**RESPONDENT'S  
ANSWER TO  
PETITIONER'S MOTION  
TO SUPPLEMENT THE  
RECORD**

**1. IDENTITY OF ANSWERING PARTY**

Respondent Isabelle Latour (formerly Isabelle Kuhlmeier) requests the relief identified in Section 2.

**2. STATEMENT OF RELIEF REQUESTED**

Ms. Latour respectfully requests that this Court deny the relief requested by Petitioner in his "Motion for Consideration of Additional Material Relevant to Appellant's Petition for Discretionary Review per RAP 13.4(b)(3) and RAP 13.4(b)(4),

AND Notice of Legislative Action Affecting the Issues Relevant to Discretionary Review,” which this Court is treating as a motion to supplement the record (“Motion”). *See* Letter from Supreme Court Clerk (Feb. 24, 2025).

### **3. FACTS RELEVANT TO THIS ANSWER**

On February 24, 2025, Petitioner Sean Kuhlmeier filed, in relevant part, a motion requesting that the Court consider additional material he believes is relevant to his pending petition for discretionary review. The Clerk of the Court advised the parties that Petitioner’s filing would be treated as a motion to supplement the record and that any answer to the motion should be filed by March 10, 2025. *See* Letter from Supreme Court Clerk (Feb. 24, 2025).

### **4. GROUNDS FOR OPPOSITION AND ARGUMENT**

The Court should deny Petitioner’s Motion. The Motion does not meet the standard to supplement the record under RAP 9.10 because the additional material that Petitioner seeks to

introduce was not part of the record below. *See* RAP 9.10 (providing procedure to supplement the record where a party fails to provide appellate court with a complete record of the proceedings below). Moreover, a motion to supplement the record under RAP 9.10 is warranted only if “the record is not sufficiently complete to permit a decision on the merits of the issues presented for review.” RAP 9.10. Here, Petitioner does not identify any gap in the record that would prevent this Court from deciding the issues presented in this case, should the Court determine that this case merits discretionary review. To the contrary, Petitioner expressly states that “*considering said evidence is not necessary to decide the underlying issues.*” Motion at 3 (underline in original; bold italics added for emphasis). There are accordingly no grounds to supplement the record under RAP 9.10.

Petitioner’s motion also fails under RAP 9.11, which governs the admission of additional evidence on review. Because

the additional evidence that Petitioner seeks to introduce is not needed to decide the underlying issues, this material cannot meet at least three of the six criteria set forth under RAP 9.11, all of which must be met for additional evidence on the merits to be taken on review under this rule. *See* RAP 9.11(a)(1), (2), (6); *State v. Ziegler*, 114 Wn.2d 533, 541, 789 P.2d 79 (1990) (“The appellate court will accept new evidence only if all six conditions are met.”).

Finally, Respondent notes that, under this Court’s rules, a party seeking discretionary review must file a petition for review that complies with the timeliness requirements in RAP 13.4(a), RAP 13.4(c)’s content requirements (including the requirement to be concise, subsection (c)(7)), and the length limitations in RAP 18.17. Mr. Kuhlmeier has already filed his petition for discretionary review. Nothing in RAP 13.4 entitles him to file at this late juncture additional briefing with additional or expanded

arguments on the issue of whether this Court should accept discretionary review.

The Court should deny Petitioner's motion to supplement the record.

\* \* \*

*RAP 18.17(b) Certificate of Compliance with Word Limitations:*  
*The undersigned attorneys certify that this motion contains 544 words, in compliance with RAP 18.17(c)(17).*

DATED this 10th day of March, 2025.

FOSTER GARVEY PC

By: /s/ Adrian Winder  
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*Attorneys for Respondent Isabelle Latour*

## **DECLARATION OF SERVICE**

The undersigned certifies that I am a resident of the State of Washington, I am over the age of twenty-one years, I am not a party to this action, and I am competent to be a witness herein.

On March 10, 2025, I caused to be served the foregoing document as follows:

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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and accurate.

DATED March 10, 2025, at Seattle, Washington.

/s/ McKenna Filler

McKenna Filler, Legal Practice Assistant

# FOSTER GARVEY PC

March 10, 2025 - 3:56 PM

## Transmittal Information

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 103,736-8  
**Appellate Court Case Title:** In the Matter of the Marriage of: Isabelle Latour v. Sean Kuhlmeier

### The following documents have been uploaded:

- 1037368\_Answer\_Reply\_20250310155514SC136814\_7362.pdf  
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