

FILED
SUPREME COURT
STATE OF WASHINGTON
8/28/2025 1:36 PM
BY SARAH R. PENDLETON
CLERK

No. 1042850

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

King County Washington Superior Court No. 19-2-22827-0
State of Washington Court of Appeal Division I, No. 863207

SARA MAYNARD,
Petitioner / Appellant,

v.

JOHN MAYNARD JR., and ATTORNEY JOHN R. HOLMES,
and ESTATE OF HELEN B. MAYNARD (aka Helen B. Maynard Jr.)
By and Through Andrew Pollock McConnell III in His Capacity as
Personal Representative of the Estate of Helen B. Maynard Jr., and
Does 1 through 10, Inclusive, et al,
Respondents / Defendants.

PETITIONER SARA MAYNARD'S ANSWER TO CLERK'S
MOTION TO STRIKE PETITIONER MAYNARD'S AMENDED
REPLY TO RESPONDENT HOLMES' ANSWER TO
PETITIONER MAYNARD'S PETITION FOR REVIEW

Sara Maynard
Petitioner / Appellant
P.O. Box 1075
Sacramento, CA 95812
Phone: (916) 347-8411

I. INTRODUCTION AND RELIEF SOUGHT

Petitioner Sara Maynard respectfully requests this Court to deny the Clerk's Motion to Strike Petitioner Maynard's Amended Reply to Respondent Holmes' Answer to Petitioner Maynard's Petition for Review in the instant matter.

II. FACTS UNDERLYING MOTION

1) Because the Clerk noted its Clerk's Motion to Strike for consideration by a Department of this Court at the same time that this Court considers Petitioner Sara Maynard's pending Petition for Review in this case, as such Petitioner Maynard believes the Justices reviewing said Clerk's Motion to Strike are familiar with the facts and background of this case, thus Petitioner Maynard is not recounting all said facts and background here.

2) As this Court is also aware, Petitioner Maynard's Petition for Review ("Petition") seeks review of the issues in appeal matter No. 863207 presented by the Court of Appeal's

“Order On Motion to Modify” dated May 16, 2025, and the Court of Appeal Clerk’s notation ruling dated December 23, 2024, and the Court of Appeal Commissioner’s notation ruling dated February 21, 2025. Said same denied a large portion of Petitioner Maynard’s mere second request for extension of time to file her opening brief due to a series of required surgeries and severe illness. Said same also dismissed Petitioner Maynard’s appeal matter “No. 863207” based upon erroneous information submitted to the Court by the Respondents. (See WA Supreme Court case No. 1042850, Petition for Review, filed June 16, 2025, pgs. 1 thru pg. 16 and all Appendix).

3) The Respondent Holmes filed an Answer to Petitioner Maynard’s Petition on July 30, 2025. The use of extensive erroneous information by Respondent Holmes in said Answer has caused new and different issues to arise in same. Petitioner Maynard is required to Reply to said new and different issues. Said Respondent Holmes’ Answer also

contained extensive erroneous information regarding Petitioner Maynard's underlying trial court matter (No. 19-2-22827-0), and also regarding Petitioner Maynard's derivative appeal court matter (No. 863207), as well as regarding Petitioner Maynard's adjoining petition for review. (See WA Supreme Court case No. 1042850, "Petitioner Maynard's Amended Reply to Respondent Holmes' Answer to Petitioner Maynard's Petition for Review", filed August 18, 2025, pgs. 1 thru 32 and all Appendix).

4) By having raised both new and different issues containing extensive erroneous information within Respondent Holmes' Answer to Petitioner Maynard's Petition for Review, thereby Holmes' Answer seeks review of issues that were not raised in Petitioner Maynard's Petition for Review, and which said issues are different from those that the Petition seeks to have reviewed. (See WA Supreme Court case No. 1042850, "Petitioner Maynard's Amended Reply to

Respondent Holmes' Answer to Maynard's Petition for Review" filed August 18, 2025, pgs. 1 thru pg. 32 and all Appendix). As such, Respondent Holmes is thus "seeking review of issues not raised in the petition for review" (RAP 13.4(d)), and Petitioner Maynard was thereby caused to file a Reply, which was "limited to addressing only the new issues raised in the Answer" (RAP 13.4(d)).

5) This Court's Clerk responded with a Motion to Strike on the grounds that the said Petitioner Maynard's Amended Reply did not comply with the Rule 13.4(d). Petitioner Maynard respectfully requests this Court deny said Clerk's Motion to Strike. Petitioner Maynard is impaired due to Petitioner Maynard's injuries and illness requiring a series of surgeries. Petitioner Maynard is not able to write, nor type on a computer (and does not have a computer). As such, the instant "Petitioner Sara Maynard's Answer To Clerk's Motion To Strike Maynard's Amended Reply" is having to be verbally dictated to another individual.

III. ARGUMENT SUPPORTING OPPOSITION

The Rules of Appellate Procedure are designed to be “liberally interpreted to promote justice and facilitate the decision of cases on the merits.” RAP 1.2(a). RAP 13.4(d) says a Reply to an Answer to a Petition for Review can be filed only where the Answer “seeks review of issues not raised in the petition for review”. The Clerk apparently reads the phrase “seeks review” to mean that the party wishes for the Court to take review of the case, but on (or including) a different issue. However, a party who seeks to interject a new issue into the case and thereby obtain an order that terminates the case also “seeks review” of those arguments in avoidance. In fact, they are asking for more than just “review”, they are asking the Court to review their issues *and* to render a dispositive order denying the Petition based upon those said issues and their supporting arguments.

The Clerk’s apparent interpretation of the Rule to preclude Petitioner from responding to newly raised and dispositive

procedural objections like those made here certainly does not “facilitate the decision of cases on the merits.” RAP 1.2(a). It does just the opposite, as here many issues raised in the Respondent’s Answer are based upon erroneous information and prevent the Court from ever reaching the merits.

Reading this Rule to preclude Petitioner Maynard from replying to these objections also would not “promote justice.” RAP 1.2(a).

Even if the Clerk’s interpretation of RAP 13.4(d) was correct here (which respectfully it is not), this Court has authority and discretion to “waive or alter” the Rules of Appellate Procedure “in order to serve the ends of justice.” RAP 1.2(c); see also RAP 18.8(a). If this Court holds that Respondent Holmes is not “seek[ing] review” of the new issues on which Holmes’ Answer asks this Court to resolve this case within the meaning of RAP 13.4(d), the ends of justice would be served by waiving or altering the restrictions of that Rule, so it can at least

consider what Petitioner Maynard's Amended Reply has to say about Respondent Holmes' new issues, and about Holmes' extensive erroneous information contained within Holmes' Answer to Maynard's Petition. (See WA Court Appeal Division I, case No. 863207, "Maynard Reply to Holmes' Response to Maynard's Petition for Review Renamed as Motion to Modify", filed May 1, 2025, all pages; Also See WA Court Appeal Division I, case No. 863207 "Maynard Reply to Holmes Answer to Maynard's Motion For Extension Time to File Opening Briefs", filed December 16, 2024, all pages).

IV. CONCLUSION

Petitioner Sara Maynard respectfully requests this Court deny the Clerk's Motion to Strike Petitioner Maynard's Amended Reply to Respondent's Answer in the instant matter, and to allow Petitioner Maynard's Amended Reply to be considered by this Court in connection with Petitioner Maynard's Petition for Review.

Dated: August 28, 2025

By: "/s/ [Sara Maynard]"
Sara Maynard
Petitioner
P.O. Box 1075
Sacramento, CA 95812
Phone: 916-347-8411

CERTIFICATE OF COMPLIANCE WITH RAP 18.17

Petitioner Sara Maynard is informed and believes this document does not exceed 5,000 words. Petitioner believes this document contains approximately 1,109 words, excluding the parts of the document exempted from the word count by RAP 18.17.

Dated: August 28, 2025

By: "/s/ [Sara Maynard]"

Sara Maynard

Petitioner

P.O. Box 1075

Sacramento, CA 95812

Phone: 916-347-8411

No. 1042850

CERTIFICATE OF SERVICE

I certify that on the date shown below I sent a copy of the foregoing
via Email to the following:

Attorney Jeffrey Downer
Lee Smart P.S. Inc.
701 Pike Street #1800
Seattle, WA 98101
Email: <Jpd@leesmart.com>

Attorney Alec Anderson
Lee Smart P.S. Inc.
701 Pike St. #1800
Seattle, WA 98101
Email: <aja@leesmart.com>

Attorney Isham Reavis
Aoki Law PLLC
1200 5th Ave. #750
Seattle, WA 98101
Email: <isham@aokilaw.com.>

Dated: August 28, 2025

By: "/s/ [Sara Maynard]"
Sara Maynard
Petitioner
P.O. Box 1075
Sacramento, CA 95812
Phone: 916-347-8411

APPELLANT PRO SE

August 28, 2025 - 1:36 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 104,285-0
Appellate Court Case Title: Sara Maynard v. John Maynard Jr. and Mary Maley Maynard, et al.

The following documents have been uploaded:

- 1042850_Other_20250828131303SC538978_9080.pdf

This File Contains:

Other - Petitioner Answer Clerk Motion Strike

The Original File Name was Petitioner Sara Maynard's Answer To Clerk's Motion To Strike Petitioner Maynard's Amended Reply To Respondent Holmes' Answer to Maynard's Petition For Review.pdf

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- mark.m.miller@farmersinsurance.com
- sef@montgomerypurdue.com
- shn@leesmart.com

Comments:

Sender Name: Sara Maynard - Email: bonniemattthews80@gmail.com

Address:

P.O. Box 1075

Sacramento, CA, 95812

Phone: (916) 347-8411

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