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SUPREME COURT  
STATE OF WASHINGTON  
10/7/2025  
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Court of Appeals  
Division I  
State of Washington  
10/6/2025 2:20 PM

Melissa Auclair, Petitioner, v. State of Washington, Employment Security Case #: 1043244  
Department, Respondent.  
Supreme Court No. 1043244  
Court of Appeals No. 86507-2-I

## **1. INTRODUCTION**

Petitioner Melissa Auclair, pro se, responds to the Clerk's Motion to Strike her Reply to Answer to Petition for Review (filed September 23, 2025), set for consideration with her Petition for Review. The Reply is permitted under RAP 13.4(d) because it addresses new issues raised in Respondent's Answer (filed September 3, 2025) and clarifies mischaracterizations critical to the Court's review under RAP 13.4(b)(1)–(4). Striking the Reply would prejudice Petitioner's due process rights and hinder fair consideration of her Petition.

## **2. ARGUMENT**

### **A. The Reply Addresses New Issues Raised in the Answer**

RAP 13.4(d) permits a reply to address "issues not raised in the petition for review" that the answering party seeks to review. Respondent's Answer (pp. 15-16) argues that Petitioner's cited cases—*Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 70 S. Ct. 652 (1950); *Ortiz-Santiago v. Barr*, 924 F.3d 956 (7th Cir. 2019); and *Estate of Lint v. Bowers*, 135 Wn.2d 518, 957 P.2d 755 (1998)—are "inapposite" and omits discussion of *Farrow v. Dep't of Labor & Indus.*, 179 Wn. App. 653, 320 P.3d 101 (2014), cited in the Petition (Petition at 2). These claims introduce new legal issues about the applicability of Petitioner's precedents, not fully addressed in the Petition. The Reply's Section F (Reply at 5) explains why these cases apply to the notice and due process violations (e.g., AR 33, 483 (FF 14); RCW 34.05.434), directly responding to Respondent's arguments. This complies with RAP 13.4(d).

## **B. The Reply Clarifies Mischaracterizations and Ensures Fair Review**

The Answer mischaracterizes Petitioner's testimony as an admission of negligence (Answer at 14-15; AR 37, 483 (FF 15)) and claims she raised her mother's death late (Answer at 20; AR 503-04), despite evidence in the Administrative Record (AR 55-57, 423-24). The Reply (Sections B, D) corrects these errors, ensuring the Court has accurate facts for review under RAP 13.4(b)(1) (conflict with precedent) and (b)(2) (constitutional issues). As a pro se litigant, Petitioner is entitled to leniency in procedural compliance (*In re Pers. Restraint of Khan*, 184 Wn.2d 679, 693, 363 P.3d 577 (2015)). Striking the Reply would prejudice her ability to address Respondent's distortions, undermining judicial fairness (*In re Marriage of Brown*, 98 Wn.2d 46, 653 P.2d 602 (1982)).

## **C. The Reply Supports Public Interest and Judicial Economy**

The Reply's Section E highlights systemic notice issues affecting ~15,000-18,000 annual UI appellants (*ESD Benefits Data Dashboard, August 2025, esd.wa.gov/unemployment/dashboard*), reinforcing the public interest for review under RAP 13.4(b) (4). Retaining the Reply aids the Court in evaluating these widespread implications without additional filings, serving judicial economy.

## **3. CONCLUSION**

The Reply complies with RAP 13.4(d) by addressing new issues and clarifying Respondent's mischaracterizations. Petitioner respectfully requests the Court deny the Clerk's Motion to Strike and consider the Reply with the Petition for Review.

Dated: October 6th, 2025

*Melissa Auclaire*

Melissa Auclaire, Pro Se

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**CERTIFICATE OF SERVICE**

I certify that on October 6th, 2025, I served the Answer to Clerk's Motion to Strike on Respondent's counsel via email (Marya.Colignon@atg.wa.gov, LALSeaEF@atg.wa.gov).

**MELISSA AUCLAIRE - FILING PRO SE**

**October 06, 2025 - 2:20 PM**

**Transmittal Information**

**Filed with Court:** Court of Appeals Division I  
**Appellate Court Case Number:** 86507-2  
**Appellate Court Case Title:** Melissa Auclaire, Appellant v. Wa State Employment Security Dept., Respondent  
**Superior Court Case Number:** 23-2-02073-9

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- 865072\_Answer\_Reply\_to\_Motion\_20251006142024D1852972\_5345.pdf  
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