

No. 104365-1

SUPREME COURT  
OF THE STATE OF WASHINGTON

In re the Marriage of:

ROBERT W. COONEY,

Respondent,

and

HILLARY A. BROOKS,

Petitioner.

REPLY IN SUPPORT OF  
MOTION TO STRIKE  
PETITIONER'S  
STATEMENT OF  
ADDITIONAL  
AUTHORITIES

---

Respondent Robert W. Cooney submits this reply in support of his motion to strike petitioner Hillary Brooks's Statement of Additional Authorities.

Contrary to Brooks's assertion, her purported Statement of Additional Authorities is indeed an improper

reply to Cooney's answer to petition, which this Court should strike. A party answering a petition for review raises "new issues" allowing a reply, *only* if the party seeks "review of any issue that is not raised in the petition for review, including any issues that were raised but not decided in the Court of Appeals." RAP 13.4(d).

Cooney's answer did not raise "new issues" warranting a reply under RAP 13.4(d), as he did not ask this Court to review any issues. Instead, Cooney expressly asked this Court to deny review. (*See Answer 1, 30*)

As Cooney did not seek review of any issues in this Court, Brooks was not entitled to file a reply and her argument otherwise is the exact "abuse" of RAP 13.4(d) "by petitioning parties who attempt to cast an answering party's arguments in response to a petition for review as 'new issues' in order to reargue issues raised in the petition" that the drafters of the rule sought to eliminate when the rule was amended in 2006. 3 *Wash. Prac., Rules*

*Practice*, RAP 13.4 (9th ed.). As intended by the drafters, a reply under RAP 13.4(d) “is not warranted simply because the responding party, in the answer, presented arguments not addressed in the petition for review. ‘Argument’ and ‘issue’ are not synonymous” and the rule was expressly amended “to curb abuse by petitioning parties casting an answering party’s arguments as “new issues” warranting a reply.” 3 *Wash. Prac., Rules Practice*, RAP 13.4.

Brooks was apparently aware that she was not entitled to file a reply to Cooney’s answer because she designated her purported reply as a “Statement of Additional Authorities.” This Court should strike the Statement of Additional Authorities as it is a clear misuse of RAP 10.8 to avoid the restrictions of RAP 13.4(d), which does not allow a reply unless the other party seeks review of an issue by this Court.

*I certify that this reply is in 14-point Georgia font and contains 353 words, in compliance with the Rules of Appellate Procedure. RAP 18.17(b).*

Dated this 10<sup>th</sup> day of September, 2025.

SMITH GOODFRIEND, P.S.

By: /s/ Valerie A. Villacin  
Valerie A. Villacin  
WSBA No. 34515

1619 8<sup>th</sup> Avenue North  
Seattle, WA 98109  
(206) 624-0974

Attorneys for Respondent

## **DECLARATION OF SERVICE**

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct:

That on September 10, 2025, I arranged for service of the foregoing Reply in Support of Motion to Strike Petitioner's Statement of Additional Authorities, to the Court and to the parties to this action as follows:

Office of Clerk Washington Supreme Court Temple of Justice P.O. Box 40929 Olympia, WA 98504-0929	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-File
Evyn G. Kuske Wechsler Becker LLP 701 5 <sup>th</sup> Avenue, Suite 4550 Seattle, WA 98104-7088 <a href="mailto:egk@wechslerbecker.com">egk@wechslerbecker.com</a>	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail
Hillary A. Brooks 2900 NW Clearwater Drive # 200-66 Bend, OR 97703 <a href="mailto:hillarybrooks@icloud.com">hillarybrooks@icloud.com</a>	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail

**DATED** at Brooklyn, New York this 10<sup>th</sup> day of  
September, 2025.

/s/ Andrienne E. Pilapil  
Andrienne E. Pilapils

**SMITH GOODFRIEND, PS**

**September 10, 2025 - 3:52 PM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 104,365-1  
**Appellate Court Case Title:** Robert W. Cooney v. Hillary A. Brooks

**The following documents have been uploaded:**

- 1043651\_Answer\_Reply\_20250910155145SC108462\_9768.pdf  
This File Contains:  
Answer/Reply - Reply to Answer to Motion  
*The Original File Name was 2025 09 10 Reply ISO Motion to Strike.pdf*

**A copy of the uploaded files will be sent to:**

- cate@washingtonappeals.com
- egk@wechslerbecker.com
- hillary@brooksquinn.com
- hillarybrooks@icloud.com

**Comments:**

---

Sender Name: Andrienne Pilapil - Email: andrienne@washingtonappeals.com

**Filing on Behalf of:** Valerie A Villacin - Email: valerie@washingtonappeals.com (Alternate Email: andrienne@washingtonappeals.com)

Address:  
1619 8th Avenue N  
Seattle, WA, 98109  
Phone: (206) 624-0974

**Note: The Filing Id is 20250910155145SC108462**