

RECEIVED  
 SUPREME COURT  
 STATE OF WASHINGTON  
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SUPREME COURT  
 OF THE STATE OF WASHINGTON

In re Marriage of:	)	
	)	
RICHARD B. FERGUSON,	)	No. 89672-1
	)	
Respondent,	)	REPLY TO RESPONDENT'S
	)	ANSWER/RESPONSE TO MOTION TO
and	)	EXTENSION OF TIME TO FILE PETITION
	)	FOR DISCRETIONARY REVIEW
PAMELA M. FERGUSON,	)	
	)	
Petitioner.	)	
	)	

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Petitioner Pamela Ferguson (“Pamela”)<sup>1</sup> replies as follows to Respondent Dr. Richard Ferguson’s answer/response to her motion for extension of time to file petition for discretionary review.

**THE PARTIES AGREED TO ACCEPT ELECTRONIC SERVICE**

From the inception of this case and continuing up until Richard filed his Answer/Response to the instant motion, the parties have electronically served each other with pleadings by agreement. Richard’s Answer/Response was the first pleading, whether in the trial court or during this appeal, that was not electronically served. Also, it is important to note that Richard’s counsel does not

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<sup>1</sup> The parties are referred to by their first names for ease of reference. No disrespect to anyone is intended.

deny that he actually received the electronic copy of the instant motion on December 9, 2013, the due date.

A fifteen minute review of the file yielded the following documentary evidence of the parties' long-standing agreement to accept electronic service in this case. On March 2, 2012, Natalie Reed, paralegal for Pamela's counsel, had a telephone conversation with Jackie Chafee, paralegal for Richard's counsel. During that conversation, they agreed that "email service is acceptable." This agreement was confirmed in the email attached hereto as **Exhibit 1**.

Much more recently, in the course of this appeal, Richard filed his supplemental designation of clerk's papers and Brief of Respondent. On September 5, 2012, Barb Zimmerman, legal assistant to Richard's counsel, sent the email attached hereto as **Exhibit 2** indicating that she was emailing Richard's appellate pleadings to Pamela's counsel "per your agreement with Mr. Schweinler to allow service of documents via email."

The parties had a valid agreement to accept service of documents in this case via email. Moreover, Richard's counsel received an electronic copy of the petition for discretionary review on the due date, December 9, 2013.

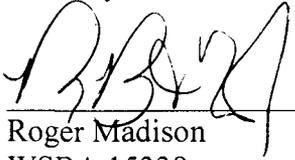
#### **RICHARD'S RESPONSE ON THE MERITS**

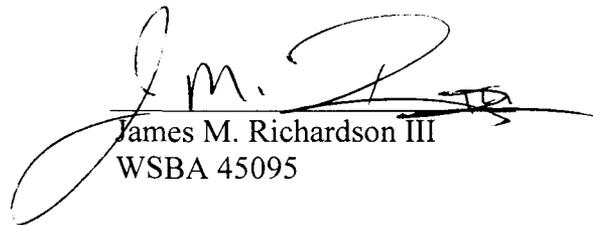
Richard declined the Court's invitation to file a response to Pamela's petition for discretionary review, so no reply is necessary on the issues set forth in

the petition. Similarly, Richard does not attempt to distinguish any of the cases cited in Pamela's motion, so she does not believe a reply is necessary.

Respectfully submitted this 12th day of February, 2014.

**MADISON LAW FIRM, PLLC**  
Attorneys for Petitioner

  
\_\_\_\_\_  
Roger Madison  
WSBA 15338

  
\_\_\_\_\_  
James M. Richardson III  
WSBA 45095

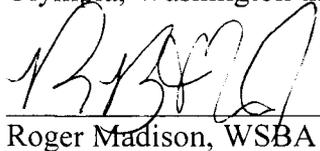
2102 Carriage Dr. S.W.,  
Suite A-103  
Olympia, WA 98502  
T 360.539.4682  
F 360.915.9236

Declaration:

I, Roger Madison, attorney for Petitioner Pamela Ferguson, hereby declare as follows:

I am over the age of eighteen and am competent to testify herein. Based on personal knowledge, the factual assertions set forth above under the heading "THE PARTIES AGREED TO ACCEPT ELECTRONIC SERVICE" are true and correct, and Exhibits 1 and 2 hereto are true and correct copies of the documents they represent.

Signed under penalty of perjury under the laws of the State of Washington at Olympia, Washington this 12<sup>th</sup> day of February, 2014

  
\_\_\_\_\_  
Roger Madison, WSBA 15338

**DECLARATION OF SERVICE**

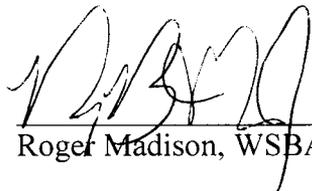
The undersigned declares under penalty of perjury under the laws of the State of Washington that the following is true and correct:

That on February 12, 2014, I arranged for service of the foregoing REPLY TO RESPONDENT'S ANSWER/RESPONSE TO MOTION TO EXTENSION OF TIME TO FILE PETITION FOR DISCRETIONARY REVIEW, to the Court and counsel for the parties to this action as follows:

Office of Clerk  
Supreme Court of Washington  
Temple of Justice  
Olympia, WA 98504  
Via Hand Delivery

Mr. Roger Schweinler, Attorney for Respondent  
McCarthy & Causseaux, P.S.  
902 S. 10th St.  
Tacoma, WA 98405-4537  
Via email and U.S. Mail, first class postage prepaid

Dated at Olympia, Washington this 12th day of February, 2014.

  
\_\_\_\_\_  
Roger Madison, WSBA 15338

# **EXHIBIT 1**

# **EXHIBIT 1**

## Natalie Reed

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**From:** Natalie Reed  
**Sent:** Friday, March 02, 2012 9:13 AM  
**To:** 'mch-secretary@mchlawoffices.com'  
**Cc:** Roger Madison; Jennifer Fernandes  
**Subject:** FW: Marriage of Ferguson Service 03/02/12  
**Attachments:** MTN\_FOR\_RECONSIDERATION.pdf; NOTE\_FOR\_MOTION\_DOCKET.pdf

Jackie:

To follow up on your just ended conversation, below is the email I sent to Mr. Schweinler with the attached Motion for Reconsideration and Note for Motion Docket.

This email will also confirm that email service is acceptable. I will send a courtesy copy of the attached via ABC as well.

Thank you,  
Natalie Reed, ALS  
Paralegal  
Madison Law Firm, PLLC  
2102 Carriage Dr. S.W., Suite A-103  
Olympia, WA 98502  
T 360.539.4682  
F 360.915.9236  
[www.MadisonLF.com](http://www.MadisonLF.com)

IMPORTANT/CONFIDENTIAL: This e-mail message (and any attachments accompanying it) may contain confidential information, including information protected by attorney-client privilege. The information is intended only for the use of the intended recipient(s). Delivery of this message to anyone other than the intended recipient(s) is not intended to waive any privilege or otherwise detract from the confidentiality of the message. If you are not the intended recipient, or if this message has been addressed to you in error, do not read, disclose, reproduce, distribute, disseminate or otherwise use this transmission, rather, please promptly notify the sender by reply e-mail, and then destroy all copies of the message and its attachments, if any.

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**From:** Natalie Reed  
**Sent:** Friday, March 02, 2012 8:58 AM  
**To:** 'r.schweinler@mchlawoffices.com'  
**Cc:** Roger Madison; Jennifer Fernandes  
**Subject:** Marriage of Ferguson Service 03/02/12

Mr. Schweinler:

Please find attached Motion for Reconsideration of Order on Motion for Revision and Note for Motion Docket for March 16, 2012.

Please confirm receipt of this email and that you were able to open the attachments. Please let our office know if you would like a hard copy as well.

Sincerely,  
Natalie Reed, ALS  
Paralegal  
Madison Law Firm, PLLC  
2102 Carriage Dr. S.W., Suite A-103

# **EXHIBIT 2**

# **EXHIBIT 2**

## Roger Madison

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**From:** MCH-Secretary [mch-secretary@mchlawoffices.com]  
**Sent:** Wednesday, September 05, 2012 3:28 PM  
**To:** Roger Madison  
**Cc:** Roger Schweinler; Victoria Dorman  
**Subject:** Ferguson Appeal  
**Attachments:** Designation of Clerk's 9.5.12.pdf; Respondentt Brief.pdf

**Importance:** High

Mr. Madison,

Attached please find a copy of the following documents which are being served on you per your agreement with Mr. Schweinler to allow service of documents via e-mail:

1. Supplemental Designation of Clerk's Paper; and
2. Brief of Respondent

Sincerely,

*Barb Zimmerman*

**Legal Assistant to Roger C. Schweinler**  
**McCarthy & Causseaux**  
902 South 10th Street  
Tacoma, Washington 98405  
Phone: (253) 272-2206