

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
May 23, 2014, 11:44 am
BY RONALD R. CARPENTER
CLERK

E CPA
RECEIVED BY E-MAIL

NO. 900540

**SUPREME COURT OF THE
STATE OF WASHINGTON**

JOYCE KELLEY, Individually, Respondent

v.

PIERCE COUNTY, a county corporation, MARK SKAGREN & "JANE
DOE" SKAGREN, Petitioners

**ANSWER TO RESPONDENT'S MOTION FOR EXTENSION OF
TIME**

MARK LINDQUIST
Prosecuting Attorney

By
DANIEL R. HAMILTON
Deputy Prosecuting Attorney
Attorneys for Petitioner Pierce County

955 Tacoma Avenue South
Suite 301
Tacoma, WA 98402
PH: (253) 798-7746

 ORIGINAL

A. FACTS RELEVANT TO MOTION

On March 24, 2014, Pierce County filed its petition for review of the decision by Division Two of the Washington State Court of Appeals in *Kelley v. Pierce County*, ___ Wn.App. ___, 319 P.3d 74 (2014). See 3/24/14 Petition. Almost two months later, on May 16, 2014, respondent Joyce Kelley filed both an overlength, 27-page "Respondent's Answer to Petition for Review" and a "Motion for Extension of Time to File Answer to Petition For Review."

The County has filed a motion to strike the Answer on the ground of its overlength. It hereby also files its Answer objecting to respondent's untimely motion to extend the time for filing her untimely Answer.

B. ARGUMENT

Respondent's 27-page "Answer to Petition for Review" is not only overlength by almost a third, *see* RAP 13.4(f) ("The petition for review, answer, or reply should not exceed 20 pages, double spaced, excluding appendices"), but also is untimely. Though RAP 13.4(d) requires "[a]ny answer should be filed within 30 days after the service on the party of the petition," respondent waited 53 days before submitting either a proposed answer or a motion seeking an extension of time. Compare 3/24/14 Petition with 5/16/14 Answer; 5/16/14 Motion for Extension. Respondent

nowhere explains why she waited until 23 days had passed after the due date of the underlying Answer before bothering to seek such an extension.

C. CONCLUSION

Having never sought permission to file an overlength answer, and having not sought an extension of time to file an untimely answer until almost a month after the Answer's due date, petitioner respectfully requests respondent's unexplained and untimely motion for an extension be denied.

Respectfully submitted this 23rd day of May, 2014.

MARK LINDQUIST
Prosecuting Attorney

s/ DANIEL R. HAMILTON
DANIEL R. HAMILTON
State Bar Number 14658
Pierce County Prosecutor / Civil
955 Tacoma Avenue South, Suite 301
Tacoma, WA 98402-2160
Ph: 253-798-7746 / Fax: 253-798-6713
Email: dhamilt@co.pierce.wa.us
Attorneys for Petitioner Pierce County

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing ANSWER TO MOTION FOR EXTENSION OF TIME was delivered this 23rd day of May, 2014, by electronic mail and to ABC-Legal Messengers, Inc., with appropriate instruction to forward the same to the following:

Thaddeus P. Martin
Law Offices of Thaddeus P. Martin & Associates
4928 – 109th Street Sw
Lakewood, WA 98499
Email: tmartin@thadlaw.com

Christopher Keay
Johnson, Graffe, Keay, Moniz & Wick, LLP
Attorneys at Law
2115 North 30th Street, Suite 101
Tacoma, WA 98403
Email: ckeay@jgkmw.com

s/ CHRISTINA SMITH _____
CHRISTINA SMITH
Legal Assistant
Pierce County Prosecutor's Office
Civil Division, Suite 301
955 Tacoma Avenue South
Tacoma, WA 98402-2160
Ph: 253-798-7732 / Fax: 253-798-6713

OFFICE RECEPTIONIST, CLERK

From: OFFICE RECEPTIONIST, CLERK
Sent: Friday, May 23, 2014 11:45 AM
To: 'Christina Smith'
Cc: Dan Hamilton; PCPATVECF; Thaddeus Martin; 'ckeay@jgkmw.com'
Subject: RE: 90054-0 Kelley v. Pierce County - Motion to Strike / Answer to Motion for Extension of Time

Rec'd 5-23-14

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Christina Smith [mailto:csmith1@co.pierce.wa.us]
Sent: Friday, May 23, 2014 11:39 AM
To: OFFICE RECEPTIONIST, CLERK
Cc: Dan Hamilton; PCPATVECF; Thaddeus Martin; 'ckeay@jgkmw.com'
Subject: 90054-0 Kelley v. Pierce County - Motion to Strike / Answer to Motion for Extension of Time

Clerk of the Court,

You will please find attached the following documents:

- Answer to Respondent's Motion for Extension of Time
- Motion to Strike Untimely Overlength Answer

These documents are being sent for filing in the matter of Joyce Kelley v. Pierce County, et al., Washington Supreme Court Case No. 90054-0. All parties of record have been cc'd on this email.

Thank you.

~~~~~  
**Christina Smith** | Legal Assistant 3 | Pierce County Prosecutor's Office - Civil Division  
955 Tacoma Avenue South, Suite 301, Tacoma, WA 98402  
Phone: 253-798-7732 | Fax: 253-798-6713 | Email: [Christina.Smith@co.pierce.wa.us](mailto:Christina.Smith@co.pierce.wa.us)

