



the unexpected death of a long-time friend who had been part of our Advent and Lent couples group that has been meeting each year since fall, 1985. That notice was served on counsel and the Court of Appeals in this case. *Id.*

4. While both I and my legal assistant were on vacation, on Monday the 4<sup>th</sup> of August, the Court of Appeals denied the reconsideration motion, starting the clock for filing a petition for review. Both my legal assistant and I returned to the office on Monday August 11. The deadline for the petition was calendared for September 4 on our master appellate calendar, apparently on the basis that 30-days from August 4 is September 4.

5. I take great care with strict appeal-related deadlines, particularly those for filing a notice of appeal, filing for reconsideration, filing a petition for review, and filing amicus briefs prior to oral argument. We maintain a double-date system for calendaring deadlines in our office which is kept up by staff. But even though we have that system in place, my regular and normal practice for such deadlines is to personally re-check all such deadlines by hand-count the weekend before the scheduled deadline to be certain the deadline is correct and will be met. Due to the extraordinary events of August 29, which followed all too closely to the sudden death of my close friend, I did not re-check the deadline for the petition and did not discover it had been mis-calendared by one day until I received the Court's September 16 letter.

6. I returned from shortened vacation on August 11 to a very busy schedule that ran through the Labor Day Weekend (and indeed, has continued unabated until this week, as noted in footnote 1 of the accompanying motion). This included two filings and a hearing in Pierce County Superior Court and a consequential filing in Division II as to a guardianship appeal in Division II, all by August 22, sandwiched around filing an amicus brief in this Court on August 15 in No. 89902-9 and filing an answer to a motion for discretionary review on August 25 in Division I. At that point, on August 26, the work on the petition was on track. I had planned to file it at least one day before the calendared deadline if possible, in part because I had filings in two other matters calendared for filing on the 5<sup>th</sup>.

7. I had informed my client I would be sending her a draft by the end of the day on Friday the 29<sup>th</sup>. But on that day a horrible, extraordinary tragedy shook me and my firm. It, quite properly, altered our focus for the rest of the day and the immediate term. As a result, among other things, I did not do my regular re-check of the filing date that Friday afternoon before sending the draft to the client because no near-final (or any) draft was sent to the client on the 29<sup>th</sup>. Rather, a less-complete, in-progress draft from mid-day the 29<sup>th</sup> was sent on Saturday morning the 30<sup>th</sup>.

8. The morning of the 29<sup>th</sup>, a young attorney bicycling to work was struck and killed on Second Avenue when a truck turned left through the bike lane to go east on University Street. The cyclist

was the partner of an associate in our firm who had worked here over three years and had recently left the firm, in part to be the primary parent of their eight-month-old daughter, to whom our associate had given birth in January.<sup>1</sup> She had assisted me on several appeals, including the opening brief in this appeal, before going on maternity leave in late January.

9. Our office was contacted as the medical authorities were trying to identify the victim and her next of kin and were led to our firm by our former associate's photo in the cyclist's phone. Those of us who had worked closely with her learned about the circumstances first, then the entire office was told by early afternoon. All of us were stunned. They had planned to marry in September and had a full life together ahead of them.

10. It was a shock and difficult for all of us. The news hit the associates especially hard, particularly the women in her peer group. The associate assisting with drafting the petition simply had to leave the office after learning what happened; work was not possible or practical for her, nor for me the rest of the day, or the next. Two other associates who knew her best went to her home and stayed the

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<sup>1</sup> The Seattle Times on-line article, published on the 29<sup>th</sup> in mid-day, now reflecting the August 30, 7 pm update, states in part:

**Cyclist killed days before city to upgrade  
notorious bike lane**

The woman killed in Friday's bicycle crash has been identified by her employer as attorney and new mother . . .

[http://seattletimes.com/html/localnews/2024421617\\_cyclistkilledxml.html](http://seattletimes.com/html/localnews/2024421617_cyclistkilledxml.html)

night with her and the baby until family members could begin to arrive from out of town over the weekend. They, others in the firm, and the firm itself have continued to give continuing support.

11. These events disrupted the work on the petition, which stopped mid-day on the 29<sup>th</sup> and did not resume until September 1. Rather than send off a near-final draft to my client on Friday the 29<sup>th</sup> as planned, all I could do on the 30<sup>th</sup> was email the version as it existed mid-day on the 29<sup>th</sup> via an email with an explanation, to which my client responded, as indicated below:

**From:** Miller, Greg  
**Sent:** Friday, August 29, 2014 8:35 AM  
**To:** 'karla maia'  
**Cc:** Pan, Puthy; Norgaard, Cathy; Cunningham, Melissa J.  
**Subject:** RE: Mala appeal - Petition for review

OK, thanks Karla. I'll send along the draft this afternoon.

Greg

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**From:** Miller, Greg  
**Sent:** Saturday, August 30, 2014 8:59 AM  
**To:** karla maia  
**Cc:** Cunningham, Melissa J.; Norgaard, Cathy; Alexandra Moore-Wulsin  
**Subject:** Maia appeal -- Draft Petition for Review

Hi Karla:

Attached is the draft petition for review as of yesterday afternoon. I got completely diverted from working on it yesterday after learning that the bicyclist who was killed downtown yesterday morning on her way to work was the partner of one of our associate attorneys who had just left the firm to care for their 8-month old baby; a total tragedy.

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**From:** karla maia  
**Sent:** Saturday, August 30, 2014 3:08 PM  
**To:** Miller, Greg  
**Subject:** your sad news

Greg,  
I am so sorry to hear about the sad news so close to you and your office colleagues. I can only imagine how hard it is for all to accept a fatality as such.  
My prayers and thoughts for the family and little baby.

I have just printed the draft, to read it shortly and I will get back to you, then.

K

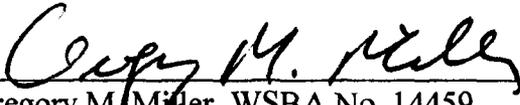
12. We began to resume work on the petition on September 1. I was still not fully focused. We completed the petition and filed it on the date it had been calendared, September 4. As for the other scheduled filings, I requested an extension for one of the filings due on the 5<sup>th</sup> and managed to file the other on the 5<sup>th</sup>, as calendared.

13. I have never missed a deadline for a petition for review in the appellate courts, in part because I am careful to double-check and personally back-up whatever calendaring system is in place. Had the extraordinary and tragic events of August 29 not intervened, I would have done that double-check that afternoon and corrected the due date for the petition with my usual re-check of such due dates, and the petition would have been filed on September 3.

14. It would be a gross miscarriage of justice if Petitioner Karla Maia's petition for review, which I believe is meritorious, were not allowed to be considered because of the consequences of the

intervening events of August 29, over which she and counsel had no control.

Signed at Seattle, Washington on October 10, 2014.

  
\_\_\_\_\_  
Gregory M. Miller, WSBA No. 14459

WASHINGTON STATE COURT OF APPEALS, DIVISION I  
OF THE STATE OF WASHINGTON

In re Marriage of:

KARLA MAIA

(fka Karla Maia-Hanson),

Appellant,

v.

BRADLEY HANSON,

Respondent.

NO. 70249-1-I

NOTICE OF  
UNAVAILABILITY OF  
COUNSEL

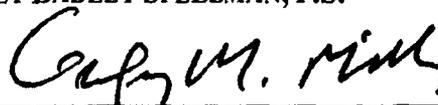
PLEASE TAKE NOTICE that Gregory M. Miller, counsel for appellant will be unavailable from August 4, 2014 through August 10, 2014. Counsel will be attending a funeral on August 4 and thereafter will be on family vacation outside the Seattle area.

The undersigned requests that no motions, hearings, oral arguments, or other matters requiring any response or attention by this office be scheduled during this period.

Respectfully submitted this 1<sup>st</sup> day of August, 2014.

CARNEY BADLEY SPELLMAN, P.S.

By



Gregory M. Miller, WSBA 14459  
Melissa J. Cunningham, WSBA 46537  
CARNEY BADLEY SPELLMAN, P.S.  
701 Fifth Avenue, Suite 3600  
Seattle, Washington 98104-7010  
Telephone: (206) 622-8020  
Facsimile: (206) 467-8215  
*Attorneys for Appellant Karla Maia*

NOTICE OF UNAVAILABILITY OF  
COUNSEL - 1

MAI009-0001 2422028.docx

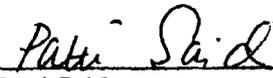
Ex A.

**CERTIFICATE OF SERVICE**

The undersigned certifies under penalty of perjury under the laws of the State of Washington that I am an employee at Carney Badley Spellman, P.S., over the age of 18 years, not a party to nor interested in the above-entitled action, and competent to be a witness herein. On the date stated below, I caused to be served a true and correct copy of the foregoing document on the below-listed attorney(s) of record by the method(s) noted:

<p>Teresa Carroll McNally The Law Office of Teresa C. McNally PLLC 1424 4th Ave., Ste. 1002 Seattle, WA 98101-4604 Phone: 206-374-8558 Fax: 206-441-1869 Email: <a href="mailto:teresa@mcnallylegal.com">teresa@mcnallylegal.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Messenger <input type="checkbox"/> Fax <input type="checkbox"/> email <input type="checkbox"/> Other</p>
<p>Ms. Catherine Wright Smith Valerie A. Villacin Smith Goodfriend, P.S. 1619 8th Ave. N Seattle, WA 98109-3007 Phone: (206) 624-0974 Fax: (206) 624-0809 Email: <a href="mailto:cate@washingtonappeals.com">cate@washingtonappeals.com</a> Email: <a href="mailto:valerie@washingtonappeals.com">valerie@washingtonappeals.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Messenger <input type="checkbox"/> Fax <input type="checkbox"/> email <input type="checkbox"/> Other</p>
<p>Alexandra Moore-Wulsin Strata Law Group 600 University Street, Ste. 1020 Seattle, WA 98101-4107 Phone: 206-682-6826 Fax: 206-299-3556 Email: <a href="mailto:amoore-wulsin@stratalawgroup.com">amoore-wulsin@stratalawgroup.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Messenger <input type="checkbox"/> Fax <input type="checkbox"/> email <input type="checkbox"/> Other</p>

DATED this 1<sup>st</sup> day of August, 2014.

  
 \_\_\_\_\_  
 Patti Saiden

**OFFICE RECEPTIONIST, CLERK**

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**To:** Goldmann, Wendy  
**Subject:** RE: Motion in Case # 90753-6 - In re the Marriage of Karla Maia-Hanson v. Bradley Hanson

Received 10-13-2014

Supreme Court Clerk's Office

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:** Goldmann, Wendy  
**Sent:** Monday, October 13, 2014 8:10 AM  
**To:** OFFICE RECEPTIONIST, CLERK  
**Subject:** FW: Motion in Case # 90753-6 - In re the Marriage of Karla Maia-Hanson v. Bradley Hanson

Please process this as you normally would if it had come to the front desk.

Thank you,  
*Wendy*

**From:** Miller, Greg [<mailto:miller@carneylaw.com>]  
**Sent:** Friday, October 10, 2014 10:37 PM  
**To:** Goldmann, Wendy  
**Cc:** [teresa@mcnallylegal.com](mailto:teresa@mcnallylegal.com); [cate@washingtonappeals.com](mailto:cate@washingtonappeals.com); [valerie@washingtonappeals.com](mailto:valerie@washingtonappeals.com); Cunningham, Melissa J.  
**Subject:** Motion in Case # 90753-6 - In re the Marriage of Karla Maia-Hanson v. Bradley Hanson

Case Name: In re Marriage of Karla Maia-Hanson v. Bradley Hanson  
Case No.: SCT No. 90753-6, COA No. 70249-1-I

Filer: Gregory M. Miller, WSBA 14459, phone #206-622-8020 ext. 176, email: [miller@carneylaw.com](mailto:miller@carneylaw.com)

Mr. Ronald R. Carpenter, Clerk of Court:

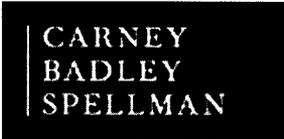
Attached please find the following documents to be filed:

1. Motion to Accept Petition for Review
2. Declaration of Counsel
3. Certificate of Service

The timing of the filing is addressed in the motion. Please let me know if you need anything further.

Very Truly Yours,

Gregory M. Miller, WSBA No. 14459



**Gregory M. Miller**  
206-607-4176 Direct | 206-622-8020 Main  
Bio | vCard | Address | Website  
[miller@carneylaw.com](mailto:miller@carneylaw.com)

This e-mail contains confidential, privileged information intended only for the addressee. Do not read, copy, or disseminate it unless you are the addressee. If you are not the addressee, please permanently delete it without printing and call me immediately at (206) 622-8020.

Pursuant to U.S. Treasury Circular 230, this communication is not intended or written by Carney Badley Spellman, P.S. to be used, and it may not be used by you or any other person or entity, for the purpose of (i) avoiding any penalties that may be imposed on you or any other person or entity under the United States Internal Revenue Code, or (ii) promoting, marketing, or recommending to another party any transaction or matter that is addressed herein.

**From:** Goldmann, Wendy [<mailto:Wendy.Goldmann@courts.wa.gov>]  
**Sent:** Tuesday, September 16, 2014 2:50 PM  
**To:** Miller, Greg; Cunningham, Melissa J.; [teresa@mcnallylegal.com](mailto:teresa@mcnallylegal.com); [cate@washingtonappeals.com](mailto:cate@washingtonappeals.com); [valerie@washingtonappeals.com](mailto:valerie@washingtonappeals.com); Div-1 Front Desk  
**Subject:** Case # 90753-6 - In re the Marriage of Karla Maia-Hanson v. Bradley Hanson  
**Importance:** High

*Clerk and Counsel:*

*Attached is a copy of the letter issued by the Clerk or Deputy Clerk on this date in the above referenced case. Please consider this as the original for your files, a copy will not be sent by regular mail. When filing documents by email with this Court, please use the main email address at [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov)*

Thank you,  
*Wendy Goldmann*  
Administrative Office Assistant  
Washington State Supreme Court  
[wendy.goldmann@courts.wa.gov](mailto:wendy.goldmann@courts.wa.gov)