

No. 92313-2

IN THE SUPREME COURT OF WASHINGTON

(Court of Appeals No. 72635-8-I)

JOHN M. KALAHAR and PEGGY L. KALAHAR, husband and wife,

Petitioners,

v.

ALCOA, INC.,

Respondent.

FILED
SEP 30 2015
CLERK OF THE SUPREME COURT
STATE OF WASHINGTON
EB

PETITIONER'S MOTION FOR SUBSTITUTION OF PARTIES

Matthew P. Bergman
Glenn S. Draper
Kaitlin T. Wright
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Seattle, WA 98104
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Attorneys for Petitioner

I. MOVING PARTY AND RELIEF SOUGHT

Pursuant to RAP 17 and 3.2, Plaintiff-Petitioner Peggy Kalahar hereby moves, as the Personal Representative of the Estate of John Kalahar, to be substituted for the decedent petitioner, John Kalahar, as a Plaintiff-Petitioner in this pending appeal.

II. FACTS RELEVANT TO MOTION

During the pendency of this appeal, the petitioner John Kalahar passed away. His widow, Peggy Kalahar, was appointed as the Personal Representative of Mr. Kalahar's Estate on September 10, 2015. A copy of the Letters Testamentary is attached hereto.

III. GROUNDS FOR RELIEF AND ARGUMENT

Pursuant to RAP 3.2(a), Mrs. Kalahar moves the Court to be substituted for the deceased, Mr. Kalahar. Mrs. Kalahar is already a Plaintiff-Petitioner, as the spouse of Mr. Kalahar. As the Personal Representative of his estate, she now asks to be substituted for him as a Plaintiff-Petitioner. The substitution in this matter will not prejudice the Respondent.

IV. CONCLUSION

For these reasons, Peggy Kalahar respectfully requests that the requested substitution be granted and that the caption be amended to reflect the substitution of Peggy Kalahar as the Personal Representative for the Estate of John Kalahar, for the deceased Mr. Kalahar.

DATED this 24th day of September, 2015.

Respectfully submitted,

BERGMAN DRAPER LADENBERG

BY:



Matthew P. Bergman, WSBA # 20894

Kaitlin T. Wright, WSBA #45241

Attorneys for Plaintiff/Petitioner

FILED
15 SEP 10 11:11
KING COUNTY
SUPERIOR COURT
SEATTLE, WA

**CERTIFIED
COPY**

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
COUNTY OF KING

IN RE THE ESTATE OF JOHN M. KALAHAR DECEASED	NO: 15-4-05130-7 SEA LETTERS TESTAMENTARY (LTRTS)
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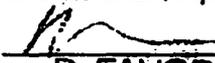
The last will of the above named decedent was duly exhibited, proven and filed on SEPTEMBER 10, 2015. It appears in and by said will that: PEGGY LOUISE KALAHAR is named Executor(s) and by order of this court is authorized to execute said will according to law.

WITNESS my hand and seal of said Court: September 10, 2015.

BARBARA MINER
King County Superior Court Clerk
By:  Deputy Clerk
D. FAVORS

STATE OF WASHINGTON)
County of King)

I, BARBARA MINER, Clerk of the Superior Court of the State of Washington, for the County of King, do hereby certify that I have compared the foregoing copy with the original instrument as the same appears on file and of record in my office, and that the same is a true and perfect transcript of said original and of the whole thereof. IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Superior Court at my office at Seattle on this date SEP 10 2015.

BARBARA MINER, Superior Court Clerk
By:  Deputy Clerk
D. FAVORS

• NOT OFFICIAL WITHOUT SEAL •

CERTIFICATE OF SERVICE

I certify that on September 24, 2015, I caused to be served a true and correct copy of the foregoing document upon:

Mark B. Tuvim
Kevin J. Craig
GORDON & REES, LLP
701 Fifth Avenue, Suite 2100
Seattle, WA 98104
(Via Electronic Mail and Messenger)

Dated at Seattle, Washington this 24th day of September 2015.

BERGMAN DRAPER LADENBURG



Shane A. Ishii-Huffer