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IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

JESS NELSON, an individual
Petitioner,

vs.

MICHAEL ERICKSON, and JANE
DOE ERICKSON, and the marital
community composed thereof,
Respondents.

No. 92489-9

MOTION TO STRIKE REPLY
IN SUPPORT OF PETITION
FOR REVIEW

I. INTRODUCTION

Pursuant to RAP 13.4(d), respondents move the Court to strike the Reply in Support of Petition for Supreme Court Review filed by petitioner on December 1, 2015. A reply is not permitted by the Rules of Appellate Procedure.

II. ARGUMENT AND AUTHORITY

The Reply filed by petitioner is unauthorized. RAP 13.4(d) provides:

A party may file an answer to a petition for review. . . . If the party wants to seek 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, the party must raise those new issues in an answer. Any answer should be filed within 30 days after the service on the party of the petition. **A party may file a reply to an answer only if the answering party seeks review of issues not raised in the petition for review. A reply to an answer should be limited to addressing only the new issues raised in the answer. . . .**

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(Emphasis added.)

It is clear from the rule that new issues are only issues for which a party independently seeks review, *i.e.*, a cross-petition. Here, respondents' Answer to Petition for Review did not raise any new issues. Therefore, petitioner was not entitled to file a reply, and the Reply on Petition for Review should be stricken.

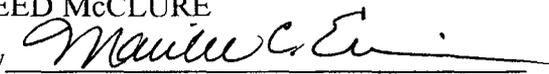
III. CONCLUSION

Pursuant to RAP 13.4(d) petitioner was not entitled to file a reply. Petitioner's reply should be stricken.

DATED this 15th day of December, 2015.

REED McCLURE

By



Marilee C. Erickson WSBA #16144

Attorneys for Respondents

1215 Fourth Avenue, Suite 1700

Seattle, WA 98161

(206) 292-4900

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