

NO. 93211-5

IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

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BLAIR LA MOTHE,

Petitioner,

v.

U.S. BANK N.A., AS TRUSTEE, ON BEHALF OF THE  
HOLDERS OF THE THORNBURG MORTGAGE SECURITIES  
TRUST 2005-4 MORTGAGE PASS THROUGH CERTIFICATES,  
SERIES 2005-4, ITS SUCCESSORS IN INTEREST AND/OR ASSIGNS,

Respondent.

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MOTION TO STRIKE PETITIONER'S REPLY TO ANSWER TO  
PETITION FOR REVIEW

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John E. Glowney, WSBA #12652  
STOEL RIVES LLP  
600 University Street, Suite 3600  
Seattle, WA 98101  
(206) 624-0900

*Attorneys for Respondent U.S. Bank as Trustee*

## **I. IDENTITY OF MOVING PARTY**

The moving party is Respondent U.S. Bank N.A., as Trustee, on behalf of the holders of the Thornburg Mortgage Securities Trust 2005-4 Mortgage Pass Through Certificates, Series 2005-4, its successors in interest and/or assigns (“U.S. Bank as Trustee”).

## **II. STATEMENT OF RELIEF SOUGHT**

U.S. Bank as Trustee seeks an order striking La Mothe’s reply as improperly filed. *See* RAP 13.4(d).

## **III. FACTS RELEVANT TO MOTION**

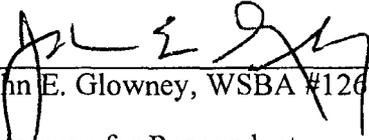
In his Petition for Review, Petitioner La Mothe presented two issues for review. *See* Petition for Review. In response, U.S. Bank as Trustee responded only to the issues raised in the Petition for Review. *See* Answer to Petition for Review. U.S. Bank as Trustee did not raise any new issues, or seek review of any issues. *Id.* Despite this, La Mothe filed a Reply to Respondent’s Answer to Petition for Review.

## **IV. GROUNDS FOR RELIEF AND ARGUMENT**

Pursuant to RAP 13.4(d), 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. Because U.S. Bank as Trustee does not seek review of any issues, and merely answered the items raised in the Petition, La Mothe’s reply is improperly filed and should be stricken. *See* RAP 13.4(d).

DATED: July 5, 2016.

STOEL RIVES LLP

  
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John E. Glowney, WSBA #12652

Attorneys for Respondent  
U.S. Bank N.A. as Trustee

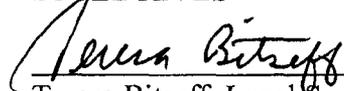
**CERTIFICATE OF SERVICE**

I certify that I caused a true and correct copy of the foregoing document to be filed via email: [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov) and to be served upon the following party in the manner indicated below by courtesy copy EMAIL/PDF and U. S. MAIL:

Blair La Mothe, Pro Se 8117 NE 110th Place Kirkland, WA 98034 Email: <a href="mailto:blmhomes@yahoo.com">blmhomes@yahoo.com</a>
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DATED at Seattle, Washington, this 5<sup>th</sup> day of July 2016.

STOEL RIVES



Teresa Bitseff, Legal Secretary  
600 University St., Ste. 3600  
Seattle, WA 98101  
206-624-0900