

No. 93601-3

SUPEME COURT
OF THE STATE OF WASHINGTON

ROLFE GODFREY and
KIRSTINE GODFREY,
husband and wife and their
marital community
composed thereof,

Respondents,

v.

STE. MICHELLE WINE
ESTATES LTD. dba
CHATEAU STE. MICHELLE,
a Washington Corporation;
and SAINT-GOBAIN
CONTAINERS, INC.,

Petitioners,

and

ROBERT KORNFELD,

Additional Respondent.

RESPONSE TO
PETITIONERS' MOTION TO
LINK CASES

The Court has in effect already denied the Petitioner's Motion to Link Cases in its perfection letter (Appendix A), where it explained the Court does not "link" cases, but that it is aware of

petitioner's request and will consider it at the same time as it considers the petition. Respondents intend to address the substantive arguments raised in petitioners' motion in their answer to the petition for review.

DATED this 14th day of October, 2016.

SMITH GOODFRIEND, P.S.

By: 

Howard M. Goodfriend, WSBA No. 14355
Ian C. Cairns, WSBA No. 43210

1619 8th Avenue North
Seattle, WA 98109-3007
(206) 624-0974

Attorneys for Respondents

DECLARATION OF SERVICE

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct:

That on October 14, 2016, I arranged for service of the foregoing Response to Petitioners' Motion to Link Cases, to the court and to the parties to this action as follows:

Office of Clerk Washington Supreme Court Temple of Justice P.O. Box 40929 Olympia, WA 98504-0929	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-File
Robert Kornfeld Kornfeld Trudell Bowen & Lingenbrink PLLC 3724 Lake Washington Blvd. N.E. Kirkland, WA 98033-7802	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail
Seann C. Colgan Emily J. Harris Corr Cronin Michelson Baumgardner & Preece LLP 1001 4th Ave Ste 3900 Seattle, WA 98154-1051	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail
Russell A. Metz Metz & Associates, P.S. 999 3rd Ave., Ste. 2600 Seattle, WA 98104	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail

DATED at Seattle, Washington this 14th day of October, 2016.


Jenna L. Sanders

THE SUPREME COURT

STATE OF WASHINGTON

SUSAN L. CARLSON
SUPREME COURT CLERK



TEMPLE OF JUSTICE
POST OFFICE BOX 40829
OLYMPIA, WA 98504-0829
360) 357-2077
E-MAIL: SUPREME@COURTS.WA.GOV
WWW.COURTS.WA.GOV

September 16, 2016

LETTER SENT BY E-MAIL ONLY

Emily J. Harris
Seann C. Colgan
Corr Cronin Michelson Baumgardner Fogg &
1001 4th Avenue Suite 3900
Seattle, WA 98154-1051

Michael Barr King
Gregory Mann Miller
Carney Badley Spellman PS
701 5th Avenue Suite 3600
Seattle, WA 98104-7010

Howard Mark Goodfriend
Ian Christopher Cairns
Smith Goodfriend PS
1619 8th Avenue North
Seattle, WA 98109-3007

Robert B. Kornfeld
Kornfeld Trudell Bowen & Lingenbrink PLL
3724 Lake Washington Boulevard North East
Kirkland, WA 98033-7802

Hon. David Ponzoha, Clerk
Court of Appeals, Division II
950 Broadway
Suite 300, MS TB-06
Tacoma, WA 98402-4454

Re: Supreme Court No. 93601-3 - Rolfe and Kirstine Godfrey and Robert Kornfeld v. Ste.
Michelle Wine Estates, Ltd., et al.
Court of Appeals No. 46963-4-II

Clerk and Counsel:

The Court of Appeals has forwarded the petition for review and related Court of Appeals case file in the referenced matter. The matter has been assigned the Supreme Court cause number indicated above.

The parties are directed to review the provisions set forth in RAP 13.4(d) regarding the filing of any answer to the petition for review and any reply to the answer.

The petition for review will be set for consideration without oral argument by a Department of the Court; see RAP 13.4(i). If the members of the Department do not unanimously agree on the manner of the disposition, consideration of the petition will be continued for determination by the En Banc Court.

On September 14, 2016, the "PETITIONERS' MOTION TO LINK CASES" was received.¹ The motion seeks to link this case with Supreme Court No. 93035-0, *State of Washington v. Lile*. Because the Lile case is currently set for consideration on the September 29, 2016, En Banc Conference, the justices have been advised of the motion to link the two cases. The motion to link will be set for determination by a Department of the Court at the same time as the petition for review is considered. Any answer to the motion should be served and filed by October 14, 2016. Any reply to the answer should be served and filed by October 31, 2016.

Usually there is approximately four to five months between receipt of the petition for review in this Court and consideration of the petition. This amount of time is built into the process to allow an answer to the petition and for the Court's normal screening process. At this time it is not known on what date the matter will be determined by the Court. The parties will be advised when the Court makes a decision on the petition.

It is noted that any amicus curiae memorandum in support of or in opposition to a pending petition for review should be served and received by this Court and counsel of record for the parties and other amicus curiae by not later than 60 days from the date the petition for review was filed; see RAP 13.4(h).

The parties are referred to the provisions of General Rule 31(e) in regards to the requirement to omit certain personal identifiers from all documents filed in this court. This rule provides that parties "shall not include, and if present shall redact" social security numbers, financial account numbers and driver's license numbers. As indicated in the rule, the responsibility for redacting the personal identifiers rests solely with counsel and the parties. The Clerk's Office does not review documents for compliance with the rule. Because briefs and other documents in cases that are not sealed may be made available to the public on the court's internet website, or viewed in our office, it is imperative that such personal identifiers not be included in filed documents.

The parties are advised that future correspondence from this Court regarding this matter will most likely only be sent by an e-mail attachment, not by regular mail. For

¹ The Supreme Court does not "link" cases, but the Court does on occasion set cases with similar issues as "companion" cases, meaning that oral argument for each case is set on the same day.

Page 3
No. 93601-3
September 16, 2016

attorneys, this office uses the e-mail address that appears on the Washington State Bar Association lawyer directory. Counsel are responsible for maintaining a current business-related e-mail address in that directory.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan L. Carlson". The signature is fluid and cursive, with the first name "Susan" being the most prominent part.

Susan L. Carlson
Supreme Court Clerk

SLC:jd

SMITH GOODFRIEND, PS

October 14, 2016 - 10:47 AM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 93601-3
Appellate Court Case Title: Rolfe and Kirstine Godfrey and Robert Kornfeld v. Ste. Michelle Wine Estates, Ltd., et al.

The following documents have been uploaded:

- 936013_20161014104558SC317447_9557_Answer_Reply.pdf
This File Contains:
Answer/Reply - Answer to Motion
The Original File Name was 2016 10 14 Response to Pet Motion to Link Cases.pdf

A copy of the uploaded files will be sent to:

- eharris@correronin.com
- king@carneylaw.com
- scolgan@correronin.com
- howard@washingtonappeals.com
- miller@carneylaw.com
- rob@kornfeldlaw.com
- ian@washingtonappeals.com
- russem@metzlawfirm.com
- lnims@correronin.com
- elesnick@correronin.com

Comments:

Sender Name: Jenna Sanders - Email: jenna@washingtonappeals.com

Filing on Behalf of: Howard Mark Goodfriend - Email: howard@washingtonappeals.com
(Alternate Email:)

Address:
1619 8th Avenue N
Seattle, WA, 98109
Phone: (206) 624-0974

Note: The Filing Id is 20161014104558SC317447