

Oct 04, 2016, 8:48 am

RECEIVED ELECTRONICALLY

Supreme Court No. 93601-3

SUPREME COURT
OF THE STATE OF WASHINGTON

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

Plaintiffs-Respondents,

v.

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

Defendants-Petitioners,

AND

ROBERT KORNFELD,

Additional Appellant.

SUPPLEMENT TO PETITIONERS' MOTION TO LINK CASES

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*Attorneys for Petitioners Ste. Michelle Wine Estates Ltd.,
and Saint-Gobain Containers, Inc.*

On September 14 Petitioners moved to have their Petition for Review in this case linked for consideration with the Petition for Review and Answer to the Petition for Review in *State v. Lile*, 193 Wn. App. 179, 373 P.3d 247 (2016), which were then set for consideration on the Court's September 29 *en banc* calendar. This Court, by a letter from Clerk Carlson issued on September 16, stated that the members of the Court would be advised of Petitioners' motion.¹

Petitioners have learned that this Court in *Lile* granted review of the judicial disqualification issue raised in that case which is substantially the same as the issue that Petitioners have raised in their Petition for Review. *Lile* presents that issue in a criminal procedure context; Petitioners seek review of that issue in a civil procedure context. Considering the issue in both contexts simultaneously will allow this Court to resolve the conflict amongst its decisions and also to consider whether there should be a different analysis for criminal and civil cases based either on the governing rules or due process concerns unique to either context.

Accordingly, Petitioners urge this Court to take whatever steps it deems appropriate so that, following a grant of review in this case, the issue of judicial disqualification raised in both cases can be considered

¹ Clerk Carlson's letter also stated that this Court does not "link" cases, but does from time to time set cases as "companions" to be argued on the same day. Petitioners appreciate that clarification of this Court's procedures.

simultaneously (e.g., by treating the two cases as companion cases that will be set for argument on the same day).

Respectfully submitted this 4th day of October, 2016.

**CORR CRONIN MICHELSON
BAUMGARDNER FOGG & MOORE
LLP**

CARNEY BADLEY SPELLMAN, P.S.

By: MB King for #14405
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By: Michael B King
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STE. MICHELLE WINE ESTATES,
LTD. dba CHATEAU STE.
MICHELLE, a Washington
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CONTAINERS, INC.,

Respondents,

And,

ROBERT KORNFELD,

Additional Appellant.

NO. 46963-4-II

DECLARATION 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 *Supplement to Petitioners' Motion to Link Cases* on the below-listed attorney(s) of record by the method(s) noted:

Email and first-class United States mail, postage prepaid, to the following:

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DATED this 4th day of October, 2016.



Patti Saiden, Legal Assistant