

No. 91056-1
COA No. 43076-2-II

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

KITSAP COUNTY, a political subdivision of the State of Washington,

Respondent,

vs.

KITSAP RIFLE AND REVOLVER CLUB, a not-for-profit corporation
registered in the State of Washington, and
JOHN DOES and JANE ROES I-XX, inclusive,

Petitioner,

and

IN THE MATTER OF NUISANCE AND UNPERMITTED
CONDITIONS LOCATED AT one 72-acre parcel identified by
Kitsap County Tax Parcel ID No. 362501-4-002-1006 with street address
4900 Seabeck Highway NW, Bremerton, Washington

PETITIONER'S MOTION FOR EXTENSION OF TIME
TO REPLY TO RESPONDENT'S
CONTINGENT CROSS-PETITION FOR REVIEW

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Attorneys for Petitioner,
Kitsap Rifle and Revolver Club

I. IDENTITY OF MOVING PARTY

Petitioner Kitsap Rifle and Revolver Club (the “Club”).

II. RELIEF REQUESTED

The Club respectfully moves the Court, pursuant to RAP 18.8(a), for a two-week extension, up to and including May 14, 2015, in which to file the Club’s reply to Respondent’s “contingent cross-petition issues for review,” which appear on page four of Respondent’s *Answer to Amended Petition for Discretionary Review* (filed April 15, 2015).

If the Court concludes it cannot grant a two-week extension, the Club respectfully requests a one-week extension to May 7, 2015, as an alternative form of relief. Counsel for Respondent Kitsap County (the “County”) has informed counsel for the Club that the County could agree to a one-week extension but does not consent to the two-week extension requested by the Club.

III. GROUNDS FOR RELIEF AND ARGUMENT

Under RAP 18.8, the Court may extend a procedural deadline “in order to serve the ends of justice.” RAP 18.8(a). Granting this motion will serve the ends of justice because the Club’s counsel has conflicting obligations that prevent them from completing the Club’s answer to the County’s contingent cross-petition within the default deadline provided by the Rules of Appellate Procedure.

The County's contingent cross-petition asks the Court to review two additional issues if the Court decides to review the issues presented in the Club's *Amended Petition for Review* (filed March 12, 2015). RAP 13.4 gives the Club a default deadline of 15 days after the filing of the County's contingent cross-petition to file a reply to that petition. It states:

“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. . . . **A reply to an answer should be filed within 15 days after service on the party of the answer.**”

RAP 13.4(d) (bold added). Under this rule, the Club is entitled to file a reply to the County's contingent cross-petition because it raises issues that were not raised in the Club's petition for review. The default deadline for the Club's reply is April 30, 2015.

The Club seeks a two-week extension of this deadline to allow its counsel the additional time they need to draft a reply that meets the demands of this important case. The default deadline will not give the Club's counsel sufficient time because it is one day after the Club's deadline to file a response in opposition to the County's *Amended Motion*

to Revise Stay (filed April 15, 2015). The Club's counsel has been devoting their resources to that response, which also implicates important rights of the parties. Meanwhile, the Club's counsel has many other time-sensitive obligations to their numerous other clients. To allow the Club's counsel to satisfy these other obligations and devote the time required for its answer to the contingent cross-petition, the Club therefore respectfully requests a two-week extension of the deadline for its reply. This will extend the deadline from April 30, 2015, to March 14, 2015.

The requested extension should not unduly prejudice the County or inconvenience the Court. The rules do not allow the County to file any additional briefing in response or opposition to the Club's reply. Presumably the Court will not be deciding the Club's petition for review within the next two weeks. The additional two weeks should give the Club's counsel adequate time to complete and file a reply that meets the demands of this case. Therefore, the requested extension will serve the ends of justice and should be granted pursuant to RAP 18.8(a).

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III. CONCLUSION

For the reasons stated above, Petitioner Kitsap Rifle & Revolver Club respectfully requests that the Court grant this motion and extend by two weeks the due date for the filing of the Club's reply to Petitioner Kitsap County's contingent cross-petition for review, to Thursday, May 14, 2015.

If the Court concludes it cannot grant a two-week extension, the Club respectfully requests a one-week extension to May 7, 2015, as an alternative form of relief.

DATED: April 28, 2015

Respectfully Submitted,

CHENOWETH LAW GROUP, PC

/s/ Brian D. Chenoweth
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Of Attorney for Appellant

CERTIFICATE OF FILING AND SERVICE

I, Lisa A. Heath, declare under penalty of perjury under the laws of the State of Washington, that I am now and at all times herein mentioned have been a resident of the State of Oregon, over the age of eighteen years, not a party to or interested in this cause of action, and competent to be a witness herein.

On the date stated below *Petitioner's Motion for Extension of Time to Reply to Respondent's Contingent Petition for Review* was electronically filed with Division II of the Washington Court of Appeals and served upon the following individuals by e-mail and U.S. Mail, postage prepaid, at Portland, Oregon:

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☐ DATED: April 28, 2015

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CERTIFICATE OF FILING AND SERVICE