



mhdecoursey . <mhdecoursey@gmail.com>

Re: Motion for Overlength Brief

1 message

McBride, Ryan P. <McBrideR@lanepowell.com>
To: mhdecoursey@gmail.com

Thu, Oct 8, 2009 at 8:29 AM

Great. Thanks Mark.

Sent using my wireless handheld.

From: Mark DeCoursey
To: McBride, Ryan P.
Sent: Thu Oct 08 08:09:12 2009
Subject: Re: Motion for Overlength Brief

this time with the document !

On 10/8/09, **Mark DeCoursey** <mhdecoursey@gmail.com> wrote:

Excellent vigorous motion. The only comments we have on the Motion are stylistic.

1. Added collateral source rule to the list of challenges in paragraph 6.
2. "More than" is preferable to "over" in the context of numbers because "over" is positional rather than quantitative
3. Changed "Appellants" and "Respondents" into Windermere and the DeCourseys. This is in accordance with either the Rules or the Local Rules and a legal style book we read recently.
4. The declaration starts in first person, then slips into "the undersigned" (non-person). Tried to fix this with first person plural "we", but ran into further awkwardness in paragraphs 7 and 8, so it is maybe not a solution. At that point it could be: I, Lane Powell, the DeCourseys, DeCourseys and their counsel ... gah!
5. Carol likes "makes" arguments instead of "includes" in para 6.

Whatever you decide. It could go in just as you have it with the same effect on the judges.

On 10/7/09, **Mark DeCoursey** <mhdecoursey@gmail.com> wrote:

----- Forwarded message -----

From: Mark DeCoursey <mhdecoursey@gmail.com>
Date: Wed, Oct 7, 2009 at 5:45 PM
Subject: Re: Motion for Overlength Brief
To: "McBride, Ryan P." <McBrideR@lanepowell.com>

Fist read, it looks great. back to you first thing in the morning.

On Wed, Oct 7, 2009 at 4:41 PM, McBride, Ryan P. <McBrideR@lanepowell.com> wrote:
Mark and Carol:

As promised, here is a draft of the motion for permission to file an overlength brief. Please use discretion in adding comments to this; frankly I've said far more than I need to - - I could have stopped at *They got to file a 72-page brief already* but I added some additional gloss for good measure. If you have any comments, please send them tomorrow. Thanks.

Ryan P. McBride



Counsel to the Firm, [Bio](#) | [VCard](#)

Lane Powell PC

1420 Fifth Avenue, Suite 4100

Seattle, WA 98101-2338

Direct: [206.223.7962](tel:206.223.7962)

Cell: [206.805.9555](tel:206.805.9555)

www.lanepowell.com

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Please be advised that, if this communication includes federal tax advice, it cannot be used for the purpose of avoiding tax penalties unless you have expressly engaged us to provide written advice in a form that satisfies IRS standards for "covered opinions" or we have informed you that those standards do not apply to this communication.

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Carol & Mark DeCoursey
8209 172nd Ave NE
Redmond, WA 98052
Home: [425.885.3130](tel:425.885.3130)
Office: [425.707.3640](tel:425.707.3640)

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