**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

**DIVISION [ ]**

|  |  |  |
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| **[NAME],**  **[Respondent/ Appellant],**  **v.**  **[NAME],**    **[Appellant/ Respondent]** |  | **NO. [ ]**    **[APPELLANT’S/ RESPONDENT’S] MOTION TO DISMISS** |

I. IDENTITY OF MOVING PARTY

[NAME], Appellant (if you initiated the appeal) /Respondent (if you are responding to the appeal) requests this Court grant the relief stated below.

II. STATEMENT OF RELIEF SOUGHT

So that the ends of justice might be served, [Name] asks the court to dismiss review of the appeal and to grant this motion to dismiss. I also ask that the dismissal be granted be without an award of costs, fees, or sanctions on any party.

III. FACTS RELEVANT TO MOTION

[Here, please explain where you are at in your case and the specific reasons why the case should be dismissed.]

As the reasons for and in support of this motion [Name] declares the following:

1. [Example: Jane Doe, Appellant, filed a notice of appeal against respondent on April 1, 2022.

2. [Example: I cannot afford the costs of the appeal (transcripts, clerk’s papers, etc.)

3. [Example: I cannot afford an attorney to help me, and I cannot find a pro bono attorney to help me either.

4. [Example: So far in the appeal the other party *has OR has not* had to respond to the appeal]

6. [Example: other

IV. ARGUMENT

Under the Washington appellate courts’ rule for voluntary withdrawal of review,

The appellate court on motion may, in its discretion, dismiss review of a case on stipulation of all parties and, in criminal cases, the written consent of the defendant, if the motion is made before oral argument on the merits. The appellate court may, in its discretion, dismiss review of a case on the motion of a party who has filed a notice of appeal, a notice for discretionary review, or a motion for discretionary review by the Supreme Court. Costs will be awarded in a case dismissed on a motion for voluntary withdrawal of review only if the appellate court so directs at the time the motion is granted.

RAP 18.2. *Cf* *State v. Eskridge*, 58 Wn.2d 546, 554, 364 P.2d 813 (1961) (“However, we cannot pass on the merits of his appeal by reason of the fact that appellant has voluntarily moved to dismiss his appeal. He has done so after much deliberation and despite the advice of his attorneys, which was to the contrary. The grounds stated in his motion are immaterial. He has a right to abandon his appeal.”).

It would not prejudice the other party to dismiss review of this case. [Explain why it would not hurt the other party to dismiss this appeal]. Further, dismissal of the appeal will reduce the burden on the court in managing an appeal that will not be able to be fully prosecuted.

V. CONCLUSION

[Name] respectfully requests this Court grant this motion to dismiss this appeal without an award of costs, fees, or sanctions on any party.

This document contains \_\_\_\_\_\_\_\_words, excluding the parts of the document exempted from the word count by RAP 18.17.

DATED this [\_\_]th day of [\_\_\_], 20[ ].

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|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Name, Appellant/Respondent, pro se |

**DECLARATION OF SERVICE**

The undersigned certifies under penalty of perjury that on [DATE], I caused service of the foregoing to the following of:

|  |  |
| --- | --- |
| *Attorney for Respondent:*  [Name of Attorney]  [Name of Law Firm]  [Address of Law Firm]  WSBA #  Ph:  Email: | via U.S. Mail  via Hand Delivery  E-Service  via Facsimile  via E-mail w/ hard copy to follow per agreement  via Overnight Mail |