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

**DIVISION [ ]**

|  |  |  |
| --- | --- | --- |
| **NAME,**  **Appellant,**  **v.**  **NAME,**  **Respondent** |  | **no. [ ]**  **REQUEST FOR EXTENSION OF TIME TO FILE notice of APPEal [or discretionary review]** |

I. IDENTITY OF MOVING PARTY

[NAME], Appellant, requests this Court grant the relief stated below.

II. RELIEF REQUESTED

So that the ends of justice might be served, [NAME] asks the court for an order granting an extension of time to [DATE or X number of days], to file the Notice of Appeal/ or Notice of Discretionary Review.

III. BASIS FOR RELIEF

As the reasons for and in support of this request NAME declares the following:

1. The Notice was filed [DATE].
2. [describe any procedural problems; technology problems, etc that may have led to late filing].
3. Due diligence was taken to ensure that the Notice was filed and the filing fee was paid.
4. Granting this extension will not cause any harm to the other party [because …].

IV. ARGUMENT

This Court has the authority to extend the time for filing a Notice for Appeal/or Discretionary Review, or any act that must be done in a particular case. RAP 18.8(a). RAP 1.2(a) requires this Court to liberally interpret its rules to promote justice. *Weeks v. Chief of Washington State Patrol,* 96 Wn.2d 893, 639 P.2d 732 (1982).

The appellate court will only grant an extension for filing a Notice of Discretionary Review in the event of extraordinary circumstances and to prevent a miscarriage of justice. RAP 18.8(b). “Extraordinary circumstances” sufficient to allow extension of time within which party must file a notice of appeal are circumstances wherein the filing, despite reasonable diligence, was defective due to excusable error or circumstances beyond the party's control; in such a case, the lost opportunity to appeal would constitute a gross miscarriage of justice, because of the appellant's reasonably diligent conduct.  *Beckman ex rel. Beckman v. State, Dept. of Social and Health Services,* 102 Wash.App. 687, 11 P.3d 313 (2000).

Under the current circumstances, it was beyond the appellant’s control when [describe facts above that led to late filing]. The appellant was diligent [describe efforts made].

Granting this extension will not prejudice the other party. Therefore, granting NAME’s request is in the interests of justice.

V. CONCLUSION

NAME respectfully requests this Court grant an extension of time to DATE, to file a Notice of Appeal Discretionary of Review.

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

DATED this [\_\_]th day of [\_\_\_], 2024.

|  |  |
| --- | --- |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  NAME, Pro Se Litigant |

**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  ADDRESS  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 |

**Dated:** DATE

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NAME, Pro Se Litigant