

No. 11-1474

IN THE
SUPREME COURT OF THE UNITED STATES

FARMERS INSURANCE COMPANY OF WASHINGTON AND FARMERS
INSURANCE EXCHANGE,

Petitioners,

v.

EMILY L. MORATTI, a minor, by and through her Guardian Ad
Litem GERALD R. TARUTIS,

Respondent,

ON PETITION FOR WRIT OF CERTIORARI
TO THE WASHINGTON SUPREME COURT

**RESPONDENT'S OPPOSITION TO
DRI - THE VOICE OF THE DEFENSE BAR'S MOTION
FOR LEAVE TO FILE AMICUS CURIAE BRIEF**

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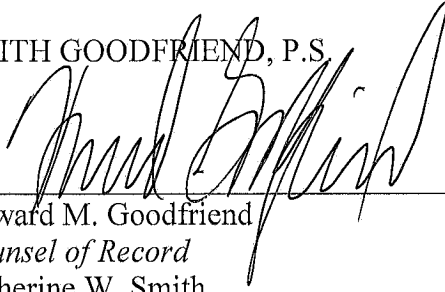
Respondent Emily Moratti, through her Guardian Ad Litem Gerald Tarutis, asks this Court to deny the Motion for Leave To File Amicus Curiae Brief of DRI – *The Voice Of the Defense Bar* in Support of Petitioners. As DRI concedes (Motion at 2), its request to file an amicus brief was first made to respondent’s counsel on July 22, 2012, and was therefore untimely under Rule 37.2(a) (“An *amicus curiae* shall ensure that the counsel of record for all parties receive notice of its intention to file an *amicus curiae* brief at least 10 days prior to the due date for the *amicus curiae* brief . . .”).

An untimely request to file an amicus brief “is not favored.” Rule 37.2(b). Moreover, DRI’s proposed amicus curiae brief does not bring “to the attention of the Court relevant matter not already brought to its attention by the parties,” or by other amicus. Rule 37.1. DRI’s discussion largely mirrors that of amicus curiae Federation of Defense and Corporate Counsel, whose amicus brief was timely filed without opposition because its request was timely under Rule 37.2.

The Court should deny DRI’s Motion for Leave to File Amicus Curiae Brief as untimely.

DATED this 31st day of July, 2012.

SMITH GOODFRIEND, P.S.

A handwritten signature in black ink, appearing to read "Howard M. Goodfriend", written over a horizontal line.

Howard M. Goodfriend

Counsel of Record

Catherine W. Smith

Attorneys for Respondent Emily Moratti

No. 11-1474

IN THE SUPREME COURT OF THE UNITED STATES

EMILY L. MORATTI, a minor, by and through her Litigation
GUARDIAN AD LITEM GERALD R. TARUTIS,

Respondent,

v.

FARMERS INSURANCE COMPANY OF WASHINGTON;
FARMERS INSURANCE EXCHANGE, and DOES 1 through 10 et al.,

Petitioners.

CERTIFICATE OF SERVICE

It is hereby certified that all parties required to be served have been served with a copy of Respondent's Opposition to DRI - *The Voice of the Defense Bar's* Motion for Leave to File Amicus Curiae Brief, via e-mail and first-class mail, postage prepaid, this 31st day of July, 2012:

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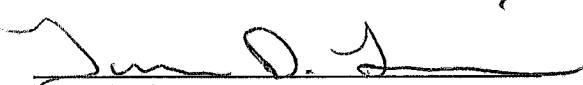
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DATED at Seattle, Washington this 31st day of July, 2012.


Tara D. Friesen