No. 26-6080

IN THE
SUPREME COURT OF THE UNITED STATES

MARCUS D. SMITH,
Petitioner,

v.

NORTHWEST MOTORSPORT, INC., AND NORTHWEST MOTORSPORT, LLC,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF APPEALS OF THE STATE OF WASHINGTON, DIVISION II

SUPPLEMENTAL BRIEF OF PETITIONER (RULE 15.8)

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SUPPLEMENTAL BRIEF OF PETITIONER

Under Rule 15.8, Petitioner calls the Court's attention to new matter that was not available when the petition was filed on November 2, 2026.

1. The new matter. On November 17, 2026, the Washington State Office of the Insurance Commissioner provided Petitioner with a November 11, 2026 letter from Chicago Title Insurance Company and Chicago Title Company, the escrow agent for the June 2024 refinance, together with the escrow closing file (App. 1–4). The letter states:

> "[O]n June 20, the Complainant instructed CTC to pay the Judgment at closing via the SCU loan proceeds. However, on June 21, the Creditor's attorney informed CTC and the Complainant that it would not record a Satisfaction of Judgment upon payment unless the Complainant dismissed his ongoing litigation against the Creditor." (App. 2.)

The escrow officer's email to the lender at 11:19 a.m. on June 21, 2024 records the same condition:

> "Per the attorney for the judgement there is currently an appeal open with the court and they are not willing to prepare a Satisfaction of judgement, payment or not. Upon the borrower dismissing the appeal the Attorney would then move forward with the satisfaction of judgement." (App. 4.)

The lender placed the loan on hold at 1:08 p.m. (App. 3.) Petitioner's first offer to dismiss his appeal came later that afternoon.

2. Its bearing on the question presented. The petition asks whether a State may enforce a settlement involving a judgment creditor's demand that a pending appeal be dismissed as a condition of satisfying the judgment. The Washington Court of Appeals found "nothing in the record to show that it was at the urging of Northwest Motorsport" (Slip op. 20, Oct. 14, 2025). The escrow agent's records now document that the demand came from the judgment creditor's attorney, after Petitioner had instructed payment. The courts below relied instead on counsel's sworn declaration that Northwest Motorsport "decided to step back" and that "Smith responded by negotiating a global settlement." In the Court of Appeals,

Respondents' brief stated that "Smith had first proposed the global settlement, which had (from the start) included dismissal of Smith's appeal" (Resp. Br. 62, Jan. 8, 2025). The escrow record shows dismissal was the judgment creditor's condition before Petitioner proposed anything (App. 2, 4).

Courts decide on sworn declarations because they cannot verify every fact themselves; the declarations of every party, Petitioner's included, must therefore be complete on the facts within the declarant's own knowledge. Here, the trial court and the Court of Appeals relied on counsel's sworn account, and the escrow agent's contemporaneous record now shows what that account left out. Fees and sanctions totaling $91,200.50 have been imposed on that account: $13,695 in the trial court (July 26, 2024); $68,250 in fees plus $388 in costs in the Court of Appeals, jointly with Petitioner's former counsel (Sept. 16, 2026); and $8,867.50 in the Washington Supreme Court (Apr. 22, 2026).

3. Status of the proceedings below.

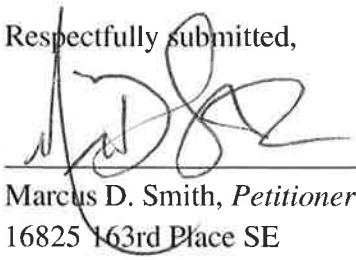
- *Washington Court of Appeals, No. 60047-1-II.* On October 21, 2026, a commissioner noted that no mandate has issued, and Respondents stated that they "do not intend to respond" to Petitioner's allegations concerning the Chicago Title records. Petitioner's motion to modify, filed November 16, 2026, is pending.
- *Pierce County Superior Court, No. 23-2-04491-1.* Petitioner's motion under Washington Civil Rule 60(b)(4), filed November 16, 2026, is awaiting docketing. That court is where these records will be presented as evidence.
- *This Court.* Respondents waived their right to respond on November 16, 2026. The petition is distributed for the conference of December 4, 2026.
- *Respondents' corporate status.* The petition stated, on information and belief, that both Respondents are subsidiaries of Sonic Automotive, Inc. Respondents' waiver states that Northwest Motorsport, Inc. "is inactive" and that its stock was acquired by RFJ Auto Partners, which in turn was acquired by Sonic Automotive, Inc. (NYSE: SAH); the

waiver does not address Northwest Motorsport, LLC (App. 8). In the Washington Supreme Court, Respondents stated that both names "refer to the same entity, which previously converted from a corporation to an LLC" (Answer to Pet. for Review 1 n.1, Dec. 12, 2025; CP 340). Their October 21, 2026 Court of Appeals filing captions each as a separate Washington entity. The annual report filed with the Washington Secretary of State on September 18, 2026 lists Northwest Motorsport, LLC as an active Washington limited liability company, formed December 12, 1996, with a principal office in Charlotte, North Carolina and a sonicautomotive.com contact (App. 5–7). Petitioner notes these statements so that the record reflects Respondents' own descriptions.

4. Why this Court's intervention remains necessary. The Civil Rule 60 motion is not an assured or complete remedy. Relief under that rule is discretionary, and the motion may be denied. Even if the trial court vacates its July 26, 2024 order, the Court of Appeals' decision in No. 60047-1-II would remain in place until separately vacated, and further proceedings would be required to reach Petitioner's earlier appeal from the denial of his motion to amend under Washington Civil Rule 15 (No. 59144-8-II), which was dismissed with prejudice on the strength of the July 26 order. Respondents told the Court of Appeals that "in the very unlikely event that the new trial court judgment is vacated, this Court could easily address it then" (Reply, Aug. 4, 2024, p. 4). Each of those steps requires additional time and expense by a pro se litigant who already bears $91,200.50 in fees and sanctions imposed on Respondents' account.

5. Request. Petitioner respectfully asks the Court to consider this new matter with the petition, to grant the petition, vacate the judgment of the Washington Court of Appeals, and remand for further proceedings in light of the escrow agent's records, so that the Washington courts may address the rulings that rest on the July 26, 2024 order, including Petitioner's Civil Rule 15 motion.

Respectfully submitted,



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November 18, 2026