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SUPREME COURT  
STATE OF WASHINGTON  
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BY ERIN L. LENNON  
CLERK

SUPREME COURT NO. 100261-1

STATE OF WASHINGTON SUPREME COURT

COA No. 81353-6

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HUY YING CHEN and YUEH HUA CHEN, Husband and Wife,

*Petitioner(s)*

v.

CHRISTOPHER LUHUS ATTORNEY IN WASHINGTON OF MCARTHY &

HOLTHUS LLP,

*Respondent(s).*

---

APPEAL FROM THE KING COUNTY SUPERIOR COURT (SEATTLE)

The Honorable Annette Messitt

Cause No. 19-2-15034-3 SEA

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**MOTION FOR DISCRETIONARY REVIEW**

9-30-21:  
Treated as a petition  
for review.  
Supreme Court  
Clerk's Office

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- Appendix CC**- Corrected Superior Court Order Dismissing Case under 12(b)(2)
- Appendix YY**- Original Superior Court Order Dismissing Case

## **IDENTITY OF PETITIONER**

Defendants/Petitioner, Huy Ying Chen & Yueh Hua Chen (deceased), (hereinafter referred to as “Chen” or “Petitioner”) through Pro Se submission, hereby motions/petitions the Supreme Court of Washington State, pursuant to RAP 13.4 for discretionary review of the decision designated in **Appendix A**, as the Court of Appeals’ order dismissing the appeal and the subsequent denial of reconsideration (**Appendix B**).

## **STANDARD FOR ACCEPTANCE OF REVIEW**

Petitioner seeks discretionary review of the COA Order(s), dated August 2, 2021 and September 1, 2021 respectively. The August 2, 2021 dismissed the underlying appeal. Chen timely filed a motion for reconsideration, which was denied per Court Order on September 1, 2021.

Pursuant to RAP 13.4 (b) "A petition for review will be accepted by the Supreme Court only: (1) If the decision of the Court of Appeals is in conflict with a decision of the Supreme Court; or (2) If the decision of the Court of Appeals is in conflict with another decision of the Court of Appeals; or (3) If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or (4) If the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

Petitioner submits that for the reasons herein, discretionary review should be granted as the decision sought to be reviewed conflicts with other decisions, was entered erroneously as a matter of law, and involves an issue of substantial public interest that should be determined by the Supreme Court.

## ISSUES PRESENTED FOR REVIEW

### 1. THE COURT OF APPEALS ERRED WHEN IT DENIED CHEN'S MOTION FOR RECONSIDERATION.

Pursuant to RAP 13.4(b)(2), Division I's decision conflicts with other opinions in that a CR 12(b)(2) ruling which deals with personal jurisdiction, deprives the Court from the jurisdiction to rule on the merits.

Washington Rule of Appellate Procedure 12.4 allows a party to move for reconsideration of a “decision terminating review.” RAP 12.4(a). A decision terminating review includes any “opinion” of the appellate court that renders a “decision on the merits.” RAP 12.3(a). A motion for reconsideration should describe with particularity the point of law or fact that the moving party contends the court overlooked or misapprehended, together with a brief argument on the point raised. RAP 12.4(c). Courts grant motions for reconsideration and modify opinions under a variety of circumstances. See *Chemical Bank v. Washington Public Power Supply System*, 102 Wn.2d 874, 885–86, 691 P.2d 524 (1984) (granting motion for reconsideration and modifying prior decision regarding complex issue of public importance); *Culpepper v. Snohomish Cnty. Dep't of Planning & Cmty. Dev., Cmty. Dev. Div.*, 59 Wn. App. 166, 174, 796 P.2d 1285, 1290 (1990) (inviting parties to move for reconsideration regarding issue identified by court but “not briefed or argued by the parties”); *State v. Leffler*, 142 Wn. App. 175, 185, fn. 5, 178 P.3d 1042 (2007) (granting reconsideration based on meritorious argument that was consistent with logic of opening brief, though not expressly stated therein). If a motion for reconsideration is granted, the court may modify the decision without new argument, call for new argument, or take any other appropriate action. RAP 12.4(g).

**2. THE LOWER COURT ERRED AS A MATTER OF LAW WHEN IT AMENDED ITS ORDER AND GRANTED DISMISSAL UNDER CR 12(b)(2) WITH PREJUDICE.**

The underlying order under review was dismissed with prejudice under CR 12(b)(2), which relates to personal jurisdiction. The Superior Court erroneously found that it lacked personal jurisdiction over Respondents due to Chen's alleged failure to serve Respondents properly and adequately.

A CR 12(b)(2) ruling deprived the Court of making any rulings as to the merits of the case. CR 12(b)(2) deals with personal jurisdiction over the Defendant. It is a common defense for those who are looking to skirt their responsibilities and avoid any accountability for their wrongful conduct. Here, Respondents were duly put on notice and adequately served and the underlying Superior Court order is void as a matter of law on this basis.

**STATEMENT OF THE CASE**

**Proceedings in Superior Court.**

Petitioner filed the underlying Superior Court case following the illegal and wrongful foreclosure of his property. Respondent Luhrs argued that Respondent was not properly served and the Court lacked personal jurisdiction over him. Respondent's Motion to Dismiss Complaint was heard by the Superior Court at hearing on February 14, 2020. The motion to dismiss was based on CR12(b)(2) and 12(b)(6) grounds. Although Petitioner admitted to the Court that he failed to personally serve Respondent, the Complaint and Summons were forwarded to Respondent through United States Postal Service mail and uncontestably was delivered and received by Respondent. Both parties still argued the merits under CR12(b)(6) and CR12(b)(2) lack of personal jurisdiction during the oral argument hearing. The Superior Court ultimately granted dismissal under CR12(b)(2) and CR12(b)(6). The Court granted Luhrs' motion to dismiss.

However, in its initial order, the Superior Court failed to specify whether it was a dismissal under CR 12(b)(2) or 12 (b)(6). The order was subsequently amended to reflect that the dismissal was under CR 12(b)(2).

**The Court of Appeals Decision.**

Chen timely filed his Notice of Appeal of the Superior Court order of dismissal on April 22, 2020. Upon review, the COA, Division 1, ruled that the transferred record from Chen lacked Luhrs' motion to dismiss, any report of proceedings, the court's order granting dismissal, and other documents. Per the Court's order, Chen supplemented the record for appellate review. The COA did not accept it as sufficient and subsequently dismissed the underlying appeal on August 2, 2021. Chen timely moved for reconsideration, which was denied by the COA on September 1, 2021.

**ARGUMENT WHY REVIEW SHOULD BE GRANTED**

**I. RAP 9.6(a) IS INAPPLICABLE TO THE INSTANT APPEAL.**

RAP 9.6(a) states:

*Generally. The party seeking review should, within 30 days after the notice of appeal is filed or discretionary review is granted, serve on all other parties and file with the trial court clerk a designation of those clerk's papers and exhibits the party wants the trial court clerk to transmit to the appellate court. A copy of the designation shall also be filed with the appellate court clerk. Any party may supplement the designation of clerk's papers and exhibits prior to or with the filing of the party's last brief. Thereafter, a party may supplement the designation only by order of the appellate court, upon motion. Each party*



*is encouraged to designate only clerk's papers and exhibits needed to review the issues presented to the appellate court.*

This rule describes the proper procedure for perfecting the record, including both the designation, and filing of clerk's papers. Here, as required by the rules, Appellant/Petitioner designated all clerk's paper as this Honorable Panel requested, with the notable exception of a non-existent document (the hearing proceeding transcript). The underlying trial court order at the heart of this appeal was entered without a hearing. Therefore, there is no transcript of hearing proceedings to file for the Appellate Court's review. Therefore, reconsideration is warranted as it appears the Court overlooked this material fact.

This Court states in the Opinion that the transferred record "lacked Luhrs's motion to dismiss, any report of proceedings from the hearing, the court's order granting dismissal, Chen's motion to reconsider, the court's order denying reconsideration, Luhrs's motion to correct a clerical mistake, the court's order granting Luhrs's motion to correct, or the court's corrected order dismissing Chen's claim." Appellant submits that he was not aware that all of these filings were necessary for the record since the only underlying order being appealed is the order of dismissal.

"The clerk's papers shall include, at a minimum: ... any written order or ruling not attached to the notice of appeal, of which a party seeks review." RAP 9.6(b)(1)(D). The order of dismissal was transmitted to the Court of Appeals in compliance with 9.6(b)(1)(D). The Court states that the Appellant here had the burden of "serving on all other parties and filing with the trial court clerk and the appellate court clerk a designation of those clerk's papers and exhibits the party wants the trial court clerk to transmit to the appellate court." RAP 9.6(a). However, not all of the documents this Court is requesting exist. Namely the "report of proceedings from the hearing." There was no hearing. The order of dismissal was entered without hearing, thus no transcript is

available. This Court overlooked this material fact and thus review of the underlying opinion and decision is warranted.

**II. THE SUPERIOR COURT ERRED WHEN IT GRANTED RESPONDENT'S MOTION TO DISMISS UNDER CR 12(b)(2) AND CR 12(b)(6).**

Even not considering the correct order (**Appendix CC**) of February 25, 2021, it is worth noting that the original order of dismissal on January 25, 2020 was based on the merits under 12(b)(6) - fails to state a claim and 12(b)(2) lack of jurisdiction. Petitioner submits that there appears to be a conflict between these grounds. The order of dismissal of CR 12(b)(6) must be considered as a final judgment on the merits and CR 12(b)(2) of dismissal of an action without prejudice is a final judgment on non-merit of a controversy for purposes of res judicata.” *Berschauer Phillips Const. Co. v. Mut. of Enumclaw Ins. Co.*, 175 Wn. App. 222, 227, 308 P.3d 681 (2013). A determination that the order of dismissal with prejudice was under CR 12(b)(6) could act as a final determination of the matter of merit that strictly prevents Appellant from attempting to amend and relitigate his claims as contained in the Complaint. According to the amended order, that should no longer apply and also completely conflicts with the provisions promulgated under CR12(b)(2).

Although the lower court correct the order and waived the CR 12(b)(6) ground in March 2021, the new order still maintains a warranted dismissal under CR 12(b)(2) **with prejudice** and obviously the court must make the adjudication on the merits of the case and a final disposition operates as res judicata. See *Tahoe- Sierra Pres. Council, Inc. v. Tahoe Reg'l Planning Agency*, 322 F.3d 1064, 1081 (9th Cir. 2003). By contrast, a dismissal for want of personal jurisdiction is not a judgment “on the merits” for the purpose of res judicata. See, e.g., *Phillips*

*Petro. Co. v. Shutts*, 472 U.S. 797, 805 (1985) (“[A] judgment issued without proper personal jurisdiction over an absent party is not entitled to full faith and credit elsewhere and thus has no res judicata effect as to that party.”); *Martin v. N.Y. State Dep’t of Mental Hygiene*, 588 F.2d 371, 373 n.3 (2d Cir. 1978) (per curiam) (“A dismissal for failure of service of process, of course, has no Res judicata effect.”); Restatement (Second) of Judgments (“Restatement”) § 20(1) (1982) (“A personal judgment for the defendant, although valid and final, does not bar another action by the plaintiff on the same claim: (a) When the judgment is one of dismissal for lack of jurisdiction . . . .”); accord 18A Charles Alan Wright et al., *Federal Practice and Procedure: Jurisdiction* (“Federal Practice”) § 4436, at 154, 168–70 (2d ed. 2002).

In this case, the original Notice of Appeal clearly demonstrates that this appeal was duly filed and is within the Court’s jurisdiction. The correct order which was based on the lower court’s finding of lack of personal jurisdiction under CR 12(b)(2) must be rendered a non-merits ruling, depriving the court of the authority to rule on the merits. See, e.g., *Costello v. United States*, 365 U.S. 265, 285 (1961) (noting the “fundamental jurisdictional defects which render a judgment void . . . such as lack of jurisdiction over the person or subject matter”); *Thomas P. Gonzalez Corp. v. Consejo Nacional de Produccion de Costa Rica*, 614 F.2d 1247, 1255 (9th Cir. 1980) (“It is well-established that a judgment entered without personal jurisdiction over the parties is void.”). “We therefore hold, consistent with decisions by the Sixth and Seventh Circuits, that res judicata does not apply to a judgment that rests on both a lack of jurisdiction and a merits determination.” See *Remus Joint Venture v. McAnally*, 116 F.3d 180, 184 n.5 (6th Cir. 1997) (“[T]he state court correctly recognized that when a district court’s ruling rests on alternative grounds, at least one of which is based on the inability of the court to reach the merits, the judgment should not act as a bar in a future action.”); *Bunker Ramo Corp. v. United Bus. Forms, Inc.*, 713 F.2d 1272, 1279 (7th

Cir. 1983) (“Once a court expresses the view that it lacks jurisdiction, the court thereafter does not have the power to rule on any other matter. Any finding made by a court when the court has determined that it does not have subject matter jurisdiction carries no res judicata consequences.” (citations omitted)); see also 18 Federal Practice § 4421, at 575–78 (“If a first decision is supported both by findings that deny the power of the court to decide the case on the merits and by findings that go to the merits, preclusion is inappropriate as to the findings on the merits. A court that admits its own lack of power to decide should not undertake to bind a court that does have power to decide.” (footnote omitted)).

**III. THE LOWER COURT ERRED AS A MATTER OF LAW WHEN IT AMENDED ITS ORDER AND GRANTED DISMISSAL UNDER CR 12(b)(2) WITH PREJUDICE.**

Referring to **Appendix YY**, Appellant submits that the lower court clearly said above of **with prejudice** in two grounds on February 14, 2020, for lack of personal jurisdiction CR12(b)(2) and CR12(b)(6) -fails to state a claim, which mean she issued order under a merit. Even If the new correct order issued by Trail Court Judge on February 25, 2021, be accept in this court that could only applies with CR 12(b)(2) for lack of personal jurisdiction then with prejudice should not be applied therefore the amended order must be rendered void as a matter of law. The lower court also had no stated reasons for her granting the dismissal with prejudice, but obviously the lower court adopted the doctrine of Res Judicata to stop and prohibit the Appellant from relitigating the matter. Res Judicata no longer applied to this existing case because the foreign judgment at issue in this case had ceased with statutory of limitation beyond 10 years span life before confirmation of the sheriff sale. Res Judicata cannot apply in a non-merit case as new correcting order only based upon CR

12(b)(2) with lack of personal jurisdiction. Personal jurisdiction is a non-merit issue; thus the order of dismissal must be without prejudice. In sum, the lower court erred by holding that the 2020 original order dismissal was premised upon res judicata as well as the amended order entered in early 2021.

Where there is no justiciable controversy before this court, the court lacks jurisdiction to consider it. See *Reid v. Dalton*, 124 Wn.App. 113, 122, 100 P.3d 349 (2004); *High Tide Seafoods v. State*, 106 Wn.2d 695, 701-02, 725 P.2d 411 (1986); *Skagit Surveyors & Eng'rs, LLC v. Friends of Skagit County*, 135 Wn.2d 542, 556-57, 958 P.2d 962 (1998). Where a trial court lacks jurisdiction, **dismissal without prejudice is the limit of what that court may do**. *Housing Auth. v. Kirby*, 154 Wn.App. 842, 850, 226 P.3d 222, review denied, 169 Wn.2d 1022, 238 P.3d 503 (2010). (emphasis added).

In any event, the Respondent's motion to dismiss did not survive either a 12(b)(2) or 12(b)(6) standard and this Court is obligated to review the matter *de novo*. "We review CR 12(b)(6) dismissals *de novo*." *Kinney v. Cook*, 159 Wash.2d 837, 842, 154 P.3d 206 (2007) (citing *Tenore v. AT & T Wireless Servs.*, 136 Wash.2d 322, 329-30, 962 P.2d 104 (1998)). "Dismissal is warranted only if the court concludes, beyond a reasonable doubt, the plaintiff cannot prove any set of facts which would justify recovery." *Id.* (quoting *Tenore*, 136 Wash.2d at 330, 962 P.2d 104). All facts alleged in the complaint are taken as true, and we may consider hypothetical facts supporting the plaintiff's claim. *Id.* "Therefore, a complaint survives a CR 12(b)(6) motion if any set of facts could exist that would justify recovery." *Hoffer v. State*, 110 Wash.2d 415, 420, 755 P.2d 781 (1988) (citing *Lawson v. State*, 107 Wash.2d 444, 448, 730 P.2d 1308 (1986); *Bowman v. John Doe Two*, 104 Wash.2d 181, 183, 704 P.2d 140 (1985)). But "[i]f a plaintiff's claim remains legally insufficient even under his or her proffered hypothetical facts, dismissal pursuant to CR

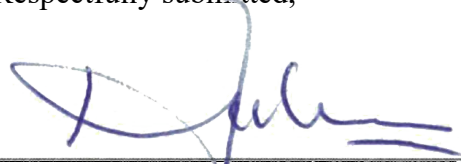
12(b)(6) is appropriate." *Gorman v. Garlock, Inc.*, 155 Wash.2d 198, 215, 118 P.3d 311 (2005). Similarly, the Court reviews a CR 12(b)(2) dismissal *de novo*. *In re Estate of Kordon*, 157 Wash.2d 206, 209, 137 P.3d 16 (2006) (citing *State v. Squally*, 132 Wash.2d 333, 340, 937 P.2d 1069 (1997)).

### CONCLUSION

Based on the foregoing, Petitioner respectfully submits that the instant Motion for Discretionary Review should be granted as there are clear conflicts between the COA and other opinions in this State. Petitioner additionally requests that he be awarded any other relief deemed just and proper.

Dated: September 30, 2021.

Respectfully submitted,



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# Appendix A

COA's Opinion Dismissing Appeal  
(dated August 2, 2021) - 8-2-2021

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

HUY-YING CHEN and YUEH HUA  
CHEN, husband and wife,

Appellants,

v.

CHRISTOPER LUHRS,

Respondent,

JP MORGAN CHASE BANK, as  
Trustee F/K/A THE CHASE  
MANHATTAN BANK successor in  
interest to THE CHASE MANHATTAN  
BANK N.A, THE BANK OF NEW YORK  
MELLON TRUST COMPANY,  
NATIONAL ASSOCIATION FKA THE  
BANK OF NEW YORK TRUST  
COMPANY, N.A. AS SUCCESSOR TO  
JP MORGAN CHASE BANK N.A AS  
TRUSTEE FOR RESIDENTIAL ASSET  
MORTGAGE PRODUCTS, INC  
MORTGAGE ASSETBACKED PASS  
THROUGH CERTIFICATE SERIES  
2005 RP3, PAUL D. SAVITSKY,  
STEVEN K. LINKON,

Defendants.

No. 81353-6-I

DIVISION ONE

UNPUBLISHED OPINION

CHUN, J. — Following foreclosure of their house, Huy-Ying Chen (Chen) and Yueh-Hua Lee Chen<sup>1</sup> sued multiple parties, including Respondent Christopher Luhrs. The trial court dismissed Chen's complaint against Luhrs.

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<sup>1</sup> Yueh-Hua Lee Chen has passed away.



Representing himself, Chen appeals. For the reasons discussed below, we dismiss the appeal.

### I. BACKGROUND

Chen sued multiple parties,<sup>2</sup> including Luhrs, over a foreclosure on his home. Luhrs moved to dismiss the complaint for lack of personal jurisdiction under CR 12(b)(2) and failure to state a claim under CR 12(b)(6). A hearing on the motion took place. The trial court granted Luhrs's motion. But it did not specify whether it based the dismissal on CR 12(b)(2), CR 12(b)(6), or both. Chen moved for reconsideration, which motion the trial court denied. Chen petitioned for discretionary review. A panel of this court granted such review.

Luhrs then moved under CR 60 and RAP 7.2(e) for the trial court to correct the order granting his motion to dismiss and clarify that the motion was granted on only CR 12(b)(2) grounds. The trial court granted the motion and entered a corrected order dismissing Chen's complaint under CR 12(b)(2) with prejudice. Luhrs then moved to have this court review the corrected order instead of the original order. Chen opposed this motion. A commissioner denied Luhrs's motion.

Chen moved to transfer the record from another case rather than file a designation of clerk's papers and statement of arrangements, and the commissioner granted transfer. Yet the transferred record lacked Luhrs's motion to dismiss, any report of proceedings from the hearing, the court's order granting

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<sup>2</sup> The complaint names JP Morgan Chase Bank, the Bank of New York Mellon Trust Company, Paul D. Savitsky, Steven K. Linkon, and Christopher Luhrs as defendants.

dismissal, Chen's motion to reconsider, the court's order denying reconsideration, Luhrs's motion to correct a clerical mistake, the court's order granting Luhrs's motion to correct, or the court's corrected order dismissing Chen's claim.

Rather than dismiss the appeal because of the inadequate record, we requested that Chen supplement the record with the missing materials. Chen made a supplemental filing but failed to provide the requested report of proceedings<sup>3</sup> and the court's order granting Luhrs's motion to correct. Also, in supplementing the record, Chen failed to designate it before the trial court.

## II. ANALYSIS

"The party presenting an issue for review has the burden of providing an adequate record to establish such error." State v. Sisouvanh, 175 Wn.2d 607, 619, 290 P.3d 942 (2012). "In general, '[a]n insufficient record on appeal precludes review of the alleged errors.'" Cuesta v. Dep't of Emp't Sec., 200 Wn. App. 560, 568, 402 P.3d 898 (2017) (alteration in original) (quoting Bulzomi v. Dep't of Labor & Indus., 72 Wn. App. 522, 525, 864 P.2d 996 (1994)). Thus, we "will 'decline to address a claimed error when faced with a material omission in the record.'" Id. (quoting State v. Wade, 138 Wn.2d 460, 465, 979 P.2d 850 (1999)).

Chen's only claim of error on appeal is that the trial court erred by dismissing his claim against Luhrs on both CR 12(b)(2) and 12(b)(6) grounds.

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<sup>3</sup> Chen filed a report of proceedings from a hearing from a different case, which was held in 2017, about three years before the hearing at issue.

He contends that dismissal could occur only on CR 12(b)(2) grounds. Luhrs says the court's February 19, 2021 corrected order shows that the court dismissed on only CR 12(b)(2) grounds. Chen responds by claiming the corrected order is also in error because it was entered with prejudice.<sup>4</sup>

Chen has failed to provide this court with an adequate record to review his claim of error. He initially omitted the orders he appeals, the motions related to those orders, the report of proceedings from the hearing concerning those motions, and the order correcting the original dismissal order. Even after we requested that he supplement the record, he omitted the report of proceedings from the hearing concerning the dismissal order he appeals, and the order granting Luhrs's motion to correct. Chen also failed to designate the supplemental materials with the trial court as required by RAP 9.10 and 9.6(a). See State v. Drum, 168 Wn.2d 23, 38 n.3, 225 P.3d 237 (2010) ("As the party seeking review, it was Drum's responsibility to designate the necessary portions

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<sup>4</sup> Chen did not include the corrected order in his notice of appeal or his petition for discretionary review; it had not been entered at that point. He included only the original order dismissing his claim and the order denying his motion for reconsideration. After the trial court entered the corrected order, Luhrs moved to substitute that order in place of the original order for us to consider. Chen opposed the motion. A commissioner denied the motion, meaning that the only dismissal order on review before us is the original order dismissing the complaint against Luhrs. See RAP 2.4(a) (we "review the decision or parts of the decision designated in the notice of appeal or, subject to RAP 2.3(e) in the notice for discretionary review"); RAP 5.1(f) ("If a party wants to seek review of a trial court decision entered pursuant to rule 7.2 after review in the same case has been accepted by the appellate court, the party must initiate a separate review of the decision by timely filing a notice of appeal or notice for discretionary review"); In re Marriage of Smith, 98 Wn.2d 772, 774, 657 P.2d 1383 (1983) (refusing to consider a challenge of an order not before the court).

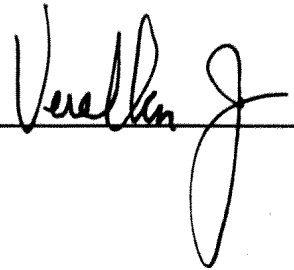
of the record. See RAP 9.6(a). In the absence of an adequate record, we decline to review Drum's sufficiency of the evidence claim on this basis.").

We dismiss the appeal.

  
\_\_\_\_\_

WE CONCUR:

  
\_\_\_\_\_

  
\_\_\_\_\_

# Appendix B

COA's Order Denying Motion for Reconsideration  
(dated September 1, 2021) 09-1-2021

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION ONE

HUY-YING CHEN and YUEH HUA CHEN,  
husband and wife,

Appellants,

v.

CHRISTOPER LUHRS,

Respondent,

JP MORGAN CHASE BANK, as Trustee  
F/K/A THE CHASE MANHATTAN BANK  
successor in interest to THE CHASE  
MANHATTAN BANK N.A, THE BANK OF  
NEW YORK MELLON TRUST COMPANY,  
NATIONAL ASSOCIATION FKA THE BANK  
OF NEW YORK TRUST COMPANY, N.A. AS  
SUCCESSOR TO JP MORGAN CHASE  
BANK N.A AS TRUSTEE FOR RESIDENTIAL  
ASSET MORTGAGE PRODUCTS, INC  
MORTGAGE ASSETBACKED PASS  
THROUGH CERTIFICATE SERIES 2005  
RP3, PAUL D. SAVITSKY, STEVEN K.  
LINKON,

Defendants.

No. 81353-6-I

ORDER DENYING MOTION  
FOR RECONSIDERATION

Appellants Huy-Ying Chen and Yueh Hua Chen have moved for reconsideration of the opinion filed on August 2, 2021. The panel has considered the motion pursuant to RAP 12.4 and has determined that the motion should be denied. Now, therefore, it is hereby

ORDERED that the motion for reconsideration is denied.

FOR THE COURT:

  
\_\_\_\_\_  
Judge

# Appendix CC

Order Granting Motion to Correct Clerical Mistake

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

Huy-Ying Chen and Yueh Hua Chen,

Plaintiff,

vs.

JPMorgan Chase Bank, As Trustee F/K/A The  
Chase Manhattan Bank Successor-In- Interest  
To The Chase Manhattan Bank, N.A., et al.;

Defendants

Case No.: 19-2-15034-3 SEA

CORRECTED ORDER ON  
CHRISTOPHER LUHRS' MOTION TO  
DISMISS THE COMPLAINT

THIS MATTER came before the court of Defendant Christopher Luhrs' Motion to Dismiss the Complaint. Having reviewed the Motion, Opposition and reply, if any, and the records and files herein, and being fully advised on the matter, it is hereby:

ORDERED that Defendant Christopher Luhrs' Motion to Dismiss the Complaint is granted under CR 12(b)(2) with prejudice.

The Complaint is dismissed against Christopher Luhrs.

Dated FEB 19 2021

  
\_\_\_\_\_  
King County Superior Court Judge

Submitted by: /s/ Warren Lance  
Warren Lance, WSBA No. 51586  
Attorneys for Defendant Christopher Luhrs



# Appendix YY

Original Superior Court  
Order Dismissing Case

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7 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
8 IN AND FOR KING COUNTY

9 Huy-Ying Chen and Yueh Hua Chen,

10 Plaintiff,

11 vs.

12 JPMorgan Chase Bank, As Trustee F/K/A The  
13 Chase Manhattan Bank Successor-In- Interest  
14 To The Chase Manhattan Bank, N.A., et al.;

14 Defendants

Case No.: 19-2-15034-3 SEA

ORDER ON CHRISTOPHER LUHRS'  
MOTION TO DISMISS THE COMPLAINT

15 THIS MATTER came before the court of Defendant Christopher Luhrs' Motion to  
16 Dismiss the Complaint under CR 12(b)(2) and CR 12(b)(6). Having reviewed the Motion,  
17 Opposition and Reply, and the records and files herein, and being fully advised on the matter, it  
18 is hereby:  
19

20 ORDERED that Defendant Christopher Luhrs' Motion to Dismiss the Complaint  
21 with prejudice. *IS GRANTED.*

22 The Complaint is dismissed against Christopher Luhrs.

23 Dated FEB 14 2020

24   
King County Superior Court Judge

Annette M. Messitt

25 Submitted by:

26 Warren Lance, WSBA No. 51586  
27 Attorney for Defendant Christopher Luhrs  
28

**ANDREA CHEN - FILING PRO SE**

**September 30, 2021 - 3:53 PM**

**Filing Motion for Discretionary Review of Court of Appeals**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** Case Initiation  
**Appellate Court Case Title:** Huy-Ying Chen et ano, Appellants v. JP Morgan Chase Bank et al, Respondents (813536)

**The following documents have been uploaded:**

- DCA\_Motion\_Discretionary\_Rvw\_of\_COA\_20210930155218SC396208\_1639.pdf

This File Contains:

Motion for Discretionary Review of Court of Appeals

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**Comments:**

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