

FILED
SUPREME COURT
STATE OF WASHINGTON
8/15/2022 12:41 PM
BY ERIN L. LENNON
CLERK

IN THE SUPREME COURT OF THE STATE OF
WASHINGTON

THE MEADOWS OWNERS)	
ASSOCIATION,)	No. 100783-3
)	
Plaintiff,)	ANSWER TO APPELLANT’S
)	SECOND EXTENSION
)	MOTION
JAYAKRISHNAN K. NAIR and)	
JANE DOE NAIR,)	
)	
Appellants,)	
)	
JOYOUS INVESTMENTS, LLC)	
)	
Respondent,)	
)	
WILLIAMS SAVINGS FUND)	
SOCIETY, FSB, D/B/A)	
CHRISTIANA TRUST; and FIRST)	
TECH CREDIT UNION,)	
)	
Defendants.)	

This is the Answer by Respondent Joyous Investments, LLC (“Joyous”) to the Motion for Extension of Time to File Revised Petition for Review filed on behalf of Appellant Jayarkishnan K. Nair (“Nair”) filed by attorney David O. on June 24, 2022 (the “Second Extension Motion”). The Second Extension Motion is to extend time for Nair’s attorney to file a revised professionally drafted Petition for Review.

RECENT HISTORY

Acting pro se, Nair previously filed (1) a Petition for Review on April 15, 2022 (the “First Petition for Review”), and (2) a Motion for Extension of Time on May 12, 2022 (the “First Extension Motion”). On June 10, 2022, Joyous filed (1) an Answer to Appellant’s Motion for Extension of Time (the “First Extension Answer”) and (2) an Answer to Petition for Review (the “First Petition Answer”). The Court has not yet ruled on the First Extension Motion or the First Petition for Review.

On June 24, 2022, attorney David O. filed a Notice of Appearance on behalf of Nair, together with the Second Extension Motion. The Second Extension Motion requested an extension to allow filing a revised professionally drafted Petition for Review. On June 27, 2022, Nair directly filed a Petitioner’s Affidavit in Support of Motion for Extension of Time to File Revised Petition for Review. By letter of June 27, 2022, Deputy Clerk Pendleton stated the Court would only rule

on the Second Extension Motion if “the Petitioner files a proposed amended petition for review in this Court by July 27, 2022.” Exhibit A. That letter also states that upon receipt of a proposed amended petition for review a due date will be set for Joyous to answer both the Second Extension Motion and the proposed amended petition for review.

A proposed amended petition was not filed by July 27, 2022. On July 28, 2022, Nair (not attorney David O.) filed a Petitioners Update on Status of Filing Petition for Review indicating the amended petition was delayed because Nair’s office was burglarized the preceding weekend. Exhibit B. There was no explanation as to why any records held by Nair were not provided to David O. before then. By letter of July 28, 2022, Deputy Clerk Pendleton advised all parties that because Nair was represented by counsel (David O.), Nair’s pro se Update was not allowed and would not be considered. Exhibit C.

On August 1, 2022, Nair (not attorney David O.) filed another Petition for Review (the “Second Petition for Review”). A note at the top page 2 of the Second Petition for Review states it is intended as a “placeholder” pending completion of the final document by attorney David O. in order to avoid dismissal for missing previous deadlines. The only other differences from the First Petition for Review were a different date and fonts on the cover page, a different signature date on the last page and the Second Petition for Review did not include the Exhibits that accompanied the First Petition for Review. Otherwise, the Second Petition for Review is the same as the First Petition for Review. By letter of August 1, 2022, Deputy Clerk Pendleton again advised the parties that Nair’s pro se filing was not permitted and would not be considered. Exhibit D.

On August 3, 2022, attorney David O. filed a Notice of Intent to Withdraw, effective August 15, 2022. Exhibit E. By letter of August 5, 2022, Deputy Clerk Pendleton stated that in

light of attorney David O.'s Notice of Intent to Withdraw the Court accepted for filing Nair's Second Petition for Review and would consider it along with the First Extension Motion, the First Petition for Review and the Second Extension Motion. Exhibit F. That letter gave Joyous until September 6, 2022, to answer the Second Petition for Review, but overlooked specifying an answer date for the Second Extension Motion.

ARGUMENT

Joyous respectfully requests that the Court deny the Second Extension Motion because (1) the basis for the Second Extension Motion was to allow time for a professionally drafted petition for review that has not occurred and will not given the withdrawal of attorney David O., (2) of all the reasons set forth in First Extension Answer previously filed for Joyous, and (3) there is no substantive difference between the First Petition for Review that Joyous has already answered and the Second Petition for Review filed on August 1, 2022.

This document contains 734 words, excluding the parts
of the document exempt from the word count by RAP 18.17.

August 15, 2022.

Respectfully submitted,

/s/Michael Fulbright
WSBA #11821
Law Office of Michael Fulbright
1420 NW Gilman Blvd, Suite 2 PMB9092
Issaquah, WA 98027
Telephone: (425) 829-4579
Fax: None
E-mail: mike@fulbrightlegal.com

Attorney for Respondent Joyous
Investments, LLC

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury under the laws of the State of Washington that on the date below I (1) electronically filed the foregoing Answer with the Washington Supreme Court, and (2) caused a copy of the foregoing Answer to be served on Appellant Nair via the Court's electronic filing system and email service.

Signed at Navarre, Florida, on August 15, 2022.

/s/Michael Fulbright
WSBA #11821
Law Office of Michael Fulbright
1420 NW Gillman Blvd, Suite 2 PMB9092
Issaquah, WA 98027
Telephone: (425) 829-4579
Fax: None
E-mail: mike@fulbrightlegal.com

Attorney for Respondent Joyous
Investments, LLC

EXHIBIT A

THE SUPREME COURT

STATE OF WASHINGTON

ERIN L. LENNON
SUPREME COURT CLERK

SARAH R. PENDLETON
DEPUTY CLERK/
CHIEF STAFF ATTORNEY



TEMPLE OF JUSTICE

P.O. BOX 40929
OLYMPIA, WA 98504-0929

(360) 357-2077
e-mail: supreme@courts.wa.gov
www.courts.wa.gov

June 27, 2022

LETTER SENT BY E-MAIL ONLY

David O.
David O. Defense
1700 Westlake Avenue North, Suite 200
Seattle, WA 98109-6212

Michael Gene Fulbright
Law Office of Michael Fulbright
1420 NW Gilman Boulevard, Suite 2
Issaquah, WA 98027-5333

Re: Supreme Court No. 100783-3 - Joyous Investments, LLC v. Jayakrishnan Nair
Court of Appeals No. 81754-0-I

Counsel:

On June 23, 2022, the Court received from Petitioner's counsel "PETITIONER'S MOTION FOR EXTENSION OF TIME TO FILE REVISED PETITION FOR REVIEW." The motion requests that the Court grant an extension of time to file an amended petition for review. On June 27, 2022, the Court also received the "PETITIONERS'S AFIDAVIT IN SUPPORT OF MOTION FOR EXTENSION OF TIME TO FILE REVISED PETITION FOR REVIEW."

No Ruling on Motion at This Time

The parties are advised that no ruling is being made at this time on the Petitioner's motion for an extension of time to file an amended petition for review. A Department of the Court will decide the Petitioner's motion for extension of time, but only if the Petitioner files a proposed amended petition for review in this Court by **July 27, 2022**.

Once the proposed amended petition for review is received, the previously filed motion for extension of time, the previously filed petition for review, the motion for extension of time to file an amended petition for review, and the proposed amended petition for review will be considered by a Department of the Court. The Court will make a decision without oral argument. However, due to the Petitioner's failure to file a timely petition for review, the Court will only consider the motion for extension of time to file an amended petition for review and the

proposed petitions for review if it first decides to grant the initial motion for extension of time.
A motion for extension of time to file is normally not granted; see RAP 18.8(b).

Answer to Motion and Proposed Petition for Review

The parties are advised that upon receipt of the proposed amended petition for review, a due date will be established for the filing of any answer to the motion for extension of time to file an amended petition for review and any answer to the proposed amended petition for review.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah R. Pendleton". The signature is fluid and cursive, with the first name "Sarah" being the most prominent.

Sarah R. Pendleton
Supreme Court Deputy Clerk

SRP:jm

EXHIBIT B

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CLERK KRISHNAN K. NAIR ,

Petitioner,

v.

Joyous Investments LLC, et al

Respondents

Case No: 100783-3
Court of Appeals No. 81754-0-I

PETITIONERS'S UPDATE ON
STATUS OF FILING PETITION FOR
REVIEW

I. PRAYER

As this Honorable Court is kindly aware from the Petitioner's Status submission on 100983-6 from yesterday, the Petitioner's office and personal building were criminally broken into, vandalized and burglarized, last weekend (7/23/2022) a matter under investigation. All computers and electronics were stolen, including records and data. This terrible situation has caused tremendous trauma and inability to retrieve the files required for filing by the date imposed by this Honorable Court on 7/27/2022 by public letter. However, as with 100983-6 plaintiff's attorney David O and staff are trying their best to retrieve all the data from memory/ limited backups and re-do the petition.

This Honorable Court has most graciously allowed us time until tomorrow (7/28) for uploading the file for 100983-6, and we pray that the same kind consideration be also extended for this matter, both of which are borne out of identical set of facts and affected by the same excruciating circumstances. We are most hopeful we will be able to retrieve/ reformulate the stolen data and still be able to file BOTH the Petitions for Review for 100983-6 as well as this one, despite this criminally dire situation outside our control, by that time. Thank you again very much for the kind understanding.

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Respectfully Submitted

A handwritten signature in black ink, appearing to read "J. Smith", written over a horizontal line.

Petitioner

Dated: 07/27/2022

JAYAKRISHNAN NAIR - FILING PRO SE

July 28, 2022 - 8:50 AM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 100,783-3
Appellate Court Case Title: Joyous Investments, LLC v. Jayakrishnan Nair
Superior Court Case Number: 17-2-05181-9

The following documents have been uploaded:

- 1007833_Letters_Memos_20220728084929SC978905_8269.pdf
This File Contains:
Letters/Memos - Other
The Original File Name was Status Letter.pdf

A copy of the uploaded files will be sent to:

- david@davidodefense.com
- mike@fulbrightlegal.com

Comments:

Sender Name: JAYAKRISHNAN NAIR - Email: JKNAIR9@GMAIL.COM
Address:
8646 230TH WAY NE
Suite, Apt, Bldg, or Other
Redmond, WA, 98053
Phone: (347) 746-2470

Note: The Filing Id is 20220728084929SC978905

EXHIBIT C

THE SUPREME COURT

STATE OF WASHINGTON

ERIN L. LENNON
SUPREME COURT CLERK

SARAH R. PENDLETON
DEPUTY CLERK/
CHIEF STAFF ATTORNEY



TEMPLE OF JUSTICE

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July 28, 2022

LETTER SENT BY E-MAIL ONLY

Jayakrishnan Nair
8646 230th Way NE
Redmond, WA 98053

Michael Gene Fulbright
Law Office of Michael Fulbright
1420 NW Gilman Boulevard, Suite 2
Issaquah, WA 98027-5333

David O.
David O. Defense
1700 Westlake Avenue North, Suite 200
Seattle, WA 98109-6212

Re: Supreme Court No. 100783-3 – Joyous Investments, LLC v. Jayakrishnan Nair
Court of Appeals No. 81754-0-I

Counsel and Mr. Nair:

On July 28, 2022, the Court received the Petitioner's pro se "PETITIONERS'S UPDATE ON STATUS OF FILING PETITION FOR REVIEW" requesting additional time to file a petition for review in this case.

No action will be taken on the filing as the Petitioner is represented by counsel, and therefore he is not permitted to file pro se.

Mr. Nair is advised to consult with his attorney if he would like a motion considered by this Court.

Sincerely,

Sarah R. Pendleton
Supreme Court Deputy Clerk

SRP:jm

EXHIBIT D

THE SUPREME COURT

STATE OF WASHINGTON

ERIN L. LENNON
SUPREME COURT CLERK

SARAH R. PENDLETON
DEPUTY CLERK/
CHIEF STAFF ATTORNEY



TEMPLE OF JUSTICE

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OLYMPIA, WA 98504-0929

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e-mail: supreme@courts.wa.gov
www.courts.wa.gov

August 1, 2022

LETTER SENT BY E-MAIL ONLY

Jayakrishnan Nair
8646 230th Way NE
Redmond, WA 98053

Michael Gene Fulbright
Law Office of Michael Fulbright
1420 NW Gilman Boulevard, Suite 2
Issaquah, WA 98027-5333

David O.
David O. Defense
1700 Westlake Avenue North, Suite 200
Seattle, WA 98109-6212

Re: Supreme Court No. 100783-3 – Joyous Investments, LLC v. Jayakrishnan Nair
Court of Appeals No. 81754-0-I

Counsel and Mr. Nair:

On August 1, 2022, the Court received directly from Mr. Nair a pro-se “PETITION FOR REVIEW.” Mr. Nair notes at the top of the filing that the petition for review is a placeholder until his Counsel files the “final” petition for review.

Mr. Nair was previously warned in the letter from the Court dated July 28, 2022, that he is not permitted to file pro se if he is represented by Counsel, and that no action will be taken on pro se filings. Mr. Nair is advised once again to consult with his attorney if he would like a filing considered by the Court. The pro se petition for review is therefore rejected for filing.

Any future pro se filings made by Mr. Nair while still represented by Counsel will be rejected and placed in the case file without any further action or communication. It is also noted that a motion for extension of time is yet to be filed by Counsel in this case and the petition for review was due on July 27, 2022.

Sincerely,

Sarah R. Pendleton
Supreme Court Deputy Clerk

Page 2
No. 100783-3
August 1, 2022

SRP:jm

EXHIBIT E

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THE SUPREME COURT
STATE OF WASHINGTON

JOYOUS INVESTMENTS, LLC,

vs.

JAYAKRISHNAN NAIR

Supreme Court No. 100783-3
Court of Appeals No. 81754-0-1

NOTICE OF INTENT TO WITHDRAW

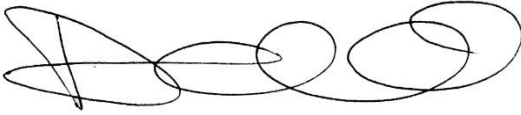
Jayakrishnan Nair
8646 230th Way NE
Redmond, WA 98053

Michael Gene Fulbright
Law Office of Michael Fulbright
1420 NW Gilman Boulevard, Suite 2
Issaquah, WA 98027-5333

Comes now Counsel for Jayakrishnan Nair, to give notice of my intent to withdraw as his attorney of record by August 15, 2022. The withdrawal shall be effective without court order unless an objection to the withdrawal is served upon the withdrawing attorney prior to August 15, 2022.

1 Dated this 3rd day of August, 2022

2 Submitted by:

3 A handwritten signature consisting of several overlapping loops and a sharp downward stroke on the left side.

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25 Motion – Page 2

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DAVID O DEFENSE
1700 Westlake Avenue N, Suite 200
Seattle, WA 98109
Tel (206)459-6392

DAVID O DEFENSE

August 03, 2022 - 12:08 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 100,783-3
Appellate Court Case Title: Joyous Investments, LLC v. Jayakrishnan Nair
Superior Court Case Number: 17-2-05181-9

The following documents have been uploaded:

- 1007833_Cert_of_Service_20220803115902SC136043_5138.pdf
This File Contains:
Certificate of Service
The Original File Name was Joyous Investments LLC v. Nair Proof of service motion to withdraw.pdf
- 1007833_Notice_20220803115902SC136043_9232.pdf
This File Contains:
Notice - Intent to Withdraw
The Original File Name was Joyous Investments LLC v. Nair Notice of Intent to Withdraw.pdf

A copy of the uploaded files will be sent to:

- mike@fulbrightlegal.com

Comments:

Sender Name: David O - Email: david@davidodefense.com
Address:
1700 WESTLAKE AVE N STE 200
SEATTLE, WA, 98109-6212
Phone: 206-459-6392

Note: The Filing Id is 20220803115902SC136043

EXHIBIT F

THE SUPREME COURT

STATE OF WASHINGTON

ERIN L. LENNON
SUPREME COURT CLERK

SARAH R. PENDLETON
DEPUTY CLERK/
CHIEF STAFF ATTORNEY



TEMPLE OF JUSTICE

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August 5, 2022

LETTER SENT BY E-MAIL ONLY

Jayakrishnan Nair
8646 230th Way NE
Redmond, WA 98053

Michael Gene Fulbright
Law Office of Michael Fulbright
1420 NW Gilman Boulevard, Suite 2
Issaquah, WA 98027-5333

David O
David O Defense
1700 Westlake Avenue N., Suite 200
Seattle, WA 98109-6212

Re: Supreme Court No. 100783-3 - Joyous Investments, LLC v. Jayakrishnan Nair
Court of Appeals No. 81754-0-I

Counsel and Jayakrishnan Nair:

On August 3, 2022, this Court received the "NOTICE OF INTENT TO WITHDRAW" from the Petitioner's counsel. Therefore, the Petitioner's pro se proposed amended "PETITION FOR REVIEW" filed on August 1, 2022, will be accepted for filing.

Counsel for Respondent may serve and file an answer to the pro se proposed amended petition for review by **September 6, 2022**. The parties are directed to review the provisions set forth in RAP 13.4(d) regarding the filing of any reply to an answer.

The pro se proposed amended petition for review will be set for consideration without oral argument at the same time as the Court considers the originally filed petition for review filed on April 15, 2022, the motion for extension of time filed on May 12, 2022, and the motion for extension of time and to amend the petition for review filed on June 23, 2022.

Sincerely,

Sarah R. Pendleton
Supreme Court Deputy Clerk

SRP:ejn

LAW OFFICE OF MICHAEL FULBRIGHT

August 15, 2022 - 12:41 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 100,783-3
Appellate Court Case Title: Joyous Investments, LLC v. Jayakrishnan Nair
Superior Court Case Number: 17-2-05181-9

The following documents have been uploaded:

- 1007833_Answer_Reply_20220815121030SC374365_6224.pdf
This File Contains:
Answer/Reply - Answer to Motion
The Original File Name was Answer to Appellants Second Motion to Extend.pdf

A copy of the uploaded files will be sent to:

- jknair@gmail.com

Comments:

This Answer is for the Motion for Extension of Time to File Revised Petition for Review filed on June 24, 2022.

Sender Name: Michael Fulbright - Email: mike@fulbrightlegal.com
Address:
1420 NW GILMAN BLVD STE 2
ISSAQUAH, WA, 98027-5333
Phone: 425-829-4579

Note: The Filing Id is 20220815121030SC374365