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Court of Appeal Cause No. 84633-7-1

101930-1

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

Moon Hur & Seungja Hong, Petitioner

v.

Patti Kim, Respondent

PETITION FOR REVIEW

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I. INTRODUCTION

Plaintiff, Patti Kim (hereafter “Kim or “Plaintiff”), filed a Complaint against Moon Hur & Seungja Hong (“hereafter Hur” or “Defendants”) on August 17, 2020 for an Unlawful Detainer Action in the Pierce County Superior Court. (CP 1 – 4). The two parties entered into an option to purchase of property where Hur currently reside commonly known as 1106 E 52nd St Tacoma, WA 98404 (hereafter the “Property” or “Subject Property”). Hur & Hong filed a separate counterclaim & answer to Kim’s Complaint on September 30, 2020. Their claims included the following: (1) Breach of Contract; (2) Unjust Enrichment; (3) Conversion; (4) Fraudulent Inducement; (5) Violations of the Consumer Protections Act; (6) Injunctive Relief; & (7) Negligent Misrepresentation. The Superior Court granted Kim’s Motion for Writ on October 1, 2020 & the unpublished decision of the Court of the Appeals noted that the commissioner found Hur:

“failed to show cause why possession of the” residence “should not be returned to” Kim & entered an order for the court clerk to issue a writ of restitution directing the Pierce County Sheriff to evict Hur from the residence. Hur moved to revise the commissioner’s decision, which a judge subsequently denied, in December 2020. Hur then sought discretionary review of the order denying revision.”

Kim moved to dismiss Hur’s counterclaims on summary judgment on April 8,

2021. Due to Hur's counsel's illness no response to the motion to dismiss was filed. Hur's counsel emailed the Court regarding her illness & filed a Motion for Continuance on May 5, 2021 pursuant to CR 56(f) & CR 6, citing excusable neglect, but it was subsequently not heard as it was not confirmed as Hur's counsel's acute illness continued. A Motion to continue the trial was filed on May 24, 2021 which was later granted & continued to October 13, 2021. The Superior Court denied Hur's motion for reconsideration asserting CR 59(a)(7), CR 59(a)(9), & CR 54(b) claims & noted CR 60(b) on June 2, 2021 which was (27 days after the May 6, 2021 order of dismissal) as untimely.

The Court of Appeals incorrectly held that: "Hur's reply brief on appeal asserts that they have a viable claim for 'excusable neglect' with regard to the late filing of their motion for reconsideration. We decline to consider this argument for two reasons. First, this issue is raised for the first time on appeal. See RAP 2.5(a) view any claim of error which was not raised in the trial court'." The unpublished decision of the Court of Appeals is directly contrary to this Court's decision where "RAP 2.5(a) provides that if a party fails to raise an issue in the trial court, the appellate court may decline to review the issue on appeal. However, the rule's use of the term "may" indicates that it is a discretionary decision to refuse review. *Roberson v. Perez*, 156 Wash.2d 33, 39, 123 P.3d 844 (2005). Nothing in RAP 2.5(a) expressly prohibits an

appellate court from accepting review of an issue not raised in the trial court. *Id. State v. Russell*, 171 Wash.2d 118, 249 P.3d 604 (Wash. 2011).

The conflict with *Roberson*, & numerous Appellate Court decisions applying the same rule, is significant because the decision below denies Hur of his viable claim of their “excusable neglect” & thereby establishes a basis for appellate relief. Given the importance of the “excusable neglect” claim in Hur’s appeal, the court’s error raises issues as it is in conflict with a decision of the Supreme Court or in conflict with a published decision of the Court of Appeals. It warrants review & correction by this Court.

II. IDENTITY OF PETITIONER

Moon Hur & Seungja Hong asks this court to accept review of the Court of Appeals decision March 24, 2023 termination review designated in Part B of this petition.

III. COURT OF APPEALS DECISION

On January 30, 2023, the Court of Appeals, Division I, issued a decision affirming the trial court’s orders regarding: (1) granting Patti Kim’s Motion to Dismiss Hur’s Counterclaims on summary judgment; (2) Denying Hur’s June 2, 2021 Motion for Reconsideration; (3) Denying Hur’s September 2021 request for a continuance of trial date; (4) Hur’s Challenge to Trial Court’s

October 2021 Findings of Fact & Conclusions of Law Appendix C pages 13 - 17; (4) Denial of Motion of Reconsideration. On March 24, 2023 the Court of Appeals, Division I, issued a decision denying Moon Hur & Seungja Hong's Motion for Reconsideration. A copy of the decision is in Appendix A at pages 1 through 11. A copy of the order denying petitioner's motion for reconsideration is in Appendix B at pages 12.

IV. ISSUES PRESENTED FOR REVIEW

1. Did the Court of Appeals err in affirming that the trial court's, 12(b)(6) motion converted to a summary judgment, to Kim was proper regardless of whether the opposing party submitted responding materials or whether Kim met her initial burden of showing the absence of an issue of material fact. *Jacobsen v. State*, 89 Wash.2d 104, 108, 569 P.2d 1152 (1977); see also *Baldwin*, 112 Wash.2d at 132, 769 P.2d 298.
2. Whether the trial court committed error by failing to consider Hur's Motion to Continue Trial & entering Finding & Facts & Conclusions of Law following trial on October 13, 2021.
3. Whether the Court of Appeals committed an error by failing to consider issues raised by the Petitioner where the Petitioner's raises issues in their reply brief in direct response to the issues in the brief to which the reply brief is directed. RAP 10.3(c).
4. Whether the Court of Appeals committed an error by failing to consider the Petitioner's viable claim for "excusable neglect" that was first raised on appeal but raised in the Petitioner's reply brief in direct response to the issues in brief to which the reply brief is directed. RAP 2.5(a).
5. Whether the trial court committed error by failing to consider Hur's excusable neglect claim.

V. STATEMENT OF THE CASE

A. Moon Hur & Seungja Hong enter into a Option to Purchase Agreement with Patti Kim.

Hur & Kim entered into option to purchase agreement on August 15, 2016 for a total of \$150,000. Separate from this option agreement Hur was renting the Property from Kim for \$1,000.00 per month. Hur continues to reside in the property. (CP 101, 103, 190-191, 193-194, 732 - 734). Hur made the following payments towards the “option to purchase agreement”: an (1) initial down payment of \$12,000.00 on August 15, 2016, (2) \$10,000.00 on September 8, 2017;(3) \$8,000.00 on December 23, 2017; (4) \$10,000.00 on May 28, 2018; & (5) \$10,000.00 on July 28, 2018 & \$10,000.00 in July 2019 which were all accepted in cash by Kim. (CP 183, 193 – 194, 190 – 191, 771 - 784).

All these payments were made by Hur & accepted by Kim & memorialized in an email sent by Kim to Hur. (CP 78, 725 – 726, 728 – 730, 2340, 2341, 2356 - 2358). A final payment of \$90,000.00 was remaining to be paid as noted in Kim’s July 31, 2019 email. (CP 733 – 734). In this email Kim states, “thank you for paying...you’ll repay real soon.” (CP 184 – 85, 732 – 734). Hur obtained a \$90,000.00 loan, he made the final payment for the purchase of the Subject Property on January 28, 2020. (CP 803). Kim refused

to pick up the final payment. (CP 805). On February 14, 2020 Hur received an email from Kim & her realtor stating that the Property had been listed & the realtor Mr. Yun could assist with them getting a loan “[i]f you want to buy this property.” (CP 486). This was in clear breach of Hur & Kim’s option to purchase agreement that Hur & Kim entered into in September of 2016. Ms. Kim never accepted Mr. Kim’s final \$90,000 payment (CP 805, 803). Instead, Ms. Kim filed the Unlawful Detainer Action which is the subject of this appeal. (CP 1-4).

B. Patti Kim Files Unlawful Detainer Action in Pierce County

When Kim brought suit against Hur for Unlawful Detainer Action she alleged, she was the owner of the real property located at 1106 E. 52nd. (CP 1 – 4). Kim failed to allege that Hur & Kim had entered into an option to purchase agreement which she had accepted a total of \$60,000.00 payments from Hur prior to filing suit. (CP 78, 725 – 726, 728 – 730).

Kim failed to allege that she had agreed to accept Hur’s final \$90,000.00 to consummate the option to purchase agreement of the Subject Property. (CP 184 – 85, 732 – 734). Kim failed to allege that rather than consummate the agreement with Hur she listed the property for sale. (CP 181, 187 – 188, CP, 324). Kim failed to alleged that her notice of intent to sell failed to meet the

Governor's Proclamation 20-19.5 requirements as the letter was not a signed affidavit under penalty of perjury. (CP 324).

C. Kim Files 12(b)(6) Motion to Dismiss Hur's Counter Claims

Kim filed a 12(b)(6) Motion to Dismiss Hur's Counter Claims, which was converted to a summary judgment, in April of 2020. Hur failed to file an answer to Kim's motion & the trial entered an Order of dismissal of partial counterclaims on May 6, 2021 (CP 1013 – 106). In that Order the Court found that Hur failed to make a response to Ms. Kim's Motion to Dismiss & dismissed Hur's counterclaims with prejudice. (CP 1017 at ¶ 25, ¶ 28).

The second Discretionary Review was filed on June 7, 2021 where Hur sought review of the Order Denying Motion for Reconsideration & the Motion to Dismiss entered on May 6, 2021, (CP 1470 – 1488). The other Discretionary Review was consolidated into this appeal. (CP 2488).

D. The Court of Appeals Did Not Reach a Decision on the Motion to Change Trial Date September 2021.

Hur filed a Motion to Change the Trial (hereafter "Motion For Continuance") Date on September of 2021 & provided proof to the trial court of their counsel's acute illness for trial scheduled for October 13, 2021. (CP 1639 – 1896). The Court of Appeals noted in footnote 4 that "Kim did not object to this portion the opening brief as outside the scope of the assignment

of error.” (App. 4). The trial court’s denied the Motion For Continuance in its Orders on Motions Heard 9/24/2021. (CP 1920- 1921). “Grant or denial of a continuance is a discretionary ruling because the court must consider various factors, such as diligence, materiality, due process, a need for an orderly procedure, & the possible impact of the result on the trial.” *State v. Guajardo*, 50 Wash.App. 16, 19, 746 P.2d 1231 (1987). Here, the denial of Hur’s September 2021 Motion For Continuance was prejudicial to his trial preparation as his attorney was acutely ill. Hur’s counsel, via supporting declarations, provided the Court with supporting documentation of her acute illness which required a short trial continuance. (CP 1585, 1586, 1589, 1596, 1598). *In the Matter of The Recall of Mark E. Lindquist*, 172 Wash.2d 120, 258 P.3d 9 (Wash. 2011).

The trial court abused its discretion by refusing to grant a short continuance due to the counsel’s illness. The denial of Hur’s Motion to continue the trial impacted the entry of trial court’s Findings of Fact & Conclusions of Law, on October of 2021, & Judgment as Hur & Hur’s counsel had fewer pre-trial time, due to his counsel illness, which placed him at a disadvantage. Hur’s counsel provided specific documentation of her illness & it was clear that the trial could not move forward. (CP 1639 – 1896). A short continuance would have been reasonable as cause clearly existed for a

continuance. CR 40(d). By denying Hur's continuance it prejudiced Hur's ability to prepare for pre-trial matters, prior to trial as well as negatively impacted the entry of the Findings of Fact & Conclusions of Law & Judgment on October 22, 2021 as counsel was acutely ill. (CP 2362 – 2363). The trial court abused its discretion in denying a continuance.

E. Trial on Damages October 2021

A bench trial was held on October 13 - 14, 2021 on the issue of damages. After briefing from the parties on the issue of the "option to purchase payments" Hur made to Kim the trial court determined that "the \$60,000 is not before this Court & the Court will not consider it in making a decision in this case any further." (RP 107, 190). The trial court went on to state the reason the issue of the \$60,000 payment was not before the court "[a]nd that is because there's no record or payment in this case of this other contract or agreement relating to the property." (RP 190).

Mr. Hur's briefed the issue regarding Ms. Kim testifying that she accepted payments from Mr. Hur, in cash, that were not rental payments. (CP 2299; RP 123, 124). Ms. Kim testified that Mr. Hur made rental payments in the form of cash & checks for the Subject Property. (RP 123, 124). This evidence was relevant as Kim accepted Hur's rental payments & option to purchase payments in cash & check since 2016. All relevant evidence is admissible under ER 402.

Hur raised the issue of relevant evidence in his response to Kim's Motion in Limine. (CP 2265).

A judgment was entered in favor of Ms. Kim, on October 22, 2021, with the principal amount of \$40,800 & statutory attorney's fees of \$200.00. Hur then filed a Motion for reconsideration on October 2021 which was denied on October 2021. (CP 2367 – 2375, 2404 – 2407). The trial court entered its Findings of Facts & Conclusions of Law on October 22, 2021 (CP 2362 – 2363). (Appendix C). Hur subsequently filed a Notice of Appeal on November 4, 2021 (CP 2427 – 2429). The trial court's entry of final judgment & findings of facts should be reviewed by this court de novo. *Rainier View Court Homeowners Ass'n, Inc. v. Zenker*, Wn.App. 710, 719, 238 P.3d 1217 (2010). The standard of review for a trial court's findings of fact is under a substantial evidence standard, defined as a quantum of evidence sufficient to persuade a fair-minded person that the premise is true. *Wenatchee Sportsmen Ass'n v. Chelan County*, 141 Wash.2d 169, 176, 4 P.3d 123 (2000). The standard of review for questions of law & conclusions of law de novo. *Veach v. Culp*, 92 Wash.2d 570, 573, 599 P.2d 526 (1979). *Rainier View Court*, 157 Wn.App. 710, 719, 238 P.3d 1217.

Mr. Hur is entitled to a new trial as the trial court erred when it entered judgment in favor of Ms. Kim & awarded damages of \$40,800 & attorney fees

of \$200. Here, is a sufficient quantum of evidence in the record to persuade a reasonable person that the declared premise, here that Ms. Kim breached the option to purchase agreement, is true. (CP 805, 803, CP 183, 193 – 194, 190 – 191, 771 - 784)) *Wilson*, 87 Wash. App. at 200-01, 940 P.2d 269 (citing *Penick v. Employment Sec. Dep't*, 82 Wash.App. 30, 37, 917 P.2d 136, review denied, 130 Wash.2d 1004, 925 P.2d 989 (1996)). There is no way to determine what payments made to Kim were option payments or rental payments as both were made in cash & checks as both parties testified to. (RP 123, 124). The facts now in evidence clearly show that the trial court’s findings of facts & conclusions of law the trial court erred in the following findings: (1) – (7); & the trial court erred by concluding as follows: (1) – (6). See Appendix C. (CP 2362 – 2363).

F. The Court of Appeals affirms the Superior Court’s denial of the motion to dismiss.

The Court of Appeals affirmed. (App. 1- 11) The Court of Appeals held “the trial court found that Hur ‘failed to come forward with evidence raising a material issue of fact’...we concur that summary judgement to Kim was proper.” (App. 8). In reaching this conclusion the Court of Appeals did not review the substance of Hur’s argument or the underlying pleadings as the nonmoving party. (App. 8). Hur filed their motion for reconsideration asserting CR 59(a)(7) & CR 59(a)(9) claims on June 2, 2021. (App 8). In reference to Hur’s motion for reconsideration the Court of Appeals stated” [t]he trial court

did not abuse its discretion by denying the motion for reconsideration. (App. 9).

VI. REASONS WHY THE COURT SHOULD ACCEPT REVIEW

This Court has held that "reply brief should be limited to a response to the issues in the brief..." *State v. Hudson*, 124 Wn.2d 107, 874 P.2d 160 (Wash. 1994). The Court of Appeals has repeatedly applied the same rule, which is consistent with that applied by federal courts. *See, e.g. Folkertsma v. Top*, No. 58374-3-I (Wash. App. 7/9/2007) (Wash. App. 2007), *McPhee v. Steinhauer Family Investments, LLC*, No. 37977-5-II (Wash. App. 4/13/2010) (Wash. App. 2010), *Johnson v. Allstate Ins. Co.*, 126 Wash.App. 510, 108 P.3d 1273 (Wash. App. 2005), *King Cnty. Pub. Hosp. v. Wash. State Nurses Ass'n* (Wash. App. 2022), *Hong v. Hong* (Wash. App. 2010), *In re Burton* (Wash. App. 2023), *Hollis v. Snohomish Cnty. Med. Examiner's Office* (Wash. App. 2019).

In this case, however, the Court of Appeals created a conflict with all of those decisions. In an unpublished opinion, as "Hur did not oppose Kim's motion...the trial court found that Hur 'failed to come forward with evidence raising a material issue of fact.'" (App 8). But the assumption was contrary to the undisputed evidence submitted with the motion to dismiss & the underlying pleadings that were part of the lawsuit.

Specifically, Kim raised a new legal theory of “excusable neglect” in her responsive brief. RAP 10.3(b). (RB 23 – 30). In Hur’s reply brief he directly replied to Kim’s new legal theory RAP10.3(c). (Reply Brief 2, 9, 19 – 20). The disregarded evidence presented during the appeal in direct reply to Kim’s legal theory of “excusable neglect” in her responsive brief simply cannot be ignored. As Hur brief addressed that legal theory in his reply brief. As noted in the Appellate Court’s footnote 7. (App. 9). The Court of Appeals disregarded Hur’s “excusable neglect” argument in his reply brief. The Court of Appeals disregarded & held, contrary to *Ainsworth*, that “reply brief is limited to a response to the issues in the responding brief” which is what Hur asserted by replying to Kim’s “excusable neglect” claim in his reply brief. *Ainsworth v. Progressive Cas. Ins. Co.*, 180 Wash.App. 52, 322 P.3d 6 (Wash. App. 2014). App (8 – 9).

The conflict created by the Court of Appeals is itself sufficient to make its decision worth of review under RAP 13.4(b)(1) & (b)(2). The case also warrants review because ensuring the proper standard for evaluating the enforceability “option to purchase” agreements which is a matter of public interest & contractual predictability. RAP 13.4(b)(4). *Corinthian Corp. v. White & Bollard, Inc.*, 442 P.2d 950, 74 Wn.2d 50 (Wash. 1968). The decision below undermines that predictability by failing any plaintiff to avoid a valid

“option to purchase agreement” through pleading. This warrants this Court’s review & correction.

A. In ruling on a 12(c) summary judgment motion, a court should consider facts submitted & the reasonable inferences therefrom in the light most favorable to the nonmoving party.

This Court has held in evaluating a summary judgment motion "the burden is on the moving party to demonstrate that there is no genuine issue as to a material fact & that, as a matter of law, summary judgment is proper." *See, Hartley v. State*, 103 Wash.2d 768, 774, 698 P.2d 77 (1985). "*Atherton Condominium Apartment-Owners Ass'n Bd. of Directors v. Blume Development Co.*, 799 P.2d 250, 115 Wn.2d 506 (Wash. 1990). In Kim’s motion she noted included a copy of Hur’s Answer & counter claim as appendix of her Motion to Dismiss. (CP 934 – 947). Kim also included a copy of the receipt provided to Hur towards the initial payment of the option to purchase of the Subject Property in her Motion to Dismiss as Appendix 2. (CP 948 – 949) Additionally, she included the final payment Hur attempted to make to Kim which was also attached as Appendix 3 to Ms. Kim Motion to Dismiss (CP 950 – 951). Kim’s own declaration raises material issues of fact as she states the following:

“I offered to sell him the house for \$150,000 if he completed payment within 2 years. There was no written agreement although I did put those terms into an email...The email is dated September 11, 2016 & it I gave Mr. Hur up to 2 years to complete payment.” (CP 952 – 953).”

The last date when Kim accepted payment from Hur was on July 31, 2019. (CP 734). This is two years & eleven months from the date she purports the option to purchase contract ended in support of her Motion to Dismiss from the beginning of their agreement on August 2016. (CP 952 – 953). Hur had a viable claim for his “option to purchase agreement” with Kim for the Subject Property. This Court has held that “[a]n option to purchase property is a contract wherein the owner, in return for a valuable consideration, agrees with another person that the latter shall have the Privilege of buying the property Within a specified time upon the terms & conditions expressed in the option.” *McFerran v. Heroux*, 44 Wash.2d 631, 638, 269 P.2d 815 (1954), & authorities cited. *Corinthian Corp. v. White & Bollard, Inc.*, 442 P.2d 950, 74 Wn.2d 50 (Wash. 1968).

The Court of Appeals has repeatedly applied the same rule on ruling on a motion to dismiss: [t]he moving party is held to a strict standard. Any doubts as to the existence of a genuine issue of material fact is resolved against the moving party. In addition, we consider all the facts submitted & the reasonable inferences therefrom in the light most favorable to the nonmoving party. E.g., *Citizens for Clean Air v. Spokane*, 114 Wash.2d 20, 38, 785 P.2d 447 (1990). *Atherton Condominium Apartment-Owners Ass'n Bd. of Directors v. Blume Development Co.*, 799 P.2d 250, 115 Wn.2d 506 (Wash. 1990). "When

determining whether an issue of material fact exists, all facts & inferences are construed in favor of the nonmoving party. *Jones v. Allstate Ins. Co.*, 146 Wn.2d 291, 300, 45 P.3d 1068 (2002)." *Tahoma Audubon Soc'y v. Wash. Dep't of Ecology (Washington Pollution Control Hearings Board, 2022)*.

No consideration was given to the calculation of time raised in Kim's own declaration in support of the motion to dismiss. (CP 952 – 953). A genuine issue of material fact existed, regarding the time period of Hur & Kim's option to purchase agreement, & Kim's Motion to Dismiss should have been denied. This issue should have been considered by the Court of Appeals & the trial court "[i]n reviewing a motion for summary judgment, all facts & reasonable inferences are reviewed in the light most favorable to the nonmoving party.'" *Dowler v. Clover Park Sch. Dist. No. 400*, 172 Wn.2d 471, 485, 258 P.3d 676 (2011). '..." *Hill & Stout, PLLC v. Mut. of Enumclaw Ins. Co.* (Wash. 2022)

The proper standard for review with "[a] grant of summary judgment is reviewed de novo, with the court engaging in the same inquiry as the trial court. *TracFone Wireless, Inc. v. Dep't of Revenue*, 170 Wash.2d 273, 280–81, 242 P.3d 810 (2010); *Wilson v. Steinbach*, 98 Wash.2d 434, 437, 656 P.2d 1030 (1982)." *Wash. Imaging Serv. Llc v. Wash. State Dep't of Revenue*, 171 Wash.2d 548, 252 P.3d 885 (Wash. 2011). The Appellate Court however, concurred that summary judgment to Kim was proper as "the trial court found

that Hur “failed to come forward with evidence raising a material issue of fact.”
(App. 8).

**B. Hur Replied Directly To Kim’s New Legal Theory “Excusable Neglect”
In Their Reply Brief. Their “Excusable Neglect” Legal Theory Should
Be Accepted As A Viable Legal Theory.**

Specifically, this Court has declined to hear a late filed issue, as noted in *Hudson*. Particularly “by the fact that the State, being unaware of Hudson's state constitutional claim, never engaged in state constitutional analysis in its briefing.” *State v. Hudson*, 124 Wn.2d 107, 874 P.2d 160 (Wash. 1994). However, that is not the fact of this case where Kim briefed the issue of “excusable neglect”, cited pleadings, & facts of the case, for nearly six pages of her responsive briefing. But the Court of Appeals still failed to review Hur’s viable “excusable neglect” claim with regard to their motion for reconsideration on Kim’s Motion to Dismiss. (App. 9).

Kim briefed the excusable neglect theory in her responsive brief & cites *Munoz* for denying this theory (RB 23 – 30). *Munoz v. Bean*, 192 Wash. App. 1060, 2016 WL 885043 (2016). Kim briefed the issue of “excusable neglect for over six (6) pages in her responsive brief. The Appellate Court declined to consider Hur’s argument even though it was in direct reply to Kim.

Hur raised the issue regarding his counsel’s illness in their Motion for Continuance of Trial, filed on May 5, 2021, & raised the claim of “excusable

neglect” (CP 965 – 970) as well as part of his Motion in Limine (CP 2245 – 2247). Specifically, Hur’s counsel raised CR6(b)(2) & the applicability of how the excusable neglect standard was present due to her illness with their request for a trial continuance & supporting declaration in their Motion to Continue Trial filed May 5, 2021. (CP 968 – 969, 972 - 974). However, due to her continued illness this Motion was not confirmed.

This same issue, regarding Hur’s counsel’ illness & excusable neglect, was raised in Hur’s opening brief with the discussion of the May 5, 2021 Motion for Reconsideration & is part of this Court’s record. (OB at P. 15 & 16, CP 1030, 1035 – 1038, 873 - 883). Hur’s counsel provided sufficient supporting evidence to the trial court of her illness, but the trial court failed to consider the Motion for Reconsideration. (CP 1030 – 1035, 1036 – 1051). *See Washburn v. Beatt Equip. Co.*, 120 Wn.2d 246, 300, 840 P.2d 860 (1992); *Zimney v. Lovric*, 59 Wn. App. 737, 801 P.2d 259 (1990). The trial court did not consider the motion to reconsider as Hur’s counsel remained severely sick & failed to confirm the hearing pursuant to PLCR 7. (CP 884 - 888). The supporting documents provided, with the Appellants’ motion to continue the trial, clearly show excusable neglect & *Munoz* is inapplicable to this case. *Munoz v Bean*, 192 Wash. App., 1060, 2016 WL 885043 (2016). See Respondent’s Responsive Brief, Appendix, 6.

The trial court's denial of a continuance is egregious as Hur's counsel provided specific documentation of her illness & it was clear that the trial could not move forward. Hur' OB at 21. A short continuance under the circumstances, as the only issue before the trial court was damages, would have been reasonable as cause clearly existed for a continuance. CR 40(d). The trial court abused its discretion in denying a continuance & the trial court's order denying continuance of trial should be reversed by this Court. "RAP 2.5(a)(2) allows a party to raise the issue for the first time on appeal where the claimed error is a 'failure to establish facts upon which relief can be granted.'" *Holsman v. Pope* (Wash. App. 2010).

C. Hur Is Entitled To Relief For Excusable Neglect Pursuant To Rap 2.5(A).

The facts enumerated above in relation to Hur's excusable neglect claim are incorporated here. This Court in *Russell* held that:

“RAP 2.5(a) provides that if a party fails to raise an issue in the trial court, the appellate court may decline to review the issue on appeal. However, the rule's use of the term “may” indicates that it is a discretionary decision to refuse review. *Roberson v. Perez*, 156 Wash.2d 33, 39, 123 P.3d 844 (2005) (citing *State v. Ford*, 137 Wash.2d 472, 477, 484–85, 973 P.2d 452 (1999)). Nothing in RAP 2.5(a) expressly prohibits an appellate court from accepting review of an issue not raised in the trial court. *Id.* Because the Court of Appeals accepted review, its decision on the limiting instruction issue is properly before this court. *State v. Russell*, 171 Wash.2d 118, 249 P.3d 604 (Wash. 2011)”.

As noted in *Russell*, RAP 2.5(a) is discretionary. But the Appellate Court here still declined to consider Hur's argument on "excusable neglect" (App. 9). This decision was made even though Kim raised it in her responsive brief & Hur replied in regard to his argument for failing to respond to the Motion to Dismiss, September 2021 Motion for Continuance & 56(f) Motion. (Reply Brief P.9), (RB 24 – 25). The issue of Hur's excusable neglect claim should be accepted on review with this court.

Both parties fully briefed the issue of "excusable neglect" in their appellate briefs. As noted above, had the Court of Appeals looked beyond the pleadings, as Washington law requires, they would have seen the undisputed facts that support a material fact existed & the trial court's motion to dismiss should have reversed. Kim & Hur were relatives. They paid each other both in cash & checks for both rental payments & option to purchase payments. Kim's own declaration provided a basis that a material fact existed as it stated the "I gave Mr. Hur up to two years to complete payment" had ended by the time she received the July 31, 2019 payment (CP 952 – 953). There was clearly a revision of their agreement as noted by her own admission in her declaration in support of her motion to dismiss. (*Id*). If the option to purchase agreement cannot be enforced, the presumption in favor evaluating the enforceability

“option to purchase” agreements & contractual predictability will have lost all meaning in the public interest. This warrants this Court’s review & correction.


VII. CONCLUSION

The petition for review should be granted, reverse the Court of Appeals remand & for a new trial.

I certify this petition is in Times Roman 14-font & contains 4987 words in compliance with Rules of Appellate Procedure. RAP 18.17(b).

Dated this: April 24, 2023

Respectfully submitted,



Tuella O. Sykes
WSBA No., 36179
Attorney for Petitioners

DECLARATION OF SERVICE

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true & correct:

<p>That on April 24, 2023, I arranged for service of the foregoing Petition for Review, to the court & to the parties to this action as follows: Office of Clerk Court of Appeals - Division I One Union Square 600 University St Seattle, WA 98101-1176</p>	<p><input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-File</p>
<p>Paul Brain Brain Law Firm PLLC 950 Pacific Ave Ste 700 Tacoma, WA 98402-4450 pbrain@paulbrainlaw.com</p>	<p><input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail</p>

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

PATTI KIM,

Respondent,

v.

MOON H. HUR and SEUNGJA HONG,

Appellants.

No. 84633-7-I

DIVISION ONE

UNPUBLISHED OPINION

HAZELRIGG, J. — Patti Kim prevailed in her unlawful detainer action against former tenants Moon Hur and Seungja Hong. The tenants appeal several trial court orders, but fail to establish a basis for appellate relief. We affirm.

FACTS

Kim owns a residence in Tacoma, Washington. In August 2016, she began leasing the residence to Hur and Hong (collectively, Hur) on a month-to-month basis under an oral agreement. They also orally agreed to an “option to buy” arrangement, whereby Kim would sell the residence to Hur if they paid \$150,000 either by September 2018 or July 2019.¹

¹ The parties dispute when the “option to buy” was to be exercised, but that is an issue outside the scope of this appeal.

By July 2019, Hur had only made \$60,000 in option payments. Hur sent payment of the remaining \$90,000 in January 2020, but Kim refused to accept it. The next month, Kim returned the \$60,000 that had already been paid by mail and began refusing Hur's monthly rent payments.²

In April 2020, Kim served Hur with a 30-day notice of termination of tenancy. However, Hur did not vacate. In June 2020, Kim served Hur with a 60-day notice of her intent to sell the residence and informed them that it had already been listed for sale. In August 2020, after the 60-day notice expired and Hur did not vacate the residence, Kim filed a summons and complaint for unlawful detainer seeking a writ of restitution and damages.

In September 2020, Hur filed a counterclaim asserting a possessory interest in the residence. It alleged breach of contract, conversion, unjust enrichment, fraudulent inducement, violations of the Consumer Protection Act³, and negligent misrepresentation.

On October 1, 2020, a commissioner found Hur "failed to show cause why possession of the" residence "should not be returned to" Kim, and entered an order for the court clerk to issue a writ of restitution directing the Pierce County Sheriff to evict Hur from the residence. Hur moved to revise the commissioner's decision, which a judge subsequently denied, in December 2020. Hur then sought discretionary review of the order denying revision.

² Kim claims that Hur never cashed the \$60,000 return check.

³ Chapter 19.86 RCW.

Meanwhile, the parties were scheduled for a two-day trial in March 2021 to resolve Kim's damages claims and Hur's counterclaims. But, days prior to trial, Hur obtained a continuance until June 16, 2021.

Kim moved to dismiss Hur's counterclaims on summary judgment in April 2021. On May 6, 2021, the trial court granted that motion because Hur failed to respond. Hur requested a second trial continuance in late May 2021, which was granted. On June 2, Hur moved for reconsideration but it was denied. Hur then moved for discretionary review of the denial order. Hur again moved to continue the trial date. The trial court granted Hur's motion and continued trial to October 13, 2021. A commissioner of this court denied Hur's first motion for discretionary review in August 2021.

In September 2021, Hur moved for yet another trial continuance, which was denied. The trial on Kim's claims of damages commenced on October 13, 2021. At Kim's request, the court entered a revised order directing issuance of the writ of restitution. Following the bench trial, the court concluded that Kim was entitled to entry of judgment in the amount of \$40,800 for lost rental opportunity, \$200 for statutory attorney fees, and \$72 for each day after October 31 that Hur continued to occupy the residence. The court entered findings of fact, conclusions of law, and judgment against Hur on October 22 and Hur filed a motion for reconsideration shortly thereafter, which was denied. Hur timely appealed.

ANALYSIS

As a preliminary matter, though the first error analyzed in Hur's opening brief is the trial court's denial of their September 2021 request for a continuance of the trial date, this issue is not one of their assignments of error, nor is it set out as an issue associated with an assignment of error.⁴ RAP 10.3(a)(4) requires:

The brief of the appellant or petitioner should contain under appropriate headings and in the order here indicated:

...

A separate concise statement of each error a party contends was made by the trial court, together with the issues pertaining to the assignments of error

Further, RAP 10.3(g) expressly states, in relevant part, "The appellate court will only review a claimed error which is included in an assignment of error or clearly disclosed in the associated issue pertaining thereto." Despite the fact that both parties devote substantial portions of their briefing to this question, denial of the continuance is not associated with the propriety of the findings of fact, conclusions of law, or judgment entered in this case, nor is it associated with the denial of the motion for reconsideration of the summary judgment dismissal of Hur's counterclaims. Further, there is no argument before us, other than conclusory statements, to demonstrate that the denial of this continuance prejudiced Hur or otherwise impacted these other various rulings. Accordingly, we decline to reach this issue. unjustenrichment with \$60k

⁴ Kim did not object to this portion of the opening brief as outside the scope of the assignments of error.

I. Challenge to Findings of Fact and Conclusions of Law

Next, Hur broadly claims the “facts now in evidence clearly show” that the trial court erred by entering its findings of fact, conclusions of law, and judgment in favor of Kim. Yet, Hur fails to expressly assign error to any of the trial court’s findings of fact as required by RAP 10.3(g), or to set out the text of challenged findings as required by RAP 10.4(c).⁵ Because the nature of their challenges are unclear, we decline to review them. Harris v. Urell, 133 Wn. App. 130, 137, 135 P.3d 530 (2006) (“[W]e will waive technical violations of RAP 10.3(g)” where “the appellant’s brief makes the nature of the challenge clear and includes the challenged findings in the text”).

RAP 10.3(g) and RAP 10.4(c) are intended to aid Washington courts in the “expeditious and orderly” appellate review of claimed errors. Thomas v. French, 99 Wn.2d 95, 99-100, 659 P.2d 1097 (1983). Without such rules, we “would be required to search through sometimes large volumes of material to find matters . . . claimed to have been erroneously given or refused,” and that process “would make appellate review unmanageable.” Thomas, 99 Wn.2d at 100. Here, where the record contains over 2,500 pages of clerk’s papers and 200 pages of the report of proceedings, and Hur fails to cite any specific evidence challenging any particular finding, “nonconsideration of the claimed error” is appropriate. Thomas, 99 Wn.2d at 100.

⁵ “A separate assignment of error for each finding of fact a party contends was improperly made must be included with reference to the finding by number. The appellate court will only review a claimed error which is included in an assignment of error or clearly disclosed in the associated issue pertaining thereto.” RAP 10.3(g). Similarly, RAP 10.4(c) states, “If a party presents an issue which requires study of a . . . finding of fact . . . the party should type the material portions of the text out verbatim or include them by copy in the text or in an appendix to the brief.”

II. Evidentiary Ruling

Hur asserts that the trial court erred by failing to admit into evidence proof that they paid Kim \$60,000. However, while Hur repeatedly claim this ruling was an abuse of discretion, they never engage with the test under ER 402, nor do they offer any authority to demonstrate how this ruling was outside the range of reasonable interpretations of the evidence rules. The court explained its evidentiary ruling as follows:

There is no doubt at all that this was not rent. It had to do with a collateral or related agreement regarding the subject property. What the terms of that agreement are are not before this [c]ourt. They're not before the [c]ourt because the counterclaim was dismissed Consequently, the \$60,000 is not before this [c]ourt and the [c]ourt will not consider it in making a decision in this case any further."

In short, evidence regarding Hur's \$60,000 payment concerned their counterclaims and was not relevant to Kim's claims for unlawful detainer damages, the only issue before the court at that point in the proceedings. We review a trial court's decision to admit or exclude evidence for an abuse of discretion. Cox v. Spangler, 141 Wn.2d 431, 439, 5 P.3d 1265 (2000). Given the procedural posture of the case, this ruling was not an abuse of discretion.⁶

⁶ Hur also claims that the trial court's judicial assistant failed to send them a correct pretrial order, which placed them "at an extreme [sic] difficult position to present his case . . . as no one . . . had [their] evidence." However, this procedural fact was not the basis of the court's evidentiary ruling and, as such, is irrelevant to the issue as set out in the assignments of error. Further, the record establishes that Hur was able to present their evidence to the court and Kim at trial. Hur has not identified any error or prejudice.

III. Dismissal of Counterclaims and Denial of Motion for Reconsideration

Hur also argues that the trial court erred in granting Kim's motion to dismiss their counterclaims on summary judgment. We disagree.

Clarification of the procedural posture and history is again key to the analysis of this issue. Kim's motion sought relief under CR 12 and CR 56. However, the CR 12(b)(6) motion converted to a motion for summary judgment because the trial court considered matters outside the pleadings. See CR 12(c). We review summary judgment orders de novo, engaging in the same inquiry as the trial court. Borton & Sons, Inc. v. Burbank Props., LLC, 196 Wn.2d 199, 205, 471 P.3d 871 (2020). Summary judgment is appropriate only if "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." CR 56(c). All facts and reasonable inferences therefrom are construed in the light most favorable to the nonmoving party. Vallandigham v. Clover Park Sch. Dist. No. 400, 154 Wn.2d 16, 26, 109 P.3d 805 (2005).

Here, Hur was the nonmoving party. After the moving party meets its initial burden to show an absence of material fact, "the inquiry shifts to the party with the burden of proof at trial." Young v. Key Pharm., Inc., 112 Wn.2d 216, 225, 770 P.2d 182 (1989). When responding to the summary judgment motion, the nonmoving party cannot rely on mere allegations contained in the pleadings. Id. Instead, the party must offer affidavits or other means provided in CR 56 to set forth specific facts showing that there is a genuine issue for trial. Id. at 225-26.

Hur did not oppose Kim's motion. Accordingly, the trial court found that Hur "failed to come forward with evidence raising a material issue of fact" and entered an order dismissing Hur's counterclaims. Under these circumstances, we concur that summary judgment to Kim was proper.

Hur also contends that the trial court improperly deemed their CR 59 motion for reconsideration of the dismissal order untimely, claiming that CR 54(b) allows them to seek reconsideration at any time. We review rulings on CR 54(b) and CR 59 motions for an abuse of discretion. Hulbert v. Port of Everett, 159 Wn. App. 389, 404, 245 P.3d 779 (2011); Millies v. LandAmerica Transnation, 185 Wn.2d 302, 316, 372 P.3d 111 (2016). "A motion for a new trial or for reconsideration shall be filed not later than 10 days after the entry of the judgment, order, or other decision." CR 59(b).

Hur filed their motion for reconsideration asserting CR 59(a)(7) and CR 59(a)(9) claims on June 2, 2021 (27 days after the May 6, 2021 order of dismissal). This motion was clearly untimely. Hur emphasizes CR 54(b), which provides, in part, that a "decision is subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties." But, Hur fails to address the fact that final judgment was entered on all the surviving claims here, rendering inapplicable this portion of the rule addressing finality for purposes of appeal. While they repeatedly offer authority that the denial of a motion for summary judgment is not a final order for purposes of appeal, those cases do not control where, as here, summary judgment dismissal was granted, resulting in finality. Further, in urging reversal of the trial court's ruling on reconsideration, Hur

continues to argue the merits of the summary judgment decision, but that is not the proper standard of review for this sort of challenge. The trial court did not abuse its discretion by denying the motion for reconsideration.⁷

IV. Modification of Commissioner's Ruling

Prior to filing this appeal, Hur sought discretionary review alleging that the trial court committed probable error by denying their motion for revision in December 2020 because Kim's letter of intent to sell was not in the form of an affidavit, and thus it failed to meet the requirement of Governor Jay Inslee's Proclamation 20-19.4.⁸ In August 2021, a commissioner of this court denied Hur's motion, ruling that they failed to show review was appropriate under RAP 2.3(b).

Hur moved to modify the commissioner's ruling pursuant to RAP 17.7, arguing that this court should accept review of the trial court's order because the commissioner "misapplied" Dzaman v. Gowman, 18 Wn. App. 2d 469, 491 P.3d

⁷ Hur's reply brief on appeal asserts that they have a viable claim for "excusable neglect" with regard to the late filing of their motion for reconsideration. We decline to consider this argument for two reasons. First, this issue is raised for the first time on appeal. See RAP 2.5(a) ("The appellate court may refuse to review any claim of error which was not raised in the trial court"). Second, and perhaps more critically as it prevents the respondent from presenting argument on the issue, Hur makes this assertion for the first time in their reply. "We do not address matters raised for the first time in reply briefs." Samra v. Singh, 15 Wn. App. 2d 823, 834 n.30, 479 P.3d 713 (2020); see also RAP 10.3(c) (A reply brief must be "limited to a response to the issues in the brief to which the reply brief is directed").

⁸ In February 2020, Governor Inslee declared a State of Emergency in Washington due to the COVID-19 pandemic. In March 2020, he issued a proclamation placing a temporary moratorium on most evictions. The moratorium was amended and extended by several subsequent proclamations. In June 2020, an exception was made to the moratorium that allowed a landlord to prosecute an eviction upon 60 days' written notice of an intent to sell the property. See Proclamation of Governor Jay Inslee, No. 20-19.2 (Wash. June 2, 2020), <https://www.governor.wa.gov/sites/default/files/proclamations/20-19.2%20Coronavirus%20Evictions%20%28tmp%29.pdf>. In October 2020, the governor issued Proclamation 20-19.4, which modified the prior proclamations by requiring that the landlord's 60-day notice of intent to sell be in the form of an affidavit signed under penalty of perjury. See Proclamation of Governor Jay Inslee, No. 20-19.4 (Wash. Oct. 14, 2020), https://www.governor.wa.gov/sites/default/files/proclamations/proc_20-19.4.pdf.

1012 (2021). While that motion was pending, in November 2021, Hur moved to convert their requests for discretionary review to notices of appeal under RAP 5.1(c). Because the final judgment had been entered by then, this court granted the motions and converted Hur's discretionary review actions to full appeals. All of Hur's notices of appeal were then consolidated "for purposes of perfecting the record, briefing, argument and disposition."

On appeal, Hur contends that the motion to modify is "still pending" before this court and argues that "the commissioner's decision should be modified." But, our ruling accepting review of Hur's claims rendered their motion to modify moot, thus, we need not address this claim.

Even viewing the crux of Hur's argument, i.e., the writ of restitution was improperly issued because Kim's letter of intent to sell did not comply with Proclamation 20-19.4, we see no error. In Dzaman, this court concluded that Proclamation 20-19.4 prohibited a landlord from "obtaining a writ of restitution because that action constituted the enforcement of a judicial eviction order," and the landlord in that case "did not send a 60-day notice in the form of a sworn affidavit." 18 Wn. App. 2d at 482-83. The only writ of restitution in the record before us was issued in October 2021, well after the eviction moratorium expired in June 2021.⁹ Thus, the writ of restitution was properly issued and Dzaman does not control.

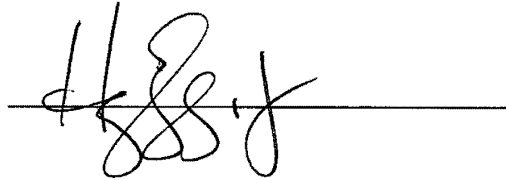
⁹ See Proclamation of Governor Jay Inslee, No. 20-19.6 (Wash. Mar. 18, 2021), https://www.governor.wa.gov/sites/default/files/proclamations/proc_20-19.6.pdf.

No. 84633-7-1/11

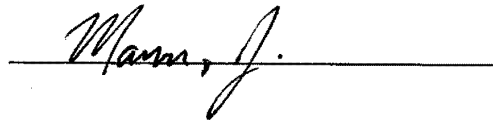
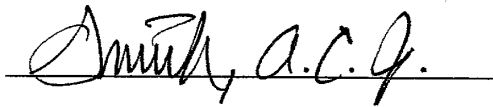
V. Attorney Fees

Because Hur's arguments on appeal fail, we deny their request for attorney fees under RAP 18.1(a).

Affirmed.



WE CONCUR:



IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

PATTI KIM,

Respondent,

v.

MOON H. HUR and SEUNGJA HONG,

Appellants.

No. 84633-7-I

DIVISION ONE

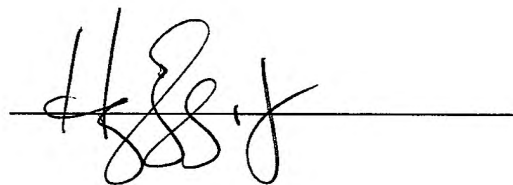
ORDER DENYING
MOTION FOR
RECONSIDERATION

The appellants, Moon Hur and Seungja Hong, filed a motion for reconsideration on February 21, 2023. A panel of the court determined that an answer to the motion should be called for. Respondent, Patti Kim, filed an answer to the motion for reconsideration on March 14, 2023. After review of the motion and answer, a panel of this court has determined that the motion for reconsideration should be denied.

Now, therefore, it is hereby

ORDERED that the motion for reconsideration is denied.

FOR THE COURT:

A handwritten signature in black ink, appearing to be "H. S. J.", is written over a horizontal line.

The Honorable Garold Johnson
Hearing Date: 10/22/21
Hearing Time: 9:00 am



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

PATTI KIM

Plaintiff,

V

MOON H. HUR and SEUNGJA HONG,

Defendants.

Case No. 20-2-07303-8

Findings & Conclusions of law [Signature]

This matter was tried before the Honorable Garold E. Johnson on October 13 and 14, 2021. Based on the evidence introduced at trial, the Court makes the following findings:

1. Plaintiff was the owner of a single-family residence located at 1106 E. 52nd St. Tacoma Washington (the “residence”).
2. In August, 2016, Plaintiff agreed to lease (the “Lease”) the Residence to Defendants. The Lease was an oral and month to month. The monthly rent was \$1000.00 (One thousand dollars) per month.
3. The Lease was validly terminated effective May 1, 2020. Following termination, Defendants continued to occupy the residence without payment of rent.

1 4. Defendants failed to pay rent for February, March and April 2020, totaling
2 \$3000.00 (three thousand dollars).

3 5. On and after the date of termination of the Lease, the fair market rental value of
4 the Residence was \$2100.00 (two thousand one hundred dollars) per month.

5 6. Plaintiff has been unable to re-tenant the Residence because of Defendants'
6 continuing and wrongful occupancy of the Residence through October 31, 2021.

7 7. The Defendant failed to offer any credible evidence as to the value of
8 improvements Defendants claimed to have made to the Residence during their occupancy.

9 Based on the foregoing Findings, the Court concludes as follows:

10 1. Plaintiff is entitled to recover unpaid rent for the period February, march and
11 April 2020 at the agreed rental rate of \$1000.00 totaling \$3000.00

12 2. Plaintiff has been damaged as a result of the failure of the Defendants to vacate
13 the Residence in the amount of \$37,800.00 for the loss or rental opportunity for the period May
14 202 through October 2021.

15 3. In the event Defendants continue to occupy the Residence after October 31, 2021,
16 Plaintiff will be entitled to continuing damages as part of the judgment in the amount of \$72.00
17 for each such day after October 31, 2021 Defendants continue to occupy the Residence.

18 4. Plaintiff is not entitled to pre-judgment interest.

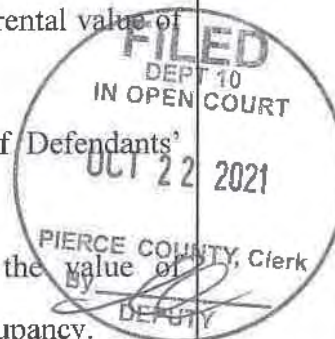
19 5. Neither party is entitled to an award of attorney fees and costs except that
20 Plaintiff is entitled to statutory

21 6. Plaintiff is entitled to entry of judgment in the amount of \$40,800.

22
23 Done in open Court this 22nd day of October 2021

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26 The Honorable Garold E. Johnson

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II. JUDGMENT

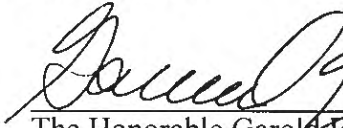
This Court awards \$41,000.00 in favor of Plaintiff against Defendants Moon H. Hur and Seungja Hong and their marital community jointly and severally. It is hereby ORDERED, ADJUDGED and DECREED that:

1. Judgment is hereby granted against the Defendants and in favor of Plaintiff as follows:

- a. Plaintiff is awarded the principal amount of \$40,800.00;
- b. Plaintiff is awarded statutory attorneys' fees in the sum of \$200.00;
- c. Interest shall accrue at the rate of 12% per annum from the date of this Order until this Judgment is paid in full.
- d. Should Defendants not vacate 1106 E. 52nd St., Tacoma, Wahington by October 31,2021, the judgment shall increase by \$72.00 for every day the Defendants remain on the premises.

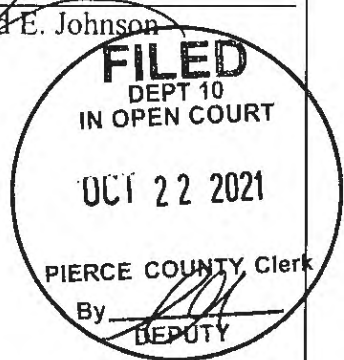
2. The Clerk of the Court is ordered to enter said Judgment in the execution docket of this Court, and to comply with such other procedures as are required of Clerks in the carrying out of that office, including the proper filing of this Judgment.

DONE IN OPEN COURT this 22nd day of October, 2021.


The Honorable Garola E. Johnson

Presented by:
BRAIN LAW FIRM PLLC

By: /s/ Paul E. Brain
Paul E. Brain, WSBA #13438
Counsel for Plaintiff



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Presented for entry:
Brain Law Firm PLLC

/s/ Paul E. Brain
Paul E. Brain WSBA 13438
For Plaintiff

Approved as to form only:
Law Offices of Tuella Sykes

Tuella Sykes WSBA 36179
For Defendants

LAW OFFICES OF TUELLA O SYKES PLLC

April 24, 2023 - 4:41 PM

Transmittal Information

Filed with Court: Court of Appeals Division I
Appellate Court Case Number: 84633-7
Appellate Court Case Title: Patti Kim, Respondent v. Moon Hur and Seungja Hong, Appellants
Superior Court Case Number: 20-2-07303-8

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