

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
11/27/2023 8:00 AM  
BY ERIN L. LENNON  
CLERK

Wash. Sup Ct # 1025556  
Coa #569884-II

Washington State Supreme Court

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Crystal McDowell,  
*Petitioner/Appellant*

v.

David Zahradnik,  
*Respondant/Appellee*

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MOTION FOR EXTENSION OF TIME TO FILE  
PETITION FOR REVIEW  
And; Thereafter Secondary Extension To Accept This Filing  
  
And; Other Notice(s)

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Crystal McDowell  
15127 Main St E  
Unit 104 #127  
Sumner, WA 98390

## **1. Identity of Litigant**

Crystal McDowell, Petitioner, unrepresented.

## **2. Order(s) Sought**

Order granting extension of time for receipt of Petitioner's initial petition per the time received, or, as secondary motion herein, received as amended, per this motion. And;

Secondarily, acceptance of this late filing as secondary for other motions today, including this motion, the first motion on waiver at the one minute mark past then other later as and why described, and this before 11pm as having to be altered for reasons herein as associated. And;

Also order or simple acceptance for extra words herein, to combine two associated motions in one, and, though Petitioner objects to speech hindrance, acceptance of this courtesy motion for one and half spacing at beginning of this motion to describe the connected issues in more readable form.

## **3. Statement of Facts Relevant to Motion(s)**

A), Part one is actually for the secondary motion, which though secondary, is better described in association first, then, then below, the original motion for extension of time

This motion was going to be uploaded with two others filed near 5pm today, Nov. 22, until McDowell couldn't find the supreme court tab, which in searching and not seeing on the second page where she understood or misunderstood it to be, and going to five pm. not wanting go

past the minute, uploaded the waiver motion to the appeals case, though it posted just at 5:01 cusp showing 5:02 then uploaded first motion to amend petition, then going back to the first page, found the supreme court button. By then it was eight or ten minutes after 5pm, nonetheless uploaded Motion for fee waiver and declaration again, then, though didn't know if a motion for amending the Petition was necessary given the clerks letter, though when you attach something it is amending, so had made a short motion, with Amended attached, then before uploading again, also recognized though only amending per clerks letter plus adding brief to attachment, beside missing order, realized the date on petition should be changed, then did so prior to uploading the second time. The point of this, is that this Motion To Extend Time was originally going to be filed with the other two, until I/McDowell couldn't find the button and the other two loaded a bit late, then assumed to address the – lateness, in this original motion for Extension of Time, to point out the separateness of two issues.

There are two issues. First in re-reading the letter, it is confusing there are two paragraphs saying the same thing, one with 'should' and one with 'must', which I recognize the second has an if/then, however if that is the litmus and I don't know if there is exception to it per the 'must', the first paragraph shouldn't be in the letter.

That said, at this juncture, the fact is the litmus even at this time is or should be **the first filing of my Petition For Review**, regardless of today's

late filing for Extension Of Time, as the first filing was not my issue. It could be said that today was my issue for not looking for the button sooner, but, that is secondary to the fact that the first Petition filed would have been filed in time, if not for **system issues**, which must not be placed on my lap, and motion should still be first considered, before considering today's late filing of this and the other two motions, this a few hours later to separate the issues, as the first filing is still and should still be the first matter, and is what is addressed here and in declaration. The core of this is, if not for the system issues, the first petition would have been filed in time, and clerk would have pointed to the fee matter and attaching the order, instead of three items, which at this juncture due to numerous pressures, Petitioner has limits of capacity. She has seen other cases where the same thing happened, a system issue, petition extension was granted, though review eventually denied.

For that reason, this portion has been added to the Extension Motion Petitioner was going to file with the others, until missing seeing the button.

For reasons I assume similar as mine with the first filing, different from the first filing, the late filings today, though are technically *my fault*, part of issue is the first main filing should have gone through, and I would only be having to put together one large motion, the motion for waiver, instead of two, with this one, which is still having to amend the petition yet, is a lot for me to handle, because of the number of individuals involved

on these matters, not that court actors care about that.

The third issue is, if not for the perception of the first petition not being timely filed, and item of making payment of \$200 a must by today, and without mention of possible waiver, which McDowell found herself, is cause for question that though the word must was used on each of the three, and the confusing language of the first paragraph not being necessary or relevant, that there is some give in the 'musts' paragraph, in any event, in this instance, of the first late filing being a system issue my perception is the second should be less important, which is not to say not important, but, another reason this is noted, is that in speaking with Anita the receptionist a few days ago, and Friday before that, Petitioner asked when the fee would be due and she said by Dec. 18th, and I/McDowell repeated, and she confirmed. I assumed there were some instance in it, such as before response is filed or what have you, or some people ask more time, but in any event, after the clerk letter pointing Nov, 22nd and 'musts', I called to ask what the difference was and at first just confirmed and she again said Dec. 18th, then was asking what the reference point was, and mentioned the letter though not specifically, then she then said 'its whatever is on the letter', then, denied that she had just said Dec. 18th, and for the third time, then became further agitated. This is not to get into whatever agitation per se, but to see the core of it. That, despite the musts, given the foregoing McDowell asserts that in this set of instances, specifically, the following motion for initial extension of time, should be

granted and factored on the second, for acceptance of late filing today. Had I anticipated how long it would take I would have filed motion to extend time of the letter date by another day or few. Last, on the matter of secondary motion, extension of time, the \$200 demand was too familiar, for reasons in my declaration with motion for fee waiver, or to put bluntly, if I did not have the situation I do at the moment, I would not pay the fee until my (fully) amended petition(that I have yet to file) were put through, because of the level of bad actions at the 'court of appealz'.

Point, the first late filing should be considered first, and based on that, granted, and consideration given to that, as to the late filings today, as a connected matter, and which doing so – does not necessarily mean other filings could be late, later.

This concludes the secondary motion to accept today's late filings, the original two of which are at the appeals court system. So this extra motion is simple, the statements above are also as my declaration, as they shift between first and third person, nonetheless applies, I Crystal McDowell am of majority age, and am competent to testify as to the facts stated, and further affidavit below shall be also as applied here.

#### **4. Initial Motion To Extend Time, Facts Relevant To Motion**

The Petitioner on Nov. 13th was intent to file a Petition For Review with the court, and knew was short on time and thus skipped attaching things she otherwise would have, and logging in at 4:58 proceeded to

upload what the court actors can see is a relatively short document, which when uploaded took nine to ten seconds. The issue, causing delay of upload and untimely file is when Petitioner went to upload she forgot to press the case button, so the upload didn't take, then when McDowell clicked the return to page line, knowing that was the method, not to hit the page back, when she returned the file wouldn't load. This is a system problem that should be fixed, in this day and age, so in any event McDowell quickly clicked the 'alternative load' tab, and which though went to the page, would not function. If, the first page had reset itself as it should have, the upload would have been within time, further, if the alternative page worked, the upload would have been within time. Instead, it took about five minutes to get through it, McDowell just conceding to do the page back and reload the front.

'Those who like to accuse or blame to suit schemes would say 'but could have tried earlier', which, could apply in today's instance, but not here. Here, the matter is, that each litigant is afforded the same thirty days, and every second of those thirty days, not some litigants having less time, even by a minute, because of a system issue, which is not in their control.

The system is the system, and a litigant is separate instance. There doesn't need to be more argument here as it is simple. Annoying, but simple. One could go on repeating the same thing different ways but will spare the court. For all the secondary motion above this is sufficient on facts for initial extension of time on first filed petition. The motion for this filing and others today described above. Also, short declaration in support will be uploaded also.

## **5. Further Grounds For Order(s)**

RAP 18.8(b) Restriction on Extension of Time states that time will be extended for a Petition for Review "in extraordinary circumstances and to prevent a gross miscarriage of justice. Both interests will be served in granting this motion. Though RAP 18.8(b) also states "The appellate court will ordinarily hold that the desirability of finality of decisions outweighs the privilege of a litigant to obtain an extension of time under this section," The Court's interest in letting faulted opinions/decisions lie does not here outweigh its other interests. Among other issues, the individuals acting as judges did not furnish an opinion of either McDowell's brief, nor six of seven orders Noticed to the court, nor even account who McDowell is, nor McDowell's



Complaint and, claimed a contract signed seventeen years after a 'divorce' of the litigants was 'before finalizing' the divorce', in '97. This and other meth-inspired musings does not an opinion make, nor justify the almost fourteen hundred dollars paid to the court and for records, or actions such as an order (McDowell again forgot to attach) that violates basic law, then another order violating that order. McDowell is certain they have a 'mcdowell' chalkboard in the back where they tried to set a record on most illegal actions against a litigant. In any event, these tidbits and certain other specific issues, along with review of the brief and, 'opinion', which contains delights such as judges committing... state theft and forgery or some thing, and, perhaps some disco dancing while doing so, McDowell hasn't finished the analysis yet, but issues are of public import, and to deny filing of petition because the system sometimes similarly 'does its own thing', would not serve the interest of justice.

Also as stated as if a fixture in McDowell's court filings elsewhere, additional authority for granting motion is apparent per RAP 1.2(a) and (c), that "These rules will be liberally interpreted to promote justice and facilitate the decision of cases on the merits." and RAP 18.8(a) which generally provides the appellate court may on its own initiative or on motion of a litigant, waive or alter the provisions of any of these rules and enlarge or shorten the time within which an act must be done in a

particular case in order to serve the ends of justice.” There has been serious and wide injustice done in the matters, and issues or questions of law the actors of the Supreme court could clarify. In this instance justice requires the time of acceptance of Petition for Review must be extended to the time received.

The Motion to Extend Time for filing the Petition for Review in this matter must be granted because RAP 18.8(b) was met. There were extraordinary circumstances, and the Petition for Review must be accepted to prevent the injustice of access to justice denied.

## **Conclusion**

Motion to Extend Time for filing the Petition for Review must be granted because RAP 18.8(b) was met. There were extraordinary circumstances, and the Petition for Review should be accepted to prevent the injustice of denial of access to justice.

Declaration is here made per within laws on perjury in state of Washington the facts set forth herein are true to best of my knowledge as signed at Edgewood, WA.

Appellant further certifies this document and attached

certificate contains 2448 words which count was obtained using the word count function in Microsoft Word.

Set forth this 22nd day of November, 2023

s/Crystal McDowell

Crystal McDowell

15127 Main St E

Unit 104 #127

Sumner, WA 98390

cmappeal8@

protonmail.com

### Certificate of Service

The undersigned certifies correct copy of the forgoing document was transmitted to the following individual(s) on November 22nd 2023 by method noted:

s/Crystal McDowell

Crystal McDowell  
15127 Main St E  
Unit 104 #127  
Sumner, WA 98390  
cmappeal8@  
protonmail.com

Sent through the Court of  
Appeals web portal as service on:

J. McMahon  
purported lawyer  
of David Zahradnik  
1103 Shaw Rd  
Puyallup WA 98372

# CRYSTAL MCDOWELL - FILING PRO SE

November 22, 2023 - 11:57 PM

## Transmittal Information

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 102,555-6  
**Appellate Court Case Title:** Crystal McDowell v. David Zahradnik  
**Superior Court Case Number:** 20-2-06976-6

### The following documents have been uploaded:

- 1025556\_Motion\_20231122235144SC257735\_3159.pdf  
This File Contains:  
Motion 1 - Extend Time to File  
*The Original File Name was Motion Extension Time Petition McD wsc 1025556 coa 569884.pdf*

### A copy of the uploaded files will be sent to:

- Lisa@mcmahonlawgroup.com
- jacqueline@mcmahonlawgroup.com

### Comments:

Motion Exension Time File Petition; And Secondary Mots

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Sender Name: Crystal McDowell - Email: cmappeal8@protonmail.com

Address:

15127 Main St E Unit 104 #127

Sumner, WA, 98390

Phone: (206) 499-6200

**Note: The Filing Id is 20231122235144SC257735**

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Coa #569884-II

Washington State Supreme Court

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Crystal McDowell,  
*Petitioner/Appellant*

v.

David Zahradnik,  
*Respondant/Appellee*

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DECLARATION OF McDOWELL IN SUPPORT OF MOTION  
FOR EXTENSION OF TIME TO FILE PETITION FOR REVIEW  
And; Secondary Extension To Accept This And Other Motions Due

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Crystal McDowell  
15127 Main St E  
Unit 104 #127  
Sumner, WA 98390

## 1. Identity of Litigant

Crystal McDowell, Petitioner, unrepresented.

## 2. Declaration On Motions To Extend Time -- Secondary Motions As Filed Today

As I/McDowell had stated a long description as to extension on secondary motions today in the motion portion of this filing, and don't want to belabor here, that section is as to be as set forth here as in first person account with affidavit and competency as here declare, and where necessary the declarations here as if set forth in motion. I Crystal McDowell state I am over the age of majority and competent to testify as to the facts herein stated. Further affidavit below is as also applied here. This motion was going to be uploaded with two others filed near 5pm today, Nov. 22, until I couldn't find the supreme court tab, which in searching and not seeing on the second page where she understood or misunderstood it to be, and going to five pm. not wanting go past the minute, uploaded the waiver motion to the appeals case, though it posted just at 5:01 cusp showing 5:02 then uploaded first motion to amend petition, then going back to the first page, found the supreme court button.

By then it was eight or ten minutes after 5pm, nonetheless uploaded Motion for fee waiver and declaration again, then, though didn't know if a motion for amending the Petition was necessary given the clerks letter,

though when you attach something it is amending, so had made a short motion, with Amended attached, then before uploading again, also recognized though only amending per clerks letter plus adding brief to attachment, beside missing order, realized the date on petition should be changed, then did so prior to uploading the second time. The point of this, is that this Motion To Extend Time was originally going to be filed with the other two, until I couldn't find the button and the other two loaded a bit late, then assumed to address the – lateness, in this original motion for Extension of Time, to point out the separateness of two issues.

In re-reading the letter, it is confusing there are two paragraphs saying the same thing, one with 'should' and one with 'must', which I recognize the second has an if/then, however if that is the litmus and I don't know if there is exception to it per the 'must', I think the first paragraph shouldn't be in the letter.

Whatever the case, the **first filing of my Petition For Review**, regardless of today's late filing for Extension Of Time, as the first filing was not my issue. Today I had issue in not looking for the button sooner, but, that is secondary to the first Petition filed which would have been filed in time, if not for **system issues**, and to me form separate issues, as the first filing is still and should still be the first matter, and is what is addressed here in declaration. The core is, if not for the system issues, the first



petition would have been filed in time, and at this juncture due to pressures, I have limits to capacity. I have seen other cases where the same thing happened, a system issue, petition extension was granted, though review eventually denied.

For reasons I assume similar as mine with the first filing, different from the first filing, the late filings today, though are technically *my fault*, part of issue is the first main filing should have gone through, and I would only be having to put together one large motion, the motion for waiver, instead of two, with this one, which in still having to amend the petition yet, is a lot for me to handle, because of the number of individuals involved on these matters, not that court actors care about that.

The third issue is, assuming that there is some give in the 'musts' paragraph, in any event, in this instance, of the first late filing being a system issue my perception is the second should be less important, is that in speaking with Anita the receptionist a few days ago, and Friday before that, Petitioner asked when the fee would be due and she said by Dec. 18th, and I/McDowell repeated, and she confirmed. I assumed there were some instance in it, such as before response is filed or what have you, or some people ask more time, but in any event, after the clerk letter pointing Nov, 22nd and 'musts', I called to ask what the difference was and

at first just confirmed and she again said Dec. 18th, then was asking what the reference point was, and mentioned the letter though not specifically, then she then said 'its whatever is on the letter', then, denied she had just said Dec. 18th, and for the third time, then became further agitated. This is not to get into whatever agitation per se, but to see the core of it. Had I anticipated how long it would take I would have filed motion to extend time of the letter date by another day or few. Last, on the matter of secondary motion, extension of time, the \$200 demand was too familiar, for reasons in my declaration with motion for fee waiver, or to put bluntly, if I did not have the situation I do at the moment, I would not pay the fee until my (fully) amended petition(that I have yet to file) were put through, because of the level of bad actions at the 'court of appealz'.

From my experience, the first late filing should be considered first, and and consideration given to that, as to the late filings today, as aconnected.

#### Declaration on Initial Motion To Extend Time

On Nov. 13th I was intent to file a Petition For Review with the court, and knew was short on time and thus skipped attaching things she otherwise would have, and logging in at 4:58 proceeded to upload what the court actors can see is a relatively short document, which when uploaded

took nine to ten seconds. The issue, causing delay of upload and untimely file is when I went to upload she forgot to press the case button, so the upload didn't take, then when I clicked the return to page line, knowing that was the method, not to hit the page back, when returned the file wouldn't load. I quickly clicked the 'alternative load' tab, and which though went to the page, would not function. It then took about five minutes to get through it, and I just conceded to do the page back and reload the front. Due to the factors of system issues I was unable to upload as I should have been.

## **Conclusion**

Motion to Extend Time for filing the Petition for Review must be granted because RAP 18.8(b) was met. There were extraordinary circumstances, and the Petition for Review should be accepted to prevent the injustice of denial of access to justice.

Appellant certifies this document and attached certificate contains 2448 words which count was obtained using the word count function in Microsoft Word.

Declaration is here made per within laws on perjury in state of Washington the facts set forth herein are true to best of my knowledge as signed at Edgewood, WA.

Set forth this 22nd day of November, 2023

s/Crystal McDowell

Crystal McDowell

15127 Main St E

Unit 104 #127

Sumner, WA 98390

cmappeal8@

protonmail.com

### Certificate of Service

The undersigned certifies correct copy of the forgoing document was transmitted to the following individual(s) on November 22nd 2023 by method noted:

s/Crystal McDowell  
Crystal McDowell  
15127 Main St E  
Unit 104 #127  
Sumner, WA 98390  
cmappeal8@  
protonmail.com

Sent through the Court of  
Appeals web portal as service on:  
J. McMahan  
purported lawyer  
of David Zahradnik  
1103 Shaw Rd  
Puyallup WA 98372

**CRYSTAL MCDOWELL - FILING PRO SE**

**November 23, 2023 - 12:00 AM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 102,555-6  
**Appellate Court Case Title:** Crystal McDowell v. David Zahradnik  
**Superior Court Case Number:** 20-2-06976-6

**The following documents have been uploaded:**

- 1025556\_Motion\_20231122235749SC337498\_7697.pdf  
This File Contains:  
Motion 1 - Declaration in Support of Motion  
*The Original File Name was Decl McD Motion Extension Time Petition McD wsc 1025556 coa 569884.pdf*

**A copy of the uploaded files will be sent to:**

- Lisa@mcmahonlawgroup.com
- jacqueline@mcmahonlawgroup.com

**Comments:**

Decl McD Motion Extend Time Petition, And Secondary Mots

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Sender Name: Crystal McDowell - Email: cmappeal8@protonmail.com  
Address:  
15127 Main St E Unit 104 #127  
Sumner, WA, 98390  
Phone: (206) 499-6200

**Note: The Filing Id is 20231122235749SC337498**