

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
3/15/2024 9:28 AM  
BY ERIN L. LENNON  
CLERK

Supreme Court Case No. 102654-4

Court of Appeals Case No. 38967-7-III

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COURT OF APPEALS, DIVISION III,  
OF THE STATE OF WASHINGTON

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BOLIVAR REAL ESTATE, LLC, a Washington Limited  
Liability and JAMISON EASTBURG, an individual,  
Respondents

v.

ROCHELLE PRATT, an individual, and DIANA PRATT, an  
individual,  
Petitioners.

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REPLY IN SUPPORT OF MOTION FOR EXTENSION OF  
TIME

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ROCHELLE PRATT, PRO SE  
DIANA PRATT, PRO SE  
PO BOX 15124  
SPOKANE VALLEY, WA  
99215-5124

Diana Pratt and Rochelle Pratt, submit, as pro se, this Reply in Support of their Motion for Extension of Time to file a Petition for Review.

## **I. LEGAL ARGUMENT**

### **A. The Pratts Motion Established "Reasonable Diligence"**

The standard for extending time under RAP 18. 8(b) is satisfied in cases where "the filing, despite reasonable diligence, was defective due to excusable error or circumstances beyond the party's control." Reichelt v. Raymark Indus., Inc., 52 Wn. App. 763, 765-66, 764 P.2d 653 (1988). The Pratts have always demonstrated using reasonable and extreme due diligence from the beginning when they were menaced and threatened, then sued by their former landlords, Doug and Dawn Burpee and their son, Jamison Eastburg. They always sought out research

and asked for help with all procedures and rules in each court division. They did not pass any deadlines that were not allowed to seek extension on. The Pratts had ongoing text and email communications with their former landlords, their charity attorney, their case manager at the COA court, and with the clerks at the Supreme Court. The Pratts did sometimes get confused and did make mistakes, but not due to not applying due diligence. Because of their disabilities, Rochelle's medical crisis, and getting sick in the months before the Petition for Review was due, Rochelle Pratt emailed the clerks at the Supreme Court on December 18, 2023 when the Pratts realized they were going to have a difficult time meeting the January 5, 2024 deadline to file to see if the Pratts were allowed by the Supreme Court to file an extension for an extra 30 days. Exhibit A. In their Motion for Extension they state to the Supreme Court, "We, both as pro se, take longer than average typing anything and due to these flare ups from our individual disabilities, we need more time researching and writing the

Motion for Discretionary Review. We also want to make sure, as pro se, that we are following all the procedures and rules per this motion appropriately.” In the preceding quote, from the email to the Supreme Court, the Pratts were confused that they needed to ask for an extension for a Petition for Review not a Discretionary Review. Having done this as pro se lay people, the Pratts can see how a nonlawyer could easily get confused but even more so when the pro se person is also disabled and distracted by pain. The Pratts were having increased migraines and Rochelle Pratt had just secured an appointment with her physical therapist after a four month absence because of an insurance issue and had to start all over again. Rochelle’s first physical therapy appointment back with her therapist was December 19, 2023. This was the first time in months that her physical therapist was able to address Rochelle Pratt’s medical setback. In navigating each level of the court system, the Pratts have had to address incorrect statements and untruths throughout each level of court from the attorney Mr. Garvin in

his submissions to the courts from his stating things as fact, when in reality, they were either incorrect or not factual. Even after he had been made aware and given the correct information by the Pratts through court testimony, filings, brief and in the beginning by direct email after he sent an email to the Pratts. This made things so much more confusing. For example, Mr. Garvin stated that Rochelle Pratt said to her counsel that she was ill and absolutely refused to speak to her attorney. He was sent email excerpts, after he first contacted the Pratts, right before filing the Complaint. The Pratts took the time to send the charity counsel emails excerpts and explained in this email that this was not true and that Rochelle Pratt needed help in dealing with Mr. Eastburg's escalated abuse and their charity attorney refused to help. Despite this email existing in Mr. Garvin's Declaration of Lawrence Garvin in Support of Plaintiff's Motion for Summary Judgment presented to Superior Court it was later used in his brief to COA as fact even though he knew it was not. CP 265. Encountering this from counsel

from Respondents, was difficult to say the least considering what a convoluted case this became by the Burpees and Mr. Eastburg's actions and because the Pratts were and are having to learn how to continue navigating the court at each level and the individual rules that can even vary county-to-county. This created for the Pratts the need to have extra time, resources and research throughout this process including when preparing and writing the Petition for Review. The Pratts understood one cannot just say something is a lie, that there is protocol and needed motions, permissions one must get to address this, so they did their due diligence to make sure to keep defending the truth and getting the facts to the courts which is very intimidating and confusing to figure out when they are not attorneys and there was and there is a mountain of evidence. This did and has made this case much more confusing and challenging for the Pratts and why there is an exhibit from the trial court that is over 240 pages submitted by the Pratts that contains emails, texts, photos and documents. The Pratts, as

pro se, representing themselves in such legal matters and challenges did need extra time and help and research each step of the way, each division, each motion, and each filing. Rochelle Pratt and Diana Pratt have both worked diligently and tirelessly on their case and made sure to communicate with all courts on this matter because it is of extreme importance to them. The Respondents say in their Response to the Pratts' Motion for Extension request to the Supreme Court, "Regardless of whether the Respondents would be prejudiced by an extension of time or not, the appellate system, as well as litigants in general, are prejudiced by extensions because they 'are entitled to an end to their day in court.' In other words, a lack of prejudice to the Respondents is irrelevant to the decision of granting or denying a motion for extension, because the prejudice to the appellate system." Even though extensions are rarely granted by the Supreme Court, they are granted. The Pratts can't help having medical issues and a medical crisis while simultaneously having to be pro se in this case and during

their researching, seeking legal help, and the writing and completing of their Petition for Review. The Pratts long and hope for their day in court to end as well. The Pratts also fervently wish that their former landlords had not threatened them with a wrongful eviction against them that has now led to the Pratts having to act pro se on their own behalves in order to protect and defend themselves and their future well-being in this case.

**B. The Pratts' Motion Established "Circumstances beyond the party's control"**

There are circumstances beyond the party's control. Diana Pratt and Rochelle Pratt are disabled, a known fact by all parties. The Pratts' landlords were advised through the application process that if they chose the Pratts to be their tenants, the Pratts were disabled, had low-income, and that their income came from SSI and SSDI. The Pratts' landlords were also advised on multiple



occasions in both email and texts of the Pratts' disabilities and needed accommodations when the Burpees' son and landlord agent, Jamison Eastburg, broke the Pratts' pipe during the pandemic causing them to be without water for 8 days or when Mr. Eastburg left the Pratts' backyard in the condition of construction site for over a year causing an injury to Rochelle Pratt's foot/toe. These are just a couple of examples and the Pratts stayed in timely communication as needed with the Burpees and Mr. Eastburg on such concerns and needs. This evidence was submitted to all courts. The attorney for these two parties, Lawrence Garvin, was also advised in email that the Pratts were disabled and his clients were adding and creating new injuries to them in their response to his email inquiry to them. CP 263-269. The Pratts can't help it that the Burpees and Mr. Eastburg's behaviors and refusal to follow Washington State tenant laws has had a domino effect on their lives. A threat of an illegal eviction, and the further abuses and then the new abuses by Mr. Eastburg against his tenants of course would

inflammation the Pratts' individual disabilities and have lasting ramifications on the Pratts to this day as they fight for justice. The Respondents refer to in their Response to the Pratts' Motion for an Extension, that "The appellate court will only in extraordinary circumstances to prevent a gross miscarriage of justice extend time" as a concern if the Pratts are allowed to have an extra 30 days to file their Petition for Review filing on February 5, 2024 instead of January 5, 2024. The Pratts did and are experiencing extraordinary life realities in their unfortunate fallout from what their former landlords did to them while the Pratts were their tenants, and in their ongoing fight to protect themselves from being harmed by the same from their former landlords in their future both personally and with their reputations. The Pratts were placed unnecessarily and punitively into having to act pro se for themselves by their former landlords illegal and punitive actions against them. The Pratts have found acting pro se to fight for their justice costly to them not just financially, but also physically, mentally, and

emotionally. It has also been daunting to the Pratts and at times extremely stressful and scary to fight for themselves, their future, and reputations pro se, because they are not attorneys and they are not trained nor do they have any legal expertise. But, due to not having the funds to afford an attorney, the Pratts are forced to be their own representation. When those in power like a landlord choose to misuse their power and their ability to hire an attorney to violate their tenants especially during a pandemic when there is 1% availability and the tenants they chose are disabled and low-income, those landlords do introduce into their tenants' lives an extraordinary circumstance forcing their tenants to accept being harmed and victimized or they force them to act pro se in the court system. No normal person seeks nor chooses to represent themselves legally in the court system and they are traumatized when forced to do so. The Pratts also contend that their former landlords, for the following reasons, will not be dealt a "gross miscarriage of justice" if the Pratts are given their requested extra 30 days. The

spirit of the Respondents' contract that they'd offered to the Pratts in order to rescind their threat of an illegal eviction against their tenants, was for them to get away with illegal actions using their position of power that they had over their tenants which demonstrated "a gross miscarriage of justice." Due to the illegal and wrongful actions of their landlords against them during the Pratts' third lease period, and withholding pertinent information in the CR 2A from the Pratts, the Pratts did find themselves in, and are still in, "extraordinary circumstances." It is "extraordinary circumstances" for a lay person who's never been sued to suddenly find themselves sued and in danger of many negative aspects and be forced to be victimized and harmed or choose to fight for their justice and be pro se for themselves in the court process. As previously stated in the Motion for Extension to the Supreme Court, the extraordinary circumstances were explained. To further support this, in Exhibit B of this motion is an extra remark sent to SSA for a CDR in September 2023, after SSA asked for a current

condition to explain why Rochelle Pratt has greatly worsened in her disability because of the extraordinary circumstance caused by the Burpees and Mr. Eastburg's actions against the Pratts and a letter from SSA back to Rochelle Pratt after they received her CDR.

## II. CONCLUSION

For the following reasons listed above, the Pratts respectfully ask the Court to extend the time by 30 days and grant the Motion for an Extension of Time to file the Petition for Review.



Rochelle Pratt



Diana Pratt

We, Rochelle Pratt and Diana Pratt, certify that the number of words contained in this the Reply in Support of the Motion for Extension of Time to the Supreme Court is 2048 excluding the parts exempted from the word count by RAP 18.17. Dated 3-15-2024.

I, Rochelle Pratt, used the Court's Portal to upload this Reply in Support of the Motion for Extension of Time on 3-15-24 which will email a copy to Bolivar Real Estate and Jamison Eastburg via their attorney's email: lgarvin@workwith.com.

# **EXHIBIT A**



Rochelle P &lt;hopfm12@gmail.com&gt;

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## Question about length of time for extension request

5 messages

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**Rochelle** <hopfm12@gmail.com>  
To: "OFFICE RECEPTIONIST, CLERK" <supreme@courts.wa.gov>  
Bcc: Rochelle P <hopfm12@gmail.com>, Di <maxfrankie67@gmail.com>

Mon, Dec 18, 2023 at 9:22 AM

Court of Appeals No. 38967-7-III  
Spokane County Superior Court No. 22-2-00611-32

Hello,

I am asking for an motion for extension. I am having a medical crisis with my disability along with some other issues. I forgot to ask before, what is the time frame I am allowed to ask in a motion for extension for a discretionary review with the Supreme Court?

Thanks,

Rochelle

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**OFFICE RECEPTIONIST, CLERK** <SUPREME@courts.wa.gov>  
To: Rochelle <hopfm12@gmail.com>

Mon, Dec 18, 2023 at 9:34 AM

Under the Rules of Appellate Procedure, the Court of Appeals will issue its mandate 30 days after their case is final unless a petition for review or a motion for extension of time to file a petition for review is filed.

### Receptionist

### Supreme Court Clerk's Office

### 360-357-2077

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**From:** Rochelle <hopfm12@gmail.com>  
**Sent:** Monday, December 18, 2023 9:22 AM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Question about length of time for extension request

**External Email Warning!** This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

[Quoted text hidden]

A 1

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**Rochelle** <hopfm12@gmail.com>

Mon, Dec 18, 2023 at 9:42 AM



3/14/24, 6:15 PM

Gmail - Question about length of time for extension request

To: "OFFICE RECEPTIONIST, CLERK" <SUPREME@courts.wa.gov>  
Bcc: Di <maxfrankie67@gmail.com>, Rochelle P <rochellemp@comcast.net>

Hello,

I am filing today for a motion for extension to submit my motion for discretionary review. I looked at Rap 18.08 and I am confused as to how long I can request for an extension.

Thanks,

Rochelle Pratt  
[Quoted text hidden]

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**OFFICE RECEPTIONIST, CLERK** <SUPREME@courts.wa.gov>  
To: Rochelle <hopfm12@gmail.com>

Mon, Dec 18, 2023 at 9:47 AM

The Rules of Appellate Procedure do not provide for specific lengths of extension. As previously advised, under RAP 18.8, extensions of time to file a petition for review are only granted "in extraordinary circumstances and to prevent a gross miscarriage of justice."

Supreme Court Clerk's Office

[Quoted text hidden]

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**Rochelle** <hopfm12@gmail.com>  
To: "OFFICE RECEPTIONIST, CLERK" <SUPREME@courts.wa.gov>

Mon, Dec 18, 2023 at 9:49 AM

Thank you so much!  
[Quoted text hidden]

# **EXHIBIT B**

## Extra Remarks

I had a very abusive landlord agent who lived on the same property right next door to me and had had previous problems with females unbeknownst to me and my mom. After this landlord, Jamison Eastburg, broke our pipe and caused us to be without water for 8 days, he became off and on abusive towards us until he became abusive every single day starting the end of July, 2021 once he was made aware of a foot injury he caused in my backyard. We paid our rent every single month on time but beginning in August of 2021, he and his parents started an illegal eviction along with blocking our mail carriers to deliver our mail. This was incredibly stressful and made me seek help with two mental health professionals. We couldn't find anywhere to live and were forced to fight for the remainder of our third lease. Because my landlord used spotlights to shine into our house windows and outside on our darkened pathway leading to our house, he caused multiple flare ups with my disabilities and new ones. I had to go to the hospital and get treatment for a migraine I could not get under control after one of his many attacks. He was aware I was disabled and suffered from migraines and purposefully flashed lights into my eyes. I had world spinning vertigo after he once again shined a light into my bathroom which caused me to slip on a step in my bathroom. I had to get many months of treatment for my vertigo with my physical therapists on my neck. I still have bouts of vertigo but the only thing that helped was these physical therapy treatments. I had to do therapy sessions with this extreme trauma until my counselor took a leave of absence and ultimately retired. We finally found an affordable place to live and I returned to physical therapist to help with my vertigo, migraines, my ribs and ligaments slipping out of place, TMJ and to help with my alignment of my neck. Unfortunately, I recently lost my ability to see my physical therapist after his clinic stopped taking my insurance. I am finding it difficult to find a physical therapist who takes my kind of insurance. I easily fall out of alignment which leads to my migraines. I have no one to help me with my ribs and ligaments when they pop out of place.

# Social Security Administration

## Important Information

1676 I=000000 CDR 5 0211



Date: February 19, 2024

ROCHELLE

PRATT

We sent you a letter telling you that we were going to review your disability case. However, we do not need to review your case at this time. Therefore, we will not contact your doctor now. We will keep any information that you have given us.

We will contact you later if we need to review your case.

### Things To Remember

It is important that you report changes right away. Be sure to tell us about any of the following changes:

- You return to work.
- Your job, pay or work expenses change, if you are working now.
- Your doctor says your health is better.
- Your income or resources change.

### Suspect Social Security Fraud?

**DIANA PRATT - FILING PRO SE**

**March 15, 2024 - 9:28 AM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 102,654-4  
**Appellate Court Case Title:** Bolivar Real Estate, LLC, et al. v. Rochelle Pratt, et al.  
**Superior Court Case Number:** 22-2-00611-5

**The following documents have been uploaded:**

- 1026544\_Answer\_Reply\_20240315092222SC194011\_5931.pdf  
This File Contains:  
Answer/Reply - Other  
*The Original File Name was replyofficialextent.pdf*

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

- lgarvin@workwith.com
- maxfrankie67@gmail.com
- rclayton@workwith.com

**Comments:**

Reply to the answer to the motion for extension of time

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Sender Name: Diana Pratt - Email: hopfm12@gmail.com  
Address:  
PO BOX 844  
Greenacres, WA, 99016  
Phone: (509) 251-8379

**Note: The Filing Id is 20240315092222SC194011**