

92400-7

FILED  
OCT 22 2015

CLERK OF THE SUPREME COURT  
STATE OF WASHINGTON  
E *CP*

~~NO. 89097-8~~

THE SUPREME COURT OF STATE OF WASHINGTON

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KAY B. KAYONGO, PRO SE PETITIONER

V

COURT OF APPEALS, DIVISION ONE, RESPONDENT

AND

DV PROPERTIES, LLC, DEFENDANT

---

PETITION FOR REVIEW

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KAY B. KAYONGO, PRO SE PETITIONER

12714, Lake City Way NE  
Seattle, WA 98125  
(206) 440-1440

2015 OCT 19 AM 10:11  
COURT OF APPEALS DIV 1  
STATE OF WASHINGTON

I TABLE OF CONTENTS

A. IDENTITY OF PETITIONER.....3

B. COURT OF APPEALS DECISION.....3

C. ISSUES PRESENTED OF THE CASE.....3-5

a. ASSIGNMENT OF ERROR.....3-5

b. ISSUES PERTAINING TO ASSIGNMENT OF ERROR .....4-5

D. STATEMENT OF CASE.....5

E. ARGUMENT WHY REVIEW SHOULD NOT BE  
ACCEPTED.....5-7

F. CONCLUSION.....7-8

II TABLE OF AUTHORITIES

A. STATUTES

1. RCW 4.16.110.....6

2. RCW 4.16.230.....6

B. CONSTITUTION PROVISION

1. 14th Amendment into US Const.....6

2. Art. I Section 3 of State of Washington Const.....6

C. REGULATION AND RULES

1. RAP 12.3 (d)(e).....4, 5,
2. RAP 13.4(b)(3).....4, 5, 6,
3. RAP 13.4(b)(4).....4, 5, 7

A. IDENTITY OF PETITIONER

Kay B. Kayongo asks the Supreme Court of accept review of the court of appeals decision terminating review stated in part B of this petition.

B. COURT OF APPEALS DECISION

Pro se petitioner wants to review the decision of the court of appeals, division one:

- I. An unpublished opinion September 14, 2015 which was unclear or uncertain. A copy of the court opinion September 14, 2015 is in Appendix A pge. 1-6
- II. An order denying the motion for reconsideration review entered on October 12, 2015 is in appendix B and petitioner's motion for reconsideration review October 7, 2015 is in Appendix B 1-16 and two proposed orders appendix\_\_\_\_\_of the motion.

## C. ISSUE PRESENTED FOR REVIEW

### I. ASSIGNMENT OF ERROR

#### A. Assignment of error

On September 14, 2015, the Court of Appeals, Division One entered an unclear and uncertain unpublished opinion.

#### B. Issues Pertaining to Assignment of Error

Because the court of appeals, division one's opinion September 14, 2015 is unclear and uncertain, should the Supreme Court accept and grant this petition for review to allow more clarification of it under RAP 13.4 (b)(3) Constitution of Washington State or of the United States and under RAP 13.4 (b)(4) substantial public interest before the court of appeals' opinion has been published for the record of publish interest use under RAP 12.3 (d)(e)? Assignment of Error NO. I.

### II. ASSIGNMENT OF ERROR

#### A. Assignment of Error

On October 12, 2015, the court of appeals division one entered an unclear order denying motion for reconsideration review factual evidence stated on proposed orders, and on the court of appeals' unpublished opinion Sept. 14, 2015 of opening brief of appellant

## B. Issues pertaining to Assignment of Error

Because the court of appeals, division one's entered an unclear order denying motion for reconsideration review of an unclear and uncertain court unpublished opinion September 14, 2015, should the Supreme Court accept and grant this petition for review to allow more clarification of the court's order and opinion under RAP 13.4 (b)(3) Constitution of Washington State or of the United States and under RAP 13.4 (b)(4) substantial public interest before the court of appeals' opinion has been published for the record of publish interest use under RAP 12.3 (d)(e)?  
Assignment of Error NO. 25

## D. STATEMENT OF CASE

- I. On September 14, 2015, the court of appeals division one entered an unclear and uncertain unpublished opinion. See at Appendix A pge. 1-6
- II. On October 12, 2015, the court of appeals entered also an unclear order denying motion for reconsideration review of the court's unpublished opinion Sept. 14, 2015 of opening brief of appellant, and proposed orders based on the factual evidence on court opinion and brief. See at Appendix B

pge 1. and on on legal authorities statutes, rule cited on the motion. See at Appendix C pge. 1-16

#### E. ARGUMENT WHY REVIEW SHOULD BE ACCEPTED

- I. On September 14, 2015, the court of appeals division one entered an unclear and uncertain unpublished opinion. See at Appendix A pge. 1-6 and on October 12, 2015, the court of appeals entered also an unclear order denying motion for reconsideration review of the court's unpublished opinion Sept. 14, 2015 of opening brief of appellant, and proposed orders based on the factual evidence on court opinion and brief. See at Appendix B pge 1. and on legal authorities statutes, rule cited on the motion. See at Appendix C pge. 1-16

The Supreme Court should accept and grant this petition for review of the court of appeals' unclear and uncertain unpublished opinion Sept. 14, 2015, order denying motion for reconsideration review October 12, 2015 of court opinion of opening brief of appellant and proposed orders to allow more clarification on unclear and uncertain of the court order and opinion under

1. RAP 13.4(b)(3) which states that:

If a significant of question of law under the constitution of State of Washington or of the United States is involved. The constitution of State of Washington Art. 1, Section 3 states that Personal Right No person shall be deprived of life, liberty, or property, without due process of law.

So states under the constitution of United States the 14th Amendment Right Guaranteed: ...and Equal Protection 1: All persons born or naturalized in the United States, and subject to the jurisdiction

thereof, are citizens of the United States and of the State wherein they reside nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Because pro se petitioner is an United States of America naturalized citizen, the owner of personal property that was stolen and detained by DV Properties since 2009 and has right to immediate get her personal property. The trial court, the court of appeals and defendant DV Properties are complicated petitioner to get her properties back when there are the factual evidence from the court of appeals Sept. 14, 2015 opinion, defendant reply April 16, 2013, Sept. 14, 2012 trial court dismissal without prejudice order, RCW 4. 16.110, RCW 4.16.230 that petitioner's claim of theft was not barred by statute of limitations. See more detail at petitioner's motion for reconsideration Appendix C pge. 1-16,

2. Under RAP 13.4(b)(4) which states if the petition involves an issue of substantial public interest involves an issue of substantial public interest that should be determined by the supreme court.

Because is the issue of criminal case of Theft which is going to published for the record of the public interest use of this case law the act the defendant DV Properties did by stealing and detaining the petitioner the owner of properties everything she had for life which is as a murder, the Supreme Court should accept and grant this petition for review which

need more detail clarification on the uncertain and unclear issue cited on the court of appeals' unpublished opinion Sept. 14, 2015 at appendix A pge. 1-6 and on petitioner's motion for reconsideration at appendix C pge. 1-16 before the court opinion has been published for the record of public interest use of case law citation.

#### F. CONCLUSION

This court should accept and grant review for the reasons stated in part C, D, E and in appendix C and D to allow more clarification on the court of appeals, division one's opinion September 14, 2015; more clarification on pro se petitioner's motion for reconsideration and on proposed orders presented; reverse the trial court's decision and allow the vacation of judgment entered on April 25, 2013 and other following post-judgment orders from June 24, 2013 to July 11, 2014 and to allow also petitioner to get back her personal property which was stolen since 2009 by DV Properties, LLC.

This court should accept review under doctrine of equity relief for all new issues were raised , but not heard at trial court and were not raised at trial court nor at court of appeals division one as it is stated on the motion for reconsideration at appendix C because all court decisions were made in this lawsuit proceeding were decided without oral argument, and



the defendant did not answer any motion at trial court. nor to pro se petitioner's opening brief which should allow raised issues to be developed for the fair justice.

This court should accept review to allow also all parties government employees or not to whom involved in this lawsuit proceeding who donated money, food bank, food stamp, job,shoes, clothing to my friends' girlfriends and wives, their daughters sons; my family; agency to serve petitioner, or hired other people in the agency she is stepping on to serve her, to raise issue now in writing for the reimbursement of things, foods, money and service they donated and volunteered to serve her as she served for jury duty at King County Superior Court in 2010 and volunteered to some of agencies here in Seattle Washington.

Pro se petitioner did not find any case law that match with the petition for review and issued raised here in for any inconvenience.

For any inconvenience of United States of America President Barack Obama's notice order was provided to all parties involved in this lawsuit is because I know he is command system chief , not Market System chief, but he is the supersede father at law of Command and Market System chief of United States of America at moment and forever.

Date October 19, 2015

Respectfully submitted

*S/benicekayongo*

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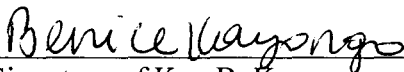
Signature of Kay B. Kayongo  
Pro Se Petitioner

APPENDIX

- A. Court of Appeals, Division One' Unpublished Opinion, September 14, 2015
- B. Court of Appeals, Division One Order for Reconsideration, October 12, 2015
- C. Legal Authority (statute and rules cited on the motion for reconsideration and proposed orders.
- D. Statute and Constitutions

Date October 19, 2015

Respectfully submitted

  
Signature of Kay B. Kayongo  
Pro Se Petitioner

APPENDIX

- A. Court of Appeals, Division One' Unpublished Opinion, September 14, 2015
- B. Court of Appeals, Division One Order for Reconsideration, October 12, 2015
- C. Legal Authority (statute and rules cited on the motion for reconsideration and proposed orders.
- D. Statute and Constitutions

# APPENDICE

A

2015 SEP 14 AM 9:10

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

KAY KAYONGO,	)	No. 72341-3-I
	)	
Appellant,	)	
	)	
v.	)	
	)	
DV PROPERTIES, LLC,	)	UNPUBLISHED OPINION
	)	
Respondent.	)	FILED: September 14, 2015
<hr/>		

VERELLEN, A.C.J. — Kay Kayongo appeals the superior court’s denial of her motions to reconsider or revise prior rulings related to CR 60 motions to vacate the dismissal of her lawsuit against DV Properties, LLC. Because Kayongo’s motion for reconsideration was without merit and her motion for revision was untimely, we affirm.

FACTS

On October 11, 2012, Kayongo, acting pro se, filed a lawsuit against DV Properties, her former landlord, alleging “theft” and fraudulent misrepresentation. Kayongo contended that when she moved out of her apartment on March 11, 2009, the property manager agreed to store some of her personal property for a period of six months, but instead disposed of the property as abandoned sometime in July 2009. Kayongo also claimed that the property manager gave her a false address, which resulted in the dismissal of a prior suit against DV Properties for insufficient

service of process. On November 25, 2012, Kayongo amended the complaint to omit the fraudulent misrepresentation claim.

DV Properties moved to dismiss Kayongo's suit as barred by the statute of limitations. On April 25, 2013, Judge Kimberly Prochnau granted DV Properties' motion and dismissed the suit.

On May 1, 2013, Kayongo filed a motion to vacate the order of dismissal pursuant to CR 60. On June 24, 2013, Judge Prochnau denied Kayongo's motion, reiterating that Kayongo's claims were barred by the statute of limitations.

On January 2, 2014, Kayongo again moved to vacate the dismissal order. On January 28, 2014, Judge Patrick Oishi denied the motion.

On March 11, 2014, Kayongo sought an ex parte order to show cause why the dismissal order should not be vacated. Commissioner Nancy Bradburn-Johnson denied the motion.

On June 5, 2014, Kayongo again moved to vacate the judgment. On June 19, 2014, Judge Oishi denied the motion, finding that the motion was "wholly without any legal justification or any substantive basis" and that it was also time-barred under CR 60(b) because it had been filed over one year after the order of dismissal.<sup>1</sup>

On June 25, 2014, Kayongo filed a motion entitled "Plaintiff Denies a Corruption, Fraud and Lying Order Entered by Court on 6-18-2014<sup>[2]</sup> For Her Notice

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<sup>1</sup> Clerk's Papers (CP) at 608.

<sup>2</sup> Judge Oishi's order, dated June 18, 2014, was filed with the clerk on June 19, 2014. Generally, the date of entry is the date a signed order is filed with the clerk of the superior court. CR 5(e); CR 58.

Motion.”<sup>3</sup> Judge Oishi treated this motion as a motion for reconsideration of his June 19, 2014 order and, on July 11, 2014, denied reconsideration. On the same day, Judge Oishi denied a motion filed by Kayongo on July 2, 2014 to revise Commissioner Bradburn-Johnson's March 11, 2014 order.

On July 28, 2014, Kayongo filed a pro se notice of appeal seeking review of (1) Judge Prochnau's April 25, 2013 order of dismissal; (2) Judge Prochnau's June 24, 2013 order denying her motion to vacate; (3) Judge Oishi's January 28, 2014 order denying her motion to vacate; (4) Commissioner Bradburn-Johnson's March 11, 2014 order denying her motion to show cause; (5) Judge Oishi's June 19, 2014 order denying her motion to vacate; (6) Judge Oishi's July 11, 2014 order denying her motion for reconsideration; and (7) Judge Oishi's July 11, 2014 order denying her motion for revision. A commissioner of this court ruled that Kayongo's notice of appeal was timely only as to the July 11, 2014 orders and limited the scope of review to those orders.

#### DECISION

We review both a trial court's denial of a CR 60 motion to vacate and a motion for reconsideration for abuse of discretion.<sup>4</sup> A court abuses its discretion when its decision is manifestly unreasonable or based on untenable grounds or reasons.<sup>5</sup>

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<sup>3</sup> CP at 592-628.

<sup>4</sup> Rivers v. Wash. State Conference of Mason Contractors, 145 Wn.2d 674, 685, 41 P.3d 1175 (2002).

<sup>5</sup> In re Marriage of Horner, 151 Wn.2d 884, 893, 93 P.3d 124 (2004).



When a party appeals an order denying revision of a court commissioner's decision, we review only the decision of the superior court, not the commissioner.<sup>6</sup> Where, as here, the record is entirely documentary, we stand in the same position as the trial court and review the record de novo.<sup>7</sup>

Judge Oishi did not abuse his discretion in denying Kayongo's motion to reconsider his June 19, 2014 order denying her motion to vacate the dismissal of her claims. Kayongo claims she was entitled to relief because "[t]he judgment was entered under fraudulent [sic] and wrongfully because there is 100% sure no barred statute of limitation to plaintiff's claims."<sup>8</sup> But it is clear that Kayongo's claims were barred by the statute of limitations. The limitations period begins to run when a party's cause of action accrues, and a cause of action accrues "when the party has the right to apply to a court for relief."<sup>9</sup> Kayongo sued DV Properties for "theft" of her personal property. To the extent that Kayongo was asserting that DV Properties breached an implied contract or seized her personal property, the statute of limitations for these claims is three years.<sup>10</sup> The event triggering the statute of

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<sup>6</sup> In re Marriage of Williams, 156 Wn. App. 22, 27, 232 P.3d 573 (2010).

<sup>7</sup> Hous. Auth. of City of Pasco & Franklin County v. Pleasant, 126 Wn. App. 382, 387, 109 P.3d 422 (2005).

<sup>8</sup> CP at 523.

<sup>9</sup> Kelly v. Allianz Life Ins. Co. of N. Am., 178 Wn. App. 395, 399, 314 P.3d 755 (2013), review denied, 180 Wn.2d 1004, 321 P.3d 1206 (2014).

<sup>10</sup> RCW 4.16.080(2), (3) ("The following actions shall be commenced within three years: . . . (2) An action for taking, detaining, or injuring personal property, including an action for the specific recovery thereof, or for any other injury to the person or rights of another not hereinafter enumerated; (3) Except as provided in RCW 4.16.040(2), an action upon a contract or liability, express or implied, which is not in writing, and does not arise out of any written instrument.").

limitations, the disposal of Kayongo's property, occurred in July 2009. Kayongo did not file this lawsuit until October 2012. Because Kayongo's lawsuit was properly dismissed on statute of limitations grounds, Judge Oishi did not err.

Kayongo appears to assert that the statute of limitations was tolled by the filing of her prior suit against DV Properties in 2011. Kayongo is incorrect. "When an action is dismissed, the statute of limitations continues to run as though the action had never been brought."<sup>11</sup> Because Kayongo's prior suit was dismissed for insufficient service of process in September 2012, the statute of limitations was not tolled.

Kayongo's remaining arguments involve Judge Oishi's finding that her June 5, 2014 motion to vacate was untimely under CR 60(b), which requires that motions to vacate on certain grounds be brought within one year of the judgment. Because the motion to vacate was properly denied due to Kayongo's failure to comply with the statute of limitations, we need not address this issue.<sup>12</sup>

Judge Oishi also did not err in denying Kayongo's motion for revision of Commissioner Bradburn-Johnson's order. RCW 2.24.050 requires a motion for revision to be filed within 10 days from the entry of the order or judgment of the court commissioner. A superior court lacks the authority to extend the deadline for consideration of a motion for revision beyond the 10-day limit.<sup>13</sup> Because

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<sup>11</sup> Fittro v. Alcombrack, 23 Wn. App. 178, 180, 596 P.2d 665 (1979).

<sup>12</sup> See Wash. Fed'n of State Emps. v. State Dep't of Gen. Admin., 152 Wn. App. 368, 378, 216 P.3d 1061 (2009) (a reviewing court may affirm the trial court on any grounds supported by the record).

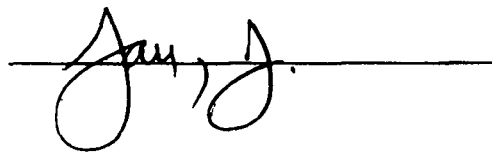
<sup>13</sup> In re Marriage of Robertson, 113 Wn. App. 711, 714-15, 54 P.3d 708 (2002).

Commissioner Bradburn-Johnson's order was entered March 11, 2014, Kayongo had until March 21, 2014 to seek revision. She did not do so until July 2, 2014. Thus, her motion was untimely and the superior court did not err in denying it.

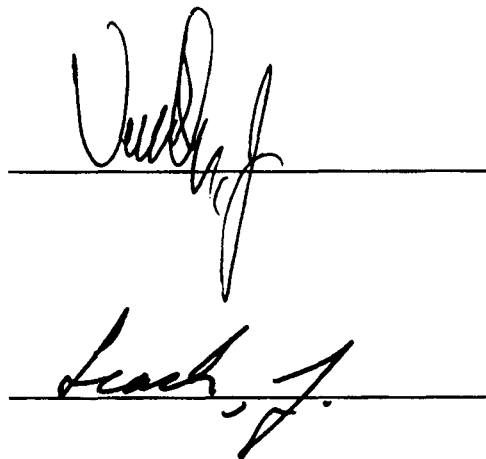
Because Kayongo's remaining claims involve challenges to orders other than the two July 11, 2014 orders or matters that were not before the trial court, this court will not consider them. Though mindful of Kayongo's pro se status, pro se litigants are held to the same standards as attorneys and must comply with all procedural rules on appeal.<sup>14</sup>

We affirm the superior court's orders denying Kayongo's motions for reconsideration and revision.

WE CONCUR:



A handwritten signature in cursive, appearing to read "Jay J.", written over a horizontal line.



Two handwritten signatures in cursive, one above the other, both written over horizontal lines. The top signature appears to read "Leach J." and the bottom signature appears to read "Leach J.".

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<sup>14</sup> In re Marriage of Olson, 69 Wn. App. 621, 626, 850 P.2d 527 (1993).

B

*The Court of Appeals  
of the  
State of Washington*

RICHARD D. JOHNSON,  
Court Administrator/Clerk

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October 12, 2015

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CASE #: 72341-3-I  
Kay B. Kayongo, Appellant v. DV Properties, Respondent

Counsel:

Enclosed please find a copy of the Order Denying Motion for Reconsideration entered in the above case.

Within 30 days after the order is filed, the opinion of the Court of Appeals will become final unless, in accordance with RAP 13.4, counsel files a petition for review in this court. The content of a petition should contain a "direct and concise statement of the reason why review should be accepted under one or more of the tests established in [RAP 13.4](b), with argument." RAP 13.4(c)(7).

In the event a petition for review is filed, opposing counsel may file with the Clerk of the Supreme Court an answer to the petition within 30 days after the petition is served.

Sincerely,



Richard D. Johnson  
Court Administrator/Clerk

jh

Enclosure

c: The Hon. Patrick Oishi



C

COURT OF APPEALS, DIVISION ONE OF STATE OF WASHINGTON

KAY B. KAYONGO	)	Trial Court No. 12-2-33439-1 SEA
Pro Se Appellant	)	MOTION FOR RECONSIDERATION REVIEW OF
V	)	APPELLANT'S OPENING BRIEF FOR
DV PROPERTIES, LLC	)	CLARIFICATION OF COURT RAISED ISSUES
Respondent	)	ON SEPTEMBER 14, 2015 OPINION
	)	
_____	)	

A. IDENTITY OF MOVING PARTY

Kay B. Kayongo, pro se appellant asks the court for the relief stated in part II of this motion.

B. STATEMENT OF RELIEF SOUGHT

- a. Appellant asks this court to grant a motion for reconsideration review of her opening brief to provide more clarification on the ambiguous statement issues raised in the court opinion September 14, 2015 to which this court overlooked or misapprehended on the assignment of error, statement of case, summary of argument, argument, conclusion and appendix of her brief before this court opinion is being published pursuant to RAP 12.3 (d)(e).
- b. Appellant also asks this court to permit an oral argument pursuant to RAP 17.5 (b) which states that oral argument to judge...unless the appellate court direct otherwise because of this triggering events of judgment entered on April 25 , 2013,



order entered on June 24, 2013 and other following post-judgment orders to which were decided without oral argument by trial court judges including this court and to allow physical appearance of the owner Mr. Vincent Sposari, his manager Mr. Kyle Warner, and counsel for defendant Mr. Raymond J. Walters to provide more clarification on these raised issues stated herein.

- c. [12] *See Wash. Fed'n of State Emps. v. State Dep't of Gen. Admin.*, 152 Wn. App. 368, 378, 216 P.3d 1061 (2009) (a reviewing court may affirm the trial court on any grounds supported by the record).
- d.

### C. FACTS RELEVANT TO MOTION

- a. On July 28, 2014, Kayongo filed a pro se notice of appeal seeking review of (1) Judge Prochnau's April 25, 2013 order of dismissal; (2) Judge Prochnau's June 24, 2013 order denying her motion to vacate; (3) Judge Oishi's January 28, 2014 order denying her motion to vacate; (4) Commissioner Bradburn-Johnson's March 11, 2014 order denying her motion to show cause; (5) Judge Oishi's June 19, 2014 order denying her motion to vacate; (6) Judge Oishi's July 11, 2014 order denying her motion for reconsideration; and (7) Judge Oishi's July 11, 2014 order denying her motion for revision. A commissioner of this court ruled that Kayongo's notice of appeal was timely only as to the July 11, 2014 orders and limited the scope of review to those orders. (court opinion September 14, 2015 page 3) On June 25, 2014, Kayongo filed a motion entitled "Plaintiff Denies Corruption, Fraud and Lying Order Entered by Court on 6-18-2014 2! For Her Notice Motion."**3 CP at 592-628. *In re Marriage of Horner*, 151 Wn.2d 884, 893, 93 P.3d 124 (2004).**(court opinion September 14, 2015 page 3)

- b. On July 28, 2014, Kayongo filed a pro se notice of appeal seeking review of (1) Judge Prochnau's April 25, 2013 order of dismissal; (2) Judge Prochnau's June 24, 2013 order denying her motion to vacate; (3) Judge Oishi's January 28, 2014 order denying her motion to vacate; (4) Commissioner Bradburn-Johnson's March 11, 2014 order denying her motion to show cause; (5) Judge Oishi's June 19, 2014 order denying her motion to vacate; (6) Judge Oishi's July 11, 2014 order denying her motion for reconsideration; and (7) Judge Oishi's July 11, 2014 order denying her motion for revision. A commissioner of this court ruled that Kayongo's notice of appeal was timely only as to the July 11, 2014 orders and limited the scope of review to those orders. (court opinion September 14, 2015 pge.3)
- c. This court stated that to the extent that Kayongo was asserting that DV Properties breached an implied contract or seized her personal property, the statute of limitations for these claims is three years.<sup>10</sup> The event triggering the statute of limitations, the disposal of Kayongo's property, occurred in July 2009. Kayongo did not file this lawsuit until October 2012. Because Kayongo's lawsuit was properly dismissed on statute of limitations grounds, Judge Oishi did not err. (court opinion September 14, 2015 pge. 4-5)
- d. Kayongo appears to assert that the statute of limitations was tolled by the filing of her prior suit against DV Properties in 2011. Kayongo is incorrect ( court opinion September 14, 2015 pge. 5)
- e. Kayongo's remaining arguments involve Judge Oishi's finding that her June 5, 2014 motion to vacate was untimely under CR 60(b), which requires that motions to vacate on certain grounds be brought within one year of the judgment.

Because the motion to vacate was properly denied due to Kayongo's failure to comply with the statute of limitations, we need not address this issue.<sup>12</sup> (court opinion September 14, 2015 pge.

- f. On June 5, 2014, Kayongo again moved to vacate the judgment , on June 19, 2014, Judge Oishi denied the motion finding that was "Wholly without any legal justification or any substantive basis" and that was also time barred under CR 60 (b). Because it has been over one years after the order of dismissal.<sup>1</sup> (see this court opinion Sept.14, 2015 pge. 2).
- g. Because Kayongo's remaining claims involve challenges to orders other than the two July 11, 2014 orders or matters that were not before the trial court, this court will not consider them. (court opinion Sept.14, 2015 pge. 6)
- h. Though mindful of Kayongo's pro se status, pro se litigants are held to the same standards as attorneys and must comply with all procedural rules on appeal.<sup>14</sup> see at this court opinion Sept.14, 2015 pge. 6.

#### D. GROUND FOR RELIEF AND ARGUMENT

- 1. 1). RAP 12.4 (c ) states content. The motion should state with particularity the point of law or fact which the moving party contends the court has overlooked or misapprehended, together with brief argument on the points raised.
- 2. . On July 28, 2014, Kayongo filed a pro se notice of appeal seeking review of(1) Judge Prochnau's April 25, 2013 order of dismissal; (2) Judge Prochnau's June 24, 2013 order denying her motion to vacate; (3) Judge Oishi's January 28, 2014 order denying her motion to vacate; (4) Commissioner Bradburn-Johnson's March 11, 2014 order denying her motion to show cause; (5) Judge Oishi's June 19, 2014 order denying her motion to vacate; (6) Judge Oishi's July 11, 2014 order denying her motion for reconsideration; and (7) Judge Oishi's July 11, 2014 order denying her motion for revision. A commissioner of this court ruled that Kayongo's notice of appeal was timely only as to the July 11, 2014 orders and limited the scope of review to those orders. (court opinion September 14, 2015 pge.3)

This court has overlooked or misapprehended pursuant to RAP 12.4 (c) to reverse the trial court decision of denying to allow vacation of judgment which was entered on April 25, 2013 and order entered on June 25, 2013 and other following orders brief of appellant pgs. 1- 60 when there are certain factual evidence that pro se appellant has diligently and timely from May 1, 2013 to March 11, 2014 and from June 05, 2014 to July 2, 2014 ( See opening brief of appellant pgs. 27-32 and court opinion Sept. 14, 2015 pgs. 2, 3) attempted to vacate the judgment and other following orders under CR 60 and 4.72 RCW\_ and obviously the trial court abuse its discretion, neutral and impartial and fraudulent denied to enter order to show cause for vacation of it as you see above and on 3 CP at 592-628 (court opinion Sept.14, 2015 pgs.3), and there were also indisputable factual evidences that the appellant claims were not barred by statute of limitations as it is stated on this court opinion Sept.14, 2015 pgs 5 that "When an action is dismissed, the statute of limitations continues to run as though the action had never been brought."<sup>11</sup> Because Kayongo's prior suit was dismissed for insufficient service of process in September 2012, the statute of limitations was not tolled, and *11 Fittro v. Alcombrack*, 23 Wn. App. 178, 180, 596 P.2d 665 (1979) ( see at this court opinion Sept. 14, 2015 pgs. 5); see also CP 229-230; RCW 4.16.110, RCW 4.16.230 on opening brief of appellant pgs. 2, 23, 50, 55-56, 59-60. These issues need the defendant DV Properties to appear to provide more clarification on the court opinion Sept. 14, 2015 before the opinion is being published for the record of the public interest use pursuant to RAP 12.3 (d)(e).

3. Kayongo claims she was entitled to relief because "[t]he judgment was entered under fraudulent [sic] and wrongfully because there is 100% sure no barred statute of limitation to plaintiff's claims."<sup>8</sup> But it is clear that Kayongo's claims were barred by the statute of limitations. (court opinion September 14, 2015 pgs. 4)

This court overlooked or misapprehended on above paragraph statement because the appellant 100% sure that there is no barred of statute of limitations for her claims as you see stated at CP

592-628, CP 229-230; court opinion Sept. 14, 2015 pge.5 states, "When an action is dismissed, the statute of limitations continues to run as though the action had never been brought."<sup>11</sup> Because Kayongo's prior suit was dismissed for insufficient service of process in September 2012, the statute of limitations was not tolled; and 11 Fittro v. Alcombrack, 23 Wn. App. 178, 180, 596 P.2d 665 (1979) ( see at this court opinion Sept. 14, 2015 pge. 5); see also CP 229-230; RCW 4.16.110, RCW 4.16.230 on opening brief of appellant pge. 2, 23, 50, 55-56, 59-60. These issues need the defendant DV Properties to appear to provide more clarification on the court opinion Sept. 14, 2015 before the opinion is being published for the record of the public interest use pursuant to RAP 12.3 (d)(e).

4. 4) This court stated that to the extent that Kayongo was asserting that DV Properties breached an implied contract or seized her personal property, the statute of limitations for these claims is three years.<sup>10</sup> The event triggering the statute of limitations, the disposal of Kayongo's property, occurred in July 2009. Kayongo did not file this lawsuit until October 2012. Because Kayongo's lawsuit was properly dismissed on statute of limitations grounds, Judge Oishi did not err. (court opinion September 14, 2015 pge. 4-5)

This court overlooked or misapprehended when he stated that Kayongo did not file this lawsuit until October 2012. Because Kayongo's lawsuit was properly dismissed on statute of limitations grounds, Judge Oishi did not err based on these factual evidence presented here in which say, "When an action is dismissed, the statute of limitations continues to run as though the action had never been brought."<sup>11</sup> Because Kayongo's prior suit was dismissed for insufficient service of process in September 2012, the statute of limitations was not tolled, and 11 Fittro v. Alcombrack, 23 Wn. App. 178, 180, 596 P.2d 665 (1979) ( see at this court opinion Sept. 14, 2015 pge. 5); see also CP 229-230; RCW 4.16.110, RCW 4.16.230 when the commencement of an action is staying by injunction or statutory prohibition, the time of the continuance of the injunction or prohibition shall not be a part of the time limited for the commencement, Sept.14, 2012 dismissal

without prejudice order of the action on ( opening brief of appellant pge. 2, 23, 50, 55-56, 59-60.)  
These issues need the defendant DV Properties to appear to provide more clarification on the court opinion Sept. 14, 2015 before the opinion is being published for the record of the public interest use pursuant to RAP 12.3 (d)(e).

5. Kayongo appears to assert that the statute of limitations was tolled by the filing of her prior suit against DV Properties in 2011. Kayongo is incorrect ( court opinion September 14, 2015 pge. 5)

This court overlooked or misapprehended and Kayongo is not a scapegoat for the issue of statute of limitation in this case of Judge Prochnau K who found that Kayongo claims were barred by statute of limitations and tolled when she dismissed the case in April 25, 2013 and on June 24, 2013 supported by Judge Bradburn Johnson CP398 and by Judge Oishi (court opinion Sept.14, 2015 page 2), opening brief of appellant pge. 29 and also supported by this court when the court stated that but it is clear that Kayongo's claims were barred by the statute of limitations on his opinion Sept.14, 2015 pge. 4, but Kayongo argues that her claims were not barred nor tolled under RCW 4.16.110 which states that within one year an action shall be brought... or imprisoned on civil process and RCW 4.16.230 which also states that when the commencement of an action is stayed by injunction or statutory prohibition, the time of the continuance of the injunction or prohibition shall not be a part of the time limited for the commencement of the action, and dismissal without prejudice entered on Sept.14, 2012 by trial court See opening brief of appellant pge. 2, 23, 50, 55-56, 59-60. And this court opinion pge. 4 which states that Kayongo claims she was entitled to relief because "[t]he judgment was entered under fraudulent [sic] and wrongfully because there is 100% sure no barred statute of limitation to plaintiff's claims CP 523; CP592-628. This also needs DV Properties to appear to provide more clarification before the court opinion is being published for the record of public interest use

because it seems the courts are playing a kind of conspiracy theft with defendant DV properties to defeat pro se appellant since 2011 when there are indisputable factual evidence that the judgment entered against appellant should be vacated under CR 60 and 4.72 RCW.

6. Kayongo's remaining arguments involve Judge Oishi's finding that her June 5, 2014 motion to vacate was untimely under CR 60(b), which requires that motions to vacate on certain grounds be brought within one year of the judgment. Because the motion to vacate was properly denied due to Kayongo's failure to comply with the statute of limitations, we need not address this issue.<sup>12</sup> (court opinion September 14, 2015 pge. 5)

This court overlooked or misapprehended when it is obviously and indisputable presented evidence that trial court judges abuse its discretion for dismissed the appellant's claims due to action was barred by statute of limitation and refused or denied to provide an order to show cause for the vacation of judgment. Appellant also had diligently attempted to vacate the judgment entered against her and other order timely, but the trial court refused to provide the order as you see the chronology dates on this court opinion Sept. 14, 2015 pge. 2, 3 and on the opening brief of appellant pge. 26-32. Also see CP 592-628 (court opinion pge. 3). Because the trial court abuse its discretion when its decision manifested an unreasonable or untenable grounds or reasons to refused to provide order to show cause which was raised within required time under CR 60 and 4.72 RCW to allow the pro se appellant to recover her personally properties which defendant DV Properties stole since 2009 and the defendant accepted to provide them see CP 229-230, this court should use his discretion neutral, impartial authority to reverse the trial court's decision and allows the judgment and post-judgment orders to be vacated

opinion Sept. 14, 2015 pge. 3) beside of using the excuse of barred of statute of limitations of claims and procedural defect when the appellant used several methods to allow the vacation. This need DV Properties to appear to provide a clarification on these raised issues from what he thinks see also case law that the appellant requested the defendant a stipulation before we moved for vacation of judgment and he refused to do so CP 41-42 opening brief of appellant pge. 41-42 before the court opinion is being published for the record of the public interest use pursuant to RAP 12.3 (d)(e).

7. Kayongo's remaining arguments involve judge Oishi's finding that her June 5, 2014 motion to vacate was untimely under CR (b), which require that motion to vacate on certain grounds be brought within one year of the judgment. Because the motion to vacate was properly denied due to Kayongo's failure to comply with the statute of limitations, we need not address this issue [12] see at court opinion Sept.14, 2015 pge. 5

This court overlooked or misapprehended to reverse the trial court decision and order the trial court to allow the vacation of judgment April, 2013, order June 24, 2013 and other following orders because it is obviously that trial court abuse its discretion when the court found that the appellant claims were barred by statute of limitations when they were not, when the court found the June 5, 2014 motion to vacate was untimely under CR 60 (b) as it stated above. This motion was filing within one years of judgment entered on April 25, 2013, order June 24, 2013 and other following order see at brief of appellant pge. 45 no. 2 under CR 60 (b) and 4.72 RCW as it is stated below. RAP 2.5 (b) Acceptance of Benefits. States (i) Generally. A party may accept the benefit of a trial court without losing the right to obtain review of that decision only (1) if the decision is one which is subject to modification by the court making the decision or (iii) if, regardless of the result of the review based solely on the issue raised by the party accepting benefits, the party will be entitled to at least the benefits of the trial court decision see at CP 592-628 and at this court opinion Sept. 14, 2015 pge.2 which states [2] judge Oishi's order, dated



June 18, was filed with the clerk on June 19, 2014. Generally, the date of entry is the date a signed order is filed with the court of superior court. On June 25, 2014, Kayongo filed a motion entitled "Plaintiff Denied A Corruption, Fraud, and Lying Order Entered by Court on 6-18-2014 [2] for Notice Motion"[3] see at CP 592-628. RCW 7.24.012 states courts of record within their respective jurisdictions shall have power to declare rights, status and other legal relations whether or not further relief is or could be claimed. An action or proceeding shall not be open to objection on the ground that a declaratory judgment or decree is prayer for. The declaratory may be either affirmative or negative in form and effect; and such declaratory shall have the force and effect of a final judgment or decree; see also RCW 7.24.070, RCW 7.24.080, RCW 7.24.090, RCW 7.24.100 and RCW 7.24.120, see at Addition New Authorities pgs. 1-2 of December 26, 2014, this was the reason of filing the notice motion to move for vacation of judgment and other following orders and the court failed to provide the hearing date CP 515-532. This court should allow defendant DV Properties to respond to this motion for reconsideration review of brief of appellant and to appear to provide more clarification on issue this court stated, "We need not address this issue" before this court opinion Sept. 14, 2015 is being published for the record of the public interest use pu

8. On June 5, 2014, Kayongo again moved to vacate the judgment, on June 19, 2014, Judge Oishi denied the motion finding that was "Wholly without any legal justification or any substantive basis" and that was also time barred under CR 60 (b). Because it has been over one year after the order of dismissal.1 (see this court opinion Sept.14, 2015 pgs. 2).

This court overlooked or misapprehended on the statement above to reverse the trial court decision and orders the trial court to allow order to show cause for vacation of judgment, order June 24, 2013 and other following others because there are not only judgment entered on April

25, 2013 the appellant was seeking relief this is including June 24, 2013 order and other following orders see at opening brief of appellant pge. 45 no. 2. From June 24, 2013 and other following other relief to vacate them under CR 60 (b) and 4.72 RCW was done within one year. See also at footnote of this court opinion Sept.14, 2015 pge. 2. RAP 2.5 (b) ( i) (iii) allows the party to accept the at least the benefits of the trial court. So does under 7.24 RCW see at addition new authorities pge. 1-2, dated December 26, 2014.This court should allow the defendant DV Properties to respond to this motion for reconsideration of opening brief of appellant pge. 1-61) omitted pge. 10 no. A, 27 no. 7-8, no. 35 no 5 for revision motion, July 2, 2014 of March 11, 2014 order even though it was cause by assigned judge detention for involuntary treatment see at opening brief of appellant pge. 36. Unless the respondent was satisfied with all the content of the brief under RAP 10.3 (b), and to appear to provide more clarification on the raised issues stated herein in this motion before this court opinion Sept. 14, 2015 is being published for the record of the public interest use pursuant to RAP 12.3 (d) (e).

9. Because Kayongo's remaining claims involve challenges to orders other than the two July 11, 2014 orders or matters that were not before the trial court, this court will not consider them. (court opinion Sept.14, 2015 pge. 6)

This court overlooked or misapprehended to consider these matters that were raised at trial court , but did not heard by trial court due to the request of neighborhood legal clinic advisor who advised pro se appellant to amend see at appellant's brief pge. 24 no.c. CR 15 (c ) relation back of amendments. States that whenever the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading, the amendment relates back to the date of the original pleading (for recovery damages and RCW 9 and 9A) see at addition new authorities, December 26, 2015 pge. 2-3 when

also RAP 2.5 (a) Error Raised for First Time on Review states...however, a party may raise the following claimed errors for the first time in the appellate court: (1)lack of trial court jurisdiction...A party or the court may raise at any time the question of appellate court jurisdiction see at addition new authorities, December 26, 2014 pge. 3. There is obviously and undisputable factual evidence that the trial court denied and refused to provide hearing date for an order to show cause nor at notice motion June 5, 2014 for vacation of judgment and the other following orders under CR 60 (b) and 4. 72 RCW see at brief of appellant pge. 1-61 and also the refusal of DV Properties to stipulate to allow the vacation of judgment and other following orders see at brief of appellant pge. 41-42 that could allow the matter being heard by the trial court. The appellate court should consider this matter raised of criminal case of Theft herein for the conviction under RCW 9A.56. 020 (1)(a)(b), RCW 9A.56.030 (a), RCW 9A.20.040 (1), RCW 9A.20.021 (1)(a), RCW 9A.20.030, RCW 9.01.120 see at brief of appellant pge. 24 for the injunction of 50 years imprisonment and \$ 50, 000.00 fine or \$ 100, 000,000.00 equivalent of both imprisonment and fine including emotion distress and pain and suffering see at brief of appellant pge. 46 no. 9-10 caused since May 1, 2013 until today when the issue was simple to liquidate under doctrine of good faith. My friends, family, myself are affected physically, mentally, emotionally, and spiritually from these issues including the lost of the most important people in my life which are my parents,sisters,brother; losing of my four upper teeth from involuntary treatment force, sheriff, police,correction officers force and beaten by slaves, and this also caused an annoyance of thousand of e-mails to President Barack Obama of being deprived of total normal life and living the life I did not expected to live here in United States of America as a registered nurse diploma from Europe and Africa. When I moved into DV Properties' apartment, I had a job, school, a boyfriend that could give a child to be called mom

and wife and thin since it left me to zero. This is question of appellate jurisdiction CP 515-532, 542-547 and the record has been sufficiently developed for fairly consider the ground because the defendant or respondent has already admitted the charge at CP 229-230 and under RAP 10.3 (b) when he did not answer that means he was satisfied with the content of brief; at this court opinion Sept. 14, 2015 pge. 1 which states on October 11, 2012, kayongo, acting pro se filed a lawsuit against DV Properties, her former landlord alleging "Theft" and fraudulent misrepresentation. Kayongo contends that she moved out of her apartment on March 11, 2009, the properties manager agreed to store some of her personal property for a period of six months, but instead disposed of the property as abandoned sometime in July 2009. Kayongo also claimed that the property manager gave her a false address [false promise, representation], and at this court opinion pge. 5 which also state that " When an action is dismissed, the statute of limitations continues to run as though the action had never been brought." Because Kayongo's prior suit was dismissed for insufficient service of process in September 2012, the statute of limitations was not tolled 11 Fittro v. Alcombrack, 23, Wn. App. 178,180, 596 P. 2d 665 (1979); RCW 4. 16.110, RCW 4.16.230 at brief of appellant pge.2, 23, 59-60 which also this court has considered the review of two July 11, 2014 orders when he stated at his opinion Sept. 14, 2015 pge.6 that Kayongo remaining claims involve challenges to orders other than two July 11, 2014 order which the filing to vacate the order entered on June 24, 2013 and other following orders under CR 60 (b) and 4.72 RCW see at CP 592-628; brief of appellant pge. 45 (2); at the footnote of this court opinion Sept. 14, 2015 pge. 2 which states 2 judge Oishi's order, dated June 18, 2014 was filed with the clerk on June 19, 2014. Generally, the date of entry is the date a signed order is filed with the clerk of the superior court... this was done within one year for the vacation of order entered on June 24, 2014 and the other following orders under CR 60 (b) which states (1)

Mistakes, Excusable Neglect, Surprise, Fraud... on motion and up on such term as are just, the court may relieve a party from a final judgment, order or proceeding for the following reasons: (1) mistakes, excusable neglect, surprise, fraud, judgment void, see at brief of appellant pge. 36-39, and RCW 4.72.010 which states also that shall remain in full force and effect, as it is also, stated at RCW 4.72.050 that condition precedent to the judgment shall not vacated on motion or petition until it is adjudged that there is a valid..if the plaintiff seeks its vacation, that there [is] a valid cause of action see at brief of appellant pge. 40. The RAP 2.5 (b) Acceptance of Benefits states (1) Generally. A party may accept the benefits of a trial court decision without losing the right to obtain review of that decision only (i) if the decision is one which is subject to modification by the court making the decision or (iii) if, regardless of the result of the review based solely on the issues raise by the party accepting benefits, the party will be entitled to at least the benefits of trial court decision. These are confession as evidence under RCW 10.58.030 which states the confession of a defendant made under inducement, with all the circumstance, may be given as evidence against him or her; ... the statement of defendant-admissibility under RCW 10.58.035(2) which also states in determining whether there is substantial independent evidence that the confession, admission, or other statement of the defendant is trustworthy, the court shall consider, but is not limited to (c ) whether the record of the statement was made and the timing of the making of the record in relation to the making of the statement; and/or (d) the relationship between the witness and the defendant. (3) where the court finds that the confession, admission or other statement of the defendant is sufficiently trustworthy to be admitted, the court shall issue a written order setting the rationale for admission. This new statute 10.RCW is added due to the issues was not heard at trial court that could give an opportunity to raise them which are raised and added in this court under title 10 of rule of appellate procedure, and also the

defendant did not answer brief of appellant to raise or add them on the reply brief of appellant . This court should reverse the trial court decision and allow an order to vacate judgment and other following orders under CR 60 (b) and 4.72 RCW for the crime committed by the defendant DV Properties and grant any other relieves requested in the brief of appellant and herein in this motion for reconsideration review, and also allows the defendant to appear to provide more clarification on the issues stated herein unless he was satisfied with all content and relieves requested at brief of appellant which are also restated in this motion before this court opinion is being published for the record of the public interest use pursuant to RAP 12.3 (d)(e).

10. Though mindful of Kayongo's pro se status, pro se litigants are held to the same standards as attorneys and must comply with all procedural rules on appeal.<sup>14</sup> see at this court opinion Sept.14, 2015 pge. 6.

RAP 10.2 (b) states that brief of a respondent in a civil case should be filed with the appellate court within 30 days after service of the brief of appellant. Defendant failed DV Properties was served with brief of appellant on December 27, 2015 and filing and served his notice of appearance on February 5, 2014 without answered to the brief of pro se appellant see at affidavit of service of appellant pge. 1 if not, he was satisfied with the statement in the brief of appellant. Under RAP 10.3 (b) which states that a statement of the issues and a statement of the case need not to be made if respondent if satisfied with the statement in the brief of appellant. If the respondent did not answer to remain part of brief it means that he was satisfied with all the content of brief of appellant this including all liabilities and charges requested in the brief. This above to comply with all rule of appellate procedure is also an expectation of the courts are looking to find a mistake for the excuse to support DV Properties even when you see this court opinion Sept.14, 2015 to a pro se unprofessional at law is like a mistake searcher to excuse the

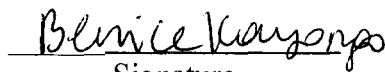
case. This needs the respondent DV Properties to appear to provide more clarification on the raised issues of this court before this court opinion Sept. 14, 2015 is being published for the record of public interest use pursuant to RAP 12.3 (d)(e).

Nothing in this motion for reconsideration review of brief of appellant and raised issues stated on this court opinion Sept. 14, 2015 will prevent the power of the appellate court authority to decide on its own initiative, neutral impartial discretion to bring a fair justice as pro se appellant is an unprofessional at law and could not make for the reviewing of this motion by a neighborhood legal clinic advisor to avoid the late filing of this motion under RAP 12.4(b). Also this court should reverse the trial court decision and grants an order that will allow vacation under CR 60 (b) and 4.72. RCW and allow DV Properties appearance to provide more clarification of these raised issues when also all trial and this court decision were heard without oral argument.

Pro se appellant will not continue to pay fee of this lawsuit proceeding for the wrong doing of trial court (State) and respondent DV Properties see at brief of appellant pge. 32 no.29.

Date: October 7, 2015

Respectfully Submitted



Signature

Kay B. Kayongo

Pro Se Appellant

12714 Lake City Way NE

Seattle, WA 98125

(206) 440-1440

E-mail: osanyibebe@yahoo.com

case. This needs the respondent DV Properties to appear to provide more clarification on the raised issues of this court before this court opinion Sept. 14, 2015 is being published for the record of public interest use pursuant to RAP 12.3 (d)(e).

Nothing in this motion for reconsideration review of brief of appellant and raised issues stated on this court opinion Sept. 14, 2015 will prevent the power of the appellate court authority to decide on its own initiative, neutral impartial discretion to bring a fair justice as pro se appellant is an unprofessional at law and could not make for the reviewing of this motion by a neighborhood legal clinic advisor to avoid the late filing of this motion under RAP 12.4(b). Also this court should reverse the trial court decision and grants an order that will allow vacation under CR 60 (b) and 4.72. RCW and allow DV Properties appearance to provide more clarification of these raised issues when also all trial and this court decision were heard without oral argument.

Pro se appellant will not continue to pay fee of this lawsuit proceeding for the wrong doing of trial court (State) and respondent DV Properties see at brief of appellant pge. 32 no.29.

Date: October 7, 2015

Respectfully Submitted

*S/benicekayongo*

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Signature

Kay B. Kayongo  
Pro Se Appellant  
12714 Lake City Way NE  
Seattle, WA 98125  
(206) 440-1440  
E-mail: osanyibebe@yahoo.com



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

KAY B. KAYONGO )  
Pro Se Plaintiff )  
V )  
DV PROPERTIES, LLC )  
Defendant )  
\_\_\_\_\_ )  
)

NO 12-2-33439-1 SEA  
**PROPOSED**  
ORDER GRANTING JUDGMENT TO  
PLAINTIFF BACK TO ENTRY OF  
JUDGMENT APRIL 25,2013

I. SUMMARY OF JUDGMENT EXECUTION

1. Judgment Creditor: KAY B. KAYONGO
2. Judgment Creditor: Pro Se Plaintiff
3. Judgment Debtor: DV PROPERTIES, LLC
4. Judgment Debtor: Defendant
5. Judgment amount:\$ 8,124,691.80
6. Judgment Total: \$ 8,124,691.80
7. Post-Judgment Interest per annual: 12 percent
8. Post-Judgment Interest per annual: 2 percent RCW 4.56.110

9. Injunction 50 years imprisonment and 50,000 fine or 100,000,000.00 equivalent under RCW 9A.56.020(1)(a)(b), RCW 9A.20.021 (1)(a), for the conviction under RCW 9A.56.030(1) (a), RCW 10.01.060, RCW 10.58.030, RCW 10.58.03
10. Writ of Garnishment

## II. ORDER BACK TO THE ENTRY OF JUDGMENT APRIL 25, 2013

This matter came before the court on plaintiff's presentation of judgment back to the entry of judgment April 25, 2013, which granted summary judgment in plaintiff Kay B. Kayongo's favor on her claims of Theft, Breach of Contract, Breach of Duty of Good Faith and Fair Dealing, and Fraudulent Misrepresentation, RCW 59.18.230 (4).

The Court heard the oral argument of Pro Se Plaintiff Kay B. Kayongo and Counsel for defendant DV PROPERTIES, LLC Raymond J. Walters.

The court considered the pleading filed in this action for summary judgment order back to the entry of judgment April 25, 2013, and the following evidences:

1. Kay B. Kayongo was a tenant of DV Properties, LLC located at 3249 160th St., Sea-Tac, WA 98188, apartment # 204 reside at 12714 Lake City Way NE, Seattle, WA 98125, See brief of appellant pge. 26 no.1
2. DV. Properties, LLC is a defendant in this matter resident at 2000 S. 116th Street, Seattle, WA 98168 for Julianne Apartment located at 3249 South 160 Street, Sea-Tac, WA 98188 CP 36, brief of appellant pge. 26 no 2.
3. Defendant filed a response in strict reply asked the court to Grant Motion relief to plaintiff Kay B. Kayongo, April 15, 2013 CP 229-230, see brief of appellant pge. 31 no. 24.

4. Kayongo contended that when she moved out of her apartment on March 11, 2009, the property manager agreed to store some of her personal property for a period of six months, but instead disposed of the property as abandoned sometime in July 2009. Kayongo also claimed that the property manager gave her a false address [false promise , representation], the Court of Appeals Division One 's opinion Sept.14, 2015 pge. 1; "When an action is dismissed, the statute of limitations continues to run as though the action had never been brought."11 Because Kayongo's prior suit was dismissed for insufficient service of process in September 2012, the statute of limitations was not tolled, the Court of Appeals Division One 's opinion Sept. 14, 2015 pge.4; [ 11] Fittro v. Alcombrack, 23 Wn. App. 178, 180, 596 P.2d 665 (1979), the Court of Appeals, Division One pge. 5; RCW 4.16.110, RCW 4.16.230, RCW 9A.56.020(1)(a)(b), RCW 9A.20.021 (1)(a), for the conviction under RCW 9A.56.030(1) (a), RCW 10.01.060, RCW 10.58.030, RCW 10.58.035, the brief of appellant pge.24.

5.

Based on the factual evidences presented above, judgment is entered back to the entry of judgment April 25, 2013 as following:

11. [ ] defendant DV Properties, LLC awards the plaintiff, Kay B. Kayongo a monetary judgment amount of \$ 8,124,691.80
12. [ ] Post-Judgment interest per annual: 12 percent
13. [ ] Judgment interest 2% RCW 4. 56.110
14. [ ] Writ of Garnishment if possible for failure of defendant to provide the necessary.
15. [ ] Injunction 50 years imprisonment and 50,000 fine or 100, 000,000.00 equivalent
16. [ ] Others: \_\_\_\_\_

Date: \_\_\_\_\_, 2015

\_\_\_\_\_  
Signature of Honorable Judge Oishi Patrick

PRESENTED BY:

\_\_\_\_\_  
Signature of Kay B. Kayongo  
Pro Se Plaintiff  
12714 Lake City Way NE  
Seattle, WA 98125

APPROVED BY:

\_\_\_\_\_  
Signature of Raymond J. Walters,  
Counsel for Defendant  
WSBA # 6943  
DV Properties, LLC  
516 N 160th Street  
Seattle, WA 98103

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

KAY B. KAYONGO	)	
Pro Se Plaintiff	)	NO 12-2-33439-1 SEA
V	)	<b>PROPOSED</b>
DV PROPERTIES, LLC	)	JUDGMENT BY CONFESSION ORDER
Defendant	)	
_____	)	

I SUMMARY OF JUDGMENT EXECUTION

1. Judgment Creditor: KAY B. KAYONGO
2. Judgment Creditor: Pro Se Plaintiff
3. Judgment Debtor: DV PROPERTIES, LLC
4. Judgment Debtor: Defendant
5. Judgment Amount: \$ 8,124,691.80
6. Judgment Total amount: \$ 8,124,691.80
7. post-Judgment interest per annual: 12 %
8. post-Judgment under RCW 4.56.110: 2 %
9. Injunction 50 years imprisonment and 50,000 fine or 100,000,000.00 equivalent under RCW 9A.56.020(1)(a)(b), RCW 9A.20.021 (1)(a), for the conviction under RCW 9A.56.030(1) (a), RCW 10.01.060, RCW 10.58.030, RCW 10.58.035.

10. Injunction: Writ of Garnishment

II. JUDGMENT BY CONFESSION FOR KAY B. KAYONGO

This matter came before the court on presentation by Pro Se Plaintiff of Judgment for money due arose out from complaint of Theft, Breach of Contract, Breach of Duty of Good Faith and Fair Dealing, and Fraudulent Misrepresentation.

The judgment was presented pursuant to RCW 4. 60. 070 and based on defendant's confession of judgment of defendant DV Properties, LLC's Response in Strict Reply to Plaintiff's Answer to Motion for Judgment on the Pleadings CP 229-230.

III CONFESSION OF JUDGMENT BY DEFENDANT WESTFIELD, LLC

The fact showing how the Indebtedness arose from injured date to demand for judgment amount are:

11. Kay B. Kayongo was a tenant of DV Properties, LLC locate at 3249 160th St., Sea-Tac, WA 98188, apartment # 204
12. DV. Properties, LLC is a defendant in this matter resident at 2000 S. 116th Street, Seattle, WA 98168.
13. On 04-16-2013, defendant filed a response in strict reply asked the court to Grant Motion relief to plaintiff Kay B. Kayongo.
14. Kayongo contended that when she moved out of her apartment on March 11, 2009, the property manager agreed to store some of her personal property for a period of six months, but instead disposed of the property as abandoned sometime in July 2009. Kayongo also claimed that the property manager gave her a false address [false promise , representation], the Court of Appeals Division One 's opinion Sept.14, 2015 pge. 1; "When an action is dismissed, the statute of limitations continues to run as though the action had never been brought."11 Because Kayongo's prior suit was dismissed for insufficient service of process in September 2012, the statute of limitations was not tolled, the Court of Appeals Division One 's opinion Sept. 14, 2015 pge.4; [ 11] Fittro v. Alcombrack, 23 Wn. App. 178, 180, 596 P.2d 665 (1979), the Court of Appeals,

Division One pge. 5; RCW 4.16.110, RCW 4.16.230, RCW 9A.56.020(1)(a)(b), RCW 9A.20.021 (1)(a), for the conviction under RCW 9A.56.030(1) (a), RCW 10.01.060, RCW 10.58.030, RCW 10.58.035, the brief of appellant pge.24.

I, DV Properties, LLC, being duty sworn upon oath acknowledge my debt of

\$ 8,124,691.80 CP 5 and expenses on the brief of appellant pge.45 to Kay B. Kayong and authorize the entry of judgment against me for the amount set forth in the summary of judgment execution above back to the entry of judgment dated April 25, 2013. This including injunction of 50 years imprisonment and \$50,000,00 fine or \$ 100,000,000.00 equivalent to both injunction and fine.

Date \_\_\_\_\_, 2015

\_\_\_\_\_  
Signature of  
DV Properties, LLC, Defendant  
2000 S. 116th St. Seattle, WA 98168 or  
Attorney for Defendant WSBA# 6943

\_\_\_\_\_  
Name  
516 60 Street.. N  
Seattle, WA 98103

I, Kay B. Kayongo assent to the entry of judgment by defendant DV PROPERTIES, LLC. :

\_\_\_\_\_  
Signature of Kay B. Kayongo  
Pro Se Plaintiff  
12714 Lake City Way NE  
Seattle, WA 98125  
Date: \_\_\_\_\_

NOTARY PUBLIC, OR OTHER AUTHORIZED PERSON

\_\_\_\_\_  
Notary Signature State of Washington for  
King County

\_\_\_\_\_  
Date of Notary

\_\_\_\_\_  
Commission Expiration Date

IV ORDER FOR OF JUDGMENT BACK TO ENTRY OF JUDGMENT APRIL 25, 2013

The above Confession of Judgment having been presented to the court for the entry accordance with RCW 4. 60. 070, the court having found said confession of judgment to be sufficient, now, therefore, it is hereby:

ORDERED that the clerk of this court shall forthwith enters judgment against DV PROPERTIES, LLC in accordance with the term of the confession of judgment back to the entry of judgment April 25, 2013.

DONE IN OPEN COURT this \_\_\_\_\_, 2015

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Signature of Honorable Judge  
Patrick Oishi

PRESENTED BY:

\_\_\_\_\_  
Signature of Kay B. Kayongo  
Pro Se Plaintiff  
12714 Lake City Way N.E  
Seattle, WA 98125, (206) 440-1440  
E-mail: osanyibebe@yahoo.com  
Date: \_\_\_\_\_



THE SUPREME COURT OF STATE OF WASHINGTON

KAY . B. KAYONGO	)	
PRO SE PETITIONER	)	Court of Appeals No. 72341-3-1
V	)	Trial Court No. 12-2-33439-6 SEA
COURT OF APPEALS, DIVISION ONE	)	AFFIDAVIT OF SERVICE OF
AND	)	PETITION FOR REVIEW
DV PROPERTIES, LLC	)	
DEFENDANT	)	
_____	)	

I, Kay B. Kayongo oath:

1. I am a pro se petitioner, the attorney of record in the above caption. I am over 18 years old and competent to testify.
2. October 19, 2015, I served the counsel for defendant DV Properties Mr. Raymond J. Walters through E-mail attachment at [ijwalters634@gmail.com](mailto:ijwalters634@gmail.com):
  - a. A copy of petition for review with attached with appendix of:
    - A. A copy of court of appeals division one's unpublished opinion Sept.14, 2015

- B. A copy of court of appeals division one's order for reconsideration,  
October 12, 2015.
  - C. A copy of legal authorities ( statutes and rules cited on motion for  
reconsideration and on proposed orders presented.
- b. Motion to enlarge time and declaration in support of it, including this affidavit of  
service.

Date: October 19, 2015


*S/ benicekayongo*

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Kay B.Kayongo  
Pro Se Petitioner  
Affiant

- B. A copy of court of appeals division one's order for reconsideration,  
October 12, 2015.
  - C. A copy of legal authorities ( statutes and rules cited on motion for  
reconsideration and on proposed orders presented.
- b. Motion to enlarge time and declaration in support of it, including this affidavit of  
service.

Date: October 19, 2015

  
Kay B. Kayongo  
Pro Se Petitioner  
Affiant