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COAST REAL ESTATE DIV I
STATE OF WASHINGTON
NOV 20 P11 2:29

FILED
NOV 23 2015

CLERK OF THE SUPREME COURT
STATE OF WASHINGTON

Supreme Court #. 92484-8
Appellate Court # 72397-9-1
Superior Court #. 13-2-40091-0KNT
Attention: Richard D. Johnson
Court Administrator/Clerk
The Honorable Ronald R. Carpenter
Supreme Court Clerk

THE SUPREME COURT
IN AND FOR WASHINGTON STATE

WAYNE R. RICHARDSON,)
)
Petitioner/Appellant,) MOTION TO STRIKE
) RESPONDENT'S ANSWER
vs.) TO PETITION FOR
) REVIEW. FAILED TO
COAST REALESTATE SERVICES) COMPLY WITH RAP
ET ANO) 13.4(d), RAP 18.9, RAP
) 10.7(2)
Defendants/Respondents)
_____)

**MOTION TO STRIKE RESPONDENT'S ANSWER
TO PETITION FOR REVIEW**

1. The appellant received respondent's briefs on two different days. Both briefs were identical by rote of the ruling of the Court of Appeals.
2. The appellant served and filed a reply brief on January 27, 2015 but received no answer or reply from the respondent. Further, the Court of Appeals refused to make any findings as to proper jurisdiction and case laws submitted with the reply brief if there was no answer to the claim.

MOTION/STRIKE ANSWER 1 of 9

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MOTION/STRIKE ANSWER -2-

3. The "golden rule", (termed "boilerplate" by the Honorable Judge Lasnick of the Seattle, Superior Court) **Discipline of Carmick 146 Wn.2d 582 (June 2002) @ 595** was entered on page 13 of appellant's answer brief and petitioner's Petition For Review to Supreme Court on page 6.

4. The writing of the Court of Appeals findings never found that the respondent's answered the claim with service on Jeanette Walston. The justices had knowledge that one person served with two or more defendants was a valid service of process on other named parties with counsel. This was made clear in the third sentence that Richardson was representing himself; suggesting he is/was unfit to argue any case because he was not of the elite group called attorneys. They also knew about Discipline of Carmick. Two different briefs cited Discipline of Carmick in the table of contents. This is presented on page one of appellant's Petition for Review.

5. Item 3 on page 1 of Petition for Review states there "was a hearing denying the Motion for temporary Injunction without prejudice"; "but was later denied on March 7 following a hearing." There was no hearing on any motion to strike "without prejudice". The order plaintiff received

MOTION/STRIKE ANSWER -2-

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MOTION/STRIKE ANSWER -3-

from the Court was a proposed "Order Denying Plaintiff's Motion for Discovery Order" cited as exhibit "A-1". It was produced by e mail in violation of KCLGR 30(5)(A)(iii) that forbids any e mail filings for a hearing or trial. All papers associated with hearings or trials must be paper filed to comply with CR 11 that demands a personal signature and bar number to identify the attorney who presented the proposed motion or order to the court.

6. The appellant could fill 10 more pages of fraud associated with attorney Michael T. Callan. RAP 13.4(d) is very explicit on how to answer certain documents. RAP 13.4(d) effective date of September 1 of 2010 was for format changes only. **RAP 2.2(d)** that affects Multiple Parties or Multiple Claims or Counts, was rewritten that became effective on September 2014 over a year ago. To wit:

RAP 2.2(d)

(d) Multiple Parties of Multiple Claims or Counts. In any case with multiple parties or multiple claims for relief, or in a criminal case with multiple counts, an appeal may be taken from a final judgment that does not dispose of all the claims or counts as to all the parties, but only after an express direction by the trial court for entry of judgment and an express determination in the judgment, supported by written findings, that there is no just reason for delay. The findings may be made at the time or entry of judgment or thereafter on the court's own motion or on motion of any party. The time for filing Notice

MOTION/STRIKE ANSWER -3-

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of Appeal begins to run from the entry of the required findings. In the absence of the required findings, determination and direction, a judgment that adjudicates less than all the parties, is subject only to discretionary review until the entry of a final judgment adjudicating less than all the claims counts, counts, rights and liabilities of all the parties.

RAP 13.4(d)

(d) Answer and Reply. A party may file an answer to a petition for review. A party filing an answer to a petition for review must serve the answer on all other parties. If the party wants to seek review of any issue that is not raised in the petition for review, including any issues that were raised but not decided in the Court of Appeals, the party must raise those new issues in an answer. Any answer should be filed within 30 days after the service on the party of the petition. A party may file a reply to an answer only if the answering party seeks review of issues not raised in the petition for review. A reply to an answer should be limited to addressing only the new issues raised in the answer. A party filing any reply to an answer must serve the reply to the answer on all other parties. A reply to an answer should be filed within 15 days of the service on the party of the answer. An answer or reply should be filed in the Supreme Court. The Supreme Court may call for an answer or a reply to an answer.

7. Richardson argued excessively in all documents on service of process for required time for service of process effecting a motion for Summary Judgment and the hearing to no avail. The word left out of their service definition was "before". The 28 days for service of the Motion and proposed order must be in the respondent's possession 28 days before the hearing. There has been no argument against this issue and this reiterated rhetoric supplied with this last brief of the respondent makes no disclaimer/argument of this requirement. Further, there has never been a

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finding by any court, nor is there any reference to any court paper or document filed in the records of this case that contains any argument against Richardson's definition.

8. The main issue before this court is the respondents received legal service of process of the Summons and Complaint to which they appeared but refused to answer the claim within the twenty days of receipt of the claim excluding the day of service. (controlled by CR 4 and stated on the Summons) CP 1-127.

9. Without answer to the claim within the required time of a legally served Summons and Complaint the rest of their actions is either ultra vires or vitiated. **BLACK'S LAW DICTIONARY SIXTH EDITION DELUXE (1990) @ 1522 Ultra Vires**

" . . . Act is ultra vires when corporation is without authority to perform it under any circumstances or for any purpose."

@ 1572 Vitiate

"To impair; to make void or voidable; to cause to fail of force or effect. To destroy or annul, either entirely or in part, the legal efficacy and binding force of an act or instrument; as when it is said that fraud *vitiates a contract*."

COST MGMT SERVS. v. LAKEWOOD 178 Wn.2d 635 (Oct. 2013) @ 652

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MOTION/STRIKE ANSWER -6-

" . . . We clarify, however, that the exhaustion requirement is not vitiated by the fact that the superior court has original jurisdiction over a claim. Instead, in this case, it was vitiated by Lakewood's inaction."

10. Richardson originally moved to have Judge Bill Bowman vacate the Summary Judgment Order of Default under CR 60(b)(5) that would require the opposing party to file a response to the motion. Bowman changed the motion to a motion for reconsideration that exempted an answer from the respondent. This act wrongfully accepted the proprietary requirement of KCLGR 30 of the e mail position for attorneys to gain judgments in their favor without due process of law covered under RESTATEMENT SECOND TORT ACT § 7.6 and amended KCLGR 30(5)(A)(iii) that states all documents linked with any motion or trial must be paper filed to include requirements under CR 11 for signatures required on all papers associated with hearings or trials. **MOTTIS v. PALOUSE RIVER R. R. 149 Wn. App. 366, 203 P.3d 1069 (Mar. 2009) @ 370**

" . . . 'Default judgments are generally disfavored in Washington based on an overriding policy which prefers that parties resolve disputes on the merits.' "*Topliff v. Chi. Ins. Co.*, 130 Wn. App. 301, 304, 122 P.3d 922, (2005) (quoting Showalter, 124 Wn. App. at 510). Our main focus is whether the default is just and equitable; thus, "we evaluate the trial court's decision by considering the unique facts and circumstances of the case before us." . . . A decision not to set aside a default judgment is more likely to be reversed than a court's decision to set aside a default judgment. *Id.*

MOTION/STRIKE ANSWER -6-

¶8 CR 60(b)(5) permits relief from a final order upon showing [t]he judgment is void. "Proper service of the summons and complaint is essential to invoke personal jurisdiction." *In re Marriage of Markowski*, 50 Wn. App. 633, 635-36, 749 P.2d 754 (1988). A default judgment entered without personal jurisdiction is void. *Id.* at 636.

¶9 To be valid, service of process must comply with statutory requirements. *Thayer v. Edmonds*, 8 Wn. App. 36, 40, 503 P.2d 1110 (1972)

This process of service of a Motion for Summary Judgment must comply with the CR 56, CR 4 and CR 5. There is no harmless error available for the defendant's claim on an unconstitutional violation of due process of law. "Harmless error" was abolished in 2013. There are no more free rides available to a rogue attorney.

CONCLUSION

The appellant, Wayne R. Richardson, pro se has held his own position without counsel that he could never afford, but still has his own business of 48+ years that is now registered in the National Blue Book of Federally Registered Contractors under # 91-0000000. He graduated an electronic technician and worked for Boeing. He is well-founded, well-grounded and well-informed of the subject of this action. He wrote his thesis in the first semester of College that he himself paid for in full without help from any other person, including his parents.

Richardson placed many items, with case law to back them, in both the first brief, the answer brief and Petition for Review to the Supreme Court. But Counsel Michael T, Callan, respondent's attorney, seems to be missing a few cells in the frontal lobe to decipher the common meanings of the written words of the clerk of the court. The old RAP rules of 2012 have been rewritten to comply with the Federal RESTATEMENT SECOND TORT ACT § 7.6. But the writings of Callan come nowhere close to the requirements of the old writing of the Rules of Appellate Procedure. There is no mention of any particular court paper submitted to this court nor is there any exhibit submitted to any court happening.

In finality, there is no record or statement in any of his writings that state there was ever an answer to the original claim. He has even refused to answer the exhibits Richardson's Petition For Review To Supreme Court per RAP 13.4(b)(1), (2), (4) "WITH ARGUMENT." RAP 13.4(c)(7), have attached to the back of the brief. He can either address them here or before the Bar for acts of fraud for illegal gain.

Richardson asks this court for CR 11 sanctions against Callan of \$100,000.00 and damages under RAP 18.9 of \$730,000.00 for purposeful

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MOTION/STRIKE ANSWER -9-

delay to settle this case by trial by jury.

Respectfully submitted by: 11/20/2015

Wayne R. Richardson
Wayne R. Richardson, Pro Se Appellant
P.O. Box 78618
Seattle, WA 98178-0618
(206) 772-6181 message
(206) 551-8064 cell

Attached exhibits

1. "A" Court of Appeals-Clerk's advice to respondent Michael Callan.
2. "A-1" 2 pages, Copy Order Denying Plaintiff's Mot. for Discovery
3. "A-2" 4 pages, Copy Mot. Strike Def's. designation Clerk Papers

Service of process is to be completed by ABC Legal Service on Fifth Ave.
no latter than Monday, November 23, 2015.

MOTION/STRIKE ANSWER 9 of 9

RICHARD D. JOHNSON,
Court Administrator/Clerk

The Court of Appeals
of the
State of Washington

DIVISION I
One Union Square
600 University Street
Seattle, WA
98101-4170
(206) 464-7750
TDD: (206) 587-5505

November 12, 2015

Michael T. Callan
Peterson Russell Kelly PLLC
10900 NE 4th St Ste 1850
Bellevue, WA 98004-8341
mcallan@prklaw.com

Wayne R. Richardson
P.O. Box 78618
Seattle, WA 98178

CASE #: 72397-9-1

Wayne R. Richardson, Appellant v. Coast Realestate Services, Respondent

Counsel:

A petition for review has been filed in the above case. It appears from the record that counsel has been served with a copy of the petition for review.

Counsel is advised to review RAP 13.4(d) in regard to the filing of an answer to the petition for review.

Sincerely,



Richard D. Johnson
Court Administrator/Clerk

emp

c: The Honorable Ronald R. Carpenter
Clerk of the Supreme Court

Ex "A"

COPY

*Take Order This order was filed electronically
Bowman blanked his name
after plaintiff objected to the DISMISSAL
of "Motion for Discovery"
Sub 28*

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IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR KING COUNTY

WAYNE R. RICHARDSON,

Plaintiff,

No. 13-2-40091-0 KNT

v.

ORDER DENYING PLAINTIFF'S
MOTION FOR DISCOVERY ORDER

COAST REAL ESTATE SERVICES FOR
GREENTREE APARMENTS IN KING
COUNTY, JEANETTA WALSTON (manager),

(Proposed)

Defendants.

This Matter, having come before the Court on Plaintiff's Motion/Discovery Under CR 26 and the Court, having reviewed pleadings and files herein and being otherwise fully advised in the premises it is hereby:

ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion/Discovery Under CR 26 is hereby Denied. It is further

ORDERED, ADJUDGED AND DECREED that in the event Plaintiff files any further motions or actions in this matter that fail to comply with the Civil Rules and King County

Exhibit "A-1" Page 1 of 2

1 Superior Court Local Rules, the Court will impose sanctions in a form and amount to be
2 determined by the Court.

3 DONE IN OPEN COURT THIS ____ DAY OF MARCH, 2014.
4

5 BILL A. BOWMAN

6 _____
HONORABLE BILL BOWMAN

7
8 Presented by:

9 /s/ Michael T. Callan

10 Michael T. Callan, WSBA # 16237

11 Attorneys for Defendants
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Appellate Court #. 72397-9
Superior Court #. 13-2-40091-0-KNT

COURT OF APPEALS
DIVISION I
IN AND FOR WASHINGTON STATE

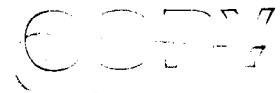
WAYNE R. RICHARDSON))	
)	
Appellant,))	MOTION TO STRIKE DEF.'S
)	DESIGNATION OF CLERK'S
vs.))	PAPERS AS UNTIMELY AND
)	FAILING TO COMPLY WITH
COAST REAL ESTATE))	FILING A TRUE AND CORRECT
SERVICES, ET AL.))	COPY OF THE COURT DOCKET
)	
Respondent.))	
_____))	

MOTION
STRIKE DEFENDANT'S MOTION FOR CLERK'S PAPERS

Appellant received respondent's Motion for Clerk's Paper's at the post office in two separate envelopes; (one dated Nov. 17, 2014, the other dated Nov. 18, 2014) on Wednesday, Nov. 19, 2014 at 3:30PM. The appellant's original Report of Proceedings stating there was no report possible. The assigned judge was dispatched to ex parte in Seattle on March 18, 2014 through June 24, 2014. To the effect that this action has no report of proceedings available, advanced the filing of the appellant's

MOTION/STRIKE DEF.'S MOT. 1 of 4

Ex "A-2"
4 Pages



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3 MOTION/STRIKE DEF.'S MOT. -2-

4 first brief to be filed within 45 days after the designation of clerk's papers
5 has been filed. RAP 10.2(a). Respondent's brief is due in the appeal's
6 court 30 days after service of the appellant's brief. RAP 10.2(c). The
7 designation of clerk's papers was mailed to the respondents counsel on
8 09/27/14 by Randall Plut. Declaration of mailing was filed in Superior
9 Court on September 30, 2014.
10

11 The present instant respondents "Designation of Clerk's Papers"
12 and "Declaration of Jenny Lebreau Regarding SUB NO. 28" received
13 November 19, 2014, are moot and have no subject matter jurisdiction over
14 the issues cited in the appellant's first brief. (See pages 1-3 item "B"-
15 "B(a)") The respondent's refused to file a notice of appeal to preserve
16 these two documents and refused to file a response to the appellant's
17 "Motion to Vacate the Summary Judgment." Counsel for the respondent's
18 more than likely called Judge Bowman or maybe e mailed him a personal
19 pleading to change the decision to a Motion for Reconsideration where no
20 reply was required hopping the appellant had no idea how to file an
21 appeal.
22
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24 The record from the Clerk of the Appellate Court states the
25 MOTION/STRIKE DEF. MOT. -2-
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MOTION/STRIKE DEF. MOT. -3-

respondent's motion on the merits to affirm, or a reply brief be served and filed within 30 days of the service of the first brief. The fact that there has been over 45 days of service of the appellant's Designation of Clerk's papers and the Statement of Arrangements, and 20 days after the appellant's brief leads the appellant that a Motion to Affirm on the merits is out of reach for the respondents by refusing to answer the original claim. Further, this was not in their original plan in the beginning; but has become a thorn in their side for refusing to answer the claim.

This action is frivolous as the appellant was still in the apartment at Greentree until April 1, 2014. The mail box for that apartment was still receiving mail until April 1, 2014. Respondent, Jeanetta Walston, knew the appellant was still living in the apartment until April 1, 2014. To the effect that she withheld that information to her counsel cancels any further action associated with any service of process to the appellant in this instant action to the clerk of the Superior Court.

SANCTIONS

The appellant asks for RAP 18.9 sanctions for having to reply to these instant documents.

MOTION/STRIKE DEF. MOT. -3-

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MOTION/STRIKE DEF. MOT. -4-

Response time @ \$150.00 per hour for six hours.....=\$0,900.00
Typing @ \$50.00 per page for four pages.....=\$0,200.00
Service of process.....=\$0,100.00
Sanctions for frivolous purpose-full delay under RAP 18.9 =\$1,500.00
Total sanctions to answer this instant motion..... =\$2,700.00

The final date for serving and filing a Motion on the Merits or respondent's reply brief is December 1, 2014 by the Rules of Appellate Procedure.

Respectfully submitted by: *Nov. 21, 2014*

Wayne R. Richardson
Wayne R. Richardson, Appellant Pro Se
P.O. Box 78618
Seattle, WA 98178-0618
(206) 772-6181 Home with answer.
(206) 551-8064 cell

Service of process will be by ABC Legal Service on 5th Ave. in Seattle on Friday, November 21, 2014.

For your records:

The First Brief has two typos under Rules of Professional Conduct on page "ii" and page 5. Change RPC 3.3(b) to RPC 3.3(f) and RPC 3.5(f) to RPC 3.5(b)

MOTION/STRIKE DEF. MOT. 4 of 4