

No. 72562-9-I

**IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION I**

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COURT OF APPEALS DIV I
STATE OF WASHINGTON
2015 JUL 22 PM 3:06

SOLOMON MEKURIA,

Appellant/Cross-Respondent,

v.

ASTER MENFESU,

Respondent/Cross-Appellant.

REPLY BRIEF OF CROSS-APPELLANT

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I. INTRODUCTION

The Appellant/Cross-Respondent filed a brief in reply on June 22, 2015. To the extent that his brief is responsive to the arguments raised by Ms. Menfesu in her cross-appeal, this brief is in reply.

II. REPLY IN CROSS-APPEAL

- A. ***Mr. Mekuria’s reply brief contains only passing reference to the issue of educational decision-making raised in Ms. Menfesu’s cross appeal and contains no meaningful argument in opposition.***

In his brief in reply Mr. Mekuria makes passing reference to the issue of educational decision-making. While he does not directly respond to the the legal arguments raised in the Ms. Menfesu’s cross-appeal he again asserts that she cannot adequately parent the child with respect to educational matters because she is blind – specifically because she receives assistance from friends, neighbors and family. RAP 10.3(b) provides, in part, “the brief of respondent should conform to section (a) and answer the brief of appellant or petitioner. Section (a) requires a party to provide “citations to legal authority and references to relevant parts of the record” in support of argument. RAP 10.3(a)(6). Washington courts have held that passing treatment of an issue or lack of reasoned argument

is insufficient to merit judicial consideration. Holland v. City of Tacoma, 90 Wn. App. 533, 538, 954 P.2d 290, 292 (1998), as amended (May 22, 1998). A party's argument must be supported by supported by cited authorities. RAP 10.3(a)(6); In re Marriage of Fahey, 164 Wn. App. 42, 59-60, 262 P.3d 128, 136-137 (2011). Even as a pro se litigant, Mr. Mekuria is expected to comply with these rules. State Farm Mut. Auto. Ins. Co. v. Avery, 114 Wn. App. 299, 310, 57 P.3d 300, 306 (2002), citing In re Marriage of Olson, 69 Wn.App. 621, 626, 850 P.2d 527 (1993). Mr. Mekuria makes no reasoned argument in support of his contention the parties should have joint decision-making for educational decisions either now or in the future.

Mr. Mekuria references findings made by the trial court but misquotes the court when he states the "court properly found the unavailability of regularly scheduled academic and administrative assistance for Eden. CP 404." Reply Brief of Appellant, page 1. The trial court made no finding that Ms. Menfesu was not currently capable of providing academic support to the parties' child, rather it speculated with regard to "concerns" about the child's academic progress in the future. CP 406. In fact, the evidence in the record makes clear that Ms. Menfesu actively supports the child in her educational endeavors. (See Brief of Respondent/Cross-Appellant, pages 10-12 and 31-34) The court also

found that the parties cannot communicate (CP 406) and does not reconcile that finding with its order to allow modification of educational decision-making in the future, or with the fact that the court ordered sole decision-making for educational decisions in 2010. As set forth in her brief on cross-appeal Ms. Menfesu argues the trial court's order to allow a modification of educational decision-making in the future without a showing of adequate cause is in error and should be reversed.

B. Mr. Mekuria provides no responsive argument to the issue of placement of the child's passport.

Mr. Mekuria's reply brief contains no response to the issue raised in Ms. Menfesu's brief concerning the placement of the child's passport. Ms. Menfesu asks the court to reverse the decision to give possession and control of the child's passport to the non-custodial parent, against the recommendations of the GAL, when there is no factual basis to support a finding that Ms. Menfesu is a flight risk and when the court made no such finding.

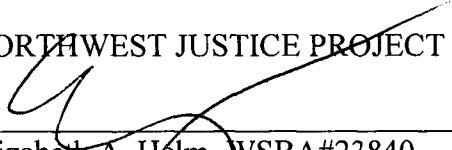
III. CONCLUSION

The Appellant's Reply brief contains no substantive argument in response to the issues raised by Ms. Menfesu on cross-appeal, and her

arguments are therefore uncontested. She asks the court to rule favorably on the issues raised in her cross-appeal.

Respectfully submitted this 21st day of June, 2015.

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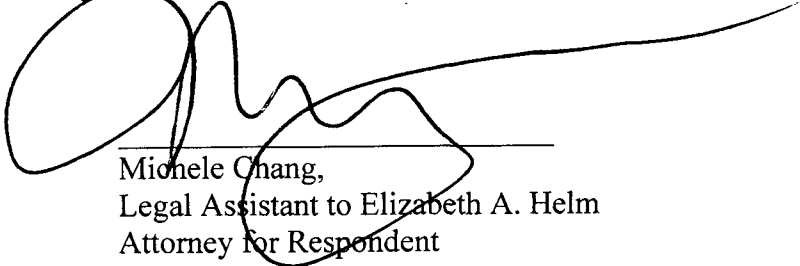
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I certify that on the 21st day of July, 2015, I caused a true and correct copy of the Reply Brief of Cross-Appellant to be served on the following, via ABC Legal Services, Inc.:

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Dated: July 21, 2015



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