

**RECEIVED
SUPREME COURT
STATE OF WASHINGTON
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Dec 06, 2016, 10:35 am

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NO.93244-1

IN THE SUPREME COURT OF THE STATE OF
WASHINGTON

IOAN A. PAUNESCU and DANIELA PAUNESCU, husband and
wife,

Appellants,

vs.

GERHARD H. ECKERT and MARGARETHE ECKERT AS
TRUSTEES OF THE ECKERT FAMILY TRUST; and SCOTT
RUSSON and JANE DOE, husband and wife,

Respondents,

APPEAL FROM THE SUPERIOR COURT

HONORABLE SUZAN CLARK

ANSWER TO RESPONSE TO MODIFY RULING MOTION

IOAN & DANIELA PAUNESCU
PROSE
PO BOX 87847
VANCOUVER, WA 98687
(360) 693-8516

1. Identification of Responding Parties

This response is made on behalf of the Appellants Ioan A. Paunescu and Daniela Paunescu.

2. Relief Requested,

The Paunescus request that the Modify Ruling Motion be granted in favor of the Paunescus and be denied for The Respondents for Attorney Fees.

3. Arguments,

The attorneys for Respondents come forth as joinder on the Response to Modify Ruling Motion and state that the motion should have been filed on November 25, 2016, now what opposing counsel thinks and want to change everything in their favor towards the date let's see the reality and the explanation along with the proof from the Washington Supreme Court. Paunescus on October 25, 2016 sent an e-mail to the Clerk of Washington State Supreme Court asking for a copy of the ruling on Attorney Fees on October 25, 2016 and also asks what was due on November 28, 2016 and the response from The Clerk, Supreme Court Washington was the following that your request is attached and A Motion To Modify Ruling is due on 11/28/2016. (Exhibit 1)(proof of email.) Now this tells us that what opposing counsel stated in their response to Modify Ruling is not accurate because of extended Thanksgiving break and the weekend the due date of the motion was Extended to November 28,2016 and Paunescus were well within the 3 day period for counsel to receive proof of the motion.

(g). Service by mail is discussed in CR 5(b)(2)(A). The rule says:

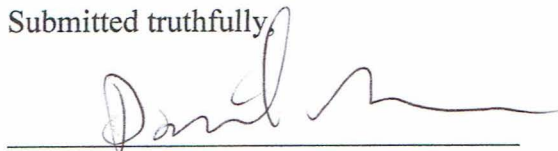
If service is made by mail, the papers shall be deposited in the post office addressed to the person on whom they are being served, with the postage prepaid. The service shall be deemed complete upon third day following the day upon which they are placed in the mail, unless the third day falls on a Saturday, Sunday, or legal holiday, in which event service shall be deemed complete on the first day other than Saturday, Sunday, or legal holiday, following the third day.

Now Paunescu filed the motion on November 28, 2016 which the email I provided in the exhibits that the Washington State Supreme Court stated the Motion to Modify Ruling was the Due date of November 28, 2016.

Which Mr. Shafton stated in his response was received on November 30, 2016 first class certified mail. How can a lawyer come and try to hide the truth again by stating whatever he wanted to so nobody sees what opposing counsel has done and how corrupt they are. I ask myself how were they able to get a diploma from a law school because they are unprofessional, and again come with a law that relate to them. Again I want to state that the November 28, 2016 was the due Date of the Motion to Modify Ruling and not the date to serve the Motion to opposing counsel. The Respondents motion should be denied.

Dated at Vancouver, Washington, this 6, day of December, 2016

Submitted truthfully,

A handwritten signature in black ink, appearing to read "Prose Ioan & Daniela Paunescu", written over a horizontal line.

Prose Ioan&Daniela Paunescu

Sent: Tuesday, October 25, 2016 3:24 PM

To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>

Subject: Get a copy of documents

Good afternoon,

Case #932441

Paunescu v. Eckert

Please email me a copy of today's ruling on attorney fees oct 25,2016 and also what is due on nov 28,2016. Thank you

Sent from my iPhone

pdf

93244-...016.pdf

728 KB

EXHIBIT 1

From: Alin Paunescu alyyn1977@gmail.com
Subject: Fwd: Get a copy of documents
Date: Dec 6, 2016, 8:34:39 AM
To: ad2004wa@yahoo.com

Sent from my iPhone

Begin forwarded message:

From: "OFFICE RECEPTIONIST, CLERK"
<SUPREME@COURTS.WA.GOV>
Date: October 25, 2016 at 3:46:28 PM PDT
To: 'Alin Paunescu' <alyyn1977@gmail.com>
Subject: RE: Get a copy of documents

Your request is attached. A Motion to Modify Ruling is due on 11/28/16.

Supreme Court Clerk's Office

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

Questions about the Supreme Court Clerk's Office? Check out our website:
http://www.courts.wa.gov/appellate_trial_courts/supreme/clerks/

Looking for the Rules of Appellate Procedure? Here's a link to them:
http://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=app&set=RAP

Searching for information about a case? Case search options can be found here:
<http://dw.courts.wa.gov/>

From: Alin Paunescu [<mailto:alyyn1977@gmail.com>]

EXHIBIT 1

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2
3 IN THE SUPREME COURT OF THE STATE OF WASHINGTON
4
5

6 IOAN A. PAUNESCU and DANIELA) CASE NO: 93244-1
7 PAUNESCU, husband and wife,)
8) **DECLARATION OF SERVICE**
9 APPELLANTS,)

10 vs.)
11)

12 GERHARD H. ECKERT and
13 MARGARETHE ECKERT AS TRUSTEES
14 OF THE ECKERT FAMILY TRUST, and
15 SCOTT RUSSON, husband and wife.
16 RESPONDENTS,
17)
18)
19)

20 I HEREBY CERTIFY THAT ALL TIMES MENTIONED HEREIN I WAS AND NOW
21 A CITIZEN OF THE UNITED STATES OF AMERICA AND A RESIDENT OF THE
22 STATE OF WASHINGTON, OVER THE AGE OF EIGHTEEN YEARS.
23 I CAUSED TRUE AND CORRECT COPIES OF THE ANSWER TO RESPONSE
24 MODIFY RULING MOTION BE SERVED BY FIRST CLASS U.S. MAIL.

25 Mr. Ben Shafton
26 CARON, COLVEN, ROBINSON & SHAFTON, P.S.
27 900 WASHINGTON STREET, SUITE 1000
28 VANCOUVER, WA 98660

29 ANTHONY R. SCISCIANI III
30 REBECCA REED MORRIS
31 SCHEER & ZEHNDER LLP
32 701 PIKE STREET, SUITE 2200
33 SEATTLE, WA 98101-2358

34 **This dated 06 of December,**
35 **2016**

36 
37 _____
38 ProSe

DECLARATION OF SERVICE- 1

Ioan a Paunescu & Daniela Paunescu ProSe
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p-(360) 449-2255- f-(360) 836-4751