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Washington State
Supreme Court

**Petition For Review
[Rule 13.4(d)]**

**Supreme Court - 954453
Court of appeal no# 75175-1-1**

**IN THE SUPREME COURT OF THE STATE OF
WASHINGTON**

MUFFIN FAYE ANDERSON, Petitioner

v

CALE and SARA WILL, Respondents

PROPOSED PETITION FOR REVIEW

SUPERIOR COURT CASE #15-15636-5 SEA. JUDGE BRADSHAW

Petitioner
Muffin Faye Anderson
so Hudson ST.
Seattle, WA.98118

Attorneys on record
Respondents
Law Office Sweeney & Deizler
1001 Fourth Ave. ste 3300
Seattle, WA. 98154

**Kevin Ford Smith
WSBA# 45412**

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2018 FEB 28 PM 4:41

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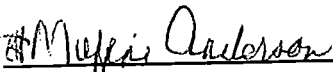
IDENTITY OF PETITIONER

Supreme #954453
Appeals #75175-1-1

I, Muffin Faye Anderson am over the age of eighteen and reside in the state of Washington. I am the Appellant and non -attorney of this case.

I, declare under penalty of perjury under the law of Washington what the foregoing is true and correct.

Dated : this 27th day of February 2018.



Muffin Faye Anderson

**RAP RULE 10.3
CONRENT OF BRIEF**

MUFFIN FAYE ANDRSON
appellant

A COMCISE INTRODUCTION

The appellant filed 3 separate court at once in the appellant court cause no# 75175-1 -1 Supreme cause #95541-6, this trial court no# 15-2-15636-5 sea,-SEA -Superior Court.

The Plaintiff was granted in forma pauperis in the lower court alone with the summon and complaint June 26, 2015 , Process and served by Sheriff-Summons & Complaint for Injunctive Relief and Damages, trespassing, nuisance on Property; Order Setting civil Civil Case Schedule dated received; 7/8/2015.

Pleading and pretrial motion

The complaint, answer, and reply constitute the pleadings, the complaint is prepare by the plaintiff, the answer by the defendant, and the reply by the plaintiff, the case only gotten as for as the serve of plaintiff before certain staff member of the court would not follow the Superior Court of the State Washington in and for the County of King.

On September 1, 2015, the appellant had a debilitating brain stroke

which affected my brain, my ability to concentrate and remember I was advised not to participate in litigation or work. I have pursued the case alone ,without an attorney, but with the justice of the law.

While I was in the hospital, disable from the stroke, the trial court collectively got together and the trial court dismissed the case under motion for summary judgment. The court noted the court noted medical letters of plaintiff, dated October 16, 2015 also FAILED TO APPEAR, PLAINTIFF.

THE AMERICAN DISABILITIES ACT (1990)

The appellant suffered a very serious stroke that slowed down my thinking and made it very difficult to speak or understand normal conversation. As I began to recover but not fully, the court was informed of thru the letters and the fact that the doctor said that I should not be involved in any litigation while I was recovering the court refused to accept my medical proof of disability. Plaintiff were relief to go back to litigation after April 2016.

1.The trial court dismissed the case while appellant was disabled from the stroke.

- 2. the trial court dismissed the I had a disability during the early trial**
- 3. court proceeding (serving complaint) was not completed.**
- 4. the court did not know the case only hear one side.**

ARGUMENT

First of all, the plaintiff were denied the opportunity to have the case heard as a result of the stroke. Plaintiff suffered a debilitating stroke which affected my brain, my ability to concentrate and remember. I was advised up to 8 months not to participate in any litigation, I pursued the case alone, without an attorney, but with the justice of law. In response to the judgment or dismissal, I tried to put something together to defend against what was going on with the case, but I struggle.

Plaintiff were then and still under severe stress and I were not able to put together any papers that successfully stop what these certain court staff members were doing.

Even after I informed the court of the stroke and how damaging it was to my thought processes, certain court staff members allowed the case

to be dismissed and refused to consider my medical evidence.

CONCLUSION

Certain court staff member repeatedly stated that my stroke happened on November 1, 2015 and therefore cannot be used to justify my inability to function on October 16, 2015. this is an error of fact and is in keeping with urging this court to punish a person because they suffer from a disability. My stroke clearly happened on September 1, 2015 at that time I was a victim of the American Disability act (1990), and it caused me to be slower, disoriented and confused.

The fact that even in this mentally incapacitated state I tried to do something to protest my rights is being used against me by certain court staff members echoed by this court is unconscionable. The who purpose of the Americans With Disability (1990)

a motion for relief from judgment for " any other reason justifying relief "applies only in situation involving extranordinary relating to irregularities which are extraneous to the action of the court or to go to question of the regularity of its proceedings. Tatham v Rogers (2012) 170 Wash. App.76,283P. 3d 583.

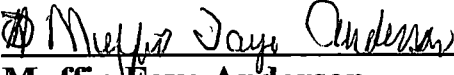
RELIEF

I am asking this court to reconsider its ruling. I may not have stated my rights perfectly, but it was clear to the trial court that I was disabled, and it was that disability that prevented me from producing a proper
pg4

**response to defendant's motion. In the interests of justice, I should be
allowed to have my day in court.**

Dated: this 25 day of February, 2018

Respectfully submitted,


Muffin Faye Anderson

RAP 13.4
ISSUE PRESENTED FOR REVIEW

Should the lower court's reverted decision be upheld when I had a disability during trial court proceedings and was unable to reasonable participate in those hearing?

ASSIGNMENTS OF ERROR

II.

- 1. Case dismiss on a summary judgment.**
- 2. Case dismiss without procedural Due Process**

ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

- 1. Dismissed the case while the moving party had a brain stroke**
- 2. Which disable the petitioner in the beginning of trial court**
- 3. pleading, the petitioner at that time September 1, 2015 were**
- 4. under the American Disability Act**
- 5. Dismiss without procedural due process**

III

C, STATEMENT OF THE CASE

Property dispute with building built on abutting property.

COURT'S FACTS AND PROCEDURE

1. Trial Court dismissed case while I was disabled.

2) Denied motion for reconsideration.

3) Appellant court didn't follow procedure and dismissed case, but noted extra ordinary circumstances.

4) Now seeking petition for review at the Washington State Supreme Court.

A. Property disputes with no building permit to be built on the petitioner property

On or about April - May 2012, the defendants and defendant's employees without permission or any authority entered the plaintiff's property intentional Tort of trespassing by unauthorized entry patch and repaired and underground plumbing drain / sewer, west abutting. Defendant/employees entering and trespassing and encroaching by repairing some underground pipe and extended the pipe out more on the surface on the plaintiff property and without plaintiff permission or any permit from the city or county. Defendant
pg7

and his/her hired employee trespass and encroach on plaintiff property without plaintiff permission. The duplex has been occupancy and is in violation.

RCW 7.40.030, Malicious erection of structure may be enjoined.

The duplex Building has no permit certificate of occupancy, the Seattle Building Code (Section109).

THE APPELLATE COURT DIDN'T FOLLOW PROCEDURE.

1. Order Indigency which is a pre-trial procedure cause #95541-6

appellant were already granted to proceed in forma pauperis.

2 . Appellate court didn't follow procedure and dismissed the case.

But noted the case extra ordinary circumstances regarding

3 Now seek petition relief at the Washington State Supreme court

4Appellant has two cause # in the Washington state Supreme. I

believe the Supreme Court was aware of the appellate were in forma pauperis in the lower court.

5.

Appellant is not an attorney but had her claim taken from her

because she suffered a debilitating stroke that impaired her ability to perform.

Pg8

There is no legal basic for an award of attorney fee when a party asks for relief because of a stroke and that must be denied.

Awarding attorney fee to opposing counsel would have a chilling effect on anyone who is in forma pauperis ever asking for relief after a medical injury. The mere fact that appellant asked the court of appeals for relief is not grounds for sanctions or attorney fees.

7 b 2-3

(2) The decision of the court of appeal is in conflict with a published decision of the court of Appeal:

(3) If a significant question of law under the constitution of the state of Washington or of the United States is involved.

REASON WHY REVIEW SHOULD BE ACCEPTED UNDER ONE OR MORE OF THE TESTS ESTABLISHED IN SECTION IN SECTION (b), with argument and publish.

First, Appellant has a procedural due process right, under both the Fourteenth Amendment to the United States Constitution and Article 1, section 3 of the Washington State Constitution, to a fair hearing before being deprived of property.

Second, Appellant has the right to a jury trial under Article 1, section 21 of the Washington State Constitution.

Under both the Due process Clause of the fourteenth Amendment to the United States Constitution and Article 1, section 3 of the Washington States Constitution, no person can be deprived of life, liberty, or property without due process of
Pg9

law. Under those provision, Appellant has the right to fair procedures before being deprived by the government of a property interest. In this, Appellant was denied her right to a full and fair hearing on the merits of her claim in the trial court because I had a stroke and could not participate in the proceedings. The trial court took a state action that deprived appellate of my property without due process of law.

Article1, section 21 of the Washington State Constitutional provides that "the right of trial by jury shall remain inviolate." Appellant was deprived of my constitution right to a jury trial in this matter.

CONCLUSION

For the forgoing reasons the court should grant my petition for review.

Date: this 27 day of February 2018


Muffin Faye Anderson

APPENDIX

RECEIVED

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

MUFFIN ANDERSON
Pro - SE

Plaintiff

vs

CAIG H & SARAH WILL
Husband & WIFE

Defendants

15-2-15636-5 SEA
FIRST AMENDED COMPLAINT INJUNCTIVE
RELIEF
DAMAGES, TRESPASSING,
ENCROACHING AND NUIS-
ANCE ON PROPERTY

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2018 FEB 28 PM 4:46

COMES NOW, Plaintiff, MUFFIN F.
ANDERSON, for causes of action against de-
fendant above named Complaint and alleges
as follows.

Parties

1. 1 Plaintiff, Muffin F. Anderson, a single

Black Woman Resident of King County, Washington,
Who Owns Real property located at 3503 So
Hudson St., Seattle Washington, described as:
Lot 19, Block 1, Frye's add Columbia assessor
data for parcel: 0660500115.

1. 2. Defendants, Cole H & Sarah Will, Husband &
Resident of King County, Washington, Who Own
Real Property located in King County Washington
One Rental Building (Duplex) but answers to
3 UNpermitted address:

3501 - 3505 So Hudson St Seattle Washington
98118

5002 - 5004 35th Ave So Seattle Washington 98118

3101 - 3105 So Hudson St Seattle Washington 98118

Legal Desc: Fryes add to Columbia Block 1, Lot 20
Parcel: 066050-0120

II

JURISDICTION AND VENUE

21 Jurisdiction and Venue are proper because

The real property at issue is in King County Washington.

III BASIS OF CLAIM

3.1 ON or about April - May 2012, Defendants and Defendant's employees without permission or any authority entered the plaintiff's Property intentional Tort of Trespassing by Unauthorized entry ^{Patch} repaired an underground Plumbing drain & Sewer, West abutting. Defendant/employees entering and Trespassing and Encroaching by repair underground pipe and extended the pipe out on the Surface ON the plaintiff property without plaintiff permission or any permit from the City or County defendant and his/her hired employee trespass and encroach on plaintiff without plaintiff Permission.

3.2. Defendant employee Trespass over 3 weeks on

Plaintiff property, without Plaintiff permission, putting sewer and drain pipe underground and extending the pipe to the surface on plaintiff property on the abutting of plaintiff property without consent of plaintiff.

3.3 There was no legal permit issued by the City or County to be on the plaintiff property.

3.4 The Duplex Building has NO proper connection with any original permit for plumbing. Downspout, gutters and underground piping system are busted water trespassing onto plaintiff property and running water entering plaintiff home, this is a nuisance, along with the BAM-BO Poles.

3.5. If there are any permits regarding this issue they are believed to be falsified, and can be proven at trial.

4.5 If There are any permits regarding this issue they are believe to be falsify, and can be proven at trial.

V

PRAYER FOR RELIEF

5.1 As a direct and Proximate result of defendants Unlawful actions on plaintiff's Property. Plaintiff has been damaged with emotional and Mental distress in an amount to be proven at trial and having stated Causes of action against defendants Cale H & Sarah Will, husband/wife, jointly and Severally as follow :

(A) For the underground plumbing pipe which extend out on the surface of plaintiff Property be removed and replaced with today's building Code.

(6)

- (B) For replace gutters, down-spout and the Underground Patch pipe by preventing the Water from trespassing from the Duplex building onto plaintiff property & home
- (C) For remove all the Bam-Boo Poles that came in with defendant Fill n Dirt.
- (D) For Owner to purchase legal permit for the Duplex building and one legal permanent address for a Duplex at today's Building Code.
- (E) For Special damages in loss rental Money in an amount to be proven at the time of trial.
- (F) For Mental and Emotional distress
- (G) Damages, Trespassing, Encroaching and Nuisance on property
- (H) For Such other and further relief as this

this Court deems just and equitable.

- (I.) For Injunctive relief
- (J.) For Injunctive relief on the join extension Pipe to the original pipe-line, patch both ends of the pipe underground and the other open end of the pipe that thrust out on the plaintiff property.
- (K.) For an Injunctive relief for an Original legal permit for Sewer/drain
- (L.) For an Injunctive relief for legal permit address for any legal permit to be issue.
- (M.) For Such other and further relief as this Court deems just and equitable.

Dated This 27 of July 2015

Respectfully Submitted

~~Muffin~~ Muffin F. Anderson

Muffin F. Anderson

3503 So Hudson St

Seattle Washington 98118

206 760-1077

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

MUFFIN F. ANDERSON,)	
)	No. 75175-1-I
Appellant,)	
)	ORDER DENYING MOTION
v.)	FOR RECONSIDERATION AND
)	MOTION TO PUBLISH OPINION
CALE H. and SARAH WILL, husband)	
and wife,)	
)	
Respondents.)	

Appellant, Muffin Anderson, has filed a motion for reconsideration of the opinion filed on October 2, 2017, and a motion to publish the opinion. Respondents, Cale and Sarah Will, have not filed an answer to appellant's motions. The court has determined that appellant's motion for reconsideration and motion to publish should be denied. Now, therefore, it is hereby

ORDERED that appellant's motion for reconsideration of the opinion filed on October 2, 2017, and appellant's motion to publish the opinion are denied.

FOR THE COURT:


Judge

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

MUFFIN F. ANDERSON,)
) No. 75175-1-I
 Appellant,)
) DIVISION ONE
 v.)
)
 CALE H. and SARAH WILL, husband)
 and wife,) UNPUBLISHED OPINION
)
 Respondents.) FILED: October 2, 2017

FILED
COURT OF APPEALS, DIV. I
STATE OF WASHINGTON
2017 OCT -2 AM 8:54

BECKER, J. — The trial court did not abuse its discretion in denying the appellant's motion for relief under CR 60(b) because appellant has not shown how her alleged illness impacted or impeded her ability to prosecute her case. We affirm.

Appellant Muffin Anderson sued her neighbors, respondents Cale and Sarah Will, in June 2015. She alleged claims for trespassing, encroachment, and nuisance on property. Anderson filed her complaint pro se and has represented herself through the entire proceedings, including this appeal.

The Wills moved for summary judgment. The court granted the motion for summary judgment and dismissed Anderson's claims with prejudice on October 16, 2015.

No. 75175-1-I/2

Anderson filed two motions for relief under 60(b)(1), (2), and (9) on March 14, 2016. She sought to strike the order granting summary judgment, vacate the order of dismissal, and stay proceedings until May 2016.

The court denied these motions on March 31, 2016.

Anderson filed a notice of appeal on April 19, 2016. She attached the March 31 order denying her motions for relief under CR 60(b). She also attached court orders denying her earlier motions seeking the same relief. This court dismissed her appeal as untimely except for her appeal from the March 31 order, so only that order is currently before the court.

As a threshold matter, the Wills ask that we strike Anderson's brief because it is not structured according to RAP 10.3. We realize it is difficult to draft a response to a brief that does not contain an assignment of error as required by RAP 10.3(a)(4). The commissioner's rulings in this case, however, make clear that the only issue on appeal is the March 31 order denying Anderson's motions for relief under CR 60(b). Accordingly, we do not grant the motion to strike Anderson's brief.

We review the trial court's decision under CR 60(b)(1), (2), and (9) for abuse of discretion. In re Marriage of Tang, 57 Wn. App. 648, 653, 789 P.2d 118 (1990). We will not overturn the decision unless the trial court exercised its discretion on untenable grounds or for untenable reasons. Tang, 57 Wn. App. at 652. An appeal from the denial of a CR 60(b) motion is not a substitute for an appeal and is limited to the propriety of the denial, not the impropriety of the

No. 75175-1-1/3

underlying order. Blurstrom v. Campbell, 27 Wn. App. 449, 450-51, 618 P.2d 533 (1980).

CR 60(b) provides that "on motion and upon such terms as are just, the court may relieve a party . . . from a final judgment, order, or proceeding for the following reasons: . . . (1) mistakes, inadvertence, surprise, excusable neglect or irregularity in obtaining a judgment or order; (2) for erroneous proceedings against a . . . person of unsound mind, when the condition of such defendant does not appear in the record, nor the error in the proceedings; . . . [or] (9) unavoidable casualty or misfortune preventing the party from prosecuting or defending."

Anderson's motions for relief under CR 60(b) assert that she was hospitalized after suffering a stroke on September 1, 2015, and would be incapacitated until about May 2016. However, during that time period she filed many motions and supporting documents in the trial court, including about six motions for relief after the order of dismissal was entered. The record shows that she was actively participating in the proceedings during the time she alleges she was incapacitated. She has not explained how her alleged stroke and hospitalization impacted her ability to prosecute her case.

Anderson has not shown that she was prevented from prosecuting her case or was of unsound mind. CR 60(b)(2), (9). Nor has she demonstrated a mistake, excusable neglect, or an irregularity in obtaining the order of dismissal. CR 60(b)(1). Because Anderson has not shown how her alleged illness impacted or impeded her ability to prosecute her case, the trial court did not

OFFICE RECEPTIONIST, CLERK

From: OFFICE RECEPTIONIST, CLERK
Sent: Thursday, September 01, 2016 11:25 AM
To: 'Weishaar, Loyce'
Subject: RE: King County Superior Court No. 15-2-15636-5 Muffin Faye Anderson v. Cale H. and Sara Will; COA No. 75175-1-I

Received 9/1/16.

Supreme Court Clerk's Office

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From: Weishaar, Loyce [mailto:Loyce.Weishaar@kingcounty.gov]
Sent: Thursday, September 01, 2016 11:21 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: FW: King County Superior Court No. 15-2-15636-5 Muffin Faye Anderson v. Cale H. and Sara Will; COA No. 75175-1-I
Importance: High

Good Morning,

Attached please see a copy of the signed Order on Indigency as requested.

You may be receiving another copy from King County Clerk's Office but this department wanted you to receive a copy right away.

If you have any other questions please feel free to contact the court.

Thank you,

Teri Bush

Coverage Bailiff for

Loyce Weishaar
Judicial Clerk/Bailiff
For Judge Timothy A. Bradshaw
King County Superior Court
KCCJ - courtroom W965
Seattle, WA

<http://www.kingcounty.gov/courts/SuperiorCourt/judges/bradshaw.aspx>

From: Bradshaw, Timothy
Sent: Thursday, September 01, 2016 11:13 AM
To: Weishaar, Loyce <Loyce.Weishaar@kingcounty.gov>
Subject: FW: King County Superior Court No. 15-2-15636-5 Muffin Faye Anderson v. Cale H. and Sara Will; COA No. 75175-1-I

From: OFFICE RECEPTIONIST, CLERK [<mailto:SUPREME@COURTS.WA.GOV>]
Sent: Tuesday, August 30, 2016 11:26 AM
To: Bradshaw, Timothy <Timothy.Bradshaw@kingcounty.gov>
Subject: King County Superior Court No. 15-2-15636-5 Muffin Faye Anderson v. Cale H. and Sara Will; COA No. 75175-1-I

Counsel:

Attached is a copy of the letter issued by the Clerk on this date in the above referenced case. Please consider this as the original for your files, a copy will not be sent by regular mail. When filing documents by email with this Court, please use the main email address at supreme@courts.wa.gov

Supreme Court Clerk's Office

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<http://dw.courts.wa.gov/>

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

MUFFIN FAYE ANDERSON In pro-se)
Plaintiff)
V)
CALE H. and SARA WILL)
Defendants)
_____)

No. 15-2-15636-5 SEA

AFFIDAVIT OF INDIGENCY

I, MUFFIN FAYE ANDERSON, cannot afford to pay all of the expenses of review in the entitled action.

1. I can contribute the following amounts towards the expense of review, 0

2. I request that the following expenses be waived or be provided at public expense:

- Waiver of Filing Fee.
- Preparation of verbatim report of proceedings.
- Costs for reproduction of Clerk's Papers.
- Costs for reproduction of briefs.
- Appointment of Counsel.

3. I believe the following parts of the record are necessary for review:

- verbatim report of proceedings.
- Clerk's Papers.
- transmittal of exhibits.

4. I believe to the best of my knowledge that the statements contained in paragraph 3 of the "MOTION FOR ORDER OF INDIGENCY" (facts relevant to motion) are correct.

5. The request for appellate court review in this case is brought in good faith.

Affidavit of Indigency
Page Two

6. I am _____ am not X employed. My salary or wages amount to \$ _____ per month. My employer is _____
(Name and address)

7. I do X do not _____ have any checking or savings accounts. The amount in all accounts is \$ _____.

8. In the past 12 months, I did X did not _____ receive any interest, dividends, rental payments, or other money. The total amount of such money I received was \$ 1,250.00 mo.

9. List all real estate, stocks, bonds, notes, and other property you own or in which you have interest. Do not list household furniture, furnishings, and clothing which you or your family own.

<u>Item</u>	<u>Value</u>	<u>Amount Owed</u>
(e.g. automobiles, make, model, and year, valued \$3,000.00, still owe \$500.00).		
1995 TOOTA TERCEL	,200	0
1995 FORD RV	DNOT Running	0
_____	_____	_____
_____	_____	_____

10. I am _____ am not X married. My spouse is _____ is not _____ employed. His or her salary or wages amount to \$ _____ per month. He or she owns the following property not already described above.

Affidavit of Indigency
Page Three

11. These people need me to support them:

Name and Address	Relationship	Age
N/A		

12. I owe the following bills:

Name of Creditor	Address	Amount Owed
CHASE BANKMORTGAGE		300,000.00
UTILITIES		@ 200
CAR & HEALTH INSURANCE food etc.		!00

State of Washington)
)
) ss
)
 County of king)
)
)

I declare under penalty of perjury of the laws of the State of Washington that I have read this affidavit, know its contents, and I believe the affidavit is true.

Dated this 11 day of JULY 2016

Melvin Jay Anderson
Moving Party

FILED
KING COUNTY, WASHINGTON
AUG 31 2016
SUPERIOR COURT CLERK

~~COPY TO COURT OF APPEALS SEP 01 2016~~

SUPERIOR COURT OF WASHINGTON, COUNTY OF KING

MUFFIN FAYE ANDERSON)	NO. 15-2-15636-5 SEA
_____)	
vs.)	FINDINGS OF INDIGENCY AND
)	ORDER TO TRANSMIT FINDINGS
CALE H. and SARAH HILL)	OF INDIGENCY - RAP 15.2(c)
_____)	
)	

The Court finds that Muffin Anderson, the appellant/petitioner in this action, lacks sufficient funds to seek review in this action. The Court finds, that the moving party is able to contribute \$ 0. The following portions of the record are reasonably necessary for review:

1. Please see Plaintiff's request in Motion for Findings of Indigency.
(Designate any portions of the Clerk's Papers necessary for review).
2. _____
(Designate any portion of the verbatim report of proceedings necessary for review).
3. Reproduction of briefs and other papers on review which are reproduced by the Clerk of the Appellate Court.

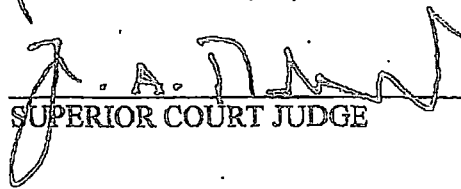
4. _____

(Designate any cumbersome exhibits that need to be transmitted).

5. Other items _____

Now, therefore, it is ORDERED that the Clerk of the Superior Court shall promptly transmit to the Supreme Court the Motion for Findings of Indigency, Declaration of Indigency, and the Findings of Indigency.

DATED this 31st day of August, 2016.



SUPERIOR COURT JUDGE

Presented by:

SIGNATURE OF MOVING PARTY

PRINT/TYPE NAME

SUSAN L. CARLSON
SUPREME COURT CLERK

THE SUPREME COURT
STATE OF WASHINGTON



August 30, 2016

TEMPLE OF JUSTICE
P.O. BOX 40929
OLYMPIA, WA 98504-0929

(360) 357-2077
e-mail: suprema@courts.wa.gov
www.courts.wa.gov

LETTER SENT BY E-MAIL

Honorable Timothy A. Bradshaw
King County Superior Court
516 3rd Avenue, Room C-203
Seattle, WA 98104-2361

Re: Court of Appeals No. 75175-1-1 – Muffin Faye Anderson v. Cale H. and Sara Will
King County Superior Court No. 15-2-15636-5

Dear Judge Bradshaw:

The Appellant in the above-referenced case, Ms. Anderson, has contacted this Court in regards to her efforts to obtain findings of indigency in regards to the above matter which is on appeal to Division One of the Court of Appeals.

In the "ORDER DENYING PLAINTIFF'S MOTION TO RESCHEDULE TRIAL & RELATED MOTIONS", dated July 19, 2016, it was indicated that the motion regarding indigency was denied because probable merit of claim/appeal was not shown. However, RAP 15.2 provides that in a civil case, the superior court judge should make the determination whether an appellant is indigent (i.e., findings of indigency). As provided in RAP 15.2(d), upon receipt of the findings of indigency, the Supreme Court then makes the determination whether the criteria for review at public expense have been met. Therefore, I am enclosing for your consideration in this matter the form for findings of indigency.

In order to avoid further delay in this matter, it would be appreciated if you could make the determination whether or not the Appellant is indigent and then have the county clerk forward to the Supreme Court a copy of your findings as to indigency. (We have already received a copy of the Appellant's motion for findings of indigency.) The case can then be set for consideration by the Supreme Court Justices to determine whether an order of indigency will be entered.

Sincerely,

Susan L. Carlson
Supreme Court Clerk

SLC:fw
Enclosure

cc: Muffin Anderson (sent by U. S. mail)
Kevin Ford Smith

reconsideration

**THE COURT OF APPEALS OF THE STATE OF
WASHINGTON, SEATTLE DIV.1**

MUFFIN FAYE ANDERSON)	case#75175-1-1-1
Appellant pro se)	MOTION TO RECONSIDERATION
vs)	RAP 12.4 (b) - MOTION TO
CALE H. AND SARAH)	PUBLISH RAP 12.3 (e)
Respondent)	

FILED
 COURT OF APPEALS DIV. 1
 STATE OF WASHINGTON
 2018 FEB 28 PM 4:44

This is a motion to reconsideration/w documents from my doctors. I, Muffin Faye Anderson, (pro se) in this case, suffered a brain stroke that made me slow and unable to properly prosecute this case. I had not recovered at all by the time the court dismissed my claims.

**Medical documents- please pay attention to page(s)-----
 inpatient neurology notes - job pg. 26 - 28 of 28
 inpatient psych notes job pg. 8 - 15 of 30
 sports med notes injection dates page 1- 4 of 20 pages**

The mere fact that later I was later able to go to court or file papers has little bearing on the fact that I was impaired and not able to represent myself or defended against the motion to dismiss with any competence.

I, the Appellant, is not an attorney but had my claim taken from me simply because I suffered a debilitating stroke that impaired my ability to perform. Had I not had the stroke, I could have easily defended my claim and had my day in court.

There is no legal basis for an award of attorney fees when a party asks for relief because of a stroke and that relief is denied. Awarding attorney fees to opposing counsel would have a chilling effect on anyone who is in pro se ever asking for relief after a medical injury. The mere fact that I asked the court of appeals for relief is not grounds for sanctions or attorney fees.

Therefore, the appellant asks this court for relief and reconsideration of this case, the medical documents which show what impacted or impeded my ability to prosecute my case. Relief for the case to be publish, requesting the court to return my court fees what that was motion and file with the brief. Appellant pray for relief that this case return to the lower court (Superior Court, Seattle).

Dated: this 21 day of October, 2017

Respectfully Submitted

Muffin Anderson

Muffin Faye Anderson- pro se

OCT 23 2017

Case # 75175-1-1

THE CONTENT

Motion to reconsideration and motion to publish

Psych med notes 30 pages -----exhibit -a

Neurology med notes-----ex -----b

Sport med injection in hand 20 pages-----ex-----c

**3 Letter date: November 12, 2015- December 22, 2015 - March 23,
2016-----d**

diagnosis of MRI brain stroke and CTA- 4 pgs. ----ex -----e

RECEIVED
COURT OF APPEALS
DIVISION ONE

OCT 23 2017

COURT OF APPEAL case # 75175-1-1

RECEIVED
COURT OF APPEALS
DIVISION ONE

OCT 23 2017

MUFFIN FAYE ANDERSON v CALE A. and SARAH
Appellant Respondent
PROOF OF SERVICE

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2010 FEB 28 PM 4:44

I, GERALDINE ANDERSON, am over the age of eighteen and reside in the state of Washington.

ON 10-23, 2017 at 9:59 am/pm, I personally served copies of, motion to reconsideration and a motion to publish; psych med notes-30 pgs. Neurology med notes 30 pgs.- sport med injection in hands 20 pages -3 letters date Nov. 12, 2015 - Dec. 22, 2015- March 23. 2016 - diagnosis of MRI brain stroke and CTA neck WO/W cont job pg 46 of 49 thru 49 of 49 - 4 pgs.

LAW OFFICES OF SWEENEY, HEIT ANDDIETZLER
1001 Fourth AVE. suite 3300
Seattle, WA. 98154
Kevin F. Smith

RECEIVED
By

OCT 23 2017

Law Offices of
Sweeney, Heit & Dietzler

In the care of Front Desk.

I, Declare Under Penalty Of Perjury Under The Law State Of Washington That The Above And Forgoing Is True And Correct.

Dated: this 23 day of October, 2017 in Seattle, Washington

Geraldine Anderson
GERALDINE ANDERSON

COURT OF APPEAL case # 75175-1-1

MUFFIN FAYE ANDERSON v CALE A. and SARAH
Appellant Respondent
PROOF OF SERVICE

I, GERALDINE ANDERSON, am over the age of eighteen and
reside in the state of Washington.
ON 228, 2018 at 4:30 am pm I personally served copies of propose
petition for review

LAW OFFICES OF SWEENEY, HEIT ANDDIETZLER
1001 Fourth AVE. suite 3300
Seattle, WA. 98154
Kevin F. Smith

RECEIVED
By

FEB 28 2018

In the care of _____ Law Offices of
Sweeney, Heit & Dietzler _____

I, Declare Under Penalty Of Perjury Under The Law State Of
Washington That The Above And Forgoing Is True And Correct.

Dated: this 28 day of Feb, 2018 in Seattle, Washington


GERALDINE ANDERSON

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2018 FEB 28 PM 4:49

SCANNED

RECEIVED

2016 APR 19 PM 1:19

FILED
KING COUNTY, WASHINGTON

OCT 16 2015

SUPERIOR COURT CLERK
BY Victor Bigomia
DEPUTY

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2016 FEB 28 PM 4:43

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APR 15 2016

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

MUFFIN FAYE ANDERSON, an individual.

Plaintiff,

vs.

CALE H. AND SARAH WILL HUSBAND
AND WIFE

Defendant.

No. 15-2-15636-5 SEA

[Proposed]

ORDER OF DISMISSAL

This matter came on for hearing regularly before the Court, with oral argument, on the motion of Defendants Cale H. Will and Sarah Will for a Motion for Summary Judgment against Plaintiff and the Court having considered the arguments of counsel and the pleadings and records filed with the Court which include the following:

1. Defendants' Motion for Summary Judgment; Declaration of W. Scott Noel and the exhibits thereto;
2. *Medical letters of Plaintiff.*
- 3.

ORDER OF DISMISSAL- 1

LAW OFFICES OF SWEENEY, HEIT & DIETZLER
ATTORNEYS AT LAW
1191 SECOND AVENUE, SUITE 500
SEATTLE, WA 98101
(206) 633-1310
FAX (866) 546-5102

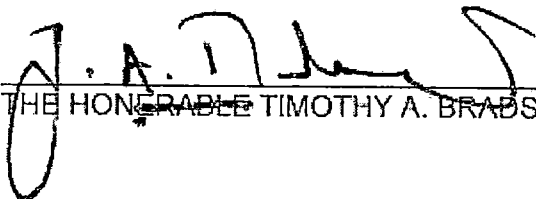
APR 15 2016

1 And the Court being otherwise fully advised in the premises; NOW THEREFORE,
2

3 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:
4 Defendants' Motion for Summary Judgment is GRANTED and the claims of Plaintiff are
5 dismissed in their entirety with prejudice.
6

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that:-
8
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14 DATED this 16th day of October, 2015.
15

16 
17 THE HONORABLE TIMOTHY A. BRADSHAW
18
19

JB

20 Presented By:
21 LAW OFFICES OF SWEENEY, HEIT & DIETZLER

22 W Scott Noel, WSBA#36389
23 Attorney for Defendants

24 **FAILED TO APPEAR**

25 *Plaintiff*

ORDER OF DISMISSAL- 2

LAW OFFICES OF SWEENEY, HEIT & DIETZLER
ATTORNEYS AT LAW
1191 SECOND AVENUE, SUITE 500
SEATTLE, WA 98101
(206) 633-1310
FAX (866) 546-5102

King County SHERIFF'S OFFICE

Civil Process Unit, 516 Third Ave., Room W150, Seattle, WA 98104-2312

Civil Fee Statement Closing Date: 07/10/2015

MUFFIN FAYE ANDERSON
3503 S HUDSON St
SEATTLE WA 98118

Phone: 206-760-1077
Amount Due: 0.00
Case #: 15-2-15636-5 SEA
Invoice Date: 7/10/2015
Your File #:
Invoice #: 00543053
Process: Summons & Complaint

Payment Due Upon Receipt

Please send a copy of this invoice with your remittance

MUFFIN F. ANDERSON vs. CALE H. & SARAH WILL

Service: CALE H. & SARAH WILL, husband and wife
Address: 4605 43rd AVENUE S SEATTLE WA 98118
Deputy Sheriff: Jon Holland
Completed: 07/09/2015 Time: 7:24 am
Method of Service: Personal

In Account:

	\$0.00
	<u>Amount</u>
Fee	
Mileage	6.00
Return of Service	23.00
Service Fee	<u>30.00</u>
Total Charges	59.00

<u>Receipt Date</u>	<u>Check Number</u>	<u>Amount</u>
07/08/2015		<u>59.00</u>
Payment Total		59.00

Amount Due: 0.00