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**FILED**  
MAR 28 2018  
WASHINGTON STATE  
SUPREME COURT

**FILED**  
MAR 21 2018  
COURT OF APPEALS  
DIVISION III  
STATE OF WASHINGTON  
By \_\_\_\_\_

95663.4

SUPERIOR COURT OF STATE OF WASHINGTON

COUNTY OF SPOKANE

---

Wallace and Rosie Bacon,  
Plaintiff/Applee,

vs.

No. 34603-0-III

Thomas and Ellen Matulis,  
Defendant/Appellant

---

**MOTION FOR DISCRETIONARY REVIEW**

**i.e., PETITION FOR REVIEW**

---

MOTION FOR DISCRETIONARY REVIEW-APPELLANT

P-1

Thomas Matulis  
1517 E. DP-Milan RD  
Deer Park, WA 99006  
(509) 723-3995

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1 **I. IDENTITY OF MOVING PARTIES:**

2 COMES NOW, Thomas and Ellen Matulis, to bring this Motion for Discretionary  
3 Review, pursuant to RAP 13.4(a), of the Unpublished Opinion of Division III of Washington  
4 State Court of Appeals filed in said court on February 20, 2018 in the above case number.  
5

6 **II. STATUS OF MOVING PARTIES:**

7 Thomas and Ellen Matulis are acting on their own behalf Pro Se having no background,  
8 education, and/or experience in law and apologize in advance for any protocols in drafting this  
9 motion that may not be followed and/or are violated in any fashion. Mr. and Mrs. Matulis filed a  
10 Notice of Appeal with Division III Court of Appeals in Spokane, Washington on July 15, 2017.  
11

12 **III. FACTS RELEVANT TO MOTION FOR DISCRETIONARY REVIEW:**

13 Thomas and Ellen Matulis have property adjoining the Plaintiffs, Wallace and Rosie  
14 Bacon North of Deer Park-Milan Road in Deer Park, Washington. In April of 2014, Mr. and Mrs  
15 Matulis, applied to Inland Power & Light Company in Spokane, Washington and to Centurylink  
16 Telecommunications for power and phone utilities. The application process required either  
17 permits, if the land was county land, or easements if the land was private for trenches to be dug  
18 and lines to be laid. Mr. & Mrs. Matulis provided easements to Inland Power & Light Co. for  
19 the land targeted for trenches to be dug to lay utility lines on their property.  
20  
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22

23 On the day that the trenches were dug for said power lines, Wallace Bacon allowed  
24 Inland Power & Light Company to dig a trench on approximately 40 ft of acreage of his property  
25 that had been designated and set aside for a county road in 1890, called "The Old Harding Road."  
26 Mr. Matulis provided Official Platt Maps to Inland Power & Light Company to verify said  
27

1 footage and road. Research showed that said footage was included in a Petition from  
2 “Freeholders” in 1890 for Spokane County to build a road on what is now Tom Matulis’s  
3 property with a small intersection being on what is now Wallace Bacon’s property. Inland Power  
4 & Light Co. did not obtain either a permit from the county or an easement from Mr. and Mrs.  
5 Bacon prior to digging their trenches on Bacons’ property. Approximately a year after the fact,  
6 Mr. and Mrs. Bacon sued Mr. and Mrs. Matulis in a Complaint to Quiet Title and for damages.  
7 Mr. and Mrs. Matulis answered the complaint and the court set the case for trial.  
8

9           While awaiting trial Mr. and Mrs. Matulis fired their attorney. Mr. and Mrs. Bacon filed  
10 a Motion for Summary Judgment and set a hearing date for May 27, 2016. Mr. and Mrs. Matulis  
11 did not respond in writing to said motion however; Mr. Matulis showed up in court to argue the  
12 motion in person. The court allowed Mr. Matulis oral argument and allowed the Bacons to argue  
13 back. The court then denied Mr. Matulis’ oral arguments on the basis that he did not file a  
14 written response to the Plaintiffs’ motion. The court chastised Mr. Matulis because he had not  
15 met the standard of a licensed attorney. Mr. Matulis pleaded his case stating that he thought he  
16 had a right to trial and that he would be allowed to present witnesses at the summary judgment  
17 hearing and notified the court that his witnesses were present in the court and prepared to testify.  
18 The court refused to allow Mr. Matulis to present his witnesses. Mr. Matulis then asked for a  
19 continuance so that he could obtain an attorney. The court denied. Mr. Matulis filed a Motion  
20 for Reconsideration in the same court and claimed prejudice. The court again denied. Mr.  
21 Matulis then filed a Notice of Appeal to Division III Court of Appeals and that court affirmed the  
22 lower court’s decision citing, among other things, defects in the Appellants brief.  
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1 **IV.   GROUND FOR RELIEF:**

- 2 1. The appeal court erred when they held the Matulis's to a legal standard without qualifying  
3 evidence in the record that Mr. Matulis was capable of representing them Pro Se.  
4
- 5 2. The appeal court erred when they did not allow the Matulis's to correct errors on their appeal  
6 brief.  
7
- 8 3. The appeal court erred when they determined that the Plaintiffs' declaration presented  
9 "uncontroverted facts."  
10
- 11 4. The appeal court erred when they failed to address the issue that the Matulis's asked for a  
12 continuance to hire another attorney to help them argue their case.

13 **V.   ARGUMENT:**

14 Thomas and Ellen Matulis are not attorneys nor do they have legal education and/or  
15 experience. Mr. & Mrs. Matulis offer their arguments in the spirit of common law speaking a  
16 common language to the court. The Matulis's know of no law that requires them to retain a bar  
17 licensed attorney in order to argue their case. However; it was the responsibility of the Superior  
18 Court to determine whether or not Thomas Matulis was qualified to represent them and whether  
19 or not his appearance in court constitutes Pro Se representation.  
20

21  
22 On May 27, 2016 Thomas Matulis showed up to a hearing on the Plaintiffs' Motion for  
23 Summary Judgment. In that hearing Mr. Matulis verbally disputed Wallace Bacon's accusation  
24 that he defrauded him by showing Inland Power & Light Co. an Official Platt Map with a road  
25 on it that intersected about 40 ft of Wallace Bacon's property. To Mr. Matulis's knowledge, the  
26 old road was a county road. Mr. Matulis had used said road ever since he bought his property.  
27

1 Therefore, there was no intent on Matulis's part to defraud his neighbor. Inland Power & Light  
2 Co. had a fiduciary responsibility to obtain either a permit from the county or an easement from  
3 Wallace Bacon prior to digging a trench on his property. Verbal permission from Mr. Bacon was  
4 clearly a violation of the policies of Inland Power if not of the law. Thomas Matulis had a right  
5 to rely on Inland Power & Light Co. to obtain either permit or easement from Mr. Bacon prior to  
6 digging a trench on Mr. Bacon's property. Thomas Matulis never entered Mr. Bacon's property  
7 and did not dig a trench on Mr. Bacon's property. Mr. Matulis did nothing to cause Inland Power  
8 & Light Co. to dig a trench on Mr. Bacon's property without a proper permit or easement.

9  
10 Inland Power & Light Co. has the sole responsibility to obtain legal permits and/or easements  
11 prior to digging on any property. Even if Mr. Matulis did mislead Inland Power & Light Co.;  
12 said company was not absolved from the responsibility of either obtaining a permit from the  
13 county or an easement from Mr. Bacon before they dug their trenches on Bacons' property.  
14

15 The appeal court begins their section on LAW AND ANALYSIS with a discussion about  
16 how Mr. and Mrs. Matulis's brief is defective. At every juncture, the Matulis's have admitted  
17 that they are not attorneys and do not understand the legal process. Not understanding the legal  
18 process does not negate a person's right to due process. The appeal court had discretion to make  
19 a decision based upon the spirit and the intent of the appellants brief rather than the legal  
20 construct. The bottom line is that the Mr. and Mrs. Matulis dispute the allegation that they  
21 intentionally or otherwise defrauded the Bacons and the Bacons did not present substantial proof  
22 that they did. The fact that the Matulis's did not respond to the Bacon's motion for summary  
23 judgment in writing does not negate the fact that Thomas Matulis responded in person at the  
24 hearing on May 27, 2016 to dispute Bacon's declaration of intent to defraud.  
25  
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1 The appeal court quotes RAP 10.7 and three options for dealing with a defective brief.  
2 The Matulis's were never notified that their brief was defective. Without notification the appeal  
3 court made a decision to accept the brief in the essence of time on behalf of Bacons' attorney.  
4 They then apply the same standard as the trial court to the Matulis brief without allowing  
5 Matulis the opportunity to try to correct its defects. This placed Mr. and Mrs. Matulis at a gross  
6 disadvantage. As well, the lower court did the same thing when they refused to accept Tom  
7 Matulis's oral arguments against Wallace Bacon's declaration and on May 27, 2016 they refused  
8 to give Tom Matulis a continuance so he could secure another attorney. By refusing to give Mr.  
9 Matulis a continuance to secure an attorney; it made it impossible for Mr. Matulis to establish his  
10 objections for the record in writing and therefore no attorney that he spoke to after that wanted to  
11 take his case. Mr. Bacon did not win his case on the merits; he won his case by default because  
12 the lower court refused to allow Mr. Matulis oral objections and refused to grant Mr. Matulis a  
13 continuance so to retain an attorney to draft his objections for him in writing. Both decisions  
14 were at the discretion of the lower court judge; the lower court judge was not barred by statute.  
15 Mr. Matulis had never asked for a continuance before, so it would not be as if he were trying to  
16 stall the case. Mr. Matulis should not have been punished for not knowing that his oral  
17 arguments were not sufficient to stand on the record as valid objections for purposes of judgment  
18 in a summary judgment or on appeal. Mr. and Mrs. Matulis contend that Mr. Matulis's oral  
19 objections were sufficient enough for the court to realize that they wanted to dispute Wallace  
20 Bacon's declaration and accusations. Mr. Matulis's constitutional rights to due process should  
21 have been enough for the lower court to have granted him at least a two week continuance to  
22 obtain new counsel. Wallace Bacon did not stand to lose anything by granting Mr. Matulis a  
23 continuance as it had been over a year since Inland Power & Light dug their trenches on his  
24 MOTION FOR DISCRETIONARY REVIEW-APPELLANT

25 Thomas Matulis  
26 1517 E. DP-Milan RD  
27 Deer Park, WA 99006  
28 (509) 723-3995

1 property and Mr. Matulis had been drawing and utilizing his utilities for over a year without  
2 intrusion or damage to Mr. and Mrs. Bacon. Mr. and Mrs. Matulis on the other hand had much  
3 to lose as Wallace Bacon was asking for a \$25,000 settlement on *estimated* damages after the  
4 fact rather than actual damages. Wallace Bacon offered no evidence in terms of pictures or  
5 payment made by him to fix or repair any actual damage. The court granted a large settlement  
6 not on what it did cost Mr. Bacon, rather on what it could have cost him. At no time did Mr.  
7 Bacon ever prove to the court what his actual costs were or even if he had incurred any. In  
8 addition, Mr. Bacon presented a Memorandum from the county as proof that Mr. Matulis  
9 defrauded him, but Mr. Bacon did not declare how he obtained his proof or whether or not he  
10 had that proof prior to allowing Inland Power & Light Co. to dig trenches on his property. As  
11 well, the Memorandum written by the county attorney is only speculation that the Old Harding  
12 Road was legally vacated, it did not provide definitive proof through petition or court order that  
13 the road had actually been vacated prior to Mr. Matulis providing an Official Platt Map to Mr.  
14 Bacon and Inland Power & Light Co. This poses the question as to why did Mr. Bacon file his  
15 request to Quiet the Title to that portion of his property if he thought that the title had already  
16 quieted through a vacation process? If Mr. Bacon believed that the old road was vacated then  
17 why did he allow Mr. Matulis to drive on the road and why did he allow Inland Power & Light  
18 Co. to dig their trenches on the road? Mr. Bacon's declaration raises legal questions that have  
19 never been answered. Mr. and Mrs. Matulis merely stated those questions in their brief and then  
20 were chastised by the appeal court for their brief being defective because of these unanswered  
21 legal questions. Since the appeal court accepted the brief, they then should have addressed all of  
22 those legal questions before they ruled in favor of Mr. and Mrs. Bacon.  
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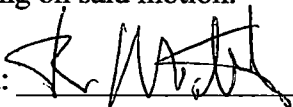
1 Mr. and Mrs. Matulis believe that the appeal court acted with prejudice when they did not  
2 agree with their argument that they did not intentionally or otherwise defraud either Inland  
3 Power & Light or Mr. and Mrs. Bacon when they produced an Official Platt Map that designated  
4 an old county road that skirted Mr. Bacon's property that was still being used by Mr. Matulis at  
5 the time that Inland Power & Light Co. dug their trenches to lay lines for Mr. and Mrs. Matulis.  
6 To Mr. and Mrs. Matulis's knowledge the Official Platt Map is still the official map for the  
7 county. At no time did either Inland Power & Light Co. nor Mr. and Mrs. Bacon ever submit a  
8 revised Official Platt Map to prove that the Old Harding Road had been vacated.  
9

10 The burden of proof is on the Plaintiff's to prove their case by the preponderance of the  
11 evidence. The Bacons did not submit actual proof of damages; they only submitted an estimate  
12 of what it would have cost if damages had occurred. The Bacons did not submit evidence that  
13 the Official Platt Map provided to Inland Power & Light Co. by the Matulis' is not still the  
14 current map for the area that includes their property in the map of the Old Harding Road, nor did  
15 they supply a survey or proof that the road had vacated. Inland Power & Light Co. did not  
16 obtain either permit or easement to dig trenches on Bacons' property. The lower court allowed  
17 Mr. Matulis oral argument but did not recognize them as arguments on record. The lower court  
18 refused to grant Mr. Matulis a continuance to obtain counsel to put his arguments in writing after  
19 they told him they were not going to allow his oral arguments. Mr. and Mrs. Matulis were the  
20 defendants accused of fraud and had way more to lose than the Plaintiffs therefore they should  
21 have been given the benefit of the doubt and granted a continuance. When property is involved  
22 it interferes with a person's right to pursue their happiness which is an inalienable right. The  
23 court's refusal to grant Mr. and Mrs. Matulis a continuance to seek counsel and the appeal courts  
24  
25  
26  
27

1 failure to address the constitutional rights of the Defendant's is evidence of prejudice on the part  
2 of the appeal court and the lower court.

3 **I. CONCLUSION:**

4  
5 The Plaintiffs' failed to meet their burden of proof. The Defendants had a right to due  
6 process and should have been granted a continuance to seek counsel. This case should be either  
7 dismissed or remanded back to the lower court for trial or at minimum they should be allowed to  
8 submit their arguments to the Plaintiffs' motion for summary judgment in writing and reschedule  
9 a hearing on said motion.  
10

11 Signed: 

Date: 2-20-18

12 Signed: Marie Matulis

Date: 2-20-18

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**CERTIFICATE OF SERVICE**

I, certify that I hand delivered a copy of following document to the parties listed below:

1. Motion for Discretionary Review

**Hand delivered original and two copies to:**

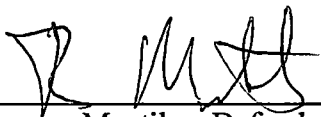
Clerk of the Court of Appeals, Division III  
500 N. Cedar ST.  
Spokane, WA 99201-1905

**U. S. Mail to:**

J. Steve Jolley, Attorney for Wallace Bacon  
12340 E. Valleyway Ave.  
Spokane Valley, WA 99216

**I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.**

**DATED:** 3-20-18 at Deer Park, Washington

  
\_\_\_\_\_  
Thomas Matulis, Defendant Sui Juris

**FILED**  
**FEBRUARY 20, 2018**  
In the Office of the Clerk of Court  
WA State Court of Appeals, Division III

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

WALLACE E. BACON and ROSIE A.	)	
BACON, husband and wife,	)	No. 34603-0-III
	)	
Respondents,	)	
	)	
v.	)	
	)	UNPUBLISHED OPINION
THOMAS MATULIS and ELLEN	)	
MATULIS, husband and wife,	)	
	)	
Appellants,	)	
	)	
INLAND POWER & LIGHT CO., a	)	
Washington Corporation;	)	
CENTURYLINK, INC., a California	)	
Corporation,	)	
	)	
Defendants.	)	

FEARING, C.J. — Ellen and Thomas Matulis appeal from a summary judgment entered against them in a trespass suit. Because the Matulises violate numerous rules on appeal and because the record supports the grant of summary judgment in favor of Wallace and Rosie Bacon, we affirm the judgment.

FACTS

Defendants Ellen and Thomas Matulises’ property shares a boundary line with the land of plaintiffs Wallace and Rosie Bacon. In April 2014, Thomas Matulis directed Inland Power & Light and Centurylink to respectively install underground power and

No. 34603-0-III  
*Bacon v. Matulis*

communication lines to service the Matulises' property with utilities. The installation would run along the shared boundary line between the Matulises' parcel and the Bacons' land and would require crossing the Bacons' parcel with the lines. The provision of utilities also included the placement of a power junction and telephone line box on the Bacons' land.

Before the laying of the power and telephone lines, Thomas Matulis informed Wallace and Rosie Bacon that an easement lay along the parties' boundary line, where Inland Power & Light Company and Centurylink would lay their respective lines. After installation of the utilities, the Bacons learned that Thomas Matulis falsely represented the existence of the easement.

#### PROCEDURE

Wallace and Rosie Bacon filed suit against Ellen and Thomas Matulis. The Bacons alleged that the Matulises defrauded them. The complaint sought quiet title to that portion of the Bacons' land under which the Matulises' utilities lay, damages, and injunctive relief. The Bacons added Inland Power & Light Company and Centurylink as defendants to the suit.

Wallace and Rosie Bacon moved for summary judgment on their claims. Inland Power & Light Company and Centurylink agreed with the proposed relief sought by the Bacons and did not oppose the summary judgment motion. Pro se Ellen and Thomas

Matulis filed no response to the Bacons' summary judgment motion, but Thomas Matulis appeared at the summary judgment hearing.

At the summary judgment hearing, the trial court questioned Thomas Matulis if he had filed a response to the Bacons' motion for summary judgment. Matulis responded:

I had a lawyer and he filed a paper for it, but I don't know what he—  
he had a letter saying all these claims and my lawyer said, no, they're not.  
But I ran out of money so I can't afford a lawyer.

Report of Proceedings at 4. After the Bacons' counsel orally presented his clients' summary judgment motion, Matulis verbalized his account of the events leading to the suit. Thomas Matulis assumed a trial would transpire at the summary judgment hearing.

The trial court granted Wallace and Rosie Bacon's summary judgment motion. In turn, the trial court entered a declaration that Ellen and Thomas Matulis, Inland Power & Light Company, and Centurylink held no easement across the Bacons' land. The court allowed the utility lines to remain in the ground, but ordered the cessation of services through the lines. The trial court entered an injunction preventing the Matulises from further trespass on the Bacons' land. Finally, the trial court awarded the Bacons judgment for damages against the Matulises in the sum of \$22,182.30.

#### LAW AND ANALYSIS

Ellen and Thomas Matulis appeal. The couple's appeal brief, however, suffers from numerous defects. The brief includes a purported "Affidavit of Facts." Br. of Appellant at 7. Nevertheless, the Matulises never presented these facts to the trial court,

No. 34603-0-III  
*Bacon v. Matulise*

and the facts do not comprise the record on appeal. The Matulises cite no legal authority or any portion of the trial record to support their appeal. The Matulises assign no error to the trial court's ruling. The Matulises' brief contains a section entitled "Legal Questions," which lays out nineteen separate ideas. *See* Br. of Appellant at 13-15.

RAP 10.3(a)(6) requires the appellants' brief to contain "[t]he argument in support of the issues presented for review, together with citations to legal authority and references to relevant parts of the record." Without a tenable argument or citation to authority, a reviewing court will not review an assignment of error. RAP 10.3(g). RAP 10.7 governs the submission of an improper brief. The rule reads in relevant part:

[i]f a party submits a brief that fails to comply with the requirements of Title 10, the appellate court, on its own initiative or on the motion of a party, may (1) order the brief returned for correction or replacement within a specified time, (2) order the brief stricken from the files with leave to file a new brief within a specified time, or (3) accept the brief.

RAP 10.7.

Wallace and Rosie Bacon ask that this court accept the Matulises' brief in order to facilitate prompt resolution of this appeal. We grant this request, accept the brief, and affirm the trial court's order granting summary judgment.

We apply the same standard as the trial court to determine whether the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show a genuine issue as to any material fact and whether the moving party is entitled to a judgment as a matter of law. *Parkin v. Colocousis*, 53 Wn. App.

No. 34603-0-III  
*Bacon v. Matulis*

649, 653, 769 P.2d 326 (1989). We review an order for summary judgment de novo.

*Keck v. Collins*, 184 Wn.2d 358, 370, 357 P.3d 1080 (2015).

Wallace Bacon’s declaration presented uncontroverted facts demonstrating that the Matulis couple lack an easement on, across, or under the Bacon property for the benefit of the Matulis property. RCW 4.24.630(1) establishes that the Matulises trespassed. The statute provides:

Every person who goes onto the land of another and who removes timber, crops, minerals, or other similar valuable property from the land, or wrongfully causes waste or injury to the land, or wrongfully injures personal property or improvements to real estate on the land, is liable to the injured party for treble the amount of the damages caused by the removal, waste, or injury. For purposes of this section, a person acts “wrongfully” if the person intentionally and unreasonably commits the act or acts while knowing, or having reason to know, that he or she lacks authorization to so act. Damages recoverable under this section include, but are not limited to, damages for the market value of the property removed or injured, and for injury to the land, including the costs of restoration. In addition, the person is liable for reimbursing the injured party for the party’s reasonable costs, including but not limited to investigative costs and reasonable attorneys’ fees and other litigation-related costs.

RCW 4.24.630(1).

As part of their summary judgment motion, Wallace and Rosie Bacon presented facts supporting the money damages awarded by the trial court. The Matulises filed no controverting affidavits. Moreover, the Matulises do not forward a rational argument in their brief for us to reverse the summary judgment rulings.



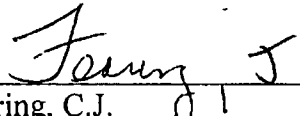
No. 34603-0-III  
*Bacon v. Matulis*

Wallace and Rosie Bacon request an award of reasonable attorney fees and costs on appeal. RCW 4.24.630, the trespass statute quoted above, provides for an award of reasonable attorney fees and costs to a party injured by the trespass. Therefore, we award the Bacons reasonable attorney fees and costs on appeal.

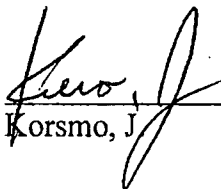
CONCLUSION


We affirm the summary judgment order and judgment entered by the trial court. We award Wallace and Rosie Bacon reasonable attorney fees and costs on appeal.

A majority of the panel has determined this opinion will not be printed in the Washington Appellate Reports, but it will be filed for public record pursuant to RCW 2.06.040.

  
\_\_\_\_\_  
Fearing, C.J.

WE CONCUR:

  
\_\_\_\_\_  
Korsmo, J.

  
\_\_\_\_\_  
Pennell, J.

Renee S. Townsley  
Clerk/Administrator

(509) 456-3082  
TDD #1-800-833-6388

*The Court of Appeals  
of the  
State of Washington  
Division III*



500 N Cedar ST  
Spokane, WA 99201-1905

Fax (509) 456-4288  
<http://www.courts.wa.gov/courts>

February 20, 2018

Thomas Matulis  
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Ellen Matulis  
1517 E. Deer Park/Milan Road  
Deer Park, WA 99006

Joseph Steve Jolley  
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12340 E Valleyway Ave  
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stevej@hermanjolley.lawyer

CASE # 346030  
Wallace E. Bacon, et ux v. Thomas Matulis, et ux, et al  
SPOKANE COUNTY SUPERIOR COURT No. 152036488

Dear Mr. and Mrs. Matulis and Counsel:

Enclosed please find a copy of the opinion filed by the Court today.

A party need not file a motion for reconsideration as a prerequisite to discretionary review by the Supreme Court. RAP 13.3(b); 13.4(a). If a motion for reconsideration is filed, it should state with particularity the points of law or fact which the moving party contends the court has overlooked or misapprehended, together with a brief argument on the points raised. RAP 12.4(c). Motions for reconsideration which merely reargue the case should not be filed.

Motions for reconsideration, if any, must be filed within twenty (20) days after the filing of the opinion. Please file an original and two copies of the motion (unless filed electronically). If no motion for reconsideration is filed, any petition for review to the Supreme Court must be filed in this court within thirty (30) days after the filing of this opinion (may be filed by electronic facsimile transmission). The motion for reconsideration and petition for review must be received (not mailed) on or before the dates they are due. RAP 18.5(c).

Sincerely,

Renee S. Townsley  
Clerk/Administrator

RST:sh  
Enclosure

c: **E-mail** Honorable John O. Cooney

DO NOT CITE. SEE GR 14.1(a).

Court of Appeals Division III  
State of Washington  
Opinion Information Sheet

Docket Number: 34603-0

Title of Case: Wallace E. Bacon, et ux v. Thomas Matulis, et ux, et al

File Date: 02/20/2018

SOURCE OF APPEAL  
-----

Appeal from Spokane Superior Court

Docket No: 15-2-03648-8

Judgment or order under review

Date filed: 07/15/2016

Judge signing: Honorable John O. Cooney

JUDGES  
-----

Authored by George Fearing

Concurring: Kevin Korsmo

Rebecca Pennell

COUNSEL OF RECORD  
-----

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David A. Kulisch

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1001 4th Ave Ste 3900  
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Counsel for Respondent(s)

Joseph Steve Jolley  
Herman, Herman & Jolley, P.S.  
12340 E Valleyway Ave  
Spokane Valley, WA, 99216-0992

**OPINION FACT SHEET**

**Case Name:** Wallace Bacon, et ux v. Thomas Matulis, et ux, et al.  
**Case Number:** 346030

**1. TRIAL COURT INFORMATION:**

<b>A. SUPERIOR COURT:</b> Spokane County Superior Court
Judgment/Order being reviewed: Money Judgment/Order Denying Recon.
Judge Signing: John Cooney
Date Filed: July 15, 2016

**2. COURT OF APPEALS INFORMATION:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Affirmed               | <input type="checkbox"/> Other                          |
| <input type="checkbox"/> Affirmed as Modified              | <input type="checkbox"/> Reversed and Dismissed         |
| <input type="checkbox"/> Affirmed in Part/Remanded**       | <input type="checkbox"/> Remanded **                    |
| <input type="checkbox"/> Affirmed/Rev'd-in part & Remanded | <input type="checkbox"/> Reversed                       |
| <input type="checkbox"/> Affirmed/Vacated in part          | <input type="checkbox"/> Reversed In Part               |
| <input type="checkbox"/> Affirmed In Part/Rev'd in Part    | <input type="checkbox"/> Remanded with Instructions**   |
| <input type="checkbox"/> Denied (PRP, Motions, Petitions)  | <input type="checkbox"/> Reversed and Remanded **       |
| <input type="checkbox"/> Dismissed (PRP)                   | <input type="checkbox"/> Rev'd, Vacated and Remanded ** |
| <input type="checkbox"/> Granted/Denied in Part            | <input type="checkbox"/> Vacated and Remanded **        |
| <input type="checkbox"/> Granted (PRP, Motions, Petitions) |   |

\* These categories are established by the Supreme Court

\*\* If remanded, is jurisdiction being retained by the Courts of Appeals?  YES  
 NO

**3. SUPERIOR COURT INFORMATION:**

(IF THIS IS A CRIMINAL CASE, CHECK ONE)

Is further action required by the superior court?

YES  NO

BF  
Authoring Judge's Initials