

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
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BY SUSAN L. CARLSON  
CLERK

No. 96152-2

IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

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In re the Marriage of

JENNIFER WILEY  
Respondent

and

DAVID WILEY  
Appellant

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ON REVIEW FROM THE SUPERIOR COURT OF THE  
STATE OF WASHINGTON FOR SNOHOMISH COUNTY

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RESPONDENT'S ANSWER TO PETITION FOR REVIEW

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**A. IDENTITY OF RESPONDENT**

The respondent is Jennifer Wiley, who was the petitioner in the Superior Court and the respondent in the Court of Appeals.

**B. RESTATEMENT OF ISSUES ON WHICH REVIEW IS SOUGHT**

Does David Wiley fail to state any grounds for review?

**C. RESTATEMENT OF THE CASE**

The parties have three children, ages 9, 12, and 13.<sup>1</sup> The children reside primarily with the mother pursuant to a parenting plan entered upon dissolution of the parties' marriage. CP 81-94. The mother has sole decision-making because both parties opposed joint decision-making. CP 96. Both parties work (the mother at two jobs with gross income of \$1656 monthly and the father has gross income of \$5000 monthly: CP 90). They have little in the way of assets. CP 114-123. For all three children, Mr. Wiley's total monthly child support obligation is \$1083 monthly.

During separation, the mother sought and was granted a Domestic Violence Protection Order, which has now expired. Mr. Wiley unsuccessfully appealed that order. After a trial, the court dissolved the marriage, distributed the property, entered a parenting plan and a child support order. Mr. Wiley unsuccessfully appealed those orders. He has also engaged in an active motions practice in the trial and appellate courts.

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<sup>1</sup> The middle child turns twelve on November 6.

Ms. Wiley's financial capacity to litigate is evident from the orders cited above. She was awarded fees in the appellate court (\$5228 for the first appeal as the prevailing party under the Domestic Violence Prevention Act and \$8432 for the second appeal based on frivolousness).

She submits this answer to Mr. Wiley by referring this Court to her response brief filed in the Court of Appeals and the court's opinion, which rebut the facts and arguments in Mr. Wiley's petition. In particular she notes Mr. Wiley's argument and assertions about "false testimony" is in no way accurate, as noted in her brief. Br. Respondent, at 8, 10-14. Division One reviewed the record and likewise concluded "[t]here is simply no factual basis for David's claim that Jennifer made false statements or that she perpetuated fraud on the court." Slip Op. at 6.

**D. ARGUMENT WHY REVIEW SHOULD NOT BE GRANTED.**

Discretionary review is limited to cases meeting the criteria of RAP 13.4. Mr. Wiley fails to satisfy those criteria because he misstates facts and relies on inapposite authority, as he did in the court below. In fact, he misstates facts even though his inaccuracies have been pointed out to him by Ms. Wiley and the Court. He simply continues his abusive and frivolous litigation, with adverse consequences to his family and his ex-wife.

**E. CONCLUSION**

For the foregoing reasons, Jennifer Wiley respectfully asks this Court to deny Mr. Wiley review.

Dated this 11th day of October 2018.

RESPECTFULLY SUBMITTED,  
*/s/ Patricia Novotny*  
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**October 11, 2018 - 2:38 PM**

**Transmittal Information**

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**Appellate Court Case Number:** 96152-2  
**Appellate Court Case Title:** Jennifer Wiley v. David Wiley  
**Superior Court Case Number:** 15-3-01947-5

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