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WASHINGTON STATE
SUPREME COURT

Supreme Court Case No. 96285-5
Court of Appeals No. 35883-6-III
Spokane County Superior Court No. 17-2-00136-2

SUPREME COURT OF THE STATE OF WASHINGTON

Matthew DeRyan, Petitioner

v.

East Valley School District, Respondent

**RESPONDENT'S ANSWER TO APPELLANT'S
PETITION FOR REVIEW**

EVANS, CRAVEN & LACKIE, P.S.
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FILED AS
ATTACHMENT TO EMAIL

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I. INTRODUCTION AND STATEMENT OF THE CASE

Petitioner Matthew DeRyan's suit against Respondent East Valley School District in Spokane County Superior Court was dismissed October 18, 2017 after Petitioner failed to comply with that court's order to file a more definite statement.

On February 9, 2018, Mr. DeRyan filed a notice of appeal with Division III of the Washington Court of Appeals. On February 28, 2018, the Washington Supreme Court received a finding of indigency from the trial court regarding Mr. DeRyan. Department II of the Supreme Court considered and unanimously denied DeRyan's motion for expenditure of public funds on April 4, 2018.

Following that denial, the Court of Appeals set this matter on a commissioner's docket on April 25, 2018, on the Court's motion to dismiss for abandonment, as Mr. DeRyan had not paid the required \$290 filing fee to initiate his appeal. The Court of Appeals then placed Mr. DeRyan's appeal on its May 23, 2018 docket for dismissal. On May 30, 2018, the Court of Appeals dismissed Mr. DeRyan's appeal for failure to pay the filing fee. On June 27, 2018, Mr. DeRyan filed a motion to modify the Court's dismissal. The motion to modify was denied on August 7, 2018.

On September 17, 2018, a deputy clerk from this Court sent a letter to the parties stating that Mr. DeRyan had faxed an illegible handwritten

letter to the Court. The clerk's letter informed Mr. DeRyan that he had until October 17, 2018 to file a petition for review and advised him to follow the requirements of RAP 13.4(c). On October 16, 2018, this Court advised Mr. DeRyan, via an email from the clerk, that he must pay a \$200 filing fee and that the petition for review is limited to 20 pages.

On November 1, 2018, this Court informed the parties via letter that Mr. DeRyan's petition and money order covering the filing fee were received on October 19, 2018. East Valley School District (EVSD) now answers that petition.

II. ARGUMENT

A. Review Should Not Be Granted Because Petitioner Has Failed to Meet the Requirements of RAP 13.4(b)

Rule of Appellate Procedure 13.4(b) lists four conditions for this Court to accept review:

- (1) If the decision of the Court of Appeals is in conflict with a decision of the Supreme Court; or
- (2) If the decision of the Court of Appeals is in conflict with a published decision of the Court of Appeals; or
- (3) If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or
- (4) If the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

Mr. DeRyan's case was initially dismissed because he failed to comply with a court order. His appeal never came to fruition because he did

not pay the requisite filing fee with the Court of Appeals. Mr. DeRyan has not pointed to any authority that suggests dismissing an appeal for failure to pay a filing fee conflicts another Court of Appeals decision or a decision of this Court. In fact, the requirement that a filing fee be paid is well established in Washington's statutory scheme. *See* RCW 2.32.070; RCW 36.18.018(2), (4) (establishing \$290 must be charge to initiate review under RAP 5.1(b)); RAP 5.1(b) ("The first party to file a notice of appeal or notice for discretionary review must, at the time the notice is filed, pay the statutory filing fee").

Similarly, Mr. DeRyan has not established that the dismissal of his appeal for failure to pay the filing fee implicates a constitutional question or public interest concern. Instead, Mr. DeRyan has simply published his thoughts on the courts, politics and attorneys. By his own admission, his aim is not to overturn his Court of Appeals dismissal but to crusade against the courts: "[Respondent] is dedicated to the very last drop of sweat – to bring this all out into the public forum in hopes to spark reform in our Godless, atheist, anti-Christ Courts." *Petition for Review*, p. 1 / 15.¹ In his brief, Mr. DeRyan shares his thoughts on the makeup of the current United

¹ This citation refers to page 1 of what EVSD perceives to be Mr. DeRyan's brief, which begins with "Brief Body: The 'cattle call' . . ." EVSD was sent a PDF copy of Mr. DeRyan's 294-page Petition. The cited quote appears on page 15 of said PDF.

States Supreme Court, freemasons, family, religion and politics. He does not, however, cite to any authority, or make any legitimate argument, as to why this Court should accept review of the Court of Appeals' decision.

B. Petitioner Has Not Complied With the Procedural Requirements of RAP 13.4

On September 17, 2018, Supreme Court Deputy Clerk Erin Lennon sent a letter to the parties informing Mr. DeRyan that he had until October 17, 2018 to file his petition for review, and that the petition should conform with RAP 13.4(c). Ms. Lennon included copies of forms to assist Mr. DeRyan. Ms. Lennon also informed Mr. DeRyan that the \$200 filing fee is due on October 17, 2018. On October 16, 2018, the Supreme Court Clerk's Office emailed Mr. DeRyan and copied EVSD's counsel. The email stated "Please be advised the petition for review is limited to 20 pages."

The Court did not receive Mr. DeRyan's mailed motion and money order until October 19, 2018, past the Court-imposed deadline of October 17, 2018. Further, Mr. DeRyan incorporated the forms sent by the Court, but not in manner that made his petition coherent. On that same point, Mr. DeRyan did not follow RAP 13.4(f), which limits petitions to 20 pages. Instead, Mr. DeRyan submitted 294 pages that are difficult – if not impossible – to identify their meaning. Included are medical records, trial

court hearing transcripts, trial court pleadings, and a newspaper clipping of the Capitol Building dome.

Mr. DeRyan has repeatedly disregarded court rules and has done so again. For that reason, this Court should not accept review.

III. CONCLUSION

Because Mr. DeRyan has failed to show good cause pursuant to 13.4(b), and because Mr. DeRyan has failed to comply with the Rules of Appellate Procedure, this Court should deny review of the Court of Appeals' dismissal of this matter.

DATED this 26 day of November, 2018.

EVANS, CRAVEN & LACKIE, P.S.

By:



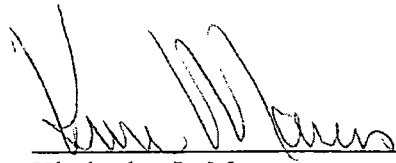
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CERTIFICATE OF SERVICE

Pursuant to RCW 9A.72.085, the undersigned hereby certifies under penalty of perjury under the laws of the state of Washington, that on the 28th day of November, 2018, the foregoing was delivered to the following persons in the manner indicated:

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Via Regular Mail []
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Kimberley L. Mauss

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Subject: DeRyan vs. East Valley School District - Supreme Court Cause No. 96285-5

Dear Clerk:

I have been advised that the filing portal is under maintenance today. I was instructed to file the document using this email address. Therefore, attached for filing is Respondent's Answer to Appellant's Petition for Review. Thank you.

Kimberley L. Mauss

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