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SUPREME COURT  
STATE OF WASHINGTON  
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Supreme Court No. 101966-1  
(Court of Appeals, Division I No. 84565-9-I)

IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

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EMILIO M. KOSROVANI,

Appellant,

v.

ROGER JOBS MOTORS, INC.,

Respondent.

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OPPOSITION OF RESPONDENT TO NON-PARTY  
HANSEN'S PETITION FOR DISCRETIONARY REVIEW

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Whatcom County Superior Court Cause No. 18-2-02112-37

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**1. IDENTITY OF RESPONDING PARTY**

Respondent Roger Jobs Motors, Inc. (“RJM”) opposes non-party Laurel Hansen’s Petition for Discretionary Review (“Petition”).

**2. STATEMENT OF RELIEF SOUGHT**

RJM asks this Court to deny the Petition because Ms. Hansen has previously been adjudged to not be a party to the appeal. As a non-party, she lacks standing to appeal and also is not “aggrieved” by any decision of the courts in this matter. Her Petition is without merit.

**3. INTRODUCTION**

Laurel Hansen does not have and never has had any claims before this or any other court related to this litigation. Her name does not appear in the caption of this matter. The Court of Appeals previously decided she was not a party to this litigation and had no standing on appeal, nor any claims at issue in *Kosrovani*, No. 80400-6-I (“*Kosrovani I*”). The Supreme

Court denied review of that decision. Her motion to intervene was improper and was correctly stricken.

Ms. Hansen, through her counsel, refuses to accept that the Supreme Court has already ruled on all issues relevant to the appeal—and has determined she was not a party to the lawsuit. Her potential claims were never before the court for determination and are, thus, not subject to appeal. In this latest appeal, Ms. Hansen appears to have improperly bifurcated her purported appeal on her motion to intervene from those of her counsel-boyfriend, Emilio Kosrovani, and separately appeals orders of the lower court.<sup>1</sup> On these grounds alone, her petition must be denied because she lacks standing to bring the appeal. But even if she had somehow acquired standing to bring the

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<sup>1</sup> Ms. Hansen, through counsel, also continues to impermissibly alter the caption of the appeal to include her name as a party despite the Court of Appeals' clear statement that she is not a party to this litigation and that she was not permitted to alter the case caption to include her name. *See* Unpublished Opinion (March 13, 2023).

present appeal, it must nonetheless fail because this matter was fully and finally adjudicated in *Kosrovani I*.

This Court previously affirmed the Court of Appeals' determination that Ms. Hansen has no claims at issue in this lawsuit. She has no standing to file an appeal. Her motion to intervene was correctly stricken. The petition for review must be denied because this Court has already upheld the lower courts' determinations that Ms. Hansen is not a party to these proceedings and has no legal issues at stake in this already-dismissed lawsuit.

#### **4. FACTS RELEVANT TO PETITION**

On June 1, 2021, the Court of Appeals affirmed the orders of the trial court in *Kosrovani I*. That appeal encompassed Hansen's purported claims. On July 6, 2021, the Court of Appeals denied Kosrovani's motion for reconsideration, but withdrew and substituted its opinion making minor, non-substantive changes. On January 5, 2022, this Court denied Kosrovani's petition for review.

On April 4, 2022, RJM moved to release settlement funds and conclude the lawsuit. *See Kosrovani*, Wash. Supreme Court No. 101463-5, Respondent's Appendix, dated December 2, 2022, at A017-A019 (Order Granting Defendant's Motion to Release Funds from Court Registry and Conclude Lawsuit, dated April 4, 2022). Emilio Kosrovani, plaintiff *pro se* and licensed attorney on behalf of his girlfriend Laurel Hansen, cross-moved the trial court to, among other things, join Ms. Hansen in his lawsuit. *See Kosrovani*, Wash. Supreme Court No. 101463-5, Respondent's Appendix, dated December 2, 2022, at A020-A024 (Order Denying Plaintiff's Cross-Motion for Rescission and to Vacate Order and Motion for Joinder and Striking Plaintiff's Motion for Change of Venue, and Non-Party Hansen's Motion for Intervention, Mandamus, and Declaratory Relief, dated April 8, 2022). Ms. Hansen, a non-party in this action, also filed a set of motions referred to here as the Motion to Intervene. *Id.* The court struck Kosrovani's motion for joinder and Ms. Hansen's Motion to Intervene because they

were untimely—there was no longer a controversy to which Ms. Hansen could intervene or be joined because the lawsuit had been dismissed three years earlier and the appeal had been fully adjudicated. *Id.* On May 2, 2022, Kosrovani and Hansen filed a notice of appeal for direct review on their collective behalves signed by both Kosrovani and Hansen (“*Kosrovani II*”). *See Kosrovani*, Wash. Supreme Court No. 100917-8, Notice of Appeal, dated May 2, 2022. The Supreme Court denied direct review and transferred the appeal to the Court of Appeals, Division I. *See Kosrovani*, Wash. Supreme Court No. 100917-8, Order dated October 12, 2022.

On March 13, 2023, the Court of Appeals denied Kosrovani’s (and non-party Hansen’s) requested relief. *See Unpublished Opinion* (March 13, 2023). Hansen now again seeks relief from this Court that is unwarranted because it is not supported by the record or law. *See Hansen’s Petition for Review*. Ms. Hansen does not have a right to appeal the denial of the Motion to Intervene, no court has decided she is a party



in this matter, and issues related to her purported claims were fully and finally resolved nearly two years ago. This Court has previously decided the exact **OPPOSITE** by affirming the Court of Appeals—Ms. Hansen is not a party to this appeal or litigation, nor is she aggrieved by rulings of this or other courts as-pertaining to this matter.

#### **5. *GROUND FOR RELIEF AND ARGUMENT***

RAP 2.2 permits an aggrieved party to appeal a decision of the trial court which affects a substantial right.

(a) Generally. Unless otherwise prohibited by statute or court rule and except as provided in sections (b) and (c), a party may appeal from only the following superior court decisions: (1) Final Judgment. The final judgment entered in any action or proceeding, regardless of whether the judgment reserves for future determination an award of attorney fees or costs. (2) [Reserved.] (3) Decision Determining Action. Any written decision affecting a substantial right in a civil case that in effect determines the action and prevents a final judgment or discontinues the action.

RAP 2.2.

Rules of Appellate Procedure permit “only an aggrieved party [to] seek review by the appellate court.” RAP 3.1. An aggrieved party “is one who can appeal a decision because it adversely affects **that party's** property or pecuniary rights, or a personal right, or imposes on a party a burden of obligation...” *Shepler v. Terry's Truck Ctr., Inc.*, 25 Wn. App. 2d 67, 79, 522 P.3d 126, 133 (2022) (bold and underline emphasis added).

But as has been adjudicated time and again, Ms. Hansen’s rights were unaffected by the trial court’s orders in this litigation. “Kosrovani is incorrect that nonparty Hansen’s rights were in any way at issue in this litigation.” Unpublished Opinion at 2 (March 13, 2023). She is not, and should not be, a party to this litigation and/or appeal. “Our decision in Kosrovani [I], No. 80400-6-I, is *dispositive*. As we held there, because Hansen was neither a party to the litigation in the superior court nor on appeal, the settlement agreement in no way impacted her rights. Kosrovani [I], No. 80400-6-I, slip op. at 8.” Unpublished Opinion at 13-14 (March 13, 2023) (bold

and italic emphasis added). That decision fully and finally resolved the issue of whether Hansen had standing in this lawsuit and its appeal.

In affirming the superior court's enforcement order, we rejected Kosrovani's assertion that the settlement agreement was unenforceable without nonparty Hansen's signature. Kosrovani, No. 80400-6-I, slip op. at 8. We therein explained that Hansen was not a party to the litigation and that the settlement agreement does not impact any potential claims she may have. Kosrovani, No. 80400-6-I, slip op. at 8-9. Our Supreme Court denied Kosrovani's petition for review and *we thereafter issued a mandate concluding the action.*

Unpublished Opinion at 14 (March 13, 2023) (italic and bold emphasis added).

The Court of Appeals' footnote in its decision denying *Kosrovani II* leaves no room for doubt that *Kosrovani I* fully resolved all issues concerning Hansen's relationship to this litigation:

Throughout this litigation, Kosrovani has continued to raise identical issues regarding the purported necessity of nonparty Hansen's involvement in the action. *Our decision in*

*Kosrovani [I]*, No. 80400-6-I, slip op. at 8, **provided final resolution of these issues.** Nevertheless, it appears that Kosrovani believes he may perpetually challenge the final determinations of Washington courts. However, “[a]n 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 underlying order.” J.M.R., 160 Wn. App. at 938 n.4. Kosrovani may not challenge the superior court’s enforcement order on appeal from the court’s denial of his CR 60(b) motion to vacate that order.

Moreover, “[u]nder the doctrine of ‘law of the case,’ . . . the parties, the trial court, and this court are bound by the holdings of the court on a prior appeal until such time as they are ‘authoritatively overruled.’” Greene v. Rothschild, 68 Wn.2d 1, 10, 414 P.2d 1013 (1966) (quoting Adamson v. Traylor, 66 Wn.2d 338, 339, 402 P.2d 499 (1965)). Accordingly, ***questions that we decided in a prior opinion “will not again be considered on a subsequent appeal if there is no substantial change in the evidence.”*** Folsom v. County of Spokane, 111 Wn.2d 256, 263, 759 P.2d 1196 (1988) (quoting Adamson, 66 Wn.2d at 339). Such is the case here.

Unpublished Opinion fn. 8 at 15-16 (March 13, 2023) (bold and italic emphasis added).

Here, Ms. Hansen’s “claims” were fully and finally resolved in *Kosrovani I* when this Court determined her

purported claims were unaffected by the underlying lawsuit and subsequently, enforced settlement. She has no claims at issue, is not a party to this litigation, and is not aggrieved by decisions of any court related to this lawsuit and appeal.

**6. CONCLUSION**

RJM respectfully requests that the Court deny Ms. Hansen's Petition for Discretionary Review.

I certify that this document contains 1,641 words, excluding parts of the document exempted from the word count by RAP 18.17.

RESPECTFULLY SUBMITTED this 5th day of June, 2023.

By: *s/Elizabeth Berman Lovell*

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## **CERTIFICATE OF SERVICE**

The undersigned certifies, under penalty of perjury under the laws of the State of Washington, that on the below date I caused to be electronically filed with the Supreme Court of the State of Washington, and arranged for service of a true and correct copy of the foregoing Opposition of Respondent to Non-Party Hansen's Petition for Discretionary Review upon the following:

Emilio M. Kosrovani  
PO Box 3102  
Bellingham, WA 98227  
 Via U.S. Mail (courtesy copy)  
 Via Email/Electronic Filing Portal:  
emiliolawoffice@yahoo.com

**SIGNED** this 5th day of June, 2023, at Seattle, Washington.

*s/Yana Strelyuk*  
Yana Strelyuk, Legal Assistant

**WILSON SMITH COCHRAN DICKERSON**

**June 05, 2023 - 2:15 PM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 101,966-1  
**Appellate Court Case Title:** Emilio M. Kosrovani v. Roger Jobs Motors, Inc.  
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**The following documents have been uploaded:**

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