

Received  
Washington State Supreme Court

MAY 27 2015  
E Ronald R. Carpenter  
Clerk CRF

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

JAMES J. O'HAGAN, ) NO. 47078-1-II 91730-2  
Appellant, ) MOTION TO RECONSIDER  
Vs. ) COURT'S MAY 19<sup>TH</sup> OPINION  
JOESPH FIELD and FIELD JERGER, LLP )  
Respondents. )

COMES NOW James J. O'Hagan and requests the court to reconsider it May 19<sup>th</sup> findings of facts and conclusion of law in this case for the following reasons:

Nothing in this action is legal, it is all lawyer crimes and how lawyers and Judges unlawfully use our courts to commit lawyer crimes because they all have the attitude they have achieved "Nobility" and as such they are their courts.

J. Worswick is not a disinterested party. I asked to remove this appeal from Division II because J. Worswick was directly involved in other appeals of mine that is related to this action and in one appeal he took away a jury trial that was provided to me by Superior Court Judge Pro Tem Douglas Golez. J. Worswick, C.J. Johanson and J. Melnick are highly motivated to keep me from reaching any jury and exposing their involvement in the organized crimes and corruption involved in the judiciary.

Everything about J. Worswick's Unpublished Opinion is false, misleading, deceitful, conniving, disrespectful and a subversive attack on our constitution. It uses government oppression to organize with others to steal an individual's life, liberty and property outside of the presence of a jury. J. Worswick, C.J. Johanson and J. Melnick knows without a doubt that I have the knowledge, evidence and ability to expose how corrupt the judiciary is to a jury and they are not about to allow that to happen because they are essential leaders of the corruption. They are all afraid of my knowledge,

evidence and ability because they are afraid it will damage the judicial industry that has nothing to do with justice and is all about corruption and the bad faith judicial industry.

J. Worswick's Opinion is a prime example of the amount of arrogance and disrespect for Justice our appellate courts have today and how they are instigating lower court judges to engage in bad faith decisions and are leading the bad faith industry. The arrogance and disrespect comes from the creation of the poor attitude of "Nobility" which in turn was created by decades of violating the separation of powers by state bar members infiltration and taking control of the legislative and executive branches of our governments. It is all about feeding profits to a legal industry that has absolutely nothing to do with justice and everything to do with using lawyer fraud crimes to take the life, liberty and property of vulnerable individuals. All lawyer crimes survive with the organized crimes involved in the creation and performance of the bad faith judicial industry.

This type of organized crime and governmental oppression led to the Oklahoma City bombings, the mass murdering of millions of innocent individuals during the Hitler regime, and the deaths of millions of innocent individuals in the struggle for our country to rid itself of "Nobility". J. Worswick, C.J. Johanson, J. Melnick, Joseph Field and Field's accomplices all used their official position to attack our economic ability, attack our domestic tranquility and lead domestic terrorism in Washington State and they should be removed from office, prevented from ever holding public office again and incarcerated for their crimes. This type of domestic terrorism if allowed to go without being addressed will lead to horrendous crimes in our society's future. Every Juror of our peers will understand this without a doubt. I am going to stand in the way of these lawyer crimes, and all of you are welcome to send this to a jury to prove me wrong, if you believe you are right, or you can continue to use your official position to execute these lawyer crimes you are leading.

Almost every statement made by J. Worswick is false, conniving and misleading. The only truthful statements are identified in the footnotes on the bottom of page 2

which at (1) state "Field did not respond" and at (2) state "the appellate courts did not receive the entire record from Grays Harbor Superior Court".

J. Worswick's statement; "In the interest of justice, we consider O'Hagan's claims despite the insufficient record" is the most deceitful, dishonest and conniving statement I have ever read. In the interest of justice an independent jury must be allowed to determine the facts, and every time a state bar member determines the facts for another state bar member the interest of justice is never served and the judicial industry and the state bar members are the only ones that are served. An honest, straight forward, common sense answer would've been "without the record it is impossible for us to attempt to determine any facts and anything further is only our personal assumptions".

Despite not having the entire record J. Worswick went on to create personal assumptions of pretend facts on documents and evidence not in the record. J. Worswick did this by conducting a personal investigation because the respondent did not respond, which is not authorized by law and shows intentional bias. On page 1 at (1) I did not argue that venue was improper I argued that Field's garnishment action was the result of a declaratory judgment he fraudulently received that was directly related to Pacific County cause no. 94-2-00298-0. I argued and I continue to argue that Joseph Field's criminal actions were and are a direct cause of my future damages that is reserved for future Jury trial in the last sentence of my favorable judgment in Pacific County cause no. 94-2-00298-0. RCW 4.12.020 States that "Actions are to be tried in the county where cause arose" and was established to prevent the problems associated with the court order of a mandatory jury statement in Pacific County cause no. 94-2-00298-0 and prevent lawyers like Joseph Field to go judge shopping. Joseph Field had a copy of my judgment in Pacific County cause no. 94-2-00298-0, and as such was aware of the future damages order in it, and was also aware he was directly responsible for causing a considerable amount of our future damages. By his actions and circumventing Pacific County Joseph Field was engaging in a form of contempt of court, as are the appellate court judges. It is all an contemptuous action designed to attack the court order in the

last sentence of my family's favorable judgment in Pacific County cause no. 94-2-00298-0. Had the appellate judges received the entire record they should've understood this.

Joseph Field's \$128,000.00 judgment plus attorney fees against me was all declaratory in nature and did not allow any jury to determine any facts and as such I am protected and I am demanding that an independent jury is allowed to determine the facts, as provided for in our constitutions, RCW 6.44.130 Supplementary General Principals of law, RCW 7.16.120, RCW 7.16.210, RCW 7.24.090, RCW 4.04.010, RCW 4.40.060, RCW 4.40.070 and RCW 4.44.090.

At (2) I did not argue that the Washington Superior courts did not fail in giving full faith and credit to Oregon Laws I argued the Oregon courts did not give full faith and credit to Washington laws, and the \$128,000.00 dollar plus attorney fees judgment Field obtained against me was 100% fraud and lawyer crimes that was accomplished outside of the presence of a jury, and could've only been accomplished without a jury's involvement. I argued and I will continue to argue before a jury that Joseph Field and his accomplices in the Oregon courts defrauded me of over 3.5 million dollars, then after using his official position as an officer of the court to defraud me of over 3.5 million dollars he used his official position to organize together with other court officials to steal about another \$168,000.00 from me. I had an expert witness, an accountant that I hired submit supporting documents to the record that supported this allegation. The assumption by J. Worswick that I did not make the fraud statement, or provide evidence to it is absolute fraud. The assumption that I did not argue that no jury was provided to me and that I was and I am entitled to a jury trial to determine the facts involved in Field's Judgment against me is an absolute lie and official perjury by J. Worswick C.J. Johanson and J. Melnick.

This argument is the essence of justice verse the judicial industry. Who can ever trust any attorney when any attorney can defraud his client of millions of dollars then steal another \$168,000.00 from his client for stealing from him or her? When a prose litigant is never allowed to present his or her arguments to a jury then counsel becomes forced on all litigants and when it is impossible to address the criminal actions of an

attorney involved in an attorney client relationship the state Bar license becomes nothing more than a license to steal life, liberty and property from vulnerable individuals. The reason we have so many out of control attorneys is because the judges are protecting the interests of the judicial industry instead of protecting the interests of justice. Bad faith decisions has become an industry, that leads to more and more bad faith decisions at all levels of government.

The real question is who among us has the courage and the desire to address our bad faith judicial industry, as it is the most powerful, the most corrupt and most criminally organized at taking the life, liberty and property of vulnerable individuals in the world. I am here to inform you that I am going to do my level best to address the bad faith judicial industry, as all of it is a direct attack on our constitutional form of governments and our society's domestic tranquility. It is the root cause of all domestic terrorism and is all about taking (money) life liberty and property from vulnerable individuals and providing it to "Noble individuals".

In the first paragraph on page 6, J. Worswick acknowledges a foreign judgment may be collaterally attacked on the grounds " the foreign court violated a constitutional right, or the judgment was obtained by fraud" and implies that I did not make these arguments when in fact I directly and intentionally made these arguments and supported these arguments with expert witness testimony and evidence. It is all about keeping me away from allowing a jury to determine the facts as identified in RCW 7. It is very simple for an attorney to use fraud to obtain a judgment against another individual when no jury is involved, it is extremely difficult for anyone to use fraud to obtain a judgment against another when the jury is involved. It was very simple for Field to defraud me all he had to do was keep me from a jury and have his fellow state bar members fraudulently decide the facts and assist him with his lawyer crimes. There is nothing wrong with allowing a jury to prove or disprove this, it is what our constitutions were established to prevent.

The first statement J. Worswick makes in the second paragraph on page 6 is also an ought right lie and official perjury by J. Worswick, because I certainly claimed the

Oregon Judgment was obtained by fraud, without a jury's involvement. By creating and using all of these fraudulent and deceiving statements J. Worswick implies that I am not and never was entitled to have a jury determine the facts involved in the \$128,000.00 plus attorney fees Judgment Field obtained against me. Please see exhibit 1. J. Worswick had to use official perjury and deceit to arrive at this assumption. A jury will eventually determine J. Worswick, C.J. Johanson, J. Melnick, Joseph Field, his accomplices in Oregon and Gordon Godfrey's actions are the type of governmental oppression that the jury was established to prevent, and they used their official positions to collaterally attack the jury mandatory protections in our constitutions.

By law RCW 7.16.120 and RCW 7.16.210 the only function this appellate court was to perform was to evaluate whether or not a jury was involved in the judgment Field obtained against me and if not order the jury to determine the facts.

On page 11 at "VI Other Arguments" J. Worswick argues that all of the individuals who assisted Joseph Field in obtaining a fraudulent judgment against me then executing on the fraud was not subject to our Washington State Criminal codes is false and misleading. It is the highest form of corruption and organized crime and as identified in RCW 9.05.030 Assemblages of Saboteurs. **"Whenever two or more persons assemble for the purpose of committing criminal sabotage, as defined in RCW 9.05.060, such an assembly is unlawful, and every person voluntarily and knowingly participating therein by his or her presence, aid or instigation, is guilty of a class B felony and shall be punished by imprisonment in a state correctional facility for not more than ten years, or by a fine of not more than five thousand dollars, or both".**

And

**RCW 9.05.060 Criminal sabotage defined- Penalty. "(1) Whoever, with intent that his or her act shall, or with reason to believe that it may, injure, interfere with, interrupt, supplant, nullify, impair, or obstruct the owner's or operator's management, operation, or control of any agricultural, stock raising, lumbering, mining, quarrying, fishing, manufacturing, transportation, mercantile, or building enterprise, or any other public or private business or commercial enterprise, wherein any person is employed**

**for wage, shall willfully damage or destroy, or attempt or threaten to damage or destroy, any property whatsoever, or shall unlawfully take or retain, or attempt or threaten unlawfully to take or retain, possession or control of any property, instrumentally, machine, mechanism, or appliance used in such business or enterprise, shall be guilty of criminal sabotage.**

**(2) Criminal sabotage is a class B felony punishable according to chapter 9A.20 RCW.**

The moment J. Armstrong, C.J. Johanson and J. Melnick my Ocean Spray checks was my property connected to my cranberry farming operation, J. Armstrong triggered the lawful protections I have in RCW 9.05.060 and RCW 9.05.030. The moment a jury of our peers determines Joseph Field's judgment against me was obtained through fraud and was lawyer crimes executed by the courts without allowing a jury to determine the facts and as such a criminal use of our courts, the Jury will determine I placed Gordon Godfrey on notice that if he proceeded his actions, they would be considered as Criminal Sabotage by the jury. The jury will also determine that J. Worswick, C.J. Johanson and J. Melnick believed they possessed "Nobility" (because of the violations of the separation of powers) and they believe they are above our laws and as such could participate in an assembly of saboteurs and assist in fraud and criminal sabotage whenever they choose to. A jury will determine they were motivated to cover-up Gordon Godfrey's involvement in executing the fraud and criminal sabotage in all of this.

The intent of this motion is to place J. Worswick, C. J. Johanson and J. Melnick on notice that they can either use common sense and allow a jury to determine if in fact the judgment Joseph Field obtained against me was complete fraud on Mr. Field's part, and as such all unlawful acts, or if they use deception, deceit, creative writing skills, bad faith and their official position to join in the assembly of saboteurs, they will be engaging in criminal sabotage. It is entirely their choice but, if they choose to willfully execute and lead criminal sabotage they do so with actual notice.

Please do not pretend that I do not understand judicial immunity. I understand that in order to have judicial immunity the judicial action has to be lawful to begin with.

As judges you cannot assist in lawyer crimes or engage in the criminal acts of assisting Joseph Field to use his official position as an officer of the court to defraud me of over 3.5 million dollars then unlawfully use the courts to embezzle and commit extortion to steal and defraud me of another \$168,000.00. You are protected with judicial immunity only if the assumption you made (without reviewing any of the evidence I submitted to the court) was that the action was lawful to begin with, and Joseph Field and his accomplices did not violate my constitutional right to defend myself in front of a jury in obtaining his fraudulent judgment against me. The moment a jury of our peers determines it was all criminal your judicial immunity is gone.

In the documents I submitted to Grays Harbor Superior Court I asked Gordon Godfrey and the Honorable F. Mark McCauley to respectfully error if they did on the side of caution, protect my constitutional rights to have a jury to determine if in fact the Judgment Joseph Field obtained against me was fraud. While the Honorable F. Mark McCauley was reluctant to engage in bad faith decisions and as such the possibility of criminal acts, Gordon Godfrey was eager to, which is a very serious problem that continually plagues our courts. Arrogant Judges with " Nobility attitudes" regularly make bad faith decisions that inspires and feeds the bad faith decision judicial industry, lawyer crimes and lawyer profits.

I contend that I was damaged by the appellate court's inability to obtain the complete record in this action. I contend that numerous criminal codes were violated in association with the appellate court's inability to obtain the complete records in this action including but not limited to RCW 9A.72.150, RCW 9A.76.050, RCW 9A.76.080, RCW 9A.76.100 and RCW 9A.08.010, RCW 9A.08.020, RCW 9A.48.070 and RCW 9A.76.100. I will provide a copy of this document to law enforcement and I am asking they investigate all of the criminal activity I identify herein including RCW 10.58.040 Intent to Defraud, RCW 9A.82.060 Leading Organized Crime, RCW 9A.82.080 Use of Proceeds of criminal profiteering- Controlling enterprise or reality- Conspiracy or attempt, and RCW 9A.83.020 Money Laundering.

PRAYER FOR RELIEF

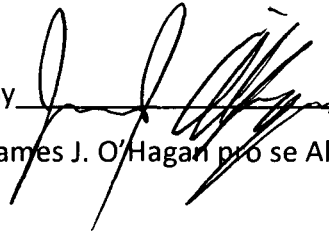


I pray that J. Worswick, C. J. Johanson and C. J. Melnick honor our constitutions and an individual's right to a jury's involvement in defending himself from matters exceeding \$100,000.00 or more.

I pray that J. Worswick, C. J. Johanson and C. J. Melnick will not choose to be involved in any form of an intent to defraud anyone, or any other use of their official position to assist in or engage in any criminal actions and as such I ask them to either jointly or severable reverse their determination and allow a jury to determine the facts as described in RCW 7. 16.120 and RCW 7.16.210 then proceed properly according to the law .

I pray that J. Worswick, C.J. Johanson and C. J. Melinick will not attempt to make any further factual assumptions that were not supported by evidence and testimony, and reverse all the fraudulent ones I identified that were not supported by the evidence and testimony I submitted to the court.

Dated this \_\_\_ day of May 2015

By  6/5/15  
James J. O'Hagan pro se All Rights Reserved

Certificate of Service

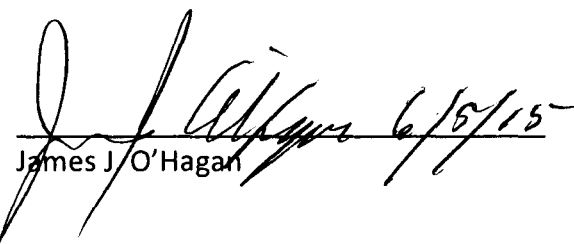
I James J. O'Hagan swear under the penalty of perjury of the laws of the state of Washington that the following is true and correct. On May \_\_, 2015 I emailed and / or mailed a copy of the foregoing to the following:

Washington State Supreme Court  
[supreme@courts.wa.gov](mailto:supreme@courts.wa.gov)

Joseph Field  
Field Jerger LLP  
621 SW Morrison St. #1225  
Portland OR 97205  
[joe@fieldjerger.com](mailto:joe@fieldjerger.com)  
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Washington State Attorney General's Office  
P.O. Box 40100  
Olympia WA 98504-0100

Sgt. John Huntington  
  
Dean Takko  
Brian Blake  
Sheriff Scott Johnson  
Mark McClain

Dated this \_\_\_ day of May, 2015.

 6/5/15  
James J. O'Hagan

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DIVISION II

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Washington State Supreme Court

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MAY 27 2015

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION II  
JAMES J. O' HAGAN, No. 47078 -1 -II  
Appellant,

Ronald R. Carpenter  
Clerk

v.  
JOSEPH FIELD and FIELD JERGER, LLP, UNPUBLISHED OPINION  
Respondents.

WORSWICK, J. - The law firm Joseph Field and Field Jerger, LLP (Field) obtained Oregon judgments for attorney fees against James O' Hagan. Field then issued a writ of garnishment against Ocean Spray Cranberries Inc., an agricultural cooperative. O' Hagan, appearing pro se, filed with the Supreme Court a writ of review challenging the superior court's order to pay on Ocean Spray's answer to Field's writ of garnishment. The Supreme Court

transferred O' Hagan's challenge to us for consideration as an appeal. O' Hagan argues the superior court erred by ( 1) refusing to transfer venue to Pacific County, (2) giving the Oregon judgments full faith and credit, (3) entering the order to pay on the answer without a jury trial,

4) failing to exempt 75 percent of Ocean Spray's payments from garnishment under RCW

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6.27.150( 1), and (5) not allowing O'Hagan "supplemental proceedings" under chapter 6.32 RCW.1 we reject O' Hagan's arguments and affirm.2  
FACTS

Field represented O' Hagan as a creditor in an Oregon bankruptcy proceeding. For attorney fees incurred representing O' Hagan, Field obtained Oregon judgments against O' Hagan totaling \$39, 671. 12. To collect on these judgments, Field issued a writ of garnishment against

Ocean Spray Cranberries Inc., an agricultural cooperative. Ocean Spray Cranberries, Inc. v.

PepsiCo, Inc., 160F.3d58, 59 (1stCir. 1998); see7U.S.C. 291.

Ocean Spray issued an answer to the writ of garnishment. The answer stated that it did not employ O' Hagan but that it owed O' Hagan money for his cranberry deliveries. The answer listed one future payment approved by Ocean Spray's board of directors and

estimated four

future payments that the board had yet to approve, for a total of \$26, 775. 95. One of the

estimated future payments included an expected payment for July 10, 2013 of \$1, 187. 55. Field

moved the Grays Harbor County Superior Court for an order to pay on Ocean Spray' s answer.

O' Hagan requested a controversion hearing to determine " whether an issue is presented that

requires a trial." RCW 6.27.220.

1 Field did not file a respondent' s brief in this case.

2 We note at the outset-that the record in this case is not complete. The record contains the verbatim report of proceedings and a set of clerk' s papers, but the clerk' s papers do not contain many of the documents necessary to address O' Hagan' s arguments. In the interest of justice, we

consider O' Hagan' s claims despite the insufficient record. RAP 1. 2( c); Wachovia SBA Lending, Inc. v. Kraft, 165 Wn.2d 481, 487, 200 P. 3d 683 ( 2009). Our consideration of O' Hagan' s claims

necessarily requires us to review documents which O' Hagan initially filed with our Supreme

Court.

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At the controversion hearing, O' Hagan demanded a jury trial. O' Hagan also challenged venue, arguing that because he resided in Pacific County, it was the only proper venue. O' Hagan also argued that 75 percent of the money garnished from Ocean Spray was exempt from garnishment as " earnings" under RCW 6. 27. 150( 1). O' Hagan also alleged that Ocean Spray' s

answer underestimated the July 10, 2013 future payment, stating it was \$ 1, 187. 55 when it should

have been \$10,687.95. O' Hagan alleged that this underestimation occurred because he produced

1, 187. 55 barrels of cranberries, which the answer incorrectly entered as \$ 1, 187. 55.

O' Hagan argued in the superior court that Field fraudulently misreported the Oregon judgments' amount to a credit reporting agency. But O' Hagan did not assert that Field misreported the judgments' amount to the superior court.

O' Hagan made numerous other claims unrelated to the garnishment action. These were

mostly allegations of criminal acts related to the bankruptcy proceedings. O' Hagan requested

supplemental proceedings under RCW 6. 32 to subpoena witnesses to address issues unrelated to

the garnishment action before the superior court.

The superior court did not consider O' Hagan' s collateral claims, but considered only those claims related to the writ of garnishment. The superior court entered an order to pay on garnishee' s answer, which required Ocean Spray to pay Field the \$26,775. 95 Ocean Spray owed O' Hagan. The order also denied O' Hagan' s request for a jury trial and the 75 percent exemption under RCW 6. 27. 150( 1). 3

The order stated it denied O' Hagan' s request for a " protection order." Clerk' s Papers at 128. This apparently referenced the 75 percent exemption under RCW 6.27.150( 1), which O' Hagan called " protection."

VRP (July 22, 2013) at 28. But we cannot be sure because O' Hagan requested " protection" in other contexts.

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O' Hagan filed a writ for review to our Supreme Court pursuant to RCW 7. 16. 040. In this writ for review, O' Hagan asserted his claim that Ocean Spray erroneously estimated the July 10, 2013 future payment as \$ 1, 187. 55. O' Hagan also filed a motion to stay proceedings pending appeal pursuant to RCW 7. 16. 080. The Supreme Court denied the motion to stay and transferred

this case to us. 4

#### ANALYSIS

##### I. VENUE

O' Hagan argues the superior court erred by not transferring venue from Grays Harbor County to Pacific County because O' Hagan resided in Pacific County. We disagree. 5 We review de novo a ruling on a motion to transfer venue whenever that motion was based upon the defendant' s assertion the original venue was not statutorily authorized. Moore v. Flateau; 154 Wn. App. 210, 214, 225 P.3d 361 ( 2010). Because O' Hagan argues that no statute

authorized venue in Grays Harbor County, our review is de novo.

RCW 4. 12. 030( 1) authorizes the court to change venue on motion if "it appears by affidavit, or other satisfactory proof' the county which the complaint designates is

an improper

venue. RCW 4. 12. 025( 1) states in part:

An action may be brought in any county in which the defendant resides, or, if there be more than one defendant, where some one of the defendants resides at the time

4 O' Hagan refers to his opening brief as a supplemental opening brief and asks us to consider an earlier opening brief. We do not consider O' Hagan' s earlier opening brief because the Supreme Court rejected it prior to transferring this case to us.

5 O' Hagan refers to this as a "jurisdiction" argument but his challenge is actually to venue. See

Eubanks v. Brown, 170 Wn. App. 768, 772, 285 P. 3d 901 ( 2012), aff'd, 180 Wn.2d 590, 327

P. 3d 635 ( 2014).

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of the commencement of the action. [ T] he residence of a corporation defendant shall be deemed to be in any county where the corporation: (a) Transacts business.

Emphasis added.) Before a court may transfer venue, the party moving to change venue must

show by affidavit or other satisfactory proof that the county designated in the complaint was improper. RCW 4. 12. 030( 1). As garnishee, Ocean Spray was a defendant in this case. See

Watkins v. Peterson Enters., Inc., 137 Wn.2d 632, 638, 973 P. 2d 1037 ( 1999). Because RCW

4. 12. 025( 1) requires only one defendant to be a resident of the county, O' Hagan had to show by affidavit or other satisfactory proof that Ocean Spray was not a resident of Grays Harbor County in order to show Grays Harbor County was an improper venue. Here, O' Hagan failed to show, or even argue, that Ocean Spray was not a Grays Harbor County resident. Thus, O' Hagan failed to provide satisfactory proof the county designated in the complaint was improper, and the superior court did not err by not transferring venue.

## II. FULL FAITH AND CREDIT TO THE OREGON JUDGMENTS

O' Hagan argues the superior court erred by giving full faith and credit to the Oregon

judgments. We disagree.

We review constitutional issues de novo. Citizens Protecting Res. v. Yakima County, 152

Wn. App. 914, 919, 219 P.3d 730 ( 2009). The United States Constitution requires the states to

give full faith and credit to every other state's judicial proceedings. U.S. CONST. art. IV, § 1.

This rule " provides a means for ending litigation by putting to rest matters previously decided

between adverse parties in any state or territory of the United States.'" State v. Berry, 141

Wn.2d 121, 127, 5 P. 3d 658 ( 2000) ( quoting In re Estate of Tolson, 89 Wn. App. 21, 29, 947

P. 2d 1242 ( 1997)).

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A foreign judgment may be collaterally attacked only on grounds that the foreign court lacked jurisdiction, the foreign court violated a constitutional right, or the judgment was obtained

by fraud. Berry, 141 Wn.2d at 127 -28; Effert v. Kalup, 45 Wn. App. 12, 15, 723 P. 2d 541 (1986). Absent these grounds, we must give full faith and credit to the foreign judgment. Berry,

141 Wn.2d at 128; Lee v. Ferryman, 88 Wn. App. 613, 620, 945 P. 2d 1159 ( 1997). " The full

faith and credit clause of the Constitution precludes any inquiry into the merits of the cause of action, the logic or consistency, of the decision, or the validity of the legal principles on which the judgment is based." Milliken v. Meyer, 311 U.S. 457, 462, 61 S. Ct. 339, 85 L. Ed. 278

1940).

Here, while O' Hagan raised jurisdictional, constitutional, and fraud claims below, none

of those claims challenged the underlying Oregon judgments' validity. O' Hagan asserted that

proper procedures were not followed" and that the Oregon judgments were obtained by an

unfair and bias[ ed] process," but provided no explanation of these allegations below or on

appeal. Clerk' s Papers at 5, 42. O' Hagan argued below that Field fraudulently misrepresented the

Oregon judgments' amount to a credit reporting agency. But O' Hagan did not assert that Field

misreported the Oregon judgments' amount to the superior court. Thus, because O' Hagan made

no jurisdictional, constitutional, or fraud challenge to the underlying Oregon judgments, the

superior court did not err by giving the Oregon judgments full faith and credit.

### III. CONTROVERSION

O' Hagan argues the superior court erred by ordering payment on the answer to the writ of garnishment without a jury trial. Because no trial was required, we disagree.

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whether the controversion hearing sufficiently established Ocean Spray's indebtedness to O' Hagan to allow the entry of an order to pay on the answer without a trial is a mixed question of law and fact. We review mixed questions of law and fact de novo. In re Estate of Cordero, 127 Wn. App. 783, 787, 113 P. 3d 16 (2005).

The garnishment statute's purpose is to enforce a debtor's obligations. See RCW 6.27.005. Although a garnishment proceeding is ancillary to the principal suit between a creditor and a debtor, it is adversarial in nature because the creditor takes action against the garnishee to satisfy a claim against the debtor. Watkins, 137 Wn.2d at 638 -39. Once a judgment creditor

obtains a writ of garnishment, the garnishee must answer the writ. See RCW 6.27.190; Bartel v.

Zuckriegel, 112 Wn. App. 55, 65, 47 P. 3d 581 (2002). In its answer, the garnishee must provide

information about the funds or property of the debtor in its control and the amount it owed the

debtor when the writ is served. See RCW 6.27.190. After the garnishee has answered the writ, the judgment creditor or defendant debtor may file an affidavit controverting the garnishee's

answer. RCW 6.27.210. The garnishee may then file an affidavit responding to the controverting affidavit. RCW 6.27.220.

After the time for the garnishee's response expires, any party may note the matter for a

controversion hearing before a commissioner or presiding judge " for a determination whether an

issue is presented that requires a trial." RCW 6.27.220. "If a trial is required, it shall be noted as

in other cases." RCW 6.27.220. If a trial is not required, then the superior court may dispose of the controversion in whatever appropriate manner. See Bassett v. McCarty, 3 Wn.2d 488, 499-

500, 101 P.2d 575 (1940). For a party to be entitled to a trial, he or she must

produce affidavits

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or other competent evidence raising facts that, if established, would allow the party to prevail.  
See 3 Wn.2d at 499.

O' Hagan' s only factual challenge related to the garnishment action was his allegation that

Ocean Spray erroneously estimated a future payment at \$ 1, 187. 55 when the correct amount was 10, 687. 95. But O' Hagan provided the superior court no affidavits or other evidence to support this factual allegation. Thus, we hold that because O' Hagan did not produce affidavits or other competent evidence raising facts that, if established, would allow him to prevail, the superior court did not err by entering the order to pay based on the hearing and without a trial.

IV. GARNISHMENT EXEMPTION FOR EARNINGS

O' Hagan argues 75 percent of the proceeds garnished from Ocean Spray were exempt from garnishment because the proceeds were earnings under RCW 6.27. 150( 1). We disagree.

We review statutory interpretation de novo. Dot Foods, Inc. v. Dep' t of Revenue, 166 Wn.2d 912, 919, 215 P. 3d 185 ( 2009). When interpreting a statute, our " fundamental objective is to ascertain and carry out the Legislature' s intent." Dep' t of Ecology v. Campbell & Gwinn,

LLC., 146 Wn.2d 1, 9, 43 P. 3d 4 ( 2002). Where a statute' s meaning is plain on its face, we give an expression of legislative intent." 146 Wn.2d at 9 -10.

effect to that meaning " as

RCW 6. 27. 150( 1) states:

If the garnishee is an employer owing the defendant earnings, then for each week of such earnings, an amount shall be exempt from garnishment which is the greatest of the following:

b) Seventy -five percent of the disposable earnings of the defendant.

Emphasis added.) RCW 6. 27.010( 1) states in part:

8

¶

No. 47078 -1 -II

As used in this chapter, the term " earnings" means compensation paid or payable to an individual for personal services.

Emphasis added.)



Here, Ocean Spray stated in its answer to the writ of garnishment that Ocean Spray did not employ O' Hagan. Thus, Ocean Spray is not O' Hagan' s " employer" under RCW

6. 27. 150( 1). The proceeds from Ocean Spray are compensation for O' Hagan' s cranberry deliveries, not for his personal services. Thus, the garnished proceeds were not " earnings" under RCW 6.27. 150( 1). Because Ocean Spray was not O' Hagan' s employer and the proceeds from Ocean Spray were not " earnings," Ocean Spray' s garnished proceeds were not subject to RCW' s

6.27. 150( 1)( b)' s 75 percent exemption.

V. SUPPLEMENTAL PROCEEDINGS

O' Hagan argues the superior court erred by denying his motion to initiate supplemental proceedings to address issues unrelated to the garnishment action before the superior court. We disagree.

Washington law offers several alternatives for a judgment creditor to enforce a judgment against his or her debtor, when that debtor either is not paying willingly or is taking steps to avoid payment. One alternative is garnishment under chapter 6.27 RCW. Another is supplemental proceedings under chapter 6.32 RCW, which allows a creditor to move for an order to compel the judgment debtor to appear in court. RCW 6. 32. 010 states in part:

At any time within ten years after entry of a judgment ... upon application by the judgment creditor such court or judge may, by an order, require the judgment debtor to appear at a specified time and place before the judge granting the order ... to answer concerning the same.

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¶  
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RCW 6.32.030 states in part:

Any person may be made a party to a supplemental proceeding by service of a like order in like manner as that required to be served upon the judgment debtor, and upon proof by affidavit or otherwise, to the satisfaction of the judge, that execution has been issued and return made thereon wholly or partially unsatisfied, and also that any person or corporation has personal property of the judgment debtor ... or is indebted to him or her in said amount, or is holding the title to real estate for the judgment debtor, or has knowledge concerning the property interests of the judgment debtor.

Emphasis added.) " The purpose of [supplemental] proceedings is to make the judgment debtor

answer concerning the extent and whereabouts of his or her property and, if possible, to enable

the judgment creditor to locate nonexempt property belonging to the judgment debtor which may be applied on the debt." Rainier Nat'l Bank v. McCracken, 26 Wn. App. 498, 511, 615 P.2d 469

1980). Accordingly, only judgment creditors may initiate and bring third parties into supplemental proceedings. RCW 6.32.010; see RCW 6.32.030 (requiring proof that execution of a judgment "has been issued and return made thereon wholly or partially unsatisfied" before making an individual a party to supplemental proceedings). A party must provide an adequate factual basis to initiate or make an individual a party to supplemental proceedings. See Seventh Elect Church in Israel v. Rogers, 34 Wn. App. 105, 112, 660 P. 2d 280 (1983).

Here, O' Hagan requested supplemental proceedings to address issues unrelated to the

garnishment action before the superior court. O' Hagan was not a creditor in the garnishment action actually before the superior court: he was a debtor. Only creditors may request supplemental proceedings. Thus, O' Hagan was not entitled to supplemental proceedings in the

garnishment action before the superior court.

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♀  
No. 47078 -1 -II

#### VI. OTHER ARGUMENTS

O' Hagan makes numerous other arguments on appeal that have no relationship to the garnishment action before the superior court. Because these issues were not properly before the superior court, we do not consider them. See W.R. Grace & Co. v. Dep't of Revenue, 137 Wn.2d

580, 592, 973 P. 2d 1011 (1999); Dep't of Ecology v. Acquavella, 131 Wn.2d 746, 760, 935 P. 2d 595 (1997); Mount Vernon v. Cochran, 70 Wn. App. 517, 527, 855 P. 2d 1180 (1993). We affirm.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW

2.06.040, it is so ordered.  
We concur:

11

♀

## OFFICE RECEPTIONIST, CLERK

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**To:** James  
**Subject:** RE: Case no. 91019-7

Received 5-27-2015

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**Sent:** Wednesday, May 27, 2015 6:31 AM

**To:** OFFICE RECEPTIONIST, CLERK

**Cc:** Bill Scheidler; bjohnson@tdn.com; Brian Couch; bvt tds.net; Emily Anderson; Lorne Dey; robert powers; justin russell; Greg Rathbun; Larry Larmon; bob runyon; briggs4rep@gmail.com; john@johnley.us; campaign@maureenwinningham.com; electlzipike@comcast.net; dtakko@comcast.net; davidsteenson@votesteenson.com; repbrianblake@msn.com; James; michal.tankersley@icloud.com; electjohnmorgan@gmail.com; marko@markoliiias.com; dan@electdanmatthews.com; scottvwhelp@gmail.com; dick.mcmanus@yahoo.com; votestrom@gmail.com; info@electjustin.org; allen@mcpheet.com; lewis4leg21@gmail.com; jeff@jeff4state.com; edwegner99@hotmail.com; steve.owens@electsteveowens.org; chris4rep@gmail.com; repsamhunt@comcast.net; committeetolectfranklinedwards@yahoo.com; derek.stanford@leg.wa.gov; luis.moscoso@leg.wa.gov; leonard.christian@leg.wa.gov; Matt Shea; shelly.short@leg.wa.gov; joel.kretz@leg.wa.gov; norma.smith@leg.wa.gov; dave.hayes@leg.wa.gov; graham.hunt@leg.wa.gov; jt.wilcox@leg.wa.gov; jay.rodne@leg.wa.gov; brad.klippert@leg.wa.gov; larry.haler@leg.wa.gov; zack.hudgins@leg.wa.gov; steve.bergquist@leg.wa.gov; marcus.riccelli@leg.wa.gov; timm.ormsby@leg.wa.gov; kevin.parker@leg.wa.gov; jeff.holy@leg.wa.gov; susan.fagan@leg.wa.gov; joe.schmick@leg.wa.gov; cary.condotta@leg.wa.gov; brad.hawkins@leg.wa.gov; judy.warnick@leg.wa.gov; matt.manweller@leg.wa.gov; maureen.walsh@leg.wa.gov; terry.nealey@leg.wa.gov; chris.reykdal@leg.wa.gov; norm.johnson@leg.wa.gov; Charles.ross@leg.wa.gov; monica.stonier@leg.wa.gov; paul.harris@leg.wa.gov; richard.debolt@leg.wa.gov; ed.orcutt@leg.wa.gov; sherry.appleton@leg.wa.gov; drew.hansen@leg.wa.gov; bruce.chandler@leg.wa.gov; david.taylor@leg.wa.gov; Brandon.vick@leg.wa.gov; liz.pike@leg.wa.gov; maryhelen.roberts@leg.wa.gov; Lillian.ortiz-self@leg.wa.gov; kevin.vandewege@leg.wa.gov; steve.tharinger@leg.wa.gov; dawn.morrell@leg.wa.gov; hans.zeiger@leg.wa.gov; dick.muri@leg.wa.gov; tami.green@leg.wa.gov; cathy.dahlquist@leg.wa.gov; Christopher.hurst@leg.wa.gov; Eileen.cody@leg.wa.gov; joe.fitzgibbon@leg.wa.gov; jesse.young@leg.wa.gov; david.sawyer@leg.wa.gov; steve.kirby@leg.wa.gov; cindy.ryu@leg.wa.gov; ruth.kagi@leg.wa.gov; Kathy.haigh@leg.wa.gov; drew.macewen@leg.wa.gov; laurie.jenkins@leg.wa.gov; jake.fey@leg.wa.gov; linda.kochmar@leg.wa.gov; tina.orwall@leg.wa.gov; mia.gregerson@leg.wa.gov; reuven.carlyle@leg.wa.gov; gael.tarleton@leg.wa.gov; sharontomiko.santos@leg.wa.gov; eric.pettigrew@leg.wa.gov; Kristine.lytton@leg.wa.gov; jeff.morris@leg.wa.gov; brady.walkinshaw@leg.wa.gov; frank.chopp@leg.wa.gov; Gerry.pollet@leg.wa.gov; jessyn.farrell@leg.wa.gov; june.robinson@leg.wa.gov; mike.sells@leg.wa.gov; tana.senn@leg.wa.gov; judy.clibborn@leg.wa.gov; hans.dunshee@leg.wa.gov; mark.hargrove@leg.wa.gov; pat.sullivan@leg.wa.gov; dan.kristiansen@leg.wa.gov; Elizabeth.scott@leg.wa.gov; Jason.overstreet@leg.wa.gov; Vincent.buys@leg.wa.gov; roger.goodman@leg.wa.gov; larry.springer@leg.wa.gov; ross.hunter@leg.wa.gov; cyrus.habib@leg.wa.gov; Sharon.wylie@leg.wa.gov; jim.moeller@leg.wa.gov; Rodney.Green@wsp.wa.gov  
**Subject:** Case no. 91019-7

Clerk,

Please add this to case no. 91019-7 as the damages I suffered from not being able to defend myself before a jury from the lawyer crimes involved in cause no. 47078-1-II is directly related to my future damages in Pacific County cause no. 94-2-00298-0.

I can only hope that the whole intent of separating these two cases, was not a predatory game that the courts used to attack a vulnerable individual, to execute lawyer crimes and feed the judicial industry instead of justice.

James J. O'Hagan pro se All Rights Reserved

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Received 5-27-2015

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**Subject:** Case no. 91019-7

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I can only hope that the whole intent of separating these two cases, was not a predatory game that the courts used to attack a vulnerable individual, to execute lawyer crimes and feed the judicial industry instead of justice.

James J. O'Hagan pro se All Rights Reserved

ENTERED  
OCT 18 2010  
IN REGISTER SD

2010 OCT 14 AM 8:53  
FILED

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

JAMES J. O'HAGAN

Petitioner,

v.

JOSEPH FIELD and FIELD JERGER LLP

Respondents.

Case No. 100507376

GENERAL JUDGMENT

Based upon the Order Granting the Respondents' Motion for Summary Judgment and Confirming Arbitration Award, which is being entered contemporaneously with this General Judgment and the court being fully advised in the premises; now, therefore, it is hereby

ORDERED and ADJUDGED, that Respondents have judgment against Petitioner as follows:

MONEY AWARD

Judgment Creditor:

Joseph A. Field  
Field Jerger LLP  
621 SW Morrison St. #1225  
Portland, OR 97205

Judgment Creditor's Attorney:

Jonathan C. Smale, Esq.  
Field Jerger LLP  
621 SW Morrison St. #1225  
Portland, OR 97205  
Tel: (503) 228-9115  
Fax: (503) 225-0276  
Email: [jonathan@fieldjerger.com](mailto:jonathan@fieldjerger.com)

Judgment Debtor:

James J. O'Hagan

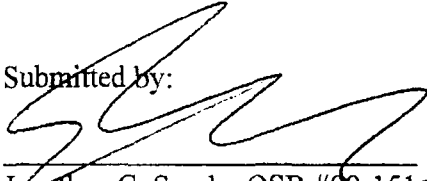
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2298 Cranberry Road  
Grayland, WA 98547  
Unknown

Judgment Debtor Tax SSN.	
Judgment Debtor's Attorneys:	Not applicable
Person / Public Body Entitled to Portion:	Not applicable
Judgment awarded to:	Plaintiff
Money Damages:	\$128,811.33
Pre-Judgment Interest	9% from June 1, 2009
Attorney's Fees:	TBD
Costs and Disbursements:	TBD
Prevailing Party Fee (ORS 20.190)	TBD
Post Judgment Interest	9%

Dated 10/11/10.

O. Meredith Wilson I  
Hon. O. Meredith Wilson  
Circuit Court Judge

Submitted by:  
  
Jonathan C. Smale, OSB #09-151  
Field Jerger LLP  
621 SW Morrison St. #1225  
Portland, OR 97205  
Tel: (503) 228-9115  
Fax: (503) 225-0276  
Email: [jonathan@fieldjerger.com](mailto:jonathan@fieldjerger.com)



FILED  
COURT OF APPEALS  
DIVISION II

2015 MAY 19 AM 9:07

STATE OF WASHINGTON

BY   
DEPUTY

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

**DIVISION II**

JAMES J. O'HAGAN,

Appellant,

v.

JOSEPH FIELD and FIELD JERGER, LLP,

Respondents.

No. 47078-1-II

UNPUBLISHED OPINION

WORSWICK, J. — The law firm Joseph Field and Field Jerger, LLP (Field) obtained Oregon judgments for attorney fees against James O'Hagan. Field then issued a writ of garnishment against Ocean Spray Cranberries Inc., an agricultural cooperative. O'Hagan, appearing pro se, filed with the Supreme Court a writ of review challenging the superior court's order to pay on Ocean Spray's answer to Field's writ of garnishment. The Supreme Court transferred O'Hagan's challenge to us for consideration as an appeal. O'Hagan argues the superior court erred by (1) refusing to transfer venue to Pacific County, (2) giving the Oregon judgments full faith and credit, (3) entering the order to pay on the answer without a jury trial, (4) failing to exempt 75 percent of Ocean Spray's payments from garnishment under RCW

No. 47078-1-II

6.27.150(1), and (5) not allowing O'Hagan "supplemental proceedings" under chapter 6.32 RCW.<sup>1</sup> We reject O'Hagan's arguments and affirm.<sup>2</sup>

#### FACTS

Field represented O'Hagan as a creditor in an Oregon bankruptcy proceeding. For attorney fees incurred representing O'Hagan, Field obtained Oregon judgments against O'Hagan totaling \$39,671.12. To collect on these judgments, Field issued a writ of garnishment against Ocean Spray Cranberries Inc., an agricultural cooperative. *Ocean Spray Cranberries, Inc. v. PepsiCo, Inc.*, 160 F.3d 58, 59 (1st Cir. 1998); see 7 U.S.C. 291.

Ocean Spray issued an answer to the writ of garnishment. The answer stated that it did not employ O'Hagan but that it owed O'Hagan money for his cranberry deliveries. The answer listed one future payment approved by Ocean Spray's board of directors and estimated four future payments that the board had yet to approve, for a total of \$26,775.95. One of the estimated future payments included an expected payment for July 10, 2013 of \$1,187.55. Field moved the Grays Harbor County Superior Court for an order to pay on Ocean Spray's answer. O'Hagan requested a controversion hearing to determine "whether an issue is presented that requires a trial." RCW 6.27.220.

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<sup>1</sup> Field did not file a respondent's brief in this case.

<sup>2</sup> We note at the outset that the record in this case is not complete. The record contains the verbatim report of proceedings and a set of clerk's papers, but the clerk's papers do not contain many of the documents necessary to address O'Hagan's arguments. In the interest of justice, we consider O'Hagan's claims despite the insufficient record. RAP 1.2(c); *Wachovia SBA Lending, Inc. v. Kraft*, 165 Wn.2d 481, 487, 200 P.3d 683 (2009). Our consideration of O'Hagan's claims necessarily requires us to review documents which O'Hagan initially filed with our Supreme Court.

At the controversion hearing, O'Hagan demanded a jury trial. O'Hagan also challenged venue, arguing that because he resided in Pacific County, it was the only proper venue. O'Hagan also argued that 75 percent of the money garnished from Ocean Spray was exempt from garnishment as "earnings" under RCW 6.27.150(1). O'Hagan also alleged that Ocean Spray's answer underestimated the July 10, 2013 future payment, stating it was \$1,187.55 when it should have been \$10,687.95. O'Hagan alleged that this underestimation occurred because he produced 1,187.55 *barrels* of cranberries, which the answer incorrectly entered as \$1,187.55.

O'Hagan argued in the superior court that Field fraudulently misreported the Oregon judgments' amount to a credit reporting agency. But O'Hagan did not assert that Field misreported the judgments' amount to the superior court.

O'Hagan made numerous other claims unrelated to the garnishment action. These were mostly allegations of criminal acts related to the bankruptcy proceedings. O'Hagan requested supplemental proceedings under RCW 6.32 to subpoena witnesses to address issues unrelated to the garnishment action before the superior court.

The superior court did not consider O'Hagan's collateral claims, but considered only those claims related to the writ of garnishment. The superior court entered an order to pay on garnishee's answer, which required Ocean Spray to pay Field the \$26,775.95 Ocean Spray owed O'Hagan. The order also denied O'Hagan's request for a jury trial and the 75 percent exemption under RCW 6.27.150(1).<sup>3</sup>

---

<sup>3</sup> The order stated it denied O'Hagan's request for a "protection order." Clerk's Papers at 128. This apparently referenced the 75 percent exemption under RCW 6.27.150(1), which O'Hagan called "protection." VRP (July 22, 2013) at 28. But we cannot be sure because O'Hagan requested "protection" in other contexts.

No. 47078-1-II

O'Hagan filed a writ for review to our Supreme Court pursuant to RCW 7.16.040. In this writ for review, O'Hagan asserted his claim that Ocean Spray erroneously estimated the July 10, 2013 future payment as \$1,187.55. O'Hagan also filed a motion to stay proceedings pending appeal pursuant to RCW 7.16.080. The Supreme Court denied the motion to stay and transferred this case to us.<sup>4</sup>

## ANALYSIS

### I. VENUE

O'Hagan argues the superior court erred by not transferring venue from Grays Harbor County to Pacific County because O'Hagan resided in Pacific County. We disagree.<sup>5</sup>

We review de novo a ruling on a motion to transfer venue whenever that motion was based upon the defendant's assertion the original venue was not statutorily authorized. *Moore v. Flateau*, 154 Wn. App. 210, 214, 225 P.3d 361 (2010). Because O'Hagan argues that no statute authorized venue in Grays Harbor County, our review is de novo.

RCW 4.12.030(1) authorizes the court to change venue on motion if "it appears by affidavit, or other satisfactory proof" the county which the complaint designates is an improper venue. RCW 4.12.025(1) states in part:

An action may be brought in any county in which the defendant resides, or, *if there be more than one defendant, where some one of the defendants resides* at the time

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<sup>4</sup> O'Hagan refers to his opening brief as a supplemental opening brief and asks us to consider an earlier opening brief. We do not consider O'Hagan's earlier opening brief because the Supreme Court rejected it prior to transferring this case to us.

<sup>5</sup> O'Hagan refers to this as a "jurisdiction" argument but his challenge is actually to venue. See *Eubanks v. Brown*, 170 Wn. App. 768, 772, 285 P.3d 901 (2012), *aff'd*, 180 Wn.2d 590, 327 P.3d 635 (2014).

of the commencement of the action. [T]he residence of a corporation defendant shall be deemed to be in any county where the corporation: (a) Transacts business.

(Emphasis added.) Before a court may transfer venue, the party moving to change venue must show by affidavit or other satisfactory proof that the county designated in the complaint was improper. RCW 4.12.030(1). As garnishee, Ocean Spray was a defendant in this case. See *Watkins v. Peterson Enters., Inc.*, 137 Wn.2d 632, 638, 973 P.2d 1037 (1999). Because RCW 4.12.025(1) requires only one defendant to be a resident of the county, O'Hagan had to show by affidavit or other satisfactory proof that Ocean Spray was not a resident of Grays Harbor County in order to show Grays Harbor County was an improper venue.

Here, O'Hagan failed to show, or even argue, that Ocean Spray was not a Grays Harbor County resident. Thus, O'Hagan failed to provide satisfactory proof the county designated in the complaint was improper, and the superior court did not err by not transferring venue.

## II. FULL FAITH AND CREDIT TO THE OREGON JUDGMENTS

O'Hagan argues the superior court erred by giving full faith and credit to the Oregon judgments. We disagree.

We review constitutional issues de novo. *Citizens Protecting Res. v. Yakima County*, 152 Wn. App. 914, 919, 219 P.3d 730 (2009). The United States Constitution requires the states to give full faith and credit to every other state's judicial proceedings. U.S. CONST. art. IV, § 1. This rule "provides a means for ending litigation by putting to rest matters previously decided between adverse parties in any state or territory of the United States." *State v. Berry*, 141 Wn.2d 121, 127, 5 P.3d 658 (2000) (quoting *In re Estate of Tolson*, 89 Wn. App. 21, 29, 947 P.2d 1242 (1997)).

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A foreign judgment may be collaterally attacked only on grounds that the foreign court lacked jurisdiction, the foreign court violated a constitutional right, or the judgment was obtained by fraud. *Berry*, 141 Wn.2d at 127-28; *Effert v. Kalup*, 45 Wn. App. 12, 15, 723 P.2d 541 (1986). Absent these grounds, we must give full faith and credit to the foreign judgment. *Berry*, 141 Wn.2d at 128; *Lee v. Ferryman*, 88 Wn. App. 613, 620, 945 P.2d 1159 (1997). “The full faith and credit clause of the Constitution precludes any inquiry into the merits of the cause of action, the logic or consistency of the decision, or the validity of the legal principles on which the judgment is based.” *Milliken v. Meyer*, 311 U.S. 457, 462, 61 S. Ct. 339, 85 L. Ed. 278 (1940).

Here, while O’Hagan raised jurisdictional, constitutional, and fraud claims below, none of those claims challenged the underlying Oregon judgments’ validity. O’Hagan asserted that “proper procedures were not followed” and that the Oregon judgments were obtained by an “unfair and bias[ed] process,” but provided no explanation of these allegations below or on appeal. Clerk’s Papers at 5, 42. O’Hagan argued below that Field fraudulently misreported the Oregon judgments’ amount to a credit reporting agency. But O’Hagan did not assert that Field misreported the Oregon judgments’ amount to the superior court. Thus, because O’Hagan made no jurisdictional, constitutional, or fraud challenge to the underlying Oregon judgments, the superior court did not err by giving the Oregon judgments full faith and credit.

### III. CONTROVERSION

O’Hagan argues the superior court erred by ordering payment on the answer to the writ of garnishment without a jury trial. Because no trial was required, we disagree.

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Whether the controversion hearing sufficiently established Ocean Spray's indebtedness to O'Hagan to allow the entry of an order to pay on the answer without a trial is a mixed question of law and fact. We review mixed questions of law and fact de novo. *In re Estate of Cordero*, 127 Wn. App. 783, 787, 113 P.3d 16 (2005).

The garnishment statute's purpose is to enforce a debtor's obligations. See RCW 6.27.005. Although a garnishment proceeding is ancillary to the principal suit between a creditor and a debtor, it is adversarial in nature because the creditor takes action against the garnishee to satisfy a claim against the debtor. *Watkins*, 137 Wn.2d at 638-39. Once a judgment creditor obtains a writ of garnishment, the garnishee must answer the writ. See RCW 6.27.190; *Bartel v. Zuckriegel*, 112 Wn. App. 55, 65, 47 P.3d 581 (2002). In its answer, the garnishee must provide information about the funds or property of the debtor in its control and the amount it owed the debtor when the writ is served. See RCW 6.27.190. After the garnishee has answered the writ, the judgment creditor or defendant debtor may file an affidavit controverting the garnishee's answer. RCW 6.27.210. The garnishee may then file an affidavit responding to the controverting affidavit. RCW 6.27.220.

After the time for the garnishee's response expires, any party may note the matter for a controversion hearing before a commissioner or presiding judge "for a determination whether an issue is presented that requires a trial." RCW 6.27.220. "If a trial is required, it shall be noted as in other cases." RCW 6.27.220. If a trial is not required, then the superior court may dispose of the controversion in whatever appropriate manner. See *Bassett v. McCarty*, 3 Wn.2d 488, 499-500, 101 P.2d 575 (1940). For a party to be entitled to a trial, he or she must produce affidavits

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or other competent evidence raising facts that, if established, would allow the party to prevail.

*See* 3 Wn.2d at 499.

O'Hagan's only factual challenge related to the garnishment action was his allegation that Ocean Spray erroneously estimated a future payment at \$1,187.55 when the correct amount was \$10,687.95. But O'Hagan provided the superior court no affidavits or other evidence to support this factual allegation. Thus, we hold that because O'Hagan did not produce affidavits or other competent evidence raising facts that, if established, would allow him to prevail, the superior court did not err by entering the order to pay based on the hearing and without a trial.

#### IV. GARNISHMENT EXEMPTION FOR EARNINGS

O'Hagan argues 75 percent of the proceeds garnished from Ocean Spray were exempt from garnishment because the proceeds were earnings under RCW 6.27.150(1). We disagree.

We review statutory interpretation *de novo*. *Dot Foods, Inc. v. Dep't of Revenue*, 166 Wn.2d 912, 919, 215 P.3d 185 (2009). When interpreting a statute, our "fundamental objective is to ascertain and carry out the Legislature's intent." *Dep't of Ecology v. Campbell & Gwinn, LLC.*, 146 Wn.2d 1, 9, 43 P.3d 4 (2002). Where a statute's meaning is plain on its face, we give effect to that meaning "as an expression of legislative intent." 146 Wn.2d at 9-10.

RCW 6.27.150(1) states:

[I]f the garnishee is an *employer* owing the defendant *earnings*, then for each week of such earnings, an amount shall be exempt from garnishment which is the greatest of the following:

.....  
(b) Seventy-five percent of the disposable *earnings* of the defendant.

(Emphasis added.) RCW 6.27.010(1) states in part:



As used in this chapter, the term “earnings” means compensation paid or payable to an individual *for personal services*.

(Emphasis added.)

Here, Ocean Spray stated in its answer to the writ of garnishment that Ocean Spray did not employ O’Hagan. Thus, Ocean Spray is not O’Hagan’s “employer” under RCW 6.27.150(1). The proceeds from Ocean Spray are compensation for O’Hagan’s cranberry deliveries, not for his personal services. Thus, the garnished proceeds were not “earnings” under RCW 6.27.150(1). Because Ocean Spray was not O’Hagan’s employer and the proceeds from Ocean Spray were not “earnings,” Ocean Spray’s garnished proceeds were not subject to RCW’s 6.27.150(1)(b)’s 75 percent exemption.

#### V. SUPPLEMENTAL PROCEEDINGS

O’Hagan argues the superior court erred by denying his motion to initiate supplemental proceedings to address issues unrelated to the garnishment action before the superior court. We disagree.

Washington law offers several alternatives for a judgment creditor to enforce a judgment against his or her debtor, when that debtor either is not paying willingly or is taking steps to avoid payment. One alternative is garnishment under chapter 6.27 RCW. Another is supplemental proceedings under chapter 6.32 RCW, which allows a creditor to move for an order to compel the judgment debtor to appear in court.

RCW 6.32.010 states in part:

At any time within ten years after entry of a judgment . . . upon application by the judgment creditor such court or judge may, by an order, require the judgment debtor to appear at a specified time and place before the judge granting the order . . . to answer concerning the same.

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RCW 6.32.030 states in part:

Any person may be made a party to a supplemental proceeding by service of a like order in like manner as that required to be served upon the judgment debtor, and upon proof by affidavit or otherwise, to the satisfaction of the judge, that execution has been issued and return made thereon wholly or partially unsatisfied, and also that any person or corporation has personal property of the judgment debtor . . . or is indebted to him or her in said amount, or is holding the title to real estate for the judgment debtor, or has knowledge concerning the property interests of the judgment debtor.

(Emphasis added.) "The purpose of [supplemental] proceedings is to make the judgment debtor answer concerning the extent and whereabouts of his or her property and, if possible, to enable the judgment creditor to locate nonexempt property belonging to the judgment debtor which may be applied on the debt." *Rainier Nat'l. Bank v. McCracken*, 26 Wn. App. 498, 511, 615 P.2d 469 (1980). Accordingly, only judgment creditors may initiate and bring third parties into supplemental proceedings. RCW 6.32.010; *see* RCW 6.32.030 (requiring proof that execution of a judgment "has been issued and return made thereon wholly or partially unsatisfied" before making an individual a party to supplemental proceedings). A party must provide an adequate factual basis to initiate or make an individual a party to supplemental proceedings. *See Seventh Elect Church in Israel v. Rogers*, 34 Wn. App. 105, 112, 660 P.2d 280 (1983).

Here, O'Hagan requested supplemental proceedings to address issues unrelated to the garnishment action before the superior court. O'Hagan was not a creditor in the garnishment action actually before the superior court: he was a debtor. Only creditors may request supplemental proceedings. Thus, O'Hagan was not entitled to supplemental proceedings in the garnishment action before the superior court.

VI. OTHER ARGUMENTS

O'Hagan makes numerous other arguments on appeal that have no relationship to the garnishment action before the superior court. Because these issues were not properly before the superior court, we do not consider them. See *W.R. Grace & Co. v. Dep't of Revenue*, 137 Wn.2d 580, 592, 973 P.2d 1011 (1999); *Dep't of Ecology v. Acquavella*, 131 Wn.2d 746, 760, 935 P.2d 595 (1997); *Mount Vernon v. Cochran*, 70 Wn. App. 517, 527, 855 P.2d 1180 (1993).

We affirm.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public recd in accordance with RCW 2.06.040, it is so ordered.

We concur:

Johanson, C.J.  
Johanson, C.J.

Melnick, J.  
Melnick, J.

Worswick, J.  
Worswick, J.