

Received
Washington State Supreme Court

NOV 25 2015

Ronald R. Carpenter
Clerk

NO. 91983-6

SUPREME COURT
OF THE STATE OF WASHINGTON

KAREN A. STEVENSON,

Petitioner,

v.

DAVID M. CANNING, PERSONAL REPRESENTATIVE OF THE
ESTATE OF MARY LOUISE CANNING,

Respondent.

Court of Appeals, Division I, No. 70994-1-I
(consolidated with Nos. 71594-1-I, 71794-4-I, 72026-1-I)

ANSWER TO PETITION FOR REVIEW

LIVENGOOD ALSKOG, PLLC
Kevin B. Hansen, WSBA No. 28349

121 Third Avenue
P.O. Box 908
Kirkland, WA 98083-0908
Telephone: 425-822-9281
Facsimile: 425-828-0908

Attorneys for Respondent
David M. Canning, Personal Representative
of the Estate of Mary Louise Canning

I. INTRODUCTION

Respondent David M. Canning, personal representative of the Estate of Mary Louise Canning, respectfully requests that the Court deny petitioner Karen Stevenson's amended petition for review. Stevenson's appeal is meritless and she is merely continuing her practice of filing frivolous motions to delay the resolution of this case.

II. STATEMENT OF THE CASE

The history of this case began on January 3, 2005, when Stevenson filed a creditor's claim against the Estate of Mary Canning in King County Superior Court Case No. 04-4-05181-6 SEA. As personal representative, Canning denied the claim and Stevenson filed the present lawsuit on May 20, 2005. Stevenson then began a pattern of discovery abuse that ultimately led to the dismissal of her lawsuit.

Stevenson appealed the dismissal of her lawsuit, and Canning cross appealed the trial court's unexplained reduction in the award of attorneys' fees to Canning. In Case No. 64529-3-I, the court of appeals affirmed the dismissal of the lawsuit, determined that her appeal was frivolous, ordered Stevenson to pay sanctions, and remanded to the trial court to reexamine its decisions awarding attorneys' fees. *Stevenson v. Canning*, No. 64529-3-I, 2012 WL 540105 (Feb. 21, 2012), *amended* (Jun. 14, 2012), *rev. denied*, 175 Wn.2d 1016, 287 P.3d 10 (Oct. 10, 2012). CP 20-59. This

Court denied Stevenson's petition for review and sanctioned her for a frivolous petition in Case No. 87531-6.¹

After the mandates on Stevenson's appeals were issued on February 21, 2013 and April 9, 2013 (CP 18-59, 62-64), Canning moved for an award of attorneys' fees on remand and entry of judgment against Stevenson. CP 67-102. Accompanying the motion were a proposed order and proposed judgment. CP 95-102. Although the motion was initially noted for April 24, 2013 (CP 65-66), Canning agreed to continue the hearing for two weeks to May 8, 2013 at the request of Stevenson's attorney. CP 188-89, 228, 281. While Canning's motion was pending, Stevenson paid the attorney's fees awarded by the appellate courts, so Canning submitted a revised proposed order and a revised proposed judgment with his reply brief to reflect those amounts as well as additional time spent preparing the reply. CP 229-43. The reply was filed May 2, six days before the scheduled hearing date. CP 231.

Stevenson responded to the motion for fees by filing a response in opposition (CP 190-228), a declaration (CP 229-30), a supplemental

¹ Stevenson actually filed seven appeals in 2009, 2010, and 2011, all relating to the dismissal of her lawsuit. They were consolidated to two appeals, Nos. 64529-3-I and 65121-8-I. Pending those appeals, Stevenson filed five separate motions for discretionary review in this Court, Nos. 84619-7, 84617-1, 86095-5, 86125-1, and 87648-7. This Court denied each of the motions and sanctioned Stevenson.

declaration (CP 244-63), and seven separate “objections” (CP 264-79, 283-323, 337-39, 541-44) regarding alleged procedural irregularities.

On May 16, 2013, the trial court granted Canning’s motion for fees and entered a supplemental judgment against Stevenson. CP 324-36. Stevenson then began again her *modus operandi* for this litigation, bombarding the trial court with frivolous motions:²

- May 20, 2013 – motion for ruling on one of her filed “objections.” CP 342-46.
- May 21, 2013 – motion for ruling on an additional three filed “objections.” CP 354-61.
- May 28, 2013 – motion for reconsideration of May 16, 2013 order granting Canning’s motion for fees and judgment. CP 370-83.
- June 3, 2013 – amended motion for reconsideration of May 16, 2013 order granting Canning’s motion for fees and May 16, 2013 judgment. CP 393-406.
- June 5, 2013 – motion for reconsideration of May 30, 2013 order denying her motion for ruling on “objection.” CP 420-27; *cf.* CP 389-90.
- June 6, 2013 – motion for ruling on her June 3 amended motion for reconsideration. CP 432-38.
- June 10, 2013 – motion for reconsideration of May 30, 2013 and June 6, 2013 orders denying her motions for ruling on “objections.” CP 545-63; *cf.* CP 389-90, 430-31.
- June 14, 2013 – motion for reconsideration of June 4, 2013 order denying her May 28 motion for reconsideration, and for reconsideration of June 11, 2013 order denying her June 3, 2013 amended motion for reconsideration. CP 451-73; *cf.* CP 416-17, 443-44.

² A table showing the relevant motions and trial court orders from April 2013 through September 2013 is attached to the Appendix hereto at 1-2.

- June 21, 2013 – motion for reconsideration of June 11, 2013 order denying her June 10, 2013 motion for reconsideration. CP 485-99; *cf.* CP 443-44.
- June 24, 2013 – motion for reconsideration of June 19, 2013 order denying her June 14, 2013 motion for reconsideration of June 4, 2013 order denying her May 28, 2013 motion for reconsideration and her June 3, 2013 amended motion for reconsideration. CP 502-14.

After the trial court denied the last of this set of motions on August 12, 2013 (CP 522), Stevenson filed a notice of appeal on September 11, 2013. CP 523-40.

Stevenson then concentrated her delay tactics at the court of appeals, seeking and obtaining continuances on deadlines for designating clerk’s papers and filing her appeal brief. She later returned her attention to the trial court, filing more frivolous motions:³

- February 11, 2014 – motion to vacate the May 16, 2013 order and judgment. CP 564-74; *cf.* CP 324-36.
- February 12, 2014 – amended motion to vacate the May 16, 2013 order and judgment. CP 577-84.
- February 14, 2014 – further amended motion to vacate the May 16, 2013 order and judgment. CP 599-606.
- February 18, 2014 – motion to strike “the hearing set for February 27, 2014 on defendant[’s] . . . CR 11 sanctions request and to strike the sanctions request.” CP 937-43; *cf.* 586, 587-98.
- February 18, 2014 – motion to strike “the oral hearing set for February 27, 2014.” CP 944-45.

³ A table of the relevant motions and trial court orders from February 2014 through April 2014 is attached to the Appendix hereto at 3.

- February 20, 2014 – motion to vacate the February 13, 2014 order to show cause on Stevenson’s February 11, 2014 motion to vacate. CP 948-54; *cf.* CP 585-86.
- February 21, 2014 – amended motion to vacate the February 13, 2014 order to show cause on Stevenson’s February 11, 2014 motion to vacate. CP 607-12; *cf.* CP 585-86.

On February 27, 2014, the trial court held an in-court hearing on Stevenson’s motion to vacate. Stevenson did not appear. In its order filed February 28, the court denied the motion to vacate and all of Stevenson’s other pending motions, finding that the motion was “frivolous in violation of CR 11.” CP 614. The court noted that in its order to show cause, it “informed [Stevenson] that from its assessment from the face of [the] pleadings that [*sic*] the Court found the motion to be frivolous,” thereby putting Stevenson “on notice that the issue of CR 11 sanctions could be addressed at the hearing.” CP 615. Further, the court ruled that “[i]n order to avoid the potential for further costs incurred by the defendant and sanctions in the form of attorney’s fees imposed against the plaintiff, the defendant is not required to respond to any motion filed by the plaintiff unless the court requests a response from the defendant.” CP 616.

Undaunted by the trial court’s decision, Stevenson filed another notice of appeal on March 5, 2014, CP 652-54, and successfully moved to consolidate the two appeals. Stevenson’s barrage of frivolous trial court motions then resumed:

- March 10, 2014 – motion to amend the February 28, 2014 order. CP 676-92.
- March 21, 2014 – motion for reconsideration of the March 19, 2014 order denying her March 10, 2014 motion to amend. CP 1009-20; *cf.* CP 1002.
- March 27, 2014 – motion to vacate the February 28, 2014 order denying her February 11, 2014 motion to vacate and February 28, 2014 supplemental judgment in favor of Canning. CP 1026-31; *cf.* CP 613-17, 984-85.
- April 1, 2014 – amended motion to vacate the February 28, 2014 order denying her February 11, 2014 motion to vacate and February 28, 2014 supplemental judgment in favor of Canning. CP 1034-43; *cf.* CP 613-17, 984-85.
- April 9, 2014 – amended motion to vacate the February 28, 2014 order denying her February 11, 2014 motion to vacate and February 28, 2014 supplemental judgment in favor of Canning. Appendix at A-000001 – A-000009.
- May 16, 2014 – motion to vacate the May 16, 2013 order and judgment. Appendix at A-000010 – A-000030; *cf.* CP 324-36.

On April 16, 2014, the trial court ruled on Stevenson’s motions. Appendix at A-000031 – A-000032. After summarizing Stevenson’s motions since the May 16, 2013 order awarding fees, the court found that Stevenson “has filed numerous and repetitive motions dealing with the same issues. The orders that she has been addressing in these repetitive motions are apparently the subject of two pending appeals.” Appendix at A-000032. The court then ruled as follows:

As a matter for judicial economy, fairness and mootness, the trial Court will not consider any motions from the plaintiff, and the plaintiff shall not file any motions, on or about pleadings filed prior to the date of this order unless a matter relating to that pleading is remanded to the trial

court by an appellate court. The Court will not consider and the plaintiff shall not file a motion for reconsideration of this Order. Should the plaintiff file a motion in violation of this order, the defendant does not have to respond to such motion and the motion is deemed denied. Plaintiff's motion filed on 4/9/11 [*sic*] is moot as it was previously ruled upon and the court will not rule upon the issues again.

Appendix at 000032. Stevenson filed a notice of appeal regarding various trial court actions or inactions on April 17, 2014, and an amended notice of appeal on May 6, 2014 regarding her September 11, 2013 notice. Appendix at A-000033 – A-000062 & A-000063 – A-000067.

IV. ARGUMENT

A. **The court of appeals did not in dismissing Stevenson's appeal.**

Stevenson is correct that CR 59 does not expressly limit the number of motions for reconsideration except in circumstances not present here.⁴ Apparently she believes that gives her free rein to file frivolous pleadings. She is wrong. CR 1 provides that the civil rules must be "construed and administered to secure the just, speedy, and inexpensive determination of every action." CR 59 does not expressly limit the number of motions for reconsideration because every motion filed with the court is subject to CR 11(a), which prohibits the conduct Stevenson flaunts:

⁴ CR 59(j) provides that if a motion for reconsideration "is made and heard before the entry of the judgment, no further motion may be made" without the court's permission. Here, Stevenson's flood of motions began after entry of the judgment.

. . . A party who is not represented by an attorney shall sign and date the party's . . . motion The signature of a party . . . constitutes a certificate by the party . . . that the party . . . has read the . . . motion . . . , and that to the best of the party's . . . knowledge, information, and belief, formed after an inquiry reasonable under the circumstances: (1) it is well grounded in fact; (2) it is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law; (3) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation

In her motion for reconsideration of the court's May 16, 2013 order granting fees, Stevenson argued the following grounds: "Misconduct of prevailing party (and counsel), CR 59(a)(2); irregularity in the proceedings and abuse of discretion by which Stevenson was prevented from having a fair trial, CR 59(a)(1); and surprise, CR 59(a)(3). (Also, CR 59(h) alteration or amendment.)" CP 371. She claimed that Canning's attorney engaged in misconduct by falsely implying that Judge Washington had only considered certain documents; by contending that Judge Washington's findings on the reasonableness of the hourly rates and number of hours spent were verities by Stevenson's failure to challenge them on appeal or on remand; by not asking Judge Middaugh to review Judge Washington's working papers; by "concealing" that Judge Washington had ruled that \$5,000 was a reasonable award of attorney's fees; by "deceiv[ing]" the court about what the mandates after appeal

required; by not obtaining a case scheduling order; and by requesting additional fees for the time required to prepare his reply brief. CP 371-81.

When the court denied the motion, Stevenson moved for reconsideration of the order. CP 451-73. This time she made no attempt to tie her motion to the grounds for reconsideration, other than to simply cite to CR 59 as “[a]uthority.” In this motion for reconsideration of the order denying her motion for reconsideration, she returned to the same arguments used in her first motion, CP 458-62. She also argued that the trial court and Canning failed to comply with CR 54 by not timely providing her with a proposed order and judgment. CP 453-58.

The court denied the second motion and Stevenson filed a motion for reconsideration of the order denying her motion for reconsideration of the order denying her motion for reconsideration. CP 502-10. Again she made no attempt to tie her arguments to CR 59, and again argued that Canning failed to timely provide her with a copy of the proposed judgment. CP 505-09.

Neither these particular repeated motions for reconsideration nor Stevenson’s many other motions to the trial court came close to complying with CR 11(a). A party should not be able to artificially extend the timeline for filing an appeal by repeated, frivolous motions for reconsideration, especially motions that do not even attempt to identify

which grounds for reconsideration are at issue. Under RAP 5.2(e), a notice of appeal is timely if filed within 30 days after entry of an order on “a motion for reconsideration” (emphasis added). The order that Stevenson wants reviewed on appeal was entered May 16, 2013. Stevenson timely moved for reconsideration of the order and judgment on May 28, 2013. The trial court’s order denying the motion was filed on June 4, 2013. To appeal the June 4 order denying the motion for reconsideration and the May 16 order granting fees, the deadline under RAP 5.2(e) was July 5, 2013. That is the plain reading of the rule; to read it differently would condone Stevenson’s conduct.

Barry v. USAA, 98 Wn. App. 199, 989 P.2d 1172 (1999) does not compel a different result. There, the trial court ordered USAA to produce documents for an *in camera* inspection. *Id.* at 202. The court then granted USAA’s motion for reconsideration. A week later, the plaintiff moved for reconsideration of the order granting USAA’s motion for reconsideration. When the court denied the plaintiff’s motion, the plaintiff sought discretionary review. *Id.* at 202-03. On appeal, USAA argued that the appeal was untimely because the notice of discretionary review was filed more than 30 days after the trial court’s first order on reconsideration. The court of appeals disagreed “that only one motion for reconsideration per case is contemplated in CR 59.” *Id.* at 203. In *Barry*, each party filed a

single motion for reconsideration relating to a single trial court decision. In contrast, here Stevenson filed *three* motions for reconsideration of the trial court's order on attorney's fees (and numerous other repeated motions for reconsideration and motions to vacate).

If the Court denies review, this case will be over. If the Court grants review and reverses the court of appeals' dismissal of Stevenson's appeal, Stevenson will be emboldened to further extend this litigation indefinitely. This case is more than 10 years old – it is time to put an end to it.

B. The Court should award Canning his reasonable attorneys' fees in responding to Stevenson's petition.

Stevenson's petition is part of a pattern of filing frivolous pleadings before the trial court, the court of appeals, and this Court, clearly with the sole purpose of prolonging this litigation as long as possible to damage the estate. In denying two of Stevenson's earlier motions for discretionary review on August 9, 2010, Supreme Court Commissioner Goff stated that there was "no tenable basis under RAP 13.5(b) for this court to grant review or modify any of the decisions under review" and concluded:

Apparently a request for sanctions will likely be addressed by the Court of Appeals panel that decides the case. With that in mind, I note that Ms. Stevenson's motions to this court present nothing even minimally resembling a basis for review. Indeed, the only action by this court which may become appropriate, if Ms. Stevenson continues her

campaign of ill-conceived filings that require the attention of opposing counsel and the court, is the imposition of sanctions under RAP 18.9. I therefore urge Ms. Stevenson to abandon this misguided litigation strategy.

Supreme Court Nos. 84617-1 & 84619-7 (CP 57). A year later, responding to another motion on August 5, 2011, Commissioner Goff referred to his earlier ruling and wrote:

I therefore urged Ms. Stevenson to abandon this misguided litigation strategy. Plainly she has not taken that advice to heart, but instead has flooded the Court of Appeals with new pleadings.

Supreme Court Nos. 86095-5 & 86126-1. This time Commissioner Goff awarded sanctions. Stevenson's conduct in this litigation has been repeatedly sanctioned, so far to no effect. For example, the Court of Appeals stated:

This is a second appeal from a trial court order dismissing Stevenson's lawsuit for willful and deliberate refusal to attend her deposition. Without reasonable excuse or justification, Stevenson failed to appear three times for a deposition and flagrantly ignored three orders to compel her deposition. Even resolving all doubts in favor of Stevenson, we conclude that this appeal raises no debatable issues on which reasonable minds could differ. As discussed above, none of her numerous contentions undermine the discovery sanction dismissal order. Rather, they illustrate Stevenson's pattern of abusive and frivolous litigation. This appeal is frivolous, and sanctions are warranted in the amount of \$5,000.

CP 57-58 (footnote markers omitted). In a footnote, the Court of Appeals observed:

Stevenson's frivolous litigation conduct here is even more egregious given that a previous court entered a default order and judgment against Stevenson and James Canning as a sanction based on willful and deliberate refusal to comply with the court's order to comply with discovery in unrelated litigation. *Delany*, 84 Wn. App. at 508. Stevenson was well aware of the risks posed by her litigation tactics in this case, yet she persisted undeterred by prior sanctions.

CP 58.

This Court also repeatedly sanctioned Stevenson. For example, in its October 10, 2012 order denying Stevenson's petition for review in No. 87531-6, the Court ordered her "to pay additional sanctions in the amount of \$500 to the Respondent and \$500 to the Supreme Court." In its January 9, 2013 order denying Stevenson's petition for review in No. 87785-8, the Court ordered her "to pay a sanction in the amount of \$1,000 to the Court." Stevenson has paid all of the sanctions against her, but they have had no effect on her conduct.

Pursuant to RAP 18.1 and the promissory notes at issue in this lawsuit (CP 128-35), Canning requests that the Court order Stevenson to pay his attorneys' fees incurred in responding to her petition for review. In any lawsuit based on a contract that provides for attorneys' fees, "reasonable fees shall be awarded to the prevailing party." *Metro. Mortgage & Sec. Co. v. Becker*, 64 Wn. App. 626, 632, 825 P.2d 360 (1992). The court's discretion is "limited to deciding the amount of

reasonable fees.” *Id.* The promissory notes provide for attorneys’ fees to the holder of the note (CP 128-35), which under RCW 4.84.330 is made reciprocal.

The fact that Canning has taken the position that the notes are invalid does not affect his right to fees under RCW 4.84.330. *Herzog Aluminum, Inc. v. Gen. Am. Window Corp.*, 39 Wn. App. 188, 197, 692 P.2d 867 (1984) (“[W]e conclude that the broad language . . . in RCW 4.84.330 encompasses any action in which it is alleged that a person is liable on a contract.”).

Should the Court agree that Stevenson should pay for Canning’s fees, Canning will submit an affidavit pursuant to RAP 18.1(d).

V. CONCLUSION

For the foregoing reasons, Canning respectfully requests that the Court deny Stevenson’s petition for review and award him attorneys’ fees.

Respectfully submitted this 24th day of November, 2015

LIVENGOOD ALSKOG, PLLC



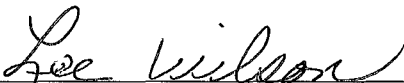
Kevin B. Hansen, WSBA #28349
Attorneys for David M. Canning
121 Third Avenue
P.O. Box 908
Kirkland, WA 98083-0908
425-822-9281
425-828-0908 (fax)

DECLARATION OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on November 24, 2015, I caused service of the foregoing as follows:

Karen A. Stevenson, <i>pro se</i> 424 – 21 st Avenue Seattle, WA 98122 (206) 860-3701	<input checked="" type="checkbox"/> via U.S. Mail <input type="checkbox"/> via Hand Delivery <input type="checkbox"/> via Facsimile <input type="checkbox"/> via Overnight Mail
---	--

Dated: November 24, 2015



Lee Wilson

Appendix

Docket #	Date	Document (Trial Court Orders in bold)
481	4/11/2013	Canning Motion for fees on remand (CP 67-102)
484	4/26/2013	Stevenson Response to motion for fees (CP 190-228)
486	5/2/2013	Canning Reply in support of motion for fees (CP 231-43)
488	5/3/2013	Stevenson Objection to motion for fees (CP 264-79)
490	5/6/2013	Stevenson Objection to procedural irregularities on remand (CP 283-303)
489	5/6/2013	Canning Response to Objection filed May 6 under Dkt. 490 (CP 280-82)
491	5/7/2013	Stevenson Objection to false statements (CP 304-11)
492	5/14/2013	Stevenson Objection to false statements (CP 312-18)
493	5/15/2013	Stevenson Objection to procedural irregularities on remand (CP 319-23)
494	5/16/2013	Trial Court Judgment (CP 324-25)
495	5/16/2013	Trial Court Order granting Canning motion for fees (CP 326-36)
496	5/16/2013	Stevenson Objection to false statements (CP 337-39)
497	5/17/2013	Stevenson Objection to false statements (CP 541-44)
497B	5/20/2013	Stevenson Motion for ruling on Objection filed May 6 under Dkt. 490 (CP 342-46)
498	5/21/2013	Canning Response to motion for ruling on Objection (CP 347-51)
500	5/21/2013	Stevenson Motion to strike and for ruling on Objections filed under Dkt. 490, 492, 493 (CP 354-61)
503	5/28/2013	Stevenson Motion for reconsideration of May 16 Order filed under Dkt. 495 (CP 370-83)
504	5/30/2013	Canning Response to motion to strike and for ruling on Objections (CP 384-88)
505	5/30/2013	Trial Court Order denying motion filed under Dkt. 497B (CP 389-90)
507	6/3/2013	Stevenson Amended Motion for reconsideration of May 16 Order filed under Dkt. 495 (CP 393-406)
510	6/4/2013	Trial Court Order denying motion filed under Dkt. 503¹ (CP 416-17)
512	6/5/2013	Stevenson Motion for reconsideration of May 30 Order filed under Dkt. 505 (CP 420-27)
514	6/6/2013	Trial Court Order denying motion filed under Dkt. 500 (CP 430-31)
515	6/6/2013	Stevenson Motion for ruling on amended motion for reconsideration filed under Dkt. 507 (CP 432-38)
518	6/10/2013	Stevenson Motion for reconsideration of May 30 Order filed under Dkt. 505 ² and June 6 Order filed under Dkt. 514 (CP 545-63)
519	6/11/2013	Trial Court Order denying motions filed under Dkt. 507, 512, 515, and 518 (CP 443-44)
523	6/14/2013	Trial Court Order denying motion filed under Dkt. 512³ (CP 449-50)
524	6/14/2013	Stevenson Motion for reconsideration of June 4 Order filed under Dkt. 510 and June 6 Order filed under Dkt. 514 ⁴ (CP 451-73)

¹ The Order was signed May 31 but not filed until June 4. (CP 416-17)

² Stevenson had already moved for reconsideration of the May 30 Order in her motion filed under Dkt. 512.

³ This was a duplicate order as the court had already denied the motion for reconsideration on June 11. (CP 443-44)

⁴ Stevenson's motion was moot as to June 6 Order (Dkt. 514) because the court had already denied reconsideration of that Order in its June 11 Order (Dkt. 519); it appears, however, from the text of the motion that Stevenson intended to move for reconsideration of the June 11 Order.

526	6/19/2013	Trial Court Order denying motion filed under Dkt. 524 ⁵ (CP 477-78)
528	6/20/2013	Trial Court Order clarifying that all of Stevenson's prior motions for reconsideration were denied (CP 481-82)
530	6/21/2013	Stevenson Motion for reconsideration of June 11 Order filed under Dkt. 519, but only as to the denial of motion filed under Dkt. 518 (CP 545-63)
532	6/24/2013	Stevenson Motion for reconsideration of June 14 Order filed under Dkt. 523 ⁶ (CP 502-14)
535	7/30/2013	Trial Court Order denying motions filed under Dkt. 530, 532 ⁷ (CP 520)
537	8/12/2013	Trial Court Amended Order denying motions filed under Dkt. 530, 532 (CP 522)
538	9/11/2013	Stevenson Notice of Appeal (CP 523-40)

⁵ This was a duplicate order as the court had already denied the motion for reconsideration as to the June 6 Order in its June 11 Order filed under Dkt. 519.

⁶ It is clear from the text of the motion, however, that Stevenson was asking the court to reconsider its June 19 Order filed under Dkt. 526.

⁷ It is clear that the court intended to rule on both of the motions filed under Dkt. 530 and Dkt. 532, but the ruling only specified that the motion filed under Dkt. 530 was denied. (CP 520)

Docket #	Date	Document
545	2/11/2014	Stevenson Motion to vacate May 16, 2013 Judgment (CP 564-74)
546	2/12/2014	Stevenson Amended Motion to vacate (CP 577-84)
547	2/13/2014	Trial Court Order to show cause⁸ (CP 585-86)
550	2/14/2014	Canning Response to motion to vacate (CP 587-98)
551	2/14/2014	Stevenson Further Amended Motion to vacate (CP 599-606)
551B	2/18/2014	Stevenson Motion to strike request for sanctions (CP 937-43)
551C	2/18/2014	Stevenson Motion to strike oral hearing (CP 944-45)
552	2/19/2014	Canning Response to motion filed under Dkt. 551 (CP 946-47)
553	2/20/2014	Stevenson Motion to vacate order requiring her to appear in person (CP 948-54)
554	2/21/2014	Stevenson Amended Motion to vacate (CP 607-12)
555	2/24/2014	Canning Motion to shorten time (CP 955-65)
556	2/24/2014	Canning Motion to strike motion filed under Dkt. 551B (CP 966-75)
557	2/24/2014	Stevenson Response to request for sanctions in response filed under Dkt. 550 (CP 976-79)
560	2/25/2014	Stevenson Response to motion filed under Dkt. 556 (CP 641-42)
561	2/25/2014	Stevenson Response to Order to show cause filed under Dkt. 547 (CP 643-48)
562	2/26/2014	Stevenson Request for entry of Order to show cause on motion filed under Dkt. 553 (CP 649-50)
565	2/28/2014	Trial Court Judgment (CP 984-85)
566	2/28/2014	Trial Court Order denying motion to vacate and awarding sanctions against Stevenson (CP 613-17)
569	3/5/2014	Stevenson Notice of Appeal (CP 655-73)
572	3/10/2014	Stevenson Motion to amend February 28 Order filed under Dkt. 566 (CP 676-92)
575	3/19/2014	Trial Court Order denying motion filed under Dkt. 572 (CP 1002)
577	3/19/2014	Stevenson "Motion" ⁹ (CP 1003-08)
578	3/21/2014	Stevenson Motion for reconsideration of March 19 Order filed under Dkt. 575 (CP 1009-20)
582	3/25/2014	Trial Court Order denying motion filed under Dkt. 578 (CP 1002)
584	3/27/2014	Stevenson Motion to vacate February 28 Judgment and Order filed under Dkt. 565 and 566 (CP 1026-31)
588	4/1/2014	Stevenson Amended Motion to vacate (CP 1034-43)
591	4/9/2014	Stevenson Amended Motion to vacate (Appendix at A-000001 – A-000009)
592	4/16/2014	Trial Court Order denying motion¹⁰ (Appendix at A-000031 – A-000032)
593	4/17/2014	Stevenson Notice of Appeal (Appendix at A-000033-000062)

⁸ The Order set a hearing date of February 27, 2014 and ordered Stevenson to appear in person.

⁹ The "motion" is a letter from Stevenson to the court with her proposed order granting her motion to amend.

¹⁰ The court found "that the plaintiff has filed numerous and repetitive motions dealing with the same issues" and prohibited Stevenson from filing any further motions regarding prior proceedings except as allowed on a future remand by the court of appeals.

RECEIVED
 -9 APR 2014 14 55
 DEPARTMENT OF
 JUDICIAL ADMINISTRATION
 KING COUNTY, WASHINGTON

RECEIVED
 JUDGES MAIL ROOM
 2014 APR -9 PM 2:57

KING COUNTY
 SUPERIOR COURT
 Honorable Laura Middaugh
 Hearing Date: April __, 2014
 Without Oral Argument

RECEIVED
 APR 11 2014
 LIVENGOOD ALSKOG, PLLC

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
 FOR THE COUNTY OF KING

KAREN A. STEVENSON	)	NO. 05-2-16751-3 SEA
Plaintiff)	
	)	PLAINTIFF'S AMENDED
v.	)	CR 60 MOTION TO
	)	VACATE "ORDER TO SHOW
	)	CAUSE" FILED 2-28-14
DAVID M. CANNING, PERSONAL	)	AND JUDGMENT FILED
REPRESENTATIVE OF THE ESTATE	)	2-28-14
OF MARY LOUISE CANNING)	
Defendant)	
)	

I. PARTY AND RELIEF REQUESTED

Karen Stevenson, pro se plaintiff, pursuant to CR 60(b)(1), (4), (5) & (11) asks this Court to vacate its order filed February 28, 2014, that granted defendant David Canning's motion for CR 11 sanctions (and denied Stevenson's CR 60 motion to vacate the order and judgment filed May 16, 2013), and to vacate the judgment filed February 28, 2014. This motion is based on the evidence set out in Stevenson's subjoined declaration. Stevenson asks that this Court enter an order to show cause but to determine the motion based on written evidence and argument submitted by the parties. (The Court

Amended Motion to Vacate Order and
 Judgment Filed 2-28-14 - 1

Karen Stevenson
 COPIES MAILED TO CLIENTS, Seattle, WA 98122
 D. Canning 206-860-3701
 4-22-14

A-000001

of Appeals has previously ruled in this case that oral argument is not required for determination of a CR 60 motion to vacate.)

II. STATEMENT OF FACTS

This Court on February 28, 2014 entered an order (entitled "Order to Show Cause") that granted Canning's motion for CR 11 sanctions and denied Stevenson's CR 60 motion to vacate the order and judgment filed May 16, 2013. The Court also entered judgment for Canning. Canning had not filed a notice of hearing for his motion, and he did not file a notice of hearing for presentment of judgment. The subject order filed February 28, 2014 was apparently written by the trial judge and entered without any notice of presentment to Stevenson. The order contained many statement of fact that were challenged by Stevenson in her CR 52(b) motion to amend the findings, filed March 10, 2014; although the motion was unopposed the trial judge denied it.

III. STATEMENT OF ISSUES

Whether the order and judgment filed February 28, 2014 are void because Stevenson received no notice of presentment of the order before it was entered.

Whether the order filed February 28, 2014 should be vacated because it was entered after the trial court conducted a hearing on an ex parte basis, after Stevenson had informed the trial court she could not appear in court on February 27, 2014.

IV. EVIDENCE RELIED ON

Karen Stevenson hereby declares under penalty of perjury and from her personal knowledge as follows:

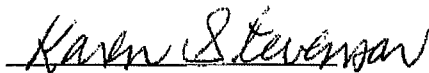
Amended Motion to Vacate Order and
Judgment Filed 2-28-14 - 2

Karen Stevenson
424 21st Ave., Seattle, WA 98122
206-860-3701

1. I am the plaintiff in this case and able to make this declaration.
2. I incorporate by this reference my declaration in this case dated and filed March 4, 2014.
3. On February 27, 2014, Judge Laura Gene Middaugh conducted a hearing in this case, on an *ex parte* basis. An attorney with the Livengood, Fitzgerald & Alskog LLC law firm attended the hearing despite being fully aware Stevenson was on record stating she had a schedule conflict and could not appear.
4. On February 28, 2014, Judge Middaugh entered an order entitled "Order to Show Cause" which granted defendant David Canning's motion for CR 11 sanctions. Judge Middaugh also entered judgment in favor of Canning.
5. The subject order granting CR 11 sanctions to Canning was entered without giving me any notice of presentment. Canning did not file a notice of hearing for his motion for sanctions, and he did not file a notice of hearing for the judgment he obtained February 28, 2014.
6. The subject order granting CR 11 sanctions to Canning states on its first page that Stevenson had not advised the court she would be unable to appear in court that day. This was not true, as can be seen in my declaration filed March 4, 2014.
7. I filed the motion to vacate the subject order and judgment immediately after the trial judge denied my motion for reconsideration of her order denying my unopposed motion to amend the findings in the subject order.

8. I have not contacted the trial court by email, since I received a copy of the subject February 28, 2014 order and read it. All previous emails sent by me to the trial court were also copied to Kevin Hansen or another lawyer at Livengood, Fitzgerald & Alskog LLC.
9. Judge Middaugh on March 19, 2014 denied my unopposed CR 52(b) motion to amend findings in the subject February 28, 2014 order, after she received a copy of my letter to her of the same date which had as an attachment the 5-page proposed order granting the motion. The original letter was filed with the Superior Court Clerk.
10. I filed the motion to vacate the subject order and judgment immediately after the trial judge denied my motion for reconsideration of her order denying my unopposed motion to amend the findings in the subject order.

Signed this 9th day of April 2014 at Seattle, Washington



Karen Stevenson

V. LEGAL AUTHORITY

CR 54(f)(2)

CR 60(b)(1),(4),(5) & (11).

CR 60(e)

Brenner v. Port of Bellingham, 53 Wn. App. 182, 765 P. 2d 1333 (1989)

Kennewick Irrig. Dist. v. Real Property, 70 Wn. App. 368, 853 P.2d 488 (1993)

Peoples State Bank v. Hickey, 55 Wn. App. 367, 777 P.2d 1.

Roberson v. Perez, 123 Wn. App. 320, 96 P.3d 420 (2004)

Seattle v. Sage, 11 Wn. App. 481, 523 P.2d 942 (Div. 1, 1974)

David Breskin, *Civil Procedure and Forms*, 10A Washington Practice Series (2000)

VI. ARGUMENT

“When the motion to vacate the judgment is filed, the court *will enter* an order to show cause why the requested relief should not be granted.” (Emphasis supplied.)

Breskin, *Civil Procedure and Forsm*, 10A Washington Practice Series (2000), at 260.

An attorney with the Livengood, Fitzgerald & Alskog LLC law firm appeared in Judge Laura Gene Middaugh’s court February 27, 2014 but his or her name is not disclosed in the court’s February 28th order. Stevenson is not aware of any claim by Canning that the court complied with the notice of presentment requirements of CR 54(f)(2). “Under CR 54(f)(2), no order or judgment shall be signed or entered until opposing counsel has been given 5 days’ notice of presentation and served with a copy of the proposed order or judgment except in circumstances inapplicable here. The effect of the failure to comply with the notice requirements is to void the entry of the judgment and make the action of the trial court ineffectual.” *Seattle v. Sage*, 11 Wn. App. 481, 523 P.2d 942 (Div. 1, 1974). CR 60(b)(5) provides for vacating a void order. “A court has no discretion, however, over whether to vacate under Rule 60(b)(5), a judgment that

is void.” *Brenner v. Port of Bellingham*, 53 Wn. App. 182, 188, 765 P.2d 1333 (1989).

CR 60(b)(1) allows vacation for irregularity or surprise. Stevenson obviously was surprised by the order filed February 28, 2014. *See* subjoined declaration. CR 60(b)(4) allows vacation for misrepresentation or other misconduct by a party or counsel for a party. Stevenson’s CR 52(b) motion to amend findings sets out numerous misstatements of material facts in the order filed February 28, 2014. Canning’s attorney attended the hearing (conducted *ex parte*) and obviously is aware that Stevenson had informed this Court she had a schedule conflict and could not appear in court on February 27th. Canning obviously set up the entry of the court’s order, without any notice of presentment, by misrepresenting the circumstances by which she was not in court. CR 60(b)(4) allows vacation of a judgment for misrepresentation on the part of the non-moving party. For purposes of determining whether moving party is entitled to relief from judgment or order for misrepresentation, it is immaterial whether misrepresentation was innocent or willful. *Peoples State Bank v. Hickey*, 55 Wn. App. 367, 777 P.2d 1.

“Mistakes of fact have been recognized as grounds for vacating judgments in ‘unusual circumstances’ but under Rule 60(b)(11) not Rule 60(b)(1).” Susan E. Foster, *Washington Court Rules Annotated* (2d ed. 2013-14), Vol 2, at 850.

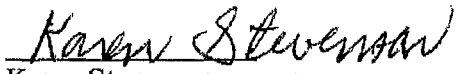
The declaration of Karen Stevenson, sets out facts regarding absence of notice of presentment, surprise, and misconduct by Canning’s attorney.

CR 60(b)(1) allows vacation of a judgment for irregularities. "Irregularities pursuant to CR (b)(1) occur when there is a failure to adhere to some prescribed rule or mode of proceeding, such as when a procedural matter that is necessary for the orderly conduct of trial is omitted. . ." *Kennewick Irrig. Dist. v. Real Property*, 70 Wn. App 368, 853 P 2d 488 (1993), review denied, 866 P 2d 40. If the order is void, the judgment relying entirely on that order must also fall.

VII. PROPOSED ORDER

Proposed order granting relief requested is attached as Exhibit A.

Respectfully submitted April 9, 2014


Karen Stevenson, pro se
424 21st Avenue, Seattle WA 98122
206-860-3701

DECLARATION OF SERVICE:

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on April 9, 2014, I deposited in the US Mail at Seattle WA, correct postage prepaid, a copy of this document addressed to Kevin B. Hansen, 121 Third Avenue, P.O. Box 908, Kirkland, WA 98083-0908.


Karen A. Stevenson

RECEIVED
--9 APR 2014 14 55
DEPARTMENT OF
JUDICIAL ADMINISTRATION
KING COUNTY WASHINGTON

Honorable Laura Gene Middaugh
Hearing Date: April __, 2014
JUDGES MAIL ROOM
2014 APR -9 PM 2:57
KING COUNTY
SUPERIOR COURT

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

KAREN A. STEVENSON	)	NO. 05-2-16751-3 SEA
Plaintiff)	
	)	ORDER GRANTING AMENDED
v.	)	CR 60 MOTION TO VACATE
	)	“ORDER TO SHOW CAUSE”
	)	FILED 2-28-14 AND
	)	JUDGMENT FILED 2-28-14
DAVID M. CANNING, PERSONAL)	
REPRESENTATIVE OF THE ESTATE	)	[CLERK’S ACTION REQUIRED]
)	
OF MARY LOUISE CANNING)	
Defendant	)	(Proposed order)
)	
)	

THIS MATTER came before the Court, Judge Laura Gene Middaugh, for hearing on Karen Stevenson’s CR 60 motion filed March 27, 2014, as amended April 9, 2014, to vacate the “Order to Show Cause” filed February 28, 2014 and the judgment filed February 28, 2014. The Court entered its order to show cause why the relief requested should not be granted, requesting a response from defendant David Canning and allowing a reply by Stevenson. The Court has considered the motion, the response from David Canning (if any), the reply from Stevenson (if any), and the record herein.

Order Granting Amended CR 60 Motion - 1	Karen A Stevenson 424 21 st Ave., Seattle, WA 98122 206-860-3701
---	---

Based on the written argument of the parties and the evidence presented, this court finds good cause to grant the relief requested. Specifically, this court finds that the plaintiff received no notice of presentment of the subject order, and that she had informed the court she was unavailable for attending a hearing on February 27, 2014 due to schedule conflict.

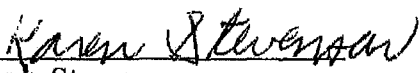
IT IS ORDERED, That the motion is hereby granted; that the order filed February 28, 2014 entitled "Order to Show Cause" is hereby vacated.

IT IS FURTHER ORDERED, That the judgment filed February 28, 2014 is hereby vacated.

DATED AND SIGNED this ____ day of _____, 2014.

Judge Laura Gene Middaugh

PRESENTED BY:


Karen Stevenson
424 21st Ave., Seattle, WA 98122
Ph: 206-860-3701
kas416@msn.com

Order Granting Amended CR 60 Motion - 2

Karen A Stevenson
424 21st Ave., Seattle, WA 98122
206-860-3701

A-000009

RECEIVED
16 MAY 2014 14 48
DEPARTMENT OF
JUDICIAL ADMINISTRATION
KING COUNTY, WASHINGTON

RECEIVED
MAY 19 2014
LIVENGOOD ALSKOG, PLLC

RECEIVED
JUDGE'S MAIL ROOM
2014 MAY 16 AM 10:50
Honorable Laura M. Midaugh
Hearing Date: TBD
Without Oral Argument
KING COUNTY SUPERIOR COURT

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

KAREN A. STEVENSON	)	NO. 05-2-16751-3 SEA
Plaintiff)	
	)	PLAINTIFF'S CR 60 MOTION
v.	)	TO VACATE ORDER ON
	)	ATTORNEYS' FEES FILED
DAVID M. CANNING, PERSONAL	)	MAY 16, 2013 AND
REPRESENTATIVE OF THE ESTATE	)	JUDGMENT FILED MAY 16,
OF MARY LOUISE CANNING	)	2013
Defendant)	

I. Party and relief requested

KAREN STEVENSON, pro se plaintiff, moves this court pursuant to CR 60(b)(1), (4) & (5) to vacate the order awarding attorneys' fees filed May 16, 2013 and the judgment filed May 16, 2013. This motion is based on the evidence set out in Stevenson's declaration herein. Stevenson asks that this Court determine the motion based on written evidence and argument submitted by the parties or their counsel. (The Court of Appeals previously ruled in this case that oral argument is not required on a motion to vacate filed under CR 60(b).)

II. Statement of facts

On May 16, 2013, this Court on remand from the Court of Appeals entered an order granting defendant David Canning's motion for a further award of attorney's fees. Stevenson received no notice of presentment before the trial judge entered the subject order. Also on May 16, 2013, this Court entered judgment in favor of Canning for the award made same date.

Prior to remand, the Supreme Court by order filed October 10, 2012 in No. 87531-6 prohibited Stevenson from filing any pleadings in this court until Stevenson paid in full the sanctions imposed on her in that order. *See Exhibit A* attached hereto. Stevenson mailed a cashier's check for \$500 to Kevin Hansen May 5, 2014, and she mailed a cashier's check for \$100 (estimated accrued interest) to Hansen on May 7, 2014, for payment in full of the sanction in favor of Canning imposed October 10, 2012 in SC 87531-6. *See Stevenson declaration herein, para. 2.*

In Canning's May 2, 2013 reply to Stevenson's purported response to his motion for further award of attorneys fees, Hansen stated that "Mr. Canning provided the *same pleadings* for this Court to review and evaluate whether a downward adjustment of fees was warranted" as had been considered by Judge Chris Washington. (Dkt. 486, at 2) This statement by Hansen was false. The subject orders filed October 29, 2009 and February 10, 2010 state that the "*files and records*" of this case were considered by Judge Washington. (Dkt. 242, at 1; Dkt. 320A, at 1). Hansen's statement was knowingly false, as can be seen simply from reading the first page of both orders.

The mandate filed February 20, 2013, states: "This case is mandated to the Superior Court from which the appeal was taken for further proceedings *in accordance with the attached true copy of the decision.*" [Emphasis supplied.] (Dkt. 477, at 1.) The decision states:

And because the trial court made no findings to support its substantial reduction of the estate attorney fees and costs request, we vacate the fees and costs judgments and remand for proceedings consistent with *this opinion.* [Emphasis supplied.]

(Dkt. 477, at __.)

Canning opposed entry of a case schedule order, and in his response to Stevenson's purported objection filed May 6, 2013 (Dkt. 490) stated:

The difference between August 2008, when Mr. Canning requested a case scheduling order, and now is obvious - - as of August 2008, Ms. Stevenson *had successfully appealed the earlier dismissal of her claims, and a case schedule was necessary.* [Emphasis supplied.]

(Dkt. 489, at 2). This statement was false as can be seen from a reading of the prior mandate (Dkt. 69, at 1), which states:

PER CURIAM. Karen Stevenson has appealed the trial court order dismissing her complaint for failure to comply with a discovery ruling. David Canning concedes that there are inadequate findings to support the order. *He requests that the matter be remanded for additional findings.* [Emphasis supplied.]

Canning opposed entry of a Case Schedule Order, and his false statement was interposed as a means of preventing entry of such an order; Canning also opposed continuing the

hearing, to enable Stevenson to provide copies of the existing court file, if that was what this Court required. (Dkt. 489, at 2-3.) At no time did this court indicate what evidence it expected Stevenson to provide, in opposing Canning's motion.

This Court in its order awarding additional attorneys fees filed May 16, 2013 concluded that:

Judge Washington listed the documents he considered in making his findings and order [sic] on attorneys fees and costs. This Court has reviewed these same documents. . . Upon review of [them], this court cannot find any factual or legal basis for the downward adjustment [sic] that was [sic] made.

(Dkt. 495, at 2) In fact, Judge Washington in the subject two orders stated he considered the "files and records" for the entire case, and not just the few documents specifically identified. (Dkt. 242, at 1; Dkt 320A, at 1.)

III. Statement of issues

Whether the trial court failed to comply with the specific instructions of the Court of Appeals set out in the mandate filed February 20, 2013 in COA No. 64529-3-I, and with the "true intent and meaning" of the decision incorporated in that mandate, rendering the trial court's action in entering the order and judgment filed May 16, 2013 void thereby obliging the trial court to vacate the order and judgment pursuant to CR 60(b)(5).

Whether the trial court's failure to comply with the "true intent and meaning" of the appellate court's decision incorporated in the subject mandate constituted an "irregularity" within the meaning of CR 60(b)(1).

Whether the May 16, 2013 order awarding attorneys fees is void within the meaning of CR 60(b)(5) because the trial judge failed to give five days' notice of presentment prior to filing that order as required by CR 54(f)(2).

Whether the trial court is obligated under CR 60(b)(5) to vacate the order and judgment filed May 16, 2013 because they are void pursuant to CR 54(f)(2).

Whether David Canning's counsel's misrepresentation to this Court that the only pleadings to be "review[ed] and evaluate[d]" by Judge Laura Middaugh, in complying with the mandate filed February 20, 2013, were the specific documents listed in Judge Chris Washington's orders filed October 29, 2009 and February 11, 2010, was a misrepresentation within the meaning of CR 60(b)(4) requiring vacation of the order and judgment filed May 16, 2013.

Whether the trial court's failure to clarify what its expectations were regarding submissions from the parties, prior to ruling on Canning's motion, was an irregularity within the meaning of CR 60(b)(1).

IV. Evidence relied on

Karen Stevenson hereby declares under penalty of perjury of the laws of the State of Washington and from her personal knowledge as follows:

1. I am the plaintiff in this case and able to make this declaration.

2. I was informed on May 5, 2014 that I had not paid the sanctions imposed in Supreme Court order filed October 10, 2012 in SC 87531-6 which prohibited me from filing any pleadings in any court in this State regarding this case, prior to payment in full of the sanctions. (A copy of the subject order is attached as Exhibit A hereto.) I mailed a cashier's check in the amount of \$500 to Kevin Hansen May 5, 2014, and I mailed a further cashier's check in the amount of \$100 to Hansen May 7, 2014 for estimated accrued interest, to pay the full amount of the sanctions imposed October 10, 2012.
3. In his motion for a further award of attorneys fees filed, David Canning's counsel, Kevin Hansen, informed me that I had not paid an award of sanctions. I immediately sent the amount stated owing, to Mr. Hansen.
4. By letter dated May 30, 2013, Mr. Hansen informed me that I had overpaid sanctions owed by more than \$2,500, and he asked me if I wished to have him apply that sum to the judgment filed May 16, 2013. (Copy of letter is attached as Exhibit B hereto.) Mr. Hansen did not mention the \$500 plus accrued interest owed to Mr. Canning for sanctions imposed by the Supreme Court October 10, 2012.
5. The trial judge wrote the order awarding further attorneys fees, filed May 16, 2013. I did not see a copy of the order until Mr. Hansen handed a copy of it to me at his office in Kirkland about a week later.

6. Mr. Hansen, in Mr. Canning's May 2, 2013 reply to my response to his motion for further award of attorneys fees, stated that "Mr. Canning provided the *same pleadings* for this Court to review and evaluate whether a downward adjustment of fees was warranted" as had been considered by Judge Chris Washington. (Dkt. 486, at 2) This statement by Mr. Hansen was false. The subject orders filed October 29, 2009 and February 10, 2010 state that the "*files and records*" of this case were considered by Judge Washington. [Emphasis supplied.] (Dkt. 242, at 1; Dkt. 320A, at 1). Hansen's statement was knowingly false, as can be seen simply from reading the first page of both orders.

7. The mandate filed February 20, 2013 in this case (COA Nos. 64529-3-I) states: "This case is mandated to the Superior Court from which the appeal was taken for further proceedings *in accordance with the attached true copy of the decision.*" [Emphasis supplied.] (Dkt. 477, at 1.) The decision states:

And because the trial court made no findings to support its substantial reduction of the estate attorney fees and costs request, we vacate the fees and costs judgments and remand for proceedings consistent with *this opinion.* [Emphasis supplied.]

8. This Court in its order awarding additional attorneys fees filed May 16, 2013 concluded that:

Judge Washington listed the documents he considered in making his findings and order [sic] on attorneys fees and costs. This Court has reviewed *these same documents.* . . . Upon review of [them], this court cannot find any factual

or legal basis for the downward adjustment [sic] that was [sic] made. [Emphasis supplied.]

Dkt. 495, at 2)

9. I have been unable to obtain legal counsel to represent me in this case, and my effort to obtain counsel delayed the purported CR 60 motion I filed in February. I put months of effort into the effort to obtain legal representation in this case.

V. LEGAL AUTHORITY

CR 54(f)(2); CR 60(b)(1),(4) & (5); CR 60(e)(2)

Brenner v. Port of Bellingham, 53 Wn. App. 182, 765 P. 2d 1333 (1989)

Frye v. King County, 289 P. 18, 157 Wn. 291 (1930)

Kennewick Irrig. Dist. v. Real Property, 70 Wn. App. 368, 853 P. 2d 488 (1993)

Peoples State Bank v. Hickey, 55 Wn. App. 367, 777 P. 2d 1.

Roberson v. Perez, 123 Wn. App. 320, 96 P. 3d 420 (2004)

Schaefco v. Gorge Commission, 121 Wn. 2d 366, 849 P. 2d 1225 (1993)

Seattle v. Sage, 11 Wn. App. 481, 523 P. 2d 942 (Div. 1, 1974)

State v. Schwab, 134 Wn. App. 635, 141 P. 3d 658 (Div 1, 2006)

State v. Miller, 67 Wn. 2d 59, 406 P. 2d 760 (1965)

David Breskin, *Civil Procedure and Forms*, 10A Washington Practice Series (2000)

Karl Tegland, *Civil Procedure*, 4 Washington Practice Series (6th ed. 2013)

VI. Argument

“When the motion to vacate the judgment is filed, the court *will enter* an order to show cause why the requested relief should not be granted.” (Emphasis supplied.) Breskin, *Civil Procedure and Forms*, 10A Washington Practice Series (2000), at 260; CR 60(e)(2). Stevenson was prohibited from filing any pleadings in this case until very recently, due to the Supreme Court’s order. Therefore, Stevenson filed a purported CR 59 motion for reconsideration of the order and judgment filed May 13, 2013 which could not extend the due date for filing her appeal. *Schaefco v. Gorge Commission*, 121 Wn. 2d 366, 849 P. 2d 1225 (1993).

Stevenson is not aware of any claim by Canning that the court complied with the notice of presentment requirements of CR 54(f)(2).

Under CR 54(f)(2), no order or judgment shall be signed or entered until opposing counsel has been given 5 days’ notice of presentation and served with a copy of the proposed order or judgment except in circumstances inapplicable here. The effect of the failure to comply with the notice requirements is to void the entry of the judgment and make the action of the trial court ineffectual.

Seattle v. Sage, 11 Wn. App. 481, 523 P. 2d 942 (Div. 1, 1974).

CR 60(b)(5) provides for vacating a void order. “A court has no discretion, however, over whether to vacate under Rule 60(b)(5), a judgment that is void.” *Brenner v. Port of Bellingham*, 53 Wn. App. 182, 188, 765 P. 2d 1333 (1989). “Under CR 60(b)(5). . . the court presumably has no discretion to allow a void judgment to stand. If the judgment is void, the court must, on motion, vacate it.” Tegland, *Rules Practice*, 4 Washington Practice Series (6th ed. 2013) at 614.

CR 60(b)(4) allows vacation for misrepresentation or other misconduct by a party or counsel for a party. For purposes of determining whether moving party is entitled to relief from judgment or order for misrepresentation, it is immaterial whether misrepresentation was innocent or willful. *Peoples State Bank v. Hickey*, 55 Wn. App. 367, 777 P. 2d 1.

CR 60(b)(1) allows vacation of a judgment for irregularities. "Irregularities pursuant to CR (b)(1) occur when there is a failure to adhere to some prescribed rule or mode of proceeding, such as when a procedural matter that is necessary for the orderly conduct of trial is omitted. . ." *Kennewick Irrig. Dist. v. Real Property*, 70 Wn. App 368, 853 P 2d 488 (1993), review denied, 866 P 2d 40. If the order is void, the judgment relying entirely on that order must also fall. As set out in Stevenson's declaration, this Court in awarding additional attorneys fees did not consider other than in the most cursory of fashion the court file for this case that was reviewed carefully and considered by Judge Chris Washington in awarding attorney fees by orders filed October 29, 2009 and February 11, 2010. The trial court therefore failed to comply with RAP 12.2 which provides as follows:

*Upon issuance of the mandate of the appellate court...,
the action taken or decision made by the appellate court
is effective and binding on the parties to the review and
governs all subsequent proceedings in the action in any
court...*

The mandate in No. 64529-3-I filed in this Court February 20, 2013 included the unpublished opinion of Division One that stated:

And because the trial court made no findings to support its substantial reduction of the estate attorney fees and costs request, we vacate the fees and costs judgments and remand for proceedings consistent with this opinion.

(Dkt. 477, at 3)

Supreme Court's order remanding case, with instructions to enter judgment in accordance with its opinion, is binding on trial court. *Frye v King County*, 289 P. 18, 157 Wn. 291 (1930). The unpublished opinion was incorporated by reference in the subject mandate. "Incorporation by reference" is defined as "1. A method of making a secondary document part of a primary document by including in the primary document a statement that the secondary document should be treated as if it were contained in the primary one." Black's Law Dictionary (9th ed. 2009) at 834.

CR 60 (b)(4) allows vacation of a judgment for misrepresentation on the part of the non-moving party. For purposes of determining whether moving party is entitled to relief from judgment for misrepresentation, it is immaterial whether misrepresentation was innocent or willful. *Peoples State Bank v Hickey*, 55 Wn App 367, 777 P 2d. In *Servis v Land Resources, Inc.*, 62 Wn App 888, 815 P 2d 840, reconsideration denied, review denied 827 P 2d 1012, 118 Wn 2d 1020 (1991), Division One held that a misrepresentation requires a specific knowledge and intent by the wrongdoer. As experienced trial and appellate counsel for Canning, Hansen obviously was aware that the

October 29, 2009 and February 11, 2010 orders awarding attorneys fees were based on the *entire* record before Judge Washington. Clearly, Hansen and Canning had specific knowledge and intent, to prevent Stevenson from obtaining fair hearing.

The trial court may rule on a CR 60 motion to vacate on the basis of affidavits, without oral hearing. *Roberson v. Perez*, 123 Wn. App. 320, 96 P. 3d 420 (2004).

In *State v Schwab*, 134 Wn App 635, 141, P 3d 658 (2006), Division One held: "Superior courts must strictly comply with directives from an appellate court which leave no discretion to the lower court." 134 Wn App at 645. This Court had no discretion not to consider the entire case file reviewed and considered by Judge Washington in making his awards of attorneys fees (orders filed October 29, 2009 and February 11, 2010), and such consideration was impossible without participation by Stevenson in presenting evidence based on the entire court file - - hundreds of documents.

Actions by the trial court that fall outside the mandate are void. A void order or judgment challenged by a CR 60(b)(5) motion to vacate must be vacated because the trial court has no discretion to deny the motion. In Ethredge v. Diamond Drill

Contracting. Co., 200 Wash. 273, 93 Pac. 324 (1939), the Court stated:

In remanding the cause to the trial court, it was the duty of the trial court to comply with the mandate of this court. Such mandate must be strictly followed *according to its true intent and meaning, as determined by the directions given by this court*. Proceedings contrary to the mandate must be treated as null and void. [Citation omitted, emphasis supplied.]

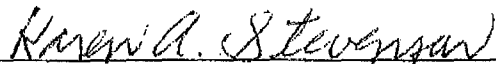
Ethredge, 200 Wash. 273, at 276

Quite obviously, Hansen structured proceedings on remand to this court to prevent effective presentation of evidence by Stevenson. No more than a cursory glance was given by the trial judge to hundreds of documents considered by Judge Washington is making his substantial reductions in the amounts he awarded for attorneys' fees in his orders of October 2009 and February 2010. The order and judgment filed May 16, 2013 should be vacated under CR 60(b)(1), (4) and (5).

VII. Proposed order

An appropriate order granting the relief requested is attached hereto as Exhibit C.

SIGNED at Seattle, WA this 16th day of May, 2014.



Karen A. Stevenson, pro se
424 21st Avenue, Seattle WA 98122
Ph: 206-860-3701

DECLARATION OF SERVICE:

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on May 16, 2014, I filed the original of this motion, proposed order, and notice of hearing with the Superior Court Clerk. I also delivered a copy of this document, including original proposed order and the notice of hearing, to the Judges mailroom at the King County Court House, for Judge Middaugh. On May 16, 2014 I deposited a copy of this document in the US Mail at Seattle, WA, correct postage prepaid, addressed to Kevin B. Hansen, 121 Third Avenue, P.O. Box 908, Kirkland, WA 98083-0908.



Karen A. Stevenson

EXHIBIT A

A-000023

THE SUPREME COURT OF WASHINGTON

KAREN A. STEVENSON,

Petitioner,

v.

DAVID M. CANNING, Personal
Representative of the ESTATE OF MARY
LOUISE CANNING,

Respondent.

NO. 87531-6

ORDER

C/A NO. 64529-3-I & 64792-0-I
(consolidated)

12 OCT 10 AM 9:02
BY RONALD R. GARRETT
CLERK

Department I of the Court, composed of Chief Justice Madsen and Justices C. Johnson, Owens, J. M. Johnson and Wiggins, considered at its October 9, 2012, Motion Calendar, whether review should be granted pursuant to RAP 13.4(b), and unanimously agreed that the following order be entered.

IT IS ORDERED:

That the Petition for Review is denied. The Respondent's request for attorney fees for answering the petition for review and as sanctions is granted. The Respondent is awarded reasonable attorney fees and expenses pursuant to RAP 18.1(j) and RAP 18.9(a). The amount of the attorney fees and expenses will be determined by the Supreme Court Clerk pursuant to RAP 18.1. Pursuant to RAP 18.1(d), Respondent should file an affidavit with the Clerk of the Washington State Supreme Court.

Pursuant to RAP 18.9(a), the Petitioner is ordered to pay additional sanctions in the amount of \$500 to the Respondent and \$500 to the Supreme Court. The Petitioner is prohibited from filing

647/
/111

Page 2
No. 87531-6

any further pleadings regarding this lawsuit in any court in this state until the sanctions awarded in this order, including the attorney fees awarded to the Respondent, and the sanctions awarded in Supreme Court No. 87648-7, are paid in full.

DATED at Olympia, Washington this 10th day of October, 2012.

For the Court

Madsen, C. J.
CHIEF JUSTICE

EXHIBIT B

LAW OFFICES
LIVENGOOD, FITZGERALD & ALSKOG

A PROFESSIONAL LIMITED LIABILITY COMPANY

JAMES S. FITZGERALD*
DAVID A. ALSKOG
DAVID B. JOHNSTON
JOHN J. WHITE, JR.
DAVID J. SEELEY**
KEVIN B. HANSEN
THOMAS K. WINDUS+
GREGORY A. McBROOM
HUGH W. JUDD+
ANNALISA DANYSH+
GRADY L. WILLIAMSON***

121 THIRD AVENUE
POST OFFICE BOX 908
KIRKLAND, WA 98083-0908

PHONE: (425) 822-9281
FAX: (425) 828-0908
E-MAIL: hansen@lfa-law.com

*ALSO ADMITTED IN OREGON
**ALSO ADMITTED IN CALIFORNIA
***ADMITTED TEXAS AND OREGON ONLY
+OF COUNSEL

May 30, 2013

Karen A. Stevenson
424 - 21st Avenue
Seattle, WA 98122

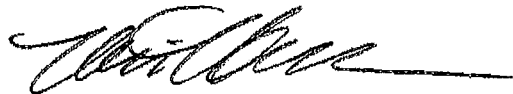
Re: *Stevenson v. Canning*
Court of Appeals, Div. I, Case No. 65121-8-I
Mandate

Dear Ms. Stevenson:

I received a Cashier's Check from you yesterday in the amount of \$2,652.00, dated May 28, 2013. You had previously paid this amount on April 30, 2013, for the fees awarded under the Mandate dated April 5, 2013. Do you wish me to return this check or would you like to apply it toward the Sixth Supplemental Judgment in Favor of Defendant that was filed in the King County Superior Court case on May 16, 2013? Please let me know your decision. Thank you.

Very truly yours,

LIVENGOOD, FITZGERALD,
& ALSKOG, PLLC



Kevin B. Hansen

KBH/lw
cc: Client

A-000027

EXHIBIT C

RECEIVED
16 MAY 2014 14 49
DEPARTMENT OF
JUDICIAL ADMINISTRATION
KING COUNTY, WASHINGTON

Honorable Laura Gene Middaugh
RECEIVED
Hearing Date: May 16, 2014
Without Oral Argument
2014 MAY 16 PM 2:50

KING COUNTY
SUPERIOR COURT

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

KAREN A. STEVENSON	)	NO. 05-2-16751-3 SEA
Plaintiff)	
	)	ORDER GRANTING
v.	)	CR 60(b) MOTION TO VACATE
	)	ORDER AND JUDGMENT
	)	FILED 5-16-14
DAVID M. CANNING, PERSONAL)	
REPRESENTATIVE OF THE ESTATE)	
	)	[CLERK'S ACTION REQUIRED]
OF MARY LOUISE CANNING)	
Defendant	)	(Proposed order)
)	
)	

THIS MATTER came before the Court, Judge Laura Gene Middaugh, for hearing on Karen Stevenson's CR 60(b) motion filed May 16, 2014, to vacate the order and judgment filed May 16, 2013. The Court entered its order to show cause why the relief requested should not be granted, requesting a response from defendant David Canning and allowing a reply by Stevenson. The Court has considered the motion, the response from David Canning (if any), the reply from Stevenson (if any), and the record herein.

Order Granting Amended CR 60 Motion - 1

Karen A Stevenson
424 21st Ave., Seattle, WA 98122
206-860-3701

A-000029

Based on the written argument of the parties and the evidence presented, this court finds good cause to grant the relief requested. Specifically, this court finds that the plaintiff received no notice of presentment of the subject order filed May 16, 2013, which was prepared by the trial judge. This court further finds that Kevin Hansen misled the court regarding what documents from the court file needed to be considered in ruling on David Canning's motion for a further award of attorneys' fees, and that the court did not comply with the specific instructions in the mandate filed February 21, 2013.

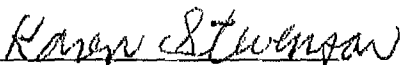
IT IS ORDERED, That the motion is hereby granted; that the order filed May 16, 2013 and that judgment filed that date are hereby vacated.

IT IS FURTHER ORDERED, That the judgment filed February 28, 2014 is hereby vacated.

DATED AND SIGNED this ____ day of _____, 2014.

Judge Laura Gene Middaugh

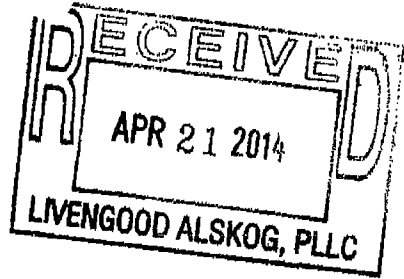
PRESENTED BY:


Karen Stevenson
424 21st Ave., Seattle, WA 98122
Ph: 206-860-3701
kas416@msn.com

Order Granting Amended CR 60 Motion - 2

Karen A Stevenson
424 21st Ave., Seattle, WA 98122
206-860-3701

A-000030



IN THE SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

STEVENSON

Plaintiff/Petitioner,

vs.

CANNING

Defendant/Respondent.

No. 05-2-16751-3 SEA

ORDER RE: Further Motions on
Pleadings filed prior to 4/15/2014

Clerk's Action required: n/a

On 5/16/13 this court entered an order for an award of attorney's fees in favor of defendant. Plaintiff filed objections to the order, motions related to the order and motions for reconsiderations of the 5/16/13 order and its related orders. (See for example docket numbers 497, 497B, 500, 503, 507, 512, 518, 524, 530, 532.).

Plaintiff has filed a Notice of Appeal of the order denying her motion for reconsideration of the 5/16/13 order.

On 2/11/14 the plaintiff filed a CR 60 motion to vacate the 5/16/13 order. On 2/11/14 the Court set a hearing with oral argument and required the parties, specifically the plaintiff, to appear. The plaintiff filed many motions as a result of that order (see for example docket numbers 546, 551, 551B, 551C, 553, 554). On 2/28/14 the Court entered an order denying the motion to vacate and awarding sanctions. The plaintiff has filed motions to amend, to vacate, and to reconsider that order (see for example docket numbers 572, 578, 584, and 588) All of these have been denied (The Court notes that the plaintiff at least once filed a motion but did not serve a copy on the court. The court only learned of the motions because it was reviewing the clerk's docket).

Given
COPY MAILED TO CLIENT
DAVE CANN 03
ON 4/22/14 A-000031

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

On 3/5/14 the plaintiff filed another appeal related to the above orders.

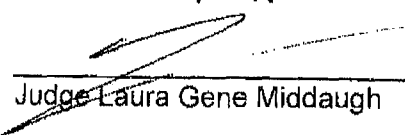
On 4/9/14 the Plaintiff filed another Cr 60 motion to vacate the 2/28/14 order. (Docket number 591).

The Court finds that the plaintiff has filed numerous and repetitive motions dealing with the same issues. The orders that she has been addressing in these repetitive motions are apparently the subject of two pending appeals.

Therefore, the Court Orders:

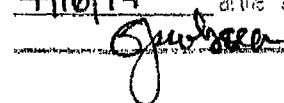
As a matter for judicial economy, fairness and mootness, the trial Court will not consider any motions from the plaintiff, and the plaintiff shall not file any motions, on or about pleadings filed prior to the date of this order unless a matter relating to that pleading is remanded to the trial court by an appellate court. The Court will not consider and the plaintiff shall not file a motion for reconsideration of this Order. Should the plaintiff file a motion in violation of this order, the defendant does not have to respond to such motion and the motion is deemed denied. Plaintiff's motion filed on 4/9/14 is moot as it was previously ruled upon and the court will not rule upon the issues again.

Dated 4/16/2014 signed in chambers at 9:00 A.M.



Judge Laura Gene Middaugh

I declare under penalty of perjury in Seattle, Washington and under the laws of the State of Washington that this document was electronically filed by me to parties on 4/16/14 at their address in the court file.



RECEIVED
APR 17 2014

RECEIVED
COURT OF APPEALS
DIVISION ONE
APR 17 2014

RECEIVED
APR 21 2014
LIVENGOOD ALSKOG, PLLC

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

KAREN A. STEVENSON
Plaintiff

v.

DAVID M. CANNING, PERSONAL
REPRESENTATIVE OF THE ESTATE
OF MARY LOUISE CANNING
Defendant

) NO. 05-2-16751-3 SEA
)
) NOTICE OF APPEAL TO COURT
) OF APPEAL BY PLAINTIFF
)
)
)
)
)
)

TO: David M. Canning, Defendant, and to Kevin Blair Hansen, counsel for Defendant:

AND TO: Court of Appeals, Division One

Karen Stevenson, pro se Plaintiff, hereby gives notice of her appeal, to the Court of Appeals, Division One: (1) of the trial court's order filed March 19, 2014 denying her CR 52(b) motion to amend the findings in the order filed February 28, 2014 (on appeal in No. 70994-1-I); (2) of the trial court's order filed March 25, 2014, purporting to deny Stevenson's CR 59 motion for reconsideration of its February 28, 2014 order when no such motion was filed; (3) of the trial court's failure to enter an order to show cause, on

Notice of Appeal - 1

Given
COPY MAILED TO CLIENT
Date 03/27/14
ON *4/22/14*

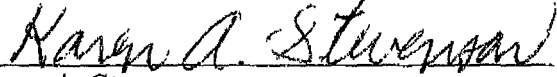
Karen Stevenson
424 21st Ave., Seattle, WA 98122
206-860-3701

A-000033

Stevenson's March 27, 2014 CR 60 motion (as amended April 1st and April 9th) to vacate the order and judgment filed February 28, 2014 and the trial judge's failure to determine that motion on a timely basis; and (4) failure of the trial judge to determine Stevenson's March 21, 2014 CR 59 motion for reconsideration of the order filed March 19, 2014 denying her CR 52(b) motion to amend findings in February 28, 2014 order. Copy of March 19, 2014 order is attached as Exhibit A, and copy of the March 25, 2014 order is attached as Exhibit B; attached as Exhibit C is a copy of Stevenson's April 9th amended CR 60 motion to vacate the order and judgment filed February 28, 2014, on which no action has been taken by the trial judge; and attached as Exhibit D is a copy of Stevenson's March 21, 2014 CR 59 motion for reconsideration of the March 19, 2014 order denying Stevenson's CR 52(b) motion to amend findings in the February 28, 2014 order (on appeal in No. 70994-1-I).

The trial court has a nondiscretionary duty to vacate a void judgment and the mere passage of time, however long, is not a basis for denying a motion to vacate under CR 60(b)(5). *Allstate Ins. Co. v. Khani*, 75 Wn. App. 317, 877 P.2d 724 (1994). The trial court's order of February 28, 2014 on appeal in No. 70994-1-I appears to be void and no argument to the contrary has been advanced by the Defendant, David Canning.

Dated this 17th day of April, 2014.


Karen A. Stevenson, pro se
424 21st Avenue, Seattle WA 98122, Ph: 206-860-3701

DECLARATION OF SERVICE: The undersigned certifies under penalty of perjury under the laws of the State of Washington that on April 17 , 2014 she deposited in the US Mail, at Seattle WA, correct postage prepaid, a copy of this document addressed to Kevin B. Hansen, PO Box 908, 121 Third Avenue, Kirkland, WA 98083-0908, with hand-delivery of a copy of this document to the Court of Appeals, Division I, One Union Square, 600 University Street, Seattle, WA on April 17, 2014.

Karen A. Stevenson

Karen A. Stevenson

EXHIBIT A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

IN THE SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

STEVENSON

Plaintiff/Petitioner,

vs.

CANNING

Defendant/Respondent.

No. 05-2-16751-3 SEA

ORDER Denying Plaintiff's "Cr52(b) Motion
to Amend Findings"

Clerk's Action required:

THIS MATTER came before the undersigned Judge on the Plaintiff's "Cr52 (b) Motion
to Amend Findings..." (Docket # 572)

It is ORDERED: The motion is denied.

The Court notes that Docket # 574 is a letter with 15 pages of attachments addressed to Judge
Middaugh. The Court has not read the letter or its attachments. The Plaintiff has been informed
that the court will not consider any letters or emails written to the court specifically to avoid
issues of the Plaintiff requesting affirmative relief on an issue in a letter or email, which does not
meet the notice and other necessary requirements. The plaintiff has been informed that she
must file any requests for action from the court in appropriate pleading form with necessary
notice given to the opposing party (other than contacting the bailiff in writing for the sole purpose
of obtaining an available date for a hearing if she wishes to set one).

Dated 3/19/2014

Judge Laura Gene Middaugh

I declare under penalty of perjury in Seattle, Washington
and under the laws of the State of Washington
that this document was mailed/e-mailed by me to parties on
at the address in the court file.

ORDER Denying Plaintiff's "Cr52 (b) Motion to Amend Findings"

3/20/14

[Signature]

EXHIBIT B

1
2 No envelopes were provided. The court will
3 no longer provide courtesy copies and postage.
4 Envelopes must be provided.
5

6
7 IN THE SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

8 Stevenson

9 Plaintiff,

10 vs.

11 Canning

12 Defendant.
13
14

No. 05-2-16751-3 SEA

ORDER RE MOTION FOR
RECONSIDERATION

15
16 THIS MATTER comes before the undersigned Judge upon the Plaintiff's Motion for
17 Reconsideration of the ruling of 2/28/14. The court has reviewed the Motion and any
18 declarations filed in support thereof and pursuant to Local Rule 7 the court
19 is requesting a response. Even if a response is requested you may choose not to file
20 one. If a response is requested and you choose to file one, your response is due 10 days from
21 the date of mailing. Any reply is due within 2 days of service of the response. The court will
22 rule on the motion 14 days from the date of this letter or as soon thereafter as possible.
23

24 is not asking for a response and; it is hereby

25 ORDERED as follows:

26 1) The Motion for Reconsideration is denied/ granted.
27

28 Dated: 3/25/2016

29 
Judge Laura Gene Middaugh

EXHIBIT C

RECEIVED
-9 APR 2014 14 55
DEPARTMENT OF
JUDICIAL ADMINISTRATION
KING COUNTY, WASHINGTON

RECEIVED
JUDGES MAIL ROOM
2014 APR -9 PH 2:57
KING COUNTY
SUPERIOR COURT
Honorable Judge Midaugh
Hearing Date: April 9, 2014
Without Oral Argument

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

KAREN A. STEVENSON	)	NO. 05-2-16751-3 SEA
Plaintiff)	
	)	PLAINTIFF'S AMENDED
v.	)	CR 60 MOTION TO
	)	VACATE "ORDER TO SHOW
	)	CAUSE" FILED 2-28-14
DAVID M. CANNING, PERSONAL	)	AND JUDGMENT FILED
REPRESENTATIVE OF THE ESTATE	)	2-28-14
OF MARY LOUISE CANNING)	
Defendant)	

I. PARTY AND RELIEF REQUESTED

Karen Stevenson, pro se plaintiff, pursuant to CR 60(b)(1), (4), (5) & (11) asks this Court to vacate its order filed February 28, 2014, that granted defendant David Canning's motion for CR 11 sanctions (and denied Stevenson's CR 60 motion to vacate the order and judgment filed May 16, 2013), and to vacate the judgment filed February 28, 2014. This motion is based on the evidence set out in Stevenson's subjoined declaration. Stevenson asks that this Court enter an order to show cause but to determine the motion based on written evidence and argument submitted by the parties. (The Court

of Appeals has previously ruled in this case that oral argument is not required for determination of a CR 60 motion to vacate.)

II. STATEMENT OF FACTS

This Court on February 28, 2014 entered an order (entitled “Order to Show Cause”) that granted Canning’s motion for CR 11 sanctions and denied Stevenson’s CR 60 motion to vacate the order and judgment filed May 16, 2013. The Court also entered judgment for Canning. Canning had not filed a notice of hearing for his motion, and he did not file a notice of hearing for presentment of judgment. The subject order filed February 28, 2014 was apparently written by the trial judge and entered without any notice of presentment to Stevenson. The order contained many statement of fact that were challenged by Stevenson is her CR 52(b) motion to amend the findings, filed March 10, 2014; although the motion was unopposed the trial judge denied it.

III. STATEMENT OF ISSUES

Whether the order and judgment filed February 28, 2014 are void because Stevenson received no notice of presentment of the order before it was entered.

Whether the order filed February 28, 2014 should be vacated because it was entered after the trial court conducted a hearing on an ex parte basis, after Stevenson had informed the trial court she could not appear in court on February 27, 2014.

IV. EVIDENCE RELIED ON

Karen Stevenson hereby declares under penalty of perjury and from her personal knowledge as follows:

1. I am the plaintiff in this case and able to make this declaration.
2. I incorporate by this reference my declaration in this case dated and filed March 4, 2014.
3. On February 27, 2014, Judge Laura Gene Middaugh conducted a hearing in this case, on an *ex parte* basis. An attorney with the Livengood, Fitzgerald & Alskog LLC law firm attended the hearing despite being fully aware Stevenson was on record stating she had a schedule conflict and could not appear.
4. On February 28, 2014, Judge Middaugh entered an order entitled "Order to Show Cause" which granted defendant David Canning's motion for CR 11 sanctions. Judge Middaugh also entered judgment in favor of Canning.
5. The subject order granting CR 11 sanctions to Canning was entered without giving me any notice of presentment. Canning did not file a notice of hearing for his motion for sanctions, and he did not file a notice of hearing for the judgment he obtained February 28, 2014.
6. The subject order granting CR 11 sanctions to Canning states on its first page that Stevenson had not advised the court she would be unable to appear in court that day. This was not true, as can be seen in my declaration filed March 4, 2014.
7. I filed the motion to vacate the subject order and judgment immediately after the trial judge denied my motion for reconsideration of her order denying my unopposed motion to amend the findings in the subject order.

8. I have not contacted the trial court by email, since I received a copy of the subject February 28, 2014 order and read it. All previous emails sent by me to the trial court were also copied to Kevin Hansen or another lawyer at Livengood, Fitzgerald & Alskog LLC.
9. Judge Middaugh on March 19, 2014 denied my unopposed CR 52(b) motion to amend findings in the subject February 28, 2014 order, after she received a copy of my letter to her of the same date which had as an attachment the 5-page proposed order granting the motion. The original letter was filed with the Superior Court Clerk.
10. I filed the motion to vacate the subject order and judgment immediately after the trial judge denied my motion for reconsideration of her order denying my unopposed motion to amend the findings in the subject order.

Signed this 9th day of April 2014 at Seattle, Washington



Karen Stevenson

V. LEGAL AUTHORITY

CR 54(f)(2)

CR 60(b)(1),(4),(5) & (11).

CR 60(e)

Brenner v. Port of Bellingham, 53 Wn. App. 182, 765 P.2d 1333 (1989)

Kennewick Irrig. Dist. v. Real Property, 70 Wn. App. 368, 853 P.2d 488 (1993)

Peoples State Bank v. Hickey, 55 Wn. App. 367, 777 P.2d 1.

Roberson v. Perez, 123 Wn. App. 320, 96 P.3d 420 (2004)

Seattle v. Sage, 11 Wn. App. 481, 523 P.2d 942 (Div. 1, 1974)

David Breskin, *Civil Procedure and Forms*, 10A Washington Practice Series (2000)

VI. ARGUMENT

“When the motion to vacate the judgment is filed, the court *will enter* an order to show cause why the requested relief should not be granted.” (Emphasis supplied.)

Breskin, *Civil Procedure and Forms*, 10A Washington Practice Series (2000), at 260.

An attorney with the Livengood, Fitzgerald & Alskog LLC law firm appeared in Judge Laura Gene Middaugh’s court February 27, 2014 but his or her name is not disclosed in the court’s February 28th order. Stevenson is not aware of any claim by Canning that the court complied with the notice of presentment requirements of CR 54(f)(2). “Under CR 54(f)(2), no order or judgment shall be signed or entered until opposing counsel has been given 5 days’ notice of presentation and served with a copy of the proposed order or judgment except in circumstances inapplicable here. The effect of the failure to comply with the notice requirements is to void the entry of the judgment and make the action of the trial court ineffectual.” *Seattle v. Sage*, 11 Wn. App. 481, 523 P.2d 942 (Div. 1, 1974). CR 60(b)(5) provides for vacating a void order. “A court has no discretion, however, over whether to vacate under Rule 60(b)(5), a judgment that

is void.” Brenner v. Port of Bellingham, 53 Wn. App. 182, 188, 765 P. 2d 1333 (1989).

CR 60(b)(1) allows vacation for irregularity or surprise. Stevenson obviously was surprised by the order filed February 28, 2014. *See* subjoined declaration. CR 60(b)(4) allows vacation for misrepresentation or other misconduct by a party or counsel for a party. Stevenson’s CR 52(b) motion to amend findings sets out numerous misstatements of material facts in the order filed February 28, 2014. Canning’s attorney attended the hearing (conducted *ex parte*) and obviously is aware that Stevenson had informed this Court she had a schedule conflict and could not appear in court on February 27th. Canning obviously set up the entry of the court’s order, without any notice of presentment, by misrepresenting the circumstances by which she was not in court. CR 60(b)(4) allows vacation of a judgment for misrepresentation on the part of the non-moving party. For purposes of determining whether moving party is entitled to relief from judgment or order for misrepresentation, it is immaterial whether misrepresentation was innocent or willful. *Peoples State Bank v. Hickey*, 55 Wn. App. 367, 777 P. 2d 1.

“Mistakes of fact have been recognized as grounds for vacating judgments in ‘unusual circumstances’ but under Rule 60(b)(11) not Rule 60(b)(1).” Susan E. Foster, *Washington Court Rules Annotated* (2d ed. 2013-14), Vol 2, at 850.


The declaration of Karen Stevenson, sets out facts regarding absence of notice of presentment, surprise, and misconduct by Canning’s attorney.

CR 60(b)(1) allows vacation of a judgment for irregularities. "Irregularities pursuant to CR (b)(1) occur when there is a failure to adhere to some prescribed rule or mode of proceeding, such as when a procedural matter that is necessary for the orderly conduct of trial is omitted. . ." *Kennewick Irrig. Dist. v. Real Property*, 70 Wn. App 368, 853 P 2d 488 (1993), review denied, 866 P 2d 40. If the order is void, the judgment relying entirely on that order must also fall.

VII. PROPOSED ORDER

Proposed order granting relief requested is attached as Exhibit A.

Respectfully submitted April 9, 2014


Karen Stevenson, pro se
424 21st Avenue, Seattle WA 98122
206-860-3701

DECLARATION OF SERVICE:

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on April 9, 2014, I deposited in the US Mail at Seattle WA, correct postage prepaid, a copy of this document addressed to Kevin B. Hansen, 121 Third Avenue, P.O. Box 908, Kirkland, WA 98083-0908.



Karen A. Stevenson

Honorable Laura Gene Middaugh
Hearing Date: April __, 2014
RECEIVED
JUDGES MAIL ROOM

RECEIVED
-9 APR 2014 14 55
DEPARTMENT OF
JUDICIAL ADMINISTRATION
KING COUNTY WASHINGTON

2014 APR -9 PM 2:57
KING COUNTY
SUPERIOR COURT

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

KAREN A. STEVENSON)
Plaintiff)
)
v.)
)
DAVID M. CANNING, PERSONAL)
REPRESENTATIVE OF THE ESTATE)
)
OF MARY LOUISE CANNING)
Defendant)
)
)
)

NO. 05-2-16751-3 SEA
ORDER GRANTING AMENDED
CR 60 MOTION TO VACATE
"ORDER TO SHOW CAUSE"
FILED 2-28-14 AND
JUDGMENT FILED 2-28-14
[CLERK'S ACTION REQUIRED]
(Proposed order)

THIS MATTER came before the Court, Judge Laura Gene Middaugh, for hearing on Karen Stevenson's CR 60 motion filed March 27, 2014, as amended April 9, 2014, to vacate the "Order to Show Cause" filed February 28, 2014 and the judgment filed February 28, 2014. The Court entered its order to show cause why the relief requested should not be granted, requesting a response from defendant David Canning and allowing a reply by Stevenson. The Court has considered the motion, the response from David Canning (if any), the reply from Stevenson (if any), and the record herein.

Order Granting Amended CR 60 Motion - 1
Karen A Stevenson
424 21st Ave., Seattle, WA 98122
206-860-3701

Based on the written argument of the parties and the evidence presented, this court finds good cause to grant the relief requested. Specifically, this court finds that the plaintiff received no notice of presentment of the subject order, and that she had informed the court she was unavailable for attending a hearing on February 27, 2014 due to schedule conflict.

IT IS ORDERED, That the motion is hereby granted; that the order filed February 28, 2014 entitled "Order to Show Cause" is hereby vacated.

IT IS FURTHER ORDERED, That the judgment filed February 28, 2014 is hereby vacated.

DATED AND SIGNED this ____ day of _____, 2014.

Judge Laura Gene Middaugh

PRESENTED BY:

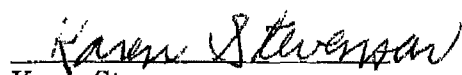

Karen Stevenson
424 21st Ave., Seattle, WA 98122
Ph: 206-860-3701
kas416@msn.com

EXHIBIT D

RECEIVED
21 MAR 2014 14 37
DEPARTMENT OF
JUDICIAL ADMINISTRATION
KING COUNTY, WASHINGTON

Honorable Laura Gene Middaugh
Hearing Date: April 3, 2014
Without Oral Argument
2014 MAR 21 PM 2:40
SUPERIOR COURT

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

KAREN A. STEVENSON	)	NO. 05-2-16751-3 SEA
Plaintiff)	
	)	PLAINTIFF'S CR 59 MOTION
v.	)	FOR RECONSIDERATION OF
	)	ORDER DENYING CR52(b)
	)	MOTION TO AMEND FINDINGS
)	
DAVID M. CANNING, PERSONAL)	
REPRESENTATIVE OF THE ESTATE)	
OF MARY LOUISE CANNING)	
Defendant)	
)	
)	
)	

Karen Stevenson moves this Court for reconsideration per CR 59(a)(1) of the March 20, 2014 order denying Stevenson's March 10, 2014 CR 52(b) motion to amend the findings in the February 28, 2014 order granting Defendant David Canning's CR 11 motion for sanctions.

Defendant David Canning has not filed a response to the subject motion to amend findings because this Court has not requested a response. The Court denied the CR 52(b) motion without reading the five-page proposed order, which Stevenson attached to her

CR 59 Motion for Reconsideration- 1

Karen A Stevenson
424 21st Ave., Seattle, WA 98122
206-860-3701

A-000051

letter to Judge Middaugh filed March 19, 2014. Stevenson attaches hereto a copy of that letter, as Exhibit A. As Exhibit B hereto, Stevenson attaches a true and correct copy of the five-page proposed order. (The Court's order denying the March 10th CR 52(b) motion states that the attachment to Stevenson's March 19th letter was 15 pages, but it was five; Stevenson had informed the Court in her motion that if the trial judge decided she would request a response to the motion, Stevenson would provide a proposed order.)

CR 59(a)(1) provides for reconsideration on grounds of "irregularity in the proceedings" or abuse of discretion. Stevenson argues that it was irregular or an abuse of discretion for the court to deny the subject CR 52(b) motion to amend findings, when that motion is unopposed. Stevenson requests this Court reconsider its denial of the CR 52(b) motion and, instead, to instruct Canning to file a response.


DATED AND SIGNED this 21st day of March, 2014.



Karen Stevenson
424 21st Ave., Seattle, WA 98122
Ph: 206-860-3701
kas416@msn.com

DECLARATION OF SERVICE:

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on March 21, 2014, I deposited a copy of this document in the US Mail at Seattle WA, correct postage prepaid, addressed to Kevin B. Hansen, 121 Third Avenue, P.O. Box 908, Kirkland, WA 98083-0908.


Karen A. Stevenson

CR 59 Motion for Reconsideration- 2

Karen A Stevenson
424 21st Ave., Seattle, WA 98122
206-860-3701

A-000052

Honorable Laura Gene Middaugh
Hearing Date: April 3, 2014
Without Oral Argument

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

KAREN A. STEVENSON	)	NO. 05-2-16751-3 SEA
Plaintiff)	
	)	ORDER GRANTING MOTION
v.	)	FOR RECONSIDERATION OF
	)	ORDER DENYING CR52(b)
	)	MOTION TO AMEND FINDINGS
)	
DAVID M. CANNING, PERSONAL)	
REPRESENTATIVE OF THE ESTATE)	
OF MARY LOUISE CANNING)	
Defendant	)	(Proposed order)
)	
)	

THIS MATTER came before the Court, Judge Laura Gene Middaugh, on Karen Stevenson's CR 59 motion for reconsideration of the March 20, 2014 order denying CR 52(b) motion to amend the findings in the order granting Defendant David Canning's CR 11 motion for sanctions, filed February 28, 2014. The Court has considered the motion, the response from David Canning (if any), the reply from Stevenson (if any), and the record herein.

This court finds good cause to grant the relief requested.

Order Granting CR 59 Motion Reconsideration- 1

Karen A Stevenson
424 21st Ave., Seattle, WA 98122
206-860-3701

A-000053

IT IS ORDERED, That the motion is hereby granted; and that David Canning is directed to file a response to the subject motion to amend findings by _____.

DATED AND SIGNED this ____ day of _____, 2014.

Judge Laura Gene Middaugh

PRESENTED BY:

Karen Stevenson

Karen Stevenson
424 21st Ave., Seattle, WA 98122
Ph: 206-860-3701
kas416@msn.com

Order Granting CR 59 Motion Reconsideration- 2

Karen A Stevenson
424 21st Ave., Seattle, WA 98122
206-860-3701

A-000054

EXHIBIT A

A-000055

RECEIVED
JONES MAIL ROOM

2014 MAR 19 PM 12:12

KING COUNTY
SUPERIOR COURT

March 19, 2014

Judge Laura Gene Middaugh
King County Superior Court
516 3rd Avenue,
Seattle, WA 98104

Re: Karen Stevenson vs. David Canning, PR of the Mary Canning Estate
King County No. 05-2-16751-3 SEA


CR 52(b) Motion to amend findings

Dear Judge Middaugh:

I attach a proposed order granting my CR 52(b) motion to amend the findings in the February 28, 2014 order granting David Canning's motion for CR 11 sanctions. The recording for the hearing you conducted February 27th is filed in the Court file, under Sub No 564, as "Summary Judgment Hearing". I assume Kevin Hansen is aware of this.

I attest under penalty of perjury I mailed a copy of this document to Kevin Hansen today, at his address of record.

Sincerely,


Karen Stevenson
424 21st Avenue, Seattle WA 98122
(206) 860-3701

Encl.

cc: Kevin Blair Hansen
Superior Court Clerk

EXHIBIT B

RECEIVED
19 MAR 2014 12 08
DEPARTMENT OF
JUDICIAL ADMINISTRATION
KING COUNTY, WASHINGTON

RECEIVED
JUDGES MAIL ROOM
2014 MAR 19 PM 12:12
Honorable Laura Middaugh
Hearing Date: March 17, 2014
Without Oral Argument
KING COUNTY
SUPERIOR COURT

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

KAREN A. STEVENSON	)	NO. 05-2-16751-3 SEA
Plaintiff)	
	)	ORDER GRANTING
v.	)	STEVENSON'S CR 52(b)
	)	MOTION TO AMEND
DAVID M. CANNING, PERSONAL	)	FINDINGS IN 2-28-
REPRESENTATIVE OF THE ESTATE	)	14 ORDER GRANTING
OF MARY LOUISE CANNING	)	DEFENDANT DAVID
Defendant	)	CANNING'S MOTION
	)	FOR CR 11 SANCTIONS
)	
	)	(proposed order)
)	

THIS MATTER came before the Court on plaintiff Karen Stevenson's CR 52(b) motion to amend the findings in the order granting defendant David Canning's motion for CR 11 sanctions, filed February 28, 2014. The Court has considered the motion, the response filed by Canning (if any), and the reply by Stevenson (if any), and the record herein.

The Court finds good cause to grant the motion, as follows, and it is so

Order Granting CR 52(b) Motion

- 1

Karen Stevenson
424 21st Ave., Seattle, WA 98122
206-860-3701

A-000058

ORDERED:

On page one of the subject order, at last line, delete:

The Plaintiff did not appear or contact the Court about problems regarding her appearance as of the time this order was signed.

Substitute:

Stevenson contacted the Court by letter, by pleading, and by email to the Court's bailiff, making clear she could not appear in court in person on February 27, 2014 due to schedule conflict.

On page two, in "Findings" Paragraph 1 states:

The Plaintiff's CR 60 MOTION TO VACATE ORDER AWARD ATTORNEYS' FEES FILED MAY 16, 2013 is frivolous in violation of CR 11. It [sic] raises no issues that are cognizable under CR60 and the issues raised in the motion were untimely.

Delete:

the issues raised in the motion were untimely.

"Findings" Paragraph 1.a. delete:

The issues raised by the Plaintiff as to the representations made to the Court by the Defendant were apparent and clear at the time the original motion was made; the Plaintiff could have raised those issues in response to the motion; the Petitioner could have filed an appeal of the court's ruling if she felt the Court relied upon incorrect information in its decision.

Substitute:

The representations made by Canning to the Court, and that Stevenson raised in her CR 60 motion to vacate as grounds for her motion, were not issues apparent and clear in the original motion but, instead, were included in the reply served by Canning on Stevenson May 6, 2013.

“Findings” Paragraph 1.b. states:

The Court’s order dated May 16, 2013 also clearly stated that for the May 16, 2013 order the Court “reviewed the motion, court file and read in detail the findings (sic) marked with an ‘x’” This shows that before the May 6, 2013 [sic] order was entered the Court reviewed the court file and not just the “specific documents listed in Judge Chris Washington’s order filed October 29, 2009 and February 11, 2010”, which is the complaint made in the Plaintiff’s CR 60 motion.

Delete the second sentence quoted above, and substitute:

Before the May 16, 2013 order was entered, the Court very briefly reviewed some of the court file compiled by Judge Chris Washington; the Finding of Fact No. 13 in that order specified the documents considered by this Court for purposes of finding grounds and reasons for the substantial reductions in the awards of attorney’s fees made in the orders filed October 29, 2009 and February 11, 2010.

“Findings” Paragraph 1.c., delete:

The other reasons the Plaintiff gave for her motion were all issues that were apparent from the pleadings at the time the motions were filed and/or responded to and could have been addressed at the time of the motions.

Paragraph 1.d. states:

The “irregularity” and “misconduct” alleged by the Plaintiff, even if grounded in fac[t], are not the kind of activates that would warrant a reversal under CR 60 and the plaintiff could cite no authority that would allow her to not address these issues when the motions were filed but allow her to attack the order 9 months after the orders were entered.

Delete the remainder of the sentence after “CR 60”, and place a period at that point.

“Findings” Paragraph 2, delete:

The court informed the plaintiff that from its assessment from the face of the plaintiff's pleadings that the Court found the motion to be frivolous.

"Findings" Paragraph 2, delete:

The Court attempted to mitigate any damages or sanctions that might be imposed upon the plaintiff by informing the Plaintiff early of the potential for sanctions and by allowing any such issues to be addressed at the same hearing as the motion if it went forward, thus potentially reducing sanctions to the Plaintiff should sanctions in the form of attorneys' fees time be awarded.

"Findings" Paragraph 2 further states:

Plaintiff had an opportunity to 'mitigate' because she was told of the Court's preliminary findings and could have withdrawn her motion.

Insert, immediately after this sentence:

The Court did not acknowledge Stevenson's amended CR 60 motion filed February 12th or her further amended CR 60 motion filed February 14th.

"Findings" Paragraph 2 further states:

The plaintiff did not withdraw her motion, though she reiterated her request that it be without oral argument, and she filed a reply to the defendant's response to the motion.

Alter to read:

Stevenson did not withdraw her further amended motion and moved to strike oral hearing on it, and she filed a response to the Court's Order to Show Cause.

"Findings" Paragraph 3 states:

While the defendant's attorney did not provide detail of his charges, it is clear from the response filed that he had to go back and read and compare the records from the prior motion and then draft a response.

Insert, after above sentence:

Canning did not cite any CR 11 cases in his response/motion for CR 11 sanctions.

“Findings”, Paragraph 4 states:

The Court also had to read the motion, review the documents and court file, draft the Order to Show Cause, draft this order and set aside court time for the hearing.

Revise to read:

The Court chose to enter an order to show cause why CR 11 sanctions should not be imposed, and it chose to conduct an oral hearing on an *ex parte* basis.

Signed this ____ day of March 2014

Judge Laura Gene Middaugh

Proposed Order by Karen Stevenson

Karen J. Stevenson

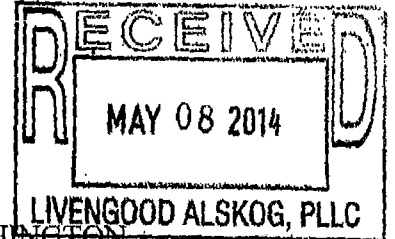
RECEIVED

2014 MAY -6 PM 2: 15

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

RECEIVED
COURT OF APPEALS
DIVISION ONE
Honorable Laura Middaugh

MAY -6 2014



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

KAREN A. STEVENSON
Plaintiff

v.

DAVID M. CANNING, PERSONAL
REPRESENTATIVE OF THE ESTATE
OF MARY LOUISE CANNING
Defendant

) NO. 05-2-16751-3 SEA
)
) AMENDED
) NOTICE OF APPEAL BY
) PLAINTIFF OF ORDER FILED
) AUGUST 12, 2013 DENYING
) MOTION FOR RECONSIDERATION
) FILED JUNE 24, 2013 RE:
)
) (JUDGMENT AND ORDER FILED
) MAY 16, 2013); and of JUDGMENT
) FILED MAY 16, 2013

TO: David M. Canning, Defendant, and to Kevin Blair Hansen, counsel for Defendant:

AND TO: Court of Appeals, Division One

Karen Stevenson, pro se Plaintiff, hereby gives amended notice of her appeal, to the Court of Appeals, Division One, of the trial court's order filed August 12, 2013 denying CR 59 motion for reconsideration filed June 24, 2013 (regarding judgment and order awarding attorneys' fees filed May 16, 2013). Stevenson appeals the May 16, 2013 judgment. Copy of subject trial court order filed August 12, 2013 was attached as

Amended Notice of Appeal - 1

COPY MAILED TO CLIENT

D. Canning
ON 5-13-14

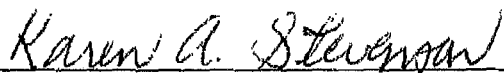
Karen Stevenson
424 21st Ave., Seattle, WA 98122
206-860-3701

A-000063

Exhibit A to the subject notice of appeal filed September 11, 2013; copy of subject judgment filed May 16, 2013 is attached hereto as Exhibit A.


Stevenson has filed a motion with the Court of Appeals pursuant to RAP 5.3(f) for permission to amend/supplement the notice of appeal filed September 11, 2013.

Dated this 6th day of May, 2014.



Karen A. Stevenson, pro se
424 21st Avenue, Seattle WA 98122,
Ph: 206-860-3701,
Kas416@msn.com

DECLARATION OF SERVICE: The undersigned certifies under penalty of perjury under the laws of the State of Washington that on May 6, 2014 she deposited in the US Mail, at Seattle WA, correct postage prepaid, a copy of this document addressed to Kevin B. Hansen, PO Box 908, 121 Third Avenue, Kirkland, WA 98083-0908. Stevenson certifies she hand-delivered a copy of this document to the Court of Appeals, Division I, One Union Square, 600 University Street, Seattle, WA on May 6, 2014.



Karen A. Stevenson

EXHIBIT A

A-000065

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FILED
WASHINGTON

MAY 16 2013

Honorable Laura Gene Middaugh

CLERK OF SUPERIOR COURT
BY DAVID J. ROBERTS
DEPUTY

IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

KAREN A. STEVENSON,)
)
) Plaintiff,)
)
) v.)
)
) DAVID M. CANNING, PERSONAL)
) REPRESENTATIVE OF THE ESTATE OF)
) MARY LOUISE CANNING,)
)
) Defendant.)
)

CAUSE NO. 05-2-16751-3 SEA
SIXTH SUPPLEMENTAL
JUDGMENT IN FAVOR OF
DEFENDANT

JUDGMENT SUMMARY

- 1. Judgment Creditor: David M. Canning, personal representative of the Estate of Mary Louise Canning
- 2. Judgment Debtor: Karen A. Stevenson
- 3. Principal Judgment Amount: \$29,512.93
- 4. Interest Rate on Principal Judgment Amount: 12% per annum
- 5. Prejudgment Interest: -φ-
- 6. Attorney for Judgment Creditor: Kevin B. Hansen
Livengood, Fitzgerald & Alskog, PLLC
- 7. Attorney for Judgment Debtor: N/A

ORIGINAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ORDER AND JUDGMENT

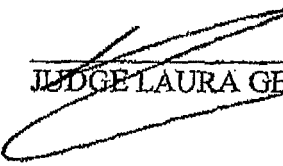
THIS MATTER was brought before the Court on the Motion for Award of Attorneys' Fees on Remand by David M. Canning, personal representative of the Estate of Mary Louise Canning, for entry of judgment against Karen A. Stevenson. This Court has granted the motion, and now, therefore,

IT IS HEREBY ORDERED that judgment is entered in favor of David M. Canning, personal representative of the Estate of Mary Louise Canning, and against Karen A. Stevenson, in the principal sum of \$29,512.93 as detailed in the judgment summary plus interest at the rate of 12% per annum on the principal sum until the date the judgment is paid in full,

David M. Canning, personal representative of the Estate of Mary Louise Canning, shall be entitled to postjudgment attorneys' fees, as

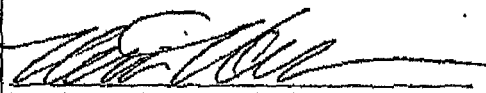
allowed by law

DATED this 14 day of may, 2013


JUDGE LAURA GENE MIDDAGH

Presented by:

LIVENGOOD, FITZGERALD
& ALSKOG, PLLC



Kevin B. Hansen, WSBA No. 28349
Attorneys for David Canning,
Personal Representative of the
Estate of Mary Louise Canning

I declare under penalty of perjury in Seattle, Washington
and under the laws of the State of Washington
that this document was mailed ~~by~~ mailed by me to parties on
5/16/13 at their address in the court file.

