

RECEIVED  
NOV 29 2016  
Washington State  
Supreme Court

No. 93771-1

THE COURT OF APPEALS, DIVISION 1  
OF THE STATE OF WASHINGTON

---

Joseph R & Melanie W Elenbaas,  
Appellants,

VS

Banner Bank,

Respondent.

---

CASE # 73100-9

**REQUEST FOR EXTENSION OF TIME TO FILE  
PETITION FOR REVIEW BY SUPREME COURT**

Comes now Appellants Elenbaas, requesting and stating as follows:

Pursuant to RAP 18.8, Petitioners seek an Extension of Time to file a Petition for Review. We had filed a petition on October 21, 2016, by First Class Mail which was received on October 24, 2016, and you therefore considered same as untimely. We relied on the rule for filing by mail in all other Courts, unaware of the exception for filing a petition for review in the Supreme Court. Further, while we thought to be filing timely, we obviously took incorrectly any language of the rules that implied, to our understanding that, Review by the Supreme Court would not be denied based on timing. Essentially, our review of RAP 18.6, and the portion of the rules on page 114, caused us to believe that we made a good faith effort to file the motion in a timely manner because remedy is crucial to our survival, and truly thought that we had fully complied.

We see the issue as elder citizens, impacted significantly by extremely poor health, significant mental impairment, devastating financial issues, and being under-represented/unrepresented by an attorney - for the above listed reasons as experience in this matter, effectively being denied access to a fair hearing in the Courts.

It herewith seems fair for layman to ask, is there a rationale for this difference in the timing criterion for filing dates, or is this another example of the arbitrary traps, purposeful or not, that befall the unschooled and unwary? We request you consider the afore and following listed facts, as you render your decision as to whether or not an extension of time is warranted.

We also request that you consider the equity/parity in this matter as to the happenings leading up to this, the imbroglio the Petitioners have faced, and the desperate frame of mind, or confusion a pro se experiences when navigating the following list (*all provable assertions with access to Discovery*):

1. During the same timeframe as the filing of this Petition for Review was running, it was necessary to deal with filings related to Banners attorneys filing for expenses and fees, **and** with the matters of withdrawal by our abandoning Counsel, having been hired and paid to undertake all of these matters,
2. We were struggling daily, to deal with the health matters of Melanie, who as a 20 year colitis patient, suffered a broken hip due to bone weakening due to drugs, which was further complicated by an adverse reaction to her remicade infusions, manifested by a full body rash, classified as drug-induced psoriasis, the substitution and adjustment to a new infusion, the dealing with the rash, boils, and scyst salves, physical therapy and light box treatments, and just juggling the schedule to get her around,
3. And the multitude of adjustments with extremely diminished resource due to Banner's sale of our farm and livelihood,
4. Our payment, by Cashier's Check of all Note monies due, our consistent requesting of cause for Legal Expenses with no detail being provided, and the bank's failure of fulfilling any meeting to facilitate understanding, and yet somehow we were in the wrong.

We note the standard for an exception is "exceptional circumstances" or "to prevent a gross miscarriage of justice". As we have identified that we are elderly citizens, arguably in perilous health, both operating under a disability, trying to keep our farming activities functioning, and are forced to represent ourselves, those classifications seem applicable.

It seems that the substantive basis for our Appeal, asks the Court to address this very issue: whether the Courts in Washington are actually accessible to the ordinary citizen as a forum in which disputes are settled after a fair and open hearing, or do they exist for the benefit of lawyers and the convenience of Courts.

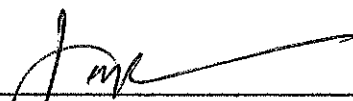
This Extension Request to allow the filing of a Petition would seem to be relevant to this query, and as such, we implore your granting the Extension and Review!

**DISCRIMINATION**

Both Washington and US law provide for protection against discrimination, RCW 49-60-010-030; 42 USC 12101, 12102. We informed the Trial Court that I possess, following a concussion, certain cognitive impairments (some 50% loss of same). It would seem to us that upon their being apprised of same, the Court had an affirmative duty to make inquiries as to the nature and extent of the impairment and to seek, or assert a remedy. In denying us this accommodation in violation of the statutes, the Court denied us of our due process rights under both the Washington and US Constitutions, Washington Declaration of Rights, subsection 3; US Constitution, Fifth Amendment.

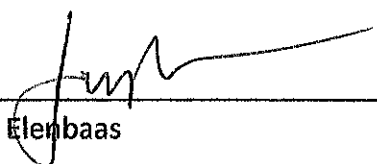
While we understand that our format may not be letter perfect, it represents our best effort with the understanding we possess (admittedly we face overwhelming difficulty in even making our word processor conform to our perceived needs), but for the foregoing reasons listed, we herewith request this extension so that our petition in this matter can be forwarded to the Washington Supreme Court, and that we petition said Court to hear/accept review of this case.

Dated this 23<sup>rd</sup> day of November, 2016.

  
\_\_\_\_\_  
Joseph R. Elenbaas, Pro Se for  
Joseph & Melanie W Elenbaas (360) 961-1917  
600 East Smith Road, Bellingham, WA 98226

**DECLARATION OF MAILING:**

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the 23<sup>rd</sup> day of November, 2016, I mailed via First Class Mail, a true copy of the foregoing and attached Petition to:  
Clerk of the Court of Appeals DIV 1, One Union Square, 600 University Street, Seattle, WA 98101-4170  
Hacker & Willig, 520 Pike Street, Suite 2500, Seattle, WA 98101-1325  
Clerk Erin L. Lennon, Temple of Justice, POB 40929, Olympia, WA 88504-0929

  
\_\_\_\_\_  
Joseph R. Elenbaas