Supreme Court No. 95327-9

Court of Appeals No. 50360-3-II

SUPREME COURT OF THE STATE OF WASHINGTON

In Re the Matter of the Marriage of

RALUCA VETRICI,

Respondent,

v.

GRIGORE VETRICI,

Petitioner.

PETITIONER'S COMBINED REPLY TO RESPONDENT'S COMBINED ANSWER TO THE PETITION FOR REVIEW AND RESPONSE TO THE MOTION TO EXTEND TIME

Grigore Vetrici, pro se

307, 935 Marine Drive
West Vancouver, BC V7T 1A7
(403) 702-5692

TABLE OF CONTENTS

TABLE OF AUTHORITIES.....ii

A. Raluca recognizes that the Court of Appeals abdicated review, seeks review of appeal arguments and raises the issue of home state jurisdiction under the UCCJEA, Grigore does not object.....1

B. Raluca's claims of inflammatory accusations are misplaced.....5

C. Raluca misrepresents a critical fact of the dissolution court' intent.....7

D. Raluca cannot now argue that the petition is out of time by arguing motions she did not contest.....7

E. Raluca provides no basis why the petition lacks merit, and offers no precedent supporting denial of the petition.....9

F. Conclusion.....9

DECLARATION.....10

TABLE OF AUTHORITIES

Washington Cases

Bradley v. Fowler,
30 Wn.2d 609, 192 P.2d 969, 2 A.L.R.2d 822 (1948).....6

In re Marriage of James,
79 Wn. App. 436, 440, 903 P.2d 470 (1995).....8

In re Marriage of McDermott,
175 Wn. App. 467, 307 P.3d 717 (2013).....3

In re Marriage of Stern,
68 Wn. App. 922, 928-29, 846 P.2d 1387 (1993).....1

In re Marriage of Wulfsberg,
42 Wn. App. 627, 632, 713 P.2d 132 (1986).....6

In re Parentage of Ruff,
168 Wn. App. 109, 275 P.3d 1175 (2012).....3

In re Welfare of Myricks,
85 Wn.2d 252, 533 P.2d 841 (1975).....1

Svatonsky v. Svatonsky,
63 Wn.2d 902, 389 P.2d 663 (1964).....5, 8, 9

Other Authorities

Morris v. State,
No. 08-16-00153-CR (Tex. App. Feb. 28, 2018).....2

Santosky v. Kramer,
455 U.S. 745 (1982).....10

A. Raluca recognizes that the Court of Appeals abdicated review, seeks review of appeal arguments and raises the issue of home state jurisdiction under the UCCJEA, Grigore does not object

Raluca argues that a trial court's "factual findings", not proposed findings, are to be supported by substantial evidence. (Combined Answer at 16.) She cites to *In re Marriage of Stern, 68 Wn. App. 922, 928-29, 846 P.2d 1387 (1993)* for a trial court's obligation to enter findings of fact. (Combined Answer at 15.) The decision of the Court of Appeals does not address the entered findings but rather her proposed findings. She is cognizant that the court below abdicated review, as neither party appealed her proposed findings. "The essence of due process is the right to be heard. The hearing required by due process must be both 'meaningful,' and 'appropriate to the nature of the case.' *In re Welfare of Myricks, 85 Wn.2d 252, 254, 533 P.2d 841 (1975)*. Raluca has not justified the Court of Appeals' reliance on her proposed findings in Superior court rather than the entered findings, which effectively denied Grigore's right to be heard on the core issue of the terminated 2009 separation agreement relitigated in Canada.

Raluca argues that Grigore "fully litigated" the issues and the Washington claim being appealed here – that she should be found in contempt for relitigating the 2009 separation agreement – in Canada. But fully litigated in Canada does not meet the standard of justice in this

country. Raluca pointed out her Canadian lawyer's lack of candor in not admitting the Washington dissolution findings to the Canadian court. CP CP 61. According to Canadian legal articles, perjury is common and unconstrained. The British Columbia courts allowed Raluca to enforce that agreement and allowed her attack of the Washington decree. CP 381. Those courts went as far as ignoring British Columbia statute requiring recognition of the Washington decree. CP 199. Those courts do not respect their own authorities. Under Canadian authority, a petitioner must not have resorted to the foreign court for any improper reasons such as solely "for the purpose of obtaining a divorce". But Raluca claims to have done exactly this. CP 61; VRP at 17. Justice Yvonne Rodriguez recently said that abuse by a court must be deterred. *Morris v. State, No. 08-16-00153-CR (Tex. App. Feb. 28, 2018)*. ("We must speak out against it, lest we allow practices like these to affront the very dignity of the proceedings we seek to protect and lead our courts to drift from justice into barbarism.") This Court ought to speak out against the British Columbia courts.

In her on again, off again arguments, Raluca now seeks review under RCW 26.27.201 regarding UCCJEA home state jurisdiction. (Combined Answer at 17.) [Raluca objected to arguments relating to the UCCJEA. Br. Of Resp. at 19 and 22.] Contrary to the Court of Appeals'

decision against addressing issues of law, Raluca independently asks this Court to do just that. Grigore briefed this issue on appeal seeking recognition that the UCCJEA was incorporated in the dissolution. The UCCJEA gives courts a mechanism by which to prevent forum shopping, and it does this by generally selecting the first or most convenient forum for an initial custody determination, and then incorporates the principle of *forum non conveniens* when modifying that determination. What the UCCJEA does not do is to deny the authority of a court to enforce its own custody determination unless properly modified in another jurisdiction. Two divisions of the Court of Appeals conflict in how the UCCJEA is addressed. Division 3 reversed a Washington court's exercise of jurisdiction because it said the trial court did not explicitly comply with the UCCJEA. *In re Parentage of Ruff, 168 Wn. App. 109, 275 P.3d 1175 (2012)*. The trial court had exercised emergency jurisdiction after both parties independently petitioned for relief on the same day in the same Spokane court to modify an interim parenting plan from Montana. The Montana court had already declined to exercise jurisdiction in favor of the Washington court as both parties had moved to dismiss the Montana action. The court held that the UCCJEA imposes limits on a court's subject matter jurisdiction. This Court declined review. Division 1 rejected *Ruff*. *In re Marriage of McDermott, 175 Wn. App. 467, 307 P.3d*

717 (2013). *McDermott* holds that the UCCJEA's procedural requirements are not jurisdictional in nature despite the wording. Both Kansas and Washington courts were petitioned on the same day. Unchallenged factual findings were based on evidence that both parents intended to return with their newborn child to Kansas soon after the birth in Costa Rica. Because the courts of Kansas had not declined to exercise jurisdiction, the Washington court could not make custody determinations involving the child. This Court again declined review.

Raluca recognizes that Washington courts have subject matter jurisdiction over domestic relations. (Combined Answer at 16-17.) Raluca by her own hand invoked the jurisdiction of the Thurston County Superior Court in 2010 to make a child custody determination. CP 6. Despite not checking the boxes in that petition specifying home state, she gave an account of the children having lived with her in Washington and meeting the conditions for home state jurisdiction. Raluca does not cite precedent, nor can she do so, contradicting that by setting out in the decree that the children reside with Grigore, the dissolution court exercised its subject matter jurisdiction and "home state jurisdiction", to enter a custody decree. Critically, she does not cite precedent absolving her of liability for having violated the contempt statute RCW 26.09.160 in relation to that custody decree and her obligation to pay child support.

Raluca argues that a reversal in Grigore's position should not be tolerated and cites *Svatonsky*. (Combined Answer at 18.) Her argument is disingenious. *Svatonsky* is analogous to this case, but Raluca misapplies it. *Svatonsky* holds that a party who procures or gives consent to a decree is estopped to question its validity where he has obtained a benefit therefrom. *Svatonsky v. Svatonsky, 63 Wn.2d 902, 904, 389 P.2d 663, 665 (1964)*. But it is not Grigore who has changed his position. Rather, Raluca procured the Washington dissolution decree and obtained benefits including the right to remarry and to be free of the obligations of day-to-day care for the children. Having changed her mind about paying child support, she then invoked the jurisdiction of the British Columbia court to reduce Grigore's benefit of residential time with his children under the pretense that she was enforcing a valid separation agreement. Upon being faced with the enforcement action below, she started singing a different tune, arguing that the dissolution court was without jurisdiction to award custody.

B. Raluca's claims of inflammatory accusations are misplaced

In a civil contempt proceeding, a court is not limited to a determination of the question of contempt, but is authorized to consider and determine to what extent the parties should perform the duties imposed upon them by the decree of dissolution. *In re Marriage of*

Wulfsberg, 42 Wn. App. 627, 632, 713 P.2d 132 (1986) citing *Bradley v. Fowler, 30 Wn.2d 609, 192 P.2d 969, 2 A.L.R.2d 822 (1948)*.

The federal statute enforces rulings under the UCCJEA. Raluca makes argument in support of this Court making a ruling pertaining to the UCCJEA. Such a ruling would then support or negate the possibility of a criminal complaint under the federal statute.

The Thurston County Sheriff's Office does not accept criminal complaints against custodial interference when the accused has an existing foreign order for custody. Only under the express direction of a court will the office take such a complaint. It is left to this Court to decide whether that foreign order is one recognizable in this state and whether criminal implications arise.

Only subsequent to such decisions can the respective accusations be deemed inflammatory or not. Grigore declares that he has not intended his argument to be inflammatory.

Despite that he appears to assume he is being accused of aiding Raluca's contemptuous action in Canada, Raluca's counsel and author of the Combined Answer is not being held to personal account beyond the extent of his liability. But in her declaration in the trial court below, Raluca did finger her Canadian counsel for not admitting the dissolution findings and conclusions into evidence in her Canadian action. Although

filing of the doctored separation agreement was by her own hand, it remains for the Court to determine whether the subsequent appearance by her Canadian counsel in that action was sufficiently proximate to the filing to affect the extent of her liability for the claims below.

C. Raluca misrepresents a critical fact of the dissolution court' intent

At page 4 of her answer, Raluca omits the dissolution commissioner's words relating to her [commissioner's] intention on how the children interest in the account might be addressed. Raluca used the same strategy in her response brief (Br. Of Resp. at 10 and 28.) After Grigore's objection in his reply, the Court of Appeals recited the missing dialogue ("I don't know that I can put it with the children if they're minor children.") Court of Appeals' decision at p. 3. The Court is urged to be aware of the intent of the dissolution court when conducting its review.

D. Raluca cannot now argue that the petition is out of time by arguing motions she did not contest

Raluca argues that the petition for review is untimely because the motion for reconsideration in the Court of Appeals was untimely. (Combined Answer at 14.) Raluca recognizes that the Court of Appeals did not enter a mandate, which under RAP 12.5 would have been the required course of action for an untimely motion for reconsideration or petition for review. (Combined Answer at 22.) Raluca did not oppose the

motion to extend time or contest it in any way. A direct appeal was not taken and a court is not justified in looking behind the face of the judgment. *Svatonsky v. Svatonsky, 63 Wn.2d 902, 904, 389 P.2d 663 (1964)*. The Court of Appeals issued a ruling on the motion for reconsideration, whereas it would not have done so had the motion for extension of time been denied. The appeals court issued just such a ruling on the motion to publish which was not timely filed and for which no motion to extend time was made.

Raluca offers no precedent holding that time after a motion to extend time filed on the due date of the petition should not be tolled.

For these uncontested motions, Raluca now seeks attorney fees. An unwarranted request for sanctions under the bad faith exception to the American Rule should itself justify a finding of bad faith.

Raluca uses the words “frivolous” 11 times, “harass” - five times, and “impoverish” - six times, without setting out controlling precedent. Clearly, she would like this Court to make a ruling regarding these findings of the courts below. Grigore does not oppose this Court's review of these findings.

E. Raluca provides no basis why the petition lacks merit, and offers no precedent supporting denial of the petition

Raluca cites *In re Marriage of James, 79 Wn. App. 436, 440, 903*

P.2d 470 (1995) as authority for reversal of a holding of contempt but she misunderstands the case. That court reversed on an issue of law, and did "not reach the issue of whether substantial evidence supports the trial court's contempt orders." In the case at bar, the Court of Appeals did not review any issues of law, but only attempted to support Raluca's proposed findings with the foreign judgment while ignoring conflicts of law and fact. Grigore fully supports having this Court review the issues of law.

F. Conclusion

Under the succinct criteria established by *Svatonsky*, this Court can simply preclude Raluca from rejecting the jurisdiction of the dissolution court without resort to other jurisdictional arguments, recognize that the 2009 separation agreement was terminated by the time of the decree and the termination was incorporated therein as per the superior court, that the account for the children was characterized as community property with Raluca as trustee, that she failed her burden to account for non-payment of child support, that she relitigated the separation agreement contrary to the purpose of the decree, and that each of these establishes Raluca's contempt of the decree of dissolution.

Raluca makes no argument supporting the Court of Appeals' disregard of consideration for the welfare of the children. The decision being appealed is the denial of the motion to hold Raluca in contempt of

the decree of dissolution, but the overriding interest is the welfare of the children. This Court is urged to remain alive to its *parens patriae* jurisdiction.

> "A stable, loving home life is essential to a child's physical, emotional and spiritual well-being.… In addition to the child's interest in a normal home life, the State has an urgent interest in the welfare of the child.... Thus the whole community has an interest that children be both safeguarded from abuses and given opportunities for growth into free and well-developed citizens."

Santosky v. Kramer, 455 U.S. 745, 789-790 (1982).

Dated this 30th day of March, 2018.

Respectfully submitted,

s/ Grigore Vetrici
Petitioner, pro se

DECLARATION

I, Grigore Vetrici, declare and say:

I am the petitioner in this matter.

I have tried to have the British Columbia courts withdraw their rulings by pointing out the superior court's ruling that the 2009 separation agreement was terminated, without success. I have found the following articles by Georgialee Lang, a Canadian lawyer, who clarifies the nascent state of justice in Canada in regards to perjury such as Raluca's misrepresentation of the validity of the 2009 separation agreement: "When Will Our Judges Speak Out Forcefully Against Perjury?",

http://canliiconnects.org/en/commentaries/46611; "Liar Liar, Pants on Fire: Perjury in Family Court", http://canliiconnects.org/en/commentaries/46619.

I have also found another article citing Canadian legal authority that a petitioner must not have resorted to a foreign court for improper reasons such as solely "for the purpose of obtaining a divorce", http://canliiconnects.org/en/commentaries/44971.

I have contacted the Thurston County Sheriff's Office to make a criminal complaint of custodial interference. I was told that my complaint would not be accepted since Raluca had a Canadian order giving her equal guardianship of the children. I was told that I could pursue contempt in the court, and that it would be for the court to decide if custodial interference was warranted. I was also told that they do not enforce federal statutes.

I did not intend to inflame Raluca, her attorney, or the system of justice by pleading the criminal statutes in the petition for review that I believe should be as enforceable as any statute. I intended to provide argument on all related statutes and the potential extent of the court's ruling.

/s/ Grigore Vetrici
Grigore Vetrici

GRIGORE VETRICI - FILING PRO SE

March 30, 2018 - 1:12 PM

Transmittal Information

Filed with Court:	Supreme Court
Appellate Court Case Number:	95327-9
Appellate Court Case Title:	In re the Marriage of: Raluca Vetrici and Grigore Vetrici
Superior Court Case Number:	10-3-00585-5

The following documents have been uploaded:

- 953279_Answer_Reply_20180330125317SC286254_0660.pdf
  This File Contains:
  Answer/Reply - Reply to Answer to Petition for Review
  The Original File Name was Reply to Combined Answer and Response.pdf

A copy of the uploaded files will be sent to:

- dpm@lifetime.legal
- drewmazzeo@outlook.com

Comments:

The clerk or commissioner is asked to consider RAP 18.8(a) and RAP 1.2 and liberally interpret the due date and the notice provided, the lack of prejudice to the other party, the nature of the pleading and to accept it without necessity for a further formal motion to extend time.

Sender Name: Grigore Vetrici - Email: 98gvlaw@outlook.com
Address:
307, 935 Marine Drive
West Vancouver, BC, V7T 1A7
Phone: (403) 702-5692

Note: The Filing Id is 20180330125317SC286254