

IN THE SUPREME COURT
STATE OF WASHINGTON

Marriage of: TATYANA MASON, Petitioner <i>pro-se</i> vs. JOHN A. MASON Respondent	S. Ct. case No. 96438-6 COA case No. 49839-1-II SECOND MOTION FOR CONTINUANCE CONSIDERATION OF PETITION FOR REVIEW. RAP 18.8 (a)
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Identity of Appellant Party & Relief Sought

Petitioner *pro-se*, Tatyana Mason (hereafter Tatyana) requests this Court for continuance consideration of petition review from March 5 to May, 2019. Due to Tatyana's serious medical condition and receiving heavy cancer treatments, going through surgeries and radiations, she is unable to work and concentrate on a legal issue in this case until the treatment will be completed in April, 2019.

Facts relevant to this motion:

Tatyana file her petition for review on October 22, 2018. John Mason asked for extension of time to December 21, 2018 files his answer, knowing that Tatyana will have a surgery on this day and will not be able to re-address his improper answer, take an action to file a motion to strike his answer or to file reply.

Indeed, after a surgery was not able to move her hands, also Tatyana started her systematic chemotherapy treatments in January 2019 which

make her nauseous and physically ill. In February Tatyana had another serious surgery follows up with another set of chemotherapy treatment and set of radiations which will be ended in April 2019.

Tatyana is planning to file a motion to strike John Mason's answer, where he improperly limited the trial court to I-864, misrepresented the facts of the case to confuse and mislead this Court in violation of RAP 18.9 as he did it in the court of appeals and at the 2016 trial court in violation of CR11(a) by a judge.

Argument:

On January 2, 2019 this Court stated in its letter:

“If the Petitioner would like to request a continuance of more than one month, she may file a second motion for continuance”.

Petitioner is not prohibited from addressing answer under RAP 13.4. Tatyana affirmatively has the right to address any issues raised by John Mason in his improper answer. *Blaney v. International Association of Machinists and Aerospace Workers, Dist. No. 160, 151 Wn.2d 203,210 n.3, 87 P.3d 757 (2004).*

The issues raised by John Mason in his answer to petition for review and expressly may be addressed by Tatyana in her motion to strike at any time pursuant to RAP 13.4(d) and RAP 1.2(a) ("These rules will be liberally interpreted to promote justice"):

John Mason improperly limited the trial court to I-864 and ignored Judge Wickham's ruling regarding Tatyana's damaged

immigration status by the 2013 order.

John Mason ignored the trial court findings that: (1) John refused to remove conditions from Tatyana temporary green card due to his control; (2) John is a sponsor who refused to pay his I-864 affidavit of support to Tatyana, (3) John is harassing Tatyana through the court improperly demanding money from Tatyana he is not entitle; (3) John through his attorney promoted untrue information to the court by using Tatyana's immigration status and the court system against her.

John Mason misrepresented the facts of the case and promoting false statements which were specifically found in violation of CR11 (a)(1)(2)(3) by a trial judge.

There are other more issues in John's improper answer which should be re-dressed in a motion to strike or in a reply to answer.

Each of these issues will be addressed by Tatyana in her motion to strike answer or in her Reply later in April, consistent with RAP 13.4 (d).

This Court should consider that John Mason and his attorney had been found systematically promoting untrue information to the court in violation of CR11(a) by a judge.

Even Tatyana is pro-se, she is knowledgeable in Washington State law and has rights and an obligation to address and attempt to correct the Examiner's error. E.g., RPC 3.3, "Candor Toward the Tribunal":

(a) A lawyer shall not knowingly:

(1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

(2) fail to disclose a material fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client unless such disclosure is prohibited by Rule 1.6;

(4) offer evidence that the lawyer knows to be false. RPC 3.3.

"An attorney has a duty of candor toward the tribunal which precludes it from making a false statement of material fact or law to such tribunal."

State v. Coppin, 51 Wn. App. 866, 874 n. 4, 791 P.2d 228 (1990). See also RPC 8.4 (defining professional misconduct as, among other things, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation).

Since Tatyana is temporary under heavy cancer treatments and her serious medical condition is preventing Tatyana to work and concentrate on a legal issue in this case, this Court should continue consideration of petition review from March 5 to May, 2019 and allowing Tatyana to redress John Mason's improper answer.

Conclusion:

This Court should continue consideration of petition review from March 5 to May, 2019 due to Tatyana's serious medical condition which will end in April 2019. This Court should give Tatyana an opportunity to readdress John Mason's improper answer to petition for review.

RAP 18.8 (a) gives basis to this Court grant Tatyana motion.

Dated February 21, 2019

Respectfully Submitted by: Tatyana Mason
Tatyana Mason Petitioner pro-se

PRO-SE

February 21, 2019 - 11:19 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 96438-6
Appellate Court Case Title: In the Matter of the Marriage of John Mason and Tatyana Mason
Superior Court Case Number: 07-3-00848-0

The following documents have been uploaded:

- 964386_Motion_20190221231818SC857568_4359.pdf
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