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SUPREME COURT  
STATE OF WASHINGTON  
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BY SUSAN L. CARLSON  
CLERK

IN THE SUPREME COURT  
STATE OF WASHINGTON

Marriage of:  JOHN A. MASON Respondent  vs.  TATYANA MASON, Petitioner <i>pro-se</i>	<b>S. Ct. case No. 96438-6</b>  COA case No. 49839-1-II  MOTION FOR EXTENTION OF TIME TO FILE REPLY TO ANSWER TO PETITION FOR REVIEW.
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***Identity of Appellant Party & Relief Sought***

Appellant pro-se, Tatyana Mason (hereafter Tatyana) requests this Court for extension of time to file her reply to John Mason's false improper answer to petition for review to a future date due to her serious health conditions and her cancer treatments.

On December 21, 2018 she had serious surgery, which affected her hands and ability to write; In January 2019 she started her chemotherapy treatment which will be ended in April 2019. Chemotherapy treatments make Tatyana sick, and she is not able to professionally work on strategy and redress John's answer until April 2019.

***Fact Relevant to This Motion***

Petition for Review was filed on October 22, 2018 by Tatyana. John Mason knew that on December 21, 2018 Tatyana will have surgery, yet he filed his motion for extension of time from November 21 to December 21, 2018 to file his answer, which was automatically granted on November 20,

2018 by this Court.

On December 21, 2018 John Mason filed his answer full of false, irrelevant statements and he also improperly limited the trial court to I-864 in violation of RAP18.9 -- which should be redress.

On December 21, 2018 Tatyana had surgery and was not able to work on this case due to her medical condition. On December 27, 2018 Tatyana filed motion to continue consideration from February 5 to May, 2019.

John Mason filed objection. Tatyana's motion was partly granted on January 2, 2019. This Court ruled:

Tatyana's motion requests a four-month continuance of this Court's consideration of the petition for review.... The Court does not generally grant continuance of more than one month. Therefore, I am granting a continuance of one month. If the [Tatyana] would like to request a continuance of more than one month, she may file a second motion for continuance, which will be referred to the Court for consideration alongside the petition for review.

Accordingly, this matter is stricken from the Courts February 5, 2019. Departmental Conference and tentatively set for consideration on the court's March 5, 2019 Departmental Calendar.

#### ***ARGUMENT***

On January 2, 2019 this Court continued consideration of petition for review from February 5, to March 5, 2019 due to Tatyana's medical condition. In January 2019 Tatyana started her systematic chemotherapy treatment which makes Tatyana extremely physically ill and she cannot concentrate and work on this case until April 2019 when this treatment

will be ended. This court ruled on November 27, 2018:

**If [Tatyana] needs additional time to file a reply because of her medical condition, she may request an addition extension by filing a motion.**

Indeed, medical condition is not allowing Tatyana *pro-se* to concentrate, build strategy and work on this case until the cancer treatment will be ended in April 2019. This court should grant Tatyana's motion for extension of time to file reply and give her ability to work on her strategy **after her cancer treatment in April 2019.**

John Mason already argued in his objection on December 28, 2018 that Tatyana's reply is disallowed under RAP 13.4(d). This Court ignored his objection on January 2, 2019. In the answer to petition for review, John made many false statements which were specifically rejected by the trial court under CR11(a), he also improperly limited the trial court to I-864 form in violation of RAP 18.9.

Petitioner is not prohibited from addressing Respondent's claims under RAP 13.4. Tatyana affirmatively has the right to address any issues raised by John in his false improper answer. The false statements and allegations were raised by John Mason in his answer and expressly may be addressed by Tatyana in her Reply, pursuant to RAP 13.4(d) and RAP 1.2(a) ("These rules will be liberally interpreted to promote justice").

John Mason was found promoting untrue presentation in violation

of CR11(a) several times in the trial court. John Mason continues his lies in the court of appeals and now in this Court by improperly using Tatyana's medical condition.

As an officer of the Court and under the duties of the Prosecuting Attorney's office, the attorney had 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.

"A prosecutor, like any other 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).

Given the serious ethical issues in this case concerning a failure of candor to the tribunal, as well as the threat to the well-established CR

60(b)(11), this Court should consider Tatyana's extension of time to file Reply in a future date and grant the Petition for Review pursuant to RAP 1.2(a). Tatyana is allowed to have the "final say" to address the John Mason's falsehoods in his answer to petition for review.

### **Conclusion**

Tatyana is under serious medical cancer treatment and has no ability to concentrate and work on this case and redress John Mason's falsehoods until April 2019. This Court ruled "If [Tatyana] needs additional time to file a reply because of her medical condition, she may request an addition extension by filing a motion.

This Court should give an opportunity to Tatyana to work on strategy after her medical treatment will be ended in April 2019. Since the consideration of petition for review was continue to March 5, 2019, filing reply to John's improper answer should extended to a future date due to Tatyana's serious medical condition.

RAP 18.8 (a) give basis to this Court grant Tatyana motion for extension of time to file Reply to February 22, 2019.

Dated January 22, 2019

Submitted by: Tatyana Mason  
Tatyana Mason Petitioner *pro-se*  
Typed by Natasha Wilson



**PRO-SE**

**January 23, 2019 - 2:13 AM**

**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\_20190123021239SC104970\_6445.pdf  
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Motion 1 - Extend Time to File  
*The Original File Name was 96438-6 Motion for extention of time to file reply to answer.pdf*

**A copy of the uploaded files will be sent to:**

- ken@appeal-law.com
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