

Petition for Review

97250-8

Court of Appeal Cause No. 77551-1-I

IN THE SUPREME COURT OF THE STATE OF
WASHINGTON

Josephene Choi _____, Respondent

v.

____Nathan Choi____, [Petitioner or Appellant]

PETITION FOR REVIEW

FILED
COURT OF APPEALS DIV. 1
STATE OF WASHINGTON
2019 MAY 22 PM 4:27

Nathan Choi
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TABLE OF CONTENTS

Petition for Review
Identity of Petitioner 2
Court of Appeals Decision 2
Issues Presented for Review 2
Statement of the Case 2
Argument Why Review Should Be Accepted 2
Conclusion 3

Appendix A Unpublished Opinion dated April 22, 2019 4

A. Identity of Petitioner
Nathan Choi asks this court to accept review of the Court of Appeals decision termination review designated in Part B of this petition.

B. Court of Appeals Decision
Nathan Choi seeks to review the Appellate Court's April 22, 2019
A copy of the decision is in the Appendix.

C. Issues Presented for Review

The issue is weather a completely separate lawsuit that has Nothing to do with an underlying divorce can be tried separately. Nathan Choi's divorce can have a separate cause of action. [Define the issues which the Supreme Court is asked to decide if review is granted. See the second portion of Part A of Form 6 for suggestions for framing issues presented for review.]

D. Statement of the Case
Nathan Choi has presented enough evidence for the Appellate Court to decide weather the parties to a divorce had a separate cause of action from the divorce itself. If one of the parties to the divorce was made trustee over an asset and she breached her fiduciary duty to maintain the asset, then clearly a separate cause of Action exist. Rather than addressing this issue, the Appellate Court claimed that the complaint itself was not made a part of the record so they did not have enough of the record to make a decision on the merits and therefore dismissed the Appeal. This should not be the Law in the State of Washington. First of all, there is enough on the Brief, Response, and Reply to make a ruling. However, if the Appellate Court feels one an additional is necessary before they can make a ruling, the Supreme Court must make it the Law that the Appellate Court is to instruct the parties to provide it. This is such a simple act that will result in Justice rather than simply denying an Appeal because the Judiciary may not particularly like the Appelant.

There remains a second question if the Appellate Court should have simply recused itself and changed the venue of this matter on its own accord. Surly if one of the Jusitces of the Appellate Court had an appeal before his very own Court, would it be appropriate for a panel of three other members to decide on it? Likewise, an individual who attempted to take the seat of one of the Appellate Court's Justices should also be relocated to another Court that can hear this matter.

E. Argument Why Review Should Be Accepted
This Review Should be Accepted because there is an important Question of Law that needs to be determined. If an Appellate Court needs an additional item for the record to make a decision, should the Appellate Court instruct the party to provide additional items or just deny the appeal when the Brief, Response, and the Reply has enough uncontested information to make a decision. This is an important

question of Law in which an Appellate Judiciary can make a adverse decision against a party they dislike and always claim an additional item should have been provided to the record.

Moreover, if a Judge cannot have a hearing before the Judiciary they sit on because there is potential for bias in favor of that Judge, shouldn't the Judiciary change the venue of an appeal to another venue because of the potential for negative bias against any individual who ran against a member of that Judiciary? This is a very important question that must be answered because it will set the tone for Washington State weather Washington will choose to bring equity to all its residents or decide to punish those who lawfully challenges the Judiciary's authority.

F. Conclusion

This is a multi-state dispute. There is property from multiple states as well as countries. Nathan Choi made the mistake of bringing this lawsuit before a Judiciary who desires to punish him. However, this Judiciary should be above politics and do what is right. If it is at all possible to have contestants to a judicial seat have their disputes heard in another venue, that should be the rule in Washington. Moreover, if an appellate court feels there is one additional item of the record that they need to make a proper decision, than that appellate court should order the Appellant to provide it rather than dismissing the appeal all together. Appellant Nathan Choi humbly ask that you allow him to obtain justice despite having been an antagonistic competitor against a member of this Judiciary.

May 22, 2019

Respectfully submitted,



Nathan Choi, Appellant

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

NATHAN CHOI, and TACOMA
PROFESSIONAL PLAZA, LLC,

Appellant,

v.

JOSEPHENE CHOI and JOHN DOE &
JANE DOES 1-10, DOE ENTITIES 1-
10, All whose true names are unknown
at this time,

Respondent.

No. 77551-1-1

UNPUBLISHED OPINION

FILED: April 22, 2019

VERELLEN, J. — Nathan Choi appeals the summary judgment order dismissing his lawsuit against Josephene Choi and others arising out of the sale of commercial property. However, he fails to provide an adequate record for review, citations to the record, citations to authority, or meaningful legal analysis. Because these deficiencies are fatal to his appeal, we affirm.

FACTS

Nathan and Josephene divorced in 2016.¹ At some point in 2017, Nathan filed a lawsuit against Josephene and others in which he asserted claims of fraud, negligence,

¹ We use the first names of the parties for ease of reference. Additionally, because we have issued prior opinions discussing the parties' marital dissolution and the appointment of a special master to preside over the sale of their commercial property, we will not repeat them here. See In re Marriage of Choi, No. 74569-7-1 (Wash. Ct. App. Apr. 24, 2017) (unpublished), <http://www.courts.wa.gov/opinions/pdf/745697.pdf>, review denied, 189 Wn.2d 1032, 407 P.3d 1154 (2018); In re Marriage of Choi, No. 76551-5-1 (Wash. Ct. App. Nov. 5, 2018) (unpublished), <http://www.courts.wa.gov/opinions/pdf/765515.pdf>.

and breach of fiduciary duty. The crux of Nathan's lawsuit is that Josephene engaged in conduct that resulted in their commercial property being sold to one of Josephene's friends for \$600,000 below the true market value. Josephene moved for summary judgment, arguing the special master had exclusive jurisdiction to arbitrate the claims Nathan raised regarding the sale of the commercial property. The trial court dismissed Nathan's lawsuit with prejudice, concluding that a special master had been appointed to preside over the issues Nathan raised in his lawsuit.

ANALYSIS

Nathan, who is an attorney licensed in Hawaii and Washington, focuses his appeal on the premise that the dispute in his lawsuit against Josephene is separate from the dissolution action in which the special master had authority to sell the parties' commercial property.

Even if we accept Nathan's premise that the sale of the commercial property as ordered in the dissolution matter could support a separate cause of action apart from the dissolution itself, the record on appeal does not include a copy of the complaint Nathan filed in this matter.² While his brief includes vague references to fraud and tort, Nathan does not include any legal authorities addressing the elements or substance of any precise causes of action he has actually plead in this separate lawsuit.³

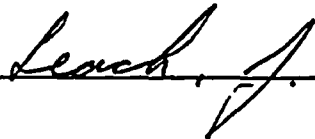
² The record only contains Josephene's dispositive motions, Nathan's declarations in response to those motions, the order granting summary judgment, and the order confirming the special master's decision. CP at 1, 69, 97, 188, 189, 192, 197.

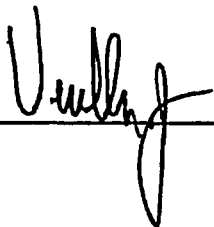
³ See Appellant's Br. at 6-9; Reply Br. of Appellant at 3-6.

As the appellant, Nathan has the obligation to provide an adequate record on appeal.⁴ He also has the burden to provide authority supporting his legal theories on appeal.⁵ Nathan's appeal violates both of these rules. We conclude the deficiencies in the briefing and the record preclude review and are fatal to this appeal.

Therefore we affirm.

WE CONCUR:







⁴ RAP 9.6(b)(1)(C) requires that the record, at a minimum, shall include "the summons and complaint or case initiating petition in a civil case." Story v. Shelter Bay Co., 52 Wn. App. 334, 345, 760 P.2d 368 (1988).

⁵ RAP 10.3(a)(6) requires parties to provide "argument in support of the issues presented for review, together with citations to legal authority and references to relevant parts of the record." Arguments that are not supported by pertinent authority or meaningful analysis need not be considered. See Cowiche Canyon Conservancy v. Bosley, 118 Wn.2d 801, 809, 828 P.2d 549 (1992) (arguments not supported by authority); Saunders v. Lloyd's of London, 113 Wn.2d 330, 345, 779 P.2d 249 (1997) (arguments not supported by adequate argument and authority).

FILED
COURT OF APPEALS DIV I
STATE OF WASHINGTON
2019 MAY 22 PM 4: 27

COURT OF APPEALS, DIVISION I OF THE STATE OF WASHINGTON

NATHAN CHOI (APPELLANT)
and Tacoma Professional
Plaza, LLC
Plaintiffs,

No. 77551-1-1
Cause No. 17-2-17386-0-SEA

CERTIFICATE OF SERVICE

VS.
Josephene Choi (Appellee)
and JONH & JANE DOES 1-10, DOE
ENTITIES 1-10, All whose true names are
unknown at this time,
Defendants.

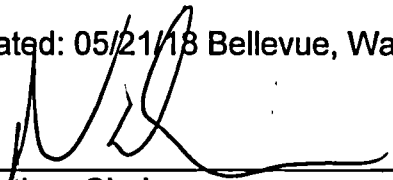
CERTIFICATE OF SERVICE

I, Nathan Choi, swear under penalty of perjury of the laws of the State of Washington that I am over eighteen and competent to testify in court. I certify I caused a true and correct copy of the following to be served on: Gary Taylor WSBA # 6305, 5059 6th Ave. Suite 200 Seattle, WA 98108

Petition for Review

On 05/21/18 by US mail postage prepaid or By Hand Delivery.

Dated: 05/21/18 Bellevue, Washington



Nathan Choi