

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
7/18/2019  
BY SUSAN L. CARLSON  
CLERK

Court of Appeal Cause No. 78550-8-1

97447-1

IN THE SUPREME COURT OF THE STATE OF  
WASHINGTON

FILED  
COURT OF APPEALS DIV 1  
STATE OF WASHINGTON  
2019 JUL 12 PM 3:59

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Josephene Choi\_\_\_\_\_, Respondent

v.

\_Nathan Choi\_\_\_, [Petitioner/Appellant]

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PETITION FOR DISCRETIONARY REVIEW OF INTERLOCUTORY DECISION  
DECLARATATION OF SERVICE

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Nathan Choi

12819 SE 38<sup>th</sup> Street 262  
Bellevue WA 98006  
425-777-6170  
[americanjd@gmail.com](mailto:americanjd@gmail.com)

**PETITION FOR DISCRETIONARY REVIEW OF INTERLOCUTORY DECISION**

Identity of Petitioner

Nathan Choi, Appellant is filing this motion.

Decision Below

Petitioner request that the ORDER DENYING MOTION TO MODIFY filed June 12, 2019 is reversed.

Issues Presented for Review

The issue before this Honorable Court is whether an appellate court's motion to dismiss an appeal in which the aggrieved party did not get notice should be reversed.

A concise statement of the issues presented for review

Division 1 Court of Appeals has committed an obvious error which renders further proceedings useless. The Appellate Court scheduled a hearing to dismiss Petitioner's appeal without serving notice on the Petitioner. This is unusual because the Petitioner had 3 active appeals before the same Appellate Court. The Appellate Court communicated with the Petitioner regarding all three cases with the petitioner at his proper email. Then the Appellate Court started to send

communications to the Petitioner to an old unused email address solely on this particular case. Since Petitioner was getting all communications from this Court at his proper email address for his 2 other cases, Petitioner assumed that this Honorable Court would do the same for this appeal as well. Petitioner had no notice of this hearing and this cause was dismissed thinking that this appeal was abandoned. Petitioner filed for a motion to modify that order.

#### Argument

Division I appellate court allows litigants to request extensions to file their briefs. In all honesty, they are quite generous about granting extensions. Petitioner Nathan Choi has already filed his Opening Brief but was unaware that the Court held a hearing to dismiss his appeal. The Appellate Court clearly knows the Petitioner's address and email address since they are communicating to the Petitioner regarding the 2 other cases to his proper address. Petitioner does not wish to speculate or make an issue of why he he was not served notice about any hearings on his appeal at this time. Petitioner simply ask for

justice. Petitioner is entitled to appeal a matter that he feels was improperly ruled on by the lower court.

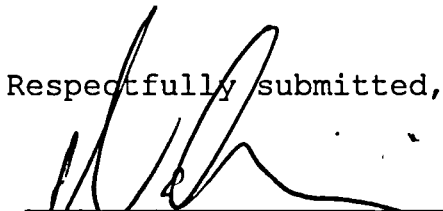
Petitioner also deserves to be noticed when the Court intends to hold a hearing. Petitioner humbly ask this Honorable Court to modify the ruling allowing the appeal to proceed for the above reasons.

Conclusion

Petitioner ask that the Order dated June 12, 2019 be amended to allow the appeal to continue.

July 11, 2019

Respectfully submitted,

  
Nathan Choi, Appellant

**DECLARATION OF SERVICE**

I, Nathan Choi, do hereby declare I am over the age of eighteen and on

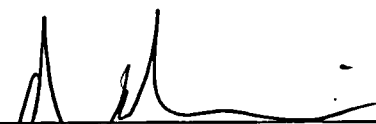
6/12/19 I caused the following document(s)

Petition for Discretionary Review of Interlocutory decision.

to be served on Gary Taylor gjt777@aol.com (206) 448-4983, attorney for the Petitioner at 5950 6th Ave #200, Seattle, WA 98108 by US Mail Postage Prepaid or by Personal Delivery.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED June 12, 2019 Bellevue WA.

  
\_\_\_\_\_  
NATHAN CHOI, Appellant *pro se*

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

In the Matter of the Marriage of:

JOSEPHENE CHOI,

Respondent,

and

NATHAN CHOI,

Appellant.

No. 78550-8-1

ORDER DENYING  
MOTION TO MODIFY

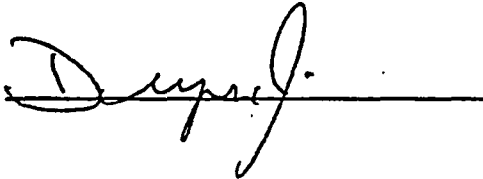
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STATE OF WASHINGTON

Appellant, Nathan Choi, has filed a motion to modify the commissioner's February 7, 2019, ruling dismissing his appeal. Respondent, Josephene Choi, has filed a response. We have considered the motion under RAP 17.7 and have determined that it should be denied. Now, therefore, it is hereby

ORDERED that the motion to modify is denied.

Done this 12<sup>th</sup> day of June, 2019.



Andrew J.  
Schweitzer