

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
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BY SUSAN L. CARLSON  
CLERK

No. 97854-9

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SUPREME COURT OF THE STATE OF WASHINGTON

Court of Appeals No. 78595-8-I  
COURT OF APPEALS  
THE STATE OF WASHINGTON DIVISION I

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Hugh F. Bangasser, an individual; and  
Elizabeth B. Hall, an individual,

Plaintiffs/Respondents,

v.

Thomas F. Bangasser, an individual; and  
Bangasser & Associates, Inc., a Washington Corporation,

Defendants/Appellants.

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**RESPONSE BRIEF OF RESPONDENTS HUGH F.  
BANGASSER AND ELIZABETH HALL**

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ON APPEAL FROM THE SUPERIOR COURT OF THE  
STATE OF WASHINGTON FOR KING COUNTY

**Teruyuki S. Olsen WSBA #40855**  
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## I. INTRODUCTION

Respondents Hugh F. Bangasser and Elizabeth Hall, by and through their attorneys, submits this Answer pursuant to RAP 13.4(d) and respectfully requests the Supreme Court to deny discretionary review.

Thomas Bangasser's petition for review of the Court of Appeals decision against him fails to meet the required standard for discretionary review under RAP 13.4(b) because there is no substantial public interest impacted by the decision, there is no conflict among the Courts regarding the issues decided, there are no Constitutional questions involved.

Division I of the Court of Appeals, in case number 78595-8-I (consolidated with case number 78670-9-I) filed on October 14, 2019 (the "COA Decision") affirmed a Superior Court decision that authorized collection on a debt between private parties. The COA Decision addressed the charging order statute RCW 25.10.556, and determined judgment creditors were entitled to an order requiring a limited partnership to pay funds that were otherwise owed to the judgment debtor, Thomas Bangasser, directly to the judgment creditors.

### A. **There is no issue of substantial public interest involved.**

RAP 13.4(b)(4) provides that a petition for review will only be accepted if it "involves an issue of substantial public interest that should be

determined by the Supreme Court.” RAP 13.4(b)(4). The COA Decision arose from a private action between siblings for the collection on promissory notes. No public interests are involved.

Notably, Thomas Bangasser’s petition assigns no error to the COA Decision. No argument is presented that the Court of Appeals erred by affirming the post-judgment charging and disbursement orders. Thomas Bangasser’s allegation that review is appropriate because there are greater community interests at stake is devoid of any tangential relation to the COA Decision and is based on matters that are wholly outside the record.

**B. There is no conflict among the Courts.**

Thomas Bangasser makes no argument that the COA Decision conflicts with any Supreme Court or Court of Appeals decision. RAP 13.4(a) and (b) cannot be satisfied.

**C. There are no issues of Constitutional law involved in the COA Decision.**

RAP 13.4(3) allows discretionary review only if “a significant question of law under the Constitution of the State of Washington or of the United States is involved.” RAP 13.4(3). No such significant question is presented under the COA Decision, or Thomas Bangasser’s petition for review.

Thomas Bangasser was not denied access to justice. From the Superior Court stage, through the Court of Appeals, he presented his defense to the courts through counsel. All his arguments are preserved in the record, were considered, and have been rejected. He cites no procedural irregularity, and identifies no other basis for how he was denied access to justice.

Thomas Bangasser alleges a conflict of interest somehow prevented equal access to justice. The COA Decision addressed his conflict of interest argument, and rejected it. There are no significant Constitutional questions involved in this case.

## **II. REQUEST FOR ATTORNEYS' FEES PURSUANT TO RAP**

### **18.1(j)**

The COA Decision awarded Respondents fees on appeal. Respondents request pursuant to RAP 18.1(j) that if Thomas Bangasser's petition for review is denied, that the Supreme Court award reasonable attorney fees and expenses to Respondents for their Answer.

## **III. CONCLUSION**

Thomas Bangasser fails to address the requirements for discretionary review under RAP 13.4. His petition for review fails to cite any facts or reasonable arguments that could meet the standards set under the rule. His petition for review should therefore be denied.

Respectfully Submitted this 13<sup>th</sup> day of December, 2019.



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**CERTIFICATE OF SERVICE**

The undersigned certifies that on the date below she forwarded for filing with the Supreme Court for the State of Washington the foregoing pleading entitled Response Brief of Respondents Hugh F. Bangasser and Elizabeth B. Hall. Additionally, a true and correct copy of the aforementioned pleading was emailed pdf and forwarded for delivery via first class mail, on this date to the following persons:

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I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Dated this 13 day of December, 2019 at Bellevue, Washington.

  
\_\_\_\_\_  
Jillian Braun

**OSERAN HAHN PS**

**December 13, 2019 - 10:39 AM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 97854-9  
**Appellate Court Case Title:** Hugh Bangasser, et al. v. Thomas F. Bangasser, et al.

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