COA#787152

97940-5

COURT OF APPEALS OF THE STATE OF WASHINGTON – DIVISION I

SING CHO NG, Appellant, vs. BING KUNG ASSOCIATION, TOMMY PING YUE MAI, YAO SHEN CHIN, YUET PING MARK, KIN CHUEN LEUNG, AND JOHN DO AND JANE DOE Respondents.	No. 787152 APPELLANT'S MOTION FOR REVIEW BY THE SUPREME COURT

I am **Sing Cho Ng,** Appellant pro se of COA appeal #78715-2-1, King County Cause No. 17-2-24597-6 SEA. I am in receipt an extensively erred Opinion filed on November 4, 2019 in the above referenced appeal. This is my motion to seek review by the Supreme Court pursuant to RAP 13.4(a) in the order of **Background** section, **Standard Of Review** section and **Analysis,** section, paragraph by paragraph. **Repetition is expected.**

BACKGROUND

A Summary of Occurrences from 2014 through 2018. **(1)** Unlawful entering of tenants' homes occurred on October 8, 2014. It was an act of **invasion of tenant's home by persons under color of law,** aiming at **threatening tenants to move out** from the rooming house apartments in Seattle, The objective was to path way for commencement of a **for-profit real estate project**. SCIDpda, a **quasi city-government entity** was one of promoters and partners of the project. My SRO home was invaded on that day. **(2)** After the break in, **an unlawful rent increase** was imposed **to price out tenants**. **(3)** But they still failed to make all tenants to move out voluntarily. **(4)** The developer's next move was to **initiate judicial proceedings to force out** the remaining tenants. **(5)** The 15-2-16467-8 action was their **second lawsuit** against me after they failed in their first attempt less than 45 days ago. **(6)** This second lawsuit **resulted in my eviction** in October 2015 due to multiple **unlawful practices**

of a corrupted Jndge Janet Helson and a corrupted deputy court clerk. **(7)** In December 2015, because my **administrative complaints received zero attention**, I brought legal action **15-2-30570-1 to seek justification**. This action was dismissed in on August 31, 2016 and was appealed to COA. **(8)** In order to reclaim my left-behind property, I brought 16-2-00051-7 action in January 2016. **(9)** Acting **not within** its jurisdiction, Helson immediately **acted to interfere with the 16-2-00051-7** proceedings and **succeeded in misleading** judge Jim Rogers to dismiss this action on August 4, 2016. **(10)** Helson's interfering with 16-2-00051-7 proceedings was **also applied on the 15-2-30570-1** action. **(11)** Although 15-2-30570-1 action was filed two weeks earlier, it was dismissed almost a month after the dismissal of the 16-2-00051-7. **(12)** I appealed both dismissals to COA. Appeal #757512 was for the 16-2-00051-7 property-reclaim dismissal. The 15-2-30570-1 break in dismissal was under COA appeal #758993. **(13) Both appeals were dismissed by COA followed by Supreme Court's refusal to review.** **(14)** The instant COA appeal 787152 is **neither about** my left-behind-property, **nor about** the October 8, 2014 break in, disregarding that 17-2-24597-6 action was a re-filed of the 15-2-30570-1. **(15)** COA appeal **787152 is about the unlawful standing** of the Imposter "attorney of record" during the 17-2-24597-6 proceedings in 2018 ....

<u>For Paragraph 1 & 2 of Background.</u>

1.1 <u>About the 15-2-30570-1 action.</u> **(1)** Two government officials from Seattle Department of Planning and Development participated in the October 8, 2014 unlawful entering of my SRO. **(2)** That incident was an invasion of a civilian's home by **persons under color of law**. **(3)** Of the five intruders, three Bing Kung managers were identified by witnesses. **(4)** The invasion was admitted by Terence Wong, the then attorney who represented the three Bing Kung intruder managers during the anti-harassment petition hearing on October 21, 2014. Based on the October 8, 2014 invasion, I filed the 15-2-30570-1 action. At that time, I had not identified the two city official intruders.

1.2 **(1)** The 15-2-30570-1 action was erroneously dismissed by Jim Roger in 2016 because **(2)** Rogers's decision was tainted by Helson's 2015 15-2-16467-8 decision, **(3)** followed by Helson's interfering with the 16-2-00051-7 action in June through August 2016 and **(4)** further tainted by the collusion of Terence Wong and Rogers bailiff Monica Gillum in August 2016.

1.3a **About the 15-2-16467-8 unlawful detainer action.** **(1)** There were two unlawful detainer actions brought by Bing Kung Association in 2015. **(2)** The former one 15-2-10896-4 was dismissed by a justified judge Nancy Johnson. **(3)** The latter one 15-2-16467-8 was brought in less than 45 days after the former was dismissed.

1.3b From August 18, 2015 through October 5, 2015, during the proceedings of the 15-2-16467-8 **(1)** Janet Helson exercised its "discretion" to allow the 15-2-16467-8 action to proceed, **(2)** misinterpreted Seattle residential rent control code, **(3)** ruled in favor of the unlawful rent demands of Bing Kung, **(4)** tricked me into paying excessive amount of unlawful rent, **(5)** denied my timely filed motion for reconsideration, **(6)** illegally "entered" an unlawful document into superior court record, **(7)** withheld forwarding my motion for extension of time to the COA, **(8)** encouraged a deputy court clerk to create a fake writ of restitution for my eviction, **(9)** issued a post eviction order (Sub#55) to mislead COA, **(10)** brought a fake notice of appeal to the COA for "filing" and **(11)** unduly influenced the COA into removing Event Date 10-01-15 Notice of Appeal from the file of COA appeal #740512

1.3c Janet Helson's combination frauds resulted in my eviction on October 5, 2015 and misleading the COA to terminate my timely filed October 1, 2015 appeal (#740512).

1.3d Based on the 740512 termination of appeal, the COA and the Supreme Court denied all my appeals related to 15-2-16467-8 action, the 15-2-30570-1 action and the 16-2-00051-7 action in 2017 and 2018.

1.4a **More about 15-2-30570-1 action**. **(1)** I brought the 15-2-30570-1 action on December 18, 2015 in order to hold the three civilian Bing Kung managers responsible based on the admitted and witnessed invasion. **(2)** At that time, I had not identified to which department of city government the two Seattle officials were with.

1.4b **About the 16-2-00051-7 action**. **(1)** I brought the 16-2-00051-7 action on January 4, 2016 for reclaiming my left behind personal property under RCW 59.18.312, **(2)** The cause of action was based on an admitted fact that five "association members" had "transferred" some of my personal property into their SRO for "storage" and **(3)** based on Janet Helson's "discretion" to grant permission for those "association members" to "store" my personal property without

complying with RCW 59.18.312. **(4)** Jim Rogers's August 4, 2016 dismissal of 16-2-00051-7 action was tainted by Janet Helson's unlawful acts in June 2016.

1.4c **Dismissal of anti-harassment petition by Judge Rogoff.** **(1)** Judge Rogoff heard the anti-harassment petition on October 21, 2014. **(2)** Dismissal of our petitions was not because the invasion did not happen but because the judge concluded that we should bring civil suit based on other laws but not anti-harassment laws. **(3)** The December 2015 15-2-30570-1 action was exactly what I did as of right under the directory of Judge Rogoff. **(4)** The 17-2-24597-6 action would not have been brought if Jim Rogers did not erroneously dismiss the 15-2-30570-1 action.

1.4d **A dismissed unlawful detainer action by Judge Johnson.** **(1)** The 15-2-16467-8 action was filed in less than 45 days after the first unlawful detainer action 15-2-10896-4 was dismissed by Judge Johnson. **(2)** Filing of 15-2-16467-8 action was in violation to RCW 59.18.

1.4e **A fake writ of restitution.** **(1)** The document posted on my door on September 29, 2015 was a fake writ of restitution because the document was not issued by any superior court judge and it was never entered into superior court record. **(2)** My investigation in **2017** reveals that that fake writ was created by a superior court deputy clerk T. Brown on September 29, 2015.

1.4f **Helson interfering with 16-2-00051-7 and obstructing justice.** **(1)** Exhibit 1 and Exhibit 2 Terence Wong attached to the 12(b)(6) motion to dismiss for 16-2-00051-7 action and 15-2-30570-1 action are two illegal orders issued by Janet Helson on June 9, 2016 and June 30, 2016 to direct the property reclaim procedure. **(2)** By so doing, Helson was interfering with 16-2-00051-7 action and obstructing justice, acting not within its jurisdiction after closure of the 15-2-16467-8 action. See Sub#13 of 15-2-30570-1 and Sub#7 of 16-2-00051-7.

1.5 **My administrative complaint.** **(1)** In August 2015, Janet Helson allowed the 15-2-16467-8 action to proceed with knowledge of my pending complaint in city government and **(2)** with knowledge of the dismissal of the 15-2-10896-4 action of May 27, 2015 being less than 45 days ago. **(3)** In my administrative complaint and in my response to 15-2-10896-4 and 15-2-16467-8 action, I was disputing the unlawful **43% rent increase** from $305 to $430 **(4)** and the **more than one time** rent increase **in twelve month** because Bing Kung Association demanded 2015 rent increase to be effective in February 2015 after giving me a notice of 2015 rent increase in on November 28, 2014. **(5)** In the transcription of 15-2-16467-8 hearing on

August 18, 2015, conversation between Janet Helson and Terence Wong during the hearing proved that Helson had agreed with the developer's demand that even if I were to pay in full the unlawfully demanded rent, I must be moved out from my SRO to clear the way for the project.

1.6a **About the disputed rent increase**. **(1)** Commencement of rent increase for my SRO was September each year since 2011. **(2)** My 2014 rent was $305 per month. **(3)** Lawful rent increase could only be made in September 2015 or after. **(4)** I had standing instruction for my bank to remit $305 rent to the landlord on first day of each month. **(5)** I was never arrear in rent.

1.6b **Helson's interpretation of SMC 7.24.030 rent control statute**. **(1)** Respectively on August 18 and on August 25, Helson deliberately and repeatedly misinterpreted SMC 7.24 which forbids residential rent increase be more than one time in a period of twelve months and requires 60 day advance notice for rent increase more than 10%. **(2)** Helson's interpretation was: as long as the 60 day advance notice requirement was met, a landlord was free to increase rent at any time of the year and in whatever percentage they want to. **(3)** Helson's misrepresentation of SMC 7.24.030 was for vacating the building so as to clear the way for a real estate project in which a quasi city-governmental entity was one of the promoters and partners.

1.7a **Helson's effort to extort money.** **(1)** Janet Helson not only erroneously ruled verbally in favor of the unlawful demand of rent on August 18, 2015, **(2)** depriving me off affordable SRO housing, **(3)** it also acted to extort my money to benefit the law-violating landlord plaintiff. **(4)** Specifically, Helson tricked me into paying the disputed rent voluntarily by "offering" me an opportunity to cure my tenancy. **(4)** Said "offer" was in its August 18 verbal ruling, in an August 19 written order and in the Clerk's Minute. **(5)** Under Helson's expressed order, I was instructed to pay the disputed $875 into court register twenty four hours before Helson's presentation of order on August 25. **(6)** I did as instructed in the morning of on August 24. **(7)** Helson did not keep its promise in its August 25, 2015 order/judgment (Sub#35). **(8)** I fought back immediately.

1.7b **Sub#36 of 15-2-16467-8.** I filed my first post judgment motion for reconsideration on August 26, 2015 under Sub#36.

1.7c **Sub#37 of 15-2-16467-8.** Immediately after Helson's was served on with a conformed copy of my Sub#36 motion for reconsideration, Helson "amended" the already in effect Sub#35 order/judgment to an otherwise instruction about the $875 the court had accepted on August 24.

1.7d **Helson's Sub#37 "amended order/judgment.** Helson unlawfully "entered" its "amended" order/judgment into court record. To be lawfully entered, Helson's "amended" order/judgment must be given to a courtroom deputy clerk for entering into court record but Sub#37 was delivered to customer counter by its bailiff in violation to court rules.

1.7e **Paper trails of unlawfulness of Helson's Sub#37 "amended order/judgment.**

(1) Any document issued by a judge must be given to a courtroom deputy clerk for entering into court record internally (2) with a FILE stamp with the name of the courtroom deputy clerk on the front page of the document. (3) However, Helson's Sub#37 "amended" order/judgment does not have any FILE stamp of a courtroom deputy clerk on it. (4) Helson's Sub#37 "amended" order/judgment was not a lawful document. **(5) COA erroneously honored this Sub#37.**

1.7f **Refusal to acknowledge my Sub#36 motion for reconsideration.**

(1) Helson never ruled on my Sub#36 motion for reconsideration. **(2) COA ignored this fact.**

1.8 **My Sub#49 motion for extension of time to file appeal.** (1) To secure my right to appeal, on September 16, 2015, I filed a motion for extension of time for filing notice of appeal to the court of appeal. Sub#49 (2) My motion was never forwarded to the COA for processing. (3) Failing to forward my motion to COA was not my responsibility, (4) but the obligation of the superior court. (5) As of the date of this filing Helson and its collaborating court clerk had successfully misled COA and Supreme Court into ruling that my notice of appeal filed on October 1, 2015 was late. (6) Extraordinary circumstance did exist on October 1, 2017. COA unfairly took advantages of my being a pro se and erroneously dismissed my 740512 appeal.

1.9 **Mary Neel of the COA.** My COA appeal 740512 and 742515 were dismissed because Commissioner Marry Neel was misled by the combination unethical and unlawful acts of Janet Helson and its collaborating superior court clerk in November of 2015.

1.10 **More about the fake writ for my eviction.** (1) I was physically evicted on October 5, 2015 by the above-mentioned fake "writ of restitution". (2) King County Sheriff had been used to enforce my eviction based on the unlawfully created writ, entitled "Writ of Restitution" dated

September 29, 2015. **(3)** That "writ" was a fake one not only because it was NOT issued by any superior court judge but **(4)** also because there was no court record to prove that said "writ" had ever been entered into superior court system. **(5)** Helson issued an order, entitled "Order on Defendant's Motions". Sub #55. **(6)** In there, Helson falsely stated that Judge Susan Craighead was the superior court judge who "issued" the writ. **(7)** My investigation through Deputy Director Teresa Bailiff revealed that a deputy court clerk Terence Brown was responsible for creating that fake "writ" on September 29, 2015. **(8)** County Sheriff records showed that Terence Wong was the person who used said fake "writ" to dupe the Sheriff into enforcing the eviction. **(9)** In late 2017, an attempt to cover up the fraudulent deed was committed by inserting a September 29, 2015 dated document Sub#50A into the 15-2-16467-8 docket. **(10) I have proof of this Sub#50A before its was removed from the docket in 2018.**

1.11 <u>More about Janet Helson's lies</u>. **(1)** Janet Helson issued a post eviction order, entitled "Order on Defendant's Motions" on October 5, 2015. Sub#55. **(2)** In that order, Helson continued its lies about my motions for reconsideration. **(3)** Of the three motions for reconsideration I filed, Janet Helson only admitted receipt of my September 11, 2015 filed and September 14, 2015 filed motions Sub#44 and Sub#45. **(4)** But Helson condemned the two motions being untimely and never **(5)** admitted having receipt of my August 26, 2015 Sub#36 motion. **(6)** In 2016 and 2017, I repeatedly drew attention of COA to my timely filed Sub#36 motion for reconsideration and **(7)** my Sub#49 motion to extend time for filing notice of appeal filed on September 16, 2015. **(8)** Mary Neel and the subsequent COA decision makers refused to look into my Sub#36 motion and my Sub#49 motion at all times. **(9)** Mary Neel's decision was tainted from day one of COA receipt of Helson's Event Date 10-05-2015 documents.

1.12 The only fact delivered in the first two paragraphs of Background section of the Opinion is that COA denied my appeals: (1) My appeal 740512 filed on October 1, 2015 based on the Helson's August 25, 2015 Sub#35 order/judgment, **(2)** My 742515 appeal filed on November 4, 2015 based Helson's October 5, 2015 Sub#55 order, "Order on Defendant's Motions", **(3) & (4)** my 758993 appeal and the 757512 appeal filed twelve months after my eviction, based on orders of dismissal from cases of different nature and issued by a different judge.

1.13 (1) COA **erroneously** dismissed my 740512 appeal first. (2) Based on the erroneous dismissal of the 740512, COA conveniently dismissed my 757512 appeal, my 758993 appeal and my 757512 appeal. (3) Supreme Court closed its eyes to deny all my requests for review in 2017 and 2018. **(4) I am requesting the Supreme Court to revisit the relevant records and to exercise it authority to correct the wrongs in the 740512 and 742515 appeals.**

BACKGROUND re. 2014 Occurrences and the 15-2-30570-1 action

For Paragraph 3 of Background.

2.1 **The 15-2-30570-1 action.** (1) Finding of facts of the 15-2-30570-1action must also be made deep into the **post-eviction** "proceedings" of the 15-2-16467-8 action in November and December 2015. (2) During those two months, the prevailing landlord/plaintiff of 15-2-16467-8 refused to store the personal property left behind in my SRO (Mr. Zhong's and mine) into a public storage facility for reclaiming in accordance with RCW 58.18.312... (3) I had no choice but to bring the 16-2-00051-7 action based on RCW 59.18.312 (4) because the management allowed association members "to help transferring" some our property into their own SRO for "storage".

2.2 **Jim Rogers' dismissal tainted by Janet Helson.** (1) Supreme Court decision makers are requested to scrutinize the 12(b)(6) Motion to Dismiss of the 15-2-30570-1 action and the 16-2-00051-7 action at Page 2, Line 14 to 20, at Page 3, Line 1 to Line 5 and Exhibit 1 and Exhibit 2. (2) Where, Exhibit 1 and Exhibit 2 are two orders by Janet Helson when the 15-2-30570-1 action and the 16-2-00051-7 action had already been assigned to Jim Rogers five to six months. (3) These actions were absolutely not within the jurisdiction of Janet Helson (4) These orders are proofs of Helson's abusing its authority, interfering with the 16-2-00051-7 action and 15-2-30570-1 action, obstructing justice, and tainting the decision of Jim Rogers.

2.3 **Jim Rogers' dismissal tainted by Terence Wong and Monica Gillum.** (1) Please also scrutinize the entire motion of **Sub#38 of 17-2-24597-6** action and the attached August 24, 2016 and August 30, 2016 email between Terence Wong and Monica Gillum, the bailiff to Jim Rogers. (2) Before I filed motion to disqualify Jim Rogers on June 19, 2018, I supplemented this Sub#38 on June 15, 2018 in support of my Sub#33 motion for extension of time on June 11, 2018, to allow an opportunity for Jim Rogers and the Imposter person to back down before

things became ugly ... **(3)** See Sub#33 at 5 Paragraph 3f3 and the relevant paragraphs. **(4)** Jim Rogers and the Imposter ignored all my good faith warnings. **(5)** They collaborated to stand firm on their wrongs ... **(6)** I had no choice but to appeal Jim Rogers's 17-2-24597-6 dismissal to the COA. **(7)** See Sub#39, #41. #42, #47, #49, #49, #53, #60

2.4 **(1)** Further inputs comments on the 15-2-30570-1 action is beyond the scope of the 17-2-24597-6 fact findings and the underlying 787152 appeal. **(2)** 787152 appeal is not about the merit of my claims under the 17-2-24597-6 action. **(3)** It is all about whether Jim Rogers erred in permitting the Imposter person to act as the attorney of record for the Bing Kung defendants when the Imposter person failed to serve on my party and Mr. Zhong a notice of appearance before the June 22, 2018 hearing. **(4)** The Imposter refused to do simultaneously and even after.

BACKGROUND re. 2017 and 2018 Occurrences and the 17-2-24597-6 action For Paragraph 4, 5, 6, 7 & 8 of Background.

2.5a **(1)** With regard to the fact finding of the 17-2-24597-6 action. It is my position that after November 17, 2017, Evan Lee Loeffler had dumped the 17-2-24597-6 (Consolidated) action because **(2)** Evan Lee Loeffler failed to endorse its signature on any documents the Imposter person "filed" under the 17-2-24597-6 (Consolidated) action. **(3)** Evan Lee Loeffler failed to appear on the June 22, 2018 hearing and **(4)** failed to correct its wrong after.

2.5b **(1)** On good faith, I served on Evan L. Loeffler all documents I filed with superior court allowing opportunities for Evan L. Loeffler to take remedial actions. **(2)** Unfortunately, Evan L. Loeffler refused to act accordingly when opportunity existed.

2.6 **Sub#53 of 17-2-24597-6.**

(1) In my motion for reconsideration Sub#53, I again stated in detail and allowed new opportunity for Jim Rogers, the Imposter and Evan L. Loeffler to cure any possible errors they committed so that a rehearing could be scheduled. **(2)** Unfortunately, Evan L. Loeffler refused to act accordingly again when new opportunity existed... **(3)** After in depth investigation of the documents governing the reassignment of judge for the consolidated 17-2-24597-6 action, it is now my firm belief that in 2016 Jim Rogers was **not at all** involuntarily misled. **(4)** In January

2018 Rogers fought its way back to seek overseeing the 17-2-24597-6 action **(5)** so that Jim Rogers could cover up the unlawful deeds committed in 2016 by Janet Helson, deputy court clerk T. Brown, Terence Wong, bailiff, Monica Gillum and Jim Rogers itself.

2.7 **Amicus curiae briefs in support Jim Rogers invited.** **(1)** I call for Jim Rogers and the superior court judges who, in December 2017 and January 2018, acted to make it possible for Jim Rogers to be "re-reassigned" back to overseeing the 17-2-24597-6 action, to submit their Amicus Curiae Brief in support of Jim Rogers deeds from May 3, 2018 through June 22, 2018 in the proceedings of the 17-2-24597-6 action. **(2)** A copy of this motion will be served on these superior court judges accordingly.

2.8 **(1)** The underlying 787152 appeal is neither about Jim Rogers' order to vacate "service-by-mail" nor Jim Rogers' order to deny my notice to disqualify. **(2)** The first core issue of the underlying 787152 appeal is whether Jim Rogers was erroneous in sustaining, honoring and authorizing the Imposter person to be the attorney of record for the proceedings of the 17-2-24597-6 case from May 3, 2018 (Sub#24) through June 22, 2018 and further through July 5, 2018 (Sub#60). **(3)** The second core issue of the underlying 787152 appeal is whether the Imposter person had the legal standing to defend for Bing Kung defendants from May 3, 2018 through June 22, 2018. **(4)** The third core issue of the underlying 787152 appeal is whether Bing Kung defendants did appear during the June 22, 2018 hearing due to absence of Evan L. Loeffler and absence of a notice of appearance signed by the Imposter person prior to, simultaneously of the June 22, 2018 hearing and even after.

2.9a **(1)** No fact findings of 15-2-30570-1 had ever been done during the **less than 60 minute** June 22, 2018 17-2-24597-6 hearing. **(2)** The core issue of the 15-2-30570-1 action is about the October 8, 2014 break in, as to, whether it did happen, whether the named Bing Kung managers were responsible for the invasion and to what extent, whether my server (**not Mr. Zhong**) had served Summons, the complaint of the 15-2-30670-1 action on the individually named Bing Kung managers, whether Terence Wong's had properly brought CR 12(b)(6) for dismissal of the action in accordance with CR 12(b)(7) and CR 59... **(3)** None of these had ever been brought up on or before the June 22, 2018 hearing, **(4)** not to mention whether Jim Rogers August 31, 2016 dismissal had been tainted by the two June 2016 orders issued by Janet Helson

and (5) by the ex parte email communication between Terence Wong and Monica Gillum. (6) Therefore, I am still entitled to civil lawsuit against the named Bing Kung defendants of the "dismissed" 17-2-24597-6 (Consolidated) action. (7) Additionally, I am still entitled to separate action against Bing Kung Association based on the erroneously dismissed 16-2-00051-7 property reclaim action. (8) Based on the two exhibits Terence Wong attached to the motion to dismiss filed on July 20, 2016, I am entitled to file separate action against corrupted superior court jndge Janet Helson for its unlawful acts to interfere with the 16-2-00051-7 action, to obstruct justice of the 16-2-00051-7 action in 2016.

2.9b **Jim Rogers did not even touch the 15-2-30570-1 documents.** (1) Furthermore, based on the August 24, 2016 ex parte email communication discovered, the earliest date documents related to Terence Wong's 12(b)(6) motion to dismiss the 15-2-30570-1 action presented to Jim Rogers could only be August 25, 2016, (2) because Gillum only received Terence Wong's documents in the afternoon of August 24, 2016. (3) Based on a set of official documents I discovered in 2019 from superior court, (4) Jim Rogers was overseeing a different case all four days on Thursday, August 25, 2016, Friday, August 26, 2016, Monday, August 29, 2016 and Tuesday, August 30, 2016. (5) It would be practically not possible for Jim Rogers to oversee all documents of the 15-2-30570-1 action simultaneously in those four days without making a biased dismissal decision of the 15-2-30570-1 action on August 31, 2016... (6) I am requesting the Supreme Court to scrutinize Paragraphs 24a1, 24a2, 24b1, 24b2, 24, 24d1, 24d2, 24d3 and 24d4 on Page 8-9 of my Opening Brief ... (7) Enough is enough.

2.9c (1) Enough is enough. (2) The June 22, 2018 hearing of the 17-24597-6 action was not about the 2016 dismissal of 15-2-30570-1 action. (3) It is all about the standing of the Imposter Carrine E. Jaeger. (4) Therefore, the instant appeal is all about the unlawful standing of the Imposter Carrine E. Jaeger from May 3, 2018 through June 22, 2018 and further to July 5, 2018 and the failure to appear of the rightful attorney of record Evan L. Loeffler on June 22, 2018 in the 17-2-24597-6 action.

2.10a (1) From the **first word of Paragraph 4 on Page 2** to the **last word of Paragraph 8 on Page 4** of the Background section of the Opinion, the Opinion evaded the top chore issue of the instant 7871521 appeal. (2) The person by the name of Carrine E. Jaeger was **not legally**

authorized to act as the defending attorney for Bing Kung defendants in the 17-2-24597-6 (Consolidated) case without serving on my party and Mr. Zhong prior to or simultaneously a written notice of appearance. **(3) It is undeniable** that Carrine E. Jaeger never served on my party or on Mr. Zhong a **written** notice of appearance with a **WSBA number** and an **Ink-signed signature** from May 3, 2018 through June 22. 2018. **(4)** Therefore, even if it was for limited representation permitted under Superior Court Civil Rule, CR 70.1 and Superior Court Civil Rule, CR 4.2, Carrine E. Jaeger did not have the standing to be called the attorney of record for Bing Kung defendants during the June 22, 2018 hearing, **(5)** not to mention to demand the full standing of the attorney of record for Bing Kung defendants from May 3, 2018 through June 22, 2018. **(6)** Jim Rogers erred in dismissing the 17-2-245967-8 (Consolidated) action and **(7)** erred in awarding $5,000 in attorney's fees to Bing Kung defendants who was absent from the June 22, 2018 hearing.

2.10b **(1)** All rulings in the Jim Rogers's written order of to dismiss the 17-2-24597-6 action must be vacated, nullified and stricken; **(2)** and the 17-2-24597-6 case must be remanded for a retrial by a non-biased judge under instruction of the Supreme Court.

2.10c A summary of Superior Court Civil Rules and RCW re Notice of Appearance is presented:

- **(1)** *Superior Court Civil Rule, CR 4.2, (a) An attorney may undertake to provide limited representation in accordance with RPC 1.2 to a person involved in a court proceeding. (b) Providing limited representation of a person under these rules shall not constitute an entry of appearance by the attorney for purposes of CR 5(b) and does not authorize or require the service or delivery of pleadings, papers or other documents upon the attorney under CR 5(b). Representation of the person by the attorney at any proceeding before a judge, magistrate, or other judicial officer on behalf of the person constitutes an entry of appearance pursuant to RCW 4.28.210 and CR 4(a)(3), except to the extent that a limited notice of appearance as provided for under CR 70.1 is filed and served prior to or simultaneous with the actual appearance. The attorney's violation of this Rule may subject the attorney to the sanctions provided in CR 11(a).*

- **(2)** *Pursuant to Superior Court Civil Rule, CR 70.1 (a) Notice of Appearance. An attorney admitted to practice in this state may appear for a party by serving a notice of appearance. (b) Notice of Limited Appearance. If specifically so stated in a notice of limited appearance filed and served prior to or*

simultaneous with the proceeding, an attorney's role may be limited to one or more individual proceedings in the action.

- **(3)** *Superior Court Civil Rule, CR 11 (a) Every pleading, motion, and legal memorandum of a party represented by an attorney shall be dated and signed by at least one attorney of record in the attorney's individual name, whose address and Washington State Bar Association membership number shall be stated. ... ...*

- **(4)** *Pursuant to Superior Court Civil Rule, CR 4 (3) A notice of appearance, if made, shall be in writing, shall be signed by the defendant or the defendant's attorney, and shall be served upon the person whose name is signed on the summons ...*

STANDARD OF REVIEW

For Standard of Review.

3.1 **(1)** Pursuant to RCW 4.28.210 and Superior Court CR 4(a)(3), CR 2, CR 11, CR 70.1, absent the duly appeared attorney of record Evan Lee Loeffler and **(2)** absent prior or simultaneous service of a written notice of appearance served on my party and on Mr. Zhong on June 22, 2018 by the Imposter person, **(3)** all pleadings under the 17-2-24597-6 action filed with the Superior Court by the Imposter person must not be accepted as valid, must not be ruled upon as merit and must be stricken, **(4)** especially upon expressed objection by my party and Mr. Zhong on the June 22, 2019 hearing.

ANALYSIS.

For Paragraph 1 of Analysis.

4.1 Supreme Court is requested to scrutinize my Opening Brief, Page 22 through Page 25, entitled "Arguments Based On Washington Laws", in which the paragraph numbers are marked by clerical mistakes as Paragraphs 43a, 43b, 43c, 43d, 43e, 43f, 43g, 43h, 43i, 43j, 43k.

4.2 These paragraphs are all in support of the chore issues presented in my Opening Brief for review together with citations to legal authorities and references to the failure of appearance of the duly appeared attorney of record Evan Lee Loeffler and the failure of prior or simultaneous service of a written notice of appearance by the Imposter person from May 3, 2018

through June 22, 2018, and at all time after June 22, 2018 as of the date of my filing of this motion for review.

For Paragraph 2 of Analysis.

4.3 (1) In the **second paragraph** of Analysis section , the Opinion alleges that I did not assign any error to Jim Rogers ruling. (2) Fatal error of Jim Rogers had been clearly assigned. (3) Upon my objection, Jim Rogers should have stayed the proceeding and instructed the Imposter to cure its defective representation, which Rogers refused to do so. (4) Jim Rogers' sustaining the unlawful standing of the Imposter person was the most deadly error committed by Rogers in the 17-2-24597-6 action, which was of different nature of the error Jim Rogers committed in 2016. (5) Absent appearance of Bing Kung defendants on the June 22, 2018 hearing and upon my objection, nothing presented by the Imposter could be ruled upon in the 17-2-24597-6 action. (6) To rule in favor of the Imposters' demand of attorney's fees was another deadly error against Rogers.

4.4 (1) Jim Rogers was free to deny my motion of disqualification. (2) But, Jim Rogers was not free to misinterpret the RCW and the Superior Court Civil Rules that governing notice of appearance of an attorney. (3) Said empty and lying denial of Jim Rogers constitutes cause of action against Jim Rogers in separate legal action and or CJC complaint.

For Paragraph 3 of Analysis.

4.5 (1) In the **Third Paragraph** of the Analysis section, the Opinion **deliberately** mingles the rightful standing of an attorney who had filed notice of appearance in a specific lawsuit with an associate attorney who practices law in the same law firm. The former attorney is the attorney of record for that specific lawsuit but the latter attorney is not. (2) Yes, a law firm may have more than one attorneys such as Loeffler Law Group PLLC. (3) Assuming, the Imposter Carinne E. Jaeger was a licensed attorney in the Washington State and was working in Loeffler Law Group, PLLC from November 2, 2017 to May 3, 2018 and further to June 22, 2018, without serving on my party a written notice of appearance prior to or simultaneous, Carinne E. Jaeger had no standing to represent Bing Kung defendants in the 17-2-24597-6 proceedings. (4) No matter what language Evan Lee Loeffler had used in the notice of appearance served on my party

and Mr. Zhong, the rightful attorney of record for Bing Kung defendants in the 17-24597-6 action from November 2, 2017 to May 3, 2018 and further to June 22, 2018 could only be Evan Lee Loeffler, the attorney who signed the notice of appearance dated November 2, 2017, but not Loeffler Law Group, PLLC, not the Imposter. **(5) There shall be no exception.**

4.6 **(1)** Yes, the attorney Evan L. Loeffler who signed the November 2, 2017 notice of appearance is the only attorney of record in the 17-2-24597-6 case. **(2)** Yes, Carrine E. Jaeger, who signed the May 3, 2018 motion to vacate and the June 21, 2018 12(b)(6) motion to dismiss the consolidated case is a fraudulent nonparty imposter whose unauthorized "appearance" tainted **the entire proceedings** of 17-2-24597-6, including the 787152 appeal proceedings from May 3, 2018 as of the date of filing of the instant motion for review by the Supreme Court. **(3)** Yes, different attorneys with the same law firm are required to file its own notice of appearance to legalize their individual status in different cases. **(4) Yes, there shall be no exception.**

4.7 The Opinion's statement "No rule requires attorneys with the same law firm to file separate notice of appearance" is a wholly and absolutely improper statement. **Period.**

For Paragraph 4, 5 & 6 of Analysis.

4.8 **(1)** In the Fourth Paragraph of the Analysis section, the Opinion erroneously states that "[h]ere, the judge denied Ng's notice of disqualification because he previously exercised his discretion by ruling Bing Kung's motion to vacate the order allowing service by mail on May 16, 2018". **(2)** This statement squarely and doubly self-admitted and confirmed the pre June 22, 2018 erroneous and biased decision of Jim Rogers in matters of sustaining the unlawful standing of the Imposter. **(3)** Bing Kung defendants did not file the May 3, 2018 motion to vacate. **(4)** It was the Imposter person who filed the motion but failed to serve a required written notice of appearance on my party or Mr. Zhong prior to the filing. **(5)** Besides, no superior court record supports the Opinion's assertion of the so called "discretion" Jim Rogers had ever been "exercised". **(6)** Jim Rogers did not deliver any statement as such, similar or like, verbally on June 22, 2018 or in writing on a prior date, June 20, 2018 or June 19, 2018, or on any other date after June 22, 2018 that May 16, 2018 was the date the alleged discretion was being "exercised". **(7) The Opinion lied.** **(8)** By lying as such, the Opinion is putting words into Jim Rogers's mouth. **(9)** Prior to my knowledge about the significance of the May 16, 2018 order to vacate,

I had originally assumed that Jim Rogers might be innocent in 2016 about the unlawful act of Janet Helson in June 2016 to interfere with the 16-2-00051-7 action, and that **(10)** Jim Rogers might have been unduly misled and used by Terence Wong, Monica Gillum and Helson in 2016. **(11)** Now, supplemented and inspired by the Opinion's statement, I eventually realize that my original assumption was wrong. **(12)** Jim Rogers's erroneous dismissals of my 16-2-00051-7 property reclaim action and my 15-2-30570-1 civil right action were deliberately made. **(13)** Jim Rogers was lying on June 20, 2018 when denying my motion for disqualification and **(14)** was lying again on June 22, 2018 when I challenged the Imposter person's unlawful standing during the 17-2-24597-6 hearing.

4.9 **(1)** After June 22, 2018, I had made, in writing, multiple requests for Jim Rogers to correct its wrongs if any were made unintentionally. **(2)** Jim Rogers kept refusing to take any righteous action to correct its wrongs while opportunity existed in June 2018 and July 2018 and further in July 2019. **(3)** Yes, trial judge Jim Rogers mishandled my 15-2-30570-1 action and my 16-2-00051-7 action then in July/August 2016 and my 17-24597-6 action now in 2018. **(4)** This trial jndge Jim Rogers lied about everything. **(5) Period**. **(6)** The significance of Jim Rogers June 22, 2018 erroneous dismissal strengthened my entitlement to bring civil rights lawsuits against Jim Rogers, Janet Helson, Terence Wong, Monica Gillum, T. Brown and Bing Kung Association based on the October 8, 2014 unlawful invasion of my SRO home even if without naming the two city officials under color of law.

For Paragraph 7 of Analysis.

4.10 **(1)** To rebut the Opinion's statement in the Seventh Paragraph of the Analysis section as to the timing of service of process of the underlying 17-2-24597-6 action. **(2)** Before October 16, 2017, several governors of the Bing Kung Association and two of the three individually named intruder manager defendants had been served on except Kin Chuen Leung. **(3)** Evan L. Loeffler's notice of appearance named Kin Chuen Leung one of its clients in the November 2, 2017 dated and the November 6, 2017 dated notice of appearance. **(4) In such a case, it was de facto** that all Bing Kung defendants of the 17-2-24597-6 action been served on timely.

4.11a **(1)** As to the merit of my break-in claim, **(2)** Terence Wong, the then (2014) defending attorney for the three intruder managers had admitted its client having cut my

padlocks, having entered my SRO and having searched my sleeping area, my working area and my computers before Judge Rogoff **(3)** Police incident report of and the written statement of my neighbor tenant all support that three Bing Kung managers were among the five intruders. **(4)** Although Jim Rogers did not allow an opportunity for me to present evidence in July/August 2016, I filed my written opposition to rebut Terence Wong's then 12(b)(6) motion to dismiss. **(5)** Wong failed reply to my response. **(6)** With evidentiary proofs of undue influence by Janet Helson **(7)** together with evidentiary proofs of ex parte communication between Terence Wong and Jim Rogers' bailiff, **(8)** and the 17-2-24597-6 record which proved that none of the 15-2-30570-1 related issues had ever been tried because of absence of Bing Kung defendants on June 22, 2017, **(9)** I am entitled to be granted a retrial of the 17-2-24597-6 action and or to initiated a new lawsuit against the same group of defendants.

4.11b **(1)** As of right, I have every intention and I desire to bring separate civil right action against Jim Rogers, Janet Helson, Terence Wong and Monica Gillum within three years of statutory limitation. **(2)** I must unmistakably point out that the cause of action against Jim Rogers, Janet Helson, Terence Wong and Monica Gillum shall have nothing to do with the unlawful detainer action 15-2-16467-8.

For Paragraph 8 of Analysis.

4.12 **(1) Respondents did not appear in COA with respect to the 787152 appeal.** **(2)** In the **Eighth Paragraph** of the Analysis section, the Opinion condemns my party of filing a frivolous appeal devoid of merit, **(3)** suggests that my party is to pay sanctions and attorneys fees and cost in order to benefit the Imposter person Carrine E. Jaeger and its collaborating owner Even L. Loeffler of the Loeffler Law Group, PLLC and to deter my will to seek justification. **(4)** This Opinion must have been tainted by the filing entitled "Brief of Respondents" submitted by the Imposter Carrine E. Jaeger dated March 21, 2019, **(5)** the threatening acts of Jim Rogers in 2019 to award attorney's fees to benefit the "prevailing" Bing Kung defendants Imposter, and **(6)** the erroneous COA terminations, denials, dismissals and opinions in 2106 and in 2017.

For The Last Paragraph of Analysis.

4.13 (1) Absent a notice of appearance, it is not debatable that any reasonably minded person can conclude that Imposter person Carrine E. Jaeger had no standing to represent Bing Kung defendants as to deliver oral argument before Judge Jim Rogers during the June 22, 2018 hearing, (2) or to file objection to my motion to extend time on June 21, 2018, (3) or to file a 12(b)(6) motion to dismiss on May 16, 2018, (4) or to file a motion to vacate commissioner's order for mailing on May 3, 2018, (5) not to mention to be granted attorneys fees and cost for the default Bing Kung defendants the 17-2-24597-6 action.

4.14 (1) COA records prove that **Respondents,** Bing Kung Association et al **did not appear** with respect to the instant **787152 appeal.** (2) It is necessary to point out the that the Imposter person Carrine E. Jaeger and the attorney of record Evan Lee Loeffler who failed to appear on the June 22, 2018 hearing **both did not serve** on my party and **did not file** in the Court of Appeals **any notice of appearance** as an attorney in **COA for the Respondents** in the 787152 appeal. (3) The document, "**Brief of Respondents**" undersigned by Carrine E. Jaeger can only be considered as **an Amicus Curiae Memoranda** of an informed and interested party or an irreverent attorney permitted under RAP **but not as a formal Brief of Respondents.** (4) Awarding attorney fees to a non-party is **outrageously inappropriate.**

CONCLUSION. Decision of the Court of Appeals in the Opinion is erroneous and biased. A significant question of law under the Constitution of the State of Washington is involved in the Opinion which involves an issue of substantial public interest. It deprives me of due process of law, rules in favor of a default party and duress's me with fine of attorney's fees. It complicates the underlying case, changes the nature of the underlying dispute, creates new civil rights issues deepens damages on my party and is forcing me to seek justification to higher level. Based on the above, I am requesting the Supreme Court for a discretionary review.

Respectfully submitted this 4th day of **December, 2019.**

December 4, 2019

Sing Cho Ng, Appellant pro se

FILED
11/4/2019
Court of Appeals
Division I
State of Washington

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

SING CHO NG, Appellant, v. BING KUNG ASSOCIATION, TOMMY PING YUE MAI, YAO SHEN CHIN, YUET PING MARK, KIN CHEUN LEUNG, AND JOHN DOE AND JANE DOE, Respondents.	No. 78715-2-I DIVISION ONE UNPUBLISHED OPINION FILED: November 4, 2019

LEACH, J. — Pro se litigant Sing Cho Ng appeals the dismissal of his complaints for damages against Bing Kung Association and its agents (Bing Kung) pursuant to CR 12(b). The appeal is entirely devoid of merit. We affirm the trial court and award attorney fees to Bing Kung under RAP 18.9 as sanctions for a frivolous appeal.

BACKGROUND

Sing Cho Ng was a tenant at a residential building in Seattle owned by Bing Kung. Ng alleges that agents of Bing Kung, accompanied by Seattle police officers, forcibly entered and searched his apartment on October 8, 2014. In October 2014, Ng and his former roommate Matthew Zhong each filed two pro se anti-harassment petitions against individual members of Bing Kung alleging emotional distress arising

from the alleged break-in.[1] The court dismissed all four petitions. Ng and Zhong did not appeal these rulings.

In July 2015, Bing Kung started an unlawful detainer action against Ng and Zhong for failure to pay rent.[2] The court decided that Ng and Zhong were guilty of unlawful detainer and issued a writ of restitution. Ng later filed numerous posttrial motions and unsuccessfully appealed their denial.[3]

In December 2015 and January 2016, Ng filed pro se complaints for damages against Bing Kung arising from the alleged break-in, the unlawful detainer action, and Bing Kung's storage of Ng's personal property.[4] The court dismissed these complaints. Ng's subsequent appeals failed.

On September 17, 2017 and October 2, 2017, Ng filed two more pro se complaints for damages arising from the October 8, 2014, break-in and the 2015 unlawful detainer action.[5] The complaints alleged claims for unlawful and forcible entry contrary to RCW 59.12.230 and RCW 59.18.150; retaliation contrary to RCW 59.18.240; burglary and trespass contrary to RCW 9A.52; and a federal civil rights claim under 42 U.S.C. § 1983. On October 9, 2017, Zhong filed his own complaint.[6] Over Ng's objection, the court granted Bing Kung's request to consolidate the three cases.

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[1] King County Superior Court Nos. 14-2-27943-4 SEA, 14-2-29241-4 SEA, 14-2-27844-6 SEA, 14-2-29231-7 SEA.

[2] King County Superior Court No. 15-2-16467-8 SEA.

[3] Bing Kung Ass'n v. Sing Cho Ng, No. 74251-5-I (Wash. Ct. App. Nov. 6, 2017) (unpublished), http://www.courts.wa.gov/opinions/pdf/742515.pdf.

[4] King County Superior Court Nos. 15-2-30570-1 SEA, 16-2-00051-7 SEA.

[5] King County Superior Court Nos. 17-2-25788-5 SEA, 17-2-24597-6 SEA.

[6] King County Superior Court No. 17-2-26434-2 SEA.

On December 12, 2017, a court commissioner granted Ng's ex parte motion for permission to serve the defendants by mail. On May 3, 2018, Bing Kung asked the court to vacate the commissioner's order on procedural and substantive grounds. On May 16, 2018, the superior court granted the request and vacated the order.

On May 21, 2018, Bing Kung filed a CR 12(b) motion to dismiss the consolidated cases with prejudice and asked the court to take judicial notice of prior cases involving the parties. Bing Kung asserted four main grounds for dismissal: (1) lack of service of process, (2) statute of limitations, (3) collateral estoppel, and (4) failure to state a claim upon which relief may be granted. Bing Kung also requested an award of attorney fees and costs for bringing frivolous claims in violation of CR 11.

On June 11, 2018, Ng asked for more time to file his response. The court denied the request. On June 19, 2018, Ng filed a notice of disqualification of judge. The court denied disqualification on the ground that the judge had previously exercised discretion in the case.

On June 22, 2018, after oral argument, the court dismissed all claims with prejudice and awarded $5,000 in attorney fees to Bing Kung. In its written order, the court ruled that dismissal was proper because the defendants were not properly served, the statute of limitations has now lapsed on all claims, the issues presented in the complaints are precluded by collateral estoppel, and the plaintiffs failed to state a claim upon which relief could be granted. The order also stated that "[p]laintiffs shall not file any further litigation in this court against any of the named defendants or their agents on these same facts until and unless they have satisfied this judgment of attorney's fees."

The court denied Ng's subsequent motion for a rehearing, which it interpreted as a motion for reconsideration. Ng appeals.[7]

STANDARD OF REVIEW

A court may dismiss a complaint for failure to state a claim under CR 12(b)(6) only if it appears beyond doubt that the plaintiff can prove no set of facts, consistent with the complaint, which would entitle the plaintiff to relief.[8] We review dismissal pursuant to CR 12(b)(6) de novo.[9]

ANALYSIS

Ng presents no cogent argument for relief on appeal. A pro se litigant must follow the same rules of procedure and substantive law as a licensed attorney.[10] "The scope of a given appeal is determined by the notice of appeal, the assignments of error, and the substantive argumentation of the parties."[11] An appellant must provide "argument in support of the issues presented for review, together with citations to legal authority and references to relevant parts of the record."[12] An appellate court need not consider arguments that a party does not support by references to the record, meaningful analysis, or citation to pertinent authority.[13]

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[7] Zhong is not a party to this appeal.

[8] Bravo v. Dolsen Cos., 125 Wn.2d 745, 750, 888 P.2d 147 (1995).

[9] Kinney v. Cook, 159 Wn.2d 837, 842, 154 P.3d 206 (2007).

[10] Holder v. City of Vancouver, 136 Wn. App. 104, 106, 147 P.3d 641 (2006).

[11] Clark County v. W. Wash. Growth Mgmt. Hr'gs Bd., 177 Wn.2d 136, 144, 298 P.3d 704 (2013) (citing RAP 5.3(a); RAP 10.3(a), (g); RAP 12.1).

[12] RAP 10.3(a)(6).

[13] Cowiche Canyon Conservancy v. Bosley, 118 Wn.2d 801, 809, 828 P.2d 549 (1992) (arguments not supported by authority); State v. Camarillo, 54 Wn. App. 821, 829, 776 P.2d 176 (1989) (no references to the record), aff'd, 115 Wn.2d 60, 794 P.2d 850 (1990); RAP 10.3(a).

Ng's notice of appeal designated three decisions: (1) the order granting Bing Kung's motion to dismiss pursuant to CR 12(b), (2) the order denying disqualification, and (3) the order denying Ng's motion for an extension of time to file a response. But Ng's briefing does not assign any error to the trial court's rulings. His legal and factual assertions consist primarily of unfounded claims of misconduct by counsel for Bing Kung and the trial court judge. Moreover, he fails to address the merits of the issues raised in Bing Kung's motion to dismiss.[14] These deficiencies sharply limit the scope of issues Ng presents for review. [15] However, to the extent possible, we address the essence of Ng's assertions.

Ng's primary argument on appeal is that the trial court committed reversible error by permitting an associate attorney at Bing Kung's counsel's firm to appear in court for the hearing on the motion to dismiss and sign pleadings on behalf of Bing Kung. CR 70.1(a) provides that "[a]n attorney admitted to practice in this state may appear for a party by serving a notice of appearance." Here, the notice of appearance states that Loeffler Law Group PLLC appeared on behalf of the Bing Kung defendants. Ng asserts that the attorney who signed the notice of appearance is the only attorney of record in the case. So he contends that the associate attorney is a fraudulent nonparty imposter

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[14] Ng's opening brief asserts that the trial court erred in ruling that Zhong failed to file his complaint within the three-year statute of limitations. But Zhong is not a party to this appeal.

[15] Weyerhaeuser Co. v. Commercial Union Ins. Co., 142 Wn.2d 654, 693, 15 P.3d 115 (2000) ("'[o]nly issues raised in the assignment of error . . . and argued to the appellate court are considered on appeal'") (second alteration in original) (quoting State v. Kalakosky, 121 Wn.2d 525, 540 n.18, 852 P.2d 1064 (1993)); Saviano v. Westport Amusements, Inc., 144 Wn. App. 72, 84, 180 P.3d 874 (2008) (declining to address issues that a party fails to raise appropriately or discuss meaningfully with citations to authority).

whose unauthorized appearance tainted the entire proceeding. Ng is mistaken. No rule requires attorneys with the same law firm to file separate notices of appearance.[16] The associate attorney's appearance for Bing Kung was wholly proper.

Ng also argues that the trial court erred in denying his notice of disqualification. "A party has the right to disqualify a trial judge for prejudice, without substantiating the claim, if the requirements of RCW 4.12.050 are met."[17] "To be timely, an affidavit of prejudice[18] must be made 'before the judge presiding has made any order or ruling involving discretion.'"[19] Here, the judge denied Ng's notice of disqualification because he previously exercised his discretion by ruling on Bing Kung's motion to vacate the order allowing service by mail on May 16, 2018.[20] The judge did not err in denying Ng's untimely notice of disqualification. And the record does not support Ng's assertions that the trial court judge lied and mishandled his case.

Ng's notice of appeal included the order denying his request for more time to file his response to Bing Kung's motion to dismiss. But Ng's briefing does not discuss any procedural or substantive issues for review relating to this order. We need not address it.[21]

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[16] See CR 70.1, 71.

[17] State v. Lile, 188 Wn.2d 766, 774, 398 P.3d 1052 (2017).

[18] Now called a "notice of disqualification."

[19] In re Recall of Lindquist, 172 Wn.2d 120, 130, 258 P.3d 9 (2011) (quoting former RCW 4.12.050(1) (LAWS OF 2009, ch. 332, § 20)).

[20] RCW 4.12.050(2) clarifies that the following actions by a judge, even though they may involve discretion, do not cause the loss of the right to file a notice of disqualification against that judge: arranging the calendar, setting a date for hearing or trial and/or ruling on an agreed continuance, as well as other administrative criminal proceedings. Ruling on a motion to vacate is not included on this list.

[21] Weyerhaeuser, 142 Wn.2d at 693.

Although not included in his notice of appeal, Ng's opening brief asserts that the trial court abused its discretion by denying his motion for reconsideration. But Ng fails to provide any argument about this issue. We need not address it.[22]

Although Ng's opening brief failed to address the merits of Bing Kung's CR 12(b) motion to dismiss, Bing Kung argues that the trial court properly granted its motion on the basis of lack of service of process, statute of limitations, collateral estoppel, and failure to state a claim upon which relief can be granted. Ng did not reply to these arguments. His reply brief merely renews his baseless assertions of unlawful misconduct by the associate attorney for Bing Kung and the trial court judge. Ng's failure to assign error to and argue against the merits of the court's rulings in the order of dismissal waives any challenge based on those issues.[23] We need not address Bing Kung's arguments regarding the merits of the motion to dismiss.

Bing Kung also requests an award of attorney fees as a sanction for Ng's frivolous appeal. RAP 18.9(a) authorizes the appellate court, on its own initiative or on motion of a party, to order a party or counsel who files a frivolous appeal to pay sanctions, including an award of attorney fees and costs, to the opposing party. "An appeal is frivolous if, considering the entire record, the court is convinced that the appeal presents no debatable issues upon which reasonable minds might differ and that

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[22] Weyerhaeuser, 142 Wn.2d at 693; RAP 10.3(a)(6).

[23] Jackson v. Quality Loan Serv. Corp., 186 Wn. App. 838, 846, 347 P.3d 487 (2015).

it is so devoid of merit that there is no possibility of reversal."[24] We resolve all doubts to whether an appeal is frivolous in favor of the appellant.[25]

This appeal presents no debatable issues upon which reasonable minds might differ and is devoid of merit. Ng completely fails to address the merits of the issues presented in Bing Kung's motion to dismiss, and his challenges to the trial court's rulings are entirely lacking in merit. We award reasonable appellate attorney fees to Bing Kung under RAP 18.9 upon compliance with RAP 18.1.

Affirmed.

Leach, J.

WE CONCUR:

Mann, A.C.J.

[24] Lutz Tile, Inc. v. Krech, 136 Wn. App. 899, 906, 151 P.3d 219 (2007).
[25] Kinney v. Cook, 150 Wn. App. 187, 195, 208 P.3d 1 (2009).

COURT OF APPEALS OF THE STATE OF WASHINGTON – DIVISION I

SING CHO NG, Appellant, vs. BING KUNG ASSOCIATION, TOMMY PING YUE MAI, YAO SHEN CHIN, YUET PING MARK, KIN CHUEN LEUNG, AND JOHN DO AND JANE DOE Respondents.	No. 787152 **CERTIFICATE OF SERVICE** **APPELLANT'S MOTION FOR REVIEW BY THE SUPREME COURT**

This is to certify that Appellant has caused to be served a copy of:

APPELLANT'S
MOTION FOR REVIEW BY
THE SUPREME COURT

prior to the day of filing with this Court

via United State First Class Mail on

Loeffler Law Group PLLC, 2611 NE 113th Street, Suite 300 Seattle, WA 98125-6700

DATED the 4th day of December 2019.

December 4, 2019

SING CHO NG, Appellant pro se