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Court of Appeals # 51273-4-II  
80764-1-I

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

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DANIEL J. BARRETT, Appellant

v.

NOELLE L. WOIT, Respondent

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PETITION FOR REVIEW

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Daniel J. Barrett  
Appellant, pro se  
PO Box 361  
South Prairie, WA 98385  
[DanielJBarrett@outlook.com](mailto:DanielJBarrett@outlook.com)

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**A. IDENTITY OF PETITIONER**

DANIEL J. BARRETT asks this court to accept review of the Court of Appeals decision designated in Part B of this petition.

**B. COURT OF APPEALS DECISION**

Appellant asks for review of the Court of Appeals Division Order denying reconsideration on November 16, 2020. A copy is attached herewith in Appendix page A-1. This order incorporates the order affirming, entered on October 12, 2020. See A-2 to A-15.

The order should be reviewed and eventually changed in these parts:

- (1) This court should reverse the appellate affirmation (and the original trial court finding of intransigence against appellant/father); and therefore reverse the subsequent award of fees and costs.
- (2) This court should find substantial evidence of egregious bias or at least the appearance of bias by the trial judge.
- (3) This court should reverse the trial court finding of the mother being credible (which led to all findings and appellate affirmation) since there's contradictory testimony and substantial evidence of lying and disingenuous testimony.

The order that was appealed from Superior Court to Division One is attached as A-16 to A-19. (A subsequent reconsideration was denied by the trial court. See A-20).

**C. ISSUE PRESENTED FOR REVIEW**

Issue No. 1:

The trial court findings of bad faith and intransigence (top and bottom of A-17 & top of A-18) should be reversed because it was based upon alleged procedural facts and upon violating a court order that do **not even exist**.

To wit, the trial court found this Appellant to be intransigent because this Appellant raised issues at hearing before Judge Maureen McKee. But, the contempt review hearing was ordered by the court (via a family law commissioner) after the mother was found in contempt for the 4<sup>th</sup> time. This Appellant father had nothing to do with the setting of a review hearing. He was **required** to argue and raise issues related to the mother's contempt. A Judge cannot punish me for following a court-ordered review hearing procedure. That was an outrageous abuse of discretion.

The judge erred on record and called it MY hearing for contempt. But, again, it was a review hearing set by the court to SEE IF the mother continued to violate the parenting plan (we were only there due HER non-compliance). I stated that she should be found in contempt again because she continued to NOT comply. But, that's the NATURE of a contempt review hearing. I was not asking anything about and beyond the intent and scope of the court-ordered review (originally set by a commissioner). So, I cannot be found in bad faith or intransigent for arguing that contempt should be found again, as the court **ordered that issue** to actually **be considered** (the nature of contempt review).

The authority for judge's sanctions on contempt is in RCW 26.09.160(7) which says the court may order costs and a \$100+ sanction "if the motion was brought without reasonable basis". But, again, the hearing was a review hearing **set by the court** due to **the mother's** contempts. I didn't "bring" anything except my required declaration.

## Issue No. 2

The trial court Judge McKee also punished this Appellant/father for not following an order – but the order did NOT exist. To wit, a commissioner ordered the

father to get counseling with a social worker at “Nexus”. You can see the trial judge’s subsequent “bad faith” finding for not attending “Nexus” on A-21 (sect #4).

But, a judge, on revision, vacated/reversed that “Nexus” order and ordered Psychologist Paula van Pul to be the counselor (whom the father saw twice). See order A-21 to A-23 (bottom bullet point of page 2). Judge McKee found the father to be intransigent for not seeing the Nexus social worker. A-17 (3<sup>rd</sup> checked box). She also said on the record that she was disregarding the authority of the revision decision (by Judge Moore). Judge McKee egregiously abused her discretion, created a record that did not exist and punished me for not following that record/court order that did not exist. Even worse, she was dismissing the nature of revision which is allowed under statute. She thinks that a commissioner’s order still exists and is enforceable, even after a judge revises it. No reasonable person thinks any higher authority can be dismissed. That would be tantamount to adhering to an appellate court ruling when this Supreme Court reversed. This was outrageously untenable.

### Issue No. 3

The award of attorney fees was based upon a finding of intransigence. And again, that finding of intransigence was based upon two lies: (1) that the father brought the review hearing with arguments that were bad faith and out of line when he was ordered to bring such arguments; and (2) that the father was supposed to engage in counseling with a social worker (at Nexus).

So, the award of attorney fees should be reversed after the finding of intransigence is reversed.

#### Issue No. 4

There is no evidence supporting said findings above in the record. The appellate court won't disturb findings of fact on appeal, UNLESS there is no substantial evidence supporting such findings. There's actually NO evidence supporting the finding of intransigence because it is based upon things that actually don't even exist at all. Moreover, there's more than substantial evidence that the judge was biased and the mother was lying (as she did when found in contempt 5 different times) and since the judge ruled solely by trusting the mother's prima facie words, the ruling was egregious error. The judge made up facts, evidence and/or a record out of thin air, then made findings based upon that false narrative.

This court can and should reverse that intransigence finding.

#### Issue No. 5

The record mentioned above shows not just the mere **appearance** of possible bias (which is grounds for a recusal, finding of unfair hearing, or reversal and new trial solely based upon that bias), but there is overwhelming evidence of egregious **overt** bias.

#### Issue No. 6

At the trial court, Judge McKee relied solely upon the mother's credibility in making her findings of intransigence against the father, and of the mother's compliance since the last contempt. Judge McKee then found that the mother did not violate the parenting plan and the mother got a favorable review, even though the father had not seen the child for 3+ months (Judge McKee found the mother had no control over the child, but overwhelming evidence showed the mother planned, orchestrated and coerced the entire scenario – just as in the other 5 times she was found in contempt. The mother made



it look like the child ran away and was nowhere to be found, when Anna was actually living with the maternal grandmother just 2 miles down the road and still attending the same school and same events, such as cheerleading).

Issue No. 7

Whether the court should reverse all Court of Appeals findings and affirmations and order reversal of Judge McKee on all findings and then remand for a new hearing on whether the mother complied.

Issue No. 8

Appellant should be awarded fees and costs on this petition / appeal to the Supreme Court and, subsequently, award costs on original appeal. And all fees/costs awarded against Appellant should be vacated.

**D. STATEMENT OF THE CASE**

In 2011, the mother was not found in contempt but ordered to give me make up time for visitation missed at her fault at 2 hearings. The first order is A-24 to A-27 and awards 7 days of make-up time. The next 2011 order was clarified on revision, giving me 2 make up days. A-28 to A-29.

From 2016 to 2019, she continued her pattern of withholding the child, Anna, in bad faith. The mother was found in contempt five (5) times by two different judges and two different commissioners. All five (5) orders are A-30 to A-57

Judge Moore (5<sup>th</sup> contempt) found her to be “intransigent”, on the record, with the mother’s repeated withholding of the child.

Family law commissioner Nicole Wagner found the mother in contempt the 4<sup>th</sup>

time and granted the father's request that there be counseling (despite the mother's opposition). But, Wagner merely ordered counseling with "Nexus", which has unqualified social workers. (The father contended that the mother coaches the child, alienates her affections and undermines the father as evidenced by her contempts, so a true reunification specialist and psychologist Paula van Pul was needed).

So, on revision, Judge Moore reversed and changed Nexus counseling to Paula van Pul (A-21, bottom bullet point).

At the 4<sup>th</sup> contempt finding, by Comm. Wagner, the father had a witness who testified that the mother was standing with the child, Anna, and both were laughing at the father, as the mother refused to even attempt to coerce the Anna go with the father. See sworn statement in Return of Service. A-58 to A-59 (last 3 lines).

This showed the coaching, brainwashing and culture of the mother's home.

This Supreme Court in Marriage of Rideout, 150 Wn.2d 337, 77 P.3d 1174 (2003) says that a parent can be found in contempt for:

- (1) NOT coercing a child to go with the other parent
- (2) CONTRIBUTING to the child's attitude of not wanting to go

In all 5 contempt proceedings, the mother excused her conduct by claiming the child was out of her control and/or Anna did not want to go with the father. Even one time, she claimed Anna ran away at a visitation exchange. Judge Monica Benton said that she was "not buying it" on record and found contempt at a revision hearing and specifically cited Rideout in her order. A-41

In her contempt defenses, the mother also made claims that the father is abusive to justify withholding the child. Yet, there are no findings of abuse in the Parenting Plan

and the mother never modified the Parenting Plan which her attorney (with 29 years' experience) drafted, proposed and signed. The contempt courts of 6 different long-time judicial officers never believed these arguments. But Judge McKee on this matter did.

Moreover, the mother always eventually continued to deliver the child to the father after her claims of him being abusive, rendering such claims to have no credibility. Hence, she always lost these contempt hearings and was not persuasive (meaning her testimonies were lies).

After the 4<sup>th</sup> contempt order of Comm. Wagner on 4/25/2019, the matter was continued a few times. At one of the continuance hearings, the counseling was specifically identified as a "Nexus" (social workers only). See orders A-60 to A-64 ("Nexus is mentioned on line 17 of A-61).

While there were continuances and contempt review was pending, this Appellant filed for revision on the "Nexus" order and got that part reversed, among other things, on revision. A-21.

Notice that one continuance order recognized that there was a revision hearing so commissioner continued. A said that she cannot rule on compliance with the parenting plan and counseling until after Judge Moore decides on revision. A-63, line 19. So, as the commissioner acknowledged, she was subject to the judge and the judge's revision may wipe out commissioner's ruling entirely.

Notice also in the other continuance order that Comm. Wagner ordered the father to submit documents for the review hearing. See A-62, line 11-13. But, Judge McKee found this father to be intransigent for his arguments, even after he had not seen the daughter, Anna, for 3+ straight months. A-17, Section #6.

While the revision was pending, the mother sought a contempt motion against the father, saying he refused to do counseling with the “Nexus” social worker. But, Judge Catherine Shaffer (20 years on the bench) denied the mother in Ex Parte and found the motion so frivolous that she did not even do the normal routine of granting an Order to Show Cause, which are often signed off after a mere glance at a motion. See A-65 to A-67. She found the father had no particular time limit to go to “Nexus”, and therefore, there was no merit to the contempt. Yet, Judge McKee later said that the father/Appellant violated this provision in bad faith. A-17 (3<sup>rd</sup> checked box). This “contempt” attempt was already litigated in front of Judge Shaffer here.

Even worse, Judge McKee said on the record that she WOULD have found the father in contempt, if there was a motion before her (without having even seen any defense from the father). But, the courthouse already heard that exact same motion and denied even the mere right to a return hearing, since the motion was so frivolous. King Co. Sup. Court has two drastically different views of this “Nexus” matter and the judge who found me at fault did so when “Nexus” was vacated. Judge Shaffer denied before the revision (while the “Nexus” provision was still in existence).

This shows untenable outrageous bias that Judge McKee had. That’s the only explanation for her appetite to rule against this Appellant / father:

(1) Even after that contempt was tried and lost

(2) After the “Nexus” order no longer existed

The father attended counseling twice with van Pul.

The mother refused to provide the child to van Pul, stating that the child was doing cheerleading and had to be at a football game by 4:30pm. But, games don’t start

until 7:00 pm. Moreover, counseling was from 3:00 to 4:00, still giving Anna enough time to voluntarily be 2½ hours early for the game, even if it was true that she had to be there hours before the football players arrive. See email. A-68. In any event, the mother found that voluntarily hanging out with cheerleaders was more important than court-ordered counseling. Again, this is bizarre because the mother continuously claimed that she had no idea where the “runaway” Anna was located. But, the mother is still dictating her whereabouts for this period of time and controlling whether she does counseling.

Amidst all of these proceedings and continuances, the superior court staff decided of its own volition that one judge should take jurisdiction of this case and ordered Judge Maureen McKee to do so. A-69 to A-70.

At the October 17, 2019 review hearing, Judge McKee:

- (1) Allowed Anna to be present in the courtroom and watch the parents argue with each other (an untenable act worthy of an admonishment alone)
- (2) Said that the father was intransigent for not doing counseling with the social worker and that she disregards Judge Moore’s order that counseling is with Paula van Pul. A-17
- (3) McKee said that if a HYPOTHETICAL contempt motion was in front of her, then she would find the father in contempt, even though the well-known, well-established elements of contempt require a valid court order...and the “Nexus” order no longer existed....yet, McKee had her mind made up without having seen a motion, nor heard a defense from the father...all of this despite the fact the mother had already lost such a contempt motion in Ex Parte (A-65) and was so merit-less that she couldn’t even get an Order to Show Cause
- (4) McKee said that the father was intransigent for bringing this action to her court and for the content of his declaration (but the hearing was a court ordered review, set/ ordered by a commissioner and the father was ordered to bring argument documents for the review hearing, A-62 lines 11-13)
- (5) McKee found the mother to be in compliance of the parenting plan even though the father had not seen the child from July 4 to October 17, 2019 and he had not had his 9 remaining make-up days for past contempts (make

up days are automatic, mandatory right by contempt statute RCW 26.09.160(2)(b)(i). The compliance finding was solely based on the mother's testimony that Judge McKee found credible.

- (6) Judge McKee allowed argument on two separate, irrelevant court cases (with this father's first dissolution and the child's emancipation case that the mother coached her to file after a restraining order hearing in another case failed—the mother was coaching the child to “forum shop” – all so the mother could avoid contempt jail sanctions, which the 1<sup>st</sup> contempt finder, Comm. Hillman openly warned her about). All other judicial officers held the mother accountable for withholding or coaching the child. The mother coached forum shopping for the child to bring separate actions against the father after she was a “missing runaway” and miraculously showed up for this hearing when the mother and her attorney repeatedly alleged she had no idea of the “runaway” child's whereabouts.

Judge McKee entered the order that was subject of this appeal. A – 16

The Court of Appeals affirmed, then denied my reconsideration motion.

#### **E. ARGUMENT WHY REVIEW SHOULD BE ACCEPTED**

##### **1. Court of Appeals erred by overlooking that trial Judge cannot find me “intransigent” for something I did not do and for orders that do not exist**

This a plain straight-forward issue. Division One erred by affirming the finding of “intransigence” that led to attorney fee award.

The court found me intransigent for the October 17, 2019 review hearing. I did not set it. The court itself did. The court punished me for doing what the court itself did. Not only that, but for the mother's misconduct with 5 contempts, we would not have been in court at all.

The mother comes to court with unclean hands after I exercised the ONLY recourse available to enforce my court-ordered rights and I prevail. Then this court punishes me after we are in court solely because of the mother's misconduct.

Then the court further punishes me (with a finding of intransigence and award of attorney fees) because I didn't follow an order that got reversed. The order no longer existed. The judge said that she would have found me in contempt if there was a contempt motion against me. There has to be an order in place for me to violate it. A judge's order changing a commissioner's order makes that commissioner's order non-existent.

There seems to be no case law clarifying that a reversal or vacation by a judge on revision, makes a commissioner's order non-existent. But, that's probably because this is plain, basic, fundamental obvious knowledge that needs no elaboration or clarification. So, it's all the more egregious that Judge McKee ignored a judge's reversal and held me to an IMPOSSIBLE burden: "You must follow a non-existent order".

Moreover, another judge already denied the actual attempt at a contempt motion. There is NO order to enforce or to find me intransigent of.

Judge McKee's findings, approach and conduct depart so far from the status quo and defy basic, elementary legal principles that this can only be deemed and outrageous abuse of discretion.

The findings of intransigence is based on INVISIBLE non-existent things. There's NO evidence in the record because those things she alluded to don't exist.

The court's findings of fact must be supported by substantial evidence. In re Marriage of Rockwell, 141 Wn. App. 235, 242, 170 P.3d 572 (2007).

Substantial evidence exists if the record contains evidence of sufficient quantity to persuade a fair-minded, rational person of the truth of the declared premise. Bering v. Share, 106 Wn.2d 212, 220, 721 P.2d 918 (1986).

The court's findings of fact must, in turn, support its conclusions of law and decree. Rockwell at 242.

Even if the court applied the correct legal standard to any supported facts, it's still untenable and reversible if the court adopts a view that no reasonable person would take. Yousoufian v. Office of Ron Sims, 168 Wn.2d 444, 458, 229 P.3d 735 (2010) (quoting State v. Rohrich, 149 Wn.2d 647, 654, 71 P.2d 638 (1990)).

Moreover, “intransigence” is reserved for extreme cases of someone repeatedly abusing the court system and losing and re-litigating already lost or settled issues.

Fees base upon intransigence have also been awarded when a party has filed unnecessary motions and a party files reams of irrelevant, immaterial and harassing pleadings has made a proceeding unduly difficult and has thereby unnecessarily increased legal costs,. Chapman v. Perera, 41 Wn. 2d 444, 455-56, 704 P.2d 1224 (1985). In re Marriage of Morrow, 53 Wn. App. 579, 770 P.2d 197 (1989).

Intransigence includes filing *unnecessary* motions and increasing legal costs. In re Marriage of Foley, 84 Wn. App. 839, 846, 930 P.2d 929 (1997).

Costs were created by THE MOTHER’S own contemptuous conduct. But for her contempt, we would have never been in court.

When intransigence is part of a published case, the details include a horrendous continuous pattern of an abuse of the process, not just one hearing in which all parties are compelled to appear due to a contempting mother’s misconduct). See how In re Marriage of Schumacher, 100 Wn. App. 208 (2000) at page 217 reads:

“In Foley, this Court found that one parent's numerous frivolous motions, failure to attend his own deposition, and refusal to read correspondence from the opposing attorney, caused numerous delays and additional legal expense. In re Marriage of Foley, 84 Wn. App. 839, 846, 930 P.2d 929 (1997).



The reason we were in court on October 17 was that I PREVAILED on contempt. And I had a history of doing so at 7 hearings after the mother's misconduct (5 contempts and two other make up time orders). The mother had been rebuked by Comm. Mark Hillman for laughing in court before being found in contempt, the very first time. She was also warned that jail time could occur next time. She was found in contempt four more times with no jail time. After the 5<sup>th</sup> contempt, I went 3½ months without seeing our daughter. The mother was so intransigent that rather than comply with the order, she made a false police report calling Anna a "runaway" and had her residing at the maternal grandmother's home and lied in court repeatedly saying she has no idea where Anna is, when police reports show that she was aware that Anna was at the grandmother's. See series of police reports from initial runaway claim to police admitting Anna was at home and/or with grandmother and mother knew it. A-71 to A-78. This is actually the crime of Custodial Interference by the mother and grandmother under RCW 9A.40.

How is it possible that a repeatedly prevailing party gets found to be intransigent and a repeat offender of contempt and bad faith is a trustworthy credible witness and rewarded.

There is NO EVIDENCE AT ALL for a finding of intransigence against this father. It must be reversed.

The only candidate for a finding of "intransigence" is the mother, especially after she has already been found and keeps finding new and greater ways and M.O.'s to defy court orders. She did so, repeatedly. She never paid court-ordered sanctions on any contempt and I still had 9 days of make-up visitation, on top of 3+ months of continued

denials of regular visitation (excused because the child ran away but amazingly came to court to observe the parents she ran away from).

**2. Trial judge McKee was egregiously biased in more ways than one. I had an unfair hearing which violates equity and due process doctrines**

Court of Appeals should have seen the obvious bias for the mother and against the father and pro se in this case.

The trial judge said in another case that it's traumatizing for a child to appear in court (to testify even in the privacy of chambers without the parents), when the father is requesting a teenage daughter to be a witness.

But, Judge McKee outright allowed Anna, a teenager to not only appear at court but sit and watch. Judge McKee seemed delighted to see Anna. She was on the mother's side of the courtroom. Egregious bias.

Judge McKee as stated above, made up lies about the record, rebuked me for being in her court as if it was my doing, and for not following a court order that actually was non-existent. And most egregiously she declared that she hypothetically would find ME in contempt on a motion that didn't even exist either.

The only possible explanation for this outrageous outlook that defied reality is a very disturbing outrageous, bizarre bias against me, whether it's my status a pro se or father or male. The judge "bent over backwards" to defend the continued misconduct of a 5-time contemnor. That's a repeat offender with no respect, nor regard for COURT ORDERS, my parental rights and the basic fundamental needs of a child to have both parents in their life, as RCW 26.09.002 describes parent/child contact and the "fundamental" need thereof.

I walked into court as I was COURT ORDERED to do by a commissioner's order WITH CLEAN hands. The mother had unclean hands. The judge treated the mother as a victim of mine when I was the one (along with the child) who was a victim of her pattern of "willful bad faith violations of a valid court order" over and over again. I did not even get all of my court ordered, statutory mandated, make up visitation. The mother previously had been ordered to grant me make-time on two previous contempts for missed time (but no "contempt" found). I never wanted to be in court those 7 times, even though I prevailed. I would have preferred that the mother had just complied. But, I was forced to take the only recourse available: contempt.

Yet, Judge McKee treated me as some kind of court-order-violating monster and found me intransigent.

NO REASONABLE judge could ever come up with such an untenable result UNLESS they had an egregious bias or personal disdain toward a litigant.

The intransigence finding and award of fees must be reversed/vacated and the contempt re-tried under another judge because of this obvious overt egregious bias. Therefore the hearing had no element of fairness, equity and due process and I was deprived of property (money judgment) without due process.

Under the "appearance of fairness doctrine", a judicial proceeding is valid only if a reasonably prudent and disinterested observer would conclude that all parties obtained a fair, impartial, and neutral hearing. State v. Bilal, 77 Wn. App. 720, 893 P.2d 674, review denied, 127 Wn.2d 103, 902 P.2d 163 (1995).

Due process, the appearance of fairness, and Canon 3(D)(1) of the Code of Judicial Conduct require that a judge disqualify himself from hearing a case if that judge

is biased against a party or if his or her impartiality may be reasonably questioned.

Wolfkill Feed & Fertilizer Corp. v. Martin, 103 Wn. App. 836, 841, 14 P.3d 877 (2000).

The right to a fair hearing under the federal due process clause prohibits actual bias and " 'the probability of unfairness.' " Withrow v. Larkin, 421 U.S. 35, 47, 95 S. Ct. 1456, 43 L. Ed. 2d 712 (1975) (quoting In re Murchison, 349 U.S. 133, 136, 75 S. Ct. 623, 99 L. Ed. 942 (1955)).

**.3. Credibility of the mother – Court of Appeals could have visited this issue because of substantial evidence doctrine**

The judge made findings based upon her belief of the mother's testimony and the mother's credibility. She also allowed the attorney to testify to matters that are not in the record, which is impermissible under ER 602 and RPC 3.7 (more bias, by allowing mother's team to break public policy and basic fundamental rules which are created for maintaining fairness).

This court defers to trial judges when it comes to issues of credibility.

But, as stated in supra above, when the court makes untenable findings and there is no substantial evidence in the record as to findings then this court can reverse. And credibility is a finding.

No reasonable judge would trust a 5-time contemnor's word on its face, especially if those claims and arguments were the same ones that lost in court before (the child does not want to go...I don't know where the child is....the father is abusive).

The evidence of the mother lying was in front of the court's face in the courtroom. The mother maintained that Anna was a runaway and that she didn't know Anna's whereabouts for months. Yet, Anna appeared in court for this hearing. How did

Anna know? Why was she even there at all? If she ran away from and emancipated from both parents, why would Anna be present and supporting the mother?

ANSWER: the same reason Anna was laughing in the doorway on October 13, 2018 when the mother was withholding her at the doorway. (Found in contempt for that A-42; see testimony, again, of witness who said both were laughing at father and not in fear A-59). It's the same reason that Anna kicked me in the hamstring two weeks earlier, as coached by her mother, causing permanent damage and forcing me to have 3 torn tendons repaired surgically, which completely disabling me for two months, with a 1 year recovery process.

Whatever the alienating, contemnror, bad-faith perpetrating mother said in court or on paper, Judge McKee believed on its face.

She was the first judicial officer ever to believe the mother's excuses, lies, perjury and same-old repeated excuses for ongoing contempt. The mother just filed a false police report that summer in order to justify contempt. She committed a crime in order to defend her own criminal Custodial Interference and contempt, rather than just be reasonable and create a culture of respect for the other parent and promote the affections thereof.

Like Rideout says, the parent is in control of the culture of the home and contributes to an attitude when a child does not want to go with another parent (apart from actual abuse, which we have no findings here – and that is a repeatedly lost, desperate argument).

No reasonable judge would ever believe the mother like Judge McKee did. And that's not speculation. No reasonable judicial officer ever has believed her. The four

contempt finders and the two other commissioners Jeske and Canada-Thurston who ordered make up time. All of these appointed and voted in justices with decades of experience weren't buying it. Only the judge with one year experience (not voted in but governor appointed) decided to biasedly believe the prima facie words of the repeat offender.

It's absolutely outrageous and untenable and this matter should be reviewed. The mother was "all over the map" with her previously-failed claims that I had been "abusive". Yet, all the while she allowed visitations before and after findings of contempt when she also falsely claimed abuse and never obtained 26.09.191 restrictions in a modified parenting plan to match her claims.

"[H]er own inconsistent declarations are insufficient to create issue of fact as to Alex's dependence on his parents." Marshal v. AC & S, Inc., 56 Wn. App. 181, 185, 782 P.2d 1107 (1989).

Mueller v. Garske, 1 Wn. App. 406, 409, 461 P.2d 886 (1969) reads:

"A party is *not permitted* to maintain *inconsistent positions* in judicial proceedings.

It is not as strictly a question of estoppel as it is a rule of procedure based on *manifest justice* and on a consideration of orderliness, regularity and expedition in litigation."

The mother was allowed to maintain inconsistent positions in pleadings and oral argument and throughout this contempt and review matter. The appellate court should have found her to be disingenuous, or at least that her credibility is dubious, after Judge McKee did not, given there's no evidence to support the mother's claims. But, Judge McKee was biased and trusted prima facie allegations merely on their face, all while most disturbingly making up lies about the record and punishing me for those made up lies.

What is in the best interest of a child “is a determination that often turns on the credibility of the parties”. In re Marriage of Venable, 118 Wn. App. 1049, 2003 Wash. App. LEXIS 2826 (2003).

## F. CONCLUSION

This court should accept review of this matter after the Court of Appeals failed to reverse Judge McKee on the following and this court should reverse:

- (1) The finding of intransigence and subsequent award of attorney fees
- (2) Finding that the mother complied with the parenting plan and that the child didn't want to go with father and the mother could not make her (when the mother directly contributed to the child's attitude, which alone is worthy of contempt under Rideout).
- (3) Award me all costs and fees on this Petition for Review and throughout appeal.
- (4) Reverse Court of Appeals award to mother of costs and fees.
- (5) Make a finding that Judge McKee showed overt egregious bias or the appearance of bias and should be recused.

Respectfully submitted on December 5, 2020.



Daniel J. Barrett, Appellant, pro se

# APPENDIX

PAGE #	DESCRIPTION	DATE
A-1	Court of Appeals ORDER DENYING RECONSIDERATION	11/16/20
A-2 to A-15	C of A UNPUBLISHED OPINION	10/12/20
A-16 to A-19	Contempt Order (subject of appeal)	10/17/19
A-20	Order on Respondent's Motion for Recon. (denying order on appeal)	11/5/19
A-21 to A-23	Order on Revision by Judge Moore (reversing "Nexus" counseling & appointing Ph.D.)	
A-24 to A-27	Contempt Order (1 <sup>st</sup> order with only make up time – no contempt)	2/25/11
A-28 to A-29	Order on Revision (2 <sup>nd</sup> order with only make up time – no contempt)	7/22/11
A-30 to A-32	1 <sup>st</sup> Contempt (Comm. Hillman)	7/22/16
A-33 to A-40	2 <sup>nd</sup> Contempt (Comm. Hillman)	5/24/18
A-41	3 <sup>rd</sup> Contempt (found on revision Judge Benton)	9/14/18
A-42 to A-50	4 <sup>th</sup> Contempt (Comm. Wagner)	4/25/19
A-51 to A-57	5 <sup>th</sup> Contempt (found on revision by Judge Moore)	5/30/2019
A-58 to A-59	Proof of Service (testimony that mother and child were laughing at father during exchange)	10/20/18
A-60 to A-62	Order continuing contempt review hearing & ordering "Nexus" counseling	6/76/19
A-63 to A-64	Order continuing contempt review again (because of revision)	8/14/19
A-65 to A-67	Ex Parte denial of mother's contempt motion – no Order to Show Cause granted (Judge Shaffer)	7/18/19
A-68	Email exchange between mother and father re Anna attending counseling	9/18 to 9/23/20
A-69 to A-70	Order assigning Judge McKee to all matters including contempt review	8/27/19
A-71 to A-78	Police reports re child being a "runaway"	7/10 to 7/31/19



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

In the Matter of the Marriage of	)	No. 80764-1-I
NOELLE LYNN BARRETT (NKA	)	
WOITT),	)	
	)	
Respondent,	)	
	)	ORDER DENYING MOTION
and	)	FOR RECONSIDERATION
	)	
DANIEL J. BARRETT,	)	
	)	
Appellant.	)	

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Appellant Daniel Barrett filed a motion for reconsideration of the opinion filed on October 12, 2020. A majority of the panel has determined that the motion should be denied. Now, therefore, it is hereby

ORDERED that the motion for reconsideration is denied.

FOR THE COURT:



Judge

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

In the Matter of the Marriage of	)	No. 80764-1-I
NOELLE LYNN BARRETT (NKA	)	
WOITT),	)	
	)	
Respondent,	)	
	)	UNPUBLISHED OPINION
and	)	
	)	
DANIEL J. BARRETT,	)	
	)	
Appellant.	)	

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BOWMAN, J. — Daniel Barrett appeals a trial court order determining that Noelle Woitt purged a previous finding of contempt, denying his renewed motion to hold Woitt in contempt, and awarding Woitt attorney fees based on Barrett’s intransigence. We affirm.

FACTS

On January 4, 2010, the trial court entered a parenting plan providing for the care of Woitt and Barrett’s seven-year-old daughter A.B. The parties brought many disputes over residential time to the court over the next nine years. On April 25, 2019, a family court commissioner found Woitt in contempt for failing in bad faith to “coerce” A.B. to visit with Barrett on October 13, 2018 as required by the residential provisions of the parenting plan. The commissioner ordered

“make-up parenting time” for Barrett and directed Woitt to purge the contempt by obtaining counseling “to help with co-parenting in high conflict relationships.”

The commissioner also ordered Barrett to enroll in the same type of counseling with A.B. and directed both parties to provide documentation of their compliance at a review hearing set for June 6, 2019.

At that review hearing, the commissioner found Woitt “in partial compliance w[ith] the court’s order and purge conditions.” In an order dated June 10, 2019, the commissioner determined that Woitt was complying with the parenting plan and had submitted, although untimely, evidence that she was engaged in counseling. The commissioner also found that Barrett’s choice of Paula Van Pul as the counselor to provide joint counseling for him and A.B. was not in A.B.’s best interest because Van Pul was also Barrett’s “individual counselor.” Instead, the commissioner ordered Barrett to contact Nexus Youth and Families to schedule a counseling session for A.B. The commissioner awarded Barrett make-up days for missed visitation and ordered him to arrange a counseling session with A.B. during that residential time.

On July 4, 2019, 17-year-old A.B. spent the day with Barrett as make-up residential time. Barrett and Woitt had agreed that Woitt would pick up A.B. late in the evening, after a fireworks show. But after Barrett and A.B. argued, Barrett refused to allow Woitt to pick up A.B. and insisted that A.B. stay until morning. Ultimately, Woitt picked up A.B. from the fireworks show.

A.B. was next scheduled to visit Barrett on July 10, 2019. Rather than visit with Barrett as scheduled, A.B. “ran away from home.” On August 5, 2019,

A.B. petitioned for a protection order against Barrett, explaining that she was fearful of him. The trial court issued a temporary protective order but dismissed the petition when A.B. failed to appear at a subsequent hearing. On September 18, 2019, A.B. filed a petition for emancipation in Pierce County Superior Court and attached 10 supporting declarations, including 2 declarations from her half-siblings describing Barrett's physical and mental abuse.<sup>1</sup>

On October 16, 2019, Barrett and Woitt appeared in King County Superior Court for a review hearing requested by Barrett to determine only whether Woitt fully complied with the April 25, 2019 contempt order. The court considered materials filed by both Barrett and Woitt before the hearing. A.B. attended the hearing with counsel but the court decided to rely on the declarations submitted by the parties rather than question A.B. or allow her to participate in the hearing.

At the hearing, Barrett pointed out that courts had found Woitt in contempt of the parenting plan "five times in three years." Then, Barrett asked the court to find Woitt in contempt again because (1) he had not had visitation with A.B. since July 4, 2019; (2) only jail time would make Woitt comply; (3) A.B. did not run away from home on July 10, 2019 but stayed with her grandmother, while Woitt fabricated a report to the police to "cover up" her contempt; (4) Woitt coached A.B. and others to file A.B.'s emancipation petition and supporting declarations to include "slander" against him; (5) Woitt's attorney was "obviously in on it, coaching [Woitt] and [A.B.] all the way"; (6) none of Woitt's and others' claims that A.B. is fearful of him had "ever been even scarcely proven"; (7) Woitt

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<sup>1</sup> Barrett has six children from a prior marriage. There is a permanent restraining order prohibiting Barrett from contacting all the children and his former wife.

prevented A.B. from participating in reunification counseling with him; and (8) given A.B.'s age, the court should take advantage of the "last chance to salvage the father/child relationship." Woitt responded that she (1) had not coached or influenced A.B., who independently obtained counsel and pursued emancipation; (2) had text communication with A.B. after she ran away but could not convince A.B. to visit Barrett; (3) agreed to the July 4, 2019 make-up visitation date despite Barrett's failure to schedule a counseling session on his make-up day as required by the commissioner's order; and (4) had begun seeing a counselor as directed by the court. Woitt's attorney also asserted, "I've not been involved in coaching or coercing or involving [A.B.] in the case."

The court found that Woitt had "complied" with and "purged the conditions set forth in the Contempt Order" and that Woitt "was not able to force [A.B.] to go on visitation with Mr. Barrett." The court ordered Barrett to pay attorney fees to Woitt based on a finding of intransigence:

If he truly wished to develop and maintain a healthy relationship with [h]is daughter, [A.B.], he would have taken steps as ordered by the Court to schedule counseling. Instead, as was evidenced by the attachments in the mother's Declaration, he ignored his duties that would further the ball towards this alleged goal and continued attacking Ms. Woitt.

The court entered a written order on October 17, 2019, finding that (1) A.B. "clearly did not want to visit with her father out of fear of emotional and physical abuse," (2) A.B. was "almost 18 years-old" and did "not appear to be residing with the mother or under her control in any way," (3) Woitt "attempted to comply with the court orders but could not do so when the child refused to attend visitation with her father," and (4) the "issues and motions" Barrett raised in his

declaration “were made in bad faith and constitute intransigence.” The trial court awarded Woitt \$2,180 in attorney fees.

Barrett filed a motion for reconsideration, contending the judge showed bias and committed evidentiary errors resulting in an unfair hearing. In particular, Barrett claimed that the trial judge (1) “made up lies regarding the record”; (2) “re-litigated already-settled issues”; (3) “is overtly bias[ed] against fathers”; (4) defied the Supreme Court’s holding in In re Marriage of Rideout, 150 Wn.2d 337, 77 P.3d 1174 (2003); (5) showed bias and lack of concern for A.B.’s best interests by allowing A.B. to attend the hearing but not allowing her to testify; (6) “testified” to Barrett’s “state of mind”; (7) is a “rogue judge who finds that withholding a child repeatedly for years is perfectly fine”; and (8) ignored Barrett’s objections during the hearing but sustained similar objections by Woitt’s attorney. The court denied Barrett’s motion for reconsideration.

Barrett appeals.

#### ANALYSIS

Barrett first contends that the trial court erred by finding him in contempt for failing to contact Nexus Youth and Families as directed by the commissioner in the June 10, 2019 order. He argues that the order preventing him from using Van Pul as a counselor was reversed on revision<sup>2</sup> and that he would have started counseling but for A.B.’s refusal to participate. Because Barrett bases this claim on a mischaracterization of the record, we disagree.

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<sup>2</sup> On August 26, 2019, a King County Superior Court judge granted in part Barrett’s motion for revision of the commissioner’s June 10, 2019 order, concluding that it is not a conflict of interest for Barrett’s individual counselor to also provide reunification counseling to Barrett and A.B.

At the October 16, 2019 hearing, the trial court explicitly stated that (1) Barrett was “the moving party,” (2) the review hearing would be limited to Woitt’s compliance with the April 25, 2019 order, (3) the August 26, 2019 order on revision was not before the court, (4) “the issue of the father’s compliance” to engage in counseling with A.B. was not before the court, and (5) the award of attorney fees to Woitt was not based on Barrett’s failure to comply with the commissioner’s June 10, 2019 order. The written order also states, “Mr. Barrett’s compliance [to engage in counseling] . . . is not at issue in this review hearing.” While Barrett disagrees with the trial court’s finding that he did not “follow through” with engaging in counseling with A.B., he fails to show grounds for relief because the trial court did not find him in contempt of any order.

Barrett next contends that the trial court erred by failing to find Woitt in contempt. We disagree.

“Contempt” includes “intentional . . . [d]isobedience of any lawful . . . order . . . of the court.” RCW 7.21.010(1)(b). When determining whether a party has intentionally disobeyed an order, the trial court strictly construes the order and decides whether the facts constitute a plain violation of the order. Johnston v. Beneficial Mgmt. Corp. of Am., 96 Wn.2d 708, 712-13, 638 P.2d 1201 (1982). The “strict construction” rule protects parties from contempt proceedings based on alleged violations of ambiguous or unclear orders. Graves v. Duerden, 51 Wn. App. 642, 647-48, 754 P.2d 1027 (1988). When a trial court finds that a parent has not complied with the residential provisions of a parenting plan in bad faith, the court “shall find” the parent in contempt of court. RCW 26.09.160(2)(b);

Rideout, 150 Wn.2d at 349. On appeal of contempt proceedings based on written submissions in a family law matter, we review the trial court's findings of fact for substantial evidence and determine whether the findings support the conclusions of law. Rideout, 150 Wn.2d at 349-50.

Relying on Rideout, Barrett contends that (1) the parenting plan and the commissioner's April 25, 2019 order required Woitt to "coerce" A.B. to visit Barrett; (2) res judicata and collateral estoppel barred relitigation of whether Woitt encouraged A.B. to visit Barrett and whether A.B. was afraid of Barrett; and (3) the evidence established Woitt's actions of "withholding, harboring, brainwashing, coaching and alienating" A.B. from Barrett.

In Rideout, the trial court found that the mother acted in bad faith in violating the residential schedule as she "was a 'competent, and capable parent' with the ability to require her 13-year-old daughter to comply with the court's orders 'yet . . . failed to do so.'" Rideout, 150 Wn.2d at 347, 353.<sup>3</sup> We affirmed the trial court's finding based on evidence that the mother " 'either contributed to the child's attitude or failed to make reasonable efforts to require the child to comply.'" Rideout, 150 Wn.2d at 353-54 (quoting In re Marriage of Rideout, 110 Wn. App. 370, 379, 40 P.3d 1192 (2002)). Our Supreme Court also concluded that the trial court was justified, observing that

while a parent should not be punished for the actions of a truly recalcitrant child, punishment is appropriate when the parent is the source of the child's attitude or fails to overcome the child's

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<sup>3</sup> Alteration in original.



recalcitrance when, considering the child's age and maturity, it is within that parent's power to do so.

Rideout, 150 Wn.2d at 356.

Rideout does not support Barrett's claim that a parent necessarily has the responsibility to "coerce" an obstinately defiant or stubbornly disobedient 16- or 17-year-old child to visit another parent. Instead, Rideout gives the trial court discretion to evaluate the credibility of the parties and witnesses and the weight and persuasiveness of the evidence to determine whether a child is recalcitrant, whether the parent caused or contributed to the child's attitude, and whether the best interests of the child—a discretionary consideration based on the child's "age and maturity"—justify requiring the parent to "coerce" a child to comply.

Rideout, 150 Wn.2d at 350-51, 356.

Here, the trial court examined conflicting evidence and considered A.B.'s best interests. See Rideout, 150 Wn.2d at 349 n.4 (Citing RCW 26.09.002 that provides, in pertinent part, "In any proceeding between parents under this chapter, the best interests of the child shall be the standard by which the court determines and allocates the parties' parental responsibilities."). The trial court based its findings in part on declarations from Barrett's older children that A.B. filed with her emancipation petition. The court found that A.B. refused to visit Barrett after July 4, 2019 because she feared "being emotionally and physically abused by" him and that those declarations "support[ed] the validity of the child's fear." The court also found that Woitt was "not able to ensure" A.B.'s visits with Barrett despite her "willingness" to do so. Barrett does not show error under Rideout.

Similarly, Barrett cannot rely on the doctrines of res judicata and collateral estoppel. Res judicata bars an action when a prior judgment involved identical (1) subject matter, (2) claims or causes of action, (3) persons and parties, and (4) quality of persons for or against whom the claims are made. Rains v. State, 100 Wn.2d 660, 663, 674 P.2d 165 (1983). Collateral estoppel bars litigation of the same issues between the parties, regardless of a difference in cause of action, if (1) the issues are identical, (2) the prior adjudication included a final judgment on the merits, (3) the party against whom the bar is to be applied is identical to or in privity with a party to the prior adjudication, and (4) application will not work an injustice. Rains, 100 Wn.2d at 665. Nothing in the record shows a prior adjudication on the merits of Woitt's compliance with the purge conditions in the April 25, 2019 contempt order, the truth or reasonableness of A.B.'s alleged fear of Barrett after the July 4, 2019 incident, or the truth or reasonableness of Woitt's claim that she and her attorney did not direct or influence A.B. to seek a protective order or file an emancipation petition. Barrett fails to meet his burden to satisfy the requirements of either res judicata or collateral estoppel.

Finally, our review of the record reveals substantial evidence to support the trial court's findings that Woitt had purged the commissioner's finding of contempt and did not act in bad faith. At the hearing, Barrett argued that the court should disregard as not credible Woitt's declarations, A.B.'s declarations, statements filed in other proceedings, and witness statements filed in support of the emancipation petition that supported Woitt's claim that she encouraged A.B. to visit Barrett, that A.B. expressed fear of Barrett and ran away from home, and

that she maintained contact with A.B. but could not persuade her to visit Barrett after the July 4, 2019 incident. Instead, Barrett asserted that the trial court should believe only his characterization of Woitt's actions and motivations as an effort to undermine his relationship with A.B. and cover up her own bad faith.

The trial court sided with Woitt. It noted that Barrett's adult son and A.B.'s half-brother described Barrett in a declaration as "violent, manipulative, controlling, narcissistic, and egocentric" and that the son "has gone so far as taking legal custody of his younger siblings . . . to protect them from Mr. Barrett." The trial court found those statements and others "significant" when "assessing whether the breakdown of connection between Mr. Barrett and [A.B.] should be blamed completely on Ms. Woitt." Trial courts are in a better position to weigh competing documentary evidence and resolve conflicts when credibility is at issue, even when the record is entirely documentary. Rideout, 150 Wn.2d 350-51. We do not review the trial court's credibility determinations or weigh evidence on appeal. In re Marriage of Black, 188 Wn.2d 114, 127, 392 P.3d 1041 (2017). Barrett fails to show that the trial court abused its discretion in finding that Woitt was not in contempt and had met the purge conditions of the April 25, 2019 contempt order.

Barrett also challenges the order denying his motion for reconsideration, arguing that the outcome of the contempt review hearing "can ONLY be explained by an overt, egregious bias against [him]." We review a trial court's order on reconsideration for a manifest abuse of discretion. Drake v. Smersh, 122 Wn. App. 147, 151, 89 P.3d 726 (2004), abrogated on other grounds by

Gamboa v. Clark, 183 Wn.2d 38, 348 P.3d 1214 (2015). We do not presume bias or prejudice on the part of a judge; the party asserting it must affirmatively show improper judicial bias. Rich v. Starczewski, 29 Wn. App. 244, 246, 628 P.2d 831 (1981). “Casual and unspecific allegations of judicial bias provide no basis for appellate review, even when asserted by a pro se litigant.” Rich, 29 Wn. App. at 246.<sup>4</sup> “We . . . review a trial judge’s courtroom management decisions for abuse of discretion.” In re Marriage of Zigler & Sidwell, 154 Wn. App. 803, 815, 226 P.3d 202 (2010).

Our review of the record, including the transcript of the hearing and Barrett’s motion for reconsideration, persuades us that Barrett has not affirmatively shown bias or prejudice. The trial judge stated on the record that she had reviewed all the materials filed by the parties; acknowledged that A.B. was present with her attorney, but stated that she would not question A.B.; clarified the purpose of the hearing as determining whether Woitt had purged the contempt finding in the April 25, 2019 order; allowed each side 10 minutes to argue; and explained her ruling. As the fact finder, the judge did not “testify” or “lie” about the record as Barrett asserted in his motion for reconsideration. The judge identified the evidence she considered, made findings of fact, and explained those findings to the parties. While Barrett may have perceived the proceedings differently—that the judge showed bias or prejudice against him and fathers generally—the record shows that the judge found the evidence presented by Woitt to be more credible and persuasive than Barrett’s firmly held belief that

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<sup>4</sup> Barrett represented himself below and on appeal.

Woitt had manipulated A.B. and others to interfere with his relationship with A.B. The trial court did not abuse its discretion in denying reconsideration.

Next, Barrett challenges the trial court's award of attorney fees to Woitt based on its finding of his intransigence. We review a trial court's award of attorney fees for abuse of discretion. Scott Fetzer Co., Kirby Co. Div. v. Weeks, 122 Wn.2d 141, 147, 859 P.2d 1210 (1993). When a party moves for contempt under RCW 26.09.160, the trial court may award attorney fees to the nonmoving party "if the court finds the motion was brought without reasonable basis." RCW 26.09.160(7). A court may award attorney fees for intransigence based on foot-dragging, obstruction, or "simply" making the proceedings "unduly difficult" and causing "increased legal costs." In re Marriage of Greenlee, 65 Wn. App. 703, 708, 829 P.2d 1120 (1992).

After reviewing Barrett's written submissions and listening to his argument at the hearing, the trial court rejected his case theory that Woitt engineered A.B.'s (1) flight from his car on July 4, 2019, (2) refusal to visit with him after July 4, 2019, (3) petition for a protection order, and (4) petition for emancipation. The trial court did not abuse its discretion by determining, based on the evidence presented at the hearing, that Barrett lacked a reasonable basis for continuing to insist that Woitt was solely to blame. Barrett fails to show grounds for relief as to the attorney fee award.

Finally, Barrett filed an untimely reply brief on September 4, 2020, nearly two months after the July 8, 2020 due date, without moving to extend the time for filing. Barrett also attached to his reply brief several documents that neither party

designated as part of the record on appeal. We have reviewed the untimely reply brief, which consists largely of allegations of sanctionable conduct by Woitt's counsel, characterizations of the record consistent with those in his opening brief, and repetition of claims of wrongdoing by Woitt and bias on the part of the trial judge. Barrett's reply does not show a basis for relief.

In her response brief, Woitt moves to strike portions of Barrett's opening brief and "the entire" 21-page appendix attached to the brief, for appellate costs, and for sanctions in the form of an attorney fee award for violating the Rules of Appellate Procedure. We deny the motion to strike as unnecessary in the context of this case as we did not consider any materials that were not part of the record and no rule violation affected the outcome.

RAP 18.9(a) authorizes an award of attorney fees as a sanction for filing a frivolous appeal. An appeal is frivolous if the appellant presents no debatable issues on which reasonable minds might differ and presents issues "so totally devoid of merit that there is no reasonable possibility of reversal." In re Marriage of Schnurman, 178 Wn. App. 634, 644, 316 P.3d 514 (2013). We resolve all doubts on frivolousness in favor of the appellant. Schnurman, 178 Wn. App. at 644. Given the complex history of this case and potential for confusion, also recognized by the trial judge, we exercise our discretion and deny the request for attorney fees. But as the prevailing party, Woitt is entitled to costs under RAP 14.2.<sup>5</sup> We therefore grant her motion for costs upon compliance with RAP 14.4.

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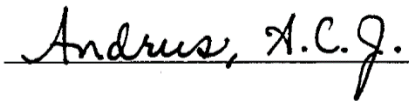
<sup>5</sup> Under RAP 14.2, "the appellate court will award costs to the party that substantially prevails on review."

Barrett fails to show that the trial court abused its discretion in finding that Woitt had purged her previous contempt of court, denying his renewed motion to hold Woitt in contempt, and awarding Woitt attorney fees based on Barrett's intransigence. We affirm.

  
\_\_\_\_\_

WE CONCUR:

  
\_\_\_\_\_

  
\_\_\_\_\_

**Superior Court of Washington, County of King**

In re:

Petitioner/s *(person/s who started this case)*:

Noelle Barrett (NKA Woitt)

And Respondent/s *(other party/parties)*:

Daniel Barrett

No. 02-3-01590-9 KNT

Contempt Hearing Order - REVIEW  
(ORCN)

Clerk's action required: **1, 8, 12**

**Contempt Hearing Order**

**1. Money Judgment Summary**

Summarize any money judgment from section **8** in the table below.

Judgment for	Debtor's name <i>(person who must pay money)</i>	Creditor's name <i>(person who must be paid)</i>	Amount	Interest
Lawyer fees and costs	Daniel Barrett	Noelle Barrett (NKA Woitt)	\$2,180.00	\$
<b>Yearly Interest Rate</b> for child support, medical support, and children's expenses: 12% . For other judgments: ____% (12% unless otherwise listed)				
<b>Lawyer (name):</b> Gregg Bradshaw		represents (name): <b>Noelle Barrett (NKA Woitt)</b>		
<b>Lawyer (name):</b>		represents (name):		

**2.** The court has considered the *Motion for Contempt Hearing* and any supporting documents, response from the other party, reply, and other documents from the court record identified by the court. A contempt hearing was held on (date): 4/25/19 and 6/10/19. Today's hearing was a review of compliance of these orders.

➤ **The Court Finds:**

**3. Support Payments** (child support, medical support, children's expenses, spousal support)

Does not apply. This contempt hearing did not cover support issues.



#### 4. Parenting Plan, Residential Schedule, or Custody Order

The parenting/custody order was partially obeyed by the mother, Noelle Woitt, as far as her own counseling is concerned.

The parenting/custody order was **not** obeyed. (Name): Daniel Barrett  
did **not** obey the following parts of the contempt orders regarding the parenting/custody order signed by the court on  
(date): 4/25/19 and 6/10/19 (check all that apply):

(Describe how the order was not obeyed, including dates and times):

Mr. Barrett acted in bad faith in not complying with the orders by failing to follow through with contacting Nexus despite the mother's efforts to support him in doing so. In addition, there was no evidence before the Court that Mr. Barrett engaged in counseling himself despite being ordered to do so. Mr. Barrett's compliance, however, is not at issue in this review hearing.

a. **Ability to follow orders in the past** – This person (check one): Noelle Barrett

was **not** able to follow the parenting/custody order. The failure to follow the order was not intentional.

Explain: The mother attempted to but was not able to fully comply with the court's orders regarding ensuring the child visits with her father. The child clearly did not want to visit with her father out of fear of emotional and physical abuse.

b. **Bad faith** – When this person did **not** obey the parenting/custody order, s/he:

(check one):  acted in bad faith.  did **not** act in bad faith.

Explain: The mother attempted to comply with the court orders but could not do so when the child refused to attend visitation with her father.

c. **Ability to follow orders now** – This person

(check one):  is  is **not** able to follow the parenting/custody order now.

(check one):  is  is **not** willing to follow the parenting/custody order.

Explain: Despite the mother's willingness to follow the court's orders, she is not able to ensure that the child visits with her father during her father's residential time. The child expressed a strong desire not to spend time with her father out of fear of being emotionally and physically abused. The declarations provided by the mother by the father's older children support the validity of the child's fear. The child is almost 18 years-old and does not appear to be residing with the mother or under her control in any way. Notably, the child has petitioned for emancipation in Pierce County Superior Court.

#### 5. Restraining Order or Other Order

Does not apply. This contempt hearing did not cover any restraining order or other orders.

#### 6. Lawyer fees and costs

The lawyer fees and costs listed in the Money Judgment in section **8** below were incurred and are reasonable. The court makes a finding that Mr. Barrett's issues and motions raised in his Declaration re Review Hearing were made in bad faith and

constitute intransigence. The Court is ordering attorney's fees based on this finding against Mr. Barrett.

➤ **The Court Orders:**

**7. Contempt**

(Name): Noelle Woitt

(check one):  is in contempt.  is not in contempt.

**8. Money Judgment**

The court orders the following money judgment (summarized in section **1** above):

Judgment for	Debtor's name (person who must pay money)	Creditor's name (person who must be paid)	Amount	Interest
<input checked="" type="checkbox"/> Lawyer fees and costs	Danei Barrett	Noelle Woit	\$2,180.00	\$

The **interest rate** for child support, medical support, and children's expenses is 12%.  
The interest rate for other judgments is 12% unless another amount is listed below.

**9. Make-up parenting time**

Does not apply.

**10. Jail time**

Does not apply.

**11. Contempt can be corrected (purged) if:**

Does not apply. This is a review hearing on the contempt order. Ms. Woitt was found to be in contempt, was given purge conditions, and has purged the contempt.

**12. Court review**

Does not apply. This hearing is a review hearing.

**13. Other orders (if any)** The Court incorporates its oral findings herein by reference.

**Ordered.**

10/17/19  
Date

  
Judge or Commissioner

**Petitioner and Respondent or their lawyers fill out below.**

This document (*check any that apply*):

- is an agreement of the parties
- is presented by me
- may be signed by the court without notice to me

This document (*check any that apply*):

- is an agreement of the parties
- is presented by me
- may be signed by the court without notice to me

\_\_\_\_\_  
*Petitioner signs here or lawyer signs here + WSBA #*

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*Respondent signs here or lawyer signs here + WSBA #*

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*Print Name*

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*Date*

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*Date*

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4 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
5 IN AND FOR THE COUNTY OF KING

6 In re the Marriage of :

7 NOELLE L. WOIT,  
8  
9 Petitioner

9 v.

10 DANIEL J. BARRETT,  
11  
12 Respondent.

NO. 02-3-01590-9 KNT

Order on Respondent's Motion for  
Reconsideration

13 THIS MATTER having come on regularly before the above-entitled Court on the  
14 Respondent's Motion for Reconsideration. The Respondent appearing pro se and the Petitioner  
15 appearing by and through her attorney of record, Greg Bradshaw, the Court having reviewed and  
16 considered the Respondent's Motion for Reconsideration, Proposed Order filed herein, and being  
17 otherwise fully advised in the premises,

18 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED the  
19 Respondent's Motion for Reconsideration is DENIED.

20 Dated this 5<sup>th</sup> day of November, 2019.

21   
22 \_\_\_\_\_  
23 JUDGE MAUREEN MCKEE  
24 KING COUNTY SUPERIOR COURT

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**IN THE SUPERIOR COURT OF WASHINGTON  
IN AND FOR THE COUNTY OF KING**

In re the Marriage of:

**No. 02-3-01590-9 KNT**

NOELLE L. WOIT

**ORDER ON REVISION**

Petitioner,

and

DANIEL J. BARRETT

[ X ] Clerk's Action Required

Respondent.

THIS MATTER CAME on for hearing three motions for revision filed by Respondent Daniel J. Barrett's. Combining all the motions and summarizing the issues into a succinct list, Barrett claimed commissioner error on the following matters:

- (1) Whether the mother should be found in contempt for six months of missed visitation during the pendency of the mother's Petition for Modification;
- (2) Whether the Petition for Modification was frivolous and an abuse of process such that CR 11 sanctions should imposed and whether a motion for CR 11 sanctions could be heard after dismissal of the mother's Petition for Modification on the Status Conference calendar;
- (3) Whether court ordered counseling should be with psychologist Paula van Pul who specializes in reunification and abuse cases or who a counselor who specializes in drug abuse and runaway teens.
- (4) Whether a sworn itemized affidavit filed by the father is sufficient to support an award of costs and fees under RCW 26.09.160(2)(b)(ii).

**FINDINGS**

The commissioner was correct in her finding that the mother was not in contempt for the six months of visitation the father voluntarily chose not to exercise.

**ORDER ON MOTION FOR REVISION – 1**

Judge Catherine Moore  
King County Superior Court  
401 4<sup>th</sup> Avenue North  
Kent, WA 98032

**ORIGINAL**

**A-021**

- 1  While the prosecution of the Petition for Modification should have been better  
2 managed, it was neither frivolous nor an abuse of process, and it was not brought for  
3 the purpose of harassment or delay. There is no basis to award CR 11 sanctions for  
4 the filing of the Petition for Modification.
- 5  The court still retained jurisdiction to hear a CR 11 motion after dismissal of the  
6 modification petition on the status conference calendar as there is on-going litigation in  
7 this matter. The status conference calendar was not the appropriate calendar to argue  
8 the CR 11 issue.
- 9  The psychologist Paula van Pul appears better qualified to provide the reunification  
10 counseling needed by these parties and does not have a long term established  
11 counseling relationship with the father that would prohibit her from working jointly with  
12 the father and his daughter.
- 13  RCW 26.09.160(2)(b)(ii) mandates the payment of the prevailing party's costs and  
14 reasonable attorney fees in a contempt action. An itemized declaration of costs and  
15 fees by the father when prevailing on contempt is sufficient to award such costs and  
16 fees. LFLR 10 requires parties to demonstrate their actual financial income, financial  
17 status and expenses in order to determine child support, alimony and/or awards of  
18 attorney fees which are often based upon "need and ability to pay". Such LFLR 10  
19 documents help the court determine if a party needs help and a party has the ability  
20 to pay attorney fees. As such, LFLR 10 is inapplicable because the issue of need  
21 vs. ability is irrelevant to the court's duty to award attorney fees. The testimony of the  
22 father as to his costs incurred on a prevailing contempt motion is sufficient alone,  
23 just like a Declaration of Fees by an attorney is sufficient evidence on its own and  
24 the attorney is not required to get extra billing statements or declaration of billing  
25 from a paralegal directly. The attorney testifies to all costs/billing incurred. So, does  
26 a pro se.
- Paralegal fees are akin to attorney fees and, as such, they must be reasonable. For  
the court to assess reasonableness, the prevailing party must submit an itemized  
declaration of fees. The prevailing party must also submit an itemized declaration of  
costs. The father has submitted a declaration of fees and costs in the amount of  
\$1290.00 for the original contempt and the reconsideration motion. This amount is  
reasonable.

21 **IT IS ORDERED**

- 22  The motions are granted as follows:
- 23  Paula van Pul shall be the father and daughter's reunification counselor upon her  
24 submission of a declaration that her work with the parties is not a violation of her

25 **ORDER ON MOTION FOR REVISION – 2**

26 Judge Catherine Moore  
King County Superior Court  
401 4<sup>th</sup> Avenue North  
Kent, WA 98032

**A-022**

1 ethical duties.

2  The father is awarded \$1290.00 in fees and costs for his contempt action and  
reconsideration before Commissioner Wagner.

3  The court's oral ruling is incorporated herein.

4  
5 **Dated August 26, 2019.**

6   
7 *Judge Catherine Moore*  
8 *King County Superior Court*

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24 **ORDER ON MOTION FOR REVISION – 3**

25 Judge Catherine Moore  
King County Superior Court  
401 4<sup>th</sup> Avenue North  
26 Kent, WA 98032

**A-023**

2/25/11

File 4  
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**IN THE SUPERIOR COURT OF WASHINGTON  
FOR THE COUNTY OF KING**

In re the marriage of:	)	Case No. 02-3-01590-9 KNT
Noelle Barrett, Petitioner	)	<b>ORDER ON SHOW CAUSE RE CONTEMPT/JUDGMENT (ORCN) <i>Proposed</i></b>
and	)	
Daniel Barrett, Sr, Respondent	)	

**I. Judgment Summary**

[X] Does not apply.

**II. Findings and Conclusions**

***This Court Finds:***

**2.1 Compliance With Court Order**

Noelle Barrett [X] <sup>*did not*</sup> intentionally failed to comply with a lawful order of the court dated on 1/4/10. *25*

**2.2 Nature of Order**

The order is related to [X] parenting plan (custody/visitation).

**2.3 How the Order was Violated**

[X] This order was <sup>*not*</sup> violated in the following manner. Daniel Barrett was not allowed his residential time as described in the motion/declaration for order to show cause. The total days that he was denied is three days.

**2.4 Past Ability to Comply With Order**

~~Noelle Barrett had the ability to comply with the order as follows:~~  
*Does not apply. There is no contempt found.*



1 She knew of the terms of the order and the requirements in it. She knew of her duties un-  
2 der the parenting plan.

3 **2.5 Present Ability and Willingness to Comply With Order**

*Does not apply. No contempt was found.*

4 Noelle Barrett has the present ability to comply with the order as follows:

5 ~~She knows of the terms of the order and she has presented no reason to the court that~~  
6 ~~could excuse her from her obligation to comply with its residential terms.~~

7 **2.6 Back Child Support/Medical Support/Other Unpaid Obligations/Maintenance**

8  Back child support/medical support/child care, educational expenses, transporta-  
9 tion expenses, or other special expenses/maintenance is not addressed in the contempt motion.

10 **2.7 Compliance With Parenting Plan**

11  Noelle Barrett has ~~not~~ complied with

12  the residential (visitation) provisions of the parenting plan, and had the  
13 ~~ability to comply with the parenting plan, and is currently unwilling to comply. The non-~~  
14 ~~compliance with the residential provisions [X] was in bad faith.~~

15 **2.8 Attorney Fees and Costs**

16  Does not apply.

17  
18 **III. Order and Judgment**

19 **It is Ordered:**

20 **3.1 Contempt Ruling**

21 Noelle Barrett is <sup>NOT</sup> in contempt of court.

22 **3.2 Imprisonment**

23  Does not apply.

24 **3.3 Additional Residential Time**

25 *the court finds that the father was to have 7 days over the winter*  
26  Dan Barrett, Sr. shall have additional residential time as follows:  
27 *break. Because of the parenting plan, he lost 1 of those days.*  
28 *the court is ordering that he shall make that day up by getting Friday an visitation of his choosing. He has chosen to take that on Feb. 25, 2011 to go through the regularly scheduled weekend.*

1 **3.4 Judgment for Past Child Support**

2  Does not apply.

3 **3.5 Judgment for Past Medical Support**

4  Does not apply.

5 **3.6 Judgment for Other Unpaid Obligations**

6  Does not apply.

7 **3.7 Judgment for Past Maintenance**

8  Does not apply.

9 **3.8 Conditions for Purging the Contempt**

10  ~~The contemnor may purge the contempt as follows.~~  
*Does not apply*

11 ~~Noelle Barrett shall provide the additional days of residential time as ordered by this~~  
12 ~~court.~~

13 ~~Noelle Barrett shall comply with the parenting plan residential provisions.~~

14 ~~Noelle Barrett shall pay the \$100.00 statutory penalty to Dan Barrett within seven days of~~  
15 ~~the date of this order.~~

16 **3.9 Attorney Fees and Costs**

17  Does not apply.

18 **3.10 Review Date**

19  Does not apply.

20 **3.11 Other:** *the court finds that the respondent appears to like being in court. this matter could have been resolved by more proper means. the court finds the testimony of respondent is credible in that the court does not believe respondent went to the house on 1/8/11 and forced the child and just chose to not ring the doorbell.*  
21  Does not apply.

22 **3.12 Summary of RCW 26.09.430 - .480, Regarding Relocation of a Child**

23 This is a summary only. For the full text, please see RCW 26.09.430 through 26.09.480.

24 If the person with whom the child resides a majority of the time plans to move, that person shall give notice to every person entitled to court ordered time with the child.

25 If the move is outside the child's school district, the relocating person must give notice by personal service or by mail requiring a return receipt. This notice must be at least 60 days before the intended move. If the relocating person could not have known about the move in time to give 60 days' notice, that person must give notice within 5 days after learning of the move. The notice must contain the information required in RCW 26.09.440. See also form DRPSCU 07.0500, (Notice of Intended Relocation of A Child).

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If the move is within the same school district, the relocating person must provide actual notice by any reasonable means. A person entitled to time with the child may not object to the move but may ask for modification under RCW 26.09.260.

Notice may be delayed for 21 days if the relocating person is entering a domestic violence shelter or is moving to avoid a clear, immediate and unreasonable risk to health and safety.

If information is protected under a court order or the address confidentiality program, it may be withheld from the notice.

A relocating person may ask the court to waive any notice requirements that may put the health and safety of a person or a child at risk.

Failure to give the required notice may be grounds for sanctions, including contempt.

**If no objection is filed within 30 days after service of the notice of intended relocation, the relocation will be permitted and the proposed revised residential schedule may be confirmed.**

A person entitled to time with a child under a court order can file an objection to the child's relocation whether or not he or she received proper notice.

An objection may be filed by using the mandatory pattern form WPF DRPSCU 07.0700, (Objection to Relocation/Petition for Modification of Custody Decree/Parenting Plan/Residential Schedule). The objection must be served on all persons entitled to time with the child.

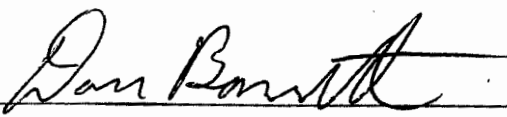
The relocating person shall not move the child during the time for objection unless: (a) the delayed notice provisions apply; or (b) a court order allows the move.

If the objecting person schedules a hearing for a date within 15 days of timely service of the objection, the relocating person shall not move the child before the hearing unless there is a clear, immediate and unreasonable risk to the health or safety of a person or a child.

**Warning:** Violation of residential provisions of this order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under RCW 9A.40.060(2) or 9A.40.070(2). Violation of this order may subject a violator to arrest.

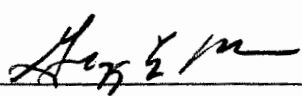
Dated: 2/25/2011

  
Judge/Commissioner

Presented by:  


Approved for entry:  
Notice of presentation waived:

Dan Barrett, Complaining Party

  
Noelle Barrett, contemnor  
Gregg E. Brathwaite, #21291  
Attorney for Relocator

7/23/11

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SUPERIOR COURT OF WASHINGTON  
COUNTY OF KING

In re the Marriage of:

NOELLE BARRETT (NKA WOITT)  
Petitioner,

and

DANIEL BARRETT,  
Respondents.

NO. 02-3-01590-9 KNT

~~PROCEED~~  
ORDER RE: REVISION

ORDER

THIS MATTER having come before the court on the motion of the Petitioner, it is hereby

ORDERED, ADJUDGED AND DECREED: that the Order on Show Cause Re Contempt/Judgement dated June 23, 2011 is revised as follows:

1. The 4 'make-up' days are ~~stricken~~ <sup>revised</sup> ~~to~~ <sup>2</sup> make-up days are ordered.
2. The language concerning the re-setting of the weekends after holidays is ~~stricken~~ <sup>revised</sup>.
3. The language requiring mediation before any contempt action may be brought is stricken. The parties must still follow the mediation language in the parenting plan.
4. ~~Noelle Weit is awarded judgment against Daniel Barrett in the amount of \$ \_\_\_\_\_ for having to defend this action.~~

~~2. After the priority events is over, the parent who did not~~

1 have the child the previous weekend shall have the  
2 child for that very next weekend. The "every other week"  
3 shall then continue <sup>from you on.</sup> ~~from that very next weekend.~~  
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12 DATED this 22<sup>nd</sup> day of July, 2011.

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15 JUDGE JEAN REITSCHTEL

16 Presented by:

17   
18 Gregg E. Bradshaw WSBA#21299  
19 Attorney for Petitioner

20 Approved as to form:

21   
22 Received Copy Dan Barrett  
23 Daniel Barrett  
24 Respondent

7/22/16 Order.  
Noelle In Contempt.

**Superior Court of Washington, County of King**

In re the Marriage of:		No. <b>02-3-01590-9 KNT</b>  Contempt Hearing Order (ORCN)  <input type="checkbox"/> Clerk's action required: <b>1, 8, 12</b>
NOELLE L. WOIT	Petitioner,	
and		
DANIEL J. BARRETT	Respondent.	

**Contempt Hearing Order**

**1. Money Judgment Summary**

- No money judgment is ordered.  
 Summarize any money judgment from section 8 in the table below.

Judgment for	Debtor's name (person who must pay money)	Creditor's name (person who must be paid)	Amount	Interest
<del>Costs</del>	<del>Noelle Lyn Voit</del>	<del>Daniel J. Barrett</del>	<del>\$ 400</del>	<del>\$</del>
Sanction	Noelle Lyn Voit	Daniel J. Barrett	250 <del>\$ 200</del>	
<del>Sanctions</del>	<del>Attorney Greg Eugene Bradshaw</del>	<del>Daniel J. Barrett</del>	<del>\$ 500</del>	<del>\$</del>
<del>Sanctions</del>	<del>Attorney Gregg Eugene Bradshaw</del>	<del>King County Superior Court Clerk</del>	<del>\$ 250</del>	<del>\$</del>
Yearly Interest Rate for judgments: ___% (12% unless otherwise listed)				
Lawyer (name): <b>Gregory Bradshaw</b>		represents (name): <b>Noelle Voit</b>		
Lawyer (name):		represents (name):		

- 2.** The court has considered the *Motion for Contempt Hearing* and any supporting documents, response from the other party, reply, and other documents from the court record identified by the court. A contempt hearing was held on July 22, 2016.

1 Parenting Time Schedule (residential provisions).

2 The parenting/custody order was not obeyed as follows:

3 *The father did not receive visitation on Wednesday June 22, 2016*  
4 As described in the Motion for Contempt Hearing.

5 a. **Ability to follow orders in the past** – This person:

6 was able to follow the parenting/custody order. The failure to follow the order was intentional.

7 Explain: *the mother did not encourage*  
8 *insist that the child go on*  
9 *the visitation per court order.*

10 The father did not get his Wednesday visit as per the court order.

11 b. **Bad faith** – When this person did **not** obey the parenting/custody order, s/he:  
12 did **not** act in bad faith.

13 Explain: *the mother did not insist that the child go on the*  
14 *visit.*

15 The child refused to go with the father. ~~The mother could not physically force the~~  
16 ~~child to go. The behavior of the father caused this conflict.~~ *the mother did not*

17 c. **Ability to follow orders now** – This person  
18 **is able** to follow the parenting/custody order now.  
19 **is willing** to follow the parenting/custody order.

20 Explain:

21 **5. Restraining Order or Other Order**

22 Does not apply. This contempt hearing did not cover any restraining order or other  
23 orders.

24 **6. Lawyer fees and costs**

Does not apply.

**The Court Orders:**

**7. Contempt**

Noelle Voit

is ~~not~~ in contempt.

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8. Money Judgment

Does not apply. No money judgment is ordered.

*against the mother  
Respondent/Father is awarded \$250 in sanctions for this contempt finding.*

9. Make-up parenting time

Does not apply.

10. Jail time

Does not apply.

11. Contempt can be corrected (purged) if:

*the mother follows the parenting plan. Father is to receive make up  
Does not apply. day that is to be set in the next 30 days. Father gets to choose the  
day. He shall send an email to the mother and her attorney identifying the  
day.*

12. Court review

Does not apply.

13. Other orders

*with any further court actions responses or replies are not allowed to be done  
by email unless there is a written agreement filed in the case. Any violations of this  
will result in sanctions.*

Ordered.

Date

*7-22-16*

Judge or Commissioner



Petitioner and Respondent or their lawyers fill out below.

This document:  
is presented by me

This document:  
may be signed by the court without notice to me

*Gregg E. Bradshaw #21299*  
Petitioner signs here or lawyer signs here + WSBA #

Respondent signs here or lawyer signs here + WSBA #

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5/24/18

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Superior Court of Washington, County of KING

In re:	No. 02-3-01590-9 KNT
Petitioner:	<u>Contempt Hearing Order</u> (ORCN)
NOELLE LYNN BARRETT (NKA WOIT)	[ ] Clerk's action required: <b>1, 8, 12</b>
And Respondent:	
DANIEL J. BARRETT	

Contempt Hearing Order

1. Money Judgment Summary

[ ] No money judgment is ordered.

[X] Summarize any money judgment from section 8 in the table below.

Judgment for	Debtor's name (person who must pay money)	Creditor's name (person who must be paid)	Amount	Interest
Past due child support from to			\$	\$
Past due medical support from to			\$	\$
Past due children's expenses from to			\$	\$
Past due spousal support from to			\$	\$
Civil penalty	<i>Noelle Lynn Barrett</i>	<i>Daniel Barrett</i>	\$	\$
Lawyer fees and costs	Daneil Barrett	Noelle Woitt	\$ 150	\$

RCW 26.09.160, 7.21.010  
Mandatory Form (05/2016)  
FL All Family 167

Contempt Hearing Order  
p. 1 of 8

Gregg E. Bradshaw  
1011 E. Main, Ste 455  
Puyallup, WA 98372  
253-864-3061

A-033

Other:		\$	\$
Yearly Interest Rate for child support, medical support, and children's expenses: 12% .			
For other judgments: % (12% unless otherwise listed)			
Lawyer (name): Gregg E. Bradshaw represents (name): Noelle Voit			
Lawyer (name): Pro Se represents (name):			

2. The court has considered the *Motion for Contempt Hearing* and any supporting documents, response from the other party, reply, and other documents from the court record identified by the court. A contempt hearing was held on (date): May 24, 2018.

*This judgment shall be offset by any amounts the Respondent owes this court.*

**The Court Finds:**

**3. Support Payments** (child support, medical support, children's expenses, spousal support)

Does not apply. This contempt hearing did not cover support issues.

Support orders were obeyed. No support payments are past due.

Support orders were **not** obeyed. (Name): \_\_\_\_\_ did **not** obey the following order(s) signed by the court on (date): \_\_\_\_\_ (check all that apply):

The child support order to (check all parts of the order that were not obeyed):

Pay the monthly child support payment.

Provide or pay for medical support for the children (health insurance or health care costs not covered by insurance).

Pay for the children's day care, education, transportation, and other expenses.

The spousal support (maintenance) order.

This person did not pay the other party support payments required by court order in the amounts and for the dates described in the Money Judgment in section 8 below.

**a. Ability to follow orders in the past** – This person (check one):

was able to follow the order/s checked above. The failure to follow the order/s was intentional.

was **not** able to follow the order/s checked above. The failure to follow the order/s was not intentional.

Explain:

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b. Ability to follow orders now – This person

(check one):  is  is **not able** to follow the orders now.

(check one):  is  is **not willing** to follow the orders.

Explain:

Other findings:

4. Parenting Plan, Residential Schedule, or Custody Order

Does not apply. This contempt hearing did not cover parenting/custody issues.

The parenting/custody order was obeyed.

The parenting/custody order was **not** obeyed. (Name): Noelle Woitt did **not** obey the following parts of the parenting/custody order signed by the court on (date): April 7, 2018 (check all that apply):

Parenting Time Schedule (residential provisions).

Decision-Making

Dispute Resolution (Mediation, Counseling, or Arbitration requirement for disagreements)

Other parts of the parenting/custody orders

The parenting/custody order was not obeyed as follows (check one):

As described in the *Motion for Contempt Hearing*.

(Describe how the order was not obeyed, including dates and times):

a. Ability to follow orders in the past – This person (check one):

was able to follow the parenting/custody order. The failure to follow the order was intentional.

1 [ ] was **not** able to follow the parenting/custody order. The failure to follow the  
2 order was not intentional.

3 *Explain:*

4  
5 **b. Bad faith** – When this person did **not** obey the parenting/custody order, s/he:

6 *(check one):* [ ] acted in bad faith. [X] did **not** act in bad faith.

7 *Explain:*

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10 **c. Ability to follow orders now** – This person

11 *(check one):* [X] is [ ] is **not able** to follow the parenting/custody order now.

12 *(check one):* [X] is [ ] is **not willing** to follow the parenting/custody order.

13 *Explain:*

14  
15 [X] Other findings: 1. As per the July 22, 2011 Order of Judge David's,  
16 the mother's weekend was April 7+8. The father had visitation  
17 on March 24+25, AND EASTER WEEKEND ON MARCH 30+31 to  
18 SPRING BREAK FROM March APR 1  
19 6, 2018.

5. **Restraining Order or Other Order**

18 [X] Does not apply. This contempt hearing did not cover any restraining order or other  
19 orders. \*SEE P.8.

20 [ ] The *(check all that apply):* [ ] restraining order [ ] other order  
21 *(specify):* was obeyed.

22 [ ] *(Name):* did **not** obey the following order signed by the court on  
23 *(date):*

*(specify order):*

24 This order was not obeyed as follows *(check one):*

1 [ ] As described in the *Motion for Contempt Hearing*.

2 [ ] (*Describe how the order was not obeyed, including dates and times*):

3  
4 a. **Ability to follow order in the past** – This person (*check one*):

5 [ ] **was** able to follow this order. The failure to follow this order was intentional.

6 [ ] **was not** able to follow this order. The failure to follow this order was not  
7 intentional.

8 *Explain:*

9  
10 b. **Ability to follow orders now** – This person

11 (*check one*): [ ] **is** [ ] **is not able** to follow this order now.

12 (*check one*): [ ] **is** [ ] **is not willing** to follow this order.

13 *Explain:*

14 [ ] Other findings:

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16 **6. Lawyer fees and costs**

17  Does not apply.

18  The lawyer fees and costs listed in the Money Judgment in section **8** below were  
19 incurred and are reasonable.

20 [ ] Other findings:

**The Court Orders:**

**7. Contempt**

(Name): Noelle Voit

(check one):  is in contempt.  is not in contempt. *for the weekend of March 30, 31, 2018*  
*for the weekend of the 14th of April 2018* *or for the travel to the Sports Medicine Camp.*

**8. Money Judgment**

Does not apply. No money judgment is ordered.

The court orders the following money judgment (summarized in section 1 above):

Judgment for	Debtor's name (person who must pay money)	Creditor's name (person who must be paid)	Amount	Interest
<input type="checkbox"/> Past due child support from _____ to _____			\$	\$
<input type="checkbox"/> Past due medical support (health insurance & health care costs not covered by ins.) from _____ to _____			\$	\$
<input type="checkbox"/> Past due children's expenses for: <input type="checkbox"/> day care <input type="checkbox"/> education <input type="checkbox"/> long-distance transp <input type="checkbox"/> other from _____ to _____			\$	\$
<input type="checkbox"/> Past due spousal support from _____ to _____		Noelle (nka voit)	\$	\$
<input checked="" type="checkbox"/> Civil penalty (At least \$100 for 1 <sup>st</sup> violation of a parenting/custody order; at least \$250 for 2 <sup>nd</sup> violation within 3 years.)	Noelle Voit	Daniel Barrett	\$ 150	\$
<input checked="" type="checkbox"/> Lawyer fees and costs	Daniel Barrett	Noelle Voit	\$	\$
<input type="checkbox"/> Other (specify):			\$	\$

*\* this shall be offset from the monies that Daniel Barrett owes Noelle Voit and is considered paid.*

1 The **interest rate** for child support, medical support, and children's expenses is 12%.  
2 The interest rate for other judgments is 12% unless another amount is listed below.

3 [ ] The Interest rate for other judgments is % because (*explain*):  
4

5 [ ] Other:  
6

7 **9. Make-up parenting time**

8  Does not apply.

9  (Name): Daniel Barrett will have make-up parenting time as follows (*specify dates*  
10 *and times*): June 8, 9, + 10, 2018.

11 **10. Jail time**

12  Does not apply.

13 [ ] (Name): Noelle Voit must serve (number): days in the (name of  
14 county): County Jail.

15 [ ] Jail time is suspended (postponed) under these conditions:  
16

17 The court will review compliance with these conditions at the review hearing set in  
18 section **12** below.

19 [ ] Jail time starts (*check one*): [ ] immediately [ ] on (*date*): S/He must  
20 report to the jail on this date. The detainee must be released from jail as soon as  
s/he satisfies the conditions listed in section **11** below.

21 **11. Contempt can be corrected (purged) if:**

22  Does not apply.

23 [ ] (Name): Noelle Voit does the following (*specify*):  
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12. Court review

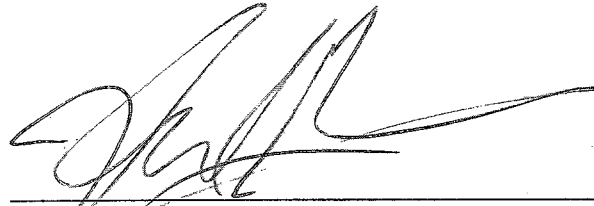
Does not apply.

The court will review this case on (date): \_\_\_\_\_ at (time): \_\_\_\_\_ [ ] a.m. [ ] p.m.  
in (Court, Room/Dept.): \_\_\_\_\_  
(If you check this box, also check the "Clerk's action required" box on page 1.)

13. Other orders (if any)

Ordered.

5-24-18



Date

Judge or Commissioner

MARK J. HILLMAN

Petitioner and Respondent or their lawyers fill out below.

This document (check any that apply):

- is an agreement of the parties
- is presented by me
- may be signed by the court without notice to me

This document (check any that apply):

- is an agreement of the parties
- is presented by me
- may be signed by the court without notice to me

 21299  
Petitioner signs here or lawyer signs here + WSBA #

Refused to sign  
Respondent signs here or lawyer signs here + WSBA #

Gregg. E. Bradshaw  
Print Name

5.24.18  
Date

Daniel Barrett  
Print Name

Date

The court finds that this is the only way to read the court order, otherwise the party gets 3 weeks in a row.  
2. the court finds no contempt for the weekend of March 30+31. the mother did make reasonable efforts to get Anna to attend and met the requirements of Rideout  
3. the court finds that the sports medicine camp is ~~not~~ educational but rather is extracurricular and does not require joint decision making. the mother is not in contempt for the travel to the sports medicine camp.



**SUPERIOR COURT OF THE STATE OF WASHINGTON  
KING COUNTY**

BARRETT, NOELLE L V  
Petitioner

vs

BARRETT, DANIEL J  
Respondent

NO. 02-3-01590-9 KNT

**Order On Motion for Revision**

The above-entitled Court, having heard Respondent's motion for Revision of Commissioner Hillman's Order dated July 19, 2018. The Court has considered the pleadings filed in this matter and the oral arguments of both parties. Many assignment of errors were alleged in the revision motion,

IT IS HEREBY ORDERED that This matter be REMANDED to the Family Law Commissioner for consideration of the appropriate remedy for a violation under *Marriage of Rideout*, 150 Wn.2d 337, (2003). Other assignments of error which shall be considered on REMAND, to include (a) the award of costs and, (b) the number of make-up days.

Dated: September 14, 2018.



\_\_\_\_\_  
Judge Monica J. Benton

**A-041**

FAM02

Superior Court of Washington, County of KING

In re:

Petitioner:

NOELLE LYNN BARRETT  
WOITT

And Respondent:

DANIEL J. BARRETT

No. 02-3-01590-9 KNT

Contempt Hearing Order  
(ORCN)

Clerk's action required: **1, 8, 12**

Contempt Hearing Order

1. Money Judgment Summary

[ ] No money judgment is ordered.

[X] Summarize any money judgment from section 8 in the table below.

Judgment for	Debtor's name (person who must pay money)	Creditor's name (person who must be paid)	Amount	Interest
Past due child support from to			\$	\$
Past due medical support from to			\$	\$
Past due children's expenses from to			\$	\$
Past due spousal support from to			\$	\$
Civil penalty	Noelle Woitt	Daniel Barrett	\$ 250.00	-
Lawyer fees and costs	Daniel Barrett	Noelle Woitt	\$	\$

RCW 26.09.160, 7.21.010  
Mandatory Form (05/2016)  
FL All Family 167

Contempt Hearing Order

Gregg E. Bradshaw  
1011 E. Main, Ste 455  
Puyallup, WA 98372  
253-864-3061

A-042

Other:			\$	\$
<b>Yearly Interest Rate</b> for child support, medical support, and children's expenses: 12% .				
For other judgments: % (12% unless otherwise listed)				
<b>Lawyer (name):</b> Gregg E. Bradshaw represents (name): Noelle Voit				
<b>Lawyer (name):</b> Pro Se represents (name): <i>Daniel Bennett</i>				

2. The court has considered the *Motion for Contempt Hearing* and any supporting documents, response from the other party, reply, and other documents from the court record identified by the court. A contempt hearing was held on (date): ~~May 24, 2018~~ *April 29 2019*

*25*

**The Court Finds:**

3. **Support Payments** (child support, medical support, children's expenses, spousal support)

Does not apply. This contempt hearing did not cover support issues.

Support orders were obeyed. No support payments are past due.

Support orders were **not** obeyed. (Name): \_\_\_\_\_ did **not** obey the following order(s) signed by the court on (date): \_\_\_\_\_ (check all that apply):

The child support order to (check all parts of the order that were not obeyed):

Pay the monthly child support payment.

Provide or pay for medical support for the children (health insurance or health care costs not covered by insurance).

Pay for the children's day care, education, transportation, and other expenses.

The spousal support (maintenance) order.

This person did not pay the other party support payments required by court order in the amounts and for the dates described in the Money Judgment in section 8 below.

a. **Ability to follow orders in the past** – This person (check one):

**was** able to follow the order/s checked above. The failure to follow the order/s was intentional.

**was not** able to follow the order/s checked above. The failure to follow the order/s was not intentional.

Explain:

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**b. Ability to follow orders now – This person**

(check one):  is  is **not able** to follow the orders now.

(check one):  is  is **not willing** to follow the orders.

Explain:

Other findings:

**4. Parenting Plan, Residential Schedule, or Custody Order**

Does not apply. This contempt hearing did not cover parenting/custody issues.

The parenting/custody order was obeyed.

The parenting/custody order was **not** obeyed. (Name): Noelle Woitt did **not** obey the following parts of the parenting/custody order signed by the court on (date): 10-13-18 (check all that apply):

Parenting Time Schedule (residential provisions).

Decision-Making

Dispute Resolution (Mediation, Counseling, or Arbitration requirement for disagreements)

Other parts of the parenting/custody orders

The parenting/custody order was not obeyed as follows (check one):

As described in the *Motion for Contempt Hearing*.

(Describe how the order was not obeyed, including dates and times):

*the father did not have visitation on his weekend of Oct. 13, 2018.*

**a. Ability to follow orders in the past – This person (check one):**

**was** able to follow the parenting/custody order. The failure to follow the order was intentional.

[ ] was **not** able to follow the parenting/custody order. The failure to follow the order was not intentional.

Explain:

b. **Bad faith** – When this person did **not** obey the parenting/custody order, s/he:

(check one):  acted in bad faith.  did **not** act in bad faith.

Explain: *the mother did not coerce Ama to go on the visitation on 10/13/2018.*

c. **Ability to follow orders now** – This person

(check one):  is [ ] is **not able** to follow the parenting/custody order now.

(check one):  is [ ] is **not willing** to follow the parenting/custody order.

Explain: *The parenting plan remains in effect the court has no authority to change. Parties to follow residential schedule pursuant to plan.*

Other findings: *The court could not find the mother intentionally and willfully violated the parenting plan after 10/13/2018 as there was a court order temporarily in place and after the expiration of the order there was no evidence presented that the father missed time.*

5. **Restraining Order or Other Order**

Does not apply. This contempt hearing did not cover any restraining order or other orders.

[ ] The (check all that apply): [ ] restraining order [ ] other order was obeyed.

[ ] (Name): did not obey the following order signed by the court on (date):

(specify order):

This order was not obeyed as follows (check one):

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As described in the *Motion for Contempt Hearing*.

(Describe how the order was not obeyed, including dates and times):

a. **Ability to follow order in the past** – This person (check one):

was able to follow this order. The failure to follow this order was intentional.

was **not** able to follow this order. The failure to follow this order was not intentional.

*Explain:*

b. **Ability to follow orders now** – This person

(check one):  is  is **not able** to follow this order now.

(check one):  is  is **not willing** to follow this order.

*Explain:*

Other findings:

**6. Lawyer fees and costs**

Does not apply.

The lawyer fees and costs listed in the Money Judgment in section **8** below were incurred and are reasonable.

Other findings: *Denied. The court is not awarding attorney fees + costs to either party.*

1 **The Court Orders:**

2 **7. Contempt**

3 (Name): Noelle Woitt

4 (check one):  is in contempt.  is not in contempt.

5 **8. Money Judgment**

6  Does not apply. No money judgment is ordered.

7  The court orders the following money judgment (summarized in section 1 above):

8

Judgment for	Debtor's name (person who must pay money)	Creditor's name (person who must be paid)	Amount	Interest
<input type="checkbox"/> Past due child support from _____ to _____			\$	\$
<input type="checkbox"/> Past due medical support (health insurance & health care costs not covered by ins.) from _____ to _____			\$	\$
<input type="checkbox"/> Past due children's expenses for: <input type="checkbox"/> day care <input type="checkbox"/> education <input type="checkbox"/> long-distance transp <input type="checkbox"/> other from _____ to _____	Noelle Woitt	Noelle Woitt	\$	\$
<input type="checkbox"/> Past due spousal support from _____ to _____	Noelle Woitt	Noelle Woitt	\$	\$
<input checked="" type="checkbox"/> Civil penalty (At least \$100 for 1 <sup>st</sup> violation of a parenting/ custody order; at least \$250 for 2 <sup>nd</sup> violation within 3 years.)	Noelle Woitt	Daniel Barrett	\$250	\$
Lawyer fees and costs	Daniel Barrett	Noelle Woitt	\$	\$
<input type="checkbox"/> Other (specify):			\$	\$

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The **interest rate** for child support, medical support, and children's expenses is 12%.  
The interest rate for other judgments is 12% unless another amount is listed below.

[ ] The Interest rate for other judgments is % because (explain):

[ ] Other:

**9. Make-up parenting time**

Does not apply.

(Name): *Daniel Barrett* will have make-up parenting time as follows (specify dates and times): *In the form of counseling as recommended and by the counselor within 7 days, each party shall submit up to 3 proposed counselors for Ama. The court will then decide who shall do the counseling - the notice to the court shall include*

**10. Jail time**

Does not apply. *Denied. But court reserves jail time*

[ ] (Name): Noelle Voit must serve (number): days in the (name of county): County Jail. *for the review hearing in the event*

[ ] Jail time is suspended (postponed) under these conditions:

The court will review compliance with these conditions at the review hearing set in section **12** below.

[ ] Jail time starts (check one): [ ] immediately [ ] on (date): S/He must report to the jail on this date. The detainee must be released from jail as soon as s/he satisfies the conditions listed in section **11** below.

**11. Contempt can be corrected (purged) if:**

Does not apply.

(Name): Noelle Voit does the following (specify): *Involves herself in counseling to help with co-parenting in high conflict ~~relationships~~ relationships. Mr. Barrett shall enroll in the same counseling for himself. The cost of this counseling shall be paid by each individual for their own counseling.*



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12. Court review

Does not apply.

The court will review this case on (date): June 6, 2019 at (time): 9:00  a.m. [ ] p.m.  
in (Court, Room/Dept.):  
(If you check this box, also check the "Clerk's action required" box on page 1.)

13. Other orders (if any)

name, address, phone number and information on the proposed counselors;  
information on what insurance covers; information including  
Anna's activities and work schedule. Each parent to provide  
Make-up time shall be in a safe space with Anna's counselor.  
the court wants at least 1 session with Anna and her counselor  
before Mr. Barrett is introduced.

Neither parent is to communicate with Anna's counselor without  
her permission. Anna is 17 and can deny either parent access  
to her health records. The only communication is to facilitate  
counseling.

The cost of this counseling shall be borne proportionally  
as per the child support order.

The court is denying other requests for evaluations, jail time,

there is no need to note or confirm the review  
hearing set for June 6, 2019.

Each party shall provide their documents  
as to compliance for the next hearing as  
follows:

Petitioner's documents are due by May 31<sup>st</sup>, 2019  
providing proof of engagement in counseling for  
Mother and Anna. Respondent's documents due on  
May 31, 2019 engagement.

Strict  
reply  
of both  
parties

A-049

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Ordered.

4/25/2019  
Date

Nicole M. Wagner  
Judge or Commissioner

NICOLE M. WAGNER

**Petitioner and Respondent or their lawyers fill out below.**

This document (check any that apply):  
 is an agreement of the parties  
 is presented by me  
 may be signed by the court without notice to me

This document (check any that apply):  
 is an agreement of the parties  
 is presented by me  
 may be signed by the court without notice to me

Gregg E. Bradshaw 21299  
Petitioner signs here or lawyer signs here + WSBA #

refused to sign  
Respondent signs here or lawyer signs here + WSBA #

Gregg. E. Bradshaw 4-25-2019  
Print Name Date

Daniel Barrett  
Print Name Date

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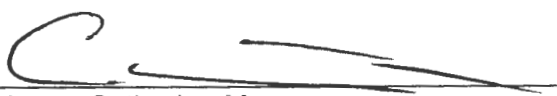
IN THE SUPERIOR COURT OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

In re the Marriage of:  
NOELLE L. WOIT  
  
Petitioner,  
  
and  
DANIEL J. BARRETT  
  
Respondent.

No. 02-3-01590-9 KNT  
  
ORDER ON REVISION

THIS MATTER CAME on for hearing Respondent Daniel J. Barrett's Motion for Revision of Commissioner Wagner's 11/6/2018 denial of his contempt motion. After review of the Respondent's motion for revision, the record before the Commissioner, and the court file, the Court finds that the 11/06/2018 Order Denying Contempt should be reversed in part and affirmed in part. Therefore, it is ORDERED: the motion for revision is granted in part and denied in part. The Court enters a separate Order of Contempt that is incorporated by reference herein.

Dated this 30<sup>th</sup> day of May 2019

  
Judge Catherine Moore

1 **Petitioner and Respondent or their lawyers fill out below.**

2 Presented by:

Approved for entry:

3  
4 *Daniel J. Barrett, pro se*  
*Respondent*

*Date*

*Gregg E. Bradshaw, WSBA # 21299*  
*Attorney for Petitioner*

*Date*

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7 *Noelle L. Voit*  
*Petitioner*

*Date*

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**Superior Court of Washington, County of King**

In re the Marriage of:

NOELLE L. WOIT

Petitioner,

and

DANIEL J. BARRETT

Respondent.

No. **02-3-01590-9 KNT**

Contempt Hearing Order  
(ORCN)

Clerk's action required: **1, 8, 12**

**Contempt Hearing Order**

**1. Money Judgment Summary**

No money judgment is ordered.

Summarize any money judgment from section **8** in the table below.

Judgment for	Debtor's name (person who must pay money)	Creditor's name (person who must be paid)	Amount	Interest
Filing Costs	Noelle Lyn Woit	Daniel J. Barrett	\$ 30	\$
Other costs	Noelle Lyn Woit	Daniel J. Barrett	\$ 900	\$
Sanction	Noelle Lyn Woit	Daniel J. Barrett	\$ 250	
Yearly Interest Rate for judgments: ___% (12% unless otherwise listed)				
Lawyer (name): Gregory Bradshaw		represents (name): Noelle Woit		
Lawyer (name):		represents (name): Gregory E. Bradshaw		

**2.** This order is entered in accordance with an Order on Revision dated May 30, 2019. This court reverses a commissioner's denial of contempt and finds contempt for September 30, 2018. The court does not find contempt for September 29, 2018.

➤ **The Court Finds:**

**3. Support Payments** (child support, medical support, children's expenses, spousal support)

Does not apply.

**4. Parenting Plan, Residential Schedule, or Custody Order**

The parenting/custody order was **not** obeyed.

Petitioner/Mother Noelle Voit did **not** obey the following parts of the parenting/custody order signed by the court on January 4, 2010:

The parenting/custody order was not obeyed as follows (*check one*):

The mother withheld the child and interfered with the father's residential time on the following date:

September 30, 2108

**a. Ability to follow orders in the past** – This person (*check one*):

**was** able to follow the parenting/custody order. The failure to follow the order was intentional.

The mother had the ability to return the parties' teenage daughter (16 ½) to the father on Sunday, September 30, 2018.

**b. Bad faith** – When this person did **not** obey the parenting/custody order, s/he:

(*check one*):  acted in bad faith.  did **not** act in bad faith.

*Explain:*

On September 29, 2018, the mother dropped off the parties' teenage daughter at the father's house for his residential time. An argument and altercation ensued between the father and the daughter regarding her attendance at Homecoming. The daughter left the residence on foot. She called a friend who took her to her mother. After picking up the daughter, the mother received a call from the Black Diamond police department directing her to bring the youth to the police station. The police had been called by the father after the daughter left his residence. After interviewing the parties and reviewing the final parenting plan, Officer Hershaw determined it was best for the youth to go with the mother. The youth returned to her mother's and stayed there for the rest of the weekend. No attempt was made by the mother to return the daughter to the father on Sunday, September 30, 2018. The mother and daughter did not seek a restraining order on the Monday after the

incident. They sought a restraining order a month later. The mother does not deny the daughter remained with her for the rest of the weekend. She provided no explanation for her failure to return the youth to the father's residence on September 30, 2018. Additionally, no protective action was taken for at least 30 days.

**c. Ability to follow orders now – NOELLE WOIT**

(check one): **X is able** to follow the parenting/custody order now.

(check one): **X is willing** to follow the parenting/custody order.

Explain:

Other findings:

*Court's oral findings are incorporated herein. mother established a reasonable excuse for failure to comply on September 29, 2019, but not for September 30, 2019.*

**5. Restraining Order or Other Order**

Does not apply.

**6. Lawyer fees and costs**

Does not apply.

The sanctions and costs listed in the Money Judgment in section **8** below were incurred and are reasonable.

➤ **The Court Orders:**

**7. Contempt**

NOELLE L. WOIT is in contempt for September 30, 2018. NOELLE L. WOIT is not in contempt for September 29, 2018.

**8. Money Judgment**

Does not apply. No money judgment is ordered.

The court orders the following money judgment (*summarized in section 1 above*):

Judgment for	Debtor's name <i>(person who must pay money)</i>	Creditor's name <i>(person who must be paid)</i>	Amount	Interest
Costs	Noelle Lyn Voit	Daniel J. Barrett	\$ 900	\$
<input checked="" type="checkbox"/> Civil penalty <i>(At least \$100 for 1<sup>st</sup> violation of a parenting/ custody order; at least \$250 for 2<sup>nd</sup> violation within 3 years.)</i>	Noelle Voit	Daniel J. Barrett	\$ 250	\$

The interest rate for other judgments is 12% unless another amount is listed below.

### 9. Make-up parenting time

The father shall have double the make-up days per RCW 26.06.160 which shall be 2 total days.

The father may break this up into 2 separate days, or one 2-day block. The make-up days will occur during the youth's 2019 summer vacation.

Father may exercise this time with two weeks' written notice to the mother and her current attorney with the dates sent via email to:

WoittNoelle@yahoo.com

Gregg@BradshawLawFirm.com

Alison@BradshawLawFirm.com

If these email addresses change, it is the mother and her attorney's obligation to notify the father of such changes.

The receiving parent shall pick Anna up at the other parent's residence for this make up time.

### 10. Jail time

Does not apply at this time.

The mother is admonished that because of the nature of her bad faith and intransigence that any future contempt may be met with jail time as a coercive sanction.

### 11. Contempt can be corrected (purged) if:

(Name): Noelle Voit does the following (specify): abides by the final parenting plan.

### 12. Court review

Does not apply.

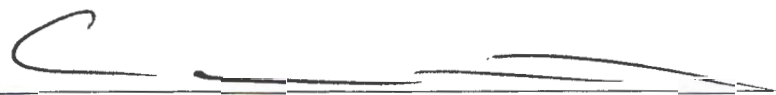


The court will review this case on \_\_\_\_\_, 2018 at (time):  a.m.  p.m.  
in King County Superior Court, 401 Fourth Ave. N., Kent, WA 98032 in Courtroom.

Other orders (if any):

Noelle Voit will work with a counselor to develop strategies for working with the parties' teenage daughter around compliance with the residential schedule. Failure to do so will be considered in any future contempt action.

**Entered in open court on May 30, 2019.**

  
\_\_\_\_\_  
Honorable Catherine Moore

**Petitioner and Respondent or their lawyers fill out below.**

Presented by: \_\_\_\_\_ Approved for entry: \_\_\_\_\_

\_\_\_\_\_  
Daniel J. Barrett, pro se  
Respondent

Date

\_\_\_\_\_  
Gregg E. Bradshaw, WSBA # 21299  
Attorney for Petitioner

Date

\_\_\_\_\_  
Noelle L. Voit  
Petitioner

Date

Superior Court of Washington, County of King

In re the Marriage of:

NOELLE L. WOIT

Petitioner,

and

DANIEL J. BARRETT

Respondent.

No. 02-3-01590-9 KNT

Proof of Mailing or Hand Delivery  
(for documents after Summons and Petition)  
(AFSR)

**Proof of Mailing or Hand Delivery  
(for documents after Summons and Petition)**

**Warning!** Do **not** use this form to prove you mailed or delivered a Summons, Petition, Order to Go to Court, or any kind of Restraining Order. For those documents, use Proof of Personal Service (FL All Family 101), or if you have court permission to serve by mail, use Proof of Service by Mail (FL All Family 107).

I declare:

- 1. I am Daniel J. Barrett and am competent to be a witness in this case.
- 2. On October 13, 2018 at 8:00 a.m., I served copies of the documents listed in **3** below to Noelle Voit by delivering them to her at the address below:

308 Callender Street NW

Orting, WA 98360

Service was accomplished by:

- Hand delivery to Noelle Voit herself
- Hand delivery to a person of responsible age who resides at the address.
- Leaving the documents in a conspicuous place, per CR 5(b)(1), at the address above.

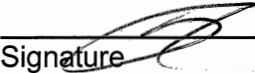
**3. List all documents you served (check all that apply):**

<input checked="" type="checkbox"/> Order to Go to Court for Contempt Hearing (on 10/25/2018)
<input checked="" type="checkbox"/> Motion for Contempt Hearing

4. Other: WHILE SERVING THE PAPERS TO THE ABOVE DAD WAS TRYING TO TALK HIS DAUGHTER INTO COMING WITH HIM THE MOM TOLD HER SHE SHOULD ONLY SHE THE DAUGHTER DID NOT WANT TO THIS WENT ON FOR 10 MIN WITH THE MOM TELLING HER THAT SHE DIDNT HAVE TO BUT THAT SHE SHOULD, MOM AT NO TIME DID ANYTHING TO HELP ONLY TO SAY YOU SHOULD, WHEN WE WERE LEAVING MOM AND DAUGHTER BOTH HULED AND WERE LAUGHING AS IF SHE WON AND DID NOT HAVE TO GO.

I declare under penalty of perjury under the laws of the state of Washington that the statements on this form are true.

Signed at BLACEDINWOOD, Washington on October 20, 2018.

Signature 

Rico V Row  
Printed Name

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IN THE SUPERIOR COURT OF WASHINGTON  
FOR KING COUNTY

Noelle L. Voit

Petitioner,

No. 02-3-0590-9KWT

vs.

Daniel Barrett

Respondent.

ORDER ON FAMILY LAW MOTION

RE: Contempt  
Review

Clerk's Action required

Renew Hearing 8/14/2019.

THIS MATTER came before the undersigned Judge/Commissioner on Motion for:

Review of Contempt order entered on 4/28/2019. @ 9:00am

it is hereby ORDERED that the mother is in partial compliance w/ the court's order and purge conditions. The court determined the mother is complying w/ the parenting plan and the counsel or information was not timely received but was received w/ notice of the court's ruling that there is partial compliance. The court determined based on information about counsel from

Dated 6/7/2019

*Judith M. J.*  
Commissioner

*signed in Chambers*  
Attorney For Petitioner WSBA#      Attorney For Respondent WSBA #

1 both parties that Mr. Barnett's choice of counselor  
2 for the youth and Mr. Barnett would not be in  
3 the best interest of the child in this case because  
4 it is Mr. Barnett's individual counselor. The  
5 Court determined that in the interest of facilitating  
6 the best interest of child, the court would select  
7 the therapist/counseling service for the  
8 youth & Mr. Barnett independent of Mr. Barnett  
9 under the circumstances and due to the history  
10 of this case. The court found that joint time  
11 would not be coercive or necessary as the mother  
12 is following the current parenting plan in place.  
13 The father is awarded make-up time for  
14 the time lost. The father is awarded (4) four  
15 days of make-up time. The make-up days shall  
16 include counseling between father & youth. The  
17 father shall contact Nexus Youth and Families  
18 @ (253) 939-2202 to schedule counseling session  
19 for the youth & Mr. Barnett. Mr. Barnett shall  
20 provide the mother/youth w/ 3 dates of availability  
21 w/ 2 weeks notice so that the counseling may begin.  
22 The mother shall not interfere w/ counseling between  
23 father and youth.

24 Dated 6/7/2019

24 Nicole M. G.  
Commissioner

25  
26 signed in chambers  
Attorney For Petitioner WSBA#

26  
27 signed in chambers  
Attorney For Respondent WSBA #

1 The father is awarded his costs for filing  
2 in the amount of \$30.00 and the  
3 fees for service of \$80.00. The court  
4 reserved on the fees for paralegal  
5 services pending Mr. Bennett providing  
6 fee declaration from paralegal regarding  
7 fees incurred.

8 The court will review @ next hearing  
9 compliance w/ parenting plan and  
10 review status of counseling. The review is  
11 set for 8/14/2019 @ 8:30am. Mr. Bennett's  
12 documents for review hearing are due  
13 to court and Petitioner by 8/1/2019. The  
14 Respondent's materials are due by 8/8/2019  
15 and Reply is due on 8/12/2019.

23  
24 Dated

6/7/2019

Commissioner

*[Signature]*

25  
26 Attorney For Petitioner WSBA#

25  
26 Signed in Chambers  
Attorney For Respondent WSBA #

wed Aug 14  
Order Extending

FAM 02

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

Regarding the Matter of: )  
Noelle L'Woit )  
Petitioner, )  
and )  
Daniel Bennett )  
Respondent. )

Case No.: 02-01590-9KNT

ORDER CONTINUING HEARING TO:

9/6/2019 @ 9:00am

Clerk's Action Required  
(No Mandatory Form available)

\* court continued  
w/ gm \*

- Upon agreement of the parties;
- For good cause found by the Court;

IT IS HEREBY ORDERED:

1. The hearing scheduled for 8/14/2019 is continued to 9/6/2019 at 9:00 am/pm. The hearing is being continued because the matter is scheduled for Revision w/ Judge Moore on 8/23/2019. The location of the hearing remains the same.

2. The moving party's documents shall be delivered to (or served on, if required by law or court rules) the other party not later than 12:00 noon on 8/23/2019. The responding party's documents shall be delivered to the moving party not later than 12:00 noon on 8/30/2019. Reply documents, if any are provided by the moving party, shall be delivered not later than 12:00 noon on 9/4/2019. If papers are mailed, rather than delivered, they must be mailed at least three (3) additional days prior to the deadlines listed above. The documents may be delivered, or mailed, by a third party to:

- Moving party's address \_\_\_\_\_
- Responding party's address: \_\_\_\_\_

fee declaration of the paralegal  
to  
Jes  
02  
costs  
w/ gm

3. Each party shall file the originals of their documents with the Clerk of the Court (SEA Cases: Room W-609, 516 Third Avenue, Seattle, WA 98104; KNT Cases: Room 2-C, 401 Fourth Avenue North, Kent, WA 98032) AND deliver an additional set of Court's Working Papers to Family Law Confirmations (SEA Cases: Room W-292; KNT Cases: Room A-1222) not later than 12:00 noon two (2) court days before the hearing.

4. No oral testimony will be allowed at the hearing. All statements from witnesses must be clearly printed or typed, and must be in affidavit form or sworn under penalty of perjury, with the signature block of the Declarant containing the date and place where the Declaration was signed.

5. The moving party must confirm this hearing by calling Family Law Confirmations (SEA Cases: 206-477-1523; KNT Cases: 206-477-2750) OR by confirming online at <https://confirm.kingcounty.gov> three (3) court days before the hearing between 2:30 pm - 4:30 pm or two (2) court days before the hearing, between 8:30 a.m. - 12:00 noon.

6. Current orders remain in effect, pending the new hearing date.

7. Other: fees incurred are denied pending Mr. Barnett complying w/ providing the correct

- This is a Motion for Contempt in which incarceration is requested. "Knight" warning was given and a copy is attached. *W/a fee declaration from*
- This is a Motion for Contempt in which incarceration is requested. "Knight" warning was not given because: the *unlawful and receipt of fees incurred*

Dated: 8/14/2019

*Nicole M. J.*  
Commissioner *of fees incurred*

- Approved for entry:
- Approved as to form:

- Approved for entry:
- Approved as to form:

*Angela P.*  
Petitioner or Petitioner's Attorney  
WSBA No. 21299

*Refused to sign*  
Respondent or Respondent's Attorney  
WSBA No. \_\_\_\_\_



FILED  
2019 JUL 18 01:04 PM  
KING COUNTY  
SUPERIOR COURT CLERK  
E-FILED  
CASE # 02-3-01590-9 KNT

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
COUNTY OF KING

In re:	NO: 02-3-01590-9 KNT
Barrett Nka	
<hr/>	
Petitioner / Plaintiff	EPVC DENIAL ORDER
vs / and	(ORDYMT)
Barrett	
<hr/>	
Defendant / Respondent	

**The court having reviewed a motion for order, hereby DENIES the entry because:**

It appears that the court ordered a remedy for Mr. Barrett which he has to date not pursued. This is not a basis to set a show cause hearing for contempt against Mr. Barrett.

**IT IS HEREBY ORDERED that:**

The request is denied.

**Dated this 07/18/2019 12:58 PM.**

[E-signature on following page]

Catherine Shaffer

**[Judge / Commissioner]**

**KING COUNTY SUPERIOR COURT**

Ex Parte via the Clerk Denial Order

Page 1

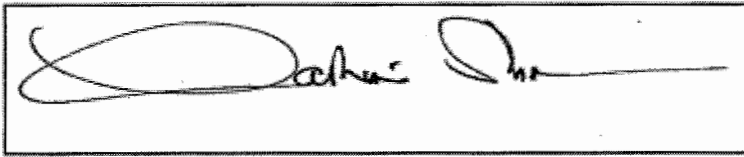
**A-065**



King County Superior Court  
Judicial Electronic Signature Page

Case Number: 02-3-01590-9  
Case Title: BARRETT NKA VS BARRETT  
Document Title: Order

Signed By: Catherine Shaffer  
Date: July 18, 2019

A rectangular box containing a handwritten signature in black ink. The signature appears to be 'Catherine Shaffer' written in a cursive style.

Judge/Commissioner: Catherine Shaffer

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: 6C3F24F47D6286C9671F11264F89DF640F7A466A  
Certificate effective date: 7/16/2018 1:49:24 PM  
Certificate expiry date: 7/16/2023 1:49:24 PM  
Certificate Issued by: C=US, E=kcscefiling@kingcounty.gov, OU=KCDJA,  
O=KCDJA, CN="Catherine Shaffer:  
CnkDyYr95BGVZstmHI1GsA=="

**Re: WOITT vs. BARRETT: Court-ordered counseling for Anna at Paula van Pul on Friday 9/27**

Noelle Woitt <woittnoelle@yahoo.com>

Mon 9/23/2019 10:01 AM

To: danieljbarrett@outlook.com <danieljbarrett@outlook.com>

I have texted Anna the information. She has a home game that night and has to be at the stadium by 4:30. It is my understanding that you were asked to provide three dates and times to choose from. By doing this it would make it more probable she can make it.

[Sent from Yahoo Mail on Android](#)

On Wed, Sep 18, 2019 at 2:55 PM, Dan Barrett <danieljbarrett@outlook.com> wrote:

Mr. Bradshaw and Noelle,

Per Judge Moore's order, I have set the first reunification appointment for Anna, me and Paula van Pul's office in Lakewood on Friday September 9/27 at 3:00 p.m. and 4:00 p.m. One slot is for Anna to meet with Paula alone.

Please advise when you will provide Anna.

Although you two have claimed you haven't known or cared where Anna is, you obviously have for the past month because she is in cheer and has to have Noelle's authority to be practicing since August.

Since there is a court order and you know where Anna is and you have complained for months that counseling hasn't started, you should be anxious to get going with it.

**DANIEL J. BARRETT**

PO Box 361

South Prairie, WA 98985

(253) 273-1110

DanielJBarrett@outlook.com

**A-068**

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5  
6 **Superior Court of Washington**  
7 **County of King**  
8

9 In re:

10 Petitioner/s (*person/s who started this case*):

11 BARRETT NKA WOIT

12 And Respondent (*other party/parties*):

13 BARRETT

**No. 02-3-01590-9 KNT**

**CASE MANAGEMENT  
ORDER/ASSIGNMENT ORDER TO  
JUDGE MAUREEN MCKEE**

**CLERK'S ACTION REQUIRED**

14 UPON its own motion the Court,

15 HEREBY FINDS:

- 16 1) This case was filed on March 12, 2002.  
17 2) On January 14, 2003, final orders on the dissolution were entered.  
18 3) There approximately 488 filings in the court file since 2002. Of those 488  
19 filings, 210 have occurred in 2018 and 2019.  
20 4) Parties have engaged in extensive litigation that has created significant use of  
21 judicial resources including multiple filings on Family Law Motions and  
22 subsequent motions for revision.  
23 5) This case will be managed by a trial judge and removed from the Family Law  
24 Motions calendar.

IT IS HEREBY ORDERED,

- 1) The case is assigned to Judge Maureen McKee for all motions.  
2) Motions that are presently noted on Family Law Motions, must be renoted before  
Judge Maureen McKee.  
3) Judge McKee may issue any further case management orders as she deems  
necessary for this case.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Chief UFC Judge Tanya L. Thorp

**A-069**

King County Superior Court  
Judicial Electronic Signature Page

Case Number: 02-3-01590-9  
Case Title: BARRETT NKA VS BARRETT  
Document Title: ORDER ON CASE ASSIGNMENT  
Signed by: Tanya Thorp  
Date: 8/27/2019 4:04:35 PM



Judge/Commissioner: Tanya Thorp

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: 4D07BB86DC71A3443DCA4BFF33DECF70A434C3DD  
Certificate effective date: 5/9/2019 9:31:50 AM  
Certificate expiry date: 5/9/2024 9:31:50 AM  
Certificate Issued by: C=US, E=kcscefiling@kingcounty.gov, OU=KCDJA,  
O=KCDJA, CN="Tanya Thorp:  
OHNcrwvS5hGeC2b3AFk6yQ=="



# Orting Police Department

401 Washington Ave SE - P.O Box 489 - Orting, WA 98360  
Phone: (360) 893-3111 - Fax: (360) 893-3129

Page 1 of 1

Incident / Case #: 1919101569

## HANDWRITTEN STATEMENT FORM

Today's date: 7/10/19 Time: 4:28

My name is: [Redacted] [Redacted] [Redacted] Date of Birth: 10-01-66  
First Middle Last

Home phone #: [Redacted] Cell phone #: \_\_\_\_\_

I reside at: [Redacted] Callendar st NW with: Eddie Woitt

I am employed at: Orting schools Orting Work phone #: \_\_\_\_\_  
Business name Location

Narrative of facts: My daughter [Redacted]  
was suppose to go with her dad July 6  
for his week vacation and she took off cause  
she is scared to go with her dad.  
I dont know where she went.  
My lawyer was out of town and I wasnt  
sure what to do, so when I finally was  
able to talk with him he advised me  
to report her as a runaway.

I certify (declare) under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct. (RCW 9A.72.085.). Furthermore, I will testify, in court, under oath, to the facts herein. I understand that I may be charged with violation of R.C.W. 9A.76.020 "Obstructing a Public Servant" if filing a false police report.

[Redacted Signature]  
Signature

WITNESSES:  
\_\_\_\_\_  
\_\_\_\_\_

**A-071**

### Cad Incident Inquiry

Complaint: **1921200546**      Disp: FU      Case No: 1921200546      Call Received: 20190731 0821  
 Call Cleared: 20190731 1450  
 End Priority: 4

<p><u>Incident Type</u>                  Starting: CIV - CIVIL ISSUE                  Ending: CIV - CIVIL ISSUE</p>	<p><u>Location</u>                  401 WASHINGTON AVE SE (ORTING PD)                  401 WASHINGTON AVE SE (ORTING PD)</p>
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Location Information  
 Starting:  
 Ending:

<u>Agency</u>	<u>Geographic Zone</u>	<u>Dispatch Group</u>	<u>CB</u>	<u>District</u>
Starting: ORPD	SE	OR	10	OR71
Ending: ORPD	SE	OR	10	OR71

<u>Date/Time</u>	<u>Unit</u>	<u>ID</u>	<u>Station</u>
Dispatch: 20190731 0821	OR3	Dispatcher: SS0065	sd01
Arrival: 20190731 0821	OR3	Com Officer: SS0065	sd01
Clear: 20190731 1450	OR3	Primary Unit: OR3	
Close: 20190731 1450	OR3		

<u>Name</u>	<u>DOB</u>	<u>Phone</u>	<u>Location</u>	<u>Call Source</u>	<u>Contact</u>
				OFFICER	

Include State Messages (WACIC/DOL/DOC/NCIC/NLETS)

System Date	System Time	Com	Station	Off	Text
20190731	08:21:18	Event Updated	sd01	SS0065	Location: 401 WASHINGTON AVE SE ORT: @ORTING PD, Event Type: CIV, Priority: 4, Dispatch Group: OR
20190731	08:21:18	Dispatched	sd01	SS0065	OR3 (ORPD108) Turner, Edward
20190731	08:21:18	Event Remark	sd01	SS0065	Field Event
20190731	08:21:18	Initial Call	sd01	SS0065	Call Source =OFFICER
20190731	08:21:19	Arrive	sd01	SS0065	OR3 (ORPD108) Turner, Edward
20190731	08:25:00	Event Remark	\$OR3	ORPD108	Unit [OR3] Inf Issue Qry 0:PERSO   .NAM/ BARRETT, ANNA R   .DOB/20020301
20190731	08:25:00	Event Remark	\$OR3	ORPD108	Unit [OR3] Inf Issue Qry 0:PERSO   .NAM/ BARRETT, ANNA R   .DOB/20020301
20190731	08:25:01	Event Remark	\$OR3	ORPD108	Unit [OR3] Inf Issue Qry 0:FREE: .HDR/ NCIC..K..OLN/BARREAR980DA.
20190731	09:46:02	Event Remark	\$OR3	ORPD108	This is a civil violation of a parenting plan. There is on-going disputes with he said/she said about manipulative behaviors from both parents, none of which have apparently been proven. Mr. Barrent presented a copy of a valid parenting plan indicating it is his time with Anna (from 0800 Wed to 0900 Thurs). Anna had been a reported runaway (Mom was RP). Mom is aware that Anna is now staying with maternal grandmother. I spoke to Anna on the phone confirming she is safe. Anna stated she was scared to go with her Dad as she believed he wasn't going to allow her to come back to her Mom's.
					I explained to Anna the potential ramifications of her refusing to go to her Dad's as stipulated in the parenting plan, to include her Mom being in contempt and her grandmother with...

A-072



20190731	09:52:22	Event Remark	\$OR3	ORPD108	custodial interference. Anna stated she understood and was choosing to refuse to go with her Dad. Anna stated she was trying to get a ride to a DV Advocate today regarding prior incidences that occurred outside of the city and had apparently been reported prior. Dad was made aware by Mom of Anna's whereabouts. Dad opted not to go to grandmother's as he knew it would create more hostility which he is attempting to avoid.
20190731	14:16:31	Event Remark	\$OR3	ORPD108	Unit [OR3] Inf Issue Qry 0:PERSO   .NAM/ BARRETT, DAN J   .DOB/19560501
20190731	14:16:31	Event Remark	\$OR3	ORPD108	Unit [OR3] Inf Issue Qry 0:PERSO   .NAM/ BARRETT, DAN J   .DOB/19560501
20190731	14:16:35	Event Remark	\$OR3	ORPD108	Unit [OR3] Inf Issue Qry 0:FREE: .HDR/ NCIC..K..OLN/WDL25T44263B.
20190731	14:50:13	Available	\$OR3	ORPD108	OR3 (ORPD108) Turner, Edward
20190731	14:50:13	Event Updated	\$OR3	ORPD108	Closing Time: 2019-07-31 14:50:13
20190731	14:50:13	Disposition	\$OR3	ORPD108	FU

**A-073**

**Orting Police Department  
Supplemental Report**

**Incident No. 1919101569.2**  
Jurisdiction Agency: Orting Police Department

PDA:	Homeland Security:	Subject: <b>Runaway   JV</b>	<b>Incident No. 1919101569.2</b>
IBR Disposition:	<b>Resolved</b>	Case Management Disposition:	
Forensics:		Reporting By/Date: <b>OR23108 - Turner, Edward 7/31/2019 14:23:11</b>	
Case Report Status:	<b>Approved</b>	Reviewed By/Date: <b>OR23108 - Turner, Edward 7/31/2019 14:23:53</b>	

**Related Cases:**

Case Report Number	Agency
--------------------	--------

**Non-Electronic Attachments**

Attachment Type	Additional Distribution	Count
Location Address: <b>308 Callendar St Nw</b>	Location Name: <b>ORTING PD</b>	
City, State, Zip: <b>Orting, WA 98360</b>	Cross Street:	
Contact Location:	City, State, Zip:	
Recovery Location:	City, State, Zip:	
CB/Grid/RD: <b>010 - ORTING</b>	District/Sector: <b>OR71 - Orting</b>	
Occurred From: <b>7/5/2019 20:00:00 Friday</b>	Occurred To:	
Notes:		

**Offense Details: 090I - Runaway**

Domestic Violence: <b>No</b>	Child Abuse: <b>No</b>	Gang Related: <b>No/Unknown</b>	Juvenile: <b>Yes</b>
Completed: <b>Completed</b>	Crime Against: <b>NC</b>	Hate/Bias: <b>None (No Bias)</b>	Using:
Criminal Activity:	Location Type: <b>Single Family Residence</b>	Type of Security:	Tools:
Total No. of Units Entered:	Evidence Collected:		
Entrance Compromised:			
Entry Method:			
Suspect Description:			
Suspect Actions:			
Notes:			

**Other Entity O3: Roundy, Sandra R**

PDA:

Aliases:	DOB: <b>9/17/1941</b>	Age: <b>77</b>	Sex: <b>Female</b>	Race: <b>White</b>	Ethnicity: <b>Non-Hispanic</b>
Height:	Weight:	Hair Color:	Eye Color:		

Call Source: <b>Station</b>	Assisted By:
Phone Report:	Notified:
Insurance Letter:	Entered By: <b>OR23108 - Turner, Edward</b>
Entered On: <b>7/31/2019 13:40:11</b>	Approved By: <b>OR23182 - Swanson, Kristin</b>
Approved On: <b>8/19/2019 16:46:56</b>	Exceptional Clearance:
Adult/ Juvenile Clearance:	Exceptional Clearance Date:
Additional Distribution: <b>Prosecutor - Misdemeanor</b>	Other Distribution:

<b>Validation Processing</b>	Distribution Date: 8/19/2019	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:
	By: SWANSON, KRISTIN	City Pros. Atty.	Military	DSHS	PreTrial	

Records has the authority to ensure correct agency, CB/Grid/RD, and District/Sector are incorporated in the report.

Printed: 8/19/2019 16:46:56  
Printed By: OR23182 - Swanson, Kristin

**A-074**

Address:	105 Walnut Ave Sw	County:		Phone:	360-872-1972
City, State Zip:	Orting, WA 98360	Country:		Business Phone:	
Other Address:				Other Phone:	
Resident:	Full - Time Resident	Occupation/Grade:		Employer/School:	
SSN:				Place Of Birth:	
Driver License No:		Driver License State:		Driver License Country:	
Attire:				Complexion:	
SMT:				Facial Hair:	
Entity Type:	Other Individual	Reporting Statement Obtained:		Facial Shape:	
Entity Notes:					

**Other Entity O4: Barrett, Daniel J**

**PDA:**

Aliases:									
DOB:	5/1/1956	Age:	63	Sex:	Male	Race:	White	Ethnicity:	Non-Hispanic
Height:	5' 8"	Weight:	160	Hair Color:	Brown	Eye Color:	Green		
Address:	16718 256th Av		County:			Phone:			
City, State Zip:	South Prairie, WA 98385		Country:			Business Phone:			
Other Address:									
Resident:	Unknown		Occupation/Grade:			Employer/School:			
SSN:									
Driver License No:	[REDACTED]		Driver License State:	Washington		Driver License Country:			
Attire:									
SMT:									
Entity Type:	Parent		Reporting Statement Obtained:			Facial Hair:			
Entity Notes:									

**Investigative Information**

Means:	Motive:
Vehicle Activity:	Direction Vehicle Traveling:

**Synopsis:** Runaway had returned home. The root cause is a child custody issue. A court ordered parenting plan is in place, however the 17 year old juvenile in question does not wish to go to her Dad's as the plan dictates.

**Narrative:**

On listed date and time, I was contacted by the father of Anna, identified as Barrett, Dan. Dan initially inquired as to the status of the runaway case regarding his daughter. He then explained how he has a parenting plan indicating he is supposed to have Anna at that time. He later showed me a copy of the plan which did indicate he was to have Anna overnight each week in the summer starting at 0800 hours on Wednesdays until 0900 hours on Thursdays.

In researching the case, I located two phone numbers for Noelle, Anna's mother. I called the listed number and reached Noelle's mother, identified as Roundy, Sandra R dob/09-17-41. She advised Anna was with her at that time. I indicated Anna had been reported as a runaway. Roundy stated she was aware, but Anna had since returned home and had been staying with both Roundy and with various friends in the area. I then contacted Noelle via phone and requested she meet me at the Orting Police Station. Noelle agreed.

A short time later, Noelle arrived at the Orting Police Station with Dan still present. Both parties were in agreement that it was Dan's time to have Anna. Noelle advised she knew Anna had run away because Anna did not want to go with Dan. Noelle indicated she believed Dan had an emotional and mental abusive nature about him and that is why Anna refused to go with him. Noelle stated even if she tries to force the issue, Anna flat out refuses to go and since Anna is now over 17 years of age, Noelle does not believe she

Jurisdiction Agency: Orting Police Department

can force Anna to go with Dan. In speaking with Dan, he believes Noelle has colluded with Anna to find a way to avoid having to follow the court ordered parenting plan. Dan believes Noelle prevents Anna from being part of anything as Noelle is very controlling over Anna. Dan and Noelle have a court date scheduled for this Friday regarding issues over the parenting plan, including Noelle's alleged acts of contempt.

Both parties were reminded that at this time, this all boiled down to a civil violation of a court ordered parenting plan. Dan became adamant that Sandra's participation in this amounted to custodial interference. As such, I called back and spoke to Anna myself. Anna confirmed she was safe and at Sandra's at her own request. Anna is aware that it is Dan's time to have Anna with him. Anna stated she was scared to go to Dan's as she believed Dan would attempt to prevent Anna from returning to Noelle. I advised Anna that her refusing to go with Dan, and instead staying at Sandra's could have negative consequences for both Noelle and Sandra in the form of Contempt of Court and/or Custodial Interference. Anna stated she understood that and still did not want to go to Dan's. Anna also stated she was wanting to go to a DV Advocate today and was hoping either Sandra or Noelle would drive her there.

Dan was made aware of Anna's location. I advised Dan that Anna was refusing to go with him and that under these circumstances, including the knowledge that Anna was safe and in good care, the Police Department was not going to physically remove or force a juvenile to go with him. Dan stated he understood and chose not to go to Sandra's to pick up Anna himself. Dan stated he believed his responding there would only create more issues with all involved parties than it would resolve and he did not wish to create further hostility.

I request a copy of this report be forwarded to the City Prosecutor for review to determine if this meets the standard for custodial interference.

I contacted SS911 Records requesting Anna be removed from WWCIC/NCIC as a runaway.

Reviewed By:

Reviewed Date:

**A-076**

### Cad Incident Inquiry

Complaint: **1921200546**      Disp: FU      Case No: 1921200546      Call Received: 20190731 0821  
 Call Cleared: 20190731 1450  
 End Priority: 4

<p><u>Incident Type</u>                  Starting: CIV - CIVIL ISSUE                  Ending: CIV - CIVIL ISSUE</p>	<p><u>Location</u>                  401 WASHINGTON AVE SE (ORTING PD)                  401 WASHINGTON AVE SE (ORTING PD)</p>
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Location Information  
 Starting:  
 Ending:

<u>Agency</u>	<u>Geographic Zone</u>	<u>Dispatch Group</u>	<u>CB</u>	<u>District</u>
Starting: ORPD	SE	OR	10	OR71
Ending: ORPD	SE	OR	10	OR71

<u>Date/Time</u>	<u>Unit</u>	<u>ID</u>	<u>Station</u>
Dispatch: 20190731 0821	OR3	Dispatcher: SS0065	sd01
Arrival: 20190731 0821	OR3	Com Officer: SS0065	sd01
Clear: 20190731 1450	OR3	Primary Unit: OR3	
Close: 20190731 1450	OR3		

<u>Name</u>	<u>DOB</u>	<u>Phone</u>	<u>Location</u>	<u>Call Source</u> OFFICER	<u>Contact</u>
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Include State Messages (WACIC/DOL/DOC/NCIC/NLETS)

System Date	System Time	Com	Station	Off	Text
20190731	08:21:18	Event Updated	sd01	SS0065	Location: 401 WASHINGTON AVE SE ORT: @ORTING PD, Event Type: CIV, Priority: 4, Dispatch Group: OR
20190731	08:21:18	Dispatched	sd01	SS0065	OR3 (ORPD108) Turner, Edward
20190731	08:21:18	Event Remark	sd01	SS0065	Field Event
20190731	08:21:18	Initial Call	sd01	SS0065	Call Source =OFFICER
20190731	08:21:19	Arrive	sd01	SS0065	OR3 (ORPD108) Turner, Edward
20190731	08:25:00	Event Remark	\$OR3	ORPD108	Unit [OR3] Inf Issue Qry 0:PERSO   .NAM/ BARRETT, ANNA R   .DOB/20020301
20190731	08:25:00	Event Remark	\$OR3	ORPD108	Unit [OR3] Inf Issue Qry 0:PERSO   .NAM/ BARRETT, ANNA R   .DOB/20020301
20190731	08:25:01	Event Remark	\$OR3	ORPD108	Unit [OR3] Inf Issue Qry 0:FREE: .HDR/ NCIC..K..OLN/BARREAR980DA.
20190731	09:46:02	Event Remark	\$OR3	ORPD108	This is a civil violation of a parenting plan. There is on-going disputes with he said/she said about manipulative behaviors from both parents, none of which have apparently been proven. Mr. Barrent presented a copy of a valid parenting plan indicating it is his time with Anna (from 0800 Wed to 0900 Thurs). Anna had been a reported runaway (Mom was RP). Mom is aware that Anna is now staying with maternal grandmother. I spoke to Anna on the phone confirming she is safe. Anna stated she was scared to go with her Dad as she believed he wasn't going to allow her to come back to her Mom's.
					I explained to Anna the potential ramifications of her refusing to go to her Dad's as stipulated in the parenting plan, to include her Mom being in contempt and her grandmother with...

A-077

20190731	09:52:22	Event Remark	\$OR3	ORPD108	custodial interference. Anna stated she understood and was choosing to refuse to go with her Dad. Anna stated she was trying to get a ride to a DV Advocate today regarding prior incidences that occurred outside of the city and had apparently been reported prior. Dad was made aware by Mom of Anna's whereabouts. Dad opted not to go to grandmother's as he knew it would create more hostility which he is attempting to avoid.
20190731	14:16:31	Event Remark	\$OR3	ORPD108	Unit [OR3] Inf Issue Qry 0:PERSO   .NAM/ BARRETT, DAN J   .DOB/19560501
20190731	14:16:31	Event Remark	\$OR3	ORPD108	Unit [OR3] Inf Issue Qry 0:PERSO   .NAM/ BARRETT, DAN J   .DOB/19560501
20190731	14:16:35	Event Remark	\$OR3	ORPD108	Unit [OR3] Inf Issue Qry 0:FREE: .HDR/ NCIC..K..OLN/WDL25T44263B.
20190731	14:50:13	Available	\$OR3	ORPD108	OR3 (ORPD108) Turner, Edward
20190731	14:50:13	Event Updated	\$OR3	ORPD108	Closing Time: 2019-07-31 14:50:13
20190731	14:50:13	Disposition	\$OR3	ORPD108	FU

**A-078**

**DANIEL BARRETT - FILING PRO SE**

**December 05, 2020 - 2:33 PM**

**Transmittal Information**

**Filed with Court:** Court of Appeals Division I  
**Appellate Court Case Number:** 80764-1  
**Appellate Court Case Title:** In re the Marriage of: Noelle L. Voit, Respondent v. Daniel J. Barrett, Appellant

**The following documents have been uploaded:**

- 807641\_Petition\_for\_Review\_20201205143044D1144549\_3150.pdf  
This File Contains:  
Petition for Review  
*The Original File Name was 2020.12.05. Petition for Review to Supreme Court - FINAL.pdf*

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

- gregg@bradshawlawfirm.com
- register@bradshawlawfirm.com

**Comments:**

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Sender Name: Daniel Barrett - Email: danieljbarrett@outlook.com  
Address:  
PO Box 361  
South Prairie, WA, 98385  
Phone: (253) 273-1110

**Note: The Filing Id is 20201205143044D1144549**