

No.63207-8

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

DOROTHY ("DOTTIE") L. BROWN, by and through her guardian
 JOYCE M. RICHARDS,

Appellant,

v.

WELLS FARGO BANK, NATIONAL ASSOCIATION, a foreign
 Corporation doing business in the State of Washington, and BEVERLY
 ANN HOGG,

Respondents

BRIEF OF RESPONDENT – BEVERLY ANN HOGG

Beverly Ann Hogg
 Respondent

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 COURT OF APPEALS
 STATE OF WASHINGTON
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I. INTRODUCTION

I, Beverly Ann Hogg, am one of the named respondent's in the Court of Appeals of the State of Washington, Division I, Case No.63207-8. This case comes before the Court of Appeals for review from the Superior Court of The State of Washington in and for the County of King, Case No. 06-2-39751-7 KNT. The issues of law in this case were heard in open court on June 20, 2008.

It was ordered that Defendant Hogg's Motion for Summary Judgment dismissing the Plaintiff's claims against Defendant Beverly Hogg be and the same was granted by the Honorable William Downing in the court on that same date, June 20, 2008.

II. ASSIGNMENTS OF ERROR

1. The trial court did NOT error by granting Beverly Hogg's motion for summary judgment by dismissing Dottie Brown's case against her.
2. The trial court did NOT error by denying Dottie Brown's motion for summary judgment against Beverly Hogg.

III. ISSUES RELATED TO ASSIGNMENTS OF ERROR

1. There are no issues of Assignments of Errors pertaining to defendant Beverly Hogg.

Defendant Hogg was represented by her attorney, Lance M. Hester of the Law Offices of

Monte Hester, Inc, P.S. The then Plaintiff (now the Appellant), was represented by her same attorney, Lucy R. Clithorne. The court did not error when it dismissed any claims against Beverly Hogg, and granted her motion for summary judgment.

IV. STATEMENT OF THE CASE

1. In the Appellant's Brief, Under Issues Related to Assignments of Error, Nos. 3 and 4; and also in Appellant's Brief, Under Statement of the Case, Nos. 3 and 4, that pertain to Respondent Beverly Hogg, there is continued reference back to Assignments of Error, Nos. 3 and 4. This should all be stricken from the Appellant's Brief. These were items that were argued in open court, and were proven to have no genuine issue of fact pertaining to Defendant Beverly Hogg. As such, the trial court granted Beverly Hogg's motion for summary judgment dismissing Dottie Brown's claims against her. The trial court also denied Dottie Brown's motion for summary judgment against Beverly Hogg.

A. Generally, the appellate court will not reverse a judgment as against the weight of the evidence if there is any competent, credible evidence in the case.

Many of the cases listed under the Appellant's Table of Authorities, (that pertain to Respondent Beverly Hogg) are the same cases argued in the trial court, and were part of Defendant Beverly Hogg's Motion and Memorandum for Summary Judgment. It was determined in the trial court that defendant Beverly Hogg was entitled to judgment as a matter of law, and as such, summary judgment in favor of Beverly Hogg was granted by the Honorable William Downing on June 20, 2008. The evidence in the trial court was competent and credible.

B. APPELLATE COURT REVIEW IS DE NOVO

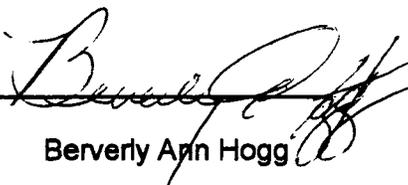
An appellate court reviews a trial court's decision on summary judgment de novo. On the 21st day of April, 2009, Attorney for Appellant, Lucy R. Clithorne, requested the court reporter Joyce Stockman prepare an original and one copy of a transcript of the hearing held on December 12, 2008, before the Honorable William Downing. This STATEMENT OF ARRANGEMENTS was sent to the Court of Appeals of the State of Washington, Division I. DOROTHY (DOTTIE) L. BROWN, by and through her guardian Joyce M. Richards, was named as the Appellant, and the only Respondent named on this Statement of Arrangements was WELLS FARGO BANK, NATIONAL ASSOCIATION, a foreign corporation doing business in the State of Washington. However, at the top of page two of this same STATEMENT OF ARRANGEMENTS, it is stated "The hearing held on June 20, 2008 was NOT reported." This is the hearing that summary judgment in favor of me, Beverly Hogg (Respondent) was GRANTED. Clerk' papers from the Superior Court covering this trial date, have been requested to be transmitted to The Court of Appeals.

V. CONCLUSION

Having heard the arguments of counsel and having considered all of the documents, it was therefore ordered that Defendant Hogg's Motion for Summary Judgment dismissing the Plaintiff's claims against Defendant Hogg was granted. I beg this Court of Appeals to weigh the evidence and determine that the findings and decision of the trial court should be upheld in this appeal, and the orders dismissing Beverly Hogg and the orders granting summary judgment to Beverly Hogg should NOT be reversed.

RESPECTFULLY SUBMITTED this 12th day of November, 2009,

By



Beverly Ann Hogg

Respondent

1911 SW Campus Dr.

#376

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~~Enclosures~~

November 12, 2009

Richard D. Johnson, Court Administrator/Clerk ✓
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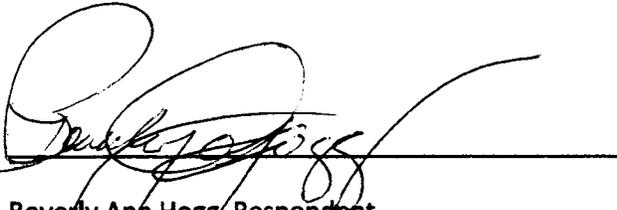
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CASE #: 63207-8-1
Respondent's Brief – Beverly A. Hogg

The undersigned declares under penalty of perjury of the laws of the State of Washington that on November 12, 2009, I mailed a true copy of the foregoing Respondent's Brief, through United States Postal Service to all of the above

A handwritten signature in black ink, appearing to read "Beverly Ann Hogg", is written over a horizontal line. The signature is stylized and cursive.

Beverly Ann Hogg, Respondent
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