

CASE NO. 64393-2-1

COURT OF APPEALS, DIVISION ONE
OF THE STATE OF WASHINGTON

LAWRANCE A. EDWARDS, Appellant

vs.

JULEA EDWARDS, Respondent

APPELLANT'S OPENING BRIEF AND
DECLARATION OF RECEIPT AND SERVICE

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FILED
COURT OF APPEALS DIVISION
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V. INTRODUCTION OF PARTIES

Appellant, Lawrance A. Edwards (“Mr. Edwards”) was a non-custodial parent and is Pro Se. Respondent, Julea Edwards (“mother”) is the custodial parent and is Pro Se. Jacquelyn Edwards (“Jacquelyn”) is the adult child who is in her second year at the University of Washington. Jacquelyn was never made a party to this action.

VI. PROCEDURAL HISTORY

On 20 February 2009, Pro Tem Commissioner Loudon (“Commissioner Loudon”), among other things, heard mother’s motion seeking reimbursement of Fall 2008 college costs for Jacquelyn. Mr. Edwards argued he was not required to pay college costs until “**academic records**” were provided as mandated by RCW 26.19.090(4). In a detailed and typed order dated 20 February 2009 Commissioner Loudon made the following statements that are relevant to this appeal:

1. *“Per Commissioner Sellers 5/23/08 order, the father is to pay 43.1% of expenses after deducting for scholarships and loans, expenses including books, tuition, room & board, lab fees”.* **CP 83** Inherent in Commissioner Sellers’ order was the requirement that Jacquelyn or mother apply for “loans, financial aid, and scholarships”. **CP 83**
2. *“The father made an overly burdensome request of 6/25/08, . . . and quite a bit of other irrelevant information. However, the request also*

included reasonable and necessary information as well, such as what the actual costs are and what scholarships were applied for and awarded”.

CP 84. Mr. Edwards notes that Commissioner Louden’s claim that Mr. Edwards’ 25 June 2008 request was “*overly burdensome*” was erroneous. First, Commissioner Louden never stated that the records Mr. Edwards was requesting were not academic records. Second, RCW 26.19.090(4) states, “*all academic records*”. RCW 26.19.090(4) may be burdensome, but that is an issue to be taken up with the legislature not Mr. Edwards. However, because Commissioner Louden stated Mr. Edwards original request was overly burdensome, Mr. Edwards narrowed future requests to academic and admission records. **CP 35, 55, 125, 127.**

3. “*Commissioner Sellers’ order provides that the child ‘shall make her academic records available to both parents’ . . . This situation is distinguished from Marriage of Jess, 136 Wn. App. 922, 151 P.3d 240 (2007) because here, the father did specifically request the information and has not been provided the most significant information: the child’s grades . . . and records indicating her scholarships.* **CP 84**

Commissioner Louden granted mother’s motion for college costs. However, Commissioner Louden never ruled that Mr. Edwards was not entitled to academic records. In fact, Commissioner Louden ruled Mr. Edwards was entitled to academic records, and gave scholarships as an

example of some of the academic records Mr. Edwards was entitled to receive. **CP 84.** Mother never appealed Commissioner Louden's ruling that Mr. Edwards was entitled to academic records. Commissioner Louden ordered Mr. Edwards to pay the requested college costs, which Mr. Edwards paid in full.

On 24 April 2009, Commissioner Sassaman heard mother's motion seeking reimbursement of college costs for Jacquelyn's Winter 2009 Quarter. Mr. Edwards still had not received any academic records, not even the academic records identified by Commissioner Louden in his 20 February 2009 order said Mr. Edwards was entitled to receive. Mr. Edwards argued in his brief he was not required to contribute to the college costs until "**academic records**" were provided (including those identified in the 20 February 2009 Order) as was mandated by RCW 26.19.090(4). Commissioner Sassaman did not rule on or address RCW 26.19.090(4) nor Commissioner Louden's 20 February 2009. Commissioner Sassaman ordered Mr. Edwards to pay the requested college costs, which Mr. Edwards paid in full.

On 26 June 2009, Commissioner Louden heard mother's motion seeking reimbursement for college expenses for Jacquelyn's Spring 2009 Quarter. Mr. Edwards still had not received any academic records; not even the academic records identified by Commissioner Louden in his 20

Sanctions against Mr. Edwards. Commissioner Sassaman also awarded mother “750.00 for time and expenses to prepare for and attend hearing due to Respondents’ (Mr. Edwards”) repeated acts of contempt and failure to comply with prior court order”. (Order of Judgment, page 1, lines 21-23) It was/is not clear which order Commissioner Sassaman was referring to since Mr. Edwards had paid the college costs ordered 20 February 2009 and the 24 April 2009. Note – Mr. Edwards has paid the college costs awarded in the 24 July 2009 order, and is current for college costs for the 2009 – 2010 academic year. The only other order Mr. Edwards is aware is the 23 May 2008 order by the Commissioner Sellers. The relevant part of Commissioner Seller’s order, “The father shall reimburse the mother 43.1% of all of Jacquelyn’s post-secondary expenses, including books, tuition, room and board, and lab fees, after deducting loans, financial aid, and scholarships...Jacquelyn shall make her academic records available to both parents.” **CP 119.**

Mr. Edwards timely filed a Motion for Revision. The motion was initially assigned to Judge Patricia Clark who recused herself. On information and belief Mr. Edwards believes Judge Clark recused herself because she knew Mr. Edwards professionally and personally, and had served as Vice President of the Loren Miller Bar Association during the time Mr. Edwards was President of the Loren Miller Bar Association. The

matter was then assigned to Judge Marianne Spearman who recused herself. Mr. Edwards believes Judge Spearman recused herself because Judge Spearman and Mr. Edwards served as Public Defenders with The Public Defender Agency. Mr. Edwards had supported Judge Spearman and Judge Spearman's husband, former Judge Michael Spearman in their pursuit of judicial positions. The case was then assigned to Judge Dean Lum who recused himself. Mr. Edwards believes Judge Lum recused himself because of his professional and personal relationship with Mr. Edwards, and because mother objected to Judge Lum hearing the matter.

The matter was then assigned to Judge Jim Doerty who heard the matter 22 September 2009. Judge Doerty denied the Motion for Revision and imposed \$2000.00 in CR 11 Sanctions against Mr. Edwards.

Mr. Edwards timely filed and served his Notice of Appeal to Division One of the Court of Appeals for the State of Washington seeking reversal of the rulings of Judge Doerty and Commissioner Sassaman. The Appeal Number assigned was 64393-2-1.

VII. ASSIGNMENT OF ERRORS

- A. Whether the trial court erred when it ordered Mr. Edwards to pay part of Jacquelyn's college costs when no academic records had been provided.
- B. Whether the trial court erred when it held Mr. Edwards' argument

that he was entitled to academic records was frivolous, and that he acted in bad faith for continually asking the court to follow RCW 26.19.090(4).

VIII. SUMMARY OF RELEVANT FACTS

Beginning 25 June 2008, Mr. Edwards asked for a copy of Jacquelyn's academic records. **CP 38: 5-11; 37: 7-11; 48-58.** To date mother and Jacquelyn have refused to provide Mr. Edwards with the academic records requested, those mandated by RCW 26.19.090(4), and those identified by Commissioner Louden's order of 20 February 2009, and those ordered by Commissioner Seller's, 23 May 2008. The last time Mr. Edwards asked Jacquelyn and mother for academic records, Mr. Edwards discovered Jacquelyn had blocked his ability to send her emails regarding academic records. **CP 127.**

On 04 May 2009, Mr. Edwards sent a letter to the University of Washington seeking academic records for Jacquelyn. In that letter Mr. Edwards requested, among other things, a copy of Jacquelyn's: (1) 2008-2009 and 2009-2010 admissions application and supporting documents; (2) high school transcript; (3) documents submitted seeking financial aid; (4) Federal Application for Student Assistance (FAFSA) application and supporting documents; (5) list and description of scholarships, grants, and student loans applied for; and (6) description of financial aid, including

from providing the records requested by Mr. Edwards.

IX. ARGUMENT

A. Mr. Edwards Was Not Required To Contribute To College Costs Until “All Academic Records” Were Provided.

RCW 26.19.090(4) states that “*The child shall also make available all academic records and grades to both parents as a condition of receiving postsecondary education support. Each parent shall have full and equal access to the postsecondary education records as provided in RCW 26.09.225*”. RCW 26.19.090(4) is mandatory and a trial court is required to follow and apply all of the requirements of RCW 26.19.090(4). Marriage of Scanlon, 109 Wn. App. 167, 181, 34 P.3d 877 (2005).

Pursuant to the University of Washington, the Federal Government, and the State of Washington, academic records include those records directly related to a student and maintained by the institution or by a party acting for the institution. These records include, but are not limited to, admissions records, financial aid information, payment of fees, enrollment information, grants, scholarships, and grade transcripts. Marriage of Jess, 136 Wn. App. 922, 928 (2007), The Family Education and Privacy Act (FERPA), Title 34, Part 99.3, WAC 132P-33-100, WAC 132Z-112-030, WAC 132-33-100(3), WAC 478-140-018; see also Soter v. Cowles Publishing Company, 162 Wn. 2d 716 (2007), Browillet v.

Cowles Publishing Company, 114 Wn. 2d 788 (1990), and Doe v. Gonzaga University, 99 Wn. App. 388 (2000). **CP 122-123.**

Trial courts are required to give effect to every word and all of the language used in the statute. City of Olympia v Drebeck, 156 Wn. 2d 289-295-96 (2006), Marriage of Timmons, 94 Wn. 2d 594 (1980). A court cannot ignore statutory language and is not allowed to attempt to find an ambiguity where the language in the statute is clear. Coalition for the Homeless v DSHS, *supra*, at 907. A trial court cannot pick and choose which provisions of the statute to apply and /or enforce, nor ignore a statute's plain language simply because it may not like the result or the party in whose favor the statute falls. Marriage of Daubert, 124 Wn. App. 483, 502-03 (2004). See also City of Seattle v Fontanilla, 128 Wn. 2e 492, 500 (1996), State v. Pascal, 108 Wn. 2d 125, 137-38 (1987), PUD v WPPSS, 104 Wn. 2d 353,369 (1985) , State v. Hunter, 102 Wn. App. 630, 635-36 (2000). See also Code of Judicial Conduct, Cannon 1 and comments, Cannon 2, section (A), and Cannon 3, section A(1)(2), Kauzlarich v Yarbrough, 105 Wn. App. 632 (2110), State v Graham, 91 Wn. App. 663, 669-70 (1998).

The academic records Mr. Edwards had requested were by definition admissions records and financial aid records. **CP 35:8-16, 127.** Those records clearly fell into the definition and types of documents

identified as academic records by the University of Washington, Federal Government, and the State of Washington. Moreover, Commissioner Louden's order of 20 February 2009 clearly identified financial aid documents. **CP 84.** The initial order upon which all of mother's motions have been based, required Jacquelyn to provide academic records and apply for loans, financial aid, and scholarships. **CP 119.**

The trial court erred when it refused to follow the statute, and forced Mr. Edwards to pay college costs when it knew mother and Jacquelyn had refused to provide academic records. RCW 26.19.090(4) was clear and unambiguous; thus the trial court was required to enforce the statute, and the trial court's refusal to enforce the statute was erroneous and reversible error.

Mr. Edwards' argument that he was not required to pay college costs until he received academic records was supported by Marriage of Jess, 136 Wn. App. 922 (2007). In that case the mother and son brought a motion seeking to recover from the father college costs the father was ordered to pay pursuant to the order of child support. The father relying on RCW 26.19.090(4) objected to paying the college costs because he had not been provided with the son's academic records. The Superior Court of Stevens County denied the mother and son's request to recover college costs on the basis that the father had not been provided academic records.

On appeal, Division III of the Washington State Court of Appeals reversed the trial court's ruling and held that because the father had not requested academic records, he was not entitled to raise the condition precedent objection to the payment of college costs. In reaching its decision, the court specifically stated that "*RCW 26.19.090 requires a child to make available all academic records and grades to both parents as a condition of receiving postsecondary education support*". The court went on to state that "*each parent shall have full and equal access to the postsecondary education records*".

The facts here are opposite to those in Marriage of Jess, supra. In this case Mr. Edwards, beginning 25 June 2008 and continuing to approximately 16 July 2009 requested academic records. With the assistance of the trial court, mother and Jacquelyn have been able to circumvent Commissioner Seller's order of 23 May 2008 that required Jacquelyn to provide academic records to Mr. Edwards, Commissioner Loudon's order of 20 February 2009, which required Jacquelyn, at a minimum to provide all scholarships applied for, and the mandate of RCW 26.19.090(4).

B. The Trial Court's Imposition of CR 11 Sanctions Was Erroneous

CR 11 authorizes the imposition of sanctions only when a party files pleadings or makes arguments that are not "*well grounded in fact*"

and “warranted by existing law” and the evidence shows the pleadings and arguments were “interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation”. Pleadings and arguments that are “grounded in fact” and “warranted by existing law are not “baseless” claims, and are therefore not the proper subject of CR 11 sanctions. Townsend v. Holman Consulting Corp., 929 F. 2d 1358 1361-75 (9th Cir. 1990).

Before a trial court finds an argument or pleading frivolous, the trial court must find there were no debatable issues upon which reasonable minds might differ, the arguments and pleadings must be totally devoid of merit, and cannot be supported by any rational argument on the law or facts. All doubts should be resolved in favor of the appellant. Delany v. Canning, 84 Wn. App. 498, 509-10, 929 P. 2d 475 (1997), Layne v. Hyde, 54 Wn. App. 125, 773 P. 2d 83 (1989). An argument is baseless only if it is not well grounded in fact or warranted by existing law. MacDonald v. Korum Ford, 80 Wn. App. 877, 912 P. 2d 1052 (1996).

CR 11 was not intended to chill a party’s enthusiasm or creativity in pursuing factual or legal theories. Hughes v. Rowe, 449 U.S. 514, 101 S.Ct. 173, 66 L.Ed. 2d 163 (1980), Gig Harbor Marina v. Gig Harbor, 94 Wn. App. 789, 802, 973 P. 2d 1081 (1999). The 9th Circuit Court of Appeals stated “*Were vigorous advocacy to be chilled by the excessive use*

of sanctions, wrong would go uncompensated. Townsend v Holman Consulting Corp., 929 F. 2d 1358, 1363-65 (9th Cir. 1990). Hughes v. Rowe, 449 U.S. 5,14,101 S. Ct. 173, 66 L. Ed. 2 163 (1980), Gig Harbor Marina v. Gig Harbor, 94 Wn. App. 789, 802, 973 P. 2d 1081 (1999). Litigants should not fear adverse consequences for reasonably seeking judicial vindication of their perceived legal entitlements. Biggs v. Vail, 124 Wn. 2d 193, 876 P.2d 488 (1994).

Moreover, CR 11 is not a mechanism for providing costs to a prevailing party where such fees would otherwise be unavailable. John Doe v. Spokane & Inland Empire Blood Bank, 55 Wn. App. 106, 111, 780 P. 2d 853 (1989). Fees and costs must be limited to the fees and costs actually expended, and costs should be no more than necessary to compensate for additional litigation burdens. Biggs v. Vail, *supra*. Here both trial courts' imposition of CR 11 sanctions were erroneous. First, Mr. Edwards' arguments were based upon existing law that required the production of all academic records before Mr. Edwards was required to contribute to college costs. Second, the facts were undisputed, mother and Jacquelyn refused to provide academic records mandated by RCW 26.19.090(4), much less those requested by Mr. Edwards, those ordered by Commissioner Sellers, and those found to be appropriate by Commissioner Loudon. Third, the arguments proffered by Mr. Edwards

as a basis for not paying the college costs were supported by statute and existing case law. Fourth, no fee declaration or documents were submitted by mother to support the award of \$750.00 in litigation costs. In fact, at the hearing before Commissioner Louden, Commissioner Louden specifically denied mother's requests for costs. Therefore, mother would only be entitled to documented costs incurred after the 25 June 2009 hearing.

C. Commissioner Sassaman's Order of 24 July 2010

Commissioner Sassaman gave three reasons to support the imposition of CR 11 sanctions against Mr. Edwards. Commissioner Sassaman's first basis was that Mr. Edwards "*repeated acts of contempt and failure to comply with prior court order*". Mr. Edwards responds as follows. First, it is not clear what order Commissioner Sassaman is referring to when she says Mr. Edwards was in contempt for not following the order. The two orders before the 24 July 2009 hearing before Commissioner Sassaman that required Mr. Edwards to pay college costs for the Fall 2008 and Winter 2009 Quarters had been paid in full before the 25 June 2009 hearing before Commissioner Louden. The request for college costs before Commissioner Louden at the 25 June 2009 hearing was denied. So prior to the 24 July hearing before Commissioner Sassaman, Mr. Edwards was in compliance with all orders. The only other

order Mr. Edwards was aware of was the order of 23 May 2008 entered by Commissioner Sellers. That order required mother and/or Jacquelyn to provide academic records and required Jacquelyn to apply for scholarships, loans, and financial aid. Inherent in Commissioner Sellers' order of 23 May 2008, was the requirement that academic records be produced before Mr. Edwards was required to pay college costs. The 23 May 2008 Order was drafted by the mother's attorney; any ambiguity in an order shall be construed against the drafter. However, when reading Commissioner Sellers' order in conjunction with RCW 26.19.090(4), the production of academic records was required before Mr. Edwards was required to pay college costs. Commissioner Sassaman's finding that Mr. Edwards behavior was contemptuous when Mr. Edwards' requested the court enforce the dictates of RCW 26.19.090(4) was wrong and an attempt to circumvent Mr. Edwards' civil and constitutional rights.

Commissioner Sassaman's second basis was that Mr. Edwards *acted in bad faith in his continued failure to pay post-secondary support resulting in a series of hearings; the father is using this court to harass and to avoid his obligation to pay postsecondary support in bad faith*". Mr. Edwards responds as follows. First, a trial court's finding of bad faith and contemptuous behavior must be supported by substantial evidence; if findings of fact and conclusions of law were not supported by substantial

evidence the trial court's findings will be reversed on appeal. Marriage of Rideout, 150 Wn. 2d 337, 77 P.3d 1174 (2003), Miles v. Miles, 128 Wn. App. 64, 114 P.3d 671 (2005). The test for substantial evidence is whether there was evidence of a sufficient quantum to persuade a fair-minded rational person of the truth of the declared finding. Miller v. City of Tacoma, 138 Wn. 2d 318, 979 P.2d 429 (1999). Bad faith can only be found if there was substantial evidence that the party acted with tainted or fraudulent motives and dishonest purpose, and intentionally, frivolously, and for the purpose of harassment filed a pleading. In Re Recall of Pearsall-Stipek, 136 Wn. 2d 255, 266-67, 961 P.2d 343 (1998), Spencer v. King County, 39 Wn. App. 219, 696 P.2d 874 (1984). To find an argument or pleading frivolous and in bad faith, there can be no debatable issues upon which reasonable minds might differ, and the arguments and pleadings must be totally void of merit. Delany v. Canning, 84 Wn. App. 498, 509-10, 929 P.2d 475 (1977).

Here, the record reveals Mr. Edwards was seeking the vindication of those rights provided him by the legislature of the State of Washington pursuant to RCW 26.19.090(4); the production of academic records. The reason why there were repeated hearings was because Commissioner Sassaman and Commissioner Loudon refused to follow and enforce the law. There was no harassment on the part of Mr. Edwards; what occurred

was an America citizen exercising his right to demand equal protection and full enjoyment under the law.

Commissioner Sassaman's third basis was that "*Commissioner Louden's order was clear in requiring the academic transcripts and not a full release to the father to access all of the daughter's records as he believes he is due and has continually argued for. Further findings are on the record*". Mr. Edwards responds as follows. First, Mr. Edwards has read and re-read Commissioner Louden's order and does not find that language. To the contrary, Commissioner Louden in his order of 20 February 2009 specifically found that some of the records requested by Mr. Edwards' were reasonable and that he was entitled to some records, and gave as an example only and not a limitation, scholarships applied for. **CP 84.** If Commissioner Louden had in fact made the statements claimed by Commissioner Sassaman that would be a contradiction of his previous order of 20 February 2009, RCW 26.19.090(4), and Commissioner Sellers' order of 23 May 2008. Second, Mr. Edwards is not clear what findings Commissioner Sassaman is referring to when she stated "*Further findings are on the record*".

D Judge Doerty's Order of 24 September 2009.

Judge Doerty gave five reasons as a basis for the imposition of CR 11 sanctions. Judge Doerty's first basis was that Mr. Edwards "*an*

attorney, continues to argue equal access to academic records under RCW 26.09.225(1), a provision that applies only to minor children. His relentless pursuit of 'all' academic records clearly violates RCW 26.09.225(3) which limits access to records necessary to 'determine, establish, or continue support'". Mr. Edwards responds as follows. First, RCW 26.09.225(1) is not included anywhere in Mr. Edwards' briefs of 20 February 2009, 24 April 2009, 26 June 2009, or 24 July 2009, nor was RCW 26.09.225(3). **CP 33-46, 60-67, 69-77, and 102-112.** RCW 26.09.225 was contained in Mr. Edwards' brief four times; three times when Mr. Edwards cited to RCW 26.09.090(4) because it was the last sentence in RCW 26.09.090(4), one time in the authority section of Mr. Edwards brief submitted for the 20 February 2009, again because it was included as the last sentence of RCW 26.19.090(4). **CP 33:30, 61:25, 63:15, 77:5 and 103:9.** Third, Mr. Edwards' argument that he was entitled to academic records was based exclusively upon RCW 26.19.090(4) as is exemplified by **CP 33:27-29**, wherein the portion of that statute argued is bolded. Mr. Edwards cited to RCW 26.19.090(4) approximately thirty-eight times throughout **CP 33-143.** Fourth, in his order of 20 February 2009, Judge Loudon acknowledged that Mr. Edwards' request for academic records was based upon RCW 26.19.090. **CP 84.** Fifth, Judge Doerty pointing to the fact that Mr. Edwards was an attorney as a basis for

imposing CR 11 sanctions is both a red herring and non sequitur fallacy, and does not change the fact that Mr. Edwards' argument was based upon RCW 26.19.090(4) and not RCW 26.09.225(1).

Judge Doerty's second basis for imposing CR 11 sanctions was that Mr. Edwards "*relentless pursuit of all 'academic records' clearly violates RCW 26.09.225(3) which limits such access to records necessary to 'determine, establish, or continue support'.*" Mr. Edwards responds as follows. First, the arguments proffered above regarding Judge Doerty's first basis apply here. Second, RCW 26.09.225(3) is inapplicable here because Mr. Edwards was not arguing access to academic records based upon RCW 26.09.225(1). Third, the language of RCW 26.19.090(4) is clear when it says "***all academic records***" and some of the records included in all academic records have been identified on page ten and eleven of this brief. Fourth, after the 20 February 2009 hearing, Mr. Edwards narrowed his request to admission and financial aid records. **CP 55, 125, 127.**

Judge Doerty's third basis for imposing CR 11 sanctions was "*For example the Respondent insists on financial aid application records. However aid applied for is not the same as costs incurred. The costs including financial support are included in the tuition statements which have been provided. There is no requirement in the statute or the*

underlying child support order of May 23, 2008 that a condition of education support is application for financial aid.” Mr. Edwards is not quite sure what Judge Doerty is saying here, but will respond to those claims by Judge Doerty that he understands. First, a condition of receiving college costs is the requirement that Jacquelyn apply for financial aid. In her 23 May 2008 order, Commissioner Sellers stated *“The father shall pay 43.1% of all of Jacquelyn’s post-secondary expenses, including books, tuition, room and board, and lab fees, after deducting loans, financial aid, and scholarships”*. CP 119. Inherent in that language was the requirement that Jacquelyn apply for financial aid. Second, In Re Shellenberger, 80 Wn. App 71, 84, 906 P.2d 968 (Div. One 1995), requires a student seeking postsecondary support from a parent to contribute to their own education through the application of grants, scholarships, student loans, and summer and/or part-time employment during the school term. Third, this argument by Judge Doerty is another red herring because the issue is not whether Jacquelyn was required to apply for financial aid, the issue is whether mother and/or Jacquelyn were required to provide academic records before Mr. Edwards was required to contribute to college costs. Fourth, Commissioner Loudon in his order of 20 February 2009 stated Mr. Edwards was entitled to know what scholarships Jacquelyn applied for and received which is a part of

financial aid, which to date mother and Jacquelyn have refused to provide. Fifth, the “*tuition statements*” referred to by Judge Doerty only included financial aid provided, not financial aid applied for as was ordered by Commissioner Sellers and In Re Shellenberger, *supra*. at 84. Sixth, Mr. Edwards would ask this court to take judicial notice of the well-known fact that when applying for financial aid, both parents must submit their financial information; in this case Mr. Edwards’ financial information was never requested or provided to the University of Washington or any State or Federal Agency, with his knowledge.

Judge Doerty’s fourth basis for imposing CR 11 sanctions was because Mr. Edwards requested documents “*not authorized including names, addresses, and telephone numbers for Jacquelyn’s financial aid coordinators and professors, the name and number of courses she has registered for, a list of possible scholarships, grants, and loans available, student identification, waivers for access, etc.*”. Mr. Edwards responds as follows. First, Judge Doerty cites no legal authority for this claim that Mr. Edwards is not entitled to the above requested information. Second, Judge Doerty’s claim is contrary to RCW 26.19.090(4), which says all academic records; academic records have been defined by the University of Washington, the Federal Government, and the State of Washington to include the very documents Judge Doherty seeks to deny to Mr. Edwards.

Third, without the requested documents, Mr. Edwards is unable to independently verify whether mother's claim for college reimbursement are valid. The student identification and waivers would allow the University of Washington to provide Mr. Edwards with academic records that had not been doctored.

Judge Doerty's fifth basis for the imposition of CR 11 sanctions was that "*Since Respondent is an attorney, given the extensive findings and previous orders in this case, and that his demands are made without grounding in fact, and contrary to existing law it is irrefutable that his purpose continues to harass and cause unnecessary delay in litigation*".

Mr. Edwards responds as follows. First, the fact that Mr. Edwards was an attorney is not relevant and is both a straw argument and a red herring. The fact that Mr. Edwards was an attorney means Mr. Edwards had enough knowledge of the law to know that Judge Doerty was intentionally ignoring the clear, unambiguous, and plain language requirements of RCW 26.19.090(4). One could only shudder at the thought that if the trial court was willing to do to Mr. Edwards what it did, how it must be abusing the rights of other non-custodial parents who do not have the legal skills or funds to hire an attorney. Second, it is not clear to Mr. Edwards what "*extensive findings*" Judge Doerty is referring to as there has not been extensive finding in this case. Third, Judge Doerty's claim that Mr.

Edwards' claims are not "*grounded in fact, and contrary to existing law it is irrefutable that his purpose continued to be to harass and cause unnecessary delay*" was erroneous. First, RCW 26.19.090(4), Commissioner Sellers' order of 23 May 2008, Commissioner Louden's order of 20 February 2009, and In Re Shellenberger, *supra*. at 84, was existing law that supported not contradicted Mr. Edwards' argument that he was entitled to academic records before he was required to pay college costs. Second, the facts are that: (1) Mr. Edwards asked for academic records, which was a condition precedent to the invocation of RCW 26.19.090(4) as stated by Marriage of Jess, *supra*.; (2) Mother and Jacquelyn refused to provide academic records; (3) the trial court knew mother and Jacquelyn were refusing to provide academic records; and (4) the trial court refused to enforce RCW 26.19.090(4). The arguments proffered by Mr. Edwards were grounded in fact. Third, there was no unnecessary delay and Judge Doherty cites to no circumstances where there was a delay in the litigation because Mr. Edwards argued that the trial court was required to enforce RCW 26.19.090(4). Forth, if Mr. Edwards had failed to continue to argue RCW 26.19.090(4), mother or the trial court would have claimed Mr. Edwards was waiving his right to academic records. Fifth, a claim that a litigant is harassing another party because the litigant is asking the court to enforce the law is circular

reasoning; in this case Mr. Edwards was not harassing mother or the court; instead Mr. Edwards was seeking judicial vindication of the right provided him by RCW 26.19.090(4), the relevant case law, and previous court orders. There was no harassment here; there was only an American citizen seeking the full and equal enforcement and protection of the law.

E. Overview of Trial Court Orders

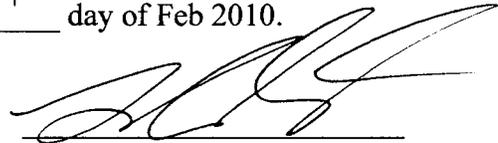
Commissioner Sassaman's findings and Judge Doherty's subsequent findings and ruling were erroneous given the facts of this case. It occurs to Mr. Edwards there are several possibilities for this error: (1) due to heavy workloads, they confused Mr. Edwards' case with another case; (2) heavy workloads precluded them from having the time to make a thorough review of the orders and pleadings in this matter; (3) in an effort to keep the flow of money going to mother they overreached; or (4) there was intentional denial or misrepresentation of both Commissioner Seller's and Commissioner Loudon's orders in order to support a desired outcome. Mr. Edwards makes this observation, fully aware that some in the court may take offense, and in an effort to protect one of its own may close ranks, ignore the law, and rule against Mr. Edwards. However, Mr. Edwards believes there remain those within the judiciary who are committed to truth, and although the truth may be harsh, are willing to stand against injustice, regardless of its origin. As Martin Luther King, Jr.

stated, *"Injustice anywhere is a threat to justice everywhere."*

IX. CONCLUSION

Based upon the above, Father asks the court to reverse both orders of the trial courts.

Respectfully submitted this 15th day of Feb 2010.



Lawrance A. Edwards
Pro Se Appellant

X. DECLARATION OF RECEIPT AND MAILING

Lawrance A. Edwards declares and states as follows.

1. I am the Appellant herein, am competent to testify, and make this declaration based upon personal knowledge.

2. The court's letter of 01 February 2010 was received 04 February 2010.

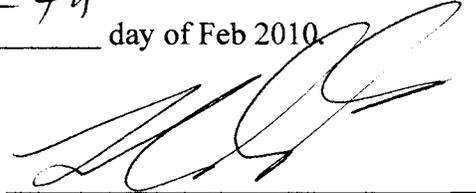
3. Mr. Edwards caused on 15 February 2010, the original of Appellant's opening brief to be mailed via Fed Ex overnight delivery to Clerk of the Court, Washington State Court of Appeals, Division One , One Union Square, 600 University Street, Seattle, WA 98101-4170, and a copy to:

Julea Edwards

10829 NE 183rd Court
Bothell WA 98011

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

Dated at Irvine, California this 15th day of Feb 2010.



Lawrance A. Edwards
Pro Se Appellant