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Appellate Court #. ~~64951-1~~<sup>64951-5</sup>  
Superior Court #. 08-2-16279-6KNT

COURT OF APPEALS  
DIVISION I  
OF THE STATE OF WASHINGTON

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MINI-DOZER WORK  
WAYNE R. RICHARDSON, owner

Appellant,

vs.

LINH NGUYEN PYUNG

Respondent.

2010 NOV 12 PM 12:14  
COURT OF APPEALS  
DIVISION I  
CLERK OF COURT  
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APPELLANT'S REPLY BRIEF

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Mini-Dozer Work  
Wayne R. Richardson  
6930 So. 123<sup>rd</sup> St. Apt. J 181  
Seattle, WA 98178-4339  
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**ORIGINAL**

**APPELLANT'S REPLY BRIEF**

The respondent's reply brief is convoluted and fails to comply with RAP 10.3(b). There is no continuity between his wording on page 2 ¶ 2 that states; "Defendant owes him for professional services rendered and retaining furniture that Defendant had allowed him to store at her house. Defendant answered and counterclaimed for storage fees and for damages incurred by Defendant resulting from Plaintiff unauthorized practice of law."

There is no continuity between this sentence and the rest of the respondent's brief that makes any showing that the property or the house was ever in the control of the respondent. There is no continuity between the above sentence and the rest of the brief that the respondent was in compliance of RCW 18.27.010 for registering as a general contractor to control property that she claimed to control.

**RCW 18.27.010**

(1) "Contractor" includes . . . ; or, who, to do similar work upon his or her own property, employs members of more than trade upon a single job or project or under a single building permit except as provided in this chapter."

The claim stated with specificity that the respondent did not own the

property or the house when she extorted the furniture from the appellant to control her demands regarding this property and house that belongs to her son.

The court papers issued to the Honorable Judge White complied with his order to make ready for trial. The said papers were served on the respondent's attorney by ABC Legal service on that due date set by the court. The respondent refused to comply with the Court's order to make ready for the trial by either agreeing to the new exhibits or denying the exhibits presented for jury trial. To this day, counsel has not complied with any requirement of due process of law to show that his client had the authority to control the appellant's furniture or other actions associated with the property claimed to be her house.

**DISCIPLINE OF CARMICK 146 Wn.2d 582 (June 2002) @ 595**

"In an ex parte proceeding, an attorney is required to inform the tribunal of all relevant facts known to the attorney that should be disclosed to permit the tribunal to make an informed decision, whether or not the facts are adverse. RPC 3.3(f) . . . These rules are designed to protect the integrity of the legal system and the ability of courts to function as courts. An attorney's candor is at its highest when opposing counsel is not present to disclose contrary facts or expose deficiencies in legal argument. Such a high level of candor is necessary to prevent judges from making decisions that differ from those they would reach in an adversarial proceeding. GEOFFREY C. HAZARD, JR & W. WILLIAM HODES, THE LAW OF LAWYERING HANDBOOK ON THE MODEL RULES OF PROFESSIONAL CONDUCT § 29.2, AT 29-3, 29-4 (3d ed. 2001)

Page 4 ¶ 1 does not state the reason why the defendant's cause of action was dismissed. The final order stated the respondent did not answer the petitioner's Motion to inspect the property with the sheriff to confirm the furniture was still in the respondent's claimed position. All referrals used by counsel before the suit was filed claimed contact had to be made with the respondent's son. This claim stated incognito that the respondent had fled the state. The son had no contact with the appellant in regards of any of the things that corresponded between the appellant and the respondent. The respondent only contacted this counsel after the sheriff was called to evict her off the premises where the petitioner resided and her failure to show at the Renton Library for a second meeting. The respondent's action in this case was nothing more than a scheme to control the appellant to her own whims. It is assumed that the respondent has fled the country and the son has disposed of the furniture. There has never been a pleading presented to the court nor has there been any confirmation by this counsel that the furniture has not been destroyed or is still available for inspection at the residence where it was left.

The appellant again asks for sanctions under CR 11 and damages

under Discipline of Carmick<sup>ibif 2</sup>.

### IN FINALITY

Respondent never informed this court that the respondent filed a counterclaim against the appellant and tried to dismiss the appellant's claim more than once claiming his client was the owner of the property in question and that it was her personal property. This is the fraudulent part of the action that surfaced after the sheriff evicted the respondent from the premises. There is no evidence in the record that the court reviewed all the pleadings and the entire record, as claimed on respondent's brief page 15 ¶ 2. The Order to Show Cause stated the plaintiff had filed his loose-leaf notebook with the proposed exhibits for a jury trial. These exhibits were served on counsel on the same day the notebook was served on the court. Counsel made no objection to the exhibits. He purposefully waited for another two or three weeks and then filed his second Motion to Dismiss to be heard only a few days before the trial date. The case schedule states any motion for an order to dismiss must be heard 14 days before the date set for trial. This action did not comply with the due process requirements under U. S. C. title 42 § 1983. The final order of

dismissal (not submitted to the appellant with the Respondent's Brief as stated on page 4 ¶ 2) stated that the respondent failed to answer the appellant's Motion for an Order of Discovery to enter the property cited the claim to verify the presence of the extorted furniture. Respondent's claim on page 15 ¶ 1 is answered under RAP 10.10(f).

Respondent's counsel seems to be using his brief for a cross review instead of just a reply brief that must be controlled under RAP 10.3(b). RAP 5.1(d) limits a cross review to a respondent in an appeal who has filed a notice of appeal or a notice for discretionary review within the time allowed by rule 5.2. There has been no notice of appeal or notice for discretionary review served on the appellant. Therefore, the appellant asks this court to impose sanctions under RAP 10.7 for filing a convoluted brief set forth on hypothesis and innuendo's that are non existent.

#### **DAMAGES/COSTS**

The plaintiff asks for damages and costs assessed against the respondent and her son or just her son (sole owner of the property in question; conspirator with the respondent to dispose of the extorted furniture) unless there is proof positive given before the final hearing in

this court that there has been no damage or disposal of said furniture to the betterment of the respondent. If there can be no finding of the existence of the furniture in the original position of the South East corner of the main garage connected to the primary house, the appellant asks for damages under chapter 19.86 RCW of \$10,000.00 times 3 under RCW 60.04.035 for collusion between the respondent and her son. That total damages of \$30,000.00 be fixed as a lien on the property used for the extortion.

Further, that damages against counsel Rodney L. Kawakami WSBA # 7055 be assessed at \$30,000.00 for refusing to comply with Discipline of Carmick<sup>ibid 2</sup> for violations under RPC 3.3(f) for refusing to apprise the court of the legal issues involved with his client. The appellant asks for punitive damages of \$50,000.00 for defamation of character of the appellant and his business against Rodney Kawakami regardless if the furniture is still housed without damage in the same position as originally placed.

Respectfully submitted by: 11-11-2010

*Wayne R. Richardson*

Wayne R. Richardson, owner of Mini-Dozer Work