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COURT OF APPEALS NO. 66277-5-I

King County Superior Court of Washington No. 99-3-00253-2 KNT

In re the Marriage of:

Tammy J. Triplett, Appellee/Respondent,

v.

Stephanie L. Case, Appellant/Petitioner

BRIEF OF APPELLANT

Stephanie L. Case, Pro Se
Appellant
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Kent, WA 98032

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1. ASSIGNMENTS OF ERROR

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ASSIGNMENT OF ERROR NO. 9: Did the Court err and misquote Judge Matson's prior orders causing an unjust error imposition to prejudice Ms. Case?

ASSIGNMENT OF ERROR NO. 10: Did the Court err by denying Ms. Case's Motion for Reconsideration?

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ASSIGNMENT OF ERROR NO. 1: Did the Court err with the analysis and intent of Civil Order dated January 28, 2005? Was the Civil Order and instructions to FCS on January 28, 2005 to be viewed or construed as a permanent modification of the Parenting Plan? Was the Civil

Order objective and Instructions to FCS dated January 28, 2005 simply a temporary adjustment pending agreement in mediation between the parties or modification of the parties Parenting Plan? Was the Civil Order objective and Instructions to FCS dated January 28, 2005 merely intended to provide a measure of temporary relief until Ms. Case achieved a residence to resume the regular schedule under Parenting Plan §3?

ASSIGNMENT OF ERROR NO. 2: Did the Civil Order and instructions to Family Court Department give Ms. Triplett authority to deny Ms. Case the provisions outlined in the original Parenting Plan? Did the Civil Order and instructions to Family Court Department give Ms. Triplett authority to deny Ms. Case the provisions of a residential schedule, exclusion of parental involvement and denial of general parental function? Did the Civil Order and instructions to Family Court Department give Ms. Triplett authority to withhold and or conceal significant information as to the welfare of the children or to deny the joint decision-making and dispute resolution process as outlined in the original Parenting Plan? Did the Court err in excusing and not finding Ms. Triplett in contempt of the residential and several provisions of the original Parenting Plan?

ASSIGNMENT OF ERROR NO. 3: Did the Court err October 19, 2010 by entering an amended order pursuant to Civil Order dated January 28, 2005? Did the Civil Order dated January 28, 2005 self-terminate subsequent to mediation or should the order be held invalid under the doctrine of *ultra vires*? Did the Court in 2005 have the authority to permanently modify a Parenting Plan through a contempt revision of the Commissioner's orders denying contempt without following statutory rules RCW 26.09.191, RCW 26.09.260, RCW 26.09.270

and LCR13(d)(1)(2)? Did the Court on October 19, 2010 have authority to amend a 2005 Civil Order that permanently modifies the Parenting Plan through a contempt motion without following statutory rules RCW 26.09.191, RCW 26.09.260, 26.09.270 and LCR13(d)(1)(2)? Did the Court ignore statutory rules and court procedure? Did Ms. Triplett usurp the constitutionally protected parental rights by causing an unjust deprivation of Ms. Case's parent-child relationship to cause harm?

ASSIGNMENT OF ERROR NO. 4: Did the Court err on October 19, 2010 by not considering the intent of Civil Order and Instructions provided to FCS on January 28, 2005? Did the Civil Order and instructions dated January 28, 2005 infer the court's intent of the residential schedule adjustment to a third weekend modification was merely temporary by providing the option of either "pending an agreement in mediation" OR "modification of the Parenting Plan"? Did the January 28, 2005 orders impose, construe or delineate a denial upon Ms. Case as "a restriction of access"?

ASSIGNMENT OF ERROR NO. 5: Did the Court err on October 19, 2010 by ignoring several complaints provided by Ms. Case's contempt motion and declarations? Did the Court ignore Ms. Case's complaints of seriously blatant allegations of misrepresentation, concealment and conflict that amount to custodial interference? Did the Court err regardless of receiving several documents showing Ms. Triplett was fully aware and had knowledge of Ms. Case's desire to return to the Parenting Plan upon establishing a permanent residence? Did Ms. Triplett continue to conceal, create conflict and maintain barriers of custodial interference that had deprived Ms. Case of a residential schedule, involvement in parental decision making and

general parental function, resulting in a long term deprivation of love, affection and companionship of the children?

ASSIGNMENT OF ERROR NO. 6: Did the Court err by disregarding Ms. Case's complaints of Ms. Triplett's concealment and failure to provide significant information regarding the welfare of the children, resulting in a deprivation of the parent-child relationship? Did Ms. Case provide several documents substantially showing the repeat violations of several provisions outlined in the original Parenting Plan; including several exhibits showing the conflict and malicious harm the concealment created? Did Ms. Triplett perpetuate the risk of harm to the parent-child relationship? Did the Court conclude Ms. Triplett had withheld significant information from Ms. Case?

ASSIGNMENT OF ERROR NO. 7: Did the Court err when Ms. Case made inquiry regarding the substantial negligent childcare debt incurred and concealed by Ms. Triplett? Is harm from the Court's response ("what is it you are asking about this") justified because Ms. Case is in arrears? Do arrears primarily exist between the parties? Was the debt intentionally concealed? Is the ignorance of creating a concealed uninvited debt justified because Ms. Case was in arrears? Does the uninvited debt leave Ms. Case publicly vulnerable to serious financial harm and legal prosecution for a debt Ms Triplett created?

ASSIGNMENT OF ERROR NO. 8: Did the Court err by allowing a Motion to Shorten Time, Motion to Amend and Dr. Reiter's Declaration to be incorporated into the contempt hearing? Did the Court error, allowing counsel to incorporate by reference the motion to amend and Dr.

Reiter's declaration to be integrated into the motion for contempt? What attempt to contact Ms. Case was established? Does the declaration provide what contact was made as required by local court rules? Did these motions meet the definition of an emergency?

ASSIGNMENT OF ERROR NO. 9: Did the Court err and misquote Judge Matson's orders when the Court stated "Ms. Case it is clear to me from the record that I have seen including Judge Matson's order that you have strong concerns about your access or lack of access to the children about your involvement in decision making for them, your ability to spend time with them and your strong belief that, that Ms. Triplett has failed to comply with court orders." When the court commented "in light of Judge Matson's order where there was real concern that these issues have continued to be essentially raised again and again in court." Did this unjust conclusion cause Ms. Case to be prejudiced? Was the subject matter on contempt the same subject matter as in Judge Matson's Court?

ASSIGNMENT OF ERROR NO. 10: Did the Court err by denying Ms. Case's Motion for Reconsideration? Did Ms. Case's reply declaration present concerns of irregularity, including the fact that Ms. Triplett did not follow local procedural rules? Did the Court use the declarations as an answer to deny Ms. Case reconsideration?

ARGUMENT

Stephanie Case and Tammy Triplett have two minor children, Shawn (age 16), Alysha (age 15). The Court entered a final Parenting Plan (“Plan”) on February 28, 2000. CP 181-189. Both parties were represented by counsel in that proceeding. Under the Plan, the children resided with Ms. Triplett during the school year and had residential time with Ms. Case on the first and third Saturday and Sunday of each month. The Plan included a provision for Ms. Case’s work related weekends and on certain holidays every other year. The summer schedule remained the same except for three weeks of uninterrupted vacation in the summer. The parties have joint decision-making power.

I. Prior History:

In April 2004, Ms. Case re-injured a spinal injury CP 40, 50. Ms. Case was left with no home, no income and forced to seek help through GAU pending disability while taking residence in a friend’s home. Ms. Case had informed Ms. Triplett that it was not possible to keep the every other weekend schedule due to Ms. Case’s living arrangements. CP 201, Exhibit 7. Ms. Case proposed a return to the third weekend schedule designated as employment until Ms. Case had her own residence and could resume the regular twice a month weekend schedule. Unfortunately, regardless of the provision in the Plan that states: “any residential periods which are made by election of one of the parties shall be reasonable and proposed in good faith. In the event a parent elects a residential schedule which the other parent asserts as unreasonable, the disputed schedule shall be subject to the dispute resolution process provided in the parenting plan.” CP 187. Ms. Triplett continued to argue and Ms. Case was forced to seek review by means of a contempt motion because Ms. Triplett refused to attend mediation. CP 6-8, 51-54.

II. Motion for Contempt: January 5, 2005

At the contempt hearing on January 5, 2005, both parties appeared pro se. The Commissioner denied the motion of contempt and ordered “Parties will strictly follow the Parenting Plan.” CP 125.

III. Revision Hearing: January 28, 2005

Parties were again pro se on January 28, 2005. At the hearing, the court denied contempt and provided temporary relief of Ms. Case’s residential time to a third weekend schedule. CP 128, 191. The Court noted the residential provision of the Plan was unworkable and impossible to follow. CP 128, 191. The Court specifically addressed the need for additional residential time. CP 128, 191. The court order expressly stated “pending agreement in mediation or modification of the Parenting Plan Ms. Case shall have the children the third weekend of every month from Sat 10am to Sunday at 6pm and other times as the parties may agree.” CP 128, 191. At the same time the Court wrote Orders of Transfer to Family Court Department (“FCS”). CP 129-130, 237-238.

IV. Order of Transfer to Family Court Dept: January 28, 2005

At the January 28, 2005 hearing, the Court transferred to FCS with the following instructions: 1) “adjustment of the Respondent’s time with the children until Respondent has her own residence and is able to resume the regular schedule under Pl III or until Parenting Plan is modified.” Re: in regard to: other, contempt action. CP 129-130, 237-238.

V. Mediation Certificate of Completion

Mediation took place November 2005 and was initially agreed to by both parties. FCS issued a Certificate of Mediation Completion December 5, 2005. CP 391-392. Ms. Case asked

Ms. Triplett to include one additional transportation provision in the event that Ms. Case moved out of state for employment. This is verified by email dated February 7, 2006. CP 200. Ms. Triplett refused. Mediation failed to create a modified Plan based on Ms. Triplett's refusal. In December 2005 Ms. Case established a permanent residence suitable to resume the residential schedule in the Plan. CP 169, 202. Ms. Triplett refused. CP 201. Regardless of mediation completion, Ms. Triplett has maintained a complete denial of the Plan provisions ever since. Ms. Triplett has refused Ms. Case the residential schedule regardless of repeated requests. CP 200-206, 234-235. Ms. Triplett has refused to follow several provisions of the Plan. CP 187 line 35; 187 line 44; 188 line 2. Ms. Triplett has denied Ms. Case's involvement of Joint Decision making, §4.2 CP 185; and refuses Dispute Resolution, §5, CP 186.

On January 28, 2005, the Court provided relief due to Ms. Case's living arrangements by temporarily adjusting residential visits to a third weekend pending an agreement in mediation or modification of the Plan. The parties retained joint decision-making authority. No other provisions were modified or affected. CP 128, 191. The Court's instruction to FCS clearly defines the relief as temporary. CP 129, 237-238. There is nothing ambiguous about these orders.

On October 19, 2010, a contempt motion was heard and held the January 28, 2005 orders to be a permanent change. Ms. Case argues that the Order entered January 28, 2005 was issued *ultra vires* if construed in such manner. The Court not only failed to comply with the statutory requirements regarding modifying a Parenting Plan, but also failed to act in accordance with the policies underlying the statutes. *South Tacoma Way v. State of Washington*, 169 Wn.2d 118, 233 P.3d 871 (2010); regarding modification of parenting plans. (*See Halls, Hoseth, and Shryock*, RCW 26.09.002)

The Court did not record the January 28, 2005 proceedings before Judge Middaugh. Therefore Judge Middaugh's orders and instructions to FCS must be read collectively to define the intent of the Court. The Court did not have authority to permanently modify a parenting plan from a contempt motion and the court did not do so. These orders authorized a return to the residential schedule subsequent to mediation. CP 128-130, 191, 237-238. Nonetheless the mediator informed the parties that nothing would become effective until signed by both parties, the Court and filed. CP 391. Nothing in the record shows that Ms. Triplett or Ms. Case petitioned to modify the Plan. Regardless, Ms. Triplett has continued to deny Ms. Case every provision outlined in the Plan, including visitation, concealment of significant information as to the welfare of the children and continued to substantially excluded Ms. Case's parental involvement by creating considerable barriers and conflict as reflected at CP 200-206, 211-217, 219-223, 225-228, 231-235, 247-250, 299-306.

V. Child Support Modification January 11, 2007

On January 11, 2007 Ms. Case filed a modification of child support because of the financial hardship it was causing. Shortly thereafter Ms. Triplett was propounded Interrogatories and Requests for Production. CP 292-295. On March 22, 2007, Ms. Case filed a Motion to Compel answers. On April 11, 2007 an Order Compelling Interrogatory Answers was entered. Exhibit 1 p. 12. Ms. Triplett was sanctioned for not answering within the time period allowed. Exhibit 1 pp. 16-18. Because of the delay Ms. Case filed a Motion to Continue the Trial.

At the Support Modification hearing on May 24, 2007; Ms. Triplett provided no canceled checks; no proof or verification of childcare expenses. CP 292-295 see also Exhibit 1 pp. 4-5, 24, 30, 32. The court allows \$850 per month without evidence, then \$600 per month based on mere oral presentation. Exhibit 1 p. 33. At Exhibit 1 p. 30 of proceedings Ms. Triplett

stated \$800 per month per child, Ms. Triplett then changed the amount stating she paid \$600 per month by indicating she covered the remaining balance with an income tax refund. Exhibit 1 p. 31 Nonetheless, Ms. Triplett provided no proof of expense or verification of these arrangements nor did Ms. Triplett disclose excessive interest and fees charged by such payment arrangement. Ms. Case was not involved with this arrangement or agreement. Ms. Triplett remained silent and did not reveal to the Court and Ms. Case any knowledge of excessive fees and interest or a negligent payment history. CP 347-349. In addition, Ms. Triplett misrepresented statements to the court of Ms. Case's refusal to address childcare changes. Nonetheless, Ms. Triplett was instructed by the Court that childcare receipts are required and shall be provided upon a childcare invoice with letterhead indicating charges and payments for each child. Exhibit 1 p. 30. Ms. Triplett in response verbally provided the court a promise to comply with instructions. Exhibit 1. p. 31. Written instructions of the Court are provided in the court minutes as follows: "Ms. Triplett shall provide proof of daycare payments every month." CP 264.

VII. Motion to Vacate

On September 8, 2008 Ms. Case filed a Motion to Vacate. This motion was over an alleged forged receipt and Ms. Triplett's continued failure to provide childcare expense verification. Exhibit 2 pp. 9, 18-19. This motion was denied and CR 11 sanctions were imposed against Ms. Case. Ms. Case sought reconsideration in December 2008 and later a revision in January 2009, which again held Ms. Case to further CR 11 sanctions and ordered that she not bring suit prior to May 26, 2009. Exhibit 2, CP 194-198.

Ms. Case presented evidence on the contempt motion. CP 345-360. The documents provide a completely different issue altogether: concealment. Ms. Case has been held accountable for excessive fees and interest for several years because of Ms. Triplett's negligent

payment history. These facts have been concealed from the Court and Ms. Case. The actual childcare expenditure was \$822 per month for both children, not \$800 per month per child as disclosed. Exhibit 1 p. 30, see also CP 347, 349, 350, 355. In December 2007, Ms. Triplett was given notice of a reduction if the account remained current. CP 350. Ms. Triplett never disclosed this reduction notice. The account returned to full tuition in April 2008 and remained in arrears until ending June 2009. CP 355-360. Ms. Triplett also did not reveal several warnings of childcare discipline and behavioral problems or childcare cancellation notices. These childcare cancellation warnings were the result of insurance termination because of the non-payment issue. CP 297, 299-305, 348, 351.

Subsequent to these hearings, the court was unaware that: Ms. Triplett removed the children from Ms. Case's home March 1, 2009 again withheld the children March 21, 2009 when she just drove off leaving Ms. Case without any visitation. On March 12, 2009 Ms. Triplett emailed a request to eliminate childcare. CP 287-290. Ms. Triplett had previously made the same request prior to the motions to vacate on August 12, 2008. CP 283-285. Ms. Case asked several questions as to why. Days later Ms. Case finally stated unless you are willing to supply an answer the conversation is closed. CP 284. Ms. Triplett threatened to use this refusal in court against Ms. Case. CP 285. On March 12, 2009 Ms. Triplett informed Ms. Case she was \$3300.00 past due on childcare payments, then attempted to justify this by stating that Ms. Case was behind on child support. CP 290. However, the DCS record will show Ms. Case was not behind, but was current and significantly providing additional funds towards support arrears since October 2006. Regardless, Ms. Case has adamantly denied the validity of such arrears especially in light of Ms. Triplett's negligent payment history.

On Contempt, as noted by the Court in proceedings page 27: "Ms. Case it is clear to me from the record that I have seen including Judge Matson's order that you have strong concerns about your access or lack access to the children about your involvement in decision making for them, your ability to spend time with them and your strong belief that, that Ms. Triplett has failed to comply with court orders." Judge Matson's orders had nothing to do with a lack of access about Ms. Case's involvement in decision-making or addressing an inability to spend time with the children. Referring to Exhibit 2, CP 194-198. Those orders specifically addressed issues regarding an alleged forged receipt and Ms. Triplett's failure to provide monthly childcare expense verification. Exhibit 2 pp. 9, 18-19. In addition as noted on contempt proceedings at page 28, that mediation was "to mediate essentially adjustment of respondent's time until she has her own residence to resume the regular schedule". The declaration of the parties at that time does not support the courts analysis. The January 28, 2005 orders and FCS instructions for mediation were provided only because the parenting plan was unworkable at that time, in addition to Ms. Triplett refusing the dispute resolution process and Ms Case addressing out of state employment. However, if construed in light of this statement, then Ms Triplett is still in full noncompliant contempt. Mediation concluded Nov. 2005 and Ms Case established a residence Dec. 2005. The January 28, 2005 orders and the January 28, 2005 Instructions to FCS state the same message by providing either "agreement in mediation OR modification of the parenting plan." Furthermore as noted on contempt proceedings at page 30, the court stated "in light of Judge Matson's orders where there was real concern that these issues have continued to be essentially raised again and again in court." In effect implying issue preclusion when it clearly is not. Issues relating to or otherwise regarding provisions of the parenting plan was not addressed before Judge Matson's court.

However, in light of the current childcare expense evidence that Ms. Triplett concealed from the Court and Ms. Case, the judgments of these orders should be vacated. Ms. Case requests that this Court vacate the May 26, 2009, December 5, 2008, and January 23, 2009 orders entirely under RAP 2.5(a)(2)(3); RAP 18.8; and CR 60(b)(4). To date, Ms. Triplett has not provided childcare expense verification when she promised in open Court during the 2007 support modification hearing and has continued to conceal the negligent childcare nonpayment history, which included additional fees and interest for several years. This new documentation received October 2009, provides all interest; fees and tuition are incorporated and included in any end of year tax receipt, the only document provided by Ms. Triplett. Exhibit 3, see also CP 347. Ms. Triplett withheld disclosure of debt until March 12, 2009 by email. CP 290. This was well after these proceedings ended. This is the same debt that is currently in excess of \$6300 as of October 2010. Exhibit 11 p. 36-37, see also CP 347-360. It is the same debt Ms. Case had CR 11 sanctions ruled against her.

Furthermore, Ms. Case offered Ms. Triplett a solution to eliminate any and all debt between either parent. CP 299 The response from Ms. Triplett was to laugh and threaten Ms. Case with further harm. CP 302 In July 2009, Ms. Case requested childcare receipts and request for mediation in writing. CP 278-281 However, in spite of these requests, Ms. Triplett has refused.

Vacating these orders is appropriate in light of the current evidence the complaint did not lack merit in that the complaint was factually nor legally frivolous to have supported being enjoined or imposition of CR 11 sanctions. In fact the evidence now shows Ms. Triplett had not only lied and concealed these issues; she misrepresented the facts, and did so on purpose in order to trick the court and Ms. Case. The evidence of discrepancies provided in Sealed Financial

(childcare) documents up to and including the current debt amplifies Ms. Case's justifiable reliance and formally presents a fraudulent and or negligent misrepresentation that also includes misrepresentation of intention. CP 345-360. Ms. Triplett has had plenty of opportunities to speak and did not.³

Bearing in mind Ms. Case was held to issues prior to May 26, 2009, issues the court and Ms. Case had no actual knowledge of; nevertheless these issues were in fact concealed from knowledge nor addressed before any court until the motion on contempt. Ms. Case addressed several of these issues by declarations and on contempt; however Ms. Case concedes some clarifying documentation to support these statements are merely representative of additional evidence availability. Nonetheless, this additional evidence should be requested on appeal to serve the ends of justice RAP 9.11(a)(1)(2) or further shall be provided upon remand in subsequent new trial proceedings. RAP 9.11(b)

In April 2009, Ms. Case was informed by Carol Livingston; Director of Kidkare School House that Ms. Triplett owed \$4,000 in fees. CP 164 The sealed financial payment record shows Ms. Triplett's negligent payment history, additional fees and interest from 2006 to 2009. CP 345-360. In addition, Ms. Triplett made no attempt to satisfy this debt since March 2009; made one \$300 payment in September 2009. CP 358-359. In January 2010 the amount owed was in excess of \$6500 and sent to collection. CP 308. Ms. Case and Ms. Triplett are held equally responsible for this account. Exhibit 11 p. 36, see also CP 299-305. Ms. Case filed a motion for contempt on September 7, 2010. CP 136-137. Until this motion was filed, Ms. Triplett ignored this debt. On September 8, 2010, Ms. Triplett then made a payment to Renton Collections.

The 2009 investigation persisted further because of Ms. Triplett's continued conflict, continued visitation denial and continued to keep Ms. Case excluded from involvement regarding the children's welfare. As a result Ms. Case was forced by these actions to consult with the children's primary physician and requested copies of the children's medical records, CP 361-376. Wherein Ms. Case first learned Dec 2009 of several false allegations Ms. Triplett had provided to the children's physician, including sexual abuse, assault and physical violence and further withheld significant information regarding physician recommended plans of care that included mental health concerns 2004 and 2009. The medical record specifically provided one counselor by name (Melissa Standish); this counselor was recommended by the physician regarding any self-esteem or behavioral problems associated with Ms. Case's gender transition. In fact Ms. Triplett provided the physician the knowledge of Ms. Case's transition, yet Ms. Triplett remained silent. Ms Case provides verification of this medical information under a sealed cover that also includes corresponding emails received from Ms Triplett. Sealed Exhibit 4 pp. 1-4, see also Exhibit 11 pp. 40-42. This doctor recommendation was given to Ms. Triplett approximately six months after Ms. Case had proactively held a meeting with the children's childcare and elementary school officials when the children were very young; the purpose of this meeting was designed to protect the children of the very same physician recommendations. This meeting has been verified by the childcare director's affidavit. CP 161. Ms. Triplett was invited but refused to attend. However, the documentation Ms. Case provided during this meeting still remains in both children's academic files. Ms. Triplett received the same material Jan 2004 prior to this meeting and notes this fact to the children's physician. Regardless, Ms. Triplett continues to the present date to conceal several aspects of the children's medical welfare to cause harm. In fact the name had been presented to Ms. Triplett on April 19, 2010 by way of email ("who was

Melissa Standish”); in response Ms. Triplett stated (“no idea”); Sealed Exhibit 4 p. 4, see also Exhibit 11 pp. 40-42 This is substantially not possible because Ms. Triplett had agreed to this plan of care as recommended by the physician and had no other questions. Sealed Exhibit 4 p. 2. Furthermore, Ms. Triplett was provided a referral for psychiatric care July 2, 2009. CP 370. Ms. Triplett continued correspondence with the physician and named Dr Reiter July 27. CP 368 Ms. Triplett excluded Ms. Case’s involvement and Joint Decision making authority entirely. Ms. Triplett disclosed nothing until Ms. Case questioned Ms. Triplett as to whom this doctor was when Ms. Triplett mentioned a scheduled appointment by email. CP 247-250 However, the significance of these appointments remained undisclosed by Ms. Triplett. CP 256. Ms. Case discovered these appointments December 2009 upon receipt of the children’s medical file. CP 361-376.

On May 20, 2009, Ms. Case was contacted by the school to attend a meeting scheduled for May 21 regarding their son’s expulsion. CP 325-326, 340. The schools had never contacted Ms. Case prior to this for any disciplinary meetings. Wherein, Ms. Case then learned the full ramifications leading to the expulsion. CP 340 At which Ms. Case first learned that Ms. Triplett had substantially known of their son’s confusion for several years yet remained silent. Subsequent to this meeting Ms. Triplett continued to conceal significant information from Ms. Case and to prohibit her involvement with regard to school and medical appointments. CP 314-344, 361-376.

The healthcare decision for hospitalization to Fairfax was NOT an emergency. The diagnosis of a psychotic break was NOT a diagnosis by a psychiatrist or a medical doctor. CP 318. It was simply a counselor who said it appeared to be a psychotic break pursuant to a conversation with Deb Landis, the school counselor. This conversation was by phone. CP 325 The school

counselor Deb Landis spoke with their son and specifically stated that she “Did not feel that he needed to be hospitalized at the moment.” CP 326. However on May 28, Ms. Triplett already had an appointment for intake evaluation admission to Fairfax Hospital. CP 242. Ms. Triplett fully acknowledged this was being pursued without Ms. Case’s involvement. Ms. Case was not involved with and has had no correspondence with medical staff regarding her son’s admission to Fairfax Hospital. Ms. Case was also unaware of appointments pursued with George Heatherington for continued counseling. CP 245.

Furthermore, there has never been any disclosure made by Ms. Triplett for concerns with reference to child difficulties regarding Ms. Case’s gender differences. Ms. Case learned from Deb Landis, the school counselor on May 21, 2009 that she had known of the difficulties since 2006; the principal Mr. Hill acknowledged he had known for over a year; and Vice-principal Ms. Falicano had indicated she had known for a year. Based on these statements, Ms. Triplett had full knowledge of the difficulties and never disclosed this to Ms. Case. In fact in another example provided to the court, Ms. Triplett is quoted in a statement to a school nurse January 13, 2005, “Ms. Triplett would like to get counseling (for their son) but the Parenting Plan requires that both parents agree and that Ms. Case would not agree to anyone Ms. Triplett chooses.” CP 329. Ms. Triplett never disclosed this statement to Ms. Case to provide a joint decision on the matter. Ms. Case was unaware of any difficulties or options of recommended counselors because none were presented, including the nondisclosure of a physician recommended counselor as noted in the medical record the year before. Sealed Exhibit 4 p. 2. The current parent-child problems are a direct perpetuation of continued concealment, excluded involvement and the lack of residential visitation caused by Ms Triplett’s custodial interference.

In addition, Ms. Case had to formally request education records directly from the Superintendent of the Auburn School District. CP 314-344. On January 4, 2010, Ms. Triplett received by mail notification regarding a pending IEP meeting scheduled for January 26 that had deprived Ms. Case's involvement entirely. CP 317-320. On May 12 Ms. Case received those records, wherein Ms. Case learned of more conflict their son was having in school, including fights amounting to assault, a substantial failure to complete homework, violent temper and explosive behavior. However, this behavior and failure to complete homework was a problem while in Ms. Triplett's care and existed long before Ms. Case's gender transition.

Furthermore, as noted by court proceedings page 29 that their son is doing much better in school when in fact his cumulative GPA was shown to be 0.940, CP 321-322 and currently remains at 0.981 for the same reasons. Sealed Exhibit 4 p. 9.

VII. Motion for Contempt September 7, 2010

On September 7 Ms. Case filed a motion for contempt; residential schedule and several provisions outlined in the Plan. In addition, Ms. Case provided several substantial documents showing serious issues of concerns, i.e., repeat conflict and concealment, including several medical, educational and childcare components. CP 210-217; 219- 223; 225-234; 247-250; 299-305, 314-376. Nondisclosure of such significant information as shown in the original Plan that states "each parent shall provide the other parent promptly with receipt of any significant information regarding the welfare of the children, including physical and mental health, performance in school, extracurricular activities, etc." and this should equally include the substantial childcare debt. CP 188.

In the last year alone Ms. Case has had only a 30 hr. weekend per month with her daughter and no visitation with her son except for Christmas Eve 2009. She has not been allowed involvement with the children or any decision made regarding them. However, it is hard to understand why these issues continue to be blamed or otherwise the fault of Ms. Case. The children reside with Ms. Triplett. The destructive noncompliant and explosive behavior, disrespect, assault and lack of homework have been while in Ms. Triplett's care, not Ms. Case. CP 315-316,321-344, see also 162-163, 166 Ms. Case cannot be held responsible and/or accountable when she has been deprived and excluded from the children's care and decision making. Ms. Triplett told Ms. Case that she would be required to undergo five counseling sessions as purportedly said by a counselor. CP 208 However this counselor has never spoken to Ms. Case; in fact Ms. Case was excluded from the joint decision appointing this counselor. This counselor has not responded to Ms. Case's letter. Exhibit 5. This requirement was not directed by any court order, but rather furthered the deprivation caused by Ms. Triplett.

However, regardless of the preponderance of evidence Ms. Case was denied the motion on contempt; the court granted the order shortening time to hear the motion after Dr Reiter's declaration and motion to amend arguments were already completely incorporated into the motion for contempt, see LCR 7(10)(b). Counsel placed the documents on the table upon arriving late to a hearing scheduled at 4 p.m. on October 19, 2010. Ms. Case was not made aware of these pending motions as required by LCR 7(10)(c). Further the declaration in support of the motion does not contain nor indicate what efforts had been made to notify Ms. Case. CP 377-378. The e-filed attachment was not given a page number in the Clerk's Index; regardless this was attached to all three documents. Exhibit 6. These motions did not warrant the standard

of an emergency. Ms. Case also signed the Order to Amend in protest and filed with the Notice of Appeal.

Ms. Case was forced to argue the incorporated motions with no notice. The Court never addressed the seriousness of Ms. Case's declarations and evidence. The Court gave Ms. Case five minutes to argue. However, this evidence included questions regarding one child's attempted poisoning a neighbor and one child's self inflicted pin poking while in Ms. Triplett's care. CP 213, 216

Nonetheless, the Court permanently modifies the Parenting Plan regardless of the following statutory criteria and rules: LFLR 13(d)(1)(2); RCW 26.09.191; RCW 26.09.260; RCW 26.09.270.

RCW 26.09.260 sets forth the procedures and criteria to modify a parenting plan. These procedures and criteria limit a court's range of discretion. A court abuses its discretion if it fails to follow the statutory procedures or modifies a parenting plan for reasons other than the statutory criteria. *Custody of Halls*, 126 Wash.App. 599, 606, 100 P.3d 15 (2005), (citing *In re: Marriage of Hoseth*, 115 Wash.App. 563, 569, 63 P.3d 164 (citing *In re: Marriage of Shryock*, 76 Wash.App. 848, 852, 888 P.2d 750, review denied 150 Wn.2d 1011, 79 P.3d 445 (2003)).

The January 28, 2005 orders and instructions given to FCS are not ambiguous. The statement made by the Court specifically allowed for additional time and the return to the original Parenting Plan once Ms. Case had achieved a residence. Ms. Case addressed her living arrangements by declaration. CP 169-170, 201. However, Ms. Triplett had known all along of Ms. Case's living arrangements before and after mediation took place CP 14-15, 53, 106, 201, Exhibit 7. Therefore, the residential schedule every other weekend and all provisions as defined

by the original Parenting Plan were in full force just as Ms. Case described to Ms. Triplett by email February 7, 2006. CP 200-206. The January 28, 2005 order self-terminated upon conclusion of agreed mediation. As a result Ms. Triplett has known exactly what she has been doing and has substantially known all along of Ms. Case's desire to return to the original parenting plan. In fact Ms. Triplett had known since March 2004, well before mediation, how much Ms. Case wanted her children to be with her. Exhibit 7. In spite of agreed mediation Ms. Triplett continued to deny and create conflict. CP 200-206, 211-217, 219-223, 225-228, 234, 247-250, 299-306.

However, as shown in this case, the children and Ms. Case are nothing but victims of continued outrage and intentionally malicious interference perpetuated by concealment, repeat conflict and custodial interference.¹

The court allowed the use of an order shortening time, motion to amend, and one questionable declaration provided by a psychiatrist to be incorporated into the motion for contempt. The Court then permanently modified a parenting plan through a contempt motion. The Court specifically quoted the requirements for modifying a parenting plan in proceedings page 31-32. However, the Court modified the plan regardless of the Court's own reference that

¹Based on mere malicious interference the court has noted:

Malicious interference with the parent-child relationship is also referred to as alienation of a child's affection or custodial interference. See, e.g., *Babcock v. State*, 112 Wn.2d 83, 107, 768 P.2d 481 (1989); *Waller v. State*, 64 Wn. App. 318, 338, 824 P.2d 1225 (1992); *Spurrel v. Bloch*, 40 Wn. App. 854, 867, 701 P.2d 529 (1985); *Strode*, 9 Wn. App. at 15, 20.(1973)

RCW 26.09.191(3)(d); also provides:

In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure. RCW 26.09.191(6).

The standard of proof in a civil case is preponderance of the evidence. See *In re Levias*, 83 Wn.2d 253, 255, 517 P.2d 588 (1973), overruled on other grounds by *In re McLaughlin*, 100 Wn.2d 832, 676 P.2d 444 (Traditionally, unless otherwise provided by statute or case law, the standard of proof used in the trial of civil matters has been a preponderance of the evidence).

contempt was not the proper motion for modifying a parenting plan. This modification detrimentally affects Ms. Case's fundamental parental rights beyond all other reasonable choices. The preponderance of evidence provided by Ms. Case is clear. RAP 9.11(a)(b) allows additional documentation when necessary. In addition, Ms. Case's declarations raised further questions; 1) that documentation contradicts several issues presented by the psychiatrist's declaration; 2) several conflicting and misrepresented statements in support of Ms. Triplett's motion to amend and 3) that these issues are a direct manifestation of continual concealment, repeated conflict and a sustained denial of visitation, parental exclusion and involvement amounting to custodial interference.

There have been no evidentiary hearings; no showing of unfitness or hearings delineating a best interest's standard, no adequate cause hearings and there have been no petitions to modify the Parenting Plan. LFLR 13(2)(A) adequate cause requirements alone needs a threshold determination for any modification or adjustment of a final parenting plan.

In re Custody of Halls, 126 Wn. App. 599; as noted in the case before this court, there are several components of similarity that exist regarding modification of a Parenting Plan that was changed by way of contempt motions. The courts full analysis of *Halls* is noted in the Appendix.

The Court denied contempt, denied accountability of wrongdoing, and permanently modified a parenting plan by means of a contempt motion. The Court attempted to rewrite the definition of the parenting plan. CP 188. The custodial parent receives all information from school officials, medical professionals or childcare providers. These providers are not required by statute or rule to provide dual information and school websites do not provide individual concerns or disciplinary issues for privacy reasons, leaving Ms. Case completely unaware of any

issues until well after the fact unless Ms. Triplett discloses it promptly. The parenting plan states: “each parent shall provide the other parent promptly with receipt of any significant information regarding the welfare of the children, including physical and mental health, performance in school, extracurricular activities, etc.” However, without enforcement of the Plan, it becomes pragmatic and irrelevant.

Ms. Triplett’s behavior continues to exclude and has maliciously, if not intentionally interfered. Noted in Sealed Medical documents. CP 370. On July 2, 2009 their son told his primary physician that Ms. Case was never there for him and does not know who she is. It is extremely clear how this statement can be made. However, their son is left without an understanding of these harmful ramifications and misplaced culpability caused by a third party.

Ms. Case has done nothing wrong and has desperately strived to be involved in her children’s lives as noted throughout the evidence. Yet she continues to be deprived by Ms. Triplett. Ms. Case continues to be held accountable on untenable grounds and for untenable reasons. Ms. Case has been denied without justification or equitable understanding why this prejudice continues to happen when the facts are shown by a preponderance of evidence. Issue preclusion does not exist, equitable estoppel, detrimental reliance and custodial interference does exist, these issues have not been argued; they continue to be ignored.

Ms. Triplett continues to conceal and continues to provide false misrepresented statements. For example, Ms. Triplett stated in the motion to amend that Ms. Case had agreed to stay away from their son since the Fairfax hospitalization; that Ms. Case is now forcing the issue of visitation. CP 380. However, Ms. Case has consistently requested visitation as seen in CP 155, 200-206, 219, 222-224, 234-235, 305 and Exhibit 7, 8. Ms. Case provided arguments by

declaration that Ms. Triplett's statement "had agreed to stay away from their son" was a blatant misrepresentation of fact. CP 155, see Exhibit 8

The Declaration of Carol Livingston, the childcare provider director, stated that she was forced to restrict their son from further attendance because of his unrelenting, uncontrollable, and explosive behavior. CP 166. She states that this behavior existed long before the May 19th event. CP 162, CP 166. Their daughter was released June 30 only because Ms. Triplett refused to keep the childcare expense current even though Ms. Case paid 42% of the cost. CP 304-305. Ms. Livingston's declaration also establishes her opinion as a teacher and a mother by stating these concerns as "never having a firm handle to correct this behavior" thus depicting a lack of parental discipline while in Ms. Triplett's care. Ms. Triplett had concealed the behavior problems even at the childcare level.

However, the Court noted in proceedings page 28-29 by describing this out of control anger as scary. This Declaration shows the anger had existed due to a lack of parental control by Ms. Triplett. The Court failed to realize and Ms. Triplett very well knows; Ms. Case was already a parent and raised a son and dealt with these child raising issues, however, the issues the court raised regarding Ms. Case's gender differences had never been known to be an issue, even at the childcare level. CP 161-166, see Exhibit 9.

Ms. Case has had only one meeting with Dr Reiter with the child present. The portions of his declaration regarding Ms. Case should be stricken. The decision regarding the appointment of Dr. Reiter was made entirely by Ms Triplett. Dr Reiter's declaration also states there is no history of abuse. This doctor has had no dialog with Ms. Case as an equal parent; but has provided several misguided statements by declaration. CP 398-401. Dr Reiter provides an element of perversion upon Ms. Case without any factual knowledge of the true reason why a

conversation was necessary. CP 400. The event began when his sister had advised Ms. Case of a flammable can of butane and some under clothing taken from the home of Ms. Case and stuffed into a backpack. A conversation commenced for stealing. This conversation is also noted at the childcare level. CP 165. Ms. Case had explained that there is nothing sexual about her gender differences and explained to her 15 year old son that the transitional issue is a purely emotional dilemma; nothing remotely disgusting and perverted as being depicted by Dr Reiter's declaration. Dr Reiter wrote of issues regarding Ms. Case being a nurse and Ms. Case's refusal of cutting the child's umbilical cord. CP 401. Dr Reiter failed to include that this concern was addressed during the only meeting Ms. Case has had with him. Ms. Case may work in the medical field but she is not a nurse and has nothing to do with nursing. Dr Reiter did not express Ms. Case's shock and concerns over who had told this child something as devastating as not cutting his umbilical cord or why anyone would mislead a child with this kind of information unless it was designed to further the harm and dislike towards Ms. Case. Dr Reiter comments further, that Shawn feels angry, that he has been cheated, that his father betrayed him and lied to him. CP 399. Undisclosed was that Shawn was very young when Ms. Case brought her gender difference out and barely six years old when the parties separated. Regardless, Ms. Case was still very close to her children, despite her gender differences, see Exhibit 9. There have been no distress reports of any kind until May 21, 2009.

Additionally, Dr Reiter wrote their son had expressed another distinct dislike towards Ms. Case for being responsible in denying him a relationship with his older brother. CP 400-401. Ms. Triplett made false statements of sexual abuse to the children's physician and confirmed she had no proof for what she said. Sealed Exhibit 4 p. 5. The medical record shows when the child

is spoken to in private on several separate occasions he had denied these allegations occurred.

Sealed Exhibit 4 pp. 5-7

The Declaration of Dr Reiter provided statements from their son that contradicts documents Ms. Case provided to the court. In this declaration Dr. Reiter quoted their son that he developed rage and subsequently blacked out at school that concerned school personnel. CP 339. In the Sealed Education documents at CP 340, dated May 19, 2009 it is revealed that he did not display any rage or anger at all until he was provoked with the fact he was getting suspended from school while in the Vice-Principal's office. He was not even in class when this explosive behavior occurred. CP 340 The Vice-Principal Ms. Feliciano noted that he said that he has recently been experiencing times that he can't recall where he was or what he was doing. CP 340 These episodes of violent temper and explosive behavior were already noted by Ms. Livingston, the childcare director who had cared for the children for many years and there has never been any reports of memory loss or blackouts. CP 160-166. Nonetheless, recommendations by the children's primary physician to consult with Mary Bridge Hospital to rule out mal seizures and memory loss have not been followed up on. CP 367, 369. On March 4, 2010 there have been other incidents of negative abusive behavior and where his temper and behavior escalates. CP 315-316. All of this is while in the care of Ms. Triplett, see also CP 323, 324, 327, 328, 331, 336, 338, 340-344. Ms. Case has not had any visitation with her son since Christmas 2009.

On November 19, 2010 Ms. Case was denied a claim for damages that included; destruction of the parent-child relationship, misrepresentation, misrepresentation of intention, outrage, intentional interference and intentional or negligent infliction of mental distress. This issue was not appealed only because Ms. Case could not afford dual costs of appeal. However, because of the blatant miscarriage of justice, Ms. Case is asking this court to review. Ms. Case

had to choose one appeal over the other simply because she could not afford \$550.00 in filing fees to appeal both issues. However, both are plagued with abuse of discretion. This one by one has denied Ms. Case the right to relief based on issue preclusion and lack of precedence as noted throughout, to which is not evident and used in error. This error and miss use of justice is denying Ms. Case right to relief and damages caused by a third party.

Therefore, Ms. Case can only request the Court waive the rules to have this issue included for the first time under RAP 2.5(a)(3) and RAP 18.8 to meet the ends of justice.

Ms. Case argues that under the due process clause of the 14th Amendment to the United States Constitution and Article I, §3, §10, §12 and §32 of the Washington State Constitution that she has been denied the fundamental right of parentage. That substantial justice has not been achieved because all issues have been denied by distinct abuse of discretion in both hearings.

Ms. Case has provided supplemental exhibits of these proceedings and requests that the Court include and thereby consolidate these issues in conjunction with the matter before the court to meet the ends of justice. Supplemental Exhibit 11 pp. 1-69

Here the court denied under CR 12(b) for failure to state a claim, the basis of denial stated by the court. There is no precedence in that no Washington cases deal directly with alienation of the affection of a minor child and ignored other parts of the complaint. The Court denied this complaint, regardless of conclusions made in *Strode v. Gleason*, 9 Wn.App. 13, 510 P.2d 250 (1973) including notes [1] [2] and [4]. In fact the court and opposing counsel's dialogue as noted throughout proceedings (Exhibit 11, p. 1-11) plagiarized Ms. Case's innocence

by deception and misrepresentation in stating that no case law could be found, wherein *Strode v.*

Gleason states in part;²

[1] The novelty of an asserted right and the lack of precedent are not valid reasons for denying relief to one who has been injured by the conduct of another.

[2] The trend of the law as we perceive it would recognize a cause of action in a parent for the alienation of the affections of a child. In *Daily v. Parker*, 152 F.2d 174, 162 A.L.R. 819 (7th Cir. 1945), reversed the dismissal of a complaint initiated by a minor child for the alienation of its father's affections.

[4] The alienation of the affections of one family member for another may be a gradual process, and it cannot be said to have occurred until some overt act takes place which shows a want of affection. An action for alienation of affection accrues when the loss of affection is sustained. *Flink v. Simpson*, 49 Wn.2d 639, 305 P.2d 803 (1957). In our opinion, the right of action in a cause of this nature should accrue when the parent is aware that the hurt is suffered.

Ms. Case points out the opinion stated in [4] to establish a date of occurrence; May 21, 2009, the date Ms. Case first learned Ms. Triplett had concealed all knowledge of harm to cause harm.

Unrealistically, Ms. Case concedes it may be true that no Washington cases have dealt directly with alienation of affection of a minor child as a stand-alone cause of action. However the courts descriptive decision, which virtually ignored that destruction of the parent-child relationship and outrage was the main character, this also expressly defines malice in the form of unjustifiable interference. Alienation of affection was not an element nor listed in the title of the

The courts full analysis of *Strode v. Gleason* is noted in Appendix

² The conclusion that all members of a family have a right to protect the family relationship and that a minor child may bring suit against a third person who wrongfully induced a parent to desert the child has also been reached in *Russick v. Hicks*, *supra*; *Johnson v. Luhman*, 330 Ill. App. 598, 71 N.E.2d 810 (1947); and *Miller v. Monsen*, *supra*.

We see no basis for granting a child a cause of action for loss of the love and affection of a parent without recognizing that a parent has a like cause of action for damages against a third person who spitefully alienates the affections of a minor child or maliciously interferes with the family relationship resulting in a loss of the child's affections. The loss of custody or the services of a child should not be a necessary element to be proven as a requisite for recovery but is instead an element of damages. We believe an interloper who maliciously interferes with the affections of a child should be answerable to a damaged parent.

complaint presented, but one mere passage comment for argument in a few lines of the complaint. However, if there was a prima facie case for alienation of a parent's affection it could certainly be argued here. Nevertheless, due to the seriousness of abuse of discretion, this court is being asked to look at this issue in conjunction as an extension of the issues before the court. This complaint was merely an independent action following CR 60(c) to relieve Ms. Case of several negative judgments, establish damages and outrage, nonetheless remains extremely relevant to the issues presently before the court.

Second, the court ignored several requests provided by declaration to amend the complaint and ignored a component of harm presented by supplemental declaration. Exhibit 11 p. 36, 37

Third, the court further stated issue preclusion and collateral estoppel. Ironically, issue preclusion and collateral estoppel still did not exist. However, in both hearings the court and counsel stated in error that these issues had been argued over and over, when they have not. Nonetheless, misrepresentation whether negligent or intentional, detrimental reliance, malicious or intentional interference and outrage continue to be ignored.

Counsel misrepresents to the court on November 19, 2010 by describing the January 28, 2005 Civil Order by Judge Middaugh as a restriction of access upon Ms. Case. Exhibit 11 p. 4. This order was clearly a temporary adjustment of residential overtime pending agreement in mediation or modification of the parenting plan. These orders specifically allowed additional visitation plus provided the intent to return to the original parenting plan when Ms. Case established a residence. This is now being portrayed as a restriction of access. These orders did not impose, construe or delineate any denial upon Ms. Case as a restriction of access.

Furthermore, Ms. Case did not receive a Notice of Transferring Judge filed by the Court on December 8, 2010. This notice is addressed to Ms. Case and was mailed to Ms. Triplett's home address. Exhibit, 11 p. 13 The Court had Ms. Case's correct mailing address as it was included on numerous pleadings. Therefore Ms. Triplett received this notice addressed to Ms. Case, remained silent and withheld any acknowledgement of this error. However, Ms. Triplett has been shown throughout this brief to have a significant history of remaining silent on several issues.³

In addition to err noted on this appeal; several very perplexing questions remain present at this point in light of the substantial prejudice and abuse of discretion that continues without reason, provocation or explanation. Should the court be allowed to deny a transgender parent, parenting rights or hamper those abilities to parent as a limitation factor to remove or alienate those parents from their own children because they are transgender? Does a Parenting Plan constitute a) promissory estoppel, b) equitable estoppel c) a detrimental reliance? Does the duty and responsibility of a Parenting Plan exist as a quasi-contractual obligation establishing a quasi-fiduciary duty? Is fraud in any unknown enumerating form, issue precluded? Did Ms. Case have the right to file a complaint seeking damages for the destruction of the parent-child relationship and outrage? Did the court err by denying Ms. Case the right to trial? Did this unjust error cause Ms. Case to be prejudiced? Was the subject matter "Damages" the same as prior

³ The doctrine of equitable estoppel reads:

The most comprehensive definition of equitable estoppel or estoppel in pais is that it is the principle by which a party who knows or should know the truth is absolutely precluded, both at law and in equity, from denying, or asserting the contrary of, any material fact which, by his words or conduct, affirmative or negative, intentionally or through culpable negligence, he has induced another, who was excusably ignorant of the true facts and who had a right to rely upon such words or conduct, to believe and act upon them thereby, as a consequence reasonably to be anticipated, changing his position in such a way that he would suffer injury if such denial or contrary assertion was allowed.

28 Am Jur 2d Estoppel and Waiver § 28

subject matter to warrant issue preclusion. Furthermore, how can issues be precluded if they were unknown to the court or ignored.

CONCLUSION

Ms. Triplett should be held accountable for noncompliance, contempt, and denial of the residential schedule and several provisions outlined in the original Parenting Plan. For concealment to such degree as to prevail in proceedings by deception and withholding pertinent information until after proceedings concluded. Ms. Triplett has misrepresented statements of fact to enable proceedings and prevailed by deception. Ms. Triplett has created substantial custodial parent conflict and maliciously intentional interference to achieve such malice to cause harm. Ms. Triplett is responsible and accountable for damages to the destruction of the parent-child relationship as a third party wrongdoer perpetuated in the form of concealment, continuous conflict, parental exclusion, and unjustifiable custodial interference. Ms. Triplett is responsible for creating along with concealment of a compulsorily uninvited and avoidable debt. Ms. Triplett is responsible for creating this outrage. Ms. Triplett is also responsible for negligent or intentional infliction of emotional distress.

Ms. Case does not deny there has been substantial litigation. However, as noted by Judge Matson's conclusion, the litigation does not support they have all been frivolously brought or brought in violation of CR 11, nor have they been subject of such claims until the motion to vacate. The evidence Ms. Triplett concealed defies these judgments and should be vacated.

This matter also does not support the Court's analysis of essentially being raised again and again. This motion had nothing to do with the serious issues raised on the motion for contempt. Nonetheless, the Court denied accountability of contempt and unrealistically attached the denial to a prior ruling in error, in effect saying issue preclusion when it is not. Ms. Case

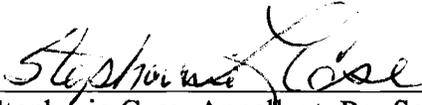
draws upon one conclusion and one belief; that substantial justice is achieved here to reverse these unforgivable damaging acts of outrage and put an end to this horrific conflict and destruction.

The remedies requested from this appeal are as follows:

1. Confirm the Civil Order and Instruction to FCS dated January 28, 2005 were merely temporary and self-terminated upon completion of agreed mediation.
2. Confirm Ms. Triplett was fully aware; had proceeded with complete knowledge and is in full noncompliance contempt of the Parenting Plan provisions since mediation completion.
3. Confirm Ms. Triplett has created considerable conflict maintaining a substantial custodial interference and concealment causing significant damage to the parent-child relationship.
4. Vacate prior proceedings on the basis provided;
5. On remand keep both causes consolidated for further proceedings;
6. For other damages deemed appropriate by the court.

Ms. Case requests fees for both proceedings and this appeal. Ms. Case has been forced to apply this procedure when rules, statutes and case law have been ignored. Ms. Triplett is clearly in a much better financial position with an annual income approximately \$10,000 more per year and has successfully increased child support.

DATED this 24th day of March, 2011.



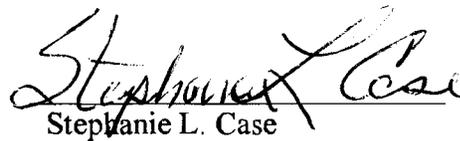
Stephanie Case, Appellant, Pro Se

CERTIFICATE OF MAILING

I, Stephanie L. Case, on the 24th day of March, did mail copies via U.S. Mail postage prepaid of this Brief of Appellant to the following parties:

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Stephanie L. Case

APPENDIX

126 Wn. App. 599, *In re Custody of Halls*

[Nos. 30761-8-II; 30948-3-II. Division Two. February 8, 2005.]

In the Matter of the Custody of TRINA M. HALLS , et AL ., JEFFERY C. HALLS , SR ., Respondent , JUNE ARDEN , Appellant .

[1] Appeal - Briefs - Failure To File - Effect. A respondent on appeal may be precluded from presenting argument to the court under RAP 11.2(a) if the respondent fails to timely file a brief after repeated reminders from the court to do so

[2] Juveniles - Custody - Parenting Plan – Modification - Discretion of Court - Abuse of Discretion - What Constitutes. A decision or ruling by a trial court that modifies a permanent parenting plan generally is reviewed under the abuse of discretion standard. Discretion is abused if the decision or ruling is manifestly unreasonable or is based on untenable grounds or reasons. A decision or ruling is manifestly unreasonable if, based on the facts and the applicable legal standard, the decision or ruling is outside the range of acceptable choices. The procedures and criteria set forth in RCW 26.09.260 limit the trial court's range of discretion. The trial court abuses its discretion if it fails to follow the statutory procedures or modifies the parenting plan for reasons other than the statutory criteria.

[3] Juveniles - Custody - Parenting Plan - Modification - Continuity - Presumption - In General. There is a strong presumption against modification of an established parenting plan so as to avoid disruptions to the child.

[4] Juveniles - Custody - Parenting Plan - Modification - Propriety - Burden of Proof. A parent seeking modification of a parenting plan has the burden of proving that modification is appropriate.

[5] Juveniles - Custody - Parenting Plan - Modification - Factors - Violations of Plan by Parent- Best Interests of Child. When one parent prevents the other from having contact with their child in violation of a parenting plan, a court may consider the violations in deciding whether to modify the plan to change the child's residence, but the parenting plan may not be modified for mere violations thereof absent a finding that modification is in the child's best interests.

[6] Juveniles - Custody - Parenting Plan - Modification - Petition or Motion - Necessity. A court may not modify a parenting plan absent a petition or motion therefor that is filed and served as required by RCW 26.09.181 and that includes the affidavit required by RCW 26.09.270 . A motion for contempt for an alleged violation of a parenting plan that does not comply with any of the requirements of RCW 26.09.270 , that does not ask for modification of the parenting plan, that provides no basis for an adequate cause finding, and that does not give notice to the other parent of an intent to seek modification does not provide a sufficient basis for a court to modify the plan.

[7] Juveniles - Custody - Parenting Plan - Modification - Contempt Proceedings - Validity. A court may not modify the residential provisions of a parenting plan in the context of contempt proceedings for enforcement of the plan.

[8] Juveniles - Custody - Parenting Plan - Modification - Best Interests of Child - Affirmative Finding - Necessity. The modification of a parenting plan must be based on an affirmative finding that modification of the plan is in the child's best interests. A finding that it is not in the child's best interest to be denied visitation with one parent does not satisfy the statutory best interests requirement to justify modifying the parenting plan to make the parent the primary residential parent.

[9] Juveniles - Custody - Parenting Plan - Modification - Adequate Cause Threshold Hearing - Necessity. A parenting plan may not be modified absent an adequate cause threshold hearing as required by RCW 26.09.270 .

[10] Juveniles - Custody - Parenting Plan - Modification - Contempt Proceedings - Two Contempts. A court may not modify a parenting plan solely on the basis of two contempts by one of the parents for violating the plan. RCW 26.09.260 (1) requires, in addition to any contempt findings, a finding that the proposed change is in the child's best interests.

[11] Juveniles - Custody - Parenting plan - Modification - Temporary Order - Validity. A permanent parenting plan may not be modified in the guise of a temporary order effectively having a permanent effect.

[12] Constitutional Law - Right to Counsel - Civil Case - Criminal in Nature. In proceedings civil in form but criminal in nature, the due process liberty interest, the Sixth Amendment, and Const. art. I, § 22 require that a party threatened with jail be represented by counsel.

[13] Contempt - Civil Contempt - Penalty - Threat of Confinement - Right to Counsel - Indigent Party - Appointed Counsel. A party threatened with a civil contempt order that may result in incarceration is entitled to appointed counsel if private representation cannot be afforded.

[14] Appeal - Decisions Reviewable - Advisory Opinion. The appellate courts in this state do not issue advisory opinions.

Nature of Action: Actions to enforce a parenting plan. Superior Court: The Superior Court for Jefferson County, No. 02-5-00010-0, Thomas J. Majhan, J., found the mother in contempt of court, modified the parenting plan, and entered a restraining order against the mother.

Court of Appeals: Holding that the trial court failed to follow statutory procedures in modifying the parenting plan and that the trial court's failure to appoint counsel for the mother in the contempt proceedings deprived the mother of due process of law, the court *reverses* the modification orders, *vacates* the contempt orders, and *remands* the case for further proceedings.

Jeffrey C. Halls , pro se.

Jason T. Vail (of Northwest Justice Project) and *Carol S. Vaughn* (of Thompson & Howle), for appellant.

Salvador A. Mungia II and *Colen J. Folawn* on behalf of CIRCLE, amicus curiae.

Kathleen M. O'Sullivan , *Katherine E. Page* , *Sally L. Morgan* , and *Rebecca S. Engrav* on behalf of Northwest Women's Law Center, amicus curiae.

¶1 ARMSTRONG , J. - June Arden appeals two permanent parenting plan modifications granting sole custody of her children to their father, Jeffrey Halls. She also challenges several contempt orders entered against her when she was not represented by counsel. Finally, she asks us to vacate a 10-year temporary restraining order the trial judge entered against her. Because the trial judge failed to follow the procedures RCW 26.09.260 requires, we reverse the two modifications. And because the trial court violated Arden's due process rights by not appointing counsel to represent her when she faced the possibility of incarceration, we also vacate the contempt orders and remand to the trial court for further proceedings. We decline to consider, however, Arden's request that we order the trial court to appoint counsel to represent her in the modification proceedings.

FACTS

¶2 June Arden and Jeffrey Halls have three minor children, Trina Halls (age 12), Jeffrey Halls, Jr. (age 11), and Selma Halls (age 8). The court entered a final parenting plan (Original Parenting Plan) on February 4, 2003; both Arden and Halls were represented by counsel in that proceeding. Under the plan, during the school year, the children resided with Arden and had residential time with Halls on the first and third Saturday and Sunday of each month and on certain holidays every other year. The summer schedule remained the same except Halls would have the children for the month of July. Arden and Halls had joint decision-making power.

¶3 In April 2003, Arden was evicted from her home. On April 7, 2003, she took the children to Red Wing, Minnesota, where she could stay in a family home. Arden and the children arrived in Minnesota on or around April 12. A few days later, Arden called Halls and told him she was in Red Wing with the children. Arden did not deliver the children to Halls for their next scheduled weekend visit. At the time, Halls was not in Washington; he was visiting his mother in Wisconsin.

I. Motion for Contempt

¶4 On April 22, Halls moved for a contempt order, alleging that Arden violated the Original Parenting Plan by failing to give notice of her move to Minnesota and by failing to make the children available for Halls's scheduled weekend visit. Halls asked the court to sanction Arden with jail time.

II. Contempt Hearing: May 9, 2003

¶5 At the first contempt hearing on May 9, 2003, Arden represented herself, appearing by telephone.«1»The trial court found her in contempt of the Original Parenting Plan and ordered her confined in the Jefferson County jail.

¶6 On May 12, 2003, the trial court ordered Arden's release and set a show cause hearing on May 30, 2003, for Arden to appear and show cause why Halls should not have primary residential care of the children. The court did not appoint counsel to represent Arden at the May 30 hearing, and Halls had still not petitioned to modify the parenting plan.

III. Return Hearing: May 30, 2003

¶7 Arden again represented herself at the May 30 hearing. At that hearing, the court stated that if the children were not delivered to Halls in 24 hours, he would incarcerate Arden. The court also set a review hearing for June 13, and explained to Arden that it would appoint counsel for her at that hearing because she faced possible jail time if it found her in contempt. On May 30, the court found her in contempt of the parenting plan. And, although Halls had not yet petitioned to modify the plan, the court granted him sole custody of the children.

IV. Review Hearing: June 13, 2003

¶8 At the June 13, 2003 hearing, Arden was not present but a public defender appeared on her behalf. By then, Halls had custody of the children, and Arden had been visiting them on weekends. The court asked Halls, "Want me to put her in jail or are you satisfied?" Report of Proceedings (RP) (June 13, 2003) at 33. Halls stated that he was not asking the court to incarcerate Arden. Instead, his attorney asked the court "to enter a new Parenting Plan that reflects what's going on now." RP (June 13, 2002) at 33.

«1»Also present was an attorney, James Bendell, who had withdrawn as Arden's counsel and did not represent her.

¶9 The public defender, Richard Davies, moved to withdraw as Arden's counsel, stating that he understood he was to represent Arden only as to the threat of imprisonment. The

court allowed Davies to withdraw and then entered a final judgment and modified parenting plan (First Modified Parenting Plan).

¶10 The First Modified Parenting Plan changed the children's primary residence from Arden to Halls. The parties retained joint decision making authority. Nothing in the record shows that Halls petitioned to modify the Original Parenting Plan.

V. Motion for Reconsideration

¶11 Arden asked the court to reconsider the first parenting plan modification and the May 30, 2003 contempt order. The court denied the motions on July 21, ruling that because "it was not in the children's best interest to be denied visitation with their father, the Court changed their residence. It's up to the father's lawyer to straighten out the paperwork." Clerk's Papers (CP) at 122-23.

VI. Notice of Appeal and Petition for Modification of Parenting Plan

¶12 Arden appealed to this court on August 19, 2003. On August 22, while the appeal was pending, Halls petitioned to modify the Original Parenting Plan. Appearing pro se, Arden opposed the petition.

VII. Contempt Hearing: September 5, 2003

¶13 On September 5, 2003, the trial court heard Halls's motion for an order finding Arden in contempt of the First Modified Parenting Plan and for entry of a new parenting plan "that doesn't leave any room for error." RP (Sept. 5, 2003) at 3. Halls alleged that Arden failed to return the children on time. Arden, again representing herself, denied that she had failed to comply with the parenting plan.

¶14 The trial court found Arden in contempt, entered a new final parenting plan (Second Modified Parenting Plan), and entered a temporary order (Temporary Order) restraining Arden from (1) molesting or disturbing the peace of Halls or any child; (2) entering Halls's home, the grounds of his home, or his workplace; or (3) entering the children's schools. The order also restrained her from removing the children from Jefferson County. While labeled "[t]emporary," the order does not expire until 2013 (10 years from the date of the order). CP at 188.

¶15 As to this last ruling, the court reasoned: "All it takes is two contempts and the Court can change the parenting plan without further findings." RP (Sept. 5, 2003) at 8. The Second Modified parenting plan ordered that the children reside with Halls; it allowed Arden visitation for two weekends a month, two blocks of two weeks each during the summer, and certain holidays every other year. It also delegated major decision making authority to Halls.

VIII. Second Notice of Appeal

[1]¶16 On October 3, 2003, Arden appealed a second time, challenging the most recent contempt order, the Second Modified Parenting Plan, and the Temporary Order. We consolidated the appeals. Due to Halls repeated failure to file a brief or make a motion to extend time, we precluded him from filing a brief or presenting oral argument.«2»

«2»Halls failed to file a response brief by March 15, 2004, as required. We repeatedly informed Halls that he must file a brief or face sanctions. Because Halls nevertheless failed to timely file a brief, we precluded him from arguing. RAP 11.2(a).

ANALYSIS

I. Entry of the Modified Parenting Plan Violated RCW 26.09.260

¶17 Arden argues that the trial court entered a series of orders that violated the substantive and procedural rules governing the modification of final parenting plans. Specifically, she argues that the court modified a final parenting plan without a pending petition for modification, an adequate cause hearing, or adequate consideration of the statutory criteria. We agree.

[2]¶18 Generally, we review a trial court's rulings about the provisions of a parenting plan for abuse of discretion. *In re Marriage of Littlefield* , 133 Wn.2d 39 , 46, 940 P.2d 1362 (1997) (citing *In re Marriage of Kovacs* , 121 Wn.2d 795 , 801, 854 P.2d 629 (1993)); *In re Marriage of Wicklund* , 84 Wn. App. 763 , 770, 932 P.2d 652 (1996). A trial court abuses its discretion if its decision is manifestly unreasonable or based on untenable grounds or untenable reasons. *Littlefield* , 133 Wn.2d at 46-47 (citing *Kovacs* , 121 Wn.2d at 801); *Wicklund* , 84 Wn. App. at 770 n.1. A decision is manifestly unreasonable if, based on the facts and the applicable legal standard, the decision is outside the range of acceptable choices. *In re Parentage of Schroeder* , 106 Wn. App. 343 , 349, 22 P.3d 1280 (2001) (citing *Littlefield* , 133 Wn.2d at 47).

¶19 RCW 26.09.260 sets forth the procedures and criteria to modify a parenting plan. These procedures and criteria limit a court's range of discretion. *In re Marriage of Hoseth* , 115 Wn. App. 563 , 569, 63 P.3d 164 (citing *In re Marriage of Shryock* , 76 Wn. App. 848 , 852, 888 P.2d 750 (1995)), *review denied* , 150 Wn.2d 1011 (2003). Accordingly, a court abuses its discretion if it fails to follow the statutory procedures or modifies a parenting plan for reasons other than the statutory criteria. *Hoseth* , 115 Wn. App. at 569

[3, 4]¶20 Under RCW 26.09.260 , the court may modify a parenting plan only if it finds "a substantial change has occurred in the circumstances of the child or the nonmoving party and . . . the modification is in the best interest of the child and is necessary to serve the best interests of the child." RCW 26.09.260 (1). These findings must be based on "facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan." RCW 26.09.260 (1). We employ a strong presumption against modification because changes in residences are highly disruptive to children. *Schroeder* , 106 Wn. App. at 350 (citing *In re Marriage of McDole* , 122 Wn.2d 604 , 610, 859 P.2d 1239 (1993)). Thus, the moving party must prove that a modification is appropriate. *Schroeder* , 106 Wn. App. at 350 (citing *George v. Helliard* , 62 Wn. App. 378 , 383-84, 814 P.2d 238 (1991)).

[5]¶21 A substantial change has occurred when " '[t]he court has found the nonmoving parent in contempt of court at least twice within three years because the parent failed to comply with the residential time provisions in the court-ordered parenting plan.' " *Schroeder* , 106 Wn. App. at 350 (alteration in original) (quoting RCW 26.09.260 (2)(d)). Thus, when one parent prevents another from having contact with a child in violation of the parenting plan, a court may consider these violations in deciding whether to change

the children's residence. See , e.g ., *McDole* , 122 Wn.2d at 610 -11; *In re Marriage of Velickoff* , 95 Wn. App. 346 , 357-58, 968 P.2d 20 (1998). But absent a finding that modification is in the best interests of a child, the court may not modify for mere violations of the parenting plan. See , e.g ., *Thompson v. Thompson* , 56 Wn.2d 244 , 250, 352 P.2d 179 (1960); *Schroeder* , 106 Wn. App. at 351 .

[6] RCW 26.09.181 requires a petitioning party to file and serve his motion to modify with a proposed parenting plan. Further, under RCW 26.09.270 , a party seeking to modify a parenting plan must submit with his motion "an affidavit setting forth facts supporting the requested . . . modification and shall give notice, together with a copy of his affidavit, to other parties to the proceedings, who may file opposing affidavits." And the court must deny the motion unless it finds adequate cause from the affidavits to hear the motion. RCW 26.09.270 . Jefferson County's local rules also require a petition and the "affidavits as required by RCW 26.09.270 ." JCLR 94.

[7] Halls filed only a motion for contempt. And the motion complied with none of the requirements of RCW 26.09.270 . It did not ask for a modification of the parenting plan; it provided no basis for an adequate cause finding (and the court did not find adequate cause); and it gave Arden no notice that Halls sought to modify the parenting plan. Because of these basic procedural flaws, the court lacked authority to modify the parties' parenting plan.

[8] In addition, the First Modified Parenting Plan states that it was entered following an "order entered on May 30, 2003." CP at 40. The only order appearing in the record entered on May 30, 2003, is a contempt order. In the section of the order reserved for allocating additional residential or make-up time, the court wrote "[Halls] is granted sole custody" of the children "pending further order." CP at 30. This grant of sole custody was an improper exercise of the court's contempt power, deviating from the contempt remedies RCW 26.09.160 provides.

[9] Moreover, the court never found that a modification was in the children's best interests. Rather, the court found "that it was not in the children's best interest to be denied visitation with their father." CP at 123. This does not meet the statutory best interests requirement. Finding that it was *not* in the children's best interest to be denied visitation with their father is not the same as a finding that a changed primary residential parent was in their best interests. Specifically, the court did not find that living with their father or removing them from their mother's care was in their "best interests."

A. Second Modified Parenting Plan

[10] The Second Modified Parenting Plan suffers from some of the same defects as the first. Again, the court held no adequate cause threshold hearing RCW 26.09.270 and Jefferson County Local Rule 94 require. And the court concluded that "[a]ll it takes is two contempts and the Court can change the parenting plan without further findings." Appellant Br. at 18. But the court cannot modify a parenting plan solely on the basis of "two contempts." RCW 26.09.260 (1) requires, in addition to contempt findings, a finding that the proposed change is in the children's best interests. See *Schroeder* , 106 Wn. App. at 351 (stating that absent a finding that modification is in the best interests of a child, the mere violation of the parenting plan cannot per se require a change in custody when such change is contrary to the best interests of the child). Thus, we reverse the order granting the Second Modified Parenting Plan.«3»

B. Temporary Order

[11]¶27 Arden argues that entry of the 10-year Temporary Order was actually an impermissible, permanent parenting plan modification. Again we agree.

¶28 In *In re Marriage of Christel* , 101 Wn. App. 13 , 24, 1 P.3d 600 (2000), the court held that a temporary order amounted to an impermissible modification. The court found that the trial court's order establishing a new dispute resolution procedure for matters affecting the parties' child had a permanent effect on the parenting plan, and because no petition to modify had been submitted, the modification was impermissible. *Christel* , 101 Wn. App. at 23 -24. Accordingly, the court vacated the trial court's "Temporary Order," finding an abuse of discretion. *Christel* , 101 Wn. App. at 24 .

¶29 The Temporary Order here has the same permanent effect. It restricts Arden's right to travel with her children outside of Jefferson County and prohibits her from going to the children's residence or schools for 10 years. By the time the order expires, all of Arden's and Halls's children will have reached the age of majority and the parenting plan

«3»Halls also violated RAP 7.2(e). Arden had appealed the first modification before Halls presented his second modification. Under RAP 7.2(e), the trial court could not enter an order that affected the appeal without first obtaining our permission. It did not.

will no longer apply to them. And Halls submitted no petition to modify and no adequate cause affidavits, and the court did not find facts sufficient to modify the parenting plan. Thus, we vacate the order.

II. Contempt Orders

¶30 Arden argues that independent of the RCW 26.09.260 violations, the Second Parenting Plan Modification must be overturned because it is premised on findings of contempt that were entered in violation of due process. Although the issue is likely moot because we have reversed the First and Second Parenting Plan Modifications for procedural flaws, we consider the issue because the contempt orders may be a factor in future proceedings.

Right to Counsel in Contempt Proceedings

[12, 13]¶31 In proceedings civil in form but criminal in nature, due process rights to liberty, the Sixth Amendment, and Washington Constitution article I, section 22, require that a party threatened with jail be represented by counsel. See *Tetro v. Tetro* , 86 Wn.2d 252 , 253, 544 P.2d 17 (1975) (citing *In re Gault* , 387 U.S. 1, 87 S. Ct. 1428, 18 L. Ed. 2d 527 (1967)). Accordingly, wherever a contempt adjudication may result in incarceration, the person accused of contempt must be provided with state-paid counsel if she is unable to afford private representation. *Tetro* , 86 Wn.2d at 253 ; see also , *In re Dependency of Grove* , 127 Wn.2d 221 , 237, 897 P.2d 1252 (1995).

¶32 Arden faced jail time at the May 9, May 30, and June 13 contempt hearings, and the trial court knew she was indigent. At one hearing, the public defender initially

represented her, but then withdrew before the hearing concluded. At another hearing, her attorney was present but did not represent her, explaining that he was withdrawing and was not prepared to represent her. The court should have appointed counsel to represent Arden throughout these hearings. It did not and we, therefore, vacate the contempt orders.

III. Due Process in Modification of Parenting Plan Proceedings.

¶33 Arden argues that under the due process clause of the fourteenth amendment to the United States Constitution and article I, sections 10 and 32 of the Washington State Constitution, she is entitled to appointed counsel in the modification proceedings. She asks that we direct the trial court to appoint counsel to represent her on remand.«4»But the issue is not before us yet.

¶34 Although not part of the appeal record, counsel advised us during oral argument that the children are back living with Arden. In addition, Halls has not participated in the appeal process, ignoring our letters and order concerning his right to file a brief and argue the case. Given this history, we question whether a real dispute still exists between the parties.

[14]¶35 In addition, if there is a dispute on remand, we do not know whether Arden would now qualify as indigent. Moreover, Halls asked to modify the parenting plans only because of Arden's alleged contempts. But as we have discussed, contempt findings alone will not support a parenting plan modification. If Halls still seeks modification, he must file a new petition alleging more than contempt. We do not know what such allegations might be or whether the contempt proceedings would necessarily threaten Arden with incarceration. Yet Arden asks for an attorney on the modification because it is so interwoven with the contempt issues. In short, without knowing whether the parties still have a dispute and the parameters of the dispute, we are unwilling to issue an advisory opinion.

¶36 We reverse and vacate the May 9, May 30, and September 8, 2003 contempt orders; we also vacate the First and Second Modified Parenting Plans and the Temporary Order. We remand to the trial court for further proceedings

QUINN-BRINTNALL , C.J., and HUNT , J., concur.

«4»No Washington case has held that a party to a child custody dispute is entitled to representation at State expense.

9 Wn App. 13, ELINE G. STRODE, individually and as a Guardian, Respondent, v. WILLIS GLEASON et al., Appellants

[No 1293-1. Division One-Panel 2. Court of Appeal May 21, 1973.]

ELINE G. STRODE, individually and as a Guardian, Respondent, v. WILLIS GLEASON et al., Appellants.

[1] Torts - Remedies - New or Unique Cause of Action. The common law is sufficiently adaptable to provide a remedy for one Injured by the conduct of another even though the asserted right is novel and there is no precedent for such an action.

[2] Parent and Child - Alienation of Affection - Parent's Right of Action. A parent may bring an action for damages based on the malicious alienation of the affections of a minor child. [Sec Ann. 12 A.L.R.2d 1178, 1181; 59 Am. Jur 2d, Parent and Child 107.]

[3] Parent and Child - Alienation of Affection - Elements - Malice. In order to establish a cause of action for alienation of a child's affection a parent must show malice in the form of an unjustifiable interference with the parent – child relationship.

[4] Torts - Alienation of Affection - Accrual of Action. An action for alienation of affection accrues when the loss of affection is sustained, i.e., when some overt act takes place indicating a lack of affection and making the parent aware that a hurt is suffered.

Appeal from a judgment of the Superior Court for King County, No. 709304, George H. Freese, J., entered July 22, 1971. Reversed.

Action for alienation of affection. The defendants appeal from a judgment entered on a verdict in favor of the plaintiffs.

Stuart W. Todd, for appellants.

Barnett, Robben, Blauert & Pease and Paul W. Robben, for respondent.

CALLOW, J. -

This is an alienation of affections action brought by the natural mother of two children, a boy and a girl, against the couple with whom the children lived for several years. The defendants have appealed from, a jury verdict in favor of the plaintiff.

From 1952 until 1962, the Strode children lived with the defendants Gleason during the week and visited their parent on weekends. Thereafter, the children lived at home for the next 4 years but frequently visited with the defendants. From 1964 until 1966, the boy grew difficult to handle. He made a tape recording attempting to demonstrate his natural mother's unfitness to care for him and exchanged frequent phone calls with the defendant Mrs. Gleason. As a result of his complaints to a school counselor, a juvenile court petition was filed. The plaintiff mother contends that the defendants caused the filing of the petition and that that act evidences the alienation of the children.

The jury was instructed alienation of affections and/or direct interference with family relations is characterized as an intentional tort.

Basically to establish a prima facie cause of action for these torts the complaining party must show the following: 1. An existing family relationship 2. A wrongful interference

with the relationship by a third person 3. An intention on the part of the third person that such wrongful interference results in a loss of affection or family association

4. A causal connection between the third parties' conduct and the loss of affection. 5. That such conduct resulted in damages.

The defendants contend the instruction was improper, that no cause of action for the alienation of the affections of a child has been recognized in Washington law, and that the action should have been dismissed. In addition, the defendants claim, inter alia, that the statute of limitations had run barring the action.

No Washington cases deal directly with alienation of the affections of a minor child, standing alone, as a permissible cause of action. The common law held liable anyone who intentionally interfered with the custody of children by abducting a child, enticing a child away or harboring a child who had left home against the wishes of the parent. The parent was required to prove deprivation of the services or custody of the child by the actions of the defendant; but having proven this element, the parent was then also entitled to damages for loss of the society of the child and for accompanying mental distress. *Magnuson v. O'Dea*, 75 Wash. 574, 135 P. 640, 48 L.R.A. (n.s.) 327 (1913), would permit a recovery on such a footing. This was an action for damages caused by the concealment of a minor child from the parent. The court said that a right of action in such cases was based upon loss of services and that, under such circumstances, parents could then also recover compensatory damages for mental distress and the loss of the companionship of the child. See also *W. Prosser, Torts* 124, p. 882 (4th ed. 1971); *H. Clark, Domestic Relations* 10.4 (1968); *Annot.*, 12 A.L.R.2d 1178 (1950); *Pound, Individual Interests in the Domestic Relations*, 14 Mich. L. Rev. 177, 185 (1916); 59 Am. Jur. 2d Parent and Child 107 (2d ed. 1971).

The few cases where the sole basis of the complaint has been the alienation of the affections of a minor child unaccompanied by loss of custody or of the services of the child have denied recovery. 3 Restatement of Torts 699 (1938), takes a similar position at page 501:

One who, without more, alienates from its parent the affections of a child, whether a minor or of full age, is not liable to the child 's parent.

Miles v. Cuthbert, 122 N.Y.S. 703 (Sup. Ct. 1909), held there was no action for alienation of the affections of a child simply because there was no authority to support such an action. In *Pyle v. Waechter*, 202 Iowa 695, 210 N.W. 926, 49 A.L.R. 557 (1926), the court denied recovery by the parent and emphasized that recovery had always been based upon the loss of custody, care, companionship or services of the child. Analogies to the right of a parent to recover for loss of affection and mental anguish stemming from the seduction of a minor daughter and to the right of recovery for alienation of the affections of a spouse were rejected. See also *Montgomery v. Crum*, 199 Ind. 660, 161 N.E. 251 (1928); *Ronan v. Briggs*, 351 Mass. 700, 220 N.E.2d 909 (1966).

These cases are commented upon in 1 F. Harper & F. James, *The Law of Torts* 8.5 (1956) as follows at page 623:

The reasoning here is not persuasive. As to the first point, it is true that the action for loss of the companionship and custody of a child or for its seduction was based on the

loss of real or imaginary services but in modern law this has become a complete fiction. Loss of services need not be shown. "The true ground of action is the outrage, the deprivation; the injury the father sustains in the loss of his child; the insult offered to his feelings; the heart-rending agony he must suffer in the destruction of his dearest hopes, and the irreparable loss of that comfort and society, which may be the only solace of his declining age." It is rue, as the Iowa court pointed out, that the parent had not been deprived of the child's custody and society, but it must be obvious that the loveless companionship of a minor child leaves much to be desired in the relationship. Much the same can be said of the court's second point as to the analogy of the affection between spouses. To be sure it is different than that which exists between parents and their children, but application of a Latin name to the one makes it no more important or worthy of legal protection than the other.

(Footnotes omitted.) See also H. Clark, *Domestic Relations* 10.4, at 270 (1968); 40 *Harv. L. Rev.* 771 (1927).

[1] The novelty of an asserted right and the lack of precedent are not valid reasons for denying relief to one who has been injured by the conduct of another. The common law has been determined by the needs of society and must recognize and be adaptable to contemporary conditions and relationships. *Funk v. United States*, 290 U.S. 371, 78 L. Ed. 369, 54 S. Ct. 212, 93 A.L.R. 1136 (1933); *Russick v. Hicks*, 85 F. Supp. 281 (W.D. Mich. 1949); *Miller v. Monsen*, 228 Minn. 400, 37 N.W.2d 543 (1949). [S]tability should not to be confused with perpetuity. If the law is to have a current relevance, courts must have and exert the capacity to change a rule of law when reason so requires. *In re Stranger Creek*, 77 Wn.2d 649, 653, 466 P.2d 508 (1970).

[2] The trend of the law as we perceive it would recognize a cause of action in a parent for the alienation of the affections of a child. *Daily v. Parker*, 152 F.2d 174, 162 A.L.R. 819 (7th Cir. 1945), reversed the dismissal of a complaint initiated by a minor child for the alienation of its father's affections. The issue was stated as follows at page 176:

Is the family relationship and the rights of the different members therein, arising therefrom, sufficient to support a cause of action in each, the father, mother, or children, against one who breaks it up and destroys rights of the said individual members?

The opinion noted that while courts have been slow to accept social changes they have adopted change after the need has been recognized. The court conceptualized the family as follows at page 176:

The duties of each member of the family are measured (at least in theory and in legal conception) by the position, the role, each takes in the family. . . . children of tender years take on the family financial burdens when father is incapacitated and mother must attend him or for other reasons is unable to contribute to the financial support of the family. Relativity of rights and duties marks the rights and the obligations of the group and relativity is determined in each case by the situation of the family. But relativity does not eliminate or destroy the rights of any member. We hesitate to stereotype people in any way and set forth this quote merely to indicate the recognition of the rights of parents in children and the duties and responsibilities they can expect children to accept. The court concluded that a child had an action against one who had injured the child's right to support and maintenance "as well as damages for the destruction of other rights

which arise out of the family relationship and which have been destroyed or defeated by a wrongdoing third party."

The conclusion that all members of a family have a right to protect the family relationship and that a minor child may bring suit against a third person who wrongfully induced a parent to desert the child has also been reached in *Russick v. Hicks*, *supra*; *Johnson v. Luhman*, 330 Ill. App. 598, 71 N.E.2d 810 (1947); and *Miller v. Monsen*, *supra*.

We see no basis for granting a child a cause of action for loss of the love and affection of a parent without recognizing that a parent has a like cause of action for damages against a third person who spitefully alienates the affections of a minor child or maliciously interferes with the family relationship resulting in a loss of the child's affections. The loss of custody or the services of a child should not be a necessary element to be proven as a requisite for recovery but is instead an element of damages. We believe an interloper who maliciously interferes with the affections of a child should be answerable to a damaged parent. In *McGrady v. Rosenbaum*, 62 Misc. 2d 182, 186, 308 N.Y.S.2d 181 (Sup. Ct. 1970), a right to recover for the lost companionship of a child was recognized. The court said:

Undoubtedly, . . . a parent who has been wrongfully deprived of the company of his child, by interference with such custody, association and companionship, may recover damages from the wrongdoer for the mental anguish and wounded feelings and for the expenses incurred in vindicating the parent's rights to have his child. (*Pickle v. Page*, 252 N. Y. 474 [169 N.E. 650, 72 A.L.R. 842;]; *McEntee v. New York Foundling Hosp.*, 21 Misc. 2d 903 [194 N.Y.S.2d 269].) See also *Rosefield v. Rosefield*, 221 Cal. App. 2d 431, 34 Cal. Rptr. 479 (1963). We believe that equally, if not more, damaging to a parent would be the loss of the love and affection of a child who continues to reside with the parent he or she has come to despise as a result of the wrongful action of a third party. Not only would the loss of companionship and mental distress be present, but the constant antagonism of the alienated child would be an omnipresent reminder and aggravation of the injury. Recovery for mental anguish and distress is permitted in cases which involve malice or wrongful intent even though there has not been an actual invasion of the person of the plaintiff. *Schurk v. Christensen*, 80 Wn.2d 652, 497 P.2d 937 (1972); *Smith v. Rodene*, 69 Wn.2d 482, 418 P.2d 741 (1966); *Murphy v. Tacoma*, 60 Wn.2d 603, 374 P.2d 976 (1962).

The reasons given for refusing to allow an action by a child for the loss of the affections of a parent are not persuasive to us in that situation nor do they persuade us that an action should be forbidden by a parent for loss of the affections of a child. In *Nelson v. Richwagen*, 326 Mass. 485, 95 N.E.2d 545 (1950), the court held that the child had no right of action against a third party for the loss of the personal care or presence of a parent. The court citing 83 Pa. L. Rev. 267, 277 gave as reasons for denying recovery (a) the possibility of a multiplicity of suits, (b) the possibility of extortionary litigation, (c) the inability to define the point at which the right would cease, and (d) the difficulty in assessing damages. Similar arguments are set forth in Restatement (Second) of Torts 702A (2) (Tent. Draft No. 14, 1969), which would not grant a child a right of action for the alienation of the affections of a parent. There the pretexts for denial of the right are listed as (1) the lack of precedents, (2) the fear of a flood of actions, (3) the fact that a child has no legal right to the services of the parent or "consortium" in the husband-wife sense, and "even the parent cannot recover for mere loss of the child's affections," (4) the possibility of extortion suits, (5) the difficulty of determining when a child ceases to

be a "child," and (6) the difficulty in measuring damages. We note that the reporter setting forth these reasons for rejecting the imposition of liability to the child who has lost the affections of a parent is not enthusiastic about any of the reasons and indicates that each is without real consequence as a basis for rejecting the existence of the right of action. Likewise, we do not grant them weight in regard to the counterpart cause of action by a parent for the alienation of the affections of a child. Each of the palliations for denying such a right to redress is a specious bugaboo without present day basis. They reflect a distrust in the ability of courts and juries to distinguish just causes from false claims - a distrust we reject.

We hold that a parent has a cause of action for compensatory damages against a third party who maliciously alienates the affections of a minor child. (3) The instruction given by the trial court properly reflected the elements of the action with the exception that the specific term "malicious" is appropriate rather than the ambiguous word "wrongful." The maliciousness that need be shown is an unjustifiable interference with the relationship between the parent and the child. See *Swearingen v. Vik*, 51 Wn.2d 843, 322 P.2d 876 (1958); *Lankford v. Tombari*, 35 Wn.2d 412, 213 P.2d 627, 19 A.L.R.2d 462 (1950); *Allard v. La Plain*, 147 Wash. 497, 266 P. 688 (1928); *Thomas v. Lang*, 135 Wash. 675, 238 P. 626 (1925).

[4] The alienation of the affections of one family member for another may be a gradual process, and it cannot be said to have occurred until some overt act takes place which shows a want of affection. An action for alienation of affection accrues when the loss of affection is sustained. *Flink v. Simpson*, 49 Wn.2d 639, 305 P.2d 803 (1957). In our opinion, the right of action in a cause of this nature should accrue when the parent is aware that the hurt is suffered.

Here, in either event, the period has run. This action was filed on May 26, 1969, 3 years after juvenile court authorities filed a petition regarding the child. Prior to May 26, 1966, the overt acts of the alienated boy evidenced alienation of his affection for his mother. She was aware of the erosion of the affection of her son for her by his many belligerent acts which occurred over 3 years prior to the initiation of this action. See RCW 4.16.080. The period preceding the cutoff date, 3 years before the filing of the action was replete with acts which put the plaintiff on notice of her harm. The action was barred by the statute of limitations.

The judgment is reversed, and the cause is remanded to the trial court with directions to dismiss the action.

HOROWITZ and WILLIAMS, JJ., concur.

EXHIBIT 1

SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF KING

In Re The Marriage Of:)	
)	
TAMMY TRIPLETT,	)	NO. 99-3-00253-2 KNT
Petitioner,)	
)	
and	)	STEPHANIE CASE'S TRIAL
	)	MEMO RANDUM
STEPHANIE CASE,)	
Respondent.)	
_____)	

MEMORANDUM

ACTION AND PARTIES:

This is an action brought by STEPHANIE CASE. Legally, STEPHANIE CASE, is the biological father of the minor children. However, STEPHANIE CASE underwent a gender reassignment as a result of her gender identity disorder. As of June 2004, her gender reassignment was officially recognized by State of Washington. It is now inappropriate to refer to STEPHANIE CASE as the father of the children.

SLC

TAMMY TRIPPLETT is the mother of the children in this action. ~~was filed by the~~
~~State on August 13, 2006~~. The children in this case are SHAWN (SHAWN will be 13 on August 1st), The youngest child is ALYSHA who is nearly 11 and a half.

The original trial date for this Modification was set for 4/26/07, however, because of the mother's refusal to answer interrogatories, the trial was continued to 5/24/07. The mother has now answered the interrogatories sufficiently to proceed.

LEGAL BASIS FOR MODIFICATION:

The previous order in this matter was entered more than two years ago and there has been a change in the incomes of the parents. Additionally, the current order works a severe economic hardship on STEPHANIE CASE.

One child has moved into a new age category. The second child will move into a new age category as of January 2008.

Additionally, there has been the following substantial change of circumstances since the order was entered:

The Order of Child Support was entered on March 23rd, 2005. It was revised on April 28th, 2005. Pursuant to the Order on Revision, "either party may file a modification action in the event respondent's income changes due to employment or income from social security disability or any source of income other than GAU. It is difficult to determine what the Court actually did or intended in the 3/23/05 order. In that order, the Court indicated that the standard calculation was \$1,134.00 per the attached worksheet which was based on a 7/03 DCS review. The Court then indicated

that using 2/28/00 child support worksheet, the standard calculation would have been \$971.00 per month. The Court then accepted the \$971.00 calculation as the standard calculation and then granted a \$71.00 per month deviation. In neither one of the worksheets does the Court take into consideration the mother's actual income. Pursuant to Order itself, the mother's net income was \$2,901.00 per month. Under Exhibit "A" her net income is \$1,999.00 and under exhibit "B" her net income is \$2,053.00 per month. In either instance, her income was calculated at nearly \$1,000.00 per month less than it actually was.

Next, the support was also based on day care figures from 2000 and 2003. There was no requirement that the Petitioner demonstrate actual day care paid. It is difficult to fathom why there is a \$969.00 per month obligation for day care when one of the children is nearly 13 and the other child is 11 and a half.

Finally, the Respondent has extensive medication costs that are not covered by insurance. The Respondent is required to be on the medications permanently. This information is provided under seal.

EVIDENCE:

STEPHANIE CASE has filed a petition in this matter. She has filed a financial declaration as well as required information under seal. The mother has filed a response in this matter. She has filed a financial declaration. She has filed documentation under seal. Interrogatories were served on the mother as well. The mother initially refused to answer

the interrogatories. STEPHANIE CASE filed for an order to compel answers. The mother was order to comply and ultimately she was in substantial compliance.

STEPHANIE CASE'S INCOME:

There does not appear to be any dispute regarding STEPHANIE CASE'S income. Both parties have used the same income in calculating their respective support obligations.

MOTHER'S INCOME:

There is also little dispute over the mother's income. The only dispute is that her pension should be capped at \$167.00 per month for calculating support instead of \$268.21 as she proposes.

DAY CARE EXPENSES:

Day care is probably the biggest "bone of contention" in this matter. The oldest child will turn 13 this summer. The youngest child will turn 12 in January 2008. The children are stable, responsible and are not special needs. Despite this, the mother insists on keeping them in Day Care and expending \$850.00 per month for the day care. There is currently no need for day care.

This includes the nine months that there is only before and after school care. The mother claims that she has to be gone 12 hours a day. However, the mother only works eight hours per day for five days per week..

According to the information received in the interrogatories, the mother paid \$11,444.60 in day care in 2003. She paid \$10,792.00 in 2004. She paid \$7,510.00 in 2005. Finally, in 2006, she paid \$10,206.00. In the interrogatories, we asked for receipts

for day care and cancelled checks for day care. The mother provided year-end statements from the day care provider for 2004, 2005 and 2006, however she did not provided any monthly receipts. The mother did not provide any cancelled checks for the day care. When looking at the bank statements, there is no indication we can find that day care was paid from her account.

EXTRAORDINARY MEDICAL EXPENSES/MEDICAL EXPENSES

STEPHANIE CASE was out of work from 6/04 until just before this action was initiated. This was due to a ruptured disc and pinched nerve in her lower spine. As a result, STEPHANIE CASE went on GAU public assistance pending disability through Social Security. As a result of these afflictions, STEPHANIE CASE'S child support was reduced to \$50.00 per month until she was terminated from GAU. Because of her termination from GAU we had to bring this action because she cannot financially survive paying the current child support obligation.

STEPHANIE CASE is required to be on constant medication as a result of her gender reassignment, as well, the medication is permanent and mandatory. The problem is, under the Regence BlueShield Plan, benefits for this issue are specifically excluded. Previously, STEPHANIE CASE was under the Community Health Plan of Washington. Under that Plan, her uninsured prescriptions were right at \$100.00 per month. However, under her current plan, she is required to pay full price and this amounts to \$336.00 per month. The mother refers to STEPHANIE CASE'S gender reassignment as elective and therefore the prescription expenses are voluntary. However, Dr. Sciata advises that

STEPHANIE was being treated for her “gender identity disorder” and found in his medical opinion that gender reassignment surgery was medically necessary for the long term treatment of STEPHANIE CASE to resolve her gender identity disorder.

STEPHANIE CASE’S condition is permanent. The costs of her uninsured medications reduce her net income by \$336.00 per month. Allowing a deviation based STEPHANIES CASE’S extra-ordinary debt/expense not voluntarily incurred is appropriate.

RCW 26.19.075 states in part:

(1) Reasons for deviation from the standard calculation include but are not limited to the following:

(c) Debt and high expenses. The court may deviate from the standard calculation after consideration of the following expenses:

(i) Extraordinary debt not voluntarily incurred;

To succeed on a petition to modify child support and maintenance obligations, the moving party must show a substantial change of circumstances. RCW 26.09.170(1); In re Marriage of Shellenberger, 80 Wash.App. 71, 79-80, 906 P.2d 968 (1995); In re Marriage of Arvey, 77 Wash.App. 817, 820, 894 P.2d 1346 (1995); In re Marriage of Ochsner, 47 Wash.App. 520, 524, 736 P.2d 292, review denied, 108 Wash.2d 1027 (1987). The change of circumstances must have been unanticipated at the time the decree was entered. Arvey, 77 Wash.App. at 820, 894 P.2d 1346 (citing Holiday v. Merceri, 49 Wash.App. 321, 331, 742 P.2d 127, review denied, 108 Wash.2d 1035 (1987) (citing in turn In re Marriage of Zander, 39 Wash.App. 787, 790, 695 P.2d 1007 (1985)). The phrase change of circumstances refers to the financial ability of the obligor spouse to pay vis-a-vis the necessities of the other spouse. In re Marriage of Coyle, 61 Wash.App. 653, 658, 811 P.2d 244, review denied, 117 Wash.2d 1017, 818 P.2d 1099 (1991) (quoting Ochsner, 47 Wash.App. at 524, 736 P.2d 292).

The statute provides for certain exceptions including permitting modification without a showing of substantially changed circumstances after a 2 year lapse and a change in the parties' income, see RCW 26.09.170(8)(a).

The determination of whether a substantial change of circumstances has occurred which justifies modification of child support is within the discretion of the trial court and will not be reversed on appeal absent abuse of discretion. Lambert v. Lambert, 66 Wash.2d 503, 508, 403 P.2d 664 (1965); Shellenberger, 80 Wash.App. at 80, 906 P.2d 968; Arvey, 77 Wn.App. at 820-21.

The legislature enacted the child support schedule to insure that every child support award satisfy the child's basic needs and provide additional financial support commensurate with the parents' income, resources, and standard of living. RCW 26.19.001; In re Marriage of Leslie, 90 Wn.App. 796, 803, 954 P.2d 330 (1998), review denied, 137 Wn.2d 1003 (1999). The legislature also intended that the schedule would equitably apportion the child support obligation between both parents. RCW 26.19.001; In re Marriage of Clarke, 112 Wn.App. 370, 377-78, 48 P.3d 1032 (2002). In setting child support, the trial court must first compute the parents' total income (RCW 26.19.071); determine the standard child support level from the economic table based on the parents' incomes (RCW 26.19.020); decide whether to deviate from the standard calculation based on consideration of statutory factors (RCW 26.19.075); and allocate each parent's support obligation (RCW 26.19.080). Crosetto, 82 Wn.App. at 560 (citing

In re Marriage of Maples, 78 Wn.App. 696, 700, 899 P.2d 1 (1995)). The trial court must set forth specific reasons for any deviation from the standard calculation in written findings of fact. Crosetto, 82 Wn.App. at 560.

Finally as to this issue, we are requesting an order preventing the mother from disseminating STEPHANIE CASE'S medical information or otherwise sharing the information with anyone.

PERIODIC ADJUSTMENTS:

Periodic adjustment should be as allowed by statute. There should be no compulsory language requiring the parties to adjust child support.

INCOME TAX EXEMPTIONS:

Each party should be allowed to claim one child as an exemption for income tax purposes. When there is only one child to claim, the exemption should be alternated.

MEDICAL INSURANCE/EXTRAORDINARY EXPENSES:

The mother should be required to continue to carry medical insurance for the children. As to extra-ordinary medical expenses, these should be as per the worksheet.

ATTORNEY'S FEES

STEPHANIE CASE has also requested attorney's fees based on need versus ability to pay. The mother is clearly in a superior financial position. STEPHANIE CASE had to bring this action because the amount of support is overwhelming financially. It is easy to argue that it would be unjust to award fees because STEPHANIE CASE is delinquent in her support obligation. However, the majority of

the delinquency is a result of STEPHANIE CASE'S physical condition which resulted in her inability to pay child support.

RESPECTFULLY SUBMITTED this 10th day of May, 2007.

JOHN F. CURRY,
Attorney for STEPHANIE CASE
WSBA #15740

John F. Curry
Dan C. Williams

LAW OFFICE OF
CURRY & WILLIAMS, P.L.L.C.
515 B STREET NORTHEAST
AUBURN, WA 98002

AUBURN (253) 833-2044
FAX (253) 939-2758
TACOMA (253) 383-3069

March 15, 2007

Ms. Tammy Tripplett
4205 Auburn Way S. Space #80
Auburn, WA 98092

Re: Interrogatories Propounded to Ms. Tripplett

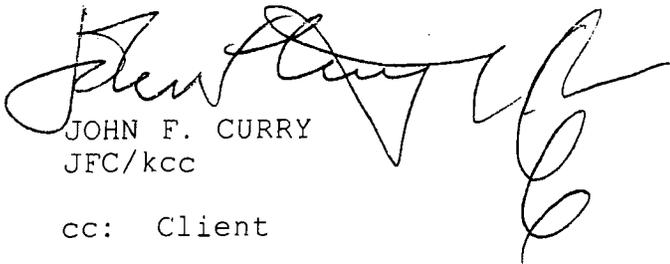
Dear Ms. Tripplett :

Interrogatories and Request for Production were served upon you on or about February 10, 2007 which should have been answered by March 14, 2007. To date no response has been received.

As required by CR 26(i), I am scheduling a conference to discuss the failure to respond. The conference will be in my office on March 21, 2007 at 2:00 p.m. I will make myself available at that time to confer with you by telephone if you would prefer to not appear in my office. You must call my office on the date and time specified if you are attending via telephone.

If you fail to respond to this letter, I will be forced to bring a Motion to Compel Discovery and at the same time seek an award of attorneys fees for the necessity of bringing the matter before the Court.

Sincerely,


JOHN F. CURRY
JFC/kcc

cc: Client

TBA who oral argument

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

TAMMY TRIPPLETT, Petitioner
and
STEPHANIE CASE, Respondent

NO. 99-3-00253-2 KNT
NOTE FOR MOTION DOCKET
KENT REGIONAL JUSTICE CENTER ONLY
(Clerk's Action Required) (NTMTDK)

TO: THE CLERK OF THE COURT and to all other parties listed on Page 2:
PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the calendar checked below.

Calendar Date: 4/10/07 Day of Week: Tuesday

Nature of Motion: MOTION TO COMPEL ANSWERS TO INTERROGATORIES/REQUEST FOR PROD.

EX PARTE MOTIONS [LR 0.13] - RJC Room 1J

The original of this notice must be filed at the Clerk's Office not less than six court days prior to requested hearing date for these calendars. Motions are scheduled 9:00-11:30 a.m. in Courtroom 1J (except as indicated):

Eviction Hearing Time: 9:00 a.m. Other Ex Parte Motion. Hearing Time: _____

The original of this notice must be filed at the Clerk's Office not less than fourteen calendar days prior to requested hearing date - *Deliver Working Papers (on accountings, contested or complex cases) to the Judges Mailroom 2D at RJC. Ex Parte hearings do not require confirmation.*

Adoption Final Hrg. Hearing Time: 1:30 p.m. (LR 93.04)
 Family Law Final Decree Atty to Appear Hearing Time: _____ No Attorney Hearing Time: 1:30 p.m.
 Probate/Grdnshp Hearing Time: 10:30 a.m. (LR 98.04, 98.16, 98.20)

FAMILY LAW MOTIONS [LFLR 6] - RJC in 1G

The original of this notice must be filed at the Clerk's Office not less than fourteen calendar days prior to the requested hearing date, except for Summary Judgment Motions (to be filed with Clerk 28 days in advance). *Must confirm at (206) 205-2550 (LFLR 6). Deliver Commissioner's copies to A-1222 RJC. SEE PAGE 2 FOR IMPORTANT NOTICE!*

Domestic Motion 9:30 a.m. daily
 Sealed File Motion 1:30 p.m. Mon, Wed, Thur, Fri
 Parenting Plan Modification (threshold) 1:30 p.m. Mon, Wed, Thur, Fri

→ who oral argument
Comm. N. Johnston

You may list an address that is not your residential address where you agree to accept legal documents.

Sign: [Signature] Print/Type Name: JOHN F. CURRY Phone: 253-833-2044
WSBA # 15740 (if attorney) Attorney for: Respondent Date: 03/22/07
Service Address: 515 B St. NE City, State, Zip: Auburn, WA 98002

Party requesting hearing must file motion & affidavits separately along with this notice. List names, addresses and telephone numbers of all parties requiring notice (including Guardian Ad Litem) on page 2. Serve a copy of this notice of hearing, with motion documents, on all parties.

DO NOT USE THIS FORM TO SET HEARINGS BEFORE CHIEF CIVIL JUDGE OR THE ASSIGNED JUDGE FOR THE CASE.

Note For Motion Docket - Kent RJC Only
(NTMTDK) Rev. 11/13/06, Page 1 Of 2
AEES #968, 1/17/07



CURRY & WILLIAMS, P.L.L.C.
515 B St. NE
Auburn, WA 98002
(253) 833-2044

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SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF KING

In Re The Marriage Of:)
)
TAMMY TRIPPLETT,) NO.99-3-00253-2 KNT
)
Petitioner,) MOTION & AFFIDAVIT
) TO COMPEL ANSWERS
and) TO INTERROGATORIES
)
STEPHANIE CASE)
Respondent.)

M O T I O N

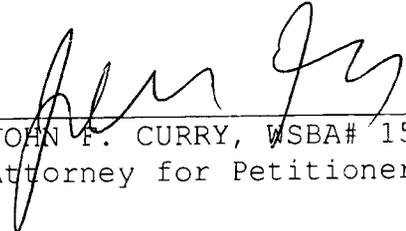
COMES NOW the Respondent, STEPHANIE CASE, by and through her attorney of record, JOHN F. CURRY, and moves the Court for an Order requiring the Petitioner, TAMMY TRIPPLETT, to fully answer the Interrogatories served upon the her by the Respondent/STEPHANIE CASE by a date certain, an Order pursuant to CR 37 (d) striking Petitioner's pleadings and rendering a judgment by default against the Petitioner, and an Order pursuant to CR 37 (d) rendering judgment in the amount of \$1000.00 for costs and attorney's fees in making this Motion.

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THIS MOTION is based upon the files and records herein, the Interrogatories submitted to the Petitioner, and upon the Affidavit of JOHN F. CURRY attached hereto.

DATED this 22nd day of March, 2007.



JOHN F. CURRY, WSBA# 15740
Attorney for Petitioner

A F F I D A V I T

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

JOHN F. CURRY, being first duly sworn upon oath, deposes and says:

That I am the attorney of record for the Respondent in the above-entitled cause of action and make this Affidavit in support of my Motion to Compel Answers to Interrogatories.

Pursuant to Civil Rules 33 and 34 of the Civil Rules for the Superior Court of the State of Washington, the Respondent submitted Interrogatories to the Petitioner. The

1 Interrogatories were to be answered separately and fully under
2 oath and signed by the Petitioner within 30 days from
3 the date of service of the Interrogatories upon the
4 Petitioner.

5 The Petitioner is currently Pro Se in this matter.
6 The Interrogatories were mailed to the Petitioner on February
7 7, 2007 and served upon the Petitioner on or about February
8 10, 2007 (see Exhibit "A" attached hereto and incorporated
9 herein). More than 30 days have passed since the Petitioner
10 was served with the Interrogatories.
11

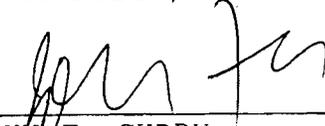
12 A letter was written and mailed to the Petitioner
13 dated March 15, 2007 which advised the Petitioner that she had
14 failed to answer the interrogatories timely. The letter also
15 advised the Petitioner that as required by CR 26(I) a
16 conference would be held to discuss her failure to respond to
17 the Interrogatories and to discuss any problems she was
18 having. The conference was set for March 21, 2007 at 2:00
19 p.m. The Petitioner was given the choice of personally
20 attending the conference in my office or calling by telephone
21 at the designated date and time (see Exhibit "B" attached
22 hereto and incorporated herein). The Petitioner failed to
23 appear at the conference or telephone my office.
24
25
26

1 The Petitioner is well informed that more than 30
2 days have elapsed since the service upon her and the request
3 that the completed interrogatories be delivered to my office.

4 The Petitioner's intransigence may force the
5 Respondent to request a continuance of trial date and incur
6 further unnecessary attorney's fees. The Trial by Affidavit in
7 this matter is scheduled for April 26, 2007 and the first set
8 of documents/working papers are due April 12, 2007. Without
9 this information Respondent's counsel cannot attempt to
10 negotiate possible settlement prior to trial and/or prepare
11 trial paperwork.
12

13 The Answers to the Interrogatories have still not
14 yet been received from the Petitioner, thus necessitating this
15 Motion to Compel Discovery, as well as the request for
16 attorney's fees in the amount of \$1000.00.
17

18 DATED this 22nd day of March, 2007.

19
20 
21 _____
JOHN F. CURRY

22 SUBSCRIBED AND SWORN to before me this 22nd day
23 of March, 2007.

24 
25 _____
NOTARY PUBLIC in and for the
26 State of Washington.
My Commission Expires: 08/30/08
DAN C. Williams

RECEIVED

APR 16 2007

JOHN F. CURRY
DAN C. WILLIAMS

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SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF KING

In Re The Marriage Of:)	
)	
TAMMY TRIPPLETT,	)	NO. 99-3-00253-2 KNT
)	
Petitioner,	)	ORDER ON MOTION
	)	TO COMPEL ANSWERS
and	)	TO INTERROGATORIES
	)	(JUDGMENT SUMMARY)
STEPHANIE CASE)	
Respondent.	)	CLERK'S ACTION
	)	REQUIRED

J U D G M E N T S U M M A R Y

1. Judgment Creditor: STEPHANIE CASE/JOHN CURRY
2. Judgment Debtor: TAMMY TRIPPLETT
3. Principal Judgment Amount: \$0.00
4. Interest to Date of Judgment: \$0.00
5. Attorney's Fees: \$1000.00
6. Costs: \$0.00
7. Other Recovery Amounts: \$0.00
8. Principal Judgment Shall Bear Interest at 12% Per Annum.

16

1 9. Attorney's Fees, Costs and Other Recovery Amounts Shall
2 Bear Interest at 12% Per Annum.

3 10. Attorney for Judgment Creditor: JOHN F. CURRY
4

5 THIS MATTER having come on regularly for hearing
6 upon the Motion of the Respondent; the Respondent, STEPHANIE
7 CASE, being represented by and through her attorney of record,
8 JOHN F. CURRY; the Petitioner, TAMMY TRIPPLETT, being
9 and not providing a written response without
10 Pro Se ~~() not appearing () appearing~~ and the Court
11 oral argument ~~having heard the argument of counsel~~, reviewed the files and
12 records herein, and being otherwise fully advised in the
13 premises; Now, Therefore, it is hereby

14 ORDERED, ADJUDGED AND DECREED as follows:
15

16 (X) That the Petitioner is hereby ordered to
17 fully answer the Interrogatories and return them to the
18 Respondent's attorney no later than April 19, 2007.

19 () That if Petitioner fails to fully answer
20 Respondent's Interrogatories propounded and return them to
21 Respondent's attorney by no later than _____,
22 2007 then Petitioner's pleadings in this modification action
23 shall be stricken.
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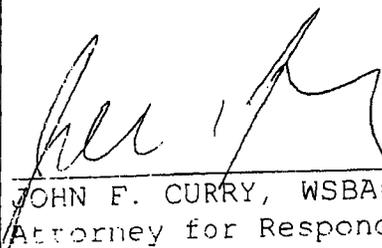
1 () That ~~Petitioner's pleadings in this~~
2 ~~modification action are hereby stricken.~~

3 (X) That the Respondent's attorney, JOHN F. CURRY,
4 is hereby awarded attorney's fees and judgment against the
5 Petitioner, TAMMY TRIPPLETT in the amount of \$1000.00.

6 DONE IN ^{Chambers} ~~OPEN COURT~~ this 11th day of April,
7
8 2007.

9 Nancy Bradburn-Johnson
10 JUDGE/COURT COMMISSIONER

11 Presented By:

12 
13
14
15 JOHN F. CURRY, WSBA# 15740
16 Attorney for Respondent
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KING COUNTY SUPERIOR COURT CAUSE NO. . 99-3-00253-2

In re the Marriage of:

Tammy J. Triplett,

Petitioner,

v.

Stephanie L. Case,

Respondent.

TRANSCRIPT OF PROCEEDINGS

July 3, 2007

JUDGE BRADBURN JOHNSON

Attorney for Petitioner:

Attorney for Respondent:

Tammy J. Triplett, Pro Se

John Curry

Authorized Transcriber:

Teresa L. DiTommaso

P.O.Box 84483

Seattle, WA 98124

206-767-4335

1 Judge: We are going on to our next case. No. 2. This is *Case v. Case*, this is
2 on Cause No. 99-3-00253-2. Good afternoon.

3 Curry: Good afternoon, Your Honor

4 Judge: And let me for the record would you state who you are please.

5 Curry: For the record Your Honor my name is John Curry, I am here on behalf
6 of Stephanie Case the respondent in this action.
7

8 Judge: Okay. And you are?

9 Triplett: Tammy Triplett.

10 Judge: Okay. And let me just tell you I have received information from both
11 parties and it may not be in any particular order here but I do have from Mr.
12 Curry's office, I have a number of pleadings which include and I just want you to
13 listen carefully because I am just kind of go through these and I want to make sure
14 you have received everything I have. I have Stephanie Case's trial memorandum. I
15 have another document that has that same caption on it but it is only two pages and
16 it is signed by Ms. Case. I have the Summons, I have the Petition, I have
17 worksheets, all from Ms. Case, I have a financial declaration, sealed file, financial
18 source documents times two. One includes pay stubs and medical information.
19 The other includes income tax records, pay stubs and the _____ income
20 verification, Valley ____ information re medical coverage. And I have a copy of
21 the Order on Revision that was filed back in 2005 under Judge Fleck's signature.
22 So, that is what I have from Ms. Case. I also actually did also receive the orders on
23 continuance and so forth, but they are not particularly pertinent. And then from
24
25

1 you, Ms. Triplett, I have received your response to the petition, I received your
2 financial declaration, sealed financial source documents, which include the income
3 tax records, pay stubs, day care receipts for 2006 expenses, I have received a copy
4 of the First Set of Interrogatories, I have financial information which includes a
5 2003 W-2, 2004, day care, child care receipt for 2005 and attached to that is an
6 income tax return for 2005. I have a 2000 W-2 from Ms. Triplett, copies of the, I
7 have a number of financial documents here, but they include earning statements,
8 like I have got expense receipts here and then I have a copy of the case payment
9 history, I have something that is two pages, total charges submitted, health care
10 professionally, and one for each child that shows what was paid and what you pay
11 out-of-pocket. So I have those two documents. And then finally I have the last
12 two documents, a vehicle certificate of ownership and property tax records for
13 2007. Do I have everything from you?
14

15
16 Triplett: Um hum.

17 Judge: Okay. Do I have everything, okay, Mr. Curry, you are looking puzzled.

18 Curry: I am sorry, Your Honor.

19 Judge: Are you not sure you have everything?

20 Curry: I am not, I don't think I was aware that the interrogatories were filed
21 because

22 Judge: I don't know if they were filed. I was served a copy.

23 Curry: I mean, I mean, I didn't know that you had received a copy. I don't think
24 that is the appropriate fashion to do it, because I didn't know that she, the only
25

1 thing that I received that she had turned into the Court, Your Honor, was the
2 original financial declaration, the original

3 Judge: response

4 Curry: response and the original _____. Other than that I haven't heard from
5 Mr. other than getting the interrogatories back and the interrogatories I think a lot
6 of the information you have is attached to the interrogatories.
7

8 Judge: Counsel I can show you that what was provided to me was separately
9 paper clipped. My staff did not do this.

10 Curry: Okay.

11 Judge: So I don't know if it actually was attached to the interrogatories initially
12 or if this was just information that was provided. So, it looks like it is about the
13 same thickness as yours.
14

15 Curry: Okay.

16 Judge: I did review, frankly, everything that was provided to me. So, I don't know
17 if there is an issue here that we need to deal with preliminarily.

18 Curry: I don't either, Your Honor. I think we can go forward and probably
19 should go forward. I just wasn't aware that you had all the interrogatory answers
20 because typically it is not what is done.

21 Judge: And I will tell both of you that although I have them, I did not look at
22 the interrogatory answers because frankly it is not evidence in front of me. So to
23 that extent there were attachments that pertain to that, they probably would not be
24 something that would come in front of me. So, that being said, are you ready to go
25

1 forward?

2 Curry: I am, Your Honor.

3 Judge: Okay, Ms. Triplett, are you ready to go forward? Did you understand all
4 of that exchange in dialogue that we just had about what is and is not in front of
5 me? Okay.

6 Triplett: I did.

7
8 Judge: It's okay for you to tell me that you didn't because you are not a lawyer,
9 so, you're okay? All right.

10 Triplett: Yeah.

11 Curry: I am a lawyer and I didn't understand.

12 Judge: Don't insult the bench before we start. So, all right, let's, Mr. Curry, it
13 is your note, this is your client's case, you get to start and I have as I said, read
14 everything with the exception of the interrogatories that were provided to me.

15
16 Curry: Thank you, Your Honor. I do intend to be as brief as possible. There
17 are no issues apparently regarding income to parties. The only difference between
18 our two worksheets are two incomes is that I believe that she took a \$268
19 deduction which I believe the maximum is \$167 which leaves my client's income
20 at \$2080.89 and hers at \$2728.66. What would be a transfer payment under that
21 scenario of \$536.49. That is the first part of this. The second, I guess where I
22 complicate things and I don't really mean to but I think the case calls for it, is that
23 my client is number one questioning why there is still day care. Number one the
24 one child will turn 13 I believe August 1st. And I believe a licensed day care
25

1 cannot take a child 13 years old because 13 years olds are not allowed in day care
2 anymore. The second child will turn 12 in January of 2008. So we have a 13 year
3 old, a near 13 year old and an 11 ½ year old that are going to day care. And the
4 problem with day care is you are having 4 hours of day care morning and night,
5 well total 4 hours morning and night, 2 hours before and 2 hours after school for
6 kids this old number one, and number two, the daycare is \$969, between \$850 and
7 \$969 depending on what year. One of the things that we did ask for in the
8 interrogatories is we asked for receipts and we didn't get any of the receipts and
9 when I looked through the checks that we were given, the bank statements, I
10 couldn't find any payments to day care, so I don't know how day care is being paid
11 and I didn't get a response declaration to tell me how it was getting paid. But the
12 third difficulty we have is we have a 13 year old that has no disability, has no
13 problems, no criminal issues, that is essentially going to a day care. Maybe there is
14 an argument for an 11 ½ year old but still that is an expense my client simply
15 cannot afford . With a \$2,000 a month income, with her income then being
16 reduced by nearly \$900, a little over \$900, she would have a little over \$1,000 to
17 live on, it simply is not enough. And then you add on top of it the other requests
18 for deviations, we have \$336.00 a month of permanent medication. And the
19 argument in the past has been that permanent medication, her situation is voluntary
20 and I don't want to get into the issues in open court, but they are not voluntary, and
21 in fact we have a doctor report indicating they are not voluntary. The real final
22 issue Your Honor is that we did give medical records over and we want to make
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1 sure, I know the Court has them sealed but I want to make sure that they aren't
2 otherwise disseminated because they are personal in nature. Realistically, Your
3 Honor, we would ask for attorneys fees, but in reality there is not enough disparity
4 in these parties incomes to be asking for it, so we will not be asking for attorneys
5 fees at this juncture. I believe those are my issues, you have read the papers, I have
6 nothing else.
7

8 Judge: Ms. Triplett I am sure that you are aware that there are topics here, I
9 have read everything, so I would appreciate some discretion on your part. I don't
10 want to limit your argument. If you feel it would better for me to close the
11 courtroom so that you can make whatever arguments you want to, I am glad to do
12 that. All right, so go ahead.

13 Triplett: _____ my argument regarding the day care issue, is that a little over a
14 year ago, isn't even related, unrelated in the parenting issue before the Court,
15 Stephanie stated that she was not allowed day care, to watch the kids for day care.
16

17 Curry: I am going to simply object Your Honor. This is something that should
18 have been provided in response and I don't have my client here and I can't respond
19 to that. She had the opportunity to provide that in the information.

20 Judge: There was, there was, something I believe in the response, where Ms.
21 Triplett had indicated that there was, there was an issue about yeah, here it is, the
22 non-custodial parent insisted that the day care not be changed and that they must be
23 supervised by a licensed day care provider. And that is on page 2.
24

25 Curry: Your Honor, a response petition is not a declaration under perjury in the

1 State of Washington and it is not something my client actually would respond to in
2 a normal situation.

3 Judge: Okay.

4 Triplet: And the day care that they are currently in does take children up to the
5 age of 15. I work in downtown Seattle. I live in Auburn. I am gone 12 hours a
6 day. I leave the house at 6:00 a.m. I don't return until around 6:00 p.m. And that
7 is far too long for children 11 and 12 or even 12 and 13 to be left alone and
8 unsupervised. Therefore, daycare is the option because day care is a joint decision
9 and that has been something that Stephanie has refused to address or consider. I
10 think that is the only objection or difference that we have. _____ and my son
11 also has a learning disability.

12 Judge: I don't think I have any evidence of that in front of me in this. But ____
13 do either of you have a copy of the parenting plan? _____ so I may not have it
14 _____. What I have are the support mod, modification papers counsel. Let me
15 just ask you. Ms. Triplet has indicated that she believes that her, that the issue
16 with regard to day care is really a joint decision, do you have any disagreement or
17 agreement
18
19

20 Curry: I have no comment on it because I don't know.

21 Judge: Okay.

22 Curry: And Your Honor does, I would agree that in those instances ____ pretty
23 much who is going to provide or not, my client specifically came to court
24 indicating that there is no basis for having day care especially for a 13 year old and
25

1 an almost 12 year old, and that was not responded to, that is the issue here, and I
2 think that the decision making is the issue. There is another issue. I don't think
3 there is joint decision making, as I understand it, the original parenting plan was
4 modified and there has been some limitations currently and that is the reason we
5 have to remodify because there is some issue about long distance transportation
6 issues that are coming up. I haven't got that far yet.
7

8 Judge: Okay. All right. Okay.

9 Curry: So I don't know if the current, status, I have no reason to doubt.

10 Judge: Okay.

11 Curry: Nothing else, Your Honor.

12 Judge: Mr. Curry has an advantage in that he works with child support all the
13 time. We are limited to \$167 as a deduction unless it is a mandatory form of
14 pension.
15

16 Triplett: It is mandatory. It is mandatory. I don't have a choice. They just take
17 it. It is ____%.

18 Judge: Do you have, what I need is some proof of that. That is the issue.
19 Something like law enforcement or teachers, frankly, we are all pretty familiar with
20 it, so generally speaking, we don't, we are pretty lax about asking for any kind of
21 proof.
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23 Triplett: City of Seattle.

24 Judge: City of Seattle?

25 Triplett: Yeah.

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Judge: Mr. Curry?

Curry: Your Honor, I don't know

Judge: I don't know either.

Curry: In most counties and cities I have dealt with, there is an amount that is mandatory, but it is not the amount that is taken out.

Judge: Right.

Curry: There is a second amount that you are allowed to pay and it is up to a certain percentage. So I can't tell you.

Judge: What I think I am going to do with this, because I frankly don't want either of you to have to come back, I am going to give you, I am going to let Mr. Curry put in the \$167 but if you can provide him with proof that the amount that is taken out, I think it is \$268, is actually something that is required, it is a mandatory deduction, you have no choice over. If you could send that to him, he will, he will modify those orders and they can just be submitted to me after you sign for my signature and I will just sign it, you won't have to come back in. But I don't have any proof. I looked at your paystub and couldn't figure out that it was actually mandatory. So if you could provide that, otherwise I am going to leave it at \$167.

Curry: I think that the difference in the child support

Judge: I don't think it is going to be a lot, but I also

Curry: significant

Judge: try and make sure that these orders are as accurate as we can make them because these children are young enough you may very well find yourselves back

1 in court, so I try not to set a precedence that is going to be relied on later on. You
2 know this issue of day care, I just got off the BECA calendar where I sat and dealt
3 with adolescents all day, five days a week, in addition to raising my own two, who
4 are now thankfully beyond that point. Leaving kids unsupervised for long periods
5 of time is a recipe for disaster for most kids, even if they are good kids and they
6 come from good homes and they have good parents and you know, etcetera,
7 etcetera. If, in this age range they can get into more mischief and of course their
8 brains are not really, well they are kind of _____ and so I have a fair amount of
9 sympathy for the daycare issue. I am aware that most people do not put their kids
10 in daycare beyond the age of 12. There can be a lot of reasons for that. Usually it
11 is financial. But at this point what I am going to say is I think it is a reasonable
12 expense. If there is something in the parenting plan about how that is decided then
13 frankly you are going to have to go through whatever the dispute resolution process
14 is, and it may be that it is back into court if there is _____. But at this point I
15 am going to leave it in as far as child support, so there is a bit of an evidentiary
16 proof problem here. What I am going to indicate is that you do need to provide
17 monthly receipts of what the amounts are but I am going to put the amount in as
18 the transfer payment.

21 Curry: What is that amount?

22 Judge: I am going to put the amount of \$850 in.

24 Curry: Okay.

25 Judge: It frankly seems high to me, but if it is a licensed day care that may be

1 what they charge because often they don't have, you know it is

2 Triplet: It is \$800 per child.

3 Judge: Yeah. I know that your declaration said that but the problem again
4 becomes a proof issue. So you need to provide proof every month so that, and let
5 me explain to you what is going to happen if you don't. Mr. Curry hasn't done
6 this, I can't say that he won't on behalf of his client, but they are absolutely entitled
7 to come into court and ask for reimbursement of day care if you do not provide a
8 receipt. So rather than seeing that happen, it is just easier if you provide it every
9 month. I will have it come out of the _____ but here is the other issue, there is a
10 needs standard that is going to come into effect for your client.

12 Curry: Just before we talked about the day care issue, there are two issues,
13 whether or not it is being paid and again who is it being paid by? Because again
14 when you look at the record that is not an issue now, and that is a concern because
15 whether or not someone is providing the day care expenses then he is entitled to
16 that benefit as well. But that was what I was hoping to get answered and what I got
17 was that day care was paid and the tax returns. So that is kind of a difficult
18 question

20 Judge: And so what I was intending and thank you for clarifying that, what I
21 was intending is that there would be a receipt from the actual day care provider. So
22 that they know who the provider is, they have the amount and they have the name
23 of the child or children who are being provided for. By receipt, that is what I mean.
24 I know you have got it in your tax return, but that is a different level of proof.
25 Generally speaking what they are looking for and what they are entitled to is the

1 name of the daycare provider. Unless there is some limitation that I am not aware
2 of.

3 Triplet: Okay. And I can do that but it is not going to show the \$850 a month.
4 What it is going to show is a \$600 payment per month, and I will explain, there is,
5 there is, I pay her \$600 per month and then I turn over my tax refund to her to make
6 up the difference. Because support has not been paid regularly, I wasn't able
7

8 Curry: Well, what was paid in a sufficient amount when my client was on
9 DAU.

10 Judge: Well, you know folks, I have looked at the record, so I know what they
11 say. Here is the problem, here is the problem, and you know the law unfortunately,
12 you are not represented so this makes it difficult. I can't act as your lawyer. I
13 cannot. All I can do is given what I have in front of me try to make a decision that
14 is fair to everybody and that is based on the evidence. What you have just admitted
15 to me is that you pay \$600 a month plus your tax refund that varies.
16

17 Triplet: But

18 Judge: What refund did you get for 2006? Do you recall?

19 Triplet: _____

20 Judge: Mr. Curry, what I think I am going to do if you wouldn't mind, a couple
21 of the orders that I need to sign, we are still on the record, would you mind maybe
22 you and Ms. Triplet going out and talking about this in a little more detail and
23 then maybe here than _____ I have your return here. It looks like there was a
24 \$3300 refund. At this point what I would say, you know we have no proof of any
25

1 of this and that becomes problematic in terms of making a ruling. Mr. Curry I am
2 going to let you and Ms. Triplett go in the hall and talk a little bit and see if you can
3 come to an agreement and if you can't I am ready to rule on what the amount will
4 be. But I would prefer to do that after the two of you have had a chance to talk. Is
5 that all right?

6 Curry: Yes, Your Honor, and I offered to help this gentleman fill out an
7 affidavit

8 Judge: That would be lovely if you would do that. Would you mind a few
9 minutes while he did that? And I have a couple other orders here I need to look at.
10 So, all right, so, I don't see, no that's fine, it is not a problem, and there is always
11 more to cases and I just wanted to give the two of you to talk and see if we could
12 work something out. I don't know were you not able to?

13 Curry: And I told Ms. Triplett, when we were out there, was I truly don't know
14 what we can do and again if I were in her position I don't know what I would do
15 and she understands if _____ Ms. Case _____ what to do, but the reality
16 is here we are so you are the know all be all.

17 Judge: Well, I am always reluctant to take that label. But let me explain to you
18 why I said I was ready to rule on it. Here is the difficulty. Whenever we deal with
19 cases we always have to have evidence. So Mr. Curry had raised an objection
20 because there weren't any receipts. I couldn't find anything other than what was in
21 your tax records that really indicated, today in court you basically admitted that it is
22 \$600 plus your refund. But I have nothing from the daycare provider that tells us
23
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1 of that arrangement. What I think is probably, and frankly in some cases I don't
2 know that this is going to make any difference because there is a needs standard
3 that comes into play here and I am guessing that with the daycare you are not going
4 to get much of it anyway because the needs standard is going to come into play,
5 and do you know what that means, the needs standard? There is a threshold below
6 which we cannot go in ordering child support. And frankly, Ms. Case is right
7 there. So this may all be academic anyway. The needs standard comes into play
8 because we cannot put somebody below the certain poverty level is what it
9 amounts to. She has asked for a deviation based on medication. Again, I think in
10 some respects, all of this is moot because I think the needs standard and you know
11 Mr. Curry, I meant to bring that back in with me. I don't have the figure off the top
12 of my head and I don't have the figure off the top of my head and I don't know that
13 you do either if it is on a worksheet. I can get it for you. What I was going to do is
14 say is that daycare, the transfer payment will be \$600 per month. That would be
15 the figure I would put into the worksheets. Frankly, I think anything else is
16 academic, because I don't think you are going to get it. I don't think there is the
17 money there. And I will go fish out the information on the needs standard, because
18 I think she, I think Ms. Case is right, pretty much close to that level for a single
19 person.
20
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23 Curry; I think it is 1119.

24 Judge: It has gone up, and I can't remember, I just looked at it the other day, so
25 let me go get that. Put in the \$600 for daycare. Indicate that that is based on

1 mother's oral representation in court that it is \$600 per month plus the refund. But
2 at this point I don't have the

3 Curry: That is what she proposed and I couldn't say yes or no because my client

4 Judge: I understand. I do understand. Mr. Curry is a little bit at a disadvantage
5 by not having a client here even though he is an agent, but without consulting with
6 his client it can create problems for him if he just agrees, so I understand that
7

8 Curry: But I don't want to give the impression that she was being mean or
9 anything in the hallway. She was being very kind.

10 Judge: Well, I get that sense in court so that doesn't always transfer outside. So
11 let me go get the new standard intonation. If you want to go ahead and do the
12 worksheets. Do you have an ability to do them here?

13 Curry: If the court is still open, I do, but I think they close here real quickly, and
14 if not, I believe that Ms. Triplett and I could work it out, and come back, and I
15 don't think there is going to be a problem with entering an order.
16

17 Judge: Well the day care amounts I think we have already gone over, the
18 pension issue, you are going to supply to him, the day care has now been resolved
19 and the only other issue now is the needs standard. Correct?

20 Curry: If we can't agree, can we set up a presentation on your next calendar?

21 Judge: No. I would rather you not do that because frankly I don't want either of
22 you to have to take time off. What I would rather is that you just submit it without
23 oral argument. So that means pick a date on the calendar, I don't care what date it
24 is. Give Ms. Triplett 14 days notice and you get a chance to respond and we will
25

1 | just do a regular motion thing, there will be a motion without oral argument.

2 | Curry: And the order, whatever it is, if it is not below the needs standard, he
3 | pays.

4 | Judge: Correct.

5 | Curry: Is that it?

6 | Judge: That's it.

7 | Curry: Thank you, Your Honor.

8 | Judge: Does that make sense to you?

9 | Triplet: Yes.

10 | Judge: Are you sure?

11 | Triplet: _____ it actually did make sense.

12 | Judge: Okay, well, if it doesn't, why don't you, why don't you give me just a
13 | minute and let me go get the needs standard information and then I am going to
14 | send you upstairs to try to get _____

15 | Bailiff: All rise.

16 | Judge: I will let you take a look at that. Do you have a calculator?

17 | Curry: I do. I should have.

18 | Another attorney interrupts on another case.
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CERTIFICATION

I hereby certify that this is a true and correct record of the proceedings. I do further certify I am in no way related to or employed by any party in this matter, nor to any counsel, nor do I have any interest in this matter. I certify that the transcription of this CD is true and complete to the best of my ability given the quality of the CD itself.

SIGNED at Seattle, Washington, this 19th day of March, 2011.


Teresa L. DiTommaso

EXHIBIT 2

1 omits or makes a false statement or intentionally concealed a material fact. Finally, the
2 current motion appears not to have been noted properly. For the foregoing reasons the
3 court hereby

4
5 **ORDERS** that the respondent's motion for a new trial is denied.

6
7 **DATED** this 27th day of January, 2009.

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12 _____
13 George T. Mattson, Judge
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FAMILY

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8 **Superior Court of Washington
County of King**

9 In re the Marriage of:

No. 99-3-00253-2 KNT

10 Tammy J. Triplett,

Order Denying Motion to Vacate and
Awarding CR 11 Sanctions & Fees

11 Petitioner,

12 vs.

Clerk's Action Required

13 Stephanie L. Case,

14 Respondent.

15
16 **I. Judgment Summary**

17 The judgment summary:

- 18 A. Judgment Creditor: Tammy J. Triplett
- 19 B. Judgment Debtor: Stephanie L. Case
- 20 C. Attorney's fees: \$ 962.50
- 21 I. Attorney's fees, costs and other recovery amounts shall bear interest at 12% per annum.
- 22 J. Attorney for Judgment Creditor: Pro se
- 23 K. Attorney for Judgment Debtor: Pro se

24 **II. Order**

25 The Respondent's Motion and Order to Show Cause to Vacate Judgment/Orders/Complaint for Fraud/Reimbursement of Daycare expenses is frivolous, meritless, and without grounds in law or fact. The Motion is denied.

26 The Petitioner has incurred \$962.50 in reasonable attorney's fees to respond to this Motion, and shall be awarded judgment against the Respondent in said sum.
27 *the court finds that the motion was filed in bad faith.*

28 *Order Denying Motion to Vacate and
Awarding CR 11 Sanctions & Fees
Page 1 of 2*

ORIGINAL

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[A large diagonal line is drawn across the lined area of the page.]

Dated: December 5, 2008.

Presented by:

Tammy J. Triplett
Tammy J. Triplett, Petitioner

Mark J. Hillman **ORDER SIGNED**
Judge/Commissioner DEC 5 2008

Approved for entry, copy received
Notice of presentation received
MARK J. HILLMAN
JUDGE/COMMISSIONER

Stephanie L. Case
Stephanie L. Case, Respondent

CLERK'S MINUTES

SCOMIS CODE: MTHRG Revision of Commissioners ruling

Judge: George T. Mattson
Bailiff: Lisa Zimnisky
Court Clerk: Nancy L. Slye
Digital Record: DR 3A
Start: 10:00
Stop: 11:03

Dept. 36
Date: 1/23/2009

KING COUNTY CAUSE NO.: 99-3-00253-2 KNT

Case (Triplett) vs. Case

Appearances:

Petitioner appearing with Counsel Jennifer Rydberg
Respondent appearing Pro Se. Pro Se form executed

MINUTE ENTRY

This cause comes on for Respondent's Motion for Revision of Court Commissioners rulings of 12/5/09 and 12/15/08 -

10:22:38 Petitioner makes oral argument -
Discussion regarding additional information and motion of fraud -
Petitioner motion for fees of \$2,500. -

10:51:20 Courts ruling - Court affirms Commissioner's decision
Court will entertain Petitioner's motion for fee. Declaration for fees to be provided to the Respondent by email.

Order to be signed ,

Hearing concludes

~~192~~
76

RECEIVED

2008 SEP 17 AM 9:28

KING COUNTY
SUPERIOR COURT CLERK
KENT, WA

**Superior Court of Washington
County of King**

In re:

Tammy J Triplett

Petitioner(s),

and

Stephanie L Case

Respondent(s).

No. 99 – 3 - 00253 – 2 KNT

**Motion for Order to Show Cause
to Vacate Judgment/Orders/
Complaint for
Fraud/Reimbursement of
Daycare expenses
(MT)**

I. Relief Requested

Stephanie Case moves the court for the following:

(1) An Order to show cause requiring **Tammy J. Triplett** to appear and show cause why the court should not grant Respondent's Motion to Vacate Judgment/Orders and (2) an Order vacating the Judgments/Orders dated

12/18/2002 Commissioner Leonid Ponomarchuk

3/23/2005 Commissioner Michael Bungi

6/6/2007 Commissioner Nancy Bradburn-Johnson

Additionally, 6/10/2004 ALJ Carolyn Pickett

- (3) The moving party also prays that the court enters an order to vacate judgment/orders and restore the Status quo ante:
- (A) Fees and costs:
 - (B) Reimbursement of alleged expenses.
 - (C) Judgment for civil damages to restore the status quo ante. Reserved.
 - (D) Initiate a zero balance arrears with the Division of Child Support on record, with a repaired statement of release to the IRS and to all credit bureaus reflecting an error.
 - (E) Awarded judgments shall remain full and in effect throughout and shall hold the same statue status, regardless of any statue of limitation or insolvency.
- (4) Approve a new Order of Child Support, Attached as proposed.

II. Statement of Facts/Statement of Grounds

I am asking the court to vacate the following Orders entered on:

Parenting Plan Modification: Commissioner Leonid Ponomarchuk
Child Support Modification: Commissioner Michael Bungi (Pro Tem)
Child Support Modification: Commissioner Nancy Bradburn-Johnson

Additionally,
Administrative Order re: Drivers License suspension: ALJ Carolyn Pickett

The Orders should be vacated because:

There is new evidence that supports the supposed receipt provided to DCS by the petitioner Nov. 2001 is in fact a forgery Exhibit B, and is not a valid receipt as purported to be; therefore invalidating the foundation or force in fact, reason or law on the basis of fraud.

Moreover, the petitioner HAS NEVER provided any verification of expenses that states to whom the payments were made; when or what payments were paid and/or what credits/deductions were given that corroborate any proof of incurred expenses, nor has the petitioner provided any monthly receipts or provide any canceled checks upon numerous requests during the process of discovery and interrogatories for the listed trials referenced within this motion.

Furthermore, the fraudulent misrepresentation of forgery and offering false instruments for filling or recording caused by the petitioner; had the court known of such misrepresentation on such basis as fraud, the courts would have ruled differently in every case presented to be vacated in this motion.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at Kent, WA on 9/17/08 Date].

Stephanie L. Case

Stephanie L. Case Pro Se

FILED
08 SEP 17 AM 9:25
KING COUNTY
SUPERIOR COURT CLERK
KENT, WA

**Superior Court of Washington
County of King**

In re:

Tammy J Triplett

and

Stephanie L Case

Petitioner,

Respondent.

No. 99 - 3 - 00253 - 2 KNT

**Summons to Complaint for Fraud -
Petition for Show Cause Order -
Order to Vacate Judgment/Orders -
Reimbursement of Daycare
Expenses (SM)**

To: TAMMY J. TRIPLETT

An action has been started against you in the above entitled court by **STEPHANIE CASE**, Respondent.

Respondent's claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this action, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within 20 days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice.

A default judgment is one where the respondent is entitled to what is asks for because you have not responded. If you serve a notice of appearance on the undersigned person, you are entitled to notice before a default judgment may be entered.

10 ¹⁷³/_{CP}

You may demand that the respondent file this action with the court. If you do so, the demand must be in writing and must be served upon the person signing this summons. Within 14 days after you serve the demand, the respondent must file this action with the court, or the service on you of this summons and complaint will be void.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

This summons is issued pursuant to rule 4.1 of the Superior Court Civil Rules of the State of Washington.

Dated : 9/17/08

Signed: Stephanie L. Case
Stephanie L. Case

File original of your answer and other documents with the clerk of the court at:

Serve a copy of your answer and other documents on:

Stephanie L. Case Pro Se
Respondent
619 - 1ST Ave S. Apt 8
Kent, WA 98032
253 - 266 - 8211

FILED
08 SEP 17 AM 9:25
KING COUNTY
SUPERIOR COURT CLERK
KENT, WA

**Superior Court of Washington
County of King**

In re:

Tammy J Triplett

Petitioner,

and

Stephanie L Case

Respondent.

No. 99 - 3 - 00253 - 2 KNT

**Complaint for Fraud/
Petition for Show Cause Order/
Order to Vacate Judgment-Orders
/Reimbursement of Daycare
Expenses**

1.1 IDENTIFICATION OF MOVING PARTY.

Name (first/last) STEPHANIE CASE

Birth date 10/11/1958

Last known residence KING COUNTY, WASHINGTON.

1.2 IDENTIFICATION OF NON-MOVING PARTY.

Name (first/last) TAMMY TRIPLETT

Birth date 09/19/1960

Last known residence KING COUNTY, WASHINGTON

1.3 DEPENDENT CHILDREN.

Name (first/last) SHAWN CASE

Age 14

Name (first/last) ALYSHA CASE

Age 12.5

II. BASIS

2.1 PETITION FOR AN ORDER VACATING JUDGMENT/ORDERS AND COMPLAINT FOR FRAUD.

This is a petition for an order to vacate prior judgment/orders as follows:

Parenting Plan Modification: Commissioner Leonid Ponomarchuk

Child Support Modification: Commissioner Michael Bungi (Pro Tem)

Child Support Modification: Commissioner Nancy Bradburn-Johnson

Administrative Order re: Drivers License suspension: ALJ Carolyn Pickett

Additionally,

A complaint for fraud regarding daycare expenses and purported child interviewing notes of altered discrepancies; alleged to be received from a child care provider.

2.2 ADEQUATE CAUSE

Motion for order to show cause to vacate judgment/orders is filled with this petition.

2.3 CHILD SUPPORT.

An order establishing child support in conjunction with the proposed order to vacate judgment/orders should be entered. A child support worksheet and a financial declaration have been filed with this action. (No separate petition for modification of child support needs be filed.)

2.4 JURISDICTION AND VENUE

The court has proper jurisdiction and venue.

The moving party resides in King County, Washington

The other party resides in King County, Washington

The children reside in King County, Washington

2.5 JURISDICTION OVER PROCEEDING.

This court has jurisdiction over this proceeding for the reasons below.

This court has exclusive continuing jurisdiction of the parenting plan/residential schedule and an order of support in this matter filed February 28, 2000 and retains jurisdiction under additional judgment/orders:

12/18/2002 - Parenting Plan Modification: Commissioner Leonid Ponomarchuk

03/23/2005 - Child Support Modification: Commissioner Michael Bungi (Pro Tem)

06/06/2007 - Child Support Modification: Commissioner Nancy Bradburn-Johnson

III. EVIDENCE RELIED UPON

1. Records and pleadings in the court file.
2. Declaration of: Stephanie Case, Respondent
3. Declaration of: Dr. Joe Alexander, MD, CDE (Exhibit H)
4. Reserved as additional evidence

IV. LEGAL AUTHORITY

This petition in conjunction of the motion for order to show cause is made pursuant to

RCW 4.16.080(4), RCW 4.72.010(4)(7), RCW 4.72.080, RCW 9A.60.010,
RCW 9A.60.020(1), RCW 9A.60.030, RCW 9A.72.010, RCW 26.19.080(3), RCW 40.16.030

Civil Rule 60(b)(4): Fraud, misrepresentation or other misconduct of an adverse party.

Civil Rule 60(b)(9): Unavoidable casualty or misfortune preventing the party from prosecuting or defending.

V. RELIEF REQUESTED

The moving party prays that the court enter an order vacating judgment/orders and approve the proposed order of support, which is filed with this petition and finding that the petitioner has engaged in fraud, misrepresentation and forgery.

The moving party also prays that the court enter an order on:

1. Fees and costs.
2. Reimbursement of alleged daycare expenses.
3. Initiate a zero balance arrears with the Division of Support on record with a written statement to the IRS and to all credit bureaus reflecting an error.
4. Judgment for civil damages to restore the status quo ante. Reserved.
5. Awarded judgment shall remain full and in effect throughout and shall hold the same statute status, regardless of any statute of limitation or insolvency.

Dated: 9/17/08

Stephanie Case
Stephanie Case, Pro Se

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at Kent [City] WA [State] on 9/17/08 [Date].

Stephanie Case
Signature of Moving Party

Stephanie Case, Pro Se

RECEIVED
1 31
2008 SEP 17 AM 9:30
KING COUNTY
SUPERIOR COURT CLERK
KENT, WA

**Superior Court of Washington
County of King**

In re:

Tammy J Triplett

Petitioner(s),

and

Stephanie L Case

Respondent(s).

No. 99 - 3 - 00253 - 2 KNT

**Declaration of Stephanie Case
(DCLR)**

This declaration is made by:

Stephanie Case 48

Relationship to the parties in this action: Respondent.

I Declare:

The respondent has paid childcare expenses since 1999 through the support registry in addition to child support payments.

The Order of Support filed February 28, 2000, 3.15 requires the petitioner to provide verification of childcare expenses with monthly receipts/canceled checks to DCS continually on a quarterly basis. The order of support is attached hereto by reference as a convenience to the court.

Exhibit A.

November 2001 the petitioner presented a single document to DCS that consisted of one full year of alleged childcare expenses. Exhibit B Questions were raised by the respondent with reference to the specific contractual instruction written in the Order of Support that required monthly receipts and canceled checks, and presented DCS with a written statement from several witnesses stating the person named on the document did not give receipts. Exhibit C

Regardless, DCS continued to increase support obligations due to alleged increases in childcare, including a certification to the IRS April 18, 2002 for an erroneous debt total in the amount of over \$14,000 that was never owed and/or incurred. Exhibit D.

If alleged monthly receipts and/or canceled checks were provided to DCS by the petitioner, unless the petitioner had something to hide by their representation, which she did. Exhibit E. Then WHY were these receipts and canceled checks NEVER disclosed by the petitioner during the process of discovery and interrogatories in preparation for the listed trials referenced by this motion. The petitioner has failed to provide valid monthly receipts or provide any canceled checks to the respondent or this court and has purportedly provided DCS an apparent fraudulent receipt.

In 2007, the respondent returned to court seeking a modification, which was assigned to Commissioner Nancy Bradburn-Johnson. Attached as Exhibit F by reference as a convenience to the court.

Prior to trial the petitioner was penalized \$1000 for failure to provide timely interrogatories causing a trial delay. Attached as Exhibit G by reference as a convenience to the court.

Notwithstanding, the petitioner STILL HAS NEVER provided the requested documentation of monthly receipts and canceled checks, nor has the petitioner contributed to this order.

During the 2007 trial Commissioner Bradburn-Johnson informed the petitioner that specific monthly receipts are still required by informing the petitioner that year-end tax forms fall into a completely different category.

However, the 2007 trial outcome consisted of all respondent's disposable income over the needs standard and denied all deviations. Furthermore, the commissioner allows childcare expenses for children that are near 13 and 14, by verbally formulating a ruling strictly based on comment, and without any substantial evidence of incurred expenses. The order also stipulates payment of arrears be paid in full and current before any tax credits would be allowed to the respondent.

Yet, the petitioner HAS NEVER provided any monthly receipts or canceled checks that states to whom the payments were made; when or what payments were paid and/or what credits/deductions were given that corroborate any proof of incurred expenses.

Now, the respondent recently received information that supports the alleged receipt provided to DCS by the petitioner November 2001 is a forgery. It is a blatant attempt by the petitioner to fraudulently manipulate the court, DCS and the respondent.

Documents were sent to Dr Joe Alexander, MD, CDE, attached as Exhibit G including curriculum vitae. Ex. H(1) Dr Alexander is a licensed medical physician and a certified forensic document examiner/handwriting expert.

Dr. Alexander first described the questioned document containing a "Received" stamp at the bottom of the page with the date November 30, 2001 and the words "Seattle OSE" otherwise known as "Seattle Office of Support Enforcement." Ex. H(4)

Dr. Alexander then opined that the handwriting, numbers and signature of the comparison documents has significant dissimilarities to the author of the questioned document and was therefore written by someone other than the author of the comparison documents. Ex. J(2)

Dr. Alexander furthered his expert professional opinion in stating the handwriting, numbers and signature of the suspect document having significant similarities to the questioned document and then further opined to a greater degree by stating that Tammy Triplett is in fact the author that created the questioned document. Ex. H(3)

In addition to the above malice caused by the petitioner, the petitioner also refused to address support adjustments and by so doing forced the respondent to incur an unnecessary amount of arrears while being treated for a major spinal disc disability the petitioner had full knowledge of since November 2004 and/or as early as 1996, Exhibit J, whereby further keeping the respondent from financially ever prosecuting or defending and subsequently allowing the court to continually see the respondent with extreme prejudice.

Furthermore, had the court known of such misrepresentation on the basis of fraud, the court would have ruled differently in every case listed by this motion. Whereas, the fraudulent misrepresentation of forgery and offering false instruments for filling or recording, the petitioner has manipulated the court to look at the respondent with additional prejudice.

Nevertheless, the petitioner's fraudulent actions have caused the respondent to lose her home, her business and source of income, loss of personal and business property, to be subjected to financial ruin, and sustain extensive credit burdens.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at Kent, WA on 9/17/08



Signature of Declarant

Stephanie Case
Pro Se

EXHIBIT 3

KidKare Child Care

832-21 ST. SE Auburn, WA 98002
253-939-4550

Federal ID #91- 1666728

Name: Tammy Triplett

Child Care Expense for Dependent Child/Children in 2006

Amount Paid: \$ 10,206.

Please Do Not Lose this receipt. A replacement will take several weeks to obtain.

Child Care Expense is normally a deductible expense for your taxes. Your Tax professional will be able to assist you in the specific's.

KidKare SchoolHouse

FEE SCHEDULE

Jan. 2007

ALL FEE'S ARE DUE THE FRIDAY IN ADVANCE OF THE SERVICE WEEK. ALL LATE PAYMENTS WILL AUTOMATICALLY BE CHARGED A 20% LATE FEE. ALL RETURNED CHECKS ARE CHARGED \$30.00 IN ADDITION TO THE 20% LATE FEE. CHECKS THAT NEED TO RUN THROUGH A SECOND TIME FOR PAYMENT ARE CHARGED A \$10.00 HANDLING FEE. ALL OF THESE ADDITIONAL LATE FEE'S ARE A MANDATORY PART OF YOUR CONTRACT.

Standard Hours are 6:00am-----6:00pm Monday --Friday
Non-standard Hours are before 6:00am and after 6:00pm Monday--Friday

We do accept some DSHS payment for child care but in a limited capacity, so please check first.

Hourly Care.....Per Child, Per Hour, or any portion thereof.....\$9.50

Daily Care: All Daily and Drop-in Care must be pre-registered.

Charges Due On The Day Of Service: Standard Hours Only

Per Day (up to 10 hours).....\$37.00

Full Time Care: All care over 4 hours--up to 10 hours a day..Standard Hours Only.

Monthly Rates

24-36 months.....\$930.00

3-6 years (including kindergarten).....\$850.00

7-14 years(over 4 hours a day).....\$800.00 per child.

Before & After School Care: Standard Hours/Monthly Rate/Non-standard use full Time Care Rates.

Up to 4.5 hours a day.....\$560.00

DISCOUNTS AVAILABLE ONLY WHEN TUITION IS PAID IN ADVANCE *

*Special Services Fee.....Additional monthly charge.....\$270.00

Annual Registration Fee.....\$100.00

You will be charged your full monthly tuition even if your child is not here. If you are enrolled for full-time care you may take one week each year (consecutive days) without paying tuition as your vacation week. Please notify us, in writing, two weeks in advance of your planned vacation. The days the Center is closed for Holiday's are listed in your contract. They have already been reflected into your monthly fee's and no additional discount is given.

TWO WEEKS WRITTEN NOTICE OR TWO WEEKS TUITION IS REQUIRED WHEN SERVICES ARE NO LONGER NEEDED.

KidKare SchoolHouse

FEE SCHEDULE

Jan. 2006

This was Rates 2006

ALL FEE'S ARE DUE THE FRIDAY IN ADVANCE OF THE SERVICE WEEK. ALL LATE PAYMENTS WILL AUTOMATICALLY BE CHARGED A 20% LATE FEE. ALL RETURNED CHECKS ARE CHARGED \$30.00 IN ADDITION TO THE 20% LATE FEE. CHECKS THAT NEED TO RUN THROUGH A SECOND TIME FOR PAYMENT ARE CHARGED A \$10.00 HANDLING FEE. ALL OF THESE ADDITIONAL LATE FEE'S ARE A MANDATORY PART OF YOUR CONTRACT.

Standard Hours are 6:00am-----6:00pm Monday --Friday
Non-standard Hours are before 6:00am and after 6:00pm Monday--Friday

We do accept some DSHS payment for child care but in a limited capacity, so please check first.

Hourly Care.....Per Child, Per Hour, or any portion thereof.....\$9.50

Daily Care: All Daily and Drop-in Care must be pre-registered.

Charges Due On The Day Of Service: Standard Hours Only

Per Day (up to 10 hours).....\$37.00

For Children under 36 months add \$10.00 to each daily fee.

Full Time Care: All care over 4 hours--up to 10 hours a day..Standard Hours Only.

Monthly Rates

24-36 months.....\$930.00

3-6 years (including kindergarten).....\$850.00

7-12 years(over 4 hours a day).....\$800.00

Before & After School Care: Standard Hours/Monthly Rate

Up to 4.5 hours a day.....\$560.00

DISCOUNTS AVAILABLE ONLY WHEN TUITION IS PAID IN ADVANCE

***Special Services Fee.....additional monthly charge.....\$270.00**

Annual Registration Fee.....\$100.00

You will be charged your full monthly tuition even if your child is not here. If you are enrolled for full-time care you may take one week each year (consecutive days) without paying tuition as your vacation week. Please notify us, in writing, two weeks in advance of your planned vacation. The days the Center is closed for Holiday's are listed in your contract. They have already been reflected into your monthly fee's and no additional discount is given.

TWO WEEKS WRITTEN NOTICE OR TWO WEEKS TUITION IS REQUIRED WHEN SERVICES ARE NO LONGER NEEDED.

EXHIBIT 4

EXHIBIT 5

Dr George Heatherington
515 M St NE
Auburn Wa 98002

Dr Jack Reiter
1404 Yestler Way Ste 201
Seattle WA 98

12/14/09

To both of you,

My name is Stephanie Lynn Case and I happen to be the biological father to one of your mutual patients, that being Shawn M. Case.

I am writing this to address both of you equally and at the same time. However, I have spoken with Dr. Reiter once via the telephone; yet have not heard back since that conversation.

In this letter I will attempt to address a few concerns and equally share some aspects that neither of you may be aware of.

Dr Heatherington, you will find several pages of exchanged emails between Shawn's mother and me, which I equally shared with the daycare director. To which indicates that you are requiring me to attend at a minimum of five counseling sessions with a separate counselor, which you in turn you will have a discussion with and after you speak with Shawn for his approval and that which was said equally of his mother's approval before I will be able to see my son again.

Let me first ask you Dr Heatherington, with all due respect, what in Gods name has given you the right to dictate these requirements when:

1. You have never had any formal discussion with me as the other parent
2. You have not been provided 100% disclosure to every facet of truth and
3. You do not have the full depth of these truths to weigh such claims

I am a 51-year-old transsexual female, I am educated not stupid, nor am I in any form foolish. I am in no way perfect, nor have I done anything wrong. I am and will always be the father of my son and I have told him this. I am equally entitled to confer with any medical, school or childcare providers independently in full authority and confidentiality, without the mother's consent and/or agreement. I have provided you with the existing parenting plan to confirm this. I am equally open to any meeting with either of you, with or without my son present.

Nevertheless, you have received perhaps false and/or misleading inaccurate information regarding my relationship with my son. I may perhaps be firm and require accountability for negative actions, but to believe this issue he, as well as his mother is pursuing about some issue he is having regarding my transsexualness, is absurd, confusion perhaps and if there truly was an issue, it has never been shared with me in any form.

So, with that said, I could never attempt to fix and/or explain, what I did not know was even at issue, although I did initiate formal steps to curtail this very issue in 2002 at the early elementary school level and I personally asked Shawn that very question in 2006, his reply was no it was not an issue. However, now in 2009 I find out a completely different story altogether, although I have been left completely clueless as to these issues and/or claims.

Nevertheless, it is a convenient way to eliminate my authority and/or requirements of responsibility with atonements for his negative angry behavior. Which I will inform you have been prevalent and documented long before my transition ever began. Nevertheless continues even without my presence and/or involvement.

I have attempted several times to motivate Shawn; the last attempt was for reading. I provided him several Computer Magazines, showed him visually with an open computer the components inside, with alot of excitement showed him via ebay components for purchase and then instructed him to read the how to parts and informed him that he would need to have such knowledge to let me know which parts were best and we would together then purchase those components and build the computer from the ground up, but the requirement was for him to read and have the knowledge. He did seem motivated, although short lived. I tried to explain that he was 14 and in a few short years would be 18 and without the basic tools to succeed, what and where is he going to be, I would indicate that he was running out of time, and explained it just as I did with his older brother, whom I raised from a baby, he is now 25, a US Marine with several years of duty already behind him and also has a formal education in motorcycle fabrication, welding and repair.

So, if I am guilty of anything, I am guilty of teaching my children to try.

Furthermore, I have equally attached a letter addressed to Shawn's mother. Please read it carefully and then perhaps you will find that I have been denied any amicable relationship with both my children since 2005; unfortunately it has now reached the degree of serious harm. My involvement has been restricted to one mere 30 hour weekend and subsequently stripped of my parental authority in front of both children.

Nevertheless, I have screamed for several years to be with my children and to simply be included within their lives, alas to no avail it continues. The 20+page letter in my opinion speaks for its self, although there certainly is a great deal more.

It should also be noted that one of the men in Shawn's life, perhaps seen as a possible male roll model (although I have my own reservations of how positive) was his cousin's husband, which from my understanding suffers from post traumatic stress syndrome since returning from Iraq and has been in and out of the hospital several times. Just an FYI.

I have equally provided a few photos of my children with me, if for nothing else to provide an insight that I personally have never seen this issue that is now being used. In addition, I would like to also ask both of you to equally confer with Carol Livingston, the daycare director with Kidkare Kidz; 253-939-4550, she can certainly provide many aspects of interest and equally that of behavior since she has cared for both of my children since 2001. I would have no hesitation in providing her and both of you a release of information for this to take place and to truly provide you with all the tools to adequately help my son with whatever the true issue is he is having.

Now, after reading what I have provided and yes, everything I have said and/or provided is completely verifiable if you should need to see the full information. So, I must ask both of you to please explain to me how is it that I am going to have any kind and/or form of any quality for a decent relationship with my children? My involvement has been forced by restrictive custodial interference to 30 hours per month and virtually zero full disclosure information to bring about accountability, discipline and responsibility.

To say that fun, laughter and amusement had been eliminated when and during those minimal hours, no, I did make the most out of them and we still had some great times with plenty of laughter.

I have equally tried to have several conversations with my children regarding behavior within the limited restrictive time; nevertheless some points were taken out of context and because of the limited time not finished or as shown, inevitably used against me.

Regardless of these issue, his mother refuses to listen and in one instance had formed her own conclusion based on what a 14 year old child had said, regardless of my input, when she denounced my authority in front of the children during my residential time, without regard to (as the letter and parenting plan indicates) the fact that I am the other parent with every legal right to confer with and equally establish both accountability and discipline.

Nevertheless, accountability and responsibility has never existed with Shawn and this can be equally confirmed with a conversation to the childcare director. Although since accountability was a huge issue, what was left for control had then been removed with these issues now being presented and that Sir's was me.

Nevertheless, as my letter affirms, I was left clueless to many of these events, among others, as it was something never disclosed by Shawn's mother. In some of the attached material alone, you will find emails along with reports I was force to acquire on my own, the information disclosed is only about 1/10th the actual information that should have been or it is not disclosed at all.

Again, how am I to attempt any fix, what I never knew was even broken, notwithstanding the children were shown by example from their mother that my authority was totally meaningless to follow.

Although, I seriously doubt that it has any true bearing on my transsexualness, again perhaps confusion, as much as it has to do with my firm grasp of accountability and solid responsibility.

Nevertheless, if Shawn had just spoken to me and shared his feelings, I could have explained things to him much better. I can no more change me than Shawn can change being left handed; regardless my love is unconditional & undiminished with these events.

Okay, I have attempted to bring another side to this story and provide you with some alternative insight to truly help my son.

For whatever it is worth, I sincerely miss seeing my son. If I could just sit with him face to face, perhaps in front of both of you so that both concerns are heard, I am quite confident this unfortunate circumstance could be resolved. Regardless of the outcome, I have nothing to hide. However, with this said, it could never be brought to fruition as long as the opposing parent continues to manipulate.

Since I had never heard from either of you regarding my son, I will provide you with all of my contact information: My address is 619 – 1st Ave S. Apt 8 Kent, WA 98032 My cell is 253-266-8211 and my office is 425-455-4929, no ext, just ask for me by name.

I thank you for your time and I equally look forward to any further conversations either of you would like to have.

Respectfully,

Stephanie Lynn Case

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

GEORGE HEATHERINGTON
 515 M ST NE
 AUBURN WA 98002

2. Article Number
(Transfer from service label)

7009 2250 0003 7794 0869

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Xo Joana Anderson Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

Joana Anderson 12-28

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DR JACK REITER
 1404-LESTLER WAY
 Suite 201
 SEATTLE WA 98122

2. Article Number
(Transfer from service label)

7009 2250 0003 7794 0876

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Jack Reiter Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

EXHIBIT 6



Thank you. Your document(s) has been received by the Clerk.

Confirmation Receipt

Case Number: 99-3-00253-2

Case Designation: SEA

Case Title: CASE VS CASE

Filed By: Jennifer Rydberg

Submitted Date/Time: 10/19/2010 3:17:59 PM

Received Date/Time: 10/19/2010 3:17:59 PM

User ID: 001Jenny

WSBA #: 8183

Document Type	File Name	Attachment(s)	Cost
NOTICE OF HEARING	Notice for IC Hearing -- Kent RJC JUDGES.pdf		0.00
MOTION OF PETITIONER RE SHORTEN TIME	Shorten Time, Motion.pdf		0.00
MOTION OF PETITIONER RE AMEND ORDER, 1-28-2005	Amend Order, Motion.pdf		0.00
DECLARATION OF JACK M. REITER, MD	Declaration of Jack M. Reiter, MD.pdf		0.00



EXHIBIT 7

Subj: **email 11/26/04**
Date: 11/27/04 12:55:51 AM Pacific Standard Time
From: Steph
To: Tammy

1. I was given an email from you on Wed, 11/24/04 at 10:41am from your work. when you told me that Alysha was having her award at 2pm. Then again you sent me one from your hotmail address on the same day at 1:24pm, not but a half hour before it started. I had a doctor appointment on the same day, so I did not even get your email til 130 pm. I was informed by my mother that you already know of this last Friday. Yes, I went to the parent/teacher conference, I was never told about any award or an assembly.

2 True there has been some changes to the schedule, I told you when I moved that my arrangements were at someone else's home. I do not have a place of my own. Till that happens, there are going to be some adjustments to the shedule and that includes holiday's, dont you really have any idea how much I want them to be with me, my god, stop it. As for your comment about support, No, the parenting plan does not say anything about it. That is a completely separte issue altogether. I told you that I was placed on disablitiy, I also tried to discuss it with you many many months ago, your refuse to address it. I have already told you that I am on public assitance and a part of the GAU grant from the state.

3. I never sent you any request for visitation, that was originally sent to you on Saturday, one full week in advance. I simply sent it to you again as a forwarded message, because I never got any response to it the first time I sent it..

4 You made a statement that you send email to me, yet it gets kicked back to you. Well seems to be ok from your work and I have gotten every one of these since you sent them on Wed

Once again, I will say that the parenting plan has place for adjustments as to time, it does not mean that any other areas had changed. I have made requests from you. The only thing I said was that you can pick them up at 5pm at the safeway parking lot. I also made mention that if information thats important need be sent through a phone call rather than an email, but then again you already knew of it for almost a week, yet you waited to the last minute to even mention it. Likewise on Nov 20, that same saturday I even asked you about the issues around the award for Alysha, yet I hear nothing, till mid day on Wed the day of the arward.

I will be there between 10/11am Saturday morning to pick them up and I am guessing that I will see you again on Sunday at the 272nd Safeway Sunday at 5pm.

Sincerely, Stephanie

Subj: **Re: Alysha**
Date: 11/26/04 7:48:34 PM Pacific Standard Time
From: *Tammy*
To: *Steph*
Sent from the Internet

Once again you had the information on Friday. Via Email from me and Parent Teacher Conference.

The parenting plan also requires that you pick up the children at 6 or 8 on Friday night the First and Third Weekends each month. That we have schedules in place for the weeks you are to take them when they are out of school. And that you pay child support. Emails on Monday when you want them for a few hours on the following weekend is a little short notice too.

Thank you, Have a nice day.

Tammy

>From: Stph2Ca@aol.com >To: tripletttammy@hotmail.com >Subject: Re: Alysha >Date: Thu, 25 Nov 2004 05:36:18 EST >MIME-Version: 1.0 >Received: from imo-m16.mx.aol.com ([64.12.138.206]) by mc3-f23.hotmail.com with Microsoft SMTPSVC(5.0.2195.6824); Thu, 25 Nov 2004 02:36:21 -0800 >Received: from Stph2Ca@aol.com by imo-m16.mx.aol.com (mail_out_v37_r3.8.) id i.42.5d1d0a7c (4184) for <tripletttammy@hotmail.com>; Thu, 25 Nov 2004 05:36:18 -0500 (EST) >X-Message-Info: JGTYoYF78jEwF10aF5KSCWlpKKDII/0d >X-Mailer: 8.0 for Windows sub 6036 >Return-Path: Stph2Ca@aol.com >X-OriginalArrivalTime: 25 Nov 2004 10:36:21.0751 (UTC) FILETIME=[9AF29870:01C4D2DA] > > >
Nevertheless, I should have gotten a call. It appears that >something besides an email is needed, so that everyone knows whats what. Perhaps >that may be an answer. As for Sunday, again, the parenting plan calls for >shared transportation and it was always that way before, Now its again that >time to start back with it, I will be at the Redondo Safeway for you to pick >up the kids on Sunday night at 5pm. Thank you. Have a happy thanksgiving >day, Stephanie

EXHIBIT 8

RE: Update on Shawn

Stephanie Lynn (mzstephanielynn@hotmail.com)
Fri 6/05/09 1:28 PM
triplettammy@hotmail.com

It has now been 4 days and zero word from you on Shawn's condition, outcome and/or release. These events and that which is being said are extremely unfortunate. I so was looking forward to taking them to California to see their brother during my vacation this year. Since school was about to end, and Travis had been here in April I waited until school was closer to be let out before I presented it for discision. Planning had already started with Travis to make sure it would work into his schedule, then the 2nd stage was letting you know of some dates to schedule a vaction week with the kids and the address to where we would be, you already had my cell number. Since Shawn has made these points known, I guess it would be Alysha and me only, however, I have never excluded them, you have, he is still more than welcome to go, although with these events, I think some work will be needed to correct these issues. Originally I was looking at around end of July/Aug, that way Shawn could have been with his brother for his birthday, however again with these events, I am just not sure. Regardless, Alysha, I am sure would be up for the trip, although well into the summer and of course when school is completed. If you have any vacation plans, give me those dates and I will work around them planning this trip. You should also mention this to the children, as it does involve them and their own summer schedule. Let me know. Stephanie

RE: Update on Shawn

From: Tammy Triplett (tripletttammy@hotmail.com)
Date: Mon 6/08/09 9:25 AM
To: Stephanie Lynn (mzstephanielynn@hotmail.com)

This is in response to your request for further information:

The outcome as of now is that he is Stable enough to leave the hospital. He is on medication for anxiety and in counseling to help resolve the internal issues causing the problem. The details of his counseling visits are between him and his counselor until he is ready to take it beyond that. The only thing that is very clear is that he sees you as the major issue that he cannot resolve without help.

Shawn will continue to see Zanny so you could continue to attempt communications though the family counselor as that is the reason for her to be in place. I really wish that things had not come to this and hope your relationship with Shawn will at some point be able to saved. Please work to save your relationship with Alysha, she wants that.

I have let the children both know you are attempting to plan a trip to California this summer so you won't take Alysha completely by surprize. Shawn is aware of the trip.

Please let me know if you need further information or if I can be of more help.

Tammy

RE: Update on Shawn

From: Stephanie Lynn (mzstephanielynn@hotmail.com)
Date: Sun 6/07/09 7:04 AM
To: triplbettammy@hotmail.com

I will address your Friday email within the context of this reply.

Yes, under the circumstances I agree that Shawn be delayed, although hurt it most definitely does in not seeing him.

Nevertheless, you have discussed nothing with regards to the outcome or the diagnosis and the treatment plan. I would like to know the details of those visits and those results.

I will have a discussion with Alysha on Sat June 20th at 10am thur Sunday at 6pm and get her input and wishes defined regarding a summer vacation, although I do think it would be a good idea that Shawn knows about the implementing subject, keeping in mind that there will most definitely be some discussions made regarding what has been getting said.

Nevertheless, I will keep you informed as to timing and duration of any plans being made and they will be decided before I make any conformational acquisitions.

SLC

RE: Alysha & Shawn

From: Stephanie Lynn (mzstephanielynn@hotmail.com)
Date: Wed 9/23/09 4:18 PM
To: tripletttammy@hotmail.com

Update on Shawn

From: Tammy Triplett (tripletttammy@hotmail.com)

Sent: Fri 6/05/09 1:53 PM

To: Stephanie Lynn (mzstephanielynn@hotmail.com)

Good Afternoon Stephanie,

Shawn is home. He is Taking antianxiety medication and is currently stable. he has an appointment set up for continued counseling with George Hetherington at CarePlus Counseling 515 "M" St. NE Auburn, WA 98002, Phone 206-999-9845. He will also continue with the Family counseling with Zanny.

I requested Records be sent to Zanny from the Hospital as well as to Dr McKeighen at Enumclaw Medical Center, since he is on medication which will need monitoring.

What are your plans regarding June 20th - 21st. The last email regarding visitation had this months as questionable as you had plans that were not set at that time.

Is there a chance that you would allow Shawn to skip going this month?

Please let me know so I can make the appropriate arrangements.

Thank you

Tammy

////////////////////

Tammy you are the one that made this request clear back in June, it was from you, it was not from any counselor or doctors recommendation.

I missed seeing my son in June, July, Aug and now Sept. And it looks like your going to see to it that I don't get to see him at all.

Now you are telling me that you need to discuss it with them before I can see my son again. You can bet your ass I will be contacting them.

EXHIBIT 9

Subj: Happy Children
Date: 4/21/04 8:35:50 PM Pacific Daylight Time
From: kidkarekids@hotmail.com
To: MzStephanieLynn@AOL.Com
Sent from the Internet (Details)

FROM THE KIDS
DAY CARE

Hi,

Just a note to let you know that you made the kids so happy! There was some left over fruit snack and so everyday they say "If you're hungry have some of those fruit snacks that Stephanie brought for our friends" Isn't it funny how the little things make kids feel secure!
Hope your day is going peaceful. When will the Avon be in?

carol

EXHIBIT 10

From: mzstephanielynn@hotmail.com
To: tripletttammy@hotmail.com
Subject: RE: August Visitation
Date: Fri, 26 Jun 2009 06:46:23 -0700

So, now that it has been confirmed with Alysha, as to her wishes. I would say the clock times are what needs to be defined. Although, I truly wish that Shawn could be an equal part of all this.

July 2nd I can pick her up at around 5 or 6pm, perhaps earlier, as I am not sure exactly the time I will be off work, and pick up at the usual place July 19 at 6pm
Aug 17th works good too, its a Monday, although would be at around 6pm when I get off work, I can meet you at the pick up QFC parking lot, I will call you to let you know when I am close enough so that neither one of us is waiting long and pick up Aug 30 at 6pm usual place.

Frankly, I do not feel that bringing Shawn is such a wonderful idea, in all actuality serves only to encourage his behavior and shows him that what he is doing is acceptable behavior, I was very unhappy to see that you had brought him when I dropped off Alysha. I suggest that you consider that allowing him such a freedom only shows your acceptance to such negative unacceptable behavior.

I am sorry, how you could have come to such a monetary conclusion is very typical of you.

The only thing my email implies is the need, wish and equally the desire to be with and around my children, it has always and I do mean always been there, you are the only one that effected such change, denial and contempt in keeping them from me, no matter how many times I had asked you over the years. It never created any undue hardship on you or the children. Nevertheless, you continued to deny me additional time when I requested it. Had you just left things alone when we created the shared equal parenting, all these issues your dealing with now would not be an issue.

I had spoken with Carol the other day, to which only re-enforced the fact that all these allegations of Shawn's are naturally BS and that too was told to you. Nevertheless, I am an authority and to use what he has been now using only as an escape goat to his own bad behavior and equally your acceptance of his behavior, fully knowing that it is BS, yet your running with it. Sad Tammy, truly very sad. So, tell me, what are you going to do the next time he gets into trouble, surely I wont be the cause and/or the blame, since the fact that I am now excluded, what's left to blame and the sad fact is, you know it is going to happen because there is no enforcement, disipline and accountability for his actions. If in fact he is truly having blackouts, then I truly suggest seeing a doctor, there are plenty of physical issues that can cause such things. Just a suggestion to rule out any medical issues. Nevertheless, I want any and all updates when they are known.

Let me know how if those times work, otherwise I will see you when I pick up Alysha.

V/R
Stephanie

RE: August Visitation

From: **Tammy Triplett** (tripletttammy@hotmail.com)

Date: Fri 6/26/09 7:34 AM

To: Stephanie Lynn (mzstephanielynn@hotmail.com)

We, as parents, have not confirmed anything.

The daycare issue: if she is required per the shared parenting agreement (an issue which you have refused to discuss) to be in daycare while I am at work then she is also required to be in daycare while you are at work. (there will be no double standard)

I need you to state one way or the other an agreement as to which it will be before we reach an agreement for the rest of the plan. You brought it up.

Thank you for your cooperation in this matter.

Tammy

EXHIBIT 11

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KING COUNTY SUPERIOR COURT CAUSE NO. 99-3-00253-2

In re the Marriage of:

Tammy J. Triplett,

Petitioner,

v.

Stephanie L. Case,

Appellant.

TRANSCRIPT OF PROCEEDINGS

NOVEMBER 19, 2010

JUDGE HELLER

Attorney for Respondent:

Jennifer Rydberg
8407 S. 259th St., Ste. 203
Kent, WA 98030

Attorney for Appellant:

Stephanie Case, Pro Se
619 - 1st Ave S. Apt 8
Kent, WA 98032

Authorized Transcriber:

Teresa L. DiTommaso
P.O.Box 84483
Seattle, WA 98124
206-767-4335

1 Judge: We are here on a Motion to Dismiss and for Sanctions filed by the
2 defendant and then we also have a motion that was filed by the plaintiff seeking
3 extension of time. Why don't we start with, well, let's introduce ourselves.
4 Rydberg: Good morning, Your Honor, I am Jennifer Rydberg and I am making a
5 limited representation appearance for this hearing only on behalf of the defendant
6 Tammy Triplett who is seated to my right.
7
8 Judge: And ma'am, you are Stephanie Case?
9 Case: Yes, Your Honor, I am.
10 Judge: Why don't we dispose of the Motion to Extend Time for hearing this
11 motion. I understand that you say that there are some pending matters in front of
12 Judge Fleck that need to be decided before I can hear the underlying motion to
13 dismiss, is that correct?
14 Case: No, Your Honor, it is being considered for appeal.
15 Judge: What do you mean it is being considered for appeal?
16 Case: It has already been ruled so I have to file an appeal at this point.
17 Judge: So nothing is pending before Judge Fleck?
18 Case: No. Other, no, she already signed off on the reconsideration.
19 Judge: So, are you asking me to wait until the Court of Appeals has decided the
20 appeal?
21 Case: No, no, that was prior, it was prior to any of the rulings in the case when that
22 was presented.
23 Judge: So it is moot.
24 Case: Yes, it is moot at this point, yes.
25 Judge: All right, why don't we then proceed to the defense motion.

1 Rydberg: Your Honor, I take it then that you are denying the Motion for Extension
2 of Time?

3 Judge: As moot. Yes.

4 Rydberg: Yes. Okay. Thank you. Your Honor, the complaint filed by the
5 plaintiff does not state a claim upon which relief can be granted by the Court and it
6 should be dismissed and apparently the plaintiff filed a declaration in response to
7 this motion that was filed with the Court on Monday. It was sent to my client by
8 UPS with signature required. My client is working during the day so it has not
9 been delivered to her. When I went to the clerk's office this morning to get a copy
10 of it, it was not yet on ECR and so the plaintiff did give me her copy to review
11 prior to this hearing and I am willing for the Court to proceed if the Court has
12 reviewed it. When I look at that declaration which is I suppose an attempt to
13 demonstrate to the Court that there is in fact a claim upon which relief can be
14 granted, I, what I note is that she claims that my client's allegation that continued
15 conflict in this case, in this family is harmful to the children is "an unrealistic
16 amount of frivolous emotional language." I don't know what that has to do with
17 whether or not the complaint states a claim for which relief can be granted. She
18 urges the Court to use the best interests of the children standard and again this is
19 not a dissolution action. It is not a parenting plan action. That standard does not
20 apply. The standard, the legal standard that applies is 12(b)(6). Does the
21 complaint state a claim upon which relief can be granted and it does not.
22
23
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25 Judge: Let me indicate what my issues are.

Rydberg: Okay.

1 Judge: It appears that a lot, as you have already pointed out that many of the
2 allegations in the complaint seem to overlap with the family law case and if that is
3 so then there, there would be collateral estoppels or res judicata issues. For
4 example, if the matter has already been decided adversely to the plaintiff then we
5 are not going to re-litigate those issues here. My problem is in viewing the
6 complaint I don't know what has been decided and what hasn't. So perhaps you
7 can assist the Court in answering that question. I mean that is one of the issues
8 upon which the 12(b)(6) motion to dismiss could be granted. But if you wouldn't
9 mind fleshing out for the Court why you believe that it doesn't state a claim.
10

11 Rydberg: Okay. I get to that last question first and then give you the history
12 briefly. It appears that the complaint is alleging an intentional tort of parental
13 alienation. That is what I am getting out of it. Well, in the first place an
14 intentional tort has a statute of limitation of two years. And in the second place
15 there is no authority cited by the plaintiff that gives her a cause of action for
16 parental alienation. And I am not aware of any such authority in the State of
17 Washington. Okay. Now back in, let me get, I am looking for a year so it makes
18 sense to you.
19

20 Rydberg to client: What year was the first order entered that restricted her access
21 to the kids?
22

23 Client: 2005.

24 Rydberg: Okay, when these, when Ms. Case and Ms. Triplett divorced in 1999,
25 2000, somewhere in there, a parenting plan was entered. In 2005 a court order was
signed by Judge Middaugh that restricted Ms.

Case: I object to that, Your Honor.

1 Judge: I will give you an opportunity to state

2 Case: Thank you.

3 Judge: your objections when it is your turn. Go ahead.

4 Rydberg: That ordered that Ms. Case's time with the children would be one
5 weekend a month.

6 Judge: Ms. Case

7
8 Rydberg: Ms. Case's time. Yeah. The children reside with Ms. Triplett. After the
9 divorce occurred Mr. Case became Ms. Case. On, and anyway, so that order was
10 entered in 2005. There have been various motions for contempt filed by Ms. Case
11 throughout the family law issues. Those have all been denied by the Court. The
12 most recent, there was an interaction of motions before Judge Matsen retired, about
13 a year before he retired, that I was involved in and was a motion for contempt
14 brought by Ms. Case and it was denied. At the same time Judge Matsen restricted
15 Ms. Case's ability to file pleadings with the court because there had been a history
16 of frivolous filings. But that was restricted just to the dissolution action. Then
17 most recently this fall, Ms. Case filed a motion for contempt in the dissolution
18 action and in response to that order, at the same time as responding to that, Ms.
19 Triplett moved and requested an order of adjustment of child support. And also
20 based on the, the treating psychiatrist's report, asked the Court to restrict Ms. Case
21 to having no time with her 16 year old son, Shawn. On November 9th a hearing
22 was held in front of Judge Fleck. She restricted the time between Ms. Case and her
23 son to no time at all. When that order was entered she then issued her ruling on the
24 order of adjustment of child support orally, asked for written presentations and the
25 written orders were signed on let's see, now that hearing was back in October, I

1 apologize, it was on October 19th is when we had that hearing in front of Judge
2 Fleck and then the written orders were signed on, the order denying Ms. Case's
3 motion for reconsideration was signed on November 9th and the order adjusting
4 child support were signed on November 8th. There are no pending issues in
5 Superior Court in the family law case. What Ms. Case is really complaining about
6 here is she has not been able to seek the remedies that she wants in the dissolution
7 action through the contempt actions that she has filed. She continues to argue
8 about child support and daycare when those issues have been resolved in the
9 dissolution action and are res judicata. And now she is seeking a new forum to
10 raise those issues. And I agree with you res judicata, collateral estoppels both
11 apply to preclude her from raising those issues in this action and I am not aware of
12 any statute or appellate case law in the State of Washington that gives rise to a
13 parent, parental alienation of affections cause of action.
14

15
16 Judge: Thank you. Ms. Triplett?

17 Case: Ms. Case.

18 Judge: Ms. Case, I apologize.

19 Case: Thank you. Your Honor, the complaint addresses the destruction of the
20 parent childhood relationship, not necessarily just the alienation of affection. The
21 2005 order by Judge Middaugh specifically addressed pending in mediation or a
22 modification of the parenting plan. I have been denied even having my children
23 because of this order and the way it was done. Mediation took place in October, or
24 November of 2005. From that point it should have went right back to the original
25 parenting plan and that was argued in front of Judge Fleck. 2009 in front of Judge
Matsen had to do with the vacate of the prior hearings because of the discrepancies

1 of not receiving requested information. There was no history of frivolousness until
2 it was considered frivolous on the 2009 motion for vacate. The 2010 in front of
3 Judge Fleck again totally ignored the fact that I was literally eliminated a
4 relationship with my children based on that 2005 order that specified pending in
5 mediation. A mediation occurred. There were no modifications and it should have
6 moved forward to the original 2000 parenting plan. My claim has shown
7 hypothetically the conceivable raised the difference of the CR 12(6) motion for the
8 legal sufficiency. RCW 4.56.250 Destruction of Parent Childhood Relationship is
9 defineable under the non-economic damages. I have had a destroyed relationship
10 and I have been trying to get this heard. I have shown by the orders that were given
11 to provide monthly receipts, that has never been, that was a misrepresentation of
12 intention. It was promised. It was promised in front of Commissioner Bradburd-
13 Johnson. Judge Matsen did, in fact, note he saw a misrepresentation of intention. I
14 have been denied my children.
15

16
17 Judge: Ms. Case, let me ask you a question so that I can focus on the issue that I
18 think is most prevalent here. Are you making any allegations in your complaint
19 that were not already addressed in some way or another.

20 Case; No, I am not, Your Honor.

21 Judge: Let me finish the question.

22 Case: Okay, I'm sorry.

23
24 Judge: in family court? And if not, if there are claims that you are making that you
25 think are independent of the family, the issues that you raised in family court and
what are those? What is different about this complaint that you think entitles you
to bring a civil action when all of these issues, it seems to me were addressed over

1 the years during the divorce proceeding, the parenting plan issue and so on. What
2 is new about it?

3 Case: Disclosure, Your Honor.

4 Judge: Disclosure of what?

5 Case: Disclosure of information that prevented my knowledge of even having a
6 relationship with my children. As shown in my declaration that I supplied, on
7 Exhibit 4, I had stated that it was, as far as the defendant ignoring the follow
8 through recommendations for preventing the extremely significant information
9 from the plaintiff's knowledge to cause irreversible harm. The further evidentiary
10 documentation in lieu of Exhibit 4 to support the argument would require
11 procedural protection under sealed file in order to make it reasonably clear. The
12 information that was not disclosed, I literally took the measures myself and invited
13 the defendant to attend through the daycare and the elementary school level to
14 prevent any harm of self-esteem or behavioral problems that my children might
15 have regarding my transition. The defendant concealed those measures in 2004.
16 She has made accusations of physical and sexual abuse in 2002 that I was never
17 made aware of. The destruction has been manifested by this concealment. I had no
18 clue that these existed. I have, in a sealed file, medical information of my son's
19 file. It specifically addresses the counselors that were given in 2004. They have
20 never been stated. I asked in 2010. Who is this person? It was ignored. These
21 measures were ignored.

22 Judge: All right. Thank you. Ms. Rydberg did you research the question on
23 whether or under what circumstance some one who has been involved in a divorce
24 proceeding apparently then can give a civil action relating to those issues or pre-

1 formulating them _____ I know you indicated that you are not aware of any tort for
2 potential alienation of the parental relationship. But I am wondering whether there
3 is any precedence.

4 Rydsberg: I could find none. I could find none and I did spend some time looking.
5 I mean I had ghost written Ms. Triplett's pleadings that you see in this cause of
6 action. I have found none and as a family law attorney in Washington I have
7 access to a brief bank maintained by the State Bar Association Family Law Section.
8 I didn't find anything in there either. And it is, that brief bank is collated by Doug
9 Becker at Weschler Becker in downtown Seattle and it is updated several times a
10 year. I keep the most current version in my, in my computer and you do the legal
11 research in the appellate case law in the State of Washington independently of that
12 as well and I just don't find anything. And I, this is a rehash of issues that have
13 been argued and re-argued and argued again multiple times in the dissolution
14 action.
15 action.

16 Case: I object to that Your Honor. They have not.

17 Judge: I am sure you disagree. I am going to grant the motion to dismiss. And I
18 am finding that the claims should be dismissed based on the 12(b)(6) because it
19 appears to the Court that all of these claims that are being made relate to the
20 dissolution action and whatever claims are now being made, could or should have
21 been made in the action below. If, Ms. Case, you feel that an injustice was done to
22 you
23 you
24 you

25 Case: That's why I am here, Your Honor.

Judge: proceed below and I am not going to provide you with legal advice I am
simply saying that you have filed an appeal with the Court of Appeals based

1 Case: I have it right here, yet.

2 Judge: on _____ and I would suggest that if you think that these issues should be

3 heard by another court, it is not this court, it is the Court of Appeals because they

4 are reviewing the actions taken by the judges _____. That's my ruling. You,

5 Ms. Rydberg, you filed a motion for sanctions?

6 Rydberg: I did ask for the Court to consider Civil Rule 11 sanctions.

7

8 Judge: I am going to deny that motion.

9 Rydberg: Okay.

10 Judge: I believe based on at least what I have heard is that Ms. Case has brought

11 this action in good faith, whether or not it is legally sound is another issue but I

12 don't believe that it _____ that anything rises to the level of what would count,

13 would call for sanctions under CR 11.

14 Rydberg: If you will give me about five, two or three minutes here Your Honor, I

15 will prepare orders to present to you.

16

17 Judge: I will take a brief recess and then you can just hand me the order. So why

18 don't we go ahead _____ and I will sign the order once that

19 Rydberg: Your Honor, before you leave me

20 Judge: Yes?

21 Rydberg: When I did research the 12(b)(6) statute or court rule and the case law

22 interpreting that, the legal standard that you have to find is what is written in my

23 proposed order and that is that the complaint does not contain statements showing

24 that the plaintiff is entitled to relief. It does not apprise the defendant of what the

25 claim is. It does not apprise the defendant of the legal grounds upon which the

1 complaint rests and it is beyond doubt that proof of no set of facts would entitle the
2 plaintiff to relief.

3 Judge: I think I would like you to include some reference to res judicata _____

4 Rydberg: Okay. I would just add to that what you had recited on the bench. But I
5 just, I didn't want you to be blindsided by those findings.

6 Judge: All right. I appreciate that.
7

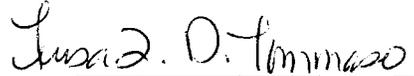
8 Rydberg: Okay. Thank you.
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CERTIFICATION

I hereby certify that this is a true and correct record of the proceedings. I do further certify I am in no way related to or employed by any party in this matter, nor to any counsel, nor do I have any interest in this matter. I certify that the transcription of this CD is true and complete to the best of my ability given the quality of the CD itself.

SIGNED at Seattle, Washington, this 25th day of January, 2011.



Teresa L. DiTommaso

FILED
KING COUNTY, WASHINGTON

DEC - 8 2010

SUPERIOR COURT CLERK

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

CASE

Plaintiff/Petitioner,

vs.

TRIPPLETT

Defendant/Respondent.

NO. 10-2-35077-2 KNT

ORDER ON TRANSFER OF
INDIVIDUAL JUDGE ASSIGNMENT
(ORCJ)

Effective January 10, 2011, this case is transferred from Judge Bruce Heller,
Dept. 52, to Judge Regina Cahan, Dept. 10

Parties should not contact the newly-assigned judge prior to January 10, 2011, except for purposes of scheduling matters that will be heard after January 10, 2011.

Motions already scheduled to be heard after January 10, 2011 shall be heard by the newly assigned judge. For motions with oral argument, you should confirm with the newly assigned court that the previously scheduled date and time is available to that court.

The trial date and all other dates in the case schedule shall remain the same, unless revised by the assigned judge.

If final documents for this case have been entered, please disregard this notice.

It is so ordered this December 8, 2010



Presiding Judge

CASE, STEPHANIE L
4205 AUBURN WAY S #80
AUBURN, WA 98092-7235

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IC Judge Bruce Heller

**Superior Court of Washington
County of King**

Stephanie L. Case,

Plaintiff,

vs.

Tammy J. Triplett,

Defendant.

No. 10-2-35077-2 KNT

Order of Dismissal

Clerk's Action Required

This matter having come on for hearing upon the Defendant's Motion to Dismiss for Failure to State a Claim upon Which Relief May be Granted, the court having considered the Defendant's Motion, the Plaintiff's response, if any, the Defendant's Reply, if any, the file and record herein, the arguments of the parties, and otherwise being fully advised, NOW, THEREFORE,

The Court FINDS that the Plaintiff's complaint does not contain statements showing that the Plaintiff is entitled to relief, does not apprise the defendant of what the plaintiff's claim is, does not apprise the defendant of the legal grounds upon which the Complaint rests, ~~and~~ it is beyond doubt that proof of no set of facts would entitle the

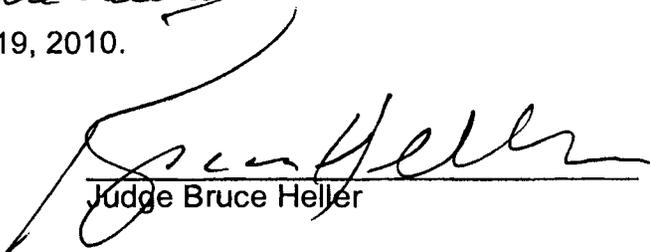
plaintiff to relief, *the Plaintiff's claims relate to the dissolution action between the parties, King Co Sup. Ct Cause # 99-3-00253-2KNT, could have & should have been raised in that action, & raising the claims in this action is precluded by the doctrines of collateral estoppel & res judicata.*

and/or BEH.

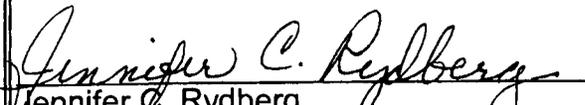
1 Based upon the foregoing Findings,

2 *It is hereby Ordered* that the Plaintiff's Complaint for Damages,
3 Misrepresentation/Misrepresentation of Intention - Destruction of the Parent~Child
4 relationship — Claim of Outrage & Intentional Interference - Intentional and/or Negligent
5 infliction of Emotional Stress Pursuant to RCW Title 4 Civil Procedures is dismissed with
6 prejudice. *No CR11 sanctions are ordered.*

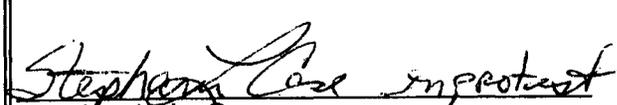
7 Done in open court on November 19, 2010.

8
9 
10 Judge Bruce Heller

11 Presented by:

12 
13 Jennifer C. Rydberg,
14 Limited Representation attorney for
15 Tammy J. Triplett,
16 Defendant, pro se
17 WSBA #8183

18 Copy received, approved as to form,
19 Notice of presentation given:

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21 Stephanie L. Case,
22 Plaintiff, pro se
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IC Judge Bruce Heller

Superior Court of Washington
County of King

Stephanie L. Case,

Plaintiff,

vs.

Tammy J. Triplett,

Defendant.

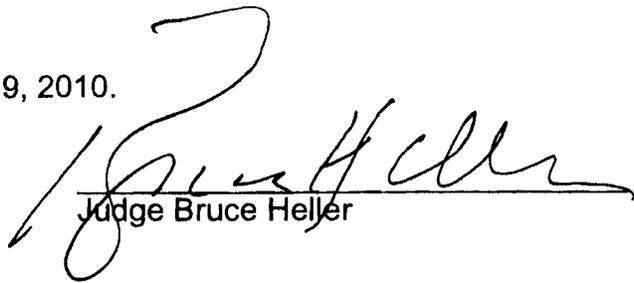
No. 10-2-35077-2 KNT

Order Denying Plaintiff's Motion for
Extension of Time

This matter having come on for hearing upon the Plaintiff's Motion for Extension of Time, the court having considered the Plaintiff's Motion, the Defendant's response, and the Defendant's Reply, if any, the file and record herein, the arguments of the parties, and otherwise being fully advised, the Court finds that ~~there is no reason justifying granting the Plaintiff's Motion,~~ ^{is moot} and further delay may cause irreparable harm to Respondent and to the parties' children, and therefore,

It is hereby Ordered that the Plaintiff's Motion for Extension of Time is denied.

Done in open court on November 19, 2010.



Judge Bruce Heller

16

1 Presented by:

2

3 Jennifer C. Rydberg

4 Jennifer C. Rydberg,
5 Limited Representation attorney for
6 Tammy J. Triplett,
7 Defendant, pro se
8 WSBA #8183

9 Copy received, approved as to form,
10 Notice of presentation given:

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12 Stephanie L. Case in Prose

13 Stephanie L. Case,
14 Plaintiff, pro se

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IC Judge Bruce Heller

**Superior Court of Washington
County of King**

Stephanie L. Case,

Plaintiff,

vs.

Tammy J. Triplett,

Defendant.

No. 10-2-35077-2 KNT

**NOTICE OF LIMITED APPEARANCE
AND OF COMPLETION OF
LIMITED APPEARANCE**

[Clerk's action required]

- TO: Clerk of the Court
- TO: Stephanie L. Case, the Plaintiff above named, pro se, and
- TO: IC Judge Bruce Heller

YOU AND EACH OF YOU will please take notice that Jennifer C. Rydberg hereby makes a limited appearance in the above entitled cause, pursuant to CR 70.1(b), for the Defendant, Tammy J. Triplett, for the purpose of representing the Defendant at the hearing scheduled before Judge Heller on Friday, November 19, 2010. For the purpose of the subject matter described above, you are directed to communicate only with the undersigned limited representation lawyer, not with the Plaintiff, pursuant to RPC 4.2 and 4.3.

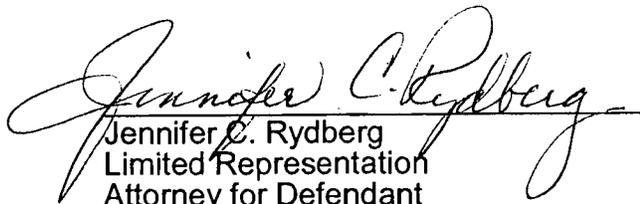
1 This representation shall terminate upon the entry of Superior Court orders
2 concluding the above-referenced hearing. Court approval of this withdrawal/completion
3 is not required.

4 The last known address of the Defendant is:

5 4205 Auburn Way S., #80
6 Auburn, WA 98092-7235

7 This matter is set for trial on March 26, 2012.

8 DATED: November 19, 2010.

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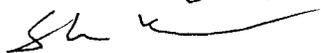
10 Jennifer C. Rydberg
11 Limited Representation
12 Attorney for Defendant
13 WSBA #8183

14 8407 S. 259th, Suite 203
15 Kent, WA 98030-7536

16 Office: 425-235-5535
17 Fax: 253-852-0400
18 Jenny@jcrlaw.com
19 www.jcrlaw.com
20 WSBA #8183

21 Copy received on 11/19/10:

22 @ 10:20 AM
23 @ HEALOG

24 

25 _____
26 Stephanie Case, Plaintiff, pro se

27 _____
28 Tammy J. Triplett, Defendant

NOV 15 2010
NOV 15 AM 9:32
KING COUNTY
SUPERIOR COURT CLERK
KENT, WA

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

In re the Matter of:

STEPHANIE CASE,

Plaintiff,

and

TAMMY TRIPLETT,

Defendant.

No. 10 - 2 - 35077 - 2 KNT

Declaration of the Plaintiff in strict
Reply of Defendant's Declaration dated
November 8, 2010

I, Stephanie Case, Plaintiff respond in strict reply to the Defendant's Declaration dated
Nov 8, 2010.

The Notice for Hearing, re: Motion for Extension was assigned to Judge Heller, the
assigned Judge in this matter and incorporated with working papers. It was not erroneously
noted as the Defendant proclaims, it was a clerical error mistake working between two cause
numbers and missed. The Plaintiff requested an Extension of time on Civil Matter No. 10-2-
35077-2 KNT as shown in the body of the notice, not the family law matter No. 99-3-00253-2
KNT. The Plaintiff expressly apologizes to the court for this clerical error by providing an
amended notice with this declaration.

1 The Defendant's declaration does not provide for further adjudication under an appeal
2 process as a matter of right. Therefore the Defendant misstates the conclusion before the
3 matter has reached completion.

4 Notwithstanding, the Defendant continues to provide an unrealistic amount of frivolous
5 emotional language as a defense. The Defendant's statement that this complaint should be
6 dismissed in the best interest of our children or that this will be detrimental to our children's
7 emotional security and their enjoyment of the upcoming holiday season, or how a Motion for
8 Extension will cause irreparable harm to our children is outrageous.

9 The Defendant provides fallacious language to plagiarize the court with written emotion.
10 The Defendant's continued use of fallaciously motivated language as a cover remains irrelevant
11 to the alleged allegations provided in the Plaintiff's complaint. The continued manipulative use of
12 our pre-adult aged children as a pawn to achieve that goal remains equally outrageous.

13 The Plaintiff will present further upon trial the substantial amount of fallaciousness used
14 by the defendant to cause repeated conflict and significant harm, ranging from among Emotive
15 Language, Misrepresentation, False Cause and more.

16 Notwithstanding, the Defendant should have been concerned with what was in the best
17 interest of the children long before causing the substantial harm to the children and the Plaintiff
18 as alleged within the Plaintiff's complaint.

19 Furthermore, if the Defendant was truly concerned with the best interests of the children,
20 in that the Plaintiff's complaint should be construed in a manor that is detrimental to the children
21 or that it deprives our children the benefit of child support. Then the Defendant should have
22 considered paying the childcare tuition when it was due, instead the Defendant paid if at all
23 randomly for several years, incurring a substantial debt that is now in excess of \$6500.00 and
24 kept this debt concealed from the Plaintiff's knowledge to cause harm.
25

1 This debt is in complete disregard of instructions given to the Defendant by
2 Commissioner Bradburn-Johnson during a 2007 Support Modification to provide monthly
3 receipts, just as expressed upon the court minutes shown in (Exhibit 1) The Defendant at that
4 time also provided a promise to comply with those instructions. The Defendant's promise shall
5 be shown and presented as evidence upon trial.

6 The Defendant has never had any intention of providing monthly receipts, regardless of
7 requests to produce or interrogatory answers requesting them (Exhibit 2) and thus
8 characterizes a Misrepresentation of Intention; this motivation was already noted by Judge
9 Matson in prior family law proceedings.

10 The debt was incurred with KidKare Schoolhouse; is now handled by Renton Collections
11 and continues to accumulate. (Exhibit 3) This uninvited compulsory debt has effectively
12 damaged the Plaintiff's credit and threatens the Plaintiff's financial security again for a second
13 time. The Plaintiff's portion of this expense had already been paid in a transfer order that was
14 included in child support payments.

15 The Defendant continues to state the Plaintiff's complaint fails to state a claim upon
16 which relief can be granted by any court. The Plaintiff disagrees, however, the Plaintiff requests
17 leave of the court to allow the complaint to be ratified if the court should rule in such a manor.

18 The Defendant continues to remove the elements of the complaint, 1) the defendant
19 owed a duty to the plaintiff; 2) the defendant breached the duty; 3) the breach caused plaintiff
20 injury; and 4) the plaintiff suffered damage.

21 Accordingly,

22 "[a] claim is adequately pleaded if it contains a short, plain statement showing that the
23 pleader is entitled to relief, and a demand for judgment based thereon. *Christensen v.*
Swedish Hospital, 59 Wash.2d 545, 368 P.2d 897 (1962).

24 It is not necessary for a plaintiff to plead facts 'constituting a cause of action'.
25 *Schoenig v. Grays Harbory Community Hospital*, 40 Wn. App. 331, 337,
698 P.2d 593 (1985) (citing *Hofto v. Blumer*, 74 Wash.2d 321, 444 P.2d
657 (1968); *Simpson v. State*, 26 Wash.App. 687, 615 P.2d 1297 (1980)).

1 Even if the plaintiff's theory is not made clear in the pleading, it may be made clear in a
2 later proceeding. *Schoenig*, 40 Wn. App. At 331.

3 CR 9(b) states, Malice, intent, knowledge, and other condition of mind of a person may
4 be averred generally.

5 The Plaintiff will present if necessary upon any modified pleadings several affidavits to
6 support the Plaintiff's complaint, witnesses willing to testify, furthered discovery under CR 26;
7 30; 32; 33; 34; 36 and CR 37, with documentary evidence to be presented upon trial.

8 The Plaintiff also provides herein several points of authority, although appeared not to be
9 a requirement of initial pleadings; however provided herein simply because the Defendant
10 stated that it was not shown in the Plaintiff's complaint. Although presented herein, this shall not
11 be construed to limit the scope of authority used.

12 RCW 4.56.250; RCW 13.32A; RCW 26.09.160; 26.16.125; 26.26.130; 26.26.260

13 *Marriage of Littlefield*, 139 Wn. 2d 39 (1997)

14 *Dicomes v. State*, 113 Wn.2d 612, 630, 782 P.2d 1002 (1989)

15 *Strode v. Gleason*, 9 Wn. App. 13, 18 (Wash. Ct. App. (1973)

16 *Johnson v. Luhman*, 330 ILL. App. 598, 71 N.E.2d 810 (1974)

17 Title VII of the Civil Rights Act of 1964 (42 U.S.C.A. § 2000e et seq.)

18 Fourteenth Amendment to the U. S. Constitution

19 The Plaintiff will present proof upon trial, significant measures the Plaintiff had taken to
20 prevent substantial harm to the children's emotional well being by initiating preventative
21 measures when the children were very young at the childcare and elementary school levels.

22 These anticipatory measures were designed specifically to prevent any behavioral or
23 self-esteem problems the children might have as a result of the Plaintiff's gender transition.
24
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1 The Plaintiff will also present upon trial evidence the Defendant continued to convey
2 similar messages of concern to Scholastic and Medical professionals. However, the Defendant
3 concealed those concerns and preventative remedies provided by those professionals.

4 The Plaintiff will present upon trial the Defendant ignored follow through with these
5 recommended remedies and continued to keep extremely significant information from the
6 Plaintiff's knowledge to cause irreversible harm. Further evidentiary documentation in lieu of
7 (Exhibit 4) to support this argument will require procedural protection under a sealed file in
8 order to make it reasonably clear.

9 The current state of affairs provides further damage on the same basis; the Defendant's
10 intentional interference is actually and proximately caused result of continued concealment,
11 considerable conflict for the purpose of alienation, substantially maintained parental alienation,
12 including alienation of affection, false allegations of physical and sexual abuse; destruction of
13 the Parent-Child relationship, misrepresentation, a compulsory debt and thus depicts Outrage.

14 The Plaintiff's questions remain the same; upon what authority did the defendant have to
15 restrict the Plaintiff's parental function, upon what authority did the defendant have to interfere
16 with the Plaintiff's parental relationship, upon what authority did the defendant have to withhold
17 significant information from the Plaintiff's knowledge, upon what authority did the Defendant
18 have to involve or dictate what the Plaintiff's parental function and authority would be or to
19 disseminate how the Plaintiff would teach or discipline, upon what authority did the Defendant
20 have to invade the Plaintiff's home during the Plaintiff's residential time, upon what authority did
21 the Defendant have to create substantial harm to the parent-child relationship by maintaining
22 these conflicts for any purpose, upon what authority did the Defendant have to exclude the
23 Plaintiff's involvement and parental decision making authority and upon what authority did the
24 Defendant have to continue an exclusionary practice of denying the Plaintiff's parental rights by
25 doing all of these things.

1 There has been no hearings, no petitions, no modifications or complaints ever filed that
2 have shown the Plaintiff's unfitness as a parent that are required under Federal and State
3 Statutory Rules. There have been no hearings, petitions, modifications or complaints ever filed
4 that has been shown or placed upon any restrictions of the Plaintiff's parental decision making
5 or the Plaintiff's parental authority.

6 Nevertheless, the Defendant continues to misrepresent statements provided to the court
7 and continues to provide fallaciously motivated language to reach that purpose; this
8 misrepresentation will be shown with particularity upon trial. As a result, this outrage persists;
9 the court continues to deny the Plaintiff the benefit of an established parenting plan merely
10 through contempt motions brought against the Defendant. The Court does not have the
11 authority to permanently modify the residential schedule without a Petition for Modification being
12 filed, without an adequate cause hearing, and without other procedural safeguards. This biased
13 outcome remains outrage and continues to deny the Plaintiff's parental and civil rights and an
14 appeal will certainly be pursued as a matter of right in the family law matter.

15 Regardless of appeal in family law, it shall not be construed in a manor that prevents or
16 restricts this civil case schedule from moving forward.

17 The Defendant has and continues to act outrageously, with the intention to cause, or
18 with reckless disregard of the probability of causing Plaintiff severe harm, regardless of duty or
19 legal obligation, these acts were unwarranted and uninvited. The malicious and/or oppressive
20 conduct by Defendant was in reckless disregard of Plaintiff's rights and therefore warrants a trial
21 seeking damages as stated in the Plaintiff's complaint and prayer for relief.

22 I declare under penalty of perjury under the laws of the state of Washington that the
23 foregoing is true and correct.

24 Signed at Kent, Washington, on November 11, 2010.

25 
Stephanie Case, Plaintiff, Pro Se

Exhibit 1

ORIGINAL COURT M. JUTES

** PREPARED **
05-16-07 14:56

KENT REGIONAL JUSTICE CENTER
KENT FAMILY LAW AFFIDAVIT TRIAL CALENDAR
THURSDAY, MAY 24, 2007
90 DAYS PRIOR DATE FEBRUARY 23, 2007

PAGE 2

Appearing
CASE, TAMMY JEAN
SUPPORT MODIFICATION

99-3-00253-2 KNT

AND CASE, STEVEN LEROY

CURRY, JOHN FLETCHER
Appearing

DID NOT APPEAR FAM02

STEPHANIE CASE
DID NOT APPEAR

Ms. Tiptlett shall provide proof
of DAYDATE PAYMENT Every Month

The court finds:
findings / conclusions on Petition for
Modification of Child Support.
Order on Modification of Child Support
Order of Child Support
3.5 \$949 per month
start date 2-1-07

DEPT: COMM-03

JUDGE: NANCY BRADBURN-JOHNSON

CLERK: JOSEPHINE MITCHELL

VIDEO: IF 2707094

- AFTRIAL
- MTHRG
- TCNTU
- TSTKNA
- TSTKIC

2:46 - 3:09
3:48 - 3:55

27
AD

Exhibit 2

Stephanie Case
619-1st Ave S. Apt 8
Kent, WA 98032

June 12, 2009

Tammy J. Triplett
4205 Auburn Way S. Space 80
Auburn, WA 98092

RE Child Care Expenses; May 2007 to Present

Dear Ms Triplett,

On May 24, 2007 you were given specific instructions by Commissioner Nancy Bradburn-Johnson that monthly receipts are required each and every month upon a daycare provider's receipt, with letter head, showing charges and payments for each child. To which included your own word for word admission that you would comply with such order. You may confirm these statements by viewing RJC Family Court video log IFRJC-07-094.

In the attached document, with a start date of February 2007, to which is a confirming statement to the above summary that specifically states ("Ms. Triplett shall provide proof of daycare payments every month") and found in RJC Family Court file 99-3-00253-2 KNT as clerk no. 155.

No where within either of these instructions given to you by the court does it state that a formal request was needed to provide this information, as you were ordered to provide them monthly.

It has now been twenty-six months since this order was signed by the court.

As of the date listed on this letter, you have not complied with either of the above instructions given to you by the court.

This is a formal written request, pursuant to the above referenced court instructions.

Upon receipt of this letter, you have 30 days to comply with this request and provide thirty months of day care receipts from February 2007 to the present date; as instructed in the above statement given to you by the court.

This letter is being sent to you via registered mail, equally a second letter, (a duplicate) with the exact information here provided, will be sent to my address in the same manor. It will remain sealed and presented to the court should you decide to ignore this request.

Please consider the consequences and govern yourself accordingly to eliminate further legal action.

Respectfully,

Stephanie Lynn Case

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

In re the Marriage of:) NO. 99-3-00253-2 KNT
)
TAMMY TRIPPLETT,)
Petitioner,) RESPONDENT'S FIRST SET OF
) INTERROGATORIES AND
and) REQUESTS FOR PRODUCTION
) PROPOUNDED TO PETITIONER
STEPHANIE CASE,)
Respondent.)
)

TO: TAMMY TRIPPLETT, Petitioner Pro Se

INTERROGATORIES

The following interrogatories are propounded by the respondent to you in the above-entitled cause, and are to be answered under oath pursuant to Rule 33 on or before thirty (30) days from the date of service.

Procedures. You are herewith served with the original and one copy of these interrogatories. Please complete the answers within the spaces provided on the original. Kindly

ORIGINAL

1
2 23. **Medical Expenses.** Have you incurred uninsured
3 medical or dental expenses for the children since the
4 dissolution was finalized? If so, state who the service
5 was for, the date of said service, the purpose of the
6 service, the cost of the service and how much of the
7 service was paid for by insurance. Attach all receipt,
8 statements of medical treatment and Explanation of
9 Benefits forms from the insurance company for all
10 medical and or dental treatment provided to the children
11 since the dissolution was finalized in this matter.

12 *Yes.*
13 *I do not have all of those records*
14 *any more.*
15 *I have Attached Statement for*
16 *Dental this year*

17 ADDITIONAL REQUESTS FOR PRODUCTION

- 18 1. Checking account statements and check registers from
19 1/1/04 to current, on any and all checking accounts
20 in which you claim any ownership or upon which you
21 had signature privileges. *Checking account*
22 *statements this year. I do not have the*
23 *prior years and the bank said approx. 1100 for*
24 2. Copies of any financial statements prepared by you or
25 for you during the last three years. *Copies.*

26 *None*

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3. All records evidencing any income you have received or
which indicate a right to receive any income for the
past 3 years. Attached are my Tax Returns

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4. All documents evidencing any ownership or leasehold
interest, any and all real and personal property in
which you claim or have claimed any such interests for
the past 3 years. 1992 GED Storm
1976 Tamar Mobile home.

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5. All documents indicating your interest in and/or
ownership of any type of business. None

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6. Reports of all experts you reasonably expect to call to
testify at trial. None

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7. Names, addresses, and telephone numbers indicated in any
documents of any witnesses with knowledge of any facts
of this case and all experts whom you reasonably expect
to testify. None

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8. All documents including cancelled checks and receipts
evidencing payment of day care costs for the last three
years. Year end Receipts from the day care
included with my Tax Returns.
Cancelled Check copies cost \$5 each.

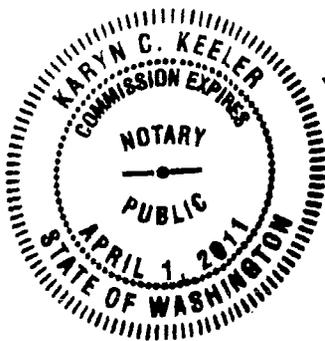
1 STATE OF WASHINGTON)
2) ss.
3 COUNTY OF KING)

4 I, TAMMY TRIPPLETT, being first duly sworn, upon oath
5 deposes and says that: I am the Petitioner above-named; I
6 have read the foregoing Answers to Interrogatories, know the
7 contents thereof, and believe the same to be true and correct
8 to the best of my knowledge.
9

10 Tammy Triplett

11 TAMMY TRIPPLETT, Petitioner
12
13
14

15 SUBSCRIBED & SWORN to before me this 9th day of
16 April, 2007.
17



20 Karyn C. Keeler

NOTARY PUBLIC in and for Washington.

My Commission Expires: 4-1-11

Karyn C. Keeler

Exhibit 3

4100

RENTON COLLECTIONS, INC.

MAILING ADDRESS
P.O. BOX 272
RENTON, WA 98057

PHYSICAL ADDRESS
211 MORRIS AVE SOUTH
RENTON, WA 98057

(425) 793-3172

OCT 05 2010

TAMMY TRIPLETT & STEPHANIE CASE
619 1ST AVE S #8
KENT WA 98032

MAIL PAYMENTS TO: P.O. BOX 272
RENTON, WA 98057

YOUR ACCOUNT# : 4352756

THIS IS AN ATTEMPT TO COLLECT A DEBT BY A DEBT COLLECTOR. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Please be advised that the balance(s) below are still outstanding and require your attention. Contact this office promptly to resolve this matter.

CLIENT NAME	PRINCIPAL BALANCE	INTEREST TOTAL TO DATE*	TOTAL BALANCE
KID KARE SCHOOLHOUSE INC	5806.16	571.75	6377.91

GRAND TOTAL(S) 5806.16 571.75 6377.91
 *INTEREST IS CALCULATED AT 12% PER ANNUM

PLEASE PAY: \$6377.91

AUB - 5001
PLEASE INCLUDE YOUR ACCOUNT NUMBER, 4352756, ON YOUR PAYMENT TO ENSURE PROPER CREDIT TO YOUR ACCOUNT.

KidKare Schoolhouse
 Accounting Balances for
 T. Triplett and S. Case

		October		May	
		Previous balance	2799.06	Previous balance	5273.11
		Charges	822.70	Charges (Shawn)	308.51
		Interest	36.22	Charges (Alisha)	411.35
		Total	3657.98	Interest	59.93
				Total	6052.90
		November		June	
		Previous balance	3657.98	Previous balance	6052.90
		Charges	822.70	Charges	411.35
		Payments	700.00	Interest	64.64
		Interest	37.81	Total	6528.89
		Total	3818.48		
		December		July	
		Previous balance	3818.48	Previous balance	6528.89
		Charges	822.70	Interest	65.29
		Interest	46.41	Total	6594.18
		Total	4687.59		
		January 2009		August	
		Previous balance	4687.59	Previous balance	6594.18
		Charges	822.70	Interest	65.94
		Interest	55.10	Total	6660.12
		Total	5565.39		
		February		September	
		Previous balance	5565.39	Previous balance	6660.12
		Charges	822.70	Payments	300.00
		Payments	2000.00	Interest	63.60
		Interest	43.88	Total	6423.72
		Total	4431.97		
		March		October	
		Previous balance	4431.97	Previous balance	6423.72
		Charges	822.70	Interest	64.24
		Payments	900.00	Total	6487.96
		Interest	43.54		
		Total	4398.21	November	
				Previous balance	6487.96
		April		Service call	75.00
		Previous balance	4398.21	Interest	64.13
		Charges	822.70	Total	6477.09
		Interest	52.20		
		Total	5273.11	December	
				Previous balance	6477.09
				Interest	64.77
				Total	6541.86
				Total Due	6541.86

2009 Balance 6541.86

January 2010

Previous balance 6541.86
Service call 660
Interest 58.82
Total 5940.68

February

Previous balance 5940.68
Interest 59.41
Total 6000.09

March

Previous balance 6000.09
Interest 60
Total 6060.09

April

Previous balance 6060.09
Interest 60.6
Total 6120.69

May

Previous balance 6120.69
Interest 61.21
Total 6181.9

June

Previous balance 6181.9
Interest 61.82
Total 6243.72

July

Previous balance 6243.72
Interest 62.44
Total 6306.16

Total Due \$ 6,306.16

Exhibit 4

RE: Question

From: **Stephanie Lynn** (mzstephanielynn@hotmail.com)

Date: Mon 4/19/10 1:35 PM

To: tripletttammy@hotmail.com

Okay,

Are you sure!

From: tripletttammy@hotmail.com
To: mzstephanielynn@hotmail.com
Subject: RE: Question
Date: Mon, 19 Apr 2010 12:55:29 -0700

No idea

From: mzstephanielynn@hotmail.com
To: tripletttammy@hotmail.com
Subject: Question
Date: Mon, 19 Apr 2010 11:17:36 -0700

A name has been brought to my attention.....

Melissa Standish

I am inquiring as to whom.

Please respond.

slc

Tammy Triplett - Shawn

From: "Tammy Triplett" <tripletttammy@hotmail.com>
To: <MzStephanielynn@aol.com>
Date: Tuesday, October 12, 2004 3:25:37 PM
Subject: Shawn

This email is to let you know I have scheduled a well child appt with Dr. McKeighen at Enumclaw Medical Center for Shawn on Monday afternoon at 3:30pm.

There are no problems. He is having an outbreak of acne that I want the Doctor to look at and with the onset of puberty he needs to begin the health screenings for Cholesterol which is an issue in my family. Are there any family health issues which need to be addressed from your side with regards to Shawn?

Please let me know if you have any concerns which should be addressed.

Thank you

 Tammy

Rock, jazz, country, soul & more. Find the music you love on MSN Music!

Tammy Triplett - Shawn's Check up

From: "Tammy Triplett" <tripletttammy@hotmail.com>
To: <MzStephanielynn@aol.com>
Date: Tuesday, October 19, 2004 12:14:19 PM
Subject: Shawn's Check up

Shawn's check up went well. Everything is progressing as it should. He got some antibiotic gel for his acne, and a speech from the doctor about drugs, alcohol and choosing friends who are friends for who you are. We will go on Saturday morning for the Colestoral test. Shawn is 55" tall and 101 lbs.

Have a good day.

 Tammy

Rock, jazz, country, soul & more. Find the music you love on MSN Music!

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IC Judge Bruce Heller

**Superior Court of Washington
County of King**

Stephanie L. Case,

Plaintiff,

vs.

Tammy J. Triplett,

Defendant.

No. 10-2-35077-2 KNT

Declaration of Defendant

I, Tammy J. Triplett, respond to the Plaintiff's Motion for Extension of Time and declare as follows:

There are no unresolved family law matters that affect whether or not the Plaintiff's Complaint states a claim upon which relief can be granted.

On Tuesday, October 19, 2010, a hearing was held before The Honorable Deborah Fleck in King County Superior Court Cause No. 99-3-00253-2 KNT. Two motions were presented:

1. Judge Fleck made an oral decision on my Motion to Adjust Child Support. Presentation of written orders based on Judge Fleck's oral rulings have been made without oral argument, and Judge Fleck is expected to issue her rulings later this week. The adjustment of child support is completely

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1 irrelevant to the issue of whether Plaintiff's Complaint states a claim upon
2 which relief can be granted.

3 2. Judge Fleck heard argument on the Plaintiff's Order to Show Cause re:
4 Contempt and my Counter-Motion to Strike/Clarify. Judge Fleck
5 determined that contempt had not occurred, ruled that our son, 16, would
6 not be required to have future contact with Plaintiff, and granted other relief.
7 Written orders were entered. Plaintiff has made a Motion to Reconsider
8 these orders, without oral argument. I have responded. Judge Fleck has
9 not made a ruling on the Motion for Reconsideration, but is expected to do
10 so later this week. The Plaintiff's underlying motions, and her Motion for
11 Reconsideration, do not raise legal issues that have any relevance to the
12 issue of whether Plaintiff's Complaint states a claim upon which relief can
13 be granted.

14 There are no other "unresolved family law matters that are before the court"
15 regarding the Plaintiff, our children, and me.

16 The Plaintiff's Complaint has caused my children and me to incur emotional
17 trauma, uncertainty, and legal expenses that deprive my children of the benefit of child
18 support. It is in our children's best interest to have the Plaintiff's frivolous and
19 unwarranted Complaint dismissed. It will be detrimental to our children's emotional
20 security and their enjoyment of the upcoming holiday season to continue my Motion to
21 Dismiss until mid-January, and will cause them irreparable harm.

22 Plaintiff's Motion for Extension of Time is noted in this action, assigned to Judge
23 Heller. Her Notice for Hearing is erroneously noted before Judge Heller in our dissolution
24 action, King County Superior Court Cause No. 99-3-00253-2 KNT, although Judge Fleck
25 is the judge assigned to it.

26
27 *Declaration of Defendant*
28 *Page 2 of 3*

1 The Plaintiff's Motion for Extension of Time should be denied because there is no
2 basis for it.

3 The Plaintiff's Complaint should be dismissed because it fails to state a claim upon
4 which relief can be granted by any court.

5 I delivered a copy of this Declaration and a copy of my proposed Order Denying
6 Plaintiff's Motion for Extension of Time to Stephanie Case at 619 - 1st Ave. S., #5, Kent,
7 WA 98032 on November 8, 2010.

8
9 CERTIFICATION

10 I hereby declare under penalty of perjury of the laws of the State of Washington
11 that the above statements are true and correct.

12 Dated at Seattle, WA on November 8, 2010.

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Tammy J. Triplett

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IC Judge Bruce Heller

**Superior Court of Washington
County of King**

Stephanie L. Case,

Plaintiff,

vs.

Tammy J. Triplett,

Defendant.

No. 10-2-35077-2 KNT

Motion to Dismiss for Failure to
State a Claim upon Which Relief
May be Granted

1. Relief requested

Defendant, Tammy J. Triplett, requests that the court dismiss with prejudice the Plaintiff's Complaint for Damages, Misrepresentation/Misrepresentation of Intention - Destruction of the Parent~Child relationship — Claim of Outrage & Intentional Interference - Intentional and/or Negligent infliction of Emotional Stress Pursuant to RCW Title 4 Civil Procedures [herein "Complaint"]. If this motion is opposed by Plaintiff, Defendant requests that the court enter CR 11 sanctions against the Plaintiff.

2. Facts

The Plaintiff's Complaint fails to state a cause of action for which relief from the court may be granted.

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3. Issue

Should the Plaintiff's Complaint be dismissed with prejudice because it fails to state a claim for which relief may be granted?

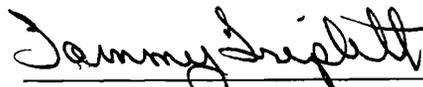
Should CR 11 sanctions be imposed against Plaintiff if this motion is opposed?

4. Evidence

The evidence supporting this motion is the Plaintiff's Complaint, a true and correct copy of which is attached hereto as Exhibit A.

I declare under penalty of perjury of the laws of the State of Washington that the statements in paragraphs 2 and 4 herein are true and correct.

Dated: October 19, 2010.



Tammy J. Triplett

5. Law

CR 12(b)(6), *Christensen v. Swedish Hospital*, 59 Wash.2d 545 at 548, 368 P.2d 897 (1962) and *McCurry v. Chevy Chase Bank, FSB*, 169 Wn.2d 96 at 100-103, 233 P.3d 861 (2010).

6. Proposed Order

A proposed Order accompanies this Motion.

Dated: October 19, 2010.



Tammy J. Triplett, Defendant

RECEIVED
2016 OCT -5 AM 9:58
KING COUNTY
SUPERIOR COURT CLERK
KENT, WA

**Superior Court of Washington
County of King**

In re:

Stephanie L. Case

Plaintiff,

and

Tammy J. Triplett

Defendant.

COMPLAINT FOR DAMAGES

10-2-35077-2 KNT
No.

Misrepresentation/Misrepresentation
of Intention - Destruction of the
Parent-Child relationship - Claim of
Outrage & Intentional Interference-
Intentional and/or Negligent infliction
of Emotional Stress

Pursuant to RCW Title 4
Civil Procedures

Comes now STEPHANIE CASE, Plaintiff in the above action, and files this Complaint seeking damages and relief, and further alleges as follows:

PARTIES

Plaintiff STEPHANIE CASE and Defendant TAMMY TRIPLETT were legally married 1995 and ending on or about Feb 2000 as defined by RCW Title 26. During said marriage produced two children 1994 and 1996, now ages 16 and 14 respectively.

Plaintiff STEPHANIE CASE, is informed and believes, and thereupon alleges, the DEFENDANT is responsible for the events and happenings herein set forth and proximately caused injury and damages to the Plaintiff as herein alleged.

VENUE AND JURISDICTION

Venue in this court is proper as the injuries to the Plaintiff occurred within the County of King and the DEFENDANT is subject to jurisdiction for the purposes of residence within the County of King.

Subject matter in this action is properly heard in this Court, as the action incorporates an amount in controversy as set forth in this complaint exceeds \$250,000.00.

At all times mentioned herein, Washington Civil Procedures Title 4 and Title 26 were in full force and effect, and were binding upon Defendant.

FACTS COMMON TO ALL CAUSES OF ACTION

Plaintiff STEPHANIE CASE and Defendant TAMMY TRIPLETT legally married 1995 and ended on or about Feb 2000; a marital dissolution, parenting plan and order of child support was signed and provided to the court by the Defendant.

Plaintiff STEPHANIE CASE, a parent, was at all relevant times from 2003, actually and/or perceived to be a transsexual woman. Plaintiff is informed and believes, and thereupon alleges, that her status as a transsexual was known, communicated to and/or perceived by the DEFENDANT and others herein.

Plaintiff was at all relevant times, within the course and scope, actually and/or perceived, to be the biological parent of the two minor children produced by said marriage and at all times relevant thereafter Feb 2000.

Defendant TAMMY TRIPLETT, parent of the two minor children produced by said marriage and at all times, was responsible for among other things, providing input, making, sharing and implementing one half of the parental circle.

DEFENDANT was at all relevant times, within the course and scope, actually and/or perceived, to be the biological parent of the two minor children produced by said marriage and at all times relevant thereafter Feb 2000.

Plaintiff STEPHANIE CASE acknowledges throughout and at all times significant to this Complaint; makes note of several prior litigations in family court 99-3-00253-2 KNT with the Defendant TAMMY TRIPLETT, including but not limited to Order(s) of Support, Parenting Plan and Dissolution.

Plaintiff believes and thereupon alleges the DEFENDANT will attempt to apply the doctrine of Res Judicata as a defense throughout this complaint.

Plaintiff is informed and believes, and thereupon alleges this complaint is a separate action against the DEFENDANT and is not barred from litigation.

Plaintiff is informed and believes, and thereupon alleges, statements presented in this complaint may contain similar words and phrases of prior litigations, however similarly construed would make this complaint incomplete without use of them. The Plaintiff will ask leave of the Court to amend this Complaint to correspond and conform to the evidence upon discovery prior to trial.

I.

FIRST CAUSE OF ACTION

Misrepresentation/Misrepresentation of Intention

Plaintiff incorporates by reference the allegations contained in the above paragraphs, and each and every part thereof with the same force and effect as though set out at length herein.

Plaintiff is informed and believes, and thereupon alleges the DEFENDANT'S admission, false promises; misrepresented statements; persistent refusal and consistent concealment, represents a Misrepresentation /Misrepresentation of Intention.

Plaintiff is informed and believes, and thereupon alleges, the conduct of DEFENDANT proximately caused the destruction, forced closure to and liquidation of Plaintiff's business and personal assets, eventual bankruptcy, loss of income, loss of property and other damages causing an extreme undo hardship on the Plaintiff to be proven at the time of trial.

Plaintiff is informed and believes, and thereupon alleges, at no fault of the plaintiff, the repercussion of the DEFENDANT'S actions, invited other entities, individuals, corporations and governments to cause harm, including but not limited to removal of funds, assets and property from Plaintiff's business and personal holdings.

Plaintiff is informed and believes, and thereupon alleges; the misrepresentation of the DEFENDANT has forced the Plaintiff to incur a second separately identifiable debt. This debt was unwarranted and uninvited; this debt is in addition to established court ordered shared expenses under a child support transfer order which was already paid by the Plaintiff. The Plaintiff contributed funds in addition to the child support transfer order via a labor exchange to keep from causing another extreme financial hardship on the Plaintiff and the Plaintiff's credit to be proven at the time of trial.

Plaintiff is informed and believes, and thereupon alleges, actions of the DEFENDANT'S misrepresentation and concealment was maliciously intended to keep any bill, ledger, debt, interest, fees or other amounts due from the plaintiff's knowledge to cause harm.

As a direct and proximate result of DEFENDANT'S unlawful conduct, Plaintiff has suffered special damages to be proven at time of trial.

As a direct and proximate result of DEFENDANT'S unlawful conduct, Plaintiff has suffered general damages including but not limited to shock, embarrassment, intimidation, physical distress and injury, humiliation, fear, stress and other damages to be proven at the time of trial.

Plaintiff is informed and believes, and thereupon alleges, that DEFENDANT committed the acts herein alleged maliciously and oppressively in conscious disregard for Plaintiff's rights. Plaintiff is entitled to recover damages in an amount according to proof.

Accordingly, Plaintiff seeks the reasonable fees incurred in this litigation in an amount according to proof at trial and other relief as requested in Plaintiff's prayer for relief below.

II.

SECOND CAUSE OF ACTION

Destruction of the Parent/Child relationship-Claim of Outrage & Intentional Interference

Plaintiff incorporates by reference the allegations contained in the above paragraphs, and each and every part thereof with the same force and effect as though set out at length herein.

Plaintiff is informed and believes, and thereupon alleges, the conduct of DEFENDANT proximately caused the destruction of the parent-child relationship, alienation of affection, loss of consortium, love and respect between the children and the Plaintiff. As a result of such conduct and consequent harm, Plaintiff suffered damages to be proven at trial.

Plaintiff is informed and believes, and thereupon alleges, the DEFENDANT has willfully allowed and equally encouraged the tendency to estrange the children from the Plaintiff, including but not limited to conflict for the purpose of alienation and likewise the defendant's actions in so doing in front of the children, conveys and equally illustrated the Plaintiff's authority as meaningless and insignificant.

Plaintiff is informed and believes, and thereupon alleges, the DEFENDANT impinged on the parent-child relationship by obstinately denying without authority or probable *raison d'être* by continually denying residential visitation as defined under an established Parenting Plan.

Plaintiff is informed and believes, and thereupon alleges the DEFENDANT was designated the custodial parent for all state and federal purposes and all information was provided to the defendant. The defendant systematically refused working together as parents with constant refusal to share and/or the concealment of all known relevant medical, educational and childcare information already accepted by and in possession of the defendant to cause harm; regardless of injunctions provided in a parenting plan.

Plaintiff is informed and believes, and thereupon alleges the DEFENDANT forced the Plaintiff to seek any and all information independently from such providers, formulating consistent delayed participation, ignored remedies, consistent exclusion and hindered all such involvement of the plaintiff's parental legal rights and parent-child relationship, including but not limited to preventable destruction of the child to parent relationship.

Plaintiff is informed and believes, and thereupon alleges the DEFENDANT has maintained this course of outrage and intentional interference; regardless of official direction the defendant continued conflicts designed for the purpose of alienation, in spite of the Plaintiff's repeated pleadings to discontinue: Plaintiff suffered severe emotional distress and undo hardship to be proven at trial.

Plaintiff is informed and believes, and thereupon alleges, the DEFENDANT has acted outrageously, with the intention to cause, or with reckless disregard of the probability of causing Plaintiff severe emotional distress. This conduct, which was unprivileged and unwanted by Plaintiff, actually and proximately caused Plaintiff severe emotional distress. The malicious and/or oppressive conduct by DEFENDANT was in reckless disregard of Plaintiff's rights and therefore warrants the imposition of damages.

III.

THIRD CAUSE OF ACTION

Intentional and/or Negligent Infliction of Emotional Distress

Plaintiff incorporates by reference the allegations contained in the above paragraphs, and each and every part thereof with the same force and effect as though set out at length herein.

Plaintiff is informed and believes, and thereupon alleges, the DEFENDANT had privileged knowledge to relevant medical information about the plaintiff, including but not limited to personal injury to understand, recognize, propagate and equally manipulate the Plaintiff's emotional state to induce severe emotional distress to be proven at trial.

Plaintiff is informed and believes, and thereupon alleges, the DEFENDANT has conveyed and communicated false statements that were fictitious, untrue and unsubstantiated in fact and/or foundation about the plaintiff to cause harm.

Plaintiff is informed and believes, and thereupon alleges the DEFENDANT'S intention was to convey a false impression, doubt, and distrust to further prejudice the views of others with regards to and/or about the Plaintiff to be proven at trial.

Plaintiff is informed and believes, and thereupon alleges, the DEFENDANT has acted outrageously, with the intention to cause, or with reckless disregard of the probability of causing Plaintiff severe emotional distress. This conduct, which was unprivileged and unwanted by Plaintiff, actually and proximately caused Plaintiff severe emotional distress.

DEFENDANT harmed Plaintiff because those actions caused her to suffer humiliation, injury to reputation, embarrassment, mental anguish, and emotional distress. The actions of DEFENDANT injured Plaintiff's mind and body. As a result of such unlawful conduct and consequent harm, Plaintiff suffered damages that will be proven at trial. The malicious and/or oppressive conduct by DEFENDANT was in reckless disregard of Plaintiff's rights and therefore warrants the imposition of damages.

WHEREFORE, Plaintiff prays for relief as set forth below.

WHEREFORE, Plaintiff, STEPHANIE CASE prays for judgments against the DEFENDANT, as follows:

FIRST CAUSE OF ACTION

- A. Special damages in a sum according to proof against DEFENDANT;
- B. General damages in a sum according to proof against DEFENDANT;
- C. For interest provided by law including, but not limited to, Washington Civil Procedures Title 4, against DEFENDANT;
- D. Costs of suit and for such other and further relief as the court deems proper against DEFENDANT;

SECOND CAUSE OF ACTION

- A. General damages in a sum according to proof against DEFENDANT;
- B. For interest provided by law including, but not limited to, Washington Civil Procedures Title 4, against DEFENDANT;
- C. Costs of suit and for such other and further relief as the court deems proper against DEFENDANT;

THIRD CAUSE OF ACTION

- A. General damages in a sum according to proof against DEFENDANT;
- B. For interest provided by law including, but not limited to, Washington Civil Procedures Title 4, against DEFENDANT;
- C. Costs of suit and for such other and further relief as the court deems proper against DEFENDANT;

DATED: Oct 5, 2010

By: Stephanie Case
Stephanie L. Case, Pro Se

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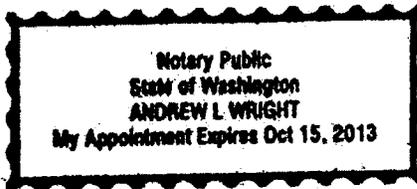
State of Washington)
) ss:
County of King)

I certify that I know or have satisfactory evidence that Stephanie Case is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 10-5, 2010



Notary Public for the State of Washington.



My Appointment expires

10-15-13

RECEIVED
2010 OCT -5 AM 9:58
KING COUNTY
SUPERIOR COURT CLERK
KENT, WA

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

STEPHANIE CASE

vs

TAMMY TRIPLETT

Plaintiff(s)

Defendant(s)

NO. 10-2-35077-2 KNT

Order Setting Civil Case Schedule (*ORSCS)

ASSIGNED JUDGE Heller 52

FILE DATE: 10/05/2010

TRIAL DATE: 03/26/2012

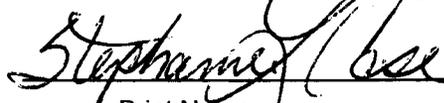
EARLY MEDIATION PILOT

A civil case has been filed in the King County Superior Court and will be managed by the Case Schedule on Page 3 as ordered by the King County Superior Court Presiding Judge.

I. NOTICES

NOTICE TO PLAINTIFF: The Plaintiff may serve a copy of this **Order Setting Case Schedule (Schedule)** on the Defendant(s) along with the **Summons and Complaint/Petition**. Otherwise, the Plaintiff shall serve the *Schedule* on the Defendant(s) within 10 days after the later of: (1) the filing of the **Summons and Complaint/Petition** or (2) service of the Defendant's first response to the **Complaint/Petition**, whether that response is a **Notice of Appearance**, a response, or a Civil Rule 12 (CR 12) motion. The *Schedule* may be served by regular mail, with proof of mailing to be filed promptly in the form required by Civil Rule 5 (CR 5).

"I understand that I am required to give a copy of these documents to all parties in this case."



Print Name

Sign Name

II. CASE SCHEDULE

CASE EVENT	DEADLINE or EVENT DATE	Filing Needed
Case Filed and Schedule Issued.	Tue 10/05/2010	*
DEADLINE to file Early Mediation Plan [See Pilot Procedures attached]	Wed 02/02/2011	*
Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing [See KCLMAR 2.1(a) and Notices on Page 2]. \$220 arbitration fee must be paid	Tue 03/15/2011	*
DEADLINE to file Confirmation of Joinder if not subject to Arbitration. [See KCLCR 4.2(a) and Notices on Page 2].	Tue 03/15/2011	*
DEADLINE for Hearing Motions to Change Case Assignment Area. [See KCLCR 82(e)]	Tue 03/29/2011	
DEADLINE for Completing Early Mediation [See Pilot Procedures attached]	Mon 10/10/2011	
DEADLINE for Disclosure of Possible Primary Witnesses [See KCLCR 26(b)].	Mon 10/24/2011	
DEADLINE for Disclosure of Possible Additional Witnesses [See KCLCR 26(b)].	Mon 12/05/2011	
DEADLINE for Jury Demand [See KCLCR 38(b)(2)].	Mon 12/19/2011	*
DEADLINE for Setting Motion for a Change in Trial Date [See KCLCR 40(d)(2)].	Mon 12/19/2011	*
DEADLINE for Discovery Cutoff [See KCLCR 37(g)].	Mon 02/06/2012	
DEADLINE for Exchange Witness & Exhibit Lists & Documentary Exhibits [See KCLCR 4(j)].	Mon 03/05/2012	
DEADLINE to file Joint Confirmation of Trial Readiness [See KCLCR 16]	Mon 03/05/2012	*
DEADLINE for Hearing Dispositive Pretrial Motions [See KCLCR 56; CR 56].	Mon 03/12/2012	
Joint Statement of Evidence [See KCLCR (4)(k)].	Mon 03/19/2012	*
DEADLINE for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law and Jury Instructions (Do not file Proposed Findings of Fact and Conclusions of Law with the Clerk)	Mon 03/19/2012	*
Trial Date [See KCLCR 40].	Mon 03/26/2012	

III. ORDER

Pursuant to King County Local Civil Rule 4 [KCLCR 4], IT IS ORDERED that the parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Civil Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for non-compliance. It is FURTHER ORDERED that the party filing this action **must** serve this *Order Setting Civil Case Schedule* and attachment on all other parties.

This case schedule is issued pursuant to General Administrative Order of the court, case # 10-2-12050-0 SEA signed on August 13, 2010, which establishes and regulates the Early Mediation Pilot Project, which impacts cases filed September 2010 through November 2010. Pursuant to the procedures adopted for the Pilot Project, the civil case schedule is modified to add a mediation plan due date and a completion date for mediation, as well as to delete the normal deadline for engaging in Alternative Dispute Resolution.

DATED: 10/05/2010



PRESIDING JUDGE

7:10 OCT -5 AM 9: 58

KING COUNTY
SUPERIOR COURT CLERK
KENT, WA

**Superior Court of Washington
County of King**

In re:
Stephanie L Case

Plaintiff,

and
Tammy J Tripplett

Defendant.

No. **10-2-35077-2 KNT**
Summons (20 days)

TO THE DEFENDANT: **Tammy J. Tripplett**

1. A lawsuit has been started against you in the above entitled court by **Stephanie L. Case**, plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons.
2. In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within 20 days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what is asks for because you have not responded. If you serve a notice of appearance on the undersigned person, you are entitled to notice before a default judgment may be entered.
3. You may demand that the other party file this action with the court. If you do so, the demand must be in writing and must be served upon the person signing this summons. Within 14 days after you serve the demand, the other party must file this action with the court, or the service of this summons and complaint will be void.
4. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time. Copies of these papers have not been served upon your attorney.

5. One method of serving your written response is to send them by certified mail with return receipt requested.

This summons is issued pursuant to rule 4 of the Superior Court Civil Rules of the State of Washington.

Dated: Oct 5, 2010

Stephanie L. Case

Signature of Plaintiff

Stephanie L. Case

File original of your answer and other documents with the clerk of the court at:

Serve a copy of your answer and other documents on:

Plaintiff

Regional Justice Center

401 Fourth Ave, N.

Clerks Office, Rm. 2C

Kent, WA 98032

Stephanie L. Case

619 - 1st Ave. S. Apt 8

Kent, WA 98032

VENUE AND JURISDICTION

Venue in this court is proper as the injuries to the Plaintiff occurred within the County of King and the DEFENDANT is subject to jurisdiction for the purposes of residence within the County of King.

Subject matter in this action is properly heard in this Court, as the action incorporates an amount in controversy as set forth in this complaint exceeds \$250,000.00.

At all times mentioned herein, Washington Civil Procedures Title 4 and Title 26 were in full force and effect, and were binding upon Defendant.

FACTS COMMON TO ALL CAUSES OF ACTION

Plaintiff STEPHANIE CASE and Defendant TAMMY TRIPLETT legally married 1995 and ended on or about Feb 2000; a marital dissolution, parenting plan and order of child support was signed and provided to the court by the Defendant.

Plaintiff STEPHANIE CASE, a parent, was at all relevant times from 2003, actually and/or perceived to be a transsexual woman. Plaintiff is informed and believes, and thereupon alleges, that her status as a transsexual was known, communicated to and/or perceived by the DEFENDANT and others herein.

Plaintiff was at all relevant times, within the course and scope, actually and/or perceived, to be the biological parent of the two minor children produced by said marriage and at all times relevant thereafter Feb 2000.

Defendant TAMMY TRIPLETT, parent of the two minor children produced by said marriage and at all times, was responsible for among other things, providing input, making, sharing and implementing one half of the parental circle.

DEFENDANT was at all relevant times, within the course and scope, actually and/or perceived, to be the biological parent of the two minor children produced by said marriage and at all times relevant thereafter Feb 2000.

Plaintiff STEPHANIE CASE acknowledges throughout and at all times significant to this Complaint; makes note of several prior litigations in family court 99-3-00253-2 KNT with the Defendant TAMMY TRIPLETT, including but not limited to Order(s) of Support, Parenting Plan and Dissolution.

Plaintiff believes and thereupon alleges the DEFENDANT will attempt to apply the doctrine of Res Judicata as a defense throughout this complaint.

Plaintiff is informed and believes, and thereupon alleges this complaint is a separate action against the DEFENDANT and is not barred from litigation.

Plaintiff is informed and believes, and thereupon alleges, statements presented in this complaint may contain similar words and phrases of prior litigations, however similarly construed would make this complaint incomplete without use of them. The Plaintiff will ask leave of the Court to amend this Complaint to correspond and conform to the evidence upon discovery prior to trial.

I.

FIRST CAUSE OF ACTION

Misrepresentation/Misrepresentation of Intention

Plaintiff incorporates by reference the allegations contained in the above paragraphs, and each and every part thereof with the same force and effect as though set out at length herein.

Plaintiff is informed and believes, and thereupon alleges the DEFENDANT'S admission, false promises; misrepresented statements; persistent refusal and consistent concealment, represents a Misrepresentation /Misrepresentation of Intention.

Plaintiff is informed and believes, and thereupon alleges, the conduct of DEFENDANT proximately caused the destruction, forced closure to and liquidation of Plaintiff's business and personal assets, eventual bankruptcy, loss of income, loss of property and other damages causing an extreme undo hardship on the Plaintiff to be proven at the time of trial.

Plaintiff is informed and believes, and thereupon alleges, at no fault of the plaintiff, the repercussion of the DEFENDANT'S actions, invited other entities, individuals, corporations and governments to cause harm, including but not limited to removal of funds, assets and property from Plaintiff's business and personal holdings.

Plaintiff is informed and believes, and thereupon alleges; the misrepresentation of the DEFENDANT has forced the Plaintiff to incur a second separately identifiable debt. This debt was unwarranted and uninvited; this debt is in addition to established court ordered shared expenses under a child support transfer order which was already paid by the Plaintiff. The Plaintiff contributed funds in addition to the child support transfer order via a labor exchange to keep from causing another extreme financial hardship on the Plaintiff and the Plaintiff's credit to be proven at the time of trial.

Plaintiff is informed and believes, and thereupon alleges, actions of the DEFENDANT'S misrepresentation and concealment was maliciously intended to keep any bill, ledger, debt, interest, fees or other amounts due from the plaintiff's knowledge to cause harm.

As a direct and proximate result of DEFENDANT'S unlawful conduct, Plaintiff has suffered special damages to be proven at time of trial.

As a direct and proximate result of DEFENDANT'S unlawful conduct, Plaintiff has suffered general damages including but not limited to shock, embarrassment, intimidation, physical distress and injury, humiliation, fear, stress and other damages to be proven at the time of trial.

Plaintiff is informed and believes, and thereupon alleges, that DEFENDANT committed the acts herein alleged maliciously and oppressively in conscious disregard for Plaintiff's rights. Plaintiff is entitled to recover damages in an amount according to proof.

Accordingly, Plaintiff seeks the reasonable fees incurred in this litigation in an amount according to proof at trial and other relief as requested in Plaintiff's prayer for relief below.

II.

SECOND CAUSE OF ACTION

Destruction of the Parent/Child relationship-Claim of Outrage & Intentional Interference

Plaintiff incorporates by reference the allegations contained in the above paragraphs, and each and every part thereof with the same force and effect as though set out at length herein.

Plaintiff is informed and believes, and thereupon alleges, the conduct of DEFENDANT proximately caused the destruction of the parent-child relationship, alienation of affection, loss of consortium, love and respect between the children and the Plaintiff. As a result of such conduct and consequent harm, Plaintiff suffered damages to be proven at trial.

Plaintiff is informed and believes, and thereupon alleges, the DEFENDANT has willfully allowed and equally encouraged the tendency to estrange the children from the Plaintiff, including but not limited to conflict for the purpose of alienation and likewise the defendant's actions in so doing in front of the children, conveys and equally illustrated the Plaintiff's authority as meaningless and insignificant.

Plaintiff is informed and believes, and thereupon alleges, the DEFENDANT impinged on the parent-child relationship by obstinately denying without authority or probable *raison d'être* by continually denying residential visitation as defined under an established Parenting Plan.

Plaintiff is informed and believes, and thereupon alleges the DEFENDANT was designated the custodial parent for all state and federal purposes and all information was provided to the defendant. The defendant systematically refused working together as parents with constant refusal to share and/or the concealment of all known relevant medical, educational and childcare information already accepted by and in possession of the defendant to cause harm; regardless of injunctions provided in a parenting plan.

Plaintiff is informed and believes, and thereupon alleges the DEFENDANT forced the Plaintiff to seek any and all information independently from such providers, formulating consistent delayed participation, ignored remedies, consistent exclusion and hindered all such involvement of the plaintiff's parental legal rights and parent-child relationship, including but not limited to preventable destruction of the child to parent relationship.

Plaintiff is informed and believes, and thereupon alleges the DEFENDANT has maintained this course of outrage and intentional interference; regardless of official direction the defendant continued conflicts designed for the purpose of alienation, in spite of the Plaintiff's repeated pleadings to discontinue. Plaintiff suffered severe emotional distress and undo hardship to be proven at trial.

Plaintiff is informed and believes, and thereupon alleges, the DEFENDANT has acted outrageously, with the intention to cause, or with reckless disregard of the probability of causing Plaintiff severe emotional distress. This conduct, which was unprivileged and unwanted by Plaintiff, actually and proximately caused Plaintiff severe emotional distress. The malicious and/or oppressive conduct by DEFENDANT was in reckless disregard of Plaintiff's rights and therefore warrants the imposition of damages.

III.

THIRD CAUSE OF ACTION

Intentional and/or Negligent Infliction of Emotional Distress

Plaintiff incorporates by reference the allegations contained in the above paragraphs, and each and every part thereof with the same force and effect as though set out at length herein.

Plaintiff is informed and believes, and thereupon alleges, the DEFENDANT had privileged knowledge to relevant medical information about the plaintiff, including but not limited to personal injury to understand, recognize, propagate and equally manipulate the Plaintiff's emotional state to induce severe emotional distress to be proven at trial.

Plaintiff is informed and believes, and thereupon alleges, the DEFENDANT has conveyed and communicated false statements that were fictitious, untrue and unsubstantiated in fact and/or foundation about the plaintiff to cause harm.

Plaintiff is informed and believes, and thereupon alleges the DEFENDANT'S intention was to convey a false impression, doubt, and distrust to further prejudice the views of others with regards to and/or about the Plaintiff to be proven at trial.

Plaintiff is informed and believes, and thereupon alleges, the DEFENDANT has acted outrageously, with the intention to cause, or with reckless disregard of the probability of causing Plaintiff severe emotional distress. This conduct, which was unprivileged and unwanted by Plaintiff, actually and proximately caused Plaintiff severe emotional distress.

DEFENDANT harmed Plaintiff because those actions caused her to suffer humiliation, injury to reputation, embarrassment, mental anguish, and emotional distress. The actions of DEFENDANT injured Plaintiff's mind and body. As a result of such unlawful conduct and consequent harm, Plaintiff suffered damages that will be proven at trial. The malicious and/or oppressive conduct by DEFENDANT was in reckless disregard of Plaintiff's rights and therefore warrants the imposition of damages.

WHEREFORE, Plaintiff prays for relief as set forth below.

WHEREFORE, Plaintiff, STEPHANIE CASE prays for judgments against the DEFENDANT, as follows:

FIRST CAUSE OF ACTION

- A. Special damages in a sum according to proof against DEFENDANT;
- B. General damages in a sum according to proof against DEFENDANT;
- C. For interest provided by law including, but not limited to, Washington Civil Procedures Title 4, against DEFENDANT;
- D. Costs of suit and for such other and further relief as the court deems proper against DEFENDANT;

SECOND CAUSE OF ACTION

- A. General damages in a sum according to proof against DEFENDANT;
- B. For interest provided by law including, but not limited to, Washington Civil Procedures Title 4, against DEFENDANT;
- C. Costs of suit and for such other and further relief as the court deems proper against DEFENDANT;

THIRD CAUSE OF ACTION

- A. General damages in a sum according to proof against DEFENDANT;
- B. For interest provided by law including, but not limited to, Washington Civil Procedures Title 4, against DEFENDANT;
- C. Costs of suit and for such other and further relief as the court deems proper against DEFENDANT;

DATED: Oct 5, 2010

By: Stephanie Case
Stephanie L. Case, Pro Se

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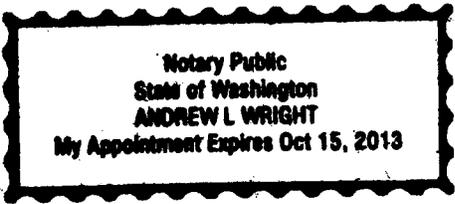
State of Washington)
) ss:
County of King)

I certify that I know or have satisfactory evidence that Stephanie Case is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 10-5, 2010



Notary Public for the State of Washington.



My Appointment expires

10-15-13