

73920-4

73920-4

NO. **73920-4-1**  
IN THE COURT OF APPEALS  
OF THE STATE OF WASHINGTON  
DIVISION I

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Mohamed Abdelkadir

Appellant

VS.

RECEIVED  
COURT OF APPEALS  
DIVISION ONE

JAN 6 - 2016

Shoreline School District

Respondent.

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APPEAL FROM KING COUNTY SUPERIOR COURT

Honorable Hollis R. Hill

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APPEAL BRIEF FOR APPELLANT

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600-University, Street  
Seattle, WA 98101  
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NO. 73920-4-1 APPEAL BRIEF FOR APPELLANT

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Mohamed Abdelkadir

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The Court of Appeals of the

State of Washington

Division 1 one Union Square

600-University Street

Seattle, WA 98101

CASE # 73920-4-1 APPEAL BRIEF FOR PETITIONER.

Mohamed Abdelkadir, Appellant V. Shoreline School District,

Respondent

Anne E. Senter Administrative Law Judge Default Judgment entered the  
ruling on November 7, 2014

Office Of Administrative hearing

600- University Street Suit 1500

Seattle, WA 98101

Judge Hollis R. Hill King County Superior Court Judge the ruling entered  
on August 7, 2015

APPEAL BRIEF FOR PETITIONER

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## I. LAW (STANDARD OF REVIEW)

The agency dismissed Petitioner's appeal without a hearing, entering a default judgment that resulted from excusable neglect. For this reason, the Court should exercise its discretion and remand this case to the agency for a hearing on the merits.

The APA authorizes an ALJ to enter a default judgment if a party fails to attend or participate in a hearing. RCW 34.04.440(2). The claimant may file a motion to vacate the default order. RCW 34.05.440(3). The decision to set aside a default judgment is discretionary. *Griggs v. Averbeck Realty, Inc.*, 92 Wash.2d 576, 582, 599 P.2d 1289 (1979); *Hwang v. McMahon*, 103 Wash.App. 945, 949, 15 P.3d 172 (2000), *review denied*, 144 Wash.2d 1011, 31 P.3d 1185 (2001). Petitioner filed a motion to vacate, but this motion was denied. Petitioner contends in this appeal that the ALJ and the Agency abused their discretion by denying the motion and entering a default judgment. Petitioner seeks a remand for so that the appeal may be decided on the merits.

Default judgments in Washington are disfavored. The Washington Supreme Court in *Griggs v. Averbeck Realty*, 92 Wn.2d 576, 582, 599 P.2d. 1289 (1979) had this to say about default judgments:

Default judgments are not favored in the law. *Ramada Inns, Inc. v. Lane & Bird Advertising, Inc.*, 102 Ariz. 127, 129, 426 P.2d 395 (1967); *BDM, Inc. v. Sageco, Inc.*, 57 Haw. 73, 76, 549 P.2d 1147 (1976). A default judgment has been described as one of the most drastic actions a court may take to punish disobedience to its commands. *Widicus v. Southwestern Elec. Coop., Inc.*, 26 Ill. App.2d 102, 109, 167 N.E.2d 799 (1960). The reason for this view is that "[i]t is the policy of the law that controversies be determined on the merits rather than by default." *Dlouhy v. Dlouhy*, 55 Wn.2d 718, 721, 349 P.2d 1073 (1960).

Balanced against that principle is the necessity of having a responsive and responsible system which mandates compliance with judicial summons, that is, a structured, orderly system not dependent upon the whims of those who participate therein, whether by choice or by the coercion of a summons and complaint.

A proceeding to vacate a default judgment is equitable in character and relief is to be afforded in accordance with equitable principles. *White v. Holm*, 73 Wn.2d 348, 351, 438 582\*582 P.2d 581 (1968). The trial court should exercise its authority "liberally, as well as equitably, to the end that substantial rights be preserved and justice between the parties be fairly and judiciously done." *White v. Holm, supra* at 351.

The fundamental guiding principle has been thus stated:

[T]he overriding reason should be whether or not justice is being done. Justice will not be done if hurried defaults are allowed any more than if continuing delays are permitted. But justice might, at times, require a default or a delay. What is just and proper must be determined by the facts of each case, not by a hard and fast rule applicable to all situations regardless of the outcome.

*Widicus v. Southwestern Elec. Coop., Inc., supra* at 109.

Several other elements are to be considered. The motion to vacate is addressed to the sound discretion of the trial court and this court, on appellate review, will not disturb the trial court's disposition unless it clearly appears that that discretion has been abused. Abuse of discretion is less likely to be found if the default judgment is set aside. *White v. Holm, supra* at 351-52. *Agricultural & Livestock Credit Corp. v. McKenzie*, 157 Wash. 597, 289 P. 527 (1930).

Relief from a judgment is governed by the above stated principles, but the grounds and procedures are set forth in CR 60. Under CR 60(b)(1) there must be excusable neglect in allowing the default to be taken. Here the trial court entered a specific finding of fact that there was excusable neglect on the part of petitioner. The decree in the petitioner's divorce affirmatively obligated her husband to defend existing litigation. Petitioner advanced money to pay a defense lawyer in this action. Petitioner had no knowledge of the actual trial date. She did not know that her former husband had not paid the requested retainer and that the defense attorney had withdrawn. She moved promptly to vacate the judgment and paid the \$1,027 imposed as terms. There was no abuse of discretion in finding excusable neglect.

Here, the agency entered a default judgment against Petitioner when Petitioner made an incorrect assumption about whether a preliminary hearing would remain scheduled. An incorrect assumption should constitute excusable neglect, especially when the record reveals that petitioner has repeatedly demonstrated commitment to the process. As the record indicates, Petitioner did not attend the prehearing conference on 9/22/2014 because he filed a timely objection to the order of 9/15/22.

(The Order that set the hearing for 9/22/14 had a 10-day window to file an objection.) He assumed the hearing was cancelled due to the objection, as there had been no ruling. Record, p. 1, 23. Therefore, it is perfectly reasonable for a person to believe that a hearing would be rescheduled if the hearing could be objected to, and the objection was made in a timely manner. Otherwise, what purpose would the objection to the hearing serve, especially if the hearing could be objected to *after* the scheduled date?

It must be an abuse of discretion to dismiss the appeal based on a pro-see litigant's good faith but erroneous assumption about the legal process. Petitioner is not an attorney. I am an immigrant who speaks English as a Second Language. Record at 11. As the 675-page record demonstrates, Petitioner has worked very hard to navigate the legal process himself. To dismiss the case on his good-faith mistake is a gross miscarriage of justice. Balancing the interests in this case, the District's prejudice in having its dispositive motion scheduled later is far outweighed by the family's prejudice in having the case dismissed without a hearing decision on the merits.

## II. FACTS:

The petitioner's reasons for believing that relief should be granted as follows:

Honorable Judge Anne E. Senter indicated on September 15, 2014 as follows, if no one Objection to this order is filed ten (10) days after its mailing, it shall control the subsequent Course of the proceeding unless modified for good cause by subsequent order

Cite EXHIBIT "A" OR EXHIBIT "B" dated September 15, 2014, page 2 #9 for more information.

The attorneys (Lance M. Andree and Parker A. Howell) for the Shoreline School

The District brought information about the appellant by down loading from the interment into this case that was not even relevant.

This complain related to the Discrimination issue against the child, discrimination issue against parents and the student

Abuse of a child Sexual Assault by Shoreline School District Employees, not unemployment

Claims.

PARENT'S OBJECTION TO THE ORDER, Dated September 15, 2014

PARENT’S OBJECTION TO THE ORDER, September 15, 2014,  
because Appellant had not received the recording of the per hearing  
conference held on August 25, 2014, Parent is requesting the following  
witness to observe the per hearing conference:

R. B, V. B, H. M, J. P, R. A and the following Motion to be rule by  
Honorable Judge Anne E. Senter.

1) Motion to Quash the Shoreline School District SUBPOENA DUCCS  
TECUM, the Motion

Had been filed in September 2013, the Honorable Judge Anne E. Senter  
put it a side with no

Ruling the Motion.

2) Privileged between Principle ( Doug Poage) and Amy Vujovich  
Director student service for

Shoreline School District, the Motion had been filed on January 14, 2014  
and reply brief had been filed on February 27, 2014

3) Parent is requesting information of Shoreline School District  
Employees Pursuant to Discovery; the Motion had been filed on August 1,  
2014

4) Farther more parents need to add to the complain. Cite EXHIBIT “A”  
order dated September 15, 2014, page 2 #9 for more Information.

5) PETITION TO VACATE ORDER OF DEFAULT AND DISMISSAL,  
ISSUED SEPTEMBER 23, 2014, PURSUANT TO RCW 34.05.440(3).

Cite EXHIBIT "B" for more information

The ALJ reversed ORDER OF DEFAULT AND DISMISSAL ISSUED

ON SEPTEMBER 23, 2014, Cite EXHIBIT "B" for more information

6) Parent's received the District briefing on October 6, 2014, **Cite Agency Record (AR) at page 30, line 24-25** for more information.

The order indicate the District response to the appellant's petition, it shall be filed by 5:00 pm on October 3, 2014, **Cite Agency Record (AR) at page 79** for more information.

On January 15, 2014 Mr. Andree attorney for Shoreline School filed with Court untruthful declaration, Cite **Agency Record (AR) at page 204-215** for more information.

The ALJ Failed MOTION to QUASH SUBPOENA, because Lance Andree attorney for shoreline School District Violate the Appellant's right delivering Subpoena at 11:36 pm (Night)

Cite Agency Record (AR) at page 363-368 for more information

On October 14, 2013 APPELLANT MOTION for CHANGING OFFICE, because the Administrative Law Judge misapplied the Law to the Facts in reaching my decision,

Cite Agency Record (AR) at page 411-426 for more information

### III. ARGUMENT

#### Assignments of Error

1. The trial court erred in finding that Petitioner did not comply with RCW 34.05.542(2) and (4). Petitioner timely mailed a copy of the Petition for Review to a subdivision or OSPI. The APA does not require personal service pursuant to RCW 34.04.542(4).
2. The Court erred in finding that Petitioner was required to serve OSPI. OSPI was not identified as a party to the hearing. If required, Delivery to the subdivision of OSPI should be sufficient because no address was provided by the Administrative Law Judge and is identified only as a “cc”.
3. The trial court erred because Petitioner’s appearance at the scheduling conference was not necessary to proceed—the Administrative law judge could have issued a scheduling order without the input of Appellant. The sanction of dismissal was too severe.
4. The trial court erred in finding that the ALJ’s order to dismiss the case was not arbitrary and capricious. The Petitioner

established excusable neglect because he made an honest mistake. The history of delays and continuances should not have been considered in dismissing the case, because those delays were all authorized by the tribunal and not the result of misconduct by the petitioner. The trial court should also not have considered the District's litigation costs as a factor in the decision to issue a default judgment.

PURSUANT RCW 34.05.70 (3)(c) The agency has failed to follow a prescribed procedure.

PURSUANT RCW 34.05.70 (3)(i) the order is arbitrary or capricious.

The APA authorizes an ALJ to enter a default judgment if a party fails to attend or participate in a hearing. RCW 34.04.440(2). The claimant may file a motion to vacate the default order. RCW 34.05.440(3). The decision to set aside a default judgment is discretionary. *Griggs v. Averbeck Realty, Inc.*, 92 Wash.2d 576, 582, 599 P.2d 1289 (1979); *Hwang v. McMahill*, 103 Wash.App. 945, 949, 15 P.3d 172 (2000), *review denied*, 144 Wash.2d 1011, 31 P.3d 1185 (2001). Petitioner filed a motion to vacate, but this motion was granted on September 29, 2014 and was denied on November 7, 2014. Petitioner contends in this appeal that the ALJ and the Agency abused their discretion by denying the motion and

APPEAL BRIEF FOR PETITIONER

entering a default judgment. Petitioner seeks a remand for so that the appeal may be decided on the merits.

Default judgments in Washington are disfavored. The Washington Supreme Court in *Griggs v. Averbek Realty*, 92 Wn.2d 576, 582, 599 P.2d. 1289 (1979) had this to say about default judgments:

Default judgments are not favored in the law. *Ramada Inns, Inc. v. Lane & Bird Advertising, Inc.*, 102 Ariz. 127, 129, 426 P.2d 395 (1967); *BDM, Inc. v. Sageco, Inc.*, 57 Haw. 73, 76, 549 P.2d 1147 (1976). A default judgment has been described as one of the most drastic actions a court may take to punish disobedience to its commands. *Widicus v. Southwestern Elec. Coop., Inc.*, 26 Ill. App.2d 102, 109, 167 N.E.2d 799 (1960). The reason for this view is that "[i]t is the policy of the law that controversies be determined on the merits rather than by default." *Dlouhy v. Dlouhy*, 55 Wn.2d 718, 721, 349 P.2d 1073 (1960).

Balanced against that principle is the necessity of having a responsive and responsible system which mandates compliance with judicial summons, that is, a structured, orderly system not dependent upon the whims of those who participate therein, whether by choice or by the coercion of a summons and complaint.

A proceeding to vacate a default judgment is equitable in character and relief is to be afforded in accordance with equitable principles. *White v. Holm*, 73 Wn.2d 348, 351, 438 582\*582 P.2d 581 (1968). The trial court should exercise its authority "liberally, as well as equitably, to the end that substantial rights be preserved and justice between the parties be fairly and judiciously done." *White v. Holm*, *supra* at 351.

The petitioner's reasons for believing that relief should be granted as follows:

Honorable Judge Anne E. Senter indicated on September 15, 2014 as follows, if no one Objection to this order is filed ten (10) days after it's mailing, it shall control the subsequent Course of the proceeding unless modified for good cause by subsequent order. Cite EXHIBIT "A" dated September 15, 2014, page 2 #9 for more information. Or Cite CP at 163-164 for more information.

Contrary to the District's assertions, Petitioner can demonstrate an irregular procedure by virtue of the 9/15/14 Order. While the District greatly relies upon the Administrative Law Judge's explanation of her order the hearing Petitioner did not attend, the court should not focus on her explanation: rather, the court should focus on the order itself.

The Order was inherently contradictory.

The 9/15 order set a pre-trial hearing for a week later, 9/22, with a 10-day period to appeal. The order allowed for Petitioner to have "one witness" on the phone; Petitioner objected because he wanted more witnesses. If the hearing were to go forward on that day, then the order would be non-sensical, because the objection would be rendered a nullity. However, once Petitioner timely appealed, he preserved his right to contest that order

and request more witnesses. Indeed, by the terms of the Order, “If no objection to this Order is filed within ten (10) days after its mailing, it shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.” By its terms, the objection to the order made the order itself not controlling, because a timely objection had been made. It follows that no default should result from an order that is, by its terms, not controlling. The Administrative Law Judge should never have made that order objectionable in the first place, as it simply became a trap for the unwary.

Once Petitioner timely filed a motion to vacate the Order, the Administrative Law Judge should have acknowledged this inherent confusion and withdrawn the default order upon Petitioner’s Motion. It was an abuse of discretion not to. Furthermore, Petitioner’s presence at the hearing was not necessarily required. The Order stated in bold that **“No witness testimony is necessary for this purpose and no witness testimony will be taken.”** Agency Record (AR) at 91. Because the purpose of the hearing was simply to enter a scheduling order, if “delay” or “staleness” was the concern, an order setting the briefing schedule could have been entered without Petitioner’s input. This would have been a reasonable and just outcome.

If the court were to rule that personal service was required, The Court should note that Petitioner was not advised of this need. See Order Denying Motion for Reconsideration, R. P. 8(Agency Records). Petitioner complied with the notice he was given that he may appeal the matter “by filing a petition for review in superior court of either Thurston County or county of the petitioner’s residence within thirty (30) calendar days of the date of mailing this decision.” A pro-se petitioner should have been advised of this requirement. No prejudice has been identified by the District.

The Department seeks to identify OSPI as a party. OSPI was not even identified as a party to the hearing. Rather, it was identified as a CC. See R p. 8(Agency Records).

It must be an abuse of discretion to dismiss the appeal based on a pro-see litigant’s good faith but erroneous assumption about the legal process. Justice requires that absent a showing of willful neglect, the case be decided on the merits.

The Court should not focus on the Administrative Judge Anne E. Senter Vacation rather; the Court should focus on the order.

**Cite Transcript page 6, line 21-25 for more information**

Plaintiff is filed objection to the order dated on September 15,

2014, before ten (10) Days as stated above, “Parents timely filed objection to the order”.

Parents faxed and mailed objection to the order on September 22, 2014 according Honorable Judge Anne E. Senter Order Dated September 15, 2014

Cite order dated September 15, 2014; page 2 #9 for more info.

Also Cite Agency re cords (AR) Page 91-93 for more information.

Appellant disagree with the Superior Court Judge Hollis R. Hill, in Seattle, Washington, because Petition for review filed timely

**Cite Transcript page 20,line 11-25 for more information.**

Employment Security Department (ESD) is not relevant to the child abuse by Shoreline School District Employees.

**Cite Transcript page 22, line 19-25 for more information.**

The Administrative Law Judge was denying the Motion reconsideration on November 7, 2014, that indicated the plaintiff filed the Petition for review timely to the Superior Court in Seattle, Washington on December 1, 2014, served the Shoreline School District and OSPI on December 1, 2014.

Cite Transcript page 35, line 24-25 and Cite Transcript page 36, line 21.

On February 2, 2015 Appellants had requested Continuance, Filed to

the Court and School District including the following Continuance letter

This letter confirms the Office of the Superintendent Public Instruction, Administrative Resource Services' receipt of a PETITION FOR REVJEW notice for Equal Education Appeal Cause "lo. 2014-EE-0004 dated January 12, 2015. Cite CP at 148 for more information.

On February 11, 2015 District's Brief In opposition to Appellant Motion for Continuance, the District ignored the above letter conformation letter. Cite CP at page 149 for more information

I believe that the Superior Court error in determining that the Administrative Law Judge Anne E. Snter finding of facts was supported by substantial evidence.

The Administrative Law Judge Anne E. Senter finding of fact were not supported by substantial evidence, because:

Plaintiff' is filed objection to the order dated on September 15, 2014, before ten

(10) Days as stated above, "Parents timely filed objection to the order".

Parents faxed and mailed objection to the order on September 22, 2014 according

Honorable Judge Anne E. Senter Order Dated September 15, 2014

Cite order dated September 15, 2014; page 2 #9 for more info.

Also Cite Agency re cords (AR) Page 91-93 for more information

Plaintiff filed Petition for Review timely (on December 1, 2014)

**Cite CP at 163-164 page 2 item #9 for more information.**

The Trial Court (Judge Hollis R. Hill) her ruling was an error, because –it was error to count from October 31, 2014, and ignore the November 7, 2014

Cite Agency re cords (AR) Page 6-8 for more information

Plaintiff is seeking Review by the Court of Appeal Agency re cords (AR) Page 89, --90, because the ALJ denied plaintiff witness to absorbed prehearing conference

Plaintiff is seeking Review by the Court of Appeal Agency re cords (AR) Page 625---626, Because On June 3, 2013, Kris Cappel (SEABOLDGROUP), an investigator for Shoreline School District, conducted her investigation, but it was not in good faith.

CITE THE FOLLOWING DOCUMENTS PLAINTIFF REPLY BRIEF DATED JULY 20, 2015 OR PETITIONER REPLY BRIEF (CLERK DOCKET OR CLERK PAPERS) DATED JULY 20, 2015 FOR MORE INFORMATION:

APPEAL BRIEF FOR PETITIONER

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Investigation Report was sent to Lance M. Andree on June 26, 2013, by Kris Cappel (SEABOLDGROUP), an investigator for Shoreline School District -- BEFORE it was sent to the parents. This indicates, and shows that the investigation was not independent. It was conducted with prejudice, against Mother and myself and against our child.

Also Mr. Andree did not enter an appearance in the complaint investigation. It does appear that Mr. Andree was involved in the investigation and that this also included members of his LAW FIRM, who were involved in investigation.

CITE R.(Agency Records) page 624-628 FOR MORE INFORMATION.

4) Susanne M. Walker, Superintendent for Shoreline School District, made her decision, not based on an independent investigation-- as stated above.

CITE R. page (Agency Records) 624-628 FOR MORE INFORMATION.

I, Appellant or I, Petitioner, sent my appeal to Susanne M. Walker, Secretary of BOARD of Trustees, on Friday, July 5, 2013 by CERTIFIED MAIL-, which included my Declaration, and my witness statements.

EXHIBIT 1-5 showed Appeal to the board director, by CERTIFIED MAIL RECORD, sent to the Shoreline School District delivery mail within ten days (10 days), which was appropriate and timely.

CITE R. page (Agency Records) 467-481 FOR MORE INFORMATION.

5) Lance M. Andree, attorney for Shoreline School District, on January 15, 2014, filed with the Administrative Law Judge: The Hon. Judge Anne Senter- a totally untruthful and inappropriate declaration-- by putting aside his notice of Appearance, dated on December 30, 2013.

SPECIAL EDUCATION

NOTICE OF APPEARANCE  
CAUSE NO. 2013-SE-0117  
Cite CP at 100-101 for more information

Mr. Andree was clearly contradicting him self.

I believe Mr. Andree was not telling the truth to the Court, and it can be perceived or understood that he is guilty of this, due to this very clear contradiction.

SPECIAL EDUCATION  
CAUSE NO. 2013-SF.-0117  
DECLARATION OF  
LANCE A. ANDREE  
Cite CP at 87-88 for more information

6) I brought the above statements to Judge Anne Senter's attention, but she ignored me, and my clear explanation of this clear contradiction. She was not fair in her administration of justice to my wife and me and to our child.

7) I believe Judge Anne Senter had a clear cut prejudice against me, and conducted

All of her proceedings with me in my case with this bias present

throughout my case before her-- even when she appeared, on a few rare occasions, to be trying to be fair. In those instances, she quickly returned to her prejudiced view, with regard to any of her conclusions and judgments.

Pursuant RCW 34.05.425 (3) parent's requested the Judge to recuse her self.

CITE R. page 322-325 FOR MORE INFORMATION.

8) Parents requested change an officer with good cause as indicated above and THE DECLARATION PROVIDED BY THE PARENT'S ATTORNEY (H. RICHMOUND FISHER) WITH GOOD REASONS AS FOLLOWS.

CITE R. page 412-426 FOR MORE INFORMATION.

9) Page 2 #9 Objection Order dated On September 15, 2014, Judge Anne E. Senetr violates her own order, *September 15, 2014*, in which She stated, that if any objection is filed within ten (10) days after the mailing Of the order dated September 15, 2014, that objection shall control the Subsequent course of the proceeding unless modified for good cause by subsequent Order, Cite order dated September 15, 2014, page 2 #9 for more information.

CITE EXHIBIT "B" FOR MORE INFORMATION, AR at 91-93

Parent Object to the Order Dated September 15, 2014, Cite AR at 88-90  
for more info.

Re: Date of Hearing Trial: Friday, August 7, 2015

Time – 9:00 AM

In the Superior King County in Seattle: CASE # 14-2-32203-8 SEA

On April 17, 2015, the Superior Court Judge Hollis R. Hill, in Seattle, Washington, ruled against me, the petitioner, Mohamed Abdelkadir, before receiving the Shoreline School District Motion, from their attorneys.

Cite CP at 215-216 for more information.

Or Cite Transcript page 6, line 18-25 for more information

On April 27, 2015 the Court indicated as follows:

There is no response of the School District in the Electronic Court Records. Cite CP at 234 For More Information.

**DECLARATION OF MOHAMED ABDELKADIR**

Cite CP at 220-221 for more information.

**APPELLANT'S Motion TO  
RECONSIDER AND VACATE THE  
ORDER AMENDING SCHEDULE  
AND AWARDING SANCTIONS  
CR59.**

Cite CP at 222-229 for more information.

**DECLARATION OF DOUGLAS**

APPEAL BRIEF FOR PETITIONER

**PRESTRUD, IN SUPPORT OF  
APPELLANT'S MOTION FOR  
RECONSIDERATION  
CR 59  
Cite CP at 230-233 for more information.**

**APPELLANT'S REPLY  
FOR RECONSIDERATION OF  
ORDER AMENDING SCHEDULE  
AND AWARDING SANCTIONS  
CR59  
Cite CP at 258-264 for more information.**

**DECLARATION OF Mohamed Abdelkadir  
Cite CP at 265-267 for more information**

On May 20, 2015 Judge Hollis R. Hill, the Superior Court Judge in Seattle, Case #. 14-2-32203-8 SEA, ruled against me, Mohamed Abdelkadir, the appellant. I had filed in a timely manner, and had served my Reply, but the Court had already ruled against me, without having yet seen my reply, and without having considered the contents of my reply at all. This is obviously not fair, and is a breach of my legal protection, i.e., to be heard, before the Judge makes any decision in my case.

Afterward the Court never mentioned its error, although it is hard to see how it could have failed to discover it when the bench copy of the Reply arrived or it glanced at the docket or its own file. This defect is apparent on the face of the docket (Plaintiff shall provide the evidence with clerk papers). Cite Exhibit "C" For More Info.

On August 7, 2015 during the hearing, Judge Hollis R. Hill expressed sympathy for the Shoreline School District, in as much as her statement stated as fact that the Shoreline School District is losing money. Also, her expression of sympathy toward the Shoreline School District, appeared or seemed-- at least to me-- to indicate a bias or prejudice against us, the parents-- that is, myself and my wife, Reya-- because the Court had already made it's ruling, or decision in our case, before even looking at, and considering the content that I had presented to the Court, and which I had filed in a timely and appropriate manner, as the rules required. Cite Transcript page 40, line 23-25 for more information.

I, Mohamed Abdelkadir, the petitioner, also argued before Judge Hill that one of the Shoreline School District's attorneys, Mr. Lance M. Andree, was untimely, that is, late, in filing his Notice of Appearance, but Judge Hollis R. Hill said that this fact was not part of the agency record, but this was not really true. The date of Mr. Andree's filing IS part of the agency record & IS also part of the case schedule, dated on December 1, 2014-- Note: The case schedule of the Superior King County in Seattle clearly stated the Notice of Appearance should be filed on or before December 29, 2015. This was not done by that date. Mr. Andree's Notice of Appearance was not filed with Court until December 30, 2014-- Namely,

his Notice of Appearance was filed late, or untimely, by one (1) day.

\*\*\* Throughout this entire case, Mr. Andree and the other attorneys for Shoreline have always insisted upon my being absolutely timely, and not ever even one day late. Thus the same criteria should have been applied to him.\*\*\*

Parker Howell, one of the other attorneys for the Shoreline School District, argued that I, Mohamed, the petitioner, served the Petition for Review to the Office of Superintendent of Instruction late, and in an untimely manner, to the Shoreline School District. This is not a justified accusation-- since his claim that I filed untimely was not true.

I, Mohamed Abdelkadir, the petitioner, filed the petition for review on December 1, 2014 with the Court, as required, and I served the Petition for Review on December 1, 2014-- by the Certified Mail-- to the Office Of Superintendent of Instruction, and to the Shoreline School District Superintendent, that is, to Ms. Susanne M. Walker. Also, I, Mohamed, on August 7, 2015, during the most recent Hearing trial-- provided the copy of the Tracking of Certified Mail (by UPS) to the Judge Hollis R. Hill and Mr. Howell, attorney for Shoreline School District.

This Tracking of Certified Mail indicates that I served it on December 1, 2014, and that it was properly received by the Office Of Superintendent of

Instruction on the next day, December 2, 2014, and likewise was received on December 2, 2014 by Shoreline School District Superintendent (Susanne M. Walker).

I, Mohamed Abdelkadir, the petitioner, during Hearing trial provided an official letter of evidence, from the Administrative Judge, Anne E. Senter, dated on November 7, 2014, in which this Administrative Judge's letter indicated that it was required to file within 30 days with the Court of Law (Superior Court in Seattle), from the date of November 7, 2014 the parent's case was dismissed, by Default without good cause, because the Administrative Judge, Anne Senter's Order gave a Window of Ten days for any parts, to Object to the Order.

The parents-- myself and my wife, Reya-- Objected to the Order in a timely manner on September 15th, 2014-- which we did by FAX (at 206-587-5135), to Judge Anne E. Senter.

Then in a message, also by FAX, on September 22, 2014, we sent it to (206-223-2003), to Lance M. Andree, Attorney for the Shoreline School District.

This second FAX, sent on September 22, 2014 was likewise timely, before the 10-day limit, for Objections, had run out-- which final date would have been September 25th, 2014.

Cite for the above statements AR AT Page 6-8 and AR At Page 91-93 for more information and Parent Objection to the Order Dated September 15, 2014, Cite AR at 88-90 for more information.

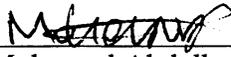
Plaintiff 's objects to the language of the draft prepared by Parker A Howell attorney for Shoreline School District in the following particulars:  
**Cite Exhibit "D" for more information**

IV. CONCLUSION:

Petitioner seeks a remand for so that the appeal may be decided on the merits.

Based upon the above facts and procedural analysis, the ruling of the administrative (ALJ) Anne E. Senter on November 7, 2014 should be reversed the decision for reasons.

On August 7, 2015, the Superior Court Judge Hollis R. Hill in Seattle, WA, should be reversed decision for reasons.

  
\_\_\_\_\_  
Mohamed Abdelkadir

On January 6, 2016

# EXHIBIT “A”

SEP 15 2014

STATE OF WASHINGTON  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

SEATTLE-OAH

IN THE MATTER OF

SHORELINE SCHOOL DISTRICT

EQUAL EDUCATIONAL OPPORTUNITY  
CAUSE NO. 2013-EE-0004**ORDER CONTINUING PREHEARING  
CONFERENCE**

A telephone prehearing conference was scheduled before Administrative Law Judge (ALJ) Anne Senter for September 11, 2014, pursuant to notice to the parties. The Appellant<sup>1</sup> verbally notified the Office of Administrative Hearings that he and the Student's Mother were not available to attend, that the Appellant's witnesses were not available to attend, and that he had not received the recording of the prehearing conference held on August 25, 2014, and wanted to receive and listen to that recording before attending another prehearing conference.

The Appellant is representing himself in the above-referenced matter. The Shoreline School District (District) is represented by Lance Andree and Parker Howell, attorneys at law.

**PRIOR ORDERS**

1. Prior orders remain in effect unless expressly modified or stricken herein.

**PREHEARING CONFERENCE**

2. The prehearing conference scheduled for September 11, 2014, is STRICKEN because the Appellant and the Student's Mother are not available.
3. **All future requests that a scheduled prehearing conference or other deadline be continued or stricken must be in writing. A prehearing conference or other deadline is not continued or stricken unless the Administrative Law Judge (ALJ) issues an order continuing or striking the conference or deadline. The fact of a request for continuance or a statement that a party is not available to attend or does not wish to attend for other reasons does not itself continue or strike a conference or other deadline.**
4. A prehearing conference will be held as follows:  
  
DATE: September 22, 2014  
TIME: 4:00 p.m.  
PLACE: Telephone conference call
5. The purpose of the prehearing conference is to set a briefing schedule for the motion for summary judgment and/or dismissal that the District wishes to file. **No witness testimony is necessary for this purpose and no witness testimony will be taken.**

<sup>1</sup> The names of appellants and students are not used to protect confidentiality.

6. **The Appellant may have one person on the line to observe the prehearing conference in addition to the Appellant and the Student's Mother.** A CD recording of the prehearing conference will be provided to the Appellant that can be used for any other individuals to observe the prehearing conference. See RCW 34.05.449(5).

7. To register your appearance, you must call Administrative Law Judge (ALJ) Anne Senter **no later than ten minutes** prior to the scheduled time at (800) 845-8830 or (206) 389-3400. The receptionist will take your phone number and the ALJ will return your call to initiate the conference.

**NOTICE OF POTENTIAL DEFAULT**

8. **A party who fails to appear at the hearing may be held in default in accordance with RCW 34.05.440 and .434. If the party failing to appear is the appellant, the matter may be dismissed without prejudice. If the party failing to appear is the non-appellant, the matter may proceed without that party.**

**OBJECTION TO ORDER**

9. If no objection to this Order is filed within ten (10) days after its mailing, it shall control the subsequent course of the proceeding unless modified for good cause by subsequent Order.

Dated in Seattle, Washington on September 15, 2014.



Anne Senter  
Administrative Law Judge  
Office of Administrative Hearings

**CERTIFICATE OF SERVICE**

I certify that I mailed a copy of this order to the within-named interested parties at their respective addresses postage prepaid on the date stated herein. *Law*

Appellant  
PO Box 25794  
Seattle, WA 98165

Sue Walker, Superintendent  
Shoreline School District  
18560 - 1<sup>st</sup> Avenue NE  
Shoreline, WA 98155-2148

Lance Andree, Attorney at Law  
Parker Howell, Attorney at Law  
Porter Foster Rorick LLP  
800 Two Union Square  
601 Union St  
Seattle, WA 98101

cc: Administrative Resource Services, OSPI  
Mathew D. Wacker, ALJ, OAH/OSPI Caseload Coordinator

# EXHIBIT “B”

SEP 15 2014

STATE OF WASHINGTON  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

SEATTLE-OAH

IN THE MATTER OF

EQUAL EDUCATIONAL OPPORTUNITY  
CAUSE NO. 2013-EE-0004

SHORELINE SCHOOL DISTRICT

ORDER CONTINUING PREHEARING  
CONFERENCE

A telephone prehearing conference was scheduled before Administrative Law Judge (ALJ) Anne Senter for September 11, 2014, pursuant to notice to the parties. The Appellant<sup>1</sup> verbally notified the Office of Administrative Hearings that he and the Student's Mother were not available to attend, that the Appellant's witnesses were not available to attend, and that he had not received the recording of the prehearing conference held on August 25, 2014, and wanted to receive and listen to that recording before attending another prehearing conference.

The Appellant is representing himself in the above-referenced matter. The Shoreline School District (District) is represented by Lance Andree and Parker Howell, attorneys at law.

PRIOR ORDERS

1. Prior orders remain in effect unless expressly modified or stricken herein.

PREHEARING CONFERENCE

2. The prehearing conference scheduled for September 11, 2014, is STRICKEN because the Appellant and the Student's Mother are not available.

3. **All future requests that a scheduled prehearing conference or other deadline be continued or stricken must be in writing. A prehearing conference or other deadline is not continued or stricken unless the Administrative Law Judge (ALJ) issues an order continuing or striking the conference or deadline. The fact of a request for continuance or a statement that a party is not available to attend or does not wish to attend for other reasons does not itself continue or strike a conference or other deadline.**

4. A prehearing conference will be held as follows:

**DATE:** September 22, 2014

**TIME:** 4:00 p.m.

**PLACE:** Telephone conference call

5. The purpose of the prehearing conference is to set a briefing schedule for the motion for summary judgment and/or dismissal that the District wishes to file. **No witness testimony is necessary for this purpose and no witness testimony will be taken.**

<sup>1</sup> The names of appellants and students are not used to protect confidentiality.

6. The Appellant may have one person on the line to observe the prehearing conference in addition to the Appellant and the Student's Mother. A CD recording of the prehearing conference will be provided to the Appellant that can be used for any other individuals to observe the prehearing conference. See RCW 34.05.449(5).

7. To register your appearance, you must call Administrative Law Judge (ALJ) Anne Senter no later than ten minutes prior to the scheduled time at (800) 845-8830 or (206) 389-3400. The receptionist will take your phone number and the ALJ will return your call to initiate the conference.

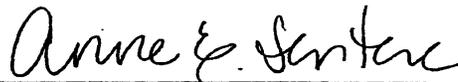
#### NOTICE OF POTENTIAL DEFAULT

8. A party who fails to appear at the hearing may be held in default in accordance with RCW 34.05.440 and .434. If the party failing to appear is the appellant, the matter may be dismissed without prejudice. If the party failing to appear is the non-appellant, the matter may proceed without that party.

#### OBJECTION TO ORDER

9. If no objection to this Order is filed within ten (10) days after its mailing, it shall control the subsequent course of the proceeding unless modified for good cause by subsequent Order.

Dated in Seattle, Washington on September 15, 2014.



Anne Senter  
Administrative Law Judge  
Office of Administrative Hearings

#### CERTIFICATE OF SERVICE

I certify that I mailed a copy of this order to the within-named interested parties at their respective addresses postage prepaid on the date stated herein. 

Appellant  
PO Box 25794  
Seattle, WA 98165

Sue Walker, Superintendent  
Shoreline School District  
18560 - 1<sup>st</sup> Avenue NE  
Shoreline, WA 98155-2148

Lance Andree, Attorney at Law  
Parker Howell, Attorney at Law  
Porter Foster Rorick LLP  
800 Two Union Square  
601 Union St  
Seattle, WA 98101

cc: Administrative Resource Services, OSPI  
Mathew D. Wacker, ALJ, OAH/OSPI Caseload Coordinator

**MAILED**

**SEP 30 2014**

STATE OF WASHINGTON  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

**SEATTLE-OAH**

IN THE MATTER OF:

SHORELINE SCHOOL DISTRICT

EQUAL EDUCATIONAL OPPORTUNITY  
CAUSE NO. 2013-EE-0004

**ORDER SETTING BRIEFING SCHEDULE  
ON APPELLANT'S PETITION TO  
VACATE**

On September 29, 2014, the Appellant filed a "Petition to Vacate Order of Default and Dismissal, Issued September 23, 2014, pursuant to RCW 34.05.440(3)."

Based upon a review of the facts, good cause is found to exist to enter the following Order:

PRIOR ORDERS

1. All prior orders in the above matter remain in effect unless expressly modified or rescinded herein.

BRIEFING SCHEDULE

2. If the District wishes to file a response to the Appellant's petition, it shall be filed by 5:00 p.m. on **October 3, 2014**.

3. If the Appellant wishes to file a reply to the District's response, it shall be filed by 5:00 p.m. on **October 8, 2014**.

4. **If either party requires additional time to file its response or reply, it must submit a written request for continuance before the due date, stating the reason for the request. The due dates above are not extended unless and until the Administrative Law Judge (ALJ) grants the request for continuance. The fact of a request for continuance or of an objection to this order does not itself continue the due date or excuse a party from responding or replying by the due date.**

OBJECTION TO ORDER

5. The parties shall have **ten (10) calendar days from the mailing date** of this Order to file any written objection to the Order. If no written objection is filed within that period, this Order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order. WAC 10-08-130(3).

Signed in Seattle, Washington, on September 30, 2014.



Anne Senter  
Administrative Law Judge  
Office of Administrative Hearings

CERTIFICATE OF SERVICE

I certify that I mailed a copy of this order to the within-named interested parties at their respective addresses postage prepaid on the date stated herein. *as*

Appellant  
PO Box 25794  
Seattle, WA 98165

Sue Walker, Superintendent  
Shoreline School District  
18560 - 1<sup>st</sup> Avenue NE  
Shoreline, WA 98155-2148

Lance Andree, Attorney at Law  
Parker Howell, Attorney at Law  
Porter Foster Rorick LLP  
800 Two Union Square  
601 Union St  
Seattle, WA 98101

cc: Administrative Resource Services, OSPI  
Matthew D. Wacker, Senior ALJ, OAH/OSPI Caseload Coordinator

# EXHIBIT “C”

CASE#: 14-2-32203-8 SEA JUDGMENT# NO JUDGE ID: 22  
 TITLE: ABDELKADIR VS SHORELINE SCHOOL DIST  
 FILED: 12/01/2014  
 CAUSE: ALR ADMINISTRATIVE LAW REVIEW DV:

RESOLUTION: CDAT DATE: 08/07/2015 COURT DECISION AFTER TRIAL  
 COMPLETION: JODF DATE: 08/18/2015 JUDGMENT/ORDER/DECREE FILED  
 CASE STATUS: APP DATE: 09/01/2015 ON APPEAL  
 ARCHIVED:  
 CONSOLIDT:  
 NOTE1:  
 NOTE2:

----- PARTIES -----

CONN.	LAST NAME, FIRST MI TITLE	LITIGANTS	DATE
PET01	ABDELKADIR, MOHAMED		
RSP01	SHORELINE SCHOOL DIST		
ATP01	ABDELKADIR, MOHAMED		
STREET1	PO BOX 25794		
CITY/ST	SEATTLE	WA	
ZIP	98165		
ATR01	ANDREE, LANCE M		
BAR#	32078		
ATR02	HOWELL, PARKER A		
BAR#	45237		

----- APPEARANCE DOCKET -----

SUB#	DATE	CODE/ CONN	DESCRIPTION/NAME	SECONDARY
1	12/01/2014	PTJDR	PETITION FOR JUDICIAL REVIEW	
2	12/01/2014	*ORSCS	SET CASE SCHEDULE	06-29-2015ST
		JDG22	JUDGE HOLLIS R. HILL, DEPT 22	
3	12/01/2014	CICS	CASE INFORMATION COVER SHEET	
		LOCS	ORIGINAL LOCATION - SEATTLE	
4	12/30/2014	NTAPR	NOTICE OF APPEARANCE /RSP	
4A	01/27/2015	LTR	LETTER /SUPR OF PUBLIC INSTRUCTION	
5	02/11/2015	BR	BRIEF /RSP	
6	02/23/2015	\$JDR12	JURY DEMAND RECEIVED - TWELVE	250.00
7	02/23/2015	MTC	MOTION TO CONTINUE /PET	
8	02/26/2015	RSP	RESPONSE /APPELLANT	
9	02/27/2015	CRABR	CERTIFIED APPEAL BOARD RECORD CONVERTED TO FILE EXHIBIT	
10	03/04/2015	NT	NOTICE /CONVERT TO EXHIBIT #9	
11	03/09/2015	RQ	REQUEST TO AMEND CASE SCHED /PET	
12	04/06/2015	NTMTDK	NOTE FOR MOTION DOCKET	04-17-20151T
		ACTION	CHANGE OF TRIAL DT/CASE SCHED/TERMS	
13	04/09/2015	NTHG	NOTICE OF HEARING /SANCTIONS	04-17-2015
14	04/20/2015	ORACS	ORDER AMENDING CASE SCHEDULE	08-07-2015ST
15	04/27/2015	AFSR	AFFIDAVIT/DCLR/CERT OF SERVICE	
16	04/27/2015	MTRC	MOTION FOR RECONSIDERATION /APPELLA	
17	04/27/2015	DCLR	DECLARATION OF DOUGLAS PRESTRUD	

## -----APPEARANCE DOCKET-----

SUB#	DATE	CODE/ CONN	DESCRIPTION/NAME	SECONDARY
18	05/05/2015	OR	ORDER ON MOTION FOR RECONSIDERATION	
19	05/13/2015	RSP	RESPONSE /RSP	
20	05/13/2015	DCLR	DECLARATION/LANCE ANDREE	
21	05/13/2015	DCLR	DECLARATION/CYNTHIA NELSON	
22	05/13/2015	AFSR	AFFIDAVIT/DCLR/CERT OF SERVICE	
23	05/20/2015	OR	<del>ORDER GRANTING ATT FEES &amp; COMPEL TO</del> PROVIDE ADDRESS/DENY RECONSIDERATN	
24	05/20/2015	RPY	REPLY /APPELLANT	
25	05/28/2015	NTHG	NOTICE OF HEARING /JURY DEMAND	06-10-2015
26	05/29/2015	AFSR	AFFIDAVIT/DCLR/CERT OF SERVICE	
27	06/09/2015	NTMDLF	NOTE FOR MOTION DOCKET-LATE FILING	06-10-2015
28	06/09/2015	RSP	RESPONSE/APPELLANT	
29	06/09/2015	AFSR	AFFIDAVIT/DCLR/CERT OF SERVICE	
30	06/10/2015	ORDYMT	ORDER DENYING MTN FOR JURY DEMAND /AMENDED	
31	06/15/2015	TRBF	TRIAL BRIEF PETITIONER	
32	07/06/2015	BR	BRIEF /RESP	
33	07/07/2015	AT	ATTACHMENT /EXHIBIT A TO DCLR	
34	07/13/2015	DCLR	DECLARATION OF MOHAMED ABDELKADIR	
35	07/20/2015	RPY	REPLY/PET	
36	08/07/2015	NJTRIAL JDG22	NON-JURY TRIAL JUDGE HOLLIS R. HILL, DEPT 22	
-	08/07/2015	AUDIO	AUDIO LOG DR W 941	
37	08/07/2015	APPS	APPEARANCE PRO SE /M ABDELKADIR	
38	08/07/2015	AFSR	AFFIDAVIT/DCLR/CERT OF SERVICE	
39	08/07/2015	MT	MOTION /PET	
40	08/07/2015	OR	ORD REFUND JURY DEMAND FILING FEE	
41	08/14/2015	RSP	RESPONSE /RSP	
42	08/18/2015	JD	JUDGMENT	
43	08/18/2015	OR	ORDER ON ADMINISTRATIVE APPEAL /AFFIRMED & DISMISSED W/PREJUDICE	
44	09/01/2015	NACA	NOTICE OF APPEAL TO COURT OF APPEAL	
45	09/01/2015	\$AFF	APPELLATE FILING FEE	290.00
46	09/02/2015	ORMRC	ORDER ON MTN FOR RECONSIDERATION /DENIED AND VACATING 5/20 ORDER	

=====END=====

# EXHIBIT “D”

**August 17, 2015**

**Mohamed Abdelkadir  
PO Box 25794, Seattle, WA 98165  
(206) (206) 778-198**

**Assigned Judge. The. Hon. Hollis R. Hill**

**Parker A. Howell Attorney for Shoreline School District  
601-Union Street Suite 800  
Seattle, WA 98101  
Fax (206) 223-2003**

**Re: King County Case No.14-232203-8 SEA  
Propose Order on Administrative Appeal**

**Dear Mr. Howell**

**Appellant's Objection to Draft of August 7, 2015 order.**

**Appellant objects to the language of the draft prepared by Parker A. Howell Attorney for Shoreline School District in the following particulars:**

- 1. Section 9 of September 15, 2014 should have been included.**

**Parent's filed objection to the order dated on September 15, 2014, before ten (10) Days "Parents timely filed objection to the order".**

**Honorable Judge Anne E. Senter indicated on September 15, 2014 as follows, if no one objection to this order is filed ten (10) days after it's mailing, it shall control the subsequent course of the proceeding unless modified for good cause by subsequent order, Cite order dated September 15, 2014 ,page 2 #9 for more Information. Also appellant's response to the Order by Fax and sent by Certified mail to the Administrative Judge Anne E. Senter and to the Shoreline School District Attorney Lance M. Andree on September 22, 2014**

**"REASONS" PARENT'S OBJECTION TO THE ORDER, Dated September 15,2014  
AS FLLOWS:**

**August 17, 2015**

**had not received the recording of the per hearing conference held on August 25, 2014,**

**Parent is requesting the following witness to observe the per hearing conference:**

**Richard Batterson , Virginia Batterson, Hodan Mohamed, Joann Pitera, Reya Arey and the following Motion to be rule by Honorable Judge Anne E. Senter.**

**a) Motion to Quash the Shoreline School District SUBPOENA DUCCS TECUM, the Motion had been filed in September 2013, the Honorable Judge Anne E. Senter put it a side with no ruling the Motion.**

**b) Privileged between Principle (Doug Poage) and Amy Vujovich Director student service for Shoreline School District, the Motion had been filed on January 14, 2014 and reply brief had been filed on February 27, 2014**

**c) Parent is requesting information of Shoreline School District Employees Pursuant to Discovery; the Motion had been filed on August 1, 2014**

**c) Farther more parents need to add to the complain.**

**2. The order of November 7, 2014 should have been used, - it was error to count only from the October 31, 2014, and ignore the November 7, 2014.**

**For the above statements CITE ANGEC Y RECORDS FOR MORE INFORMATION.**

**3. Attorney fees respondents answer to the petition said they would NOT request Attorney fees.**

**4. Furthermore the ALJ Denying Petition to Vacate (to Correct or to Cancel was arbitrary and caption).**

**5. It was illegal for the Court and the District Attorney's and inappropriate to accuse or to blame the Petitioner in his legal rights to protect his child from abuse (by the School District employees).**

**August 17, 2015**

**Very Truly**

  
\_\_\_\_\_ On August 17, 2015

**Mohamed Abdelkadir**

**PO Box 25794, Seattle, WA 98165**

**(206) 778- 1983**

SEP 15 2014

STATE OF WASHINGTON  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

**SEATTLE-OAH**

IN THE MATTER OF

EQUAL EDUCATIONAL OPPORTUNITY  
CAUSE NO. 2013-EE-0004

SHORELINE SCHOOL DISTRICT

**ORDER CONTINUING PREHEARING  
CONFERENCE**

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The Appellant is representing himself in the above-referenced matter. The Shoreline School District (District) is represented by Lance Andree and Parker Howell, attorneys at law.

PRIOR ORDERS

1. Prior orders remain in effect unless expressly modified or stricken herein.

PREHEARING CONFERENCE

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3. **All future requests that a scheduled prehearing conference or other deadline be continued or stricken must be in writing. A prehearing conference or other deadline is not continued or stricken unless the Administrative Law Judge (ALJ) issues an order continuing or striking the conference or deadline. The fact of a request for continuance or a statement that a party is not available to attend or does not wish to attend for other reasons does not itself continue or strike a conference or other deadline.**

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DATE: September 22, 2014

TIME: 4:00 p.m.

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<sup>1</sup> The names of appellants and students are not used to protect confidentiality.

6. The Appellant may have one person on the line to observe the prehearing conference in addition to the Appellant and the Student's Mother. A CD recording of the prehearing conference will be provided to the Appellant that can be used for any other individuals to observe the prehearing conference. See RCW 34.05.449(5).

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**OBJECTION TO ORDER**

9. If no objection to this Order is filed within ten (10) days after its mailing, it shall control the subsequent course of the proceeding unless modified for good cause by subsequent Order.

Dated in Seattle, Washington on September 15, 2014.



Anne Senter  
Administrative Law Judge  
Office of Administrative Hearings

**CERTIFICATE OF SERVICE**

I certify that I mailed a copy of this order to the within-named interested parties at their respective addresses postage prepaid on the date stated herein. *W*

Appellant  
~~PO Box 25794~~  
Seattle, WA 98165

Sue Walker, Superintendent  
~~Shoreline School District~~  
18560 - 1<sup>st</sup> Avenue NE  
Shoreline, WA 98155-2148

Lance Andree, Attorney at Law  
Parker Howell, Attorney at Law  
Porter Foster Rorick LLP  
800 Two Union Square  
601 Union St  
Seattle, WA 98101

cc: Administrative Resource Services, OSPI  
Mathew D. Wacker, ALJ, OAH/OSPI Caseload Coordinator

**MAILED**

**NOV 07 2014**

**STATE OF WASHINGTON  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

**SEATTLE-OAH**

**IN THE MATTER OF  
  
SHORELINE SCHOOL DISTRICT**

**EQUAL EDUCATIONAL  
OPPORTUNITY  
CAUSE NO. 2013-EE-0004**

**ORDER DENYING MOTION FOR  
RECONSIDERATION**

Administrative Law Judge (ALJ) Anne Senter received a Motion for Reconsideration from the Appellant<sup>1</sup> on November 7, 2014.

The ALJ considered all of the issues now raised by the Appellant in the Motion for Reconsideration when she issued the Order Denying Petition to Vacate. Having reviewed the pleadings and documents on file and being fully advised in the matter and having determined that the Motion does not establish good cause for reconsideration;

**IT IS HEREBY ORDERED** that the Appellant's Motion for Reconsideration is DENIED.

**DATED** at Seattle, Washington on November 7, 2014.



Anne Senter  
Administrative Law Judge  
Office of Administrative Hearings.

**RIGHT TO BRING A CIVIL ACTION**

Pursuant to RCW 34.05.510 through 34.05.598, this matter may be further appealed to a court of law by filing a petition for review in superior court of either Thurston County or county of the petitioner's residence within thirty (30) calendar days of the date of mailing this decision.

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

<sup>1</sup> To ensure confidentiality, names of parents and students are not used.

CERTIFICATE OF SERVICE

I certify that I mailed a copy of this order to the within-named interested parties at their respective addresses postage prepaid on the date stated herein. 

Appellant  
PO Box 25794  
Seattle, WA 98165

Rebecca Miner, Superintendent  
Shoreline School District  
18560 - 1<sup>st</sup> Avenue NE  
Shoreline, WA 98155-2148

Lance Andree, Attorney at Law  
Parker Howell, Attorney at Law  
Porter Foster Rorick LLP  
800 Two Union Square  
601 Union St  
Seattle, WA 98101

cc: Administrative Resource Services, OSPI  
Matthew D. Wacker, Senior ALJ, OAH/OSPI Caseload Coordinator

English

Customer Service

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# USPS Tracking™



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Have questions? We're here to help.

Tracking Number: 701115000198826221

On Time  
Expected Delivery Day: Tuesday, December 2, 2014

## Product & Tracking Information

Postal Product:  
Priority Mail 1-Day™

Features:  
Certified Mail™

Up to \$50 insurance included  
Restrictions Apply

DATE & TIME	STATUS OF ITEM	LOCATION
December 2, 2014, 8:39 am	Delivered	SEATTLE, WA 98155

Your item was delivered at 8:39 am on December 2, 2014 in SEATTLE, WA 98155.

December 2, 2014, 7:56 am	Out for Delivery	SEATTLE, WA 98155
December 2, 2014, 7:46 am	Sorting Complete	SEATTLE, WA 98155
December 2, 2014, 6:18 am	Arrived at Unit	SEATTLE, WA 98155
December 1, 2014, 9:36 pm	Departed USPS Origin Facility	FEDERAL WAY, WA 98003
December 1, 2014, 9:15 pm	Arrived at USPS Origin Facility	FEDERAL WAY, WA 98003
December 1, 2014, 6:49 pm	Departed Post Office	SEATTLE, WA 98103
December 1, 2014, 6:14 pm	Acceptance	SEATTLE, WA 98103

## Available Actions

Text Updates

Email Updates

Return Receipt After Mailing

## Track Another Package

Tracking (or receipt) number

Track It

### HELPFUL LINKS

Contact Us  
Site Index  
FAQs

**II. CASE SCHEDULE**

√	CASE EVENTS	DATE
	Notice of Appeal/Petition for Review Filed and Schedule Issued.	12/1/2014
	Filing of Notice of Appearance (if applicable).	12/29/2014
√	Filing of Administrative Agency Record.	2/2/2015
√	Filing of Jury Demand (if applicable).	2/23/2015
√	Filing of Petitioner's Trial Brief.	5/11/2015
√	Filing of Respondent's Trial Brief.	6/1/2015
√	<b>DEADLINE to file Joint Confirmation of Trial Readiness – FOR JURY TRIALS ONLY [See KCLCR 16(a)(2)].</b>	6/8/2015
√	Filing of Petitioner's Reply Brief.	6/15/2015
	Review Hearing or Trial Date (See KCLCR 40).	6/29/2015

The √ indicates a document that must be filed with the Superior Court Clerk's Office by the date shown.

**III. ORDER**

Pursuant to King County Local Rule 4 (KCLCR 4), it is ORDERED that all parties involved in this action shall comply with the schedule listed above and that failure to meet these event dates will result in the dismissal of the appeal. It is FURTHER ORDERED that the party filing this action must serve this *Order Setting Administrative Appeal Case Schedule* and attachment on all other parties.

*Amelia Crayford*

DATED: 12/1/2014

\_\_\_\_\_  
PRESIDING JUDGE

January 6, 2016

COURT OF APPEALS DIVISION 1 OF THE STATE OF WASHINGTON

Mohamed Abdelkadir  
Appellant,

Vs.

Shoreline School District  
Respondent.

) Case No.: 73920-4-1

) APPEAL BRIEF FOR PETITIONER

) Plaintiff Certificate of Service

I, Mohamed Abdelkadir declare under the penalty of perjury under the Law of state of Washington that on January 6, 2016, and was MAILED VIA CERTIFY US Mail with proper postage attached to:

Filed with Court

Richard D. Johnson

Court Administrative /Clerk

600-University St.

Seattle, WA. 98101

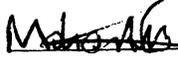
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Very Truly



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