

Washington State Court of Appeals

Division 2

Respondent's Brief

Case 43743-1-II

Petitioner: Michael Gray

Respondent: Sara Gray

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DIVISION II
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STATE OF WASHINGTON
BY  DEPUTY

I am at loss for the reason of this appeal. I believe this appeal is an improper use of the courts and Mr. Gray is impatient in waiting for the proper time to request a Child Support Order Review.

The financial issues that have been stated by Mr. Gray are completely false and inaccurate. Despite Mr. Gray's repeated claims that I have not provided documentation of my income, I supplied the court several times during temporary orders, trial and at the revision hearing my sales records (25 pages) and W-2. Prior to 2011, I was a stay-at-home parent so there were no income statements to provide. I began self-employment in May 2011 as a part time solution while I searched for full time work. The employment records are not only for a short period of time but they are for part time work.

I would like to note for the court the other important factors that went into the decision for me to receive spousal maintenance and child support.

1. Mike works full time at a job with medical benefits
2. I stay at home with our children full time Monday through Friday every week. I also parent the children on weekends occasionally and during holidays.
3. Mike does not pay rent. (Page 86 of trial transcript) Additionally, since trial his father purchased a home where they now live together.
4. Mike was court ordered twice to pay the mortgage on our home, he never did and the house was foreclosed. Since foreclosure, I have had to move and my rent is now \$650. So Mike's household expenses are very minimal compared to my increase of \$650 since trial.

5. During our divorce, Mike changed jobs taking a \$3.00 an hour pay cut.
6. Mike moved out of our home when we separated taking all of the home's possessions. I have had to replace furniture, housewares, etc. which has been an enormous expense and undertaking while Mike moves with his father to a new home that his father pays for.
7. I pay 100% preschool tuition and medical bills.
8. I currently owe over \$40,000 for previous attorney fees.

Judge Orlando awarded the support based on all of these factors stating in his letter (exhibit 1):

"I find her income to be \$500 a month net. She has no significant work history and has two children at home less than 4 years of age. She needs assistance to re-enter the job market at a meaningful wage. In addition to child support, he is to pay \$400 per month spousal maintenance and he has the ability to pay. He is sharing living expenses with his father and his income will continue to be significantly higher than hers."

As for the accusations that I do not report my cash sales, I have no reason to withhold that information. As a business person, I want my business to not only make money but also to be worth money so I track all of my sales. In an age of electronic devices everywhere, I have very few cash sales. Furthermore, all of my online sales are handled by the webhost that automatically generates sales records which I could not falsify. These records were in fact provided during discovery. On the same topic, I have no way of knowing if Mike gets paid cash for jobs or if he has a second job. Historically, he has worked odd jobs for neighbors and friends building decks and doing handyman work. I believe he gets paid cash for these jobs.

If the court should decide to make changes to the support order Mr. Gray should also be held accountable and provide documentation

that he (not his father who owns the house they live in) pays rent and utilities. Bank statements would suffice in showing whether or not he pays the household bills and rent or if his father does. Since Mr. Gray's father lived with us during our marriage I know he paid our household bills for us with his own credit card and continued to do so after Mr. Gray and I separated. If changes are to be made to our financial worksheets, they should reflect Mr. Gray's actual household contribution and my increases in rent and monthly bills.

What the court is dealing with here is a domestic violence situation disguised as an appeal. As the victim, I have sought guidance and advice from the Crystal Judson Family Justice Center. I was forewarned at the beginning of our divorce that an abusive person such as Mr. Gray will continue to force his control over me using whatever means necessary. It is clear to me that Mr.

Gray is using the courts to try to maintain power and control over me. His repeated and unnecessary requests for revisions for every single decision the courts have made is evidence of that fact. He requested that I be removed from our family home one month prior to my eviction due to the foreclosure. What reason would he have for my removal other than revenge? He also went so far as to illegally record our phone conversations in an attempt to get back at me. The CJFJC helped me to file for a protection order, file my police report and to recognize his abusive ways even now that we are divorced.

As noted before, I believe this issue is misplaced and should be reserved for review with the child support department. He filed this appeal immediately after the revision hearing in June 2012. I believe this case should be seen at a Child Support Review when two years have passed and I will have

two solid years of work history to provide income and tax record statements for. A child support review is limited to every two years to prevent what is clearly happening here, one angry party asking for changes every couple of months. If you look at our court history since March 2011, you will see that we were in court at least once a month for about a year. In addition to that, there were also times where we were in court regarding the domestic violence. As a single parent who is pro se, I cannot begin to explain the burden this court process has been. Not only financially but also the time it takes away from my children when I have to prepare for and appear in court. I have been stuck with paying for childcare for all of these hearings and have paid hundreds of dollars for daycare alone. I am currently in debt over \$40,000 for attorney fees that are owed to my prior attorney and to my parents who paid for the first part of the divorce.

In summary, I urge the court to see this for what it is, an angry party using the courts to fight a former spouse. As has been stated several times by Mr. Gray, Judge Orlando and myself, neither one of us has the money to continue to argue in court. I have only had legal representation for a fraction of these two years and owe over \$40,000 and Mr. Gray has had legal counsel for the full two years and I can only guess that he has paid double, if not more, than what I paid. Surely, the issue of a child support deviation of \$100 a month is not worth the thousands that have been paid for arguing the issue. The spousal maintenance is a very short term solution and not one Mr. Gray will be paying for a lifetime. The amount of money he has likely paid in legal fees could have been better used toward paying something more important like our children's future education.

I would also like to request that Mr. Gray pay for the daycare costs associated with this appeal. While I appear in court, the daycare charges \$22 per hour for our two children to be cared for.

Dated March 3, 2013

A handwritten signature in black ink, appearing to read 'Sara Gray', written in a cursive style.

Sara Gray

Pro se

**SUPERIOR COURT
OF THE
STATE OF WASHINGTON
FOR PIERCE COUNTY**

JAMES R. ORLANDO, JUDGE
L. Janet Costanti, *Judicial Assistant*
DEPARTMENT 1
(253)798-7578

334 COUNTY-CITY BUILDING
930 TACOMA AVENUE SOUTH
TACOMA, WA 98402-2108

February 2, 2012

Mr. J. Mills
Attorney at Law
303 Atrium Court
705 South 9th St.
Tacoma, WA 98405

Ms. Sara Gray
14004 Sandy Point W. KPN
Gig Harbor, WA 98329

Re: Gray dissolution
Case 11-3-01148-7

Dear Mr. Mills and Ms. Gray:

Each party is awarded the property in their possession which I value at \$1000. Mr. Gray is to return the wife's diamond wedding ring, which I value at \$5000. He can keep his ring valued at \$2000. Each party shall have the vehicles in their possession, subject to any debt. I find her testimony credible as to her leaving the ring in the residence when she left. If he does not return it, she will have a judgment against him for that amount.

The parties are to share equally the debt owed to Puget Sound collections for medical expenses and any other medical debts. Mr. Gray is to pay the Qualstar debt and the VISA debt. Each party is to pay their own attorney fees.

I find his income to be \$3200 per month net. He did not provide pay stubs and his W-2 is for only the last 5.5 months of 2011, showing gross income of \$18,362. I find her income to be \$500 per month net. She has no significant work history and has two children at home less than 4 years of age. She needs assistance to re-enter the job market at a meaningful wage.

In addition to child support, he is to pay \$ 400 per month spousal maintenance for a period of 36 months. I find that she has the need for maintenance and he has the ability to pay. He is sharing living expenses with his father and his income will continue to be significantly higher than hers. He is entitled to a credit for the health insurance premium of \$150. Per the State's request, the parties are required to have

Pension
IRS loan

insurance for the children if available through their employment and subject to the limits. Any back support arrears is preserved. The parties are to split the tax exemption, with each claiming one child.

Sincerely,

James R. Orlando

Washington State Court of Appeals

Division Two

Case No: 43743-1-II

Declaration of Service

Brief of Respondent

Petitioner: Michael Gray

Respondent: Sara Gray

The undersigned declares under penalty of perjury under the State of Washington that a true copy of the Respondent's Brief along with this declaration of service was served upon John Mills today by emailing a copy to jmills@jmills.pro and that email is our customary means of communication in the case.

Dated at Vaughn, WA March 3, 2013



Sara Gray
Pro se

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