

## Washington State Court of Appeals Division II

<p><u>Capital Bank (USA), N.A., Respondent</u> <u>(Suttell &amp; Hammer)</u></p> <p>vs.</p> <p><u>David Koplitz, Appellant</u></p>	<p>Court of Appeals No. 45313-4-11 Thurston County No. 11-2-02189-8</p> <p><b>Extended Final Response</b> <b>(In response to delayed respondent brief)</b></p>
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ON APPEAL FROM THE SUPERIOR COURT OF  
THE STATE OF WASHINGTON FOR THURSTON COUNTY  
Dated 8/9/2013 and 8/23/2013 Rulings (Corrected)

Assigned Judge Thomas McPhee (Retired)  
Un-assigned Judge Paula Casey (Retired)  
Interim assigned Judge Erik D. Price

**I am asking the Court of Appeals to vacate the default judgments with prejudice.**

### STATEMENT OF FACTS

#### Prologue

The defense takes the position that in the end and throughout the process the court failed to exercise discretion by not considering and dismissing or evading relevant factors required to be considered under applicable law.

Dickson, Carlson & Campillo v. Pole, 83 Cal.App.4th 436, 449 (2000).

Relevant factors of insufficiency of the serve process were not upheld, and the garnishment signed by a judge without subject matter jurisdiction and on challenge by the defense the subject matter evaded by the assigned judge.

Constitutional rights of appearance to defend and due process where compromise by one sided plaintiff presentations and miss-directing court dates or mailing them to a none bad address even after being informed by the court to stop.

The case ended by default, with the plaintiff again miss-directing the defense to a wrong day for the presentation hearing.

*“Judgment, or an order procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that the party is properly before the court, Long v. Shorebank Development Corp., 182 F.3d 548 ( C.A. 7 Ill. 1999).”*

**Fact 1 ~ 10/11/2011.** The defendant was not served under the law and the summons served to a proven wrong location and person Bruce Gingrich and not in accordance by engaging an unlicensed person to carry out your service. (CP-3-4), (RCW 19.16.250.1).

The plaintiff council recently has done a 180 on the Bruce Gingrich statement in their response from first council of Jeff Mackie who convinced Judge McPhee from outside of court before the 11/30/2012 hearing that the document was rife with errors and Judge McPhee agreed and pulled the letter.

(April 14, 2013, Courts Opinion Judge McPhee)

13 [REDACTED] I agree that the purported statement of Mr. Gingrich is so rife with material  
14 inconsistencies that it cannot be judged credible. [REDACTED]

The plaintiff brief states it as correct?, If this is now true, it proves the defense point that Bruce Gingrich received the summons at his house (latter supported by law enforcement statement) which is against process server rules and the case should have been vacated due to the insufficiency of the service process. Rules 12b(2)(5)(6).

**Fact 2 ~ 10/11/2011** We know by Thurston County superior court record that Judge Paula Casey lacked subject matter jurisdiction, but signed the default garnishment anyway with Bruce Gingrich signature on it, who was not the defendant. (Last day on the Bench), (CP-20-21, 91-92 Mailed to wrong address).

*“Judgment is a void judgment if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process”*; *Fed. Rules Civ. Proc., Rule 60(b)(4), 28 U.S.C.A., U.S.C.A. Const. Amend. 5 - Klugh v. U.S., 620 F.Supp. 892 (D.S.C. 1985).*

*Rodriguez v. James-Jackson, 127 Wn. App. 139, 146, 111 P.3d 271 (2005).*

The defense was not informed of the hearing with Judge Paula Casey due to the plaintiff mailing the notice to a stated incorrect relatives business address. The carrier returned all incorrectly addressed mail. (CP 5).

If we look at the record we see the plaintiff admitting to the crime in stating off the record; court signed the default judgment. (CP-19-21)

When the defense was eventually notified by the bank the defendant responded with an insufficiency of the serve process motion to vacate and updated to add no subject matter jurisdiction for the response. (CP 5 Proof of wrong service), (CP 48-67 Evidence).

**Fact 3 ~ 1/13/2012** Judge McPhee’s first action was to deny the defense move to vacate without a court hearing and gave an opportunity to the plaintiff to mail the summons but they either did not under take it or mailed it to the wrong address. RCW 4.28.100 (reasonable effort to locate the defendant/Location was known). (CP

Judge McPhee denied the letter earlier from Bruce Gingrich who received the summons which stated his involvement of the process server requesting and being given it at his place and Judge McPhee pulled it from the record and denied the defense vacate. 19.16.250(1)(8)(ii), 12(B)(2)(5)(6).

***Washington State Supreme Court 2007 clarification on default judgments. Quoted from secondary source “Trialadnotes.blogspot.com 07/2007 by Mary Whisner (Trial aid).***

***Decided June 28, 2007 to set aside the default judgments.***

<i>Morin v. Burris</i>	# 77291-6
<i>Gutz v. Johnson</i>	# 77784-5
<i>Matia Investment Fund / Norpoint Communities v. City of Tacoma</i>	# 77867-1

*“This court has long favored resolution of cases on their merits over default judgments.*

*Thus, we will liberally set aside default judgments pursuant to CR 55(c) and CR 60 and for equitable reasons in the interests of fairness and justice.*

*Similarly, if default judgment is rendered against a party who was entitled to, but did not receive, notice, the judgment will be set aside. Tiffin v. Hendricks, 44 Wash.2d 837, 847, 271 P.2d 683 (1954).*

*We have also held that the doctrine of substantial compliance applies to the notice requirement of CR 4 when enforcing or setting aside judgments under CR 55 and CR 60. Substantial compliance with the appearance requirement may be satisfied informally.*

*Cf. State ex rel. Trickel v. Superior Court, 52 Wash. 13, 100 P. 155 (1909).*

*We agree with the Court of Appeals in Gutz v. Johnson, 128 Wash. App. 901, 117 P.3d 390*

*(2005), that the respondent may have acted diligently and the failure to appear may have been reasonably excused by the conduct of opposing counsel. Accordingly, we vacate that default Judgment.”*

**Fact 4 ~ (Time Gap).** 12/02/2011 to 10/03/2012 ~ The defendant was not notified until the bank notified the defendant of the garnishment. (CP 6-7 Plaintiff again mailed notice to an incorrect location). (CP 5). **(Fifth Amendment right to due process and sixth Amendment right to a fair trial.)**

**Fact 5 ~ 11/09/2012.** The defense exemption was not required due to the fact that Judge Paula who made the first default garnishment decision did not have subject matter jurisdiction and Judge McPhee was also officiating causing an unclear issue of authority and irregularity in court procedures and not withstanding LCR- 55 B-2(g), no contract was ever produced. (CP 20-21).

**Fact 6 ~ 11/30/2012.** The plaintiff substituted council was asked why the regular opposing council was not preset because Judge McPhee cancelled a court hearing due to them re-directing the court date to the plaintiff again and sending it to a stated incorrect address. (Judgment would be made later in the day). CR 18.9 Violations of rules.

*Note: this issue conflicts with Judge McPhee's court's opinion (4/16/2013 CP 38-39) of the defense not raising the issue for the default judgment by Judge Paula a response was written by the plaintiff but is incorrect, shows invalid excuse of uncorrected address.*

**6.1** Judge McPhee asked for position from each side and they were stated which killed the plaintiffs rule 60 violation and resolved the issue as to pleading as an affirmation defense over motion defense for third party cause and not related to case. The hearing quickly turned into an argument between the plaintiff's sub, Judge McPhee and the 2 days before court entry of additional documents by the plaintiff which the Judge McPhee who eventually gave in over the defense objection and the defense was never given a chance to respond. (CR 56 not followed), (CP 31-37 CP 146-154).

**6.2 ~ 11/30/2012.** Upon defense challenge the plaintiff never produced a contract or USPS proof of correctly re-mailed summons which shows the item being incorrectly mailed (CP 5).

The case ended with a no-decision and instead of being vacated for not swaying the court the case rolled over to Judge Price creating a matter of ethics and law. (CP 26, No-Decision).

***Rodriguez v. James-Jackson, 127 Wn. App. 139, 146, 111 P.3d 271 (2005).***

*Void judgment under federal law is one in which rendering court lacked subject matter jurisdiction over dispute or jurisdiction over parties, or acted in manner inconsistent with due process of law.*

***U.S.C.A. Const. Amed. 5, Hays v. Louisiana Dock Co., 452 n.e.2D 1383 (Ill. App. 5 Dist. 1983).***

**Fact 7 ~ 1/1/2013** RCW 19.16.250.1 changed to not allow interest when written off, and the defense raised the subject in motion before the court but was not heard and rolled over for the return of Judge McPhee who evaded the subject in making his decision. (CP 48-67 Motions). (re-valuation under the change of law).

5 |  
6 | **ANALYSIS**  
7 |       The Plaintiff holds a Judgment entered against the Defendant on December 2, 2012  
8 | for the balance of \$9,080.88 ~~plus interest and post-judgment interest at the rate of 12% per~~

**Fact 8 ~ 4/16/2013.** Judge McPhee entered his opinion into Judge Price's court and the litigants were mailed copies, but it is no-longer intact as originally written and re-entered designation as Courts Decision. (See Fact 8.3 for explanation).

Judge McPhee was 5 months retired from the 11/30/2012 No-Decision ruling and was his last day on the bench. (Rules stated in brief, not allowed to transfer opinion to the new court).

**Fact 8.1 ~ 4/26/2013.** The plaintiff notified the defense late for the Judge Price hearing due to mailing late on the Friday before which did not give the defense time to correct the clerk's oversight by not fully entering the revised motion statement and evidence.

Judge McPhee stated that the next judge would have a preliminary hearing but the plaintiff moved for a decision, based on a judge no-longer on the bench besides entering his opinion into the next court which is not allowed by the law. (4/26/2013 Transcript Judge Price).

14 MR. KOPLITZ: He didn't state it as a  
15 ruling. He stated it as his position on the matter.  
16 THE COURT: It says "Court's Opinion." Did  
17 you receive a copy of a document called "The Court's  
18 Opinion"?  
19 MR. KOPLITZ: Yes, uh-huh.  
20 THE COURT: You obviously received notice of

After this document where mailed to the litigates as courts opinion it stated from Judge McPhee that he would consider ruling for the plaintiff but the challenge could be raised by insufficiency of the serve.

**Fact 8.2 ~** The defense had submitted viable evidence securing a rental agreement (reluctant owner), affirmations statements from neighbors with witnesses and the Bruce Gingrich/Shelly assisted written letter stating he was given it at his home, It was dis-allowed by judge McPhee. (Reversal in respondents brief).

(4/26/2013 Transcript exerts, Judge Price).

5  
6 THE COURT: I guess my question,  
7 Ms. Davenport, is a little more complicated than that  
8 because this is a little odd situation. You had a  
9 situation where Judge McPhee heard something back in  
10 November. Additional information was received by  
11 him. He considered it. He issued a ruling in April,  
12 and now you're asking this Court to enter an order  
13 consistent with his opinion, and I understand that.  
14 My question, I guess, is what would the time  
15 frame be to reconsider that order, or is there any  
16 opportunity to reconsider that order, if I entered it  
17 today, by Mr. Koplitz?  
18 MS. DAVENPORT: I, off the cuff, don't know  
19 the answer to that, your Honor.

**Fact 8.3** ~ The court's opinion first page from Judge McPhee was replaced at some point before the pro-se return session with Judge Price and was re-entered as court's decision without the insufficiency of the serve process challenge edited out. (Judicial action of bias and ethics?).

This is inconsistent with the law, which would require a new entry after the session with Judge Price and after pro-se return. (CP 38-39, April 16, 2013, Transcript 4/26/2013).

The court's opinion first page should never been changed to court's decision. Issue supported by court clerks record and is inconsistent with the transcript with Judge Price which clearly states Judges Opinion not Judies Decision creating a question of ethical behavior. (4/26/2013 Transcript exerts, Judge Price).

10           My concern happens to be with this Court's  
11           authority to enter an order under the circumstances  
12           that we have here with a retired judge making a  
13           decision over an objection of a party.  
14           I will tell you, I did consult with the presiding  
15           judge, as instructed by the order, and the presiding,  
16           too, was uncomfortable with entering an order over  
17           the objection of a party under these circumstances,

**Fact 8.4 ~ 5/21/2013.** The defense entered a strike motion to Judge McPhee's court's opinion entry into Judge Price's court room but not heard. (Case forced back to recalling Judge McPhee). (CP 70 Strike)

Judge McPhee in his court's decision evaded the insufficiency of the serve process by stating that the mail serve process he approved must have arrived, but we see it was mailed to the wrong address and was raised in the 11/30/2012 hearing. (CP 146-154 Response, CP 5, 91-92 Mailer 2011).

**Fact 9 ~ 8/9/2013.** Judge McPhee asked why the defense was present. The plaintiff council had again purposely misdirected the court date to the defense (8.4 misconduct) to the presentation hearing date of 8/9/2013 so the defense was not heard as promised by law and the court (see 4/26/2013 Transcript with Judge Price). The plaintiff purposely informed the defense to be there on the wrong day securing a default win. (Judge signing date of 8/9/2013 and not the 8/5/2013 presentation date. (CP 207-208 Notice, purposely listed incorrect day) (CP 80-81).

The plaintiff had again subbed council and the question of why a one sided 8/5/2013 presentation was allowed to go on and the defense decided the feudality of the situation would be better left to another court.

**9.2 ~ 8/23/2013.** Judge McPhee denied the plaintiffs unemployment motion for relief outside of court which was viable ESD proof of UI and was timely entered 5/21/2013 and the defendant felt that the court was bias and had turned negative after the defendant targeted the Judge McPhee's entry of opinion into Judge Price's court and interfered with un-bias continuance under a new Judgeship. (CP 210-211).

**Brief Rebuttal of Opposing Council**

**Fact 10** ~ The plaintiff evidence lacks any proof of contract and obligations. The defense asked for proof in motion November 2012 and revised to a motion of compel under newly assigned Judge Price in April 2013 but was not reviewed due to a change of venue.

Jude McPhee before his return, turned down the compel motion as being untimely outside of court and before the hearing. (The defense was not present at the final hearing due to continued plaintiff 8.4 misconduct and incorrectly mailed notifications. (CP 207-208, 77-78).

The plaintiff informed the defense under five days before the hearing with appointed Judge Price and the defense in-motion moved for a compel but Judge Price put the brakes on everything due to another problem listed in Judge McPhees opinion letter 4/16/2013 which later was restated and modified. (CP 192-193)

It was re-entered as court's decision leaving out the insufficiency of the serve challenge. (Courts Opinion mailed to each side 4/16/2013 four months after the no-decision and due to the retirement of Judge McPhee). (CP 28-39).

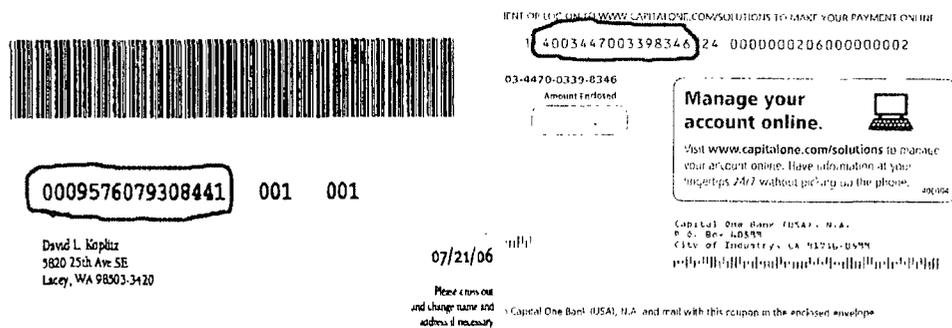
**11.2** On challenge by the defense the plaintiff never produced any witness or indisputable proof of transactions or accounting of valuation and methods.

11.3 As a matter of law, RCW 19.250 changed January 1, 2013 to not allow interest into debt issue after release, the defense raised the issue 8 months before the final decision 5/13/2013 but the issue was not addressed by Judge McPhee. (CP 48-67)

Insert -----

11.4 As we look at the evidence we also see a statement of fraudulent activity on the card supported by Capital One Bank own admission. (CP 27-30).

We also see miss-matched account numbers entered by the plaintiff with the left one entered into court and number fully blacked out.



for rate, fee and other cost information.

The defense countered with a US District Court Document on data theft and Judge McPhee had a discussion outside of court with plaintiff council of Jeff Mackie and Judge McPhee pulled the defense document and the left-hand document from the record creating the sub number void. (CP 111).

The left document above may have been re-entered at a later date by different plaintiff council, but an exhaustive search was not feasible at THC court due to all three computer being down for maintenance or a problem in prime user time.

**Criteria Response**

White v. Holm, 73 Wash.2d 348, 352, 438 P.2d 581 (1968) (citing Hull v. Vining, 17 Wash. 352, 49 P. 537 (1897)).

**(1) Substantial evidence supporting a prima fascia defense.**

- ~ The insufficiency of the serve process was proved beyond any reasonable doubt and that the wrong location and person was served and signed for it.
- ~ Plaintiff numerous acts of misconduct of redirecting court dates and mailing to a stated in-correct defendants relative business address and where returned by the carrier if sent.
- ~ The plaintiff failed to state a motion of relief.
- ~ The plaintiff failed to enter a contract agreement even after being raised in multi-faceted motion entry 4/13/2013 on defense challenge and later as a separate defense motion to compel but denied by the Judge McPhee, no contract was ever produced). (CP-77-78), (LCR- 55 B-2(g),
- ~ The defense introduced a transaction document related to a stolen credit card with a different number but was blacked out to miss-lead the court, on challenge it was pulled by the Judge and the defense evidence of the data theft at the beginning creating a number void in the court record.

**(2) Failure to timely appear and answer.**

- ~ The plaintiff served the wrong location and person so the defendant was not informed in a timely manor to respond.
- ~ Plaintiff miss-conduct sent the statement and court date to a stated wrong address for the first court date and never told the defense.

~ The plaintiff also engaged the un-assigned Judge Paula Casey who signed the order and the plaintiff court notice stated the fraud and off the record statement shows deception of the court.

**(3) Defendant acted with due diligence after notice of the default judgment.**

~ The defense made an immediate move in the court to vacate the default and stated insufficiency of the serve process.

**(4) Plaintiff will not suffer a substantial hardship if the default judgment is vacated.**

~ NO Hardship; IRS rights-offs are already being used by Capital One Bank.

White v. Holm, 73 Wash.2d 348, 352, 438 P.2d 581 (1968) (citing Hull v. Vining, 17 Wash. 352, 49 P. 537 (1897)).

**Issue Response 1**

In response to the plaintiff stating that the defendant had received the summons.

In addressing the subject matter of Bruce Gingrich involvement he was asked outside of his home and asked to take the papers and give them to his neighbor who was not there.

He never did give the item to the appellant/defendant and lied to the defendant, after the defendant returned over sometime from surgery and being on medication for nerve damage in surgery and starting a new era as a diabetic.

Bruce Gingrich lied to the defendant in telling him that he had left the summons at the defendant's house and not seeing him in some time.

Bruce Gingrich does not write legible and was assisted by his roommate Shelly in creating his response and errors occurred such as saying he left it on the ground.

Judge McPhee dis-allowed the document into court and his decision after retirement before re-called after May 2013. (CP

Later Bruce Gingrich recanted and stated that the papers where folded up in his pocket when he was riding his bike to the store (does not drive) and the document had fallen out and he had found what was left in a puddle the water and not intact. (See confidential envelope).

<p><u>Capital Bank (USA), N.A., Respondent</u>  <u>(Suttell &amp; Hammer)</u></p> <p>vs.</p> <p><u>David Koplitz, Appellant</u></p>	<p>Court of Appeals No. 45313-4-11  Thurston County No. 11-2-02189-8</p> <p><b>Extended Final Response</b>  <b>(In response to delayed respondent brief)</b></p>
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\*\*\*\*\* **Confidential** \*\*\*\*\*

Bruce Gingrich used his rented place as a half-way house, sub-renting on a temp bases to former people in trouble with the law and ones ducting the law as proved by defense submitted police record.

When the opportunity of resolving this situation presented itself and the Lacey police blocking the road engaged in conversation with the defendant having been called to the Gingrich location and wanted information on the subject in the place.

Bruce sighted the conversations which eventually lead to arrests of a subject hiding inside that the police called out by name in a short stand-off.

Before this time the defendant was approached by a detective to help ID a wanted suspect possibly residing at the house, but was missed by Thurston County swat team.



THURSTON COUNTY  
SHERIFF'S OFFICE

Washington State Sheriffs' Association

Daryl Leischner  
*Detective*

2000 Lakewood Drive SW • Olympia, Washington 98502-6065

Tel: (360) 786-3527 • Fax: (360) 754-4680 • TDD: (360) 754-2933  
e-mail: [leischnd@co.thurston.wa.us](mailto:leischnd@co.thurston.wa.us) • [www.co.thurston.wa.us/sheriff](http://www.co.thurston.wa.us/sheriff)

The subject had fled due to Lacey police assisting in a nearby action when a neighbor passed away and thought they has identified him when going to the bus.

Bruce Gingrich is not above a little payback and took it out on the actions of accepting the document and really did advertently drop it into the puddle mostly destroying it.

The defendant is ultimately responsible for getting his lease terminated and additional court and police records are available.

\*\*\*\*\* **Confidential End** \*\*\*\*\*

**Issue Response 2**

The document found was incorrect having returned from surgery for a bone infection and discovered diabetes kept the defendant and was staying elsewhere.

The defendant made a mistake between the two Mackie's Jeff and Jeffery S from a competing firm for a case dismissed with prejudice.

(Different Addresses)

LIST NAMES, ADDRESSES & TELEPHONE NUMBERS OF ALL PARTIES REQUIRING NOTICE	
Name: <u>DAVID L KOPLITZ</u>	Name: <u>Jeffrey S. Mackie</u>
Attorney for: _____	Attorney for: <u>Plaintiff</u>
WSBA #: _____	WSBA #: <u>35829</u>
Address: <u>5820 25TH AVE SE</u>	Address: <u>720 OLIVE WAY, SUITE 1201</u>
<u>LACEY, WA 985033420</u>	<u>SEATTLE, WA 98101</u>

**Conclusion Analysis**

Insufficiency of the serve process is supreme in vacating a case, but we see an un-assigned Judge Paula Casey signed a default even when the summons has another person name on it and not subject matter jurisdiction.

Contrary to the FRCP's on service of process, and Black's Law Dictionary, Sixth Edition, p. 1574:

Void judgment may be asserted anytime by any person whose rights are affected.

- Wahl v. Round Valley Bank, 38 Ariz. 411, 300 P.955 (1931)
- Tube City Mining & Milling Co. v. Otterson, 16 Ariz. 305, 146 P. 203 (1914)
- Milliken v. Meyer, 311 U.S. 457, 61 S.Ct. 339, 85 L.Ed. 2d 278 (1940)

It is also contrary to Washington State Supreme Court Decision on defaults 07/2007 and evaded in consideration as a matter of law at the end and plaintiff 8.4 miss-conducts and only lightly address by the court for a written response one time.

The insufficiency of the service of process stands unopposed by factual evidence.

It was evaded by the judge when he knew for a fact that the revised approved mailer was sent to the wrong address because the court addressed it briefly in the 1/30/2012 hearing and was time aged, the April 2013 decision from out of court creating a ethical question of law when a judge rules when retired and no longer a judge.

The respondents' council played a game of manipulation, deception, intimidation and lying to the defendant to win default s and in the end not considered by the Judge.

The plaintiff played the court with 11 different council people participating in the action to confuse the court and mailing to the stated incorrect address.

One sided plaintiff court presentations and hearings where allowed to occur and deception saying they did not know why the defendant was not present purposely miss directing mailed notices to a known bad address.

Judge McPhee was informed of the situation on four of five incidents but abuse of the legal process was not enforced by sanctions or Rule 6.2.

Judge McPhee made a decision of no-decision for the 11.30.2014 hearing, but failed to dismiss the case even though the plaintiff had not swayed the court so the case continued.

We know that this is contrary to the precedence and popular example of this is the State of California vs. Orenthal James Simpson murder case, the case was incidentally dismissed for not swaying the jury.

When the case moved to Judge Price we see an issue not addressed and a Jude McPhee trying to insert his decision and opinions into the court against the rules of transferred cases.

The plaintiff council engaged in bait and switch tactics to confuse the judicial process and did not appear to avoid answering the judges inquires besides miss-directing the final court presentation hearing date of 8/5/2013 hearing date to the defense to the signing date of 8/9/2013 besides subbing council to play the straight man/women and obtained a default in the end.

The rules and laws of Washington where not followed besides court procedures and Constitutional rights of appearance when raised to the Judge where not address to the extent of the law and the Judge McPhee even ruled against a motions strike of his actions not heard by Judge Price causing and issue of ethics.

Rule 56 All parties must be given a reasonable opportunity to present all the material that is pertinent to the motion.

Default judgments should be set aside is a matter of equity and the defense asked the court to make the decision to over-turn the default and vacate with prejudice. White v. Holm, 73 Wash.2d at 351, 438 P.2d 581.

Date 7/11/2014

Signature 

Appellant/Defendant

## APPENDIX

Sub #	Date	Court of Appeals No. 45313-4-11 Superior Court No. 11-2-02189-8	Pages	Pg #
4	October 11, 2011	Summons	2	3-4
5	October 11, 2011	Complaint Filed	3	88-90
6	November 11, 2011	Dependent of Military Person		
7	November 3, 2011	Civil Notice of Issue	2	6-7
8	November 3, 2011	Declaration of Service	1	5
*9	November 3, 2011	Declaration of Mailing	2	91-92
10	November 3, 2011	Motion & Declaration of Default Judgment	11	8-18
11	December 2, 2011	Clerks Minute Entry (Motion Hearing)	1	19
12	December 2, 2011	Default Judgment	2	20-21
13	October 3, 2012	Declaration/Affidavit for Garnishment	2	93-94
14	October 3, 2012	Write of Garnishment filed	3	95-97
15	October 3, 2012	Declaration/Affidavit for Garnishment filed	2	98-99
16	October 3, 2012	Write of Garnishment filed	3	100- 102
17	October 19, 2012	Answer to Write of Garnishment	2	103- 104
18	October 23, 2012	Answer to Write of Garnishment	4	105- 108
19	November 1, 2012	Cival Notice of Issue Action	2	109- 110
20	November 1, 2012	Void-Sub Number Void filed	N/A - 1	111
21	November 1, 2012	Answer to Write of Garnishment	7	112- 118
22	November 1, 2012	Declaration of Ashley A Nagrodski filed	16	119- 134
23	November 1, 2012	Motion to Deny filed	5	135- 139
24	November 1, 2012	Declaration of Mailing filed	2	140- 141
25	November 9, 2012	Clerks Minute Entry (Hearing Cancelled)	1	22
26	November 9, 2012	Order Striking Exemption Claim Hearing	1	23
27	November 19, 2012	Judges Notice of Issue Action	2	24-25
28	November 19, 2012	Declaration of Mailing filed	2	142- 143
29	November 28, 2012	Declaration of Mailing filed	2	144- 145

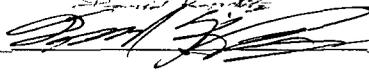
30	November 28, 2012	Response filed	8	146-154
31	November 28, 2012	Declaration of Plaintiffs Council filed	37	155-191
32	November 30, 2012	Clerks Minute Entry (Motion Hearing)	1	26
33	December 3, 2012	Letter from Defendant	4	27-30
34	January 10, 2013	Answer to Write of Garnishment	7	31-37
35	April 16, 2013	Courts Opinion	2	38-39
36	April 19, 2013	Judges Notice of Issue	2	40-41
37	April 19, 2013	Motion for Presentation Order	5	42-46
38	April 19, 2013	Declaration of Mailing filed	2	192-193
39	April 26, 2013	Clerks Minute Entry (Motion Hearing)	1	47
40	May 1, 2013	Notice of Issue Action Presentation (See 5/17/2013)	2	194-195
41	May 1, 2013	Notice of Presentation filed		
42	May 3, 2013	Response for New Ruling	7	198-204
43	May 13, 2013	Motion to Vacate Default Judgment	20	48-67
44	May 17, 2013	Motion Hearing	1	68
45	May 17, 2013	Consent for Pro-Tem	2	205-206
46	May 17, 2013	Notice of Appearance Pro SE	1	69
47	May 21, 2013	Motion to Vacate Default Judgment	1	71
48	May 21, 2013	Motion to Strike Documents	1	70
49	July 15, 2013	Clerks Minute Entry (Hearing Cancelled Court)	1	72
50	July 24, 2013	Judges Notice of Issue	2	73-74
*51	July 24, 2013	Declaration of Mailing filed	2	207-208
52	August 2, 2013	Civil Notice of Issue	2	75-76
53	August 2, 2013	Motion to Compel	2	77-78
54	August 9, 2013	Clerks Minute Entry (Motion Hearing)	1	79
55	August 9, 2013	Order Denying Defendants Exemption Claim	2	82-83
56	August 9, 2013	Order of Default Judgment	2	80-81

Declaration of Mailing

I, David Koplitz on 7/11/2014

Mailed one copy to the Respondent and to the Court of Appeals Div. II

7/11/2014

*David Koplitz*  


Appellant/Defendant

2014 JUL 11 AM 11:27  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
CLERK'S OFFICE