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No. 50009-4

No. 52959-9

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION TWO

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TATYANA MASON,  
Appellant *pro-se*,

And

JOHN MASON and MS. ROBERSON,  
Defendants.

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ON APPEAL FROM THE SUPERIOR COURT OF THE  
STATE OF WASHINGTON FOR THURSTON COUNTY

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**REPLY BRIEF OF APPELLANT**

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Appendix F ----- RP 11/02/16 trial court ruling

## I. REPLY RE- STATEMENT OF THE CASE

As batterer-John has throughout his litigation 50009-4; 52959-9 briefs, manipulates and misdirects this Court, misrepresents the record, making unsupported, argumentative, false allegations to prejudice this Court over again. *See e.g.*, John's BR 2 ("Tatyana was abusing the children who expressed fear of her"); BR 3 ("Tatyana still has tendency to violence"); BR 27 (she is continuing to harm the children"); CPS report at 143 ("Tatyana has a long history of abuse toward John") etc... citing 45835-7; 49839-1<sup>1</sup> the 2015 & 2018 opinions when John is aware that these allegations have been proven to be false in violation of CR 11(a). *See* RP 11/02/16 at 380; 470-78; Ex 14; 36; 37<sup>2</sup>; DSHS; Police; USCIS-- show that John abused the children and their mother since 2001. Perhaps, all John's falsehoods have no citation & and those that apparently do are unsupported by the record. This goes on throughout all his entire frivolous briefs.

TO THE CONTRARY *see the record below from 1 to 7 of this Reply:*

- a. *Dr. Rybecki -Forensic Investigator found: RCW 26.09.191 allegation was false --was based on the incompetent GALs &*

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<sup>1</sup> 45835-7; the 2016 trial; 49839-1; 50009-4; 52959-9; 95681-2; 19-5402 **Tatyana appeared as pro-se**. The 2016 trial accepted new compelling evidences Ex 37- 2016 USCIS Order required family court to vacate the 2013 Orders; Ex 36 Gairson report & testimony confirmed that the 2013 orders are harmful -- but this court failed to review these new discoveries & findings under John's 49839-1 appeal.

<sup>2</sup> RPs, Ex, CPs -- refers to the Clerk Papers, Exhibits & Court Transcripts admitted at the 2016 trial in No. 49839-1-II, which this Court ordered transferred into this appeal.

CPS evaluations---without testimony, cross examination or any court hearing CP 265-332

FORENSIC INVESTIGATOR: “Incompetence of both GALs & CPS created an IATROGENIC HARM to the children by empowering the abusive father and demonizing the mother- victim of John’s abuse” CP 271 # 27 (Dr. Rybecki)

FORENSIC INVESTIGATOR– (“**Coaching by the father, his false allegations of child abuse and an external influence have been neglected by the CPS & both GALs in their evaluations.**

For instance: the oldest 10 years old son Graham said: “**My mom never hits us; my dad and Ms. Hurt forced us to say this**”. Further, in Mr. Smith GAL’s report included comments from 5 years old David directed to Tatyana which blame her for (“lying about John’s domestic violence, not getting a suitable job, and **reporting that his father [John] told him these sorts of adult-themed issues.**” CP 278-9 # 21 (Dr. Rybecki) **More evidence See Dr. Rybecki report**

*b. Record: batterer John abused the children and Tatyana*

USCIS RECORD: “Our record shows that from March 2001 to March 2020 Tatyana is the victim of battery or **extreme cruelty committed by John Mason**” CP 96; CP 2021-2.

“COURT DV ORDER “The Court finds that there have been acts of abuse and control by John. **Tatyana is a disadvantaged spouse.** John’s testimony was not credible. **The Court stated concern about John is abusing and coaching the children**”) CP 232-4

SAFE-PLACE TESTIFIED: (“We have record that since 2001 to this date John abused Tatyana and her children physically and financially throughout their marriage and after divorce.”) RP 11/02/16 at 380-8

DSHS AWARD LETTER: (“Based on the current record, our social worker’s report, Police’s reports, Safe-Place information and substantial evidence provided to our DSHS department, **Tatyana and her sons exposed to violence in the home are also victims of physical and financial abuse from John.** Because Tatyana and her sons are victims of abuse from John, Tatyana have been approved for the following benefits Cash, Food and Medical Assistance”) BA at 12

IRS RECORD: Since 2007 to 2020 of non-filing of tax returns. We have no record of filing Form 1040, 1040A, or 1040EZ.

JUDGE WICKHAM FOUND: “Now, it is indicated that the conditions from Tatyana’s green card **were not removed** by John within two years from the marriage required him by the law under 8 C.F.R. §216” **Tatyana is in a disfavored status.** RP 11/02/16 at 471

This Court must disregard John’s unsupported false allegations, STOP his abuse and sanctioned him for his perjuries in violation of RAP 18.9.

c. *John’s Statement of the Case is also argumentative, violating RAP 10.3 (a) (5) (“A fair statement of the facts . . . without argument”)*

For instance, John’s claims BR 8 (“her failure to pay was no-doubt tactical”); BR 1 (“Tatyana still refuses to pay for necessary evaluation and treatment to lift her RCW 26.09.191”); BR 4 (“Tatyana failed to pay for recommended parenting evaluation”); etc-- when John has been aware of the 2016 findings that John and the 2013 orders prevented Tatyana from gainful employment. RP 11/02/16 at 471;75 (Ex 37 USCIS order directing family court to vacate the 2013 orders) CP 96-7; (Mr. Gairson’s report Tatyana cannot move forward with immigration until the 2013 order will be vacated Ex 36 at 12 #87); The 2016 trial found: John is abusive- refused to remove conditions from Tatyana’s green card required him by law RP11/02/16 at 470; the 2013 orders prevented Tatyana to fix this status until the 2013 orders will be vacated. RP 11/02/16 at 471. Knowing all these facts, batterer- John claims at BR 5 (“The court expressed

concern that Tatyana had not exercised all of her visitation rights pursuant to the former court orders”).

*d. Extraordinary Circumstances justified the 2016 trial vacates the 2013 Orders*

MR. GAIRSON’S REPORT: (“11. Tatyana’s conditional permanent residence expired over a decade ago and she will have a difficult time acquiring a waiver to remove those conditions & gainful employment; until the 2013 orders will be vacated”) Ex 36 at page 2; 17.

MR. GAIRSON’S REPORT (“89. Tatyana entered the US on a K-1 visa, she would not have qualified to obtain her permanent resident status through any other normal means as **only through John removing the conditions** from her temporary permanent resident card” Ex 36 at 13 # 80 & 89.

THE 2016 USCIS ORDER “to be eligible for receiving permanent resident card and legal work authorization- Tatyana must submit the documents, and forms: **Certified copy of dismissal of the 2013 child support and restriction orders from appropriate state office and court.** See Ex 37- USCIS ORDER- (49839-1)

JUDGE WICKHAM FOUND: “Now, it is indicated that the conditions from Tatyana’s green card **were not removed** by John within two years from the marriage required him by the law under 8 C.F.R. §216” **Tatyana is in a disfavored status**

JUDGE WICKHAM FOUND: (“John had no real incentive to continue to work with Tatyana to maintain her permanent status in the US required him by law **Tatyana is in a disfavored status** who has significant unpaid child support and that the immigration authorities have the discretion to deny her permanent residency--**and were she to go back to immigration, she would be denied again because of the 2013 child support order**”) See RP 11/02/16 at 471.

*Here you go:*

The 2020 USCIS ORDER “Out record shows that from 2001 to 2020 Tatyana is the victim of battery or extreme cruelty committed by John....She was not aware that her conditional permanent residence

expired 19 years ago until 02/27/15... This court reinstalled the 2013 Orders under 49839-1—The USCIS is re-directing this court to re-vacate the 2013 order again. CP 96; 2021

*e. John perjures each court in violation of CR 11 and RAP 18.9*

Batterer John intentionally **hid** these newly discovered evidence Ex 36; 37; IRS; DSHS record and Judge Wickham’s findings from this court by grossly misrepresenting the record and the 2016 trial proceedings in his frivolous briefs; John contradicts to the IRS record of (Tatyana none filing tax return since 2007 to this date); to the DSHS record which shows that Tatyana lives on DSHS public assistance way below 125% poverty level (from Sept, 2001 to May, 2021). Yet, John promotes his unsupported falsehoods at BR 29 (“Tatyana had income of \$2,080 which is more than 125% of the federal poverty guideline”) --this court becomes John’s agents by promoting John’s tactics —reinstalled the 2013 orders

*f. As a result of John’s perjuries--this Court contradicts to the record*

THIS COURT: (“Tatyana’s income was \$2,080 per month; she is voluntarily unemployed”) 49839-1 July 31, 2018 opinion.

THIS COURT (“[Tatyana] argues that a number of other factors other than the I-864 enforcement justified the trial court’s relief from the 2013 child support order.”) *See* 49839-1 (09/24/18 Order denying motion for reconsideration) -- contradicts to Judge Wickham’s findings RP11/02/16 at 475-6.

THIS COURT: “We hold that the trial court erred in vacating the 2013 child support order because the failure of the parties to inform the court of the I-864 affidavit was not an extraordinary circumstance. *See* case 49839-1-II opinion dated 07/31/18 at 1.

THIS COURT: 49839-1 the 07/31/18 opinion at 12--("Nothing in the Federal Statues or regulations provides that I-864 must be enforced in a dissolution action")

*When in fact:*

JUDGE WICKHAM-(**"I am not enforcing the I-864 obligation but only considering it as in Khan case did not reverse Judge Hogan for considering the I-864"**) RP 11/02/16 at 472; ("I am ONLY looking at the 2013 child support to vacate...based upon Tatyana's difficulties in obtaining substantial gainful employment") RP 11/02/16 at 476.

*g. Trial court's Judges in this case since 2007 to this date:*

1. Judge Chris Wickham has made discretionary rulings in this case in the years of 2008; 2009; 2010 and the 2016 trial. **Retired on 01/09/17**
2. Judge Hirsch ruled on the 2013 trial and had 30 minutes hearing on 01/25/17. **On 02/02/17 Judge Hirsch recusal from the case. CP 95**
3. Judge Wilson- new in this case; ONLY- 30 minutes hearing on 12/14/18

*h. Damages and Harms from the 2013 Orders and John's abuse:*

Batterer John's dishonesty over a period of many years placed Tatyana pro-se litigant in an extreme economical hardship, causes iatrogenic harm by refusing to remove conditions from her green card; the unreasonable modified 2013 Orders prevented Tatyana from obtain gainful employment, damaged her immigration status, improperly isolated her from the children through a financial barrier-which she never be able to compel and see the children - until the 2013 order will be vacated in full.

THE 2016 USCIS ORDER "to be eligible for receiving permanent resident card and legal work authorization- Tatyana must submit the documents, and forms: **Certified copy of dismissal of the 2013 child support order from appropriate state office and court. See Ex 37**

i. John misrepresents the entire court proceedings in 52959-9 John's BR at 8 to 13.

For instance: John's BR 12 (On July 8, 2016 court denied Tatyana's motion to vacate 2013 Order) - **is wrong statement**. In fact on July 8 Judge Wickham scheduled to vacate the 2013 Order by taking a trial. CP 91; 2016

In September 2015, on 01/25/16 and 02/12/16 Judge Schaller found commissioner Lack's rules were wrong- On 02/12/16 she forwarded this case to Judge Wickham.. On March 4, 2016 technical problem with phone arise CP 88, 2013but on April 1, 2016 Judge Wickham reconsidered and **vacated** commissioner's rule-- requested a proof of immigration status in the US. CP 89 This matter moved to April 29 where Judge Wickham continued this matter to July 8 to suspend the 2013 order under CR 60(b)(11). CP 90; 2016 ... See court notes attached .

j. Tatyana requests from this Court:

Since John is outrageously misrepresented the entire record and court proceedings—it is just impossible to re-dress all his perjuries in this Reply -as it will take 100 or more pages. Tatyana asks this court to STRIKE all John's statements of fact and his ALL arguments in 50009-4 and 52959-9. This Court must OVERTURN the recusal judge Hirsch's orders 11/25/13 (1625-33); 01/25/17 (CP 1797-8); 02/03/17 (CP 1803) as these decisions were based on John's falsehoods; this court must OVERTURN new Judge Wilson's orders: 12/14/18 (CP 67-8); 01/08/19 (CP 85-6). This court must apply RAP 1.2(a) to "reach justice, facilitate the correct decision and findings"-- direct retired Judge Wickham as pro-

**tempore** to clarify his 2016 trial ruling with authority to preside over this above issue after his retirement, based on Article 4, §7 of the Washington State Constitution. Especially when Judge Wickham was requested: (“because this case is so complicated, I do not want to pass this case off to another trial Judge”) RP 11/02/16 at 480

## II. REPLY ARGUMENT:

1. **THE RECUSAL JUDGE HIRSCH ABUSED HER DISCRETION BY REFUSING TO VACATE HER UNREASONABLY MODEIFIED 2013 PARENTING PLAN UNDER CR 60(B)(11) --- BY IGNORING DR. RYBECKI'S FORENSIC INVESTIGATIVE REPORT; RECORD AND THE 2016 FINDINGS--- RELIED ON INCOMPETENT GAL<sup>3</sup>**

- a. Dr. Rybecki is a Respectful Forensic Investigator found that RCW 26.09.191 was false allegation based on negligent investigation.

(“A negligent investigation is when GAL or CPS worker conducts in incompetent or biased investigation that “resulted in a harmful decision”) M.W., 149 Wash.2d at 601,70 P.3d 954.(“A negligent investigation may be the cause in fact of harmful placement even when a court order imposes that placement “) Tyner, 141 Wash. 2d at 83, 1 P.3d 1148 . (“Materiality a question of fact unless reasonable minds could reach one conclusion”). *Id.* at 86, 1 P.3d 1148. Here, in Tatyana’s case:

FORENSIC INVESTIGATOR REPORTED: “Incompetence of both GALs & CPS created an IATROGENIC HARM to the children by

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<sup>3</sup> RCW 26.09.191 issued against Tatyana based on a contradictive GAL’s report of Mr. Bartholomew-an attorney, part time GAL. Mr. Bartholomew filed his report but did not testify in court; did not have cross examination or any court hearing on his report; Discounted John’s DV. (Dr. Rybecki Report. CP 265-332).

empowering the abusive father and demonizing the mother- victim of John's abuse" CP 271 # 27; 291

DR. RYBECKI REPORTED-"Serious GAPS in data provided to this Court over the course of two incompetent attorneys with a CPS worker conducted Guardian as Litem studies". CP 281

DR. RYBECKI "This Court has operated in the absence of adequate data in developing the unreasonably modified 2013 parenting plan and over interventions for this troubled family system. Inadvertent inadequacies in these investigations combined with omission of data appear to have created conditions of life-long damage to these children. CP 272.

*b. Coaching by John, false allegations of child abuse and an external influence have been neglected by the CPS & both GALs in their evaluations.* CP 278 (Dr. Rybecki)

"When a batterer does have access to the children, he manipulates them, influencing their statements made to custody evaluators of the court" *Bancroft & Silverman, supra* note 36, at 116-17 (describing one incident where a **three-year-old boy** told a custody evaluator to "Give my dad a chance," and further questioning revealed that the boy did not know the meaning of the expression.). Here in Tatyana's case is the same:

DR. RYBECKI'S REPORTED: "For instance: Tatyana's 10 years old son Graham said to a child psychologist: "**My mom never hits us; my dad and Ms. Hurt (therapist) forced us to say this**". CP 278.

DR. RYBECKI'S REPORTED: "In Mr. Smith GAL's report included comments from Tatyana's 5 years old David directed to her and blame her for ("lying about John's domestic violence, not getting a suitable job, **and reporting that his father [John] told him these sorts of adult-themed issues**" CP 278-9 # 21

DR. RYBECKI: "Another crucial issue that has not been adequately investigated by both GALs; CPS worker and this court pertain to

allegations of alienation and/or coaching of the minor children by the abusive father. CP 275 # 19

DR. RYBECKI: “We can find some clues about John’s improper communication with the 10 years old son Graham in the original GALs report: (p.6 line 12- **“do not respect your mother”**; p.8 line 12 **“John tells to Graham “don’t you ever have a girlfriend like your mother”**; p.8 line 17-19 re: G.M. overhearing argument on audio”).

DR. RYBECKI: **The evidence of alienation** is particularly compelling in the original Bartholomew’s report when Graham was asked for details **“is your mom abused you?- he could not provide any response to this question.** At the CPS interview when John and Ms. Hurt were present- Graham went on to make allegations about his mother hitting him with a wooden spoon allegation **which he later recanted and explained were done at the direction of John and Ms. Hurt (therapist)**”. CP 275#19

Being able to manipulate and utilize the children to his advantage, batterer John sways Court, GALs and CPS worker in his favor, continues to abuse Tatyana and making false unsupported allegations that undermine Tatyana’s credibility. John denies and turns Tatyana’s allegations of abuse back onto her is common batterer’ technique. ***BMTP** supra* note 2, at 60. For instance: John’s BR 2 claims (“Tatyana was abusing the children who expressed fear of her”); BR 27 (she is continuing to harm the children”); BR 25 (Tatyana has no constitutional right to abuse her children”) BR 7 (“This court found evidence of Tatyana abusing the children”)- when the DSHS; POLICE; SAFEPLACE; USCIS record including Dr. Rybecki report stated John is abusive father. Ms. Pontorollo- an executive director of SafePlace in Olympia testified at the 2016 trial:

Ms. PONTOROLO: We have the record that since 2001 it's very often a technique used by John to have control over Tatyana a victim of his abuse. There are a number of techniques that are used by perpetrators. Wherever control can be gained, it's utilized. RP 11/02/16 at 383; CP 971.

Dr. Rybecki and the 2016 trial's substantial evidence and testimonies found: the record shows that John has a long history of abuse which was discounted by both GALs and CPS worker and this court. (RB 2) Also, it was found that John and his expert witnesses' perjuries in violation of CR 11 RP 12/09/16 at 20. *See* also Ex 49; 82. This court must vacate RCW 26.09.191; John's false allegation of child abuse and sanctioned him for perjuries. The 11/25/13; 01/07/14 and 01/25/17; 02/02/17 Orders are fundamentally wrong - must be vacated under CR 60(b)(11).

c. *Record shows that John abused the children until the custody dispute arise. John used Abuse of Process and his Perjuries to Alienate the Children from Tatyana.*

“When custody dispute arises it is not uncommon for batterers to suddenly show an interest in the children that the children may be easily manipulated out of a desire to gain the attention that they have been craving. Fear also plays a large part in children's responses to situations that arise in custody disputes due to threats by the abusive father [like John]. *Bancroft & Silverman*, *supra* note 36, at 122.

Here, during the marriage batterer-John did not care nor financially support the children even though his income was \$87,000 per year- DSHS

record shows that Tatyana and her children lived on DSHS public assistance and school loan since 2001. *See* RB2 & 50009-4 BA at 10-14; CP 236-7; 741-3; 1815-6. The recusal judge Hirsch improperly relied on the incompetent GALs as it was found by Dr. Rybecki and the 2016 trial that John's Domestic Violence had been improperly discounted due to GAL's unprofessionalism and recusal judge Hirsch's negligent.

**2. EXTRAORDINARY CIRCUMSTANCES JUSTIFYING  
VACATE ALL RECUSAL JUDGE HIRSCH'S ORDERS  
UNDER CR 60(B)(11).**

***Shandola v. Henry***, 198 Wn. App. 889, 895, 396 P.3d 395 (2017)

As this Court held in ***Shandola***, it is an abuse of discretion to fail to vacate an order under CR60(b)(11) when there are extraordinary circumstances requiring relief. *Id* at 906. (Emphasis added).

*\*To avoid repeating See FACTS of the 2016 trial: Judge Wickham findings; Mr. Gairson's statements; DSHS; IRS and USCIS orders in this Reply at 3-4; see also 50009-4 Tatyana's BA at 6-10. \**

Here, summary of the 2016 trial proceedings Judge Wickham found:

1. USCIS record shows that from 2001 to this date Tatyana is the victim of battery or extreme cruelty committed by John Mason. Ex 37;CP 96
2. Tatyana is not voluntarily unemployed but victim of John's abuse and the 2013 Orders. Ex 37 USCIS; Ex 36 Gairson
3. Since 2001 to this date-**Tatyana is in disadvantage status** because John refused to remove conditions from her green card required him by law, and the 2013 Orders prevented her from gainful employment RP 11/02/16 at 380; 471-75-6; Ex 36;37 CP 96-7; 2021-2

4. USCIS; DSHS and IRS record show that Tatyana did not work in the US and since 2001 to this date she lives on DSHS public assistance in order to survive way below 125% federal poverty guideline, she subsists at the whim of friends and acquaintances who allow her to live temporarily in their homes since 2011. RP 11/02/16 at 475.

5. The 2016 USCIS Order directed family court vacates the 2013 Orders

THE 2016 USCIS ORDER “to be eligible for receiving permanent resident card and legal work authorization- Tatyana must submit the documents, and forms: **Certified copy of dismissal of the 2013 child support order from appropriate state office and court.** See Ex 37- USCIS ORDER- (49839-1)

6. The 2013 Orders are proved to be unreasonable harmful Ex 36 Gairson

7. Additionally, John refused to provide basic level of substantial support required him by the US Government. Ex 36; RP 11/02/16 at 475-82.

JUDGE WICKHAM: “**Tatyana is in a disfavored status** who has significant unpaid child support and that the immigration authorities have the discretion to deny her permanent residency--and were she to go back to immigration, she would be denied again **because of the 2013 child support order**”) See RP 11/02/16 at 471

JUDGE WICKHAM- (“**I am not enforcing the I-864 obligation but only considering it as in *Khan* case did not reverse Judge Hogan for considering the I-864**”) RP 11/02/16 at 472; (“I am ONLY looking at the 2013 child support to vacate...**based upon Tatyana’s difficulties in obtaining substantial gainful employment**”) RP 11/02/16 at 476.

THE 2020 USCIS ORDER: “Our record shows that from March 2001 to March 2020 Tatyana is the victim of battery or extreme cruelty committed by John... On November 23, 2016 the child support order against Tatyana Mason was dismissed. On April 7, 2018 we removed her conditions based on this order, but on March 6, 2019 the child support order was reinstalled. In order to maintain her permanent resident status, Tatyana Mason must re-submit the following information, documents, and forms: **Certified copy of dismissal from appropriate state child support office and court.**”CP 96

**3. JOHN AND THIS COURT HAVE NO CONSTITUTIONAL RIGHTS TO FABRICATED FALSE ALLIGATIONS;WEIGH EVIDENCE AND CREDIBILITY FINDINGS; PROMOTE PERJURIES MISREPRESENTING THE RECORD; AND CAUSE IATROGENIC HARM**

“Appellate courts do not weigh evidence or assess credibility. It is the sole province of the trier of fact to pass on the weight and credibility of evidence.” *Boeing Co. v. Heidy*, 147 Wn.2d 78, 87 (2002). Only the finder of fact can assess the persuasiveness of the evidence and resolve conflicts in the testimony. *State v. Asaeli*, 150 Wn.App.543 (2009). Here, this court relies heavily on John’s frivolous briefs 45835-7; 49839-1-II, his unethical attorney ‘s falsehoods in violation of RAP 18.9 As a result, this court misstated the facts of the case, fabricated new allegations; contradicted to the record – reinstalled fundamentally wrong 2013 orders and cause IATROGENIC HARM. For instance:

**JUDGE WICKHAM: “I am prepared to vacate the 2013 and 2015 child support orders based on extraordinary circumstance, which I believe will have the effect of allowing Tatyana to apply for her green card and remove the conditions that were placed on her conditional permanent residence status. It also will allow her to obtain employment, which is another basis for terminating the obligation. See RP 11/02/16 at 475-6.**

**MISSTATEMENTS OF THIS COURT: “We hold that (1) the trial court erred in vacating the 2013 child support order because the failure of the parties to inform the court of the I-864 affidavit was not an extraordinary circumstance extraneous to the prior proceedings” 49839-1-II - The 07/31/18 Opinion.**

**JUDGE WICKHAM: (“I am ONLY looking at the 2013 child support to vacate...based upon Tatyana’s difficulties in obtaining substantial gainful employment”) RP 11/02/16 at 476.**

MISSTATMENTS OF THIS COURT: Tatyana maybe entitled to I-864 but is no reason to question the validity of the 2013 ruling she “voluntarily unemployed” 49839-1 07/31/18 opinion at 11.

JUDGE WICKHAM: **Tatyana is in a disfavored status** who has significant unpaid child support and that the immigration authorities have the discretion to deny her permanent residency--**and were she to go back to immigration, she would be denied again because of the 2013 child support order**”) See RP 11/02/16 at 471.

MISSTATMENTS OF THIS COURT (“Nothing in the Federal Statutes or regulations provides that I-864 must be enforced in a dissolution action”) See 49839-1 the 07/31/18 opinion at at 12

JUDGE WICKHAM-(“**I am NOT enforcing the I-864 obligation but ONLY considering it** as in *Khan* case did not reverse Judge Hogan for considering the I-864”) RP 11/02/16 at 472

MISSTATMENTS OF THIS COURT (“in her motion for reconsideration-[Tatyana] argues that a number of other factors other than the I-864 enforcement justified the trial court’s relief from the 2013 child support order. This court’s opinion and this order do not preclude her from filing a motion for relief from the child support order or a motion to modify ongoing child support based on these factors, if allowed by applicable law. See 49839-1 (09/24/18 Order denying motion for reconsideration).

This court outrageously harmed Tatyana; grossly misstated the facts of the case and the 2016 trial proceedings; relied heavily on unsupported allegation s provided by John’s attorney and his experts: Lisa Seifert, Ms. Hurt, Mr. Smith and John **in whom the trial court chose not to place credibility.** RP 11/02/16 at 474; RP 12/09/16 at 17-20; RP 01/25/17 at 34. Yet, John at BR 7 citing (“This court held ‘trial court heard testimony of John’s experts -which found credible’) contradicts to the record. Even recusal judge Hirsch noticed this court’s misstatement:

RECUSAL JUDGE HIRSCH: (“I read this Court of appeals decision; it did not speak to some of the credibility findings that the trial made. Frankly I was very bothered during trial of the testimony of Ms. Hurt therapist and Mr. Smith GAL- this is why I removed her from the case.”) RP 01/25/17 at 34.

The record shows this court placed credibility in these unprofessional testimonies and on John’s falsehoods -- rather than properly review the 2016 trial court proceedings and substantial evidence Ex 36- Mr. Gairson’s report and his testimony and the USCIS Orders Ex 37. The Washington State Law said: this court “defers to the trier of fact for resolution of conflicting testimony, evaluation of the evidence’s persuasiveness, and assessment of the witnesses’ credibility. In re G.W.F., 170 Wn. App. 631, 637, 285 P.3d 49 208 (2012). “Credibility determinations are for the trier of fact and are not subject to appellate review. McCallum v. Allstate Property and Cas. Ins. Co., 149 W. App. 412 (2009). “Appellate courts do not weigh evidence or assess credibility”. This court violated its own rules.

**4. THE USCIS ORDER IS RE-DIRECTING THIS COURT TO RE-VACATE THE 2013 ORDERS AGAIN.**

THE 2020 USCIS ORDER: “Our record shows that from March 2001 to March 2020 Tatyana is the victim of battery or extreme cruelty committed by John... On November 23, 2016 the child support order against Tatyana Mason was dismissed. On April 7, 2018 we removed her conditions based on this order, but on March 6, 2019 the child support order was reinstated. In order to maintain her permanent resident status, Tatyana Mason must re-submit the following information, documents, and forms: **Certified copy of dismissal from appropriate state child support office and court.**”CP 96-7

This court has an opportunity to correct their own unpreserved harmful errors *State vs. Davis*, 175 Wn 2d 287, 344, 290 P.3d 43 (2012), cert. denied,---U.S.---, 134 S Ct, 62, 187 L. Ed 2d 51(2013) . John argues BR 25 even he perjures this court in bad faith and this court made harmful error – based on these perjuries—this matter is barred by res-judicata- John contradicts to the case *King Cnty. Dep’t of Adult & Juv. Det.v. Parmelee*, 162 Wn. App. 337, 360, 254 P. 3d 927 (2011) “if the court decision is manifestly unreasonable or based on untenable ground or untenable reasons and cause significant harm, it is an abuse of discretion”). *Shandola v. Henry*, 198 Wn App 889, 895, 396 P. 3d 395 (2017) “when extraordinary circumstances involving irregularities extraneous to the proceeding” *Id* 198 Wn. App. at 895. The USCIS Order twice directs this court to re-vacate the 2013 Order. At the 2016 trial an expert Mr. Gairson confirmed that the 2013 Order is harmful Judge Wickham said: (“the 2013 order must be vacated, I see no way for either party to get out of this box that you are both in”) RP 11/02/16 at 476.

**5. TATYANA PRO-SE DECLARE THAT SHE CANNOT COMPEL THIS COURT’S UNREASABLE 2018 AND THE RECUDAL JUDGE HIRSCH’ - 2013 AND 2017 ORDERS.**

The 2016 trial proved that Tatyana pro-se is in an extreme economical hardship not by her choice, but because of John’s abuse and the 2013 fundamentally wrong order. RP 11/02/16 at 475-6. It was proven that the

2013 trial was based on John and his expert witnesses' perjuries in violation of CR 11(a). RP 12/09/16 at 17-20; RP 11/02/16 at 474. Now, this court reinstated the 2013 orders but the USCIS re-directing this court to –re-vacate their orders as fundamentally wrong causing outrageous harm to Tatyana *pro-se* and her children.

Reasons for Tatyana not able to compel with this court and 2013 Orders.

1. Due to this court 07/31/18; 09/24/18 & 11/25/13 and 01/25/17 Orders—Tatyana was prevented from obtain gainful employment and earn a living; She cannot pay for re-unification with her children or pay for parenting evaluation and lift wrongly placed RCW 26.09.191restriction. RP 11/02/16 at 471; 75-6.
2. Tatyana lives way below 125% poverty level on DSHS public assistance since 2001 due to John's abuse and his refusal to remove conditions from her green card. DSHS record.
3. DSHS public assistance is made for the low income people and even child support amounts cannot be garnished from this.
4. Tatyana does not own a car and subsists at the whim of friends and acquaintances who allow her to live temporarily in their homes
5. IRS; USCIS and DSHS show Tatyana did not work in the US.
6. Now, Tatyana is disabled due to cancer since 2017 to this date on daily cancer treatments—is unable to work.

Economic abuse is commonly present during abusive relationships, and it continues after divorce by using the court system in the manner of which it was not design. *Smith & Coukos*, *supra* note 8, at 40. The court in *Hammack* concluded that the agreement waiving child support was

against public policy, making it void and unenforceable. *Id.* at 811. *See also In re Marriage of Knies*, 96 Wn. App. 243, 250-51, 979 P.2d 482 (1999) (holding that transition of the obligor's income from pension to disability allowed the obligor to circumvent property settlement and constituted an extraordinary circumstance). But this court and Hirsch -- ordered Tatyana to pay \$300 for reunification with the children:

THE 2013 ORDER OF THE RECUSAL JUDGE HIRSCH:  
("Tatyana shall engage in the reunification process with the children which shall be coordinated by Robert Keller and Dr. Leuke. These professionals shall determine the best plan for moving the reunification therapy and visits between the mother and the children forward. **The cost for all reunifications with Robert Keller and Dr. Leuke [which is \$300 per hour] shall be paid by Tatyana** see 11/25/ 13 PP Order .

The 45835-7 49839-1 relied on John's falsehoods at BR 5 citing ([Recusal Judge Hirsch] "expressed concern that Tatyana had not exercised all of her visitation rights and refusing to paying for the reunification with her children pursuant to the former court orders"); BR 19 sarcastically stated: ([Recusal Judge Hirsch] "tried as best she could to give [Tatyana] an opportunity to begin to have contact with her children. RP 01/25/17 at 35"); At 01/25/17 at 38 Hirsch stated "some mechanism exists for Tatyana to move forward"- **contradicted to the record.**

THE 2020 USCIS ORDER: "Our record shows that from March 2001 to March 2020 Tatyana is the victim of battery or extreme cruelty committed by John... On November 23, 2016 the child support order against Tatyana Mason was dismissed. On April 7, 2018 we removed

her conditions based on this order, but on March 6, 2019 the child support order was reinstated. In order to maintain her permanent resident status, Tatyana must re-submit the following information, documents, and forms: **Certified copy of dismissal from appropriate state child support office and court.**" CP 96-7; 2021-2

This court may RE-VACATE the 2013 judgment under CR 60(b)(11) when the case involves "extraordinary circumstances and when other's parties perjuries involved." Shandola, 198 Wn. App. at 903. Courts considering motions to vacate orders in dissolution have found circumstances to be sufficiently extraordinary when they materially frustrate the purpose of the relevant order. *See, e.g., In re Marriage of Hammack*, 114 Wn. App. 805, 810-11, 60 P.3d 663 (2003); *In re Marriage of Thurston*, 92 Wn. App. 494, 503-04, 963 P.2d 947 (1998).

**6. JUDGE WICKHAM IS ENTITLED TO HEAR THIS PENDING CASE AS A JUDGE PRO-TEMPORE**

JUDGE WICKHAM: ("Because this case is so complicated, I do not want to pass this case off to another trial Judge") RP 11/02/16 at 480

Court of appeals division I ruled: ("Because of the complexity of this case, the present lack of record of the proceedings and far greater familiarity of the trial [Judge Chris Wickham] with the circumstances of the parties- we remand this case to the trial court") Boeing Company v. Sierracin Corporation 43 Wn.App.288 (Wash. Ct App. 1986). The law said: "If a previously elected judge of the superior court retires leaving a pending case in which the judge has made discretionary rulings, clerical

mistakes and other errors, the judge is **entitled** to hear the pending case as a judge pro tempore without any written agreement. Zachman v. Whirlpool Financial Corp. 123 Wn. 2d 667 (Wash. 1994) Copy Cite Senate Joint Resolution 8207, 50th Legislature; Laws of 1987, 1st Ex.

This Court should therefore strike John's argument on this point and re-appointed Judge Wickham as pro-tempore to correct his clerical mistakes. And straighten out this complicated matter.

Here, Judge Wickham has knows this case so well- he has made discretionary rulings in this case in 2008; 2009; 2010 and 2016 three day trial proceedings. Judge Wickham is **entitled** to straighten out this so complicated pending case. John fails to provide any authority for this proposition argues in his 52959-9 brief against pro-tempore Judge. Instead he uses **not on point case** at his BR 23 ("**If by reason of Judge's death, a judge before whom an action has been tried is unable to perform the duties to be performed by the court under these rules**"). **But Judge Wickham is did not die**, Judge Wickham just retired. Judge Wickham is entitled to hear this so complicated pending case.

#### 7. JOHN IS NOT ON POINT REGARDING RAP 7.2 (e)

The Washington State court of appeals division I, previously ruled on this type of issue See State v. Portomene, 79 Wn. App. 863, 865, 905 P.2d 1234 (1995) ("a delayed entry of findings and conclusions does not

warrant reversal”) *Id.* 79 Wn. App. at 864. The Washington Court of Appeals Division I previously held, in the civil context, that the trial court's failure to enter findings is a clerical error which may be corrected any time during the appeal process under CR 60(a) and RAP 7.2(e). *State v. Vailencour*. (CP 1-4). We therefore accept the late entry of findings and conclusions into written order. See *In re Stern*, 68 Wn. App. 922, 927-28, 846 P.2d 1387 (1993). This Court should also strike John’s argument on this point.

#### 8. SUPERSEDEAS BOND

At the end of 2016 trial-- Judge Wickham issued judgment \$12,800 with 12% interest against John and his attorney Ms. Robertson under CP 1367-8. John placed a bond in the amount of \$15,000. Today is already 2020 year and the amount of bond should be increased to \$20,141.05 .

Judge Wickham already said:” this long term case is very complicated – immigration field involved” RP 11/02/16 at 480. Even this court misunderstood this case. “*All these time Tatyana as pro-se and cancer patient--has been operating at a huge disadvantage*” is fighting against batterer John and his unethical attorney who are taking advantage of the situation. RP 11/02/16 at 478. This case is remand to a trial court- where Tatyana need a professional good quality attorney to straighten this matter out.

JUDGE WICKHAM: “I am prepared to vacate the 2013 and 2015 child support orders based on **extraordinary circumstance**, which I believe will have the effect of allowing Tatyana to apply for her green card and remove the conditions that were placed on her conditional permanent residence status. It also will allow her to obtain employment, which is another basis for terminating the obligation. *See* RP 11/02/16 at 475-6.

At the 2016 trial an expert in immigration law Mr. Gairson testified:

MR. GAIRISON’s REPORT: (“11. Tatyana’s conditional permanent residence expired over a decade ago and she will **have a difficult time acquiring a waiver to remove those conditions & gainful employment**”) Ex 36 at page 2; 17.

This court should consider that to remove conditions cost \$20,000—Tatyana lives on DSHS public assistance; she does now own a car and cannot afford this amount and prevented from obtain gainful employment by John, the 2013 Orders. Based on John’s abuse of process in the manner of which it was not design, Tatyana is in debt of over \$1,000,000 now. Especially when this court reinstalled the fundamentally wrong 2013 order—damaged Tatyana’s immigration status even more. John’s bond should be \$40, 141.

This court ruled in *Boeing* “We agree that RAP 8.1(b) is applicable in this case. A supersedeas requiring a monetary response is adequate here to protect Boeing interest concerned”... “Because of the complexity of this case, the present lack of a record of the proceedings and the far greater familiarity of the trial Judge with the circumstances of the parties, we remand this case to the trial court to determine the amount of bond or if a bond is not appropriate, the nature of other security that should be provided” *Boeing Company v. Sierracin Corporation* 716 P.2d 956 (Wash. Ct. App. 1986)

JUDGE WICKHAM requested: (“because this case is so complicated, I do not want to pass this case off to another trial Judge”) RP 11/02/16 at 480

This court should let Judge Wickham decide the amount of bond. A supersedeas requiring a monetary response is adequate here to protect Tatyana’s interest concerned”...

**9. CR11(a); RAP 18.9 S ANCTIONS AGAINST JOHN AND HIS UNETHICAL ATTORNEY IS APPROPRIATE IN THIS CASE:**

The record shows that John with help of his unethical attorneys perjures this Court; fabricated evidence, grossly misrepresented the record confused the court as the result- this court’s integrity is suffering.

Sanctions protect not only the harmed Tatyana, but also the integrity of the courts. This court should impose sanctions against John and his counsel Ms. Robertson under RAP 18.9 for multiple frivolous pleadings and misstatements of fact *Clarke v. Equinox Holdings, Ltd.*, Wn.App. 125, 132, 783 P.2d 82 (1989); *Streater v. White*, 26 Wn.App. 430, 434-35, 613 P.2d 187 (1980).

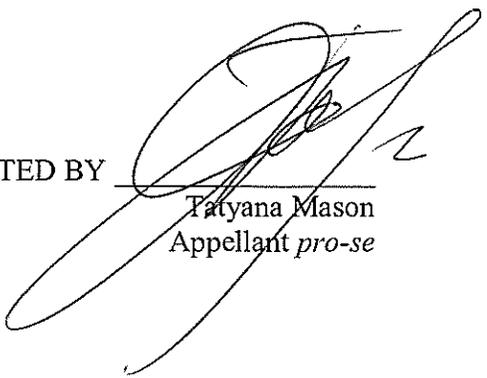
**III. CONCLUSION:**

For all these reasons above, and because extreme extraordinary circumstances and John’s perjuries involved in this case, the recusal judge Hirsch’s orders must be vacated as fundamentally wrong. Judge Wilson’s

orders must be overturned and Judge Wickham who is familiar with this case is entitled as pro-tempore judge to clear this matter out.

DATED July 31, 2020

RESPECTFULLY SUBMITTED BY



Tatyana Mason  
Appellant *pro-se*

# **APPENDIX A**



E-FILED  
THURSTON COUNTY, WA  
SUPERIOR COURT

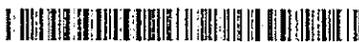
07/30/2020 8:41:37 AM

March 2, 2020

Tatyana Mason

[REDACTED]

File:



[REDACTED]

LETTER

07-3-00848-0

To Whom it May Concern,

Our record shows that from March 2001 to March 2020 Tatyana Mason is the victim of battery or extreme cruelty committed by:

- A U.S. citizen spouse or former spouse – John Mason.

**Statement of Facts and Analyses**

On October 28, 1999, Tatyana Mason obtained conditional permanent resident status through her spouse in immigrant classification CFI. Her spouse did not file Form I-751 Petition to Remove Conditions on Residence required him by law 8 U.F.R. §216.4(a)(6). Her conditional permanent resident status expired since March 2001. Her spouse also has failed to provide Tatyana Mason with the basic level of subsistence support promised in the Form I-864 contract 8 U.S.C. §1182(a)(4)(B). As a result, she had to get Washington Department of Social and Health Services (DSHS), Cash Assistance, Food Assistance, and Medical Assistance to support herself and the children. A Domestic Violence Protection Order has been issued against John Mason, the court found that there had been acts of abuse and control by him. Multiple other pieces of data point to John Mason being labeled as controlling.

On July 24, 2008 they divorced, but he repeatedly took her in court until on November 25, 2013 modified parenting plan order placed against Tatyana Mason and she owes him child support.

In 2014 Tatyana Mason submitted Form I-90 to replace Permanent Resident Card, to U.S. Citizenship and Immigration Services (USCIS) under section of the Immigration and Nationality Act (INA). She was not aware that her conditional permanent residence expired 19 years ago until on February 27, 2015 we issued our decision: "To be eligible for removing conditions from her resident card, Tatyana Mason must contact and make appropriate arrangements with the relevant state child support agency and court. After these arrangements, she must notify our office in writing: **Certified copy of arrangement or dismissal child support from appropriate state office and court.**"

On November 23, 2016 the child support order against Tatyana Mason was dismissed. On April 7, 2018 we removed her conditions based on this order, but on March 6, 2019 the child support order was reinstated in the court of appeals division II.

In order to maintain her permanent resident status, Tatyana Mason must re-submit the following information, documents, and forms: **Certified copy of dismissal from appropriate state child support office and court.**

Our record shows that the court failed to recognize certain types of John Mason's domestic violence, and in turn also failed to recognize his abusive litigation tactics.

In order to do that, it is necessary to understand what qualifies as abuse. The definition is fairly broad, and does not always need to involve physical injury.

Here is what the U.S. Citizenship and Immigration Services regulations say on the matter:

". . . the phrase 'was battered by or was the subject of extreme cruelty' includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, or forced prostitution shall be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence. The qualifying abuse must have been committed by the citizen or lawful permanent resident spouse."

(See 8 C.F.R. Section 204.2(c)(vi).)

#### **Immigration Control as Abuse**

"The very reason for USCIS' enactment was the tendency of abusers to use their control over the victim's immigration status as a means of leverage. Abusers might threaten to call the authorities, and tell the immigrant lies about her rights in the U.S., such as the right to social services and protection by the police and U.S. courts. These are also recognized forms of abuse."

#### **Economic Abuse**

"The abuser might refuse to give the victim access to any money, and prevent him or her from looking for a job; or take action to have the person terminated from an existing job."

#### **Social Isolation or Forced Detention as Abuse**

"Immigrants are already vulnerable to social isolation, being in a new culture and perhaps unfamiliar with the language. Abusers can readily take advantage of the situation and refuse to let the immigrant victim use the telephone or car, contact friends or family, leave the house for schooling, English language classes, a job, religious worship, social or other activities, and so forth."

#### **Threats of Harm to Others**

"The violence or threats of violence need not be limited to the immigrant spouse or child. If the U.S. abuser harms, harasses, or threatens to harm the immigrant's children or other family, friends, pets, or contacts, that too is a form of abuse."

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Sincerely,

Field Officer No 42

# **APPENDIX B**

OLYMPIA CSO  
PO BOX 45456  
OLYMPIA WA 98504-5456



Phone # 877-980-9180  
TTY/TDD #  
Toll Free #

09/04/01

TATYANA I. MASON  
9640 MULLEN RD SE  
OLYMPIA, WA 98513-9287

Client ID # [REDACTED]

Reprint Options

- Local  State  None
- Include Attachments

Dear TATYANA I. MASON

Based on the current record, our social workers' report, Police's report, Safe-Place information, and evidence provided to our department, Tatyana I. Mason and her new born son exposed to violence in the home are also victims of physical and financial abuse from John Mason. According to what our crossmatchers have shown Tatyana I. Mason has met the income requirements to be eligible for our program.

Because you and your son are victims of abuse, you have been approved for the following benefits:

Benefit	Beginning Date	Ending Date
Cash Assistance	09/04/01	10/05/02
Food Assistance	09/04/01	10/05/02
Medical Assistance	09/04/01	10/05/02

Benefit Amount	Cash	Date	Food	Date
	Assistance	Available	Assistance	Available
First Month	\$772.00		\$580.00	
Second Month	\$820.00		\$580.00	
Following months, unless	\$820.00		\$580.00	
There is a change in your situation		1 day of the month		1 day of the month

Reporting Changes

You only need to tell us if:

- You move; or
- If your total gross monthly income goes over \$ 1,500.

These changes must be reported by the 10<sup>th</sup> of the month following the month of the changes. If you don't your benefits could stop, be late or you could get the wrong amount.

# APPENDIX C

07-3-00848-0  
REC  
Recusal of Judge  
1005453



FILED  
SUPERIOR COURT  
THURSTON COUNTY, WA

2017 FEB -2 AM 8:51

Lina Myhre Enlow  
Thurston County Clerk

**SUPERIOR COURT OF WASHINGTON  
IN AND FOR THURSTON COUNTY  
FAMILY & JUVENILE COURT**

<p>JOHN A MASON,  vs.  TATYANA IVANOVNA MASON, Respondant.</p>	<p style="text-align: center;">No. 07-3-00848-0</p> <p style="text-align: center;"><b>RECUSAL NOTICE (REC)</b></p> <p style="text-align: center;"><b>(Clerk's Action Required)</b></p>
Petitioner,	
	Respondant.

Judge Anne Hirsch has recused from participating in this case.

Dated: 1st of February, 2017

\_\_\_\_\_  
Judge Anne Hirsch

Recusal Notice

THURSTON COUNTY SUPERIOR COURT  
FAMILY & JUVENILE COURT  
Mail: 2000 Lakeridge Dr. S.W.  
Location: 2801 32<sup>nd</sup> Avenue SW, Tumwater  
Olympia, WA 98502  
Tele: (360)709-3201 - Fax: (360)709-3256

# APPENDIX D

# THURSTON COUNTY SUPERIOR COURT

MARCH 4, 2016  
REVISION CALENDAR 9:00 AM

07-3-00848-0  
MTHRG  
Motion Hearing  
143641

JUDGE CHRIS WICKHAM  
CLERK YVONNE PIER  
DIGITAL RECORDING DEVICE



Underlined Parties Present at Hearing

PAGE 1

1 07-3-00848-0

MASON, JOHN A

vs.

MASON, TATYANA IVANOVNA  
Revision

Related Cases:

ROBERTSON, LAURIE GAIL

Pro Se

BARTHOLOMEW, RICHARD L. \*GAL  
Guardian ad Litem; Guardian ad Litem

Telephonic  
Tatyana Mason  
(206) 877-2619  
(SS)

---

Clerk attempted to contact Ms. Mason by telephone. There was no answer and the call went to voice mail.

Ms. Robertson presented argument.

There was no appearance by Ms. Mason or anyone on her behalf.

The Court denied the motion. The Court found that if there is an additional motion filed by Ms. Mason there may be a determination of whether any future motions must be reviewed by a judicial officer prior to setting the matter for hearing.

Court signed: Order on Motion for Revision – Denied

# THURSTON COUNTY SUPERIOR COURT

FRIDAY APRIL 1, 2016  
CW JUDGE'S MOTION CALENDAR - 9:00

JUDGE CHRIS WICKHAM  
NAOMI WELCHER, CLERK  
DIGITAL RECORDING

Underlined Parties Present at Hearing

PAGE 1

1 07-3-00848-0

Related Cases:

MASON, JOHN A

ROBERTSON, LAURIE GAIL

vs.

MASON, TATYANA IVANOVNA

Pro Se

**Motion Hearing**

BARTHOLOMEW, RICHARD L. \*GAL  
Guardian ad Litem; Guardian ad Litem

**Reconsideration**

Telephonic

Tatyana Mason

9-12 (SS)

>

Tatyanan Mason appearing telephonically presented motion and argument. Ms. Robertson presented argument and motion for fees. Ms. Mason presented rebuttal argument.

The Court presented findings. The Court continued the hearing for 4 weeks for Ms. Mason to file proof of legal status in the United States. Ms. Robertson may appear telephonically. The hearing will be on April 29, 2016 at 9:00. Ms. Mason will appear by telephone. Ms. Mason's documentation to be filed with the court within 2 weeks with copies to Ms. Robertson. Ms. Robertson's response should be early enough for the court to review.

No order signed.

07-3-00848-0  
MTHRG  
Motion Hearing  
180005



# THURSTON COUNTY SUPERIOR COURT

FRIDAY APRIL 29, 2016  
FAMILY LAW MOTION CALENDAR 9:00 A.M.

JUDGE CHRIS WICKHAM  
DEBBIE VESSEY, CLERK  
DIGITAL RECORDING

Underlined Parties Present at Hearing

PAGE 1

1

07-3-00848-0

Related Cases:

MASON, JOHN A ROBERTSON, LAURIE GAIL

vs.

MASON,  
TATYANA  
IVANOVNA

Pro Se

Motion Hearing

Reconsideration

Telephonic  
Tatyana Mason

BARTHOLOMEW, RICHARD L. \*GAL  
Guardian ad Litem; Guardian ad Litem

---

Lori Robertson and Tatyana Mason both appeared by telephone.

Ms. Mason moved to strike the response from petitioner as untimely. Ms. Robertson presented argument in response.

The court declined to strike the responsive documents. The court directed Ms. Mason to have an official authenticate the affidavit of support document filed in the immigration case. Ms. Robertson may make a formal request for records through the Freedom of Information Act.

The court administratively continued this matter to July 8, 2016 and suspended Ms. Mason's support obligation pending outcome of that hearing. Ms. Robertson was directed to prepare an order to present ex parte.

No order was signed.

07-3-00848-0  
MTHRG  
Motion Hearing  
215072



# THURSTON COUNTY SUPERIOR COURT

FRIDAY, JULY 8, 2016

CW MOTION 9:00 AM

JUDGE CHRIS WICKHAM  
NAOMI WELCHER, DEPUTY CLERK  
HEARING RECORDED

Underlined Parties Present at Hearing

PAGE 2

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07-3-00848-0

Related Cases:

MASON, JOHN A

ROBERTSON, LAURIE GAIL

vs.

MASON, TATYANA IVANOVNA

Pro Se

Motion Hearing

BARTHOLOMEW, RICHARD L. \*GAL  
Guardian ad Litem; Guardian ad Litem

**All Matters**

Tatyana Mason

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>

Ms. Mason appeared telephonically.

Ms. Mason addressed the court. Ms. Robertson presented argument.

The Court determined that the issues to be CR60 and 864 factors sufficient to hear vacation of the child support order and will need to be taken up by trial. The Court referred the parties to court administration.

Ms. Robertson advised that she was opposed to Ms. Mason appearing telephonically for trial.

No orders signed during session.

07-3-00848-0  
MTHRG  
Motion Hearing  
424141





# THURSTON COUNTY SUPERIOR COURT

Thursday, September 29, 2016, 1:30 p.m.  
PTR Family Calendar

Judge Chris Wickham  
Matt Menovcik, Deputy Clerk  
Hearing Recorded

## Underlined Parties Present at Hearing

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1. 07-3-00848-0

MASON, JOHN A

vs.

MASON, TATYANA

Pre-Trial Conference

ROBERTSON, LAURIE GAIL

BARTHOLOMEW, RICHARD L. \*GAL

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>

Also present: Timothy Arnold appearing for Laurie Robertson

Ms. Mason addressed the Court.

The parties discussed number of witnesses.

Court confirmed this for two day trial.

Ms. Mason requested a Russian interpreter for trial.

The clerk was instructed by the court to contact court administration to arrange for Russian interpreter for Ms. Mason.

Ms. Mason requested subpoenas.

Court handed the subpoenas back without signing them and had motion filed.

Ms. Mason addressed the Court regarding additional motion. The Court instructed her to submit a written motion and schedule any additional motions on his motion calendar.

Court entered: Pretrial Order



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FILED  
SUPERIOR COURT  
THURSTON COUNTY, WASH.

SUPERIOR COURT OF WASHINGTON  
IN AND FOR THURSTON COUNTY  
FAMILY & JUVENILE COURT

2016 SEP 29 PM 3:30

JOHN A MASON

Petitioner,

and

TATYANA IVANOVNA MASON

Respondent.

Linda Myrta Enlow  
NO. 07-3-00848:01on County Clerk

PRETRIAL ORDER

CLERK'S ACTION REQUIRED

This matter came before the Court for Pretrial Conference. The following appeared:

Petitioner:  yes  no Attorney for Petitioner: LAURIE ROBERTSON  
Respondent:  yes  no Attorney for Respondent: SELF-REPRESENTED  
Other:  yes  no Attorney for Other:  
Guardian Ad Litem:  
Prosecuting Attorney:

The Court having reviewed all relevant pleadings and having heard from the parties, and finding that is appropriate to enter a Pretrial Order, it is hereby ORDERED:

This is a  dissolution  petition for parenting plan  petition for child support  
 parenting plan modification  child support modification  relocation trial.

This trial is scheduled to begin the week of

The Petitioner will call 4 and the Respondent will call 3 witnesses.

The Petitioner will offer approximately exhibits and the Respondent will offer approximately exhibits.

The trial will last 1 day(s). 2 day(s).

The trial is 1 in priority.

The matters going to trial:

maintenance  property/debt division  parenting plan  child support CW  
 restraining order  protection order  relocation  
 attorney fees  other:

Proposed:

Findings and Conclusions About A Marriage  
 Final Divorce Order/Legal Separation Order/Invalid Marriage Order  
 Final Order and Findings for a Parenting Plan, Residential Schedule and/or Child Support  
 Findings and Conclusions About Parentage and Final Parentage Order  
 Final Order and Findings on Petition to Change a Parenting Plan, Residential Schedule or Custody Order  
 Final Order and Findings on Petition to Modify Child Support Order  
 Final Order and Findings on Objection about Moving with Children and Petition about Changing a Parenting/Custody Order (Relocation)

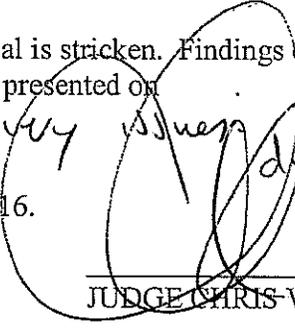
THURSTON COUNTY SUPERIOR COURT  
FAMILY & JUVENILE COURT  
Mail: 2000 Lakeridge Dr SW Olympia WA 98502  
Location: 2801 32nd Ave SW, Tumwater WA 98512  
Phone: (360) 709-3201 - Fax: (360) 709-3256  
CLERK'S OFFICE: (360) 709-3260

- Parenting Plan/Residential Schedule (Final Order)
- Child Support Worksheet and Order of Child Support
- Restraining Order
- Order for Protection
- Other: \_\_\_\_\_

shall be submitted to the Court no later than the status conference the week before the trial is scheduled to commence.

- Any stipulations of facts shall be placed in writing, signed by the parties and submitted to the Court no later than the start of trial.
- The final witness lists, including the general order in which witnesses will be called, for both parties shall be provided to the parties and the Court on or before the status conference the week before the trial is scheduled to commence.
- Trial briefs shall be filed and provided no later than the status conference the week before the trial is scheduled to commence.
- Any issues regarding ER 904 evidentiary issues shall be resolved between the parties prior to trial or scheduled as a pretrial motion.
- Parties and witnesses shall be instructed to abide by all court orders, pretrial orders and agreements regarding evidence.
- Any technology to be used during trial shall be set up in advance and tested to ensure that trial will not be delayed.
- Trial exhibits must be marked by the Clerk the week before the trial is scheduled to commence. A copy of the exhibit list, as well as the Judge's bench copy of the exhibits, shall be provided to the Judge's Judicial Assistant at the status conference the week before trial is scheduled to commence. The exhibit list shall indicate the exhibit's admissibility as: (1) stipulated, (2) Authenticity stipulated, admissibility disputed, or (3) Authenticity and admissibility disputed.
- The parties shall be in the courtroom ready to begin at 8:30 a.m. the first morning of trial.
- The case has settled and the trial is stricken. Findings of Fact, Conclusions of Law and Final Orders shall be presented on
- Other: *Possible discovery issues. Parties advised to have discovery conference.*

DATED this 29 day of September, 2016.

  
 \_\_\_\_\_  
 JUDGE CHRIS WICKHAM      CHRIS WICKHAM

\_\_\_\_\_  
 PETITIONER

\_\_\_\_\_  
 RESPONDENT

\_\_\_\_\_  
 OTHER PARTY

\_\_\_\_\_  
 GUARDIAN AD LITEM

THURSTON COUNTY SUPERIOR COURT  
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APPEARANCES

For the Petitioner:           LAURIE ROBERTSON  
Washington Family Law Group  
10700 Meridian Ave N, Ste. 107  
Seattle, WA 98133-9008

For the Respondent:           TATYANA MASON  
(Appearing Pro Se)

Also Present:                 DIANA NOMAN  
MARINA DELAHUNT  
ALMIRA SAFAROVA-DOWNEY  
Russian Interpreters

I N D E X

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MARY PONTAROLO	
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REDIRECT EXAMINATION	395
JOHN MASON	
CROSS-EXAMINATION (Cont'd)	397
REDIRECT EXAMINATION	421
RE-CROSS-EXAMINATION	422
TATYANA MASON	
DIRECT EXAMINATION	424

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E X H I B I T S

Petitioner's Exhibit 53	340
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Petitioner's Exhibit 63	358
Petitioner's Exhibit 79	365
Petitioner's Exhibit 72	367
Respondent's Exhibit 14	382
Respondent's Exhibit 80	397
Respondent's Exhibit 82	420

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1 also showed evidence that her immigration status has  
2 routinely been used against her, and then it  
3 indicates an opinion by Trisha, a common technique  
4 used by perpetrators to ensure victims of domestic  
5 violence believe that they have no rights.

6 MS. MASON: So that's definitely related  
7 because the immigrational status --

8 THE COURT: Just ask her another question.

9 MS. MASON: Q. Okay. As your 15 years been  
10 executive director of SafePlace, what is your  
11 experience of manipulation with the immigrational  
12 status?

13 A. It's very often a technique used to have control over  
14 a victim of domestic violence. There are a number of  
15 techniques that are used, and that's certainly one of  
16 them. Wherever control can be gained, it's utilized.  
17 Immigration status is a -- it is a very vulnerable  
18 thing for clients to experience, for survivors of  
19 domestic violence to experience.

20 Q. Did you have or see the weakness -- or from your  
21 experience, 15 years experience, do you see what the  
22 perpetrator will take passport away, hide the  
23 passport or the immigrant cannot leave the country?

24 MS. ROBERTSON: Objection, relevance.

25 MS. MASON: Why? This is related to

1 THE COURT: Did you have a volunteer legal  
2 assistance program in 2001?

3 THE WITNESS: 2001, the program -- we had a  
4 version of a legal assistance in that we had our  
5 legal advocates. We did not have the clinics --  
6 weekly clinics that we have at this time.

7 MS. MASON: Q. So is it very often when, I  
8 would call, perpetrator would be cutting financial,  
9 stop supporting, specifically people who could not  
10 speak English?

11 A. My experience -- I used to be a perpetrator treatment  
12 provider, and my experience with perpetrators is that  
13 financial control is a very -- it can be a very  
14 strong control over the individual, particularly  
15 if -- quite frankly, if children are involved, the  
16 financial costs of raising children, and also just  
17 access to financial banks. I have had experience  
18 with perpetrators eliminating access to the other  
19 party, to financial banks, to their checking  
20 accounts, savings accounts. I have had limitations  
21 financially, access to vehicles, not giving money,  
22 only giving enough money so that people have enough  
23 to get groceries for the children but no other funds.  
24 So finances -- economic coercion and threats are  
25 unfortunately very common.

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CERTIFICATE OF REPORTER

STATE OF WASHINGTON            )  
  ) ss.  
COUNTY OF THURSTON         )

I, AURORA J. SHACKELL, CCR, Official  
Reporter of the Superior Court of the State of Washington  
in and for the County of Thurston do hereby certify:

1. I reported the proceedings stenographically;
2. This transcript is a true and correct record of the proceedings to the best of my ability, except for any changes made by the trial judge reviewing the transcript;
3. I am in no way related to or employed by any party in this matter, nor any counsel in the matter; and
4. I have no financial interest in the litigation.

Dated this 20th day of April, 2017.

\_\_\_\_\_  
AURORA J. SHACKELL, RMR CRR  
Official Court Reporter  
CCR No. 2439

F



APPEARANCES

For the Petitioner:           LAURIE ROBERTSON  
Washington Family Law Group  
10700 Meridian Ave N, Ste. 107  
Seattle, WA 98133-9008

For the Respondent:           TATYANA MASON  
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Also Present:                 DIANA NOMAN  
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1 a child support order being entered November 25th,  
2 2013. Now, I indicated that the conditions on the  
3 conditional permanent residence were not removed  
4 within the two years as required under the law.  
5 However, I heard testimony that it is possible to  
6 file a Form I-751 to remove the conditions even after  
7 the two years have passed.

8 Ms. Mason, through her own testimony and through  
9 the testimony of her expert, however, has presented  
10 compelling evidence that she is now in a disfavored  
11 status as someone who has significant unpaid child  
12 support and that the immigration authorities have the  
13 discretion to deny her permanent residency at this  
14 point, so she is in the awkward position of being in  
15 this country but having no ability to obtain  
16 permanent status. And with the focus on legal status  
17 that currently exists in this country, it's not hard  
18 to believe that most employers will not hire her,  
19 because she is not able to show proof of legal  
20 status. And were she to go back to immigration, she  
21 would most likely be denied because of the child  
22 support order.

23 Now, it's true this matter got to my courtroom  
24 through a very circuitous path, as Ms. Robertson  
25 pointed out through John's testimony and through the

1 entry of various exhibits along the way. However,  
2 based on my review of the record, I'm persuaded that  
3 no court in the lengthy proceedings involving John  
4 and Tatyana has ever considered the impact of the  
5 I-864 on the obligations of John and Tatyana to each  
6 other. Certainly, if a court was entering a child  
7 support order, it would take into account whether or  
8 not the person receiving child support was also  
9 paying spousal maintenance to the person paying it.  
10 I mean, I think that goes without saying that that  
11 would be considered both in the calculation of the  
12 child support and as to offsets.

13 I understand the *Khan* case. I've reread it, and I  
14 understand that it stands for the proposition that a  
15 family law court is not required to enforce the I-864  
16 obligation. The court was very clear to say that  
17 because the family court does not have to enforce the  
18 affidavit, that preserves the remedy to the  
19 beneficiary of the I-864 affidavit to pursue relief  
20 separately. But I don't read the *Khan* case as saying  
21 that the I-864 affidavit is not relevant. They did  
22 not reverse Judge Hogan for even considering it. And  
23 so I don't believe that the *Khan* case directs this  
24 court or any other court to disregard it.

25 In my mind, it is the elephant in the room in this

1 quarters to her during the marriage, she does not  
2 reach 40 quarters by the end of the marriage, and so  
3 that provision does not apply.

4 Another basis for termination of the support  
5 obligation is if she departs the United States  
6 permanently. As we heard from her testimony, she did  
7 depart, but it was for two weeks for her mother's  
8 funeral. It certainly wasn't permanent. And,  
9 finally, if the sponsored immigrant dies, and that  
10 hasn't happened either.

11 So the various provisions that allow for the  
12 termination of the I-864 support obligation, none of  
13 those have come to pass, so the obligation is still  
14 alive.

15 I also note with regards to credited quarters that  
16 I find credible Tatyana's testimony that, during the  
17 majority of the marriage, she was not supported by  
18 John. Granted, she lived in the house with him that  
19 he was paying the mortgage on in order for her to  
20 survive. She was taking out loans and probably not  
21 doing much of anything.

22 So based on all of this, I am prepared to vacate  
23 the child support order, which I believe will have  
24 the effect of allowing Tatyana to apply for her green  
25 card and remove the conditions that were placed on

1        her conditional permanent residence status, which I  
2        think in the long run is going to be beneficial to  
3        both parties, because it will ultimately allow her to  
4        obtain citizenship, which will terminate the I-864  
5        obligation. That's one of the grounds to do that.  
6        It also will allow her to obtain employment, which is  
7        another basis for terminating the obligation.  
8        Otherwise, I see no way for either party to get out  
9        of this box that you are both in.

10        We've talked about setting a new support amount.  
11        I'm going to leave it to John and his attorney as to  
12        whether or not they wish to do that. I have heard  
13        testimony from Ms. Gairson that John owed Tatyana a  
14        certain amount of money under the I-864 affidavit. I  
15        fully expected to hear an argument for that today. I  
16        would not have granted that relief, because, again,  
17        I'm only looking at the child support order, but I  
18        would expect a court setting support to consider that  
19        obligation and net out any child support. And I'm  
20        assuming the I-864 obligation would probably surpass  
21        any amount of support based upon Tatyana's difficulty  
22        in obtaining substantial gainful employment.

23        So I don't know that it's going to be beneficial  
24        to either side to enter that order, but I leave it up  
25        to John. He has a right to request it, and so that



**PRO-SE**

**July 31, 2020 - 10:17 AM**

**Transmittal Information**

**Filed with Court:** Court of Appeals Division II  
**Appellate Court Case Number:** 52959-9  
**Appellate Court Case Title:** In Re The Marriage of Tatyana Mason, Appellant v John Mason, Respondent  
**Superior Court Case Number:** 07-3-00848-0

**The following documents have been uploaded:**

- 529599\_Briefs\_20200731101619D2184493\_9493.pdf  
This File Contains:  
Briefs - Appellants Reply  
*The Original File Name was 52959-9 Reply Breif of Appellant..pdf*

**A copy of the uploaded files will be sent to:**

- ken@appeal-law.com
- laurier@washingtonstateattorneys.com
- paralegal@appeal-law.com

**Comments:**

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Sender Name: Tatyana Mason - Email: tatanam377@gmail.com  
Address:  
PoBox 6441  
Olympia, WA, 98507  
Phone: (206) 877-2619

**Note: The Filing Id is 20200731101619D2184493**