

FILED
Court of Appeals
Division II
State of Washington
5/16/2018 1:10 PM

No. 50393-0-II

**DIVISION II, COURT OF APPEALS
OF THE STATE OF WASHINGTON**

RUTH BENNETT,

Defendant-Appellant,

v.

FINANCIAL ASSISTANCE, INC.,

Plaintiff-Respondent.

**ON APPEAL FROM THURSTON COUNTY SUPERIOR COURT
(Hon. James J. Dixon)**

APPELLANT'S REPLY BRIEF

Ruth Bennett, *pro se*
13829 Chein Hill Lane Southeast
Tenino, Washington [98589]
Tel. (360) 264-2083
email: ruthabennett@comcast.net

TABLE OF CONTENTS

I. Table of Authorities page i

II. Argument and Legal Authority page 1, 2

III. Conclusion page 2

TABLE OF AUTHORITIES

Case Law

***Boag v. MacDougall*, 454 U.S. 364, 102 S.Ct. 700,
70 L.Ed.2d 551 (1982) page 1**

***Estelle v. Gamble*, 429 U.S. 97, 106, 97 S.Ct. 285, 50 L.Ed.2d 251 (1976)
(quoting *Conley v. Gibson*, 355 U.S. 41, 45-46, 78 S.Ct. 99,
2 L.Ed.2d 80 (1957)) page 1**

***Haines v. Kerner*, 404 U.S. 519, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972) page 1**

***McDowell v. Delaware State Police*, 88 F.3d 188, 189 (3rd Cir. 1996) page 1**

***United States v. Day*, 969 F.2d 39, 42 (3rd Cir. 1992) (holding pro se
petition cannot be held to same standard as pleadings drafted by
attorneys) page 1**

***Then v. I.N.S.*, 58 F.Supp.2d 422, 429 (D.N.J. 1999) page 1**

***Vega v. Johnson*, 149 F.3d 354 (5th Cir. 1998) page 1**

***U.S. v. Sanchez*, 88 F.3d 1243 (D.C.Cir. 1996) page 2**

II. ARGUMENT

Comes Now Appellant, Ruth Bennett, and responds to Appellee's responding brief as follows:

1. Most of what Appellee states are procedural defects in response or timing as to court rules; however, as pointed out in my core Arguments and Errors, the lower court held me to a higher standard than that of a lawyer. Therefore, I request that the entire case be considered in a pro se litigant standard liberally applied as I am unfamiliar with court rules and the nuances of litigating. I pray that the evidence on record be cautiously scrutinized to reflect my intentions and objections to Plaintiff-Appellee's actions and inactions.

Standard for Pro Se Litigants

2. Pro se litigants' court submissions are to be construed liberally and held to less stringent standards than submissions of lawyers. If the court can reasonably read the submissions, it should do so despite failure to cite proper legal authority, confusion of legal theories, poor syntax and sentence construction, or litigant's unfamiliarity with rule requirements. *Boag v. MacDougall*, 454 U.S. 364, 102 S.Ct. 700, 70 L.Ed.2d 551 (1982); *Estelle v. Gamble*, 429 U.S. 97, 106, 97 S.Ct. 285, 50 L.Ed.2d 251 (1976) (quoting *Conley v. Gibson*, 355 U.S. 41, 45-46, 78 S.Ct. 99, 2 L.Ed.2d 80 (1957)); *Haines v. Kerner*, 404 U.S. 519, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972); *McDowell v. Delaware State Police*, 88 F.3d 188, 189 (3rd Cir. 1996); *United States v. Day*, 969 F.2d 39, 42 (3rd Cir. 1992) (holding pro se petition cannot be held to same standard as pleadings drafted by attorneys); *Then v. I.N.S.*, 58 F.Supp.2d 422, 429 (D.N.J. 1999)

3. Defendant has the right to submit pro se briefs on appeal, even though they may be in-artfully drawn but the court can reasonably read and understand them. See, *Vega v.*

Johnson, 149 F.3d 354 (5th Cir. 1998). Courts will go to particular pains to protect pro se litigants against consequences of technical errors if injustice would otherwise result. *U.S. v. Sanchez*, 88 F.3d 1243 (D.C.Cir. 1996).

4. It is with regret I must present the Pro Se defense, but it is well recognized by the appellate courts.

III. CONCLUSION

5. The Superior Court has erred in granting Summary Judgment as issues of fact were disputed and the lower court did not recognize these disputed facts. The Appellate Court should reverse the decision and return the case to Superior Court for Trial.

Respectfully submitted this 16th day of May, 2018.

s/ Ruth Bennett

Ruth Bennett
13829 Chein Hill Lane Southeast
Tenino, Washington [98589]
Tel. (360) 264-2083
email: ruthabennett@comcast.net

DECLARATION OF SERVICE

1. I am over the age of 18, the Appellant in this matter, and make this declaration based on my personal knowledge and belief.
2. On May 16, 2018, I caused a true and correct copy of this Appellant's Reply Brief to be served on Attorney for Respondent via United States Postal Service post-paid first class mail, as follows:

Jason L. Woehler
15127 NE 24th Street #403
Redmond, WA 98052-5544

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

Dated this 16th day of May, 2018, in Thurston County, Washington.

s/ Ruth Bennett

Ruth Bennett

RUTH BENNETT - FILING PRO SE

May 16, 2018 - 1:10 PM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 50393-0
Appellate Court Case Title: Financial Assistance, Inc., Respondent v. Ruth Bennett, Appellant
Superior Court Case Number: 17-2-00406-2

The following documents have been uploaded:

- 503930_Briefs_20180516130741D2690157_1974.pdf
This File Contains:
Briefs - Appellants Reply
The Original File Name was Brief Appellant Reply.pdf

A copy of the uploaded files will be sent to:

- fmasterjohn@faicollect.com
- jlwoehler@aol.com

Comments:

Sender Name: Ruth Bennett - Email: ruthabennett@comcast.net
Address:
13829 CHEIN HILL LN SE
Tenino, WA, 98589
Phone: (360) 264-2083

Note: The Filing Id is 20180516130741D2690157