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DIVISION II

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STATE OF WASHINGTON

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COURT OF APPEALS, DIVISION II  
OF THE STATE OF WASHINGTON

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SKIPPER WILLIAM KUZIOR

Petitioner,

Vs

ASHLEY L KUZIOR,

Respondent

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**RESPONSE TO BRIEF OF RESPONDANT**

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Skipper W Kuzior

Attorney for Petitioner

JENNIFER ANNE WING

Attorney for Respondent

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- In re Marriage of Clark, Mcdonald,104 Wn.2d745, 709P. 2d1196 (1985)
- In re Marriage of Littlefield, 133 Wn.2d 39, 940 P. 2d1362 (1997)
- In re the Marriage of Pea, 17 Wn. App28, 566 P. 2d 212 (1997)
- In re Marriage of Akron, 160 Wn App. 242, 259, 834 P.3d 94(2011)
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- In re Marriage of Healy, 35 Wn. App. 402, 406, 667 P.2d 114(1983)
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- In re Marriage of Morrow, 53 Wn. App. 579, 770 P .2d 197(1989)
- In re Marriage of Tang, 57 Wn. App. 648,655,789 P.2d 118 (1990)
- Broom v. Morgan Stanley DW. Inc169 Wn. App35,43,856 P.2d1138 (2003)
- Decker v. Decker 52 Wn (2d) pg 456 457 (1958)
- Kemmer v. Kesinki116 Wn. App. 924, 933, 68 P .3d1138(2003)
- Lavigne v. Green 106 Wn. App. 12, 16, 23 P.3d 515(2001) 3

## **STATUTES**

RCW 26.09.080

RCW 26.050.030

RCW 7.04A230

RCW 7.04A150

RCW 26.09.140

RCW 26.09.184

RCW 26.09.191

RCW 26.50.010

## **Regulations and Rules**

CR 2 A

RAP 10.3 (a) 4-6

RAP 18.1

RAP 18.9        4

**Federal Authorities**

Article 6: Right to a fair Trial

1964 Civil Rights act Section 504 Disability Rights

**I. RESPONSE TO ASSIGNMENTS OF ERROR.....**

- A. The trial court failed to even listen to Skipper Kuzior’s Motion for Clarification of the CR2A even though there was empirical and factual evidence to the fact that there were multiple versions of the CR2A floating around see the signature line of the order the oral argument was over in less than 60 seconds. CP Oct 24, 2017 page 2 line17-21 1:46pm Mrs. Wing stated “There are Multiple CR2A Orders Floating” Also Deposition of Norm Marguillis Page 12 line 6-8”Well, I don’t possess a copy of this agreement, and so I have nothing to compare what you handed me Exhibit 2” As the negotiator it will have been his duty to maintain an original in case there were changes made at a later date . 5

Norm allowed Wing to draft her own CR2A as well as the opportunity to forge my name and initials with a pen only in her possession.

I crossed out any interest in the Estate of Debbie Lemay Sheppard. This infuriated everyone present in a separate room from me including Nancy Lemay who wrote a large check to Norm Marguillis see deposition

10/2/17 Page 13 line16-21

And in his motion I will represent to you that he claims that Ms. Kuzior's billionaire grandmother, Nancy Lemay, left mediation and provided you with a gift check in an envelope.

Do you recall Ms. Kuzior's grandmother providing you a gift check in an envelope\

**A. She may have. She was there. And there were additional fees to be paid.** The evidence points to the facts that this is exactly what occurred. I noticed that I had a blurry copy only two places had live ink. Norms signature at bottom and were I crossed out any interest in the Estate of Debbie Lemay Sheppard. 6

The only document I either signed or initialed was on ruled notebook paper it was a partial and is still in Norms possession **Fact.** Cp 10/2/17 Deposition Norm Margullis page 13 line2-3 I frankly, don't recall if that was the agreement with these two parties.

**The most disturbing aspect of this case is the fact that Jennifer Wings final order leaves the youngest most vulnerable child of the marriage Claudia Kuzior Nancy and Deborah's younger sister conceived during the marriage Homeless**

THE PROPERTIES A 4101 KING ST E Tacoma, WA B 5501 264<sup>th</sup> ST E Graham, WA 98338 Are both Intrinsically **Worthless.** The King Street house is a complete tear down with a bad septic system. I tried to sell it only to find out it was unmarketable I had to give it away to keep from having a foreclosure on my record. Ashley Kuzior was aware of the back taxes and condition of this Structure. The plan was a controlled burn then selling the building parcel. Ashley Kuzior took my 65 thousand dollars I had saved over 8 years ago and spent it on her. Instead of transferring the property to me Nancy Lemay put it in Ashley's name with the leans she attached as well as the years of back taxes the property was liquidated for nothing to stop it from going into foreclosure and ruining my perfect credit. **Ashley Kuzior's Illegal Drug use is a fact it is what destroyed our Marriage**(RPpg107 line4-9 Ashley admits to using illegal drugs with the children present in the house. Ashley also brings her cousin/brother Casey Lemay around for her fix See **Guardian at Litem Subsequent Report 7**

Frankly this should be adequate proof beyond any reasonable doubt that all parties responsible have lost any direction on their moral compasses Nancy Lemay, Jennifer Anne Wing, Judge Kitty Van Doornick as well as my Ex Ashley Kuzior.

## II. REINSTATEMENT OF CASE

### A. Identification of the Parties

This appeal arises from the trial court's one sided hurried entry of final Orders. The trial court entered the Decree of Dissolution, Findings of Fact and Conclusions of Law, Final Parenting Plan, Order for Child Support, and Permeate Domestic Violence Protection order. These orders were all based off of hearsay from Ashley Kuzior and her Legal Council Jennifer Anne Wing. Skipper Kuzior was pro sea after firing Howard Comfort August 10, 2017 for taking money from his credit card without permission and his active part in a partial CR2A that would leave him his child conceived during the marriage **homeless Claudia Kuzior**. The Honorable Kitty Van Doornick was the Judge she showed extreme prejudice through the entire process not allowing Skipper Kuzior to 8

even question her allowing Jennifer Wing to further her clients CR2A award to include all personal Items left at the family home. Skippers UBS holdings were withdrawn and added to an additional 1.5 Million in Investments at UBS Ashley Kuzior even got Skippers home he purchases before marriage.

15801 83<sup>rd</sup> Ave E Puyallup WA this asset along with various companies he started with the mother in law are fraudulently hidden in the Grandmother Nancy Lemay's name. Skipper is the Appellant Ashley the Respondent.

**B. Procedural History/ Factual Background**

Ashley Kuzior filed for legal separation on June 3, 2016. Ms Kuzior's attorney was Jennifer Anne Wing. I was originally awarded the family house on a temporary basis 2017 90<sup>th</sup> ST E Tacoma, due in a large part to the fact they tried to leave me homeless. Ashley had also emptied out our joint account into the registry of the court and ran up over 50k dollars in debt on our credit cards six months prior to her filing for divorce. I was also stuck with over 30k dollars in Debt for a Hummer the only vehicle on the temporary orders my way at the time it had electrical issues and had to be towed. 9

August 2016 I was able to hire Miranda Banner who signed the house away on October 2016 orders. Jennifer Wing had added the terms pending further court orders to my award on the house. I begged my attorney to ask for a continuance till I could find my portable scanner that documented **Wings Fraud**. Miranda also tried to make a motion to give herself all the money left in the registry of the court this motion was denied. Out of the 8k I gave her I got 800.00 back for her help after I fired her. I knew I only had enough money for about five months rent a small problem I realized I would be homeless when it ran out.

Valentines' day 2016, I was ordered to give my only working car my 2008 Toyota Highlander to Ashley. At the time I was now officially homeless my only vehicle was also my house Ashley then filed for contempt this was stricken when I hired a public defender to represent me indigent

I moved into my parents basement saved some money for trial about six thousand I hired McKinley Irvin paid a retainer made a Motion to Extend time this motion was denied Kitty Van Doornick stated Ashley wants to get this over with. Kitty refused to even look at my Orders. I appealed this decision for discretionary review. Howard Comfort who was not present said he would represent me.

On August 3<sup>rd</sup> I went to Howard Comforts office for a pretrial conference. I was told to leave my court papers at home. I agreed to a vague partial cr2a drafted by 9

Norm Margalus on notebook paper only listing two pieces of real estate I purchased recently. It also listed our vehicles that were it. When Jennifer Wing drafted this she tried to change things she wrote the Mustang over to Ashley Norm pointed this out and told me to initial it.

I noticed the terms any interest in the estate of Debbie Lemay Sheppard I crossed this of which infuriated everyone. I ended up going home with the assumption we were splitting the businesses equally. I was told not to look at the paper till I got home. When I got home I noticed I had a blurry copy of a completed Cr2a with one line through It the only original signature was Norm Margulies bottom last page.

Mr. Kuzior called Howard Comfort to fix the mess he got me into. Howard chuckled and stated he would not Howard also stated Norm has a terrific reputation as a negotiator and you will never win. I fired Howard Comfort and filed my cr2a without a seal on August 7, 2017. On August 14, 2017 I filed for a Motion to clarify the Cr2A agreement. Mr. Comfort failed to withdraw till August 28, 2017. He withdrew after making unauthorized withdraws on my credit card as he worked with opposing council to enforce the Cr2a. I got this money back however Howard also withdrew money from my wife's Costco account I was stuck with the bill for this. 10

My credit card company caught this and sent a letter to Ashley removing her from this business account.

The court denied the motion to clarify October 24, 2017. Trial commenced on December 7, 2017. The court indicated trial court would only be considering the parenting plan considering the two children of the marriage, and no financial issues (RP page 8). Mr. Kuzior was pro se at the trial. Ms Kuzior was represented by Jennifer Wing. The court entered an oral ruling on December 16, 2017. Findings and Fact and Conclusions of law were entered on December 21, 2017. I filed for appeal on December 28, 2017.

**III. ASSIGNMENTS OF ERROR.....**

- (1) The trial court erred by failing to make a just and equitable division of the families assets when it failed to reconsider and clarify the partial CR2A
- (2) The trial court erred when it restricted my visitation rights and Imposed a Lifetime Restraining order based on lies and a changing story (July 5, deposition Ashley Kuzior) vs her December 17,2017 (RP page 17) also reference Guardian at Latium sealed report 11

- (3) The court grossly eroded and exercised **extreme prejudice** when it made the statement (RP 2 page 7)and just for the record, I'll make a specific finding that I did not find Mr. Kuzior creditable. **Ashley admits to Drug use RP-Pg107**. Also allowing Wing to write in on signature page final orders December 17, 2017 Mr. Kuzior is not creditable because he has been diagnosed with schizoaffective
- (4) The court proceeded with commencement of final orders not even giving me time to seek council with a death in the family Matt Kuzior. The court stated. Then you don't need to be here. (RP 2 page15)
- (5) The Court grossly erred by not helping Ashley Kuzior with her illegal Drug use (RP pg 11 line 9) No. that's not part of my order today. She can do what she wants. (RP12/1/17)pg107 ln5-9 **Ashley admits to illegal drug use this is a cry for help the Court should help her rather than letting her do what she wants.**

Norm Margoles Cr2a should be vacated for the following reasons:

- (a) The award was procured by fraud I never signed or initialed the order drafted by opposing council Jennifer Anne Wing
- (b) There was [evidence the arbitrator was taking sides with opposing council even allowing Jennifer wing to transfer the document to word format without my consent][Corruption by the arbitrator who took personal checks from Nancy Lemay admitted in his telephone conversation with Wing. 12

Norm also took a gift of car Show tickets to meet Nancy Lemay at her lavish C ST house for a tour of her lavish Estate][The arbitrator prejudiced Skipper Kuzior stating “my ex wife had bi-polar she was an attorney “ [There was no notice of the arbitration it was

- (c) supposed to be a pre trial conference at the court house I was told to leave his paperwork at home as he would not need it
- (d) December 14, 2017 (RP 7 line 17) Kitty shows extreme Bias “That Mr. Kuzior is not creditable because he is obsessed with money
- (e) 12/14 (RP line 23) Kitty was made aware that my father was on his death bed I needed some additional time to prepare for the final decision as well as the drastic change in parenting plan as I no longer have a domestic house do to her rulings this showed extreme callous and a Biased Judicial process

#### **IV. ISSUES RELATED TO THE ASSIGNMENT OF ERROR.....**

Under RCW 7.04A230, a court may vacate an arbitration award under the following circumstances

- A the award was procured by corruption or fraud, or other undo means;
- B there was13

Evident partiality an arbitrator appointed is neutral

Corruption by an Arbitrator

Misconduct by an arbitrator prejudicing the rights of a party to arbitration proceeding

C An arbitrator refuses to postpone the hearing upon showing of sufficient cause to postpone, refusal to consider evidence material to the contrary, or otherwise conducted the hearing contrary to RCW 7.04A 150, so as to prejudice substantially the rights of party to arbitrate proceedings

D an arbitrator exceeded the arbitrator's power;

E There was no agreement to arbitrate , unless the person participated in arbitration proceeding without raising objection under RCW 7.04A 150(3) no later than the commencement of the arbitration hearing: or

F The arbitration was conducted without proper notice the initiation of arbitrations required 7:04a 090 so as to prejudice substantially the rights of a party to the arbitration proceeding<sup>14</sup>

**V. STATEMENT OF THE CASE.....**

Skipper and Ashley Kuzior were married June 4,2005 in Pierce County. At the time of marriage I owned as my sole and separate property real property 15801 83<sup>rd</sup> Ave E, in Puyallup, Washington, in the county of Pierce. The parties lived in the home for over 2 years. Over the Next twelve years, I became involved in starting multiple businesses with my Wife's family.

This resulted in comingling of personal, community and various trust assets. Both parties had substantial community personal and real property accumulated during the marriage

The crux of the dispute is the division of community personal and real property during the Cr2A process, and the final parenting plan signed by the court. During the relationship the parties accumulated assets that were not divided equally under the law. Instead these assets were hidden by her grandmother Nancy Lemay who transferred them into her name. The final parenting plan resulted in only receiving supervised visits, this was an error I have proven myself with a great evaluation done by Dr. Moore. It is impossible to get a parenting 15

component without the mothers help the original order should have been changed per the Commissioner Smits ruling both parents get mental evaluation July 5, 2016 (CP page 1 ) also see scope of Guardian at Litem.

Skipper has earned the right to a fair division of his family's assets. The Lifetime Domestic Violence restraining order needs to be lifted this order is based on documented lies.

Mrs. Kuzior has changed her story in her own depositions from the start. Jennifer Wing told her to lie so the court would feel sorry for her. See deposition of Ashley Kuzior dated June 5<sup>th</sup> 2016. Ashley also got caught lying to Nancy See the Guardian at Litem Report. (CP GAL page 8 line 14-20) I spoke with Kate Lee on February 16, 2017. I wanted to verify with her if Nancy has said at a visitation that her mom said her dad could come home anytime but he does not love her anymore. Nancy was also coerced into lying by her mother to support her faked domestic violence incident in the car (CP GAL page 18 line 9-13) I asked Nancy if she saw her dad hit her mother. Nancy said, " Yes I was in the back seat."<sup>14</sup>

**Nancy said her dad was driving and her mom was sitting next to him.**

**Nancy explained that her dad blamed her cousin Violet who was not in the**

**car.** Violet was in the car Ashley was using her to pretend like she had gotten hit  
Violet was sitting in the middle between Nancy and Deborah. Fact the girls could  
only hear their mother shouting about seeing a Lawyer and demanding her  
separate property. Ashley screamed that she wanted a Divorce right in front of  
the girls. Violet then screamed look girls Skipper hit your Mom. Violet and  
Ashley tried to spread the false story around the family after getting caught in way  
to many lies Ashley admitted to everyone that she made it up because she wants  
her separate property. Violet was still rewarded for her part Ashley's  
Grandmother Nancy Lemay let her stay the summer in her lake house rent free.  
Violet moved into the office after I cleaned out the Rat infested Hoard.

**The court should reverse and remand Cr2a with instructions to the  
trial court to distribute property in a fair and equitable manner Decker v.  
Decker Parties to a divorce action cannot foreclose the public interest in  
their marital responsibilities' by a contract or by an agreement of settlement;  
since marital problems involve something more fundamental than  
nomenclature and technical contract rights 15**

change of venue should be recommended as to not leave me in **economic disparity** and unable to finish the build on my home due to financial overburden

The 5,800.00 in undocumented legal fees Jennifer Wing acquired in final orders shall be summarily dismissed with prejudice

The court shall make due haste to grant Mr. Kuzior unsupervised visits with his two oldest daughters.

**VI. ARGUMENT.....**

(1)The trial court erred by failing to make a Just and Equitable division of the parties assets when it failed to reconsider the CR2A agreement.

The trial courts distribution of property in a dissolution action is guided by State which requires it to consider multiple factors in reaching an equitable conclusion.

RCW 26.09.080. *Stacofsky v.Starcofsky,90 Wn. App135, 147, 951 P.2d346(1998)*,review denied,136 Wn.2d1010 (1998). When weighing these factors, the court must make a “just and equitable ”distribution of marital property. 16

In doing so the trial court has discretion, which will be reversed only when there is manifest abuse of discretion. In re *Marriage of McDonald*, 104 Wn. 2d 745, 751, 709 P. 2d 1196 (1985)

A trial court abuses its discretion if its decision is manifestly unreasonable, which means that its decision is outside the range of acceptable choices, or if its decision is based on untenable grounds.

In this case the trial court erred when it refused to clarify and reconsider the CR2A agreement. Mr. Kuzior's council withdrew from his representation after his client requested a clarification of the CR2A agreement. (CP 7) It was incumbent on the court to hold a full evidentiary hearing with testimony from Howard Comfort as to the basis of his withdrawal, any conflict of interest which may have caused his withdrawal, also for clarification as to the division of assets and agreement.

The trial court must distribute the marital property in a manner which is just and equitable after considering all relevant factors, including (1) the nature and extent of community property, (2) the nature and extent of separate property, (3) the duration of marriage; and (4) the economic circumstance of each spouse. RCW 26.09.080. 17

The trial court, in refusing to reconsider the CR2A agreement, made an error in the division of the community and separate property, which resulted in patent economic disparity. By not holding a full evidentiary hearing on the CR2A agreement, the trial court has allowed Ms. Kuzior to profit enormously at Mr. Kuzior's expense, leaving him with little monthly income, housing, or retirement.

A court may consider a motion to clarify a prior ruling at any time *Kemmer v. Kesinki* 116 Wn. App. 924, 933, 68 P.3d 1138 (2003)"

Previous cases Cr2A modification and clarifying a CR2A agreement as follows:  
*Broom v. Morgan Stanley DW. Inc* 169 Wn 231, 236 P.3d 182, 183-186 (2010) *In re Marriage of Ferree*. 71 Wn. App 35, 43, 856 P.2d 706 (1993) *Lavigne v. Green* 106 Wn. App. 12, 16, 23 P.3d 515 (2001)

(2) The trial court erred when restricted the visitation rights of Mr. Kuzior and imposed a lifetime restraining order. 18

RCW 26.050.30, the Domestic Violence Protection Act created an act known as petition for protection in cases of domestic violence. The act covers domestic violence between family members and under the statute "Domestic Violence" means

- (a) Physical Harm, bodily injury assault or the infliction of fear or imminent physical harm, bodily injury or assault, between family or household members.
- (b) Sexual assault of one family or household members by another; or
- (c) Stalking as defined in RCW 9A.46.110 one family member by another family or household member

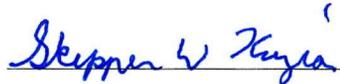
Mr. Kuzior contends that (1) there was no evidence at trial which would support the court's order, and the court abused its discretion when a lifetime restraining order was signed by the court. *Hecker v. Cortinas*, 110 Wn. App. 865 (2002)

**VI...CONCLUSION.....**

The trial court failed to reconsider the partial CR2A agreement also erred when it imposed a lifetime no contact order 19

Lifetime No Contact Order improper served; this order was not supported by the record or the facts. This order should be reversed. On remand, the court should direct the trial court to hold a full hearing with the objective of giving Skipper Kuzior his fair distribution of the family's assets of marriage. Leaving Mr. Kuzior destitute with little income no retirement and no housing is not a fair option. A change of venue would likely be recommended due to the extreme bias and prejudice exercised through the entire proceedings.

Dated <sup>10</sup>~~27~~ Day <sup>April</sup>~~October~~ 2019~~2018~~

\_\_\_\_\_

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