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Division II
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No. 51642-0-II

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

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In re the Tort lawsuit of:

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,

The Honorable Judge Dixon

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# BRIEF OF APPELLANT

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## TABLE OF CONTENTS

TABLE OF AUTHORITIES.....iii

WASHINGTON STATUTES..... v

A. INTRODUCTION..... 1

B. ASSIGNMENT OF ERROR.....2

C. ISSUES PERTAINING TO ASSIGNMENT OF ERROR.....3

D. STATEMENTS OF THE CASE.....6

1. The Parties.....6

2. Factual Background.....7

3. TATYANA'S MARRIAGE TO JOHN WAS BLESSED BY TWO CHILDREN, BUT PUNCTUATED BY HIS ABUSE OF HER.....7

4. ABUSE OF PROCESS.....9

5. ALIENATION OF AFFECTION; INTENTIONAL INFLICTION-- EMOTIONAL DESRESS; TORT OF OURANGE.....13

6. THE 2016 THREE DAY TRIAL COURT'S PROCEEDINGS FOUND THE 2013 ORDERS FUNDAMENALLY WRONG AND VACATED THE ORDERS.....15.

7. MISCONDUCT.....16

8. TORT LAWSUIT.....19

E. ARGUMENT.....21

1. From the Dismissal of a Complaint for Failure to State a Claim.....21

TATYANA HAS THREE BASIC THEORIES, EATHER OF WHICH SHE CONTENDS SUPPORT HER CLAIM FOR RELIEF.....21

(A) Limited English Proficiency.....21

(B) Abuse of Process and Outrageous Alienation of the Children.....27

(C) Outrageous Emotional Distress.....30
2. RCW 4.84.185 Does Not Apply In This Case.....31

3. The Statute of Limitation Does Not Apply
In This Case.....33

4. Absolute Immunity does not apply.....35

5. PLAINTIFF'S CLAIMS AGAINST DEFENDANTS
WERE NOT WHOLLY WITHOUT MERIT AND
THERE IS NO INDICATION THAT THE PLAINTIFF
ACTED IN BAD FAITH. AN AWARD OF CR 11 AND
ATTORNEY'S FEES IS UNJUSTIFED IN THIS CASE.....36

F. CONCLUSION.....39

**APPENDIX**

USCIS Letter February 27, 2015
John failed remove conditions and
The 2013 order prevented from fixing it..... A

DSHS letter shows John's abuse Plaintiff and her children.....B

RCW 26.50.060 a Domestic Violence Protection Order
against John Mason.....,C

Order Dismissing Claim and
Awarding Attorney Fees to Roberson $ 3.500
(11/03/17) CP 40-3.....D

Order and Judgment and
awarding John $22, 321.49 (02/02/18) CP 70-2.....E

Final Judgment Summary 02/23/18.....F

Order of Finding Indigency June 14, 2018.....G

## TABLE OF AUTHORITIES

*Allen*, 118 Wn.2d at 757-58.....33 34

*Barnum v. State*, 72 Wn. 2d 928, 435
P.2d 678 (1967)..... 21

*Batten v. Abrams*, 28 Wn.App. 737, 748,
626 P.2d 984 (1981).....27

*Biggs v. Vail*, 119 Wn.2d 129, 136,
830 P.2d 350 (1992).....32

*Britannia Holdings Ltd. v. Greer*, 127 Wn. App.
926, 932, 113 P.3d 1041 (2005) .....37

*B.K.B. v. Maui Police Dept.,* 276 F.3d 1091,
1107 (9th Cir. 2002).....38

*Cf. Wilson v. Bailey,* 375 F.2d 663
(4th Cir. 1967).....24

*Deggs v. Asbestos Corp*., Wn.2d 381
P.3d 32, 37- 38 (2016).....33

*Eller v. East Sprague Motors & R.V.'s, Inc*.,
159 Wn.App. 180, 192, 244 P.3d 447 (2010).....32

*Estates of Hibbard*, 118 Wn.2d 737, 744,
826 P.2d 690 (1992).....33

*Fluke Capital & Mgt. Servs. Co. v. Richmond*,
106 Wn.2d 614, 625, 724 P.2d 356 (1986).....32

*Fite v. Lee*, 11 Wn. App. 21, 29,
521 P. 2d 964 (1974).....36

*Garcia v. State*, 151 *Tex.Crim*. R.,
210 S.W.2d 574 (1948).....23

*Hofto v. Blumer*, 74 Wn. 2d 321,
444 P. 2d 657 (1968).....21

*Hough v. Stockbridge*, 152 Wn.App. 328,
1085, 216 P.3d 1077 (2009).....27 29, 30
*Hous. Auth. v. Pleasant,* 126 Wn. App. 382,
388, 109 P.3d 422 (2005).....38

*Leary v. United States*, 395 U.S. 6, 89 S.Ct.
1532, 23 L.Ed.2d 57 (1969)).....

*Pate v. Robinson,* 383 U.S. 375, 384, 86 S.
Ct. 836, 841, 15 L.Ed.2d 815 (1966) .....21, 22, 24, 26

*Santosky v. Kramer* 455 U.S. 745, 768 (1982).....26, 35

*Skilcraft Fiberglass v. Boeing Co.,* 72 Wn. App.
40, 44, 863 P.2d 573 (1993).....37

*State v. Brown*, 132 Wn.2d 529,
572-73, 940 P.2d 546 (1997).....37

*Skilcraft Fiberglass vs. Boeing Co.*, 72 Wn.
App. 40, 44, 863 P. 2d 573 (1993).....38

*State v. Vasquez*, 101 Utah 444, 121 P.2d 903 (1942) .....23

*Terry v. State*, 21 Ala. App. 100, 105 So. 386 (1925) ..... 23

*United States ex rel. Negron v. State of N.Y.,*
434 F.2d 386, 389 (2nd Cir.1970).....21,22 ,26
45835-7-II 21, 22

*United States v. Desist*, 384 F.2d 889, 901
(2d Cir. 1967), aff'd 394 U.S. 244, 89 S.Ct.
1030, 22 L.Ed.2d 248 (1968).....23

*United States* v. *Liguori,* 430 F.2d 842
(2d Cir., filed July 17, 1970).....24

White v. Johns-Manville Corp.,
103 Wn.2d 344, 348, 693 P.2d 687 (1985).....33

WASHINGTON STATUTES

CR 11(b).....36 , 37

RCW 26.50.060 .....6,7, 9

RCW 26.009.191.....10, 11, 21

Washington State law (RCW 2.42 and 2.43),
Title VI of the Civil Rights Act of 1964 (Title VI),
the Omnibus Crime Control and Safe Streets Act of 1968
(Safe Streets Act).....22

§ 46(2) (a). 31

RCW 4.84.185 .....31,32,39.

## INTRODUCTION

Appellant *pro-se* Tatyana Mason is appealing from the dismissal of her complaint with prejudice for failure to state a claim without reasonable cause; finial of motion for reconsideration, re-punishment with imposition of two sanctions under CR 11(b) and judgments in the amount of $3,500 and $22,321.49 based on the statute of limitation and absolute immunity, which does not apply in this case. In the lower court, in March, 2017 Tatyana (Plaintiff pro-se) filed her claim for damages based upon the "abuse of process", "alienation of affection", "emotional distress" "tort of outrange" against Defendants John Mason and Ms. Roberson, based on the November 2, 2016 trial court's recommendations and evidence arrived from the case (07-3-00848-0) way *before* the statue of limitations expired:

> "[Tatyana], if you are looking to receive money as a result of those damages [from John and Ms. Roberson], you can file it in state court, as far as I can tell. What I'm saying is, **if you file it in Thurston County Superior Court, it will get joined with this case.** I'm not saying you have to do that or you should do that. I'm just explaining that **that's a separate claim, separate from what's going on right now"** CP 150.

Tatyana claim said that damages and harms to have arisen out of her loss of income, including prevention her from legal work authorization, improper alienation with her children through financial barrier, physical harm - because of the Defendants' ulterior motives and was for the purpose of obtaining collateral advantage-Tatyana has been damaged. She seeks review in this Court and reversal.

## ASSIGNMENTS OF ERROR

1. The trial court erred as a matter of law in dismissal of a complaint for "failure to state a claim for which relief can be granted". (Both Orders, Findings & Conclusions attached in the Appendix)
2. The trial court erred as a matter of law in using RCW 4.84.185
3. The trial court erred in entering finding as "a frivolous claim and that they were advanced without reasonable cause" CP 41
4. The trial court erred in entering its orders dated November 3, 2017 (CP 32); (CP 40-3); January 19, 2018(CP 44-46; 47); (CP 70-2); February 23, 2018 (CP 97-9); April 11, 2018 (CP 102); May 14, 2018 (CP 103-5); June 1, 2018 (CP 106-7).
5. The trial court erred in denying reconsiderations in each case, and in reaching issues far beyond the pleading and the proof (CP 40-3); (CP 70-2).
6. The trial court erred in granting " Attorney Fees and Costs" and in sanctioning indigent a victim of abuse under CR 11 for $3,500 and $22,371.49 (CP 40-3) (CP 70-2) (CP 97-99).
7. The trial court erred in barring the claim with the statute of limitation in each case. CP 41; CP 70-2; CP 97-9.
8. The trial court erred in applying absolute immunity to Ms. Roberson CP 40-3

9. The trial court erred in ignoring Tatyana's Limited English Proficiency and then misunderstood her English at the hearing.

10. The trial court erred in ignoring that Defendants outrageous conduct of the Defendants intentionally damaged the Appellant's immigration status and prevented her from fixing the status and obtain employment.

11. The trial court erred in ignoring that Defendants outrageous conduct of the Defendants outrageously and improperly alienated Appellant from her children by using her limited English Proficiency, Financial disadvantage and her immigration status against her in purpose of harass and continue their abuse.

12. The trial court erred in ignoring that Defendants causes womanly damaging, emotional distress, physical harm and anguish.

13. The trial court erred in ignoring that Defendant failed his duty to support and pay spouse maintains.

**ISSUES PERTAINING TO ASSIGNMENTS OF ERROR**

1. Did the trial court err as a matter of law in ruling there are no state facts which Plaintiff could prove entitling her to relief under her claim, when the factual allegations of the complaint must be accepted as true for the purpose of the motion?

2. Did the trial court err as a matter of law in concluding that

RCW 4.84.185 "is an appropriate method awarding attorney fees in ignoring at that least one action as a whole is not frivolous and it improper to grant attorney fees under RCW 4.84.185?

3. Did the trial court err in findings that Plaintiff was working in 2013 and had ability to pay when there is compelling evidence from February 2015 that John refused removed conditions from her green card and she had no legal work authorization?

4. Did the trial court err in findings that Plaintiffs knew she had damaged status prior February 2015, when no one evidence supports Defendants' allegation?

5. Did the trial court err in findings when its barred the Petition's claim based on the statute of limitation when Petitioner filed her claim in court way before the statute of limitation expired and when between February 27, 2015 and March 13, 2017 is only two years?

6 Did the trial court err in failing to acknowledged that the tort claim filed based on the November 2016 trial court's recommendations and compelling evidence to collect damages?

7 Did the trial court err in failing to acknowledged Plaintiff's Limited English Proficiency in the 2013 trial court proceedings and the court withhold language interpretation service from her when improperly terminated her parenting rights by relying on abuser's false allegation John by denying her equal protection rights in violation of 14th amendment?

8. Did the trial court err in imposing sanctions for $22, 571.49 for John and $3,500 for Ms. Roberson on the identical motion to dismiss claim, by ignoring that John had been found abusive who failed support Petitioner and her children and breached his I-864 contract - she would not be on a public charge, by deprived her to leave on her school loan and DSHS food stamps in order to survive?

9. Did the trial court err in ignoring outrageous Defendants' abuse of process since final divorce to accomplished end which are not designed by the court?

10. Did the trial court in ordering CR 11 sanction, by ignoring that Plaintiffs is on DSHS program and has no ability to pay to John, and when John failed pay her?

## STATEMENTS OF THE CASE

***The Parties:*** John Mason (hereinafter John) is a citizen of the United State of America; English is his native language, has a history of felony and drug abuse. Multiple judges found John as a "controlling, improperly coaching the children and promoting false statements in court". CP 129-30; *See* C 17-5289. RCW 26.50.060 a Domestic Violence protection order was issued against him by Judge Schaller CP 119-24.

Ms. Roberson is a citizen of the United State and a family law attorney for John since 2007 who provides to John legal advice and engaged in the unlawful practice of law for continued purpose of harming Tatyana through use of the litigation process, was sanctioned under CR 11(a) for systemically presenting false information in court by Judge Wickham CP 126-7. Ms. Roberson *refused* to pay the CR 11(a) bills.

Tatyana Mason (hereinafter Tatyana) is a citizen of Ukraine and Moldova. English is not her primary language and *she still has limited English proficiency* even today CP 146. She is not an attorney, just learned on her own how to defense herself by going through 11 years of John and Ms. Roberson's abuse of process. Multiple judges found her as aggrieved survivor of Domestic Abuse, whose lack of resources and limited English proficiency, John and Ms. Roberson have *outrageously* prejudiced Tatyana in the legal system. CP 119-24; 126-7; C 17-5289.

***Factual Background:*** Tatyana legally entered the U.S. after her K-1 Fiancée Visa was approved. CP 2; 55-60. Tatyana and John married on August 19, 1999. CP 2; 138. John prepared signed before a notary and executed his Form I-864 Affidavit of Support Contract on September 29, 1999 to sponsor Tatyana where John promised to the US Government that Tatyana would not be on public charge to overcome inadmissibility and *remove* conditions from her temporary green card that she could obtain employment. Act of 1996 (IIRAIRA), Pub, L. No. 104-208, 110 Stat. 3009 IIRAIRA included 8 U.S.C. 1182(a)(4)(B). CP 2; 55-60; 138-9. Tatyana upon the I-864 contract signed by John, received her conditional permanent resident green card on January 1, 2000 for 2 years. CP 138-9.Tatyana did not speak English and John controlled all of Tatyana's Immigration documents and the USCIS interviews CP 139; 146.

TATYANA'S MARRIAGE TO JOHN WAS
BLESSED BY TWO CHILDREN, BUT
PUNCTUATED BY HIS ABUSE OF HER.

John abused Tatyana by threatening her immigration status, strictly controlling her access to money, restricted her ability to go to school or obtain a job, and abusing her emotionally, verbally, and physically which resulted in RCW 26.50.060 a Domestic Violence Protection Order against John issued by Judge Schaller on August 3, 2007 CP 2-4; 119-24. In the beginning, Tatyana was not comfortable telling anyone about John's abuse, because of *her limited English* and feared that John would retaliate,

take her children away, and have her removed from the United States to never see her children again CP 4; CP 161. When things got bad enough, she would go to *Safe-Place*-(a domestic violence organization) for refuge from John's abuse. CP 139. John always restricted Tatyana's access to money. CP 2-4; 144. John did not help Tatyana pay for school, which forced Tatyana to take out student loans which angered him CP 4; 62-66; 144. "During the majority of the marriage, Tatyana and her children were not supported by John and she lived on her school loan in order to survive" CP 2-4; 134; 144. Due to John's restrictions, Tatyana did not have enough money to buy food to feed herself and her children CP 116-7; CP 163-6. Tatyana had to get basic food assistance and cash assistance to support herself and their children. At her request, the Washington DSHS office provided Tatyana with a copy of her *aces.online* assistance records of Washington DSHS from September 5, 2001 to March 2, 2011 *See* CP 117.

Tatyana started to visit Diane K. Borden, a mental health counselor, in order to understand how to deal with John's abuse. Diane helped her realize that things were not getting better with John and the only way Tatyana could get her freedom was through divorce CP 168-9. After the divorce was finalized, Tatyana was a full time student and mother of two minor sons, has struggled to provide for herself and was even required to declare bankruptcy CP 2-4; *See* also C 17-5389. Tatyana had substantial

student loans, which John had forced her to take out to take care of herself and the kids and to pay for her school CP 162-6. The debts Tatyana had incurred during the marriage forced her into bankruptcy. CP 2-5 *See* C 17-5289. Tatyana's claims of John's acts of control over her during marriage were *found credible* by the Thurston County Superior Court during the divorce proceedings and resulted in an Order for RCW 26.50.060 a Domestic Violence Protection against John issued by Judge Schaller in 2007. CP 119-24.

**ABUSE OF PROCESS:**

John retained Ms. Roberson since 2007. On July 24, 2008 parties divorced, but final divorce did not stop John's abuse toward Tatyana CP 2-5. Ms. Roberson provides to John legal advice and engaged in the unlawful practice of law for continued purpose of harming Tatyana and her children through use of the litigation process and caused damages CP 5-18;126-130.

In January, 2009, one of the many ways John controlled Tatyana financially was that he claimed that the KIA van was his and that he made payments on it. Temporary Order issued during the divorce, showed that the court ordered possession of the van to Tatyana along with responsibility for all debt due on it. Tatyana had substantial student loans, which John had forced her to take out to take care of her and the kids and to pay for her school. CP 168-9. Tatyana could not transfer the van loan to

her name because of her student loans, being a full-time student, and being unemployed. The result was that she had to give the van back to John because she could not transfer the title or loan to her name. Tatyana had to return the van to John because the debts she had incurred during the marriage forced her into bankruptcy and her bankruptcy made it impossible for her to get a separate loan to replace the loan with his name on it. CP 5-6; CP 168-9. Were it not for John's financial abuse, Tatyana would not be in this situation CP 2-18; 22. *See* C 17-5289.

In February, 2010 John showed his control when he asked the court to change a child therapist Dr. Wilson who worked with the children since 2007 on daily basis to his attorney Ms. Roberson's friend Ms. Hurt, *because Dr. Wilson found John as "controlling who is coaching the children"* CP 5-6; CP 173. Tatyana found Ms. Hurt vulgar and unprofessional working with the children and Tatyana severed her with a letter which angered Ms. Hurt. Tatyana stopped all appointments with Ms. Hurt in December 2010. CP 5-6; CP 178.

In January, 2011, John organized *an outrageous campaign* with Ms. Roberson, Ms. Hurt against Tatyana to *retaliate*, fabricated evidence- knew were false- continued to harm Tatyana through litigation process and engaged in conduct designed to "harass" and needlessly increase Tatyana's cost of litigation, caused her harm and emotional distress, terminated her parenting rights under RCW 26.009.191 by improperly

using CPS (child protection services). *CPS did not interview Tatyana*, but relied solely on John, Ms. Roberson and Ms. Hurt's allegations, however, in the CPS written report – "Tatyana born in the US and English is her native language"- which is not true. CP 144; CP 178. **Since this time, Tatyana lost any contact with her children** --- this outrageous action went to the 2013 trial court.

In February 2012, John and Ms. Roberson *secretly* placed a restraining order against Tatyana without the due process clause, and her defense. Ms. Roberson refused to serve Tatyana with a notice of the motion. Tatyana found about the restraining order against her only on February 27, 2015. CP 5-18; CP 157

The 2013 Trial Court's Proceedings: Tatyana has *limited English proficiency*, and did not have income to retain attorney, some inexperienced pro-bono briefly appeared at the 2013 trial court. *During the five day trial, Tatyana was lack of adequate translation in trial, which was conducted in English. In result of this, she was unable understand allegations against her and intelligently participate in her defense.* Based on Mr. Hurt and John's false allegations, Tatyana was found abusive and her parenting rights were terminated under RCW 26.09.191, through a financial barrier. *Income was imputed based on her debt (school loan).* CP 2-5. Court ordered her to pay child support; $300 per hour for re-unification service with her children, medical bills for children and other

expensive court's fees by finding her as "voluntarily unemployed". CP 5-18. Judge Hirsch later said in the 2013 trial court proceeding:

> "Ms. Hurt has not seen Tatyana since December of 2010. It is clear that Ms. Hurt completely aligned herself with John (father of the children). Ms. Hurt was very clear that she does not like Tatyana. This court found that Ms. Hurt unprofessional, using a vulgar language with the children. Ms. Hurt does not have licenses to work with the children; Ms. Hurt used completely improper terms and allegations in the court, which is why I removed her from the case". CP 178

*Tatyana and her children were always been abused by John.* She lived on her school loan and DSHS food stamps to support herself and their children in order to survive. CP 62-66; 116; 134; 144. Judge Hirsch of the 2013 trial court said on January 25, 2017:

> "frankly, I was very bothered during trial by John's testimony including by the Ms. Hurt therapist and GAL at that time, who provide untrue information and misbehaved in court and which is why I removed Ms. Hurt and GAL from the case in 2013. What struck me about Guardian ad Litem Mr. Smith-he failed to do his investigation, but repeated word to word of Ms. Hurt when described Tatyana which I removed him from Tatyana's case" CP 178

Especially, when the children clearly said ***"Our Mom never hits us; our dad and Ms. Hurt forced us to say this to CPS".***CP 173. Dr. Rybicki *specifically* wrote in his forensic report "Coaching and external influence which seem to have been neglected by the court in 2013 and in the court of appeals". CP 173. This seems lost in the court process, because Tatyana is not an attorney, did not speak English and did not have money to retain attorney, because John breached his I-864 contract obligation

and refused remove conditions from her green card, prevented her from legal work authorization. CP 157

"From 2008 to 2013, John and Ms. Roberson launched an aggressive campaign against Tatyana in which they initiated multiple and unfounded legal actions against Tatyana with the ultimately result of 2013 child support orders, imputation income on her debt (school loan) and findings she is abusive, termination of her parenting rights through a financial barrier, these orders damaged Tatyana's immigration status". RP 09/01/17 at 4 *See also, (*Err of Mr. Hochhatler at 4: Tatyana* ***Never*** *had a DV Protection order against her- at any point – it was a mistake statement of Mr. Hochhatler - as he was new to the case and represented Tatyana limited time only on September 1, 2017)*.*

> ALIENATION OF AFFECTION; INTENTIONAL INFLICTION- - EMOTIONAL DESRESS; TORT OF OURANGE.
>
> John and Ms. Roberson organized an aggressive campaign used the process to accomplish their end which is without the regular purview of the process and which compels the party against whom it was used to do collateral thing and which Tatyana could not legally and regularly be compelled to do--- caused Tatyana physical harms, loss of income, lose of house, damages, sever emotional distress, **outrageous alienation with her children caused her severe depression**. CP 1-21; 62-6; 116.

Tatyana was unable to compel with unreasonable the 2013 orders, which were based on John and Ms. Roberson's *outrageously* fabricated evidence. *Outrageous alienation with her children lost of house and*

*income-- wantonly and outrageously caused Tatyana severe physical harm severe damages and emotional distress.* CP 2-5; 7-8.

Tatyana was no able to pay $300.00 per hour for re-unification, pay child support and kids' medical bills, because she does not have medical insurance, she does not have a (school loan) after graduation, she was not able to find employment, because of her damaged immigration status by John and the 2013 orders and she did not know what she has to do next. CP 1-28; 138-45

In January 2014, *Tatyana literally become homeless* in this foreign country without any income, because after graduation from school a (school loan) was not available for her anymore. CP 5-18; 144-5. Her Ukrainian and Moldavian passports were kept by Child Support Department so she could not leave the US. CP 159. Tatyana *pro-se* filed an appeal under *the Masons* case 45835-7-II.

In July, 2015 State's court of appeals dismissed her review by not even reading her brief, because of *her limited English proficiency* and because *indigent pro-se parent did not know how to preserve the issue on appeal because she had no attorney.*

***On February 27, 2015*** the USCIS send her a letter, said that conditions from Tatyana' green card were not removed by her spouse, and until the 2013 child support is in place, she would not be able remove her conditions from her green card. CP 157. After school graduation, she

was not able to find any employment because her damaged immigration status by John and the 2013 unpaid child support CP 157

In 2016, Tatyana learned that John is a financial sponsor for her failed his obligation to support her under I-864. Tatyana filed a motion CR 60(b)(11) asking the lower court to vacate the 2013 orders and considers that the 2013 trial court was "unfair" violate due process clause of Fourteenth Amendment, because 2013 lower court *withhold* language interpretation service from Tatyana and she was no able intelligently participate in her own defense. CP 3; 144-6. Also, that John breached his I-864 contract and failed remove conditions from her green card as USCIS February 27, 2015 letter said: CP 1-21; 23; 133-153. John who is a sponsor for Tatyana is not only alleged to have negligently, recklessly and wantonly breached his duty to support Tatyana under I-864 contract, but with help Ms. Roberson intentionally committed *outrageous conduct* to severely harm and damaged Tatyana's immigration status, prevented her from earn a living, *outrageous* alienate children through financial barrier by improperly using process in violation of constitutional rights. CP 1-28.

THE 2016 THREE DAY TRIAL COURT'S PROCEEDINGS FOUND THE 2013 ORDERS FUNDAMENALLY WRONG AND VACATED THE ORDERS.

In 2016, Judge Wickham redressed *Tatyana's limited English proficiency*. CP 89; 144-145.

> "I've had a chance to observe Tatyana in court for three separate days with two interpreters. Her English is limited, and her statements were clearer through the interpreters". CP 146-7.
>
> "I am aware of no proceedings prior to the last three days in which interpretive services were provided for her. She did not have interpreter services. Tatyana's 2013 trial lacked the basic and fundamental fairness required by the due process clause of the Fourteenth Amendment". "It's not hard for me to understand why Tatyana might not have done well with an English-speaking attorney and court prior to this 2016 proceeding" so I believe she's been operating at disadvantage. CP 146-7

Judge Wickham redressed *Tatyana's immigration status* which was damaged by John due to his domestic abuse toward her and next by the 2013 trial court orders, which was found "fundamentally wrong"

> "John had no real incentive to continue to work with Tatyana to maintain her permanent status in the United States early on in the marriage". CP 139.
>
> "Now, I indicated that the conditions on the conditional permanent residence were not removed within the two years by John as required under the law. Ms. Mason, through her own testimony and through the testimony of her expert, however, has presented compelling evidence that she is now in a disfavored status as someone who has significant unpaid child support and that the immigration authorities have the discretion to deny her permanent residency at this point, so she is in the awkward position of being in this country but having no ability to obtain permanent status. And with the focus on legal status that currently exists in this country, it's not hard to believe that most employers will not hire her, because she is not able to show proof of legal status. And were she to go back to immigration, she would most likely be denied because of the child support order". CP 144-7

MISCONDUCT

On July 7, 2016, Ms. Robertson filed Ms. Seifert's declaration who was an immigration attorney retained by John:

> Ms. Seifert's failed to acknowledge the existence of **Department of Justice before Department of Homeland Security.** Ms. Seifert, who claimed herself as an immigration expert for 27 years does not know what the year the I-864 was enforced. CP 10

On July 6th, 2016. Ms. Robertson filed John Mason's declaration

Where John openly lied in his multiple statements:

> "he never signed the I-864 affidavit of support" that "he has no obligation to support Tatyana" that "law are not required him to do so" CP 8-9. John even denied his own signature, which was notarized and the USCIS officer had special interview with John regarding the I-864 in 1999 and when 8.U.S.C §1182(a)(4)(b) imposed requirement for foreign nationals in family immigration cases to overcome public charge in mandating the I-864. John still denied it CP 9;129-0.

On October 17, 2016 Ms. Roberson who represents John since 2007 *falsely* stated that *John and Tatyana legally separated and not divorced* by misapplying *Davis v. Davis* case in her 2016 trial brief. CP 143.

On October 18, 2016 during the trial court, Ms. Roberson testified:

> "a single trip for two weeks to Tatyana's mother's funeral in 2004, she said it terminated obligation under the I-864. But, she refused to mention in court, if a person departed *permanently*. Later Ms. Seifert stated in court that Ms. Robertson instructed her to manipulate in every aspect of law in this case and confuse the court. CP 9-10

On December 9, 2016 Judge Wickham granted Tatyana's immigration expert witness fees and imposed Washington Civil Rule 11 (a) sanctions

against John and Ms. Roberson for promoting untrue information in the court in violation of RPC 3.3. CP 126-7; 129-130. Ms. Roberson and John refused to compel the orders and pay.

On November 2, 2016, Judge Wickham suggested that Tatyana should bring a separate action to Thurston county superior court to collect damages from John and Ms. Roberson.

> "[Tatyana], if you are looking to receive money as a result of those damages [from John and Ms. Roberson], you can file it in state court, as far as I can tell. What I'm saying is, **if you file it in Thurston County Superior Court, it will get joined with this case.** I'm not saying you have to do that or you should do that. I'm just explaining that that's a separate claim, separate from what's going on right now" CP 150.

John and Ms. Roberson appealed. In July 2018, the COA-II *shockingly* ignored all 2016 trial court's findings and conclusion of law by limiting to the I-864; improperly applied *de-novo* and the old case 45835-7-II *which was specifically found as "unjust and fundamentally wrong"* in the 2016 trial court, based on new compelling evidence and testimony of the immigration attorney CP 139-47; the COA-II substitute the 2016 trial court's credibility with its own judgment, approved a domestic abuse of John toward Tatyana and her children, ignored the US Congress Law Act of 1996 (IIRAIRA), Pub, L. No. 104-208, 110 Stat. 3009 IIRAIRA included 8 U.S.C. 1182(a)(4)(B) "which imposed requirements for foreign nationals in family immigration cases to overcome public charge inadmissibility" *falsely stated* "John is no required to sign by law the I-864

obligation" – reversed the 2016 orders.

The US Supreme Court of Washington D.C (2019). This matter is pending now in the US Supreme Court of Washington D.C. as the COA-II violates the indigent mother's conditional rights under case 19-5402.

**TORT LAWSUIT**

Based on the November, 2016 trial court's recommendations and evidence arrived from case (07-3-00848-0) in March, 2017- Tatyana (Plaintiff pro-se) filed her claim for damages based upon the "abuse of process", "alienation of affection", "intentional infliction" "tort of outrange" and amended complaint in June, 2017 **which way before the statue of limitations expired.** CP 1-21. The claim said that damages and harms to have arisen out of her loss of income, lose of house, including outrageous prevention her from legal work authorization, John and Ms Roberson used outrageous actions to alienate the children from Tatyana through financial barrier which caused Tatyana severe emotional distress, physical harm - because of the Defendants' ulterior motives and was for the purpose of obtaining collateral advantage-Tatyana has been *outrageously* damaged.

On March 13, 2017, the lower court granted Tatyana's motion of indigency to Proceed in Forma Pauperies. CP 30-1. Defendants through retained attorneys moved separately for two orders of dismiss contending Tatyana had failed to state a claim for which relief could be granted. On

August 18, 2017 Ms. Roberson presented her motion to dismiss and on January 19, 2018 John presented his motion. Tatyana *pro-se* defended *without interpretation service.* CP 32; 47. Denied Tatyana's motion for reconsideration and ignored Defendants late responses. CP 92. Lower court misunderstood Tatyana's English and again adopted all false statements of Ms. Roberson and John --said that Tatyana lost in the 2016 trial court and Judge Wickham sanctioned Tatyana for presenting untrue information in court. CP 22-8; RP 09/01/17 3-7 Mr. Hochhalter is an attorney represented Tatyana ONLY on September 1, 2017- redressed Judge Dixon's errs regarding 2016 proceedings and said Tatyana *prevailed* in the 2016 trial court. CP 22-8; 33-7; RP 09/01/17 at 3-7.

In each case, the Defendants' motions were granted and Tatyana's claim was found frivolous without reasonable cause, dismissed with prejudice and judgments in the amount of $3,500 to Ms. Roberson and $22,617.50 for John based on statute of limitation and absolute immunity CP 40-43; 70-72. Tatyana appeals as *pro-se*. Due to serious cancer conditions and daily cancer treatments, severe pain and fatigue syndrome, Tatyana was unavailable to work on any legal issue for a year. CP 113 Defendants used indigent Tatyana's limited English proficiency, financial and health disadvantage to *continuously wantonly harass* her through litigation process and cause her *outrageous* emotional distress CP103-5; 113-27.

## ARGUMENT:

***(1) From the Dismissal of a Complaint for Failure to State a Claim:*** Regarding the lower court's order of dismissal Tatyana's complaint for "*failure to state a claim*" which relief could be granted CP 40-3; 70-2; 97-9. Appellant *pro-se* presents a question: Whether it can be said that there is no state of facts which Tatyana could prove entitling her to relief under her claim. Barnum v. State, 72 Wn. 2d 928, 435 P.2d 678 (1967). "The factual allegations of the complaint must be accepted as true for the purpose of the motion". Hofto v. Blumer, 74 Wn. 2d 321, 444 P. 2d 657 (1968). *TATYANA HAS THREE BASIC THEORIES, EATHER OF WHICH SHE CONTENDS SUPPORT HER CLAIM FOR RELIEF:*

***(A) Limited English Proficiency*:** The first is based upon her *rationale* of the US Supreme Court's logic in case Pate v. Robinson, 383 U.S. 375, 384, 86 S. Ct. 836, 841, 15 L.Ed.2d 815 (1966) and United States ex rel. Negron v. State of N.Y., 434 F.2d 386, 389 (2nd Cir.1970) "holding that the lack of adequate translation in trial court proceedings which were conducted in English rendered the trial constitutionally infirm". CP 3-4; 87;144-7. Here, the important questions of a constitutional law concerning the State's handling the 2013 trial court and court of appeals case 45835-7-II parental-rights termination under RCW 26.09.191 *outrageously* re-punishment the indigent mother *pro-se* with limited English proficiency through financial harassment by *withholding* a

free trial interpreter and a counsel in an appeal which elevates the risk of erroneous deprivation too high for the Due Process Clause to bear. CP 3; 87; 144-7; case 19-5402.This raises the subsidiary issue of what role preservation-of-error rules may play—consistent with the Due Process Clause--- does the 2013 trial court and the state court of appeals in case 45835-7-II violated the due process clause of the Fourteenth Amendment without engaging in the due process analysis mandated by the US Supreme Court in *Pete* and *Negron*? This case also provides an opportunity for this Court to address what is apparently the *refusal* by State lower court to follow the clear statute and the Court's directive in concerning evaluation of the need for a free appointed language translator under Washington State law (RCW 2.42 and 2.43), Title VI of the Civil Rights Act of 1964 (Title VI), the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act).

"Multiple judges do not dispute that at the time of the 2013 trial Tatyana- indigent mother, uneducated in law, neither spoke nor understood any English well. CP 87 finding (g); 117; 119-24; 145-6. Because of indigence at the 2013 Tatyana was limited time represented by some inexperienced pro-bono lawyer who spoke no Ukrainian. Counsel and Tatyana did not communicate and thus could not communicate without the aid of a translator. Nor was Tatyana able to participate in any manner in the conduct of her defense. ***To Tatyana, most of the 2013 trial***

***has been a babble of voices.*** Ms. Hurt and Mr. Smith who been removed from the case by Judge Hirsch in 2013 for their misbehavior and unprofessionalism testified against Tatyana in English. Judge Hirsch of the 2013 trial court said:

> "frankly, I was very bothered during trial by John's aggressive testimony including Ms. Roberson's friend Ms. Hurt- therapist and GAL at that time, who misbehaved in court, which is why I removed Ms. Hurt and GAL from the case in 2013."What struck me about Guardian ad Litem Mr. Smith-he failed to do his investigation, but repeated word to word of Ms. Hurt when described Tatyana which I removed him from this case as well" CP 178

In 2016, Judge Wickham that in the circumstances of this case said: "the 2013 trial court lacked the basic and fundamental fairness required by the due process clause of the Fourteenth Amendment." CP 87; 144-7. Indeed, government does not dispute the nearly self-evident proposition that an indigent [Tatyana] who could speak and understand no English would have a right to have [her] trial proceedings translated so as to permit her to participate effectively in her own defense". *United States v. Desist*, 384 F.2d 889, 901 (2d Cir. 1967), aff'd 394 U.S. 244, 89 S.Ct. 1030, 22 L.Ed.2d 248 (1968). *See Terry v. State*, 21 Ala. App. 100, 105 So. 386 (1925) (defendant was a deafmute); *Garcia v. State*, 151 *Tex.Crim*. R., 210 S.W.2d 574 (1948); *State v. Vasquez*, 101 Utah 444, 121 P.2d 903 (1942) (defendant spoke "broken English").

*There is no indication that Tatyana's limited time counsel failure to ask for an interpreter to assist Tatyana was any part of her trial strategy.* *Cf. Wilson v. Bailey,* 375 F.2d 663 (4th Cir. 1967). Nor could the motive for such an otherwise self defeating strategy have been to deviously set up the case for reversal on appeal. As the history of Tatyana 's own case, the federal right to a state provided translator is far from settled. Thus, Tatyana 's counsel would have been on tenuous grounds for believing that the present claim would prevail. It would, in any event, be reluctant to find a knowing, intelligent waiver of so ill-defined a right. *See United States* v. *Liguori,* 430 F.2d 842 (2d Cir., filed July 17, 1970) (defendant "cannot be faulted for failing to anticipate the action of the Supreme Court" subsequently taken in *Leary v. United States*, 395 U.S. 6, 89 S.Ct. 1532, 23 L.Ed.2d 57 (1969)).

Moreover, Judge Wickham found it "obvious that the court and John, Ms. Roberson and her friends Ms Hurt with Ms. Smith were fully aware of Tatyana's disabilities." CP 3; 87; 144-7. The Supreme Court held in *Pate* that when it appears that a defendant may not be competent to participate intelligently in his own defense because of a possible mental disability, the trial court must conduct a hearing on the defendant's mental capacity. Tatyana's language disability was obvious, not just a possibility, and it was as debilitating to her ability to participate in the trial as a mental disease or defect.

> In view of the importance of John, Ms. Roberson and her friend Ms. Hurt's testimony who provided false allegations to CPS caseworker without interviewing Tanana, and who testified in English against Tatyana, the denial of so important a right to Tatyana *cannot be regarded as "harmless."*

Here, even in the 2017 tort lawsuit, Judge Dixon *failed* to understand *pro-se* Tatyana's English argument on August 18, 2017 and January 19, 2018 by misstating the facts of the 2016 trial court rulings and by adopting again all false statements of John and Ms. Roberson; *re-punishing* victim of domestic abuse Tatyana through financial barrier and dismissing her March 2017 claim *based on statue of limitation* when the claim was *specifically* based on recommendation of the November 2, 2016 trial court Judge. CP 41; 87 finding (G); 144; 150. *The 2016 trial court findings:*

> "I should say I've had a chance to observe Tatyana in court for three separate days with two interpreters. Her English is limited, and her statements were clearer through the interpreters" "I am aware of no proceedings prior to the last three days in which interpretive services were provided for her. I know that in the motion hearings I had leading up to this, she did not have interpreter services, and so I believe that Tatyana's 2013 trial lacked the basic and fundamental fairness required by the due process clause of the Fourteenth Amendment". CP 87; 146
> "it's not hard for me to understand why Tatyana might not have done well with an English-speaking court prior to this 2016 proceeding" so I believe she's been operating at disadvantage. CP 146.

Erroneously, in 2017, Judge Dixon' oral ruling confirms that he *did not understand Tatyana's English* on August 18, 2019 when he said: "the court understand more clearly Tatyana's argument through an English speaking attorney Mr. Hochhalter" RP 09/01/17 at 15. CP 32; 47. Tatyana was adjudged indigent pro-se with limited English proficiency but did not receive:

(1) A language interpretation service at the 2013 trial court;

(2) An appellate lawyer in the 2015 case 45535-7-II to properly redress the issues on her appeal and in the 2018 case 49839-1-II to properly respond on John's frivolous appeal when John retained two attorneys and Tatyana indigent with limited English and was *pro-se.*

(3) The benefit of analysis of the *Negron* ; *Pate* and *Santosky* factors;

(4) Appellate review of the sufficiency of the evidence supporting improper termination of her parental rights under RCW 26.09.191 which obviously were based on fabricated unsupported evidence of Ms. Roberson and John Mason abuse of process and continue re-punishment an indigent pro-se through *outrageous* financial harassment and *womanly physical and emotional distress.*

(5) In the result of all of this, Tatyana lost her house, income, children; she was prevented from legal work authorization, her Ukrainian and Moldavian passports kept by CSD.

Tatyana did not receive due process and deprivation beyond the constitutional breaking point. From this *outrageous conduct* of the Defendants, the *shock having resulted* from a direct *emotional impact* upon Tatyana and she is suffering most *severe damage,* alienation *with her*

*children; outrageous emotional distress, physical harm, and anguish.* CP1-28; 62-66; 109;113-6.

***(B) Abuse of Process and Outrageous Alienation of the Children:*** Tatyana's second argument is John Mason and Ms. Roberson's abuse of process. Abuse of process is the misuse or misapplication of the process, after it has once been issued, for an end other than that which it was designed to accomplish. *Hough v. Stockbridge*, 152 Wn.App. 328, 1085, 216 P.3d 1077 (2009). It has similarly been defined as "an act after * filing suit using legal process empowered by that suit to accomplish an end not within the purview of the suit." *Batten v. Abrams*, 28 Wn.App. 737, 748, 626 P.2d 984 (1981).

Abuse of process requires two essential elements: (1) the existence of an ulterior purpose to accomplish an object not within the proper scope of the process, and (2) an act in the use of legal process not proper in the regular prosecution of the proceedings. See *Hough*

Here, John Mason who abused Tatyana during *eight* years of marriage and who failed to support her and their children and she had to accrued debt and live on her (school loan) and support their children on her own CP 117; 144. After Tatyana left the abuser- he retaliates against her with help of Ms. Roberson since final divorce who provides to John legal advice and engaged in the unlawful practice of law for continued purpose of harming since after final divorce 2008 to 2013 to accomplish

their improper end based upon the existence of their ulterior motives and was coercion for the purpose of obtaining collateral advantage. As a result of the conduct of the Defendants, Tatyana has been *outrageously* physically and emotionally damaged. CP 2-18; CP 157. The Defendants alleged the litigation strategy to emotionally and financially harass Tatyana since final divorce and needlessly increase litigation cost retaliate and terminated parenting rights by using fabricated evidence. Even Judge Hirsch of the 2013 trial court said:

> "frankly, I was very bothered during trial by John's testimony including by Ms. Roberson's friend Ms. Hurt-therapist and GAL at that time, who provide untrue information and misbehaved in court, which is why I removed Ms. Hurt and GAL from the case in 2013" (RP 01/25/17 at 34) "What struck me about Guardian ad Litem Mr. Smith-he failed to do his investigation, but repeated word to word of Ms. Hurt when described Tatyana which I removed him from this case as well" CP 178

In her claim, Tatyana alleged Defendants made assertions in pleadings that Defendants knew were false, continued to harm Tatyana and her children through complete separation through the litigation process and financial barrier and engaged in conduct designed to harass and needlessly increase litigation cost. *Tatyana also proved the fact of damages to establish liability on her claim:*

- Conditions were no removed from her immigration by John required him by law, so Tatyana was no able obtain employment and earn a living. CP 2-18;87-(H);116;144-5.
- She lost her renal house and become homeless CP 2-21

- Loss of income, because she could no obtain employment due o her damaged immigration and because John breached his I-864 contract obligation.

- Loss any contact with her children because of the 2013 orders placed a financial barrier. CP 2-21

- It causes outrageous emotional distress and physical harm. CP 2-21

- Defendants used abuse of process to accomplish their improper needs without the regular purview of the process which compels Tatyana to do collateral things which she could not legally compelled to do. CP 2-21

In 2016, Judge Wickham said:

> "Now clearly John is entitled to aggressive advocacy of Ms. Roberson, but I believe the advocacy in this case presented an untrue presentation to court which created unnecessary litigation... the allegations were baseless". CP 130

There were many *outrageous* unlawful acts of Defendants after final divorce filing their lawsuits used legal process empowered by that suit to accomplish an end not within the purview of the suit. *Id.*; *Batten*, 28 Wn.App. at 748. John was not happy with final divorce; he wants to continue his control over Tatyana. CP 119-24. Tatyana clearly demonstrated that Defendants *outrageously* abused process by seeking to accomplish an object not proper to the proceedings. CP 2-18.

"One who uses a legal process against another primarily to accomplish a purpose, for which it is not designed, is subject to liability to the other for harm caused by his abuse of process." *Hough*, 152 Wn. App.

at *14 343. The jury found Hough liable for abuse of process. Hough, 152 Wn. App. at 336. The jury awarded the Stockbridges $200,500.00 in damages. The damages the jury awarded included $30,467.08 for attorney fees and costs. Hough, 152 Wn. App. at 336.

***(C) Outrageous Emotional Distress:*** The third argument, that the defendants will have potentially unlimited liability for every type of mental disturbance, *which is adequately met by the standards set forth* in the comments to Restatement (Second) of Torts § 46.

> *First*, the emotional distress must be inflicted intentionally or recklessly; mere negligence is not enough.
>
> *Second*, the conduct of the defendant must be outrageous and extreme. As indicated by comment d, it is not enough that a "defendant has acted with an intent which is tortious or even criminal, or that he has intended to inflict emotional distress, or even that his conduct has been characterized by `malice,' or a degree of aggravation which would entitle the plaintiff to punitive damages for another tort." Liability exists "only where the conduct has been so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community."
>
> *Further* points out that liability in the tort of outrage "does not extend to mere insults, indignities, threats, annoyances, petty oppressions, or other trivialities." In this area plaintiffs must necessarily be hardened to a certain degree of rough language, unkindness and lack of consideration. Clearly a case-by-case approach will be necessary to define the precise limits of such conduct. Nevertheless, among the factors a jury or court should consider are the position occupied by the defendant whether plaintiff was peculiarly susceptible to emotional distress and defendant's knowledge of this fact and whether defendant's conduct may have been privileged under the circumstances.

> *Third*, the conduct must result in severe emotional distress to the plaintiff Resulting bodily harm would, of course, be an indication of severe emotional distress, but a showing of bodily harm is not necessary.
>
> *Fourth*, the plaintiff must be an immediate family member of the person who is the object of the defendant's actions, and he must be present at the time of such conduct.

Turning to Tatyana's complaint, this Court would find that it states a cause of action under § 46(2) (a). It is alleged that Defendants' conduct was *reckless and wanton*; that it was *outrageous* in that Tatyana "was terrifying explicit pain and suffering of loss of her children, loss of house, loss of income while Defendants abused her through process and at all times Tatyana remaining helpless because of her limited English proficiency, uneducated in law; inability to secure any employment, wage loses and no funds retain attorney- because John and Ms. Roberson intentionally damaging her immigration status, alienate children by using legal system in which it was not design. Finally, this conduct on the part of the Defendants is alleged to have caused Tatyana severe mental anguish which has resulted in physical injury- emotional distress; depression and cancer. *The lower court' orders of dismissal should be reversed and the case remanded to the trial court for further proceedings.*

***(2) RCW 4.84.185 Does Not Apply In This Case:***

Lower Court found Tatyana's claim frivolous without reasonable cause in violation of RCW 4.84.185 and granted to Ms. Roberson attorney

fees in the amount of $3,500 and to John in the amount of $22,671.50. CP 32; 47. Moreover, RCW 4.84.185 authorizes an award of attorney fees for opposing a frivolous action. In any civil action, the court having jurisdiction may, upon written findings by the judge that the action, counterclaim, cross-claim, third party claim, or defense was frivolous and advanced without reasonable cause, require the nonprevailing party to pay the prevailing party the reasonable expenses, including fees of attorneys, incurred in opposing such action, counterclaim, cross-claim, third party claim, or defense.

An action is frivolous under RCW 4.84.185 if, when considered in its entirety, it "cannot be supported by any rational argument based in fact or law. *Biggs v. Vail*, 119 Wn.2d 129, 136, 830 P.2d 350 (1992); *Fluke Capital & Mgt. Servs. Co. v. Richmond*, 106 Wn.2d 614, 625, 724 P.2d 356 (1986). It is enough that the action is not supported by any rational argument and is advanced without reasonable cause. *Eller v. East Sprague Motors & R.V.'s, Inc.*, 159 Wn.App. 180, 192, 244 P.3d 447 (2010).

The action or lawsuit is to be interpreted as a whole. *Biggs v. Vail,* 119 Wn.2d 129, 136, 830 P.2d 350 (1992). *Where three of four claims are judged to be frivolous but the fourth claim is not, the action as a whole is not frivolous and it is improper to grant attorney fees under* RCW 4.84.185. *See* CP 41-(finding 3-5); CP 72 *Tatyana's action was not*

*frivolous and an award of attorney fees to Roberson in the amount of $3,500 and to John $22,321.49 is unwarranted.*

***(3) The Statute of Limitation Does Not Apply In This Case:***

The lower court barred Tatyana's claim against John Mason based on Statue of Limitation, which does not apply in this case. CP 40-3; 70-2. As a general rule, a tort "cause of action accrues at the time the act or omission occurs." In re Estates of Hibbard, 118 Wn.2d 737, 744, 826 P.2d 690 (1992). "The discovery rule is an exception to the general rule" Hibbard, 118 Wn.2d at 744-45. Application of the discovery rule extends to "claims in which plaintiffs could not immediately know of the cause of their injuries."Hibbard,118 Wn.2d-750.

> "In certain torts, injured parties do not, or cannot, know they have been injured; in these cases, a cause of action accrues at the time the plaintiff knew or should have known all of the essential elements of the cause of action".

White v. Johns-Manville Corp., 103 Wn.2d 344, 348, 693 P.2d 687 (1985); *see* also Deggs v. Asbestos Corp., Wn.2d 381 P.3d 32, 37- 38 (2016). Under the discovery rule, a cause of action accrues when the plaintiff "knew or should have known the essential elements of the cause of action." Allen, 118 Wn.2d at 757-58. In the summary judgment context, determined whether the undisputed facts establish the time of accrual. Allen, 118 Wn.2d at 758. We may decide the applicability of the discovery rule as a matter of law where the facts are subject to only one reasonable

interpretation. *Allen*, 118 Wn.2d at 760.

Here, on March 13, 2017 Tatyana (Plaintiff pro-se) filed her claim for damages based on the November 2, 2016 trial court's evidence and recommendations arrived from the case (07-3-00848-0) way *before* the three year of statute of limitations expired:

> "[Tatyana], if you are looking to receive money as a result of those damages [from John and Ms. Roberson], you can file it in state court, as far as I can tell. What I'm saying is, **if you file it in Thurston County Superior Court, it will get joined with this case.** I'm not saying you have to do that or you should do that. I'm just explaining that that's a separate claim, separate from what's going on right now" CP 150.

On February 27 of 2015, for the first time, Tatyana received the USCIS letter and learned that John failed to remove conditions from her green card required him by law and that the 2013 orders prevented her from removing conditions and obtain employment until the 2013 orders will be vacated. CP 9; 23; 157. Clear, the statute of limitation was misapplied by the lower court. If the 2016 three day trial court reviewed and accepted the USCIS letter as a compelling authentic evidence, why the 2017 court *refused* to acknowledged it in a 10 minutes of hearing? Judge Wickham said in 2016:

> "Immigration is a very complicated field, even for people who work in it, and so it's not hard for me to understand why Tatyana with limited English proficiency would not have understood fully situation". CP 87; 147.

There are no reasons for the 2017 lower court protect a perpetrator –

John who failed support his spouse and their children, who breached his I-864 contract obligation, who emotionally and physically abused his spouse and the children, who with help of Ms. Roberson harassed his spouse through abuse of process since 2007 to 2013 and outrageously alienated the minor children from their mother by using fabricated evidence and unlawful actions to reached his improper end. Especially when the children clearly said: "Our Dad and Ms. Hurt forced us to tell this to SPC" CP 172-3**"the removal of a child from a mother is a penalty as great as, if no greater, than a criminal penalty"** Santosky v. Kramer 455 U.S. 745, 768 (1982) quoted from H.R. Rep. No 95-1386, p 22 (1978).

***(4) Absolute Immunity does not apply:***

All of the cases cited by Ms. Robertson in her motion to dismiss related to claims of defamation. There is no authority before this Court that the same immunity applies to claims of abuse of process. While absolute immunity is justified in the context of a defamation claim by the need to protect attorneys and witnesses from liability for statements that might be considered libelous by an offended person, no such justification exists for abuse of process claims.

Abuse of process claims focus on a party's conduct during litigation. Did the party use the power of the courts to accomplish a legitimate purpose, or some other, improper end? While a party might justifiably be immune from liability for defamatory statements in order to encourage

witnesses to fully participate in legitimate court processes, there is no offsetting benefit to a grant of immunity from claims of abuse of process. The only possible result of such immunity would be to encourage abusive litigants to continue to abuse the power of the courts, having been freed from any consequence.

Abuse of process claims protects not only the injured plaintiff, but also the integrity of the courts. If defendants were absolutely immune from future claims of abuse of process arising from their participation in the court process, no abuse of process claim could ever succeed. Abuse of process would always be barred by absolute immunity. This would be an unjust result. To the contrary, a lawyer can be held liable for abuse of process. See *Fite v. Lee*, 11 Wn. App. 21, 29, 521 P. 2d 964 (1974). The Court should reverse lower court's order and hold that Tatyana's claims are not barred by absolute immunity.

**(5) PLAINTIFF'S CLAIMS AGAINST DEFENDANTS WERE NOT WHOLLY WITHOUT MERIT AND THERE IS NO INDICATION THAT THE PLAINTIFF ACTED IN BAD FAITH. AN AWARD OF CR 11 AND ATTORNEY'S FEES IS UNJUSTIFED IN THIS CASE:**

The lower court awarded unreasonable sanctions under CR 11(b) for the word to word identical motion o dismiss and summary of judgment against an indigent pro-se Tatyana CP 40-3; 70-2; 97-9. To John awarded in the amount of $22, 371.49 and to Ms. Roberson in the amount of $3.500. A grant or denial of sanctions is reviewed for abuse of discretion.

*Skilcraft Fiberglass v. Boeing Co.,* 72 Wn. App. 40, 44, 863 P.2d 573 (1993). A trial court abuses its discretion when its decision or order is manifestly unreasonable, or when discretion is based on untenable grounds or untenable reasons. *State v. Brown*, 132 Wn.2d 529, 572-73, 940 P.2d 546 (1997). The lower court found that Tatyana's claim was frivolous, were asserted in bad faith and without reasonable cause, and came after rulings were barred under the statute of limitation and absolute immunity. CP 40-3; 70-2; 97-9. Tatyana contends the findings are unreasonable and not supported by the evidence. She contends her claim was well-grounded in facts and supported by existing laws and therefore could not support an award of sanction CR 11. Additionally, sanction is appropriate only when the person has the present ability to purge the amount by complying with the order. *See Britannia Holdings Ltd. v. Greer*, 127 Wn. App. 926, 932, 113 P.3d 1041 (2005) (court may only exercise sanction power on a finding that a person has failed to perform an obligation actually within their power to perform).

According to Tatyana's medical documentation, 2016 trial court findings, financial statements and DSHS food stamps she sufferers from damages caused by Defendants who damaged her immigration status, which lead her for inability to obtain employment. DSHS food stamps and DSHS low income cash assistance are not taxable. Also, John is a sponsor for her, and he failed pay his obligation and spouse maintenance.

Pursuant to Civil Rule 11(b), a Plaintiff who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct." To be sanctionable under Civil Rule 11, Plaintiff's conduct must multiply the proceedings in both an "unreasonable and vexatious manner."*Skilcraft Fiberglass vs, Boeing Co.*, 72 Wn. App. 40, 44, 863 P. 2d 573 (1993). Recklessness suffices for the imposition of statutory sanctions. *Hous. Auth. v. Pleasant,* 126 Wn. App. 382, 388, 109 P.3d 422 (2005) sanctions must be supported by a finding of subjective bad faith, which is present when an Plaintiff knowingly or recklessly raises a frivolous argument, argues a meritorious claim for the purpose of harassing an opponent. *B.K.B. v. Maui Police Dept.,* 276 F.3d 1091, 1107 (9th Cir. 2002).

Although Plaintiff is not an attorney, English is not her naïve language, because of her *Limited English Proficiency* --her speech and writing lacked in brevity and artfulness. In the result of this, the lower court misunderstood her English and was confused what she was requesting and whether her claims and requests for relief. Her actions failed, that result was not so obvious in advance that it can be inferred that Plaintiff knowingly or recklessly pursued a futile claim. Plaintiff's claims against Defendant were not wholly without merit and there is no indication that Plaintiff acted in bad faith. An award of attorney's fees is

unjustified. Subjective bad faith has not been shown. The Defendants are not entitled to an award of attorney fees.

## CONCLUSION

Appellant *pro-se* presented three basic theories, each of which she supported her claim for relief. The lower court' orders of dismissal claim for "failure to state a claim" should be reversed and the case should be remanded to the trial court for further proceedings. Tatyana's action was not frivolous and an award of attorney fees RCW 4.84.185 to Roberson in the amount of $3,500 and to John $22,321.49 is unwarranted. The statute of limitation and absolute immunity does not apply in this case. From the *outrageous conduct* of the Defendants, the shock having resulted from a direct emotional impact upon her and Tatyana is suffering most severe damages: alienation with her children; outrageous emotional distress, physical harm, and anguish. For all these reasons above this Court should reverse the lower court orders.

Dated August 12, 2019

RESPECTFULLY SUBMITED BY _____

Tanana Mason Appellant *pro-se*

# APPENDIX – A

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
*Seattle Field Office*
12500 Tukwila International Blvd
Seattle, WA 98168-2506

U.S. Citizenship and Immigration Services

February 27, 2015

[redacted]

Tatyana Mason
[redacted]

**DECISION**

Dear Tatyana Mason:

Thank you for submitting 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).

We review your information provided in your application for replacement Permanent Resident Card, the documents supporting your application, USCIS has determined that you are no eligible for replacement Permanent Resident Card. USCIS must deny your I-90 application.

**Statement of Facts and Analyses Including Ground(s) for Denial.**

On October 28, 1999, you obtained conditional permanent resident status through your spouse in immigrant classification CFI. Your spouse did not file Form I-751, Petition to Remove Conditions on Residence. Your conditional permanent resident status and your conditions were not removed since March 2001.

USCIS received your Form I-90 on November 30, 2014 to replace Permanent Resident Card, and on January 13, 2015 you appeared for an interview to determine your eligibility for replacement. The record reflects that from March 2001 to November 30, 2014 your conditions were not removed by your spouse; on November 25, 2013 protection order placed against Tatyana Mason and you own child support.

Consideration has been given to your statements in connection with your convictions. Although you went through an abusive marriage and difficult divorce that was finalized in 2008, this does not excuse you from conditional permanent resident status: protection order against you on November 25, 2013.
Also, you must contact and make appropriate arrangements with the relevant state child support agency and court. After you have made these arrangements, you must notify our office in writing.

Please submit the following information, documents, and forms:

**Certified copy of termination of protection order against Tatyana Mason**
**Certified copy of arrangement or dismissal from appropriate state child support office and court.**

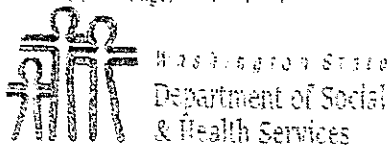
To be eligible for receiving permanent resident card you must demonstrate that you are a person of good moral character. USCIS finds that the unlawful acts for which you have been convicted adversely reflect upon your moral character.

# APPENDIX – B

[redacted] TATYANA I MASON

OLYMPIA CSO
PO BOX 11699
TACOMA WA 98411-6699

Seq: [redacted] Page: [redacted] of [redacted]




Phone #
TTY/TDD # 800-209-5446
Toll Free # 877-501-2233

[redacted]

Client ID # [redacted]

TATYANA MASON
[redacted]
[redacted]

Dear Tatyana I. Mason:

From September 2001 to March 2011, client Tatyana I. Mason has been on benefits with the State of Washington. The attached document shows the benefit amount the client has received every month. Our record shows that Tatyana I. Mason and her children exposed to violence in the home are also victims of physical and financial abuse from her husband. According to what our crossmatches have shown she has met the income requirements to be eligible for our program.

Call 877-501-2233to process an application or review, report changes, or ask questions.

# APPENDIX – C

# THURSTON COUNTY SUPERIOR COURT

FRIDAY, AUGUST 3, 2007
DOMESTIC VIOLENCE CALENDAR 9:00 A.M.

COURT COMMISSIONER LYNN HAYES
ROXANNE MOULTON, CLERK
DIGITAL RECORDING DEVICE

Underlined Parties Present at Hearing

07-2-30509-0 11.
07-3-00848-0

| | |
|---|---|
| MASON, TATYANA ET AL | KRATZ, PHILIP L |
| VS | |
| MASON, JOHN A | ROBERTSON, LAURIE |

PROTECTION ORDER

The parties were duly sworn by the Court to tell the truth.

Mr. Kratz informed the Court that this would be a contested hearing.

*Tatyana Mason* was duly sworn by the Court to tell the truth and testified under the direct examination of Mr. Kratz.

Ms. Robertson conducted her cross-examination.

*John Arthur Mason*, respondent, assumed the witness stand. The Court reminded him that he is still under oath. Ms. Robertson conducted direct examination.

Mr. Kratz conducted his cross-examination.

Ms. Robertson conducted her re-direct examination.

Witness stepped down.

Respondent rested.

Mr. Kratz waived his closing argument.

Ms. Robertson presented her closing argument to the Court.

SCANNED

# THURSTON COUNTY SUPERIOR COURT

FRIDAY, AUGUST 3, 2007
DOMESTIC VIOLENCE CALENDAR 9:00 A.M.

COURT COMMISSIONER LYNN HAYES
ROXANNE MOULTON, CLERK
DIGITAL RECORDING DEVICE

Underlined Parties Present at Hearing

07-2-30509-0 (CONTINUED 2 OF 2) 11.
07-3-00848-0

MASON, TATYANA ET AL — KRATZ, PHILIP L
VS
MASON, JOHN A — ROBERTSON, LAURIE

PROTECTION ORDER

Court's Ruling: The Court finds that the petitioner's testimony was credible. The Court finds that Domestic Violence has been committed. The Court finds that there have been acts of control by Mr. Mason. Ms. Mason is a disadvantaged spouse. Mr. Mason's testimony was not credible. The Court stated concern about secreting the children. There is a family law matter scheduled, so the Court would not address the issue of a Parenting Plan at this time. The Court finds that Mr. Mason should be restrained from contacting the petitioner. The Court restrained him from going within a mile of the petitioner. The house is his separate property, so he is restrained until there is ruling in the domestic case.

Court signed: *"Order for Protection"*

SCANNED

STATE OF WASHINGTON
County of Thurston
I, Betty J. Gould, County Clerk and Ex-officio Clerk of the Superior Court of the State of Washington, for Thurston County holding session at Olympia, do hereby certify that the following is a true and correct copy of the original as the same appears on file and of record in my office containing -- 4 -- pages,
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said court
DATED: _____

BETTY J. GOULD
County Clerk, Thurston County, State of Washington
by _____ Deputy

FILED
SUPERIOR COURT
THURSTON COUNTY WA

2007 AUG -3 AM 11:52

BETTY J. GOULD, CLERK
BY 4
DEPUTY

| Superior Court of Washington For Thurston County | Order for Protection |
|---|---|
| TATYANA MASON, 2/11/67<br>Petitioner<br>vs.<br>JOHN A MASON, 5/16/59<br>Respondent | **No. 07-2-30509-0**<br>Court Address: 2801 32nd Avenue SW<br>Tumwater, WA 98512<br>Telephone Number: (360) 709-3275<br>(Clerk's Action Required) (ORPRT) |

**Names of Minors:** ☐ **No Minors Involved**

| First, Middle, Last | Age |
|---|---|
| DAVID MASON | 3 |
| GRAHAM MASON | 7 |

**Respondent Identifiers**

| Sex | Race | Hair |
|---|---|---|
| Male | White | XXX |
| Height | Weight | Eyes |
| 6-2 | 185 | BRO |

**Respondent's Distinguishing Features:** Respondent has unknown distinguishing features.

**Caution: Access to weapons:**
☐ **yes** ☐ **no** ☐ **unknown**

***The Court Finds:***

The court has jurisdiction over the parties, the minors, and the subject matter and the respondent has been provided with reasonable notice and an opportunity to be heard. Notice of this hearing was served on the respondent by ☒ personal service ☐ service by mail pursuant to court order ☐ service by publication pursuant to court order ☐ other .

This order is issued in accordance with the Full Faith and Credit provisions of VAWA: 18 U.S.C. § 2265.

Based upon the case record, the court finds that the respondent's relationship to the petitioner is:

☒ spouse or former spouse ☐ current or former dating relationship ☐ in-law ☐ parent or child
☐ parent of a common child ☐ stepparent or stepchild ☐ blood relation other than parent or child
☐ current or former cohabitant as intimate partner ☐ current or former cohabitant as roommate

Additional findings of this order are set forth below.

***The Court Orders:***

☒ That the respondent is restrained from committing acts of abuse as listed in restraint 1, on page 2.
☒ No-contact provisions apply as set forth on the following pages.

**The terms of this order shall be effective for one year from today's date,**

**unless stated otherwise here (date):** _____

FAXED/COPY TO TCSO
(Law Enforcement Agency where Petitioner resides for input into statewide computer system)



121 105

The court further finds that the respondent committed domestic violence as defined in RCW 26.50.010 and represents a credible threat to the physical safety of petitioner, and ***It is Ordered:***

☒ 1. Respondent is ***Restrained*** from causing physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking ☒ petitioner ☐ the minors named in the table above ☐ these minors only:

(If the respondent's relationship to the petitioner is that of spouse or former spouse, parent of a common child, or former or current cohabitant as intimate partner, then effective immediately, and continuing as long as this protection order is in effect, **the respondent may not possess a firearm or ammunition**. 18 U.S.C. § 922(g)(8). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a $250,000 fine. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1).)

☒ 2. Respondent is ***Restrained*** from coming near and from having any contact whatsoever, in person or through others, by phone, mail, or any means, directly or indirectly, except for mailing or service of process of court documents by a 3rd party or contact by Respondent's lawyer(s) with ☒ petitioner ☐ the minors named in the table above ☐ these minors only:

If both parties are in the same location, respondent shall leave.

☒ 3. Respondent is ***Excluded*** from petitioner's ☒ residence ☐ workplace ☐ school; ☐ the day care or school of ☐ the minors named in the table above ☐ these minors only:
☒ Other: unless modified in the Dissolution
☐ Petitioner's address is confidential. ☐ Petitioner waives confidentiality of the address which is:

☒ 4. Petitioner shall have exclusive right to the residence that petitioner and respondent share. The respondent shall immediately ***Vacate*** the residence. The respondent may take respondent's personal clothing and tools of trade from the residence while a law enforcement officer is present.
☐ This address is confidential. ☐ Petitioner waives confidentiality of this address which is:

☒ 5. Respondent is ***Prohibited*** from knowingly coming within, or knowingly remaining within 1 mile (distance) of: petitioner's ☒ residence ☐ workplace ☐ school; ☐ the day care or school of ☐ the minors named in the table on page one ☐ these minors only:
☒ Other: Unless modified in Dissolution Case

☒ 6. Petitioner shall have possession of essential personal belongings, including the following: Reserved to Dissolution case

☒ 7. Petitioner is granted use of the following vehicle: Reserve to Dissolution Case
Year, Make & Model License No.

☐ 8. Other:

☐ 9. Respondent shall participate in treatment and counseling as follows:
- ☐ domestic violence perpetrator treatment program approved under RCW 26.50.150 or counseling at:
- ☐ parenting classes at:
- ☐ drug/alcohol treatment at:
- ☐ other:

☐ 10. Petitioner is granted judgment against respondent for $ fees and costs.

☐ 11. Parties shall return to court on , at , **AM / PM** for review.

**Complete only if the protection ordered involves minors:** This state ☐ has exclusive continuing jurisdiction; ☐ is the home state; ☐ no other state has exclusive continuing jurisdiction; ☐ other:

☐ 12. Petitioner is ***Granted*** the temporary care, custody, and control of ☐ the minors named in the table above ☐ these minors only:

☐ 13. Respondent is ***Restrained*** from interfering with petitioner's physical or legal custody of ☐ the minors named in the table above ☐ these minors only:

☐ 14. Respondent is ***Restrained*** from removing from the state ☐ the minors named in the table above ☐ these minors only:

☐ 15. The respondent will be allowed visitations as follows:

Petitioner may request modification of visitation if respondent fails to comply with treatment or counseling as ordered by the court.

**If the person with whom the child resides a majority of the time plans to relocate the child, that person must comply with the notice requirements of the Child Relocation Act. Persons entitled to time with the child under a court order may object to the proposed relocation. See RCW 26.09, RCW 26.10 or RCW 26.26 for more information.**

***Warnings to the Respondent:*** Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. If the violation of the protection order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States, which includes tribal lands, the defendant may be subject to criminal prosecution in federal court under 18 U.S.C. §§ 2261, 2261A, or 2262.

Violation of this order is a gross misdemeanor unless one of the following conditions apply: Any assault that is a violation of this order and that does not amount to assault in the first degree or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. Also, a violation of this order is a class C felony if the respondent has at least two previous convictions for violating a protection order issued under Titles 7, 10, 26 or 74 RCW.

If the respondent is convicted of an offense of domestic violence, the respondent will be forbidden for life from possessing a firearm or ammunition. 18 U.S.C. § 922(g)(9); RCW 9.41.040.

***You Can Be Arrested Even if the Person or Persons Who Obtained the Order Invite or Allow You to Violate the Order's Prohibitions.*** You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

It is further ordered that the clerk of the court shall forward a copy of this order on or before the next judicial day to the law enforcement agency ***Where Petitioner Lives***, as set forth on page 1, which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

## Service

☐ The clerk of the court shall also forward a copy of this order on or before the next judicial day to _____ ☐ County Sheriff's Office ☐ Police Department ***Where Respondent Lives*** which shall personally serve the respondent with a copy of this order and shall promptly complete and return to this court proof of service.

☐ Petitioner shall serve this order by ☐ mail ☐ publication.

☐ Petitioner shall make private arrangements for service of this order.

☒ Respondent appeared and was informed of the order by the court; further service is not required.

☐ Law enforcement shall assist petitioner in obtaining:

- ☐ Possession of petitioner's ☐ residence ☐ personal belongings located at: ☐ the shared residence ☐ respondent's residence ☐ other:
- ☐ Custody of the above-named minors, including taking physical custody for delivery to petitioner.
- ☐ Possession of the vehicle designated in paragraph 7, above.
- ☐ Other:

☐ Other:

***This Order is in Effect Until the Expiration Date on Page One.***

If the duration of this order exceeds one year, the court finds that an order of one year or less will be insufficient to prevent further acts of domestic violence.

Dated: 08/03/2007 at 11:46 AM / PM.

**Judge/Commissioner**

Presented by:

I acknowledge receipt of a copy of this Order:

Petitioner — Date 08/03/2007 — Respondent — Date 8-3-07

A Law Enforcement Information Sheet (LEIS) must be completed.

WSBA #27179 — Laurie A. Robertson #32521 8-3-07

# APPENDIX – D

4

FILED
SUPERIOR COURT
THURSTON COUNTY, WA

2017 NOV -3 PM 12: 08

Linda Myhre Enlow
Thurston County Clerk

Hearing Date: 11/03/17
Hearing Time: 9:00 a.m.
Judge/Calendar: Dixon/Civil

17-2-01121-34
ORDSM 120
Order of Dismissal
2034684

**SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY**

TATYANA MASON,

Plaintiff,

v.

JOHN MASON; LAURIE ROBERTSON,

Defendants.

NO. 17-2-01121-34

ORDER DISMISSING CLAIMS AND AWARDING ATTORNEY'S FEES

~~[PROPOSED]~~

THIS MATTER came regularly before the Court pursuant to Defendant Laurie Roberson's Amended Motion to Dismiss, in the Alternative Motion for Summary Judgment, and Motion for Attorney Fees. The Court considered those motions, the briefs or memoranda of the parties in support or opposition, and the declarations filed in support or opposition. The Court considered those filings in the Dissolution Cause Number 07-3-00848-0 that were called to its attention. After rendering its oral ruling, the Court considered Plaintiff's Motion for Reconsideration and associated briefing and oral argument from the parties. In preparation for entering a written order, this Court also considered Defendant Roberton's Motion for Entry of Final Judgment and associated briefing from the parties. This Matter having been duly considered by the Court and the Court being fully advised, the Court now enters the following Findings of Fact, Conclusions of Law, and Order.

## I. Findings of Fact

1. Plaintiff failed to conduct a reasonable inquiry in the factual and legal basis of her claims against Defendant Laurie Robertson. The statute of limitations has passed and Defendant



Olympic Appeals PLLC
4570 Avery Ln SE #C-217
Lacey, WA 98513
360.763.8008

Laurie Robertson is immune from the claims asserted by Plaintiff under the doctrine of absolute immunity as it is applied to attorneys.

2. The Court hereby incorporates by reference its oral ruling and findings from the hearing on reconsideration, dated September 1, 2017.

3. Plaintiff's claims against Defendant Laurie Robertson were frivolous, failed to state any claim for which relief can be granted, and that they were advanced without reasonable cause, in violation of RCW 4.84.185.

4. Plaintiff's claims against Defendant Laurie Robertson were not well grounded in fact, not warranted by existing law or a reasonable extension thereof, and brought for improper purposes. CR 11 was violated.

5. Defendant Laurie Robertson incurred attorney fees of $4,283.50 in defending against Plaintiff's claims.

6. Plaintiff Tatyana Mason initially appeared pro se ~~and has limited English proficiency, which made~~ her Amended Complaint and responsive briefing difficult to understand. Counsel appeared on her behalf for her Motion for Reconsideration, which helped the Court reach a fuller understanding of Ms. Mason's claims and supporting arguments.

## II. Conclusions of Law

1. Plaintiff's claims against Defendant Laurie Robertson are dismissed with prejudice in their entirety, as Plaintiff has failed to plead or state any claim upon relief can be granted. Defendant Laurie Robertson's Amended Motion to Dismiss is granted.

2. Attorney fees and sanctions are awarded to Defendant Laurie Robertson under RCW 4.84.185 and CR 11, as the claims are barred by absolute immunity and the applicable statute of limitations.

3. Considering the amount of attorney fees incurred by Defendant Laurie Robertson, ~~Plaintiff's limited English proficiency~~, and other reasons stated in the Court's oral ruling on September 1, 2017, which reasons are incorporated by reference, the Court determines that $3,500 is an appropriate sanction.



Olympic Appeals PLLC
4570 Avery Ln SE #C-217
Lacey, WA 98513
360.763.8008

## III. Order

The Court having reviewed the records and files herein, as stated above, and being fully advised in the premises and the Court having made Findings of Fact and Conclusions of Law, **NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:**

1. Defendant Laurie Robertson's Amended Motion to Dismiss is hereby GRANTED.

2. Plaintiff Tatyana Mason's claims against Defendant Laurie Robertson are DISMISSED with prejudice.

3. This Court awards $3,500 to Defendant Laurie Robertson as a sanction against Plaintiff Tatyana Mason. When final judgment in this matter is entered, this sanction shall be included in that final judgment if it has not been paid before that time.

4. In all other respects, Plaintiff's Motion for Reconsideration and Defendant Robertson's Motion for Entry of Final Judgment are DENIED.

DONE IN OPEN COURT this 3rd day of November, 2017.

Honorable James Dixon

Presented by:

Olympic Appeals PLLC

Kevin Hochhalter, WSBA #43124
Attorney for Plaintiff (limited representation)



Olympic Appeals PLLC
4570 Avery Ln SE #C-217
Lacey, WA 98513
360.763.8008

~~Copy received, approved for entry, and notice of presentation waived by:~~ As to Form only

Lifetime Legal, PLLC

Andrew Mazzeo, WSBA #46506
Attorneys for Defendant Laurie Robertson



Olympic Appeals PLLC
4570 Avery Ln SE #C-217
Lacey, WA 98513
360.763.8008

# APPENDIX – E

17-2-01121-34
JD 160
Judgment
2520489

3

FILED
SUPERIOR COURT
THURSTON COUNTY, WA

2018 FEB -2 AM 9:42

Linda Myhre Enlow
Thurston County Clerk

☐ EXPEDITE
☑ Hearing is Set

Date: February 2, 2018
Time: 9:00 a.m.
Judge/Calendar: Dixon/ Civil

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
**IN AND FOR THE COUNTY OF THURSTON**

| | |
|---|---|
| TATYANA MASON,<br><br>Plaintiff,<br><br>v.<br><br>JOHN MASON and LAURIE ROBERTSON,<br><br>Defendants. | Case No.: 17-2-01121-34<br><br>ORDER AND JUDGMENT |

**JUDGMENT SUMMARY**

**Judgment Creditor:** **John Mason**
**9640 Mullen Rd SE**
**Olympia, WA 98513**

**Judgment Creditor's Attorney:** **J. Michael Morgan**
**Worth Law Group, P.S.**
**6963 Littlerock Rd. SW**
**Tumwater, WA 98512**

**Judgment Debtor:** **Tatyana Mason**
**P.O. Box 6441**
**Olympia, WA 98507**

| | | |
|---|---|---|
| Principal Judgment Amount: | $ | -0- |
| Defendant's Attorney Fees: | $ | 21,617.50 |
| Defendant's Attorney Costs: | $ | 703.99 |
| **Total Judgment Amount:** | **$** | **22,321.49** |
| **Total judgment amount shall bear interest at 12% p/a** | | |



WORTH LAW GROUP, P.S.
6963 Littlerock Road SW
Tumwater, Washington 98512
(360) 753-0948

THIS MATTER came before the Court based upon the Motion of Defendant John Mason to Dismiss Complaint and Defendant's Motion to Strike. The following materials were reviewed by or brought to the attention of the Court:

1. Pleadings and file.

2. 10/11/17 Motion of Defendant John Mason to Dismiss Complaint.

3. 11/7/17 Plaintiff's Motion to Continue Court Hearing.

4. 11/15/17 Opposition to Plaintiff's Motion to Continue Summary Judgment Hearing.

5. 11/16/17 Notice of Errata.

6. 11/27/17 Order Granting Continuance of Defendant John Mason's Motion to Dismiss.

7. 1/10/18 Plaintiff's Response to John Mason's Motion to Dismiss, with attachments.

8. 1/10/18 Declaration of Tatyana Mason Regarding her Supporting Documentation, with attached exhibits.

9. 1/12/18 Defendant's Reply to Response to Motion to Dismiss, which included Defendant's Motion to Strike.

10. 1/12/18 Declaration of J. Michael Morgan Re Costs and Attorneys Fees.

11. 1/16/18 Plaintiff's Response to John Mason's Motion to Object to the Exhibits.

12. 1/16/18 Plaintiff's Response to John Mason's Motion for Attorneys Fees and Costs.

The Court having reviewed the pleadings and evidence, having heard the arguments of Plaintiff and of counsel for the Defendant, the Court finds that there is no issue of material fact



WORTH LAW GROUP, P.S.
6963 Littlerock Road SW
Tumwater, Washington 98512
(360) 753-0948

as to the relief sought by the Defendant. The Complaint should be dismissed based upon CR 12(b)(6) and CR 56. Further, the evidence submitted by the Plaintiff should be stricken as not meeting the requirements of CR 56(c). The Court further finds that Plaintiff's above captioned lawsuit was brought for an improper purpose, and that the lawsuit lacks any good faith basis in fact, or in law or the reasonable extension thereof. The Court therefore finds that sanctions are appropriate under Rule 11 of the Civil Rules. Accordingly, the Court hereby

ORDERS AS FOLLOWS:

1. Plaintiff's above-captioned lawsuit shall be and is hereby dismissed with prejudice.

2. Defendant's motion to strike is granted in its entirety.

3. Defendant John Mason is hereby awarded judgment against the Plaintiff for reasonable attorneys' fees in the amount of $21,617.50 and costs in the amount of $703.99, for a total of judgment amount of $22,321.49.

DONE IN OPEN COURT this 2 day of ~~January~~ February, 2018.

Hon. James Dixon
Judge of the Superior Court

Presented by;

**WORTH LAW GROUP, P.S.**

J. Michael Morgan, WSBA No. 18404
Attorney for Defendant John Mason

Copy received;

present in court
Tatyana Mason, Pro Se

JD



**WORTH LAW GROUP, P.S.**
6963 Littlerock Road SW
Tumwater, Washington 98512
(360) 753-0948

# APPENDIX – F

3

[ ] EXPEDITE
[x] Hearing is set
Date: February 23, 2018
Time: 9AM
Judge/Calendar: Judge James Dixon

FILED
SUPERIOR COURT
THURSTON COUNTY, WA

2018 FEB 23 AM 11:15

Linda Myhre Enlow
Thurston County Clerk

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
**IN AND FOR THURSTON COUNTY**

| | |
|---|---|
| TATYANA MASON,<br><br>Plaintiff,<br>vs.<br><br>JOHN MASON and LAURIE ROBERTSON,<br>Defendants. | NO. 17-2-01121-34<br><br>ORDER AND JUDGMENT |

17-2-01121-34
JD 175
Judgment
2641882

## I. JUDGMENT SUMMARY

| | |
|---|---|
| A. Judgment Creditor: | Laurie Robertson |
| B. Judgment Debtor: | Tatyana Mason |
| C. Principal Judgment Amount: | 0 |
| D. Interest to Date of Judgment | 0 |
| E. Attorney Fees | $3,500.00 |
| ~~F. Costs~~ | ~~$7.80~~ |
| G. Other Recovery Amount: | 0 |

H. Principal Judgment shall bear interest at 12% per annum.
I. Attorney fees, costs and other recovery amounts shall bear interest at 12% per annum

| | |
|---|---|
| J. Attorneys for Judgment Creditor: | Andrew P. Mazzeo<br>WSBA No. 46506 |
| K. Attorneys for Judgment Debtor: | None |

## II. FINDINGS OF FACT

This Court's Findings of Fact from the Order Dismissing Claims and Awarding Attorney's Fees, filed November 3, 2017, are attached to this Order and Judgment as

Attachment 1, and hereby incorporated by reference into this Order and Judgment.

## III. CONCLUSIONS OF LAW

This Court's Conclusions of Law from the Order Dismissing Claims and Awarding Attorney's Fees, filed November 3, 2017, are attached to this Order and Judgment as Attachment 1, and hereby incorporated by reference into this Order and Judgment.

## III. ORDER

1. This Court's Order from the Order Dismissing Claims and Awarding Attorney's Fees, filed November 3, 2017, is attached to this Order and Judgment as Attachment 1, and hereby incorporated by reference into this Order and Judgment.

2. In addition, the Court having reviewed the records and files herein, as stated above, and being fully advised in the premises, **NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:**

3. Defendant Laurie Robertson is hereby awarded attorneys' fees in the amount of $3,500.00. ~~She is hereby awarded allowable costs in the amount of $7.80.~~

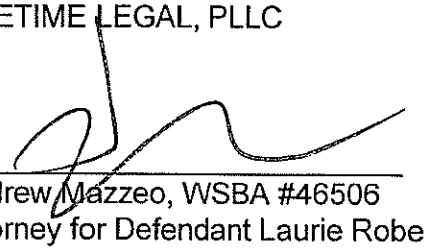
4. _____

DONE IN OPEN COURT this 23 day of February, 2018.

Honorable James Dixon

Presented by:

LIFETIME LEGAL, PLLC



Andrew Mazzeo, WSBA #46506
Attorney for Defendant Laurie Robertson

Copy received, approved for entry, and notice of presentation waived by:

Tatyana Mason
Plaintiff

# APPENDIX – G

2

17-2-01121-34
FNIND 230
Findings of Indigency
3301110

FILED
SUPERIOR COURT
THURSTON COUNTY, WA

2018 JUN 14 PM 3:31

Linda Myhre Enlow
Thurston County Clerk

# Superior Court of Washington
# County of Thurston

| | |
|---|---|
| Tatyana Mason<br><br>Plaintiff,<br><br>v.<br><br>John Mason<br><br>Respondent. | **No. 17-2-1121-34**<br><br>**FINDINGS OF INDIGENCY AND ORDER TO TRANSMIT FINDINGS OF INDIGENCY- RAP 15.2 (c)** |

The Court finds that Tatyana Mason, the appellant in this action, lacks sufficient funds to seek review in this action. The Court finds that Ms. Mason is able to contribute $0. The following portions of the record are reasonably necessary for review:

1. **All**_____
   (Designate any portions of the Clerk's Papers necessary for review).
2. **None**_____
   (Designate any portion of the verbatim report of proceedings necessary for review).
3. Reproduction of briefs and other papers on review which are reproduced by the Clerk of the Appellate Court.
4. **N/A**
   (Designate any cumbersome exhibits that need to be transmitted).
5. Other Items: N/A

The moving party asked this court to waive the supersedeas bond requirement of $30,000. This court will not, ex parte, decide that issue. It may be scheduled on Judge Dixon's motion calendar.

Now, therefore, it is ORDERED, ADJUDGED, and DECREED, that the Clerk of the Superior Court shall promptly transmit to the Supreme Court the Motion for Findings of Indigency, the Declaration of Indigency, and the Findings of Indigency.

DATED: 6.14.18

Superior Court Commissioner

**James J. Dixon**

## PRO-SE

## August 12, 2019 - 3:17 PM

## Transmittal Information

| | |
|---|---|
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| **Appellate Court Case Title:** | Tatyana Mason, Appellant v John Mason and Laurie Robertson, Respondents |
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