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Court of Appeals  
Division II  
State of Washington  
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NO. 52217-9  
COURT OF APPEALS, DIVISION II  
OF THE STATE OF WASHINGTON

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CURTIS GLAVIN NEHRING,

Respondent,

and

DEBORAH KATHERINE NEHRING,

Appellant.

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Appeal from Pacific County Superior Court  
Honorable Douglas Goelz  
No. 16-3-00003-2

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APPELLANT'S REPLY BRIEF

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## I. REPLY

### A. *Broom v. Morgan Stanley* does not support Respondent's arguments.

Respondent argues that *Broom v. Morgan Stanley DW Inc.*, 169 Wn.2d 231, 236 P.3d 182 (2010) is authority for his assertions that (1) the arbitrator's decision in this case cannot be reversed and (2) that as such Debbie's appeal is frivolous.

First, neither the *Broom* decision nor any of the caselaw cited around it relate to arbitrations in dissolutions of marriage. As such, it is not legal authority for review of dissolution arbitrations or, at the very least, is weak authority. Dissolutions are actions in equity and the court has a unique duty to make a just and equitable division of the community. RCW 26.09.080. As such, any terms in the final orders that leave a spouse in an unjust situation *is* facial legal error. As *Broom* states:

In fact, the facial legal error standard is a very narrow ground for vacating an arbitral award. When judicial review is limited to the face of the award, the purposes of arbitration are furthered while obvious legal error is avoided. But courts may not search the arbitral proceedings for any legal error; courts do not look to the merits of the case, and they do not reexamine evidence. Despite arguments to the contrary, the facial legal error standard does not permit courts to conduct a trial de novo when reviewing an arbitration award. *Boyd*, 127 Wn.2d at 262. Through the years, our courts have applied the facial legal error standard carefully, vacating an award based on such error in only four instances, one of which was the case below. Thus, given the narrowness of the facial legal error standard and the care with which it is applied, we see no harm in its continued application.

Respondent is incorrect in his implication that Appellant is seeking a trial de novo. It is plain and obvious that these byzantine final orders are facial legal error.

For these reasons, and because of the relative lack of Washington caselaw regarding dissolution arbitrations, Appellant's claims are by no means frivolous and attorney fees are not appropriate. Respondent's attempt to paint malicious intent to Debbie's pleas for justice are simply his irrelevant private feelings. As stated, it has been almost two years since Debbie was awarded any attorney fees at the trial level; she has expended all of the costs at the trial level since then and all of the appeal costs herself.

## II. CONCLUSION

The final orders and arbitration from whence they were derived should be vacated and this matter should be remanded for further proceedings.

Respectfully submitted this 23rd day of May, 2019.

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CERTIFICATE OF SERVICE

I hereby certify that on the date below I personally caused the foregoing document to be served via the Court of Appeals e-filing portal:

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DATED this 23rd day of May, 2019, South Bend, Washington.

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**Superior Court Case Number:** 16-3-00003-2

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