

FILED  
COURT OF APPEALS  
DIVISION II  
2019 MAR 20 PM 1:45  
STATE OF WASHINGTON  
BY JTK  
CLERK

Room 946  
COPY RECEIVED  
MAR 20 2019  
PIERCE COUNTY  
PROSECUTING ATTORNEY

No. 52531-3-II

COURT OF APPEALS, DIVISION TWO  
OF THE STATE OF WASHINGTON

PIERCE COUNTY, Appellee,

v.

RICHARD SORRELS, et al, Appellant

APPELLANT'S OPENING BRIEF

Richard Sorrels, Appellant, Pro Se  
9013 Key Pen Hwy, N, Suite E-110  
Lakebay, WA 98349  
253-884-4649

TABLE OF AUTHORITIES

Table of Cases

American v. Sherman, 160 Wn 2d 93,98-99, 156 P3d 858 (2007) ..... 10

Foster v. Foster, 130 Wash 376, 379 (1924) ..... 16

Gross v. City of Lynwod, 90 Wn 395, 400, 583 P2d 1197 (1978) ..... 6

Jones v. Rumford, 64 Wn 2d 559, 392 P2d 808 (1964) ..... 5

Leslie v. Midgate, 72 Wash 2d 977 (1967) ..... 4

Loman v Guie, 130 Wash 606, 607, 228 P 845 (1924) ..... 4

Miller v. Campbell, 164 Wn 2d 529, 539, 192 P3d 352 (2008) ..... 17

Mitchell v. Doe, 41 Wn App 846, 848, 706 P2d 1100 (1985) ..... 6

Moore v. Steve’s Outboard Service, 182 Wn 2d 151, 339 P3d 169 (2014) ..... 5

Parklin, v Clocousis, 53 Wn App 649, 652, 569 23rd 2 ..... 6

Portico v. Harrison, 202 Cal App 4<sup>th</sup>, 464, 474, 136 Cal Rpt 3d 151 (2011) ..... 6

Robinson v. Perez, 119 Wn App 928, 933, 83 P3d 1026 (2005)..... 6

Robinson v. Perez, 156 Wn2d 33, 40, 123 3d 844 (2005) ..... 6

Rules on Appellant Procedure, Rule 2.5, crt(a), 86 Wn 1133, 1152 (1976)..... 6

St. Germain v. St. Germain, 22 Wn2d 744, 157 P2d 981 (1945)..... 16

State v. Superior Court, 164 Wash 618, 620, 3 P2d1098 (1931) ..... 10

Tiegs v. Watts, 135 Wn 2d 1, 13, 954 P2d 887 (1998) ..... 5

Statutes

RCW 4.56.210 ..... 3,9,12,14

RCW 6.17.020 ..... 3,10,12

RCW 6.17.070 ..... 16

RCW 7.48.120 ..... 4

RCW 7.48.220 ..... 6

RCW 7.48.250 ..... 6

RCW 7.48.260 ..... 6

Rules

CR 5 .....9,10,12,14,16

CR 60 ..... 10

CR 70.1 ..... 13

Other Authorities

90 C.J.S. Trusts, Section 256 ..... 4

Blacks Law Dictionary, Judgment ..... 14

Bogart, The Law of Trusts and Trustees, Section 593 (2018 update) ..... 4

TABLE OF CONTENTS

Assignments of Error ..... 1

Statement of the Case ..... 2

Argument ..... 3

Conclusion ..... 6

Appendix

    A. Sorrels Response to Motion ..... 8

    B. Sorrels Reply ..... 12

## ASSIGNMENTS OF ERROR

1. The trial court erred in entering the Order on Show Cause for Warrant of Abatement on May 4, 2018.

### ISSUES PERTAINING TO ASSIGNMENT OF ERROR

- A. The Motion for Show Cause was not properly served, and exhibits, certified copy of Judgment, and required notice were not attached.
- B. The stale Judgment could not be enforced because more than ten years had elapsed since Judgment and injunction had been entered on November 27, 2002.
- C. The trial court lacked jurisdiction when a party identified as the RES Trust was not an entity, Which could neither sue nor be sued.
- D. An essential element was not identified nor were facts established upon which relief could be granted.

## STATEMENT OF THE CASE

Complaint was filed on 5/15/1997 against R Sorrels and RES Trust for nuisance (junk vehicles). A Second Complaint was filed in District Court to determine if the vehicles were junk or not. District Court Found they were NOT junk vehicles. Amended Complaint was filed on 6/05/2002, without motion or Court approval, which added 9406 Glencove Road and additional Defendants (cp 30-44).

Trial held with Findings 11/27/2002 (cp 98-106). Order and Judgment entered 11/27/2002 (cp 107-113). Declaration filed by Velez stating he was never notified of trial date 11/24/2002 (cp 114-115). Declaration filed by E Sorrels and D Sorrels saying they were never notified of trial date 11/24/2002 (cp 57-58).

Motion for Order to Show Cause filed 11/07/2017 (cp 18-123). R Sorrels Response 12/13/2017 (cp 124-129). R Sorrels Reply 1/31/2018. Order and Findings filed 4/04/2018 (cp 165-167). Warrant of Abatement filed 5/04/2018 (cp 168-169). Notice of Appeal filed 6/04/2018 (cp 170-175). The land subject to abatement is not owned by any of the Defendants and few if any of the vehicles are owned by the identified Defendants. The true owners have never been served with process.

## ARGUMENT

- A. The Motion for Show Cause was not properly served, and exhibits, certified copy of Judgment, and required notice were not attached.

Argument was made in Sorrels Response to Motion to Show Cause re Contempt (cp 124-129) and Sorrels Reply on Order to Show Cause re contempt (140-156). Sorrels' attorney is far more competent to make such argument. Those two documents are incorporated herein and Appended. Cases cited are included in the Table of Authorities.

In summary, the November 2002 Judgment expired as a matter of law in 2012 pursuant to RCW 4.56.210 and was not renewed as re RCW 6.17.020(3). Various papers were mailed to Sorrels (at incorrect addresses), however, all documents served lacked exhibits attached to the originals nor was Sorrels served a notice outlining the consequences of his failure to respond as required by CR 5(b)(5), nor was he served in any fashion a certified copy of the Judgment sought to be enforced.

The requirements cited use the word "shall", which allows no discretion. Failure to comply with service requirements would invalidate the Order based thereupon.

- B. The stale Judgment could not be enforced because more than ten years had elapsed since Judgment and injunction had been entered on November 27, 2002.

This issue appears to be a case of first impression for the Court of Appeals because relevant case law could not be found.

Argument was made in Sorrels Response to Motion to Show Cause re Contempt (cp 124-129) and Sorrels Reply to Order to Show Cause re Contempt (cp 140-156). Sorrels' attorney is far more competent to make such argument. Those two documents are incorporated herein and Appended. Cases cited are included in the Table of Authorities.

In summary, RCW 4.56.210 plainly provides: "No suit, action or other proceeding shall ever be had on any Judgment in this state by which the lien shall be extended or continued in force

for any greater or longer period than ten years." The ten year period was never extended.

The statute is strictly and literally enforced. The court erred when violating its strict requirement

- C. The trial court lacked jurisdiction when a party identified as the RES Trust was not an entity, Which could neither sue nor be sued.

The defendants in this matter were all pro se and ignorant of legal requirements and the law when the underlying Judgment was entered in 2002. There was no relevant case law available to them.

The 2002 Amended Complaint for the 1997 case cites the RES Trust as a defendant and owner of 9406 Glencove Road, the real property subject to the 2002 Judgment and the Order on appeal

The trust is NOT a legal entity. It can neither sue nor be sued. The Trustee holds bare legal title and his standing to sue or be sued regarding the Trust. Beneficiaries have standing and can sue or defend if the Trustee does not act, or if his interests are different. If trust assets are threatened, the Beneficiaries are necessary parties and must be included as parties to an action. The Beneficiaries own the Beneficial rights to trust assets (the res). The Trustee holds legal title without Beneficial rights, unless the Trustee is also a named Beneficiary. (Bogart, The Law of Trusts and Trustees, section 593 (2018 update); 90 C.J.S. Trusts, section 256: Lowman v. Guie, 130 Wash 606, 607, 228 P. 845 (1924); Portico v. Harrison, 202 Cal App 4<sup>th</sup> 464, 474, 136 Cal Rptr 3d 151 (2011); Leslie v. Midgate, 72 Wash 2d 977 (1967); 193 Wash App 1050 (unpublished, Div 2); 45 F2d 992 (1930; 106 F 758 (1901; O'Steen v. Estate of Wineberg, 30 Wn App 923, 640 P2d (1982)).

Case law states that the Court lacks jurisdiction and the cause of action is to be dismissed (even after mandate) when a party is identified as a trust which can neither sue or be sued.

Further, the true property owner is not joined, nor the Beneficiaries, nor the owners of the

personal property which Pierce County seeks to "abate", which by past actions by Piece County means "seize and destroy" everything down to the dirt (an overreach). Both Federal and State Constitutions require Due process in a court of law before seizure or destruction of property.

- D. An essential element was not identified nor were facts established upon which relief could be granted.

The defendants in this matter were all pro se and ignorant of legal proceedings and the law when the underlying Judgment was entered in 2002.

In 2014, the Washington Supreme Court published Moore v. Steve's Outboard Service, 182 Wn 2d 151, 339 P3d 169 (2014) which analyzed the statute regarding "nuisance" (RCW 7.48.120).

"RCW 7.48.120. Despite this expansive definition, generally, an activity is a nuisance only when it 'interferes unreasonably with other person's use and enjoyment of their property.'" Citing Tieg's v. Watts, 135 Wn 2d 1, 13, 954 P2d 887 (1998), and Jones v. Rumford, 64 Wn 2d 559, 392 P2d 808 (1964). (Moore at 155).

In Moore, other persons and their properties had been identified, and sued Moore, arguing that noise, smoke, fumes, and traffic was a nuisance (Moore, at 152.) The trial court's decision found that plaintiffs had suffered no damages, which was upheld by the Supreme Court (Moore at 152).

In this case, that dates back to 1997, and the Amended Complaint dated 6/05/2002, there was NO alleged damages to "other person's property", nor any "other persons" identified. There was no evidence of "other persons" or "damages" presented. There were no Findings identifying "other persons" or damage to their property. And no mention of such in any associated Judgment or Order, ever.

And again, in the order to Show Cause (2/02/2018) and subsequent pleadings, and the Findings and Order now on appeal, there was never any mention of "other persons property", nor were "other person's properties", nor "damages to their properties" cited, nor evidence

presented.

RCW 7.48.220, RCW 7.48.250, and RCW 7.48.260 are all cited in Pierce County's Motion for Order to Show Cause as authority for an Order of abatement. Every one of these statutes cited require a "nuisance", which would need to meet the definition analyzed by the Supreme Court in the Moore Case.

Essential elements of a "nuisance" offense have been ignored in this matter, entirely, ever since 1997, when this case was initiated. Required allegations and facts were never alleged nor presented.

RAP 2.5(a) allows review of errors raised for the first time on Review when they pertain to "failure to establish facts upon which relief can be granted". The WSBA Deskbook on Appellate Practice cites the following authorities in support: Rules on Appellate Procedure RAP, Rule 2.5 cmt (a), 86 Wn 2d 1133, 1152 (1976); Roberson v. Perez, 156 Wn 2d 33, 40, 123 P3d 844 (2005); Gross v. City of Lynwood, 90 Wn 395, 400, 583 P2d 1197 (1978); Roberson v. Perez, 119 Wn App 928, 933, 83 P3d 1026 (2004); Mitchell v. Doe, 41 Wn App 846, 848, 706 P2d 1100 (1985), aff'd 156 Wn 2d 33, 123 P3d 844 (2005); and Parklin v. Colocousis, 53 Wn App 649, 652, 769 P2d 326 (1989).

An essential element of "nuisance" has never been alleged, argued, or facts presented, or Finding made by the Court. There is no factual support for the 2002 Judgment, nor for the Order on review.

#### CONCLUSION

Foregoing facts and argument show that the 2002 Judgment lacks jurisdiction and facts to support. The Motion for Show Cause is procedurally flawed and is bared because the Judgment it is based upon has expired, and an essential element is again ignored with no supporting facts. The Court lacks jurisdiction because the action is against a Trust that is not an entity, and can neither sue nor be sued.

The Order on Appeal, and the entire case should be dismissed with prejudice.

Dated this 20<sup>th</sup> day of March 2019.

Respectfully submitted,



Richard Sorrels

Appellant, Pro Se

9013 Key Pen Hwy N, Suite E-110

Lakebay, WA 98349

253-884-4649

APPENDIX

- A. Sorrels Response to Motion to Show Cause
- B. Sorrels Reply to Motion to Show Cause

CERTIFICATE OF SERVICE

Richard Sorrels certifies that on March 20<sup>th</sup>, 2019, he personally served the above on the Pierce County Prosecutor, by delivering the above to his offices on the 9<sup>th</sup> floor of the Courthouse building on Tacoma Avenue South, Tacoma WA. A received stamp appears on attached title page.

Dated: 3/20/2019



Richard Sorrels

2019 MAR 20 PM 1:46  
STATE OF WASHINGTON  
BY \_\_\_\_\_  
RICHARD SORRELS

December 13 2017 11:23 AM

Hon. Karena Kirkendoll

Hearing Date: Friday, December 15, 2017  
Time: 9:00 AM  
NO. 97-2-07841-1

SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

PIERCE COUNTY, a municipal corporation,

NO. 97-2-07841-1

Plaintiff,

SORRELS RESPONSE TO MOTION  
TO SHOW CAUSE RE: CONTEMPT

v.

RICHARD E. SORRELS, a single person;  
CONRAD VELEZ and JANE DOE VELEZ,  
husband and wife; EARL F. SORRELS and  
DORIS E. SORRELS, husband and wife; and  
the RES TRUST,

Defendants.

Comes now Richard Sorrels by and through his attorney who has filed a limited notice of appearance to oppose entry of an order to show cause why Sorrels should be held in contempt for violating a stale judgment entered in November, 2002 and not extended according to statute.

**I. FACTS**

The relevant facts concerning this motion for show cause are set forth in the court file and the Declaration of Sorrels.

SORRELS RESPONSE TO MOTION TO SHOW  
CAUSE RE: CONTEMPT - 1

GOODSTEIN LAW GROUP PLLC  
501 S. G Street  
Tacoma, WA 98405  
253.779.4000  
Fax 253.779.4411

171212.pldg.Sorrels Response to Motion to Show  
Cause.docx

8.

APPENDIX A

1 The motion brought by the County Attorney to order Sorrels to show cause why he  
2 should not be held in contempt is based on a 2002 judgment which became unenforceable in  
3 November 2012 because the County didn't move to extend it.

4 Moreover the motion is procedurally flawed for three reasons: (1) it was mailed to Sorrels  
5 and not personally served and (2) the documents mailed to Sorrels (and your undersigned)  
6 referenced multiple exhibits and attachments although nothing was attached, and (3) it fails to  
7 give the defendant proper notice pursuant to CR 5(b)(5).

8 There has been no prior effort for 15 years to enforce this judgment pertaining to this  
9 property. Rather the action for show cause was carefully timed to overwhelm Sorrels with legal  
10 expense at the same time the same parties were litigating a Thurston County LUPA appeal  
11 pertaining to related Pierce County property. Mr. Sorrels needs judicial protection from this  
12 tactic.  
13

## 14 **II. ARGUMENT**

### 15 **A. Stale Judgment is unenforceable**

16 This action is based on a November 2002 judgment that was not extended and is  
17 therefore unenforceable. One cannot be in contempt of an unenforceable judgment.

18 RCW 4.56.210 plainly provides: "No suit, action or other proceeding shall ever be had  
19 on any judgment rendered in this state by which the lien shall be extended or continued in force  
20 for any greater or longer period than ten years." The statute is broad and all encompassing. It  
21 prohibits "other proceeding" which covers attempts to enforce a judgment by contempt as well as  
22 anything else. It uses the term "ever" which means "ever." This statute is strictly and literally  
23 enforced. After a judgment has expired not even the legislature can revive it because that would  
24

25 SORRELS RESPONSE TO MOTION TO SHOW  
CAUSE RE: CONTEMPT - 2

171212.pldg.Sorrels Response to Motion to Show  
Cause.docx

GOODSTEIN LAW GROUP PLLC  
501 S. G Street  
Tacoma, WA 98405  
253.779.4000  
Fax 253.779.4411

1 deprive the person against whom the judgment runs a substantive right. *American Discount*  
2 *Corp. v. Shepherd*, 160 Wn.2d 93, 98-99, 156 P.3d 858 (2007)

3 RCW 6.17.020(3) potentially allows a method to extend the enforceability of the  
4 judgment for an additional ten years “during which an execution, garnishment or other legal  
5 process may be issued”; however that requires the party in whose favor the judgment was  
6 rendered to make a motion to extend and pay a new filing fee within 90 days of its expiration.  
7 Here, however, there was no motion to extend at any time.

8  
9 **B. Motion Not properly served, is incomplete and improper in form**

10 This motion was served on Sorrels by mail however personal service is required after the  
11 appeal period for the 2002 judgment expired. CR 5(b)(4) and (5) See also CR 60(e)(3) (“The  
12 motion...shall be served upon all parties affected in the same manner as in the case of summons  
13 in a civil action...”)

14 CR 5(b)(4) provides a party must be personally served with all post judgment motions  
15 after the appeal period has expired and service on his attorney will not suffice. *Foster v. Foster*,  
16 130 Wash. 376, 379 (1924), *State ex rel Hibler v. Superior Court*, 164 Wash. 618, 620, 3 P.2d  
17 1098 (1931)

18 CR 5(b)(5) moreover provides the post judgment motion must “(i) include a notice to the  
19 party of the right to file written opposition or a response, the time within which such opposition  
20 or response must be filed, and the place where it must be filed; (ii) state that failure to respond  
21 may result in the requested relief being granted; and (iii) state that the paper has not been served  
22 on the party’s lawyer.” The County made no effort to comply with this rule.  
23  
24

1 Moreover, the documents mailed lacked all exhibits and attachments identified therein,  
2 not even a copy of the judgment. This is a clear violation of CR 5 (a).

3 **III. CONCLUSION**

4 The motion for order to show cause must be denied.

5  
6 DATED this 13<sup>th</sup> day of December, 2017.

7 GOODSTEIN LAW GROUP PLLC

8 s/Richard B. Sanders  
9 Richard B. Sanders, WSBA No. 2813  
10 Attorneys for Defendant Sorrels

January 31 2018 12:06 PM

Hon. Karena Kirkendoll

Hearing Date: Friday, February 2, 2018  
Time: 9:07 AM  
NO: 97-2-07841-1

KEVIN STOCK  
COUNTY CLERK

SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

PIERCE COUNTY, a municipal corporation,

NO. 97-2-07841-1

Plaintiff,

SORRELS REPLY ON ORDER TO  
SHOW CAUSE RE CONTEMPT

v.

RICHARD E. SORRELS, a single person;  
CONRAD VELEZ and JANE DOE VELEZ,  
husband and wife; EARL F. SORRELS and  
DORIS E. SORRELS, husband and wife; and  
the RES TRUST,

Defendants.

**I. REPLY ON FACTS**

Although no action of any kind has transpired in this case for fifteen years, in November of last year the County filed a motion to hold Richard Sorrels in contempt of a judgment entered in November 2002, a judgment which expired as a matter of law in November 2012 pursuant to RCW 4.56.210 and not renewed as per RCW 6.17.020(3). Various papers were mailed to Sorrels however, all documents served lacked exhibits attached to the originals nor was Sorrels served a notice outlining the consequences of his failure to respond as required by CR 5(b)(5), nor was he served in any fashion a certified copy of the judgment sought to be enforced.

SORRELS REPLY ON ORDER TO SHOW  
CAUSE RE CONTEMPT - 1

GOODSTEIN LAW GROUP PLLC  
501 S. G Street  
Tacoma, WA 98405  
253.779.4000  
Fax 253.779.4411

180130.pldg.Sorrels Reply to Show Cause.docx

1 Mr. Sorrels retained your undersigned as his lawyer who served and filed his "Limited  
2 Notice of Appearance" pursuant to CR 70.1 (b) to limit his participation in the case "to contest  
3 Motion for Order to Show Cause only..."

4 On December 15, Mr. Sorrels and his lawyer appeared in open court. Although Mr.  
5 Sorrels' lawyer had properly and timely served and filed his responsive documents and paid a fee  
6 to the Court to deliver the working copies to the judge, the judge stated she had not received the  
7 working copies and continued the hearing until February 2, affording the parties the opportunity  
8 to further brief whether the judgment had expired.

9 Exercising the right of any person to attend his own hearing in open court, Mr. Sorrels did  
10 in fact attend the December 15 hearing. At that time the County Prosecutor served him a  
11 completely new lawsuit pertaining to exactly the same property alleging, as in the instant suit,  
12 Sorrels is maintaining a public nuisance and seeking an injunction. See Cause Number 17-2-  
13 13023-6 attached. Apparently it is the County's objective to financially exhaust Mr. Sorrels  
14 through duplicitous litigation even though the judgment sought to be enforced here by contempt is  
15 for maintaining an alleged public nuisance—exactly as alleged in the new suit. The new suit,  
16 moreover, is in direct contradiction to the 2002 final judgment page 5, line 11 – 12 which states  
17 "the court makes the specific finding that the detailed remedies of this order are the only means  
18 by which the order can be enforced." By bringing this new suit the County is simply recognizing  
19 the obvious: the 2002 judgment has expired and is judicially estopped to claim otherwise.  
20  
21

22 After the December 15 hearing the deputy prosecutor gave your undersigned apparently  
23 complete copies of pleadings with exhibits attached and apparently mailed to Mr. Sorrels (as per  
24

25 SORRELS REPLY ON ORDER TO SHOW  
CAUSE RE CONTEMPT - 2

180130.pldg.Sorrels Reply to Show Cause.docx

GOÓDSTEIN LAW GROUP PLLC  
501 S. G Street  
Tacoma, WA 98405  
253.779.4000  
Fax 253.779.4411

1 Certificate of Service of January 19) a new document entitled "Notice to Defendant Pursuant to  
2 CR 5(b)(5)"

3 Mr. Sorrels through his lawyer has consistently maintained no Order to Show Cause  
4 should issue because (1) he cannot be in contempt of a legally unenforceable judgment; (2) any  
5 post judgment proceeding must be commenced by personal service on the defendant of true and  
6 correct copies of all relevant pleadings including a CR 5(b)(5) notice; and (3) the County is  
7 judicially estopped from attempting to enforce an expired judgment at the same time it seeks  
8 identical relief in a wholly new proceeding.

9  
10 **II. REPLY ON LAW**

11 The County's "Reply" invites little by way of further response since it does little more  
12 than reassert the County's desired conclusion.

13 **A. Expiration**

14 The issue here is whether RCW 4.56.210 means what it says: "No suit, action or other  
15 proceeding shall ever be had on any judgment rendered in this state by which the lien shall be  
16 extended or continued in force for any greater or longer period than ten years." Apparently it is  
17 the County's argument that this "Order and Judgment on Trial" (judgment p. 1) is not really a  
18 "judgment." However the County cites no authority for this bizarre proposition and your  
19 undersigned is aware of none.

20  
21 Black's Law Dictionary (Third Pocket Edition, Garner, Ed. in Chief), 388, defines  
22 *judgment*:

23 A court's final determination of the rights and obligations of the parties in a case.—The  
24 term *judgment* includes an equitable decree and any order from which an appeal lies.

1 Not only is this judgment *titled* a judgment on its face, but its body provides a variety of  
2 remedies by *judgment*. For example it plainly states "Plaintiff Pierce County is entitled to  
3 *judgment* as prayed for in the amended complaint." (Italics added) (Judgment p. 2, line 9-10) The  
4 judgment dismisses all of the defendants' counterclaims by judgment. (Judgment p. 3, line 12)  
5 On the same page the judgment issues an order of abatement "and the costs of abatement shall be  
6 documented and presented to the Court for entry as a judgment against each of the defendants and  
7 each of the parcels." The judgment further provides "the detailed remedies of this order are the  
8 only means by which the order can be enforced." (Judgment p. 5, line 11-12) [*Query*: if the  
9 remedies of this judgment are the only means of enforcement, and the judgment is still  
10 enforceable, why would the County maintain a new suit to do the same thing?] Costs and  
11 abatement charges are to be "reduced to judgment." Judgment p. 6, line 1 "Pierce county is  
12 granted a judgment" against [each defendant] for attorney fees as Pierce County made an "offer  
13 for judgment" more than 10 days before trial which was not accepted. (Judgment p. 6, line 4-9)

15 Apparently the County argues this "non-judgment" has eternal life. Hitler's claim that the  
16 Third Reich would last a thousand years was certainly modest by comparison. All the County  
17 needed to do to extend the life of this judgment for another ten years was move the court for that  
18 relief and pay a filing fee. But the County didn't do that because it serves its purpose in any event  
19 by burdening this man and his small family with multiple, repetitive and very expensive litigation.

21 As noted in Mr. Sorrels' original response, case law clearly establishes the bar to  
22 enforcing a judgment after ten years is a *substantive right* of the person against whom the  
23 judgment runs which cannot even be abrogated by the legislature. *American Discount Corp., v.*  
24 *Shepard*, 160 Wn.2d 93, 98-99, 156 P.3d 858 (2007) There the Supreme Court found the statute

25 SORRELS REPLY ON ORDER TO SHOW  
CAUSE RE CONTEMPT - 4

180130.pldg.Sorrels Reply to Show Cause.docx

GOODSTEIN LAW GROUP PLLC  
501 S. G Street  
Tacoma, WA 98405  
253.779.4000  
Fax 253.779.4411

1 unambiguous and "its meaning is to be derived from the language of the statute alone." The  
2 language makes no exception for an injunction although the legislature could have easily done so  
3 were that its intent.

4 Our courts have construed the judgment expiration statute broadly:

5 This statute, we think, is not a mere statute of limitations affecting a remedy only. It is  
6 more than that. It not only makes a judgment cease to be a "charge against the person or  
7 estate of the judgment debtor" after six years from rendering the judgment, but also in  
8 terms expressly takes away all right of renewal of or action upon the judgment looking to  
the continuation of its duration or that of the demand upon which it rests, for a longer  
period than six years from the date of its rendition.

9 *St. Germain v. St. Germain*, 22 Wn.2d 744, 157 P.2d 981 (1945)

10 **B. Service**

11 The County first claims a post judgment pleading need not be personally served on the  
12 defendant. CR 5(b)(4) plainly states a party, not his attorney, must be served with a post  
13 judgment pleading. Even if this were not the case materials allegedly mailed to Mr. Sorrels  
14 lacked exhibits, a CR 5(b)(5) notice, and a certified copy of the judgment at issue. See RCW  
15 6.17.070 The County could have easily corrected these admitted errors by simply starting over  
16 and personally serving Mr. Sorrels with complete and accurate copies of pleadings and a proper  
17 post judgment notice. But it didn't. Why not? Unfortunately the answer appears to be the  
18 County wants to crush this man with the weight of litigation without regard to its merit. How else  
19 can one explain the new but nearly identical suit served on Mr. Sorrels at this court's hearing?

21 **C. Judicial Estoppel**

22 The doctrine of "[j]udicial estoppel is an equitable doctrine that precludes a party from  
23 asserting one position in a court proceeding and later seeking an advantage by taking a  
24 clearly inconsistent position." [citing cases]

25 SORRELS REPLY ON ORDER TO SHOW  
CAUSE RE CONTEMPT - 5

180130.pldg.Sorrels Reply to Show Cause.docx

GOODSTEIN LAW GROUP PLLC  
501 S. G Street  
Tacoma, WA 98405  
253.779.4000  
Fax 253.779.4411

1 *Miller v. Campbell*, 164 Wn.2d 529, 539, 192 P.3d 352 (2008) Suing Sorrels in November 2017  
2 for exactly the same thing for which the County sued him in 1997 (maintaining a public nuisance  
3 on the same private property) is inconsistent with the County's claim that the 2002 judgment in  
4 the earlier case is legally enforceable, even to the extent Sorrels may be jailed for contempt.

5 Once again, the Court is asked not to avoid seeing the forest because of its trees. There is  
6 a litigation strategy here: the County wants to cripple this man with duplicitous litigation  
7 engaging him in a war of attrition only the County can win. The time to stop this is now, not  
8 thousands of dollars down the line.

9 DATED this 31<sup>st</sup> day of January, 2018.

11 GOODSTEIN LAW GROUP PLLC

12 s/Richard B. Sanders  
13 Richard B. Sanders, WSBA No. 2813  
14 Attorneys for Defendant Sorrels

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
BY \_\_\_\_\_  
STATE OF WASHINGTON  
2019 MAR 20 PM 1:45  
COUNTY OF TACOMA  
FILED

SORRELS REPLY ON ORDER TO SHOW  
CAUSE RE CONTEMPT - 6

180130.pldg.Sorrels Reply to Show Cause.docx

GOODSTEIN LAW GROUP PLLC  
501 S. G Street  
Tacoma, WA 98405  
253.779.4000  
Fax 253.779.4411