

FILED
Court of Appeals
Division II
State of Washington
9/30/2019 4:00 PM

NO. 53501-7-II

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

MARGARET GARRISON,

Respondent,

v.

DELBERT LEE MCGILL, ET AL.,

Appellant.

ON APPEAL FROM THE SUPERIOR COURT OF THE STATE
OF WASHINGTON FOR THURSTON COUNTY

The Honorable John Skinder, Judge

REPLY BRIEF OF APPELLANT

Holly Scott Laukkonen, WSBA #46705
Attorney for Appellant

1800 Cooper Point Rd. SW
Building 12
Olympia, WA 98502
O: (360) 258-2077
M: (206) 395-4655
F: (360) 485-4595
holly@laukkonenlaw.com

I. TABLE OF CONTENTS

I. TABLE OF CONTENTS..... i

II. TABLE OF AUTHORITIES iii

III. Reply Statement of Facts 1

IV. Reply Argument 4

A. Ms. Garrison concedes Mr. McGill’s assignments of error to the trial court’s failure to enter findings of fact. Further, her allegations illustrate the importance of well-articulated findings of fact. (Assignments of Error 10 and 11.) 5

B. Ms. Garrison concedes Mr. McGill’s assignment of error to the court’s failure to apply the correct evidentiary standard of clear, cogent, and convincing. (Assignment of Error 9)..... 5

C. Ms. Garrison concedes Mr. McGill’s assignment of error to the lower court’s failure to adhere to the due process requirements of RCW 11.92.195. (Assignment of Error 8.) 6

D. Ms. Garrison concedes Mr. McGill’s assignments of error to the trial court’s failure to apply the correct evidentiary rules for hearsay and the Deadman’s Statute, and her arguments support Mr. McGill’s assignments of error. (Assignments of Error 6 and 7.)..... 7

E. Ms. Garrison concedes Mr. McGill’s assignment of error to the trial court’s reliance on an allegation of an RPC violation as the basis for civil liability. (Assignment of Error 5.)..... 8

F. Ms. Garrison concedes Mr. McGill’s assignments of error to the court’s reliance on the false premise that Mr. Horst was a represented party (Assignments of Error 3 & 4.) 9

| | | |
|----|--|----|
| G. | Ms. Garrison concedes Mr. McGill’s assignments of error to the trial court’s erroneous designation of interlocutory orders as final judgments without certification of finality under CR 54(b). (Assignments of Error 1–2.)..... | 10 |
| H. | Mr. McGill did not assign error to the lower court’s denial of his oral motion at presentation to strike the testimony of his counsel that was explicitly not part of the record. | 11 |
| I. | Mr. McGill did not assign error to the amount of the lower court’s fee awards, and Ms. Garrison’s argument is off topic..... | 12 |
| J. | Mr. McGill’s errors were preserved for appeal, as Ms. Garrison shows in her Response. | 12 |
| V. | CONCLUSION | 15 |

II. TABLE OF AUTHORITIES

Cases

| | |
|---|-------|
| <i>Cowiche Canyon Conservancy v. Bosley</i> , 118 Wn.2d 801, 828 P.2d 549 (1992) | 15 |
| <i>Davis v. Early Const. Co.</i> , 63 Wn.2d 252, 386 P.2d 958 (1963) | 12 |
| <i>Dean v. Jordan</i> , 194 Wash. 661, 79 P.2d 331 (1938)..... | 5, 13 |
| <i>Douglas Nw., Inc. v. Bill O'Brien & Sons Constr., Inc.</i> , 64 Wn. App. 661, 828 P.2d 565 (1992)..... | 4 |
| <i>Fay Corp. v. Bat Holdings I, Inc.</i> , 651 F. Supp. 307 (W.D.WA., 1987) | 14 |
| <i>Fishburn v. Pierce Cty, Planning and Land Servs Dept.</i> , 161 Wn.App. 452, 250 P.3d 146 (2011)..... | 14 |
| <i>Frasch v. Leedom</i> , 162 Wn.2d 403, 383 P.2d 307 (1963)..... | 12 |
| <i>In re LaBelle</i> , 107 Wn.2d 196, 728 P. 2d 138 (1986)..... | 4 |
| <i>Lambert v. Smith</i> , 54 Wn.2d 348, 340 P.2d 774 (1959) | 12 |
| <i>Lyster v. Metzger</i> , 68 Wn.2d 216, 412 P.2d 340 (1966)..... | 12 |
| <i>Olmstead v. Department of Health</i> , 61 Wn. App. 888, 812 P.2d 527 (1991)..... | 13 |
| <i>Pyramid Lake Paiute Tribe v. Hodel</i> , 882 F.2d 364 (9 th Cir. 1989)..... | 13 |
| <i>Sdorra v. Dickinson</i> , 80 Wn. App. 695, 910 P.2d 1328 (1996) | 12 |
| <i>Williams v. Hofer</i> , 30 Wn.2d 253, 191 P.2d 306..... | 12 |

Statutes

RCW 11.88.045(1)..... 9, 10
RCW 11.92.060 9, 10

Rules

CR 54(a)..... 10
CR 54(b)..... 3
CR 59(a)(7)..... 12
CR 59(a)(8)..... 12
RPC 1.7 9
RPC 4.3 6

INTRODUCTION

Ms. Garrison fails to present law or facts to refute Mr. McGill's assignments of error. She asks the court to accept the unsupported premise that Mr. McGill unduly influenced Mr. Horst as she alleged in her petition¹. She repeats the same conclusory statements, as if repetition will "prove" her conclusory statements. Although she claims her narrative "is not intended to be antagonistic," without the support of law or facts, her *ad hominem* attacks serve no other legitimate purpose.

III. REPLY STATEMENT OF FACTS

Ms. Garrison introduces a number of additional, unsupported allegations. Mr. McGill denies all allegations not previously admitted, but these allegations are not before this Court on appeal. His use of footnotes here is for the sake of separating issues on appeal from those that are not, and he means no disrespect to this Court or the Rules and conventions of Appellate Procedure.

¹ Ms. Garrison illustrates the logical fallacy known as "begging the question," where the conclusion is inserted as a premise.

Mr. McGill addresses Ms. Garrison's allegations herein. ^{2,3,4,5,6,7}

² Ms. Garrison alleges the underlying restraining order and award of attorney's fees is "just one of many escalating attempts to control Mr. McGill and Ms. Scott Laukkonen," arguably to protect Mr. Horst. Resp. Br. at 3. Mr. McGill has little doubt about the former but Ms. Garrison has produced neither facts nor law that the latter is anything but pretext.

³ The record shows that the events that occurred in open court on April 19, 2019—which are not before this appellate court—did not transpire as Ms. Garrison describes on page 3 of her brief.

The record shows the court refused to hear legal argument that was properly before the court. Resp. RP v.1, Apr. 19, 2018, at 5:23–6:25. When counsel for Mr. McGill tried to point out the error, the court threatened to have her removed by security. *Id.* The record fails to support the allegation that counsel for Mr. McGill kicked the door, "violently" or otherwise.

The motion before the court on April 19, 2019, was Mr. McGill's Motion to Stay Proceedings. CP 293–294. The motion was based on the record and "Respondent's Memorandum." CP 293:23–24. The Memorandum consisted of legal argument that the court cannot enforce a ruling before a final judgment. *See* CP 290–292, 291.

Although Mr. McGill was the moving party, the court heard argument from Ms. Garrison first. Resp. RP v.1, Apr. 19, 2018, at 3–4. Counsel for Mr. McGill responded with legal arguments from the Memorandum that the ruling was not ripe for enforcement. *Id.* at 4:20–5:12. The court argued from that bench that Mr. McGill had failed to make that argument in his motion. *Id.* at 5:13–6:9. However, in the court's own argument, it recited earsay that Mr. McGill's Motion was based on the Memorandum, but the court did not acknowledge the arguments Mr. McGill had made within that Memorandum. *Id.* at 6:9–13.

The record does tend to corroborate Mr. McGill's assignments of error that the lower court has erred in ruling without supporting facts or law.

⁴ The record on appeal does show the guardianship court found Mr. Horst lacked the capacity at the time it appointed a guardian in July 2017. CP 39–50. The record also shows the guardianship court reached back two years to March 2015 to find he lacked the mental capacity then to execute a power of attorney CP 42:6–13. The record does not support this finding, but the parties did not assign error.

⁵ The order underlying Ms. Garrison's false allegation that counsel for Mr. McGill advised her client to violate a court order "for the sake of expediency" is not before this court on appeal. *See* Resp. Br. at 2.

The court transcript shows Mr. McGill argued Ms. Garrison had blocked his ability to sell calves for approximately six months. CP 21:15–26:3. With bills and taxes due and with calves outgrowing marketable weight, he argued the situation had become an emergency, which would result in waste to any future beneficiary of the farm, whether Mr. McGill or Mr. Horst or, as alleged at the time, Ms. Garrison. *See id.* His counsel acknowledged she could neither advise him to sell the cows in violation of a court order nor could she advise him to avoid selling the cows and be liable for waste. *See id.*

⁶ The record fails to show that the guardianship court "sanctioned" Mr. McGill or his counsel, as Ms. Garrison alleges on page 2 of her brief. The record also fails to show the guardianship court found "bad faith" as Ms. Garrison further alleges.

The record shows that on March 20, 2015, Vernon Jacob Horst personally appeared before a notary public to sign a quit claim deed of parcels of land (collectively, the “farm”) to Delbert Lee McGill. CP 69–72. He reserved for himself a life estate. *Id.* The Thurston County Auditor recorded the deed on March 30, 2015. *Id.* at 69.

The record also shows that since February 2017, Ms. Garrison has tried to retroactively invalidate that presumptively valid quit claim deed. *See e.g.* CP 1–10. The record shows that Ms. Garrison initially declared that her intent was to transfer the property to herself or her daughter. *See e.g.* CP 23:12–28. However, the record shows Ms. Garrison has since changed her stated intention, and she now declares she only wants to return the property to her 93-year-old father. *See e.g.* CP 201:1–2.

The record further shows that around the time of the quit claim deeds, Ms. Garrison felt Mr. Horst was in “good condition physically,”

Ms. Garrison supplements the record with her counsel’s declaration to include a judgment and order from the guardianship court that similarly lacked certification of finality under CR 54(b) or any formal findings of fact. CP 415–416. The record shows the order was entered *ex parte*. *Id.* The record also shows the order was originally dated in October of 2018 and not signed until January 8, 2019. *Id.* Mr. McGill reserves assignments of errors until after trial.

⁷ The record fails to support Ms. Garrison’s alleged facts underlying the discovery “sanction.” The record also fails to support her allegation the order was a sanction. Mr. McGill did not assign error as to those facts and will reserve assignments of error until after findings of fact or certification of CR 54 (b) finality are entered.

Note that Ms. Garrison reaches the strange conclusion that the trial court denied Mr. McGill’s order to compel discovery and awarded fees to Ms. Garrison, specifically because the court “could not entertain the motion without compliance with 26(i).”

although she was uncertain if he could grasp financial affairs. CP 22:23–24. However, she now relies on the deposition testimony of a Thurston County employee, where Ms. Garrison’s attorney asked the witness, “Were you concerned when he came into your office that he was going to die?” CP 93:3–6. The witness responded, “It was a concern of mine.” *Id.*

The two orders that are before this appellate court are designated “judgments,” without explicit or implicit mention of sanctions or of finality.

The question of undue influence is not before this court on appeal, nor has the issue been fully litigated. The record on appeal fails to reveal any findings of the lower court to support Ms. Garrison’s conclusory statements of prior bad acts that would support her allegations of present bad acts.

IV. REPLY ARGUMENT

The standard of review for Mr. McGill’s assignments of error of law is *de novo*. Additionally, to determine whether a decision is supported by the record, the appellate court will review the record for “substantial evidence.” When the burden of proof is clear, cogent, and convincing evidence, substantial evidence must be “highly probable.” *Douglas Nw., Inc. v. Bill O'Brien & Sons Constr., Inc.*, 64 Wn. App. 661, 678, 828 P.2d 565 (1992); *In re LaBelle*, 107 Wn.2d 196, 209, 728 P. 2d 138 (1986); *see*

Appellant's Br. p.26 at C.3 (citing *Dean v. Jordan*, 194 Wash. 661, 669, 79 P.2d 331 (1938)).

- A. Ms. Garrison concedes Mr. McGill's assignments of error to the trial court's failure to enter findings of fact. Further, her allegations illustrate the importance of well-articulated findings of fact. (Assignments of Error 10 and 11.)

Ms. Garrison presents no argument against Mr. McGill's assignments of error to the court's failure to enter findings of fact for review. She asks this appellate court to defer to the decisions of the trial court that are supported by the record, but a reviewing court cannot determine if a ruling is supported by the record without findings of fact to reveal what the court considered.

- B. Ms. Garrison concedes Mr. McGill's assignment of error to the court's failure to apply the correct evidentiary standard of clear, cogent, and convincing. (Assignment of Error 9).

Ms. Garrison presents no argument against Mr. McGill's assignment of error to the court's failure to apply the correct evidentiary standard of clear, cogent, and convincing evidence. Instead, Ms. Garrison suggests her repeated conclusory statements are sufficient, but she fails to argue why those conclusions would meet such a high evidentiary standard. In particular, Ms. Garrison and the trial court fail to reveal what evidentiary standard the court applied to the alleged violations of the

Rules of Professional Conduct (“RPC”), which she argues were the “strong evidence” in support of a restraining order⁸.

Ms. Garrison argues that this appellate court should defer to the trial court’s ruling when it is supported by the record, but she fails to supplement the record with clear, cogent, and convincing evidence the trial court considered. Instead, her supplemental designations of Clerk’s Papers tend to show the lower court’s pattern of designating judgments and orders without findings of fact to show it considered clear, cogent, and convincing evidence. CP 373–375; CP 415–16; CP 418–20.

C. Ms. Garrison concedes Mr. McGill’s assignment of error to the lower court’s failure to adhere to the due process requirements of RCW 11.92.195. (Assignment of Error 8.)

Ms. Garrison presents no argument against Mr. McGill’s assignment of error to the court’s failure to adhere to the due process requirements of RCW 11.92.195.

⁸ Ms. Garrison alleges Mr. McGill’s counsel “admitted” Mr. Horst was a represented party by telling him the RPC’s prohibited her from talking to him. It is relevant to note RPC 4.3 also directs counsel to refrain from discussing a matter with an unrepresented party, except to advise him to obtain legal representation.

D. Ms. Garrison concedes Mr. McGill's assignments of error to the trial court's failure to apply the correct evidentiary rules for hearsay and the Deadman's Statute, and her arguments support Mr. McGill's assignments of error. (Assignments of Error 6 and 7.)

Ms. Garrison presents no argument against Mr. McGill's assignments of error to the court's failure to apply the correct evidentiary standards for hearsay and the Deadman's Statute.

Ms. Garrison further supports Mr. McGill's assignments of error by illustrating the evidentiary challenges of relying on out-of-court statements, particularly those of a person who has been adjudged incapacitated. She admits "My dad doesn't remember a lot of things about this case." CP 200:24. He apparently does not know who is lawyer is or that Ms. Garrison and her attorney purport to represent him at law. *Id.* at 24–27.

His apparently unreliable memory notwithstanding, she presents his out-of-court statements as truth of the matter that he is "adamant" he never went to the county to record the deeds. CP 201:5–6. Never mind her reliance on the testimony of the Thurston County employee, Doreena Baird, who details her interactions with Mr. Horst at the county offices where he recorded the quit claim deed. CP 82–102. Furthermore, Mr. Horst apparently denied Ms. Garrison's allegations until "pressed" by Ms. Garrison and her attorney. CP 200:7, 9–10.

E. Ms. Garrison concedes Mr. McGill’s assignment of error to the trial court’s reliance on an allegation of an RPC violation as the basis for civil liability. (Assignment of Error 5.)

Ms. Garrison fails to make argument against Mr. McGill’s assignment of error to the trial court’s use of the Rules of Professional Conduct as the basis for imposing civil liability against Mr. McGill and his counsel. Instead, she spends three pages espousing her allegations without supplementing the record or presenting legal analysis to support her conclusions. *See* Resp. Br. 27–30.

Ms. Garrison then makes the strange argument that the trial court had not used the Rules of Professional Conduct as a basis for imposing civil liability. Instead, she argues, it had used the alleged *per se* violations as “strong evidence” of the need for a restraining order. Ms. Garrison fails to provide legal analysis for this argument.

Rather than argue Mr. McGill’s assignment of error, Ms. Garrison argues the court’s ruling was “based upon what Ms. Scott Laukkonen has filed.” Her vacant argument supports Mr. McGill’s assignments of error to the trial court’s failure to enter findings of fact (Assignments of Error 1–2); and failure to hold Ms. Garrison to the evidentiary standard of clear, cogent, and convincing evidence. (Assignment of Error 9.)

Ms. Garrison's argument would impose strict liability to a proceeding without providing legal analysis for why the court should apply that tort standard or evidence to support her conclusion.

- F. Ms. Garrison concedes Mr. McGill's assignments of error to the court's reliance on the false premise that Mr. Horst was a represented party (Assignments of Error 3 & 4.)

Ms. Garrison presents no argument against Mr. McGill's assignments of error to the court's reliance on the false premise that Mr. Horst was a represented party. Specifically, Ms. Garrison fails to argue facts, law, or statutory construction to reconcile her interpretation of RCW 11.92.060 (guardian's duty to pursue claims for/against incapacitated person) and RPC 1.7 (conflicts of interest) or RCW 11.88.045(1) (incapacitated person's right to willing counsel of their choosing).

Under the rules of statutory interpretation, statutes must be consistent with other statutes, otherwise the judiciary should attempt to harmonize the inconsistency. Therefore, RCW 11.92.060 simply means a guardian will stand in as a representative in fact and fiduciary of an incapacitated person who sues or is sued. To interpret the statute otherwise would require complicated exceptions to RPC 1.7 against conflicts of interest and RCW 11.88.045(1), which protects an incapacitated person's right to "willing counsel of their choosing" (emphasis added).

In this case, Ms. Garrison highlights the absurd result. She argues on the one hand that Mr. Horst is a represented party, based on her analysis that a guardian and her attorney necessarily represent the incapacitated person. On the other hand, she argues that her attorney lacks an attorney-client relationship with Mr. Horst. As a result, she claims Mr. Horst is a represented party, but denies his due process right to an attorney.

Ms. Garrison's interpretation of her duties as a guardian strips Mr. Horst of his right to willing counsel of his own choosing and creates a clear conflict of interest.

G. Ms. Garrison concedes Mr. McGill's assignments of error to the trial court's erroneous designation of interlocutory orders as final judgments without certification of finality under CR 54(b). (Assignments of Error 1-2.)

Ms. Garrison concedes these errors that the underlying orders, which the court designated "judgments," lack status as final rulings of the court, as judgment is defined in CR 54(a). There are two mis-designated "judgments" underlying this appeal: One for attorney's fees against Mr. McGill, and the second for attorney's fees, jointly and severally against Mr. McGill and his counsel. *See* CP 257-262.

Ms. Garrison concedes Mr. McGill's assignments of error by failing to argue facts or law to support her counter-argument that the orders are actually sanctions because Mr. McGill's attorney is not a party

to the action. Further, Ms. Garrison fails to argue facts or law for why, even if properly designated, sanctions are immediately enforceable and not subject to review.

Ms. Garrison concedes to these errors by relying on a logical fallacy. Ms. Garrison's proposition is that the orders for attorney's fees, although designated "judgments," are not final orders. She further posits they are not final orders because Mr. McGill's attorney is not a party. Therefore, she concludes inexplicably, the orders must be sanctions. Next, she asks the Court to presume, without authority, these supposed sanctions are enforceable without review. Finally, she refutes Mr. McGill's right to a full and fair hearing. Mr. McGill argues *reductio ad absurdum* the result of this analysis would mean any order for monetary damages would be deemed sanctions, enforceable against parties and/or their attorneys, without an evidentiary hearing, and with no right to appeal.

H. Mr. McGill did not assign error to the lower court's denial of his oral motion at presentation to strike the testimony of his counsel that was explicitly not part of the record.

The lower court did not take advantage of the opportunity to correct the legal errors before entering the orders underlying this appeal, and Mr. McGill cannot assign error to that decision. However, he can and did move for reconsideration of the courts errors that led to those rulings.

- I. Mr. McGill did not assign error to the amount of the lower court's fee awards, and Ms. Garrison's argument is off topic.

Mr. McGill assigned error to the restraining order and fee awards themselves, not to the trial court's calculation of fee awards. Ms. Garrison argues the fees were reasonable, which sidesteps the questions on appeal.

- J. Mr. McGill's errors were preserved for appeal, as Ms. Garrison shows in her Response.

The Court has discretion to vacate an order and grant reconsideration to correct a legal error. CR 59(a)(8). However, trial court does not have discretion for errors of law. *See, e.g., Lyster v. Metzger*, 68 Wn.2d 216, 226, 412 P.2d 340 (1966); *Sdorra v. Dickinson*, 80 Wn. App. 695, 701, 910 P.2d 1328 (1996).

The trial court may grant reconsideration for a lack of evidence or reasonable inference to justify the decision, or that the decision is contrary to law. CR 59(a)(7). Such motions can be granted when the court can say there is not substantial evidence to support the opponent's claim. *See e.g. Davis v. Early Const. Co.*, 63 Wn.2d 252, 386 P.2d 958 (1963), *Frasch v. Leedom*, 162 Wn.2d 403, 383 P.2d 307 (1963); *Miller v. Payless Drug Stores of Washington, Inc.*, 161 Wn.2d 649, 379 P.2d 932; *Lambert v. Smith*, 54 Wn.2d 348, 340 P.2d 774 (1959); *Williams v. Hofer*, 30 Wn.2d 253, 191 P.2d 306. Substantial evidence is evidence in sufficient quantum to persuade a fair-minded person of the truth of the declared premises.

Olmstead v. Department of Health, 61 Wn. App. 888, 893, 812 P.2d 527 (1991).

In a challenge to an *inter vivos* gift, the contestant has the burden of proving "every material fact alleged by him" by clear, cogent, and convincing evidence. *Dean v. Jordan*, 194 Wash. 661, 669, 79 P.2d 331 (1938).

In this case, Ms. Garrison contends Mr. McGill cannot raise new arguments on "Reconsideration and Appeal," but she fails to explain the one she is arguing. However, she admits the arguments raised on appeal matched the arguments raised on reconsideration. It follows she argues Mr. McGill raised new arguments on Reconsideration. Mr. McGill specifically argued on his motion for reconsideration that the trial court had committed errors of law and lacked substantial evidence in reaching its rulings, which is explicitly within the scope of motions for reconsideration, and were errors preserved for appeal.

The cases to which Ms. Garrison cites are not helpful to her argument. In fact, *Pyramid Lake Paiute Tribe v. Hodel*, supports Mr. McGill's assignment of error to the trial court's denial of his Motion for Reconsideration. *See* 882 F.2d 364, 369 n. 5 (9th Cir. 1989) (question of claim preclusion Court reviewed for "clear error," because although a

decision to depart from finality reviewed for abuse of discretion, this question was for an error of law.) *Id.* In this case, as in *Pyramid Lake Paiute Tribe*, the issues before the appellate court are for errors of law and the trial court lacked discretion.

Fay Corp. v. Bat Holdings I, Inc., from the Western District Court of Washington, is distinguishable. *See* 651 F. Supp. 307 (W.D.WA., 1987) (newly introduced facts and theories had been available at earlier ruling). Here, Mr. McGill assigns error as a matter of law or for lack of substantial evidence to the lower court's rulings. Rather than offering new evidence or new legal theories, as happened in *Fay Corp*, his argument is that the trial court went outside the scope of its authority to rule as it did.

Another case cited by Ms. Garrison that supports Mr. McGill's assignments of error came from this Division 2 of the Court of Appeals of Washington, *Fishburn v. Pierce Cty, Planning and Land Servs Dept.*, 161 Wn.App. 452, 250 P.3d 146 (2011). In *Fishburn*, the Appellants filed a motion for reconsideration on the basis of newly discovered material evidence but failed to argue how that new evidence would change the court's ruling under the public duty doctrine. *Id.* at 473 (*citing Bohn v. Cody*, 119 Wn.2d 357, 368, 832 P.2d 71 (1992) (appellate court will not consider inadequately briefed argument); *Cowiche Canyon Conservancy*

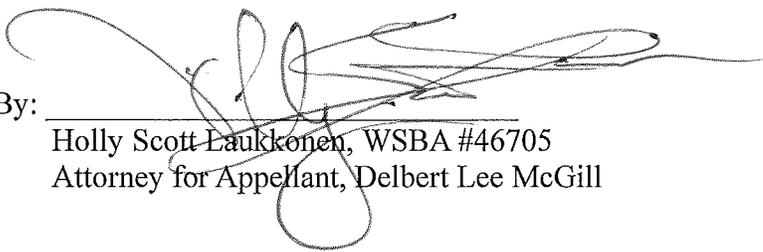
v. *Bosley*, 118 Wn.2d 801, 809, 828 P.2d 549 (1992) (argument unsupported by citation to the record or authority will not be considered); RAP 10.3(a)(6)). Unlike *Fishburn*, Mr. McGill does not seek to admit new evidence. Also unlike *Fishburn*, his arguments are thoroughly briefed and supported by the record and controlling law.

V. CONCLUSION

Mr. McGill respectfully asks the court to reverse the trial court's denial of his motion for reconsideration. Mr. McGill respectfully asks the Court to vacate the restraining order and judgment against him and his counsel for legal error. Mr. McGill further respectfully asks the Court to vacate the judgment against him in the trial court's denial of his Motion to Compel Discovery for legal error

Mr. McGill respectfully asks the Court for an award of attorney's fees incurred in this appeal and the underlying motions and orders, and he respectfully asks the Court order any and all other such remedies as the interest of justice requires.

Respectfully submitted this 30 day of September, 2019.

By: 

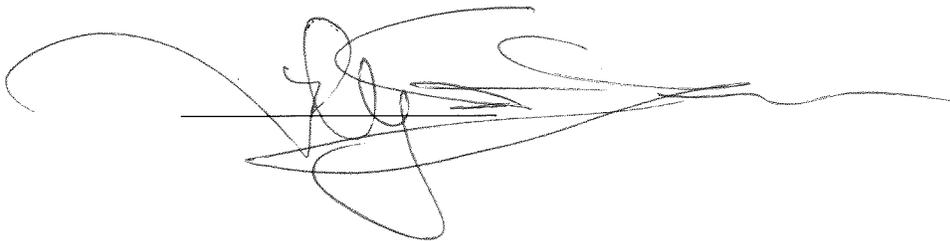
Holly Scott Laukkonen, WSBA #46705
Attorney for Appellant, Delbert Lee McGill

CERTIFICATE OF SERVICE

I, Holly Scott Laukkonen, declare under penalty of perjury of the laws of the State of Washington, that I am a citizen of the United States and a resident of the State of Washington, that I am over the age of eighteen, that I am not a party to this lawsuit, and that on September ~~20~~, 2019, I caused the Appellant's Reply Brief to be served on the following in the manner indicated:

| | |
|---|---|
| <p>Joe Frawley Attorney for Petitioner Shefter & Frawley 1415 College Street SE Lacey, WA 98503 joedfrawley@gmail.com (360) 491-6666</p> | <p><input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail (postage prepaid) <input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> E-Service</p> |
|---|---|

DATED September 30, 2019, in Olympia, Washington.



LAUKKONEN LAW, PLLC

September 30, 2019 - 4:00 PM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 53501-7
Appellate Court Case Title: Margaret Garrison, Respondent v. Delbert Lee McGill, et al., Appellant
Superior Court Case Number: 17-4-00122-2

The following documents have been uploaded:

- 535017_Briefs_20190930155937D2920356_6131.pdf
This File Contains:
Briefs - Appellants Reply
The Original File Name was FINAL Appellant Reply.pdf

A copy of the uploaded files will be sent to:

- joedfrawley@gmail.com

Comments:

Sender Name: Holly Scott Laukkonen - Email: holly@laukkonenlaw.com
Address:
1800 COOPER POINT RD SW STE 12
OLYMPIA, WA, 98502-1179
Phone: 206-395-4655

Note: The Filing Id is 20190930155937D2920356