

FILED
Court of Appeals
Division II
State of Washington
6/8/2020 8:00 AM

Case No. 545267-6-II

IN THE COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON

Leonard C. Dewitt
v.
Kevin W. Hannan

On Appeal from the Pierce County Superior Court
Cause No. 18-3-02728-3
The Honorable Shelly K. Speir, Judge

APPELLANT'S BRIEF

Leonard C. Dewitt
2106 S. 25th Street
Tacoma, WA 98405
(253) 307-1102

TABLE OF CONTENTS

I.	Assignments of Error	1
II.	Issues Pertaining to Assignments of Error	1
III.	Statement of the Case.....	2
IV.	Argument and Authorities.....	2
	A. The trial court did not have authority to make any disbursement of property or to evict DeWitt.....	2
	B. The trial court allowed one party to avoid discovery while simultaneously sanctioning the plaintiff for his attorney's failure to provide a single page.....	3
	C. The trial court awarded fees and sanctions without authority.....	3
V.	Conclusion	4
VI.	Certificate of Service	5

TABLE OF AUTHORITIES

Cases

Connell v. Francisco, 127 Wn.2d 339 (1995)3

Statutes

RCW 59.12.2203

I. ASSIGNMENTS OF ERROR

1. The trial court did not have authority to make any disbursement of property or to evict DeWitt.
2. The trial court erred by exhibiting prejudice toward the non-represented party.
3. The trial court awarded fees and sanctions without authority.

II. ISSUES PERTAINING TO THE ASSIGNMENTS OF ERROR

1. Whether the trial court committed reversible error when she wrote eviction language without an unlawful detainer being filed and without finding a CIR?
2. Whether the trial court committed reversible error by being completely unfair with discovery?
3. Whether the trial court committed reversible error by granting sanctions and fees to the financially disadvantaged party without authority?

III. STATEMENT OF THE CASE

Only the petition for dissolution of a Committed Intimate Relationship was before the Court. CP 1-4. The matter was on a shortened divorce calendar. The trial court entered a summary judgment order in favor of the defendant. CP 273. That appeal is pending. The trial court entered eviction language in her orders but there was no complaint for unlawful detainer before the court. See Appealed Orders.

The court did not require the defendant to produce his discovery. The attorney for the Plaintiff failed to submit a single piece of paper and then withdrew. Before the plaintiff could produce the document pro se, the court sanctioned him which was later turned to a judgment. See Third Notice of Appeal. The court then refused to consolidate issues that were related. CP 273.

IV. ARGUMENT AND AUTHORITIES

- A. The trial Court did not have authority to evict or divide the property in any way once it determined there was no CIR.

The Court can not do extra things that are not before it to help members of the bar along. See Basic Fairness. Since there was no unlawful detainer filed by Hannan against DeWitt the court had no authority to attempt to effect the same. That lead to disastrous results

wherein all property within the 2916 N. Lawrence home was destroyed including all the plaintiff's property¹.

If a court finds a CIR then it can distribute property. *Connell v. Francisco*, 127 Wn.2d 339, 898 P.2d 831 (1995). With no finding it can not then evict one party and thereby distribute the property unfairly especially as it controverts the directive of a statute, RCW 59.12.220 or the unvacated temporary order. CP 180.

- B. The trial court allowed one party to avoid discovery while simultaneously sanctioning the plaintiff for his attorney's failure to provide a single page.

The trial court did not require one party to provide their discovery and then sanctioned the other party for something that his attorney did without allowing the pro se party to correct his attorney's error. This is also basically unfair. The court is not allowed to administer a completely unfair process and that is an abuse of discretion to do so.

- C. The trial court awarded fees and sanctions without authority.

The Court awarded sanctions and fees without authority. The attorney represented party controls millions of dollars and the other party who was potentially extorted by the millionaire is made to pay fees based

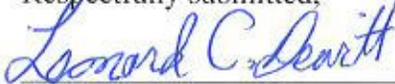
¹ That fact is not within the record because it happened subsequent, however it is referenced in the associated issues that are currently before the Court in Pierce County Superior Court. See Exhibit 1, Reply Brief.

on a mistake his withdrawing attorney made. This smacks of further prejudice and is basically unfair and nowhere could authorization by statute or caselaw be found.

V. CONCLUSION

Wherefore, the Court should reverse correct the unfairness and remand for further discovery regarding the extensive property held by the defendant, drop the unauthorized fees, and consolidate all issues for judicial economy.

Dated this 5th day of June, 2020.

Respectfully submitted,

Leonard C. DeWitt

VI. CERTIFICATE OF SERVICE

Appellant certifies that a true copy of the foregoing brief was served on counsel immediately after filing the same.

Leonard C. Dewitt

LEONARD DEWITT - FILING PRO SE

June 08, 2020 - 7:31 AM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 53794-0
Appellate Court Case Title: Leonard Carpenter Dewitt, Appellant v. Kevin William Hannan, Respondent
Superior Court Case Number: 18-3-02728-3

The following documents have been uploaded:

- 537940_Other_20200608072826D2663710_1384.pdf
This File Contains:
Other - Appellants Brief Consolidated Case
The Original File Name was 5452676AppellantsBrief.pdf

A copy of the uploaded files will be sent to:

- david@davidcorbettlaw.com
- davidcorbettlaw@gmail.com
- leostar5678@gmail.com

Comments:

Sender Name: Leonard Dewitt - Email: michaelhaan@msn.com
Address:
2106 South 25th Street
Tacoma, WA, 98405
Phone: (253) 307-1102

Note: The Filing Id is 20200608072826D2663710