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COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

No. 34344-8-III

COURT OF APPEALS, DIVISION III

STATE OF WASHINGTON

HEIDI RACHAEL SILVER n/k/a O'DAY, Petitioner/Appellant

v.

MATTHEW BENJAMIN SILVER, Respondent

APPEAL FROM THE SUPERIOR COURT OF SPOKANE COUNTY

HONORABLE RAYMOND F. CLARY, JUDGE

REPLY BRIEF OF APPELLANT

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A. Statement of the Case

This is a case in which, through a surprise oral motion at the end of a hearing with a last-minute substitute Commissioner, Respondent's attorney requested his client receive a tax dependency credit he had no legal right to (else why not motion properly for it?); in which the matter was not argued but was granted to Respondent without any evidence or argument supporting that it should be his, causing essentially the theft of property without due process; in which post-hearing objections were noted by Appellant but ignored by the lower court; in which a signature page was erroneously attached to an order which was **not** agreed-upon in a fashion that presents that it was agreed-upon by Appellant; in which Appellant's right to reconsideration was denied by lower court staff and ignored by the Commissioner; in which a failure to respond directly to the reconsideration appears to have caused the loss of right to a revision on the matters presented by Appellant in her reconsideration; in which a Commissioner who appears to subsequently demonstrate bias by her own actions failed to recuse herself, vacate her order, and send back to the assigned Commissioner for a new hearing; in which said Pro Tem Commissioner and Respondent attorney appears to have engaged in inappropriate ex parte communication (based on a failure to refute *any* ex parte communication allegations) and forced a hearing that was not on the

docket; in which during said undocketed hearing, Appellant was forced to argue the question of taxes under duress and was improperly ordered to pay Respondent attorney \$500 without identification of what specific error she committed to deserve such punishment; in which a subsequent judicial officer refused to hear Appellant's issues except for the \$500 attorney fees; in which the subject order was never corrected by either Respondent attorney or the judicial officers; in which Respondent's attorney has engaged in ongoing attempts to interfere with Appellant's right to fair hearings and due process in general; in which Respondent attorney falsely alleged intransigence against Appellant on an ongoing basis without citing any specific actions and without agreement of the court; and in which Respondent's attorney has failed to follow the rules of professional conduct by repeatedly demanded information without prior professional requests, asking the Courts to award attorney fees and/or sanctions in every subsequent filing, writing things into orders that were either in direct contradiction to the law or were not what the judicial officer ordered during the hearing, and failing to include things he was instructed to write into orders.

B. Argument

I generally disagree with Mr. Gobel's reply brief. However, I do not wish to address each and every issue and find a way to fit that all into twenty-five pages. I wrote a response to all of the problematic items in his brief (including new appeals not properly introduced with a cross appeal; off topic items that appear to intend to improperly besmirch my character; lies and misrepresentations of the truth; redundancies and repetitive statements; vague statements that leave arguments wide open for him to argue in multiple ways in the courtroom; objectionable material; and things that support my position and not his) and it became a response of over 50 pages. Instead, I implore the Court to review all of the documents and hearing transcripts that have been submitted, because I believe **the facts speak for themselves.**

I fully understand facts in a way that most pro se litigants never would. I have worked with enforcement of the Federal Fair Housing Act, and the Washington Law Against Discrimination since 1994 (excluding one year when Alyssa was on treatment for Leukemia). Though my career does not deal directly with the court process (in my work I have neither written a legal pleading, nor appeared in a court hearing), as a neutral Civil Rights Investigator for a government agency, my daily duties include *gathering evidence* that must meet the standards of evidence in court, interviewing parties and creating an accurate record of the interviews,

analyzing evidence using the elements of proof, and **drafting findings of facts and conclusions of law for the administrative process**. My testimony in my agency's administrative process as a neutral investigator is considered expert opinion. I also assist parties in resolving their disputes through Pre-Finding Settlement Agreements, and Post Finding Conciliations. Therefore, I know quite well what evidence is, what findings and conclusions ought to look like, how to remain neutral and professional, and how to effectively resolve disputes; after all, this is my life's work. I settle about 30% of my cases; the national average in my line of work is under 10%. Never once in my thirteen years in this position have I submitted a conclusion of law that is not supported by a finding of fact, which cites a specific piece of evidence. I work with a range of people from homeless people with mental illness to seasoned attorneys who represent Respondents in the investigative process. In my twenty-three years in this work, I can only recall two attorneys that I have dealt with who have been as difficult as Mr. Gobel. Though I truly was originally uneducated about how to draft pleadings, how to present things effectively in a hearing, and how to respond to errors by others, I have done my very best to participate appropriately in all court processes, provide what was required by law and by the rules of the court, participate in a **cooperative** fashion, and find appropriate ways to respond to errors. I

really have done my very best. I firmly believe that a review of the record will prove this to the Court of Appeals. And, in the interest of brevity, I wish only to address the most egregious portions of Mr. Gobel's reply brief; I implore the Court to address other issues in Mr. Gobel's brief as it sees fit, because I lack the experience, time, and space in this brief to cover everything.

In his reply brief, Mr. Gobel has made the following misstatements, misrepresentations of the truth, or mischaracterizations of my motive, which, as a moral imperative I cannot let go unanswered:

1. "... Mother's thinly veiled attempt at improper reconsideration..."
(Reply Brief p. 9) Pro Tem Commissioner Colton instructed me to note my objections, and my Notice and Objection was precisely that: a notice of my very specific objections. (CP 55-56). Supporting that is: "Until a formal judgment is entered, a trial court is free to change its mind, *Fosbre v. State*, 70 Wn.2d 578, 424 P.2d 901 (1967), and the defendant here was free to utilize whatever procedural tactics she deemed appropriate to obtain entry of findings of fact, conclusions of law, and judgment in her favor." *Seidler v. Hansen, et al.*
2. Mr. Gobel states, "Mother confirms Attorney Gobel's understanding that she 'neither agreed nor objected.'" (Reply Brief p. 10). I had in fact objected several times, and the very document Mr. Gobel uses to

say that I “neither agreed nor objected” specifically states that I had objected immediately after the line he quotes. (CP 349)

3. “Mother alleged that the Court attached her signature page from support modification orders which she purports to have proposed, to the actual support modification orders the Court actually signed on November 18, 2015.” (Reply Brief p. 12). I stated that the final order contained my signature page for my proposed order, but **I did not lay blame on any party.** (CP 73-74).
4. “Mother backtracked from her pleadings” (Reply Brief p. 16). I did not say Pro Tem Commissioner Colton was guilty of fraud; I was as polite and diplomatic as I could be, when facing a judicial officer who may have been angry at me for pointing out an error and asking for it to be corrected. (RP 2/3/16, 44:20-45:22).
5. “Second, she claimed financial hardship due to the modification eliminating a child support transfer payment for Alyssa.” (Reply Brief p. 17). I notified the court in my Notice and Objection that I was harmed when, in 2014, Commissioner Anderson awarded Mr. Silver to claim Alyssa’s 2014 tax dependency credit so late in the year that I had to change my withholding and ended up seeing approximately \$400 per month less in my paycheck, effectively cancelling out the

increase in child support for all of 2014; this was unrelated to any end to Alyssa's child support (CP 55-56).

6. "The Court confirmed that the parties 'argued it' and said, 'I recall the reason why I did what I did....'" (Reply Brief p. 19). Herein, Mr. Gobel essentially points out Pro Tem Commissioner Colton's perjury because, as the transcript of 10/26/2015 shows, I never argued the taxes at all. (RP 10/26/2015 35:1-19). In *Marriage of Wherley*, "Before a party is deprived of a property interest, that party is entitled to notice and an opportunity to be heard. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 94 L. Ed. 865, 70 S. Ct. 652 (1950). These safeguards serve to minimize the risk of mistake or substantial unfairness. *Fuentes v. Shevin*, 407 U.S. 67, 32 L. Ed. 2d 556, 92 S. Ct. 1983 (1972)." Also, in *Olson*, "An appellate court may refuse to review any claim of error that was not raised in the trial court, with some exceptions, including a 'manifest error affecting a constitutional right.' RAP 2.5(a)(3)."
7. "However, there were issues contained in her motion that the Court determined were without merit, specifically 'the allegation that there is a criminal act that occurred.' RP 60." (Reply Brief p. 19). Pro Tem Commissioner Colton made an inaccurate determination, as a review of my filing shows that I asked for correction of error so that a

criminal act **would not** occur (CP 73-75) and Mr. Gobel relies on this improper interpretation to support his position.

8. "The Court denied Mother's request to reconsider the tax exemption award issue." (Reply Brief p. 20). A review of the transcript from the 2/3/16 hearing shows that she actually did reconsider it, decided to uphold the prior ruling, and then again changed her mind without providing a legal or equitable reason. (RP 2/3/2016, 61-63).
9. "Mother signed with her approval, but noted 'without prejudice.'" (Reply Brief p. 21). I wrote "without prejudice" as a sign of disapproval, and as a way to deal with being required to sign an order. (CP 101).
10. "Mother does not claim the Court was without jurisdiction for any part of the child support modification case and its sequelae." (Reply Brief p. 23). This is untrue, as I noted it in my Notice and Objection (CP 55-56) and in the 3/3/16 revision hearing (RP 3/3/2016, 14:6-22).
11. "Mother's position denies the finality of the Court orders and attempts an unjustified revisitation of the controversy." (Reply Brief p. 27).

This stance is completely opposite to Mr. Gobel's position because he in fact denies the finality of the 7/31/2014 order, and attempts to alter it without any argument and without merit, which undermines the finality of agreed-upon court orders.

12. "Mother argues that the tax exemption question was not open for discussion, because it was not specifically pleaded by Father. Generally, that issue was tried by consent. CP 52. Under CR 15(b), amendment of the pleadings to conform to the evidence is permitted where issues not raised by the pleadings are tried by the consent of parties, express or implied. In such a case, the appellate court must consider the record as a whole." (Reply Brief p. 27-28). While I do agree that generally this concept of "tried by consent" is true, in this case I did not consent to it or argue it in the 10/26/2015 hearing, and I only argued in the 2/3/2016 hearing very limitedly and under duress. *Mukilteo* also states, "However, [HN10] amendment under CR 15(b) cannot be allowed if actual notice of the unpleaded issue is not given, if there is no adequate opportunity to cure surprise that might result from the change in the pleadings, or if the issues have not in fact been litigated with the consent of the [*257] parties."⁹ *Green*, 149 Wn. App. at 636 (quoting *Harding v. Will*, 81 Wn.2d 132, 137, 500 P.2d 91 (1972)). [HN11] In determining whether the parties impliedly consented to the trial of an issue, "an appellate court will consider the record as a whole, including whether the issue was mentioned before the trial and in opening arguments, the evidence on the issue admitted at the trial, and the legal and factual support for the trial court's

conclusions regarding the issue." [***18] *Dewey v. Tacoma Sch. Dist. No. 10*, 95 Wn. App. 18, 26, 974 P.2d 847 (1999).

13. "...Mother should be stopped from arguing against the 2015 tax exemption award to Father merely because she disagrees with it." (Reply Brief p. 29). Not only do I disagree with it, so do both law and equity.

14. That I allege "...that the Court violated RCW 42.20.040 or RCW 42.20.050 by permitting her signature page to be inadvertently filed with the Clerk attached to the final order." (Reply Brief p. 29-30). I stated, "**THIS IS A SEVERE ERROR THAT REQUIRES CORRECTION, OR IT BECOMES A CRIMINAL ACT, ACCORDING TO RCW 42.202.040 (sic) AND RCW 42.20.050.**" (CP 74).

Mr. Gobel discusses the Court's authority to "decide, sua sponte or on application, whether the motion shall be heard before entry of any judgment." (Reply Brief p. 30). While I don't disagree with the Court's authority to do so, in this particular case, it is problematic because failing to respond at all to my reconsideration request, allowing Mr. Gobel to force me into a presentment hearing, and not putting that hearing on the docket, creates an impression of bias. In *State, ex rel., A.N.C.*, "A citizen's equal protection rights are violated when the law treats similarly situated persons differently, or differentially situated persons the same. *City of New Orleans v. Dukes*, 427 U.S. 297, 96 S. Ct. 2513, 49 L. Ed. 2d 511 (1976)." *State, ex rel., A.N.C.* also states, "Under the appearance of fairness doctrine, a judicial proceeding is valid only if a reasonably prudent and disinterested person would conclude that all parties obtained a fair, impartial, and neutral hearing. *State v. Bilal*, 77 Wn. App. 720, 722, 893 P.2d 674 (1995)."

15. “Mother did not raise the issue of irregularities with Attorney Gobel’s orders. At no time did the Court find any misconduct by Attorney Gobel.” (Reply Brief p. 31). I did raise this issue (CP 103, CP 104, and RP 3/3/2016 p.16). The Court did correct Mr. Gobel during the presentment hearing for the content of his order, which was not in compliance with the law. (RP 2/3/2016 p. 51).
16. “Mother provided absolutely no information to the Court regarding Alyssa’s university education... until Father demanded such... on September 10, 2015.” (Reply Brief p. 33). I included information as required in the original filing (CP 179-182). It fully detailed all of the known information at that time.
17. “APPELLANT’S ATTEMPT TO FORCE THE LOWER COURT’S RECUSAL EX POST FACTO IS WITHOUT MERIT” and “...this right does not apply to Court Commissioners....” (Reply Brief p. 35-36). Mr. Gobel herein impeaches the integrity of the court because he seems to treat Commissioners as not being equal to judges and not held to the same standards. The Judicial Cannon requires that all judicial officers act without bias, and recuse themselves when bias exists. Mr. Gobel refers to RCW 4.12.050, which states that one should motion and provide an affidavit regarding the bias; I sought out

a standardized court form, and used the one I found, and I believe it essentially meets the requirement of motion and affidavit. (CP 97-99). Both Family Law Court Administrator Amanda Peterson and Superior Court Administrator Ron Miles specifically met with me at length, heard all of my concerns about Pro Tem Commissioner Colton's potential bias, and told me that I needed to appear at that court date, regardless of how I felt about the Commissioner. I attended the 2/3/2016 hearing under duress.

18. "The dictionary definition of 'Intransigence' is 'refusing to compromise, immovably adhering to a position or point of view.'" (Reply Brief p. 42). If we employ Mr. Gobel's definition of intransigence, then essentially anyone we admire for making important changes in the world was intransigent, such as Winston Churchill, Rosa Parks, and Gandhi. It seems that Mr. Gobel's job as an attorney is to review the cases and make a determination based on what judges have determined the definition of intransigence should be, not just turn to the dictionary for such a definition. According to Mr. Gobel's definition of intransigence, he is the one who is intransigent because he has been completely immovable on all of his positions throughout the process.

Mr. Silver and I already had an agreed-upon instrument dated 7/31/2014 that awarded the children's tax dependency benefits; Mr. Silver and Mr. Gobel both signed the agreement and there was no appeal of that matter. (CP 9-25). That agreement was an instrument that granted me the right to claim Alyssa's tax dependency credits from 2015 forward, and my ownership became vested on January 1, 2016, when there was no final order changing the 7/31/2014 order. In the 7/31/2014 order, Christian's tax credit was awarded from 2014 on to Mr. Silver, granting him additional tax benefits because Christian is 2 ½ years younger and results in MBS getting more years of tax credits. That order also granted Mr. Silver the right to claim Alyssa for 2014, but granted me the right to claim her from 2015 forward. In the current action, alternating Alyssa for a few years and giving Mr. Silver all of Christian's tax benefits, creates a large injustice and actually aggravates the original injustice of Mr. Silver getting more tax dependency credits than I do by allotting the kids separately instead of alternating both of them between us. The current matter essentially involves an incomplete tax award recalculation which, when combined with the 7/31/2014 order, grants Mr. Silver seven of eight tax dependency benefits, when he already has another minor son whom he claims every year. In *Dugger*, "[I]f the trial court relies on unsupported facts or applies the wrong legal standard,' its decision is exercised on untenable grounds

or for untenable reasons; and 'if the court, despite applying the correct legal standard to the supported facts, adopts a view that no reasonable [***10] person would take,' the trial court's decision is manifestly unreasonable. *Mayer*, 156 Wn.2d at 684 (quoting *State v. Rohrich*, 149 Wn.2d 647, 654, [*118] 71 P.3d 638 (2003))." In *Clarke*, "The legislature also intended to equitably apportion the child support [*378] obligation between both parents. RCW 26.19.001 [***12] ; *In re Marriage of Ayyad*, 110 Wn. App. 462, 467, 38 P.3d 1033 (2002)." Granting the majority of the tax dependency credits to a parent who pays the minority of the support and has visitation with one of two children, only on alternating weekends, flies in the face of being equitable.

Mr. Gobel's verbal motion for taxes during the 10/26/2015 hearing is essentially equivalent to an ex post facto alteration of a contract. Section 23 of the Washington State Constitution states, "No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed." Did Mr. Gobel and Mr. Silver sign and agree to the 7/31/2014 order? The record demonstrates that they did. Is it acceptable for him to unilaterally alter that contract and ruling already made by a judicial officer without providing any reason for such alteration?

As far as the verbal motion for taxes during the 10/26/2015 hearing, CR 11 requires that attorneys file all pleadings, motions or

modifications of decrees in writing with signatures and their bar association numbers. It also must be “well grounded in fact” and “warranted by existing law or a good faith argument”. It must be for a proper purpose, and because neither law nor equity supports MBS having all of our tax dependency credits, and it reversed a prior order without any proper reason, it clearly was improper. Motions also must be warranted based on evidence, and this clearly goes against Pro Tem Commissioner Colton’s own declaration that I pay more than half of ARS’s expenses. In Brockopp, “In a modification proceeding, the uniform child support schedule requires the court to make written findings of fact that must be supported by the evidence and in turn support the court's conclusion. ⁶ On appeal, we will not substitute our judgment for that of the trial court where the record [**852] shows that the trial court considered all relevant factors.” In *Daughtry*, “For it has also been held that a finding must be made as to all of the "material issues." *Bowman v. Webster*, 42 Wn.2d 129, 134, 253 P.2d 934 (1953); *Wold v. Wold*, 7 Wn. App. 872, 875, 503 P.2d 118 (1972), and cases cited therein. These principles are not inconsistent. They do not require negative findings of fact or findings on nonmaterial issues, but do require the trial court in its findings to inform the appellate court, on material [***7] issues, "what questions were decided by the trial court, and the manner in which they were decided . . ." *Bowman v.*

Webster, supra at 134, quoting *Kinnear v. Graham*, 133 Wash. 132, 133, 233 P. 304 (1925); *see also Ford v. Bellingham-Whatcom County Dist. Bd. of Health*, 16 Wn. App. 709, 558 P.2d 821 (1977).” These requirements were not met in this situation.

Per CR 11 (4) “If a pleading, motion, or legal memorandum is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or legal memorandum, including a reasonable attorney fee.” I have incurred a long list of expenses and other damages, all stemming from this initial error.

In reviewing his reply brief, the hearing transcript, and the order from the hearing, I have discovered something else noteworthy. In his reply brief, Mr. Gobel states that both parents were ordered to make a transfer payment to Alyssa. (Reply Brief p. 11). A review of the transcript shows that Commissioner Colton did not order me to make a transfer payment. (RP 10/26/2015, 31-32). The order Mr. Gobel drafted specifically states that I am also required to make a transfer payment to Alyssa (CP 65). Essentially, Mr. Gobel himself ordered me to make a transfer payment to Alyssa, because that is clearly not what Pro Tem

Commissioner Colton ordered during the hearing. A review of that transcript shows that she acknowledged that I feed and house Alyssa, along with many other forms of support, and she did not say that I was required to pay Alyssa money.

Mr. Gobel asserts in his reply brief that I should have sought a default against him when he did not provide financials. (Reply Brief p. 32). Yet even the *Griggs* case Mr. Gobel cites supports that defaults are disfavored. It is ludicrous to state that I should engage in a futile gesture and that I should have to force Mr. Gobel to comply with the law.

Mr. Gobel's wrongdoing in this case appears to rise to the level of severe and pervasive, a term I am quite familiar with based on my work in investigating complaints of discrimination, where harassment must be severe and pervasive in order to meet the standard of proof for such a claim. Every interaction I have had with Mr. Gobel has involved some form of intimidation (demands for documents with no prior professional request; threats to take me to court for not providing what he demanded) or extortion (asking for sanctions and/or attorney fees in every pleading or hearing following the 10/26/2015 PSES hearing). He has neither been pleasant or professional to me at any point, nor has he ever agreed that anything I have said or any piece of evidence I have provided has any merit. How can it be possible that everything I say is wrong or untrue, and

every document I provide is meritless? Most noteworthy is that, throughout the process (even in the original divorce) I never asked the court to award anything exceptional. I have asked for only what the court deems is fair and reasonable, nothing more. I haven't asked for any dramatic deviations. I have just asked the court to require Mr. Silver to provide financial support to the two children he claims to love. The entire court file will support this. I've yet to understand why Mr. Gobel has sought to demonize me and intimidate me throughout this process, when, but for his own actions, this would have been resolved on October 26, 2015, if not sooner.

I would like for the Court to note that in the 2/3/2016 hearing, I did prevail on several matters. Commissioner Colton agreed that Alyssa did not have to provide attendance records, because the law does not require that. (RP 2/3/2016, 52-53, 60). Commissioner Colton also agreed that Alyssa would be permitted 14 days instead of 7 to provide grades to Mr. Silver. (RP 2/3/2016, 61). Originally, Commissioner Colton also agreed to allow the 7/31/2014 order to stand, though when she determined that she did not have all of the information available to make an informed decision, she changed course and upheld her initial decision. (RP 2/3/2016, 62-63). I clearly prevailed on those issues. During revision hearing on 3/3/2016, I also prevailed on overturning the improper award

of \$500 attorney fees to Mr. Gobel. Judge Clary overturned this ruling as not having met the statute and as me not having the financial ability to pay. (RP 3/3/2016, 26-27, 35).

In contrast, Mr. Gobel has prevailed thus far only on convincing the lower court to continue allowing Mr. Silver to claim Alyssa's 2015 tax dependency credit without anyone answering the question of what grounds that award was based on.

Mr. Gobel repeats himself repeatedly about intransigence and "vague, cumulative, and generally impeaching" in his reply brief; I believe this is a form of brainwashing; against the court rules. I believe it would be acceptable to note each specific action he thinks I've taken that he believes to be intransigence, but he does not do that. He simply repeatedly states that I'm intransigent, and that my arguments are "vague, cumulative, and generally impeaching". I have been standing up for what I genuinely believe are my rights; Mr. Gobel appears to be continuously attacking me for doing so, and it has risen to the level of being abuse.

C. Continuing Harm

I have spent many hours at the law library researching the forty-five cases Mr. Gobel cited in his reply brief. I have reviewed them all, which took hours and hours. Several were flagged as needing to be further

shepherdized, but I did not have the time to do so. I do agree that some of the cases provide useful information. However, most of the cases actually support my position, and are contrary to what Mr. Gobel has stated in his reply brief. I implore the Court to review the cases and not just take Mr. Gobel's word, because the record shows that his word is questionable.

Originally, in January of 2014, I filled out some paperwork asking the Department of Child Support to recalculate child support for my two children, who had been receiving less than \$400 per month total since 2002. I did not know or intend that my request would turn into lengthy court battles, or I would have simply gotten a second job. As it is, I had to give up a part-time job that I loved and was good for my health (teaching physical fitness at the YMCA) to have time to deal with life circumstances, which I no longer had time to deal with because this court process has permeated my life, requiring hundreds of hours of time (which I have carefully document as best I have been able). I would have earned enough money at that job to pay for the support that Alyssa receives from Mr. Silver. Mr. Gobel stated that I have gotten a free education from this process. It is true that I did not pay Gonzaga Law School for a JD. I would have rather taken on the student loans for that, than have received my "education" from Mr. Gobel, Pro Tem Commissioner Colton, Judge Clary, and Amanda Peterson. This has been painful, humiliating, infuriating, and

exceptionally stressful. I happen to be a person with insulin-dependent diabetes, glaucoma, and some other health issues, all of which are exacerbated by stress and can cause permanent damage to my health such as loss of vision. This process has harmed my physical and mental health due to the exceptional behavior of Mr. Gobel, the judicial officers in SCSC, and the Family Law Court Administrator. I should never have to go to these lengths to deal with this situation.

To make matters worse, Mr. Gobel essentially asks the Court in his reply brief to not set me up for a “second bite of the apple”, and repeatedly points out that my allegations are impeaching. I **never** asked to have anyone impeached. And I find the “second bite” doctrine to be very offensive. How would it ever be appropriate to not give someone the remedy they deserve simply because they might come back and ask for more? That is the equivalent of telling someone, as their housing provider, that you will not grant them a reasonable accommodation for their disability because they might ask for another reasonable accommodation.

In addition to my requests in my Appeal Brief, I am requesting the following:

1. That the Court issue an order that awards at least \$250 per month of Post Secondary Education Support to Christian from Mr. Silver

to study at Eastern Washington University for a minimum of 4 years, with an upwards adjustment to cover at least 33% of the cost for staying in the dormitory if Christian decides to stay on campus instead of at home;

2. That the Court extend the support of Alyssa for an additional year, as her bachelor's degree requires an additional year, and award support for her for an additional three years so she can pursue a doctorate degree; and
3. Any other relief the Court deems appropriate.

D. Conclusion

Though I have tried to participate cooperatively and politely in the process, both Mr. Gobel's and the lower court's actions have harmed me. I have lost property. I have been forced to draft numerous pleadings, go to multiple court hearings, invest hours and hours of my personal time, use hours of paid vacation time at work, and learn legal concepts and court rules that I should never have to know. I have experienced damage to my health, which continues with the continued stress of needing to pursue this action. Both the judicial officers of the lower court and Respondent's attorney have engaged in improper behaviors, benefitted from each other's improper behaviors, and failed to correct each other's behaviors in any

meaningful way. Furthermore, each had a duty to report the other for misconduct, and neither did.

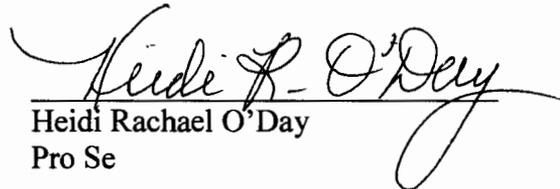
“When we consider the nature and the theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power. Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but, in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts. And the law is the definition and limitation of power. It is, indeed, quite true that there must always be lodged somewhere, and in some person or body, the authority of final decision, and in many cases of mere administration, the responsibility is purely political, no appeal lying except to the ultimate tribunal of the public judgment, exercised either in the pressure of opinion or by means of the suffrage. But the fundamental rights to life, liberty, and the pursuit of happiness, considered as individual possessions, are secured by those maxims of constitutional law which are the monuments showing the victorious progress of the race in securing to men the blessings of

civilization under the reign of just and equal laws, so that, in the famous language of the Massachusetts Bill of Rights, the government of the commonwealth "may be a government of laws, and not of men." For the very idea that one man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life at the mere will of another seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself."

~ Justice Thomas Stanley Matthews in *Yick Wo v. Hopkins*.

March 31, 2017

Respectfully submitted,


Heidi Rachael O'Day
Pro Se