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COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

COURT OF APPEALS
DIVISION III
OF THE STATE OF WASHINGTON

RICHARD C. ATZROTT,

Petitioner/Appellant,

v.

BECKY J. MYERS

Respondent.

BRIEF OF RESPONDENT

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STATEMENT OF THE CASE

The parties herein are Richard Atzrott and Becky Myers. The Appellant is Richard Atzrott, who will be referred to respectfully as Father. The Respondent is Becky Myers, who will be referred to respectfully as Mother. This is an appeal by Father regarding a petition to modify child support he filed, contemporaneously with request to register a foreign child support order.

In November of 1997, Father and Mother had a child, Owen. On December 19, 1998, a New York Order of Support (hereinafter referred to as "New York Order") was entered against Father ordering him to pay \$93.46 weekly to Mother for support of Owen. CP at 2. Shortly thereafter, Mother and Owen moved to Washington State. Father paid the ordered child support amount. On January 22, 2005, a New York Court increased Father's child support responsibility to \$106.00 per week. CP at 7. This new amount was ordered to begin April 1, 2005. CP at 4. The duration of the support order is not specifically referenced in the New York Order. However, under the laws of the State of New York, Father is required to pay for the support of the child until the child reached the age of 21 years. N.Y. Fam. Ct. Act §

413(1)(a). Owen will attain the age of 21 years in November of the year 2018.

On December 28, 2015, Father filed a Request for Support Order Registration under The Uniform Interstate Family Support Act (hereinafter referred to as “UIFSA”) in Washington State Superior Court for Asotin County. CP at 1. In his filing, Father requested the court to register the New York Order in Washington State for enforcement or modification under UIFSA, RCW 26.21.490 or 26.21A.505. Also on December 28, 2015, the Father filed a Petition to Modify Child Support Order. CP at 10. In his Petition to Modify, Father asked the court to modify the child support order under Washington State law. CP at 12. Father also asked the court to modify the duration of the child support, effectively terminating it, and alleged there had been a substantial change in circumstances and identified Owen's age (18), residence (Asotin County), and educational status as relevant circumstances. Id. Mother filed a Response to Petition for Modification of Child Support on February 24, 2016. CP at 24. In her response, Mother provided an enrollment verification for Owen that confirmed that he was still enrolled as a secondary education student in Asotin County, Washington. CP at 26.

A hearing was held on April 5, 2016. After no objection was made by Mother, the Asotin County Superior Court granted Father's request for registration of the foreign order. After a period of inappropriate behavior and blatant disrespect for the Court and Mother by Father, his motion to modify was denied. Subsequently, on April 28, 2016, the Lower Court entered a written order denying Father's motion to modify. The order was entered without objection by Mother regarding the application of the UIFSA. Contrary to Father's position on appeal, the Lower Court's order was based upon sound and well established law and not based upon the conduct of Father. CP at 29-32.

Not surprisingly, Father filed an appeal. After nearly a year of attempting to get his pleadings and filings correct, Father filed a brief outlining the basis for his appeal which included his perceived Assignments of Errors and Issues Pertaining to Assignments of Errors. However, the issues Father has identified are not appealable issues and are simply personal gripes he has with the sitting judge in the Superior Court.

ARGUMENT

I. STANDARD OF REVIEW

This appeal is, quite simply, the result of a party who is unhappy about a legally sound result stemming from a lawsuit he initiated. Father has challenged nearly every sentence in the Lower Court's Order. Each and every challenge is meritless and fails to assert an appealable issue for this court to review. Under well settled Washington law, an appellate court will uphold a trial court's decision regarding child support unless there was a manifest abuse of discretion. It will uphold findings of fact supported by substantial evidence. *In re Marriage of Booth*, 114 Wash.2d 772, 776, 791 P.2d 519 (1990); *In re Marriage of Crosetto*, 82 Wash.App. 545, 560, 918 P.2d 954 (1996). In this case, Father presents no assignments of error that are appealable, especially under the standard of review of Washington appellate courts.

II. THERE ARE NO APPEALABLE ERRORS AND NO ISSUES WORTHY OF REVIEW RAISED BY APPELLANT

A. THE COURT'S PRODUCTION OF A WRITTEN COURT ORDER WAS NOT IN ERROR.

In Father's assignment of error #1 and #4, he alleges that the Court erred by "documenting a Court order in contrast with the Record of

Proceedings” and that the court order “contains statutes and legal argument not argued in the presence of [him].” Brief of Appellant at 6.

The Lower Court was within its discretion to issue a written order to support its ruling at the hearing on Father’s petition for modification. In fact, based upon the Father’s outrageous and inappropriate behavior in court, it was exactly what the court should have done so as to outline its decision and the basis of its decision for the parties. Father incorrectly argues that because the written order contains law that he was not aware of and statutes that were not presented, by him, at the hearing, the court could not base its decision on the law. However, a judge may use any lawful basis to resolve an issue, whether or not the statute or case law was presented by a party in open court. In this case, the Lower Court executed its due diligence by researching the controlling laws of both Washington and the state of New York and correctly applying it to the facts at hand. Father fails to substantiate his assignments of error #1 and #4. Both are without merit. Both are therefore denied.

B. APPELLANT WAS AFFORDED ALL THE PROPER PROCESS WHICH WAS DUE.

In Father’s assignment of error #3, he alleges that the Court erred by “ordering the Appellant to ‘Shut Up’, thereby prevented (sic) the appellant

from freely and openly participating (sic) in the Court process, or voicing objections, cross examine testimony, calling witnesses and arguing the issues.” Brief of Appellant at 6. In Father’s assignment of error #9, he alleges the Court erred by preventing him to “cross examine respondent testimony.” Brief of Appellant at 7. In Father’s assignment of error #10, he alleges the Court erred by preventing him from calling witnesses. Brief of Appellant at 7. In Father’s assignment of error #11, he alleges that the Court erred by “disallowing his verbal evidence, while allowing the respondent’s verbal testimony.” Brief of Appellant at 7. In Father’s assignment of error #15, he alleges that the Court erred by denying him from speaking freely, openly as protected by ‘Freedom of Speech’”. Brief of Appellant at 7. Father’s assignments of error are without merit.

Due process affords a party the right to notice and opportunity to be heard. *Marriage of Wherley*, 34 Wash.App. 344, 347, 661 P.2d 155 (1983). Father provides no facts to support his allegation of due process deprivation. He was given an opportunity to be heard. He most certainly abused that opportunity by taking advantage of the privilege and disrespecting the presiding judge. Due to the nature of hearing and the form-based nature of the legal practice in Washington, this was not a hearing in which parties were

permitted to offer witness testimony, cross-examination, or the like. The vague, cumulative and generally impeaching allegation is denied. Father's assignments of error #3, #9, #10, #11, and #15 are meritless.

C. THE ASSIGNMENT OF ERROR REGARDING THE COURT'S REFERENCE TO WASHINGTON AND NEW YORK STATE LAW IN ITS WRITTEN ORDER LACKS MERIT.

In Father's assignment of error #5, he alleges that the Court erred by "arguing Washington and New York State Law (sic) in [his absence]." Brief of Appellant at 6. This assignment of error is without merit.

Father's petition sought to modify an existing child support order. This order was issued by New York state. Prior to the petition to modify, Father filed to have the New York order registered in Washington. Once the conditions allowing a Washington Court to modify another state's child support order have been met, the UIFSA imposes restrictions on which elements of the order may be modified. Under RCW 26.21A.550(3), "a tribunal of this state may not modify any aspect of a child support order that may not be modified under the law of the issuing state" and under RCW 26.21A.550(4) "in a proceeding to modify a child support order, the law of

the state that is determined to have issued the initial controlling order governs the duration of the obligation of support.”

Here, it was absolutely appropriate for the Court to reference both Washington law and New York law when explaining how it reached the decision that it did. Father fails to substantiate his assignment of error #5. It is without merit and is therefore denied.

D. THE ASSIGNMENT OF ERROR REGARDING THE COURT'S REFERENCE TO THE APPELLANT'S Demeanor IN ITS WRITTEN ORDER LACKS MERIT

In Father's assignment of error #6, he alleges that the Court erred by “alleging contempt in the Court order,” and that the Report of Proceedings “shows that the appellant was NOT ‘very agitated,’ ‘demeaning,’ and ‘increasingly exercised.’” Brief of Appellant at 6. The Court did not base its written order on the demeanor of Father. The Court's order was based upon sound legal reasoning and well settled application of law. The cumulative and generally impeaching allegation is without merit and is therefore denied. Father fails to substantiate his assignment of error #6. It is without merit.

E. THERE WAS NO MOTION FOR GENETIC DNA TESTING IN FRONT OF THE COURT AND PATERNITY WAS NOT AN ISSUE FOR THE COURT TO ADDRESS.

In Father's assignment of error # 7, he alleges that the Court erred by ignoring his "Motion for Genetic DNA Testing as the respondent did not object." Brief of Appellant at 6. In Father's assignments of error #12 and #13, he alleges that the Court made a ruling on contested paternity by applying a "that ship done sailed" doctrine and a "Buyer's Remorse clause." Brief of Appellant at 7. Father's assignments of error are without merit.

As a general rule, an appellate court will only consider those issues which were properly presented to the Lower Court and failure to rule on such an asserted error will usually constitute waiver of the right to seek appeal of such. *Seidler v. Hansen*, 14 Wash.App. 915, 918, 547 P.2d 917 (1976). It was established by this Court by *In re Marriage of Haugh*, that: "The appellant has the burden of perfecting the record so that the court has before it all the evidence relevant to the issue. RAP 9.2(b); *State v. Rienks*, 46 Wash. App. 537, 544, 731 P.2d 1116(1987), review denied, 110 Wash.2d 1021, 755 P.2d 173 (1988); *Allemeier v. University of Washington*, 42 Wash.App. 465, 472-73, 712 P.2d 306 (1985), review denied, 105 Wash.2d 1014 (1986). Also, a contention unsupported by legal argument is deemed waived. *State*

v. Adams, 107 Wash.2d 622, 615, 732 P.2d 149 (1987)." 58 Wash.App. 1, 6, 790 P.2d 1266 (1990)."

Here, Father makes an assignment of error on an issue that was not included in his petition. As the court noted, the issue was not properly before the court to hear. Consequently, the court did not make a ruling as to Father's assertion that he was not the father of the child he had been supporting for 17 years. Father fails to substantiate his assignments of error #7, #12, and #13. It is without merit and is therefore denied.

F. THE COURT PROPERLY RELIED UPON THE SCHOOL RECORD OF THE CHILD.

In Father's assignment of error # 14, he argues that the Court erred by allowing "a school record of a child with the last name of Myers, a child NOT identified with in (sic) the original child support order." Brief of Appellant at 7. Father's assignment of error is without merit.

Mother provided the court with the school record for Owen with her response to Father's Petition for Modification. CP at 26. The response was timely, and Father did not object to the response until half way through the hearing. The school record of Owen reflects the same birth date as the New York child support order that was provided to the court by Father. During the

hearing, Father inappropriately initiated argument about parentage of Owen. RP at 6. Hoping to quell the disrespectful and agitated nature of Father, Judge Gallina asked Mother if the child who was subject to the New York order was the same child from the school records and Mother responded affirmatively. RP at 6. The Court is not at fault for considering all available information timely provided by Mother at the modification hearing. The evidence before it was sufficient for the court to properly rely upon the school record of the child. Father fails to substantiate his assignment of error #14. It is without merit and is likewise denied.

G. THE COURT'S ORDER WAS WELL REASONED AND SUPPORTED BY SUBSTANTIAL EVIDENCE.

In Father's assignments of error # 16, #17, #18, and #19, he argues that the Court erred by including arguments that were not brought up at the hearing in this matter and therefore he wasn't present. Brief of Appellant at 7-8. In Father's assignments of error # 16, #17, #18, and #19, he makes reference to information contained on the Record of Proceedings that does not align with what Mother has for the Record of Proceedings. It is unclear where Father has obtained the information that forms the basis of his alleged assignments of error. Nevertheless, Father fails to substantiate his

assignments of error # 16, #17, #18, and #19, and they are without merit and denied.

In Father's assignment of error #8, he also argues that the Court erred by "not addressing Respondent's written request for a one year extension," and "not the 3 years argued ex-parte and granted by the Lower Court." Brief of Appellant at 7. Father's assignments of error are without merit.

The Appellate Court reviews a Lower Court's modification of the order of child support for abuse of discretion. *In re Parentage of Goude*, 152 Wn. App. 784, 790, 219 P.3d 717 (2009). "A court abuses its discretion if its decision is manifestly unreasonable or based on untenable grounds or reasons." *In re Marriage of Jess*. 136 Wn. App. 922, 926, 151 P.3d 240 (2007). "A trial court does not abuse its discretion where the record shows that it considered all the relevant factors and the child support award is not unreasonable under the circumstances." *State ex rel. J.V.G. v. Van Guilder*, 137 Wn. App. 417, 423, 154 P.3d 243 (2007).

Here, Judge Gallina issued a written order denying Father's petition to modify a New York child support order. *Marriage of Brockopp* stands for the principle that "On appeal, we will not substitute our judgment for that of the trial court where the record shows that the trial court considered all. 78

Wash. App. 441, 446, 898 P.2d 849 (1995). There was really very little for the Lower Court to consider. There was a valid New York child support order that outlined that the male child it was pertaining to was born in November 1997, and established that Father would pay support for this child to Mother. Under RCW 26.21A.550(3), “a tribunal of this state may not modify any aspect of a child support order that may not be modified under the law of the issuing state” and under RCW 26.21A.550(4) “in a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support.” The statute plainly says that (1) if an aspect of a child support order may not be modified under the law of the issuing state, a Washington court may not modify that aspect of the order and (2) when modifying the duration of an out-of-state child support order, the court must apply the law of the state that issued the initial controlling order. Therefore, regardless of what both Father and Mother argued or presented in their pleadings, the Lower Court was bound by the UIFSA to not modify the duration of the New York child support order. Thus, Father's assignment of error #8 regarding default is a vague, cumulative and generally impeaching allegation without merit and is therefore denied.

H. THAT THE APPELLANT’S OBJECTIONS TO THE REPORT OF PROCEEDINGS WAS DENIED IS NOT AN ISSUE ON APPEAL.

In Father’s last assignment of error, #20, he argues that the Court erred by “NOT enforcing an ‘Accurate’ Report of Proceedings.” Brief of Appellant at 8. This issue was not a part of the Lower Court’s ruling that serves as the basis of the appeal in this matter. Moreover, Father did not give timely notice of his appeal of this issue in his Notice of Appeal. Instead, Father attempts to bootstrap his complaints about yet another ruling against him by referencing a decision made by a Court Commissioner in regard to his Objection to the Report of Proceedings. Father’s Notice of Appeal was filed on May 31, 2016. The Ruling on Petitioner’s Objections to the Report of Proceedings was filed on February 10, 2017. It is not even a part of the Clerk’s record on appeal. Father fails to substantiate his assignment of error #20. It is without merit and is denied.

I. APPELLANT ALONE BEARS BURDEN TO PROVE EVERY ALLEGATION OF DISCRETION ABUSED BY THE COURT.

The Appellant bears the burden of proving an abuse of discretion. *Dugger v. Lopez*, 142 Wash.App. 110, 118, 173 P.3d 967 (2007). Father has

failed to substantiate any of his assignments of error. There is no proof that the lower court abused its discretion in any way. As a general rule, an appellate court will only consider those issues which were properly presented to the trial court and failure to rule on such an asserted error will usually constitute waiver of the right to seek appeal of such. *Seidler* at 918. Such is the present case. Under RAP 2.5(a), this Court may refuse to review any claim of error raised for the first time on appeal. Unchallenged findings of fact are verities on appeal. *Marriage of Vander Veen*, 62 Wash.App. 861, 865, 815 P.2d 843 (1991). The Mother denies all the Father's allegations of error.

J. AN AWARD OF ATTORNEYS FEES TO MOTHER IS JUSTIFIED BECAUSE FATHER'S APPEAL IS FRIVOLOUS AND HIS INTRANSIGENCE JUSTIFIES AN AWARD TO MOTHER FOR ATTORNEY FEES AND COSTS .

Attorney fee awards typically must be based on contract, statute, or a recognized equitable exception. *Pierce County v. State*, 159 Wash.2d 16, 50, 148 P.3d 1002 (2006). However, a court may award attorney's fees based on a party's intransigence. *Matteson v. Matteson*, 95 Wash.App. 592, 604, 976 P.2d 157 (1999). The financial resources of the parties need not be considered when intransigence by one party is established. *Marriage of Greenlee*, 65 Wash.App. at 711, 829 P.2d 1120; *Marriage of Morrow*, 53

Wash.App. at 590, 770 P.2d 197. In fact, intransigence is a basis for awarding fees on appeal, separate from RCW 26.09.140 (financial need) or RAP 18.9 (frivolous appeals). *Chapman v. Perera*, 41 Wash.App. 444, 455–56, 704 P.2d 1224, review denied 104 Wash.2d 1020 (1985). "Intransigence includes foot dragging and obstruction, filing repeated unnecessary motions, or making the trial unduly difficult and costly by one's actions. *Marriage of Bobbit*, 135 Wash.App. 8, 29 - 30, 144 P.3d 306 (2006). This method is available where a party has been intransigent. "A trial court may also award attorney's fees if one [party's] intransigence increased the legal fees of the other party." *Marriage of Burrill*, 113 Wash.App. 863, 873, 56 P.3d 993 (2002), rev. denied, 149 Wash.2d 1007 (2003). 'Intransigence' is not defined by statute or cases. In the absence of a statutory definition, the common dictionary meaning prevails. *Choi v. City of Fife*, 60 Wash.App. 458, 462, 803 P.2d 1330 (1991), rev. denied, 116 Wash.2d 1034 (1991). The dictionary definition of 'Intransigence' is "refusing to compromise, immovably adhering to a position or point of view." *The New Lexicon Webster's Dictionary of the English Language* 507 (1988).

Father's present appeal case has created a morass of unsubstantiated, irrelevant and legally unwarranted allegations and arguments. This is Father's

attempt to make these proceedings more difficult and expensive for Mother. It is retaliatory. The result has forced Mother to hire counsel at great expense to sort it out. The potential prejudice to Mother for not addressing the meritless assignments of error is the default finding of a verity on appeal and remand. The actual prejudice to Mother for addressing the meritless assignments of error is at tremendous attorney expense. In either case, Mother gains no ground and is left without a meaningful alternative. If Father is not held accountable, she benefits from the education and may get a second 'bite at the apple.'

It is reasonable and appropriate for the Appellate Court to conclude that Father's appeal is not justified and results in Mother's substantial prejudice. The necessity of having to unravel numerous transactions of the Father to establish the interests of the parties justifies an award reflecting the intransigence fees and costs incurred in the process. *Marriage of Morrow*, at 590. This court has authority and discretion to award Mother all attorney fees and costs she incurred by the Father for having to respond to this appeal under RAP 18.1 under the cases cited above. Father's entire case is devoid of merit. The Mother has clean hands and wishes to move on with life. Mother now requests that this court affirmatively exercise that discretion,

find Father intransigent for bringing this appeal without merit, and award her reasonable attorney fees and costs related to this appeal, which have been substantial.

Mother also supports her request for an award of attorney's fees and costs because this appeal is absolutely frivolous. RAP 18.1(b) and RCW 26.21A. The appeal in this matter is the textbook definition of frivolous because Father presented no debatable issues upon which reasonable minds might differ, and it is so totally devoid of merit that there is no possibility of reversal. *Streater v. White*, 26 Wn. App. 430, 435, 613 P.2d 187, rev. denied, 94 Wn.2d 1014 (1980).

III. THE LOWER COURT'S DECISION IS NOT LEGAL ERROR

All alleged errors and informal accusations by Father flow from the general premise that the Lower Court's decisions are against him and are error. The issues raised by Appellant are an improper attempt to re-litigate fair and well settled matters.

Mother respectfully asks this Court to affirm the Lower Court's ruling because the appeal in this matter is clearly without merit. The appeal in this matter is the textbook definition of frivolous because Father presented no

debatable issues upon which reasonable minds might differ, and it is so totally devoid of merit that there is no possibility of reversal. *Streater v. White*, 26 Wn. App. 430, 435, 613 P.2d 187, rev. denied, 94 Wn.2d 1014 (1980). The issues on review, as presented by Father, are not appealable issues. The only issue available on appeal is whether or not the Lower Court erred in denying Father's petition to modify child support by applying New York law.

The Lower Court did not err in denying Father's Petition to Modify the New York child support order. The UIFSA, Chapter 26.21A RCW, governs modification of child support obligations in Washington when the initial child support order was entered in a different state but one of the parties lives in Washington. *In re Schneider*, 173 Wash. 2d 353, 355, 268 P.3d 215, 216 (2011). The UIFSA provides that the duration of child support is governed by the laws of the original forum state. *Id.* More specifically, RCW 26.21A.550(3)(4) provides that the laws of the State that issued the initial controlling child support order govern the duration of the child support obligation in all subsequent proceedings to modify the child support order. Here, the original Court that had jurisdiction of the child support order is New York.

New York law allows the continued support of Owen Myers past the age of 18. In fact, New York law provides that any child under the age of 21 may be entitled to the support of his/her parents unless some deviation has been ordered. N.Y. Fam. Ct. Act § 413(1)(a). No deviation was ordered, nor did Father argue that a deviation was in existence. Instead, Father argued that under Washington law the child support order must be terminated because of Owen's residence in Washington, attainment of the age of 18, and the incorrect allegation that Owen was no longer enrolled in school.

The issue presented by Father is durational in nature because it has an effect on the ending of a period of time; the time wherein Father must continue to pay child support. Because the issue is durational, Washington law will apply only to Washington child support orders. *In re Schneider*, 173 Wash. 2d 353, 355, 268 P.3d 215, 216 (2011). The child support order in this case is a New York order and therefore Washington law does not apply. *See* RCW 26.21A.550(3)(4). Of the reasons Father presented in his petition, none impact the duration of the child support order under New York law. Therefore, the Lower Court in this matter could not modify the duration of the child support order where that duration statute expresses no recognition of attainment of age 18, relocation out of state, or secondary education

enrollment as factors for the termination of the support obligation. In fact, New York law allows for continued support of Owen Myers beyond the age of 18 and the UIFSA provides that the law of the original forum state governs the duration of child support. The Lower Court did not err in denying Father's Petition to Modify the New York child support order.

Another principal of jurisprudence is the finality of judgments. *Marriage of Jennings*, 91 Wash.App. 543, 958 P.2d 358 (1998), rev. granted, 137 Wash.2d 1007 (1999), rev'd on other grounds, 138 Wash.2d 612 (1999). It is the law that the Lower Court's decision will be affirmed unless no reasonable Judge would have reached the same conclusion. *Marriage of Landry*, 103 Wash. 2d 807, 809-10, 699 P.2d 214 (1985). The Lower Courts' rulings are in a language which is clear and unambiguous. That transparency preserves the integrity of the Order on Registration and Modification of Foreign Support Order. This order makes complete sense and should stand.

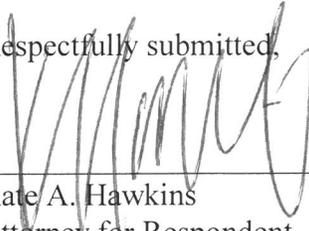
The only issue available for review by this Court was not presented by Father in his briefing. Nevertheless, the only issue available for review by this Court, as outlined above, is clearly controlled by settled law. As such, this court should affirm the decision of the Lower Court.

CONCLUSION

The Lower Court's ruling is complete and proper. Its written order was clearly supported by evidence and the correct application of law. The record is complete. The Lower Court did not commit any reversible errors.. The order is valid and reasonable. The Lower Court's decision should be affirmed. Father's appeal should be denied. Attorney fees and costs incurred in responding to the appeal should be awarded to Mother against Father for his oppressive, unnecessary and retaliatory litigation. Father is intransigent and Mother has been severely prejudiced by the necessity of having to hire legal counsel to defend against the unfounded assertions of error.

DATED this 21st day of April, 2017.

Respectfully submitted,



Kate A. Hawkins
Attorney for Respondent
WSBA No. 49191

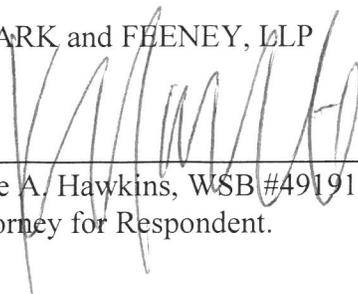
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6 **COURT OF APPEALS**
STATE OF WASHINGTON, DIVISION III

7 RICHARD C. ATZROTT,)
8)
9 Petitioner/Appellant) Court of Appeals No. 34456-8
10 vs.)
11 BECKY J. MYERS,) **PROOF OF SERVICE OF**
12 Respondent.) **BRIEF OF RESPONDENT**
13)
14)

15 I, Kate A. Hawkins, attorney for the above-named Respondent, and hereby certify that on
16 the 21st day of April, 2017, a true and correct copy of *Brief of Respondent* was mailed by first
17 class mail, postage prepaid, to Appellant, Richard C. Atzrott, at 3021 Oak Forest Drive, Parkville,
18 MD 21234.

19 Dated this 21st day of April, 2017.

20
21 CLARK and FEENEY, LLP

22 
23 By _____
24 Kate A. Hawkins, WSB #49191
25 Attorney for Respondent.

26 PROOF OF SERVICE

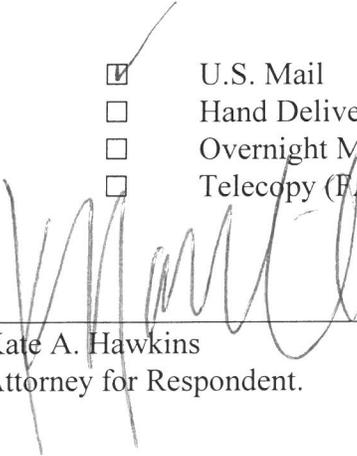
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of April, 2017, I caused to be served a true and correct copy of the *Proof of Service* by the method indicated below, and addressed to the following:

Richard C. Atzrott
3021 Oak Forest Drive
Parkville, MD 21234

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Telecopy (FAX)



Kate A. Hawkins
Attorney for Respondent.