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WASHINGTON STATE COURT OF APPEALS, DIVISION III

Lori Van De Graaf,

Respondent,

v.

Rod D. Van De Graaf,

Appellant.

ON APPEAL FROM YAKIMA COUNTY SUPERIOR COURT
Yakima County Superior Court No. 11-3-00982-6
(Additional Suit Money)

OPENING BRIEF RE SUIT MONEY FOR APPEAL - Corrected

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I. INTRODUCTION

This appeal asks whether a trial court can require payment of advance attorney's fees on appeal from a divorce ("suit money") for a former spouse with ample resources to pay her legal fees. Long-standing case law holds it may not; it is beyond the court's authority.

II. ASSIGNMENTS OF ERROR AND ISSUES ON APPEAL

A. Assignments of Error

1. The trial court erred in entering an order for additional advance attorney's fees for appeal of \$80,000 in July, 2018.
2. The trial court erred in failing to find that Respondent's motion for additional suit money was frivolous.

B. Issues on Appeal

1. The trial court has discretion to award suit money, attorney's fees in advance for appeal from a divorce, to enable the requesting party to participate in the appeal. Must the order awarding suit money be vacated where the requesting party submitted no evidence of current financial need in her motion, plus had already filed her merits response brief on appeal, showing her ability to participate fully in the appeal?
2. Must the July 2018 order awarding additional suit money of \$80,000 be vacated where the requesting party received in 2017 over \$900,000 in cash and securities, and real property valued at \$690,000, and also received \$6,000 per month in maintenance back to November, 2016?
3. Must the July 2018 order for additional suit money of \$80,000 be vacated because Appellant Rod Van de Graaf had no apparent ability to pay given the property division that left him with no liquid assets, no property to secure loans, and

monthly gross income of \$7,800 from which he also had to, and did, pay \$6,000 per month in maintenance?

4. Where the Respondent filed a motion for additional advance payment of attorney's fees without the necessary factual basis under the existing law such that it was not well grounded in fact and failed to meet the particularity requirement of CR 7(b)(1), should the Court confirm that a CR 11 violation occurred and remand with instructions as to consideration of sanctions?

III. STATEMENT OF THE CASE

A. Overview: Dissolution, First Suit Money Order, Appeal, Jail.

In this divorce action begun by Respondent Lori Van de Graaf in 2011,¹ the trial court divided the property from the 26-year marriage after the September and October, 2016 trial by a letter decision in November 2016, which was corrected and incorporated into the final orders filed in February, 2017. *See* CP 61-66. The letter opinion shows that Lori received half what the trial court characterized as community property and all her separate property. *Id.* The letter's summary award of property to Lori was \$1,615,400, including \$914,000 in the UBS and other accounts, and correcting for the math error in the total. *See* CP 64.² The letter awarded Lori

¹ The parties are referred to by their first names for clarity.

² Judge McCarthy incorrectly added the figures in his award to Lori, leaving the total \$621,000 less than the stated figures.

an unspecified judgment and lifetime maintenance of \$6,000/month based on the salary plus distributions that Rod had received in 2012, whether or not she remarries. CP 65-66. Finally, though attorney's fees were requested for trial, the trial court made the following finding:

- It is true that both parties have expended significant resources in this litigation. The Court's order to the Respondent [Rod] to restore the balance in the UBS account will somewhat soften the blow for the Petitioner [Lori], *but at the end of the day, both parties have sufficient wherewithal to pay their own costs and fees.*

Letter Decision (as corrected Feb. 24, 2017), CP 66 (emphasis added).

Rod appealed the decision following entry of final orders in February, 2017. Rod's appeal challenges the property division, the maintenance award, and the initial award to Lori in August, 2017, of advance attorney's fees on appeal of \$30,000, among other rulings. That appeal is pending under No. 35133-5-III ("Merits Appeal") and its arguments will not be repeated.³ Lori cross-appealed, but dropped her cross-appeal on June 19, 2018, when she first filed her

³ There is obvious overlap between the Merits Appeal and this appeal of advance suit money for appeal. Appellant makes reference to the briefing in the Merits Appeal when that background may be helpful since those briefs are available to the Court internally and on line once posted.

response brief, a month before her suit money motion herein was heard. *See* Docket in No. 35133-5-III; RP 4-13. The bolded language in the Letter Decision that “both parties have sufficient wherewithal to pay their own costs and fees” was not challenged and is a verity.

Despite her large financial award including substantial liquid assets, Lori sought \$65,000 in suit money for the appeal. *See* Rod’s Merits Appeal Opening Brief, No. 35133-5-III, at pp. 29-30. The motion was heard in August, 2017, which Rod resisted. *See* CP 47-54, Rod’s Response And Objection To Motion For Suit Money For Appeal filed August 23, 2017. Rod’s objection raised the core arguments to the commissioner referenced *infra* that Lori had to establish her current need for the suit money, which she could not do given the property award and the finding she could pay her own fees.⁴ It quoted the bolded language *supra* from Judge McCarthy stating that “both parties had ample resources to pay their own fees and costs.” CP 50:23-24. Nevertheless, the commissioner awarded

⁴ *See* CP 50: “Lori has ample resources to fund her own attorney fees and cannot demonstrate any genuine need at this juncture as is required by well-established case law.”

Lori \$30,000 in fees, and Rod has appealed that award. *See* Rod's Merits Appeal Opening Brief, pp. 58-60 and Merits Appeal Reply Brief, pp. 25-27.

The suit money award incited Lori to extended litigation to get the funds she did not need, bringing repeated contempt motions and subjecting Rod to supplemental proceedings. Lori ultimately forced Rod to serve five days the Yakima County Jail in August, 2018, for his "failure" to pay the \$20,000 he did not have, which his family would not pay for him, and which the appellate courts did not stay pending appeal. *See, e.g.* CP 6-9 & 11 (addressing coercive contempt motion set on same calendar as additional suit money motion) and CP 14-17, 31, 36, 40 (orders to incarcerate for five days to compel compliance); RP 4-22.

B. Lori's Motion For Additional Suit Money Of \$100,000 Heard July 18 After The Response Brief Was Filed, Which Motion Had No Evidence Or Allegations Of Lori's Financial Need.

But bringing repeated motions for contempt and threatening to send Rod to jail was not enough for Lori. First, while enforcement of the first suit money order was stayed by the Supreme Court, she nevertheless obtained, *ex parte*, an "Order for [Rod's] Incarceration

to Compel Compliance” dated June 11, 2018; that effort was rebuked by the Supreme Court on June 12. *See* CP 11, letter from Supreme Court Clerk.

Unable to threaten jail for the time being, Lori then moved on June 16, 2018, for “Additional Suit Money” of \$100,000. CP 1-2. Lori then moved to dismiss her cross-appeal and filed her response brief on June 19, 2018, demonstrating her ability to participate in the litigation without the ordered suit money. She filed her amended response brief on July 3. *See* docket in No. 35133-5-III; RP 4-13. The suit money hearing was set for July 18, 2018, together with a renewed motion to send Rod to jail for failing to pay the first suit money order. *See* CP 6-10, Rod’s combined response to the motions.

Lori’s motion for additional suit money was spare. It asked the court to order Rod to pay an additional \$100,000 in “suit money,” CP 2 ¶¶ 1, 2, then stated the following facts in support:

These facts support my request:
See files and records herein.

CP 2, ¶ 3. The motion then stated, in its entirety in ¶ 4, “I ask the court to consider this evidence: See above.” *Id.*, ¶ 4. The entire one-page motion is attached as an appendix.

The motion was signed by Lori's counsel. CP 2. No declaration from Lori was attached or filed, financial or otherwise.

Rod objected on several bases, including the lack of any legal or factual basis for the request, *i.e.*, it was made without the requisite particularity. CP 9-10. In particular, Rod's objection argued that Lori's papers had "not shown any 'need' for additional suit money" nor does it point with any specificity to any evidence supporting the request for money or the need for any. *Id.* The objection concluded with the argument the motion "is frivolous and without merit," should be denied, and that Rod should be awarded his fees for having to respond.

After a hearing at which Rod's counsel could only appear by telephone, the commissioner granted the motion in the amount of \$80,000. CP 13. The order makes no findings of financial need by Lori for the suit money nor that she needs the suit money in order to be able to properly represent herself on appeal. *See* CP 13.

This appeal followed after Rod voluntarily reported to jail to serve the five days imposed by the court for not paying the \$20,000 ordered in August 2017 he did not have and could not borrow.

IV. ARGUMENT

A. The Trial Court Committed Reversible Error By Awarding Lori Suit Money When Lori Made No Showing Of Need Or Inability To Pay Her Own Fees.

The law has long been settled that a divorced party seeking advance fees on appeal must demonstrate their need before the trial court can exercise its discretion to award appeal fees in advance.

Baker v. Baker, 80 Wn.2d 736, 743, 498 P.2d 315 (1972).

Fundamentally, if the requesting ex-spouse cannot establish a present need, the second prong of the test (ability to pay) is not

reached. The need of the requesting ex-spouse is the touchstone.⁵

And if the requesting spouse does “not make a showing of need as required” to entitle him or her to an award of fees, a trial court

“abuses its discretion in making such an award.” *In re Marriage of*

Nicholson, 17 Wn.App. 110, 120, 561 P.2d 1116 (1977).

⁵ This has long been the case, as the Supreme Court explained:

It was not the intention of the statute to award attorneys' fees and costs upon the basis of sex. A wife is not entitled to free litigation because of it. **The statute intends that a party is not to be deprived of his or her day in court by reason of poverty.** Courts predicate awards of costs and attorneys' fees upon the *need* of the party seeking them, and exercise their discretion upon the merits of the showing made.

Bryant v. Bryant, 68 Wn.2d 97, 102, 411 P.2d 428 (1966) (quoting earlier decisions) (bold added; italics in original).

Thus, the purpose of an award of suit money for appeal is not to determine in advance that the requesting spouse will receive a fee award at the end of the appeal and provide for it early. Nor is it to punish. *See State v. Superior Court of King Cty.*, 55 Wash. 347, 351, 104 P. 771 (1909) (“Neither is the order imposed as a penalty”). Instead, it is to make sure that the requesting spouse has the funds to proceed with the appeal based on his or her immediate need. *See Stringfellow v. Stringfellow*, 53 Wn.2d 359, 360–61, 333 P.2d 936 (1959); *Bryant, supra*. Consequently, suit was money required in *Stringfellow* where the requesting spouse had no control over the ample assets awarded her in the dissolution due to a supersedeas bond staying her access to the assets, which is not the case here.⁶ When determining if a requesting ex-spouse has a present need for fees, the trial court must take into account the division of property between the parties and what the requesting ex-spouse presently has control of, as in *Stringfellow*. There is no entitlement to fees,

⁶ *Accord, Stibbs v. Stibbs*, 38 Wn.2d 565, 567, 231 P.2d 310 (1951) (sole purpose of suit money is to “effectively afford wife her day in court”); *State ex rel. Hettrick v. Long*, 183 Wash. 309, 312, 48 P.2d 224 (1935) (“the wife is entitled to attorney’s fees and suit money in order to prosecute or defend an action for divorce...such allowances are made for the very purpose of enabling her to prepare and prosecute, or else defend, the action.”).

particularly where, as here, the requesting spouse has already received a substantial property award and cannot show a genuine need. *Koon v. Koon*, 50 Wn. 2d 577, 581–82, 313 P.2d 369 (1957). Thus, “In exercising its discretion in the allowance of attorney’s fees and costs, the trial court must base its decision upon the need of the one requesting them and the ability of the other to pay,” *Baker v. Baker*, 80 Wn.2d at 748, though if the requesting party does not have the need, the other party’s ability to pay is irrelevant. Present need is the touchstone. Where all the liquid assets and income producing property is held by the other spouse, as in *Baker* and *Stringfellow*, the requesting spouse is entitled to advance suit money for appeal.

But where, as here, the requesting spouse “did not make a showing of need as required in order to entitle her to an award of attorney’s fees” then a trial court will have “abused its discretion in making such [suit money] award,” requiring that the award be vacated. *Marriage of Nicholson*, 17 Wn.App. at 120 (vacating award). *Accord, Coons v. Coons*, 6 Wn. App. 123, 126, 491 P.2d 1333 (1971) (“in the absence of a showing of need, attorney’s fees will be disallowed” in divorce proceedings, denying fees on appeal).

In *Marriage of Nicholson*, the Court vacated the award of fees to the requesting spouse because she “received well over half the property and slightly more than half the cash assets. *Attorneys’ fees will not be allowed when the record establishes that the [requesting spouse], as here, has the ability to pay.*” *Id.*, (emphasis added), citing *Bang v. Bang*, 57 Wn.2d 602, 611, 358 P.2d 960 (1961), and *Cleaver v. Cleaver*, 10 Wn. App. 14, 22, 516 P.2d 508 (1973). Both *Bang* and *Cleaver* vacated fee awards because the requesting spouse was financially able to pay their attorney.

Cleaver pointed out that where there is “no proof of need, the trial court exceeded its jurisdiction when it allowed . . . attorney’s fees.” 10 Wn. App. at 22. The Court concluded in *Cleaver* that the requesting spouse (wife) was “in as good a position to pay her attorney’s fees as is appellant [husband]. There being no proof of need, the trial court exceeded its jurisdiction when it allowed respondent attorney’s fees” and the Court vacated the trial court’s fee order. *Id.* In *Thompson v. Thompson*, 9 Wn. App. 930, 937, 515 P.2d 1004 (1973), the trial court had made a finding, similar to this case, that “each party was capable of paying his or her own attorney’s fees. . . . No error has been assigned to this finding. There

is no showing that financial need has arisen since entry of the decree so as to authorize the award of attorney's fees to the defendant mother. *In the absence of a showing of need, the mother's motion must be denied.*" *Thompson*, 9 Wn. App. at 937 (emphasis added).

Lori's request for suit money for appeal should have been denied under these and a host of other cases for her failure to demonstrate her own need.⁷ As the Supreme Court held in *Roberts v. Roberts*, 69 Wn.2d 863, 420 P.2d 864 (1966), "A [spouse] is not entitled to the costs of her litigation when she is financially able to pay for it herself."

In this case, Lori returned to the trial court in July, 2018, seeking more suit money for the appeal -- \$100,000 more. But Lori presented no record of her *present* need. Indeed, there was *not* any present need for fees for her to participate in the appeal, as she had

⁷ Other cases are in accord in denying or vacating fee awards where the requesting spouse has not demonstrated need. *See Barstad v. Barstad*, 74 Wn.2d 295, 444 P.2d 691 (1968) (award stricken where record silent as to trial court's consideration of the need of the party requesting fees and the ability of the other to pay); *Roberts v. Roberts*, 69 Wn.2d 863, 420 P.2d 864 (1966) (fee award vacated in absence of showing of need); *Malfait v. Malfait*, 54 Wn.2d 413, 341 P.2d 154 (1959) (reversed attorney fee award where record showed respondent-wife in a better financial position than appellant-husband). *Accord, Stromberg v. Stromberg*, 2 Wash.App. 76, 467 P.2d 348 (1970) (where no testimony was offered as to plaintiff's need for attorney's fees or as to the time involved in plaintiff's preparation for hearing, no abuse of discretion in court's failure to award minimum fee schedule amounts requested by plaintiff).

filed her over-length response brief on the merits a month before the hearing. She was represented fully on appeal without suit money. But more to the point, she did not establish any need at the time of her motion for additional suit money, failing to file any updated financial declaration.

Under the established law cited *supra*, the key question is Lori's need. She did not establish her need, because she could not. It appears that the motion was not just frivolous since it did not pretend to try and meet the legal requirement for advance fees on appeal. The trial court's order awarding Lori an additional \$80,000 in advance attorney's fees was clear error because she did not establish her then-present need and must be vacated on that basis alone. The Supreme Court said it well in *Koon*:

A [spouse] is not entitled to free litigation. If, however, a [spouse] is without funds, it is an abuse of discretion to deny. Conversely, if the [spouse] has money of her own, it is error to award attorney's fees."

The complete answer to this assignment [of error by the wife that she was wrongfully denied advance fees on appeal] is that there is no showing of need. For ought that appears in the record, the cross-appellant [wife] may be very rich, or very poor, but this is not a guessing contest. There is nothing [financial] to review.

Koon v. Koon, 50 Wn.2d at 581-582 (citations & footnotes omitted).

There also was no proper basis for suit money for appeal under the second prong of the analysis – Rod’s ability to pay, even assuming it is reached, which it is not. Here Lori was not without funds following the divorce. Lori had received nearly \$1 Million dollars in cash and securities in the spring of 2017. She received – and continues to receive -- \$6,000/month in maintenance. By the time of the second suit money hearing in July, 2018, Rod had been subjected to supplemental proceedings during which Lori established that Rod had no way to pay her the judgment Judge McCarthy had ordered in February, 2017, much less the \$30,000 in suit money the commissioner ordered later in August, 2017. Thus, even had Lori established her present financial need, which she did not, a fee award still would have been reversible error for failing the second part of the test – Rod’s ability to pay.

Under the circumstances where Lori made no showing of need, the trial court had no lawful authority to award additional suit money. *Clever*. The award was clear error and must be vacated.

B. The Court Should Reverse The Trial Court's Failure To Find Lori's Motion Was Frivolous And Without Basis And Should Remand With Instructions To Determine The Appropriate Sanction For Bringing The Additional Suit Money Motion Without A Proper Legal Basis, Including Payment Of Rod's Fees And Costs For His Responses To The Improper Motions And Illegal Orders, Including on Appeal.

As noted, Rod's counsel properly complained that the motion for additional suit money "failed to present sufficient facts, grounds, evidence, and legal authority to support her demand for an award of additional suit money in the amount of \$100,000." CP 9. Counsel stated, correctly that "Petitioner [Lori] has not shown any 'need' for additional suit money," asking counsel and the court to go on a "fishing expedition" to find the alleged proofs behind the motion. CP 9-10. Counsel concluded that "[t]his motion is frivolous and without merit" and that Respondent Rod should be awarded \$1000 in fees for having to respond. CP 10:7-8.

Every motion made to the trial court "must specify the grounds for the relief sought 'with particularity', and courts may not consider grounds not stated in the motion." *Orsi v. Aetna Ins. Co.*, 41 Wn.App. 233, 247, 703 P.2d 1053 (1985) (citations omitted). Specifically, "CR 7(b)(1) requires that a motion 'shall state with

particularity the grounds therefor, and shall set forth the relief or order sought.’ “*Pamelin Indus., Inc. v. Sheen–U.S.A., Inc.*, 95 Wn.2d 398, 402, 622 P.2d 1270 (1981). As the Court noted in *Pamelin Industries*, both parts of the express requirements of CR 7(b)(1) must be met – stating the relief sought *and* stating “with particularity the grounds therefore.” *Id.*, quoting the rule (emphasis added). The Court noted that the motion in that case “stated ‘with particularity the grounds therefor’ ” by means of the affidavit attached to the motion, which provided very specific evidence of facts supporting the motion. *Id.*⁸ It is precisely that sort of specific affidavit providing the factual basis for the relief requested that was missing in Lori’s motion heard on July 18. As indicated in *Pamelin Industries*, without that statement of grounds with particularity, the trial court was without jurisdiction to grant the relief requested.

⁸ The Supreme Court concluded at 95 Wn.2d at 402 (emphasis added):

It is not necessary for a moving party to analyze CR 37 in order to get relief under its provisions. **It is enough to state the relief sought and the grounds justifying the relief.** CR 7(b)(1). Where the facts fit the criteria of CR 37(d), a party is entitled to CR 37(b)(2)(C) relief. **Plaintiffs’ motion and supporting affidavit did just that,** and the relief granted by the court did not exceed the scope of the motion. The trial court thus had jurisdiction to strike the pleadings and enter its default judgment. CR 37(d).

Here, though Lori's motion stated what it wanted (more money in advance), it utterly failed to state the *basis* for the relief at all, much less with the *particularity* required by CR 7(b)(1), because it failed to provide the requisite factual basis that would have invoked the trial court's authority to grant the desired relief under the settled law related to advance fees for appeal discussed *supra*: Lori's present financial need for the money she requested.

The trial court denied Rod's request for sanctions while also denying Rod's request to dismiss the motion as unfounded. That denial was error, an abuse of discretion because it did not meet the applicable legal standard⁹ *In re Marriage of Littlefield*, 133 Wn.2d 39, 47, 940 P.2d 1362 (1997). Rule 11 provides in relevant part:

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.

⁹ It has long been the rule that application of the incorrect legal rule is an abuse of discretion requiring reversal. *Physicians Ins. Exc. v. Fisons Corp.*, 122 Wn.2d 299, 339, 858 P.2d 1054 (1993) ("Fisons") (a "trial court would necessarily abuse its discretion if it based its ruling on an erroneous view of the law," and thus fails to apply the correct legal rule, vacating the trial court ruling).

CR 11(a)(4). Professor Tegland explains the purpose of the rule:

CR 11 establishes standards that attorneys or unrepresented parties must meet when filing pleadings, motions, and legal memoranda in superior court. The rule imposes upon attorneys and pro se litigants the responsibility to insure that assertions made and positions taken in litigation are done so in good faith and not for an improper purpose. It is intended to deter baseless filings and to curb abuses of the judicial system. *See, e.g., Neigel v. Harrell*, 82 Wn. App. 782, 919 P.2d 630 (Div. 2 1996).

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Lori's motion did not even pretend to meet the legal standard for advance payment of legal fees of demonstrating her current financial need, because she could not. She had been given virtually all the liquid assets from the marriage. She was receiving 77% of Rod's gross monthly draw for maintenance and the supplemental proceedings she put him through in January, 2018, demonstrated he had no additional financial resources available for himself, much less to pay her legal fees in advance. Lori had been given the UBS account and had control of it in spring 2017 when it was over \$835,000 in value, before the astronomical run-up in value of the stock market that occurred in the next 15 months before she filed her motion for more suit money.

Not only does Lori's additional suit money motion not pass the straight face test, it is completely at odds with the principles of our legal system as embodied in CR 11 that only claims and motions are brought which have a colorable basis in fact and law. Here the legal requirement is a factual predicate: that the requesting party has a genuine, current financial need, a need that must be met for the requesting party to be able to participate in the litigation. There is no arguable claim that factual standard was met. Indeed, the moving papers do not expressly state they were met. But the filing of the motion itself, seeking the relief, expressly states that Lori is entitled to the relief sought under "the law" – necessarily, the law of advance payment of legal fees for appeal. As explained *supra*, the law for such awards requires an initial factual predicate before even reaching whether the other party has the ability to pay: that the requesting spouse has an immediate financial need.

Given what Lori received in the property division and via maintenance for the 20 months dating to November 2016, there is no arguable basis she could properly bring a motion for suit money under the applicable legal standard. A person in her position could only bring it for an improper purpose: to impose unnecessary costs

(and stress) on Rod. It is the epitome of vexatious, unnecessary, frivolous litigation which should be sanctioned. Moreover, Lori's one-page motion fails to meet the particularity requirement of CR 7(b)(1), also depriving the trial Court of authority to grant the requested relief under *Pamelin Industries*.

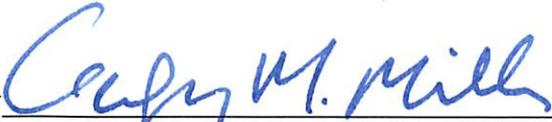
The record thus establishes that there was a violation of CR 11 with Lori's filing of a frivolous motion for additional suit money, a determination this Court can make. *See Miller v. Badgley*, 51 Wn. App. 285, 298-303, 753 P.2d 530 (1988). As noted by the Court, it is up to the trial court to fashion an appropriate sanction. *Id.* at 303-304. However, remand to the same trial court which granted relief on a frivolous motion is problematic at best. It would be prudent for the remand to be to a different judge, a visiting judge who hears all motions, rather than to the same superior court judge and commissioner who have failed to follow long-settled law.

V. CONCLUSION

This appeal is resolved by settled law and the facts. Lori Van de Graaf failed to establish her present financial need when seeking additional suit money in July, 2018. That alone requires vacating the order. The award in those circumstances was an abuse of discretion because it disregarded the legal standard of immediate need based on Lori's financial circumstances and was premised on a fatally defective motion. Lori's failure to establish the genuine need at the time she sought the additional advance fees in 2018 and her defective motion also mean that the trial court was without authority to grant the requested relief. The order must be vacated and the matter remanded for a determination of sanctions per *Fisons*.

Respectfully submitted this 8th day of January, 2019.

CARNEY BADLEY SPELLMAN, P.S.

By 

Gregory M. Miller, WSBA No. 14459
Jason W. Anderson, WSBA No. 30512

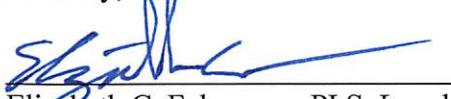
Attorneys for Rod D. Van De Graaf

CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington that I am an employee at Carney Badley Spellman, P.S., over the age of 18 years, not a party to nor interested in the above-entitled action, and competent to be a witness herein. On the date stated below, I caused to be served a true and correct copy of the foregoing document on the below-listed attorney(s) of record by the method(s) noted:

David Hazel Hazel & Hazel 1420 Summitview Yakima, WA 98902 P: (509) 453-9181 F: (509) 457-3756 E: daveh@davidhazel.com	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Messenger <input type="checkbox"/> email <input checked="" type="checkbox"/> Other – via Portal
Catherine W. Smith Valerie A. Villacin Smith Goodfriend, PS 1619 8 th Avenue North Seattle, WA 98109 P: (206) 624-0974 F: (206) 624-0809 E: cate@washingtonappeals.com valerie@washingtonappeals.com	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Messenger <input type="checkbox"/> email <input checked="" type="checkbox"/> Other – via Portal
Joanne Rick Halstead & Comins Rick PS PO Box 511 ** 1221 Meade Ave Prosser, WA 99350 P: 509-786-2200; 786-2211 F: 509-786-1128 E: jgcrick@gmail.com	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Messenger <input type="checkbox"/> email <input checked="" type="checkbox"/> Other – via Portal

DATED this 8th day of January, 2019.



 Elizabeth C. Fuhrmann, PLS, Legal
 Assistant/Paralegal to Greg Miller

APPENDICES

Page(s)

Appendix A: Motion for Additional Suit Money, CP 2 A-1

APPENDIX A

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To the person receiving this motion:
If you do not agree with the requests in this motion, file a statement (using form FL All Family 135, Declaration) explaining why the court should not approve those requests. You may file other written proof supporting your side.

1. Relief Requested

My name is David Hazel. I ask the court to approve the following orders:

Order Awarding Additional Suit Money in the Amount of \$100,000.00

2. Statement of Issues

I ask the court to decide the following issues:

Order the Respondent to pay additional suit money in the amount of \$100,000.00 which is in excess of the amount currently owed of \$20,000.00.

3. Statement of Facts/Grounds

These facts support my request:

See files and records herein.

4. Evidence Relied Upon

I ask the court to consider this evidence:

See above

5. Legal Authority

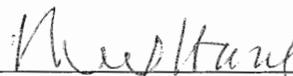
I have the right to ask for these orders according to the law:

6. A Proposed Order is not attached to this Motion.

Person making this motion fills out below

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true.

Signed at: Yakima, WA Date: 6/14/18


Person making this motion signs here

David Hazel
Print name here

CARNEY BADLEY SPELLMAN

January 08, 2019 - 8:01 AM

Transmittal Information

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Appellate Court Case Number: 36282-5
Appellate Court Case Title: In re the Marriage of Lori Van de Graaf and Rod Van de Graaf
Superior Court Case Number: 11-3-00982-6

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