Supreme Court No. 201,327-9

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THE SUPREME COURT
STATE OF WASHINGTON

In re

Matthew Franklin Pfefer ("Peffer")
Appellant Lawyer, Bar No. 31166

Appellant's Request for Judicial Notice of Distance between the Office of David Heller and the Location of the Disciplinary Hearing

Matthew F. Pfefer
WSBA # 31166
In Pro Per
10417 E 4th Ave Apt 10
Spokane Valley
Washington 99206
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(206) 350-4756 Digital Fax/Vm
Matthew@MatthewPfefer.com

ORIGINAL

1. RELIEF SOUGHT

Matthew F. Pfefer asks this Court to take judicial notice of the distance between the office of Mr. Heller at 860 SW 143rd St in Burien and the WSBA Hearing Room at 1325 4th Ave in Seattle.

Pfefer brings this motion under ER 201 (allowing judicial notice of adjudicative facts "at any stage of the proceeding").

2. GROUNDS FOR RELIEF

"A court shall take judicial notice if requested by a party and supplied with the necessary information." ER 201(d).

In accordance with ER 201(a), judicial notice is available of "adjudicative facts." A fact of which the court takes judicial notice must meet one of the following conditions:

> "(1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot be reasonably questioned."

ER 201(b).

"Judicial notice may be taken at any stage of the proceeding." ER 201(f).

A court's ability to take judicial notice is limited to legislative facts, which are established truths, facts, or pronouncements that do not change from case to case but are applied universally.

State v. Grayson, 154 Wn.2d 333, 340, 111 P.2d 1183 (2005) (citations omitted). A court may not take judicial notice of adjudicative facts—of facts that are developed in a particular case. Id. (citations omitted).

David S. Heller represented that he incurred auto mileage related to the disciplinary hearing at the WSBA Hearing Room at 1325 4th Ave, Seattle, Washington. The office of Mr. Heller is at 860 SW 143rd St in Seattle, Washington. BF 34:1:18-19.

The attached geographical information from Google Maps shows the distance between 860 SW 143rd St in Burien and the WSBA Hearing Room at 1325 4th Ave, in Seattle.

Mr. Heller signed the attached expense report for "Auto Mileage" of exactly "30.00 miles" and apparently received reimbursement for this alleged expense. BF 100.

The distance between the office of David Heller at 860 SW 143rd St in Seattle and the WSBA Hearing Room at 1325 4th Ave in Seattle would be properly subject to judicial notice if it is capable of immediate and accurate demonstration by resort to easily accessible sources of indisputable accuracy and verifiable certainty. Fusato v. Washington Interscholastic Activities

Association, 93 Wn.App. 762, 771-772, 970 P.2d 774 (1999) (explaining ER 201(b)(2)) (citations omitted).

The source of this geographical information is easily accessible online. Although one may prefer a different geographical website, the undersigned does not expect different results elsewhere. For this reason, the attached geographical information is of indisputable accuracy.

Alternatively, the attached geographical information would be properly subject to judicial notice if its content is generally known within this Court's territorial jurisdiction under ER 201(b)(1).

One cannot reasonably deny that the attached geographical information is generally known within this Court's territorial jurisdiction.

The attached geographical information enables this Court to find that it is capable of immediate and accurate demonstration by resort to easily accessible sources of indisputable accuracy and verifiable certainty in accordance with ER 201(b)(2) (or generally known within this Court's territorial jurisdiction in accordance with ER 201(b)(1)).

This Court should find that the attached geographical

information is capable of immediate and accurate demonstration by resort to easily accessible sources of indisputable accuracy and verifiable certainty (or generally known within this Court's territorial jurisdiction).

On the basis of this request and this Court's findings, this request would meet the conditions for mandatory judicial notice under ER 201(d).

For this reason, this Court should take judicial notice of the attached geographical information showing that—between Mr. Heller's office, 860 SW 143rd St, Burien, and the WSBA Hearing Room, 1325 4th Ave, Seattle—the distance is 10.8 miles.

Pfefer respectfully prays for the requested judicial notice.

Respectfully submitted this 8th day of August 2014.

Matthew F. Pfefer

Matthew F. Pfefer, WSBA #31166
Appellant In Pro Per

DECLARATION OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington that the following is true and correct:

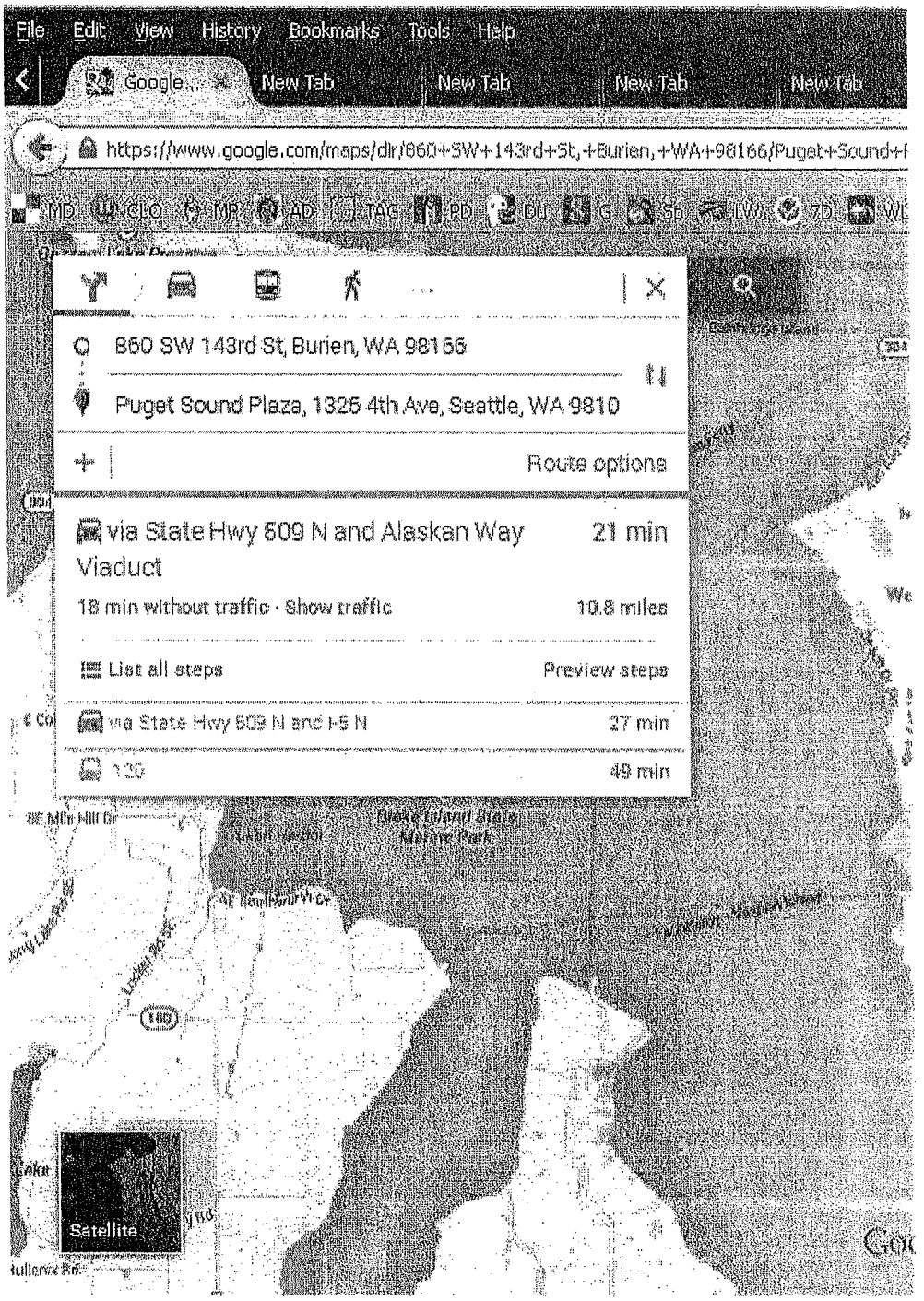
1. I am over the age of 18, am competent to testify, and make these statements upon my own personal knowledge.

2. I served this document on M. Craig Bray of the Washington State Bar Association, 1325 4th Ave #600, Seattle WA 98101, by prepaid postal mail on the date below.

Signed this 8th day of August 2014 in Spokane, Washington.

Matthew F. Pfefer

Matthew F. Pfefer, WSBA #31166
10417 E 4th Ave Apt 10
Spokane Valley WA 99206
(206) 350-4756 Digital Facsimile/Voicemail
Matthew@MatthewPfefer.com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860 SW 143rd St, Burien, WA 98166
Puget Sound Plaza, 1325 4th Ave, Seattle, WA 9810
Route options
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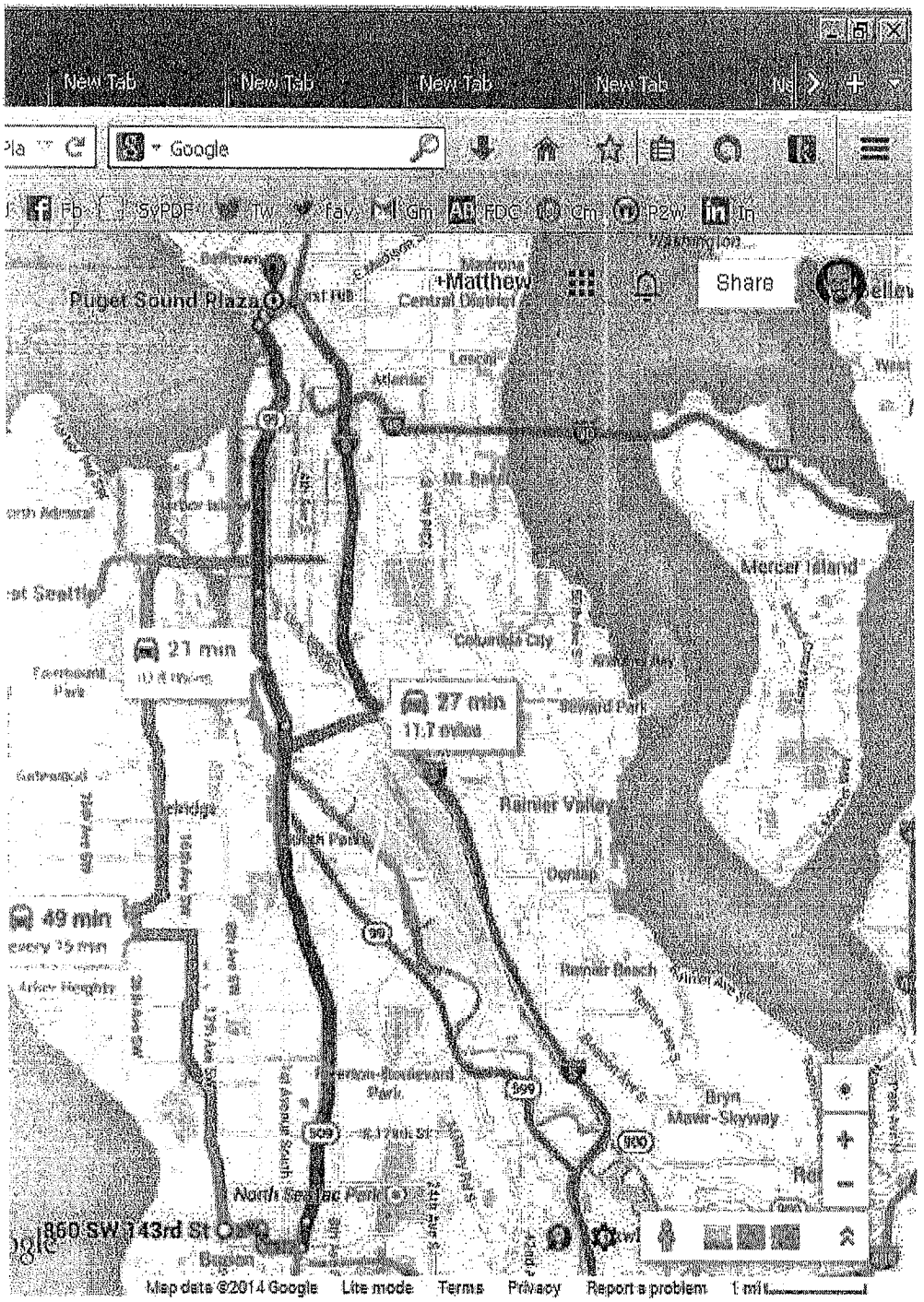
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21 min
27 min
11.7 miles
49 min
Rainier Valley
Rainier Beach
Bryn Mawr-Skyway
North Seattle Park
860 SW 143rd St
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WSBA

FY 2013

2012 – 2013 EXPENSE REPORT

See reverse side for WSBA Expense Policy. Please fill out clearly and completely. Reimbursement checks will be payable only to the person incurring the expense, as documented by receipts. Original, signed expense reports must be submitted within 60 days of incurring the expense but in no event later than 30 days after the WSBA fiscal year end (September 30). To expedite reimbursement, mail this form directly to your staff liaison at:

Washington State Bar Association, 1325 4th Avenue, Suite 600, Seattle WA 98101-2539.

☐ WSBA Employee

☐ WSBA Board/Committee/ Council/Task Force/Panel/ Section/CLE

Staff Liaison:

Make check payable to (print):
David S. Heller

Address:
[redacted]

☐ Check if new address

[redacted]

Phone:
[redacted]

By my signature below, I represent that these expenses comply with the WSBA Expense Policy and have not been reimbursed by any other source:

Bar #:
12669

Date:
9/30/2013

EXPENSE REIMBURSEMENT REQUEST (*original, detailed receipts required*)

					Category Totals
Meeting Date(s):		9/17/2013			
Event: →		Pfeffer hearing			
Meeting Location:		WSBA			
Transportation	Auto Mileage Total ($ 0.565/mi)	30.00 miles 16.95	miles	miles	16.95
Transportation	Ground Trans, Parking, Tolls *(Receipt required if over $25)*	6.00			6.00
Transportation	Airfare (coach/economy only)				
Meals	Breakfast (up to $12)				
Meals	Lunch (up to $18)				
Meals	Dinner (up to $36)				
Lodging (up to $150/night; $180/night in Seattle + tax)					
Other Expenses (itemize):					
Totals		$ 22.95			$ 22.95

For WSBA Use Only

Submitted by: Nanette Lim Date: 9/30/13

Approved by: [signature] Date: 9/30/13 Rush approval: Date:

Account Name	Account #	Dept.	Job Code	Bar #	Amount
Litigation Expenses	54360	DISC	11-01259	31166	22.95

Vendor #

Date Rec'd in AP

Total:

WSBA EXPENSE POLICY

General principle: WSBA depends upon and values the time and talent of its employees and volunteers. WSBA will reimburse necessary out-of-pocket expenses as set forth below. As a steward of member funds, WSBA will not reimburse expenses that are reimbursed from another source. Except as otherwise provided by WSBA Fiscal Policy, WSBA will not reimburse expenses incurred by spouses, domestic partners or guests.

WSBA Boards, Committees, Councils, Task Forces, Panels please note: In light of reduced 2013 license fee revenue,

1. Volunteers and committees are asked to develop and share cost-saving measures.
2. Virtual meetings are encouraged whenever feasible to accomplish the committee's work.
3. *For face-to-face meetings, WSBA will reimburse (a) committee chairs for their travel expenses, and (b) non-chair members (i) for meetings scheduled for 3 hours or more, or (ii) for travel 50 miles or more one way.*

Transportation: If travel is necessary, please be economical. WSBA will reimburse the lesser of coach-economy air fare or auto mileage. If you choose to drive, WSBA will not reimburse for lodging en route, and may only reimburse you for the lesser cost of coach-economy airfare. Reimbursement for out-of-state committee travel is limited to the approximate cost of in-state travel (the cost of traveling from the nearest Washington border).

1. Auto Mileage will be reimbursed at the rate of $0.565 per mile. *Carpooling is encouraged.*
2. Rental Cars/Other may be used only when necessary and economical compared to other modes of local transportation/if local transportation is nonexistent. Rental charges should be net of any discounts and will be limited to the rental cost of compact or standard-size cars. Reimbursement for any other method of travel (e.g., train) will be reimbursed for the cost of the most economical method of travel. *Detailed receipts are required.*
3. Ground transportation, parking, tolls: If travel is by air, please park economically. WSBA will reimburse longer term airport parking at the lower of actual parking costs or an airport shuttle to/from your home. *Parking receipts, which should be provided regardless of amount, are mandatory for all parking expenses greater than $25. If a receipt is not available, up to $75 may be paid if the Expense Affidavit Form (see below) is completed.*
4. Airfare: WSBA will only reimburse coach/economy-class air fares. Book in advance to obtain lowest possible fares. WSBA reserves the right not to fully reimburse for last-minute fares. WSBA will not reimburse for use of frequent flyer coupons or air miles. *Detailed receipts are required (must include name of passenger, date of flight, and departure and destination locations). Credit card statements are not acceptable.*

Lodging: When an overnight stay is necessary (contact your Staff Liaison in advance with any questions), WSBA will reimburse hotel/motel accommodations up to $150 per night ($180 in Seattle) plus applicable taxes. Ask your Staff Liaison about WSBA preferred rates at area hotels. WSBA will not reimburse incidental charges (e.g. entertainment, personal phone calls, etc.). *Lodging will not be reimbursed without a detailed receipt (including name/location of hotel, guest name(s), date(s) of stay, and breakdown of charges for lodging, meals, telephone and incidentals).*

Meals: Receipts are required. WSBA will reimburse meal expenses (including gratuity) up to $12 for breakfast, $18 for lunch and $36 for dinner. In the event of lost receipts, WSBA will reimburse the lower of these rates or the federal per diem rate for the location in which the meal expense was incurred (see www.gsa.gov). All-day travelers may reallocate per-meal allowances (e.g., spend more on lunch; less on dinner). *Alcohol will not be reimbursed and must be segregated from meal expense. Identify all individuals included in a meal reimbursement request.*

Other expenses: You are encouraged to absorb incidental costs; however, WSBA will reimburse necessary out-of-pocket office expenses with receipts (actual copying charges up to 15 cents a page; faxes up to 25 cents a page, with a $5 maximum). WSBA will not reimburse standard office services (e.g., voice mail, telephone connections), personnel costs or professional services.

The WSBA has an Accommodation Fund available to all members with disabilities to support accessibility and ensure reasonable accommodation for their participation in WSBA services, programs, and events, including sign language interpretation, sound enhancement, or personal companions. To request an accommodation, contact your Staff Liaison.

EXPENSE AFFIDAVIT FORM

Up to $75 may be reimbursed in the absence of a receipt (cannot be used for airfare, rental cars, lodging or meals)

Under penalty of perjury, I hereby certify that I incurred the cost of:

Date of Purchase: 9/17/2013

Name of Vendor: Cobb Building Parking (Republic?)

Item Description: parking

Amount Paid: $ 6.00 Was sales tax paid on the purchase? ☒ Yes ☐ No included

Brief Description of why there is no receipt or a copy is being used: No receipt given that I can remember

Signature of Purchaser: Joel R. Ohr Date: 9/30/13

OFFICE RECEPTIONIST, CLERK

To: Matthew F. Pfefer
Subject: RE: Request for Judicial Notice and Corrected Dec of Service in 201,327-9

Received 8-11-14

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Matthew F. Pfefer [mailto:matthew@matthewpfefer.com]
Sent: Monday, August 11, 2014 12:40 PM
To: OFFICE RECEPTIONIST, CLERK
Subject: Request for Judicial Notice and Corrected Dec of Service in 201,327-9

In re Matthew Franklin Pfefer ("Peffer"),
Appellant-Lawyer, Bar No. 31166
No. 201,327-9

Regards,
Matthew F. Pfefer, # 31166
matthew@matthewpfefer.com
Attorney at Law
Appellant In Pro Per
10417 E 4th Ave Apt 10
Spokane Valley WA 99206
509-323-5210 Telephone
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Supreme Court No. 201,327-9

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Aug 11, 2014, 12:45 pm
BY RONALD R. CARPENTER
CLERK

THE SUPREME COURT
STATE OF WASHINGTON

RECEIVED BY E-MAIL

In re

Matthew Franklin Pfefer ("Peffer")
Appellant Lawyer, Bar No. 31166

Appellant's Corrected Declaration of Service

Matthew F. Pfefer
WSBA # 31166
In Pro Per
10417 E 4th Ave Apt 10
Spokane Valley
Washington 99206
(509) 323-5210 Voice
(206) 350-4756 Digital Fax/Vm
Matthew@MatthewPfefer.com

ORIGINAL

CORRECTED DECLARATION OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I am over the age of 18, am competent to testify, and make these statements upon my own personal knowledge.

2. I served my Motion for the Court to Allow the Filing of an Over-Length Brief on M. Craig Bray of the Washington State Bar Association, 1325 4th Ave #600, Seattle WA 98101, by prepaid postal mail on August 7, 2014.

Signed this 8th day of August 2014 in Spokane, Washington.

Matthew F. Pfefer

Matthew F. Pfefer, WSBA #31166
Appellant In Pro Per
10417 E 4th Ave Apt 10
Spokane Valley WA 99206
(206) 350-4756 Digital Facsimile/Voicemail
Matthew@MatthewPfefer.com

DECLARATION OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington that the following is true and correct:

3. I am over the age of 18, am competent to testify, and make these statements upon my own personal knowledge.

4. I served this Corrected Declaration of Service on M. Craig Bray of the Washington State Bar Association, 1325 4th Ave #600, Seattle WA 98101, by prepaid postal mail on August 8, 2014.

Signed this 8th day of August 2014 in Spokane, Washington.

Matthew F. Pfefer

Matthew F. Pfefer, WSBA #31166
Appellant In Pro Per
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Spokane Valley WA 99206
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