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313395

COURT OF APPEALS DIV III OF THE STATE OF WASHINGTON

DAWUD AHMAD, BEDREDDIN IMAN, SAMEER HATEM, and MUSLIM AMERICA, a Washington non-profit corporation

Appellants,

v.

TOWN OF SPRINGDALE, a municipal corporation,

Respondent.

TOWN OF SPRINGDALE'S RESPONSE TO OPENING BRIEF OF APPELLANT MUSLIM AMERICA

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I. INTRODUCTION

The Town of Springdale ("Town") has a resident population of approximately 280 people. In the spring of 2010, Dawud Ahmad and Bedreddin Iman commenced an action in Stevens County Superior Court to compel the Town to adopt a discretionary amendment to the State Building Code that would permit Muslim America, a Washington non-profit corporation ("Muslim America"), to house indigent persons in a shed that failed to comply with State Building Code requirements and to prohibit the Town from enforcing the State Building Code.

Muslim America was not an original party to the action despite being the owner of the property and the only entity that could ever avail itself of the benefits of a discretionary exception to the State Building Code, if adopted by the Town.

In order to ensure a complete adjudication of this matter, the Town successfully moved to join Muslim America on the basis that it was a necessary and indispensable party to the action. The Trial Court required Muslim America's joinder on June 15, 2010 (the "Joinder Order"). Muslim America filed no appeal of the Joinder Order.

During the course of the litigation, Muslim America repeatedly attempted to appear through persons not licensed to practice law and refused to become a party. Despite its apparent unwillingness to be a party,

it filed no motion for its dismissal from this action and was repeatedly admonished for attempting to advocate its position through the Appellants.

On November 23, 2010, the Town successfully dismissed the action. Later, on January 21, 2011, the Town successfully obtained an award of reasonable expenses under RCW 4.84.185 against all Appellants on the basis that the entirety of the action was frivolous (the "Frivolity Order"). Appellants Ahmad, Hatem and Iman filed an appeal of the dismissal of their writ requests (which Muslim America did not join) and the award of reasonable expenses in favor of the Town. Muslim America filed a single appeal of the award of reasonable expenses only.

Muslim America's challenge to its joinder to this action is too late. Its failure to timely appeal the November 23, 2010 Order of Dismissal of this action bars it from challenging any of the merits of the decision. Since Muslim America's appeal is untimely, the Town's award of reasonable expenses should be affirmed. As a result of the court rule barring review of the underlying merits and decision and its joinder to this action, the Town requests an award of sanctions in responding to this frivolous appeal.

II. FACTS

A. INCORPORATION OF FACTS SET FORTH IN THE TOWN'S RESPONSE TO APPELLANTS' OPENING BRIEF.

The Town hereby incorporates the statement of facts set forth in its brief in response to the Appellants' Opening Brief as though fully set forth herein.

B. MUSLIM AMERICA PARTICIPATED IN THE LITIGATION EITHER DIRECTLY OR INDIRECTLY THROUGH THE APPELLANTS.

After the entry of the Joinder Order (CP 252-253), Muslim America attempted to appear through Appellant Dawud Ahmad, a non-lawyer, via a Notice of Appearance, Refusal by Muslim America CR 19(a), and Declaration of Refusal of Muslim America filed on June 7, 2010 (CP 176-177, 178-179). The Town moved to disqualify Mr. Ahmad, a non-lawyer appearing on behalf of Muslim America, and to strike the filed pleadings (CP 215-217, 218-222, 223-241). Ahmad responded to the Town's motion on behalf of Muslim America. (CP 244-249). By Court Order of June 21, 2010, Mr. Ahmad was disqualified from acting as counsel for Muslim American and the pleadings were stricken. (CP 278-279).

Mr. Ahmad then filed a Notice of Limited Appearance CR 70.1(b) on behalf of Muslim America. (CP 694-695). The Town again moved to disqualify him from representation of Muslim America. (CP 274-275, 267-273). Appellant Ahmad was again disqualified by Court Order of July 13, 2010, and reserved ruling on the Town's request for CR 11 sanctions. (CP 375-377).

On or around June 21, 2010, Muslim America, through attorney Robert Simeone, filed a Notice of Limited Appearance pursuant to CR 70.1(b), a pleading entitled "Refusal of Muslim America, CR 19(a)" and a "Notice of Completion of Limited Appearance, CR 70.1(c)." (CP 280-281, 696-697, 698-699).

C. MUSLIM AMERICA DID NOT PARTICIPATE IN THE HEARING ON THE MERITS.

Despite being made a party to the action, Muslim America did not participate in the hearing on the merits of the writ of mandamus and prohibition. (CP 401-405). The Town prevailed in its defense of the claims. (*Id.*). The Findings of Fact, Conclusions of Law and Order Dismissing Applications for Writs of Prohibition and Mandamus were entered on November 23, 2010 ("November 23, 2010 Order"). (CP 401-405). Muslim America did not appeal this Order.

D. SINCE THE APPELLANTS FAILED TO ADVANCE THIS MATTER WITHOUT ANY REASONABLE BASIS, THE TOWN MOVED FOR AN AWARD OF REASONABLE EXPENSES UNDER RCW 4.84.185.

In light of the failure of the Appellants and Muslim America to provide any basis to advance this action, the Town sought an award of reasonable expenses under RCW 4.84.185. (CP 406-408, 409-416, 418-464, 544-550). Muslim America filed no response.

On January 21, 2011, the Court entered a Judgment and Order Granting Defendant's Motion for Award of Reasonable Expenses Including

Fees of Attorney under RCW 4.84.185. (CP 562-566). The Trial Court held that the failure of Muslim America to prove its beneficial interest was fatal to the application request. (*Id.*). Muslim America appeared again for the sole purpose of filing a Notice of Appeal of the Frivolity Order. (CP 703-704).

III. STATEMENT OF ISSUES

A. Whether Muslim America is barred by RAP 2.4(b) from challenging the order requiring its joinder as a necessary party since it did not challenge the underlying final judgment?

B. In the event that Muslim America is permitted to challenge the joinder of Muslim America, whether the Trial Court abused its discretion in ordering the joinder of Muslim America?

C. Whether the Trial Court abused its discretion in entering an Order awarding reasonable expenses to the Town of Springdale on the basis that the action was advanced in violation of RCW 4.84.185 and made without any rational argument on the law or the facts?

D. Whether the Town is entitled to sanctions defending the frivolous appeal advanced by Muslim America pursuant to RAP 18.9 and RCW 4.84.185?

IV. ARGUMENT

A. MUSLIM AMERICA, HAVING FAILED TO APPEAL THE NOVEMBER 23, 2010 ORDER, MAY NOT CHALLENGE ITS JOINDER TO THE

ACTION BY ONLY APPEALING THE AWARD OF ATTORNEYS' FEES AND COSTS.

1. RAP 2.4(b) Bars Muslim America from Challenging its Joinder to the Case.

Muslim America is barred from attempting to appeal or litigate the issues surrounding its joinder to the case or any other portion of the case by its appeal of the Frivolity Order.

RAP 2.4(b) states, in pertinent part:

> A timely notice of appeal of a trial court decision relating to attorneys fees and costs **does not bring up for review a decision previously entered in an action** that is otherwise appealable under rule 2.2(a) unless a timely notice of appeal has been filed to seek review of the previous decision.

RAP 2.4(b) (emphasis added); *Ron & E Enterprises, Inc. v. Carrara, LLC*, 137 Wn.App. 822, 825-826, 155 P.2d 161 (2007); *Bushong v. Wilsbach*, 151 Wn.App. 373, 376-77, 213 P.3d 42 (2009); K. Tegland and B. Ende, 15A Wash. Prac., Handbook Civil Procedure § 86.6 (2011-2012 ed.)

As the Court said in *Ron & E Enterprises:*

> The practical lesson is clear -- counsel should appeal from the Judgment on the merits even if the issue of attorneys fees is still pending. 2A *Tegland*, at 181.

Ron & E Enterprises, 137 Wn.App at 825. "An appeal from an award of attorneys' fees does not bring up for review the merits of underlying [summary judgment] decision." *Bushong v. Wilsbach*, 151 Wn.App at 376 (brackets added).

Muslim America filed no appeal of the final decision and order entered on November 23, 2010, dismissing the action, which would have allowed for review of the Joinder Order. (CP 488-49). Failing to challenge the November 23, 2010 Order by Muslim America bars review of the Joinder Order. Since Muslim America cannot seek review of the November 23, 2010 Order, the determinations in which were dispositive of the Town's later motion under RCW 4.84.185, Muslim America's entire appeal fails.

As noted in *Bushong v. Wilsbach*, a possible basis for appeal could have been the reasonableness of the award. However, none of Muslim America's five issues challenge the reasonableness of the award in the January 21, 2011 Order. *Bushong*, 151 Wn.App at 377. Since Muslim America failed to challenge the Trial Court's November 23, 2010 Order, and is barred from doing so, review of the decision awarding the Town it's reasonable expenses of defense in this matter is barred.

B. TRIAL COURT DID NOT ABUSE ITS DISCRETION IN JOINING MUSLIM AMERICA AS A NECESSARY AND INDISPENSABLE PARTY.

1. As the Owner of the Property and the Only Party Permitted to Request an Exemption under RCW 19.27.042, Muslim America is a Necessary and Indispensable Party to this Action.

Assuming, *arguendo,* that Muslim America is permitted to challenge its joinder in this action, its joinder was proper as it is owner of the property and the only party permitted to claim an exemption under RCW 19.27.042.[1]

An appellate court reviews a trial court's determination that a party is or is not indispensable under CR 19 for an abuse of discretion, with the caveat that any legal conclusions underlying such decision are reviewed *de novo. Gildon v. Simon Prop. Group,* 158 Wash.2d 483, 493, 145 P.3d 1196 (2006); *Mudarri v. State*, 147 Wash. App. 590, 600, 196 P.3d 153, 160 (2008).

CR 19(a) governs the joinder of necessary parties:

> (a) Persons To Be Joined if Feasible. A person who is subject to service of process and whose joinder will not deprive the court of jurisdiction over the subject matter of the action shall be joined as a party in the action if (1) in his absence complete relief cannot be accorded among those already parties, or (2) he claims an interest relating to the subject of the action and is so situated that the disposition of the action in his absence may (A) as a practical matter impair or impede his ability to protect that interest or (B) leave any of the persons already parties subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations by reason of his claimed interest.

[1] Muslim America's entire argument regarding the standing of the other Appellants should be disregarded as issues of standing of parties cannot be raised on appeal in the first instance. *Tyler Pipe Industries, Inc. v. State Dept. of Revenue*, 105 Wn.2d 318, 327, 715 P.2d 123 (1986), *judgment vacated on other grounds*, 483 U.S. 232 (1987).

CR 19(a) (emphasis added). The rule is designed to provide for liberal joinder of parties whose presence is necessary to settle disputes. *Robb v. Kaufman,* 81 Wn.App. 182, 187, 913 P.2d 828 (1996).

A necessary party is one who "has sufficient interest in the litigation that the judgment cannot be determined without affecting that interest or leaving it unresolved." *Harvey v. Board of County Comm'rs of San Juan County,* 90 Wn.2d 473, 584 P.2d 391 (1978). Landowners are a necessary party to an action when the subject matter of the lawsuit is the property. *Veradale Valley Citizens' Planning Committee v. Board of County Com'rs of Spokane County*, 22 Wn.App. 229, 234-35, 588 P.2d 750 (1978).

Similarly, RCW 19.27.042, the provision that the Appellants requested the Town to adopt, permits only non-profit entities from availing themselves of the exemption of the State Building Code:

> (1) Effective January 1, 1992, the legislative authorities of cities and counties <u>may</u> adopt an ordinance or resolution to exempt from state building code requirements buildings whose character of use or occupancy has been changed in order to provide housing for indigent persons. The ordinance or resolution allowing the exemption shall include the following conditions:
>
> (a) The exemption is limited to existing buildings located in this state;
>
> (b) Any code deficiencies to be exempted pose no threat to human life, health, or safety;

> (c) The building or buildings exempted under this section are owned or administered by a public agency or nonprofit corporation; and
>
> (d) The exemption is authorized for no more than five years on any given building. An exemption for a building may be renewed if the requirements of this section are met for each renewal.
>
> (2) By January 1, 1992, the state building code council shall adopt by rule, guidelines for cities and counties exempting buildings under subsection (1) of this section.

RCW 19.27.042 (emphasis added); *see also* WAC 51-16-030.

Muslim America falls squarely within the requirements of CR 19 as a necessary and indispensable party to the litigation. The Appellants stated that Muslim America is the owner of the property upon which the shed is located (CP 2, 4, 8, 11, 15, 35, 40, 54, 60, 146, 153, 165, 188, 286) (VRP July 9, 2010, p. 39, ln. 11-13). Appellants further stated that the alleged enforcement activities commenced by the Town were proceeding against Muslim America. (CP 9). It was the entity that petitioned the Town for the amendment to the State Building Code. (CP 17, 397). The records of the Stevens County Auditor also state that the Property is owned by Muslim America (CP 108-115). RCW 19.27.042 only allows that entity that has non-profit or public agency status to request the exemption. As a result, Muslim America is a necessary and indispensable party.

Muslim America is the owner of the property and the only possible entity that could avail itself of a potential exemption under RCW

19.27.042, if adopted by the Town, it is a necessary and indispensable party and must be joined. *See, e.g. Veradale Valley Citizens' Planning Committee,* 22 Wn.App. 229 at 234-35. As a result, the Trial Court did not abuse its discretion by requiring Muslim America's joinder.

C. THE TRIAL COURT PROPERLY AWARDED REASONABLE EXPENSES TO THE TOWN AND AGAINST MUSLIM AMERICA.

1. RCW 4.84.185 Provides for an Award of Reasonable Expenses While Opposing a Frivolous Action.

An award of reasonable expenses pursuant to RCW 4.84.185 is reviewed under the abuse of discretion standard. *Tiger Oil Corp. v. Dept. of Licensing,* 88 Wn.App. 925, 937-38, 946 P.2d 1235 (1997). RCW 4.84.185 entitles a prevailing party to an award of reasonable expenses opposing a frivolous action. RCW 4.84.185. It requires a finding upon a motion by the prevailing party that the action is advanced without reasonable cause. *Id.* It requires that the motion be made no more than thirty days after the entry of an order on summary judgment, final judgment or other order terminating the action. *Id.* The statute provides for the imposition of fees against the party bringing the frivolous action and not against the party's attorney. *See, e.g. Watson v. Maier*, 64 Wn. App. 889, 827 P.2d 311 (1992).

The purpose of RCW 4.84.185 is to discourage meritless claims advanced for harassment, delay, nuisance or spite. *Skimming v. Boxer*,

119 Wn. App. 748, 756, 82 P.3d 707 (2004). A lawsuit is frivolous if it "cannot be supported by any rational argument on the law or the facts." *Id.* A court will award expenses and attorneys' fees under RCW 4.84.185 when the entire action is frivolous. *Building Industry Association of Washington v. McCarthy*, 152 Wn. App. 702, 218 P.3d 196 (2009). The purpose of the statute allowing the prevailing party to an award of attorneys' fees and costs in an action is to discourage frivolous lawsuits and to compensate the targets of frivolous lawsuits for the fees and costs incurred in defending the meritless case. *Timson v. Pierce County Fire Dist. No. 15*, 136 Wn. App. 376, 386, 149 P.3d 427 (2006).

2. Muslim America Advances no Challenge to the Specific Findings of the Court, therefore they are Verities on Appeal.

Error must be assigned separately to each finding of fact a party contends was improperly made or refused referring to each by number. RAP 10.3(g). A finding or material portion thereof should be set out verbatim in the text or appendix of the brief. RAP 10.4(c). An assignment of error to a conclusion of law does not bring up for review the facts upon which it is founded. *McIntyre v. Plywood Co.*, 24 Wn. App. 120, 600 P.2d 619 (1979). Unchallenged findings are the established facts of the case. *In re Marriage of Elam*, 97 Wn.2d 807, 650 P.2d 213 (1982). Failure to assign error forecloses consideration. RAP 10.3(g); *Estate of Jones*, 152 Wn.2d 1, 8, 100 P.3d 805 (2004).

The Trial Court made nine different findings with respect to the frivolous nature of the action advanced by the Appellants and Muslim America. (CP 562-565). None of the assignments of error identified by the Petitioners relate to any of the findings of fact made by the Trial Court. Therefore, the nine findings are verities on appeal. Moreover, Muslim America presents no argument and no evidence to justify that the case was not frivolous in total, therefore fails to establish that the Trial Court abused its discretion awarding reasonable expenses to the Town. *See* Opening Br., p. 24-25.

3. Muslim America Participated in the Disposition of the Case, therefore can be Properly Charged with Reasonable Expenses of Defense.

Muslim America participated in the disposition of the case after the entry of the Joinder Order, therefore, it can be properly charged with the reasonable expenses incurred by the Town in defending this matter. First, it filed no motion to dismiss after it was joined in this case. It cannot claim that by sitting idly by (which it did not do) it should not be charged with the reasonable expenses for advancing a frivolous action.

Second, this argument is disingenuous because Muslim America was an active participant in the proceeding and undertook the following activities:

1. Appellants filed a Motion to Reconsider the Joinder Order, claiming that the Court was constitutionally barred from ordering Muslim America to join the action without demonstrating that imposition of the burden of litigation was in furtherance of a compelling governmental interest and the least restrictive means of furthering that compelling interest. (CP 182-85, 186-195). Appellants cited no Washington or federal law to support such a claim. (*Id.*). Appellants further pled a judgment of the Shari'ah Court of Muslim America for Masjidal-Amr, the Springdale Mosque. (CP 117-118, 193). All of this was undertaken on behalf of Muslim America for the purpose of thwarting its joinder to the action.

2. Appellant Dawud Ahmad appeared on behalf Muslim America (Notice of Appearance June 7, 2010) (CP 176-177); filed a Declaration of Refusal (June 7, 2010) (CP 178-179); and filed a Notice of Limited Appearance (June 14, 2010) (CP 694-695). The Court ruled twice (June 21, 2010, July 13, 2010) (CP 278-279, 375-377) that Appellant Ahmad was not authorized to appear on behalf of Muslim America and has thrice stricken or indicated it would not consider pleadings or portions thereof (June 21, 2010, July 13, 2010). Appellant defended by claiming, without legal support, that Dawud Ahmad was the equivalent of an attorney when acting as registered agent for service of

process for Muslim America, defended the Motion to Strike said pleadings by claiming they were merely declaratory, without any legal support, and later admitting they were unnecessary. (CP 244-249). Appellant filed Plaintiffs Objection to Defendant's Proposed Order Granting Defendant's Second Motion to Disqualify and to Strike Pleadings (June 28, 2010) and made the same registered agent argument. (CP 282-289). As the Town pointed out to the Court, Mr. Ahmad has been previously disqualified from representing Muslim America in previous litigation. (CP 220, 229-241) (VRP June 11, 2010, p. 34, ln. 10-25, p. 35 ln. 8-22; June 18, 2010, p. 10-11, ln. 1-22, p. 25, ln. 17-25, 25-26; Nov. 19, 2010, p. 8, ln. 7-13).

3. The Plaintiffs in this matter have repeatedly advocated on behalf of Muslim America despite this Court repeatedly admonishing this behavior. (CP 278-279, 375-377).

4. Muslim America appeared through attorney Robert Simeone, who filed a Notice of Limited Appearance, CR 70(b) (June 21, 2010) (CP 696), filed a pleading entitled Refusal of Muslim America, CR 19(a) (CP 280-281), on that date and on that same date filed another

pleading called Notice of Completion of Limited Appearance, CR 70.1(c) (CP 698-699).[2]

5. Muslim America attempted to participate through Appellants in opposition to the Town's request for an award of reasonable expenses. (CP 480-481).

6. It filed a Notice of Appeal of the Frivolity Order after filing another Notice of Limited Appearance. (CP 703-704).

7. On March 16, 2011, Muslim America filed another Notice of Limited Appearance (CR 70.1(b)) (CP 705-706), designated Clerk's Papers and filed a Notice of Completion of Limited Appearance (CR 70.1(b)) (CP 708-709).

---

[2] There is no language in CR 19(a) which allows a party to refuse to join. The applicable part of the rule states:

> . . . if he has not been so joined, the court shall order that he be made a party. If he should join as a plaintiff but refuses to do so, he may be made a defendant, or, in a proper case, an involuntary plaintiff. If the joined party objects to venue and his joinder would render the venue of the action improper, he shall be dismissed from the action.

There was no request for dismissal based on venue.

8. On March 16, 2011, Appellant Muslim America filed a Statement of Arrangements with this Court designating the Narrative Report of Proceeding prepared by Appellant Ahmad for the May 19, 2010 Prehearing Conference. The Town was required to object because it included legal commentary by the "Narrator" not part of the Trial Court record. (CP 645-647, 648-654, 659-663). Muslim America filed no response. (CP 667-679). The Trial Court settled the record relative to the Narrative Report on August 15, 2011. (*Id.*).

9. Appellants and Muslim America challenged the decision of the Trial Court by filing a motion with the Supreme Court to review the Trial Court's order regarding the Narrative Report. (Joinder of Muslim America to Appellant's Motion on Objection to Trial Court Decision Relating to the Record RAP 9.13, filed August 18, 2011). It filed a Reply to the Town's response to Appellants and Muslim America's objection. (Muslim America's Reply to Town of Springdale's Response to Motion on Objection to Trail Court Decision Relating to the Record RAP 9.13 and Response to Town of Springdale's Motion to Strike, filed October 4, 2011). Muslim America participated in oral argument. Supreme Court Commissioner Goff denied the Appellants objection. (Ruling Denying Review, filed October 11, 2011). Department I of the Supreme Court

denied Muslim America's Motion to Modify the Commissioner's Ruling on February 7, 2012. (Order, filed February 7, 2012).

There is no authority that entitles Muslim America to simply "refuse" to be a party. It further cannot claim that it did not participate or advance any claim in this case. The above evidences that Muslim America participated in the disposition of the case and that it is in fact claimed an outcome in the disposition of the case. As a result of its participation, it may be properly charged with reasonable expenses under RCW 4.84.185.

4. Muslim America did not Object to the Reasonableness of the Expenses In their Appeal.

Muslim America's challenge relates solely to whether the joinder to this case was proper and whether it was properly assessed reasonable expenses for advancing the frivolous action. It presented no challenge to the amount of the reasonable expenses charged, therefore, it is waived. *Cowiche Canyon Conservancy v. Bosley*, 118 Wn.2d 801, 809, 828, P.2d 549 (1992).

D. THE TOWN OF SPRINGDALE SEEKS ATTORNEYS' FEES AND COSTS FOR DEFENDING MUSLIM AMERICA'S FRIVOLOUS APPEAL.

RAP 18.9 provides authority to the appellate courts to sanction frivolous appeals. RAP 18.9. RAP 18.1 provides authority to the Court to award reasonable attorney fees and expenses. These requests are to be

advanced as part of an opening brief. RAP 18.1(a), (b). The Town also requests an award of reasonable expenses pursuant to RCW 4.84.185.

An appeal is frivolous "if the appellate court is convinced that the appeal presents no debatable issues upon which reasonable minds could differ and is so lacking in merit that there is no possibility for reversal." *In re Marriage of Foley*, 84 Wn.App. 839, 847, 930 P.2d 929 (1997). Conduct below at the trial court level is a proper basis for an attorney fee award on appeal. *Buchanan v. Buchanan*, 150 Wn.App. 730, 740, 207 P.3d 478 (2009) ("A party's intransigence at the trial level may support an award of attorneys' fees on appeal.").

Respondent Town of Springdale requests an award of statutory attorney fees pursuant to RCW 4.84.010 and RCW 4.84.080, which allows $200.00 in attorney's fees and an award of costs to be awarded to the prevailing or substantially prevailing party on appeal before the Appellate Court.

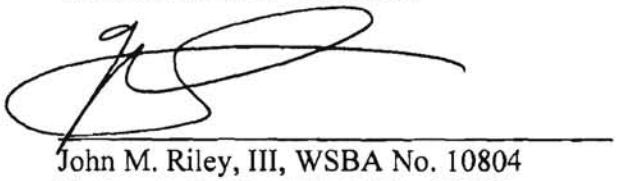
Muslim America advances a challenge to the Joinder Order that it is barred by court rule. It further fails to advance any evidence or argument sufficient to revise the award reasonable expenses in the Town's favor. It seeks no challenge to the actual dollar amount of the award. Since this challenge is not supported by the law or the facts, the Town should be awarded compensatory damages for defending this frivolous appeal.

V. CONCLUSION

The Town of Springdale respectfully requests that the Frivolity Order be affirmed and that it be awarded its attorneys' fees and costs for defending this appeal.

Respectfully submitted this 27th day of August, 2012.

WITHERSPOON · KELLEY



John M. Riley, III, WSBA No. 10804
Nathan G. Smith, WSBA No. 39699
Attorneys for Respondent

CERTIFICATE OF SERVICE

I certify that on the 27 day of August, 2012, I caused a copy of the foregoing TOWN OF SPRINGDALE'S RESPONSE TO OPENING BRIEF OF MUSLIM AMERICA to be served on the following by the method indicated:

Bedreddin Iman c/o Dawud Ahmad & Associates 610 N. Main Street Springdale, WA 99173-0522 *Pro Se*	VIA US MAIL BEDREDDIN@MUSLIMAMERICA.NET GALAM@MUSLIMAMERICA.NET
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Jeffry K. Finer Law Offices of Jeffry K. Finer 35 W. Main, Suite 300 Spokane, WA 99201 *Attorney for Muslim America*	VIA HAND DELIVERY VIA EMAIL TO: JEFFRY@FINER-BERING.COM

Karina Hermanson

Karina Hermanson

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To: Karina Hermanson
Cc: 'BEDREDDIN@MUSLIMAMERICA.NET'; 'GALAM@MUSLIMAMERICA.NET'; 'JEFFRY@FINER-BERING.COM'; Nathan G. Smith; John M. Riley III
Subject: RE: Ahmad v. Town of Springdale; Supreme Court Cause No. 85417-3

Rec. 8-27-12

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From: Karina Hermanson [mailto:karinah@witherspoonkelley.com]
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Subject: Ahmad v. Town of Springdale; Supreme Court Cause No. 85417-3

Good afternoon,

With regard to *Ahmad, et al. v. Town of Springdale*, Supreme Court No. 85417-3, attached please find the following document for filing:

1. Town of Springdale's Response to Opening Brief of Appellant Muslim America

The above pleadings are filed by Attorneys for Town of Springdale:

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Please contact me with any questions or concerns. Thank you.

Karina Hermanson
Legal Assistant to Stanley M. Schwartz, F.J. Dullanty Jr., Michael L. Loft, and Nathan G. Smith

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