

64706-7

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NO. 64706-7

IN THE COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON

LORI LIEPPMAN
Appellant,

and

GARY D. FLANZER,
Cross-Appellant.

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STATE OF WASHINGTON
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ON APPEAL FROM THE SUPERIOR COURT OF THE STATE
OF WASHINGTON FOR KING COUNTY

Commissioner Meg Sassman
The Honorable Judge Gonzalez

REPLY BRIEF OF PRO SE APPELLANT

Lori Lieppman
Pro Se
c/o 6011 37th Ave.
Seattle, WA 9812608
(206) 938-4742

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cannot address those issues.

Nonetheless, Appellant was informed by Mr. Bobman that he was awarded \$500.00 by the court for Ms. Gunther's intransigence.

C. FINANCIAL ABILITIES OF FLANZER

Because of Flanzer's long-standing history with non-compliance with orders and abusive use of conflict in the court system, it is unlikely that he will ever comply with providing any post-secondary education expenses.

Flanzer has also been able to pay off his thirty (30) year mortgage in less than fifteen (15) years by making a balloon payment of over sixty thousand dollars (\$60,000.00). The 1993 child support order spent well over a decade at the Prosecutor's Office for non-compliance. In 2004, after OSE seized Mr. Flanzer's IRS refund for back support, he began to comply with the support orders. Although he has plenty of money to hire attorney's to fight court orders and buy real estate in foreclosures across the country, he refuses to voluntarily provide financially for the needs of our child. Flanzer paid attorney fees.

Appellant Lori Lieppman has provided the trial court a copy of the will of the deceased naming three beneficiaries of which the Flanzer is one, along with being the contingent executor. At that time, the estate was valued at somewhere between 1.3 and 2.4 million and Flanzer is a one third beneficiary.

Flanzer is a one third beneficiary of a guardianship, now turned to an estate, in California, Ventura County, under cause number P-076880.

Our child is the only grandchild.

Flanzer originally received a large amount of money in 1988 by selling his cellular rights to McCaw Cellular. It was later purchased by AT&T with Flanzer keeping a 1% interest. Appellant makes this Reply in support of her appeal with previous evidence that has been submitted to the Court in this case. Flanzer claims that he has no income, does not file income tax returns and is financially unable to provide support our only child.

Flanzer's You Tube site reflects that he is teaching people how do to tax lien investing.

The Issaquah Press published he was awarded the 2005 Ronald Reagan Republican Gold Medal honored for his business entrepreneurship.

D. RPC 1.8 CONFLICT OF INTEREST: CURRENT CLIENTS; SPECIFIC RULES:

“(a) A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest . . . [1] . . . and are fully disclosed and transmitted in writing”

Flanzer's Opening Brief fails to address that he bought his attorney, Ms. Gunther's home office out of foreclosure, yet he refused to provide any tax returns to the court as required for the modification. Ms. Gunther stated to the court that Flanzer is not required to file tax returns because he has no income. Flanzer never paid the judgment of attorney's

fees that was awarded to Appellant from the 1997 trial, of approximately thirty thousand dollars, plus interest. CP 57-60, 6-13.

In the case at hand, Flanzer is claiming financial hardship, yet, is able to purchase a rental property in Kent, Washington from his attorney, Ms. Gunther. Flanzer is double-dipping by saying he needs his legal fees paid for, but never actually paid her those fees.

Appellant, Lori Lieppman, provided the court with proof of this transaction between the attorney and her client, Flanzer.

C. ARGUMENT

1. COMISSIONER MEG SASSAMAN and THE HONORABLE JUDGE GONZALEZ IMPROPERLY DENIED APPELLANT'S MOTION FOR POST-SECONDARY EDUCATION FOR OUR CHILD, BACK SUPPORT AND EXPENSES.

Appellant submitted her financial documents via a Sealed Financial Source Document. These sealed documents included Tax Return, bank statements, Annuity Payments and 1099's. CP 63-78. The trial Court failed to award Appellant's proper child support order which included a sworn Financial Declaration and Child Support Worksheets.

Because Mr. Flanzer refused to submit his tax returns, financial income, Appellant, Lori Lieppman provided deeds and verification of real property of 425 Financial Inc., Flanzer's company, and/or himself. CP 63-78.

This also included evidence of purchasing a home from his

attorney, Marilyn R. Gunther, on September 10, 2008. CP 63-78.

Additionally, Commissioner Sassaman allowed multiple continuances 7-09, 8-12-09, 9-9-09, 10-27-09, before she made the final decision. CP 17-17, 56-56, 16-16. Consequently, Appellant's attorney had to file a motion for revision, and Appellant's own motion for reconsideration. CP 20-43. CP 51-53. This severely prejudiced Appellant's case resulting in our daughter beginning college without any contribution whatsoever from her father. from her father. The entire financial burden fell on Appellant's shoulders and must be reimbursed by Flanzer. CP 20-43.

2. FINANCIAL NEEDS AND ABUSE OF DISCRETION REGARDING COLLEGE FOR OUR CHILD.

The Court should further be aware that Flanzer has a college education along with a post graduate education. Everyone in his family is well educated. His father, brother, uncle and cousins are dentists. He was halfway through his MBA at one point. These are the types of people that are expected to assist their children. I therefore see no reason why he is not doing that for his own child.

It is overtly obvious that he has failed to address any of the issues presented in my brief. However, he does state that he is willing to pay his proportionate share of our daughter's post-secondary educational expenses. I have no reason to believe that will be voluntarily.

Flanzer has ignored the terms of the original child support order

and has not contributed financially as required to our child's health insurance costs, healthcare bills, prescriptions, camp costs, music lessons, etc. or ever given our child a birthday or holiday gift.

3. THE TRIAL COURT ERRED IN FAILING TO AWARD PAST FEES, COSTS & CHILD SUPPORT TO APPELLANT.

Appellant and child should be awarded past child support and Post-Secondary support for our daughter. Appellant supplied the trial court with fees and costs associated thereto. Along with those issues, Flanzer should pay Appellant fees for having to continually address this matter now in the Court of Appeals.

Here, the issues of child support arrearages was "tried by express or implied consent" of the parties. Therefore, is applicable because there was express or implied consent on the part of Flanzer. Consequently, the judgment must be upheld as a matter of law. The legislature intended, in establishing a child support schedule, to ensure that the child support orders are adequate to meet a child's basic needs and provide additional child support commensurate with the parent's income, resources, and standard of living. This is intended to be in the best interest of the child. CP 63-78. In re Marriage of Oakes, 71 Wn.App. 646, 649-50, 861 P.2d 1065 (1993), RCW 26.09.002, 26.09.001. The child support was admitted to be in arrears, it was addressed at trial, but no decision was rendered.

Judge Hubbard further stated in the decision of September 15, 1997:

"Now, the Court has authority to consider this modification of the Parenting Plan under the provisions of RCW 26.09.260. The Court may make adjustments in the Parenting Plan. ...the Court operate under the provisions of Title 26.09.260, but also ...Littlefield v. Littlefield."

The State of Washington, Division of Child Support Debt Calculation for Flanzer shows that while 10-10-08 indicated he was in arrears at \$135,063.05 somehow as of 2-28-2010 there was no debt showing and that he was "Current". This was in spite of the case that no such payments were provided to Appellant for our child.

4. THE COURT ERRED IN FAILING TO AWARD ATTORNEY'S FEES TO THE MOTHER.

An award of attorney fees is within the trial court's discretion. In re Marriage of Crosetto, 82 Wn.App. 545, 560, 918 P.2d 954 (1996); In re Marriage of Booth, 114 Wn.2d 772, 776, 791 P.2d 519 (1990); In re Marriage of Knight, 75 Wn.App. 721, 729, 880 P.2d 71 (1994), review denied, 126 Wn.2d 1011 (1995). The party challenging the award must show that the court used its discretion in an untenable or manifestly unreasonable manner. Knight, 75 Wn.App. at 729.

While generally the court must balance the needs of the party requesting the fees against the ability of the opposing party to pay the fees, in this case Appellant has need given her being forced to liquidate her assets,

lose her employment due to Flanzer's stalking and harassment both personally and through the courts. His behavior is the ultimate definition of intransigence.

It is ironic and sad that he is still obsessing over daycare in his brief.

Due to Flanzer's non-payment of support, as well as his stalking and continued litigation, which must be responded to, Appellant has repeatedly moved to protect herself and our child.

D. CONCLUSION

Because of Flanzer's lack of basis for his appeal, his demonstrated "**abusive use** of conflict" and intransigence of his motion for adequate cause threshold, his cross-appeal must be denied as a matter of law.

Flanzer owns over a dozen properties across the country under 425 Financial, Inc., registered in Nevada. His attorney's former office at 9416 So 248th St, Kent, WA 98030, is now his rental property.

No trial court should award Flanzer, any consideration of this most recent quest taking the court's time with his long string of appeals.

He was kept informed of her health and education via third parties, the court system and the annual reports. The court should be aware that Flanzer purposely cancelled her health insurance during our divorce, without notice my knowledge or consent, thus leaving our child uninsured.

Last year the Director of Admissions at the our child's college

advised me that Flanzer contacted him and was demanding information and records on our child as he did at her high school. Flanzer is again using third parties to harass us.

The original child support order was drafted when our child was a baby, the court was unaware she was special needs. Flanzer claimed poverty and was imputed income and the initial child support order was \$249/month starting in 1992. Flanzer refused to pay.

It was raised to \$450.00 in 1993, and became \$525.00 in May 1994. Our child was only three at that time, Flanzer refused to pay child support, OSE turned this case over to the Prosecutor's Office around 1993, where it stayed there after.

In 2005 only after OSE seized Flanzer's IRS tax refund did he begin to make regular payments. The Prosecutor's Office stated that this was the longest case they have ever had to prosecute.

Flanzer has refused to pay the judgment against him for over \$30,000.00 in attorney's fees that Appellant was awarded at trial, a decade ago, that has ballooned to approximately \$50,000.00 with interest. CP 57-60, 57-60, 49-50.

Flanzer's legal counsel states that they had an "inequity of issuing terms against the father". That certainly is not the present case as Flanzer's counsel deliberately delayed their response in the present action.

Flanzer has misused and abused the legal system. The legal system

has in turn, failed Appellant and most importantly our child. This disregard for this Court is most recently demonstrated by way of Court of Appeal sanctions, along with their having been sanctioned in Superior Court for the same behavior, delay tactics, etc., and their not having paid the prior sanctions or back child support or providing tax returns.

Based on the foregoing, Appellant respectfully requests this Court
to:

1. deny Flanzer's present appeal as a matter of law,
2. overturn the Order of Child Support without a new trial to grant Appellant, Lori Lieppman's modification order for post-secondary education expenses for our child wherever she attends to be paid by her father, and order all payments through Office of Support Enforcement
3. to award Appellant the sum of \$8,000.00 for having to bring this appeal.

DATED this 12th day of August, 2010.

Respectfully submitted,


LORI LIEPPMAN, Pro se, Appellant ^{# B}

CERTIFICATE OF SERVICE

I certify that I served a copy of Lori Lieppman's REPLY BRIEF OF PRO SE APPELLANT on the following counsel, by fax and Priority mail, on August 13, 2010, directed to: Marilyn Gunther, 5312 9th Ave. N.E., Seattle, WA 98105, and BRIEF OF PRO SE APPELLANT via Priority Mail to Court of Appeals, Division I of the State of Washington.



SUSAN PRESCOTT BAKER, NOTARY PUBLIC in and
for the State of Washington, residing at Seattle.
My commission expires 7-6-13