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No. 70424-9-I

COURT OF APPEALS
FOR THE STATE OF WASHINGTON
DIVISION I

PARRIS ANDREA ROSOLINO (*f/k/a* PARIS TILTON),

Appellant,

vs.

DIANE ARMESTO,

Appellee.

BRIEF OF APPELLANT PARRIS ROSOLINO
(*f/k/a* PARRIS TILTON)

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I. INTRODUCTION

This case began as a defamation claim arising from statements made about the 1978 death of jazz trombonist Frank Rosolino. It strayed far from that by the end. The trial court struck the defenses of Appellant Parris Andrea Rosolino (“**Parris**”) as a discovery sanction, when Parris failed to comply with a court order that she had no ability to comply with. The court then deemed all of the allegations in the complaint admitted, and (without any evidentiary hearing) not only enjoined the allegedly defamatory speech, it also entered extensive findings and conclusions that purport to vacate a 2007 order of another court changing Parris’s name, declare who her biological father is, and find her guilty of embezzlement, fraud, and felony perjury. The findings and conclusions were irrelevant to the alleged defamation and not based on a trial on the merits. The court went on to enter a sweeping injunction based on the findings and conclusions, permanently enjoining speech and conduct unrelated to the alleged defamation in a broad prior restraint, then awarded \$400,000 in emotional distress damages without adequate proof, and ordered Parris to pay all of plaintiff’s attorney’s fees under CR 11. The trial court’s orders are punitive and riddled with errors. Parris respectfully requests that this Court vacate them and remand the case for trial on the merits.

II. ASSIGNMENTS OF ERROR

1. The trial court erred in entering its findings of fact and conclusions of law, and the resulting injunction, because (a) the injunction is an unlawful prior restraint on truthful speech; (b) the injunction is overbroad

and impermissibly vague; and (c) the trial court lacked the authority to vacate a 2007 district court order changing Parris' name.

2. The trial court abused its discretion by entering judgment against Parris as a discovery sanction because (a) the discovery violation was not willful, since Parris was an *in forma pauperis* party who was unable to pay the initial monetary sanctions awarded by the court, which then became the basis for striking her defenses; and (b) the violation did not substantially prejudice the plaintiff's ability to prepare for trial.

3. The trial court's \$662,117.20 judgment—\$500,000 in damages and \$162,117.20 in fees—is not supported by law or fact because (a) Armesto's evidence of damages was insufficient; and (b) CR 11 does not permit the attorney fee award that was made.

III. STATEMENT OF THE CASE

Parris' mother married Frank Rosolino in 1966, and Parris lived with Rosolino from then until 1972, when she was nine years old. RP 2; 552. Plaintiff Diane Armesto ("Armesto") is a former girlfriend of Frank Rosolino; the pair dated after Rosolino separated from Parris' mother. RP 2-3. Rosolino died in 1978 of a gunshot wound, and Armesto alleges that Parris accused her of pulling the trigger, and of stealing from Frank Rosolino's estate. RP 2-7, 273-80. Based on those accusations, Armesto's complaint pleads causes of action for defamation, false light, and intentional infliction of emotional distress. RP 1-16. Parris attempted to defend herself *pro se* and was allowed by the trial court to proceed *in*

forma pauperis, because it found that she lacked the resources to pay filing fees and other costs associated with the case. RP 18-19.

On the second day of Parris' deposition, a discovery dispute arose between the parties as to whether Parris should answer questions regarding her biological parentage and alleged involvement in a scheme to embezzle from the Rosolino estate. RP 516-27. Parris argued that the questions were irrelevant to plaintiff's defamation claims, and the trial court initially agreed, denying Armesto's motion to compel. RP 1122. But the trial court abruptly changed course after plaintiff sought reconsideration and ordered her to answer questions about her parentage and Armesto's embezzlement theory. RP 1126-28. Although Parris had been declared indigent, the trial court also imposed monetary sanctions totaling \$3610, to be paid by Parris within five (5) days, and ordered that all of her defenses would be stricken "if she fails to comply with any part of this order." RP 1128. Predictably, Parris could not pay, and when she did not the trial court struck her defenses and invited Armesto to submit findings of fact and conclusions of law for entry of final judgment—effectively deeming all of the allegations in the complaint admitted. RP 1829-32.

The findings and conclusions Armesto submitted were not confined to the allegations in her complaint. RP 1975-1980- 2155-2168. Armesto proposed that the trial court rule on Parris' biological paternity,

declare her an embezzler, find her guilty of criminal perjury, and change her name. *Id.* The trial court accepted everything Armesto proposed, without exception. *Id.*

An exchange during the hearing on Armesto’s proposed findings and conclusions exemplifies how far Armesto and the trial court drifted from Armesto’s defamation claim. The trial court had called up Parris’ Facebook page, which included a posted photo of Frank Rosolino with toddler Parris in his arms during the time they lived together in the 1960’s. RP 2089-2090. The trial court ordered Parris to “take it down” as “misleading” and a “fraud,” apparently because Parris identified herself in the photo as Parris “Rosolino.” *Id.* Armesto does not allege, nor did the trial court find, that the photograph is forged, altered, or anything but authentic, yet she was ordered to remove it anyway.¹

This theme of hostility toward Parris is repeated in the trial court’s supplemental findings of fact and conclusions of law, which are appealed here. In addition to finding that Parris defamed Armesto, the trial court declared:

- that Parris is not the daughter of Frank Rosolino;
- that Parris committed felony perjury;

¹ The court never reduced its order to writing. Nevertheless, in its supplemental findings of fact the court found that Parris had violated the order, not because she failed to take down the particular photo—it was taken down—but because her Facebook page

- that Parris was involved in a scheme to embezzle from the estate of Frank Rosolino;
- that Parris was “likely” to violate future orders and therefore the court was justified in imposing further sanctions on her for these prospective violations; and
- that Parris’ 2007 petition to change her surname from “Tilton” to “Rosolino” was “based on fraud,” used “for an illegal purpose” and therefore “invalid.”

RP 2155-2168 [**Findings and Conclusions**].

Prior to Armesto’s submission of proposed supplemental findings and conclusions, Parris had represented herself *pro se*; at that point, her current counsel entered the case *pro bono* in order to resist the supplemental order. RP 2116-2118. Through counsel, Parris submitted extensive objections, constitutional and others, to Armesto’s submission. RP 2128-2136. Parris’ objections were ignored, and the trial court entered Armesto’s proposal without changing a word. RP 2155-2168.

Based on the Findings and Conclusions, the trial court also issued a sweeping permanent injunction, another order that Parris appeals. RP 2169-73 [the “**Injunction**”]. Of the thirteen actions the Injunction requires or enjoins of Parris, only the first—prohibiting her from implicating Armesto in Frank Rosolino’s death—is relevant at all to the claims alleged

contained other photos that “fraudulently depict her as Frank Rosolino’s daughter.” RP 2156.

in Armesto's complaint. The remainder of the Injunction is wholly unrelated to defamation, including provisions:

- permanently enjoining Parris from using the name "Rosolino;"
- permanently enjoining Parris from stating "or implying" that she is the natural, biological, or adopted daughter of Frank Rosolino;
- requiring Parris to change her name to Tilton on "social and business Internet sites, print media, communications, [and] picture ID such as [her] driver's license;"
- compelling Parris to "notify all relevant government entities," including the Internal Revenue Service, about her name change;
- permanently prohibiting Parris from "expressly or impliedly posting on the Internet about Armesto," without *any* qualifications to the content of those postings;
- permanently enjoining Parris from posting authentic photos of herself with Frank Rosolino taken when the two lived together during Parris' youth; and
- compelling Parris to send copies of the Injunction to all persons who may have received [Parris'] communications about her claimed parent/daughter relationship with Frank Rosolino.

RP 2169-73.

Finally, the trial court entered a damages award in Armesto's favor for \$500,000 and, citing CR 11, awarded attorneys' fees of \$162,117.20. RP 2152-54 [the "**Judgment**", and together with the Findings and Conclusions and Injunction, the "**Orders**"], RP 2174-76. Parris timely appealed the Orders. After she did so, the trial court invited briefing on

whether most of the Injunction should be stayed pending appeal. Based on Parris' motion, the trial court stayed enforcement of *every provision of the Injunction*, except those prohibiting defamatory statements.²

IV. ARGUMENT

A. Standard of Review.

A trial court's decision to impose sanctions under CR 37, or to issue an injunction, is reviewed for an abuse of discretion. *Johnson v. Mermis*, 91 Wn. App. 127, 133, 955, P.2d 826 (1998). A court abuses its discretion when the decision is manifestly unreasonable or is based on untenable grounds. *Id.* A prior restraint on speech is unconstitutional *per se* under article 1, section 5 of the Washington State Constitution. *Sanders v. City of Seattle*, 160 Wn.2d 198, 224, 156 P.3d 874 (2007).

"[W]here a trial court has weighed the evidence," appellate review "is limited to determining whether substantial evidence supports the findings [of fact] and, if so, whether the findings in turn support the trial court's conclusions of law and judgment." *Ridgeview Props. v. Starbuck*, 96 Wn.2d 716, 719, 638 P.2d 1231 (1982). Implicit in the substantial evidence standard is that no deference is due where the evidence was not weighed. Under such circumstances, review should be *de novo*, in the same manner that decisions on summary judgment are reviewed. *See*

² Since the parties briefed this issue after Parris filed her original designation of clerk's papers, she has supplemented that list, per RAP 9.6(a). As a result, references to specific

Vallandigham v. Clover Park Sch. Dist. No. 400, 154 Wn.2d 16, 26, 109 P.2d 805 (2005).

B. The Trial Court’s Orders and Injunction are Improper and Unrelated to the Causes of Action in Armesto’s Complaint.

1. The Injunction is Overbroad and an Unlawful Prior Restraint on Truthful Speech.

A prior restraint on free speech occurs when a trial court forbids communications before they occur. *In re Marriage of Suggs*, 152 Wn.2d 74, 81, 93 P.3d 161, 164 (2004), citing *Alexander v. United States*, 509 U.S. 544, 550, 113 S. Ct. 2766 (1993). Permanent injunctions “are classic examples of prior restraints” that “carry a heavy presumption of unconstitutionality. . .” *Id.* They must be limited to what is necessary to address defamation and nothing more. *Kitsap Cnty. v. Kev, Inc.*, 106 Wn.2d 135, 143, 720 P.2d 818, 823 (1986). (“Injunctions must be tailored to remedy the specific harms shown rather than to enjoin all possible breaches of the law.”).

Here, rather than craft the Injunction narrowly to prevent Parris from making defamatory statements about Armesto, the trial court entered an Injunction so broad that it permanently enjoins Parris from even uttering Armesto’s name, regardless of the content. RP 2156 (ordering that Parris “is enjoined from expressly or impliedly posting on the Internet

pages in the record relating to the motion to stay are unavailable.

about Armesto.”). Truthful statements about Armesto, prohibited by this Injunction, by definition cannot be defamatory. *Mark v. Seattle Times*, 96 Wn.2d 473, 486, 635 P.2d 1081 (1981). Because the Injunction “is not specifically crafted to prohibit only unprotected speech[,] it is an unconstitutional prior restraint. . .” *In re Marriage of Meredith*, 148 Wn. App. 887, 898, 201 P.3d 1056, 1062 (2009). Moreover, article 1, §5 of the Washington Constitution, which provides that “[E]very person may freely speak, write, and publish on all subjects,” absolutely prohibits prior restraints on constitutionally protected speech, which includes truthful speech. *State v. Coe*, 101 Wn.2d 364, 375, 679 P.2d 353 (1984).

In addition to being *per se* unconstitutional, the Injunction also is overbroad. The trial court accepted Armesto’s proposed findings that Parris was engaged in a “scheme to embezzle from the estate of Frank Rosolino,” and that enjoining her from using the Rosolino name was necessary to prevent that fraud. RP 2158. But there was no allegation in Armesto’s complaint of embezzlement from the Estate, nor would she have had standing to raise such a claim, since Armesto was discharged as the Estate’s executrix in 1982. RP 270. The trial court lacked authority to “enjoin all possible breaches of law”—rather, it could only enjoin those at issue in the case. *Kitsap Cnty*, 106 Wn.2d at 143. Likewise, the Injunction’s provisions relating to paternity are overbroad, since

Armesto's complaint does not make such allegations, and she lacked standing to determine whether Parris is the daughter of Frank Rosolino.

2. **The Injunction, which prohibits "implied speech," is impermissibly vague.**

The Injunction is also hopelessly vague. For example, it prohibits Parris from "*impliedly* posting on the Internet about Armesto." RP 2170 (emphasis added). Likewise, Parris cannot post "any content on the Internet that expresses or *implies* that [she] is the natural, biological or adopted daughter of Frank Rosolino." *Id.* (emphasis added). What constitutes "implied" speech is anyone's guess. The trial court seemed to believe that an authentic photograph of Parris as a child with Frank Rosolino met the standard. When "ordinary people [can't] understand what conduct is prohibited," a prohibition is void for vagueness. *O'Day v. King Cnty.*, 109 Wn.2d 796, 811, 749 P.2d 142 (1988).

3. **The trial court lacked authority to vacate a 2007 district court order changing Parris' name.**

The trial court's Orders purport to "vacate" a King County District Court order changing Parris' name from Tilton to Rosolino. The court found that the name change in 2007 was part of a scheme (allegedly perpetrated years later) to embezzle from Frank Rosolino's estate. RP 2187, 2201. The Injunction goes on to prohibit Parris from using the

name Rosolino in any communications, regardless of whether it is related to Armesto, including on social media sites, on any state or federal documents, or in any possible future way that might “imply” that she is Frank Rosolino’s daughter. RP 2185-87. In ordering the name change, the trial court acted in excess of its authority and contrary to law.

In Washington, district courts have original jurisdiction over name change petitions. RCW 4.24.130(1). The superior court can only vacate a district court’s order if it acts in its statutorily authorized “limited appellate jurisdiction.” See *Dougherty v. Dep’t of Labor & Indus.*, 150 Wn.2d 310, 318, 76 P.3d 1183 (2003). There is no statutory provision that granted the trial court the authority to review and vacate an order of the district court here. Cf. RCW 4.24.130.

Washington citizens have the right to adopt and use any name they wish. *Doe v. Dunning*, 87 Wn.2d 50, 52, 549 P.2d 1 (1976); Op. Atty. Gen. 1927-28, p. 508. Here, undisputed school records show that “Parris Rosolino” attended kindergarten through second grade at Garden Grove Elementary in California. RP 255-58. A bank account was opened in 1971 by Parris’ mother on behalf of “Parris Rosolino.” RP 259. Parris has used the name Rosolino before and is entitled to use it again. The trial court erred when it purported to vacate the district court’s order and directed that Parris’ name would henceforth be permanently changed to Tilton.

For all these reasons, the Court should reverse the Orders and remand to the trial court for a case on the merits.

C. The Trial Court Abused its Discretion by Striking Parris' Defenses Because She Could Not Pay Terms.

1. Parris did not "willfully" violate the trial court's orders, nor did she prejudice Armesto.

The trial court abused its discretion by striking Parris' defenses. It sanctioned Parris for: (1) not paying over \$3,000 in terms for alleged discovery violations, and (2) not answering questions about her parentage or Armesto's claim that Parris embezzled from the Frank Rosolino estate. RP 1829-30. Neither of these acts supports sanctions under CR 37.

When imposing a discovery sanction, like "striking defenses" (in essence, defaulting Parris on the merits), the trial court abuses its discretion unless it (1) finds that a party's refusal to obey a discovery order is willful and deliberate; (2) determines that such refusal substantially prejudices the opponent's ability to prepare for trial; and (3) expressly considers whether a less severe sanction would suffice. CR 37; *Burnet v. Spokane Ambulance*, 131 Wn.2d 484, 494, 933 P.2d 1036 (1997). Although the findings and conclusions signed by the trial court dutifully recite that Parris' violation was willful and prejudicial, it was neither.

Willful means having the ability to comply with an order and consciously choosing otherwise. *King v. Dep't of Soc. & Health Servs.*, 110 Wn.2d 793, 797, 756 P.2d 1303 (1988). A party who does not pay fines or restitution acts willfully only if he is capable of paying. *Bearden v. Georgia*, 461 U.S. 660, 672 (1983). Here, Parris did not willfully fail to pay the sanctions—*she had no ability to pay them*. The trial court had previously found that Parris was unable to pay even the most modest of court costs, RP 18-19, yet ordered her to pay \$3,600 in fines, and stated that her failure to do so within five (5) days would result in her defenses being stricken. RP 240, 1128. Parris promptly sought reconsideration of the order, pointing out her inability to comply with it (and also that the majority of the sanctions were not even requested in plaintiff's motion), but the trial court denied the motion. RP 1129-32; 1330-31. The record here is absent of any evidence that Parris refused to pay terms despite having the ability to do so (she does not).

In addition, Parris' actions did not substantially prejudice Armesto's ability to prepare for trial. Armesto spent a full day questioning Parris about the truth or falsity of her alleged defamatory statements. RP 939-56. Armesto then required Parris, who was then representing herself *pro se*, to return for a second full day of deposition questioning, so that she could inquire into Parris' identity and her alleged "embezzlement of [sic]

the Frank Rosolino estate.” RP 516-27. But these issues are irrelevant to the alleged defamation, and nothing but a sideshow distracting from the claims at issue in the case. The trial court’s order striking Parris’ defenses for failing to answer questions on a *second* day of her deposition was an abuse of discretion because Armesto could not establish that her inability to question Parris on those tangential topics substantially prejudiced her ability to prepare for trial on the defamation claims she actually asserted in her complaint.

D. The Judgment—\$500,000 in Damages and \$162,117.20 in Fees—is Not Supported by Law or Fact.

1. Declarations unsupported by evidence are not sufficient to award money damages.

The trial court’s \$500,000 damages judgment is unsupported by evidence of actual harm to Armesto. To arrive at this figure, the trial court found that Parris’ actions have cost Armesto an “estimated” \$100,000 in damages, based on Armesto’s claim that she was unable to market four record albums as a result of Parris’ alleged defamation. Even more problematic is the trial court’s conclusory determination that the “estimated” damages have caused Armesto to suffer “at least” \$400,000 in emotional distress. RP 1978. The judgment must be reversed.

Substantial evidence does not support the trial court’s finding that Armesto has suffered damages related to her four albums. In fact, there is

absolutely *no* evidence, except for Armesto's self-serving testimony, that Armesto recorded any albums at all, nor does she document how much she paid to have the albums recorded. She offers no invoices, receipts, bills, or cancelled checks to establish her costs. Even she is unaware of the actual cost, since she can only "estimate "that it exceeds \$100,000." This evidence falls woefully short of that needed to prove damages with reasonable certainty. *Carlson v. Leonardo Truck Lines, Inc.*, 13 Wn. App. 795, 800, 538 P.2d 130, 133 (1975).

Moreover, the cost of production is not even the appropriate damages measure. In defamation cases, a plaintiff can "recover damages only if he or she proves harm factually caused by the defendant's wrongful conduct." *Schmalenberg v. Tacoma News, Inc.*, 87 Wn. App. 579, 602, 943 P.2d 350, 363 (1997). Armesto must prove with particularity, not estimates, that she lost profits from being unable to sell the albums, since she contends (without submitting any actual evidence to support her contention) that Parris' statements caused her not to publish her recordings. RP 2068-2069; *Purvis v. Bremer's, Inc.*, 54 Wn.2d 743, 747, 344 P.2d 705 (1959). Indeed, Armesto offers not a single declaration from a would-be buyer of her albums who testifies that they *would have purchased* it but for Parris' statements. Nor can she, as Armesto concedes

that she simply chose not to publish her alleged recordings. RP 2068. Armesto failed to meet her burden to prove damages.

The trial court's finding that Armesto has suffered \$400,000 in emotional harm also lacks any evidentiary foundation. Damages for emotional distress are available only when that distress is severe. *Kloepfel v. Bokor*, 149 Wn. 2d 192, 195, 66 P.3d 630, 632 (2003). The trial court made no finding about the severity of Armesto's emotional harm. RP 1978. Instead, the trial court relied on a single, two-page declaration from Armesto's primary care physician, who testified that he was "aware" that Armesto was intimidated and harassed. RP 2043. From this intimidation, and without any supporting medical records, Dr. Schneck determined that Parris has caused Armesto to suffer panic attacks, heart burn, and sleep disturbances. *Id.* This is insufficient.

2. **CR 11 does not permit an award of attorneys' fees for all costs associated with a case, especially where a litigant's position is not frivolous.**

The trial court also used Rule 11 as a basis to award Armesto \$162,117.20 in attorneys' fees—every penny she incurred for prosecuting her claims, including the filing of her complaint, and it did so without making any determination as to the reasonableness of Armesto's fees. RP 2174-2176. The court concluded that Parris' "entire case has been based on fraud," and that Parris "asserted fraudulent and frivolous positions in

her attempt to embezzle from Frank Rosolino's estate." *Id.* This is yet another instance of the trial court granting relief for a claim, and related expenses, that Armesto did not and could not assert. For this reason and more, the trial court abused its discretion.

CR 11 is limited in scope, applying only to a "pleading, motion, and legal memorandum." CR 11(a). Within the scope of the rule, late CR 11 motions such as Armesto's, made long after the alleged violation, are prohibited, since without prompt notice regarding a potential violation of the rule, the offending party is given no opportunity to mitigate the sanction. *Biggs v. Vail*, 124 Wn.2d 193, 198, 876 P.2d 448 (1994). In this case, Armesto never sought sanctions for CR 11 violations, or notified Parris of her intention to do so, until the very end of the case. Further, motions for CR 11 sanctions must be specific and limited to expenses caused by the rule violation, and sanctions are only available when parties act in *bad faith*. *Matter of Pearsall-Stipek*, 136 Wn.2d 255, 267, 961 P.2d 343 (1998) (superior court abused discretion by imposing sanctions for "merely frivolous" action). Armesto fell far short of the required specificity, providing the trial court only with her total costs and fees incurred in the case. RP 2174-76. These necessarily include, for example, her costs and fees to draft her initial complaint, before Parris signed a single pleading.

CR 11 remedies situations only “where it is patently clear that a claim has absolutely no chance of success,” and courts “must strive to avoid the wisdom of hindsight in determining whether a pleading was valid when signed, and *any and all doubts must be resolved in favor of the signer.*” *Doe v. Spokane & Inland Empire Blood Bank*, 55 Wn. App. 106, 122, 780 P.2d 853 (1989) (emphasis added). Assuming that some of the fees awarded were incurred in pursuing the sideshow of whether Parris is Frank Rosolino’s biological daughter, that belief is held by Parris in good faith. Parris presented a DNA test indicating that Jason Rosolino, Frank’s biological son with Parris’ mother, “is 1.50 times more likely to be a full sibling to Parris A. Tilton (Parris’ former name) than to be a half-sibling.” RP 9. The trial court simply disregarded this evidence. Regardless of whether the evidence conclusively establishes Parris’ parentage (an issue that has never been adjudicated on the merits), it certainly raises her position above bad faith, especially for a *pro se* litigant.

Finally, the trial court sanctioned Parris for everything she did in her defense, without regard to whether it involved signing a pleading. It relied on the rule to sanction *conduct occurring at a deposition by a pro se defendant*. This not only offends the plain language of the rule, it is contrary to decisions of this Court, concluding that discovery vehicles are “neither a ‘pleading, motion, or legal memorandum’ under CR 11” and

that a trial court therefore errs if it awards sanctions under CR 11 for conduct occurring in a deposition. *Clipse v. State*, 61 Wn. App. 94, 97, 808 P.2d 777 (1991). The Court should reverse the trial court's abuse of discretion in awarding \$162,117.20 in attorneys' fees³ as a CR 11 sanction.

V. CONCLUSION

It is impossible in the space allotted for this brief to catalogue all of the trial court's errors, or the extent to which Parris' *pro se* and *in forma pauperis* status was exploited in the case. This Court need only compare Armesto's complaint to the ultimate findings here to see how far the trial court strayed from its authority and the legitimate scope of plaintiff's complaint. For the reasons above, Appellant respectfully requests that the Court reverse the trial court's Orders, reinstate Parris' defenses, and remand for proceedings on the merits limited to the claims Armesto makes in her complaint.

RESPECTFULLY SUBMITTED this 11th day of October, 2013.

GRAHAM & DUNN PC

By  _____

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³ The trial court also erred as a matter of law because the record is devoid of any factual findings supporting the reasonableness of the fees awarded. *Brand v. Dep't of Labor & Indus.*, 139 Wn.2d 659, 665, 989 P.2d 1111 (1999) (noting that the trial court abuses its discretion when the record fails to state a basis supporting the award).

CERTIFICATE OF SERVICE

Elizabeth G. Pitman affirms and states:

That on this day, I caused to be served a true and correct copy of **Brief of Appellant Parris Rosolino (f/k/a Parris Tilton)**, by the method indicated below, and addressed to each of the following:

Paul E. Fogarty Dearmin Fogarty 600 Stewart Street, Suite 1200 Seattle, WA 98101	<input type="checkbox"/>	U.S. Mail, Postage Prepaid
	<input checked="" type="checkbox"/>	Hand Delivered
	<input type="checkbox"/>	Overnight Mail
	<input type="checkbox"/>	Facsimile Transmission
	<input type="checkbox"/>	Electronic Mail

I declare under penalty of perjury under the laws of the State of Washington and the United States of America, that the foregoing is true and correct to the best of my knowledge.

EXECUTED this 11th day of October, 2013.

Elizabeth G. Pitman

2013 OCT 11 10:49:56
SUPERIOR COURT
CLERK OF COURT
JESSICA L. HARRIS