

FILED
SUPREME COURT
STATE OF WASHINGTON
1/31/2022 3:17 PM
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CLERK

100333-1

80780-3-I

SUPREME COURT
OF THE STATE OF WASHINGTON

ADDIE SMITH,

Petitioner,

v.

SYHADLEY, LLC,

Respondent.

**PETITIONER'S RESPONSE IN OPPOSITION
TO MOTION TO STRIKE**

Addie Smith, Pro Se
absmith27@icloud.com

January 31, 2022

I. INTRODUCTION

Petitioner, Addie Smith, hereinafter (“Ms. Smith”) respectfully submits her Response in Opposition to Clerk’s Motion to Strike.

II. RESPONSE ARGUMENT

Ms. Smith requests that her Response and the Clerk’s Motion to strike be heard by the full court, En Banc. The Clerk provides in her “Letter Sent by E-Mail Only [APPENDIX 1] that Ms. Smith’s Reply to Answer “does not appear that the answer seeks review of issues not raised in the petition for review”. And references RAP 13.4(d) “any such reply should be limited to addressing only the new issues raised in the answer”. The Respondent’s answer intentionally omits that they are the Petitioner’s Employer. This intentional redaction creates a “new issue raised in the answer”. The Court will not recognize this fact in the Respondent’s answer without Ms. Smith’s Reply to Answer. Ms. Smith does not waive her right to inform this Court of the Respondents deliberate actions. Ms. Smith will not assume that the Court will know this. Or consider this without providing the information. Ms. Smith objects to any suggestion that the Court will assume, without “combing through the record” any information provided is accurate. Ms. Smith also preserves for the record, to not allow for any opportunities to waive her rights to object.

The Respondents argument, without including the fact that they are Ms. Smith’s former employers, as they have previously stated in the Court of Appeals and trial court contradicts their previous position; and, conflicts with published decisions of the Court of Appeals and this honorable Supreme Court. Additionally, because the Respondents have now claimed Ms. Smith’s “tone” and “delivery” were “of a difficult nature”. (RP January 28, 2020, at 44) (stating, I spoke about the fact that the way you were handling situations that were of a difficult nature,

that you were making them worse. And that you needed to find a way to basically tone that down and deliver a message of negative aspects in a different way. And that we were getting complaints from residents, not because what you were saying was wrong, but the way that you were saying to them was demeaning and they were taking offense to it”.

These statements are called “racist microaggressions”. These statements raise new issues in the answer. Ms. Smith has a right to respond to these new issues. Otherwise, they become verities on appeal. They become part of the record of more lies and fraud by the Respondents, in an attempt to discredit Ms. Smith or paint a picture that could determine whether this Court decides to take her Petition for Review. Ms. Smith should be allowed to provide a response to this new issue. Ms. Smith should not be prohibited from addressing Respondents’ claims under RAP 13.4. Ms. Smith affirmatively has the right to address any issues raised by the Respondents in their response. RAP 13.4(d) merely requires that an issue be raised in response to a petition for review. *Blaney v. International Association of Machinists and Aerospace Workers*, Dist. No. 160, 151 Wn.2d 203, 210 n. 3, 87 P.3d 757 (2004). The following issues were raised by the Respondents, SyHadley, LLC., in their Answer and expressly may be addressed by Ms. Smith in her Reply, pursuant to RAP 13.4(d) and RAP 1.2(a)(“These rules will be liberally interpreted to promote justice”):

- The argument that Ms. Smith’s tone and delivery were of a difficult nature. This issue is raised by the Respondents in their Answer. Ms. Smith affirmatively has a right to address any issues raised by the Respondents. Washington law requires bias free trials. GR 37. This requirement applies no less to civil cases than to criminal cases and it is an urgent issue of broad public import. This Court has acknowledged and recognized the racial discrimination in our culture and this Court has should take the lead to show how it will not be tolerated in our halls of justice. This Court should take this case to clarify that the goal of equal justice applies to civil as well as criminal trials.
- The omittance of the fact that the Respondents are Ms. Smith’s former employers, in their answer, is an issue. The Court must not allow this to go unrecognized in the

Respondents' Answer. The Court will not know this by reading the Respondents Answer. The Court will only have the decision from the Court of Appeals.

- Racial bias is a common and pervasive evil that causes systemic harm to the administration of justice, and unlike other types of misconduct, racial bias seems to be uniquely difficult to identify. Due to social pressures, many who consciously hold racially biased views are unlikely to admit doing so. Meanwhile, implicit racial bias exists at the unconscious level, where it can influence our decisions without our awareness. This is a new issue which must be addressed by the Court in a civil case.

Each of these issues are addressed by Ms. Smith in her Reply filing consistent with RAP

13.4(d). Failure to allow a proper rebuttal violates due process. See *Rabon v. City of Seattle* (Rabon II), 107 Wn. App. 734, 743-44, 34 P.3d 821 (2001); *Nguyen v. Dep't of Health Med. Quality Assurance Comm'n*, 144 Wn. 2d 516, 522-23, 29 P.3d 689 (2001). Attorney Drew Mazzeo has committed perjury for his clients. He has knowingly and willingly allowed his clients, the Respondents, to commit perjury. RPC 3.3, "Candor Toward the Tribunal":

- (a) A lawyer shall not knowingly:
 - (1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;
 - (2) fail to disclose a material fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client unless such disclosure is prohibited by Rule 1.6;
-
- (4) offer evidence that the lawyer knows to be false.

RPC 3.3

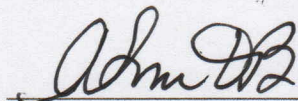
"any attorney, has a duty of candor toward the tribunal which precludes it from making a false statement of material fact or law to such tribunal." *State v. Coppin*, 57 Wn. App. 866, 874 n. 4, 791 P.2d 228 (1990). See also RPC 8.4 (defining professional misconduct as, among other things, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation). Given the

serious ethical issues in this case concerning a failure of candor to the tribunal as well as the threat to the well-established doctrine of finality, the Court should grant Ms. Smith's Reply to Answer and grant the Petition for Review, and grant her Motion to Publish.

III. CONCLUSION

For all the foregoing reasons, the Court should deny the Motion to Strike and accept Ms. Smith's Reply to Answer and Grant her Petition for Review and Motion to Publish.

Respectfully,

A handwritten signature in black ink, appearing to read 'Addie Smith', is written above a horizontal line.

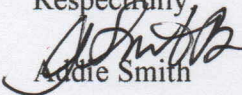
Addie Smith, Pro Se

CERTIFICATE OF SERVICE

I, Addie Smith, certify under penalty of perjury the attached Petitioner's Response in Opposition to Motion to Strike has been mailed via USPS to the Appellees' Attorney of Record:

Drew Mazzeo, Harbor Appeals and Law, PLLC, 2401 Bristol Court SW, Suite C-102 Olympia,
WA 98502.

Respectfully,


Addie Smith

ADDIE SMITH - FILING PRO SE

January 31, 2022 - 3:17 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 100,333-1
Appellate Court Case Title: Syhadley, LLC v. Addie Smith

The following documents have been uploaded:

- 1003331_Answer_Reply_20220131151602SC053966_4064.pdf
This File Contains:
Answer/Reply - Other
The Original File Name was Petitioner's Response in Opposition to Strike.pdf

A copy of the uploaded files will be sent to:

- drewteams@harborappeals.com
- lauren@housingconnector.com
- office@harborappeals.com
- rredford@puckettredford.com
- rweatherstone@puckettredford.com

Comments:

Response in opposition to motion to strike.

Sender Name: Addie Smith - Email: absmith27@icloud.com

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