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STATE OF WASHINGTON
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CoA #569884-II

Washington Supreme Court

Crystal McDowell,
Petitioner

v.

David Zahradnik,
Respondant

Petition For Review

Crystal McDowell
15127 Main St E
Unit 104 #127
Sumner, WA 98390

I.

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The judges, if there are any, should grant review to decide whether the order denying Petitioner's motion for reconsideration was made without jurisdiction, or without force of law, or improperly, and, whether the 'opinion' written by the individuals acting as court actors was justified or is in fact a violation of laws and rules, and, reverse or vacate each accordingly, and other issues to be added in amending of Petition.

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Table of Authorities

Sherman v. State, 128 Wn.2d 164, 188, 905 P.2d
355 (1995))

Garaux v. Pulley, 739 F.2d 437, 439 (9th. Cir. 1984)

Washington Constitution

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RAP 1.2 and to be amended

A. Identity of Petitioner And Decision Below

Crystal McDowell, Petitioner, for purpose of review, asks that if there are any actual judges in this court, that the court grant review of the opinion terminating review written Sept. 6th 2023, and an order dated October 13th 2023 denying a motion for reconsideration of said opinion made by Petitioner. Of note, Petitioner had a major theft occur, and, due to the number of malicious actors involving themselves in these matters, this Peition will be substantially amended and a motion added.

B. Issues for Review

(1) First, the individuals acting as judges should have recused themselves from McDowell's matters, without need of McDowell to file a motion, due to personal interests at prejudice to the Petitioner as will be further set forth in amending.

(2) Second, the act of the individuals acting or posing as judges in reviewing McDowell's motion to amend motion for reconsideration was improper, as they did not have jurisdiction to do so, having given that

jurisdiction away in other order, which was a deliberately biased order and specified, in response to a motion on reconsideration, that if McDowell wanted to amend any motions, she would have to file a motion to do so, and it would be – quote ,“reviewed by a commissioner, and, if necessary, a three judge panel”.

The order was predatory and itself violated rules and law which Petitioner will further describe in amending, however for brief purpose here, when they made their ‘order’, they, no doubt inadvertently, cut their nose to spite their face so to speak, as while the court actors appear free to flounce around their rules any way they choose, or at least act as such, they are not free to violate a court order, be it their own or others, and of course they cannot arbitrarily ‘go back’ and ‘redecide’ an ‘order’ and do something other than specified.

The point of problem, and which was done deliberately, is that when McDowell filed motion for reconsideration, inasmuch as the order on motions to amend motions was predatory and biased, it was nonetheless a guide then, by which McDowell expected that, in filing a second

amended motion time-wise, that response by a commissioner on the motion would cue her, to then submit another amended form she was working on, but, that did not happen, and instead, as with other actions by said individuals, instead of a commissioner, some 'judges grabbed the motion, and 'decided it, both the amending and motion for reconsideration, doing so intentionally, as has been the course of actions at that court to commit acts against McDowell which are in scheme to in every way destroy her abilities, and property, and counting on that she does not have a lawyer, and knowing the more they attack, the harder yet that becomes.

In any event, it is fact that McDowell's motion was improperly reviewed and violated the court/'judges' own order, and this matter should be reviewed by the supreme court judges.

(3) Of other issue is the matter of the opinion set out by the individuals acting as judges or court actors, in that the level of malicious gross lying and omissions as to lie in the opinion is, as with other actions, not an opinion of any merit, as first, the claim that McDowell only appealed the

summary judgment order is grossly false, there were SEVEN ORDERS appealed in the Notice/Amended Notice of Appeal, only one of which they claimed to review, and the same time claimed to review, ignored pages of element facts and citations to the record, claiming there weren't any, and 'insufficient argument' and other claims which are not correct. For instance one only need look at page 14 of Appellant brief to clearly see fact elements, and citation to the record, and, argument. Then, further the law section was sufficient for purpose of review, had fair unbiased method been used, but was not, at detriment to McDowell and the over \$1200 fees she paid the court, to then be literally harassed, as in actionably harassed, and further, extortion attempted, a criminal act, and a list of acts long enough that are over seventy documents in the record – over seventy, of McDowell, an unrepresented litigant, having to defend herself against attack after attack by court actors 'derek byrne' 'cheryl quinn' and in scheme with McMahon, the individual posing as Zahradnik's lawyer.

Because of a significant theft that occurred, and other situations affecting the Petitioner, she has had difficulty sorting the matters noted here for review to extent best necessary, and so she will be amending this petition in hopefully short order, to fully, as to the opinion, and recusal denial, set forth additional issues in pursuit of review.

Statement of the Case and Argument

McDowell should be entitled to fair treatment by judges when she pays a court. The grabbing of her motion to reconsider, which should have gone to a commissioner, and then denying, was not proper, and with every other action by court individuals, served scheme for zahradnik, who has no sound position, not in any of the matters.

McDowell's Complaint for breach of contract was not properly dismissed, and the Appellant brief is clear, yet there is no review, and the decision, further, ignores the entire Appellant brief.

The judges should have recused themselves without motion from McDowell. -

"The appearance of fairness doctrine provides that `judges

should disqualify themselves in a proceeding in which their impartiality might reasonably be questioned." Id. at 761-62 (quoting Sherman v. State, 128 Wn.2d 164, 188, 905 P.2d 355 (1995)).

Further, as used by court as reasons for existing, McDowell should have been entitled to consideration which she did not receive. – As state in case law;

Article 1 section 3 of the Washington Constitution provides that "[n]o person shall be deprived of life, liberty, or property, without due process of law." The Fourteenth Amendment of the United States Constitution similarly provides that "[n]o State shall ... deprive any person of life, liberty, or property, without due process of law."

By not doing their job as judges, McDowell was not afforded the due process she should have been,

The statements above and herein McDowell requests be considered with and in combination of all sections for consideration as sought, and as will be amended, in good cause, and as no prejudice would result to any litigant. McDowell requests consideration of RAP 18.8 Waiver of Rules and Extension and

Reduction of Time which states in part:

(a) Generally. The appellate court may, on its own initiative or on motion of a party, waive or alter the provisions of any of these rules and enlarge or shorten the time within which an act must be done in a particular case in order to serve the ends of justice,

subject to the restrictions in sections (b) and (c).

McDowell also requests consideration by applying RAP 1.2

Interpretation and Waiver of Rules by Court which states in part:

(a) Interpretation. These rules will be liberally interpreted to promote justice and facilitate the decision of cases on the merits. Cases and issues will not be determined on the basis of compliance or noncompliance with these rules except in compelling circumstances where justice demands, subject to the restrictions in rule 18.8(b).

Also though persons should not use the term pro se as to

McDowell, as change of meaning of the term appears to

have occurred over time as to some litigants, nonetheless as she

is unrepresented and per previous definition requests application of

the following;

“[t]he rights of pro se litigants require careful protection where highly technical requirements are involved.” *Garoux v. Pulley*, 739 F.2d 437, 439 (9th. Cir. 1984).

Conclusion

For the reasons given herein and applicable laws, the court should grant review of the order and opinion, and right what are wholly unjust actions as to Petitioner's appeal matters.

Declaration is here made per within laws on perjury in state of Washington the facts set forth herein are true to best of my knowledge as signed above at Edgewood, WA.

Appellant further certifies this document and attached certificate contains 1751 words which count was obtained using the word count function in Microsoft Word.

s/Crystal McDowell

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Certificate of Service

The undersigned certifies correct copy of the forgoing document was transmitted to the following individual(s) on November 13th 2023 by method noted:

s/Crystal McDowell

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Sent through the Court of
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CRYSTAL MCDOWELL - FILING PRO SE

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