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IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

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In re the Marriage of
WENDY A. MCDERMOTT,
Appellant,
And
JUSTIN J. MCDERMOTT,
Respondent.

ANSWER TO PETITION FOR REVIEW

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 ORIGINAL

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INTRODUCTION

Petitioner Wendy McDermott neglects to inform this Court that, per the parties' agreement, all parenting matters have been finally resolved in Kansas. For this and other reasons, Wendy's appeal is moot. This Court should deny review.

Wendy asserts no conflict, but only purported issues of substantial public interest. But there is no particular interest in the unremarkable holding that a newborn child lives where both of his parents live, so has the same home state as his parents. It follows that where both parents' absences from the home state are temporary, in that they always intended to return after a short time away, a child's absence is also temporary.

There is no substantial public interest in the correct holding that the UCCJEA does not require a Washington court to confer with a foreign court to determine whether to exercise its jurisdiction. Nor is there any interest in this Court repeating its correct holding in *A.C.*, *infra*, which the appellate opinion adopts. The UCCJEA cannot and does not deprive trial courts of their subject matter jurisdiction, but governs their exercise of jurisdiction. This Court should deny review.

FACTS RELEVANT TO MOTION

- A. H was born in Costa Rica so that he could enjoy dual citizenship, returning to his parent's Kansas home when he was just 6 weeks old.**

For the past seven years, Respondent Justin McDermott has managed his family's small cattle ranch, worked as an Emergency Medical Technician, and lived in a modest home owned by his parents. CP 41, 181, 280. Petitioner Wendy McDermott moved in with Justin¹ in March 2010. *In re Marriage of McDermott*, No. 69107-4-I at 2 (July 15, 2013). In June, 2010, Wendy quit her job, which had required extensive travel, and returned full-time to the parties' Kansas home. CP 181.

The parties married in March 2011, and their only child, H, was born on June 15, 2011. *McDermott, supra*, at 2. Although the parties lived in Kansas, they agreed that H would be born in Costa Rica so that he could enjoy dual citizenship. *Id.* The parties always intended to return to Kansas, and brought H home on July 28, 2011, when he was about six weeks old. *Id.* at 2-3.

- B. When Wendy decided to move to Washington for work, the parties agreed that Justin and H would split time between Washington and Kansas.**

H remained in Kansas with both Wendy and Justin until January 15, 2012. *McDermott* at 3. Wendy then decided to seek

¹ This Answer uses first names to avoid confusion. No disrespect is intended.

employment with the Washington State ferries. CP 181-82. The parties agreed that Wendy and H would come to Washington so that Wendy could apply, and look for housing, while Justin held down the ranch. CP 181-82. If Wendy was hired, then Justin would come to Washington to help finalize housing and other particulars before returning to Kansas. CP 182.

The parties never agreed that H would relocate to Washington, but agreed that Justin and H would, together, split time between Washington and Kansas. CP 182. When Wendy moved to Washington, H had been living in Kansas with both Wendy and Justin for 5.5 months after coming home from Costa Rica. *McDermott* at 3.

C. Both parties petitioned for dissolution (Wendy in Washington and Justin in Kansas), and Washington both deferred the exercise of its jurisdiction to Kansas, and determined that Kansas is H's home state.

Justin filed a petition for dissolution in Kansas, asking to be named H's residential parent on March 29, 2012. CP 96-98. Later that same day, Wendy filed a petition for dissolution in Washington, also seeking a Domestic Violence Protection Order, the petition for which she would file separately. *McDermott* at 3. She asked the court to exercise temporary emergency jurisdiction, or to exercise

jurisdiction on the ground that H had no home state and that Wendy had significant Washington contacts. *Id.*

On April 2, 2012, before Justin was served with Wendy's Washington dissolution petition, the Kansas court entered temporary support and custody orders, establishing a residential schedule. *Id.*; CP 99-107. Wendy was first served with the Kansas pleadings and orders on June 28, 2012. **McDermott** at 3.

On April 17, 2012, Wendy served Justin with her dissolution petition. *Id.* On May 4, 2012, Wendy moved for a Domestic Violence Protection Order ("DVPO") as well as more particularized temporary orders. *Id.*; CP 238-67, 268-77. Justin opposed Wendy's motion, denying her domestic violence allegations. **McDermott**. He responded to Wendy's dissolution petition on May 22, 2012, also filing a proposed temporary parenting plan. *Id.* at 3-4.

On May 30, 2012, almost two months after Kansas issued a temporary parenting plan, a Washington Superior Court commissioner entered an order denying Wendy's petition for a DVPO. *Id.* at 4. The commissioner reserved ruling on issues regarding jurisdiction under the UCCJEA, but ordered that Washington would "maintain jurisdiction in the meantime." *Id.*

On June 5, 2012, Justin filed a motion to dismiss Wendy's dissolution petition, arguing that Washington was not H's home state, and alternatively that Washington should decline to exercise jurisdiction on the basis that Kansas is the more appropriate forum. CP 57-62;² **McDermott** at 4. Wendy responded that Washington has "significant connection" jurisdiction and that Kansas is not the more appropriate forum. **McDermott** at 4-5.

On June 6, Wendy moved to revise the commissioner's order denying her request for a DVPO. *Id.* at 5. On June 13, Justin informed the court that dissolution proceedings were "open" in Kansas, questioning why Wendy denied the Kansas action. CP 91.

On June 14, a Superior Court Judge granted Wendy's motion for revision and entered a protection order. **McDermott** at 5. The order provided that the court was exercising both temporary emergency jurisdiction, and also jurisdiction due to H's lack of a home state and presence in Washington. *Id.*

On June 21, a Superior Court commissioner entered an order on Justin's motion to dismiss, ruling that H had no home

² This motion mistakenly states that Justin filed for dissolution in Kansas after Wendy filed in Washington, but before she served Justin. CP 58. Justin had Wendy's filing date wrong. *Id.* The parties filed on the same day, Justin filing shortly before the Washington courts were open due to the two-hour time difference. BA 7 n.4; CP 58, 96.

state, that Washington could not properly exercise temporary emergency jurisdiction, and that Washington should decline to exercise its jurisdiction in favor of Kansas, the more appropriate forum. *Id.* at 5-6. Wendy moved to revise, and Justin filed copies of the Kansas pleadings and orders, including his dissolution petition and the temporary custody and support orders. *Id.*

On July 9, a Superior Court Judge denied Wendy's motion to revise the commissioner's order declining to exercise jurisdiction in favor of Kansas. *Id.* The Judge revised the commissioner's ruling "in so far as it found that there was no home state," finding that Kansas is H's home state, where he lived there for six consecutive months, his absence in Costa Rica was temporary. *Id.*

D. Wendy neglects to inform this Court that while her appeal was pending, she agreed that Kansas is H's home state and agreed to a parenting plan, finally resolving this matter in Kansas.

Wendy appealed on July 18, 2012, the same day that her Kansas attorney appeared on her behalf in the ongoing Kansas litigation. CP 1-2; Kansas Docket, p. 5, Action 14, attached as Appendix B. On October 4, 2012, Wendy asked the Kansas court not to exercise its jurisdiction, in favor of Washington. App. B, p. 6, Action 21. She filed her Brief of Appellant on November 7. One

week later, the Kansas court denied her motion not to exercise jurisdiction. App. B, p. 7, Action 26.

Appellate briefing was complete on April 1, 2013. Two weeks later, the Kansas court entered a dissolution decree, stating the parties' agreement that "the Court has jurisdiction over the minor child of the parties by reason of the fact that the home state at the time of the filing of the petition was, and is now, Kansas." Appendix A, Declaration of Jennifer Passiglia (Justin's Kansas attorney) at 1-2. The dissolution decree is final as to the dissolution of the parties' marriage. App. A, Ex 1.

The appellate court held oral argument on May 29, 2013. On June 3, 2013, Wendy again moved the Kansas court not to exercise its jurisdiction, in favor of Washington. App. A at 2; App. B, p. 15, Action 71. But Wendy and Justin subsequently reached agreement on all parenting issues, including custody, residence, and parenting time. App. A at 2. The Kansas court entered this Agreed Order and Parenting Plan, finally resolving all parenting issues, on June 12, 2013. App. A at 2, Ex 2.

The Kansas court subsequently entered a memorandum opinion resolving outstanding issues on child support, uninsured medical expenses, travel-expense reimbursement, division of

property, and assessment of the case manager's expenses. App. A at 2. The court scheduled a review hearing for May 2014. *Id.* at 2-3. This order acknowledges the Kansas court's prior ruling that Kansas is H's home state. *Id.*

The only subsequent litigation addressed Wendy's intent to take H to Canada. *Id.* at 3. The Kansas court entered child-abduction-prevention remedies under Kansas law, on July 12, 2013. *Id.*

The Court of Appeals issued its decision on July 15, 2013. Wendy filed her Petition for Review on August 12, 2013, one-and-one-half months after agreeing to final orders resolving all parenting issues in Kansas.

REASONS THIS COURT SHOULD DENY REVIEW

A. This Court should deny review because the parties have finally resolved all parenting issues in Kansas.

Wendy neglects to inform this Court that the Kansas court has finally resolved all custody and parenting issues. App. A at 1-2. Indeed, Wendy agreed that Kansas is H's home state, and agreed to the final parenting plan. *Id.* Continuing this litigation in Washington serves no purpose other than to waste time and resources. This Court should deny review.

Moreover, this Court cannot provide effective relief, so Wendy's appeal is moot. *In re Marriage of Horner*, 151 Wn.2d 884, 891, 93 P.3d 124 (2004) (quoting *Orwick v. City of Seattle*, 103 Wn.2d 249, 253, 692 P.2d 793 (1984)). Wendy asks this Court to hold that H has no home state, which would require our Superior Court, on remand, to decide whether to decline to exercise its jurisdiction in favor of Kansas. Pet. at 11; RCW 26.27.201(1)(b). But that court already declined to exercise its jurisdiction in favor of Kansas, finding it to be the more appropriate forum. CP 10; *McDermott* at 19 n.14. The appellate court did not reach that issue, and Wendy does not seek this Court's review on that point. *McDermott* at 19. n.14. Thus, a reversal would not change the status quo – Kansas would remain the more appropriate forum and its orders would stand. This Court should deny review. RAP 18.9(c)(2); *Hart v. Dep't of Soc. & Health Servs.*, 111 Wn.2d 445, 447, 759 P.2d 1206 (1988) ("It is a general rule that, where only moot questions or abstract propositions are involved, . . . the appeal . . . should be dismissed") (quoting *Sorenson v. City of Bellingham*, 80 Wn.2d 547, 558, 496 P.2d 512 (1972)).

An exception to this rule does not apply. Although appellate courts will consider moot appeals that involve "matters of continuing

and substantial public interest,” none are present here. *Hart*, 111 Wn.2d at 450-51 (discussing *Sorenson*, 80 Wn.2d at 558). To determine whether a matter, though moot, presents matters of continuing and substantial interest, our courts consider “(1) whether the issue is of a public or private nature; (2) whether an authoritative determination is desirable to provide future guidance to public officers; and (3) whether the issue is likely to recur.” *Hart*, 111 Wn.2d at 448.

The first factor is not present here, as this is a private dispute. 111 Wn.2d at 451. The second factor is not present, where “[d]ecisions of moot cases with limited fact situations provide little guidance to other public officials.” *Id.* This matter is plainly limited to a narrow set of facts – a child whose home state turns on his birth in a temporary location. And the third factor is not present, where the unique facts of this case make recurrence unlikely. This Court should follow the general rule that moot cases are not subject to review.

B. The trial and appellate courts correctly determined that H’s home state is Kansas, where he lived for the first six months of his life, including a temporary absence in Costa Rica. (Pet. 6-15).

The UCCJEA defines “Home state” as “the state in which a child lived with a parent or a person acting as a parent for at least

six consecutive months immediately before the commencement of a child custody proceeding.” RCW 26.27.021(7). In determining home state, “[a] period of temporary absence of a child, parent, or person acting as a parent is part of the period.” *Id.*

H was born in Costa Rica, returned to the parties’ Kansas family home when he was just six weeks old, and remained in Kansas for 5.5 months before Wendy removed him to Washington. **McDermott** at 14; CP 10, 41-42. The superior court ruled that H’s home state is Kansas, finding that H’s birth in Costa Rica was a temporary absence from Kansas, where his parents (1) lived in Kansas; (2) decided to give birth in Costa Rica so he would enjoy dual citizenship; (3) intended to return to Kansas with him; and (4) were themselves temporarily absent from Kansas. CP 9-10. Thus, the court correctly ruled that Washington’s courts may not make an initial custody determination regarding H unless Kansas declined to do so. *Id.* Kansas has repeatedly denied Wendy’s requests to decline to exercise its jurisdiction in favor of Washington. App. A.

The appellate court agreed, correctly holding that H’s absence from Kansas was “temporary,” just as his parents’ absences from Kansas were temporary. **McDermott** at 15-16. The appellate court explained that Washington courts (and foreign

courts) determining whether a child's absence was temporary "consider the parents' intent." *Id.* at 15 (citing *In re Parentage of A.R.K.-K.*, 142 Wn. App. 297, 303-04, 174 P.3d 160 (2007) (citing *In re Marriage of Payne*, 79 Wn. App. 43, 52, 899 P.2d 1318 (1995)); *In re Parentage of Frost*, 289 Ill. App. 3d 95, 681 N.E.2d 1030 (1997)).³ The court held that the unchallenged findings – verities – that both parties lived in Kansas and intended to return to Kansas with H supported the trial court's conclusion that H's absence from Kansas was temporary. *McDermott* at 16. Wendy has no answer for the simple fact that unchallenged findings plainly support the trial and appellate court decisions.

The appellate court also correctly rejected Wendy's argument that H's time in Costa Rica could not be a temporary absence because H had never been "present" in Kansas, having been born in Costa Rica. *Id.* at 16-17; Pet. at 10-13. The court summarily distinguished the foreign cases upon which Wendy

³ Wendy ignores these Washington cases, citing a foreign case for the proposition that the parents' intent is irrelevant to determining child's home state. Pet. at 9 (citing *Prizzia v. Prizzia*, 58 V. App. 137, 707 S.E.2d 461, 468 n.6 (2011)). There, the mother argued – apparently for the first time during oral argument – that the family had always intended to return to Hungary. *Prizzia*, 707 S.E.2d at 468 n.6. The appellate court held that the unilateral subjective intent did not change the fact that the family had bought a home and lived in Virginia for 2.5 years. *Id.* Thus, the intent to live somewhere else in the future did not alter the child's home state. *Id.* This matter is easily distinguishable, where the parties never lived in Costa Rica, but were merely visiting.

relies, holding that none involve the precise question here: “whether a newborn child is temporarily absent from the state in which his or her parents live when both parents are, by definition, temporarily absent from the state and both parents intend to return with the child to the state.” **McDermott** at 17 n.12. The court held that Wendy’s “strained interpretation . . . would lead to the absurd result that a newborn child does not ‘live’ in the same state as that in which the child’s parents both ‘live’” and intended to return, simply because his mother gave birth outside of the state. *Id.* at 17. In short, “where both parents intend a child’s absence from the state to be temporary, the duration of that absence must be counted toward the establishment of a home state pursuant to the UCCJEA, even if the child is born during that absence.” *Id.* at 18-19.

Wendy incorrectly claims that the appellate opinion “complicates the home state definition.” Pet. at 11. There is nothing complicated about the idea that a newborn child lives where his parents live. What is complicated and “unhelpful[]” is the rule Wendy proposes: that a child born outside of his parent’s home state, with the bilateral intention of returning to the home state, nonetheless has no home state. That is truly “absurd.” **McDermott** at 17.

Wendy's argument that the UCCJEA home-state determination focuses on where a child "lived," not where he resided or was domiciled, is accurate, but supports the trial and appellate courts' decisions. Pet. at 8-10. It is undisputed that Wendy and Justin both lived in Kansas and that H lived there with them after being born in Costa Rica. CP 9-10; **McDermott** at 16. Neither the parties nor H ever "lived in" Costa Rica, but were there only temporarily. *Id.* The appellate opinion has nothing to do with residence or domicile, but holds that H "lived" where his parents lived – in Kansas. **McDermott** at 17-18.

Finally, Wendy's "objective physical presence" test is equally unavailing. Pet. at 10-13. H was "physically present" in Kansas for more than six months immediately preceding the commencement of this litigation, save for his temporary absence in Costa Rica.

C. The appellate court correctly held that the trial court did not have to confer with Kansas, where it made no custody determination necessary to trigger the judicial-conference requirement. (Pet. 15-17).

Wendy claims that once the Superior Court Commissioner took temporary emergency jurisdiction, her order "remained in effect" until the Washington Court communicated with Kansas, which – Wendy claims – "would have revealed there was no active litigation in Kansas . . . nowhere really to send this case." Pet. at

16. The first piece of Wendy's argument entirely ignores the appellate court's correct opinion as well as the statutes addressing judicial conferences. The second piece is simply false – a judicial conference would have revealed that Justin's Kansas dissolution proceeding was ongoing.

Wendy's argument is premised on RCW 26.27.251(2) and RCW 26.27.231(4), both of which require Washington judges to communicate with foreign judges "before performing or continuing to perform a specific act." *McDermott* at 21. Under RCW 26.27.251(2), a superior court judge must examine the information provided by the parties "before hearing a child custody proceeding," and, if that information reveals that a proceeding has been commenced in a foreign court, must "stay its proceeding and communicate with the court of the other state." *Id.* (quoting RCW 26.27.251(2)). In other words, there are two necessary predicates to the judicial-conference requirement in RCW 26.27.251(2): the superior court (1) is asked to hear a child custody proceeding; and (2) determines that a proceeding has been commenced in a foreign court. *Id.*

Under RCW 26.27.231(4), a Superior Court that has been asked to make a "child custody determination' by exercising

temporary emergency jurisdiction,” must communicate with a foreign court upon learning that an action has been commenced in that state. **McDermott** at 21 (quoting RCW 26.27.231(4)). In other words, there are three necessary predicates to the judicial-conference requirement in RCW 26.27.231(4): the Superior Court (1) is asked to make a child custody determination; (2) is exercising temporary emergency jurisdiction; and (3) is informed that a proceeding has been commenced in a foreign court. *Id.*

“Here, the superior court judge made no ‘child custody determination’ and heard no ‘child custody proceeding,’ but “determined that the court was not authorized to exercise its jurisdiction pursuant to the UCCJEA and, thus, should not make a child custody determination involving H.M.” **McDermott** at 22. The court’s decision pertained only to its “authority to exercise its jurisdiction, not to child custody.” *Id.*

This holding is consistent with the statutes’ plain language and with Legislative intent. Nothing in the UCCJEA requires a Washington court to communicate with a foreign court to determine its authority to exercise its jurisdiction. *Id.* Such a requirement would not further the legislative purpose underlying the UCCJEA,

reducing conflicting child custody orders. *Id.* at 22-23. This Court should deny review.

D. The appellate opinion is consistent with this Court's opinion in *In re Custody of A.C.* (Pet. 17-18).

Wendy asks this Court to accept review to "clarify" whether "the UCCJEA involves subject matter jurisdiction." Pet. at 17-18. But this Court already held that our Superior Courts plainly have subject matter jurisdiction over child custody proceedings, including proceedings falling under the UCCJEA. *In re Custody of A.C.*, 165 Wn.2d 568, 573 n.3, 200 P.3d 689 (2009). The appellate opinion follows *A.C.* This Court should deny review.

This Court has noted that the "term "subject matter jurisdiction" is often confused with a court's "authority" to rule in a particular manner," leading to "improvident and inconsistent use of the term." *Marley v. Dep't of Labor & Indus.*, 125 Wn.2d 533, 539, 886 P.2d 189 (1994) (quoting *In re Marriage of Major*, 71 Wn. App. 531, 534-35, 859 P.2d 1262 (1993)). Whether a court has subject matter jurisdiction depends on the "type of controversy" involved in the action, irrespective of the particular case. *Dougherty v. Dep't of Labor & Indus.*, 150 Wn.2d 310, 316-17, 76 P.3d 1183 (2003); *Cole v. Harveyland, LLC.*, 163 Wn. App. 199, 209, 258 P.3d 70 (2011). Superior Courts have broad original

subject matter jurisdiction in “all cases ... in which jurisdiction shall not have been by law vested exclusively in some other court,” by an explicit act of Congress or the Legislature. Const, art. IV, § 6.

Congress can limit the Superior Courts’ subject matter jurisdiction only by vesting jurisdiction “*in some other court*,” presumably a court of limited jurisdiction. **Young v. Clark**, 149 Wn.2d 130, 133-34, 65 P.3d 1192 (2003) (citing **Moore v. Perrot**, 2 Wash. 1, 4, 25 P. 906 (1891) (emphasis original)). Exceptions to this broad jurisdictional grant “are narrowly construed.” **Burnside v. Simpson Paper Co.**, 123 Wn.2d 93, 98-99, 864 P.2d 937 (1994); **Cole**, 163 Wn. App. at 206.

This Court held in **A.C.** that the UCCJEA is one example of the improvident use of the term “subject matter jurisdiction.” 165 Wn.2d at 573 n.3. Although the UCCJEA uses the term “jurisdiction,” it does not use the term “subject matter jurisdiction” in its text, but only in one comment. **McDermott** at 10 n.6. Nonetheless, in **A.C.** the biological mother moved to dismiss a nonparental custody petition, asserting that the Washington Superior Court lacked subject matter jurisdiction. 165 Wn.2d at 573. This Court summarily held that the Superior Court plainly had subject matter jurisdiction over the child-custody proceeding under

Const, art. IV, § 6, even though Montana was the proper “venue” under the UCCJEA. *Id.* at n.3 (explaining that the UCCJEA “more accurately” governs “exclusive venue,” not subject matter jurisdiction).

A.C. is plainly correct. The purpose of the UCCJEA is to decrease conflicting orders from competing jurisdictions. **A.C.**, 165 Wn.2d at 574. This assumes that each issuing court had subject matter jurisdiction, where orders entered by a court without subject matter jurisdiction are void, so could not possibly conflict with a foreign court’s orders. **McDermott** at 11 n.8 & 12. In other words, the UCCJEA must pertain to the Superior Court’s exercise of its jurisdiction – or “exclusive venue” – or the UCCJEA is itself inconsistent with its own core purpose.

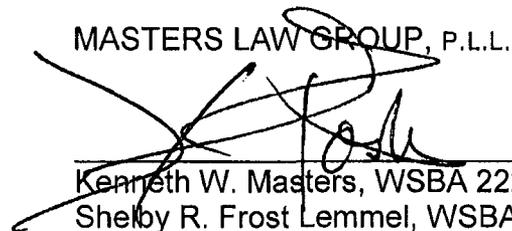
The appellate court plainly stated its agreement with this Court’s holding in **A.C. McDermott** at 10-11. There is no substantial public interest in further “clarifying” **A.C.**’s very straightforward holding. And Justin simply cannot afford to litigate an issue that does not affect this case and that neither party raised on appeal. This Court should deny review.

CONCLUSION

Wendy agreed that Kansas is H's home state and agreed to final orders resolving all parenting issues. Her appeal is moot and presents no issues of continuing and substantial public interest. This Court should decline review.

RESPECTFULLY SUBMITTED this 11th day of September, 2013.

MASTERS LAW GROUP, P.L.L.C.



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CERTIFICATE OF SERVICE BY MAIL

I certify that I caused to be mailed, a copy of the foregoing **ANSWER TO PETITION FOR REVIEW** postage prepaid, via U.S. mail on the 11th day of September 2013, to the following counsel of record at the following addresses:

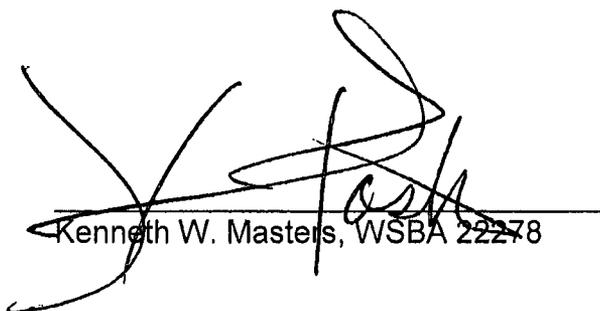
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IN THE SUPREME COURT OF
THE STATE OF WASHINGTON

In re the Marriage of:

WENDY A. McDERMOTT,

Appellant,

and

JUSTIN J. McDERMOTT,

Respondent.

No.

Court of Appeals No. 69107-4-1

DECLARATION OF JENNIFER
PASSIGLIA

I, Jennifer Passiglia, declare as follows:

I am an attorney in Kansas and am representing Justin McDermott in his dissolution proceedings before the District Court of Chautauqua County in Kansas.

Attached is a file marked certified copy of the Journal Entry and Decree of Divorce entered in *In re: Marriage of McDermott*, No. 12 DN 15. The Journal Entry and the Decree of Divorce is a final Order granting a divorce on the grounds of incompatibility. This order states "the parties announce to the Court that they have agreed as follows: . . . the Court has jurisdiction over the minor child of the parties by reason of the fact that the home state at the

DECLARATION OF JENNIFER PASSIGLIA - 1

APPENDIX A

time of the filing of the petition was, and is now, Kansas." Order at pg. 2 ¶ 3. This Order is a final Order regarding the dissolution of the marital relationship.

The parties were able to reach an agreement regarding custody, residence, and parenting time of the minor child, embodied in the Agreed Order and Parenting Plan filed on June 12, 2013. Respondent Wendy McDermott appeared in person and by and through counsel. Orders pertaining to custody, residence and parenting are always subject to modification until the child reaches the age of 18, and the Agreed Order sets a reviewing hearing in May 2014. Although the Agreed Order stated that Wendy reserved her objection to Kansas being the home state, she nonetheless consented to the Agreed Order and Parenting Plan.

A Memorandum Opinion issued by the District Court Judge on June 28, 2013 addressed unresolved issues of child support, uninsured medical expenses, travel expense reimbursement, division of property, and assessment of the case manager's expenses. Subsection VI of the memorandum acknowledges the Kansas Court's October 24, 2012, ruling that Kansas is the child's home state. The court notes that Wendy continues to object to

DECLARATION OF JENNIFER PASSIGLIA - 2

APPENDIX A

Kansas "exercising jurisdiction in this case," and states that there will be no further order on this issue until the May 2014 review hearing. Memo. Op. at pg. 10 ¶ 3.

The only litigation since the June 28, 2013 Memorandum ruling addressed Wendy's intent to take Holden to Canada. The trial court entered child abduction prevention remedies under Kansas statutes on July 12, 2013.

All issues are fully resolved in this matter at this time.

Before all of these issues were resolved, Wendy asked the Kansas court to defer to Washington jurisdiction in October 2012. The Kansas court denied this request. Wendy never sought a stay of the Kansas action.

I declare that the foregoing is true and correct under penalty of perjury under the laws of the State of Washington.

Dated this 28 day of August, 2013, at Winfield, Kansas.


Jennifer Passiglia
Attorney

DECLARATION OF JENNIFER PASSIGLIA - 3

APPENDIX A

Page 2

Journal Entry and Decree of Divorce

McDermott v. McDermott No. 12 DM 15

3. The parties were legally married on the 17th day of March, 2011, in Miami, Oklahoma; the marriage has produced one child and the Court has jurisdiction over the minor child of the parties by reason of the fact that the home state at the time of the filing of the petition was, and is now, Kansas.

4. The parties agree that all matters pertaining to the minor child of the marriage, Holden James McDermott, born in 2011, including custody, parenting time, support, health insurance, tax exemptions and all issues relating to limited case management, shall be held for further order and hearing of the Court.

5. The parties agree that all matters pertaining to the property and debt division, and all other matters other than the parties being divorced, shall be held for further order and hearing of the Court.

6. The Respondent requests that her former name of KITCHELL be restored to her.

7. The Respondent continues her objection to Kansas exercising jurisdiction in this case.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Petitioner be and hereby is divorced from the Respondent and that the bonds of matrimony heretofore existing between the parties be dissolved, set aside and held for naught.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all matters pertaining to the minor child of the marriage, Holden James McDermott, born in 2011, including

APPENDIX A

Page 3

Journal Entry and Decree of Divorce

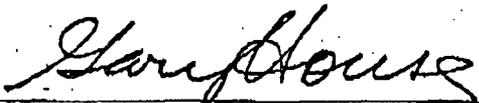
McDermott v. McDermott No. 12 DM 15

custody, parenting time, support, health insurance, tax exemptions and all issues relating to limited case management, shall be held for further order and hearing of the Court, and all matters pertaining to property and debt division and any other matters other than the divorce, be held for further hearing and Order of this Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent's former name of KITCHELL shall be and hereby is restored to her, and the Court further recognizes that Respondent continues to object to Kansas exercising jurisdiction in this case.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court any marriage contracted by a party, within or without this state, with any other person before a judgment of divorce becomes final shall be voidable until the decree of divorce becomes final. An agreement which waives the right of appeal from the granting of the divorce and which is incorporated into the decree or signed by the parties and filed in the case shall be effective to shorten the period of time during which the remarriage is voidable.

IT IS ALL SO ORDERED.



District Court Judge

APPENDIX A

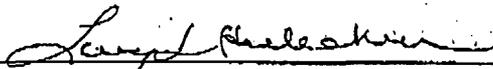
Page 4

Journal Entry and Decree of Divorce

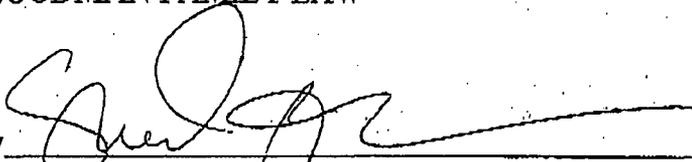
McDermott v. McDermott No. 12 DM 15

APPROVED:

HERLOCKER, ROBERTS & HERLOCKER, L.L.C.

By 
Lucy L. Herlocker

FLOODMAN FAMILY LAW

By 
Sheila J. Floodman

APPENDIX A

FLOODMAN FAMILY LAW
323 North Market
Wichita, Kansas 67202
(316) 269-1950
(316) 613-2895 (fax)

FILED

2013 JUN 12 PM 1:26

JANIS STEPHENSON
CLERK OF DISTRICT COURT
CHAUTAUQUA CO., KS

IN THE DISTRICT COURT OF CHAUTAUQUA COUNTY, KANSAS
FAMILY LAW DEPARTMENT

IN THE MATTER OF THE MARRIAGE OF)

JUSTIN J. MCDERMOTT,
Petitioner,

and

WENDY A. MCDERMOTT,
Respondent

Case No. 12 DM 15

PURSUANT TO CHAPTER 23 OF
KANSAS STATUTES ANNOTATED

AGREED ORDER AND PARENTING PLAN

NOW, on this 15th day of April, 2013 this matter comes before the Court. The Petitioner appears in person and by and through his attorneys, Lucy L. Herlocker of Herlocker, Roberts & Herlocker, LLC and Jennifer Passiglia. The Respondent appears in person and by and through her attorney, Sheila J. Floodman of Floodman Family Law. Respondent reserves her objection to jurisdiction of this matter in Kansas. Respondent agrees to withdraw without prejudice her Motion for psychological and alcohol evaluations at this time due to the agreement reached hereinbelow which agrees to the utilization of Jeanne Erikson as a limited case manager.

WHEREUPON, the parties announce to the Court the following agreement:

1. The parties shall have joint legal custody of the minor child:
Holden McDermott, born x/xx/11.
2. That the Respondent shall have the primary residency of the minor child.

3. The parties will share joint legal custody, which means each has equal responsibility, and rights for making major decisions about Holden's health and education. In addition, each has access to his medical and educational records on demand.

4. Day-to-day decisions about activities and religious observances will be made by the parent supervising Holden that date.

5. The minor child will have parenting time with the Petitioner as follows and at any other time the parties may agree:

- a. In person parenting time in blocks of time, every fifth weekend, through April, 2014. The Petitioner, or his family member, will travel to the Seattle area to pick up the minor child and will pay his own travel expenses. Respondent or her family member, will travel to Kansas City, Missouri to pick up the minor child at the conclusion of Petitioner's parenting time and shall pay her own travel expenses. The parties will share in the minor child's travel expenses equally. Those travel expenses will have to be prepaid before travel.
- b. The parties agree they will attempt to have the minor child's travel be a non-stop flight in order to minimize the stress of the travel on Holden.
- c. The parenting time established by the parties is as follows:
 - 1) May 18 - May 22, 2013 (4 nights);
 - 2) June 13 - June 17, 2013 (4 nights);
- d. The following parenting time will be finalized and adjusted depending upon Respondent's schedule and also taking into consideration Petitioner's schedule:
 - 1) July 19 - July 23, 2013 (4 nights);

- 2) August 23 - August 27, 2013 (4 nights);
 - 3) September 27 - October 1, 2013 (4 nights);
 - 4) October 31 - November 5, 2013 (5 nights);
- e. Thanksgiving weekend from November 27 - December 2, 2013. On that weekend, Petitioner shall pay all of the cost of transportation, including that of Respondent on this weekend, and said costs shall be paid in advance.
 - f. The Petitioner will have parenting time for 5 nights/6 days in December which shall include the weekend before Christmas.
 - g. The Petitioner will have parenting time 5 weeks after the December parenting time in January, 2014 for 5 nights/6 days.
 - h. The Petitioner will have parenting time 5 weeks after the January, 2014 parenting time in February, 2014 for 5 nights/6 days.
 - i. The Petitioner will have parenting time 5 weeks after the February, 2014 parenting time in March, 2014 for 5 nights/6 days.
 - j. The Petitioner will have parenting time 5 weeks after the March, 2014 parenting time in April, 2014 for 5 nights/6 days.
 - k. In the event Petitioner travels to Washington, Respondent agrees to allow access of the minor child for parenting time.
6. In the event either party feels Holden is not adjusting well to parenting time, the issue of timing shall be submitted to limited case management for resolution and/or recommendations.
 7. Jeanne Erikson will also serve as a limited case manager in order to resolve any disputes as to the specifics of parenting time due to the parties' work schedules.

8. Jeanne Erikson shall remain on the case in a monitoring capacity only until either party advises an impasse has been reached on any parenting issues. Either party may copy emails or texts to the limited case manager to provide background for any dispute. Limited Case Management fees will be charged only for intervention by Jeanne Erikson as a limited case manager.

9. Both parties will attend counseling addressing anger management issues for at least six (6) sessions by a licensed mental health provider with a speciality in that work and shall provide proof of such attendance and a summary of completion by the provider by the end of June, 2013 to Jeanne Erikson and counsel.

10. Skype and/or phone parenting time shall occur between Holden and the parent not supervising that date, so Holden "talks to" the other parent at least three times a week. This includes time he is with the Petitioner on parenting times. The object is to maintain familiarity with, and strong attachment to, each parent by not going over three days between voice contacts.

11. Alcohol may not be consumed by the parties, any parent figure(s), or any caregiver(s) while Holden is present, nor are any of the above parties to transport him within four (4) hours after consuming an alcoholic beverage.

12. Each party shall keep all weapons, including guns, locked away when Holden is present for his safety. They shall agree when he is of age to hunt or have his own guns, or it is legal to attend Hunter's Safety, whichever is earlier.

13. Each party shall email or text the other about parent business for Holden such as educational options, child care, his health, illness, travel schedules, etc.

14. The Petitioner and Respondent shall promptly advise each other of any injury, illness, or other significant developments relating to the minor child.

15. The Petitioner and Respondent shall not attempt, condone, or encourage, directly or indirectly, by any means whatsoever, the alienation or estrangement of the child from the other party or to adversely affect in any way his mutual love and affection.

16. The Petitioner and Respondent shall at all times encourage and foster in the minor child sincere respect, love and affection for both parties and shall not in any manner interfere with the natural development of respect, love and affection for the other party.

17. The Petitioner and Respondent shall each be entitled to have immediate access from the other party or from others to records and information pertaining to the minor child, including, but not limited to, medical, dental, health, school or other educational records and information.

18. Neither of the parties shall move to another city or town without first giving thirty (30) days advance, written notice by certified mail to the other party, so that adequate adjustments can be made concerning the custody, visitation and support of the minor child of this marriage, so that adequate arrangements can be made with regard to providing transportation for the purposes of such visitation and for payment of the costs and expenses of transportation for the purposes of such visitation, should the move actually take place. This provision also applies if the custodian plans to remove the child from his residential State for more than ninety (90) days.

19. The Petitioner and Respondent shall keep each other advised of their residence and business addresses and their residence and business telephone numbers, the name and telephone number of any babysitters, and their whereabouts when on vacation or extended trips with the minor child.

20. The child shall be allowed to speak by telephone, at reasonable times and for reasonable intervals, with the other parent when the minor child is in the actual custody or

subject to the control of the other party.

21. Respondent reserves her objection to Kansas being the home state of the minor child and future Orders will be subject to review of that issue.

22. The court will review this matter and sets aside two days for such a review, if necessary, on May 12 and 13, 2014.

23. Petitioner shall pay the Respondent the sum of \$1,275.00 towards his child support obligation to be paid on April 16, 2013. Petitioner shall provide proof that he made three child support payments of \$255.00 per month subsequent to March, 2012.

24. The following issues shall be submitted to the Court by counsel for parties in writing and the Court shall make a ruling on said issues. The court may seek additional clarification with counsel as needed on this issue.

- a. Issue of child support owed by Petitioner to Respondent for December, 2012 forward.
- b. Issue of medical expenses owed by Petitioner to Respondent.
- c. Issue of travel expenses paid by Respondent for October and December, 2012 and travel expenses of Petitioner to Washington in 2012.
- d. Issues regarding division of property.
- e. Issue of the allocation of expenses of Jeanne Erikson as related to preparation and attendance of this hearing. Respondent shall advance the sum of \$1,081.50 to Dr. Erikson for those expenses with the allocation to be reserved.
- f. Issue as to whether Petitioner being current on child support is a prerequisite for the exercise of parenting time by Petitioner for the following month.

WHEREUPON, the above and foregoing are hereby made, the Order, Judgment and Decree of the Court.

IT IS SO ORDERED.

Hampshire
JUDGE

APPROVED BY:

FLOODMAN FAMILY LAW

Megan Kindvall for
SHELLA J. FLOODMAN, #10095
323 North Market
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sfloodman@floodmanlaw.com
Attorney for Respondent

HERLOCKER, ROBERTS & HERLOCKER, LLC

Lucy L. Herlocker
LUCY L. HERLOCKER, #12959
P.O. Box 754
Winfield, Ks 67156
(620) 221-4600
Attorney for Petitioner

JENNIFER PASSIGLIA, #
Attorney for Petitioner

Chautauqua County District Court Search - Case Display

Case Number: 15

Case Year: 2012	Case UID: 2012-DM-000015
Case Type: DM	Filed: 2012-03-29
Case Sub-type: Marriage Dissolution/Divorce	
Advisement Date:	Remand Date:
Appealed: N	Appealed Date:
Status Code: 2	Status Date: 2013-04-15
Status Description: Disposed	

Defendants

Party

Defendant Number: 1		
Last Name (or Business Name): McDermott		
First Name: Wendy	Middle: A	Suffix:

Description

Sex: F	Race:
Height:	Weight:

Bond

Status: Open	Type: Cash
Bond Amount: 2500.00	Date Posted: 2013-07-17
Failed to Appear: N	Notice of Forfeiture:

Defense Attorney 1

Last Name: Kruser	First: Mark	Middle: W
Primary Attorney: N	Court Appointed: N	Conflict Attorney: N
Withdrawn: N	Send Notices: Y	

APPENDIX B

Practice or Office:

Defense Attorney 2

Last Name: Floodman	First: Sheila	Middle: J
Primary Attorney: Y	Court Appointed: N	Conflict Attorney: N
Withdrawn: N	Send Notices: Y	
Practice or Office:		

Plaintiff**Party**

Plaintiff Number: 1	Amount Claimed: 0.00
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Last Name (or Business Name): McDermott		
First Name: Justin	Middle: J	Suffix:

Description

Sex: M	Race: White
Height: 6 feet, 03 inches	Weight: 220 pounds

Plaintiff Attorney 1

Last Name: Herlocker	First: Lucy	Middle: L
Primary Attorney: Y	Court Appointed: N	Conflict Attorney: N
Withdrawn: N	Send Notices: Y	
Practice or Office:		

Plaintiff Attorney 2

Last Name: Passiglia	First: Jennifer	Middle:
Primary Attorney: N	Court Appointed: N	Conflict Attorney: N
Withdrawn: N	Send Notices: Y	
Practice or Office:		

Case Judge

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APPENDIX B

Last Name: House	First: Gary	Middle:	Suffix:
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Registry of Actions

Action 1

Action Date: 2012-03-29	Action Type: PET
Action Agent: F. William Cullins	
Description: Petition Filed Document Title: Petition for Divorce Document ID: 16893	

Action 2

Action Date: 2012-03-29	Action Type:
Action Agent: F. William Cullins	
Description: Filing: Divorce/Paternity Docket Fee Paid by: Herlocker, Lucy L (attorney for McDermott, Justin J) Receipt number: 0011607 Dated: 3/29/2012 Amount: \$178.00 (Check) For: McDermott, Justin J (plaintiff)	

Action 3

Action Date: 2012-03-29	Action Type: DOMESREL
Action Agent: F. William Cullins	
Description: Domestic Relations Affidavit Document Title: Domestic Relations Affidavit of Petitioner Document ID: 16894	

Action 4

Action Date: 2012-03-29	Action Type: APPLI
Action Agent: F. William Cullins	
Description: Application for Document Title: Application for Temporary Custody Document ID: 16895	

Action 5

Action Date: 2012-03-29	Action Type: APPLI
Action Agent: F. William Cullins	
Description: Application for Document Title: Application for Temporary Support - 139;/s/L Herlocker Document ID: 16896	

Action 6

Action Date: 2012-03-29	Action Type: APPLI
Action Agent: F. William Cullins	
Description: Application for Document Title: Application for Restraining Order Document ID: 16897	

Action 7

Action Date: 2012-03-29	Action Type: CSW
Action Agent: F. William Cullins	
Description: Child Support Worksheet Document Title: Child Support Worksheet Document ID: 16898	

Action 8

Action Date: 2012-04-02	Action Type: PAPL
Action Agent: F. William Cullins	
Description: Parenting Plan Document Title: Temporary Parenting Plan Document ID: 16961	

Action 9

Action Date: 2012-04-02	Action Type: TEXT
Action Agent: F. William Cullins	
Description: TEXT Document Title: Temporary Custody Order;/s/GH Document ID: 16962	

Action 10

Action Date: 2012-04-02	Action Type: TEXT
Action Agent: F. William Cullins	
Description: TEXT Document Title: Temporary Support Order;/s/GH Document ID: 16963	

Action 11

Action Date: 2012-04-02	Action Type: TEXT
Action Agent: F. William Cullins	
Description: TEXT Document Title: Restraining Order;/s/GH Document ID: 16964	

Action 12

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Action Date: 2012-04-04	Action Type:
Action Agent: Gary House	
Description: Child Support KPC \$255 per mo	

Action 13

Action Date: 2012-06-22	Action Type: ISSD
Action Agent: F. William Cullins	
Description: Summons: Issued to Wendy A Mcdermott on 6/22/2012; Assigned to Out of County Sheriff. Service Fee of \$200.00.	

Action 14

Action Date: 2012-07-18	Action Type: EOA
Action Agent: F. William Cullins	
Description: Entry of Appearance;/s/ Mark Krusor Document Title: Entry of Appearance Document ID: 18449	

Action 15

Action Date: 2012-07-18	Action Type: ANS
Action Agent: F. William Cullins	
Description: Answer;/s/ Krusor Document Title: Answer Document ID: 18450	

Action 16

Action Date: 2012-07-27	Action Type: MOT
Action Agent: F. William Cullins	
Description: Motion Document Title: Motion for the Court to Order Child Returned to Kansas Pursuant to the Temporary Orders - L Herlocker Document ID: 18566	

Action 17

Action Date: 2012-08-21	Action Type: TEXT
Action Agent: Gary House	
Description: TEXT Document Title: Respondents Proposed Parenting Plan Document ID: 18946	

Action 18

Action Date: 2012-08-21	Action Type: MOT
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Action Agent: Gary House
Description: Motion to Modify;Notice of hearing;10/24/12 @ 9AM;/s/ Krusor Document Title: Motion Document ID: 19239

Action 19

Action Date: 2012-08-21	Action Type: MOT
Action Agent: Gary House	
Description: Motion for Continuance;Notice of hearing; 10/214/12 @ 9AM;/s/ Krusor Document Title: Motion Document ID: 19240	

Action 20

Action Date: 2012-10-03	Action Type: ORD
Action Agent: Gary House	
Description: Order Document Title: Order - GH Document ID: 19508	

Action 21

Action Date: 2012-10-04	Action Type: MOT
Action Agent: Gary House	
Description: Motion Document Title: Memorandum in Support of Respondents Motion Proying that Kansas Decline Jurisdiction Under the Uniform Child Custody Jurisdiction Enforcement Act - M Krusor Document ID: 19512	

Action 22

Action Date: 2012-10-16	Action Type: PETIT
Action Agent: Gary House	
Description: Petition Document Title: Petitioners Proposed Factual Statement - L Herlocker Document ID: 19650	

Action 23

Action Date: 2012-10-16	Action Type: TEXT
Action Agent: Gary House	
Description: TEXT Document Title: Petitioners Memorandum in Opposition to Respondents Motion Praying that Kansas Decline to Exercise Jursidiction Under the UCCJEA - L Herlocker Document ID: 19651	

Action 24

Action Date: 2012-10-22	Action Type: TEXT
Action Agent: Gary House	
Description: TEXT Document Title: Respondents Proposed Findings of Fact Document ID: 19704	

Action 25

Action Date: 2012-11-06	Action Type: ORD
Action Agent: Gary House	
Description: Order for Mediation;/s/ GH copy & Herlocker 's ck for \$25 mailed to Nancy Finley Document Title: Order for Mediation Document ID: 19904	

Action 26

Action Date: 2012-11-14	Action Type: ORD
Action Agent: Gary House	
Description: Order Document Title: Order Denying Respondents Motion for Kansas to Decline to Exercise Jurisdiction Under the UCCJEA - GH Document ID: 19998	

Action 27

Action Date: 2012-11-14	Action Type: ORD
Action Agent: Gary House	
Description: Order Document Title: Order for Hearing - GH Document ID: 19999	

Action 28

Action Date: 2012-11-16	Action Type: CRS
Action Agent: Gary House	
Description: Correspondence;Resp allowed to participate in mediation by phone;/s/ GH Document Title: Letter Document ID: 20063	

Action 29

Action Date: 2012-11-28	Action Type: EOA
Action Agent: Gary House	
Description: Entry of Appearance Document Title: Entry of Appearance - Shela Floodman Document ID: 20130	

Action 30

Action Date: 2012-11-28	Action Type: MOT
Action Agent: Gary House	
Description: Motion Document Title: Motion - Notice of Hearing - Certificate of Service	
Document ID: 20131	

Action 31

Action Date: 2012-11-28	Action Type: PARPLAN
Action Agent: Gary House	
Description: Parenting Plan Document Title: Proposed Parenting Plan of Respondent Document ID: 20132	

Action 32

Action Date: 2012-11-28	Action Type: NOT
Action Agent: Gary House	
Description: Notice Document Title: Notice of Intent to Issue Business Record Subpoenas	
Document ID: 20134	

Action 33

Action Date: 2012-11-28	Action Type: SUBI
Action Agent: Gary House	
Description: Subpeona Business Records Issued: Atty for Respondent (Sedan EMS)	

Action 34

Action Date: 2012-11-28	Action Type: REQS
Action Agent: Gary House	
Description: Request for Transcript;/s/ Kruser sent cd to Michelle Smith Document Title: Request for Transcript Document ID: 20135	

Action 35

Action Date: 2012-11-30	Action Type: NOS
Action Agent: Gary House	

Description: Notice of Service Document Title: Notice of Service of Respondents Interrogatories Request for Production and Request for Admissions to Petitioner - S Floodman Document ID: 20158

Action 36

Action Date: 2012-12-06	Action Type: PAPL
Action Agent: Gary House	
Description: Parenting Plan Document Title: Proposed Parenting Plan of Petitioner Document ID: 20269	

Action 37

Action Date: 2012-12-10	Action Type: CRS
Action Agent: Gary House	
Description: Correspondence Document Title: Request for a deposit on the transcript that was request - Mark Krusor from Heather Lohmeyer Document ID: 20315	

Action 38

Action Date: 2012-12-14	Action Type: SUBI
Action Agent: Gary House	
Description: Subpeona Business Records Issued; Signed & returned to Floodman for service (Indep Community College)	

Action 39

Action Date: 2012-12-18	Action Type: SUBI
Action Agent: Gary House	
Description: Subpeona of Business Records Issued; Cq Co Shf (Cert mail to Human Resources Depart, Inlandboatmen's Union of the Pacific)	

Action 40

Action Date: 2012-12-20	Action Type: ORD
Action Agent: Gary House	
Description: Order Document Title: Agreed Order - GH Document ID: 20454	

Action 41

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Action Date: 2013-01-02	Action Type: SUBS
Action Agent: Gary House	
Description: Subpoena Served/Returned Document Title: Business Records Subpoena Return - Certmail Human Resources Document ID: 20616	

Action 42

Action Date: 2013-01-03	Action Type: SUBI
Action Agent: Gary House	
Description: Subpeona Business Records Issued; Signed & returned to Floodman for service (Ks Board of Emergency Medical Services)	

Action 43

Action Date: 2013-01-11	Action Type: TRANSC
Action Agent: Gary House	
Description: Transcript of Proceedings October 24th 2012	

Action 44

Action Date: 2013-01-16	Action Type: ORD
Action Agent: Gary House	
Description: Order Document Title: Order - GH Document ID: 20771	

Action 45

Action Date: 2013-02-26	Action Type: MOT
Action Agent: Gary House	
Description: Motion:Notice of Hearing; 4/15/13 @ 10:30AM;/s/ Floodman Document Title: Motion Document ID: 21248	

Action 46

Action Date: 2013-02-27	Action Type: MOT
Action Agent: Gary House	
Description: Motion; Notice of Hrg: 4/15/13 @ 10:30AM;/s/ Herlocker Document Title: Motion Document ID: 21256	

Action 47

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Action Date: 2013-03-06	Action Type: NOT
Action Agent: Gary House	
Description: Notice of Service of Answers to Interrogatories;/s/ Herlocker Document Title: Notice of Service of Answers to Interrogatories Document ID: 21358	

Action 48

Action Date: 2013-03-22	Action Type: SUBI
Action Agent: Gary House	
Description: Subpeona Issued; Signed & faxed back to Floodman (Dr James McDermott)	

Action 49

Action Date: 2013-03-22	Action Type: NOS
Action Agent: Gary House	
Description: Notice of Service Document Title: Notice of Service of Interrogatories and Requests for Production of Documents To Respondent Document ID: 21650	

Action 50

Action Date: 2013-03-22	Action Type: NOT
Action Agent: Gary House	
Description: Notice To Take Deposition Duces Tecum: 4/2/13 @ 11am in Lucy Herlocker's office Document Title: Notice to Take Deposition Duces Tecum Document ID: 21651	

Action 51

Action Date: 2013-03-27	Action Type: MOT
Action Agent: Gary House	
Description: Motion: Notice of Hearing; 4/15/13 @ 10:30AM;/s/ Floodman Document Title: Motion Document ID: 21767	

Action 52

Action Date: 2013-03-27	Action Type: SUBI
Action Agent: Gary House	
Description: Subpeona Issued; Signed and faxed back to Floodman (Jeanne Erikson)	

Action 53

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Action Date: 2013-03-28	Action Type: SUBI
Action Agent: Gary House	
Description: Subpeona Issued; Signed and faxed back to Floodman (Trade Wind Energy of Lenexa,KS)	

Action 54

Action Date: 2013-04-01	Action Type: EOA
Action Agent: Gary House	
Description: Entry of Appearance;/s/ Jennifer Passiglia co-counsel Document Title: Entry of Appearance Document ID: 21844	

Action 55

Action Date: 2013-04-03	Action Type: SUBI
Action Agent: Gary House	
Description: Subpeona Issued;Signed & faxed back to Floodman (Sedan Pharmacy)	

Action 56

Action Date: 2013-04-05	Action Type: MOT
Action Agent: Gary House	
Description: Motion for Continuance; Notice of Hearing; 4/15/13 @ 10:30AM;/s/ Herlocker Document Title: Motion for Continuance Document ID: 21894	

Action 57

Action Date: 2013-04-10	Action Type: NOS
Action Agent: Gary House	
Description: Notice of Service of Respondent's Second Set of Interrogatories and Request for Production to Petitioner Document Title: Notice Document ID: 21993	

Action 58

Action Date: 2013-04-10	Action Type: ORD
Action Agent: Gary House	
Description: Agreed Order: Visitation of minor child;/s/ GH Document Title: Order Document ID: 21997	

Action 59

Action Date: 2013-04-11	Action Type: PAPL
Action Agent: Gary House	
Description: Parenting Plan Document Title: Proposed Parenting Plan of Respondent Document ID: 22001	

Action 60

Action Date: 2013-04-12	Action Type: PAPL
Action Agent: Gary House	
Description: Petitioner's Proposed Parenting Plan Document Title: Parenting Plan Document ID: 22023	

Action 61

Action Date: 2013-04-15	Action Type: ORD
Action Agent: Gary House	
Description: Order for Inspection of Financial and Employment Information;/s/GH Document Title: Order Document ID: 22066	

Action 62

Action Date: 2013-04-15	Action Type: DECREE
Action Agent: Gary House	
Description: Decree of Divorce;/s/GH Document Title: Journal Entry and Decree of Divorce Document ID: 22067	

Action 63

Action Date: 2013-04-16	Action Type: VITALST
Action Agent: Gary House	
Description: Certificate of Divorce - Mailed to Topeka	

Action 64

Action Date: 2013-05-03	Action Type: MEMDEC
Action Agent: Gary House	
Description: Memorandum of Respondent Document Title: Memorandum of Respondent Document ID: 22269	

Action 65

Action Date: 2013-05-09	Action Type: REQS
Action Agent: Gary House	
Description: Request for Transcript;/s/J McDermott mailed to S Griggs Document Title: Request Document ID: 22353	

Action 66

Action Date: 2013-05-15	Action Type: ORD
Action Agent: Gary House	
Description: Agreed Order: Parenting time;/s/ GH Document Title: Agreed Order Document ID: 22418	

Action 67

Action Date: 2013-05-24	Action Type: MEMDEC
Action Agent: Gary House	
Description: Petitioner's Memorandum Regarding Unresolved Issues;/s/ Herlocker Document Title: Petitioner's Memorandum Regarding Issues Document ID: 22558	

Action 68

Action Date: 2013-05-28	Action Type: TEXT
Action Agent: Gary House	
Description: TEXT Document Title: Petitioners Amended Memorandum Regarding Unresolved Issues Document ID: 22570	

Action 69

Action Date: 2013-05-30	Action Type: MOT
Action Agent: Gary House	
Description: Motion;Hrg 6/6/13 @ 1PM;/s/ Floodman Document Title: Motion Document ID: 22614	

Action 70

Action Date: 2013-06-03	Action Type: MOT
Action Agent: Gary House	
Description: Motion ;/s/ Floodman Document Title: Motion Document ID: 22656	

Action 71

Action Date: 2013-06-03	Action Type: MOT
Action Agent: Gary House	
Description: Motion to Dismiss Petitioner's Request for Attorney Fees & To Reconsider At This Time Whether Kansas Should Again Order That Kansas Should Continue to Exercise Jurisdiction Over Issues Regarding The Minor Child;/s/ Floodman Document Title: Motion To Dismiss Petitioner's Request Document ID: 22657	

Action 72

Action Date: 2013-06-07	Action Type: RESPO
Action Agent: Gary House	
Description: Respondent's Response To Petitioner's Amended Memorandum;/s/ Floodman Document Title: Response to Petitioner's Amended Memorandum Document ID: 22676	

Action 73

Action Date: 2013-06-12	Action Type: PAPL
Action Agent: Gary House	
Description: Agreed Order and Parenting Plan;/s/GH Document Title: Order Document ID: 22743	

Action 74

Action Date: 2013-06-28	Action Type: MEMDEC
Action Agent: Gary House	
Description: Memorandum Decision on Respondent's Memorandum on Unresolved Issues of Child Support, Unisured Medical Expenses, Travel Expense Reimbursement, Division of Property, Jeanne Erikson's Expenses & Parties Joint Account;/s/ GH Document Title: Memorandum Decision Document ID: 22986	

Action 75

Action Date: 2013-07-02	Action Type: MOT
Action Agent: Gary House	
Description: Motion Under the Uniform Child Abduction Prevention Act;/s/J Passiglia Document Title: Motion Document ID: 23012	

Action 76

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Action Date: 2013-07-02	Action Type: MOT
Action Agent: Gary House	
Description: Motion; Notice of Hearing: 7/12/13 @ 10am; Certificate of Service;/s/Floodman Document Title: Motion Document ID: 23013	

Action 77

Action Date: 2013-07-11	Action Type: RESPO
Action Agent: Gary House	
Description: Resp's Response to Petitioner's Motion Under The Uniform Child Abduction Prevention Act;/s/ Floodman	

Action 78

Action Date: 2013-07-17	Action Type: NOT
Action Agent: Gary House	
Description: Notice of Filing of Cash Bond;/s/S Floodman Document Title: Notice of Filing of Cash Bond Document ID: 23210	

Action 79

Action Date: 2013-07-24	Action Type: TRANSC
Action Agent: Gary House	
Description: Transcript of Court's Ruling on 7/12/13	

OFFICE RECEPTIONIST, CLERK

To: Shelly Winsby
Cc: Ken Masters; Shelby Lemmel
Subject: RE: 89196-6 - McDermott and McDermott - Answer to Petition For Review

Rec'd 9/11/2013

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Shelly Winsby [<mailto:shelly@appeal-law.com>]
Sent: Wednesday, September 11, 2013 12:50 PM
To: OFFICE RECEPTIONIST, CLERK
Cc: Ken Masters; Shelby Lemmel
Subject: 89196-6 - McDermott and McDermott - Answer to Petition For Review

Please accept the following document for filing:

Answer to Petition For Review

Case: *McDermott and McDermott*
Case Number: 89196-6

Attorney: Kenneth W. Masters

Telephone #: (206) 780-5033

Bar No. 22278

Attorney Email: ken@appeal-law.com

THANK YOU.

Shelly Winsby
Secretary for Masters Law Group
241 Madison Avenue No.
Bainbridge Island WA 98110