

OCT 27 2014

E
Ronald R. Carpenter
Clerk

SUPREME COURT OF THE STATE OF WASHINGTON

In re:

Sandy S. Ou

Petitioner(s),

v.

Hung K. Cheung

Respondent(s).

90938-5

**Court of Appeal Case No.
70790-6-1**

**Motion for extension of time to
file petition to review**

1. Sandy S. Ou, Appellant/Petitioner, Pro Se asks for the relief designated in Part 2.
2. **STATEMENT OF RELIEF SOUGHT**
Extension of time to file her Petition for Review from Friday, October 3, 2014 to Wednesday November 19, 2014.

3. **FACTS RELEVANT TO MOTITION**

On October 2, 2014, an Order Denying Motion for Reconsideration was entered. Since then my son had been feeling so bad, he had been running back home twice from Embry-Riddle Aeronautical University, telling me that he doesn't want to pursue his bachelor degree, wondering if his father is his real father, why nobody loves him. He had been trying to take a lot of sleeping pills. I have been very worried about that he may commit suicide because he has been so desperate in his life. I have to stop working for the petition for review on my own. And I have to find the right attorney representing me in this case; unfortunately I still haven't found any one yet. So I need more time to file my petition for review.

4. **GROUND FOR RELIEF AND ARGUMENT**

RAP 18.8 authorizes an extension of time on motion of a party in order to serve the ends of justice.

I have filed an exactly timely brief on March 10, 2014. Ex A. However, Respondent had been ignoring to answer me for more than five months without filing motion for extension. And wait until August 7, 2014 to file the respondent brief with the help of ruling powered by Court administrator/Clerk of the court, Mr. Richard D. Johnson. Please see my following attached exhibits

On April 16, Court of Appeal decides to impose sanctions and/or dismiss in accordance with RAP 18.9 on May 9, 2014 at 10:30 if respondent's brief is not filed within 10 days. Ex B

On May 23, Court of Appeal decides to impose sanctions and/or dismiss in accordance with RAP 18.9 on May 9, 2014 at 10:30 if respondent's brief is not filed within 10 days. Ex C.

On June 13, 2014, the court Commissioner Masako Kanazawa ordered that this case will be set for consideration without Respondent's brief and without oral argument. Ex D.

motion

Then respondent filed a request for a two week extension to file brief on June 26, 2014. Ex E However, respondent still ignored the court order schedule and didn't file his brief. But Mr. Johnson let him file brief till August 8, 2014. Ex F. Respondent finally filed the brief on August 7 with the help of Mr. Johnson. Ex H. But respondent didn't send his answer to the appellant and she couldn't file her reply at all. Moreover, Mr. Johnson made the respondent's answer as the appellant's answer, and didn't give her time to file the appellant's answer because the panel is set on September 9 Ex G. So the appellant couldn't file her reply brief which made my case totally loss in the court of appeal.

Why did the court clerk Mr. Johnson have so much power ruling to let the respondent have five more months to file his respondent's brief without considering the appellant's objection? The respondent had no intension to file his brief and obviously to make it default. But the court of appeal made that happen again and again until to see his own brief. And then deny ordering the post-secondary education support for our son.

Respectfully submitted this 9th day of September, 2013.

Respectfully submitted,



Sandy Ou

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this motion has been mailed to the respondent at 5120 S. Wallace Street Seattle WA 98178 this 25th day of October, 2014.



Sandy Ou
Appellant/Petitioner, Pro Se
Tampa, FL
727-873-8723

motion

13046 Londondery PL
Tampa FL 33612
Sandysou51@gmail.com

RICHARD D. JOHNSON,
Court Administrator/Clerk

The Court of Appeals
of the
State of Washington

DIVISION I
One Union Square
600 University Street
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March 11, 2014

Henry Cheung
2382 Lake Heather Heights Ct.
Dunedin, FL, 34698
(sent via U.S. mail)

James Gary Griffin
Tse & Associates PS
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Sandy Ou ✓
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CASE #: 70790-6-I
Sandy Ou, et al., Apps. vs. Hong Cheung, Resp.

Counsel:

The Appellant's brief filed in the above case on March 3, 2014, along with the attached checklist, is being returned for failure to comply with the Rules of Appellate Procedure. Appellant is directed to refile and reserve the brief in compliance with the checklist on or before March 21, 2014. **Appellant has filed a corrected brief on March 10, 2014.**

Failure to timely comply with the Rules of Appellate Procedure may result in the imposition of sanctions pursuant to RAP 18.9.

Sincerely,



Richard D. Johnson
Court Administrator/Clerk

hek

: Enclosures

EX A

*The Court of Appeals
of the
State of Washington*

RICHARD D. JOHNSON,
Court Administrator/Clerk

DIVISION I
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April 16, 2014

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CASE #: 70790-6-1
Sandy Ou, et al., Apps. vs. Hong Cheung, Resp.

Counsel:

The Court's records indicate the respondent's brief is not of record in this court as required by RAP 10.2(b).

RAP 11.2(a) provides that a party of record may present oral argument only if the party has filed a brief.

If the respondent's brief is not filed within 10 days, a court's motion to impose sanctions and/or dismiss in accordance with RAP 18.9 is set for Friday, May 9, 2014, at 10:30 a.m. The court's motion will be stricken if the respondent's brief or a motion for an extension of time is filed on or before April 28, 2014.

Sincerely,



Richard D. Johnson
Court Administrator/Clerk

Ex B

:hek

The Court of Appeals
of the
State of Washington

RICHARD D. JOHNSON,
Court Administrator/Clerk

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May 23, 2014

Henry Cheung ✓
13046 Londondery Pl.
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(sent via U.S. mail)

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5120 S. Wallace St.
Seattle, WA, 98178-2866
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Sandy Ou
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sandysou@earthlink.net

CASE #: 70790-6-I
Sandy Ou, et al., Apps. vs. Hong Cheung, Resp.

Counsel:

The Court's records indicate the respondent's brief is not of record in this court as required by RAP 10.2(b).

RAP 11.2(a) provides that a party of record may present oral argument only if the party has filed a brief.

If the respondent's brief is not filed within 10 days, a court's motion to impose sanctions and/or dismiss in accordance with RAP 18.9 is set for Friday, June 13, 2014, at 10:30 a.m. The court's motion will be stricken if the respondent's brief or a motion for an extension of time is filed on or before June 2, 2014.

Sincerely,



Richard D. Johnson
Court Administrator/Clerk

hek

EX C

*The Court of Appeals
of the
State of Washington*

RICHARD D. JOHNSON,
Court Administrator/Clerk

DIVISION I
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June 13, 2014

Henry Cheung
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CASE #: 70790-6-I
Sandy Ou, et al., Apps. vs. Hong Cheung, Resp.

Counsel:

The following notation ruling by Commissioner Masako Kanazawa of the Court was entered on June 13, 2014:

A hearing was conducted on June 13, 2014 on the Court's motion to impose sanctions or dismiss for respondent (pro se) Hung Cheung's failure to file his response brief. By letter of May 23, 2014, this Court reminded Cheung that a party may present oral argument only if the party has filed a brief. Appellant Sandy Ou (also pro se) has previously asked this Court to consider her appeal without oral argument, because she no longer resides in Washington. No one appeared at the June 13, 2014 hearing. It appears Cheung waived his opportunity to file his brief and present argument. Therefore, it is

ORDERED that this case will be set for consideration without Cheung's response brief and without oral argument.

Sincerely,



Richard D. Johnson
Court Administrator/Clerk

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Ex D

RICHARD D. JOHNSON,
Court Administrator/Clerk

The Court of Appeals
of the
State of Washington

DIVISION I
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June 26, 2014

Henry Cheung
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(sent via U.S. mail)

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sandysou@earthlink.net

CASE #: 70790-6-I
Sandy Ou, et al., Apps. vs. Hong Cheung, Resp.

Counsel:

On June 20, 2014, Respondent, Hong Cheung, filed a request for a two week extension to file brief and waive oral argument.

Before this court will consider the request for extension to file brief and waive oral argument, Respondent is directed to file proof of service on all parties entitled to notice pursuant to RAP 18.5 on or before July 7, 2014. Accordingly, the request for extension to file brief and waive oral argument is placed in this court's file without action.

Sincerely,



Richard D. Johnson
Court Administrator/Clerk

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*The Court of Appeals
of the
State of Washington*

RICHARD D. JOHNSON,
Court Administrator/Clerk

DIVISION I
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July 24, 2014

Henry Cheung
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(sent via U.S. mail)

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5120 S. Wallace St.
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13046 Londondery Pl.
Tampa, FL, 33612
sandysou@earthlink.net

CASE #: 70790-6-I
Sandy Ou, et al., Apprs. vs. Hong Cheung, Resp.

Counsel:

The following notation ruling by Commissioner Masako Kanazawa of the Court was entered on July 24, 2014:

NOTATION RULING
Ou v. Cheung, No. 70790-6-I
July 24, 2014

By ruling of June 13, 2014, this Court concluded that respondent Hung Cheung has waived his opportunity to file his response brief after having failed to file his brief despite this Court's directions. On June 20, 2014, Cheung filed a motion to file his brief within two weeks. Cheung states he waives oral argument. Because Cheung did not file proof of service, his motion was placed in the Court's file without action. Cheung waited until July 18, 2014 to file proof of service. As of this ruling (July 24, 2014), Cheung has not filed the brief. Cheung's motion is granted until August 8, 2014. However, no further extension will be granted without a showing of good cause or imposition of sanctions. Therefore, it is

ORDERED that Cheung's motion to file his response brief is granted. Cheung may file his response brief by August 8, 2014. No further extension will be granted without a showing of good cause or imposition of sanctions.

Sincerely,



Richard D. Johnson
Court Administrator/Clerk

hek

Ex F

RICHARD D. JOHNSON,
Court Administrator/Clerk

The Court of Appeals
of the
State of Washington

DIVISION I
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July 30, 2014

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CASE #: 70790-6-1
Sandy Ou, et al., Apps. vs. Hong Cheung, Resp.

Counsel:

Pursuant to RAP 11.4 (j), the above case has been tentatively set before Judges Dwyer, Trickey and Appelwick for consideration without oral argument on September 9, 2014. The parties will be notified when a decision has been entered.

Sincerely,



Richard D. Johnson
Court Administrator/Clerk

jh

EX 9

*The Court of Appeals
of the
State of Washington*

RICHARD D. JOHNSON,
Court Administrator/Clerk

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August 12, 2014

Henry Cheung ✓
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Hung K. Cheung
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CASE #: 70790-6-I
Sandy Ou, et al., Apps. vs. Hong Cheung, Resp.

Counsel:

On August 7, 2014, Respondent filed an appellant's reply brief.

Before this court will consider the appellant's reply brief, Respondent is directed to file proof of service on all parties entitled to notice pursuant to RAP 18.5 on or before August 22, 2014. Accordingly, the appellant's reply brief is placed in this court's file without action.

Sincerely,



Richard D. Johnson
Court Administrator/Clerk

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Ex H