

FILED
AUG 13 2015

Form 9. Petition for Review
[Rule 13.4(d)]

CLERK OF THE SUPREME COURT
STATE OF WASHINGTON

92087-7
Court of Appeal Cause No.
723961 (2014-1)

IN THE SUPREME COURT OF THE STATE OF
WASHINGTON

WA state ESD, Respondent

v.

shaw Rahman, [Petitioner or Appellant]

PETITION FOR REVIEW

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2015 AUG 12 AM 10:45

Name, address, telephone number and
Washington State Bar Association attorney number

SHAW RAHMAN
4739 UNIVERSITY WAY NE
#1422
SEATTLE, WA 98105

EMAIL ADDRESS:

MAILTOSHAWRAHMANSTATE
@gmail.com.

PRO, SE, PLAINTIFF

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[See form 6, except modify names of parts of brief to correspond to names of parts of Petition for Review]

TABLE OF AUTHORITIES

[See form 6]

SEE MOTION FOR RECONSIDERATION, APPENDIX

- A. Identity of Petitioner Shaw Rahman, (BY 723961, COURT OF APPEAL DIV-1 CASE
 [Name] asks this court to accept review of the Court of Appeals decision termination (IDENTIFIED)
 review designated in Part B of this petition.
- B. Court of Appeals Decision MOTION FOR RECONSIDERATION OF REVIEW FOR CASE #723961
 [Identify the decision or parts of the decision of the Court of Appeals which the party wants
 reviewed, the date filed, and the date of any order granting or denying a motion for reconsideration.]
 A copy of the decision is in the Appendix at pages A-___ through ___. A copy of the order
 denying petitioner's motion for reconsideration is in the Appendix at pages A-___ through ___.
- C. Issues Presented for Review DENIAL OF BENEFIT BY WAESD, APPEAL AT SUPERIOR COURT
 [Define the issues which the Supreme Court is asked to decide if review is granted. See the
 second portion of Part A of Form 6 for suggestions for framing issues presented for review.]
BY JUDGE SPEARMAN, see case 723961, OPENING BRIEF, REPLY BRIEF
- D. Statement of the Case
 [See Part B of Form 6] SEE OPENING BRIEF FOR CASE NO. 723961
SEE REPLY BRIEF & MOTION FOR RECONSIDERATION
- E. Argument Why Review Should Be Accepted
 [The argument should be short and concise and directed to the consideration for accepting review
 set out in rule 13.4(b). For argument generally, see Part D of Form 6. The argument may be preceded by a
 summary.] SEE MOTION FOR RECONSIDERATION FOR CASE 723961.
AS THE DENIAL WAS UNLAWFUL & UNCONSTITUTIONAL.
- F. Conclusion
 [State the relief sought if review is granted. See Part F of Form 3.]
SEE MOTION FOR RECONSIDERATION CASE NO. 723961

[Date]
8/10/2015.

Respectfully submitted,

Md. Musharraf Rahman, Pro se Plaintiff
[Name of Attorney] SHAW RAHMAN.
Attorney for [Petitioner or Respondent]
Washington State Bar Association membership number

WA State Supreme Court

Petition For Review

Of

Shaw Rahman V. WA State ESD

from

WA State Court of Appeal

Div -1

Case No 723961-I

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2016 AUG 12 AM 10:45

Petitioner/Appellant:

Pro se, Plaintiff, Shaw Rahman

Respondent:

WA State, ESD

Respondent:

Mayra Colignon,
WA Asst Attorney General Office
800 5th ave Ste 2000
Seattle WA 98104-3188
maryaac@atg.wa.gov

Appellant:

Shaw Rahman Pro se, Plaintiff
4739 university way Ne #14222
Seattle WA 98104-3188
mailstoshawrahmnstate@gmail.com

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INTRODUCTION:

The plaintiff, a US citizen, Bangladesh origin , Colored Monitory, Asian follower of Islam as principles (creed), not a Canadian Citizen (no limited Constitutional rights exist) asserts and relies the reasoning based on case laws below, for page 1-11 of this pleadings holding on "substantial evidence, which is evidence sufficient to persuade a fair minded person of the truth of declared premise" . Ridgewater Props v. Starbuck 1982&Sunnyside Valley Irrigation Dist V Dickie, 149 Wn 2d. 873,879,73 P.3d 369 (2003) (Substantial evidence is "defined as a quantum of evidence sufficient to persuade a rational fairminded person the premise is true.).Purpose of anti-discriminatory employment laws are to reinstate discriminated victim to original status.

Plaintiff intends to appeal this case to, US Supreme Court (denying jurisdiction for foreseeable injustice and inefficiency on federal and constitutional question) and files for reconsideration at this court, for resolution "fairly" and "Justly"to provide justice. For the questions raised in the order of Div- 1's initial review, for discretion. Pro Se Plaintiff's holds on to his constitutional rights for due process for justice, under 14th amendment.

PROCEDURAL HISTORY

Case was denied review on July 27, 2015. Reconsideration motion was denied, Aug 7, 2015. See Opening Brief for Court of Appeal Case 723961.

STATEMENT, CITATION OF COURT OF APPEAL

Un employment benefit denial by the WA State ESD and WA King County Superior Court, & Review denial by Court of Appeal Div -1, was Unlawful and un-constitutional, that deprived Plaintiff from Human rights and Employment benefits unlawfully. Plaintiff holds on to RAP 13.1(b)((3). & 13.4(c)(7)

JURISDICTION

- (1) Plaintiff, to pursue justice, will appeal “final judgment”(for errors of any federal character”) from WA /Superior Court/Supreme court to US Supreme Court on federal and constitutional question, “rendered by the highest court of a state” in which “a decision on some federal questions “could be had” holding on 28 USC section 1257(a), & “Rooker-Feldman Doctrine” and to “correct wrongs” of “constitutional dimension” to “enforce the commands of the United States Constitution” (Including supremacy clause, under Section 25 of the 1789 Act & 28 USC section 1257(a),)
- (2) Plaintiff holds that such appeal “is within its province inquire whether a federal rights was denied by a state court “in substance and effect, as by putting forward nonfederal grounds of decision that were without any fair or substantial support” and that this inquiry “cannot be disregarded without

neglecting or renouncing a jurisdiction conferred by law and designed to protect and maintain the supremacy of the constitution and the laws made in pursuance thereof” holding Ward v Love Cnty, 253 U.S 17,22-23 (1920). Plaintiff holds on to Florida v Rodriguez, 469 U.S 1,7 (1984) for supervisory authority of this highest WA Court of federal questions that pertains to defendants’ violation of plaintiff constitutional right.

- a. “it is incumbent upon this court when it is urged that the decision of the state court rests upon a non federal ground, to ascertain for itself, in order that constitutional guaranties may appropriately be enforced, whether the asserted nonfederal ground independently and adequately supports the judgement” holding on Abie State Bank v Bryan, 282 U.s 765,773 (1993) , for reinstating all claims against defendants to recover damage.
- b. Plaintiff holds that, “Fair Reading” of the “WA state statue” is violated by judges’ order holding that Bouie v City Of Columbia, 378 U.S 347(1964) applies for WA Supremer/US Supreme Courts oversight on question of fair reading”. Plaintiff holds that a review is essential because of a “doubtful determination” by the trial court of defendants holding that Williams v. Lee ,358 U.S ,217,218 (1959) , for determination of claims damages both punitive and actual for violating due process holding on to State Firm Mut Auto. Ins co. v. Campbell, 538 U.S. 408(2003) . Rather it “clearly appears that the decree (order)was the result of an improvident “exercise” of judicial discretion” - depriving Plaintiff of due process. Therefore trial courts[court of claims] order of not allowing further

administrative remedies must be denied and reversed under *Greene v.*

United States, 376 U.S. 149, 153, n.5 (1964). ; *Cheney v. United States Dist.*

Court For D.C. (03-475) 542 U.S. 367 (2004) 334 F.3d 1096.)

- (3) The pleading includes citation of WA state law, violated by the defendants, contrary to *Wright v Georgia*, 373 U.S. 284, 291 (1963). Enough admissible evidence exists to support each claim, to raise any question of sufficiency of evidence contrary to *Barr v City of Columbia*, 378 U.S. 146, 149 (1964).
- (4) De novo review intentionally overlooked by judge, holding that the importance of the case is “beyond academic or episodic” holding *Rice v. Sioux City Mem’l Park Cemetery*, 349 U.S. 70, 74 (1995) on a question of federal & constitutional right (14th amendment, title VII) violation, - a issue of the court deems of interest and importance not only to immediate parties to the case and is therefore worthy of further consideration. *Gordon v New York Stock Exch., Inc.*, 422 U.S. 659, 663 (1973) because of the vital importance of the question of rights, WA state law and constitutional and the urging of the plaintiff.
- (5) Important and unsettled issues exist to prove that a conflict of decision exists to warrant further consideration holding on *J.D.B v North Carolina*, 131 S.Ct. 2394, 2401 (2011) holding that “due process” has been violated” on denial holding on *BMW of North America, Inc v. Gore*, 517, U.S. 559, 568 (1996) “to illuminate the character of the standard” holding *Sanenz v Roe*, 526 U.S. 489, 498 (1996).
- (6) Plaintiff holds on to *Timken-Detroit Axle Co.*, 329 U.S. 129 (1946) that trial

court “refused with tactic, “to decide the constitution validity of a federal statute (due process 14th amendment, recusal, case law for de novo review, because of the presence of non-constitutional(along with WA state law) issues that might alone have served as an adequate ground for disposition of the case” fairly.

Plaintiff holds on to Wilkerson v McCarthy, 336 U.S 53, 55 (1949) that “a decision not to correct, it was to let the administration of this law be governed not by the aim of the legitimation to safeguard employees but by a hostile philosophy that permeated its interpretation” (336, U.S at 69).

Plaintiff holds that trial court violated in procedure and philosophy of justice under Wilkerson v McCarthy. A clear departure, from the acceptable course of judicial predesigns” to exercise de novo review.

- (7) Plaintiff’s appeal is appropriate to WA supreme court (and it is supervising court “[The Supreme Court stated that]) the only matters of sufficient importance to merit this appeal, because the claims arises question on “those originating in the Constitution or statutes”. 511 U.S. at 879; in a controlling question of law both WA state, federal and constitutional, to prevent grave miscarriage of justice holding on City of Memphis v Greene, 451, US ,100, 102,(1981) because the record doesn’t support that holding is lawful, for fact bound claims supported with evidence –direct and circumstantial, simultaneously holds onto Montana v Kennedy,366 U.S 308,309(1961) “in view of the apparent harshness of the result entailed”.
- (8) Plaintiff holds that Graver Tan & Mfg .Co v Linde Air Prods. Co. 336 U.S

271,275,(1949) applies for obvious procedural violation of due process-
Therefore the intervention of the highest Court of WA is appropriate, “in
what ought to be the rare instances where the standard appears to have been
misapprehended or grossly misapplied” Mobil Oil Corp v FPC, 417 US
283,310(1974) Universal Camera Corp v. NLRB, 340 US 474,491(1951).

(9) Plaintiff holds on American Fed’n of Musicians v Carroll, 391 US

99,10607(1968),to review sufficiency of evidence exists, on the merits of
the claims. All claims accompany evidence support of admissible evidence
therefore not Unconstitutional under due process.

1. Plaintiff had provided evidence from Superior court’s clerks office’s

conversation disclosure that a cover sheet was the cause of return (plaintiff
was not excused)of the initially sent appeal to the superior court on the 6th ,
received on the 7th Jan 2014, because superior Court’s Clerk’s Office
claims it had sent the received appeal to WA address (still unrecoverable)
when A postage paid Fedex envelope with instruction to send
stamped(received) appeal(evidence earlier pleading with trk#) back to
Vancouver, BC, Canada. A deviation or error that cannot be attributed to
Plaintiff. Therefore equitable tolling applies appropriately.

(i)State v. Robinson,24 Division One summarized the circumstances under which RCW
10.73.090 should be equitably tolled. It stated:

(ii)Equitable tolling “permits a court to allow an action to proceed when justice requires it,
even though a statutory time period has nominally elapsed.” State v. Duvall, 86 Wash. App.
871, 874, 940 P.2d 671 (1997), 134 Wash.2d 1012, 954 P.2d 276 (1998).

(iii)“Appropriate circumstances generally include ‘bad faith, deception, or false assurances by
the defendant, and the exercise of diligence by the plaintiff.’ ” Id. at 875, 940 P.2d 671
(quoting Finkelstein v. Sec. Props., Inc., 76 Wash.App. 733, 739-40, 888 P.2d 161 (1995).)

(iv) "Courts typically permit equitable tolling to occur only sparingly, and should not extend it to a 'garden variety claim of excusable neglect.'" Id. (quoting *Irwin v. Dep't of Veterans Affairs*, 498 U.S. 89, 96, 111 S.Ct. 453, 112 L.Ed.2d 435(1990)).[25]

In the absence of WA State law, federal laws or rules, can be held on and under 9th Cir RAP 3c a cover sheet does not bar an appeal review (Plaintiff's statutory rights for review of appeal exists), for factual claims (fact bound) of appeal, beyond procedural technicality, for Which Court of appeal is established (for factual allegation/claim determination). Plaintiff appealed at superior court first time for ALR2 review. He was not dishonest or maneuvering, for actual compliance holding PERC 16, Santore 28. nor he had failed in order to "exercise of diligence". Plaintiff holds on to violation of the 14th amendment by defendants. Aggrieved Plaintiff asserts "Denial of employment security benefit by WA State ESD (by Judge Nacarato)" and review denial by Judge Spearman, violates RCW 49.60.270 at nucleus of RCW 49.60 & 14th amendment simultaneously (aggrieved by a final order of an administrative law judge may obtain judicial review of such order as provided under the administrative procedure act, chapter 34.05 RCW) Plaintiff asserts the order of denial of review for employment security benefit by ESD & Judge Nacarato is an tortuous act (wrongful) holding on to Median v. Public Utility Dist, which caused his property damage by depriving him to pay mortgage resulting in foreclosure, inability to pay utilities and bare necessities of life.

2. Judge Spearman, had been couriered via Fedex, motion of reconsideration

,after informing the court via email, regarding motion for reconsideration ,after the initial dismissal , evidencing that the appeal was sent to the superior court on the 6th and received on the 7th Jan , 2014 with EMS receipt. The principles of, motion to reconsider, was excused as disfavored. Which may be "applicable in a court of appeal or Supreme Court" (in Appellate review or discouraged, in Supreme Court's order, EXCEPT for procedural discrimination, or bias subjecting amendment), not at the Trial Court (holding that federal laws/rules applies in the absence of WA state law or case law). At trial court a reconsideration cannot be disfavored because it is the integral part of the civil procedure. (see civil rules).

Evidentiary standard in fact finding claims applies e.g D.C CODE section 16-2316(b) (lexisNexis)

Therefore the above procedural mis-use in "trial court " does not bar an appeal review when the "substantial compliance" was proven with evidentiary support, that Plaintiff being unable to pay rent moved or had to evacuate local residence at 16596 NE 84th ct , Redmond WA , 98052, A Canadian resident , US Citizen , continued appeal prosecution from Canada (holding a 60 day appeal limitation is applies, appropriately, for out of WA resident and doesn't bar a constitutional due process of 14th amendment, of a US citizen(no limited constitutional rights apply).

Therefore all 3 stipulations of the order have been answered with reason & law of civil procedure. Superior court "erred /failed in delivering a

returned appeal, initially received on the 7th, undisputedly” when plaintiff provided returnable postage paid envelope, of Fedex. This has caused the delay due to, error of NOT properly sending or not sending at all, any appeal received at the superior court, which the Court claims was returned to WA address, still unrecoverable. Therefore a 30 day limitations was dodged or tactically obfuscated, for noncompliance by the court. There could be no reasonable, reason why Plaintiff would not prosecute an appeal “on time”, when he had already sent the appeal for review, by the 6th Jan 2014. Therefore the order overlooks the purpose of appeal by Plaintiff. In civil cases, when Plaintiff exercised "actual compliance" [doctrine, PERC 116, Santore, 28] within limitations period Of 30 days as stated above.

The trial court’s “error” in properly sending the unfiled appeal back, is a substantial "good cause" for Plaintiff’s being unable to resend the appeal not knowing “for what reason” it was not returned to him, with stamped appeal copy after filing, when plaintiff right after finding (28th Jan, 2014) out the untraceable /missing mail matter, the very next day (29th Jan 2015), couriered cover sheet attached appeal via fedex [see email exhibits,]. Motion of reconsideration first was emailed but was rejected, then fedex trk#[804-921-396884. Aug 7, 2014; 2:59 PM] bearing the motion for reconsideration was sent to the court. This error of the court cannot be attributed to Plaintiff. Plaintiff does not believe there were any additional deficiencies, stated to him by court Clerk [no citation

was returned even after calling the court], nor he applied any additional change to appeal. Therefore, *Clvmer v. Emp't Sec. Dep't*, 82 Wn. App. 25, 30, 917 P.2d 1091 (1996). is inapplicable and "substantial compliance applies", showing actual intent and compliance.

ARGUMENT & STANDARDS FOR REVIEW, JUDICIAL CONDUCT

No reasonable person standard, substantial evidence standard applies, error of law, abuse of discretion by trial court exists.

1. Administrative law Judge Nacarrato, imputed liability by discriminating Plaintiff in writing untruthful and fraudulent order to deceive and deprive as pleaded earlier, showing judicial error or actual bias, by misinterpreted weekly claiming period pleaded earlier. Plaintiff acted accordingly, with RCW definition of week-ly claim filing period to file properly. *Galdamz V Potter* applies. Plaintiff asserts Actual bias 28 USC 455,154. *kolstad v. American Dental Association*, 119 S.Ct. 2118(1999)[intentional discrimination]. Fair reading has been violated. *Goodman v Boeing* holds.
2. WA State ESD imputed liability,[*Galdamz V Potter*], from the very first denial of unemployment benefit. *Goodman v Boeing* holds.
3. 4ci imputed liability, [*Galdamz V Potter*], by fraudulently reporting to WA state ESD , income which Plaintiff never received on weekly stated period or even at all per agreement with the payable time as evidenced and pleaded earlier. Plaintiff asserts fraud claims (intentionally and willingly) by defendants', *kolstad v. American Dental Association*, 119 S.Ct.

2118(1999)[intentional discrimination], Goodman v Boeing holds.

4. Plaintiff possesses all 3 elements of article III standing (see standards). And holds on to Ashcroft v Iqbal asserting fraud by defendants'. Goodman v Boeing holds. In all above 1-4 three is NO "legitimate of nondiscriminatory reason" involves.

BREACH OF CONTRACT

Plaintiff asserts Defendants' breach the contract (WAC 192-150-210(6)(e)), for changing "terms and condition of contract" (in breach), protected under 42 USC, holding English common law, Hadley v Baxendale(consequential damages), as a result of wrongful act and fraud by defendants. for which Fundamental , Repudiatory, Anticipatory breach claim against the employer, for all damages is justified. A contract therefore, existed under Hearst Commc'ns Inc V Seattle Times Co.154 Wn 2d 493,503(2005). Defendants breached the contract elements by harassment with on time payment and mistreatment. Employer's proffered explanation is false, fraudulent EEOC v Boeing holds, Ashcroft v Iqbal on the grounds of antitrust applies appropriately, against defendants' license to evade holding on Towmbly v. Bell Atlantic.

ASSIGNMENT OF ERROR

Motion for reconsideration page 15, line 7 for "tort claim" against State Defendants {beyond} RCW 4.16.170, RCW 4.16.170, 60 day Statue of

limitation commencement applies. Page 11, line 9; a 60 day out of WA State Appeal prosecution timeframe is appropriate.

ISSUES PRESENTED FOR REVIEW

See, Statement Of, Citation Court Of Appeal Decision, Opening & reply brief of Case 723961.

CONCLUSION

As a result, Plaintiff has proven that his claims against the defendants are meritorious, well stated & evidenced within WA state laws, their federal authorities & Constitutional statutory framework that the employment practice has created a disparate treatment towards by their intentional breach of contract, fraud ,untruthfulness, violating WA State law under title VII and its Constitutional authority (as a common law , tort feasor), asserting UN Human Rights Charter Articles have been violated(7,8,10,22,23,25,28,29,30). Plaintiff excised his due diligence under the circumstances to file on time. To the best of his knowledge there is only one case law, where no such due diligence was exercised by petitioner” review was denied, that was field “after 45 days” & this case does not resemble the same case because “court error” and Claims to have sent unrecoverable mail with return appeal or didn’t sent at all to stop appeal, when clear instruction and postage paid Fedex return envelope was provided, tracking for which is in court record. No reasonable excuse by court exists for failure to return properly any appeal, that it claims to have returned at all.

Tort action against State -authority, for ESD denial holding on :
<http://www.ecases.us/case/washctapp/2604289/schmitz-vstate> , 60 day

Limitation period applies. RCW 4.92.110. and RCW 4.16.170 applies in
service and filing appropriately. WA ESD was served within the
limitations of RCW above (WA State is a Serve first State).

Plaintiff corrects any day that he may have referenced as 29th Jan 2014,
when he erroneously may have stated re-filed appeal, received by superior
court, in the motion for re-consideration, filed at Div1 ,court of appeals.

The cover page oriented Appeal brief was Fedexed on 1/29 /2014 via
Fedex priority 30461754 7361(exhibit) to superior court , and sent to
attorney general's office on the same day via Canada post , to 1125 wa
street se, P. O. Box 40110, the very same day for service; after obtaining
information over phone from superior court on the 28th Jan 2014, no
citation regarding cover page per LCR was issued that he was aware
informed by court clerk on 28th, Jan 2014 . In absence of cover page
appeal is still, considered, per statement, on the cover page. Appeal is
still reviewed. This affidavit is served to attorney general's office.

Respectfully placed for reconsideration, for review, s/*Shaw Rahman*
Shaw Rahman.

RULE OF LAW, BLACK LETTER, STATUTES, CASE LAW, WA STATE LAW

RCW 4.92.110

No action subject to the claim filing requirements of RCW 4.92.100 shall be commenced against the state, or against any state officer, employee, or volunteer, acting in such capacity, for damages arising out of tortious conduct until sixty calendar days have elapsed after the claim is presented to the *risk management division. The applicable period of limitations within which an action must be commenced shall be tolled during the sixty calendar day period. For the purposes of the applicable period of limitations, an action commenced within five court days after the sixty calendar day period has elapsed is deemed to have been presented on the first day after the sixty calendar day period elapsed. [2009 c 433 § 3; 2006 c 82 § 2; 2002 c 332 § 13; 1989 c 419 § 14; 1986 c 126 § 8; 1979 c 151 § 4; 1977 ex.s. c 144 § 3; 1963 c 159 § 4.

RCW 4.16.170

Tolling of statute — Actions, when deemed commenced or not commenced.

For the purpose of tolling any statute of limitations an action shall be deemed commenced when the complaint is filed or summons is served whichever occurs first. If service has not been had on the defendant prior to the filing of the complaint, the plaintiff shall cause one or more of the defendants to be served personally, or commence service by publication within ninety days from the date of filing the complaint. If the action is commenced by service on one or more of the defendants or by publication, the plaintiff shall file the summons and complaint within ninety days from the date of service. If following service, the complaint is not so filed, or following filing, service is not so made, the action shall be deemed to not have been commenced for purposes of tolling the statute of limitations

FRE 302. In a Federal Court] diversity case [“discrimination”], the effect/evidence of a presumption is controlled by “state law”.

Abie State Bank v Bryan, 282 U.s 765,773 (1993)

Adams c Allen , 56 Wn App. 383,393, 783 P.2d. 635(1989)

Am Nursery prods., Inc v Indian Wells Orchards, 115 Wn 2d,217 797 p.2d,477 (1990)

American Fed'n of Musicians v Carroll, 391 US 99.106-07(1968),-sup

Ancheta v Daly , 77 Wn 2d 255, 259-60, 461 P.2d 531 (1969)

Amendment XXII [1865]

Antonius v King County , 13 Wn 2d 256,261-62, 103, P 3d 729 (2004).

Article VI [2]

Article III section [1],

Article III at its nucleus and in more specific section 2[1]

Ashcroft v Iqbal

Barr v City of Columbia ,378 U.S 146,149(1964).-sup

Berg v Hudesman , 115 Wn 2d 657, 668, 801 p.2d (1990)

Beacon Theatres, Inc v Westover,359 U.S 500(1959)-sup

Bouie v City Of Columbia, 378 U.S 347(1964)-sup

Brown v Dahl., 41 Wn App. 565 705. P 2d 781 (1985),

Brooke Group Ltd v Brown & Williamson Tobaccos Copr, 509, US
 209,230(1993)-sup
 Bering v share ,106 Wn 2d 212,220,721,p.2d 918(1986).
 BMW of North America ,Inc v. Gore, 517, U.S 559, 568(1996)-sup
 Brinkerhoff v Campbell, 99 Wn App. 692,697, 994 P.2d 911(2000);.
 Cary v Piphus
 Central Bank of Denver .,N.A v First Interstate bank of Denver, 511 U.S 164
 (1994)-sup
 Chen v State; Greenwood V Univ Of Puget Sound, Inc.
Cheney v. United States Dist. Court For D.C. (03-475) 542 U.S. 367 (2004) 334
F.3d 1096.)
 Citing Taggart V State , 118 Wn 2d 195,225-26 822 P.2d. 243(1992)
 City of Memphis v Greene, 451, US ,100, 102,(1981)-sup
Cohen v. Beneficial Industrial Loan Corp., 337 U.S. 541 (1949).
 Contreras v. crown Zellerbach Corp 88 Wn 2d. 735, 742 , 565 P.2d 1173 (1977)
 Davy v Fred appliance
 De Beers Consol. Mines v .US 325 US 212 217(1945);
 Douglas Northwest inc v Bill O'Brien & sons Constr., Inc 54 Wn App. 661 678,
 828 P.2d 565 (1992).
 Dybdahl , 42 Wn App. At 489
 EEOC v Boeing ,
 Ernst Ernst v Hochfelder, 425 US ,185 (1976)-sup
 Estevez v Faculty Club of Univ of Wash 129 Wn App 774,797,120 P.3d 579
 (2005)
 Exxon Co .,USA f Sofec , Inc, 517 US 830,840-41(1996);-sup
 Farmers Ins co. V Grellis, 43 Wn. App.475 , 477, 718 P.2d. 812(1986)
 Finch v Carlson , 84, Wn 2d. 140, 142, 524, P.2d.898(1974)
 Fraser v Beutel, 114 Wn. 2d 1025 (1990),
 Finkelstein v. Sec. Props., Inc., 76 Wash.App. 733, 739-40, 888 P.2d 161 (1995)
 Gordon v US
 Gordon v New York Stock Exch ., Inc ,422 U.S 659,663 (1973)-sup
 Goodman v Lukens Steel Co., 482 U.S 656,665(1987);-sup
 Graver Tan & Mfg .Co v Linde Air Prods. Co. 336 U.S 271,275,(1949)-sup
 Greene v. United States, 376,U.S 149, 153, n.5(1964-sup
 Guijosa V Wal-Mart Stores, in c 144 Wn . 2d 907,915,32 P .2d 250(2001)
 Hadley v Baxendale
Hallock v. Bonner, 387 F.3d 147 (2d Cir. 2004).
 H. W PERRY, Jr , Deciding ot Decide 246, 253-54(1991)-sup
 Henrickson v State ,92 Wn App. 856,865,965 P.2d, 1126
 Hertley V State , 103 Wn 2d 768 778-79 ,698 P.2d 77 (1985);
 Hertog v City of Seattle, 138 Wn 2d. 265,282-83,979 P.2d 400(1999)
 Holland v Columbia Irrig, dist 75, Wn 2d 302,304, 450, P.2d. 488(1969)
 Holz v Burlington Northern, 58 Wn App 704,708,794 p2d. 1304(1990)
 Irwin v. Dep't of Veterans Affairs. 498 U.S. 89. 96, 111 S.Ct. 453, 112 L.Ed.2d
 435(1990)
 Jafar v Webb
 Jenkins v Snohomish County Pub. Util . Dist no 1, 105 Wn 2d. 99, 713 p.2d 79
 (1986)
 Joyce v State Dept. of Corrections, 116 Wn App. 569,601,5 P.3d. 548(2003).
 Jones Assocs V Eastside Properties Inc, 41 Wn App. 462,04 P.2d 681(1985)
 king county Fire Prot. Dist No. 16 v Housing Auth., 123 Wn 2d 919,825, 872 P.2d
 526 (1994)
 King County v Wash State Boundary Review Bd. 122 Wn 2d. 648,675,860 p.2d.

1024(1993)
 Kim v Budget Rent A car Sys., Inc. 143 Wn 190,203 15 P 3d. 1283(2001)
 Kolstad v. American Dental Association, 119 S.Ct. 2118(1999)[intentional
 discrimination]
 LaBelle, 107 Wn 2d,196 728 P.2d 138(1986)
 Laurins, 857 F.2d at 537
 Litz v Pierce County, 44 Wn App. 674,684 P2d.475 (1986)
 MacDonanld Douglas v Green ,411
 Mesa v Poole, 127 Ga. App. 426.193, S. E. 2d. 925 (1972)
 Median v. Public Utility Dist,
 Morgan V PeaceHeathe Inc, 101 Wn App 750, 774 14 P.3d 773(2000)
 Manteufel v Safeco Ins. Co of Am .,117 Wn App, 168,175, 68, P 3d 1093.
 Martin v City Of Seattle 111, Wn 2d 727 765 p2d, 257 (1998),
 Mahler V Szucs , 135 Wn 2d 398, 434-35,957 P.2d 632, 966 P.2d 305(1998).
 Moreman v butcher, 126 Wn 2d. 36, 40, 891 P2d 725 (1995)
 Marriage of Scanlon, 109 Wn App. 167, 174-75,34 P.3d 877(2001)
 Miller 885,
 Milligan 110
 Mount Adams Sch. Dist v Cook , 113 Wn app. 472,477,54 p.3d. 1213(2002)
 Mobil Oil Corp v FPC, 417 US 283,310(1974)
 Myers v. Bethlehem Shipbuilding Corp. 303 U.S 41, 52,(1938);-sups
 Noble v Ogborn, 43 Wn App 387,390,717 P2d. 285.
 NCAA v Broad of Regents, 468,85,98 n.15(1994) ;-sup
 Orwick v City Of Seattle
 Pacesetter Real Estate, Inc v Fasules , 53 Wn. App 463,471,767 P.2d 961 (1989)
 Pimpinello V Swift & co. 253 N.Y 159,163, 170, N.E 530(1930),
 Pejic v Hughes Helicopters Inc.(desperate treatment, Proven well with statutory
 model of),
 Postema v Pollution Control Hearings Bd. 142 Wn 2d.68,122-23,11 P3d
 726(2000)
 Runyon v. McCrary 427, US 160 (1976) “ . holding 13th amendment
 Richmond v Thompson, 130 Wn 2d 368,385-86.922 P 2d. 1343(1996)
 Reeves v. General Foods, 682 F.2d 515 (5th Cir. 1982), (which cites to and
 relies on Belton, Burdens of Pleading and Proof in Discrimination Cases.
 Towards a Theory of Procedural Justice, 34 VAND. L. REV. 1205, 1222
 (1981).
 Ridgewater Props v. Starbuck 1982
 Rice v. Sioux City Mem’l Park Cemetery, 349 U.S 70,74(1995)-sup
 Rciketts v Bd. of Accountancy, 11 Wn. App 113,116,43 P.3d 548 (2002)
 Rogers v Lodge,458 U.S 613,623(1982) -sup
 Roche v. Evaporated Milk Assn.,, 319 U.S 21, 26(1943)
 Rooker-Feldman Doctrine
 Sanenz v Roe, 526 U.S 489, 498(1999).-sup
 Schmidt v Cornerstone Inv. Inc ,115 Wn 2d 148,159-60,795 p.2d 1143(1990)
 Sing v John L. Scott, Inc 134 Wn 2d.24,30,948, P2d. 816(1997)
 Skamana v Columbia River Gorge Comm’n, 144 Wn.2d.30.42.26. P.3d 241
 (2001)
 Sofio v Hughes, 162 A.D 2d. 518,556, N.Y.S 2d. 717(1990),
 SOX 19 USC section 1513
 SOX section 1107
 SOX Act, at its nucleus
 Stiley v Block, 130 Wn. 2d 486,505,925 p.2d 194 (1996).
 State ex rel. Carroll v Junker, 79 Wn 2d. 12 , 26, 482 P2d. 775(1971)

State v Read , 147 Wn 2d 238,243,53 P.3d 26(202) citing Walker ,136 Wn 2d at 771-72.
 State v Cotcher, 52 Wn App. 350 , 759 P.2d 1216 (1998).
 State v Lougin 50 Wn App. 36,749 P.2d 173 (1998)
 State v Reed , 102 Wn 2d,140,684 P.2d 699(1984)
 State v. Robinson,24
 State v. Duvall, 86 Wash. App. 871, 874, 940 P.2d 671 (1997), 134 Wash.2d 1012, 954 P.2d 276 (1998).
 State v Read , 147 Wn 2d 238 243, 53 {,3d. 26 (2002)
 State v Nordby 106 Wn 2d 414, 517,-18, 723 P23 117 (1986)
 State v. Oxborrow, 106 Wn 2d 525, 532, 723, P.2d 1123 (1986)
 State v Anderson , 51 Wn App 775,778, 755 p.2d 191(1998)
 State v Bowen, 48 Wn App 187,190, 195 738 P 2d. 316 (1987)
 State v Summers, 45 Wn App 761,728 P 2d.613(1986)
 State v Avila-Avina, 99 Wn App. 9 ,13,991,P.2d 720(2000).
 State v Lougin, 50 Wn App. 376,382,749 P.2d. 173(1998)
 State v Reid, 74 Wn App. 281,289,872 P.2d 1135(1994)
 State v Hill, 123 Wn. 2d 641,870 P.2d 313(1994)
 State v Templeton, 148 Wn 2d. 193,220, 59 P.3d 632 (2002);
 State v Law , 110 Wn App. 36 39 38 P.3d 374 (2002)
 State v Vreen, 143 Wn 2d. 923,932, 26 P.3d 236 (2001) [ER 401,403]
 State v Banks, 149 Wn 2d 38, 44-45,65 P.3d 1198(2003)
 State v Smith , 148 Wn 2d 122 ,138-39,59 P.3d 74 (2002).
 State ex rel . Evergreen Freedom Found v Wash Educ Ass'n, 11 Wn App 586. 605 49 P.3d 894 (2002)
 State v Jeannotte, 13, wn 2d 847,856, 947, p 2d. 1192(1997);
 Stegall v Citadel Board Co
 Sunnyside Valley Irrigation Dist V Dickie, 149 Wn 2d. 873,879,73 P.3d 369 (2003) [Substantial evidence is "defined as a quantum of evidence sufficient to persuade a rational fair-minded person the premise is true].
 US constitution -1stth Amendment
 US constitution -7th amendment–Trial by jury
 US constitution -13th amendment – involuntary servitude.
 US constitution -14th amendment – involuntary servitude.
 Universal Camera Corp v. NLRB, 340 US 474,491(1951).-sup
 United States v Doe, 465 U.S 605(1984);-sup
 Wright v Georgia, 373 U.S . 284 ,291(1963).-sup
 Texas Department of Community Affairs v. Burdine, 450 U.S. 248 (1981) (1048) [sufficient basis to find discrimination]
 Thorndike v Hesperian Orchards, Inc 54 Wn 2d. 570 575, 343 p.2d. 183(1959)
 Timken-Detroit Axle Co., 329 U.S 129 (1946)-sup
 Thomas v French , 99 Wn 2d. 95, 104, 659 P.2d 1097(1983)
 Tiegs v Boise Cascade Copr, 83 Wn App. 411,426, 922 P.2d 115 (1996)
 Towmbly v Bell Atlantic
 Us v. Su Gypsum , 333 U.S 364,395,68 C. Ct 525, 92 L. Ed, 746(1948);
 Walker , 136 Wn 2d 2d at 771-72.
 Ward v Love Cnty, 253 U.S 17,22-23 (1920)-sup
 Wash State Physicians Ins Exch & Ass'n V Fisons Corp. 122 Wn 2d 299 339.858 P.2d 1054(1993)
 Wash. Pub. Ports Ass'n v State Dept of Revenue. 148 Wn 2d 37,646, 62 P.3d. 462 (2003)
 Willener v Sweeting 107 Wn 2d. 388 394,730 P.2d 45 (1986)
 Williams v State Dept of licensing, 46 Wn App. 453,731 P.2d 531 (1986)

Williams v. Lee ,358 U.S ,217,218 (1959)-sup
Wilkerson v McCarthy, 336 U.S 53, 55 (1949-sup
Welch v Southland Corp., 134 Wn 629,632 952 P.2d 162(1998),
W. Hill , LLC v City of Olympia , 115 Wn. App 444. 449, 63 P3d 160 (2003)
Woodruff v McClellan, 95 Wn 2d 394,622 P.2d 1268 (1980)
Wood , 1007 Wn App. At 568;
Yakima County Fire Prot. Disc No 12 v Yakima , 122 Wn 2d 371, 389,858 P.2d.
245(1993),
28 USCA section 1251
28 USCA-Section 2071 to 2077
42 USC subchapter VI:

JURISDICTIONAL (DESCRIPTION) LAWS CITED ABOVE:

28 USC section 1257(a). & “Rooker-Feldman Doctrine”;

[To appeal “final judgement”(for errors of any” federal charter”) from to US supreme court on federal and constitutional question, “rendered by this highest court” in which “a decision on some federal questions “could be had” holding on 28 USC section1257(a), & “Rooker-Feldman Doctrine” and to “correct wrongs” of “constitutional dimension” to “enforce the commands of the United States Constitution” (Including supremacy clause, under Section 25 of the 1789 Act & 28 USC section1257(a),)]

Ward v Love Cnty, 253 U.S 17,22-23 (1920).

[(To such appeal “is within its province inquire whether a federal rights was denied by a state court “in substance and effect, as by putting forward nonfederal grounds of decision that were without any fair or substantial support” and that this inquiry “cannot be disregarded without neglecting or renouncing a jurisdiction conferred by law and designed to protect and maintain the supremacy of the constitution and the laws made in pursuance thereof” holding Ward v Love Cnty, 253 U.S 17,22-23 (1920). Florida v Rodriguez, 469 U.S 1,7 (1984) for supervisory authority of this highest WA Court of federal questions that pertains to defendants’ violation of plaintiff constitutional right.]

Abie State Bank v Bryan, 282 U.s 765,773 (1993)

[“it is incumbent upon this court when it is urged that the decision of the state court rests upon a non federal ground, to ascertain for itself, in order that constitutional guaranties may appropriately be enforced, whether the asserted nonfederal ground independently an adequately supports the judgement” holding on Abie State Bank v Bryan, 282 U.s 765,773 (1993)]

Beacon Theatres, Inc v Westover,359 U.S 500(1959);
Bouie v City Of Columbia, 378 U.S 347(1964);
Cheney v. United States Dist. Court For D.C. (03-475) 542 U.S. 367 (2004) 334 F.3d 1096.);
Greene v. United States, 376,U.S 149, 153, n.5(1964). ;
Myers v. Bethlehem Shipbuilding Corp. 303 U.S 41, 52,(1938);
State Firm Mut Auto. Ins co. v. Campbell, 538 U.S. 408(2003);
Williams v. Lee ,358 U.S ,217,218 (1959);

[“Fair Reading” that Bouie v City Of Columbia, 378 U.S 347(1964) applies for US Supreme Courts oversight on question of fair reading”, Such “fair reading denial “constituted a denial of due process”. A “doubtful determination” by the trial court holding Williams v. Lee ,358 U.S ,217,218 (1959) , for determination of claims damages both punitive and actual, violating due process holding on to State Firm Mut Auto. Ins co. v. Campbell, 538 U.S. 408(2003) . “Clearly appears that the decree (order)was the result of an improvident “exercise” of judicial discretion”, holding on Myers v. Bethlehem Shipbuilding Corp. 303 U.S 41, 52,(1938); Beacon Theatres, Inc v Westover,359 U.S 500(1959) that have allow to hold a” jury trial”- depriving due process. Trial courts[court of claims] order of not allowing further administrative remedies must be denied and reversed. Greene v. United States, 376,U.S 149. 153, n.5(1964). ; Cheney v. United States Dist. Court For D.C. (03-475) 542 U.S. 367 (2004) 334 F.3d 1096.]

Barr v City of Columbia ,378 U.S 146,149(1964).

Wright v Georgia, 373 U.S . 284 ,291(1963)

[The pleading includes citation of federal law, contrary to Wright v Georgia, 373 U.S . 284 ,291(1963). Enough admissible evidence exists to support each claims, to raise any question of sufficiency of evidence contrary to Barr v City of Columbia ,378 U.S 146,149(1964).]

Gordon v New York Stock Exch ., Inc ,422 U.S 659,663 (1973) Rice

v. Sioux City Mem’l Park Cemetery, 349 U.S 70,74(1995)

13th amendment, title VII, 7th amendment

[Federal laws have been violated , which has been intentionally overlooked by the presiding judge, holding that the importance of the case is “beyond academic or episodic” holding Rice v. Sioux City Mem’l Park Cemetery, 349 U.S 70,74(1995) on a questions of federal & constitutional right (13ht amendment, title VII, 7th amendment) violation, - a issue of the court deems of interest and importance not only to immediate parties to the case and is therefore worthy of further consideration. Gordon v New York Stock Exch ., Inc ,422 U.S 659,663 (1973)because of the vital importance of the question of rights and constitutional and the urging]

BMW of North America ,Inc v. Gore, 517, U.S 559, 568(1996)

H.W PERRY, Jr , Deciding to Decide 246, 253-54(1991)

J.D.B v North Carolina, 131 S.Ct, 2394,2401(2011)

[Important and unsettled issues exist to prove that a conflict of decision exists to warrant further consideration holding on J.D.B v North Carolina, 131 S.Ct, 2394,2401(2011) holding that “due process” has been violated” holding that BMW of North America ,Inc v. Gore. 517, U.S 559, 568(1996) “to illuminate the character of the standard “ holding Sanenz v Roe. 526 U.S 489, 498(1996). This Court must /to decide the cert worthiness under H.W PERRY, Jr , Deciding to Decide 246, 253-54(1991)

Timken-Detroit Axle Co., 329 U.S 129 (1946)

Wilkerson v McCarthy, 336 U.S 53, 55 (1949)

Wilkerson v McCarthy

[To Timken-Detroit Axle Co., 329 U.S 129 (1946) that trial court “refused with tactic, “to decide the constitution validity of a federal statue (due process recusal,

case law of involuntary servitude)) because of the presence of non-constitutional issues that might alone have served as an adequate ground for disposition of the case" fairly. To *Wilkerson v McCarthy*, 336 U.S 53, 55 (1949) that "a decision not to correct, it was to let the administration of this law be governed not by the aim of the legitimation to safeguard employees but by a hostile philosophy that permeated its interpretation" (336, U.S at 69). Trial court violated procedure and philosophy of justice under *Wilkerson v McCarthy*.. A clear departure, from the acceptable course of judicial predesigns"]

City of Memphis v Greene, 451, US ,100, 102,(1981)
Montana v Kennedy,366 U.S 308,309(1961)

[To this supervising court [article III] "[The Supreme Court stated that]) the only matters of sufficient importance to merit appeal because the claims arises question on "those originating in the Constitution or statutes". 511 U.S. at 879; in a controlling question of law both federal and constitutional, to prevent grave miscarriage of justice holding on *City of Memphis v Greene*, 451, US ,100, 102,(1981) "because the record doesn't support that holding is lawful, for fact bound claims supported with evidence" *Montana v Kennedy*,366 U.S 308.309(1961) "in view of the apparent harshness of the result entailed".]

AT&T Mobility LLC v Conception, 131 S. Ct , 1740(2011))
Graver Tan & Mfg .Co v Linde Air Prods. Co. 336 U.S 271,275,(1949)
Exxon Co .,USA v. Sofec , Inc., 517 US 830,840-41(1996);
Goodman v Lukens Steel Co., 482 U.S 656,665(1987);
Mobil Oil Corp v FPC, 417 US 283,310(1974)
NCAA v Broad of Regents, 468,85,98 n.15(1994) ;
Rogers v Lodge,458 U.S 613,623(1982)
Universal Camera Corp v. NLRB, 340 US 474,491(1951).
United States v Doe, 465 U.S 605(1984);

[To *Graver Tan & Mfg .Co v Linde Air Prods. Co.* 336 U.S 271,275,(1949) applies for obvious procedural violation of due process-recusal of judge, (arbitration not properly ordered, by exclusion of exhibit, holding violation of *AT&T Mobility LLC v Conception*, 131 S. Ct , 1740(2011)))for discovery for violation of rules and "as a court law" the appeal. is appropriate. holding on *Exxon Co .,USA v. Sofec , Inc.*, 517 US 830,840-41(1996); *Goodman v Lukens Steel Co.*, 482 U.S 656,665(1987);*NCAA v Broad of Regents*, 468,85,98 n.15(1994) ;*United States v Doe*, 465 U.S 605(1984);*Rogers v Lodge*,458 U.S 613,623(1982) . intervention of the highest Court. "in what ought to be the rare instances where the standard appears to have been misapprehended or grossly misapplied" *Mobil Oil Corp v FPC*. 417 US 283,310(1974) *Universal Camera Corp v. NLRB*, 340 US 474,491(1951).]

Brooke Group Ltd v Brown &Williamson Tobaccos Copr,509, US 209,230(1993).

[Plaintiff holds per *American Fed'n of Musicians v Carroll*, 391 US 99,10607(1968),for reviewing sufficiency of evidence exists, on the merits of the claims. where "the issue is properly application of a legal standard and avoiding the systematic costs associated with further proceedings to justify the required expenditure of judicial resources" *Brooke Group Ltd v Brown &Williamson Tobaccos Copr*,509, US 209,230(1993).

Central Bank of Denver, N.A v First Interstate bank of Denver, 511 U.S 164 (1994);
Ernst Ernst v Hochfelder, 425 US ,185 (1976)

[To reversal for the above lawful reasons, forth stated claims, for recovery ,in this court, holding on Central Bank of Denver, N.A v First Interstate bank of Denver, 511 U.S 164 (1994); Ernst Ernst v Hochfelder, 425 US ,185 (1976) .

STANDARD FOR REVIEW – RULES CONTD..:

Fed R Civ P 56(c)
Celotex Corp v Catrett, 477 U.S 317 ,323 (1986)
Intel Corp v Hartford Accident & Indem Co, 952, F.2d 1551,1558 (9th Cir 1991).

[Significant & probative evidence exists [that defendants'] proffered explanation is a pretext and discrimination by employers]

REASONING & HOLDING OF LAW- STANDARDS FOR REVIEW: LEGAL ISSUES-(LEGAL STANDARDS ON MATTERS OF LAW OVERLOOKED BY TRIAL COURT IN ERROR):

Rciketts v Bd. of Accountancy, 11 Wn.App 113,116,43 P.3d 548 (2002). [Review is appropriate holding on]
Skamana v Columbia River Gorge Comm'n, 144 Wn.2d.30.42.26. P.3d 241 (2001)

[The “de novo” or “error of Law” standard of review permits the reviewing court to substitute its judgement for that of the decision maker whose decision is being reviewed” Proper construction of statue a contract or Statue under title VII:

- I. Legal effect of a particular action
- II. Application of statue to an un/disputed set of facts
- III. Question of law
 - a. Direct evidence exists for defendants' malice & cover-ups.
 - b. Due process violation, -14th amendment

[SECTION A]

- a) Farmers Ins co. V Grelis, 43 Wn. App.475 , 477, 718 P.2d. 812(1986)[ambiguity]
 - b) Pacesetter Real Estate, Inc v Fasules , 53 Wn. App 463,471,767 P.2d 961 (1989)[applying objective standard]
 - c) Noble v Ogborn, 43 Wn App 387,390,717 P2d. 285. [The Construction of a contract where the disputed evidence exists, concerning the parties intent]
 - d) Sing v John L. Scott, Inc 134 wn 2d.24,30,948, P2d. 816(1997)[If a particular acts by defendants gave rise to additional Act(title VII of 1964,SOX[cover ups, fraud reporting])/constitution or law violation]
- A. THE DE NOVO STANDARD APPLIES,

[for review for any determination which takes the decision of a case out of the hands of the jury, such as motion to dismiss on legal grounds of for insufficiency

of evidence including summary judgment or motion for judgement as a matter of law – before or after a direct verdict (Judgement notwithstanding the verdict).]

B. Procedural Decision and Equitable Determination –abuse of discretion –(don't fall under acceptable range of possible decision. - Trial court erred and abused its discretion:

1. Factors involve proper non-prejudicial exercising discretion..

Smith v Shannon

[Trial court erred in reviewing factual issues with substantial evidence unfairly, violating, -from acceptable ranges of decision, in de novo analysis and ignored to enquire or deviated substantially from such – to evaluate , review, brief of this case, An argument for appeal , Plaintiff's constitutional right violation, due process, federal laws under Title VII act of 1964, SOX.

2. 7th amendment.- Trial by jury.

3. Evidentiary Ruling-Relevancy of evidence:

MacDonalld *Douglas v Green* ,411; [Defendants, violating for discoverable documents, exclusion of evidence (Davy v Fred appliance);.]

Joyce v State Dept. of Corrections, 116 Wn App. 569,601,5 P.3d. 548(2003)

[Defendants did not meet the burden of proof -a error that has harmed plaintiff in summary judgment order.]

Morgan V Peace Heathe Inc, 101 Wn App 750, 774 14 P.3d 773(2000).

[Manifested abuse of discretion]

Manteufel v Safeco Ins. Co of Am .,117 Wn App, 168,175, 68, P 3d 1093.

“desired evidence will raise a genuine issue of material fact” [for additional discovery]

4. ER 403: Holz v Burlington Northern, 58 Wn App 704,708,794 p2d. 1304(1990)

Jones Assocs V Eastside Properties.Inc. 41 Wn App. 462,04 P.2d 681(1985)

[Balancing of Probative “value of evidence against its pre-judicial effect” - under [The court made no finding of facts. therefore, the reviewing court must “accept the truth of the plaintiff's evidence and determine, whether the trial court properly applied the law” even when substantial evidence existed for each of plaintiffs' claim.]

State v Anderson , 51 Wn App 775,778, 755 p.2d 191(1998)

There exists sufficient “reasons” that the reviewing court failed to distinguish between “findings of fact and conclusion of law”. given the “occurred” or existed evidence of finding of facts],

State v Law , 110 Wn App. 36 39 38 P.3d 374 (2002)

Martin v City Of Seattle 111, Wn 2d 727 765 p2d, 257 (1998),

Wash. Pub. Ports Ass'n v State Dept of Revenue. 148 Wn 2d 37,646, 62 P.3d. 462 (2003)

[Federal and Constitutional rights] The construction & meaning of a statutes applied in this case “ is a question of law” to be reviewed de novo; “meaning of deed” or act , is an “ issue of law”. same as any undisputed facts.

Berg v Hudesman , 115 Wn
2d 657, 668, 801 p.2d (1990)

[On a question of fact. Genuine issue “of material facts exists” –why necessity exists under standard of review.-for reversal,]

Dybdahl , 42 Wn App. At 489, - on abuse of trial court discretion

[Trial court improperly commented to evade, in evidence and the comment is prejudicial, therefore issues of law exists.] Therefore judgment should be reversed only on either of the above standards for recovery of all damages STANDARDS
- Therefore justifies merit.

“No reasonable person”,
Substantial evidence standard.

Fact bound appeal Legitimate legal basis exists for trial by jury (7th amendment if the constitution)

[At least several genuine issues and evidence exists that, “that a reasonable jury could return a verdict “for the Plaintiff.]

STANDARDS

Mobil Oil Corp v FPC, 417 US 283,310(1974) Universal Camera Corp v. NLRB,
340 US 474,491(1951)

Myers v. Bethlehem Shipbuilding Corp. 303 U.S 41, 52,(1938);

[Trial court’s decision “clearly appears that the decree (order)was the result of an improvident “exercise” of judicial discretion”, - “in what ought to be the rare instances where the standard appears to have been misapprehended or grossly misapplied”].

Graver Tan & Mfg .Co v Linde Air Prods. Co. 336 U.S 271,275,(1949)

[Procedural violation of due process-actual bias [by Judge Naccarato], (arbitration not properly ordered), holding violation of AT&T Mobility LLC v Conception,
131 S. Ct , 1740(2011)))- for discovery for violation of rules and “as a court law”

Exxon Co .,USA v Sofec , Inc, 517 US 830,840-41(1996);

Goodman v Lukens Steel Co., 482 U.S 656,665(1987);

Graver Tan & Mfg .Co v Linde Air Prods. Co. 336 U.S 271,275,(1949)

Gordon v New York Stock Exch ., Inc ,422 U.S 659,663 (1973) NCAA

v Broad of Regents, 468,85,98 n.15(1994) ;

Rice v. Sioux City Mem’l Park Cemetery, 349 U.S 70,74(1995)

United States v Doe, 465 U.S 605(1984);

[Procedural violation of due process- holding that the importance of the case is “beyond academic or episodic” holding on a questions of federal & constitutional right (13ht amendment, title VII, 7th amendment) violation, - an issue of the court

deems of interest and importance not only to immediate parties to the case and is therefore worthy of further consideration. because of the vital importance of the **question of rights.**]

BMW of North America ,Inc v. Gore, 517, U.S 559, 568(1996)
J.D.B v North Carolina, 131 S.Ct, 2394,2401(2011) Sanenz v
Roe, 526 U.S 489, 498(1996).

[Important and unsettled issues exist to prove that a conflict of decision exists to warrant further consideration holding that "due process" has been violated" , in bias (28 USC section 455, 154,) by Judge warranting certiorari "to illuminate the character of the standard]

H.W PERRY, Jr , Deciding to Decide 246, 253-54(1991)

[“This Court must /to decide the cert worthiness]

STANDARD JUDICIAL CONDUCT:

Section 25 of the 1789 Act &
28 USC section 1257(a)

"A judge's participation [in the trial] justifies a new trial only if the record shows actual bias or leaves an abiding impression that the jury perceived an appearance of advocacy or partiality." Laurins, 857 F.2d at 537

Thus this trial judge which creates "a pervasive climate of partiality and unfairness." United States v. DeLuca, 692 F.2d 1277, 1282 (9th Cir. 1982).

Courts have said a trial judge must always remain fair and impartial. Kennedy v. Los Angeles Police Dep't, 901 F.2d 702, 709 (9th Cir. 1989). "He must be ever mindful of the sensitive role [the court] plays in a jury trial and avoid even the appearance of advocacy or partiality." Id. quoting United States v. Harris, 501 F.2d 1, 10 (9th Cir. 1974).

Mandamus - A (*writ of*) *mandamus* is an order from a court to an inferior government official ordering the government official to properly fulfill their official duties or correct an abuse of discretion. (See, e.g. Cheney v. United States Dist. Court For D.C. (03-475) 542 U.S. 367 (2004) 334 F.3d 1096.)

Rules on mandamus and similar orders vary by jurisdiction. In the federal courts, these orders most frequently appear when a party to a suit wants to appeal a judge's decision but is blocked by rules against interlocutory appeals. Instead of appealing directly, the party simply sues the judge, seeking a mandamus compelling the judge to correct his earlier mistake. Generally, this type of indirect appeal is only available if the party has no alternative means of seeking review.

Fundamental Breach, Repudiatory, Breach of Contract; anticipatory breach.
Defendants re liable in all breaches

Exclusion clauses that prevent damage claims based on the contract are legal although they cannot operate to protect a party from fraud. Exclusions clauses must be brought to the attention of all parties and will be interpreted strictly against the author. A party can never agree to waive the right to address itself to a

court of law absolutely and for all purposes for contractual redress although it can be bound to an agreement to prior arbitration or be bound to a waiver against a claim for damages. Mind you, even if a contracting party retains the right to petition a court, a court will, barring fraud, uphold a validly signed exclusion clause.

LEGAL STANDARDS - NO REASONABLE PERSON

Carroll v Junker, 79 Wn 2d. 12 , 26, 482 P2d. 775(1971)

[“No reasonable person”[Standard Test -1 & its each isolated separate analytical steps individually]. would take the view adopted by the trial court. for “abuse of discretion” and a review indeed compelling, is in need by Supreme Court. State ex rel. Carroll v Junker, 79 Wn 2d. 12 , 26, 482 P2d. 775(1971)]

Moreman v butcher, 126 Wn 2d. 36, 40, 891 P2d 725 (1995)

[(W)here the decision or order of the trial court is a matter of discretion, it will [not] be disturbed on review, except on a clear showing of abuse of discretion, that is discretion “manifestly” “unreasonable”[step] or exercised on “untenable grounds”[step], or for untenable reasons” outside of “acceptable choices”[step] Moreman v butcher, 126 Wn 2d. 36, 40, 891 P2d 725 (1995)]

SUBSTANTIAL EVIDENCE STANDARD

Thorndike v Hesperian Orchards, Inc 54 Wn 2d. 570 575, 343 p.2d. 183(1959)

[“A finding of facts will not be overturned if it is supported by substantial evidence” Thorndike v Hesperian Orchards, Inc 54 Wn 2d. 570 575, 343 p.2d. 183(1959)]

Bering v share ,106 Wn 2d 212,220,721,p.2d 918(1986).

King County v Wash State Boundary Review Bd. 122 Wn 2d. 648,675,860 p.2d. 1024(1993);

[Substantial evidence exists “if the record contains evidence of sufficient quantity to persuade a fair minded ,rational person of the truth of the declared premise” King County v Wash State Boundary Review Bd. 122 Wn 2d. 648,675,860 p.2d. 1024(1993); Bering v share ,106 Wn 2d 212,220,721,p.2d 918(1986).]

Ancheta v Daly , 77 Wn 2d 255, 259-60, 461 P.2d 531 (1969).

Us v. Su Gypsum , 333 U.S 364,395,68 C. Ct 525, 92 L. Ed, 746(1948);

W. Hill , LLC v City of Olympia , 115 Wn. App 444. 449, 63 P3d 160 (2003)]

[“when although there is evidence to support exists, the reviewing court [in de novo]on the entire evidence, is [will be]left with the definite and firm conviction that a mistake has been committed. Ancheta v Daly , 77 Wn 2d 255, 259-60, 461 P.2d 531 (1969). Us v. Su Gypsum , 333 U.S 364,395,68 C. Ct 525, 92 L. Ed, 746(1948); W. Hill , LLC v City of Olympia , 115 Wn. App 444. 449, 63 P3d 160 (2003)]

Thorndike v Hesperian Orchards, Inc 54 Wn 2d. at 573-74.

[No lack of sufficient supporting evidence. Factual dispute exists. Appeal act of 1893 (Laws of 1893, ch 61, section 21 at 130, c) required a retrial of factual disputes in all non jury cases [demand for jury ignored] in which the evidence was brought up,. Laws of 1893, Ch 61. Thorndike v Hesperian Orchards, Inc 54 Wn 2d. at 573-74.

State ex rel . Evergreen Freedom Found v Wash Educ Ass'n, 11 Wn App 586, 605 49 P.3d 894 (2002) .

[Trial court's decision[abuse of discretion in exercising standard in summary judgement] is therefore not only wrongful under the applicable standard but , unfair, unjust under any view of the case –(i) factual [facts meet requirement of correct standard],(ii)procedural and (iii)legal(determination of law in exercising judgement , requires de novo review) State ex rel . Evergreen Freedom Found v Wash Educ Ass'n, 11 Wn App 586, 605 49 P.3d 894 (2002)].

Accord Ryan v State , 112 Wn. App 896,899-900 P.3d 175 (2002)

[Trial court's decision is based on misapplication or no application of law and rests on **untenable grounds**, holding on Accord Ryan v State , 112 Wn. App 896,899900 P.3d 175 (2002)]

STANDARDS CLAIM FOR CONSTRUCTIVE DISCHARGE:

Jones v. Fitzgerald 285 F.3d 705 (8th Circuit 2002).[The constructive discharge doctrine, in the case of]

[Plaintiffs Have a Constructive Discharge Claim Only if Plaintiffs Were Subjected to an Illegal Hostile Work Environment]

[A claim of constructive discharge only lies where an illegally hostile work environment left the employee with no choice but to resign].

If Plaintiffs Quit Your Job Because of One of These Scenarios, Plaintiffs May Have a Constructive Discharge Case

Or a work environment filled with racism, or extreme and overt criticisms based upon a person's age, sex, national origin, religion, etc. Besides

If Plaintiffs have to quit your job because of severe mistreatment by management and/or co-workers, Plaintiffs may be entitled to unemployment benefits even if Plaintiffs were not subjected to an illegal hostile work environment.

STANDARDS FOR CLAIMS:

[1) Plaintiffs were the victim of sexual harassment by your supervisor or boss;

2) Plaintiffs were the victim of sexual harassment by a co-worker and complained to management, but it failed to take steps to fix the problem, which then continued;]

3) Plaintiffs were treated badly at work, and it was made clear that the mistreatment had come about because Plaintiffs were disliked because of your age, sex, race, national origin, religious beliefs, or disability;

3) Plaintiffs were treated badly at work, and it was made clear that the mistreatment had come about because Plaintiffs were disliked because of your age, sex, race, national origin, religious beliefs, or disability;

4) Plaintiffs made a reasonable complaint that Plaintiffs believed Plaintiffs were being treated badly because of your age, sex, race, etc., management responded ineffectively and the environment became even more hostile. This is known as a unlawful retaliation claim.

5) Plaintiffs took leave under FMLA, sought overtime to which Plaintiffs believed Plaintiffs were entitled, sought a reasonable accommodation under ADA or filed a workers' compensation claim -- and thereafter were retaliated against by your employer via mistreatment, change of duties,

6) Plaintiffs made a whistleblower complaint, and were thereafter subjected to a hostile work atmosphere.

“REASONABLY FORESEEABLE” STANDARD

Tadlock v. Powell, 8th Circuit, May 30, 2002

[In May 2002, the Eighth Circuit Court of Appeals in St. Louis indicated that a trial court should be willing to infer the required intent to force Plaintiffs out, by using the “reasonably foreseeable” standard: A plaintiff may satisfy this intent requirement by showing the intolerable situation created by the employer was such that the employer could reasonably foresee that the employee would quit. Quoted from [Tadlock v. Powell, 8th Circuit, May 30, 2002 \(PDF file - opens in new window\).](#)]

STANDARDS - ARTICLE III STANDING

Lujan v. Defenders of Wildlife, 112 S. Ct. 2130, 2136 (1992) (Lujan).

[The legal right to initiate a lawsuit. To do so, a person must be sufficiently affected by the matter at hand, and there must be a case or controversy that can be resolved by legal action. There are three requirements for Article III standing: (1) injury in fact, which means an invasion of a legally protected interest that is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical; (2) a causal relationship between the injury and the challenged conduct, which means that the injury fairly can be traced to the challenged action of the defendant, and has not resulted from the independent action of some third party not before the court; and (3) a likelihood that the injury will be redressed by a favorable decision, which means that the prospect of obtaining relief from the injury as a result of a favorable ruling is not too speculative. Lujan v. Defenders of

Wildlife, 112 S. Ct. 2130, 2136 (1992) (Lujan). The party invoking federal jurisdiction bears the burden of establishing each of these elements. Id.]
Warth v. Seldin, 422 U.S. 490, 501 (1974) (Warth). see also Warth, 422 U.S. at 501

[In deciding whether ____ has standing, a court must consider the allegations of fact contained in _____'s declaration and other affidavits in support of his assertion of standing. See Warth v. Seldin, 422 U.S. 490, 501 (1974) (Warth). see also Warth, 422 U.S. at 501 (when addressing motion to dismiss for lack of standing, both district court and court of appeals must accept as true all material allegations of the complaint and must construe the complaint in favor of the party claiming standing).]

Associated General Contractors of California v. Coalition for Economic Equity, 950 F.2d 1401, 1406 (9th Cir. 1991) (quoting United Public Workers, 330 U.S. at 89), 112 S. Ct. 1670 (1992).
Levitt, 302 U.S. 633, 634 (1937).
National Environmental Policy Act (NEPA), 42 U.S.C. S 4331, et seq

[Standing is founded "in concern about the proper--and properly limited--role of the courts in a democratic society. " Warth, 422 U.S. at 498. When an individual seeks to avail himself of the federal courts to determine the validity of a legislative action, he must show that he "is immediately in danger of sustaining a direct injury." Ex parte Levitt, 302 U.S. 633, 634 (1937). This requirement is necessary to ensure that "federal courts reserve their judicial power for `concrete legal issues, presented in actual cases, not abstractions.'" Associated General Contractors of California v. Coalition for Economic Equity, 950 F.2d 1401, 1406 (9th Cir. 1991) (quoting United Public Workers, 330 U.S. at 89), cert. denied, 112 S. Ct. 1670 (1992). National Environmental Policy Act (NEPA), 42 U.S.C. S 4331, et seq]

SUBSTANTIAL EVIDENCE STANDARD

Mount Adams Sch. Dist v Cook , 113 Wn app. 472,477,54 p.3d. 1213(2002) Marriage of Scanlon, 109 Wn App. 167, 174-75,34 P.3d 877(2001)on specific facts in light of legal standards

Postema v Pollution Control Hearings Bd. 142 Wn 2d.68,122-23,11 P3d 726(2000)

- i) Proper factor for forum non conveniens ii) Trial courts treatment of these factors
- iii) Arbitrability : holding on Mount Adams Sch. Dist v Cook , 113 Wn app. 472,477,54 p.3d. 1213(2002)

STANDARD IN DEFAMATION CLAIM

Richmond v Thompson, 130 Wn 2d 368,385-86.922 P 2d. 1343(1996)
Wood , 1007 Wn App. At 568;

[The clear and convincing " standard:-"malicious discrimination".
Wood , 1007 Wn App. At 568; Richmond v Thompson, 130 Wn 2d 368,385-86.922 P 2d. 1343(1996) (the clear and convincing "standard of proof applies to actual malice in elements of claims appropriately.

Ass'n V Chelan county , 109 Wn 2d, 282,745 p.2d 1(1987)
Chelan. County Deputy Sheriffs

[Trial court's factual finding on summary judgement are entitled to no weight and the reviewing court, [standard] must (duty)review the record de novo. All facts and reasonable inferences therefore must be viewed most favorably to the party resisting the motion, even the facts are undisputed, if reasonable minds could draw different conclusions, summary judgement is improper. Holding on Chelan. County Deputy Sheriffs: Ass'n V Chelan county , 109 Wn 2d, 282,745 p.2d 1(1987)]

STANDARDS& / DEFINITION

Involuntary Termination Without Good Cause" under the standards of the "constructive discharge" doctrine. "Adverse Employment Action" consists of a termination, or a demotion, or some other serious thing that hurts Plaintiffs' working conditions sufficiently.

STANDARDS "CONSTRUCTIVE DISCHARGE"

"Constructive Discharge":

STANDARDS /EVIDENCED: Mistreatment toward Plaintiffs occurs at work, within the power of the employer to stop. (Plaintiffs will ultimately have to prove that the mistreatment was caused by the employer's plan to force Plaintiffs to quit, or that the employer refused to stop others from mistreating Plaintiffs because the employer wanted Plaintiffs to quit)

STANDARDS - MISTREATMENT CLAIM:

Mistreatment: Employment legal rights violated on managers non managers commenced a form of Retaliation against.

- Rude or disrespectful treatment toward Plaintiffs by Plaintiffs superiors ○
Unreasonable denial of the usual fair treatment given to others ○
Unfair write-ups about petty things
- Bad performance reviews after a history of good performance ○
Denial of promotions or raises or transfers or favorable assignments
Unreasonable raising of the quota, or unfair criticism for failure to meet quota

STANDARDS /EVIDENCED If Plaintiffs have a Contract or Non-Compete Agreement the employer may be trying to force Plaintiffs to quit because of the effect on those agreements. The mistreatment is so bad that a reasonable person would rather quit than be subjected to it Complain in a reasonable manner to upper management, or to human resources, or to some other designated manager at work, and give the employer a chance to stop the mistreatment before Plaintiffs quit.

- STANDARDS: The employer failed to fix the problem, and does not have a legally sufficient excuse for its failure to fix the problem.

Employers who care about preventing legal claims will take steps to try to address Plaintiffs concerns. Employers whose primary motivation is to build a defense against Plaintiffs anticipated lawsuit will make it look like they are trying to address Plaintiffs concerns, but nothing much will change as far as Plaintiffs can tell.

- STANDARDS /EVIDENCED: The mistreatment continued after Plaintiffs made a proper complaint.

The employer's goal is to get Plaintiffs to quit, without giving Plaintiffs enough evidence to win Plaintiffs case, without giving Plaintiffs enough evidence of an evil motive and a pattern showing a plan to drive Plaintiffs out. Once Plaintiffs make a complaint, the employer will probably take some steps to address the precise problem Plaintiffs complained of. But the employer might not do anything to fix the real issue: Some manager is trying to force Plaintiffs to quit.

STANDARDS /EVIDENCED: The manager will now change tactics. If he was writing Plaintiffs up unfairly for minor workplace errors, he might stop doing that for awhile. Instead, he'll write Plaintiffs up for minor tardies that no one cared about previously. Or he might just start being rude to Plaintiffs, or denying Plaintiffs requests for days off, and on and on and on - the pattern of mistreatment will continue, but the tactics will change. The employer (who knows the law because he's already talked to his lawyer) will probably be very careful not to ever do anything to Plaintiffs that is clearly a single really evil act. The most he will do is a pattern of little acts. The employer knows that Plaintiffs will have a tough time getting a judge to agree that these little things would cause a reasonable person to quit their job and choose unemployment.

STANDARDS

STANDARDS / PROVEN: the employer "intended" to drive Plaintiffs out through the mistreatment. But the court will probably allow Plaintiffs to infer the "intent" from the circumstances.

STANDARDS /EVIDENCED: evidence that the employer intended to drive Plaintiffs out. Employer intended to make Plaintiff quit?

STANDARDS /EVIDENCED to court to "infer" the intent from the circumstances. It should be enough that Plaintiffs have proven that the employer was mistreating Plaintiffs and unreasonably failed or refused to stop.

THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS

as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

- Article 1.**

 - All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. **Article 2.**
 - Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3.

 - Everyone has the right to life, liberty and security of person.

Article 4.

 - No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5.

 - No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6.

 - Everyone has the right to recognition everywhere as a person before the law.

Article 7.

 - All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.

 - Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.

 - No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.

 - Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.

 - (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.
 - (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12.

 - No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.

 - (1) Everyone has the right to freedom of movement and residence within the borders of each state.
 - (2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14.

- (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.
 - (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.
- Article 15.**
- (1) Everyone has the right to a nationality.
 - (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.
- Article 16.**
- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
 - (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
 - (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
- Article 17.**
- (1) Everyone has the right to own property alone as well as in association with others.
 - (2) No one shall be arbitrarily deprived of his property. **Article 18.**
 - Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.
- Article 19.**
- Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.
- Article 20.**
- (1) Everyone has the right to freedom of peaceful assembly and association.
 - (2) No one may be compelled to belong to an association. **Article 21.**
 - (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
 - (2) Everyone has the right of equal access to public service in his country.
 - (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.
- Article 22.**
- Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.
- Article 23.**
- (1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.
 - (2) Everyone, without any discrimination, has the right to equal pay for equal work.
 - (3) Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

- (4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

- Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25.

- (1) Everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
- (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26.

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27.

- (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
- (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28.

- Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.

- (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.
- (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
- (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.

- Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Court of Appeal

Div -1

Case No 723961-I

Certificate of Service

Of

Shaw Rahman V. WA State ESD

I Shaw Rahman state that I caused a copy of this motion served by email to attorney of record.

Respectfully, pro Se Plaintiff, s/Shaw

Rahman

Court of Appeal

Div -1

Case No 723961-I

Certificate of Service

Of

Shaw Rahman V. WA State ESD

I Shaw Rahman state that I state that the statement are true to the best of my knowledge.

Respectfully, pro Se Plaintiff, s/Shaw

Rahman