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WA State Supreme Court


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Case No. 92087-7

SURREPLY TO DEFENDANT'S ANSWER

Of

SHAW RAHMAN V. WA STATE ESD

Petitioner/Appellant:

Pro se, Plaintiff, Shaw Rahman

Respondent:

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 ORIGINAL

FILED AS
ATTACHMENT TO EMAIL

Plaintiff holds on to, 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] for the following response.

I & II. RESPONSE TO INTRODUCTION & COUNTER STATEMENT

WA State is a first serve state.

Plaintiff, reasserts his earlier pleadings that , he had couriered his appeal, from Vancouver BC, for filing at Wa state's King county superior court, on 12/31/2013, and the same day to attorney general's office as required, (per required instruction).

Also please note "the department doesn't furnish judicial appeal forms." RCW 34.04.514.

Also , A clear distinction between 9th cir appeal's court and Superior court RAP is shown that(which has substantial clear difference, for review at US supreme court holding US supreme court's review criteria RAP 10),

An appeal form doesn't barr an appeal review (9th cir RAP 3c), since appeal review is a constitutional right under 14th amendment for a US citizen. - clear question(s) of constitutional due process exists, which entitles review, first at WA supreme court or on constitutional rights, (over local court rule for a "

missing cover sheet” which doesn’t barr an appeal review,) – that is “A and only one” reason why, the appeal was sent back to an address that was unreachable to Plaintiff & Plaintiff didn’t , instruct the court to mail, while he has furnished a Fedex paid return envelope towards Vancouver BC .

Therefore plaintiff did not [PREC 116, Santore 28] fail to serve (first serve doctrine of WA state) and bears actual evidentiary support that he had used guaranteed courier service and confirmed his appeal reached for filing at king county superior court [PREC 116, Santore 28 applies] for complying on APA chapter RCW 34.05. no doubt exists. *Orwick v city of Seattle. Supported with actual compliance. (after agency final order). Court improperly, claims to have sent the return envelop in WA, still unrecoverable.*

Defense overlooks these matters supported with evidence, and considers Plaintiff “ filed” [disregarding service of process] appeal after 17 days , when the appeal was “sent via guaranteed courier “ and “served” from Vancouver BC , on 12/31/2015 WITHIN 30 days, by 13th jan 13,2014.

Therefore a significant question of law, (differentiating 9th cir and Superior court’s RAP), on due process, constitutional rights of appeal review over, LCR 82(e) or king County code 4A.630.060 , exists, which does not answer why king county court clerk’s office would return appeal , to an address that it should not have done so , unless the court is engaged in a unauthorized act to “evade /dodge” an appeal via excuse, of, residence address , in WA , when clear

postage paid envelope was provided to return mail to BC, having plaintiff had to leave WA address, as a result of discrimination on ESD denial.

Significant question of law resided. Under RAP 13.4(b)(3). Plaintiff has been deprived, in tactic from fair procedure, via un recoverable mail delivery, that never reached him.

Therefore Plaintiff didn't fail to or had any intent not to comply[he had resent the appeal on 1/29/2015] after finding out court acted outside of his instruction or failed to return a stamped copy to him at postage paid address]. A failure by court not plaintiff's. Issues appropriate under RAP 13.4(b) or WA state officials stated judges, exists.

Therefore Plaintiff [couriered to file (actual compliance for question on "on-time" filing)and served his appeal , to king county superior court, within 30 days ,supported appropriately, holding APA , RAP above, while a "missing cover sheet/form" that the department does not furnish (RCW 34.04.514.) of such cover sheet, similar to, what, 9th cir does not barr an appeal review under RAP 3c, are contradictory, (a clear distinction ,under the same jurisdiction , a question law, of 14 th amendment right of appeal review , EXISTS)

III. COUNTERSTATEMENTS OF THE CASE

With evidentiary support Plaintiff proves , WA ESD , provided by 4ci filed fraudulent information, to administrative courts, king country superior court and div -1 court of appeal regarding , statement of earnings of plaintiff with

each weekly pay period for pay for service ,in each claiming period, to deceive and defraud Plaintiff ,in this case, and breach terms and condition of contract, forcing Plaintiff to live with WA ESD support.- evidenced earlier.

Plaintiff paid his overpayment and had reminded , via exhibited evidence to WA ESD to adjust his benefit, via email , as evidenced in earlier pleadings before filing for subsequent ESD benefit .

Furthermore WA state, defense misinterprets the chronology and hides the evidentiary facts:

1. Plaintiff filed his “ appeal for review “ for claim 951-56-3865 on 11/13/2014, “received”. A hand written petition at the commissioner review office, on 11/14/2-13 stamped “RECEIVED” at ESD.
2. Subsequent petition for “RECONSIDERATION” was field on 12/30/2013 after calling the commissioner’s office due to postal slow delivery or retrieval , of mail , in Canada, which may have caused to receive the correspondence, explaining and requesting a suggestion after calling the agency office , if [should] a motion for reconsideration be filed, for the “denied petition for review” of 14th nov 2013 .(stamped)

The petition for ”reconsideration was denied on Jan 17, 2014 BUT the limitations period of appeal at Superior court was still in scope till Jan 13 2014. So the very next day appeal was courier and served to king county superior court and (as same served by regular mail, and reserved via [Small package receipt from Canada post,1125 Washington street,

P.O 40110] on 1/29/14, after finding missing appeal return to him,) to department , as evidenced, with Canadian postal ,dated 1/6/2014 , that reached destination, & was received on the 1/7/14 at superior court, at the destination. "track a package" [holding Hertly v State : "common sense"[element], on justice policy] with evidentiary support exists.

EM043166245CA.

Therefore he has complied statutory requirement to file an appeal within 30 days to king county superior court and served department.

Plaintiff resent an appeal , filed on 1/29/14 and reserved again , via Canada post 1/29/14 : tkr# 304617547361

A new appeal petition , after correction suggested by court of appeal for coversheet , was re served by March 4, 2014 [to correct the statement of the defense). Page 3, para4. First serve principle holds, that defense had been served with appeal once before which didn't have a cover sheet form, LCR 82(e) or king County code 4A.630.060 :referenced as LCR).

Therefore, Plaintiff has exercised to comply to "on time requirement to " to file appeal at king county superior court, before , 13 Jan 2014, and served the department with his initial appeal, per APA statutory filing requirement. That does justify as "good cause/just cause " for failure on plaintiff's part, in "cause analysis" for his constitutional right for appellate review", given the occurred incidents and de novo analysis, that a mere missing of "cover sheet " cannot

barr appeal review.[contradiction 9th cir RAP v. king county RAP under the same jurisdiction]

Here defense indicated and ignored that facts that a previous service was made to department on 12/31/13 with the same appeal that had a missing cover sheet [first service process was complied with by Plaintiff]. Which was reserved again with cover sheet. [first service process was exercised appropriately] for superior court for fact bound appeal , that could have been reviewed only on the factual basis in div -1 appeal procedure, depriving constitutional rights.

A motion to reconsider at king county superior court was denied, even after furnishing the court the evidently support that , a trace record of appeal delivery via EM043166245CA was received at King county superior court. An order can be amended one time, provided that Plaintiff has evidentiary support to state his reasoning of appeal filing within APA required limitation period.

ARGUMENT

Human rights encapsulate, including civil rights and employment rights. it is undisputable [see UN charter, and WA human right commission's charter, administered by UN/US/WA Supreme court]

So there was no additional necessity to re assert that, a prevailing factual basis or reasoning exists that encompasses, employment benefit denial cases,(in response to page 5, para2)

Not belated.

As stated in appeal review under the circumstances, it is a constitutional due process or statutory right preserved under 14th amendment, PERC 116, and Santore 28, [holds] , over beyond, State v Johnson or State v Blilie. Significant constitutional question rises, comparing the two appeal courts' RAP – reviewable at the US supreme court or WA supreme court, on a question of right .

Plaintiff complied within “on time” filing process of APA under RCW 34.05.542(2), per PERC 116, Santore 28. [city of Seattle v. PERC]. Here Plaintiff under the same applied doctrine, by attorney general office [i.e of PERC, nor ignored by the court as mis-stated by defense] ,pleads under the same standard , for his actual and substantial compliance of APA rules , RCW 34.05. in response to page 6 ,para 2. 3.

Therefore good and just cause exists. That in appeal review at the King country superior court, he was “obstructed in due process” , when plaintiff had rights for review under 14th amendment.

Contrary to application of substantial compliance doctrine in page 6 by defense, defense contradicts on its own, of the legitimacy of application of substantial compliance doctrine in page 7 ,para 2,3 with another case law, Skagit surveyors & engineers LLC v Friends of Skagit Cnty.

Since the only change between the unfound returned appeal and new appeal sent on 1/29/14 was the cover page, per LCR stated on the cover page signed

1/28/14 for appeal ,no addition requirement was needed before the order , therefore “cover page “ was the only issue”.

As stated under a contradiction of RAP process, in the same jurisdiction(9th cir) , 9th cir doesn't barr an appeal review (of constitutional rights) in RAP procedure[2 courts' clear distinction in RAP] , reviewable at the US supreme court [or this court],on a question of constitutional legitimacy, on rights of appeal review .

Destination code (zip)98104 for tracking EM 043166245CA receipt states the location in the US, for 1/6/16 delivery, from trace record, in addition to trace record.

Plaintiff requested the department, in superior court's appeal , to verify the trace record holding on MacDonald Dougal v Green, 411, with court clerk's office, which defense didn't respond/ignored.

As a result , in motion for reconsideration Plaintiff “produced” his burden of proof and filed motion for reconsideration .

Therefore plaintiff “produced” legitimate pretext that does not violate EEOC v Boeing. Or unworthy of credence , evidentiary support holding MacDonald Douglas was provided by plaintiff that does not contracted with Wilcox v Lexinton Eye Inst. Plaintiff was not excused from providing a cover sheet but a cover sheet doesn't barr an appeal review , as stated earlier because of higher precedence of statutory rights over local rule /King county code. In appeal procedure [PERC 116, Santore 28] proven in between the two appeals

courts.

Under the above plaintiff has proven that he has timely and substantially complied to appeal within 30 days of agency's final order before 13 Jan 2014, in filing and serving under APA RCW 34.05 but court erred in obstructing the process mis delivering the appeal, unrecoverable, which was sent via EM043166245CA at zip code 98014, with confirmed delivery of the appeal.

Plaintiff reasserts his pleadings for tort claim, holding article III standing, to assert *Ashcroft v Iqbal* [& to dismiss defense's answer of dismissal of appeal review], for fraudulently depriving plaintiff, by agency and 4ci, from ESD benefit, actionable under RCW 49.60.0202(2), RCW 4.92.110 , 4.16.170, , and holds on with FRE 302, to initiate federal claims, under 18 US code section 2340A, for Human rights violation and UN charter violation, as pleaded in court of appeal div -1.

Appendix of all previous pleadings, reconsideration motion at div -1, exhibits are included with standards of review and standing filed earlier, for de novo analysis.

Respectfully put forth for consideration, s/Shaw Rahman.

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- 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; 26
- 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, 26
- sex, race, national origin, religious beliefs, or disability;..... 26
- 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. 26
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RULE OF, BLACK LETTER, STATUES, CASE, WA STATE, LAW

18 US code section 2340A, -torture
US constitution- 14 th amendment –due process
Article III, Standings (see previous pleadings)
Hertly v State
MacDonald Dougal v Green, 411
FRE 302
King County code 4A.630.060 ,
LCR 82(e)
Orwick v city of Seattle
PERC, 116
RCW 34.04.514.
RCW 49.60.0202(2)
RCW 4.92.110
RCW 4.16.170
RAP 3c
RAP 13.4(b)(3).
RCW 34.04.514.)
Wilcox v Lexinton Eye Inst

(Glossary for foreseeable and applicable law, from , previous pleadings)

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

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)
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Article III at its nucleus and in more specific section 2[1]
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 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),
 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
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 H.W PERRY, Jr , Deciding ot Decide 246, 253-54(1991)-sup
 Henrickson v State ,92 Wn App. 856,865,965 P.2d, 1126
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 Kolstad v. American Dental Association, 119 S.Ct. 2118(1999)[intentional discrimination]
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 RCW 4.92.110
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 RAP 3c
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 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
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 1205, 1222 (1981).
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 sufficient to persuade a rational fair-minded person the premise is
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 sufficient to persuade a rational fair-minded person the premise is
 true].
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 US constitution -7thamendment–Trial by jury
 US constitution -13th amendment – involuntary servitude.
 US constitution -14th amendment
 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]
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 (2003)
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 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, 106-07 (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):

Ricketts 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 Grellis, 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:

MacDonanld *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 statues 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 Naccaratol], (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 896,899-900 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 Chelam 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 Chelam 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 well-being 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.

DEFINITION –HUMAN RIGHTS

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Washington (State) Omnibus Civil Rights Act of 1957

CHAPTER 37. H. B. 25. 7 CIVIL RIGHTS LAW AGAINST DISCRIMINATION.

AN ACT relating to civil rights, amending section 1, chapter 183, Laws of 1949 and ROW 49.60.010; amending section 12, chapter 183, Laws of 1949 and RCW 49.60.020; amending section 2, chapter 183, Laws of 1949 and ROW 49.60.030; amending section 3, chapter 183, Laws of 1949 and RCW 49.60.040; amending section 2, chapter 270, Laws of 1955 and ROW 49.60.050; amending section 6, chapter 270, Laws of 1955 and RCW 49.60.090; amending section 8, chapter 270, Laws of 1955 and RCW 49.60.120; amending section 7, chapter 183, Laws of 1949 and RCW 49.60.180 through 49.60.220; amending section 15, chapter 270, Laws of 1955 and RCW 49.60.230; amending section 16, chapter 270, Laws of 1955 and RCW 49.60.240; amending section 17, chapter 270, Laws of 1955 and RCW 49.60.250; section 9, chapter 183, Laws of 1949 and RCW 49.60.260 through 49.60.300; amending section 10, chapter 183, Laws of 1949 and ROW 49.60.310; and adding three new sections to chapter 183, Laws of 1949 and chapter 49.60 RCW.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Section 1, chapter 183, Laws of 1949 RCW 49.60.010 and RCW 49.60.010 are each amended to read as follows:

This chapter shall be known as the "Law Against Short Discrimination." It is an exercise of the police power of the state for the protection of the public welfare, health and peace of the people of this state, and in fulfillment of the provisions of the Constitution of this state concerning civil rights. The legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of race, creed, color, or national origin are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. A state agency is herein created with powers with respect to elimination and prevention of discrimination in employment, in places of public resort, accommodation or amusement, and in publicly assisted housing because of race, creed, color, or national origin; and the board established hereunder is hereby given general jurisdiction and power for such purposes.

SEC. 2. Section 12, chapter 183, Laws of 1949 and RCW 49.60.020 are each amended to read as follows:

The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the provisions of any other law of this state relating to discrimination because of race, color, creed, or national origin. Nor shall anything herein contained be construed to deny the right to any person to institute any action or pursue any civil or criminal remedy based upon an alleged violation of his civil rights. However, the election of a person to pursue such a remedy shall preclude him from pursuing those administrative remedies created by this act.

SEC. 3. Section 2, chapter 183, Laws of 1949 and RCW 49.60.030 are each amended to read as follows:

The right to be free from discrimination because of race, creed, color, or national origin is

recognized as and declared to be a civil right. This right shall include, but not be limited to:

- (1) The right to obtain and hold employment without discrimination;
- (2) The right to the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement;
- (3) The right to secure publicly assisted housing without discrimination.

SEC. 4. Section 3, chapter 183, Laws of 1949 and RCW 49.60.040 are each amended to read as follows:

As used in this chapter:

"Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers or any group of persons; it includes any owner, lessee, proprietor, manager, agent or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof;

"Employer" includes any person acting in the interest of an employer, directly, or indirectly, who has eight or more persons in his employ, and does not include any religious or sectarian organization, not organized for private profit;

"Employee" does not include any individual employed by his parents, spouse or child, or, in the domestic service, of any person;

"Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment; ,

"Employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees for an employer;

"National origin" includes "ancestry";

"Full enjoyment of" includes the right to purchase any service, commodity or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement, without acts directly' or indirectly causing persons of any particular, race, creed or color, to be treated as not welcome, accepted, desired or solicited;

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"Any place of public resort, accommodation, assemblage or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy or use of any property or facilities, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or for the sale of goods, merchandise, services or personal , property, or for the rendering of personal services, or for the public conveyance or transportation on land, water or in the air, including the stations and terminals

thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or public halls, public elevators and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: Provided, That nothing herein contained shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private; including fraternal organizations, though where public use is permitted that use shall be covered by this act; nor shall anything herein contained apply to any educational facility, operated or maintained by a bona fide religious or sectarian institution;

"Publicly assisted housing" includes any building, structure or portion thereof which is used or occupied or is intended to be used or occupied as the home, residence or sleeping place of one or more persons, and the acquisition, construction, rehabilitation, repair or maintenance of which is financed in whole or in part by a loan; whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency thereof, or the state or any of its political subdivisions, or any agency thereof, provided that such a housing accommodation shall be deemed to be publicly assisted only during the life of such loan and such guarantee or insurance, or if a commitment, issued by a government agency, is outstanding that the acquisition of such housing accommodations may be financed in whole or in part by a loan; whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency thereof, or the state or any of its political subdivisions, or any agency thereof;

"Owner" includes the owner, lessee, sublessee, assignee, agent, creditor, lender or other person having the right to ownership or possession of housing, or to have housing pledged as security for a debt.

SEC. 5. Section 2, chapter 270, Laws of 1955 and RCW 49.60.050 are each amended to read as follows:

There is created the "Washington state board against discrimination," which shall be composed of five members to be appointed by the governor, one of whom shall be designated as chairman by the governor.

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SEC. 6. Section 6, chapter 270, Laws of 1955 and RCW 49.60.090 are each amended to read as follows:

The principal office of the board shall be in the city of Olympia, but it may meet and exercise any or all of its powers at any other place in the state and may establish such district offices as it deems necessary.

SEC. 7. Section 8, chapter 270, Laws of 1955 and RCW 49.60.120 are each amended to read as follows:

The board shall have the functions, powers and duties:

(1) To appoint an executive secretary, and chief examiner, and such investigators, examiners, clerks, and other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

- (2) To obtain upon request and utilize the services of all governmental departments and agencies.
- (3) To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this chapter, and the policies and practices of the board in connection therewith.
- (4) To receive, investigate and pass upon complaints alleging unfair practices as defined in this act because of race, creed, color, or national origin.
- (5) To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of race; creed, color, or national origin:
- (6) To make such technical studies as are appropriate to effectuate the purposes and policies of this chapter and to publish and distribute the reports of such studies.

SEC. 8. Section 7, chapter 183; Laws of 1949 (heretofore divided and codified as RCW 49.60.180 through 49.60.220) is amended to read as set forth in sections 9 through 13 of this amendatory act.

SEC. 9. (RCW 49.60.180) It is an unfair practice for any employer:

- (1) To refuse to hire any person because of such person's race, creed, color, or national origin, unless based upon a bona fide occupational qualification.
- (2) To discharge or bar any person from employment because of such person's race, creed, color, or, national origin.
- (3) To discriminate against any person in compensation or in other terms or conditions of employment because of such person's race, creed, color, or national origin.

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(4) To print, or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, or national origin; or any intent to make any such limitation; specification or discrimination, unless based upon a bona fide occupational qualification: Provided, Nothing contained herein shall prohibit advertising in a foreign language.

SEC. 10. (RCW 49.60.190) It is an unfair practice for any labor union or labor organization:

- (1) To deny membership and full membership rights and privileges to any person because of such person's race, creed, color, or national origin.
- (2) To expel from membership any person because of such person's race, creed, color, or national origin.
- (3) To discriminate against any member, employer, or employee because of such person's creed, color, or national origin.

SEC. 11. (RCW 49.60.200) It is an unfair practice for any employment agency to fail or refuse to classify properly or refer for employment, or otherwise to discriminate against, any individual

because of his race, creed, color, or national origin, or to print or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection, with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, or national origin, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification: Provided, Nothing contained herein shall prohibit advertising in a foreign language.

SEC. 12. (RCW 49.60.210) It is an unfair practice for any employer, employment agency, or labor union to discharge, expel, or otherwise discriminate against any person because he has opposed any practices forbidden by this chapter, or because he has filed a charge, testified, or assisted in any proceeding under this chapter.

SEC. 13. (RCW 49.60.220) It is an unfair practice for any person to aid, abet, encourage, or incite the commission of any unfair practice, or to attempt to obstruct or prevent any other, person from complying with the provisions of this chapter or any order issued thereunder.

SEC. 14. There is added to chapter 183, Laws of 1949 and chapter 49.60 RCW, a new section to read as follows:

It shall be an unfair practice for any person or his agent or employee to commit an act which directly or indirectly results in any distinction, restriction, or discrimination or the requiring of any person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from any person the admission, patronage, custom, presence; frequenting, dwelling, staying; or lodging in any place of public resort, accommodation, assemblage, or amusement
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except for conditions and limitations established by law and applicable to all persons, regardless of race; creed, color, or national origin.

SEC. 15. There is added to chapter 183, Laws of 1949 and chapter 49.60 RCW, a new section to, read as follows:

It shall be an unfair practice:

- (1) For the owner of publicly assisted housing to refuse to sell, rent, or lease to any person or persons such housing because of the race, creed, color, or national origin of such person or persons;
- (2) For the owner of any publicly assisted housing to segregate, separate or discriminate against any , person or persons because of the race, creed, color, or national origin of such person or persons, in the terms, conditions, or privileges of any such housing or in the furnishing of facilities or services in connection therewith;
- (3) For any person to make or cause to be made any written or oral inquiry concerning the race, creed, color, or national origin of a person or group of persons seeking to purchase, rent, or lease publicly assisted housing accommodations;
- (4) For any person to print or publish or cause to be printed or published any notice or advertisement relating to the sale, rental, or leasing of any publicly assisted housing accommodation which indicates any preference, limitation, specification, or discrimination based on race, creed, color, or national origin;
- (5) For any person, bank, mortgage company or other financial institution to whom application is

made for financial assistance for the acquisition, construction, rehabilitation, repair or maintenance of any publicly assisted housing to make or cause to be made any written or oral inquiry for the purpose of discrimination concerning the race, creed, color, or national origin of a person or group of persons seeking such financial assistance, or concerning the race, creed, color, or national origin of prospective occupants or tenants of such housing, or to discriminate against, any person or persons because of the race, creed, color, or national origin of such person or persons, or prospective occupants or tenants, in the terms, conditions or privileges relating to the obtaining or use of any such financial assistance.

Nothing herein shall be deemed to prevent a bona fide religious, sectarian institution, or fraternal organization from selecting as tenants or occupants of any housing operated by such organization, as part of its religious, sectarian or fraternal activities, adherents or members of such religion, sect, or fraternal organization exclusively, or from giving preference in such selection to such adherents or members.

SEC. 16. Section 15, chapter 270, Laws of 1955 and RCW 49.60.230 are each amended to read as follows:

Who may file a complaint:

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(1) Any person claiming to be aggrieved by an alleged unfair practice may, by himself or his attorney make, sign, and file with the board a complaint in writing under oath. The complaint shall state the name and address of the person alleged to have committed the unfair practice and, the particulars thereof, and contain such other information as may be required by the board.

(2) Whenever it has reason to believe that any person has been engaged or is engaging in an unfair practice, the board may issue a complaint.

(3) Any employer or principal whose employees, or agents, or any of them, refuse or threaten to refuse to comply with the provisions of this chapter may file with the board a written complaint under oath asking for assistance by conciliation or other remedial action. Any complaint filed pursuant to this section must be so filed within six months after the alleged act of discrimination.

SEC. 17. Section 16, chapter 270, Laws of 1955 and RCW 49.60.240 are each amended to read as follows:

After the filing of any complaint, the chairman of the board shall refer it to the appropriate section of the board's staff for prompt investigation and ascertainment of the facts. The results of the investigation shall be reduced to written findings of fact, and finding shall be made that there is or that there is, not reasonable cause for believing that an unfair practice has been or is being committed. A copy of said findings shall be furnished to the complainant and to the person named in such complaint, hereinafter referred to as the respondent.

If the finding is made that there is reasonable cause for believing that an unfair practice has been or is being committed, the board's staff shall immediately endeavor to eliminate the unfair practice by conference, conciliation and persuasion.

If an agreement is reached for the elimination of such unfair practice as a result of such conference, conciliation and persuasion, the agreement shall be reduced to writing and signed by the respondent, and an order shall be entered by the board setting forth the terms of said agreement. No order shall be entered by the board at this stage of the proceedings except upon such written agreement.

If no such agreement can be reached, a finding to that effect shall be made and reduced to writing, with a copy thereof furnished to the complainant and the respondent.

SEC. 18. Section 17, chapter 270, Law's of 1955 and RCW 49.60.250 are each amended to read as follows:

In case of failure to reach an agreement for the elimination of such unfair practice; and upon the entry of findings to that effect, the entire file, including the complaint and any and all findings made, shall be certified to the chairman of the board. The chairman of the board shall thereupon appoint a hearing tribunal of three persons, who shall be members of the board or a panel of hearing examiners, acting in the name of the board, to hear the complaint and shall cause to be issued and served in the name of the board a written notice, together with a copy of the Case 920-877 shaw Rahman v WA ESD complaint, as the same may have been amended, requiring the respondent to answer the charges of the complaint at a hearing before such tribunal, at a time and place to be specified in such notice.

The place of any such hearing may be the office of the board or another place designated by it. The case in support of the complaint shall be presented at the hearing by counsel for the board: Provided, That the complainant may retain independent counsel and submit testimony and be fully heard. No member or employee of the board who previously made the investigation or caused the notice to be issued shall participate in the hearing except as a witness, nor shall he participate in the deliberations of the tribunal in such case. Any endeavors or negotiations for conciliation shall not be received in evidence.

The respondent may file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard.

The tribunal conducting any hearing may permit reasonable amendment to any complaint or answer. Testimony taken at the hearing shall be under oath and recorded.

If, upon all the evidence, the tribunal finds that the respondent has engaged in any unfair practice it shall state its findings of fact and shall issue and file with the board and cause to be served on such respondent an order requiring such respondent to cease and desist from such unfair practice and to take such affirmative action, including, (but not limited to) hiring, reinstatement or upgrading of employees, with or without back, pay, an admission or restoration to full membership rights in any respondent organization, or to take such other action as, in the judgment of the tribunal, will effectuate the purposes of this chapter, and including a requirement for report of the matter on compliance.

If, upon all the evidence, the tribunal finds that the respondent has not engaged in any alleged unfair practice, it shall state its findings of fact and shall similarly issue and file an order dismissing the complaint.

The board shall establish rules of practice to govern, expedite and effectuate the foregoing procedure.

SEC. 19. There is added to chapter 183, Laws of 1949 and chapter 49.60 RCW, a new section to read as follows:

If the complainant is dissatisfied with the agreement reached as provided in section 17 hereof, or if the finding is made as provided for in this chapter, that there is no reasonable cause for

believing that an unfair practice has been or is being committed, the complainant may within thirty days of approval by the board of such agreement or from receipt of a copy of said finding file a petition for reconsideration by the board and. he shall have the right to appear before the board at its next regular meeting in person or by counsel and present such facts, evidence and affidavits of witnesses as may support the complaint.

The board shall establish rules of practice to govern, expedite, and effectuate the foregoing Case 920-877 shaw Rahman v WA ESD procedure.

SEC. 20. Section 9, chapter 183, Laws of 1949 (heretofore divided and codified as RCW 49.60.260 through 49.60.300) is divided and amended as set forth in sections 21 through 25.

SEC. 21. (RCW 49:60.260) (1) The board shall petition the court within the county wherein any unfair practice occurred or wherein any person charged with an unfair practice resides or transacts business, for the enforcement, of any order which is not complied with and is issued by a tribunal under the provisions of this chapter and for appropriate temporary relief or a restraining order, and shall certify and file in court a transcript of the entire record of the proceedings, including the pleadings and testimony upon which such order was made and the finding and orders of the hearing tribunal. Within five days after filing such petition in court the board shall cause a notice of the petition to be sent by registered mail to all parties or their representatives.

The court shall have jurisdiction of the proceedings and of the questions determined thereon, and shall have the power to issue such orders and grant such relief by injunction or otherwise, including temporary relief, as it deems just and suitable and to make and enter, upon the pleadings, testimony and proceedings set forth in such transcript, a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part any order of the board or hearing tribunal

(2) The findings of the hearing tribunal as to the facts, if supported by substantial and competent evidence shall be conclusive. The court, upon its own motion or upon motion of either of the parties to the proceeding, may permit each party to introduce such additional evidence as the court may believe necessary to a proper decision of the cause.

(3) The jurisdiction of the court shall be exclusive and its judgment, and decree shall be final, except that the same shall be subject to a review by the, supreme court, on appeal, by either party, irrespective of the nature of the decree or judgment. Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the supreme court, and the record so certified shall contain all that was before the lower court.

SEC. 22. (RCW 49.60.270) Any respondent or complainant aggrieved by a final order of a hearing tribunal may obtain a review of such order in the superior court for the county where the unfair practice is alleged to have occurred or in the county, wherein such person resides or transacts business by filing with the clerk of the court, within two weeks from the date of receipt of such order, a written petition in duplicate praying that such order be modified or set aside. The clerk shall thereupon mail the duplicate copy to the board. The board shall then cause to be filed in the court a certified transcript of the entire record in the proceedings, including the pleadings, testimony and order. Upon such filing the court shall proceed in the same manner as in the case of a petition by the board and shall have the same exclusive jurisdiction to grant to any party such temporary relief or restraining order as it deems just and suitable, and in like manner to make and enter a decree enforcing or modifying and enforcing as so modified or setting aside, in

whole or in part, the order sought to be reviewed.

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Unless otherwise directed by the court, commencement of review proceedings under this section shall operate as a stay of any order.

SEC. 23. (RCW 49.60.280) Petitions filed under RCW 49.60.260 and 49.60.270 shall be heard expeditiously and determined upon the transcript filed, without requirement of printing. Hearings in the court under this chapter shall take precedence over all other matters, except matters of the same character.

SEC. 24. (RCW 49.60.290) No court of this state shall have jurisdiction to issue any restraining order or temporary or permanent injunction preventing the board from performing any function vested in it by this chapter.

SEC. 25. (RCW 49.60.300) RCW 49.60.260 to 49.60.290, inclusive, shall not be applicable to orders issued against any political or civil subdivision of the state, or any agency, office, or employee thereof.

SEC. 26. Section 10, chapter 183, Laws of 1949 and RCW 49.60.310 are each amended to read as follows:

Any person that willfully resists, prevents, impedes, or interferes with the board or any of its members or representatives in the performance of duty under this chapter, or that willfully violates an order of the board, is guilty of a misdemeanor; but procedure for the review of the order shall not be deemed to be such willful conduct.

SEC. 27. If any provision of this act or the application of such provision to any person or circumstance shall be held invalid, the remainder of such act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Passed the House February 25, 1957

Passed the Senate February 23, 1957

Approved by the Governor March 2, 1957

Sources:

Session Laws of the State of Washington 1957 (Olympia, Washington (State): Statute Law Committee, 1957). - See more at: <http://www.blackpast.org/primarywest/washington-state-omnibus-civil-rights-act-1957#sthash.phQxTzbm.dpuf>

Human Rights are the basic rights and freedoms to which all human beings are entitled, like civil and political rights, the right to life and liberty, freedom of thought and speech/expression, equality before the law, social, cultural and economic rights, the right to food, the right to work, and the right to education. In short, human rights are freedoms established by custom or international agreement that protect the interests of humans and the conduct of governments in every nation.

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Human rights are distinct from civil liberties, which are freedoms established by the law of a particular state and applied by that state in its own jurisdiction.

Human rights laws have been defined by international conventions, by treaties, and by organizations, particularly the United Nations. These laws prohibit practices such as torture, slavery, summary execution without trial, and arbitrary detention or exile. Many human rights are secured by agreements between the governments and those they govern, such as the U.S. Constitution. Others are protected by international laws and pressure.

For more information on Human Rights laws, please refer to the materials below. Additionally, should you need the assistance of a human rights attorney, you may find lists of legal professionals on our Law Firms page.

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