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SUPREME COURT
STATE OF WASHINGTON
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SUPREME COURT NO. 92368-0
COURT OF APPEALS NO. 45504-8-II


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SUPREME COURT
OF THE STATE OF WASHINGTON

BESSIE WILLIAMS,

Appellant,

v.

FIRST TRANSIT, INC., *et al.*,

Respondents.

**RESPONDENT CENTRAL BIBLE EVANGELICAL CHURCH'S
RESPONSE TO APPELLANT'S MOTION TO MODIFY MOTION
FOR REVIEW**

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I. IDENTITY OF RESPONDING PARTY

Respondent Central Bible Evangelical Church (“Central Bible”) hereby submits this Opposition to Petitioner Bessie Williams’ “Motion to Modify Motion for Review”.

II. STATEMENT OF RELIEF SOUGHT

Central Bible respectfully requests that this Court deny Petitioner’s “Motion to Modify Motion for Review”.

III. FACTS RELEVANT TO RESPONSE¹

Since this lawsuit was filed in 2011, Plaintiff has consistently failed to comply with the applicable court rules. As a result of her inability to follow the court rules, Ms. Williams has engaged in unnecessary and unsanctioned motion practice that has wasted judicial resources and prejudiced the Respondents, who are forced to spend time and money responding to her frivolous motions. Even a cursory review of the dockets from the Pierce County Superior Court, Division II of the Washington State Court of Appeals and now the Washington Supreme Court discloses the appellant’s chronic disregard for the court rules and her frivolous motion practice. This motion represents just one more example of an unnecessary

¹ Respondent Central Bible provided a full summary of the facts of this claim and the ensuing litigation in its Response to Petitioner’s Motion to File Amended Petition. To streamline its response and promote judicial efficiency, Central Bible incorporates by reference its factual summary contained in its prior answer.

motion stemming from Ms. Williams' noncompliance with the court rules, one more motion that monopolizes court resources, one more motion that requires the other litigants to incur time and expense responding to flawed legal and procedural arguments. As with the multiple motions filed by Ms. Williams over the life of this case, the instant motion is not well founded and should be denied.

This motion arises out of Ms. Williams' failure to comply with the Rules of Appellate Procedure when submitting her Petition for Review to the Washington State Supreme Court. On September 10, 2015, Ms. Williams filed a Petition for Review with the Washington State Supreme Court. The Petition for Review was not properly served on Respondents, who only learned of the Petition from correspondence from the Court Clerk dated October 16, 2015. By scheduling order issued by the Court Clerk, the Respondents were required to submit a response to the Petition not later than January 4, 2016.

At 4:28 p.m. on December 31, 2015 (the evening before a holiday weekend), Central Bible received an email from Elizabeth Young attaching an "Amended Petition for Review by the Washington State Supreme Court." By order dated January 4, 2016, the Court Clerk rejected the amended petition for filing as Ms. Williams did not request or receive permission from the Court to file an amended petition. Central Bible

subsequently filed an answer to the original petition for review.

On January 15, 2016, Ms. Williams filed a Motion to File an Amended Petition. By correspondence dated January 19, 2016, the Court Clerk acknowledged receipt of Motion to File Amended Petition and noted that the motion would be heard at the same time as the Petition for Review, which would be April 26, 2016. Any answers to the motion were to be filed by February 16, 2016. Both Respondents filed answers by the appointed deadline. Petitioner did not submit a reply in support of the motion or raise an issue with the hearing date at that time.

On February 18, 2016, Petitioner filed the instant Motion to Modify Motion for Review. In correspondence dated February 22, 2016, the Court Clerk acknowledge receipt of the motion and instructed the parties that any answer should be served and filed by March 18, 2016.

IV. RESPONSE

In her Motion to Modify, Ms. Williams requests the Court to consider her Motion to File Amended Petition for Review prior to April 26, 2016, the hearing date for consideration of Ms. Williams' Petition for Review. Without citation to any applicable or controlling authority, Ms. Williams appears to be arguing that the Court Clerk's decision to reject her original amended Petition for Review was improper, because she had been advised by the Clerk's office that an amended petition could be filed any

time prior to the filing of the responding answer. As a result, according to Petitioner, the Court should deviate from its standard practice of hearing accompanying motions with petitions for review on the same date and consider her Motion to File an Amended Petition before April 26, 2016.

The basis for Ms. Williams' motion – the alleged advice she received from the Clerk's Office regarding the filing of an amended petition – is not supported by fact or law. First, it is noteworthy that Ms. Williams has not provided any evidence in the form of any affidavit or declaration to support her alleged conversation with the Clerk's Office. In other words, this is an unsubstantiated allegation that cannot support the requested relief.

Even ignoring the flawed factual record, Ms. Williams does not acknowledge her own responsibility to comply with the court rules. As a pro se litigant, Ms. Williams is required to follow applicable court rules. *State v. Sullivan*, 143 Wash.2d 162, 178, 19 P.3d 1012 (2001). In this appeal, this fundamental rule means that Ms. Williams had to comply with the Rules of Appellate Procedure when filing her Petition for Review and any associated motions.

As a pro se litigant, Ms. Williams would also be expected to understand that a Court clerk, including the Supreme Court Clerk's Office, cannot provide legal advice. In establishing the court system, the Washington legislature specifically prohibited each clerk of a court from

acting as attorney. RCW 2.32.090. Taking this restriction one step further, the Washington Supreme Court prohibits its Clerk and deputies from acting as an attorney. SAR 16(c). This restriction necessarily means that court clerks are not permitted to provide legal advice relating to a case and there is no evidence that occurred here.

Finally, Ms. Williams jumps to that baseless conclusion that her appellate rights will be prejudiced if the Motion to Amend is considered at the same time as her original Petition for Review. The Court is in the best position to decide how to allocate its time and resources, and there is nothing in the record justifying deviation from the Court's standard practices when addressing a petition for review and related motions.

V. CONCLUSION

Petitioner Bessie Williams is presumed to know the court rules and required to comply with those rules when filing her appeal. She has not done so here. The fact that she may have spoken to the Clerk's Office does not excuse her non-compliance. There is nothing before the Court to support the relief requested in the Motion to Modify, or the Motion to File Amended Petition. Central Bible requests that the Court deny the Motion to Modify and consider the Motion to File Amended Petition along with the original Petition for Review on April 26, 2016 as set forth in the Clerk's January 15, 2016 correspondence.

DATED this 18th day of March, 2016.

ANDREWS ▪ SKINNER, P.S.

By *s/Stephen G. Skinner*

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DECLARATION OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington, that the following is true and correct:

That on March 18, 2016, I arranged for service of the foregoing Respondent Central Bible Evangelical Church's Answer to Petition for Review, to the court and to the parties to this action as follows:

Supreme Court of the State of Washington	Via email for filing
Bessie Williams 13023 Greenwood Ave. N. Seattle, WA 98133 hyprnike@comcast.net	Via Email and US Mail
Laura E. Kruse Betts Patterson & Mines, PS 701 Pike Street, Suite 1400 Seattle, WA 98101-3927 lkruse@bpmlaw.com	Via Email and US Mail

Dated at Seattle, Washington this 18th day of March, 2016.



Jane Johnson, legal assistant

OFFICE RECEPTIONIST, CLERK

To: Jane Johnson
Cc: Stephen Skinner; 'hyprnike@comcast.net'; 'lkruse@bpmlaw.com'
Subject: RE: Bessie Williams v. First Transit, et al.; Supreme Court No. 92368-0

Rec'd 3/18/2016

Supreme Court Clerk's Office

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

From: Jane Johnson [mailto:jane.johnson@andrews-skinner.com]
Sent: Friday, March 18, 2016 1:18 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Stephen Skinner <stephen.skinner@andrews-skinner.com>; 'hyprnike@comcast.net' <hyprnike@comcast.net>; 'lkruse@bpmlaw.com' <lkruse@bpmlaw.com>
Subject: Bessie Williams v. First Transit, et al.; Supreme Court No. 92368-0
Importance: High

Re: Bessie Williams v. First Transit, et al.; Supreme Court No. 92368-0

Attached please find Respondent Central Bible's Response to Appellant's Motion to Modify Motion for Review regarding the above matter.

All parties and counsel are copied on this email. Thank you.

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