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COURT OF APPEALS DIVISION ONE OF STATE OF WASHINGTON

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KAY B. KAYONGO, PRO SE APPELLANT/ PLAINTIFF

V

DV PROPERTIES, LLC, RESPONDENT/DEFENDANT

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OPENING BRIEF OF APPELLANT

---

KAY BENICE KAYONGO

PRO SE APPELLANT/PLAINTIFF

12714 LAKE CITY WAY NE

SEATTLE, WA 98125

11/15/2011 10:31:11 AM  
COURT OF APPEALS DIVISION ONE  
CLERK OF COURT  
JULIA M. HARRIS  
CLERK

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## I. INTRODUCTION

On the July 10, 2014, the trial court entered three orders of Order Denying Motion for Reconsideration of Trial Court's Order Dated 6/18/14 for Motion's captioned as Plaintiff Denies Corruption, Fraud, and Lying Order Entered by Court on 6-18-2014 for Her Notice Motion filed on June 5, 2014; Order Denying Motion revision of 3/11/14 Order Entered by Commissioner Bradburn Johnson filed on July 2, 2014; and Corrected and Amended Order Denying Plaintiff's Motion for Order to vacate Judgment Entered on April 24, 2013 filed on June 25, 2014 with the raise issues of procedural defects; plaintiff's motion for order to show case was entirely without basis and frivolous and was appropriately denied without prejudice by Commissioner Bradburn Johnson; plaintiff's time barred under CR 60 (b); plaintiff's has repeatedly been advised that her case in King County Superior Court is closed and she may wish to seek relief in the Court of Appeals if she choose CP 367. Based on those issues presented above, the court of appeals should reverse the trial court's decisions of the orders entered on July 10, 2014 and grant: reconsideration of court's hearing date for his failure to comply LCR 7(b)(4) (B); reconsideration of motion for an order to show cause for vacation of judgment entered on April 24, 2013 , Order June 20, 2013 and other following denying orders under LCR 7(b)(9) and CR 60 (b) (e) because

the motion for order to show cause for complaint of the theft was not without basis and frivolous when there were cause of action the appellant's claims were dismissed of claims were barred by statute of limitations which were not under dismissal without prejudice entered on September 14, 2012, RCW 4.16.230; RCW 4.16.110 and RCW 4.16.080 (2) (3) (4) of the same previous claims cause # 11-2-14402-0 SEA, but the claims supposed to be dismissed due to untimely presented of proposed order which was due to untimely receiving of defendant's response in strict reply... and incompetency, incapacity of lacked of knowledge, (unprofessional at law, rule, unfamiliar with the use them and writing of legal papers); enlargement of time under unsound mind or minor due to appellant's incapacity of lacked knowledge it was stated to almost all appellant's pleadings under CR 9, a motion under this section (b) does not affect the finality of the judgment or suspend its operation because this motion was raised within the time allow the action to be done and was suspended by judges' bad faith and lack of discretion and impartial authority and detention happened on arrest March 13, 2014 by assigned judge Oishi when the defendant attorney was aware of it CP 463 and to enter order vacating judgment entered on April 24, 2013, June 20, 2013 and other following orders under CR 60 (b) (e) on motion because the trial court is not appropriate forum for vacation of judgment 's motion under

CR 60 (b) (e) CP 367. If there should not be the issues of claims being barred by statute of limitations based on the issues presented here in this brief, the Court of Appeals should reverse the trial court's decision entered on April 24, 2013 and June 20, 2013 and the other following orders and orders the trial court to grant a hearing date, motion for order to show cause for vacation of judgment under LCR 7(b) (4) (B), LCR 7(b) (9) with the recovery damage requested on CP 575-576 or 582-583 \$ 7,460,671.60 or CP 5 \$ 8,124,064.80

## II. ASSIGNMENT OF ERROR

### A. Assignment of Error

1. No. 1. Trial Court erred when he stated that ... On April 24, 2013, Judge Prochnau dismissed this matter with prejudice, and on June 20, 2013, Judge Prochnau denied Plaintiff's motion to reconsider or vacate. 2. Plaintiff subsequently filed a Motion to Vacate Judgment on or about January 2, 2014, but did not follow the correct procedures to obtain a show cause order through the ex-parte department of King County Superior Court. In addition to the procedural defects of the motion, the plaintiff's motion was wholly without any legal justification or any substantive basis. On January 28, 2014, this court denied plaintiff's motion to vacate judgment

and did not grant an order to show cause on the order entered on June 18, 2014, correct and amended on July 19, 2014 CP 633-634 for vacation of judgment entered on April 24, 2013 of Complaint for Theft, Restitution, Action of Taking or Detaining the Tenant's Personal Property RCW 59.18.230 (4) which was previously filed under complaint of Breach of Contract; Breach of Duty of Good Faith and Fair Dealing; Fraudulent Misrepresentation; Restitution; Action of Taking or Detaining Tenant's Personal Property RCW 59.18.230 filed on April 20, 2011 and dismissed without prejudice on September 14, 2012 and Refiled on October 11, 2012

- i. No. 1.a)...but did not follow the correct procedures to obtain a show cause order through the ex-parte department of King County Superior Court
- ii. No. 1. b) In addition to the procedural defects of the motion, the plaintiff's motion was wholly without any legal justification or any substantive basis

**B. Issues Pertaining to Assignment of Error**

1. No. 1. a)...but did not follow the correct procedure to obtain a show cause order through the ex-parte department of King County Superior Court CP 633. Appellant had sent many e-mails to

request hearing date for to show cause from ex-parte to judge Oishi Patrick, Prochnau Kimberley and other Judges, she never got the date since January, 2014 to March 05, 2014 CP 605. She also walked into the court room spoke with judge Oishi's bailiff to provided her a hearing date, bailiff spoke with judge Oishi in appellant's presence on January 31, 2014 and judge Oishi refused to provide the hearing date CP 599. Appellant did not discourage to continue requesting a hearing date from Judge Oishi and Spearman. On March 4, 2014, appellant e-mailed judge Oishi to e-mail her hearing date to show cause if not she was going to pass to get one. On March 5, 2014 when no answer was given from Judge Oishi, appellant went to King County Courthouse to get a hearing date, and judge Oishi Called a Sheriff Officer to trespass her. Immediately, appellant went to King County Law Public Library then e-mailed her [his] bailiff. CP 605.

- a. Did appellant fail to timely obtain an order to show cause from Ex parte department as she has already requested hearing date since January, 2014 to March 5, 2014 to follow the requirement under LCR 7(b) (4) (B) and LCR 7(b) (9) for the reconsideration to obtain a court hearing date of motion for order to show cause for vacation of judgment entered on April 24, 2013, order entered on



June 20, 2013 and other post-judgment denied orders under CR 60 (b) and (e)? **Assignment Error No. 1 (a)**

- b. Did the act that appellant diligently and repeatedly requested hearing date and showed the court an order to show cause she got from different case CP 605 on January 31, 2014 constitute an act to correct the procedural defects on his order entered on January 28, 2014 CP 605, to obtain order to show cause under LCR 7(b) (4) (B) and LCR 7(b) (9) for reconsideration to obtain a hearing date of motion for order to show cause for vacation of judgment entered on April 24, 2013, Order June 20, 2013 and other following orders under CR 60 (b) and (e) ? **Assignment Error No. 1 (a)**
- c. Did the act that the trial court refuse to provide a hearing date to obtain order to show cause when he knew that there was a procedural defects as he just stated now CP 633 and appellant wanted to correct it on the same he entered order January 27, 2014 and on the day he filed with clerk January 28, 2014 CP 364-365 after filed from January 31, to March 5, 2014 constitute an act of intrinsic fraud for vacation of judgment entered on April 24, 2013, Order June 20, 2013 and post-judgment orders under CR 60 (b) (4)

and for reconsideration of hearing date, motion for order to show cause under CR 60 (e), LCR 7(b) (9)? **Assignment Error No. 1. (a)**

- d. Was the trial court in default of this procedural defects to obtain order to show cause from Ex parte Department under CR 60 (b) (e) and abused its discretion of impartial? **Assignment Error No. 1 (a)**
- e. Did the trial court violated King County Superior Court's Local Civil Rule 7(b)(4)(B) and LCR 7(b)(9) to allow the reconsideration of hearing date, motion for order to show cause and motion for order vacating judgment or order vacating judgment?
- 2. 1. b). In addition to procedural defects of motion, the plaintiff's motion was wholly without any legal justification or any substantive basis CP 633.
- f. Was the appellant's motion to vacate judgment entered on April 24, 2013 and Order June 20, 2013 filed on January 2, 2014 without any legal justification or any substantive basis CP 348-357, 358-363 under CR 60 (b) and (e) when the appellant's claims were not barred by statute of limitations, the defendant's response in strict reply to plaintiff's answer to defendant's motion for judgment on pleadings and untimely provided of proposed order and the

appellate court did not hear the matter? **Assignment Error No. 1.**

**b)**

- g. Was the appellant's motion to vacate judgment above without any legal justification or any substantive basis under the name of Complaint for Theft CP 36-61 and motion for judgment on the pleadings CP 101-106; Motion to vacate judgment CP 348-362 and defendant's response in strict reply to plaintiff's answer which constitutes a confession of judgment by defendant that he accepted to steal the appellant's personal property and agreed to pay them CP 229-230 under Criminal Law RCW 9A.08.020(1); RCW 9A.56.020 (1) (a); RCW 9A.56.030(1); RCW 9.01.120; RCW 9A.20.021; RCW 9A.20.030 CP 10, 15-17 even though this pages were amended to CP 38-61 the request of neighborhood legal clinic advisor for reconsideration of them under CR 15 (c ), a court hearing date, motion for an order to show cause for vacation of judgment entered on April 24, 2013 and June 20, 2013 and other following orders; CR60 (b) (e) **Assignment Error No. 1. b**

**A. Assignment of Error No. 2**

3. No. 2 Trial Court erred when he stated that plaintiff's motion was filed over one year after judge Prochnau entered the order of

dismissal on April 24, 2013 and plaintiff's motion is time barred under CR 60 (b) CP 634 on discovery motion, kind of declaratory relief of order denying plaintiff's motion for order to vacate judgment entered on April 24, 2013 CP 515-532

**B. Issues Pertaining to Assignment of Error No. 2**

1. No. 2. The appellant had several times requested from the court a hearing date to obtain an order to show cause from ex-parte from January 21, 2014 to March 05, 2014 CP 605, and judge Oishi Patrick refused to provide the hearing date which was done within one year. The e-mail for request of hearing date was also requested by appellant on the same day he entered an order of denial Re: Plaintiff's motion to vacate judgment... on January 27, 2014, on the same day she filed the order with court clerk on January 28, 2014 and no answer was given from judge Oishi Patrick, CP 605, Appendix and even on January 31, 2014 after the appellant received the a denying order CP 364-365 , appellant walked in to judge Oishi's courtroom to request a court hearing date and showed an order to show cause from different case CP 610, 605 the judge Oishi refused to provide a hearing and provided a correspondence notice CP 367; On March 11, 2014, appellant filed a motion for order to show cause and was denied by Ex parte department CP

399-439; On March 13, 2014, appellant was arrested at King County Courthouse while she went to pick up the denied order to show cause CP 398 and while being in custody, her public defender Attorney Mrs. Carter asked Judge Oishi to release appellant due to these civil proceeding then she can continue outside court appearance hearing, and Judge Oishi Denied and ordered to send me to Western State Hospital for involuntary treatment and evaluation when she was 100 percent sure she did not have any mental illness issues, (but lack of knowledge) and after long years of working on recovery of my personal property which the court refused to grant as defendant's requested to do so CP 229-230; Today judge Oishi recognizes after expiration time to vacate judgment under CR 60 (b) the judgment can be vacated under CR 60 (b) in his courtroom not to Court of Appeals CP 366-367, 605, 599-600. Based on above statement of facts

- a. Was appellant in default to timely obtain order to show cause from Ex parte, revision of order to show cause entered by commissioner Bradburn Johnson or seek review of order to show cause with the appellate court within the time limit under CR 60 (b) and (e) for reconsideration of a hearing date, motion for order to show cause and motion for order vacation judgment or order vacating

judgment from court of appeals when the trial court is not appropriate forum for vacation of judgment motion? **Assignment**

**Error NO. 2**

b. Was appellant in default to not timely served the defendant with order to show cause and motion for order to vacate judgment under requirement of CR 60 (b) and (e)? **Assignment Error No. 2**

c. Can pro se appellant, an unprofessional at law, never be at law school, first time to proceed the lawsuit proceeding, being qualified under CR 60 (b) (11) exception of minor or a person of unsound mind due to pro se 's incompetency and incapacity of lack of knowledge as she has already stated in almost her pleadings under CR 9 (b) for the time barred under CR 60 (b) if rule 60 (b) (11) which says a motion under this section (b) does not affect the finality of judgment or suspend its operation is not applying?

**Assignment Error No. 2**

d. Can enlargement of time be made under CR 60 (b) (1) on CR 60 (b) (11)...which says A motion under this section (b) does not affect the finality of judgment or suspend its operation when this proceeding for vacation of judgment entered on April 24, 2013, order June 20, 2013 and other following orders have already commenced within one year time limited under rule 60 (b) and was

suspended due to involuntary confinement circumstance happened on arrest of March 13, 2014? **Assignment of Error No. 2**

- e. Can CR 60 (b)(5) be applied for the continuing of this proceeding of vacation of judgment because it is not enumerated under CR 60 (b) (11)...which says the motion shall be made within a reasonable time and for reason (1), (2), (3) not more than 1 year after judgment, order, proceeding was entered or taken? **Assignment Error No. 2**
- f. Does the act that judge Oishi, the appellant's assigned judge knew that the time to vacate judgment under CR 60 (b) (e) was about to expired, he knew that the motion for order to vacate judgment has already filed and appellant did not know about time under CR 60 (b) condition which was the reason she requested the enlargement of time under rule 6 (b) (2) for rule 60 (b) and he intentionally refused to provide hearing date to obtain order to show and detained appellant until the time to act has gone and raised issue of time is barred under CR 60 (b) CP 634 constitute an act of intrinsic fraud for reconsideration of hearing date, motion for order to show cause for vacation of judgment under requirement of LCR 7(b) (4) (B), LCR 7 (b)(9), CR 60 (b) (4) and (e) CP 399-407? **Assignment Error No. 2**

g. Was the scrivener's error act of frustration of extrinsic and intrinsic fraud the judge Oishi committed CP 540-541, 515-532 to support the defendant's wrong doing when the judge when he kne that the motion to vacate judgment and obtaining of hearing date can be done in his courtroom and he refused to provide hearing date to obtain order to show cause which were requested several times, and stated that this court cannot engage in a motion to vacate judgment as that decision was final CP 367. Your remedy, if you wish to pursue this further you will need to be sought in the Court of Appeals CP 367 when he knew that the time to appeal the order entered on April 24, 2013 and entered on June 20, 2013 has expired and appellant does not have fund to proceed review CP 360-361, 352, 301-303 which was not as oversight mistake as appellant did on CR 6 (b) (2) (semi-colon ;) for the meaning of enlargement of time under CR 6 (b) CP 507 for the reconsideration of hearing date, motion for order to show cause and vacation of judgment for the failure of judge? **Assignment Error No. 2**

A. **Assignment of Error**

4. No. 3 Trial Court erred when he stated that plaintiff again did not follow the correct procedures to obtain a show cause order



through the ex-parte of King County Superior Court. In addition to this procedural defect, the plaintiff's motion is wholly without any legal justification or substantive basis on the corrected and amended order denying plaintiff's motion for order to vacate judgment entered on April 24, 2013 dated July 11, 2014 CP 633-634.

**B. Issues Pertaining to Assignment of Error**

1. No. 3. This notice motion was a discovery motion, declaratory relief retrieved from CR 7.36 form to have declaration of defendant and judge prochnau who entered it CP 542 filed on ground that: CP 515-518, 523-524, 526-531, judge Oishi refused to provide a hearing date to correct the procedural defect from January 21,2014 to March 05, 2014 CP 605. The time to seek revision of a denied order to show cause entered by commissioner Bradburn Johnson or sought review of it has expired. Detention of involuntary treatment and evaluation by assigned judge Oishi. Civil Rule Procedure form book, CR 7 Section1 Introduction Commentary last paragraph " This is no requirement under CR 7 that a motion be supported by legal authority or legal brief." This notice motion was retrieved from CR 7.36 form:

- a. Was this discovery notice motion to vacate judgment April 24, 2014, kind of declaratory relief made by pro se appellant unprofessional at law, rule and legal writing papers and lacked of fund for declaratory fee CP 515-532 inappropriately filed with Judge Oishi under RCW 7.24.010 when you read it CP 515-532?

**Assignment Error No. 3**

- b. Was this notice motion without any legal justification or any substantive basis under Washington Practice Civil Rule Procedure Form book CR 7 Section I Introduction Commentary, Last Paragraph...There is no requirement under CR 7 that a motion be supported by legal authority or legal Brief and under 7.24 RCW when appellant is unprofessional at law, rule and unfamiliar with the use of them? **Assignment Error No. 3**

- c. Was pro se appellant unprofessional at law, rule and unfamiliar with the use of them in default to file this discovery motion, kind of declaratory relief to have declaration of judges and defendant about order dismissing her claims if the claims were barred by statute of limitations, why the judge Prochnau entered two orders one has denying reconsideration/vacate which was filed with clerk and another did not have denying reconsideration/vacate the one was sent to me, why judge Oishi refused to provide hearing date to

obtain order to show cause, why the Ex parte denied order to show cause for the vacation of judgment CP 515-534; 542-551; 592-591 under 7.24 RCW for the reconsideration of hearing under LCR 7. (b) (4)(B) and motion for order to show cause under LCR 7 (b)(9) or 7.24 RCW and vacation of judgment under CR 60 (b) (e)?

### **Assignment Error No. 3**

#### **A Assignment of Error**

5. NO. 4 Trial court erred when he stated that plaintiff has repeatedly been advised that her case in king county superior Court is closed and that she may wish to seek relief in the court of Appeals if she choose on his order denying plaintiff's motion for reconsideration of the court's order dated 6/18/2014 CP 642 and was also only stated on court correspondence dated January 31, 2014 CP 367

#### **B. Issues Pertaining to Assignment of Error**

1. NO. 4. The court stated that plaintiff has repeatedly been advised that her case in King County Superior Court is closed and that she may wish to seek relief in the Court of Appeals if she chooses and on the Court Correspondence dated January 31, 2014 CP 367, states that... you have recently attempted to obtain a show cause

hearing with this court on a motion to vacate judgment entered on 4.24.2013. This court entered an order of Denial of your motion to vacate because this is not the appropriate forum for your motion. On April 24, 2013, your case was dismissed with prejudice by judge Kimberley Prochnau. You later filed a motion for reconsideration with that court and that motion was denied. This court cannot engage in a motion to vacate judgment as that decision was final. Your remedy , if you wish to pursue this further will need to be sought in the Court of Appeals CP 367. On court's corrected and amended order entered on July 10, 2014... the court stated that... but did not follow the correct procedures to obtain a show cause order through the Ex parte department of King County Superior Court... the plaintiff's motion was wholly without any legal justification or any substantive basis. On January 28, 2014, this court denied plaintiff's motion to vacate judgment and did not grant an order to show cause. Finally, the plaintiff's motion was filed over one year after judge Prochnau entered the order of dismissal on April 24, 2013. As such, Plaintiff's motion is time barred under CR 60 (b) CP 633-634

- a. Was the advise of judge Oishi good to seek relief remedy with Court of Appeals for judgment entered on April 24, 2013 and June

20, 2013 to pro se appellant unprofessional at law, rule and unfamiliar with the use of them when he knew that the time appeals the claims has expired, there was a procedure defect for order to show cause need to be corrected the appellant diligently tried to correct from January 21, 2014 to March 5, 2014, but she could not by refusal of judge Oishi's to provide a hearing date CP 605, and now judge Oishi Patrick disclosed on his Corrected and amended order CP 633-634 and on denying plaintiff motion for reconsideration...CP 629-630, Appellant lacked fund to proceed review with Court of Appeals CP348-349; 350; 352 constituted an act of intrinsic fraud and misrepresentation because he knew that can lead to Court of Appeals to affirm its decision of Order of Denial Re: Plaintiff's motion to vacate judgment entered on 04-24-2013 CP 364-365, this for the reconsideration of hearing date LCR 7 (b)(4)(B), motion for order to show cause LCR 7(b)(9) and vacation of judgment under CR 60 (b) and (e)? **Assignment Error No. 4**

- b. Did the trial court lacked its discretion and impartial to reconsider inexpensive proceeding when he knew the appellant's concerned lacked of fund issues prevented her to seek review than Court of Appeals' request of hearing date to obtain order to show cause

which was requested from January 21, 2014 to March 5, 2014 CP 605 for the correction of procedural defect to pro se appellant, unprofessional at law, rule, and unfamiliar with the use of them when the appellant presented him the fact of order to show cause she obtained from Ex parte on difference case which was presented on the same day he provided appellant with a correspondence notice on January 31, 2014 CP 367, on January 27, 2014, January 28, 2014, January 30, 2014 through e-mails CP 605, this is for reconsideration of hearing date LCR 7 (b) (4) (B), motion for order to show cause LCR 7 (b)(9) or 7.24. RCW and vacation of judgment under CR 60 (b) and (e)? **Assignment Error No. 4**

- c. Was judge Oishi Patrick's Courtroom appropriate forum for motion to vacate judgment under CR 60 (b) and (e) when he stated that ... this court cannot engage in motion to vacated judgment as that motion to vacate judgment as that motion was final CP 367 under RCW 4.72.010 (3) Mistakes, neglect, the appellate court did not hear the matter, the appellant lacked fund to proceed the review, and the issues were raised within one year, this is for the reconsideration of hearing date LCR 7 (b) (4) (B), motion for order

to show cause LCR 7 (b) (9) or 7.24 RCW and vacation of judgment under CR 60 (b) and (e). **Assignment Error No. 4**

d. Was judge Oishi Patrick's Court room inappropriate forum for motion to obtain order to show cause under LCR 7(b) (9) for vacation of judgment under CR 60 (b) and (e) when he refused to provide hearing to obtain order to show cause from Ex parte and he knew that if appellant appeals his order, the court of appeals would affirm his denied order decision, for the advise he provided appellant to seek relief remedy with Court of Appeals when he knew that there was defect that need to be corrected and for reconsideration of hearing, motion for order to show cause and vacation of judgment under CR 60 (b) (e) ? **Assignment Error No. 4**

e. Can the Court of Appeals vacate this judgment for advise the trial court provided because it was inappropriate forum for vacation of judgment CP 367 for vacation or reconsideration hearing date, motion for order to show cause and vacation of judgment under CR 60 (b) ( e)? **Assignment Error No. 4**

#### **A Assignment of Error**

6. NO. 5. Trial court erred when he stated that plaintiff's motion is untimely as it is beyond the required 10 days for King County Local Civil Rules 7 (b) (8) (A) on his order denying plaintiff's motion for revision of 3/11/2014 order entered by Commissioner Bradburn Johnson entered on July 10, 2014.

### **B Issues Pertaining to Assignment of Error**

1. NO. 5. Beside of the time barred under CR 60 (b) CP 634 and if the appellant is not qualified under CR 60 (b) (11)'s enlargement of time of unsound mind or minor for her incompetency, incapacity of lack knowledge unprofessional at law, rule, writing legal papers and unfamiliar with the use of them, 1st time proceed lawsuit proceeding until level as it is stated in almost appellant's pleadings under CR 9 condition of mind and under CR 60 (b)(5) which is not enumerated to exclusive section 1, 2, 3 that the vacation of judgment must be done within one year, on March 13, 2014, appellant was arrested at King County Court House while she went to pick up a denied order to show cause and being detained by Judge Oishi Patrick for mental illness evaluation and treatment until April 16, 2014 CP 461-463, the time the appellant



supposed seek revision of commissioner's denied order or review with the court of appeals has expired.

- a. Could this motion being revised under CR 6(b)(2) for excusable neglect when the time appellant supposed to seek revision or appeal of denied order to show cause she was in involuntary detention by assigned judgment and the notice was also sent to defendant attorney Raymond CP 463 for the reconsideration of hearing date, motion for order to show cause, and vacation of judgment under CR 60 (b) (e)? **Assignment Error NO. 5**

#### **A. Assignment of Error**

7. NO. 6. Trial Court erred when he stated that furthermore, plaintiff's motion for an order to show cause was entirely without basis and frivolous and thus was appropriately denied without prejudice by commissioner Bradburn-Johnson CP 357 in order denying plaintiff's motion for revision of 3/11/2014 order entered by commissioner Bradburn Johnson CP 636

#### **B. Issues Pertaining to Assignment of Error**

1. NO. 6. Based on motion for order to show cause for vacation of judgment entered on April 24, 2013, and other following orders

and its declaration of pro se plaintiff Kay B. Kayongo in support of Motion... CP 406-439, defendant's response in strict reply...CP 229-230, Order without prejudice entered on September 14, 2012 of the same previous case, RCW 4.16.230, RCW 4.16.110, and RCW 4.16.080 (2) (3) (4) of the same previous filed claims of cause # 11-2-14402-0 SEA if there would be no barred of statute of limitations on appellant's claims CP 301.

- a. Was appellant's motion for order to show cause entirely without basis and frivolous to enter order to show cause for vacation of judgment entered on April 24, 2013, and order June 20, 2013 under CR 60 (b) and (e) CP 399-439 for the reconsideration of hearing date, motion for order to show cause and vacation of judgment under CR 60 (b) (e)? **Assignment Error No. 6**
- b. Was the motion appropriately denied without prejudice by commissioner Bradburn Johnson when the issues was not heard by appellate court, the appellant lacked fund to proceed review, there were not issues of the claims being barred by statute of limitation under court dismissal without prejudice order entered on September 14, 2013, RCW 4.16.230, RCW 4.16.110, and RCW 4.16.080 (2) (3) (4) of the same previous filed claims cause # 11-2-14402-0 SEA, defendant's response in strict reply... CP 229-230;

CP 411-412; 419; 425-426 for the reconsideration of hearing date, motion for order to show cause and vacation of judgment **under CR 60 (b) (e)? Assignment Error No. 6**

- c. Was the appellant's motion for order to show cause frivolous for complaint for Theft ( the name of Theft) CP 36-61. that is the only way that she can pursue her recovery damages relief from Theft of her personal property (everything she had for life) CP 399-400, and acceptance of respondent DV Properties, LLC to theft them CP 229-230, 411-412 under Criminal Law RCW 9A.01.120 RCW 9A.56.030 (1); RCW 9A.56.020 (1) (a); RCW 9A.08.080 (1); RCW 9A.20.021 ; RCW 9A.20.030 CP 10, 15-17 even though this pages were amended to CP 38-61 by the request of neighborhood legal clinic advisor (appellant request relief under CR 15) for reconsideration of hearing date LCR 7(b) (4)(B), motion for order to show cause LCR 7(b) (9) or 7.24 RCW and vacation of judgment under CR 60 (b) (e)? **Assignment Error NO. 6**

**A. Assignment of Error**

8. NO. 7. Trial Court abused its discretion and impartial authority on the decision he made on July 10, 2014's orders.

## **B. Issues Pertaining to Assignment of Error**

1. NO. 7. From assignment of errors and issues pertaining No. 1 through No. 6. of the orders entered on July 10, 2014. CP 631-632, 633-634, 635-636.
  - a. Did the trial court abused its impartial and discretion authority to provide hearing date to obtain order to show cause for vacation of judgment or make correction of procedure defect when the e-mails to obtain hearing date or to correct procedure defect to obtain order to show cause were done from January 21, 2014 to March 5, 2014 for inexpensive vacation of judgment when the appellant's claims were not barred by statute of limitations; appellant no fund to proceed the review with court of appeals; the time to appeals has expired for order entered on April 24, 2013 and Order entered on June 20, 2013; the appellate court did not heard the matter; the defendant DV Properties, LLC accepted to theft appellant's personal property CP 229-230, defendant DV Properties, LLC applied RCW 59. 18. 310 to theft appellant's personal property under criminal law to pro se unprofessional at law, Rule, unfamiliar with the use of them and the 1st time to proceed lawsuit proceeding as if appellant goes to judge Oishi Patrick or Judge

Prochnau Kimberley or Commissioner Bradburn Johnson's houses stole their properties, they called police and appellant accepted to steal the properties I think the judges will not let the appellant goes free without being in jail and pay fine court will order to appellant for order to show cause without basis, the time barred under CR 60 (b) and for reconsideration of hearing date, motion for order to show cause and vacation of judgment under CR 60 (b)?

**Assignment Error No. 7**

III. STATEMENT OF CASE

1. Kay Benice Kayongo is pro se appellant resident of King County at 12714 Lake City Way NE, Seattle, WA 98125 CP 39-99
2. DV Properties, LLC is Respondent residential Landlord doing business in King County at 2000 South 116th Street, Seattle, WA 98168 for Julianne Apartment locates at 3249 South 160th Street, Sea-Tac, WA 98188 CP 39
3. On June 5, 2014, appellant filed a discovery motion in the name of Note Motion for vacation of judgment, kind of declaratory relief CP 515-532
4. On June 19, 2014, appellant filed a reply to note motion above CP 542-551

5. On June 19, 2014, the court filed a denying note motion order to where he disclosed that the motion can be done in his court, the time is barred under CR 60 (b) and issues of procedure defects CP 540-541
6. On June 25, 2014, plaintiff filed a Denied corruption, Fraud and Lying Order entered by Court on 6-18-2014 CP 592-608,609-628.
7. On July 2, 2014, the appellant filed motion for revision of commissioner's denied order to show cause CP 629-630.
8. On July 11, 2014, the court filed three denied orders: Corrected and Amended Order Denying Plaintiff's Motion for Order to vacate judgment entered on April 24, 2013 CP 633-634 Order Denying Plaintiff's Motion for Reconsideration of the Court's Order Dated 6/18/14 CP 631-632 Order Denying Plaintiff's Motion for Revision of 3/11/14 Order Entered By Commissioner Bradburn-Johnson CP 635-636.
9. On January 2, 2014, the appellant filed a motion for vacation of judgment under CR 60 (b) (e), a king of declaratory relief and served to Judge Prochnau to get hearing date for an order to show cause from Ex parte without knowing that she was on leave CP 348-362.

10. From January 21, 2014 to March 5, 2014, pro se appellant e-mailed to judges' request of hearing date for motion for order to show cause CP 605
11. On January 27, 2014, the court entered order of Denial Re: Plaintiff's Motion to Vacate Judgment entered on 04-24-2013 and filed it on January 28, 2014 CP 364-365
12. On January 31, 2014 the court provided appellant with a correspondence letter to where the court stated that you have recently attempted to obtain a Show Cause Hearing with this court on a motion to vacate judgment entered on 4-24-2013. This court entered an Order of Denial your motion to Vacate because this is not the appropriate forum for your motion...This court cannot engage in Motion to vacate Judgment as that decision was final... CP 367.
13. On February 3, 2014, appellant requested a stipulation with defendant DV Properties, LLC for vacation of judgment under CR 60 (b) and (e) and 4.72 RCW before filing it and the respondent counsel Mr. Raymond J. Walters and refused by saying the cause was dismissed nothing he could not about it CP 368-370.

14. On February 19, 2014, the appellant filed on motion to allow stipulation between parties for vacation of judgment CP 371-387.
15. On February 28, 2014, the court entered order denying the stipulation of parties CP 396-397.
16. On March 11, 2014, appellant moved for motion for order to show cause from Ex parte and was denied with prejudice which was filed to unassigned Civil Chief Judge Spearman CP 399-439.
17. On March 11, 2009, appellant Kay Benice Kayongo entered into contract agreement with Mr. Kyle Warner, the manager of DV Properties, LLC to keep her personal property for 6 months for remaining of rental payment. Appellant spoke with the owner Mr. Sposari on phone. He was the one who called appellant to move out because he did not know exactly when the appellant was going to get job or money from Africa to continuing renting; appellant moved out the same day. Appellant's personal property was moved into complex apartment storage with the help of Mr. Kyle Warner, the manager of apartment, and appellant's personal property was disposed and stolen on 07/2009 by DV Properties, LLC CP 36-61, 101-106. This case was filed on April 20, 2011 and amended on August 26, 2011 under complaint for Breach of Contract, Breach



of Duty of Good Faith and Fair Dealing; Fraudulent Misrepresentation; Restitution; RCW 59.18.230 Action of Taking or Detaining Tenant's Personal Property CP 101-106; 107-150. These Claims were dismissed without prejudice on September 14, 2012 CP 118-120; refiled on October 11, 2012 and Amended on November 26, 2012 CP 36-61.

18. On October 19, 2012, appellant filed declaration of service where Mr. Sposari declares that...plaintiff will not get anything from him, and will also give her (me) anything CP 24-25.
19. On January 24, 2013, the respondent answered the complaint CP 94-95, on February 4, 2013, the appellant replied to respondent's answer with some discovery questions.
20. On February 27, 2013, the respondent filed a motion for judgment on pleadings alternative for summary judgment requesting the court to dismiss appellant's claims because the pleading raise no material of a genuine issue of fact and the defendant is entitled to judgment as matter of law CP 101-106, 107-150.
21. On March 7, 2013, appellant responded to defendant's motion for judgment on pleadings and presented all material facts and

transferred all material of facts allows this case to be filed again  
CP 107-150.

22. On March 14, 2013, the court entered order of re-serving for disposition of claims CP 218-219.
23. On March 29, 2013, appellant filed an answer to maintain her answer to defendant's motion for judgment on pleadings CP 222-228 without knowing that I supposed to include proposed order of damages.
24. On April 16, 2013 Respondent responded in strict reply to plaintiff's answer to defendant's motion for judgment on pleadings to where he requested the court to grant judgment to appellant CP 229-230.
25. On April 24, 2013, the court entered a case dismissing case with prejudice order due to the claims were barred by statute of limitations CP 831-232.
26. On May 1, 2013, appellant filed a request notice asking the court to correct Clerks' Action under CR 60 (a) in it own initiative CP 233-235 by adding attachment for motion under CR 60 (a) (b) (c ) CP 236-251.

27. On June 24, 2013, the court entered two orders, a denying reconsideration/vacate order and without denying reconsideration/vacate order CP 298.
28. On July 16, 2013, the trial court denied indigency motion stated that but this is not a case fully under RAP 15.2 ( b) (2), the it being a civil matter and dispositive under having been entered more than 30 days prior for filing CP 301-303
29. On September 4, 2013, the Supreme Court entered a order denying review at public expenses

#### IV. SUMMARY OF ARGUMENT

This review is for reconsideration of court' s hearing date under LCR 7 (b) (4) (B); reconsideration of motion for order to show cause under LCR 7 (b) (9) for vacation of judgment entered on April 24, 2013 and order June 20, 2013 and other following orders; reconsideration of motion for order to vacate judgment or order to vacate judgment under CR 60 (b)( e) because the trial court is not appropriate forum for vacation of judgment motion CP 367; enlargement of time under CR (b) (e ) 4.72 RCW; any equitable relief the court of appeals will find equitable for complaint of theft due to pro se appellant's incompetency and incapacity of lack of knowledge

based the issues facts presented on introduction, assignment of errors and issues pertaining to assignment of errors, statement of case; argument conclusion and appendix with the recovery damages of \$7,460,671.60 CP 582-583 or CP 8,124,064.80

V. ARGUMENT

1. **...but did not follow the correct procedural defect to obtain a show cause order through ex-parte department of King County Superior Court CP 633**

The appellant did not fail to timely and correctly obtain an order to show cause from ex-parte department as she has already, diligently and repeatedly requested a court hearing date via the e-mails since January 21, 2014 to March 5, 2014 CP 605 and showed an example of an order appellant obtained from different case CP 605.

LCR 7 (b)(4) (B) says...Scheduling Oral Argument on Dispositive Motions. The time and date for hearing shall be scheduled in advance by contacting the staff of the hearing judge and LCR 7(b) (9) which says..., the moving party shall obtain a date for such hearing from the staff of the assigned judge before presenting the motion to ex-parte and Probate Department.

2. **... Plaintiff's motion was wholly without any legal justification or substantive base CP 633**

... Plaintiff's motion for order vacating the judgment was not without legal justification or substantive basis under

CR 60 (b) (1) mistakes, excusable neglect... which says... on motion and upon such term as are just, the court may relieve a party or his legal representation from a final judgment, order, or proceeding for the following reasons:

a. (1) Mistakes:

the appellant's claims were not barred by statute of limitations under dismissal without prejudice order entered on September 14, 2013 CP 118, 358. Plaintiff's pro se unprofessional at law who is also not paralegal writer of the civil procedure forms, and unfamiliar with application of the law and court rules and she had cited it on the complaint and other pleading see CR ( b) condition of mistakes CP 358-359 and appellant is three times unsuccessful from neighborhood legal clinic advise CP 348... for not presented the proposed order together with the response to respondent's motion for judgment on the pleadings. CP 348

b. excusable neglect:

The action supposed to be dismissed due to untimely receiving of defendant response in strict reply CP 358.

c. (5) Judgment is void: because the appellant's claims were not barred by statute of limitations

d. Civil Rule Procedure Form Book CR 7 Section I Introduction Commentary, Last Paragraph

... There is no requirement under CR 7 that a motion be supported by legal authority or legal brief... I am unprofessional at law for the application of law and rules mistakes or other mistakes... CP 362

**3. ...Plaintiff's motion is time barred under CR 60(b) CP 634**

This vacation of judgment proceeding was raised within time limited under CR 60 (b), the appellant had several times requested from the court a hearing to obtain an order to show cause from January 21, 2014 to March 5, 2014 CP 594, 605, and judge Oishi refused to provide the hearing date... CR 60 (b) (11) says.. Any other reason justifying relief from the operation of the judgment CP 362...if the party entitled to relief is a minor or unsound mind the motion shall be made within 1 year after the disability cease this for incompetency and incapacity of appellant' lacked

of knowledge, unprofessional at law, rule... A motion under this section (b) does not affect the finality of the judgment or suspend of its operation...this proceeding to vacate judgment entered on April 24, 2013, order June 20, 2013 was commencing within one year under CR 60 (b) and suspended under involuntary circumstance of arrest March 13, 2014 and its detention by assigned judge Oishi Patrick for the continuing of this proceeding under CR 60 (b) (e) CP\_\_\_\_\_

**4. Plaintiff has repeatedly been advised that her case in King County is closed and that she may wish to seek relief with Court of Appeals if she choose. CP 632**

The act that the court advised the appellant to seek relief with Court of Appeals is an intrinsic fraud and misrepresentation under CR 60 (b) (4) CP 529 because the court knew that there was a procedural defect to obtain an order to show cause from Ex parte department CP 633, appellant has diligently, repeatedly attempted to correct it and the court refused to do so, and the time to appeal order dismissing case of April 24, 2013, order June 20, 2013 has expired CP 531 when it is appropriate forum for vacation of judgment but inappropriate forum to obtain order to show cause.

**5. ... plaintiff's motion is untimely as its beyond the required 10 days for King County Local Civil Rule 7 (b) (8) (A)**

Even though the time to file motion under CR 60 (b) (e) has expired as it is stated on Court Order CP 634,

rule 6 (b) (2) upon motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect...

the appellant was in involuntary confinement circumstance ordered by assigned Judge Oishi Patrick.

**6. Furthermore, plaintiff's motion for an order to show cause was entirely without basis and frivolous and thus was appropriately denied without prejudice by commissioner Bradburn Johnson CP 636**

- A. Appellant's motion for order to show cause for vacation of judgment of April, 2013, order June 2013, was not without basis and frivolous and thus was inappropriately denied by commissioner Bradburn Johnson. The appellant's claims were not barred by statute of limitations because there refiled under trial court's dismissal without prejudice order entered on September 14, 2012 CP 70

RCW 4.16.230 statute tolled by judicial proceeding which says: when the commencement of an action is stayed by injunction or a statutory prohibition the time of the continuance shall not be a part of the time limited for the commencement of the action, RCW 4.16.110 Action limited one year says: within one year an action..., or imprisoned on civil process CP 3, 36, 101-136, 229-230, 358-360, 362

B. CR 60 (b)

1. (1) states that... Mistakes, excusable neglect, surprise, fraud... On motion and up on such terms as are just, the court may relieve a party from a final judgment, order or proceeding for the following reasons:

i. **(1) Mistakes:**

appellant's claims were not barred by statute of limitations CP 229-230, 107-150, pro se appellant is unprofessional at law, rule, writing of legal form papers, and unfamiliar with the use of them... to provide proposed order for damages together with her answer to defendant's motion for judgment on the pleadings,

ii. **(1) Excusable Neglect** due

to untimely provided of proposed order CP 358 which due to untimely received of defendant's response in strict reply CP 229-230, 358-359 The District court applied 4 factors in (*Pioneer Insurance Service Co. V Brunswick Associate Limited Partnership, 507 US 380 (1993)* and applied by this court in *Nora V. Frank, 488F. 3rd 187 (3rd Cir. 2007)* to conclude that the plaintiff has not establish excusable neglect sufficient to permit this to vacate its earlier rulings "APP.249" the four factors are:

1. The danger of prejudice to the other party:

( There is any prejudice against DV Properties because appellant is an African Black Woman to whom is discriminated of her color and original)

2. The length of the delay and its potential impact on judicial proceeding

(the appellant has been diligently attempted to resolve this issue of vacation of judgment was entered wrongfully and prejudicially since



May 1, 2013 until July 10, 2014 and it is a civil and criminal case of THEFT. There is any impact on judicial proceeding).

3. The reason for the delay and whether it was within the movant's control

(as you see the continue of vacation process since May 1, 2013 to July 10, 2014, you will see that the appellant had diligently attempted the judgment and could not due to the court's bath faith and lacked of impartial discretion)

4. and whether the movant acted in good faith

( appellant did act in good faith as you see her attempted to vacate the judgment), *Nora, 488F. 3rd at 194* District court noted that these factors should be analyzes under the totality of the circumstance for excusable neglect

(involuntary confinement happened on arrest March 13, 2014 at King County Court House for revision and appeal of motion for order to show cause and untimely receiving of respondent's response in strict reply CP 229-230 and untimely presented of proposed order).

2. **(1) Surprise:** due pro se appellant's claims were not barred by statute of limitations when the appellant Kay B. Kayongo and respondent DV Properties, LLC agreed that

there were not statute of limitation issues CP 229-230, 107-150;

3. **(4) Extrinsic fraud** because both orders entered on April 24, 2013 and June 20, 2013 stated that the claims were barred by statute of limitations CP 231-232, 298 when there were not barred by statute of limitations CP 229-230, 107-150;
4. **(5) Judgment is void** due pro se appellant's claims were not barred by statute of limitations to grant summary judgment to inappropriate party defendant DV Properties, LLC beside of grant it to appellant Kay B. Kayongo.

c. CR 60 (e) Procedure on Vacation of Judgment.

- a. **(1) Motion.** Application shall be made by motion filed in the cause stating the grounds upon which relief is asked, and supported by the affidavit of the applicant or his attorney setting forth a concise statement of the facts or errors upon which the motion is based...CP 358, 399;
- b. **(2) Notice.** Upon the filing of the motion and affidavit, the court shall enter an order fixing the time and place of the

hearing thereof and directing all parties to the action or proceeding who may be affected thereby to appear and show cause why the relief asked for should not be granted CP 399-405;

- c. **(4) Statutes.** Except as modified by this rule,
- i. **RCW 4.72.010** shall remain in full force and effect ( when the court denied that his court was inappropriate forum vacation of judgment CP 367),
  - ii. **RCW 4.72.050** condition precedent to the judgment shall not vacated on motion or petition until it is adjudged that there is a valid... if the plaintiff seeks its vacation, that there a valid cause of action which are: (Appellant' claims were not by statute of limitations CP 229-230, 107-150, probable cause the appellant 's claims supposed to be dismissed was untimely presented of proposed order fro damages CP 358);
  - iii. **RCW 4.72.090** judgment up on denial of application. In all cases in which an application

under this chapter to vacate or modify judgment or order for the recovery of money is denied, if proceedings on the judgment , or order shall have been suspended, judgment shall be rendered against the plaintiff [applicant] for the amount of former judgment or order, interest and costs, together with damages at the discretion of the court, not exceeding ten percent on the amount of the judgment or order ( for denied order entered by Judge Prochnau on June 20, 2013 CP 298 and Judge Oishi Patrick on January 28, 2014 CP 364-365 and order to show cause if applicable and appellant was in default of these denial orders). Proceeding to vacate judgment are equitable in nature *In re-marriage of Hardt, 39 Wn. App. 493, 62 3p 2nd 1386 (1985)*

- D. Pro se appellant has also diligently attempted to stipulate with the respondent attorney Raymond J. Walter before moving for vacation of judgment procedure as to a case of *Smith worldwide Movers V. Whitney, 6 Wn. App. 176, 179, 491.p 2d 1356 (1997)* (the parties to an action can consent to the vacation or modification

of judgment) (the respondent attorney Mr. Raymond J. Walters refused orally to stipulate for vacation of judgment to eliminate uncertain issue before move for motion as for insurance information, writ of garnishment the name that can be written of application and order and clarification of his response in strict reply CP 229-230

- E. LCR 7 (b) the court violated local civil rule 7 (b) when refused to provide a court calendar date under requirement of
  - a. LCR 7(b) (4)(B) Scheduling Oral Argument on Dispositive Motions. The time and date for hearing shall be scheduled in advance by contacting the staff of the hearing judge(CP 605 E-mails to judges and prejudicially and wrongfully denied to enter order to cause under the requirement)
  - b. of LCR 7 (b) (9) Motion for Order to Show Cause: Motion for order to show cause shall be presented without oral argument to the Ex parte and Probate Department through the Clerk's Office. For case where the return on the order to show cause is before the hearing judge, the moving party shall obtain a date for such hearing from the staff of the

assigned judge before presenting the motion to the Ex parte  
and Probate Department.

F. for all the mistakes the pro se appellant has committed CR 9 (b)  
stated: Fraud, Mistake, Condition of the Mind..., and other  
condition of mind of a person may be averred generally

( lacked of knowledge , unprofessional at law, rule, writing legal form  
papers, typing, English as second language which appellant learned it her  
in United States of America almost in her own and first time to proceed  
the lawsuit proceeding and never be in law school CP 482 in need of her  
personal property stolen back.)

**7. Trial court abused its discretion and impartial authority was  
given to him**

By:

a. Fraud, prejudicially (appellant lacked of knowledge, her color and  
original of African Black Woman ) and wrongfully entered  
judgment April 24, 2013 to DV Properties, LLC when appellant's  
claims were not barred by statute of limitations under court  
dismissal without prejudice order entered on September 14, 2012  
of the same previous claims, RCW 4.16.230, RCW 4.16.110

- b. Fraud, prejudicially ( appellant lacked of knowledge, her color and original of African Black Woman) and wrongfully refused to provided hearing date under LCR 7 (b) (4) (B) requirement.
- c. Fraud, prejudicially (appellant lacked of knowledge, her color and original African Black Woman) and wrongfully denied order to show cause under LCR 7 (b) (9) requirement for vacation of judgment under CR 60 (b) under (1) Mistakes, excusable neglect, surprise, (4) extrinsic fraud, (5) judgment is void when the appellant's claims were not barred by statute of limitations.
- d. violating the LCR 7 (b) and CR 60 (b) (e) for failure to comply with the rules' requirement to provide hearing date and entered order to show cause for vacation of judgment entered on April 24, 2013, order June 20, 2013 and other following orders.
- e. Fraud, prejudicially and wrongfully denied the trial court to be appropriate forum for motion for order to vacate judgment under CR 60 (b).

## VI. CONCLUSION

Based on the assignment of errors and Issues pertaining to assignment of errors, statement of case, summary of argument, argument and appellate court's discretion, the appellant requested the Court of Appeals to reverse,

the trial 's court's decision entered on the denying orders of July 10, 2013 and grant:

1. reconsideration of court's hearing date for his failure to comply LCR 7(b)(4) (B);
2. reconsideration of motion for an order to show cause for vacation of judgment entered on April 24, 2013, Order June 20, 2013 and other following denying orders under LCR 7(b)(9) or and CR 60 (b) (e);
3. reconsideration of motion for order to vacate judgment or order to vacate judgment because the trial court is not appropriate forum for vacation of judgment April 24, 2013, June 20, 2013 and other following orders.
4. reconsideration of notice motion, kind of declaratory relief
5. enlargement of time under unsound mind or minor due to appellant's incompetency and incapacity of lacked knowledge, end involuntary circumstance of confinement detained for assigned judge Oishi Patrick happened on March 13, 2014.
6. reimbursement of post-judgment and review expenses in amount of \$ 627.00 + \_\_\_\_\_
7. recovery damage requested on record CP 582 \$7,460,671.60 or CP 5 previous damages amount of \$ 8,124,064.80 under relation back



to amendment for the tort committed by the court and defendant to wrongfully detain recovery damages of appellant's personal property.

8. consideration for any new issues will be found in this brief were not raise in trial court if there will be reverse of trial court's decision.
9. any equitable relief the court of appeals will find appropriate, fairness to complaint of theft of pro se appellant never be in law school.
10. Why does the person who stole my personal property is in peace and me who lost everything for life is tortured with jail, and hospital from Judges other government bodies?

Date: December 26, 2014

Respectfully submitted



Signature

Kay Benice Kayongongo

Pro Se Appellant

VII. APPENDIX

PAGES

II ASSIGNMENT OF ERROR

1. II-B.1.a. Emails CP 605..... 3-26
2. II- B Order Dismissing Case April 24, 2013..... 33

3. II. ASSIGNMENT OF ERROR

- a. 1. NO. 1. Trial Court erred when he wrote Clerks'Action on heading of order dismissing appellant's case of Theft, RCW 59.18.230 Action of Taking or Detaining Tenant's Personal Property, Restitution which previously filed under names of Breach of Contract, Breach of Duty of Good Faith and Fair Dealing, Fraudulent Misrepresentation, Restitution, RCW 59.18.230 Action of Taking or Detaining Tenant Personal Property on April 20, 2011 CP 122, 123, 129-130 231, 232,

4. B. ISSUES PERTAINING TO ASSIGNMENT OF ERROR

5. 2. On order entered on April 24, 2013, the court stated Clerks' Action which led the appellant to file a request the correction of clerical mistakes in order dated 04-24-2013 filed on 04-25-2013 and noted motion under CR 60 (a) with the attachment of CR 60 (b) (c ) to correct the clerical mistakes on court its own initiative because her claims were not barred by statute of limitations CP 44-47 (recovery damages condition).
6. a. Does the act that the court wrote Clerks' Action on order dismissing case entered on April 24, 2013 CP 231-232
7. which led the appellant to seek relief under CR 60 (a) and attachment of (b) (c ) CP 252, 254-261 and on second order entered on June 20, 2013, he stated that this matter was dismissed by Court Order On April 24, 2013...CP 298 constitute an act of Fraud, Misrepresentation for vacation of judgment under CR 60 (b) (4) and jargon to appellant unprofessional at law, rule and unfamiliar with the court writing order and first to proceed based on their definitions which say ... Court is a government body consisting of one or more judges who adjudicate disputes and administer justice in accordance with law. (retrieved from <http://definition.uslegal.com/>) and clerk of court is an officer of a

court of justice who has charge of the clerical part of its business, who keeps its records and seal, issues process enters judgment and orders, gives certified copies from the records... (retrieved from black's Baw Dictionary) even there should be a legal advisor some of them are not familiar with the court writing order which appellant has met some of them at neighborhood legal clinic?

#### ASSIGNMENT ERROR NO. 1

#### 8. A. ASSIGNMENT OF ERROR

9. 3. NO. 2. Trial Court erred when he dismissed pro se appellant's case which says... Plaintiff's claims are barred by statute of limitations on judgment entered on April 24, 2013.CP 231-232 and order June 20, 2013 CP 298

#### 10. B. ISSUES PERTAINING TO ASSIGNMENT OF ERROR

11. 4. On March 11, 2009, appellant Kay Benice Kayongo entered into contract agreement with Mr. Kyle Warner, the manager of DV Properties, LLC to keep her personal property for 6 months for remaining of rental payment. Appellant spoke with the owner Mr. Sposari on phone. He was the one who called appellant to move out because he did not know exactly when the appellant was going to get job or money from Africa to continuing renting; appellant

moved out the same day. Appellant's personal property was moved into complex apartment storage with the help of Mr. Kyle Warner, the manager of apartment, and appellant's personal property was disposed and stolen on 07/2009 by DV Properties, LLC CP 101-102. This case was first filed on April 20, 2011 and amended on August 29, 2011 under complaint for Breach of Contract, Breach of Duty of Good Faith and Fair Dealing; Fraudulent Misrepresentation; Restitution; RCW 59.18.230 Action of Taking or Detaining Tenant's Personal Property CP 101-102, 121-123,

12. 129-130. These Claims were dismissed without prejudice on September 14, 2012 CP 118-120; refiled on October 11, 2012 and Amended on November 26, 2012 CP 36-61.

13. a. Were appellant's claims barred by statute of limitations under court order without prejudice entered on September 14, 2012 CP 118-120; RCW 4.16.230 and RCW 4.16.110, and the same previous claims were filed on April 20, 2011, amended on August 26, 2011 within statute of limitation RCW 4.16.080 (2) (3) (4) for Complaint for Breach of Contract; Breach of Duty Good Faith and Fair Dealing; Fraudulent Misrepresentation; Restitution; RCW 59.18.230 Action of Taking or Detaining Tenant's Personal Property

and filed and served within RCW 4.16.170 ? ASSIGNMENT

ERROR NO. 2

14. b. Are these present claims of Theft; Restitution; RCW 59.18.230 Action of Taking or Detaining Tenant's Personal Property identical to the previous one above as it is stated on defendant's response in strict to plaintiff's answer to defendant judgment on pleadings which appellant calls confession of judgment by defendant and approval agreement between defendant DV Properties, LLC and Plaintiff Kay Benice Kayongo based on court dismissal order

15. without prejudice entered on September 14, 2012 and RCW 4.16.230? ASSIGNMENT ERROR NO. 2

16. c. Does these two acts above a, b constitute acts of fraud for vacation of judgment under CR 60 (b) (4) if there will be approval of claims were not barred by statute of limitations for the vacation of judgment under CR 60 (b) (e) ? ASSIGNMENT ERROR NO. 2

17. A. ASSIGNMENT OF ERROR

18. 5. NO. 3. Trial Court Erred when he entered a later on June 20, 2013 order which lasted more than 30 days from the filing date of May 1, 2013 with clerk which has heading title of Denying

Reconsideration/vacate and the one sent to appellant without the heading title above CP 298

19. B. ISSUES PERTAINING TO ASSIGNMENT OF ERROR

20. 6. On May 1, 2013 after the court entered judgment on April 24, 2013, to dismiss appellant's Complaint for Theft, Action of Taking or Detaining Tenant's Personal Property, Restitution, Appellant filed a request correction of Clerks' Action and motion under CR 60 (a) and late attached also CR 60 (b) (c ) which surprised her to see her claims being dismissed by statute of limitations when the defendant approved his raised affirmative defense of claims barred by statute of limitations on his response in strict reply to plaintiff's
21. response to defendant's motion for judgment on pleading which appellant calls confession of judgment by defendant and approval agreement between Respondent DV Properties, LLC and Appellant Kay Benice Kayongo CP 229-230. On June 20, 2013, the trial court entered two orders the one was filed with court clerk has heading title of order denying reconsideration/vacate and another one sent to appellant was without heading title which he stated that... this matter came before the court on plaintiff's motion entitled "To correct Clerk's Action of a dismissal order to granting

order for summary judgment in plaintiff's favor." and restated that... this matter was dismissed by court order on April 24, 2013 on the basis that plaintiff's claims were barred by statute of limitations CP 298.

22. a. Does the act that the court entered two orders. The filed with court clerk one has a heading title and another one sent to appellant did not have heading title constitute an act of fraud for vacation of judgment under CR 60 (b) (4) and confusion between CR 59 Reconsideration and CR 60 Relief from Judgment or Order to pro se appellant unprofessional at law, rule and unfamiliar with the use of them ? ASSIGNMENT ERROR NO. 3

23. b. Would the act that appellant has asked the court to say the true on motion under CR 60 (a) filed on May 9, 2013 if the appellant's claims were barred by state of limitations CP 245, 264 and 262-263, 265, 269-270, 271-272, 280-282, 291-292, 295-297 . The court restated that appellant's claims were barred by statute of limitations on his order denying reconsideration/vacate filed on June 25, 2013, and if it is approved again from third person who is not defendant nor plaintiff based on respondent's response reply signed on April 16, 2013 which is a confession of judgment by



defendant and approval agreement between defendant and plaintiff constitute an act of fraud for vacation of judgment under CR 60 (b)(4)? ASSIGNMENT ERRPR NO.3

24. c. Can Judgment entered on April 24, 2013 be vacated under RCW 4.72.090 which says...In all cases in which an application under this chapter to vacate or modify a judgment or order for recovery of money is denied, if proceedings on the judgment or order shall have been suspended, Judgment shall be rendered against the plaintiff [appellant] for the amount of the former judgment or order,

25. interest and costs, together with damages at the discretion of the court, not exceeding ten percent on the amount of the judgment or order. for order denying reconsideration/vacated entered by trial court on June 20, 2013 when the appellant could not have money to proceed review and the one way that she could recover her money damages was by vacation of judgment under CR 60 (b) and 4.72 RCW when the defendant did not have proper notice on attachment motion under CR 60 filed on May 9, 2013 CP 252-253 as required by rule if it was not issue of claims were barred by statute of limitation? ASSIGNMENT ERROR NO. 3

26. d. Did the trial Court abuse its discretion and impartial when he stated on his order entered April 24, 2013 and restated on order June 20, 2013 that the claims barred by statute of limitations was the only issue the appellant's claims were dismissed if the third party finds that the appellant claims were not barred by statute of limitations? ASSIGNMENT ERROR NO. 2,3

27. e. Does the act the trial court entered order under CR 60 (a) noted motion over than 30 days, the time to seek review was expired CP 264-266 even though the appellant did not have fund to proceed review when the appellant has notified the court and opposing party her incompetency of unprofessional at law, rule and unfamiliar with the use of them, English as Second Language in many of her pleadings CP 228 constitute an act of fraud for vacation of judgment under CR 60 (b) (4)? ASSIGNMENT ERROR NO. 3

28. f. Does the act that respondent DV Properties, LLC and appellant Kay Benice Kayongo agreed as it is stated on respondent's response in strict reply CP 229-230 and the court dismissed the case stated and restated that appellant claims were barred by state of limitations constitute an act of surprised when the parties have

already agreed under CR 60 (b) (1) ? ASSIGNMENT ERROR NO.  
2, 3

29. g. Are the court order dismissing case entered on April 24, 2013  
and order denying reconsideration/vacate entered on June 20, 2013  
void for vacation of judgment under CR 60

30. (b) (5) because the claims were not barred by statute of limitation  
based on factual and legal presented by the appellant and  
respondent? ASSIGNMENT ERROR NO. 3

31. h. Can this judgment entered on April 24, 2013 be vacated under  
CR 60 (b) (1) and RCW 4.72.010 (3) because the appellant  
untimely received the respondent's response in strict reply to  
plaintiff's response to defendant's motion for judgment on  
pleadings CP 292, appellant is unprofessional at law, rule,  
unfamiliar with the use of them and writing of legal paper and first  
time to proceed lawsuit proceeding to provide the proposed order  
together with her answer to respondent's motion for judgment on  
pleading filed on Feb. 27, 2013 if the court change mind and raises  
issue of proposed order was not presented untimely?  
ASSIGNMENT ERROR NO. 2, 3..... 1, 33

32. AUTHORITIES

a. RCW 9A.08.020 (1) ..... 8, 24

1) A person is guilty of a crime if it is committed by the conduct of another person for which he or she is legally accountable

b. RCW 9A.56.020 (1)(a)(b)..... 8, 24

(1) "Theft" means:

(a) To wrongfully obtain or exert unauthorized control over the property or services of another or the value thereof, with intent to deprive him or her of such property or services; or

(b) By color or aid of deception to obtain control over the property or services of another or the value thereof, with intent to deprive him or her of such property or services; or

c. RCW 9A.56.030 (1) .....8, 24

(1) "Theft" means:

(a) To wrongfully obtain or exert unauthorized control over the property or services of another or the value thereof, with intent to deprive him or her of such property or services; or

(b) By color or aid of deception to obtain control over the property or services of another or the value thereof, with intent to deprive him or her of such property or services; or

d. RCW 9.01.120.....8, 24

The omission to specify or affirm in this act any liability to any damages, penalty, forfeiture or other remedy, imposed by law, and allowed to be recovered or enforced in any civil action or proceeding, for any act or omission declared punishable herein, shall not affect any right to recover or enforce the same

e RCW 9A.20.020.....8, 24

(1) Felony. Every person convicted of a classified felony shall be punished as follows:

(a) For a class A felony, by imprisonment in a state correctional institution for a maximum term fixed by the court of not less than twenty years, or by a fine in an amount fixed by the court of not more than fifty thousand dollars, or by both such imprisonment and fine;

(b) For a class B felony, by imprisonment in a state correctional institution for a maximum term of not more than ten years, or by a fine in an amount fixed by the court of not more than twenty thousand dollars, or by both such imprisonment and fine;

(c) For a class C felony, by imprisonment in a state correctional institution for a maximum term of not more than five years, or by a fine in an amount fixed by the court of not more than ten thousand dollars, or by both such imprisonment and fine.

f RCW 9A.20.030.....8, 24

(1) If a person has gained money or property or caused a victim to lose money or property through the commission of a crime, upon conviction thereof or when the offender pleads guilty to a lesser offense or fewer

offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement, the court, in lieu of imposing the fine authorized for the offense under RCW 9A.20.020, may order the defendant to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain or victim's loss from the commission of a crime. Such amount may be used to provide restitution to the victim at the order of the court. It shall be the duty of the prosecuting attorney to investigate the alternative of restitution, and to recommend it to the court, when the prosecuting attorney believes that restitution is appropriate and feasible. If the court orders restitution, the court shall make a finding as to the amount of the defendant's gain or victim's loss from the crime, and if the record does not contain sufficient evidence to support such finding the court may conduct a hearing upon the issue. For purposes of this section, the terms "gain" or "loss" refer to the amount of money or the value of property or services gained or lost.

(2) Notwithstanding any other provision of law, this section also applies to any corporation or joint stock association found guilty of any crime.

g. RCW 4.16.080.....2, 23, 33

(2) An action for taking, detaining, or injuring personal property, including an action for the specific recovery thereof, or for any other injury to the person or rights of another not hereinafter enumerated;

(3) Except as provided in RCW 4.16.040(2), an action upon a contract or liability, express or implied, which is not in writing, and does not arise out of any written instrument;

(4) An action for relief upon the ground of fraud, the cause of action in such case not to be deemed to have accrued until the discovery by the aggrieved party of the facts constituting the fraud;

RCW 4.16.110.....2, 23, 33

Within one year an action shall be brought ... or imprisoned on civil process.

i. RCW 4.16.230.....	2, 23, 33
2 II-B.2 Order to show cause from different case CP 610, 605.....	33

When the commencement of an action is stayed by injunction or a statutory prohibition, the time of the continuance of the injunction or prohibition shall not be a part of the time limited for the commencement of the action.

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2. V-2 Plaintiff's motion for an order to show cause was entirely without basis and frivolous and thus was appropriately denied without prejudice by commissioner Bradburn Johnson CP 636

VI CONCLUSION

1. VI-1. Proposed order CP 582-583..... 3, 33, 45

2. VI-2 Proposed order CP 5.....3, 33, 45



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1.	... but did not follow the correct procedural defect to obtain a show cause order through ex parte department of King County Superior Court .....	33
2.	... Plaintiff's motion was wholly without any legal justification or substantive basis.....	33-34

EMAILS ATTACHMENT CP 605



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Jan 21

To Prochnau Court

Dear Bailiff Christine:  
I E-MAILED YOU TWICE TO KNOW ABOUT JUDGE PROCH=NAU RETURN TO DUTY, AND NO ANSWER WHY? IT HAS BEEN OVER ONE MONTHS NOW SHE IS NOT ON DUTY, IT MEANS THAT I CANNOT NOT ABOUT MY CASE. I ALSO CALL YOU AND LEAVE MESSAGE FOR TO DAY 01-21-2014  
KAYONGO B. KAYONGO  
PRO SE PLAINTIFF CASE # 12-2-33439-1 SEA  
DEFENDANT DV PROPERTIES, LLC

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To Prochnau Court

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REQUEST OF HEARING DATE OF MOTION VACATING JUDGMENT(14)

me To oishi.court@kingcounty.gov Jan 27

**Moving Party:** Kay B. Kayongo, Pro Se Plaintiff  
**Case Name:** Theft, Breach of Contract, Breach of Duty of Good Faith and Fair Dealing, and Fraudulent Misrepresentation  
**Cause Number:** 12-2-33439-1 SEA  
**Type of Hearing:** Motion to vacate judgment CR 60 (b) and (e)  
**Proposed date:** Wed, Feb. 12, 2014 at 10:30 am  
**Name of pro se plaintiff:** Kay B. Kayongo  
 (206) 440-1440; E-mail: [osanyibebe@yahoo.com](mailto:osanyibebe@yahoo.com)  
**Name of Attorney for Defendant:** Raymond J. Walters  
 (206) 634-2660

Dear Bailiff Lisa Zimmisky:

I am requesting a hearing date for an order to show cause for the motion vacating judgment pursuant of CR 60 (e) entered on 04-24-2013, and entered on 06-20-2013. the motion has already filed without knowing that assigned judge Prochnau K. was on leave. See all the requesting information on left above. proposed hearing calendar date: Wed. Feb. 12, 204 at 10:30 am

Thank you in pleasure and consideration to hear from you as soon as possible.

Kay B. Kayongo  
Pro Se Plaintiff

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- me CAN I HAVE MY REQUEST OF HEARING DATE FOR AN ORDER TO SHOW THE CAUSE Jan 28
- Court, Oishi Attached is a copy of the Court's Order. The original has been filed. Thank Jan 28
- me Dear Judge OISHI OR BAILIFF: LCR 7, CIVIL MOTIONS (9) Motion for Order to Show Jan 29
- me This is to add to the email I just sent to you now below: civil rule procedural book A Jan 29
- Court, Oishi Attached is a copy of a letter from Judge Oishi. A copy was handed to Ms. Jan 31
- Court, Oishi Sorry. Here the copy: Lisa Zimmisky Bailiff to the Honorable Patrick Oishi KI Jan 31
- me Dear Bailiff Kathleen: PROVIDE THIS E-MAIL TO CIVIL CHIEF JUDGE SPEARMAN I wa Jan 31
- Court, Spearman Good afternoon. The Court does not consider motions via email. If y Jan 31
- me HELLO: I DID NOT FILE A MOTION BY E-MAIL BUT I REQUEST A CALENDAR HEARIN Jan 31
- me THANKS FOR YOUR COPY AND MY LAST E-MAIL TO YOU IT IS GOOD OPPORTUNE Jan 31
- me I AM IN WAITING HEARING DATE TODAY BEFORE YOU TO WEEKEND. KAY B. KAYO Jan 31
- me If you cannot e-mail me date for motion to day or other days, do not send me whir Jan 31
- me HELLO! I JUST WANT TO LET YOU TO CORRECT THE ROOM NUMBER OF ANOTHEF Feb 24

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by Lisa Zimmisky



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REQUEST OF HEARING DATE OF MOTION VACATING JUDGMENT(14)

People

me Moving Party: Kay B. Kayongo, Pro Se Plaintiff Case Name: Theft, Breach of Contract Jan 27

me To: oishi.court@kingcounty.gov Jan 28

CAN I HAVE MY REQUEST OF HEARING DATE FOR AN ORDER TO SHOW THE CAUSE PLEASE? I HAVE BEEN ASKING THIS ORDER FOR SO LONG FROM JUDGE PROCHNAU AND NO ONE RESPOND TO IT WHY?

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Court, Oishi Attached is a copy of the Court's Order. The original has been filed. Thank Jan 28

me Dear Judge OISHI OR BAILIFF: LCR 7 CIVIL MOTIONS (9) Motion for Order to Show Jan 29

me This is to add to the email I just sent to you now below: civil rule procedural book A Jan 29

Court, Oishi Attached is a copy of a letter from Judge Oishi. A copy was handed to Ms. Jan 31

Court, Oishi Sorry, here the copy: Lisa Zimnisky Bailiff to the Honorable Patrick Oishi Ki Jan 31

me Dear Bailiff Kathleen: PROVIDE THIS E-MAIL TO CIVIL CHIEF JUDGE SPEARMAN I W Jan 31

Court, Spearman Good afternoon. The Court does not consider motions via email. If you Jan 31

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me THANKS FOR YOUR COPY AND MY LAST E-MAIL TO YOU IT IS GOOD OPPORTUNIT Jan 31

me I AM IN WAITING HEARING DATE TODAY BEFORE YOU TO WEEKEND. KAY B. KAYO Jan 31

me If you cannot e-mail me date for motion to day or other days, do not send me whit Jan 31

me HELLO! I JUST WANT TO LET YOU TO CORRECT THE ROOM NUMBER OF ANOTHER Feb 24

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REQUEST OF HEARING DATE OF MOTION VACATING JUDGMENT(14)

- me Moving Party: Kay B. Kayongo, Pro Se Plaintiff Case Name: Theft, Breach of Contract Jan 27
- me CAN I HAVE MY REQUEST OF HEARING DATE FOR AN ORDER TO SHOW THE CAUSE Jan 28
- Court, Oishi Attached is a copy of the Court's Order. The original has been filed. Thank Jan 28

me Jan 29

To: Court, Oishi

Dear Judge OISHI OR BAILIFF:

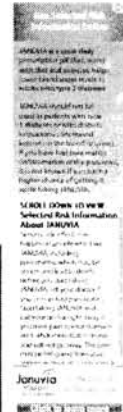
**LCR 7. CIVIL MOTIONS**  
**(9) Motion for Order to Show Cause.** Motions for Order to Show Cause shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office. For cases where the return on the order to show cause is before the hearing judge, the moving party shall obtain a date for such hearing from the staff of the assigned judge before presenting the motion to the Ex Parte and Probate Department

**THIS ORDER WAS PRESENTED WITH MOTION FOR AN ORDER VACATING THE JUDGMENT BY MISTAKE. AS A JUDGE HOW CAN YOU DENIED ORDER TO SHOW CAUSE WHEN ONLY EXPARTE CAN ENTERED IT? MY REQUEST TO YOU WAS ONLY CALENDAR DATE PURSUANT TO LCR 7 FOR MOTION FOR ORDER TO SHOW CAUSE UNDER requirement of CR 60 (b) and (e). I need a calendar date for hearing of motion vacating judgment as it is requested below on lightened underline and on left corn of the page**  
**I want it today 01-29-2013**

**Kay B. Kayongo**  
**Pro se plaintiff**

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- me This is to add to the email I just sent to you now below: civil rule procedural book A Jan 29
- Court, Oishi Attached is a copy of a letter from Judge Oishi. A copy was handed to Ms. Jan 31
- Court, Oishi Sorry, here the copy: Lisa Zimmisky Bailiff to the Honorable Patrick Oishi Ki Jan 31
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- me If you cannot e-mail me date for motion to day or other days, do not send me whit Jan 31
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me To spearman.court@kingcounty.gov Jan 29

Dear Judge Spearman Marianne:

I JUST WANT TO KNOW IF YOU SENT MY REQUEST OF COURT CALENDAR DATE HEARING OF MOTION FOR ORDER TO SHOW CAUSE I EMAILED TO JUDGE PROCHNAU'S BAILIFF CHRISTINE ON JAN. 21, 2014 BECAUSE I GOT AN ORDER DENYING VACATION OF MOTION UNDER CR 60 (b) and (e) FROM JUDGE OISHI PATRICK WHICH IS CONTRARY TO MY REQUEST EMAIL AS IT IS WRITTEN ABOVE (Calendar date for an order to show the cause of motion for order vacating judgment and orders)

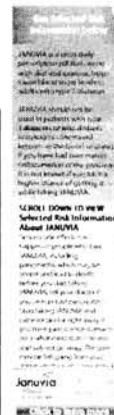
THANKS IN CONSERATION TO HEAR FROM YOU SOON.

KAY B. KAYONGO  
 PRO SE PLAINTIFF  
 CASE # 12-2-33439-1 SEA  
 DEFENDAND DV PROPERTIES, LLC

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REQUEST OF DATE FOR AN ORDER TO SHOW CAUSE(S)

me Dear Christine: Beside the e-mail is sent to you previously and to day, I want A DAT Jan 21

me Dear Christine: I JUST CHECK IF THIS E-MAIL WAS SENT TO YOU BEFORE TRANSFER Jan 29

me To oishi.court@kingcounty.gov Jan 30

PROOF OF E-MAIL SENT TO JUDGE PROCHNAU'S BAILIFF ON JAN. 21, 2014 BEFORE THE JUDGE OISHI ENTERED ORDER DENYING VACATION OF JUDGMENT WHICH WAS CONTRARY TO MY REQUEST TO THIS PREVIOUS E-MAIL BELOW THIS IS PROOF OF EMAIL SENT TO JUDGE PROCHNAU'S BAILIFF CHRISTINE ON Feb. 21, 2014 BELOW before the JUDGE OISHI ENTERED ORDER DENYING VACATION OF JUDGMENT WHICH WAS CONTRARY TO MY REQUEST OF CALENDAR DATE FOR MOTION FOR ORDER TO SHOW CAUSE

I NEED THE ANSWER FOR CALENDAR HEARING DATE FOR ORDER TO SHOW CAUSE AS I REQUESTED YESTERDAY Jan. 29, 2014. thanks

Kay B. Kayongo case name: Theft, Breach of contract, Breach of duty of good faith and fair dealing, Fraudulent Misrepresentation case # 12-2-33439-1 SEA

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Court, Prochnau Yes and I forwarded your motion to your newly assigned Judge. Since Jan 30

me DEAR JUDGE oishi: I FORWARD YOU THE E-MAIL FOR JUDGE PROCHNAU'S CHRIS Jan 31

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REQUEST OF HEARING DATE OF MOTIOH VACATIIIG JUDGMENT(14)

me Moving Party: Kay B. Kayongo, Pro Se Plaintiff Case Name: Theft, Breach of Contract

People

Jan 27

me CAN I HAVE MY REQUEST OF HEARING DATE FOR AN ORDER TO SHOW THE CAUS

Jan 28

Court, Oishi Attached is a copy of the Court's Order. The original has been filed. Thank

Jan 28

me Dear Judge OISHI OR BAILIFF: LCR 7, CIVIL MOTIONS (9) Motion for Order to Show

Jan 29

me This is to add to the email I just sent to you now below: civil rule procedural book A

Jan 29

Court, Oishi Attached is a copy of a letter from Judge Oishi. A copy was handed to Ms.

Jan 31

Court, Oishi Sorry, here the copy: Lisa Zimnisky Bailiff to the Honorable Patrick Oishi Hi

Jan 31

me Dear Bailiff Kathleen: PROVIDE THIS E-MAIL TO CIVIL CHIEF JUDGE SPEARMAN I wa

Jan 31

Court, Spearman Good afternoon. The Court does not consider motions via email. If y

Jan 31

me HELLO. I DID NOT FILE A MOTION BY E-MAIL BUT I REQUEST A CALENDAR HEARIN

Jan 31

me THANKS FOR YOUR COPY AND MY LAST E-MAIL TO YOU IT IS GOOD OPPORTUNIT

Jan 31

me I AM IN WAITING HEARING DATE TODAY BEFORE YOU TO WEEKEND. KAY B. KAYO

Jan 31

me If you cannot e-mail me date for motion to day or other days, do not send me whi

Jan 31

me To: OishiCourt Feb 24

HELLO!

I JUST WANT TO LET YOU TO CORRECT THE ROOM NUMBER OF ANOTHER JUDGE I AM WORKING WITH WRITTEN ON WORKING COPIES OF MOTION FOR ORDER ALLOWING STIPULATION OF PLAINTIFF AND DEFENDANT REGARDING JUDGMENT ENTERED ON 04-24-2013 FROM W-941 to W-764 JUDGE OISHI ROOM IF IT WAS NOT CORRECTLY WRITTEN. I WOULD APPRECIATE IF DO SO TO ME BEFORE HEARING DATE THANKS FROM KAY B. KAYONGO PRO SE PLAINTIFF CAUSE# 12-2-33439-1 SEA

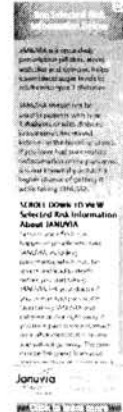
On Fri, 1/31/14, Court, Oishi <Oishi.Court@kingcounty.gov> wrote:

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People

Kayongo v. DV Properties 12-2-33439-1(4)

Court, Oishi Hello, Attached is a copy of the order entered by the court. The original is

Feb 26

me Mar 4

To: Court, Oishi

I NEED A SCHEDULE DATE FOR MOTION TO SHOW CAUSE. I AM GOING TO PASS TOMORROW WITH SIMILARITY CASE I GOT SCHEDULE DATE FOR MOTION TO SHOW CAUSE FROM ANOTHER CASE BECAUSE MY CASE WAS WRONGFULLY DISMISSED AND JUDGE PROCHNAU HOW DISMISSED THE CASE RAN AWAY. YOU ARE PLAYING GAME WITH MY CLAIM. THE LAW ALLOW STIPULATION OF VACATION OF JUDGMENT BUT THE DEFENDANT MAY REFUSE TO STIPULATE EITHER COURT MAY DENY ALSO. I HAVE EVIDENCE OF YOUR REFUSAL TO STIPULATION.

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me HI IS COURT ROOM W-764 JUDGE OISHI P. WILL NOT OPEN TODAY 03-05-2014?!

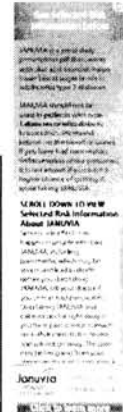
Mar 5

To: Court, Oishi

1/1

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Kayongo v. DV Properties 12-2-33439-1(4)

People

Court, Oishi Hello. Attached is a copy of the order entered by the court. The original h... Feb 25

**me** Mar 4

To: Court, Oishi

I NEED A SCHEDULE DATE FOR MOTION TO SHOW CAUSE. I AM GOING TO PASS TOMORROW WITH SIMILARITY CASE I GOT SCHEDULE DATE FOR MOTION TO SHOW CAUSE FROM ANOTHER CASE BECAUSE MY CASE WAS WRONGFULLY DISMISSED AND JUDGE PROCHNAU HOW DISMISSED THE CASE RAN AWAY. YOU ARE PLAYING GAME WITH MY CLAIM. THE LAW ALLOW STIPULATION OF VACATION OF JUDGMENT BUT THE DEFENDANT MAY REFUSE TO STIPULATE EITHER COURT MAY DENY ALSO. I HAVE EVIDENCE OF YOUR REFUSAL TO STIPULATION.

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**me** HI IS COURT ROOM W-764 JUDGE OISHI P. WILL NOT OPEN TODAY 03-05-2014? Mar 5

To: Court, Oishi

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**Januvia**  
The most common side effects of Januvia are nausea, indigestion, and diarrhea. Other side effects include headache, dizziness, and back pain. Januvia may interact with other medicines, including blood thinners and diuretics. Tell your doctor about all the medicines you are taking.



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Kayongo v. DV Properties 12-2-33439-1(4)

People

Court, Oishi Hello. Attached is a copy of the order entered by the court. The original he

Feb 26

me I NEED A SCHEDULE DATE FOR MOTION TO SHOW CAUSE I AM GOING TO PASS

Mar 4

me To Court, Oishi Mar 5

HI, IS COURT ROOM W-764 JUDGE OISHI P. WILL NOT OPEN TODAY 03-05-2014? I AM SUPRISE THAT YOU CALL SHERIFF TO TRESPASS ME WHILE WAITING THE DOOR TO BE OPEN. I AM US CITIZEN I CAN COME INSIDE COURT AND LISTEN TO ANY COURT ISSUE WHICH IS NOT MINE. IT IS SUSPECT FOR COURT DENYING TO PROVIDE A DATE FOR AN ORDER TO SHOW CAUSE. WHY CR 60 (b) stand for when time to appeal has elapse? why the law authorizes one year to raise any mistakes issues? And what statute RCW 4.72.090 STAND FOR? I do not need your answer for the rule and statute I ask, but to show you that I do not have much experience like you do, and I am not so stupid like you think that I cannot be where you are. If I have right to participate in court room, if will be inside the court today then you put me in jail for involuntary treatment. THANK YOU

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To Court, Oishi

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WASHINGTON STATE COURT OF APPEALS DIVISION ONE

KAY B. KAYONGO

pro Se Appellant

V

DV PROPERTIES, LLC

Respondent

Court of Appeals NO. 72341-3-1

Trial Court NO. 12-2-33439-1 SEA

ADDITIONAL NEW AUTHORITIES

1. 7.24. FOR DECLARATORY RELIEF. ( for notice of motion kind a declaratory relief filed due to lack of fund )

RCW 7.24.012

Courts of record within their respective jurisdictions shall have power to declare rights, status and other legal relations whether or not further relief is or could be claimed. An action or proceeding shall not be open to objection on the ground that a declaratory judgment or decree is

prayed for. The declaration may be either affirmative or negative in form and effect; and such declarations shall have the force and effect of a final judgment or decree.

#### RCW 7.24.070 REVIEW

All orders, judgments and decrees under this chapter may be reviewed as other orders, judgments and decrees.

RCW 7.24.080 Further relief proper. The application therefor shall be by petition to a court having jurisdiction to grant the relief. When the application is deemed sufficient, the court shall, on reasonable notice, require any adverse party whose rights have been adjudicated by the declaratory judgment or decree, to show cause why further relief should not be granted forthwith.

#### RCW 7.24.090 Determination of issues of fact

When a proceeding under this chapter involves the determination of an issue of fact, such issue may be tried and determined in the same manner as issues of fact are tried and determined in other civil actions, in the court in which the proceeding is pending.

RCW 7.24.100 COSTS In any proceeding under this chapter, the court may make such award of costs as may seem equitable and just.

RCW 7.24.120 Construction of chapter This chapter is declared to be remedial; its purpose is to settle and to afford relief from uncertainty and insecurity with respect to rights, status and other legal relations; and is to be liberally construed and administered

2. CR 15. (c) Relation Back of Amendments. Whenever the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be

set forth in the original pleading, the amendment relates back to the date of the original pleading. (for recovery damages and RCW 9 and 9A)

3. RAP 2.5

(a) Errors Raised for First Time on Review. The appellate court may refuse to review any claim of error which was not raised in the trial court. However, a party may raise the following claimed errors for the first time in the appellate court: (1) lack of trial court jurisdiction (for any new issue which was not raised in trial court find in this brief)

Date December 26, 2014

A handwritten signature in cursive script that reads "Benice Kayongo". The signature is written in black ink and is positioned above a horizontal line.

Kay B. Kayongo, Pro Se Appellant

No. 72341-3-1

COURT OF APPEALS, DIVISION ONE OF THE STATE OF WASHINGTON

KAY B. KAYONGO

Trial Court NO. 12-2-33439-1 SEA

Pro Se Appellant

V

COST BILL

DV PROPERTIES, LLC

Respondent

Kay B. Kayongo, pro se appellant asks that the following costs be awarded:

<b>DESCRIPTION</b>	<b>COST</b>
Copies of Clerk's Papers charges of appellate court clerk for reproduction	\$ 337.00
Filing Fee	\$ 290.00
Mailing fee	
<b>Total</b>	<b>\$ 627.00</b>

The above items are expenses allowed as costs by rule 14.3, reasonable expenses actually incurred, and reasonably necessary for review. DV Properties, LLC should pay the cost

Date: December 26, 2014



*Benice Kayongo*

Signature

Pro Se Appellant, Kay B. Kayongo

12714 Lake City Way NE

Seattle, WA 98125

(206) 440-1440

E-Mail: [osanyibebe@yahoo.com](mailto:osanyibebe@yahoo.com)

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