

72397-9

72397-9

Appellate Court # 72397-9  
Superior Ct. # 13-2-40091-0-KNT

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COURT OF APPEALS  
DIVISION I

WAYNE R. RICHARDSON

Appellant Pro Se

vs.

COAST REAL ESTATE SERVICES  
ET. AL.

Respondents.

COAST REAL ESTATE SERVICES  
ET AL  
7/23/13  
13-2-40091-0-KNT  
WAYNE R. RICHARDSON  
P.O. BOX 78618  
SEATTLE, WA 98178-0618  
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36

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PETITIONER'S FIRST BRIEF

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**ORIGINAL**

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**A. IDENTITY OF PETITIONER**

I, Wayne R. Richardson, Petitioner Pro Se, asks this court to accept review of the Superior Court decision denying Petitioner's "Motion to Vacate Defendant's Summary Judgment Dismissing with Prejudice Appellant's Claim as designated in Part B of this petition.

**B. SUPERIOR COURT'S DECISION**

Superior Court Judge, Bill Bowman, granted defendant's Motion for Summary Judgment dismissal with prejudice on June 25, 2014 without a hearing, argument, exhibits or proof of service of said motion on the appellant/plaintiff under LCR 56. Further, there was never an answer to the claim filed in the court or served on the plaintiff as required under CR 7(a). The ruling was issued under KCLGR 30 on instructions to licensed attorneys, the procedure on E-mail requirements for obtaining judgments against the opposing party. (See copy of original order attached to Plaintiff's Notice of Appeal).

KCLGR 30 was amended by special order of KCLGR 30 on January 1, 2014, April 1, 2014, and June 27, 2014 disposing of the E-mail requirement of KCLGR 30 requiring motions for hearings and trials must

be set forth to the clerk of the court by filing paper motions and serving exact copies of those motions for hearings or trials on the opposing party.

(See copy of King Co. Emergency Rule Amendment, KCLGR 30 appendix A-1-A-2).

**(b) Electronic Filing**

**(5) Electronic Filing is Mandatory.**

**(A) Documents That Shall Not Be E-Filed.** Exceptions to mandatory e-filing include the following documents:

**(iii)** Documents presented for filing during a court hearing or trial:

**(D) Waiver of the Requirement to E-File.** If an attorney is unable to e-file documents, the attorney may request a waiver. The attorney must explain why he or she needs to file paper documents in that particular case. The Clerk will make waiver request forms available. The Clerk will consider each application and provide a written approval or denial to the attorney. Attorneys who have received a waiver shall place the words "Exempt from e-filing per waiver filed on (date)" in the caption of all paper documents they file for the duration of the waiver.

**(E) Non Compliance With This Rule.** If an attorney files a document in paper form and does not have an approved waiver from e-filing, the clerk will assess a fee against the attorney pursuant to King County Code 4.7.100 for each paper document filed."

**(B)(a) Defendant Refused To Answer The Claim.**

The defendant refused to answer the claim per the Summons issued under CR 4 that required an answer within 20 days excluding the day of service. Seven months passed before a motion for summary judgment was

entered by e-mail to the clerk of the court for a Motion for Summary Judgment without service of process on the appellant. Further, defendant's counsel placed a lock on the case by e-mail to hide his actions from public view. This was not discovered until the day of the hearing on June 20, 2014. The plaintiff had not received any notice until 4:15PM on June 19, 2014 by a letter sent to the plaintiff claiming a default for the summary judgment.

The plaintiff/appellant asks this court to vacate the defendant's dismissal with prejudice and grant the appellant his motions for default. Further, the appellant asks for CR 11 sanctions against the defendants and their counsel for gaining a judgment without obtaining jurisdiction of the subject matter of the claim by refusing to answer under CR 4, 7(a), 8, and 9.

## **II. Assignments of Error**

No. 1. The court erred by denying plaintiff's Motion to Vacate the Summary Judgment. The Motion was timely and served on opposing counsel who refused to answer the motion.

No. 2. The court erred by changing the Motion to Vacate the

Summary Judgment to a Motion for Reconsideration and stating that the plaintiff failed to appear at the hearing that was never held because the judge had been assigned to a temporary Ex Parte position in the Seattle Court from March 18, 2014 through June 24, 2014. The void order was signed on June 25, 2014. The original order was signed by some commissioner at Regional Justice Center on June 20, 2014 without a hearing. The judge's court room was locked all day on June 20, 2014 with the hearing to be held at 10:00AM. The plaintiff then went up to the clerk's office to bring the case up on the computer. The screen wanted a pass word to gain access to the case. The clerk entered her pass word and stated that this was a civil case not viable to be locked from public view. The court docket shows all the e-mail entries submitted by counsel for the defendant. (See Appendix A-3-A-4.)

**Issues Pertaining to Assignments of Error**

No. 1 The judge erred by not stating in the order of dismissal that he was assigned to Ex Parte in the Seattle Court House from March through June of 2014 that would alleviate him from ruling on any motion submitted for any type hearing that required an argument. The plaintiff,

being pro se without an attorney, must confirm with the court clerk of the date and time for any hearing regarding a motion for any type argument. This requirement is set forth in the presiding judge's order for any case before an assigned judge. This is also a requirement of any counsel so involved with any case assigned to a special judge. What makes this counsel have any right to do what he wants without due process of law?

No. 2. Defendant's counsel has not only violated CR 11 but is in violation of RPC 3.3(b) and 3.5(f). (Assignment of Error 1 and 2).

No. 3. There is no part of any King County Local Rules that preempts any part of the original Superior Court Rules or any part of the Rules of Professional Conduct required from counsel of either party. Example: There is CR 4 that deals with a summons and complaint with the required time for an answer to the claim. CR 7(a) states: "There shall be a claim and an answer." These two actions must be complete before any part of any local rule may be interjected into the wants of the defendant. (Assignment of Error 1 and 2).

### **III. Statement of the Case**

The plaintiff brought this case against the landlord and her



company, Coast, for extortion, refusing to control black mold, failing to fix residential discrepancies in a timely manner, age, gender and race discrimination, Consumer Protection Act, having a monopoly involved with Greentree Apartments and Park Hill apartments, and refusing to comply with the landlord tenant act. (CP 5-9) The plaintiff had been housed in Greentree Apartments since 2007 on the ground floor in building "J". (CP-4-5) He has been on a fixed income from the VA and Social Security since 1997. (CP 5) He is now 76 years old and very susceptible to lung problems due to the VA refusing to correct pneumonia for 3 months from September through November of 1994 that put scar tissue in the lower lobe of the left lung before having a pulmonary doctor assigned to him.

The landlord refused to correct any deficiencies in the apartments. (CP 6) She further wanted to increase the rent an extra fifty dollars a month. (CP 6-7, 16). The appellant entered RCW 59.18.060(1) of the Landlord Tenant Act at (CP 9) and arrived at the damages cited on (CP 9-17). (Assignments of Error 1 and 2)

No. 4. Counsel for the defendants refused to answer claiming the

writing of the claim failed to comply with formatting and unintelligible. He wanted the claim to be rewritten and reserved before he would answer. The plaintiff served and filed his first Motion for Default under CR 4 and CR7(a) that demands there be a claim and an answer. (Assignments of Error 1 and 2).

The appellant answered the above claim in his Motion to Amend the first Motion for Default. (CP 58-87) and his Affidavit in Support of *said* Motion. (CP 88-119). There has been no answer to any of the above pleadings of the appellant. Further, the respondents have failed to enter any court documents to counter this appeal or appellant's Motion to Vacate the Summary Judgment. (Assignments of Error 1 and 2).

**IV. Summary of Argument;**

- No. 1. Did respondents have subject matter jurisdiction over the claim?.....No!
- No. 2. Did respondents have personal jurisdiction over the plaintiff?.....No!
- No. 3. Did respondents protect their laches for filing a Motion for Summary Judgment without answer under CR 4, 7(a), 8, and 9?.....No!
- No. 5. Was service of process on the appellant for their Motion for Summary Judgment timely?.....No!
- No. 6. Did respondent's counsel violate any part of the Rules of Professional Conduct?.....Yes!

**V. Argument**

No. 1. Did respondents have subject matter jurisdiction over the claim?

The appellant claims No! **MARLEY V. LABOR &**

**INDUSTRIES 125 Wn.2d 533, P.2d 189 (Dec. 1994) @ 539**

"Section 11 of the restatement defines subject matter jurisdiction: A judgment may properly be rendered against a party only if the court has authority to adjudicate the *type of controversy* involved in the action.' (Italics ours) We italicize the phrase "type of controversy" to emphasize its importance. A court or agency does not lack subject matter jurisdiction solely because it may authority to enter a given order.

The term "subject matter jurisdiction" is often confused with a court's "authority" to rule in a particular manner. This has led to improvident and inconsistent use of the term.

Courts do not lose subject matter jurisdiction merely by interpreting the law erroneously. If the phrase is to maintain its rightfully sweeping definition, it must not be reduced to signifying that a court has acted without error.

A tribunal lacks subject matter jurisdiction when it attempts to decide a type of controversy over which it has no authority to adjudicate.

The subject matter of defendant's instant Motion for Summary never came into the jurisdiction of the court of the assigned judge. The initial signing of the order was not presented to the assigned judge. It was first assigned to the clerk of the court who signed the order and sent it to an Ex Parte commissioner in the Regional Justice Center for entering a default judgment on June 20, 2014 while the assigned judge was still on

the bench in Ex Parte at the Seattle Court House. This all happened because of the local rule requirement under LGR 30 demanding all attorney's licensed in King County must e-mail every document in a case to the clerk of the court. This action in effect, defeats the action of due process of law to gain an order against the other party. In this case, the other party is the plaintiff/appellant Pro Se without counsel. *Marley v. Labor & Industries*<sup>op cit 8</sup>

"The focus must be on the words "type of controversy." If the type of controversy is within the subject matter jurisdiction, then all other defects or errors go to something other than subject matter jurisdiction.

**@ 541**

"As the restatement warns, classifying an error of law as "jurisdictional" issue transforms it into one that may be raised belatedly, and thus permits its assertion by a litigant who failed to raise it at an earlier state in the litigation. The classification of a matter as one of jurisdiction is thus a pathway to escape from the rigors of the rules of res judicata. By the same token it opens the way to making judgments vulnerable to delayed attack for a variety of irregularities that perhaps better ought to be sealed in a judgment.

To this end, it was the appellant/plaintiff who repeatedly presented dates on every motion entered into this instant cause of action that the defendant and her company, being personally served, on November 26, 2013 refused to answer the claim to protect the defendant's laches. This in

and of itself should have been a red flag to the Honorable Bill Bowman, assigned judge to this case by order of the presiding judge of the Regional Justice Center.

**No. 2. Did the plaintiff/appellant ever raise the question of jurisdiction with his Motion to Vacate the Summary Judgment Order? Yes!** (See Motion to Amend Default served and filed July 18, 2014 CP 58-87) (CP 64-65)

**SULVIAN v. PURVIX 90 Wn. App. 456. 966. P.2d 912 (Feb. 1998)**

**@ 459**

"Sullivan and the superior court cite *Marley v. Department of Labor and Indus.*, 125 Wn.2d 533, 886 P.2d 189 (1994) for the proposition that the court could enter judgment notwithstanding an erroneous application of the law. *Marley* does affirm such authority. But the decision rests on an assumption of proper jurisdiction. And it specifically states lack of subject matter jurisdiction voids the court's orders. *Id.* at 538.

**@460**

"Jurisdiction relates to the power of the court, not to the rights of the parties as between each other. *Wesley v. Schneekloth*, 55 Wn.2d 90, 93, 346 P.2d 658 (1959). Jurisdiction cannot, therefore, be conferred by agreement or stipulation of the parties. *Id.* at 93-94. A party may waive personal jurisdiction, but not subject matter jurisdiction. *In re Puget Sound Pilots Ass'n* 63 Wn.2d 142, 148, 385 P.2d 711 (1963)

The defendant and her counsel figured the appellant/plaintiff was nothing more than an elderly white (interjected to show racial prejudice) person who was defunct in the intelligence category in any position that

could harm the defendant in a court of law. The fact of the matter is, the appellant is a college graduate in Electronics and did work for Boeing for twelve and a half years with nine and a half years that included a flight line technician, black box technician, continuity checker, wire shop, five years as in experimental electronics, and six months on the Lunar Orbiter test program. He formed his own landscaping business in 1967, instigated the blending of top-soils in 1974 and had installed over one thousand lawn by 1976. He still has his business and is a licensed consultant in surface and under ground water control, wet land mitigation acts, property rights, plat development and passive solar design-build to about 85% self contained. His business was recently listed in the Federal National Blue Book of Federal Contractors after forty-seven years. He is well qualified to address this action as to what the needs are to rid the apartments of the black mold problem that was addressed by the legislature in 2005 and placed in chapter 59.18 RCW that controls landlords.

The appellant interjects his Motion to Amend the original Motion for Default served and filed with his Motion to Vacate the Summary Judgment Order on July 18, 2014. There has never been any reply to these

documents. The Motion to Vacate the Summary Judgment required an answer under LCR 60 and CR 60. The act of the Honorable Bill Bowman changing that motion to a Motion for Reconsideration disposed of any answer required from the respondents that invokes an act of prejudice against the plaintiff. The second act of Judge Bowman for refusing to require an answer required under CR 4, 7(a), 8, 9, for a period of eight months and then stating on his Order of Denial that the appellant never attended the hearing that never existed shows more of a prejudice action against a litigant who does not have the funds to hire a liar (lawyer) to present his claim to a court of law.

**No. 3. Regardless of the requirements of KCLGR 30 under KCLR 7(b) stating the defendant could defend without answer under CR 7(a) defeats any requirements associated with the court rules that govern the acts of the Superior Court that must be accounted for in every case placed in action in King County.**

The old KCLR 7(a) used to state that if a Motion for default was served and entered before an answer was served and entered; that the defendant could not answer without leave of the court. The new question before this court is a simple one. Where has the right to due process of law in court of law been preempted by some unorthodox local rules to take

advantage of hop scotching past the rules that have been set forth before the early nineteen hundreds. Other counties must still comply with the Superior Court Rules set forth in Washington State to control the lawful movement through the general court system. What makes King County so special that the regular Superior Court Rules are completely ignored in the writings of the KCLGR as being un-important in the actions of due process of law?

**No. 4. Defendants failed to serve plaintiff/appellant in a timely manner required both by KCLR 56 and CR 56.**

Both KCLR 56 and CR 56 make the same statement for service of process for a Motion for Summary Judgment. The two rules are in unison as to service of process for this one type motion. Both rules state the Motion must be served on the opposing party 28 days **before** the day of the hearing. The word "before" must be adhered to before the moving party has jurisdiction over the motion or the opposing party.(CP 109) If the Motion is sent by mail there must be three extra days added to the mailing. (CP 109-110). The court stated in the Order denying the Motion for Reconsideration that service at the KOA camp ground must have been



made by personal service on the plaintiff. The defendant's declaration of service only stated the motion was served by mail that failed to comply with the address change filed in the court records. (See order attached to the Notice of Appeal and CP 109-118 for other issues not required for this appeal)

**No. 5. The Judgment is void without service of process on the non moving party.**

**MORRIS v. PALOUSE RIVER R.R. 149 Wn. App. 366, 203 P.3d 1069 (Mar. 2009) @ 370-371**

"Default judgments are generally disfavored in Washington based on an overriding policy which prefers that parties resolve their disputes on the merits." *Topliff v. Chi. Ins. Co.*, 130 Wn. App. 301, 304, 122 P.3d 922 (2005) (quoting *Showalter* 124 Wn. App. at 510). . . . CR 60(b)(5) permits relief from a final order upon showing "[t]he judgment is void." "Proper service of the summons and complaint is essential to invoke personal jurisdiction." *In re Marriage of Markowski*, 50 Wn. App. 633, 635-36, 749 P.2d 754 (1988). A default judgment entered without personal jurisdiction is void. *Id.* at 636

The court docket shows every motion presented by the plaintiff was objected to by defendant's counsel submitting an answer to the clerk of the court by e-mail in violation of LGR 30(5)(A)(iii). This included sub # 28 used as a reference in the void Motion for Summary Judgment.

However, the statements set forth on that declaration of the defendants is to be held as evidence that the defendant did enter the apartment without

the permission of the plaintiff/appellant and stole many documents affecting this case. Further, defendant Walston is being charged with theft of the titles to the plaintiff's 1987 Chevy pickup and the 16 thousand lb. five yard dump trailer that was pulled by the pickup for the plaintiff's business. The pickup was parked in the apartment space for J-181 but the titles were in the apartment next to computer. A new title for the trailer had to be ordered from Dept. of licensing during the month of October 2014. It was still clear without any leans.

## **VI. CONCLUSION**

This court should accept review for the reasons listed in the Assignments of Error and Argument. The appellant served and filed a proposed order to the Honorable Bill Bowman and the Attorney General for the vacation of the void summary judgment. A copy of the order is attached as exhibit A-5-10. Item 1 of the Order of Dismissal asks that all claims of the plaintiff/appellant be reinstated and drawn to a conclusion of trial by jury to assess actual damages to the plaintiff including back pay for payments made over the last eight years of being associated with Greentree Apartments. The Attorney General did answer the plaintiff and

thanked him for his presentation of the violations of the Consumer Protection Act.

Further, the plaintiff/appellant asks for CR 11 sanctions against Michael T. Callan of Peterson Russell Kelly PLLC for misleading the court with false declarations and innuendos without answer to the claim.

Thank you for your attention to this matter. It concerns many people associated with Greentree Apartments and the present landlord; many have health problems but do not have the ability or funds to move to another facility. This is not a class action law suit. That is left to the Attorney General. Nevertheless, this practice should not be allowed to continue without the inspections required by the King County Code concerning issues brought forth by the Legislature in 2005 and made a part of the permanent record of the Landlord Tenet Act under chapter 59.18 RCW.

Respectfully submitted by; *Oct. 29, 2014*  
*Wayne R. Richardson*  
Wayne R. Richardson, Appellant Pro Se



*Papers for appeal*

*Friday*

*July 11, 2014*

**LGR 30. MANDATORY ELECTRONIC FILING**

**(b) Electronic Filing.**

**(5) Electronic Filing Is Mandatory.** Effective July 1, 2009, unless this rule provides otherwise, attorneys shall electronically file (e-file) all documents with the Clerk using the Clerk's eFiling Application or an electronic service provider that uses the Clerk's eFiling Application. Non-attorneys are not required to e-file documents.

**(A) Documents That Shall Not Be E-Filed.** Exceptions to mandatory e-filing include the following documents:

- (i) Original wills and codicils, including new probate cases that include original wills or codicils;
- (ii) Certified records of proceedings for purposes of appeal;
- (iii) Documents presented for filing during a court hearing or trial;
- (iv) Documents for filing in an Aggravated Murder case;
- (v) Administrative Law Review (ALR) Petitions;
- (vi) Interpleader or Surplus Funds Petitions;
- (vii) Documents submitted for *in camera* review, including documents submitted pursuant to LGR 15;
- (viii) Affidavits for Writs of Garnishment and Writs of Execution;
- (ix) New cases or fee based documents filed with an Order in Forma Pauperis.

The above-excepted documents must be filed in paper form.

*Comment:* Negotiable instruments, exhibits, and trial notebooks are examples of items that are not to be filed in the court file either in paper form or by e-filing.

**(B) Documents That May Be E-Filed.** The following documents may be e-filed:

- (i) Voluminous Documents—Voluminous documents of 500 pages or more may be e-filed or filed in paper form.
- (ii) Answers to Writs of Garnishment
- (iii) Appeals of lower court decisions
- (iv) Documents from governments or other courts under official seal including adoption documents. If filed electronically, the filing party must retain the original document during the pendency of any appeal and until at least sixty (60) days after completion of the instant case, and shall present the original document to the court if requested to do so. This does not include documents that are or will be submitted as an exhibit in a hearing or trial.

**(C) Working Copies for E-Filed Documents.** Judges' working copies for e-filed documents may be electronically submitted to the Clerk using the Clerk's eFiling Application and pursuant to LCR 7 unless this rule provides otherwise. The Clerk may assess a fee for the electronic delivery of working copies. Working copies of documents of 500 pages or more in length shall not be submitted electronically. Working copies shall be delivered pursuant to LCR 7, LFLR 6 or the applicable rule for that case type.

**(D) Waiver of the Requirement to E-File.** If an attorney is unable to e-file documents, the attorney may request a waiver. The attorney must explain why he or she needs to file paper documents in that particular case. The Clerk will make waiver

*A-1*



request forms available. The Clerk will consider each application and provide a written approval or denial to the attorney. Attorneys who receive a waiver shall file a copy of the waiver in each case in which they file documents. Attorneys who have received a waiver shall place the words "Exempt from e-filing per waiver filed on (date)" in the caption of all paper documents they file for the duration of the waiver.

**(E) Non-Compliance With This Rule.** If an attorney files a document in paper form and does not have an approved waiver from e-filing, the Clerk will assess a fee against the attorney pursuant to King County Code 4.71.100 for each paper document filed.

**(d) Authentication of Electronic Documents.**

**(2) Signatures**

**(D)** Law enforcement officer signatures on documents signed under penalty of perjury.

**(ii)** The King County Electronic Log of Detective Investigations is designated as a local and secure system for law enforcement to submit electronically signed documents to the King County Prosecuting Attorney for filing in Superior Court.

[Adopted effective June 1, 2009; amended September 1, 2010; September 1, 2011; September 1, 2012; January 1, 2014; April 1, 2014; June 27, 2014]

# Electronic Court Records

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Case Title: **RICHARDSON VS COAST REALESTATE SERVICES ET ANO**





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<input checked="" type="checkbox"/>	40	06-20-2014	MOTION/AMEND/PLA	30
<input type="checkbox"/>	40A	06-25-2014	ORDER GRANTING SUMMARY JUDGMENT OF DISMISSAL FR DEFS	2
<input type="checkbox"/>	41	 06-26-2014	AFFIDAVIT/DCLR/CERT OF SERVICE	2
<input checked="" type="checkbox"/>	42	07-15-2014	AFFIDAVIT OF WAYNE R. RICHARDSON	16
<input checked="" type="checkbox"/>	43	07-17-2014	MOTION /PLA	16
<input type="checkbox"/>	44	07-17-2014	NOTE FOR MOTION DOCKET	1
<input type="checkbox"/>	45	07-29-2014	AFFIDAVIT/DCLR/CERT OF SERVICE	2
<input checked="" type="checkbox"/>	46	 07-31-2014	ORDER ON MTN FOR RECONSIDERATION /DENIED	3

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SUPERIOR COURT

JUL 18 2014

ATTORNEY GENERAL'S OFFICE  
RECEIVED

The Honorable Bill Bowman  
Hearing date: July 30, 2014  
Hearing time without oral  
Argument: 08:00AM

SUPERIOR COURT OF WASHINGTON  
IN AND FOR KING COUNTY

WAYNE R. RICHARDSON )  
)  
Plaintiff, )  
)  
vs. )  
)  
COAST (Property management) )  
ET AL., )  
)  
Defendants. )  
\_\_\_\_\_ )

NO. 13-2-40091-0 KNT

(Proposed)  
ORDER VACATING DEF.  
SUMMARY JUDGMENT OF  
JUNE 20, 2014, PER CR 60(b) &  
DUE PROCESS OF LAW

STATEMENT OF THE CASE

Plaintiff, Wayne R. Richardson, resident of apartment J-181 at 6930 So. 123<sup>rd</sup> St., Seattle, WA 98178-6130, having prepaid all rental fees to hold the above apartment from September 7, 2006 to February 7, 2007 when the apartment was shown by drive-by for rental and paying an extra \$1,940.00 for a six month lease on February 7, 2007, to move in on March 1, 2007, occupied the apartment on March 1, 2007 at \$620.00 per month.

The previous landlord, Allied Property management in the City of Renton, Washington, hired a gyp-o-contractor to put a facelift on the

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ORDER DISMISSING SUM. JUDG -2-

Greentree Apartments in 2008. Jeanetta Walston was hired as an understudy in late 2008 to replace the previous landlord working for Allied. After about six months, Jeanetta became the official landlord for Allied. At some period of time Jeanetta either formed a new company or failed to address the position that she was owner of Coast. Nevertheless the new documents presented to the tenants after 2011, claimed Coast had taken over the address at 6900 So. 205<sup>th</sup> St., Seattle, WA 98178.

During the remodel in 2008 there was never a King County Inspector known to the plaintiff that ever inspected the units for compliance with any King County code. All the inspections were made by people working for HUD. As a result, one building down by the park caught fire in the attic between the old flat roof and the new sloped roof installed by the contractor in 2008. There was never an inspection by a King County inspector to certify the apartments to be free from black mold or vermin that might harm the health of persons or pets living in the units. If this statement is untrue, the landlord shall produce to this court, all records showing all inspections of King County compliance inspectors authorized to conduct code compliance for safe and habitable living conditions common to Greentree Apartments.

The claim of this suite interjects three different RCW chapters including chapter 59.18 RCW, chapter 19.86 RCW and chapter

ORDER DISMISSING SUM. JUDG. -2-

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ORDER DISMISSING SUM. JUDG. -3-

62A.2A RCW that controls the writing of leases.

RCW 62A.2A-104(1)

(1) A lease, although subject to this Article, is also subject to any applicable:  
(1)(c) Consumer protection statute of this state.

RCW 62A.2A-108(2)

(2) If a party claims that, or it appears to the court that the lease contract or a clause within the contract may be unconscionable, the court shall allow a reasonable opportunity to present evidence as to the lease or clause's commercial setting, purpose, and effect to aid the court in making the determination. [1993 c 230 § 2A-108.]

**FINDINGS OF FACT**

1. Defendants refused to comply with an answer to the summons issued under CR 4.
2. Defendants failure to answer per CR 7(a), 8, and 12(b) waived their defenses of legal right to move for any dismissal without first making a counterclaim against the plaintiff in an answer required by the above Court Rules.

**BATTEN v. ABRAMS 28 Wn. App. 737, 626 P.2d 984 @ 742**

"This local rule, like the civil rules of superior court, has the force and effect of statutory law and consequently its being overlooked invalidates the order granting terms."

**CONCLUSIONS OF LAW**

This court finds that the defendants waived their rights to proceed to a conclusion through the superior court rules cited above: reiterating the

ORDER DISMISSING SUM. JUDG. -3-

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ORDER DISMISSING SUM. JUDG. -4-

words of the plaintiff that refusing to comply with CR 4, 7(a), 8, and 12(b) invalidates any order granting a dismissal.

The superior court rules cited above have the statutory force and effect of statutory law. As to the effect of this case bringing in the Attorney General under chapter 19.86 RCW to press criminal charges against the landlord and her company for refusing to comply with the landlord tenant act chapter 59.18 and falsifying documentation to the state against the plaintiff further finds the defendants, including both counsel cited in the exhibits presented to this court is granted. This court finds all parties common as defendants or counsel in their representation is found to be in contempt of court for collusion between the two firms in representation of defendants for unlawful gain and perjury under oath.

Defendant Jeanetta Walston is granted thirty days from the date of this order to produce all ledgers and other papers associated with the legal tax requirements associated with Greentree Apartments back to the year 2,000. Any failure to comply with this order in a timely manner shall be just cause to validate all plaintiff's requests in full. \_\_\_\_\_

ORDER DISMISSING SUM. JUDG. -4-

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ORDER DISMISSING SUM. JUDG. ~~5~~

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**ORDER OF DISMISSAL**

1. The defendant's Summary Judgment dismissal Order of plaintiff's cause of action is vacated; all claims assessed against the defendants are reinstated. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

2. Defendant Jeanetta Walston, defendant and Landlord shall produce all tax ledgers back to the year 2000 or further if there be any person on the premises who has lived in the complex longer. The court shall elect a certified public account to purge the documents for any acts of induced fraud for failure to return certain deposits on leases without cause or violations of extortions by raising the rent without cause just to remove a person not compatible with the landlord. \_\_\_\_\_

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ORDER DISMISSING SUM. JUDG. ~~5~~

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ORDER DISMISSING SUM. JUDG. ~~6~~

3. The plaintiff shall have the right to produce this action to the Attorney General for criminal action against any party connected with any party associated with any defendant common to this action and make a report to this court within ninety days from the signing of this order. \_\_\_\_\_

And this court being fully advised in the premises it is hereby.

**ORDERED, ADJUDGED AND DECREED**

DONE THIS DAY \_\_\_\_\_ 2014 in open court

\_\_\_\_\_  
The Honorable Bill Bowman

Respectfully submitted by: *July 17, 2014*  
Wayne R. Richardson  
Wayne R. Richardson Pro Se plaintiff  
P.O. Box 78618  
Seattle, WA 98178

\_\_\_\_\_  
Presentation waived  
Counsel for defendants

ORDER DISMISSING SUM. JUDG. ~~6~~ of ~~6~~