

**RECEIVED
SUPREME COURT
STATE OF WASHINGTON
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NO. 93702-8

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

FANTAHUN AMARE,

Appellant

v.

MOHAMUD SHARAWE and JANE DOE SHARAWE, husband and wife, and
WASHINGTON ACCESSIBLE TRANSPORTATION LLC, a Washington limited

liability company,

Respondents.

RESPONDENTS' ANSWER TO PETITION FOR REVIEW

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Table of Contents

I.	Introduction	1
II.	Summary of the Argument	2
III.	Argument.....	2

Table of Authorities

Rules

RAP 13.4..... 1, 2

I. Introduction

Fentahun Amare (“Amare”) filed this lawsuit against Mohamed Sharawe (“Sharawe”) and a Washington limited liability company, Washington Accessible Transportation. It stems from his frustration over the dissolution of another company (Washington Accessible Taxi LLC) and his belief that he should have been a partner with Mohamed Sharawe.

Washington Accessible Transportation was formed in 2010 by Mohamed Mohamud. Amare was not a member of Washington Accessible Transportation. Because he had sued the wrong corporation, the trial court granted Washington Accessible Transportation LLC's motion for summary judgment.

Amare’s claims against Shaware presupposes some contractual, business or personal relationship between them. Prior to this lawsuit, they had never met. Because of this total lack of contact prior to the lawsuit, the trial court granted Shaware’s motion for summary judgment.

Amare’s claims concern his partners and the founders of Washington Accessible Taxis LLC. Sharawe and Washington Accessible Transportation are not the appropriate parties.

In his petition for review, Amare fails to cite RAP 13.4, or identify and discuss any of the four standards for when discretionary review may be

appropriate. Because he fails to make any showing that discretionary review is appropriate, the Court should deny his request.

II. Summary of the Argument

Review is granted by this Court in the very limited circumstances listed under RAP 13.4(b). Amare's Petition for Review contains not a single reference to RAP 13.4 nor a discussion as to why this case falls within the ambit of any of the circumstances listed there.

For this reason, the request for review should be denied.

III. Argument

- A. Fantahun Amare has failed to identify a single standard which would support granting his motion for discretionary review.

Discretionary review of a Court of Appeals decision is appropriate in only four very limited circumstances: (1) if it is in conflict with a decision of the Supreme Court; (2) if it is in conflict with a published decision of the Court of Appeals; (3) if it involves a significant state or federal constitutional question; or (4) if it involves an issue of substantial public interest that should be decided by the Supreme Court. RAP 13.4(b)(1) – (4). Amare's motion fails to cite RAP 13.4 and is devoid of any discussion of any of the enumerated circumstances which would justify review.

The Court of Appeals affirmed the lower court because Amare failed to demonstrate that there existed a material fact or facts which would preclude a summary judgment. The Court of Appeals went through the rules which govern an appeal of an adverse summary judgment ruling. Amare did not point to any of the cited cases or rules as conflicting with any existing case.

In its substantive discussion, the Appellate Court noted that four of the five assignments of error concerned claims against nonparties. Amare did not specifically assign error to the lower court's summary judgment nor indicate "...with specificity that disputed issues of material fact exist..."

In his petition for review, Amare again points his fingers at nonparties. Petition p. 3 ("...certain individuals led by Amin Bouanani, Respondent¹ Omar Hussein, and Respondent Mohamed Mohoamud..."). He claims that they had "schemes" too bold for "organized criminals." *Id.* He accuses Christopher Van Dyk of embezzling funds, Bouanani of wrongfully dissolving a corporation and Hussein of running a "highly sophisticated scheme." *Id.* at pp. 3 to 4.

Beginning at page five, he takes issue with the Court of Appeals decision. A decision he characterizes as "...riddled with inaccuracies, twisted assertions, illogical and wrong interpretations, and unrepresentative remarks

¹ Amare denominates certain persons as "respondents" when, in fact, they are not parties to the litigation.

about the truth and facts.” Petition p. 5. The opinion caused “substantial” financial losses to not only Amare but “L&I, King County, City of Seattle, and SOS.” Id. Finally, several pages address facts he alleges the Court of Appeals “misconstrued.” Petition p. 10 – 19.

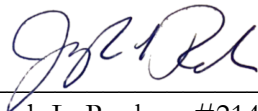
Despite all this, nowhere in his petition does he address any of the four possible criteria justifying discretionary review. The first two possible avenues to discretionary review require the presence of a conflict between a case or cases cited by the Court of Appeals and an existing case or cases. Amare identifies none.

His petition is similarly devoid of any discussion of a state or federal constitutional issue; the third route to review. Finally, there is no discussion of a “substantial” public interest warranting Supreme Court review.

The trial court and Court of Appeals have reviewed Amare’s claims in light of the Defendants’ motions for summary judgment. The summary judgment motions were granted and affirmed. Amare made several claims against nonparties, failed to make assignments of error and failed to establish the existence of disputed facts. His petition for review has made no showing that the lower court’s decision should be reviewed and this Court should deny his motion.

Respectfully dated: December 7, 2016.

THE LAW OFFICE OF
JOSEPH L. ROCKNE, PLLC

A handwritten signature in blue ink, appearing to read 'JLR', is positioned above a horizontal line.

Joseph L. Rockne, #21422
Attorney for Respondents

DECLARATION OF MAILING

Joseph L. Rockne declares:

I certify under the penalty of perjury under the laws of the State of Washington that I am over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On December 7, 2016, I caused to be served in the manner specified, Respondents' Answer to Appellant's Motion for Discretionary Review, via email to fentahun@yahoo.com and via USPS, certified with return receipt requested, to the following:

Fentahun Amare
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