

COURT OF APPEALS
DIVISION ONE

APR 4 2016

No. 73515-2-1

IN THE COURT OF APPEALS DIVISION ONE
STATE OF WASHINGTON

FENTAHUN AMARE, Appellant

Vs.

WASHINGTON ACCESSIBLE TRANSPORTATION, LLC,

(WAT) Mohamed Mohamud, et al,

WASHINGTON ACCESSIBLE TAXI ASSOCIATION, LLC

(WAT) Sharawe, Mohamud, et al. Respondents.

ON APPEAL FROM THE SUPERIOR COURT OF THE

STATE OF WASHINGTON FOR KING COUNTY

The Honorable Monica Benton

APPELLANT'S REPLY BRIEF

AND SUPPLEMENTAL ASSIGNMENT OF ERROR

FILED
COURT OF APPEALS DIVISION ONE
STATE OF WASHINGTON
2016 APR -4 PM 1:02

Fentahun Amare,
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Under the doctrine of unjust enrichment, it is not necessary, in order to create an obligation to make restitution or to compensate, that the party unjustly enriched should have been guilty of any tortious or fraudulent act, the question being whether he, to the detriment of another, obtained something of value to which he was not entitled.

Bill v. Gattavara, 34 Wash.2d 645 (1949)6

I informed you that I was, and had been for some time, a consultant to the former members of Washington Accessible Transportation LLC, and that I was authorized to speak on their behalf. The Department of Labor & Industries has asserted a claim, against the WAT LLC, for unpaid Industrial Insurance premium in year 2009 and 2010, for some \$250,000. Indeed, I had asked certain of the former partners to meet me, over dinner, to discuss and celebrate resolution of that matter, that evening.

That they had been served notice of another frivolous lawsuit was indeed disconcerting, given all that the good that they had accomplished, for Seattle’s disabled community, in creating and providing handicapped accessible taxicab service to the region. As you are fully aware, the City of Seattle and King County continued the project, based on the pilot project success, at the same time disallowing many of the individuals, who had brought about that success, from participating in the continuing project”
(Christopher Van Dyk)6

To Whom it May Concern: This is to inform you that as of June 30th 2010, the contract with King County had expired, and Fantahun Amare who has been a full member of WAT operating since September 2006 is without a job altogether with 15 other WAT drivers.
(Amin Bouanani).....7

The Company was formed on July 3, 2006. When the Certificate of Formation was executed and filed with the office of the Secretary of State in accordance with the Act. The name of the Company is Washington Accessible

Taxis Associates, LLC “(also known as” WAT”). The principal place of business of the Company: 2314 Union Street, Suite 203/ Seattle, Washington 98122. The Company’ registered agent and its contract information is Omar A. Hussein, 2314 East Union Street, Suite 203, Seattle, Washington 98122. CP 45.
(Omar A. Hussein).....7

Executive Summary. Washington Accessible Taxis Associates, LLC (W AT) is singularly well-qualified to fulfill the needs of customers in the City of Seattle and in King County who require wheelchair accessible taxis. WAT was the sole organization to receive temporary wheelchair accessible dual licenses (refers to Washington Accessible Taxis LLC in the City of Seattle and King County Wheelchair Accessible Taxicab Demonstration Project began its operations in September 2006 (refers to Washington Accessible Taxis LLC). CP 225.
(Omar A. Hussein).....7

I was awarded by King County a license to drive a wheelchair accessible cab in March 2011. A copy of the award letter is attached to the motion for summary judgment and labeled exhibit A. After I was awarded the license, I purchased an appropriate vehicle and all the equipment necessary to operate a wheelchair accessible cab. No one else contributed any money or anything else of value towards this.
(Mohamud Sharawe)8

After the pilot project ended, King County solicited bids from taxicab operators to obtain licenses, in order to operate taxicab services for handicapped individuals. To bid, a new corporation was formed: Washington Accessible Taxi Associates, LLC. Mr. Amare was NOT part of the group that formed this LLC. CP
I created Washington Accessible Transportation, L.L.C to pursue my own business interests. I provided wheelchair accessible passenger services through the Metro Access Overflow Service. I do not operate taxicabs. This is my business. Fantahun Amare has nothing to do with it.
(Mohamed Mohamud)8

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A. SUMMARY OF ARGUMENT IN REPLY

Respondents have not offered a single defense to the charges against them. The arguments of the Attorney do not overcome the legal issues for which Respondents have been charged of involving conspiracy, misrepresentation, fraud, deceit, misuse, and embezzlement of funds belonging to Washington Accessible Taxi, LLC, (WAT Taxi).

It is no defense to describe the anguish and frustrations of Appellant, a fact that Appellant has adequately described throughout. It is no defense to state that Respondents have prevailed in the Lower Court being oblivious to the fact that the case is now in the Court of appeal to undo the injustice done in the Lower Court.

Respondents have broken the law of the land with distorted belief that they can enrich themselves unlawfully, the un-American way. This Court upon recognizing and finding the facts should send a strong message to stop and end the corruptive and unlawful practices of Respondents.

Attorney for Respondents argued rather fruitlessly and unconvincingly that his clients started their own businesses that did not include Appellant. Starting a business is entirely different from taking over one's business. A professional argument should not be devoid of ethics. If Respondents created their own businesses, and

the schemes were not takeover, both companies should have not been named WAT.

Appellant and his partners formed Washington Accessible Taxi, LLC commonly known as WAT in 2006. Respondent Mohamud created his company Washington Accessible Transportation also known as WAT on April 23, 2010 (CP55). Respondents Sharawe, Hussein, and Bouanani formed the third WAT, Washington Accessible Taxi Association, LLC on September 22, 2010. They did this after they unlawfully and illegally dissolved a thriving company. Even though Respondents are recent immigrants from East Africa, their schemes have been sophisticated. Their corruptive practices are unfit to the highly ethical American business.

B. ARGUMENT IN REPLY

The actions of Respondents involved fraud, conspiracy, misrepresentation, falsifications, and embezzlements. These are indisputable facts that Respondents have stated them in their sworn testimonies. Throughout the litigation, Attorney for Respondents have argued as if the lawsuit arose from contract disputes. There is a reason and purpose and Attorney for Respondents has devoted his Brief imaging and answering contract issues. Cases cited may be unrelated to this case in context even if contract disputes were perceived. In fact, some are self-inflicting. If the issues of this case

involved breach of contract at all, according to the judgements cited as precedence, Appellant rather than Respondents would prevail. For instance, in the case of “Bill v. Gattavara, 34 Wash.2d 645 (1949)”, the Court ruled:

“Where the owners of land from which standing timber had been removed by a trespasser, brought an action in tort for trespass and recovered a judgment for treble damages, which he satisfied, such judgment is a bar to an action for unjust enrichment against a third party who had obtained money from a mill for stumpage on the timber which had been removed, and is res judicata thereof.”

The judgment as stated above would support Appellant position, which was not his position and claims he made in this case.

Respondents conspired to take over the first WAT (WAT Taxi) upon finding that King County was to make the Pilot Project that the first WAT had successfully accomplished permanent. This was the note that the consultant and agent of Respondents wrote to (Subject WAT Lawsuit. Christopher Van Dyke, Thursday, October 10, 2013 1:58 PM, to Yohannes Sium, CC, Mohamed Mohamud; Omar Hussein; Henry Aronson)

I informed you that I was, and had been for some time, a consultant to the former members of Washington Accessible Transportation LLC, and that I was authorized to speak on their behalf. The Department of Labor & Industries has asserted a claim, against the WAT LLC, for unpaid Industrial Insurance premium in year 2009 and 2010, for some \$250,000. Indeed, I had asked certain of the former partners to meet me, over dinner, to discuss and celebrate resolution of that matter, that evening.

That they had been served notice of another frivolous lawsuit was indeed disconcerting, given all that the good that they had accomplished, for Seattle’s disabled

community, in creating and providing handicapped accessible taxicab service to the region. As you are fully aware, the City of Seattle and King County continued the project, based on the pilot project success, at the same time disallowing many of the individuals, who had brought about that success, from participating in the continuing project”

Amin Bouanani conspired with Respondents to dissolve WAT Taxi, so that he and his friends will take over the business.

After dissolving the corporation, he emailed to Appellant:

To Whom it May Concern: This is to inform you that as of June 30th 2010, the contract with King County had expired, and Fantahun Amare who has been a full member of WAT operating since September 2006 is without a job altogether with 15 other WAT drivers.

Respondent Omar Hussein, one of the conspirators who formed the third WAT (WAT Accessible Taxi Association, LLC) described the company that he, Bouanani, and Sharawe formed to King County as follows:

The Company was formed on July 3, 2006. When the Certificate of Formation was executed and filed with the office of the Secretary of State in accordance with the Act. The name of the Company is Washington Accessible Taxis Associates, LLC “(also known as” WAT”). The principal place of business of the Company: 2314 Union Street, Suite 203/ Seattle, Washington 98122. The Company’ registered agent and its contract information is Omar A. Hussein, 2314 East Union Street, Suite 203, Seattle, Washington 98122. CP 45.

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(refers to Washington Accessible Taxis LLC in the City of Seattle and King County Wheelchair Accessible Taxicab Demonstration Project began its operations in September 2006 (refers to Washington Accessible Taxis LLC). CP 225.

Respondent Hussein falsified the date of establishment of WAT Association as 2006. Only WAT Taxi existed between 2006 and July 30, 2010. Respondent Sharawe was one of the shareholders who formed WAT Association. However, he testified in his declaration as if he was not a member of the company and as if the County gave him individual license:

I was awarded by King County a license to drive a wheelchair accessible cab in March 2011. A copy of the award letter is attached to the motion for summary judgment and labeled exhibit A. After I was awarded the license, I purchased an appropriate vehicle and all the equipment necessary to operate a wheelchair accessible cab. No one else contributed any money or anything else of value towards this.

Respondent Mohammed Mohamud claimed that he created his own company that he named Washington Accessible Transportation, LLC also known as WAT. Respondent was an employee of WAT Taxi when he created the company on April 22, 2010. He used the office facilities of WAT Taxi for four months until he and the other Respondents conspired to dissolve WAT Taxi. After he completed the transfer of all resources of WAT Taxi to his company, WAT Taxi was dissolved. Respondent Mohamud declared:

After the pilot project ended, King County solicited bids from taxicab operators to obtain licenses, in order to operate taxicab services for handicapped individuals. To bid, a new corporation was formed: Washington Accessible Taxi Associates, LLC. Mr. Amare was NOT part of the group that formed this LLC. CP

I created Washington Accessible Transportation, L.L.C to pursue my own business interests. I provided wheelchair accessible passenger services through the Metro Access Overflow Service. I do not operate taxicabs. This is my business. Fantahun Amare has nothing to do with it.

Respondent Mohamud together with the other Respondents and accomplices has embezzled an unknown amount of fund that belonged to WAT Taxi. The fund that was to be paid to L & I had disappeared while he was handling the accounts of WAT Taxi.

C. CONCLUSION

It is American concept of starting business with family members, friends and relatives. However, the idea of Respondents has no place in America. Appellant started business with Respondents and other friends. Appellant did not consider their backgrounds, and whatever differences he had with them.

However, Respondents conspired to remove Appellant so that families and friends and people belonging to the same nationality could owned it. This is completely un-American. Respondents betrayed Appellant and in so doing broke the law of the land.

Sadly, individuals like Christopher Van Dyke are more than willing to lead others to commit crime. There was nothing to celebrate by being part of embezzlement of funds that was supposed to be paid to government agency.

Respondents divided the fund among themselves, paid to their agent handsomely. They have enriched themselves while Appellant who formed the corporation, and worked day and night to build the company was booted out unlawfully and illegally. Respondents did not even care that Appellant would suffer without his job. Respondent Sharawe who was nowhere during the five years, bought himself in and became shareholder after he conspired with the others to remove Appellant from the shareholder list and replace him. There have been lots of under the table dealings for which Respondents are very adept.

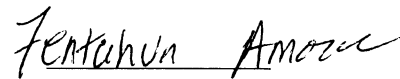
Appellant hope and beliefs that this Court upon finding the facts and recognizing the truth, shall render justice and allow Appellant to recover his losses.

This Court has the power to make Respondents pay back the money they embezzled from WAT Taxi and L & I. The Court should recognize Washington Accessible Taxi, LLC as the only legitimate business. Appellant would ensure that the money WAT Taxi owed to L & I is paid back. Appellant will be willing to work with the former shareholders of WAT Taxi, and immediately

establish and resume the operation of the business once the Court restore his rights as the owner shareholder of the corporation.

Appellant prays that the Court awards him what he has prayed for and as the Court determines just.

Respectfully submitted, this 4th day of April 2016.

A handwritten signature in black ink that reads "Fentahun Amare". The signature is written in a cursive style with a horizontal line underneath the name.

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Pro Se Appellant
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PROOF OF SERVICES

I, Fentahun Amare, hereby declare under penalty of perjury under the laws of the state of Washington, that on the 4th of April, 2016, I mailed a copy of the APPELLANT BRIEF IN REPLY filed in court on the opposing parties' Attorney at his address shown below, via the selected service listed below. Copy of proof is attached herewith.

- faxed; and/or
- Fed Ex
- USPS Registered Mail
- sent via ABC Legal Messengers, Inc.

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2016 APR -4 PM 1:01

Joseph Lars Rockne
Attorney for Respondents
2400 NW 80th St.
Seattle, WA 98117-4449

Dated this 4th day of April, 2016.

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