

Supreme Court No. 945349
Court of Appeals No. 74563-8-I

**SUPREME COURT
STATE OF WASHINGTON**

Lydia Lutaaya, an individual,

Petitioner,

v.

Boeing Employees' Credit Union,

Respondent.

ANSWER TO PETITION FOR REVIEW

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TABLE OF AUTHORITIES

Cases

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IDENTITY OF RESPONDENT

Respondent is the Boeing Employees' Credit Union, represented by John Du Wors and Keith Scully of Newman Du Wors LLP.

INTRODUCTION

An unlawful detainer suit is a limited action designed only to determine who is entitled to possess a property. The Superior Court found Ms. Lutaaya in unlawful detainer of a residence after BECU purchased it at a foreclosure sale and Ms. Lutaaya failed to vacate the premises. Ms. Lutaaya raised a range of complaints about BECU, court staff, Renton police officers, and local government officials to the Superior Court and she raises them again here. But she identifies no basis to reverse the Superior Court's order that she was in unlawful detainer.

This is not Ms. Lutaaya's only lawsuit.¹ She has repeatedly sued BECU and other parties related to her home and unpaid debts, and raised many of the complaints she identifies here in other proceedings. The Superior Court and Court of Appeals followed long-standing law and ruled that this case is not the forum to litigate those complaints. There is no basis for this Court to accept review and the Court should decline the petition.

STATEMENT OF THE CASE

BECU is a Washington credit union that provides banking services, including home loans, to its members. Lydia Lutaaya is a BECU member who borrowed money secured by a deed of trust on her home. Ms. Lutaaya stopped making payments and BECU nonjudicially foreclosed. Ms. Lutaaya did not sue to restrain the foreclosure and BECU purchased the property at auction.

¹ *Lutaaya v. BECU et al.*, 15-2-22946-0 KNT; *Lutaaya v. BECU et al.*, 14-2-12606-9 SEA; *Lutaaya v. Suhrco, et al.*, 15-2-20814-4 KNT.

Ms. Lutaaya refused to vacate and BECU sued Ms. Lutaaya for unlawful detainer. The Superior Court issued a writ of restitution and the Sheriff executed the writ. Ms. Lutaaya timely appealed and the Court of Appeals affirmed.

ARGUMENT

RAP 13.4(b) provides that this Court accepts petitions for review only:

- (1) If the decision of the Court of Appeals is in conflict with a decision of the Supreme Court; or
- (2) If the decision of the Court of Appeals is in conflict with a published decision of the Court of Appeals; or
- (3) If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or
- (4) If the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

A. The decision is consistent with existing law.

An unlawful detainer action is a “narrow one, limited to the question of possession and related issues such as restitution of the premises and rent.” *Munden v. Hazelrigg*, 105 Wn.2d 39, 45, 711 P.2d 295 (1985). Unlawful detainer “provides an expedited method for resolving the right to possession and hastening the recovery of real property.” *MacRae v. Way*, 64 Wn.2d 544, 546, 392 P.2d 827 (1964). In an unlawful detainer proceeding, the superior court “sits as a special statutory tribunal, limited to deciding the primary issue of right to possession together with the statutorily designated incidents thereto, i.e., restitution and rent or damages.” *FPA Crescent Associates, LLC v. Jamie's, LLC*, 190 Wn. App. 666, 674–75, 360 P.3d 934, 938 (2015).

Ms. Lutaaya brought a broad range of challenges to the writ, including arguing that BECU “deleted” her mortgage payments, “added” the Renton Police Department to her mortgage, and that BECU misused her image in a promotional

campaign. But in order to prevail, Ms. Lutaaya had to assert a claim of right to remain on the premises. *Hous. Auth. of City of Pasco & Franklin Cty. v. Pleasant*, 126 Wn. App. 382, 387, 109 P.3d 422, 425 (2005). The trial court and Court of Appeals followed established law in denying her request to litigate the foreclosure and other matters in the unlawful detainer proceeding.

B. There is no significant question of law.

Ms. Lutaaya identifies no basis to challenge any of the authority the trial court and Court of Appeals relied on. Accordingly, there is no significant question of law.

C. There is no issue of substantial public interest because Ms. Lutaaya can raise each of her claims in different fora.

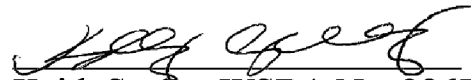
Ms. Lutaaya raises claims about her mortgage, car loan, and broad-ranging allegations about BECU, the Renton Police, and other individuals and entities. Each of these claims can be raised—and have been raised—in other lawsuits. There is no

substantial public interest in revisiting Washington's long-standing requirement that unlawful detainer actions be limited only to the right to possession.

CONCLUSION

An unlawful detainer action is a narrow proceeding limited to determining who is entitled to possess real property. The Superior Court and Court of Appeals followed established law in ruling that Ms. Lutaaya's convoluted series of complaints could not be raised in an unlawful detainer petition. This Court should decline review.

RESPECTFULLY SUBMITTED this 7th day of
June, 2017.


Keith Scully, WSBA No. 28677

Attorney for Respondent
Boeing Employees' Credit
Union

CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2017, I caused the foregoing to be served via certified US Mail to:

Lydia Lutaaya
3001 SE 10th Street, #1013
Renton, WA 98058

I declare under penalty of perjury that the foregoing is true and correct.



Chy Eaton

NEWMAN DU WORS LLP

June 07, 2017 - 2:28 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 94534-9
Appellate Court Case Title: Boeing Employees' Credit Union v. Lydia Lutaaya, et al.
Superior Court Case Number: 15-2-27549-6

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- 945349_Answer_Reply_20170607142723SC620645_1265.pdf
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