

FILED
SUPREME COURT
STATE OF WASHINGTON
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No. 95327-9

SUPREME COURT OF THE STATE OF WASHINGTON

In Re the Matter of the Marriage of

RALUCA VETRICI,

Respondent,

v.

GRIGORE VETRICI,

Petitioner.

PETITIONER'S REPLY TO RESPONDENT'S GENERAL ANSWER

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Respondent's General Answer is frivolous.

Respondent “opposes the Supreme Court taking review”, while her “[u]ndersigned” counsel now “believes the Court has” everything “to make its rulings”. Raluca and her counsel are one party. A party is bound to win when arguing both for and against, and since no conflict remains to be addressed by the Court, the filing is frivolous. Further, this Court is bound to take review because the courts below have not correctly addressed jurisdiction. The superior court interpreted the dissolution as being without jurisdiction over the children; this was an obvious error since Washington's adoption of the UCCJEA “mak[es] the act the exclusive basis to determine jurisdiction of this interstate child custody dispute”. *In re Custody of A.C.*, 165 Wn.2d 568, 200 P.3d 689 (2009). As the exclusive basis, no other jurisdictional consideration, inclusive of RAP 18.8(b), exists to now usurp this Court's jurisdiction of this matter. Since the foreign court acted without jurisdiction under the UCCJEA, its order is void. Consequently the superior court order founded on the foreign order is also void and this Court has no discretion to take review to vacate the order. See *Mitchell v. Kitsap County*, 59 Wash. App. 177, 180-81, 797 P.2d 516 (1990) (A court has no discretion when faced with a void judgment, and must vacate the judgment "whenever the lack of jurisdiction comes to light.").

On April 9, 2018, the Court set a date of April 13, 2018 by which (1) to answer the [second] motion¹ to extend time and amend the reply to the combined answer, and (2) to answer the motion to further amend the combined reply. Respondent appears to contest the [second] motion for extension of time to file the combined reply. But Respondent elected to combine her answer to the petition for review with her answer to the [first] motion to extend time for filing that petition. Notice of the combined reply was timely given but the reply was filed one day after the date set by the Court. If the combined reply is subject to two competing bases for extension of time, it should be treated on the lower standard for motions to reach the merits rather than the higher standard of petitions for review. The combined reply is then subject, along with the petition for review, to review of the first motion for extension of time under the higher standard. Without argument to support refusal to grant an extension of time on the second motion, Respondent's objection has no basis and must be denied. Respondent also fails to set out grounds justifying a refusal to grant the motions to amend. In the absence of objections, the Court should grant the motions in order to reach the merits. Also see *Angelo Prop. Co. v. Hafiz*,

¹[First] motion to extend time is that for extension of time to file the petition for review. It was answered by the Combined Answer. [Second] motion to extend time is that for extension of time to file the Combined Reply to the Combined Answer; it was filed after filing of the Combined Reply and combined with a motion to amend. The instant pleading is the reply to the answer to the [second] motion.

167 Wn. App. 789; 274 P.3d 1075, review denied, 175 Wn.2d 1012, 287 P.3d 594 at n. 64 (Where a party provides no argument to support its bald assertion, the court does not consider it).

On March 15, 2018, the Court set a date of March 23, 2018 for an answer to the motion to strike. Respondent does not seek an extension of time for her objection to the motion, yet now appears to make such an objection. As there is not so much as a bald argument, her objection must be outright denied.

Respondent neither sets out evidence in the record nor supports her factual statements of “financial harm” and that “[s]he cannot afford” responses by making a fresh declaration, affidavit or financial statement. She waived attorney fees on appeal, estimated by her counsel at \$25,000.00 plus costs on October 12, 2016 in this Court. She has not contradicted evidence in the record of substantial income. CP 432 (2014 income tax return). Even if her statements could somehow be deemed valid, they do not reveal any inequities to support her objections to Petitioner's motions. If it can be presumed that the General Answer is not pro bono work, Respondent's counsel should be held accountable for filing an obviously contradictory pleading, i.e. one where he pretends to argue financial harm against his client yet charges that client a fee while not making a legitimate argument. In the broader picture, it is these attorneys,

lawyers and counselors who must share in the responsibility towards the courts, children and society for the ills brought on through contempt of custody orders, forum shopping, parental kidnapping and abduction. The obligations of a parent to “consider only those actions that will be lawful and will contribute to the child's best interests” apply equally to that parent's representatives. See RCW 26.09.315.

For the reasons stated above, Petitioner respectfully requests this Court rule that the General Answer is a frivolous filing.

Respectfully submitted this 16th day of April, 2018.

s/ Grigore Vetrici
Petitioner, Pro Se

GRIGORE VETRICI - FILING PRO SE

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Transmittal Information

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Appellate Court Case Title: In re the Marriage of: Raluca Vetrici and Grigore Vetrici
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- 953279_Answer_Reply_20180416165554SC631422_0061.pdf
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