

Re: Supreme Court No. 95435-6-In re the Marriage of: Wairimu Kiambuthi and Toll Obuon  
Court of Appeal NO. 75563-3-1

RECEIVED  
FEB 12 2018  
Washington State  
Supreme Court

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

[TOLL OBUON], )  
Plaintiff, ) No. No. 95435-6 [75563-3-1  
 )  
-vs- )  
 )  
[WAIRIMU KIAMBUTHI], ) MOTION FOR EXTENSION OF TIME  
Defendant. ) to filed by Feb 12, 2018  
 )

Judge Schindler did not Review two briefs because of [1] and [2] below

1

1) The page 5 third paragraph of these Courts of appeal ruling, Judge Schindler refused because under RAP 9.6(b) and (F)(1) The clerk's papers (D) any written order or ruling not attached to the notice of appeal, of which a party seeks review (F) any written opinion, findings of fact, or conclusions of law Amended Petition Clerks paper 337-352, Clarks Paper Pet order for protection CP 322-335 and Temp Ord for Protection order CP 353-356 under case Number 15-2-06682-0SEA filed Jan 19 2018 and 12/20/2017

2

2). page 4 second last paragraph of this Court's ruling A notice of appeal the decisions the party wants reviewed, obuon did not designates the Amended parenting plan RAP 5.3(a)(3) (a) Content of Notice of Appeal. A notice of appeal must (1) be titled a notice of appeal, (2) specify the party or parties seeking the review, (3) designate the decision or part of decision which the party wants reviewed, and (4) name the appellate court to which the review is taken. Therefore, to avoid repeat it is necessary for the above document to be filed from Superior Court Clerk under case Number 15-2-06682-0 Sea.

[3] Motion to Enlarge Time 20 days Reconsideration

Under RAP 12.4(B) Petitioner filed extension of time on timely for 20 days on 12/4/2017. To paraphrase Court of appeal Judge Schindler stated that Appellant Toll obuon filled a motion for extension of time to file a motion for consideration of the opinion filled November 13, 2017. A majority of the panel has determined that the motion should be denied with no explanation why court denied on 12/15/2017 and received the cop of denial 12/19/2017. RAP 12.3(b).

[4]. Petition for Review was filed on 12/22/2017

RAP 13.4(a) a petition for review should be filed in the Court of Appeals If no motion to publish or motion to reconsider all or part of the Court of Appeals decision is timely made, a petition for review must be filed within 30 days after the decision is filed. If such a motion is made, the petition for review must be filed within 30 days after an order is filed denying timely motion for reconsideration or determining a timely motion to publish.

RULE 17.2

TIME ALLOWED TO FILE NOTICE

(a) Generally. The judges determine (1) a motion in a brief, (2) a motion to modify a ruling by a commissioner or the clerk, (3) a motion for reconsideration of a decision, (4) a motion to recall the mandate, except for a motion made to correct an inadvertently issued mandate, and (5) a motion to publish. All other motions may be determined initially by a commissioner or the clerk of the appellate court.

(b) Reference to the Judges. A commissioner or clerk may refer a motion to the judges for determination. If the motion is referred to the judges, the commissioner or clerk will give notice of the reference to all persons entitled to notice of the motion.

(c) Transfer by Supreme Court to Court of Appeals. A commissioner or clerk of the Supreme Court may transfer a motion for discretionary review of a trial court decision to the Court of Appeals for determination.

**RULE 18.8(b) Restriction on Extension of Time.**

(b) The appellate court will only in extraordinary circumstances and to prevent a gross miscarriage of justice extend the time within which a party must file a notice of appeal, a notice for discretionary review, a motion for discretionary review of a decision of the Court of Appeals, a petition for review, or a motion for reconsideration. The appellate court will ordinarily hold that the desirability of finality of decisions outweighs the privilege of a litigant to obtain an extension of time under this section. The motion to extend time is determined by the appellate court to which the untimely notice, motion or petition is directed.

**5). Here is Proof of Service on January 4 2018 court of appeal**

According to court of appeal that it is not clear from the record whether respondent has served with copy of the petition for review. I will attach copy and proof delivery with court of appeal stamp on it 6). see attached Proof of Delivery January 10 2018 Respondent

Signed on January 10 2018, by Mathew Sumrall.

7). Lastly, I signed last paper petition review brief attached

**CERTIFICATE OF SERVICE**

This is to certify that a copy of this request for an extension of time to file has been sent by ordinary United States Mail this 6<sup>th</sup> day of February 6, 20182018 to:

TOLL OBUON

\_\_\_\_\_  
(Name and address of Plaintiff's Pro Se)

\_\_\_\_\_  
Petitioner, Pro Se (Signature)

Respectfully submitted,

Toll Obuon pro se  
7216 California Avenue #2  
Obuon21@gmail.com  
Telephone: 206-294-0624

Notice of Appeal  
(Trial Court Decision)

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

[TOLL OBUON],	)	
Plaintiff,	)	No. [75563-3-1]13-13176-sea]
	)	Notice of Appeal to
v.	)	[Supreme Court or Court of Appeals]
	)	
[WAIRIMU KIAMBUTHI],	)	
Defendant.	)	

---

CASE INFORMATION COVER SHEET

---

[1] Designation of superior court decision [A], [B] and [C]

[2] Designation court of appeal decision [A] and [B]

[3] Order Denying Motion for Extension of Time Reconsideration

[3] Designation of clerk's papers

[4] SLIP OPINION 3

[4]. Designation Richard Johnson Court Administrator /clerks papers Confirmation Letter proof on October 3, 2016.

On September 23, 2016, Appellant filled a designation of papers before this court will consider the designation of clerk's papers; Appellant is directed to file a proof of service

on all parties entitled to notice pursuant to (RAP 18.5(b) on or before October 13, 2016. Accordingly, the designation of clerk's papers is placed in this court's file without action.

(A) under RP 9.6(1) (D) and (F) a Party seeking review the party seeking review includes as a part of the record on any written orders and findings of facts and conclusion of the law

[B] Designation of sealed off Amended Parenting Plan 40 pages

Amended parenting plan 40 pages sealed off order [under GR 15(c) (4) [B] Judge Eadie obtained the following information regarding sealing the domestic violence protection order documents authorized respondent seal off 40 pages of the Amended protection.

[4] RAP 5.3(a) (3) Court of appeal contends that they could not review other related issues because appellant did not designated a copy.

Clerk and Counsel: Documents to be filed:

1. Petition for Review
2. Declaration of Service
3. Letter to Court with copy to Division I

Respectfully submitted,

Toll Obuon pro se

7216 California Avenue #2

Obuon21@gmail.com

Telephone: 206-294-0624

DATED: 12/28/17

(Petitioner)

TOLL OBUON PROSE\_

\_\_\_\_\_  
Signature

RICHARD D. JOHNSON,  
Court Administrator/Clerk

*The Court of Appeals*  
of the  
*State of Washington*



DIVISION I  
One Union Square  
600 University Street  
Seattle, WA  
98101-4170  
(206) 464-7750  
TDD: (206) 587-5505

December 15, 2017

Toll Obuon ✓  
7216 California Ave SW  
Seattle, WA 98136

Waiimu Kiambuthi  
14010 - 67th Ave SE  
Snohomish, WA 98296

CASE #: 75563-3-I

In re: Parenting of M.O., Wairimu Kiambuthi, Respondent v. Toll Obuon, Appellant

Counsel:

Enclosed please find a copy of the Order Denying Motion For Extension Of Time To File Motion For Reconsideration entered by this court in the above case today.

Sincerely,

A handwritten signature in black ink, appearing to be "R.D.J.", with a long horizontal flourish extending to the right.

Richard D. Johnson  
Court Administrator/Clerk

LAM

enclosure



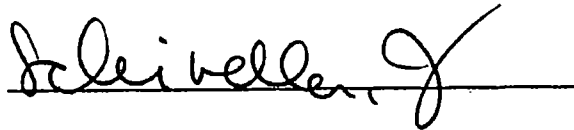
IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION ONE

In the Matter of the Marriage of	)	No. 75563-3-I
WAIRIMU KIAMBUTHI,	)	
	)	
Respondent,	)	
	)	ORDER DENYING MOTION
and	)	FOR EXTENSION OF TIME
	)	TO FILE MOTION FOR
TOLL OBUON,	)	RECONSIDERATION
	)	
Appellant.	)	

Appellant Toll Obuon filed a motion for extension of time to file a motion for reconsideration of the opinion filed on November 13, 2017. A majority of the panel has determined that the motion should be denied. Now, therefore, it is hereby

ORDERED that appellant's motion for an extension of time to file a motion for reconsideration is denied.

For the Court:



Judge

RICHARD D. JOHNSON,  
Court Administrator/Clerk

The Court of Appeals  
of the  
State of Washington

DIVISION I  
One Union Square  
600 University Street  
Seattle, WA  
98101-4170  
(206) 464-7750  
TDD: (206) 587-5505

RAP(5-3) Designated

October 3, 2016

Toll Obuon  
7216 California Ave SW  
Seattle, WA 98136

Waiimu Kiambuthi  
14010 - 67th Ave SE  
Snohomish, WA 98296

CASE #: 75563-3-1

In re: Parenting of M.O., Wairimu Kiambuthi, Respondent v. Toll Obuon, Appellant

Counsel:

On September 23, 2016, Appellant filed a designation of clerk's papers.

Before this court will consider the designation of clerk's papers, Appellant is directed to file proof of service on all parties entitled to notice pursuant to RAP 18.5(b) on or before October 13, 2016. Accordingly, the designation of clerk's papers is placed in this court's file without action.

Sincerely,



Richard D. Johnson  
Court Administrator/Clerk

Judge Denied Reiving  
these documents

LAM

RECEIVED  
COURT OF APPEALS  
DIVISION ONE

JAN 05 2018

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION

**Toll OBUON**

\_\_\_\_\_  
Petitioner (*Toll Obuon*)

vs.

\_\_\_\_\_  
Respondent *Wairimu Kiambthi*

KING COUNTY NO.:13-3-13176-9 SEA  
COURT OF APPEALS Case No 75563-3-1

I declare:

1. I am Toll Obuon Petitioner served The Respondent (*name*): Wairimu Kiambuthi
2. On (*date*): 9/26/2016, I served (gave) a copy of the Notice of Filing a Petition by Certified mail us postal office the following documents has been served to respondent
  - 1) Designation of clerk's papers
  - 2) Form 15 Statement Arrangement [rule 9.2(a)]
  - 3) Brief
  - 4) Form 1 notice of appeal trial division [Rule 5.3a]

<u>Wairimu Kiambuthi</u>	<u>14010-67<sup>th</sup> Ave SE</u>	<u>Snohomish,</u>	<u>Wa</u>	<u>98296</u>
<i>Name</i>	<i>address</i>	<i>city</i>	<i>state</i>	<i>zip</i>

by:

mail

Package signed by Mathew Sumrell

Amended parenting plan  
Sealed off

Hello,

Judge Eadie obtained the following information regarding sealing the domestic violence protection order documents:

Either party is free to file a motion to seal the docs under GR 15 and LGR 15 (to chief civil). It appears a party would have to seek to seal the entire case file under GR 15(c)(4) to keep it from public record. Any motions to seal the domestic violence protection order case file should be brought to the Chief Civil Judge.

I am not able to provide you with any legal advice - you can find information regarding how to file a motion in the Local Court Rules, found on the King County Superior Court website.

Best,

Mary Powell  
Bailiff for Judge Richard D. Eadie  
206.477.1525  
Mary.powell@kingcounty.gov

**IMPORTANT:** In order to avoid inappropriate ex-parte contact, you are hereby directed to forward this communication to all other counsel not already copied on this e-mail.



law under the Constitution of The State of Washington or of the United States

Under 11 statutory of relocation RCW26.09.520

4. This decision is in conflict with discretionary provision that permits a trial

Court to restrict a parent's actions restriction RCW 26.09.191(3) entered in a

Parenting plan involve an issue of substantial public interest that should be

Determined by the Supreme Court

5. Physical, sexual or a pattern of emotional abuse of a child in and child abuse

#### Ground 1

1) The page 5 third paragraph of these Courts of appeal ruling, Judge Schindler refused under RAP 9.6(b) and (F) Designation and Contents. (1) The clerk's papers (D) any written order or ruling not attached to the notice of appeal, of which a party seeks review (F) any written opinion, findings of fact, or conclusions of law Amended Petition Clerks paper 337-352, Clarks Paper Pet order for protection CP 322-335 and Temp Ord for Protection order CP 353-356 under case Number 15-2-06682-OSEA filed Jan 19 2018.

#### Ground 2

2) page 4 second last paragraph of this Courts ruling A notice of appeal the decisions the party wants reviewed, obuon did not designates the Amended parenting plan RAP 5.3(a)(3) Content of Notice of Appeal. A notice of appeal must (1) be titled a notice of appeal, (2) specify the party or parties seeking the review, (3) designate the decision or part of decision which the party wants reviewed as been attached

#### Ground 3

3) The page 4 last paragraph of this Courts ruling RULE 2.4(b) Order or Ruling Not Designated in Notice. The appellate court will review a trial court order or ruling not designated in the notice, including an appealable order; if (1) the order or ruling prejudicially affects the decision designated in the notice

Ground 4 Judge Schindler J.

4) Rewriting declarative evidence in (Ex-130) to justify that there were no custodial interference. It is unusual Judge Schindler J is Tampering with physical evidence presented by the parties violate RCW 9A.72.150. Court of appeal opinion Page 1 second paragraph the last two lines that Kiambuthi and M.O. travelled back to Seattle two times in 2013 to visit obuon and kiambuthi's mother.

5) In [trial brief pg. 5-third paragraph line 3-4] Reason why she violated court ordered parenting plan from December 2012 to August 2014. Because there were, no provisions spelled out in the parenting plan for how or when to keep contact.

Ground 5

5) Refusal to grant extension a timely motion for Consideration Extension by Court of appeal  
If there are additional grounds, a brief summary is attached to this statement.

DATED: 1/5/17

(Petitioner)

TOLL OBUON PROSE

\_\_\_\_\_  
Signature