

No. 954453

SUPREME COURT
OF THE STATE OF WASHINGTON

No. 75175-1-I

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

RECEIVED

APR 09 2018

WASHINGTON STATE
SUPREME COURT

MUFFIN FAYE ANDERSON,

Petitioner,

v.

CALE AND SARA WILL,

Respondents.

ANSWER TO PETITION FOR REVIEW

Kevin F. Smith
WSBA #45412
Law Offices of Sweeney & Dietzler
1001 Fourth Avenue, Suite 3300
Seattle, WA 98154-1101
(206) 473-4004

Attorneys for Respondents

 ORIGINAL

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I. INTRODUCTION

This matter arises from a boundary dispute between two adjacent property owners. Appellant filed a small claims case which was later dismissed with prejudice. Appellant then filed the instant case seeking damages for the same incident in Superior Court. The Superior Court later dismissed the case under the doctrine of res judicata. Appellant then appealed the superior court's ruling. It appears that Plaintiff is seeking relief based on her inability to participate in the court proceedings due to a stroke and that due to her stroke she falls under the Americans with Disabilities Act ("ADA") and was not afforded the protection of the ADA. It also appears that Plaintiff is seeking relief for the failure of the court to grant a CR 60 motion.

II. COUNTER STATEMENT OF ISSUES

A. Whether the Superior Court and Court of Appeals failed to consider Plaintiff's stroke pursuant to the Americans with Disabilities Act?

III. COUNTER STATEMENT OF THE CASE

Appellant Muffin Anderson brought suit against her neighbors, Respondents Cale and Sarah Will. Appellant brought suit in small claims court in King County District Court on April 3, 2015 which was dismissed with prejudice on May 29, 2015. See Declaration of Kevin F. Smith ("Smith Decl."), Ex. A and B. Appellant then brought suit in the Superior Court on June 26, 2015 for the same incidents that had previously been dismissed with prejudice in the District Court. The Superior Court dismissed the action under the doctrine of res judicata on October 16, 2015.

Appellant then filed a notice of appeal but failed to pay a filing fee on October 28, 2015. See Smith Decl., Ex. C. Two days later she filed her first CR 60 motion, alleging that an illness precluded her involvement in ongoing litigation. See Smith Decl., Ex. D. This appeal was subsequently dismissed on November 24, 2015. Despite stating that her medical condition barred participating in litigation, Appellant filed her second CR 60(b)(9) motion on November 19, 2015 and was denied on December 8, 2015. See Smith Decl., Ex. E & F.

Appellant then filed a Motion to Vacate Prior Proceeding and Stay Case Pursuant to CR 60(b)(9), raising the same issues already rejected in the Court's December 8, 2015 order. See Smith Decl., Ex G. That motion was denied on February 10, 2016. Appellant filed two more Motions to Vacate and Stay Pursuant to CR 60(b)(1)(2) and (9) on February 29, 2016. These motions were denied on March 31, 2016. See Smith Decl., Ex. G.

Appellant then filed on March 14, 2016 another motion, raising the same arguments previously rejected by the court. See Smith Decl., Ex I. On April 10, 2016 Appellant filed an additional motion and these motions were denied by the Court on July 19, 2016. See Smith Decl. Ex. K.

On April 19, 2016, Appellant filed a Notice of Appeal from the October 16, 2015 Order of Dismissal; also attaching four subsequent trial court orders denying Appellant's repeated CR 60 motions, dated October 30, 2015, December 8, 2015, February 10, 2016, and March 31, 2016; the Court ruled that the Appellant's appeal was untimely, but allowed her to file a Motion to Enlarge the Time to File a Notice of Appeal. See Smith Decl., Ex J. The Court noted that the Appellant had previously appealed the

October 2015 dismissal order; her prior appeal dismissed at Appellant's request on November 13, 2015.

On August 3, 2016, the Court denied Appellant's motion to enlarge the time to file a notice of appeal with regards to the trial court orders dated October 30, 2015, December 8, 2015, and February 10, 2016. On October 2, 2017 the Court of Appeals Affirmed the lower Court's ruling and ordered Appellant to pay Respondents' attorney fees for the appeal pursuant to RAP 18.9 (a), subject to their compliance with RAP 18.1(d). See Smith Decl., Ex. M.

Finally, Appellant brought the Proposed Petition for Review before this Honorable Court. Appellant has brought up, for the first time, that her rights were violated under the ADA and that the prior dismissals were improper. Although Appellant's Petition is unclear, it is assumed that she is referencing the October 16, 2015 dismissal under the theory of res judicata. Additionally, it is assumed that Appellant is asking this Honorable Court to review the Court of Appeals ruling on her appeal of the March 31 order denying Appellant's motions for relief under CR 60(b) and for a review under RAP 13.4 under the ADA.

IV. ARGUMENT

A. Whether the Superior Court and Court of Appeals failed to take into consideration Plaintiff's stroke pursuant to the Americans with Disabilities Act.

i. Under RAP 10.3

Although it is not entirely clear, it appears that Appellant is requesting this Court to review the Court of Appeals ruling of October 2, 2017 and the previous rulings of the lower courts that she was not afforded

her rights under the ADA. This is the first time Appellant has argued that her rights were violated pursuant to the ADA. The Appellant's Petition is not entirely clear how the Court of Appeals or the lower courts have violated the ADA or that she is even afforded the protection of the ADA in these court proceedings. Under RAP 10.3(a) Appellant is required to give a statement of the case and a valid argument and it is the contention of the Respondents that Appellant has failed to do so.

Appellant does not have a cognizable argument in her brief that the courts have violated her rights under the ADA. The Appellant merely states "The Americans Disabilities Act (1990)" in the middle of her argument without pointing to any specific instances of wrongdoing by the lower courts. In *Schmidt v. Cornerstone Invest.*, this Court stated that the Plaintiffs "failed to cite legal authority supporting their specific constitutional challenge." 115 Wn.2d 148, 795 P.2d 1143 (1990). Similarly to *Schmidt* Appellant has failed to cite legal authority supporting her specific challenge under the ADA. The *Schmidt* Court goes on to conclude that "without adequate, cogent argument and briefing, this court should not consider an issue on appeal." *Id.* citing *Saunders v. Lloyd's of London*, 113 Wn.2d 330, 345, 779 P.2d 249 (1989).

Here, Appellant has not shown how the Court of Appeals and lower courts violated her rights according to the ADA. She has failed to give this Court a valid argument that the lower courts have somehow violated her rights under the ADA. It is nearly impossible for Respondents to counter any of her arguments when there are no cognizable arguments in her Petition.

ii. Discretionary Review Under 13.4

Appellant also seems to base part of her argument under RAP 13.4. Appellant again fails to adequately state the reasons why this Court should review under RAP 13.4.

Appellant references the Fourteenth Amendment of the United States Constitution, stating that she has been deprived of life, liberty, or property without due process. This is a misstatement of the Fourteenth Amendment. Respondents are not a “State” within the definition of the Fourteenth Amendment and, therefore, this argument is invalid. USCS Const. Amend. 14, , USCS Const. Amend. 14, § 1.

Next, she states that she has a constitutional right to a jury trial. Again, it is impossible to understand how this applies. The only issue the Court of Appeals ruled on was her appeal of the March 31 order denying Appellant’s motions for relief under CR 60(b).

Last, discretionary review is reserved for those few cases that meet one or more of the criteria of RAP 13.4 (b). Appellant has failed to give “concise statement of issues presented for review” pursuant to the rules and findings of this Court. *State v. Korum*, 157 Wn.2d 614, 620, 141 P.3d 13, 17 (2006). It is impossible to review this petition and to fully comprehend exactly what legal theories she is basing her arguments or what facts she believes are relevant in this case.

V. CONCLUSION


Respondents understand that it may be difficult to draft a Petition for Review, however, it is not the responsibility of the Respondents to guess

Appellant issues for review. Appellant merely repeats what she has repeated over and over again throughout this entire litigation process.

Appellant has failed to show how the lower courts and Court of Appeals violated her rights under the ADA; failed to show any criteria that would be under this Court's Discretionary Review pursuant to RAP 13.4; and has failed to show that her case is not frivolous. The Appellant provides no legitimate basis for review.

Dated this 5th day of April, 2018.

Respectfully submitted,



Kevin F. Smith
WSBA #45412
Law Offices of Sweeney & Dietzler
1001 Fourth Avenue, Suite 3300
Seattle, WA 98154-1101
(206) 473-4036
Attorneys for Respondents Will

DECLARATION OF SERVICE

On said date below, I served/filed a true and accurate copy of the Answer to Petition for Review to the following by the manner described:

Muffin Faye Anderson
3503 S. Hudson St.
Seattle, WA 98118

Via UPS Delivery

Supreme Court

Via ABC Legal
Messengers

I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

SIGNED: April 5, 2018 at Seattle, Washington.



Nina Cordova
Legal Assistant to Kevin F. Smith

No. 954453

SUPREME COURT
OF THE STATE OF WASHINGTON

No. 75175-1-I

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



MUFFIN FAYE ANDERSON,

Petitioner,

v.

CALE AND SARA WILL,

Respondents.

**DECLARATION OF KEVIN F. SMITH IN SUPPORT OF
RESPONDENTS' ANSWER TO PETITION FOR REVIEW**

Kevin F. Smith
WSBA #45412
Law Offices of Sweeney & Dietzler
1001 Fourth Avenue, Suite 3300
Seattle, WA 98154-1101
(206) 473-4004

Attorneys for Respondent



Kevin F. Smith being first duly sworn and upon oath, declares and states as follows:

1. I am the attorney of record for Respondents herein. I have personal knowledge of the matters set forth herein and am competent to testify to the same.

2. Attached to this Declaration as Exhibit A is a true and correct copy of Appellants Notice of Small Claim Case # 155-02676, dated April 3, 2015.

3. Attached to this Declaration as Exhibit B is a true and correct copy of King County District Court's order of dismissal with prejudice, May 29, 2015.

4. Attached to this Declaration as Exhibit C is a true and correct copy of Plaintiff's Notice of Appeal, dated October 28, 2015.

5. Attached to this Declaration as Exhibit D is a true and correct copy of Plaintiff's CR 60 motion, dated October 30, 2015.

6. Attached to this Declaration as Exhibit E is a true and correct copy of an order terminating review, dated November 13, 2015.

7. Attached to this Declaration as Exhibit F is a true and correct copy of Plaintiff's CR 60 motion, dated November 19, 2015.

8. Attached to this Declaration as Exhibit G is a true and correct copy of Plaintiff's CR 60 motion, dated January 27, 2016.

9. Attached to this Declaration as Exhibit H are true and correct copies of Plaintiffs two CR 60 motions, dated February 29, 2016.

10. Attached to this Declaration as Exhibit I is a true and correct copy of Plaintiff's CR 60 motion, dated March 14, 2016.

11. Attached to this Declaration as Exhibit J is a true and correct copy of Plaintiff's CR 60 motion, dated April 10, 2016.

12. Attached to this Declaration as Exhibit K is a true and correct copy of an

order deny Plaintiff's CR 60 motions, dated July 19, 2016.

13. Attached to this Declaration as Exhibit L is a true and correct copy of the superior court docket summary in this matter, accessed April 5, 2018.

14. Attached to this Declaration as Exhibit m is a true and correct copy of the Court of Appeals Unpublished Opinion dated October 2, 2017.

Signed in Seattle, Washington this 5th day of April, 2018.



Kevin F. Smith, WSBA #45412

EXHIBIT A

EXHIBIT A

KING COUNTY DISTRICT COURT
WEST DIVISION - SEATTLE
516 Third Avenue, Room E327
SEATTLE, WA 98104

RECEIVED
KING COUNTY DISTRICT COURT
15 MAY 13 PM 3:32
CIVIL DEPARTMENT
KING COUNTY SHERIFF

FILED

FILED

APR 03 2015

KCCDC WEST DIVISION
SEATTLE COURTHOUSE

Amend

| | |
|---|--|
| PLAINTIFF NAME <u>Muffin Anderson</u> | SMALL CLAIM # <u>155-02676</u> |
| ADDRESS <u>3503 20 Hudson Street</u> | NOTICE OF SMALL CLAIM |
| CITY <u>Seattle</u> STATE <u>WA</u> ZIP <u>98119-1917</u> | |
| DAYTIME PHONE NO. <u>206 760 1077</u> | |
| 1 ST DEFENDANT NAME <u>Cale H. Sarah Wai</u> | |
| ADDRESS <u>5002 35 Ave So</u> | ADDRESS <u>214 Summit Ave E Ste 401</u> |
| CITY <u>Seattle</u> STATE <u>WA</u> ZIP <u>98119 1917</u> | CITY <u>Seattle</u> STATE <u>WA</u> ZIP <u>98102</u> |
| DAYTIME PHONE NO. _____ | DAYTIME PHONE NO. _____ |

CLAIM

I, Muffin Anderson, the undersigned plaintiff, do hereby certify under the penalty of perjury of the laws of the State of Washington, that the defendant named above owes me the sum of \$5,000, which became due and owing on Renting the space.
(Amount of claim limited to \$5,000)

The amount owed is for:

| | | |
|---|--------------------------------|---|
| <input type="checkbox"/> Auto Damages -- Date of Accident | <input type="checkbox"/> Wages | <input type="checkbox"/> Loan |
| <input type="checkbox"/> Return of Deposit | <input type="checkbox"/> Rent | <input checked="" type="checkbox"/> Property Damage |
| <input type="checkbox"/> Merchandise | <input type="checkbox"/> Other | <input type="checkbox"/> Faulty Workmanship |

You must explain reason for claim here: My Neighbors of 5002 and 5004 Duplex encroached on my property with personal belongings in 2012 and a Plumbing Clean out Valve on my property under my window without my permission. I down spout out of their drain out to the street. The roof run off into my home. The Drain system causes a water problem in my living portion of my home. Exhibit DVD show underground pipe is busted and other on my property.
Note: You must properly serve this Notice on the Defendant.

| | |
|--------------------------------|------------|
| <u>SUV</u> | <u>SEA</u> |
| Clerk | Location |
| Date Issued: <u>04/03/2015</u> | |

Signature: Muffin Anderson
Date: April 3 2015
Printed Name/Title: Muffin Anderson

Picture
Letter with in the
document living space
Move off my
Property. I
would like to be
compensated for
all the trouble
They have caused.
Exhibit at Court.

NOTICE TO DEFENDANT

You are hereby directed to appear personally in King County District Court:

On: Friday May 29 2015 Time: 1:30 PM Room - E-312

Be ready for trial. If you do not appear, judgment may be rendered against you for the amount stated above, and, for the filing of this action plus costs of service of this notice. (DWC)

EXHIBIT B

EXHIBIT B

FILED

MAY 29 2015

KCDC - West Division
Seattle Courthouse

**KING COUNTY DISTRICT COURT
West Division-Seattle Courthouse
STATE OF WASHINGTON**

Anderson, Muffin

Plaintiff,

No. 155-02676

vs.

Small Claims Judgment

Will, Cale H
Will, Sarah

Defendant,

This matter was heard in open court on the date stated below. Pursuant to:

- Trial
- Default
- Dismissal
- With prejudice
- Without Prejudice
- Mediation Agreement
- Continued

The court, having considered all the evidence presented, does hereby ORDER, ADJUDGE AND DECREE that a judgment is hereby granted to the as set below:

PRINCIPAL \$

TOTAL JUDGMENT

FILING FEE \$

POST JUDGMENT INTEREST RATE %

SERVICE FEE \$

- Plaintiff's case is dismissed
- with prejudice
- without prejudice
- Defendants counter claim is dismissed
- with prejudice
- without prejudice

Explanation of decision:

[Empty box for explanation of decision]

Comments:

[Empty box for comments]

NOTE: If the judgment is not paid within thirty(30) days from today, the clerk can notify the clerk. For a fee, a Judgment Transcript shall be available from the Clerk's Office. Thereafter, reasonable costs and attorney fees are allowed in enforcing the judgment.

Note to Defendant: Payment should/needs to be made directly to the Petitioner.

Dated May 29, 2015

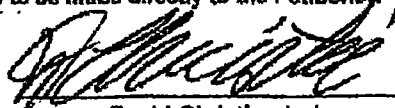

David Christie, Judge

EXHIBIT C

EXHIBIT C

WBN

**IN SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING**

RECEIVED

2015 OCT 28 PM 2:56

28 OCT 2015 14:28

**KING COUNTY
SUPERIOR COURT
MUFFIN FAYE ANDERSON**

Pro se

Plaintiff

vs

**CALE H. AND SARAH WILL
Husband and wife**

Defendant

DEPARTMENT OF
JUDICIAL ADMINISTRATION
KING COUNTY, WASHINGTON

case# 15-2-15636-5 (SEA)

**JUDGE: TIMOTHY BRADSHAW
PLAINTIFF, pro se, APPEALS THE
ORDER OF DISMISSAL AND
GRANTING SUMMARY JUDGMENT
TO THE DEFENDANTS.**

TO THE HONORABLE, JUDGE BRADSHAW,

**Plaintiff, Appeals the ORDER OF DISMISSAL and granting
of SUMMARY JUDGMENT to the Defendants.**

**Plaintiff has a medical condition and was hospitalize and not able
to respond. (see letter from doctor, ATTACHED).**

**Plaintiff asks for a re-schedule a motion for Summary Judgment
after December, 2015.**

DATED: THIS 28 day of October 2015

RESPECTFULLY SUBMITTED

Muffin Faye Anderson

**MUFFIN FAYE ANDERSON
3503 so. Hudson st.
Seattle, WA. 98118 (206)760-1077**

Internal Medicine

CASE #

JUDGES MAIL ROOM

2015 OCT 28 PM 2:36

KING COUNTY
SUPERIOR COURT

15-2-15636-5 (SEA)

RECEIVED

28 OCT 2015 11:28

DEPARTMENT OF
JUDICIAL ADMINISTRATION
KING COUNTY, WASHINGTON

To Whom It May Concern:

Muffin Faye Anderson was admitted to HMC medical center from 9/2 – 10/1 for acute management and rehabilitation and unable to appear in person in court. While the patient is recovering from her medical condition, recommend that the courts consider delay her active litigation for 3 months from 9/2/2015.

Sincerely,



Lisa Castaneda, MD

UW Internal Medicine Program

EXHIBIT D

EXHIBIT D

RECEIVED
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
JUDGE'S MAIL ROOM AND FOR THE COUNTY OF KING RECEIVED

2015 OCT 30 09:27 AM

30 OCT 2015 10 55

KING COUNTY
SUPERIOR COURT
MUFFIN FAYE ANDERSON

Pro se

Plaintiff

vs

CALE H. AND SARAH WILL
Husband and wife

Defendant

DEPARTMENT OF
JUDICIAL ADMINISTRATION
KING COUNTY WASHINGTON

case# 15-2-15636-S (SEA)

JUDGE: TIMOTHY BRADSHAW
MOTION FOR RELIEF FROM
JUDGMENT OR ORDER
WA COURT RULE 60

TO THE HONORABLE, JUDGE BRADSHAW,

Plaintiff, asks THE COURT, TO SET ASIDE ORDER OF
DISMISSAL and Granting of SUMMARY JUDGMENT to the Defendants
OCTOBER 16, 2015. UNDER WA COURT RULE 60.

Plaintiff has a medical condition and was hospitalize and not able
to respond. (see letter from doctor, ATTACHED).

Plaintiff asks for a re-schedule a motion for Summary Judgment
after December, 2015.

DATED: THIS 30 day of October 2015

RESPECTFULLY SUBMITTED

Muffin Faye Anderson

MUFFIN FAYE ANDERSON

3503 so. Hudson St.

Seattle, WA. 98118 (206) 760-1077

UW Medicine

HARBORVIEW
MEDICAL CENTER

RECEIVED
JUDGES MAIL ROOM
2015 OCT 30 10 10 AM
KING COUNTY
SUPERIOR COURT

RECEIVED
30 OCT 2015 10 55
DEPARTMENT OF
JUDICIAL ADMINISTRATION
KING COUNTY WASHINGTON

To Whom It May Concern:

Muffin Faye Anderson was admitted to HMC medical center from 9/2 - 10/1 for acute management and rehabilitation and unable to appear in person in court. While the patient is recovering from her medical condition, recommend that the courts consider delay her active litigation for 3 months from 9/2/2015.

CASE NO#

15-2-15636-5 JEA

Sincerely,



Lisa Castaneda, MD

UW Internal Medicine Program

Adult Medicine Clinic

Box 359892 325 9th Ave Seattle, WA 98104

EXHIBIT E

EXHIBIT E

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION I**

| | | |
|-------------------------|---|-------------------------------------|
| MUFFIN FAYE ANDERSON, |) | |
| Pro Se |) | No. 74155-1-I |
| |) | |
| Appellant, |) | |
| |) | MANDATE |
| v. |) | |
| |) | King County |
| CALE H. and SARAH WILL, |) | |
| Husband-wife |) | Superior Court No. 15-2-15636-5.SEA |
| |) | |
| Respondent. |) | |

THE STATE OF WASHINGTON TO: The Superior Court of the State of Washington in
and for King County.

This is to certify that the ruling entered on November 13, 2015 became the
decision terminating review on November 13, 2015.

c: Muffin Faye Anderson
William Scott Noel



IN TESTIMONY WHEREOF, I have hereunto set my
hand and affixed the seal of said Court at Seattle, this
13th day of November, 2015.

[Handwritten Signature]
RICHARD D. JOHNSON
Court Administrator/Clerk of the Court of Appeals,
State of Washington, Division I.

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION I**

MUFFIN FAYE ANDERSON,
Pro Se

Appellant,

v.

CALE H. and SARAH WILL,
Husband-wife

Respondent.

No. 74155-1-I

COURT ADMINISTRATOR/CLERK
RULING DISMISSING APPEAL

On October 30, 2015, this court received a "notice of withdrawal of notice of appeal due to clerical error" which states in part:

"..... withdrawal notice of appeal due to clerical error."

The Court Administrator/Clerk has considered the motion and has reviewed the records and files in this court, and it appears that the motion should be granted. Now, therefore, it is hereby

ORDERED that the above appeal is dismissed.

Done this 13th day of November, 2015.


Court Administrator/Clerk

EXHIBIT F

EXHIBIT F

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

MUFFIN FAYE ANDERSON
Pro se
Plaintiff

vs
CALE H. AND SARAH WILL
HUSBAND AND WIFE

Defendants

) Case # 15-2-15636-7 (SEA)
) (PROPOSAL) MOTION
) JUDGE TIMOTHY BRADSHAW
) ~~MOTION~~ TO VACATE ORDER
) DATED OCTOBER 16, 2015 (FAILED
) TO APPEAL) RELIEF FROM "ORDER"
)
)
) CR 60 (b) (9)
) (without Oral Argument)

~~REDACTED~~

RECEIVED
By
NOV 20 2015
Law Offices of
Sweeney, Heit & Dietzler

TO: THE HONORABLE, JUDGE TIMOTHY BRADSHAW,

PLAINTIFF, pro se, because of a medical condition and hospitalization, the Plaintiff-pro se, ask the Court to Vacate the Order on October 16, 2015, for a Failed to Appear. (CR 60 (b) (9). Relief from JUDGMENT OR ORDER.

(see Doctors' letter attached).
(see declaration
(see proof of notice regarding medical condition
Thank you.

DATED: This 19 day of November, 2015.

RESPECTFULLY SUBMITTED

Muffin Faye Anderson
MUFFIN FAYE ANDERSON
3503 so. Hudson st.
Seattle, WA, 98118 (206)760-1077

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

| | | |
|------------------------|---|--------------------------------|
| |) | Case # 15-2-15636-7 (SEA) |
| |) | |
| MUFFIN FAYE ANDERSON |) | JUDGE TIMOTHY BRADSHAW |
| Pro se |) | DEFENDANT OF MUFFIN |
| |) | FAYE ANDERSON IN SUPPORT OF |
| Plaintiff |) | MOTION TO VACATE ORDER |
| |) | DATED OCTOBER 16, 2015 (FAILED |
| |) | TO APPEAL) RELIEF FROM "ORDER" |
| |) | |
| vs |) | CR 60 (b) (9) |
| CALE H. AND SARAH WILL |) | |
| HUSBAND AND WIFE |) | |
| |) | |
| Defendants |) | |

I, MUFFIN FAYE ANDERSON, declare and state as follows:

1. I am plaintiff, pro se in this case
2. black American senior citizen of the UNITED STATES OF AMERICA .
3. RESIDENCE IN KING COUNTY WASHINGTON
4. IN SUPPORT ALL DOCTOR CARE STATEMENT BEGINNING DATE 9/02/2015

PLAINTIFF, pro se, because of unavoidable casualty a medical condition and hospitalization prevented the Plaintiff-pro se from Appearing, ask the Court to Vacate the Order on October 16, 2015, for a Failed to Appear. (CR 60 (b) (9). Relief from JUDGMENT OR ORDER.

(see Doctors' letters dated September, October and November 2015, attached).

(see declaration

(see proof of notice regarding medical condition

(see proof of notice to all parties defendants

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

DATED: This 19 day of November, 2015, IN SEATTLE, WASHINGTON.

RESPECTFULLY SUBMITTED

Muffin Faye Anderson
MUFFIN FAYE ANDERSON
3503 so. Hudson st.
Seattle, WA, 98118 (206)760-1077

EXHIBIT G

EXHIBIT G

RECEIVED
By

JAN 27 2016

Law Offices of
Sweeney, Helt & Dietzler

THE HONORABLE TIMOTHY BRADSHAW
Hearing: February 9, 2016
Without Oral Argument

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

MUFFIN FAYE ANDERSON
pro-se Plaintiff

NO. 15-2-15636-5 (SEA)
NOTICE FOR HEARING
SEATTLE COURTHOUSE ONLY
(Clerk's Action Required) (NTHG)

vs. CALE H. AND SARAH WILL
Hsb Husband and WIFE Defendants

TO: THE CLERK OF THE COURT and to all other parties per list on Page 2:
PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the calendar checked below.

Calendar Date: FEBRUARY 9, 2016 Day of Week: MONDAY

Nature of Motion: PLAINTIFF's Motion to Vacate Prior Proceeding and Stay Case

CASES ASSIGNED TO INDIVIDUAL JUDGES - SEATTLE

If oral argument on the motion is allowed (LCR 7(b)(2)), contact staff of assigned judge to schedule date and time before filing this notice. Working Papers: The judge's name, date and time of hearing must be noted in the upper right corner of the Judge's copy. Deliver Judge's copies to Judges' Mailroom at C203

Without oral argument (Mon - Fri) With oral argument Hearing

Date/Time: _____ Judge's Name: Honorable Timothy Bradshaw Trial Date: June 27, 2016

CHIEF CRIMINAL DEPARTMENT - SEATTLE (E1201)

- Bond Forfeiture 3:15 pm, 2nd Thursday of each month
- Certificates of Rehabilitation- Weapon Possession (Convictions from Limited Jurisdiction Courts) 3:30 First Tues of each month

CHIEF CIVIL DEPARTMENT - SEATTLE (Please report to W864 for assignment)

Deliver working copies to Judges' Mailroom, Room C203. In upper right corner of papers write "Chief Civil Department" or judge's name and date of hearing

- Extraordinary Writs (Show Cause Hearing) (LCR 98.40) 1:30 p.m. Tues/Wed -report to Room W864
- Supplemental Proceedings/ Judicial Subpoenas (1:30 pm Tues/Wed)(LCR 69)
- Motions to Consolidate with multiple Judges assigned (LCR 40(a)(4) (without oral argument) M-F
- Structured Settlements (1:30 pm Tues/Wed)(LCR 40(2)(S))

Non-Assigned Cases:

- Non-Dispositive Motions M-F (without oral argument).
- Dispositive Motions and Revisions (1:30 pm Tues/Wed).
- Certificates of Rehabilitation (Employment) 1:30 pm Tues/Wed (LR 40(a)(2)(B))

You may list an address that is not your residential address where you agree to accept legal documents.

Sign: Muffin Faye Anderson Print/Type Name: MUFFIN FAYE ANDERSON
WSBA # PRO SE (if attorney) Attorney for: PLAINTIFF

Address: 3503 so Hudson St, SEA., WA. City, State, Zip 98118
Telephone: (206) 760-1077 Date: January 27, 2016

DO NOT USE THIS FORM FOR FAMILY LAW OR EX PARTE MOTIONS.

COPY

LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE

Name W. Scott Noel
 Service Address: 1191 Second Ave. ste. 500
 City, State, Zip Sea., Wa. - 98101
 WSBA# 36389 Atty. For: Defendants
 Telephone #: 206-633-1310

Name _____
 Service Address: _____
 City, State, Zip _____
 WSBA# _____ Atty. For: _____
 Telephone #: _____

Name _____
 Service Address: _____
 City, State, Zip _____
 WSBA# _____ Atty. For: _____
 Telephone #: _____

Name _____
 Service Address: _____
 City, State, Zip _____
 WSBA# _____ Atty. For: _____
 Telephone #: _____

Name _____
 Service Address: _____
 City, State, Zip _____
 WSBA# _____ Atty. For: _____
 Telephone #: _____

Name _____
 Service Address: _____
 City, State, Zip _____
 WSBA# _____ Atty. For: _____
 Telephone #: _____

IMPORTANT NOTICE REGARDING CASES

Party requesting hearing must file motion & affidavits separately along with this notice. List the names, addresses and telephone numbers of all parties requiring notice (including GAL) on this page. Serve a copy of this notice, with motion documents, on all parties.

The original must be filed at the Clerk's Office not less than six court days prior to requested hearing date, except for Summary Judgment Motions (to be filed with Clerk 28 days in advance).

THIS IS ONLY A PARTIAL SUMMARY OF THE LOCAL RULES AND ALL PARTIES ARE ADVISED TO CONSULT WITH AN ATTORNEY.

The SEATTLE COURTHOUSE is in Seattle, Washington at 516 Third Avenue. The Clerk's Office is on the sixth floor, room E608. The Judges' Mailroom is Room C203.

THE HONORABLE TIMOTHY BRADSHAW

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING
AT SEATTLE

RECEIVED
By
JAN 27 2016
Law Offices of
Sweeney, Helt & Dietzler

| | | |
|------------------------|---|--------------------------------|
| MUFFIN FAYE ANDERSON |) | |
| Pro-se |) | case No.15-2-15636-5(SEA) |
| Plaintiff |) | |
| |) | |
| |) | |
| CALE H. AND SARAH WILL |) | PLAINTIFF'S MOTION TO VACATE |
| Husband and Wife |) | PRIOR PROCEEDING AND STAY CASE |
| |) | CR 60 (b) (9) |
| Defendant |) | (without oral argument) |
| |) | |

TO: THE HONORABLE, JUDGE TIMOTHY BRADSHAW

BEFORE this Court is plaintiff's motion for to vacate all proceedings that have taken place since plaintiff was hospitalized on September 1, 2015 and to stay all matters until May 2016.

Attached:
Doctor's statement :
Declaration of plaintiff in support of doctor's statement:

DATED this 27 day of February, 2016

RESPECTFULLY SUBMITTED

Muffin Faye Anderson

MUFFIN FAYE ANDERSON (pro-se)
3503 so HUDSON ST.-SEA., WA. (206)760-1077

COPY

UW Medicine

HARBORVIEW
MEDICAL CENTER

December 22, 2015

RE: Muffin Fay Anderson
DOB: 11/6/1950
MRN: H2391759

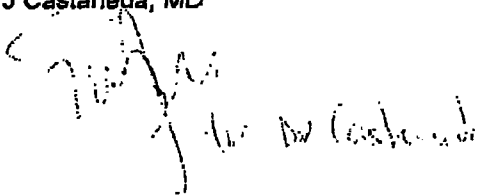
To Whom it May Concern:

Ms. Muffin Anderson is currently under my medical care. She was unable to attend court proceedings from 9/1/2015 because of her health condition. My patient feels that she is unable to represent herself while recovering. Please delay proceedings at least through 4/1/2016.

If you have any questions or concerns, please have the patient call us to address them.

Sincerely,

The office of
Lisa J Castaneda, MD



HARBORVIEW ADULT MEDICINE CLINIC

325 Ninth Ave Seattle, WA 98104-2499 206-744-5855 Fax 206-744-5886

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

MUFFIN FAYE ANDERSON
Pro se
Plaintiff

vs
CALE H. AND SARAH WILL
HUSBAND & WIFE
Defendants

Case # 15-2-15636-5 (SEA)
JUDGE: TIMOTHY BRADSHAW
DECLARATION OF MUFFIN
FAYE ANDERSON IN SUPPORT OF
DOCTOR' STATEMENT DATE:
DECEMBER 22, 2015

RECEIVED
By
JAN 27 2016
Law Offices of
Sweeney, Heit & Dietzler

I, MUFFIN FAYE ANDERSON, declare and state as follows:

1. I am plaintiff, pro se in this case
2. black American senior citizen of the UNITED STATES OF AMERICA .
3. RESIDENCE IN KING COUNTY WASHINGTO
PLAINTIFF, pro se, support 's the statement

(see Doctors' letters dated: December 22,2015

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF
THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND
ACCURATE TO THE BEST OF MY KNOWLEDGE.

DATED: This 27 day January, 2016, IN SEATTLE, WASHINGTON.

RESPECTFULLY SUBMITTED

Muffin Faye Anderson

MUFFIN FAYE ANDERSON (PRO SE)
3503 so. Hudson st Seattle, WA, 98118

COPY

THE HONORABLE TIMOTHY BRADSHAW

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING
AT SEATTLE

RECEIVED
By
JAN 27 2016
Law Offices of
Sweeney, Heit & Dietzler

| | | |
|------------------------|---|--------------------------------|
| MUFFIN FAYE ANDERSON |) | |
| <i>Pro-se</i> |) | case No.15-2-15636-5 (SEA) |
| Plaintiff |) | |
| |) | |
| CALE H. AND SARAH WILL |) | [PROPOSED] ORDER GRANTING |
| Husband and Wife |) | PLAINTIFF'S MOTION TO VACATE |
| |) | PRIOR PROCEEDING AND STAY CASE |
| Defendant |) | |
| |) | |

BEFORE this Court is plaintiff's motion for to vacate all proceedings that have taken place since plaintiff was hospitalized on September 1, 2015 and to stay all matters until May 2016.

Accordingly, IT IS HEREBY ORDERED:

That all prior orders issued after September 1, 2015 are herby vacated and this matter is stayed until May 9, 2016.

DATED this ___ day of _____, 2016

THE HONORABLE TIMOTHY BRADSHAW
SUPERIOR COURT JUDGE

COPY

EXHIBIT H

EXHIBIT H

THE HONORABLE TIMOTHY BRADSHAW ✓
Hearing: March 22 2016 ✓
With: Oral Argument ✓
~~_____~~ ✓
Time: 11:00 AM ✓

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

MUFFIN FAYE ANDERSON
pro-se Plaintiff

NO. 15-2-15636-5 (SEA)
NOTICE FOR HEARING
SEATTLE COURTHOUSE ONLY
(Clerk's Action Required) (NTHG)

vs. CALE H. AND SARAH WILL
H&H Husband and WIFE Defendants

TO: THE CLERK OF THE COURT and to all other parties per list on Page 2:
PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the calendar checked below.

Calendar Date: MARCH 22 2016 Day of Week: MONDAY

Nature of Motion: to Vacate Prior Proceeding and Stay Case

CASES ASSIGNED TO INDIVIDUAL JUDGES - SEATTLE

If oral argument on the motion is allowed (LCR 7(b)(2)), contact staff of assigned judge to schedule date and time before filing this notice. Working Papers: The judge's name, date and time of hearing must be noted in the upper right corner of the Judge's copy. Deliver Judge's copies to Judges' Mailroom at C203

Without oral argument (Mon - Fri) With oral argument Hearing

Date/Time: _____

June 27, 2016

Judge's Name: Honorable Timothy Bradshaw Trial Date: _____

CHIEF CRIMINAL DEPARTMENT - SEATTLE (E1201)

- Bond Forfeiture 3:15 pm, 2nd Thursday of each month
- Certificates of Rehabilitation- Weapon Possession (Convictions from Limited Jurisdiction Courts) 3:30 First Tues of each month

CHIEF CIVIL DEPARTMENT - SEATTLE (Please report to W864 for assignment)

Deliver working copies to Judges' Mailroom, Room C203. In upper right corner of papers write "Chief Civil Department" or judge's name and date of hearing

- Extraordinary Writs (Show Cause Hearing) (LCR 98.40) 1:30 p.m. Tues/Wed -report to Room W864
- Supplemental Proceedings/ Judicial Subpoenas (1:30 pm Tues/Wed)(LCR 69)
- Motions to Consolidate with multiple judges assigned (LCR 40(a)(4) (without oral argument) M-F
- Structured Settlements (1:30 pm Tues/Wed)(LCR 40(2)(S))

Non-Assigned Cases:

- Non-Dispositive Motions M-F (without oral argument).
- Dispositive Motions and Revisions (1:30 pm Tues/Wed).
- Certificates of Rehabilitation (Employment) 1:30 pm Tues/Wed (LR 40(a)(2)(B))

You may list an address that is not your residential address where you agree to accept legal documents.

Sign: Muffin Faye Anderson Print/Type Name: MUFFIN FAYE ANDERSON
WSBA # PRO SE (if attorney) Attorney for: PLAINTIFF

Address: 3503 So Hudson St, SEA, WA City, State, Zip 98118
Telephones: (206) 760-1077 Date: February 29 2016

DO NOT USE THIS FORM FOR FAMILY LAW OR EX PARTE MOTIONS.

LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE

UNASSIGNED ATTORNEY

| | |
|---|------------------------------|
| Name _____ | Name _____ |
| Service Address: <u>1191 Second Ave. ste. 500</u> | Service Address: _____ |
| City, State, Zip <u>Sea., Wa. - 98101</u> | City, State, Zip _____ |
| WSBA# <u>36389</u> Atty. For: <u>Defendants</u> | WSBA# _____ Atty. For: _____ |
| Telephone #: <u>206-633-1310</u> | Telephone #: _____ |

| | |
|------------------------------|------------------------------|
| Name _____ | Name _____ |
| Service Address: _____ | Service Address: _____ |
| City, State, Zip _____ | City, State, Zip _____ |
| WSBA# _____ Atty. For: _____ | WSBA# _____ Atty. For: _____ |
| Telephone #: _____ | Telephone #: _____ |

| | |
|------------------------------|------------------------------|
| Name _____ | Name _____ |
| Service Address: _____ | Service Address: _____ |
| City, State, Zip _____ | City, State, Zip _____ |
| WSBA# _____ Atty. For: _____ | WSBA# _____ Atty. For: _____ |
| Telephone #: _____ | Telephone #: _____ |

IMPORTANT NOTICE REGARDING CASES

Party requesting hearing must file motion & affidavits separately along with this notice. List the names, addresses and telephone numbers of all parties requiring notice (including GAL) on this page. Serve a copy of this notice, with motion documents, on all parties.

The original must be filed at the Clerk's Office not less than six court days prior to requested hearing date, except for Summary Judgment Motions (to be filed with Clerk 28 days in advance).

THIS IS ONLY A PARTIAL SUMMARY OF THE LOCAL RULES AND ALL PARTIES ARE ADVISED TO CONSULT WITH AN ATTORNEY.

The SEATTLE COURTHOUSE is in Seattle, Washington at 516 Third Avenue. The Clerk's Office is on the sixth floor, room E609. The Judges' Mailroom is Room C203.

CONTENT - CASE #15-2-15636-5 -(SEA)

Notice

Motion For Revisions

Doctor's statement (signed)

Support of doctor's statement

Proposed Order

Proof of service

Letter To The Judge

Reply Opposition

Improperly Serve

COPY

THE HONORABLE TIMOTHY BRADSHAW

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING
AT SEATTLE

| | | |
|------------------------|---|--------------------------------|
| MUFFIN FAYE ANDERSON |) | |
| Pro-se |) | case No.15-2-15636-5(SEA) |
| Plaintiff |) | |
| |) | |
| CALE H. AND SARAH WILL |) | PLAINTIFF'S MOTION TO VACATE |
| Husband and Wife |) | PRIOR PROCEEDING AND STAY CASE |
| |) | CR 60 (b) (9) |
| Defendant |) | (without oral argument) |
| |) | |

TO: THE HONORABLE, JUDGE TIMOTHY BRADSHAW

BEFORE this Court is plaintiff's motion for to vacate all proceedings that have taken place since plaintiff was hospitalized on September 1, 2015 and to stay all matters until May 2016.

Attached:
Doctor's statement :
Declaration of plaintiff in support of doctor's statement:

DATED this 27 day of February, 2016

RESPECTFULLY SUBMITTED

Muffin Faye Anderson

COPY

MUFFIN FAYE ANDERSON (pro-se)
3503 so HUDSON ST.-SEA.,WA. (206)760-1077

THE HONORABLE TIMOTHY BRADSHAW

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING
AT SEATTLE

| | | |
|------------------------|---|--------------------------------|
| MUFFIN FAYE ANDERSON |) | |
| <i>Pro-se</i> |) | case No. 15-2-15636-5 (SEA) |
| Plaintiff |) | |
| |) | |
| CALE H. AND SARAH WILL |) | [PROPOSED] ORDER GRANTING |
| Husband and Wife |) | PLAINTIFF'S MOTION TO VACATE |
| |) | PRIOR PROCEEDING AND STAY CASE |
| Defendant |) | |
| |) | |

BEFORE this Court is plaintiff's motion for to vacate all proceedings that have taken place since plaintiff was hospitalized on September 1, 2015 and to stay all matters until May 2016.

Accordingly, IT IS HEREBY ORDERED:

That all prior orders issued after September 1, 2015 are hereby vacated and this matter is stayed until May 9, 2016.

DATED this ____ day of _____, 2016

THE HONORABLE TIMOTHY BRADSHAW
SUPERIOR COURT JUDGE

COPY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

| | | |
|------------------------|---|-----------------------------|
| |) | Case # 15-2-15636-5 (SEA) |
| |) | |
| MUFFIN FAYE ANDERSON |) | JUDGE: TIMOTHY BRADSHAW |
| Pro se |) | DECLARATION OF MUFFIN |
| |) | FAYE ANDERSON IN SUPPORT OF |
| Plaintiff |) | DOCTOR' STATEMENT DATE: |
| |) | DECEMBER 22, 2015 |
| |) | |
| |) | |
| VS |) | |
| CALE H. AND SARAH WILL |) | |
| HUSBAND & WIFE |) | |
| |) | |
| Defendants |) | |
| |) | |

I, MUFFIN FAYE ANDERSON, declare and state as follows:

1. I am plaintiff, pro se in this case
2. black American senior citizen of the UNITED STATES OF AMERICA .
3. RESIDENCE IN KING COUNTY WASHINGTON
PLAINTIFF, pro se, support 's the statement

(see Doctors' letters dated: December 22, 2015

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF
THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND
ACCURATE TO THE BEST OF MY KNOWLEDGE.

DATED: This 19 day February, 2016, IN SEATTLE, WASHINGTON.

RESPECTFULLY SUBMITTED

Muffin Faye Anderson

MUFFIN FAYE ANDERSON (PRO SE)
3503 so. Hudson st Seattle, WA, 98118

UW Medicine

HARBORVIEW
MEDICAL CENTER

December 22, 2015

RE: Muffin Fay Anderson
DOB: 11/6/1950
MRN: H2391759

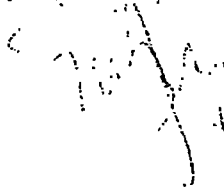
To Whom it May Concern:

Ms. Muffin Anderson is currently under my medical care. She was unable to attend court proceedings from 9/1/2015 because of her health condition. My patient feels that she is unable to represent herself while recovering. Please delay proceedings at least through 4/1/2016.

If you have any questions or concerns, please have the patient call us to address them.

Sincerely,

The office of
Lisa J Castaneda, MD



Lisa J. Castaneda

COPY

HARBORVIEW ADULT MEDICINE CLINIC

325 Ninth Ave Seattle, WA 98104-2499 206-744-5885 Fax 206-744-5886

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

RE: case # 15-2-15636-5 (SEA)

MUFFIN FAYE ANDERSON vs CALE H. AND SARAH WILL
plaintiff defendant

To: THE HONORABLE , TIMOTHY BRADSHAW

ON SEPTEMBER 01, 2015 I WAS ADMITTED FROM THE
EMERGENCY ROOM AT HARBORVIEW HOSPITAL TO INPATIENT

I WAS DIAGNOSES DESCRIPTION: ME [REDACTED]
EXAMINATION DATE: 9/2/2015 THE [REDACTED] : HIT MY [REDACTED]

I'M WRITING YOU THIS LETTER IN AND ATTACHING INFORMATION
WHICH IS CONFIDENTIAL, REGARDING PATIENT RIGHTS. (RCW70.02)

THE DEFENDANT (S) AND AS THE COMPLAINT INDICATE HAS
CAUSE ME EMOIONAL STRESS THAT RESORT T [REDACTED]

I FILED AND SENT NOTIFICATION OF MY WHEREABOUT TO THE
DEFENDANT'S ATTORNYRS AND ALSO TO YOU, BUT, SOME HOW, I
BELIEVE, NOTHING SEEM TO GET PASS ONTO YOU. THE DEFENDANT
SEEM NOT TO RESPECT RC.60 B-9, BUT WHO KNOWS, IT COULD HAPPEN
TO ANYONE AND NEED A LITT L~~X~~ TIME TO RECOVER.

DOING THE TIME OF MY HOSPITALIZATION, MY CARE, TREATMENT
AND RECOVERY DEPENDS ON MY CARE. THE DEFENDANT(S) FILING
MOTION AFTER MOTION. THE DEFENDANT HAS WRONGFULLY TOOK
ADVANISHOF SUCH VULNERABILITY.

CR 60 11 ©RELIEF FROM JUDGMENT OR ORDER

©OTHER REMEDIES. This rule does not limit the power of a court to entertain
relieve a party from a judgment, order, or proceeding.

COPY

**The treatment OF MY CARE SHOULD NOT BE ATTACK BY THIS CASE
TO CRITICIZE STRONGLY OR IN A HOSTILE MANNER UNTIL I CAN
RECOVERY ENOUGH AND GET BACK INTO FAIR HEALTH.(MAY 9,2016.**

**I WAS INCOMPETENT BECAUSE OF THE TIME OF MY HEALTH
CONDITION AND THE PLATIFF(pro-se) HAS PRESENTED THE REASON
FOR BEING HOSPITALIZATION, THE PATIENT, PLAINTIFF, AND PRO-SE
PLEAD WITH THE COURT TO EXCEPT THE ICR 60B-(9) AND CONSIDER
CR 60 B-11 ©**

**THEREFORE, THE PLAINTIFF IS PLEADING WITH THE COURT TO
VACATE PRIOR PROCCEEDING AND CASE STAY UNTIL MAY 9,2016.**

DATE: this 30 day of February, 2016

RESPECTFULLY SUBMITTED

Muffin Faye Anderson

MUFFIN FAYE ANDERSON
3503 so. HUDSON St. SEATTLE, WA.
98118
(206) 760-1077

COPY

HONORABLE TIMOTHY BRADSHAW
MOTION FOR REVISION
HEARING FEBRUARY 19 2016
With Oral Argument

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

| | |
|---|---|
| <p>MUFFIN FAYE ANDERSON Pro se Plaintiff vs CALE H. AND SARAH WILL Husband and wife Defendants</p> <hr/> | <p>) Case # 15-2-15636-5 (SEA) MOTION FOR REVISION) LCR 7 (8) (a) LCR (4)(d)) PLAINTIFF'S MOTION TO VACATE PRIOR PROCEEDING AND STAY) CASE PURSUANT TO CR 60(b)(9)) REPLY TO DEFENDANT'S OPPOSITION CR 60 (b) (9)) (with Oral Argument))</p> |
|---|---|

TO: THE HONORABLE, TIMOTHY BRADSHAW

COME NOW, the defendant never properly answer the former FIRST AMEND COMPLAINT July 27, 2015. ON February 8, 2016, defendants improperly left under covered court documents containing to this case in the mailbox. it note's in the caption defendant's response to Plaintiff's motion to prior proceeding and stay case pursuant to cr 60(b)(9).

I. ISSUE

COPY

PLAINTIFF ADMIT COMPLAINT AND FIRST AMEND COMPLAINT

ADMIT THE SMALL CLAIM WERE DISMISS WITH PREJUDICE
BECAUSE "RES JUDICATED IN SMALL CLAIMS COURT, IT WAS DISMISS
FOR LACK OF JURISDICTION.

PLAINTIFF AMIT THERE WAS A HEARING ON A MOTION ORDER FAIL TO APPEAL AND LIST THE ATTORNEY AS THE DEFENDANT AS ONE OF THE DEFENDANT

**PLAINTIFF -PRO-SE ADMIT ON OCTOBER 30,2015, THE APPEAL RECEIVED A NOTICE OF WITHDRAWAL OF NOTICE OF APPEAL DUE TO CERICAL ERROR.AND IT APPEARS THAT THE MOTION SHOULD BE GRANTED 'ORDERED APPEAL IS DISMISS
PLAINTIFF DEFEND AGAINST THE FACTUAL ALLEGATION CONTAINED IN THE DEFENDANT'S RESPONSE**

I. EVIDENCE RELIED UPON

ALL EVIDENCE ARE IN CAN NOT BE I Believe SOME CAN NOT BE RELIEDABLE WITHOUT PROOF OF SERVER.

II. ARGUMENT

PLAINTIFF'S ADMITTED SUBMITTING EVIDENCE AND FILING WITH THE COURT AND JUDGE'S MAILROOM ALSO TO LAW OFFICE OF SWEENEY, HEIT & DIETZLER WHERE WORK.

III. CONCLUSION

FOR THESE REASE SET FORTH ABOVE PLAINTIFF REQUEST DEFENDANT'S RESPONSE SHOULD BE DENIED.

IV. PROPOSED ORDER

PALINTIFF DENIED THERE WAS NOT A POPOSED

DATED: THIS 29th day of FEBRUARY 2016

RESPECTFULLY SUBMITTED

Muffin Faye Anderson
MUFFIN FAYE ANDERSON
3503 so HUDSON St.
SEATTLE, WASHINGTON 98118
(206) 760-1077

COPY

HONORABLE TIMOTHY BRADSHAW
MOTION FOR REVISION
HEARING FEBRUARY 2016
With Oral Argument

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

| | | |
|----------------------|---|------------------------------|
| MUFFIN FAYE ANDERSON |) | Case # 15-2-15 636-5 (SEA) |
| |) | MOTION FOR REVISION |
| |) | LCR 7 (8) (a) LCR (4)(d) |
| |) | PLAINTIFF'S MOTION TO VACATE |
| |) | PRIOR PROCEEDING AND STAY |
| |) | CASE PURSUANT TO CR 60(b)(9) |
| |) | IMPROPERLY SERVE |
| |) | CR 60 (b) (9) |
| |) | (with Oral Argument) |
| |) | |

Pro se
Plaintiff

vs

CALE H. AND SARAH WILL
Hubband and wife

Defendants

COPY

TO: HONORABLE, TIMOTHY BRADSHAW,

COME NOW, the defendant never properly answer the fffffirst Amend
Complaint July 27, 2015. FEBRUARY 8, 2016 DEFENDANTS DID NOT properly
serve their opposition to plaintiff's motion to vacate prior proceeding and stay case.
ON February 8, 2016, defendants improperly serve left Opposing court documents
containing to this case in the mailbox, it noted in the caption defendant's opposition
to Plaintiff's motion to prior proceeding and stay case pursuant to CR 60(b)(9).

LCR 7 CIVIL MOTION -LOCAL CIVIL RULE
LCR 7(4)(D)

Opposing Documents. Party opposing a motion shall file and serve the original
responsive papers in opposition to a motion, serve copies on parties, and deliver
working copies to the hearing judge no later than 12: noon two days before the date

57
the motion is to considered. Working copies shall be submitted pursuant to be requirements in this rule.

LCR7(11)(a)

MOTION FOR STAY OF PROCEEDINGS.

Motion for stay of proceedings shall be heard by the individual judge assigned or if not assigned by the Chief Civil Judge, Chief Judge of Maleng Regional Justice Center or chief Unified Family Court Judge. The order stay proceeding shall indicate a future date by which the case status will be reviewed.

The court signed enter plaintiff's Order denied a day before the hearing.

The evidence should be relied upon.

CONCLUSION

For these reason set forth above plaintiff's request defendant's response should be Denied, and plaintiff's be granted a motion to vacate prior proceeding and stay.

COPY OF THE OPPOSING DOCUMENT ATTACHED

Dated : 29 day February, 2016

RESPECTFULLY SUBMITTED

Muffin Faye Anderson

MUFFIN FAYE ANDERSON

3503 So Hudson St.

SEATTLE, WA. 98118 - (206) 760-1077

COPY

HONORABLE TIMOTHY BRADSHAW
MOTION FOR REVISION
HEARING - *M/T/2016*
With Oral Argument

11:10 AM

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

| | | |
|--|---|---|
| MUFFIN FAYE ANDERSON Pro se Plaintiff |) | Case # 15-2-15636-5 (SEA) MOTION FOR REVISION) LCR 7 (8) (a) LCR (4)(d)) PLAINTIFF'S MOTION TO VACATE PRIOR PROCEEDING AND STAY) CASE PURSUANT TO CR 60(b)(9) |
| vs CALE H. AND SARAH WILL Husband and wife |) | IMPROPERLY SERVED CR 60 (b) (9) (with Oral Argument) |
| Defendants |) | |

TO: THE HONORABLE, TIMOTHY BRADSHAW

COME NOW, plaintiff (pro-s) respectfully request that Opposing parties answers to the complaint, all motions. Their serve in this case did not comply with LCR 7 (4)(d);

LCR 7 (4)(d)

(Opposing Document-ANY PARTY OPPOSING A MOTION SHALL FILE AND SERVE THE ORIGINAL RESPONSIVE PAPERS IN OPPOSITION TO A MOTION, SERVE COPIES ON PARTIES, AND DELIVER WORKING COPIES TO THE HEARING JUDGE NO LATER THAN 12:00 NOON TWO COURT DAYS BEFORE THE DATE THE MOTION IS TO BE CONSIDERED.. WORKING COPIES SHALL BE SUBMITTED PURSUANT TO THE REQUIREMENTS IN IN THIS RULE.)

COPY

1A

The defendant's has and continuous to IMPORPER SERVICE OF PROCESS all their Pleading and pretrial Motions in this case # 15-2-15636-5 -(SEA) improper SERVICE from the reply up to their response to plaintiff's motion to vacate prior proceeding and stay ,case pursuant to CR60 (b)(9).

The defendant's are to SERVE COPIES ON PARTIES not mail.

Therefore , Improper service has been identify

For the reason set forth above plaintiff's respectfully request that defendant's answer to the complaint, motion and all pleading be denied.

Plaintiff's Motion be GRANTED

Attached: copies of envelopes dates of mailing

Date: 29 day of February, 2016

RESPECTFULLY SUBMITTED

Muffin Faye Anderson

MUFFIN FAYE ANDERSON

3503 so. Hudson St.

Seattle, WA, 98118 (206)760-1077

COPY

EXHIBIT I

EXHIBIT I

RECEIVED
By
MAR 14 2016
Law Offices of
Sweeney Holt & O'Connell

THE HONORABLE TIMOTHY BRADSHAW
HEARING : MARCH 25, 2016
Time: 2:00 PM
With oral argument

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

MUFFIN FAYE ANDERSON -pro-se
PLAINTIFF
vs.
CALE H. and SARAH WILL
husband and wife- Defendants

CASE NO. 15-2-15636-5 (SEA)
NOTICE OF COURT DATE (Judges)
(NOTICE FOR HEARING)
SEATTLE COURTHOUSE ONLY
(Clerk's Action Required) (NTHG)

TO: THE CLERK OF THE COURT and to all other parties per list on Page 2:
PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the calendar checked below.

Calendar Date: MARCH 25, 2016 Day of Week Friday

Nature of Motion: ~~TO REVOKE ORDER OF DISMISSAL AND FOR STAY OF PROCEEDINGS~~

| | |
|---|--|
| CASES ASSIGNED TO INDIVIDUAL JUDGES - SEATTLE | |
| If oral argument on the motion is allowed (LCR 7(b)(2)), contact staff of assigned judge to schedule date and time before filing this notice. Working Papers: The judge's name, date and time of hearing <u>must</u> be noted in the upper right corner of the Judge's copy. Deliver Judge's copies to Judges' Mailroom at C203 | |
| <input type="checkbox"/> Without oral argument (Mon - Fri) | <input checked="" type="checkbox"/> With oral argument Hearing |
| Date/Time: <u>MARCH 25, 2016 / 2:00pm</u> | |
| Judge's Name: <u>TIMOTHY BRADSHAW</u> | Trial Date: <u>JUNE 27, 2016</u> |
| CHIEF CRIMINAL DEPARTMENT - SEATTLE (E1201) | |
| <input type="checkbox"/> Bond Forfeiture 3:15 pm, 2 nd Thursday of each month | |
| <input type="checkbox"/> Extraordinary Writs from criminal or infraction (Show Cause Hearing) LCR 98.40(d) 3:00 p.m. Mon-Thurs. | |
| <input type="checkbox"/> Certificates of Rehabilitation- Weapon Possession (Convictions from Limited Jurisdiction Courts) 3:30 First Tues of each month | |
| CHIEF CIVIL DEPARTMENT - SEATTLE (Please report to E863 for assignment) | |
| Deliver working copies to Judges' Mailroom, Room C203. In upper right corner of papers write "Chief Civil Department" or judge's name and date of hearing | |
| <input type="checkbox"/> Extraordinary Writs (Show Cause Hearing) (LCR 98.40) 1:30 p.m. Thurs/Fri -report to Room E863 | |
| <input type="checkbox"/> Supplemental Proceedings/ Judicial Subpoenas (1:30 pm Thurs/Fri)(LCR 69) | |
| <input type="checkbox"/> Motions to Consolidate with multiple judges assigned (LCR 40(a)(4) (without oral argument) M-F | |
| <input type="checkbox"/> Structured Settlements (1:30 pm Thurs/Fri)(LCR 40(2)(S)) | |
| Non-Assigned Cases: | |
| <input type="checkbox"/> Non-Dispositive Motions M-F (without oral argument). | |
| <input type="checkbox"/> Dispositive Motions and Revisions (1:30 pm Thurs/Fri). | |
| <input type="checkbox"/> Certificates of Rehabilitation (Employment) 1:30 pm Thurs/Fri (LR 40(a)(2)(B)) | |

You may list an address that is not your residential address where you agree to accept legal documents.
Sign: Muffin Faye Anderson Print/Type Name: MUFFIN FAYE ANDERSON
WSBA # PRO SE (if attorney) Attorney PLAINTIFF
Address: 3503 SO. HUDSON ST. City, State, Zip SEA., WA. -98118
Telephone: _____ Email Address: _____ Date: MARCH 14, 2016

DO NOT USE THIS FORM FOR FAMILY LAW OR EX PARTE MOTIONS.

LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE

Name Brett M. Wieburg
 Service Address: 1191 SECOND AVE., SUITE 500
 City, State, Zip SEA., WA. 98101
 WSBA# 22353 Atty. For: Defendants
 Telephone #: _____
 Email Address: _____

Name _____
 Service Address: _____
 City, State, Zip _____
 WSBA# _____ Atty. For: _____
 Telephone #: _____
 Email Address: _____

Name _____
 Service Address: _____
 City, State, Zip _____
 WSBA# _____ Atty. For: _____
 Telephone #: _____
 Email Address: _____

Name _____
 Service Address: _____
 City, State, Zip _____
 WSBA# _____ Atty. For: _____
 Telephone #: _____
 Email Address: _____

Name _____
 Service Address: _____
 City, State, Zip _____
 WSBA# _____ Atty. For: _____
 Telephone #: _____
 Email Address: _____

Name _____
 Service Address: _____
 City, State, Zip _____
 WSBA# _____ Atty. For: _____
 Telephone #: _____
 Email Address: _____

IMPORTANT NOTICE REGARDING CASES

Party requesting hearing must file motion & affidavits separately along with this notice. List the names, addresses and telephone numbers of all parties requiring notice (including GAL) on this page. Serve a copy of this notice, with motion documents, on all parties.

The original must be filed at the Clerk's Office not less than six court days prior to requested hearing date, except for Summary Judgment Motions (to be filed with Clerk 28 days in advance).

THIS IS ONLY A PARTIAL SUMMARY OF THE LOCAL RULES AND ALL PARTIES ARE ADVISED TO CONSULT WITH AN ATTORNEY.

The SEATTLE COURTHOUSE is in Seattle, Washington at 516 Third Avenue. The Clerk's Office is on the sixth floor, room E609. The Judges' Mailroom is Room C203.

RECEIVED
By

MAR 14 2016

Law Offices of
Suzanne Maitland

THE HONORABLE TIMOTHY BRADSHAW

**IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON IN AND FOR THE COUNTY OF KING**

MUFFIN FAYE ANDERSON) case# 15-2-15636-5 (SEA)
Plaintiff-pro-se) [PROPOSED] TO STRIKE
vs) SUMMARY JUDGMENT AND
CALE H. SARAH WILL) FOR STAY OF PROCEEDING
Husband and Wife) EXCUSABLE NEGLIGENCE, VACATE'
Defendant) PRIOR PROCEEDING AND STAY
CASE, C R 60 (b) (1) (2) and (9)

BEFORE this COURT is plaintiff's motion to strike summary judgment and stay of proceeding's excusable neglect, since September 1, 2015 and stay matters until may 9, 2016.

According, IT IS HEREBT ORDERED:

That all prior orders issued after September 1,2015 are hereby Strike and this matter is stay until MAY 9, 2016.

Dated: this _____ day of March' 2016

**THE HONORABLE TIMOTHY BRADSHAW
SUPERIOR COURT JUDGE**

RECEIVED

By

MAR 14 2016

Law Offices of
Suzanne M. ...

THE HONORABLE TIMOTHY BRADSHAW

**IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON IN AND FOR THE COUNTY OF KING**

MUFFIN FAYE ANDERSON) case# 15-2-15636-5 (SEA)
Plaintiff-pro-se) [PROPOSED] TO VACATE
vs) ORDER OF DISMISSAL AND
) FOR STAY OF PROCEEDING
CALE H. SARAH WILL) EXCUSABLE NEGLECT, VACATE'
Husband and Wife) PRIOR PROCEEDING AND STAY
Defendant) CASE, C R 60 (b) (1) (2)and (9)

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Dated: this _____ day of March' 2016

**THE HONORABLE TIMOTHY BRADSHAW
SUPERIOR COURT JUDGE**

EXHIBIT J

EXHIBIT J

nic

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APR 11 2016
Law Offices of
Sweeney, Helt & Dietzler

Judge Timothy Bradshaw
Hearing: April 20, 2016
Without Oral Argument

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

MUFFIN FAYE ANDERSON, pro-se
vs. Plaintiff
CALE H. AND SARAH WILL
Defendants

CASE NO. 15-2-15636-5 SEA
NOTICE OF COURT DATE (Judges)
(NOTICE FOR HEARING)
SEATTLE COURTHOUSE ONLY
(Clerk's Action Required) (NTHG)

TO: THE CLERK OF THE COURT and to all other parties per list on Page 2:
PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the calendar checked below.

Calendar Date: APRIL 20, 2016 Day of Week: WEDNESDAY
Nature of Motion: MOTION TO RESCHEDULE HEARING FOR MEDICAL REASON

| | |
|---|---|
| CASES ASSIGNED TO INDIVIDUAL JUDGES - SEATTLE | |
| If oral argument on the motion is allowed (LCR 7(b)(2)), contact staff of assigned judge to schedule date and time before filing this notice. Working Papers: The judge's name, date and time of hearing must be noted in the upper right corner of the Judge's copy. Deliver Judge's copies to Judges' Mailroom at C203 | |
| <input checked="" type="checkbox"/> Without oral argument (Mon - Fri) | <input type="checkbox"/> With oral argument Hearing |
| Date/Time: <u>April 20, 2016</u> | Trial Date: <u>JUNE 27, 2016</u> |
| Judge's Name: <u>TIMOTHY BRADSHAW</u> | |
| CHIEF CRIMINAL DEPARTMENT - SEATTLE (E1201) | |
| <input type="checkbox"/> Bond Forfeiture 3:15 pm, 2 nd Thursday of each month <input type="checkbox"/> Extraordinary Writs from criminal or infraction (Show Cause Hearing) LCR 98.40(d) 3:00 p.m. Mon-Thurs. <input type="checkbox"/> Certificates of Rehabilitation- Weapon Possession (Convictions from Limited Jurisdiction Courts) 3:30 First Tues of each month | |
| CHIEF CIVIL DEPARTMENT - SEATTLE (Please report to E863 for assignment) | |
| Deliver working copies to Judges' Mailroom, Room C203. In upper right corner of papers write "Chief Civil Department" or judge's name and date of hearing | |
| <input type="checkbox"/> Extraordinary Writs (Show Cause Hearing) (LCR 98.40) 1:30 p.m. Thurs/Fri -report to Room E863 <input type="checkbox"/> Supplemental Proceedings/ Judicial Subpoenas (1:30 pm Thurs/Fri)(LCR 69) <input type="checkbox"/> Motions to Consolidate with multiple judges assigned (LCR 40(a)(4) (without oral argument) M-F <input type="checkbox"/> Structured Settlements (1:30 pm Thurs/Fri)(LCR 40(2)(S)) | |
| Non-Assigned Cases: | |
| <input type="checkbox"/> Non-Dispositive Motions M-F (without oral argument). <input type="checkbox"/> Dispositive Motions and Revisions (1:30 pm Thurs/Fri). <input type="checkbox"/> Certificates of Rehabilitation (Employment) 1:30 pm Thurs/Fri (LR 40(a)(2)(B)) | |

You may list an address that is not your residential address where you agree to accept legal documents.
Sign: Muffin Faye Anderson Print/Type Name: MUFFIN FAYE ANDERSON
WSBA # _____ (if attorney) Attorney for: PLAINTIFF - PRO SE
Address: 3503 SO. HUDSON ST. City, State, Zip SEA. WA 98118
Telephone: _____ Email Address: _____ Date: 4/10/2016

LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE

Name Kevin Smith
 Service Address: 91 Second Ave, Suite 500
 City, State, Zip Sea, WA 98101
 WSBA# 45412 Atty. For: Defendants
 Telephone #: (206) 633-1310
 Email Address: _____

Name _____
 Service Address: _____
 City, State, Zip _____
 WSBA# _____ Atty. For: _____
 Telephone #: _____
 Email Address: _____

Name _____
 Service Address: _____
 City, State, Zip _____
 WSBA# _____ Atty. For: _____
 Telephone #: _____
 Email Address: _____

Name _____
 Service Address: _____
 City, State, Zip _____
 WSBA# _____ Atty. For: _____
 Telephone #: _____
 Email Address: _____

Name _____
 Service Address: _____
 City, State, Zip _____
 WSBA# _____ Atty. For: _____
 Telephone #: _____
 Email Address: _____

Name _____
 Service Address: _____
 City, State, Zip _____
 WSBA# _____ Atty. For: _____
 Telephone #: _____
 Email Address: _____

IMPORTANT NOTICE REGARDING CASES

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The SEATTLE COURTHOUSE is in Seattle, Washington at 516 Third Avenue. The Clerk's Office is on the sixth floor, room E609. The Judges' Mailroom is Room C203.

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By
APR 11 2016
Law Offices of
Sweeney, Heit & Dietzler

**THE HONORABLE
JUDGE TIMOTHY BRADSHAW**

**IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON IN AND FOR THE COUNTY OF KING**

Case # 15-2-15636-5 (SEA)
MUFFIN FAYE ANDERSON) JUDGE TIMOTHY BRADSHAW
Plaintiff, pro-se) ~~MOTION~~
vs) PLAINTIFF MOTION TO
CALE H. AND SARAH WILL) RESCHEUDLE TRIAL PERSON OF
Defendant) UNSOUND MINE.UNAVOIDABLE
) CASUALTY OR MISFORTUNE
) PERVENTING THE PARTY FROM
) PROSECTING OR DEFENDING
) EXCUSABLE NEGLECT
) CASE. PURSUANT - CR 60
_____) (b) (1) ,(2) and (9) KLLCR-4

**COME NOW, Regarding case no# 15-2-15636-5 in this SUPERIOR
COURT OF THE STATE OF WASHINGTON, IN KING COUNTY,
THE HONORBLE JUDGE TIMOTHY BRADSHAW.
Filed JULY 28, 2015
'First AMENDED COMPLAINT, FOR INJUNCTIVE RELIEF, AND
DAMAGES, TRESPASSING, ENCROACHING AND NUISANCE ON
PROPERTY.'**

I am the plaintiff of this case, and was hospitalized on September 1, 2015, for a month, and in October and November 2015, out-patient with 3 surgery, I 'incapacitated and could not response properly because of a brain Stroke, and was unable to appear in person or court legal matters properly which including the order setting civil case schedule. I am requesting, after begin hospitalize, I need recovery time, care time and treatment time,

In according to CR 60

RELIEF FROM JUDGMENT OR ORDER:

- (a) ' Clerical mistakes in judgments, orders or other part of record and errors therein arising from oversight, or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders. Such mistakes may be so corrected before review is accepted by an appellate court, and thereafter may be corrected before review is accepted by an appellate court, and thereafter may be corrected pursuant to RALJ 4.1 (b)'.
- (b) ' mistakes; inadvertence; excusable neglect; newly discovered evidence; fraud; etc. On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons:'

(b)-1 'mistakes, inadvertence, surprise, excusable neglect or irregularity in obtaining a judgment or order;'

(b)-2' for erroneous proceedings against a minor or person of unsound mind, when the condition of such defendant does not appear in the record, nor the error in the proceedings;

Plaintiff had a brain stroke on September 1, 2015 two months into the court proceeding.

(b)-9 ' unavoidable casualty or misfortune preventing the party from prosecuting or defending:'

On September 1,2015, plaintiff has a brain stroke
Therefore the plaintiff could not response properly to the case schedule pursuant to King County Local Rule 4 {KCLCR4}.
The plaintiff request this case to be reschedule if all possible according to the Law in the State of Washington.

The request date for rescheduling this
MAY 9, 2016 Person Of Unsound Mind, Excusable Neglect, and
Unavoidable casualty, misfortune preventing the party from
prosecuting or defending, pursuant CR 60 (B),(1),(2) and ((9).

KCL CR-4

Date: this 10 day of April, 2016.

Respectfully Submitted,

Muffin Faye Anderson

Muffin Faye Anderson

3503 so. Hudson St. - Sea. WA. 98118

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By
APR 11 2016
Law Offices of
Sweeney, Heit & Dietzler

**THE HONORABLE
JUDGE TIMOTHY BRADSHAW**

**IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON IN AND FOR THE COUNTY OF KING**

Case # 15-2-15636-5 (SEA)
MUFFIN FAYE ANDERSON) JUDGE TIMOTHY BRADSHAW
Plaintiff, pro-se) ~~DECLARATION~~
vs) PLAINTIFF MOTION TO
CALE H. AND SARAH WILL) RESCHEDULE TRIAL PERSON OF
Defendant) UNSOUND MINE.UNAVOIDABLE
) CASUALTY OR MISFORTUNE
) PERVENTING THE PARTY FROM
) PROSECTING OR DEFENDING
) EXCUSABLE NEGLECT
) CASE. PURSUANT - CR 60
-----) (b) (1) ,(2) and (9)- [KCLCR 4]

**I, DECLARE THAT: I ,MUFFIN FAYE ANDERSON, am the
plaintiff - pro se of this case and requesting the case be reschedule date,
order setting civil case schedule pursuant to {KCLCR 4**

**Regarding case no# 15-2-15636-5 in this SUPERIOR COURT OF
THE STATE OF WASHINGTON, IN KING COUNTY, THE
HONORBLE JUDGE TIMOTHY BRADSHAW.
Filed JULY 28, 2015**

'First AMENDED COMPLAINT, FOR INJUNCTIVE RELIEF, AND DAMAGES, TRESPASSING, ENCROACHING AND NUISANCE ON PROPERTY.'

**I am the plaintiff of this case, and was hospitalized on September 1, 2015, for a month, and in October and November 2015, out- patient with 3 surgery, I 'incapacitated and could not response properly because of a brain Stroke, and was unable to appear in person or court legal matters properly which including the order setting civil case schedule. I am requesting, after begin hospitalize, I need recovery time, care time and treatment time,
In according to CR 60**

**On September 1,2015, plaintiff has a brain stroke
Therefore the plaintiff could not response properly to the case schedule pursuant to King County Local Rule 4 {KCLCR4}.
The plaintiff request this case to be reschedule if all possible according to the Law in the State of Washington.**

**The request date for rescheduling this
MAY 9, 2016 Person Of Unsound Mind, Excusable Neglect, and Unavoidable casualty, misfortune preventing the party from prosecuting or defending, pursuant CR 60 (b),(1),(2) and ((9). KCLCR 4**

I, declare under penalty of perjury under the law of the State of Washington, that the foregoing is true and correct.

Date: this 10 day of April, 2016.

Respectfully Submitted,

**Muffin Faye Anderson
Muffin Faye Anderson
3503 so. Hudson St. - Sea. WA. 98118**

EXHIBIT K

EXHIBIT K

RECEIVED
By

JUL 25 2016

Law Offices of
Sweeney, Heit & Dietzler

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

MUFFIN FAYE ANDERSON, an individual.

Plaintiff,

vs.

CALE H. AND SARAH WILL HUSBAND
AND WIFE

Defendant.

No. 15-2-15636-5 SEA

ORDER DENYING PLAINTIFF'S
MOTION TO RESCHEDULE TRIAL
~~re Related Motions~~
(Proposed)

This matter came on for hearing regularly before the Court, without oral argument, on the sixth such motion of plaintiff herein for relief pursuant to CR 60(b)(1), 2), and (9), and the Court having considered the arguments of counsel and the pleadings and records filed with the Court which include the following:

1. Plaintiff's Motion to Reschedule Trial Person of Unsound Mind.Unavoidable Casualty or Misfortune Perventing the Party From Prosecuting or Defendant Excusable Neglect Case. Pursuant – CR 60(b)(1), (2) and (9) KCLCR-4;
2. Defendants' Response to Plaintiff's Motion to Reschedule Trial;
3. ~~Motion for Findings of Indigence.~~
4. And the records and files herein, including Notice of Appeal.

ORDER DENYING PLAINTIFF'S MOTION TO RESCHEDULE
TRIAL - 1 ~~re related motions~~

LAW OFFICES OF SWEENEY, HEIT &
DIETZLER
ATTORNEYS AT LAW
1191 SECOND AVENUE, SUITE 500
SEATTLE, WA 98101
(206) 633-1310
FAX (866) 546-5102

1 The Court finds that plaintiff has not plead any new facts or arguments, and
2 further finds that defendant's response to plaintiff's third, fourth, and fifth such CR 60(b)
3 motions contained a warning that sanctions would be sought should plaintiff continue to
4 file additional motions to vacate and/or stay without a reasonable, good faith basis for
5 doing so.

6
7 The Court being otherwise fully advised in the premises; NOW THEREFORE,
8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion
9 to Reschedule Trial Person of Unsound Mind.Unavoidable Casualty or Misfortune
10 Perventing the Party From Prosecuting or Defendant Excusable Neglect Case.
11 Pursuant – CR 60(b)(1), (2) and (9) KCLCR-4 is DENIED.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that:

13 *Plaintiff's imbedded RAP 18.8 motion for*
14 *extension of time is a matter for the Court of*
15 *Appeals; Plaintiff's Motion re: Indigency is Denied*
16 *pursuant RAP 15.2, since probable merit of claim/*
17 *appeal has not been shown, nor a constitutional right.*

18 DATED this 19th day of July, 2016.

19
20 
THE HONORABLE TIMOTHY A. BRADSHAW

21 Presented By:
22 LAW OFFICES OF SWEENEY, HEIT & DIETZLER

23
24
25 Kevin F. Smith, WSBA #45412
Attorney for Defendants

ORDER DENYING PLAINTIFF'S MOTION TO RESCHEDULE
TRIAL - 2 *re related Motions*

LAW OFFICES OF SWEENEY, HEIT &
DIETZLER
ATTORNEYS AT LAW
1191 SECOND AVENUE, SUITE 500
SEATTLE, WA 98101
(206) 633-1310
FAX (866) 546-5102

EXHIBIT L

EXHIBIT L



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[Home](#) | [Summary Data & Reports](#) | [Resources & Links](#) | [Get Help](#)

Superior Court Case Summary

About Dockets

Court: King Co Superior Ct
Case Number: 15-2-15636-5

| Sub | Docket Date | Docket Code | Docket Description | Misc Info |
|-----|-------------|--|---|--------------|
| 1 | 06-26-2015 | SUMMONS & COMPLAINT | Summons & Complaint | |
| 2 | 06-26-2015 | SET CASE SCHEDULE JDG0001 | Set Case Schedule Judge Timothy A. Bradshaw Dept 1 | 06-27-2016ST |
| 3 | 06-26-2015 | CASE INFORMATION COVER SHEET LOCS | Case Information Cover Sheet Original Location - Seattle | |
| 4 | 06-26-2015 | ORDER TO PROCEED IN FORMA PAUPERIS EXP0001 | Order To Proceed In Forma Pauperis Ex-parte, Dept | |
| 5 | 06-26-2015 | MOTION FOR WAIVER OF FEES | Motion For Waiver Of Fees | |
| 6 | 07-13-2015 | SHERIFF'S RETURN OF SERVICE | Sheriff's Return Of Service | |
| 7 | 07-23-2015 | NOTICE OF APPEARANCE | Notice Of Appearance /defs | |
| 8 | 07-28-2015 | AMENDED COMPLAINT | Amended Complaint | |
| 9 | 07-28-2015 | AMENDED SUMMONS | Amended Summons | |
| 10 | 08-18-2015 | NOTICE OF HEARING ACTION | Notice Of Hearing 10:00/bradshaw/dismissal/def | 10-16-2015 |
| 11 | 08-18-2015 | MOTION TO DISMISS | Motion To Dismiss /defs | |
| 12 | 08-18-2015 | DECLARATION | Declaration Of W Scott Noel | |
| 13 | 08-26-2015 | ATTACHMENT | Attachment/proof Of Service | |
| 14 | 09-17-2015 | NOTICE | Notice Of Hospitalization | |
| 15 | 09-22-2015 | ATTACHMENT | Attachment /hmc Report | |
| 16 | 10-05-2015 | ATTACHMENT | Attachment /letter On Activity Restrictions | |
| 17 | 10-16-2015 | MOTION HEARING JDG0001 | Motion Hearing Judge Timothy A. Bradshaw Dept 1 | |
| | 10-16-2015 | AUDIO LOG | Audio Log Dr W 965 | |
| 18 | 10-16-2015 | ORDER GRANTING SUMMARY JUDGMENT | Order Granting Summary Judgment For Defs/dismissed | |
| 19 | 10-28-2015 | NOTICE OF APPEAL TO COURT OF APPEAL | Notice Of Appeal To Court Of Appeal | |
| - | 10-28-2015 | FILING FEE NOT PAID | Filing Fee Not Paid | |
| 20 | 10-28-2015 | MOTION | Motion /pla | |
| 21 | 10-30-2015 | ORDER STRIKING: SETTING | Order Striking Mtn To Stop All Procedure & Continuance | |

About Dockets

You are viewing the case docket or case summary. Each Court level uses different terminology for this information, but for all court levels, it is a list of activities or documents related to the case. District and municipal court dockets tend to include many case details, while superior court dockets limit themselves to official documents and orders related to the case.

If you are viewing a district municipal, or appellate court docket, you may be able to see future court appearances or calendar dates if there are any. Since superior courts generally calendar their caseloads on local systems, this search tool cannot display superior court calendaring information.

Directions

King Co Superior Ct
 516 3rd Ave, Rm C-203
 Seattle, WA 98104-2361

Map & Directions
 206-477-1400[Phone]
 206-296-0986[Fax]
 [Office Email]

[Visit Website](#)

Disclaimer

What is this website?
 It is a search engine of

| | | | | | |
|----|------------|----------------------------------|--|------------|---|
| 22 | 10-30-2015 | NOTICE | Notice Of Withdrawal Of Appeal /pla | | cases filed in the municipal, district, superior, and appellate courts of the state of Washington. The search results can point you to the official or complete court record. |
| - | 10-30-2015 | RETURNED TO ACTIVE | Returned To Active | | |
| 23 | 10-30-2015 | MOTION | Motion /pla | | |
| 24 | 11-06-2015 | ORDER | Order Correcting Scriveners Error In Caption Only | | |
| 25 | 11-19-2015 | MANDATE | Mandate /74155-1-i/dismissed | | How can I obtain the complete court record? You can contact the court in which the case was filed to view the court record or to order copies of court records. |
| 26 | 11-24-2015 | MANDATE | Mandate /74155-1-i/dismissed | | |
| 27 | 11-24-2015 | MOTION | Motion /pla | | |
| 28 | 11-24-2015 | MOTION | Motion /pla | | |
| 29 | 11-24-2015 | AFFIDAVIT/DCLR/CERT OF SERVICE | Affidavit/dclr/cert Of Service | | How can I contact the court? Click here for a court directory with information on how to contact every court in the state. |
| 30 | 11-24-2015 | AFFIDAVIT/DCLR/CERT OF SERVICE | Affidavit/dclr/cert Of Service | | |
| 31 | 12-01-2015 | AFFIDAVIT/DCLR/CERT OF SERVICE | Affidavit/dclr/cert Of Service | | |
| 32 | 12-02-2015 | LETTER | Letter To Plaintiff | | |
| 33 | 12-08-2015 | ORDER ON MTN FOR RECONSIDERATION | Order On Mtn For Reconsideration /denied | | Can I find the outcome of a case on this website? No. You must consult the local or appeals court record. |
| 34 | 01-12-2016 | AFFIDAVIT IN SUPPORT | Affidavit In Support /pla | | |
| 35 | 01-12-2016 | AFFIDAVIT IN SUPPORT | Affidavit In Support /pla | | |
| 36 | 01-27-2016 | COPY | Copy Of Documents | | |
| 37 | 01-27-2016 | COPY | Copy /mail Return Receipt | | How do I verify the information contained in the search results? You must consult the court record to verify all information. |
| 38 | 02-08-2016 | RESPONSE | Response /defs | | |
| 39 | 02-10-2016 | ORDER DENYING MOTION/PETITION | Order Denying Motion For Relief | | |
| 40 | 03-01-2016 | ATTACHMENT | Attachment/proof Of Service | | |
| 41 | 03-01-2016 | NOTICE OF HEARING | Notice Of Hearing /revision | 03-22-2016 | Can I use the search results to find out someone's criminal record? No. The Washington State Patrol (WSP) maintains state criminal history record information. Click here to order criminal history information. |
| 42 | 03-01-2016 | LETTER | Letter To Pla From Court Re Oral Argument Request | | |
| 43 | 03-08-2016 | RESPONSE | Response/def | | |
| 44 | 03-08-2016 | ORDER TO SHOW CAUSE | Order To Show Cause Re Relief | 03-25-2016 | |
| 45 | 03-14-2016 | MOTION TO DISMISS | Motion To Dismiss /pla | | Where does the information come from? Clerks at the municipal, district, superior, and appellate courts across the state enter information on the cases filed in their courts. The search engine will update approximately twenty-four hours from |
| 46 | 03-14-2016 | DECLARATION | Declaration Of Muffin F Anderson | | |
| 47 | 03-14-2016 | DECLARATION | Declaration Of Muffin F Anderson | | |
| 48 | 03-14-2016 | MOTION | Motion /pla | | |
| 49 | 03-14-2016 | DECLARATION | Declaration Of Muffin F Anderson | | Where does the information come from? Clerks at the municipal, district, superior, and appellate courts across the state enter information on the cases filed in their courts. The search engine will update approximately twenty-four hours from |
| 50 | 03-14-2016 | AFFIDAVIT/DCLR/CERT OF SERVICE | Affidavit/dclr/cert Of Service | | |
| 51 | 03-14-2016 | NOTICE OF HEARING | Notice Of Hearing /vacate Dismissal | 03-25-2016 | |
| 52 | 03-14-2016 | NOTICE OF HEARING | Notice Of Hearing /strike Sumjgt | 03-25-2016 | |
| 53 | 03-15-2016 | NOTICE | Notice Re Faulty Document | | |
| 54 | 03-18-2016 | NOTICE | Notice Re Faulty Document | | |
| 55 | 03-23-2016 | RESPONSE | Response /def | | |

| | | | |
|----|------------|--|---|
| 56 | 03-25-2016 | MOTION HEARING JDG0001 | Motion Hearing Judge Timothy A. Bradshaw Dept 1 |
| - | 03-25-2016 | AUDIO LOG | Audio Log W-965 |
| 57 | 03-31-2016 | ORDER DENYING MOTION/PETITION | Order Denying Motion/petition |
| 58 | 04-05-2016 | NOTICE WITHDRAW & SUBSTITUT COUNSEL | Notice Withdraw & Substitut Counsel |
| 59 | 04-11-2016 | NOTICE OF HEARING | Notice Of Hearing /reschedule 04-20- 2016 |
| 60 | 04-11-2016 | AFFIDAVIT/DCLR/CERT OF SERVICE | Affidavit/dclr/cert Of Service |
| 61 | 04-11-2016 | DECLARATION | Declaration Of Pla |
| 62 | 04-11-2016 | ATTACHMENT | Attachment Re Medical Info |
| 63 | 04-11-2016 | MOTION TO CHANGE TRIAL DATE | Motion To Change Trial Date /pla |
| 64 | 04-15-2016 | RESPONSE | Response /def |
| 65 | 04-19-2016 | NOTICE OF APPEAL TO COURT OF APPEAL | Notice Of Appeal To Court Of Appeal |
| - | 04-19-2016 | FILING FEE NOT PAID | Filing Fee Not Paid |
| 66 | 04-19-2016 | NOTICE OF APPEAL TO COURT OF APPEAL | Notice Of Appeal To Court Of Appeal |
| - | 04-19-2016 | FILING FEE NOT PAID | Filing Fee Not Paid |
| 67 | 04-19-2016 | NOTICE OF APPEAL TO COURT OF APPEAL | Notice Of Appeal To Court Of Appeal |
| - | 04-19-2016 | FILING FEE NOT PAID | Filing Fee Not Paid |
| 68 | 04-19-2016 | NOTICE OF APPEAL TO COURT OF APPEAL | Notice Of Appeal To Court Of Appeal |
| - | 04-19-2016 | FILING FEE NOT PAID | Filing Fee Not Paid |
| 69 | 04-27-2016 | NOTICE OF ABSENCE/UNAVAILABILITY | Notice Of Absence/unavailability |
| 70 | 06-29-2016 | NOTICE | Notice Of Firm Name Change |
| 71 | 07-11-2016 | ORDER EXP0001 | Order Re Appellate Fee Waiver Ex-parte, Dept |
| 72 | 07-11-2016 | MOTION FOR INDIGENCY | Motion For Indigency |
| 73 | 07-11-2016 | AFFIDAVIT | Affidavit Of Indigency |
| 74 | 07-20-2016 | ORDER DENYING MOTION/PETITION | Order Denying Motion/resched Trial |
| 75 | 08-15-2016 | MOTION | Motion /pla |
| 76 | 08-17-2016 | CERTIFICATE OF MAILING | Certificate Of Mailing |
| 77 | 08-31-2016 | COPY | Copy Of Letter To Supreme Court/pla |
| 78 | 08-31-2016 | ORDER OF INDIGENCY | Order Of Indigency |
| 79 | 09-13-2016 | LETTER | Letter From Supreme Court |
| 80 | 09-26-2016 | MOTION | Motion /pla |
| 81 | 12-12-2016 | AFFIDAVIT/DCLR/CERT OF SERVICE | Affidavit/dclr/cert Of Service |
| 82 | 12-14-2016 | LETTER | Letter Rejecting Designation |
| 83 | 12-19-2016 | NOTICE OF ABSENCE/UNAVAILABILITY | Notice Of Absence/unavailability |
| 84 | 12-29-2016 | DESIGNATION OF CLERK'S PAPERS | Designation Of Clerk's Papers Pgs 1-171 Trans To Coa 1/19/17 75175-1 /anderson |

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| 85 | 12-29-2016 | AFFIDAVIT/DCLR/CERT OF SERVICE | Affidavit/dclr/cert Of Service |
| 86 | 01-04-2017 | INDEX | Index Clks Pprs Pgs 1-171 |
| 87 | 01-11-2017 | COMMENT ENTRY | Clks Pprs Pgs 1-171 |
| 88 | 02-17-2017 | NOTICE OF ABSENCE/UNAVAILABILITY | Notice Of Absence/unavailability |
| 89 | 03-12-2018 | MOTION | Motion /pla |
| 90 | 03-12-2018 | AMENDED COMPLAINT | Amended Complaint |
| 91 | 03-13-2018 | MOTION | Motion /pla |

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S2

EXHIBIT M

EXHIBIT M

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

MUFFIN F. ANDERSON,)
) No. 75175-1-1
 Appellant,)
) DIVISION ONE
 v.)
)
 CALE H. and SARAH WILL, husband)
 and wife,) UNPUBLISHED OPINION
)
 Respondents.) FILED: October 2, 2017

FILED
COURT OF APPEALS, DIV. I
STATE OF WASHINGTON
2017 OCT -2 AM 8:54

BECKER, J. — The trial court did not abuse its discretion in denying the appellant's motion for relief under CR 60(b) because appellant has not shown how her alleged illness impacted or impeded her ability to prosecute her case. We affirm.

Appellant Muffin Anderson sued her neighbors, respondents Cale and Sarah Will, in June 2015. She alleged claims for trespassing, encroachment, and nuisance on property. Anderson filed her complaint pro se and has represented herself through the entire proceedings, including this appeal.

The Wills moved for summary judgment. The court granted the motion for summary judgment and dismissed Anderson's claims with prejudice on October 16, 2015.

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Anderson filed two motions for relief under 60(b)(1), (2), and (9) on March 14, 2016. She sought to strike the order granting summary judgment, vacate the order of dismissal, and stay proceedings until May 2016.

The court denied these motions on March 31, 2016.

Anderson filed a notice of appeal on April 19, 2016. She attached the March 31 order denying her motions for relief under CR 60(b). She also attached court orders denying her earlier motions seeking the same relief. This court dismissed her appeal as untimely except for her appeal from the March 31 order, so only that order is currently before the court.

As a threshold matter, the Wills ask that we strike Anderson's brief because it is not structured according to RAP 10.3. We realize it is difficult to draft a response to a brief that does not contain an assignment of error as required by RAP 10.3(a)(4). The commissioner's rulings in this case, however, make clear that the only issue on appeal is the March 31 order denying Anderson's motions for relief under CR 60(b). Accordingly, we do not grant the motion to strike Anderson's brief.

We review the trial court's decision under CR 60(b)(1), (2), and (9) for abuse of discretion. In re Marriage of Tang, 57 Wn. App. 648, 653, 789 P.2d 118 (1990). We will not overturn the decision unless the trial court exercised its discretion on untenable grounds or for untenable reasons. Tang, 57 Wn. App. at 652. An appeal from the denial of a CR 60(b) motion is not a substitute for an appeal and is limited to the propriety of the denial, not the impropriety of the

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underlying order. Bjurstrom v. Campbell, 27 Wn. App. 449, 450-51, 618 P.2d 533 (1980).

CR 60(b) provides that "on motion and upon such terms as are just, the court may relieve a party . . . from a final judgment, order, or proceeding for the following reasons: . . . (1) mistakes, inadvertence, surprise, excusable neglect or irregularity in obtaining a judgment or order; (2) for erroneous proceedings against a . . . person of unsound mind, when the condition of such defendant does not appear in the record, nor the error in the proceedings; . . . [or] (9) unavoidable casualty or misfortune preventing the party from prosecuting or defending."

Anderson's motions for relief under CR 60(b) assert that she was hospitalized after suffering a stroke on September 1, 2015, and would be incapacitated until about May 2016. However, during that time period she filed many motions and supporting documents in the trial court, including about six motions for relief after the order of dismissal was entered. The record shows that she was actively participating in the proceedings during the time she alleges she was incapacitated. She has not explained how her alleged stroke and hospitalization impacted her ability to prosecute her case.

Anderson has not shown that she was prevented from prosecuting her case or was of unsound mind. CR 60(b)(2), (9). Nor has she demonstrated a mistake, excusable neglect, or an irregularity in obtaining the order of dismissal. CR 60(b)(1). Because Anderson has not shown how her alleged illness impacted or impeded her ability to prosecute her case, the trial court did not

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abuse its discretion in denying Anderson's motions for relief under CR 60(b)(1), (2) and (9).

Anderson also claims that the trial court erred in refusing to consider her medical reports. She does not point to any evidence of such refusal in the record.

The Wills previously moved to dismiss Anderson's appeal as frivolous under RAP 18.9(c)(2). In a ruling on November 23, 2016, this court's commissioner denied the motion "at this time." Anderson then filed her opening brief on February 28, 2017. The Wills filed a response brief on March 30, 2017. Anderson filed a reply brief on April 26, 2017. The Wills continue to argue that the appeal is frivolous. Upon review of the briefs, we agree. As a sanction under RAP 18.9(a), we order Anderson to pay the Wills' attorney fees for this appeal, subject to their compliance with RAP 18.1(d).

Affirmed.

WE CONCUR:

