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NO. 96995-7

Court of Appeals No. 76946-4-I

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

STACIE HATCH and CHRIS HATCH,
wife and husband

Appellants,

v.

TOM LYTH AND MARJA-LIISA LYTH,
husband and wife,

Respondents.

RESPONSE TO
PETITION FOR REVIEW

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I.
INTRODUCTION

There is no reason that this case needs to be heard by the Supreme Court. Hatch's request for review is simply the latest in a series of increasingly frivolous attempts to avoid paying a judgment he agreed to in open court in 2013.

II.
STATEMENT OF THE CASE

Chris Hatch unlawfully cut down the Lyths' trees nearly a decade ago, and the Lyths sued him, his wife, and their marital community in Superior Court. See generally Lyth v. Hatch, No. 76946-4-1 at 1 (Jan. 14, 2019) ("Opinion Below"). The Hatches both appeared, were represented by counsel and defended the lawsuit. *Id.* at 2-3. In their Answer they did not deny that the marital community would be liable in the event liability existed. CP 10-13.

On the day of trial, December 3, 2013, Chris Hatch agreed to a stipulated judgment awarding the Lyths judgment against "Christian and Stacie Hatch, husband and wife, jointly and severally, and the marriage community thereof." Opinion Below at 4. The judgment was duly entered by the trial court. The Hatches did not file a timely appeal. *Id.*

More than two years later, the Hatches began a series of repeated, untimely appeals and motions attempting to avoid the judgment. *Id.* at 4-5. All have been rejected by the Whatcom County Superior Court and by the Court of Appeals (twice). *Id.*

The Hatches now request discretionary review by this Court. They ignore the many procedural defects in their various appeals. Instead, the Hatches ask the Court to reverse the Court of Appeals' unexceptional application of bedrock Washington law, which would require overturning Washington's entire community property system.

The Court should reject the request.

**III.
REASONS TO DENY THE REQUEST
FOR DISCRETIONARY REVIEW**

Discretionary review is granted only under limited circumstances:

- (1) If the decision of the Court of Appeals is in conflict with a decision of the Supreme Court; or
- (2) If the decision of the Court of Appeals is in conflict with a published decision of the Court of Appeals; or
- (3) If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or

- (4) If the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

RAP 13.4(b).

The Hatches do not clearly articulate which category they believe they fall into. However, items (1)-(2) are plainly inapplicable, and the Hatches have not briefed any constitutional arguments under item (3). Presumably the Hatches believe this case involves an “issue of substantial public interest.”

First, as an initial matter, the Hatches do not explain how the Court could reach the substance of their case given the unique procedural posture. See Opinion Below at 10. Even if there were errors of law in the judgment, the Hatches failed to timely appeal and only attempted to vacate the judgment after years of inexcusable neglect. *Id.* at 4-6, 7-8. The trial court was well within its discretion to deny their motion.

Second, the Hatches’ primary substantive contention is with the legal concept that either spouse has authority to manage community property, and to enter into binding contracts on behalf of the community. RCW 26.16.030. This core element of Washington’s community property system unsurprisingly carries over to conducting litigation.

Either spouse or either domestic partner may join in all causes of action arising from injuries to the person or character of either or both of them, or from injuries to the property of either or both of them, or arising out of any contract in favor of either or both of them.

If the spouses or the domestic partners are sued together, either or both spouses or either or both domestic partners may defend, and if one spouse or one domestic partner neglects to defend, the other spouse or other domestic partner may defend for the nonacting spouse or nonacting domestic partner also.

RCW 4.08.040.

The Hatches argue that these legal principles “cannot be.” In fact, the principles are even older than the State of Washington itself. *See generally*, Harry M. Cross, *The Community Property Law in Washington*, 49 Wash. L. Rev. 729, 733 (1974) (first community property laws passed in Washington territory in 1869).

Chris Hatch had legal authority to execute a stipulated judgment on behalf of his marital community. Opinion Below at 9-10. He did so back in 2013. He has no basis under Washington law for now claiming he was without authority. The trial court properly denied the Hatches’ motion to vacate.

There is no substantial issue of law here. This case involves a routine situation applied every day in Washington courts. The Court should reject the petition for discretionary review.

**IV.
CONCLUSION**

The Court should deny the petition for discretionary review.

DATED this 13th day of April, 2019.

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The following documents have been uploaded:

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