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Court of Appeal Cause No. 78383-1-I

IN THE SUPREME COURT OF THE STATE OF  
WASHINGTON

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Josephene Choi \_\_\_\_\_, Respondent

v.

\_Nathan Choi \_\_\_\_, [Petitioner/Appellant]

FILED  
COURT OF APPEALS DIV 1  
STATE OF WASHINGTON  
2019 JUL 15 PM 3:59

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PETITION FOR REVIEW  
DECLARATATION OF SERVICE

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### **A. Identity of Petitioner**

The Petitioner is Nathan Choi, the Appellant, who asks this Honorable Court to accept review of the Court of Appeals Opinion

### **B. Court of Appeals Decision**

Nathan Choi seeks to review the Appellate Court's April 22, 2019 Opinion. A copy of the decision is in the Appendix A. The Court of Appeals issued an Order Denying Motion for Reconsideration on June 13, 2019 attached as Appendix B.

### **C. Issues Presented for Review**

This is an issue of first impression in which a full trial was conducted to strip a father of 100 percent of this parental rights by Modifying a Parenting Plan without a Modification Petition ever filed, Filing Fees paid, Adequate Cause

granted to proceed, or anything else required by the Court Rules. The issue is whether a trial court should be required to follow the court rules or be authorized to conduct a full trial to modify a parenting plan without meeting the listed requirements as established by the rules?

The second issue which may not be ripe based on the outcome of the first is whether the trial court was collaterally estopped from finding that Nathan Choi assaulted his children. This very same issue was already resolved in Nathan Choi's favor at a prior hearing terminating Josephene Choi's DVPO.

If in fact the Supreme Court believes the trial court can violate the doctrine of collateral estoppel, the next question is if the facts presented warrant findings to contradict the issue already resolved at the prior hearing terminating Josephene Choi's DVPO.

The last issue is whether Petitioner Nathan Choi who ran in a contested Judicial election against the Honorable Susan Craighead's predecessor in interest at the King County Superior Court should hear cases involving the Petitioner personally, or anywhere in Division 1 for that matter.

#### **D. Statement of the Case**

A four day divorce trial properly concluded that Petitioner Nathan Choi should be the primary parent of 3 beautiful children finding, "...the father seems to be doing an admirable job providing care for them ...the children have been primarily residing with their father and they have been thriving... (It is noteworthy that, alone or with her new friend, she took five trips to Korea during the past

twelve months)" Immediately after the divorce trial, the Petitioner's mother started disclosing the problems she was having due to a very recent death of Petitioner's father. Petitioner's mother did not want to burden Nathan Choi with her issues while Petitioner was going through a troublesome divorce of his own. After learning about the problems of his mother which includes a very recent stroke, Petitioner Nathan Choi announced that he would be filing a relocation. That is when Josephene Choi's lies and her planned Hoax started.

Josephene Choi filed 10 unfounded allegations to CPS and made multiple Police reports claiming abuse, assault and neglect. All her allegations were found to be a untruthful. Josephene Choi simply wanted to change the Parenting Plan to prevent Nathan Choi from relocating. The Appellate Courts have repeatedly ruled that a DVPO is not the mechanism to replace a Parenting Plan. However, when Lower Courts do so anyways, crafty litigants are encouraged to develop Hoaxes alleging false DVs despite what the Appellate Courts have already ruled.

Petitioner Nathan Choi was found innocent of each and every one of Josephene Choi's "Phony" allegations including the current charge which led to trial before the Honorable Susan Craighead modifying the Parenting Plan. Every member of a liberal Bellevue Jury found that Nathan Choi did not assault any one of his children. The Gaurdian Ad Litem stated a hearing that he does not believe Nathan Choi physically abused his children. And the lower court terminated Josephene Choi's DVPO because Petitioner did not assault his children. The lower court was astute enough to inquire how is it that the eldest was able to fly 6

hours to Honolulu to swim with dolphins immediately after Josephene Choi provided a disability slip stating the eldest had such a severe concussion such that he was instructed to take it easy from school and forbidden PE.

A closer look at Josephene Choi's credit card statements show the exact dates Josephene Choi purchased the airplane tickets to Honolulu and the Walt Disney Boat Cruise to their private Island in the Bahamas. It was the very day after the eldest successfully "put something over" Dr. Das to issue the medical statement that Josephene Choi used to obtain her DVPO. What did the children do in Honolulu? Why did she go there? What do children do on a Disney Boat Cruise? They were swimming with dolphins at the Presidential Kahala Resort. Josephene has a business/immigration consultation business in Honolulu that she is the owner of. Children run around, swim, and participate in other physical activities on Disney's private island, in complete contradiction to Dr. Das's medical statement. In fact, just 15 minutes after claiming to the Emergency Room staff that the eldest could not stand because he was too dizzy and nauseated, the eldest was recorded running around and "Impersonating the Bellevue Police." The only qualified expert to determine Jedidiah's condition is a board certified neurologist. After reviewing the records, the expert testified at trial and wrote a report that Jedidiah was "Coached" to lie. This is consistent with Josephene Choi's behavioral analysis. Associated behavior health stated that Josephene Choi is a "Phony" who thinks she can "Put Something Over" others.

It is obvious that Josephene Choi "Put Something" over commissioner Bonnie Canada Thurston. However, Josephene Choi was found to be a "Phony"

when her DVPO was terminated. The Gardian Ad Litem stated he does not believe Nathan Choi assaulted his children. Josephene Choi's best friend also stated on declaration and on deposition transcripts that were admitted into evidence the eldest admitted this was a Hoax. Josephene Choi was caught red handed attempting to "Put Something Over" the trial court when her DVPO was terminated. At that point, Nathan Choi should have been compensated for all the time he was deprived from his children and for all the funds he expended contesting Josephene Choi's false allegations.

In fact, the trial modifying the parenting plan should have NEVER have taken place. Josephene Choi never filed a Petition to Modify the Parenting Plan. In fact, Gary Taylor, Josephene Choi's attorney stated on the record that he intentionally did not file the Petition because he was hoping to get a Bellevue City 5 year no contact order. Mr. Taylor was specifically instructed to file his Petition if he wanted to proceed on Josephene Choi's case. Mr. Taylor specifically stated on the record that he would. But this NEVER happened. The Court dismissed Nathan Choi's Petition, the only petition in the docket and as a result, there was nothing left to go to trial on. However, the lower court striped 100 percent of Nathan Choi's parental rights based on the trial court's desire to prevent Judicial contestants.

Once the only Petition in the Docket was dismissed, there was no jurisdiction to go to trial on. The docket is clear. Josephene Choi did not file a Petition to modify the Parenting Plan. The court transcripts are clear. Gary Taylor stated he would file a Petition and pay the fee if he wanted to proceed on

Josephene Choi's case. It's in the attached transcripts. Despite these facts, the court's desire to punish Nathan Choi was more important than following the established Court Rules. The lower court prevented Petitioner Nathan Choi from seeing or even speaking with his own children for over 3 years now. This conduct is absolutely atrocious. The lower court went out of its way to discredit overwhelming evidence conclusively proving Nathan Choi did not assault his children. In fact, the Honorable Susan Craighead stated record, that she found Josephene Choi to be incredible. The Guardian ad Litem stated on the record he does not believe Nathan Choi physically assaulted his children. The trial court already terminated Josephene Choi's DVPO based on this fact. Josephene Choi's best friends attested to this fact. All the circumstantial evidence including the false police report by the 2 younger children completely contradicting what they told the police at the day of the incident point to this fact. It has already been established Nathan Choi did not assault his children but the Honorable Susan Craighead wanted to punish Nathan Choi for running for Judge.

**E. Why Review Should Be Accepted**

This Review Should be Accepted to correct the gross injustice by the lower courts. The docket is clear Josephene Choi did not file a Modification. The transcript is clear that Gary Taylor was required to pay the required fees and file a Petition. The Appellate Court is claiming Nathan Choi's Response is equivalent to Josephene Choi filing a Petition. This is absolutely untrue. Nathan Choi can

file a hundred responses. Not one of them equals a Petition by Josephene Choi. Gary Taylor intentionally did not file a Petition because he wanted something better from the Bellevue District Court. Unfortunately for Josephene Choi, the Jury saw right through her "Phony" attempt to "Put Something Over" them. The trial court stated on the record Josephene Choi's Petition to Modify was never filed, No trial date was ever scheduled, No fees were paid as required by court rules, and finally No Adequate Cause was found on Josephene Choi's unfilled petition. Gary Taylor acknowledges Josephene Choi's petition was not filed and that he would do so if he wanted to proceed on it. The Superior Court clearly instructed Mr. Taylor to correct those deficiencies if he wanted to proceed it. But the docket is clear. That Never happened. The only Petition giving the court jurisdiction was dismissed and thus the Honorable Susan Craighead had no authority to strip 100 percent of Nathan Choi's parental rights.

The Appellate Court takes the position that since the Parenting Plan was suspended by the DVPO, there was adequate cause. The Appellate Court however fails to realize the Trial Court finally terminated the DVPO. Thus the underlying reason why Nathan Choi filed his Petition to Modify the Parenting Plan disappeared. The reason for the Adequate Cause to proceed on Nathan Choi's Petition to Modify also disappeared and thus, Nathan Choi filed a motion to dismiss his petition. The lower court correctly allowed Nathan Choi to dismiss his own Petition, but the King County Superior Court's bias is revealed by the Honorable Tanya Thrope's order to proceed to trial on a Petition by Josephene Choi that was NEVER filed.



Something is sincerely wrong and this Honorable Supreme Court must fix it. If this Honorable Supreme Court correctly concludes that a trial should not have been conducted then there are no more issues before this Court. The original parenting plan should be implemented because the sole reason for the Nathan Choi's Modification disappeared.

Otherwise, Nathan Choi continues his position that the Honorable Susan Craighead should never been the trial Judge to hear anything regarding this case. The King County Superior Court would not hear a divorce for any of their judges. Likewise, Nathan Choi should NOT be required to be heard by the Honorable Susan Craighead and Nathan Choi's motion preventing the Honorable Susan Craighead to sit on this case should have been granted.

The evidence is clear. The Guadian Ad Litem does not believe Nathan Choi physically abused his children. He stated so on the record. Gianna Kakazu is Josephene Choi's best friend and has \$3 Million reasons to lie on behalf of Josephene Choi. She was allowed to purchase 5 Hawaii condominiums and a Commercial Building in Tacoma for millions under the true market value by Josephene Choi. Gianna Kakazu flew to Bellevue to purchase the building and lived with Josephene Choi. Gianna Kakazu has known the children their entire lives and is like a biological auntie. She inquired what happened because Gianna knows Nathan Choi would never abuse his children. She discovered the truth and made it part of the record that Josephene Choi bribed the children with trips to Honolulu and a Walt Disney Cruise to prevent Nathan Choi from being the primary parent. Gianna Kakazu's should have disturbed the Honorable

Susan Craighead even more when uncontested facts that Josephene Choi lived in a separate apartment on a different floor from the children was presented. The two separate rent rolls and Gianna Kakazu's evidence conclusively shows Josephene Choi forces the children take Uber to get around; frequently instructs the eldest to unlock the building security door because she is too drunk to do so herself; and that she really does not sincerely love the children. What loving parent would teach their child to lie to doctors, guardians, to judges, and to juries?

Gianna Kakazu knows Josephene Choi's better than anybody else in this world and thus did not believe Josephene Choi's statement that she was waiting for a 3 bedroom apartment to open in the building. Knowing how deceitful Josephene Choi is, Gianna Kakazu asked management and discovered that there are no 3 bedroom apartments in the building. This prompted Gianna Kakazu to disclose everything. She did not care about the Millions she was getting from Josephene. She cared more for the psychological well being of the children. Thus all the admitted evidence shows that Josephene Choi is exactly as described in her behavioral assessment, a "Phony" who played a Hoax to "Put Something" over the court. The Honorable Susan Craighead is also intelligent and aware of this as she quipped on the record that she does not believe Josephene Choi. Therefore knowing that Josephene Choi is untruthful and a Phony who is known to attempt to Put Something Over others, there is a sincere problem of conducting a hearing and stripping 100 percent of Nathan Choi's parental rights in this situation.

Thankfully Mr. Taylor intentionally did not file his Petition, and there is no question lower court is not following black letter law. This injustice needs to be corrected here and now! Nathan Choi must be compensated for the time that he was robbed. This Honorable Supreme Court has the opportunity to show they are truly Honorable and do what a Supreme Court is meant to do by correcting a lower court's ruling when they are incorrect.

**F. Conclusion**

Petitioner Nathan Choi ask this Honorable Supreme Court to Set Aside each and every Finding and Order from this trial; Reinstate the original parenting plan and allow Nathan Choi to proceed with his Petition to Relocate with his children.

July 14, 2019

Respectfully submitted,



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Nathan Choi, Petitioner

IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON

In the Matter of the Marriage of  
JOSEPHENE CHOI,  
  
Respondent,  
and  
NATHAN CHOI,  
  
Appellant.

No. 78383-1-I  
DIVISION ONE  
UNPUBLISHED OPINION

FILED: April 22, 2019

LEACH, J. — Nathan Choi appeals a number of orders entered in this parenting plan modification proceeding. He claims that the trial court did not have authority to consider Josephene Choi's request for modification, that Ms. Choi did not demonstrate a substantial change in circumstances, and that venue should have been transferred to a different county. Because Mr. Choi's claims lack merit, we affirm.

BACKGROUND

On December 12, 2014, Nathan and Josephene Choi filed a joint petition for dissolution of their marriage.<sup>1</sup> The trial court appointed a guardian ad litem (GAL) to evaluate the relationship between them and their three children.<sup>2</sup> The

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<sup>1</sup> For clarity, this opinion refers to the parties by their first names.

<sup>2</sup> The trial court appointed Alan Ruder twice, first during the initial dissolution and then again after filing of the petitions for modification of the parenting plan.

case proceeded to trial. Both the GAL and the judge hearing the trial found that both parents lacked credibility, which complicated their respective tasks. The trial court found that both parents engaged in "offsetting offenses of 'abusive use of conflict.'" It adopted a final parenting plan that placed primary residential care with Nathan but did not impose any RCW 26.04.191 restrictions on Josephene. The trial court also rejected Nathan's request to relocate the children to Hawaii because he did not make it in good faith.<sup>3</sup>

On May 18, 2016, the Bellevue Police Department responded to a 911 call from the parties' middle child reporting that Nathan had pushed their oldest child, whose head struck a wall. The police arrested Nathan for allegedly assaulting the oldest child.

The trial court's unchallenged findings describe the events immediately after Nathan's arrest. "On May 19, 2016, [Josephene] filed a petition for a domestic violence protection order [DVPO] to protect herself and the three children, which was granted on a permanent basis July 21, 2016. On June 30, 2016, [Josephine] filed a petition for modification of the parenting plan."<sup>4</sup> The DVPO suspended the parenting plan.

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<sup>3</sup> This court earlier affirmed the trial court's final parenting plan, denial of motion for relocation, and decree of dissolution in In re Marriage of Choi, No. 74569-7-I (Wash. Ct. App. Apr. 24, 2017) (unpublished), <http://www.courts.wa.gov/opinions/pdf/745697.pdf>, review denied, 189 Wn.2d 1032 (2018).

<sup>4</sup> On its order for adequate cause, the court states that Josephene "filed a petition for modification in 2016 with no case schedule ever generated."

Next, Josephene served notice of the petition for modification and summons on Nathan. On July 15, Nathan filed a response to Josephene's petition. On January 25, 2017, Nathan filed a petition for modification of the parenting plan.

The parties moved for adequate cause. On May 10, 2017, the trial court found adequate cause "based upon both parties."<sup>5</sup> Nathan did not seek a revision of the adequate cause ruling. He did not attend the June 16, 2017, status conference where the court found that it did not need to address any additional issues at trial.

The trial court reappointed the GAL, who then prepared a report for the March 2018 trial. A commissioner granted Nathan's motion to terminate the DVPO on January 18, 2018. But because the GAL reported that the children feared their father, the trial court ordered that they remain with their mother. It also restrained Nathan from contacting the children.

On February 23, 2018, the court granted Nathan's request to dismiss his modification petition. It denied as untimely his request for a trial continuance because he "had at least 14 months to complete discovery [and] chose not to seek any relief from the court for discovery issues until three weeks before trial." On March 13, 2018, in response to Nathan's motion for recusal, Judge Craighead replaced Judge Thorp as the trial judge.

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<sup>5</sup> Nathan left without signing the adequate cause order.

The case proceeded to a four-day trial in March 2018. After the close of testimony, Nathan asked for a change of venue. The trial court granted Josephene's request to modify the parenting plan. It made findings of fact and conclusions of law supporting its decisions, adopted a modified parenting plan placing primary residential care with Josephene, and denied Nathan's request to change venue. The trial court also found that Nathan should have no contact with the parties' children or participate in making decisions on their behalf until his "mental health issues have been diagnosed, treated, and remedied."

Finally, because Nathan "has filed numerous motions, serial relocation requests, and several other cases related to the children since the dissolution trial," the trial court restrained Nathan from filing "motions in this case or other new cases involving his children other than a motion for reconsideration and an appeal." It stated, "If he fails to comply with this order, the Court will strongly consider entering an order construing him to be a vexatious litigant, which will restrict his ability to file electronically."<sup>6</sup>

Nathan appeals.

#### ANALYSIS

Nathan identifies three issues in his assignments of error. First, he claims that the trial court did not have authority to modify the parenting plan because Josephene did not file a petition to modify and the trial court did not make a

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<sup>6</sup> The court also stated, "[Mr. Choi] has submitted documents and exhibits that either were not what they purported to be or where he forged signatures."

finding that she had demonstrated adequate cause. Next he claims that the record does not establish any "significant change in circumstance." Finally, he challenges the denial of his request for a change of venue.

The Trial Court Had Authority To Modify

Nathan contends that the lower court should not have modified the parenting plan because, he claims, Josephene never filed a petition for modification and the trial court did not make an adequate cause finding for her request. This court reviews a challenge to the trial court's decision-making authority de novo. Nathan's challenge to the court's authority fails.

First, Nathan has not challenged any of the trial court's findings of fact. So we accept them as true for this appeal.<sup>7</sup> The trial court's order on adequate cause includes a finding that Josephene "filed a petition for modification in 2016 with no case schedule ever generated." In findings made in a February 23, 2018, order denying Nathan's continuance request, the trial court stated that Nathan was "well aware that both Petitions [his and Josephene's] are before the court for trial." Finally, the trial court's April 13, 2018, findings of fact, made after trial, state that "[o]n June 30, 2016, [Josephene] filed a petition for modification of the parenting plan."

Second, Nathan filed a response to Josephene's petition, which did not raise this issue, thus waiving any claim of procedural defect. As noted by the trial

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<sup>7</sup> In re Marriage of Brewer, 137 Wn.2d 756, 766, 976 P.2d 102 (1999).



court in its February 23, 2018, findings, "To claim otherwise is disingenuous given Respondent's own actions to file a Response" to Josephene's petition."

Nathan also contends that the trial court did not make the adequate cause finding required for the case to proceed to trial on Josephene's request to modify the parenting plan. RCW 26.09.270 requires that a court make a finding of adequate cause before it may modify an existing parenting plan that governs residential time with a child.

The record belies Nathan's position. The trial court found adequate cause because "[t]he parenting plan entered following trial was suspended in 2016 by a Domestic Violence Order for Protection" and "both parties assert the need for the trial court to determine the best interest of the children." Nathan does not challenge these findings, so we consider them true. They reflect a finding of adequate cause for each parent's modification request.

Nathan contends that he filed his petition for modification in response to the DVPO and once the court dissolved the DVPO, it permitted him to withdraw the petition. So, he claims, there was nothing for the trial court to consider. But he identifies nothing in the record that supports his contention.<sup>8</sup> Instead, he discusses the DVPO and his criminal assault trial, contends that the "sole purpose of [Josephene's lawyer's] representation is devious," discusses the hearing to terminate the DVPO, and brings up Josephene's request for a five-

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<sup>8</sup> Nathan's citations to the record are few and are generally irrelevant to the point he is making. Also, the record he filed is incomplete and does not include full records of the proceedings to which he refers.

year no-contact order from the City of Bellevue. None of this addresses whether the trial court made the required adequate cause finding.

Nathan does not establish that the trial court lacked the authority to modify the parenting plan.

The Court Properly Found a Substantial Change in Circumstances

Nathan contends that the court should not have modified the parenting plan because Josephene did not prove a "significant change in circumstance." Specifically, he asserts that the only change in circumstance shown was the issuance of the DVPO against him. So, he claims, when the court terminated the DVPO, any change in circumstances disappeared.

This court reviews parenting plan decisions for manifest abuse of discretion.<sup>9</sup> Only if the trial court makes a manifestly unreasonable decision or bases its decision on untenable grounds or untenable reasons does it abuse its discretion.<sup>10</sup> The appellant bears the "heavy burden of showing a manifest abuse of discretion."<sup>11</sup>

RCW 26.09.260 governs modification of parenting plans.<sup>12</sup> This statute requires that a court find a substantial change in the circumstances of the child or the nonmoving party before modifying a parenting plan. The court must also find

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<sup>9</sup> In re Marriage of Chandola, 180 Wn.2d 632, 642, 327 P.3d 644 (2014); In re Marriage of Katare, 175 Wn.2d 23, 35, 283 P.3d 546 (2012).

<sup>10</sup> Chandola, 180 Wn.2d at 642; Katare, 175 Wn.2d at 35.

<sup>11</sup> In re Marriage of Kim, 179 Wn. App. 232, 240, 317 P.3d 555 (2014) (quoting In re Marriage of Landry, 103 Wn.2d 807, 809, 699 P.2d 214 (1985)).

<sup>12</sup> Bower v. Reich, 89 Wn. App. 9, 14, 964 P.2d 359 (1997).

that modification is necessary for the best interests of the child.<sup>13</sup> The court may alter the residential schedule if “[t]he child’s present environment is detrimental to the child’s physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child.”<sup>14</sup>

As noted earlier, Nathan has not assigned error to the trial court’s findings.

An appellate court treats unchallenged findings as true on appeal.<sup>15</sup>

The trial court’s uncontested findings include the following:

3. On April 9, 2016, Pastor Yung Cho received an email from J.E.C.<sup>16</sup> The children had attended Mr. Cho’s church when they were living with their mother and the young man evidently perceived Pastor Cho as someone he could rely upon. In his email, J.E.C. told Pastor Cho that he and his sisters were not getting enough food and that they were scared of their father.
4. After contacting the police the next day, Pastor Cho went to the home to investigate. Mr. Choi was not there. The children showed him around the home. Pastor Cho described the kitchen as very dirty and the overall condition of the home to be “alarming.”
5. He talked with the girls, who he said were not doing well and were very scared of their father.
6. Mr. Choi arrived home. He was very upset to see the pastor there, and contradicted his children’s report by saying he was doing a good job caring for them. He did not seem

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<sup>13</sup> RCW 26.09.260(1).

<sup>14</sup> RCW 26.09.260(2)(c).

<sup>15</sup> Brewer, 137 Wn.2d at 766.

<sup>16</sup> The parties’ son, their oldest child. For purposes of this opinion, the children’s names are redacted and replaced by initials without including punctuation to avoid repetition. Similarly, the mother will be referred to as Josephene throughout the findings.

concerned that the children were afraid of him. Eventually he told the pastor to leave his property or Mr. Choi would shoot him. Fortunately, the police arrived and took over.

7. As Pastor Cho was leaving, the children were in tears and looked scared. He was very afraid of what might happen to them when they were alone again with their father.

....

9. The Choi children next came to the attention of the authorities when Josephene brought J.E.C. to the emergency room April 21, 2016, due to pain in his pinky finger. Apparently, he had been injured when he and his father were tussling over a laptop computer and Mr. Choi closed the cover on J.E.C.'s finger. The finger was sprained.

10. On April 29, 2016, Mr. Choi appeared at J.E.C.'s school and tried to pick him up even though it was Josephene's day to pick him up. J.E.C. did not want to go with him. The school principal saw Mr. Choi physically pulling his 14-year-old son as J.E.C. held on to the door jam. The principal intervened and sent the boy to her office, while telling Mr. Choi that he could not do that to his son. It was her impression that J.E.C. was afraid of his father.

11. On May 5, 2016, the children came back from an evening with their mother. He accused them of being "traitors" and asked what they had done with the "wicked witch."

....

13. On May 18, 2016, H.H.Y.C.<sup>[17]</sup> called 911 to report that Mr. Choi had pushed J.E.C., whose head struck a wall. The GAL, as well as the police, interviewed all three children separately about this incident, and in both set[s] of interviews, the children's accounts were consistent with one another and inconsistent with Mr. Choi's account. Child Protective Services considered this a "founded" referral.

14. On this date, Mr. Choi had brought fried chicken home for the children and then went to his room. When he came out he became upset because they were eating the chicken in rooms other than the kitchen. He ended up gathering the

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<sup>17</sup> The parties' middle child, a daughter.

children in J.E.C.'s room. Mr. Choi said negative things about their mother, including calling her an "adulterer." H.Y.U.C.<sup>(18)</sup> stood up for their mother and an argument ensued between the girls and their father. The GAL reported that Mr. Choi pushed H.Y.U.C.'s neck and snatched H.H.Y.C.'s glasses and pulled her nose.

15. According to the children's report to the GAL, Mr. Choi left the room, supposedly to call his lawyer to find out if it was okay for him to hit the children. As they heard him outside the room on his cell phone, they blocked the door with a piece of furniture.
16. Eventually, Mr. Choi was able to enter the room and was threatening to hit the girls. J.E.C. told his father to stay away from the girls. According to the children, Mr. Choi pushed J.E.C. to the floor. When the young man got back up, Mr. Choi pushed him back against the bed resulting in J.E.C. hitting his head on the wall. Once Mr. Choi left the room, 911 was called.
17. As it happened, while the police cars and ambulance were at the house, the children's longtime violin teacher, Young Moon Chung, was driving by the house. He stopped and tried to comfort the two girls, who appeared to him very scared. They told him a story consistent with what they told the GAL and the police. He called Josephene, who had already been contacted and was on her way. He then went on his way.
18. When the police arrived, they found three frightened children who opened the door for them. The girls were bear-hugging stuffed animals. J.E.C. was looking over his shoulder and down the hall. He told them he was scared of his father. He reported that when his head hit the wall his vision "flashed white" and he became dizzy and his ears "sort of rang." The officer noted that, despite no visible injury, J.E.C. appeared slightly disoriented, off-balance, and short of breath.
19. Mr. Choi was home, but took his time coming to the front door. The police saw him through the window. J.E.C. was being treated by the medics and they told police he had a very high blood pressure, which could indicate a concussion. Mr. Choi asked if J.E.C. was okay, because he was

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<sup>18</sup> The parties' youngest child, also a daughter.

"worried." After questioning Mr. Choi, the police arrested him.

....

25. The children told the GAL that Mr. Choi tried to keep them apart by sending them to their rooms. Mr. Choi himself was often holed up with Ms. Wang [Nathan's girlfriend] in his home office. They said he did not prepare meals, so J.E.C. warmed up frozen burritos. It fell to J.E.C. to get the girls off to school. They were often hungry.

....

29. The children—especially J.E.C.—were very close to their dog, Coco. As a form of discipline, Mr. Choi would threaten to take the dog to the pound. On one occasion Mr. Choi actually drove J.E.C. and the dog to the pound in an attempt to discipline him.

30. Gifted musicians, the children were not allowed to practice their instruments at home. Mr. Choi terminated their private lessons. He would not allow them to participate in sports, extra-curricular activities, or have tutoring.

31. Once they were placed with their mother, Mr. Chung resumed music lesson with them. He testified that initially the girls were "grumpy," but with time they are returning to their old selves. The youngest girl did not smile for six months and had become very quiet, where she used to be effusive.

32. The children have not seen their father since the May 18, 2016, incident except for at the criminal trial. It should be noted that Mr. Choi was acquitted.

....

35. A petition for non-parental custody was filed July 29, 2016 (case no. 16-3-04629-4-KNT), supposedly by Mr. Choi's mother. He testified that his mother gave him permission to sign her name to the petition. This was a petition in which the mother had to allege that both parents were unfit. This would be a mechanism to move the children to Hawaii, which is what Mr. Choi really wanted.

36. A pro tem Commissioner signed an ex parte temporary order allowing for placement of the children with the grandmother. Much was made at trial about language in the order providing for a civil standby to allow the children and their belongings to be collected. Josephene's attorney asserted that this language was included in the order after the Commissioner signed it. This Court reviewed the hearing on FTR<sup>[19]</sup> and determined that the Commissioner in fact did order the children to be picked up with a civil standby. It is not clear that this was a lawful order, but the Court finds that Mr. Choi did not add language to the order without the Commissioner's knowledge.
37. That said, the way Mr. Choi and his mother executed this order was completely inappropriate. The first Josephene heard of this order was when a man pounded on her door one night announcing he was there to pick up the children. Mr. Choi's mother was present, the first time she had come to Seattle. The man turned out to be a friend of Mr. Choi's acting as a process-server. The children and the mother were terrified and called the police. The police eventually sorted things out and the children stayed with their mother, but a lot of damage was done to their sense of security. The next day Josephene and her attorney went to court to address the issue. The petition for non-parental custody was dismissed.
38. On May 12, 2016, Mr. Choi filed a petition for a Sexual Assault Protection Order [SAPO] against Josephene's parents (case no. 16-2-11366-4 KNT). The allegation was salacious, and as near as this Court can tell, completely false. When the SAPO petition was dismissed in one courthouse, Mr. Choi then filed for a DVPO in the other courthouse on May 20, 2016 (case no. 16-2-11898-4 SEA). Both actions were dismissed.
39. Various issues arose at trial that raised significant questions about Mr. Choi's veracity, judgment, and mental health. Judge Downing noted many concerns regarding Mr. Choi's veracity. Since the trial, Mr. Choi admitted to selling the family home (worth about \$2 million) to Ms. Wang, in exchange for \$200-300,000 in cash. Other than perhaps constituting an effort to evade creditors, this transaction would appear to make little sense and certainly does not

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<sup>19</sup> King County audio recording system, For The Record.

contemplate stability for the children. It appeared both from Ms. Wang's testimony and the Court's observation that Ms. Wang did not sign the form indicating that the sale was exempt from excise tax. As Mr. Choi was awarded the home in the dissolution its subsequent sale was not exempt from excise tax. In fact, Mr. Choi admitted to failing to pay business or personal income tax since moving to Washington. He also admitted to purchasing and registering his cars in Oregon to avoid paying Washington taxes.

- .....
41. This Court agrees with Judge Downing that neither parent is a great role model for the children. The GAL is concerned, as was Judge Downing, that the children do not feel compelled to tell the truth. That said, at this point the children do not want to return to Mr. Choi's care. Their accounts of the May 18, 2016 incident are credible. In the circumstances of that incident, it does not appear to the Court that Josephene could have orchestrated the entire event and coached the children about what to say. Thus Josephene's credibility, while questionable, is not as important in this trial as it was in Judge Downing's trial. What is important is the credibility of the children and Mr. Choi.
  42. Mr. Choi was confronted with statements by J.E.C. that he had seen unsecured firearms in Mr. Choi's room. Mr. Choi admitted to having three firearms on the premises. He testified under oath that he purchased firearms in Washington and sent them to people in Hawaii without any kind of background check on his Hawaiian customers. The children's fear of Mr. Choi is better understood in light of the firearms in the house.
  43. J.E.C.'s diary is very revealing on the subject of Hawaii.<sup>[20]</sup> He comments that his father was always talking about moving back to Hawaii, where everything would be perfect and the children would live in a waterfront home. He would go on and on about the beaches and the weather and how

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<sup>20</sup> The trial court stated in finding 12 that it was "wary of relying on it [the diary] too much because it could have been written by" Josephene. But, it goes on to state, "[A]fter reading it, this Court concurs with the GAL that it reads like a teenager with good writing skills who wrote the diary contemporaneously with the events."



he could once again make plenty of money. He told J.E.C. that they could move to Hawaii if only his mother would agree.

44. At trial, there were moments when Mr. Choi's *pro se* cross-examination became bizarre, such as when, out of the blue, he asked the mother about the occasion when H.Y.U.C. was hit in the head with a pick ax. Josephene appeared mystified. Mr. Choi sorted through papers for some time attempting to prove up this allegation, but was unable to do so.
45. Mr. Choi testified at trial, both on "direct" and cross-examination. Since he was representing himself, he was allowed to simply tell the Court what he wanted it to know, subject to objections. What followed was lengthy testimony that can best be described as "stream of consciousness." Mr. Choi jumped from one topic to another, focusing primarily on the mother's lack of credibility and her flaws as a parent. These issues are valid and were addressed extensively by Judge Downing. Mr. Choi acknowledged feeding the children "bad food." In describing the May 18th incident, Mr. Choi giggled as he recalled how H.H.Y.C. appeared after he twisted her nose—she looked "like Rudolph."
46. Mr. Choi testified that he was devastated by Judge Downing's decision not to let him relocate with the children to Hawaii, where his business prospects were brighter. He realized that he would have to cut back on his spending when it became clear he had to stay in Washington. As a result, he could not pay for lessons for the children, take them out for meals, or buy them gifts. He resented the fact that Josephene was still able to be generous with the children.
47. Mr. Choi's presentation of his case was very disorganized. He claimed that he was surprised to be going to trial, thinking that the Court would grant a last minute continuance. Allegedly because he was surprised, he failed to subpoena a witness he thought would be important until Saturday, March 10, 2018, despite the fact that the witness would be flying in from Hawaii. In an effort to ensure Mr. Choi got a fair trial, the Court admitted in evidence the testimony of Gianna Kakazu [the mother's friend] from her deposition, despite the fact it was hearsay and the fact that

Mr. Taylor [the mother's attorney] did not receive notice of the deposition.

48. Mr. Choi was routinely late to Court (for example, arriving after 10:00 am), both to begin in the mornings and returning from recesses. He also had been late and left early from arbitration.

Based on these findings, which are verities, the trial court concluded:

49. It appears to the Court that there has been a substantial change in circumstance since the Parenting Plan was entered by Judge Downing in December, 2015. Judge Downing's findings were critical of Mr. Choi in many respects, but they do not portray the man this Court observed or learned about from testimony and exhibits describing the several months after trial that the children were placed with him as the primary residential parent. Concerns about Mr. Choi's ability to feed and care for the children were not raised at the dissolution trial, and the children were living with him before that trial.
50. It appears to this Court that Mr. Choi was devastated by the denial of relocation to Hawaii and this may have caused him to fall apart. It would take a psychologist to determine if this theory is accurate, but it is nonetheless compelling. In any case, the children's lives deteriorated significantly after the trial. They were not adequately fed, they were punished with isolation from one another, threats to their beloved dog, and were living in a very dirty, disorganized home. They were not allowed to attend music lessons or practice their instruments.
- .....
52. Since the dissolution trial, J.E.C. has been injured as a result of assaults by his father; his sisters witnessed the assault on May 18, 2016, during which J.E.C. attempted to protect his sisters.
53. There is no indication that any of these conditions were present prior to the dissolution trial; the primary focus of physical abuse at the dissolution trial was related to the

mother. These allegations have subsequently been disavowed.

54. By a preponderance of the evidence, this substantial change in circumstance is related to the father, who is the non-moving party. RCW 26.09.260(1).
55. The children's environment in his home is detrimental to their physical, mental, and emotional health. They have lived with their mother for almost two years now without seeing their father. It is plain that if any harm was caused by disrupting their placement with the father, it is far outweighed by the advantages of moving to their mother's care. The children have relaxed and begun to enjoy things like music again, as their violin teacher testified.
56. By a preponderance of the evidence presented, it is clearly in their best interest to have their primary residential placement switch to their mother's home.
57. While the children should see their father, it is apparent to the Court that they are disturbed by Mr. Choi's behavior, as well as frightened by the abuse they experienced in his care. No visits shall occur unless and until Mr. Choi participates in a comprehensive psychological evaluation by an evaluator named in the parenting plan. This evaluator must be prepared to come to Court to testify in person about their findings and recommendations. Given Mr. Choi's willingness to submit forged documents to the Court, the Court cannot rely on a written report alone.

These findings support the trial court's conclusions. The findings describe children in an environment detrimental to their needs. They also describe incidents of physical abuse. The findings state that the children's moods deteriorated during their time living with their father. The trial court found that Nathan's parenting changed for the worse after the court denied his relocation request. The trial court did not abuse its discretion by deciding that the best

interest of the children, at that point in time, justified modification of the parenting plan.<sup>21</sup>

Nathan asserts that the trial court abused its discretion because, he contends, Josephene's "allegations are clearly lies she created to usurp the parenting plan." But the trial court's findings support its conclusions, and the trial court did not base its findings on Josephene's allegations alone. The trial court relied on, among other things, the evidence provided in the GAL report and the trial testimony from multiple witnesses.

Nathan undermines his argument by generally failing to cite to the record and, when he does, cherry-picking paragraphs and citing to evidence unrelated to any issue before the court.<sup>22</sup> And he does not cite to any legal authority.<sup>23</sup> RAP 10.3(a)(5) and RAP 10.3(a)(6) require an appellant to support his arguments and factual statements with references to the record. "Where no authorities are cited in support of a proposition, the court is not required to search

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<sup>21</sup> State v. Garcia, 45 Wn. App. 132, 140, 724 P.2d 412 (1986); State v. Slemmer, 48 Wn. App. 48, 57, 738 P.2d 281 (1987). In addition to failing to assign error to the findings, Nathan did not provide a complete record to allow this court to evaluate his claim. The appellant has the burden of providing a record sufficient to review the issues raised.

<sup>22</sup> For example, "Please look at Josephene Choi's business ad inviting illegal aliens to call her." These pages include an ad in Korean and the text of 8 U.S.C. § 1229b.

<sup>23</sup> His one citation in his opening brief, Daligcon v. Daligcon, is an unpublished opinion from this court.

out authorities, but may assume that counsel, after diligent search, has found none."<sup>24</sup>

In his reply brief, Nathan contends that collateral estoppel bars Josephene from raising the issue of putative assault of the children by Nathan. He cites no authority for his implied assertion that an acquittal on a criminal charge controls a factual determination in a civil proceeding with a lower burden of proof. We reject this contention as incorrect on its face.

The Trial Court Did Not Abuse Its Discretion When It Denied Nathan's  
Motion for Change in Venue

Nathan challenges the trial court's denial of his request to change venue. He contends that he cannot receive a fair trial in King County. This court reviews a trial court's discretionary ruling on a request to change venue for abuse of discretion.<sup>25</sup> An abuse of discretion occurs when no reasonable person would adopt the trial court's position.<sup>26</sup>

RCW 4.12.030(2) authorizes a court to change venue "when it appears by affidavit, or other satisfactory proof [t]hat there is reason to believe that an impartial trial cannot be had therein."

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<sup>24</sup> State v. Logan, 102 Wn. App. 907, 911 n.1, 10 P.3d 504 (2000) (quoting DeHeer v. Seattle Post-Intelligencer, 60 Wn.2d 122, 126, 372 P.2d 193 (1962)).

<sup>25</sup> Hickey v. City of Bellingham, 90 Wn. App. 711, 719, 953 P.2d 822 (1998) (citing Baker v. Hilton, 64 Wn.2d 964, 965, 395 P.2d 486 (1964)).

<sup>26</sup> Mayer v. City of Seattle, 102 Wn. App. 66, 79, 10 P.3d 408 (2000).

Nathan provides no argument in his opening brief to support his claim.<sup>27</sup> He addresses it for the first time in his reply brief in the section titled "FURTHER P[RO]CEEDINGS SHOULD BE HELD IN A DIFFERENT VENUE BECAUSE THE EVIDENCE SHOWS THE KING COUNTY JUDIC[I]ARY IS BIAS[ED] AGAINST NATHAN CHOI." We do not consider issues addressed for the first time in a reply brief. And, even here, he does not cite legal authority or those parts of the record supporting his claim.<sup>28</sup>

Although he does not cite to it, the record does include his motion and affidavit. And these show that Nathan failed to offer satisfactory proof that an impartial trial on his claim could not be held in King County. In these filings, Nathan asserted, "The King County Judiciary is known to punish[ ] any attorney who runs against any of their members. This unfortunate culture is evident in the manner that Nathan Choi's case has been handled." He then lists his grievances with the trial court, some of which are the subject of his appeal. He provides no evidence that either the judge who heard his case or the other members of the King County Superior Court bench were not impartial. The trial court did not abuse its discretion when it denied his request to change venue.

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<sup>27</sup> It appears that he originally intended to because the table of contents lists a section titled "Court should transfer this cause to Grant County." This section does not actually appear on the page to which he refers, and it does not appear anywhere else in the brief.

<sup>28</sup> Instead, he cites to appendices attached to the reply brief. The respondent did not file a motion to strike. We decline to review materials outside of the record.

Restraining Order

In his notice of appeal, Nathan identifies an April 13, 2018, restraining order as a subject of his appeal. But he does not assign error to it and does not discuss it in either of his briefs. Because he does not provide any argument supporting his appeal of this order, we decline to review it.

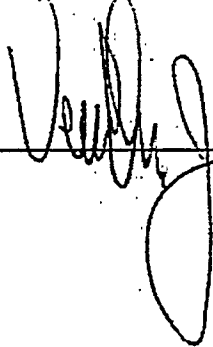
Attorney Fees

Josephene requests this court to award attorney fees. Because she did not comply with the requirements of RAP 18.1(b), we deny her request.

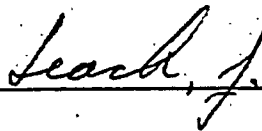
CONCLUSION

We affirm. Nathan does not establish that the trial court lacked the authority to modify the parenting plan. He does not show that the trial court abused its discretion when it modified the parenting plan or when it denied his request to change venue.

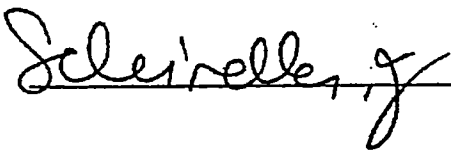
WE CONCUR:



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IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON

In the Matter of the Marriage of  
JOSEPHENE CHOI,  
  
Respondent,  
  
and  
  
NATHAN CHOI,  
  
Appellant.

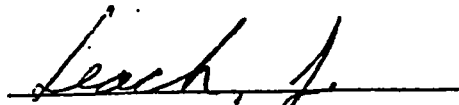
No. 78383-1-I

ORDER DENYING MOTION  
FOR RECONSIDERATION

The appellant, Nathan Choi, having filed a motion for reconsideration herein, and the hearing panel having determined that the motion should be denied; now, therefore, it is hereby

ORDERED that the motion for reconsideration be, and the same is, hereby denied.

FOR THE COURT:

  
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Judge



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SUPERIOR COURT OF WASHINGTON  
COUNTY OF KING

In re the Marriage of:

JOSEPHENE CHOI,  
Petitioner,

And

NATHAN CHOI,  
Respondent

CASE NO.: 14-3-08013-5 SEA

TRANSCRIPT OF AUDIO RECORDING OF

KCCH-W275\_20170510

TRANSCRIBED BY: Karen Childs  
March 11, 2018

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TRANSCRIPTION

COMMISSIONER MELINDA J. TAYLOR: Good afternoon.

GARY TAYLOR: Good afternoon.

COMMISSIONER MELINDA J. TAYLOR: Could you please identify yourselves for the record.

NATHAN CHOI: Sure, my name is Nathan Choi. I am the, uh, respondent, Your Honor.

COMMISSIONER MELINDA J. TAYLOR: Thank you.

GARY TAYLOR: And I am Gary Taylor, Your Honor for, here for Josephine Choi, petitioner.

COMMISSIONER MELINDA J. TAYLOR: Thank you, this is, uh, Notice of Hearing for Adequate Cause.

COMMISSIONER MELINDA J. TAYLOR: Let me check something [INAUDIBLE].

COMMISSIONER MELINDA J. TAYLOR: Is there anything preliminarily that you have?

GARY TAYLOR: Well, procedurally, Your Honor, uh, technically we're really trying to get, have Adequate Cause on behalf of Mrs. Choi.

COMMISSIONER MELINDA J. TAYLOR: Well, and I'll clarify that too. I read that, that you sought Adequate Cause on your cross motion. But, the problem is, is that your petition was never filed, and there's no

1  
2 case scheduled for your petition. The only case scheduled that the court  
3 has is for, uh, Mr. Choi's petition.

4 GARY TAYLOR: Actually, our petition did get filed, and Mr.  
5 Choi's...

6 COMMISSIONER MELINDA J. TAYLOR: It's not.

7 GARY TAYLOR: ...response got filed.

8 COMMISSIONER MELINDA J. TAYLOR: His response is there. I  
9 saw that it was filed July 15. And you have a summons on file. But I  
10 couldn't find the petition, and I spent quite some time trying to figure it  
11 out. But there's no case schedule. So...

12 GARY TAYLOR: That's right.

13 COMMISSIONER MELINDA J. TAYLOR: Did you not pay a filing  
14 fee?

15 GARY TAYLOR: I thought so, but what happened was, uh, after Mr.  
16 Choi, uh, responded, he had a criminal trial coming up where the  
17 prosecutor was going to be potentially asking for a five-year no contact  
18 order, so we just decided to hold off on an Adequate Cause hearing.

19 And that criminal trial has been continued several times, uh, and is now,  
20 I think set for next week. Um, and, but, I do have... I think I do have a  
21 copy of Your Honor, of the court-stamped petition, or, uh, change the  
22 parenting plan. It was an unusual situation, uh, I don't, I think you may  
23 have [OVERLAPPING]  
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2 COMMISSIONER MELINDA J. TAYLOR: Well here, herein lies the  
3 problem. If it, this, you're talking about almost a year ago.

4 GARY TAYLOR: Yes.

5 COMMISSIONER MELINDA J. TAYLOR: So, Adequate Cause, the  
6 deadline in any case scheduled that would have an issue for that petition  
7 has passed. And I don't have the authority to extend that. So, you would,  
8 effectively need, need to file a new [OVERLAPPING]

9  
10 GARY TAYLOR: A new petition. We can do that.

11 COMMISSIONER MELINDA J. TAYLOR: And then, either it can be  
12 agreed, or whatever. But I can't, it doesn't appear, there's no, um,  
13 there's a summons on modification, which is two pages. And then, that  
14 was on July 13.

15  
16 GARY TAYLOR: Right.

17 COMMISSIONER MELINDA J. TAYLOR: And so, I'm not sure if the  
18 clerk's office miss filed the document, that happens.

19 GARY TAYLOR: I wonder...

20 COMMISSIONER MELINDA J. TAYLOR: Potentially, they show up  
21 in random case schedules, but there's no way I could trace that, right?  
22 So, um, and there's no new case schedule entered.

23  
24 GARY TAYLOR: Right.

25 COMMISSIONER MELINDA J. TAYLOR: So from that, from the  
26 Judge's standpoint, and from the case schedule standpoint, I can't rule  
27 on that petition, because it's so long passed [OVERLAPPING]  
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GARY TAYLOR: Right.

COMMISSIONER MELINDA J. TAYLOR: That the trial date would have, would be now. And Adequate Cause [UNINTELLIGIBLE] have passed.

GARY TAYLOR: And I understand that Your Honor. What's happened here is, uh, as you can see from the filing, I suppose, was a hearing, uh, for protection order, uh, last July. And Commissioner Canada Thurston entered a one-year no contact order and suspended the parenting plan, leaving the children with my client, and said, you have to file a petition for modification within one year, so, we have until July 21 to meet that deadline. And the order that, uh, Commissioner Canada Thurston suspended will stay in effect until July 21. Uh, but regarding the Adequate Cause hearing today Your Honor, Mr. Choi is trying to petition to modify a parenting plan that already has Mr. Choi having the children. It's just that it's been suspended.

COMMISSIONER MELINDA J. TAYLOR: So I'm going to allow the argument, and then I can make a ruling on that, okay? So, go ahead [OVERLAPPING]

NATHAN CHOI: Thank you Your Honor. I think he cross moved on my motion, so that means he kinda concedes to it. I mean, I don't know, I [UNINTELLIGIBLE] [OVERLAPPING]

COMMISSIONER MELINDA J. TAYLOR: He sought, he cross mos-, motioned on, by his own petition. By his own petition [OVERLAPPING]

1  
2 NATHAN CHOI: Oh, okay. Well, I mean, I... anyways, and also, he  
3 sent me an email saying that yeah, I will stipulate to it. And so, I thought  
4 we already stipulated to it. Um, there is no parenting plan, and there was  
5 a third party, uh, non-parental custody that was brought in vol-, well that  
6 was done. And basically, they wanted to take the children away from her  
7 because she's... actually crazy. Um, you can see the order that she was  
8 ordered to see a psychologist at the PhD level. And, um, she, basically  
9 ignored it and just kept ignoring it. And it, I mean, it went through all  
10 kinds of different steps, and basically what she has done is, my charge is  
11 back in May 18 Your Honor, and it is now like a year. Um, speedy trial is  
12 usually 90 days, but, thanks to Mr. Taylor and his involvement, they've  
13 just been pushing it out and doing everything they can to stop it, because  
14 they realize it didn't happen. Everything is all fake. Your Honor, you can  
15 see the pattern of this individual. The respondent didn't even show up  
16 because she doesn't want to answer to, what is American College? Why  
17 she got \$13,000 from them. Or from her, Jin Sook. She doesn't want to  
18 answer the questions about why he's teaching people DV, how to claim  
19 false DVs. She doesn't want to answer why she made a statement to the  
20 Federal Way Police Station about a sexual molestation charge that never  
21 happened, Your Honor. That's something that she did. Do you  
22 understand where I'm coming from, Your Honor? And so, she is really, I  
23 mean, she even had a behavioral assessment done that says that she is  
24 a liar, a straight-up liar. And the, it was testified. I have it in there, that  
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1  
2 she's a phony. Everything she does is fake, and she thinks she can pull  
3 things over people, and that's what she's been doing, Your Honor. She's  
4 been pulling things over this court this whole year. And Mr. Taylor has  
5 been a very good help to her. You can see how he made an appearance  
6 and actually at, he represented the children at the children's interview.  
7

8 Finally, we got an interview scheduled, and he was acting as the  
9 children's attorney at the criminal hearing, and therefore, I mean, that's a  
10 conflict of interest Your Honor. He can't be doing that. Uh, you can see  
11 Mr. Taylor's personal involvement. I don't know why he threatens to  
12 drop-kick me, even on the record Your Honor. That's on the record, you  
13 can just imagine what he says to me off the record Your Honor. It's, I  
14 mean, he deliberately lies about emails. I mean [OVERLAPPING]

15  
16 COMMISSIONER MELINDA J. TAYLOR: Well, I'm gonna stop you  
17 and let you know that this hearing is for Adequate Cause on your petition  
18 [OVERLAPPING]

19 NATHAN CHOI: Okay.

20 COMMISSIONER MELINDA J. TAYLOR: ...for detriment. So,  
21 whether or not you have a bad relationship with Mr. Taylor, I think is a  
22 matter for the Bar perhaps. But it's certainly not [OVERLAPPING]

23  
24 NATHAN CHOI: Well, okay. Well, here's the thing Your Honor,  
25 [OVERLAPPING]

26 COMMISSIONER MELINDA J. TAYLOR: [UNINTELLIGIBLE]  
27 purposes of your Adequate Cause petition.  
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NATHAN CHOI: Okay.

COMMISSIONER MELINDA J. TAYLOR: So, what I'm looking for is your petition is based on detriment, and it's based on that which has, involves entry since the first parenting plan.

NATHAN CHOI: Right.

COMMISSIONER MELINDA J. TAYLOR: That's what I'm trying to listen for.

NATHAN CHOI: That's correct, Your Honor. The parenting plan is gone, so we need a parenting plan. So, I'm asking for Adequate Cause. But I'm also asking for a psychological evaluation. And I'm really afraid, once this criminal matter gets dismissed, she's gonna take the kids and run away. She's been trying to hide the kids from me. She's been trying to keep any, any... there's evidence that she's still bashing the kids in. Her own friends are testifying against her.

GARY TAYLOR: Object Your Honor, there's nothing in the record whatsoever about that.

NATHAN CHOI: There is Your Honor, her own friends are saying things about her that she's [OVERLAPPING]

GARY TAYLOR: Nothing in the record about that Your Honor.

NATHAN CHOI: It's my... [SIGHS] Anyways, Your Honor, my point is, I'm really concerned that she will take the kids and run away, and she must inform me where the children are at all times. And you can see from her pattern Your Honor, her established pattern of lying to police,



1  
2 making false CPS reports, you can see the Bellevue Police saying we  
3 have so many reports. I can't get them all to you. I mean, she's really  
4 psycho. And Your Honor, I mean, I'm sorry to say this, but some people  
5 do that. I mean, they, she lost her kids because she is a terrible, abusive  
6 woman. And, she didn't like that. She really didn't like that. And  
7 therefore, she did the only thing she could do. And, which was, buy them  
8 tickets, or spend 30. You saw her type, I mean her... credit card  
9 statement, right? \$30,000! \$30,000 Walt Disney World. My goodness, on  
10 their own private island. They were supposed to go to school. He  
11 dropped out of school, they took him to Honolulu to go play with dolphins.  
12 My goodness. When their own doctor said no P.E, it happened exactly  
13 like three days after. The credit card shows the date they were there.  
14 They were supposed to be in school. Your Honor, please, order the  
15 psychological evaluation at the PhD.

16 [CRASH IN BACKGROUND]

17 GARY TAYLOR: I'm sorry, dropped my thing.

18 NATHAN CHOI: Allow me to have the Adequate Cause so that we  
19 can get a parenting plan established, and, and order her to always inform  
20 me where the children are, because I am sincerely concerned that she  
21 will take off with the kids. Maybe Korea, or who knows. I mean, I really  
22 have no idea. That's pretty much my argument Your Honor.

23 COMMISSIONER MELINDA J. TAYLOR: Thank you. Okay, Mr.  
24 Taylor.  
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2 GARY TAYLOR: Well Your Honor, as you can see, there was a  
3 four-day trial before Judge Downing in this matter, and, uh, Downing did,  
4 uh, enter a parenting plan where the children would be with Mr. Choi, the  
5 guardian ad litem called it a very closed case. But, uh, most of what Mr.  
6 Choi's talking [CRASH] about, he tried to argue to the trial court, trial  
7 court found no 9,191 restrictions whatsoever, and entered a normal  
8 parenting plan. In January of last year, visitation occurred for four months  
9 when in, on May 18 of last year, Mr. Choi, uh, brutally assaulted his son  
10 in front of the seven and 10-year-old daughters by slamming his head  
11 into a wall. The 10-year-old called 911, police came and arrested Mr.  
12 Choi and took Jedidiah to Overlake Hospital with 170 blood pressure and  
13 concussive syndrome, uh, symptoms. Uh, Mr. Choi, uh, a protective  
14 order was entered, and Mr. Choi, uh, had an opportunity on, uh, July 21  
15 of last year to plead his case before Commissioner Canada Thurston.  
16 Can-, Commissioner Canada Thurston listened to Mr. Choi say that the  
17 kids set him up, that this was all a plot on the part of the three children to  
18 somehow put him in jail. Well, you can imagine what would happen if Mr.  
19 Choi had these children without anybody around after making that kind of  
20 an allegation. In any event, he was found to have assaulted his son, and  
21 the court entered a one-year protective order, as I said earlier, with us  
22 filing a petition to change the parenting plan during that one-year period  
23 of time. Subsequent to that, Mr. Choi has not seen the children, he has  
24 not seen his wife, he has no information whatsoever to go on what he's  
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2 trying to tell you. He did file, and it's in the record, uh, Exhibit 3 to our  
3 response. He did file a complaint with CPS, and CPS found there is no,  
4 uh, abuse whatsoever. Uh, there's no other, uh, information that Mr. Choi  
5 can provide to show that anything's happened since that assault,  
6 because he doesn't, he's not around. Uh, now Mr. Choi says that, uh,  
7 there was a psychological evaluation, uh, entered, or ordered last Fall.  
8 What happened is, Mr. Choi, having received this protection order, made  
9 an end run by, uh, having a third-party custody action filed from, by his  
10 mother in Honolulu [LAUGHS] who didn't even know the children, and  
11 paid an attorney in Kent, paid her attorney's fees, mother's attorney's  
12 fees in Kent to bring her over here and try to take the kids to Hawaii. The  
13 court denied that, uh, motion. At one point, a commissioner did order that  
14 both Mr. and Mrs. Choi have a psychological evaluation. However, on  
15 revision, that whole case was dismissed. So, never, [OVERLAPPING]

18 COMMISSIONER MELINDA J. TAYLOR: I've seen that order.

19 GARY TAYLOR: It never really happened. Uh, so we stand here  
20 today with Mr. Choi trying to say that there's been a substantial change of  
21 circumstances since the entry of the last court order. Well, there has  
22 been. But it hasn't been any change in my client's behavior whatsoever.  
23 The stan-, substantial change to circumstances has been that Mr. Choi  
24 assaulted his child in front of the other, his son in front of the other two  
25 children. Um, I might add that, and it's in our materials, this isn't the first  
26 time that Mr. Choi has made a false ol-, allegation to the court. He now  
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2 has, so far has incurred \$80,000 in sanctions by, uh, \$35,000 by  
3 Commissioner before the divorce, \$10,000 at trial, and another \$35,000  
4 by the special master last December. Judge Downing, in his finding, said  
5 that Mr. Choi has what's called "a loose association," what he called a  
6 loose asso-sociation with the truth. The \$35,000 original sanctions were  
7 ordered because Mr. Choi forged his mother's name on a declaration that  
8 he filed with the court. And he had a bank account in Hawaii with  
9 \$128,000 in it. So, we have a pattern here of deception. But in any  
10 event, the kids right now are doing great. They're in school, they're with  
11 their mom. Um, there's no indication whatsoever that they're not doing  
12 great. So, uh, in any event, Mr. Choi is trying to petition to modify a court  
13 order that actually gives him the children at this point. So, uh, technically,  
14 you don't, you don't modify a court order, it's, it's incumbent upon us to,  
15 to petition to modify the court order past July 21st. I might add, Your  
16 Honor, I found in the file, the filing number for the petition. I'd like to hand  
17 it up to you, just cause you asked about it.

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19  
20 COMMISSIONER MELINDA J. TAYLOR: The petition with the filing  
21 number stamped on it? Or the e-file?

22  
23 GARY TAYLOR: E-file.

24 COMMISSIONER MELINDA J. TAYLOR: Okay. So, but there was  
25 never a case schedule entered.

26 GARY TAYLOR: There was never a case schedule entered, that's  
27 correct, Your Honor.  
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2 COMMISSIONER MELINDA J. TAYLOR: So, it could be that you  
3 filed and didn't pay the filing fee?

4 GARY TAYLOR: I don't know.

5 COMMISSIONER MELINDA J. TAYLOR: So, they didn't generate a  
6 case schedule.

7  
8 GARY TAYLOR: Yeah, I don't know. But we did file it, it was  
9 responded to by Mr. Choi.

10 COMMISSIONER MELINDA J. TAYLOR: And that's, I have  
11 reviewed the response. I did see that. So, interestingly enough.

12 GARY TAYLOR: I think you Your Honor, I think [OVERLAPPING]

13 COMMISSIONER MELINDA J. TAYLOR: It doesn't show it.

14 GARY TAYLOR: ... the appropriate thing, if I might suggest a  
15 remedy here. I think the appropriate thing to do would just be to let this,  
16 this continue, or let this matter be heard in December during the trial  
17 date. Uh, Mr. Choi, Mr. Choi and Mrs. Choi, at that point, can argue  
18 whatever they want to about whether or not the parenting plan should be,  
19 uh, changed on a permanent basis. Uh...  
20

21 COMMISSIONER MELINDA J. TAYLOR: So, then let me clarify, are  
22 you then agreeing that there is adequate case based on detriment?  
23

24 GARY TAYLOR: There is Adequate Cause on, to our petition. But  
25 Mr. Choi certainly has an opportunity at that point to argue his case,  
26 which would be that the children [OVERLAPPING] ought to, the parenting  
27 [OVERLAPPING] plan should stay in effect.  
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1  
2 COMMISSIONER MELINDA J. TAYLOR: From a procedural  
3 standpoint, you're asking me then to enter ade-, an order of Adequate  
4 Cause today? I'm not sure what it is that you're asking me to do.

5 GARY TAYLOR: What we're suggesting Your Honor, is this. We  
6 filed a petition that got responded to, uh, for some reason

7  
8 [OVERLAPPING]

9 COMMISSIONER MELINDA J. TAYLOR: Without paying a filing fee  
10 and without generating a case schedule.

11 GARY TAYLOR: I, I, listen, it certainly would've been paid, I don't  
12 know what happened there Your Honor, I can't explain what happened  
13 there. But, what we have here is that, uh, Mr. Choi, Mrs. Choi are both  
14 petitioning to have a different parenting plan, uh, entered. And we have a  
15 trial date. Uh, I suppose if the court wants to, the court could say there's  
16 Adequate Cause both ways, although it's hard to stipulate to that,  
17 because Mr. Choi's Adequate Cause would be what? Um, he's the one  
18 that assaulted the children, if anything, Mrs. Choi's Adequate Cause, uh,  
19 argument certainly takes precedence over that. But, in the interest of  
20 judicial economy, the best thing to do, I suppose, would be to, uh, enter  
21 an order saying that there was a petition filed, that there was a response  
22 by Mr. Choi, that we have a trial date, and let the two parties appear at  
23 trial in December and argue their case. In the meantime, we're asking  
24 that a temporary parenting plan be entered, uh, pending trial that you  
25 have before you Your Honor.  
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2           COMMISSIONER MELINDA J. TAYLOR: Thank you. Go ahead, Mr.  
3 Choi.

4           NATHAN CHOI: Okay Your Honor, um, Mr. Taylor has this  
5 fascination of thinking that I have a loose association with truth. [SIGHS]  
6 When the opposing individual is so good at deceiving everybody, it  
7 makes the recipient look like they're not telling the truth. However, they  
8 haven't brought up a single fact that was misrepresented. Mr. Taylor said  
9 I forged my mother's signature. No, it was brought out from the very fact  
10 that she lives in Hawaii and she couldn't get that document to me in time,  
11 and she asked me to sign on her behalf. She came to court and testified,  
12 or attempted to testify to that. That's not a forgery, Your Honor. That was  
13 an instruction from her so that her declaration could get in. I wasn't, I  
14 didn't mean, I didn't know Washington State law does it this way. In  
15 Hawaii, we do it a different way. So, she just said, "sign for me, you have  
16 my authority." Number two, Your Honor, I have like two or three days to  
17 get together over like 30 bank accounts and over, literally over 30 bank  
18 accounts and properties. We, we have a lot of properties, a lot of assets.  
19 And I went looking, searching, everything, Your Honor. And it wasn't him  
20 that found it on discovery, it was me that provided it to him at production  
21 of documents. That was at initial disclosure, I couldn't find, or I tried to get  
22 everything I could find, and I gathered it and I gave it to him. We have  
23 liter-, that comes out to less than like one or two percent of our entire  
24 assets. I mean, I'm really sorry that I overlooked that. But, he's at, and I  
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2 gave it to him on his production documents. I mean, if I really wanted to  
3 hide that, I could've just not given it to him because he did no discovery,  
4 he did nothing. He wouldn't have even known about it. I told him about it.  
5 And as far as the special\_master fees, I'm filing a motion today to have  
6 that set aside. They didn't even tell me about it. They don't even  
7 communicate with me. They communicate through, to me through an  
8 email that I don't even use. And so, therefore, I heard nothing of it. And  
9 then he got his ruling. And I wasn't even there. So, I'm actually filing a  
10 motion today, schedule two weeks to set that aside, because I was never  
11 notified about it.  
12

13       Um, there has been a lot of substantial changes. Well, he already  
14 agrees, I mean we should proceed forward. But, my point is, you can  
15 see her declaration, "oh, we broke up on June 1." Well, what happened  
16 on June 2? You know? It's her own police report, her husband's vehicle  
17 had \$16,000 of cash in it and it got stolen. I mean, how can she be  
18 saying, or swearing on oath, "oh yeah, we broke up on June 1," and she  
19 had a boyfriend or a husband, I don't know what his status is, say, oh  
20 yeah, you can no longer work here because you gotta take care of your  
21 husband after he abused them. And then, the very next day....  
22

23  
24       COMMISSIONER MELINDA J. TAYLOR: What, and what year is this  
25 that you're talking about?

26       NATHAN CHOI: This is in 2016 Your Honor. Wait, wait, what year  
27 is this? It's, yeah, 2016.  
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2 COMMISSIONER MELINDA J. TAYLOR: This is 2016.

3 NATHAN CHOI: Right. You look at a declaration dated 2016, June  
4 1, "I broke up with Gon Kim. We don't be together anymore." And he  
5 also wrote a letter, a nice little letter saying, yeah, because your  
6 husband abused, beat your children up, you can no longer work here,  
7 please, go take care of him. And then, what happens? The very next  
8 day, she gets 16, thank God, she got \$16,000 stolen out of her car. I  
9 mean, and then she's telling the policeman, "oh yeah, my husband's car  
10 got broken into." That's her police report. I had nothing to do with it,  
11 Your Honor. And then she's caught in Honolulu in July. I mean, when is  
12 her lies gonna stop, Your Honor? I mean, seriously, Your Honor, please,  
13 there was a gentleman by the name of Ray Spencer. His ex put him in  
14 jail for sexual molestation when [OVERLAPPING]

15  
16  
17 GARY TAYLOR: This is total news Your Honor [OVERLAPPING]

18 NATHAN CHOI: This is my argument, please.

19 GARY TAYLOR: I object.

20 COMMISSIONER MELINDA J. TAYLOR: I'm not sure what you're  
21 talking about.

22  
23 NATHAN CHOI: There is a judgment where there was another  
24 individual who got a nine-million-dollar judgment because of a similar  
25 situation like ours, making false accusations.

26 COMMISSIONER MELINDA J. TAYLOR: So are you, are you in case  
27 law, or are you just arguing facts of another case?  
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2 NATHAN CHOI: I'm just arguing facts of another case. Just to show  
3 you it does happen. But if you want me to stop, I'll stop it there.

4 COMMISSIONER MELINDA J. TAYLOR: I, I don't know that it's  
5 necessarily relevant for your case [OVERLAPPING]

6 NATHAN CHOI: Okay, all right, Your Honor, I will stop it there.  
7  
8 However, my point is, there has been a lot of substantial changes. Her  
9 husband, or I don't know what their relationship is, has 191 restrictions. The  
10 judge in the finding of fact, clearly states, she unquestioningly beat them.  
11 She attempted to smash them in with an aluminum baseball bat. And it's  
12 undeniable. However, they didn't want to prevent this lady from never  
13 seeing her children again. So, it was just like out of gratitude, you know? It's  
14 like all right [OVERLAPPING]

15  
16 COMMISSIONER MELINDA J. TAYLOR: Are you talking about the  
17 judge's findings in your case?

18 NATHAN CHOI: Yes.

19 COMMISSIONER MELINDA J. TAYLOR: Okay.

20 NATHAN CHOI: Yeah.

21 COMMISSIONER MELINDA J. TAYLOR: So, Judge Downing.

22 NATHAN CHOI: Yeah, Judge Downing, right. You see there, I believe  
23 it's #7 or something like that. It unquestionably happened. I mean, she  
24 shoved a sock in the boy's mouth, grabbed the shoe horn, and turned it all  
25 black and blue. And the photo was shown, and it was verified that's what  
26 happened. Um, her objective tests show she's an absolute liar. Her STAXII  
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2 objective test shows she cannot control her anger. And the professional  
3 said she's not amenable to treatment. She's only amenable to figuring out  
4 new lies and new schemes to go and circumvent, or actually, should I say,  
5 overrule Judge Downing's decision. So, I ask for these things, Your Honor.  
6 I think he already agreed to the Adequate Cause. As far as the  
7 psychological evaluation, I believe I'm entitled to it. And for #3, I think I really  
8 need it because I'm really concerned. I mean, you've read what was stated  
9 and you've seen what's there.  
10

11 COMMISSIONER MELINDA J. TAYLOR: So, here's, here's the issue  
12 before the court. Procedurally, um, it's not as simple as, um, Mr. Taylor, I  
13 think you make it out to be, um, because your petition, while it appears that  
14 you did electronically file it, there's never been a case schedule generated.  
15

16 GARY TAYLOR: Right.

17 COMMISSIONER MELINDA J. TAYLOR: So it doesn't appear,  
18 necessarily that Mr. Choi is objecting to your position going forward, it  
19 sounds like you're both sort of in agreement that, at some point, there needs  
20 to be Adequate Cause so these can go forward. He will allege detriment  
21 against, by Mrs. Choi. And you will continue to allege judgment for Mr. Choi,  
22 it sounds like that's the case. So, there can be, um, substantial change of  
23 circumstances can be against, for Mr. Choi, for your petition, against Miss,  
24 Mrs. Choi, or, or, um, for the children. I think, arguably, um, there needs to  
25 be some demonstration of detri-, the detrimental effect, um, of that  
26 substantial change on the children, because that's what you've alleged. I  
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2 don't necessarily believe that you have, um, provided the court with enough  
3 evidence to support that. But, it is important to note that the, the after a  
4 hearing at trial, there is a parenting plan entered that has a very different  
5 result than where we are now with the virtue of the, uh, protection order  
6 suspending that parenting plan.  
7

8 GARY TAYLOR: Right.

9 COMMISSIONER MELINDA J. TAYLOR: So, what I will say is, um,  
10 Mr... it's sort of like, I think because of the contentious relationship that you  
11 both have, that you're not able to come together with an agreed order on  
12 Adequate Cause, when it seems to me as though you both would agree that  
13 there's Adequate Cause to modify this parenting plan. And so, that being  
14 said, there's been a long history between the two of you, and I, and I  
15 understand all of that. So, what I will do is, order that, um, I'll grant the  
16 petition for Adequate Cause. Note that, um, Mrs. Choi has previously filed a  
17 Petition for Modification, um, but ultimately, the substantial changes for that  
18 of the children, and that's what the court is looking at when I'm making this  
19 decision. There's been a lot happening for these kids, so we need to move  
20 this forward and get it going. So, I will order that you pay that filing fee on  
21 that petition. You might need to refile it today, and pay the filing fee. Mr.  
22 Choi, do you wish to waive, um, the, the, um, well naturally in order for  
23 adequate cause to be, you've already responded to that petition. So, you  
24 have the ability to then waive and, and agree that there would be Adequate  
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2 Cause on both petitions. Or do you want there to be, the requirement to be  
3 a separate hearing on that petition as well?

4 NATHAN CHOI: [SIGHS] You know Your Honor, [SIGHS] I'm not a  
5 family law specialist, I'm, I'm gonna be honest with you. Um, at this point, I  
6 really don't trust anything that Mr. Taylor does. So, I'm gonna take the  
7 conservative step of making him do what he has to do, and giving you the  
8 time... [OVERLAPPING]

10 COMMISSIONER MELINDA J. TAYLOR: Well, and, it's a little muddy  
11 there, and I'm, I'll tell you why. I don't know that necessarily, um, if there's  
12 an Adequate Cause on the petition, if at that point, you even need to file your  
13 counter-petition. Or if, in fact, Adequate Cause is necessary, because the  
14 case is already moving forward to trial. And I'm not certain of that. So, I'm  
15 not going, I just want to include information about his petition, and I'll leave  
16 that to you, Mr. Taylor, if you choose to file. Um, but at this point there's  
17 nothing in the record to indicate that. But I will, I just want the order to say  
18 I'm granting Adequate Cause based on substantial, extenuating  
19 circumstances regarding the children in the previous custody order. And  
20 that, um, the record indicates that Mrs. Choi sought a petition, but a case  
21 schedule was never issued. Uh, but that she seeks also to modify the  
22 parenting plan. Fair enough. Um, and then you guys can straighten it out  
23 however you see it needs to go. But, for my purposes today, I am going to  
24 grant Adequate Cause based solely on the substantial change of  
25 circumstances as it pertains to the children, as a result of the suspension of  
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2 the parenting plan, and the concern for the court that, in light of there are  
3 serious allegations against you, Mr. Choi. But, um, whether or not a  
4 complete suspension of a parenting plan that was entered after trial is in the  
5 best interest of the children, is of concern to the courts. So that's why I'm,  
6 I'm allowing the case to move forward. I'm denying the request for a  
7 psychological evaluation. You can most certainly see to that, um, through an  
8 alternative motion, if you think at this point. I'm reading an order for  
9 protection, which Commissioner Canada Thurston makes findings that she's  
10 concerned about your mental health. I think a third party would benefit  
11 would benefit from being involved in this case. I don't know if you have a  
12 Guardian ad litem in your first case, or are aware of that. Might be  
13 something you'd consider.  
14  
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16 GARY TAYLOR: We do, Alan Ruder Your Honor, he, we, he hasn't  
17 been around since the trial, but Mr. Ruder was the GAL.

18 COMMISSIONER MELINDA J. TAYLOR: Al-, Alan Ruder was the  
19 GAL. Okay.

20 GARY TAYLOR: One thing Your Honor, while we're on the record, I  
21 mean, I can hand Mr. Choi a duplicate copy of the [OVERLAPPING]  
22

23 COMMISSIONER MELINDA J. TAYLOR: But I can't waive the  
24 response that, the responsive di-, guidelines.

25 GARY TAYLOR: Well, but my point is, I can hand Mr. Choi the petition  
26 that he got last year, and Mr. Choi's, and I can acknowledge it, Mr. Choi has  
27 responded to it, to just save us the trouble of serving.  
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2 COMMISSIONER MELINDA J. TAYLOR: Well, I'm granting Adequate  
3 Cause on the petition, allowing the case to move forward at trial. I'll let you  
4 fix the administrative issues. I'm not quite, to be honest, I'm not quite sure  
5 how to fix that. I've never seen it, and I know that what should have  
6 happened is the case schedule should issue, and your time for Adequate  
7 Cause has lapsed. Um, most certainly, um, it would make sense that the  
8 same ruling would apply to both petition. Because, in essence, I'm looking  
9 at the best interest of the children as a result of the suspension of all ties  
10 with their father, who was previously granted full custody. So, I just want to  
11 ensure that that's in the best interest of the children, and I think that that  
12 matter should go forward to trial as a result. So, however you choose to fix  
13 it.  
14  
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16 GARY TAYLOR: Well, I think I'm [OVERLAPPING]

17 COMMISSIONER MELINDA J. TAYLOR: But I'm not here to fix all of  
18 the administrative problems today. [OVERLAPPING]

19 GARY TAYLOR: No, I, I, it's a very un-, it's a very unusual case.

20 NATHAN CHOI: Okay, thank you Your Honor.

21 GARY TAYLOR: I think we both know that. My question would be,  
22 though, if we file this, if we refile the petition and pay the filing fee, are we not  
23 gonna potentially generate anoth-, a new case schedule?  
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25 COMMISSIONER MELINDA J. TAYLOR: No, because there's already  
26 a case schedule in place. When you did yours, there wasn't a case  
27 schedule at all.  
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GARY TAYLOR: Right.

COMMISSIONER MELINDA J. TAYLOR: That's why.

GARY TAYLOR: We'll just be adopting the [OVERLAPPING]

COMMISSIONER MELINDA J. TAYLOR: Yeah, they'll just be adopting  
[OVERLAPPING]

GARY TAYLOR: ...other case schedule.

COMMISSIONER MELINDA J. TAYLOR: ...by his. Yeah, the problem  
for that though, is that the case schedule deadline is June, is it June 30<sup>th</sup>?  
Let me see, oh no, May 17<sup>th</sup> is the Adequate Cause deadline. So, Mr. Choi  
has filed his timely by filing it now. And you would have to then file for  
Adequate Cause within that timeframe. Now, you have for your status  
conference, generally speaking. You, you might need to go to your assigned  
judge and ask them to extend Adequate Cause for the cross petition that's  
been filed. It's all timing. Very confusing, even to me. [LAUGHS]

GARY TAYLOR: Yes, I'm trying to sort this out, and...

COMMISSIONER MELINDA J. TAYLOR: Do you have a blank  
Adequate Cause order? I have your proposed order [OVERLAPPING]

NATHAN CHOI: No, I don't, Your Honor. Do you have one?

NATHAN CHOI: Thank you for your time, Your Honor.

COMMISSIONER MELINDA J. TAYLOR: You're welcome, Mr. Choi.  
Are you in agreement with, uh, the reappointment of do-, uh, Mr. Ruder?

NATHAN CHOI: No, I don't agree to it Your Honor.



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2 COMMISSIONER MELINDA J. TAYLOR: Okay. Then I'm not gonna  
3 order that. I just [OVERLAPPING]

4 NATHAN CHOI: Yeah.

5 COMMISSIONER MELINDA J. TAYLOR: ...if you were in agreement, I  
6 was gonna try to save you a step [OVERLAPPING]

7  
8 NATHAN CHOI: No, no, no.

9 COMMISSIONER MELINDA J. TAYLOR: ... and schedule a hearing.

10 NATHAN CHOI: Yeah.

11 COMMISSIONER MELINDA J. TAYLOR: Okay.

12 COMMISSIONER MELINDA J. TAYLOR: Now you should know, Mr.  
13 Choi, I know that you've indicated you're not well versed in family law cases.  
14 I want, you know, I can't consider that which was before the trial court. So, I  
15 can only consider the newest stuff since the entry of the order  
16 [OVERLAPPING]

17  
18 NATHAN CHOI: I see what you're saying Your Honor. So, you believe  
19 that all of this stuff against her doesn't justify a psychological evaluation?

20 COMMISSIONER MELINDA J. TAYLOR: Well, uh, let me explain  
21 again. I'm not considering that which was before the trial court when the trial  
22 court didn't enter 191 restrictions.

23  
24 NATHAN CHOI: Uh huh.

25 COMMISSIONER MELINDA J. TAYLOR: And I have a finding of  
26 domestic violence against you, wherein there's also a note that the  
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2 Commissioner asserts that you, the problems that you have might be mental  
3 as well.

4 NATHAN CHOI: I see.

5 COMMISSIONER MELINDA J. TAYLOR: So, I don't think I have, I'm  
6 prepared to require her to take the psychological evaluation today, and I  
7 would probably defer to a third party if one were appointed. Are you printing  
8 up an order for me? Okay, thank you.

9  
10 COMMISSIONER MELINDA J. TAYLOR: So, it sounds like there's  
11 been a tumultuous history. Are you two okay together while I go in the back  
12 and complete this order?

13 NATHAN CHOI: I don't know about that. [LAUGHS] I'm actually afraid  
14 I might get drop-kicked here. [LAUGHS]

15  
16 COMMISSIONER MELINDA J. TAYLOR: I can, I'm happy to call  
17 security for you.

18 COMMISSIONER MELINDA J. TAYLOR: Thank you so much. I'll  
19 complete this and send it out, okay? Thank you.

20 NATHAN CHOI: Okay, thank you.

21 GARY TAYLOR: Thank you.

22 BAILIFF: Court is now in recess.

23  
24 [END OF TRANSCRIPTION]  
25  
26  
27  
--

1 away from me. So if you could come on up front close  
2 to it, that helps.

3 PAUSE

4 PHONE CALL PLACED

5 MR. RUDER: Alan Ruder.

6 MS. DUFOUR: Hi. It's Lisa Dufour. We're in open  
7 court.

8 COURT: Mr. Ruder, this is Judge Downing. How are  
9 you?

10 MR. RUDER: Okay, Judge. Thank you. How are you?

11 COURT: Good. I hope you've had a productive day.

12 MR. RUDER: Yes.

13 COURT: Well, you e-mailed earlier saying you had  
14 some additional information. The attorneys were  
15 interested in bringing that out, and I'm interested in  
16 hearing it. So Ms. Dufour will ask you some questions.  
17 But, as I tried to impress upon you yesterday, I'm much  
18 more interested in hearing from you than I am from the  
19 lawyers.

20 MR. RUDER: Okay. Do you want me to go ahead?

21 ALAN RUDER, RESPONDENT'S WITNESS

22 DIRECT EXAMINATION

23 BY MS. DUFOUR:

24 Q: Did you talk with the person at Associated Behavioral  
25 Health who did the evaluation of Josephene?

1 A: I did.

2 Q: And when did you do that?

3 A: It was within the last couple of hours.

4 Q: And what did he say to you?

5 A: He was calling me in response to a telephone voicemail  
6 I had left for him on Monday regarding Ms. Choi and his  
7 assessment. And so we spoke about the assessment, and  
8 I had asked him for some clarification.

9 Q: What did he tell you about the evaluation?

10 A: He said that he was not very impressed with Ms. Choi.  
11 He found that credibility was a big problem. He  
12 expressed surprise and concern that during their, I  
13 believe he said hour-and-a-half meeting, that she never  
14 brought up the children, never said anything about the  
15 children. He said that her whole demeanor was pretty  
16 phony. He thought that she had a phony tone.

17 With respect to the domestic violence inventory,  
18 he said that her answers were as if somebody was trying  
19 to put something over on the person doing the testing,  
20 and that essentially, everything was invalid. He said  
21 that normally, he would not go, he would not make any  
22 sort of determination or recommendations based solely  
23 on the domestic violence inventory testing, but that  
24 the testing did corroborate her clinical impression of  
25 Ms. Choi.

1           He indicated that he recommended that she continue  
2 with the psychologist, who she told him that she had  
3 been seeing. And he recommended that she take the  
4 anger management course through Molly Hughes, the 12-  
5 week anger management class. And he said that  
6 \* basically, he felt that she was not amenable to  
7 treatment.

8 Q: Knowing that, does that change your recommendations to  
9 the court about the relocation?

10 A: Well, it would strengthen my recommendation that the  
11 children live with their father. I'm not sure that it  
12 would change my recommendation as far as the  
13 relocation.

14 Q: And for the relocation, did you go through all 10  
15 factors in your investigation?

16 A: Well, not in my investigation, because I only became  
17 aware that relocation was going to be an issue on  
18 Monday. So in talking with the children or in talking  
19 with the parents, I had not gotten into relocation  
20 really.

21 Q: And often the court wants, I mean, there has to be a  
22 trial now on relocation rather than a family law  
23 hearing, and often, they will not appoint guardian ad  
24 litem. Do you think it is within the realm of your  
25 appointment to give an opinion on the relocation?



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This document is effective from : 11/6/2015 to : 11/6/2016

**CONTACT INFORMATION**

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**Anger Management Assessment Summary**

**Re:** Josephene Choi

**DOB:** 6/23/1971

**Court:** KCSC

**Case #:** 14-3-08013-5 SEA

**Alleged Victims:** Jedidiah Choi  
Hadassah Choi  
Hosannah Choi

**Age** 13  
Age 9  
Age 8

**Assessment Date:** 10/28/2015

**Referring Issue:** Anger Management

**Date of Incidents:** 2014-15

**Relationship to Client:** Children

**Length of Relationship:** (Above)

**Referral History:** Josephene attended her AM evaluation session today. This 44 year-old Korean American divorcing mother arrived on time and was well-oriented. She is here pursuant to Guardian Ad Litem Alan Ruder's recommendation that she obtain this evaluation. Her children are Jedediah 13, Hadassah 9 and Hosannah 7. Josephine reports that in the divorce context Jedediah has taken his father's side. On 3/12/2015 the court ruled that the father should have primary custody. The GAL recommendation is based on allegations in the GAL report where Nathan stated the children were "all afraid of her and had expressed extreme fear at the idea of living with her because of her violent temper and physical abuse." "She hits them everywhere on their body...leaves horrendous bruises and welts." Her husband admitted buying horse jockey whips for her to use. She reported that she "carefully" used this device as a means of disciplining them. She admitted that she had struck Jedediah once with a shoe horn. Nathan claimed that Josephene had also threatened them with an aluminum bat. In an interview with the GAL, Jedediah reported that his mother hit him with a stick and the shoe horn numerous times and that she "yells and screams" at him. Hadassah also reported being hit with the shoe horn. As a result of these disclosures the GAL recommended that the father have primary custody. She also recommended that Josephene should be required to complete an 8-hour anger management class, which she did. She has also enrolled in Mollie Hughes' parenting "Breakthrough Parenting" class but has not completed it. In mid-August 2015 the children reported to a CPS worker that "they feel safe



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with their mother and that there is no current physical abuse." However, Jedidiah told the GAL that he is still afraid of his mother's temper and afraid of being hit. On September 25, 2015 Josephene denied hitting Jedidiah. Her denial is not credible.

There is an indication that Josephene Choi has been diagnosed with post-traumatic stress disorder. In addition to being attacked by her sister as a child, Josephene was severely assaulted by Nathan in 2006. He was arrested and charged with domestic violence assault.

Mollie Hughes recommended that Josephene attend her 12-week anger management for parents course. In spite of her difficulty with the English language, this appears to be the best plan, even if she needs the help of an interpreter or translator.

**Personal History:** Josephene Choi (hereafter "the mother") was born in Dae-Gy, South Korea on 06/23/1971. She is 44 years old. She lists her current address as 3030 125th Ave, #4, Bellevue, WA 98005. She has lived in Washington for 7 years. She states that she was very happy as a child and had an excellent childhood. She did not witness violence between her parents, but they eventually divorced just four years ago. She reports that piano and voice were important to her, and that she sang and was active in her church. She identifies as Christian. Her father was a high school teacher and her mother a kindergarten teacher. She reports that her mother was subservient to her father. She maintains a very traditional view of men's and women's roles. As a child she had an older sister who "tried to kill me with knife and scissors" when she was age 7 and again age 13. She reports that she has been abused physically, mentally and sexually. Some she attributes to her sister and some to her husband (DV assault in 2006). The mother has been employed as a "clinic manager" but reports she is currently unemployed. She reports her financial status is "poor." She reports that she lives alone, and that the court has awarded custody of the children to their father.

**Criminal History:** See attached JIS. There are no criminal charges.

**Prior AM Assessment and Treatment Information.** She completed an 8-hour anger management class taught by ACT&T on 4/22/2015

**Incident History / Allegations:** Nathan stated the children were "all afraid of her and had expressed extreme fear at the idea of living with her because of her violent temper and physical abuse." "She hits them everywhere on their body...leaves horrendous bruises and welts." Her husband reported buying horse jockey whips for her to use. Jedidiah reported that his mother hit him with a stick and a shoe horn numerous times and that she "yells and screams" at him. Hadassah also reported being hit with the shoe horn.

**Details of Incident:** The mother either denies or minimizes these allegations.

**Current Medical Concerns:** The mother reports she has headaches, heart problems, loss of appetite and nausea.

**Past Medical Concerns/Hospitalizations/Injuries:** The mother reports she has been



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Injured in a traffic and in an assault. She reports she suffered from a stroke in October 2014. She appears to not be recovered. (See mental health concerns below.)

**Current Medication:** The mother is taking the prescription medication Prazosin for sleep.

**Limitations or Disabilities:** None reported. English language ability is limited.

**Mental Health Concerns:** The mother reports she was diagnosed with Post-Traumatic Stress Disorder in April 2015, and is currently seeing a psychologist. She has avoided answering questions about suicidal ideation. She reports suffering from panic attacks. She endorses the following symptoms: anxiousness, sleep disturbance, grief and loss issues, loss of appetite, hopelessness, loss of energy, depression, giving away valuable possessions, feeling withdrawn, low energy, memory problems, loss of concentration, difficulty finding words when speaking, mental slowness, inability to relax, avoiding things, places or activities because they frighten her; distressed by unpleasant thoughts, the idea that someone else can control her thoughts, by the feeling of being watched or talked about by others, by feeling that people will take advantage of her, by feeling afraid to go out of her house, feeling fearful, having to double-check everything, spells of terror or panic, and feelings of worthlessness. She associates many of these symptoms with being a domestic violence victim with her husband as perpetrator until their separation in December 2014. She denies having problems with anger or rage. She is currently seeing Evan Kanter, MD, PhD for therapy.

**Alcohol and Drug History:** The mother reports that she does not drink and has never used illegal substances.

**Additional Areas for Concern:** Not a great deal is known about how a husband's abuse of his wife affects her ability to be a mother. After her husband was convicted of domestic violence in a severe assault, they got back together, and he has continued to accuse her of being a bad mother. A second concern is the mother's credibility. Mollie Hughes, her parenting instructor, stated that Josephene was "guarded and secretive...not being totally open." Another credibility question is raised in that the mother claimed that she is unable to work, yet it was known that she was working for Mr. Kim at his clinic. She had also coached the children to not disclose her methods of physical discipline to the CPS or GAL evaluators. It appears that her fear of losing the children drives her to deny, avoid, or minimize the truth.

**The Domestic Violence Inventory** was administered on 11/11/2015. This is a test that is frequently used to assist in these evaluations. Scores are reported as risk predictions: Low, medium or high risk in the areas of truthfulness, alcohol, drugs, control, violence, and stress coping. The mother's truthfulness score was such that the entire test was invalidated. This score cannot be attributed to language impairment, as I personally monitored the test and gave the mother my cell phone with the translator app. She demonstrated that she was able to use it successfully. The official interpretation of her truthfulness score is: "This client's DVI test results did not happen by chance. To attain a Truthfulness Scale score at or above the 90th percentile requires a definite pattern of untruthful answers."





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The STAXI-2 test was administered on 10/29/2015 .This test purports to measure anger as a state, a trait and an expression. The mother's scores indicate a normal level of anger at the time of testing; very low anger as a trait, and an unusual level of anger control. This suggests that the client may be overly passive and possibly depressed due to a lack of assertive skills for dealing with life's problems.

**Treatment Recommendation:** It is recommended that she continue in mental health treatment with Dr. Kanter, and *that he have access to this report* as well as the GAL report by Alan Ruder. It is also recommended that she complete the 12-week anger management class for parents taught by Mollie Hughes. .

The preceding recommendation was based on Josephene Choi 's referring incident, the Domestic Violence Inventory, the STAXI-2, the Anger Management Quiz, a consultation with collateral sources, a review of the client's case history, the GAL report, and information obtained during the diagnostic interview.

Josephene Choi has been mailed a copy of the assessment results and the above mentioned treatment recommendations.

She further understands that if there is any additional information that we were unaware of regarding his past or current abusive behaviors, or legal history then this assessment should be deemed invalid.

If you have any questions regarding this report please feel free to contact me at (425) 646-7279.

Respectfully,

Phil Griffin, MS, MA, LMHC  
DV Director  
Associated Behavioral Health Care, Inc.

Phil Griffin, LMHC - LMHC - LMHC

Type : Staff

Method : Password

Date : 11/11/2015 2:44:44 PM

**DECLARATION OF SERVICE**

I, Nathan Choi, do hereby declare I am over the age of eighteen and on

July 15, 2019, I caused the following document(s)

Petition for Review

to be served on Gary Taylor [gjt777@aol.com](mailto:gjt777@aol.com) (206) 448-4983, attorney for the Petitioner at 5950 6th Ave #200, Seattle, WA 98108 by US Mail Postage Prepaid or by Personal Delivery.

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

DATED July 15, 2015 at Bellevue, Washington.



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NATHAN CHOI, Appellant *pro se*

DECLARATION OF SERVICE