FILED
SUPREME COURT
STATE OF WASHINGTON
3/5/2020 1:20 PM
BY SUSAN L. CARLSON
CLERK

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

No. 97929-4

Walker v. Orkin, LLC

COURT OF APPEALS, DIVISION ONE No. 77954-1-I

Whatcom County Superior Court, Docket No: 17-2-01515-2
Judge signing: Honorable Debora E Garrett

RAP 17.7 MOTION TO MODIFY FEBRUARY 04, 2020 DEPUTY CLERK'S RULING

Movant[1]

Igor Lukashin (pro se)

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[1] Lukashin respectfully repeats request for waiver or modification of any (portion of a) RAP rule, including RAP 10.6(a). *See* RAP 1.2(c); 18.8(a). *See also* ***State v. Graham***, No. 97329-6, slip op., pp. 1, 4–5 (Wash. Dec. 19, 2019) ("***Graham***"); ***Phongmanivan v. Haynes***, No. 96980-9 (Wash. Feb. 27, 2020) (interpreting court rules)

"Law belongs to everyone; law belongs to all of us"
- (former Chief) Justice Madsen
Yishmael[2] oral argument, at 26:48–53[3]

"Judicial proceedings are public rather than private property"[4]

1. IDENTITY OF PETITIONER

Petitioner Igor Lukashin previously filed, pursuant to RAP 10.6(a), while requesting a waiver of the licensed-attorney requirement under RAP 1.2(c) & 18.8(a), a "MOTION FOR LEAVE TO FILE A PRO SE "NONLAWYER" AMICUS BRIEF" ("the Motion" or "Mot."), desiring to provide the Court with information indicating the comment in n. 5, ***which clearly is dicta***, has the potential to confuse the public in general who may use that comment to understand or justify that a typewritten "signature" is sufficient, when it clearly is not, the opinion filed herein[5] ("the Opinion" or "*Walker*").

2. DECISION BELOW

Lukashin respectfully requests review of the LETTER RULING by DEPUTY CLERK, filed February 04, 2020 (Ex. A), denying the Motion.

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[2] ***State v. Yishmael***, 430 P.3d 279 (Wash. App. 2018), *review granted* 438 P.3d 114 (Wash. 2019); see https://scholar.google.com/scholar_case?case=4353555866986543867& ; ***decided*** February 06, 2020: http://www.courts.wa.gov/opinions/pdf/967750.pdf

[3] https://www.tvw.org/watch/?eventID=2019091025

[4] ***Union Oil Co. v. Leavell***, 220 F.3d 562, 567-68 (7th Cir. 2000), citing *U.S. Bancorp Mortgage Co. v. Bonner Mall Partnership*, 513 U.S. 18, 27-29, 115 S.Ct. 386, 130 L.Ed.2d 233 (1994); *In re Memorial Hospital of Iowa County, Inc.*, 862 F.2d 1299, 1302-03 (7th Cir.1988); available at: https://scholar.google.com/scholar_case?case=16355928097774428461& ; *United Oil* has recently been cited by the Seventh Circuit ***In the Matter of Commodity Futures Trading Commission***, No. 19-2769, slip op. (7th Cir. Oct. 22, 2019), available at https://scholar.google.com/scholar_case?case=13759005531626913690& ; http://media.ca7.uscourts.gov/cgi-bin/rssExec.pl?Submit=Display&Path=Y2019/D10-22/C:19-2769:J:Easterbrook:aut:T:fnOp:N:2417645:S:0

[5] ***Walker v. Orkin, LLC***, 448 P.3d 815 (Wash. App. 2019); available at: https://scholar.google.com/scholar_case?case=2307852847201586602&
Comment at 819 n. 5 states: "We note the General Rules allow attorneys and nonattorneys to sign electronic documents with a digital signature or an "s/." GR 30(d)(2). RCW 19.360.030 defines "electronic signature.""

3. ISSUES PRESENTED FOR REVIEW

Preliminary issue: Whether Deputy Clerk acted **ultra vires** by violating the **general-specific rule**, apparently ruling under RAP 17.2(a)[6], rather than following the mandatory procedure in the Court's Amicus Curiae order[7] promulgated pursuant to RAP 10.6(e)[8].

Main issue: Whether the Deputy Clerk erred by summarily denying Lukashin's motion to file an amicus brief in *Walker*, claiming that "the motion does not demonstrate why waiver of RAP 10.6(a) is justified in this situation"

4. DOCUMENTS RELEVANT TO DISPOSITION OF THE MOTION

Standard for taking judicial notice has recently been set forth in ***State v. Arlene's Flowers, Inc.***, 441 P.3d 1203, 1217 (Wash. 2019)[9]. Lukashin respectfully requests judicial notice of several documents herein and elsewhere:

1. Copy of Lukashin's e-mail printout from CLERK OFFICE RECEPTIONIST dated February 05, 2020 and advising "decision was made by the Deputy Clerk" and that Lukashin "may file a motion to modify the ruling" (Ex. B)
2. Copy of "MOTION FOR LEAVE TO FILE A PRO SE "NONLAWYER" AMICUS BRIEF" (Ex. C)
3. Copy of "ORKIN, LLC'S OPPOSITION TO THE MOTION FOR LEAVE TO FILE A PRO SE "NONLAWYER" AMICUS BRIEF" (Ex. D)
4. Copy of "MOVANT'S REPLY TO ORKIN'S OPPOSITION" (Ex. E)

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[6] http://www.courts.wa.gov/court_rules/pdf/RAP/APP_RAP_17_02_00.pdf
[7] http://www.courts.wa.gov/appellate_trial_courts/supreme/genOrders/amicusCuriae.pdf
[8] http://www.courts.wa.gov/court_rules/pdf/RAP/APP_RAP_10_06_00.pdf
[9] http://www.courts.wa.gov/opinions/pdf/916152.pdf , available also at https://scholar.google.com/scholar_case?case=8675411173374940780&

5. Copy of Lukashin's motion for leave to file an amicus brief in *Lee*, No. 97201-0 (Ex. E)
6. Letter from the Court denying the motion in *Lee*. (Ex. F)
7. Signature formats in *Phongmanivan*[10] Briefs[11] on certificates of service (improperly, as Lukashin believes and asserts, using the s/ format by non-lawyers)

This Court may take judicial notice, at any stage, of filings from other court proceedings and other sources whose accuracy cannot reasonably be questioned, including those located on the Internet[12]. ***State v. EJJ***, 354 P.3d 815, 821 n. 3 (Wash. 2015) (Madsen, C.J., concurring). *See also Porter v. Ollison*, 620 F. 3d 952, 954–955 (9th Cir. 2010); *Trigueros v. Adams*, 658 F. 3d 983, 987 (9th Cir. 2011); *Sachs v. Republic of Austria*, 737 F.3d 584, 597 n. 10 (9th Cir. 2013) (*en banc*).

This Court "must take judicial notice if a party requests it and the court is supplied with the necessary information". *In re: Icenhower*, 755 F.3d 1130, 1142 (9th Cir. 2014) (citing Fed. R. Evid. 201(c)); *see also* ***In re Disciplinary Proceeding Against Sanai***, 302 P.3d 864, 869 n. 2 (Wash. 2013) (ER 201(d)).

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[10] http://www.courts.wa.gov/opinions/pdf/969809.pdf ; https://scholar.google.com/scholar_case?case=102981503730321279&

[11] http://www.courts.wa.gov/content/Briefs/A08/969809%20Pet'r-App's%20Opening%20Brief.pdf PDF p. 17; http://www.courts.wa.gov/content/Briefs/A08/969809%20Resp's%20Brief.pdf PDF p. 31; http://www.courts.wa.gov/content/Briefs/A08/969809%20Pet'r's%20Reply%20Brief.pdf PDF p. 14

[12] *See also* ***Paez v. Florida DOC***, 931 F.3d 1304, 1306-08 (11th Cir. 2019) (online state court dockets, but reflecting on potential Due Process concerns and proper procedures to follow), ***vacated***; reissued January 7, 2020 at https://scholar.google.com/scholar_case?case=12073557869949734133 ; ***Force v. FACEBOOK, INC.***, 934 F. 3d 53, 59, 61, nn. 5 & 8 (2d Cir. 2019) (taking notice of Facebook's Terms of Service and recent press criticism of the company); ***Vazquez v. JAN-PRO Franchising Int'l, Inc.***, *939 F. 3d 1045, 1049 (9th Cir. 2019) (hearing transcript in a related case while certifying a question of law to state court)*; ***KT v. Royal Caribbean Cruises, Ltd.***, 931 F.3d 1041, 1047-49 (11th Cir. 2019) (Carnes, C.J., concurring) (judicial notice of publicly available Cruise Line Incident Reports) *See also* ***Cromartie v. Shealy***, No. 19-14268, p. 3 n. 1, 2019 WL 5588745 (11th Cir. 2019) (related state, federal cases); ***Shavlik v. Dawson Place***, No. 79656-9-I, p. 23 n. 90 (Wash. App. 2019).

5. ARGUMENT AND SUPPORTING AUTHORITY

Preliminary Issue: Deputy Clerk clearly erred by not following the Amicus Curiae Order.

Court rules are interpreted in the same manner as statutes. ***Randy Reynolds & Assocs. v. Harmon***, 193 Wash. 2d 143, 437 P.3d 677, 682 (2019)[13] ("*Harmon*"); ***Banowsky v. Guy Backstrom, DC,*** 193 Wash. 2d 724, 445 P.3d 543, 549 (2019)[14] ("*Banowsky*"):

> "Court rules are interpreted in the same manner as statutes and are construed in accord with their purpose." *Bus. Servs. of Am. II, Inc. v. WaferTech, LLC*, 174 Wash.2d 304, 307, 274 P.3d 1025 (2012) (citing *State v. Wittenbarger*, 124 Wash.2d 467, 484, 880 P.2d 517 (1994)). "The starting point is thus the rule's plain language and ordinary meaning." Id. (citing *State v. J.P.*, 149 Wash.2d 444, 450, 69 P.3d 318 (2003)).

Accord ***Phongmanivan, supra***[15], pp. 4–5(citing, *inter alia*, ***Stump***[16])

As this Court recently noted in ***Ohio Security Ins. Co. v. Axis Ins. Co.***, 190 Wash. 2d 348, 413 P.3d 1028, 1030 (2018)[17], general-specific rule is:

> a fundamental canon of statutory construction — *generalia specialibus non derogant* (the specific governs the general). *Nitro-Lift Techs., LLC v. Howard*, 568 U.S. 17, 21-22, 133 S.Ct. 500, 184 L.Ed. 2d 328 (2012). "It is well settled that a more specific statute prevails over a general one should an apparent conflict exist." *Flight Options, LLC v. Dep't of Revenue*, 172 Wash.2d 487, 504, 259 P.3d 234 (2011).

RAP 10.6 is titled "Amicus Curiae", with RAP 10.6(e) requiring, inter alia, this Court, to "establish by general order the manner of disposition of a motion to file an amicus curiae brief".

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[13] https://scholar.google.com/scholar_case?case=13280705662481517014&

[14] https://scholar.google.com/scholar_case?case=3593189326956220114&

[15] "When we interpret court rules, our review is also de novo. *State v. Stump*, 185 Wn.2d 454, 458, 374 P.3d 89 (2016). As with methods of statutory interpretation, we strive to determine and carry out the rule drafters' intent. *Id.* at 460 (citing *Dep't of Ecology v. Campbell & Gwinn, LLC*, 146 Wn.2d 1, 9, 43 P.3d 4 (2002)). "We determine that intent by examining the rule's plain language not in isolation but in context, considering related provisions, and in light of the statutory or rule-making scheme as a whole." *Id.* (citing *State v. Conover*, 183 Wn.2d 706, 711, 355 P.3d 1093 (2015))"

[16] https://scholar.google.com/scholar_case?case=13785082863592545708&

[17] https://scholar.google.com/scholar_case?case=3830497703855396558&

The Court filed the Amicus Curiae General Order on September 02, 1999[18] ("General Order"). The order envisions the following procedure (screenshot of relevant portion of General Order):

> The manner of disposition of amicus curiae motions in this court shall be as follows:
>
> (1) The Commissioner or Clerk will present to the Chief Justice for decision each motion to file an amicus curiae brief or memorandum and any timely objections thereto.
>
> (2) The Commissioner or Clerk shall report the Chief Justice's decision to counsel of record for the parties and the applicant by letter, which shall serve as the court's order on the matter.
>
> (3) The Chief Justice's decision on a motion to file an amicus curiae brief is not subject to reconsideration or a motion to modify.

RAP 1.2(b)[19] states in part, as follows:

> The word "will" or "may" is used when referring to an act of the appellate court. The word "shall" is used when referring to an act that is to be done by an entity other than the appellate court, a party, or counsel for a party.

While RAP 17.2(a), which states, in part, "All other motions may be determined initially by a commissioner or the clerk of the appellate court" may have led Deputy Clerk to believe it was appropriate to rule without presenting the Motion to the Chief Justice, as required by General Order (notice mandatory "shall" and "will" wording), RAP 13.4(h)[20] specifically observes:

> The Supreme Court may grant permission to file an amicus curiae memorandum in support of or opposition to a pending petition for review ... <u>Rules 10.4 and 10.6 should govern generally disposition of a motion to file an amicus curiae memorandum</u> (portion omitted, emphasis added)

[18] http://www.courts.wa.gov/appellate_trial_courts/supreme/genOrders/amicusCuriae.pdf
[19] http://www.courts.wa.gov/court_rules/pdf/RAP/APP_RAP_01_02_00.pdf
[20] http://www.courts.wa.gov/court_rules/pdf/RAP/APP_RAP_13_04_00.pdf

The fundamental specific-general rule ***Ohio Security Ins., supra***, *see also* ***Wash. Dept. of Transp. v. Mullen Trucking***, 451 P.3d 312, 317 n. 5 (Wash. 2019)[21] ("*Mullen*"), while interpreting court rules as statues, ***Banowsky, supra***, means that the Deputy Clerk clearly erred by refusing to present the Motion, the Opposition, and the Reply to the Chief Justice, as required by the General Order. Given the following language in the General Order:

> (2) The Commissioner or Clerk shall report the Chief Justice's decision to counsel of record for the parties and the applicant by letter, which shall serve as the court's order on the matter.

Deputy Clerk's LETTER RULING (Ex. A) was also potentially misleading, as such decisions are not subject to reconsideration or motion to modify, as per the General Order:

> (3) The Chief Justice's decision on a motion to file an amicus curiae brief is not subject to reconsideration or a motion to modify.

As Deputy Clerk acted **ultra vires** by failing to follow General Order[22], modification is required.

Main issue: Deputy Clerk clearly erred denying the Motion, claiming that "the motion does not demonstrate why waiver of RAP 10.6(a) is justified in this situation" by not elaborating.

State v. Graham, No. 97329-6 (Wash. Dec. 19, 2019)[23] (per curiam) noted:

> RAP 1.2(a) underscores the purposes of the Rules of Appellate Procedure when it states unequivocally that "[t]hese rules will be liberally interpreted to promote justice and facilitate the decision of cases on the merits. Cases and issues will not be determined on the basis of compliance or noncompliance with these rules except in compelling

[21] https://scholar.google.com/scholar_case?case=10184442511555678226&

[22] ***Cf. Southwick v. State***, 426 P.3d 693, 697 (Wash. 2018) (rejecting argument regarding "authority to make rules that conflict with state statutes") ***Cornelius v. Washington Dept. of Ecology***, 344 P.3d 199, 209 (Wash. 2015) ("An agency's policy is ultra vires if it exceeds its statutory authority.")

[23] https://scholar.google.com/scholar_case?case=5682006621400968711&

> circumstances where justice demands, subject to the restrictions in rule 18.8(b) [which has no application to the facts of this discretionary review]."

See also Stump, 374 P.3d at 92–93, refusing to analyze the language of RAP 14.2 in isolation, referencing RAP 1.2(c); disagreeing "about what is just in this situation" 374 P.3d at 95.

The **only** reason Deputy Clerk gave for denying the motion was the allegation that "motion does not demonstrate why waiver of RAP 10.6(a) is justified". Thus, Lukashin's non-compliance with RAP 10.6(a) licensed-attorney requirement should not be the determinative factor in disposing of the issue whether the Court should permit filing of Lukashin's proposed *amicus curiae* brief.

Graham further noted that an appellate court:

> is also required to liberally interpret the rules to promote justice, and it has the authority to waive or alter any provision of the rules in order to serve the ends of justice. RAP 1.2(a), (c). This includes authority to waive or alter the rules to enlarge or shorten time within which an act must be done. RAP 18.8(a). The Rules of Appellate Procedure were designed to allow flexibility so as to avoid harsh results. *Weeks v. Chief of Wash. State Patrol*, 96 Wn.2d 893, 895-96, 639 P.2d 732 (1982).

While *Graham* reversed a sanction associated with granting a second request for extension of time, a seemingly unrelated issue, timeliness of Lukashin's motions was at issue below and in No. 97201-0. Thus, *Graham* provides useful, if not binding, recent authority. *See also Stump, supra*.

Furthermore, interpretation of some Washington RAP rules is by no means a straightforward exercise, as evidenced by ***Phongmanivan, supra***, addressing a certified question posed by ***Phongmanivan v. Haynes***, 918 F.3d 1021, 1024 (9th Cir. 2019)[24] ("*Phongmanivan I*").

Yet, Ninth Circuit judges do not easily shy away from statutory interpretation, e.g. ***Innovation Law Lab v. Wolf***, No. 19-15716, p. 11 (9th Cir. Mar. 4, 2020) (Order)[25]:

[24] https://scholar.google.com/scholar_case?case=16587656010281560618&

[25] https://cdn.ca9.uscourts.gov/datastore/opinions/2020/03/04/19-15716_order.pdf

> If the law were less clear—that is, if there were any serious possibility that the MPP is consistent with §§ 1225(b) and 1231(b)—we would stay the district court's injunction in its entirety pending disposition of the Government's petition for certiorari. However, it is very clear that the MPP violates §§ 1225(b) and 1231(b), and it is equally clear that the MPP is causing extreme and irreversible harm to plaintiffs.

Given the variety of responses regarding attempted filing of *pro se* amicus briefs from Washington courts, including by Lukashin below (summary of timeline plus unexplained denial) and herein ("the motion does not demonstrate why waiver of RAP 10.6(a) is justified in this situation"), in No. 97201-0 (deeming Lukashin's motion "untimely and improper"), as well as in ***US Bank Trust, NA v. Bass***, No. 77015-2-I, n. 3 (Wash. App. Apr. 22, 2019)[26] (unp.) (refusing to consider an "amicus curiae brief" because the author "is not an attorney licensed to practice law … as required by RAP 10.6"), Lukashin implores the Court to provide guidance and/or proper framework for deciding such motions; once the guidance is provided, Lukashin should have an opportunity to marshal evidence and arguments to meet Court-articulated standard.

Lukashin notes that, in No. 97201-0, the ruling denying his motion as "untimely" would deserve more explanation, particularly under *Graham, supra*, since **existing amici** filed their briefs only in January 2020[27], while petition for review was filed May 2019[28], and RAP 13.4(h)[29] 60-day period ("[a]bsent a showing of particular justification") has by then long expired. The "improper" comment can likewise merit some clarification – perhaps an amicus brief could be directed only to a central issue once the RAP 13.4(h) 60-day period has expired?

[26] https://scholar.google.com/scholar_case?case=8088847990562067694&

[27] http://www.courts.wa.gov/content/Briefs/A08/972010%20Amicus%20-%20WA%20State%20Nurses%20Assoc.pdf ; http://www.courts.wa.gov/content/Briefs/A08/972010%20Amicus%20-%20WA%20Employment%20Lawyers%20Assoc.pdf ; http://www.courts.wa.gov/content/Briefs/A08/972010%20Amicus%20-%20WA%20Public%20Hospital%20Districts.pdf

[28] http://www.courts.wa.gov/content/Briefs/A08/972010%20Petition%20for%20Review.pdf

[29] http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=app&ruleid=apprap13.4

Since Deputy Clerk did not specify **how** Lukashin's attempts at showing the waiver of RAP 10.6(a) was warranted fell short, Lukashin has no meaningful opportunity to be heard, as required by Due Process notice – ***see e.g. Nnebe v. Daus***, 931 F.3d 66, 88 (2d Cir. 2019)[30]:

> "Parties whose rights are to be affected are entitled to be heard; and in order that they may enjoy that right they must first be notified." *Fuentes v. Shevin*, 407 U.S. 67, 80, 92 S.Ct. 1983, 32 L.Ed.2d 556 (1972) (internal quotation marks omitted). "[I]n the absence of effective notice, the other due process rights ... such as the right to a timely hearing ... are rendered fundamentally hollow." *Kapps v. Wing*, 404 F.3d 105, 124 (2d Cir. 2005). For notice to be effective, it must inform the affected party of what "critical issue" will be determined at the hearing. *See Turner v. Rogers*, 564 U.S. 431, 447, 131 S.Ct. 2507, 180 L.Ed.2d 452 (2011). In addition, "[p]art of the function of notice is to give the charged party a chance to marshal the facts in his defense." *Wolff v. McDonnell*, 418 U.S. 539, 564, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974). Adequate notice must "reasonably ... convey the required information that would permit [a driver] to present [his or her] objections" to the continuation of a suspension. *Spinelli*, 579 F.3d at 172 (citation and internal quotation marks omitted).

Once this Court provides relevant rule-interpreting guidance (mindful of its decisions in *Stump* and *Phongmanivan supra*, and with assumption implicit in the Deputy Clerk's ruling that a non-lawyer may sometimes make a required showing), Lukashin would be happy to submit supplemental briefing in the attempt to make the showing according to the Court's clear interpretation of the rule, thus having sufficient notice – *see Nnebe III*, 931 F.3d at 88.

RAP 17.6(b) DECISION BY OPINION REQUEST

Lukashin requests his RAP 17.7 motion to be decided by opinion, at the exercise of the Court's discretion, as permitted by RAP 17.6(b), ***Gen. Constr. Co. v. PUD No. 2 of Grant County***, No. 37044-5-III, p. 4 (Wash. App. Mar. 03, 2020)[31](unp.) "to explain our reasoning".

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[30] https://scholar.google.com/scholar_case?case=11880235025827083298&

[31] http://www.courts.wa.gov/opinions/pdf/370445_unp.pdf

While this Court apparently has not decided a motion to modify by opinion before, all divisions of the Court of Appeals have used RAP 17.6(b) in a handful of cases, e.g. ***State v. White***, No. 78209-6-I, n. 17 (Wash. App. Div. 1 Jan. 21, 2020)[32] (unp.); ***Matter of Moncada***, 391 P.3d 493, 494 (Wash. App. Div. 3 2017)[33]; ***IBEW Health & Welfare Trust v. Rutherford***, 381 P.3d 1221, 1222 n. 1 (Wash. App. Div. 2 2016)[34]; ***City of Spokane v. Wardrop***, 267 P.3d 1054, 1055 (Wash. App. Div. 3 2011)[35].

Lukashin notes that a "'failure to exercise discretion is itself an abuse of discretion subject to reversal" ***State v. O'Dell***, 183 Wash. 2d 680, 358 P.3d 359, 367 (2015)[36] (citing *State v. Grayson*, 154 Wash.2d 333, 342, 111 P.3d 1183 (2005)"); RAP 17.6(b) clearly grants the Court discretion, and Lukashin explicitly calls on the Court to exercise this discretion.

CONCLUSION

Lukashin respectfully asks the Court to exercise its discretion under RAP 17.6(b) to decide this RAP 17.7 motion by an opinion to **MODIFY** the Deputy Clerk's ruling and provide guidance as to the factors this Court and divisions of the Court of Appeals should consider when faced with a motion to file a non-lawyer amicus brief, as well as discretion under RAP 1.2(a) & (c), and RAP 18.8(a), notwithstanding Orkin's Opposition, to **GRANT** his motion to file the amicus brief, as well as **CONSIDER** directing the Court of Appeals to **DELETE or REVISE** *Walker*, n. 5 comments regarding use of /s/ and typed name as a "signature", and provide such other and further relief as the Court finds appropriate and just.

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[32] https://scholar.google.com/scholar_case?case=11713848289167418950&
[33] https://scholar.google.com/scholar_case?case=9847897546912062545&
[34] https://scholar.google.com/scholar_case?case=16173805320003137054&
[35] https://scholar.google.com/scholar_case?case=5482457513923874955&q
[36] https://scholar.google.com/scholar_case?case=732277439510988786&

If the Court denies Lukashin's motion, Lukashin respectfully requests the Court to provide the minimum of reasoning mandated by First Amendment, common law[37], Washington Constitution, and Due Process.

s/ Igor Lukashin
IGOR LUKASHIN
Tel: (360) 447-8837 Fax: None

Dated: March 05, 2020
P.O. BOX 5954, Bremerton WA 98312
E-mail: igor_lukashin@comcast.net

Note: I will serve parties via the portal, so no separate declaration of service is required[38].

[37] *See e.g.* ***Mirlis v. Greer***, No. 17-4023 (L), pp. 10–14 (2nd Cir Mar. 03, 2020) (common law presumption of access to court documents and records – non-party request; denial of the request entailed careful analysis of the relevant factors and providing a detailed explanation explanation)

[38] See https://ac.courts.wa.gov/index.cfm?fa=home.showpage&page=termsAndConditions , specifically: "Documents may be served on other parties via the portal. If service is through the portal, a declaration of service is not required."

Exhibit A

SUSAN L. CARLSON
SUPREME COURT CLERK

ERIN L. LENNON
DEPUTY CLERK/
CHIEF STAFF ATTORNEY

THE SUPREME COURT
STATE OF WASHINGTON

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February 4, 2020

LETTER SENT BY E-MAIL ONLY

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Re: Supreme Court No. 97929-4 - Nicholas Walker v. Orkin, LLC
Court of Appeals No. 77954-1-I

Counsel and Mr. Lukashin:

On January 24, 2020, the Court received Mr. Lukashin's "MOTION FOR LEAVE TO FILE A *PRO SE* "NONLAWYER" AMICUS BRIEF." On January 29, 2020, the Court received "ORKIN, LLC'S OPPOSITION TO THE MOTION FOR LEAVE TO FILE A *PRO SE* "NONLAWYER" AMICUS BRIEF." On February 3, 2020, the Court received the "MOVANT'S REPLY TO ORKIN'S OPPOSITION."

The following ruling is entered on the motion:

> **RAP 10.6(a) states that "An amicus curiae brief may be filed only by an attorney authorized to practice law in this state, or by a member in good standing of the Bar of another state in association with an attorney authorized to practice law in this state."**
>
> **This motion was filed by a non-attorney seeking to file an amicus brief. The non-attorney seeks waiver of the RAP 10.6 requirement to be an attorney under RAP 1.2, which allows the Court to waive or alter court rules "in order to serve the ends of justice." The motion does not demonstrate why waiver of**

RAP 10.6(a) is justified in this situation. Therefore, the motion is denied.

Sincerely,

Erin L. Lennon
Supreme Court Deputy Clerk

ELL:tl

Exhibit B

CLERK OFFICE RECEPTIONIST <supreme@courts.wa.gov> 2/5/2020 8:34 AM

RE: Clarification requested Re: Case # 97929-4 - Nicholas Walker v. Orkin, LLC

To IGOR LUKASHIN <igor_lukashin@comcast.net> • sturde@openaccess.org <sturde@openaccess.org> • mwilner@gordontilden.com <mwilner@gordontilden.com> • jcadagan@gordontilden.com <jcadagan@gordontilden.com>

Mr. Lukashin: The decision was made by the Deputy Clerk. If you disagree with the decision, the Rules of Appellate Procedure provide that you may file a motion to modify the ruling.

Supreme Court Clerk's Office

From: IGOR LUKASHIN [mailto:igor_lukashin@comcast.net]
Sent: Tuesday, February 4, 2020 4:47 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>; sturde@openaccess.org; mwilner@gordontilden.com; jcadagan@gordontilden.com
Subject: Clarification requested Re: Case # 97929-4 - Nicholas Walker v. Orkin, LLC

Could you please clarify whether the Motion, Opposition, and Reply were ever presented to the Chief Justice as per the General Order located at:

http://www.courts.wa.gov/appellate_trial_courts/supreme/genOrders/amicusCuriae.pdf

If the motion was never submitted to the Chief Justice, could you please do so as per the Order?

Also, I made it clear in the motion that "ends of justice" would be served by providing the court with additional authority and hopefully correcting/removing dicta in Walker, n. 5, and that "signature" requirements in a similar context can be confusing to real-world entities.

Having to bring a separate action to clarify that requirement would be inefficient use of judicial resources and may result in improper interpretation and/ or adjudications

In addition, if the Court could provide authorities or other parameters discussing when "attorney" requirement of RAP 10.6(a) was/could be waivable, this would be greatly appreciated.

Sincerely,

Igor Lukashin

> On February 4, 2020 at 2:43 PM "OFFICE RECEPTIONIST, CLERK" <SUPREME@COURTS.WA.GOV> wrote:

Attached is a copy of the letter issued by the Deputy Clerk on this date in the above referenced case. Please consider this as the original for your files, a copy will not be sent by regular mail. Any documents filed with this Court should be submitted via our web portal: https://ac.courts.wa.gov/

Receptionist

Supreme Court Clerk's Office

360-357-2077

Exhibit C

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

No. 97929-4

Walker v. Orkin, LLC

Court of Appeals, Division One No. 77954-1-I
Whatcom County Superior Court, Docket No: 17-2-01515-2
Judge signing: Honorable Deborra E Garrett

MOTION FOR LEAVE TO FILE A *PRO SE* "NONLAWYER" AMICUS BRIEF

Movant[1]

Igor Lukashin (pro se)

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[1] Waiver of any (portion of a) RAP rule, including RAP 10.6(a), that might otherwise bar the Court from granting the motion is respectfully requested. RAP 1.2(c); 18.8(a). *See also Aho, Fero*, and *Harmon, infra;* ***State v. Graham***, No. 97329-6, slip op., pp. 1, 4–5 (Wash. Dec. 19, 2019) (per curiam) ("***Graham***")

1. IDENTITY OF MOVANT

Movant *pro se* is Igor Lukashin, a "nonlawyer", *see e.g.* ***State v. Yishmael***, 430 P.3d 279, 289 (Wash. App. 2018)[2], *review granted* 438 P.3d 114 (Wash. 2019), who previously moved to file an earlier version of this proposed amicus brief below; discretionary review of the unexplained denial by Division One is pending in this court as No. 98046-2.

2. RELIEF REQUESTED

Lukashin respectfully requests this Court grant him leave to file a *pro se* nonlawyer amicus brief (attached) regarding the opinion[3] filed herein ("*Walker*"). Lukashin reviewed the opinion, the parties' briefs, and listened to oral argument herein. Lukashin also reviewed the Petition for Review ("Pet.")[4] and the Answer thereto ("Ans.")[5]. The brief seeks to inform the Court of various decisions addressing use of typewritten "signature" and the meaning of "signature", as well as the *Perreira* approach re: absence of a statutorily required element of a legal document. The motion is timely, as Pet. was filed December 04, 2019, RAP 13.4(h)[6] (within 60 days)

3. ARGUMENT

<u>Preliminary issue</u>: Notwithstanding ***US Bank Trust, NA v. Bass***, No. 77015-2-I, n. 3 (Wash. App. Apr. 22, 2019)[7] (unp.) (refusing to consider an "amicus curiae brief" because the author "is not an attorney licensed to practice law … as required by RAP 10.6"). Lukashin believes that requirement should be waivable under *Graham, supra*, and *Aho, Fero*, & *Harmon,*

[2] https://scholar.google.com/scholar_case?case=4353555866986543867&
[3] https://scholar.google.com/scholar_case?case=9261344675729061370& ; http://www.courts.wa.gov/opinions/pdf/779541.pdf
[4] http://www.courts.wa.gov/content/petitions/97929-4%20Petition%20for%20Review.pdf
[5] http://www.courts.wa.gov/content/petitions/97929-4%20Answer%20to%20Petition%20for%20Review.pdf
[6] http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=app&ruleid=apprap13.4
[7] https://scholar.google.com/scholar_case?case=8088847990562067694&

infra, as this Court has discretion, under RAP 1.2 and 18.8, on motion of the nonlawyer, where nonlawyer requested, an appropriate waiver and/or modification of the RAP rules that might otherwise bar such review. *See* ***In re Fero***, 190 Wash. 2d 1, 409 P.3d 214, 220-21 (2018), ***Matter of Martinez***, 413 P. 3d 1043, 1047 (Wash. App. Div. 2, 2018) ("we have "the authority to determine whether a matter is properly before the court, to perform those acts which are proper to secure fair and orderly review, and to waive the rules of appellate procedure when necessary to `serve the ends of justice.'" *State v. Aho*, 137 Wash.2d 736, 740-41, 975 P.2d 512 (1999) (RAP 1.2(c))), ***Randy Reynolds v. Harmon***, 437 P.3d 677, 682–83 (Wash. 2019)[8] ("*Harmon*").

Main issue: Whether the Court should consider Lukashin's proposed *pro se* non lawyer amicus brief providing relevant additional authority with a view of filing a substitute opinion in *Walker* in light of whether based on amicus briefing or even *sua sponte* – see ***Keodalah v. Allstate Ins. Co.***, 449 P. 3d 1040, 1045 n. 4 (Wash, Oct. 03, 2019)[9]:

> While we do not generally consider arguments raised for the first time on review by amici, we have discretion to do so where necessary to appropriately resolve a case. See *Falk v. Keene Corp.*, 113 Wn.2d 645, 659, 782 P.2d 974 (1989) ("[a]n appellate court has inherent authority to consider issues which the parties have not raised if doing so is necessary to a proper decision").

See also ***United States v. Green***, 940 F.3d 1038, 1039–40 (9th Cir. 2019)[10] (recalling mandate, withdrawing a published opinion and filing an amended opinion); ***Capp v. County of San Diego***, 940 F. 3d 1046, 1050 (9th Cir. 2019)[11] (withdrawing / filing a superseding opinion); ***Lehman ex rel. Puterbaugh v. Nelson***, No. 18-35321 (9th Cir. Dec. 3, 2019)[12] (granting

[8] http://www.courts.wa.gov/opinions/pdf/955751.pdf , pp. 7–10; also available at https://scholar.google.com/scholar_case?case=6369673732337150522&
[9] http://www.courts.wa.gov/opinions/pdf/958670.pdf ; https://scholar.google.com/scholar_case?case=5414607232378228973&
[10] https://scholar.google.com/scholar_case?case=17402325325628248118
[11] https://scholar.google.com/scholar_case?case=13787617988116450009&
[12] https://scholar.google.com/scholar_case?case=14887369701418041762&

publication; advising any motion for rehearing must be accompanied by a motion to recall mandate).

4. BASED ON PERSONAL EXPERIENCE ARGUING SIGNATURE REQUIREMENTS IN THE CONTEXT OF THE GARNISHMENT STATUTE, RCW 6.27[13], LUKASHIN CAN SUPPLY USEFUL AUTHORITY

Lukashin respectfully posits that the garnishment statute, and in particular, RCW 6.27, 105, discusses similar signature requirements to those in CR 3 and 4. Faced with purported writs of garnishment for continuing lien on earnings, signed with the "/s/" format, but neither electronically filed nor fully compliant with GR 30 signature block requirements (no attorney e-mail address), Lukashin's employer refused his request not to honor such "writs" as non-compliant with the statute without providing a satisfactory explanation, arguing in part as follows in a March 20, 2019 e-mail to his employer's HR:

> Furthermore, my review of the "writ" in the Notice you provided, as well as the same mailed to me by ADP indicates that it does not contain a signature for issuing attorney. This time around, there's not even a manually entered "x" in the checkbox. I renew my objection - I strongly believe and assert (and my review of case law indicates to me the same) that absent compliance with "subscription" requirements by attorney of record (see RCW 6.27.105(1)(c) and (2), as well as RCW 6.27.020(2)
>
> Last time around, HR managers claimed that /s/ (typed name) format is acceptable because of GR 30 - see www.courts.wa.gov/court_rules/?fa=court_rules_display&group=ga&ruleid=gagr30 ; however, I contacted the relevant court, and it has not implemented electronic filing as envisaged by GR 30.
>
> As the copies of documents, including the purported "writ" were thus not properly authenticated per GR 30(d)(1)(A) & (B). Furthermore, pursuant to GR 30(d)(2)(A), the attorney signature block must contain attorney's e-mail address, which the "writ" does not contain. As such, even if GR 30 applies, the required signature block

[13] https://app.leg.wa.gov/RCW/default.aspx?cite=6.27

is missing the e-mail and thus the "writ" is as good as unsigned, and I believe and assert is a legal nullity.

Furthermore, by a fortuitous occasion, there's a recent well-publicized story about importance of authorized persons' signatures on legal documents: https://www.cnn.com/2019/03/13/us/ice-supervisors-dont-always-review-deportation-warrants-invs/index.html

If the /s/ (supervisor's name) format was acceptable, there wouldn't have been a need for some supervisors to give "their officers pre-signed blank warrants". The article also states: "Legally, the signature on a warrant attests that an authorized supervisor reviewed it and determined there was probable cause...". Compare with requirements of RCW 6.27.020 and 6.27.105.

Given that Division One, in *Walker*, p. 6, n. 5 casually observed: “We note the General Rules allow attorneys and nonattorneys to sign electronic documents with a digital signature or an "s/." GR 30(d)(2). RCW 19.360.030 defines "electronic signature.", Lukashin’s (and the public’s general) interest is that the Court is more precise and develops the comment more to provide guidance to the courts below, agencies like Labor & Industries, and the general public.

Additional authority Lukashin cites includes ***Becker v. Montgomery***, 532 U.S. 757, 762–68 (2001)[14] (meaning of a “signature”, cure provision in the federal rules); and ***Pereira v. Sessions,*** 138 S. Ct. 2105, 2113–14 (2018)[15](an NTA that is missing statutory-required time-and-pace information is not an NTA and doesn’t trigger consequences). ***Lopez v. Barr***, 925 F. 3d 396, 405 (9th Cir. 2019)[16], taken *en banc* and vacated[17] yesterday, discussed both *Becker* and *Pereira*, with majority finding that lack of required information (time & place of hearing) held “that a Notice to Appear that is defective under Pereira cannot be cured by a subsequent Notice of Hearing.” *Becker, Pereira*, and *Lopes, supra*, should thus be helpful to this court, especially since,

[14] https://scholar.google.com/scholar_case?case=16003984451866057268&
[15] https://scholar.google.com/scholar_case?case=8804355772954981894&
[16] https://scholar.google.com/scholar_case?case=18384184556769170330&
[17] http://cdn.ca9.uscourts.gov/datastore/opinions/2020/01/23/15-72406_en%20banc_order.pdf

during oral argument[18] herein, a judge questioned whether what was served on Orkin herein was "a copy". More recently, the Eleventh Circuit explicitly relied on & reproduced a signature block of a document, ***United States v. Santos***, No. 18-14529, p. 12 (11th Cir. Jan. 9, 2020)[19].

Finally, see ***Salas v. Hi-Tech Erectors***, 168 Wash. 2d 664, 230 P.3d 583, 587 (2010) (untenable decisions should not stand merely because the parties failed to adequately brief the court); ***State v. Quismundo***, 164 Wn.2d 499, 505-06, 192 P.3d 342 (2008) (a court's "obligation to follow the law remains the same regardless of the arguments raised by the parties before it").

DISCRETION TO DENY THIS MOTION IS NOT UNLIMITED

Lukashin has a right to, at the least, ""facially legitimate and bona fide" reason for its action" ***Kerry v. Din***, 135 S. Ct. 2128, 2140 (2015) as a matter of Due Process; *see also Din* four-justice dissent. Even where a decision is discretionary, discretion is not a whim, as US Supreme Court repeatedly explained – see e.g. ***Halo Electronics, Inc. v. Pulse Electronics***, 136 S. Ct. 1923, 1931-32 (2016); *accord* ***Kirtsaeng v. John Wiley & Sons, Inc.***, 136 S. Ct. 1979, 1985-86 (2016);

Further, "discretionary" nature of the decision does not mean the Court may violate the Constitution ***Poursina v. USCIS***, 936 F. 3d 868, 876 (9th Cir. August 28, 2019)[20] (citing ***Kwai Fun Wong v. US***, 373 F.3d 952, 963 (9th Cir. 2004)), by failing to abide by open-administration-of-justice command ***Matter of Special Deputy Prosecuting Atty***., 446 P.3d 160, 165 (Wash. 2019)[21] ("*MSDPA*"), or by denying procedural (or substantive) Due Process

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18 http://www.courts.wa.gov/content/OralArgAudio/a01/20190228/2.%20Walker%20v.%20Orkin%20LLC%20%20%20779541.mp3

19 https://scholar.google.com/scholar_case?case=11057172308745511953& ; https://scholar.google.com/scholar_case?case=11057172308745511953&

20 https://scholar.google.com/scholar_case?case=11342923258835648063&

21 https://scholar.google.com/scholar_case?case=6446868331273407457&

Nnebe v. Daus, 931 F. 3d 66, 88 (2d Cir. 2019)[22] ("***Nnebe III***"). *See also* ***In re Steenes,*** 918 F.3d 554 (7th Cir. Mar. 14, 2019)[23]; ***US COMMODITY FUTURES TRADING COM'N v. Crombie***, 914 F.3d 1208, 1217 (9th Cir. 2019)[24]; ***US v. Yepiz***, 844 F.3d 1070, 1080 (9th Cir. 2016); ***SEC v. Torchia***, 922 F.3d 1307, 1316-18 (11th Cir. 2019)[25].

CONCLUSION

Lukashin respectfully requests that the Court **GRANT** this motion as well as provide such other and further relief as it deems just and equitable. If denied, Lukashin seeks a "facially legitimate and bona fide reason"[26]. Given ***Courthouse News Service v. Planet***, No. 16-55977 (9th Cir. Jan. 17, 2020)[27] ("***Planet III***") recent related holding that even a modest **delay** in access violates the First Amendment right to access court documents and records, providing no explanation in an order denying this motion would be clearly unconstitutional. *Cf.* ***Globe Newspaper Co***. 457 US at 598 n. 1[28].

s/ Igor Lukashin Dated: January 24, 2020
IGOR LUKASHIN P.O. BOX 5954, Bremerton WA 98312
Tel: (360) 447-8837 Fax: None E-mail: igor_lukashin@comcast.net
Note: Counsel will be served via the portal, so no separate declaration of service is required[29].

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[22] https://scholar.google.com/scholar_case?case=11880235025827083298&
[23] http://media.ca7.uscourts.gov/cgi-bin/rssExec.pl?Submit=Display&Path=Y2019/D03-14/C:17-3630:J:Easterbrook:aut:T:fnOp:N:2308474:S:0 pp. 2-4
[24] https://scholar.google.com/scholar_case?case=3781378265572524109&
[25] https://scholar.google.com/scholar_case?case=17390043361137175803&
[26] ***Yafai v. Pompeo***, 924 F.3d 969, 975-83 (7th Cir. 2019) (Chief Judge Wood's dissent from denial of rehearing en banc); *accord* ***Bourdon v. United States Department Of Homeland Security***, 940 F. 3d 537, 554 (11th Cir. Oct. 3, 2019) (dissent) ***Honcharov v. Barr***, 924 F. 3d 1293, 1296 n. 2 (9th Cir. May 29, 2019) (""it goes without saying that IJs and the B[oard] are not free to ignore arguments raised by a petitioner" entirely")
[27] https://scholar.google.com/scholar_case?case=11495110141016204658&
[28] even where the press was not denied subsequent access to the transcript 457 US at 610; Dissent at 615–616 of the hearing. See further Globe Newspaper, 457 US at 609 n. 25 (case-by-case approach); at 611 n. 27 "mandatory rule, requiring no particularized determinations in individual cases, is unconstitutional".
[29] See https://ac.courts.wa.gov/index.cfm?fa=home.showpage&page=termsAndConditions , specifically: "Documents may be served on other parties via the portal. If service is through the portal, a declaration of service is not required."

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

No. 97929-4

Walker v. Orkin, LLC

Court of Appeals, Division One No. 77954-1-I
Whatcom County Superior Court, Docket No: 17-2-01515-2

Judge signing: Honorable Debora E Garrett

PROPOSED *PRO SE* "NONLAWYER" AMICUS BRIEF

"Nonlawyer" amicus[30]

Igor Lukashin (pro se)

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[30] Waiver of any (portion of a) RAP rule, including RAP 10.6(a), that might otherwise bar the Court from granting the motion is respectfully requested. RAP 1.2(c); 18.8(a). *See also Aho, Fero*, and *Harmon, supra*

Lukashin's *pro se* nonlawyer amicus brief focuses on the need to elaborate on the dicta found in *Walker*, p. 6, n. 5, where the Court casually observed: "We note the General Rules allow attorneys and nonattorneys to sign electronic documents with a digital signature or an "s/." GR 30(d)(2). RCW 19.360.030 defines "electronic signature." Lukashin also reviewed the Petition for Review ("Pet.")[31] and the Answer thereto ("Ans.")[32], and observed that Ans. 19 notes that: "*Hagen* and *Mezchen* hold a typewritten signature affixed to the summons at the attorney's direction satisfies the "subscribed" requirement", further claiming, pp. 19 – 20:

> The *Hagen* and *Mezchen* results make sense in the modern legal practice, where lawyers regularly sign legal documents by typing "s/ [name]" on the signature line. In both instances (typed and handwritten), the inclusion of the lawyer's name on the signature line evidences the lawyer's intent to give that particular document legal effect. This contrasts with the present case where **no** signature—typed or handwritten—was affixed to Walker's summons

While parties were informed by Lukasin of *Becker, infra*, below, counsel above failed to mention it in the Answer, and, while Lukashin is filing this document with the "s/ Igor Lukashin" for signature, this is authorized by court rule and authenticated by ID/password on the portal. Lukashin believes it is important that the Court clarifies the distinction, as both Lukashin's employer and payroll processor my.adp.com have repeatedly rejected Lukashin's objections.

SCOTUS decisions in *Becker* and *Pereira*

Becker v. Montgomery, 532 U.S. 757, 764(2001)[33] discussed the meaning of a "signature" in the federal rules, noting:

> **The local rules on electronic filing provide some assurance, as does a handwritten signature, that the submission is authentic**. See, e. g., United States District Court for the Northern District of Ohio, Electronic Filing Policies and Procedures Manual 4 (Apr.

[31] http://www.courts.wa.gov/content/petitions/97929-4%20Petition%20for%20Review.pdf
[32] http://www.courts.wa.gov/content/petitions/97929-4%20Answer%20to%20Petition%20for%20Review.pdf
[33] https://scholar.google.com/scholar_case?case=16003984451866057266&

> 2, 2001) (available at http://www.ohnd.uscourts.gov/ Electronic Filing/user.pdf) (allowing only registered attorneys assigned identification names and passwords to file papers electronically). Without any rule change so ordering, however, we are not disposed to extend the meaning of the word "signed," as that word appears in Civil Rule 11(a), to permit typed names. As Rule 11(a) is now framed, we read the requirement of a signature to indicate, as a signature requirement commonly does, and as it did in John Hancock's day, a name handwritten (or a mark handplaced). (emphasis added)

Pereira v. Sessions, 138 S. Ct. 2105, 2113–14 (2018)[34], focusing "on a simple, but important, question of statutory interpretation: Does service of a document styled as a "notice to appear" that fails to specify "the items listed" in § 1229(a)(1) trigger the stop-time rule?" and engaging in statutory interpretation[35], held that an NTA that is missing statutory-required time-and-pace information is not an NTA and doesn't trigger consequences:

> The statutory text alone is enough to resolve this case. Under the stop-time rule, "any period of . . . continuous physical presence" is "deemed to end . . . when the alien is served a notice to appear under section 1229(a)." 8 U.S.C. § 1229b(d)(1). By expressly referencing § 1229(a), the statute specifies where to look to find out what "notice to appear" means. Section 1229(a), in turn, clarifies that the type of notice "referred to as a `notice to appear'" throughout the statutory section is a "written notice . . . specifying," as relevant here, "[t]he time and place at which the [removal] proceedings will be held." § 1229(a)(1)(G)(i). Thus, based on the plain text of the statute, it is clear that to trigger the stop-time rule, the Government must serve a notice to appear that, at the very least, "specif[ies]" the "time and place" of the removal proceedings.

And at 2117-18, *Pereira* majority further notes:

> Moreover, the omission of time-and-place information is not, as the dissent asserts, some trivial, ministerial defect, akin to an unsigned notice of appeal. *Cf. Becker v. Montgomery*, 532 U.S. 757, 763, 768, 121 S.Ct. 1801, 149 L.Ed.2d 983 (2001). Failing to specify integral information like the time and place of removal proceedings unquestionably would "deprive [the notice to appear] of its essential character." *Post*, at 2127, n. 5; *see supra*, at 2115-2116, n. 7.

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[34] https://scholar.google.com/scholar_case?case=8804355772954981894&

[35] *Walker*, citing *Jafar*, 177 Wn.2d at 526

The Ninth Circuit, in ***Lopez v. Barr***, 925 F. 3d 396, 405 (9th Cir. 2019)[36], <u>taken *en banc* and vacated</u>[37] yesterday, discussed both *Becker* and *Pereira*, with majority finding that lack of required information (time & place of hearing) does not trigger the stop-time rule. *Becker, Pereira*, and *Lopes, supra*, should thus be helpful to this court, especially since, during oral argument[38] herein, a judge questioned whether what was served on Orkin herein was "a copy". As such, an unsigned summons is not a "copy" of the summons; and use of /s/ should only validate a copy of the document if it is previously electronically filed with a court per GR 30.

<u>**Some federal district courts appear to agree**</u> that it is the filer's username and password, rather than a mark "s/" with a typed name alone, that satisfy a "signed" requirement.

Waters v. Drake, No. 2: 14-cv-1704 (S.D. Ohio Sept. 3, 2015)[39] squarely addressed it:

> With the advent of electronic filing, most courts have adopted procedures which address this issue for electronically-filed documents. S.D. Ohio Local Civil Rule 83.5 states that "[t]he actual signature of a Filing User [defined as an attorney or party registered to file documents under the Court's Electronic Case Filing system] shall be represented, for ECF purposes, by `s/' followed by the typed name of the attorney or other Filing User" and that such a "signature" is "equivalent for all purposes including Fed.R.Civ. P. 11 or any other rule or statute, to a hand-signed signature." The Court presumes this is a valid rule, although in *Becker v. Montgomery*, 532 U.S. 757, 674 (2001), the Supreme Court held that while local rules on electronic filing "provide some assurance . . . that the submission is authentic," Rule 11(a) still requires "as it did in John Hancock's day, a name handwritten (or a mark handplaced)" and that a typewritten signature did not comply with the rule. Nevertheless, there is authority that a local rule which specifies that use of the electronic filing system by an attorney who is a registered user constitutes the signing of a document for purposes of Rule 11(a). *See, e.g., E.E.O.C. v. Dolgencorp*, LLC, 2011 WL 1260241 (M.D. N.C. March 31, 2011); *United States v. Sodders*, 2006 WL 1765414 (N.D. Ind. June 21, 2006). This Court's electronic filing policies make an

[36] https://scholar.google.com/scholar_case?case=18384184556769170330&
[37] http://cdn.ca9.uscourts.gov/datastore/opinions/2020/01/23/15-72406_en%20banc_order.pdf
[38] http://www.courts.wa.gov/content/OralArgAudio/a01/20190228/2.%20Walker%20v.%20Orkin%20LLC%20%20%20779541.mp3
[39] https://scholar.google.com/scholar_case?case=3919754221343470743&

attorney responsible for all documents filed with his or her password, and that assures the Court that if a document is submitted from that attorney's account, there is an actual person who is responsible for the filing's content.

The "assurance" which is provided by the filing of a document using a registered filer's electronic account and password, however, is not present when a document is manually filed with only a typewritten "signature." Notwithstanding the fact that the Court's Electronic Filing Policies and Procedures Manual, in Section I(A), requires all documents to be filed electronically "unless otherwise permitted by these policies and procedures or unless otherwise authorized by the assigned judge," some attorneys who are registered for electronic filing still submit documents for manual filing. Sometimes, as in the case of a document to be filed under seal, that is necessary. When that occurs, however, the document has not arrived at the Court electronically through an account to which only a registered user (who can be identified) has access; rather, it has simply appeared at the counter in the Clerk's office. Although the same Policies and Procedures Manual, at Section II(C)(2), provides for the same "s/" signature format as Local Civil Rule 83.5, it does so only for documents which are "filed electronically or submitted on disk to the Clerk's Office." …

In this case, a document has been filed manually which bears only a typed "signature" of an attorney. The document did not arrive by electronic means. The Court therefore lacks the assurance provided by that method that the document was prepared and authorized by the attorney whose name appears in typewritten form on the document's signature line. Without such assurance, the signature requirement of Rule 11(a) has not been satisfied. (portion omitted, emphasis added)

Lambert v. Lowe's Home Centers, LLC, Civil Action No. 1: 14-CV-00107-JHM (W.D. Ky. Oct. 19, 2016)[40], observed in relevant part as follows:

Lowe's also argues that Lambert's declaration should be excluded for its failure to comply with the signature requirements of 28 U.S.C. § 1746 and this Court's Joint General Order 11-02. Declarations must be signed by the person making the declaration. 28 U.S.C. § 1746. However, the Supreme Court has recognized that signature requirements "can be adjusted to keep pace with technological advances." *Becker v. Montgomery*, 532 U.S., 757, 763 (2001). Rule 5(d)(3) of the Federal Rules of Civil Procedure does just that, stating that a court "may, by local rule, allow papers to be filed, signed, or verified by electronic means . . ." This Court, along with the Eastern District of Kentucky, established such a local rule through Joint General Order 11-02. Thus, the Court must determine if Lambert's signature complies with these requirements.

[40] https://scholar.google.com/scholar_case?case=14460274648771175504&

> Lambert's declaration concludes with a typed signature, stylized as "s/Stanley Wilson Lambert II" over the same name in all capital letters. [DN 45-3, at 4]. Section 11(b) of Joint General Order 11-02 states that an electronic signature must be "preceded by an `s/' and typed in the space where the signature would otherwise appear." Thus, Lambert's electronic signature complies with the technical requirements of the Joint General Order. However, Lambert is not permitted to use an electronic signature.
>
> Section 11(b) only allows for electronic signatures on documents that bear the name of a "Filing User," which is defined in § 1.2 as "an individual who has a court-issued login and password to file documents electronically." Further, § 3(a) of the Joint General Order states that "an attorney admitted to the Bar of this court, including an attorney admitted pro hac vice, shall register as a Filing User by completing the prescribed registration form and submitting it to the clerk . . ." Finally, § 11(a) states that "[t]he user login and password required to submit documents to the Electronic Filing System [shall] serve as the Filing User signature on all electronic documents filed with the court." There is no mention in the Joint General Order of represented parties being permitted to utilize an electronic signature.
>
> Section 11(a) makes clear the rationale as to why a party may not use an electronic signature. The user login and password of the attorney whose name appears on filings is the actual signature, used to verify that this document did in fact originate from the individual who electronically signed the document. While anyone can type the name of an attorney at the bottom of a filing, only that attorney should have the login credentials necessary to complete the filing, making those credentials the guarantee of authenticity the Court sought to create through the General Joint Order. **If no login credentials have been issued to Lambert, then the Court has no similar verification that the declaration did in fact originate from him**. (bold and underline emphasis added)

But compare **Appendix A hereto**, excerpts from documents sent to Lukashin's employer under RCW 6.27 (with district court, only a signature of the attorney, not a court clerk, is needed). The Court should take some time to clarify comments in *Walker* n. 5 to avoid it being mere dicta and confusing the bench, the bar, and the general public.

Other authority discussing effects of a (missing) signature includes ***State v. Covert***, 675 S.E.2d 740, 382 S.C. 205, 209 (2009)[41] (validity of an arrest warrant missing a signature):

[41] https://scholar.google.com/scholar_case?case=3078527988011773594&

> The signature is the assurance that a judicial officer has found that law enforcement has made the requisite probable cause showing, and serves as notice to the citizen upon whom the warrant is served that it is a validly issued warrant. Without the signature, it is merely an "unfinished paper." *Davis, supra*; *see also DuBose v. DuBose*, 90 S.C. 87, 72 S.E. 645 (1911) ("But it has been decided [in *Davis*] that, when an officer is performing the ministerial duty of issuing a paper on compliance with certain conditions prescribed by law, his signature at the foot of the paper he intended to sign is necessary to its validity").

State v. Arellano, No. 13-17-00268-CR (Tex. App. Feb. 21, 2019)[42] noted that omission of the typewritten name of the magistrate required by statute resulted in facially invalid warrant:

> Here, the search warrant was signed by a magistrate; however, the magistrate's name does not appear in clearly legible handwriting or in typewritten form with the magistrate's signature as required by article 18.04(5). See TEX. CODE CRIM. PROC. ANN. art. 18.04(5). Moreover, the attached affidavit incorporated in the warrant also lacks the magistrate's name in clearly legible handwriting or typewritten form. Because article 18.04(5) requires that the "magistrate's name appear in clearly legible handwriting or in typewritten form with the magistrate's signature," and the search warrant before us does not meet this requirement, we conclude the warrant does not comply with the requirements of 18.04 and is therefore facially invalid. See Turner, 886 S.W.2d at 864; Miller, 703 S.W.2d at 353.

State v. Mathews, 986 P.2d 323, 327, 133 Idaho 300 (1999) noted:

> Once the lack of a signature is discovered or raised, the search must stop until such time as the lack of a signature may be corrected by the signature of the magistrate. Failure to supply the signature once it is challenged will vitiate any further search under the warrant. "Evidence" obtained in such an unauthorized search is not admissible.

Com. v. Veneri, 452 A.2d 784, 306 Pa. Superior Ct. 396, 398-403 (1982)[43] held that "the use of a rubber stamp facsimile, standing alone, does not meet the signature requirement". Compare with ***US v. Yepiz***, 844 F.3d 1070, 1081 n. 2 (9th Cir. 2016) (dissent):

> It's unclear whether Judge Walter saw the letter and rejected the filing, he delegated that duty, or, if his usual practice was to set a hearing, a clerk inadvertently failed to comply.

[42] http://scholar.google.com/scholar_case?case=2255062814408238972&

[43] https://scholar.google.com/scholar_case?case=2892149795653168444&

> That Judge Walter's signature is on the notice of discrepancy doesn't definitively tell us the answer as most judges have signature stamps for their courtroom deputy's use.

Other relevant useful authority citing *Becker*[44]*, supra*, include ***Rumph v. City of New York***, No. 18-CV-8862 (CM) (S.D.N.Y. Apr. 26, 2019)[45] (a non-attorney with a power of attorney who is not an attorney may not sign court submission on behalf of another individual) and ***DeCook v. Olmsted Medical Center, Inc.***, 875 N.W.2d 263, 267 (Minn. 2016)[46]:

> Citing our decision in *Herrick v. Morrill*, 37 Minn. 250, 252, 33 N.W. 849, 850 (1887), the DeCooks argue that the summons was not defective at all because Offutt's printed name on the summons' signature block constituted a valid "subscription" of the summons…
>
> Minnesota Rule of Civil Procedure 4.01 requires a summons to be "subscribed by the plaintiff or by the plaintiff's attorney." "Subscribed" means "signed." See The American Heritage Dictionary 1737 (5th ed.2011) ("to sign (one's name) at the end of a document...."); Black's Law Dictionary 1655 (10th ed.2014) (containing four relevant definitions, all of which contemplate a written signature). Further, Rule 11.01 requires "[e]very pleading, written motion, and other similar document" to be "signed by at least one attorney of record in the attorney's individual name" if the party is represented. Minn. R. Civ. P. 11.01. Even if a summons is not a "similar document" to a pleading or motion such that it is covered by Rule 11, no good reason exists for different rules to govern a summons as opposed to all other important court documents. We conclude that Rule 4.01's subscription requirement means the summons must be signed. (portion omitted, emphasis added)

Finally, see ***Salas v. Hi-Tech Erectors***, 168 Wash. 2d 664, 230 P.3d 583, 587 (2010) (untenable decisions should not stand merely because the parties failed to adequately brief the court); ***State v. Quismundo***, 164 Wn.2d 499, 505-06, 192 P.3d 342 (2008) (a court's "obligation to follow the law remains the same regardless of the arguments raised by the parties before it").

---

[44] 200+ cases citing *Becker* may be found via the following Google Scholar link: https://scholar.google.com/scholar?start=0&hl=en&scisbd=2&as_sdt=5,48&sciodt=6,48&cites=1600398445186605726&scipsc=

[45] https://scholar.google.com/scholar_case?case=8931580990795003140&

[46] https://scholar.google.com/scholar_case?case=1917279409246845919&

Lukashin respectfully requests this Court to clarify the comment in *Walker*, n. 5, having reviewed sample "signatures" in the Appendix, whether a document **not electronically filed with a court** (or not in compliance with GR 30) could be "signed" with an /s/ to be legally valid, or is it akin to a "rubber stamp" and insufficient to trigger completed service (in the summons context) or insufficient to require an employer, over an employee's objection, to legally withhold wages under a purported continuing lien on earnings.

Compare also ***United States v. Santos***, No. 18-14529, p. 12 (11th Cir. Jan. 9, 2020)[47], where Eleventh Circuit explicitly reproduced and relied on a signature block[48] of a document in the record, and where both stamped name and signature of the official appeared.

CONCLUSION

Lukashin respectfully requests that the Court **CONSIDER** this *pro se* "nonlawyer" amicus brief to potentially aid it in deciding currently pending Petition for Review, as well as provide such other and further relief as it deems just and equitable, including but not limited to directing issuance of an amended opinion further developing the issue mentioned in *Walker*, n. 5 more extensively, even if it should deny the Petition for Review herein.

s/ Igor Lukashin Dated: January 24, 2020

IGOR LUKASHIN P.O. BOX 5954, Bremerton WA 98312

Tel: (360) 447-8837 Fax: None E-mail: igor_lukashin@comcast.net

Appendix A hereto illustrates the need for clarification of what represents a "signature".

[47] https://scholar.google.com/scholar_case?case=11057172308745511953& ; https://scholar.google.com/scholar_case?case=11057172308745511953&

[48] Screenshot provided in Appendix A hereto

APPENDIX A

2018 "writ" signature block excerpt (redacted typed names / WSBA numbers):

```
15 Dated: May 30, 2018
                                        /S/ BY ATTORNEY INDICATED BELOW
16                                      [X] [redacted]
                                        [ ] [redacted]
17                                      [ ] ----------------------------
   Court Address:                           ATTORNEY FOR PLAINTIFF
18 THURSTON COUNTY DISTRICT COURT
   2000 LAKERIDGE DR SW, BLDG 3
19
   OLYMPIA, WA 98502
20                            Defendant Address:
                              IGOR LUKASHIN
```

2019 "writ" signature block excerpt (redacted typed names / WSBA numbers):

```
15 Dated: January 31, 2019
                                        /S/ BY ATTORNEY INDICATED BELOW
16                                      [ ] [redacted]
                                        [ ] ----------------------------
17                                      [ ] ----------------------------
   Court Address:                           ATTORNEY FOR PLAINTIFF
18 THURSTON COUNTY DISTRICT COURT
   2000 LAKERIDGE DR SW, BLDG 3
19
   OLYMPIA, WA 98502
20                            Defendant Address:
                              IGOR LUKASHIN
```

Email to/from Thurston County District court re: GR 30 and electronic filing:

Has this court authorized and been accepting GR 30 electronic filings? Inbox ×

Igor Lukashin Mon, Feb 25, 9:13 AM

to TCDCCivil@co.thurston.wa.us, me

Good morning,

I have received some documents purporting to relate to a civil case in this Court that lack actual attorney and declarant signatures, instead using a format similar to that in GR 30(d)(2)(A) and (B) ("s/ John Attorney" and "s/ John Citizen). It appears that such format is not acceptable for "Non-attorney signatures on documents signed under penalty of perjury" GR 30(d)(2)(C).

My question is: Has this Court authorized and been accepting GR 30 electronic filings?

If not, please explicitly state so. If yes, how can I verify that the document(s) I am receiving that may have been filed in a Thurston Country District Court pursuant to GR 30 are complete and correct copies of the respective electronic documents properly authenticated pursuant to GR 30(d)?

The courtesy of your prompt response would be highly appreciated.

--

Sincerely,

Igor Lukashin

TCDCCivil TCDCCivil@co.thurston.wa.us via thu... Wed, Feb 27, 3:55 PM

to me

You will need to be more specific as to a case # and what documents if you want to verify that we have an original with signatures on it. We do not have "electronic filing" but we do accept some documents by fax or email. Generally speaking, some documents, like writs, are filed with the original having signatures but the conforming copies do not.

Copy of ***United States v. Santos***, No. 18-14529, p. 12 (11th Cir. Jan. 9, 2020) signature block:

Case: 18-14529 Date Filed: 01/09/2020 Page: 12 of 45

Part 13. Signature at Interview.

I swear (affirm) and certify under penalty of perjury under the laws of the United States of America that I know that the contents of this application for naturalization subscribed by me, including corrections numbered 1 through 8 and the evidence submitted by me numbered pages 1 through ___, are true and correct to the best of my knowledge and belief.

Subscribed to and sworn to (affirmed) before me

LUCAS F. BARRIOS

Officer's Printed Name or Stamp

Date *(mm/dd/yyyy)*

Complete Signature of Applicant

Officer's Signature

Part 14. Oath of Allegiance.

If your application is approved, you will be scheduled for a public oath ceremony at which time you will be required to take the following oath of allegiance immediately prior to becoming a naturalized citizen. By signing, you acknowledge your willingness and ability to take this oath:

Officer Diaz testified that Officer Barrios's marks and signature in red ink on the annotated Form N-400 were consistent with USCIS policy.

Screenshot from a "First Answer" manually completed by Lukashin's employer, with separate spaces for "signature" and "printed name"

5 **SECTION III.** An attorney may answer for the Garnishee.

6 Under penalty of perjury, I affirm that I have examined this answer, including accompanying schedules, and to
7 the best of my knowledge and belief it is true, correct, and complete.

8 AnnMarie Yenish 6/18/18

9 Signature of Garnishee Date

10 Payroll Specialist

Signature of person answering Connection with Garnishee
11 for Garnishee (if different)

12 Ann MARiE Yenish

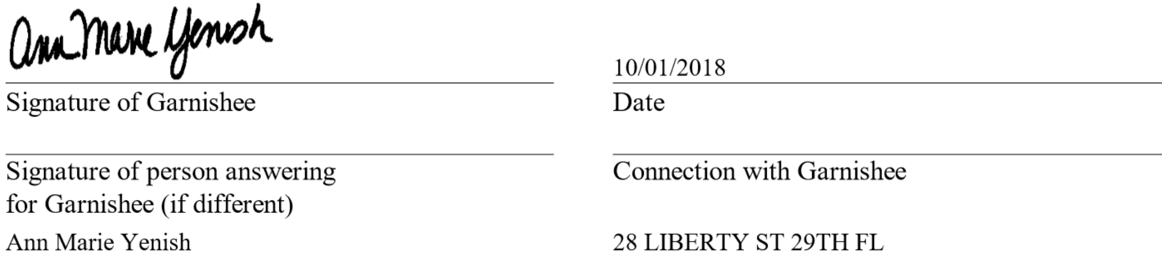
Print or type name

But compare with screenshot for the "Second Answer" to the same 2018 "writ", accessed January 24, 2020 on my.adp.com website, and apparent use of a signature stamp/facsimile (which would obviate "original signed paper document requirement" of GR 30[49] (d)(2)(C):

"Non-attorney signatures on documents signed under penalty of perjury. Except as set forth in (d)(2)(D) of this rule, if the original document requires the signature of a non-attorney signed under penalty of perjury, the filer must either:

(i) Scan and electronically file the entire document, including the signature page with the signature, and maintain the original signed paper document for the duration of the case, including any period of appeal, plus sixty (60) days thereafter; or

(ii) Ensure the electronic document has the digital signature of the signer")

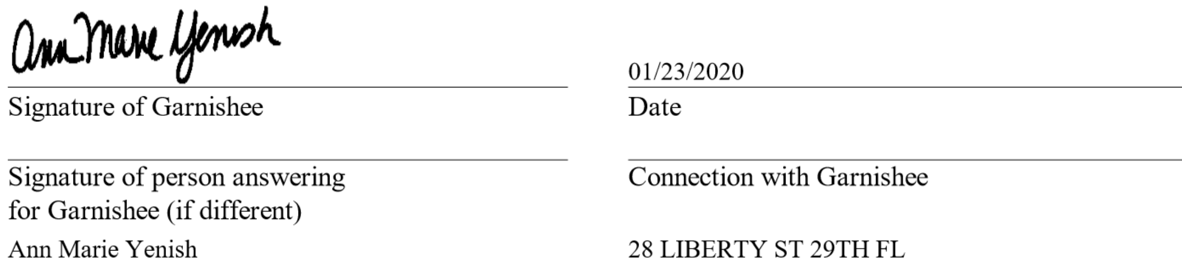


SECTION III: An attorney may answer for the garnishee.

Under penalty of perjury, I affirm that I have examined this answer, including accompanying schedules, and to the best of my knowledge and belief it is true, correct and complete.

Ann Marie Yenish	10/01/2018
Signature of Garnishee	Date
Signature of person answering for Garnishee (if different)	Connection with Garnishee
Ann Marie Yenish	28 LIBERTY ST 29TH FL

Compare with "Second Answer" excerpt from ADP filed only yesterday & identical "signature":



SECTION III: An attorney may answer for the garnishee.

Under penalty of perjury, I affirm that I have examined this answer, including accompanying schedules, and to the best of my knowledge and belief it is true, correct and complete.

Ann Marie Yenish	01/23/2020
Signature of Garnishee	Date
Signature of person answering for Garnishee (if different)	Connection with Garnishee
Ann Marie Yenish	28 LIBERTY ST 29TH FL

If ADP is applying the signature stamp for Ms. Yenish, or she does it herself, a Court has no assurance it was Ms. Yenish who applied it and/or "signed" under penalty of perjury.

---

[49] http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&ruleid=gagr30

Second 2019 "writ" signature block excerpt (redacted typed name / WSBA number), screenshot taken from a document accessed January 24, 2020 via my.adp.com portal

1 This writ is issued by the undersigned attorney of record
2 for plaintiff under the authority of Chapter 6.27 of the Revised Code of Washington and must be complied with in the same manner
3 as a writ issued by the clerk of the court.

4 Dated: October 21, 2019

5 /S/[redacted]
[redacted], WSBA #[redacted]
ATTORNEY FOR PLAINTIFF

Court Address:
6 THURSTON COUNTY DISTRICT COURT
7 2000 LAKERIDGE DR SW, BLDG 3
8 OLYMPIA, WA 98502

00800500000003

Exhibit D

FILED
SUPREME COURT
STATE OF WASHINGTON
1/3/2020 1:14 PM
BY SUSAN L. CARLSON
CLERK

Supreme Court No. 97929-4
Court of Appeals No. 77954-1-I

**IN THE SUPREME COURT
OF THE STATE OF WASHINGTON**

NICHOLAS WALKER, a married man,

Petitioner,

v.

ORKIN, LLC, a Delaware limited liability company,

Respondent.

ANSWER TO RAP 13.5 MOTION FOR DISCRETIONARY REVIEW OF THE ORDER DENYING MOTION TO FILE AMICUS BRIEF AND TO SUPPLEMENT THE RECORD

**GORDON TILDEN
THOMAS & CORDELL LLP**
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I. INTRODUCTION AND IDENTITY OF ANSWERING PARTY

Orkin, LLC submits this Answer to Igor Lukashin's "RAP 13.5 Motion for Discretionary Review of the Order Denying Motion to File Amicus Brief and to Supplement the Record." The Court should deny Mr. Lukashin's motion.

Respectfully, Mr. Lukashin is not entitled to RAP 13.5 review because Mr. Lukashin (1) is not a party, (2) does not argue any RAP 13.5 standard is met, and (3) seeks relief that cannot be afforded under RAP 13.5. Even if he could seek review under RAP 13.5, the Court should deny his motion because the Court of Appeals did not err in denying his untimely motions to file amicus briefs or to supplement the record with extraneous materials from a different case in a different county.

II. STATEMENT OF GROUNDS TO DENY THE MOTION

A. Mr. Lukashin Is Not Entitled to RAP 13.5 Review.

1. Only a party may seek review, and Mr. Lukashin is not a party.

RAP 3.1 provides, "Only an aggrieved party may seek review by the appellate court." Similarly, RAP 13.3(a) permits only "[a] party may seek discretionary review by the Supreme Court …."[1] And RAP 13.5 review is expressly limited to review sought by "[a] party."

[1] *See also* RAP 13.3(c) ("A party seeking review of an interlocutory decision ….").

Here, Mr. Lukashin acknowledges, repeatedly, that he is not a party. Thus, Mr. Lukashin is not entitled to seek review under RAP 13.5.

2. Mr. Lukashin does not argue a single RAP 13.5 standard is met.

Mr. Lukashin titled his filing as a "RAP 13.5 Motion" but did not argue, or cite, any of the standards of review under RAP 13.5.[2] For this reason alone, the Court should deny his motion.[3]

3. Mr. Lukashin seeks relief that cannot be afforded under RAP 13.5.

Mr. Lukashin's motion asks this Court to require the Court of Appeals eliminate the use of orders in favor of full written opinions on every motion made.[4] However, the propriety of deciding a motion by ruling or order, RAP 17.6, was not considered or decided by Court of Appeals below. Thus, there is no interlocutory decision on the issue for which Mr. Lukashin seeks this Court's review.[5]

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[2] *See* RAP 13.5(b) (listing the applicable standards of review).

[3] *E.g.*, *Sprague v. Spokane Valley Fire Dep't*, 189 Wn.2d 858, 876, 409 P.3d 160, 172 (2018) ("We will not consider arguments that a party fails to brief."); RAP 10.3(b)(6).

[4] *E.g.*, Lukashin's "RAP 13.5 Motion for Discretionary Review of the Order Denying Motion to File Amicus Brief and to Supplement the Record" ("Mot.") 8 ("yet all divisions of the Court of Appeals have been denying Lukashin's motions in boilerplate, unexplained orders"), 14 ("Lukashin understands and agrees that the Court of appeals retains discretion of whether to grant a motion to publish, to recall a mandate, or file an amicus brief. [citation omitted.] However, open administration of justice and [d]ue [p]rocess demand an explanation for a decision to deny such a motion, particularly when [the] motion is brought by a non-party."). *Cf.*, RAP 17.6.

[5] RAP 13.3(a); RAP 13.5(b).

B. Even If Mr. Lukashin Could Seek Review, the Court of Appeals Did Not Err and Review Is Not Warranted.

1. The Court of Appeals did not err in denying Mr. Lukashin's motions to file amicus briefs.

Mr. Lukashin's requests to file amicus briefing in Division One were untimely under Division One's General Order regarding amicus briefs, RAP 10.2(f)(2) and RAP 12.4(i). Mr. Lukashin's requests also did not comply with any of the requirements for filing an amicus brief under RAP 10.6(a). Division One did not err in denying Mr. Lukashin's motions.

Division One's General Order *In re the Manner of Disposition of Motions to File Amicus Curiae Briefs*, states in part:

> An applicant who wishes to file an amicus curiae brief not requested by the appellate court must file a motion seeking permission to file the brief not later than 45 days after the due date for the last brief of respondent permitted under rule 10.2(b), unless the court allows a later date upon a showing of particular justification by the applicant. An applicant who wishes to file an amicus curiae memorandum as provided by RAP 12.4(i) must file a motion seeking permission to file the memorandum not later than 5 days after the motion for reconsideration has been filed by a party to the appeal, unless the court allows a later date upon a showing of particular justification by the applicant….[6]

RAP 10.2(f)(2) similarly requires any amicus curiae brief be filed "not later than 45 days" after the last respondent's brief is filed. Finally,

[6] https://www.courts.wa.gov/appellate_trial_courts/?fa=atc.genorders_orddisp&ordnumber=I-013&div=I (emphasis added).

RAP 12.4(i) provides that a party may seek permission to file an amicus curiae memorandum "not later than 5 days after a motion for reconsideration has been filed."

Here, the last brief of the respondent was filed on July 10, 2018. The opinion was filed on September 16, 2019. Walker moved for reconsideration on October 7, 2019. Mr. Lukashin did not file his "proposed *pro se* 'nonlawyer' amicus brief[s]" until October 16 and 17, 2019—11 and 12 days after the motion to reconsider was filed.

Thus, contrary to Division One's General Order and RAP 10.2(f)(2), Mr. Lukashin's motions were not filed within 45 days of the respondent's last brief. And, contrary to RAP 12.4(i), the motions were not filed within 5 days of respondent's motion to reconsider.[7] The motions did not make any "showing of particular justification" for their untimeliness.[8] Mr. Lukashin's motions were untimely, and Division One properly denied them.

Mr. Lukashin's motions to file amicus briefs also did not comply with any of the requirements of RAP 10.6(a). RAP 10.6(a) allows a court to grant a motion to file an amicus curiae brief:

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[7] Notably, too, nothing in either of Mr. Lukashin's motions below supported an inference that these filings were made pursuant to RAP 12.4(i). Now, Mr. Lukashin includes RAP 12.4(i) as one of his "main issues." Mot. 2.

[8] *Cf.* General Order *In re the Manner of Disposition of Motions to File Amicus Curiae Briefs*, adopted June 10, 2015; RAP 10.2(f); RAP 12.4(i).

> only if all parties consent, or if the filing of the brief would assist the appellate court. An amicus curiae brief may be filed only by an attorney authorized to practice law in this state or by a member in good standing of the Bar of another state in association with an attorney authorized to practice law in this state.

Not one of these requirements were satisfied.

First, Orkin did not consent to the filing and, therefore, "all parties" did not consent.[9] Second, the proposed brief would not "assist" Division One because Division One had already filed its opinion and denied reconsideration.[10] The proposed brief also would not "assist" Division One because the proposed brief asked Division One to amend its opinion to address statutes and rules not at issue in the appeal.[11] Third, Mr. Lukashin is not an attorney, nor is he associated with an attorney, authorized to practice law in Washington and, therefore, he may not file an amicus brief.[12]

Mr. Lukashin claimed the requirements of RAP 10.6(a) "should be waivable."[13] But the cases he cited did not support waiving the threshold requirements of RAP 10.6(a).[14] Furthermore, the drafters of the Appellate

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[9] RAP 10.6(a).

[10] RAP 10.6(a); *Walker*, -- Wn. App.2d --, 448 P.3d at 818-20.

[11] RAP 10.6(a).

[12] RAP 10.6(a).

[13] Exhibit B to Lukashin's Motion to this Court ("Ex. B.") at 1.

[14] Ex. B at 1 (citing *In re Fero*, 190 Wn.2d 1, 409 P.3d 214 (2018); *Matter of Martinez*, 2 Wn. App.2d 904, 413 P.3d 1043 (2018); *State v. Aho*, 137 Wn.2d 736, 975 P.2d 512 (1990); *Randy Reynolds v. Harmon*, 193 Wn.2d 143, 437 P.3d 677 (2019)). *But see* RAP 10.1(e)

Rules specifically considered whether nonlawyers should be permitted to file amicus curiae briefs and declined to allow the practice. The Task Force Comment to RAP 10.6 states: "The social interest to be served by permitting nonlawyers to file amicus briefs is outweighed by the inconvenience caused to the administration of justice in appellate courts."

Finally, contrary to Mr. Lukashin's insinuation,[15] denying this motion did not violate his constitutional rights because he had no constitutional right to be heard in a case to which he was not a party.

In short, the proposed amicus briefing was untimely under Division One's General Order, RAP 10.2(f)(2), and RAP 12.4(i); the proposed amicus briefing did not comply with RAP 10.6(a); and there was no basis to "waive" RAP 10.6(a) or any other RAP. The Court of Appeals properly denied Mr. Lukashin's motions to file amicus briefs. There is no basis for this Court's review.

2. The Court of Appeals properly denied Mr. Lukashin's motion to file supplemental authorities.

RAP 9.1 provides, "[t]he 'record on review' may consist of (1) a 'report of proceedings', (2) 'clerk's papers', (3) exhibits, and (4) a certified record of administrative adjudicative proceedings." In contrast, Mr. Lukashin sought to

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stating "An amicus curiae brief by be filed only if permission is obtained as provided in rule 10.6." (emphasis added).

[15] Ex. B at 4-5.

add a partial writ of garnishment, issued against a non-party, filed in a separate county, made pursuant to an inapplicable statute, and entered after Division One filed its decision on the merits. Nothing about the proposed supplementation could be considered part of the "record on review."[16] The Court of Appeals did not err.

In addition, RAP 9.10 only permits supplementation of the record "on [the Court's] own initiative or on a motion of a party." Neither occurred here.[17]

Similarly, RAP 10.8 allows a "party or amicus curiae" to file a statement of additional authorities. Mr. Lukashin was neither.

Further, a RAP 10.8 "statement must be served and filed prior to the filing of the decision on the merits or, if there is a motion for reconsideration, prior to the filing of the decision on the motion." Mr. Lukashin's proposed filing occurred after the decision on the merits and after the motion for reconsideration was denied.

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[16] RAP 9.1.

[17] Moreover, RAP 9.10 permits supplementation of the "record on review" "[i]f the record is not sufficiently complete to permit a decision on the merits of the issues presented for review." The record contained all the filings and argument from the superior court. The record was complete and permitted a decision on the merits.

Finally, Mr. Lukashin's proposed authority was a federal case interpreting federal procedural law on very different facts. Division One has already decided this state case on the merits of state procedural law.

In sum, Division One did not err in denying Mr. Lukashin's motion to supplement the record. There is no basis for review.

III. CONCLUSION

Mr. Lukashin is not entitled to RAP 13.5 review because Mr. Lukashin is not a party, does not argue any RAP 13.5 standard is met, and seeks relief that cannot be afforded under RAP 13.5. Even if he could seek review under RAP 13.5, the Court of Appeals did not err in denying his untimely motions to file amicus briefs or to supplement the record with extraneous materials from a different case in a different county. The Court should deny Mr. Lukashin's motion.

Respectfully submitted this 3rd day of January, 2020.

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CERTIFICATE OF E-SERVICE

I, John D. Cadagan, certify that I initiated electronic service of the foregoing document on the parties listed below via the Court's eFiling Application. Service was initiated this 3rd day of January, 2020 on:

Attorney for Respondent:
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Igor Lukashin (pro se)
igor_lukashin@comcast.net

DATED this 3rd day of January, 2020, at Seattle, Washington.

s/ *John D. Cadagan*
John D. Cadagan, WSBA #47996

GORDON TILDEN THOMAS CORDELL LLP

January 03, 2020 - 1:14 PM

Transmittal Information

Filed with Court:	Supreme Court
Appellate Court Case Number:	97929-4
Appellate Court Case Title:	Nicholas Walker v. Orkin, LLC
Superior Court Case Number:	17-2-01515-2

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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

No. 97929-4

Walker v. Orkin, LLC

COURT OF APPEALS, DIVISION ONE No. 77954-1-I

Whatcom County Superior Court, Docket No: 17-2-01515-2
Judge signing: Honorable Deborra E Garrett

MOVANT'S REPLY TO ORKIN'S OPPOSITION

Movant[1]

Igor Lukashin (pro se)

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[1] Lukashin respectfully repeats request for waiver or modification of any (portion of a) RAP rule, including RAP 10.6. *See* RAP 1.2(c); 18.8(a). *See also Aho, Fero*, *Harmon,* and *Martinez* **in Orkin's Opposition***,* p. 6 n. 14

"Law belongs to everyone; law belongs to all of us"
- (former Chief) Justice Madsen
Yishmael[2] oral argument, at 26:48–53[3]

"Judicial proceedings are public rather than private property"[4]

1. ORKIN'S RAP-BASED ARGUMENTS ARE NOT WELL-TAKEN

Orkin's Opposition ("Opp.") relies on non-compliance with RAP 10.6, as well as RAP 12.1 – *see* Opp. 1; yet, curiously, it fails to cite RAP 1.2[5] or RAP 18.8[6], or this Court's recent per curiam *Graham* decision, cited by Lukashin's motion. To repeat, RAP 1.2(a) states:

> **Interpretation.** These rules will be liberally interpreted to promote justice and facilitate the decision of cases on the merits. Cases and issues will not be determined on the basis of compliance or noncompliance with these rules except in compelling circumstances where justice demands, subject to the restrictions in rule 18.8(b)
>
> RAP 1.2(c) states:
>
> **Waiver.** The appellate court may waive or alter the provisions of any of these rules in order to serve the ends of justice, subject to the restrictions in rule 18.8(b) and (c).

RAP 18.8(a) states:

> **Generally.** The appellate court may, on its own initiative or on motion of a party, waive or alter the provisions of any of these rules and enlarge or shorten the time within which an act must be done in a particular case in order to serve the ends of justice, subject to the restrictions in sections (b) and (c). (emphasis added in RAP 1.2(a), 1.2(c), 18.8(a))

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[2] ***State v. Yishmael***, 430 P.3d 279 (Wash. App. 2018), review granted 438 P.3d 114 (Wash. 2019); see https://scholar.google.com/scholar_case?case=4353555866986543867&

[3] https://www.tvw.org/watch/?eventID=2019091025

[4] ***Union Oil Co. v. Leavell***, 220 F.3d 562, 567-68 (7th Cir. 2000), citing *U.S. Bancorp Mortgage Co. v. Bonner Mall Partnership*, 513 U.S. 18, 27-29, 115 S.Ct. 386, 130 L.Ed.2d 233 (1994); *In re Memorial Hospital of Iowa County, Inc.*, 862 F.2d 1299, 1302-03 (7th Cir.1988); available at: https://scholar.google.com/scholar_case?case=16355928097774428461& ; *United Oil* has recently been cited by the Seventh Circuit ***In the Matter of Commodity Futures Trading Commission***, No. 19-2769, slip op. (7th Cir. Oct. 22, 2019), available at https://scholar.google.com/scholar_case?case=13759005531626913690& ; http://media.ca7.uscourts.gov/cgi-bin/rssExec.pl?Submit=Display&Path=Y2019/D10-22/C:19-2769:J:Easterbrook:aut:T:fnOp:N:2417645:S:0

[5] http://www.courts.wa.gov/court_rules/pdf/RAP/APP_RAP_01_02_00.pdf

[6] http://www.courts.wa.gov/court_rules/pdf/RAP/APP_RAP_18_08_00.pdf

With RAP 1.2 (a) & (c) and 18.8(a) in mind, Orkin's arguments fail – if a rule or portion of a rule precludes relief, the Court may waive it at Lukashin's request

A. Lukashin seeks proper substantive relief

Orkin claims, *inter alia*, that Lukashin "seeks improper substantive relief" Opp. 1, and that relief requested would "insert an unnecessary, and unbriefed quagmire of dicta into the opinion. Because it asks the Court to opine on issues not necessary to the resolution of the appealed issue, this Court should deny the motion" Opp. 3.

But Lukashin's reasoning in moving to appear as amicus is to provide the Court with information indicating the ***Walker, n. 5*** comment, ***which clearly is dicta***, has the potential to confuse the public in general who may use that comment to understand or justify that a typewritten "signature" is sufficient, where it clearly is not. Also, the comment is harmful in that it may create a "genuine belief" ***Cronin v. Cent. Valley Sch. Dist.,*** No. 36291-4-III, pp. 23–25 (Wash. App. Jan. 30, 2020)[7] and defeat an employee's quest for double damages for unlawful withholding of wages.

B. Supplementation of the record requested by Lukashin is proper for the Court's resolution of Lukashin's motion for leave to file a pro se non-lawyer amicus brief.

Lukashin's new evidence is clearly relevant to the issue of whether Division One's careless dicta comment in *Walker*, n. 5, could be confusing to real-world entities who may believe, should the Court decline to delete or better develop the comment, that /s/ and a typed name constitute a sufficient attorney signature, and whether Lukashin personally has a

[7] www.courts.wa.gov/opinions/pdf/362914_pub.pdf

continuing substantial interest in the Court's correction of *Walker*, n. 5 comment – he clearly does, as Lukashin's wages were very recently garnished).

<u>C. The Court needs to rule on the motion for leave to file a pro-se nonlawyer amicus brief</u>

Whether Lukashin is a "party", Cons. Ans. 1 & 2, RAP 1.2(a) & (c) and RAP 18.8(a), as well as considerations of judicial economy, militate in favor of reaching Lukashin-advanced issues of *Walker*, n. 5 comments. ***Robert Ito Farm, Inc. v. County of Maui***, 842 F.3d 681, 687-88 (9th Cir. 2016), observed "that a prospective intervenor is not a "party"" and "does not become a party until he actually intervenes in the suit" yet noted:

> denial of a motion to intervene is appealable under the collateral order doctrine. *Eisenstein*, 556 U.S. at 931 n.2, 129 S.Ct. 2230. "In such a case, the [would-be intervenor] is a party for purposes of appealing the specific order at issue even though it is not a party for purposes of the final judgment

Further, Wash. Const. art I, § 10 guarantees that "Justice in all cases shall be administered openly." By seeking leave to file an amicus curiae brief, Lukashin de-facto seeks to intervene in the case for a limited purpose, and in order to protect his own interests, as well as interests of the public in general in avoiding "unartful language" in judicial opinions. *Compare* ***Irvin v. Harris***, No. 17-1062-pr (2d Cir. Nov. 19, 2019) (finding a non-party to have standing to challenge termination of a consent decree as "sufficiently connected" and "his interests are strongly affected by the termination"). The parties herein did not adequately represent Lukashin's (and the public's) interest in revising *Walker*, n. 5, with Orkin choosing to strongly oppose Lukashin's attempts on procedural grounds, without taking a position on the merits.

Lukashin firmly believes recent ***Courthouse News Service v. Planet***, 16-55977 (9th Cir. Jan. 17, 2020)[8] ("*Planet III*") regarding First Amendment right of access, which held ""no-access-before-process" policy unconstitutional, and ***Doe v. Public Citizen***, 749 F. 3d 246 (4th Cir. 2014)[9], cited by ***Planet III, supra***, p. 16 n. 3, & p. 20; and key to understanding Lukashin's main push for First Amendment / common law right to access this Court's reasoning when denying a motion to file an amicus brief, as well as ***Globe Newspaper Co. v. Superior Court***, 457 U.S. 596, 598 n. 1, 602, 604, 606, 609 n. 25, 610 & n. 27 (1982)[10] (complete mandatory closure of a hearing, even where a transcript would be available later, is unconstitutional) made crystal clear unexplained denials of motions to file an amicus brief is unconstitutional.

Compare Opp., 5, claiming that "a person has no constitutional right to be heard in a case to which he is not a party" with ***Planet III, supra***, and RAP 10.6(a), which grants this Court discretion, possibly with RAP 1.2 & 18.8, to consider such proposed amicus briefing.

CONCLUSION

Lukashin respectfully asks the Court to exercise its discretion under RAP 1.2(a) & (c), RAP 18.8(a), notwithstanding Orkin's Opposition, to **GRANT** his motion and direct the Court of Appeals to **DELETE or REVISE** *Walker*, n. 5 comments regarding use of /s/ and typed name as a "signature", and provide such other and further relief as the Court finds appropriate and just.

[8] http://cdn.ca9.uscourts.gov/datastore/opinions/2020/01/17/16-55977.pdf ; also available at: https://scholar.google.com/scholar_case?case=11495110141016204658&
[9] https://scholar.google.com/scholar_case?case=14554141326030263888&
[10] https://scholar.google.com/scholar_case?case=9138451588502129368 ; cited by ***Planet III, supra***

If the Court denies Lukashin's motion, Lukashin respectfully requests the Court to provide the minimum of reasoning mandated by First Amendment, Washington Constitution, and Due Process.

s/ Igor Lukashin
IGOR LUKASHIN
Tel: (360) 447-8837 Fax: None

Dated: February 03, 2020
P.O. BOX 5954, Bremerton WA 98312
E-mail: igor_lukashin@comcast.net

Note: I will serve parties via the portal, so no separate declaration of service is required[11].

[11] See https://ac.courts.wa.gov/index.cfm?fa=home.showpage&page=termsAndConditions , specifically: "Documents may be served on other parties via the portal. If service is through the portal, a declaration of service is not required."

Exhibit E

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

No. 97201-0

Lee, et al. v. Evergreen Hospital Medical Center

Court of Appeals No. 77694-1-I

King County Superior Court No. 16-2-27488-9 SEA

MOTION FOR LEAVE TO FILE OUT-OF-TIME "NONLAWYER" AMICUS BRIEF

Movant[1]

Igor Lukashin (pro se)

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[1] Waiver of any (portion of a) RAP rule, including RAP 10.6(a), that might otherwise bar the Court from granting the motion is respectfully requested. RAP 1.2(c); 18.8(a). *See also Aho, Fero*, and *Harmon, infra;* ***State v. Graham***, No. 97329-6, slip op., pp. 1, 4–5 (Wash. Dec. 19, 2019) (per curiam) ("***Graham***")

1. IDENTITY AND INTEREST OF MOVANT

Movant *pro se* is Igor Lukashin, a "nonlawyer", *see* ***State v. Yishmael***, 430 P.3d 279, 289 (Wash. App. 2018)[2], *affirmed as* No. 96775-0 (Wash. Feb. 6, 2020)[3], and a member of the public, who previously moved to file a non-lawyer amicus brief in ***Walker v. Orkin, LLC***, 448 P.3d 815 (Wash. App. 2019)[4] ("*Walker*"), focusing on the narrow issue of clarifying or deleting footnote dicta comment, 448 P.3d at 819 n. 5; discretionary review of the unexplained denial by Division One is pending in this court as No. 98046-2; Deputy Clerk rejected Lukashin's updated motion in Walker's petition for review, No. 97929-4; claiming that a showing warranting waiver of RAP 10.6(a) requirement has not been made, without providing guidance on what would; Lukashin's RAP 17.7 motion planned.

Lukashin intended to attend yesterday's UW Law session of the Court[5] for the oral argument herein and the Q&A session[6], where he planned to ask the following two questions:

- Given Justice Sotomayor's statement in ***Schexnayder v. Vannoy***, No. 18-8341 (U.S. Dec. 9, 2019)[7], what assurances do Washington residents have that state appellate courts do not have a similar secret policy, when judges and court staff would be prohibited by conduct rules from disclosing Confidential Court Materials[8], judicial abandonment has recently been found in this state ***US v. Barnes***, 895 F.3d 1194, 1200–01 (9th Cir. 2018)[9], and represented litigants see very different outcomes, e.g. ***Marriage of Cole***[10] (applying RAP 18.8(b), reaching merits of one issue) *but cf.* ***Marriage of Tims***[11] (finding late-filed appeal "frivolous in the extreme", subsequently sanctioning pro se litigant ~$6k)

[2] https://scholar.google.com/scholar_case?case=4353555866986543867&
[3] https://scholar.google.com/scholar_case?case=8729848611469228713
[4] https://scholar.google.com/scholar_case?case=2307852847201586602&
[5] http://www.courts.wa.gov/newsinfo/?fa=newsinfo.pressdetail&newsid=33880 ; he was unable to come
[6] TVW recording available at https://www.tvw.org/watch/?eventID=2020021213 ; Lukashin watched it
[7] https://scholar.google.com/scholar_case?case=3643422489630793601&
[8] http://www.ca7.uscourts.gov/rules-procedures/Confidential_Court_Materials.pdf
[9] https://scholar.google.com/scholar_case?case=1423701749448453627&
[10] No. 51013-8-II (Wash. App. June 4, 2019) (unp.); https://scholar.google.com/scholar_case?case=4855026552180740497&
[11] No. 80102-3-I (Wash. App. Oct. 7, 2019) (unp.); https://scholar.google.com/scholar_case?case=8932644299017593839& ; disregarding Ms. Tims plea for

- While the Court is committed to open administration of justice, e.g. ***Dreewes***[12] and ***Special Deputy Prosecuting Attorney***[13] (2019), the Court of Appeals feels free to deny dozens of Lukashin's motions to publish without explanation; RAP 13.5 telephonic oral arguments before Commissioner are not preserved by the Court; and Commissioner's oral argument docket or documents filed therein are not available on Washington Courts website – *but cf.* US Supreme Court this term, e.g. ***US v. Waggy***[14](docket & document copies). As state courts are underfunded, which former Chief Justice Madsen addressed in several of her State of Judiciary reports[15], can the Court require the Legislature to adequately fund the judiciary, as it did in *McCleary*[16] to adequately fund education?

As (former Chief) Justice Madsen noted, TWV Feb. 20, 2020, *supra*, 54:50–55:10, some bodies are expected to "bring in the perspective of the public, who the bar was created to protect and serve", hoping that "we are trending toward a more egalitarian view of the legal profession" and stating the Court's role in providing "service and protection to the public"; while Chief Justice Stephens confirmed the Court seeks different perspectives, TVW at 55:20 –55:33, noting;

> Frequently, and especially in the work that the Supreme Court does, legal scholarship is so critical, and sometimes it comes from points of view other then, you know, practitioners or jurists…

Lukashin hopes the Chief Justice would take a few minutes to provide the answer to the two questions[17], as well as consider the narrow issue presented by this out-of-time nonlawyer amicus. Lukashin reviewed supplemental briefs herein and noticed a potential *Walker* issue – *see* below.

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liberal construction (in brief) and apparently adopting the authorities and argument of the opposing counsel; *cf.* ***Schexnayder**, supra*; ***Jefferson v. GDCP Warden***, 941 F.3d 452, 464-65, 474-76 (11th Cir. 2019) (finding lack of full and fair hearing). Lukashin requested publication of both *Cole* and *Tims*; both were denied without explanation; RAP 13.5 review was sought by Lukashin and denied

[12] 432 P. 3d at 802-804; https://scholar.google.com/scholar_case?case=14038500655722259422&

[13] 446 P.3d 160, 165 (Wash. 2019); https://scholar.google.com/scholar_case?case=6446868331273407457&

[14] https://www.supremecourt.gov/Search.aspx?FileName=/docket/docketfiles/html/public\19-7544.html

[15] http://www.courts.wa.gov/newsinfo/index.cfm?fa=newsinfo.displayContent&theFile=content/stateOfJudiciary/index ; specifically 2009 p. 6; and 2014 pp. 2, 20, 24-25; "If justice is not equal for all, it's not justice."

[16] http://www.courts.wa.gov/appellate_trial_courts/SupremeCourt/?fa=supremecourt.McCleary_Education

[17] The Court, in fostering open administration of justice, should consider implementing the option to allow the public to ask general questions online or by telephone (as opposed to fielding questions of just those who was able to make it to one of the special traveling sessions of the Court) – even President Putin does it annually: https://en.wikipedia.org/wiki/Direct_Line_with_Vladimir_Putin

2. RELIEF REQUESTED

Lukashin respectfully requests this Court grant him leave to file the out-of-time nonlawyer amicus brief (attached) regarding non-lawyer "signatures" on the respondent's Certificate of Service[18] documents filed herein as part of briefing. Lukashin reviewed the opinion below, the parties' briefs, and viewed the oral argument herein. The brief seeks to inform the Court of various decisions addressing use of typewritten "signature" and the meaning of "signature", as well as the *Perreira* approach re: absence of a statutorily required element of a legal document. The motion is untimely, RAP 13.4(h)[19], but Lukashin requests waiver under RAP 1.2(c) and 18.8(a), as well as possibly permission under RAP 10.1(h) (other-brief designation)[20]

3. ARGUMENT

<u>**Preliminary issue #1**</u>**:** Notwithstanding ***US Bank Trust, NA v. Bass***, No. 77015-2-I, n. 3 (Wash. App. Apr. 22, 2019)[21] (unp.) (refusing to consider an "amicus curiae brief" because the author "is not an attorney licensed to practice law … as required by RAP 10.6"), Lukashin believes that requirement should be waivable under *Graham, supra*, and *Aho, Fero*, & *Harmon, infra,* as this Court has discretion, under RAP 1.2 and 18.8, on motion of the nonlawyer, where nonlawyer requested, an appropriate waiver and/or modification of the RAP rules that might otherwise bar such consideration. *See* ***In re Fero***, 190 Wash. 2d 1, 409 P.3d 214, 220-21 (2018), ***Matter of Martinez***, 413 P. 3d 1043, 1047 (Wash. App. Div. 2, 2018) ("we have "the authority

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[18] http://www.courts.wa.gov/content/Briefs/A08/972010%20Answer%20to%20Petition%20for%20Review.pdf http://www.courts.wa.gov/content/Briefs/A08/972010%20Resp's%20Supp%20Brief.pdf ; Answer to Petition herein ("Ans.") and "Resp. Supp. Br.", respectively both "signed" as: "s/ Rachael Tamngin", paralegal; and: http://www.courts.wa.gov/content/Briefs/A08/972010%20COA%2097201-0%20Resp's%20Response.pdf , Respondent's Response ("Resp."), signed as "s/ Leslie Boston", legal assistant

[19] http://www.courts.wa.gov/court_rules/pdf/RAP/APP_RAP_13_04_00.pdf ; Petition filed May 13, 2019 – see: http://www.courts.wa.gov/content/Briefs/A08/972010%20Petition%20for%20Review.pdf

[20] http://www.courts.wa.gov/court_rules/pdf/RAP/APP_RAP_10_01_00.pdf

[21] https://scholar.google.com/scholar_case?case=8088847990562067694&

to … perform those acts which are proper to secure fair and orderly review, and to waive the rules of appellate procedure when necessary to `serve the ends of justice.'" *State v. Aho*, 137 Wash.2d 736, 740-41, 975 P.2d 512 (1999) (RAP 1.2(c))), ***Randy Reynolds v. Harmon***, 437 P.3d 677, 682–83 (Wash. 2019)[22] ("*Harmon*"); ***Graham, supra***.

Preliminary issue #2: RAP 13.4(h)[23] "particular justification" requirement appears to be a novel issue[24],[25] (no Google Scholar hits on that phrase or on "13.4(h)), so the Court would be able to opine if that's waivable, RAP 1.2(c), or if Lukashin's **actual notice** argument suffices.

Main issue: Whether the Court should consider Lukashin's proposed nonlawyer amicus brief providing relevant additional authority with a view of commenting on sufficiency of **"s/ Typed Name"** nonlawyer signatures on penalty-of-perjury documents generally in light of GR 30(d)(2)(C)[26] and RCW 9A.72.085(2)(d)[27], whether based on his amicus briefing or even *sua sponte* – see ***Keodalah v. Allstate Ins. Co.***, 449 P. 3d 1040, 1045 n. 4 (Wash, Oct. 03, 2019)[28]:

> While we do not generally consider arguments raised for the first time on review by amici, we have discretion to do so where necessary to appropriately resolve a case. See *Falk v. Keene Corp.*, 113 Wn.2d 645, 659, 782 P.2d 974 (1989) ("[a]n appellate court has inherent authority to consider issues which the parties have not raised if doing so is necessary to a proper decision").

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[22] http://www.courts.wa.gov/opinions/pdf/955751.pdf , pp. 7–10; also available at https://scholar.google.com/scholar_case?case=6369673732337150522&

[23] http://www.courts.wa.gov/court_rules/pdf/RAP/APP_RAP_13_04_00.pdf ; As relevant, "**Absent a showing of particular justification**, an **amicus curiae memorandum should be received** by the court and counsel of record for the parties and other amicus curiae **not later than 60 days from the date the petition for review is filed**" (bold emphasis added added)

[24] https://scholar.google.com/scholar?hl=en&as_sdt=4%2C48&q=%22particular+justification%22&btnG=

[25] https://scholar.google.com/scholar?hl=en&as_sdt=4%2C48&q=%2213.4%28h%29%22&btnG=
As per n. 5, ***supra***, Lukashin was first aware of this case no earlier than February 13, 2020 (date press release was published) and skimmed through some of the briefs on February 18, first noticing signature problem.

[26] http://www.courts.wa.gov/court_rules/pdf/GR/GA_GR_30_00_00.pdf ; GR 30(a)(1) "Digital signature" -> https://law.justia.com/codes/washington/2016/title-19/chapter-19.34/section-19.34.020 RCW 19.34.020(11)

[27] https://app.leg.wa.gov/rcw/default.aspx?cite=9A.72.085 ; ***Cf.*** RCW 9A.72.085(5) and RCW 19.34.020(11)

[28] http://www.courts.wa.gov/opinions/pdf/958670.pdf ; https://scholar.google.com/scholar_case?case=5414607232378228973&

4. BASED ON PERSONAL EXPERIENCE ARGUING SIGNATURE REQUIREMENTS IN THE CONTEXT OF THE GARNISHMENT STATUTE, RCW 6.27[29], LUKASHIN CAN SUPPLY USEFUL AUTHORITY

Lukashin respectfully posits that garnishment statute, and in particular, RCW 6.27.105[30], discusses similar signature requirements to those in CR 3 and 4 (*see Walker*, n.5). Faced with purported writs of garnishment for continuing lien on earnings, signed with the "/s/" format, but neither electronically filed nor fully compliant with GR 30 signature block requirements (no attorney e-mail address), Lukashin's employer staunchly refused his requests not to honor such "writs" as non-compliant with the statute without providing a satisfactory explanation, despite Lukashin arguing in part as follows in, e.g., a March 20, 2019 e-mail to his employer's HR:

> Furthermore, my review of the "writ" in the Notice you provided, as well as the same mailed to me by ADP indicates that it does not contain a signature for issuing attorney. This time around, there's not even a manually entered "x" in the checkbox. I renew my objection - I strongly believe and assert (and my review of case law indicates to me the same) that absent compliance with "subscription" requirements by attorney of record (see RCW 6.27.105(1)(c) and (2), as well as RCW 6.27.020(2)
>
> Last time around, HR managers claimed that /s/ (typed name) format is acceptable because of GR 30 - see www.courts.wa.gov/court_rules/?fa=court_rules_display&group=ga&ruleid=gagr30 ; however, I contacted the relevant court, and it has not implemented electronic filing as envisaged by GR 30.
>
> As the copies of documents, including the purported "writ" were thus not properly authenticated per GR 30(d)(1)(A) & (B). Furthermore, pursuant to GR 30(d)(2)(A), the attorney signature block must contain attorney's e-mail address, which the "writ" does not contain. As such, even if GR 30 applies, the required signature block is missing the e-mail and thus the "writ" is as good as unsigned, and I believe and assert is a legal nullity.

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[29] https://app.leg.wa.gov/RCW/default.aspx?cite=6.27

[30] https://app.leg.wa.gov/rcw/default.aspx?cite=6.27.105

Furthermore, by a fortuitous occasion, there's a recent well-publicized story about importance of authorized persons' signatures on legal documents: https://www.cnn.com/2019/03/13/us/ice-supervisors-dont-always-review-deportation-warrants-invs/index.html

If the /s/ (supervisor's name) format was acceptable, there wouldn't have been a need for some supervisors to give "their officers pre-signed blank warrants". The article also states: "Legally, the signature on a warrant attests that an authorized supervisor reviewed it and determined there was probable cause...". Compare with requirements of RCW 6.27.020 and 6.27.105.

Given that Division One, in *Walker*, p. 6, n. 5 casually observed: "We note the General Rules allow attorneys and nonattorneys to sign electronic documents with a digital signature or an "s/." GR 30(d)(2). RCW 19.360.030 defines "electronic signature.", Lukashin's (and the public's general) interest is that the Court is more precise and helps develop comment more to provide guidance to the courts below, agencies like Labor & Industries, and the general public.

Additional authority Lukashin cites includes ***Becker v. Montgomery***, 532 U.S. 757, 762–68 (2001)[31] (meaning of a "signature", cure provision in the federal rules); and ***Pereira v. Sessions,*** 138 S. Ct. 2105, 2113–14 (2018)[32](an NTA that is missing statutory-required time-and-pace information is not an NTA and doesn't trigger consequences). ***Lopez v. Barr***, 925 F. 3d 396, 405 (9th Cir. 2019)[33], taken *en banc* and vacated[34] recently, discussed both *Becker* and *Pereira*, with majority finding that lack of required information (time & place of hearing) held "that a Notice to Appear that is defective under Pereira cannot be cured by a subsequent Notice of Hearing." *Becker, Pereira*, and *Lopes, supra*, should thus be helpful to this court, especially since, during oral argument[35] in *Walker*, a judge questioned whether what was served on Orkin was "a

[31] https://scholar.google.com/scholar_case?case=16003984451866605726&
[32] https://scholar.google.com/scholar_case?case=8804355772954981894&
[33] https://scholar.google.com/scholar_case?case=18384184556769170330&
[34] http://cdn.ca9.uscourts.gov/datastore/opinions/2020/01/23/15-72406_en%20banc_order.pdf
[35] http://www.courts.wa.gov/content/OralArgAudio/a01/20190228/2.%20Walker%20v.%20Orkin%20LLC%20%20%20779541.mp3

copy". More recently, the Eleventh Circuit explicitly relied on & reproduced a signature block of a document, ***United States v. Santos***, No. 18-14529, p. 12 (11th Cir. Jan. 9, 2020)[36].

Finally, *see* ***Salas v. Hi-Tech Erectors***, 168 Wash. 2d 664, 230 P.3d 583, 587 (2010) (untenable decisions should not stand merely because the parties failed to adequately brief the court); ***State v. Quismundo***, 164 Wn.2d 499, 505-06, 192 P.3d 342 (2008) (a court's "obligation to follow the law remains the same regardless of the arguments raised by the parties before it").

DISCRETION TO DENY THIS MOTION IS NOT UNLIMITED

Lukashin has a right to, at the least, “"facially legitimate and bona fide" reason for its action” ***Kerry v. Din***, 135 S. Ct. 2128, 2140 (2015) as a matter of Due Process; *see also Din* four-justice dissent. Even where a decision is discretionary, discretion is not a whim, as US Supreme Court repeatedly explained – see e.g. ***Halo Electronics, Inc. v. Pulse Electronics***, 136 S. Ct. 1923, 1931-32 (2016); *accord* ***Kirtsaeng v. John Wiley & Sons, Inc.***, 136 S. Ct. 1979, 1985-86 (2016);

Further, “discretionary” nature of the decision does not mean the Court may violate the Constitution ***Poursina v. USCIS***, 936 F. 3d 868, 876 (9th Cir. 2019)[37] (citing ***Kwai Fun Wong v. US***, 373 F.3d 952, 963 (9th Cir. 2004)), by failing to abide by open-administration-of-justice command ***Matter of Special Deputy Prosecuting Atty***., 446 P.3d 160, 165 (Wash. 2019)[38] (“*MSDPA*”), or by denying procedural (or substantive) Due Process ***Nnebe v. Daus***, 931 F. 3d 66, 88 (2d Cir. 2019)[39] (“***Nnebe III***”). *See also* ***In re Steenes,*** 918 F.3d 554 (7th Cir. 2019)[40]; ***US COMMODITY FUTURES TRADING COM'N v. Crombie***, 914 F.3d 1208, 1217 (9th Cir.

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[36] https://scholar.google.com/scholar_case?case=11057172308745511953& ; https://scholar.google.com/scholar_case?case=11057172308745511953&

[37] https://scholar.google.com/scholar_case?case=11342923258835648063&

[38] https://scholar.google.com/scholar_case?case=6446868331273407457&

[39] https://scholar.google.com/scholar_case?case=11880235025827083298&

[40] http://media.ca7.uscourts.gov/cgi-bin/rssExec.pl?Submit=Display&Path=Y2019/D03-14/C:17-3630:J:Easterbrook:aut:T:fnOp:N:2308474:S:0 pp. 2-4

2019)[41]; ***US v. Yepiz***, 844 F.3d 1070, 1080 (9th Cir. 2016); and ***SEC v. Torchia***, 922 F.3d 1307, 1316-18 (11th Cir. 2019)[42].

CLERK OR COMMISSIONER MUST PRESENT MOTION TO CHIEF JUSTICE

Generally, the Clerk or Commissioner may initially decide a motion RAP 17.2(a)[43] (five exceptions listed). Court rules are interpreted in the same manner as statutes. ***Harmon***, 437 P.3d at 682; ***Banowsky v. Guy Backstrom, DC,*** 445 P.3d 543, 549 (Wash. 2019)[44] ("*Banowsky*"):

> "Court rules are interpreted in the same manner as statutes and are construed in accord with their purpose." *Bus. Servs. of Am. II, Inc. v. WaferTech, LLC*, 174 Wash.2d 304, 307, 274 P.3d 1025 (2012) (citing *State v. Wittenbarger*, 124 Wash.2d 467, 484, 880 P.2d 517 (1994)). "The starting point is thus the rule's plain language and ordinary meaning." Id. (citing *State v. J.P.*, 149 Wash.2d 444, 450, 69 P.3d 318 (2003)).

As this Court recently noted in ***Ohio Security Ins. Co. v. Axis Ins. Co.***, 190 Wash. 2d 348, 413 P.3d 1028, 1030 (2018)[45], general-specific rule is:

> a fundamental canon of statutory construction — *generalia specialibus non derogant* (the specific governs the general). *Nitro-Lift Techs., LLC v. Howard*, 568 U.S. 17, 21-22, 133 S.Ct. 500, 184 L.Ed. 2d 328 (2012). "It is well settled that a more specific statute prevails over a general one should an apparent conflict exist." *Flight Options, LLC v. Dep't of Revenue*, 172 Wash.2d 487, 504, 259 P.3d 234 (2011).

RAP 10.6 is titled "Amicus Curiae", with RAP 10.6(e) requiring, *inter alia*, this Court, to "establish by general order the manner of disposition of a motion to file an amicus curiae brief". The Court filed the Amicus Curiae General Order on September 02, 1999[46] ("General Order"). The order envisions the following procedure (screenshot of relevant portion of General Order):

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[41] https://scholar.google.com/scholar_case?case=3781378265572524109&
[42] https://scholar.google.com/scholar_case?case=17390043361137175803&
[43] http://www.courts.wa.gov/court_rules/pdf/RAP/APP_RAP_17_02_00.pdf
[44] https://scholar.google.com/scholar_case?case=3593189326956220114&
[45] https://scholar.google.com/scholar_case?case=3830497703855396655&
[46] http://www.courts.wa.gov/appellate_trial_courts/supreme/genOrders/amicusCuriae.pdf

The manner of disposition of amicus curiae motions in this court shall be as follows:

(1) The Commissioner or Clerk will present to the Chief Justice for decision each motion to file an amicus curiae brief or memorandum and any timely objections thereto.

(2) The Commissioner or Clerk shall report the Chief Justice's decision to counsel of record for the parties and the applicant by letter, which shall serve as the court's order on the matter.

(3) The Chief Justice's decision on a motion to file an amicus curiae brief is not subject to reconsideration or a motion to modify.

RAP 1.2(b)[47] states in part, as follows:

> The word "will" or "may" is used when referring to an act of the appellate court. The word "shall" is used when referring to an act that is to be done by an entity other than the appellate court, a party, or counsel for a party.

While RAP 17.2(a), which states, in part, "All other motions may be determined initially by a commissioner or the clerk of the appellate court" may tempt the Clerk or Commissioner to rule without presenting the Motion to the Chief Justice, as required by General Order (notice mandatory "shall" and "will" wording), RAP 13.4(h)[48] specifically observes:

> The Supreme Court may grant permission to file an amicus curiae memorandum in support of or opposition to a pending petition for review ... <u>Rules 10.4 and 10.6 should govern generally disposition of a motion to file an amicus curiae memorandum</u> (portion omitted, emphasis added)

The fundamental specific-general rule ***Ohio Security Ins., supra***, *see also* ***Wash. Dept. of Transp. v. Mullen Trucking***, 451 P.3d 312, 317 n. 5 (Wash. 2019)[49] ("*Mullen*"), while interpreting court rules as statues, ***Banowsky, supra***, means it would be error **<u>NOT</u>** to initially

[47] http://www.courts.wa.gov/court_rules/pdf/RAP/APP_RAP_01_02_00.pdf
[48] http://www.courts.wa.gov/court_rules/pdf/RAP/APP_RAP_13_04_00.pdf
[49] https://scholar.google.com/scholar_case?case=10184442511555678226&

present the Motion, Opposition (if any), and Reply (if any) to the Chief Justice, as required by the General Order. Lukashin believes the Clerk or Commissioner would act **ultra vires** by failing to follow General Order[50] (submitting this Motion to the Chief Justice for decision).

CONCLUSION

Lukashin respectfully requests that the Court **GRANT** this motion as well as provide such other and further relief as it deems just and equitable[51]. If denied, Lukashin seeks a "facially legitimate and bona fide reason"[52]. Given ***Courthouse News Service v. Planet***, No. 16-55977 (9th Cir. Jan. 17, 2020)[53] ("***Planet III***") recent related holding that even a modest **delay** in access violates the First Amendment right to access court documents and records while observing benefits of public oversight ("to bring to bear the beneficial effects of public scrutiny upon the administration of justice"), providing no explanation in an order denying this motion would be clearly unconstitutional. *Cf.* ***Globe Newspaper Co.*** 457 US at 598 n. 1[54].

s/ Igor Lukashin Dated: February 21, 2020
IGOR LUKASHIN P.O. BOX 5954, Bremerton WA 98312
Tel: (360) 447-8837 Fax: None E-mail: igor_lukashin@comcast.net

Note: Counsel will be served via the portal, so no separate declaration of service is required[55].

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[50] ***Cf. Southwick v. State***, 426 P.3d 693, 697 (Wash. 2018) (rejecting argument regarding "authority to make rules that conflict with state statutes") ***Cornelius v. Washington Dept. of Ecology***, 344 P.3d 199, 209 (Wash. 2015) ("An agency's policy is ultra vires if it exceeds its statutory authority.")

[51] Including possibly answering the two questions on pp. 1–2 Lukashin did not get to ask yesterday at UW.

[52] ***Yafai v. Pompeo***, 924 F.3d 969, 975-83 (7th Cir. 2019) (Chief Judge Wood's dissent from denial of rehearing en banc); *accord* ***Bourdon v. United States Department Of Homeland Security***, 940 F. 3d 537, 554 (11th Cir. Oct. 3, 2019) (dissent) ***Honcharov v. Barr***, 924 F. 3d 1293, 1296 n. 2 (9th Cir. May 29, 2019) (""it goes without saying that IJs and the B[oard] are not free to ignore arguments raised by a petitioner" entirely")

[53] https://scholar.google.com/scholar_case?case=11495110141016204658&

[54] even where the press was not denied subsequent access to the transcript 457 US at 610; Dissent at 615–616 of the hearing. See further Globe Newspaper, 457 US at 609 n. 25 (case-by-case approach); at 611 n. 27 "mandatory rule, requiring no particularized determinations in individual cases, is unconstitutional".

[55] See https://ac.courts.wa.gov/index.cfm?fa=home.showpage&page=termsAndConditions , specifically: "Documents may be served on other parties via the portal. If service is through the portal, a declaration of service is not required."

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

No. 97201-0

Lee, et al. v. Evergreen Hospital Medical Center

Court of Appeals No. 77694-1-I

King County Superior Court No. 16-2-27488-9 SEA

PROPOSED OUT-OF-TIME NONLAWYER AMICUS BRIEF

"Nonlawyer" amicus[56]

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[56] Waiver of any (portion of a) RAP rule, including RAP 10.6(a) & 13.4(h), that might otherwise bar the Court from granting the motion is respectfully requested. RAP 1.2(c); 18.8(a). *See also Aho, Fero*, and *Harmon, supra*

Lukashin's nonlawyer amicus brief focuses on the need to elaborate on the dicta found in *Walker*, p. 6, n. 5, where the Court casually observed: "We note the General Rules allow attorneys and nonattorneys to sign electronic documents with a digital signature or an "s/." GR 30(d)(2). RCW 19.360.030 defines "electronic signature."" Lukashin also reviewed the Petition for Review ("Pet.")[57] and the Answer ("Ans.")[58] in ***Walker v. Orkin***, No. 97929-4, and observed that Ans. 19 notes that: "*Hagen* and *Mezchen* hold a typewritten signature affixed to the summons at the attorney's direction satisfies the "subscribed" requirement", further claiming, pp. 19–20:

> The *Hagen* and *Mezchen* results make sense in the modern legal practice, where lawyers regularly sign legal documents by typing "s/ [name]" on the signature line. In both instances (typed and handwritten), the inclusion of the lawyer's name on the signature line evidences the lawyer's intent to give that particular document legal effect. This contrasts with the present case where **no** signature—typed or handwritten—was affixed to Walker's summons

While *Walker* parties were informed by Lukasin of *Becker, infra*, below, *Walker* counsel above failed to mention it in the Answer, and, while Lukashin is filing this document with the "s/ Igor Lukashin" for signature, this is authorized by court rule and authenticated by ID/password on the portal. Lukashin believes it is important that the Court clarifies the issue, as both Lukashin's employer and payroll processor my.adp.com have repeatedly rejected Lukashin's objections, e.g. citing to GR 30, and Lukashin plans to file an L&I wage-and-hour claim if his view is correct.

Herein, one-page Certificate of Service documents filed as part of several briefs by Respondents, purportedly under penalty of perjury, use non-attorney (legal assistant or paralegal) "s/ Typed Name" notation as a "signature", while the other party and amici at times follow GR 30(d)(2)(C) requirements, yet apparently fail to heed them fully as well. **See Appendix hereto**.

[57] http://www.courts.wa.gov/content/petitions/97929-4%20Petition%20for%20Review.pdf

[58] http://www.courts.wa.gov/content/petitions/97929-4%20Answer%20to%20Petition%20for%20Review.pdf

SCOTUS decisions in *Becker* and *Pereira*

Becker v. Montgomery, 532 U.S. 757, 764 (2001)[59] discussed the meaning of a "signature" in the federal rules, noting:

> **The local rules on electronic filing provide some assurance, as does a handwritten signature, that the submission is authentic**. See, e. g., United States District Court for the Northern District of Ohio, Electronic Filing Policies and Procedures Manual 4 (Apr. 2, 2001) (available at http://www.ohnd.uscourts.gov/ Electronic Filing/user.pdf) (allowing only registered attorneys assigned identification names and passwords to file papers electronically). Without any rule change so ordering, however, we are not disposed to extend the meaning of the word "signed," as that word appears in Civil Rule 11(a), to permit typed names. As Rule 11(a) is now framed, we read the requirement of a signature to indicate, as a signature requirement commonly does, and as it did in John Hancock's day, a name handwritten (or a mark handplaced). (emphasis added)

Pereira v. Sessions, 138 S. Ct. 2105, 2113–14 (2018)[60], focusing "on a simple, but important, question of statutory interpretation: Does service of a document styled as a "notice to appear" that fails to specify "the items listed" in § 1229(a)(1) trigger the stop-time rule?" and engaging in statutory interpretation[61], held that an NTA that is missing statutory-required time-and-pace information is not an NTA and doesn't trigger consequences:

> The statutory text alone is enough to resolve this case. Under the stop-time rule, "any period of . . . continuous physical presence" is "deemed to end . . . when the alien is served a notice to appear under section 1229(a)." 8 U.S.C. § 1229b(d)(1). By expressly referencing § 1229(a), the statute specifies where to look to find out what "notice to appear" means. Section 1229(a), in turn, clarifies that the type of notice "referred to as a `notice to appear'" throughout the statutory section is a "written notice . . . specifying," as relevant here, "[t]he time and place at which the [removal] proceedings will be held." § 1229(a)(1)(G)(i). Thus, based on the plain text of the statute, it is clear that to trigger the stop-time rule, the Government must serve a notice to appear that, at the very least, "specif[ies]" the "time and place" of the removal proceedings.

[59] https://scholar.google.com/scholar_case?case=16003984451866057268&

[60] https://scholar.google.com/scholar_case?case=8804355772954981894&

[61] *Walker*, citing *Jafar*, 177 Wn.2d at 526

And at 2117-18, *Pereira* majority further notes:

> Moreover, the omission of time-and-place information is not, as the dissent asserts, some trivial, ministerial defect, akin to an unsigned notice of appeal. *Cf. Becker v. Montgomery*, 532 U.S. 757, 763, 768, 121 S.Ct. 1801, 149 L.Ed.2d 983 (2001). Failing to specify integral information like the time and place of removal proceedings unquestionably would "deprive [the notice to appear] of its essential character." *Post*, at 2127, n. 5; *see supra*, at 2115-2116, n. 7.

The Ninth Circuit, in ***Lopez v. Barr***, 925 F. 3d 396, 405 (9th Cir. 2019)[62], taken *en banc* and vacated[63], discussed both *Becker* and *Pereira*, with majority finding that lack of required information (time & place of hearing) does not trigger the stop-time rule. *Becker, Pereira*, and *Lopes, supra*, should thus be helpful to this court, especially since, during oral argument[64] in ***Walker***, a judge questioned whether what was served on Orkin herein was "a copy". As such, an unsigned summons is not a "copy" of the summons; and use of /s/ should only validate a copy of the document if it is previously electronically filed with a court per GR 30.

Non-attorneys may not sign documents that are filed electronically and that are must be signed under penalty of perjury with **"s/ Typed Name"**, *compare* GR 30(d)(2)(B) with GR 30(d)(2)(C) and RCW 9A.72.085(3)(c) (referencing GR 30 for "licensed attorney" signature). Herein, Lukashin presumes a "paralegal" an/or "legal assistant" are not licensed attorneys; even if they were, GR 30(d)(2)(A) has not been complied with (no WSBA number, no contact info). While Certificate of Service would be superfluous where all parties are electronically served via a portal, as here, parties herein may desire clarification if office non-attorneys may sign with "s/ " going forward (where some parties may need service by mail, or when filing is not electronic).

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[62] https://scholar.google.com/scholar_case?case=18384184556769170330&

[63] http://cdn.ca9.uscourts.gov/datastore/opinions/2020/01/23/15-72406_en%20banc_order.pdf

[64] http://www.courts.wa.gov/content/OralArgAudio/a01/20190228/2.%20Walker%20v.%20Orkin%20LLC%20%20%20779541.mp3

Some federal district courts appear to agree that it is the filer's username and password, rather than a mark "s/" with a typed name alone, that satisfy a "signed" requirement.

Waters v. Drake, No. 2: 14-cv-1704 (S.D. Ohio Sept. 3, 2015)[65] squarely addressed it:

> With the advent of electronic filing, most courts have adopted procedures which address this issue for electronically-filed documents. S.D. Ohio Local Civil Rule 83.5 states that "[t]he actual signature of a Filing User [defined as an attorney or party registered to file documents under the Court's Electronic Case Filing system] shall be represented, for ECF purposes, by `s/' followed by the typed name of the attorney or other Filing User" and that such a "signature" is "equivalent for all purposes including Fed.R.Civ. P. 11 or any other rule or statute, to a hand-signed signature." The Court presumes this is a valid rule, although in *Becker v. Montgomery*, 532 U.S. 757, 674 (2001), the Supreme Court held that while local rules on electronic filing "provide some assurance . . . that the submission is authentic," Rule 11(a) still requires "as it did in John Hancock's day, a name handwritten (or a mark handplaced)" and that a typewritten signature did not comply with the rule. Nevertheless, there is authority that a local rule which specifies that use of the electronic filing system by an attorney who is a registered user constitutes the signing of a document for purposes of Rule 11(a). *See, e.g., E.E.O.C. v. Dolgencorp*, LLC, 2011 WL 1260241 (M.D. N.C. March 31, 2011); *United States v. Sodders*, 2006 WL 1765414 (N.D. Ind. June 21, 2006). This Court's electronic filing policies make an attorney responsible for all documents filed with his or her password, and that assures the Court that if a document is submitted from that attorney's account, there is an actual person who is responsible for the filing's content.
>
> The "assurance" which is provided by the filing of a document using a registered filer's electronic account and password, however, is not present when a document is manually filed with only a typewritten "signature." Notwithstanding the fact that the Court's Electronic Filing Policies and Procedures Manual, in Section I(A), requires all documents to be filed electronically "unless otherwise permitted by these policies and procedures or unless otherwise authorized by the assigned judge," some attorneys who are registered for electronic filing still submit documents for manual filing. Sometimes, as in the case of a document to be filed under seal, that is necessary. When that occurs, however, the document has not arrived at the Court electronically through an account to which only a registered user (who can be identified) has access; rather, it has simply appeared at the counter in the Clerk's office. Although the same Policies and Procedures Manual, at Section II(C)(2), provides for the same "s/" signature format as Local Civil Rule 83.5, it

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[65] https://scholar.google.com/scholar_case?case=3919754221343470743&

does so only for documents which are "filed electronically or submitted on disk to the Clerk's Office." …

In this case, a document has been filed manually which bears only a typed "signature" of an attorney. The document did not arrive by electronic means. The Court therefore lacks the assurance provided by that method that the document was prepared and authorized by the attorney whose name appears in typewritten form on the document's signature line. Without such assurance, the signature requirement of Rule 11(a) has not been satisfied. (portion omitted, emphasis added)

Lambert v. Lowe's Home Centers, LLC, Civil Action No. 1: 14-CV-00107-JHM (W.D. Ky. Oct. 19, 2016)[66], observed in relevant part as follows:

Lowe's also argues that Lambert's declaration should be excluded for its failure to comply with the signature requirements of 28 U.S.C. § 1746 and this Court's Joint General Order 11-02. Declarations must be signed by the person making the declaration. 28 U.S.C. § 1746. However, the Supreme Court has recognized that signature requirements "can be adjusted to keep pace with technological advances." *Becker v. Montgomery*, 532 U.S., 757, 763 (2001). Rule 5(d)(3) of the Federal Rules of Civil Procedure does just that, stating that a court "may, by local rule, allow papers to be filed, signed, or verified by electronic means . . ." This Court, along with the Eastern District of Kentucky, established such a local rule through Joint General Order 11-02. Thus, the Court must determine if Lambert's signature complies with these requirements.

Lambert's declaration concludes with a typed signature, stylized as "s/Stanley Wilson Lambert II" over the same name in all capital letters. [DN 45-3, at 4]. Section 11(b) of Joint General Order 11-02 states that an electronic signature must be "preceded by an `s/' and typed in the space where the signature would otherwise appear." Thus, Lambert's electronic signature complies with the technical requirements of the Joint General Order. However, Lambert is not permitted to use an electronic signature.

Section 11(b) only allows for electronic signatures on documents that bear the name of a "Filing User," which is defined in § 1.2 as "an individual who has a court-issued login and password to file documents electronically." Further, § 3(a) of the Joint General Order states that "an attorney admitted to the Bar of this court, including an attorney admitted pro hac vice, shall register as a Filing User by completing the prescribed registration form and submitting it to the clerk . . ." Finally, § 11(a) states that "[t]he user login and password required to submit documents to the Electronic Filing System [shall] serve as the Filing User signature on all electronic documents filed with the court."

[66] https://scholar.google.com/scholar_case?case=14460274648771175504&

> There is no mention in the Joint General Order of represented parties being permitted to utilize an electronic signature.
>
> Section 11(a) makes clear the rationale as to why a party may not use an electronic signature. The user login and password of the attorney whose name appears on filings is the actual signature, used to verify that this document did in fact originate from the individual who electronically signed the document. While anyone can type the name of an attorney at the bottom of a filing, only that attorney should have the login credentials necessary to complete the filing, making those credentials the guarantee of authenticity the Court sought to create through the General Joint Order. **If no login credentials have been issued to Lambert, then the Court has no similar verification that the declaration did in fact originate from him**. (bold and underline emphasis added)

But compare **Appendix A hereto**, with Transmittal Information sometimes making it evident that an assistant filed a document on behalf of an attorney, and sometimes assistant using attorney log in credentials (or attorney filing the document containing Certificate of Service improperly, as Lukashin believes, signed with "s/ Typed Name" format). The Court should take some time to clarify comments in *Walker* n. 5 to avoid it being mere dicta and confusing the bench, the bar (as is evident with at least Respondents), and the general public.

Other authority discussing effects of a (missing) signature includes ***State v. Covert***, 675 S.E.2d 740, 382 S.C. 205, 209 (2009)[67] (validity of an arrest warrant missing a signature):

> The signature is the assurance that a judicial officer has found that law enforcement has made the requisite probable cause showing, and serves as notice to the citizen upon whom the warrant is served that it is a validly issued warrant. Without the signature, it is merely an "unfinished paper." *Davis, supra*; *see also DuBose v. DuBose*, 90 S.C. 87, 72 S.E. 645 (1911) ("But it has been decided [in *Davis*] that, when an officer is performing the ministerial duty of issuing a paper on compliance with certain conditions prescribed by law, his signature at the foot of the paper he intended to sign is necessary to its validity").

State v. Arellano, No. 13-17-00268-CR (Tex. App. Feb. 21, 2019)[68] noted that omission of the typewritten name of the magistrate required by statute resulted in facially invalid warrant:

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[67] https://scholar.google.com/scholar_case?case=3078527988011773594&

[68] http://scholar.google.com/scholar_case?case=2255062814408238972&

> Here, the search warrant was signed by a magistrate; however, the magistrate's name does not appear in clearly legible handwriting or in typewritten form with the magistrate's signature as required by article 18.04(5). See TEX. CODE CRIM. PROC. ANN. art. 18.04(5). Moreover, the attached affidavit incorporated in the warrant also lacks the magistrate's name in clearly legible handwriting or typewritten form. Because article 18.04(5) requires that the "magistrate's name appear in clearly legible handwriting or in typewritten form with the magistrate's signature," and the search warrant before us does not meet this requirement, we conclude the warrant does not comply with the requirements of 18.04 and is therefore facially invalid. See Turner, 886 S.W.2d at 864; Miller, 703 S.W.2d at 353.

State v. Mathews, 986 P.2d 323, 327, 133 Idaho 300 (1999) noted:

> Once the lack of a signature is discovered or raised, the search must stop until such time as the lack of a signature may be corrected by the signature of the magistrate. Failure to supply the signature once it is challenged will vitiate any further search under the warrant. "Evidence" obtained in such an unauthorized search is not admissible.

Com. v. Veneri, 452 A.2d 784, 306 Pa. Superior Ct. 396, 398-403 (1982)[69] held that "the use of a rubber stamp facsimile, standing alone, does not meet the signature requirement". Compare with ***US v. Yepiz***, 844 F.3d 1070, 1081 n. 2 (9th Cir. 2016) (dissent):

> It's unclear whether Judge Walter saw the letter and rejected the filing, he delegated that duty, or, if his usual practice was to set a hearing, a clerk inadvertently failed to comply. That Judge Walter's signature is on the notice of discrepancy doesn't definitively tell us the answer as most judges have signature stamps for their courtroom deputy's use.

Other relevant useful authority citing *Becker*[70]*, supra*, include ***Rumph v. City of New York***, No. 18-CV-8862 (CM) (S.D.N.Y. Apr. 26, 2019)[71] (a non-attorney with a power of attorney who is not an attorney may not sign court submission on behalf of another individual) and ***DeCook v. Olmsted Medical Center, Inc.***, 875 N.W.2d 263, 267 (Minn. 2016)[72]:

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[69] https://scholar.google.com/scholar_case?case=2892149795653168444&

[70] 200+ cases citing *Becker* may be found via the following Google Scholar link: https://scholar.google.com/scholar?start=0&hl=en&scisbd=2&as_sdt=5,48&sciodt=6,48&cites=1600398445186605726&scipsc=

[71] https://scholar.google.com/scholar_case?case=8931580990795003140&

[72] https://scholar.google.com/scholar_case?case=1917279409246845919&

> Citing our decision in *Herrick v. Morrill*, 37 Minn. 250, 252, 33 N.W. 849, 850 (1887), the DeCooks argue that the summons was not defective at all because Offutt's printed name on the summons' signature block constituted a valid "subscription" of the summons…
>
> Minnesota Rule of Civil Procedure 4.01 requires a summons to be "subscribed by the plaintiff or by the plaintiff's attorney." "Subscribed" means "signed." See The American Heritage Dictionary 1737 (5th ed.2011) ("to sign (one's name) at the end of a document...."); Black's Law Dictionary 1655 (10th ed.2014) (containing four relevant definitions, all of which contemplate a written signature). Further, Rule 11.01 requires "[e]very pleading, written motion, and other similar document" to be "signed by at least one attorney of record in the attorney's individual name" if the party is represented. Minn. R. Civ. P. 11.01. Even if a summons is not a "similar document" to a pleading or motion such that it is covered by Rule 11, no good reason exists for different rules to govern a summons as opposed to all other important court documents. We conclude that Rule 4.01's subscription requirement means the summons must be signed. (portion omitted, emphasis added)

Finally, see ***Salas v. Hi-Tech Erectors***, 168 Wash. 2d 664, 230 P.3d 583, 587 (2010) (untenable decisions should not stand merely because the parties failed to adequately brief the court); ***State v. Quismundo***, 164 Wn.2d 499, 505-06, 192 P.3d 342 (2008) (a court's "obligation to follow the law remains the same regardless of the arguments raised by the parties before it").

Lukashin respectfully requests this Court to consider *sua sponte* the problem with Respondent's Certificates of Service brought to its attention and to clarify the comment in *Walker*, n. 5, having reviewed sample "signatures" in the Appendix, addressing whether a document **not electronically filed with a court** (or not in compliance with GR 30) could be "signed" with an /s/ to be legally valid, or is it akin to a "rubber stamp" and insufficient to trigger completed service (in the summons context) or insufficient to require an employer, over an employee's objection, to legally withhold wages under a purported lien on earnings.

Compare also ***United States v. Santos***, No. 18-14529, p. 12 (11th Cir. Jan. 9, 2020)[73], where Eleventh Circuit explicitly reproduced and relied on a signature block[74] of a document in the record, and where both stamped name and signature of the official appeared.

CONCLUSION

Lukashin respectfully requests that the Court **CONSIDER** this *pro se* "nonlawyer" amicus brief to potentially aid it in deciding currently pending case herein, as well as provide such other and further relief as it deems just and equitable[75]. If denied, Lukashin seeks a "facially legitimate and bona fide reason"[76]. Given ***Courthouse News Service v. Planet***, No. 16-55977 (9th Cir. Jan. 17, 2020)[77] ("***Planet III***") recent related holding that even a modest **delay** in access violates the First Amendment right to access court documents and records while observing benefits of public oversight ("to bring to bear the beneficial effects of public scrutiny upon the administration of justice"), providing no explanation in an order denying relief would be clearly unconstitutional. *Cf.* ***Globe Newspaper Co***. 457 US at 598 n. 1[78].

s/ Igor Lukashin
IGOR LUKASHIN
Tel: (360) 447-8837 Fax: None

Dated: February 21, 2020
P.O. BOX 5954, Bremerton WA 98312
E-mail: igor_lukashin@comcast.net

Appendix A hereto illustrates the need for clarification of what represents a "signature", even though parties herein may not have been prejudiced, as Certificate of Service was not required.

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[73] https://scholar.google.com/scholar_case?case=11057172308745511953& ; https://scholar.google.com/scholar_case?case=11057172308745511953&

[74] Screenshot provided in Appendix A hereto

[75] Including possibly answering the two questions on pp. 1–2 Lukashin did not get to ask yesterday at UW.

[76] ***Yafai v. Pompeo***, 924 F.3d 969, 975-83 (7th Cir. 2019) (Chief Judge Wood's dissent from denial of rehearing en banc); *accord* ***Bourdon v. United States Department Of Homeland Security***, 940 F. 3d 537, 554 (11th Cir. Oct. 3, 2019) (dissent) ***Honcharov v. Barr***, 924 F. 3d 1293, 1296 n. 2 (9th Cir. May 29, 2019) (""it goes without saying that IJs and the B[oard] are not free to ignore arguments raised by a petitioner" entirely")

[77] https://scholar.google.com/scholar_case?case=11495110141016204658&

[78] even where the press was not denied subsequent access to the transcript 457 US at 610; Dissent at 615–616 of the hearing. See further Globe Newspaper, 457 US at 609 n. 25 (case-by-case approach); at 611 n. 27 "mandatory rule, requiring no particularized determinations in individual cases, is unconstitutional".

APPENDIX A

Snips from Respondent's Certificate of Service and Transmittal Information[79] filed 04/20/2018:

Dated April 20, 2018, at Seattle, Washington

s/Leslie Boston
Leslie Boston
Legal Assistant

Comments:

Respondents' Response to Appellant's Opening Brief

Sender Name: David Breskin - Email: dbreskin@bjtlegal.com
Address:

Snips from Respondent's Certificate of Service and Transmittal Information[80] filed 6/12/2019:

DATED this 12th day of June, 2019, at Seattle, Washington.

s/Nerissa Tigner
Nerissa Tigner, Paralegal

Comments:

Sender Name: Nerissa Tigner - Email: ntigner@bjtlegal.com
Filing on Behalf of: David Elliot Breskin - Email: dbreskin@bjtlegal.com (Alternate Email:)

Snips from Respondent's Certificate of Service and Transmittal Information[81] dated 12/6/2019:

DATED this 6th day of December, 2019, at Seattle, Washington.

s/Rachael Tamngin
Rachael Tamngin, Legal Assistant

Comments:

Sender Name: Cynthia Heidelberg - Email: cheidelberg@bjtlegal.com

Petitioner initially appears to share the same confusion:

Snips from Petitioner's Certificate of Service and Transmittal Information[82] dated 5/13/2019:

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on May 13, 2019, I caused service of the foregoing to the following counsel of record:

Attorneys for Plaintiffs: David E. Breskin, WSBA #10607 Cynthia J. Heidelberg, WSBA #44121 Breskin Johnson & Townsend PLLC 1000 Second Avenue, Suite 3670 Seattle, WA 98104 Ph: 206-652-8660 email: dbreskin@bjtlegal.com cheidelberg@bjtlegal.com jtelegin@bjtlegal.com shill@bjtlegal.com	☐ via U.S. Mail ☐ via Hand Delivery ☒ Court E-Service ☐ via Facsimile ☒ via E-mail ☐ via Overnight Mail

Dated: May 13, 2019

/s/ Holly McGinley
Holly McGinley, Legal Assistant

Comments:

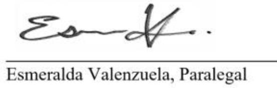
Sender Name: Laura Faulstich - Email: turner@livengoodlaw.com
Filing on Behalf of: Kevin Blair Hansen - Email: hansen@livengoodlaw.com (Alternate Email:)

[79] http://www.courts.wa.gov/content/Briefs/A08/972010%20COA%2097201-0%20Resp's%20Response.pdf
[80] http://www.courts.wa.gov/content/Briefs/A08/972010%20Answer%20to%20Petition%20for%20Review.pdf
[81] http://www.courts.wa.gov/content/Briefs/A08/972010%20Resp's%20Supp%20Brief.pdf
[82] http://www.courts.wa.gov/content/Briefs/A08/972010%20Petition%20for%20Review.pdf

Petitioner and <u>some</u> Amici appear to use actual signature (or rubber-stamp equivalent)

Snips from Amicus's Certificate of Service and Transmittal Information[83] dated 01/06/2020:

Executed this 6th day of January, 2020, at Seattle, Washington.



Esmeralda Valenzuela, Paralegal

Comments:

Sender Name: Jennifer Woodward - Email: woodward@workerlaw.com
Filing on Behalf of: Kathleen Phair Barnard - Email: barnard@workerlaw.com (Alternate Email: valenzuela@workerlaw.com)

Snips from Amicus's Certificate of Service and Transmittal Information[84] dated 01/06/2020:

s/Christy Reynolds
Christy A. Reynolds, Legal Assistant
christy.reynolds@foster.com

Comments:

Sender Name: Christy Reynolds - Email: christy.reynolds@foster.com
Filing on Behalf of: Michael Starkes Brunet - Email: mike.brunet@foster.com (Alternate Email: litdocket@foster.com)

Snips from Appellant's Certificate of Service and Transmittal Information[85] dated 12/06/2019:

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on December 6, 2019, I caused service of the foregoing to the following counsel of record:

Attorneys for Plaintiffs: David E. Breskin, WSBA #10607 Cynthia J. Heidelberg, WSBA #44121 Breskin Johnson & Townsend PLLC 1000 Second Avenue, Suite 3670 Seattle, WA 98104 Ph: 206-652-8660 email: dbreskin@bjtlegal.com cheidelberg@bjtlegal.com admin@bjtlegal.com	☐ via U.S. Mail ☐ via Hand Delivery ☒ Court E-Service ☐ via Facsimile ☐ via E-mail ☐ via Overnight Mail

Dated: December 6, 2019

Laura Faulstich, Legal Assistant

Comments:

Sender Name: Laura Faulstich - Email: turner@livengoodlaw.com
Filing on Behalf of: John James White - Email: white@livengoodlaw.com (Alternate Email:)

Copy of ***United States v. Santos***, No. 18-14529, p. 12 (11th Cir. Jan. 9, 2020) signature block:

Case: 18-14529 Date Filed: 01/09/2020 Page: 12 of 45

Part 13. Signature at Interview.

I swear (affirm) and certify under penalty of perjury under the laws of the United States of America that I know that the contents of this application for naturalization subscribed by me, including corrections numbered 1 through 8 and the evidence submitted by me numbered pages 1 through 0, are true and correct to the best of my knowledge and belief.

Subscribed to and sworn to (affirmed) before me LUCAS F. BARRIOS

Officer's Printed Name or Stamp

Date (mm/dd/yyyy)

Complete Signature of Applicant

Officer's Signature

Part 14. Oath of Allegiance.

If your application is approved, you will be scheduled for a public oath ceremony at which time you will be required to take the following oath of allegiance immediately prior to becoming a naturalized citizen. By signing, you acknowledge your willingness and ability to take this oath:

Officer Diaz testified that Officer Barrios's marks and signature in red ink on the annotated Form N-400 were consistent with USCIS policy.

83 http://www.courts.wa.gov/content/Briefs/A08/972010%20Amicus%20-%20WA%20Employment%20Lawyers%20Assoc.pdf ; as text can be selected/copied, it was likely not scanned

84 http://www.courts.wa.gov/content/Briefs/A08/972010%20Amicus%20-%20WA%20Public%20Hospital%20Districts.pdf

85 http://www.courts.wa.gov/content/Briefs/A08/972010%20App's%20Supp%20Brief.pdf

See also "original signed paper document requirement" of GR 30[86] (d)(2)(C):

"Non-attorney signatures on documents signed under penalty of perjury. Except as set forth in (d)(2)(D) of this rule, if the original document requires the signature of a non-attorney signed under penalty of perjury, the filer must either:

(i) Scan and electronically file the entire document, including the signature page with the signature, and maintain the original signed paper document for the duration of the case, including any period of appeal, plus sixty (60) days thereafter; or

(ii) Ensure the electronic document has the digital signature of the signer"

See also RCW 9A.72.085[87](3)–(6):

(3) **For purposes of this section, a person subscribes to an unsworn written statement, declaration, verification, or certificate by**:

(a) Affixing or placing his or her signature as defined in RCW 9A.04.110 on the document;

(b) Attaching or logically associating his or her digital signature or electronic signature to the document;

(c) Affixing or logically associating his or her signature in the manner described in **general rule 30** to the document **if he or she is a licensed attorney**; or

(d) Affixing or logically associating his or her full name, department or agency, and badge or personnel number to any document that is electronically submitted to a court, a prosecutor, or a magistrate from an electronic device that is owned, issued, or maintained by a criminal justice agency if he or she is a law enforcement officer.

(4) This section does not apply to writings requiring an acknowledgment, depositions, oaths of office, or oaths required to be taken before a special official other than a notary public.

(5) "Digital signature" means an electronic signature that is a transformation of a message using an asymmetric cryptosystem such that a person who has the initial message and the signer's public key can accurately determine whether the:

(a) Transformation was created using the private key that corresponds to the signer's public key; and

(b) Initial message has been altered since the transformation was made.

(6) "Electronic signature" has the same meaning as in RCW 19.360.030. (bold emphasis added)

[86] http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&ruleid=gagr30

[87] https://app.leg.wa.gov/rcw/default.aspx?cite=9A.72.085

Exhibit F

SUSAN L. CARLSON
SUPREME COURT CLERK

ERIN L. LENNON
DEPUTY CLERK/
CHIEF STAFF ATTORNEY

THE SUPREME COURT
STATE OF WASHINGTON

TEMPLE OF JUSTICE
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OLYMPIA, WA 98504-0929

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e-mail: supreme@courts.wa.gov
www.courts.wa.gov

February 25, 2020

LETTER SENT BY E-MAIL ONLY

John James White
Kevin Blair Hansen
Rebecca Lauren Penn
Livengood Alskog, PLLC
121 3rd Avenue
P.O. Box 908
Kirkland, WA 98083-0908

Igor Lukashin
P.O. Box 5954
Bremerton, WA 98312

David Elliot Breskin
Cynthia J. Heidelberg
Breskin Johnson & Townsend PLLC
1000 Second Avenue, Suite 3670
Seattle, WA 98104

Re: Supreme Court No. 97201-0 - Jeoung Lee, et al. v. Evergreen Hospital Medical Center
Court of Appeals No. 77694-1-I

Counsel and Mr. Lukashin:

On February 21, 2020, the Court received a “MOTION FOR LEAVE TO FILE OUT-OF-TIME “NONLAWYER” AMICUS BRIEF” from Igor Lukashin. On February 24, 2020, “RESPONDENTS’ OBJECTION TO PRO SE LITIGANT LUKASHIN’S AMICUS BRIEF” was filed.

In regard to the motion, the following ruling is entered:

At the direction of the assignment justice, the motion is denied as untimely and improper.

Sincerely,

Erin L. Lennon
Supreme Court Deputy Clerk

ELL:crf

cc: Bradley James Berg
Michael Starkes Brunet
Mikaela Liushu Japha Louie
Kathleen Phair Barnard
Jeffrey Lowell Needle
Sarah Elizabeth Derry
Jennifer L. Robbins

IGOR LUKASHIN - FILING PRO SE

March 05, 2020 - 1:20 PM

Transmittal Information

Filed with Court:	Supreme Court
Appellate Court Case Number:	97929-4
Appellate Court Case Title:	Nicholas Walker v. Orkin, LLC
Superior Court Case Number:	17-2-01515-2

The following documents have been uploaded:

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