

64322-3

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No. 64322-3

Washington State Court of Appeals

Division I

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In Re: Marriage of:

Daniel M. Casey  
Appellant

And

Suzanne E. Nevan  
Respondent

2010 MAR 19 PM 1:01  
COURT APPEALS DIVISION I  
SEATTLE, WA

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Respondent Brief

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Your Honors,

March 12, 2010

Neither Daniel nor I presented any witness testimony at our divorce trial. Daniel has made reference to discussions, agreements and behaviors during the trial and in his appellant brief but provided no testimony to corroborate these claims. Anyone can say anything about themselves and others but without witness testimony to support those claims, how can any weight be given in terms of making a decision. I will address, to the best of my ability, these claims that Daniel has put forth in his appellant brief.

Response to Summary:

We were married for 4 years and 7 months and during the first year of our marriage I did work for Washington Financial Group and Joe was in full-time daycare. Joe attended daycare for most of our first year of marriage (March 2004-December 2004). The name of his home-based daycare was Learning for Life. Prior to our marriage, I was a resident manager of an apartment building and from Joe's birth (June 2002) until the time he started daycare at Learning for Life, he spent his days and nights with me. I have always been Joe's primary caregiver.

My primary function during our marriage was to be the caregiver for all our children, particularly Joe because he was the youngest. My resignation from Washington Financial Group was a joint decision and we also jointly decided on my making an attempt to sell real estate. The change in employment allowed me the flexibility to be home with the children in the mornings and off to school and when they returned in the afternoons, to be home with the children when they were sick and also during school vacations or other designated school closure days. Daniel stated during the trial that he was dissatisfied with my work history and that I violated an agreement to "contribute as much as possible to the household now that we had four children." By his own admission, his work was the primary employment outside of the home. I did have several jobs during our marriage to contribute as much as I could to our household. I delivered pastries in the mornings, Monday through Friday, picking up the order from a local baker between 4:30 and 5:00AM and returning home between 6:00 and 6:30AM. Additionally I did some consulting work for a

neighborhood non-profit around fundraising. I also looked after my brother's twins three days a week. All of these jobs, in addition to the child support for my two older children, contributed to our household expenses and allowed me to stay with Joe, our son. Daniel left the house in the morning between 6:00 and 6:30AM and returned home between 4:00 and 4:30PM. His interaction with our son was limited to a few hours after dinner and weekends. Very typical for any household where the father's job is the primary employment outside of the home.

During our marriage I was an involved volunteer in our catholic parish and school communities. Parent volunteer time is part of the school contract for admission. Much of the volunteer work was local and I brought the children with me, trying to instill a sense of service in them. Joe became very well known in both these communities because of his constant presence with me during my volunteer activity.

My understanding is that the Court aims to provide a parenting plan that least disrupts the child's life. Although my aim was to mirror the residential time as much as possible with the parenting plan in place from Daniel's previous marriage, it was also my goal to sustain a primary residence for Joe. The parenting plan that Judge Ponomarchuk, Pro Tem approved on September 16<sup>th</sup> 2009, allows for crossover time with Orla, Daniel's daughter, and also allows for one- on- one time for Joe and Orla with their father.

Response to Argument:

Daniel points to testimony provided on the day of the trial that the "strength, nature and stability of the child's relationship with the mother is suspect." He did not provide any expert testimony. He did not provide any supporting testimony or witnesses that observed any behavior that would be "suspect." Daniel only provided his own thoughts which cannot be given weight due to the obvious bias of his words and motivation. Stating that the court must allocate primary custody to the parent that has the

more stable relationship with the child supports the Court's decision. I have been responsible for Joe's primary care from the beginning. Daniel did not know the names of Joe's primary doctor or dentist because he has never met them. I was the primary contact for Joe's daycare, pre-school and grade school. I was the parent that was present and participating in the day to day needs of Joe. Our son was only in daycare for 9 months of our marriage. He attended a pre-school, prior to entering Kindergarten, three times a week from Noon until 3pm. Otherwise, Joe was with me. Daniel mistakenly refers to Joe's daycare (RP 54) as "What a Child Becomes." In fact, that was Joe's pre-school (named A Child Becomes.) Daniel made the mistake because he was not involved in that part of Joe's day. Again, Daniel makes a lot of claims in his argument but cannot back it up with personal knowledge or provide witness testimony to support the claims. His testimony is impossible to support. Daniel had the primary employment in our household, working Monday through Friday arriving home at around 4:30PM. How does that schedule support his claim that he spent more time

with our son and was responsible for providing the primary functions around Joe's care.

Daniel asks that the Court to vacate provision 3.13 of the parenting plan. The reason behind this provision was that Daniel's office is in the basement of the building. Long hallways, close to the boiler room and staff break area with very little foot traffic. His office is isolated and completely inappropriate for a child of 7 years of age to hang out in unsupervised for a great deal of time. The CEO of Daniel's company discourages bringing children to work. He, in fact, rarely brings his own children to work. I have first hand knowledge of this because I have volunteered a great deal for Daniel's employer, The Kenney Retirement Home, and have spoken with their development director about the company's policies around children in the workplace.

Daniel asserts that I am trying to sabotage his relationship with his son by reaching out to his ex-wife to try and organize time for their daughter Orla to hang out with not only Joe, our son,

but my two older children. Daniel's residential time with his daughter amounts to approximately 17% of the month. I was thinking of Joe and Orla when I tried to encourage Daniel's ex-wife to arrange play-dates with the kids. It has nothing to do with Daniel but more to do with the children. How am I sabotaging the father-son relationship when it was me that organized Joe's involvement in boy scouts, not Daniel. Scouting is typically a father-son activity. Daniel confirmed in testimony that it was, in fact, me that organized this father-son opportunity (RP 72-73).

Conclusion:

Daniel has made numerous claims in his appellant brief and has not provided one piece of evidence to support his claims. I ask the Court to uphold the rulings entered by Judge Ponomarchuk of the Superior Court of Seattle from September 16<sup>th</sup>, 2009 including:

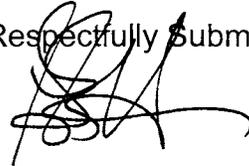
- 1) designation of the mother as primary parent
- 2) maintaining the parenting plan approved by Judge Ponomarchuk

3) maintaining provision 3.13 of the parenting plan.

Thank you.

March 12, 2010

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Suzanne E. Nevan', written over the text 'Respectfully Submitted,'.

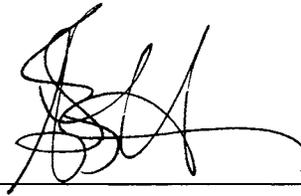
Suzanne E. Nevan (Pro Se)

**Certificate of Service**

This is to certify that a copy of the corrected Respondent's Brief, in accordance with Court of Appeals letter dated March 15, 2010 and received March 18, 2010, relating to case # 64322-3 was hand-delivered by Suzanne Nevan (respondent) to Daniel Casey (appellant) at 7125 Fauntleroy Way Southwest Seattle, WA 98136 on March 19, 2010.

Dated: March 19, 2010

Certified:



Suzanne Nevan, Respondent

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