

65-931-6

65931-6

THE SUPREME COURT IN THE STATE OF WASHINGTON

No.83468-7

[Plaintiff's name],

Laura Williams

Pro Se

vs.

[Defendant's name],

The city of Seattle

Respondent

Case No.: ~~mm~~

Appellant, ~~Respondent~~

Reply Brief

2010 JUN 21 AM 9:55 AM 8:01

FILED
COURT OF APPEALS
STATE OF WASHINGTON

CLERK

b/h

BRIEF OF APPELLANTS, RESPONDENT

Dated this JUNE ,2010

Attorney

PETER S. HOLMES
Seattle City Attorney
George P. Haldeman, WSBA #29105
Assistant City Attorney
Attorneys for Respondent
City of Seattle

LAURA WILLIAMS
6900 SOUTH 123STREET #H 199
SEATTLE WASHINGTON
98178

Seattle City Attorney's Office
600 fourth Avenue, 4th Floor
Po Box 94769
Seattle, Washington 98124-4769
(206)233-2160

LAURA WILLIAMS
PRO SE.

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EXHIBITS OF NEW CONTROLLED SURFACE WATERS LAST PAGES.

1 Statement of the Case

2 I Laura Williams did not put in a claim against
3 The city until March 2006, 5 months after my fall I just was
4 trying to Heal up and figure out what next job I'll be able to do.
5 Cause of the Injury to my ankle, it was so much damage done. I'll
6 have to change my whole career. Richard gardener the managers
7 husbands Stacy Gardener, Secretary at 5231 so 39 avenue so 98118, I
8 went to there door to Tell them why I could not pay my rent, Richard
9 walk outside with me I showed him were I fell. He show me the leak
10 in front of the big house next to the apartments 5231`so 39 st
11 98118, Richard stated he work for the city also. My attorney got
12 information from Stacy, Richard's Wife, attorney was suppose to talk
13 to Richard her husband I never heard about the outcome attorney she
14 never brought it up again. When Richard and I went to the injury
15 site I saw water coming out Of the ground, Richard stated that's the
16 cities main line and there not going to fix it cause of the low
17 class area. The city did not care, The city is his other job. he
18 tode me they dug up their land scaping To make sure water was not
19 coming from their property it wasn't so, They laid it back down. In
20 the beginning of my claim, Richard I saw a statement from him. About
21 he gets the weather cast for November 22 2005 weather was not below
22 freezing no way I could slip in black ice. The court said it was
23 hearsay and through it out I never heard from Richard Gardener
24 again. in the state of Washington it does not half to be below
25 Freezing for ice ^{to} it form, Where I fell big building and trees, cover
26 The area 24 hours a day even in the summer this area never gets any
27 Sun light cause of building and trees big shadows, waters will stay
28 Nice and cold. This water will never get a chance to warm up.

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Title 12 chapter 12.8 section 12.08.020 RCW 12.08.020:

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(1) The complaint of the plaintiff, which shall state in a plain and direct manner the facts constituting the cause of The pleadings in the justice's court shall be:action.

(2) The answer of the defendant, which may contain a denial of the complaint, or any part thereof; and also a statement, in a plain and direct manner, of any facts constituting a defense.

1 Sec. 3020. RCW 12.08.070 and Code 1881 s 1762 are each amended to

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2 read as follows:
3 Every complaint, answer, or reply shall be verified by the
4 oath of
5 the party pleading; or if he or she be not present, by the
6 oath of his
7 or her attorney or agent, to the effect that he or she
8 believes it to
9 be true. The verification shall be oral, or in writing, in
10 conformity
11 with the pleading verified.

8 Sec. 3021. RCW 12.08.080 and Code 1881 s 1763 are each amended to

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9 read as follows:
10 Every material allegation in a complaint, or relating to a
11 setoff
12 in an answer, not denied by the pleading of the adverse
13 party, shall,
14 on the trial, be taken to be true, except that when a
15 defendant, who
16 has not been served with a copy of the complaint, fails to
17 appear and
18 answer, the plaintiff cannot recover without proving his or
19 her case.

15 Sec. 3022. RCW 12.08.090 and Code 1881 s 1764 are each amended to

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16 read as follows:
17 Either party may object to a pleading by his or her
18 adversary, or
19 to any part thereof that is not sufficiently explicit for him
20 or her to understand it, or that it contains no cause of
21 action or defense
22 although it be taken as true. If the court deem the objection
23 well founded, it shall order the pleading to be amended; an-

1 if the party 22 refuse to amend, the defective pleading shall be
disregarded.

2 23 **Sec. 3023.** RCW 12.08.100 and Code 1881 s 1765 are each
3 amended to

4 24 read as follows:

5 25 A variance between the proof on the trial, and the
allegations in

6 26 a pleading, shall be disregarded as immaterial, unless the
court be

7 27 satisfied that the adverse party has been misled to his or
her

8 28 prejudice thereby.

9 29 **Sec. 3024.** RCW 12.08.120 and Code 1881 s 1767 are each
10 amended to

11 30 read as follows:

12 31 To entitle a defendant to any setoff he or she may have
against the

13 32 plaintiff, he or she must allege the same in his or her
answer; and the

14 33 statutes regulating setoffs in the superior court, shall in
all

15 34 respects be applicable to a setoff in a justice's court, if
the amount

16 SSB 6239.SL p. 102

17 1 claimed to be setoff, after deducting the amount found due to
18 the

19 2 plaintiff, be within the jurisdiction of the justice of the
peace;

20 3 judgment may, in like manner, be rendered by the justice in
favor of

21 4 the defendant, for the balance found due the plaintiff.

22 5

23 6

STATEMENT OF THE CASE (CON:

1
2 The are work order facts to where the city of seattle had
3 Notice 2 years all the way up until plaintiffs fall I sent in work or-
4 der September 2005 complaints so the city encored the tenants and
5 Home owners prior to plaintiff fall, also Seattle weather you never
6 Know when theirs going to form ice the weather is unpredictable hereto
7
8 Washington. But if the city would have came to check out other leaks
9 When dumping the dumpsters for Mr. boyds property all this running
10 Waters 24 hour aday for 2 years prior t o plaintiff fall and not
11
12 Encore these home owners when the city was called and ask to check
13 Out all of these leaks and when their employee Roy Elliott redirects
14 The waters to run over the side walk prior to plaintiff fall where
15 Plaintiff fell common sense in the state of Washington with black
16
17 Ice forming all over Washington. At any giving time that large flow
18 Water the city employee redirected should even should have know large
19
20 Amounts of water in one area flowing 24 hours a day for number of
21
22 Year and the city started this water flow from the redirecting from
23
24 Some dam that 'was creating said the city employee Roy Elliot,
25
26 It must have damage other part of the street and side walks cause
27
28 People have been call sense then.non stop...i sent in the work orders
29
30 When I put my claim in 2006 the city encored plaintiff claim until
31
32 2008, did not even go over to check out the area or nothing until
2008 cause that's when saftey signs were put on the property I sent in
Picture of the safety sign on the CD also.

1 Argument

2
3 It states in all work orders and complaint from the
4 Map that I turn in to the Supreme Court the city encored calls and
5 Complaints one reason cause of the low class area on 39th street 98118
6 Also there was a new statement on may 31 2010 fox news at 10:15
7 memorial day last week on so Brandon and orchard street same area
8 plaintiff fall of running water these tenants complaint it was on
9 The news and the news stated these neighbor called the city of
10 Seattle 7 years ago the city encored them now the neighbors are going
11 Get to gather I don't know the out come but iam going to find out the
12 Area where the plaintiff fell is the same area where all these
13 complaint the city encored even though they check side walk meters
14 Did you see lots of waters running for year's iam sure ice in cold?
15 Weather in Washington you can't help but to see Ice, where there's
16 Water possible ice in Washington. The city had prior notices from all
17 Area's of 5231 39 street so 98118 owners, pedestrian, apartment, if we
18 can take this to trail so Mr. Boyd and his secretaries want to be
19 Subpoena to talk to the judge only I will round up the neighbors on
20 39 street to come to tell there story of the cities neglect and
21 encoring them for so long the water still running but not as much
22 I have new picture of the site today last pages. You can't drain sur-
23 Water but if you redirected to flow over a side walk in front of a
24 Home owner and apartment complexes property, trying to half do your
25 Job cause of the low class area your not going to often check for
26 Anything in that area you're going to encore the people that live in
27 the area also. That why their all going to try to gether cause the
28 city hasn't done any thing with notice and still isn't doing any thing
29 The right and liabilities as to surface waters are not the same as
30 those of private landowners with in the city especially when Waters
31 have been redirected by the city to flow over in front of private
32 landowners. Property on the sidewalk witch is public property.

ARGUMENT (CONT)

1
2 This is after the fact of the misrepresentation of my Attorney
3 representing me she did not present facts and evidence pertaining to
4 Represented surface water expansion joint waters at the summary
5 judgment I never told her any thing about those water she got that
6 Information from the the city which not properly presenting the
7 plaintiff evidence. Fact, elements, to the judge at the right time
8 Of course it will be dismissed all he has is defendants information
9 The cities declaration out numbered my declarations and the city did
10 Not think this would go any further the redirection declaration of
11 Roy Elliot, why was the declaration changed, for the next court on
12 appeal by plaintiff. The city when on the internet with out letting
13 The court know and changed the redirection on your declaration [REDACTED]
14 [REDACTED] judge [REDACTED] make his decision, and change it for another judge to
15 See another second declaration that was change, important information
16 Dated and sign. The city went in the legal document and change with
17 Out letting the courts know. That's against the law. Facts [REDACTED]
18 [REDACTED] the city did not want me to appeal this case cause my
19 Attorney did not want to tell me judges name but only gave me his
20 First name claims she did not know any more information about the
21 Judge, or the courts hearing I had to define all this information
22 My self there is no way out of this changed declaration, I have it
23 All on paper the last 3 pages of my first brief. Sign under oath by
24 Your city employee Roy Elliot iam sorry I found this information
25 But I thought it mite be help ful being the city a professional state
26 Won't stand up to there fault with holding information. People that
27 live here in Seattle are very embarrassed of their state to prevent
28 Things like this happening again because you want to discriminate.

8

ARGUMENT (CONT)

My claims also fall under personal injury and also Tort law because of the neglect on your behalf ignoring everyone, work orders complaints with holding information, changing court document without alerting the courts my high medical bills. Injury distress The city needs to be disciplined and for trying to get out of this And allowing wasting city waters for 2-7years nonstop it's so visible If city employees were doing there job right paying attention to their First class city state it would have been noticed even with all the Proof of fact that I presented. To the court. Surface waters were Redirected by the city so it the city fault it remain so long wasted City waters I never seen surface waters from a side walk run so long 24 hour aday in one area 7 years... until the city 2008 finally got Control of this waters exhibits last pages new fix new pictures 2010 You did not get control but it maintain small amount of waters run When the rain stop now the flow of water dries up .but for the last 7 years 2002-2008 sunny days water still ran the whole summer I sent In pictures on CD but now sun no running waters the court should not Disregard any of appellant's brief on the fact all this in formation That the plaintiff did all the foot work. To complete this case the Attorney did not complete, couldn't be present to the superior court Judge the plaintiff did not know the system of the courts and attorneys until after. Court was dismissed that's not the law plaintiff= did not get a fare change to submit any thing this why Iam submitting fact now I had all this information before court July 24, 2009 attorney said we did not need it or my presents or my Boyd Property owner 5231 39 at so 98118 I found lot of information but I Did not have any person to support me or come forward. This is why I made some statement of other people that talk to me but scared to Fight against the city on my behalf. It we can subpoena Mr. Boyd and his Crew they have lot of more information they would only tell the judge

1 It some is not related to appeal issues is being in formation
2 pertaining to defendants neglect, with holding information.

3
4 Conclusion

5 Iam asking the court to consider all my
6 information that I presented I did not get a fare hearing from
7 Attorney and the defendant and they sign under oathed just like
8 The plaintiff. All truth, underground springs is unpredictable but
9 Not when redirected years prior by the person that owns the public
10 Underground spring public property tried to cover up big future job
11 Neglecting the area cause of the class of people that own the area
12 And tenants crack smoker, owners black, majority of the people are
13 Either handicap or disabled in the complex and area. My attorney
14 Even said iam a felon and do I smoke cocaine every sense then she
15 Treated me very different. Every thing I have on my brief is findings
16 On the city neglect, would like the courts to honor the truth of
17 This professionals state we live in so this does not happen again
18 In our state the city needs to be disciplined that would make sure
19 They would do and be professional at all times here and near future.
20 And pay all court fees' clerk, attorney, for inconveniencing the court
21 System with holding information.. and changing legal court documents
22 With out alerting the courts confusing the court system changed
23 declarations trying to talk their way out of it. As professional
24 Attorneys that against the law. All the information on my brief
25 Is true I've sent in all information to back it up...

26 **RCW CODE NEXT PAGE**

27 I declare under penalty of perjury under the laws of State of washing
28 Ton that the foregoing is true and correct.

RCW 34.05.562

New evidence taken by court or agency.

(1) The court may receive evidence in addition to that contained in the agency record for judicial review, only if it relates to the validity of the agency action at the time it was taken and is needed to decide disputed issues regarding:

(a) Improper constitution as a decision-making body or grounds for disqualification of those taking the agency action;

(b) Unlawfulness of procedure or of decision-making process; or

(c) Material facts in rule making, brief adjudications, or other proceedings not required to be determined on the agency record.

(2) The court may remand a matter to the agency, before final disposition of a petition for review, with directions that the agency conduct fact-finding and other proceedings the court considers necessary and that the agency take such further action on the basis thereof as the court directs, if:

(a) The agency was required by this chapter or any other provision of law to base its action exclusively on a record of a type reasonably suitable for judicial review, but the agency failed to prepare or preserve an adequate record;

(b) The court finds that (i) new evidence has become available that relates to the validity of the agency action at the time it was taken, that one or more of the parties did not know and was under no duty to discover or could not have reasonably been discovered until after the agency action, and (ii) the interests of justice would be served by remand to the agency;

(c) The agency improperly excluded or omitted evidence from the record; or

(d) A relevant provision of law changed after the agency action and the court determines that the new provision may control the outcome.

[1988 c 288 RCW The Title 2 Chapter 2.06 Section 2.06.030

Rcw 42.56 ..070 (1) (C) (A) (B).

1 CONCLUSION (CONT)

2 (TORT this is when the city of Seattle, Washington, a First class
3 state. Being the injured happened on public property at 5:00 normal
4 Hours of people going to work, cold morning. The Seattle ambulance
5 Had to come and pick me up and help me to emergency care at harbor
6 View. With a broken ankle which my stay in harbor view was 1 week
7 And 6 month to 1 year disabled. And homeless lost my job cause of
8 injury; this itself falls in the tort law. Emotional distressed, pain
9 suffering medical expensive, my focus was going to work not November
10 28 2008 not smoking crack as my attorney stated. I have check stubs
11 for 2 jobs I held at the time.6 month later is when I even heard of
12 the leaks 2006 and the city ignoring and neglect and the Neglect of
13 public streets and property so after my injury I found Most of the
14 cities work orders neglecting information's. Myself ever One else
15 seems afraid. Summary Judgment the courts did not get the factual,
16 Element, Presented cause of ineffective representation
17 .Attorney so badly intimidated. The Risk of harm is the city ignored
18 The low class area of the complaining neighbors. The neighbors said
19 It was allgy on the ground. (Green) cause it ran so long down the
20 Same street 3 to 7 years wasting city water. And allgy is very slip-
21 pery .also the city failed grind down and still Have not grinded down
22 the separating side walk .where plaintiff fell (EXIBITS LAST
23 PAGES OF RESPONDENT BRIEF)When redirected The city should have
24 completed completed, some kind of storm verification or surface water
25 they can't control any kind of signs to alert The public to protect
26 the cities property not ignore even if that area Don't have any
27 money..just protect the health cause that the cities job. in general
28 with humans.allgy could also make a compound injury Very slippery....The
29 defendant signing under oath with the courts NR> Not in records. And
30 changing courts legal document without notifying the court (declaration)
31 which the courts depends, trust, and believes

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1 In the city, licensed with the bar association. The fact evidence in
2 plaintiff case (all) does apply to the circumstances and situation
3 And the area dates and times year injury, does apply to the time per-
4 iod to the whole case to make it whole plaintiff did not get any fact
5 Evidence from another case it's all pertaining to plaintiff case.
6 Defendant fills it's not in the record cause the attorney for plai-
7 -ntiff did not present anything in the case to the courts but 3
8 declaration defendant and attorney were communicating for 3 to 4 year
9 -s prior. Summary judgment I never was invited medical injury was
10 The whole purpose of the case. What was I appealing for? The defend-
11 Dent said it was not below freezing so running waters still remain
12 So may be algy. that will turn your foot all the way around your body
13 Just a slippery. and the top of my foot was on the ground. The city
14 Was not called about black ice defendant was called about leaks to
15 Prevent cold day and slippery substance to perform.. This is washing-
16 Ton. any thing can happen in the cold... (MOTHER NATURE) you can't predi-
17 Ct Mother Nature so the defendant can't be call upon days before
18 Injury theirs black ice on the ground. Mother Nature form any where
19 Just keep your public town safe can do it right away please post
20 Safety sign. To let public know public side walk in your area will
21 Be fix soon be caution ,not 6 years later. And ignore..and side-
22 Walks are still green today and separating. Exhibits last page of
23 This brief. Also the CD in the rejection file my attorney made that
24 for
25 The plaintiff but did not present. To court just mail it to me..
26 All factual evidence elements that the defendant is talking about in
27 The (NR, NOT IN RECORDS) (NA NOT RELEVANT TO APPEAL) RCW CODE EXPLAIN
28 WHY THIS CAN BE DONE... and all true please defend these truthful state
29 -ment or answers them at trial will be even better your honor may I
30 Ask the highest courts in the UNITED STATES TO HAVE THE DEFENDANT
31 SHOW , BRING , DEFEND, THESE TRUE STATEMENT AND ALL DEFENDS THAT I AM
32 ASKING, CAUSE IVE DONE A LOT OF FOOT WORK. AND IF I AM WRONG I WILL

1 STEP BACK. AND PAY THE COURTS EVERY THING I OWE (COURT FEE)
2 BUT I HAVE TO MUCH EVIDENCE TO LET THEM GET AWAY WITH THIS.SO IT WILL
3 NEVER EVER HAPPEN AGAIN IN WASHINGTON COME FORWARD WITH ALL DEFENCE
4 AT TRIAL..CAUSE I HAVE EVERY THING I SPOKE OF..ON PAPER LEGAL DOCUMEN-
5 TS THANK YOU

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