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Supreme Court No.
SUPREME COURT
OF THE STATE OF WASHINGTON

S. Khakimov

Appellant,

v

N. Khakimova,

Respondent,

APPELLANT'S BRIEF

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ORIGINAL

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1 8. Motion of New Trial, Reconsideration and Amendment of Judgments are not
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4 **Washington Cases:**

5 Marriage of Stern, 57 Wn. App. 707, 789 P.2d 807 (1990), review denied, 115
6 Wn.2d 1013, 797 P.2d 513 (1990)):.....

8 Marriage of Kowalewski, 161 Wn.2d 1022, 169 P. 3 d.....

9 State v. Rundquist, 79 Wn. App. 786, 793, 905 P.2d 922 (1995) (citing Washington

10 State Bar Ass'n, Washington Appellate Practice Deskbook § 18.5 (2d ed.1993).....

11 Lampard v.Roth, 38 Wn.App.198, 202,684 P. 2d 1353 (1984) "(Index, P 24.).....

12 Bowers v. Transamerica Title Ins. Co., 100 Wn.2d 581, 600, 675 P.2d 193
13 (1983).....

15 Willey, No. 35231-1-II (Wn. Ct. App., Nov. 16, 2006).

16 Brown v. Brown, 46 Wn.ad 370,372,284 P.ad 859 (1955).....

18 **ASSIGNMENTS OF ERROR AND ISSUES**

- 19
- 20 • Judge erred in unilateral discrimination of all rights of the applicant.
- 21 Trial was not a fair hearing.
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- Judge erred by considering personal real estate, as a common property. Trial is mistaken trust the statements of counsel (without checking the information on real estate);
- Judge erred deciding on real estate with no public documents on the subject (with conflicting testimony of the parties). There are errors in the address to the house, but also a number of other technical errors. The judge also did not understand the question, "what kind country" rights to apply in this case;
- Judge erred in fact in its decision affecting the rights of third parties;
- Judge erred in granted Motion in Limine, without studying the situation and verify the facts stated in the document
- Judge erred by signing the Decree of Dissolution (DCD) and FINDINGS OF FACT AND CONCLUSIONS OF LAW without careful reading. In the draft document (prepared by the counsel), some items have been falsified;
- Judge erred by granted attorney fee, without examining the financial position of the respondent, and requesting the financial declaration;
- Judge erred "blindly" applying case law, without a thorough study of the case. The object of case is not the same as in the present case;

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- Judge erred blocking the post-motion solutions. The judge did not actually considered the Motion of New Trial, Reconsideration and Amendment, creating the red tape in such an elementary, simple case;
- Judge erred from the beginning of the hearing in taking unilateral position in favor of a lawyer, thus violating the basic principles of justice and the US Constitution;
- Judge erred violating elementary norms of local law;

I. Errors in the judgment with Real Estate

1.1. Judge erred by considering personal real estate, as a common property.

From the beginning of trial and also in pre-trial period, the appellant pointed out that the real estate is not common, since bought real estate by the appellant's father (Index, P 67;112-117).

1.2 The appellant has the official documents showing that the property is personal property. However, the judge did discriminate against the right of the appellant and refuses took up the ownership real estate documents. As a result, the situation was completely absurd, the judge decided on real estate does not have the documents, and having no idea about the subject of this issue. This is a unique situation where a qualified lawyer makes so ignorant decision. This solution is clearly to be affected, since it is not under a legal framework. In this

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1 case, unnecessary arguments and proof, as this situation is obvious. Duty of judge
2 was to examine all the evidence and only on the basis of official documents she
3 could resolve the issues about real estate. When deciding on a property abroad
4 judge ignored the rights of third parties - the appellant sisters, as they are the
5 heirs to the estate under the law (Index, P 115). The trial court should be based
6 "substantial evidence". Marriage of Stern, 57 Wn. App. 707, 789 P.2d 807 (1990),
7 review denied, 115 Wn.2d 1013, 797 P.2d 513 (1990)): The appellate court
8 reversed because a factual finding was not supported by substantial evidence.
9

10 1.3 Trial court in the final decision making "blind link" to case in re
11 Marriage of Kowalewski, 161 Wn.2d 1022, 169 P. 3 d. This case absolutely not
12 acceptable to our case. These are two different situations. In fact the real Estate in
13 re Marriage of Kowalewski was common property. To refer to a case in re
14 Marriage of Kowalewski the counsel at first need to prove that the real estate is
15 common property (Index, P206-211). However, this was not done. The
16 respondent and her counsel is not evidence. The use case in re Marriage of
17 Kowalewski is meaningless in this case.
18
19

20 1.4 In its decisions, the judge only based on false statement of respondent's
21 attorney that the real estate is common property. Even during the interrogation of
22 the respondent never said that joint ownership. It a solution trial is nonsense to
23 the legal practice in the United States.
24

25 **Appellant Brief**

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1 1.5 In trial appellant also noted that there is a three bedrooms condo
2 (including purchased on the finances of the appellant). This condo (three
3 bedrooms) was decorated as a property on the respondent's parents. Parents
4 respondent currently pass away, and the inheritance is opened. The respondent
5 may well claim the condo his parents. However, the judge did not pay attention to
6 this issue. The respondent deliberately avoided consideration of the matter in
7 court.
8

9 1.6 The judge also entered into his decision in conflict with the institute
10 "residence" that exists in the home country of the appellant and the respondent.
11 Institute "registration" is not familiar in the United States (Index, P112-117). A
12 court's decision is manifestly unreasonable if it is outside the range of acceptable
13 choices, given the facts and the applicable legal standard; it is based on untenable
14 grounds if the factual findings are unsupported by the record; it is based on
15 untenable reasons if it is based on an incorrect standard or the facts do not meet
16 the requirements of the correct standard. State v. Rundquist, 79 Wn. App. 786,
17 793, 905 P.2d 922 (1995) (citing Washington State Bar Ass'n, Washington
18 Appellate Practice Deskbook § 18.5 (2d ed.1993)), review denied, 129 Wn.2d
19 1003, 914 P.2d 66 (1996). Trial Court made an error that did not study and other
20 similar cases. For example case calls upon the court to reaffirm the holding and
21 rationale of Brown v. Brown, 46 Wn.ad 370,372,284 P.ad 859 (1955) (attached),
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25 **Appellant Brief**

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1 or alternatively to clarify the authority of Washington courts to divide foreign
2 property. Also, in contrast to the case of In re the Marriage of KOWALEWS can
3 bring the case Brown v. Brown, 46 Wn.2d 370, 281 P The question of the Superior
4 Court's jurisdiction to affect title to real estate located outside Washington State
5 seems to be settled. According to Brown v. Brown, 46 Wn.2d 370, 281 P.ad 850
6 (1955), the Superior Court cannot affect title to real estate located in a foreign
7 country or any other jurisdiction. The decisions below conflict with the Brown
8 case and accordingly review is authorized by RAP 13.4 (b) (i). The Brown case
9 involved a divorce Decree issued by California courts which purported to award
10 title to property in Spokane to husband.

11
12
13 1.7 Refusing to accept the documents on real estate the judge violated a
14 number of laws (especially the rules of evidence) and rules of judicial ethics. This,
15 in particular:

16 In accordance with Rule ER 102 "Purpose and Construction" - the judge
17 should promote "promotion of growth and development of the law of evidence to
18 the end that the truth may be ascertained and proceedings justly determined".
19 The judge limited the full cuts of the appellant to provide evidence. In fact the
20 judge fabricated situation with unilateral bias in favor of the respondent
21 'attorney.
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Appellant Brief	APPELLANT PRO SE
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1 Also in accordance with Rule ER 103 "Rulings of Evidence: (a)" Effect of
2 Erroneous Ruling. Error may not be predicated upon a ruling which admits or
3 excludes evidence unless a substantial right of the party is affected ". However,
4 trial illegally taken from appellant his personal real estate property (bought by
5 his father), and arbitrarily transferred to the respondent. In fact, these actions
6 are a "gift" to the respondent from the judge.
7

8 The judge granted request the respondent 'counsel in refusing admission
9 documents from the appellant (documents about real estate, health status, etc.).
10 This is also a violation of Rule ER 201 "Judicial notice of ad judicial facts" ((b)
11 "Kinds of Facts. A judicially noticed fact must be one not subject to reasonable
12 dispute in that it is either (2) capable of accurate and ready determination by
13 resort to sources whose accuracy cannot reasonably be questioned ". These
14 documents-evidence relating to a material fact and having equivalent
15 circumstantial guaranties of trustworthiness, the admission of which would serve
16 the interests of justice.
17

18 Rule ER 402 "Relevant evidence generally admissible; irrelevant evidence
19 inadmissible": "all relevant evidence is admissible, except as limited by
20 constitutional requirements or as otherwise provided by statute, by these rules,
21 or by other rules or regulations applicable in the courts of this state. Evidence
22 which is not relevant is not admissible ". [Adopted effective April 2, 1979.]
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25 **Appellant Brief**

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1 Evidence from the appellant was completely admissible, the obvious (the
2 documents of title to real estate). but they were not accepted by the judge.

3 In addition the evidence from the appellant had a strict status - "Relevant
4 evidence" (they were official and concrete). In accordance with Rule ER 401
5 "Relevant evidence" means evidence having any tendency to make the existence
6 of any fact that is of consequence to the determination of the action more
7 probable or less probable than it would be without the evidence. [Adopted
8 effective April 2, 1979.].
9
10

11 **2. Fraud in the Motion of Limine and other consequential facts**

12 13 14 2.1 Pre-Trial correspondence

15 2.1.1 In March 28, 2012 the applicant wrote the lawyer: The AGREEMENT of the
16 parties. The applicant notes that "This will help to resolve the dispute peacefully,
17 resolve it in the pretrial order (and avoid ADR), and to create positive conditions
18 for the further construction of their own lives the Petitioner and the Respondent.
19 I am prepared to withdraw some of their requirements and offer an alternative
20 agreement of the parties 50 "(Index, P # 197, 198). However, the attorney did not
21 agree to go on to discuss the proposals.
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25 **Appellant Brief**

APPELLANT
PRO SE

1 2.1.2 In a letter dated 29 March 2012 the applicant in a letter to the lawyer wrote
2 that his debts exceed the debts of the defendant, but in spite of this he did not
3 want to burden financial position of the defendant and the duty to share 50-50
4 (Index, P # 195).

5 April 5, 2012 appellant writes a letter to a lawyer about their credit cards (Index,
6 P # 199).

8 2.1.3 The lawyer did not represent a long time financial data defendant and its
9 requirements. Therefore, the applicant in a letter dated April 6, 2012 the lawyer
10 writes: "You send me your amount that you are trying to indicate. Until now, I do
11 not have your data from you (final data)" (Index, P # 199).

13 2.1.4 Back in the pre-trial appellant noticed that the respondent's exhibits, are
14 patchy and do not reflect the real financial picture. So 7 April, 2012 applicant in
15 his letter writes "Your Exhibit have no beginning and no end. What is this? Single
16 copies of the statement ... I do not see the all picture ... (what's the point). I do not
17 understand that you want to show it ... Organize all specified.." (Index, P # 198).

18 In a letter dated April 9, 2012 the applicant wrote the lawyer: "Petitioner during
19 the period of living together not trying to joint action to resolve the debts. Debts
20 have been different all the time. And I was surprised by her decision to split them
21 50 / 50 (she was sure that she have it more ...). Mechanical separation of debts,
22 without regard to the facts is contrary to justice in many respects. I ask you is
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1 absolutely correct to comment on the rights of the parties on the laws of the State
2 of Washington (for petitioner). My official debts here of about \$ 28.385. Earlier, I
3 sent you a compromise proposal, based on the desire not to cause financial
4 problems for the Petitioner. Now I come to the conclusion that you do not agree
5 with the decision a compromise (you have not sent me full letter, statement, etc.).
6
7 If this is the case in this way, I have to put demands on Petitioner to pay part of
8 my debts "(Index, P # 198.199).

9 2.1.5 April 9, 2012 the applicant wrote the lawyer: "Statement of bank does not
10 tell the whole story Correspondence also often wore a formal ... You see, all I
11 ask is justice ... Show all statement for the last two years or one a half ... including
12 debt for the month of April, 2012. Many of your methods, I do not regard it as
13 tactically correct. I just want to come to an understanding and a common decision
14 ... I do not want to cause anyone any difficulties. Sorry, but many of your attached
15 documents (this piece and nothing more) and does not prove anything ... "(Index,
16 P # 199).

17
18 2.1.6 April 9, 2012 appellant writes: "The dispute over the Debts is not
19 complicated. Showing the situation on an example of more than two documents,
20 one can easily understand who is entitled to transfer some debt" (Index, P # 202).
21
22 Most likely this is the situation frightened the defendant and her lawyer, and they
23 decided to hold a trial Illegal Motion in Limine.
24

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1 2.2 All exhibits of appellant were filed in court and lawyers sent messages in
2 time. See some of the Confirmation Receipt (Index, P # 169-171). The appellant
3 agreed with the respondent's counsel to exchange the Joint Statement of Evidence
4 (inserting in its part of the document), and co-sign. Counsel at the time received
5 from the applicant all necessary documents for the signing of the Joint Statement
6 of Evidence. However, in April 23, 2012 the attorney deliberately deceived the
7 appellant and sent to the Court of Joint Statement of Evidence only putting his
8 signature. Thus, she created the false appearance that the applicant had avoided
9 taking part in the process. In response to these thoughtful, deceitful actions the
10 applicant in e-mail dated April 23, 2012 wrote "Once again you have missed me.
11 I've done everything as we agreed. But you sign and send without my knowledge
12 and my signature. I see you action as are seeking an unfair advantage in this case
13 "(Index, P 56) Letter from attorney that it has received Joint (Index, P # 194).

16 2.3 Pretrial Order, filed March 23, 2012 by Judge Suzanne Barnett (Index, P 13-
17 16). Initially, the case led (over a year) Judge Suzanne Barnett, she also identified
18 schedule pre-trial actions. The trial was appointed on April 30, 2012. However,
19 two days before the said meeting of the day was the canceled and transferred to
20 four days later. Four days later, another judge opened the trial, namely, Judge Joan
21 E. DuBuque. Judge Joan E. DuBuque not explained the reason for the sharp change
22 of judge, but said she was not able to start trial in April 30, 2012 because she was
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25 **Appellant Brief**

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1 at the conference. Next, Judge Joan E. DuBuque said she received a Motion in
2 Limine by the respondent attorney, and added allegedly "did not receive anything
3 from the appellant". It was actually a deception on the part of the judge. Because
4 attorney and appellant all documents filed to the Judge Suzanne Barnett (with e-
5 mail). The attorney any individual documents has not filed to personality Judge
6 Joan E. DuBuque. The phrase "received a Motion from attorney and nothing
7 received from the appellant" was the basis of illegally granted Motion in Limine.

9 2.4 The following facts disprove the allegations the judge: 1. Respondent's Trial
10 Brief was sent to the judge April 25, 2012 (See Index to Clerk's Papers, P 162). 2.
11 April 27, 2012 Office of the Judge Barnett writes, "This case has been assigned to
12 Judge DuBugue for trial. Please go to her, E-209, on Monday at 9:00. I will
13 transfer your materials to her bailiff" (Index, P 196). In fact, the first minute trial
14 began without sincerity from Judge Joan E. DuBuque.

16 2.5 In this divorce case the appellant did not planned to call witnesses, because
17 the issues of credit card and debt, common property in the United States known
18 only to the appellant and the respondent. In turn, the respondent's witnesses also
19 not really witnessed, because specifically did not know anything. Their testimony
20 - "a general talk and nothing more ..." (Questions and answers pre-prepared and
21 rehearsed party of respondent).
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25 **Appellant Brief**

APPELLANT
PRO SE

1 2.6 However the appellant, after learning from an attorney that the respondent
2 will have an attempt on the personal property of the appellant and members
3 through his family (on his father's lineage), has decided that in the trial should
4 involve participation of his sisters, as witnesses at trial, not as witnesses (who
5 also the legitimate heir to the real estate purchased by their father). About this
6 position, the appellant informed the defendant's attorney.

8 2.7 Probably the respondent and her attorney have realized that in the case of
9 participation in trial the sisters of the appellant (legal heirs), their self-serving
10 plan (to seize another's property) is not realized. They were also anxious about
11 the fact that the applicant can show the court the original documents which
12 specifically stated that he the sole possession of the real estate / personal
13 property.

15 2.7 Realizing this is real the respondent's attorney has taken countermeasures.
16 Most likely thus was born idea to skip through the trial the Motion in Limine, in
17 fact thereby transforming participation of the appellant in the trial at "a formal
18 show".

20 2.8 Upon learning of the respondent's unlawful intent and its counsel with respect
21 to the real estate abroad appellant was obliged to submit their proposals for
22 possible witnesses in trial. Thus there was a spontaneous decision at April 20,
23 2013 and was prepared and filed by Superior Court the Respondent's Disclosure
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1 of POSSIBLE primary witnesses. This document is also on that day was sent to the
2 defendant's lawyer. The applicant does not have a lawyer, and is not familiar with
3 the procedural treatments, so this document was modeled after a similar
4 document of the respondent's attorney (just added the word "possible"). The
5 appellant without concealing wrote "... POSSIBLE primary witnesses" See
6 Respondent's disclosure of POSSIBLE primary witnesses (Index, P 26-28). The
7 word "possible" actually puts nurses applicant status "call as witnesses at trial,
8 and not as witnesses". The word "possible" appellant used is deliberately.
9 Because their participation is directly is linked to the possible actions of the
10 respondent in the trial. That is, if the respondent refuses in the trial to raise the
11 questions of real estate abroad, and then the need for the participation of the
12 appellant's witnesses is disappear. If the respondent raises these questions, then
13 the participation of witnesses from the appellant will be required.

16 2.9 In this case works comment LCR 26 "Discovery, Including Disclosure of
17 Possible Witnesses and Protective Orders". Official Comment at LCR 26 states:
18 "This rule does not require a party to disclose which persons the party intends to
19 call as witnesses at trial, only those whom the party might call as witnesses. The
20 only exception is when the party calling a witness could not reasonably anticipate
21 needing that witness before trial ".
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25 **Appellant Brief**

APPELLANT
PRO SE

1 In this case, the spread position - "The only exception is when the party calling a
2 witness could not reasonably anticipate needing that witness before trial".

3 2.10 Sister of the applicant are not relevant to the divorce case, they are relevant
4 to the applicant's property abroad (an issue that should not have been considered
5 in the trial). Through Fraud Motion in Limine the respondent's attorney actually
6 discredited the law, not only the applicant but also third parties - the applicant's
7 sisters, who are legally entitled to inherit, in connection with the death of their
8 parents.
9

10 It is significant in this case and the fact that in the opinion of counsel disclosure of
11 primary witnesses is preliminary and is not strictly liable for her and her client.

12 This view reflects of respondent's attorney in your document. So attorney in
13

14 Disclosure of primary witnesses and in Joint statement of evidence writes

15 "Petitioner reserves the right to amend and reserves the right to amend or
16 supplement the above list; reserves the right to call any witness disclosed,
17

18 whether or not elects to call that witness . According to the position of the

19 respondent's counsel "Requires Disclosure of ALL Witnesses" turned in "a purely
20 formal procedure" (Index, P 43-44).

21 2.11 Making a decision on the exclusion of the appellant's witnesses in trial are
22 the direct result of gross violation of the law, namely, LCR 26 (4) "Discovery,
23

24 Including Disclosure of Possible Witnesses and Protective Orders". (4) Exclusion
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1 of Testimony. Any person not disclosed in compliance with this rule may not be
2 called to testify at trial, unless the Court orders otherwise for good cause and
3 subject to such conditions as justice requires. The applicant had all the good cause
4 to call witnesses - the heirs of the property as well as the principle of justice are
5 required. However, the lawyer played on a fraudulent the Motion in Limine. The
6 judge using a helpless position of the appellant (the absence of counsel and
7 knowledge of procedural law) easily "go in the direction" of complete
8 discrimination of his civil rights. As a result, the legal vacuum, and discrimination
9 of all possible rights of the applicant has greatly facilitated the adoption of an
10 unlawful decision by the judge.

11
12 2.12 In the Motion of Limine in paragraph 5 write, "No good cause excuses
13 Respondent. The purpose of the rule is clearly to provide for orderly and timely
14 disclosure with an allowance for exception where" justice requires ". Here, there
15 is no reason why any of the witnesses could not have been identifying "(Index,
16 P22). This conclusion of attorney is not logical, and do not qualify for legal
17 analysis. The term "not have been identifying" is not linked to the denial of "good
18 cause". In addition the defendant and counsel were well aware of the possible
19 witnesses in the court of the applicant (in connection with real estate issues
20 abroad). Counsel to contradict, when asking to exclude witnesses. Before asking
21 to exclude witnesses, counsel must have a list of witnesses. If the respondent
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25 **Appellant Brief**

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PRO SE

1 'counsel asserts a - "failed to disclose the witnesses," it means that they are not.

2 Phantoms cannot be excluded due to the fact that they simply do not exist.

3 Besides the attorney also contradicts and running ahead saying: "All witnesses to
4 be called at trial shall be listed in the Joint Statement of Evidence", contradicting
5 itself. Joint Statement of Evidence according Pretrial warrant had to be submitted
6 to the April 23, 2012 (Index, P 14-15). Attorney's Motion of Limine dates and sign
7 the April 20, 2012 (Index, P 19).

9 2.13 De facto - April 23, has not yet come. How the lawyer can ask (in Motion
10 dated April 20,2012) to exclude exclusion of the witnesses' testimony, if the
11 exhibition April 23, 2012 has not yet come? This is another absurd.

12 Not logical assertions attorney in paragraph 4 "A violation of a court order
13 without reasonable excuse will be deemed willful. Allied Financial Services, Inc. V.
14 Magnum, supra (citing Lampard v.Roth, 38 Wn.App.198, 202,684 P. 2d 1353
15 (1984) "(Index, P 24.) It is not clear what the lawyer meant by "without
16 reasonable". Adoption attorney that "A violation of a court order without
17 reasonable excuse will be deemed willful" is nothing more than a deliberate
18 provocation and fraud. applicant has worked hard all the time with a lawyer and
19 submitted him more documents, and also had talks on the phone. (Index, P 197,
20 198 et seq.)

25 **Appellant Brief**

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1 2.14 The appellant (during the testimony) provided to the trial documents about
2 illness in the pre-trial period (Index, P 173-174). However, these documents were
3 not accepted by the judge, because attorney began shouting "OBJECTION". This is
4 discrimination of the applicant. Poor health has also been linked with a pre-trial
5 action lawyer (intimidation, pressure). Information about the appellant's illness
6 can actually undermine the legitimacy granted of Motion in Limine. The refusal to
7 accept the data and study of medical documents can also be viewed as collusion
8 (the attorney with judge) directed against the applicant. Besides all the time trial
9 the applicant also was sick and not feeling well, which could confirm the hearing
10 audio record / B 205 (applicant was hard coughing all the time). And even one
11 day of the meeting was postponed due to illness of the applicant / e-mail dated
12 May 7, 2012 (Index, P # 204).

15 2.15 Errors in Motion

16 Lawyer N. Litchev in Motion in Limine to 4 writes. "Prejudice to Petitioner.
17 Furthermore, it is reversible error for the trial court not to exclude testimony
18 when the other party would be prejudiced by a willful violation of a court order.
19 Hampson v. Ramer, 47 Wash.App. 806, 812 (1987) (Index, P 22) "The attorney"
20 blindly "refers to appeals case. What kind of "testimony" the counsel says (if
21 Motion in Limin made 14 days prior to the trial)? The appellant's attorney did not
22 fully understand what wrote. This fact is a significant and logical errors. It also

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1 confirms the routine approach to the preparation of documents. And the biggest
2 mistake that the trial without a deep understanding of granted the Motion in
3 Limine.

4 2.16 There's also a lawyer N. Litchev writes "Here, the Petitioner has been
5 prejudiced by willful failure of Respondent to disclose witnesses. Due to
6 Respondent's non-disclosure, Petitioner's settlement efforts and trial preparation
7 were thwarted" (Index, P 22). These statements are unsubstantiated and
8 provocative. The lawyer knew that the issues of property abroad apart from the
9 interests of the plaintiff and hurt the interests of his sisters. Also are hypocritical
10 statements "settlement efforts", because the respondent and her attorney did not
11 disclose to the court their true income, and did not provide financial declaration,
12 and also gave fraudulent testimony in court. To this must also be added that the
13 appellant has filed in time to the court (and also to the respondent's counsel) of
14 financial and other documents and exhibits about 2, 5 times more than it did the
15 respondent. For comparison, April 23, 2012 the respondent's attorney has filed
16 Joint Statement of Evidence which indicated 32 exhibits (Index, P 40-44). April
17 23, 2012 the appellant has filed Joint Statement of Evidence which indicated 85
18 exhibits (Index, P 45-55). All of the above 85 exhibits during were also
19 transferred to the respondent's counsel.
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25 **Appellant Brief**

APPELLANT
PRO SE

1 2.17 What kind "exhibits the appellant do not disclose" said the attorney? Her
2 statement in the Motion in Limine is directed against the judgment and is the
3 internal and external fraud. After they Motion illegal advantage in trial, and it
4 became the basis for of total discrimination of the rights of the appellant.

5 2.18 The objection is not considered to motion
6 April 23, 2012 the applicant filed Objection to the Petitioner motion in Limine
7 (Index, P 30-32). This document was e-filed and also to handed to the judge and
8 to the attorney. Appellant notes that the "motion lacks credibility and should be
9 denied, for the reasons ..." The judge ignored the Objection to the Petitioner
10 motion, thereby abused his judicial power and was usurped the civil rights of the
11 appellant.
12

13 2.19 Respondent's attorney filed Motion of Limine violation of Pre Trial order.
14 Right up to the start of the trial Motion of Limine not been filed in Court (not filed
15 at Clerk Office). In the pretrial order is written, that all motion in limine shall be
16 filed with the court 4/20/2012 (Index, P 15-16) Prior to the second day of the
17 hearing, Motion of Limine was not filed system and not shown in the Core ECR.
18 Motion of Limine appeared at Core ECR - Case Contents Information
19 retrospectively, with the addition of the letter "a" and given the number "23 A"
20 (Index,P 178). Adding the letter "A" is devoid of any logic and the received
21 sequence. This fact is most likely to indicate that the document was filed after the
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1 fact. This also indicates that the Motion of Limine except attorney concerned was
2 still someone who has the power at the court. In this list, we see that the sequence
3 of the documents submitted have statistical figures, and the number 23 with the
4 addition of "a" shows that perhaps there was a frame-up (the time for the
5 Motion).

6 **3. Trial error to assignments "the partner's separation"**

7
8 3.1 Trial mistakenly is identified the date of "the partners separation, as February
9 1, 2011" (Index, P147) In Response to Petition (RSP), filed June 15, 2011
10 appellant notes that the "Date of separation indication is not true" (Index, P2). See
11 complain (Index, P4, 5, 6). The statement of attorney is based on the appellant's e-
12 mail, where he asked the respondent to pay the rent, as of February does not live.
13 The appellant explained at trial and in many documents filed in court, he moved
14 for a month to his sister, as he feared provocation by the respondent (respondent
15 probably has mental problems). The appellant pointed out that only he can talk
16 about the meaning of which he put into writing (e-mail). And here is absolutely
17 over-the fantasy and conjecture of counsel. However, the judge wrongly took the
18 opinion of attorney. Desire of the attorney to determine "the date of separation
19 indication" is from 1 February due to the fact that the respondent since the
20 beginning of 2011 was a great income as a RN, and she feared that the trial finds
21 all of its revenues, as a common (until September 4, 2011). At the same time, the
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25 **Appellant Brief**

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1 respondent confirmed in court that she lived in the apartment with the appellant
2 prior September 4, 2011. She lived in an apartment paid by the appellant; she is
3 also enjoyed by car insurance paid by the appellant. She confirmed in trial that
4 the appellant has paid the basic family budget costs. In 2011 also used the credit
5 card of the appellant to buy an air ticket for a flight abroad / flight across the
6 ocean (Index, P175) the respondent debt for air ticket to date has not returned.
7
8 The actual separation took place September 4, 2012 (index, P 30, 62, 121).
9 Appellant in trial stated that the respondent to dispose of own income alone for
10 many years (is not allowing the applicant). And at the same she time enjoyed
11 living expenses at the expense of the appellant (lived in an apartment, enjoyed by
12 insurance, free for her air ticket, did not pay for utilities and other). The
13 respondent's and her attorney could not to refute this claim.

15 3.2 Not having the facts lawyer tried to trick the court, and provocation stated
16 that appellant systematically withdraw money from the bank earned by the
17 respondent. The complainant called these charges defamation and fraud (the
18 argument and proof, see below)

19
20 3.3. Assets were exported by the respondent, without the voluntary separation. In
21 the Response to Petition (RSP), the appellant points out in "Section 1.8 –
22 property: needs to be a detailed list of-the separation of joint property" (Index,
23 P2). This situation obviously show that appellant sincerely wanted to discuss
24

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1 those problem and come to a common agreement. However, on the fault of the
2 respondent and her attorney document - list of the division of joint property does
3 not exist. The reason for this - the respondent's lack of desire to divide common
4 property acquired during marriage. The respondent, with support from a lawyer
5 (feeling of impunity before the law), at September 04, 2011, during the day, in the
6 absence of appellant, illegally is exported to an unknown destination all furniture,
7 books, equipment essentials, and all the valuable property, leaving only the stuff
8 (index, P 30, 62, 121). After that, for several days, in the evenings, in the absence
9 of the appellant the respondent several times penetrated into the apartment and
10 took away the remains of other attributes (curtain rail, supplies for electrical
11 equipment, etc.).

12
13
14 In The complaint filed by superior court at September 9, 2011 (Index, P 4,5,6) the
15 appellant writes that the respondent "... took out from the apartment all of the
16 valuables belonging to me, and inherited from my father - the German and Czech
17 dinner sets and dishes, silver spoons ..., as well as antique books - from the 18th
18 century, in the amount of eight pieces, which was left to my family from my great-
19 grandmother (the books being valuable to my family) "(Index, P 4,5,6). "A few
20 months ago the petitioner himself flagrantly violated paragraph petition for
21 divorce, which was signed by counsel N. Litchev, and ignored an important
22 paragraph in my Response" (Index, P12).

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25 **Appellant Brief**

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3.4 Absences signed by the parties a detailed list of separation property indicates the lack of desire of the respondent's make a fair (in accordance with the laws of the State of Washington) section of a common property. This situation also points to the neglect of the principle of common property from the attorney of respondent. To fend off this problem and to remove it from the agenda trial, the judge in the May 15, 2012 categorically, orally concluded - "the parties do not have joint property acquired in the United States". Therefore, these issues (detailed division of common property) are virtually absent in the Decree of Dissolution (Index, P 95-97) and Finding of fact and conclusion of law (Index, P 98-99) This is an absurd conclusion, since in fact it cannot be that family for over 9 years lived in the US without property. The judge has no any reason to try and draw conclusions so easy, and to close the vital question. In fact, for the first 9 years of his life in the United States was to acquire the property for tens of thousands of dollars. This common property includes furniture, manufactured in the Swedish company, expensive kitchen equipment, dishes, sets for guests, hundreds of books purchased in the United States, computers, electrical equipment, equipment for massage, jewelry and more (all for many thousands of dollars). The judge actually went on about at the attorney and famously crossed the consideration of this matter. This position is advantageous and beneficial to the judge and the respondent's attorney. In fact, the judge unlawfully transmits

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1 full ownership of the common property to the personal of respondent, thus
2 violating the basic principle of fair division of common property. This situation
3 has become possible due to the fact that the appellant did not have a lawyer and
4 did not know the law and procedural law. This situation has also served as the
5 grounds for the appellant's absolutely fearless deception on the part of the judge
6 and a lawyer.

8 3.5 It should be emphasized that the findings of the judge that there is no common
9 property purchased in the US is also contrary to the respondent's petition for
10 divorce (and her lawyer), where she writes in 1.6 Separation, 1.8 (property)
11 needs to be separation by 50 to 50. The respondent "violated the Washington
12 State's rule, the section about property near a divorce by agreement, or equally
13 (she violated the section - property division, which she signed in the same
14 petition for divorce)" (Index, P 4, 5, 6)

16 3.6 In this case is error trial also of ignoring the value of the cars as common
17 assets (as they were purchased during marriage). Cars included in the Decree of
18 Dissolution (Index, P 102). The cars are paid off. The value of the cars must be
19 included in the Decree of Dissolution (thus be seen justice distributive of assets).
20 Trial is decided: Ford Taurus was referred to the appellant, and the Chevrolet
21 Impala to the respondent. Chevrolet Impala was bought for \$ 13,120.45 (Index, P
22 180). Ford Taurus was purchased for \$ 4,325.00 (Index, P 181). Price exceeds the
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1 price of Chevrolet Impala from Ford Taurus on \$ 8,803.45. Trial judge in the final
2 decision has not taken this into account and thus violated the principle of
3 equitable distribution. This amount was not considered by the judge in the assets
4 of the parties. In order to artificially reduce the price Chevrolet Impala the
5 respondent's counsel said that the car was in an accident. However, please
6 provide supporting documents, got no response.
7

8 **4. Trial errors in the DCD**

9 4.1 May 30, 2012 the lawyer sends an e-mail projects and DCD FNFCL (Index , P
10 165-166) Appellant June 3, 2012 directs the judge and the lawyer Objection to
11 draft Decree of Dissolution (DCD) (See Index to Clerk's Papers, P # 166-167). June
12 4, 2012 appellant directs the judge and the lawyer Objection to FNFCL (Index, P
13 167).
14

15 The house is private property the applicant's father, and was bought for a few
16 years before the birth of the respondent. But in spite of this fact, thanks to the
17 efforts of the attorney dealt with this issue also trial. Even with the above in
18 mind (deliberate attack on private property), the attorney makes elementary
19 blunders in the DCD. For instance, in section 2.1. Draft Decree of Dissolution
20 (DCD) Attorney N. Litchev not enter the correct home address. There's not a
21 street (it is not clear a street, place or avenue, and so on). Also for appellant
22 nothing is known about the word "Korhoji" (Index, P 93)
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1 4.2 Attorney in section 3.2 wrote "Property to be Awarded the Husband Personal
2 Property, including china, silver and furniture, currently in the husband's
3 possession". During the trial the issue not was definitely (what property who is).
4 Besides applicant has repeatedly noted that the defendant had stolen all his
5 valuables and family heirlooms and moved to an unknown destination (Index, P
6 30-31, 35-39, 60). Despite the fact the judge did not has assessed and did not
7 make the conclusion of these issues. Instead, the judge verbally said that its
8 power does "not extend to what was to acquire and received as gifts before
9 coming to the United States". Given the mental characteristics of the defendant, as
10 well as some of the moral aspects of appellant did not apply for theft. Taking this
11 situation attorney falsified the facts and has written: "Personal Property,
12 including china, silver and furniture, currently in the husband's possession"
13 (Index, P 93,94). Judge is the last day of trial without reading the draft CDC
14 "blindly" signed this falsified document. In this case: the actions of a lawyer -
15 forgery and falsification of facts; by the judge - the neglect of their duties.

16
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18
19 4.3 Regarding 3.4 Liabilities to be paid by the Husband "The husband shall pay
20 the following community or separate liabilities: \$ 2,281.84 payable to the wife".
21 Respondent wrote a Motion to the Court to reconsider this decision, because
22 Petitioner did not inform the whole truth the court about his income in the period
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1 from September 2010 to September 2011. However, this motion judge simply
2 ignored (Index, P 95).

3 4.4 In addition the court did not take into account the following facts. The total
4 loan debt exceeds the applicant's duty to the defendant is almost twice (Index, P
5 111-137). In the period from 2008 to 2011 the respondent three times to travel
6 abroad (Index, P 62). In 2008 she buys on credit card air ticket from Seattle to
7 Antalya and back (personal expenses). In 2009 the appellant's sister buys air
8 tickets for respondent to travel abroad (flight across the ocean). Debt for the air
9 ticket respondent still has not returned. In 2011 respondent buy air ticket (flight
10 across the ocean) by credit card of appellant. Debt for the air ticket the
11 respondent still has not returned. The respondent between 2009 and 2010 twice
12 is traveling to Hawaii (personal expenses). In 2009 in the United States comes
13 sick mother of respondent and dies during the month from the fourth stage of the
14 cancer. During the funeral, of over \$ 5,500.00 was paid by the applicant / on a
15 credit card (Index, P 182,183) Respondents from their personal income to the
16 funeral does not pay a single cent (even her brother and sister once gave her a
17 small the amount for post-funeral arrangements). Therefore, the judge's decision
18 "the husband shall pay the following community or separate liabilities" is not
19 consistent with the principle of fairness.
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25 **Appellant Brief**

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1 Decree of Dissolution (DCD) should be struck (See Index to Clerk's Papers, P #
2 141-151).

3 **5. Error in FINDINGS OF FACT AND CONCLUSIONS OF LAW**

4 5.1 Appellant in accordance with Local Civil Rule 52 FINDINGS OF FACT AND
5 CONCLUSIONS OF LAW submit to the judge and the lawyer Objections and Motion
6 to Petitioner Proposed Findings of Fact and Conclusions of Law (Index, P 97-104). .
7

8 The main grounds that they include purported "facts" that are unsupported by
9 any evidence of record, have no documentary evidence and proposed conclusions
10 of law that are unsupported by any law (Index, P 97).

11 5.2 Also in the document are totally absurd facts. In Section 2.12 Maintenance,
12 "the husband got loan origination training. He is clearly an intelligent individual
13 and has earning capacity". Information on education has no relation to the
14 Maintenance and should be stricken. The judge did not say "the husband got loan
15 origination training", except that this information is not true, as there is no
16 training at loan origination. Also at the time of trial, the appellant did not have a
17 license of loan origination. This is a real falsification of the facts of a lawyer. The
18 assertion "He is clearly an intelligent individual" also does not apply to no relation
19 to the Maintenance. This statement tries to judge acquit fact the possibility of
20 paying the debt by the appellant. However, this is just a philosophy that does not
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1 have any relationship to the financial situation of the parties and revenue
2 forecasting.

3 In the document, the appellant asks - "Proposed Findings of Fact should be
4 stricken because many purported" facts "improperly include argument and
5 proposed legal conclusions and lack evidentiary support" (Index, P 98).

6 5.3 However, the judge and the lawyer was a violation of Local Civil Rule 52
7

8 FINDINGS OF FACT AND CONCLUSIONS OF LAW, where it says: Objections. A
9 non-prevailing party objecting to the Findings, Conclusions or Judgment shall,
10 within fifteen (15) days after receipt of the same, deliver to proposing counsel of
11 the objections thereto in writing, and the proposed substitutions. Upon receipt of
12 the objections, the proposing attorney shall mail the proposed Findings,
13 Conclusions and proposed Judgment together with copy of the objections and the
14 proposed substitutions received from opposing counsel to the trial judge. (1) If
15 there are no objections received within the fifteen (15) day period aforesaid,
16 counsel may forward the submittal to the judge who shall, within ten (10) days
17 thereafter, either (a) sign the proposed Findings of Fact, Conclusions of Law and
18 Judgment and forward to the Clerk for filing with conformed copies to all counsel,
19 or (b) return the Findings of Fact, Conclusions of Law and Judgment, if deficient,
20 to all counsel noting the Court's requested changes or additions thereto.
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1 5.4 The lawyer presented the judge June 5, 2012 only their project without
2 attaching Objections from Appellant (although the document was both a lawyer
3 and a judge)

4 The attorney and the judge having Objections and Motion to petitioner Proposed
5 Findings of Fact and Conclusions of Law (Index, P 97-104) chose the tactics of
6 deception, and behaved as if no Objections from Appellant. These illegal actions of
7 the judge and the lawyer can be viewed as collusion.

8 Findings of fact and Conclusions of Law (FNFCL) must be struck (See Index to
9 Clerk's Papers, P # 105-110).
10

11 **6. Inappropriate action respondent's attorney**

12 6.1 The threat. In e-mail dated of September 12, 2011 the attorney threatened
13 and wrote "... If you do not sign the confirmation for the reason stated by you,
14 then I will have to appear in court for the status hearing, at which time I will seek
15 attorney's fees you "(Index, P 168) Response from appellant (Index, P 168,169).
16

17 This statement can be seen as a direct threat, as the lawyer is not a party to the
18 process (she only protection of interests of the client in accordance with the law),
19 and she has no right to say "I will seek attorney's fees you . "Catch phrase" I will
20 seek "shows that it views itself as a full participant in the process. "Will seek
21 attorney's fees" can only be a person, who is hire a counsel, not the self-attorney
22 (or the counsel on behalf of a client). The attorney does his private business (he
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1 work if a paying customer does not pay stops working), and she not a government
2 representative of the law. Also according to the law there is not any obligation of
3 one party to the opposition private counsel. The fact, that the presence of the
4 licensed it is not a guarantee of his / her integrity and impartiality.

5 6.2. It was not an isolated incident of psychological abuse by an attorney. Since
6 December 13, 2011 Natalis Litchev again wrote "... Please be advised that where a
7 party unreasonably refuses to cooperate and settle the case and the other party
8 has to go to trial and incur attorney's fees, such attorney's fees may recover. See
9 for example, In re Marriage of Irwin, 64 Wn. App. 38, 822 P.2d 790 (1992) where a
10 husband ordered to pay \$ 75,000 in attorney fees in a case in which the wife and
11 her counsel diligently attempted to settle prior to trial but husband was unwilling
12 to do so ... "(See Index to Clerk's Papers, pages # 7-10) This letter is not valid is
13 the statement" diligently attempted to settle ", because the lawyer did not give
14 any offers; not sent any documents; in e-mail named of his client a different name;
15 and tried to psychological violence to subdue of the appellant.
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19 In fact, these letters were intended to frighten of appellant. The Counsel
20 deliberately pointed attorney fees in the amount of \$ 75,000. This letter has
21 caused real stress in the mind of the appellant, as at that time he had financial
22 problems. The appellant believes that specify attorney fees (and such a large sum)
23 that exceeding the two-year earnings of appellant really be considered as
24

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1 psychological pressure. See paragraph 2 "... I really perceive the threat of a
2 Attorney Natalia Litchev, and this leads to my nervous exhaustion. Intimidation of
3 its fees, it infringes on my rights as a respondent" (Index, P12). As a result, the
4 appellant was ill for a long time (Index, P 173,174)

5 6.3. Besides saying "in a case in which the wife and her counsel diligently
6 attempted to settle prior to trial" are absolutely hypocritical. See also Response re
7 Oral Examination Step 3. "The correspondence from Attorney Natalia Litchev
8 does not contain specific proposals or pre-trial offers for the case (other than a
9 few standard documents). In addition the Petitioner side hides their specific
10 intentions and requirements of the case". (See Index to Clerk's Papers, page # 12).

11 The falsity theory of the respondent's attorney Natalia Litchev "that appellant
12 refused to cooperate" clearly proved also the statement of the appellant the ADR
13 service, where the first paragraph states that appellant "can participate in ADR
14 April 2, 2012", filed march 27, 2012 (Index, P17). As well as a letter to the King
15 County Superior Court filed march 27, 2012 (Index, P 18).

16 6.4. Also in Response re Oral Examination appellant wrote: "2. Assertions
17 Attorney Natalia Litchev, they attempted to settle prior to trial do not meet
18 reality, as the Petitioner violated paragraph of my answer to the petition, and
19 unilaterally took away all the property September 04 , 2011 "(Index, P 12)" The
20 correspondence from Attorney Natalia Litchev does not contain specific proposals
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1 or pre-trial offers for the case (other than a few standard documents). In addition
2 the Petitioner side hides their specific intentions and requirements of the case ".
3 (Index, P12).

7. Attorney Fee

6
7 7.1 Regarding attorney fee the judge initially said she may consider the request,
8 after receiving from the parties the financial declaration (RULE 18.1 (c), however,
9 later a judge made leniency for attorney and granted the Attorney Fees (without
10 filed the respondent financial declaration, which is a violation of the law).

11 The applicant filed a Financial Declaration (FNDCLR) June 1, 2012 (Index, P 86-
12 91). In a letter dated June 1, 2012 appellant sends to the judge FNDCLR (Index, P
13 164-165)

14
15 7.2 Trial court violated RULE 18.1 (c) ATTORNEY FEES AND EXPENSES reads: "In
16 any action where applicable law mandates consideration of the financial
17 resources of one or more parties regarding an award of attorney fees and
18 expenses, each party must serve upon the other and file a financial affidavit no
19 later than 10 days prior to the date the case is set for oral argument or
20 consideration on the merits; however, in a motion on the merits pursuant to rule
21 18.14, each party must serve and file a financial affidavit along with its motion or
22 response. Any answer to an affidavit of financial need must be filed and served
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25 **Appellant Brief**

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1 within seven days after service of the affidavit ". In addition the Law of
2 Washington requires the parties to submit financial declaration. Thus, in
3 accordance with the LFLR 10. FINANCIAL PROVISIONS (1) Each party shall
4 complete, sign, file .

5 7.3 Also in form of a Financial Declaration (FNDCLR) has a section VI. Attorney
6 Fees (Index, P 91) states that anyone who asks to keep the opposition parties
7 attorney fees in person fills section VI. Attorney Fees (FNDCLR): Amount paid for
8 attorney fees and cost to date; the source of this money was; Fees and costs
9 incurred to date; Arrangements for attorney fees and costs are different ". The
10 Respondent did not submit financial statement, and therefore not filled in section
11 VI. Attorney Fees (with the signature under penalty of perjury).
12

13
14 7.4 Natalia Litchev, a private attorney, and was hired on an individual basis by the
15 defendant. At the beginning of solutions divorce percent's applicant wrote a letter
16 to the defendant, which states that all issues can be agreed, all issues resolved
17 without hiring an attorney and the applicant can listen and make some
18 concessions (Index, P 190-191). However, the defendant has always been
19 stubborn and not was going to make concessions.
20

21 In addition, the applicant had repeatedly written and said in court that the
22 defendant did not pay for a lawyer. For attorney paid third outsider (Index, P 84-
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1 85). The attorney and the respondent never challenged in court the claim that a
2 lawyer paying a third outsider

3 7.5 In the Declaration of Natalia Litchev RE FEES specified that "I have spent 46, 6
4 hours on the above captioned case. In addition, I anticipate spending 1, 5 hours at
5 the hearing on May 15, 2012, including travel time. The total fees expended on the
6 above matter amount to \$ 9,320. The trial related fees beginning from April 9,
7 2012 through May 15, 2012 exclusive of Petitioner's settlement attempts, amount
8 to \$ 6,860 (34.3 hours) (Index, P 84-85).

10 7.6 There is doubt counting Number of hours in the Declaration of Natalia Litchev
11 RE Fees. According to the document - minute entry filed in court trial was a total
12 of 14 hours 10 minutes (Index, P 74-78). Plus two days for half an hour, when the
13 judge announced the decision. Total elapsed time is about 16 hours. Therefore,
14 the calculation is wrong counsel and instruction 34.3 hours. This figure is more
15 than the actual time almost in half. Calculation of a Reasonable Attorney Fee: the
16 Lodestar Method Review of an attorney fee award is under the abuse of discretion
17 standard. *Pham v. City of Seattle*, 159 Wn.2d 527, 538, 151 P.3d 976 (2007). As
18 the Weeks court explained, Washington courts utilize the lodestar method in
19 calculating attorney fee awards. 122 Wn.2d at 149. "The starting point for the
20 calculation of the lodestar is the number of hours reasonably expended in the
21 litigation. In calculating this figure, the court must discount any duplicated or
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1 wasted effort by the attorneys." Bowers v. Transamerica Title Ins. Co., 100 Wn.2d
2 581, 600, 675 P.2d 193 (1983).

3
4 **8. Motion of New Trial, Reconsideration and Amendment of Judgments are**
5 **not considered by the judge.**
6

7
8 8.1 In Order on Family Law Motion on October 09, 2012 the judge Joan Dubuque
9 writes "The above-entitled Court, having filed a motion filed by Respondent
10 seeking a New Trial, Reconsideration and Amendment of Judgments dated
11 September 25,2012. It is hereby ordered: the motions are denied "(Index, P 152).
12 However, the motion of September 25, 2012 (which refers to the judge) was a
13 Reminder that the Motion of New Trial, Reconsideration and Amendment of
14 Judgments (reminder was ozaglavdenno as Motion). The Motion of New Trial,
15 Reconsideration and Amendment of Judgments was submitted to the judge and
16 lawyers June 12, 2012. In the document (Reminder that the Motion) also noted
17 that the judge intentionally creates red tape. The applicant pointed out that the
18 timely review and acceptance of a fair solution for Motion (Rule CR 59 New Trial)
19 would remove red tape on case, and eliminate redundant procedures of appeal.
20

21 8.2 The judge actually tried to distort the real situation and to show that she
22 allegedly did not receive Motion of New Trial on June 12, 2012, Reconsideration
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1 and Amendment of Judgments. However appellant has evidence that the judge
2 has received from the applicant's Motion is June 12, 2012. In a letter to the judge
3 appellant writes: "Dear Judge, I am sending to you Motion of New Trial,
4 Reconsideration and Amendment of Judgments ..." (Index, P 163-164).

5 8.3 This situation actually shows that the judge did not consider the Motion of
6 New Trial, Reconsideration and Amendment of Judgments from June 12, 2012
7 and was unable to provide a reasoned justification for her illegal decision.
8

9 The main reason to the Motion of New Trial, Reconsideration and Amendment of
10 Judgments was Rule CR 59 (7) That there is no evidence or reasonable inference
11 from the evidence to justify the verdict or the decision, or that it is contrary to
12 law; and (4) under CR 59 (a) (9), substantial justice has not been done.
13

14 **9. Internal and external fraud of counsel**

15
16
17 9.1 The attorney (in trial) hid true income of the respondent. At trial counsel
18 provided pay stub and statements where was specified income of approximately
19 \$ 900.00 per month. Appellant has repeatedly stated that it is not the correct data
20 and asked to make up the true picture. For example, in NuWest respondent
21 income more than two months slightly was \$ 15,540 (Index, P # 172). In addition
22 the defendant received income from the second jobs. In trial the attorney actually
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1 hid this information. Respondent provided to counsel all the information about
2 their income. In fact: the attorney partial information. So for example counsel on
3 the second page of the Petitioner's Trial Brief in line 17, 18 writes: "She continued
4 to work and to look for a full time position and recently was able to secure a full
5 time position with Group Health starting March 19, 2012 ". In fact, this is a
6 deliberate fraud, and misrepresentation trial. The defendant worked as RN in the
7 Group Health full-time from the hiring company "NuWest" c spring of 2011. In
8 March 2012 she go to work at the same company, but as an employee of Group
9 Health. That is, the attorney manipulated in court the real income of the
10 respondent. This is internal fraud. And the author of this fraud is the respondent's
11 attorney.
12

13
14 9.2 In the course of trial counsel raised the issue that the applicant allegedly
15 systematically withdraws money from the account the respondent. It was a well
16 thought-out lies and slander. The counsel referred to the Bank statement from 7-
17 09-2009 (Index, P 80-83; 184-185) They pointed out that 8-05 was withdrawn
18 from the account of \$ 1,000.00. The lawyer argued that it was made by the
19 applicant.
20

21 In trial appellant asked to judge is verify these facts and points directly to the
22 fraud on the part of counsel. But the judge smiled silently and did not react. The
23 applicant claimed for the bank document. The document shows that the money
24

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1 was filming the respondent (Index, P # 177). This external fraud. Goldberg v.
2 Willey, No. 35231-1-II (Wn. Ct. App., Nov. 16, 2006). The trial court struck the
3 husband's pleadings regarding finances after finding that he had repeatedly lied
4 about his assets. RULE 60 RELIEF FROM JUDGMENT OR ORDER (4) Fraud
5 (whether heretofore denominated intrinsic or extrinsic), misrepresentation , or
6 other misconduct of an adverse party; (4) Fraud (whether heretofore
7 denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an
8 adverse party.
9

10
11 **Based on the foregoing, the applicant requests the Court:**

- 12
- 13 1. Struck by the lawyer's fee and any obligations, as have been violated Rule 18.1
 - 14 (c) Attorney fees and expenses (not represented by a complete financial
 - 15 information);
 - 16 2. RELIEF FROM JUDGMENT OR ORDER (FINDINGS OF FACT AND CONCLUSIONS
 - 17 OF LAW and Decree of Dissolution (DCD)), as it was fraud (Rule 60);
 - 18 3. Requested for damages in an amount equal to ten times higher than the
 - 19 requested award attorney's fees (claim for attorney). If a lawyer refuses to
 - 20 voluntarily from the attorney's fees, compensation for the applicant can be
 - 21 canceled. This is a fair request because it is outside of hypocrisy to deceive the
 - 22 court and still requested award fees;
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4. Since in the case of obvious errors trial to compensate the appellant all incurred expenses associated with the appeal.

Respectfully submitted this on May 20, 2013

S. Khakimov

Pro Se

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From: Shukhrat KH [mailto:s_khakimov@hotmail.com]
Sent: Monday, May 20, 2013 4:34 PM
To: OFFICE RECEPTIONIST, CLERK
Subject: 88092-1 Appellant Brief

*To Susan L. Carlson
Supreme Court Deputy Clerk (send by e-mail only)*

Dear Susan L. Carlson,

*I am sending to you the Appellant Brief. A signed copy will be sent by mail, because scan will take a lot of space (which is outside of your ability.)
A copy of today by email will be sent the respondent's attorney.
Appendix: Appellant Brief*

Thank you,

S. Khakimov