

73920-4

73920.4

NO. 73920-4-1  
IN THE COURT OF APPEALS  
OF THE STATE OF WASHINGTON  
DIVISION I

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Mohamed Abdelkadir

Appellant

VS.

Shoreline School District

Respondent.

RECEIVED  
COURT OF APPEALS  
DIVISION ONE  
MAR 7 - 2016

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APPEAL FROM KING COUNTY SUPERIOR COURT

Honorable Hollis R. Hill

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APPELLANT'S REPLY BRIEF

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STATE OF WASHINGTON  
ZOLMAN - 7 PM 3: 57

NO. 73920-4-1 APPEAL BRIEF FOR APPELLANT

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Mohamed Abdelkadir

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The Court of Appeals of the

State of Washington

Division 1 one Union Square

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CASE # 73920-4-1 APPEAL BRIEF FOR PETITIONER.

Mohamed Abdelkadir, Appellant V. Shoreline School District,

Respondent

Anne E. Senter Administrative Law Judge Default Judgment entered the  
ruling on November 7, 2014

Office Of Administrative hearing

600- University Street Suit 1500

Seattle, WA 98101

Judge Hollis R. Hill King County Superior Court Judge the ruling entered  
on August 7, 2015

APPELLANT'S REPLY BRIEF

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## I. SUMMARY OF REPLY

Dismissal in this case was entirely unwarranted, and the sanction of dismissal was in gross disproportion to any fault on the part of Petitioner in not appearing for a pre-hearing conference. Respondent does not, can cannot, explain why the Administrative Law Judge should not have simply proceeded with the scheduling conference in Appellant's absence and set a date for a hearing. The sanction of dismissal cannot be upheld, as doing so eliminates a hearing on the merits.

This appeal should not be dismissed on the basis that Appellant failed to serve OSPI. OSPI was not identified as a party in the hearing. OSPI is also not a party to this appeal.

Appellant specifically assigned error to the dismissal sanction. Petitioner specifically briefed this issue, as the sanction was the equivalent to a default (i.e. final judgment without a decision on the merits).

Respondent's motion for fees and appeal that this appeal should not be heard because it is paid for by "taxpayer" dollars should be summarily rejected. This appeal raises legitimate issues for the Court to consider. .

Honorable Judge Anne E. Senter indicated on September 15, 2014 as follows, if no one Objection to this order is filed ten (10) days after its

APPELLANT'S REPLY BRIEF

mailing, it shall control the subsequent Course of the proceeding unless modified for good cause by subsequent order Cite Agency Record (AR) at page 91-94 dated September 15, 2014, page 2 #9 for more information.

PETITION TO VACATE ORDER OF DEFAULT AND DISMISSAL ISSUED SEPTEMBER 23, 2014, PURSUANT TO RCW 34.05.440(3). Cite Agency Record (AR) at page 82-83 for more information.

Parent's received the District briefing on October 6, 2014, **Cite Agency Record (AR) at page 30, line 24-25 for more information.**

The order indicate the District response to the appellant's petition, it shall be filed by 5:00 pm on October 3, 2014, **Cite Agency Record (AR) at page 79 for more information.**

On January 15, 2014 Mr. Andree attorney for Shoreline School filed with Court untruthful declaration, Cite Agency Record (AR) at page 204-215 for more information.

The ALJ Failed MOTION to QUASH SUBPOENA, because Lance Andree attorney for shoreline School District Violate the Appellant's right delivering Subpoena at 11:36 pm (Night) Cite Agency Record (AR) at page 363-368 for more information

On October 14, 2013 APPELLANT MOTION for CHANGING OFFICE, because the Administrative Law Judge misapplied the Law to the Facts in reaching my decision, Cite Agency Record (AR) at page 411-426 for more information.

## II. ARGUMENT IN REPLY

### A. OSPI received “delivery” of the notice of appeal.

The plain language of RCW 34.04.542 does not define “delivery.” It does not say, “personal service”. This statute should not be interpreted to require a person to guess what is meant by the statute.

“Delivery” as defined by Black’s Law Dictionary, means:

The act by which the res or substance thereof is placed within the actual or constructive possession or control of another. What constitutes delivery depends largely on the intent of the parties. It is not necessary that delivery should be by manual transfer; e.g. “deliver” includes mail.

Under the rules of statutory construction in Washington, undefined words in statutes are to be given their ordinary meaning. Neither the term “family” nor the phrase “member of the family” is defined in the policy. Generally, undefined terms are given their plain, ordinary, and popular meaning as would be understood by an average purchaser of

insurance. *Matthew v. Penn-America Co.*, 106 Wn.App. 745, 748, 25 P.3d. 451 (1997) citing *Peasley*, 131 Wash.2d at 424, 932 P.2d 1244. When words in a policy are undefined, courts look to the dictionary to determine the words' common meaning. *Peasley*, 131 Wash.2d at 425-26, 932 P.2d 1244.

There is no question that the USPS “delivered” the appeal to OSPI and that OSPI received effective notice of the appeal. Furthermore, Appellant was, either directly or by implication, directed to serve the appeal on “Administrative Resources Services, OSPI” because that was the name of the person who received the OAH decision in the OAH certificate of service. The District should be estopped from now arguing that the person to whom the OAH decision was delivered should not be the same person who should receive an appeal of the very same person. Such a narrow construction of a statute only invite agencies to set traps for the unwary.

There is no question that OSPI was timely served—Respondent concedes this. However, Respondent makes a specious argument that Appellant did not assign error to this finding. The Court is directed to Appellant’s Appeal Brief, Assignment of Error No. 1. “Petitioner timely mailed a copy of the Petition for Review to a subdivision or

OSPI". The Superior Court clearly was mistaken in counting the appeal from the initial decision, rather than the order on reconsideration.

B. The sanction of dismissal was not warranted.

Respondent makes no argument that default judgments in Washington are not disfavored. Appellant will therefore not repeat this case law again in reply. This court should rule that the Administrative Law Judge acted arbitrarily and capriciously in issuing a default against Appellant and failing to vacate the default upon Appellant's timely motion to vacate.

The court should take into consideration that the hearing Appellant did not attend was simply a scheduling hearing. There was never any expectation that the parties would be presenting their cases on the merits. If Appellant didn't appear at the hearing without good cause, the logical step would be to proceed with the scheduling hearing itself.

The judge's decision was arbitrary and capricious because it (1) did not consider lesser sanctions that would be in line with the severity of the infraction, and (2) did not acknowledge the inherent ambiguity in the original scheduling order, and (3) the ALJ did not

rule on the objection to the scheduling order *prior* to holding the scheduling order. Here the judge made an inherently confusing and ambiguous ruling and then took the opportunity to dismiss Appellant's case even though Appellant timely objected to the hearing date. Contrary to Respondent's assertions, Appellant has provided a reasonable explanation for his failure to appear at the hearing: he provided a timely objection to the hearing and the judge had not ruled on the objection. Here, it was the ALJ who put the proverbial "cart before the horse" by holding a scheduling conference before ruling on the objection.

Neither the Administrative Law Judge nor the Superior Court addressed any of these factors. Instead, the Superior Court, without explanation, indicated that Appellant had "not provided a reason justifying his decision not to attend the scheduled conference." CP 441. This just isn't true. Appellant provided a logical explanation—that he had objected to the hearing and was awaiting a ruling on the objection.

There is no statutory authority that a petitioner who is issued a default judgment for failure to attend a prehearing conference should be held to the standards of CR 60. The better analogy would be CR

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55(c)(1), which applies to setting aside a default. Pursuant to CR 55(c)(1) an entry of default may be set aside “for good cause shown and upon such terms as the court deems just.”

Even if the Administrative Law Judge’s decision were initially reasonable, based on a presumption that the absence from the hearing indicated a desire to discontinue the proceedings on the part of Abdelkadir, once Abdelkadir filed a motion to vacate the default, that presumption evaporated. Abdelkadir has expressed

Abdelkadir incorrect assumption was based on a reasonable, if flawed, interpretation of the Court’s scheduling order. This was not a “deliberate choice” as Respondent argues. It is clear from the record that Abdelkadir speaks English as a Second Language, and there can be no question that that this impacts his ability to understand the nuance of an inherently ambiguous order. It makes no sense that a hearing date could be objected to within ten days, but the hearing scheduled seven days later. Such an order can be described as anything but “clear.”

The case *Norton v. Brown*, 99 Wn.App. 118, 992 P.2d 1019 (1999) is instructive. In that case, the Court of Appeals found that a defendant erroneously believed his interested were protected by his

insurer through settlement negotiations, so his failure to appear was the result of excusable neglect, where defendant moved immediately to vacate the default after learning of its existence. In that case, the defendant had received a summons, with clear instructions that he had to appear and did not. The Court of Appeals did not fixate on the fact that the defendant had clear instructions to appear or appear; rather the court looked to see if the defendant had expressed a desire to remain engaged in the legal process. The Court of Appeals concluded that the defendant did wish to remain engaged in the litigation process, and correctly vacated the default judgment.

Just as the litigant in *Norton*, Abdelkadir continued to express interest in engaging in the litigation process. While Respondent's argues strenuously that this matter should be dismissed *because of* Appellant's robust engagement in the litigation process, the court should be wary of Respondent's ad hominem attack on Abdelkadir rather than the issues raised in his appeal.

The Administrative Law Judge also erred in by failing to explore lesser sanctions. The court should consider *Burnet v. Spokane Ambulance*, 131 Wn.2d 484, 497-98, 933 P.3d 1036, 1052 (1997) wherein our Supreme Court reversed a trial court's decision

disallowing evidence and limiting discovery based on a “compliance problem with a scheduling order.” The Court found that it was an abuse of discretion for the trial court to have excluded such evidence without considering lesser sanctions:

In any case, we are satisfied that it was an abuse of discretion for the trial court to impose the severe sanction of limiting discovery and excluding expert witness testimony on the credentialing issue without first having at least considered, on the record, a less severe sanction that could have advanced the purposes of discovery and yet compensated Sacred Heart for the effects of the Burnets' discovery failings. *See Fisons*, 122 Wash.2d at 355-56, 858 P.2d 1054. Furthermore, even if the trial court had considered other options before imposing the sanction that it did, we would be forced to conclude that the sanction imposed in this case was too severe in light of the length of time to trial, the undisputedly severe injury to Tristen, and the absence of a finding that the Burnets willfully disregarded an order of the trial court. *See Lane v. Brown & Haley*, 81 Wash.App. 102, 106, 912 P.2d 1040 (“[T]he law favors resolution of cases on their merits.”), *review denied*, 129 Wash.2d 1028, 922 P.2d 98 (1996). (footnote omitted)

In this case, the Supreme Court reiterated the principal that the law favors resolution of cases on their merits. Here, the sanction the exclusion of certain evidence, rather than default. For a default to be upheld, the party’s fault should be severe, not nominal. Because there was no attempt to proceed with the litigation as scheduled, without Abdelkadir presence at a scheduling conference, the issuance of a default is simply too severe and

must be considered an abuse of discretion. The lesser sanction could have been to proceed with the scheduling order without Abdelkadir input and limit Abdelkadir's ability to later challenge the scheduling order. That would have allowed the case to proceed to a decision on the merits, which is the fundamental role of our system of justice.

C. Respondent's Motion to impose RAP sanctions should be denied.

This appeal raises genuine issues of law that should be considered, and are clearly not meritless. First, with regard to the issue of whether OSPI was properly notified, this issue raises a question of the undefined term "delivery" in RCW 34.05.442 where the ordinary meaning of that term includes service by mail. This is a legitimate basis for an appeal.

Second, even the Respondent concedes that the Superior Court erred in finding Abdelkadir's appeal to the Superior Court untimely. Respondent does not even address this basis for the appeal in its motion for sanctions.

Third, this appeal raises the issue of what standard applies for issuing a default under RCW 34.05.442. This issue has never been addressed by a Court of Appeals, and Respondent offers CR 60 as an analogy. In response, Appellant suggests CR 55 should be a better analogy, as CR 55

directly addresses defaults and CR 60 does not. This is a case of first impression for the Court, and is clearly not a frivolous appeal.

#### Assignments of Error

1. The trial court erred in finding that Petitioner did not comply with RCW 34.05.542(2) and (4). Petitioner timely mailed a copy of the Petition for Review to a subdivision or OSPI. The APA does not require personal service pursuant to RCW 34.04.542(4).
2. The Court erred in finding that Petitioner was required to serve OSPI. OSPI was not identified as a party to the hearing. If required, Delivery to the subdivision of OSPI should be sufficient because no address was provided by the Administrative Law Judge and is identified only as a “cc”.
3. The trial court erred because Petitioner’s appearance at the scheduling conference was not necessary to proceed—the Administrative law judge could have issued a scheduling order without the input of Appellant. The sanction of dismissal was too severe.
4. The trial court erred in finding that the ALJ’s order to dismiss the case was not arbitrary and capricious. The Petitioner established excusable neglect because he made an honest mistake. The history

of delays and continuances should not have been considered in dismissing the case, because those delays were all authorized by the tribunal and not the result of misconduct by the petitioner. The trial court should also not have considered the District's litigation costs as a factor in the decision to issue a default judgment. Once Petitioner timely filed a motion to vacate the Order, the Administrative Law Judge should have acknowledged this inherent confusion and withdrawn the default order upon Petitioner's Motion. It was an abuse of discretion not to.

Cite **Agency Record (AR) at page 82-83** for more information.

Furthermore, Petitioner's presence at the hearing was not necessarily required. The Order stated in bold that "**No witness testimony is necessary for this purpose and no witness testimony will be taken.**" Agency Record (AR) at 91. Because the purpose of the hearing was simply to enter a scheduling order, if "delay" or "staleness" was the concern, an order setting the briefing schedule could have been entered without Petitioner's input. This would have been a reasonable and just outcome.

The Court should not focus on the Administrative Judge Anne E. Senter Vacation rather; the Court should focus on the order.

**Cite Transcript page 6, line 21-25 for more information**

Plaintiff is filed objection to the order dated on September 15, 2014, before ten (10) Days as stated above, "Parents timely filed objection to the order". Parents faxed and mailed objection to the order on September 22, 2014 according

Honorable Judge Anne E. Senter Order Dated September 15, 2014

Cite order dated September 15, 2014; page 2 #9 for more info.

Also Cite Agency records (AR) Page 91-93 for more information.

Appellant disagree with the Superior Court Judge Hollis R. Hill, in Seattle, Washington, because Petition for review filed timely

**Cite Transcript page 20, line 11-25 for more information.**

Employment Security Department (ESD) is not relevant to the child abuse by Shoreline School District Employees.

**Cite Transcript page 22, line 19-25 for more information.**

The Administrative Law Judge was denying the Motion reconsideration on November 7, 2014, that indicated the plaintiff filed the Petition for review timely to the Superior Court in Seattle, Washington on December 1, 2014, served the Shoreline School District and OSPI on December 1, 2014.

Cite Transcript page 35, line 24-25 and Cite Transcript page 36, line 21.

On February 2, 2015 Appellants had requested Continuance, Filed to the Court and School District including the following Continuance letter

This letter confirms the Office of the Superintendent Public

Instruction, Administrative

Resource Services' receipt of a PETITION FOR REVJEW notice for Equal Education

Appeal Cause "Io. 2014-EE-0004 dated January 12, 2015.

Cite CP at 148 for more information.

On February 11, 2015 District's Brief In opposition to Appellant Motion for Continuance, the District ignored the above letter conformation letter. Cite CP at page 149 for more information

I believe that the Superior Court error in determining that the Administrative Law Judge Anne E. Snter finding of facts was supported by substantial evidence.

The Administrative Law Judge Anne E. Senter finding of fact were not supported by substantial evidence, because:

Plaintiff' is filed objection to the order dated on September 15, 2014, before ten

(10) Days as stated above, "Parents timely filed objection to the order".

Parents faxed and mailed objection to the order on September 22, 2014  
according

Honorable Judge Anne E. Senter Order Dated September 15, 2014

Cite order dated September 15, 2014; page 2 #9 for more info.

Also Cite Agency re cords (AR) Page 91-93 for more information

Plaintiff filed Petition for Review timely (on December 1, 2014)

**Cite CP at 163-164 pages 2 item #9 for more information.**

The Trial Court (Judge Hollis R. Hill) her ruling was an error, because –it  
was error to count from October 31, 2014, and ignore the November 7,  
2014

Cite Agency re cords (AR) Page 6-8 for more information

Plaintiff is seeking Review by the Court of Appeal Agency re cords (AR)  
Page 89, --90, because the ALJ denied plaintiff witness to absorbed  
prehearing conference

Plaintiff is seeking Review by the Court of Appeal Agency re cords (AR)  
Page 625---626, Because On June 3, 2013, Kris Cappel  
(SEABOLDGROUP), an investigator for Shoreline School District,  
conducted her investigation, but it was not in good faith.

During the June 3<sup>rd</sup> 2013 meeting with investigator (Ms. Capple our Child told to the Investigator her teacher told her (Mollie Overa) to find a white color skinned family

Cite Agency records (AR) Page 662-663 for more information

This request to amend our case schedule results from Respondent's failure to comply With it, which has shortened Appellant's allotted time to prepare his brief by four weeks

**Cite CP at 175-183 for more information.**

On April 17, 2015 the Court rule the order before receiving the Shoreline School District

Response. “It was indicate there is no response of the School District in the Electronic Court Reco0rds “ Cite CP at 234-234 for more information.

**The Court rule and Order the Appellant to pay attorney fee before receiving the Shoreline School District Response. Court Reco0rds “ Cite CP at 234-235 for more information. On May 20, 2015 the Court **RULE against the Appellant before seen his information by the Court.** DECLARATION OF DOUGLAS PRESTRUD, Cite CP at 230-233 for more information.**

The Shoreline School District ignored that letter and On February 11,

2015, filed a brief "in OPPOSITION TO APPELLANT'S MOTION  
FOR CONTINUANCE

Cite CP at 290 for more information

Appellant did not receive any Shoreline School District Response to my  
Motion

Regarding the case schedule Noted date April 17, 2015

Cite CP at 220-221 for more information

Investigation Report was sent to Lance M. Andree on June 26, 2013, by  
Kris Cappel (SEABOLDGROUP), an investigator for Shoreline School  
District -- BEFORE it was sent to the parents. This indicates, and shows  
that the investigation was not independent. It was conducted with  
prejudice, against Mother and myself and against our child.

Also Mr. Andree did not enter an appearance in the complaint  
investigation. It does appear that Mr. Andree was involved in the  
investigation and that this also included members of his LAW FIRM, who  
were involved in investigation.

CITE R. (Agency Records) page 624-628 FOR MORE INFORMATION.

Susanne M. Walker, Superintendent for Shoreline School District, made  
her decision, not based on an independent investigation-- as stated above.

CITE R. page (Agency Records) 624-628 FOR MORE INFORMATION

I, Appellant or I, Petitioner, sent my appeal to Susanne M. Walker, Secretary of BOARD of Trustees, on Friday, July 5, 2013 by CERTIFIED MAIL-, which included my Declaration, and my witness statements.

EXHIBIT 1-5 showed Appeal to the board director, by CERTIFIED MAIL RECORD, sent to the Shoreline School District delivery mail within ten days (10 days), which was appropriate and timely.

CITE R. page (Agency Records) 467-481 FOR MORE INFORMATION.

Lance M. Andree, attorney for Shoreline School District, on January 15, 2014, filed with the Administrative Law Judge: The Hon. Judge Anne Senter- a totally untruthful and inappropriate declaration-- by putting aside his notice of Appearance, dated on December 30, 2013.

SPECIAL EDUCATION

NOTICE OF APPEARANCE

CAUSE NO. 2013-SE-0117

Cite CP at 100-101 for more info0rmation I brought the above statements

to Judge Anne Senter's attention, but she ignored me, and my clear explanation of this clear contradiction. She was not fair in her administration of justice to my wife and me and to our child.

I believe Judge Anne Senter had a clear cut prejudice against me, and conducted

APPELLANT'S REPLY BRIEF

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All of her proceedings with me in my case with this bias present throughout my case before her-- even when she appeared, on a few rare occasions, to be trying to be fair. In those instances, she quickly returned to her prejudiced view, with regard to any of her conclusions and judgments.

Pursuant RCW 34.05.425 (3) parent's requested the Judge to recuse her self.

CITE R. page 322-325 FOR MORE INFORMATION.

Parents requested change an officer with good cause as indicated above and THE DECLARATION PROVIDED BY THE PARENT'S ATTORNEY (H. RICHMOUND FISHER) WITH GOOD REASONS AS FOLLOWS.

CITE R. page 412-426 FOR MORE INFORMATION.

) Page 2 #9 Objection Order dated On September 15, 2014, Judge Anne E. Senetr violates her own order, *September 15, 2014*, in which She stated, that if any objection is filed within ten (10) days after the mailing Of the order dated September 15, 2014, that objection shall control the Subsequent course of the proceeding unless modified for good cause by subsequent Order, Cite order dated September 15, 2014, page 2 #9

Cite AR at 91-93 for more information

Parent Object to the Order Dated September 15, 2014, Cite AR at 88-90 for more info.

Re: Date of Hearing Trial: Friday, August 7, 2015

Time – 9:00 AM

In the Superior King County in Seattle: CASE # 14-2-32203-8 SEA

On April 17, 2015, the Superior Court Judge Hollis R. Hill, in Seattle, Washington, ruled against me, the petitioner, Mohamed Abdelkadir, before receiving the Shoreline School District Motion, from their attorneys.

Cite CP at 215-216 for more information.

Or Cite Transcript page 6, line 18-25 for more information

On April 27, 2015 the Court indicated as follows:

There is no response of the School District in the Electronic Court Records. Cite CP at 234 For More Information.

**DECLARATION OF MOHAMED ABDELKADIR**

**Cite CP at 220-221 for more information.**

**PRESTRUD, IN SUPPORT OF  
APPELLANT'S MOTION FOR  
RECONSIDERATION**

**CR 59**

**Cite CP at 230-233 for more information.**

APPELLANT'S REPLY  
FOR RECONSIDERATION OF  
ORDER AMENDING SCHEDULE  
AND AWARDING SANCTIONS  
CR59

**Cite CP at 258-264 for more information.**

**DECLARATION OF Mohamed Abdelkadir**

**Cite CP at 265-267 for more information**

APPELLANT'S REPLY BRIEF

On May 20, 2015 Judge Hollis R. Hill, the Superior Court Judge in Seattle, Case #. 14-2-32203-8 SEA, ruled against me, Mohamed Abdelkadir, the appellant. I had filed in a timely manner, and had served my Reply, but the Court had already ruled against me, without having yet seen my reply, and without having considered the contents of my reply at all. This is obviously not fair, and is a breach of my legal protection, i.e., to be heard, before the Judge makes any decision in my case.

Afterward the Court never mentioned its error, although it is hard to see how it could have failed to discover it when the bench copy of the Reply arrived or it glanced at the docket or its own file. This defect is apparent on the face of the docket

On August 7, 2015 during the hearing, Judge Hollis R. Hill expressed sympathy for the Shoreline School District, in as much as her statement stated as fact that the Shoreline School District is losing money. Also, her expression of sympathy toward the Shoreline School District, appeared or seemed-- at least to me-- to indicate a bias or prejudice against us, the parents-- that is, myself and my wife, Reya-- because the Court had already made it's ruling, or decision in our case, before even looking at, and considering the content that I had presented to the Court, and which I had filed in a timely and appropriate manner, as the rules required. Cite

APPELLANT'S REPLY BRIEF

Transcript page 40, line 23-25 for more information.

I, Mohamed Abdelkadir, the petitioner, also argued before Judge Hill that one of the Shoreline School District's attorneys, Mr. Lance M. Andree, was untimely, that is, late, in filing his Notice of Appearance, but Judge Hollis R. Hill said that this fact was not part of the agency record, but this was not really true. The date of Mr. Andree's filing IS part of the agency record & IS also part of the case schedule, dated on December 1, 2014-- Note: The case schedule of the Superior King County in Seattle clearly stated the Notice of Appearance should be filed on or before December 29, 2015. This was not done by that date. Mr. Andree's Notice of Appearance was not filed with Court until December 30, 2014-- Namely, his Notice of Appearance was filed late, or untimely, by one (1) day.

**\*\*\* Throughout this entire case, Mr. Andree and the other attorneys for Shoreline have always insisted upon my being absolutely timely, and not ever even one day late. Thus the same criteria should have been applied to him.\*\*\***

Parker Howell, one of the other attorneys for the Shoreline School District, argued that I, Mohamed, the petitioner, served the Petition for Review to the Office of Superintendent of Instruction late, and in an untimely manner, to the Shoreline School District. This is not a justified

accusation-- since his claim that I filed untimely was not true.

I, Mohamed Abdelkadir, the petitioner, filed the petition for review on December 1, 2014 with the Court, as required, and I served the Petition for Review on December 1, 2014-- by the Certified Mail-- to the Office Of Superintendent of Instruction, and to the Shoreline School District Superintendent, that is, to Ms. Susanne M. Walker. Also, I, Mohamed, on August 7, 2015, during the most recent Hearing trial-- provided the copy of the Tracking of Certified Mail (by UPS) to the Judge Hollis R. Hill and Mr. Howell, attorney for Shoreline School District.

This Tracking of Certified Mail indicates that I served it on December 1, 2014, and that it was properly received by the Office Of Superintendent of Instruction on the next day, December 2, 2014, and likewise was received on December 2, 2014 by Shoreline School District Superintendent (Susanne M. Walker).

I, Mohamed Abdelkadir, the petitioner, during Hearing trial provided an official letter of evidence, from the Administrative Judge, Anne E. Senter, dated on November 7, 2014, in which this Administrative Judge's letter indicated that it was required to file within 30 days with the Court of Law (Superior Court in Seattle), from the date of November 7, 2014 the parent's case was dismissed, by Default without

good cause, because the Administrative Judge, Anne Senter's Order gave a Window of Ten days for any parts, to Object to the Order.

The parents-- myself and my wife, Reya-- Objected to the Order in a timely manner on September 15th, 2014-- which we did by FAX (at 206-587-5135), to Judge Anne E. Senter.

Then in a message, also by FAX, on September 22, 2014, we sent it to (206-223-2003), to Lance M. Andree, Attorney for the Shoreline School District.

This second FAX, sent on September 22, 2014 was likewise timely, before the 10-day limit, for Objections, had run out-- which final date would have been September 25th, 2014.

Cite for the above statements AR AT Page 6-8 and AR At Page 91-93 for more information and Parent Objection to the Order Dated September 15, 2014, Cite AR at 88-90 for more information.

Plaintiff 's objects to the language of the draft prepared by Parker A Howell attorney for Shoreline School District in the following particulars:

**Cite CP at 90-93 for more information**

**III. CONCLUSION:**

Petitioner seeks a remand for so that the appeal may be decided on the merits.

Based upon the above facts and procedural analysis, the ruling of the administrative (ALJ) Anne E. Senter on November 7, 2014 should be reversed the decision for reasons.

On August 7, 2015, the Superior Court Judge Hollis R. Hill in Seattle, WA, should be reversed decision for reasons.

  
\_\_\_\_\_  
Mohamed Abdelkadir

On March 7, 2015

March 7, 2016

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COURT OF APPEALS DIVISION 1 OF THE STATE OF WASHINGTON

**Mohamed Abdelkadir**  
**Appellant,**

**Vs.**

**Shoreline School District**  
**Respondent.**

) Case No.: 73920-4-1  
)  
) APPELLANT'S REPLY BRIEF  
)  
) Plaintiff Certificate of Service  
)  
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)

I, Mohamed Abdelkadir declare under the penalty of perjury under the Law of state of Washington that on March 7, 2016, and was MAILED VIA CERTIFY US Mail with proper postage attached to:

Filed with Court

Richard D. Johnson

Court Administrative /Clerk

600-University S1.

Seattle, WA. 98101

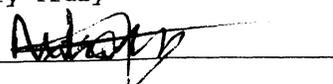
Parker Howell Attorney for Shoreline School District

60 I-Union St. Suite 800

Seattle, WA. 98101

Fax (206) 223-2003

Very Truly



On March 7, 2016

Mohamed Abdelkadir

PO Box 25794

Seattle, WA 98165

(206) 778-1983

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