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COURT OF APPEALS
DIVISION ONE
MAY 23 2016

No. 74326-1-I

IN THE COURTS OF APPEALS
DIVISION ONE
OF THE STATE OF WASHINGTON

LARRY SPOKOINY,

Appellant,

vs.

THE WASHINGTON STATE YOUTH SOCCER ASSOCIATION,

Respondent.

APPELLANT REPLY BRIEF

Submitted By:

Larry Spokoiny, WSBA # 20274
Appellant

4306 245th Avenue SE
Issaquah, WA 98029
(425) 503-3949

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WSYSA's continuing collection activities on a long-expired judgment are utterly abhorrent. No amount of finger pointing by WSYSA can disguise the fact that they missed their deadline to collect on this now stale debt.

The original judgment was rendered on July 8, 2004. After appeal, the Court of Appeals further awarded attorney fees and costs on September 2, 2005. It is undisputed that neither the original Superior Court judgment nor the subsequent Court of Appeals ruling on attorney fees and costs were ever renewed in a timely manner in accordance with RCW 6.17.020.

Having missed all applicable execution deadlines by knowing and voluntarily sitting on their rights, WSYSA took advantage of the King County Superior Court *ex parte* system by withholding material information about the original July 8, 2004 judgment. RPC 3.3(f) states that “a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.”

Mr. Spokoiny has lived in the same house in Issaquah since for 22 years. Mr. Spokoiny has worked for the same law firm in Pierce County for 11 years. There was simply no reason, and WSYSA does not provide

one, for the lack of *any collection activities whatsoever by WSYSA in the 11-year period* between July 8, 2004 (when the original judgment was rendered) and August 24, 2015 (when the writ of garnishment was first obtained).

Tellingly, WSYSA fails to cite any statutory, case law or other authority to support the far-fetched proposition that the specific reference in RCW 6.17.020 to “the original ten-year period” should be ignored.

Essentially, WSYSA is trying to argue that an amended judgment is the same as an original judgment. But these terms mean the opposite of each other. As WSYSA concedes in its brief, the amended judgment only included \$3,197.00 in new “attorney fees' accrued since Court of Appeals Decision”, and these attorney fees were all related to the very motion for amended judgment that WSYSA relies upon to support its continuing collection efforts. CP 62.

The flaw in WSYSA's argument is that the September 2006 amended judgment was not independently appealable. King County Superior Court recorded the original judgment number 04-9-33618-5 and merely included the September 29, 2006 amended judgment under the same docket record.

As this Court is well aware, money judgments accrue interest and

therefore the precise amount of the judgment changes daily. Taking WSYSA's approach to its logical extreme, an unscrupulous creditor could file periodic amended judgments to “update” the judgment amount and completely bypass the requisite statutory procedures outlined in RCW 6.17.020. Indeed, that is precisely what WSYSA has attempted to do in the instant case.

The Vermont Supreme Court's well-reasoned decision in Ayer v. Hemingway, 2013 VT 37, 73 A.3d 673 (2013) should be followed here. Furthermore, Mr. Spokoiny is entitled to attorneys' fees and costs for being compelled to devote enormous time and financial resources to defending against this frivolous post-judgment activity by WSYSA. The King County Superior Court decision should be REVERSED.

RESPECTFULLY SUBMITTED this 23rd day of May, 2016.

By:  _____

Larry Spokoiny, WSBA # 20274
Pro Se / Attorney

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CERTIFICATE OF SERVICE

I certify that on the 23rd day of May, 2016, I delivered APPELLANT'S REPLY BRIEF and this CERTIFICATE OF SERVICE to WSYSA's attorney Brian Lawler via email to blawler@jbsl.com and by United States Postal Service First Class Mail to 801 Second Avenue, Suite 1000, Seattle, WA 98104.

I declare under penalty of perjury, under the laws of the State of Washington, that the foregoing is true and correct.

DATED this 23rd day of May, 2016.

By:

A handwritten signature in cursive script, appearing to read "Larry Spokoiny", written over a horizontal line.

Larry Spokoiny, WSBA # 20274
Appellant