

COURT OF APPEALS
DIVISION II

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No. 37980-5-II

STATE OF WASHINGTON
BY *VW*
DEPUTY

IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION TWO

ANTHONY P. MEREDITH, Appellant

vs.

DAVID B. STARKS and JUSTIN M. SEDELL, Respondents

ON APPEAL FROM THE SUPERIOR COURT OF THE STATE OF
WASHINGTON FOR PIERCE COUNTY

The Honorable Beverly G. Grant, Judge

BRIEF OF RESPONDENTS

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Original

TABLE OF CONTENTS

Table of Authorities	ii
Statement of the Issues	1
Statement of the Case	2
Legal Standard	6
Argument	7
A. The Trial Court Determined that Mr. Meredith had Committed Domestic Violence and, as a Result, Ms. Muriel’s Allegations as Advocated by the Defendants were True Rather than Defamatory	7
B. Washington’s Judicial Action Privilege Specifically Provides that the Defendants had Absolute Immunity from Liability for any Alleged Defamatory Acts Arising out of Representing Ms. Muriel.....	11
C. The Trial Court Properly Exercised Its Discretion When It Denied Mr. Meredith’s CR 56(f) Continuance Request.....	14
D. Mr. Meredith’s Lawsuit was Frivolous and the Trial Court Correctly Sanctioned Mr. Meredith Pursuant to Washington Superior Court Rule 11	15
E. Mr. Meredith’s Appeal is Frivolous and the Court Should Sanction Mr. Meredith Pursuant to Rules of Appellate Procedure 18.9(a).....	19
Conclusion	20
Appendix A	21

TABLE OF AUTHORITIES

Washington Cases

Gold Seal Chinchillas, Inc. v. State, 69 Wn.2d 828,
420 P.2d 698 (1966) 11

Gross v. Sunding, 139 Wn. App. 54, 161 P.3d 380
(2007) 14

Hanson v. City of Snohomish, 121 Wn.2d 553, 852 P.2d
295 (1993) 9-10

Jeckle v. Crotty, 120 Wn. App. 374, 85 P.3d 931 (2004) 12, 17

Johnson v. Jones, 91 Wn. App. 127, 955 P.2d 826 (1998) 19

Lamon v. Butler, 112 Wn.2d 193, 770 P.2d 1027 (1989) 6

Manteufel v. Safeco Ins. Co., 117 Wn. App. 168, 68 P.3d
1093 (2003) 17-18

McNeal v. Allen, 95 Wn.2d 265, 621 P.2d 1285 (1980) 11-12

Robinson v. Hamed, 62 Wn. App. 92, 813 P.2d 171
(1991) 8-9

Washington Court Rules

Rules of Appellate Procedure 2.2(a)(1) 10

Rules of Appellate Procedure 18.9(a) 19

Superior Court Rule 11 1, 15-17, 19

Superior Court Rue 56(f)14

I. STATEMENT OF THE ISSUES

Mr. Meredith's appeal is frivolous and the trial court's imposition of CR 11 sanctions was warranted. This Court should award Mr. Starks' and Mr. Sedell's firm fees on appeal as well.

The Pierce County Superior Court determined after trial that Mr. Meredith committed domestic violence against his wife. As a result, even if Mr. Starks and Mr. Sedell had made out-of-court statements alleging Mr. Meredith committed domestic violence, those out-of-court statements would have been true. Because the statements would have been true, Mr. Meredith has no claim for defamation.

Additionally, Mr. Meredith's argument on appeal that Mr. Starks and Mr. Sedell made out-of-court statements is a newly manufactured claim not supported by the record. Rather, Mr. Meredith's complaint against Mr. Starks and Mr. Sedell only alleged that they published defamatory statements in the trial court proceedings:

Throughout their *representation*, from July 2006 until the present time, both Defendants repeatedly published defamatory material misrepresentations about me in writing (constituting libel) and orally (constituting slander) to the Pierce County Superior Court[.]

CP 1 (emphasis added). Mr. Meredith has no basis whatsoever upon which to claim that Mr. Starks or Mr. Sedell made any out-of-court statements to the federal government.

Finally, it simply does not matter whether Mr. Starks and Mr. Sedell published allegations of domestic violence against Mr. Meredith in court or out-of-court. Washington law provides that the statements Mr. Meredith alleges Mr. Starks and Mr. Sedell may have made were privileged.

II. STATEMENT OF THE CASE

Plaintiff Anthony Meredith was the petitioning husband in a Pierce County dissolution styled *In re Marriage of Meredith, Case No. 06-3-02456-6*. Defendants David Starks and Justin Sedell were the attorneys of record for Mr. Meredith's wife, Jazmin Muriel. (Of note, Mr. Meredith has appealed the trial court's final orders in that case to this Court as well, under case number 37098-1-II. As of the writing of this brief, that appeal is still pending.)

The parties tried the case before the Honorable Kitty-Ann van Doorninck from October 1, 2007, through October 5, 2007. The trial court issued its oral ruling on October 10, 2007. The trial court thereafter entered final orders on November 9, 2007.

The trial court's final orders included the following findings in its Findings of Fact and Conclusions of Law at ¶ 2.14:

1. Ms. Muriel was a victim of domestic violence perpetrated by Mr. Meredith on an ongoing basis after Ms. Muriel moved to the United States.

2. The court finds that these confrontations were physically, verbally, emotionally, and sexually abusive.
3. The court finds that Ms. Muriel has lived in fear of Mr. Meredith throughout their relationship and that this fear continues to this day. The court believes that this fear is rational under the circumstances and that the fear is based on the domestic violence perpetrated by Mr. Meredith.

CP 150.

At ¶ 2.19 of the Findings the court further found as follows:

12. The court finds that Mr. Meredith has a history of acts of domestic violence against Ms. Muriel as defined in RCW 26.50.010(1), including assaults and sexual assaults that caused grievous bodily harm or the fear of such harm. There can be no contradicting that these events occurred. This court has no question that domestic violence, defined as “physical harm, bodily injury, assault, or the inflict[ion] of fear of imminent physical harm,” occurred in this case. It was perpetrated by Mr. Meredith against Ms. Muriel on an ongoing basis.
13. The court finds that this history of domestic violence may have a major detrimental impact on Daliana and that restrictions on Mr. Meredith’s residential time with her and that restrictions on his decision-making authority are absolutely necessary to protect Daliana both emotionally and physically pursuant to RCW 26.09.191(2)(a)(iii).
14. The court also finds that Mr. Meredith has engaged in a severe, ongoing abusive use of conflict that creates the danger of serious damage to Daliana’s psychological development. There is overwhelming evidence of Mr. Meredith’s pattern of abusive use of conflict which is definitely not in Daliana’s best interest. Therefore, this too provides a basis for restrictions pursuant to RCW 26.09.191(3)(e). The court finds that these restrictions are necessary and that they are in Daliana’s best interest.

CP 153.

Based on these findings and others, the trial court entered a permanent Order for Protection against Mr. Meredith. CP 188-91. The court also restricted his access to the parties' child in the Final Parenting Plan pursuant to RCW 26.09.191. CP 193.

Mr. Meredith's behavior made the divorce case long and difficult. Even before the divorce case began, Mr. Meredith attempted to have Ms. Muriel (while pregnant with his child) deported by writing a letter to the Department of Homeland Security alleging her immigration into the U.S. was fraudulent. CP 219-20.

At only the second hearing in the case, Mr. Meredith acted in a physically aggressive manner, as described by Assistant Attorney General Renee Morioka:

It was at this point that Anthony Meredith took about two quick steps toward Attorney Starks and mother's direction but Attorney Dickinson stopped his progress.

During Mr. Meredith's yelling, the judicial assistant then approached Attorney Dickinson and asked Attorney Dickinson to immediately escort his client and his mother out into the hallway and that security had been summoned.

[T]he judicial assistant locked the door so that they could not return to the courtroom.

CP 224-26.

Mr. Meredith's father, George Meredith, was so appalled by his son's behavior that he paid Ms. Muriel's attorneys' fees and costs throughout the divorce litigation. Mr. Meredith reacted by attempting to intimidate his father, sending multiple letters to his father (one from a Virginia attorney) threatening a lawsuit for libel, slander, defamation, and intentional infliction of emotional distress. His father provided a declaration regarding these intimidation tactics, which included an admission by Mr. Meredith that Mr. Meredith intended "to sue the people who filed declaration[s] on Jazmin's behalf." CP 227-28, 231-32.

Mr. Meredith also attempted to intimidate a priest who had provided a declaration on Ms. Muriel's behalf. Mr. Meredith attempted to pressure the priest into signing a wholly fabricated declaration that Mr. Meredith had prepared without any input from the priest. The priest refused to sign the fabricated document and instead provided a second declaration to the court regarding Mr. Meredith's behavior. CP 236-41.

Mr. Meredith also filed untrue, hate-filled, shockingly misogynistic declarations with the court regarding Ms. Muriel. What follows is a small selection of his words:

Jazmin has a revolving door of adulterous perverted sexual liaisons with a parade of lovers of both sexes, indulging in sensuality morning, noon and night, day after day.

Bluntly, it is unacceptable for my daughter Daliana to be raised by two scheming, promiscuous, adulterous lesbians[.]

Jazmin can provide our baby with a life on the run as an illegal alien who will be deported when she is caught, with a myriad of illicit lovers of both sexes who have fought over her in the past ..., bouncing from house to house, affair to affair, city to city, and jail to jail.

Jazmin engage[d] in rampant ongoing perverted adulterous sexual acts with a literal parade of different male and female lovers, one after another, hour after hour, day after day[.]

It is not in the best interests of Daliana to be raised in an environment that is indistinguishable from a brothel, or to be raised by a woman, like Jazmin, who has no moral compass and who cannot control her provocative lustful adulterous desires.

CP 243-50, 252-65.

Additional examples of Mr. Meredith's bad faith conduct abound, but are unnecessary. No doubt this Court gets the point.

Mr. Meredith is currently a licensed attorney. He was previously employed by the Virginia Attorney General's Office. He is now living and working in California.

III. LEGAL STANDARD

When a defendant in a defamation action moves for summary judgment, the plaintiff has the burden of establishing a *prima facie* case on all four elements of defamation: falsity, unprivileged communication, fault, and damages. Lamon v. Butler, 112 Wn.2d 193, 197, 770 P.2d 1027

(1989). Mr. Meredith was not able to establish any one of these elements, much less all four.

IV. ARGUMENT

A. **The Trial Court Determined that Mr. Meredith had Committed Domestic Violence and, as a Result, Ms. Muriel's Allegations as Advocated by the Defendants were True Rather than Defamatory.**

The first element of a defamation claim is falsity. Mr. Meredith alleged Mr. Starks and Mr. Sedell lied when they advocated—on Ms. Muriel's behalf—that he committed domestic violence. His defamation claim therefore only survives if he did not commit domestic violence.

The divorce trial court already decided that issue. Whether Mr. Meredith committed domestic violence against Ms. Muriel was an ultimate fact for the divorce trial court to decide. The trial court determined after trial that Mr. Meredith had committed domestic violence against Ms. Muriel. The trial court thereafter entered various final orders in keeping with its determination, including a permanent Order for Protection against Mr. Meredith.

Collateral estoppel (issue preclusion) bars relitigation of Mr. Meredith's claim that he did not commit domestic violence. It therefore required dismissal of Mr. Meredith's complaint on summary judgment. That is because collateral estoppel prevents the relitigation of issues even

in connection with a different claim or cause of action. See, e.g., Robinson v. Hamed, 62 Wn. App. 92, 96, 813 P.2d 171 (1991).

Robinson was a civil assault case brought by Robinson against Hamed for injuries Robinson had suffered during an altercation with Hamed at the SeaTac airport. Both Hamed and Robinson worked for the Boeing Company at the time of the assault. Boeing ultimately terminated Hamed as a result of that altercation and Hamed filed a grievance challenging that termination. Hamed lost his grievance when an arbitrator sided with Robinson's version of events surrounding the altercation and ruled that Boeing had "just cause" to terminate Hamed. Thereafter, Robinson filed his civil assault case against Hamed.

Hamed counterclaimed against Robinson for defamation, again alleging his side of the story regarding the altercation. Robinson filed for summary judgment, arguing that Hamed's defamation claim could not survive because Hamed was collaterally estopped from relitigating the issue of the truth of Robinson's statements concerning the airport incident by reason of the arbitrator's decision. The trial court failed to dismiss Hamed's counterclaims on collateral estoppel grounds, but the court of appeals disagreed, holding as follows:

We conclude that Hamed had a full and fair opportunity to litigate the truth of Robinson's statements and he is now bound by the arbitrator's resolution of that issue. The denial of Robinson's

summary judgment motion on collateral estoppel was in error and, truth being a defense to defamation, Hamed's defamation claims fail.

Robinson, 62 Wn. App. at 103.

Robinson is directly on point. Mr. Meredith had the benefit of a five day trial and the opportunity to personally testify regarding Ms. Muriel's domestic violence allegations. He is now bound by the trial court's resolution of that issue. And "truth being a defense to defamation," Mr. Meredith's defamation claims fail.

Mr. Meredith concedes in his briefing to this Court that the dissolution trial court found he had a history of domestic violence. He argues that this Court should not rely upon that finding for various reasons. One reason he offers is that the finding by the trial court was false, having been made by a "biased" judge (Judge van Doorninck). That reason is ludicrous.

Another reason he offers is that collateral estoppel should not apply. His first rationale: he argues that collateral estoppel only bars relitigation of the same issues in subsequent proceedings between the *same* parties. That is not an accurate statement of the law. It is not necessary that Mr. Starks or Mr. Sedell were parties to the divorce action. Rather, all that is required is that Mr. Meredith was a party to the divorce action. See Hanson v. City of Snohomish, 121 Wn.2d 553, 561, 852 P.2d

295 (1993) (stating that the third element of the collateral estoppel doctrine requires only that the party **against whom** the doctrine is asserted was a party to the previous action). Mr. Meredith was a party to the divorce action. He had a full and fair trial on the merits. The trial court thereafter determined that he had committed domestic violence. He is precluded from litigating that issue again.

Mr. Meredith's second rationale for ignoring collateral estoppel: he argues that the divorce trial court never adjudicated whether Mr. Starks or Mr. Sedell committed defamation. Mr. Meredith's rationale is wholly devoid of merit. If he committed domestic violence, then publicized statements accusing him of domestic violence cannot be false. The trial court did, in fact, determine Mr. Meredith committed domestic violence. As a result, any publicized statement accusing him of domestic violence would be true.

Finally, Mr. Meredith argues that the court should not rely on the findings against him in the divorce case because he has appealed those findings, and he argues they are therefore not final judgments on the merits. That is also an incorrect statement of the law. The only reason Mr. Meredith was able to appeal the trial court's judgments in the first place is because those judgments **are** final. RAP 2.2(a)(1). If the

judgments were not final, he would have no right to a review by this Court.

B. Washington's Judicial Action Privilege Specifically Provides that the Defendants had Absolute Immunity from Liability for any Allegedly Defamatory Acts Arising out of Representing Ms. Muriel.

Statements that attorneys make in relation to court actions are considered privileged communications. As a result, it has long been the rule in Washington that allegedly defamatory statements made by an attorney in the course of his representation of a client are not actionable. See, e.g., McNeal v. Allen, 95 Wn.2d 265, 621 P.2d 1285 (1980); Gold Seal Chinchillas, Inc. v. State, 69 Wn.2d 828, 420 P.2d 698 (1966).

In McNeal, the plaintiff brought an action against defendants Allen, other doctors, and a hospital for medical malpractice. The defendants counterclaimed for defamation. The trial court dismissed the counterclaim and the Washington Supreme Court affirmed. Specifically, the Court ruled as follows:

Allegedly libelous statements, spoken or written by a party or counsel in the course of a judicial proceeding, are absolutely privileged if they are pertinent or material to the redress or relief sought, whether or not the statements are legally sufficient to obtain that relief. The defense of absolute privilege or immunity avoids all liability.

The privilege of attorneys is based upon a public policy of securing to them as officers of the court the utmost freedom in their efforts to secure justice for their clients.

Id. at 267 (internal citations omitted).

The Court of Appeals recently revisited the McNeal case, and the concept of a judicial action privilege, in Jeckle v. Crotty, 120 Wn. App. 374, 85 P.3d 931 (2004). In that case, Dr. Jeckle sued attorneys at Keller Rohrbach, Stanislaw Ashbaugh, and elsewhere under various causes of action, including torts such as outrage and intentional infliction of emotional distress. The trial court dismissed the claims and the appellate court affirmed, holding as follows:

Here, the complained of acts related to and were pertinent to the lawsuits the attorneys had filed against Dr. Jeckle.
...Accordingly, we hold the court properly dismissed Dr. Jeckle's remaining claims under CR 12(b)(6).

Id. at 386.

Importantly, the Jeckle court dismissed the lawsuit even though some of the attorneys' complained-of actions were performed out-of-court (the attorneys had made unsolicited contact via telephone with the plaintiff's prior patients encouraging them to join a lawsuit against the plaintiff). As previously noted, Mr. Meredith failed to plead in his complaint that Mr. Starks and Mr. Sedell published out-of-court defamatory statements. However, despite that failure, Mr. Meredith nonetheless asserts such a claim now. Specifically, in his Opening Brief at page 5, he alleges:

[T]he Defendants filed a fraudulent “abuse petition” that Jazmin Muriel filed with the Federal Government to try and fraudulently gain immigration status for Muriel by falsely accusing Anthony Meredith of domestic violence.

As the court can see by the above allegation, Mr. Meredith is playing fast and loose with the known facts. He admits in his very own allegation above that it was his wife, Ms. Muriel, who filed a petition for permanent residency in the United States, not actually Mr. Starks or Mr. Sedell. In point of fact, Ms. Muriel had immigration counsel representing her and assisting her in filing that petition: Douglas Kresl, Esq. Mr. Kresl testified at the divorce trial regarding that petition and Ms. Muriel’s legal status. He is, and was, well-known to Mr. Meredith.

Mr. Meredith is further playing fast and loose with the facts by claiming at various times in his Opening Brief that Mr. Starks and Mr. Sedell communicated directly with Mr. Meredith’s employer by assisting Ms. Muriel with the filing of her petition. But Mr. Meredith is not employed by the Department of Homeland Security. He is instead employed as a judicial assistant of some kind in California for an administrative law judge unconnected to DHS. Mr. Meredith simply takes the broad position that any communication with any federal body is communication with his employer, the federal government. Under that

argument, any time Mr. Starks and Mr. Sedell mail a letter via the U.S. Post Office they are similarly communicating with his employer

Finally, and more to the point: even if Mr. Starks and Mr. Sedell had assisted Ms. Muriel in filing her petition for permanent residency, that is clearly the sort of legal assistance that the judicial action privilege would bar Mr. Meredith from asserting a cause of action regarding. There cannot be any other rule. If courts actually permitted lawsuits like this one, sour apple cases brought by disgruntled parties against opposing attorneys would flood the courts. Trial courts would have time for little else but the Mr. Merediths of the world, and attorneys would not be able to effectively represent their clients. Such a result clearly violates public policy.

C. The Trial Court Properly Exercised Its Discretion When It Denied Mr. Meredith's CR 56(f) Continuance Request.

It is well settled law that the trial court should deny a continuance to conduct discovery if it believes the desired evidence would not raise a genuine issue of material fact. See Gross v. Sunding, 139 Wn. App. 54, 68, 161 P.3d 380 (2007). Such a denial is reviewed by this Court only for manifest abuse of discretion. Id.

Mr. Meredith had no legitimate need whatsoever to conduct discovery. In fact, Mr. Meredith makes only one argument to support his

claim of need: he argues in his Opening Brief, at page 14, that through discovery he may have been able to establish that Mr. Starks and Mr. Sedell failed to provide “exonerating material” to the federal government in Ms. Muriel’s petition for permanent residency. First, Mr. Starks and Mr. Sedell did not prepare that petition as Mr. Meredith knows quite well.

Second, even if Mr. Starks and Mr. Sedell had prepared that petition, there was no requirement they provide exonerating material. The divorce trial court determined, after trial, that Mr. Meredith committed domestic violence. Mr. Meredith’s own citations to “exonerating material” are simply white noise. (It perhaps also goes without saying that Mr. Meredith’s “exonerating material” is actually not exonerating. Mr. Meredith cites to the very same material here that he did in his appeal to this Court in the divorce action. To the extent this Court wishes to consider a full examination of that material, Mr. Starks and Mr. Sedell direct the Court’s attention to Ms. Muriel’s briefing in that matter. Ms. Muriel has rebutted, in detail, the notion that any of the material cited by Mr. Meredith is exonerating.)

D. Mr. Meredith’s Lawsuit was Frivolous and the Trial Court Correctly Sanctioned Mr. Meredith Pursuant to Washington Superior Court Rule 11.

Mr. Meredith is a licensed attorney currently practicing in California. As a licensed attorney, he is or should be well aware of the

requirements of CR 11, which provides in pertinent part as follows:

The signature of a party ... constitutes a certificate ... that the party ... has read the pleading ... and that to the best of the party's ... knowledge, information, and belief, formed after an inquiry reasonable under the circumstances: (1) it is well grounded in fact; (2) is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law; [and] (3) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation[.]

If a pleading ... is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it ... an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or legal memorandum, including a reasonable attorney fee.

Mr. Meredith violated CR 11 by filing his lawsuit. Mr. Meredith's claims were not well grounded in fact: the trial court found that he did commit domestic violence. His lawsuit was not warranted by existing law: the judicial action privilege specifically grants immunity to attorneys for their oral and written representations made during the course of litigation. Finally, Mr. Meredith's lawsuit was clearly intended simply to harass. In fact, the trial court specifically found that his lawsuit was simply more of the same bad faith nonsense he engaged in throughout the divorce litigation.

Mr. Meredith's appeal does not take issue with the trial court's calculation of the attorneys' fees and costs sanction against him. Rather,

Mr. Meredith takes issue with the trial court's finding that he violated CR 11 in the first place. As a result, if this Court upholds the trial court's finding, the monetary sanctions imposed by the trial court should be deemed proper without further examination.

Mr. Meredith cites Jeckle, 120 Wn. App. at 132, as controlling law on the issue of sanctions under CR 11. His understanding of Jeckle is incorrect. Jeckle was not a CR 11 case. Rather, Jeckle concerned the imposition of sanctions under RCW 4.84.185.

Although RCW 4.84.185 deals specifically with sanctions for frivolous lawsuits, CR 11 also and independently "allows the trial court to impose sanctions, including reasonable attorney fees incurred because of a filing of a frivolous lawsuit." Manteufel v. Safeco Ins. Co., 117 Wn.App. 168, 175-76, 68 P.3d 1093 (2003). The trial court's award of CR 11 sanctions is reviewed by this court only for abuse of discretion. Id.

In Manteufel, the plaintiff homeowner sued his insurer, Safeco. However, he did not stop there. He also sued the attorney who represented Safeco, his law firm, and his wife. The trial court entered summary judgment for the attorney, his law firm, and his wife, and further awarded CR 11 sanctions against the plaintiff for filing a frivolous lawsuit. This Court affirmed, stating:

The filing of a lawsuit is subject to sanctions if three criteria are met: (1) The action was not well grounded in fact; (2) it was not warranted by existing law; and (3) the attorney signing the pleading has failed to conduct a reasonable inquiry into the factual or legal basis of the action.

... In deciding whether to impose sanctions, the court should evaluate a party's pre-filing investigation by inquiring what was reasonable for the attorney to have believed at the time he filed the complaint.

Had Manteufel carefully reconstructed the facts, he would have known that SAFECO retained counsel only *after* adjusting his claim and paying him for his loss in 1999. ... Thus, it was frivolous for Manteufel to argue that Wathen had adjusted Manteufel's claim when that was factually impossible.

Moreover, even after Manteufel failed to perform reasonable investigation, he ignored ... Wathen's warning that his arguments had no factual or legal basis[.] The frivolousness of Manteufel's suit would have been clear to Manteufel had he simply read the cases Wathen provided.

Manteufel, 117 Wn.App. at 176-77.

Manteufel is directly on point. The trial court specifically found that Mr. Meredith's lawsuit was not well grounded in fact and not warranted by existing law. Additionally, as an attorney himself, Mr. Meredith clearly had a duty to investigate Washington law to determine whether there was any legal basis for a defamation complaint against Mr. Starks and Mr. Sedell. Moreover, just like attorney Wathen in the Manteufel case, Mr. Starks and Mr. Sedell wrote a letter to Mr. Meredith shortly after receiving notice of his lawsuit, citing the relevant case law

demonstrating there was no legal basis for his complaint and inviting Mr. Meredith to abandon his complaint voluntarily. *See Appendix A.* Mr. Meredith refused to do so, necessitating a motion for summary judgment.

E. Mr. Meredith's Appeal is Frivolous and the Court Should Sanction Mr. Meredith Pursuant to Rules of Appellate Procedure 18.9(a).

An appeal is frivolous if, considering the entire record, it has so little merit that there is no reasonable possibility of reversal and reasonable minds could not differ about the issues raised. *Johnson v. Jones*, 91 Wn.App. 127, 137, 955 P.2d 826 (1998). Pursuant to RAP 18.9(a), this Court's sanction against Mr. Meredith may include an award of "terms or compensatory damages" (such attorneys' fees and costs) to "any other party who has been harmed" by Mr. Meredith.

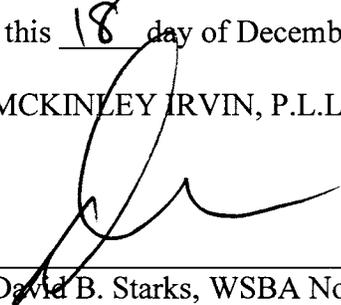
Mr. Meredith's appeal is so devoid of merit that it is frivolous. Reasonable minds could not differ that his complaint was without merit and that the trial court properly imposed CR 11 sanctions. Because there was no reasonable basis to argue that the trial court abused its discretion, the defendants respectfully ask for sanctions in the amount of a reasonable costs and fees award on behalf of their law firm, McKinley Irvin. Briefing this matter took the undersigned away from the firm's paying cases and clients to the firm's detriment.

V. CONCLUSION

For the reasons stated above, Mr. Starks and Mr. Sedell asks that the Court affirm the trial court's orders and further award sanctions against Mr. Meredith for a frivolous appeal.

Respectfully submitted this 18 day of December, 2008.

MCKINLEY IRVIN, P.L.L.C.



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APPENDIX A

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April 24, 2008

Via Certified Mail

Anthony Meredith
25 Pacifica #5429
Irvine, CA 92618

Re: *Meredith v. Starks and Sedell*

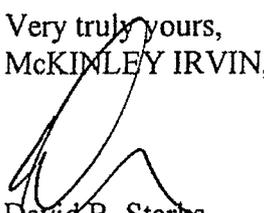
Dear Anthony:

I instructed my office to accept service of your lawsuit today. Enclosed you will find my formal demand that you file your lawsuit in the next 14 days. If you decide not to file your lawsuit, my acceptance will become void under Washington's court rules.

I whole-heartedly recommend that you do not file your lawsuit. It has no legal basis whatsoever. It has no basis under Washington's judicial action privilege. McNeal v. Allen, 95 Wn.2d 265, 621 P.2d 1285 (1980). It also has no basis under Washington's defamation rules, in that the truth is an absolute defense to your allegations, and the trial court's findings bear out Ms. Muriel's allegations against you.

Should you proceed with your lawsuit I will file a Motion for Summary Judgment and seek CR 11 sanctions against you. I believe that I would be successful on both counts. I will also report your actions to the Virginia and California bars, both as regards the instant lawsuit, which is intended purely to harass, and as regards your actions throughout the dissolution proceedings here in Washington. To date, only my respect for Ms. Muriel and for your father has kept me from doing so.

Very truly yours,
McKINLEY IRVIN, PLLC



David B. Starks
Enclosure

COUNTY OF KING
CLERK OF SUPERIOR COURT

08 DEC 24 AM 10:06

STATE OF WASHINGTON
BY [Signature]
DEPUTY

PROOF OF SERVICE

Christine Pontoni certifies as follows:

On December 19th, 2008, I served upon the following a true and correct copy of this Brief of Respondents via first class regular U.S. mail:

Anthony P. Meredith, *pro se*
25 Pacifica #5429
Irvine, California 92618
(949) 333-3167

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

SIGNED AND DATED this 19th day of December, 2008, in Seattle, Washington.

[Signature]
Christine Pontoni, Paralegal