



## **Table of Contents**

Table of Law

Index of Authorities

Sufficient arguing facts regarding Respondent's Brief

Conclusion

## **Table of Law**

CR 59 (a), (1), (2), (3),(4),(5),(6),(9). Grounds for New Trial or Reconsideration.

Rule CR 60(a),(b),(1),(3),(4),(6),(11)

Rule CR 5(a), 2(a),(b), 3, 4(g) Certified Mail statutes

Law De novo & Plain Error

Report of Proceedings

Clerk's Papers

Every man, woman, and child who is either born into or otherwise becomes a citizen of the United States shall have the liberty of equal rights. (Bill of Rights under the Constitution of the United States.)

## **INDEX OF AUTHORITIES**

### Table of cases

Marriage *of* Hulscher, - Wn. App. 18,- P.3d - (April 1, 2008)  
Higgins v. Stafford, 123 Wn.2d 160, 166-67, 866 P.2d 31 (1994) and  
Marriage of Fox, 58 Wn. App. 935, 939-40, 795 P.2d 1170 (1990) (App.  
Br .

**Appellant's Response of Respondent's brief page - 2**

## **Sufficient Arguing Facts**

1. It is imperative for the children's sake that this matter be heard and amended. This matter should not be dismissed by the Appellate Court as the respondent is suggesting in her response brief. At minimum the Court of Appeals should order a new trial. The Appellate Court has the ability to make such rulings as the appellant did not have a fair and just trial.

Law De novo, CR 59(a),(1-4), Rule CR 60(a),(3),(4),(6),(11), Respondent's brief page 6 line 8. RP page 208 lines 14-20, 140 lines 6-25, pages 154 line 22- page 156 line 1, page 203 line 12-205 line 20. CP 3, 4, 7, 9, 16, 19, 20, 21, 22, 23, 24, 27, 30, 35, 39, 63, 90, 99, 110, 120, 126.

2. Rebecca admits to emailing her proposed orders to the Appellant. This is not a means of legal service and the Appellant did not receive these emails. (Rule CR 5.), CR 59(a),(1-4), CR 60. The only proposed orders served to the Appellant were in the Court room on the day of the Trial. Such orders were/are entirely different than she had previously proposed to the court and Appellant. Furthermore, respondent later states that she

**Appellant's Response of Respondent's brief page - 3**

provided copies of her proposed orders to the appellant, however this is a false statement. Appellant was never served any copies to review prior to the trial date. A return of service of the Respondent's proposed orders was not timely filed with the court because such service does not exist. (Rule CR 5 Service). Rule CR 59(a),(1-4) Rule CR 60(a),(3),(11), Law De novo, Respondent's brief page 6 line 8.

3. The Appellant was blindsided by the Respondent with orders that were entirely different than any orders she previously filed with the Court and served to the Appellant. This fact could not be disclosed at the time of trial because the appellant was unaware of this fact until close to the end of the trial. At which point he was completely taken aback and could not regain ground as his entire case was based on proposed orders previously filed and his witnesses had already given their testimony. Further the Judge had already formed a perceived mindset by this time. This significantly affected the appellant's defense and testimonies thereof. (Please note: Prior to the day of the trial, Respondent had not filed any new or proposed

orders with the court since July 2011.) Had the Respondent's proposed orders been properly filed and served, the appellant would have had adequate time to properly prepare for the trial and the end results could have been considerably just and equitable for both parties. Rule CR 5, Rule CR 59(a),(1-4), CR 60(a),(3),(4),(6),11), RP 140 lines 6-25, 155 lines 21-25, 208 lines 14-20). CP 2, 3, 4, 7, 16, 18, 19, 20, 21, 22, 23, 24, 27, 28, 30, 55, 63, 99, 110, 120, 126, 147, 148, 149, 150, 173, 174. Law De novo

It should be recorded that new evidence has been revealed as of January 13, 2013. This evidence proves the respondent has taken the authority upon herself to maliciously change the children's religious doctrine from Christianity to Mormonism without father's consent. This information has been completely concealed from the court and the appellant prior to and after the entry of the final orders from the Trial Court until Sunday January 13, 2013. On Thursday, January 10<sup>th</sup>, 2013 the Appellant received a small notice in the mail that reads as follows: **"Baptism Preview Fireside."**

**"Sunday, January 13, 2013. 5-5:45pm, BOWS RS room.**

**For children (and their parents) turning 8 this year or those who are 8 and haven't been baptized.”**

Handwritten by the respondent is the following information;

**“Address: SW 170<sup>th</sup> Ave & SW Bany Rd, Beaverton, OR”**

**Please Note: There is no Church name or physical address.**

The appellant arrived at the cross streets mentioned above only to find there was a Church of Latter Day Saints on the Left corner of the cross streets. It was shocking and deeply saddening.

From the beginning to the separation of the marriage, the parties were members of and attended Vancouver First Friends Church.

Respondent was on the board of Christian education and was also a Sunday school teacher for many years. The Holy Bible is our only doctrine with Christian values. These are the only religious values and beliefs the parties raised the children to believe. The appellant continues to practice his faith with the children today.

Respondent's decision to change this very important aspect of the children's lives has been maliciously concealed by the respondent and hidden from the court and the appellant since August 2011 at the very least. (Respondent knows appellant would not agree, and did not expect appellant to appear on Sunday, January 13, 2013.

(Due to drive time.) The parties have joint decision making and

appellant does not agree to change the children's religious doctrine, values, or beliefs of which precedence has been fully established. This matter could not have been brought up in the trial court unless done so by the respondent. Rules CR 59(a),(1-4), CR 60(a),(3)(4)(6),(11). Parenting Plan section 4.2. Rule CR 5, Law De novo

4. Respondent states that the Appellant did not file the Parenting plan that is currently under appeal in this matter. This statement is inaccurate. The Appellant did in fact file each order including the Parenting Plan with the Appellate Court at the time when he first filed The Notice of Appeal. Copies of these orders are attached to the Notice of Appeal that was timely filed on January 11, 2012 and timely served upon the Respondent. A return of Service is filed with the Court. RAP 5.3, Rule CR 5, Notice of Appeal Filed January 11, 2012.

5. Respondent states that a trial court's decision will be affirmed unless no reasonable judge would have reached the same conclusion. However no reasonable judge would have reached the same conclusion if the Appellant had proper time to prepare for the orders that were presented to the Trial Court.

This entire case would have been presented and argued differently. Respondent further states the Appellant has presented new evidence to the Court of Appeals. However under the law of de novo the appellate court can order a new trial based on information and/or evidence that was not discovered or disclosed at the time of trial.

CR 59(a),(1-4), CR 60(a),(3)(4),(11). Law De novo, RP pages 96-139, 140 lines 6-25, 155, lines 21-25, 195 lines 12-22, 196 line 8 - 205 line 20. Page 207 line 4 – 208 line 20. CP; 2, 3, 7, 16, 27, 35, 39, 63, 99, 110, 126, 147, 150, 173.

6. Respondent states that the Appellant has not perfected the record. The Appellant perfected the record to the very best of his ability and is not in any way attempting to waste the court's time on frivolous matters. The Appellant is on a fixed disability income and had to pay 3.00 per page of the court transcripts in addition to the filing fees and clerks papers. Appellant did his best to provide as much information as he could afford and was advised to pay for the transcripts that best support this matter and the respondent can purchase additional transcripts by a court authorized transcriber at her own expense. Appellant

went to Trial Court prepared to defend entirely different orders than he was served with in the court room. CR 59(a),(1-4), CR 60(a)(3),(4),(6),(11), CR 5, Respondent's brief page 4 lines 15- 17. Report of proceedings, Law De novo.

7. Respondent states that the appellant has not shown abuse of discretion, however the trial court adopted all the Respondent's proposed orders without considering the appellants proposed orders which were presented before the court. (With the exception of the findings of facts which the Appellant inadvertently overlooked.) Throughout the trial, the appellant and his witnesses were silenced by the court on issues he was attempting to present to the Court. RP 96-139, 179 line 21- 186 line 12, 190 line 9 - 191 line 9, 193 line 13- 205 line 20, 208 lines 14-20. CP 2, 3, 4, 7, 16, 18, 19, 20, 21, 22, 23, 24, 27, 28, 30, 55, 63, 99, 110, 120, 126, 147, 148, 149, 150, 173, 174. CR 59(a),(1-4), CR 60(a),(1),(3),(11), Law De novo.

8. Respondent quotes the Trial Court's decision to order an Anti-Harassment order against the Appellant based on emails. However, Appellant has never threatened, harassed, harmed,

nor attempted to harm the Respondent or children. Further, the Trial Court only enforced this order keeping the Appellant away from the Respondent's place of employment. Respondent also proposed that the Appellant be restricted from her home while ordering the Appellant to commence his parenting times by picking the children up from her residence, thus placing the Appellant in clear violation of the Harassment order. Appellant has never attempted to contact Respondent's Employer nor harassed the Respondent whatsoever. pages 60-85(regards CP 132) page 179 line 21- 181 line 16, page 193 line 13- 194 line 16, page 208 lines 14-20. CP 2, 3, 4, 7, 9, 16, 18, 19, 20, 21, 22, 23, 24, 27, 30, 35, 38, 39, 46, 63, 95, 99, 110, 120, 126, 132, CR 59(a),(1-4), CR 60(a,b),(1),(3),(11), CR 5  
Law De novo.

**Please Note: The Respondent has continually harassed the Appellant by filing CPS referrals and Child welfare checks against the Appellant to the Oregon DHS offices, attempting to prove him unfit after teaming up against him with the appellant's first wife Katherine Martin who lives in Milwaukie Oregon. Katherine was caught leaving her 4 and 6 year old children**

home alone by the appellant and Oregon City Sheriff deputy Jesse Unck, on August 31, 2012.

Rebecca's complaint was reported by Officer Nicholas Woodard of the Longview PD. (incident # L12-24939 on 10-17-12.)

Furthermore, the appellant has received several letters and emails from the respondent asking him to respond to her emails as well as sending him harassing letters threatening contempt. This includes statements that he has violated his parenting plan by leaving his younger children with his older children whom are 15 and 13 years of age. This has never happened. The Appellant has not seen his older children since Aug. 31, 2012, when the above mentioned incident took place. This is due to their mother not taking the children to the Clark County Sheriff's office where the exchanges are ordered to take place. These letters only prove the harassment stems from the Respondent not the Appellant. CR 59(a),(1-4), CR 60,(a),(3),(11), Law De novo.

9. Respondent addresses the marital debts and defends the Trial Court decision. However she does not mention the fact that she made several credit card purchases without the Appellant's knowledge and took extravagant trips that the

Appellant was not invited to attend using her credit cards that were in her name only. Further, she fails to mention that she had a premeditated plan to leave the Appellant and hold him financially responsible for her student loans once she was enrolled into college, as she left the marital home only 3 weeks after enrolling into East/West College of Massage Therapy. She also mentions earlier in her brief that the emotional and financial interests are best served by finality (for herself), yet fails to mention that she has remarried as of June, 2012, has a larger earning potential than the Appellant and has a dual income family while the Appellant is on a fixed disability income. She also fails to mention that the marital home had a negative equity at the time she left which it currently holds today. Further on this issue, the parties did refinance the marital home in 2007. At which time the equity was pulled out to pay off the respondent's credit card debt from her previous marriage. This fact was brought to the Trial Court's attention however the respondent denies this fact yet fails to provide any information as to what the equity monies were used for. The Trial Court also refused to acknowledge this fact. The Respondent fails to mention that she was in complete control of the finances and

had written financial rules as well as several other pages of rules that she expected the appellant to follow. Further, the marital home was not repaired in any manner at that time although it was in need of repairs because of the very fact. Had the appellant been properly served then this issue would have been addressed differently in trial.

RP pages 145 line 25 – 160 line 25, 162 lines 4-20, 165 line 21-194 line 22- 197 line 23, CP 35, 39, 55, 147, 148,149,173,174  
Of the \$32,000 debt, \$13,000 is attributed to the respondent's student loans the majority of which were incurred after the parties legal separation in Oct, 2010. All of the Respondent's credit cards were in her name solely and the Appellant had no authorization to use these cards. The Respondent also prohibited the Appellant from viewing her credit card statements by hiding them and throwing a fit when the Appellant would ask questions about the issue. To date, the Respondent has never revealed her full credit card statements or purchases made prior to the trial to the Court or Appellant. The judgment serves a severe financial burden on the appellant. RP pages 194 line 22 - 207 line 14. CP 35, 39, 55, 63, 100, 102, 148, 149, 173, 174. CR 59(a),(1-4), CR 60(a,b),(1),(3),

(6),(11), CR 5(a),(2),(a,b),(4),(g)

10. Respondent states the Court made no error when incorporating her parenting plan. However, Appellant was never served any copies of the respondent's proposed orders prior to the trial date. Appellant was served in the court room just moments before the Trial commenced. This parenting plan was completely different than any other parenting plan previously filed with the court and served upon appellant. Appellant built his defense and based his witness's testimonies on previously filed orders as no new orders were served to him. Up until the trial date, every proposed parenting plan was filled with restrictive language in effort to force supervised visitation upon the appellant. This created an unjust trial for the appellant because the Trial Court became frustrated with the questioning from the appellant and testimony from his witnesses. After the trial court called the appellant's doctor Paul Jacobsen and dismissed his testimony, the appellant realized that the Trial Court might be looking at completely different orders than the appellant was prepared for. The parenting plan issues need to be addressed for many reasons;

- A. Respondent is well aware of the appellant's residential schedule and times thereof. She purposely arranged for the times to line up and is now asking the Court of Appeals to uphold orders that consistently cause the appellant to be late picking up his children because she does not take into consideration the court ordered times.
- B. Trial Court ruled that 2 weeks in the summer is too long for the children to be away from their primary residence. However, under the current parenting plan, the children go 3 to 4 weeks without spending any time with their father. This has been the case around the holidays for the last 2 years in a row and needs to be corrected.
- C. The parenting plan needs to stipulate a regular phone schedule to where the children regularly communicate with their father. The mother stands next to the children and won't allow the children to freely talk with their father or she encourages the children to say they don't want to talk.
- D. The language in the parenting plan should be modified so that the children are not missing time with their father during school breaks by having them ordered to be home on the Sunday before school resumes rather than the day before

school resumes. These issues would have been addressed if appellant had proper time to review the Respondent's orders prior to trial. RP page 208 - 212.

RP pages 47-58(regards CP 126.), page 208 lines 14-20.

CP 2, 3, 4, 7, 9, 16, 18, 19, 20, 21, 22, 23, 24, 27, 30, 35, 38, 39, 46, 63, 95, 99, 110, 120, 126, CR 59(a),(1-4), CR 60(a,b),(1),(3),(11) CR 5(a)(2)(a,b) Law De novo.

11. The Child Support order that is in effect serves a severe hardship on Appellant. The Appellant is not being allowed a deviation based on the amount of support he is ordered to pay for both sets of his children. Social Security is paying over \$400 per month to each mother for disability dependency benefits on the father's behalf for the children. This amount is \$100 per month higher than when this order first became effective on 12-22-11, and higher than the Standard calculation for the appellant's Social Security income. Therefore, the only income the appellant should be paying out of pocket expenses on is his Carpenter's pension. This fact is not being taken into consideration at this time. Creating yet another financial hardship to the appellant. Furthermore, the Appellant and

Respondent agreed that the Respondent would be able to claim both children for tax exemption purposes in lieu of the appellant not being held financially responsible for any expenses regarding home schooling (which should have included daycare).

However, in the Respondent's child support order, she placed daycare expenses against the appellant and is attempting to have an additional \$500 per month enforced against the appellant while it is her parents Rick and Chris Styffe, her Husband Dale Bamberg, and his sister Melanie watching Emilia and Annike whom are the children regarding this matter. In addition to claiming \$6,800 per year in child tax credits while the appellant is paying well over 50% of the children's upbringing. This matter needs to be reviewed and corrected by the appellate court. This agreement has been null and void since April 2012, when Respondent began charging appellant for daycare expenses in addition to claiming both children as dependents. Especially because the appellant is medically retired on a fixed disability income and is readily available to care for his children while the Respondent works. Further, Appellant is adamantly against homeschooling at all since the Respondent took it upon herself to change the children's religious doctrine and beliefs

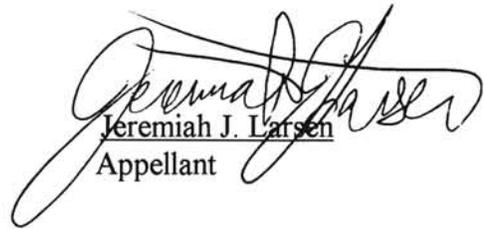
without any regard, communication, or consent whatsoever from their father. Our children should be immediately placed in public school. Again if the Appellant had been properly served, this matter would have been further discussed in trial. However, the Appellant was caught off guard by orders that were never served upon him until in the Court room on the day of the trial page 208 lines 14-20. CP 7, 9, 16, 18, 19, 20, 21, 22, 23, 24, 35, 39, 63, 95, 99, 110, 120, 126, CR 59(a),(1-4), CR 60(a,b),(1), (3),(11), CR 5(a)(2)(a,b), Law De novo.

12. The Child Support matter was brought before Honorable Michael Evans in Cowlitz County Washington on November 2, 2012. Judge Evans declined to make a ruling based on the fact that there was appeal already in motion regarding this matter. CR 59(a),(1-4),(9), CR 60(b),(1),(3),(4),(6),(11),CR 5(a),(2),(a,b),(4),(g), Law De novo. Child support order attached to Notice of Appeal.

In conclusion, these matters need to be seriously addressed and corrected. The Appellant is seeking relief from the Appellate Court by either ordering a new trial where the appellant has proper time to

prepare for the orders that are being presented to the court. Or by amending the current orders that are unfair, unjust and inequitable which create a financial burden against the appellant.

Under the Laws of perjury in the State of Washington I hereby testify that the statements here are true and accurate to the best of my knowledge.

  
Jeremiah J. Larsen  
Appellant

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DIVISION II  
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STATE OF WASHINGTON  
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DEPUTY

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STATE OF WASHINGTON

BY \_\_\_\_\_  
DEPUTY

**Superior Court of Washington  
County of Cowlitz**

In re: The marriage of

Rebecca A. Larsen

and

Jeremiah J. Larsen

Petitioner,

Respondent.

**Court of Appeals No. 43025-8-II**

**Return of Service  
(Optional Use)  
(RTS)**

***I Declare:***

1. I am over the age of 18 years, and I am a party to this action.
2. I served the following documents to Rebecca Larsen

Appellant's response of Respondent's brief

3. The date, time and place of service were (if by mail refer to Paragraph 4 below):

Date: \_\_\_\_\_ Time: \_\_\_\_\_ a.m./p.m.

Address: \_\_\_\_\_

4. Service was made:

by delivery to the person named  
in paragraph 2 above.

by delivery to (name)  
\_\_\_\_\_, a person of suitable age and discretion  
residing at the respondent's usual abode.

by publication as provided in RCW 4.28.100. (File Affidavit of Publication separately.)  
 (check this box only if there is a statute authorizing service by mail) by mailing a copy postage prepaid to the person requiring service by any form of mail requiring return receipt. (Tape return receipt below.) The copy was mailed on September 26, 2012.

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

Signed at (city) Vancouver, (state) Washington on (date) January 22, 2013.

  
 \_\_\_\_\_  
 Signature

Jeremiah J. Larsen  
 Print or Type Name

(Tape Return Receipt here, if service was by mail.)

=====

WEST LINN  
 5665 HOOD ST  
 WEST LINN, OR 97068-7068

01/22/2013 08:26:08 PM  
 =====

Sales Receipt			
Product Description	Sale Qty	Unit Price	Final Price
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Zone-2 Priority Mail®			
0 lb. 10.50 oz.			
* Expected delivery Friday, January 25.			
Delivery Confirmation™ service			\$ .75
%% Label #: 9505 5000 2342 3022 0002 44			
Issue Postage:			\$5.95
BEAVERTON, OR 97007			\$1.50
Zone-1 First-Class Mail®			
Large Envelope			
0 lb. 4.00 oz.			
* Expected delivery Thursday, January 24.			
Certified Mail™			\$2.95
Return Receipt (U.S. Mail)			\$2.35
%% Label #: 7196 9010 1850 4002 1318			
Issue Postage:			\$6.80
Total:			\$12.75



Track/Confirm - Intranet Item Inquiry - Domestic

**Tracking Label: 9505 5000 2342 3022 0002 44**

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<b>Origin</b>	<b>ZIP Code:</b> 97068-7068	<b>City:</b> WEST LINN	<b>State:</b> OR

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**Class/Service:** Priority Mail Delivery Confirmation  
Service Calculation Information

**Service Performance Date**  
 Scheduled Delivery Date: 01/25/2013

**Postage:** \$5.20

**Zone:** 02

**PO Box?:** N

**Rate Indicator:** Single-Piece Rate

<b>Special Services</b>	<b>Associated Labels</b>	<b>Amount</b>
USPS Tracking/Delivery Confirmation	9505 5000 2342 3022 0002 44	\$0.75

950 Broadway Ste 300

Event	Date/Time	Location	Scanner ID
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ARRIVAL AT UNIT	01/26/2013 08:41	TACOMA, WA 98413	030SHS00FZ
	<b>Input Method:</b> Scanned		
DEPART USPS SORT FACILITY	01/25/2013 01:40	PORTLAND, OR 97218	
	<b>Input Method:</b> System Generated		
	<b>Dispatch Label ID:</b> DS1442001444130125034757		
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	<b>Input Method:</b> Scanned		
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	<b>Finance Number:</b> 409136		

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**Tracking Label: 7196 9010 1850 4002 1318**

<b>Destination</b>	<b>ZIP Code:</b> 97007	<b>City:</b> BEAVERTON	<b>State:</b> OR
<b>Origin</b>	<b>ZIP Code:</b> 97023-7023	<b>City:</b> ESTACADA	<b>State:</b> OR

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**Class/Service:** First-Class Certified Mail

Service Calculation Information

**Service Performance Date**  
Scheduled Delivery Date: 01/25/2013

**Weight:** 0 lb(s) 4 oz(s) **Postage:** \$1.50

**Delivery Option Indicator:** Normal Delivery **Zone:** 01

**Rate Indicator:** SINGLE PIECE - FLAT **PO Box?:** N

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Return Receipt	7196 9010 1850 4002 1318	\$2.35

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	<u>Request Delivery Record</u>		
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	<b>Finance Number:</b> 402832		
ACCEPT OR PICKUP (APC)	01/22/2013 20:34	WEST LINN, OR 97068	
	<b>Input Method:</b> Scanned		
	<b>Finance Number:</b> 409136		

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