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APR 12 2013
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No. 45153-1-II

**COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON**

PEDRO SANCHEZ, JR., Appellant,

and

LEILANI J. SANCHEZ, Respondent.

Opening Brief of Appellant

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6/13/13

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III. Statement of the Case

A. Facts

Parties were married in January 2006 in Texas. Clerks Papers (CP) pg 1. Mr. Sanchez had joined the United States Air Force and was stationed in New Mexico in October 2006. Report of Procedures (RP) pg 5. Subsequently, on September 1, 2007 the minor child Kaleb Sanchez was born in New Mexico while Mr. Sanchez was still stationed there.

In April, 2009, Mr. Sanchez had a permanent change of duty station to what was then called McChord Air Force Base (now called Joint Base Lewis McChord). CP pg 32. The State of Washington has been his domicile ever since that change of duty station. CP pg 32.

In July of 2009, immediately prior to Mr. Sanchez being deployed to Afghanistan in August, Ms. Sanchez went to stay with her parents for a period of time. CP pg 32, RP. She took the minor child with her. Mr. Sanchez returned from his Afghanistan deployment to JBLM for debriefing before he was granted 30 days leave. CP pg 33

Due to his wife not returning to JBLM after her visit with her parents, Mr. Sanchez went to Texas to see his wife and son. It was at this time he learned she did not want to return to JBLM or the marriage. RP pg 7. Ms. Sanchez also complained that she could not handle raising their son. CP pg 33, RP pg 7. Mr. Sanchez took his son and stayed with his mother for a month in Texas before returning to JBLM in Washington State as required by his enlistment.

Mr. Sanchez knew he would be redeployed to a location not yet determined, so he left his son with Ms. Sanchez when he returned to Washington. CP pg 33.

Over the next couple of months many discussions were had between the two parties. Those discussions led to an agreement that they would dissolve their marriage and that they would share custody of the minor child; Ms. Sanchez would have custody, while home in Washington and Ms. Sanchez would have the child while he was deployed. CP pg 33, RP pg 8.

During this same time period Mr. Sanchez learned he was going to be sent to Qatar. CP pg 33, RP pg 9. So, he contacted a Judge Advocate General (JAG) on base to do the paperwork for a dissolution action. CP pg 1-21. Ms Sanchez joined in the Petition for Dissolution. CP pg 1-6. That Petition was dated in November 2010. The minor child came to stay with Mr. Sanchez until he had to prepare for his redeployment. CP pg 32. Ms Sanchez signed the final Dissolution papers and the minor child went with Ms. Sanchez when Mr. Sanchez left for Qatar in March 2011. CP pg 17, CP pg 12. The marriage was dissolved while Mr. Sanchez was in Qatar. Upon Mr. Sanchez returning from Qatar in November 2011, he went to Texas to pick up his son. RP pg 10. He went to Ms. Sanchez' apartment and to her parents house, but could not locate his son. CP pg 33-34. He sought counsel in Texas to enforce his Washington Parenting Plan. CP pg 34. He then learned Ms. Sanchez had also obtained counsel. CP pg 34. It was then that the Texas Agreed Order was entered into that gave each party 6 months time with the child. CP pg 34.

Mr. Sanchez returned to Washington State with his child in November 2011. CP 36-39. Then, in March 2012, Ms. Sanchez brought a Motion to Vacate the Final Parenting Plan entered March 23, 2011. CP pg 22- 31. Rather than Vacate, the Court ordered the Texas agreement be followed and the child went with Ms. Sanchez to Texas. CP pg 40-44. At the end of August, while Mr. Sanchez was in Texas to pick up the child, Ms. Sanchez filed a Petition for Modification. CP pg 69-78. There was subsequently an Order entered maintaining jurisdiction in Washington State but allowing Texas to make a decision regarding temporary Orders. CP pg 89. Mr. Sanchez was denied the return of his son, and now has no visitation except in Texas.

Mr. Sanchez was never served with the Petition for Modification and Ms. Sanchez never attended the parenting Seminar before bringing her Motion for Affirmative relief as required. CP pg 12, A2 pg 3. Ms Sanchez's attorney withdrew and neither Ms. Sanchez nor anyone on her behalf appeared for trial. CP pg 95. It was later learned that there had been a conversation between the Texas Court and the Washington Court and there was a verbal agreement to reverse the Washington Order retaining Jurisdiction with no notice given to counsel. Counsel for Mr. Sanchez prepared an Order moralizing the Court's sua sponte reversal and filed this appeal. CP pg 96.

Procedural History

Mr. Sanchez filed a Petition for Dissolution with Ms. Sanchez joining in that Petition on December 20, 2011. CP pg 6. On March 23, 2011, the Dissolution was finalized and a Parenting Plan was entered naming Mr. Sanchez as the primary residential parent. CP pg 7-12. There was an additional findings placed on the Parenting Plan which denies the Respondent, Ms. Sanchez, from any Affirmative Relief because she had not taken a Parenting Seminar CP pg 11. To this date, she still has not taken a parenting Seminar as reflected in the case docket. A-1 pg 1-3.

On March 14, 2012, Ms. Sanchez, through her attorney, filed a Motion to Vacate the Final Parenting Plan. CP pg 22-31. After hearing argument on Ms. Sanchez' Motion, the Court denied the Motion and ordered the parties to follow an Agreed Order signed in Texas. CP pg 40-41 and CP pg 36-39. The Motion on Jurisdiction was then scheduled by Ms. Sanchez to argue again that the Washington Court lacked jurisdiction to enter the Original Parenting Plan again. The Court denied the Motion to Vacate and found that the Washington Court had jurisdiction and refused to vacate the original Final Parenting Plan. CP pg 67-68.

Counsel for Ms. Sanchez then filed a Petition for Modification August 9, 2012 and a Motion to Modify on August 12, 2012. CP pg 69-78 and CP pg 79-88. Counsel never served Mr. Sanchez, CP pg 95, and never noted the matter for hearing. Mr. Sanchez' attorney never received a copy from Counsel, never received a Note for Motion document, merely a phone call saying she was seeking ex parte relief.

Absolutely none of the procedures were followed to have this matter heard including properly noting the matter for a UCCJEA (Uniform Child Custody Jurisdiction Enforcement Act) Hearing. The Court then scheduled a hearing for August 29, 2012, after the child was already to have been returned to Mr. Sanchez. A-2 pg 1-3. The Court entered an Order that the Modification action would remain open in Pierce County, Washington. CP pg 39-39, A-2 pg 3.

Mr. Sanchez again took a Parenting Seminar and Ms. Sanchez did not. See Appendix and minute Order dated November 2, 2012. Evidently, Counsel for Ms. Sanchez withdrew in October of 2012, although no notice was sent to Mr. Sanchez' Counsel. Mr. Sanchez prepared for trial, and on the day of trial neither Ms. Sanchez nor her Counsel appeared. CP pg 95. The Modification action started by Ms. Sanchez was dismissed for non-appearance and for lack of service on Mr. Sanchez CP pg 95.

In June 2012, Counsel for Mr. Sanchez Noted a Motion to Present an Order moralizing a clerk's minute note that the Judge had entered without notice to either party which denied jurisdiction in Pierce County, Washington. CP pg 96. This decision was made sua sponte without any input from Mr. Sanchez. Mr. Sanchez appeals that Order.

Assignments of Error

1. Trial Court erred in Ordering that Pierce County, Washington did not have Jurisdiction.

2. Trial Court erred in hearing any motions regarding the Parenting Plan and Affirmative Relief brought by the Respondent.

Issues Pertaining to Assignments of Error

- I. Did the Trial Court abuse its discretion by transferring Jurisdiction to another State without allowing the Appellant an opportunity to be heard?

Assignment of Error #1

- II. Did the Trial Court improperly transfer Jurisdiction to Texas when the initial Parenting Plan was entered in Pierce County, Washington, and a party still resides here and the child was only in Texas at the time pursuant to a Parenting Plan entered in Washington?

Assignment of Error #1

- III. Did the Trial Court improperly allow a Petition for Modification to be heard when the prior Order of the Court denied any Affirmative relief to a party until that party took certain action which was not taken?

Assignment of Error #2

IV. Did the Trial Court err in granting any Relief to the Petitioning party when that party has failed to perfect service?

Assignment of Error #2

Argument

Issue I

The Trial Court entered in the clerk's minutes a ruling that the Court was transferring jurisdiction to the Texas Court in Nueces County, Texas. Mr. Sanchez was denied due process by not being informed of the hearing being held, much less that a decision of the Court had been made. Mr. Sanchez was entitled to due process of law when a decision was being made with regard to the custody of his child. Such rights have long been recognized as "sacred". In re Hudson 13 Wn.2d. 673,678 (1942). Division III of this Court has stated that such rights are "more precious to many people than life itself." In re Marriage of Ebbinghausen, 42 Wn. App. 99,102 (1985); In re Akers, 22 Wash App. 749, 754 (1979). In re Gibson, 4 Wn. App. 372, 379 (1971).

Parental rights have also been categorized as a "liberty" protected by the due process clause of the Fourteenth Amendment. In re Marriage of Ebbinghausen. Supra 42 Wn. App. at 103, citing. Meyer v. Nebraska, 262 U.S. 390, 399 (1923); In re Akers, Supra. 22 Wn. App. At 753 (quoting In re Luscier, 84 Wn.2nd 135 (1974)).

Mr. Sanchez was denied his due process rights under the United States Constitution and the Washing State Constitution. U.S. Const. amend. 14. Wash. Const. art.1, sec 3.

Up until the point of the Court holding a private ex parte conversation with the Texas Judge, the Court had upheld the jurisdiction of Washington State as it having previously entered a custody determination. Mr. Sanchez could have produced medical records showing the care of the child in Pierce County Washington. RP pg 37, line 22-23.

Mr. Sanchez should have had an opportunity to present evidence of the care and contacts his child had with this State while in his care.

Issue II

The parties entered into an agreed Petition for Dissolution in Pierce County, Washington where Mr. Sanchez was domiciled while serving in the United States Air Force. Mr. and Mrs. Sanchez had moved here from New Mexico as a result of his permanent change of duty orders. (Meanwhile Ms. Sanchez left for Texas with the child after a few months in Washington).

Washington had Jurisdiction to enter the Decree of Dissolution pursuant to Mr. Sanchez' domicile in Washington State and intent, in fact Military Orders, to remain residing in this State.

This Court properly entered the Decree and supporting documents based on her consent to jurisdiction, and Mr. Sanchez domicile.

Jurisdiction to enter the Decree and decide on custody was properly before this court. In order for a court to have jurisdiction to terminate the marital status, and have the decree entitled to full faith and credit, the state must have a sufficient nexus with the marriage. Domicile provides the required nexus. Williams v. North Carolina, 317 U.S. 287, 87 L. Ed. 279, 63 S. Ct. 207 (1942); In re Marriage of Ways, 85 Wn.2d 693, (1975).

RCW 26.09.030 uses the term resident, but residency has been construed as meaning domicile. In re Marriage of Strohmaier, 34 Wn. App. 14, 659 P.2d 534 (1983). Domicile is residence in fact, or physical presence and the present intent to make a place one's home. Id.; Stevens v. Stevens, 4 Wn. App. 79,480 P.2d 238(1971). The 1996 amendments to RCW26.09.030 allow either a resident or a spouse of a resident to petition for dissolution, so even a non-domiciliary may petition for dissolution, as long as one party is a resident. This residency requirement satisfies the requirement that one party be domiciled in the state and provides a sufficient nexus for subject matter jurisdiction and the accompanying right to full faith and credit. In re Marriage of Ways, 85 Wn.2d at 700.

The Respondent tries to get around the fact that she agreed to the custody arrangement by claiming this Court did not have jurisdiction under the Uniform Child Custody Jurisdiction Enforcement Act. This ignores the fact that she consented. Respondent appeared and consented. Respondents acquiesces granted Pierce County Superior Court in personam jurisdiction over both parties even though that is not required.

In personam jurisdiction over both spouses is not required in a divorce action. Williams v. North Carolina, 317 U.S. 287,87 L. Ed. 279, 63 S. Ct. 207 (1942).

If the respondent has received notice and the opportunity to be heard, the decree is entitled to full faith and credit, so long as one party is domiciled in the decree, state. Id. (constructive service used to serve nonresident defendant in divorce action). The divorce action can proceed even though there is no in personam jurisdiction to adjudicate matters such as a property division.

See, generally, In re Hudson, 35 Wn. App. 822, 824, 670 (1983). (Washington court adopted the opinion of the Indiana court, In re Marriage of Hudson, 434 N.E.2d 107 (Ind. App. 1982), cert. denied, 459 U.S. 1202 (1983), that ruled on the dissolution and custody issues even though there was no in personam jurisdiction over one spouse).

If a respondent nonresident appears and participates in the divorce action, the validity of the divorce decree may be protected from collateral attack in another state under Sherrer v. Sherrer, 334 U.S. 343, 92 L. Ed. 1429, 68 S. Ct. 1087 (1948).

The Hudson case is interesting in that our Court upheld the Indiana Court's custody determination even when there was not a 6 month residency prior to the filing of the action.

Issue III

In the original Parenting Plan there was an additional condition precedent added that the respondent could not seek affirmative relief until she had completed a parenting seminar. CP pg 11. Mr. Sanchez brought this condition precedent to the attention of the court when Mr. Sanchez sought relief by a motion to vacate. RP pg 9 lines 12-20. The condition precedent was applied as allowed pursuant to Pierce County Local Special Proceedings Rules PCLSPR 94.05(g). While the court did not address that condition precedent in denying Ms. Sanchez's Motion to Vacate, Mr. Sanchez's counsel was put on notice that it was an issue in this matter.

Subsequently, Mr. Sanchez filed a Petition for Modification in Pierce County, Washington and nowhere else. Ms. Sanchez still did not take a parenting seminar, and should have been denied relief.

Unfortunately because the court did not allow parties to participate in the hearing transferring jurisdiction, Mr. Sanchez was unable to once again raise this point with the court. No relief should have been allowed Ms. Sanchez on her Petition without her satisfying the condition precedent, or without serving Mr. Sanchez. Counsel has not found any case law on PCLSPR 94.05.

See, generally, Walter Implement, Inc., v. Focht, 107 Wn.2d 553 (1987) (contract condition precedent) Daggs v. Seattle, 110 Wn.2d 49 (1988) (condition precedent for tort claims); Tacoma North Park, L.L.C. v. N.W., L.L.C., 123 Wn. App. 7 (2004) (contract condition precedent).

Issue IV.

Not only was Ms. Sanchez' Petition for Modification improperly heard due to her failure to satisfy the condition precedent pursuant to PCLSPR 94.05(g) she, also failed to obtain personnel service on Mr. Sanchez. As the record indicates, Mr. Sanchez was not served with any Summons or Petition for Modification either in Washington or Texas. The Court in In re Marriage Markowski, 50 Wn. App. 633 (1988) held that where there was not personnel service of the Summons and Petition that the court reversed and remanded the case because it lacked personnel jurisdiction over the Respondent. Supra at pg 635.

In Mr. Sanchez' case there was never any service whatsoever, therefore no hearing should have been held to determine jurisdiction under the UCCJEA. In fact, in In re the Marriage of Corrie, 32 Wn. App. 592 (1982) the court stated "the original custody decree is valid until superseded by a validly entered and finalized modification of custody order." RCW 26.27.120 "a court not only has the right, but it has a duty to make its decrees effective and prevent evasions thereof.

"Citing Goodsell v. Goodsell 138 Wn. 2d 135, at 138 (1951). The Superior Court entering the decree had the authority to enforce it, until such time as it was validly and effectively modified. RCW 26.09.060; State ex rel. Jiminez v. Superior Court, 24 Wn.2d 194 (1945);

"Therefore, absent any notice of any Modification of the Dissolution Decree, the court could proceed and enforce its own prior orders." In re the Marriage of Corrie, supra. at 596-597.

In this case, Ms. Sanchez agreed to jurisdiction and agreed to the Parenting Plan that was initially entered at the time of the initial dissolution. Additionally, Ms. Sanchez agreed to a subsequent "modified" parenting plan that was entered in Pierce County Superior Court less than one year prior to her alleged Petition for Modification. Agreed Parenting Plans are permitted pursuant to RCW 26.09.181(4) (the parents may make an agreed parenting plan) In re Marriage of Wilson, 117 Wn. App. 40, 46 (2003). Until she properly files and serves a Petition for Modification, and properly notes a formal UCCJEA jurisdictional hearing so that the parties may present evidence on the proper jurisdiction, she should be estopped from attempting to modify the agreed parenting plans that were entered with her agreement. Ms. Sanchez has never served Mr. Sanchez with a Petition to Modify either in Washington or Texas.

Summary of Argument

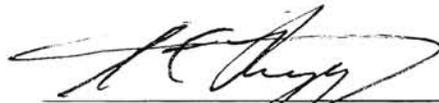
The trial court violated Mr. Sanchez's right to due process by not giving him notice and opportunity to be heard in the State where the initial custody decree had been entered prior to the court transferring jurisdiction. The trial court improperly transferred Jurisdiction to Texas when the initial parenting plan was entered in this State by the parties and a subsequent agreed parenting plan was once again filed in this State, and there was never a hearing to allow the introduction of evidence concerning the child and his contacts in the State of Washington.

The trial court improperly allowed the Petition for Modification to go forward when there was neither service on Mr. Sanchez nor satisfaction of a condition precedent entered by the court in the prior agreed parenting plan.

Relief Requested

Mr. Sanchez respectfully requests that this court reverse the order transferring jurisdiction to the State of Texas; to determine the last agreed parenting plan entered in Pierce County Superior Court is the current and valid parenting plan entitled to fully faith and credit unless and until proper procedures are follow initiating a modification action.

Respectfully Submitted,



Theodore Rogge, WSBA#20317
Attorney for Appellant Pedro Sanchez, Jr.

Appendix

Pierce County Superior Court Civil Case 10-3-04539-1

Case Title: PEDRO SANCHEZ JR VS. LEILANI J SANCHEZ
 Case Type: Dissolution with Children
 Access: Public
 Track Assignment: Modification of Custody
 Jury Size:
 Estimated Trial Length:
 Dept Judge: FAMILY COURT - 1
 Resolution: 03/23/2011 Uncontested Resolution
 Completion: 03/23/2011 Judgment/Order/Decree Filed

Litigants

Name	Type	Status
SANCHEZ, PEDRO JR	Petitioner	
Attorney for SANCHEZ, PEDRO JR THEODORE C. ROGGE	Atty for Plaintiff/Petitioner	Bar Number 20317
SANCHEZ, KALEB PEDRO	Minor	
SANCHEZ, LEILANI J	Respondent	

Filings

Filing Date	Filing	Access	Pages Microfilm
12/20/2010	FILING FEE RECEIVED \$280.00	Public	
12/20/2010	<u>CASE INFORMATION COVER SHEET</u>	Public	1
12/20/2010	<u>ASSIGNED TO RONALD E. CULPEPPER</u>	Public	1
12/20/2010	<u>PETITION FOR DISSOLUTION W/JOINDER</u>	Public	6
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Proceedings

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03/23/2011	C4 - EXPARTE CALENDAR (Rm. 105) Confirmed 10:18 Exparte Action	Uncontested Resolution
04/22/2011	DEPT 17 - JUDGE CULPEPPER (Rm. 210A) Confirmed 9:00 Assignment to Set Trial Date	Cancelled/Stricken
03/30/2012	DEPT 17 - JUDGE CULPEPPER (Rm. 210A) Confirmed 9:00 Motion - Vacate	Motion Held Working Copies Provided
Scheduled By: Kathleen Forrest		
06/08/2012	DEPT 17 - JUDGE CULPEPPER (Rm. 210A) Confirmed 9:00 Motion(Other: UCCJEA)	Cancel via Web-Rescheduled
Scheduled By: Kathleen Forrest		
06/15/2012	DEPT 17 - JUDGE CULPEPPER (Rm. 210A) Confirmed 9:00 Motion(Other: UCCJEA)	Motion Held
Scheduled By: Kathleen Forrest		
06/29/2012	DEPT 17 - JUDGE CULPEPPER (Rm. 210A) Confirmed 9:00 Motion	Motion Held Working Copies Provided
08/15/2012	C4 - EXPARTE CALENDAR (Rm. JC1) Confirmed 9:19 Exparte Action	Held
08/21/2012	DEPT 17 - JUDGE CULPEPPER (Rm. 210A)	Motion Held

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06/29/2012	Confirmed DEPT 17 - JUDGE CULPEPPER (Rm. 210A) Confirmed 8:30 UCCJEA hearing	8:30 Motion	Heid
11/02/2012	FAMILY LAW COURT - ONE (Rm. 833) Confirmed 1:30 Noncompliance Hearing		Fail to Appear-Party(ies)
03/18/2013	DEPT 17 - JUDGE CULPEPPER (Rm. 210A) Unconfirmed 2:50 Status Conference		Status Conf Held
04/11/2013	DEPT 19 - JUDGE LEE (Rm. 304) Confirmed 3:00 Settlement Conference		Cancelled/Stricken
04/18/2013	FAMILY LAW COURT - ONE (Rm. 531) Confirmed 9:00 Trial		Dismissed
06/28/2013	FAMILY LAW COURT - ONE (Rm. 531) Unconfirmed 9:00 Motion - Presentation		Cancelled - Not Confirmed
Scheduled By: THEODORE ROGGE			
07/08/2013	DEPT 17 - JUDGE CULPEPPER (Rm. 210A) Confirmed 9:57 Exparte Action		Ex-Parte w/ Order Held
07/26/2013	FAMILY LAW COURT - ONE (Rm. 531) Unconfirmed 9:00 Motion(Presentation)		Cancel via Web-Issue resolved
Scheduled By: THEODORE ROGGE			

Original Case Schedule Items

Event Schedule Date

Judgments

Cause # Status Signed Effective Filed

This calendar lists Confirmed and Unconfirmed Proceedings. Attorneys may obtain access rights to confirm/strike selected proceedings. Currently, any proceedings for the Commissioners' calendars can be stricken, but only Show Cause proceedings for the Commissioners' calendars can be confirmed.

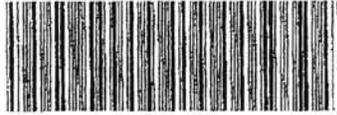
Unconfirmed Proceedings will not be heard unless confirmed as required by the Local Rules of the Superior Court for Pierce County.

- Hearing and location information displayed in this calendar is subject to change without notice. Any changes to this information after the creation date and time may not display in current version.
- Confidential cases and Juvenile Offender proceeding information is not displayed on this calendar. Confidential case types are: Adoption, Paternity, Involuntary Commitment, Dependency, and Truancy.
- The names provided in this calendar cannot be associated with any particular individuals without individual case research.
- Neither the court nor clerk makes any representation as to the accuracy and completeness of the data except for court purposes.

Created: Monday February 17, 2014 10:54AM

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10-3-04539-1 39112963 CME 08-31-12



IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

PEDRO SANCHEZ JR
Petitioner(s)

Cause Number 10-3-04539-1

MEMORANDUM OF JOURNAL ENTRY

vs

Page 1 of 3

LEILANI J SANCHEZ
Respondent(s)

Judge/Commissioner RONALD E CULPEPPER
Court Reporter KARLA JOHNSON
Judicial Assistant/Clerk: ANGELA EDWARDS

SANCHEZ, PEDRO JR
SANCHEZ, LEILANI J
SANCHEZ, KALEB PEDRO

THEODORE C ROGGE
Kathleen Ann Forrest

Attorney for Plaintiff/Petitioner
Attorney for Respondent

Proceeding Set UCCJEA hearing
Proceeding Outcome Held
Resolution

Outcome Date 08/29/2012 14.30

Clerk's Scomis Code: MTHRG
Proceeding Outcome code HELD
Resolution Outcome code
Amended Resolution code

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

PEDRO SANCHEZ JR

Cause Number 10-3-04539-1

**MEMORANDUM OF
JOURNAL ENTRY**

vs

LEILANI J SANCHEZ

Page 2 of 3

Judge/Commissioner
RONALD E. CULPEPPER

MINUTES OF PROCEEDING

Judicial Assistant/Clerk ANGELA EDWARDS

Court Reporter KARLA JOHNSON

Start Date/Time: 08/29/12 1:45 PM

August 29, 2012 01:45 PM Atty Ted Rogge present on behalf of petitioner/father Atty Kathleen Forrest present on behalf of respondent/mother. UCCJEA hearing proceeds, set to determine if Washington was ever home state of child. Judge Guy Williams, Neuces County, Texas, present telephonically along with Texas attorney for father, Melody Cooper and Texas attorney for mother, Brad Condit. 01:50 PM Atty Melody Cooper, Texas attorney for father, Pedro Sanchez, addresses court; overview. 01:57 PM Atty Cooper refers to Texas code 6.604. 01:58 PM Atty Brad Condit responds to court inquiry. 01:59 PM Court assumes jurisdiction here in Washington and enforces this contract; if modification - should be heard in Washington state. 01:59 PM Atty Condit makes record in objection.; argues that child has resided in Texas for a 6 consecutve month period as per UCCJEA. 02:00 PM Atty Cooper responsive argument; parties consented to jurisdiction in March 2011; feels case in Texas should be dismissed. 02:03 PM Atty Condit resonds.

02:04 PM Judge Guy Williams inquires of court; court responds.

02:04 PM Atty Cooper responds. 02:06 PM Atty Forrest addresses court.

02:08 PM Atty Rogge responds. 02:10 PM Atty Condit addresses court

02:11 PM Atty Cooper refers to RCW 152.207 (5) 02:12 PM Judge Williams addresses court, child has medical issues, is of concern as to who would take care of if father is deployed, child needs to be stable and not moved around Judge Williams inquires of father in Texas courtroom. 02:14 PM Atty Cooper addresses court in re Rule 11 agreement filed in Wash State. 02:15 PM Judge Williams again inquires of father in Texas courtroom.

02.16 PM Court defers to Texas court if it would like to hear as child is in Texas at the time. Judge Williams accepts jurisdiction; this case in hiatus. Attorneys here in Washington will draft an order. Court decision, over objection 02.17 PM Atty Cooper addresses court; asking court to honor rule 11 agreement in re time w/ father before school starts 02:18 PM Court defers that ruling to Texas court.

02:20 PM Atty Rogge addresses court addresses txmt of child here at Madigan Army
JUDGE/COMMISSIONER RONALD E CULPEPPER Year 2012

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

PEDRO SANCHEZ JR

Cause Number 10-3-04539-1

**MEMORANDUM OF
JOURNAL ENTRY**

vs.

LEILANI J SANCHEZ

Page 3 of 3

Judge/Commissioner
RONALD E CULPEPPER

MINUTES OF PROCEEDING

Medical Center; child has been here for 5 months of last 10 months. Advises father has not been served with anything in Texas or Washington.

02:22 PM Court's ruling stands. 02:22 PM Atty Cooper addresses court; suggest this matter be set over 30 days to allow parties to look into medical issues Judge Williams addresses court; reads medical letter from Driscoll Children's Hospital, Texas. Judge Williams has no objection to having a hearing in 30 days. 02:24 PM Atty Cooper addresses court. Asking for her client to have custody of child until he has to return to Washington as he has not seen child since March. 02:26 PM Judge Williams inquires of mother (in Texas courtroom). Judge will allow visitation by father as long as it is there in Corpus.

02:28 PM Judge Williams maintains jurisdiction, will get back to us with a date. Texas court disconnects 02:29 PM Judge Culpepper directs Atty Forrest to draft an order. Washington maintains jurisdiction at this time, only deferring current rulings to Texas.

End Date/Time: 01/08/29 2:30 PM

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COURT OF APPEALS, DIVISION II
STATE OF WASHINGTON

SANCHEZ, PEDRO

Plaintiff,

And

No. 45153-1-II

SANCHEZ, LEILANI J

Defendant.

Affidavit of Mailing

I Declare:

1. I am over the age of 18 years, and I am not a party to this action.

2. I mailed the following documents : Appellant's Brief

To: Leilani Sanchez

3. The date, and mailing address for service was:

Date: February 18, 2014
Address: 3205 Halfpenny St
Corpus Christi, TX 78414

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

Signed at Tacoma, Washington, on 18th day of February, 2014.


GAYLE M. DOIRON
3211 N. 6th Ave, Tacoma, WA 98406