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Superior Case #08-2-26900-1 SEA

COURT OF APPEALS OF THE STATE OF WASHINGTON

CALISTA PHAIR

Appellant

v

MARY ALICE HEUSCHEL, et al

Respondent

REPLY BRIEF OF APPELLANTS

Certificate of Service attached

FILED
COURT OF APPEALS
STATE OF WASHINGTON
2009 OCT 22 AM 10:56

Calista Phair, pro se
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Renton, WA 98056
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I. INTRODUCTION

To the Honorable Judges, the brief of plaintiffs previously submitted is in accordance with appeal guidelines by specifically addressing the issue in question which in this matter is the dismissal of our case by summary judgment without our knowledge since the respondent's did not notify us of the hearing.

II STATEMENT OF FACTS

Attorney Linda Walton has raised a plethora of issues that have not been addressed in court, nor are they on the table at this time. We will not address them or try to explain them because she has no knowledge of what our case consists of because we were not allowed to file even a brief. Walton's references to the several motions we filed that were swiftly denied by Judge Andrea Darvis gives a glaring picture of the treatment given us from the very beginning that clearly showed we were not and would not receive a fair trial under her jurisdiction.

Therefore we filed an affidavit of prejudice against this judge. It began with our motion to have the Respondent's file the agency records which were the core of the lawsuit, which just as they have done in this case, was not timely filed. When Judge Andrea Darvis denied that motion based on Linda Walton's false statement that there were no such records, we knew then something was terribly wrong. After filing the affidavit of

prejudice against Judge Andrea Darvis, we were assigned another judge, and at some point Judge Darvis was transferred from the Seattle court to Kent court. We believe under those circumstances she and Linda Walton hurriedly dismissed our lawsuit. We believe that is why there is no record of service that holds water, and why Judge Darvis sent a generic copy of service that does not state to whom the papers were served, time of service, signature of person served, etc. Walton's statement that papers were served on Calista Phair on Friday, November 14th is a blatant lie, because Calista Phair was not even in Washington on that date, nor was anyone at that address.

It should have been a simple matter for the Respondent's to show or establish in some way that they did what they said, rather than have the judge who denied our motion for them to show proof send something in their behalf which we believe was an unethical, inappropriate action that constituted open bias in favor of the Respondent's. We filed affidavits under penalty of perjury to this extent as well, and will challenge the Respondent's to a polygraph test to establish this fact. Walton's reference that "motion for summary judgment contained a certificate of service that certified under penalty of perjury that the defendants both hand delivered motion and sent it via U.S. Mail to the plaintiffs" is indeed bogus. Every brief or motion we have ever received from Linda Walton, Perkins Coie

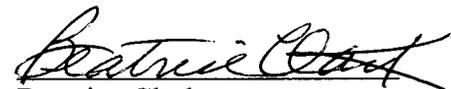
has been certified, return receipt requested, which we are ready and able to prove.

III CONCLUSION

We are only seeking justice and an opportunity to have our case heard. This can happen if the courts make a fair decision in this matter and grant us our constitutional right to a fair trial by vacating the summary judgment motion.

DATED THIS 21 of October, 2009


Calista Phair


Beatrice Clark

CERTIFICATE OF SERVICE

I the undersigned certify under penalty of perjury according to the laws of the State of Washington that I sent by certified mail a copy of Reply Brief for Appellants to Linda Walton, Perkins Coie, 1201 Third Avenue, Suite 4800, Seattle, WA 98101-3099.

Dated October 21, 2009

Signed: Calista Phair
Calista Phair