

64322-3

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FILED
COURT OF APPEALS DIV. #1
STATE OF WASHINGTON
2018 APR 16 AM 9:31

No. 64322-3

WASHINGTON STATE COURT OF APPEALS
DIVISION I

IN RE MARRIAGE OF:

DANIEL M CASEY
Appellant

and

SUZANNE E. NEVAN
Respondent.

REVIEW FROM THE SUPERIOR COURT
FOR KING COUNTY

The Honorable Judge Ponomarchuk (Pro Tem)

APPELLANT'S REPLY BRIEF

Daniel M Casey (Pro Se)
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A. Argument

The mother in her reply brief attempts to supplement the record of the court and makes only one reference to the record, and continues to make blank statements such as “I have always been Joe’s primary caregiver” but there still remains very little evidence before the court to support this claim. Testimony should include some detail of actual parenting behavior and not blank claims.

On page four of the mothers reply brief she acknowledged her “aim was to mirror the residential time “ of the father’s parenting plan of his first marriage, not to follow the criteria’s of RCW 26.09 and according to the judge (quote) the previous marriage has nothing to do with this case (RP102) “the circumstance regarding the divorces of the parties are not really relevant to this proceeding here” except to show previous parenting ability.

The Mother mentions what she believes to be the fathers “obvious bias of his words and motivation” in her reply brief. The father was only motivated by what his belief has always been, in his first marriage and in

this marriage, that children are entitled to have both parents equally involved which is why his proposed parenting plan (appendix #2 in original brief) has an almost 50/50 parenting plan.

The Mother argument on the day of trial for the father not taking the children to his work was that she wanted to avoid having the children in his office and would prefer (RP 26) “Joe home doing homework” and “being on a schedule that’s consistent”. The court did not agree and was satisfied with the children being in the fathers office.

Parties were in agreement on some of the issues in their temp parenting plans, including paragraph 3.13 when they were both left blank, which is an agreement according to the 1987 parenting act “if facts are in agreement in the parenting plan proposed”, “those agreements become stipulations for the ensuing trial”, hence the mother agreed there wasn’t an issue with the father taking their son to his work, and this issue only arose on the day of trial.

If the mother succeeds in continuing with Paragraph 3.13, it means the father will be forced to take extra time off work when he is with his son, or pay for daycare expenses etc, and since his daughters time is different, he will be forced to bring her to work more, to offset the time or to use up his vacation time before it is time to go on vacation. Which will have other obvious ramifications such as having no summer vacation.

This paragraph is a permanent restriction and doesn't apply to only the fathers current job. This issue if it was an issue should have been brought up during trial under the restrictions under RCW 26.09. 191 and place in paragraph 2.1, 2.2 or 3.10 and should not have been inserted under paragraph 3.13.

The mother would have the court believe that it was a joint decision for her to quite her high paying Job. Even though the family was now 6 people, the children were going to private school, and she was aware the father entered the marriage with a lot of debt (RP 93 Line 14, Rp 88 line 14) but good credit and at the time of the parties marriage the father had a job that paid the father only \$35,000.

The mother would have the court believe that her behavior was acceptable because there were no "supporting testimony or witnesses", even though the father testified to numerous different instances over a period of time, showing continued behavior issue of the mother.

Testimony to be stricken from the Mothers brief, the mother has added quite a bit of additional testimony to the record in her reply brief and the father requests that all the follow lines in her brief be stricken, because they are not mentioned in the trial record and the father seriously contests their accuracy.

Page 2 from the 3rd line were it states "My resignation" to line 10 were it says "closure day"
Page 3 from the 5th line were it states "Daniel left" to line the end of the page.

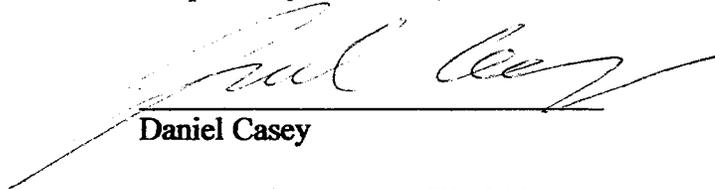
Page 5 from the 4th line were it states "I was the " to line 13 were it says "part of Joe's day"

Page 5 from the 17th line were it states "working Monday" to line 18 were it says "4:30pm"

Page 6 from line 6th line were it states "long hallways" to the line 13 were it says "of this because"

April 16th 2010

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Daniel Casey", is written over a horizontal line.

Daniel Casey

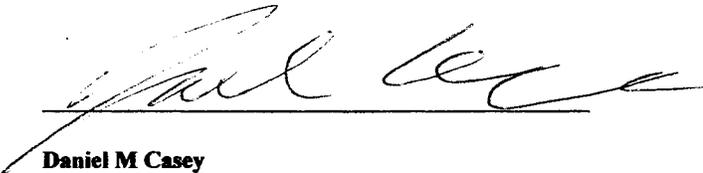
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Washington State Court of Appeals
Division I

Suzanne Nevan)
Respondent,) No. 08-3-07464-5 SEA
) No. 64322-3
v.)
)
Daniel M Casey)
Appellant.)

CERTIFICATE

I certify that I hand delivered and mailed a copy of the Appellant reply Brief and A copy of the "Verbatim report of proceedings". This hand delivered to Suzanne Nevan home (respondent, Pro Se), at 3417 41st Ave SW, Seattle, WA 98116(residence), and mailed to the same address, postage prepaid, on April 16th , 2010.



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April 16th 2010.

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