

66927-3

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NO. 66927-3

**IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION I**

IN RE: THE MARRIAGE OF:

**SUDESH S. KOTHARI
Appellant/Cross-Respondent**

and

**KUNJLATA S. KOTHARI
Respondent/Cross-Appellant**

**RESPONSE TO RESPONDENT'S BRIEF/
CROSS-RESPONDENT**

**SUDESH S. KOTHARI, PRO-SE
KCC: 211-021-921
500 5TH AVENUE
SEATTLE, WA 98104**

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AND AUTHORITIES**

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**REPLY TO RESPONDENT'S (KUNJLATA KOTHARI) RESPONSE TO
APPELLANT'S (SUDESH KOTHARI) BRIEF**

I, Sudesh Kothari, the Appellant/Cross-Respondent, acting as Pro-Se, do not have any access to legal law library, computer, or legal aid, other than pencil and paper.

I, Sudesh Kothari, the Appellant/Cross-Respondent, filed for Appeal (Appellate No. 66927-3) to void and "Stay" court rulings on the King County Superior Court Dissolution Case No. 09-3-06940-2 SEA, in favor of New Trial, based on the evidence and facts presented in the Appellant's (Sudesh Kothari) Brief, dated November 2011, that show, BEYOND DISPUTE that the Respondent/Cross-Appellant, Kunjlata Kothari, her attorney Ms. Sherri M. Anderson, and Honorable Judge Michael Fox, WILLFULLY and INTENTIONALLY, committed the following:

- (a) PERJURY
- (b) GROSS MISCONDUCT
- (c) GROSS MISREPRESENTATION
- (d) GROSS NEGLIGENCE

I, Sudesh Kothari, the Appellant, was told by my ex-attorney, Mr. Paul Beattie, that the judicial system does not have a mechanism for a mis-trial and request for NEW TRIAL other than the appeal process.

In Brief;

(A) Respondent's (Kunjlata Kothari) response dated January 30th, 2012, to Appellant's (Sudesh Kothari) brief, constitutes as further evidence to support intentional and willful Gross Misconduct, Gross Negligence, and Gross Misrepresentation by Respondent, Kunjlata Kothari, and her Attorney, Ms. Sherri M. Anderson. See Examples highlighted below.

(B) I, Sudesh Kothari, the Appellant, will NOT waste the Court of Appeal's time by replying to Respondent's (Kunjlata Kothari) response to Appellant's Brief, because sufficient facts and evidence with examples are presented in the Appellant Brief, including without limitations;

(i) Respondent's, Kunjlata kothari, Interrogatory Answers of June 2010, most notably pages 1450 to 1750; and

(ii) Respondent's, Kunjlata Kothari, Deposition Transcript (October 2010); and

- (iii) Respondent's, Kunjlata Kothari, numerous Private bank/brokerage accounts statements; and
- (iv) Respondent's, kunjlata Kothari, testimony at Dissolution Trial in December 201 (Case No. 09-3-06940-2 SEA; and
- (v) Respondent, Kunjlata Kothari, attorney Ms Sherri M. Anderson's signed declarations to court in Kothari vs Kothari Dissolution case (09-3-06940-2 SEA); and
- (vi) Respondent's, Kunjlata Kothari, brother Mr. Alkesh Mehta's testimony at Dissolution Trial November and December 2010 (case no. 09-3-06940-2 SEA); and
- (vii) Appellant's, Sudesh Kothari, attorney Mr. Paul Beattie's, Mr. Greg Davies', Ms. Cynthia Buhr's, and Mr. Carl Edward's written decantations filed in Dissolution Case no. 09-3-06940-2 SEA).

(C) I, sudesh Kothari, the Appellant plead to the Court of Appeals to waive requirement of case citations and case precedents in Appellate No. 66927-3, since it is undisputed that Respondent, Kunjlata Kothari, her attorney Ms. Sherri M. Anderson, and Honorable Judge Michael Fox, willfully and Intentionally committed Perjury, Gross Misconduct, Misrepresentation and Negligence, as

exemplified in examples of facts/evidence contained in Appellant's (Sudesh Kothari) Brief, Dissolution Trial Exhibits, and Dissolution court documents.

(D) For example, 1: There was NO Loan from Mr. Alkesh Mehta (based in London, England) on June 15th, 2007, who was ONLY returning part of hundreds of thousands of dollars that Respondent Kunjlata Kothari secretly transferred out of her Private USA numerous bank/brokerage accounts as evidence;

(i) By bank statements from Bank of America, Citibank/Smith Barney, Fidelity, TD Ameritrade, etc.; and

(ii) Respondent's, Kunjlata Kothari and Ms. Sherri M. Anderson Interrogatory and Answers, dated June 2010, see pages 1450 - 1750; and

(iii) Respondent's, Kunjlata Kothari, lying to IRS and to the Appellant (Sudesh Kothari) on their Married Filing Jointly 2007 and 2008 tax returns, incurring approximately \$12,000 and \$4,000 in tax penalties for respective years: owing to Respondent's (Kunjlata Kothari) failure to disclose the fact she owed ~\$72,000 in interest alone on her various Private USA bank accounts in 2007, which is circumstantial evidence that Kunjlata Kothari had at least over \$250,000 in Private USA Bank Accounts in 2007; and

(iv) It is undisputed, that Respondent, Kunjlata Kothari, had approximately \$260,000 in her Private USA Bank accounts on May 30th, 2007, so there was NO need for her to borrow any money, especially her Brother, Alkesh Mehta, who testified he had great difficulty coming up with the funds on June 15th, 2007, it in itself a highly disingenuous lie; and

(v) Respondent, Kunjlata Kothari, her brother, Mr. Alkesh Mehta, and Ms. Sherri M. Anderson, all testified, under oath, that the Respondent's (Kunjlata Kothari) Interrogatory Answers of June 2010 were True and Accurate, in which they claim the First Repayment as April 2009, but Citibank/Smith Barney June 2007 showed that Respondent transferred, ~\$11,000 to Mr. Dhruve and subsequently same dollar amount to Mr. Alkesh Mehta end of June 2007. In addition, there are further transfers based bank statements, from Respondent Kunjlata Kothari to Mr. Alkesh Mehta between June 2007 and March 2009, which does NOT include cash withdrawals/transfers by Respondent, Kunjlata Kothari. Again, Please Note - Banks only keep records for seven years. Therefore, the extent of dollar value secretly transferred by Respondent Kunjlata Kothari to Mr. Alkesh Mehta is limited from October 2002 to September 2009 (Divorced filed by Appellant, Sudesh Kothari, October 15th, 2009); and

(vi) Respondent, Kunjlata Kothari, disclosed to Appellant, Sudesh Kothari, in June 2010 Interrogatory Answers the existence of "Sham" Loan Agreement solely between brother (Alkesh) and sister (Kunjlata): a Grand

Deception scheme to defraud the Kothari estate of hundreds of thousands of dollars; and

(vii) Respondent, Kunjlata Kothari and Ms. Sherri Anderson Could Easily produced (100s) hundreds of pages of Respondent's (Kunjlata Kothari) numerous Private UK bank accounts and to argue at length at Dissolution Trial (December 2010) that >\$100,000 represented Respondent's (Kunjlata Kothari) "Pre-Marital" funds: why didn't Respondent, Kunjlata Kothari use part of these funds in June 2007, especially given the note of desperation in Mr. Alkesh Mehta's testimony; and

(viii) Respondent, Kunjlata Kothari, stated in her Deposition, under oath, that she had No Idea, where her brother, Mr. Alkesh Mehta, got the ~\$240,000 from prior to June 15th, 2007 — a highly disingenuous Lie, given Respondent's (Kunjlata Kothari) bank statement shows she withdrew ~\$120,000 between Q4 2003 (a year I was unemployed), in coinciding with the purchase of second home in London by Alkesh Mehta for their mother and setup of 364 Ltd. in November 2004, a Real-Estate Investment private company?

(E) Example 2: On one hand, Respondent Kunjlata Kothari and her attorney Ms. Sherri M. Anderson are "screaming" and falsely alleging that I, Sudesh Kothari, the Appellant, am "voluntarily Unemployed," whilst on the other hand, stealing and transferring over \$1 million dollars from her various Private

USA bank accounts to Mr. Alkesh Mehta (in London, England) and claiming poverty and hardship and falsely defaming Appellant's character by labeling Appellant as "Controlling." The truth is Respondent, Kunjlata Kothari, was "controlling" all the finances. For example, Respondent, Kunjlata Kothari, gave Mr. Alkesh Mehta ~\$300,000 in 2005 to invest in a highly dubious (character) Hedge Fund Manager (Mr. John Ceredella), without Appellant's (Sudesh Kothari) knowledge: A fact Respondent Kunjlata Kothari and Mr. Alkesh Mehta knew I, the Appellant, would find out if I filed divorce and another reason why Respondent (Kunjlata Kothari) did NOT want a divorce and why she falsely accused Appellant (Sudesh Kothari) of domestic violence on the night of October 18th, 2009 — two days after being notified of service of divorce papers! A cruel and evil act of vengeance by Respondent Kunjlata Kothari without any regard of the life trauma on our two gifted children, and family of Appellant, Sudesh Kothari: A fact validated by Mercer Island Police Report, dated October 18th, 2009, and Respondent's testimony under cross-examination by Appellant (Sudesh Kothari/attorney Mr. Paul Beattie). See December 2010 Report of Proceeding from Dissolution case 09-3-06940-2 SEA.

(F) Ms. Sherri M. Anderson (Respondent's, Kunjlata Kothari, attorney) committed Perjury by Lying to the Court that Respondent's (Kunjlata Kothari) Bank Statements show Mr. Alkesh Mehta sending over a million dollars (>\$1,000,000) to Kothari Estate, over the 18+ year marriage. The truth is there is NO Bank Statements and NO Records to show Mr. Alkesh Mehta sent any funds

whatsoever Before June 15th, 2007 OR AFTER June 15th, 2007. So Respondent (Kunjlata Kothari) LIED, BECAUSE THERE WERE NO LOANS and that Respondent (Kunjlata Kothari) was stealing and transferred greater than \$700,000 BEFORE June 15th, 2007 and further more than \$300,000 AFTER June 15th, 2007. THEREFORE PROOF Mr. Alkesh Mehta was ONLY returning part of the money (approximately \$240,000) on June 15th, 2007, that Respondent (Kunjlata Kothari) gave to Mr. Alkesh Mehta (her brother) for safe-keeping.

(G) Judge Michael Fox committed Perjury by Lying in his Memorandum Opinion the fact Ms. Sherri Anderson and Respondent's (Kunjlata Kothari) financial tables were PROVEN TO BE FALSIFIED by Mr. Paul Beattie during his Cross-Examination of Respondent, Kunjlata Kothari, and her brother, Mr. Alkesh Mehta; AND THE FACT NO BANK STATEMENT TO PROVE KOTHARI ESTATE greater than One Million Dollars (>\$1,000,000) from Mr. Alkesh Mehta to BALANCE the >\$1,000,000 (million dollars) Respondent's (Kunjlata Kothari) bank statements Showing (and Respondent's Interrogatory Answers dated June 2010 confirming Respondent's own declaration) that she ROUTINELY transferred tens of thousands each year from 2002 to October 2009 (banks only keep records for seven years) to her brother, Mr. Alkesh Mehta, for safe-keeping and private investment — IN A GRAND SCHEME TO CONTINUALLY DEFRAUD KOTHARI ESTATE OF HUGE SUMS OF MONEY, and then to Falsely allege that I, the Appellant, Sudesh Kothari, am "Voluntarily Unemployed" and to falsely allege

domestic violence as a LAST RESORT because I, Sudesh Kothari, the Appellant, filed for DIVORCE.

(H) Parent Evaluator, Ms. Margo Waldroup, used Respondent, Kunjlata Kothari, and her attorney, Ms. Sherri M. Anderson's, lies to produce a highly biased and FALSE Report: A serious act of Perjury, because I, Sudesh Kothari, the Appellant, was OUR CHILDREN'S PRIMARY-CARE, FULL-TIME PROVIDER from year 2002 to October 18th, 2009 (the night Respondent, Kunjlata Kothari, TORE-APART THEIR FATHER with simple, false domestic violence allegations that even the Mercer Island Police REFUTED in their report; and the fact that Commissioner Marilyn Sellers, Judge Helen Halpert and Judge Michael Fox, all concurred there was No domestic violence in our marriage — especially when Respondent, Kunjlata Kothari, confessed part of the truth, under oath, at the Dissolution Trial, December 2010. Ms. Margo Waldroup also failed to report the lies by Respondent, Kunjlata Kothari, regarding her financial dealings, which in today's society is equivalent adultery — unacceptable in ANY society.

Please Note that Ms. Margo Waldroup, as every person who testified, agreed both or children were exceptional, gifted, and confident to speak their mind, as tantamount proof that I, Sudesh Kothari, the Appellant, did an exceptional job as their Primary Care Provider for the last eight years until October 18th, 2009 — when I was Torn-Away from them.

(I) Finally, Mr. Paul Beattie (Appellant's, Sudesh Kothari, Attorney) in his "Strict Reply" to Ms. Sherri Anderson's Contempt Motion on subject of CGT Corporation and Appellant's Interrogatory answers, **PROVED BEYOND DISPUTE THE GROSS INTENTIONAL MISCONDUCT, NEGLIGENCE, MISREPRESENTATION** by Ms. Sherri M. Anderson, as an officer of the court — **A FACT JUDGE MICHAEL FOX IGNORED, WILLFULLY, WHY?**

(J) It is fact, that all three mortgages (~\$160,000) on the following properties:

- (a) Condo Unit 103 80th Avenue S.E.
- (b) Condo Unit 515 Mercer Island, WA 98040
- (c) Issaquah Home 22125 S.E. 165th Street
Issaquah, WA

would have been **PAID-OFF in FULL** by 2007, if the Respondent, Kunjlata Kothari, had **NOT** stolen and transferred greater than Seven Hundred Thousand Dollars (\$700,000) before December 2007, to Mr. Alkesh Mehta, **WITHOUT MY KNOWLEDGE.**

The Kothari estate would not have been financially crippled and less impacted by the financial crisis of 2008 - 2010, and the absurd legal costs of

divorce in a “No Fault-Community State.” And I, the Appellant, Sudesh kothari, would have continued to enjoy rental income for all the years of my hard work, as Respondent, Kunjlata Kothari, today enjoys the full benefits of her strong 15+ year career at Microsoft, including eight years (2002 - October 18th, 2009) of childcare-free work life!

Furthermore, our real-estate property would have insured our children’s education/college fees.

THIS IS THE TRUTH.

Respondent, Kunjlata Kothari, her attorney Ms. Sherri M. Anderson DID COMMIT PERJURY ON SEVERAL COUNTS AND THEREFORE MEETS THE BURDEN OF PROOF ON APPEAL FOR A NEW TRIAL.

Furthermore, Ms. Sherri M. Anderson and Judge Michael Fox WILFULLY AND INTENTIONALLY COMMITTED GROSS MISCONDUCT, MISREPRESENTATION AND NEGLIGENCE ON SEVERAL COUNTS, AND THEREFORE MEETS THE BURDEN OF PROOF ON APPEAL FOR NEW TRIAL.

Please Note: Ms. Sherri M. Anderson Does Not state her statements are True and Accurate, under penalty of perjury.

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Appellate No. 66927-3
Appellant: Sudesh Kothari

Date: February 6, 2012

Sudesh Kothari, the Appellant
King County
State of Washington

**RESPONSE TO RESPONDENT/CROSS-APPELLANT'S
(KUNJLATA KOTHARI) BRIEF**

I, Sudesh Kothari, the Appellant/Cross-Respondent, acting as Pro-Se without access to Law Library, computer/printer, and/or legal aid, hereby refer the Court of Appeal to the Appellant's, Sudesh Kothari BRIEF, and the above Reply to Respondent's (Kunjata Kothari) Response to Appellant's BRIEF.

In Summary:

A. Respondent/Cross-Appellant's, Kunjlata Kothari, BRIEF constitutes further evidence/proof to support Gross Intentional Misrepresentation, Gross Intentional Misconduct, Gross Intentional Negligence to willfully deceive, using unethical law practices to conceal facts/evidence, e.g., using falsified financial tables, making false statements, etc., to overwhelm the Court of Appeals with base-less, argumentative and acts of perjury. Please review Mr. Paul Beattie's (Appellant, Sudesh Kothari's divorce attorney) written declarations, his cross-examination of Respondent, Kunjlata Kothari and her brother Mr. Alkesh Mehta, Bank Statements of Respondent's (Kunjata Kothari) numerous private USA bank accounts, Respondent's (Kunjata Kothari) Deposition (dated October 2010) and Interrogatory answers (dated June 2010, and written declarations, under penalty of perjury, and filed in the King County Superior Court, Dissolution Case No. 09-3-06940-2.

B. I, Sudesh Kothari, the Appellant/Cross-Respondent, will not waste the Court of Appeal's time by responding to Respondent/Cross-Appellant's, Kunjlata Kothari, BRIEF, because sufficient facts/evidence with examples are presented in the Appellant, Sudesh Kothari's BRIEF, including without limitation, Respondent/Cross-Appellant, Kunjlata Kothari's:

(i) Deposition, dated October 2010; and

(ii) Interrogatory Answers, pages 1450 to 1750, dated June 2010;

and

(iii) Numerous Private Bank/Brokerage accounts' statements; and

(iv) Testimony at Dissolution Trial in December 2010 (case no. 09-3-06940-2, Report of Proceedings; and

(v) Signed declarations, under oath, to King County Superior Court in Kothari vs. Kothari Dissolution case no. 09-3-06940-2 SEA.

C. I, Sudesh Kothari, Appellant/Cross-Respondent, plead to the court of Appeals to waive requirement of case citations and case-precedents to Appellate Case no. 66927-3 for all reasons outlined in this document.

D. It is undisputed: I, Sudesh Kothari, the Appellant/Cross-Respondent, have no more than approximately \$300 (three hundred dollars) in a Barclay Bank, UK account, that has been inactive since 1993. A fact Respondent, Kunjlata Kothari, has known since our marriage (Indian) on July 4th, 1993, as evidence by fact 100% of all my salary/rental income was deposited into our joint Chase (nee WAMU) Bank account in USA, and the fact I never stole or transferred money to family or myself, because most all my funds were used to pay our bills or manage our rental properties.

CONCLUSION:

Sudesh Kothari asks the Court of Appeals to charge Respondent, Kunjlata Kothari and her attorney, Ms. Sherri M. Anderson, for perjury on several counts, rule a mistrial in the Dissolution Case no. 09-3-06940-2 SEA, revise/amend awarded as recommend in Appellant's, Sudesh Kothari, BRIEF, in lieu of a new trial.

Please Note: Ms. Sherri Anderson does not declare that statements are True and Accurate under penalty of Perjury, as I, Sudesh Kothari, the Appellant, hereby do.

Date: February 6, 2012

Sudesh Kothari, the Appellant
King County
State of Washington