

67031-0

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DEC 21 2011

67031-0
Judge
Cops

IN THE APPEALS COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY DIVISION I

Bruce Borjesson,

APPELLANT(Plaintiff, Pro
Se),

vs
CITY OF SEATTLE, Dept of
PLANNING AND
DEVELOPMENT
Director, DIANE
SUGIMURA,
SUPERVISOR CLAY
THOMPSON,
INSPECTORS:NAZANIN
SAMIMI, TOM BRADRICK
AND OTHER
ANONYMOUS
PARTIES;defendants

APPEAL
CASE:67031-0
Civil Action No.:2-
0913452-SEA
APPELLANTS
REPLY TO CITY OF
SEATTLES
RESPONSE BRIEF

INCLUSIVE TO
NOTICE OF
APPEAL OF
DISMISSAL OF
 ABOVE
CAPTIONED CASE
 NO.# 2-
09413452SEA

FILED
COURT OF APPEALS DIV I
STATE OF WASHINGTON
2011 DEC 21 PM 3:18

Comes now the Plaintiff Bruce Borjesson, acting on his own Sovereign behalf Pro Se in defense and Reply to the City Of Seattles Attorneys brief to the Appeals Court in the above titled actions

First of all the City is not following the Rules of Appellate Procedure and did not List either the CP or the RP on the line and page exactingly was required of the Plaintiff on three separate return occasions,. Further review also notes that no RP is referenced whatsoever in the entire Cities Response Brief. It also chose its own style of footnoting the CP without any references to the RP and should be therefore not allowed per the RAP rules. The Plaintiff therefore requires that the entire Cities Response Brief on this basis be returned and not accepted. In lieu of denial of this the following is information which under Rule 60(a)(b)(1)(10(11) that the Plaintiff informed the Commissioners and At the citation hearings that the Plaintiff was (a) and innocent party, (b) that the property had been INHERITED .completely through the King County Probate Court. At that point the entire proceeding should have stopped, no jurisdiction declared by the Commissioners if they knew their job, and the entire matter would have then shifted to the Criminal Trespass, Harassment etc. of a private land owner on INHERITED property.

IN the subsequent judicial stages that caused the a Lawsuit against the City of Seattle, and the other parties entered above, at the King County Superior Court hearing before the Honorable Laura Middaugh, when the Judge appeared} instead of quibbling with the Defendant over what were his intentions, and how much and so forth . On Page 22 of the RP line 7-15 indicates that the Judge has not read nor is familiar enough with this case to be able to make a true judicial evaluation .Which if sufficient reading of the lawsuit, and the case law and the ORIGINS of the lawsuit had been performed, Then The only question of value which Could have been asked by the Honorable Judge Middaugh, would have been by Judge Middaugh to ask the Cities Attorney Liza Anderson “is this a Probate case? Was this an existing land use condition before the inheritance by the Plaintiff Through the King County Superior Probate Court? Did the City of Seattle or the Dept of Planning and Development file with the Probate Court in SUPERIOR COURT, AS REQUIRED BY RCW 11.40.070? The reply would and still remains much after the two year requirement by the RCW 11.40.070 that “yes this and was a matter both as a pre-existing

condition for over 50 years until Mr Borjesson the Plaintiff was cited NOT DURING PROBATE nor BEFORE PROBATE, The City did not file anything with the King County Superior Court Probate subsequently in a timely manner.” “ This would have been the honest reply by the City Attorney. Then as an ongoing judicial predicament: in order for the City to then completely ignore the US constitution, the State of Washington Constitution the Trespass and Harassment and Privacy laws but also to completely ignore after being told in open court more than 5 times that this is a probate matter is beyond exasperation. The Plaintiff finds it fascinating that the City of Seattles Attorneys with 5 attorneys working on this case, did not have one single attorney simply be honest and ask the above questions. Not to mention “Why are we trying to harm the elderly, disabled, orphaned and of course the City of Seattles favorite whipping child, Native Americans. ?Probate? No jurisdiction exists by or with the Municipality with regards to preexisting conditions of the property, and no jurisdiction exists unless properly filed in King County Superior Probate Court in a proper timely manner. It was Not done.Ever. By the City of Seattle.

At no time has the city of seattle acknowledged anything with regards to the establishment of The Plaintiff’s ownership of the pre existing

conditions of the property prior to his probate established ownership{ by the King County PROBATE COURT,}

Nor any subsequent acknowledgements, understandings, written rebuttals, rule proliferations, nor their only honest positioning which is they have no jurisdiction personal or otherwise over the Probate Court transfer of the Estate of Major James J Harris to the Plaintiff Bruce Borjesson upon the demise of Major James J Harris in 2007.

On page 26 (RP) lines 2-18 the Honorable Judge Middaugh “all of the claims, including the trespass claim” is referring clearly to the entire lawsuit which clearly has also indicated that the Plaintiff was an INHERITOR and Claims the property located at 9519 4th NW by right of PROBATE COURT and that therefore the Municipal Court has no jurisdiction unless the City Attorney had under RCW 11.40.070 filed in King County Superior Court the Correct papers, all the warrant-less searches and attempts at seizures, false claims with the King County Superior Court within the two years even after the Final disposition of Major James J Harris’s estate. {Which no filing was ever made by the City of Seattles’ Attorneys’}

In each and every instance from the City of Seattles' Response Brief at no time has it addressed

the truth nor the Justice of the above Lack of Jurisdiction by the Municipality, Not by its Courts, Nor by its City Attorneys offices. The false claims by the City of Seattles Attorney that the Plaintiffs grounds for overturning the ruling by Judge Middaugh are baseless.

They have attempted to claim the rules are in support of a baseless legality. The issue of Jurisdiction supercedes all the other issues attempting to be made by the City of Seattles Attorneys.

Therefore we pray the Appeals court realize and deny the City of Seattles Response Brief.

The plaintiff has indicated in his filings early on that there was an error or omission as to the misspoke or rather miswritten "motion to postpone" on the affidavit of service. which should have read {"Notice of Appeal Review of City of Seattles Administrative Hearing Action And Complaint."} That the city of seattle further mis-claims that no Dept Manager of Dept of Compliance with Dept of Planning and

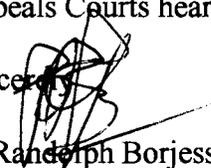
Land Use after personally claiming that they have the authority (asked 4 times in the presence of witnesses) to accept All types of legal documents is the Mayors Agent. Yet in other filings makes the same claim that such persons are the Mayors Agents, as there is no City Manager for the City of Seattle. The person who accepted the documents made it quite clear they were the right person to both accept and forward the documents to the right persons in their department.(RP) Page 16(line 1-21).

With regards to {C}.of the City of Seattles' Response Brief Page 18 regarding findings of fact and conclusions of law, the exception is the rule 41 (b) (3) indicates that counterclaim if a counterclaim has been pleaded by the defendant(read Plaintiff herein) prior to the service upon the him of Plaintiffs's motion (read defendant herein)the action shall not be dismissed against the defendants objection unless the counterclaim can remain pending for independent Adjudication by the court”The Plaintiff (read defendant) has both claim and counterclaim in and with this Lawsuit. It was done for the sake of protecting the Plaintiffs Civil Rights, and protecting the elderly,

disabled, widow, widower, Orphan and Native Americans. The recent headlines of the Federal Government now is involved in the abuse by the City of Seattle regarding all its members, citizens and even passersby with regards to complete disregard of all of their Constitutional rights is now a larger than life public right and the Appeals court needs to take Clear notice of this with regards to the City of Seattle.

We further deny all of the other "Notices" that the City of Seattle has given in their City of Seattles Response Brief in total and await the Appeals Courts hearings, decisions or further investigations.

Sincerely,


B. Randolph Borjesson Pro Se.

11/21/11

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2011 Dec 21 11:29 AM

AFFEDAVIT OF SERVICE

I herein and hereby certify that I have had delivered by certified mail,

or had delivered by hand by a legitimate person the REPLY TO
CITY OF SEATTLES RESPONSE BRIEF {12-21-11}

I understand under the penalty of perjury that these documents have
been served on the respective parties located at City of Seattle

I>E> City Attorneys Office, Elizabeth Anderson

This having been done and performed by :



On Date: 12/21/11

Receipt of Service: _____

Date: _____