

72525-4

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NO. 72525-4-I

COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION I

Andrea Lister, Plaintiff

v.

Ryan Phan, Defendant

2016 JAN 25 AM 9:32
STATE OF WASHINGTON
COURT OF APPEALS
DIVISION I

On appeal from King County Superior Court
Honorable Judge Rogoff

Appellants Opening Brief

Andrea Lister
Pro-Se, Indigent Appellant
todaysgirlfriday@gmail.com

A. ASSIGNMENTS OF ERROR

A jury awarded an amount less than damages proven at trial.

Compensatory damages did not put Plaintiff back into the position prior to this accident. And did not meet the actual damages that occurred.

This accident and the unwillingness of Defendant to admit liability for 5-1/2 years caused even further economic hardship on Plaintiff and as a result Plaintiff lost her custody of her children, her 2 businesses, her stability, her everything.

The Plaintiffs personal loan taken as a result of this accident have not been paid nor satisfied as the jury award does not reflect the particular loss, detriment, or injury suffered as a result of the unlawful conduct of Defendant.

Gross Negligence was not allowed due to Liability Admission from Defendant the first day of trial.

Exemplary damages should have been allowed on the basis of laws violated during the commission of the act which was negligent.

B. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

The jury instructions were deficient or confusing to explain what the jury is supposed to consider including all proper and justifiable damages.

The Plaintiff was denied more time with witnesses necessary for gaining the bigger picture of damages or losses suffered and to understand my disability.

C. STATEMENT OF THE CASE

Ryan Phan did disobey traffic signs and signals negligently to avoid a signal and sped thru an alley way former drive thru at Jack-in-the-Box Bellevue to thwart traffic during heavy rush hour traffic on March 17th, 2009 St. Patrick's Day. He then disobeyed pedestrian right away laws. Then he with his radio decibels excessive to ordinances did NOT check his mirrors, put his SUV into gear and hit the accelerator at a high rate of speed and ramming my Rental Car so hard that I was pinned inside the New Ford Mustang and Fire and Rescue had to get me out. I suffered economic hardship from the ability I could not rent vehicles a demand of my employment. I was physically injured further. I was unable to make an income to pay for independent family law counsel to represent me in a child custody/Dependency case which led to a huge and painful loss of consortium and all the emotional distress of the entirety as a whole from this accident. It essentially was the straw that broke the camel's back.

D. ARGUMENT

Had Ryan Phan properly admitted liability instead of lying to his insurer and the courts then this case might have had a resolution not wasting the courts time and my damages might have been much less than the ones proven at trial which are equal to \$8,000 medical, a \$30,000 loan to Dan Wiseman, and an amount equal to the loss of my earnings for at least only 2 years equal to \$40,000. At the least I have proven the \$50,000 damage cap of insured. I was never offered but only denied my claims for years.

Furthermore I have suffered other court cases that this court surely has knowledge of in Criminal Actions due to the fact I could not pay Dan Wiseman back in the sense of time he thought he should have been paid and have dearly suffered from his ability to control me as a victim in other cases from a mere loan. He appeared as a hostile witness in this case in an attempt to thwart my receiving anything.

E. CONCLUSION

I have proven substantial damages in this case yet the jury did not consider the instructions or were confused from them to award the proper and justified amount that places me the Plaintiff back into the proper position the law has meant to do. I am still unable to procure renting any vehicles due to the longstanding inability to pay the deductible fees which are also on my credit preventing other positive results and further doing economic damage to me as a whole. I had asked for more time with witnesses which had been denied, yet necessary for my disability and it might have had a different outcome and helpful in my other cases as well.

Respectfully submitted this 25th day of January, 2016

//ANDREA LISTER//

(Signature waived if emailed)

Andrea Lister, Pro-Se Appellant

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COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION I

Andrea Lister
Appellant,

NO. 72525-4-1

v.

Ryan Phan,
Respondent

Declaration of Service

I, Andrea Lister, did complete service by email, and or fax, the following documents
On January 25th, 2016:

- Appellant's opening brief
- Declaration of Service
-

to:

Attorney Vali Somers at fax number 206-747-8338.

Susan Dahlem, COA Case Manager, at COA fax 206-389-2613.

Respectfully submitted this 25th of January, 2016.

//ANDREA LISTER//

(Signature waived if emailed)

Andrea Lister, Pro-Se Appellant

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