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Court of Appeal Cause No. 81884-8-1

IN THE SUPREME COURT OF THE STATE OF
WASHINGTON

KAY KAYONGO, Petitioner

v.

STATE OF WASHINGTON,
KING COUNTY,
CITY OF TUKWILA, Respondents

PETITION FOR REVIEW

P.O. BOX 27752
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KAY KAYONGO

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Regulations and Rules

A. Identity of Petitioner

Kay Kayongo asks this court to accept review of the Court of Appeals Decision termination review designated in Part B of this petition

B. Court of Appeals Decision

1. Kayongo also failed to designate several of the motions and brief of the government entities from the trial court in the record on appeal, court's opinion pg. 3, footnote.
2. "Insufficient pleading" is not allowed. Id. "A pleading is insufficient when it does not give the opposing party fair notice of what the claim is and the ground upon which it rests, court's opinion pg. 3-4.
3. Claims for Injury to Personal Property, tort of conversion and Emotional Distress Against the State of Washington, King County and City of Tukwila, court's opinion pg. 4, 5, 7.
4. CR 11 Sanction, court's opinion pg. 7.
5. Kayongo appears to suggest that the filing of the motion to dismiss and seeking a ruling that she is a vexatious litigant constituted both malicious and malicious prosecution. She cites criminal statutes for this proposition, neither of which are applicable in the context of this appeal from civil litigation, court's opinion pg. 8

6. Otherwise argue how the trial court erred as to its ruling in the initial hearing and on reconsideration, court's opinion pg. 9

C. Issues Presented for Review

1. Whether did petitioner fail to designate clerk's papers for respondents under RAP 9.6 (a) Any party may supplement the designation of clerk's papers and exhibits prior to or with the filing of the party's last brief for the respondents to supplement the clerk's paper they need to respond to opening brief, court's opinion pg. 3 footnote?
2. Whether did a fair notice were given to opposing parties of what the claim is and the ground upon which it rests under CR 11(a) (1) (2) opening brief pg. 5; summons, how served to King County RCW 4.28.080 (1) and City of Tukwila RCW 4.28.080 (2) opening brief pg. 19 no. 28-32, to State of Washington RCW 4.92.020 Actions and claims against state, opening brief pg. 19 no. 28-32; RCW 4.28.290 Assessment of damages without answer and RCW 4.28.360 Personal injury action—Complaint not to include statement of damages—Request for statement CP 169, line 4-29, CP 170 line 1-18; State of Washington Constitution Art. 1 Declaration of right, section 16 Eminent Domain Sanitary purposes to both State, County and City, and 42 U.S.C Ch. 21, Section 1983

CP 171 (16), 5th Amendment into US Constitution to County and City; Petitioner's Nurse Education background CP 167, line 10-16; CR 4, CR 8, CR 12(e), and CR 15?

3. My Ownership deed for chattel information/record ideas filed and keep with state, county, and city to which they willfully and unlawfully took and the taking deprived for her possession is CP 78-79 from State of Washington Office of Management, risk management Division's acknowledgment to have received the said information/record. It also contains the Tort Claim ID of government entities to whom the claim was addressed and supposed to be filed and served as # 90070138; # 90070139; # 90070140; # 90070141, which only City of Tukwila received the hardcopy from State Risk Management. Each word in the attached exhibits of CP 78 and CP 79 composes all attached photographs in this complaint. They made the petitioner to suspect and discover her information/record was taken and is used by respondents and increasingly after re-service of the same information/record on March 19, 2017, CP 12, CP 33-37. Some of Each theme words imitation development sanitary purposes contains in CP 78-79 are Protection of Environmental, re-engineering, libraries, school, retirement home, university, 42nd Avenue, hospital, housing

project, see CP 163-166 line 1-24 for investigation. All these areas and places were the places and areas petitioner stepped over between 2009 to now. Whether do State of Washington, King County, and City of Tukwila have right to taken and use petitioner's the said information/record CP 78-79 above for sanitary purposes without legal justification under state constitution art. 1, section 16?

D. Statement of Case

1. In February 2020, Kay Kayongo filed a complaint against the City of Tukwila, King County, and the State of Washington. She alleged injury to personal property and personal injury and sought damages in the amount of \$22 billion. From what this court can discern from the filings, Kayongo alleges the defendants stole her personal property and information when they "re-engineered" various government buildings, private buildings, and streets, depriving "plaintiff's right to its earning benefit."
2. **Claims Against the State of Washington:** The defendants all filed motions to dismiss for failure to state a claim upon which relief can be granted, The King County superior court dismissed all claims with prejudice. The defendants additionally requested the

superior court find Kayongo was a vexatious litigant and impose certain limitations on her ability to continue to file suit against various government entities, but those requests were denied.

Kayongo filed a motion for reconsideration, asking the superior court to reverse its dismissal and to order sanctions against the defendants under CR 11. The superior court denied the motions for sanctions and reconsideration. Kayongo appeals, court's opinion pg.1-2; CP 79; opening brief pg. 13-15; CP 3-6; CP 153-172.

3. **Claims Against King County:** Similarly, Kayongo alleges that the addition of security desks at the King County Administration Buildings, the addition of a consulting room at the King County jail, "re-engineering" in King County libraries, and denial of access from the King County courthouse to the King County Administration Building caused injury to her property, court's opinion pg. 5; opening brief pg. 13-15; CP 3-6; CP 55 CP 153-172.
4. **Claims Against City of Tukwila:** Kayongo alleges that the City of Tukwila stole her property by "continuously re-engineering the specific part of the Avenue to which the incident and the injury caused the filed record/information keep with them . . . including re-engineering of Foster High School," court's opinion pg. 6; opening brief pg. 13-15; CP 3-6; CP 153-172.

E. Argument Why Review Should Be Accepted

1. The Supreme court should accept the of the Court of Appeals, Division One's decision November 1, 2021 because the court erred in affirm the trial court's decision of August 21, 2020 granting the defendants' motions to dismiss petitioner's complaint for injury to her personal property, tort conversion, and emotional distress the respondent State of Washington, King County and City of Tukwila were given a fair notice of what the claim is and ground upon which it rests and presented hereabove at statement of case CP 3-11, CP 79, CP 153-173 under 5th Amendment into US Constitution, State of Washington Constitution Art. 1, Section 16, and 42 USC, Section 1983 to King County and City of Tukwila, the review of said opinion decision is accept under RAP 13.4 (b) states that:

a petition for review will be accepted by the Supreme Court only: (3) If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or (4) If the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

- a. **Petitioner did not fail to designate clerk's papers for respondents, court's opinion pg. 3**
2. Petitioner objects the court of appeals' opinion decision that Kayongo also failed to designate several of the motions and briefs of the government entities from the trial court in the record on appeal pursuant to

RAP 9.6 (a) Any party may supplement the designation of clerk's papers and exhibits prior to or with the filing of the party's last brief.

Thereafter, a party may supplement the designation only by order of the appellate court, upon motion.

It is a responsibility of the respondents State of Washington, King County and City of Tukwila to supplement the clerk's paper they need to respondent to opening brief appellant Kayongo as required under rule, therefore, the Supreme court should accept the review of court of appeal's opinion decision.

- b. Petitioner's complaint for injury to personal property, tort of conversion and emotional distress is sufficient pleading which the respondent government entities were given a fair notice of what the claim is and the ground upon which it rests procedurally and substantially in fact and legal, court's opinion pg. 1-2, 4 para. 2, 5 para. 4; opening brief pg. 13-15.

Petitioner objects the court's opinion decision for "insufficient pleading" when it does not give the opposing party a fair notice of what claim is and the ground upon which it rests because her complaint had a prima facies case that meet the procedural, substantive, and constitutional law.

- c. The opposing parties were properly served with the summons and complaint under

RCW 4.28.080, the summons shall be served by delivering a copy thereof, as follows: (1) If the action is against any county in this state, to the county auditor or, during normal office hours, to the deputy auditor, or in the case of a charter county, summons may be served upon the agent, if any, designated by the legislative authority. (2) If against any town or incorporated city in the state, to the mayor, city manager, or, during normal office hours, to the mayor's or city manager's designated agent or the city clerk thereof.

Both King County and City of Tukwila were served by a King County Sheriff Office, opening brief pg. 19 no. 28-32 and to States of Washington, opening brief pg. 19 no. 28-32 under RCW 4.92.020:

Service of summons and complaint in such actions shall be served in the manner prescribed by law upon the attorney general, or by leaving the summons and complaint in the office of the attorney general with an assistant attorney general.

d. The petitioner's complaint for injury to her personal property, tort of conversion and emotional also was written under CR 8

(a) A pleading which sets forth a claim for relief, whether an original claim...shall contain (1) a short and plain statement of the claim showing that the pleader is entitled to relief and (2) a demand for judgment for the relief to which the pleader deems the pleader is entitled. Relief in the alternative or of several different types may be demanded.

(e) Pleading To Be Concise and Direct; Consistency.

(2) A party may set forth two or more statements of a claim or defense alternately or hypothetically, either in one count or defense or in separate counts or defenses. When two or more statements are made in the alternative and one of them if made independently would be sufficient, the pleading is not made insufficient by the insufficiency of one or more of the alternative statements. A party may also state as many separate claims or defenses as the party has regardless of consistency and whether based on legal or on equitable grounds or on both. All statements shall be made subject to the obligations set forth in rule 11,

Which can be modified under CR 12 (e) more definite statement:

(e) Motion for More Definite Statement. If a pleading to which a responsive pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading... The motion shall point out the defects complained of and the details desired, or

under CR 15 (a):

(a) Amendments. A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served... Otherwise, a party may amend the party's pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires,

This means that the respondent state, county and city were given a fair procedural notice of what the claims were and the ground upon which it rests for the commencement of an action which the trial court could not dismiss petitioner's all claims under CR 12 (b) (6) for failure to state a claim upon which the relief can be granted without either opposing party move for more definite statement motion, or leave of court to amend her claims when the statute of limitations was not elapsed. The court of appeals erroneously affirmed the trial court's decision of August 21, 2020. Therefore, the Supreme Court should accept the review of the court of appeals division one decision November 1, 2021.

A. Claims Against the State of Washington, King County and City of Tukwila

First, Kay Kayongo is an US Citizenship, the injured petitioner, and a resident of Seattle in State of Washington since 1997 CP 163. Since then, the State of Washington, counties and cities have ever had the general re-engineering for the places and things described at Court's opinion pg. 4-6 before 2009 for sanitary purposes. My education background: I finished 6 years elementary school, 6 years high school and 4 years medical school in Africa (Registered Nurse) CP 94, para. 3. Plaintiff has attached medical school diploma patent and University of Phoenix certificate from where

information/record ideas of our state will be the cleanest and exception to live and visit from outside the world, which is going to contribute to state economy and our health CP 88, no. 5 with the defendants for public health and safety environmental protection and vocabulary law words came from, CP 167, line 10-16.

Kayongo did not fail to allege any facts demonstrating that she had chattel that was willfully or unlawfully taken by the respondent State of Washington, King County and City of Tukwila. There are undisputable facts that both respondents had the said information/record ideas for sanitary project purposes for Protection of Environmental they intrinsically and extrinsically used for sanitary purposes CP 79, CP 153-CP 166 line 1-24 and CP 167 line 10-173. These are facts demonstrating that petitioner had chattel that was willfully or unlawfully taken by respondent State of Washington, King County, and City of Tukwila without legal justification and deprive her of possession and "Its right earning benefit."

Conversion is often defined as other interference of a person's right to property without the owner's consent and without lawful justification. *Stevenson v. Economy Bank of Ambridge*, 413 Pa. 442 (Pa. 1964). A conversion occurs when a person without authority or permission intentionally takes the personal property of another or deprives another of possession of personal property. It is a tort which allows the injured party to seek legal relief.

This also violates the State of Washington Constitution Art. 1, section 16

Eminent domain states:

Private property shall not be taken for private use, except for sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made or paid into court for the owner

B. King County and City of Tukwila also violated under 5th Amendment into US Constitution states:

nor shall private property be taken for public use, without just compensation

A conversion may be committed by unreasonably withholding possession from one who has the right to it. The elements of conversion are: the plaintiff's ownership or right to possession of the property; the defendant's conversion by wrongful act inconsistent with the property rights of the plaintiff; and *Kasdan, Simonds, McIntyre, Epstein & Martin v. World Sav. & Loan Ass'n (In re Emery)*, 317 F.3d 1064 (9th Cir. Cal. 2003) A person not in lawful possession of a chattel (non real property) may commit conversion by: (2) intentionally using a chattel in his possession without authority so to use it. The essence of a conversion is not the acquisition of property but the wrongful deprivation of that property from its true owner. *Yaeger v. Magna Corp. (In re Magna Corp.)*, 2005 Bankr. LEXIS 1114 (Bankr. M.D.N.C. Mar. 14, 2005). And note that one who is lawfully in possession of property may nevertheless be liable for a conversion for exceeding the scope of authority for that lawful possession when the use seriously violates the true owner's right of control.

1. Petitioner Kay Kayongo is the owner of the information/record ideas keeps with the respondent state, county and city, see State of Washington Risk Management letter CP 79 sent to her and her registered diploma, education license patent, CP 167 line 10-16. It is true that respondents have control of the said information/information idea until today. They are intentionally using a chattel in their possession without authority so to use it to re-engineer government buildings, schools, houses, and apartments, various buildings, including buildings at the law

library, security desks at the King County Administration Buildings, King County libraries, Avenue to which the incident and the injury caused the filed record/information keeps with them and "Foster High School." They wrongful act in deprivation of that property from its true owner Kay Kayongo, which is prohibited and protected petitioner under 42 U.S.C, section 1983 which states:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress ...

The respondent King County and City of Tukwila without legal justification, willfully and unlawfully taken petitioner's information/record kept with them. They used them for public sanitary purpose cause to be subjected of deprivation of "plaintiff's right its earning benefit." of her project for the Protection of Environment of the information/record kept with them with ownership deed CP 79 without just compensation 5th Amendment into US Constitution which is continuously used until today to any place she steps over. The respondent King County first use this information to re-engineering King County 7th floor where she was practicing the issue and first suspected of her information/record has been taken and used CP 5 line 21- CP 6 line 1-3,

CP 84 (3) and second on July 13, 2018, CP 5 line 14-20 after March 19, 2017 notice CP 33-35 to respondent King County, so did respondent City of Tukwila. First by re-engineering all visibilities of all direction signs that guide people to all city's department CP 48, then second the re-engineering 42nd Ave. discovered my July 10, 2021 CP 5 line 3-8, CP 46-50 and CP 5 line 8-13, which both are continuously using until today November 29, 2021. The Supreme Court should accept and reverse in favor of petitioner the court of appeals' decision affirming the trial court's decision dismissing all petitioner's claims erroneously because these acts of the respondents constitute acts of custom, or usage, which both county and city shall be liable to the petitioner injured in an action at law, suit in equity, or other proper proceeding for redress. A conversion may be committed by unreasonably withholding possession from one who has the right to it. The elements of conversion are the plaintiff's ownership or right to possession of the property; the defendant's conversion by wrongful act inconsistent with the property rights of the plaintiff. A person not in lawful possession of a chattel (non real property) may commit conversion by: (2) intentionally using a chattel in his possession without authority so to use it. The essence of a conversion is not the acquisition of property but the wrongful deprivation of that property from its true owner, and one who is lawfully in possession of property may nevertheless be

liable for a conversion for exceeding the scope of authority for that lawful possession when the use seriously violates the true owner's right of control.

WPI 340.04 "Subjects" and "Causes to Be Subjected:" Definition

[A person subjects another to the deprivation of a *[constitutional]* *[statutory]* right, within the meaning of Section 1983, if [he] [she] does an affirmative act, participates in another's affirmative act.

a defendant becomes individually liable by "setting in motion a series of acts by others which the actor knows or reasonably should know would cause others to inflict the constitutional injury" *Lakeside-Scott v. Multnomah County*, 556 F.3d 797, 804–05 (9th Cir. 2009); see also *Sales v. Grant*, 158 F.3d at 776; *Citoli v. City of Seattle*, 115 Wn.App. 459, 487–88, 61 P.3d 1165 (2002)

King County and City of Tukwila were in knowledge of the petitioner's injury to her personal property information/recork keep them from the first discovery suspect by March 2017 and given a notice CP 33-35, and continuously used until now. The Supreme court should accept review and reverse in favor of petitioner the court of appeals' opinion November 1, 2021, affirming the trial court's decision dismissing all petitioner's claim erroneously because respondents did affirmative act, participates in another's affirmative act they know or reasonably should know would cause others to inflict the constitutional injury.

WPI 341.01 Municipal and Local Government Liability: General Introductory Instruction

If a plaintiff is subjected to a deprivation of a constitutional right as a result of the official policy of a *[city]* *[county]*, the *[city]* *[county]* is liable for injury or

damage *[proximately]* caused by the deprivation if the official policy is a moving force that led to the deprivation.

Official policy” means: [(3)] [a custom or usage that is a permanent, widespread, well-settled practice that constitutes a standard operating procedure of the *[city]* *[county]*]

They willfully and unlawfully took petitioner’s information/record kept with him with petitioner’s ownership deep proof CP 79 and used for public sanitary purposes for such as the re-engineering of “re-engineering” in King County libraries and the addition of security desks at the King County Administration Buildings... and the City of Tukwila is “continuously re-engineering the specific part of the Avenue to which the incident and the injury caused the filed record/information keep with them . . . including re-engineering of Foster High School.” The Supreme Court should accept and reverse in favor of petitioner the court of appeals’ opinion November 1, 2021, affirming the trial court’s August 21, 2020 decision dismissing all petitioner’s claims erroneously because plaintiff is subjected to a deprivation of a constitutional right as a result of the official policy of a city and county. The city and county are liable for injury or damage proximately caused by the deprivation. They are moving forces that led to the deprivation. A custom or usage that is a permanent, widespread, well-settled

practice that constitutes a standard operating procedure of the city and county.

5. **The Court of Appeals argued Kayongo appears to suggest in briefing that the filing of the motions to dismiss and seeking a ruling that she is a vexatious litigant constituted both malicious harassment and malicious prosecution. However, she cites criminal statutes for this proposition, neither of which are applicable in the context of this appeal from civil litigation. that party may vigorously defend against those allegations by utilizing the many tools of litigation available under our court, including motions to dismiss, court's opinion pg. 8-9.**

Petitioner objects the Court of Appeals' opinion above rejected the application of criminal statutes according to this reasoning below:

A person who knowingly or intentionally exerts unauthorized control over the property of another person commits criminal conversion. A person engages in conduct knowingly if, when he/she engages in the conduct, *he/she is aware of a high probability that he is doing so. Computers Unlimited v. Midwest Data Sys.*, 657 N.E.2d 165 (Ind. Ct. App. 1995).

An essential element of the crime of criminal conversion is that the property must be owned by another and the conversion thereof must be without the consent and against the will of the party to whom the property belongs, *coupled with the fraudulent intent to deprive the owner of the property. People v. Fielden*, 162 Colo. 574 (Colo. 1967). It is not uncommon for a plaintiff to seek both criminal prosecution of the defendant and to file for civil relief concurrently. In such cases, punitive damages are also often sought.

Petitioner also object the court of appeals' opinion herein above that party may vigorously defend against those allegations by utilizing the many tools of litigation available under our court, including motions to dismiss, court's opinion pg. 8-9. The proper motion in this case was motion for

more definite statement under CR 12 (e) as the defendant City of Tukwila stated in his motion that “there is no way to interpret the words on the page in any way that would support any action against City,” Appendix C or amendment of complaint. It is also the requirement of CR 11 (a) (4) allows the imposition of sanctions under failure to comply CR 11 (a) (3) for the acts finding petitioner’s vexatious litigant they raised that feared petitioner and the attorney who returned her case after speaking with City of Tukwila’s attorney, which also subjected to these following filings with the appellate courts. The Supreme Court should accept the review of court of appeals that prejudicially affirming the erroneously trial court August 21, 2020, decision in petitioner’s favor because it is not uncommon for a plaintiff to seek both criminal prosecution of the defendant and to file for civil relief concurrently. In such cases, punitive damages are also often sought and the proper motion for this case should be CR 12 (e) and CR 15 as it is detailed above. The respondent state, county and city are sound minded government entities who are controlling the laws or public policy requires petitioner to follow and comply if she could be aware of it. they know the consequence of controlling and using petitioner’s personal property information/record ideas unauthorizedly. The Supreme Court should accept and reverse in favor of petitioner the court of appeals’ opinion decision affirming the trial courts’ decisions dismissing all the

claims of petitioner erroneously because the respondents state, county and city knowingly or intentionally exerts unauthorized control over the property of another person commits criminal conversion. A person engages in conduct knowingly if, when he/she engages in the conduct, he/she is aware of a high probability that he is doing so. It is not uncommon for a plaintiff to seek both criminal prosecution of the defendant and to file for civil relief concurrently. In such cases, punitive damages are also often sought.

6. Kayongo did not fail to allege facts demonstrating the defendants wrongfully interfered with her property, depriving her of rightful title, court's opinion pg. 6

The defendants wrongfully interfered with her property possessory interest that has a huge project for improvement of public health, lives and livings, CP 78-106. The defendants also intentionally interfered with the plaintiff's possession by taking this project and used it for public sanitary purpose without my authorization or legal justification as just for compensation under the State of Washington Constitution Art., section 16, and 5th Amendment into US Constitution in violation also of 42 U.S.C. section 1983 by county and city. This deprives petitioner the rightful title and interest of the project. The defendants' acts of taking petitioner's information/record ideas and unauthorizedly used them for public sanitary purposes are the legal cause of the plaintiff's loss of property in violation

of State Constitution Art.16. A possessory interest in personal property is sufficient to maintain an action for conversion against one who sells that property without notifying the lawful possessor. Even though the lawful possessors do not have legal title, if s/he exercises control of it by taking possession of it and maintaining it for a period of time, his/her rights in the chattel may be sufficient (Law Office of SS & R, 2021). The Supreme Court should accept and reverses the review of court of appeals' November 1, 2021, opinion decision in favor of petitioner because the court erred in affirming the trial court 's decisions dismissing petitioner's all claims erroneously when defendants wrongfully interfered with her property, depriving her of rightful title.

7. depriving "plaintiff's right to its earning benefit." Court's opinion pg. 1-2

If petitioner could control her project for protection environment as state, county and city are doing or allowing the private organizations to do it as the photograph at CP 118, CP 149- CP 152. The inspection and recommendation to clean up for sanitary purposes should not be for free services, which they deprive "plaintiff's right to its earning benefit." The Law Office of SS & R suggests that a possessory interest in personal property is sufficient to maintain an action for conversion against one who sells that property without notifying the lawful possessor (Law Office of

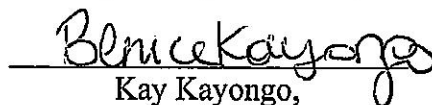
SS & R, 2021). The Supreme Court should accept review of the Court of Appeals' decision affirming the trial court's August 21, 2020, decision dismissing petitioner's all claims erroneously, and reverse it in favor of petitioner because the defendants deprived petitioner's right to its earnings benefits.

F. Conclusion

The Supreme court should accept and reverse the Court of Appeals Division One's opinion, decision November 1, 2021, for the reasons stated herein above and reverse it in favor of the petitioner with prejudice for her claims of Conversion tort. The brief contains 4943 words with 20 pgs., excluding the parts stated under RAP 18. 17 (c). Petitioner is still looking for an attorney for help.

Date: November 30, 2021

Respectfully submitted,


Kay Kayongo,

Unprofessional at law Pro Se Petitioner

G. Appendix

1. A.... Court of Appeals' Opinion, November 1, 2021.
2. B.... Proof of Consistence and sufficient pleading subjected from harassment of respondents for vexatious litigant in violation of CR 11 (3).
3. C.... Respondent City of Tukwila could not figure out what the ground the claims rests for and needed More Definite Statement motion, CR 12 (e).

Appendix A

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

| | | |
|-----------------------------|---|---------------------|
| KAY KAYONGO, an individual, |) | No. 81884-8-I |
| |) | |
| Appellant, |) | DIVISION ONE |
| |) | |
| v. |) | UNPUBLISHED OPINION |
| |) | |
| STATE OF WASHINGTON; KING |) | |
| COUNTY; CITY OF TUKWILA, |) | |
| |) | |
| Respondents. |) | |
| |) | |

HAZELRIGG, J. — Kay Kayongo appeals an order dismissing her claims under CR 12(b)(6) for failure to state a claim upon which relief can be granted, and denying her motion for CR 11 sanctions. Because the trial court did not err in dismissing her claim and did not abuse its discretion in declining to order sanctions, we affirm.

FACTS

In February 2020, Kay Kayongo filed a complaint against the City of Tukwila, King County, and the State of Washington. She alleged injury to personal property and personal injury and sought damages in the amount of \$22 billion. From what this court can discern from the filings, Kayongo alleges the defendants stole her personal property and information when they “re-engineered” various government buildings, private buildings, and streets, depriving “plaintiff’s right to

its earning benefit.” She also alleges “wrongful and willful misconduct” by the defendants arising out of several alleged assaults on the King County Metro buses and on public areas around King County Metro bus stops. She alleges the King County Sheriff failed to prevent her injury and/or failed to arrest the perpetrators.

The defendants all filed motions to dismiss for failure to state a claim upon which relief can be granted, and alternatively as to the claims arising from some of the assaults, expiration of the statute of limitations. The King County superior court dismissed all claims with prejudice. The defendants additionally requested the superior court find Kayongo was a vexatious litigant and impose certain limitations on her ability to continue to file suit against various government entities, but those requests were denied. Kayongo filed a motion for reconsideration, asking the superior court to reverse its dismissal and to order sanctions against the defendants under CR 11. The superior court denied the motions for sanctions and reconsideration. Kayongo appeals.¹

¹ As a preliminary matter, in her replies Kayongo objects to the response brief of each of the government entities on two bases: purported noncompliance with RAP 10.4(a)(1), and the failure of the respondents to cross appeal. Kayongo misunderstands the RAP and appellate procedure. For the following reasons, her objection to each response brief is denied.

RAP 10.4(a)(1) sets out the requirements for printed or hardcopy briefs filed with the court. Each of the government entities filed their response briefs electronically. As such, this RAP is not applicable.

Further, as the respondents to the appeal Kayongo filed, the State, King County and City of Tukwila are each permitted to respond to the assignments of error she raises in her opening brief. They need not file their own notices of appeal to do so. Just as in the trial court, as a fundamental consideration of fairness and due process, a party to a case may rebut the arguments of the opposition.

ANALYSIS

I. Motion to Dismiss

We review a dismissal under CR 12(b)(6) de novo. Trujillo v. Nw. Tr. Servs., Inc., 183 Wn.2d 820, 830, 355 P.3d 1100 (2015). When considering this issue on appeal, “We presume that the plaintiff’s factual allegations are true and draw all reasonable inferences from the factual allegations in plaintiff’s favor,” and may consider hypothetical facts. Id. at 830. A complaint may be dismissed “if it appears beyond doubt that the plaintiff can prove no set of facts, consistent with the complaint, which would entitle the plaintiff to relief.” Yurtis v. Phipps, 143 Wn. App. 680, 689, 181 P.3d 849 (2008) (quoting Lawson v. State, 107 Wn.2d 444, 448, 730 P.2d 1308 (1986)). While the record designated on appeal does not contain a transcript of the hearing on the motion to dismiss, the parties have provided the various pleadings and orders of the court such that the record before us is sufficient to properly review the assignments of error.²

Our state has “liberal rules of procedure,” where “pleadings are primarily intended to give notice” to the opposing party and the court about the “general nature of the claim asserted.” Lewis v. Bell, 45 Wn. App. 192, 197, 724 P.2d 425 (1986). Although our civil rule permits inexpert pleading, “insufficient pleading” is not allowed. Id. “A pleading is insufficient when it does not give the opposing party fair notice of what the claim is and the ground upon which it rests.” Id. Because Kayongo’s complaint failed to give the opposing parties, and the court,

² Kayongo also failed to designate several of the motions and briefs of the government entities from the trial court in the record on appeal, however each of the respondents provided copies of those filings as appendices to their response briefs.

fair notice of her claims, the superior court did not err in dismissing her complaint against each of the government entities.

A. Claims Against the State of Washington

Kayongo claims injury to property for stolen information and unauthorized use of her information. She alleges the defendants used her ideas to re-engineer government buildings, schools, houses, and apartments. She alleges that “re-engineering” of various buildings, including buildings at the University of Washington and the University of Washington law library constituted a theft of her information. She also claims personal injuries after allegedly being assaulted on King County Metro buses and walking to/from bus stops.

The tort of conversion “is the unjustified, willful interference with a chattel that deprives a person entitled to the property of possession.” Repin v. State, 198 Wn. App. 243, 270, 392 P.3d 1174 (2017). There must be a willful or unlawful taking, and the true owner must demonstrate “some assertion of right or title.” Id. at 271.

Kayongo fails to allege any facts demonstrating she 1) had chattel 2) that was willfully or unlawfully taken and 3) the taking deprived her of possession. The bare allegation of “an increasing of [re-engineering] in the territory of State of Washington [including] University of Washington buildings and Law Library” is not sufficient to give the defendant fair notice of the grounds underlying her claim. Kayongo does attach an exhibit, but it is simply a photograph of the University of Washington library. This not sufficient to give the court and opposing parties fair notice of her claim, even under our liberal pleading requirements.

As to the assaults, Kayongo alleges that the State of Washington was negligent. To establish a claim of negligence, a plaintiff must establish duty, breach, causation, and resulting harm. Norg v. City of Seattle, __ Wn. App. __, 491 P.3d 237, 240 (2021). In a claim against a government entity, “a plaintiff must show that the duty breached was owed to an individual and was not a general obligation owed to the public.” Id.

Kayongo fails to establish any state agent or agency that was involved in the assaults. The State correctly notes that simply because an event which may give rise to a claim occurs within the territorial boundaries of the State of Washington, such an event does not automatically create liability on the part of the State. Kayongo further fails to state any facts demonstrating that the State would be liable for the alleged assaults.

Because Kayongo’s complaint does not give fair notice as to her claim, nor allege any facts giving rise to a legal claim, her complaint against the State of Washington was properly dismissed.

B. Claims Against King County

Similarly, Kayongo alleges that the addition of security desks at the King County Administration Buildings, the addition of a consulting room at the King County jail, “re-engineering” in King County libraries, and denial of access from the King County courthouse to the King County Administration Building caused injury to her property and support her request for an award for \$22 billion in damages. She also alleges several assaults that occurred on the King County Metro system, or walking to/from King County Metro bus stations, as additional

bases for the damages award she seeks. She alleges that none of the perpetrators of these assaults were ever arrested despite her requests to the King County Sherriff to do so.

Kayongo again fails to allege facts demonstrating any of the defendants willfully or unlawfully interfered with her rightful property. She also fails to allege facts demonstrating that she was owed a duty different from that of the general public. Because she fails to state facts which would give rise to relief under the law, the superior court properly dismissed her complaint against King County.³

C. Claims Against City of Tukwila

Kayongo alleges that the City of Tukwila stole her property by “continuously re-engineering the specific part of the Avenue to which the incident and the injury caused the filed record/information keep with them . . . including re-engineering of Foster High School.”

Again, Kayongo fails to allege facts demonstrating the defendants wrongfully interfered with her property, depriving her of rightful title, or that she was owed a duty different from that of the general public. Because she fails to state facts which would give rise to relief under the law, the superior court properly dismissed her complaint.

³ King County argues that two of Kayongo’s allegations fall beyond the statute of limitations under RCW 4.16.080. The superior court did not dismiss the complaint on these grounds, but rather dismissed all of Kayongo’s claims for failure to state a claim upon which relief can be granted. Because we find the superior court properly dismissed on this ground, we need not reach this issue, despite the fact that Kayongo dedicates a significant portion of her briefing to challenging this assertion.

The superior court properly dismissed Kayongo's claim against the City of Tukwila for failure to state a claim upon which relief can be granted.

II. CR 11 Sanctions

In addition to their respective motions to dismiss, each of the government entities requested the trial court find Kayongo is a vexatious litigant and take steps to prevent her from filing future suits without an attorney or pre-screening by the court. Courts have "inherent power to control the conduct of litigants who impede the orderly conduct of proceedings," including by placing restrictions on litigants who abuse the judicial process. Yurtis, 143 Wn. App. at 693. Upon a "specific and detailed showing of a pattern of abusive and frivolous litigation," trial courts may enjoin a party from engaging in litigation. Id. (quoting Whatcom County v. Kane, 31 Wn. App. 250, 253, 640 P.2d 1075 (1981)). These nearly identical requests by the State, County and City, though denied by the trial court, were the basis of Kayongo's motion for CR 11 sanctions against each of the defendants.

We review a trial court's decision to deny CR 11 sanctions under an abuse of discretion standard. Bldg. Indus. Ass'n of Wash. v. McCarthy, 152 Wn. App. 720, 745, 218 P.3d 196 (2009). A court abuses its discretion if its decision was "based on untenable grounds or reasons." Skimming v. Boxer, 119 Wn. App. 748, 754, 82 P.3d 707 (2004). "We apply an objective standard to determine whether sanctions are merited," analyzing whether "a reasonable attorney in a like circumstance could believe" their filing of pleadings to be justified in fact and in law. Id.

The purpose of sanctions under CR 11 is to deter “baseless filings:” ones which are “not well grounded in fact, or not warranted by existing law or a good faith argument for altering existing law.” Bldg. Indus. Ass’n of Wash., 152 Wn. App. at 745. This is a high bar to meet, and a court should only impose sanctions “when it is patently clear that a claim has absolutely no chance of success.” Id. “The fact that a complaint does not prevail on its merits is not enough.” Id.

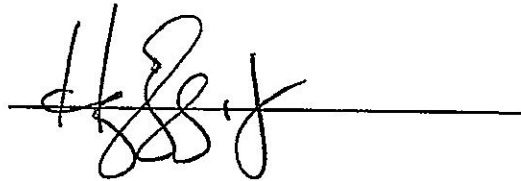
Kayongo dedicates a significant portion of her briefing on appeal to the respondents’ request to deem her a vexatious litigant, despite the fact that the court declined to so find. In her opening brief, Kayongo mischaracterizes the ruling of the trial court by stating that the judge denied the request because it was “frivolous.” There is nothing in the orders signed by the judge to indicate that he found that request by any of the government entities was frivolous. The mere fact that the court declined to find Kayongo was a vexatious litigant is not sufficient to order sanctions under CR 11. Kayongo had the burden to demonstrate the filing was baseless, and has the burden on appeal to demonstrate the superior court abused its discretion by finding otherwise.

Kayongo appears to suggest in briefing that the filing of the motions to dismiss and seeking a ruling that she is a vexatious litigant constituted both malicious harassment and malicious prosecution. However, she cites criminal statutes for this proposition, neither of which are applicable in the context of this appeal from civil litigation. To be clear, where a plaintiff brings a suit for damages against a party, as Kayongo did here, that party may vigorously defend against those allegations by utilizing the many tools of litigation available under our court

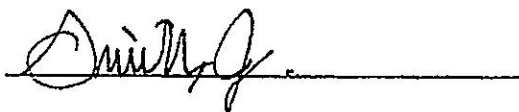
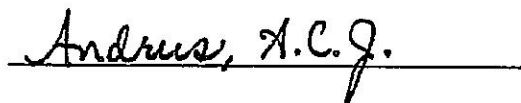
rules, including motions to dismiss. The respondents filed motions to dismiss under CR 12(b)(6) and the trial court judge granted each of those motions as proper under the law. Nothing in the record demonstrates that procedure or that outcome was based on maliciousness, but rather one of the many possible outcomes that may occur when a party makes the weighty decision to initiate litigation, whether represented by counsel or proceeding pro se.

Throughout her briefing, Kayongo appears to merely repeat the arguments and allegations that she presented to the trial court. Because Kayongo fails to identify or engage with the standard of review on appeal or otherwise argue how the trial court erred as to its rulings in the initial hearing and on reconsideration, we affirm the superior court.

Affirmed.

A handwritten signature in black ink, appearing to be "H. S. J.", written over a horizontal line.

WE CONCUR:

A handwritten signature in black ink, appearing to be "Smith, J.", written over a horizontal line.A handwritten signature in black ink, appearing to be "Andrews, A.C.J.", written over a horizontal line.

Appendix B

FILED
2020 AUG 19
KING COUNTY
SUPERIOR COURT CLERK

CASE #: 20-2-06906-0 SEA

SUPERIOR COURT OF STATE OF WASHINGTON
IN AND FOR KING COUNTY

KAY KAYONG
Pro Se Plaintiff
V.

1. STATE OF WASHINGTON
2. KING COUNTY
3. CITY OF TUKWILA
Defendant(s)

No. 20-2-06906-0 SEA
PLAINTIFF'S REQUEST
FOR A CONTINUANCE
ORDER TO PERMIT
AFFIDAVIT TO BE
OBTAINED AND
DISCOVERY TO BE HAD
FROM AN ATTORNEY
AT LAW FOR ISSUES
CAUSE TO BE SUBJECTED
VEXATIOUS LITIGANT
CR 56(f)-

I REQUESTED RELIEF

1. This court should deny the defendant's motion, CR 12(b)(6) and grant plaintiff's a continuance order to permit affidavit to be obtained and discovery to be had from an attorney at law to whom plaintiff is in diligently process to find one, but not yet get one, EX. 10 For:

CONTINUANCE TO PERMIT AFFIDAVIT - 1

BEST AVAILABLE IMAGE POSSIBLE

- a. whether had faith and frivolous filing of attorneys for defendants and court prejudice subjected Vexatious litigant? see at plaintiff's response to State motion summary of lawsuits table from 04/20/2011 to Now.
- b. whether allegation of Assault/Battery into King County Metro buses, should state be included when the state was notified of plaintiff's attack by black into King County Metro, and increasingly after March 12, 2017 to them EX.1, and EX.2
- c. whether legislative intent, government proprietor function in helping private developer design, and engineer should be apply to State of Washington despite of exception to public duty doctrine failure to enforce and/or rescue doctrine that plaintiff applied to local government King County and City of Tukwila under US Co 42 Uipt. 21 Section 1983 Civil Right, be to plaintiff's claim for conversion under the meaning of "deprive" to make unauthorized use of record information keep with the State Risk Management EX.1 and EX.2 to make state an environment clean and safety EX.2 pgs. 16 last parap. and our state will be the most clean exception to live and visit from outside the World, which is going to

CONTINUANCE TO PERMIT AFFIDAVIT - 2 -

1 state economy and our Health EX. 8 pgs 20
 2 No. 5 that has spread around the territory
 3 of State of Washington since 2009 to now?

4 1. whether plaintiff should fail to specify
 5 an exact value to claims that she cannot
 6 measure the damage as claim for
 7 conversion for Repruce and Assault/Battery
 8 tort and there is no any indication that
 9 the defendant has demanded in writing
 10 an amendment of damages pursuant to
 11 RCW 4.28.290 nor requested a statement
 12 of damages under RCW 4.28.360?

13 2. whether The defendant "deprive" made
 14 unauthorized use of record/information
 15 keep with him for plaintiff EX. 1; he was
 16 notified of such deprive he made since March
 17 2017 and there are re-engineering fact
 18 closely imitation to plaintiff's record/
 19 information keep around the State of
 20 Washington, see at EX. 1, 3, 4, 8-11 of
 21 complaint cause # 20-2-06906-08 are
 22 the facts for the cause of the action and
 23 subject matter this action for conversion?

24 These are some of issues plaintiff needed a
 25 continuance order to permit affidavit to be
 26 obtained and discovery to be had from
 27 an attorney at law to avoid vexatious
 28 litigant.

CONTINUANCE TO PERMIT AFFIDAVIT - 3-

II STATEMENT OF FACTS

1. Plaintiff chooses King County to be the County to "where the cause or some part thereof arose... for the recovery of damages for injuries to personal or for injuries to personal property... where some one of defendant's resides, at the time the commencement of the action" to be the County for the newly discovery evidence closely imitation of the said record/ information deprived by the defendant, Ex: 1, 3, 4, 8-11 of Complaint Cause # 20-2-06906-06EA in support of the action.

2. COUNT ONE: By July 10, 2018, plaintiff discovered the City of Tukwila was continuously re-engineering the specific part of the [42nd] Avenue to which the incident and the injury caused the filed record/information keep with them... This including re-engineering of Foster High School to which plaintiff was trespassed by City of Tukwila while she went there and inspecting the condition of school may she may find something to work on it for improvement which she discovered between July and August, 2019... By July 13, 2018... plaintiff discovered defendant King County has re-engineering or added the both entrance of King County Administration Buildings, Security Desk... Including at Kent King County Court House... only the floor 7 floor [sic] was re-engineering at the

CONTINUANCE TO PERMIT AFFIDAVIT-4-

The time plaintiff discovered... on the same day of discovery the Security Desk, King County Sheriff refused plaintiff to pass through from King County Court House to King County Administration Building. Since then, there is an increasing of re-engineering in the territory of state of Washington for residential and commercial buildings, houses, including all King County libraries, public law libraries and University of Washington buildings and law library...

plaintiff: [R]e - allege the conduct of defendants state of Washington and its local government King County and city of Tukwila stated... here in above constitute a wrongful and willful misconduct for conversion, theft/deprive of plaintiff's personal property record/information filed and kept with them without legal justification or her consent and/or just compensation... constitute an act of servitude... (and constitute) defendant is willful misconduct tort for Emotional distress.

COUNT: TWO plaintiff:

[R]e - allege the defendants... wrongful and willful misconduct toward plaintiff... constitute the common law tort of Assault and Battery... happened several times and no action was taken from defendant to stop or prevent the continuously of -

CONTINUANCE TO PERMIT AFFIDAVIT - 5 -

The injuries constitutes an act of Nationality and citizenship discrimination and constitutes emotional distress tort.

COUNT THREE: (Exhibit 1, Complaint).

See at plaintiff's response to King County and at State's attached table answer for summary of lawsuits filed by Plaintiff, Kay Kaygora From 04/21/2009 to Now.

III ISSUES PRESENTED

A. See at plaintiff's response to King County's motion and plaintiff's response to state's attached table for summary of lawsuits filed by plaintiff, Kay Kaygora

B. whether should the defendant attorneys and court (judges) subjected vexatious litigant?

C. Whether should the court deny to declare plaintiff's vexatious litigant despite of case cause # 11-2-41387-0SEA to which plaintiff did not have chance to consult attorney at law, all remaining suits filing is complaint document was sent the former United States President Barack Obama prior to filing and after filing decisions, including consulted legal clinic neighborhood attorneys at law and with their advised recommendation.

CONTINUANCE TO PERMIT AFFIDAVIT-6

1 plaw. tiff filed most of her pleadings;?

2 D. By November 21, 2014, the former United
3 States President Barack Obama while
4 in the White House after received all
5 these filed with King County, State of
6 Washington and City of Tukwila, beaten
7 into King County Retro buses, after court's
8 orders, trespassed from public places,
9 including received the incident happened
10 on July 19, 2014 case # 15-2-00124-8 SEA
11 and # 16-2-04653-3 SEA, The President
12 Barack Obama sent plaintiff an
13 administrative President's order
14 contained dry Seal of the United States,
15 EX. A (original sent to State of Washington
16 Attorney General) to file a copy of it and
17 return the original to plaintiff Kay
18 Keyong if possible). A copy of his letter
19 was filed with King County Superior Court
20 and Court of Appeals Division one and to
21 all defendants from the cases filed after
22 November 21, 2014.

23 None of plaintiff consulted a Honneys,
24 advise recommendation and President of
25 The United States was accepted by the
26 Court and their attorneys for defendants.
27 None of them requested the original of
28 president letter. Should plaintiff be
29 declared vexatious litigant for all
30 cases filed after The United States -

31
32
33
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36
37
38
39 CONTINUANCE TO PERMIT AFFIDAVIT-7-

1 President Barack Obama November 21,
2 2014's order filed with King County
3 Superior Court and served to the
4 defendant attorneys?

5 IV EVIDENCE RELIED UPON

6 1. The Former United States President Barack
7 Obama's November 21, 2014, letter to
8 Kay Kayongo - EX. A.

9 2 plaintiff's Response to King County.
10 EX. B

11 3 - plaintiff's response to State of Washing-
12 ton's motion, CR 12(b)(6) and summary
13 of lawsuits filed by Kay Kayongo
14 from 04/20/2011 to now.

15 V. ARGUMENT

16 A. THIS CLAIM IS SO LACKING IN ANY DETAIL THAT
17 IT IS IMPOSSIBLE TO KNOW THE WHO, WHAT,
18 WHEN, WHERE, WHY AND HOW THIS HAPPENED.
19 (EXhibit 1) see at Defendant's motion pp. 5, line
20 16-17.

21 CR 12 (e) states:

22 If a pleading to which a responsive
23 pleading is permitted is so vague or
24 ambiguous that a party cannot rea-
25 sonably be required to frame a responsive
26 pleading, or if more particular in that,
27 if more particular in that pleading
28 will further the efficient economical
29 disposition of the action, The party
may move for a more definite statement.

CONTINUANCE TO PERMIT AFFIDAVIT - 8 -

before interposing a responsive pleading.
 This motion shall point out the defects
 complained of and details desired.

This is the best motion the defendant should
 move despite the under CR 12(b)(6) If plaintiff's
 complaint to be so lacking in any detail
 that is impossible to know what, when,
 where, why and how this happened.

Even though, it seemed the defendant State-
 of Washington has pointed out the defects
 complained and detailed desired on his motion
 pge 1, line - 21-26 and pge. 2, line 1-26 and
 pge. 3, line 1-3, which plaintiff also has re-sta-
 ted herein above on pge. 4-6. That is why
 plaintiff re-statement with W5 and H. here in
 below:

WHO?

1. Kay Kayongo (Author) owner or proprietor
 of the said record and information (EX. 1, 8)
 filed and kept with State of Washington
 risk management office, King County
 Superior Court clerk's office, and city
 of Tukwila risk management.

2. State of Washington is a defendant who
 has received and read the said record/
 information (EX. 1, 8) and used them
 intrinsically and extrinsically through
 EX. 1, 3, 4, 9-11.

CONTINUANCE TO PERMIT AFFIDAVIT- 8-

to re-engineer. State of Washington is residential and commercial Buildings and Houses.

3. King County is another defendant, to whom plaintiff use his property to practice and write the said record/information at King County Jail and libraries.

4. City of Tukwila is also a defendant to whom received and read the said record/information filed and kept with and used them.

What?

5. They deprived, made unauthorized use of them without the consent of plaintiff or legal justification and/or just compensation in helping private developers design and engineer. This record/information are soft, intangible intellectual contained on hard/tangible papers' personal property.

When? They received them on or about March 6, 19, 2017 and 2011, 2009, and New discovery from July 10, 2018 to August 5, 2020.

Where?

7. around the territory of State of Washington.

Why?

8. for the benefit of public health from clean environment, and to deprive plaintiff's right to its earning benefit.

CONTINUANCE TO PERMIT AFFIDAVIT - 00-

Without legal justification.

HOW DOES THIS HAPPEN?

9. Kay Kayongo is an U.S. citizenship, origin of Democratic Republic of Congo, the plaintiff injured party and resident of State of Washington since 1997. She was in contact with State of Washington defendants since 2008 by filing numerous of claims for damages and lawsuits, specifically against Seattle Housing Authority; City of Tukwila; two private limited liability companies DV Properties, LLC and Westfield, LLC; State of Washington claim for damages tort, which ended now with State of Washington, King County and City of Tukwila Cause # 20-2-06906-0 SEA and alike as happened with DV Properties is pending with Court of Appeals, Division one Against Red Roof Inns, Inc. (CL West-Management, LLC), unlikely none of the precedent suits she had right to remedy including deprivation of total life as right to work, school, get married and have children and so on... for almost 12 years.

During this almost 12 years in filing claims and suits against them, she was beaten from black slaves girls and boys into King County Detention Houses, no any action was taken against them. State and

CONTINUANCE TO PERJURY AFFIDAVIT - 11 -

These attacks happened to each judicial or administrative decision on the filed claims or cases.

During also these legal process work with them, plaintiff discovered state of Washington, King County, and City of Tukwila were using or controlling power over her filed record/information contained on claims for damages torts and filed lawsuits raised issues on the record/information for helping public and private developers design and engineer for public Health benefit for re-engineering residential and commercial buildings houses, apartment and so on... in closely IMITATION TO CONTAINED RECORD AND INFORMATION KEPT WITH THEM.

10. EXAMPLES OF SOME RECORDS/INFORMATION:

- a. "Kay Kayong is promoter of incorporation of business who wants an owner of business to be interested on their new business" [PROPOSED PROJECT] (EX. 1, 8 pgs. 14 1st para, complaint)... "I would re-engineering 7th floor" (EX. 8 pgs. 14 last para)... for Health safety of government's employees for lack of work environment safety (EX. 8, pgs. 15)... and for improvement of inmate food protection and nutrition... (EX. 8 pgs. 15. No. 2)... "I would make state an environment clean and safety" (EX. 8 pgs. 16 and its -

CONTINUANCE TO PERMIT AFFIDAVIT - 12 -

1 pictures) ... "Government is going to pain
 2 hom workers" (EX. 8 pgs. 7) ... "The public
 3 housing renting workers are going to
 4 pay more money" (EX. 8 pgs. 17 (complaint)).

5 " ... [THE] improvement of environmental
 6 protection, our state will be the most
 7 clean and exception to live and
 8 visit from outside the World ... "
 9 EX. 8, pgs. 19-23, and more ...

10 Briefly, any word beneficially contain-
 11 ed on Exhibit 1 and 8 in Complaint cause
 12 # 20-2-06906-08EA was closely imitated
 13 and used by the captioned defendants -
 14 intrinsically and extrinsically

15 11. SOME OF FACTS CLOSELY IMITATION WITH
 16 CONTENT OF (EXhibit 1 and 8 complaint)
 17 are words secret only defendants
 18 and plaintiff would suspect the
 19 true of evidences on EX. 1, 8 and
 20 are acknowledge of the defendants
 21 to have used plaintiff's record
 22 and information keep with them.

23 a. "On August 28, 2009 while walking on
 24 The 42nd Ave. to the Tokwila BWS
 25 Station # (EX. 3, 8 complaint) who
 26 can know ~~up~~ about phrase? The
 27 defendants and plaintiff will recall
 28 to the meaning charge found on
 29 July 10, 2018 (see at defendant's motion
 30 pgs. 2, line 6-8).

CONTINUANCE TO PERMIT AFFIDAVIT - 13 -

b. ^u Those need education go to school (EX. 1, 8 complaint) education for poor EX. 1 ppe. 2 - No. 8. plaintiff discovered between July and August, 2019? Who would know about school change? Only the defendants and plaintiff who have word secret to recall about change EX. 9. (see - at defendant's motion ppe. 2, line 8-11.

c. Only the 7 floor [sc] was re-engineered at the time plaintiff discovered... Who would know about July 13, 2018... discovery re-engineered of both King County Administration Entrance... Security Desk 7 (see at defendant's motion ppe. 2, line 11-14) Only the defendants and plaintiff who have word secret to recall about change. (EX. 4, complaint)

d. including all King County libraries, public law libraries and university buildings and law library... change? - only defendants and plaintiff have a word secret to recall to the change. (see at defendant's motion ppe. 2, line 16-17).

12. DEFINITION OF INTELLECTUAL PROPERTY.

while there is a close relationship between intangible property and tangible object in which they are embodied, intellectual property rights are distinct and separate from -

CONTINUANCE TO PERMIT AFFIDAVIT-14-

property right in tangible goods.

For example:

When a person posts a letter to someone, the personal property in the ink and parchment is transferred to the recipient [T]he sender (as author) retains intellectual property rights in the letter (EX. 1,8 of complaint).

Plaintiff has attached Medical School diploma patent and University of Phoenix certificate to where record / information keep with the defendants for public Health and Safety Environmental protection and Vocabulary law words came from. EX. B.

13. THE PUBLIC DUTY DOCTRINE SERVES AS A FRAMEWORK WHEN DETERMINING WHETHER A GOVERNMENT ENTITY OWES A STATORY OR COMMON LAW DUTY TO A PLAINTIFF SUING IN NEGLIGENCE (See at defendant's motion pgs. 6, line 7-8)

Based on plaintiff's statement of (EX. 1,8 of complaint):
 11 make state an environment -

CONTINUANCE TO PERJURY AFFIDAVIT - 15-

a demand in writing an amendment of damages must be demanded - pursuant to:

1. RCW 4.28.290

A defendant who has appeared may without answering demand in writing an amendment of damages, of the amount which the plaintiff is entitled to recover, and there upon such amendment shall be had or any such amount ascertained in such manner as the court on application may direct, and judgment entered by the clerk for the amount so amended or ascertained.

No such demand in writing plaintiff received from defendant. See at

Declaration of Christopher M. Clay pg. 11, No. 3 list of document filed and received.

2. prior for plaintiff fails, the request must be done - pursuant to RCW. 4.28.360:

personal injury in civil action for personal injuries, the complaint shall not contain a statement of the damages sought but shall contain a prayer for damages as shall be -

CONTINUANCE TO PERMIT AFFIDAVIT - 17 -

determined, A defendant in such action may at any time request a statement from plaintiff setting forth separately the amounts of any special damages and general damages sought.

No such request of statement was made from defendant. see at defendant's motion pgs. 11, list of document plaintiff received from defendant attorney; Even though both claimed damages for Assault and Conversion are damages plaintiff cannot measure the exact value.

the plaintiff requests a continuance order to permit affidavit to be obtained from an attorney at law for damage issues.

15 SHE HAS FILED DOCUMENT IN
CASE THAT HAD ALREADY
BEEN DISMISSED, ~~IN~~ TAKE
JUDGMENT OF \$ 970,246,204.62

The two court filed orders #ocket # 82, 83
EX. C for the reconsideration of two
orders entered on January 27, 2017
a. order denying continuance of summary judgment
b. order granting judgment in favor of

CONTINUANCE TO PERMIT AFFIDAVIT - 18 -

city of Tukwila listed the finding of judgment because ~~continuation~~ continuance was without prejudice and with prejudice. EX. 6

16. Due to time, plaintiff has served and filed these two responses for State of Washington and King County to all parties, including them to defendant City of Tukwila, US Co. 42 chpt. 21 section 1983 is not applied to the defendant State of Washington, but the US and State Constitution is applied to State if it will need.

CONCLUSION

1. plaintiff asks the court to grant continuance order to permit affidavit to be obtained and discovery to be had.
2. plaintiff the court to deny the motion to declare plaintiff vexatious.
3. plaintiff is waiting the appellate decision for discovery other evidence for this case.
4. plaintiff also asks the court and attorney for defendants to unlock attorneys at law who.

CONTINUANCE TO PERMIT AFFIDAVIT-19-

1 can help plaintiff if it will need

2 5. Plaintiff does not have much access
3 to retrieved case law that much
4 to this motion.

5 6. This pro se plaintiff's affidavit is
6 to allow a continuance order to
7 permit affidavit to be obtained
8 and discovery to be had by
9 attorney at law.

10 7. plaintiff asks the court this motion
11 to be heard without
12 oral argument.

13 Date: 08-18-2020

14 Benice Kayonfo

15 Kay Kayonfo
16 pro se plaintiff
17 P.O. Box 27752
18 Seattle, WA 9865
19 (206) 606-1692
20 @sanyabel@yahoo.
21 com
22
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CONTINUANCE TO PERMIT AFFIDAVIT- 20-

EXHIBIT

B

Kay Kayongo is

School Patents

Intellectual Property

Intangible knowledge

1. Medical School Diploma

2. University of Phoenix
certificate

FILED
SUPREME COURT
STATE OF WASHINGTON
12/2/2021 12:44 PM
BY ERIN L. LENNON
CLERK

Court of Appeal Cause No. 81884-8-1

IN THE SUPREME COURT OF THE STATE OF
WASHINGTON

KAY KAYONGO, Petitioner

v.

STATE OF WASHINGTON,
KING COUNTY,
CITY OF TUKWILA, Respondents

PETITION FOR REVIEW

P.O. BOX 27752
Seattle, WA 98165
(425) 606-1692

KAY KAYONGO

SUPREME COURT OF STATE OF WASHINGTON

KAY KAYONGO
Pro Se Petitioner


Vs.
STATE OF WASHINGTON et al
Respondents

Supreme Court No. 100416-8
Court of Appeals No. 818848
PETITION FOR REVIEW
APPENDIX B ATTACHED
ATTACHED PAPERS LEFT

To The Supreme Court Clerks, Counsels for Defendants and all parties
involved in in review proceeding attach into Petition for Review these
appendix B papers left from scanner or copy mistake Petitioner just found.

Date: December 2, 2021

Respectfully submitted,


Kay Kayongo, Pro Se Petitioner
Unprofessional at law

Appendix B

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a. whether bad faith and frivolous filing
of attorneys for defendants and court
prejudice in objected Vexatious litigant?
see at plaintiff's response to state
motion summary of lawsuits
table from 04/20/2011 to Now.

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b. whether allegation of Assault/Battery into
King County Metro buses, should state be
included when the state was notified
of plaintiff's attack by black into King
County Metro, and increasingly after
March 12, 2017 to them EX. 1, and EX. 2

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c. whether legislative intent, government
proprietor function in helping private
developer design, and engineer should
be apply to state of Washington despite
of exception to public duty doctrine
failure to enforce and/or rescue
doctrine that plaintiff applied to
local government King County and
City of Tukwila under US Co 42

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Unpt. 21 Section 1983 Civil Right, be
to plaintiff's claim for conversion under
the meaning of "deprive" to make unautho-
rized use of record information keep
with the State Risk Management EX. 1 and
EX. 8 to make state an environment
clean and safety EX. 8 pge. 16 last
parap. and our state will be the most
clean exception to live and visit from
outside the World, which is going to

CONTINUANCE TO PERMIT AFFIDAVIT - 2 -

1 state economy and our health EX. 8 pgs 20
 2 No. 5 that has spread around the territory
 3 of State of Washington since 2009 to now?

4 1. whether plaintiff should fail to specify
 5 an exact value to claims that she cannot
 6 measure the damage as claim for
 7 conversion for Deprive and Assault/Battery
 8 tort and there is no any indication that
 9 the defendant has demanded in writing
 10 an amendment of damages pursuant to
 11 RCW 4.28.290 nor requested a statement
 12 of damages under RCW 4.28.360?

13 2. whether The defendant "deprive" made
 14 unauthorized use of record/information
 15 keep with him for plaintiff EX. 1; he was
 16 notified of such deprive he made since March
 17 2017 and there are re-engineering fact
 18 closely imitation to plaintiff's record/
 19 information keep around the State of
 20 Washington, see at EX. 1, 3, 4, 8-11 of
 21 Complaint Cause # 20-2-06906-0 SEA are
 22 the facts for the cause of the action and
 23 Subject matter This action for Conversion?

24 These are some of issues plaintiff needed a
 25 continuance order to permit affidavit to be
 26 obtained and discovery to be held from
 27 an attorney at law to avoid vexatious
 28 litigant.

CONTINUANCE TO PERMIT AFFIDAVIT - 3-

before interposing a responsive pleading.
This motion shall point out the defects
complained of and details desired.

This is the best motion the defendant should
move despite the under CR 12(b)(6) If plaintiff's
complaint to be so lacking in any detail
that is impossible to know what, when,
where, why and how this happened.

Even though, it seems the defendant State
of Washington has pointed out the defects
complained and detailed desired on his motion
pge 1, line - 21-26 and pge. 2, line 1-26 and
pge. 3, line 1-3, which plaintiff also has re-sta-
ted herein above on pge. 4-6. That is why
plaintiff re-statement with W's and H. here in
below:

WHO?

1. Kay Kayongo (Author) owner or proprietor
of the said record and information (EX. 1, 8)
filed and kept with State of Washington
risk management office, King County
Superior Court Clerk's office, and City
of Tukwila risk management.
2. State of Washington is a defendant who
has received and read the said record/
information (EX. 1, 8) and used them
intrinsically and extrinsically through
EX. 1, 3, 4, 9-11.

CONTINUANCE TO PERMIT AFFIDAVIT - 8 -

KAY KAYONGO - FILING PRO SE

December 02, 2021 - 12:44 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 100,416-8
Appellate Court Case Title: Kay Kayongo v. State of Washington, et al.

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- torolyef@atg.wa.gov

Comments:

CORRECT PETITION FOR REVIEW APPENDIX B ATTACHED PAPERS WITH DATE AND SIGNATURE.

Sender Name: Kay Kayongo - Email: osanyibebe@yahoo.com

Address:

P.O. Box 27762

Seattle, WA, 98165

Phone: (425) 606-1692

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KAY KAYONGO - FILING PRO SE

November 30, 2021 - 7:29 AM

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Appellate Court Case Number: 81884-8
Appellate Court Case Title: Kay Kayongo, Appellant v. State of Washington, et al, Respondents

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