

FILED
SUPREME COURT
STATE OF WASHINGTON
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CLERK

No. 102718-4
SUPREME COURT
OF THE STATE OF WASHINGTON

LINDA K. HAMMELMAN-BELD,

Petitioner,

v.

SCOTT L. BELD,

Respondent.

COMBINED ANSWER TO MOTION FOR EXTENSION
AND PETITION FOR REVIEW

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A. Introduction.

This Court should deny petitioner's request for an extension of 157 days to file her petition for review from the Court of Appeals' December 6, 2023 order dismissing her appeal. Since the "desirability of finality of decisions outweighs the privilege of a litigant to obtain an extension," this Court will grant an extension to file a petition for review "only in extraordinary circumstances and to prevent a gross miscarriage of justice." RAP 18.8(b).

Petitioner's purported health issues and lack of legal representation are not "extraordinary circumstances" warranting a 157-day extension to file her petition for review of the Court of Appeals' order dismissing her appeal. That appeal had already been pending for over two years when the Court of Appeals dismissed it when petitioner, after being granted multiple extensions, failed to file her opening brief on the date ordered by the Court, despite warnings that her appeal may be dismissed.

Even if this Court were to grant an extension, this Court should deny review of the Court of Appeals' decision. The Court of Appeals has substantial discretion when exercising its express and inherent authority under the Rules of Appellate Procedure to "secure the fair and orderly review of a case." RAP 7.3. This authority includes conditioning a party's right to further participate in review on compliance with the court's orders, RAP 18.9(a), and dismissing review if a party fails to comply with those orders. RAP 18.9(b). The Court of Appeals' exercise of its discretionary authority to dismiss review for petitioner's failure to follow its orders provides no basis for this Court's review under RAP 13.4(b).

B. Restatement of the Case.

- 1. This appeal from final orders dissolving the parties' marriage and protecting respondent from petitioner has been pending since August 2021.**

Respondent Scott Beld and petitioner Linda Hammelman-Beld are former spouses. On July 22, 2021,

after a three-day trial in the parties' divorce action, the trial court granted respondent a five-year restraining order, protecting him from any contact and harassment by petitioner. (CP 509) Petitioner filed her notice of appeal from the restraining order on August 23, 2021. (CP 590) After final orders dissolving the parties' marriage were entered on November 19, 2021 (CP 674, 681), petitioner amended her notice of appeal on December 16, 2021, asking the Court of Appeals to review the final divorce orders in the pending appeal from the restraining order (CP 687-88), which the Court granted.

2. The Court of Appeals dismissed the appeal in December 2023 when petitioner failed to file her opening brief after being granted 220 days of extensions.

Perfection of the record on review was significantly delayed. The verbatim report of proceedings, for instance, was filed on December 22, 2022, over a year after the notices of appeal were filed. Under normal circumstances,

the verbatim report of proceedings should have been filed months earlier, by March 18, 2022 at the latest.¹

Nevertheless, on February 6, 2023, petitioner sought what she acknowledged was an “unusually long 90-day extension of time” to file her opening brief. (App. 1) The requested extension was based on petitioner’s counsel’s assertion that petitioner “has not been dramatically successful in directing my attention to the places in the record where reversible error might lie. It consequently falls to me to ‘find’ error in the record, if error there be, and report it to the court.” (App. 2) In granting this extraordinary extension, the Court of Appeals Clerk ruled that it would “consider a Clerk’s motion for dismissal without oral argument if the Appellant’s Opening Brief is

¹ This presumes that the deadline for perfection of the record under RAP 9.2 and RAP 9.5 were re-set by the filing of the December 16, 2021 amended notice of appeal. If the deadline is based on the original August 23, 2021 notice of appeal, the verbatim report of proceedings should have been filed even earlier, by November 22, 2021.

not filed by May 5, 2023. No further extensions will be granted.” (App. 4)

Petitioner did not file her opening brief by May 5, 2023 as ordered. Instead, her counsel filed a Notice of Completion of Limited Appearance stating, “after a diligent review of the trial court record, I have found no basis for assertion of a colorable claim for reversal of the decision(s) of the trial court respecting the claims of the trial court error as addressed in the amended notice of appeal heretofore served and filed herein, especially insofar as such claim(s) might have been properly preserved for review on appeal by timely and sufficient objection in the trial court.” (App. 5-6)

Despite petitioner having been on notice that “[n]o further extensions will be granted” if she did not file her opening brief by May 5, 2023, petitioner, now representing herself pro se, requested *another* 90 days to file her opening brief, which the Clerk partially granted. Even

though the Clerk found petitioner's requested 90-day extension "excessive," it still granted her an additional 81 days, until July 25, 2023, to file her opening brief. (App. 7) In granting the extension, the Clerk warned petitioner that "[a]bsent extraordinary and compelling circumstances, this appeal will be dismissed unless the opening brief is filed by that date." (App. 7)

Petitioner did not file her opening brief by July 25, 2023. Instead, petitioner requested *another* extension, which Court of Appeals Commissioner Treibel granted, ruling the "brief must be filed on or before August 28, 2023, with no further extensions." (App. 8)

On August 28, 2023, petitioner filed an 11-page opening brief that failed to conform to the rules including, among other deficiencies, failing to provide any argument based on legal authority for her challenge to the trial court's discretionary decisions related to her divorce from respondent. The following day, on August 29, the Clerk

rejected petitioner's brief with instructions on how to correct it. (App. 9-10) The Clerk directed petitioner to file her corrected brief by September 8, 2023, warning her once again that **"Failure to file corrected brief by new due date may result in dismissal."** (App. 10, bold in original)

Petitioner did not file her corrected opening brief by September 8, 2023. Instead, petitioner requested another extension, until September 14, to file her brief, which the Clerk granted, stating that it was the "[f]inal extension granted. Failure to file brief will result in case dismissal." (App. 11)

After being granted 220 extra days to file her opening brief, petitioner failed to file her opening brief by September 14, 2023. As warned, the Clerk dismissed the appeal on September 29. (App. 12) On December 6, 2023, a panel of three judges of the Court of Appeals denied petitioner's motion to modify the Clerk's ruling. (App. 13)

3. In June 2024, six months after the Court of Appeals dismissed petitioner's appeal, she filed an untimely petition for review in this Court.

If petitioner wished to seek review of the Court of Appeals' decision dismissing her appeal, she was required to file her petition by January 5, 2024. RAP 13.4(a). After this deadline had already passed, petitioner, on January 8, requested an extension to file her petition by March 4, referencing her need for accommodations under GR 33.

On January 9, 2024, this Court's Deputy Clerk issued a letter ruling stating the Court "will decide the Petitioner's motion for extension, *but only if* the Petitioner files a proposed petition for review in this Court by March 4, 2024." (App. 14, emphasis added) The Clerk warned petitioner that the Court "will only consider the petition for review if it first decides to grant the motion for extension. A motion for extension of time to file is normally not granted." (App. 14)

Petitioner did not file her proposed petition by May 4, 2024. Instead, the following day, petitioner filed a second motion for extension. On March 7, this Court's Clerk ruled that if petitioner wished to proceed with the case, she must file, by April 8, a motion for extension "explaining why she was unable to file a proposed petition for review by March 4, 2024"; "a proposed petition for review that complies with the requirements of RAP 13.4"; and pay the \$200 filing fee or request a waiver of the filing fee. (App. 17)

Petitioner did not comply with any of the requirements in the Clerk's March 7, 2024 ruling by April 8. Instead, petitioner filed an "emergency motion to stop dismissal and extend time." On April 10, the Clerk granted petitioner an extension to meet all of the requirements set forth in the March 7 ruling by June 10. (App. 19) The Clerk ruled that if "all of the requirements are not met by June

10, 2024, this case will be dismissed without further notice.” (App. 19)

On June 10, 2024, petitioner filed her petition for review, a request for waiver of the filing fee, and a GR 33 request for accommodations.

C. Grounds for Denying Petitioner’s Request for an Extension of Time to File Petition for Review and GR 33 Accommodations.

While respondent questions the credibility of the basis for petitioner’s request for GR 33 accommodations, to the extent such accommodations are warranted, petitioner has already received such accommodations from this Court by mere virtue of the fact that it did not already dismiss this case when she failed to file her petition by March 4, 2024, which she had been ordered to do if she wanted the Court to even consider her motion for a 59-day extension. (*See* App. 14) Petitioner was thus already provided accommodations because, even though this Court “does not generally grant extensions of more than 30 days”

(App. 18), it did not dismiss her case when she failed to file her petition by March 4.

Despite being granted an additional 98 days to explain “why she was unable to file a proposed petition for review by March 4, 2024” (App. 17, 19), petitioner fails to show “extraordinary circumstances” make an extension necessary “to prevent a gross miscarriage of justice” as required under RAP 18.8(b). Unlike other appellate rules, which may be waived or altered to “serve the ends of justice,” RAP 18.8(a), the time limit for filing a petition for review under RAP 13.4 is strictly enforced because “the desirability of finality of decisions outweighs the privilege of a litigant to obtain an extension” to file a petition for review. RAP 18.8(b).

Here, no extraordinary circumstances exist to warrant extending the time for petitioner to file her petition for review. Her claimed health issues *may* have warranted a 30-day extension, but not the 157-day

extension that she is requesting. Further, petitioner's claimed need for "legal assistance" does not warrant an extension when it is clear she will disregard any legal counsel that she receives as evidenced by the fact that she insists on pursuing her appeal from the final divorce orders and restraining order even though her former counsel advised her (and the Court) that there is "no basis for assertion of a colorable claim for reversal" of the trial court's order. (App. 6)

This Court should deny petitioner's motion for extension and dismiss this case because if not, respondent, who is "entitled to an end to their day in court," will be prejudiced. *Reichelt v. Raymark Indus., Inc.*, 52 Wn. App. 763, 766, n. 22, 764 P.2d 653 (1988). It is nearly three years since the restraining order and final orders dissolving the parties' marriage were entered. The Court of Appeals properly dismissed the appeal when petitioner failed to file her opening brief by the date ordered. Now, seven months

later, this Court too should dismiss this case when petitioner failed to timely file her petition for review.

D. Grounds for Denial of Review.

Even if this Court were to grant petitioner's motion for extension, it should deny her petition for review. Review of the Court of Appeals' decision dismissing the appeal is not warranted on any ground under RAP 13.4(b). The Court of Appeals' decision does not conflict with any appellate court decisions, and does not raise a significant question of law under the constitution. RAP 13.4(b).

- 1. Appellate courts have both express and inherent authority to dismiss an appeal when a party refuses to comply with court-imposed deadlines.**

No grounds under RAP 13.4 warrant review of the Court of Appeals' decision dismissing petitioner's appeal. Petitioner was granted multiple extensions to file her opening brief and was warned as early as February 2023 that her appeal would be dismissed if her opening brief was not timely filed. By the time the appeal was dismissed, it

had already dragged on for nearly two years, and the Court properly dismissed the appeal when petitioner failed to file her opening brief by September 14, 2023—the “final extension” granted to petitioner.

Appellate courts have express authority to dismiss an appeal for failure to comply with the court’s orders. RAP 7.3 authorizes appellate courts to make orders “to secure the fair and orderly review of a case,” including conditioning “a party’s right to participate further in the review on compliance with terms of an order or ruling.” RAP 18.9(a); *see also* RCW 2.28.010 (“every court of justice has power . . . to provide for the orderly conduct of proceedings before it . . . to compel obedience to its judgments, decrees, orders and process”). If a party fails to comply with the court’s orders, RAP 18.9(b) grants the court authority to dismiss the appeal. *Winter v. Dep’t of Soc. & Health Servs. on behalf of Winter*, 12 Wn. App. 2d 815, 844, ¶69, 460 P.3d 667 (2020) (appeal dismissed

when appellant failed to meet the filing deadline in the court's ruling), *rev. denied*, 196 Wn.2d 1025 (2020).

In addition, all courts have inherent authority to manage their calendar and docket, including the power to dismiss a case as a sanction for violations of court rules, orders, and calendar settings. *See Wallace v. Evans*, 131 Wn.2d 572, 577, 934 P.2d 662 (1997) (when no court rule or statute governs the circumstances presented, a court has inherent authority to dismiss a case as a sanction for violations of other court rules, orders, and calendar settings); *State v. Ralph Williams' N. W. Chrysler Plymouth, Inc.*, 87 Wn.2d 298, 310, 553 P.2d 423 (1976) ("we note that an appellate court possesses the inherent power to dismiss an appeal when a party disobeys certain trial court orders"), *dismissed*, 430 U.S. 952 (1977); *State v. Castillo-Lopez*, 192 Wn. App. 741, 748, ¶14, 370 P.3d 589, *rev. denied*, 185 Wn.2d 1038 (2016) (courts have "discretion to manage their docket").

The sanction of dismissal with prejudice may be imposed, even if the litigant is self-represented, when the litigant has been warned that noncompliance can result in dismissal, as was done here. *See e.g., Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992), *as amended* (May 22, 1992), *cert. denied*, 506 U.S. 915 (1992) (affirming order dismissing pro se complaint when court granted plaintiff two opportunities to amend his complaint and each time expressly warned him that “if he did not comply with the order the clerk would enter a dismissal without further notice to him”); *see also See Winter*, 12 Wn. App.2d at 844, ¶169.

In *Winter*, Division One denied a motion to modify the clerk’s dismissal of an appeal filed by a pro se appellant for failing to file his opening brief by the date ordered by the Court, noting that courts “hold pro se litigants to the same standards as attorneys.” 12 Wn. App. 2d at 844, ¶¶169, 70. The Court held the clerk had a “valid basis” to dismiss

the appeal under RAP 18.9 when appellant received “extensions totaling over 3 months of extra time to file his opening brief” and had 40 days’ notice that the appeal would be dismissed if he did not meet the filing deadline. 12 Wn. App. 2d at 844, ¶¶69, 70.

Here, petitioner was granted extensions totaling over **7 months of extra time** to file her opening brief and had notice as early as February 2023 that her appeal would be dismissed if she failed to timely file her opening brief. The Court of Appeals thus had a “valid basis” to dismiss the appeal when petitioner failed to comply with the Court’s “final extension” and review of that decision by this Court is not warranted.

- 2. The Court of Appeals properly exercised its discretion in dismissing the appeal when petitioner was provided notice that her appeal would be dismissed if she failed to file her opening brief by the date ordered.**

Having a valid basis to dismiss petitioner’s appeal when she failed to comply with the court-ordered deadline

for filing her opening brief, the Court of Appeals did not abuse its discretion in doing so. Whether to dismiss an appeal ordinarily “rests within the sound discretion of the court hearing the motion.” *State v. Ashbaugh*, 90 Wn.2d 432, 439, 583 P.2d 1206 (1978); *see also Apostolis v. City of Seattle*, 101 Wn. App. 300, 304, 3 P.3d 198 (2000) (“dismissing a case for noncompliance with court orders or rules is reviewed for abuse of discretion”). A reviewing court should be wary of “unwarranted interference” with the lower court’s functions in managing its own docket. *State ex rel. Frank v. Bunge*, 16 Wn.2d 358, 361, 133 P.2d 515 (1943).

It does not matter that petitioner was representing herself. Courts are “under no obligation to grant special favors” to pro se litigants. *Marriage of Olson*, 69 Wn. App. 621, 626, 850 P.2d 527 (1993). “[T]he law does not distinguish between one who elects to conduct his or her own legal affairs and one who seeks assistance of counsel—

both are subject to the same procedural and substantive laws.” *Olson*, 69 Wn. App. at 626 (quoted source omitted).

Here, the Court of Appeals did not abuse its discretion in dismissing this appeal after granting petitioner 220 extra days to file her opening brief and warning her that her appeal would be dismissed if she did not file her opening brief by September 14, 2023. By the time the appeal was dismissed, it had been pending over two years and dismissal was warranted by petitioner’s failure to comply with the court’s rulings requiring her to timely file her opening brief.

Dismissal was also warranted when it was clear that any issues petitioner may raise would be frivolous since, over a year ago, her former counsel reported that there was “no basis for assertion of a colorable claim for reversal of the decision(s) of the trial court.” (App. 6) RAP 18.9(c)(2) (court may dismiss appeal “if the application for review is frivolous”). Petitioner’s pursuit of what would amount to a

frivolous appeal is merely an extension of her conduct in the trial court, which caused it to find that she “engaged in intransigent behavior during this litigation, including pursuing allegations not well-grounded in fact and disregarding multiple court orders/rulings.” (CP 683) The Court of Appeals thus did not abuse its discretion in dismissing the appeal.

As the Court of Appeals’ order dismissing petitioner’s appeal for failure to comply with the court-ordered deadline for filing her opening brief was well within its discretion, review of that decision by this Court is not warranted.

E. Conclusion.

This Court should deny review.

I certify that this answer is in 14-point Georgia font and contains 3,207 words, in compliance with the Rules of Appellate Procedure. RAP 18.17(b).

Dated this 10th day of July, 2024.

JOSHUA BEAN, PLLC

SMITH GOODFRIEND, P.S.

By: /s/ Joshua J. Bean

By: /s/ Valerie A. Villacin

Joshua J. Bean

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WSBA No. 42426

WSBA No. 34515

Attorneys for Respondent

DECLARATION OF SERVICE

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct:

That on July 10, 2024, I arranged for service of the foregoing Combined Answer to Motion for Extension and Petition for Review, to the court and to the parties to this action as follows:

Office of Clerk Washington Supreme Court Temple of Justice P.O. Box 40929 Olympia, WA 98504-0929	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-File
Joshua J. Bean Joshua J. Bean, PLLC 4001 Main Street, Suite 300 Vancouver, WA 98663 jbean@joshuabeanlaw.com sczafit@joshuabeanlaw.com	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail
Linda K. Hammelman-Beld 169 Broad St. S #25 Monmouth, OR 97361 lovelife57lh@gmail.com	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail

DATED at Brooklyn, New York this 10th day of July,
2024.

/s/ Andrienne E. Pilapil
Andrienne E. Pilapil

No. 56159-0-II

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

In re the Marriage of

LINDA HAMMELMAN-BELD,

Appellant,

and

SCOTT BELD,

Respondent.

No. 56159-0-II

MOTION FOR EXTENSION OF TIME TO
FILE BRIEF OF APPELLANT

1. IDENTITY OF MOVING PARTY.

Appellant Linda Hammelman-Beld asks for the relief designated in Part 2.

2. STATEMENT OF RELIEF SOUGHT.

Extension of the time for filing the Brief of Appellant to

- a. 90 days beyond the present date.
- b. To such other date, time, or occurrence of event(s) as the court considers appropriate.

3. FACTS RELEVANT TO MOTION.

The undersigned is respectfully requesting an unusually long 90-day extension of time to file the brief of appellant for the following reasons:

The undersigned is 78 years of age, semi-retired, practices law in Camas, Clark County, but has resided 210 driving miles from his Camas office in Ellensburg, Kittitas County, for the past seven years, and drives nearly every Friday and Monday between Ellensburg and Camas. I have practiced law for 53 years. The Monday and Friday

1 commutes take four hours if conducted entirely nonstop but generally come closer to five
2 hours with gasoline and restroom stops. I generally am able to practice law about one
3 and sometimes two hours on Mondays and Fridays due to fatigue and the time required
4 for the commute. My fee agreements with my clients specify that my office hours are
5 9:00 a.m. to 5:00 p.m. on Tuesdays, Wednesdays, and Thursdays only.
6

7 I have enjoyed and been highly privileged to have been involved in appellate law since
8 literally the first day of existence of the intermediate appellate court. 1 Wn.App. xvi
9 (1969) (call to order by self as bailiff, then introductory words by my employer, Hon.
10 Frank D. James, Chief Judge, Division I). I believe my first appearance as counsel in a
11 case with a published opinion was in *In re Estate of Coffin*, 7 Wn.App. 256, 499 P.2d 223
12 (1973). My most recent published opinion trial court reversal was 48 years later in *In re*
13 *Marriage of Niemi*, 19 Wn.App.2d 357, 496 P.3d 305 (2021).
14

15 This appeal now has a verbatim report of proceedings of a hefty 1,137 pages, after
16 respondent successfully moved in the trial court for a report of proceedings covering *all*
17 trial court proceedings and not selected ones the appellant believed would have been
18 sufficient for the court's consideration of the issues involved in the appeal. The
19 pleadings as filed in the trial court number 153, and the exhibits 92. The trial record is a
20 large one.
21

22 I was not trial counsel and had no involvement in the case at that level whatsoever. My
23 client is a very nice person but has not been dramatically successful in directing my
24 attention to the places in the record where reversible error might lie. It consequently falls
25 to me to "find" error in the record, if error there be, and report it to this court.
26

27 During the 45 days allotted by rule for reviewing the report of proceedings and filing the
28 brief, there were the following distractions for the undersigned: (1) The Christmas and
29 New Year's holidays; (2) completing 100% of the 45 CLE credits for my CLE reporting
30 period; (3) roughly a day in comprehending and then reporting to the Bar Association
31 through its stimulating new on line reporting process for such credits; and (4) a six-day
32 trip last month to San Diego occasioned in a significant part by the illness of a close
33 relative.
34

35 Most of my professional practice is devoted to trial court divorce and legal separation
36 cases, and appellate law is my secondary focus at this point. During the next 90 days
37 for which I am respectfully seeking this extension, I will have many client meetings, trial
38 court hearings, and at least one trial and also a six-day trip to Tennessee and Alabama
39 for the wedding of an acquaintance I will be making as escort for and as a favor to the
40 significant other with whom I live in Ellensburg. My workweek in semi-retirement will
41 remain essentially three days a week as it has been for the past seven years.
42

43 Appellant claims error in the distribution of property, imposition of attorney's fees
44 sanctions on her, and entry of a personal peace and security restraining order against
45 her for as long as five years. None of what she challenges on appeal is held up or
46 delayed during the pendency of the appeal. Consequently, the requested extension
47 does not interfere with or damage anything which the respondent would have and enjoy
48 this moment and until appellate proceedings are resolved. The respondent experiences
49 no harm during the pendency of the appellate process, and if appellant is unsuccessful
50 on appeal, the respondent will be just where he is now in terms of the benefits and

1 advantages conferred on him by the trial court. The respondent is not injured by the
2 passage of time in this appeal.

3
4 Appellant respectfully moves this court for a 90-day extension of time for filing the Brief
5 of Appellant.

6
7 **4. GROUNDS FOR RELIEF AND ARGUMENT.**

8
9 The applicable rule provides respecting enlarging the time for serving or filing any
10 pleading with the appellate court that:

11
12 The appellate court may, . . . enlarge . . . the time within which an act must be
13 done in a particular case in order to serve the ends of justice, . . .

14
15 RAP 18.8(a).

16
17 It is further submitted that a reasonable interpretation and application of GR 33
18 ("Requests for Accommodations by Persons with Disabilities") would involve
19 accommodations for counsel with reduced law practice schedules due to advanced age.
20 There may be a benefit to the administration of justice and the appearance of the justice
21 system to the public in having both new practitioners as well as older, experienced, and
22 semi-retired counsel involved as advocates in the courts. We accommodate child-
23 bearing and rearing in our court officers, and accommodating attorneys as they age
24 should be no less a priority.

25
26 It is respectfully submitted that the motion for extension of time respecting perfection of
27 the appellate record is meritorious and should be granted.

28
29 **5. STATEMENT PURSUANT TO RAP 18.17(c); DOCUMENT WORD COUNT.**

30
31 The number of words contained in this document produced using word processing
32 software, exclusive of words contained in the appendices, the title sheet, the table of
33 contents, the table of authorities, the certificate of compliance, the certificate of service,
34 signature blocks, and pictorial images (e.g., photographs, maps, diagrams, and exhibits)
35 is 977.

36
37 Dated: February 6, 2023.

38
39 
40 _____
41 JAMES MARSTON 1283
42 Attorney for Appellant
43
44
45
46
47
48
49
50



Washington State Court of Appeals

Division Two

909 A Street, Suite 200, Tacoma, Washington 98402

Derek Byrne, Clerk/Administrator (253) 593-2970 (253) 593-2806 (Fax)

General Orders, Calendar Dates, and General Information at <http://www.courts.wa.gov/courts> **OFFICE HOURS: 9-12, 1-4.**

February 9, 2023

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CASE #: 56159-0-II Linda Kay Hammelman-Beld, Appellant and Scott L. Beld,
Respondent

Counsel:

On the above date, this court entered the following notation ruling:

A RULING BY THE CLERK:

Appellant is granted an extension of time to and including May 5, 2023 to file the Appellant's Opening Brief. Appellant's failure to file the Appellant's Opening Brief by that date will result in the imposition of sanctions in the amount of \$500. RAP 10.2(i). In addition, the court will consider a Clerk's motion for dismissal without oral argument if the Appellant's Opening Brief is not filed by May 5, 2023. No further extensions will be granted.

Very truly yours,

A handwritten signature in black ink, appearing to be "Derek M. Byrne", with a long horizontal line extending to the right.

Derek M. Byrne
Court Clerk

FILED
Court of Appeals
Division II
State of Washington
5/5/2023 8:51 AM

No. 56159-0-II

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

In re the Marriage of

LINDA HAMMELMAN-BELD,

Appellant,

and

SCOTT BELD,

Respondent.

No. 56159-0-II

NOTICE OF COMPLETION OF
LIMITED APPEARANCE (CR
70.1(b))

Notice of Completion of Limited Appearance

To: Scott Beld, respondent: and

To: Smith Goodfriend, PS, and Valerie A. Villacin 34515 and Catherine W. Smith 9542,
his attorneys; and

To: Linda Hammelman, appellant: and

To: The Court of Appeals of Washington, Division II; and

To: Derek Byrne, Clerk of the Court of Appeals, Division II;

From James Marston, attorney for appellant under notice of limited appearance
concluding services for appellant:

Pursuant to CR 70.1, the undersigned hereby gives notice of completion of my limited
appearance on behalf of appellant on the basis that, after a diligent review of the trial court

1 record, I have found no basis for assertion of a colorable claim for reversal of the decision(s) of
2
3 the trial court respecting the claims of trial court error as addressed in the amended notice of
4
5 appeal heretofore served and filed herein, especially insofar as such claim(s) might have been
6
7 properly preserved for review on appeal by timely and sufficient objection in the trial court.
8

9 This notification is for immediate effect under CR 70.1(b) and is without prejudice to the
10
11 possibility that a basis for reversal might be determined and asserted by appellant *pro se* and/or
12
13 through any other attorney who might hereafter represent her.
14

15 The client information required to be provided by CR 70.1(b) and 71(c)(1) is as follows:
16

17 (1) Client name: Linda Hammelman. (2) Client last known mailing address: 625 Grand Street,
18
19 Independence OR 97351. Please serve all future notices, pleadings, and other papers intended
20
21 for appellant on appellant at the specified address.
22

23 Dated: May 4, 2023.
24

25 
26

27 JAMES MARSTON 1283

28 Attorney for Appellant Completing Services
29 Under Prior Limited Notice of Appearance
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Washington State Court of Appeals

Division Two

909 A Street, Suite 200, Tacoma, Washington 98402

Derek Byrne, Clerk/Administrator (253) 593-2970 (253) 593-2806 (Fax)

General Orders, Calendar Dates, and General Information at <http://www.courts.wa.gov/courts> **OFFICE HOURS:** 9-12, 1-4.

May 23, 2023

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Catherine Wright Smith
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Linda Kay Hammelman-Beld
275 Grand St.
Independence, OR 97351
lovelife57lh@gmail.com

CASE #: 56159-0-II Linda Kay Hammelman-Beld, Appellant and Scott L. Beld,
Respondent

Counsel and Appellant:

On the above date, this court entered the following notation ruling:

A RULING BY COMMISSIONER TRIEBEL:

The motion to dismiss is denied. Appellant's request for a 90-day extension is denied. Because Appellant's counsel only recently withdrew a final extension is appropriate, but 90 days is excessive. The opening brief should be filed on or before July 25, 2023. RAP 18.8(a). Absent extraordinary and compelling circumstances, this appeal will be dismissed unless the opening brief is filed by that date.

The motion to consolidate is premature. This court may consider consolidation after briefing is completed.

Very truly yours,

Derek M. Byrne
Court Clerk



Washington State Court of Appeals

Division Two

909 A Street, Suite 200, Tacoma, Washington 98402

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General Orders, Calendar Dates, and General Information at <http://www.courts.wa.gov/courts> **OFFICE HOURS: 9-12, 1-4.**

July 27, 2023

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Linda Kay Hammelman-Beld
275 Grand St.
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lovelife57lh@gmail.com

CASE #: 56159-0-II Linda Kay Hammelman-Beld, Appellant and Scott L. Beld,
Respondent

Counsel:

On the above date, this court entered the following notation ruling:

A RULING BY COMMISSIONER TRIEBEL:

Owing to medical circumstances detailed in the motion, Appellant's motion for an extension of time to file the opening brief is granted. RAP 18.8(a). The brief must be filed on or before August 28, 2023, with no further extensions.

Sincerely,

A handwritten signature in black ink, appearing to be "Derek M. Byrne", with a long horizontal flourish extending to the right.

Derek M. Byrne
Court Clerk



Washington State Court of Appeals

Division Two

909 A Street, Suite 200, Tacoma, Washington 98402

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General Orders, Calendar Dates, and General Information at <http://www.courts.wa.gov/courts> **OFFICE HOURS:** 9-12, 1-4.

August 29, 2023

Valerie A Villacin
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Linda Kay Hammelman-Beld
275 Grand St.
Independence, OR 97351
lovelife57lh@gmail.com

CASE #: 56159-0-II Linda Kay Hammelman-Beld, Appellant and Scott L. Beld,
Respondent

Linda Kay Hammelman-Beld:

The brief you submitted to this court in this matter does not conform to the content and form requirements set out in the Rules of Appellate Procedure for one or more of the following reasons:

- Brief does not include Table of Contents- A table of contents, with page references, and a table of cases (alphabetically arranged), statutes and other authorities cited, with references to the pages of the brief where cited.
- Brief does not include assignments of error **together with issues** pertaining to assignments of error. RAP 10.3(a)(4).
-
- Brief does not cite to the record. RAP 10.3(a)(5). **Statement of the Case.** A fair statement of the facts and procedure relevant to the issues presented for review, without argument. **Reference to the record must be included for each factual statement.**
- Brief does not include verbatim text of instruction, finding of fact, and/or conclusion of law listed in assignments of error. RAP 10.4(c).
- Brief does not include Argument. The argument in support of the issues presented for review, together with citations to legal authority and references to relevant parts of the record. The argument may be preceded by a summary. The court ordinarily encourages a concise statement of the standard of review as to each issue.

- Brief did not include a conclusion. Conclusion. A short conclusion stating the precise relief sought, with statement for relief.
-
- Brief is not signed and/or signature block does not include your Washington State Bar Association membership number. RAP 18.7, APR 13(a).
-
- Brief does not include certificate of compliance indicating how many words are contained in the document being filed. RAP 18.17.

The Court will not file the brief as part of the official record. It will be stamped and placed in the file without action. Therefore, you must submit and re-serve a corrected brief in compliance by September 8, 2023 that includes the above-mentioned requirements.

Failure to file corrected brief by new due date may result in dismissal.

If you have any questions, please contact this office.

Sincerely,



Derek M. Byrne
Court Clerk

DMBh



Washington State Court of Appeals Division Two

909 A Street, Suite 200, Tacoma, Washington 98402

Derek Byrne, Clerk/Administrator (253) 593-2970 (253) 593-2806 (Fax)

General Orders, Calendar Dates, and General Information at <http://www.courts.wa.gov/courts> **OFFICE HOURS:** 9-12, 1-4.

September 14, 2023

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Linda Kay Hammelman-Beld
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lovelife57lh@gmail.com

**CASE #: 56159-0-II/Linda Kay Hammelman-Beld, Appellant and Scott L. Beld,
Respondent**

Counsel:

On the above date, this court entered the following notation ruling:

A RULING BY THE CLERK:

Appellant is granted an extension of time to and including September 14, 2023 to file the Appellant's Opening Brief. Final extension granted. Failure to file brief will result in case dismissal.

Sincerely,

Derek M. Byrne
Court Clerk



Washington State Court of Appeals

Division Two

909 A Street, Suite 200, Tacoma, Washington 98402

Derek Byrne, Clerk/Administrator (253) 593-2970 (253) 593-2806 (Fax)

General Orders, Calendar Dates, and General Information at <http://www.courts.wa.gov/courts> **OFFICE HOURS:** 9-12, 1-4

September 29, 2023

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Linda Kay Hammelman-Beld
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lovelife57lh@gmail.com

CASE #: 56159-0-II Linda Kay Hammelman-Beld, Appellant and Scott L. Beld,
Respondent

Counsel and Appellant:

On the above date, this court entered the following notation ruling:

A RULING BY THE CLERK:

A review of the file indicates that the Appellant's Brief has not been filed and that dismissal is warranted. Accordingly, this appeal is dismissed.

Sincerely,

A handwritten signature in black ink, appearing to be "Derek M. Byrne", is written over a horizontal line.

Derek M. Byrne
Court Clerk

DMB:h

December 6, 2023

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

In the Matter of the Marriage of:

No. 56159-0-II

LINDA KAY HAMMELMAN-BELD,

Appellant,

And

ORDER DENYING MOTION TO MODIFY
CLERK'S RULING

SCOTT LAMOYNE BELD,

Respondent.

Appellant, Linda Kay Hammelman-Beld, filed a motion to modify the court clerk's September 29, 2023 ruling in this matter. After consideration, this court denies appellant's motion. Accordingly, it is

SO ORDERED.

PANEL: Jj. Maxa, Cruser, Price

FOR THE COURT:



ACTING CHIEF JUDGE

THE SUPREME COURT

STATE OF WASHINGTON

ERIN L. LENNON
SUPREME COURT CLERK

SARAH R. PENDLETON
DEPUTY CLERK/
CHIEF STAFF ATTORNEY



TEMPLE OF JUSTICE

P.O. BOX 40929
OLYMPIA, WA 98504-0929

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www.courts.wa.gov

January 9, 2024

LETTER SENT BY E-MAIL ONLY

Linda Kay Hammelman-Beld
169 Broad Street S
Monmouth, OR 97361

Hon. Derek Byrne, Clerk
Court of Appeals, Division II
909 A Street, Suite 200
Tacoma, WA 98402-5115

Valerie A. Villacin
Catherine Wright Smith
Smith Goodfriend PS
1619 8th Avenue N
Seattle, WA 98109-3007

Re: Supreme Court No. 102718-4 - In the Matter of the Marriage of: Linda Kay
Hammelman-Beld and Scott Lamoyne Beld
Court of Appeals No. 56159-0-II

Clerk, Counsel and Linda Hammelman-Beld:

The Court of Appeals forwarded to this Court the Petitioner's pro se "APPELLANTS' MOTION FOR EXTENSION OF TIME TO FILE FOR REVIEW". The matter has been assigned the above referenced Supreme Court cause number.

No Ruling on Motion At This Time

The parties are advised that no ruling is being made at this time on the Petitioner's motion for an extension of time to file a petition for review. A Department of the Court will decide the Petitioner's motion for extension of time, but only if the Petitioner files a proposed petition for review in this Court by **March 4, 2024**.

Once the proposed petition for review is received, both the motion for extension of time and the proposed petition for review will be considered by a Department of the Court. The Court will make a decision without oral argument. The Court will only consider the petition for review if it first decides to grant the motion for extension of time. A motion for extension of time to file is normally not granted; see RAP 18.8(b).

Failure to file a proposed petition for review by March 4, 2024, will likely result in dismissal of this matter.

Format of Proposed Petition for Review

The content and style of the petition should conform with the requirements of RAP 13.4(c). I have enclosed for Petitioner a copy of Forms 9, 5, 6, and part F of Form 3 from the appendix to the rules.

Filing Fee

A filing fee of \$200 must be paid to the Supreme Court for a petition for review. The filing fee should be paid by to the Supreme Court by no later than **March 4, 2024**. If the filing fee is not received by July 7, 2021, it is likely that this matter will be dismissed.

Answer to Motion and Proposed Petition for Review

The parties are advised that upon receipt of the proposed petition for review and filing fee, a due date will be established for the filing of any answer to the motion for extension of time and any answer to the proposed petition for review.

Future Correspondence from the Court

The parties are advised that future correspondence from this Court regarding this matter will most likely only be sent by an e-mail attachment, not by regular mail. For attorneys, this office uses the e-mail address that appears on the Washington State Bar Association lawyer directory. Counsel are responsible for maintaining a current business-related e-mail address in that directory. For the Petitioner, this Court has an e-mail address of lovelife57lh@gmail.com. If this e-mail address is incorrect or changed, the Petitioner should immediately advise this Court in writing.

Sincerely,



Sarah R. Pendleton
Supreme Court Deputy Clerk

SRP:bw

Enclosure as stated

ERIN L. LENNON
SUPREME COURT CLERK

SARAH R. PENDLETON
DEPUTY CLERK/
CHIEF STAFF ATTORNEY

THE SUPREME COURT
STATE OF WASHINGTON



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March 7, 2024

LETTER SENT BY E-MAIL ONLY

Linda Kay Hammelman-Beld
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Valerie A Villacin
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valerie@washingtonappeals.com

Re: Supreme Court No. 1027184 – In the Matter of the Marriage of: Linda Kay Hammelman-Beld and Scott Lamoyne Beld
Court of Appeals No. 561590 – Division II
Clark County Superior Court No. 19-3-01866-3

Counsel and Linda Hammelman-Beld:

On January 9, 2024, the Petitioner was advised that if she wanted to proceed with this case, she needed to file a proposed petition for review and pay the filing fee by March 4, 2024.

On March 4, 2024, and March 5, 2024, the Clerk's Office received 12 emails from the Petitioner with various pages of two different documents. A copy of the compiled documents attached to the emails, as best as could be compiled by staff, is enclosed for the Respondent.

One of the documents is labeled "Motion Request Time for Petition" and the other appears to be the Petitioner's annotations to the January 9, 2024, letter from this office. Both of these documents are rejected for the following reasons:

- Many of the emails were duplicative or contradictory, including one email labeled "part 1 of 5", two emails labeled "part 1 of 6", one email labeled "part 2 of 7", four emails labeled "part 3" with different attachments, and one email labeled "part 4 last one 3."
- None of the documents were served on the Respondent. Only one of the emails included the Respondent, and it was an email that did not include any attachments.
- Filing by e-mail is not permitted at the Supreme Court. If the Petitioner cannot access the portal, she needs to send her filing via U.S. mail. Our address is on the letterhead.

- The document labeled “motion” appears to be 32 pages long. A motion is limited to 20 pages long. See RAP 18.17(c)(17).
- Much of the writing is illegible.
- The Court does not accept filings in the form of a party writing on a letter from this office.

If the Petitioner wishes to proceed with this case, she must do the following by April 8, 2024:

- 1) File a motion for extension of time explaining why she was unable to file a proposed petition for review by March 4, 2024.
- 2) File a proposed petition for review that complies with the requirements of RAP 13.4. I have enclosed for Petitioner a copy of Forms 9, 5, 6, and part F of Form 3 from the appendix to the rules.
- 3) Pay the \$200 filing fee. If the Petitioner believes she is unable to pay the filing fee, I have I have enclosed a GR 34 filing fee waiver request form and GR 34 financial statement with which waiver of the filing fee may be requested.

All documents must be filed via the online web portal or via U.S. mail. If filed via U.S. mail, they need to be received by the Court by April 8, 2024. The filings should all be properly served on the Respondent. The filings should be legible, and include a title to the document.

If these requirements are not met by April 8, 2024, this case will be dismissed without further notice.

Because the Petitioner mentions GR 33, I have enclosed information and forms regarding requesting accommodations on the basis of disability under GR 33. Please note that under GR 33, medical and health information can be submitted under seal by submitting it under a cover sheet designated “SEALED MEDICAL AND HEALTH INFORMATION.”

Sincerely,



Erin L. Lennon
Supreme Court Clerk

ELL:ejn

Separate enclosures as stated

ERIN L. LENNON
SUPREME COURT CLERK

SARAH R. PENDLETON
DEPUTY CLERK/
CHIEF STAFF ATTORNEY

THE SUPREME COURT
STATE OF WASHINGTON



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April 10, 2024

LETTER SENT BY E-MAIL

Linda Kay Hammelman-Beld
(sent by e-mail and U.S. mail)
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cate@washingtonappeals.com

Valerie A Villacin
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valerie@washingtonappeals.com

Re: Supreme Court No. 1027184 – In the Matter of the Marriage of: Linda Kay Hammelman-Beld and Scott Lamoyne Beld
Court of Appeals No. 561590 – Division II
Clark County Superior Court No. 19-3-01866-3

Counsel and Linda Hammelman-Beld:

On April 8, 2024, the Court received the Petitioner's 18-page "Emergency Motion to Stop Dismissal and Extend Time." The Court also received 20 pages of medical information in support of the motion. Because the motion requests an extension on the basis of disability, the medical information attached to the motion will be sealed pursuant to GR 33. **The motion, but not the sealed medical information, is enclosed for the Respondent.**

The following ruling is entered on the motion:

The petition for review in this case was due on January 5, 2024. The Petitioner already requested a two-month extension to meet the filing requirements in this case, and when she failed to meet the filing requirements, she was given an additional month to comply. I note that the Court does not generally grant extensions of more than 30 days. The current motion indicates no progress has been made towards completing the petition for review or any of the other requirements to proceed

with this case during the last 90 days, and asks for 60 more days.

Although I am granting this motion for extension of time, the Petitioner is advised that no further extensions of time will be granted in this case. If the Petitioner wants to proceed with this case, she must meet the requirements described in the Court's March 7, 2024, letter by June 10, 2024. If all of the requirements are not met by June 10, 2024, this case will be dismissed without further notice. A copy of the March 7, 2024, letter is enclosed for the Petitioner.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Lennon', with a stylized flourish at the end.

Erin L. Lennon
Supreme Court Clerk

ELL:ejn

Separate enclosures as stated

SMITH GOODFRIEND, PS

July 10, 2024 - 3:38 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 102,718-4
Appellate Court Case Title: In the Matter of the Marriage of: Linda Kay Hammelman-Beld and Scott Lamoyne Beld
Superior Court Case Number: 19-3-01866-3

The following documents have been uploaded:

- 1027184_Answer_Reply_20240710153736SC016622_1111.pdf
This File Contains:
Answer/Reply - Answer to Petition for Review
The Original File Name was 2024 07 10 Answer to Extension and Petition.pdf

A copy of the uploaded files will be sent to:

- cate@washingtonappeals.com
- jbean@joshuabeanlaw.com
- lovelife57lh@gmail.com
- sczafit@joshuabeanlaw.com

Comments:

Sender Name: Andrienne Pilapil - Email: andrienne@washingtonappeals.com

Filing on Behalf of: Valerie A Villacin - Email: valerie@washingtonappeals.com (Alternate Email: andrienne@washingtonappeals.com)

Address:
1619 8th Avenue N
Seattle, WA, 98109
Phone: (206) 624-0974

Note: The Filing Id is 20240710153736SC016622