

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
7/9/2024 8:00 AM  
BY ERIN L. LENNON  
CLERK

**Case No. 102801-6 and 103214-5**

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**SUPREME COURT  
OF STATE OF WASHINGTON**

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Laurie A. Englund,  
Petitioner,

v.

STATE OF WASHINGTON, EMPLOYMENT SECURITY  
DEPARTMENT,  
Respondent.

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**PETITIONER'S MOTION FOR ENTRY OF ORDER OF  
DEFAULT FOR FAILURE TO APPEAR BY  
RESPONDENT EMPLOYER BELLEVUE SCHOOL  
DISTRICT**

**REQUEST FOR ACTION BY SUPREME COURT OR  
DIRECTION FOR ACTION BY LOWER COURT**

**Appendix in Support Thereof**

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Laurie A. Englund, Petitioner  
1831 127<sup>th</sup> Ave SE  
Bellevue, Washington 98005  
425-442-9817  
Laurieenglund@earthlink.net

## **I. INTRODUCTION AND RELIEF REQUESTED**

For more than one year now, Petitioner, Laurie A. Englund, has been pursuing court remedy under the Administrative Procedures Act (APA), chapter 34.05 RCW, and seeking default judgement in her favor due to the failure to appear or participate whatsoever by Respondent Employer Bellevue School District (BSD) in the proceedings to date.

In the past few weeks, Ms. Englund has attempted to obtain an entry of Order of Default from both the Superior Court and the Court of Appeals without success.

The deprivation of Ms. Englund's fair opportunity to expeditiously obtain an entry of Order of Default from the Clerk of the Court is the latest of numerous prejudicial consequences resulting from Ms. Englund's case being improperly transferred on August 3, 2023 by the Superior Court directly to the Court of Appeals without Ms. Englund's consent, against her will, over her valid objections, and in violation of due process of law.

Ms. Englund expressly opposed case transfer because misapplication of the statute RCW 34.05.518 in this case would result in substantial prejudice to Petitioner and deprivation of Ms. Englund's fundamental Constitutionally protected rights. (Discretionary Review proceedings regarding these issues are currently ongoing in the Supreme Court, Case No. 102801-6).

Importantly, default for the failure to appear of Respondent Employer BSD should have been promptly resolved by the lower court without unnecessary delay in accordance with Washington State Constitution, Article 1, Section 10.

Ms. Englund now respectfully requests the Supreme Court grant Petitioner's Motion for Entry of Order of Default without further delay; or, alternatively, provide permission and direction for the Superior Court to enter the Order of Default per RAP 7.2 or the Court of Appeals to enter the Order of Default per RAP 7.3, or any other relief this Court deems proper in the interest of justice.

Ms. Englund is an unrepresented party without legal training and is not familiar with all court customs or procedures, but has been striving her best to learn as she goes and meet expectations. Ms. Englund trusts this Court will grant some leniency and this motion will be liberally construed in the interest of justice. *Haines v. Kerner*, 404 U.S. 519, 520 (1972).

## II. FACTS RELEVANT TO MOTION

Ms. Englund brought the failure to appear of Respondent Employer BSD in the Employment Security Department (ESD) administrative proceedings to the Court's attention in her Petition for Judicial Review filed in King County Superior Court on May 22, 2023 (Case No. 23-2-09285-6 SEA).

Ms. Englund also included with Petitioner's Brief filed in the Court of Appeals on October 27, 2023 (Amended Reply Brief filed on February 12, 2024) (Case No. 85694-4) a Motion for Default Judgement supported with a sworn declaration regarding

Respondent Employer's failure to appear or participate  
MOTION FOR ENTRY OF  
ORDER OF DEFAULT

whatsoever in the administrative proceedings or in the court proceedings since Petitioner's filing and service of her Petition for Judicial Review on May 22, 2023, in accordance with RCW 34.05.542, RCW 34.05.570, and CR 4(d).

In its opinion dated April 29, 2024, the Court of Appeals commented briefly on an Administrative Law Judge's discretionary authority regarding a party's default at an administrative hearing, but, importantly, did not make any ruling regarding Petitioner's Motion for Default Judgement for failure to appear of Respondent Employer BSD in proceedings to date.

Ms. Englund included with her Motion for Reconsideration filed on May 20, 2024, agency case precedence from Employment Security Department (ESD) that she found which clearly states the failure to appear of a Respondent Employer, which has the burden of proof by a preponderance of evidence, precludes the Respondent Employer from reaching its burden of proof with only hearsay, and necessarily results in an award of benefits for

an employee with first-hand knowledge of the circumstances surrounding employment separation. See *In Re Gardner*, Empl. Sec. Comm'r Dec.2d 1022 (2018). Despite this clear agency precedence of an apposite case and the duty of the courts to treat all cases equally and impartially in accordance with the law, the Court of Appeals denied Ms. Englund's Motion for Reconsideration on May 28, 2024.

It is Ms. Englund's understanding that the Court has the authority to act *sua sponte* to grant default judgement and she has strived to provide the Court what is needed for such a ruling including motions and sworn declarations, but she realized after the denial of her Motion for Reconsideration that the Court's preference regarding default judgement seems to be a two-step process beginning first with an entry of Order of Default prior to an Order for Default Judgement. Consequently, Ms. Englund has been seeking an entry of Order of Default for the past few weeks in the lower courts.

Pursuant to LCR 55(a) and RAP 7.2, Ms. Englund previously sought entry of Order of Default from King County Superior Court on June 20, 2024 (Case No. 23-2-09285-6 SEA) for Respondent Employer's failure to appear or answer/participate in proceedings for more than one year to date.

A Commissioner of the Superior Court denied Ms. Englund's motion without prejudice on June 21, 2024, stating that the case was transferred to the Court of Appeals. See Appendix 1-2.

Pursuant to CR 55(a) and RAP 7.3, Ms. Englund then sought entry of Order of Default from the Court of Appeals; motion filed and served upon all parties of record on June 24, 2024 (Case No. 85694-4). See Appendix 3-17.

Ms. Englund, incorporates herein her Sworn Statement of Facts from Petitioner's Motion for Entry of Order of Default dated June 24, 2024, pages 3-8.

The Clerk of the Court of Appeals held Petitioner's Motion for Entry of Order of Default for ten (10) days to allow response time, but Respondent Employer BSD did not respond. **Thus, Ms. Englund's Sworn Statement of Facts remains unrebutted.**

While waiting to receive a ruling from the Court of Appeals on Petitioner's Motion for Entry of Order of Default, Ms. Englund faced the expiration of the 30-day deadline for appealing the erroneous decision on the merits (Case No. 85694-4), so she timely filed a Petition for Judicial Review with the Supreme Court on June 27, 2024 in order to preserve her right of appeal (Case No. 103214-5).

On July 8, 2024, a Commissioner of the Court of Appeals made a notation ruling:

"After this Court issued an opinion and an order denying reconsideration, terminating review, this matter is no longer before this Court. The motion for entry of order of default is placed in the court file without further action." See Appendix 18.



Ms. Englund now seeks entry of Order of Default from the Supreme Court without further delay; or, alternatively, requests that the Supreme Court provide permission and direction for the Superior Court or the Court of Appeals to enter the Order of Default.

### **III. GROUNDS FOR RELIEF/ARGUMENT**

Ms. Englund incorporates herein all of the issues and argument for relief discussed in Petitioner's Motion for Entry of Order of Default dated June 24, 2024, pages 9-10. See Appendix 3-17.

Respondent Employer Bellevue School District has been provided by Ms. Englund proper notice (service of process) of all case filings and has had substantial opportunity to participate in the proceedings and has a legal duty to answer in some way, but has chosen not to appear or respond in the administrative or court proceedings to date, which constitutes a waiver of rights and default.

See *Morin v. Burris*, 160 Wn. 2d 745 (Wash. 2007): Those who are served "**must** in some way appear and acknowledge the jurisdiction of the court after they are served and litigation commences." (emphasis added).

Ms. Englund has in good faith exhausted all possible avenues for court remedy to date in pursuit of a default judgement justly due her as a consequence of the intentional failure to appear or participate whatsoever by Respondent Employer BSD for more than one year to date despite having the burden of proof.

Upon the realization that the default judgement process seems to entail two steps per LCR 55 and CR 55, Ms. Englund promptly took action in order to obtain entry of Order of Default.

It was Ms. Englund's understanding pursuant to RAP 7.2 as well as per the assurance of the clerks of the Ex Parte Department that the Superior Court retained authority to act upon Petitioner's Motion for Entry of Order of Default even though the case was currently at the appellate court. Yet, a Superior Court

Commissioner refused to act upon Petitioner's Motion because the case was at the appellate court.

Likewise, it is Ms. Englund's understanding pursuant to RAP 7.3 that the Court of Appeals retains authority to act in a case until review is accepted by the Supreme Court.

Ms. Englund filed her Motion for Entry of Order of Default with the Court of Appeals on June 24, 2024, as quickly as possible after receiving the Superior Court Commissioner's June 21, 2024 denial order. Ms. Englund did not anticipate the Motion would be held by the Clerk of the Court of Appeals for ten days prior to a ruling since the Superior Court had provided an order within 24 hours. The 10-day delay extended past the expiration of the deadline for filing an appeal on the merits. In order to preserve her right of appeal, Ms. Englund had to file her Petition for Judicial Review with the Supreme Court on June 27, 2024.

According to RAP 13.6, "The Supreme Court accepts discretionary review of a decision of the Court of Appeals by

granting a motion for discretionary review or by granting a petition for review." (emphasis added).

In Ms. Englund's case, there has not yet been a decision by the Supreme Court whether to accept review or not. Thus, it seems to Ms. Englund that the Court of Appeals retains the authority to act pursuant to RAP 7.3. Yet, a Court of Appeal's Commissioner refused to act upon Petitioner's Motion stating that the case was no longer before the court.

Ms. Englund is striving her best to navigate the complicated default judgement process in accordance with the court rules, but feels she is getting the run around contrary to the spirit of RAP 1.2 which states: (a) **"These rules will be liberally interpreted to promote justice"** and (c) **"The appellate court may waive or alter the provisions of any of these rules in order to serve the ends of justice."** (emphasis added).

Consequently, Ms. Englund is now seeking intervention by the Supreme Court in order to prevent a denial of justice in this case.

According to RCW 2.06.030 and RCW 2.04.020, the Supreme Court is vested with all the power and authority necessary in all matters within its jurisdiction for the prompt and orderly administration of justice in accordance with law.

Ms. Englund respectfully requests the Supreme Court take action to expeditiously enter the Order of Default, or direct the Superior Court or the Court of Appeals to enter the Order of Default, or grant any other relief the Court deems proper.

#### **IV. AUTHORITY AND EVIDENCE RELIED UPON**

Ms. Englund relies on the authority discussed above including court rules, statutory and Constitutional provisions, and case precedence.

Pursuant to LCR 55(a) and CR 55(a), Ms. Englund has provided supporting documentation evidencing proof of service upon Respondent Employer Bellevue School District per CR 4 and CR

5, including Petitioner's Motions for Entry of Order of Default.

See Appendix 3-17.

## **V. CONCLUSION**

WHEREFORE, Petitioner, Laurie A. Englund, respectfully requests the Supreme Court enter an Order of Default for the failure to appear by Respondent Employer Bellevue School District; or, alternatively, provide permission and direction for the Superior Court or the Court of Appeals to enter the Order of Default, or any other relief this Court deems proper in the interest of justice.

I, Laurie A. Englund, certify that this document contains 2,117 words (less than 5,000 words) in compliance with RAP 18.17.

I, Laurie A. Englund, swear and declare under penalty of perjury under the laws of Washington State that the foregoing is true and correct to the best of my knowledge.

Respectfully submitted with all rights reserved, none waived and  
without prejudice.

SIGNED AND DATED this 9th day of July, 2024, in Bellevue,  
King County, Washington State.

Laurie A. Englund

Laurie A. Englund, Petitioner

1831 127<sup>th</sup> Ave SE  
Bellevue, Washington 98005  
425-442-9817  
Laurieenglund@earthlink.net

### **PROOF OF SERVICE**

I, Laurie A. Englund, certify that I sent a copy of Petitioner's Motion for Entry of Order of Default with Appendix for service on all parties or their counsel of record on the date below as follows:

Court's Copies Delivered Electronically to:

Supreme Court

Temple of Justice

Town Center East, Building 3 – First Floor

243 Israel Road SE

Tumwater, WA 98501

Attorney General's Copies Delivered Electronically to:

Office of Attorney General

Licensing Administrative Law Division

1125 Washington Street SE

PO BOX 40110

Olympia, WA 98504-0110

US Mail Postage Prepaid To:

Bellevue School District

C/O Equifax

PO BOX 283

St. Louis, MO 63166-0283

US Mail Postage Prepaid To:

Commissioner Employment Security Department

Agency Records Center Manager

212 Maple Park

PO BOX 9555

Olympia, WA 98507-9555

I, Laurie A. Englund, swear and declare under penalty of perjury under the laws of Washington State that the foregoing is true and correct to the best of my knowledge.

SIGNED AND DATED this 9<sup>th</sup> day of July, 2024, in Bellevue, King County, Washington State.

  
Laurie A. Englund, Petitioner

1831 127<sup>th</sup> Ave SE

Bellevue, Washington 98005

Laurieenglund@earthlink.net

Cell: 425-442-9817

Motion for Entry of Order of Default

Laurie A. Englund, Petitioner  
Case No. 102801-6, 103214-5



**No. 102801-6 and No. 103214-5**

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**SUPREME COURT  
OF STATE OF WASHINGTON**

---

Laurie A. Englund,  
Petitioner,

v.

STATE OF WASHINGTON, EMPLOYMENT SECURITY  
DEPARTMENT,  
Respondent.

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**APPENDIX IN SUPPORT OF PETITIONER'S MOTION  
FOR ENTRY OF ORDER OF DEFAULT**

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Laurie A. Englund, Petitioner  
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## **APPENDIX**

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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
COUNTY OF KING**

<b>In re:</b>  Englund <hr/> <div style="text-align: right;"><b>Petitioner / Plaintiff</b></div> vs / and  State of Washington Employment Security Department <hr/> <div style="text-align: right;"><b>Defendant / Respondent</b></div>		<b>NO: 23-2-09285-6 SEA</b>  <b>ORDER</b>
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Request denied without prejudice. This case was transferred to the Court of Appeals by order entered on 8/3/23.

Dated this 06/21/2024 03:33 PM.

[E-signature on following page]

Henry Judson

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**HONORABLE**

**KING COUNTY SUPERIOR COURT**

**King County Superior Court  
Judicial Electronic Signature Page**

Case Number: 23-2-09285-6  
Case Title: ENGLUND VS STATE OF WASHINGTON EMPLOYMENT  
SECURITY DEPARTMENT  
Document Title: Order  
  
Signed By: Henry Judson  
Date: June 21, 2024



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Commissioner: Henry Judson

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: 8488D7F9F8F23124E7BC1614CC3139B488987284  
Certificate effective date: 1/29/2020 8:12:28 AM  
Certificate expiry date: 1/29/2025 8:12:28 AM  
Certificate Issued by: C=US, E=kcscefiling@kingcounty.gov, OU=KCDJA,  
O=KCDJA, CN="Henry Judson:  
WlbTSZRJ6RG2ju&#43;3jC1lQQ="

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**No. 85694-4**

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**COURT OF APPEALS, DIVISION I  
OF STATE OF WASHINGTON**

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Laurie A. Englund,  
Petitioner,

v.

STATE OF WASHINGTON, EMPLOYMENT SECURITY  
DEPARTMENT,  
Respondent.

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**PETITIONER'S MOTION FOR ENTRY OF ORDER OF  
DEFAULT FOR FAILURE TO APPEAR BY  
RESPONDENT EMPLOYER BELLEVUE SCHOOL  
DISTRICT**

**Appendix in Support Thereof**

**[Clerk's Action Required]**

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Laurie A. Englund, Petitioner  
1831 127<sup>th</sup> Ave SE  
Bellevue, Washington 98005  
425-442-9817  
Laurieenglund@earthlink.net

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## **I. INTRODUCTION AND RELIEF REQUESTED**

Petitioner, Laurie A. Englund, submits now this motion seeking entry of an Order of Default pursuant to LCR/CR 55(a), as a result of the failure to appear/answer by non-moving party of record Respondent Employer, Bellevue School District (BSD), for more than one year since Petitioner's filing and service of her Petition for Judicial Review on May 22, 2023, in accordance with RCW 34.05.542, RCW 34.05.570, and CR 4(d).

Ms. Englund previously sought the Motion for Entry of Order of Default from King County Superior Court on June 20, 2024. See Appendix 1-32. Despite being told by the Clerk of the Superior Court prior to filing that she should file the Motion via the Ex Parte Department of the Superior Court since her case (number 23-2-09285-6 SEA) was still active for this sort of purpose, Commissioner Henry Judson denied the motion without prejudice on June 21, 2024 because the case was transferred to the Court of Appeals. See Appendix 33-36.

The deprivation of Ms. Englund's fair opportunity to obtain entry of an Order of Default from the Clerk of the Superior Court seems to be yet another prejudicial consequence resulting from Ms. Englund's case being improperly transferred by the Superior Court directly to the Court of Appeals without Ms. Englund's consent, against her will, and over her valid objections. (Petitioner opposed case transfer because unlawful misapplication of the statute RCW 34.05.518 in this case would result in substantial prejudice to Petitioner and violation of Ms. Englund's fundamental due process rights, and importantly, default for the failure to appear of Respondent Employer Bellevue School District should have been expeditiously resolved by the Superior Court without unnecessary delay in accordance with Washington State Constitution, Article 1, Section 10).

Ms. Englund respectfully requests the Court of Appeals grant this Motion for Entry of Order of Default without further delay; or,

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ORDER OF DEFAULT

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Laurie A. Englund, Petitioner  
Case No. 85694-4-1

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**alternatively, grant permission for the Superior Court to enter the Order of Default per RAP 7.2.**

**Ms. Englund is an unrepresented party without legal training and trusts the court will grant some leniency and this motion will be liberally construed in the interest of justice. *Haines v. Kerner*, 404 U.S. 519, 520 (1972).**

## **II. SWORN STATEMENT OF FACTS**

**Laurie A. Englund, HEREBY SWEARS AND DECLARES under penalty of perjury under the laws of Washington State that she is over 18, competent to testify, and has first-hand knowledge of the following facts in support of her Motion for Entry of Order of Default for Failure to Appear by Respondent Employer Bellevue School District:**

- 1. Bellevue School District (BSD) is a party of record and the Respondent Employer in this case, and has failed to appear or answer or participate whatsoever in case proceedings to date.**

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ORDER OF DEFAULT**

**3**

**Laurie A. Englund, Petitioner  
Case No. 85694-4-1**

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2. On February 22, 2023, the Administrative Law Judge of Washington State's Office of Administrative Hearings made a finding of fact after the telephone hearing on February 14, 2023 (see page 565 of the Agency Record): "The Employer, Bellevue School District, was provided notice of the time, date, and place of the hearing **but failed to appear**." (emphasis added)

3. On March 24, 2023, Ms. Englund filed by mail a Petition for Review with the Commissioner of Employment Security Department (ESD) pursuant to RCW 34.05.464. According to the Notice to Parties included on the Commissioner's acknowledgement of receipt of the Petition for Review dated March 27, 2023, Bellevue School District had the opportunity to reply to Ms. Englund's petition within fifteen days (no later than April 11, 2023), but did not submit any response. See Appendix 10.

4. On May 22, 2023, within thirty days after the agency's denial of her Petition for Reconsideration (Commissioner's order

**dated April 28, 2023, see Appendix 11-12), Ms. Englund timely filed a Petition for Judicial Review in King County Superior Court pursuant to RCW 34.05.570, and the same date served a copy of the petition by mail upon all parties including Bellevue School District pursuant to CR 4(d) and RCW 34.05.542 which states:**

**“(2) A petition for judicial review of an order shall be filed with the court and served on the agency, the office of the attorney general, and all parties of record within thirty days after service of the final order” and “(4) Service of the petition on the agency shall be by delivery of a copy of the petition to the office of the director, or the other chief administrative officer or chairperson of the agency, at the principal office of the agency. Service of a copy by mail upon the other parties of record and the office of the attorney general shall be deemed complete upon deposit in the United States mail, as evidenced by the postmark” and “(6) For the purposes of this section, service upon the attorney of record of any agency or party of record constitutes service upon the agency or party of record.” (emphasis added)**

5. The certified mail receipt for the Petition for Judicial Review dated May 22, 2023 evidences that Ms. Englund properly served Bellevue School District c/o Equifax in

compliance with CR 4(d) and RCW 34.05.542. The return receipt requested postcard shows that Equifax received on behalf of Bellevue School District the copy of the Petition for Judicial Review on May 24, 2023 (signed/stamped by Robert Davidson). See Appendix 13-23.

6. Bellevue School District (or Equifax on its behalf) did not file a Notice of Appearance or any answer to Ms. Englund's Petition for Judicial Review. Therefore, Bellevue School District did not appear pursuant to RCW 4.28.210 Appearance, what constitutes:

**"A defendant appears in an action when he or she answers, demurs, makes any application for an order therein, or gives the plaintiff written notice of his or her appearance. After appearance a defendant is entitled to notice of all subsequent proceedings; but when a defendant has not appeared, service of notice or papers in the ordinary proceedings in an action need not be made upon him or her." (emphasis added).**

7. On July 20, 2023, Ms. Englund filed a Motion to Remain in Superior Court along with a Notice of Hearing per LCR 7 and served all parties per CR 5 including Bellevue School District

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ORDER OF DEFAULT

(despite its failure to appear). According to CR 5, "No service need be made on parties in default for failure to appear except pleadings asserting new or additional claims for relief against them shall be served upon them in the manner provided for service of summons in rule 4."

8. Ms. Englund submitted a sworn declaration of Proof of Service which is corroborated by the certified mail receipt evidencing that Ms. Englund sent a copy of the Motion to Remain in Superior Court and the Notice of Hearing to Bellevue School District on July 20, 2023. The return receipt requested postcard shows Equifax received the documents on behalf of Bellevue School District on July 25, 2023 (signed/stamped by Robert Davidson). See Appendix 24-32.

9. Ms. Englund has done her due diligence to serve upon Respondent Employer Bellevue School District all of Petitioner's court filings to date (over 25 filings to date for case numbers 23-2-09285-6 SEA, 85694-4, 85861-1), including

**every document requesting relief from BSD's default for failure to appear (for example, Petitioner's Opening Brief filed on October 27, 2023, and Petitioner's Reply Brief filed on February 12, 2024, as well as Discretionary Review filings). Each pleading/motion/paper submitted by Petitioner since her May 24, 2023 Petition for Judicial Review has been accompanied by a sworn declaration of Proof of Service, for which Ms. Englund has corroborating certified mail receipts and return receipt requested postcards evidencing completion of service of process upon Bellevue School District (available upon request).**

Whereas:

Black's Law Dictionary, Fourth Edition, Definition of SERVICE OF PROCESS: "The service of writs, summonses, rules, etc., signifies the delivering to or leaving them with the party to whom or with whom they ought to be delivered or left; **and, when they are so delivered, they are then said to have been served.**" (emphasis added)

10. The above sworn facts regarding the failure to appear by Respondent Employer Bellevue School District **are undisputed**.

### **III. STATEMENT OF ISSUES/ARGUMENT**

As evidenced above, Respondent Employer Bellevue School District has been provided by Ms. Englund proper notice (service of process) of all case filings and has had substantial opportunity to participate in the proceedings, but has chosen not to appear in the administrative or court proceedings to date.

Washington State Supreme Court discussed the voluntary nature of case appearances and the consequence of a party's choice not to appear in *Dlouhy v. Dlouhy*, 55 Wn. 2d 718 (Wash. 1960):

**"...where one is given notice of hearing on a motion affecting substantial rights, he may either submit himself to the court's jurisdiction and attempt to protect his rights, or he may not appear and allow their determination in absentia. The choice is his. He is no more coerced than he would be in choosing to appear in answer to a summons and complaint. See *In re Samuelson*, 134 N.J.L. 573, 49 A.2d 479; *Canaday v. Superior Court*, 49 Del. 456, 119 A.2d 347; 6 C.J.S. 4, § 1 (c) (1)." (emphasis added)**

See also *Morin v. Burris*, 160 Wn. 2d 745 (Wash. 2007).

Bellevue School District's choice not to appear, answer, or participate whatsoever in case proceedings constitutes a waiver of rights and default. Whereas:

Black's Law Dictionary, Fourth Edition, Definition of WAIVER: "The intentional or voluntary relinquishment of a known right, Lehigh Val. R. Co. v Ins. Co., 172 F. 364, 97 C.C.A. 62; Vermillion v. Prudential Ins. Co. of America, 230 Mo.App. 993, 93 S.W.2d 45, 51; or such conduct as warrants an inference of the relinquishment of such right, Rand v. Morse, C.C.A. Mo., 289 F. 339, 344; Dexter Yarn Co. v. American Fabrics Co., 102 Conn. 529, 129 A. 527, 537; Gibbs v. Bergh, 51 S.D. 432, 214 N.W. 838, 841."

Black's Law Dictionary, Fourth Edition, Definition of DEFAULT: "By its derivation, a failure. Meadows v. Continental Assur. Co., C.C.A.Tex., 89 F. 2d 256. An omission of that which ought to be done. Town of Milton v. Bruso, 111 Vt. 82, 10 A. 2d 203, 205. Specifically, the omission or failure to perform a legal duty. Easterwood v. Willing ham, Tex.Civ.App., 47 S.W.2d 393, 395... In Practice Omission; neglect or failure of any party to take step required of him in progress of cause. Indiana State Board of Medical Registration and Examination v. Pickard, 93 Ind.App. 171, 177 N.E. 870, 872. **When a defendant in an action at law omits to plead within the time allowed him for that purpose, or fails to appear on the trial, he is said to make default, McCabe v. Tom, 35 Ohio App. 73, 171 N.E. 868, 869, and the judgment entered in the former case is technically called a "judgment by default." 3 Bl.Comm. 396; 1 Tidd, Pr. 562.**" (emphasis added)

#### **IV. EVIDENCE RELIED UPON**

Pursuant to LCR/CR 55(a), Ms. Englund has provided along with this motion supporting documentation evidencing proof of service upon Respondent Employer Bellevue School District. See Appendix 1-32.

#### **V. CONCLUSION**

WHEREFORE, Petitioner, Laurie A. Englund, respectfully requests the Court of Appeals enter an Order of Default for the failure to appear by Respondent Employer, Bellevue School District; or, alternatively, grant permission for the Superior Court to enter the Order of Default per RAP 7.2.

I, Laurie A. Englund, certify that this document contains 2,045 words (less than 5,000 words) in compliance with RAP 18.17.



**I, Laurie A. Englund, swear and declare under penalty of perjury under the laws of Washington State that the foregoing is true and correct to the best of my knowledge.**

**Respectfully submitted with all rights reserved, none waived and without prejudice.**

**SIGNED AND DATED this 24th day of June, 2024, in Bellevue, King County, Washington State.**

Laurie A. Englund

Laurie A. Englund, Petitioner

1831 127<sup>th</sup> Ave SE  
Bellevue, Washington 98005  
425-442-9817  
Laurieenglund@earthlink.net

## **PROOF OF SERVICE**

I, Laurie A. Englund, certify that I sent a copy of Motion for Entry of Order of Default and Appendix for service on all parties or their counsel of record on the date below as follows:

Court's Copies Delivered Electronically to:  
Court of Appeals, Division 1  
One Union Square  
600 University Street  
Seattle, WA 98101

Attorney General's Copies Delivered Electronically to:  
Office of Attorney General  
Licensing Administrative Law Division  
1125 Washington Street SE  
PO BOX 40110  
Olympia, WA 98504-0110

US Mail Postage Prepaid To:  
Bellevue School District  
C/O Equifax  
PO BOX 283  
St. Louis, MO 63166-0283

US Mail Postage Prepaid To:  
Commissioner Employment Security Department  
Agency Records Center Manager  
212 Maple Park  
PO BOX 9555  
Olympia, WA 98507-9555

I, Laurie A. Englund, swear and declare under penalty of perjury under the laws of Washington State that the foregoing is true and correct to the best of my knowledge.

SIGNED AND DATED this 24<sup>th</sup> day of June, 2024, in Bellevue, King County, Washington State.

  
Laurie A. Englund, Petitioner

1831 127<sup>th</sup> Ave SE  
Bellevue, Washington 98005  
Laurieenglund@earthlink.net  
Cell: 425-442-9817

Motion for Entry of Order of Default

Laurie A. Englund, Petitioner  
Case No. 85694-4

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MIDLAKE'S  
12400 SE 38TH ST  
BELLEVUE, WA 98006-9899  
(800)275-8777

06/24/2024 02:25 PM

Product	Qty	Unit Price	Price
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Olympia, WA 98507

Weight: 0 lb 9.60 oz

Estimated Delivery Date

Wed 06/26/2024

Certified Mail® \$4.40

Tracking #:

9589 0710 5270 0355 0335 21

Return Receipt \$3.65

Tracking #:

9590 9402 5846 0038 3814 13

Total \$11.60

First-Class Mail®	1		\$3.55
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Large Envelope

Saint Louis, MO 63166

Weight: 0 lb 9.60 oz

Estimated Delivery Date

Sat 06/29/2024

Certified Mail® \$4.40

Tracking #:

9589 0710 5270 0355 0335 14

Return Receipt \$3.65

Tracking #:

9590 9402 5846 0033 3814 06

Total \$11.60

Grand Total: \$23.20

Credit Card Remit \$23.20

Card Name: MasterCard

9589 0710 5270 0355 0335 14

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Saint Louis MO 63166

Certified Mail Fee \$4.40

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$3.55

Total Postage and Fees \$11.60

Sent To

Bellevue School District

PO Box 283 C/O Equifax

St. Louis, MO 63166-0283

PS Form 3800, January 2023 PSN 7530-02-000-9053 See Reverse for Instructions



## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bellevue School District  
C/O Equifax  
PO Box 283  
St. Louis, MO 63166-0283



9590 9402 5846 0038 3814 06

2. Article Number (Transfer from previous label)

9589 0710 5270 0355 0335 14

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]* ☐ Agent ☐ Addressee

B. Received by (Printed Name)

*[Signature]* C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No



3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

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LEA ENNIS  
Court Administrator/Clerk

*The Court of Appeals  
of the  
State of Washington*

DIVISION I  
One Union Square  
600 University Street  
Seattle, WA  
98101-4170  
(206) 464-7750

July 8, 2024

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Attorney at Law  
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Olympia, WA 98501  
nick.quijas@atg.wa.gov

Case #: 85694-4

Laurie Englund, Appellant v. State of WA Employment Security Dept., Respondent  
King County Superior Court No. 23-2-09285-6

Counsel:

The following notation ruling by Commissioner Masako Kanazawa of the Court was entered on July 8, 2024, regarding Appellant's Motion for Entry of Order of Default for Failure to Appear by Respondent Employer Bellevue School District:

After this Court issued an opinion and an order denying reconsideration, terminating review, this matter is no longer before this Court. The motion for entry of order of default is placed in the court file without further action.

Sincerely,



Lea Ennis  
Court Administrator/Clerk

lam

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# LAURIE ENGLUND - FILING PRO SE

July 09, 2024 - 7:48 AM

## Transmittal Information

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 103,214-5  
**Appellate Court Case Title:** Laurie A. Englund v. State of WA, Employment Security Department

### The following documents have been uploaded:

- 1032145\_Motion\_20240709074739SC774338\_9455.pdf  
This File Contains:  
Motion 1 - Other  
*The Original File Name was Case No 1028016 and Case No 1032145 Petitioners Motion for Entry of Order Of Default for Failure to Appear by Respondent Employer Bellevue School District.pdf*

### A copy of the uploaded files will be sent to:

- LALOLyEF@atg.wa.gov
- nick.quijas@atg.wa.gov

### Comments:

Petitioner's Motion for Entry of Order for Default

---

Sender Name: Laurie Englund - Email: Laurieenglund@earthlink.net  
Address:  
1831 127th Ave SE  
Bellevue , WA, 98005  
Phone: (425) 442-9817

**Note: The Filing Id is 20240709074739SC774338**