No. 863614

IN THE SUPREME COURT

OF THE STATE OF WASHINGTON

LOANITA ADAMS,
Petitioner,

v.

NASRO UGAS,
Respondent,

PETITION FOR REVIEW

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McCormick §162, p. 342. T

State ex rel, Carroll v. Junker, 79 Wn.2d 12,26, 482 P.2d 775 (1971). The court's findings are reviewed for substantial Evidence.

United States Aviation Underwriters, Inc. v. Olympia Wings, Inc ., 896 F.2d 949 , 956 (5th Cir. 1990)

United States v. Roenigk , 810 F.2d 809 (8th Cir. 1987)

Crawford v. Fayez, 112 N.C. App. 328 (1993), rev. denied, 335 N.C. 553 (1994).

State v. Stager *329 N.C. 278 (N.C. 1991)*

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Rules

Rule 103 E. Rule 406 Rule 59(a)

Rule 404(a) Rule 404(b)

Questions Presented for Review

1. Did the lower court err in its ruling by misapplying proceedings in certain circumstances when the conduct giving rise to the conduct presenting an "ongoing pattern" of harassment that has an adverse effect on the petitioner or member the petitioner's family, or household RCW 10.14.190i. Course of Conduct May be Brief. While the course of conduct may be brief, it must evidence a "continuity of purpose." Burchell v. Thibault, 74 Wn.App. 517, 521 (1994).

2. Two Incidents Sufficient. Proof of two incidents of harassment is sufficient to support a conviction for stalking. State v. Haines, 151 Wn.App. 428 (2009).

3. Course of Conduct Includes Harassment Through Third Persons. By defining "course of conduct" so broadly as to include any harassing communication, contact, or conduct that amounts to a series of acts over a period of time, the legislature contemplated that stalking, by definition, could include a perpetrator's direction or manipulation of third parties to harass a victim. State v. Becklin, 163 Wn.2d 519, ¶20 (2008).

1. The court may also issue a temporary protection order to allow the actual victim time to prepare their own petition. RCW 7.105.210. Protection Order Actions Are Designed to Protect Pro Se Victims • Core Values. *Aiken v. Aiken, 187 Wn.2d 491*, ¶10 (2017) (RCW 26.50 DV action) – of Emergency Relief. Protection order proceedings are designed to provide emergency relief to victims and children. o Statutory Safeguards. Safeguards for both parties are built into the statutory structure. o Designed for Pro Se Litigants. The system is designed for use by pro se litigants because many victims are unable to retain counsel

relevant legal precedent, this action is resulting in a decision that conflicts with established law.[ii]

2. Did the Court of Appeals fail to properly consider evidence that demonstrates RCW 7.105.330 (1)[iii] violating petitioner rights under RCW 7.105 (4)(a).? • Evidence Rules. *Emmerson v. Weilep*, 126 Wn.App. 930, ¶20 (2005) (evidence rules need not apply in RCW 10.14 action). Due Process Probably Requires Cross Examination of Adult Parties When Requested. Cross examination is beyond any doubt the greatest legal engine ever invented for the discovery of truth. This is especially important where a petitioner may be seeking to take advantage through the use of the protection order process. Here, the petitioner was available for cross examination, and the trial court abused its discretion by not allowing her to present her evidence discovery of truth to obtain a protection order for her and her family. How can a court of the land make a ruling without seeing the evidence presented?

ISSUE PRESENTED FOR REVIEW

1. **Conflict with precedent**

Rule 103. Rulings on Evidence[iv]

The Court of Appeals' ruling conflicts with established precedents RCW 7.1.05.225.[v] This inconsistency creates uncertainty about the application of ***habit and ER 406*** and warrants clarity. *McIntosh v. Nafziger*, 69 Wn.App. 906, 911-12 (1993). •

2. **Misapplication of Law and Misinterpretation of Evidence**

The appellant court failed to correctly apply ER 406 Habit Routin Practice and overlook key evidence demonstrating that lower court erred by ignoring crucial evidence and misrepresented her case. Evidentiary weight and credibility: The Court of Appeals is in the best position to access the credibility of testimony and the reliability of her documentary evidence. The lower court's detailed findings, including any explanations for discounting certain evidence must be given deference. Rule 406:

Appellant has filed her Motion for Reconsideration and Motion for Discretion on Partial Evidence of a person's habit or an organization's routine practice may be admitted to prove that on a particular occasion the person or organization acted in accordance with the habit or routine practice Rule 59(a). The court may admit this evidence regardless of whether it is corroborated or whether there was an eyewitness. Petitioner would present some of the police report not reviewed by respondent party. Presenting such material would show a finding on how Nasro Ugas handled action during police present. The CP could review her response of handling the matter and the history duration of continued similar reaction and response on her behavior. Nasro Ugas willfully diverts law officers with usage of deceit acknowledging her behavior and continue with repeated harassments. This action left her and her family (having a member of appellant's having disability) vulnerable, suffering from abuse for many years by Nasro Ugas and her family. Presenting the police reports can be a useful source of information about crimes and incidents, as they document key details like the date, time, location, involved parties, and narrative of events, making them valuable for investigations. Such material in collaboration with her evidence would demonstrate clear and persistent harassment attacks appellant and her family

has suffered through from the next-door neighboring in a mostly all Somali Neiborhood. Seattle Housing Authority management would relocate appellant to an available location.

- "Abuse "for the purpose of a vulnerable adult protection order, means intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement intimidation, or punishment on a vulnerable adult.

- Mental "abuse" means an intentional, willful, or reckless verbal or nonverbal action that threatens, humiliates, or harasses coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. "Mental Abuse" may include ridiculing, yelling, swearing, or withholding or tampering with prescribed medications or their dosage.

- "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. "Course of conduct includes any form of communication, contact, or conduct including the sending of an electronic communication but does not include constitutionally protected free speech. In determining whether the course of conduct serves any legitimate or lawful purpose a court should consider whether a current contact between the parties was initiated by the respondent only or was initiated by both parties.

Notes

(Pub. L. 93–595, §1, Jan. 2, 1975, 88 Stat. 1932; Apr. 26, 2011, eff. Dec. 1, 2011.)

Notes of Advisory Committee on Proposed Rules

An oft-quoted paragraph, McCormick, §162, p. 340, describes habit in terms effectively contrasting it with character:

"Character and habit are close akin. Character is a generalized description of one's disposition, or of one's disposition in respect to a general trait, such as honesty, temperance, or peacefulness.

The legal issue in this case extends beyond petitioner's individual claim, impacting similarly situate litigants. Supreme Court review is necessary to ensure uniformity in legal standards and prevent unjust outcomes in future cases.

"In denying the protection order the lower court considered both the petitioner's right to safety and the respondent's due process rights. The court's discretionary balancing of these competing interests is an immediate danger. For example, where the record reflects allegations that we are supported by circumstantial or past evidence rather than concrete indications of imminent violence or retaliation, the statue standard remains unmet." *See Glossip v. Oklahoma, No.* ***22-7466*** *[Arg: 10.9.2024]*[vi] RCW 7.1.05.225" *Waldrip v. Olympia Oyster Co.*, 40 Wn.2d 469, 477, 244 P.2d 273 (1952). "The burden of proof is upon the party asserting laches." *Rutter v. Rutter,* 59 Wn.2d 781, 785, 370 P.2d 862 (1962).

ADDITIONAL EVIDENCE ON REVIEW (a) Remedy Limited. The appellate court may direct that additional evidence on the merits of the case be taken before the decision of a case on review if: (1) additional proof of facts is needed to fairly resolve the issues on review, (2) the additional evidence would probably change the decision being reviewed, (3) it is equitable to excuse a party's failure to present the evidence to the trial court, (4) the remedy available to a party through post judgment motions in the trial court is inadequate or unnecessarily expensive, (5) the appellate court remedy of granting a new trial is inadequate or unnecessarily expensive, and

(6) it would be inequitable to decide the case solely on the evidence already taken in the trial court. (b) Where taken. The appellate court will ordinarily direct the trial court to take additional evidence and find the facts based on that evidence. [Adopted effective July 1, 1976; Amended effective; September 1, 1994.] RAP 9.11(a)(b). *Crawford v. Fayez, 112 N.C. App. 328 (1993), rev. denied, 335 N.C. 553 (1994).*

CITATION TO COURT OF APPEALS DECISION

Petitioner argues that the lower court's decision should be reversed because:

- 1- The statutory threshold was not met. The trial court erred in interpreting Rule 406. When disagreement has appeared, its focus has been upon the question of what constitutes habit, and the reason for this is readily apparent. [Slough, Relevancy Unraveled, 6 Kan.L.Rev. 38–41 (1957). Nor are they inconsistent with such cases as *Whittemore v. Lockheed Aircraft Corp* ., 65 Cal.App.2d 737, 151 P.2d 670 (1944), upholding the admission of evidence that plaintiff's intestate had on four other occasions flown planes from defendant's factory for delivery to his employer airline, offered to prove that he was piloting rather than a guest on a plane which crashed and killed all on board while en route for delivery].

- The court improperly weighed the evidence, failure to consider her Motion for reconsideration and Discretion of Review of Partial New Evidence that she submitted indicating that police officers were called to Nasro Ugas unit presenting a pattern history on police log dates. Officers contacted Nasro and she and her household

members to use treachery to avert the officers and continued with the harassment after leaving the facility. see Frank, J., in *Cereste v. New York, N.H. & H.R. Co.*, 231 F.2d 50 (2d Cir. 1956), cert. denied 351 U.S. 951 , 76 S.Ct. 848, 100 L.Ed 1475, 10 Vand.L.Rev. 447 (1957); McCormick §162, p. 342. The omission of the requirement from the California Evidence Code is said to have [SIC] effected its elimination. Comment, Cal.Ev.Code §1105.

- The decision violates petitioner's rights. Even where the court's ruling is definitive, nothing in the amendment prohibits the court from revisiting its decision when the evidence is to be offered. If the court changes its initial ruling, or if the opposing party violates the terms of the initial ruling, objection must be made when the evidence is offered to preserve the claim of error for appeal. The error, if any, in such a situation occurs only when the evidence is offered and admitted. *United States Aviation Underwriters, Inc. v. Olympia Wings, Inc* ., 896 F.2d 949 , 956 (5th Cir. 1990) ("objection is required to preserve error when an opponent, or the court itself, violates a motion *in limine* that was granted"); *United States v. Roenigk* , 810 F.2d 809 (8th Cir. 1987) (claim of error was not preserved where the defendant failed to object at trial to secure the benefit of a favorable advance ruling). 2) Standard of proof – preponderance of the evidence.

Habit can be proved two different ways

* Opinion of eyewitnesses to habit behavior

* Specific instances of conduct.

* Succession of witnesses testifying about relevant conduct on single, separate occasions is OK – *Crawford v. Fayez, 112 N.C. App. 328 (1993), rev. denied, 335 N.C. 553 (1994).* **You don't need eyewitnesses or other corroborative evidence of the habit just sufficient foundation as to how witness knows of habit.** Habit evidence involves "systematic conduct" of doing something with "invariable regularity" where there is a "regular response to a repeated specific situation." See, e.g., *State v. Hill, 331 N.C. 387 (1992), cert. denied, 507 U.S. 924 (1993).* Domestic violence assault against different victim from 17 years earlier admissible under 404(b) where there were numerous similarities in the way the different assaults were carried out. *State v. Brooks, 138 N.C. App. 185 (2000).* Evidence and Witnesses 344 (NC14th) — felonious assault on wife — previous threat — relevancy to show intent In a prosecution of defendant for assaulting his wife with a deadly weapon with intent to kill, testimony by the victim that defendant broke into her house and threatened to kill her six weeks before the incident in question was relevant and admissible to show defendant's intent and ill will toward the victim. Furthermore, the trial court did not err by failing to exclude this testimony as being unfairly prejudicial under Rule of Evidence 404(b). ***State v. Stager*** *329 N.C. 278 (N.C. 1991).*

Supreme Court intervention is required to correct these fundamental errors.

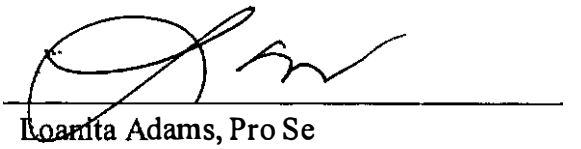
STATEMENT OF THE CASE

Petitioner Loanita Adams, initiated this action against Respondent, Nasro Ugas, seeking a protection order from her and her family's harassments[vii]. The trial court (King County Superior court) ruled in favor of Respondent by denying Ms. Adams's protection order without viewing all her evidence, and the Court of Appeals would affirm that decision despite her preponderance of evidence that would demonstrates clear and persistent harassment by the respondent and members of her household. The Superior Court's errors in judgement deprived Ms. Adams of the protection she is entitled to under the law see *Hoyt Williams No. 37806-0-11*[viii] The petitioner had filed a reconsideration in the lower court but would result in an unsuccessful presentation of the official police report requested on January 16, 2025. The back workload in the Seattle Police Department public records unit would be unavailable until May 31, 2025, and would have to proceed with other matters. The petitioner timely filed an appeal, arguing that the lower court's decision was legally and factually flawed and failure constitutes a violation of her rights under due process of law in the trail court's decision. Ms Adams would file an appeal in Court of Appeals and in her **appellant's brief, reply brief, motions for reconsideration and Discretionary review on partial new evidence all h**ighlights critical errors including mentioned of major points from the brief and reply brief, such as improper dismissal, evidentiary issues, constitutional violations, and her motions for reconsideration and for discretionary review on partial "New Evidence" would be overlooked (RAP 7.2(e)) see *ER 702 Testimony expert,*[ix] *and ER 406 habit evidence 16 Syracuse L.Rev.39,49('1964).*[x] However, the appellate court upheld the ruling, prompting this petition for review. RAP 13.4(3)(b), RAP 13.4(b)(4).

CONCLUSION

For the foregoing reasons, Petitioner Respectfully requests that the Court grant the petition for review, reverse the appellate court's decision, and provide appropriate relief as warranted by law.

RESPECTFULLY SUBMITTED THIS _20__ day of February 2025.

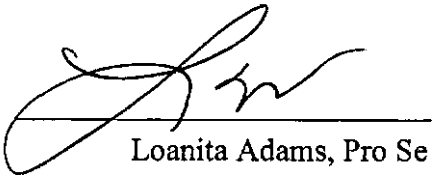


Loanita Adams, Pro Se

Certificate of Compliance

I hear by certify that this Petitioner's Motion complies with the word count limits prescribed by RAP 18.17(b). The total word count of this Motion, including headings and footnotes but excluding the table of Authorities and Certificate of Compliance is _3444__words.

RESPECTFULLY SUBMITTED THIS __20___ day of February 2025.



Loanita Adams, Pro Se

References

APPENDIX A – Court of Appeals Published Opinion No. 863614 filed

APPENDIX B - Court of Appeals Order Denying Motion for Reconsideration and Motion for Discretionary Review of Partial New Evidence.

APPENDIX C – Appellants' Reply Brief

APPENDIX D – Respondent's Reply Brief

APPENDIX E – Appellant's Brief

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1. [i] prohibited anti-harassment laws from infringing on constitutional rights, such as freedom of speech and freedom of assembly. The law was intended to provide victims with a quick and inexpensive way to get civil anti-harassment protection orders

[ii] Engrossed Second Substitute House Bill (E2SHB) 1320, available at https://lawfilesext.leg.wa.gov/biennium/2021-22/Pdf/Bills/Session%20Laws/House/1320-S2.SL.pdf?q=20220630095837

[iii] (1) In considering whether to issue a temporary extreme risk protection order, the court shall consider all relevant evidence, including the evidence described in RCW 7.105.215.

[iv] **a) Preserving a Claim of Error.** A party may claim error in a ruling to admit or exclude evidence only if the error affects a substantial right of the party and:

(1) if the ruling admits evidence, a party, on the record:

(A) timely objects or moves to strike; and

(B) states the specific ground, unless it was apparent from the context; or

(2) if the ruling excludes evidence, a party informs the court of its substance by an offer of proof, unless the substance was apparent from the context.

(b) Not Needing to Renew an Objection or Offer of Proof. Once the court rules definitively on the record — either before or at trial — a party need not renew an objection or offer of proof to preserve a claim of error for appeal.

(c) Court's Statement About the Ruling; Directing an Offer of Proof. The court may make any statement about the character or form of the evidence, the objection made, and the ruling. The court may direct that an offer of proof be made in question-and-answer form.

(d) Preventing the Jury from Hearing Inadmissible Evidence. To the extent practicable, the court must conduct a jury trial so that inadmissible evidence is not suggested to the jury by any means.

(e) Taking Notice of Plain Error. A court may take notice of a plain error affecting a substantial right, even if the claim of error was not properly preserved.

[v] The court shall issue a protection order if it finds by a preponderance of the evidence that the petitioner has proved the required criteria specified in (a) through (f) of this subsection for obtaining a protection order under this chapter. (b) The parties' rights to seek revision, reconsideration, or appeal of the order; and

[vi] **Issues**: (1) Whether the state's suppression of the key prosecution witness' admission that he was under the care of a psychiatrist and failure to correct that witness' false testimony about that care and related diagnosis violate the due process of law under ***Brady v. Maryland*** and ***Napue v. Illinois***; (2) whether the entirety of the suppressed evidence must be considered when assessing the materiality of *Brady* and *Napue* claims; (3) whether due process of law requires reversal where a capital conviction is so infected with errors that the state no longer seeks to defend it;

[vii] RCW 10.14.020(2)

[viii] If a petitioner makes at least a prima facie showing of actual prejudice, but the merits of the contentions cannot be determined solely on the record, the court should remand the petition for a full hearing on the merits or for a reference hearing pursuant to RAP 16.11(a) and RAP 16.12;

[ix] If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise. [Adopted effective April 2, 1979.]

[x] "Evidence of a person's habit or an organization's routine practice may be admitted to prove that on a particular occasion the person organization acted in accordance with the habit or routine practice. The court may admit this evidence regardless of whether it is corroborated or whether there was an eyewitness.

No. 863614

LOANITA ADAMS

Petitioner

V

NASRO UGAS

Respondent

APPENDIX A

FILED
1/21/2025
Court of Appeals
Division I
State of Washington

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

LOANITA ADAMS,

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v.

NASRO UGAS,

Respondent.

No. 86361-4-I

DIVISION ONE

UNPUBLISHED OPINION

COBURN, J. — Loanita Adams appeals the denial of an antiharassment protection order she filed against her neighbor. We affirm.

FACTS/PROCEDURAL HISTORY

In 2019, Adams moved into a residence managed by the Seattle Housing Authority (SHA). She lived there with her daughter and granddaughter. In 2020, the husband of her neighbor, Nasro Ugas, knocked on Adams' door with his son. Adams asserts that they indicated they had a parking spot that Adams had parked in and that they had two parking spots and Adams only had one. In October 2020, Adams emailed an SHA manager to verify the parking situation. The manager responded that there was no assigned parking at their location at that time and that Adams could park anywhere, but that each household was limited to one vehicle. If a second vehicle is parked without a sticker, they risked getting their car towed at their expense. The manager asked Adams to provide the name of the person who talked to Adams so that the manager

could call the person to clarify.

Adams testified that the information was tough for her neighbors to accept and that things went "downhill" from there. Adams asserts that she started experiencing abusive behaviors.

In November 2023, Adams petitioned for an anti-harassment protection order against Ugas.[1] In her petition, Adams asserts that the most recent incidents of harassment involved Ugas taking a picture of Adams' daughter when she went outside, and enlisted "other Samoli neighbors in the area to get involved in her harassment." She also said they were "slamming rails to cause disturbance into my unit" and "[d]emonstrating hostilities toward me and my visiting guest. Doing things to cause me to move out. We fear for our safety." Adams also asserted that Ugas' "children has spread rumors which can affect her relationship with other kids in the neighborhood. I have to change schools to make sure of her safety. [Ugas'] son will travel into my yard to get a soccer ball that he keeps kicking into my yard (trespassing)."

An attorney filed a notice of appearance on behalf of Ugas. Adams proceeded pro se. A pro tem commissioner denied a temporary order of protection and set the matter for full hearing to be held on December 4.

Based on the record before us, the next hearing that was held was on December 18.[2] At this hearing, a pro tem commissioner provided Adams with written instructions on how to upload video evidence into Sharefile, the court's file sharing system. The

[1] We note that Adams did not designate her petition to be included in the clerk's papers. She did designate her notice of appeal, in which she attached a copy of her petition. In doing so, only the odd-numbered pages were included.

[2] It is unclear from the limited record before us as to why the hearing was continued from December 4 to December 18.

commissioner also directed Adams to deliver to Ugas' counsel by December 20 any supplemental documents she intended to rely on for the next hearing, as well as file originals with the clerk of superior court. The commissioner also required proof of service of petitioner's "#7." The commissioner noted that there would be "no additional continuances unless extraordinary or emergent circumstances." Printed instructions also gave Adams notice that "[f]ailure to follow this order regarding submission of any additional documents may result in your documents not being considered at the next hearing."

The next day, Adams submitted multiple exhibits including two videos Adams described as "impact ball hitting door" and "boy throwing ball on front roof." According to the "UNSCANNABLE DOCUMENT COVERSHEET," Adams submitted these as one exhibit on a thumb drive and in a format that the deputy clerk could not convert into scanned electronic images, and, instead, following local court rules, stored and identified the submission as "File Exhibit."

At the December 28 hearing, Adams explained to the court the ways in which Ugas and her family had harassed her since she moved into the apartment complex. She asked the court if it had the evidence she submitted regarding the abuse. A pro tem commissioner had reviewed everything the prior day but explained they had no ability to get the thumb drive. The court asked the bailiff to contact the court clerk to find out how the commissioner could get the thumb drive. Ugas' counsel then addressed the court explaining that Adams was in the same position at the previous hearing where she said that she did not know how to upload documents. Counsel stated that the commissioner at that prior hearing gave Adams another opportunity to have everything filed by

December 20. Counsel asserted that he had not been served anything and did not know about a thumb drive and objected to the court considering anything additional. The court asked Adams if she had made two thumb drives and provided one to the court and the other to opposing counsel. Adams responded, "I didn't need to, was my understanding." The court ruled that because Ugas' counsel did not get exactly what was submitted to the court, the court was not going to consider the evidence on the thumb drive.

The court was able to observe photographs and everything else Adams had submitted that was not on the thumb drive. In support of her petition, Adams had submitted emails, photographs,[3] and partial police reports of her complaints.

This included the October 2020 email exchange with SHA about clarifying the existence of assigned parking. In April 2021, Adams emailed SHA again asserting that the same neighbor that claimed to have two parking spaces, blocked a guest of Adams' from leaving the area and has been leaving notes on the car claiming that space. Adams also submitted an October 2021 email exchange with what is presumably her granddaughters' school. The school informed Adams that her granddaughter was playing with a friend on the playground the day before when the friend kicked a ball that went through the granddaughter's legs, which tripped her causing her to fall. Adams responded that she had a concern about her granddaughter being subject to bullying from a neighbor's child. Adams said the child also attends the same preschool but is in a different class. The school responded that they will keep an eye out to make sure that behavior does not happen at the school.

In January 2022, Adams filed another police report. Adams submitted only

[3] Adams did not designate the submitted photographs in the clerk's papers.

portions of the report to the court. It included when it was reported, who reported it, the location of the occurrence and the following complaint from Adams:

> Harassment from residential occupants. Small boy child deliberately throwing ball against wall or doors inside their unit noise lasting for hours daily. Mother present not intervening. Daily stomping up and down the stairs inside their unit. Has been reported to property manager many times. Property belonging to the Seattle Public Housing. The family reporting are Samoli descendants. Mother has a hostility towards me because of previous complaints to property managers.

In February 2022, Adams filed another police report against residents in the same unit that she previously reported about in January 2022. This time she alleged that "residents" were "constantly throwing a ball against the walls and door inside their unit causing disruption inside my unit. Also stomping up and down the stairs lasting many hours during the evening hours." In July 2022, Adams filed another police report against the same neighbors. Adams alleged that "[t]enant members came into my yard knocking at my door complaining about my guest parking in an assigned space. Seattle housing has not set assigned space. Incident turned unpleasant. All part of neighbors harassment."

At the hearing, Adams listed other evidence of harassment by Ugas: something laying in her yard, a deliberately turned-over bush in her front yard, and her neighbor making remarks to her such as, "Oh, why are you see evil?" and "Why are you such a hater"? Adams said her neighbors' children "come into my yard and they're perhaps they're trying to get balls." Adams said she wanted to show a video of what "appears to be [her neighbor's son] throwing a ball on top of [her] roof." Adams also said she once called police after hearing a child scream at the top of their lungs "trying to get out of a closet, is what it appears to me." Since 2020, Adams said she has been disrupted by

daily pounding of a ball pushed up against the door. Adams said she "feared that [Ugas] would say something negative to cause a disruption with my relationship to others in the community."

Adams said she was worried enough that she had her granddaughter change schools. The court asked if something specifically happened to her granddaughter that is tied to Ugas. Adams explained that her granddaughter got hit in the head at school when two boys were fighting and "somehow" her granddaughter got into their quarrel. The court asked if the two boys attend Ugas' home daycare. Adams said she was not certain, but "I just felt like she probably knew of those kids."

Ugas' counsel argued that Ugas wants nothing to do with Adams as exemplified by Ugas obtaining an antiharassment protection order against Adams on November 17, after hearing from both parties on the merits. Counsel characterized Adams' petition, which was filed three days after Ugas obtained her protection order, as retaliatory and baseless. Adams did not object or dispute that she was the subject of the protection order obtained by Ugas.

The court denied Adams' requested order because of insufficient evidence. In doing so, the court stated,

> What it sounds to me like is she's got a daycare next door and kids are bouncing balls and they're crying and making noise and things are coming into your yard, but it's not the same thing as her taking action against you to harass you, so I'm not finding that you have met your burden and I am denying the order.

The court later denied Adams' motion for reconsideration.

Adams appeals.

DISCUSSION

Adams asserts that (1) the superior court incorrectly failed to consider the evidence that she submitted, which were pertinent to her case, and (2) the court erred in denying her petition for a protection order, despite presenting evidence that met the preponderance of the evidence standard.

Exclusion of Evidence

Adams argues that the court should have done more to allow the commissioner to access and view the evidence she submitted to ensure her petition was properly heard. Otherwise, the court is not able to properly exercise its discretion. Adams asserts that the court had trouble opening the "thumb drive [i]con" because of "technical issues or because she could not open it."

Adams misconstrues the record. A different pro tem commissioner, at the December 18 hearing, provided Adams with written instructions on how to upload videos to the court's file-sharing system, Sharefile. The court continued the hearing to give Adams time to do so. The court also directed Adams to provide copies to opposing counsel by December 20, 2023. Adams did not upload her videos or documents from the thumb drive into the Sharefile system. Instead, she submitted a thumb drive to the court without also providing a copy of that thumb drive to opposing counsel.

At the December 28 hearing, Adams referred to evidence submitted on the thumb drive that the pro tem commissioner had not previously reviewed because of lack of access. Despite the fact the contents of the thumb drive had not been uploaded into the Sharefile system as directed, the commissioner asked the bailiff to work on getting access to the thumb drive. That is when Ugas' counsel objected, asserting that Adams

had not provided anything to him after being directed to do so at the December 18 hearing and that counsel knew nothing about a thumb drive. Adams conceded that she had not provided a copy of the thumb drive to opposing counsel, explaining that she did not know she was required to do so. But Adams was given specific instructions regarding submitting documents for the next hearing. These instructions directed Adams to deliver her evidence to opposing counsel no later than December 20. The instructions included a notice that warned: "Failure to follow this order regarding submission of any additional documents may result in your documents not being considered at the next hearing." Generally, Washington "[c]ourts hold pro se litigants to the same standards as attorneys." In re Vulnerable Adult Petition for Winter, 12 Wn. App. 2d 815, 844, 460 P.3d 667 (2020).

It was because Adams failed to provide the supplemental evidence to opposing counsel as directed prior to the hearing that the court ruled it would not consider the contents of the thumb drive.

A trial court's decision to exclude evidence will be reversed only where it has abused its discretion. Kappelman v. Lutz, 167 Wn.2d 1, 6, 217 P.3d 286 (2009). An abuse of discretion occurs when the trial court's decision is based on untenable grounds or untenable reasons. Id. Adams presents no argument as to how the court's decision to exclude the evidence on the thumb drive was based on untenable grounds or for untenable reasons. Adams has not demonstrated that the court abused its discretion in declining to consider the evidence on the thumb drive under these circumstances.

Insufficient Evidence

Adams also contends that the court erred in denying her petition because the evidence she presented clearly demonstrates the ongoing harassment and intimidation tactics employed by Ugas and her household.

We review a court's decision to grant or deny a request for a protection order for an abuse of discretion. Maldonado v. Maldonado, 197 Wn. App. 779, 789, 391 P.3d 546 (2017). A court abuses its discretion if its decision is manifestly unreasonable or based on untenable grounds or untenable reasons. In re Marriage of Chandola, 180 Wn.2d 632, 642, 327 P.3d 644 (2014).

Adams sought an antiharassment protection order under RCW 7.105.100(f).[4] Under RCW 7.105.010(36)(a), unlawful harassment is defined as:

> A knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner.

A court shall issue a protection order if it finds by a preponderance of the evidence that the petitioner has proved the required criteria for an antiharassment protection order, that the petitioner has been subjected to unlawful harassment by the respondent. RCW 7.105.225(1)(f). Appellate courts will not disturb a trial court's discretion to enter permanent protection orders absent an abuse of discretion. Hecker v. Cortinas, 110 Wn. App. 865, 869, 43 P.3d 50 (2002). "We will not substitute our

[4] Adams mistakenly cites former RCW 10.14.080, which was repealed by LAWS OF 2021, ch. 215, § 170 (effective July 1, 2022).

judgment for the trial court's, weigh the evidence, or adjudge witness credibility." Greene v. Greene, 97 Wn. App. 708, 714, 986 P.2d 144 (1999).

Adams does not acknowledge the standard of review or attempt to argue how the court abused its discretion in denying the petition for insufficient evidence. Instead, Adams appears to ask this court to reweigh the evidence presented and, without citation to the record, conclude she was not given a fair hearing because she was prevented from introducing her evidence. We are not required to address arguments not supported by citation to the record or meaningful legal authority. Cowiche Canyon Conservancy v. Bosley, 118 Wn.2d 801, 809, 828 P.2d 549 (1992). To the extent Adams' argument refers to the court excluding the evidence on the thumb drive, we have already addressed that above. Moreover, the court still allowed Adams to explain what would have been shown on the videos. Adams said it captures the noise that is actually happening daily with a ball being thrown loudly against a door. Adams also explained that a video would have shown Ugas' son who "appears to be throwing a ball on top of [Adams'] roof."

The court determined that Adams had not demonstrated a "knowing and willful course of conduct" by Ugas that was directed at Adams with the intent to harass, annoy, or alarm her, nor that the conduct served "no legitimate or lawful purpose." Adams has

not shown that the trial court abused its discretion in denying her petition.

We affirm.

Coleman, J.

WE CONCUR:

Feldman, J.

Mann, J.

No. 863614

LOANITA ADAMS

Petitioner

V

NASRO UGAS

Respondent

APPENDIX B

No. 863614

COURT OF APPEALS DIVISION 1
OF THE STATE OF WASHINGTON

LOANITA ADAMS,
Appellant,

v.

NASRO UGAS,
Appellees,

Superior Court No. 23-2-23012-4

Appeal from the King County Superior Court of Washington Shana Thompson, Judge Court Commissioner, Presiding

---

Motion for Reconsideration

Loanita Adams (Pro Se)
3135 SW Holly Street
Seattle WA 98126
loanita2@gmail.com
(206 941-6457)

State Laws and Other Authorities

RAP 12.4(b) RCW 9A.76.175 RCW 42.20.040 RCW 21.20.350 RCW 19.230.340(7) RCW 19.86.020 WPIC 120.4 RCW 9A.84.040.

Exclusion of Evidence

The court did not consider crucial video evidence submitted on a thumb drive, created by King County Superior court clerk despite her attempt to comply with procedural instructions. The thumb drive contained evidence demonstrating the ongoing harassment, Including videos proof of disruptive behaviors. She respectfully asserts that technical issues and procedural misunderstandings should not have precluded the court from reviewing substantive evidence that supports her claims. As a pro se litigant, she made good faith efforts to present this evidence and requested the court to allow its review.

Failure to Consider Preponderance of Evidence Submitted

The court's failure to properly consider the full body of evidence, including the exhibits she submitted. Deprived Ms. Adams of a fair hearing. This failure constitutes a violation of her rights

under RAP 7.2(e). The court had a duty to review the materials, including the scanned exhibits she submitted, which were pivotal in demonstrating the extent of the harassment. By failing to consider this crucial evidence, the Superior Court violated the standard of review and dismissed her case unjustly. The police reports submitted as evidence reveal that the respondent knowingly and willfully used deceit to divert police attention away to the core issues of harassment. Instead of addressing the actual harassment claims, the respondent made misleading statements and presented a false narrative, which undermined the process and delayed proper resolution of the matter. This conduct further demonstrates the respondent's intent to evade accountability and continue to perpetuate harassment.

The exhibits also contained undeniable proof of the ongoing harassment, including photos of the blocked parking, video evidence of hostile confrontations, and documentation of the repeated noise disturbances caused by the respondent's household. The respondent's brief glosses over these details but does not negate their existence or impact. These actions, combined with the deceitful tactics used to mislead law enforcement, highlight the respondent's deliberate and unlawful conduct, which the court failed to properly evaluate.

Legal Standard

Ms. Adams respectfully requests the court re-evaluate whether the denial aligns with the preponderance of evidence standard under RCW 7.105.225(1)(f). She believes the court may have set an excessively high threshold that was not consistent with this standard, given the evidence she provided and the nature of the harassment.

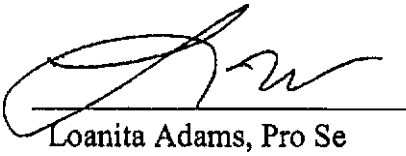
Relief Requested

Ms. Adams Kindly as the Court to reconsider its decision, review the video evidence provided, and re-evaluate her petition in light of all the submitted evidence. She's willing to provide any additional documentation or clarification needed to support this process.

Thank you for your time and consideration.

RESPECTFULLY submitted this 27 day of January 2025.

RESPECTFULLY SUBMITTED,



Loanita Adams, Pro Se

Certificate of Compliance

I hereby certify that this Appellant's Motion for reconsideration complies with the word count limits prescribed by RAP 18.17(b). The total word count of this Motion, including headings and footnotes but excluding the table of Authorities, and Certificate of Compliance is 433 words.

RESPECTFULLY, SUBMITTED THIS 27 day of January 2025.

Loanita Adams, Pro Se

No. 863614

COURT OF APPEALS DIVISION 1
OF THE STATE OF WASHINGTON

LOANITA ADAMS,
Appellant,

v.

NASRO UGAS,
Appellees,

Superior Court No. 23-2-23012-4

Appeal from the King County Superior Court of Washington Shana Thompson, Judge Court Commissioner, Presiding

Motion for Discretionary Review on Partial New Evidence

Loanita Adams (Pro Se)
3135 SW Holly Street
Seattle WA 98126
loanita2@gmail.com
(206 941-6457)

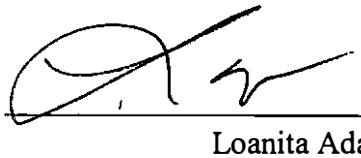
Appellant Ms. Loanita Adams asks this court to accept review of her Motion for Discretionary review on Partial New Evidence admitting Seattle Police Departments reports releasing documents on May 31, 2024, which is at the court's discretion with reference to Habit Evidence Rule 406.

> "Evidence of a person's habit or an organization's routine practice may be admitted to prove that on a particular occasion the person or organization acted in accordance with the habit or routine practice. The court may admit this evidence regardless of whether it is corroborated or whether there was an eyewitness." *Habit Evidence, 16 Syracuse L.Rev. 39, 49 (1964).*

Ms. Adams is at the court's discretion with reference to the police reports that she obtains from Seattle Police Department habitual calls being made to Nasro Ugas residence. In admission in observation there is a pattern on the police report list of factors set out by Seattle Police Department Identify the subjects and then enter the enactment of the calls. The officers of the decisions may also be described as for the provision for the issuance of making something known on the same complaints embodies the practice heretofore. Ms. Adams is showing this court a few of the many complaints that she encountered from Nasro Ugas household regarding her parental guardianship of her children's activity as this was an ongoing cycle daily making this a habitual act of annoyance. *see, e.g., United States v. McClure*, 546 F.2nd 670 (5th Cir. 1990) (acts of informant offered in entrapment defense)

"The issue arose in one North Carolina case finding no prejudice from admission of the evidence, the court refrained "from resolving this interesting evidentiary issue on appeal." *State v. Johnson*, 203 N.C. App. 718, 723 (2010)." It is desirable from a practical standpoint, since when a complaint names several defendants activities in the police reports suggestions for framing issues presented for review, Rule 803(8).

Respectfully submitted, January 27, 2025 Signature



Loanita Adams Pro Se

Certificate of Compliance:

I hereby certify that this Appellant's Motion for Discretionary Review on Partial New Evidence complies with the word count limits prescribed by RAP 18.17(b). The total word count of this Motion, including headings and footnotes but excluding the table of contents, Table of Authorities, and Certificate of Compliance is 321 words.

Respectfully submitted, January 27, 2025 Signature

Loanita Adams Pro Se

LOANITA ADAMS - FILING PRO SE

January 26, 2025 - 9:34 AM

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No. 863614

LOANITA ADAMS

Petitioner

V

NASRO UGAS

Respondent

APPENDIX C

No. 863614

COURT OF APPEALS DIVISION I

OF THE STATE OF WASHINGTON

LOANITA ADAMS,

Appellant,

v.

NASRO UGAS,

Appellees,

Superior Court No. 23-2-23012-4

Appeal from the King County Superior Court of Washington

Shana Thompson, Judge/Court Commissioner, Presiding

Appellant's Reply Brief

Loanita Adams (Pro Se)

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Table

I. INTRODUCTION

Comes Now, Appellant Loanita Adams's reply is submitted in response to the brief filed by the respondent, Nasro Ugas. The Superior Court's denial of my petition for a Protection Order and its failure to consider the overwhelming evidence Ms. Adams presented requires reversal. The preponderance of evidence demonstrates clear and persistent harassment by the respondent and her household. The respondent's arguments fail to acknowledge the full scope of the harassment and, moreover, omit critical facts that are central to this case. The Superior Court's errors in judgment deprived me of the protection Ms. Adams am entitled to under the law, and this appeal seeks to rectify that oversight. **Transcript of Procedures pg. 21 ln 10 and 11.**

II. ARGUMENT

1. The Superior Court Erred in Denying the Protection Order Despite Substantial Evidence of Harassment **Transcript of Proceedings pg. 22 ln 22 thru 25, pg. 23 ln 1 thru 8, and pg. 24 ln 1 thru 15.** The central issue in this case is the Superior Court's failure to grant a Protection Order, despite the clear and documented evidence of ongoing harassment. Under RCW 10.14.080, a court is authorized to issue an anti-harassment order if the petitioner demonstrates by a preponderance of evidence that unlawful harassment exists. In this case, the harassment has been persistent, and the evidence presented was comprehensive, including:

Police reports and emails detailing incidents of verbal abuse, threats, and intimidation by the respondent and her family (CP 17-18, 32);

Photographic evidence of blocked parking spaces and other tactics of harassment (CP 32);

Videos showing disruptive behavior, such as loud noises, stalking, and confrontations instigated by the respondent's family.

The respondent's argument mischaracterizes these incidents as minor disputes, yet the law is clear: harassment that seriously alarms, annoys, or is detrimental to the victim qualifies under RCW 10.14.020(2). The evidence shows an unmistakable pattern of such behavior, and the Superior Court erred by disregarding it. **Transcript of Proceedings pg. 7 ln 25 thru 25, pg. 8 ln 1thru 6, pg. 21 thru 25, pg. 21 ln 13 thru 15, and pg. 22 ln 1 thru 5**

2. Failure to Consider Preponderance of Evidence Submitted

The court's failure to properly consider the full body of evidence, including the exhibits MS. ADAMS submitted, deprived me of a fair hearing. This failure constitutes a violation of my

rights under RAP 7.2(e). The court had a duty to review the materials, including the scanned exhibits MS. ADAMS submitted, which were pivotal in demonstrating the extent of the harassment. By failing to consider this crucial evidence, the Superior Court violated the standard of review and dismissed my case unjustly.

The exhibits contained undeniable proof of the ongoing harassment, including photos of the blocked parking, video evidence of hostile confrontations, and documentation of the repeated noise disturbances caused by the respondent's household. The respondent's brief glosses over these details but does not negate their existence or impact.

3. The Harassment Was Unlawful and Intentional

The harassment inflicted by the respondent was intentional and unlawful under RCW 10.14.020(2), which defines unlawful harassment as a willful course of conduct that seriously alarms, annoys, or harasses the victim. The respondent's conduct, including falsely claiming authority over parking spaces and stalking my family, clearly meets this definition.

Furthermore, the respondent's household continued their intimidation tactics despite direct intervention from the Seattle Housing Authority (SHA) management. This conduct demonstrates a willful disregard for lawful norms and my family's safety. The court's failure to recognize this pattern of behavior undermined Ms. Adams's right to legal protection.

III. RESPONDENT'S MISREPRESENTATIONS

The respondent's brief contains several misrepresentations that must be corrected:

Parking Dispute as a Trigger for Harassment: The respondent's claims about parking are disingenuous. The Seattle Housing Authority explicitly stated that parking is on a first-come, first-served basis (CP 32). Despite this, the respondent's family attempted to mislead me into believing they were entitled to two spaces, using this as a pretext for harassment.

Cultural Animosity as Motivation: The respondent downplays the cultural and racial elements of this case. As detailed in my original brief, I have faced hostility from the respondent and her family due to my being an African American woman living in a predominantly Somali and Muslim community. This cultural clash has exacerbated the tension, leading to repeated incidents of intimidation and harassment.

IV. STANDARD OF REVIEW

The standard of review for denial of a Protection Order is clear: the evidence must be reviewed de novo. The failure to properly evaluate the evidence, including critical exhibits, constitutes reversible error. A Protection Order should have been issued based on the substantial evidence that was presented.

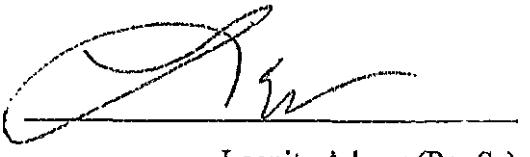
V. CONCLUSION

For the reasons stated above, Ms. Adams respectfully request that this Court reverse the Superior Court's denial of my petition for a Protection Order and remand the case for further proceedings. The evidence demonstrates that MS. ADAMS am entitled to protection under Washington law, and the lower court's failure to consider this evidence must be corrected.

Certificate of Compliance:

I hereby certify that this Appellant's Brief Reply complies with the word count limits prescribed by RAP 18.17(b). The total word count of this brief, including headings and footnotes but excluding the table of contents, Table of Authorities, and Certificate of Compliance, is 892 words.

RESPECTFULLY submitted this 12 day of September 2024



Loanita Adams (Pro Se)

LOANITA ADAMS - FILING PRO SE

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No. 863614

LOANITA ADAMS

Petitioner

V

NASRO UGAS

Respondent

APPENDIX D

No. 863614

COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION 1

LOANITA ADAMS
Appellant
v.
NASRO UGAS
Respondent
King County Superior Court #23-2-23012-4

RESPONDENT'S BRIEF

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TABLE OF AUTHORITIES

INTRODUCTION / STATEMENT OF THE CASE

Respondent, Nasro Ugas, filed a Petition for Protection Order (Anti-harassment) against Loanita Adams in Seattle District Court on October 16, 2023. On November 17, 2023, Judge Lisa A Paglisotti conducted a full-order hearing with all parties present and GRANTED the requested Protection Order against Ms. Adams on the merits. Three days later Ms. Adams filed her own protection-order petition in King County Superior Court in the matter of Adams v. Ugas, #23-2-23012-4. **CP 51-65.** Commissioner Velategui declined to issue a Temporary Order. **CP 1-9 and 46-50.**

On December 4, 2023, a full-order hearing was scheduled to address Ms. Adam's petition, but as counsel for Ms. Ugas had just been retained, Commissioner Martin continued the full-order hearing to December 18, 2024 and set a deadline for the parties' submissions.

At the full-order hearing on December 18, 2024, all parties were present, but Ms. Adams asked to continue the hearing for her to upload videos for the court to review. Commissioner Eagle granted the request to continue but noted on the Notice of Hearing that "Petitioner given written instructions on how to upload videos into ShareFile. No additional continuances unless extraordinary circumstances." The full-order hearing was specially set for December 28, 2024, and a submission deadline of December 20, 2023, set for the Petitioner to submit any documents or videos. **CP 11-16.**

On December 28, 2024, the parties were again present. Following sworn testimony and review of submissions by both parties, Commissioner Thompson concluded the Petitioner had not proven by a preponderance of evidence that the Respondent had engaged in unlawful harassment and due to the insufficiency of the evidence entered a Denial Order. **CP 19-27** and **37-45.** At no time during the final hearing did the Appellant seek a continuance.

Ms. Adams filed a Motion for Reconsideration which was denied without argument. **CP 87.** This appeal follows.

ARGUMENT

Although the Appellant refers to former RCW 10.14 repeatedly in her materials, the relevant statute is RCW 7.105. For an anti-harassment protection order to be issued under this statute, a petitioner must prove by a preponderance of the evidence that the respondent had engaged in a course of conduct directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person and serves no legitimate or lawful purpose, and that would reasonably cause the petitioner to suffer substantial emotional distress. RCW 7.105.010(36). This "course of conduct" must be comprised of a series of events evidencing a continuity of purpose but does not include free speech and must appear to be designed to alarm, annoy, or harass the petitioner.
RCW 7.105.010(6)(a), (b).

The Appellant filed a thirty-page Petition for Protection Order that contained written descriptions of the conduct believed to amount to unlawful harassment and eleven exhibits intended to support the allegations of unlawful harassment. At the full-order hearing on December 28, 2024, the Petitioner was sworn in and was given the opportunity to further describe and detail the acts she believed amounted to unlawful harassment. Commissioner Thompson concluded:

> "[A]t this point I do not believe at this time that the Petitioner has met her burden for a protection order. I am not finding that what has been described in detail – and I have read everything that's in the court file and I have listened to your arguments, and I have given you substantial time to make your argument – there is nothing that I am seeing here that indicated the Respondent is engaging in a course of conduct to harass you. What is sounds to me like is she's got a daycare next door and kids are bouncing balls and they're crying and making noise and things are coming into your yard, but it's not the same thing as her taking action against you to harass you, so I'm not finding that you have met your burden and I am denying the order."

Transcript of Proceeding, p.23-24 ln 17 to 6.

On appeal, the Court of Appeals shall review a superior court's decision to grant or deny a protection order for abuse of discretion and shall reverse the decision if it is manifestly unreasonable or exercised on untenable grounds. See e.g., Barber v. Barber, 136 Wash. App. 512, 516, 150 P.3d 124 (2007); State *ex rel.* Carroll v. Junker, 79 Wn.2d 12, 26 482 P.2d 775 (1971). Appellate courts will not disturb a trial court's discretion to enter permanent protection orders absent an abuse of discretion. In re: Knight, 178 Wash.App.

929, 317 P.3d 1069, 1072 (2014) citing, Hecker v. Cortinas, 110 Wash.App 865, 869, 43 P.3d 50 (2002).

The Appellant assigns no specific error to any evidentiary rulings that amount to an abuse of discretion, and a review of the complete record is devoid of any evidentiary rulings that could amount to an abuse of discretion. In making her decision, Commissioner Thompson made a very clear record of the allegations of unlawful harassment made by the Appellant and concluded that "none of those were indicated or there's no evidence at all that the Respondent was responsible or her husband or her children were responsible for any of that." Transcript of Proceeding, p.16 ln 17 to 20. Even had the trial court ignored Commissioner Eagle's strict submission schedule and *sua sponte* continued the hearing a second time for the filing and service of an additional video, the outcome would not have been different. The decision to abide by Commissioner Eagle's submission scheduled and clear ruling that no further continuances would be granted is not an abuse of discretion.

Further, the Appellant had already testified at the hearing that the untimely thumb drive included video of "the actual noise that's actually happening daily with a ball being thrown up against the door loudly." Id., at 20 ln 2-3. Commissioner Thompson considered the Appellant's testimony about the sound of the bouncing ball allegedly contained in the video, and concluded there was no evidence the Respondent was responsible for the ball or that it was unlawful harassment. The video would not have offered any additional evidence of unlawful harassment not already before the court. The Petitioner described in

her Motion for Reconsideration that the additional evidence "would show the court that there's a minor boy or male child that reside in her household that has possession of a ball. In Petitioner's Police report submittion stipulates a ball being forcefully thrown against the wall and doors, all hours of the day until night. Also same child shown on suvellance camera (pictured)" (all sic). **CP 29.** None of this information is pertinent to whether the Respondent engaged in unlawful harassment. Also of significance is that the Appellant never moved for another continuance at the final hearing, thus no motion to continue was ever denied.

Even if, *arguendo*, the video should have been admitted, the outcome would have been no different as there was still no evidence presented by the Appellant that the Respondent had engaged in any act amounting to unlawful harassment, let alone a course of unlawful harassment as required by RCW 7.105.010(36). Any error in not considering this irrelevant information was harmless. The lack of evidence of unlawful harassment at the full-order hearing was overwhelming. it was this lack of evidence that resulted in denial of the petition, not an abuse of discretion.

CONCLUSION

The Appellant was given ample opportunity in the weeks leading up to the full-order hearing to present evidence and testimony to support her claim of unlawful harassment. Commissioner Thompson considered the Appellant's testimony along with the evidence admitted and concluded the Appellant had not proven by a preponderance of

evidence that the Respondent had engaged in unlawful harassment as defined by statute. No evidence exists that the trial court abused its discretion in denying the order or that the denial of the order was manifestly unreasonable or exercised on untenable grounds.

For all these reasons, this appeal must be denied.

RESPECTFULLY SUBMITTED this 12th day of AUGUST, 2024.

CERTIFICATE OF COMPLIANCE RAP 18.17: 1,471 words.

THE NAHAJSKI FIRM

Nahajski.

Lennard A. Nahajski
WSBA #22138
Attorney for Respondent

THE NAHAJSKI FIRM

August 12, 2024 - 12:02 PM

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No. 863614

LOANITA ADAMS

Petitioner

V

NASRO UGAS

Respondent

APPENDIX E

No. 863614

COURT OF APPEALS DIVISION 1

OF THE STATE OF WASHINGTON

LOANITA ADAMS,

Appellant,

v.

NASRO UGAS,

Appellees,

Superior Court No. 23-2-23012-4

Appeal from the King County Superior Court of Washington

Shana Thompson, Judge/Court Commissioner, Presiding

Correction Brief

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1. State Laws and Other Authorities

CR60 (a) judgment or order Pursuant to RAP 7.2(e)

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RCW 4.24.190

RCW 10.14.020 (2)

RAP 1.1 (a)(b)(c)(d)(e)(f)

RAP 4.1 (a) (b)

RAP 5.2 (a) (b)

RCW 9A.44.193 And 196

RCW 9A.46.020

18 U.S. Code § 1514

24 CFR § 574.604 (a) 24 CFR part 5, subpart L

RAP 10.3(a)

Constitution

The Fourth Amendment, the Sixth Amendment and the Fourteenth Amendment.

I. Introduction

Appellant is an African American female citizen of the United States of America living in the Seattle housing authority in West Seattle residence location with her daughter and granddaughter who are Biracial Americans. She filed a protection anti-harassment order on November 20, 2023,

with King County Superior court against Nasro Ugas, a neighbor occupying residence next to her residential unit in West Seattle location. King County Superior court would deny Ms. Adams temporary order and denied her protection order scheduled on December 28, 2023. She filed a Motion for Reconsideration on January 8, 2024, setting a hearing scheduled for January 31, 2024. The King County Superior clerk did not put Ms. Adams' case on the scheduled calendar date for a hearing. The King County Superior clerk did not contact Ms. Adams regarding rescheduling another date. Ms. Adams would later receive a denial for reconsideration order by email without having a rehearing set date. CR60 (a) judgment or order Pursuant to RAP 7.2(e)

II. Assignments of Errors

Assignment of Error:

1. The Superior Court erred in denying Ms. Adams' petition for a Protection Order despite the preponderance of evidence presented, thereby failing to afford her the protections under RCW 10.14.080.

2. The Superior Court erred in not considering the preponderance of evidence submitted by Ms. Adams, including scanned exhibits, which were pertinent to her case and should have been evaluated in accordance with RAP7.2(e).

III. Statement of the Case

Appellant, Ms. Loanita Adams, filed a petition for a Protection Order against Nasro Ugas on December 4, 2023. This petition stemmed from long-term and repeated harassment. Ms. Adams moved to a community with Somali and Muslim families. Nasro Ugas and her family displayed disapproval of Ms. Adams' presence through intimidation tactics, including verbal confrontations regarding parking spaces. (See Clerk's "CP" 17-18, 32.

The initial contact with Nasro Ugas's husband and oldest son in 2020 escalated into ongoing harassment, including blocking Ms. Adams' guest vehicles in parking spaces, verbal attacks, and disturbing behavior such as loud noises and stalking. (See Clerk's "CP" 17-18, 32.

Ms. Adams provided evidence of this harassment to the court, including emails, photos, videos, and police reports. Despite this evidence, the King County Superior Court denied Ms. Adams' petition for a Protection Order and Subsequent Motion for Reconsideration. (See Clerk's "CP" 28-31, 87). *Goldberg v. Kelly, 397 U.S. 254 (1970).*

The harassment and unwanted contact by Nasro Ugas and members of her household, resulting in Ms, Adams and her family feeling fearful for their safety. (See Clerk's "CP" 17-18, 32.

Since Ms. Adams' arrival in 2019 until April 2, 2024, she has endured a hostile environment.

IV. Argument

Assignment of Error

1. The Superior Court erred in denying Ms. Adams' petition for a Protection Order despite the preponderance of evidence presented, thereby failing to afford her the protections under RCW 10.14.080.

The evidence presented in the Clerk's Papers clearly demonstrates the ongoing harassment and intimidation tactics employed by Nasro Ugas and her household. For example, in the incident documented on 17-18, 32, Nasro Ugas's husband and son falsely claimed to have authority over parking spaces, leading to unnecessary confrontations with Ms. Adams. This incident, among others detailed in the record, illustrates the hostile environment Ms. Adams has endured.

2. The Superior Court erred in not considering the preponderance of evidence submitted by Ms. Adams, including scanned exhibits, which ere pertinent to her case and should have been evaluated in accordance with RAP 7.2(e)

Throughout the proceedings, Ms. Adams diligently submitted evidence to support her claims of harassment and intimidation by Nasro Ugas and her family. However, the court failed to fully consider this evidence, as documented in the Clerk's Papers on page 32. The failure to consider such crucial evidence deprived Ms. Adams of a fair hearing and violated her rights under RCW 10.14.080.(3) authorizes a court to enter an anti-harassment protection order upon finding by a preponderance of the evidence that unlawful:

1. This chapter was repealed, effective July 1, 2022, by LAWS OF 2021, ch. 215, § 170. No. 82452-0-I/5 5 harassment exists. To establish "unlawful harassment," a petitioner must prove (1) a knowing and willful (2) course of conduct (3) directed at a specific person (4) which seriously alarms, annoys, harasses, or is detrimental to such person, and (5) which serves no legitimate or lawful purpose. RCW 10.14.020(2).
2. See law de novo. City of Seattle v. Megrey, 93 Wn. App. 391, 393, 968 P.2d 900 (1998). Where a trial court's findings of fact provide a proper basis for entry of an anti-harassment order and substantial evidence supports the findings, this court will uphold the order on appeal. Noah, 103 Wn. App. at 39.

Certificate of Compliance

I hereby certify that this Appellant's Opening Brief complies with the word count limits prescribed by RAP 18.17(b). The total word count of this brief, including headings and footnotes

but excluding the table of Contents, Table of Authorities, and Certificate of Compliance, is 5,181 Words

II. Statement of Jurisdiction

This court has Jurisdiction for review under RCW 10.14.080 authorized a court to enter an Anti-Harassment protection order upon finding a preponderance of evidence that unlawful harassment exists. This court has Jurisdiction for review on my case RCW 10.14.080(9) requires that orders prohibiting the use or enjoyment of real property that the respondent has a cognizable claim must be entered under chapter RCW 26.09, "RCW 10.14.080(9)" *Gutierrez v. Gutierrez*, No. 82540-2-I, 1 (Wash. Ct. App. Oct. 4, 2021) LUVY *GUTIERREZ v. ANGEL GUTIERREZ 082540-2-1.* And if it involves an issue of continuing and substantial public interest. *Thomas v. Lehman*, 138 Wn.App. 618, 622, 158 P.3d 86 (2007).

III. Statement of the Case

Appellant, Ms. Loanita Adams has filed a petition for a protection order against Nasro Ugas on December 4, 2023. This petition was created due to long-term and repeated harassment and unwanted contact being made by Nasro Ugas and members of her household that resulted in Ms. Adams and her family feeling fearful of their safety from their actions. From the time of Ms. Adams arrival date in 2019 until April 2, 2024, she has experienced a hostile and harassment environment. In 2019, Ms. Adams has moved to a population specific community of those that are Somali and Muslim cultured individual families within living range of her unit. Ms. Adams would experience disapproval of arrival into the community from Nasro Ugas and members of her household with use of intimidation behavior verbally and in action using parking as a factor in making many unwanted contacts. The first initial contact would be from Nasro's husband and

oldest son in 2020 knocking on Ms. Adams door declaring that Ms. Adams is parking her vehicle in the wrong spot and that their household has two parking space whereas Adams has only one parking space and instructing Adams to park her vehicle in a specific location. Ms. Adams asked them if the manager knew about the parking arrangements, and they told her that Mr. Alihaid Mohamed (Seattle housing authority case manager) was aware of the parking arrangements there. Ms. Adams would contact the manager by email to get a validation and the manager (Alihaid Mohamed) stated that the information that Ms. Adams received was not true. The manager would state that there was no assigned parking, and it was on a first-come basis. Mr. Ali (Alihaid Mohamed) also informed Ms. Adams that it's only one sticker assigned to one car per household. In light of Mr. Ali's response in each instance the story told by Nasro Ugas's husband and son was intentionally false and misleading. Nasro Ugas and members in her husband should have already known about this information as indicated in Nasro's Ugas response in reply from Adams's petition acknowledging that she and her husband have been a resident at Seattle housing authority since 2005 as stated. Instead, Nasro's Ugas husband and son would try to deceive and intimidate her to which the information was already stipulated in the residential house rules. Ms. Adams's would provide to the court emails evidence showing level of proof seen that such contact exists. Ms. Adams would perceive the neighbor's story was less incriminating than the truth such intentionally false and misleading statements by them could have found to indicate a consciousness of being deceptive. Ms. Adams want the court to view that there is a more to this story than what it seems to be perceived as being just a parking matter but what would escalate into becoming an ongoing segment of harassments from Nasro Ugas and her family since Ms. Adams's arrival at the West Seattle location. Nasro Ugas and her family would continue claim to having two spaces regardless even after management written notification about the parking rules

and showing disregard to management authority, continue with gratifications to see that Ms. Adams and her family move from the townhome. Ms. Adams's guest vehicle when visiting her would be intentionally blocked in the (unassigned) parking space by Nasro Ugas and Ms. Adams's guest would be coerced to make unwanted contact with Nasro Ugas when attempting to peacefully leave the townhomes facility meanwhile Ugas's would be trying to instigate a confrontation demonstrating hostility towards them with disrespectful demeanor. Ms. Adams has provided pictures of her claim showing the vehicle that she was driving at that time in 2021 and that which Nasro Ugas used to block and prevent Ms. Adams vehicle and her guest vehicle from leaving. The pictures would show the Seattle housing building's parking lot where the incident took place and in view would be a Honda Pilot SUV blocking two vehicles to which are in color a black Nissan Sedan and a silver Mazda Sedan and also displaying available open parking spaces directly across the lot to which this evidence is susceptible of findings[1]. Ms. Adams would have been able to prove to the court her preponderance of evidence that her guests and her daughter Jada Adams (who resides with Ms. Adams) would complain about their car tires being deflated when parked in the lot area. Ms. Adams daughter expressed that Ugas created a deep undesired conflict being hypocritical when her telling Adams's daughter directly that she will have to park on the street, when members of her household wouldn't demonstrating inferior demeanor. Ms. Adams would encounter disturbing aggressive behavior coming from Nasro Ugas her household hearing what sounded like toddler child screaming to the top of their lungs and banging hard on the door to get out of a closet coming from Nasro Ugas unit. This police report would be found in Nasro Ugas response to Adams's protection order petition as her Exhibits. As this behavior would concern Ms. Adams and her family, the noise would travel to Ms. Adams's

[1] § 1514, defines "harassment" as "a course of conduct directed at a specific person that causes substantial emotional distress. . .and serves no legitimate purpose." 18 U.S.C.

unit and was difficult and frightening listening to it. The probative value of such evidence has long been recognized *Commonnwealth v. Montcalvo, supra at 54.* It is also clear that circumstantial evidence may reach the qualitative level of proof required by *Latimore, supra.* Nasro Ugas and members would go as far as to stalking Adams and her family members by watching out their windows to view when Ms. Adams would come home or leave and when her family is out in the yard just simply cleaning or cutting the grass, Nasro Ugas would come out of her unit verbally attacking Ms. Adams with insults and she would see that her actions wouldn't be phased and ignored Ugas and later Ms. Adams would come out into her yard to discover damages to her bush in her front yard and discovered something unusual placed in the back yard to which and she would capture this on camera and provide the pictures as her evidence to the court.[2] This happened more than once seeing this unknown substance lying on the ground in her backyard to which Ms. Adams could not detail in description, only presenting photo imagery as her evidence.[3] Again, Ms. Adams would alert her manager Mr. Ali whenever she found any incidents occurring on the property. When putting up holiday decorations Nasro Ugas would come out of her unit displaying atrocious disapproval of Ms. Adams' activity. The residents living in the area did not display Christmas celebration with decoration nor the same for Halloween because of their Muslim beliefs. Ms. Adams having a Christianity belief would and Nasro Ugas would demonstrate conduct unbecoming and would strike out combatively calling her names such as that Ms. Adams is evil, and a hater and what Ms. Adams knows about God etc. This action would be incline to Ms. Adams's claim that she did not want Ms. Adams residing next door to her but rather have someone instead that would share the same beliefs in common to

[2] Andrew Gellespie And Katherine Ward v. Raul Drinkwine No. 82452-0-1

[3] Section 65B – Evidence Act specifies the requirements for the admissibility of electronic records such as eSignatures & digital documents as evidence in legal proceedings.

Nasro Ugas beliefs. Ms. Adams would be outside in her yard entertaining her granddaughter and or if another child to which that of Somalian ethnicity came into Ms. Adams's yard Nasro Ugas and her family would be troubled witnessing their friendship. Nasro's behavior caused Ms. Adams a great deal of stress and anger, concern, and fear for her family's safety, especially her granddaughter's wellbeing she being at the age of attending preschool at that time and acknowledging their unfriendly jesters staring in anger with an intimidating glare. Ms. Adams's granddaughter would start preschool at the local school nearby close in the neighborhood and experienced encounter hostility from a Somalian male child in that school. Ms. Adams would monitor her granddaughter's activities; however, her granddaughter would suffer a head injury from another Somalian male child in attendance at that school. Ms. Adams has provided email correspondence regarding conversation between her and the preschool teacher alerting awareness about what Ms. Adams family was experiencing. This bullying was to no coincidence to Ms. Adams considering the treatment she and her family has been experiencing from Nasro Ugas and members of her household and as a safety precaution for her granddaughter, Ms. Adams would transfer her granddaughter out of that assigned school. This treatment solidifies to Ms. Adams claims that Nasro Ugas had something to do with the encounter by Ugas having status with only Somalian children in her home-based daycare in the neighborhood and having affiliation with other Somalian families in the neighborhood as well. Ms. Adams consider Nasro Ugas as implementing such ideas is because she would use analytical observation and viewing the evidence "in light" most favorable as rational making it convincing see Commonwealth v. Montecalvo, supre, evidence of such a state of mind when coupled with other probable inferences, may be sufficient to amass the quantum of proof necessary to prove guilt see Commonwealth v. Best, 381 Mass. 472, 483 (1980). Ms. Adams's surveillance camera would

capture her son entering Adams fenced yard without permission. Ms. Adams would witness him crossing over many times before however, Ms. Adams was not able to provide prior evidence until Ms. Adams was able to obtain a surveillance camera to monitor activity in her back yard such as package deliveries etc. Ms. Adams believes that her son has been putting the unknown substance in her yard and is the one responsible for the damages done her bush in the front yard. In doing so, detailed expression wanting to dishearten Ms. Adams's comfort in taking pleasure in the amenities in her unit.[4] Ms. Adams would capture on her phone using her video recorder Nasro Ugas child having possession of a ball being thrown on the rooftop above his unit and in another video a ball being slammed against the doors with the use of force to which is evident such conduct which is incriminating fall into two category – that which shows to the conscious mind guilt. It is clear that Nasro Ugas's son has been actively harassing Ms. Adams and her family as well[5]. Ms. Adams would provide the lower court copies of many police reports about

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[4] RCW 9A.44.196. Criminal trespass against children

(4) A person provided with written notice from a covered entity under this section may file a petition with the district court alleging that he or she does not meet the definition of "covered offender" in RCW 9A.44.190. The district court must conduct a hearing on the petition within thirty days of the petition being filed. In the hearing on the petition, the person has the burden of proving that he or she is not a covered offender. If the court finds, by a preponderance of the evidence, that the person is not a covered offender, the court shall order the covered entity to rescind the written notice and shall order the covered entity to pay the person's costs and reasonable attorneys' fees.

[5] RCW 4.24.190

The parent or parents of any minor child under the age of eighteen years who is living with the parent or parents and who shall willfully or maliciously destroy or deface property, real or personal or mixed, or who shall willfully and maliciously inflict personal injury on another person, shall be liable to the owner of such property or to the person injured in a civil action at law for damages in an amount not to exceed five thousand dollars. This section shall in no way limit the amount of recovery against the parent or parents for their own common law negligence.

the disturbance of the constant noise continuing through the nights and would happen early morning hours for many years. Nasro Ugas and her husband and all members in the unit displayed no fear of detrimental consequences from law enforcement or SHA management.

Ms. Adams would make a complaint to the housing case manager Alihaid Mohamed and other managers about Nasro's children's conduct such as in the early morning Ms. Adams would hear a beating of a drum around 6am, stomping on the stairway, slamming a ball against their walls, and pounding as well however, the disturbances were exceptionally loud and would continue daily. SHA would request for a mediator as intervention action enforcement from the Seattle Housing Authority (SHA) to remedy Nasro's and members of her household behavior in 2023 that would fail as a resolution. It would be SHA management's disposition to relocate Ms. Adams and her family from the location in West Seattle as a resolution to which the removal of Ms. Adams's and her family from the townhome defeats the purpose in what Nasro has been wanting to happen to Ms. Adams all along. Ms. Adams would arrange a meeting with another manager at SHA Karen Morla who brought to Adams's attention that a 26 signatures petition was received wanting Ms. Adams to move from her residence in West Seattle, however Ms. Adams would be denied inspecting the materials showing details however the notification is surreal.[6] This evidence is susceptible of findings that Nasro Ugas embarked on a series of actions

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[6] Maine human rights commission et al. v. city of auburn et al. 408 a.2d 1253 (1979)

Turner v. Williams, 194 U.S. 279 (1904)

"That any person who knowingly aids or assists any such person to enter the United States or any territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of the Treasury, shall be fined not more than five thousand dollars, or imprisoned for not less than one nor more than five years, or both."

consciously designed to deflect attention from herself by feigning a protection order against Ms. Adams. Nasro Ugas herself would create a petition for a protection order against Ms. Adams. Her petition would come about after Ms. Adams contacted the Department of Children, Youth & Family childcare services. The King County District Court would provide Nasro Ugas a protection order that restricts Ms. Adams from taking pictures and videos recording her children. It would be because Ms. Adams would submit to King County District court her evidence to which would be use as photographic identification of her children as essential evidence material that would be an evidentiary ruling against Ms. Adams and Nasro Ugas would provide the a statement that Ms. Adams was attacking her citizenship to which she has made up baring no truth whatsoever however, making the statement so that the Judge at King County District court would provide sympathy towards Nasro Ugas.[7] Nasro Ugas would retaliate against Ms. Adams for contacting the Department of Children, Youth & Family Childcare (DCYF) about Nasro Ugas's childcare not being adequately used responsibly. Ms. Adams has expressed to a DCYF Licensor how Ugas how she has not been going along with community norms. Intentionally committing an act of wrongdoing having the children disregard housing rules and Ugas would

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[7] Knauer v. United States, 328 U.S. 654 (1946)

3. In reviewing such a proceeding, this Court does not accept even concurrent findings of the two lower courts as conclusive, but reexamines the facts to determine whether the United States has carried the burden of proving its case by "clear, unequivocal, and convincing" evidence, which does not leave "the issue in doubt." *Id.* Pp. 328 U. S. 657-658.

4. Citizenship obtained through naturalization is not a second-class citizenship. P. 328 U. S. 658.
5. It carries with it the privileges of full participation in the affairs of our society, including the right to speak freely, to criticize officials and administrators, and to promote changes in our laws, including the very Charter of our Government. P. 328 U. S. 658.
Page 328 U. S. 655
6. Great tolerance and caution are necessary lest good faith exercise of the rights of citizenship be turned against the naturalized citizen and used to deprive him of the cherished status. P. 328 U. S. 658.

show her action through the childcare creating a nuisance environment through her childcare facility. This resulted in extreme distress toward Ms. Adams and her family living in her unit. As a result, Nasro Ugas would create a protection order use her protection order as a defense against Ms. Adams's at an disadvantage to her claim, to which Ms. Adams views as a tactical advantage unfair to Ms. Adams's who is genuine in her claim about her protection order petition and wanting to bring about the truth and the need of having it and that the Court of Appeals might accrue to Ms. Adams's claim presenting all evidence including her videos evidence to which would be excluded in King County Superior Court Judge Shana Thompson having trouble opening the thumb drive Icon. If Ms. Adams is not able to present, her evidence then an unfairness which might be difficult or impossible for the court to exercise proper discretion. Ms. Adams took pictures on scene of her children climbing on top of the fence as Adams's family walked past to leave her unit and Nasro's son tossing a ball on the roof top in the front of the building as these would amount to being her evidence and to alert management about the activity. Identifying the child throwing the ball *State v. Draughn, 05-1825, p.8 (La.1/17/07,950 So.2d 583, 593, cert. Denied, 552 U.S. 1012, 128 S. Ct 537, 169 L.Ed.2d 377 (2007)*. This evidence would be the material in fact to show in actual event that is at its core viewing her police report complaint *State v. Holmes, 05-1248,p.8 (LA. App. 4 Cir. 5/10/06), 931 Si,2d 1157, 1162 (citing State v. bright, 98-0398 (La. 4/11/00), 776 So.2d 1134, 1147)*. She would provide to the court letters from Ms. Adams's witnesses providing their statements, pictures, emails, copy of Ms. Adams's medical letter during 2021 and video footage to show Ms. Adams's preponderance evidence that's Nasro Ugas and her children would be the initiator harassers in these disruptions causing Ms. Adams and her family to live in distress and discomfort to which she and her family suffered from the affliction and not being able to live in adequate housing however due to the

high expense in housing in Seattle would limit her ability to move. It would be SHA management disposition to remove Adams from the location as a resolution rather than just removing Nasro Ugas and her family who were causing the chaos. Such action should not be tolerated in the housing development, by relocating Adams would accommodate Ugas and allow Nasro Ugas and her family the opportunity to recur to another family and to travel abroad with indignations to attack or enticing other Somalians' that she may know living nearby to where Ms. Adams's new housing location to incite violence or harassment. Ms. Adams and her family have a right to be safe and live in the housing developments with dignity and humanity and be in the comfort of her home.

IV. Statement of Issue

Should King County Superior Court deny Ms. Adams protection order be affirmed? In this case, Appellant has made the prima facie showing essential element to her claim. She was able to allege facts showing how individually named defendants personally participated in causing the harassment alleged in the claim and she would present a showing of intent and motive. "The Fourteenth Amendment guarantees of the individual... to establish a home, bring up children, and protects the fundamental rights of parents to make decisions concerning the care, custody, and control of their children provides that that no State shall "deprive any person of life, liberty, or property, without due process of law. " *Reno v. Flores, 507 U.S. 292 (1993), Stantosky v. Dramer, 455 U.S. 745, 785, 102 S. Ct. 1388, 1411, 71 L.ed.2d 599 (1982).* Appellant is a resident in the State of Washington living at the Seattle housing authority housing development since 2019. Ms. Adams believes the reason for the hostile treatment was because of her arrival being housed next to a neighbor that of Somali ethnicity with that of Muslim culture belief and would demonstrate animosity toward Ms. Adams and her family because of Ms. Adams's national

origin being an African American having a belief in Christianity and Nasro and her family would discover a diverse atmosphere in Ms. Adams's surroundings having affiliates that are Caucasians and in her household, having both daughters' married to male Caucasians and having Biracial children and Nasro and her family showed animosity in demeanor not appealing to their liking and in nature of circumstance took offense that brought about harassment treatment toward Ms. Adams and family.[8] Ms. Adams would be forced to move from living in a townhome having a yard and a large storage on the facility into an apartment that does not have a yard or sitting balcony such as the townhome's amenity however the apartment she is currently in is still in collaboration with the Seattle housing Authority now living in confidentiality due to the harassments[9]. Due process of law is afforded to Ms. Adams as a matter of law. [10]

> "Particular attention is devoted to the issue of parental liability for negligent supervision because suits involving this issue most clearly raise the conflict between a parent's right to raise his child according to his own beliefs and methods *SeeWisconsinv.Yoder,406U.S.205,232-36(1972)* The crucial question is whether courts can fashion an objective standard that does not result in second-guessing parents in the management of their family affairs."

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[8] *Techt v. Hughes,* 229 N.Y. 230.

[9] 24 CFR § 574.604 (a) 24 CFR part 5, subpart L

(Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), apply to housing assisted with HOPWA grant funds for acquisition, rehabilitation, ...

[10] The district court held that the evidence was not material because the outcome would have been the same. The court of appeals reversed, holding that Bagley was entitled to automatic reversal under *Brady v. Maryland*, 373 U.S. 83 (1963). The United States Supreme Court granted certiorari.

Turner v. Williams, 194 U.S. 279 (1904).

"Defining Nuisance" consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for passage, any lake or navigable river, bay stream canal or basin or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property" RCW 7.48.120

The court must then determine whether, if it appears, the petitioner can prove facts in support of her claim which would entitle her to relief. She would submit a receipt from the court clerk obligating payment for electronic arrangement to scan her discovery evidence and the commissioner officer or Judge would not be able to view or access the electronic files because of technical issues or because she could not open it. More should have been done to ensure that Ms Adams receives the accommodation that is afforded to her to be heard. This action would hinder the Appellant from presenting her discovery, in fact this would allow respondent's counsel Lennard Nahajski to render advantages over Appellant's claim to what is truth. The alleged facts showing how individually defendant caused or personally taken part in causing the harassments alleged in the claim must set forth the specific factual basis upon which she claims.

Statement of Standard of Review

The purpose of chapter 10.14 RCW is "to provide victims with a speedy and inexpensive method of obtaining civil anti-harassment protection orders preventing all further unwanted contact between the victim and the perpetrator." The evidence includes exculpatory evidence. Such evidence must be disclosed if it is "material, that is, if there is a reasonable probability the evidence might have altered the outcome of the case. The appellant told the lower court that Nasro brought tension in an inferior surrounding public housing living residential

accommodation by using her children and her home base daycare operation to help cause disruptions. The lower court would evaluate her complaint based on speculations of testimony that do not consist to Adams living conditions. She was not able to show actual facts to her complaint, which can be exceedingly difficult having to provide a statement if such proof is not shown in light of her evidence. Appellant has provided such evidence which she should have seen and received a fair and just hearing.

V. Conclusion

This Court should reverse the King County Superior Court's Order denial protection order and the reconsideration denial order. This decision may be reversed on several different grounds. Ms. Adams was prevented from bringing in her evidence discovery. Appellant is representing herself as pro se in this matter and respectfully requests that this Court accepts discretional review.

RESPECTFULLY submitted this__3_ day of June 2024.

RESPECTFULLY SUBMITTED,

_____

Loanita Adams Pro Se

LOANITA ADAMS - FILING PRO SE

June 03, 2024 - 1:14 PM

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LOANITA ADAMS

Petitioner

V

NASRO UGAS

Respondent

APPENDIX F

LOANITA ADAMS - FILING PRO SE

February 20, 2025 - 3:02 PM

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