

FILED
SUPREME COURT
STATE OF WASHINGTON
3/14/2025 12:42 PM
BY SARAH R. PENDLETON
CLERK

No. 1039506

**SUPREME COURT OF THE STATE OF
WASHINGTON**

Christopher E. Larson, et al.,

Appellant,

v.

Deutsche Bank National Trust Company,

Appellee.

**LARSON FAMILY'S OBJECTION TO CLERK'S
REJECTION OF THEIR CONSOLIDATED
PETITION FOR DISCRETIONARY REVIEW AND
STATEMENT OF ADDITIONAL GROUNDS
FOR REVIEW AND/OR ALTERNATIVELY
MOTION TO ACCEPT OVERSIZED FILING**

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Attorney for Appellants

I. OBJECTION AND MOTION

Petitioners, the Larson Family (hereafter “Family”) by and through their attorney, respectfully object to Clerk’s refusal to accept for filing the Family’s Consolidated Petition for Discretionary Review and Statement of Additional Grounds for Direct Review (hereafter referred to as “Consolidated Petition”).

If this objection is not sustained by the justices then the Family moves for waiver of the word limitation and this Court’s acceptance for filing of the Larson Family’s Consolidated Petition.

II. GROUNDS FOR OBJECTION

The Larson’s assert the 5,000 word limitation being imposed on the Larson Family by this Court is based on judicial hypocrisy for the reasons set forth in their previously filed March 12, 2025 objection to the Clerk’s ruling. Further, the Family asserts the Clerk’s

interpretation of this Court's rules as preventing consideration of the Family's consolidated legal presentations regarding discretionary review and the reasons therefore are inconsistent with RAP 1.2, which provides:

These rules will be liberally interpreted to promote justice and facilitate the decision of cases on the merits. Cases and issues will not be determined on the basis of compliance or noncompliance with these rules except in compelling circumstances where justice demands, subject to the restrictions in rule 18.8(b).

It is the Family's position that there is no good reason for this Court to allow some defendants 12,000 words to file a statement of additional grounds for direct review and not others. Especially is this so where such an interpretation of this Court's rules impermissibly prevents the full presentation of the Family's constitutional and statutory claims and interferes with this Court's ability to properly exercise

its appellate judicial power where the opposing party, a money changer evicting the Family from its home, has repeatedly refused to respond to judicial inquiries regarding its standing and fraud on the courts below with regard to the previously adjudicated title proceedings. *See infra.*

III. MOTION TO ACCEPT CONSOLIDATED PETITION FOR FILING

A. Designation of Persons Filing this Motion.

The Family which has allegedly been inappropriately evicted from their home by the Snohomish County Sheriff pursuant to a summary judgment order rendered for the benefit of Deutsche Bank is composed of Christopher and Angela Larson, their daughter Hayden, and three minor children. (As previously stated these persons, who were the tenants of the property in question pursuant to Washington's Landlord-Tenant law are referred to collectively herein

as the “Family”.)

B. Statement of Relief Sought.

The Family requests its Consolidated Petition be accepted by this Court for filing. Further, that if the Court allows Deutsche Bank to respond to the Consolidated Petition that this Court explain its reasoning for doing so because it is the Family’s position that Deutsche Bank waived its right to file presentations related to the judicial inquiries raised by the Family in the courts below by failing to do so in the courts’ below.

It is the Family’s position that this Court cannot affirm the rulings of the courts below because they are not based on the legitimate exercise of judicial power by Washington State courts, which requires 1) factfinding based on the evidentiary presentations of the adverse parties to a case; 2) application of law to

those facts found to exist based on the presentations of the legal arguments set forth by the adverse parties to a case; and 3) that fact finding and application of law pursuant to CR 56 must be performed by neutral judges within of the Fourteenth Amendment and RCW 2.28.030.

C. Reference to or Copies of Parts of the Record Relevant to this Motion.

1) The parts of the record before the superior court which are relevant to this motion include:

a.) 2/25/2020 - Motion for Summary Judgment (hereafter “MSJ”) at CP 1655-1663 (Index #4)

b.) 2/25/2020 - Declaration of DB Attorney Hekman in support of motion for summary judgment at CP 1510-1663 (Index #5)

c.) 2/22/2022 - Notice of Withdrawal of Attorney at CP 1505-1506 (Index #10)

d.) 6/21/2022 - Motion for Order to Show Cause at CP 1490-1504 (Index 11)

e.) 7/20/2022 - Response to Motion to Show Cause CP 1476-1489 (Index 12)

f.) 7/20/2022 - Affidavit in support by Scott Stafne at CP 1177-1330 (Index 13)

g.) 9/6/2022 - Declaration of Ryan Carson at CP 1127-1125 (Index 17)

h.) 10/5/2022 - Opposition to Motion for Summary Judgment at CP 1106-1126 (Index 20)

i.) 10/5/2022 Affidavit of Stafne in Support at CP 878 - 1005 (Index 21)

j.) 11/22/2024 Larson's Adoption of their Previously filed second opposition to Motion for Summary Judgment at CP 871-872 (Index 23)

k.) 11/22/2024 Verified Larsons' Answer, Affirmative, Defenses and Counter and Cross Claims (hereafter "Answer, etc.") on November 22, 2022 at CP 743-870 (Index #24)

l.) 4/13/2023 Larsons' Opposition to Motion for Summary Judgment at CP 667-730 (Index #30)

m.) 4/13/2023 Larsons' Request for Judicial Notice at CP 85-125 (Index #32)

n.) 4/13/2023 - Stafne's Affidavit in opposition to Motion for Summary Judgment at CP 126 - 506 (Index #31)

o.) 4/21/2023 Order Granting Summary Judgment appearing in Notice of Appeal at CP 27-29

p.) 5/1/2023 - Larsons' Motion for Post Judgment Relief, at CP 71-84 (Index #35)

q.) 5/1/2023 Stafne's Affidavit in Support of Larson's Motion for Post Judgment Relief at CP 48-70 (Index #36)

r.) 5/21/2023 SUBSTITUTE Order Granting Summary Judgment appearing in Notice of Appeal at CP 9-12 (Index #44)

The presentations of the parties designated above are offered to demonstrate that DB did not dispute any of the evidence the Family presented in opposition to DB's motion for summary judgment and in support of the Family's affirmative defenses, including DB's lack of standing and fraud upon Washington's courts with regards to the previous title proceedings brought by Christopher and Angela Larson. The Family's

presentations also demonstrate the Family challenged the “judge’s” neutrality.

The superior court’s orders are offered to show 1) that the judge issuing the Order authorizing the government’s eviction of the Family did not address the Family’s challenges to her acting as a “judge” in this case based upon the Fourteenth Amendment and RCW 2.28.030; and 2) that her summary judgment order is not based on the parties presentations, including those going to fact finding and the application of law based on that factfinding.

2) The parts of the record before the court of appeals which are relevant to this motion include:

a.) The Family’s Opening Appeal Brief presented to this Court on January 2, 2024 as part of Appellant Larsons’ attorneys declaration to accept that late filed brief.

b.) The Family's AMENDED Motion for Default and/or to establish briefing schedule¹.

c.) June 23, 2024 Declaration of Scott E. Stafne in support of Larson's Motion to file Motion for Default and/or establish a briefing schedule².

d.) Court of Appeals ruling on August 5, 2024 order DB to file an Answering Brief³

¹ Accessible at:

[https://www.academia.edu/122322106/Washington Court of Appeals Division One Larson v Deutsche Bank National Trust Company Larsons AMENDED Motion for Default and or to establish briefing schedule](https://www.academia.edu/122322106/Washington_Court_of_Appeals_Division_One_Larson_v_Deutsche_Bank_National_Trust_Company_Larsons_AMENDED_Motion_for_Default_and_or_to_establish_briefing_schedule)

² Accessible at:

[https://www.academia.edu/122288301/Washington Court of Appeals Division One Larson v Deutsche Bank National Trust Company Declaration of Scott Stafne in support of Larsons motion for default and or to establish a briefing schedule](https://www.academia.edu/122288301/Washington_Court_of_Appeals_Division_One_Larson_v_Deutsche_Bank_National_Trust_Company_Declaration_of_Scott_Stafne_in_support_of_Larsons_motion_for_default_and_or_to_establish_a_briefing_schedule)

³ Accessible at:

[https://www.academia.edu/123850011/Washington Court of Appeals Division One Larson v Deutsche Bank National Trust Company as Trustee for Morgan Stanley 2007 HE2 Trust Clerks notation ruling referring Larsons Motion on the](https://www.academia.edu/123850011/Washington_Court_of_Appeals_Division_One_Larson_v_Deutsche_Bank_National_Trust_Company_as_Trustee_for_Morgan_Stansley_2007_HE2_Trust_Clerks_notation_ruling_referring_Larsons_Motion_on_the)

e.) The Family's September 5, 2024 Motion on the Merits⁴

f.) Clerk's order referring Larson's Merits Motion to the appellate Panel on September 13, 2024⁵.

g.) The Family's Consolidated Motion for Reconsideration and Motion to Publish⁶

⁴ Accessible at

[https://www.academia.edu/123595479/Washington Court of Appeals Division One Larson v Deutsche Bank National Trust Company as Trustee for Morgan Stanley 2007 HE2 Trust Motion on the Merits to Reverse Summary Judgement awarding the possession of the Larsons home to Deutsche Bank as trustee](https://www.academia.edu/123595479/Washington_Court_of_Appeals_Division_One_Larson_v_Deutsche_Bank_National_Trust_Company_as_Trustee_for_Morgan_Stanley_2007_HE2_Trust_Motion_on_the_Merits_to_Reverse_Summary_Judgement_awarding_the_possession_of_the_Larsons_home_to_Deutsche_Bank_as_trustee)

⁵ Accessible at:

[https://www.academia.edu/123850011/Washington Court of Appeals Division One Larson v Deutsche Bank National Trust Company as Trustee for Morgan Stanley 2007 HE2 Trust Clerks notation ruling referring Larsons Motion on the Merits to Reverse on to a panel of the Court for possible consideration](https://www.academia.edu/123850011/Washington_Court_of_Appeals_Division_One_Larson_v_Deutsche_Bank_National_Trust_Company_as_Trustee_for_Morgan_Stanley_2007_HE2_Trust_Clerks_notation_ruling_referring_Larsons_Motion_on_the_Merits_to_Reverse_on_to_a_panel_of_the_Court_for_possible_consideration)

⁶ Accessible at:

[https://www.academia.edu/127174845/Washington Court of Appeals Division One Deutsche Bank National Trust Company in Trust for Holders of Pass Through Certificates Series 2007 HE2 v Larson Appellant Larsons Consolidated Motions for Reconsideration and to Publish Decision Terminating Review](https://www.academia.edu/127174845/Washington_Court_of_Appeals_Division_One_Deutsche_Bank_National_Trust_Company_in_Trust_for_Holders_of_Pass_Through_Certificates_Series_2007_HE2_v_Larson_Appellant_Larsons_Consolidated_Motions_for_Reconsideration_and_to_Publish_Decision_Terminating_Review)

These judicial presentations to the Court of Appeals are offered to demonstrate 1.) the judicial inquiries the Family raised before the Court of Appeals; 2.) that DB was ordered to file an answering brief with regard to those judicial inquiries; 3) that DB refused to do so; 4) that the Court of Appeals advocated positions for DB in order to affirm the superior court's summary judgment order; and 5) that the Court of Appeals refused to address the Family's assertion that its judicial officers were not neutral within the meaning of the Fourteenth Amendment and RCW 2.28.030.

This motion is also based on the subjoined declaration of the Family's attorney.

D. Statement of the Grounds for the Relief Sought, with Supporting Argument.

- 1) Historical facts upon which the Family's Legal arguments are based need to identified.

This case involves consideration of historical facts essential to the adjudication of property disputes—not just in the context of this specific litigation, but as part of the longstanding evolution of property law and equity principles since ancient times to the present.

Additionally, this appeal requires consideration of historical facts relevant to the United States’ and Washington State’s handling of the subprime mortgage crisis, including the roles of various branches of government vis a vis financial institutions like DB (the modern-day equivalent of money changers).

These particular facts relating to the subprime mortgage crisis (which extend at least as far back as year 2000) are necessary to properly contextualize the judicial inquiries the Family presented for adjudication by these courts through actually neutral judges.

Because these historical facts shape the legal framework governing mortgages and property disputes in Washington, their full presentation demands a more extensive argument than would be required in cases lacking such factual historical complexity.

2) The Necessity of Fully Documenting Judicial Inquiries that Deutsche Bank Refused to Answer.

The Family's attorney believes the Family must demonstrate a complete record of every judicial inquiry posed to DB—along with DB's **consistent failure to respond**—to establish that the judicial officers of the superior court and the court of appeals improperly assumed the role of advocates for DB, rather than act neutral adjudicators of the case and appeal.

This inappropriate judicial advocacy by “judge’s”⁷ occurred in two key ways:

- 1.) By treating contested facts as undisputed, despite clear evidentiary disputes.
- 2.) By advancing legal arguments on behalf of DB that DB itself refused to assert.

The **party presentation principle** holds that:

“[I]n our adversarial system of adjudication, we rely on the parties to frame the issues for decision and assign to courts the role of neutral arbiter of matters the parties present.”

United States v. Sineneng-Smith, 140 S. Ct. 1575, 1579 (2020).

⁷ It is the Family’s position that the judicial officers who adjudicated their case and appeal were not proper “judges” because they never addressed the Family’s systemic challenges to their neutrality as result of Washington’s political branches of government enactment of law incentivizing the enforcement of mortgage backed securities. *See e.g.* RCW 2.28.030.

When courts abandon their neutrality and begin crafting legal justifications for one party's claims, they are no longer exercising judicial power—they are acting as litigants. This is precisely what occurred in this case.

Thus, a full and unrestricted presentation of these judicial interventions is required to expose the extent to which the judicial officers involved have:

1. Disregarded their duty of impartiality.
2. Compromised the legitimacy of the adjudicatory process.
3. Systemically undermined the rule of law in Washington State.

3.) The judicial officers below did not address the Family's judicial inquiry regarding whether the political enacted laws inappropriately incentivizing judicial officers to decide title and dispossession case in favor of modern day money changers.

The neutrality concerns raised below were not limited to judicial officers' conduct in an individual dispute—they are systemic, built into the financial structure of Washington's judiciary. Specifically, Washington's legislative framework has created an institutional conflict of interest that incentivizes judges to rule in favor of financial institutions, like DB. Indeed, that is why these judicial officers acted as that money changer's advocate.

The U.S. Supreme Court has repeatedly held that judicial neutrality is compromised when financial incentives exist that favor one side over another. In *Tumey v. Ohio*, 273 U.S. 510 (1927), the Court struck down a system where a judge's salary was tied to revenue generated by fines he imposed, holding:

It is not necessary to prove actual bias. It is sufficient to show a possible temptation to the

average man as judge to forget the burden of proof required to convict the defendant.

Id., at 532.

Similarly, in *Cain v. White*, 937 F.3d 446 (5th Cir. 2019), the Fifth Circuit ruled that a judge's financial control over funding for the court system created an unconstitutional incentive to rule against defendants, i.e. that the Due Process Clause requires not only an absence of actual bias, but also an *absence of conditions that would tempt an average judge to favor one side*.

This principle was reinforced in *Caliste v. Cantrell*, 937 F.3d 525 (5th Cir. 2019), where the court invalidated a system where a judge had discretion over bail bond revenue that funded court operations, holding that this created an unconstitutional financial interest in pretrial detention.

The Court of Appeals was not free to ignore this direct challenge to those “judges” neutrality based on

this citation of law based on the facts established by evidence in the record.

4.) This Court Should Not Restrict the word court of the Family's Consolidated Petition because this would be unjust under the circumstances of this case.

As previously stated this Court's rules provide "cases and issues will not be determined on the basis of compliance or noncompliance with these rules except in compelling circumstances where justice demands." RAP 1.2.

Justice and rule of law require the Family be allowed to present the judicial inquiries they present to some court in Washington State which will adjudicate them pursuant to the organic law of this Nation. Since the courts below refused to do so in this case and appeal, the burden of performing this judicial function falls upon Washington's State Supreme Court to do so; and if this Court refuses to perform this judicial duty it

will fall upon the United States Supreme Court to do so.

But the Family has little faith that this will happen because today's judges seem to think they can do whatever they want.

IV. CONCLUSION

This Court should sustain Petitioner Family members' objection to the Clerk's arbitrary imposition of a word limitation upon their Consolidated presentations to this Court.

Alternatively, if necessary, this Court should grant the Family's motion to file its Consolidated Petition and determine 1) whether money changer DB should be allowed to file an answering brief in this case and appellate proceedings; or 2) whether DB has waived such right where it intentionally failed to provide either the superior court or court of appeals

below with presentations answering the judicial inquiries raised by the the Family before those courts and which are now before this Court.

DATED this 14th day of March 2025, at
Arlington, Washington.

Respectfully submitted,

by: s/ Scott E. Stafne
Scott. E. Stafne, WSBA No. 6964
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239 North Olympic Avenue
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360.403.8700
scott@stafnelaw.com
Attorney for Appellants

Subjoined Declaration of Scott Erik Stafne

1. My name is Scott Erik Stafne. I have been licensed to practice law in Washington State since 1976.

2. I participated as an amicus in this Court's adjudication of *Bain v. Metro. Mortg. Grp., Inc.*, 175 Wn.2d 83 (2012).
3. I ran for a position on this Court that same year based upon my belief, among others, that Washington Courts were inappropriately deciding title adjudications in favor of successors and assigns of mortgages in cases like this one and those title adjudications in favor of DB which preceded it.
4. On August 12, 2024 I requested ethical advice from the Washington State Bar Association with regard to whether I must continue representing litigants like the Larsons where I had concluded that Washington's judiciary had been corrupted for purposes of deciding these types of cases. A copy of that request is accessible at:

[https://www.academia.edu/122820275/Stafnes Letter to the Washington State Bar Association seeking written ethical guidance as to how handle his judgment that the judicial officers of Washington are biased and not independent with regards to cases brought by successors and assigns of mortgages to foreclose promissory notes](https://www.academia.edu/122820275/Stafnes_Letter_to_the_Washington_State_Bar_Association_seeking_written_ethical_guidance_as_to_how_handle_his_judgment_that_the_judicial_officers_of_Washington_are_biased_and_not_independent_with_regards_to_cases_brought_by_successors_and_assigns_of_mortgages_to_foreclose_promissory_notes)

5. I incorporate this request for ethical guidance from Washington's Bar Association into this declaration and testify that the Washington Bar Association declined to address it leaving me in the position of Superior Court ordering that I could not withdraw from the Bergeron's title case against DB, which ruling appears to me to be directly related to the Larsons' case and appeal against DB. *See Consolidated Petition at pp. 19-24.*
6. It is my judgment based on my 50+ years practicing law (I was first admitted to the practice of law in the states of Iowa and Indiana

in 1974) that the Larsons are best able to present the judicial inquiries raised in this appeal by way of the thorough presentation of the historical facts as they are set forth in the Family's Consolidated Petition as well as those facts related to the proceedings which are clearly spelled out in the statement of the case.

7. Indeed, it is my judgment that because such an in depth factual presentation allows for no mistake about the proceedings below it is clear that the Family's legal arguments -- which DB has never answered, refuted or replied to -- are controlling.

8.) I have attached the clerk's latest letter to me as **Exhibit 1** hereto.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my information and belief.

DATED this 14th day of March, 2025 at Arlington,
Washington.

By: s/ Scott E. Stafne
Scott E. Stafne, declarant.

CERTIFICATE OF COMPLIANCE

I hereby certify that my word processing program, Microsoft Word, counted 2,775 words in the foregoing objection and motion and subjoined declaration, exclusive of the portions excluded by Rule 18.17(b).

s/ Scott E. Stafne WSBA No. 6964
Scott. E. Stafne

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing documents with the Clerk of the Court using the Appellant's Court Portal utilized by the Washington State Appellate Court electronic filing system, which will provide service of these documents to those attorneys of record.

DATED this 14th day of March 2025.

By: s/ Scott E. Stafne
Scott E. Stafne, Attorney

EXHIBIT 1



March 13, 2025

LETTER SENT BY E-MAIL ONLY

Scott Erik Stafne
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239 N Olympic Ave
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Ryan M. Carson
Puckett & Redford
901 5th Ave Ste 800
Seattle, WA 98164-2048
rcarson@puckettredford.com

Re: Supreme Court No. 1039506 – Deutsche Bank National Trust Company v. Christopher E. Larson, et al.
Court of Appeals No. 854542 – Division I
Snohomish County Superior Court No. 19-2-09056-0

Counsel:

On March 11, 2025, the parties were sent a standard letter from the Court indicating that a filing fee must be paid by March 14 and directing the Petitioners to refile a petition for review under 5000 words as provided in RAP 18.17(c)(10). The filing fee was received on March 11, 2025.

On March 12, 2025, the Court received a letter from Petitioner’s Counsel that although not entirely clear, appears to object to the Court “rejecting” the petition for review for lack of compliance with the Rules of Appellate Procedure.

It is noted for the Petitioners that this Court is not privy to the direction given to the parties by the Court of Appeals.

First, the Petitioners argue that they were “explicitly instructed that any petition for review must conform to RAP 13.4 and include a “direct and concise statement of the reason why review should be accepted.” RAP 13.4(c)(7) states that “a direct and concise statement of reasons why review should be accepted under one or more of the tests established in section (b), with argument” should be included as a section within the petition for review. A statement of additional grounds for direct review is a separate type of filing in this Court per RAP 10.10 which is only applicable to cases on direct appeal from superior court.

Second, the Petitioners object to their petition being rejected as overlength and state that the “Court of Appeals provided no prior guidance on this limitation.” Based on the information

provided above regarding statements of additional grounds for review and the fact that RAP 18.17(c)(10) clearly states that petitions for review are limited to 5,000 words, the overlength petition for review was properly rejected for filing. If the Petitioners believe that additional words are required, the Petitioners must file a motion for permission to file an overlength petition for review with this Court along with the proposed petition for review.

Third, the letter from the Court does not assert that the petition for review was rejected for failure to pay the filing fee. On the contrary, the letter simply notifies the parties that a petition for review should be paid with this Court by March 14, 2025. The petition for review was rejected as overlength.

As previously provided an amended petition for review that does not exceed 5000 words per RAP 18.17(c)(10) should be served and filed with this Court by **March 14, 2025**.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah R. Pendleton", written in a cursive style.

Sarah R. Pendleton
Supreme Court Clerk

SRP:ejn

STAFNE LAW ADVOCACY & CONSULTING

March 14, 2025 - 12:42 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 103,950-6
Appellate Court Case Title: Deutsche Bank National Trust Company v. Christopher E. Larson, et al.
Superior Court Case Number: 19-2-09056-0

The following documents have been uploaded:

- 1039506_Other_20250314123538SC093185_8747.pdf
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Other - Objection to Clerk's Ruling
The Original File Name was 2025.03.14. Larson Objection to Clerks Rejection of Petition for Review and Motion to Accept Filing.pdf

A copy of the uploaded files will be sent to:

- kkrivenko@wrightlegal.net
- pam@stafnelaw.com
- rcarson@puckettredford.com

Comments:

LARSON FAMILY'S OBJECTION TO CLERK'S REJECTION OF THEIR CONSOLIDATED PETITION FOR DISCRETIONARY REVIEW AND STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW AND/OR ALTERNATIVELY MOTION TO ACCEPT OVERSIZED FILING

Sender Name: Scott Stafne - Email: Scott@StafneLaw.com

Address:

239 N OLYMPIC AVE

ARLINGTON, WA, 98223-1336

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