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STATE OF WASHINGTON  
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No. 1040466

**THE SUPREME COURT OF WASHINGTON**

Division I, Court of Appeals No. 86293-6-1

Spokane Superior Court No. 21-3-00678-7

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In re:

**SHANNON HENERY,**

Petitioner,

and

**WALKER HAGIUS,**

Respondent.

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**PETITIONER'S REPLY**

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JULIE C. WATTS/WSBA #43729  
Attorney for Petitioner  
The Law Office of Julie C. Watts, PLLC  
505 W. Riverside Ave., Suite 210  
Spokane, WA 99201  
(509) 207-7615

Pursuant to RAP 13.4(d), “A reply to an answer should be limited to addressing only the new issues raised in the answer.” The following was newly raised in Mr. Hagius’ answer.

**A. Mr. Hagius’ claim that the filing of the ‘Petition for Review’ is frivolous, intransigent, and undertaken in bad faith is entirely without merit.**

Mr. Hagius specifically requests an award of fees based on the “intransigence of Petition for Review.” (*Answer*, pg. 21.)

Mr. Hagius claims that the ‘Petition for Review’ is frivolous, but he cites to no authority for this claim. “Where no authorities area cited in support of a proposition, the court is not required to search out authorities, but may assume that counsel, after diligent search, has found none.”<sup>1</sup> “A failure to cite authority constitutes a concession that the argument lacks merit.”<sup>2</sup>

Instead, Mr. Hagius merely asserts, without citation to the record, that the ‘Petition for Review’ fails to support its claim

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<sup>1</sup> *Frank Coluccio Const. Co. v. King County*, 136 Wn.App. 751, 779, 150 P.3d 1147 (2007)(quoting *DeHeer v. Seattle Post-Intelligencer*, 60 Wn.2d 122, 126, 372 P.2d 193 (1962).

<sup>2</sup> *State v. McNeair*, 88 Wn.App. 331, 340, 944 P.2d 1099 (1997).

that “all previous courts engaged in domestic violence.” (*Answer*, pg. 21.) Given that the ‘Petition for Review’ makes no such claim, the argument that Dr. Henery failed in her obligation to support it is obviously without merit. The ‘Petition for Review’ claimed that the Superior Court and the Court of Appeals ignored issues of domestic violence that were properly raised before them, which was a violation of Washington’s public policy on domestic violence and therefore reversible error. The ‘Petition for Review’ thoroughly supports *this* argument.

Mr. Hagius claims that “this appeal process was not sought in good faith.” (*Answer*, pg. 23.) He supports this claim by saying, “[t]his was an attempt to establish a fault doctrine, in defiance of state law, in hopes of unsettling a longstanding division of property.” (*Answer*, pg. 23.) But the ‘Petition for Review’ did not address the fault doctrine, nor did it ask this Court to make any decision regarding the division of property. Mr. Hagius misunderstands the matter presented to this Court.

Mr. Hagius argues that Dr. Henery “baselessly accused multiple magistrates of engaging directly in domestic violence,” but he cannot provide no citation to the ‘Petition for Review’ to support this allegation, because no such accusations exist. Dr. Henery never made any such allegation. Mr. Hagius further claims that Dr. Henery “makes repeated grandiose conspiracy claims,” but again, Dr. Henery never argued that anybody, judicial officers or otherwise, engaged in a conspiracy at any point in this proceeding. She never even so much as suggested that any judicial officers *discussed* this matter with each other, much less that they *intentionally conspired* to produce any particular outcome. It is entirely unclear on what basis Mr. Hagius could possibly be making such a claim. Dr. Henery’s argument is that the management of this matter has violated public policy regarding domestic violence; such an error is unacceptable and should be reversed on appeal, but it is not necessarily so unusual in a vastly overburdened judicial system that its occurrence implies malice, conspiracy, or the direct

perpetration of violence by judicial officers. Dr. Henery never alleged or even implied any of these conclusions. These are absurd straw man arguments invented by Mr. Hagius to distract from the merits of the real argument, which he cannot defeat.

Mr. Hagius claims that this Court should find Dr. Henery intransigent regarding the ‘Petition for Review’ for “foot-dragging, obstruction, the filing of frivolous actions, refusal to cooperate with Appellee, and other conduct which made the proceedings more costly and difficult such as filing of meritless appeals to delay enforcement or raise expenses.” (*Answer*, pg. 22.) But Mr. Hagius does not point to any evidence of “foot-dragging” or “obstruction” regarding the filing of the ‘Petition for Review.’ He points to no instance wherein Mr. Hagius sought cooperation and Dr. Henery refused to cooperate regarding the filing of the ‘Petition for Review.’ In fact, he can point to nothing whatsoever but the filing of the ‘Petition for Review’ itself, which is not an inherently intransigent action, nor does Mr. Hagius provide any authority to suggest it is.

Not only does Mr. Hagus attempt to seek fees for responding to the ‘Petition for Review,’ but he requests fees for the proceeding before the Court of Appeals and before the Superior Court – but Mr. Hagus did not timely appeal the Superior Court’s ruling denying attorney’s fees for that proceeding, and he did not timely appeal the Court of Appeals’ ruling that denied attorney’s fees for *that* proceeding, either; therefore, those issues are not properly before this Court.

#### **B. Other Issues**

Mr. Hagus entirely ignores the issue that is actually raised in the ‘Petition for Review,’ and instead, he chooses to argue a multitude of entirely different issues. Whether the Court of Appeals or the Superior Court *could have* properly entered various decisions that Mr. Hagus advocates is not the issue that was raised in the ‘Petition for Review,’ and Mr. Hagus did not timely appeal any of the underlying rulings in this matter that would permit him to raise entirely independent issues.

Despite going far afield of what is discussed in the ‘Petition for Review,’ Mr. Hagus’ numerous arguments about what decisions the court *could have* entered confirms Dr. Henery’s assertion that neither the Superior Court nor the Court of Appeals ever entered any legal analysis or any substantive ruling on the issue of domestic violence, which Mr. Hagus never denies. He also never denies that Washington’s judiciary has clear public policy regarding issues of domestic violence. The rest of the issues raised in his brief can be ignored as they are presented to support Mr. Hagus’ tactical posture, which intentionally misunderstands the ‘Petition for Review’ as a rhetorical device in hopes of distracting or confusing this Court.

The undersigned certifies that the foregoing brief contains 987 words not including the appendices, title sheet, table of contents, table of authorities, certificate of service, signature blocks, and this certification of compliance.

RESPECTFULLY submitted this 9th day of May, 2025:

s/Julie C. Watts  
WSBA #43729  
The Law Office of Julie C. Watts, PLLC  
505 W. Riverside Ave., Suite 210  
Spokane, WA 99201  
Telephone: (509) 207-7615  
E-mail: [julie@watts-at-law.com](mailto:julie@watts-at-law.com)



## **CERTIFICATE OF ATTORNEY**

I certify that on May 9, 2025, I arranged for delivery of a copy of the foregoing PETITIONER'S REPLY to the following:

**Counsel for Respondent**

Via Electronic Filing

Stockton D. Pendergast  
Tsai Law Company, PLLC  
2101 4<sup>th</sup> Ave., Ste. 2200  
Seattle, WA 98121-2332  
[stockton@TLClawco.com](mailto:stockton@TLClawco.com)

s/Julie C. Watts  
WSBA #43729  
The Law Office of Julie C. Watts, PLLC  
505 W. Riverside Ave., Suite 210  
Spokane, WA 99201  
Telephone: (509) 207-7615  
E-mail: [julie@watts-at-law.com](mailto:julie@watts-at-law.com)

**THE LAW OFFICE OF JULIE C WATTS**

**May 09, 2025 - 12:49 PM**

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Address:

505 W RIVERSIDE AVE STE 210

SPOKANE, WA, 99201-0518

Phone: 509-207-7615

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