

FILED
SUPREME COURT
STATE OF WASHINGTON
4/28/2025 10:00 AM
BY SARAH R. PENDLETON
CLERK

Case #: 1041047

Supreme Court Washington

coa 2 # 596971

Crystal McDowell

927 Meridian Ave, Edgewood WA Property Owner,
petitioner/appellant, with caveat(s)

v.

David Zahradnik

respondent

[Notice, petition title listing 'respondent' is temporary, only to match mistaken appeal notice(s), which name will be motioned to remove from petition as the 'orders' appealed are void ab initio, and, even if jurisdiction had existed, are void per content of criminal violations of *statutes, therefore no legal 'interest' or standing meeting RAP to 'respond' as 'party in interest' exists to oppose appeal nor petition, and any such response constitutes (further) criminal act beyond the many already committed and continuing to be committed by Zahradnik, Roberts, Culpepper, McMahon and other individuals noted herein. Cont. below.]

Caveat Petition For Review, With Disclaimer(s), And Other Notices
- To be Amended -

Crystal McDowell

15127 Main St E

Unit 104 # 127

Sumner, WA 98390

void_judgments@mailfence.com

Notice; McDowell's addresses are not to be used in purpose of harassment or to disaffect or damage McDowell. Force may be used against such act. Persons in agreement or support of McDowell may use to contact, and for copy if my amended petition, which will be substantially more, isn't filed to the record because of cover up by court actors such as in previous case hiding appeal fee waiver motion.

Notices: Notice of retraction and clarification/substitution of previous mistaken language in an associated appeal case brief. McDowell's brief in associated appeal #569884 contains the word 'impartial', which is here retracted, and the word neutral to be considered substituted, and the word 'error' or 'erred', retracted and substituted with words 'committed illegal wrongdoing, and, reference of 'litigation privilege' is retracted, as McDowell has not and will not use the double-meaning scheme 'law' claiming to allow 'false and defamatory' claims. (McDowell brushed over section of case law using the word 'freedom' and mistook meaning having something to do with basic speech.)

Notice: McDowell has not and will not waive right of McDowell and ALL similarly situated persons right of use of self and property defensive force against acts of crime and threats of crime where and or as no other form of support of right moral and or paper law 'legal' court defense exists, and;

Notice of Void 'bankruptcy' case; The bankruptcy case filed by McDowell is void, as; McDowell not now nor has ever been bankrupt, the filing and subsequent forms filed only as effort to stop the criminal acts by Zahradnik, Roberts, McMahon, Johnson, Culpepper et al, and which made under which duress, which was and is proven by the criminal threats and physical attacks on my/McDowell's person in my home last year and others ongoing by individuals stated, such filings are void, see In re Hull and similar case law. and contrary to fraudulent claims attempted by 'bap' actors, no, McDowell did not and does not have to 'dismiss' the case, it is simply void, and all orders void. And;

Notice a part response by McDowell in the matter related to petition, contains the phrase 'was legal', which McDowell had filed Notice of Error in superior court removing that sentence, and just hadn't yet filed designation papers to include. Point is the error was and is corrected on record.

Notice, as in the notices of appeal, the 'orders' by 'garold johnson' are void ab initio, and criminally illegal, as is any attempted use of the 'orders'/'judgments', regardless of appeal court failure to vacate as required by law.

Notices to Territory Truth Peoples ('public'), You/we are being sprayed, go to geoengineeringwatch.org, also aboutthesky.com, and on conspiracy frauds, see milesmathis.com, updates page. Use paper notes to inform others, add copy share pass on at end, so others know to share.

McDowell Notices To Cease: Every previous McDowell Notice to cease actions to damage by McDowell by the following individuals are as if set forth here: david. zahradnik, patricia roberts, 'ronald culpepper', jack mc man aka 'jacqueline mcmahon' et al, and;

Notice(s) to Court Actors; Due to conspiracy harassment of McDowell by arron lenin aka 'erin lenin' in emailing McDowell a letter containing lying, harassment, and void dicates without authority, that individual is to be restrained from any contact of my/McDowell's person and or petition matters.

Also, undisclosed cabal or similar associations of any court actors with or to jack mc man aka 'jacqueline mc mahon' or culpepper or others are to be stated and such individuals to sua sponte effect self-recusal.

All persons take notice:

RCW 9.38.020 False representation concerning title.

Every person who shall maliciously or fraudulently execute or file for record any instrument, or put forward any claim, by which the right or title of another to any real or personal property is, or purports to be transferred, encumbered or clouded, shall be guilty of a gross misdemeanor. [2000 c 250 § 9A-821; 1909 c 249 § 369; RRS § 2621.]

1. [Notice, petition title listing 'respondent' is temporary to match mistaken appeal notice(s), which name will be motioned to remove from petition as the 'orders' appealed are void ab initio, and, even if jurisdiction had existed are void as without authority, in criminal violating *statutes, therefore no legal 'interest' meeting RAP to 'respond' as 'party in interest' exists for standing to oppose appeal nor petition, acts doing so constitutes further felony harassment and death threats to McDowell, and attempt of further criminal 'use' of the 'orders' by Zahradnik, McMahon, Culpepper et al, of the void ab initio 'orders'/'judgments' fraudulently 'signed' by 'garold johnson', without jurisdiction, in conspiracy attempt to assault, murder, and commit title fraud property theft of property owner, earth defender, and anti-terrorism active person Crystal McDowell.]

2. This petition is made to accept review of case termination March 26, 2025 order signed by court of appeals div. 2 actors effectively terminating McDowell's appeal by refusal to reverse dismissal by ruling on extension of time to file appeal brief, regardless of their own attacks on McDowell, causing McDowell harm and delay.

3. This petition is brought per RAP 13.4 (b) (b) which states; "Considerations Governing Acceptance of Review. A petition for review will be accepted by the Supreme Court only: (1) If the decision of the Court of Appeals is in conflict with a decision of the Supreme Court; or (2) If the decision of the Court of Appeals is in conflict with a published decision of the Court of Appeals; or (3) If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or (4) If the petition involves an issue of substantial public interest that should be determined by the Supreme Court."

4. It is a substantial public interest that the individuals acting in the appeal court are criminally connected and or to and with jack mc man, a proven fraud, who should have been disbarred – Pruitt v. Pierce County, and have failed the mandatory duty to vacate void orders, and which mandatory law of course by inference includes sufficient extension time for McDowell to file a brief, and, even with no brief at all, the individuals who, per conspiracy scheme, refused to reverse dismissal had sufficient information in the notices of appeal and exhibits attached to motion to reconsider, and law in extension motions, to extend as necessary per their mandatory duty. Such acts have been committed against others and pose further threat to everyone in this territory.

5. Summary of statement of case, and grounds for appeal/petition: I, Crystal McDowell am property owner of real property location 927 Meridian Ave, Edgewood WA, by moral and financial right, evidenced by multiple Deed(s), including 1991 Trust Deed, 1999 Reconveyance, 2009 Wells Reconveyance, 2010 Washington State Warranty Deed, and 2022 Quit Claim Deed (changing vesting form only, to Tenants In Common), and by my legal residence upon my property since year 2018, with all applicable right(s) per *Rcw 6.13.

I have owned my property, as an individual separate owner, since year 1997, nearly twenty nine years, free and clear of any mortgage, legal liens on debt or similar, other than a standard sewer assesment.

6. The day after I filed notice of appeal, and despite Notices to cease their acts, including demand to jack mc man aka 'jacqueline mcmahon', david zahradnik, his girlfriend schemer breeder skank patricia roberts, and 'ronald culpepper' who has continues criminally impersonating a 'special master' and 'commissioner' without legal authority, has NOT been 'appointed' to ANY position in Pierce superior case #202069766, those and other individuals trespassed my property and home attempted murder of my person and theft of my personal property, and real estate property, ten months ago on June '18', 2024, my property, and I was subject to armed robbery, battery and assault, and false 'arrest', and further which criminal acts by and or promulgated by the individuals claiming to be 'appeal court' actors, per their prevoius acts to attack McDowell in two other appeal cases, and conspiracy signaling and death threats in an 'opinion' that was and is grossly defamatory, false by ommission and direct lying, and contains death threats, which was dated Sept 6th 2023, and appears to have been written by mcmahon, and otherwise signed by 'maxa', 'cruser' and 'lee', which has resulted and continues to damage McDowell.

7. The last ten months I have been physically attacked in my residence, illegally forced from my legal defamed, extorted and continue to be criminally, literally extorted, and subject to death threats and title fraud threats, by terrorist identity isaiah 56.4 fraud jack mc man, and david zahradnik, patricia roberts, ronald culpepper, maury robnett aka 'mary robnett', 'garret robinson' and others, and am subject to PTSD, over six individuals from 'appeal court div. 2' claiming to be court actors, and their previous acts over three years before their physical assault, and further threats since then, the last ten months when I was supposed to be able to appeal/vacate the VOID ab initio 'orders' scribbled/signed by 'garold johnson' without jurisdiction and in deliberate criminal malice. My living situation due to their physical attacks and continued attacks in over four courts has extremely limited my ability to write, as there is no 'post' trauma or stress, as the criminal acts continue ramping, the disaffecting of my abilities increases.

8. The three individuals fronting as 'judges' knew garold johnson's 'orders' were and are void ab initio, and criminal acts against *statutes, by the orders listed on, and attached to, appeal notices – supposed 'trial orders' – after a supposed 'summary judgment', and, was further stated in McDowell's appeal brief in primary case #569884, page 6, paragraph 4, quote --- The adjudicator erred in, engaging the false use of a defunct trial date, after entering the summary judgment as final

in the record, as both cases dismissed, and, each litigant stating to the adjudicator in email, there was to be no trial.” – end quote. See **Exhibit A**

9. Further they knew that motions filed after those ‘orders’ were also void, and criminal acts, to attempt assault and murder and title fraud theft of McDowell, in ulterior motives by proven fraud – Pruitt v. Pierce County - jack mc man aka ‘jacqueline mcmahon, isaiah 56.4 male cabal terrorist fronting as female, david zahradnik, schember breeder skank patricia roberts

Table of Authority(s)

Crystal McDowell, truth/fact relaying declarant, property owner, and original territory and earth sovereign, and, who is ultimate first and last judge, as each person is to be

Deeds of Record

With caveat - A Real Case Against The Jews – By Marcus Eli Ravage, 1924, M.E. Ravage, official Rothschild biographer, official terror cabal admission of the cabal writers behind the talmud, and supposed ‘bibles’, including ‘earth pass away’ earth destruction, by same concoctors of paper ‘law’ constitutions scheme. McDowell caveats the label is mislead, there is No ‘one’ group of ‘the’ jews’, which ‘jews’ label is false as to many torah [non talmud] religion Jews who have nothing to do with the terror cabal’s mass murder and total earth destruction schemes.

- Common Law –

Brenner v. Port of Bellingham, 53 Wash.App. 182, 188, 765 P.2d 1333 (1989).

Sherman v. State, 128 Wn.2d 164, 188, 905 P.2d 355 (1995))

Garaux v. Pulley, 739 F.2d 437, 439 (9th. Cir. 1984)

- Caveated paper law statutes - rules

RCW

RAP 1.2;
and to be amended

10. The acts by zahradnik and others have been and are to criminally 'force' McDowell from her property, to destroy her, her ownership, and force to FORM joint tenancy deed 'with Zahradnik', the same time they physically attack McDowell, with frauds fronting as 'pierce sheriffs', as Zahradnik, and schemer breeder skank patricia roberts and jack mc man aka 'jacqueline mcMahon' and garold johnson, and later 'ronald culpepper', and 'rebecca' bergholz glasgow and 'anne' mowry cruser' and 'et al attempt to assault and murder Crystal McDowell and cause and or promulgate title fraud theft of McDowell's real property, 'using' johnson's VOID ab initio 'orders'.

11. As jurisdiction by the actors claiming to be 'judges' is an issue, and their 'order' is violation of case law on mandatory duty to vacate void court 'orders', McDowell is not limited to review of only her motion for reconsideration on dismissal, which writing was interfered with, as with all other time on supposed appeal, by yet further death threat by bergholz/glasgow et al in spewing 'counsel' label onto McDowell despite repeat notices to cease, and taunting disrepspect in violation of CJC rule on respect toward litigants, deliberately mis-spelling McDowell's name despite repeat notices to cease, and, in further conspiracy 'signaling' by spewing 'a single invindual' bs onto the the title of the order to 'signal' 'using' psychopath jack mc man's bs spew, which the individuals don't put on other's orders. The acts are run-on with their total defamation and death threat 'opinion' fraud written by their co-schemer jack mc man and signed by mowry/cruser, maxa and lee.

Further Cause

12. Crystal McDowell, Petitioner, for purpose of review, states that supreme court actors who are neutral actors, should grant review of the order 'denying' extension, effectively terminating review written March 26, 2025, and other orders to be included in this petition which will be amended, as the matter is not one of 'abuse of discretion' but of malice, undisclosed associations, and lack of jurisdiction. Of note, Petitioner had a brake failure of her car Saturday which took over half day to repair, which between ten months of ongoing attack, and the PSTD McDowell is experiencing, and time loss yesterday and other factors, is cause of this brief petition, being filed today, to avoid motion for late filing, and will be amended, by right, by civil rule 15, without motion.

B. Issues for Review

13. The individuals acting as judges should have recused themselves from McDowell's matters, without McDowell filing motion, due to: 1) their undisclosed personal associations as criminal cabalists along with jack mc man aka 'jacqueline mcmahon', and or 2) at least two individuals fraudulent identities similarly associated isaiah 56.4 matter, and 3) by their committing malicing actions to disaffect McDowell during McDowell's time to appeal, and in conspiracy prejudice to McDowell/Petitioner, acting as malicious 'additional' litigants, to then 'decide' away their OWN acts by 'denying' a motion, is void, and which must be vacated by actors in this court, along with order to remove, recuse the offenders as to appoint actually neutral judges, AND which similar acts in other cases as will be further set forth in amending.

Further Common and Relevant Law To Be Applied

14. With CAVEAT denying the word 'impartiality', which word should be NEUTRAL or NON partial, the following basic otherwise PREMISE of common law applies on the individuals fronting as 'judges' who should have recused themselves without motion from McDowell includes -

"The appearance of fairness doctrine provides that `judges should disqualify themselves in a proceeding in which their impartiality might reasonably be questioned.'" Id. at 761-62 (quoting *Sherman v. State*, 128 Wn.2d 164, 188, 905 P.2d 355 (1995)).

And though with caveat, as the constitions are a problem as will be set forth in amending, the following is noted, though the word 'imparitality' is denied as valid, the word to be instead considered as - neutrality.

15. Further, as used by court as reasons for existing, McDowell should have been entitled to consideration which she did not receive, which, though caveat will further be made as to the 'constitutions', – per what applicable common law case law would be fairly equivalent should be applied similarly to; Article 1 section 3 of the Washington Constitution provides that "[n]o person shall be deprived of life, liberty, or property, without due process of law." The Fourteenth Amendment of the United States Constitution similarly provides that "[n]o State shall ... deprive any person of life, liberty, or property, without due process of law."

16. By threatening McDowell labeling her as 'counsel' and other acts, McDowell was once again not only deprived of what is supposed to be neutral court assistance, but instead further attacked, in conspiracy and malice.

The statements above and herein McDowell requests be considered with and in combination of all sections for granting review as sought, and McDowell asserts is mandatory, similar to section above on mandatory law.

No prejudice would result to Zahradnik as the 'orders' in the matter are void ab initio. As to form and what will be amended, McDowell requests consideration of RAP 18.8 Waiver of Rules and Extension and Reduction of Time which this section should be considered also to motion for late petition and states in part:

(a) Generally. The appellate court may, on its own initiative or on motion of a party, waive or alter the provisions of any of these rules and enlarge or shorten the time within which an act must be done in a particular case in order to serve the ends of justice, subject to the restrictions in sections (b) and (c).

McDowell also requests consideration by applying **RAP 1.2** Interpretation and Waiver of Rules by Court which states in part:

(a) Interpretation. 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).

This citation acknowledges the obvious, that when a dismissal is claimed by an actor claiming to be a judge, any further 'orders' are without jurisdiction, it also proves knowledge of Johnson's non-jurisdiction by 'maxa' and 'lee' which their

defamatory, death threat and psycho 'opinion' they signed in McDowell's appeal case #569884 was malicious, and violated mandatory duty to vacate void 'orders'. in Chastain v. Chastain, 7 Wn. App. 2d 1044, 7 Wash. App. 2d 1044 (Wash. Ct. App. 2019) - citing In re Marriage of Low, 44 Wn. App. 6, 9, 720 P.2d 850, review denied, 106 Wn.2d 1015 (1986). "the general rule is that **a court loses jurisdiction of a case** after an order of dismissal has been entered."

And as 'garold johnson' by own claim and (however falsely) marking the cases 'dismissed' had **no jurisdiction** as to Pierce county superior case # 202069766 **since Jan. 31, 2022** the following citation applies to every act by johnson and mcmahon and zahradnik and culpepper and martin and appeal court acts/actors and others, If a 'judge'/court "...**does not have jurisdiction, any judgment entered is void ab initio and is, in legal effect, no judgment at all.**" Wesley v. Schneckloth, 55 Wn. 2d 90, 93-94, 346 P.2d 658 (1959).

Also, "First and basic to any litigation is jurisdiction. First and basic to jurisdiction is service of process." In re Marriage of Logg, 74 Wash.App. 781, 786, 875 P.2d 647 (1994) (quoting Painter v. Olney, 37 Wash.App. 424, 427, 680 P.2d 1066, review denied, 102 Wash.2d 1002 (1984)). **When a trial court lacks in personam jurisdiction over a party, any judgment entered by the court against that party is void.** Mid-City Materials, Inc. v. Heater Beaters Custom Fireplaces, 36 Wash.App. 480, 486, 674 P.2d 1271 (1984). And further applies'

"Courts have a mandatory duty to vacate void judgments." Brenner v. Port of Bellingham, 53 Wash.App. 182, 188, 765 P.2d 1333 (1989). Further applied is

Further though the matter is obvious, A[-n appearance of] "grant of summary judgment "constitutes a final judgment on the merits and has the same preclusive effect as a full trial of the issue." Brownfield v. City of Yakima, 178 Wn. App. 850, 870, 316 P.3d 520 (2014) (quoting Nat'l Union Fire Ins. Co. of Pittsburgh v. Nw. Youth Servs., 97 Wn. App. 226, 233, 983 P.2d 1144 (1999)). And again;

Either a court/judge has jurisdiction or they do not. "If it does not have jurisdiction, any judgment entered is void ab initio and is, in legal effect, no judgment at all." Wesley v. Schneckloth, 55 Wn. 2d 90, 93-94, 346 P.2d 658 (1959).

(emphasis bold or lines and [] – added.)

Conclusion

For reasons herein and as will be amended, neutral court actors should grant review of the order 'denying extension' and thus terminating review, and others which will be attached in amending, and vacate the 'order' denying McDowell's extension, and reconsideration, and other orders/rulings, so that McDowell can

file appeal brief so the already void ab initio 'orders' are vacated, as to stop the criminal individuals noted herein from continued attempted 'use' of 'garold johnson' orders' which are not only void ab initio but felony acts, at further injury and threat to Crystal McDowell, her property and family.

Declaration is here made per within laws on perjury in state of Washington the facts set forth herein are true to best of my knowledge as signed at Seattle, WA.

Though word limits are violation of prior restraint law, this documents contains 3714 words by microsoft word count function.

Set forth April 28, 2025ce.

s/Crystal McDowell

Crystal McDowell
15127 Main St E
Unit 104 #127
Sumner, WA 98390

Certificate of Service

The undersigned certifies correct copy of the forgoing document was transmitted to the following individual(s) on April 28, 2025 by method noted:

s/Crystal McDowell

Crystal McDowell
15127 Main St E
Unit 104 #127
Sumner, WA 98390

Sent through the Court of
Appeals web portal as service on:
J. McMahon
fronting as 'lawyer or attorney
or atorn-ey of David Zahradnik'
1103 Shaw Rd
Puyallup WA 98372

EXHIBIT A

Second Motion to Modify

FILED
Court of Appeals
Division II
State of Washington
2/28/2025 2:50 PM

coa # 596971
pcsc # 202069766

Appeal Court Div 2, WA

Crystal McDowell

appellant

[with caveat on jurisdiction and without waiver of right of self and property defense
force against VOID ab initio 'court orders' regardless of appeal result]

v.

David Zahradnik

appellee

Second Motion to Commissioner, Only, For Reconsideration of Dismissal or
'motion to modify' Jan. 22, 2025 Dismissal; And With Application of RAP 1.2
On Filing Time Waiver On Motion, And Extend Time To File Brief By
Twenty Days From Date Of Any Granting Order

And Second Notice of Intent to Amend This Motion – Which previous
amending was interrupted by criminal 'derek byrne' contact of McDowell
and 'letter' in illegal contact to further threaten McDowell and in fraudulent
claim of McDowell as 'counsel', and ramming 'response dates' despite
NOTICE in motion that McDowell had to amend the motion, and as will be
further noted in next AMENDED motion for reconsider/motion to modify,
which will not be filed by end of Mon. March 3, 2025.

And in further NOTICE of rejection of Feb. 24th 'letter' by criminal felon and
extorter 'derek byrne' on date claim on 'response', ignoring McDowell's notice of
intent to amend motion, and labeling McDowell despite repeat notices to 'rebecca'
glasgow in three cases to CEASE contact of my person and case(s) by 'derek
byrne' and notices to CEASE address of my/McDowell's person as 'counsel' which
act constitutes further robbery and death threats then already committed by
multiple actors in this court with over forty seven individuals now in conspiracy
committing crimes against my/McDowell's person, and purposely misspelling
McDowell's name to 'show disrespect' which acts in further illegal conspiracy

signaling including with and for jack mc man aka 'jacqueline mcmahon'. jack mc man aka 'jacqueline mcmahon'. a child rape profiteer – Cyr case – and proven fraud – Pruitt v. Pierce County case – and who has committed armed robbery and extortion of my person in this case/associated cases, and continues making death threats, including by act of filing 'designation papers' and in ANY act to oppose McDowell's appeal or motion basis in this case, and who is an isaiah 56.4 cabal terrorist man fronting as female.

1. Identity of Litigant

Crystal McDowell, appellant, **unrepresented** by counsel

1a. Notice to ALL court actors to CEASE any address of McDowell as 'counsel', which constitutes further DEATH THREATS by YOU in this court, by your previous terrorist fraud spewing 'pro se 'same standard' as 'lawyers' in your fraudulent and 'survivorship' death threat 'opinion' dumped on the internet on Sept 6, 2023 to destroy my person, which 'same standard' FRAUD is violation of RAP 1.2 and other law.

And NOTICE to ALL court actors to spell my/McDowell's name CORRECTLY – McDowell with CAPITAL D.

I/McDowell am NOT obligated to spell other's names with capital letters who either are criminals or use false front names. YOU in this court ARE obligated to spell my name correctly as you jack taxes from others to supposedly act as neutral court actors.

2. Order Sought

Order vacating/reversing 'ruling' dismissing appeal case # 596971, and including application of RAP rules noted herein for ten day extension/waiver on/for this (and to be amended) motion for reconsideration/motion to modify initially filed ten days past 'twenty day' rule.

AND – any 'acknowledgment' letter to 'review' motion by panel of honest and neutral judges only is to acknowledge McDowell's intent to amend motion by Mar. 3rd and set whatever dates accordingly, and, however of notice, ANY response by jack mc man aka 'jacqueline mcmahon' and or 'dave zahradnik' aka david to oppose McDowell's basis in appeal and or motions in appeal in vacating the void orders is here repeat demanded to cease, as any act opposing McDowell's appeal or motions basis' constitutes further felony acts in use or further attempt of use of 'garold johnson's' VOID ab initio 'orders' which are void regardless of reversal/vacating or not, and which fact entitles McDowell and her supporters use of defensive force of her person and property if or as necessary and which right has not and will not be waived.

What follows is mostly copy from initial motion filed Feb. 21, 2025, to be fully amended by Mar. 3, 2025, with limited edits and attaching copy of: McDowell

Washington State Warranty Deed, and to which all rights per RCW 6.13 and owner McDowell's residence apply – regardless the criminal illegal acts by others committed against her on 6-1`3-2024 to FORCE McDowell from HER legal real property and residence to then steal it by fraudulent 'voiding' her legal standing Deed, and which Deed is attached as Exhibit B, and; McDowell Appeal Brief in related base case # 569884 as Exhibit C, and Amended Notice of Appeal as Exhibit D, and the fraudulent and 'survivorship' death threat 'opinion' in related base case # 569884 as Exhibit E, And McDowell Brief, marked, as Exhibit F, and copy of screen captures of case record showing ALL 'orders' by 'garold johnson' since Jan. 31, 2022 as without jurisdiction after he marked the cases DISMISSED Jan. 31, 2022,. and email from court, attached as Exhibit G. The point, for recognizing the facts, and previous bad acts of others in this court which continue, and continue to disaffect McDowell.

In further notice, and, point, this citation further proves malicious acts against McDowell and proof of knowledge of johnson's non-jurisdiction by 'maxa' and 'lee' in their previous opinion Chastain v. Chastain, 7 Wn. App. 2d 1044, 7 Wash. App. 2d 1044 (Wash. Ct. App. 2019) - citing In re Marriage of Low, 44 Wn. App. 6, 9, 720 P.2d 850, review denied, 106 Wn.2d 1015 (1986). "the general rule is that a court loses jurisdiction of a case after an order of dismissal has been entered."

And as johnson had NO jurisdiction as to Pierce county superior case 202069766 nor as to McDowell or Zahradnik since Jan. 31, 2022 the following citation applies to every act by johnson and mcmahon and zahradnik and culpepper and martin and appeal court acts/actors wnr others, "If it does not have jurisdiction, any judgment entered is void ab initio and is, in legal effect, no judgment at all." Wesley v. Schneckloth, 55 Wn. 2d 90, 93-94, 346 P.2d 658 (1959).

These facts and years of illegal attacks on McDowell have damaged McDowell severely and further attacks continue to damage McDowell. Per these facts and others previously in notices, and as previously demanded by McDowell, ALL acts by mcmahon and or zahradnik and or others since Jan. 31 2022 to assault and destroy McDowell in attempted use or bolstering of void orders by gaorld johnsn at damage to my/McDowell's person are to CEASE or your/their liability to McDowell increases.

3. Further Statement of Facts – To Be Amended

The 'orders' by 'garold johnson' appealed by McDowell are void ab initio, regardless of whatever acts by others including appeal court actors, per case law

and per case law, as Johnson has had no jurisdiction in the case since claiming to dismiss both cases on Jan. 31st 2022 the same day he entered summary judgment, which though is also void, nonetheless proves ALL subsequent orders are void ab initio of NO legal effect.

As stated in previous motions to extend time McDowell has been and since then continues to be severely injured physically and affected mentally by felony acts committed by zahradnik, patricia roberts, jack mc man aka jacqueline mcmahon,

ronald culpepper, garold johnson, and, actors in this court, and other courts, in conspiracy to commit murder of my person and title fraud theft of my property 927 Meridian Ave Edgewood, WA, and which affect my ability to act including filing motion for reconsideration.

As I/McDowell was mistaken on procedure, as I am NOT a lawyer nor 'counsel', given injury caused by previous physical assault and armed robbery, and, ongoing threats by actors in this court and others, directly affecting my person, which will be further enumerated on amending this motion, order granting time waiver to file (this) motion for reconsideration should be granted, and McDowell asserts – must be granted.

Due late time of day and mis-estimate on procedure, and so that this motion is filed before 'mandate' is sent, which McDowell asserts would be void, nonetheless this motion is made in short form before such time, and again which will be amended.

4. Rules/Law – Grounds

The above facts must be considered with RAP 18.8 Waiver of Rules and Extension and Reduction of Time which states in part:\

(a) Generally. The appellate court may, on its own initiative or on motion of a party, waive or alter the provisions of any of these rules and enlarge or shorten the time within which an act must be done in a particular case in order to serve the ends of justice, subject to the restrictions in sections (b) and (c).

McDowell also requests consideration by applying RAP 1.2 Interpretation and Waiver of Rules by Court which states in part:

“(a) Interpretation. 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).”

Also though court actors must not use the term 'pro se' as to McDowell, as change of meaning of the term appears to have occurred over time as to some litigants, nonetheless as she is NOT 'counsel' nor a lawyer and is unrepresented, and though RAP rules stated herein make similar law, still the following is noted;

“[t]he rights of pro se litigants require careful protection where highly technical requirements are involved.” *Garaux v. Pulley*, 739 F.2d 437, 439 (9th. Cir. 1984).

5. Conclusion

For reasons herein and as marked attached, and as will be further made in amending, the 'ruling' dated Jan. 22, 2025 dismissing case should be reversed/vacated, and order for time of additional twenty days to file the appeal brief should be granted.

Also, as this will be transmitted to zahradnik, all previous notices to zahradnik and mcmahon and all associated to CEASE their acts threatening and or damaging McDowell and or her property are as if set forth here and are to be considered durable and ongoing.

Set forth this 28th day of February 2025ce.

Declaration is made per within laws on perjury in state of Washington the facts set forth herein are true to best of my knowledge as signed below at Seattle, WA. Appellant certifies this document and attached certificate contains 1706 words which count was obtained using the word count function in Microsoft Word.

s/Crystal McDowell

Crystal McDowell

15127 Main St E

Unit 104 #127

Sumner, WA 98390

void_judgments@mailfence.com

Certificate of Service

The undersigned certifies correct copy of the forgoing document was transmitted to the following individual(s) on Feb. 28, 2025 by method noted:

s/Crystal McDowell

Crystal McDowell
15127 Main St E
Unit 104 #127
Sumner, WA 98390
void_judgments@mailfence.com

Sent through the Court of
Appeals web portal as service on:
J. McMahon
fronting as lawyer
of David Zahradnik
1103 Shaw Rd
Puyallup WA 98372

Exhibit A

Washington State Warranty Deed
with colored line emphasis added

TICOR
3084229

201006220576 5 PGS
06/22/2010 02:29:16 PM \$66.00
PIERCE COUNTY, WASHINGTON

After recording return document to:

State of Washington
Department of Transportation
Real Estate Services Office
PO Box 47338
Olympia, WA 98504-7338

PLEASE MAKE NO MARK IN THE MARGIN SPACE - RESERVED FOR COUNTY AUDITOR'S USE

Document Title: Warranty Deed
Reference Number of Related Documents: None
Grantors: Crystal McDowell and David N. Zahradnik
Grantee: State of Washington, Department of Transportation
Legal Description: Portion of NW ¼, SW ¼, Section 3, Township 20 N, Range 4 E
Additional Legal Description is on Page 4 of Document.
Assessor's Tax Parcel Number: 0420033029

WARRANTY DEED

SR 161, 29TH ST. E. VIC. TO MILTON WAY

The Grantors, CRYSTAL MCDOWELL, WHO ACQUIRED TITLE AS CRYSTAL D. ZAHRADNIK, A SINGLE PERSON, NOW AND AT ALL TIMES SINCE DECEMBER 19, 1997; AND DAVID ZAHRADNIK, A SINGLE PERSON NOW AND AT ALL TIMES SINCE DECEMBER 19, 1997, for and in consideration of the sum of TEN AND NO/100 (\$10.00) Dollars, and other valuable consideration, hereby convey and warrant to the **STATE OF WASHINGTON, DEPARTMENT OF TRANSPORTATION**, the following described real property situated in Pierce County, in the State of Washington, under the imminent threat of the Grantee's exercise of its rights of Eminent Domain:

For legal description and additional conditions, see
Exhibit A attached hereto and made a part hereof.

Also, the undersigned hereby requests the Assessor and Treasurer of said County to set-over to the remainder of the herein described Parcel "A" the lien of all unpaid taxes, if any, affecting the property hereby conveyed, as provided by RCW 84.60.070.

RES-302

Revised 09/05

Page 1 of 4 Pages

Project No. 316118A

Parcel No. 3-08225

06/22/2010 02:15:54 PM
EXCISE COLLECTED: \$0.00
AUDITOR
PIERCE COUNTY, WA

KYOHN

PROC FEE: \$5.00

TECH FEE: \$5.00

4238953 2 PGS

PLEASE MAKE NO MARK IN THE MARGIN SPACE - RESERVED FOR COUNTY AUDITOR'S USE ONLY.

WARRANTY DEED

The undersigned grantors hereby authorize and instruct the State of Washington, Department of Transportation to pay the entire consideration to David Zahradnik, and direct that the state voucher in payment thereof shall be executed only by said David Zahradnik.

It is understood and agreed that delivery of this deed is hereby tendered and that the terms and obligations hereof shall not become binding upon the State of Washington unless and until accepted and approved hereon in writing for the State of Washington, Department of Transportation, by the Headquarters Real Estate Services Manager.

Date: 5/12/10Crystal McDowell, Single

Accepted and Approved

STATE OF WASHINGTON
Department of TransportationDavid Zahradnik, SingleBy: Mike Palazzofor Mike Palazzo
Headquarters Real Estate
Services ManagerDate: 6-14-10

STATE OF WASHINGTON)

: ss.

County of King)

On this 12th day of May, 2010 before me personally appeared **CRYSTAL MCDOWELL** to me known to be the individual described herein and who executed the foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.

Iffat U Khanam
Notary Public in and for the State of Washington,Residing at Issaquah, WAMy appointment expires Nov. 25th, 2010

RES-302

Page 2 of 4 Pages

Parcel No. 3-08225

PLEASE MAKE NO MARK IN THE MARGIN SPACE - RESERVED FOR COUNTY AUDITOR'S USE ONLY.

PLEASE MAKE NO MARK IN THE MARGIN SPACE - RESERVED FOR COUNTY AUDITOR'S USE ONLY.

WARRANTY DEED

The undersigned grantors hereby authorize and instruct the State of Washington, Department of Transportation to pay the entire consideration to David Zahradnik, and direct that the state voucher in payment thereof shall be executed only by said David Zahradnik.

It is understood and agreed that delivery of this deed is hereby tendered and that the terms and obligations hereof shall not become binding upon the State of Washington unless and until accepted and approved hereon in writing for the State of Washington, Department of Transportation, by the Headquarters Real Estate Services Manager.

Date: May 13, 2010

Crystal McDowell, Single

David Zahradnik
David Zahradnik, Single

Accepted and Approved

STATE OF WASHINGTON
Department of Transportation

By: _____
Mike Palazzo
Headquarters Real Estate
Services Manager
Date: _____

STATE OF WASHINGTON)

: ss.

County of _____)

On this _____ day of _____, 2009 before me personally appeared **CRYSTAL MCDOWELL** to me known to be the individual described herein and who executed the foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.

Notary Public in and for the State of Washington,
Residing at _____
My appointment expires _____

PLEASE MAKE NO MARK IN THE MARGIN SPACE - RESERVED FOR COUNTY AUDITOR'S USE ONLY.

PLEASE MAKE NO MARK IN THE MARGIN SPACE - RESERVED FOR COUNTY AUDITOR'S USE ONLY.

WARRANTY DEED

STATE OF WASHINGTON)

: SS.

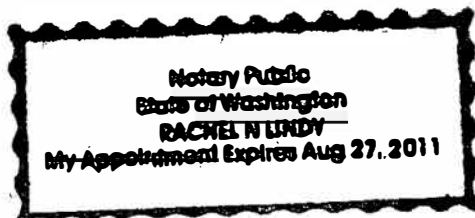
County of Pierce)

On this 13 day of May, 2009^{19th} before me personally appeared DAVID ZAHRADNIK to me known to be the individual described herein and who executed the foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.

Rachel N Lindy

Notary Public in and for the State of Washington,

Residing at Pierce CountyMy appointment expires 08-27-2011

PLEASE MAKE NO MARK IN THE MARGIN SPACE - RESERVED FOR COUNTY AUDITOR'S USE ONLY.

PLEASE MAKE NO MARK IN THE MARGIN SPACE - RESERVED FOR COUNTY AUDITOR'S USE ONLY.

WARRANTY DEED**EXHIBIT A**

All that portion of the hereinafter described Parcel "A" lying Westerly of a line drawn parallel with and 48.50 feet Easterly of the SR 161 line survey of SR 161, 29TH ST. E. VIC. TO MILTON WAY.

Parcel "A":**Tract I:**

The West 180 feet of the South 50 feet of the South half of the North half of the Northwest quarter of the Southwest quarter of Section 3, Township 20 North, Range 4 East of the W. M. in Pierce County, Washington.

Except Meridian East (Meridian Street North)

Tract II:

The North 40 feet of the West 330 feet of the North half of the South half of the Northwest quarter of the Southwest quarter of Section 3, Township 20 North, Range 4 East of the W. M. in Pierce County, Washington.

Except the West 30 feet for Meridian East (Meridian Street North)

The lands herein described contain an area of 1,665, square feet, more or less, the specific details concerning all of which are to be found in that certain map of definite location now of record and on file in the office of the Secretary of Transportation at Olympia, and bearing date of approval of July 19, 2007 and revised February 4, 2010.

Grantor's Initials



PLEASE MAKE NO MARK IN THE MARGIN SPACE - RESERVED FOR COUNTY AUDITOR'S USE ONLY.

Exhibit B

McDowell Quit Claim Deed Filed March 2022
per Zahradnik acts 2014 and 'partion' acts

202203010647 XGARCIA 2 PGS
03/01/2022 01:20:52 PM \$204.50
AUDITOR, Pierce County, WASHINGTON

When Recorded Return To:
C. McDowell PMB 127
15127 Main St. E Unit 104
Sumner, WA 98390

Quit Claim Deed

Re-Recording to Edit Language

The GRANTOR, Crystal D. McDowell, an unmarried person, for and in consideration of changing vesting from Joint Tenants to Tenants in Common and for no other consideration, hereby as Joint Tenant conveys and quitclaims to GRANTEE Crystal D. McDowell as Tenant in Common, all of her interest in the following described real estate, situated in Pierce County in the State of Washington, together with all after acquired title(s) and interests of Grantor.

For complete legal description see Exhibit A attached hereto.

Abbreviated Legal Description:

Section 03 Township 20 Range 04 Quarter 32 W 180 FT OF S 50 FT OF S 1/2 OF N 1/2 OF NW OF SW ALSO N 40 FT OF W 330 FT OF N 1/2 OF S 1/2 OF NW OF SW OF SEC EXC THAT POR CYD TO STATE OF WASH PER ETN 4238953 EXC RDS DC00164272 1/3/11DX

Pierce County Assessor's Property Tax Parcel Account # 0420033029

Prior Reference: Quit Claim recorded as instrument # 202202140623 in the land records of Pierce County, WA.

Grantor: (Redacted For Exhibit) Date: 2/28/2022
Crystal D. McDowell

STATE OF WASHINGTON

County of Pierce

On this 28 day of February 2022, before me personally appeared Crystal D. McDowell to me known to be the individual described in and who executed the within and forgoing instrument, and for acknowledged that he/she signed the same as his/her free and voluntary act the uses and purposes therein mentioned.

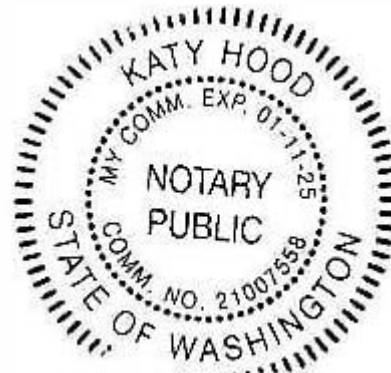
Notary Signature

Print Name: KATY HOOD

Notary Public in and for the State of Washington

Residing at Federal Way

My Appointment Expires: 01/11/25



- 2

Quit Claim Deed McDowell

03/01/2022 01:20:52 PM XGARCIA 4592835 2 PGS
EXCISE COLLECTED: \$0.00 PRQ FEE: \$5.00
AUDITOR
OFFICE: COUNTY OF PIERCE, WASHINGTON TOWN FEE: \$0.00

Exhibit C

McDowell Appeal Brief case 569884

No. 56988-4-II

COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON

Crystal McDowell,
Appellant

v.

David Zahradnik,
Appellee

APPELLANT'S OPENING BRIEF

Crystal McDowell
Appellant
15127 Main St E
Unit 104 #127
Sumner, WA 98390

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Argument	same
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Table of Authorities

Cases (location pages 16-19)

Baertschi v. Jordan, 68 Wn.2d 478, 482, 413 P.2d 657 (1966).

Dietze v. Kelley, No. 71098-2-I (Wash. Ct. App. Jun. 8, 2015)

Garaux v. Pulley, 739 F.2d 437, 439 (9th Cir. 1984)

Marriage of Black 188 Wn.2d 114, 137, 392 P.3d 1041 (2017)
(quoting *State v. McEnroe*, 181 Wn.2d 375, 387, 333 P.3d 402 (2014)).

Miller v. City of Tacoma, 61 Wn.2d 374, 390, 378 P.2d 464 (1963)

State v. Watson, 155 Wn.2d 574, 579, 122 P.3d 903 (2005).

. *In re Custody of C.D.*, 188 Wn. App. 817, 828, 356 P.3d 211 (2015).

Trummel v. Mitchell, 156 Wn.2d 653, 670, 131 P.3d 305 (2006)

Other Authority

Rap 1.2.....

Judicial rules to be added

Introduction

First, unfortunately, there was a last minute loss of McDowell's original brief she was working on, and this version is a hasted put-together of pieces from different page folders, and so is sparse and unfinished. McDowell inputs parts, and intends to file supplement and other motions to salvage as able. This will be repeated at conclusion, the law citations and premises otherwise stated should be applied to the statements herein made, and where the record though not as cited herein as McDowell would like, is nonetheless provided in plenty to the Court, at cost to her, and further in compliance with rule, will motion

to further supplement the record with important documents, that will make the matters clear for review.

Assignments of Error

1. The adjudicator erred in engaging in ex parte schematics with Zahradnik's lawyer against McDowell.
2. The adjudicator erred in not recusing himself, sua sponte, before engaging in calculated prejudicial actions, outside rule of law, against McDowell, with and to benefit Zahradnik and his purported lawyer and other cohorts.
3. The adjudicator erred in ignoring, thereby denying, McDowell's request of a continuance to respond on Zahradnik's first summary judgment motion.
4. The adjudicator erred, in bringing, without notice, a motion McDowell had (only) filed to dismiss her complaint, in the hearing that was supposed to be on Zahradnik's summary judgment motion.
5. The adjudicator erred in making prejudicial actions against McDowell to coerce McDowell to dismiss her complaint, and then dismissing McDowell's complaint in the hearing.
6. The adjudicator erred, by sua sponte, also without notice to McDowell, offering, without request by Zahradnik's lawyer, and without justification, a continuance to Zahradnik lawyer McMahon to 'remove' pages from their motion, but actually was to write a new summary judgment motion, which continuance was six days.

7. The adjudicator erred, in sua sponte, then pressuring McDowell to only have very short time of three days for McDowell to respond on a second, new, large, summary judgment motion, concocted by Zahradnik's lawyer.

The adjudicator erred, in engaging ex parte schematics with zahradnik's lawyer and his purported court reporter, in altering the hearing transcript from Jan. 14, 2022 to benefit Zahrandik and his lawyer against McDowell.

The adjudicator erred, in the (second) summary judgment hearing, in attempting to get McDowell to name herself, against herself, on Zahradnik's summary judgment motion, in further ex parte schematics with Zahradnik's lawyer against McDowell.

The adjudicator erred, in prejudicially refusing to grant McDowell a reasonable continuance to respond on Zahradnik's large new summary judgment motion.

The adjudicator erred in allowing McMahon and Zahradnik to commit fraud in the hearing, claiming they made no new claims in the motion, as means to (also) deny a continuance to McDowell to respond the new large motion.

The adjudicator erred, in also throwing out both of McDowell's partial summary judgment opposition filings, despite already having accepted one of them in the previous hearing, after 'using' it along with McMahon to benefit McMahon and Zahradnik to 'fix' their motion, removing their admission of false claims, along with write a new motion with more new claims, prejudicially rendering McDowell without any defense whatsoever.

The adjudicator erred in schematic calculation with McMahon and Zahradnik to falsely use and abuse 'family law' in arbitrary and capricious actions against McDowell,

despite the fact the litigants had been divorced for over **twenty three years** and had since had a **platonic** business association and he had just dismissed a contract as to that association.

The adjudicator erred in committing ex parte (again) between the time of the hearing and signing and entering the orders.

The adjudicator erred in granting and entering Zahradnik's summary judgment motion claims, and other claims, without basis in law, and without legal evidence, to extent of schematics including a false and violent 'injunction' scheme to remove McDowell from her property, to hand Zahradnik her half property ownership entirely, and otherwise 'bury' McDowell in false monetary claims beyond that confiscation, also with zero basis in law or facts. (CP 400-406).

3. The adjudicator erred in denying McDowell's motion for reconsideration of dismissal of McDowell's complaint and ordering short time to respond Zahradnik second new summary judgment motion. (CP 415-417).

4. The adjudicator erred in, engaging the false use of a defunct trial date, after entering the summary judgment as final in the record, as both cases dismissed, and, each litigant stating to the adjudicator in email, there was to be no trial.

5. The adjudicator erred in pretending to preside over a trial day, with no actual litigants, and, outside time rule time of rule 56 for a trial, and permitting Zahradnik and McMahon to commit said fraud on the court that entire day.

(c) The adjudicator erred in, during the false 'trial' day, in absconding a 'pre trial order' from another case he had, and

manipulating said document, and forging signature to said altered document, then, entering said 'pre trial order' in the record, from another case, as if were part of the case. (CP 410-414) and Exh --

6. The adjudicator erred in then further schematics with McMahon to scrawl further false orders and entering Findings of Fact and Conclusions of Law without basis in law or fact (evidence), in false use of the court on the defunct 'trial' day. Error is assigned to each judgment. (CP 423-433).

(b) Similarly, the adjudicator erred in entering the Judgment Summary granting the claims/amounts therein. Error is assigned to each judgment. (CP 421-422).

Issues in Assignments of Error

1. Did the adjudicator err in bringing McDowell's motion to dismiss her complaint, without notice to McDowell, in a hearing which was to be on Zahradnik's summary judgment motion (McDowell had scheduled motion hearing two weeks away due concerns on dismissing) violating McDowell's due process right of notice and right to impartial tribunal.

Did the adjudicator err in the same hearing, ignoring and thereby denying McDowell's motion for continuance to respond Zahradnik's (first) summary judgment motion.

Did the adjudicator err, in at the same time denying McDowell's motion for continuance, sua sponte without notice to McDowell, and without request by Zahradnik's lawyer, and without justification, offering Zahradnik continuance to write a new motion.

Did the adjudicator err in offering Zahradnik and his lawyer six days to rewrite their motion, under pretense of 'only' editing' to significantly reduce the motion, and unequal attempt to give McDowell only three days for McDowell to respond on a new summary motion, instead of the number of days in rule CR56.

Did the adjudicator err in denying McDowell's request(s) of continuance made timely before the first summary judgment hearing.

Did the adjudicator err in the hearing, when Zahradnik's lawyer engaged in predatory action against McDowell to infringe McDowell's right of litigation privilege in writing in her pleadings, and first amendment rights therein, the same time ignoring McMahon and Zahradnik's false spewing claims in their own filings, and per McDowell responding, joining with Zahradnik's lawyer, against McDowell, to oppress McDowell, in bias and prejudice, and engage in otherwise convoluting actions indicating ex parte schematics with McMahon.

Did the adjudicator err in 'setting up' McDowell with McMahon and Zahradnik, to false apply and abuse 'family law' in arbitrary and capricious actions against McDowell, despite knowing the litigants had been divorced over twenty three years and had since had a platonic business association, having just dismissed a contract as to that association.

Did the adjudicator err, in also throwing out both of McDowell's partial summary judgment opposition filings, despite already having accepted one of them in the previous hearing, after 'using' it along with McMahon to benefit McMahon and Zahradnik to 'fix' their motion, removing their admission of false claims, along with write a new

motion with more new claims, prejudicially rendering McDowell without any defense whatsoever.

Did the adjudicator err in engaging in multiple ex parte communications with McMahon, Zahradnik's lawyer.

Did the adjudicator err in granting Zahradnik's summary judgment claims without basis in law or evidence.

Did the adjudicator err, after summary judgment, said to be final by both McMahon and the adjudicator, in pretending to preside over a trial day.

Did the adjudicator err in sending McDowell an email to dictate a 'trial', using a defunct trial date, and despite both litigants days before having both stated no trial, and being outside time per rule CR56.

Did the adjudicator err in absconding a 'pre trial order' from another case, and manipulating said document to put McDowell's name on it, and forging his signature, and entering it to the record during the claimed 'trial' day.

Did the adjudicator err in applying 'family law' and community property premise, to the orders and case despite the litigants 'divorce' settlement agreement' being **satisfied, fully, over twenty years ago**, and in calculated ignorance of the litigant's platonic business association and severance contract he dismissed, by bringing and coercing McDowell's motion without notice to McDowell.

Did the adjudicator err in not applying any principles of evidentiary rule or law in his findings or conclusions.

Did the adjudicator err in these instances violate Washington state rules of judicial conduct directing judges

to be impartial and honest and not engage in ex parte schematics against a litigant or allow his judicial assistant or others in his sphere do so.

Did the adjudicator abuse discretion, or position, or as to due process against McDowell, at damage to McDowell.

STATEMENT OF THE CASE

On July 20, 2020 McDowell filed breach of contract complaint against Zahradnik. CP

On discovery her complaint had been served late per statute law, assuming an untenable issue, she assumed she had to dismiss the complaint, and contacted Zahradnik's lawyer, who had appeared a day before McDowell discovered the flaw, assuming it would be simplest to co-sign a motion to dismiss. Instead of simply sign the dismissal motion, the lawyer McMahon and Zahradnik scrawled on McDowell motion fraudulent claims about McDowell's complaint in attempt to abscond McDowell's property rights. (CP and Ex tbn)

McDowell then emailed the lawyer a No Contact notice limiting any communication to service, only, if any, informed them she would be dismissing her complaint without their involvement. (CP and Ex tbn)

Disappointed that McDowell had misunderstood the time required for service, and loss of the complaint and over a hundred thousand dollars business severance, it took a month and half for McDowell to put together a proper dismissal motion. Upon going to file the motion, she noted the day before that Zahradnik had filed 'counterclaims', which had no basis in fact nor law, and were brought to both harass McDowell and destroy her name on the internet, in

predatory actions by both Zahradnik and McMahon and others, and to 'route' harassment claims that Zahradnik knew McDowell could bring against him due six such actions by Zahradnik previous to McDowell serving complaint. The non-substance of the claims are evident at first glance of first page and at bottom, attached, as McMahon and Zahradnik caption label Zahradnik a 'third party' though obviously there are only two persons in the case, and to end of the paper dump, as McMahon makes knowingly bald face false claims that a letter McDowell sent with the summons, to though very hesitantly due to Zahradnik's harassment, offer to discuss settlement, which McMahon fraudulent repeatedly claims McDowell was 'demanding' Zahradnik not talk to anyone and 'demanding' Zahradnik sign a confidentiality agreement etc. This brief would be a mile long if McDowell reviewed all the slobbering false claims of Zahradnik and McMahon and so to keep short on the balance due to the loss of original brief mentioned and short time, uses as example that from the first glance of the claims to the end, everything in between is of the same, false and predatory frankly psychotic malice in attempted theft and destruction of McDowell, and here important to note again, the association of the litigants was platonic and business over decades, and it was McDowell who ended the association due to Zahradnik's refusal to honor an agreement to do activism one month with McDowell. That is clear on the 2014 Agreement attached to the complaint, per the words payment.. and 'upon demand by CM.

To quickly move through the most critical of the case, on Dec. 15th 2021 Zahradnik and McMahon filed a motion to continue hearing dispositive motions, and attempt to short rule CR 56 against McDowell, and a day later filed a 'summary judgment motion', with mass additional false claims and in further attempt to incite violence against

McDowell, by their false claims, and references to 'the property'.

The scheme of McMahon and Zahradnik, was and is to, flog around an old and long since null 'divorce decree', and picking out a stand alone phrase on each litigant paying their own living expenses, and knowingly fraudulently claiming that McDowell, in her complaint, 'made claims on the divorce decree', which, as the judges can see is a bald face lie, as to then, commence to spewing claims as to Appellant 'not paying living expenses in every other sentence, this though again twenty four years as separate legal entities, not living together, not married, not dating, and McDowell being former vice president of Zahradnik's company Aqua Brite. A The psychotic, fraudulent spewing is tactic also of Jacqueline McMahon, which is –accusatory inversion or projection, in other words, accusing McDowell of what Zahradnik and McMahon are doing, in their whole theft and destruction actions, and in part as to McMahon, because McDowell is an very sacrificing activist and her property though zoned commercial is green, and McMahon is involved in earth destruction schemes in Orting. Now to the base points:

The wrongdoing by the adjudicator in the January 14, 2021 hearing are grossly apparent in the transcript. Of note, there are omissions in the transcript, and false additions, however for purpose of reference here, is sufficient for use. McDowell abbreviates as partial verbatim report of proceedings, see PVRP pages 4, to conclusion. the first words from adjudicator G. Johnson Quote "I have here in my hand" is not McDowell bringing her motion, it is Johnson bringing McDowell's motion, and he then further engages in gross false statements, pretending to talk to 'mcmahon' but is clearly aimed at and intended to mislead McDowell, as he basically claims and repeats 'most of Zahradnik's claims would be resolved if McDowell

dismissed'. McDowell was caught completely off guard and did not recognize the setup being done, to defend against Johnson. McDowell doubted his claims, but at that moment remember McDowell is completely distracted by Johnson bringing McDowell's motion, then, proceeding to coerce McDowell into dismissing her complaint, and over a hundred thousand dollars. PAGE 5 see Johnson attempt to claim McDowell's motion was 'only' to dismiss with prejudice, which is false, and LINE 20 where McDowell says JUST A MINUTE. At that moment Johnson should have ceased speaking, but instead, he goes on to coerce and interrupt McDowell despite she says three times 'I was going to amend my dismissal', and specifically notes Zahradnik and McMahon preying on McDowell previously, and the need to be clear that dismissal was only due to late service, nothing else.

Note, McDowell had sensed something wrong with Zahradnik and McMahon filing a counterclaim being able to file 'counterclaims' against a complaint that was served late, yet of seven lawyers only one questioned that McDowell's complaint was actually active, by their filing of claims, but couldn't put her finger on it exactly. They were active, and will be once the 'orders' by Johnson are voided and vacated, which, McDowell asserts is the case.

McDowell apologizes she is not able to better separate the statement of case and argument sections more, she is simply crunched on time because of losing her work. Please view the partial VRP by Thompson, the matter is clear, McDowell did not bring her motion, and, the dismissal of her complaint due lack of notice should be void, and Johnson abused his position or discretion by ignoring and thus denying McDowell a continuance, and instead handing Zahradnik and his lawyer a continuance, violating WA judicial rules of conduct, as to fairness and law below on discretion. Further the gross scheme by McMahon and

Johnson to distract McDowell as McMahon is handed six days to write a new motion, that Johnson says on page '4' is supposed to be 'mostly resolved' then tell McDowell she only has six days to respond. to ram another forty six pages of motion to response

Reference: Transcript of hearing Jan. 14, 2023. Then compare the first 'summary judgment motion dated Dec. 16th (CP 1546-169) and the second dated January 20, 2022 (CP 36-383).

The second summary judgment is completely rewritten, to extent the CAPTION names McDowell against herself, purposely by McMahon in malice. McDowell rightly did not answer any part of it knowing that the new dump of papers contained new claims and was right. See the end page of Zahradnik's

The matter of review on the summary judgment 'orders' is, the denial of continuance to McDowell, while McMahon committed fraud on the court claiming in the second hearing on January 2 there were no new claims in the motion, when there were new claims, and also claims not in their counterclaims, which would be barred by claim preclusion. McDowell didn't get to answer any of it, as setup by McMahon and the adjudicator. See VPR of Dirton, four times Johnson attempts to get McDowell to say 'plaintiff' to name herself against herself, four times, then, goes straight to McMahon and doesn't acknowledge McDowell's two requests for continuance, because of course, the plan was anything but justice.

Please view the VPR of Dirton, then the 'summary judgment order' (CP 407-409) and McMahon's part admission of 'case law' etc, and please view the two end pages of Zahradnik's fraudulent 'declarations'. (CP – 170-280 pg 280) and (CP – please see McDowell's third designation of papers, last page of Zahradnik decl).

Beside being entirely nonsense and vile claims they are not the same claims of 'loans' and whatever else. Not the same therefore McMahon lied in the hearing to deny McDowell's continuance. It was fraud on court which is an offense of law and renders an order voidable, and, which Johnson abused his position or discretion. It wasn't only McMahon, Johnson acted in every way in prejudice. NOTE he tells McMahon to 'send him any changes' – which of course they both knew it was whole 'change', and the transcript proves ex parte.

Ex parte, (CP 139-145) 'per Linda Schramm, was ex parte McDowell never received an email, yet notice the harassing email from Schramm to McDowell (CP 341-312) bias prejudice. McDowell asked for date, nothing, else, yet note Schramm taunts McDowell three times 'look at the rules trial date' – the same time ex parte handing McMahon a double motion to short rule 56 against McDowell. Prejudice bias by Johnson and crew against McDowell. Then further as said at end of 'second' summary judgment' hearing they met after that also. Then, the trial date was a fraud.

Emails evidence is necessary here and McDowell has made a final designation of clerk's papers to show the court, though is no point to cite them here because McDowell is supposed to motion the court before putting them with a brief, and she could not do so before now for reasons she will explain in the motion. As placeholders, the following represent emails proving McMahon and Zahradnik waived trial, and McDowell notified the court no trial, and proof of further ex parte in a false and harassing 'notice' sent to McDowell by McMahon saying they would use the old trial day for false purposes, and proof the court knew McDowell filed other complaint against Zahradnik so there was no 'settlement'.

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LAW CITATIONS

As McDowell is out of time, please apply the statements in assignments of error, as also statement of case, with argument law cites below.
the following are citations of law that McDowell asks be applied to the above, every and anywhere appropriate, and factored as to grant reversal or voiding of the orders and reassignment to a different judge.

In *In re Marriage of Black*, the Supreme Court stated that "[r]eassignment may be sought where 'the trial judge will exercise discretion on remand regarding the very issue that triggered the appeal and has already been exposed to prohibited information, expressed an opinion as to the merits, or otherwise prejudged the issue.' *Marriage of Black* 188 Wn.2d 114, 137, 392 P.3d 1041 (2017) (quoting *State v. McEnroe*, 181 Wn.2d 375, 387, 333 P.3d 402 (2014)).

Johnson's actions were arbitrary and without law against McDowell's right to impartial tribunal.
"Arbitrary and capricious action has been defined as willful and unreasoning action, without consideration and regard for facts or circumstances." *Miller v. City of Tacoma*, 61 Wn.2d 374, 390, 378 P.2d 464 (1963)

Please also consider the following rule in review, and note that McDowell will motion the court to correct tables and supplement the emails and otherwise. RAP 1.2 Interpretation and Waiver of Rule By Court, states in relevant part:

RAP 1.2 (a) Interpretation. 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)., and; RAP 1.2 (c) (c) Waiver. The appellate court may waive or alter the provisions of any of these rules in order to serve the ends of justice, subject to the restrictions in rule 18.8(b) and (c).

Generally ex parte means "communications made by or to a judge, during a proceeding, regarding that proceeding, without notice to a party." *State v. Watson*, 155 Wn.2d 574, 579, 122 P.3d 903 (2005).

"[t]he rights of pro se litigants require careful protection where highly technical requirements are involved." *Garaux v. Pulley*, 739 F.2d 437, 439 (9th Cir. 1984)

A trial court abuses its discretion when its decision is manifestly unreasonable or based on untenable grounds. *In re Custody of C.D.*, 188 Wn. App. 817, 828, 356 P.3d 211 (2015). "In deciding a motion to continue, the trial court takes into account a number of factors, including diligence, due process, the need for an orderly procedure, the possible effect on the trial, and whether prior continuances were granted." *In re Dependency of V.R.R.*, 134 Wn. App. 573, 581, 141 P.3d 85 (2006).

Article 1 section 3 of the Washington Constitution provides that "[n]o person shall be deprived of life, liberty, or property, without due process of law." The Fourteenth

Amendment of the United States Constitution similarly provides that "[n]o State shall ... deprive any person of life, liberty, or property, without due process of law."

Fraud on the court by McMahon. – "To establish fraudulent misrepresentation one must prove nine elements by clear and convincing evidence: (1) representation of an existing fact, (2) the materiality of the representation, (3) the falsity of the representation, (4) the speaker's knowledge of the falsity of the representation or ignorance of its truth, (5) the speaker's intent that the listener rely on the false representation, (6) the listener's ignorance of its falsity, (7) the listener's reliance on the false representation, (8) the listener's right to rely on the representation, (9) damage from reliance on the false representation. - Baertschi v. Jordan, 68 Wn.2d 478, 482, 413 P.2d 657 (1966). We previously found that an element of fraudulent misrepresentation refers to a plaintiff's "reasonable reliance" on the representation. See Hawkins v. Empres Healthcare Mgmt., LLC, 193 Wn. App. 84, 100, 371 P.3d 84 (2016). An omission may constitute a misrepresentation if the party had a duty to disclose information and breached this duty. Landstar Inway Inc. v. Samrow, 181 Wn. App. 109, 124, 325 P.3d 327 (2014).

"The appearance of fairness doctrine provides that `judges should disqualify themselves in a proceeding in which their impartiality might reasonably be questioned.'" Id. at 761-62 (quoting Sherman v. State, 128 Wn.2d 164, 188, 905 P.2d 355 (1995)).

Johnson abused discretion against McDowell.

"Whether a motion for continuance should be granted or denied is a matter of discretion with the trial court, reviewable on appeal for manifest abuse of discretion." Trummel v. Mitchell, 156 Wn.2d 653, 670, 131 P.3d 305 (2006) (citing Balandzich v. Demeroto, 10 Wn. App. 718, 720, 519 P.2d 994 (1974)); see also Turner v. Kohler, 54 Wn. App. 688,693, 775 P.2d474 (1989) (reviewing CR56 motion for continuance for abuse of discretion); Davies v. Holv Family Hosp., 144 Wn. App. 483, 500, 183 P.3d 283 (2008) (reviewing CR 6 motion for continuance for abuse of discretion).

McDowell asserts CR 6 should have been applied

Dietze v. Kelley, No. 71098-2-I (Wash. Ct. App. Jun. 8, 2015)

The record does not establish facts that would allow the trial court to conclude under CR 19 that the lenders were necessary, let alone indispensable parties. We hold that, on this record, it was an abuse of discretion for the trial court to conclude that the lenders were both necessary and indispensable parties.

We therefore vacate the trial court's order granting SECU's and the neighboring owners' motion for summary judgment. We remand for further proceedings.

Relief Requested/Conclusion

For the reasons given herein and applicable laws, all orders listed on the Notice of Appeal should be reversed and/or voided/vacated and the case should be reassigned to an impartial judge.

The undersigned certifies this document and attached certificate contains 4545 words which count was obtained using the word count function in Microsoft Word.

Set forth this 27 th day of February, 2023.

s/Crystal McDowell
Crystal McDowell

15127 Main St E
Unit 104 #127
Sumner, WA 98390
cmappeal8@
protonmail.com

Certificate of Service

The undersigned Crystal McDowell certifies under penalty of perjury under laws of Washington state that she served correct copy of the forgoing document on the following person(s) on date of February 27, 2023 by method stated:

Service electronically through the
Court of Appeals portal on:

J. McMahon
purported lawyer of David Zahradnik
1103 Shaw Rd
Puyallup WA 98372

s/Crystal McDowell
Crystal McDowell

15127 Main St E
Unit 104 #127
Sumner, WA 98390
cmappeal8@
protonmail.com

1 – 1

Certificate of Service:
Appellant Opening Brief 56988-4-II

Exhibit D

McDowell Amended Notice of Appeal case 569884

**SUPERIOR COURT OF WASHINGTON
FOR PIERCE COUNTY**

Crystal McDowell,
Plaintiff,

v. (dismissed)

David Zahradnik,
Defendant

No. 20-2-06976-6

**AMENDED NOTICE OF
APPEAL TO THE COURT
OF APPEALS**

David Zahradnik
Counterclaim Plaintiff

v.

Crystal McDowell,
Counterclaim Defendant

1.1 Crystal McDowell as counterclaim Defendant seeks review and appeal of judgments/orders as herein listed, by the designated Appellate Court Div. II. Although there is rule indicating judgments not resolving all claims between litigants are not subject to appeal as matter of right whereas there is finality to the orders themselves and urgency to the matters as to appeal(s), though the Plaintiff filed complaint (counter), due the otherwise status of order(s) herein, Plaintiff believes she is entitled to review as matter of right as to the order(s). If a titling of discretionary review would be more appropriate, as the Plaintiff Ms. McDowell intends to

amend this notice she will be further reviewing said titling shortly.

1.2 The matters for appeal include each judgment/part of each order/judgment filing listed below and/or as will be further specified in amending this notice and on appeal. Copy of each order/judgment for appeal are attached hereto as:

Attachment A -order continuance for Zahradnik, and order dismissal McDowell, circle stamp dated Jan. 19th, actual date filed to record Jan. 25, 2022 per bar code stamp.

Attachment B -order granting Zahr/defendant summary judgment counterclaim, Jan. 31, 2022 circle stamp date, actual date filed to record Feb.3, 2022 per bar code stamp.

Attachment C -order denying motion reconsideration of Jan. 14th hearing and order Jan. 19, 2022, circle stamp date Feb.4th, actual date filed to record Feb. 8, 2022 per bar code stamp.

Attachment D –order 'pre trial', one circle stamp dated 'Dec. 20, 2021', another circle stamp 'Feb. 2, 2022', actual date filed to record Feb. 7, 2022 per bar code stamp (not filed to record prior to Feb. 7, 2022).

Attachment E –findings fact conclusion law (judgments/order) as stated being "attached" to and "incorporated" with the 'judgment summary' order, circle stamp 'Feb. 9, 2022', actual date filed to record Feb.11, 2022 per bar code stamp.

Attachment F -order titled judgment in record, and judgment summary in doc, circle stamp 'Feb. 9, 2022', actual date filed to record Feb.11, 2022 per bar code stamp

I declare under penalty of perjury under the laws of the state of Washington the facts set forth herein are true to the best of my knowledge, as signed below at Edgewood WA.

Filed to the court this 22nd day of February, 2022.

/s/ Crystal McDowell

Crystal McDowell

Pmb 127 15127 Main St E Unit 104
Sumner WA 98390 tel.206 499-6200

Served On:
Jacqueline McMahon
Lawyer of David Zahradnik
1103 Shaw Rd
Puyallup WA 98372

Exhibit E

'opinion' Sept. 6, 2023 case 569884
with colored markings added

September 6, 2023

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

CRYSTAL McDOWELL,

Appellant,

v.

DAVID ZAHRADNIK,

Respondent.

No. 56988-4-II

UNPUBLISHED OPINION

X MAXA, J. – Crystal McDowell appeals the trial court's order granting summary judgment in favor of David Zahradnik regarding Zahradnik's counterclaims against her.

McDowell and Zahradnik were married for over nine years until December 1997, when their marriage was dissolved. Before finalizing their dissolution, they signed a property settlement agreement that addressed commercial property they jointly owned. In November 2020, McDowell filed a complaint against Zahradnik for breach of contract of a separate financial agreement that they allegedly signed before finalizing their dissolution. Zahradnik responded with various counterclaims. The trial court dismissed McDowell's claims per her request and entered an order granting summary judgment in favor of Zahradnik on his counterclaims.

McDowell makes numerous claims challenging the trial court's decisions. Because McDowell has provided insufficient argument or analysis to support her claims, we have no

ability to address the issues she raises and decline to consider them. Accordingly, we affirm the trial court's order granting summary judgment in favor of Zahradnik.

FACTS

Background

McDowell and Zahradnik were married from June 1988 until December 31, 1997, when 1997 'divorce Irrelevant
McDowell filed LEGAL RCW Tenants Common Quit Claim in 2022
their divorce was finalized. They maintained an amicable relationship, and before their divorce
1997
was finalized they signed a separation and property settlement agreement.

In the agreement, McDowell and Zahradnik agreed to execute a quit claim deed to each other as joint tenants with right of survivorship for commercial property they owned on Meridian East in Puyallup. They also agreed that they would jointly manage the Meridian property, McDowell would receive all income from leasing the property, and Zahradnik would pay all mortgages, liens, and taxes on the property. McDowell and Zahradnik both would be responsible for the costs of all repairs on the property. Zahradnik later testified that there was an understanding that the Meridian property would be sold within two to four years and they would split the proceeds.

The agreement also stated that Zahradnik would pay spousal maintenance to McDowell of \$1,000 per month for a period of 18 months, beginning on January 1, 1998 and ending on June 1, 1999.

Complaint and Answer

In November 2020,¹ McDowell – representing herself – filed a complaint for breach of contract against Zahradnik. She claimed that Zahradnik had breached an agreement they had signed under which (1) McDowell could spend up to \$10,000 on Zahradnik's credit card to

¹ McDowell initially filed an unsigned complaint in July 2020.

purchase supplies and personal goods; (2) Zahradnik would pay McDowell \$3,500 each month for two years and then \$1,500 each month for one year after that; (3) McDowell would receive one third of the gross proceeds from the sale of the Meridian property at such time it was sold, and if Zahradnik used the property himself he would pay one third of the rental value per month to McDowell; and (4) McDowell and Zahradnik would sign wills leaving all properties and assets to each other and excluding all other family.

Zahradnik responded with various counterclaims. He claimed (1) ouster and injunctive relief because McDowell made the Meridian property her personal residence and posted a sign excluding Zahradnik; (2) breach of contract because McDowell refused to pay the utilities while living at the Meridian property and threatened to take his personal belongings; (3) conversion because McDowell took his personal property and the improvements he made to the Meridian property; (4) promissory estoppel because McDowell went against their agreement to hold the Meridian property as joint tenants with a right of survivorship; (5) unjust enrichment because he had paid the mortgage payments, property taxes, costs for the sewer, and utilities at the Meridian property; and (6) misrepresentation. Zahradnik also requested CR 11 sanctions against McDowell because she had filed a frivolous complaint based on false information.

Trial Court Proceedings

In December 2021, Zahradnik filed a motion for summary judgment. After opposing the summary judgment motion, McDowell filed a third amended motion for a voluntary dismissal of her breach of contract claims with prejudice in January 2022. The motion acknowledged that Zahradnik's counterclaims would remain regardless of the dismissal.

On January 14, 2022, at the summary judgment hearing, the trial court entered an order dismissing McDowell's breach of contract claims with prejudice and dismissing all of her other

claims without prejudice, per McDowell's request. The trial court continued the summary judgment hearing on Zahradnik's counterclaims to January 28. This continuance was granted to give Zahradnik time to file an amended motion for summary judgment that no longer addressed McDowell's dismissed claims. Zahradnik was ordered to file his amended summary judgment motion by January 20 and McDowell was ordered to file a response by January 24.

Zahradnik filed an amended motion for summary judgment that focused only on his counterclaims. McDowell filed a partially amended opposition to the summary judgment motion, stating that Zahradnik made false and fraudulent claims. She also requested another continuance of the summary judgment hearing, which the trial court denied. And McDowell requested reconsideration of the order dismissing her claims, which the trial court denied.

Summary Judgment Decision

The trial court granted summary judgment in favor of Zahradnik on his counterclaims. The court awarded Zahradnik damages for the rent owed when McDowell occupied the Meridian property, utility payments, real property taxes, sewer costs, \$140,000 that was loaned to McDowell for the purchase of a home, money that was loaned to McDowell for her father's estate, three quarters of the appraised value of the Meridian property, attorney fees, and CR 11 sanctions against McDowell.

In total, the trial court awarded Zahradnik damages in the amount of \$728,300 and attorney fees in the amount of \$33,825.17, with interest accruing at the rate of 12 percent.

McDowell appeals the trial court's order granting summary judgment in favor of Zahradnik.

ANALYSIS

Litigants representing themselves are held to the same standard as an attorney and must **X violation of RAP 1.2** comply with the rules of appellate procedure. *Winter v. Dep't of Soc. & Health Servs. on behalf of Winter*, 12 Wn. App. 2d 815, 844, 460 P.3d 667 (2020). RAP 10.3(a)(5) states that appellants should include references to the record in the "Statement of the Case" section and RAP 10.3(a)(6) states that appellants should support all arguments with "citations to legal authority and references to relevant parts of the record."

In addition, we generally decline to consider an issue when the appellant has failed to provide meaningful argument. *Billings v. Town of Steilacoom*, 2 Wn. App. 2d 1, 21, 408 P.3d 1123 (2017). " 'Passing treatment of an issue or lack of reasoned argument is insufficient to merit judicial consideration.' " *Samra v. Singh*, 15 Wn. App. 2d 823, 836, 479 P.3d 713 (2020) (quoting *Palmer v. Jensen*, 81 Wn. App. 148, 153, 913 P.2d 413 (1996)); see also RAP 10.3(a)(6).

McDowell makes numerous claims challenging the trial court's decisions. She claims that the trial court entered its findings of fact and conclusions of law without any basis in law or fact, and engaged in prejudicial actions, including improperly meeting ex parte with Zahradnik, allowing Zahradnik to commit fraud during the summary judgment hearing, and not considering her opposition filings. McDowell also claims that the trial court erred in (1) denying her request for a continuance to respond to Zahradnik's first summary judgment motion and her motion for reconsideration of dismissal of her complaint, (2) addressing her motion to dismiss her claims at the summary judgment hearing, (3) ordering a continuance for Zahradnik to amend his summary judgment motion and ordering an insufficient amount of time for McDowell to respond to

No. 56988-4-II

Zahradnik's amended summary judgment motion, and (4) granting summary judgment in favor of Zahradnik.

However, McDowell fails to support her many challenges to the trial court's decisions with any meaningful argument. She relies on conclusory statements that are not supported by any analysis, citations to the record, or relevant legal authority. She lists numerous citations to cases, but she states only that they should "be applied to the above, [and] every and anywhere appropriate." Br. of Appellant at 16.

Given that McDowell has provided insufficient argument or analysis to support her claims, we have no ability to address the issues she raises. Therefore, we decline to consider her claims.

CONCLUSION

We affirm the trial court's order granting summary judgment in favor of Zahradnik.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.


MAXA, J.

We concur:


CRUSER, A.C.J.



CHE, J.

Exhibit F

McDowell Appeal Brief case #569884
with colored markings for emphasis and to caveat

No. 56988-4-II

COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON

Crystal McDowell,
Appellant

v.

David Zahradnik,
Appellee

APPELLANT'S OPENING BRIEF

Crystal McDowell
Appellant
15127 Main St E
Unit 104 #127
Sumner, WA 98390

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Statement of Case	same
Argument	same
Relief Requested	19
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Table of Authorities

Cases (location pages 16-19)

Baertschi v. Jordan, 68 Wn.2d 478, 482, 413 P.2d 657 (1966).

Dietze v. Kelley, No. 71098-2-I (Wash. Ct. App. Jun. 8, 2015)

Garaux v. Pulley, 739 F.2d 437, 439 (9th Cir. 1984)

Marriage of Black 188 Wn.2d 114, 137, 392 P.3d 1041 (2017)
(quoting *State v. McEnroe*, 181 Wn.2d 375, 387, 333 P.3d 402 (2014)).

Miller v. City of Tacoma, 61 Wn.2d 374, 390, 378 P.2d 464 (1963)

State v. Watson, 155 Wn.2d 574, 579, 122 P.3d 903 (2005).

. *In re Custody of C.D.*, 188 Wn. App. 817, 828, 356 P.3d 211 (2015).

Trummel v. Mitchell, 156 Wn.2d 653, 670, 131 P.3d 305 (2006)

Other Authority

Rap 1.2.....

Judicial rules to be added

Introduction

First, unfortunately, there was a last minute loss of McDowell's original brief she was working on, and this version is a hasted put-together of pieces from different page folders, and so is sparse and unfinished. McDowell inputs parts, and intends to file supplement and other motions to salvage as able. This will be repeated at conclusion, the law citations and premises otherwise stated should be applied to the statements herein made, and where the record though not as cited herein as McDowell would like, is nonetheless provided in plenty to the Court, at cost to her, and further in compliance with rule, will motion

AR

to further supplement the record with important documents, that will make the matters clear for review.

Assignments of Error

[F E - fact element]

1. The adjudicator erred in engaging in ex parte schematics with Zahradnik's lawyer against McDowell.
2. The adjudicator erred in not recusing himself, sua sponte, before engaging in calculated prejudicial actions, outside rule of law, against McDowell, with and to benefit Zahradnik and his purported lawyer and other cohorts.
3. The adjudicator erred in ignoring, thereby denying, McDowell's request of a continuance to respond on Zahradnik's first summary judgment motion.
4. The adjudicator erred, in bringing, without notice, a motion McDowell had (only) filed to dismiss her complaint, in the hearing that was supposed to be on Zahradnik's summary judgment motion.
5. The adjudicator erred in making prejudicial actions against McDowell to coerce McDowell to dismiss her complaint, and then dismissing McDowell's complaint in the hearing.
6. The adjudicator erred, by sua sponte, also without notice to McDowell, offering, without request by Zahradnik's lawyer, and without justification, a continuance to Zahradnik lawyer McMahon to 'remove' pages from their motion, but actually was to write a new summary judgment motion, which continuance was six days.

F E
10, 11

7. The adjudicator erred, in sua sponte, then pressuring McDowell to only have very short time of three days for McDowell to respond on a second, new, large, summary judgment motion, concocted by Zahradnik's lawyer.

The adjudicator erred, in engaging ex parte schematics with zahradnik's lawyer and his purported court reporter, in altering the hearing transcript from Jan. 14, 2022 to benefit Zahrandik and his lawyer against McDowell.

F E
12, 13
14

The adjudicator erred, in the (second) summary judgment hearing, in attempting to get McDowell to name herself, against herself, on Zahradnik's summary judgment motion, in further ex parte schematics with Zahradnik's lawyer against McDowell.

F E
15, 16

The adjudicator erred, in prejudicially refusing to grant McDowell a reasonable continuance to respond on Zahradnik's large new summary judgment motion.

F E
17, 18
19 Fr

The adjudicator erred in allowing McMahan and Zahradnik to commit fraud in the hearing, claiming they made no new claims in the motion, as means to (also) deny a continuance to McDowell to respond the new large motion.

F E
20, 21
22

The adjudicator erred, in also throwing out both of McDowell's partial summary judgment opposition filings, despite already having accepted one of them in the previous hearing, after 'using' it along with McMahan to benefit McMahan and Zahradnik to 'fix' their motion, removing their admission of false claims, along with write a new motion with more new claims, prejudicially rendering McDowell without any defense whatsoever.

F E
23 - Ar

The adjudicator erred in schematic calculation with McMahan and Zahradnik to falsely use and abuse 'family law' in arbitrary and capricious actions against McDowell,

F E
24

despite the fact the litigants had been divorced for **over twenty three years** and had since had a **platonic** business association and he had just dismissed a contract as to that association.

The adjudicator erred in committing ex parte (again) between the time of the hearing and signing and entering the orders.

F E
25, 26
27

The adjudicator erred in granting and entering Zahradnik's summary judgment motion claims, and other claims, without basis in law, and without legal evidence, to extent of schematics including a false and violent 'injunction' scheme to remove McDowell from her property, to hand Zahradnik her half property ownership entirely, and otherwise 'bury' McDowell in false monetary claims beyond that confiscation, also with zero basis in law or facts. (CP 400-406).

Cit Rec
1

F E
28, 29

Cit Rec
2

3. The adjudicator erred in denying McDowell's motion for reconsideration of dismissal of McDowell's complaint and ordering short time to respond Zahradnik second new summary judgment motion. (CP 415-417).

F E
30, 31
32

4. The adjudicator erred in, engaging the false use of a defunct trial date, after entering the summary judgment as final in the record, as both cases dismissed, and, each litigant stating to the adjudicator in email, there was to be no trial.

F E
33, 34
35 Fr 2

5. The adjudicator erred in pretending to preside over a trial day, with no actual litigants, and, outside time rule time of rule 56 for a trial, and permitting Zahradnik and McMahon to commit said fraud on the court that entire day.

F E
36

(c) The adjudicator erred in, during the false 'trial' day, in absconding a 'pre trial order' from another case he had, and

F E
37 Fr
38 Fo
39

Cit Rec
3

manipulating said document, and forging signature to said altered document, then, entering said 'pre trial order' in the record, from another case, as if were part of the case. (CP 410-414) and Exh --

F E
40 Fr
41, 42

Cit Rec
4

6. The adjudicator erred in then further schematics with McMahon to scrawl further false orders and entering Findings of Fact and Conclusions of Law without basis in law or fact (evidence), in false use of the court on the defunct 'trial' day. Error is assigned to each judgment. (CP 423-433).

Cit Rec
5

(b) Similarly, the adjudicator erred in entering the Judgment Summary granting the claims/amounts therein. Error is assigned to each judgment. (CP 421-422).

['error' FL]

Issues in Assignments of Error

F E

AN

['impartial' FL]

1. Did the adjudicator err in bringing McDowell's motion to dismiss her complaint¹ without notice to McDowell, in a hearing² which was to be on Zahradnik's summary judgment motion (McDowell had scheduled motion hearing two weeks away due concerns on dismissing) ^{AN}violating McDowell's due process right of notice and right to impartial tribunal.

Did the adjudicator err in the same hearing, ignoring and thereby denying McDowell's motion for continuance to respond Zahradnik's (first) summary judgment motion.

Did the adjudicator err, in at the same time denying McDowell's motion for continuance, sua sponte without notice to McDowell, and without request by Zahradnik's lawyer, and without justification, offering Zahradnik continuance to write a new motion.

Did the adjudicator err in offering Zahradnik and his lawyer six days to rewrite their motion, under pretense of only 'editing' to significantly reduce the motion, and unequal attempt to give McDowell only three days for McDowell to respond on a new summary motion, instead of the number of days in rule CR56.

Did the adjudicator err in denying McDowell's request(s) of continuance made timely before the first summary judgment hearing.

Did the adjudicator err in the hearing, when Zahradnik's lawyer engaged in predatory action against McDowell to infringe McDowell's right of litigation privilege in writing in her pleadings, and first amendment rights therein, the same time ignoring McMahon and Zahradnik's false spewing claims in their own filings, and per McDowell responding, joining with Zahradnik's lawyer, against McDowell, to oppress McDowell, in bias and prejudice, and engage in otherwise convoluting actions indicating ex parte schematics with McMahon.

Did the adjudicator err in 'setting up' McDowell with McMahon and Zahradnik, to false apply and abuse 'family law' in arbitrary and capricious actions against McDowell, despite knowing the litigants had been divorced over twenty three years and had since had a platonic business association, having just dismissed a contract as to that association.

Did the adjudicator err, in also throwing out both of McDowell's partial summary judgment opposition filings, despite already having accepted one of them in the previous hearing, after 'using' it along with McMahon to benefit McMahon and Zahradnik to 'fix' their motion, removing their admission of false claims, along with write a new

motion with more new claims, prejudicially rendering McDowell without any defense whatsoever.

Did the adjudicator err in engaging in multiple ex parte communications with McMahon, Zahradnik's lawyer.

Did the adjudicator err in granting Zahradnik's summary judgment claims without basis in law or evidence.

Did the adjudicator err, after summary judgment, said to be final by both McMahon and the adjudicator, in pretending to preside over a trial day.

Did the adjudicator err in sending McDowell an email to dictate a 'trial', using a defunct trial date, and despite both litigants days before having both stated no trial, and being outside time per rule CR56.

Did the adjudicator err in absconding a 'pre trial order' from another case, and manipulating said document to put McDowell's name on it, and forging his signature, and entering it to the record during the claimed 'trial' day.

Did the adjudicator err in applying 'family law' and community property premise, to the orders and case despite the litigants 'divorce' settlement agreement' being **satisfied, fully, over twenty years ago**, and in calculated ignorance of the litigant's platonic business association and severance contract he dismissed, by bringing and coercing McDowell's motion without notice to McDowell.

Did the adjudicator err in not applying any principles of evidentiary rule or law in his findings or conclusions.

Did the adjudicator err in these instances violate Washington state rules of judicial conduct directing judges

to be impartial and honest and not engage in ex parte schematics against a litigant or allow his judicial assistant or others in his sphere do so.

Did the adjudicator abuse discretion, or position, or as to due process against McDowell, at damage to McDowell.

STATEMENT OF THE CASE

Cit Rec
6 F E
43

On July 20, 2020 McDowell filed breach of contract complaint against Zahradnik. CP

On discovery her complaint had been served late per statute law, assuming an untenable issue, she assumed she had to dismiss the complaint, and contacted Zahradnik's lawyer, who had appeared a day before McDowell discovered the flaw, assuming it would be simplest to co-sign a motion to dismiss. Instead of simply sign the dismissal motion, the lawyer McMahon and Zahradnik scrawled on McDowell motion fraudulent claims about McDowell's complaint in attempt to abscond McDowell's property rights. (CP and Ex tbn)

McDowell then emailed the lawyer a No Contact notice limiting any communication to service, only, if any, informed them she would be dismissing her complaint without their involvement. (CP and Ex tbn)

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44, 45

Disappointed that McDowell had misunderstood the time required for service, and loss of the complaint and over a hundred thousand dollars business severance, it took a month and half for McDowell to put together a proper dismissal motion. Upon going to file the motion, she noted the day before that Zahradnik had filed 'counterclaims', which had no basis in fact nor law, and were brought to both harass McDowell and destroy her name on the internet, in

F E
46

predatory actions by both Zahradnik and McMahon and others, and to 'route' harassment claims that Zahradnik knew McDowell could bring against him due six such actions by Zahradnik previous to McDowell serving complaint. The non-substance of the claims are evident at first glance of first page and at bottom, attached, as McMahon and Zahradnik caption label Zahradnik a 'third party' though obviously there are only two persons in the case, and to end of the paper dump, as McMahon makes knowingly bald face false claims that a letter McDowell sent with the summons, to though very hesitantly due to Zahradnik's harassment, offer to discuss settlement, which McMahon fraudulent repeatedly claims McDowell was 'demanding' Zahradnik not talk to anyone and 'demanding' Zahradnik sign a confidentiality agreement etc. This brief would be a mile long if McDowell reviewed all the slobbering false claims of Zahradnik and McMahon and so to keep short on the balance due to the loss of original brief mentioned and short time, uses as example that from the first glance of the claims to the end, everything in between is of the same, false and predatory frankly psychotic malice in attempted theft and destruction of McDowell, and here important to note again, the association of the litigants was platonic and business over decades, and it was McDowell who ended the association due to Zahradnik's refusal to honor an agreement to do activism one month with McDowell. That is clear on the 2014 Agreement attached to the complaint, per the words payment.. and 'upon demand by CM.

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Cit Rec
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To quickly move through the most critical of the case, on Dec. 15th 2021 Zahradnik and McMahon filed a motion to continue hearing dispositive motions, and attempt to short rule CR 56 against McDowell, and a day later filed a 'summary judgment motion', with mass additional false claims and in further attempt to incite violence against

McDowell, by their false claims, and references to 'the property'.

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Cit Rec
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The scheme of McMahon and Zahradnik, was and is to, flog around an old and long since null 'divorce decree', and picking out a stand alone phrase on each litigant paying their own living expenses, and knowingly fraudulently claiming that McDowell, in her complaint, 'made claims on the divorce decree', which, as the judges can see is a bald face lie, as to then, commence to spewing claims as to Appellant 'not paying living expenses in every other sentence, this though again twenty four years as separate legal entities, not living together, not married, not dating, and McDowell being former vice president of Zahradnik's company Aqua Brite. A The psychotic, fraudulent spewing is tactic also of Jacqueline McMahon, which is –accusatory inversion or projection, in other words, accusing McDowell of what Zahradnik and McMahon are doing, in their whole theft and destruction actions, and in part as to McMahon, because McDowell is an very sacrificing activist and her property though zoned commercial is green, and McMahon is involved in earth destruction schemes in Orting. Now to the base points:

F E
AR - AN
Cit Rec
10, 11, 12

The wrongdoing by the adjudicator in the January 14, 2021 hearing are grossly apparent in the transcript. Of note, there are omissions in the transcript, and false additions, however for purpose of reference here, is sufficient for use. McDowell abbreviates as partial verbatim report of proceedings, see PVRP pages 4, to conclusion. the first words from adjudicator G. Johnson Quote "I have here in my hand" is not McDowell bringing her motion, it is Johnson bringing McDowell's motion, and he then further engages in gross false statements, pretending to talk to 'mcmahon' but is clearly aimed at and intended to mislead McDowell, as he basically claims and repeats 'most of Zahradnik's claims would be resolved if McDowell

dismissed'. McDowell was caught completely off guard and did not recognize the setup being done, to defend against Johnson. McDowell doubted his claims, but at that moment remember McDowell is completely distracted by Johnson bringing McDowell's motion, then, proceeding to coerce McDowell into dismissing her complaint, and over a hundred thousand dollars. PAGE 5 see Johnson attempt to claim McDowell's motion was 'only' to dismiss with prejudice, which is false, and LINE 20 where McDowell says JUST A MINUTE. At that moment Johnson should have ceased speaking, but instead, he goes on to coerce and interrupt McDowell despite she says three times 'I was going to amend my dismissal', and specifically notes Zahradnik and McMahon preying on McDowell previously, and the need to be clear that dismissal was only due to late service, nothing else.

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Cit Rec
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Cit Rec
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Note, McDowell had sensed something wrong with Zahradnik and McMahon filing a counterclaim being able to file 'counterclaims' against a complaint that was served late, yet of seven lawyers only one questioned that McDowell's complaint was actually active, by their filing of claims, but couldn't put her finger on it exactly. They were active, and will be once the 'orders' by Johnson are voided and vacated, which, McDowell asserts is the case.

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McDowell apologizes she is not able to better separate the statement of case and argument sections more, she is simply crunched on time because of losing her work. Please view the partial VRP by Thompson, the matter is clear, McDowell did not bring her motion, and, the dismissal of her complaint due lack of notice should be void, and Johnson abused his position or discretion by ignoring and thus denying McDowell a continuance, and instead handing Zahradnik and his lawyer a continuance, violating WA judicial rules of conduct, as to fairness and law below on discretion. Further the gross scheme by McMahon and

Cit Rec
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Johnson to distract McDowell as McMahon is handed six days to write a new motion, that Johnson says on page '4' is supposed to be 'mostly resolved' then tell McDowell she only has six days to respond. to ram another forty six pages of motion to response

**Cit Rec
16**

Reference: Transcript of hearing Jan. 14, 2023. Then compare the first 'summary judgment motion dated Dec. 16th (CP 1546-169) and the second dated January 20, 2022 (CP 36-383).

**Cit Rec
17**

The second summary judgment is completely rewritten, to extent the CAPTION names McDowell against herself, purposely by McMahon in malice. McDowell rightly did not answer any part of it knowing that the new dump of papers contained new claims and was right. See the end page of Zahradnik's

AR

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The matter of review on the summary judgment 'orders' is, the denial of continuance to McDowell, while McMahon committed fraud on the court claiming in the second hearing on January 2 there were no new claims in the motion, when there were new claims, and also claims not in their counterclaims, which would be barred by claim proclusion. McDowell didn't get to answer any of it, as setup by McMahon and the adjudicator. See VPR of Dirton, four times Johnson attempts to get McDowell to say 'plaintiff' to name herself against herself, four times, then, goes straight to McMahon and doesn't acknowledge McDowell's two requests for continuance, because of course, the plan was anything but justice.

**Cit Rec
18**

**Cit Rec
19**

**Cit Rec
20**

Please view the VPR of Dirton, then the 'summary judgment order' (CP 407-409) and McMahon's part admission of 'case law' etc, and please view the two end pages of Zahradnik's fraudulent 'declarations'. (CP – 170-280 pg 280) and (CP – please see McDowell's third designation of papers, last page of Zahradnik decl).

AR Beside being entirely nonsense and vile claims they are not
AN the same claims of 'loans' and whatever else. Not the same
therefore McMahon lied in the hearing to deny McDowell's
continuance. It was fraud on court which is an offense of law
and renders an order voidable, and, which Johnson abused
his position or discretion. It wasn't only McMahon, Johnson
acted in every way in prejudice. NOTE he tells McMahon to
'send him any changes' – which of course they both new it
was whole 'change', and the transcript proves ex parte.

Cit Rec 21 Ex parte, (CP 139-145) 'per linda schramm, was ex parte
McDowell never received an email, yet notice the harassing
email from Schramm to McDowell (CP 341-312) bias
AR prejudice. McDowell asked for date, nothing, else, yet note
Cit Rec 22 Schramm taunts McDowell three times 'look at the rules
trial date' – the same time ex parte handing McMahon a
double motion to short rule 56 against McDowell. Prejudice
bias by Johnson and crew against McDowell. Then further
FE as said at end of 'second' summary judgment hearing they
AR met after that also. Then, the trial date was a fraud.

Cit Rec 23 Emails evidence is necessary here and McDowell has made a
final designation of clerks papers to show the court, though
is no point to cite them here because McDowell is supposed
to motion the court before putting them with a brief, and
she could not do so before now for reasons she will explain
in the motion. As place holders, the following represent
Cit Rec 24 emails proving McMahon and Zahradnik waived trial, and
McDowell notified the court no trial, and proof of further ex
FE parte in a false and harassing 'notice' sent to McDowell by
McMahon saying they would use the old trial day for false
AR purposed, and proof the court knew McDowell filed other
complaint against Zahradnik so there was no 'settlement'.

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(Ex

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LAW CITATIONS

AR As McDowell is out of time, please apply the statements in assignments of error, as also statement of case, with argument law cites below.
the following are citations of law that McDowell asks be applied to the above, every and anywhere appropriate, and factored as to grant reversal or voiding of the orders and reassignment to a different judge.

AR In *In re Marriage of Black*, the Supreme Court stated that "[r]eassignment may be sought where 'the trial judge will exercise discretion on remand regarding the very issue that triggered the appeal and has already been exposed to prohibited information, expressed an opinion as to the merits, or otherwise prejudged the issue.' *Marriage of Black* 188 Wn.2d 114, 137, 392 P.3d 1041 (2017) (quoting *State v. McEnroe*, 181 Wn.2d 375, 387, 333 P.3d 402 (2014)).

AR Johnson's actions were arbitrary and without law against McDowell's right to impartial tribunal.
"Arbitrary and capricious action has been defined as willful and unreasoning action, without consideration and regard for facts or circumstances." *Miller v. City of Tacoma*, 61 Wn.2d 374, 390, 378 P.2d 464 (1963)

AR Please also consider the following rule in review, and note that McDowell will motion the court to correct tables and supplement the emails and otherwise. RAP 1.2 Interpretation and Waiver of Rule By Court, states in relevant part:

AR
P 'sa st' Fr

RAP 1.2 (a) Interpretation. 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)., and; RAP 1.2 (c) (c) Waiver. The appellate court may waive or alter the provisions of any of these rules in order to serve the ends of justice, subject to the restrictions in rule 18.8(b) and (c).

Generally ex parte means "communications made by or to a judge, during a proceeding, regarding that proceeding, without notice to a party." State v. Watson, 155 Wn.2d 574, 579, 122 P.3d 903 (2005).

"[t]he rights of pro se litigants require careful protection where highly technical requirements are involved." Garaux v. Pulley, 739 F.2d 437, 439 (9th Cir. 1984)

A trial court abuses its discretion when its decision is manifestly unreasonable or based on untenable grounds. *In re Custody of C.D.*, 188 Wn. App. 817, 828, 356 P.3d 211 (2015). "In deciding a motion to continue, the trial court takes into account a number of factors, including diligence, due process, the need for an orderly procedure, the possible effect on the trial, and whether prior continuances were granted." *In re Dependency of V.R.R.*, 134 Wn. App. 573, 581, 141 P.3d 85 (2006).

Article 1 section 3 of the Washington Constitution provides that "[n]o person shall be deprived of life, liberty, or property, without due process of law." The Fourteenth

AR Amendment of the United States Constitution similarly provides that "[n]o State shall ... deprive any person of life, liberty, or property, without due process of law."

AR Fraud on the court by McMahon. – "To establish fraudulent misrepresentation one must prove nine elements by clear and convincing evidence: (1) representation of an existing fact, (2) the materiality of the representation, (3) the falsity of the representation, (4) the speaker's knowledge of the falsity of the representation or ignorance of its truth, (5) the speaker's intent that the listener rely on the false representation, (6) the listener's ignorance of its falsity, (7) the listener's reliance on the false representation, (8) the listener's right to rely on the representation, (9) damage from reliance on the false representation. - Baertschi v. Jordan, 68 Wn.2d 478, 482, 413 P.2d 657 (1966). We previously found that an element of fraudulent misrepresentation refers to a plaintiff's "reasonable reliance" on the representation. See Hawkins v. Empres Healthcare Mgmt., LLC, 193 Wn. App. 84, 100, 371 P.3d 84 (2016). An omission may constitute a misrepresentation if the party had a duty to disclose information and breached this duty. Landstar Inway Inc. v. Samrow, 181 Wn. App. 109, 124, 325 P.3d 327 (2014).

AR "The appearance of fairness doctrine provides that `judges should disqualify themselves in a proceeding in which their impartiality might reasonably be questioned.'" Id. at 761-62 (quoting Sherman v. State, 128 Wn.2d 164, 188, 905 P.2d 355 (1995)).

Johnson abused discretion against McDowell.

"Whether a motion for continuance should be granted or denied is a matter of discretion with the trial court, reviewable on appeal for manifest abuse of discretion." Trummel v. Mitchell, 156 Wn.2d 653, 670, 131 P.3d 305 (2006) (citing Balandzich v. Demeroto, 10 Wn. App. 718, 720, 519 P.2d 994 (1974)); see also Turner v. Kohler, 54 Wn. App. 688,693, 775 P.2d474 (1989) (reviewing CR56 motion for continuance for abuse of discretion); Davies v. Holv Family Hosp., 144 Wn. App. 483, 500, 183 P.3d 283 (2008) (reviewing CR 6 motion for continuance for abuse of discretion).

AR

McDowell asserts CR 6 should have been applied

Dietze v. Kelley, No. 71098-2-I (Wash. Ct. App. Jun. 8, 2015)

The record does not establish facts that would allow the trial court to conclude under CR 19 that the lenders were necessary, let alone indispensable parties. We hold that, on this record, it was an abuse of discretion for the trial court to conclude that the lenders were both necessary and indispensable parties.

AR

[example]

We therefore vacate the trial court's order granting SECU's and the neighboring owners' motion for summary judgment. We remand for further proceedings.

Relief Requested/Conclusion

AR

For the reasons given herein and applicable laws, all orders

Cit Rec
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listed on the Notice of Appeal should be reversed and/or

voided/vacated and the case should be reassigned to an

impartial judge.

The undersigned certifies this document and attached certificate contains 4545 words which count was obtained using the word count function in Microsoft Word.

Set forth this 27 th day of February, 2023.

s/Crystal McDowell
Crystal McDowell

15127 Main St E
Unit 104 #127
Sumner, WA 98390
cmappeal8@
protonmail.com

Certificate of Service

The undersigned Crystal McDowell certifies under penalty of perjury under laws of Washington state that she served correct copy of the forgoing document on the following person(s) on date of February 27, 2023 by method stated:

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purported lawyer of David Zahradnik
1103 Shaw Rd
Puyallup WA 98372

s/Crystal McDowell
Crystal McDowell

15127 Main St E
Unit 104 #127
Sumner, WA 98390
cmappeal8@
protonmail.com

1 – 1

Certificate of Service:
Appellant Opening Brief 56988-4-II

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February 27, 2023 - 4:43 PM

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Appellate Court Case Number: 56988-4
Appellate Court Case Title: Crystal McDowell, Appellant v. David Zahradnik, Respondent
Superior Court Case Number: 20-2-06976-6

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Exhibit G

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And Copy of Email

[Screen capture top of page Pierce sup court case record McDowell v. zahradnik # 202069766, and link to case record open to all persons to directly view/verify record.

Link - https://linxonline.co.pierce.wa.us/linxweb/Case/CivilCase.cfm?cause_num=20-2-06976-6]

Pierce County Superior Civil Case x +

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Pierce County Superior Court Civil Case 20-2-06976-6 [Purchase Copies](#)

Case Title: CRYSTAL MCDOWELL VS. DAVID ZAHRADNIK
Case Type: Miscellaneous
Access: Public
Track Assignment: Standard
Jury Size:
Estimated Trial Length:
Dept Judge: 10 GAROLD E. JOHNSON
Resolution: 01/31/2022 Summary Judgment
Completion: 01/31/2022 Judgment/Order/Decree Filed

Litigants		
Name	Type	Status
MCDOWELL, CRYSTAL	Plaintiff	DISMISSED
ZAHRADNIK, DAVID	Counter Claimant	
Attorney for ZAHRADNIK, DAVID	Type	Bar Number
JACQUELINE A. MCMAHON	Atty for Counter Claimant	19321
MCDOWELL, CRYSTAL	Counter Defendant	
ZAHRADNIK, DAVID	Defendant	DISMISSED
Attorney for ZAHRADNIK, DAVID	Type	Bar Number
JACQUELINE A. MCMAHON	Atty for Defendant	19321

Filings [e-file document](#)

[Screen capture Pierce sup court case record # 202069766 down left side - date 01-31-2022 - 'order granting summary judgment on counterclaims' – zahradnik 'counterclaims' as at top of page, same date johnson marked cases dismissed – then - week later feb 7 - 02-7-2022 'enters' 'trial' exhibits, 'trial' 'judgment' and 'findings conclusions'. Note red lines and x's added by McD for emphasis.]

for CIVIL Case X				
https://linxonline.co.pierce.wa.us/linxweb/Case/CivilCase.cfm?cause_num=20-2-06976-6				
01/26/2022	AMENDED REPLY DECLARATION OF ZAHRADNIK	Public	5	
01/26/2022	AMENDED REPLY MEMO IN SUPPORT SUMMARY JUDGMENT	Public	11	
01/26/2022	AMENDED REPLY DECLARATION OF MCMAHON	Public	16	
01/28/2022	MOTION TO CONTINUE SMJG	Public	4	
01/31/2022	MOTION FOR RECONSIDERATION	Public	4	
01/31/2022	ORDER GRANTING SUMMARY JUDGMENT ON COUNTERCLAIMS	Public	7	
02/01/2022	CLERK'S MINUTE ENTRY	Public	3	
02/01/2022	NOTE FOR JUDGES MOTION CALENDAR	Public	1	
02/01/2022	AMENDED NOTICE OF ABSENCE/UNAVAILABILITY	Public	2	
02/01/2022	NOTICE OF COMPLAINT	Public	2	
02/01/2022	COPY(S) OF EMAIL(S)	Public	2	
02/01/2022	COPY(S) OF EMAIL(S)	Public	3	
02/02/2022	COPY OF PRETRIAL ORDER	Public	5	
02/04/2022	RESPONSE TO MOTION FOR RECONSIDERATION	Public	6	
02/04/2022	COPY(S) OF EMAIL(S)	Public	2	
02/04/2022	ORDER DENYING MOTION FOR RECONSIDERATION	Public	3	
02/07/2022	CLERK'S MINUTE ENTRY	Public	3	
02/07/2022	DECLARATION OF JACQUELINE MCMAHON	Public	5	
02/07/2022	WITNESS LIST	Public	1	
02/07/2022	EXHIBITS RECEIVED IN VAULT - TRIAL	Public	2	
02/09/2022	FINDINGS OF FACT AND CONCLUSIONS OF LAW	Public	11	
02/09/2022	JUDGMENT	Public	2	
02/11/2022	PROOF OF SERVICE	Public	1	
02/11/2022	NOTICE OF APPEAL NO FEE	Public	23	

RE: Short question



Good morning,

The completion information is usually always Judgment/Order/Decree on most contested cases based on what the outcome of the case is such as *Judgment* for a case that resolved due to a Summary Judgment hearing or an *Order* of Dismissal based on a hearing to dismiss the case.

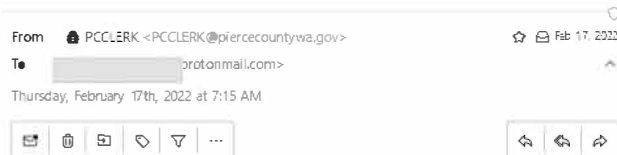
The resolution indicates what type of proceeding resolved the issue. The completion indicated which document was filed to complete the case.

I hope this further explains the case outcomes.

Please feel free to email with any other questions.

Thank you.

RE: Short question



Melissa Engler

Probate and Court Services Supervisor

Pierce County Clerk's Office

930 Tacoma Ave S #110

Tacoma, WA 98402

253-798-8621

From: n [redacted]@protonmail.com
Sent: Wednesday, February 16, 2022 4:25 PM
To: PCCLERK <PCCLERK@piercecounitywa.gov>
Subject: RE: Short question

That is what I assumed, thanks. Because it's reference point could you indicate your name or just first name? The email address is a reference though with no name or just first name it appears sort of blank-ish. at bottom of email if I need to use it for reference. If you don't include a name on email for privacy or other reason that's fine, if you could just indicate in reply. Thanks again for confirming.

Cris

RE: Record Request - Not Received

From  CLKpublicrecords <CLKpublicrecords@piercecountywa.gov>

★ Feb 28, 2022

To mcclegal6@protonmail.com

Monday, February 28th, 2022 at 8:55 AM



Let me make sure I understand your question. Are you asking when the "Presentation/Trial" hearing for 2/11/22 was scheduled? If so the proceeding was added to the calendar on 2/7/22 at 3:49 pm. The outcome of the proceeding is "cancelled/stricken" which was done on 2/10/22 at 10:31 am as I previously stated in my initial response.

Tyler Wherry
Public Records Officer
Pierce County Clerk's Office

RE: melissa response on question

From  PCCLERK <PCCLERK@piercecountywagov>

★ Jan 31, 2023

To mcclegal6@protonmail.com

Tuesday, January 31st, 2023 at 3:55 PM



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Melissa Engler

Probate and Court Services Supervisor

Pierce County Clerk's Office

930 Tacoma Ave S #110

Tacoma, WA 98402

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Appellate Court Case Title: Crystal McDowell, Appellant v. David Zahradnik, Respondent
Superior Court Case Number: 20-2-06976-6

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596971 pcsc 202069766.pdf*

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- jacqueline@mcmahonlawgroup.com

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Socond Motion For Reconsdieraion of Motion Modify

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Sumner, WA, 98390
Phone: (206) 499-6200

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April 28, 2025 - 10:00 AM

Filing Petition for Review

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: Case Initiation
Appellate Court Case Title: Crystal McDowell, Appellant v. David Zahradnik, Respondent (596971)

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Petition for Review
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- Lisa@mcmahonlawgroup.com
- jacqueline@mcmahonlawgroup.com

Comments:

Petition for Review - Motion on late petition included and or may be supplemented- Fee waiver motion will be filed later today.

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Address:
15127 Main St E Unit 104 #127
Sumner, WA, 98390
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