

Court of Appeals No. 588633 – Division II

Grays Harbor County Superior Court No. 23-2-00193-14

THOMAS G. NAUMAN, Petitioner

v.

TIMOTHY NAUMAN, et al, Respondents

PETITIONER’S MOTION FOR DISCRETIONARY REVIEW
TREATED AS A PETITION FOR REVIEW

Filed by Petitioner Thomas G. Nauman, pro se
880 W. Lost Lake Rd.
Shelton, WA 98584
808-895-1136

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TABLE OF AUTHORITIES

- Table of Cases –none used
- Constitutional Provisions—none used
- Statutes—none used
- Regulations and Rules—Respondent’s attorney told gross falsehoods in a motion to the court regarding Petitioner and his desire to be a part of drafting the land sales agreement.
- Other Authorities---More specific documents were sent from The Grays Harbor County Superior Court to the Appellate Court, Division II

I. INTRODUCTION

I feel that it is important to briefly explain the process of attempting to properly prepare this motion. My name is Jacob Nauman and I am the older son of Petitioner Thomas G. Nauman. I apologize for typing in the first person. However, this is my first attempt to file anything for my dad. For nearly the past year, my younger brother Joshua has been filing documents as the PTSD mental disorders caused by the several minute macing done by my uncle, Respondent Timothy Nauman to my dad have not abated. (Supreme Court Case No.1041403) My younger brother, Joshua, has been doing his best to assist my dad. However currently, my brother is not

capable. He had a pretty serious surgery in July and was supposed to take an entire month off of work. He only took two weeks off and when he went back to work he asked for overtime and was working 80 hour weeks at a pretty strenuous job. Josh and I were trying to save enough money for an attorney to file this document and the other document for the additional case in the Washington State Supreme Court. Josh had serious internal bleeding from returning to work too soon. He is now recovering but is on a lot of pain medicine which has pretty much knocked him out and he is unable to file documents for our dad as he has been doing. Our attempt to engage an attorney was pretty much a disaster. Together, Josh and I saved \$8,000 for an attorney. We found a firm who was willing to help us for the amount of funds we had saved. However, there was a misunderstanding. We thought our funds covered their review of the case files and preparing the two documents for filing. However, they used up the \$8,000 just reviewing the files for the two cases. They want more legal fees to prepare the two documents. We found this out just over a week ago. However, Josh and I have no more discretionary funds. Therefore we basically wasted \$8,000 and the task of attempting to correctly file the two documents has fallen upon me. Unlike my brother, this is my first time attempting to do so. Adding to the task is that I was never able to recover all of the preliminary work my brother had done on my parents' twenty-some year old computer that crashed and which Josh explained in the motion for an extension of time that he filed a couple of months ago. Therefore, I apologize for any discrepancies you may find regarding any RAP protocol.

II. ASSIGNMENTS OF ERROR

Assignments of Error

1. The Grays Harbor Superior Court erred by not giving Petitioner a chance to speak regarding the approximately 20 trailer loads of garbage dumped by Respondent Timothy Nauman in a field co-owned by Petitioner and his sister. The Court also erred when it told Petitioner, “We’re done,” when he tried to explain the complete theft and/or destruction of approximately 3 acres of what would now be 35-year old fir trees, as proven by a satellite picture showing a motocross track in the 3-acre area made by Respondent on land he did not own.
2. The Appellate Court erred by dismissing the case just because Petitioner and his son, Joshua, could not get anyone from Adult Protective Services to call the Appellate Court Clerk’s office by a given deadline to explain that there had been false information given to Petitioner Thomas G. Nauman and to his son, Joshua, regarding the availability of APS attorneys to assist Petitioner with his two cases.

Issues Pertaining to Assignments of Error

1. The Petitioner had three different judges or commissioners regarding this case. The first judge stated she was appalled by the actions of Respondent, especially when he attempted to ram Petitioner and his son off of the road and into some fir trees with a State of Washington Department of Transportation van he was driving. However, the second judge and then the commissioner simply disregarded any pertinent points Petitioner was attempting to orally explain to them. The commissioner would not even answer Petitioner’s question as to why the destruction and/or theft of three acres of fir trees by the Respondent Timothy Nauman was not even being considered by her.
2. Despite repeated promises given over many days to Petitioner and to his son Joshua, APS employees failed to call the Appellate Court Clerk’s office by the given deadline to explain that

incorrect information had been given to Petitioner and to his son Joshua and that APS attorneys would play no role in assisting Petitioner with the two cases.

III. STATEMENT OF THE CASE

Petitioner co-owned with his sister several acres of trees which he had replanted with his father with 4-year old fir seedlings in 1994. In April of 2021, Petitioner had the field surveyed to divide it. Even though Respondent does not own the land, his daughter saw the surveyors at the property and she or her mom called Respondent Timothy Nauman. He came rushing from Olympia back to the field near Elma in a State of Washington Department of Transportation van he was driving. (He is now retired from the D.O.T.) He verbally accosted the surveyors and was so hostile that they feared for their safety and packed up their gear and left. Before they drove off, they saw the Respondent drive down a dirt grade at a high rate of speed and screaming out of the window obscenities at the truck in which Petitioner's son, Joshua, was in the driver's seat and Petitioner was in the passenger's seat. Respondent attempted to block them from leaving the field. When Josh started to try to drive up to the county road, respondent slammed the DOT van in reverse and increased his speed, initially travelling parallel to Josh. Josh was trying to avoid hitting the encroaching fir trees on the right side of the truck. He did not notice that while travelling at about 35 mph, the Respondent had pointed the rear end of the DOT van at an angle toward the truck and was about ready to collide. Petitioner saw this and told Josh to slam on the brakes. The department of Transportation van missed hitting the truck by inches. If Josh had not slammed on the brakes there would have been about a 35 mph collision into the driver's side of the truck by the rear of the DOT van. As it was, over \$3,000 of damage was done to the

passenger's side of the truck from hitting the larger branches of the fir trees. Afterward, Respondent blocked Josh and Petitioner from exiting the field. This is recorded on Petitioner's cell phone and then Josh's cell phone, when Petitioner called 911. When Respondent saw that a phone call was being made he then left the field and returned to the home ¼ mile away which his father had given him. Respondent at some point later returned to the field and pulled up much of the surveyors stake work and ripped down the survey ribbons. Sometime later, Petitioner's sister decided to sell her half of the land to Petitioner's son, Joshua. Josh bought it even though she was asking twice the appraised value. He knew his dad had fond memories of the field. When Petitioner was young he raised a few beef cows for auction, trained his Labrador Retrievers, and helped his Dad change the irrigation each day after work during the summer in that field. Petitioner's sister engaged Respondent's attorney to assist with the sale to Josh. The second judge in Grays Harbor County Superior Court was very abrupt and gave the Petitioner and Respondents' attorney (who Petitioner's sister had engaged to assist with the sale) one week to agree on a price and draft the sales agreement otherwise he was going to put it up for auction. They agreed on a \$40,000 price (wiping out all of Josh's savings) even though it was double the appraised value. They agreed the very day of the hearing, on a Monday. The attorney had the entire business week to Email to the Petitioner a copy of the sales agreement. However, the attorney did not Email petitioner a copy of the sales agreement all week. Rather, He Emailed it that weekend, at around 9:30 P.M. on the Saturday night before the Monday hearing with the judge. Petitioner had told the attorney they would have no electricity that weekend due to water damage repairs so his computer would not be working. Also his cell phone Email could not pull up the attached sales agreement because it was in PDF format. Therefore, the first time Petitioner saw the sales agreement was when the attorney handed him a hard copy about two

minutes before the judge came into the courtroom on Monday, less than two days after the attorney emailed it at around 9:30 on a Saturday night to a home he had been told would have no electricity that weekend due to water damage repair work being done. Two minutes before the court session began, Petitioner saw the \$40,000 sales price, but did not notice the small phrase releasing Respondent Timothy Nauman from all claims for his actions in April, 2021 and he stated all of Respondent's garbage he had dumped in the field came with the land. The attorney told Petitioner to hurry and sign it otherwise this judge will "for sure put it up for auction." Even if Respondent's attorney thinks he pulled a sly trick by not getting the sales agreement to Petitioner all week, letting him have no part in the drafting of it, Emailing it to a home with no electricity at 9:30 on a Saturday night, and slipping in a phrase in a sales agreement between Josh and Petitioner's sister which attempts to get Respondent Timothy Nauman off of the hook for his actions, all of the garbage does not "come with the land sale" because half of the land was owned already by the Petitioner and there is garbage everywhere in what was once a beautiful pristine field. Also, it should be noted that the destruction and/or theft of fir trees did not occur on that date which Respondent's attorney snuck into the sales agreement.

IV. ARGUMENT

The second judge at Grays Harbor Superior Court gave the Petitioner no time to explain that he had been left out of the drafting of the sales agreement between his sister and his younger son, Joshua. Petitioner felt it very necessary that the judge should know the very deliberate and sneaky manner in which Respondents' attorney put in a phrase into the sales agreement and never Emailed Petitioner a copy of it for the entire business week. Rather he did it at around 9:30 P.M. on a Saturday night when he was told there would be no electricity at Petitioner's

home due to water damage repairs. Petitioner was wronged in having just two minutes to look at the sales agreement between his son Joshua and Petitioner's sister. He was also misled by Respondents' attorney when the attorney told him that the sales agreement needed to be signed before the court hearing began or the judge would put the land "for sure up for auction." The attorney basically used deceptive tactics the entire prior week and at the Monday hearing. He did this to get Respondent Timothy Nauman to bear no responsibility for his unhinged actions on the day in April, 2021, when the surveyors came to the property that is not even owned by him. Also, in a motion which the attorney had filed earlier, he stated that the matter of the approximately 20 trailer loads of trash would be dealt with at a later date. However, he used deception in the sales agreement between Petitioner's sister and Petitioner's son, Joshua, to even get Respondent Timothy Nauman to have no responsibility for cleaning up all of the garbage which he had dumped in the field not owned by him. Finally, the commissioner at the final Grays Harbor Superior Court hearing would not even answer Petitioner's question as to why the theft and/or destruction of approximately three acres of fir trees was being simply forgotten about and dismissed when it had nothing to do with Respondent's unhinged actions in April of 2021. All of these things are the actions for which Respondents' attorney is attempting to get Respondent Timothy Nauman to have no responsibility. They should not be dismissed due to unethical legal gamesmanship. They should have also not been dismissed at the Appellate Court simply because no one at Adult Protective Services could find a couple of minutes to call The Appellate Court clerk's office by a given deadline to inform The Court that Petitioner and his son were given incorrect information and that APS attorneys would be playing no role in assisting the Petitioner. This would have satisfied The Appellate Court's request that APS contact The Court's clerk office by a given date to state what role APS attorneys would be playing.

Petitioner's son contacted APS every business day for well over a week between the time he learned that he and his dad had been given incorrect information clear up until the deadline date. He spoke with at least five or six different individuals, several of them multiple times and even with one supervisor. Still, not one of them followed through on their assurances and even promises that they would contact the Appellate Court Clerk's office and the case was dismissed. Again, neither this case nor the aforementioned other case which is also currently at The Supreme Court should be dismissed for this reason of misinformation or for the reason of unethical legal trickery

V. CONCLUSION

Petitioner hopes that the Supreme Court can understand the obstacles which he faced in this matter. First, he was dealing with an unhinged brother who attempted to ram his son and him into a stand of fir trees with a Washington State Department of Transportation van which was traveling at approximately 35 mph. Had Petitioner's son Joshua not quickly hit the brakes, the rear end of the van would have easily slammed into the truck Joshua was driving and possibly even seriously injured Joshua. Petitioner also had three different judges or commissioners who were involved in this case. The latter two would not give Petitioner any time in the court room to voice his concerns in the manner in which the sales agreement for the land was drafted solely by Respondents' attorney. No opportunity was given for the Petitioner to state that Respondents' attorney Emailed the sales agreement at 9:30 P.M. on a Saturday night to a computer which he had been told would not be working due to having no electricity because of ongoing water damage repair at the house. Petitioner was misled at the following Monday morning hearing by Respondents' attorney who told Petitioner that he needed to sign the sales agreement before the

hearing started. Finally, the third commissioner would not even answer the question about why she was totally disregarding the approximately three acres of fir tree theft and/or destruction. These actions are not fair or just, and the Respondents should at least bear the responsibility of cleaning up all of their garbage and fairly compensate Petitioner for the fir tree theft and/or destruction. Using first person wording, I would also like to more clearly state the effect that the attempted ramming by the DOT van has had on my dad. When Dad was maced for several minutes in both eyes by my uncle (Supreme Court Case No. 1041403), my uncle was laughing and for 3 years a large number of Dad's hallucinations were of always seeing my uncle's grinning face (the last thing he saw before my uncle blinded him with mace in both eyes) looking at him through a window. Since the DOT van ramming incident, Dad's depression has deepened and his hallucinations and out-of-reality episodes have grown darker. Josh said there was sheer hatred on my uncle's face as he was cursing at them in the field. The surveyors told the survey company owner that they expected to hear gunshots because of the look on my uncle's face as he sped wildly down the grade into the field to confront my dad. Even Josh, who is a pretty big grown guy, says he was shaking all the way on the drive home after the encounter with my uncle. One can even hear Josh's voice on Dad's cell phone recording when my uncle had them blocked with the DOT van leaving no way for them to leave the field saying, "Boy, this is bad." Besides the incident described in the other case where my Dad was out- of- reality and had unknowingly slit his wrist and was just sitting on the bedroom floor bleeding out until Josh barely heard him say, "I don't want to die," and saw the large pool of blood and barely got the ambulance there in time, there have been several other times where we have had to take a sharp objects away from Dad when he is hallucinating or out-of-reality and doesn't know what he is doing. To know that his big brother who Dad still loves, now, for some unknown reason hates him so much has really

sunk Dad deeper into depression, enhanced his PTSD-like symptoms and made his out-of-reality episodes dark and depressing. The several minute long macing incident was my uncle's birthday party prank gone terribly wrong with my uncle laughing the entire time. However, the DOT van ramming incident was a purposeful intent to harm and has had a profound negative impact on my Dad. Dad also injured his right artificial shoulder as Josh slid to a stop and rammed into the fir trees on the passenger side, causing the aforementioned over \$3,000 in damage to the truck. Dad must have slammed hard into the inside of the truck door. In his condition right now, he is putting off having his shoulder re-replaced because it is a tough surgery and he is used to pain, having dealt with cancer and the resulting nerve damage from high dose chemotherapy and from several large tumor removal surgeries since he was 30-years old. But eventually he is going to have to get the shoulder fixed and yet my uncle's attorney slips a phrase into a land sales agreement between my brother and my aunt in an attempt to once again have my uncle not be held responsible for even more fallout from his damaging actions. Thank you very much for all of your time and attention to this matter.

WORD CERTIFICATE

This document contains 2,919 words, excluding the parts of the document exempted from the word count by RAP 18.17.

Prepared by Jacob Nauman, older son of Petitioner Thomas G. Nauman

Dated September 27, 2025

Respectfully submitted,



Thomas G. Nauman, Petitioner

THOMAS NAUMAN - FILING PRO SE

September 29, 2025 - 4:42 PM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 58863-3
Appellate Court Case Title: Thomas G. Nauman, Appellant v. Timothy Nauman, et al, Respondents
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The following documents have been uploaded:

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Address:
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Division Two

909 A Street, Suite 200, Tacoma, Washington 98402

Derek Byrne, Clerk/Administrator (253) 593-2970 (253) 593-2806 (Fax)

General Orders, Calendar Dates, and General Information at <http://www.courts.wa.gov/courts> **OFFICE HOURS:** 9-12, 1-4.

January 16, 2025

Thomas G. Nauman
880 W. Lost Lake Rd.
Shelton, WA 98584
naumant@aol.com

Eric Lanza
Buzzard O'Rourke, P.S.
PO Box 59
Centralia, WA 98531-0059
eric@buzzardlaw.com

CASE #: 58863-3-II Thomas G. Nauman, Appellant v. Timothy Nauman, et al, Respondents

Counsel:

On the above date, this court entered the following notation ruling:

A RULING BY COMMISSIONER BEARSE:

These matters have been pending since August 10, 2023 (59190-1-II) and October 17, 2023 (58863-3-II). A review of the appellate records shows that appellant/petitioner Thomas Nauman, sometimes with the involvement of family members, has received multiple extensions. Recently, on September 17, 2024, he received a 90-day extension to file conforming briefing or obtain representation. That extension ruling stated that "no further continuances would be granted." Then in mid-December, this court granted another extension only because Nauman indicated that Adult Protective Services (APS) planned to get involved in the actions. That ruling stated that these matters would be dismissed unless this court received direct contact from APS about the cases by January 15. It also said that "[n]o other extension requests would be accepted from the appellant or his family." Ruling (12/12/2024). That ruling was not modified. APS did not contact this court but Nauman has filed another extension request. Per the terms of the December 12, 2024 ruling, these matters are dismissed.

Sincerely,

A handwritten signature in black ink, appearing to be "Derek M. Byrne", with a long horizontal flourish extending to the right.

Derek M. Byrne
Court Clerk