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State of Washington
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Case #: 1041985

No. 86578-1

COURT OF APPEALS, DIVISION ONE
OF THE STATE OF WASHINGTON

DANIELLE T. PESTARINO,

Respondent,

v.

BART X. PESTARINO,

Appellant

PETITION FOR REVIEW

Bart Pestarino
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Issues Presented for Review

In the United States v. Rahimi, 21-11001, (5th Cir.) 2023 opinion, Judge James C. Ho stated, "Scholars and judges have expressed alarm that civil protective orders are too often misused as a tactical device in divorce proceedings – and issued without any actual threat of danger." I ask the Washington State Supreme Court to vacate this Civil Protection Order (CPO). The court could vacate this CPO by applying exculpatory provisions within RCW 7.105 itself without addressing constitutionality of RCW 7.105 provisions. In a case brought by Danielle Pestarino after I filed for legal separation from her, Skagit County Superior Court issued a CPO under the 2022 state law RCW 7.105. The WA State Legislature passed RCW 7.105 in defiance of US Supreme Court precedents.¹ I put Skagit on-notice of Danielle Pestarino's fraud at the start. Lower courts failed to apply US Supreme Court precedents. Washington State Court of Appeals Division 1's opinion conflicts with a Washington State Supreme Court precedent.² Division 1's

¹ RCW 7.105 passed in May 2021, versus McDonald v. City of Chicago, Ill., 561 U.S. 742 (2010), Crawford v. Washington, 541 U.S. 36 (2004), and Davis v. Washington, 547 U.S. 813 (2006)

² Bellevue Sch. Dist. v. E.S., 171 Wash. 2d 695, 257 P.3d 570 (2011) in Appellant's Brief, p. 54 and Appellant's Reply Brief, p. 15

opinion conflicts with WA State Court of Appeals precedents.^{3,4} I assert that Washington State Legislature and Skagit County Superior Court violated the US Constitution's Supremacy Clause. I assert that Washington State Legislature, Division 1, and Skagit County Superior Court violated the 2nd Amendment, 5th Amendment, 6th Amendment, and 14th Amendment.

Statement of the Case

In January 2024, three weeks after returning from the Newborn Intensive Care Unit (NICU) and about a month after emergency caesarean surgery, Danielle Pestarino ran away with our daughter. I filed for legal separation on February 7, 2024 to get an order to be able to see our daughter and to get an order to prevent Danielle Pestarino from fleeing the country with our daughter. On February 22, 2024, Danielle Pestarino filed for a CPO.

Skagit issued a one-year CPO based on RCW 7.105(4)(a)(i)(E)(IV) "Contact local or federal agencies based on actual or suspected immigration status" for allegedly terminating my application for spousal-based green card. The opposition conceded at Division 1 that no violation of RCW 7.105(4)(a)(i)(E)(IV) occurred. However, at

³ Catlett v. Teel, 15 Wash. App. 2d 689, 477 P.3d 50 (2020); Nielsen v. Washington State Dep't of Licensing, 177 Wash. App. 45, 309 P.3d 1221 (2013); Swanson Hay Co. v. State Emp. Sec. Dep't, 1 Wash. App. 2d 174, 404 P.3d 517 (2017)

⁴ Appellant's Brief, p. 54 and 56; and Appellant's Reply Brief, p. 15

Skagit, I disproved what Danielle Pestarino accused me of doing – terminating my application for spousal-based green card. My testimony was apparently inadmissible under ER 413. On April 25, 2025, United States Citizenship and Immigration Services (USCIS) terminated my application for spousal-based green card.

Rather than ruling on Supremacy Clause aspects, Division 1 switched the basis for CPO from immigration “coercive control” to domestic violence. Per Division 1’s own opinion, “Both parties submitted documentary evidence, including medical records, screen shots of text messages, and three police reports generated by 911 calls made by each party in January 2024. None of the reports indicated that law enforcement concluded that any party committed domestic violence.” I am a 47 year-old Certified Public Accountant (CPA) employed by the military with no criminal record, no pending charges, no history of domestic violence, and I have always paid-in-full my child support.

Two events I admit occurred do not constitute an assault or a battery and are subject to exceptions to liability, per RCW 7.105.010(6)(b)(iv)(C) “Meet specific statutory duties or requirements” of RCW 9A.16.020(6) and RCW 9A.16.020(3), respectively. The more recent event⁵ was three months prior to filing for a CPO, in

⁵ CP, Pp. 101-102 and Appellant Brief, Pp. 36-38

which Danielle Pestarino has never denied she was having a mental health episode at nine months pregnant on a stormy late-autumn night on a rural highway.

Danielle Pestarino, upset over a purchase of chicken for dinner, ranted about being dropped off on the shoulder of the highway, versus jumping out of the moving truck. She jerked the steering wheel, unbuckled her seat belt, and opened the door to jump. I prevented her from jumping out by grabbing her pullover jacket and closing the door. While holding her clothing to prevent her from attempting to jump out again, I pulled over at the first safe place where there was a fence between the highway and my truck. The fence prevented Danielle Pestarino from running out into traffic, potentially injuring (or worse) a commuter and/or herself and our daughter. Danielle Pestarino cried while standing in the rain and wind on the dark evening. I called her father in effort to get Danielle Pestarino back home into dry clothes in front of the fireplace. Danielle Pestarino talked by-phone with her father while standing in the rain and eventually acquiesced to getting back in the truck, and I drove the remaining 10 minutes home without incident. The first event took place a year prior to filing for a CPO, in which Danielle Pestarino has never denied she unlawfully imprisoned me by blocking my egress from bedroom to bathroom for about 30 minutes. I was trying to leave the bedroom because I needed to use the restroom. After 30 minutes, I urinated on clothes on the floor, and after

Danielle Pestarino stopped blocking my egress, I washed the clothes. I deny all other accusations.

Danielle Pestarino attempted to fabricate evidence by calling 911 in a “hysterical” manner (per police report), fraudulently claiming I was absconding with our daughter. It never happened, and police closed the case.⁶ In pleadings, Danielle Pestarino claimed a murder plot, murder-for-hire plot, murder-suicide plot, and plot to become an international fugitive.⁷ In pleadings, Danielle Pestarino claimed there was an “Evidence A” medical report⁸ that in-fact did not exist.⁹ In oral argument, her attorney Tracy Finnegan claimed a “loaded gun”¹⁰ in a photograph in-fact containing no firearm at all.¹¹ To qualify for free housing, Danielle Pestarino made claim of child abuse to Washington State Department of Children, Youth, and Families (DCYF). DCYF performed a physical examination of our daughter and found no evidence of abuse whatsoever. DCYF closed their investigation, so Danielle Pestarino moved out of her free housing.

⁶ CP, Pp. 61-67

⁷ CP, Pp. 12-13

⁸ CP, p. 15

⁹ CP, p. 92

¹⁰ Combined hearing transcript (Mar. 15, 2024), at 15:20

¹¹ CP, Pp. 113-115

Danielle Pestarino admitted to putting holes in walls of my house on separate occasions during pregnancy.¹² I owned the house prior to marriage. Danielle Pestarino stated it was my fault she put holes in the walls because I refused to help her. Danielle Pestarino is correct that I would not throw heavy objects at the walls as she did, and that is the reason why there were no holes in walls prior to Danielle Pestarino.

Danielle Pestarino's recent mental health challenges are documented. During pregnancy, Danielle Pestarino was prescribed pharmacological treatments for anxiety and emotional outbursts, and she received mental health counseling.

Danielle Pestarino chastised me in retrospect for not seeking mental health medical treatment for her.¹³ I did try to get Danielle Pestarino mental health help before and after the birth of our daughter, but Danielle Pestarino refused help.¹⁴ Danielle Pestarino stated, "Now he's just sure I'm dealing with post-partum depression. Well, if I am, that is not entirely unrealistic."¹⁵ At points in the past prior to ever meeting me, Danielle Pestarino also received pharmacological treatment and mental health counseling and has a history of childhood abuse, parental abandonment, family addiction challenges, and mental health challenges due to

¹² CP, Pp. 116-118 and 96-97

¹³ CP, p. 135:1

¹⁴ CP, p. 15 and p. 101

¹⁵ CP, p. 139:24

upbringing. While I believed the idea that anyone can rise above their circumstances to achieve success through hard work and sound ethics, shortly after marrying, Danielle Pestarino reverted to the difficulties of her upbringing.¹⁶

Despite her claims of abuse and death plots, Danielle Pestarino left her two dogs at my house when she ran away with our daughter. I cared for her dogs for six months before she finally arranged to pick up her dogs. I provided routine care, and I took one of the dogs to the veterinarian and got the dog medicine when the dog had an episode of a skin ailment.

Division 1 based their opinion on a text message Danielle Pestarino sent to a doula. The doula was not present to witness the alleged event, and the doula never did a doula's job due to our daughter's birth taking place in a hospital. A doula is not a medical provider, per RCW 18.47.010. In Washington State, a doula is a non-medical support person for which no license is required, per RCW 18.47.040.

Objective evidence provided to courts included multiple medical reports issued almost monthly due to prenatal care.¹⁷ As is standard practice for all patients, the medical provider performed domestic violence screening at the start of each visit.

¹⁶ Appellant Brief, Pp. 8-10

¹⁷ CP, Pp. 49-54

Medical reports detail Danielle’s mental health challenges during pregnancy and specifically state there was no domestic violence whatsoever.

Without addressing how there is a “pattern of conduct” per 7.105.010(6)(a), the RCW 7.105.010(6)(b)(iv)(C) exculpatory provision, or the mandatory precedents, and contra to all objective evidence, Division 1 sustained the CPO based on a finding of domestic violence per RCW 7.105.010(9)(b).

Danielle Pestarino’s retainer agreement with Tracy Finnegan actually says for Danielle Pestarino to go by herself – despite having retained Tracy Finnegan as counsel – to try to get a CPO, and if successful, Tracy Finnegan would represent Danielle Pestarino in the legal separation and CPO. Per Page 18 of Tracy Finnegan’s invoice¹⁸ (titled “Legal Separation 1 Child”, numbered #914, dated 09/20/2024, and submitted in this CPO case as damages), the invoice amount is \$25,230.01, yet \$0 payment. RPC 1.5(d)1 states, “A lawyer shall not enter into an arrangement for, charge, or collect: any fee in a domestic relations matter, the payment or amount of which is contingent upon the securing of a dissolution or annulment of marriage or upon the amount of maintenance or support, or property

¹⁸ Appellant Brief, Appendix A-3 and Petition for Review, Appendix A-2

settlement in lieu thereof'. Tracy Finnegan is an attorney who was admitted to the Bar despite never attending law school.

Argument

Danielle Pestarino's Fraudulent Intent

Danielle Pestarino, a Canadian citizen, can work and live in America anytime she wishes if she were to renounce her application for Violence Against Women Act (VAWA) self-petition green card and go back to being a nonimmigrant TN visa-holder working as a registered nurse (RN). Danielle Pestarino worked as a Registered Nurse on a TN visa in Washington State for years, and Danielle Pestarino could work on a TN visa in America indefinitely. Danielle Pestarino wants the unconstitutional CPO because it is the only way she is eligible for a self-petition green card, and she wants the CPO as advantage in marital dissolution proceedings. I assert fraud by Danielle Pestarino in obtaining this unconstitutional CPO with intent to commit immigration fraud to obtain a VAWA self-petition green card by making false claims contra to all objective evidence.

Of the long list of criteria to be eligible for VAWA, the only one for which Danielle Pestarino could have been eligible was CPO. In Washington State, a CPO

automatically makes the recipient eligible for free housing in a domestic violence shelter, so there is not only a welfare profit-motive but also a highly prejudicial, tug-at-the-heart-strings, circular argument of being a CPO recipient living in a domestic violence shelter, when they are one-in-the-same. The same Skagit County Commissioner, Heather Shand, issued the one-year CPO, then ruled that because of the CPO, I could not be a custodial parent, thereby accomplishing the objective of making Danielle Pestarino eligible for a green card, awarding sole custody, and deporting our American-citizen daughter to Canada while Danielle Pestarino waits for green-card issuance.

Vacate CPO without addressing unconstitutionality of RCW 7.105

“Unlawful harassment,” such as will support the entry of order of protection, requires a finding of a course of conduct.¹⁹ Per RCW 7.105(6)(a), “‘Course of conduct’ means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.” Here, there is no pattern because there is no series of acts. There is a constitutionally protected act of me terminating my Affidavit of Support pursuant to federal immigration regulation 8 C.F.R. § 213a.2(f)(2).²⁰ There are two events, eight months apart, and up to a year

¹⁹ Catlett v. Teel, 15 Wash. App. 2d 689, 477 P.3d 50 (2020)

²⁰ Appellant Brief, Pp. 18-35

prior to filing for a CPO, do not constitute “current contact”, were initiated by Danielle Pestarino, and therefore do not meet the criteria for CPO issuance of RCW 7.105.010(6)(b)(i), “In determining whether the course of conduct serves any legitimate or lawful purpose, a court should consider whether: Any current contact between the parties was initiated by the respondent only or was initiated by both parties.” There are Danielle Pestarino’s fraudulent claims, lower courts were on-notice of Danielle Pestarino’s fraud, and lower courts chose to cherry-pick some of the fraudulent claims to issue and sustain an unconstitutional CPO.

The most recent event, *supra*, is excepted from liability, per RCW 7.105.010(6)(b)(iv)(C) “Meet specific statutory duties or requirements”, by RCW 9A.16.020(6), “The use, attempt, or offer to use force upon or toward the person of another is not unlawful in the following cases: Whenever used by any person to prevent a mentally ill, mentally incompetent, or mentally disabled person from committing an act dangerous to any person, or in enforcing necessary restraint for the protection or restoration to health of the person, during such period only as is necessary to obtain legal authority for the restraint or custody of the person.”

Danielle Pestarino has never denied having the mental health episode at nine months pregnant. Undisputed facts are that 1) I pulled over at the first safe place where there was a fence between Danielle Pestarino and the rural highway to prevent Danielle Pestarino from running into

traffic during her meltdown; and 2) I held Danielle Pestarino's clothing to prevent her from jumping out of a moving vehicle only until I was able to pull off the highway and stop the truck. Moreover, a similar legal argument could be made under RCW 7.105.010(6)(b)(iv)(A) to "protect property or liberty interests" since it is foreseeable a car crash of a highway commuter can result from a person jumping out of a moving vehicle or running into highway traffic. Therefore, contrary to characterization by Division 1, this event cannot be a reckless driving or a domestic violence incident.

The event a year prior to the CPO, *supra*, is also excepted from liability, per RCW 7.105.010(6)(b)(iv)(C) "Meet specific statutory duties or requirements", by RCW 9A.16.020(3), "The use, attempt, or offer to use force upon or toward the person of another is not unlawful in the following cases: Whenever used by a party about to be injured, or by another lawfully aiding him or her, in preventing or attempting to prevent an offense against his or her person, or a malicious trespass, or other malicious interference with real or personal property lawfully in his or her possession, in case the force is not more than is necessary;". Danielle Pestarino has never denied unlawfully imprisoning me by blocking my egress from bedroom to bathroom for about 30 minutes. If I had the right to use force, it stands to reason that I had the right to choose not to use force to remedy the scenario. The whole point of why I needed to leave the bedroom for the bathroom is because I had to

urinate. Rather than physically move Danielle Pestarino from blocking my egress, I chose to urinate on clothes on the floor. After Danielle Pestarino ceased blocking my egress, I washed the clothes. Moreover, a similar legal argument could be made under RCW 7.105.010(6)(b)(iv)(A) to “protect property or liberty interests” since unlawful imprisonment RCW 9A.40.040 is a taking of liberty interests. Therefore, contrary to characterization by lower courts, this event cannot be a domestic violence incident.

This case has a similar fact-pattern to the Catlett case²¹ from Island County. There is constitutionally-protected behavior, there is a CPO petitioner who suffered from mental illness, and there is a CPO petitioner accused of fraud. A difference here is that there are also two events excepted from liability under statutes. In the Catlett case, the court vacated the unconstitutional CPO under exceptions to liability. I ask WA Supreme Court to also vacate this unconstitutional CPO under the exceptions within RCW 7.105.010(6)(a) and RCW 7.105.010(6)(b)(iv)(C).

Vacate CPO due to unconstitutional RCW 7.105 provisions and as-applied

Supremacy Clause violations

Washington State is a “sanctuary state”. Skagit County is a “sanctuary jurisdiction”. The Skagit County seat, Mount Vernon, WA, is a “sanctuary city”.

²¹ Catlett v. Teel, 15 Wash. App. 2d 689, 477 P.3d 50 (2020)

Division 1 avoided addressing Supremacy Clause violations and the defiance of *Arizona v. United States*, 567 U.S. 387, 399 (2012) by the Washington State Legislature and Skagit County Superior Court by ruling, “But we need not decide whether the conduct related to Danielle’s pending immigration application amounted to coercive control under statute, or whether any other alleged coercive acts met the statutory definition.”

Second Amendment violations

This unconstitutional CPO takes away my gun rights, and thus the regulated conduct falls within the scope of the Second Amendment. Per *Heller*, I am a person with Second Amendment rights, which lower courts and Danielle Pestarino accepted as fact. Per *Bruen*, the Second Amendment presumptively guarantees law-abiding citizens a right to bear arms in public for self-defense. Per *Bruen*, it is Washington State’s burden of proof to show WA’s law and court opinions do not violate the Second Amendment. I am a law-abiding citizen, I have no criminal record, and I have no pending charges — therefore, I am not a dangerous person, per *Rahimi*. Therefore, I have Second Amendment rights, and Washington State violated my rights by issuing and sustaining an unconstitutional CPO.

By avoiding the “coercive control” aspect, maintaining the unconstitutional CPO required seeking a new bait-and-switch basis that also needed to attempt to justify

Skagit County Superior Court’s Second Amendment violations. In attempt to justify the taking of my gun rights, Division 1 needed to find a basis to proclaim I am a dangerous person as required by Rahimi, despite the fact Skagit County cited no statutory basis or how facts fit elements of danger. However, neither Division 1 nor Skagit applied US Supreme Court precedents, instead relying on a ‘check-the-box’ approach of proclaiming danger where all objective evidence is contra to the courts’ proclamation.

Division 1’s outlier definition / finding of “domestic violence” could best be summarized in the rest of America as “unsubstantiated fraudulent accusations contra to all objective evidence in furtherance of unconstitutional gun control measures”. The outlier definition does not meet standards of US Supreme Court precedents focused on protecting Americans’ individual rights. A foreigner’s self-petition green card is not a valid reason to sustain an unconstitutional CPO to take an American’s 2A gun rights as the sacrificial lamb at the altar of “sanctuary status”.²²

Division 1’s avoidance of Bruen is understandable from the standpoint that RCW 7.105 pre-dates Bruen, and RCW 7.105 does not stand up to the Bruen tests, so it

²² see EO 14206 — Protecting Second Amendment Rights (February 7, 2025) and United States Attorney General's Department of Justice Memorandum of February 5, 2025 ‘SANCTUARY JURISDICTION DIRECTIVES’

was simply better to pretend the Bruen mandatory precedent does not exist. As a 2022-law in which WA Legislature made new categories for liability and a new outlier definition of “domestic violence” not accepted in the rest of America, RCW 7.105 fails the “historical analogue” Bruen tests and Rahimi tests. Since there is no historical analogue to RCW 7.105’s new categories for liability and new outlier definition of “domestic violence”, RCW 7.105 is not consistent with the historical tradition of firearm regulation in the United States. RCW 7.105 fails to demonstrate a historical pedigree as required by the Rahimi test and Bruen tests, and the CPO is therefore unconstitutional.

Per Division 1’s own opinion, “Law enforcement did not find evidence to support a conclusion of physical assault”, so Division 1’s conclusion equating me with Rahimi is patently unreasonable. Nonetheless, Division 1 antithetically proclaimed, “Bart fails to acknowledge that the DVPO is based on a finding of ‘domestic violence’ supported by evidence of physical assault.” Given that Division 1 uses a new bait-and-switch basis to sustain the unconstitutional CPO in purported “domestic violence”, one would expect to find discussion of how facts fit elements of assault or of battery. However, Division 1 skips any analysis of an assault or of a battery because no objective evidence supports the conclusion.

Division 1's label of me as a dangerous person analogous to Rahimi is as dissimilar as chalk and cheese. On one hand, Rahimi is a convicted drug-dealer felon with a rap sheet a mile long who an eye-witness caught on-video dragging the mother of Rahimi's child across a parking lot by her hair. After a friend's credit card was declined at a fast-food restaurant, Rahimi pulled out a pistol and fired several shots into the air. The US Supreme Court determined Rahimi was a dangerous person. On the other hand, I am a 47 year-old Certified Public Accountant (CPA) employed by the military with no criminal record, no pending charges, no history of domestic violence, and I have always paid-in-full my child support. No one, including Danielle Pestarino, has ever accused me of mishandling firearms, brandishing firearms, or unlawfully discharging firearms. Despite no similarities whatsoever, Division 1 determined I am supposedly a dangerous person like Rahimi, an absurdly unreasonable conclusion. Division 1's proclamation is only possible by starting with a conclusion of dangerous person like Rahimi and working backwards, ignoring all objective evidence in the whole case, basing an opinion on Danielle Pestarino's fraud and hearsay of a non-medical support person doula, and defying mandatory precedents.

On Page 8 of the CPO and on derivative Form WS 001 Order to Surrender and Prohibit Weapons (ORWPNP), the trial court ordered that I cannot possess or control firearms in Washington State. The derivative Form WS 001 Order to

Surrender and Prohibit Weapons (ORWPNP) states the type of order is “Final/Post Conviction”. Conversely, per facts stated above, I have no pending charges, no conviction, and no history of domestic violence, thus “Post Conviction” is an impossibility. Skagit failed to perform required tests at all and Division 1 absurdly concluded a dangerous person like Rahimi after skipping the mandatory Bruen tests. The bottom line is Washington State failed to fulfill its burden of proof as required by mandatory precedents, therefore the CPO is unconstitutional.

Due Process Violations

Division 1 failed to address the fact that a RCW 7.105 “special proceeding” has less due process than a contracts action or a tort action, a shocker given that neither a contracts action nor a tort action involves the taking of constitutional rights as in a RCW 7.105 “special proceeding”. I have not yet had a real trial; I had a Soviet-style “special proceeding” at Skagit as specified in the untested, unconstitutional 2022 law RCW 7.105, and I had an “appellate trial” where judges refused to address due process violations and Skagit errors of discretion. Skagit and Division 1 engaged in cherry-picking allegations to ‘prove’ predetermined dogmas, and the WA Legislature’s and the lower courts’ ideology has turned the Washington State legal system into a commissariat of sorts in which relativism is now the norm.

To provide a comparative law example, in Nevada where I reside, it takes a jury trial to issue a CPO due to the equivalent of criminal penalties in which constitutional rights are removed. The objective in Nevada is to protect individuals' constitutional rights, versus Division 1's outlier approach of sustaining a CPO by making it impossible for an individual to get a fair trial after not receiving a trial at all at Skagit.

The RCW 7.105.200(1) hearings procedure specifies a "special proceeding" in which, per RCW 7.105.200(4)(a), "The extent to which a defendant's Fifth Amendment rights are or are not implicated, given the special nature of protection order proceedings, which burden a defendant's Fifth Amendment privilege substantially less than do other civil proceedings". So from the get-go, the statute explicitly states that the "special proceeding" abridges 5th Amendment rights to provide "substantially less" due process than "other civil proceedings".

Per 7.105.200(5), the statute says that the rights of petitioners are more important than rights of accuseds because "the purpose of this chapter to provide victims quick and effective relief." Moreover, accuseds are not allowed to call witnesses or cross-examine the accusers because, "Live testimony of witnesses other than the parties may be requested by a party, but shall not be permitted unless the court finds that live testimony of witnesses other than the parties is necessary and

material.” There is no right to object because there is a “rebuttable presumption against delay” so the accused can get that “quick and effective relief”. Per RCW 7.105.200(7), the rules of discovery do not apply, and discovery can only occur if specifically authorized by the court. Per RCW 7.105.200(8), “The rules of evidence need not be applied, other than with respect to privileges, the requirements of the rape shield statute under RCW 9A.44.020, and evidence rules 412 and 413.” ER 413 renders evidence of the immigration status of criminal defendants, civil plaintiffs, and witnesses presumptively inadmissible at trial. So Danielle Pestarino can accuse me of immigration “coercive control”, but my testimony is apparently inadmissible per the ER 413 mechanism. The deck is heavily stacked, and the threshold is simply to show more than 50% probability, per RCW 7.105.225. An RCW 7.105 CPO “special proceeding” does not comply with due process requirements applicable to my 2nd Amendment rights, as required by McDonald v. City of Chicago, Ill, 561 U.S. 742, 130 S. Ct. 3020, 177 L. Ed. 2D 894 (2010). Skagit and Division 1 failed to address the McDonald mandatory precedent. Therefore, the RCW 7.105 “special proceeding” is unconstitutional on its face and as-applied.

Since a CPO is equivalent to criminal penalties by removing my constitutional rights, RCW 7.105 circumvents and undermines my Sixth Amendment rights in the Confrontation Clause applicable to states via the Fourteenth Amendment. Should a

court argue that the Sixth Amendment's Confrontation Clause only applies to criminal cases and not civil cases, such an argument also does not pass the Bruen test that if a litigant asserts the Sixth Amendment right in court to be confronted with the witnesses against him, courts are required to consult history to determine the scope of that right.

RCW 7.105 violates the Equal Protect Clause because WA CPOs are outliers compared to the rest of America and do disproportionate harm to military service members, federal employees, law enforcement personnel, and defense contractor personnel with security clearances. The 18 U.S.C. § 922(g)(8) mechanism reports all CPOs, including CPOs that were never envisioned when 18 U.S.C. § 922(g)(8) became law in 1994, to the National Crime Information Center (NCIC) administered by the FBI. The NCIC information is being used adversely in federal personnel actions. Military service members are being involuntarily discharged because they cannot possess or control firearms due to WA CPO, and law enforcement officers will lose their jobs. Due to WA CPOs, there are people like me who have security clearances at risk, which if revoked, involves job loss and loss of pension. 18 U.S.C. § 2265 enforces outlier WA CPOs across America.

With Division 1's assertions that "there is no basis in law or logic" to question fraudulent claims that are contra to all objective evidence and that

a non-medical support-person-doula's hearsay is superior to all objective evidence, Division 1 shoehorned an expedient result. As a comparative law example, per FRE 607, there is "basis in law and logic" to question fraudulent claims that are contra to all objective evidence. WA Legislature's act of labeling a RCW 7.105 "special proceeding" as a civil proceeding allowing hearsay of domestic violence accusations to take away constitutional rights smacks of establishing a vehicle to dodge Crawford v. Washington, 541 U.S. 36 (2004) and Davis v. Washington, 547 U.S. 813 (2006) [a domestic no-contact order]. As the Ninth Circuit Court of Appeals stated in Hernandez v. Ashcroft, "...every insult or unhealthy interaction in a relationship does not rise to the level of domestic violence". RCW 7.105 is a backdoor way to impose criminal liability and so vague as to ensure courts could issue CPOs at every insult or unhealthy interaction as subterfuge to confer "sanctuary status" via self-petition green card and is therefore void for vagueness.

Conclusion

The current Washington State practice of defying mandatory precedents, proclaiming guilt without charges, and imposing the equivalent of criminal penalties without a trial is unconstitutional. Lower courts simply cherry-picked

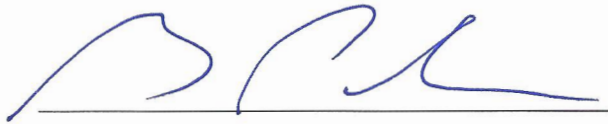
²³ CP, Pp. 12-13

fraudulent claims to issue and sustain an unconstitutional CPO for the benefit of a foreigner seeking self-petition green card, sole custody, and monetary benefit.

Danielle Pestarino's motivations for a green-card, free housing, use of a contingent fee agreement in a legal separation case, and advantage during marital dissolution are woefully inadequate reasons to take constitutional rights from an American citizen. This case is a fraud from the get-go, and I ask the WA Supreme Court to vacate this unconstitutional CPO. WA Supreme Court can vacate this CPO using the RCW 7.105 exculpatory provisions without addressing the unconstitutionality of RCW 7.105 provisions.

RESPECTFULLY SUBMITTED this 19th day of May, 2025.

CERTIFICATE OF SERVICE I certify, under penalty of perjury under the laws of the state of Washington, that on May 19, 2025, I electronically filed the foregoing document via the Washington State Appellate Courts' Secure Portal which will send a copy of the document to all parties of record via electronic mail. DATED this 19th day of May, 2025.



Bart Pestarino
Pro Se Appellant

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DANIELLE TETRAULT PESTARINO,

Respondent,

v.

BART XAVIER PESTARINO,

Appellant.

No. 86578-1-I

DIVISION ONE

UNPUBLISHED OPINION

COBURN, J. — Bart Pestarino appeals the entry of a one-year domestic violence protection order (DVPO) protecting Danielle Pestarino and their minor child.¹

Substantial evidence supports the trial court’s finding that Bart engaged in acts of domestic violence and Bart otherwise fails to establish a constitutional violation or error. We affirm.

FACTS

Bart and Danielle married in December 2022 and their child was born a year later. When they met and began dating, Danielle, a Canadian citizen, was working in Skagit County on a travel nursing contract assignment with a temporary work visa associated with that employment. At some point after the parties married and Danielle’s travel nurse contract had ended, the parties submitted an application for Danielle to

¹Because the parties share the same last name, we use their first names for clarity.

obtain a “green card,” and as a part of that process, Bart was required to sign an “Affidavit of Support,” agreeing to reimburse the federal government in the event that Danielle received public assistance.

In February 2024, Danielle filed a petition for a DVPO on behalf of herself and the parties’ child against Bart. Danielle’s petition identified the “most recent incident” as a “physical assault” that took place on December 26, 2023. Danielle alleged that while she was wearing a baby carrier that held the parties’ 3-week-old infant, Bart threw a wooden chair at her and hit her on the thigh. Danielle stated that she tried to escape by going upstairs, and Bart pushed her, while still carrying the baby, into a basement bedroom and “smacked” her phone out of her hands to prevent her from calling the police. Danielle explained in her declaration that she was afraid to report the incident to medical providers when she took the baby to a previously scheduled appointment on the day of the incident. However, Danielle provided evidence that she contemporaneously told her doula what happened in a text message and also communicated with Bart’s mother, who offered refuge at her home.

Danielle also described verbal arguments, threats, and intimidating remarks, and alleged that Bart physically assaulted her on several previous occasions in 2023. Danielle claimed that Bart threatened divorce, “her immigration status,” cancellation of her health insurance, and other “legal trouble.” Danielle also alleged that in January 2023, during an argument about moving her clothing into the parties’ shared bedroom, Bart forbade her from moving things in his home and urinated on a box of her clothing. After Bart filed a petition for legal separation in February 2024, Danielle permanently

moved out of the home she shared with Bart. Danielle declared that Bart owned multiple firearms and had made threats to harm law enforcement if they attempted to remove his firearms or others who entered his property without his permission.

In a responsive declaration, Bart characterized Danielle's petition as "retaliation," a ploy to gain an advantage in the pending family law matter, and laying the groundwork for a plan to fraudulently secure a visa based on domestic violence victim status. Bart posited that Danielle was suffering from post-partum depression or other mental health condition. Providing his own version of some incidents Danielle described, Bart denied throwing a chair at Danielle, and claimed he simply removed a chair because Danielle threatened to endanger herself and the baby by standing on it with the baby in a carrier. Bart admitted that he urinated on a box of Danielle's clothing, but only because she "blocked" the bedroom doorway. Bart claimed he did not prevent Danielle from reporting any incident to law enforcement because his home was only two blocks away from the police station and Danielle could have walked there at any time.

Bart denied interfering with Danielle's pending "green card" application. However, he explained that, in January 2024, because he believed Danielle intended to move out of his home, he withdrew the "Affidavit of Support" he had previously submitted in support of her application, as he was no longer willing to assume the risk of being the "financial backstop." Finally, asserting that Danielle's "wild accusations" were unsubstantiated and "flawed," Bart asked the court to impose CR 11 sanctions against Danielle.

Both parties submitted documentary evidence, including medical records, screen shots of text messages, and three police reports generated by 911 calls made by each party in January 2024. None of the reports indicated that law enforcement concluded that any party committed domestic violence.

The parties appeared, represented by counsel, at a March 2024 hearing on the petition before a superior court commissioner. The court indicated that it had thoroughly reviewed the file, and, after considering the sworn statements and documents filed by the parties and arguments of counsel, the court entered a one-year DVPO protecting Danielle and the parties' child. The court orally ruled, "[i]t's clear to me that there is domestic violence going on in this home, both physical and by way of coercive control." Specifically, the court noted that one example of exerting coercive control set forth in Washington's civil protection order statute is contacting authorities regarding an individual's suspected or actual immigration status, and stated that Bart "is using that as a way to control" Danielle. The court also found that Bart represented a "credible threat" to Danielle's safety and ordered Bart to surrender all firearms in his possession to law enforcement and prohibited him from possessing or purchasing firearms or other dangerous weapons for the duration of the DVPO.² The DVPO did not preclude Bart's visitation with the parties' child if ordered in the family law proceeding.

² Bart asserted below that he had entrusted seven firearms, including one registered to Danielle, to his parents. Noting that no declaration from Bart's parents to that effect was in the court file, the trial court nevertheless ordered the surrender of weapons.

DISCUSSION

Representing himself on appeal, Bart claims (1) the trial court erred when it concluded that he engaged in coercive control by actions related to Danielle's immigration status, (2) the DVPO proceeding violated his constitutional right to due process, and (3) the DVPO's firearm restrictions violated his rights under the Second Amendment.

As an initial matter, Danielle urges us to dismiss Bart's appeal on two separate bases. First, Danielle argues that the appeal is moot because the DVPO has now expired. A case is moot if there is no longer a controversy between the parties and the question presented is merely academic. Pentagram Corp. v. City of Seattle, 28 Wn. App. 219, 223, 622 P.2d 892 (1981). However, a case is not moot if we can still provide effective relief. Id. "Effective relief" can include cleansing a person's record and reputation of the "continuing stigma" of a protection order. Hough v. Stockbridge, 113 Wn. App. 532, 537, 54 P.3d 192 (2002), rev'd on other grounds, 150 Wn.2d 234 (2003). Here, Bart asserts that this court can still provide effective relief because reversal of the DVPO would effectively terminate an "adverse personnel action" related to his security clearance, employment, and pension. In these circumstances, it appears that we may still provide effective relief and we address the merits of his appeal.

Second, Danielle contends that Bart's appeal should be dismissed because he fails to provide adequate legal support for his arguments and largely fails to include proper citations to the record. See RAP 10.3(a)(6) (appellant must provide "argument in support of the issues presented for review, together with citations to legal authority and

references to relevant parts of the record”). However, the Rules of Appellate Procedure are “liberally interpreted to promote justice and facilitate the decision of cases on the merits” and we do not determine cases solely “on the basis of compliance or noncompliance with these rules except in compelling circumstances where justice demands.” RAP 1.2(a). No such compelling circumstances exist here where we are able to discern the substance of Bart’s arguments, the legal authority he relies on, and the relevant facts. We decline to dismiss the appeal on procedural grounds.

We review the decision to grant or deny a DVPO for an abuse of discretion. Rodriguez v. Zavala, 188 Wn.2d 586, 590, 398 P.3d 1071 (2017). A court abuses its discretion if its decision is manifestly unreasonable or based on untenable grounds or untenable reasons. In re Marriage of Chandola, 180 Wn.2d 632, 642, 327 P.3d 644 (2014).

When, as here, the trial court has weighed the evidence, our review is limited to determining whether substantial evidence supports the court’s findings of fact and, if so, whether those findings support the conclusions of law. In re Marriage of Greene, 97 Wn. App. 708, 714, 986 P.2d 144 (1999). “Substantial evidence exists if the record contains evidence of a sufficient quantity to persuade a fair-minded, rational person of the truth of the declared premise.” In re Marriage of Fahey, 164 Wn. App. 42, 55, 262 P.3d 128 (2011). We “‘view the evidence and reasonable inferences in the light most favorable to the party who prevailed’ below”—in this case, Danielle. Garza v. Perry, 25 Wn. App. 2d 433, 453, 523 P.3d 822 (2023) (quoting State v. Living Essentials, LLC, 8 Wn. App. 2d

1, 14, 436 P.3d 857 (2019)). We “defer to the trier of fact on the persuasiveness of the evidence, witness credibility, and conflicting testimony.” Knight v. Knight, 178 Wn. App. 929, 937, 317 P.3d 1068 (2014). And we may affirm the superior court on any basis supported by the record. State v. Bunner, 86 Wn. App. 158, 161, 936 P.2d 419 (1997).

Chapter 7.105 RCW governs the issuance of civil protection orders. Under RCW 7.105.225(1), “[t]he court shall issue a protection order if it finds by a preponderance of the evidence that the petitioner has proved the required criteria.” For a DVPO, the statute requires a court to find that “the petitioner has been subjected to domestic violence by the respondent.” RCW 7.105.225(1)(a). RCW 7.105.010(9)(b) defines “domestic violence” for purposes of a protection order as:

[p]hysical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one family or household member by another family or household member.

The statute defines “coercive control” as:

a pattern of behavior that is used to cause another to suffer physical, emotional, or psychological harm, and in purpose or effect unreasonably interferes with a person’s free will and personal liberty.

RCW 7.105.010(4)(a). As relevant here, coercive control includes communicating an intent to “[c]ontact local or federal agencies based on actual or suspected immigration status.” RCW 7.105.010(4)(a)(i)(E)(IV).

Coercive Control

Bart claims the trial court misconstrued RCW 7.105.010(4) and ignored applicable statutory exceptions when it found that withdrawing his “Form I-864 Affidavit

of Support” amounted to coercive control. This is so, he argues, because federal law authorized him to withdraw the form, see 8 C.F.R. § 213a2(f) (sponsor may “disavow” an affidavit of support before decision on pending application), he did not interfere with Danielle’s green card application, and Danielle’s immigration status was known to authorities because of her pending application. Bart contends that entry of the DVPO based on this action unlawfully punished him for “properly complying with federal immigration law.”

But we need not decide whether the conduct related to Danielle’s pending immigration application amounted to coercive control under statute, or whether any other alleged coercive acts met the statutory definition. Danielle described both acts of physical violence and acts of coercive control and it is clear from the record that the trial court relied on both bases to conclude that Bart perpetrated domestic violence.³

In addition to the December 2023 incident, Danielle stated that in March 2023, during an argument about a bike ride, Bart wrestled her to the ground and placed her in a headlock because she was holding his bike shoe, and said he would not submit her immigration documents if she told anyone. Danielle also declared that, after she damaged a wall while carrying heavy items down a flight of stairs, Bart “exploded,” slapped items out of her hands, and chased her. Danielle reported that during an October 2023 argument, Bart “grabbed” her arms and tried to “drag” her into the bedroom. And Danielle described a November 2023 incident when she tried to get out

³ Insisting that the DVPO is solely based on a finding of coercive control, Bart inaccurately attributes Danielle’s counsel’s remark that “[t]his is one of the most clear-cut coercive control cases that I’ve ever seen,” to the trial court.

of a vehicle Bart was driving while it was stopped at a red light. According to Danielle, after Bart refused to let her out and the two fought over control of the steering wheel, Bart continued driving while holding her by the neck of the sweater, face-down in the center console, before he eventually stopped the car.

Bart appears to assert that this evidence does not support the DVPO because the trial court expressly cited only the December 2023 incident in its oral ruling (referring to “chairs being thrown” and “interference” with Danielle’s ability to contact law enforcement). He therefore claims (1) that the court discounted all incidents other than the one specifically referenced in its oral ruling, (2) that, apart from her testimony about the December 2023 incident, the court found Danielle’s testimony otherwise not credible, and (3) that the court “inexplicably cherry-picked” evidence by crediting some of Danielle’s claims and rejecting others. We disagree with these characterizations.

The trial court made credibility determinations about witness testimony when it found, as the trier of fact, that Bart subjected Danielle to domestic violence. We do not revisit those determinations on appeal. See Knight, 178 Wn. App. at 937. Failing to mention some incidents Danielle testified about does not equate to an adverse credibility finding. And nowhere did the court indicate that it relied exclusively on the events of December 26, 2023. There is no basis in law or logic to infer the court did not believe aspects of Danielle’s testimony. And beyond that, there is simply no support for the premise that the trier of fact must give equal weight to all of the testimony provided by a particular witness.

Substantial evidence in the record—Danielle’s sworn statements about physical assault and corroborating evidence in the record—supports the DVPO, apart from any evidence of coercive control.

Due Process

Bart next argues, for the first time on appeal, that the DVPO violated his right to due process because it imposed “criminal-type penalties” by restricting his movement and infringing on his right to bear arms, but he was not afforded the requisite procedural safeguards. In particular, Bart points out that there was no discovery process, the court relied on hearsay evidence that would be inadmissible in other proceedings, he had no opportunity to “face [his] accuser,” and the petitioner was not required to establish the criteria for a DVPO beyond a reasonable doubt.

The fundamental basis of due process when the State seeks to deprive a party of a protected interest is notice and the right to be heard. In re Marriage of McCann, 4 Wn. App. 2d 896, 916, 424 P.3d 234 (2018); Mathews v. Eldridge, 424 U.S. 319, 333, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976). Mathews sets forth a series of factors courts analyze to assess a due process claim. 424 U.S. at 334-35. And Washington appellate courts permit manifest constitutional issues to be raised for the first time on appeal. RAP 2.5(a)(3). While they arise most commonly in criminal appeals, a party may raise a constitutional issue for the first time on appeal in a civil case in certain circumstances. State v. WWJ Corp., 138 Wn.2d 595, 601-02, 980 P.2d 1257 (1999) (RAP 2.5(a)(3) applies to civil cases). But to successfully present a constitutional issue initially on appeal, the factual record must be sufficiently developed to address the merits of the

claim. Id. at 602, 606 (while RAP 2.5(a)(3) applied to excessive fines issue raised in a civil case, the record was inadequate to assess the “gravity” of offense). In the absence of such a record, no error is manifest. Id.

It does not appear that Bart challenged any procedural aspect of the proceeding below. He did not mention discovery, request live testimony as permitted under RCW 7.105.200(5), or ask to cross examine any witness. Insofar as Bart now challenges the court’s consideration of hearsay evidence, he did not object below and submitted hearsay evidence in support of his own response. See Blackmon v. Blackmon, 155 Wn. App. 715, 722, 230 P.3d 233 (2010) (rules of evidence, including the hearsay rule, do not apply in protection order proceedings); ER 1101(c)(4) (evidentiary rules “need not be applied” in protection order proceedings under chapter 7.105 RCW). Indeed, Bart expressly relied on out-of-court statements, including those in medical reports Danielle provided, to argue that the evidence established “domestic discord but not domestic violence.” The superior court had no opportunity to evaluate the sufficiency of the process in light of Bart’s objections or to consider adjustments. Because the record is insufficient, Bart’s due process claim lacks a factual predicate and review is not warranted under RAP 2.5(a)(3).

Firearms Restrictions

Finally, Bart claims that the “coercive control” DVPO violates his rights under the Second Amendment because firearm restrictions premised on acts of coercive control have no “historical analogue.”⁴ See New York State Rifle & Pistol Ass’n v. Bruen, 597

⁴ Bart does not challenge the constitutionality of RCW 9.41.800, the statute which required the trial court to include firearm restrictions in the DVPO.

U.S. 1, 29, 142 S. Ct. 2111, 213 L. Ed. 2d 387 (2022) (refining framework for Second Amendment claims). Bart relies on the United States Supreme Court’s most recent Second Amendment case, United States v. Rahimi, 602 U.S. 680, 690, 144 S. Ct. 1889, 219 L. Ed. 2d 351 (2024), wherein the Supreme Court rejected a facial challenge to the constitutionality of a federal statute which prohibits the possession of a firearm by an individual subject to a domestic violence restraining order. 602 U.S. at 701. The Court held that an “individual found by a court to pose a credible threat to the physical safety of another may be temporarily disarmed consistent with the Second Amendment.” Id. at 702.

Bart fails to acknowledge that the DVPO is based on a finding of “domestic violence” supported by evidence of physical assault. And more to the point, as in Rahimi, the trial court found that Bart represented a “credible threat to the physical safety” of the protected individuals. Rahimi does not undermine the constitutionality of the firearm restrictions imposed in the DVPO.⁵

Attorney Fees on Appeal

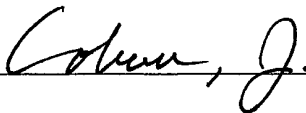
Danielle requests an award for attorney fees on appeal under the DVPO statute, RCW 7.105.310(1)(j). In his reply brief, Bart asks this court to sanction Danielle under RAP 18.9(a) for “bad-faith” in defending the DVPO and asserting mootness.

⁵ Throughout his briefing, Bart refers to matters outside the appellate record and attempts to introduce documents that were not before the trial court. RAP 10.3(a)(8) (an appendix to a brief “may not include materials not contained in the record on review without permission from the appellate court.”). We consider only the evidence and facts properly before us. In addition, Bart raises claims for the first time in his reply brief. We decline to address these arguments, as we typically do not address arguments made for the first time in reply, in part because the other party has no opportunity to respond. See Cowiche Canyon Conservancy v. Bosley, 118 Wn.2d 801, 809, 828 P.2d 549 (1992).


RAP 18.9(a) provides that this court may order a party that files a frivolous appeal to pay sanctions. Danielle prevails on the merits. And more fundamentally, she is not the appellant and did not file a frivolous appeal. RAP 18.9(a) cannot justify sanctions against Danielle.


On the other hand, RAP 18.1(a) allows us to award attorney fees on appeal if applicable law grants the party the right to recover attorney fees. RCW 7.105.310(1)(j) vests the court with discretion to require the respondent in a protection order proceeding “to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys’ fees.” We exercise our discretion under this statute to award Danielle her attorney fees on appeal, subject to her compliance with RAP 18.1.

Affirmed.



WE CONCUR:





IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SKAGIT

In re:)
DANIELLE PESTARINO) Case No. **24-2-20111-29**
Petitioner,)
v.) **COVERSHEET FOR LEGAL FEES**
BART PESTARINO) **INCURRED POST INITIAL HEARING**
Respondent.)

ATTACHED HERETO Cost bill of attorney's fees incurred in dissolution case in WA state post-initial hearing; including fees related to Mr. Pestarino's claims of improper service of Motion for Relocation, responding to Mr Pestarino's threats to Sno-King supervisor, and TRO, failure of Mr Pestarino to pay legal fees as ordered in initial hearing, failure to cooperate with discovery process, and Response to Motion by Mr Pestarino to terminate GAL for cause and submit report by date certain just prior to moving to Nevada to then refile for divorce in Nevada.

Dated in open court this 29 day of April, 2025



Danielle Pestarino, Petitioner



Finnegan & Associates PLLC

415 S. First Street
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United States

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1548 McNair Drive
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00457-Pestarino-Danielle

Legal Separation 1 Child

Type	Date	Notes	Quantity	Rate	Total
Service	03/16/2024	***** Fixed Value Agreement Period Ends for CPO Fixed Value Agreement Period Ends for Family Law Matter Standard Billing Commences	1.00	\$0.00	\$0.00
Service	03/18/2024	Correspondence / Email: Email to Bob Miller and staff. requesting confirmation from his client's HR re: child's only portion for insurance as it appears the calculations they set forth are incorrect.	0.20	\$300.00	\$60.00
Service	03/19/2024	Review Hearing transcript re CS numbers; verify numbers add by running worksheets	0.20	\$195.00	\$39.00
Service	03/19/2024	Correspondence / Email: Email to OC with CS numbers from last hearing	0.10	\$195.00	\$19.50
Service	03/19/2024	Correspondence / Email: Email to Bob Miller. clarifying his intention to interfere with immigration by changing the petition from legal separation to dissolution before agreeing to stipulate to anything.	0.20	\$300.00	\$60.00
Service	03/20/2024	Draft pleadings/documents: Research and draft of Memorandum for spousal support, MTFLO, and Note for Motion Docket	4.40	\$195.00	\$858.00
Service	03/20/2024	Draft pleadings/documents: Reviewed email with details from client and added that information to memo and updated tdf.	0.50	\$195.00	\$97.50

INVOICE

Invoice # 914
Date: 09/20/2024
Due On: 10/20/2024

Invoice # 914 - 09/20/2024

Service	03/20/2024	Draft pleadings/documents: Rec'd amended petition and summons. Reviewed. Drafted response and saved	1.10	\$195.00	\$214.50
Service	03/20/2024	Correspondence / Email: Review and respond to email from OC re amended petition	0.10	\$195.00	\$19.50
Service	03/21/2024	Correspondence / Email: Email: Bob Miller reviewing his clients document provided thus far, and assign them to adjust their numbers because his client can only have credit for the child's only portion on insurance premiums	0.20	\$300.00	\$60.00
Service	03/21/2024	Correspondence / Email: Email to Bob Miller. I will accept service of the Amended Petition. However I am unclear on why he is now changing to a divorce considering the ramifications on the immigration proceedings.	0.20	\$300.00	\$60.00
Service	03/22/2024	Receive and Review: Rec'd and saved multiple documents from GAL and from client to GAL	0.10	\$195.00	\$19.50
Service	03/22/2024	Telephone Conference: Phone call to client re accident (message)	0.10	\$195.00	\$19.50
Service	03/25/2024	Travel Time: Picked up client's personal belongings and maintenance check.	0.10	\$145.00	\$14.50
Service	03/25/2024	Telephone Conference: Telephone Call, Client. DialPad Capture	0.10	\$300.00	\$30.00
Service	03/25/2024	Correspondence / Email: Email: Bob Miller reminding him that his client can only have credit for the child's only portion on insurance premiums	0.20	\$300.00	\$60.00
Service	03/26/2024	Legal Research: Research on immigration and how divorce will affect our client.	0.80	\$195.00	\$156.00
Service	03/26/2024	Legal Research: legal research in other districts (on immigration and divorce) and drafting of legal arguments for Memo to go with TFLO	3.60	\$195.00	\$702.00
Service	03/26/2024	Draft Motion for Presentation	0.20	\$195.00	\$39.00
Service	03/26/2024	Enter CS numbers and run worksheets	0.20	\$195.00	\$39.00
Service	03/26/2024	Telephone Conference: Add subjectTelephone Call, Client. DialPad Capture	0.50	\$300.00	\$150.00
Service	03/26/2024	Telephone Conference: Telephone Call, Client. DialPad Capture	0.10	\$300.00	\$30.00
Service	03/26/2024	Telephone Conference: Telephone Call, Client. DialPad Capture	0.10	\$300.00	\$30.00
Service	03/26/2024	Receive and Review: Emails re: child support calculations and medical premiums. Reviewing documents provided by Opposing Counsel and the issues with their calculations.	0.20	\$300.00	\$60.00

Invoice # 914 - 09/20/2024

Service	03/26/2024	Receive and Review: Additional Email to Bob Miller to focus on the issues and his behavior isn't helpful. Outline issues	0.20	\$300.00	\$60.00
Service	03/26/2024	Receive and Review: Additional Email to Bob Miller re: non injury minor accident in response to their emails on 3/22.	0.20	\$300.00	\$60.00
Service	03/27/2024	Draft pleadings/documents: Drafting MTFLO and Intent to move. Went through all factors for right to move with child. Legal research and drafting	5.30	\$195.00	\$1,033.50
Service	03/27/2024	Telephone Conference: Telephone Call, Client. DialPad Capture	0.10	\$300.00	\$30.00
Service	03/27/2024	Telephone Conference: Telephone Call, Client. DialPad Capture	0.10	\$300.00	\$30.00
Service	03/27/2024	Telephone Conference: Telephone Call, Client. DialPad Capture	0.10	\$300.00	\$30.00
Service	03/27/2024	Receive and Review: Receive and review note for Motion and motion for presentation of O/P version of child support order	0.10	\$300.00	\$30.00
Service	03/27/2024	Correspondence / Email: Email re: dogs have been picked up.	0.10	\$300.00	\$30.00
Service	03/27/2024	Correspondence / Email: Email re: Dogs dropped off for client to pick up. Attempting to coordinate pick up with late notice	0.20	\$300.00	\$60.00
Service	03/27/2024	Correspondence / Email: Emails with counsel to the newly appointed GAL Leslie Gilbertson re: filling her in about the case and upcoming issues.	0.20	\$300.00	\$60.00
Service	03/27/2024	Correspondence / Email: Email with client re: safety concerns.	0.20	\$300.00	\$60.00
Service	03/28/2024	Draft pleadings/documents: Drafted Note for Motion Docket	0.10	\$195.00	\$19.50
Service	03/28/2024	Telephone Conference: Client called to update us that she talked to the GAL.	0.10	\$145.00	\$14.50
Service	03/28/2024	Correspondence / Email: Updated the team on the client's phone call.	0.10	\$145.00	\$14.50
Service	03/28/2024	Receive and Review: Rec'd document filings from op concerning child support. reviewed and saved. sent to client. Added note on calendar	0.20	\$195.00	\$39.00
Service	03/28/2024	Telephone Conference: Telephone Call, Client. DialPad Capture	0.10	\$300.00	\$30.00
Service	03/28/2024	Draft pleadings/documents: Draft/revisions to the Motions/factors related to relocation	2.20	\$300.00	\$660.00

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Service	03/29/2024	Telephone Conference: Discussion with TDF. Phone call with client to verify new address and exit date from shelter etc. Sent client memo to start reviewing	0.40	\$195.00	\$78.00
Service	03/29/2024	...continued legal research, review of file, discussions via phone with client and attorney	0.50	\$195.00	\$97.50
Service	03/29/2024	Telephone Conference: Transferred client call to Larissa.	0.10	\$145.00	\$14.50
Service	03/29/2024	Prepare Pestarino filings for filing (obtain signature, revise + attach certificate of service) and file same with Court	1.70	\$195.00	\$331.50
Service	03/29/2024	Correspondence / Email: Email to OC re Court filings	0.10	\$195.00	\$19.50
Service	03/29/2024	Correspondence / Email: Email to OC re CS worksheets	0.10	\$195.00	\$19.50
Service	03/29/2024	Telephone Conference: Telephone Call, Client. DialPad Capture	0.10	\$300.00	\$30.00
Service	03/29/2024	Telephone Conference: Telephone Call, Client. DialPad Capture	0.10	\$300.00	\$30.00
Service	03/29/2024	Telephone Conference: Telephone Call, Client. DialPad Capture	0.10	\$300.00	\$30.00
Service	03/29/2024	Draft pleadings/documents: Finalize Legal memorandum re: relocation	3.00	\$300.00	\$900.00
Service	03/29/2024	Draft pleadings/documents: Finalize response to Petition for Divorce received by O/C	0.40	\$300.00	\$120.00
Service	03/29/2024	Correspondence / Email: Email re: immigration ramifications of our upcoming requests.	0.10	\$300.00	\$30.00
Service	04/01/2024	Preparation for Hearing, Mediation, or other event: File Response to Petition with Court	0.10	\$195.00	\$19.50
Service	04/01/2024	Correspondence / Email: Email response to petition to OC	0.10	\$195.00	\$19.50
Service	04/02/2024	Correspondence / Email: Email re: consolidating all 4 hearings into the same date of 4/18. Bob Miller agrees to get the order drafted	0.10	\$300.00	\$30.00
Service	04/03/2024	Correspondence / Email: Email re: child's pediatric appointment	0.10	\$300.00	\$30.00
Service	04/04/2024	Correspondence / Email: Email to OC re status of order	0.10	\$195.00	\$19.50
Service	04/04/2024	Preparation for Hearing, Mediation, or other event: Enter agreed stipulation and order as follows: continuing 4 hearings to the same date of 4/18/24. Review of parenting plan set for 4/11 Relocation child support	0.20	\$300.00	\$60.00

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Temp Family Law Order (finances etc...)					
Service	04/05/2024	Receive and Review: Facilitated drop off of dog items.	0.10	\$145.00	\$14.50
Service	04/05/2024	Receive and Review: Reviewed correspondence regarding donation of dog's items.	0.10	\$145.00	\$14.50
Service	04/05/2024	Correspondence / Email: Email notice to client that Miller is withdrawing on the CPO matter.	0.10	\$300.00	\$30.00
Service	04/08/2024	Receive and Review: Client called inquiring about contents of box with kitchen items, checked and updated her.	0.10	\$145.00	\$14.50
Service	04/08/2024	Telephone Conference: Client called to update us on her concerns regarding the baby not taking the bottle which is extremely concerning and not healthy for the six hour visits.	0.20	\$145.00	\$29.00
Service	04/08/2024	Receive and Review: Updated the team on the phone call with the client regarding the baby getting fed on long visits.	0.10	\$145.00	\$14.50
Service	04/08/2024	Telephone Conference: Telephone Call, Client. DialPad Capture	0.30	\$300.00	\$90.00
Service	04/11/2024	Correspondence / Email: Email to client and request for update for review hearing	0.10	\$195.00	\$19.50
Service	04/12/2024	Receive and Review: Rec'd, reviewed, saved and sent op memo and declaration to client	0.30	\$195.00	\$58.50
Service	04/12/2024	Correspondence / Email: Forward visitation reports (after review) to GAL	0.10	\$300.00	\$30.00
Service	04/12/2024	Correspondence / Email: Email to and from client with information related to immigration clarifications	0.10	\$300.00	\$30.00
Service	04/13/2024	Draft pleadings/documents: Begin response to op 26 page declaration. Sent to client to add her information in. Several emails with client and discussions with tdf	2.00	\$195.00	\$390.00
Service	04/15/2024	Preparation for Hearing, Mediation, or other event: Had to move various large dog items from the conference room in preparation for another client's mediation.	0.10	\$145.00	\$14.50
Service	04/15/2024	Draft pleadings/documents: continued drafting of responses to the multiple filings of the Petitioner (1 memorandum, and 2 responses). Determination made to file another motion to seek permission to file over page limits as we cannot get our response accomplished within the Court allowed page limits.	2.20	\$300.00	\$660.00
Service	04/15/2024	Correspondence / Email: Email communications re: tax returns and disclosures	0.10	\$300.00	\$30.00
Service	04/16/2024	Preparation for Hearing, Mediation, or other event:	0.20	\$195.00	\$39.00

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Case discussion and coordination of exhibits and filings					
Service	04/16/2024	Draft pleadings/documents: Drafting responses and Declarations. Compilation of Exhibits. Memorandum of Law. Objection. Sent all to TDF to review, sent for signatures and filing.	5.50	\$195.00	\$1,072.50
Service	04/16/2024	Draft pleadings/documents: Edits to CS request Declaration	0.20	\$195.00	\$39.00
Service	04/16/2024	Draft pleadings/documents: Draft Ex Parte Motion and Order to exceed page limits	0.20	\$195.00	\$39.00
Service	04/16/2024	Draft pleadings/documents: Draft Response Dec of Danielle Pestarino re child support	1.00	\$195.00	\$195.00
Service	04/16/2024	Court Hearing: Attend ex parte for Motion to exceed page limits	0.20	\$195.00	\$39.00
Service	04/16/2024	Preparation for Hearing, Mediation, or other event: Prepare declaration for signature, attach exhibits and send to client to sign via Adobe sign	0.20	\$195.00	\$39.00
Service	04/16/2024	Preparation for Hearing, Mediation, or other event: File Declaration re CS with Court	0.10	\$195.00	\$19.50
Service	04/16/2024	Correspondence / Email: Email to client	0.10	\$195.00	\$19.50
Service	04/16/2024	Correspondence / Email: Email to OC with Response to Child Support issue	0.10	\$195.00	\$19.50
Service	04/16/2024	Draft pleadings/documents: Finalize pleadings (memorandum/objection/response) for filing	1.90	\$300.00	\$570.00
Service	04/16/2024	Correspondence / Email: Email follow up to Miller re: requesting the pay stubs in order to calculate the child's only healthcare premiums	0.10	\$300.00	\$30.00
Service	04/17/2024	Draft pleadings/documents: Commence initial draft of proposed orders for TFLO and other Motions.	1.40	\$195.00	\$273.00
Service	04/17/2024	Receive and Review: Received court document-objection- from oc. Reviewed, saved and sent to client	0.10	\$195.00	\$19.50
Service	04/17/2024	Draft pleadings/documents: Edits	0.50	\$195.00	\$97.50
Service	04/17/2024	Set Up Client File: Had to make an additional hard file to organize pleadings for Tracy to reference during hearings.	0.10	\$145.00	\$14.50
Service	04/17/2024	Preparation for Hearing, Mediation, or other event: Organized hard files with all filed pleadings in preparation for tomorrow's hearing.	0.90	\$145.00	\$130.50
Service	04/17/2024	Draft pleadings/documents: Updated the Pleadings Index.	0.10	\$145.00	\$14.50
Service	04/17/2024	Draft pleadings/documents: Review and revise	0.50	\$195.00	\$97.50

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Temporary Family Law Order					
Service	04/17/2024	Correspondence / Email: Email Court proposed order for hearing	0.10	\$195.00	\$19.50
Service	04/17/2024	Draft pleadings/documents: Draft Child Support order	0.20	\$195.00	\$39.00
Service	04/17/2024	Correspondence / Email: Email inquiry as to GAL position on relocation	0.10	\$300.00	\$30.00
Service	04/17/2024	Correspondence / Email: Email response re: Bart Pestarino desire to drop something off (no). Can be dropped off by counsel or his staff, not O/P.	0.10	\$300.00	\$30.00
Service	04/18/2024	Correspondence / Email: Mailed out the certified mail to the opposing party.	0.10	\$145.00	\$14.50
Service	04/18/2024	Legal Research: Legal research and revisions to memo on relocation and notice	1.30	\$195.00	\$253.50
Service	04/18/2024	Draft Proof of Personal Service	0.10	\$195.00	\$19.50
Service	04/18/2024	Put together emails re: amended divorce petition to perfect the court record	0.20	\$195.00	\$39.00
Service	04/18/2024	Travel Time: Drive out to Anacortes with TDF and EMW to serve Petitioner with Relocation	0.70	\$195.00	\$136.50
Service	04/18/2024	Legal Research: Research each prong of the Relocation statute	0.40	\$195.00	\$78.00
Service	04/18/2024	Prepare and file emails to perfect the record	0.20	\$195.00	\$39.00
Service	04/18/2024	Review filings from OC	0.10	\$195.00	\$19.50
Service	04/18/2024	Draft pleadings/documents: Notice re Hold Harmless error, with research and exhibits	1.70	\$300.00	\$510.00
Service	04/18/2024	Preparation for Hearing, Mediation, or other event: Prepare and file Note re Hold Harmless Error	0.10	\$195.00	\$19.50
Service	04/18/2024	Correspondence / Email: Email to OC re filing of Notice	0.10	\$195.00	\$19.50
Service	04/18/2024	Correspondence / Email: Email to OC re filing of Emails to Perfect the Record	0.10	\$195.00	\$19.50
Service	04/18/2024	Correspondence / Email: Review and respond to OC email re "request to withdraw" immigration form	0.10	\$195.00	\$19.50
Service	04/18/2024	Draft pleadings/documents: Review and revise Temporary Order on Relocation	0.50	\$195.00	\$97.50
Service	04/18/2024	Preparation for Hearing, Mediation, or other event: Preparation for Court hearing extensive issues	3.00	\$300.00	\$900.00
Service	04/18/2024	Court Hearing: Court hearing	1.00	\$300.00	\$300.00
Service	04/19/2024	Correspondence / Email: Email proposed order to Court	0.10	\$195.00	\$19.50

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		from 4/18 hearing			
Service	04/19/2024	Draft pleadings/documents: Revise proposed CS order based on Court ruling	0.10	\$195.00	\$19.50
Service	04/23/2024	Discovery: Rec'd and reviewed and saved Discovery requests. Converted to word and sent to op. Calendared due date	0.20	\$195.00	\$39.00
Service	04/23/2024	Receive and Review: Rec'd and reviewed court tapes. Listened to playback and took dictation to clarify for Mr. Miller what was supposed to occur.	0.50	\$195.00	\$97.50
Service	04/23/2024	Telephone Call, Client. DialPad Capture	1.00	\$0.00	\$0.00
Service	04/23/2024	Correspondence / Email: Email re: review from prior hearing including experts from the transcription in progress on our end.	0.20	\$300.00	\$60.00
Service	04/23/2024	Correspondence / Email: forward our copy of the audio recording from the hearing so that everyone can also be on the same page re: transcription of the hearing	0.10	\$300.00	\$30.00
Expense	04/23/2024	Reimbursable expenses: Audio Recording Ordered from the Court re: Pestarino hearing	1.00	\$25.00	\$25.00
Service	04/24/2024	Receive and Review: Reviewed and saved appeals letter and letter for affdvt of service	0.20	\$195.00	\$39.00
Service	04/24/2024	Correspondence / Email: Review docket. Discovery the orders are posted. distribute	0.20	\$300.00	\$60.00
Service	04/24/2024	Correspondence / Email: Email to Danielle Pestarino urge her to take urgent action re: Appellate attorney	0.20	\$300.00	\$60.00
Service	04/25/2024	Telephone Conference: Telephone Call, Client. DialPad Capture	0.40	\$300.00	\$120.00
Service	04/25/2024	Telephone Conference: Telephone Call, Client. DialPad Capture	0.20	\$300.00	\$60.00
Service	04/25/2024	Correspondence / Email: O/P requests to "move away" from Sno King. Claims he cannot pay for it. advise client and emails related to how to proceed.	0.40	\$300.00	\$120.00
Service	04/26/2024	Receive and Review: Review orders from court	0.30	\$195.00	\$58.50
Service	04/26/2024	Telephone Conference: Telephone Call, Client. DialPad Capture	0.10	\$300.00	\$30.00
Service	04/26/2024	Telephone Conference: Telephone Call, Client. DialPad Capture	0.10	\$300.00	\$30.00
Service	04/26/2024	Meeting / Appointment: Meeting with Client. Delivery copy of orders and her check	0.50	\$300.00	\$150.00

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Service	04/26/2024	Correspondence / Email: Email Miller re: child support check and monitor expenses.	0.10	\$300.00	\$30.00
Service	04/26/2024	Correspondence / Email: Email GAL re: retaining Sno King at a min until feeding issues resolved.	0.10	\$300.00	\$30.00
Service	04/26/2024	Correspondence / Email: Email O/P re: child support	0.10	\$300.00	\$30.00
Service	04/29/2024	Correspondence / Email: Sent signed copy of orders to client	0.20	\$300.00	\$60.00
Service	04/29/2024	Correspondence / Email: Multiple emails re: issues with supervision and visits, O/C, GAL, Client	0.50	\$300.00	\$150.00
Service	04/30/2024	Telephone Conference: Telephone Call, Client. DialPad Capture	0.20	\$300.00	\$60.00
Service	04/30/2024	Correspondence / Email: Email GAL and O/P re: requesting changes to the visits	0.80	\$300.00	\$240.00
Service	05/01/2024	Receive and Review: Multiple correspondences related issues with supervision	0.50	\$300.00	\$150.00
Service	05/02/2024	Correspondence / Email: Email to GAL	0.10	\$195.00	\$19.50
Service	05/03/2024	Receive and Review: Review emails re issues with VS and termination	0.10	\$195.00	\$19.50
Service	05/03/2024	Receive and Review: Receive and review issues with supervision	0.50	\$300.00	\$150.00
Service	05/03/2024	Telephone Conference: Telephone Call, Client. DialPad Capture	0.10	\$300.00	\$30.00
Service	05/03/2024	Receive and Review: Receive and review termination letter from Sno King Visitation services. forward	0.10	\$300.00	\$30.00
Service	05/03/2024	Receive and Review: Multiple correspondences related to the new information provided by the Visitation supervisor and the risk to the supervisor.	0.50	\$300.00	\$150.00
Service	05/04/2024	Correspondence / Email: Email to client re: visitation issues and concerns re: contempt due to no visit occurring	0.10	\$300.00	\$30.00
Service	05/06/2024	Draft pleadings/documents: Drafted the LEI.	0.10	\$145.00	\$14.50
Service	05/06/2024	Telephone Conference: Called the client to get her updated address.	0.10	\$145.00	\$14.50
Service	05/06/2024	Review / Update Court Records and or Client File: Updated the address in Clio and MyPleadings.	0.10	\$145.00	\$14.50
Service	05/06/2024	Draft pleadings/documents: Updated the address on the LEI.	0.10	\$145.00	\$14.50
Service	05/06/2024	Travel Time: Brought the amended LEI to the clerk's	0.30	\$145.00	\$43.50

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office and picked up certified copies of the IRO.					
Service	05/06/2024	Review / Update Court Records and or Client File: Update Client file with O/P information	0.10	\$145.00	\$14.50
Service	05/06/2024	Correspondence / Email: Email with client (x2)	0.10	\$195.00	\$19.50
Service	05/06/2024	Receive and Review: Review visitation notes	0.30	\$195.00	\$58.50
Service	05/06/2024	Preparation for Hearing, Mediation, or other event: Review/proof read Motion for TRO	0.20	\$195.00	\$39.00
Service	05/06/2024	Preparation for Hearing, Mediation, or other event: Review/proof read Declaration of Danielle Pestarino	0.20	\$195.00	\$39.00
Service	05/06/2024	Telephone Conference: Phone call with TDF re case status and motions/strategy	0.20	\$195.00	\$39.00
Service	05/06/2024	Draft pleadings/documents: finalize Motion for Immediate Restraining order Finalize Declaration	1.50	\$300.00	\$450.00
Service	05/06/2024	Court Hearing: Court Hearing w/GAL present Ex parte re: concerns raised by supervisor.	0.60	\$300.00	\$180.00
Service	05/06/2024	Correspondence / Email: Coordination for exparte for restraining order matter.	0.30	\$300.00	\$90.00
Service	05/06/2024	Correspondence / Email: Email to Brandon Moore, SnoKing Supevision Receive and review communications/reports.	0.30	\$300.00	\$90.00
Service	05/07/2024	Discovery: Continued to draft and compile client on Discovery Answers and sent to client to review.	2.30	\$195.00	\$448.50
Service	05/07/2024	Correspondence / Email: Emails to COA clerk Kirsten Denton (x2)	0.10	\$195.00	\$19.50
Service	05/07/2024	Draft pleadings/documents: Draft Aff of Service and send to EW to sign	0.20	\$195.00	\$39.00
Service	05/07/2024	Preparation for Hearing, Mediation, or other event: File Aff of Service w/Court	0.10	\$195.00	\$19.50
Service	05/07/2024	Correspondence / Email: Email Aff of Service to OC	0.10	\$195.00	\$19.50
Service	05/07/2024	Correspondence / Email: Communication with Client re: her exceptions re: DCS process etc.	0.10	\$300.00	\$30.00
Service	05/08/2024	Correspondence / Email: follow up email to client- re: approval of final draft of answers provided by client and accompanying rfps	0.10	\$195.00	\$19.50
Service	05/08/2024	Discovery: Email with client. Corrected Rog answers and prepped and sent for signatures to client and tdf	0.20	\$195.00	\$39.00
Service	05/08/2024	Discovery: drafted our Rogs and Rfps and sent to TDF	2.00	\$195.00	\$390.00

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		for signature			
Service	05/08/2024	Discovery: Finalized and sent our rogs and rfps for signature and then sent to all parties and calendared due date	0.20	\$195.00	\$39.00
Service	05/08/2024	Discovery: Sent OC the Word version of Rogs as requested	0.10	\$195.00	\$19.50
Service	05/08/2024	Receive and Review: Review client discovery answers and RFP	0.50	\$300.00	\$150.00
Service	05/08/2024	Draft pleadings/documents: Affidavit of Service = confirm service Duplicate filing of email service of 5/6	0.20	\$0.00	\$0.00
Service	05/08/2024	Correspondence / Email: Email to Danielle Pestarino reminding her to take urgent action re: Appellate attorney if she hasn't already forward COA filing and to figure out what is occurring with specific regard to the "service" issue as well.	0.10	\$300.00	\$30.00
Service	05/08/2024	Correspondence / Email: Provide client some names of Appellate attorneys	0.10	\$300.00	\$30.00
Service	05/08/2024	Correspondence / Email: forward signed order to client	0.10	\$300.00	\$30.00
Service	05/09/2024	Receive and Review: Discussed the case status with the team to be up to date on the case.	0.10	\$145.00	\$14.50
Service	05/09/2024	Draft pleadings/documents: Affidavit of Service = confirm service by Officer Mower / personal service on Bart Pestarino File with court	0.20	\$195.00	\$39.00
Service	05/13/2024	Correspondence / Email: Email to Danielle Pestarino reminding her to take urgent action re: Appellate attorney if she hasn't already forward COA filing	0.10	\$300.00	\$30.00
Service	05/14/2024	Receive and Review: Received Bart's reply and reviewed it and noted inconsistencies	0.40	\$195.00	\$78.00
Service	05/14/2024	Draft pleadings/documents: Drafted reply to Bart's response and legal research	4.70	\$195.00	\$916.50
Service	05/14/2024	Telephone Conference: Phone call to court to request audio from 3/15 CPO and Family hearing	0.10	\$195.00	\$19.50
Expense	05/14/2024	Court Reporter: Audio from 3/15 CPO and Family	1.00	\$25.00	\$25.00
Service	05/14/2024	Telephone Conference: Telephone Call, Client. DialPad Capture	0.20	\$300.00	\$60.00
Service	05/15/2024	Legal Research: Legal Research on cases cited by op and drafting of declaration	0.60	\$195.00	\$117.00
Service	05/15/2024	Draft pleadings/documents: Finished Drafting Declaration with Con law research responses and sent	1.00	\$195.00	\$195.00

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		to tdf to review.			
Service	05/15/2024	Draft pleadings/documents: Draft second set of RFP's to O/P Sent to OC and client.	0.30	\$195.00	\$58.50
Service	05/15/2024	Telephone Conference: Phone call to client (message)	0.10	\$195.00	\$19.50
Service	05/15/2024	Telephone Conference: Phone call to client (message) 2nd	0.10	\$195.00	\$19.50
Service	05/15/2024	Draft pleadings/documents: Draft/edit client declaration	0.50	\$195.00	\$97.50
Service	05/15/2024	Preparation for Hearing, Mediation, or other event: Prepare declaration for filing and file same	0.10	\$195.00	\$19.50
Service	05/15/2024	Correspondence / Email: Email, OC reply declaration	0.10	\$195.00	\$19.50
Service	05/15/2024	Draft pleadings/documents: Review and finalize client declaration	1.00	\$300.00	\$300.00
Service	05/15/2024	Draft pleadings/documents: Review and finalize discovery requests to Opposing Party	0.40	\$300.00	\$120.00
Service	05/15/2024	Telephone Conference: Telephone Call, Client. DialPad Capture	0.10	\$300.00	\$30.00
Service	05/16/2024	Receive and Review: Rec'd, reviewed and saved GAL declaration and read email from appeals atty	0.20	\$195.00	\$39.00
Service	05/16/2024	Receive and Review: Review GAL recommendation	0.20	\$195.00	\$39.00
Service	05/16/2024	Correspondence / Email: Email, Client re recommendations	0.10	\$195.00	\$19.50
Service	05/16/2024	Correspondence / Email: Email to Danielle Pestarino re: COA filing	0.10	\$300.00	\$30.00
Expense	05/16/2024	Reimbursable expenses: Rev.com Transcription of hearing	1.00	\$70.60	\$70.60
Service	05/17/2024	Preparation for Hearing, Mediation, or other event: Prepared recently filed pleadings for Tracy and prepare file for hearing.	0.20	\$145.00	\$29.00
Service	05/17/2024	Draft pleadings/documents: work on orders	0.40	\$195.00	\$78.00
Service	05/17/2024	Review / Update Court Records and or Client File: located and redacted DCS forms, edited order and sent redacted forms to TDF	0.60	\$195.00	\$117.00
Service	05/17/2024	Draft pleadings/documents: Review and revise order from hearing	0.20	\$195.00	\$39.00
Service	05/17/2024	Draft pleadings/documents: finalize proposed order after hearing	0.20	\$300.00	\$60.00
Service	05/17/2024	Court Hearing: Court Hearing	0.50	\$300.00	\$150.00

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Service	05/17/2024	Preparation for Hearing, Mediation, or other event: Prepare for Court Hearing	1.20	\$300.00	\$360.00
Service	05/17/2024	Telephone Conference: Telephone Call, Client. DialPad Capture	0.40	\$300.00	\$120.00
Service	05/17/2024	Draft pleadings/documents: Draft order as a result of the Court's ruling. Send to counsel and GAL for approval	0.80	\$300.00	\$240.00
Service	05/17/2024	Correspondence / Email: Email, Miller and Client re: updating DCS with prior payments received.	0.20	\$300.00	\$60.00
Service	05/20/2024	Correspondence / Email: Email from Miller re: would client agree to forego the GAL investigation and move straight to mediation	0.20	\$300.00	\$60.00
Service	05/20/2024	Correspondence / Email: Review draft of email client wants to send to GAL	0.20	\$300.00	\$60.00
Service	05/22/2024	Receive and Review: Discussed case status with the team regarding Bart's proposed supervisor. Update client file.	0.10	\$145.00	\$14.50
Service	05/22/2024	Telephone Conference: Telephone Call, Client. DialPad Capture	0.20	\$300.00	\$60.00
Service	05/22/2024	Telephone Conference: Telephone Call, Client. DialPad Capture	0.20	\$300.00	\$60.00
Service	05/22/2024	Correspondence / Email: Email to Danielle Pestarino re: COA filing	0.10	\$300.00	\$30.00
Service	05/22/2024	Correspondence / Email: Email to GAL re: new supervisor issues and new supervisor proposed by Mr. Pestarino.	0.20	\$300.00	\$60.00
Service	05/23/2024	Telephone Conference: Phone call with client	0.10	\$195.00	\$19.50
Service	05/23/2024	Telephone Conference: Telephone Call, Client. DialPad Capture	0.20	\$300.00	\$60.00
Service	05/23/2024	Correspondence / Email: Email COA Administrator Re: improper service to us.	0.10	\$300.00	\$30.00
Service	05/23/2024	Correspondence / Email: Email to Danielle Pestarino reminding her to take urgent action re: Appellate attorney if she hasn't already forward COA filing	0.10	\$300.00	\$30.00
Service	05/24/2024	Correspondence / Email: Email correspondence with Miller and Client re: DCS forms and payment issues	0.30	\$300.00	\$90.00
Service	05/24/2024	Correspondence / Email: Forward all COA filings to William Reingold	0.20	\$300.00	\$60.00
Service	05/28/2024	Telephone Conference: Telephone Call, Client. DialPad Capture	0.10	\$300.00	\$30.00

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Expense	05/29/2024	Reimbursable expenses: Rev.com Transcription of hearing	1.00	\$21.91	\$21.91
Service	05/30/2024	Review / Update Court Records and or Client File: checked on status of orders	0.10	\$195.00	\$19.50
Service	05/30/2024	Correspondence / Email: Email, client	0.10	\$195.00	\$19.50
Service	05/30/2024	Correspondence / Email: Forward all filings related to COA to GAL	0.40	\$300.00	\$120.00
Service	05/30/2024	Preparation for Hearing, Mediation, or other event: provide signed order to court administration for entry	0.10	\$300.00	\$30.00
Service	05/31/2024	Correspondence / Email: Review and forward by email to GAL re: COA filing	0.10	\$300.00	\$30.00
Service	05/31/2024	Correspondence / Email: Receive and respond to client email re: latest filing from Mr. Pestarino	0.20	\$300.00	\$60.00
Service	06/04/2024	Preparation for Hearing, Mediation, or other event: Order on 5/17/24 hearing entered on 6/4/2024	0.20	\$300.00	\$60.00
Service	06/05/2024	Correspondence / Email: Email to client re: supervision issues and responding to MIL	0.10	\$300.00	\$30.00
Service	06/05/2024	Correspondence / Email: Email to GAL re: supervision issues	0.10	\$300.00	\$30.00
Service	06/05/2024	Correspondence / Email: Email to GAL re: COA	0.10	\$300.00	\$30.00
Service	06/10/2024	Correspondence / Email: Review and Forward latest COA filing from Pestarino to GAL	0.10	\$300.00	\$30.00
Service	06/14/2024	Preparation for Hearing, Mediation, or other event: Confirmed the upcoming hearing is calendared to ensure deadlines are met.	0.10	\$145.00	\$14.50
Service	06/18/2024	Draft pleadings/documents: Sent Affidavit for signatures after editing. Rec'd saved and filed. Sent to all parties.	0.40	\$195.00	\$78.00
Service	06/18/2024	Preparation for Hearing, Mediation, or other event: Finalize and provide proposed order for hearing to court administration	0.30	\$300.00	\$90.00
Service	06/19/2024	Draft pleadings/documents: prepped deficiency letter to oc concerning dd-214	0.40	\$195.00	\$78.00
Service	06/19/2024	Draft pleadings/documents: Prepped deficiency letter for signature	0.10	\$195.00	\$19.50
Service	06/19/2024	Correspondence / Email: saved and sent signed letter to oc and to client for her records	0.10	\$195.00	\$19.50
Service	06/20/2024	Discovery: Rec'd, reviewed and saved DD214 long form and sent to client for her records	0.10	\$195.00	\$19.50
Service	06/21/2024	Court Hearing: Attend Motion Hearing	1.00	\$300.00	\$300.00

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Service	06/21/2024	Preparation for Hearing, Mediation, or other event: Preparation for hearing	1.00	\$300.00	\$300.00
Service	06/24/2024	Correspondence / Email: Email to client re notice of deposition	0.10	\$300.00	\$30.00
Service	06/25/2024	Correspondence / Email: Responded to client email asking about deposition.	0.10	\$195.00	\$19.50
Service	06/25/2024	Correspondence / Email: Rec'd and reviewed email from client.	0.10	\$195.00	\$19.50
Service	06/25/2024	Telephone Conference: Phone call with client (first call)	0.30	\$195.00	\$58.50
Service	06/25/2024	Telephone Conference: Phone call with client (second call)	0.10	\$195.00	\$19.50
Service	06/25/2024	Telephone Conference: Phone call with client (third call)	0.10	\$195.00	\$19.50
Service	06/25/2024	Correspondence / Email: Emails to GAL (x2)	0.10	\$195.00	\$19.50
Service	06/25/2024	Correspondence / Email: Emails to OC re deposition (x2)	0.10	\$195.00	\$19.50
Service	06/25/2024	Correspondence / Email: Emails to Client (x2)	0.10	\$195.00	\$19.50
Service	06/26/2024	Receive and Review: Reviewed Olga's summary of her phone call with the client to be up to date on the case.	0.10	\$145.00	\$14.50
Service	06/26/2024	Telephone Conference: Client called wanting us to proof read her email to the GAL.	0.10	\$145.00	\$14.50
Service	06/26/2024	Correspondence / Email: Email response to client	0.10	\$300.00	\$30.00
Service	06/26/2024	Correspondence / Email: Review COA information, correspondence from appellate attorney, and client correspondence, email to client.	0.30	\$300.00	\$90.00
Service	07/01/2024	Correspondence / Email: Email, Robert Miller re: Pestarino failure to pay attorneys fees and his removal of himself as guarantor of Liliana's medical bills.	0.20	\$300.00	\$60.00
Service	07/05/2024	Review / Update Court Records and or Client File: Saved a copy of the opposing counsel's Notice of Intent of Withdrawal to the physical and electronic files.	0.10	\$145.00	\$14.50
Service	07/05/2024	Correspondence / Email: Sent the client a copy of the Notice of Intent of Withdrawal we received from Robert Miller.	0.10	\$145.00	\$14.50
Service	07/08/2024	Correspondence / Email: Email to client	0.10	\$195.00	\$19.50
Service	07/08/2024	Correspondence / Email: Email to OC re depositions	0.10	\$195.00	\$19.50
Service	07/09/2024	Review / Update Court Records and or Client File: Caught up on latest filings and emails between parties	0.10	\$195.00	\$19.50

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Service	07/11/2024	Correspondence / Email: Review and respond to email from OC	0.10	\$195.00	\$19.50
Service	07/11/2024	Correspondence / Email: Email to Court Admin re missing order	0.10	\$195.00	\$19.50
Service	07/11/2024	Telephone Conference: Phone call with OC re depositions	0.10	\$195.00	\$19.50
Service	07/11/2024	Correspondence / Email: Email to OC and GAL re deposition	0.20	\$300.00	\$60.00
Service	07/11/2024	Correspondence / Email: Email, Robert Miller, GAL, et al re: Order from Judge Stiles re: GAL report by date certain, quashing the subpoena for deposition and Miller's withdrawal	0.20	\$300.00	\$60.00
Service	07/23/2024	Receive and Review: Receive and Review GAL Report	0.30	\$300.00	\$90.00
Service	07/25/2024	Correspondence / Email: Email, client re: updates	0.20	\$300.00	\$60.00
Service	07/31/2024	Correspondence / Email: Review and respond to email from client	0.10	\$195.00	\$19.50
Service	07/31/2024	Correspondence / Email: Email, client re: COA filings.	0.10	\$300.00	\$30.00
Service	08/11/2024	Correspondence / Email: review and forward to GAL, et al re: COA filings	0.10	\$300.00	\$30.00
Service	08/15/2024	Receive and Review: Rec'd, reviewed and saved Pestarino letter from Appeals Court. Saved to comm file	0.10	\$195.00	\$19.50
Service	08/15/2024	Correspondence / Email: Email, GAL, et al re: COA filings	0.10	\$300.00	\$30.00
Service	09/03/2024	Correspondence / Email: Email, GAL, et al re: COA filings	0.10	\$300.00	\$30.00
Service	09/08/2024	Review / Update Court Records and or Client File: Saved a copy of the visit update email, and the Respondent's Brief Draft (DVPO) to the physical and electronic files.	0.10	\$145.00	\$14.50
Service	09/11/2024	Correspondence / Email: Received and responded to updates from client. She is going to be doing some traveling. Appeals attorney is asking for fees from Bart. Bart seems to be becoming more unhinged.	0.10	\$195.00	\$19.50
Service	09/11/2024	Receive and Review: Reviewed emails between Larissa and the client.	0.10	\$145.00	\$14.50
Service	09/13/2024	Correspondence / Email: Rec'd and reviewed email from client explaining past weird incidents caused by Bart. Responded and thanked her for the info	0.10	\$195.00	\$19.50
Service	09/20/2024	Receive and Review: Review and send notification from COA to GAL	0.10	\$300.00	\$30.00

Invoice # 914 - 09/20/2024

Total \$25,230.01

Detailed Statement of Account

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
914	10/20/2024	\$25,230.01	\$0.00	\$25,230.01
Outstanding Balance				\$25,230.01
Total Amount Outstanding				\$25,230.01

Please make all amounts payable to: Finnegan & Associates PLLC

Please pay within 30 days.

BART PESTARINO - FILING PRO SE

May 20, 2025 - 12:21 AM

Transmittal Information

Filed with Court: Court of Appeals Division I
Appellate Court Case Number: 86578-1
Appellate Court Case Title: Danielle T. Pestarino, Respondent v. Bart Xavier Pestarino, Appellant
Superior Court Case Number: 24-2-20111-7

The following documents have been uploaded:

- 865781_Petition_for_Review_20250520001359D1994972_9930.pdf
This File Contains:
Petition for Review
The Original File Name was 865781_petition_for_review_final.pdf

A copy of the uploaded files will be sent to:

- reingold@lasher.com
- team@tdfinnegan.law
- tracy@tdfinnegan.law

Comments:

Sender Name: Bart Pestarino - Email: bartxav1@gmail.com
Address:
PO Box 1078
Carson City, NV, 89702
Phone: (360) 670-0741

Note: The Filing Id is 20250520001359D1994972