

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

ZOU, Yi,	)	
	)	
Respondent	)	Court of Appeal No. 87622-8-I
vs.	)	KCSC Case No. 24-2-18748-1 SEA
	)	
NGUYEN, Gabrielle, and any other persons	)	<b>PETITION FOR REVIEW OF ORDER</b>
residing within the premises,	)	<b>DISMISSING APPEAL, PURSUANT</b>
Appellants.	)	<b>RAP 13.4, 13.5</b>
	)	
	)	

**I. IDENTITY OF PETITIONER**

Petitioner Gabrielle Nguyen, pro se, seeks discretionary review of the Washington Court of Appeals Division One's May 13, 2025, order denying her motion to modify the dismissal of her appeal ([Exhibit 1](#)).

**II. DECISION SOUGHT TO BE REVIEWED**

Petitioner seeks review of the Court of Appeals' May 13, 2025, order denying her motion to modify the April 18, 2025, order dismissing her appeal in Case No. 87622-8-I ([Exhibit 2](#)).

**III. ISSUES PRESENTED FOR REVIEW**

1. Did the Court of Appeals err by dismissing the appeal based on a correctable clerical defect in the designation of clerk's papers?

- 1 2. Did the Court of Appeals abuse its discretion by refusing to allow supplementation or  
2 correction of the record despite timely filings and good faith compliance by a pro se  
3 litigant?
- 4 3. Was the dismissal inconsistent with RAP 1.2(a), RAP 9.6, RAP 9.10, and GR 34(e) when  
5 no prejudice was shown?  
6

#### 7 **IV. STATEMENT OF THE CASE**

8 Appellants timely appealed a trial court order in King County Superior Court Case No.  
9 24-2-18748-1 SEA. On April 7, 2025, within the deadline prescribed by RAP 9.6(a), Petitioner  
10 filed her designation of clerk's papers with the trial court clerk. The only issue noted was a  
11 formatting error in the designation form, which was accepted and acknowledged by the King  
12 County Clerk's Office as correctable. Petitioner also had an active fee waiver under GR 34(b),  
13 removing any filing fee obligation. Despite these circumstances, the Court of Appeals dismissed  
14 the appeal.  
15

16  
17 Petitioner filed a motion to modify the dismissal, citing RAP 9.6, RAP 9.10, RAP 1.2(a),  
18 and her right to correct clerical defects. The Court of Appeals denied the motion on May 13,  
19 2025. Petitioner now seeks Supreme Court review under RAP 13.4 and RAP 13.5.  
20

#### 21 **V. ARGUMENT**

22 Gabrielle Nguyen, et al, pro se appellants, respectfully moves the Supreme Court for  
23 Discretionary Review of the May 13, 2025, order of Division One of the Washington Court of  
24 Appeals (Case No. 87622-8-I) denying her Motion to Modify the court's April 18, 2025, order  
25 dismissing her appeal. Appellant requests review on grounds the undersigned believes the Court  
26

1 of Appeals erred in declining to allow correction of a clerical defect in the record and dismissing  
2 the appeal outright. The grounds for this motion are as follows:

- 3  
4 1. **Timeliness of Designation.** Appellant filed her designation of clerk’s papers with the  
5 trial court clerk on April 7, 2025, within the 30-day deadline set by RAP 9.6(a) for filing  
6 a designation of clerk’s papers. The designation included all required items (notice of  
7 appeal, relevant pleadings, and the written order being appealed) in accordance with RAP  
8 9.6(c)(1)(A)–(D). Thus, the designation was timely and substantively compliant with the  
9 rule.
- 10  
11 2. **Fee Waiver.** The King County Superior Court granted appellant a waiver of filing fees,  
12 obviating any requirement to pay a fee for filing the designation or the appeal ([Exhibit](#)  
13 [3](#)). The clerk’s office should have honored the fee waiver (see GR 34(b); see also RAP  
14 9.6(b) (permitting fees “in accordance with applicable law”) and processed appellant’s  
15 filing without additional charge). Under GR 34(e) and RAP 15.2(h), this waiver remains  
16 in effect unless the court finds that the party’s financial condition has materially improved  
17 — which it did not.
- 18  
19 3. **Clerical Nature of Defect.** The only deficiency identified was clerical in nature. The  
20 King County Clerk’s Office invited appellant to re-submit the designation using the  
21 correct form and sequential numbering, indicating that the error was fixable and non-  
22 prejudicial.
- 23  
24 4. **Record Supplementation and Correction.** Under RAP 9.6 and RAP 9.10, an appellate  
25 court should allow supplementation or correction of the record. RAP 9.6(a) permits a  
26 party to supplement its designation of clerk’s papers prior to filing the last brief, and RAP

1 9.10 provides that if an appellant has made a good-faith effort to provide the record, the  
2 court will not ordinarily dismiss for an incomplete record but may direct the transmittal  
3 of additional papers or correct the record (see *City of Seattle v. Torkar*, 25 Wn. App. 476,  
4 482–83, 610 P.2d 379 (1980)).

5 5. **Good Faith and Merits Review.** While pro se litigants are expected to make good faith  
6 efforts to comply with procedural rules, Washington courts have repeatedly emphasized  
7 that minor technical defects should not prevent adjudication on the merits. See RAP  
8 1.2(a); *City of Seattle v. Torkar*, 25 Wn. App. 476, 482–83 (1980); see also *Haines v.*  
9 *Kerner*, 404 U.S. 519 (1972). Here, the appellant acted diligently and promptly attempted  
10 to correct any perceived error. The Court of Appeals’ dismissal elevated form over  
11 substance in a way that contravenes the purpose of the appellate rules and the judiciary’s  
12 preference for resolution on the merits.  
13

14 6. **Abuse of Discretion and Review Criteria.** The Court of Appeals’ refusal to permit  
15 correction or supplementation of a curable formatting issue—despite timely filing, fee  
16 waiver, and communication with the trial court clerk—constituted a manifest abuse of  
17 discretion. See *State ex rel. Carroll v. Junker*, 79 Wn.2d 12, 26, 482 P.2d 775 (1971)  
18 (abuse occurs when decision is based on untenable grounds or is manifestly  
19 unreasonable); *In re Marriage of King*, 66 Wn. App. 134, 831 P.2d 1094 (1992)  
20 (dismissal for incomplete record improper when supplementation is available). The  
21 Court’s action violated RAP 1.2(a) and the principles set out in *Torkar* and *Haines*, which  
22 emphasize leniency toward good-faith procedural efforts by pro se litigants. This error  
23 substantially limited appellant’s ability to obtain review and warrants discretionary  
24 review under RAP 13.5(b)(1) and (2).  
25  
26

## VI. CONCLUSION

Petitioner respectfully asks the Court to grant review, reverse the dismissal, and remand with instructions to allow supplementation or correction of the clerk's papers so that the appeal may proceed on the merits.

# CERTIFICATE OF COMPLIANCE

This document contains approximately 1,089 words, excluding the caption, appendix, certificate of compliance, and signature block, in accordance with RAP 18.17.

Date: June 3, 2025.

RESPECTFULLY SUBMITTED,

Gabrielle Nguyen, et al  
APPELLANTS  
3040 – 78<sup>th</sup> Ave SE, M/S 364  
Mercer Island, WA 98040

## CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this date I served a copy of this Petition for Review via the Court of Appeals e-filing portal to Division One and to Respondent's counsel of record, based on my personal knowledge.

# EXHIBIT 1

LEA ENNIS  
Court Administrator/Clerk

*The Court of Appeals  
of the  
State of Washington*

DIVISION I  
One Union Square  
600 University Street  
Seattle, WA  
98101-4170  
(206) 464-7750

May 13, 2025

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Tacoma, WA 98408-5228  
harperlawoffices@comcast.net

Gabrielle Nguyen  
9849 Mercerwood Drive  
Mercer Island, WA 98040  
Loan4u2497@yahoo.com

Case #: 876228  
Yi Zou, Respondent v. Gabrielle Nguyen, Appellant  
King County Superior Court No. 24-2-18748-1

Counsel:

Please find enclosed a copy of the Order Denying Motion to Modify the Commissioner's ruling entered in the above case today.

The order will become final unless counsel files a motion for discretionary review within thirty days from the date of this order. RAP 13.5(a).

Sincerely,



Lea Ennis  
Court Administrator/Clerk

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

YI ZOU,

Respondent,

v.

GABRIELLE NGUYEN,

Petitioner.


No. 87622-8-I

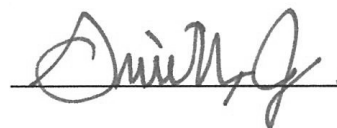
ORDER ON MOTION  
TO MODIFY

Petitioner Gabrielle Nguyen moves to modify the April 18, 2025 ruling dismissing her appeal. Respondent Yi Zou filed a response, and Nguyen filed a reply. We have considered the motion under RAP 17.7 and have determined that it should be denied. Now, therefore, it is hereby

ORDERED that the motion to modify is denied.

Díaz, J.

 J. Díaz

 J. Smith



# EXHIBIT 2

LEA ENNIS  
Court Administrator/Clerk

*The Court of Appeals  
of the  
State of Washington*

DIVISION I  
One Union Square  
600 University Street  
Seattle, WA  
98101-4170  
(206) 464-7750

April 21, 2025

Joseph T G Harper  
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8310 S Park Ave  
Tacoma, WA 98408-5228  
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Case #: 876228  
Yi Zou, Respondent v. Gabrielle Nguyen, Appellant  
King County Superior Court No. 24-2-18748-1

Counsel:

On April 21, 2025, a motion to modify was filed in the above-referenced case. Any response to the motion is due by May 1, 2025. Any reply to the response is due 3 days after the response is filed. After the time period for the reply has passed, the motion will be submitted to a panel of this court for determination without oral argument. RAP 17.5(b). The parties will be notified when a decision on the motion has been entered.

Sincerely,



Lea Ennis  
Court Administrator/Clerk

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# EXHIBIT 3

WASHINGTON STATE COURT OF APPEALS  
DIVISION 1

ZOU, Yi,	)	
	)	
Respondent	)	<b>Appeal No. 876228</b>
vs.	)	<b>KCSC Case No. 24-2-18748-1</b>
	)	
NGUYEN, Gabrielle, and any other persons	)	
residing within the premises,	)	<b>MOTION TO MODIFY ORDER</b>
Appellants.	)	<b>DATED APRIL 18, 2025</b>
	)	
	)	

Appellants, appearing pro se, in their limited capacity respectfully moves this Court to modify the Order dated April 18, 2025, in the interest of clarifying the appellate record and demonstrating compliance with procedural requirements.

In support of this motion, appellant states the following:

1. On March 24, 2025, appellant filed the Statement of Arrangement and Designation of Clerk's Papers with the lower court. A true and correct copy of the filed document is attached hereto as **Exhibit 1**.
2. The lower court has granted a waiver of court costs. A signed copy of the order granting the cost waiver is attached hereto as **Exhibit 2**.
3. This motion is brought in good faith and for the purpose of ensuring the appellate court has an accurate and complete understanding of the procedural history and filings related to this appeal.


1 4. Appellant's misunderstanding filing for the above mentioned title documents was to be  
2 filed with the court of appeals.

3 5. Courts are required to give pro se litigants' claims liberal construction and interpret  
4 their arguments in the most favorable light. See Erickson v. Pardus, 551 U.S. 89, 94  
5 (2007). See Haines v. Kerner, 404 U.S. 519, 520-21 (1972) (holding that pro se  
6 pleadings must be held to less stringent standards and liberally construed).  
7

8 WHEREFORE, appellant respectfully requests that This Court modify the Order dated  
9 April 18, 2025, to reflect that the designation of clerk's papers was timely filed, and that court  
10 costs have been waived by the lower court.  
11

12 Date: April 20, 2025.  
13

14 RESPECTFULLY SUBMITTED,  
15

16   
17 Gabrielle Nguyen, and Minor Children  
18 APPELLANTS, Pro Se  
19 3040 – 78<sup>th</sup> Ave SE, M/S 364  
20 Mercer Island, WA 8040  
21 e: [Loan4u247@yahoo.com](mailto:Loan4u247@yahoo.com)  
22 p: 425-336-9958

23 **CERTIFICATE OF SERVICE**

24 This pleading declared under the penalty of perjury for the State of Washington, and the  
25 above is True and Correct to the best of appellant's knowledge. Service through e-Filing court  
26 portal to Respondent's attorney on record.

# EXHIBIT 1

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

ZOU, Yi, ) **Case No. 24-2-18748-1 SEA**  
Plaintiff(s), )  
vs. )  
NGUYEN, Gabrielle, and any other persons ) **DESIGNATION OF CLERKS PAPERS,**  
residing within the premises, ) **STATEMENT OF ARRANGEMENTS**  
Defendant(s). ) **CLERKS ACTION REQUIRED**

#### I. DESIGNATION OF CLERKS PAPERS

Pursuant to RAP 9.6(a), appellant hereby designates the following clerks' papers to be included in the appellate record to the Washington State Court of Appeals:

1. The original Unlawful Detainer Complaint and any amended pleadings
2. The Answer(s) filed by the Defendant
3. The Order on Unlawful Detainer Eviction entered by the King County Superior Court
4. All Motions and Responses, including any emergency motions
5. All Declarations and exhibits filed in support of or in opposition to any Motion
6. Any hearing Transcripts, if available, including but not limited to:  
All video court Hearings on the motion for evictions  
Any oral rulings by the court
7. Case schedule and trial setting order
8. Notices of appearances, and withdrawal
9. Discovery documents including requests, response
10. Minute entries and dockets entries reflecting all significant actions in the case
11. Notice of Appeal and related documents filed

12. Any additional documents that are part of the record and relevant to the issues  
on appeal

This Designation may be supplemented, pursuant to RAP 9.6(b).

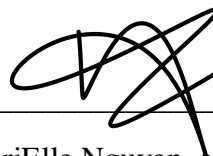
## **II. STATEMENT OF ARRANGEMENTS**

1. Appellant filed a Notice of Appeal on January 10, 2025
2. The appeal rises from an Order of Unlawful Detainer Eviction on December 6, 2024
3. No jury trial only bench trial
4. Appellant is arranging for transcripts of all video Zoom hearings on Motion for Writ of Restitution
5. Appellant will contact the appropriate court reporter for the transcript reports, as the court granted all court Costs to be waived
6. A copy of this Designation of Clerks Paper and Statement of Arrangements will be served on all parties, in accordance with RAP 9.2.

I, Gabrielle Nguyen, certify and declare under the laws of the State of Washington and under penalty of perjury, that the above statements are true and correct:

Dated: April 7, 2025

RESPECTFULLY SUBMITTED,



Gabrielle Nguyen, et al

d: 425-336-9958

e: [Lawstudentdiva@aol.com](mailto:Lawstudentdiva@aol.com)



# Exhibit 2

Superior Court of Washington  
For King County

YI Zou

Petitioner/Plaintiff,

GABRIELLE NGUYEN, TWO  
vs. MINDIS

Respondent/Defendant.

No. 24-2-18748-1 SEA

Order Re Waiver of Civil Fees and  
Surcharges

☐ Granted (ORPRFP)

☐ Denied (ORDYMT)

☐ Clerk's Action Required 3.1

I. Basis

The court received the motion to waive fees and surcharges filed by or on behalf of the  
☐ petitioner/plaintiff ☒ respondent/defendant.

II. Findings

The Court reviewed the motion and supporting declaration(s). Based on the declaration(s) and any relevant records and files, the Court finds:

2.1 ☐ The moving party is indigent based on the following: He or she:

- ☐ is represented by a qualified legal aid provider that screened and found the applicant eligible for free civil legal aid services; and/or
- ☐ receives benefits from one or more needs-based, means-tested assistance programs; and/or
- ☐ has household income at or below 125% of the federal poverty guideline; and/or
- ☐ has household income above 125% of the federal poverty guideline but cannot meet basic household living expenses and pay the fees and/or surcharges; and/or
- ☐ other: \_\_\_\_\_

COPY

2.2 ☐ The moving party is not indigent.

2.3 ☐ Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### III. Order

Based on the findings the court orders:

3.1 ☐ The motion is granted, and

☐ all fees and surcharges the payment of which is a condition precedent to the moving party's ability to secure access to judicial relief are waived.


☐ other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3.2 ☐ The motion is denied.

Dated: 1/24/2025

  
\_\_\_\_\_  
Judge/Commissioner  
MARSHALL FERGUSON

Presented by:

  
Signature of Party or Lawyer/WSBA No. Pro SE  
GABRIELLE NGUYEN 1/24/25  
Print or Type Name Date

**BA/MDIV/JD NGUYEN - FILING PRO SE**

**April 20, 2025 - 10:30 PM**

**Transmittal Information**

**Filed with Court:** Court of Appeals Division I  
**Appellate Court Case Number:** 87622-8  
**Appellate Court Case Title:** Yi Zou, Respondent v. Gabrielle Nguyen, Appellant

**The following documents have been uploaded:**

- 876228\_Motion\_20250420222729D1125007\_2768.pdf  
This File Contains:  
Motion 1  
*The Original File Name was COA date 04-20-25 EV\_Motion Modify.pdf*

**A copy of the uploaded files will be sent to:**

- harperlawoffices@comcast.net
- joeyharperlaw@hotmail.com

**Comments:**

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Sender Name: BA/MDiv/JD Nguyen - Email: Loan4u2497@yahoo.com  
Address:  
3040 - 78th Ave SE  
M/S 364  
Mercer Island, WA, 98040  
Phone: (206) 486-4456

**Note: The Filing Id is 20250420222729D1125007**

**BA/MDIV/JD NGUYEN - FILING PRO SE**

**June 03, 2025 - 2:52 PM**

**Filing Motion for Discretionary Review of Court of Appeals**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** Case Initiation  
**Appellate Court Case Title:** Yi Zou, Respondent v. Gabrielle Nguyen, Appellant (876228)

**The following documents have been uploaded:**

- DCA\_Motion\_Discretionary\_Rvw\_of\_COA\_20250603145107SC494257\_4801.pdf  
This File Contains:  
Motion for Discretionary Review of Court of Appeals  
*The Original File Name was 06-03-25 SupremeCourt MForDiscReview.pdf*

**A copy of the uploaded files will be sent to:**

- harperlawoffices@comcast.net
- joeyharperlaw@hotmail.com

**Comments:**

To Supreme Court, thank you.

---

Sender Name: BA/MDiv/JD Nguyen - Email: Loan4u2497@yahoo.com  
Address:  
3040 - 78th Ave SE  
M/S 364  
Mercer Island, WA, 98040  
Phone: (206) 486-4456

**Note: The Filing Id is 20250603145107SC494257**