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Court of Appeals
Division I
State of Washington
6/16/2025 8:00 AM

Case #: 1042850

No. 86320-7

COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON

SARA MAYNARD

Appellant,

v.

JOHN MAYNARD JR., et al,

Respondents.

PETITION FOR REVIEW TO THE SUPREME COURT

SARA MAYNARD
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A. IDENTITY OF PETITIONER

Appellant Sara Maynard asks for review of the Court of Appeal's Order On Motion To Modify (Hon. Diaz, J. and panel) dated May 16, 2025 in the instant appeal matter "No. 863207". Appellant Sara Maynard (hereinafter "Appel. Maynard") previously filed an "Appellant's Motion For Extension Time To File Opening Brief" on December 2, 2024 in the instant appeal matter "No. 863207". Subsequently on December 23, 2024, the Court of Appeal Clerk filed a notation ruling on said same "Appel. Maynard's" motion extend time. Based upon said same Clerk notation ruling, the Court of Appeal Commissioner filed a notation ruling on February 21, 2025 terminating review of Appel. Maynard's entire appeal matter. Appel. Maynard timely on March 24, 2025 filed a "Petition For Review To The Supreme Court" in regard to both said same notation rulings.

The Court of Appeal Clerks office subsequently issued a letter on April 18, 2025 instructing that Appel. Maynard's said

same Petition For Review To The Supreme Court would be considered as a motion to modify, and which same was submitted to the Court of Appeal panel of judges on about May 2, 2025 for determination without oral argument. As such, the Court of Appeal "Order On Motion To Modify" was filed by the Court of Appeal on May 16, 2025 in the instant appeal matter "No. 863207".

Appel. Maynard asks for review of said same Court of Appeal "Order On Motion To Modify" dated May 16, 2025 in the instant appeal matter, along with the Court of Appeal Clerk's notation ruling dated December 23, 2024 in the instant appeal matter, and the Commissioner's notation ruling dated February 21, 2025 in the instant appeal matter.

In support of Appel. Maynard's instant Petition For Review, Appel. Maynard requests the Supreme Court to regard Appel. Maynard's pleadings in the Court of Appeal case file entitled Appel. Maynard's "Reply To Holmes' Response To Appel. Maynard's Petition For Review Renamed As Motion to

Modify” dated May 1, 2025 in the instant appeal matter, and also regard “Appel. Maynard’s Reply To Respondent Holmes’ Answer To Maynard’s Motion For Extension Time To File Opening Briefs” dated December 16, 2024 in the instant appeal matter No. 863207.

B. COURT OF APPEAL ORDER ON MOTION TO MODIFY DATED 05 / 06 / 2025, AND COURT OF APPEAL CLERK’S NOTATION RULING DATED 12 / 23 / 2024, AND COMMISSIONER’S NOTATION RULING DATED 02 / 21 / 2025

Division I of the Court of Appeal filed an Order On Motion To Modify on May 16, 2025 in the instant matter. The Court of Appeal Clerk’s office filed a notation ruling on December 23, 2024 in the instant matter. The Court of Appeal Commissioner filed a notation ruling on February 21, 2025 in the instant matter. A copy of said same Order On Motion To Modify, and copy of said same notation rulings are in the Appendix G attached herewith.

C. ISSUES PRESENTED FOR REVIEW

1. Is it proper, or equitable, or allowable for the Court

of Appeal to issue an Order On Motion To Modify in the instant appeal matter “No. 863207” on May 16, 2025 based upon mistakenly erroneous information from the Court Clerks office, as is shown to be mistakenly erroneous by a review of the Court of Appeal case file in the instant matter, and deny Appel. Maynard an adequate extension of time to file opening briefs regarding two (2) separate and distinct Respondents, despite having full knowledge that Appel. Maynard was suffering from severe Long Covid, and had suffered very severe physical injuries requiring surgery, and as such was physically incapacitated.

2. Is it proper, or equitable, or allowable for the Court of Appeals Clerk / Administrator’s office in the instant appeal matter “No. 863207” on December 23, 2024 to issue a notation ruling allowing only in small part while also denying in large part Appel. Maynard’s mere second motion for extension of time to file an opening brief, while simultaneously the Clerk’s office mistakenly wrongly claimed justification for

same was that Appel. Maynard had previously requested and received “multiple lengthy” extensions in the instant appeal matter “No. 863207”, which said claim is proven by review of the case file in the instant appeal matter to be wrongly incorrect.

Truth in fact, on May 3, 2024, Appel. Maynard had filed a motion for extension of time for a mere one (1) day extension, so as to enable Appel. Maynard to file a Statement of Arrangements. This does Not constitute a request for a lengthy extension of time.

Truth in fact, Appel. Maynard’s request for extension time to file information regarding appealability dated April 1, 2024 was Denied. Instead, Appel. Maynard was informed by the Court that the issue itself was “Moot”. This does Not constitute a request for a lengthy extension of time.

Truth in fact, Appel. Maynard filed a request for a short two (2) week extension time for Designation Clerks Papers. Said same Designation Clerks Papers was extensively long,

and had caused extensive problems for Appel. Maynard and the Superior Court Clerks office to handle. This does Not constitute a request for a lengthy extension of time.

Truth in fact, on August 6, 2024 Appel. Maynard had filed only a first motion for lengthy extension time in order to enable the filing of an opening brief in the instant appeal matter. Appel. Maynard is suffering from severe Long Covid, and had suffered very severe physical medical injuries, which had rendered Pro Se Appel. Maynard unable to write, nor type on a computer, nor work in any capacity having lost the use of both her hands and both wrists, and portions of her eyesight.

3. Is it proper, or equitable, or allowable for the Court of Appeal Commissioner in the instant appeal matter “No. 863207” at the early date of February 21, 2025 to dismiss the entire instant appeal matter without any hearing of inquiry regarding the Court of Appeal Clerk’s office unsubstantiated proposed dismissal of the instant appeal, and while knowing the

Pro Se Appellant Maynard was seriously physically injured, physically impaired, and unable to prepare her said opening brief.

4. The basis for a procedural dismissal by the Court of Appeal's Order On Motion To Modify is similar to a default dismissal, and should be set aside if there is a meritorious defense (as is here in regard to Pro Se Appel. Maynard), and relatively no prejudice to the other parties (as is here, there was relatively no prejudice to Respondents Holmes and Respondent John Maynard Jr.), and there are potential due process violations that may have produced the dismissal.

5. The basis for a procedural dismissal by the Court of Appeal Commissioner is similar to a default dismissal, and should be set aside if there is a meritorious defense (as is here in regard to Pro Se Appel. Maynard), and relatively no prejudice to the other parties (as is here, there was relatively no prejudice to Respondents Holmes and Respondent John

Maynard Jr.), and there are potential due process violations that may have produced the dismissal.

6. The dismissal of this appeal for failure of Pro Se Appel. Maynard to file an opening brief on the exact date of February 3, 2025, when Pro Se Appel. Maynard is almost totally physically incapacitated due to multiple injuries and loss of portions of her eyesight requiring a series of surgeries, and also suffering from severe Long Covid, seems to be a “manifest” violation of her due process.

7. The Respondents knowingly and intentionally used the Court calendar as a weapon when demanding Pro Se Appel. Maynard must file an opening brief by February 3, 2025, with the intent to prevent Appel. Maynard from accessing required essential and full medical care, and to prevent Appel. Sara from access to necessitated surgeries, and to prevent Appel. Maynard necessitated recovery time. The Respondents actions were knowingly intentional in order to cause physical harm, and

did cause physical harm to Pro Se Appel. Manard, and thereby also constitute a physical assault.

D. STATEMENT OF THE CASE

1. Appel. Maynard's Notice Appeal in the instant action No. 863207 was filed on February 1, 2024. Appel. Maynard's statement of arrangements was due May 2, 2024. Appel. Maynard Pro Se was caused to file her statement of arrangements on May 3, 2024, and as such Appel. Sara also filed a motion for a mere one (1) day extension of time in order to enable the filing of said statement of arrangements, which was allowed by the Court. This does Not in any manner constitute a request for a lengthy extension of time.

2. Appel. Maynard's designation of clerks papers, was excessively lengthy, and had caused extensive problems for both Appel. Maynard and for the Superior Court Clerks office to handle. As such, Appel. Maynard also filed a motion for a two (2) week extension of time so as to enable the extensive

work required with the Superior Court Clerks office. This was allowed by the Court of Appeal. This does Not constitute a request for a lengthy extension of time.

3. Appel. Maynard's report of proceedings was due July 2, 2024. As such, Appel. Maynard filed and paid her report of proceedings in full, timely by July 2, 2024.

4. Appel. Maynard received a letter from the Court of Appeal Clerk's office on April 2, 2024 requesting Appel. Sara to provide a letter in response to same immediately on that same date of April 2, 2024 addressing appealability of the Superior Court's Order in the underlying matter. Unfortunately at that time, Appel. Sara had contracted Covid again a second time, and was unable to meet the immediate April 2, 2024 same date deadline, thereby necessitating the filing of a motion to extend time for same. However, Appel. Maynard simultaneously also received a second letter from the Court Clerk's office on April 2, 2024 informing Appel. Maynard that her motion

extension time was Denied, as the entire issue of appealability was “Moot”. As such, Appel. Maynard was Not required to respond to the Court Clerk’s office’s said letter. As such, this procedure does Not constitute a request for a lengthy extension time.

5. Based upon the above, Appel. Maynard has shown that the Court of Appeal Clerk’s office in the Court Clerk’s notation ruling dated December 23, 2024 had mistakenly wrongfully claimed that Appel. Maynard had filed and received multiple lengthy extensions in the instant appeal matter.

6. As such, the Court of Appeal’s Order On Motion To Modify dated May 16, 2025, and the Court of Appeal Commissioner’s notation ruling dismissing Appel. Maynard’s entire appeal based upon mistaken incorrect information from the Court Clerk’s office are wrongfully biased and an abuse of discretion. Appel. Maynard believes the Court Clerk’s office performs a very complex function, but is seriously overworked,

and underpaid, and often encounters difficulties. Appel. Maynard is appreciative of the work that the Court Clerk's office handles in King County Washington Court matters, but believes that in regard to Appel. Maynard's instant appeal matter, the Court Clerk at that time was pressured by outside undue influences.

7. At this time, Pro Se Appellant Sara Maynard's physical injuries have necessitated Appel. Maynard to verbally dictate the instant Petition For Review to other persons, as Appel. Maynard does Not have use of her hands and wrists, Nor full eyesight, and is also coping with severe Long Covid and a necessitated series of surgeries.

E. ARGUMENT WHY REVIEW SHOULD BE
ACCEPTED

1. The basis for a procedural dismissal by the Court of Appeal is similar to a default dismissal and should be set aside if there is a meritorious defense and relatively no prejudice to the other party, and there are potential due process violations that may have produced the dismissal.

a) Case law on Court of Appeal dismissals, and on Court of Appeal Commissioner's dismissals, and on Court Clerks' dismissals and/or other procedural dismissals, indicates that if there is a meritorious claim and/or relatively no prejudice to the other party or the court, a motion to set aside a dismissal should generally be granted. (*See Lockett v. Boeing Co.*, 98 Wn. App. 307, 989 P. 2d 1144 (Div. 1 1999)).

b) As for meritorious claims, physically impaired Appel. Maynard has a legitimate basis for asking for the dismissal to be set aside, due to the fact that the Court of Appeal Order On Motion to Modify dated May 16, 2025 had based its said Order on mistaken erroneous information from the Court Clerk's office, which had mistakenly wrongfully claimed that Appel. Maynard had "received prior multiple lengthy extensions". A review of the Court of Appeal case file in the instant matter shows this to be incorrect. Additionally in support of Appel. Maynard's having meritorious claims, there was No hearing scheduled by the Court of Appeal, nor by the Court Clerk,

nor by the Court Commissioner to give Pro Se Appel. Maynard a clear warning as to what would happen if her opening brief was Not filed on February 3, 2025 in the instant appeal.

2. Because there was No dismissal hearing by the Court of Appeal, nor by the Court Commissioner, the Commissioner and the Court of Appeal should have provided some form of a notice of their plan to dismiss the case in February 2025 so that Pro Se Appellant Maynard knew what the Court of Appeal and the Commissioner had planned.

a) Here, the Cout of Appeal and the Commissioner dismissed the case without any further notice based upon the Court Clerk's mistaken wrongful notation ruling claiming Appel. Maynard had received multiple lengthy extensions in the instant appeal matter "No. 863207", when in fact Appel. Maynard had Not received said same.

b) It may be argued that the appellate rules allow the Court of Appeal and the Commissioners to make a decision without argument only if it does Not affect a "substantial right" of a party. RAP 17.4. It would seem that Not having an entire

appeal case dismissed is a “substantial right”, since the right to an appeal can be a constitutional right, and any decision of the court that affects such a right seems to affect a substantial right (*See Smith v. Kent, 11 Wash. App. 439, 523 P. 2d 446 (1974)*).

3. The dismissal of this appeal for a procedural failure of a Pro Se incapacitated appellant to file preliminary papers, the Appellant’s Opening Brief, on February 3, 2025, while knowing the appellant is physically impaired and required in surgeries seems to be a manifest violation of the Pro Se appellant’s due process.

a) It has been held that a violation of the right to due process in the dismissal of a case can be a “manifest” constitutional violation, and where there is a possible violation of due process, such a violation can support a dismissal order being vacated (*See Mellish v. Frog Mountain Pet Care, 172 Wn. 2d 208, 257 P.3d 641 (2011), citing State v. Kirkman, 159 Wash, 2d 918, 926, 155 P.3d 125 (2007)*).

F. CONCLUSION

For the foregoing reasons, Appellant Sara Maynard respectfully requests this Court grant the Appellant's Petition for Review in the instant appeal matter.

Dated: June 16, 2025

By: "/s/ [Sara Maynard]"

Sara Maynard

Appellant / Petitioner

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CERTIFICATE OF COMPLIANCE WITH RAP 18.17

Appellant Sara Maynard is informed and believes this document does not exceed 5,000 words. Appellant believes this document contains approximately 2,572 words, excluding the parts of the document exempted from the word count by RAP 18.17.

Dated: June 16, 2025

By: "/s/ [Sara Maynard]"

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G. APPENDIX

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

SARA MAYNARD,

Petitioner,

v.

JOHN MAYNARD, JR. and MARY
MALEY MAYNARD (aka Mary Maley),
and ATTORNEY JOHN R. HOLMES, and
ATTORNEY JAMES A. JACKSON, and
ESTATE OF HELEN B. MAYNARD (aka
Helen B. Maynard Jr.) By and Through
Andrew Pollock McConnell III in His
Capacity as Personal Representative of
the Estate of Helen B. Maynard, and
Does 1 through 10, Inclusive,

Respondents.

No. 86320-7-I

ORDER ON MOTION
TO MODIFY

Petitioner Sarah Maynard moves to modify the February 21, 2025 ruling dismissing her appeal. Respondent John Holmes filed a response, and Maynard 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.

[Signature], ACT

[Signature]

LEA ENNIS
Court Administrator/Clerk

*The Court of Appeals
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February 21, 2025

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Case #: 863207
Sara Maynard, App. v. John Maynard Jr. and Mary Maley Maynard, et al., Res.
King County Superior Court No. 19-2-22827-0

Counsel:

The following notation ruling by Commissioner Masako Kanazawa of the Court was entered on February 21, 2025, regarding Appellant's Failure to File the Opening Brief by February 3, 2025:

This appeal has been pending over a year since February 1, 2024. Appellant Sara Maynard's opening brief remains long overdue, initially due August 16, 2024, well over six months ago, despite multiple extensions. By ruling of December 23, 2024, the clerk of this Court, over respondent attorney John Holmes' objection, granted in part Maynard's request for an additional extension. While Maynard requested an extension until April 11, 2025, this Court granted an extension only until February 3, 2025, stating that if Maynard failed to file the brief by February 3, 2025, "this matter will be referred for a ruling dismissing this case." Maynard did not file a motion to modify the December 23 ruling.

As of this ruling (February 21, 2025), Maynard has not filed the brief or any motion for further extension supported by good cause. Maynard has not filed anything since the December 23 ruling. On February 12, 2025, respondent Holmes' counsel filed a

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February 21, 2025
Case #: 863207

letter requesting this matter to be referred for a ruling dismissing the case. On February 20, 2025, respondent John Maynard Jr.'s counsel filed a letter joining in respondent Holmes' request that this matter be referred for dismissal.

In light of the significant delay and Maynard's unexplained failure to file the brief by February 3, 2025 as directed by the December 23, 2024 ruling, I consider this matter abandoned. Pursuant to the December 23 ruling, this matter is dismissed.

Sincerely,

A handwritten signature in black ink, appearing to read "Lea Ennis", written in a cursive style.

Lea Ennis
Court Administrator/Clerk

khn

c: The Hon. Coreen Wilson

LEA ENNIS
Court Administrator/Clerk

*The Court of Appeals
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December 23, 2024

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Case #: 863207
Sara Maynard, App. v. John Maynard Jr. and Mary Maley Maynard, et al., Res.
King County No. 19-2-22827-0

Counsel:

The following notation ruling by Court Administrator/Clerk Lea Ennis of the Court was entered on December 23, 2024, regarding Appellant's Motion for Extension of Time to File Appellant's Opening Brief until April 11, 2025:

Appellant has filed a second request to extend time to file appellant's opening brief. Respondent filed an objection and appellant filed a reply to respondent's objection.

Appellant's motion to extend time to file opening brief is granted in part. This appeal was filed February 2, 2024 and appellant has requested and received multiple, lengthy extensions.

Page 2 of 2
December 23, 2024
Case #: 863207

If appellant does not file an opening brief by February 3, 2025, this matter will be referred for a ruling dismissing this case.

Sincerely,

A handwritten signature in black ink, appearing to read "Lea Ennis", written in a cursive style.

Lea Ennis
Court Administrator/Clerk

khn

No. 863207

CERTIFICATE OF SERVICE

I certify that on the date shown below I sent a copy of the foregoing
via Email to the following:

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June 16, 2025

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“/s/ [Sara Maynard]”

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APPELLANT PRO SE

June 16, 2025 - 7:12 AM

Transmittal Information

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