

FILED
Court of Appeals
Division III
State of Washington
8/15/2025 8:00 AM

FILED
SUPREME COURT
STATE OF WASHINGTON
8/15/2025
BY SARAH R. PENDLETON
CLERK

SUPREME COURT OF THE STATE OF WASHINGTON

CRAIG BRAZELL, an individual;
CCB HOLDINGS, LLC, a Washington limited liability
company,
Respondents,

Case #: 1044631

v.

JAMES SNODGRASS, an individual;
NEXUS ONE, LLC, a Washington limited liability company,
Petitioners.

Court of Appeals No. 398374 — Division III
Supreme Court No. _____

PETITION FOR REVIEW

By James Snodgrass, Pro Se

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I. IDENTITY OF PETITIONER AND RELIEF SOUGHT

Petitioner James Snodgrass, appearing pro se, seeks review of the Court of Appeals’ July 15, 2025, order dismissing his appeal as untimely. Petitioner requests reversal of the dismissal and reinstatement of his appeal for review on the merits.

II. ISSUES PRESENTED FOR REVIEW

1. Whether the Court of Appeals erred in dismissing the appeal as untimely when the notice of appeal was filed within 17 days of the trial court’s final order, within the 30-day deadline

prescribed by RAP 5.2(a).

2. Whether failure to serve the trial court's final order under CR 5 prevented the time to appeal from commencing under RAP 5.2(a).

3. Whether the Court of Appeals violated RAP 18.5 and due process by failing to provide Petitioner notice or an opportunity to respond to the timeliness issue before dismissal.

III. STATEMENT OF THE CASE

On May 8, 2023, Petitioner submitted a motion for reconsideration to the Benton-Franklin Superior Court by email, as required by the court's own published procedure (Exhibit A). The trial court failed to file-stamp the emailed motion but the judge nonetheless considered it and issued a final order on June 5, 2023.

Petitioner was never served with the trial court's order or any ruling regarding timeliness, as required by CR 5. On June 22, 2023—only 17 days after entry of the final order—Petitioner filed a notice of appeal to Division III.

On July 15, 2025, the Court of Appeals dismissed the appeal as untimely, relying on the trial court's erroneous assertion without providing Petitioner notice or an opportunity to be heard.

IV. STATEMENT OF GROUNDS FOR DIRECT REVIEW

Review is warranted under RAP 4.2(a) and 13.4(b) for the following reasons:

Conflict with controlling precedent — The dismissal conflicts with established Washington authority holding that the time for appeal begins upon service of the decision (*In re Marriage of Wherley*, 34 Wn. App. 344, 661 P.2d 155 (1983)).

Significant constitutional question — This case presents a due process issue under the Fourteenth Amendment to the U.S. Constitution and Article I, § 3 of the Washington Constitution: whether an appellate court may dismiss an appeal for untimeliness without providing notice or an opportunity to respond.

Significant question of law of substantial public interest — The rules governing when appellate deadlines begin, and the effect of non-service, directly impact litigants' access to appellate review statewide.

Need for supervisory guidance — This case calls for clarification of CR 5 and RAP 18.5 in the context of modern electronic filing and service, to prevent procedural dismissals that deprive litigants of their right to review.

V. ARGUMENT

A. Timely Filing Under RAP 5.2(a)

Petitioner filed his notice of appeal 17 days after entry of the final order, within the 30-day limit of RAP 5.2(a). The Court of Appeals' dismissal rests on a factual error.

B. Service Defects Prevent Appeal Period from Running

CR 5 requires service of all written orders. RAP 5.2(a) states that the time to appeal runs from the date of entry of the decision, but case law holds this presumes proper service. Without service, the appeal clock never started.

C. Due Process and RAP 18.5 Violations

The Court of Appeals dismissed the appeal without notice of the timeliness issue or an opportunity for Petitioner to be heard. This violates RAP 18.5 and due process principles articulated in

Mullane v. Central Hanover Bank, 339 U.S. 306 (1950).

D. Statewide Importance and Need for Review

This issue impacts every Washington litigant's ability to obtain appellate review. Without uniform application of the service and notice rules, procedural dismissals will continue to occur unjustly.

VI. RELIEF REQUESTED

Petitioner respectfully requests that this Court:

1. Grant review of the Court of Appeals' dismissal order;
2. Reverse the dismissal; and
3. Remand to the Court of Appeals for consideration of the appeal on its merits.

CERTIFICATE OF COMPLIANCE

I certify that this Petition for Review contains 637 words, excluding the title page, tables, certificate of compliance, and certificate of service, in compliance with RAP 13.4(h).

Dated: August 13, 2025

James Snodgrass

James Snodgrass

Pro Se Petitioner

CERTIFICATE OF SERVICE

**I certify under penalty of perjury under the laws of the
State of Washington that on August 13, 2025, I served a
copy of this Petition for Review on:**

John A. Raschko

Miller Mertens & Comfort, PLLC

1020 N. Center Parkway, Suite B

Kennewick, WA 99336

Email: jraschko@mmclegal.net

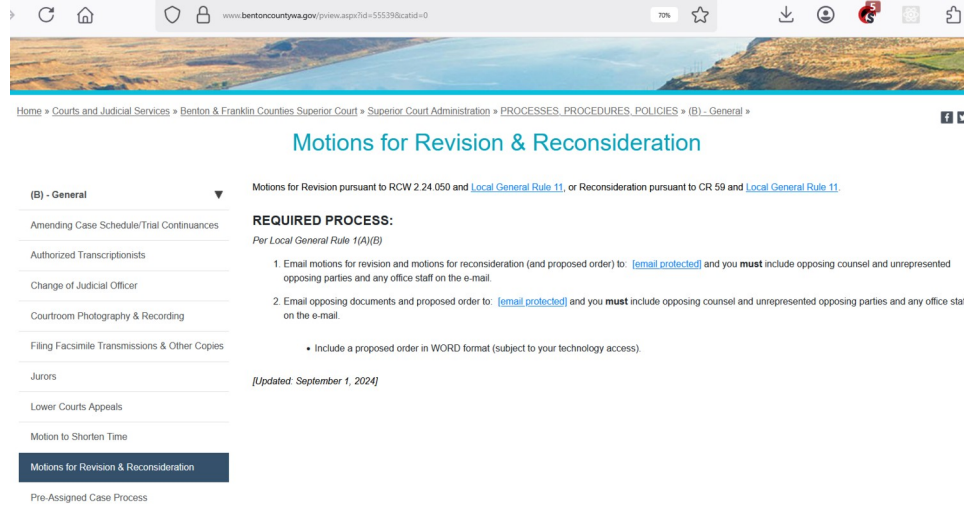
E-mail Service

Dated: August 13, 2025 — Pasco, Washington

James Snodgrass

Pro Se Petitioner

EXHIBIT A



The screenshot shows a web browser window with the address bar displaying www.bentoncountywa.gov/preview.aspx?id=55539&catid=0. The page content includes a breadcrumb trail: Home > Courts and Judicial Services > Benton & Franklin Counties Superior Court > Superior Court Administration > PROCESSES, PROCEDURES, POLICIES > (B) - General. The main heading is "Motions for Revision & Reconsideration". Below this, there is a sub-heading "(B) - General" with a dropdown arrow. A list of menu items is visible: Amending Case Schedule/Trial Continuances, Authorized Transcriptionists, Change of Judicial Officer, Courtroom Photography & Recording, Filing Facsimile Transmissions & Other Copies, Jurors, Lower Courts Appeals, Motion to Shorten Time, **Motions for Revision & Reconsideration** (highlighted), and Pre-Assigned Case Process. The main content area contains the text: "Motions for Revision pursuant to RCW 2.24.050 and [Local General Rule 11](#), or Reconsideration pursuant to CR 59 and [Local General Rule 11](#)." followed by "REQUIRED PROCESS:" and "Per [Local General Rule 1\(A\)\(B\)](#)". A numbered list follows: 1. Email motions for revision and motions for reconsideration (and proposed order) to: [\[email protected\]](#) and you **must** include opposing counsel and unrepresented opposing parties and any office staff on the e-mail. 2. Email opposing documents and proposed order to: [\[email protected\]](#) and you **must** include opposing counsel and unrepresented opposing parties and any office staff on the e-mail. A bullet point below item 2 states: "• Include a proposed order in WORD format (subject to your technology access)." At the bottom of the main content area, it says "[Updated: September 1, 2024]".

JAMES SNODGRASS - FILING PRO SE

August 14, 2025 - 5:01 PM

Transmittal Information

Filed with Court: Court of Appeals Division III
Appellate Court Case Number: 39837-4
Appellate Court Case Title: Craig Brazell, et al v. James Snodgrass, et al
Superior Court Case Number: 20-2-00841-6

The following documents have been uploaded:

- 398374_Petition_for_Review_20250814165907D3506229_1352.pdf
This File Contains:
Petition for Review
The Original File Name was Petition for review.pdf

A copy of the uploaded files will be sent to:

- canderson@mmclegal.net
- jraschko@mmclegal.net

Comments:

Sender Name: James Snodgrass - Email: whytehorse@gmail.com
Address:
7804 Savary Dr
Pasco, WA, 99301
Phone: (509) 591-5696

Note: The Filing Id is 20250814165907D3506229

FILED
JULY 15, 2025
In the Office of the Clerk of Court
WA State Court of Appeals, Division III

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

CRAIG BRAZELL, an individual;)	
CCB DISTRIBUTING, LLC, a)	No. 39837-4-III
Washington Limited Liability Company,)	
)	
Respondents,)	
)	
v.)	UNPUBLISHED OPINION
)	
JAMES SNODGRASS, an individual;)	
NEXUS ONE, LLC, a Washington)	
Limited Liability Company,)	
)	
Appellants.)	

COONEY, J. — James Snodgrass and Nexus One, LLC, (collectively, “Mr. Snodgrass”) appeal the trial court’s denial of his motion for reconsideration. We dismiss his appeal as untimely.

BACKGROUND

Craig Brazell and CCB Distributing, LLC, (collectively, “Mr. Brazell”) filed suit against Mr. Snodgrass seeking declaratory relief, dissociation, breach of fiduciary duty,

judicial dissolution, and an injunction. Thereafter, the parties reached a settlement, formalized under “CR2A” (Agreement). Clerk’s Papers (CP) at 220-22. The Agreement provided that “any dispute as to the terms of his agreement . . . shall be subject to mandatory arbitration.” CP at 222.

Mr. Brazell later alleged that Mr. Snodgrass had breached the Agreement and moved to compel arbitration. Arbitration was held, resulting in an award in favor of Mr. Brazell. Mr. Brazell then moved for an order confirming the arbitration award. The superior court granted the motion and entered an order confirming the arbitration award on April 28, 2023.

Mr. Snodgrass e-mailed a “Motion for Reconsideration with Exhibits” to the Benton County Superior Court administrator on May 8, 2023. CP at 118. However, he “failed to timely file the Motion for Reconsideration.” *Id.* Nevertheless, the superior court “exercise[d] its discretion and consider[ed] the Defendant’s Motion for Reconsideration.” *Id.* The superior court subsequently denied Mr. Snodgrass’ motion in a 22-page letter decision dated June 5, 2023. On June 22, 2023, Mr. Snodgrass filed a notice of appeal, challenging the superior court’s denial of his motion for reconsideration.

ANALYSIS

A motion for reconsideration is addressed at the sound discretion of the trial court, and will not be reversed absent a showing of manifest abuse of discretion. *Lund v. Benham*, 109 Wn. App. 263, 266, 34 P.3d 902 (2001). An abuse of discretion occurs

when the trial court's decision rests on untenable grounds or untenable reasons. *State ex rel. Carroll v. Junker*, 79 Wn.2d 12, 26, 482 P.2d 775 (1971).

The RAPs provide that a notice of appeal must be filed within 30 days after entry of the decision the appellant wants reviewed or 30 days after entry of an order deciding a timely motion for reconsideration of the decision the appellant wants reviewed. RAP 5.2(a), (e). Under CR 59(b), a motion for "reconsideration shall be filed not later than 10 days after the entry of the judgment, order, or other decision." In general, the word "shall" imposes a mandatory requirement. *Erection Co. v. Dep't of Labor & Indus.*, 121 Wn.2d 513, 518, 852 P.2d 288 (1993). Consequently, a trial court lacks the authority to extend the time period for filing a motion for reconsideration. *Metz v. Sarandos*, 91 Wn. App. 357, 360, 957 P.2d 795 (1998).

Here, Mr. Snodgrass did not appeal the April 28 order confirming the arbitration award. Instead, he e-mailed a CR 59 motion for reconsideration to the court administrator. For this court to reach the merits of Mr. Snodgrass' appeal, his CR 59 motion must have been timely filed. It was not.

First, Mr. Snodgrass does not challenge the superior court's finding that his motion for reconsideration was untimely. This finding is a verity on appeal. *In re Welfare of A.L.C.*, 8 Wn. App. 2d 864, 871, 439 P.3d 694 (2019). Second, the record lacks any indication that Mr. Snodgrass filed his motion with the clerk of the court within 10 days of the court's order confirming the arbitration award. Because Mr. Snodgrass'

No. 39837-4-III
Brazell v. Snodgrass

motion for reconsideration was untimely, the trial court abused its discretion in reconsidering its April 28 order and judgment.

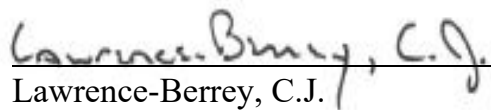
The commencement date for Mr. Snodgrass to initiate an appeal was April 28, 2023. His appeal was not filed until June 22, 2023, well beyond the 30-day time limitation. We therefore dismiss this appeal as untimely.

A majority of the panel has determined this opinion will not be printed in the Washington Appellate Reports, but it will be filed for public record pursuant to RCW 2.06.040.

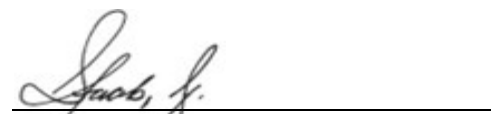


Cooney, J.

WE CONCUR:



Lawrence-Berrey, C.J.



Staab, J.

Tristen L. Worthen
Clerk/Administrator

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TDD #1-800-833-6388

*The Court of Appeals
of the
State of Washington
Division III*



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July 15, 2025

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CASE # 398374
Craig Brazell, et al v. James Snodgrass, et al
BENTON COUNTY SUPERIOR COURT No. 2020084103

Counsel:

Enclosed please find a copy of the opinion filed by the court today.

A party need not file a motion for reconsideration as a prerequisite to discretionary review of this decision by the Washington Supreme Court. RAP 13.3(b), 13.4(a). If a motion for reconsideration is filed, it should state with particularity the points of law or fact that the moving party contends this court has overlooked or misapprehended, together with a brief argument on the points raised. RAP 12.4(c). Motions for reconsideration that merely reargue the case should not be filed.

Motions for reconsideration, if any, must be filed within twenty (20) days after the filing of a decision. RAP 12.4(b). Please file the motion electronically through this court's e-filing portal. If no motion for reconsideration is filed, any petition for review to the Supreme Court must be filed in this court within thirty (30) days after the filing of the decision (should also be filed electronically). RAP 13.4(a). The motion for reconsideration and petition for review must be received by this court on or before the dates each is due. RAP 18.5(c).

Sincerely,

A handwritten signature in blue ink that reads "Tristen Worthen".

Tristen Worthen
Clerk/Administrator

TLW: hcm

c: **E-mail** Honorable Judge Joseph M. Burrowes