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No. 91074-0

THE SUPREME COURT OF WASHINGTON STATE

Guy Mettle Appellant, Pro Se Beneficiary	Supreme Court Case No. 91074-0
v.	Court of Appeals Cases No. 38243-1-II, 38603-8-II, 38733-6-II, 41463-5-II, 42213-1-II, 44244-2-II
Gregg Mettle Respondent Personal Representative/Trustee	Pierce Co. Superior Ct. No. 03-4-01245-1 (consolidated with No. 08-4-00411-5)
In the Estate of Dorothy P. Mettle Deceased on 12/10/2002	MOTION TO MODIFY LETTER, DATED 9/29/2010, WHICH REFUSED TO CALENDAR GUY'S MOTION TO MODIFY FILED ON 9/28/2015.

**MOTION TO MODIFY LETTER, DATED 9/29/2015, WHICH REFUSED TO CALENDAR GUY'S
MOTION TO MODIFY FILED ON 9/28/2015**

Filed by Appellant:
Guy Mettle
Pro Se, Beneficiary,
Son of Dorothy P. Mettle

TABLE OF CONTENTS

Table of Authorities.....	3
Motion To Modify Letter, Dated 9/29/2015,	4
Statement of Facts	4
Objections Deputy Clerk’s Letter Dated 9/29/2015.....	6
Arguments.....	8
Clerk Cannot Prevent Justices’ Review of A Motion To Modify.....	8
Case Manager Bausch’s Threat of Sanctions Was Not An Automated Mistake	8
Clerk Ruled That His Determinations Become Permanent Unless Modified	9
Clerk Did Not, And Cannot, Grant Guy’s Request For Relief.....	10
Vague Orders And Rulings Are Unconstitutional	11
Court Pattern of Threats And Cynical Miscarriage of Justice.....	12
Lazy, Incompetent, And Corrupt Judges	14
Corrupt Supreme Court Justices Approved Trustee’s Perjury	15
Harrasment And Violation of Civil Rights	17
Request For Relief	18
Unsworn Declaration.....	19
Parties.....	19
Certificate of Service	21
Exhibit 1 – Supreme Court 91074-0 Order, Dated 4/29/2015	22
Exhibit 2 – Supreme Court Clerk’s Ruling, Dated 4/29/2015	23
Exhibit 3 – Supreme Court Clerk And Case Manager Bausch’s Ruling/Determination, Dated 9/01/2015.....	24
Exhibit 4 – Supreme Court Case Manager Bausch’s Threat of Sanctions, Dated 7/13/2015,.....	25
Exhibit 5 – Clerk’s Letter, Dated 9/15/2015, Which Refused To Allow Judges’ Review	26
Exhibit 6 – Supreme Ct Office Mgr Bausch’s Threat of Sanctions.....	27
Exhibit 7 – Deputy Clerk Carlson’s Letter, Dated 9/29/2015, Which Refused To Filed Guy’s Motion To Modify (Filed 9/28/2015)	29

TABLE OF AUTHORITIES

Cases

State ex rel. Evans v. Chapman, 139 Wash. 556, 247 P. 946 (1926).....	19
State V. Davis, Wash. Court of Appeals, 61 Wn. App. 800; 812 P.2d 510; 1991 Wash. App. LEXIS 237	8
State v. Miller, Wash Supeme Court, 118 Wn.2d 1008; 826 P.2d 144; 1992 Wash. LEXIS 34	12

Statutes

9A.56	15
RAP 17.7	8
RCW 9A.72.010	15
RCW 9A.72.040	15
RCW 9A.72.050	15
RCW 9A.72.070	15
RCW 9A.76.175	15

Rules

GR 34.....	13
RAP 12.3(c).....	8

**MOTION TO MODIFY LETTER, DATED 9/29/2015, WHICH REFUSED TO
CALENDAR GUY'S MOTION TO MODIFY FILED ON 9/28/2015**

STATEMENT OF FACTS

On 12/08/2014, Guy filed his "Motion To Waive Court Fees And Costs Per GR 34 Due To Indigent Appellant."

On 12/09/2014, Clerk's ruling denied Guy's "Motion To Waive Court Fees And Costs Per GR 34 Due To Indigent Appellant" (filed 12/08/2014).

On 12/19/2014, Guy filed his "Motion To Modify Clerk's Letter Dated 12/09/2014 Which Denied Guy's Motions For Overlength Petition And Indigent Waiver Of Court Fees

On, 4/29/2015, a panel of Supreme Court Justices unanimously ordered that Guy could proceed with his petition for review and that Guy's other pending motions were moot. (See Order, Exhibit 1, attached.)

On 4/29/2015, Clerk's ruling approved Guy's "Motion To Waive Court Fees And Costs Per GR 34 Due To Indigent Appellant (Filed December 8, 2014)." (See Ruling, Exhibit 2, attached.)

On 7/13/2015, Supreme Court Office/Case Manager Bausch repeated the threat of sanctions if invoice PR-11844 for printing costs was not paid by 8/1/2015. (Exhibit 4, attached.)

On 7/24/2015, Guy replied to Supreme Court Office/Case

Manager Bausch's by email, regarding invoice PR-11844, as follows:

"Please be advised that, on 4/29/2015, Supreme Court clerk granted Guy's "Motion to waive Court Fees and Costs per GR 34 Due to indigent Appellant (filed December 8, 2014)"

On 9/01/2015, Supreme Court Clerk Carpenter and Office/Case

Manager Bausch issued a ruling/determination (Exhibit 3, attached), which modified court order (Exhibit 1, attached) and Clerk's previous ruling (Exhibit 2, attached). Clerk and Manager said Guy must pay court printing costs per invoice PR-11844 (Exhibit 4, attached) or be sanctioned.

On 9/11/2015, Guy filed his "Motion to Modify Clerk and Case Manager's Ruling/Determination, Dated 9/01/2015, Requiring Indigent to Pay Court Costs."

On 9/15/2015, Clerk's letter (Exhibit 5, attached) refused to allow judges to review Guy's motion to modify (filed 9/11/2015).

On 9/23/2015, Guy filed his Motion To Modify Clerk's Letter, Dated 9/15/2015, Which Refused To Allow Judges To Review Guy's Motion To Modify.

On 9/24/2015, Clerk's letter calendared the above motion to be heard by Justices on 12/01/2015. Note that Guy's underlying motion (filed 9/11/2015) is for the court to waive all court costs.

On 9/25/2015, Supreme Court Office/Case Manager Bausch threatened sanctions if indigent Guy did not pay court printing costs quickly. Office/Case Manager Bausch said she was operating in concert with Supreme Court Clerk Carpenter. (See Exhibit 6, attached.)

On 9/28/2015, Guy filed his "Motion To Modify Letter, Dated 9/25/2015, and Call Off The Dogs, or The Supreme Court Will Be Sued For Violation Of Indigent Guy's Civil Rights, For Harassment, And For Conducting a Criminal Racketeering Enterprise.

On 9/29/2015, Deputy Clerk's letter (Exhibit 7, attached) refused to calendar Guy's motion to modify (filed on 9/28/2015) for review by Supreme Court Justices.

OBJECTIONS DEPUTY CLERK'S LETTER DATED 9/29/2015

Guy objects to the following text in the ruling/determination, dated 9/29/2015, by the Deputy Clerk Carlson (Exhibit 7, attached), regarding Guy's

Motion To Modify Letter, Dated 9/25/2015, And Call Off The Dogs, Or The Supreme Court Will Be Sued For Violation Of Indigent Guy's Civil Rights, For Harassment, And For Conducting A Criminal Racketeering Enterprise.

“ The motion seems to have been triggered by a past due notice sent to Mr. Mettle by the Case Manager on September 25, 2015. Mr. Mettle is advised that the notice was sent as a routine reminder triggered by our accounting software and he should disregard the notice. Due to the motion to modify related to that bill that is currently set on the Court's 'December 1,2015, Department Motion Calendar, we have reset the due date for the payment of the bill beyond December 1, 2015. No further request for payment will be sent4 to Mr. Mettle until the issue has been resolved by the Department.

“Since the issue of whether Mr. Mettle will be required to pay the bill is already set on the December 1, 2015, Motion Calendar on the motion to modify he filed on September 23, 2015, it appears that action is not necessary on the motion to modify filed on September 28, 2015. Therefore, the motion has been placed in the file, but no further action will be taken on it.”

Guy objects to the items underlined above, and excerpted immediately below:

Mr. Mettle is advised that the notice was sent as a routine reminder triggered by our accounting software

...it appears that action is not necessary on the motion to modify filed on September 28, 2015. Therefore, the motion has been placed in the file, but no further action will be taken on it

ARGUMENTS

CLERK CANNOT PREVENT JUSTICES' REVIEW OF A MOTION TO MODIFY

According to RAP 17.7, Guy Mettle may object to any “determination” [RAP 12.3(c)] of a Commissioner, Clerk, or court person that makes a determination. This motion to modify is directed to a Supreme Court Justice [RAP 17.2(a)(2)]. Guy’s filing of the motion to modify is sufficient, and the motion must be reviewed by the judges. (RAP 17.7, State V. Davis,¹ REG Enterprises v. Co-Guardians of the Person²) By filing a motion to modify, Guy is entitled as a matter of right to a de novo review by a 3-judge panel. (Marriage of Wolfe at HN4,³ and State v. Davis at HN4.⁴) Therefore, the Clerk must calendar Guy’s motion to modify for review by a panel of justices.

CASE MANAGER BAUSCH’S THREAT OF SANCTIONS WAS NOT AN AUTOMATED MISTAKE

¹ State V. Davis, Wash. Court of Appeals, 61 Wn. App. 800; 812 P.2d 510; 1991 Wash. App. LEXIS 237 at [HN4]

² REG Enterprises v. Co-Guardians of the Person and estate Of Kenneth G. Burrows, in Wash Court of Appeals, 2000 Wash. App. LEXIS 228

³ Marriage of Wolfe, Wash. Supreme Court, 99 Wn.2d 531; 663 P.2d 469; 1983 Wash. LEXIS 1536

⁴ State V. Davis, Wash. Court of Appeals, 61 Wn. App. 800; 812 P.2d 510; 1991 Wash. App. LEXIS 237, at HN4

Case Manager Bausch's demand for payment (emailed on 7/13/2015, Exhibit 4, attached) was not an automated mistake as claimed by the Clerk, because it contained a customized threat of sanctions aimed specifically at Guy. Quoting Case Manager Bausch:

" I spoke with Mr. Carpenter the Clerk, who indicated that the waiver applied to your case did not pertain to the costs associated with the briefing, it only applied to the filing fee.

To avoid the imposition of possible sanctions for failure to pay the invoice, please send the payment as soon as possible."

Therefore, the Clerk must calendar Guy's motion to modify for review by a panel of justices. Also, It is important for Supreme Court justices to see the harm their caused by their vague and incompetent order dated 4/29/2015, which not even the Supreme Court staff could understand.

CLERK RULED THAT HIS DETERMINATIONS BECOME PERMANENT UNLESS MODIFIED

Clerk's letter, dated 9/15/2015 (Exhibit 5 below) determined that Guy must file a timely motion to modify or the Clerk/Case Manager's determinations become permanent. Thereby, Clerk forced Guy to file his "Motion To Modify Letter, Dated 9/25/2015, and Call Off The Dogs, or The Supreme Court Will Be Sued For Violation Of Indigent Guy's Civil

Rights, For Harassment, And For Conducting a Criminal Racketeering Enterprise” (filed on 9/28/2015).

The Clerk letter, dated 9/29/2015 (Exhibit 7, below) cannot now say opps, false alarm, no motion-to-modify is needed when the Clerk really does not mean his demands payment and threats of sanctions (which were emailed to Guy on 9/25/2015, Exhibit 6, below).

Therefore, the Clerk must calendar Guy’s motion to modify for review by a panel of justices, specifically Guy’s “Motion To Modify Letter, Dated 9/25/2015, and Call Off The Dogs, or The Supreme Court Will Be Sued For Violation Of Indigent Guy’s Civil Rights, For Harassment, And For Conducting a Criminal Racketeering Enterprise,” filed on 9/28/2015.

CLERK DID NOT, AND CANNOT, GRANT GUY’S REQUEST FOR RELIEF

Guy’s motion to modify (Motion To Modify Letter, Dated 9/25/2015, and Call Off The Dogs, or The Supreme Court Will Be Sued For Violation Of Indigent Guy’s Civil Rights, For Harassment, And For Conducting a Criminal Racketeering Enterprise), filed on 9/28/2015, contained requests for relief that were not granted when the Clerk refused to let justices review Guy’s motion. In Request for Relief #6, Guy request compensation and damages. For example, Trustee’s attorney

fees have been billed to Guy at \$325 per hour to review the issues generated by the Justices' vague and incompetent order, dated 4/29/2015, which not even the Supreme Court staff could understand.

Damages were doubled and tripled, when the Clerk refused to calendar Guy's motion-to-modify for review by the Justices, which forced Guy to file two more motions-to-modify the clerk's decision to deny review of Guy's initial motions-to-modify. All of which resulted in increased billings to Guy of trustee's attorney fees. Damages were quadrupled, because indigent Guy had to take time off of his job to prepare said motions.

Therefore, the Clerk cannot address Guy's requests for relief, and the Clerk must calendar Guy's motion to modify for review by a panel of justices.

VAGUE ORDERS AND RULINGS ARE UNCONSTITUTIONAL

Until Clerk and Case Manager's letter dated 9/1/2015 refused to waive printing costs on Invoice PR-11844, which threatened sanctions, it seemed that Guy's motions to waive court fees and court costs were granted or temporarily allowed, and therefore moot.

It is lazy and incompetent for the Clerk and the Court to fail to specify which motions and which requests for relief were being denied

(the Court and the Clerk failed to list them) and which requests for relief were being granted (again, the Court and the Clerk failed to list which requests were moot because they had been granted or temporarily waived).

Vague Court orders and rulings are unconstitutional because they deprive the litigant of due process.

"void for vagueness" under the due process clause of the fourteenth amendment to the United States Constitution, and article 1, section 3 of the Washington State Constitution. " State v. Miller, Wash Supreme Court, 118 Wn.2d 1008; 826 P.2d 144; 1992 Wash. LEXIS 341

COURT PATTERN OF THREATS AND CYNICAL MISCARRIAGE OF JUSTICE

The PR/Trustee, Superior Court, COA, and the Supreme Court have constantly attempted to avoid trying the Estate of Dorothy P. Mettle on the merits by attempting to force Guy into a procedural default. A primary tactic of these parties has been their attempts to starve indigent Guy out for 13 years (2002 – 2015) without distributing Guy's inheritance, as the same racketeering cronies ran up \$141,000 in legal fees, which they billed to Guy.

In just COA 44244-2-II AND Supreme Court 91074-0, the court has four times threatened indigent Guy with dismissal of the case for nonpayment of fees and costs.

1. See Clerk's letter dated 12/17/2013 demanding payment of \$290 or this case would be dismissed.
2. See Invoice #71539, dated 3/15/2013, and Clerk's letter dated 4/01/2013 demanding payment of \$891 plus \$450 in sanctions, or this case would be dismissed.
3. COA 44244-2-II refused to file Guy's pleadings until indigent Guy paid a \$1,000 sanction for reasons the COA never revealed.
4. In Supreme Court 91074-0, on 7/13/2015, Supreme Court Office/Case Manager Bausch's threatened sanctions if Guy does not pay court costs, even though Guy was granted GR 34 indigent status on 4/29/2015. (See Exhibit 3, attached.)
5. In Supreme Court 91074-0, on 9/25/2015, Supreme Court Case Manager Bausch and Clerk Carpenter, again, threatened sanctions if Guy does not pay court printing costs.

It was a cynical miscarriage of justice for COA 41463-5-II, Supreme Court #85871-3, and COA 44244-2-II to deny Guy's motions for indigency, while the Supreme Court had already proposed, published, and adopted GR 34, which offered exactly the relief requested by Guy's motion for indigency. (CP 904 – 909, 910 – 917.) And now in Supreme Court 91074-0, it is a cynical miscarriage of justice for the Clerk and the Case Manager

to contradict Jafar v. Webb,⁵ and to violate this court's order dated 4/29/2015, in order to demand that indigent Guy pay the court's printing costs or face sanctions.

LAZY, INCOMPETENT, AND CORRUPT JUDGES

The following statements are not intended as insults, but they are an objective evaluation of the COA Judges and the Supreme Court Justices' effect on this case. COA 41463-5-II and Supreme Court 85871-3 denied Guy's motions for indigent waiver of court fees and costs under GR 34, as did COA 44244-2-II. But, now Supreme Court 91074-0 approved Guy's motion to waive court fees under GR 34. What changed? If the judges and justices were not mentally handicapped a few months or years ago, they are corrupt racketeers. Clearly, judges and justices do not read the motions or the authorities. And, too often they are too lazy to list the motions that they ruled upon, or list the relief being granted or denied, so that some orders are so vague and incompetent that they have to be relitigated, as by this motion. All that litigation causes great harm and cost to beneficiaries and indigents, as has occurred in the Estate of Dorothy P. Mettle for the last 13 years (2002 – 2015) costing

⁵ Jafar v. Webb, Wash. Supreme Court No. 87009-8, En Banc, May 23, 2013

hundreds of thousands of dollars to support the litigation. None of it was needed, if the court simply ordered the Trustee to show bank statements of initial and subsequent balances in the Trust. In high school or middle school such lazy incompetence would be offered a tutor for the handicapped. It is unethical for judges and justices to behave this way.
CJC.

CORRUPT SUPREME COURT JUSTICES APPROVED TRUSTEE'S PERJURY

Supreme Court order, dated 9/30/2015, by Justices Madsen, Johnson, Fairhurst, Wiggins, and Gordon McCloud, denied Guy's petition for review and thereby approved trustee's criminal acts, including perjury, false swearing, fraud, and theft. (RCW 9A.72.010, RCW 9A.72.040, RCW 9A.72.050, RCW 9A.72.070, RCW 9A.76.175, 9A.56) Some of these crimes were committed in Supreme Court 91074-0 in Trustee's Answer to 2nd Shortened Petition For Review, filed 7/03/2015.

Quote from Trustee's Answer:

The combined value of the Trust and Estate at the time of her death was approximately \$954,614.00. CP 331.

Quote from Trustee's answer:

At the close of the guardianship, the Estate's only asset was a Columbia Bank account, and the only Trust asset was a Merrill Lynch account. CP 31-32.

Those statements are perjury and false swearing because the Trust actually included Dorothy Mettle's Charles Schwab bank account, which contained over \$62,000. Dorothy Mettle's Charles Schwab account appears for the first time in any of the Guardian/Trustee's accountings as footnote #3 in the Trustee's interim accounting (See CP 3 – 5, and Exhibit 1 in Guy's Appendix 12 in Supreme Court 91074-0). Said accounting of the Charles Schwab bank account appeared for the first time in 2008 which is six years after Dorothy Mettle's death in 2002. However, by 2008, Trustee claimed that the Charles Schwab account only contained about \$12,000, in order to hide the fact that trustee Gregg had stolen \$50,000 from the Trust's Charles Schwab account.

Previously, in year 2000, Guy personally witnessed that Dorothy's Charles Schwab account contained over \$62,000, and that Dorothy froze the account specifically to prevent Gregg from accessing the account. But, Gregg proclaimed himself to be Dorothy's replacement trustee and stole \$50,000 from the account.

Trustee's answer, in Supreme Court 910740-0, filed 7/03/2015, continued to commit the crimes of perjury and false swearing by denying

the existence of the Charles Schwab account in furtherance of the trustee Gregg's theft of \$50,000 from the Trust's Charles Schwab account.

Proof that the Trust's Charles Schwab account existed is found in Superior Court 03-4-01245-1 "Petition To Approve Trustee's Interim Accounting," filed on 3/10/2008 (CP 3-15), but which has since been deleted from Superior Court LINX records by criminal record tampering.

Proof of this criminal record tampering (discovered by Guy on 10/18/2015) and copies of the original court documents appear in Guy's Appendix 12 filed in Supreme Court 91704-0. Further proof is contained in the Superior Court order, dated 6/27/2008, which approved the trustee's interim accounting that is now missing from Superior Court LINX. (Said order also appears as Exhibit 2, in Guy's Appendix 12, in Supreme Court 91074-0)

HARRASSMENT AND VIOLATION OF CIVIL RIGHTS

Case Manager Bausch and Clerk Carpenter's repeated demands that indigent Guy has to pay court costs, including printing costs, and their repeated threats of sanctions constitute harassment and a violation of Guy's civil rights. Corrupt Washington State courts, judges, and justices have already impoverished Guy by requiring 13 years of litigation

(2002 – 2015), hundreds of thousands of dollars in legal costs and hundreds of pleadings, instead of simply ordering the Trustee to state and substantiate the initial balances in all Trust bank accounts.

Since Guy cannot afford an attorney, Guy has to prepare the pleadings, himself. That requires Guy to work low wage, part time jobs, so that he can devote days, weeks, and months to preparing pleadings on short notice, instead of working at a career job. Every pleading that Guy must prepare (like all of Guy's pleadings in Supreme Court 91074-0) further stress and impoverish Guy by forcing him to take more days off of work with the resulting loss of income.

Supreme Court Office Manger Bausch and Clerk Carpenter's unwarranted demands for payment, and their malicious threats of sanctions, harm Guy in many ways, including financial harm, stress, pain and suffering, violation of Guy's civil rights, and targeted Guy by the courts' criminal racketeering enterprise. (Charges of racketeering have been presented in Guy's previous pleadings in Supreme Court 91074-0, with evidence in Clerk's Papers.)

REQUESTS FOR RELIEF

Request for Relief #1 – A panel of Supreme Court judges should review this motion to modify Supreme Court Deputy Clerk’s ruling/determination dated 9/29/2015 (Exhibit 7, attached). The court should grant Request for Relief #2, below.

Request for Relief #2 - A panel of Supreme Court judges should review Guy’s “Motion To Modify Letter, Dated 9/25/2015, and Call Off The Dogs, or The Supreme Court Will Be Sued For Violation Of Indigent Guy’s Civil Rights, For Harassment, And For Conducting a Criminal Racketeering Enterprise,” filed on 9/28/2015.

Unsworn Declaration -- I, Guy Mettle, declare, under penalty of perjury, under laws of Washington State, that the foregoing is true to the best of my knowledge and belief.



Date: October 26, 2015

P.O. Box 2491
Westerville, OH 43086-2491
614-432-6000

Case Citation Regarding Unsworn Declarations

Verification of a pleading to effect that the party believes it to be true is not objectionable as a verification upon information and belief.
State ex rel. Evans v. Chapman, 139 Wash. 556, 247 P. 946 (1926).

PARTIES

Appellant

Guy Mettle, P.O. Box 2491, Westerville, OH 43086-2491, Tel. (614) 432-6000

Guy Mettle is pro se.

Appellant in the Supreme Court

Appellant in the Court of Appeals

Beneficiary to the Estate of Dorothy P. Mettle, in Superior Court.

Respondent

Gregg M. Mettle

Personal Representative / Trustee

David Petrich, attorney

Eisenhower and Carlson LLP

1201 Pacific Avenue, #1200

Tacoma, WA 98402

CERTIFICATE OF SERVICE

I, Guy Mettle, certify that on ___October 26, 2015___, I served a copy of the following document(s)

MOTION TO MODIFY LETTER, DATED 9/29/2015, WHICH REFUSED TO CALENDAR GUY'S MOTION TO MODIFY FILED ON 9/28/2015

by U.S. MAIL, postage paid, to the following person(s):

David Petrich, attorney
Eisenhower and Carlson
1201 Pacific Avenue, #1200
Tacoma, WA 98402

Unsworn Declaration -- I, Guy Mettle, declare, under penalty of perjury, under laws of Washington State, that the foregoing is true to the best of my knowledge and belief.



Date: October 26, 2015

Guy Mettle
P.O. Box 2491
Westerville, OH 43086-2491
614-432-6000

File with:

Clerk of Courts
Supreme Court of Washington State
Temple of Justice
415 12th Ave SW
Olympia, WA 98504
Email: supreme@courts.wa.gov
Tel. 360-357-2077

EXHIBIT 2 – Supreme Court Clerk’s ruling, dated 4/29/2015, granting Guy’s “Motion to waive court fees and costs per GR 34 due to indigent appellant.”

RONALD R. CARPENTER
SUPREME COURT CLERK

SUSAN L. CARLSON
DEPUTY CLERK / CHIEF STAFF ATTORNEY

THE SUPREME COURT
STATE OF WASHINGTON



TEMPLE OF JUSTICE
P.O. BOX 40829
OLYMPIA, WA 98504-0829

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April 29, 2015

LETTER SENT BY E-MAIL ONLY

Guy Mettle
P.O. Box 2491
Westerville, OH 43086

David Benjamin Petrich
Eisenhower & Carlson PLLC
1201 Pacific Avenue, Suite 1200
Tacoma, WA 98402-4395

Jennifer Ann Wing
Law Office of Jennifer A. Wing PLLC
4041 Ruston Way, Suite 200
Tacoma WA 98402-5300

Re: Supreme Court No. 91074-0 - In re the Dorothy P. Mettle Trust
Court of Appeals No. 44244-2-II

Counsel:

Enclosed is a copy of the ORDER entered following consideration of the above matter on the Court’s April 28, 2015, Motion Calendar.

The following notation ruling was entered on this date by the Supreme Court Clerk in the above referenced case:

MOTION TO WAIVE COURT FEES AND COSTS PER GR 34 DUE TO
INDIGENT APPELLANT (filed December 8, 2014):

“Motion for waiver of the filing fee is granted.”

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald R. Carpenter".

Ronald R. Carpenter
Supreme Court Clerk

EXHIBIT 3 – Supreme Court Clerk and Case Manager Bausch’s ruling/determination, dated 9/01/2015, that Guy should continue paying court costs in violation of GR 34.

Error! Bookmark not defined.

• RE: Invoice PR-11844 from Washington State Supreme Court

People

Bausch, Lisa

Sep 1 at 1:03 PM

To Guy Mettle

Mr. Mettle,

The Clerk on April 29, 2015, did issue a notation ruling which waived the filing fee. I spoke with the Clerk Mr. Carpenter, he verified that the filing fee was the only part that was waived, not any costs associated.

Therefore, payment for the reproduction of the brief is still required. Please remit payment as soon as possible. Thank you,

Lisa Bausch

Office/Case Manager

Washington State Supreme Court

lisa.bausch@courts.wa.gov

360-357-2071

Exhibit 4 – Supreme Court Case Manager Bausch’s threat of sanctions, dated 7/13/1025, if invoice PR-11844 is not paid by 8/1/2015.

- Invoice PR-11844 from Washington State Supreme Court



Bausch, Lisa

Jul 13

To gmmillennium@yahoo.com

Washington State Supreme Court

Invoice Due: 07/01/2015

PR-11844

Amount Due: **\$5.44**

Dear Customer :

Your invoice is attached and appears to be overdue for payment. The case number is referenced in the invoice. Please either remit payment or provide proof of payment at your earliest convenience.

Failure to pay the attached invoice by August 1st may result in the imposition of monetary sanctions.

Thank you - we appreciate it very much.

Sincerely,

Lisa Bausch
Office/Case Manager
Washington State Supreme Court
lisa.bausch@courts.wa.gov

EXHIBIT 5 – Clerk’s Letter, Dated 9/15/2015, which refused to allow judges’ review of Guy’s motion to modify Clerk’s ruling, dated 9/01/2015

RONALD R. CARPENTER
SUPREME COURT CLERK

SUSAN L. CARLSON
DEPUTY CLERK / CHIEF STAFF ATTORNEY

THE SUPREME COURT
STATE OF WASHINGTON



TEMPLE OF JUSTICE
P.O. BOX 40929
OLYMPIA, WA 98504-0929

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e-mail: supreme@courts.wa.gov
www.courts.wa.gov

September 13, 2015

LETTER SENT BY E-MAIL ONLY

Guy Mettle
P.O. Box 2491
Westerville, OH 43086

Jennifer Ann Wing
Law Office of Jennifer A. Wing PLLC
4041 Ruston Way Suite 200
Tacoma, WA 98402-5300

David Benjamin Petrich
Eisenhower & Carlson PLLC
1201 Pacific Avenue Suite 1200
Tacoma, WA 98402-4395

Re: Supreme Court No. 91074-0 – In re the Dorothy P. Mettle Trust
Court of Appeals No. 44244-2-II

Counsel and Mr. Mettle:

On September 11, 2015, this Court received Mr. Mettle’s “MOTION TO MODIFY CLERK AND OFFICE MANAGER’S RULING/DETERMINATION DATED 9/01/15, REQUIRING INDIGENT TO PAY COURT COST” (motion to modify).

The motion to modify has been placed in file without further action. The only Clerk’s ruling entered as to indigency in this case was the ruling that was filed on April 29, 2015, and of course that ruling limited the requested relief granted to waiver of the filing fee only, nothing farther. That ruling dated April 29, 2015, was subject to a motion to modify if a party wishes review as to the limited nature of the relief granted, but pursuant to RAP 17.7, any motion to modify would have had to be filed by not later than May 29, 2015 (within 30 days of the ruling). No motion to modify was filed.

The administrative invoice for the amount due of \$5.44, issued by the Office/Case Manager, Lisa Bausch, and dated July 7, 2015, is just that, an administrative billing notice. It is neither a discretionary ruling that would be subject to review, nor was it issued by either the Clerk or Court Commissioner, an additional prerequisite to the filing of a motion to modify. Likewise, the e-mail of Lisa Bausch dated September 1, 2015 is not the proper subject of a request for review pursuant to RAP 17.7.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald R. Carpenter".

Ronald R. Carpenter

Exhibit 6 – Supreme Ct Office Mgr Bausch’s threat of sanctions for nonpayment of court printing costs

Invoice PR-11844 from Washington State Supreme Court

- [Bausch, Lisa <Lisa.Bausch@courts.wa.gov>](mailto:Lisa.Bausch@courts.wa.gov)
- Sep 25 at 4:39 PM

To

- gmmillennium@yahoo.com

Washington State Supreme Court

Invoice *Due:07/01/2015*
PR-11844

Amount Due: **\$5.44**

Dear Customer :

Your invoice is attached and is overdue for payment. The case number is referenced in the invoice.

I spoke with Mr. Carpenter the Clerk, who indicated that the waiver applied to your case did not pertain to the costs associated with the briefing, it only applied to the filing fee.

To avoid the imposition of possible sanctions for failure to pay the invoice, please send the payment as soon as possible.

Sincerely,

Lisa Bausch
Office/Case Manager
Washington State Supreme Court
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Washington State Supreme Court

*P.O. Box 40929
Olympia, WA 98504-0929
(360)357-2078*

Invoice

Date	Invoice No.
6/16/2015	PR-11844

Bill To
Guy Mettle PO Box 2491 Westerville, Ohio 43086-2491

Due Date
7/1/2015

Description	Case Number	Case Title	Amount
Printing Briefs petition for review	91074-0	Mettle v Mettle	5.00T
WA State Sales Tax			0.44
OVERDUE FOR PAYMENT - SEE RAP 10.5(a)		Total	\$5.44

Exhibit 7 – Deputy Clerk Carlson’s letter, dated 9/29/2015, which refused to file Guy’s motion to modify (filed 9/28/2015).

RONALD R. CARPENTER
SUPREME COURT CLERK

SUSAN L. CARLSON
DEPUTY CLERK / CHIEF STAFF ATTORNEY

THE SUPREME COURT
STATE OF WASHINGTON



TEMPLE OF JUSTICE
P.O. BOX 40025
OLYMPIA, WA 98504-0925

(360) 357-2077
e-mail: supreme@courts.wa.gov
www.courts.wa.gov

September 29, 2015

LETTER SENT BY E-MAIL ONLY

Guy Mettle
P.O. Box 2491
Westerville, OH 43086

Jennifer Ann Wing
Law Office of Jennifer A. Wing PLLC
4041 Ruston Way Suite 200
Tacoma, WA 98402-5300

David Benjamin Petrich
Eisenhower & Carlson PLLC
1201 Pacific Avenue Suite 1200
Tacoma, WA 98402-4395

Re: Supreme Court No. 91074-0 – In re the Dorothy P. Mettle Trust
Court of Appeals No. 44244-2-II

Counsel and Mr. Mettle:

On September 28, 2015, this Court received Mr. Mettle’s “MOTION TO MODIFY LETTER, DATED 9/25/2015, AND CALL OFF THE DOGS, OR THE SUPREME COURT WILL BE SUED...”

The motion seems to have been triggered by a past due notice sent to Mr. Mettle by the officer manager on September 25, 2015. Mr. Mettle is advised that the notice was sent as a routine reminder triggered by our accounting software and he should disregard the notice. Due to the motion to modify related to that bill that is currently set on the Court’s December 1, 2015, Department Motion Calendar, we have reset the due date for the payment of the bill beyond December 1, 2015. No further requests for payment will be sent to Mr. Mettle until the issue has been resolved by the Department.

Since the issue of whether Mr. Mettle will be required to pay the bill is already set on the December 1, 2015, Motion Calendar based on the motion to modify he filed on September 23, 2015, it appears that action is not necessary on the motion to modify filed on September 28, 2015. Therefore, the motion has been placed in the file but no further action will be taken as to it.

Sincerely,



Susan L. Carlson
Supreme Court Deputy Clerk