

No. 71018-4-I

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

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In re the Marriage of  
ARADHNA FORREST  
Respondent

and

VIKAS LUTHRA  
Appellant

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ON REVIEW FROM THE SUPERIOR COURT OF THE  
STATE OF WASHINGTON FOR KING COUNTY

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BRIEF OF RESPONDENT

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## I. INTRODUCTION

This is a parenting dispute. The father has a personality disorder that profoundly affects his parenting. The original parenting plan, entered in 2010, restricted the father's time based on three "191" findings, including abusive use of conflict and long-term impairment. The plan also requires the father to pursue intensive treatment for his disorder. Given the intractable nature of his disorder, and the damaging effects of it on the child, this treatment was essential to protect the child. Yet, four years later, the father has yet to comply with the court's treatment order.

Instead, the father has expended enormous resources – his, the mother's, and the court's – avoiding treatment. Numerous times, the court has had to restate its original order for treatment, in answer to the father's resistance. Repeatedly, the court has had to rebuff the father's argument that he may do whatever the parenting plan does not specifically prohibit. Despite these efforts to spell out in exacting specificity what is required of him and what is and is not permitted, the father's litigiousness continues.

Here, the father appeals from changes to the parenting plan entered by the court pursuant to a process to which both parties stipulated, in light of their ongoing struggles to implement the plan. Most of the changes merely reiterate or clarify provisions of the original plan or other previous orders. Most of the changes are expressly agreed to by the father or not

challenged on appeal, though it can be difficult to tell precisely what the father complains about. All of the changes were intended to improve the ongoing interactions between the parties, in service to the child's best interests. This intent has been frustrated by the father's single-minded determination to do everything but comply with the parenting plan.

Ultimately, there is no substance to this appeal, because its only purpose is to harass. However, in an attempt to parse the father's objections, the mother includes in the appendices: the original parenting plan and findings (2010), the list of items the parties agreed to submit to the judge for determination, the amended parenting plan (2013), and the order on reconsideration (altering the dispute resolution provision of the amended parenting plan). The amended parenting plan includes in highlight the provisions that were changed from the 2010 plan. Finally, this brief is as lengthy as it is because of the need to explain the broader context and because its author has struggled to understand the father's arguments.

In this brief, the mother will avoid use of proper names as one small effort to protect the child's privacy in this age of widespread dissemination of appellate briefs. All of the parties will be referred to by position, that is, as "the father" or "the mother" or "the child."

## II. RESTATEMENT OF ISSUES

1. The father does not and cannot challenge on the merits the Order Denying Mid-Week Visitation and Order Denying Respondent Vacation with Child During Summer 2013, entered on June 5, 2013, because he did not timely appeal these orders and, in any case, makes no argument in support of a challenge to them.

2. May the court modify and clarify a parenting plan when the parties agree that it may do so?

3. Is there any evidence that the father's attorney acted without authority to agree to the modification and clarification?

4. Does a client's absence from a hearing, without more, deprive his attorney of authority to act on his behalf?

5. Absent proof of fraud, may a party's attorney agree to a process on behalf of the party?

6. Are the court and the opposing party entitled to rely on the apparent authority of the attorney?

7. May the court clarify its own orders?

8. Did the court yet again clarify, rather than modify, the mid-week visit provision?

9. Did the trial court have authority to limit the father's contact with the child's therapist pursuant to the "191" findings and the parties' stipulation?

10. Did the court abuse its discretion when it clarified the original parenting plan's limitation of father-child communication to telephone contact during non-residential periods?

11. Did the trial court have authority to clarify that the primary residential parent would provide routine health care for the child, which did not alter the major decision-making provision and addressed the parties' stipulation regarding notification in the medical context?

12. Did the court abuse its discretion when it awarded fees to the mother based on the father's intransigent conduct, in particular, his seeking relief contingent on treatment despite his failure to comply with the court's many treatment orders?

13. Was the court's authority under the Rules of Appellate Procedure to decide a timely motion for reconsideration abrogated when the father filed a premature notice of appeal?

14. Are there numerous procedural defects in the father's brief that permit this Court to decline to address his arguments and justify fees?

15. Should this Court award the mother fees based on the father's intransigence?

### III. STATEMENT OF THE CASE

#### A. THE FATHER'S PERSONALITY DISORDER PROFOUNDLY AFFECTS THE CHILD AND FORMS THE BASIS FOR RESTRICTIONS IN THE PARENTING PLAN.

The parties have one child, whose age is now ten. The parties divorced in 2010 after a five-day trial during which numerous parties testified, including the court-appointed parenting evaluator (a psychologist) and the father's therapist.<sup>1</sup> CP 368-378. The court entered a parenting plan that included restrictions on the father based on three factors under RCW 26.09.191(3):

The father's involvement or conduct has an adverse effect on the child's best interests under RCW 26.09.191(3)(g) as described in the Finding[s] of Fact, and also because of the existence of the factors which follow:

A long-term emotional or physical impairment which interferes with the performance of parenting functions as defined in RCW 26.09.004." [RCW 26.09.191(3)(c)]

The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development. [RCW 26.09.191(3)(e)]

CP 385; see, also, CP 397-400. The court also entered an order restraining the father from coming within 500 feet of the mother's home or workplace and limiting the manner of his contacting the mother. *Id.* The father did not appeal these orders.

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<sup>1</sup> The docket reveals considerable litigation preceded the trial, the history of which is omitted here in the interests of economy. However, a copy of the docket is included in the appendix.

The parenting evaluator's report describes the extent of the father's mental illness. CP 772-797. Moreover, she summarized how his illness manifested in his conduct and impaired his parenting:

The father has issues associated with controlling behavior and resentment, and can overreact when he feels marginalized as a parent by the mother. He needs to find better ways to handle his anger rather than attempting to control her, sending inflammatory emails and text messages, and making negative comments to the child. It is anxiety-provoking and further fans the flames in this heated divorce. He needs therapeutic help to cope with his feelings about the mother and about her family and friends. His concerns are not realistic or warranted.

Additionally, since the serious allegations against the mother were not substantiated, it raises the questions as to whether he deliberately made false allegations in an attempt to further his cause of increased residential time. If this is incorrect, then an alternative hypothesis is that his perception of reality is skewed, which is more concerning and suggests psychological problems.

Also of concern is how his ongoing, under-treated OCD may affect his son long-term. He needs more intensive treatment than he has thus far received before I would feel comfortable recommending unrestricted residential time.

CP 791-792. Presumably, the evaluator testified consistent with these views, as suggested by the trial court's references to that proceeding in the June 5, 2013 hearing. See, e.g., RP 16, 19.

After the trial's conclusion, the court entered findings and conclusions and final orders. The court found the father's illness "has had a profound impact on the family ...," and gave examples. CP 397-398.

The court found it was “not in [the child’s] best interest to be raised in an environment that is so severely impacted.” CP 398. Although it was possible that, with “intensive, ongoing treatment,” these effects might be “moderated substantially,” the father “does not appear to fully appreciate the impact” of his disorder on the child “and has not successfully engaged in the type of intensive treatment necessary to address it.” CP 398. For example, he entered a residential treatment program, but left “before he was determined to be ready from a medical standpoint” and “has not engaged in an intensive non-residential program locally, despite having received referrals over a year ago.” CP 398. These findings have never been challenged.

The court also found that the father “engaged in the abusive use of conflict,” forcing the court at one point to prevent the father from pursuing discovery without prior court permission. CP 398. In addition, the court found the father disparaged the mother and her family and friends to the child, “subtly and directly,” and “engaged in behaviors designed to align [the child] emotionally with the father and against the mother,” as well as discussing with the child or in his presence “adult financial and dissolution matters, all of which is harmful and detrimental to [the child’s] best interests.” CP 398. Again, these findings are unchallenged.

The court found the child’s best interests “will be served if his father obtains intensive treatment for his OCD so that [the child] can continue to have the regular presence of his father in his life in a way that is healthy for him.” CP 772-797. Accordingly, the court ordered the father into a specific treatment regimen, as recommended by the parenting evaluator. CP 399. Specifically, for example, the court ordered the therapy should be “home-based,” since the father’s problematic behavior was worst and most affecting at his home. CP 399 (FOF ¶ 2.19).<sup>2</sup>

To protect the child, the court limited the father’s residential time, including by eliminating midweek visits. Specifically, the court ordered the midweek visits to:

... stop until the father’s therapist provides a status report to counsel and to me that affirmatively reports on the father’s commitment to and progress in treatment. When the therapist reports that the father is engaged in and making progress in intensive therapy, [mid-week visits “may” resume].

CP 385 (PP ¶ 3.2). Further, the parenting plan expressly provided that “the father’s midweek visits during the school period are limited until the conditions for treatment of his OCD have been met.” CP 388 (PP ¶ 3.10).

Shortly after entry of the decree, the mother sought clarification on whether the court, in the midweek visitation/therapy provision, intended to

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<sup>2</sup>The court placed these details in the findings to protect the father’s privacy, which would be affected by inevitable dissemination of the parenting plan itself (e.g., to schools, doctors, etc.). CP 21; see, also CP 600.

retain jurisdiction. CP 402-431. The father had no objection. CP 432-452. The court clarified ¶ 3.2 of the Parenting Plan to mean “the Court shall retain jurisdiction over this matter regarding compliance with the provisions of the Parenting Plan.” CP 454.

**B. INSTEAD OF SEEKING TREATMENT, THE FATHER CONTINUED HIS PROBLEMATIC CONDUCT.**

The parenting evaluator was very clear about the extremity of the father’s condition, considering that it was both longstanding and incurable, and was concerned the father was not actively pursuing recovery. CP 789. She noted “[h]e will need to change this in order to have a healthy relationship with his son.” CP 789. Four months later, at trial, the court echoed the evaluator’s concern about the father’s failure to engage in the treatment he needed. CP 398. Instead of seeking treatment, the father sought reconsideration on the issue of his taking the child out of the country and the order restraining him from the mother’s home and workplace. CP 432-452. The mother observed that, with no progress in treatment, there was no factual basis to change the orders. The court denied the father’s motion on the basis that none of the facts had changed (i.e., no treatment, no improvement). CP 455-456, 457.

Shortly after the parenting plan was entered, the father began to spend time at the child’s school in violation of the parenting plan’s limitations on his time, prompting the mother to file a motion to enforce.

CP 458-588. She noted the father had yet to seek any of the treatment ordered, that the father was attempting to re-litigate issues settled at trial, and that he was circumventing the parenting plan restrictions by going to the school whenever he chose. CP 530-538.

The court clarified the parenting plan to mean the father could not have visits with the child other than as stated in the plan and ordered the father to cease his visits to the child's school. CP 556-557. Further, because the school visits had precipitated contact with the mother (see, e.g., CP 533-535), the court, *sua sponte*, ordered the father not to come within 500 feet of the mother, whatever her location, except other than at residential transfers. CP 556-557.

The father sought reconsideration of the order prohibiting unlimited contact with the child at school; he did not seek reconsideration of the restraining order provision. CP 558-566, 567-597. The court denied reconsideration, explaining that because of the need for restrictions, the father's time with the child was limited to that specified in the plan, meaning the midweek visits were eliminated. CP 600. The court explained that the father could not revive the midweek visit "by calling it volunteering at the school." CP 600.

Addressing itself to the father's argument that everything not expressly prohibited was somehow permitted, the court countered:

“[w]hile a court can make extensive findings and enter a parenting plan with restrictions, it is not possible to cover every potential eventuality.” CP 598-600. The court restated that the plan “must be read in light of” the extensive findings and the restrictions. *Id.* The court observed further that, in addition to the plan itself, the “order previously entered clarifies my intent regarding [the father’s] midweek contact/visits with [the child] that have been occurring despite my elimination of such contact.” CP 600. In particular, the court said again that it “eliminated mid week contact for the time being, until Mr. Luthra makes progress in the intensive therapy he needs.” CP 600.

The father appealed both aspects of the order, even the one he had not complained about on reconsideration. This Court upheld the limitation on the school visits as a clarification, rejecting the father’s argument that the plan allows any contact not expressly prohibited (see, e.g., CP 489), but vacated the restraining order extension on the basis that it modified the parenting plan without the requisite authority. *In re Marriage of Luthra*, No. 66752-3-I (Slip Op. attached).

While the appeal was pending, the mother again moved to enforce the parenting plan, in light of numerous violations and the father’s continued abuse of conflict. CP 601-674. Many of the problems described by the mother involved harassing communications from the

father by text and his inappropriate telephone contact with the child. CP 605-611.

The mother also requested the court require the father to begin complying with the treatment requirements originally ordered by the court (and already twice repeated), specifically, as identified in ¶ 2.19 of the Findings, to “engage immediately in intensive, home-based therapy for his Obsessive Compulsive Disorder (OCD) with a therapist highly experienced in intensive, OCD treatment”). CP 602, 616-617. The mother alleged the father had “done absolutely nothing to comply” with the treatment requirement, without which, the mother observed, no progress in abating the conflict had been made. CP 617. These proceedings also revealed the father had filed a complaint against the parenting evaluator, which was declared, after investigation, to be unfounded. CP 675-680, 710-714.

The court entered another order again clarifying the parenting plan. CP 20-23. The court found the father had misread provisions of the parenting plan, had violated other provisions, and that he “is subtly or directly alienating the child from the mother, her family and friends.” CP 21. In respect of the treatment requirements, the court again explained that “each and every provision” contained in the court’s findings of fact is binding on the parties. CP 20-21. The court explained again the location

in the findings did not matter, particularly as that was done to protect the father's privacy, anticipating the necessity for the parents to provide the parenting plan to third parties. CP 20-21. In addition to various other clarifications and orders, the court specifically ordered "that the Father shall commence treatment for his Obsessive Compulsive Disorder (OCD), as set forth in the Court's Findings of Fact and Conclusions of Law, dated July 8, 2010, within three months from the date of this Order." CP 23.

#### C. THE FATHER'S MIDWEEK VISITATION MOTION.

Approximately two years elapsed, during which the appeal resolved and the father undertook some additional therapy. He then moved to reinstate mid-week visitation. CP 24-79. (He did not petition to modify under RCW 26.09.260(7).) The mother opposed the request on the basis that the father had not complied with the court's orders, specifically, with the treatment requirements, including the requirement that the intensive treatment must be home-based. CP 82-147; see, also, CP 399 (FOF ¶ 2.19). The mother described the many ways the treatment failed to satisfy the court's requirements and failed to make any changes in the father's behavior. CP 84-90. She reminded the court of the evaluator's opinion that the father "is not likely to be an accurate reporter of events." CP 84; see, also, CP 786. She described a continuing high degree of conflict and harassment. CP 82-147.

At a hearing, the court agreed the father had not satisfied the treatment requirements, noting that the court's findings included "quite specific language about the kind of treatment that needed to be engaged in..." and referred to ¶ 2.19 of the Findings. RP 14; see, also CP 168 (incorporating oral ruling). (The court politely did not mention how many times it already had clarified this "quite specific language.") The court found the father in violation of its order, including this specific language, i.e., that he engage in "intensive home-based therapy for OCD." RP 15.

The court noted, too, that the father's purported OCD therapist had failed to produce credentials, despite requests, and that, on its face, the father's treatment with her fell short of what the court ordered. *Id.*

Since this is an intractable condition that [the father] has experienced since the age of seven and he has severe OCD, to meet for an hour once a week with a licensed mental health counselor, on the face of it, does not comply with my definition of a therapist highly experienced in intensive OCD.

RP 15. The court recalled the testimony at trial of the father's regular therapist and of the parenting evaluator who agreed the father "needed more intense treatment" than the regular therapist could provide. *Id.*<sup>3</sup> In her report, the evaluator made plain that the father needed a particular kind of therapy (ERP) in a particular location. CP 792. That is, "ERP,

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<sup>3</sup> The minutes reveal that both the parenting evaluator and the father's therapist testified extensively at trial. CP 368-378.

especially undertaken in [the father's] environment (outside the office), is the standard treatment for OCD.” Id. The purported OCD therapist, Griffin, seemed unacquainted with this standard; rather, the court noted with concern, Griffin's statements about the condition were “completely contrary to the testimony at trial [calling] into question her knowledge of OCD, her knowledge of [the father's] intractable condition.” RP 16.

Further, the court noted specifically the lack of any proof that the father's condition has improved in the home, where it manifests most and with the most effects on the child. RP 16; see, also RP 3 (observing Griffin had no foundation for her opinion about the father having visitors in his home). To the father's complaints that he could not find a therapist suited to the court's requirements, the court observed he should then “at a minimum” have returned to court. Id. The court gave additional reasons to question the father's assertions on this point. RP 16-17. Finally, the court restated its concerns about the child, including the “indication that the child will be harmed by continued contact with the father's behaviors ...” RP 17. In short, the court was not at all persuaded that the father's severe and longstanding problem had “somehow all of a sudden ... disappeared.” Id.

The court had additional concerns about the evidence of the father's continued manipulation of the child, fulfilling what the parenting

evaluator had predicted. RP 17-18. The evaluator was very concerned about the father “acting in a self-centered manner in getting his emotional needs met through his son by making inappropriate disclosures so that his son will be sympathetic [which] causes the child significant distress.” CP 788. Three years later, the court found evidence of the father’s “continuing effort to negatively impact the child’s relationship with his mother[, which is] the healthiest relationship this child has.” RP 18; see, also, CP 788. The father’s conduct, including five months worth of emails from 2012, was “creating serious problems” for the child’s growth and development and demonstrated the father’s failure to address the abusive use of conflict and other issues, which conduct remains unaffected by his current therapeutic regimen. RP 18.

The court did not insist on particular credentials for the treatment provider, but restated its original requirement of a professional “highly-experienced in intensive OCD treatment.” RP 18-19. The father offered no such proof that the current OCD therapist, whose only known credential was as a licensed mental health counselor, met the court’s requirements. RP 19.

Finally, the court denied the request to reinstate midweek visitation, describing how the original parenting plan reflected a “carrot and stick approach,” which was “protective” of the father, by withholding

a lot of detail from the paperwork in an effort to “encourage him to go forward and get the treatment that could moderate the symptoms sufficiently that he and his son could have more time together, but it doesn’t appear to me that that has worked.” RP 20. The court entered an order accordingly. CP 167-168. The court also denied the father’s request for summer vacation involving international travel. CP 170-171.

**D. THE PARTIES AGREED TO FURTHER PROCEEDINGS TO CLARIFY AND TO MODIFY THE PARENTING PLAN.**

At the hearing on the father’s mid-week visitation motion, having found the father in violation of the treatment requirements and to be continuing his manipulation of the child and his abusive use of conflict, the court observed that the parties “would be helped by some additional clarification” in “areas of conflict between the parents.” RP 20. After identifying the numerous other conflicts over interpretation and implementation of the parenting plan noted by both parties, the court inquired as to the parties’ views. RP 20-22. Together, the court and counsel for both parties produced a list of items for the court to address and a mechanism for doing so (i.e., submission of materials, etc.). RP 22-32. The list was incorporated into the court’s order, and begins: “The parties, through counsel, have stipulated to have the court clarify or, as necessary, modify the parenting plan to address the following issues ...”. CP 169. The father was absent from this proceeding, but there is no

evidence his attorney acted without authority. Indeed, she continued to represent the father through entry of the final amended parenting plan. CP 798-800.

The parties submitted their arguments and evidence. CP 172-240, 250-275, 276-288.<sup>4</sup> In particular, the father submitted a declaration in which he addressed the issues one by one. CP 276-288. For example, as an alternative to dispute resolution as ordered in the original plan and as an alternative to dispute resolution via the court, the father “agree[d] to [the mother’s] suggestion that we use Larry Besk as an arbitrator.” CP 277. With respect to other items, he proposed his own clarifications or modifications or agreed with those proposed by the mother. CP 277-281.

The mother also moved for fees. CP 241-246. 247-249.

The court entered an amended parenting plan. CP 296-307. The specifics of the amended plan will be addressed in the section below. The court also awarded the mother fees for the midweek visitation motion. CP 294-295.

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<sup>4</sup> It appears the father served an opening submission on the mother, to which she responded; but this document apparently was not filed with the court, as it does not appear in the docket or superior court file.

E. THE FATHER FILED A NOTICE OF APPEAL WHILE THE MOTHER'S MOTION FOR RECONSIDERATION WAS PENDING.

The court's orders were entered on September 9, 2013. On September 18, 2013, the mother sought reconsideration on the issue of dispute resolution and to make a correction. CP 308-321. On October 8, 2013, the father filed a notice of appeal. CP 322-344. He also appears to have filed a response to the mother's motion, but it is not in the record; the mother's reply makes reference to it, as does the court's order. CP 345-348, 349.

On October 21, 2013, the court entered an order granting the mother's motion. CP 349-351. The father filed an amended notice of appeal, incorporating the order on reconsideration. CP 741-766. Since then, the parties have continued to engage in extensive litigation, some of which has involved this Court being required to rule on the father's objection to the mother's request for arbitration of a dispute regarding the child's healthcare. See Appendix; CP 767-771; see, e.g., CP 801-807.

#### IV. ARGUMENT IN RESPONSE TO APPEAL.

##### A. THE SCOPE OF REVIEW IS EXTREMELY LIMITED AND DOES NOT INCLUDE REVIEW ON THE MERITS OF THE ORDERS DENYING MIDWEEK VISITATION OR INTERNATIONAL TRAVEL.

The father did not appeal the final orders entered on June 5, 2103, which denied his motions to reinstate midweek visitation and to permit international travel (and included the parties' stipulation to clarification and modification). These orders are appealable. RAP 2.2(a)(13). They triggered the 30-day deadline for filing a notice of appeal. RAP 5.2(a). The father did not appeal these orders by that deadline.

On October 8, 2013, the father appealed from the Amended Parenting Plan entered on September 9, and attached the June 5 orders. However, this act does not bring those orders within the scope of appellate review, since they were not interim orders, but "final orders" that affected a substantial right. RAP 2.2(a)(13). Consequently, the substance of these orders – meaning the order denying reinstatement of midweek visits and denying international travel – are beyond the scope. As discussed below, this fact also places outside the scope the father's apparent challenge to the court's evidentiary findings in support of these orders (i.e., the findings that he had not complied with the treatment requirement).

The mother mentions this procedural bar despite the fact that the father apparently does not challenge these orders (i.e., does not include

assignment of error, or argument, directed at the substance of these orders). *See* RAP 10.3(a)(4) (party must provide “separate concise statement of each error”) and RAP 10.3(g) (“[t]he appellate court will only review a claimed error which is included in an assignment of error or clearly disclosed in an associated issue pertaining thereto”). However, because he attaches the orders, the mother, in an excess of caution, observes that whether waived or not timely, the orders denying midweek visitation and travel to India are not before the court on the father’s appeal.

**B. THE BASIS FOR THE MODIFICATION WAS THE AGREEMENT OF THE PARTIES, WHICH THE FATHER CANNOT CHALLENGE ON APPEAL.**

The June 5 orders include the stipulation of the parties to the court clarifying and modifying numerous aspects of the parenting plan. CP 169. Again, father agreed to this process. Again, the father did not appeal this order. He did not seek discretionary review. He did not seek to vacate the order. He participated in the process and benefitted from it, by asking for and receiving amendments to the plan.

Nevertheless, the father makes various arguments that broadly (though not clearly) challenge the trial court’s authority to clarify and modify the parenting plan. These procedural arguments will be addressed together in this section.

1) The court may modify pursuant to the parties' agreement.

The father complains the court violated the modification statute.

See Br. Appellant, at 1 (Assignment of Error 1), 10-11. Presumably, this complaint would apply only to those provisions that modify (as opposed to clarify) the plan. See CP 169 (the court marks the modification provisions with an asterisk).

Statute prescribes the mechanism for modification of a parenting plan, and includes expressly that the parties may modify by agreement. RCW 26.09.260(2)(b) (“the court shall retain the residential schedule established by the decree or parenting plan unless: (a) The parents agree to the modification”).<sup>5</sup> Though this applies expressly to residential time changes, the principle should apply to all the changes made to this plan, as discussed below.

Another provision of the statute, RCW 26.09.260(10), authorizes adjustments to nonresidential aspects of the parenting plan without a need to apply the substantive standards of RCW 26.09.260(2) and on a more relaxed threshold, i.e., “upon a showing of a substantial change of circumstances of either parent or of a child, and the adjustment is in the best interest of the child” (emphasis added). The father makes no creditable argument that agreement of the parties cannot satisfy this

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<sup>5</sup> The statutes are included in the appendix.

threshold, nor would such a principle make any sense, particularly as agreement can satisfy the threshold for residential schedule changes under RCW 26.09.260(2)(b).

Longstanding, general rules and principles authorize the court to act when the parties agree that it should do so, as illustrated by *In re Marriage of Adler*, 131 Wn. App. 717, 724, 129 P.3d 293, 295 (2006). Here, as in *Adler*, the parties effectively waived the threshold determination while the court retained the ultimate responsibility to assure that any changes served the child's best interests. *Id.* This procedure is both proper and desirable. It would be very sad if parents could not agree to provisions and processes by which to better serve the interests of co-parenting their children post-dissolution. As this Court observed in *Adler*, such agreements fulfill state policy; they do not frustrate it.

The primary purpose of the threshold adequate cause requirement is to prevent movants from harassing nonmovants by obtaining a useless hearing. See *In re Marriage of Lemke*, 120 Wn. App. 536, 540, 85 P.3d 966, review denied 152 Wn.2d 1025 (2004). If the party protected by the threshold requirement freely stipulates to adequate cause, this concern is not present. The parents may waive the threshold determination. The best interests of the children remain protected by the standards in RCW 26.09.260 as applied by the court in the modification proceeding.

*Id.*, at 724. Here, the father offers no reason that agreement should be a mechanism unavailable to parents, where so many other factors militate in favor of agreement (e.g., time, money, the children!). In fact, indirectly, he demonstrates compellingly (though by counter-example) why agreement is valuable and why parents should be bound by their agreements.

2) The attorney had authority to bind her client.

To the extent the father suggests his attorney could not agree to submit to the process of modification and clarification, both the facts and the law are to the contrary. Br. Appellant, at 1 (Assignment of Error 2), 4, 11-13.

First, there is no evidence the father's attorney acted without authority. *See Engstrom v. Goodman*, 166 Wn. App. 905, 271 P.3d 959 (2012) (where similar argument was also unsupported by evidence that attorney acted without authority). All the record shows is that the father was not present at the hearing where the court and counsel discussed the need for clarifications and modifications, after which the written stipulation was signed and entered. RP 2; CP 169. The father offers no authority or meaningful analysis for the proposition that an attorney cannot act in the absence of her or his client; accordingly, this Court should disregard the argument. *See* RAP 10.3(a); *Cowiche Canyon*

*Conservancy v. Bosley*, 118 Wn.2d 801, 809, 828 P.2d 549 (1992)  
(arguments not supported by authority); *State v. Elliott*, 114 Wn.2d 6, 15,  
785 P.2d 440, *cert. denied*, 498 U.S. 838 (1990) (insufficient argument);  
*Saunders v. Lloyd's of London*, 113 Wn.2d 330, 345, 779 P.2d 249 (1989)  
(issues unsupported by adequate argument and authority).

In fact, of course, attorneys frequently act in the absence of their clients. The father simply fails to provide any evidence that his attorney lacked the authority to act on his behalf and he fails to provide any argument or authority that his absence stripped his attorney of her authority to act on his behalf. Indeed, she continued to represent the father until a month after entry of the amended parenting plan. CP 798-800.

Second, once the attorney is authorized “to appear for a client,” the attorney’s actions, “[a]bsent fraud, ... are generally binding on the client.” *Engstrom*, 166 Wn. App. at 916. Attorneys certainly may – and routinely do – act on behalf of their clients, binding them by these actions. Statute expressly confers upon an attorney the authority “[t]o bind his or her client in any of the proceedings in an action ... by his or her agreement duly made, or entered upon the minutes of the court; ...” RCW 2.44.010(1). The court and the other party to the action “are entitled to rely upon that authority...” *Haller v. Wallis*, 89 Wn.2d 539, 547, 573 P.2d 1302 (1978).

Even where a “consent judgment” is entered on the “[e]rroneous advi[c]e of counsel,” the party is bound by the judgment. *Id.*, at 544.

Of the many interests served by this policy, the one most pertinent here is the interest in finality. *Lane v. Brown & Haley*, 81 Wn. App. 102, 109, 912 P.2d 1040, 1043 (1996); *see, also, In re Marriage of Landry*, 103 Wn.2d 807, 809-810, 699 P.2d 214 (1985) (“The emotional and financial interests affected by [dissolution] decisions are best served by finality.”). In this case specifically, where the court already has restricted the father’s time because of his abusive use of conflict, where the court has had repeatedly to clarify what it means, where the father has once already appealed, and where litigation is an expensive and burdensome constant in the mother’s and child’s lives, finality is at a premium.

Here, there is neither evidence nor authority to support the father’s argument that his absence on the day of the stipulation renders it invalid or that his attorney lacked authority to enter into the stipulation. The court and the mother were entitled to proceed in reliance on the apparent authority of the father’s counsel. The father’s complaints about the process not only lack merit; they are frivolous.

- 3) The basis for restrictions was established in the first parenting plan and cannot be altered except by proof of a substantial change of circumstances related to the restrictions.

Also baseless is the father's claim the court erred in imposing restrictions under RCW 26.09.191(3) "on the Father's contact with the child relying on RCW 26.09.004 as a basis." Br. Appellant, at 1 (Assignment of Error 3); Br. Appellant, at 14-20. The father's argument here is especially opaque. He cites to the page of the amended parenting plan where the court identifies the bases for restrictions (i.e., ¶ 2.2). CP 297. This paragraph is identical to the paragraph in the original parenting plan. CP 385. The father did not appeal the original parenting plan. Unappealed findings are verities. *In re Disciplinary Proceeding Against Tasker*, 141 Wn.2d 557, 566 n.3, 9 P.3d 822 (2000).

Nevertheless, the father argues the court could include these findings in the amended parenting plan only after *de novo* review of the evidence. Br. Appellant, at 15. This does not make any sense. The findings were based on the evidence in the original trial. The only means to challenge them is by appeal, which did not happen.

Moreover, procedure aside, as matter of common sense, it is absurd to suggest the judge lacked sufficient understanding of the facts in this case. Judge Fleck presided over the original five-day trial. Both parties agreed she should retain jurisdiction over the parenting plan. CP

454. Consequently, Judge Fleck presided over numerous post-trial motions and reviewed hundreds of pages of pleadings. The father cannot complain that the court was lacking in information. To the extent the father complains the court knew too much, his complaint is understandable. One of the challenges to the legal system arising from abusive litigants is keeping track of the facts. This child benefitted from the depth and breadth of Judge Fleck's knowledge of the case.

Just as strange is the father's apparent argument that the court could not impose restrictions without making new findings under RCW 26.09.260(4). This provision permits, in a modification proceeding, that a court "may reduce or restrict contact between the child and the parent ... if it finds the reduction or restriction would serve and protect the best interests of the child using the criteria in RCW 26.09.191." But this provision applies, presumably, where no prior "191" findings have been made. Here, the original and the amended parenting plans include findings that (1) the "father's involvement or conduct has an adverse effect on the child's best interests" and refers to the findings of fact; (2) "[a] long-term emotional or physical impairment .. interferes with [the father's] performance of parenting functions as defined in RCW 26.09[.]004"; and (3) "[t]he abusive use of conflict ... creates the danger of serious damage to the child's psychological development." CP 297,

385. As noted above, neither these findings nor the original restrictions have ever been challenged on the merits, including here. RAP 10.3(a)(4). It is hard to imagine a more counterproductive requirement than requiring a new trial on “191” findings whenever changes are made to an original parenting plan containing such findings.

In short, the father cannot challenge the findings now. In order to challenge the restrictions flowing from these findings, the father must comply with the statute, specifically, RCW 26.09.260(7), which permits modification of the residential schedule where a restricted parent “demonstrates a substantial change in circumstances specifically related to the basis for the limitation.” Here, the record demonstrates the absence of any change in the father’s condition or conduct. *See, also*, RCW 26.09.260(9) (restricted parent ordered to treatment may not seek expanded residential time absence full compliance with treatment requirements). The father did not seek these remedies and he certainly could not have prevailed had he done so.

To the extent the father complains about the court not crediting the evidence he presented in support of his motion for midweek visitation, this complaint is misplaced. First, as noted above, the father did not challenge the orders denying midweek visitation or international travel. Only then could he challenge the evidence underlying those orders. If he had, his

challenge would fail since the evidence robustly shows his noncompliance with treatment and the persistence of his problematic conduct. *See In re Marriage of Fahey*, 164 Wn. App. 42, 55, 66, 262 P.3d 128, 140 (2011) (substantial evidence standard).

4) The court may clarify the parenting plan at any time.

After the dust settles on the father's confusing arguments about the court's authority to modify, it is ironic, at least, to observe that most of the changes to the plan are clarifications, which the court has the authority to make regardless of the parties' agreement. *Rivard v. Rivard*, 75 Wn.2d 415, 418, 451 P.2d 677 (1969). A clarification is "merely a definition of the rights which have already been given and those rights may be completely spelled out if necessary." *Id.* Unfortunately, the court repeatedly has had to "spell out" for the father the boundaries of the parenting plan.

Indeed, some of the clarifications in the amended parenting plan are clarifications of previous clarifications. For example, the court has repeatedly restated the therapy requirements and restated that compliance with them is a condition of midweek visitation, as reprised in the statement of facts above. Therefore, contrary to the father's assertion, it is not a "new requirement" when the court adds to the amended parenting plan that the court must approve the start of midweek visits. Br.

Appellant, at 1 (Assignment of Error 4). It is the same requirement as appeared in the original parenting plan, which provided that “the father’s midweek visits during the school period are limited until the conditions for treatment of his OCD have been met.” CP 388 (§ 3.10). It is the same requirement as restated by the court when it ordered the father to cease his unauthorized visits to the child’s school (upheld on appeal as a clarification) and when it denied the father reinstatement of midweek visitation. CP 600. It is the same requirement as clarified by the court shortly thereafter. CP 23. In other words, it is not even a new provision, but the same provision restated over and over again, with no apparent effect on the father’s conduct.<sup>6</sup>

Here, the problem is not the lack of clarity on the court’s part; it is the lack of respect shown by the father to the court’s orders. The father has been told countless times that his midweek visit is contingent on satisfying the court’s treatment orders. His challenge to this additional clarification is frivolous, as is his challenge to the other clarifications, not only because he agreed to most of them, but because the court has the authority to clarify its own orders. It is just unfortunate that the father repeatedly makes the court invoke this authority.

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<sup>6</sup> The court’s efforts remind one of the tendency to speak more loudly and clearly in one’s own language in an effort to communicate to someone who speaks a different language, as if volume and clarity could do the trick.

5) The court acted within its authority.

Many of the father's arguments seem directed at the court's authority to act, as opposed to the action it took. The analysis and authority above answer those arguments. The trial court acted in the child's best interests on its own authority to clarify its orders and with the parties' agreement to modify provisions of the parenting plan. The father's arguments to the contrary are frivolous and defeat the court's purpose of sparing the parties and the child further conflict.

C. THE TRIAL COURT HAS BROAD DISCRETION IN ORDERING OR MODIFYING A PARENTING PLAN, THE EXERCISE OF WHICH THIS COURT WILL REVIEW FOR MANIFEST ABUSE.

To the extent the father's challenge extends beyond the process by which the court acted (i.e., is a challenge to what the court did, rather than the fact that the court did anything), it bears noting that the father's burden is heavy. In cases involving children, the court's duty and discretion are especially extensive. "A trial court wields broad discretion when fashioning a permanent parenting plan." *In re Marriage of Katare*, 175 Wn.2d 23, 35, 283 P.3d 546 (2012) at ¶ 22, citing *In re Marriage of Kovacs*, 121 Wn.2d 795, 801, 854 P.2d 629 (1993). This standard likewise applies to modifications. *Fahey*, 164 Wn. App. at 66.

The court may also impose restrictions based on RCW 26.09.191(3), as it did here, where it finds:

...

(b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;

...

(e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development;

...

(g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

As noted above, the trial court here expressly made these findings with respect to the father's personality disorder and his conduct. CP 297, 385. Based on these findings, the court is authorized by statute to "preclude or limit any provisions of the parenting plan." RCW 26.09.191(3).

This Court reviews findings of fact for substantial evidence. *Fahey*, 164 Wn. App. at 55. To the extent the father challenges the court's factual findings in support of the amendments to the parenting plan (not the visitation or travel orders), and that extent is unclear, his challenge is defeated by the fact that the record includes "evidence of a sufficient quantity to persuade a fair-minded, rational person of the truth of the declared premise." *Id.* (internal citations omitted). To the extent the father challenges the conclusions the court reached based up on the facts, he fails to show any abuse of that discretion.

D. THE FATHER'S CHALLENGES TO THE COURT'S FINDINGS ARE BASELESS.

The father complains the court's findings in support of denying him midweek visitation and international travel are somehow inadequate. Br. Appellant, at 15-20, 24-26. But the father did not appeal these orders, as discussed above.<sup>7</sup> Undoubtedly, he is perturbed by the court's refusal to credit his evidence, but he has waived any challenge by failing to appeal the underlying orders and by failing to make an adequate argument in his brief addressing the orders on the merits. In other words, the court's basis for denying the father's midweek visitation motion is not before this Court on review.

Nevertheless, the father assigns error to a finding in support of that order which the court did not make, i.e., a finding "that the therapists ... were unqualified because they lacked initials after their names, ..." Br. Appellant, at 2 (Assignment of Error 8). For what it is worth, the father's dispute with the court in regard to his treatment evidence is simply mistaken. It is mistaken because the court did not rely solely on the credentials of his therapists (Br. Appellant, at 24-25), but on the father's failure to demonstrate the therapists were otherwise qualified to address his serious, entrenched personality disorder. RP 18-19. The court reminded the father (again) that he was ordered to therapy with someone

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<sup>7</sup> It does not appear this issue was raised in the Assignments of Error.

“highly experienced in intensive OCD treatment.” RP 19. The credentials were subordinate to that issue. *Id.* For example, the court did not even know Griffin’s credentials, which in itself was concerning. RP 15. Also concerning was Griffin’s statement that the father’s personality disorder would manifest everywhere (not just at home) and, conversely, that his ability to function in some environments indicated progress. RP 16. The court noted this opinion was contradicted by expert testimony at trial. *Id.*; see, also, CP 792 (evaluator describing standard treatment must be undertaken in the patient’s own environment).

In any case, what mattered most to the court was not what credentials the experts claimed, but what experience they had and what progress could be seen, and on those questions the answer was: none. RP 17-18. The father, by admission, received no in-home treatment for his personality disorder. RP 16 (claiming he cannot comply with the requirement). As treatment is the only means by which the father’s conduct might be rendered benign, the harmful effects continue. The father also continues to manipulate the child and undermine his relationship with the mother, confirming the parenting evaluator’s fears. RP 16; CP 788-789. The court restated its concern for the child and noted the father has failed to address his longstanding personality disorder or his

abusive use of conflict. RP 16-18. The court noted that such a severe disorder does not “somehow all of a sudden ... disappear...” RP 17.

In other words, the court’s oral finding that the father had failed to show compliance with the treatment requirement is based on the trial court’s assessment of credibility. It is the trial court’s role to resolve any conflicts in testimony, to weigh the persuasiveness of evidence, and to assess the credibility of witnesses. *State v. Camarillo*, 115 Wn.2d 60, 71, 794 P.2d 850 (1990); *accord Thompson v. Hanson*, 142 Wn. App. 53, 60, 174 P.3d 120 (2007), *aff’d*, 167 Wn.2d 414, 219 P.3d 659 (2009) (appellate court defers to the trier of fact on issues involving conflicting testimony, the credibility of the witnesses, and the persuasiveness of the evidence). Because the finding is supported by substantial evidence, it is a verity on appeal. *Cowiche*, 118 Wn.2d at 819.

For more than three years, the court has been waiting for the father to get the treatment he needs. Instead, the father has done everything but. This appeal is just another piece of that evasion.

**E. THE FATHER’S COMPLAINT ABOUT A LACK OF NEXUS IS BASELESS, AS ARE HIS OTHER COMPLAINTS.**

In haphazard fashion, the father makes an assortment of complaints about the amended parenting plan. Insofar as they can be understood, the mother addresses them below. Br. Appellant, at 2 (Assignment of Error 5, 6, 9), 14-15, 20. Most of these provisions are clarifications, not

modifications. They do not enlarge or diminish the father's rights under the parenting plan. *Rivard*, 75 Wn.2d at 418. They merely spell out in detail what the original parenting plan (or other previous and unappealed orders) said.

1) Communications

First, the father appears to complain there is a lack of nexus between the court's orders and the evidence with respect to the restrictions on his mode of communicating with the child. This makes no sense, since the court merely restates the restrictions in the original plan, justified by the original "191" findings.

For example, the original parenting plan provides that the father shall have "phone contact" with the child, and provides very specific procedures for that access. CP 391. Specific reasons for limiting the contact are recited in the court's findings. CP 398 (e.g., disparaging mother in front of child, discussing conflict in front of child, alienating child, etc.). The plan also orders the father to have contact with the mother by email only. CP 388 (§ 3.13). Consistent with the father's position that he may do anything not specifically prohibited, he engaged in harassing and harmful communications by other means or at other times

than the permitted ones. See, e.g., CP 184-185, 213-224, 260-262, 605-611.<sup>8</sup>

In light of these continuing abuses, the court clarified the communication provisions by specifying that the father “shall not communicate with the child through other media, including but not limited to e-mail, Facetime, chat rooms and other web-based communication.” CP 305. This is not new. Two years earlier, the court forbade the father from using text messages directed at either the mother or the child. CP 23. This order was unchallenged. Also, previously, the court ordered the father’s telephone contact with the child be supervised by the mother. CP 23. Again, unchallenged. The court has now recently ordered professional supervision. CP 801-807. The father responds to these clear limitations by trying to evade them. Accordingly, in the amended parenting plan, the court clarified that when telephone access is ordered that means it is the exclusive mode of access: “[t]he designated form of contact between father and child when the child is not with the father shall be by telephone with audio only.” CP 304-305.

The father claims “there is no evidence” his contact via Facetime or email was adverse to the child. Br. Appellant, at 28. This is

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<sup>8</sup> For example, previously, when the father attempted to evade the elimination of his midweek visit by spending unlimited time with the child at school, the court clarified the father “shall immediately cease being in the presence of the child at any other times and places not specifically awarded” him. CP 557.

preposterous given the court's unchallenged "191" findings of conduct adverse to the child. The plan contains restrictions on the father's time and contact with the child because of the harms he causes, plentifully revealed in the recording, including the original findings. CP 398. Simply, the "191" factors require the court to restrict the father's contact to protect the child.

More specifically, again, the parties agreed the court should determine "[g]uidelines regarding child-father communication through various technologies." CP 169. The stipulation also provides a basis for the clarification. In any case, the court also found specific recent evidence of the father's continued manipulation of the child. RP 16. The father cannot or will not regulate his own conduct in a way that respects the child's needs. For that reason, the court has had to do so with increasing degrees of specificity, to meet the father's evasive behavior.

2) Child's therapist.

Not surprisingly, the child needs therapy. The parties agreed the court could address "therapy for the child." CP 169. The court ordered the mother to place the child in therapy and allowed for her to choose the therapist. The father did not object to therapy, only to the mother's control. CP 279. On appeal, he challenges only the court's restriction on his contact with the therapist. Br. Appellant, at 2 (Assignment of Error 6).

His only argument related to this assignment of error is that the court failed to “make specific findings based on evidence that the father’s contact with the Child’s therapist would negatively impact the Child’s best interest.” Br. Appellant, at 15. He fails to support this assertion with either argument or authority. And, again, he utterly ignores the “191” findings, already made, which permit the court to “preclude or limit any provisions of the parenting plan, ...” RCW 26.09.191(3).

The father’s abusive use of conflict and his long-term impairment provide ample reason for the court to protect the child’s therapeutic relationship. It is the father, not the court, who ignores the evidence (e.g., when he argues there is “[n]o evidence” of parenting deficits, Br. Appellant, at 15). As already noted, the father cannot in this appeal argue the facts underlying the “191” findings entered four years ago. According to those findings, the father is not a “capable parent,” as he claims. *Id.* Rather, he is impaired, abusive, and acts in ways harmful to his child. Unfortunately, it is necessary to protect against his interference with meeting the child’s therapy needs. Already, the mother has had to fight to change the child’s primary doctor and dentist. See, e.g., CP 183-184, 767-771. Moreover, as she noted, the father’s potential to drive therapists away is evident in the complaint he filed against the parenting evaluator. CP 183-184. The facts and the law authorize this provision.

3) Child's routine healthcare.

The original plan contained restrictions on decision-making, but permitted joint decision-making for religion and major medical decisions. CP 390. The plan also provided that joint decision-making “may be revisited by the court if the father’s litigiousness is not moderated or if he fails to engage in treatment for OCD.” *Id.* These provisions are largely unchanged. CP 303. The mother is granted sole decision-making in regard to selecting a therapist for the child. CP 303. Further, because the child resides primarily with the mother and because she has been primarily responsible for his medical care, the court ordered that “the father shall only seek medical care for the child in the case of an illness or accident ... and shall notify the mother prior” to doing so, except in an emergency. CP 303. The order also requires the mother to notify the father of any and all medical visits, a burden the father did not request. CP 280, 303.

The father assigns error to this provision (Br. Appellant, at 1-2: Assignment of Error 5), but his argument consists of one sentence, in which he complains the court abused its discretion by “removing his previously granted right as a Parent to have equal say in the Child’s Medical care related matters.” Br. Appellant, at 20. For this reason, this Court should decline to consider it. *Saunders*, 113 Wn.2d at 345.

In any case, the father is wrong. He has the same “say” he always had; there is no change to the decision-making provision. As a practical matter, the identification of the mother as the provider of routine childcare does nothing more than state expressly what the plan *de facto* orders. The child is in the mother’s care most of the time, with the exception of alternating weekends and time during vacations and breaks. Routine medical care occurs during the mother’s residential time. Being explicit merely attempts to head off at the pass some of the father’s undermining behavior. Importantly, again, the father’s say in major medical decision-making remains unchanged. CP 303. He is merely limited in seeking routine care for the child, which he cannot do anyway during his residential time on the weekends. *Id.*

Moreover, the parties stipulated to the court deciding whether they should be required to notify one another of health care appointments. CP 169. This issue arose mainly from confusion over what constituted a “major medical decision,” which triggers joint decision-making. CP 185-186. But, it also arose from a history of health care issues precipitating abusive behavior by the father. See, e.g., CP 186, 221-223, 254-255. The court’s order attempts to address both these problems. The plan retains joint decision-making over providers, etc.; clarifies that the mother (the primary residential parent) shall continue to be responsible for routine

health care; and requires notification by both parents of all medical interventions. Rather than curtailing the father's decision-making authority, the court's order protects it, involving him in choice of providers, surgery decisions, decisions about new treatments. And, of course, the parties retain the authority to seek medical care when needed on an urgent basis.

To the extent the father can be read as complaining that the court exceeded the scope of the stipulation, the court has the authority to modify the order in any respect once a basis for modification has been established. *In re Marriage of Scanlon and Witrak*, 109 Wn. App. 167, 34 P.3d 877 (2001). In any case, here, the court merely clarified who was to be providing routine care for the child, which does not diminish rights the father had under the original plan, with its "191" restrictions.

4) Court approval for midweek visitation.

The father's argument at Br. Appellant, at 21, is particularly obscure and largely has been addressed above (§ IV.B.4). He complains the court "erred by adding language which created an additional burden on the father ..." Id. See Br. Appellant, at 1 (Assignment of Error 4: complaining that court introduced a new requirement of "court approves the start of midweek visits"). He does not assign error to the additional "new requirement" that the visits stop until the father "is in compliance

with the court's orders regarding treatment." CP 297. In any case, neither of these phrases imposes a new requirement, as discussed earlier. Rather, as when someone tries harder and harder to explain a proposition, the court is simply saying the same thing as it originally said and repeatedly restated: midweek visits are contingent on compliance with the court's treatment orders and the court will determine whether compliance has occurred. This is the meaning of the original orders, which the court has clarified a number of times. There is nothing new here.

Accordingly, it does not matter whether, as the father claims, this verbiage is beyond the scope of the parties' stipulation. Br. Appellant, at 21. The court cannot be faulted for trying to get the message across, which, in its original form declared:

When school begins, the father's mid-week visits will stop until the father's therapist provides a status report to counsel and to me that affirmatively reports on the father's commitment to and progress in treatment. When the therapist reports that the father is engaged in and making progress in intensive therapy, the father may also spend time with Akshay in West Seattle on Wednesdays from after school until 7:00 p.m. where he

See, also, CP 388 (PP ¶ 3.10) ("the father's midweek visits during the school period are limited until the conditions for treatment of his OCD have been met"). In 2010, the court clarified specifically:

such as often occur mid week. I have eliminated mid week contact for the time being, until Mr. Luthra makes progress in the intensive therapy he needs. By way of

In 2011, the court again clarified the relationship between the father's therapy and his mid-week visits when it ordered the father to comply with the requirements set forth in the court's findings. CP 20-22. All of these, including the provision incorporated into the amended parenting plan, merely clarify what the court stated in the first parenting plan: the father must make progress in therapy before mid-week visits may resume. The mid-week visits stopped more than three years ago. More than three years ago, the father was ordered to engage in intensive therapy with specifically qualified practitioners as a condition of potentially regaining the mid-week visits. For more than three years, the father has failed to comply with the court's orders. Though it does no apparent good, the court clarified its original order in the amended parenting plan. The court has the power to do so without the parties' agreement.

F. THE TRIAL COURT HAD THE JURISDICTION TO ENTER ITS ORDER ON RECONSIDERATION.

The father also complains that the court did not have authority to enter the order on reconsideration, which ordered arbitration as the dispute resolution process. Br. Appellant, at 3 (Assignment of Error 10). Whether his complaint goes to the substance or the merits, he is wrong.

The order on reconsideration made arbitration the dispute resolution procedure, which both parties requested. CP 276, 308, 349-350. Notably, the parenting evaluator initially recommended arbitration

“[g]iven the level of conflict in this case, and [her] concern that the father is at risk for continued, intractable litigation, ...” CP 796. It is irrational for the father to now complain that the court did as he asked, unless the father’s purpose is simply to abuse the process.

In any case, the father does not seem to challenge the merits of ordering arbitration, but confines his argument to the court’s authority to act. Br. Appellant, at 29-31.<sup>9</sup> This Court has already once ruled on this issue in this case. See CP 767-771 (Commissioner’s Ruling). In any event, the father claims the trial court could not act on the mother’s motion for reconsideration because he had filed a notice of appeal. This is wrong.

Because the mother’s motion for reconsideration was pending at the time the father filed his first notice of appeal, that notice was premature. RAP 5.2(e) and (g). The trial court retained the authority to enter an order on reconsideration. RAP 5.2(e); 7.2(e). Because the order on reconsideration was entered as provided in RAP 5.2(e), it did not change “a decision then being reviewed,” because review had not yet commenced, given that the first notice of appeal was premature. *See Buckner, Inc. v. Berkey Irrigation*, 89 Wn. App. 906, 951 P.2d 338 (1998) (motion for reconsideration extends filing deadline for notice of appeal).

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<sup>9</sup> Some of his argument is nonsensical, as for example where he simply cuts and pastes an inapposite portion of the opinion from *State ex rel. Shafer v. Bloomer*, 94 Wn. App. 246, 250, 973 P.2d 1062 (1999).

This issue is squarely addressed by *Brossman v. Brossman*, 32 Wn. App. 851, 856, 650 P.2d 246, 249 (1982). There the court held that “filing of the notice of appeal had no effect on the court's authority” to decide motions under CR 59. *Id.*; *see, also* RAP 7.2(e) (trial court has authority to hear motions permitted under civil rules).

This only makes sense. Until the door closes on when a court may alter its orders (i.e., after the deadlines for reconsideration, etc.), the orders are not final. RAP 2.2. The father’s reading of the rules does not make sense, but is a recipe for further delay and expense, as he demonstrates. Worse, the father raises this issue again, having already been rejected by the commissioner, yet fails to engage in good faith with the commissioner’s analysis; rather, he simply ignores it. Here, and throughout these proceedings, he personifies intransigence. See § IV.H, below.

#### G. THE COURT PROPERLY AWARDED ATTORNEY FEES

The court awarded attorney fees to the mother for having to defend against the father’s motion to reinstate midweek visitation and to allow travel to India with the child. CP 295; *see, also* CP 241 (describing fees incurred in defending against the father’s motion). See Br. Appellant, at 2 (Assignment of Error 7). Neither of these decisions, nor the order awarding fees, was challenged on the merits; the orders were not appealed

within 30 days and the father makes no challenge to these orders in this appeal. The court's order on fees was signed on August 16, but entered on September 9. Still, the father had to appeal the substantive orders in order to challenge the fees award. RAP 2.4(g). He waived this issue.

In any case, decisions on whether to award attorney fees, and what amount to award, are left to the discretion of the trial court, which this Court reviews for an abuse of discretion. *Mahler v. Szucs*, 135 Wn.2d 398, 435, 957 P.2d 632, 966 P.2d 305 (1998). That is, an attorney fee award is subject to reversal only if the trial court exercised its discretion on untenable grounds or for untenable reasons. *Chuong Van Pham v. City of Seattle*, 159 Wn.2d 527, 538, 151 P.3d 976 (2007).

Here the court awarded fees having found that

the father has engaged in a pattern of intransigent conduct, including, but not limited to, seeking reinstatement of his midweek residential time despite his clear failure to comply with specific court orders regarding treatment.

CP 295. The court's order about treatment was clear in the first place; its meaning was reinforced several times in light of the father's continued resistance. Heedless of the court's orders, the father attempted another end-run, seeking to reinstate his midweek visits despite not having gotten the treatment specified by the court (and despite manifesting no progress in terms of his relationship with the child or mother). The court properly found this conduct to be intransigent.

Not only were the court's orders clear, the statute prescribes the father's remedy, which the father ignored. RCW 26.09.260(9) prohibits a parent ordered to treatment to seek expansion of residential time until after full compliance. Moreover, when a parent is subject to "191" restrictions, expansion of residential time may be sought only through modification upon proof of "a substantial change in circumstances specifically related to the basis for the limitation." RCW 26.09.260(7). The father ignored these clear dictates, demonstrating a consistent disregard for playing by the rules. The court acted well within its discretion to award fees to the mother for having to respond to the midweek visitation motion.

#### H. THE MOTHER SHOULD RECEIVE HER FEES ON APPEAL.

For the same reason, this Court should award the mother her fees. This appeal is frivolous. It is brought from changes made to a parenting plan based on agreement of the parties. The father never offers evidence or authority that the agreement was anything but binding. This alone decides the case. The father's various other arguments fail to cohere, demonstrating their real purpose is to annoy and harass. As this Court has held, an award of attorney fees is justified where the conduct of one of the parties causes the other "to incur unnecessary and significant attorney fees." *Burrill v. Burrill*, 113 Wn. App. 863, 873, 56 P.3d 993, 998 (2002). The father continues to engage in the abusive use of conflict, including on

appeal, consuming resources this family needs to meet the child's needs. This conduct is quintessentially intransigent.

Similarly, attorney fees are justified when an appeal is frivolous. RAP 18.9 permits this Court to sanction a party who files a frivolous appeal, one where there are no debatable issues upon which reasonable minds could differ and which is so totally devoid of merit that there is no possibility of reversal. *Mahoney v. Shinpoch*, 107 Wn.2d 679, 732 P.2d 510 (1987). This appeal meets that definition.

#### V. CONCLUSION

For the reasons above, the mother respectfully asks this Court to affirm the trial court in all respects. She also requests fees, as argued above.

Dated this 19th day of June 2014.

RESPECTFULLY SUBMITTED,



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PATRICIA NOVOTNY  
WSBA #13604  
Attorney for Respondent

**INDEX TO APPENDIX:  
BRIEF OF RESPONDENT**

*In re Marriage of Luthra*  
Court of Appeals, Division One, No. 71018-4-I

<b><u>Number</u></b>	<b><u>Description</u></b>
A	Slip Opinion: <i>In re Marriage of Luthra</i> , No. 66752-3-I
B	Findings of Fact and Conclusions of Law (2010)
C	Final Parenting Plan (2010)
D	Order Denying Midweek Visitation (2013)
E	Amended Parenting Plan
F	Order on Reconsideration
G	Statutory Provisions
H	Superior Court Docket

## APPENDIX A

APPENDIX A



**User Name:** Patricia Novotny

**Date and Time:** 05/13/2014 7:28 PM EDT

**Job Number:** 9969167

### **Document(1)**

1. In re Marriage of Luthra, 2012 Wash. App. LEXIS 91

**Client/Matter:** Forrest

**Linked from:** In re Marriage of Luthra, 2012 Wash. App. LEXIS 138



Positive

As of: May 13, 2014 7:28 PM EDT

### In re Marriage of Luthra

Court of Appeals of Washington, Division One  
January 23, 2012, Filed  
No. 66572-3-I

**Reporter:** 2012 Wash. App. LEXIS 91; 2012 WL 205887

*In the Matter of the Marriage of* ARADHNA LUTHRA, *RESPONDENT*, AND VIKAS LUTHRA, *APPELLANT*.

Law Group PLLC, Bainbridge Island, WA, for Respondent(s).

**NOTICE:** RULES OF THE WASHINGTON COURT OF APPEALS MAY LIMIT CITATION TO UNPUBLISHED OPINIONS. PLEASE REFER TO THE WASHINGTON RULES OF COURT.

**Judges:** AUTHOR: J. Robert Leach, J. WE CONCUR: Linda Lau, J., Stephen J. Dwyer, C.J.

**Opinion by:** J. Robert Leach

**Subsequent History:** Reported at *In re Marriage of Luthra*, 2012 Wash. App. LEXIS 138 (Wash. Ct. App., Jan. 23, 2012)

**Prior History:** [\*1] Appeal from King County Superior Court. Docket No: 09-3-04289-0. Judgment or order under review. Date filed: 12/22/2010. Judge signing: Honorable Deborah Fleck.

#### Opinion

¶1 LEACH, J. — Vikas Luthra appeals from court orders enforcing his compliance with a final parenting plan and denying his request for reconsideration. He contends the court’s orders improperly modified the final parenting plan and decree of dissolution by (1) restricting him from visiting or volunteering at his son’s school and (2) imposing greater restrictions on his contact with Aradhna Luthra. The first restriction does not modify the parenting plan; the second improperly modifies the restraint contained in the decree of dissolution. We affirm in part and reverse [\*2] in part.

#### Core Terms

modify, modify, dissolution decree, restraining order, residential

#### Background

**Counsel:** *Patrice McCausland Johnston*, Law Ofc of Patrice M Johnston PLLC, Seattle, WA; *Catherine Wright Smith, Valerie A. Villacin*, Smith Goodfriend PS, Seattle, WA, for Appellant(s).

¶2 Vikas and Aradhna Luthra <sup>1</sup> divorced in July 2010. The final parenting plan entered by the court for the couple’s seven-year-old son, Akshay, recited, “The father’s involvement or conduct has an adverse effect on the child’s best interests under *RCW 26.09.191(3)(g)*.” The temporary parenting plan, entered while the dissolution was pending, provided Vikas with residential time with Akshay on Wednesday afternoons from 3:00 to 9:00 p.m. The final

*Vikas Luthra*, Appellant(s), Appearing Pro se, Newcastle, WA.

*James S. Sable*, Law Offices of James S Sable, Seattle, WA; *Shelby R. Frost Lemmel*, Masters

<sup>1</sup> Aradhna has since remarried and now goes by the name Aradhna Forrest. For clarity, this opinion refers to both parties by their first names. No disrespect is intended.

parenting plan discontinued the midweek visitation until Vikas made progress in treatment for his severe obsessive-compulsive disorder. Because the court entered the parenting plan in July, while Akshay was on a summer schedule, the court ordered that the midweek visitation provision would change when Akshay returned to school in the fall. In the decree of dissolution, the court restrained Vikas from “knowingly coming within or knowingly remaining within 500 feet” of Aradhna’s home or workplace.

¶3 Less than one week after classes started in September, Vikas began visiting [\*3] Akshay at his elementary school, eating lunch with his son and volunteering in the classroom, sometimes several days a week. Additionally, after Aradhna told Vikas she and Akshay would attend weekday school open house, Vikas showed up and followed them as they met Akshay’s teachers. Vikas continued to follow Aradhna as she spoke with friends at the event. After these incidents, Aradhna moved to enforce the parenting plan limitations on Vikas’s midweek contact with Akshay and the restraining order. In its order to enforce compliance, the court, acting on its own motion, stated that it was clarifying the relevant provisions of the plan. It ordered Vikas to immediately cease visits with Akshay at school or any other time and place not specifically awarded in the final parenting plan but also gave him the right to chaperone one field trip per year and participate in one classroom cultural event, provided Aradhna would not be present. The court also ordered Vikas to “remain at least 500 feet from [Aradhna], with the exception of the residential transfers.”

## Standard of Review

¶4 We generally review a trial court’s ruling dealing with the provisions of a parenting plan for abuse of discretion. [\*4]<sup>2</sup> A trial court abuses its discretion if its decision is manifestly unreasonable or is based on untenable grounds or untenable reasons.<sup>3</sup> A court’s decision is manifestly unreasonable if “it is outside the range of acceptable choices, given the facts and the applicable legal standard.”<sup>4</sup> A decision is based on untenable grounds if “the factual findings are unsupported by the record; it is based on untenable reasons if it is based on an incorrect standard or the facts do not meet the requirements of the correct standard.”<sup>5</sup>

## Analysis

¶5 Vikas contends that the court modified the final parenting plan without following mandatory statutory procedures. An order modifies a party’s visitation rights when it either extends or reduces them from the scope originally intended in the decree.<sup>6</sup> RCW 26.09.260 governs modification proceedings. This statute authorizes a modification to nonresidential provisions upon a showing of a substantial change in circumstances of [\*5] either parent or child, if the adjustment is in the child’s best interest.<sup>7</sup> A trial court abuses its discretion when it fails to follow the statutory procedures for modifying a parenting plan.<sup>8</sup> A clarification, on the other hand, is “merely a definition of the rights which have already been given.”<sup>9</sup> It may define the parties’ respective rights and obligations if they cannot agree on the

<sup>2</sup> *In re Marriage of Littlefield*, 133 Wn.2d 39, 46, 940 P.2d 1362 (1997).

<sup>3</sup> *In re Marriage of Kovacs*, 121 Wn.2d 795, 801, 854 P.2d 629 (1993).

<sup>4</sup> *In re Marriage of Fiorito*, 112 Wn. App. 657, 664, 50 P.3d 298 (2002).

<sup>5</sup> *Fiorito*, 112 Wn. App. at 664.

<sup>6</sup> *Rivard v. Rivard*, 75 Wn.2d 415, 418, 451 P.2d 677 (1969).

<sup>7</sup> RCW 26.09.260(10).

<sup>8</sup> *In re Marriage of Watson*, 132 Wn. App. 222, 230, 130 P.3d 915 (2006).

<sup>9</sup> *In re Marriage of Christel*, 101 Wn. App. 13, 22, 1 P.3d 600 (2000) (quoting *Rivard*, 75 Wn.2d at 418).

meaning of a particular provision.<sup>10</sup> It is not subject to the same procedural requirements that govern modification proceedings.

¶6 Vikas argues that the court's purported clarification is an improper modification that essentially imposes a restraining order against him for his son. Contrary to his contention, the court's order does not expand or restrict either parent's rights. It simply spells out the intended scope of visitation granted in the original plan. Vikas assumes that the final parenting plan allows any contact not [\*6] expressly prohibited by it. Because he cites no authority for this extreme view, we assume there is none.<sup>11</sup> The final parenting plan provides that Akshay shall reside with his mother except for days and times specifically described in the plan. The residential schedule grants Vikas only the right to be with his child at the times and places specified and nothing beyond those times and places. To hold otherwise would ignore the plan language of the parenting plan.

¶7 The temporary parenting plan allowed Vikas midweek residential time and reserved on finding statutory limiting factors on his visitation. In stark contrast, the final parenting plan identified three limiting factors based on Vikas's obsessive-compulsive disorder and his abusive use of conflict in the past. Based on these findings, the court eliminated contact between Vikas and Akshay during the school week, at least so long as Vikas's obsessive-compulsive disorder was not under control.

¶8 Alternatively, Vikas argues that if the court's orders did not modify the parenting plan, the court erroneously included the clarified

restrictions in the plan because [\*7] they were not reasonably calculated to address the court's concerns about Akshay's exposure to Vikas's obsessive-compulsive behaviors.<sup>12</sup> At the core, Vikas argues that the court's concerns about Akshay's exposure to Vikas's home-cleansing rituals justifies only restrictions limiting the time Akshay spends at Vikas's home. But this argument essentially challenges the court's original findings of fact and the finding of statutory-limiting factors during the original proceedings. Vikas did not appeal the court's findings or the limitations in the final parenting plan. We will not consider such a challenge here. The order Vikas now challenges appropriately interprets and clarifies restrictions contained in the final parenting plan.

¶9 Vikas relies heavily upon *In re Marriage of Katare*,<sup>13</sup> where a father appealed restrictions in a parenting plan that prevented him from taking his children out of state. While the Court of Appeals held that [\*8] the trial judge's findings of fact did not support some of the restrictions imposed,<sup>14</sup> that holding has no application here because Vikas never challenged the court's original findings or restrictions.

¶10 Next, Vikas challenges the court's imposition of additional restrictions on his contact with Aradhna. He contends that additional restriction also is an unauthorized modification. The decree of dissolution requires that Vikas remain at least 500 feet from Aradhna's home and office. The court's order to enforce requires him to remain 500 feet from her at all times, except residential transfers. Neither party moved to modify this restraint or argued that its terms were unclear. Indeed, the language of the restraining order is quite clear. Though the

<sup>10</sup> *Rivard*, 75 Wn.2d at 419.

<sup>11</sup> *DeHeer v. Seattle Post-Intelligencer*, 60 Wn.2d 122, 126, 372 P.2d 193 (1962).

<sup>12</sup> To begin however, Vikas misstates the standard of review for parenting plans and encourages this court to apply a more rigorous de novo standard. The abuse of discretion standard clearly applies to parenting plan reviews. See *Littlefield*, 133 Wn.2d at 46.

<sup>13</sup> 125 Wn. App. 813, 822, 105 P.3d 44 (2004).

<sup>14</sup> *Katara*, 125 Wn. App. at 832.

court may have wished to prevent Vikas and Aradhna from having direct contact—a possibility supported by other provisions requiring the parties to communicate mostly by e-mail and to use a mediator—the restraining order’s language is unequivocal. Therefore, the change to the restraining order is a modification, not a clarification. Because neither party sought a modification [\*9] of the decree of dissolution, the court lacked authority to do so. The court abused its discretion by imposing these new restrictions on Vikas’s contact with Aradhna.

#### Conclusion

¶11 Because the court properly clarified the parenting plan’s visitation provisions but improperly modified the restraining order against Vikas, we affirm in part and reverse in part.

DWYER, C.J., and LAU, J., concur.

## APPENDIX B

APPENDIX B

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**SUPERIOR COURT OF WASHINGTON  
COUNTY OF KING**

In re the Marriage of:

ARADHNA LUTHRA,

Plaintiff/Petitioner,

v.

VIKAS LUTHRA,

Defendant/Respondent.

NO. 09-3-04289-0 KNT

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW  
(Marriage)  
(FNFCL)

**I. BASIS FOR FINDINGS**

The findings are based on trial conducted on June 16, 17, 21, 22, and 23, 2010. Petitioner appeared in person and through her attorney, James M. Sable. Respondent appeared in person and through his attorney, Patrice Johntson.

**II. FINDINGS OF FACT**

Upon the basis of the court records, the court  *Finds:*

**2.1 Residency of Petitioner.** The petitioner is a resident of the state of Washington.

**2.2 Notice to the Respondent.** The respondent appeared, responded or joined in the petition.

1 **2.3 Basis of Personal Jurisdiction Over the Respondent.** The facts below establish  
2 personal jurisdiction over the respondent.

3 The respondent is currently living in Washington.

4 The parties lived in Washington during their marriage and the petitioner continues to  
5 reside in Washington.

6 **2.4 Date and Place of Marriage.** The parties were married on May 30, 1996 at New Delhi,  
7 India.

8 **2.5 Status of the Parties.** Husband and wife separated on October 12, 2008.

9 **2.6 Status of the Marriage.** The marriage is irretrievably broken and at least 90 days have  
10 elapsed since the date the petition was filed and since the date the summons was  
11 served or the respondent joined.

12 **2.7 Separation Contract or Prenuptial Agreement.** There is no written separation  
13 contract or prenuptial agreement.

14 **2.8 Community Property.**

15 **2.8.1 Dotzoo.** The parties started a business, Dotzoo, during the marriage. They  
16 initially had other investors in the business, but they have paid those investors  
17 back any original investment.

18 The community property presumption arises with respect to Dotzoo and no  
19 evidence sufficient to overcome that strong presumption has been provided by  
20 the husband who asserts that his father has a major interest in the business.  
21 There is no proof that the husband's father is an owner, as opposed to an  
22 individual who lent money to the company. Because the company has been in  
23 existence for a number of years and has generated a reasonable level of gross  
24 receipts on a consistent and increasing basis over time, it is likely to have  
25 goodwill as well as hard assets, although that goodwill's value is undetermined.  
26 Based on the limited evidence provided, this community asset is valued at  
\$20,000 and Dotzoo should be awarded to the husband

**2.8.2 Family residence.** The parties purchased the family home, located at 12624 SE  
83<sup>rd</sup> Ct, Newcastle, Washington, in 2004 and it is of mixed character. The  
husband used \$10,000 of separate property money as a down payment. The  
home is valued at \$445,000, with a mortgage of \$247,000. for a net value of  
\$198,000; \$188,000 of which is community property and \$10,000 of which is the  
agreed amount of separate value; the family home should be awarded to the  
husband.

1           **2.8.3 Jewelry.** The parties received gold jewelry as wedding presents, as is  
2           customary in their culture. The wife also received jewelry as gifts from the  
3           husband on various occasions over the years, and the husband may have  
4           received gifts of jewelry from the wife. The wedding gift jewelry is community  
5           property, the gifts from the husband to the wife and vice versa is the receiving  
6           party's separate property; the jewelry is valued at \$25,000 and should be  
7           awarded to the wife with the exception of any items of jewelry gifted by the wife  
8           to the husband which should be awarded to him.

9           **2.8.4** The wife's Boeing pension is valued at \$18,127 and should be awarded to her.

10          **2.8.5** The wife's Boeing VIP is valued at \$45,297 and should be awarded to her.

11          **2.8.6** The wife automobile should be awarded to her.

12          **2.8.7** The husband's automobile, should be awarded to him.

13          **2.8.8** The P&G shares, valued at \$1,500 and the "Penny Stock" valued at \$1,500  
14          should be awarded to the husband.

15          **2.8.9** Each party should be awarded the personal furniture, furnishings and  
16          belongings in his or her possession.

17          **2.8.10** Each party should be awarded any bank accounts in his or her name.

18          **2.8.11** The wife should be granted a judgment, secured by an equitable lien and by a  
19          note and deed of trust against the family home, which should bear interest at  
20          12% per annum. The note and deed of trust should be signed by the husband  
21          immediately upon presentation by the wife's attorney to the husband's attorney  
22          in the sum of \$61,288.00. The note should be payable in three equal monthly  
23          installments, with the first installment due on December 15, 2010, the second on  
24          July 15, 2011 and the third on December 15, 2011. If the husband does not pay  
25          the first or the second installment timely, the balance should be accelerated and  
26          should be due the day following the missed payment.

**2.9 Separate Property.** The parties have no real or personal separate property, with the  
exception of accumulations or acquisitions since the separation of the parties, and  
except as provided in paragraph 2.8.2 and 2.8.3 above.

**2.10 Community Liabilities.** The parties have not incurred community liabilities.

**2.11 Separate Liabilities.** The husband has no known separate liabilities. The wife has no  
known separate liabilities.

**2.12 Maintenance.** Maintenance was not requested.

1  
2 **2.13 Continuing Restraining Order.** A continuing restraining order against the husband  
3 should be entered against the husband restraining him from knowingly coming within or  
4 knowingly remaining within 500 feet of the home or the workplace of Aradhna Luthra.

5 **2.14 Protection Order.** Does not apply.

6 **2.15 Fees and Costs.** There is no award of fees or costs.

7 **2.16 Pregnancy.** The wife is not pregnant.

8 **2.17 Dependent Child.** The child listed below is dependent upon either or both spouses.

<u>Name of Child</u>	<u>Age</u>	<u>Mother's Name</u>	<u>Father's Name</u>
Akshay Luthra	6	Aradhna Luthra	Vikas Luthra

9  
10 **2.18 Jurisdiction Over the Child.** This court has jurisdiction over the child for the reasons  
11 set forth below. This state is the home state of the child because:

12 The children lived in Washington with a parent or a person acting as a parent for  
13 at least six consecutive months immediately preceding the commencement of  
14 this proceeding.

15 The children have no home state elsewhere.

16 No other state has jurisdiction.

17 **2.19 Parenting Plan.**

18 The parties are the parents of Akshay, born in July, 2003. Both parents have provided  
19 care for Akshay and have been actively involved in his life. Both love Akshay, and he  
20 loves each of his parents.

21 Mr. Luthra has suffered from Obsessive/Compulsive Disorder for over thirty years, since  
22 approximately age 7.

23 Mr. Luthra has severe OCD, which is a lifelong condition that cannot be cured.

24 Mr. Luthra's OCD has had a profound impact on the family, requiring Ms. Luthra to  
25 participate in "cleansing rituals" when areas of the home or when family members have  
26 been "contaminated," for example. Family members are only allowed to enter the home  
in a certain manner, until extensive cleansing rituals are completed. Members cannot  
touch certain surfaces or items in the home without the father's permission, or enter

1 certain areas of the home or the edges or corners of rooms where contaminated objects  
2 are stacked. Visitors to the family home are very rare because of the extensive efforts  
3 necessary to prepare for the visits as well as the need to engage in cleansing rituals  
4 following such visits.

5 This is abnormal behavior, and it is not in Akshay's best interest to be raised in an  
6 environment that is so severely impacted. Unfortunately, Ms. Luthra has engaged in  
7 cleansing rituals, something she did to assist her husband but which paradoxically has  
8 allowed him to avoid facing his emotional impairment and getting treatment. Akshay has  
9 also been subjected to cleansing rituals, and irrational notions of contamination.

10 With intensive, ongoing treatment, Mr. Luthra's obsessions and the anxiety they cause  
11 are capable of being addressed to such a degree that the compulsive rituals should be  
12 able to be moderated substantially. If Mr. Luthra is successful in intensive treatment  
13 including prescribed medications, his OCD will likely have only limited impact on Akshay  
14 as he moves through childhood and adolescence.

15 Mr. Luthra does not appear to fully appreciate the impact of his OCD on Akshay, and  
16 has not successfully engaged in the type of intensive treatment necessary to address it.  
17 Although he did participate in a residential program in another state in early 2009, he left  
18 that program before he was determined to be ready from a medical standpoint, and has  
19 not engaged in an intensive non-residential program locally, despite having received  
20 referrals over a year ago.

21 Presently, Mr. Luthra's undertreated OCD including his fear of contamination, need to  
22 avoid geographical locations as well as areas of the home, undertake cleansing rituals  
23 and expose and subject Akshay to these fears and rituals is conduct that has an  
24 adverse effect on Akshay's best interests under RCW 26.09.191(3)(g) and also  
25 constitutes an emotional impairment that interferes with the father's performance of  
26 parenting functions under RCW 26.09.191(3)(b).

Mr. Luthra has also engaged in abusive use of conflict, including reports to CPS and the  
police with virtually no rational basis, particularly at the outset of this case, and also  
leading to a court order preventing him from pursuing additional discovery without court  
permission, under RCW 26.09.101(3)(e).

Mr. Luthra has disparaged Ms. Luthra and her family and friends to Akshay, both subtly  
and directly, has engaged in behaviors designed to align Akshay emotionally with the  
father and against the mother, and has discussed with Akshay or in his presence adult  
financial and dissolution matters, all of which is harmful and detrimental to Akshay's best  
interests under RCW 26.09.191(3)(g).

Akshay's best interests will be served if his father obtains intensive treatment for his  
OCD so that Akshay can continue to have the regular presence of his father in his life in  
a way that is healthy for him.

1 Mr. Luthra should immediately engage in intensive, home-based therapy for his OCD,  
2 which is likely to include both exposure response prevention and cognitive behavioral  
3 therapy, as recommended by Dr. Hastings. This therapy should be undertaken with a  
4 therapist highly experienced in intensive OCD treatment and will also likely include  
5 medication. The frequency and length of intensive treatment should be as  
6 recommended by the therapist, and should be followed by maintenance level treatment  
7 specifically for OCD long-term. When the father has begun treatment, the therapist shall  
8 report that fact, outlining the nature and frequency of the treatment to both counsel.

9 Mr. Luthra should also engage in therapeutic help to address his controlling behavior  
10 and resentment toward the mother.

11 The parents should engage in co-parenting therapy with a therapist having a strong  
12 background in family law and co-parenting/child issues. The first available of the  
13 following therapists should be utilized, with the research done by the mother or her  
14 attorney: Jane Harmon-Jacobs, Ph.D.; Lisa Woods, Ph.D.; Kathy Melman, Ph.D., Wren  
15 Hudgins, Ph.D. or Bonnie Bhatti, Ph.D. If none are reasonably available, the mother  
16 should ask for referrals from any of them. This is not intended to be long term therapy.

17 The mother should have Akshay screened to determine if he would benefit from  
18 counseling.

19 All therapists involved with any member of this family should be provided with a copy of  
20 Dr. Teri Hastings' evaluation.

21 The mother should be designated as primary parent. Akshay should reside with the  
22 mother, except during the father's residential time, which should be as follows:

23 When Akshay begins Lafayette Grade School, he will spend alternating weekends with  
24 his father, from after school on Fridays to Sunday evenings at 7 p.m.

25 After school begins, the father's mid week visits will stop until the father's therapist  
26 provides a status report to counsel and to me that affirmatively reports on the father's  
commitment to and progress in treatment. When the therapist reports that the father is  
engaged in and making progress in intensive therapy, the father may also spend time  
with Akshay in West Seattle on Wednesdays from after school until 7 p.m., where he  
can participate in activities at one or both of the West Seattle Y facilities, at the Hiawatha  
Community Center, at parks and other similar locations, as well as share a meal with  
Akshay. The father shall return Akshay to the mother at the Metropolitan Market on  
Admiral Way. Once begun, this mid-week schedule will place the burden of travel for  
the visit on the father, not on Akshay, and should also reduce the level of exhaustion for  
the child, while giving him an opportunity to spend time with his father.

1 The holidays, breaks, summer schedule and special occasions should be divided as set  
2 forth in the Parenting Plan.

3 Decision making: The parents should have joint decision making with respect to religion  
4 and major medical issues. Both parents should be allowed to engage the child in  
5 religious activities when Akshay is in their care. Akshay should attend school in the  
6 District in which his mother resides. The mother should be solely responsible to work  
7 with the District to select and obtain Akshay's school assignment from within the  
8 available options.

9 Given the history of police and CPS reports by Mr. Luthra with little or no basis, as well  
10 as the abuse of the discovery process leading to the court's order restricting discovery,  
11 the parties should engage in mediation with the co-parenting therapist, even after the  
12 co-parenting therapy has concluded.

13 The Parenting Plan signed by the court contemporaneously with these Findings and  
14 Conclusions is approved and incorporated as part of these findings.

15 **2.20 Child Support.** Akshay is in need of support. The Order of Child Support and Child  
16 Support Worksheet previously entered by the court based upon the agreement of the  
17 parties adequately provides for Akshay's support and the terms of these documents are  
18 incorporated by reference in these findings.

### 19 III. Conclusions of Law

20 The court makes the following conclusions of law from the foregoing findings of fact:

21 **3.1 Jurisdiction.** The court has jurisdiction to enter a decree in this matter.

22 **3.2 Granting a Decree.** The parties should be granted a decree.

23 **3.3 Pregnancy.** Does not apply.

24 **3.4 Disposition.** The court should determine the marital status of the parties, make  
25 provision for a parenting plan for any minor children of the marriage, make provision for  
26 the support of any minor child of the marriage entitled to support, consider or approve  
provision for maintenance of either spouse, make provision for the disposition of  
property and liabilities of the parties, make provision for the allocation of the children as  
federal tax exemptions, make provision for any necessary continuing restraining orders,  
and make provision for the change of name of any party. The distribution of property  
and liabilities as set forth in the decree is fair and equitable.

**3.5 Continuing Restraining Order.** The husband should be restrained from knowingly  
coming within or knowingly remaining within 500 feet of the home or the workplace of  
Aradhna Luthra.

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**3.6 Protection Order.** Does not apply.

**3.7 Attorney Fees and Costs.** There is no award of fees or costs.

**3.8 Parenting Plan.** The Parenting Plan signed by the court contemporaneously with these Findings and Conclusions should be approved and incorporated herein.

DATED: July 8, 2010.

  
\_\_\_\_\_  
JUDGE DEBORAH D. FLECK

APPENDIX C

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6 **Superior Court of Washington  
County of KING**

7 In re the Marriage of:

8 ARADHNA LUTHRA,

9 Petitioner,

10 and

11 VIKAS LUTHRA,

12 Respondent.

**No. 09-3-04289-0 KNT**

**PARENTING PLAN**

**FINAL ORDER (PP)**

13 This parenting plan is the final parenting plan signed by the court pursuant to a decree of  
14 dissolution signed by the court on July 8, 2010.

15 **It is Ordered, Adjudged and Decreed**

16 **I. General Information**

17 This parenting plan applies to the following child:

18 <u>Name</u>	19 <u>Age</u>
20 Akshay Luthra	6

21 **II. Basis for Restrictions**

22 Under certain circumstances as outlined below, the court may limit or prohibit a parent's  
23 contact with the child and the right to make decisions for the child.

24 **2.1 Parental Conduct (RCW 26.09.191(1), (2)).** Does not apply.

25 *Parenting Plan (PPP, PPT, PP) - Page 1 of 10*  
26 *WPF DR 01.0400 Mandatory (6/2008) - RCW 26.09.016, .181, .187, .194*

1 **2.2 Other Factors (RCW 26.09.191(3)).** The father's involvement or conduct has an  
2 adverse effect on the child's best interests under RCW 26.09.191(3)(g) as described in  
the Finding of Fact, and also because of the existence of the factors which follow:

3 A long-term emotional or physical impairment which interferes with the  
4 performance of parenting functions as defined in RCW 26.09.004.

5 The abusive use of conflict by the parent which creates the danger of serious  
6 damage to the child's psychological development.

### 7 **III. Residential Schedule**

8 *The residential schedule must set forth where the child shall reside each day of the year,*  
9 *including provisions for holidays, birthdays of family members, vacations, and other special*  
10 *occasions, and what contact the child shall have with each parent. Parents are encouraged to*  
11 *create a residential schedule that meets the developmental needs of the child and individual*  
*needs of their family. Paragraphs 3.1 through 3.9 are one way to write your residential*  
*schedule. If you do not use these paragraphs, write in your own schedule in Paragraph 3.13.*

12 **3.1 Schedule for Child Under School Age.** There are no children under school age.

13 **3.2 School Schedule.** Upon enrollment in school the child shall reside with the mother,  
14 except for the following days and times when the child will reside with or be with the  
15 other parent:

16 From after school on Fridays to 7:00 p.m. on Sunday evenings, on the first and third  
weekends of each month.

17 When school begins, the father's mid-week visits will stop until the father's therapist  
18 provides a status report to counsel and to me that affirmatively reports on the father's  
19 commitment to and progress in treatment. When the therapist reports that the father is  
20 engaged in and making progress in intensive therapy, the father may also spend time  
21 with Akshay in West Seattle on Wednesdays from after school until 7:00 p.m., where he  
22 can participate in activities at one or both of the West Seattle Y facilities, at the Hiawatha  
23 Community Center, at parks and other similar locations, as well as share a meal with  
24 Akshay. The father shall return Akshay to the mother at the Metropolitan Market on  
Admiral Way. Once begun, this mid-week schedule will place the burden of travel for  
25 the visit on the father, not on Akshay, and should also reduce the level of exhaustion for  
26 the child, while giving him an opportunity to spend time with his father.

1 **3.3 Winter Vacation.** The child shall reside with the mother during winter vacation, except  
2 for the following days and times when the child will reside with or be with the other  
3 parent:

4 The parties shall share winter vacation. The father shall have the first half in even  
5 years and the second half in odd years. The mother shall have the second half in even  
6 years and the first half in odd years. Christmas Eve and Christmas Day shall not be  
7 counted in determining what constitutes half the number of days.

8 **3.4 Schedule for Other School Breaks.** The child shall reside with the mother during  
9 other school breaks, except for the following days and times when the child will reside  
10 with or be with the other parent:

11 The parties shall share each school break. The mother shall have the first half in odd  
12 years and the second half in even years. The father shall have the second half in odd  
13 years and the first half in even years.

14 **3.5 Summer Schedule.** Upon completion of the school year, the child shall reside with  
15 the mother, except for the following days and times when the child will reside with or be  
16 with the other parent: The father may have residential time every other week as  
17 follows: from Thursday through Sunday during week A and a Thursday overnight  
18 during week B. The father shall pick up the child from daycare from 9:00 a.m. on  
19 Thursdays. The father should return the child to the mother on Sunday at 7:00 p.m. on  
20 week A, and to daycare at 9:00 a.m. on Friday during week B.

21 **3.6 Vacation with Parents.** The schedule for vacation with parents is as follows:  
22 Each parent shall have up to two weeks of vacation each summer to be taken in one-  
23 week or two-week segments, beginning in the summer of 2011. Once Akshay turns ten  
24 (10) years old in the summer of 2013, each parent shall be authorized to take three  
25 week vacations for special trips that require travel. If a parent exercises this option, the  
26 other parent shall be granted one week of makeup time during the summer.

Each parent must provide the other with his or her respective days by April 1<sup>st</sup> of each  
year. If the proposed vacation dates conflict and the parties are not able to resolve the  
conflict, the mother shall have priority in even years and the father in odd years. The  
parties may take Akshay out of the country if both parents agree, or if ordered by the  
court. If a parent plans to take Akshay out of the country, he or she shall provide notice  
of the country, the itinerary, and contact information for such out of country vacation by  
April 1<sup>st</sup> of each year.

For all vacations, five days prior to departure, the parent taking the child shall provide  
the other parent in writing with a complete itinerary, and valid address and telephone

1 contact numbers of where they will be staying while on vacation with the child. The  
2 parent who is not with the child shall have reasonable telephone contact with the child  
3 during that time; see paragraph 6.2. Neither parent shall remove the child from the  
4 State of Washington for vacation purposes without complying with this provision.

5 The mother shall have the sole authority to obtain and retain Akshay's passport. She  
6 shall provide it to the father within one week of any scheduled vacation out of the  
7 country.

8 **3.7 Schedule for Holidays.** The residential schedule for the child for the holidays listed  
9 below is as follows:

	With Mother	With Father
New Year's Day	Even	Odd
Martin Luther King Day	Even	Odd
Presidents' Day	Odd	Even
Memorial Day	Even	Odd
July 4th	Odd	Even
Labor Day	Even	Odd
Veterans' Day	Odd	Even
Thanksgiving Day	Even	Odd
Christmas Eve	Odd	Even
Christmas Day	Even	Odd
Diwali		Every
Begins 9:00 a.m. and ends 7:00 p.m.		
Falls Fri/Mom includes Sat/Sun <u>XX</u> yes		

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17 **3.8 Schedule for Special Occasions.** The residential schedule for the child for the  
18 following special occasions is as follows:

	With Mother	With Father
Father's Day		Every
Mother's Day	Every	
Child's Birthday	Even	Odd

19  
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21  
22 **3.9 Priorities Under the Residential Schedule.**

23 Paragraphs 3.3-3.8 have priority over paragraphs 3.1 and 3.2, in the following order,  
24 with 1 being given the highest priority:

25 *Parenting Plan (PPP, PPT, PP) - Page 4 of 10*

26 *WPF DR 01.0400 Mandatory (6/2008) - RCW 26.09.016, .181, .187, .194*

winter vacation (3.3)	holidays (3.7)
school breaks (3.4)	special occasions (3.8)
summer schedule (3.5)	vacation with parents (3.6)

3.10 **Restrictions.** There are limiting factors in paragraph 2.2, and the father's midweek visits during the school period are limited until the conditions for treatment of his OCD have been met.

3.11 **Transportation Arrangements.** Transportation arrangements for the child between parents are as follows: The father shall be responsible to pick up and return Akshay for midweek visits during the school year, when they begin. For all other periods, the receiving parent shall be responsible to pick up Akshay in a public location such as the Y on the eastside when mother receives the child and the Metropolitan market in West Seattle when the father picks up the child. If a parent moves, other more convenient locations shall be identified and used by the parties.

3.12 **Designation of Custodian.** The child named in this parenting plan is scheduled to reside the majority of the time with the mother. This parent is designated the custodian of the child solely for purposes of all other state and federal statutes which require a designation or determination of custody. This designation shall not affect either parent's rights and responsibilities under this parenting plan.

3.13 **Other.** The parents shall communicate by email except for emergencies. Emails shall be restricted to practical and necessary co-parenting details, as well as information about the child's physical/emotional well-being, his activity/school schedule, and the like. In order to circumvent abusive use of email, the parents shall copy their communications to the co-parenting therapist.

3.14 **Summary of RCW 26.09.430 - .480, Regarding Relocation of a Child.** This is a summary only. For the full text, please see RCW 26.09.430 through 26.09.480.

If the person with whom the child resides a majority of the time plans to move, that person shall give notice to every person entitled to court ordered time with the child. If the move is outside the child's school district, the relocating person must give notice by personal service or by mail requiring a return receipt. This notice must be at least 60 days before the intended move. If the relocating person could not have known about the move in time to give 60 days' notice, that person must give notice within 5 days after learning of the move. The notice must contain the information required in RCW 26.09.440. See also form DRPSCU 07.0500, (Notice of Intended Relocation of A Child).

1 If the move is within the same school district, the relocating person must provide actual  
2 notice by any reasonable means. A person entitled to time with the child may not  
3 object to the move but may ask for modification under RCW 26.09.260.

4 Notice may be delayed for 21 days if the relocating person is entering a domestic  
5 violence shelter or is moving to avoid a clear, immediate and unreasonable risk to  
6 health and safety.

7 If information is protected under a court order or the address confidentiality program, it  
8 may be withheld from the notice.

9 A relocating person may ask the court to waive any notice requirements that may put  
10 the health and safety of a person or a child at risk.

11 Failure to give the required notice may be grounds for sanctions, including contempt.

12 **If no objection is filed within 30 days after service of the notice of intended**  
13 **relocation, the relocation will be permitted and the proposed revised residential**  
14 **schedule may be confirmed.**

15 A person entitled to time with a child under a court order can file an objection to the  
16 child's relocation whether or not he or she received proper notice.

17 An objection may be filed by using the mandatory pattern form WPF DRPSCU 07.0700,  
18 (Objection to Relocation/Petition for Modification of Custody Decree/Parenting  
19 Plan/Residential Schedule). The objection must be served on all persons entitled to  
20 time with the child.

21 The relocating person shall not move the child during the time for objection unless: (a)  
22 the delayed notice provisions apply; or (b) a court order allows the move.

23 If the objecting person schedules a hearing for a date within 15 days of timely service of  
24 the objection, the relocating person shall not move the child before the hearing unless  
25 there is a clear, immediate and unreasonable risk to the health or safety of a person or  
26 a child.

#### 21 IV. Decision Making

##### 22 4.1 Day-to-Day Decisions

23 Each parent shall make decisions regarding the day-to-day care and control of the child  
24 while the child is residing with that parent. Regardless of the allocation of decision

25 *Parenting Plan (PPP, PPT, PP) - Page 6 of 10*

26 *WPF DR 01.0400 Mandatory (6/2008) - RCW 26.09.016, .181, .187, .194*

1 making in this parenting plan, either parent may make emergency decisions affecting  
2 the health or safety of the child.

3 **4.2 Major Decisions.** Major decisions regarding the child shall be made as follows:

	Mother	Father	Joint
4 Education	XX		
5 Non-Emergency Health Care			XX
6 Religious Upbringing			XX
7			

8 **4.3 Restrictions in Decision Making,** There are limiting factors in paragraph 2.2; but the  
9 parents shall have joint decision making with respect to religion and major medical  
10 issues, provided that this joint decision making may be revisited by the court if the  
11 father's litigiousness is not moderated or if he fails to engage in treatment for OCD.  
12 Both parents shall be allowed to engage the child in religious activities when Akshay is  
13 in their care, and the father shall be entitled to have some residential time with Akshay  
14 during the Hindu holiday, Diwali. Akshay shall attend school in the District in which his  
15 mother resides. The mother shall be solely responsible to work with the District to  
16 select and obtain Akshay's school assignment from within the available options.

#### 13 **V. Dispute Resolution**

14 *The purpose of this dispute resolution process is to resolve disagreements about carrying out  
15 this parenting plan. This dispute resolution process may, and under some local court rules or  
16 the provisions of this plan must be used before filing a petition to modify the plan or a motion  
17 for contempt for failing to follow the plan.*

18 Disputes between the parties regarding carrying out this plan, other than child  
19 support disputes, shall be submitted to the co-parenting therapist in therapeutic  
20 mediation, given the level of conflict in this case, the concern that the father is at risk  
21 for continued intractable litigation, the history of police and CPS reports with little or  
22 no basis by Mr. Luthra, as well as the abuse of the discovery process leading to the  
23 court's order restricting discovery. This shall be the requirement both during and  
24 following the completion of co-parenting therapy.

1 **VI. Other Provisions**

2 There are the following other provisions:

3 **6.1 Address Change.** Each parent shall provide the other with the address and phone  
4 number of their residence and update such information promptly whenever it changes.

5 **6.2 Telephone Access.** The child shall not be given his own cell phone. The father shall  
6 provide the mother, by email or text message, with one phone number she can use for  
7 the child's calls to the father. The father shall have phone contact with Akshay on  
8 Monday between 8:15pm and 8:45 pm and every other Saturday between 9:15 am and  
9 9:45 am, when Akshay is not residing with the father. The mother shall have phone  
10 contact with Akshay every other Saturday between 9:15 am and 9:45 am, when Akshay  
11 is not residing with the mother.

12 The residential parent will initiate each and every phone call between Akshay and the  
13 other parent. The residential parent will dial the other parent's phone number and hand  
14 the phone to the child so there will be no phone contact between mother and father. If  
15 the call is not answered, the child shall leave a voice mail and the residential parents  
16 shall call again five minutes later, If the second call is not answered, the child shall  
17 leave a second voice mail. The other parent shall not be entitled to make-up phone  
18 contact and shall not attempt to return the phone call at a later time.

19 If the residential parent is unavailable to place the phone call at the regularly scheduled  
20 time, he or she may text message the other parent an alternate phone number where  
21 he or she can talk to the child. The time for the call shall not change except in an  
22 urgent or unavoidable situation. Prior to sending a text message to the father, the  
23 mother shall notify any care provider of the procedures to follow for the phone contact.

24 Neither parent shall interrupt the child's call with the other parent, except in an  
25 emergency. If a phone call lasts longer than 15 minutes, the residential parent shall  
26 remind the child of the time and advise the child to conclude the call.

**6.3 Access to Records.** Each parent shall have the right and responsibility to ensure that  
the child attends school and other scheduled activities while in that parent's care. Each  
parent shall have the full and equal access to the education, daycare and health  
records of the child (except to the extent that a separate consent may need to be  
obtained for a child as provided by law). Both parents shall have equal and  
independent authority, as provided by statute, to confer with the school regarding the  
child's educational progress.

- 1 **6.4 Scheduling.** Activities shall not be scheduled to unreasonably interfere with the other  
2 parent's residential time with the child. Each parent will avoid approving events or  
3 appointments (birthday parties, dentist appointments, etc.) that affect the hours of the  
4 other parent's residential time.
- 5 **6.5 Emergency Notification.** Each parent shall notify the other promptly but in any event  
6 within 24 hours of receipt of extraordinary information regarding the child, such as  
7 emergency medical care, major school discipline, unusual or unexplained absence from  
8 the home, or contact with police or other legal authority.
- 9 **6.9 Travel Notification.** Each parent shall inform the other parent when that parent plans  
10 to be away from his or her residence with the child for more than two nights. The  
11 information to be provided shall include duration of the period, the destination(s) and  
12 destination telephone number(s).
- 13 **6.10 Child's Property.** Items belonging to the child, including but not limited to sporting  
14 equipment, backpacks, musical instruments, uniforms, costumes and the like, shall be  
15 deemed the property of the child, and shall be permitted to travel with the child between  
16 the parents' homes as the child require.
- 17 **6.11 Involvement in Proceedings.** Neither parent shall advise the child of the status of  
18 child support payments or other legal matters regarding the parents' relationship or this  
19 proceeding.
- 20 **6.12 Child as Messenger.** Neither parent shall use the child, directly or indirectly, to gather  
21 information about the other parent or to take verbal messages to the other parent. The  
22 father shall not question the child about events occurring during the mother's residential  
23 time or about the mother's friends and family. Any abuses of this requirement shall first  
24 be reported to the co-parenting therapist for therapeutic intervention. If unsuccessful  
25 the issue may be brought before the court.
- 26 **6.13 Derogatory Comments.** Neither parent shall make derogatory comments about the  
other parent or allow anyone else to do the same in the child's presence. Neither  
parent shall allow or encourage the child to make derogatory comments about the other  
parent. Both parents and their families shall be prohibited from discussing the details of  
any aspect of their dispute with the child or in the child's presence, including but not  
limited to negative descriptions of a parent or their family, any legal action, visitation,  
placement and child support. Both parents shall be encouraged to convey positive  
support regarding visitation and placement with the respective parent.
- 6.14 Financial Obligations.** Neither parent shall financially obligate the other parent for any  
expense related to the child without the written consent of the other parent.

1 **6.15 Medical Directive.** Both parents shall follow the medical directives of the child's  
2 physician(s) prescribing any medication. Each parent shall notify the other parent  
3 immediately of any medication that has been prescribed for the child.

4 **VII. Declaration for Proposed Parenting Plan**

5 Does not apply.

6 **VIII. Order by the Court**

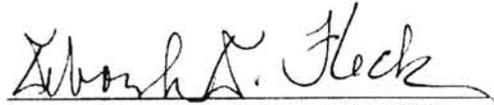
7 It is ordered, adjudged and decreed that the parenting plan set forth above is adopted and  
8 approved as an order of this court.

9 **WARNING:** Violation of residential provisions of this order with actual knowledge of its terms  
10 is punishable by contempt of court and may be a criminal offense under RCW 9A.40.060(2) or  
11 9A.40.070(2). Violation of this order may subject a violator to arrest.

12 When mutual decision making is designated but cannot be achieved, the parties shall make a  
13 good faith effort to resolve the issue through the dispute resolution process.

14 If a parent fails to comply with a provision of this plan, the other parent's obligations under the  
15 plan are not affected.

16 DATED: July 8, 2010

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18 JUDGE DEBORAH D. FLECK

## APPENDIX D

APPENDIX D

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SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

In re the Marriage of:  
  
ARADHNA FORREST (f/k/a Luthra)  
  
Petitioner,  
  
vs.  
  
VIKAS LUTHRA.  
  
Respondent.

Case No. 09-3-04289-0 KNT

~~PROPOSED~~  
DENYING  
ORDER REINSTATING RESPONDENT'S  
MID-WEEK VISITATION

This matter came before the Court on Respondent's Motion to Reinstate Mid-Week Visitation and for Order Allowing Vacation. The court heard oral argument and considered the pleadings and records filed in this action.

Based on the argument of the parties and the evidence presented, the Court hereby ORDERS, ADJUDGES AND DECREES that Respondent's mid-week visitation is <sup>not</sup> reinstated pursuant to the Final Parenting Plan in this matter effective the date of this Order.

*The court acknowledges the parties would benefit from modifications and clarifications of the Parenting Plan and Finalis. The parties will submit their written preferences regarding the issues to each other and to the court by July 2, 2013 and their responses by July 8, 2013. Petitioner's oral request for fees will be deferred to written submission as well.*

*as attached page 3*

The parties, through counsel, have stipulated to have the court clarify or, as necessary, modify the parenting plan to address the following issues (the items which appear to require a change rather than clarification are marked with an asterisk (\*) in order to resolve and reduce conflict:

- \* (1) Whether dispute resolution should be changed from co-parent therapy to arbitration, return to court or other mechanism;
- (2) Thanksgiving definition
- (3) School break definition
- \* (4) Whether the priorities in 3.9 need to be reordered <sup>(or ordered at all)</sup>
- \* (5) Definition of three-day (Friday/Monday) weekends
- (6) Diwali definition
- (7) Opportunities the father may have to be at school
- \* (8) Whether a provision should be added requiring notice to the other parent when a parent travels, with or without the child & what information is required
- (9) Communications protocol and whether a parent's non-response/silence should be deemed to be acquiescence
- (10) Therapy for the child
- (11) Guidelines regarding child-father communication through various technologies
- \* (12) Clarification of 1<sup>st</sup> and 3<sup>rd</sup> versus every other weekend
- (13) Whether parents are or should be required to notify other DATE: of health care appointments. Judge

Presented by:

Approved:

See page 2

Attorney for:

Attorney for:

1 The court's oral ruling is incorporated herein by  
2 references findings of the court.

3 Dated this 5 day of June, 2013.

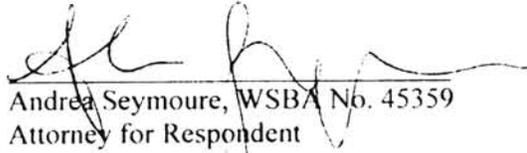
4   
5 Judge

6  
7  
8 Approved:

Presented by:

9 **WEITZ LAW FIRM, PLLC**  
10 520 Kirkland Way, Suite 103  
11 Kirkland, WA 98033-6256

12   
13 # 21378

14   
15 Andrea Seymoure, WSBA No. 45359  
16 Attorney for Respondent

APPENDIX E

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

In re Marriage of:

ARADHNA FORREST (fka Luthra),

Petitioner,

and

VIKAS LUTHRA,

Respondent.

NO. 09-3-04289-0 KNT

PARENTING PLAN  
FINAL ORDER (PP)  
AMENDED on 9/9/13

ORIGINAL COPY

This parenting plan is the final parenting plan signed by the court pursuant to a decree of dissolution signed by the court on July 8, 2010, as amended and clarified by Judge Deborah D. Fleck pursuant to the parties' agreement to submit identified issues for her determination.

**It Is Ordered, Adjudged and Decreed:**

**I. GENERAL INFORMATION**

This parenting plan applies to the following child:

<u>Name</u>	<u>Age</u>
Akshay Luthra	9

**II. BASIS FOR RESTRICTIONS**

*Under certain circumstances, as outlined below, the court may limit or prohibit a parent's contact with the child and the right to make decisions for the child.*

1 **2.1 Parental Conduct (RCW 26.09.191(1), (2))**

2 Does not apply.

3 **2.2 Other Factors (RCW 26.09.191(3))**

4 The father's involvement or conduct has an adverse effect on the child's best interests  
5 under RCW 26.09.191 (3)(g) as described in the Finding of Fact, and also because of  
6 the existence of the factors which follow:

7 A long-term emotional or physical impairment which interferes with the performance  
8 of parenting functions as defined in RCW 26.09004.

9 The abusive use of conflict by the parent which creates the danger of serious damage  
10 to the child's psychological development.

11 **III. RESIDENTIAL SCHEDULE**

12 *The residential schedule must set forth where the child shall reside each day of the year,  
13 including provisions for holidays, birthdays of family members, vacations, and other special  
14 occasions, and what contact the child shall have with each parent. Parents are encouraged to  
15 create a residential schedule that meets the developmental needs of the child and individual  
16 needs of their family. Paragraphs 3.1 through 3.9 are one way to write your residential  
17 schedule. If you do not use these paragraphs, write in your own schedule in Paragraph 3.13.*

18 **3.1 Schedule for Children Under School Age**

19 There are no children under school age.

20 **3.2 School Schedule**

21 Upon enrollment in school the child shall reside with the mother, except for the  
22 following days and times when the child will reside with or be with the other parent:

23 **From after school on Fridays to 7:00 p.m. on Sunday evenings every other weekend.**

24 The father's mid-week visits will stop until the father is in compliance with the court's  
25 orders regarding treatment, the father's therapist provides a status report to counsel and  
26 to Judge Fleck (or any successor Judge or Commissioner if no successor Judge is  
assigned) that affirmatively reports on the father's commitment to and progress in  
treatment, and the court approves the start of midweek visits. When the therapist  
reports that the father is engaged in and making progress in intensive therapy, the  
father may also spend time with Akshay in West Seattle on Wednesdays from after  
school until 7:00p.m, where he can participate in activities at one or both of the West  
Seattle Y facilities, at the Hiawatha Community Center, at parks and other similar  
locations, as well as share a meal with Akshay. The father shall return Akshay to the  
mother at the Metropolitan Market on Admiral Way. Once begun, this mid-week  
schedule will place the burden of travel for the visit on the father, not on Akshay, and  
should also reduce the level of exhaustion for the child, while giving him an  
opportunity to spend time with his father.

1 The only "school breaks" are winter, mid-winter and spring, with summer listed below  
2 as "summer schedule." School breaks do not include other times when the child is not  
3 in school, such as teacher training days, snow days, teacher conferences, or any other  
4 similar periods.

### 4 3.3 Winter Vacation.

5 The child shall reside with the mother during winter vacation, except for the following  
6 days and times when the child will reside with or be with the father:

7 The parties shall share winter vacation, which shall be defined as beginning after  
8 school following school release for the winter vacation and ending at 7 p.m. on the day  
9 before school resumes. If the day before school resumes is January 1<sup>st</sup>, the father shall  
10 return the child to the mother at 7 p.m. in odd numbered years and the mother shall  
11 have the child with her according to the normal schedule in even numbered years.

12 The father shall have the first half in even years and the second half in odd years. The  
13 mother shall have the second half in even years and the first half in odd years.  
14 Christmas Eve and Christmas Day shall not be counted in determining what  
15 constitutes half the number of days.

16 The "halfway" transfer shall occur at 2 p.m. on the day which constitutes the halfway  
17 point. If there is an odd number of days the extra day shall be spent with the parent  
18 who has the second half of vacation.

### 14 3.4 Schedule for Midwinter and Spring Breaks

15 The child shall reside with the mother during mother school breaks, except for the  
16 following days and times when the child will reside with or be with the other parent:

17 The parties shall share midwinter and spring breaks equally. The mother shall have the  
18 first half of each break in odd years and the second half of each break in even years.  
19 The father shall have the second half in odd years and the first half in even years.  
20 Assuming that the midwinter and spring breaks are one full week, the break shall not  
21 include the weekends and the midway exchange shall be Wednesday at 2 p.m. In even  
22 years when the father has the first half of spring break, if the child is also scheduled to  
23 be with him the weekend immediately preceding spring break, the child shall remain  
24 with him Sunday overnight so as not to require multiple transfers of the child in a  
25 short period.

### 22 3.5 Summer Schedule

23 Upon completion of the school year, the child shall reside with the mother, except for  
24 the following days and times when the child will reside with or be with the other  
25 parent: The father may have residential time every other week as follows: from  
26 Thursday through Sunday during week A and a Thursday overnight during week B.  
The father shall pick up the child from daycare from 9:00 a.m. on Thursdays. The  
father should return the child to the mother on Sunday at 7:00 p.m. on week A, and to  
daycare at 9:00 a.m. on Friday during week B.

1 **3.6 Vacation with Parents**

2 The schedule for vacation with parents is as follows:

3 Each parent shall have up to two weeks of vacation each summer to be taken in one  
4 week or two-week segments, beginning in the summer 2011. Once Akshay turns ten  
5 (10) years old in the summer of 2013, if either agreed or approved by the court, each  
6 parent shall be authorized to take three-week vacations for special trips to India. If a  
parent exercises this option, the other parent shall be granted one week of makeup  
time during the summer. Absent such extended travel, the parents shall continue to  
have two weeks of vacation.

7 Each parent must provide the other with his or her respective days by April 1" of each  
8 year. If the proposed vacation dates conflict and the parties are not able to resolve the  
9 conflict, the mother shall have priority in even years and the father in odd years. The  
10 parties may take Akshay out of the country if both parents agree, or if ordered by the  
court. If a parent plans to take Akshay out of the country, he or she shall provide  
notice of the country, the itinerary, and contact information for such out of country  
vacation by April 1st of each year.

11 For all vacations, five days prior to departure, the parent taking the child shall provide  
12 the other parent in writing with a complete itinerary, and valid address and telephone  
13 contact numbers of where they will be staying while on vacation with the child. The  
parent who is not with the child shall have reasonable telephone contact with the child  
14 during that time; see paragraph 6.2. Neither parent shall remove the child from the  
State of Washington for vacation purposes without complying with this provision.

15 The mother shall have the sole authority to obtain and retain Akshay's passport. She  
16 shall provide it to the father within one week of any scheduled vacation out of the  
country.

17 **3.7 Schedule for Holidays: The residential schedule for the child for the holidays listed  
below is as follows:**

	With Mother	With Father
New Year's Day	Even	Odd
Martin King Luther Day	***	***
President's Day	Per 3.4	Per 3.4
Memorial Day	***	***
July 4th	Odd	Even
Labor Day	***	***
Veteran's Day	*** (if Fri. or Mon.)	*** (if Fri. or Mon.)
Thanksgiving Day	Even	Odd
Christmas Eve	Odd	Even
Christmas Day	Odd	Even
Diwali		Every

26 \*\*\*The marked holidays, including Veteran's Day only if it falls on a Friday or

Monday, shall be spent with the parent who has the adjacent weekend. For Monday holidays, the weekend shall extend until 7 p.m. Monday; for Friday holidays, the holiday shall begin with pick-up after school on Thursday or, if there is no school, at 7 p.m. on Thursday. If Veteran's Day is not on a Friday or Monday, it shall be spent per the regular school schedule.

Thanksgiving shall last from 9 a.m. Thanksgiving Day until 7 p.m. on Friday.

All other holidays shall last from 9 a.m. to 7 p.m., except that when July 4<sup>th</sup> falls on a Monday in even years and the child will be with the father the preceding weekend, the child shall remain with the father overnight on Sunday to avoid multiple transitions in a short period.

### 3.8 Schedule for Special Occasions

The residential schedule for the child for the following special occasions (for example, birthdays) is as follows:

	With Mother	With Father
Mother's Day	Every	
Father's Day		Every
Akshay's Birthday	Even	Odd

Special occasions shall commence at 9:00am and end at 7:00pm on the day of the special occasion.

### 3.9 Priorities Under the Residential Schedule

Paragraphs 3.3-3.8 have priority over paragraphs 3.1 and 3.2, in the following order, with 1 being given the highest priority:

Rank the order of priority, with 1 being given the highest priority:

1. Holidays (3.7)
2. Special Occasions (3.8)
3. Winter Breaks (3.3)
4. School Breaks (3.4)
5. Vacation with Parents (3.6)
6. Summer schedule (3.5)

### 3.10 Restrictions

There are limiting factors in paragraph 2.2, and the father's midweek visits during the school period are limited until the conditions for treatment of his OCD have been met.

### 3.11 Transportation Arrangements

Transportation arrangements for the child between parents are as follows: The father shall be responsible to pick up and return Akshay for midweek visits during the school

1 year, when they begin and to pick Akshay up from school for weekend or extended  
2 weekend residential time which begins after school. For all other transfers, when the  
3 mother is the receiving parent, the transfer shall take place at the Newcastle Safeway  
4 and when the father is the receiving parent, the transfer shall take place at the  
5 Metropolitan market in West Seattle. If a parent moves, other more convenient public  
6 locations shall be identified and used by the parties.

### 6 3.12 Designation of Custodian

7 The child named in this parenting plan is scheduled to reside the majority of the time  
8 with the mother. This parent is designated the custodian of the child solely for  
9 purposes of all other state and federal statutes which require a designation or  
10 determination of custody. This designation shall not affect either parent's rights and  
11 responsibilities under this parenting plan.

### 10 3.13 Other

11 The parents shall communicate by email except for emergencies. Emails shall be  
12 restricted to practical and necessary co-parenting details, as well as information about  
13 the child's physical/emotional well-being, his activity/school schedule, and the like.  
14 E-mails shall be limited to one topic which appears in the subject line and shall  
15 generally be no more than one hundred words.

16 For issues related to joint decision-making or to necessary scheduling logistics (e.g.  
17 vacations and camps), if a parent communicates with the other parent seeking input or  
18 agreement, and the other parent fails to respond within 24 hours, the initiating parent  
19 is entitled to rely on his or her proposal, unless the responding parent notifies the  
20 initiating parent that s/he needs a brief extension of an additional 24 hours. This 24  
21 hour rule does not apply to any other attempts at communication.

22 Failure to respond on a timely basis on such issues which has the result of requiring  
23 the requesting parent to initiate dispute resolution may be a basis for the award of  
24 attorney's fees.

25 As a matter of enforcement of Paragraphs 3.13 and 6.2 of the Parenting Plan, the  
26 parties may not transmit text messages to each other for any purpose, including the  
27 Father sending messages to the child.

### 21 3.14 Summary of RCW 26.09.430 - .480, Regarding Relocation of a Child

22 This is a summary only. For the full text, please see RCW 26.09.430 through  
23 26.09.480.

24 If the person with whom the child resides a majority of the time plans to move, that  
25 person shall give notice to every person entitled to court ordered time with the child. If  
26 the move is outside the child's school district, the relocating person must give notice  
by personal service or by mail requiring a return receipt. This notice must be at least  
60 days before the intended move. If the relocating person could not have known  
about the move in time to give 60 days' notice, that person must give notice within 5  
days after learning of the move. The notice must contain the information required in

1 RCW 26.09.440. See also form DRPSCU 07.0500, (Notice of Intended Relocation of  
2 A Child).

3 If the move is within the same school district, the relocating person must provide  
4 actual notice by any reasonable means. A person entitled to time with the child may  
5 not object to the move but may ask for modification under RCW 26.09.260.  
6 Notice may be delayed for 21 days if the relocating person is entering a domestic  
7 violence shelter or is moving to avoid a clear, immediate and unreasonable risk to  
8 health and safety.

9 If information is protected under a court order or the address confidentiality program,  
10 it may be withheld from the notice.

11 A relocating person may ask the court to waive any notice requirements that may put  
12 the health and safety of a person or a child at risk.

13 Failure to give the required notice may be grounds for sanctions, including contempt.

14 **If no objection is filed within 30 days after service of the notice of intended  
15 relocation, the relocation will be permitted and the proposed revised residential  
16 schedule may be confirmed.**

17 A person entitled to time with a child under a court order can file an objection to the  
18 child's relocation whether or not he or she received proper notice.

19 An objection may be filed by using the mandatory pattern form WPF DRPSCU  
20 07.0700. (Objection to Relocation/Petition for Modification of Custody  
21 Decree/Parenting Plan/Residential Schedule). The objection must be served on all  
22 persons entitled to time with the child.

23 The relocating person shall not move the child during the time for objection unless: (a)  
24 the delayed notice provisions apply; or (b) a court order allows the move.

25 If the objecting person schedules a hearing for a date within 15 days of timely service  
26 of the objection, the relocating person shall not move the child before the hearing  
unless there is a clear, immediate and unreasonable risk to the health or safety of a  
person or a child.

#### IV. DECISION MAKING

##### 4.1 Day-to-Day Decisions

Each parent shall make decisions regarding the day-to-day care and control of each  
child while the child is residing with that parent. Regardless of the allocation of  
decision making in this parenting plan, either parent may make emergency decisions  
affecting the health or safety of the child.

##### 4.2 Major Decisions

Major decisions regarding the child shall be made as follows:

	Mother	Father	Joint
Education	XX		
Non-Emergency Health Care			XX
Religious Upbringing			XX

Major medical decisions which require joint decision-making shall be defined as a change in medical providers, surgery, or a new course of treatment (such as orthodontia). Because the child resides primarily with the mother and the mother has been primarily responsible for his medical care, the father shall only seek medical care for the child in the case of an illness or accident and shall notify the mother prior to seeking such medical care for the child except in the case of an emergency. In the event of an emergency, the father shall immediately notify the mother at the earliest possible time and provide her with all details, including where the child is receiving care so that she may go to that location.

The mother shall notify the father within 24 hours after taking Akshay to any medical, dental, vision, etc. appointment, whether routine or otherwise and she shall notify the father of any significant diagnosis or treatment and of any care requirements which will span the father's residential time.

The mother shall place the child in therapy within the next three months. Based on the father's failure to comply with the court's order regarding his own treatment, and the ongoing conflict between the parties, the mother shall have sole authority to select the therapist. The mother is not required to disclose the name of the therapist to the father, but she shall notify the father when a therapist is engaged, the frequency of the therapy and when the mother, in consultation with the therapist, determines that therapy is no longer necessary for the child. The father may have contact with the child's therapist only as requested by the therapist or as ordered by the court. The father shall not question the child or engage in conversation with the child regarding therapy, including asking the child to identify the therapist in any way.

#### 4.3 Restrictions in Decision Making

There are limiting factors in paragraph 2.2; but the parents shall have joint decision making with respect to religion and major medical issues (except as regarding the child's therapy which is addressed above), provided that this joint decision making may be revisited by the court if the father's litigiousness is not moderated or if he fails to engage in treatment for OCD. Both parents shall be allowed to engage the child in religious activities when Akshay is in their care, and the father shall be entitled to have some residential time with Akshay during the Hindu holiday, Diwali. Akshay shall attend school in the District in which his mother resides. The mother shall be solely responsible to work with the District to select and obtain Akshay's school assignment from within the available options.

### V. DISPUTE RESOLUTION

No dispute resolution process, except court action is ordered.

1 **VI. OTHER PROVISIONS**

2 There are the following other provisions:

3 **6.1 Address Change.** Each parent shall provide the other with the address and phone  
4 number of their residence and update such information promptly whenever it changes.

5 **6.2 Telephone Access.** The child shall not be given his own cell phone absent agreement  
6 by the parties or a court order. The father shall provide the mother, by email, with one  
7 phone number she can use for the child's calls to the father. The father shall have  
8 phone contact with Akshay on Monday between 8:15pm and 8:45 pm and every other  
9 Saturday between 9:15 am and 9:45 am, when Akshay is not residing with the father.  
10 The mother shall have phone contact with Akshay every other Saturday between 9:15  
11 am and 9:45 am, when Akshay is not residing with the mother.

deletes  
"or text  
message"

12 The residential parent will initiate each and every phone call between Akshay and the  
13 other parent. The residential parent will dial the other parent's phone number and hand  
14 the phone to the child so there will be no phone contact between mother and father. If  
15 the call is not answered, the child shall leave a voice mail and the residential parents  
16 shall call again five minutes later, If the second call is not answered, the child shall  
17 leave a second voice mail. The other parent shall not be entitled to make-up phone  
18 contact and shall not attempt to return the phone call at a later time.

19 If the residential parent is unavailable to place the phone call at the regularly  
20 scheduled time, he or she may email message the other parent an alternate phone  
21 number where he or she can talk to the child. The time for the call shall not change  
22 except in an urgent or unavoidable situation. Prior to sending an email message to the  
23 father, the mother shall notify any care provider of the procedures to follow for the  
24 phone contact.

substituted  
for "text"

25 Neither parent shall interrupt the child's call with the other parent, except in an  
26 emergency. If a phone call lasts longer than 15 minutes, the residential parent shall  
remind the child of the time and advise the child to conclude the call.

As a matter of enforcement of Paragraphs 3.13 and 6.2 of the parenting plan, the  
parties may not transmit text messages to each other for any purpose, including the  
father sending messages to the child.

It is further ordered that the Father's telephone contact with the parties' child, as  
provided in Paragraph 6.2 of the Parenting Plan, shall be supervised by the Mother  
until further Order of the Court.

The designated form of contact between father and child when the child is not with the  
father shall be by telephone with audio only. During those calls, the father shall not:

- Attempt to speak directly to the mother
- Make an disparaging remarks about the mother's friends and family
- Prompt the child to question the moter's decisions and motives
- Prompt the child to question the mother directly
- Pressure the child to call the father outside of the designated call timeframes

1 Pressure the child to sue chat websites or anything other than the telephone to  
communicate with him

2 Pressure the child to use the face-time feature on the mother's phone.

3 The Father shall not communicate with the child through other media, including but  
4 not limited to e-mail, Facetime, chat rooms and other web-based communication.

5 **6.3 Address Change.** Each parent shall have the right and responsibility to ensure that  
6 the child attends school and other scheduled activities while in that parent's care. Each  
7 parent shall have the full and equal access to the education, daycare and health records  
8 of the child (except to the extent that a separate consent may need to be obtained for a  
child as provided by law). Both parents shall have equal and independent authority, as  
provided by statute, to confer with the school regarding the child's educational  
progress.

9 **6.4 Scheduling.** Activities shall not be scheduled to unreasonably interfere with the other  
10 parent's residential time with the child. Each parent will avoid approving events or  
appointments (birthday parties, dentist appointments, etc) that affect the hours of the  
other parent's residential time.

11 **6.5 Emergency Notification.** Each parent shall notify the other promptly but in any event  
12 within 24 hours of receipt of extraordinary information regarding the child, such as  
13 emergency medical care, major school discipline, unusual or unexplained absence  
from the home, or contact with police or other legal authority.

14 **6.9 Travel Notification.** Each parent shall inform the other parent when that parent plans  
15 to be away from his or her residence with the child for more than two nights. The  
information to be provided shall include duration of the period, the destination(s) and  
destination telephone number(s).

16 A parent is not required to notify the other parent where the child will be staying when  
17 the parent is out of town away from the child. The traveling parent shall ensure that  
the care provider has contact information for the other parent in the event of an  
18 emergency which requires that the parents be contacted.

19 If the mother is away on vacation for five days or more without the child, she shall  
20 notify the father of the person with whom the child is staying. The father is prohibited  
21 from contacting the caretaker or the child at any time other than his scheduled  
telephone calls, unless there is a serious emergency such as an earthquake disaster. If  
the father does make such contact in violation of this provision, this provision shall no  
longer be in effect.

22 **6.10 Child's Property.** Items belonging to the child , including but not limited to sporting  
23 equipment, backpacks, musical instruments, uniforms, costumes and the like, shall be  
deemed the property of the child , and shall be permitted to travel with the child  
24 between the parents' homes as the child require.

25 **6.11 Involvement in Proceedings.** Neither parent shall advise the child of the status of  
26 child support payments or other legal matters regarding the parents' relationship or this  
proceeding.

1 **6.12 Child as Messenger.** Neither parent shall use the child, directly or indirectly, to gather  
2 information about the other parent or to take verbal messages to the other parent. The  
3 father shall not question the child about events occurring during the mother's  
4 residential time or about the mother's friends and family. Any abuses of this  
5 requirement shall first be reported to the co-parenting therapist for therapeutic  
6 intervention. If unsuccessful the issue may be brought before the court.

7 It is further ordered that the father shall strictly comply with Paragraphs 6.12 and 6.13,  
8 including he shall not ask the child if he has received information from the Mother,  
9 interrogate the child regarding the child's life at the Mother's home nor suggest to the  
10 child that the child speak to personnel at school if he has problems at home.

11 **6.13 Derogatory Comments.** Neither parent shall make derogatory comments about the  
12 other parent or allow anyone else to do the same in the child's presence. Neither  
13 parent shall allow or encourage the child to make derogatory comments about the  
14 other parent. Both parents and their families shall be prohibited from discussing the  
15 details of any aspect of their dispute with the child or in the child's presence,  
16 including but not limited to negative descriptions of a parent or their family, any legal  
17 action, visitation, placement and child support. Both parents shall be encouraged to  
18 convey positive support regarding visitation and placement with the respective parent.

19 **6.14 Financial Obligations.** Neither parent shall financially obligate the other parent for  
20 any expense related to the child without the written consent of the other parent, ~~with  
21 the exception of the cost of daycare (selected by the mother) which expense is  
22 addressed in paragraph 3.15 of the Order of Child Support.~~

23 **6.14 Medical Directive.** Both parents shall follow the medical directives of the child's  
24 physician(s) prescribing any medication. Each parent shall notify the other parent  
25 immediately of any medication that has been prescribed for the child.

26 **6.15** ~~The father shall immediately cease his visits, including during the lunch period, with  
the parties minor child, AKSHAY LUTHRA, at the Lafayette Elementary School or at  
any other school the child may attend and the Respondent shall immediately cease  
being in the presence of the child at any other times and places not specifically  
awarded to the Respondent under the Final parenting plan, dated July 8, 2010, in the  
above entitled matter, with the exception that the father may chaperone one field trip  
per year that the mother is not serving as a chaperone and may participate in one  
classroom/school event per year that the mother is not participating in. These one per  
year limitations for the father's contact with the child during school hours shall apply  
regardless of which parent has residential time with the child during the field trip or  
classroom/school event. In order to avoid incidental contact not contemplated by this  
order, the father shall not be present at the school during regular school hours or after  
school until the children have departed except as provided herein. After school events  
may be attended by the parent who has residential time with the child.~~

## VII. DECLARATION FOR PROPOSED PARENTING PLAN

Does not apply.

VIII. ORDER BY THE COURT

It is ordered, adjudged and decreed that the parenting plan set forth above is adopted and approved as an order of this court.

**WARNING:** Violation of residential provisions of this order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under RCW 9A.40.060(2) or 9A.40.070(2). Violation of this order may subject a violator to arrest.

When mutual decision making is designated but cannot be achieved, the parties shall make a good faith effort to resolve the issue through the dispute resolution process.

If a parent fails to comply with a provision of this plan, the other parent's obligations under the plan are not affected.

DATED: September 9, 2013

  
THE HONORABLE DEBORAH D. FLECK

## APPENDIX F

APPENDIX F

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

In re Marriage of:

ARADHNA FORREST (fka Luthra),

Petitioner,

and

VIKAS LUTHRA,

Respondent.

NO. 09-3-04289-0 KNT

ORDER ON MOTION FOR RECONSIDERATION

This matter having come before the Court on the petitioner's motion for reconsideration of the Parenting Plan Final Order Amended on 9/9/13, the Court having reviewed the motion and related declarations, and the files and records herein, any response filed by the respondent, and any reply filed by the petitioner, and deeming itself fully advised in the premises, the court hereby ORDERS:

1. The dispute resolution section of the parenting plan <sup>is</sup> ~~will be~~ amended to read as follows: AJ

Disputes between the parties, other than child support disputes, shall be submitted to arbitration by Lawrence Besk or Cheryl Russell, whoever is first available. Once either Mr. Besk or Ms. Russell has ruled on an issue, s/he shall become the primary arbitrator who shall rule on all issues unless s/he will not be available within the relevant time period, in which case the other arbitrator shall rule.

Disputes shall be submitted to the arbitrator on a 14-4-2 schedule unless the issue requires a decision on an expedited basis, in which case the parties may request a shorter schedule. Disputes shall be determined without oral argument unless the arbitrator orders oral argument on its own motion or based on either party's request.

1 The costs of arbitration shall be paid 50-50, subject to reallocation by the arbitrator. In  
2 addition, the arbitrator shall have the authority to award attorney fees and costs  
incurred related to the arbitration as deemed appropriate by the arbitrator.

3 The arbitration dispute resolution process shall be commenced by notifying the other  
4 party by written request which may include e-mail. The request will state the issue(s)  
and the proposed resolution.

5 In the dispute resolution process:

- 6 (a) Preference shall be given to carrying out this Parenting Plan.  
7 (b) Unless an emergency exists, the parents shall use the designated process to  
8 resolve disputes relating to implementation of the plan, except those related to  
9 financial support.  
10 (c) A written record shall be prepared of any agreement reached in counseling or  
11 mediation and of each arbitration award and shall be provided to each party.  
12 (d) If the court finds that a parent has used or frustrated the dispute resolution  
13 process without good reason, the court shall award attorneys' fees and  
14 financial sanctions to the other parent.  
15 (e) The parties have the right of review from the dispute resolution process to the  
superior court.

16 If the Arbitrator makes a finding that one of the parties has abused the arbitration  
17 process by repeatedly seeking arbitration when arbitration is not appropriate, the  
18 Arbitrator may institute a "pre-filing review" in which, prior to the other party being  
19 required to respond, the Arbitrator reviews the arbitration request to determine  
whether it is beyond the scope of the Arbitrator's authority or has been interposed for  
purposes of harassment.

20 Any request for a de novo review of the arbitrator's decision concerning the Parenting  
21 Plan will be treated by the court similar to a motion for revision rather than a full trial  
22 de novo. Such a motion shall be brought before the Chief UFC Judge who shall  
23 determine whether it would be appropriate for him/her to retain jurisdiction of the case  
24 for all future such reviews or to identify a Judge who will be assigned ongoing  
25 jurisdiction.

- 26 2. Paragraph 6.12 of the parenting plan shall be corrected to strike the reference to the co-  
therapist as shown below:

**6.12 Child as Messenger.** Neither parent shall use the child, directly or indirectly,  
to gather information about the other parent or to take verbal messages to the other  
parent. The father shall not question the child about events occurring during the  
mother's residential time or about the mother's friends and family. ~~Any abuses of this  
requirement shall first be reported to the co-parenting therapist for therapeutic  
intervention. If unsuccessful the issue may be brought before the court.~~

1 It is further ordered that the father shall strictly comply with Paragraphs 6.12 and 6.13,  
2 including he shall not ask the child if he has received information from the Mother,  
3 interrogate the child regarding the child's life at the Mother's home nor suggest to the  
4 child that the child speak to personnel at school if he has problems at home.

5 The Court shall issue a new parenting plan incorporating the provisions of this ruling  
6 so that the parenting plan will be complete in the form of a single document.

7 DONE IN OPEN COURT this 21 day of Oct, 2013.

8   
9 HONORABLE DEBORAH FLECK  
10 Superior Court Judge

APPENDIX G

## APPENDIX: RELEVANT STATUTES

### RCW 26.09.004. Definitions

(2) "Parenting functions" means those aspects of the parent-child relationship in which the parent makes decisions and performs functions necessary for the care and growth of the child. Parenting functions include:

- (a) Maintaining a loving, stable, consistent, and nurturing relationship with the child;
- (b) Attending to the daily needs of the child, such as feeding, clothing, physical care and grooming, supervision, health care, and day care, and engaging in other activities which are appropriate to the developmental level of the child and that are within the social and economic circumstances of the particular family;
- (c) Attending to adequate education for the child, including remedial or other education essential to the best interests of the child;
- (d) Assisting the child in developing and maintaining appropriate interpersonal relationships;
- (e) Exercising appropriate judgment regarding the child's welfare, consistent with the child's developmental level and the family's social and economic circumstances; and
- (f) Providing for the financial support of the child.

### RCW 26.09.191 (in pertinent part)

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

- (a) A parent's neglect or substantial nonperformance of

parenting functions;

(b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;

(c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;

(d) The absence or substantial impairment of emotional ties between the parent and the child;

(e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development;

(f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or

(g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

**RCW 26.09.260 Modification of Parenting Plan or Custody Decree.**

(1) Except as otherwise provided in subsections (4), (5), (6), (8), and (10) of this section, the court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the nonmoving party and that the modification is in the best interest of the child and is necessary to serve the best interests of the child. The effect of a parent's military duties potentially impacting parenting functions shall not, by itself, be a substantial change of circumstances justifying a permanent modification of a prior decree or plan.

(2) In applying these standards, the court shall retain the residential schedule established by the decree or parenting plan unless:

(a) The parents agree to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the other parent in substantial deviation from the parenting plan;

(c) The child's present environment is detrimental to the child's physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; or

(d) The court has found the nonmoving parent in contempt of court at least twice within three years because the parent failed to comply with the residential time provisions in the court-ordered parenting plan, or the parent has been convicted of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070.

(3) A conviction of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070 shall constitute a substantial change of circumstances for the purposes of this section.

(4) The court may reduce or restrict contact between the child and the parent with whom the child does not reside a majority of the time if it finds that the reduction or restriction would serve and protect the best interests of the child using the criteria in RCW 26.09.191.

(5) The court may order adjustments to the residential aspects of a parenting plan upon a showing of a substantial change in circumstances of either parent or of the child, and without consideration of the factors set forth in subsection (2) of this section, if the proposed modification is only a minor modification in the residential schedule that does not change the residence the child is scheduled to reside in the majority of the time and:

(a) Does not exceed twenty-four full days in a calendar year;  
or

(b) Is based on a change of residence of the parent with whom the child does not reside the majority of the time or an involuntary change in work schedule by a parent which makes the residential schedule in the parenting plan impractical to follow; or

(c) Does not result in a schedule that exceeds ninety overnights per year in total, if the court finds that, at the time the petition for modification is filed, the decree of dissolution or parenting plan does not provide reasonable time with the parent with whom the child does not reside a majority of the time, and further, the court finds that it is in the best interests of the child to increase residential time with the parent in excess of the residential time period in (a) of this subsection. However, any motion under this subsection (5)(c) is subject to the factors established in subsection (2) of this section if the party bringing the petition has previously been granted a modification under this same subsection within twenty-four months of the current motion. Relief granted under this section shall not be the sole basis for adjusting or modifying child support.

(6) The court may order adjustments to the residential aspects of a parenting plan pursuant to a proceeding to permit or restrain a relocation of the child. The person objecting to the relocation of the child or the relocating person's proposed revised residential schedule may file a petition to modify the parenting plan, including a change of the residence in which the child resides the majority of the time, without a showing of adequate cause other than the proposed relocation itself. A hearing to determine adequate cause for modification shall not be required so long as the request for relocation of the child is being pursued. In making a determination of a modification pursuant to relocation of the child, the court shall first determine whether to permit or restrain the relocation of the child using the procedures and standards provided in RCW 26.09.405 through 26.09.560. Following that determination, the court shall determine what modification pursuant to relocation

should be made, if any, to the parenting plan or custody order or visitation order.

(7) A parent with whom the child does not reside a majority of the time and whose residential time with the child is subject to limitations pursuant to RCW 26.09.191 (2) or (3) may not seek expansion of residential time under subsection (5)(c) of this section unless that parent demonstrates a substantial change in circumstances specifically related to the basis for the limitation.

(8)

(a) If a parent with whom the child does not reside a majority of the time voluntarily fails to exercise residential time for an extended period, that is, one year or longer, the court upon proper motion may make adjustments to the parenting plan in keeping with the best interests of the minor child.

(b) For the purposes of determining whether the parent has failed to exercise residential time for one year or longer, the court may not count any time periods during which the parent did not exercise residential time due to the effect of the parent's military duties potentially impacting parenting functions.

(9) A parent with whom the child does not reside a majority of the time who is required by the existing parenting plan to complete evaluations, treatment, parenting, or other classes may not seek expansion of residential time under subsection (5)(c) of this section unless that parent has fully complied with such requirements.

(10) The court may order adjustments to any of the nonresidential aspects of a parenting plan upon a showing of a substantial change of circumstances of either parent or of a child, and the adjustment is in the best interest of the child. Adjustments ordered under this section may be made without consideration of the factors set forth in subsection (2) of this section.

(11) If the parent with whom the child resides a majority of the time receives temporary duty, deployment, activation, or mobilization

orders from the military that involve moving a substantial distance away from the parent's residence or otherwise would have a material effect on the parent's ability to exercise parenting functions and primary placement responsibilities, then:

(a) Any temporary custody order for the child during the parent's absence shall end no later than ten days after the returning parent provides notice to the temporary custodian, but shall not impair the discretion of the court to conduct an expedited or emergency hearing for resolution of the child's residential placement upon return of the parent and within ten days of the filing of a motion alleging an immediate danger of irreparable harm to the child. If a motion alleging immediate danger has not been filed, the motion for an order restoring the previous residential schedule shall be granted; and

(b) The temporary duty, activation, mobilization, or deployment and the temporary disruption to the child's schedule shall not be a factor in a determination of change of circumstances if a motion is filed to transfer residential placement from the parent who is a military service member.

(12) If a parent receives military temporary duty, deployment, activation, or mobilization orders that involve moving a substantial distance away from the military parent's residence or otherwise have a material effect on the military parent's ability to exercise residential time or visitation rights, at the request of the military parent, the court may delegate the military parent's residential time or visitation rights, or a portion thereof, to a child's family member, including a stepparent, or another person other than a parent, with a close and substantial relationship to the minor child for the duration of the military parent's absence, if delegating residential time or visitation rights is in the child's best interest. The court may not permit the delegation of residential time or visitation rights to a person who would be subject to limitations on residential time under RCW 26.09.191. The parties shall attempt to resolve disputes regarding delegation of residential time or visitation rights through the dispute resolution process specified in their parenting plan, unless excused by the court for good cause shown. Such a court-ordered temporary delegation of a military parent's residential time

or visitation rights does not create separate rights to residential time or visitation for a person other than a parent.

(13) If the court finds that a motion to modify a prior decree or parenting plan has been brought in bad faith, the court shall assess the attorney's fees and court costs of the nonmoving parent against the moving party.

## APPENDIX H

APPENDIX H

# Superior Court Case Summary

# About Dockets

**Court:** King Co Superior Ct  
**Case Number:** 09-3-04289-0

Sub	Docket Date	Docket Code	Docket Description	Misc Info
	06-19-2009	FILING FEE RECEIVED	Filing Fee Received	
1	06-19-2009	SUMMONS & PET FOR DISSOLUTION	Summons & Pet For Dissolution	
2	06-19-2009	SET CASE SCHEDULE JDG0036	Set Case Schedule Judge George T Mattson, Dept 36	05-24-2010ST
3	06-19-2009	CASE INFORMATION COVER SHEET LOCK	Case Information Cover Sheet Original Location - Kent	
4	06-19-2009	CONFIDENTIAL INFORMATION FORM	Confidential Information Form	
5	06-19-2009	MTN/DCL FOR EXPARTE RO AND ORDSC	Mtn/dcl For Exparte Ro And Ordsc /pet	
6	06-19-2009	DECLARATION	Declaration Of Aradhna Luthra	
6A	06-19-2009	DECLARATION	Declaration Of Elena Medvedeva	
6B	06-19-2009	TRANSCRIPT	Transcript Re Phone Messages /pet	
6C	06-19-2009	DECLARATION	Declaration Of Sharon Dean	
6D	06-19-2009	DECLARATION	Declaration Of Maria Baldivino	
7	06-19-2009	DECLARATION	Declaration Of Pet - Mother	
8	06-19-2009	ATTACHMENT	Cover Page Re Phone Messages & Etc	
9	06-19-2009	NOTE FOR MOTION DOCKET ACTION	Note For Motion Docket Temp Order/order To Show Cause	07-08-2009FM
		ACTION	**** Seattle Kcch ****	
10	06-19-2009	SEALED FINANCIAL DOCUMENT(S)	Sealed Financial Document(s)	
11	06-19-2009	PROPOSED PARENTING PLAN	Proposed Parenting Plan	
12	06-19-2009	FINANCIAL DECLARATION OF PET	Financial Declaration Of Pet	
13	06-19-2009	DECLARATION	Declaration Of Scott Hoge	
14	06-19-2009	DECLARATION	Declaration Of Lily Saini	
15	06-19-2009	TEMP REST ORD & ORD TO SHO CAUS EXP0004	Temp Rest Ord & Ord To S/c/issd Ex-parte, Dept - Kent	07-08-2009FM
16	06-26-2009	NOTICE OF APPEARANCE	Notice Of Appearance	

## About Dockets

You are viewing the case docket or case summary. Each Court level uses different terminology for this information, but for all court levels, it is a list of activities or documents related to the case. District and municipal court dockets tend to include many case details, while superior court dockets limit themselves to official documents and orders related to the case.

If you are viewing a district municipal, or appellate court docket, you may be able to see future court appearances or calendar dates if there are any. Since superior courts generally calendar their caseloads on local systems, this search tool cannot display superior court calendaring information.

## Directions

King Co Superior Ct  
 516 3rd Ave, Rm C-203  
 Seattle, WA 98104-2361  
[Map & Directions](#)  
 206-296-9100[Phone]  
 206-296-0986[Fax]  
[Visit Website](#)

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## How can I obtain the complete court record?

You can contact the court in which the case was filed to view the court record or to order copies of court records.

## How can I contact the

17	07-01-2009	RESPONSE	response to petition	
18	07-01-2009	FINANCIAL DECLARATION	Financial Declaration /rsp	
19	07-01-2009	DECLARATION	Declaration Of Vikas Luthra	
20	07-01-2009	DECLARATION	Declaration Of Vikas Luthra	
21	07-01-2009	PARENTING PLAN - TEMPORARY	Parenting Plan - Temporary	
22	07-01-2009	DECLARATION	Declaration Of Neeraj Chawla	
23	07-01-2009	DECLARATION	Declaration Of Sarv M. Luthra	
24	07-01-2009	DECLARATION	Declaration Of Anant Mehta	
25	07-01-2009	DECLARATION	Declaration Of Shane Davis	
26	07-02-2009	CORRESPONDENCE	Correspondence From Law Enforcement	
27	07-16-2009	NOTICE WITHDRAW & SUBSTITUT COUNSEL	Notice Withdraw & Substitut Counsel /pet	
28	07-16-2009	NOTE FOR MOTION DOCKET ACTION	Note For Motion Docket Mtn For Temp Orders	07-29-2009MF
29	07-16-2009	NOTICE OF HEARING	Notice Of Hearing /protective Order	07-23-2009
30	07-16-2009	NOTICE OF HEARING	Notice Of Hearing/protective Order	07-23-2009
31	07-16-2009	MOTION AND AFFIDAVIT/DECLARATION	Motion And Dec For Temp Orders	
32	07-16-2009	DECLARATN IN SUPP OF PARENTING PLAN	Declaratn In Supp Of Parenting Plan	
33	07-16-2009	DECLARATION	Declaration Of Lily Saini	
34	07-16-2009	FINANCIAL DECLARATION OF PET	Financial Declaration Of Pet	
35	07-16-2009	SEALED FINANCIAL DOCUMENT(S)	Sealed Financial Document(s)	
36	07-21-2009	DECLARATION	Declaration /lily Saini	
37	07-23-2009	DECLARATION	Declaration Of Vikas Luthra	
38	07-23-2009	DECLARATION	Declaration Of Nancy Eveleth	
39	07-23-2009	FINANCIAL DECLARATION OF RESP	Financial Declaration Of Resp	
40	07-23-2009	PROPOSED PARENTING PLAN	Proposed Parenting Plan /rsp	
41	07-23-2009	DECLARATION	Declaration Of Vikas Luthra	
42	07-23-2009	DECLARATION	Declaration Of Vikas Luthra	
43	07-27-2009	DECLARATION	Declaration Of Aradhna Luthra	
44	07-29-2009	TEMP RESTRAINING ORDER FAM0002	Temp Restraining Order /issd Family Law - Kent	
45	07-29-2009	ORDER APPOINTING FAM0002	Order Appoint Parenting Evaluator Family Law - Kent	
46	07-29-2009	PARENTING PLAN -	Parenting Plan -	

Click [here](#) for a court directory with information on how to contact every court in the state.

**Can I find the outcome of a case on this website?**

No. You must consult the local or appeals court record.

**How do I verify the information contained in the search results?**

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- ! **Guarantee that the information is in its most current form?**  
NO
- ! **Guarantee the identity of any person whose name appears on these pages?**  
NO
- ! **Assume any liability resulting from the release or use of the information?**  
NO

47	07-29-2009	TEMP ORDER OF CHILD SUPPORT FAM0002	Temp Order Of Child Support Family Law - Kent	
48	07-29-2009	MOTION HEARING FAM0002	Motion Hearing Family Law - Kent	
-	07-29-2009	AUDIO LOG	Audio Log Dr 1f	
49	07-31-2009	CORRESPONDENCE	Correspondence Re Data Entry	
50	08-04-2009	DECLARATION	Declaration Of Aradhna Luthra	
51	08-04-2009	NOTICE OF HEARING ACTION	Notice Of Hearing Pet Mtn Quash Subp Duc Tec/ntc Depo	08-12-2009
52	08-04-2009	MOTION AND AFFIDAVIT/DECLARATION	Mtn & Declar Quash Subpoena Duc Tec & Ntc Depo Records	
53	08-06-2009	ORDER GRANTING MOTION/PETITION	Order Granting Motion/petition Listed Subpoena For Depo Stricken	
54	08-10-2009	RESPONSE	Response Brief /vikas Luthra	
55	08-10-2009	DECLARATION	Declaration Of Vikas Luthra	
56	08-11-2009	DECLARATION	Declaration Of Aradhna Luthra/reply	
57	08-11-2009	REPLY	Reply Memo & Dclr Of Vikas Luthra	
58	08-12-2009	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailability	
59	08-20-2009	ORDER QUASHING	Order Quashing Subpoena/deposition	
60	08-25-2009	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailability	
61	09-08-2009	ORDER TO SHOW CAUSE ACTION EXP0006	Order To Show Cause Contempt Ex-parte, Dept. Kent - Clerk	09-25-2009MF
62	09-08-2009	NOTICE OF HEARING	Notice Of Hearing /protective Order	09-17-2009
63	09-08-2009	DECLARATION	Declaration Sppt Po Mt/pet	
64	09-08-2009	DECLARATION	Declaration Re Fees/	
65	09-08-2009	MOTION FOR ORDER TO SHOW CAUSE	Motion For Order To Show Cause /pet	
66	09-08-2009	MOTION	Motion For Protective Order	
67	09-14-2009	BRIEF	Rsp Brief For Discovery Protect Ord	
68	09-15-2009	DECLARATION	Declaration Of Vikas Luthra	
69	09-17-2009	MEMORANDUM	Memorandum In Reply To Brief /pet	
70	09-17-2009	AFFIDAVIT OF PETITIONER	Affidavit Of Petitioner In Reply	
71	09-18-2009	ORDER	Order Fr Protective Order/discovery	

73	09-21-2009	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailability	
74	09-22-2009	RESPONSE	Response /resp	
75	09-28-2009	REPLY	Reply Declaration Of Aradhna Luthra	
76	09-30-2009	HEARING CONTINUED: UNSPECIFIED FAM0002	Hearing Continued: Unspecified Family Law - Kent	
-	09-30-2009	AUDIO LOG	Audio Log Dr 1f	
77	09-30-2009	ORDER OF CONTINUANCE FAM0002	Order Of Continuance Family Law - Kent	10-15-2009MF
78	09-30-2009	AGREED ORDER FAM0002	Agreed Order Modify Temp Pplan Family Law - Kent	
79	10-08-2009	NOTICE OF HEARING	Notice Of Hearing /transfer To Ufc	10-20-2009
80	10-09-2009	NOTICE OF HEARING	Notice Of Hearing /compel Discovery	10-20-2009
81	10-09-2009	MOTION TO COMPEL	Motion To Compel Discovery/pet	
82	10-09-2009	MOTION AND AFFIDAVIT/DECLARATION	Motion And Affidavit/declaration To Transfer To Ufc /pet	
83	10-15-2009	ORDER DENYING MOTION/PETITION FAM0002	Order Denying Motion Re Contempt Family Law - Kent	
84	10-15-2009	CONFIRM ISSUES: NO STATUS CONFER.	Confirm Issues: No Status Confer.	
-	10-15-2009	CONFIRMATION OF ISSUES	C.i.: Referred To Family Law Med.	
85	10-15-2009	MOTION HEARING FAM0002	Motion Hearing Family Law - Kent	
-	10-15-2009	AUDIO LOG	Audio Log Dr 1f	
86	10-15-2009	MOTION HEARING FAM0002	Motion Hearing Family Law - Kent	
-	10-15-2009	AUDIO LOG	Audio Log Dr 1f	
87	10-16-2009	AFFIDAVIT OF SERVICE BY MAIL	Affidavit Of Service By Mail	
88	10-16-2009	AFFIDAVIT OF SERVICE BY MAIL	Affidavit Of Service By Mail	
89	10-19-2009	DECLARATION	Suppl Declaration Re Mtn To Compel	
90	10-19-2009	DECLARATION	Suppl Declaration Re Mtn To Trnsfr	
91	10-22-2009	ORDER	Order Jdg Mattson Retains Jurisdct	
92	10-22-2009	ORDER COMPELLING DISCOVERY	Order Compelling Discovery	
93	10-29-2009	NOTICE	Notice /kcfc Case Closure	
94	11-12-2009	NOTICE OF HEARING ACTION	Notice Of Hearing 2nd Mtn Compel Discovery/sanctions	11-24-2009
95	11-16-2009	MOTION AND AFFIDAVIT/DECLARATION	Motion And Affidavit/declaration To Compel Discovery	
96	12-08-2009	ORDER FOR CHANGE OF JUDGE	Order For Change Of Judge	

97	12-11-2009	RESPONSE	Response To Mtn To Compel /resp	
98	12-11-2009	RESPONSE	Response To Mtn To Compel /resp	
99	12-14-2009	NOTICE OF HEARING ACTION	Notice Of Hearing Compel Discovery & Fr Sanctions	12-21-2009
100	01-06-2010	FILING FEE RCVD-AFFIDAVIT	Filing Fee Rcvd-affidavit	20.00
101	01-06-2010	AFFIDAVIT OF GARNISHMENT	Affidavit Of Garnishment	22.00
102	01-11-2010	RETURN OF SERVICE	Return Of Service	
103	01-11-2010	RETURN OF SERVICE	Return Of Service	
104	01-25-2010	ANSWER TO WRIT OF GARNISHMENT	Answer To Writ Of Garnishment	
105	02-05-2010	NOTE FOR MOTION DOCKET ACTION	Note For Motion Docket Mt To Modify Temp Order	02-19-2010MF
106	02-05-2010	MOTION	Mtn To Modfy Temp Ord Of Chld Suppt /petn	
107	02-05-2010	FINANCIAL DECLARATION OF PET	Financial Declaration Of Pet	
108	02-05-2010	SEALED FINANCIAL DOCUMENT(S)	Sealed Financial Document(s)	
109	02-12-2010	DECLARATION	Declaration Of P Johnston Re Fees	
110	02-12-2010	DECLARATION	Declaration Of Resp	
111	02-12-2010	SEALED FINANCIAL DOCUMENT(S)	Sealed Financial Document(s)	
112	02-17-2010	DECLARATION	Declaration /a Luthra	
113	02-17-2010	DECLARATION	Declaration /a Luthra	
114	03-02-2010	SEALED FINANCIAL DOCUMENT(S)	Sealed Financial Document(s)	
115	03-02-2010	NOTE FOR MOTION DOCKET ACTION	Note For Motion Docket Mtn To Modify Temp Ord Of Chd Sppt	03-16-2010MF
116	03-02-2010	MOTION	Mtn To Modify Temp Ord Of Chd Sppt	
117	03-02-2010	FINANCIAL DECLARATION OF PET	Financial Declaration Of Pet	
118	03-11-2010	RESPONSE	Response To Mtn To Modify/resp	
119	03-11-2010	FINANCIAL DECLARATION OF RESP	Financial Declaration Of Resp	
120	03-11-2010	DECLARATION	Declaration Of Mohinder Sohal	
121	03-11-2010	SEALED FINANCIAL DOCUMENT(S)	Sealed Financial Document(s)	
122	03-12-2010	NOTE FOR MOTION DOCKET ACTION	Note For Motion Docket Mt To Clarify & Amend Temp Pplan	03-26-2010MF
123	03-12-2010	MOTION	Mtn To Clarify & Amend Temp Pplan	
124	03-12-2010	DECLARATION	Declaration /vikas Luthra	
125	03-16-2010	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailability	
126	03-16-2010	ORDER TO APPEAR PRETRIAL HRG/CONF	Order To Appear Pretrial Hrg/conf	04-19-2010

128	03-19-2010	DECLARATION	Declaration Of Aradhna Luthra
129	03-19-2010	REPLY	Reply To Dclr Of Respondent/pet
130	03-22-2010	NOTICE	Notice Re Objection To Hearing/pet
131	03-22-2010	RESPONSE	Response Re Mtn To Clarify/pet
132	03-22-2010	DECLARATION	Declaration Of Petitioner
133	03-22-2010	SEALED CONFIDENTIAL RPTS CVR SHEET	Sealed Confidential Rpts
134	03-23-2010	MOTION HEARING FAM0002	Motion Hearing Family Law - Kent
-	03-23-2010	AUDIO LOG	Audio Log Dr 1g
135	03-23-2010	ORDER DENYING MOTION/PETITION FAM0002	Order Denying Mtn To Modify Tmo Family Law - Kent
136	03-24-2010	REPLY	Reply Declaration/vikas Luthra
137	03-24-2010	BRIEF	Brief /resp
138	03-26-2010	ORDER FAM0002	Order Amending Temp Parenting Plan Family Law - Kent
138A	03-29-2010	STATUS CONFERENCE / HEARING JDG0047	Status Conference / Hearing Judge Deborah Fleck, Dept 47
	03-29-2010	AUDIO LOG	Audio Log 4f
139	04-05-2010	NOTICE OF DEPOSITION	Notice Of Deposition Of Boeing Co
140	04-05-2010	SUBPOENA DUCES TECUM	Subpoena Duces Tecum To Boeing Co
141	04-05-2010	NOTICE OF HEARING	Notice Of Hearing/revision 04-23-2010
142	04-05-2010	MOTION FOR REVISION	Motion For Revision /respondent
143	04-09-2010	DECLARATION OF MAILING	Declaration Of Mailing
144	04-09-2010	RETURN OF SERVICE	Return Of Service
145	04-13-2010	CONFIRMATION OF PARENTING CLASS	Confirmation Of Parenting Class/pet
146	04-14-2010	NOTICE OF DEPOSITION	Notice Of Records Deposition
147	04-14-2010	SUBPOENA DUCES TECUM	Subpoena Duces Tecum To Boeing Co
148	04-23-2010	MOTION HEARING JDG0047	Motion Hearing Judge Deborah Fleck, Dept 47
	04-23-2010	AUDIO LOG	Audio Log Dr 9:00:11
148A	04-23-2010	ORDER REVISING RULING	Order Revising Ruling
148B	04-23-2010	ORDER ON PRE-TRIAL CONFERENCE	Order On Pre-trial Conference
149	04-26-2010	NOTICE RE: EVIDENTIARY RULE	Notice Re: Evidentiary Rule /petn
150	05-07-2010	AMENDED PETITION	Amended Petition
151	05-07-2010	ACCEPTANCE OF SERVICE	Acceptance Of Service
152	05-19-2010	NOTICE OF HEARING	Notice Of Hearing/mt In 05-24-

153	05-19-2010	MOTION IN LIMINE	Motion In Limine /cc
154	05-25-2010	RESPONSE	Response Of Respondent
154A	05-25-2010	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service
155	05-26-2010	REPLY	Reply Memorandum /petitioner
156	06-04-2010	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service
157	06-09-2010	TRIAL MEMORANDUM	Trial Memorandum /respondent
157A	06-11-2010	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service
158	06-14-2010	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailability
158A	06-14-2010	CONFIRMATION OF PARENTING CLASS	Confirmation Of Parenting Class
159	06-15-2010	DECLARATION	Declaration Re Mtn In Limine /petn
160	06-15-2010	DECLARATION	Declaration In Response /resp
161	06-16-2010	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service
162	06-16-2010	NON-JURY TRIAL JDG0047	Non-jury Trial Judge Deborah Fleck, Dept 47
-	06-16-2010	AUDIO LOG	Audio Log Dr 4f
163	06-23-2010	WITNESS RECORD	Witness Record
164	06-29-2010	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailability
165	07-01-2010	STIP&OR RET EXHBTS UNOPND DEPOSTNS	Stip&or Ret Exhbts Unopnd Depostns
166	07-01-2010	EXHIBIT LIST	Exhibit List
167	07-09-2010	DECREE OF DISSOLUTION JDG0047	Decree Of Dissolution /issd Judge Deborah Fleck, Dept 47
168	07-09-2010	PARENTING PLAN (FINAL ORDER)	Parenting Plan (final Order)
169	07-09-2010	FINDINGS OF FACT&CONCLUSIONS OF LAW	Findings Of Fact&conclusions Of Law
170	07-09-2010	ORDER FOR SUPPORT	Order For Support
171	07-15-2010	NOTICE OF HEARING	Notice Of Hearing /amend Decree 07-23-2010
172	07-15-2010	MOTION	Mtn Amend Decree; Clarif Pp/pet
173	07-19-2010	MOTION FOR RECONSIDERATION	Motion For Reconsideration /rsp
174	07-19-2010	NOTICE OF HEARING	Notice Of Hearing/reconsideration 07-27-2010
175	07-23-2010	MEMORANDUM OF AUTHORITIES	Response Memo Of Authorities /pet
176	07-23-2010	DECLARATION	Response Declaration To Mtn /pet
177	07-26-2010	DECLARATION	Reply Declaration In Support /rsp
178	07-26-2010	MEMORANDUM OF AUTHORITIES	Reply Memorandum Of Authorities/rsp

180	07-27-2010	ORDER GRANTING MOTION/PETITION	Ord Grant Mtn Amend Decree/clarify Par Plan	
181	07-27-2010	ORDER ON MTN FOR RECONSIDERATION	Ord Denying Mtn For Reconsideration	
182	07-27-2010	CORRESPONDENCE	Correspondence To Counsel /court	
-	08-11-2010	CERTIFICATE MAILED TO OLYMPIA	Certificate Mailed To Olympia	
183	09-01-2010	NOTICE OF HEARING	Notice Of Hearing /reconsideration	09-10-2010
184	09-01-2010	MOTION FOR RECONSIDERATION	Motion For Reconsideration /pet	
185	09-08-2010	RETURN OF SERVICE	Return Of Service	
186	09-10-2010	ORDER GRANTING MOTION/PETITION	Ord Grant Mtn Reconsideration/plt	
187	09-23-2010	ORDER VACATING	Ord Vacate 09-10-2010 Ord On Mt Fr Reconsideration/mt Reinstated	
188	10-04-2010	RESPONSE	Response Pet Mtn Reconsideration	
189	10-07-2010	REPLY	Reply /petn	
190	10-26-2010	NOTICE OF HEARING	Notice Of Hearing /enforce Par Plan	11-03-2010
191	10-26-2010	MOTION AND AFFIDAVIT/DECLARATION	Mt/dclr To Enforce Par Plan/pet	
192	10-27-2010	ORDER ON MTN FOR RECONSIDERATION	Order On Mtn For Reconsideration /denied	
193	11-01-2010	NOTICE OF HEARING	Notice Of Hearing /enforce Par Plan	11-05-2010
194	11-03-2010	MEMORANDUM	Memorandum /declaration/rsp	
195	11-03-2010	NOTICE OF HEARING ACTION	Notice Of Hearing Mtn To Enforce Final Parenting Plan	11-12-2010
196	11-10-2010	OBJECTION / OPPOSITION	Objection / Opposition	
197	11-10-2010	DECLARATION	Declaration Of Aradhna Forrest	
198	11-10-2010	DECLARATION	Declaration Of Dr. Judith Cohen Phd	
199	11-30-2010	ORDER	Order Clarify Parenting Plan	
200	12-09-2010	NOTICE OF HEARING	Notice Of Hearing /reconsideration	12-17-2010
201	12-09-2010	MOTION FOR RECONSIDERATION	Motion For Reconsideration /resp	
202	12-09-2010	DECLARATION	Declaration Of Virginia Turner	
203	12-09-2010	DECLARATION	Declaration Of Stacy Chung	
204	12-09-2010	DECLARATION	Declaration Of Ernest Severs	
205	12-09-2010	DECLARATION	Declaration Of Nancy Eveleth	
206	12-09-2010	DECLARATION	Declaration Of Anant	

207	12-15-2010	MEMORANDUM	memorandum/pet re Reconsideration	
208	12-15-2010	DECLARATION	Declaration Aradhna Forrest	
209	12-16-2010	AFFIDAVIT IN SUPPORT	Affidavit In Support /resp	
210	12-16-2010	MEMORANDUM	Memorandum /resp	
211	12-17-2010	OBJECTION / OPPOSITION	Objection / Opposition/ Pet	
212	12-17-2010	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailability	
213	12-21-2010	RESPONSE	Response To Objection /resp	
214	12-22-2010	ORDER DENYING MOTION/PETITION	Ord Deny Mt Fr Reconsideration	
215	12-23-2010	REPLY	Reply To Response To Objections/pet	
216	01-13-2011	PARTIAL SATISFACTION OF JUDGMENT	Partial Satisfaction Of Judgment	
217	01-20-2011	NOTICE OF APPEAL TO COURT OF APPEAL	Notice Of Appeal To Court Of Appeal	
'	01-20-2011	APPELLATE FILING FEE	Appellate Filing Fee	280.00
218	02-01-2011	NOTICE OF APPEARANCE	Nt Of Appearance Fr Purposes Appeal	
219	02-01-2011	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
220	02-02-2011	NOTICE OF ASSOCIATION OF COUNSEL	Notice Of Association Of Counsel	
221	02-07-2011	LETTER	Letter From Coa	
222	02-16-2011	DESIGNATION OF CLERK'S PAPERS	Designation Of Clerk's Papers 66572-3/ Villacin/ Pgs 1- 147 Trans Coa 3/9/2011	
223	02-17-2011	INDEX	Index Cks Pprs Pgs 1-147	
-	02-17-2011	CLERK'S PAPERS - FEE RECEIVED	Clerk's Papers - Fee Received 705008-cp/ Villacin/ Pd 3/2/2011	98.50
224	03-03-2011	COMMENT ENTRY	Cks Pprs Pgs 1-147	
225	03-23-2011	NOTICE OF HEARING ACTION	Notice Of Hearing Enforce Final Orders/clarification	03-31- 2011
226	03-23-2011	MOTION AND AFFIDAVIT/DECLARATION	Mtn & Dclr To Enforce Final Orders /petitioner	
227	03-23-2011	DECLARATION	Declaration Of Kahlil Silver	
228	03-23-2011	DECLARATION	Declaration Of Judith Cohen	
229	03-23-2011	DECLARATION	Declaration Of Teri Hastings	
230	03-25-2011	DESIGNATION OF CLERK'S PAPERS	Designation Of Clerk's Papers-supp 66572-3/ Villacin/ Pgs 148-186 Trnas Coa 4/13/2011	
231	03-29-2011	RETURN OF SERVICE	Return Of Service	
232	03-29-2011	INDEX	Index Cks Pprs Pgs 148-	

	03-23-2011	CLERK'S PAPERS - FEE RECEIVED	Clerk's Papers - Fee Received 705126-cp/ Villacin/ Pd 4/6/2011	32.50
233	04-07-2011	COMMENT ENTRY	Cks Pprs Pgs 148-186	
234	04-08-2011	DECLARATION	Declaration Response To Mtn Enforce	
235	04-08-2011	DECLARATION	Declaration Of Christina Weed	
236	04-08-2011	DECLARATION	Declaration Of Colin Hardman	
237	04-08-2011	DECLARATION	Declaration Of Andy Robbles	
238	04-08-2011	DECLARATION	Declaration Of Patrice Johnston	
239	04-08-2011	MEMORANDUM	Memorandum/response Mtn Enforce Ord	
240	04-12-2011	NOTICE OF HEARING ACTION	Notice Of Hearing Mtn To Enforce Final Orders	04-21- 2011
241	04-19-2011	DECLARATION	Declaration In Response /resp	
242	04-19-2011	RESPONSE	Response /suppl -resp	
243	04-20-2011	OBJECTION / OPPOSITION	Objection / Opposition / Pet	
244	04-20-2011	OBJECTION / OPPOSITION	Objection / Opposition / Pet	
245	04-20-2011	REPLY	Reply Re Motion To Enforce /pet	
246	04-20-2011	REPLY	Reply Dclr Of Aradhna Forrest	
247	04-20-2011	DECLARATION	Declaration Of Teri Hastings Phd	
248	04-21-2011	RESPONSE	Response To Objcts / Resp	
249	04-25-2011	REPLY	Reply To Response To Objections/pet	
250	04-25-2011	DESIGNATION OF CLERK'S PAPERS	Designation Of Clerk's Papers-supp 66572-3/ Villacin/ Pgs 187-201 Trans Coa 5/11/2011	
251	04-26-2011	INDEX	Index Cks Pprs Pgs 187- 201	
-	04-26-2011	CLERK'S PAPERS - FEE RECEIVED	Clerk's Papers - Fee Received 705224-cp/ Villacin/ Pd 5/4/2011	32.50
252	05-05-2011	COMMENT ENTRY	Cks Pprs Pgs 187-201	
253	05-27-2011	MOTION HEARING JDG0047	Motion Hearing Judge Deborah Fleck, Dept 47	
-	05-27-2011	AUDIO LOG	Audio Log Dr 4f	
254	06-02-2011	NOTICE OF PRESENTATION ACTION	Notice Of Presentation 9:00/ord On Mtn Enforce Final Ords	06-03- 2011
255	06-06-2011	ORDER	Order Enforce Final Orders/clarify & Temp Relief	

			Trans Coa 7/13/2011	
			66572-3/ Lemmel/ Pgs 202-227 Sealed	
257	06-29-2011	INDEX	Index Cks Pprs Pgs 202- 227 Sealed	
-	06-29-2011	CLERK'S PAPERS - FEE RECEIVED	Clerk's Papers - Fee Received 705408-cp/ Lemmel/ Pd 7/7/2011	38.00
258	07-08-2011	COMMENT ENTRY	Cks Pprs Pgs 202-227 Sealed	
259	08-23-2011	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailability	
260	11-16-2011	PARTIAL SATISFACTION OF JUDGMENT	Partial Satisfaction Of Judgment	
261	12-16-2011	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailability	
262	12-28-2011	DECLARATION OF MAILING	Declaration Of Mailing	
263	12-28-2011	DECLARATION OF MAILING	Declaration Of Mailing	
264	12-28-2011	RETURN OF SERVICE	Return Of Service	
265	12-28-2011	RETURN OF SERVICE	Return Of Service	
266	01-20-2012	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailability	
267	03-28-2012	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailability	
268	06-07-2012	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailability	
269	08-28-2012	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailability	
270	09-10-2012	NTC OF INTENDED RELOC OF CHILDREN	Ntc Of Intended Reloc Of Children /sealed Sub	
271	10-10-2012	NTC OF INTENDED RELOC OF CHILDREN	Ntc Of Intended Reloc Of Children /sealed Sub	
272	10-23-2012	NOTICE OF WITHDRAWAL OF ATTORNEY	Notice Of Withdrawal Of Attorney	
273	10-24-2012	MANDATE	Mandate/66572-3- i/affirmed In Part	
274	10-30-2012	NTC OF INTENDED RELOC OF CHILDREN	Ntc Of Intended Reloc Of Children /sealed Sub	
275	04-03-2013	NOTICE WITHDRAW & SUBSTITUT COUNSEL	Notice Withdraw & Substitut Counsel	
276	04-04-2013	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
277	05-22-2013	MOTION	Motion /rsp	
278	05-22-2013	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
279	05-22-2013	NOTICE OF HEARING	Notice Of Hearing Reinstate Visitation /judge Fleck/4pm	05-30- 2013
280	05-23-2013	NOTICE OF APPEARANCE	Notice Of Appearance/pet	
281	05-30-2013	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
282	06-03-2013	DECLARATION	Declaration Respns /aradhna Forrest	

284	06-05-2013	MOTION HEARING FAM0001	Motion Hearing Family Law, Dept 1	
	06-05-2013	AUDIO LOG	Audio Log Dr 4f/01:34:25	
285	06-05-2013	ORDER DENYING MOTION/PETITION	Order Denying Motion Re Visitation	
286	06-05-2013	ORDER DENYING MOTION/PETITION	Order Denying Motion Re Vacation	
287	07-02-2013	ATTACHMENT	Attachment /opening Submission	
288	07-03-2013	NOTICE OF HEARING	Notice Of Hearing Mtn For Atty Fees & Costs /judge Fleck	07-12- 2013
289	07-03-2013	MOTION	Motion Fr Fees & Costs/petn	
290	07-03-2013	DECLARATION	Declaration /janet M Helson	
291	07-09-2013	RESPONSE	Response /pet	
292	07-09-2013	DECLARATION	Declaration Of Vikas Luthra	
293	07-10-2013	OBJECTION / OPPOSITION	Opposition Re Fees & Costs Mtn /rsp	
294	07-11-2013	REPLY	Reply Dclr Of Aradhna Forrest	
295	07-11-2013	REPLY	Reply Dclr Of Counsel Re Fees	
296	07-11-2013	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailability	
297	09-09-2013	ORDER	Order On Motion For Fees	
298	09-09-2013	PARENTING PLAN (FINAL ORDER)	Parenting Plan (final Order) /amended	
299	09-19-2013	NOTICE OF HEARING ACTION	Notice Of Hearing Reconsideration/jdg Fleck	09-25- 2013
300	09-19-2013	MOTION FOR RECONSIDERATION	Motion For Reconsideration	
301	10-02-2013	AFFIDAVIT OF SERVICE BY MAIL	Affidavit Of Service By Email	
302	10-07-2013	NOTICE OF INTENT TO WITHDRAW	Notice Of Intent To Withdraw	
303	10-08-2013	NOTICE OF APPEAL TO COURT OF APPEAL	Notice Of Appeal To Court Of Appeal	
-	10-08-2013	APPELLATE FILING FEE	Appellate Filing Fee	290.00
304	10-15-2013	REPLY	Reply/petitioner	
305	10-21-2013	ORDER ON MTN FOR RECONSIDERATION	Order On Mtn For Reconsideration	
306	11-07-2013	DESIGNATION OF CLERK'S PAPERS	Designation Of Clerk's Papers 71018-4 / Luthra Did Not Prepare	
307	11-07-2013	COPY	Copy /mtn Extend Time/coa	
308	11-12-2013	LETTER	Letter Rejection Of Dsgckp	
309	11-19-2013	DESIGNATION OF CLERK'S PAPERS	Designation Of Clerk's Papers Pgs 1-351 Trans Coa 12- 13-13	

310	11-19-2013	STATEMENT	Statement /upr	
311	11-20-2013	NOTICE OF APPEAL TO COURT OF APPEAL	Notice Of Appeal To Court Of Appeal /amended	
-	11-20-2013	FILING FEE NOT PAID	Filing Fee Not Paid	
312	11-20-2013	INDEX	Index Clks Pprs Pgs 1-351	
-	11-20-2013	CLERK'S PAPERS - FEE RECEIVED	Clerk's Papers - Fee Received 707850 Cp/ Luthra Pd 12-12-13	175.50
313	11-25-2013	LETTER	Letter From Court Of Appeals	
314	12-13-2013	COMMENT ENTRY	Clks Pprs Pgs 1-351	
-	12-18-2013	VERBATIM RPT TRANSMITTED	Verbatim Rpt Transmitted 12-24-13 Hrg Of 6-5-13	
315	12-27-2013	STIPULATION	Stipulation Re Correction	
316	01-22-2014	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailability	
317	01-30-2014	MOTION	Motion /appellant	
318	02-24-2014	DECLARATION	Declaration If Vikas Luthra	
319	02-24-2014	MOTION	Motion /rsp	
320	02-24-2014	NOTE FOR MOTION DOCKET ACTION	Note For Motion Docket Enforce Parent Plan/temp Orders	03-10-2014MF
321	02-24-2014	MOTION AND AFFIDAVIT/DECLARATION	Motion And Affidavit/dclr/rsp	
322	03-04-2014	DECLARATION	Declaration Of Aradhna Forrest	
323	03-06-2014	OBJECTION / OPPOSITION	Objection / Opposition / Rsp	
324	03-07-2014	MOTION AND AFFIDAVIT/DECLARATION	Motion And Affidavit/decl/appellant	
325	03-10-2014	MOTION HEARING FAM0002	Motion Hearing Family Law - Kent	
-	03-10-2014	AUDIO LOG	Audio Log Dr 1f	
326	03-10-2014	ORDER FAM0002	Ord Re Enforce Final Order/clarify Family Law - Kent	
327	03-13-2014	DESIGNATION OF CLERK'S PAPERS	Designation Of Clerk's Papers 71018-4 / Luthra Pgs 352-367 Trans Coa 3-20-14	
328	03-14-2014	INDEX	Index Clks Pprs Pgs 352-367	
-	03-14-2014	CLERK'S PAPERS - FEE RECEIVED	Clerk's Papers - Fee Received 100117 Cp/ Luthra Pd 3-19-14	8.00
329	03-17-2014	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailability	
330	03-20-2014	COMMENT ENTRY	Clks Pprs Pgs 352-367	
331	03-20-2014	NOTICE OF HEARING	Notice Of Hearing /revision/tbd	
332	03-20-2014	MOTION FOR REVISION	Motion For Revision /petitioner	

#	DATE	EVENT	DESCRIPTION	AMOUNT
335	03-26-2014	NOTICE OF HEARING	Notice Of Hearing /tbd	
336	03-26-2014	MOTION AND AFFIDAVIT/DECLARATION	Motion For Decision Maker /pet	
337	03-26-2014	DECLARATION	Declaration Of Petitioner	
338	03-27-2014	MOTION	Motion For Extension /appellant	
339	03-31-2014	REPLY	Reply Declaration Of Vikas Luthra	
340	04-03-2014	ATTACHMENT	Attachment Coa Ruling Re Validity Of Ord On Mtn Reconsid	
342	04-22-2014	DECLARATION	Declaration To Motion /resp	
343	04-22-2014	NOTICE OF ASSIGNMENT JDG0029	Notice Of Assignment Of Revision Judge Sean P. O'donnell, Dept 29	
344	04-24-2014	ORDER AUTHORIZING	Order Authorizing Change Of Judge	
345	05-01-2014	DECLARATION	Declaration / V Luthra	
346	05-01-2014	DECLARATION	Declaration /rsp	
347	05-01-2014	DECLARATION	Declaration Of Aradhna Forrest	
348	05-02-2014	REPLY	Reply /pet	
349	05-05-2014	MOTION HEARING JDG0029	Motion Hearing Judge Sean P. O'donnell, Dept 29	
-	05-05-2014	AUDIO LOG	Audio Log Dr W817	
350	05-05-2014	ORDER CHANGING CASE ASSIGNMENT AREA LOCS2	Order Changing Case Assignment Area Transfer-judicial Cntrol To Seattle Jdg Odonnell Retains Jurisdiction	
351	05-05-2014	ORDER ON MTN FOR REVISION	Order On Mtn For Revision /denied	
352	05-20-2014	MOTION FOR REVISION	Motion For Revision /rsp	
353	05-20-2014	EXHIBIT LIST	Exhibit List	
354	05-21-2014	DESIGNATION OF CLERK'S PAPERS	Designation Of Clerk's Papers Trans Coa 6-10-14 71018-4 / Novotny Pgs 368-797 (772-797 Sealed)	
355	05-23-2014	INDEX	Index Clks Pprs Pgs 368-771	
356	05-23-2014	INDEX	Index Clks Pprs Pgs (772-797 Sealed)	
-	05-23-2014	CLERK'S PAPERS - FEE RECEIVED	Clerk's Papers - Fee Received 100304cp/novotny Pd 6-9-14	215.00
357	06-06-2014	RESPONSE	Response /pet	
358	06-09-2014	AFFIDAVIT OF RESPONDENT	Affidavit Of Respondent	
359	06-10-2014	MOTION HEARING JDG0029	Motion Hearing Judge Sean P. O'donnell,	

	06-10-2014	AUDIO LOG	AUDIO LOG W017
360	06-10-2014	COMMENT ENTRY	Clks Pprs Pgs 368-771
361	06-10-2014	COMMENT ENTRY	Clks Pprs Pgs 772-797 Sealed

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