

**To: Washington State Supreme Court**

Temple of Justice  
P.O. Box 40929  
Olympia, WA 98504-0929

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RECEIVED BY E-MAIL

CC: Stacy Dyan Heard  
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Seattle, WA 98101-4082

- Treated as Errata  
to PRU -

Re: **Supreme Court No. 91308-1** – In re the Application of Marie-Catherine Smith a/k/a  
Kohen and Elika Kohen  
Court of Appeals No. 71130-0-I

Mr. Kohen, a *Pro Se* litigant, acknowledges that there are several clerical errors, and wishes to clarify these issues which may affect consideration of the Petition for Review.

Mr. Kohen requests that this letter be accepted to Supplement the Petition for Review, or that the Supreme Court direct him to the correct procedure, to correct the mistakes, specifically:

**Requests for Procedural Information:**

1. Can the corrections in this letter supplement the Petition for Review, to ensure clarity? Or, should the Appellant submit an additional Amendment—limited to these errors?
2. Review of the Appellate Court's Decision: Should the Appellant's Motion to Reconsider be sent from the Appellate Court to the Supreme Court?
3. Review of the Interlocutory Decision: Mr. Kohen also requested Review of the Interlocutory Decision denying the Motion to Take New Evidence, (Petition, para. 2, pg. 4); Should the Motion/Reply regarding “New Evidence”, also be sent to the Supreme Court in addition to the Briefs?

**Request to Clarify/Correct:**

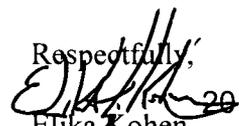
- **Pg. 18, Para. 47**: Should read: “See Section D.3., para. 30, pg. 11;”
- **Para. 20 (F.), pg. 9**: Should end as: “See Section D.3., Para. 31, pg. 11;”
- **Para. 39 (B.2), pg. 14**: Should be excluded / removed.;
- **Section E.1, Pgs. 15-16, Legal Bases for Review, para. 43:**
  - (A.) Re. Due Process, *Should be Appended*: “See Section E.5, pgs. 23-24;”
  - (B.) Re. Hague Convention, *Should be Appended*: “See Section E.2-E.3, pgs. 16-21;”
  - (C.) (In the first instance.) Is duplicate lettering, should read, “(B.2)”
  - (C.) (In the second instance.) Re. Conflict, *Should be Appended*: See Para. 56, pgs. 21-22;
  - (D.) Duplicate of “(A.)”, should be removed.
  - (E.) Re. Interest, *Should be Appended*: “See Precedent Argument, Para 48, pg. 18;”

& Para. 57, pg. 22-23; See International Interest: Para 51, pg. 19;”

- **Re. Discretionary Review, Para. 42, pg. 15, Should be Appended:** “Under RAP 13.5 (b) (2-3);”
- **Para. 62, pg. 24: Conclusion should Read:** “For the reasons set forth above, Mr. Kohen respectfully requests the Supreme Court grant review, to safeguard the interests of the Children. Mr. Kohen's desire is for the case to be removed to Quebec, Canada, (or at least heard under U.S. Federal Law). Vacating/Reversal of the Superior Court's decision, has the practical effect of expediting resolution of the case, as Custody and Hague convention issues are currently stayed in Montreal Quebec, pending the resolution of this matter in the United States.”

**Mr. Kohen also Requests the Supreme Court to take Judicial Notice of the Following:**

1. **Denial of Amicus Curiae:** The Washington State Supreme Court denied Mr. Kohen's Motion, (submitted under Hague XXVIII, art. 15), to submit an Amicus Curiae from a lawyer in Quebec. The Court denied the motion under RAP 10.6 (a) as Mr. Kohen is not authorized to practice law in the State of Washington. The court also denied the motion to waive this court rule.
2. **Constitution & Due Process—at the Appellate Court:** In Answer, Ms. Smith did not address the Due Process Claim that **the Appellate Court wrongfully predicated its review on very clear errors of fact.** See Section D.3., pgs. 10-13;
3. **RAP 13.4 (b) (1-2):** In Answer, Ms. Smith did not address *conflicts with other Washington State decisions*—that inadequate findings is sufficient grounds to remand, ensuring the Right to Trial. See Petition for Review, Para. 56, pgs. 21-22;
4. **RAP 13.4 (b) (3):** In Answer, Ms. Smith did not address the *Significant Question of Law* under the Constitution, the right to Trial when Material facts under the Hague Convention are in dispute, that Summary Judgment is not appropriate. See Petition, Section D.2, “Structural Errors”, pg. 9;
5. **RAP 13.4 (b) (4):** In Answer, Ms. Smith claims that Mr. Kohen has not shown a *“Significant Public Interest” claim*--perhaps overlooking the argument. However, this claim is actually present in the Petition for Review. See Precedent Argument, Para 48, pg. 18; Para. 57, pg. 22-23; International Interest: Para 51, pg. 19;

Respectfully,  
  
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