

RECEIVED  
SUPREME COURT  
STATE OF WASHINGTON  
Dec 11, 2015, 2:22 pm  
BY RONALD R. CARPENTER  
CLERK

No. 92487-2

E CR  
RECEIVED BY E-MAIL

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IN THE SUPREME COURT OF THE STATE  
OF WASHINGTON

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JOHN O'NEILL,	Plaintiff,
vs.	
CHWEN-JYE JU and FRANCES DU JU,	Defendants;
and	
FRANCES DU JU,	Cross-claimant pro se,
vs.	
CHWEN-JYE JU,	Cross-defendant;
and	
FRANCES DU JU,	<b>Petitioner</b> and Third Party Plaintiff <b>pro se</b> ,
vs.	
JPMORGAN CHASE BANK, N.A. and BISHOP, MARSHALL & WEIBEL, P.S.	<b>Respondents</b> and Third Party Defendants.

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COURT OF APPEALS CASE NO.: 46333-4-II  
APPEAL FROM CLARK COUNTY SUPERIOR COURT  
The Honorable David E. Gregerson, Case No. 13-2-02571-3

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DECLARATION OF FRANCES DU JU TO REPLY TO  
DECLARATION OF BARBARA L. BOLLERO IN RESPONSE  
TO DECLARATION OF FRANCES DU JU  
IN SUPPORT OF PETITIONER'S REPLY TO  
PETITION FOR REVIEW

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FRANCES DU JU  
Petitioner pro se  
P. O. Box 5934, Vancouver, WA 98668  
Tel: (360) 253-4530  
E-mail: frances3688@gmail.com

ORIGINAL

Comes now Frances D. Ju and declares as follows:

1. I am the Petitioner and Third Party Plaintiff of the captioned matter. I am a citizen of the United States, a resident of the State of Washington for more than two decades, and over the age of eighteen years.

2. On December 10, 2015, around noon, Bishop, Marshall & Weibel, P.S. (“Bishop”) e-mailed me a copy of the Declaration of Barbara L. Bollero that Bishop filed with this Court when I was sending Bishop my settlement demand offer.

3. Ms. Bollero stated that she’s “an attorney at law duly licensed...” and she declared “under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct” in her Declaration. Nevertheless, she attached “Exhibit A” that only showed about one-third of the e-mail that she sent me around 8:42 a.m. on December 3, 2015, instead of the entire e-mail. “Exhibit A” consists of a little more than one page. Ms. Bollero declared that “Exhibit A” was “a true and correct copy of (her) email communication to Ms. Ju.”

4. Attached as Appendix E is a true and accurate copy of the e-mail that I received from Ms. Bollero around 8:42 a.m. on Thursday, December 3, 2015. The e-mail consists of four pages. It is apparent that Appendix E is different from Ms. Bollero’s “Exhibit A”.

5. At the end of Appendix E, there were “4 attachments”. The first two attachments were “Answer to Petition for Review.FINAL.12-2-2015.pdf”. Both attachments were 353 KB in size.

6. After I took time to read the two attachments, I felt very strange because one accurate PDF file would have been appropriate. JPMorgan Chase Bank filed its Answer on November 20, 2015. I only had two business days plus the weekend to file my Petitioner's Reply when I wanted to respond to both Bishop's and Chase's answers on December 7, 2015; and there was no time for me to waste. I decided to send an e-mail around 11:01 a.m. (Page 10 of my 12/8/15 Declaration; hereinafter "11:01 a.m. e-mail") asking Ms. Bollero to identify that the two PDF files were completely the same. I did not receive a response.

7. Ms. Bollero declared in ¶¶ 5-6 of her Declaration that she, Ms. Marshall and Ms. Burt did not receive my 11:01 a.m. e-mail; while Mr. Weibel had no problem in receiving that e-mail. I sent the 11:01 a.m. e-mail through a library in Vancouver as I usually did in the past two years. Google did not inform me of any problem in sending my 11:01 a.m. e-mail. It was interesting to learn that Ms. Bollero declared that the Bishop's e-mail system had such a problem as her excuse that she did not "promptly responded that of course both versions of Bishop's Answer... were identical."

8. (a) Ms. Bollero's Declaration ¶ 3 stated, "Ms. Ju's Declaration fails to inform the Court..." The reasons I did not want to include Appendix E on December 8, 2015, were that the subject line was "Settlement Demand 12/2/15" and that the 5-page Appendix D was enough to let the Court fully informed about what happened. Bishop and Chase strongly opposed in their documents about my August 16, 2013,

settlement agreement that I wanted to reach an amicable resolution of all parties; while I was completely a stranger to the Real Estate law and the CPA law. My August 16, 2013, settlement agreement was written under the expectation that Mr. Foster and I would have had a chance to talk about it so it was incomplete in its format. Besides, Mr. Foster's City Sprint Delivery Services did not serve "Response Re: Motions by Defendant to Dismiss Etc" upon me until 2:40 p.m. on Thursday, 8/15/13; while the deadline should have been Wednesday, 8/14/13. I wrote the Defendant's Reply and Declaration overnight before I drafted the 8/16/13 settlement agreement.

(b) As I stated in my Reply Brief ll. 13-16 at 12, "The case was the only criminal case that Frances Ju ever has. During the course of the criminal case, Frances Ju had to study from the very basic criminal law terminology to the unfamiliar statutes and complicated case law." This is also true to my study in the Real Estate law and the CPA law. After I suffered and understood the injury and damages that Bishop, Chase, and Mr. O'Neill did to me, my August 16, 2013, settlement attempt was really unfair to me; and it was fortunate for me that Bishop, Chase and Mr. O'Neill rejected my August 16, 2013, settlement attempt.

(c) The Federal Bar Association alternative Dispute Resolution Task Force Report stated: "[T]he major ADR related problem is not the percentage of civil cases that ultimately settle, since statistics demonstrate that approximately 95% of all cases are resolved without trial. However, the timing of settlement is a major concern..." I have been

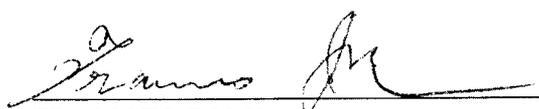
citing this report when I sent out my settlement offer and Confidential Settlement Agreement and Release in the hope of amicable resolution for more than a year.

9. There was an agreement between Bishop and me on April 29, 2014, that the parties “serve documents upon each other by e-mail.” (Pages 8-9 of my 12/8/15 Declaration). The parties have carried out this agreement since April 2014. Nevertheless, Bishop’s Answer on December 2, 2015, deliberately breached this contract as Bishop expected me to file my Reply to Chase’s Answer without responding to Bishop’s Answer.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed in Vancouver, Washington on December 11, 2015.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Frances Du Ju", written over a horizontal line.

FRANCES DU JU

Petitioner pro se

Address: P. O. Box 5934, Vancouver, WA 98668.

Phone: (360) 253-4530.

E-mail: frances3688@gmail.com

**CERTIFICATE OF SERVICE BY MAILING**

I, Frances Du Ju, hereby certify under penalty of perjury of the laws of the State of Washington that on **December 11, 2015**, I served Petition for Review with Appendices on the following named persons by **e-mail and First Class Mail**:

- (1) David Weibel, Esq., Barbara Bollero, Esq., and Ann Marshall, Esq.  
Bishop, Marshall & Weibel, P.S.  
720 Olive Way, Suite 1201, Seattle, WA 98101-1801; and
- (2) Herbert H. Ray, Esq.  
Keesal, Young & Logan  
1301 Fifth Avenue, Suite 3300, Seattle, WA 98101.

  
FRANCES DU JU, Pro se

# APPENDIX E



Frances Ju &lt;frances3688@gmail.com&gt;

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**Settlement Demand 12/2/15**

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**Barbara Bollero** <bbollero@bwmlegal.com>

Thu, Dec 3, 2015 at 8:42 AM

To: Frances Ju &lt;frances3688@gmail.com&gt;, Dave Weibel &lt;dweibel@bwmlegal.com&gt;

Cc: Tammie Burt &lt;tbert@bwmlegal.com&gt;, Ann Marshall &lt;amarshall@bwmlegal.com&gt;

Ms. Ju –

Our brief was timely filed and served. Another copy is attached.

Regards,

Barb

**Barbara L. Bollero | Attorney**

720 Olive Way, Suite 1201, Seattle, WA 98101  
Telephone (206)622-5306 | Ext.5918 | Fax (206)-622-0354  
Email:BBollero@bwmlegal.com  
www.bwmlegal.com

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**From:** Frances Ju [mailto:frances3688@gmail.com]**Sent:** Wednesday, December 02, 2015 5:16 PM**To:** Dave Weibel; Barbara Bollero**Cc:** Tammie Burt; Ann Marshall**Subject:** Settlement Demand 12/2/15

Hi Mr. Weibel and Ms. Bollero,

It seemed that you did not file your Answer to my Petition for Review and serve me a copy before the closing time of the Supreme Court. I am sending you my settlement offer. I sincerely ask you to review this good faith settlement demand, and take the offer to reach an amicable resolution with me and to recover your damages from Mr. O'Neill.

This settlement demand will remain open until 5:00 p.m. on Monday, December 7, 2015. If you and your firm would take this settlement offer, you must inform me by e-mail before 5:00 p.m., December 7, 2015. I hope to hear from you very soon.

Best regards,

Frances D. Ju

----- Forwarded message -----

From: Tammie Burt <tbert@bwmlegal.com>  
To: "Supreme@courts.wa.gov" <Supreme@courts.wa.gov>  
Cc: Barbara Bollero <bbollero@bwmlegal.com>  
Date: Wed, 2 Dec 2015 22:39:12 +0000  
Subject: No. 92487-2 filing submission

Frances Du Ju v. JPMorgan Chase Bank, N.A. and Bishop, Marshall & Weibel, P.S.

Supreme Court No. 92487-2

Court of Appeals No. 46333-4-II

Answer by Respondent Bishop, Marshall & Weibel, P.S. filed by:  
Barbara L. Bollero

(206) 622-5306

WSBA #28906

bbollero@bwmlegal.com

**Tammie Burt | Legal Assistant**

 cid:image005.png@01D0A2BD.F581D670

720 Olive Way, Suite 1201, Seattle, WA 98101  
Telephone (206)622-5306 | Ext.5919 | Fax (206)-622-0354  
Email: TBurt@bwmlegal.com

www.bwmlegal.com

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----- Forwarded message -----

From: "OFFICE RECEPTIONIST, CLERK" <SUPREME@courts.wa.gov>  
To: Tammie Burt <tbert@bwmlegal.com>  
Cc: Barbara Bollero <bbollero@bwmlegal.com>  
Date: Wed, 2 Dec 2015 22:49:31 +0000  
Subject: RE: No. 92487-2 filing submission

Received on 12-02-2015

Supreme Court Clerk's Office

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

**From:** Tammie Burt [mailto:tbert@bwmlegal.com]  
**Sent:** Wednesday, December 02, 2015 2:42 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Cc:** Barbara Bollero <bbollero@bwmlegal.com>  
**Subject:** No. 92487-2 filing submission

Frances Du Ju v. JPMorgan Chase Bank, N.A. and Bishop, Marshall & Weibel, P.S.

Supreme Court No. 92487-2

Court of Appeals No. 46333-4-II

Answer by Respondent Bishop, Marshall & Weibel, P.S. filed by:  
Barbara L. Bollero

(206) 622-5306

WSBA #28906

bbollero@bwmlegal.com

**Tammie Burt | Legal Assistant**

 cid:image005.png@01D0A2BD.F581D670

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**4 attachments**

 **Answer to Petition for Review.FINAL.12-2-2015.pdf**  
353K

 **Answer to Petition for Review.FINAL.12-2-2015.pdf**  
353K

 **noname.eml**  
506K

 **noname.eml**  
28K

**OFFICE RECEPTIONIST, CLERK**

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**To:** Frances Ju  
**Subject:** RE: Filing a Declaration

Received on 12-11-2015

Supreme Court Clerk's Office

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

**From:** Frances Ju [mailto:frances3688@gmail.com]  
**Sent:** Friday, December 11, 2015 2:21 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Filing a Declaration

Re: Case No. 92487-2

Dear Sir or Madam:

I am filing Declaration of Frances Du Ju.

If you have any questions, please do not hesitate to let me know. Thank you!

Best regards,  
Frances D. Ju