SUPREME COURT NO. TO BE SET

COURT OF APPEALS NO. 48322-0-II

LONNIE RAY TRAYLOR

Appellant

v

MOST WORSHIPFUL PRINCE HALL GRAND LODGE F. & A.M. WASHINGTON AND JURSIDICTION and MOST WORSHIPFUL GRAND MASTER, GREGORY D. WRAGGS, SR.

Respondent (s)

ON APPEAL FROM THE SUPERIOR COURT OF THE STATE OF WASHINGTON
PIERCE COUNTY SUPERIOR COURT CAUSE NO. 14-2-14181-1

The Honorable Lisa R. Worswick

PETITION FOR REVIEW

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Cases

Woolfork's Appeal, 126 Pa. St.47 (1889), (Involving a black group calling itself Masonic) it was observed by the court that "The ancient landmarks of the Masonic fraternity are unalterable.

Smith v. Smith, 2 Desaus 557 (1813; So. Car.) and in Bayliss v. Grand Lodge of Louisiana, 131 La 579, 59 So. 996 (1912). On the ancient landmarks are predicated the rules that govern the Masonic fraternity. Nothing can be adopted in derogatory of these landmarks."

Rheubottom v. MWPHGLWA (2003; King County) where Attorney Fowler litigated and prevailed on behalf of his client Rheubottom; Court Rulings has stated, "we don't follow our own laws."

Eugene Nairn v. Prince Hall Grand Lodge of Bahama (2014) where the Supreme Court rule in (Narin) Freemason Wins Court Fight Over Expulsion From Lodge. Justice Evans ruled that masonic jurisprudence does not and "cannot" overreach the laws of The Bahamas. "Every citizen whether he be a mason or non-mason, has the right to apply to the Supreme Court of the Bahamas for redress and that right, in no manner whatsoever, be abrogated.

(Evans v. Brown, 134 Md 519, 107 Atl. 535, 1919 and M. W. Grand Lodge v. Lee, 128 Md. 42, 96 Atl. 872, 1916)(7 C. J. S. 63) (7 C. J.S. 61, 1980).
As a general rule, a member cannot be suspended from or expelled from an association without a fair trial before an impartial tribunal and a reasonable opportunity must be given to defend the charges filed. It is established that the proceedings to discipline a member should be conducted in conformity with the rules of the association and the law of the land.

CONSTITUTIONAL PROVISIONS

U.S. Const. Amend 1

U.S. Const. Amend 7

U.S. Const. Amend 14

WASHINGTON STATUTES

RCW49.60 et seq.

OTHER AUTHORITIES

CR 5,

CR 26,

CR 59(a) (7-9)

RAP 12.3,

RAP 12.4 (b)

III. IDENTITY OF PETITIONER

Appellant Lonnie Ray Traylor, the appellant below, asks the court to review the decision of the Court of Appeals II, referred to in Section II.

IV. COURT OF APPEALS DECISION

Lonnie Ray Traylor seeks review of the Court of Appeals II, unpublished opinion entered on January 4, 2016. A copy of the opinion is attached.

V. ISSUE PRESENTED FOR REVIEW

Did the Grand Lodge lack probable cause of accusing Mr. Traylor of theft, because they had no real basis because no formal charges was filed against Mr. Traylor from his Church, Private Citizen or other organization?

1. The Supreme Court should accept review and hold that the Grand Lodge have discriminated against Appellant and lacked probable cause to accused Appellant for evidence of a crime that he have never been formally charged. This significant question of constitutional law is of substantial public and person interest and should be determined by the Supreme Court. RAP 13. 4(b)(3) and(4)

2. Review should be granted because the Appellate Court err in holding in their opinion rendered by the court of appeals and it panel appear not to give consideration to various claims to the dissatisfaction with the trial court decision to the disciplinary procedures used to decide his suspension and discriminated against him in violating his due process being accused of theft without considering all facts?

3. Review should be granted because the Appellate Court err in holding in their opinion because they did not consider the facts provided by Appellant and should not affirm summary judgment dismissal, because Respondent failed to show documented/proof of alleged charges?

4. Review should be granted because the Appellate Court err in holding in their opinion and not remand Appellant case back to trial court for Respondent to show proof Appellate never walk-out of the trial and never became angry at anytime. For this is a false allegation made on behalf of the Grand Lodge to cover up their irregularities to prevent Appellant from showing their negligence and discriminative action against him?

5. Review should be granted because the Appellate Court err in holding in their opinion and not consider the Trial Court "NEVER" Sanction Respondent Counsel James Fowler" for filing a "Bogus" Order in the trial court to dismiss the case when the Judge had ruled otherwise?

6. Review should be granted because the Appellate Court err in holding in their opinion and not consider the Trial Court violated Appellate Due Process when they allowed the Respondent to respond to Appellant claim 74days after Appellant file his claim?

7. Review should be granted because the Appellate Court err in holding in their opinion and not consider the Trial Court not demanding or compelling Respondents to provided requested discovery evidence to prove the allegation that he was guilty of theft. Appellant never have been officially charged from any of the alleged entities in question?

8. Review should be granted because the Appellate Court err in holding in their opinion by grating Respondent Summary Judgement after Judge Chuschcoff who, instructed/advised Appellant to schedule a time to go to Respondent Counsel office to determine what evidence they had and to report back to him his findings which show no audio of Appellant which was requested was not made available for Appellant to prove his innocence.

9. Review should be granted because the Appellate Court err in holding in their opinion in not remanding Appellant case back to trial court because not considering the Grand Lodge acted contrary to its own Masonic Law which holds that in "Title 51.05 Majority Vote of the Masonic Code Book", which is clear in part that states; " All motions are to be decided by a simple majority vote."?

10. Review should be granted because the Appellate Court err in holding in their opinion in not remanding Appellant case back to trial court because not considering the Contract or Memorandum of Understanding between Appellant and Wraggs?

11. Review should be granted because the Appellate Court err in holding in their opinion in not remanding Appellant case back to trial court because of Under the Fourteenth Amendment, due process requires the opportunity to be heard "'at a meaningful time and in a meaningful manner and the Grand Lodge never provided that opportunity to Appellant and neither the court in Not Sanctioning the Respondents for not complying to Washington Court Rules.

12. Review should be granted because the Appellate Court err in holding in their opinion in not remanding Appellant case back to trial court because Respondent has never provided documented proof of what constituted un-masonic conduct. All allege charges of Appellant case have been based on verbal allegation.

13. Review should be granted because the Appellate Court err in holding in their opinion in not remanding Appellant case back to trial court because they failed to consider the Declarations from the Rev. Gregory Christopher and others that will show Appellant is innocence of allege theft which he has been accused.

VI. STATEMENT OF THE CASE

This case involves a group called the Most Worshipful Prince Hall Grand Lodge F & AM Washington and Jurisdiction current and past officers who have verbally falsely accused Appellant of theft. No formal charges or documented proof have been filed against him for taking money for his church, organization and private citizens without any documented proof.

In addition it also involves Appellant being discriminated against by the (Grand Lodge) violating it own Laws preventing right of due process. (CP 169)

There is no dispute that Appellant attempted to grieve the dispute and pushed his grievance through the internal process, but was stymied eventually when the Grand Lodge declined to comply with it own internal resolution process. (CP 184)

It is thus accurate to say that the grievance process was not pursued to its final conclusion, leaving Appellant no other recourse but to pursue it further and file his complaint in Pierce County Superior Court. (CP 174)

On November 12, 2014, Appellant filed his complaint in the Pierce County Superior Court against Respondent Most Worshipful Prince Hall Grand Lodge who did not respond until after 74 days had elapsed. (CP 1)

On January 26, 2015 Appellant filed Motion for Default in accordance with CR 55 (a) (1) (b) and Respondent did not answer Appellant complaint until the day of the hearing where it clearly violated the time line to respond.

It is thus accurate to say that Judge Chuschoff, permitted this violation and did not grant Appellant motion for default. (CP 148)

On April 26, 2015, Appellant, file a motion requesting discovery evidence and was advise at the June 5, 2016, hearing by Judge Chuschoff, to go and review the information Respondent was willing to provide and to report back to him with the show of violations. (RP 6/5/16, P17) (CP 302-303)

It is thus accurate to say that neither of the recordings i.e.; Masonic Trial and the 111th Annual Communication, was available that pertained specifically to Appellant request for discovery. (CP 531)

Appellant also discovered that voices on the Masonic Trial recordings was not him, therefore, it is thus accurate to say that Judge Chuschoff did not order Respondent to produce discovery to show proof Appellant was guilty of un-masonic conduct and theft. (RP 11/6/15, P21)

On June 5, 2016, Judge Chuschoff denied Respondent motion for summary judgement and Respondent Counsel "James C. Fowler" filed a "BOGUS' order attempting to reverse the court decision. (RP 6/5/16, P17)

It is thus accurate to say that Appellant brought this to the courts attention to have the "BOGUS" order reflect accordingly "MOTION DEINED" as it appear this was an attempt to withhold evidence from the court and Mr. Fowler did not receive a sanction for his unethical behavior. (CP 301) (CP 534)

October 23, 2016, Appellant filed an objection to Respondent motion for summary judgement, because Respondent asserted Appellant complaint was difficult to understand. It is thus accurate to say Appellant is not and have never been difficult to understand and have made it clear to the court this is NOT a Masonic Case now that Appellant have exhausted all of its internal resolution process. (CP 454)

Appellant filed his complaint specifically on the grounds of DISCRIMINIATION, UNFAIR TREATMENT AND HARRASMENT to which Respondent have yet to answer. It is thus accurate to say Appellant has been accused of stealing and misappropriation since 2001, whereby the Grand Lodge has conducted numerous audits over the past (10) ten years, and have never provide any documented proof of any funds from the organization, Church or any person to be missing. (CP 454)

On November 6, 2016, Judge Chuschoff granted Respondent motion for summary judgement and dismiss Appellant complaint without demanding Respondent provided provide any documented proof of allegation of "Theft" made against Appellant . (CP 523-524)

On November 25, 2016, Appellant file his Appeal in Washington Court of Appeals II, requesting appeal from the court granting Respondent summary judgement be remanded back to Superior Court because it ruling was contrary to Washington Law, Masonic Unchangeable Laws and the United State Constitutional Law (Procedural and Substantive) because substantial justice has not been done and Appellant be given an opportunity to present his case in front of a jury and prove he is innocence of being accused of theft. (Appendix 1, P-6)

It is thus accurate to say Judge Chuschoff in Superior Court erred inasmuch to ignore Appellant request that the Court DO NOT DISMISS, complaint because the court does have Jurisdiction to hear this matter. (Appendix 1, P - 6)

On January 4, 2017, The Court of Appeals II, rendered an unpublished opinion denying Appellant appeal which appear to be complete prejudicial, by not considering Appellant appeal and all facts. i.e. Declarations of Rev. Gregory Christopher, Mr. Damion Jiles, Mr. Kenneth Swanigan, Dr. Charlie Walker, III, Ms. Dawn Patterson, Ms. Scarlett Watts,

Mr. James Daye and Ms. Tasha Owes who all testified Appellant was innocence of the allegation made against him of theft. (CP 503-521)

Appellant is accurate that he is correct on all of his claims and dissatisfaction with this court' s decision to the contrary and the court should not have denied Appellant motion for a lack of reconsideration of the facts and evidence. (Appendix 2, P-1)

a. Did this court fully consider Appellant claims and thoroughly review the record?
b. Did this court unfairly discriminate against Appellant as a pro se litigant?
c. Did the Grand Lodge provide sufficient proof that Appellant theft from his Church, Private Citizen and Organization?
d. Should this court have more fully considered Appellant argument that the superior court erred by denying his motion for default?

It is accurate that the Court of Appeal erred by not considering Appellant argument that the superior court erred by denying his motion for default when a motion of default was file January 26, 2015 and Respondent failed to respond until the day of the hearing. (Appendix 1, P - 6) (CP 1)

On January 11, 2017, Appellant filed a Motion for Reconsideration that was denied without explanation. (Appendix 3, P - 1)

It is accurate that the Court of Appeal did not consider Appellant issue he raises of being accused of theft and discipline without any documented proof.

Appellant is accurate that these theft allegations formed the basis of the Grand Lodge' s decision to suspend his membership and his insistence of innocence goes to the heart of his lawsuit which is premised on his claim of discrimination, harassment and deformation of character from the Grand Lodge to suspend him without documented proof of a crime he was never formally charged with. (Appendix 2, P - 10)

Appellant is accurate that the Court of Appeal erred in not considering Case of Automotive Electric Service Corp. v. Association of Automotive Aftermarket Distributors, 747 F. Supp. 1483, 1510 (E.D.N.Y. 1990) as it does show proof that when a organization violate it own rules, then the courts will get involved into the judicial inquiry into the affairs of private,

voluntary associations is limited to "the question whether an association has treated its members in accord with its bylaws and rudimentary due process. (Appendix 2, P-17)

The *Davis v. Pleasant* case speaks to the very crux of the discrimative actions of the Grand Lodge as it pertains to due process and voting. (CP 465)

Appellant is accurate that the Court of Appeal erred by not considering the issue of discovery sanctions. (Appendix 1,P-8)

Appellant contends he has no authority to impose sanctions or prepare order for the court.

In fact the records with reflect that at the June 5, 2016 hearing, Judge Chushcoff stating that he would demand discovery in the event Respondent did not provide discovery requested by Appellant.
If there was an order to be prepare it should have been the court NOT the Appellant.

Appellant is accurate that the Superior Court and the Court of Appeal erred by violation of his US Constitutional rights which is clear on;

Amendment I Freedoms, Petitions, Assembly Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. (Appendix 2, P -20)

Amendment VII -Rights in civil cases; In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

Amendment XIV - All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. (Appendix 2, P–8)

VII. ARGUMENT WHY REVIEWSHOULD BE ACCEPTED

The Supreme Court should accept review and hold that the Grand Lodge lacked probable cause to accused Appellant for evidence of a crime that have no documented proof.

This significant question of constitutional law is of substantial public and person interest and should be determined by the Supreme Court. RAP 13. 4(b)(3) and(4)

The court is the agency utilized in civilized communities to settle disputes which arise between persons relating to the law. Freemasonry consists of members as well as the organization and since they do not exist in a vacuum or function in a glass enclosed tower there have been occasions when disputes have arisen within, then the courts are then required to determine the conflict.

The Court did not reversed and remanded the case to the superior court, Appellant then filed a Motion for Reconsideration, which was denied on January 24, 2017, Appellant now submits this Petition for Review to the Supreme Court.

Within United States, there have been about four hundred court cases which have resulted in appeals and have ended with the issuance of a formal written opinion by the court whereby the court have ruled against the organization for violated it Laws.

These opinions are of importance to us because they illustrate how Masonic problems have been determined by the courts and they indicate how the organization in its functioning, at times, must adjust itself to comply with these decisions relating to the laws of the land.

Courts will consider the internal rules in arriving at its decision. For example, in *Woolfork's Appeal, 126 Pa. St. 47 (1889),* (involving a black group calling itself Masonic) it was observed by the court that "The ancient landmarks of the Masonic fraternity are unalterable. On the ancient landmarks are predicated the rules that govern the Masonic fraternity. Nothing can be adopted in derogation of these landmarks:' Masonic law was also considered in *Smith v. Smith, 2 Desaus 557 (1813; So. Car.) and in Bayliss v. Grand Lodge of Louisiana, 131 La 579, 59 So. 996 (1912).*

Appellant argues the opinion rendered by the court of appeals and it panel appear not to give consideration to various claims to the dissatisfaction with the Grand Lodge's decision to the disciplinary procedures used to decide his suspension and discriminated against him in violating his due process.

In accordance with Webster Dictionary - An *allegation* a claim or assertion that someone has done something illegal or wrong, typically one made without proof.

Appellant argues everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

Finally, Appellant argues and ask the court to consider, how can Appellant defend himself when he has never been officially charge with a crime and neither have their been any official document proof of allege allegation made against him.

VII. CONCLUSION

The Supreme Court should accept Review and Reverse the Court of Appeals decision and Remand Appellant case back to the Superior Court to be heard by a jury.

Dated 31st day of January 2017

Respectfully Submitted

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IN THE COURT OF ALLEALS / SUPREME COURT OF THE STATE OF WASHINGTON

LONNIE RAY TRAYLOR

Appellant

Pierce County **No. 14-2-14181-1**

Court of Appeal Case **No. 48322-0-II**

v

DECLARATION OF DOCUMENT FILING AND SERVICE

MOST WORSHIPFUL PRINCE HALL GRAND LODGE F.A.M. WASHINGTON & JURSIDICTION and MOST WORSHIPFUL GRAND MASTER GREGORY D. WRAGGS, SR.

Respondents

DECLARATION OF DOCUMENT FILING AND SERVICE

I LONNIE RAY TRAYLOR DECLARE THAT ON THE **31ST DAY OF JANUARY 2017,** I, CAUSED THE ORIGINAL **PETITION FOR REVIEW** TO BE FILED IN THE COURT OF APPEALS AND SUPREME COURT AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

[X]	**JAMES C. FOWLER, WSBA # 15560**	( )	U.S. MAIL
	1201 PACIFIC AVE STE 1900	**(X)**	**HAND DELIVERED**
	TACOMA, WA 98402	( )	AGREED E-SERVICE
		(X)	VIA COA PORTAL

Appendix #1

Filed
Washington State
Court of Appeals
Division Two

January 4, 2017

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

LONNIE RAY TRAYLOR, Appellant, v. MOST WORSHIPFUL PRINCE HALL GRAND LODGE F & A.M. WASHINGTON AND JURISDICTION and GREGORY D. WRAGGS, SR., Most Worshipful Grand Master, comprised thereof, Respondents.	No. 48322-0-II UNPUBLISHED OPINION

WORSWICK, J. — Lonnie Ray Traylor appeals the superior court's summary dismissal of his claims against the Most Worshipful Prince Hall Grand Lodge (Grand Lodge). Traylor's arguments on appeal are not entirely clear, but are based on his dissatisfaction with the Grand Lodge's decision to suspend his membership and the disciplinary procedures used to decide the suspension. He appears to claim Grand Lodge violated the Washington Law Against Discrimination (WLAD),[1] denied him Masonic due process during the suspension proceedings, breached a contract to reinstate his membership, and harassed and defamed him. All of Traylor's claims fail, and we affirm summary judgment dismissal.

[1] Ch. 49.60 RCW.

FACTS

I. THE GRAND LODGE CONSTITUTION AND BYLAWS

The Prince Hall Grand Lodge of Washington is a voluntary nonprofit fraternal association incorporated in Washington, and consisting of exclusively black[2] members. As a condition of membership in the Grand Lodge, a member must agree to abide by the Grand Lodge Constitution and the Grand Lodge Bylaws.

Under the Grand Lodge Constitution, the membership has the ultimate authority over the Grand Lodge's legislative, judicial, and executive decisions. The Grand Lodge Constitution states, in pertinent part:

> This Grand Lodge is the only source of authority and exercises exclusive jurisdiction in all matters pertaining to Ancient Craft Free Masonry within the State of Washington and Jurisdiction; it has supreme, inherent and absolute legislative, judicial and executive Masonic authority and power . . . . It is subject only to the Ancient Landmarks, and from its decisions in relation to them or any Masonic subject there is no appeal.

Clerk's Papers (CP) at 580 (Grand Lodge Const. art. 11).

The Grand Lodge Constitution defines the power of the Grand Master, the Grand Lodge's highest ranking executive officer. The Grand Lodge Constitution provides that "[w]hen the Grand Lodge is not in session," the Grand Master "shall decide all questions of usage, order and Masonic law, . . . and his decisions are final and conclusive, subject to the approval of the Grand Lodge in session." CP at 581 (Grand Lodge Const. art. 13).

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[2] The Grand Lodge uses the term "black" rather than "African American" because Prince Hall was a Barbadian, not an African American. We respect Grand Lodge's choice of designation and adopt it.

Each July, the Grand Lodge holds the annual communication to elect the Grand Master, to approve or disapprove the Grand Master's actions for the previous year, and to hear appeals by members from "Lodge or Worshipful Master decisions." The Grand Lodge Bylaws reiterate that the membership has ultimate authority over all the Grand Lodge, and sets forth the process for an appeal. Under the Bylaws, "Sections 207.01 through 207.10" govern an appeal from "Worshipful Master decisions." CP at 595. Section 207.01 provides, in pertinent part:

> Appeals shall be submitted to the Grand Lodge for review of judgments, orders, verdicts, decisions or sentences of a lodge in any disciplinary proceedings of the lodge or the rulings or decisions of Masters, . . . and the accused . . . has the right to and may appeal to the Grand Lodge from any judgment, order, verdict, decision or sentence rendered or adjudged by the lodge.

CP at 595 (Grand Lodge Bylaws, Title 207, § 207.01).

II. SUSPENSION

Lonnie Traylor became a Grand Lodge member in 1988. In May 2014, a Masonic trial was held in which Traylor was accused of un-Masonic conduct. A trial commission of Masons, headed by Melvin Lozan, was appointed to hear the case. Traylor became angry and walked out during the trial. The trial commission completed the trial without Traylor and unanimously concluded that Traylor had acted in an un-Masonic manner. The then-sitting Grand Master suspended Traylor's membership.

Traylor appealed his suspension to the Grand Lodge's grievance and appeal committee. The committee reviewed the matter and recommended that Traylor's suspension be upheld, but that the length of the suspension be reduced to a total of four years and six months. In accordance with its procedures, the committee presented its recommendation to the entire Grand

Lodge membership for its vote at the 2014 annual communication. The membership voted to affirm Traylor's suspension. The minutes from the annual communication state in relevant part:

> PGM Troutt #3 moved, that the suspension modification as approved by the Appeal and Grievance Committee and the MWGM actions be sustained on this matter RW Roy Price #83 seconded. *Motion carried.* MWGM Hughes stated that eventually, Brother Traylor #102, name would be put back on the website.

CP at 802 (emphasis added).

After the annual communication, Traylor met with the newly elected Grand Master Gregory Wraggs and asked him to overturn his suspension. Traylor claims that Wraggs agreed to overturn Traylor's suspension and reinstate his membership if Traylor rescinded his appeal to the Grand Lodge. Following their meeting, Traylor prepared a memorandum of understanding agreeing not to pursue legal action if the Grand Lodge would reinstate his membership. Traylor mailed the memorandum to Wraggs, but Wraggs did not sign it and declined to reinstate Traylor.

III. LAWSUIT

Traylor filed suit against Grand Lodge and Wraggs on November 12, 2014. His pro se complaint is difficult to understand, but the first sentence states, "This action is being brought under Washington Law [A]gainst Discrimination, RCW49.60 et seq." CP at 1. The complaint proceeds to review Traylor's dissatisfaction with his suspension, and argues that the Grand Lodge and Wraggs violated the Masonic code book. Traylor sought full reinstatement to membership, loss of income at $75,000 each year for 10 years, and all properties and assets of Grand Lodge.

On January 26, 2015, Traylor filed a motion for default judgment against Grand Lodge. Grand Lodge filed its answer and the motion for default was denied.

Traylor filed a motion for issuance of subpoena duces tecum in an attempt to compel discovery. The superior court denied the motion because Traylor had issued the request for production the day prior. The superior court explained the discovery process and encouraged Traylor to communicate with the Grand Lodge. Traylor also filed a motion for summary judgment. The court denied the motion after determining that Traylor's motion actually sought further discovery.

Grand Lodge filed a motion for summary judgment, arguing that Traylor alleged insufficient facts to support a claim under WLAD, several of Traylor's claims are barred by the statute of limitations, Traylor's breach of contract claim fails for indefiniteness and lack of consideration, and Traylor's suspension was in accordance with the Grand Lodge Constitution. The superior court granted Grand Lodge's motion for summary judgment and dismissed all of Traylor's claims.

ANALYSIS

I. DEFAULT, SANCTION AND DISCOVERY ISSUES

A. *Motion for Default*

Traylor assigns error to the superior court's denial of his motion for default. However, he provides no further argument or authority and therefore we do not consider it. *Am. Legion Post No. 32 v. City of Walla Walla*, 116 Wn.2d 1, 7, 802 P.2d 784 (1991) ("In the absence of argument and citation to authority, an issue raised on appeal will not be considered."); RAP 10.3(a)(6).

B. *Sanctions*

Traylor also assigns error to the superior court's failure to sanction Grand Lodge's counsel for not providing requested discovery, filing a "bogus order" to dismiss, not timely responding to Traylor's motion for summary judgment, and not complying with the case order schedule. Br. of Appellant at 1. However, Traylor never requested that the superior court impose sanctions. Generally, we will not consider an issue raised for the first time on appeal. RAP 2.5. Because Traylor did not ask the superior court to impose sanctions, we do not consider this issue.

C. *Discovery*

Traylor appears to argue that he was improperly denied discovery. However, the superior court never entered any discovery orders. Traylor filed multiple motions in the court regarding discovery,[3] but the transcripts from the hearings on those motions show that the issue was premature and, later, that Grand Lodge had provided discovery. Indeed, at one such hearing the superior court clarified, "You are not asking for me to order him to produce any additional documents," and Traylor responded, "No, sir." Verbatim Report of Proceedings (VRP) (June 5, 2015) at 6.

Traylor's displeasure appears to center on not being provided an audio recording of the Masonic trial or the annual communication. The record reflects that no such Masonic trial recording exists. A recording of the annual communication was provided to Traylor. When Traylor continued to complain that he did not have the annual communication recording, Grand

[3] These motions varied from motions for subpoena to motions for summary judgment. At each hearing, the superior court attempted to clarify what Traylor sought and properly instructed the parties on how to proceed.

Lodge sent multiple letters explaining that it had been provided, offering to have him listen to their copy, and inquiring as to what the continuing dispute was. The transcript reflects Traylor's position that the audio provided to him was inaccurate, but nothing in the record suggests that other recordings existed and were possessed by Grand Lodge.

Because the trial court made no discovery order, there is no decision for us to review. Traylor's discovery argument fails.

II. SUMMARY JUDGMENT

A. *Legal Principles*

We review trial court's summary judgment order de novo, performing the same inquiry as the trial court and viewing all facts and reasonable inferences in the light most favorable to the nonmoving party. *Elcon Constr., Inc. v. Eastern Washington University*, 174 Wn.2d 157, 164, 273 P.3d 965 (2012). "A genuine issue of material fact exists where reasonable minds could reach different conclusions." *Michael v. Mosquera-Lacy*, 165 Wn.2d 595, 601, 200 P.3d 695 (2009).

The moving party bears the initial burden of showing there are no genuine issues of material fact. *Pacific Northwest Shooting Park Ass'n v. City of Sequim*, 158 Wn.2d 342, 350, 144 P.3d 276 (2006). To establish the existence of a genuine issue of material fact, the nonmoving party may not rely on speculation or argumentative assertions that unresolved factual issues remain; instead, it must set forth specific facts that sufficiently rebut the moving party's contentions. *Michael*, 165 Wn.2d at 601-02. If the nonmoving party fails to meet this burden, summary judgment is appropriate. *Pacific Northwest Shooting Park Ass'n*, 158 Wn.2d at 351.

B. *Washington Law Against Discrimination*

Traylor contends that this lawsuit is "being brought under Washington Law [A]gainst Discrimination, RCW49.60." Br. of Appellant 14. Because Traylor fails to show a prima facie case, or even allege sufficient facts to support his claim, his claim fails.

The WLAD, chapter 49.60 RCW, under RCW 49.60.010 declares as a civil right the right to be free from discrimination because of race, creed, color, national origin, families with children, sex, marital status, age, or the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person.

Traylor brings his claim under RCW 49.60 generally, and fails to offer any further authority to support his claim. Furthermore, it is unclear how Traylor believes he was discriminated against. Traylor contends that "black on black crime in discrimination happens every day and this is not an exception and the Grand Lodge and its current and past leader is not exempt from this kind of behavior." CP at 460. However, Traylor fails to argue that Grand Lodge's actions were motivated by "black on black" animus. Traylor provides no elucidation as to the basis of his WLAD claim and the record supports none.

C. *Contract*

Traylor also appears to argue that Wraggs breached a contract with him when he refused to reinstate Traylor's membership. Because no enforceable contract existed, we disagree.

Traylor bases his breach of contract claim on the in-person meeting he had with Wraggs regarding Traylor's suspension. Traylor contends that at the meeting, Wraggs agreed to overturn Traylor's suspension and reinstate his membership if Traylor rescinded his appeal and did not pursue further legal action against the Grand Lodge. Traylor explains that they "both agreed that

we would come up with a memorandum of understanding and he requested that I put it in writing and mail it to his home address." Br. of Appellant 17. Traylor drafted the memorandum of understanding, signed it, and mailed it to Wraggs. Wraggs never signed it and did not reinstate Traylor's membership.

The burden of proving the existence of a valid contract is on the party asserting its existence. *Saluteen-Maschersky v. Countrywide Funding Corp.*, 105 Wn. App. 846, 851, 22 P.3d 804 (2005). For a contract to exist, there must be mutual assent to the agreement's essential terms. *Saluteen-Maschersky*, 105 Wn. App. at 851. "'Mutual assent generally takes the form of an offer and an acceptance.'" *Saluteen-Maschersky*, 105 Wn. App. at 851 (quoting *Pac. Cascade Corp. v. Nimmer*, 25 Wn. App. 552, 556, 608 P.2d 266 (1980)). "An offer consists of a promise to render a stated performance in exchange for a return promise being given." *Nimmer*, 25 Wn. App. at 556.

"A promise is 'a manifestation of intention to act or refrain from acting in a specified way, so made as to justify a promisee in understanding that a commitment has been made.'" *Havens v. C&D Plastics, Inc.*, 124 Wn.2d 158, 172, 876 P.2d 435 (1994) (quoting RESTATEMENT (SECOND) OF CONTRACTS § 2(1)). "But an intention to do a thing is not a promise to do it." *Meissner v. Simpson Timber Co.*, 69 Wn.2d 949, 957, 421 P.2d 674 (1966). Thus, courts should take great care not to construe the conduct or declarations of a party as an offer when it is intended only as preliminary negotiations. *Nimmer*, 25 Wn. App. at 556

An agreement to agree is "'an agreement to do something which requires a further meeting of the minds of the parties and without which it would not be complete.'" *Keystone Land & Dev. Co. v. Xerox Corp.*, 152 Wn.2d 171, 175, 94 P.3d 945 (2004) (*quoting Sandeman v.*

Sayres, 50 Wn.2d 539, 541-42, 314 P.2d 428 (1957)). Agreements to agree are unenforceable in Washington. *Keystone*, 152 Wn.2d at 176.

Where parties evidence an intent to make a subsequent agreement, that intent is "'strong evidence to show that they do not intend the previous negotiations to amount to any proposal or acceptance.'" *Nimmer*, 25 Wn.2d at 557 (quoting *Coleman v. St. Paul & Tacoma Lumber Co.*, 110 Wash. 259, 272, 188 P. 532 (1920)). In other words,

> "[I]f the preliminary agreement is incomplete, it being apparent that the determination of certain details is deferred until the [subsequent] writing is made out; or if an intention is manifested in any way that legal obligations between the parties shall be deferred until the [subsequent] writing is made, the preliminary negotiations and agreements do not constitute a contract."

Plumbing Shop, Inc. v. Pitts, 67 Wn.2d 514, 521, 408 P.2d 382 (1965) (emphasis omitted) (quoting RESTATEMENT OF CONTRACTS § 26, cmt. a (1932)).

In *Pitts*, our Supreme Court considered whether a contract existed between Pitts, a general contractor, and The Plumbing Shop Inc., a subcontractor. *Pitts*, 67 Wn.2d at 515. There, Plumbing Shop submitted a bid to Pitts to complete mechanical work for a government project. *Pitts*, 67 Wn.2d at 515. When Pitts believed the project would be awarded to him, Pitts asked Plumbing Shop to prepare a cost breakdown, and the parties discussed some details over the telephone and in person. *Pitts*, 67 Wn.2d at 515-16. Later, Pitts refused to enter into a written contract with Plumbing Shop. *Pitts*, 67 Wn.2d at 516. Plumbing Shop sued Pitts for breach of contract. *Pitts*, 67 Wn.2d at 516. The court concluded that there was no contract between the parties. *Pitts*, 67 Wn.2d at 520. It based this conclusion on the fact that the parties had not agreed to essential terms such as manner of payment and work progress completion dates. *Pitts*, 67 Wn.2d at 520. "[I]t can readily be seen that [Plumbing Shop] and [Pitts] must have intended

to set out those particulars [or essential terms] in the written contract which was to be executed at a later date." *Pitts*, 67 Wn.2d at 520.

At most it appears that Traylor and Wraggs entered into "an agreement to agree." Traylor admits that following their meeting, they "agreed to come up with a memo of understanding." CP at 3. In his letter to Wraggs following their meeting, Traylor states

> I, Brother Lonnie R. Traylor will agree To Rescind His Appeal, *if and only if*, ALL Issues and Suspensions surrounding The Current and All Previous Cases be Immediately Terminated, and Brother Lonnie R. Traylor be immediately restored to All the Rights and Privileges of his Highest Rank and Style – Right Worshipful.

CP at 33 (emphasis added). The agreement's terms and conditions included statements such as "Wraggs Sr. Agrees to Drop All Charges and Reinstate Brother Lonnie R. Traylor Immediately *upon the Written Signatures* on this Document, *if* Brother Lonnie R. Traylor agrees to 'rescind his Current Appeal to the Grand Lodge.'" CP at 34 (emphasis added). Wraggs never accepted the agreement. Wraggs never signed the memorandum of understanding and never reinstated Traylor's membership. An enforceable contract did not exist, and Traylor's claim fails.

D. *Suspension*

Traylor's lawsuit appears to be mainly focused on his dissatisfaction with the process leading to his suspension from the Grand Lodge. He repeatedly contends that he was not given due process according to Masonic law and seeks full reinstatement to membership. Because Grand Lodge substantially complied with the Masonic code and constitution, Traylor's claim fails.

Under the Fourteenth Amendment, due process requires the opportunity to be heard "'at a meaningful time and in a meaningful manner.'" *Matthews v. Eldridge*, 424 U.S. 319, 333, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976) (quoting *Armstrong v. Manzo*, 380 U.S. 545, 552, 85 S. Ct. 1187,

14 L. Ed. 2d 62 (1965)). But due process is protection against *state* action and its relevance in disputes between a voluntary private social club and its members is suspect. *Garvey v. Seattle Tennis Club*, 60 Wn. App. 930, 935, 808 P.2d 1155 (1991) (holding that constitutional due process did not apply to a case of termination from a voluntary association because the plaintiff's claim was of a private and social nature).

Generally, courts refrain from interfering in the internal affairs of voluntary associations. *Anderson v. Enterprise Lodge No. 2*, 80 Wn. App. 41, 46, 906 P.2d 962 (1995). Courts will not interfere with the decision to expel a member "except to ascertain whether the proceedings were regular, in good faith, and not in violation of the laws of the [organization] or the laws of the state." *Grand Aerie, Fraternal Order of Eagles v. Nat'l Bank of Wash.*, 13 Wn.2d 131, 135, 124 P.2d 203 (1942)). While questions of whether a voluntary association has followed its bylaws may sometimes be judicially cognizable, *see Anderson*, 80 Wn. App. at 47, this procedural deficiency exception to the general rule against interference typically is applied with considerable judicial restraint. To require compliance with the minutia of the bylaws would be to interfere with the association's internal operations.

Here, consistent with the Grand Lodge's disciplinary process, Traylor received a Masonic trial. After becoming angry during the trial, Traylor walked out. Traylor was permitted to appeal the trial result to the grievance and appeal committee. Although the record does not contain details of that committee's meeting, the minutes from the annual communication show that the grievance and appeal committee recommended that Traylor's suspension be upheld, but reduced by six months.

Traylor contends that his suspension was not put before a vote of the Grand Lodge's entire membership at the annual communication. However, the record clearly reflects otherwise. The minutes from the annual communication state:

> PGM Troutt #3 moved, that the suspension modification as approved by the Appeal and Grievance Committee and the MWGM actions be sustained on this matter RW Roy Price #83 seconded. *Motion carried.* MWGM Hughes stated that eventually, Brother Traylor #102, name would be put back on the website.

CP at 802 (emphasis added). Additionally, Wraggs and Lozan each signed declarations stating that the Grand Lodge voted to affirm Traylor's suspension. Traylor provides no evidence that the minutes do not reflect what actually occurred. It is possible that Traylor argues the minutes must state "members voted," "a majority voted to uphold the suspension." However, Traylor offers no alternative interpretation of "motion carried."

Traylor also contends that he should have been permitted to address the Grand Lodge members personally and present his evidence to them at the annual communication. However, Traylor provides no authority or evidence that a suspended Mason is entitled to appear before the membership during his appeal. On the contrary, Lozan averred that Traylor's appeal to the Grand Lodge was handled in the same manner as every other appeal.

We hold that the evidence here demonstrates Grand Lodge's substantial compliance with Masonic disciplinary procedures. Given our application of judicial restraint when interpreting a voluntary association's procedures and bylaws, we reject Traylor's claim.

E. *Harassment*

Traylor also appears to argue that he was subjected to harassment by Grand Lodge. However, he provides no legal or factual authority to support his contention. RAP 10.3(a)(6) requires an appellant's brief to include an argument citing legal authority and the record. Where

an appellant fails to cite authority, or where it gives passing treatment to an issue, we do not consider the argument. *See Brownfield v. City of Yakima*, 178 Wn. App. 850, 876, 316 P.3d 520 (2013). Because Traylor fails to discuss the legal basis for his claim and gives the issue merely passing treatment, we do not consider it.

F. *Defamation*

Traylor also appears to argue that he was defamed by Grand Lodge. However, Traylor does not allege any facts to support a prima facie case of defamation and thus cannot survive summary judgment. Consequently, we reject his claim.

Washington courts recognize that summary judgment plays a particularly important role in defamation cases. This is because "'[s]erious problems regarding the exercise of free speech and free press guaranteed by the First Amendment are raised if unwarranted lawsuits are allowed to proceed to trial. The chilling effect of the pendency of such litigation can itself be sufficient to curtail the exercise of these freedoms.'" *Mark v. Seattle Times*, 96 Wn.2d 473, 485, 635 P.2d 1081 (1981) (quoting *Tait v. KING Broad. Co.*, 1 Wn. App. 250, 255, 460 P.2d 307 (1969)).

Accordingly, to survive a defense motion for summary judgment, the plaintiff has the burden of establishing facts that would raise a genuine issue of fact for the jury as to each element. *Mohr v. Grant*, 153 Wn.2d 812, 822, 108 P.3d 768 (2005). The elements a plaintiff must establish in a defamation case are falsity, an unprivileged communication, fault, and damages. *Mohr*, 153 Wn.2d at 822. Traylor does not make a prima facie case supporting the elements of defamation, and thus his claim fails.

ATTORNEY FEES

Grand Lodge requests attorney fees under RAP 18.9, characterizing Traylor's appeal as frivolous. RAP 18.9(a) allows us to order a party who files a frivolous appeal to pay damages. "An appeal is frivolous if it presents no debatable issues on which reasonable minds could differ and is so lacking in merit that there is no possibility of reversal." *Eagle Sys. Inc. v. Emp't Sec. Dep't*, 181 Wn. App. 455, 462, 326 P.3d 764 (2014).

Because Traylor's appeal presented debatable issues upon which reasonable minds might differ on at least one claim, his appeal was not frivolous. Consequently, we affirm the summary judgment dismissal of his claim but do not award attorney fees to Grand Lodge.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.

Worswick, J.

We concur:

Maxa, A.C.J.

Sutton, J.

APPENDIX #2

IN THE SUPERIOR COURT OF APPEAL STATE OF WASHINGTON
DIVISION TWO

LONNIE RAY TRAYLOR Appellant **vs.** **MOST WORSHIPFUL PRINCE HALL GRAND LODGE F. & A.M. WASHINGTON AND JURSIDICTION and GREGORY D. WRAGGS, SR., Most comprised thereof,** Respondents (s)	**NO. 48322-0-II** **MOTION TO RECONSIDER** **RAP 12.4(b)**

Lonnie Ray Traylor requests, pursuant to RAP 1. 2. 4(b), and without prejudice to his right under RAP 13. 4(b) to petition for review to the Supreme Court on all issues in the appeal, that this Court reconsider its decision of January 4, 2017, in the respects set forth below.

The opinion rendered by the court of appeals and it panel appear not to give consideration to various claims to the dissatisfaction with the Grand Lodge's decision to the disciplinary procedures used to decide his suspension and discriminated against him in violating his due process being accused of theft.

It seems as thought the panel only took in consideration only the response of the Respondents that fails to identify the violations of the Grand Lodge and to show what actually prompted Appellant claim.

Appellant is asking the court to understand that the Respondents have never provided documented proof that Appellant have stolen or the amount Appellant has stolen and all allegation of these allege charges have been all verbal.

Respondent has never provided documented proof of what constitutes un-masonic conduct and never have provided documented proof what un-masonic conduct Appellant done.

All Appellant is asking for is justice for the false allegation made against him.

The Grand Lodge violated the Washington Law Against Discrimination (WLAD) and denied Appellant Masonic due process during the suspension proceedings, breached and of contract to reinstate his membership, and harassed and defamed his character

The panel decision failed because it did not consider the facts provided by Appellant and should not affirm summary judgment dismissal.

This case should be remanded back to Superior Court to be heard by a jury because Respondent failed to show documentation/proof of alleged charges.

FACTS

I. THE GRAND LODGE CONSTITUTION AND BYLAWS

The Prince Hall Grand Lodge of Washington is a voluntary nonprofit fraternal association incorporated in Washington, and does not consist of exclusively of black members.

The panel is incorrect in their opinion to support the fact that the Grand Lodge is exclusively black members and suggest a form of prejudice and or discrimination to the other ethical origin, whereby "Whites, Asians and others, make up the composition of the Organization.

This is clearly oversight and example of not reviewing Appellant appeal to determine true facts. (CP 175)

The Grand Lodge Constitution states, in pertinent part:

> *Article 13; 19 of the Constitution of the Grand Lodge requires the Grand Master To report all of his acts to the Grand Lodge, and specifies that all acts that are not approved by, are disapproved by, or are not presented to the Grand Lodge are "null and void," "He shall report' all his acts and decisions to the Grand Lodge for its approval.*

Appellant find that the panel failed to consider (CP 246) (CP 247) as evidence that explains clearly the supreme, inherent and absolute legislative on how the Grand Lodge disposition motions in accordance with the Grand Lodge Constitution.

Appellant believe that in the panel review of this exercise, they will discover the appropriate behavior to support Appellant request for reconsideration, which will show how to determine a vote and majority. (CP 289)

Appellant was never tried in his subordinate Lodge, therefore his due process was violated as the Grand Lodge/Grand Master grossly violated Appellant rights and substantive due process. (CP 427)

Appellant believe that in the panel review they did not consider Appellant appeal or clerk papers and or exhibits to show the due process of a trial.

Under the Grand Lodge Constitution, the membership has the ultimate authority over the Grand Lodge's legislative, judicial, and executive decisions.

Under the Bylaws, "Sections 207.01 through 207.10" govern an appeal from Worshipful Master decisions." CP at 595. Section 207.01 provides, in pertinent part:

> *Appeals shall be submitted to the Grand Lodge for review of judgments, orders, verdicts, decisions or sentences of a lodge in any disciplinary proceedings of the lodge or the rulings or decisions of Masters, . .. and the accused . . . has the right to and may appeal to the Grand Lodge from any judgment, order, verdict, decision or sentence rendered or adjudged by the lodge.*

Appellant find that the panel failed to consider evidence provided which explains clearly the disposition of the Masonic Trial.

Appellant never walk-out of the trial and never became angry at anytime. This is a false allegation made on behalf of the Grand Lodge to cover up their irregularities to prevent from showing their negligence and discriminative action toward Appellant.

In fact Appellant requested this discovery evidence to prove this allegation was not true and to show that Appellant was innocence of what he had been Accused of 'Theft" that the Grand Lodge have never proven, neither in their Masonic Trial or in Superior Court. (CP 442)

In addition the panel failed to consider that the trial court failed at not demanding Appellant request for discovery.

The trial court failed at not sanctioning Respondents for not providing requested information after being directed to so by Judge Chuschcoff who, instructed/advised Appellant to schedule a time to go to Respondent Counsel office to determine what evidence they had.

Upon review of the information Respondent Counsel stated "he had in his office."

Respondent Counsel was unable to produce the Masonic Trial and the 111th Annual Communication Recordings. (CP 529)

Appellant appealed his suspension to the Grand Lodge's grievance and appeal committee.

However, the committee report is not a published document in the proceedings for the suspension to be upheld.

In accordance with Grand Lodge Constitution and its procedures, the committee must present its recommendation to the entire Grand Lodge for disposition and be voted on and approved by a majority . (CP 318) (CP 320) (321) (540)

This finding is contrary to Masonic Law which holds that in "Title 51.05 Majority Vote of the Masonic Code Book", which is clear in part that states;

" All motions are to be decided by a simple majority vote." (RP 14) (RP 25)

> *Section 51.03 Voting; manner of, majority, exceptions.*
> *01. Number of Votes . Each member of the Grand Lodge s hall have one (1) vote, plus one additional vote for each proxy held provided t hat an individual member shall not be allowed to act as proxy for more than one (1) Lodge. (Reference Titles 126 and 127) (Explanation: This means every Past Master, worshipful Master.*
>
> *03. Manner o f Voting. All questions in Grand Lodge shall be decided by members either by Voting with t heir left hand or written secret ballot as determined by the Grand Master/Presiding Officer. The election of officers s hall be by written secret ballot. The written secret ballot may be conducted.*

The 111th Annual Communication minutes "ONLY" shows a motion being made seconded and carried, however it DOES NOT SHOW A MAJORITY VOTE TAKING PLACE. (CP 536)

This finding is contrary to Masonic Law whereby the court ruled to say that the Grand Lodge voted to affirm Appellant suspension, However the 111th Annual Communication does not show or prove that a majority vote was ever taken.

Appellant believe that in the panel review they did not consider Appellant appeal and rendered their opinion on just a portion of the Contract or Memorandum of Understanding between Appellant and Wraggs.

This finding is contrary to the meeting with the newly elected Grand Master Gregory Wraggs, Whereby, Appellant "DID NOT" asked "Wraggs " to overturn his suspension.

The statements of Wraggs to overturn Appellant suspension and reinstate his membership was made by "Wraggs" himself, as well as asking Appellant to rescinded his appeal to the Grand Lodge and prepare a memorandum of understanding agreeing not to pursue legal action against the Grand Lodge and would reinstate his membership.

Furthermore, it was Wraggs that asked Appellant to mailed the memorandum to his home address 1449 Ferdinand Drive - Tacoma, Washington 98405.

The document was sent certified return receipt sign for by his wife Brenda Wraggs. (CP 34 - 41) (CP 149) (CP 173 –174)

> *An agreement with specific terms between two or more persons or entities in which there is a promise to do something in return for a valuable benefit known as consideration.'Since the law of contracts is at the heart of most business dealings, it is one of the three or four most significant areas of legal concern and can involve variations on circumstances and complexities.*

Appellant highly disagree with panel decision on this matter as there are enforceable evidence to support this issue and a violation of law.

Jacob & Youngs, Inc. v. Kent, 230 N.Y. 239 (1921

> *A business contract creates certain obligations that are to be fulfilled by the parties who entered into the agreement. Legally, one party's failure to fulfill any of its contractual obligations is known as a 'breach'of the contract.*

Appellant continues to believe that the Grand Lodge violated the Masonic code and constitution, Under the Fourteenth Amendment, due process requires the opportunity to be heard "'at a meaningful time and in a meaningful manner and the Grand Lodge never provided that opportunity to Appellant and neither the court in Not Sanctioning the Respondents for not complying to Washington Court Rules.

II. LAWSUIT

Appellant believe that in the panel review they did not consider Appellant appeal and rendered their opinion on only the Respondent response the Appellant suit filed against the Grand Lodge and Wraggs on November 12, 2014.

It appear that the Panel opinion was base on Appellant being Pro Se in this case and not capable of responding or filing a legal and debatable documents in the court.

This appear to be basis and shows prejudice against Appellant defending himself as Pro Se everyone should be held to the same standard appearing before the Court in accordance with Washington Court Rules.

Appellant complaint is not difficult to understand and describe the facts of the discriminative action on behalf of the Grand Lodge. This action is being brought under Washington Law Against Discrimination, RCW49.60 et seq." (CP 1-10)

The complaint proceeds to review Appellant dissatisfaction with his suspension, and argues that the Grand Lodge and Wraggs violated the Masonic Laws and his due process as well as preventing Appellant from presenting his appeal before the Grand Assembly.

Appellant filed his complaint under WLAD due to having been accused of theft to which the Grand Lodge have never proven of provided any documented proof of the allegation. In addition impacted Appellant loss of income at $75,000 each Year for 10 years.

The Grand Lodge claim that Appellant stole money from his church, private citizen, and other organizations, but have not proven or provided any documented proof of the allegation.

Appellant was allegedly charged with un-masonic conduct and found guilty of without any documented proof of the allegation. (CP 74 -76)

Appellant believe that in the panel review they did not consider the facts presented in Appellant appeal where clearly show evidence Grand Lodge unethical conduct and discriminative actions against Appellant. (CP 174)

Appellant request the panel to consider the fact of how can a person be guilty of a action when there is no documented proof and the court does not demand or order discovery evidence for the accused to prove his innocence. (CP 302-303)

> *Definition from Nolo's Plain-English Law Dictionary. One of the most sacred principles in the American criminal justice system, holding that a defendant is* ***innocent until proven guilty****. In other words, the prosecution must prove, beyond a reasonable doubt, each essential element of the crime charged*

On January 26, 2015, Appellant filed a motion for default judgment against Grand Lodge.

On November 12, 2014, Appellant filed complaint in Pierce County against Respondent Most Worshipful Prince Hall Grand Lodge who did not respond until after 74 days had elapsed and Appellant filed Motion for Default in accordance with CR 55 (a) (1) (b).

Colacuricio v. Burger, 110 Wn. App. 488, 41 P. 3d 506 (2002) reconsideration denied, review denied148 Wn.2d 1003, 60 P. 3d 1211. Parties served with notice must respond-to the action or suffer the consequences of a default judgment.

. Appellant request the panel to consider the aforementioned fact that the court failed in not granting Appellant Summary Judgement at the time he filed his Motion for Default. (CP 147)

In accordance with the verbatim report on the hearing heard on February 27, 2016, the court never "Denied" Appellant Motion for Default

It appear the record reflect the court stated; "I'm not going to grant the motion because it's not ready at this point. We will see how this thing goes." (RP 11)

Appellant believe that in the panel review in rendering their opinion they did not read in its entirety the verbatim report of proceedings hearing held on February 27, 2016, and the court, failed in rendering an opinion without fully examining the Report of Proceedings.

Although the court explained to Appellant the proper way to filed a motion for issuance of subpoena duces tecum to compel discovery.

The superior court did not due it due diligence in its capacity to file an order to compel or order Respondents to comply with CR 26 (a)

Discovery Methods:

> *Parties may obtain discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of documents or things or permission to enter upon land or other property, for inspection and other purposes; physical and mental examinations; and requests for admission.*
>
> *Pursuant to CR Rule 26 (a), Appellant acknowledges that these requests are limited to the scope of CR Rule 26 (b), Discovery Scope and Limits. Unless otherwise limited by order of the court in accordance with these rules.*

Appellant believe that the panel failed in not reviewing the four request made for discovery evidence as it appear they only took in consideration of what Respondent counsel presented in it's appeal response which could be consider prejudicial. (CR 413) (RP 11) (RP 17 - 25)

Appellant believe that the panel failed in considering the Grand Lodge motion filed for summary judgment, arguing that Appellant alleged insufficient facts to support a claim under WLAD, of Appellant claims are not barred by the statute of limitations as the Grand Lodge "DO NOT" have statute of limitations.

Appellant believe the panel failed in considering what constitute a breach of contract *Peevyhouse v. Garland Coal & Mining Co., 382 P.2d 109 (Okla. 1962).*

Appellant suspension was not in accordance with the Grand Lodge Constitution and the superior court erred in granting Grand Lodge's motion for summary judgment and dismissed Appellant claims. (CP 529 - 542)

II. ANALYSIS

DEFAULT, SANCTION AND DISCOVERY ISSUES

A. Motion for Default

Appellant believe the panel failed at considering his motion for default in accordance with CR 4 (d) because Respondent failed to file and comply to the timeframe of the complaint filed against them. (CP 145 - 147)

B. Sanctions

Appellant believe that the panel failed in not reviewing Appellant appeal that showed the unethical behavior of Respondent Counsel and superior court's failure to sanction Grand Lodge's counsel for not providing requested discovery and filing a "bogus order" to dismiss, not timely responding to Appellant motion for summary judgment, and not complying with the case order schedule. (CP 200) (CP 301) (CP 500) (CP 529) (534)

It is not the duty of Appellant to requested that the superior court impose sanctions.

Appellant filed all of his document timely in accordance with Washington Court Rules and the court failed to hold Respondent Counsel to the same standard. This appear to be prejudicial treatment. (CP 1– 10)

> *A financial penalty imposed by a judge on a party or attorney for violation of a court rule, for receiving a special waiver of a rule, or as a fine for contempt of court. If a fine, the sanction may be paid to the court or to the opposing party to compensate the other side for inconvenience or added legal work due to the rule violation.*

Appellant raise this issue as a failure of the panel because they did not consider this a matter of importance more especially when it not the responsibility of Appellant to file a sanction because he have no authority to do so.

C. Discovery

Appellant believe that the panel failed in not reviewing and argue that he was improperly denied discovery after the superior court suggested that appellant schedule a date and time to visit Respondent Counsel office to see what discovery they had to offer and report the findings back to the court. (RP 16-20)

Judge Chushcoff stated in the report of proceedings; "if Respondent failed to provide all of the discovery evidence he would do something about it at that time or Respondent could be held in contempt etc." (RP 10)

Furthermore, Appellant find the panel erred stating, "the court provide and explanation of discovery at each hearing" when it was only once, however discussions of discovery was entertained at each hearing.

In fact, Respondents Counsel stated at each hearing he had all the information Appellant was requesting.

Upon Appellant visiting Respondent Counsel office to review the evidence Offered, it was determine the Audio Recording was not the Appellant trial that was on the audio, nor was the 111th Annual Communication Recording available. (RP 7) (RP 9)

Therefore, no other discovery documents outside of what was listed on the Request for Discovery was requested which Respondent never provided neither did the court sanction or order/compel them to provide discovery. (CP 426) (CP 437) (CP 438) (CP 442-444)

Appellant believe that its a complete failure of the panel in rendering and opinion and not considering all the facts and evidence provided by Appellant.

Nor did the panel consider Appellant due process of the Grand Lodge as well as the Superior Court, while determining an outcome without all evidence and factual evidence.

D. Washington Law Against Discrimination

Appellant bring this lawsuit under Washington Law Against Discrimination, RCW49.60. and shows this is not a prima facie case and provided sufficient facts to support his claim.

> *"The WLAD, chapter 49.60 RCW, under RCW 49.60.010 declares as a civil right the right to be free from discrimination because of race, creed, color, national origin, families with children, sex, marital status, age, or the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person."*

Appellant claim under RCW 49.60 does not fails and offered several authorities to support his claim that was not considered by the panel.

Furthermore, it is clear that Appellant believes he was discriminated against.

Appellant stated in his appeal the many instances to support his claim from the various violation of the Grand Lodge and contends that "black on black crime in discrimination happens every day and this is not an exception to the Grand Lodge and its current and past leader is not exempt from this kind of behavior. (CP 460)

Appellant believe the panel did not consider the authorities and or the Clerk Papers provided by Appellant to show that there have been several case that the court have upheld more especially when a Grand Lodge violate it own rules and regulations. (CP 146)

. This case is no different and the actions of the Grand Lodge were motivated by WLAD claim and the panel support Appellant claim by identifying that his claim is not frivolous and debatable.

In the case of association decisions of expulsion, courts will interfere in the following cases: If the decision arrived at was contrary to natural justice, denying a member an opportunity to explain his/her alleged misconduct;

If the rules of the association have not been observed; If the action of the association was malicious, and not bona fide. *McConville v. Milk Wagon Drivers' Union, 106 Cal. App. 696, 697-698 (Cal. App. 1930)*

Due process protection is afforded to members of voluntary associations in disciplinary proceedings. Due process of law means: absence of bad faith; compliance with the constitution and by-laws of the association; and compliance with the principles of natural justice.

The relationship of voluntary associations with its members is governed by contract law. Judicial inquiry into the affairs of private, voluntary associations is limited to "the question whether an association has treated its members in accord with its bylaws and rudimentary due process. *Automotive Electric Service Corp. v. Association of Automotive Aftermarket Distributors, 747 F. Supp. 1483, 1510 (E.D.N.Y. 1990)*

Appellant contends that his appeal is not of a minutia nature, the Superior Court and now the Appeal Court both either miss the point of Appellant complaint and render its opinion prejudicial because he is acting as Pro Se,.

Appellant followed the internal rules and regulation and sought out relief from the judicial system due to having exhausted of it internal resolution processes. (CP 408)

> *ARTICLE 15 - Subordinate Lodges,*
> *Section 15.08. No lodge, or any member thereof, under the jurisdiction of this Grand Lodge, shall resort to civil courts to establish any right or to redress any grievances arising out of the membership in the Order or connected therewith until it or he shall have exhausted the remedies within the Order and in a manner provided by the Constitution, laws and regulations of this Grand Lodge.*

Appellant contends two important issues here; (1) the Grand Lodge violated multiple and vast Laws of the Grand Lodge some changeable, some unchangeable. (2) If Appellant did in fact walk out the trial, why don't the Grand Lodge produce this discovery evidence to prove Appellant is guilty of the un-masonic conduct for which Appellant file its claim?

Here again the panel failed at reviewing all of the documents and consider all of the error and omission of discovery and should remand this case back to trial court.

> *The Universal Declaration of Human Rights, Article 11, states: " Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.*

Appellant was not permitted to appeal the trial result to the Grand Lodge Assembly in accordance with Landmark No 13 of the Grand Lodge Constitution which is an Unchangeable Law and believe that this is another oversight of the panel and rendered and opinion not considering all the fact. (CP 180)

> *Landmark No. 13 The right of every Mason to appeal from the decision of his brethren in a Lodge convened, to the Grand Lodge or General Assembly of Masons.*

Additionally, The panel failed in its opinion and show prejudice as they did not consider the declarations Appellant provided and only consider Wraggs and Lozan declarations.

Appellant would request and advise the panel to review the declarations of Gregory Christopher who is the Pastor of Shiloh Baptist Church (CP 551) James M. Daye (CP 552-553) and Damion Jiles (CP 544 - 553) as evidence why panel should have not affirm the court decision but, rather remanded Appellant case back to trial court to be heard before a jury.

E. Defamation

Appellant argue that he was defamed by the Grand Lodge who have never provided documented proof or fact of the allegation made against him that support support his case of defamation.

> *Defamation of character occurs when someone makes a false statement about you that causes you some type of harm. The statement must be published (meaning some third party must have heard it), false, and it must result in harm, usually to the reputation.*

The panel should have remanded Appellant case back to trial court to be heard before a jury due to Respondent not showing documented proof that Appellant is guilty of "Theft"

The court should not reject Appellant claim because this is a serious problems regarding the exercise of free speech and free press guaranteed
by the First Amendment and the effect of such litigation can itself be sufficient to curtail the exercise of these freedoms. *Defamation vs. First Amendment Rights*

F. Conclusion

Because Appellant appeal presented debatable issues upon which reasonable minds might differ the panel determined his appeal was not frivolous and request reconsideration of his appeal and that Respondent remain in non-compliance of the aforementioned rules for production of documents not provided as well as the oversights of evidence and fact by the Superior and Appeal Courts.

Appellant request reconsideration of his appeal for the foregoing reasons,

Appellants respectfully request that the Court reconsider the Order Granting Summary Judgement because it is contrary to Washington Law, Masonic, Unchangeable Laws and the United State Constitutional Law
(Procedural and Substantive)

Appellant believes substantial justice has not been done and Appellant Lonnie Ray Traylor be given opportunity to present his case in front of a jury, for unfair treatment, deformation of character, harassment and discrimination.

Appellant is asking the court to Remand this case back to the trial court because, Respondent has failed to provided Appellant and the court documented proof of what Appellant has stolen from the church, private citizen and other organizations.

Respondent has never provided documented proof of what un-masonic conduct the Appellant has done. Everything in Appellant case have been based on verbal allegation and Appellant is asking for justice to be served fairly.

Appellant believe that its impossible to defend himself when he has never been formally charge.

This Common laws make provision for this action which have been universally accepted as U.S. law an the Constitution does, however, provide provisions allowing for the right to a trial by jury.

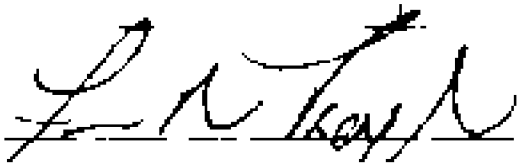
Appellant Lonnie Ray Traylor plead to the court that all requests for Production of Documents have been exhausted.

ALL internal remedies of the Grand Lodge to resolve this matter internally after making several attempts in accordance with the Internal processes.

Appellant now ask the court to reconsider and grant Appellant request that his case be reconsidered and remanded back to trial court and Respondent to provided documented proof of all charges and claims made against Appellant.

Appellant is only asking for fair and impartial due process.

DATED this 12th day of January 2017



Lonnie Ray Traylor

Appellant - Pro Se

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

LONNIE RAY TRAYLOR

Appellant

Pierce County **No. 14-2-14181-1**

Court of Appeal Case **No. 48322-0-II**

v

DECLARATION OF
DOCUMENT FILING AND SERVICE

MOST WORSHIPFUL PRINCE HALL GRAND
LODGE F.A.M. WASHINGTON & JURSIDICTION
and MOST WORSHIPFUL GRAND MASTER
GREGORY D. WRAGGS, SR.

Respondents

DECLARATION OF DOCUMENT FILING AND SERVICE

I LONNIE RAY TRAYLOR DECLARE THAT ON THE **11TH DAY OF JANUARY 2017,** I, CAUSED THE ORIGINAL **APPELLANT RECONSIDERATION** TO BE FILED IN THE COURT OF APPEALS DIVISION TWO AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

[X]	**JAMES C. FOWLER, WSBA # 15560**	( )	U.S. MAIL
	1201 PACIFIC AVE STE 1900	**(X)**	**HAND DELIVERED**
	TACOMA, WA 98402	( )	AGREED E-SERVICE
		(X)	VIA COA PORTAL

Appendix #3

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

LONNIE RAY TRAYLOR,

Appellant,

v.

MOST WORSHIPFUL PRINCE HALL GRAND LODGE,

Respondent.

No. 48322-0-II

ORDER DENYING MOTION FOR RECONSIDERATION

APPELLANT moves for reconsideration of the Court's **January 4, 2017** opinion. Upon consideration, the Court denies the motion. Accordingly, it is

SO ORDERED.

PANEL: Jj. Maxa, Worswick, Sutton

DATED this 24th day of January, 2017.

FOR THE COURT:

Maxa, A.C.J.

ACTING CHIEF JUDGE

Lonnie Ray Traylor
P.O. Box 5937
Lacey, WA 98509
traylor48@q.com

James C. Fowler
Vandeberg Johnson & Gandara
999 3rd Ave Ste 3000
Seattle, WA 98104-4043
jfowler@vjgseattle.com

Appendix #4

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

LONNIE RAY TRAYLOR,

Appellant,

v.

MOST WORSHIPFUL PRINCE HALL GRAND LODGE,

Respondent.

No. 48322-0-II

ORDER REQUESTING AN ANSWER TO MOTION TO PUBLISH OPINION

RESPONDENT moves to publish the opinion filed January 4, 2017 in the above entitled matter. As the motion appears to raise a substantial issue and an answer would assist the Court in resolving the motion, the Court requests that the **APPELLANT** file an answer to the motion to publish within ten (10) days of this order. Accordingly, it is

SO ORDERED.

DATED this 24th day of January, 2017.

FOR THE COURT:

Worswick J
PRESIDING JUDGE

Lonnie Ray Traylor
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Appendix #5

IN THE SUPERIOR COURT OF APPEAL STATE OF WASHINGTON

DIVISION TWO

LONNIE RAY TRAYLOR Appellant **vs.** **MOST WORSHIPFUL PRINCE HALL GRAND LODGE F. & A.M. WASHINGTON AND JURSIDICTION and GREGORY D. WRAGGS, SR., Most comprised thereof,** Respondents (s)	**NO. 48322-0-II** **OBJECTION TO MOTION TO PUBLISH OPINION**

1. Identity of objection party and relief sought.

Appellant Lonnie Ray Traylor opposes Respondent Most Worshipful Prince Hall Grand Lodge F. & A.M. Washington and Jurisdiction ("the Grand Lodge"), Motion to Publish Decision and respectfully requests that the Court of Appeal II deny the motion.

2. Statement of facts relevant to this objection.

On January 4, 2017, this Court filed an unpublished opinion in this case in which, Appellant filed a requests for reconsideration pursuant to RAP 1. 2. 4(b), and without prejudice to his right under RAP 13. 4(b) to petition for review to the Supreme Court on all issues in the appeal, that this Supreme Court reconsider its decision of January 4, 2017, in the respects set forth below.

The opinion rendered by the Court of Appeal II and its panel appear not to give consideration to various claims to the dissatisfaction with the Grand Lodge's decision to the disciplinary procedures used to decide his suspension and discriminated against him in violating his due process being accused of theft which is the main theme of his discrimination claim.

Appellant requested Court of Appeal II decision to not affirmed Pierce County Superior Court decision in which Judge Chushcoff indicated he considered the reasoning in the unpublished opinion in *Davis v. Pleasant Forest Camping Club,* 171 Wn.App. 1027 (2012), to be persuasive (VRP April 3, 2015, pp.17)

Judge Chushcoff stated at that same hearing *" Now, as I say, to the extent that they didn't follow their own rules, they didn't follow their own constitution, you may have something there. I don't know until you can look at These minutes, listen to these recordings, and then find the pieces of that that matter and link them up to the rules that they have got and tell me, see, here's where they violated them."* (RP 17)

Appellant requested discovery on four different occasion and respondent never provided the requested information and neither did Judge Chushcoff order or sanction them to do so. (CP 457)

There have been three similar lawsuits against the Respondent Grand Lodge in the last seven years, by Plaintiffs;
Charles Thomas (King County Cause No. 09-2-27700-1SEA), to which the Grand Lodge conducted themselves in the same manner as Appellant have been treated in discrimative manner where the Grand Lodge violated it rules and regulations for Mr. Thomas just asking a question and being suspended, *Orah Presley (USDC, Western District of Washington at Tacoma, Cause No. CV135040 BHS)* suspend for just simply asking a question, and

Kenneth Swanigan and Charlie Walker (Pierce County Cause No. 15-2-09953-7, for have a civic relationship with Appellant and suspended for attending the hearing of Appellant. the cost of similar disputes that might arise in the future.

Thomas case was affirmed by Division One, but the decision was unpublished.

Judge Chuschoff relied on a unpublished authority, to make an uninformed decision and Appellant objects to the request to publish the opinion. (CP 465)

Appellant find it interesting for Respondent to identify only three case filed against the Grand Lodge when it have been actually four as Respondent failed to identify the case of;

Rheubottom v. MWPHGLWA King County Case N.: 03-2-28221-9

where Attorney Fowler litigated and prevailed on behalf of his client Rheubottom; Court Rulings has stated, "we (GRAND LODGE) don't follow our own laws."

Mr. Rheubottom was granted relief from the Grand Lodge violating it own rules. Respondent is now stating this will prevent or reduce the cost of similar disputes? (CP 456)

4. Grounds for relief of Argument

The Common laws make provision for this action which have been universally accepted as U.S. law an the Constitution.

The Grand Lodge is not above the law and should be held accountable for discrimative unethical behaviors.

5. Grounds for relief of Argument

Appellant object to Respondent requests to publish it opinion and ask that the Court do not publish this decision because it will not prevent or reduce the cost of similar disputes that might arise in the future of the Grand Lodge as long as the Grand Lodge continue to violate it rules and regulations.

Dated this 31st day of January 2017

LONNIE R. TRAYLOR
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traylor48@q.com

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

LONNIE RAY TRAYLOR

Pierce County **No. 14-2-14181-1**

Appellant

Court of Appeal Case **No. 48322-0-II**

v

DECLARATION OF

DOCUMENT FILING AND SERVICE

MOST WORSHIPFUL PRINCE HALL GRAND LODGE F.A.M. WASHINGTON & JURSIDICTION and MOST WORSHIPFUL GRAND MASTER GREGORY D. WRAGGS, SR.

Respondents

DECLARATION OF DOCUMENT FILING AND SERVICE

I LONNIE RAY TRAYLOR DECLARE THAT ON THE **31ST DAY OF JANUARY 2017,** I, CAUSED THE ORIGINAL **OBJECTION TO MOTION TO PUBLISH** TO BE FILED IN THE COURT OF APPEALS DIVISION TWO AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

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