

**Supreme Court
of the State of Washington**

Patricia Landes,
Petitioner,

v.

Patrick Cuzdey,
Respondent.

No. 97724-1

COA No. 51841-4-II

**Motion to Disqualify Attorney
Drew Mazzeo**

1. Identity of Moving Party

Respondent, Patrick Cuzdey, asks for the relief designated in Part 2.

2. Statement of Relief Sought

Disqualify Landes' attorney, Drew Mazzeo, from any further participation in this case due to conflicts of interest under RPC 1.9, 1.10, and 1.17 arising from Mr. Mazzeo's purchase of the law practice of Cuzdey's trial counsel in this case, Mary Ann Strickler (Strickler Law Office, LLC).

Any disqualification order should also order Mr. Mazzeo to deliver to Cuzdey any existing hard copies of Cuzdey's client files received from Ms. Strickler and a complete copy of any

digital files, and then to destroy all copies in his or his firm's possession. The Court should prohibit Mr. Mazzeo from disclosing to any person any information about Cuzdey that Mr. Mazzeo may have obtained from Ms. Strickler's files.

In the alternative, if factual findings are needed, refer the matter to superior court for a period of discovery followed by an evidentiary hearing, and stay all proceedings in this Court pending a report from superior court with findings of fact.

3. Facts Relevant to Motion

The facts set forth herein are supported by the Declarations of Patrick Cuzdey, Jacob Cuzdey, and Kevin Hochhalter, and attachments thereto, filed together with this motion.

Cuzdey was initially represented in this unlawful detainer action by attorney Mary Ann Strickler. *E.g.*, CP 55. In January 2018, Jon Cushman of Cushman Law Offices, P.S., and Kevin Hochhalter of Olympic Appeals PLLC substituted for Ms. Strickler after the trial court entered its judgment against Cuzdey, for purposes of pursuing a motion for reconsideration and, if necessary, an appeal. Cuzdey intended to retain Ms. Strickler again if he prevailed on appeal.

After this Court issued its Opinion, Cuzdey learned that Ms. Strickler had sold her practice to Drew Mazzeo. Neither

Ms. Strickler nor Mr. Mazzeo had contacted Cuzdey to notify him of the sale or to discuss the disposition of Cuzdey's client files or the conflict of interest that would arise as a result of the sale.

When the issue of a conflict of interest was raised with Mr. Mazzeo, his only response was, "My firm purchased assets and good will from Mary Ann. I have never been Mr. Cuzdey's attorney, he has never asked me to be, and I have never offered to be. I have never spoken with him."

Ms. Strickler's public website is still live. The phone number listed there and on her WSBA profile leads to a voice message stating, "Hello, you have reached Strickler Law Office. Our office is now closed. We are retired, Please if you need assistance call Andrew Mazzeo at 360.754.1976." Numerous unlawful detainer actions in superior court show Mr. Mazzeo as having associated with or substituted for Ms. Strickler on or about July 19, 2019.

4. Grounds for Relief

Under RAP 7.3, this Court has authority "to perform all acts necessary or appropriate to secure the fair and orderly review of a case." The Court may "issue orders ... to insure effective and equitable review, including authority to grant injunctive or other relief to a party." RAP 8.3. This authority

should include disqualifying an attorney for a party for conflicts of interest under the RPCs. Drew Mazzeo and his firm should be disqualified from further representation of Landes in this matter, due to ethical obligations toward Cuzdey as a former client, incurred when Mr. Mazzeo purchased the practice of Mary Ann Strickler.

When a law practice is sold, it must be sold as a whole. RPC 1.17. The buyer cannot pick and choose which clients or files to take and leave others behind. RPC 1.17, Comment [6]. “The purchasers are required to undertake all client matters in the practice or practice area, subject to client consent.” *Id.* Both the seller and the purchaser have an obligation to notify affected clients of the contemplated sale and any resulting conflicts of interest and give the clients the opportunity to take their files and matters elsewhere. RPC 1.17(c) and Comments [7] and [16].

“Lawyers participating in the sale of a law practice or a practice area are subject to the ethical standards applicable to involving another lawyer in the representation of a client. These include, for example, ... the obligation to avoid disqualifying conflicts, and to secure the client’s informed consent for those conflicts that can be agreed to (see Rule 1.7 regarding conflicts and Rule 1.0A(e) for the definition of informed consent); and the obligation to protect information relating to the representation (see Rules 1.6 and 1.9).” RPC 1.17, Comment [11].

When a practice is sold and the files of clients and former clients transferred to the buyer, those clients and former clients of the seller become clients and former clients of the buyer. If the transaction is handled properly, any conflicts that would result would have been screened and handled prior to the transfer of any files.

Here, that did not happen. Neither Ms. Strickler nor Mr. Mazzeo ever notified Cuzdey of the contemplated sale. Mr. Mazzeo's assertion that the firm purchased only "assets and goodwill" is not credible, given the strict requirements of RPC 1.17. Where the rule requires that a practice must be sold as a whole, the only reasonable conclusion is that all of Ms. Strickler's former client files, including Cuzdey's, were transferred to Mr. Mazzeo and his firm.

As soon as that transfer occurred, Mr. Mazzeo obtained not only Cuzdey's file but also ethical obligations to Cuzdey as a former client under RPC 1.9. "A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing." RPC 1.9(a).

When Mr. Mazzeo obtained Cuzdey's former client file from Ms. Strickler, both he and his entire firm were disqualified

under RPC 1.9(a) from any further representation of Landes in this unlawful detainer matter. It is the same matter in which Ms. Strickler formerly represented Cuzdey, and Landes' interests are materially adverse to Cuzdey. Mr. Mazzeo never sought Cuzdey's informed consent, and Cuzdey does not give it. Mr. Mazzeo is disqualified from representing Landes because of his duties to Cuzdey as a former client, incurred through the purchase of Ms. Strickler's practice.

5. Conclusion

This Court should disqualify Drew Mazzeo and his firm, Lifetime Legal, from any further representation of Landes in this matter, in any court.

Any disqualification order should also order Mr. Mazzeo to deliver to Cuzdey any existing hard copies of Cuzdey's client files received from Ms. Strickler and a complete copy of any digital files, and then to destroy all copies in his or his firm's possession. The Court should prohibit Mr. Mazzeo from disclosing to any person any information about Cuzdey that Mr. Mazzeo may have obtained from Ms. Strickler's files.

In the alternative, if factual findings are needed, refer the matter to superior court for a period of discovery followed by an evidentiary hearing, and stay all proceedings in this Court pending a report from superior court with findings of fact.

DATED this 21st day of October, 2019.

/s/ Kevin Hochhalter
Kevin Hochhalter, WSBA #43124
Attorney for Appellant
kevin@olympicappeals.com
Olympic Appeals PLLC
4570 Avery Ln SE #C-217
Lacey, WA 98503
360-763-8008

Certificate of Service

I certify, under penalty of perjury under the laws of the State of Washington, that on October 21, 2019, I caused the foregoing document to be filed with the Court and served on counsel listed below by way of the Washington State Appellate Courts' Portal.

Drew P. Mazzeo
Bauer, Pitman, Snyder, Huff
Lifetime Legal, PLLC
1235 Fourth Avenue East Suite 200
Olympia WA 98506
dpm@lifetime.legal
stacias@lifetime.legal

DATED this 21st day of October, 2019.

/s/ Kevin Hochhalter
Kevin Hochhalter, WSBA #43124
Attorney for Appellant
kevin@olympicappeals.com
Olympic Appeals PLLC
4570 Avery Ln SE #C-217
Lacey, WA 98503
360-763-8008

**Court of Appeals, Div. II,
of the State of Washington**

Patricia Landes,
Respondent,
v.
Patrick Cuzdey,
Appellant.

No. 51841-4-II

**Declaration of Patrick Cuzdey
in Support of Motion to
Disqualify**

Patrick Cuzdey declares as follows:

My name is Patrick Cuzdey. I am the Appellant in this case. I am competent to testify in the courts of the State of Washington. My testimony herein is based on my personal knowledge.

I was originally represented in this unlawful detainer action in Thurston County Superior Court by Mary Ann Strickler. I worked with her to prepare a responsive declaration, and she prepared our response brief and presented argument to

the trial court at the show cause / summary judgment hearing. After the trial court entered judgment against me in January 2018, I engaged Mr. Cushman and Mr. Hochhalter to handle a motion for reconsideration and an appeal. Although Ms. Strickler withdrew at that point, I expected to have her back on the case if we won the appeal and went back to superior court. It wasn't until we did win that I learned that Ms. Strickler had retired and sold her practice to Mr. Mazzeo.

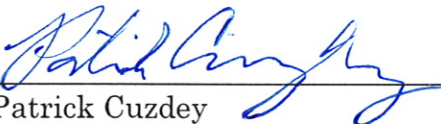
Neither Ms. Strickler nor Mr. Mazzeo or his firm ever notified me that Ms. Strickler intended to sell her practice to Mr. Mazzeo. Nobody ever contacted me about retrieving my file. Nobody ever informed me of any conflicts of interest that could arise as a result of the sale. Ms. Strickler's office had my cell phone number, my physical address, my P.O. Box, and my email address, as well as the contact information of my son, Jake, and my attorneys, Mr. Cushman and Mr. Hochhalter. She had communicated with us many times through these means, still nobody attempted to contact me about the sale.

It is my understanding that as a result of the sale, Mr. Mazzeo and his firm now owe me the same duties to a former client that Ms. Strickler did. This creates a conflict of interest under RPC 1.9, which prohibits Mr. Mazzeo and his firm

from representing a person with interests adverse to mine in the same matter that Ms. Strickler formerly represented me in. This means that Drew Mazzeo and his firm can no longer represent Ms. Landes in this matter without my informed consent. I do not consent to waive this conflict of interest.

I declare under penalty of perjury under the laws of the State of Washington that the facts set forth above are true and correct.

SIGNED at 11:30 Am, this 17th day of October, 2019.


Patrick Cuzdey

**Court of Appeals, Div. II,
of the State of Washington**

Patricia Landes,
Respondent,
v.
Patrick Cuzdey,
Appellant.

No. 51841-4-II

**Declaration of Jacob Cuzdey in
Support of Motion to Disqualify**

Jacob Cuzdey declares as follows:

My name is Jacob Cuzdey. My father is the Appellant in this case. I am competent to testify in the courts of the State of Washington. My testimony herein is based on my personal knowledge.

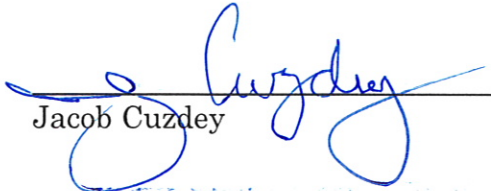
Neither Ms. Strickler nor Mr. Mazzeo or his firm ever attempted to reach my father through me to notify him about the proposed sale of Ms. Strickler's practice to Mr. Mazzeo. Ms. Strickler's office had my cell phone number, my physical

address, and my email address as means to communicate with both me and my father. She had communicated with us many times through these means, still nobody attempted to contact my father through me about the sale.

After we learned that the sale had happened, I called Ms. Strickler's office phone number. The call went straight to voice mail, with a message that said, "Hello, you have reached Strickler Law Office. Our office is now closed. We are retired, Please if you need assistance call Andrew Mazzeo at 360.754.1976." This confirmed to me that she had sold her practice to Mr. Mazzeo.

I declare under penalty of perjury under the laws of the State of Washington that the facts set forth above are true and correct.

SIGNED at 11:03am, this 17th day of October, 2019.



Jacob Cuzdey

**Supreme Court
of the State of Washington**

Patricia Landes,
Petitioner,
v.
Patrick Cuzdey,
Respondent.

No. 97724-1

COA No. 51841-4-II

**Declaration of Kevin
Hochhalter in Support of
Motion to Disqualify**

Kevin Hochhalter declares as follows:

My name is Kevin Hochhalter. I represent the Appellant, Patrick Cuzdey, in this case. I am competent to testify in the courts of the State of Washington. My testimony herein is based on my personal knowledge.

Ms. Strickler’s public website is still live. It does not indicate that the practice has closed, but it lists the phone number that Jacob Cuzdey called and received the voice message referring callers to Mr. Mazzeo. A copy of her “contact”

page is attached. The same phone number is still listed on Ms. Strickler's listing with the WSBA. A copy of that listing is attached.

I located five Thurston County Superior Court cases on the Odyssey system in which Ms. Strickler started the case but Mr. Mazzeo associated with or substituted for her on or about July 19, 2019. It would appear that the sale of Ms. Strickler's practice to Mr. Mazzeo must have taken place around that time. Copies of the Odyssey printouts of these cases are attached.

I was never notified pursuant to RPC 1.17 regarding the proposed sale. I was never notified pursuant to RPC 1.9 regarding the conflict of interest that would result from the sale or regarding any request for Mr. Cuzdey's informed consent.

After the Court of Appeals Opinion was issued, Mr. Cushman and I communicated with Mr. Mazzeo about the effects of the decision. As part of that communication, Mr. Cushman raised the issue of the conflict of interest created by Mr. Mazzeo's purchase of Ms. Strickler's practice. Mr. Mazzeo's only response was, "My firm purchased assets and good will from Mary Ann. I have never been Mr. Cuzdey's attorney, he has never asked me to be, and I have never offered

to be. I have never spoken with him.” A copy of the email with Mr. Mazzeo’s response is attached.

I declare under penalty of perjury under the laws of the State of Washington that the facts set forth above are true and correct.

SIGNED at Lacey, Washington, this 21st day of October, 2019.

/s/ Kevin Hochhalter
Kevin Hochhalter, WSBA #43124
Attorney for Appellant
kevin@olympicappeals.com
Olympic Appeals PLLC
4570 Avery Ln SE #C-217
Lacey, WA 98503
360-763-8008



Strickler Law Office, LLC

Home

Legal areas/Links

↳ **Contact**

If you need experienced, professional representation, please feel free to call or visit.

We are located at 303 Cleveland Ave. SE, Ste. 201, Tumwater, WA 98501.

Our phone number is: (360) 539-7156. Our fax number is: (360) 539-7205

Email: pls@stricklerlawoffice.com

We look forward to hearing from you. Thank you for your interest!



Mary Ann Strickler

License Number: 25294

License Type: Lawyer

Eligible To Practice: Yes

License Status: Active

WSBA Admit Date: 11/14/1995

Contact Information

Public/Mailing Address: PO Box 13153
Olympia, WA 98508-3153
United States

Email:

Phone: (360) 539-7156

Fax:

Website:

TDD:

Practice Information Identified by Legal Professional

Firm or Employer:

Office Type and Size: Solo practice

Practice Areas: Landlord/ Tenant

Languages Other Than English: None Specified

Professional Liability Insurance

Private Practice: Yes

Has Insurance? Yes - [Click for more info](#)

Last Updated: 1/31/2019 8:02:26 AM

Committees

Member of these committees/boards/panels:

None

Disciplinary History

In some cases, discipline search results will not reveal all disciplinary action relating to a Washington licensed legal professional, and may not display links to the official decision documents.

Case Information

19-2-03326-34 | EVERGREEN VISTA 1 OWNER LP et al vs KRISTIN DAVIDSON et al

Case Number	Court	Case Status
19-2-03326-34	Thurston	Completed/Re-Completed
File Date	Case Type	
07/03/2019	UND Residential Unlawful Detainer	

Party

Plaintiff

EVERGREEN VISTA 1 OWNER LP

Active Attorneys ▼

Lead Attorney
Strickler, Mary Ann
Retained

Attorney
MAZZEO, ANDREW PETERSON
Retained

Plaintiff

MERCY HOUSING MANAGEMENT GROUP

Active Attorneys ▼

Lead Attorney
Strickler, Mary Ann
Retained

Attorney
MAZZEO, ANDREW PETERSON
Retained

Defendant

DAVIDSON, KRISTIN

Defendant
DAVIDSON, TIMOTHY

Defendant
CALHOUN, LOREN

Disposition Events

07/19/2019 Judgment ▼

Judicial Officer
Zinn, Rebekah

Judgment Type
General Recovery

Comment

Comment (7-19-2019 Stipulated and Agreed Order)

Monetary/Property Award

Creditors: EVERGREEN VISTA 1 OWNER LP, MERCY HOUSING MANAGEMENT GROUP

Debtors: DAVIDSON, KRISTIN, CALHOUN, LOREN, DAVIDSON, TIMOTHY

Signed Date: 07/19/2019

Filed Date: 07/19/2019

Effective Date: 07/19/2019

Current Judgment Status:

Status: Active

Status Date: 07/19/2019

Monetary Award:

Fee: Principal, Amount: \$2,205.00 , Interest: 12.00 % , Interest Start Date: 07/19/2019

Fee: Attorney Fee, Amount: \$750.00 , Interest: 12.00 % , Interest Start Date: 07/19/2019

Fee: Costs, Amount: \$407.00 , Interest: 12.00 % , Interest Start Date: 07/19/2019

Total: \$3,362.00

Comment

Comment ()

Events and Hearings

07/03/2019 Case Information Cover Sheet
07/03/2019 Complaint
07/03/2019 Summons
07/03/2019 Statement ▼ Comment Requirement
07/03/2019 Motion for Order to Show Cause
07/03/2019 Order to Show Cause
07/03/2019 Ex Parte Action With Order
07/08/2019 Affidavit Declaration Certificate Confirmation of Service
07/15/2019 Affidavit Declaration Certificate Confirmation of Service
07/15/2019 Verification ▼ Comment of Complaint
07/19/2019 Show Cause ▼ Judicial Officer Zinn, Rebekah Hearing Time 10:00 AM
07/19/2019 Motion Hearing
07/19/2019 Case Resolution Closed by Court Order After a Hearing

07/19/2019 Cost Bill
07/19/2019 Writ of Restitution
07/19/2019 Notice of Association of Counsel
07/19/2019 Judgment and Order for Writ of Restitution
07/19/2019 Ex Parte Action With Order
07/19/2019 Judgment and Order for Writ of Restitution
08/30/2019 Declaration Affidavit ▼
Comment of Kathy Davis
08/30/2019 Order for Writ of Restitution
08/30/2019 Writ of Restitution

Financial

EVERGREEN VISTA 1 OWNER LP

Total Financial Assessment	\$237.00
Total Payments and Credits	\$237.00

7/3/2019	Transaction Assessment			\$197.00
7/3/2019	Counter Payment	Receipt # 34-2019-0022794	STSRICKLER LAW OFFICE	(\$197.00)
7/19/2019	Transaction Assessment			\$20.00
7/19/2019	Counter Payment	Receipt # 34-2019-0024471	EVERGREEN VISTA 1 OWNER LP	(\$20.00)
8/30/2019	Transaction Assessment			\$20.00
8/30/2019	Mail Payments	Receipt # 34-2019-0029629	BAUER PITMAN SNYDER HUFF	(\$20.00)

Case Information

19-2-03289-34 | TRACY HOMANN et al vs BRANDON BARNARD et al

Case Number
19-2-03289-34

File Date
07/02/2019

Court
Thurston
Case Type
UND Residential Unlawful Detainer

Case Status
Completed/Re-Completed

Party

Plaintiff
HOMANN, TRACY

Active Attorneys ▼
Lead Attorney
Strickler, Mary Ann
Retained

Attorney
MAZZEO, ANDREW PETERSON
Retained

Plaintiff
HOMANN, CINDY

Active Attorneys ▼
Lead Attorney
Strickler, Mary Ann
Retained

Attorney
MAZZEO, ANDREW PETERSON
Retained

Defendant
BARNARD, BRANDON

Defendant
BARNARD, KRISTINA

Events and Hearings

07/02/2019 Case Information Cover Sheet
07/02/2019 Complaint
07/02/2019 Summons
07/02/2019 Motion for Order to Show Cause
07/02/2019 Order to Show Cause
07/02/2019 Ex Parte Action With Order
07/08/2019 Affidavit Declaration Certificate Confirmation of Service
07/11/2019 Affidavit Declaration Certificate Confirmation of Service
07/11/2019 Verification ▼ Comment of Complaint
07/19/2019 Show Cause ▼ Judicial Officer Zinn, Rebekah Hearing Time 10:00 AM
07/19/2019 Motion Hearing
07/19/2019 Notice of Association of Counsel
07/19/2019 Order of Dismissal
07/19/2019 Case Resolution Dismissal Without Trial

Financial

HOMANN, TRACY

Total Financial Assessment	\$197.00
Total Payments and Credits	\$197.00

7/2/2019	Transaction Assessment	\$197.00
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7/2/2019	Counter Payment	Receipt # 34-2019-0022673	STRICKLER LAW OFFICE	(\$197.00)
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Case Information

19-2-03290-34 | MICHAEL S STURDEVANT et al vs SANDI PROEFROCK et al

Case Number
19-2-03290-34
File Date
07/02/2019

Court
Thurston
Case Type
UND Residential Unlawful Detainer

Case Status
Completed/Re-Completed

Party

Plaintiff
STURDEVANT, MICHAEL S

Active Attorneys ▼
Lead Attorney
Strickler, Mary Ann
Retained

Attorney
MAZZEO, ANDREW PETERSON
Retained

Plaintiff
STURDEVANT, JODIE C

Active Attorneys ▼
Lead Attorney
Strickler, Mary Ann
Retained

Attorney
MAZZEO, ANDREW PETERSON
Retained

Defendant
PROEFROCK, SANDI

Defendant
MEADORS, DANA

Disposition Events

07/19/2019 Judgment ▼

Judicial Officer
Zinn, Rebekah

Judgment Type
General Recovery

Monetary/Property Award

Creditors: STURDEVANT, JODIE C, STURDEVANT, MICHAEL S

Debtors: MEADORS, DANA, PROEFROCK, SANDI

Signed Date: 07/23/2019

Filed Date: 07/23/2019

Effective Date: 07/23/2019

Current Judgment Status:

Status: Active

Status Date: 07/23/2019

Monetary Award:

Fee: Principal, Amount: \$2,855.00 , Interest: 12.00 % , Interest Start Date: 07/19/2019

Fee: Attorney Fee, Amount: \$750.00 , Interest: 12.00 % , Interest Start Date: 07/19/2019

Fee: Costs, Amount: \$407.00 , Interest: 12.00 % , Interest Start Date: 07/19/2019

Total: \$4,012.00

Comment

Comment ()

Events and Hearings

07/02/2019 Case Information Cover Sheet
07/02/2019 Complaint
07/02/2019 Summons
07/02/2019 Motion for Order to Show Cause
07/02/2019 Statement ▼ Comment Requirement
07/02/2019 Order to Show Cause
07/02/2019 Ex Parte Action With Order
07/08/2019 Affidavit Declaration Certificate Confirmation of Service
07/11/2019 Verification ▼ Comment of Complaint
07/19/2019 Show Cause ▼ Judicial Officer Zinn, Rebekah Hearing Time 10:00 AM
07/19/2019 Uncontested Resolution Hearing
07/19/2019 Case Resolution Settled by Parties Agreed Judgment No Trial
07/19/2019 Cost Bill
07/19/2019 Writ of Restitution
07/19/2019 Notice of Association of Counsel
07/19/2019 Judgment and Order for Writ of Restitution
08/08/2019 Sheriffs Return on Writ ▼ Comment of Restitution

Financial

STURDEVANT, MICHAEL S

Total Financial Assessment

\$217.00

Total Payments and Credits

\$217.00

7/2/2019	Transaction Assessment			\$197.00
7/2/2019	Counter Payment	Receipt # 34-2019- 0022675	STRICKLER LAW OFFICE	(\$197.00)
7/19/2019	Transaction Assessment			\$20.00
7/19/2019	Counter Payment	Receipt # 34-2019- 0024466	STURDEVANT, MICHAEL S	(\$20.00)

Case Information

19-2-03327-34 | TLC HOLDINGS LLC vs STERLING BUSHNELL

Case Number
19-2-03327-34
File Date
07/03/2019

Court
Thurston
Case Type
UND Residential Unlawful Detainer

Case Status
Completed/Re-Completed

Party

Plaintiff
TLC HOLDINGS LLC

Active Attorneys ▼
Lead Attorney
Strickler, Mary Ann
Retained

Attorney
MAZZEO, ANDREW PETERSON
Retained

Defendant
BUSHNELL, STERLING

Disposition Events

07/19/2019 Judgment ▼

Judicial Officer
Zinn, Rebekah

Judgment Type
General Recovery

Monetary/Property Award

Creditors: TLC HOLDINGS LLC

Debtors: BUSHNELL, STERLING

Signed Date: 07/19/2019

Filed Date: 07/19/2019

Effective Date: 07/19/2019

Current Judgment Status:

Status: **Active**

Status Date: 07/19/2019

Monetary Award:

Fee: **Principal**, Amount: \$1,650.00 , Interest: 12.00 % , Interest Start Date: 07/19/2019

Fee: **Costs**, Amount: \$407.00 , Interest: 12.00 % , Interest Start Date: 07/19/2019

Fee: **Attorney Fee**, Amount: \$750.00 , Interest: 12.00 % , Interest Start Date: 07/19/2019

Total: **\$2,807.00**

Comment

Comment ()

Events and Hearings

07/03/2019 Case Information Cover Sheet
07/03/2019 Complaint
07/03/2019 Summons
07/03/2019 Motion for Order to Show Cause
07/03/2019 Order to Show Cause
07/03/2019 Ex Parte Action With Order
07/11/2019 Verification ▼

Comment of Complaint
07/11/2019 Affidavit Declaration Certificate Confirmation of Service
07/11/2019 Affidavit Declaration Certificate Confirmation of Service
07/15/2019 Affidavit Declaration Certificate Confirmation of Service
07/19/2019 Show Cause ▼ Judicial Officer Zinn, Rebekah Hearing Time 10:00 AM
07/19/2019 Uncontested Resolution Hearing
07/19/2019 Case Resolution Settled by Parties Agreed Judgment No Trial
07/19/2019 Cost Bill
07/19/2019 Writ of Restitution
07/19/2019 Notice of Association of Counsel
07/19/2019 Judgment and Order for Writ of Restitution
07/30/2019 Sheriffs Return on Writ

Financial

TLC HOLDINGS LLC

Total Financial Assessment	\$217.00
Total Payments and Credits	\$217.00

7/3/2019	Transaction Assessment		\$197.00
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7/3/2019	Counter Payment	Receipt # 34-2019-0022796	STRICKLER LAW OFFICE	(\$197.00)
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7/19/2019	Transaction Assessment		\$20.00
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7/19/2019	Counter Payment	Receipt # 34-2019-0024472	stricker law	(\$20.00)
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Case Information

19-2-03288-34 | CARL H TUTTLE vs TERRA FRYE

Case Number
19-2-03288-34
File Date
07/02/2019

Court
Thurston
Case Type
UND Residential Unlawful Detainer

Case Status
Completed/Re-Completed

Party

Plaintiff
TUTTLE, CARL H

Active Attorneys ▼
Lead Attorney
Strickler, Mary Ann
Retained

Attorney
MAZZEO, ANDREW PETERSON
Retained

Defendant
FRYE, TERRA

Disposition Events

07/19/2019 Judgment ▼

Judicial Officer
Zinn, Rebekah

Judgment Type
General Recovery

Monetary/Property Award

Creditors: TUTTLE, CARL H

Debtors: FRYE, TERRA

Signed Date: 07/19/2019

Filed Date: 07/19/2019

Effective Date: 07/19/2019

Current Judgment Status:

Status: **Active**

Status Date: 07/19/2019

Monetary Award:

Fee: **Principal**, Amount: \$3,135.00 , Interest: 12.00 % , Interest Start Date: 07/19/2019

Fee: **Attorney Fee**, Amount: \$750.00 , Interest: 12.00 % , Interest Start Date: 07/19/2019

Fee: **Costs**, Amount: \$407.00 , Interest: 12.00 % , Interest Start Date: 07/19/2019

Total: \$4,292.00

Comment

Comment ()

Events and Hearings

07/02/2019 Case Information Cover Sheet
07/02/2019 Complaint
07/02/2019 Summons
07/02/2019 Motion for Order to Show Cause
07/02/2019 Order to Show Cause
07/02/2019 Ex Parte Action With Order
07/08/2019 Affidavit Declaration Certificate Confirmation of Service
07/08/2019 Affidavit Declaration Certificate Confirmation of Service

07/08/2019 Affidavit Declaration Certificate Confirmation of Service
07/09/2019 Affidavit Declaration Certificate Confirmation of Service
07/11/2019 Verification ▼ Comment of Complaint
07/19/2019 Show Cause ▼ Judicial Officer Zinn, Rebekah Hearing Time 10:00 AM
07/19/2019 Uncontested Resolution Hearing
07/19/2019 Case Resolution Settled by Parties Agreed Judgment No Trial
07/19/2019 Order Granting Limited Dissemination
07/19/2019 Cost Bill
07/19/2019 Motion ▼ Comment to Limit Dissemination
07/19/2019 Writ of Restitution
07/19/2019 Notice of Association of Counsel
07/19/2019 Judgment and Order for Writ of Restitution
07/19/2019 Case Resolution Settled by Parties Agreed Judgment No Trial
08/08/2019 Sheriffs Return on Writ ▼ Comment of Restitution

Financial

TUTTLE, CARL H

Total Financial Assessment

\$217.00

Total Payments and Credits

\$217.00

7/2/2019	Transaction Assessment			\$197.00
7/2/2019	Counter Payment	Receipt # 34-2019-0022671	STRICKLER LAW OFFICE	(\$197.00)
7/19/2019	Transaction Assessment			\$20.00
7/19/2019	Counter Payment	Receipt # 34-2019-0024469	TUTTLE, CARL H	(\$20.00)



Kevin Hochhalter <kevin@olympicappeals.com>

COA opinion

Drew P Mazzeo <DPM@lifetime.legal>

Thu, Aug 29, 2019 at 4:13 PM

To: Jon Cushman <joncushman@cushmanlaw.com>

Cc: Kevin Hochhalter <kevin@olympicappeals.com>, Stacia Smith <StaciaS@lifetime.legal>

Hey Jon,

See my responses in **RED**.

We categorically reject your mischaracterization of the meaning of the COA opinion.

If Mr. Cuzdey is still asserting that he was a tenant-at-will, i.e., guest, on Mrs. Landes' real property, he has no legal basis to come back onto Mrs. Landes' real property now. A tenant at will, i.e., guest, once off another's property—has no legal basis to lawfully return. The Court of Appeals decision did not decide whether he was or was not a tenant at will or whether or not he was a month to month tenant on Mrs. Landes' real property.

On the other hand, if Mr. Cuzdey agrees with Mrs. Landes and is now admitting that he was a month to month tenant on Mrs. Landes' real property only, per the rental agreement the court of appeals just issued an opinion regarding, then of course Mrs. Landes cannot bar him from the real property without a valid court order/writ because Mr. Cuzdey has, as Mrs. Landes has always asserted, a month to month rental agreement allowing him on the real property. In other words, to be clear, if Mr. Cuzdey comes onto Mrs. Landes' real property because the writ has been reversed—the only way he can legally do so without trespassing—is because he concedes/admits that he entered into the month-to-month rental agreement regarding the real property in January of 2016.

The writ was reversed. He did not leave. He was improperly ejected. He was at lunch when the deputy arrived one day early and posted the premises. His ejection was wrongful, and he is presently entitled to possession. In order to avoid any confusion, and surprise, Patrick intends to re-take possession this Saturday, August 31. Please advise your client of this.

The order at summary judgment was reversed and remanded I agree. Mr. Cuzdey still has no legal claim to come on the property unless he is asserting he entered into a month to month tenancy in January of 2016. See above.

Patrick will immediately inventory his personal property and the condition of same, including his mobile home. In that regard, your client is liable for Cuzdey's loss of occupancy and all loss and damage to his personal property including but not limited to your client's actions limiting Cuzdey's right to possession of his tools and belongings for a term now over 530 days.

You were previously informed that there was a conflict due to Jake seeking legal assistance from your partner.

Mr. Cuzdey brought a motion before the trial court on this issue years ago now, and the court found the assertion of a conflict baseless and denied the motion to remove me as counsel. No appeal was taken.

THURSTON COUNTY SUPERIOR COURT

Friday, February 16, 2018, 10:00 a.m.
Unlawful Detainer Calendar

Court Commissioner Rebekah Zinn
Dawn M. Nastansky, Deputy Clerk
Hearing Recorded

Underlined Parties Present at Hearing

1. 17-2-05765-34

LANDES, PATRICIA
vs.
CUZDEY, PATRICK

MAZZEO, ANDREW PETERSON

HOCHHALTER, KEVIN

**Unlawful Detainer
Motion to Disqualify Counsel**

Mr. Hochhalter and Mr. Mazzeo presented argument to the Court.

Ruling: Court denied the Motion to Disqualify Counsel.

Court directed Mr. Mazzeo prepare an order, based upon the Court's ruling.

But now an even greater grounds for a conflict exist. You have purchased Mary Ann Strickler's practice. Patrick was a client of Mary Ann's, so now he is a former client of yours on this same matter.

My firm purchased assets and good will from Mary Ann. I have never been Mr. Cuzdey's attorney, he has never asked me to be, and I have never offered to be. I have never spoken with him.

Finally, Patrick's former wife has died. She is a party to the superior court matter. As it appears from the court records you have represented her as a party here and I believe you should have informed us of that death. We understand she died intestate and hence her heirs will inherit. Jake is her son, and on the instant of her death he inherited. As a majority of his siblings would agree Jake intends to intervene in his own name, as the heir to his mother's interests in these lawsuits, and as such you face a new conflict.

I have never represented Mr. Wallen, Patricks former wife. Nor did my old boss, Mr. Taylor. Nothing in the court record indicates otherwise because I have never represented her nor did my former boss. For example, here is the answer to Mr. Cuzdey's second amended complaint, and it says the same thing as to representation as the previous two:

FILED

MAY 21 2015

Superior Court
Linda Myhre Enlow
Thurston County Clerk

<input type="checkbox"/> Expedite
<input type="checkbox"/> No Hearing Set
<input type="checkbox"/> Hearing is Set
Date:
Time:
Judge/Calendar: Gary Tabor

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THURSTON COUNTY**

PATRICK CUZDEY, an unmarried person,

Plaintiff,

vs.

PATRICIA LANDES, a widow; THE ESTATE OF BENNY J. LANDES, deceased; KARLA WALLEN, an unmarried person, and all other persons claiming any right, title or interest, etc.,

Defendants.

NO. 14-2-01483-7

SECOND AMENDED ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANT PATRICIA L. LANDES

COMES NOW, Defendant, Patricia L. Landes, by through her undersigned counsel of record, and in answer to Plaintiff's Second Amended Complaint admits, denies, and alleges as follows:

I. ANSWERS

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WHEREFORE, this Defendant prays for relief as follows:

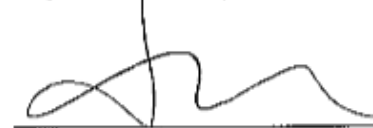
3.1 That the Second Amended Complaint be dismissed with prejudice and that Plaintiff take nothing thereby;

3.2 That this Defendant be awarded judgment against Plaintiff for costs and reasonable attorney's fees; and

3.3 For such other and further relief as this Court deems just and equitable.

DATED this 21 day of May, 2015.

Taylor Law Group, P.S.



Drew Mazzeo WSBA # 46506
Attorneys for Defendant Patricia Landes

You must immediately withdraw.

No, your attempt to prejudice Mrs. Landes by somehow making up reasons to get me off this case will not work and are unappreciated.

Please inform your clients that Patrick fully intends to pursue every legal remedy afforded to him on these matters and their decisions moving forward will greatly dictate just how extensive that is.

We will pursue every legal remedy as well. I will represent Mrs. Landes for free if that is what this takes. She has already exhausted her limited retirement on this case and appeal. I take my ethical duties to protect her interests seriously. She is elderly and I will not allow her to be subjected to frivolous complaints and threats, regardless of payment. We are filing a petition for review of the court of appeals decision and moving to stay this decision.

If they wish to mitigate their liabilities moving forward Patrick will accept a deed to the subject property free and clear of all encumbrances in partial satisfaction of the claims that he has for his losses occasioned by his wrongful eviction and as a good faith gesture.

Mr. Cuzdey will never take or own Mrs. Landes' real property.

There is no end in sight to the options available for my client to pursue this, but my clients are willing to meet with Landes and her new counsel to see if there is a way to end this matter now before further damage to both parties continue.

I will defend Mrs. Landes zealously at every turn. If Mr. Cuzdey's settlement offer includes any "damages" it will be rejected.

Please inform Patricia Landes of this proposal for a meeting between the parties.

There will be no meeting of the parties. As she has made known and stated on the record numerous times, she is literally afraid of Mr. Cuzdey. Meeting is inappropriate. You can relay any settlement offers to me directly.

Best, and appreciate your time,

Drew

Drew Mazzeo

Attorney at Law

Bauer Pitman Snyder Huff Lifetime Legal, PLLC

1235 4th Avenue East, Suite 200

Olympia, WA 98506

Phone: (360) 754-1976

Fax: (360) 943-4427

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[Quoted text hidden]

OLYMPIC APPEALS PLLC

October 21, 2019 - 4:52 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 97724-1
Appellate Court Case Title: Patricia Landes v. Patrick Cuzdey, and Any Other Residents
Superior Court Case Number: 17-2-05765-4

The following documents have been uploaded:

- 977241_Motion_20191021164455SC698489_7204.pdf
This File Contains:
Motion 1 - Other
The Original File Name was Mtn to Disqualify with Decs 2019-10-21.pdf

A copy of the uploaded files will be sent to:

- dpm@lifetime.legal
- elisabethc@cushmanlaw.com
- joncushman@cushmanlaw.com
- stacias@lifetime.legal

Comments:

Motion to Disqualify Landes' Counsel

Sender Name: Kevin Hochhalter - Email: kevin@olympicappeals.com

Address:

4570 AVERY LN SE STE C-217

LACEY, WA, 98503-5608

Phone: 360-763-8008

Note: The Filing Id is 20191021164455SC698489