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SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

In re the Marriage of:)	
)	
KATHLEEN R. SANDERS,)	NO. 00-3-03589-0 SEA
)	
Petitioner,)	DECLARATION OF KATHLEEN
)	SANDERS IN RESPONSE TO
and)	RESPONDENT'S MOTION TO
)	CONTINUE TRIAL DATE
RICHARD B. SANDERS,)	
)	
Respondent.)	
)	

I, Kathleen R. Sanders, declare under penalty of perjury under the laws of the State of Washington that the following is true and correct. I am the Petitioner herein and make this response in opposition to the Respondent's motion for continuance of the trial date.

PETITIONER'S RESPONSE IN OPPOSITION TO
MOTION FOR CONTINUANCE OF TRIAL DATE

I. RELIEF REQUESTED

A. That the Respondent's motion to continue the trial date from March 19, 2001 to a date after the middle of May should be denied because there is no showing of any extraordinary circumstances requiring a change of the trial date and because the motion to continue procedurally fails

DECLARATION OF K. SANDERS IN RESPONSE TO
RESPONDENT'S MOTION TO CONTINUE TRIAL DATE
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1 to follow the civil rules; and

2 B. For attorney fees and costs in the amount of
3 \$1,000 for the Respondent's failure to follow the court
4 rules.

5 **II. STATEMENT OF FACTS**

6 This dissolution proceeding was filed on April 28,
7 2000. The trial date was set for March 19, 2001 before the
8 Honorable Sharon S. Armstrong. I am not interested in a
9 reconciliation. I have made my intentions clear to the
10 Respondent since the action was filed and to my attorney
11 since I retained his services. Prior to filing the Petition
12 for Dissolution I reconciled with the Respondent on two
13 occasions each time resulting in continued infidelity and
14 unkept promises on the part of the Respondent. I am
15 interested only in obtaining a dissolution.

16 The Respondent's attorney states that the March 19,
17 2001 trial date should be continued until the middle of May
18 due to hearings at the Washington State Supreme Court and
19 the Respondent's administrative schedule in March, April and
20 May. The Supreme Court hears oral arguments on Tuesday and
21 Thursday only. Some weeks there are no arguments. The
22 Respondent has chosen to speak at luncheons in lieu of being
23 present for oral argument. There is no reason the
24 Respondent could not appear at a trial on Monday, March 19.

25 The trial should last only one day and no longer than two
26 days at most. Perhaps the Court would begin the trial on

1 March 19 and if it was not completed on that day reconvene
2 on Wednesday, March 21.

3 We participated in mediation for seven hours with Judge
4 Charles Burdell. It was unsuccessful and unproductive. At
5 no time did I agree to continue the mediation process.

6 The issues to be decided at trial pertain to child
7 support, the disposition of property and attorney fees. We
8 have been married for over 17 years and have a 13 year old
9 daughter. This has been an extremely difficult period of
10 time for myself and our daughter. I have had serious health
11 problems and the added emotional stress is impeding my
12 healing as well as the productivity of my law practice. The
13 trial should not be continued.

14 **III. LEGAL AUTHORITY**

15 King County Local Rule 30(e) of the Rules for Superior
16 Court Change of Trial Date, provide:

17 (1) . . .

18 (2) Change of trial date. A motion to strike a trial
19 date or change a trial date more than 28 days before or
20 after the original date, shall be made in writing to the
21 assigned judge . . . and shall be decided without oral
22 argument. A motion to postpone a trial must be signed
23 by the party making the motion unless it is shown why it
24 is impractical for the party to sign, as well as by the
25 party's attorney, if any. If a motion to change the
26 trial date is made after the Final Date to Change Trial
27 Date, as established by the Case Schedule, the motion
28 will not be granted except under extraordinary
circumstances when there is no alternative means of
preventing a substantial injustice. A motion to strike
or change a trial date may be granted subject to such
conditions as justice requires.

26 Here, the motion to change the trial date is for more
27

28 DECLARATION OF K. SANDERS IN RESPONSE TO
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1 than 28 days. The Case Schedule provides that the final
2 date to change the trial date was January 2, 2001. The
3 Respondent did not make the motion until January 25, 2001.
4 There is no reason this motion could not have been made
5 pursuant to the Order Setting Domestic Case Schedule.

6 The Respondent has not set forth any extraordinary
7 circumstances for prolonging the trial date. He has had 10
8 months to pursue discovery. The discovery cut-off date is
9 February 12, 2001. There is time for the Respondent to take
10 depositions and issue subpoenas. The witness lists have
11 been exchanged and the parties should proceed to trial in
12 order to dissolve the marriage. Numerous documents have
13 been provided to the Respondent and his attorney on a
14 voluntary basis.

15 The Respondent has provided no evidence to the Court as
16 to why his schedule would not permit a trial until the
17 middle of May except to state he has hearings and a busy
18 administrative schedule. He has known of the trial date
19 since April 28, 2000. He may not be able to change the oral
20 arguments on Tuesday and Thursday but he has had the ability
21 to adjust his schedule. This trial should be a priority.

22 **IV. ATTORNEY FEES**

23 I am requesting attorney fees in the amount of \$1,000
24 for the necessity of having to respond to this motion which
25 did not comply with the rules in form or substance.
26
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28 DECLARATION OF K. SANDERS IN RESPONSE TO RINZEL, ALLEN, SKONE & SEARING INC. P.S.
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SIGNED at Bellevue, Washington, on January 30, 2001.



 KATHLEEN R. SANDERS

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FILED IN THE DISTRICT COURT OF
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