

Appendix A

LEA ENNIS,
Court Administrator/Clerk

*The Court of Appeals
of the
State of Washington*

DIVISION I
One Union Square
600 University Street
Seattle, WA
98101-4170
(206) 464-7750

May 28, 2021

Samantha Jean Brown
Barker Martin
One Convention Place
701 Pike St Ste 1150
Seattle, WA 98101
Sbrown@barkermartin.com

Roland Ma
100 S. King St, Ste 100
Seattle, WA 98104
rolandma@rolandma.com

CASE #: 82690-5-I
Gallery Belltown Condo Assoc., Respondent v. Roland Ma, Petitioner
King County Superior Court No. 21-2-06448-1 SEA

Counsel:

The following notation ruling by Commissioner Masako Kanazawa of the Court was entered on May 28, 2021, regarding Petitioner's emergency motion for discretionary review:

RULING DENYING EMERGENCY MOTION FOR DISCRETIONARY REVIEW

Gallery Belltown Condominium Association v. Ma, No. 82690-5-I

May 28, 2021

This is an action for injunctive relief filed by Gallery Belltown Condominium Association (Association) against one of its condominium residents, Roland Ma. Gallery Belltown is a 236-unit high rise condominium in Seattle and shared common electrical element. The Association alleges that Ma repeatedly performed unauthorized electrical work creating a serious safety concerns, attempted to prohibit the Association from accessing his unit to perform necessary remedial work, modified the remedial work done by the Association thus creating a further fire and safety risk for the Association, its residents, and the building, in violation of the Association's declaration and covenants, conditions, and restrictions.

On May 18, 2021, Ma, pro se, filed an emergency motion for discretionary review of a May 17, 2021 temporary restraining order entered after oral argument from both Ma and the Association's counsel. After hearing from both sides, the trial court prohibited Ma from "making any changes to or performing any additional work to Unit 515 or its utilities." The court prohibited Ma from interfering with, touching, or modifying any work and temporarily prohibited him from entering his unit during "urgent and necessary electrical work" by the Association until a written clearance to return to his unit. The court set a hearing on June 22, 2021 for Ma to appear and show cause why a preliminary injunction should not be issued to prohibit him from making any alterations to his unit until further order of the court. Ma filed the emergency motion or discretionary review in other cases involving the same parties but from different trial court proceedings, No. 81812-1-I (dismissed on February 23, 2021) and No. 81465-6-I (pending). Upon receipt of Ma's notice for discretionary review of the May 17 temporary restraining order, this Court assigned a new case number No. 82690-5-I to the new notice. Ma has also filed a personal restraint petition based on the same temporary restraining order (No. 82691-3-I). As explained below, Ma's emergency motion for discretionary review is denied.

"Interlocutory review is disfavored." Minehart v. Morning Star Boys Ranch, Inc., 156 Wn. App. 457, 462, 232 P.3d 591 (2010); Maybury v. City of Seattle, 53 Wn.2d 716, 721, 336 P.2d 878 (1959). "Piecemeal appeals of interlocutory orders must be avoided in the interests of speedy and economical disposition of judicial business." Minehart, 156 Wn. App. at 462 (quoting Maybury, 53 Wn.2d at 721). "It is not the function of an appellate court to inject itself into the middle of a lawsuit and undertake to direct the trial judge in the conduct of the case." Maybury, 53 Wn.2d at 720. This Court accepts discretionary review only on the four narrow grounds set forth in RAP 2.3(b):

[D]iscretionary review may be accepted only in the following circumstances:

- (1) The superior court has committed an obvious error which would render further proceedings useless;
- (2) The superior court has committed probable error and the decision of the superior court substantially alters the status quo or substantially limits the freedom of a party to act;
- (3) The superior court has so far departed from the accepted and usual course of judicial proceedings . . . as to call for review by the appellate court; or
- (4) The superior court has certified, or all the parties to the litigation have stipulated, that the order involves a controlling question of law as to which there is substantial ground for a difference of opinion and that immediate review of the order may materially advance the ultimate termination of the litigation.

RAP 2.3(b) (emphasis added). Ma does not cite or address any of the RAP 2.3(b) criteria. He meets none of the criteria.

Ma asserts facts without any reference to the record. He asserts, without references to the record, that his action in his unit was "insured, licensed, and bonded." He cites no authority to explain how the trial court committed an obvious or probable error in entering the temporary restraining order or so far departed from the accepted and usual course of judicial proceedings as to call for appellate review.

The record provided by the Association shows the following. Under the Declaration and Covenants, Conditions, and Restrictions for Gallery Belltown Condominium, the Association has exclusive authority to alter, rebuild, remove, or replace the condominium's common elements, which include any central services or common utility service such as power, light, heating, air conditioning, fire control systems, and communication elements whether they are located in partitions or otherwise. A unit owner's right to modify the owner's unit must comply with the declaration, which requires written approval by the Association's Board of Directors before any substantial alteration to the unit can begin.

On May 10, 2021, Ma tripped the main electrical breaker for the second time and lost total power to his unit. Upon inspection by the building's electrician on May 11, the electrician found an "extensive amount of non-code compliant work," which created a safety concern. For example, the electrician noted "wiring ran in the unit in the wall without conduit, live unterminated wires left with bare ends, a

lamp cord ran in the wall to feed a plug powering the occupants toilet seat, oversized breakers on wires not rated for the load, and receptacles/light fixtures installed without back boxes." The electrician performed remedial work to safely restore partial power to the unit to make it habitable and left for the day, intending to return to perform additional necessary work. On May 12, a community manager of the condominium informed Ma of the need to enter his unit on May 13 for emergency repairs and recommended that he find alternative housing due to medical concerns Ma had previously disclosed associated with the types of repairs needed. On May 13, when the electrician returned to the unit, Ma had removed the unit door lock to prevent the electrician from entering his unit. Ma had also interfered with the electrical panel and removed the safety "lockout tagout" from the panel to attempt to restore full power to the unit, creating a further fire and safety risk for the Association, condominium residents, and the building itself. According to the electrician, "extensive" electrical work and remodel work are necessary to make the unit safe and habitable. Ma repeatedly expressed that he had health issues that would be exacerbated by this type of work but had refused to find temporary alternative housing during the necessary work. On May 13, Ma brought a generator into the building without permission and attempted to use it within the unit, despite condominium staff informing him it was a safety hazard and could not be used in the building. Multiple residents complained of smelling gas in the elevator and hallways near Ma's unit, and the staff who went to inspect smelled gas as well. Ma refused to comply with the instruction not to operate a generator in the building. Police and fire department were called, but Ma refused to provide them access to his unit, so police and fire crew had to break down the door to remove the generator and fuel for life and safety reasons.

In his declaration, the community manager also noted Ma's harassment and threats. According to the manager, Ma had sent packages to the manager's out-of-state home address and called the manager's personal cell phone despite the manager's request not to do so and had threatened the manager's mother and the Board members' family members. One of the Board members resigned from the Board, citing Ma's harassment and perceived threat to her family. Ma continued to ignore the community manager's request not to communicate with individual Board members and instead to direct all communication to the manager and (later) to the Association's attorney.

It appears that Ma, after filing the emergency motion, was arrested on May 21, 2021 for unrelated charges and remained in the Seattle Correctional Facility as of May 25, 2021.

The trial court's temporary restraining order is subject to an abuse of discretion standard of review. See Kucera v. Dep't of Transp., 140 Wn.2d 200, 209, 995 P.2d 63 (2000). A preliminary injunction is appropriate if the party requesting relief (here, the Association) shows (1) a clear legal or equitable right, (2) a well-grounded fear of immediate invasion of that right, and (3) actual and substantial harm resulting from the acts to be enjoined. Tyler Pipe Indus., Inc. v. Dep't of Revenue, 96 Wn.2d 785, 792, 638 P.2d 1213 (1982); Rabon v. City of Seattle, 135 Wn.2d 278, 284, 957 P.2d 621 (1998).

In light of the record, Ma fails to show an obvious or probable error in the trial court's decision to prohibit Ma from making any change to his unit and temporarily prohibit him from entering his unit during the Association's "urgent and necessary electrical work" to ensure safety to its residents, including Ma, and the building. Ma fails to show such a far departure from the accepted and usual course of judicial proceedings that calls for immediate review by this Court.

Ma fails to show any of the criteria for discretionary review under RAP 2.3(b).

The emergency motion for discretionary review is denied.

Please be advised a ruling by a Commissioner "is not subject to review by the Supreme Court." RAP 13.3(e)

Should counsel choose to object, RAP 17.7 provides for review of a ruling of the Commissioner. Please note that a "motion to modify the ruling must be served... and filed in the appellate court not later than 30 days after the ruling is filed."

Sincerely,



Lea Ennis
Court Administrator/Clerk

LAM

cc. Hon. Nancy Bradburn-Johnson

Appendix B

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6 SUPERIOR COURT OF WASHINGTON
7 COUNTY OF KING

8 GALLERY BELLTOWN CONDOMINIUM
9 ASSOCIATION, a Washington Nonprofit
10 Corporation,

No. 21-2-06448-1 SEA

11 Plaintiff,
12 vs.
13 ROLAND MA,
14 Defendant.

15

16 Defendant Roland Ma has filed a motion for reconsideration of issues raised at a June 23,
17 2021 hearing on Plaintiff's motion for a preliminary injunction. Mr. Ma failed to appear at the
18 hearing despite having been given notice of the date, time, and remote access. His motion for
19 reconsideration appears to address primarily an issue of settlement discussions and
20 misrepresentations he alleges were made by Plaintiff's counsel. None of the issues relevant to
21 the Court's findings and orders involved the fact of or circumstances surrounding settlement
22 discussions. This is a topic typically kept confidential from the presiding judge, and it should be
23 confidential here. The Court's finding related to a memorandum purportedly filed on Mr. Ma's
24 behalf by an attorney who is not his attorney of record is neither incorrect nor altered by the
25 motion for reconsideration.

26 Accordingly, Mr. Ma has not provided a basis under CR 59(a) to warrant reconsideration
27

1 HON. JUDITH H. RAMSEYER
2 HEARING ON MOTION TO
3 CLARIFY PRELIMINARY INJUNCTION ORDER
4 AUGUST 26, 2021
5 WITHOUT ORAL ARGUMENT

6

7

8 IN THE COURT OF THE STATE OF WASHINGTON
9 IN AND FOR THE COUNTY OF KING

10 GALLERY BELLTOWN CONDOMINIUM
11 ASSOCIATION, a Washington Nonprofit
12 Corporation,

13 Plaintiff,
14 vs.

15 ROLAND MA,

16 Defendant.

17 NO. 21-2-06448-1 SEA

18 ~~PROPOSED~~ ORDER DENYING
19 DEFENDANT'S MOTION TO
20 CLARIFY THE PRELIMINARY
21 INJUNCTION ORDER OF JUNE
22 23, 2021

23 ORDER

24 This matter came before the Court on the 26th of August 2021, on Defendant's Motion
25 to Clarify the Preliminary Injunction Order of June 23, 2021.

26 The Court considered the pleadings and records and files herein submitted including
27 the following:

28 A. Defendant's Motion to Clarify the Preliminary Injunction Order of June 23,
29 2021;

30 B. Gallery's Opposition to Defendant's Motion to Clarify the Preliminary
31 Injunction Order of June 23, 2021;

32 C. Declaration of Samantha Brown in support of Gallery's Opposition; and

33 ~~PROPOSED~~ ORDER DENYING MOTION TO
34 CLARIFY PRELIMINARY INJUNCTION ORDER OF
35 JUNE 23, 2021 - 1

36 1107662

37 BARKER • MARTIN, P.S.
38 701 Pike St., Suite 1150 • Seattle, WA 98101
39 P: (206) 381-9806 • F: (206) 381-9807

1 E. Defendant's Reply, if any

2 IT IS HEREBY ORDERED that Defendant's Motion to Clarify the Preliminary
3 Injunction Order of June 23, 2021 is DENIED.

4 IT IS FURTHER ORDERED that the June 23, 2021 Preliminary Injunction is clear
5 and unambiguous and does prohibit Mr. Ma from residing at Gallery until all repairs
6 necessitated by his actions are completed.

7 IT IS FURTHER ORDERED that the court anticipated
8 repairs would be timely completed. Upon inspection, more
9 extensive damage was discovered. Nonetheless, it
10 repairs cannot be completed by Sept. 20, 2021, a party
11 *
12

13 Dated this 26 day of August 2021.

14 
15 HON. JUDITH H. RAMSEYER

16 Presented by:

17 BARKER • MARTIN, P. S.

18 /s/ Samantha Brown

19 Samantha Brown, WSBA No. 48131
20 Attorneys for Gallery Belltown Condominium Association

21 * may seek a hearing to
22 discuss alternatives. If
23 defendant prevents work from
24 being completed, it will defeat
25 his request for relief.

26 
27 **[PROPOSED] ORDER DENYING MOTION TO**
28 **CLARIFY PRELIMINARY INJUNCTION ORDER OF**
29 **JUNE 23, 2021 - 2**

30 110762

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8 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
9 **IN AND FOR THE COUNTY OF KING**

10 **GALLERY BELLTOWN CONDOMINIUM**
11 **ASSOCIATION, a Washington Nonprofit**
12 **Corporation,**

13 Plaintiff,
14 vs.

15 **ROLAND MA,**

16 Defendant.

17 **NO. 21-2-06448-1 SEA**

18 **~~PROPOSED~~ ORDER GRANTING**
19 **MOTION TO RELEASE LIS**
20 **PENDENS AND FOR SANCTIONS**

21 **ORDER**

22 This matter came before the Court on the 29th of October 2021, on Plaintiff Gallery
23 Belltown Condominium Association's ("Gallery") Motion to Release Lis Pendens and for
24 Sanctions Against Defendant and Attorney Thomas Dickson.

25 The Court considered the pleadings and records and files herein submitted including
26 the following:

27 1. Motion to Release Lis Pendens and for Sanctions;
28 2. Declaration of Samantha Brown in support of Motion for Contempt of Court

29 and Sanctions Against Defendant and Attorney Thomas Dickson and for Contempt;

30 **~~PROPOSED~~ ORDER TO RELEASE LIS PENDENS**
31 **AND FOR CONTEMPT OF COURT AND**
32 **SANCTIONS AGAINST DEFENDANT AND**
33 **ATTORNEY THOMAS DICKSON - 1**

34 C27765CF-ER46400D-BCED-D83F8E74DD8111625

35 **BARKER • MARTIN, P.S.**
36 701 Pike St., Suite 1150 • Seattle, WA 98101
37 P. (206) 381-9806 • F. (206) 381-9807

38 O R G U L

1 3. Declaration of John Beuscher in support of Motion for Contempt of Court and
2 Sanctions Against Defendant and Attorney Thomas Dickson and for Contempt;

3 4. Defendant's Reply, if any, and Supplemental admissions, and
4 5. The pleadings and records in this case.

5 ~~to the extent it has not been fully accomplished,~~
6 IT IS HEREBY ORDERED that Plaintiff's Motion to Release Lis Pendens is

7 GRANTED.

8 ~~Defendant must arrange for and confirm that~~
9 IT IS FURTHER ORDERED that the County Assessor's Office remove ^{these} these liens or
10 in the alternative, release the liens, ~~no later than 14 days from this order.~~

11 IT IS FURTHER ORDERED that Defendant be restrained from filing additional liens
12 against Plaintiff absent Court approval. *GR*

13 ~~IT IS FURTHER ORDERED the sanctions are appropriate against Defendant for the~~
14 ~~improper recording of liens and lis pendens against Gallery and its Board of Directors, as this~~
15 ~~was for the purpose of extortion and harassment.~~

16 ~~IT IS FURTHER ORDERED the sanctions are appropriate against Defendant's~~
17 ~~counsel Thomas Dickson for any involvement he had in recording the lis pendens that appears~~
18 ~~to come from his office; and for his compliance in mischaracterizations and refusal to correct~~
19 ~~the record, when his client was improperly quoting and/or misstating Mr. Dickson's words to~~
20 ~~deceive the Court, in a way that caused significant and avoidable harm to Gallery.~~

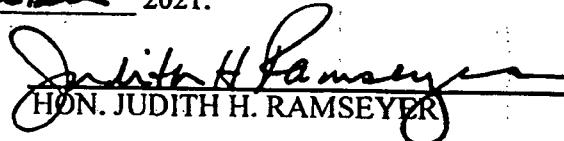
21 IT IS FURTHER ORDERED ~~additional sanctions are not~~
22 ~~ordered at this time. The Court will consider~~
23 ~~sanctions, if warranted, when sanctions are~~
24 ~~imposed on its contempt order issued on 10/29/2021.~~

25 ~~PROPOSED~~ ORDER TO RELEASE LIS PENDENS
26 AND FOR CONTEMPT OF COURT AND
SANCTIONS AGAINST DEFENDANT AND
ATTORNEY THOMAS DICKSON - 2

C27765C-FE46400D-BCBD-D83F6E74DD81116125

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1 Dated this 5 day of November 2021.

2 
3 HON. JUDITH H. RAMSEYER

4 Presented by:

5 BARKER • MARTIN, P. S.

6 /s/ Samantha Brown

7

8 Samantha Brown, WSBA No. 48131
9 Attorneys for Gallery Belltown Condominium Association

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~~PROPOSED~~ ORDER TO RELEASE LIS PENDENS
AND FOR CONTEMPT OF COURT AND
SANCTIONS AGAINST DEFENDANT AND
ATTORNEY THOMAS DICKSON - 3

C2765CF-ER46400D-BCBD-D33FRG74DD81116125

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6 **IN THE COURT OF THE STATE OF WASHINGTON**
7 **IN AND FOR THE COUNTY OF KING**

8 **GALLERY BELLTOWN CONDOMINIUM**
9 **ASSOCIATION, a Washington Nonprofit**
10 **Corporation,**

11 Plaintiff,
12 vs.

13 **ROLAND MA,**

14 Defendant.

15 **NO. 21-2-06448-1 SEA**

16 **PRELIMINARY INJUNCTION**

17 **Clerk's Action Required**

18 **PRELIMINARY INJUNCTION**

19 Roland Ma, his agents, servants, employees, and Handsomeland, LLC, and any other
20 companies owned or controlled by Mr. Ma, are hereby enjoined and restrained from making
21 changes to or performing work on electrical systems or any other utility in Unit 515 and/or
22 in Gallery Common Areas or common to other tenants and the Gallery Belltown
23 Condominium ("Gallery") located at 2911 Second Avenue, Seattle, Washington 98121. The
24 following actions are specifically enjoined and prohibited:

- 25 1. Interfering with, touching, or modifying work performed by the Association
26 or its contractors to Unit 515 or the Gallery Common Areas;
- 27 2. Preventing or hindering ingress or egress of Gallery's staff or contractors into
28 Unit 515 and Gallery's property;
- 29 3. ~~Residing at~~ entering Gallery Belltown Condominium property while work
30 to Unit 515 and work related to any repairs necessitated by Mr. Ma to

Common Elements or Areas occurs, until Mr. Ma is notified in writing by Plaintiff that he may return;

4. Contacting, emailing, calling, approaching, threatening, or harassing Gallery Board members, management, staff, agents, and contractors;
5. Communicating, calling, approaching, harassing, or threatening any past, present, or future employees, staff, or agents of the law firms of Barker Martin, P.S., and Lee Smart, P.S.
6. For all issues related to this litigation, including sharing copies of filed legal documents, Mr. Ma may contact Gallery's Attorneys by email using the following email addresses: sbrown@barkermartin.com and dmy@leesmart.com. All other communications, to include approaching, harassing, and threatening Gallery's Attorneys, are prohibited.

IT IS FURTHER ORDERED that Roland Ma has previously violated the Temporary Restraining Order that gave rise to this Preliminary Injunction. Any willful violation of this Preliminary Injunction will be in contempt of this Order.

IT IS FURTHER ORDERED that this Preliminary Injunction shall remain in full force and effect until further order of the Court.

Dated: June 23, 2021.

Samantha Brown

 JUDITH H. RAMSEYER, JUDGE

Presented by:

BARKER • MARTIN, P. S.

/s/ Samantha Brown

Samantha Brown, WSBA No. 48131
Attorneys for Gallery Belltown Condominium Association

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HON. JUDITH H. RAMSEYER
HEARING ON MOTION TO
CLARIFY PRELIMINARY INJUNCTION ORDER
AUGUST 26, 2021
WITHOUT ORAL ARGUMENT

IN THE COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

GALLERY BELLTOWN CONDOMINIUM
ASSOCIATION, a Washington Nonprofit
Corporation,

Plaintiff,
vs.

ROLAND MA,

Defendant.

NO. 21-2-06448-1 SEA

~~PROPOSED~~ ORDER DENYING
DEFENDANT'S MOTION TO
CLARIFY THE PRELIMINARY
INJUNCTION ORDER OF JUNE
23, 2021

ORDER

This matter came before the Court on the 26th of August 2021, on Defendant's Motion to Clarify the Preliminary Injunction Order of June 23, 2021.

The Court considered the pleadings and records and files herein submitted including the following:

- A. Defendant's Motion to Clarify the Preliminary Injunction Order of June 23, 2021;
- B. Gallery's Opposition to Defendant's Motion to Clarify the Preliminary Injunction Order of June 23, 2021;
- C. Declaration of Samantha Brown in support of Gallery's Opposition; and

~~PROPOSED~~ ORDER DENYING MOTION TO
CLARIFY PRELIMINARY INJUNCTION ORDER OF
JUNE 23, 2021 - 1

1107662

1 E. Defendant's Reply, if any

2 IT IS HEREBY ORDERED that Defendant's Motion to Clarify the Preliminary
3 Injunction Order of June 23, 2021 is DENIED.

4 IT IS FURTHER ORDERED that the June 23, 2021 Preliminary Injunction is clear
5 and unambiguous and does prohibit Mr. Ma from residing at Gallery until all repairs
6 necessitated by his actions are completed.

7 IT IS FURTHER ORDERED ~~that the Court anticipated~~
8 repairs would be timely completed. Upon inspection, more
9 extensive damage was discovered. Nonetheless, if
10 ~~extensive damage was discovered. Nonetheless, if~~
11 repairs cannot be completed by Sept. 20, 2021, a party*
12 ~~repairs cannot be completed by Sept. 20, 2021, a party~~

13 Dated this 26 day of August 2021.


14 HON. JUDITH H. RAMSEYER

15 Presented by:

16 BARKER • MARTIN, P. S.

17 /s/ Samantha Brown

18
19 Samantha Brown, WSBA No. 48131
20 Attorneys for Gallery Belltown Condominium Association

21
22 * may seek a hearing to
23 discuss alternatives. If
24 defendant prevents work from
25 being completed, it will favor
26 his request for relief.


27 PROPOSED ORDER DENYING MOTION TO
28 CLARIFY PRELIMINARY INJECTION ORDER OF
29 JUNE 23, 2021 - 2

110862

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FILED
THE HONORABLE JUDITH RAMSEYER
2021 NOV 22
KING COUNTY
SUPERIOR COURT CLERK

CASE #: 21-2-06448-1 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

GALLERY BELLTOWN CONDOMINIUM
ASSOCIATION, a Washington Nonprofit
Corporation,

Plaintiff,
vs.

Roland Ma,

Defendant.

NO. 21-2-06448-1 SEA

DENYING
[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR
RECONSIDERATION

CLERK'S ACTION REQUIRED

This matter having come before the Court upon Plaintiff's Motion to Reconsider, and the
Court having considered the following:

1. Plaintiff's Motion for Reconsideration;

2. *Defendant's response*

3. _____;

4. _____;

5. _____;

Denied as no grounds under CR59(a) have been raised to
Therefore, being fully informed, it is Ordered that Plaintiff's Motion for Reconsideration
DENIED as no grounds under CR59(a) have been raised to
is GRANTED and the Court's October 29, 2021 Order of Contempt is modified to
justify reconsideration. The court is fully aware of the
justify reconsideration. The court is fully aware of the
order: original circumstances in this case Plaintiff was
circumstances in this case. Plaintiff was

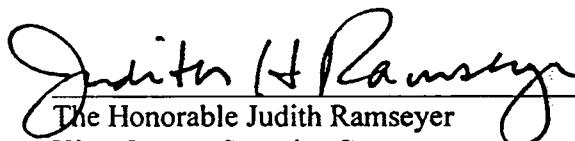
Denying
PROPOSED ORDER GRANTING PLAINTIFF'S
MOTION FOR RECONSIDERATION - 1

148675

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1 ordered on 10/29/21 to provide housing for Mr.
2 ~~order on 10/29/21 to provide housing for Mr.~~
3 Ma for up to 30 days to determine if stability
4 would end his contemptuous behavior and based on the
5 ~~well-end his contemptuous behavior and based on the~~
6 A hearing will be held on Nov. 30, 2021, at 9:15 am
7 to address these matter (rescheduled from Dec. 1, 2021).
8 Plaintiff's status report is due Nov. 29, 2021.

9
10 DATED this 19 day of Nov., 2021.
11
12



13 The Honorable Judith Ramseyer
14 King County Superior Court

15 Presented by:
16

17 BARKER MARTIN, P.S.
18

/s/ Samantha Brown

19 Samantha Brown, WSBA No. 48131
20 Dean E. Martin, WSBA No. 21970
21 Attorneys for Gallery Belltown Condominium Association
22

~~fact that he has been excluded from his home for more than 6 months. While the underlying reasons for repairs are Mr. Ma's, the court ordered Plaintiff to assist him in its finding that Plaintiff had not taken action to make repair a priority and, therefore, has some role in exacerbating a bad situation.~~
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26


situation.

Reviewing
27 PROPOSED ORDER GRANTING PLAINTIFF'S
28 MOTION FOR RECONSIDERATION -2

148675

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FILED
2021 NOV 22
KING COUNTY
SUPERIOR COURT CLERK

CASE #: 21-2-06448-1 SEA

IN THE COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

GALLERY BELLTOWN
CONDOMINIUM ASSOCIATION, a
Washington Nonprofit Corporation,

Plaintiff,

vs.

Roland Ma,

Defendant.

Case No. 21-2-06448-1 SEA

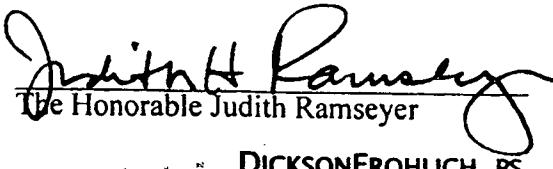
~~PROPOSED~~ ORDER GRANTING
MOTION FOR
RECONSIDERATION

[CLERK'S ACTION REQUIRED]

THIS MATTER having come on regularly for hearing before the above-entitled court upon the motion of the Defendant, Roland Ma, by his attorneys of record, DICKSON FROHLICH PS, and Thomas L. Dickson, and the Court having reviewed the pleadings and files contained in the case file, heard the argument of the parties, and otherwise being fully aware in the premises, it is now, therefore:

ORDERED, ADJUDGED and DECREED that ~~this Court will review the motion materials and if it elects to do so, revise the Order of Contempt of October 29, 2010, within seven days of the date hereon.~~ ^{Defendant motion} ~~is denied as not sustained under CR 59(a). The record speaks for itself.~~

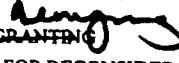
DATED: This 19 day of November, 2021. ^{is denied as not sustained under CR 59(a). The record speaks for itself.}


The Honorable Judith Ramsey

DICKSONFROHLICH, PS

TACOMA
1200 East D Street
Tacoma, WA 98421
(253) 572-1000 - FAX (253) 572-1300

SEATTLE
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ORDER GRANTING
MOTION FOR RECONSIDERATION

FILED
KING COUNTY, WASHINGTON

NOV 18 2020

SEA
SUPERIOR COURT CLERK

**SUPERIOR COURT OF WASHINGTON
COUNTY OF KING**

ROLAND MA,

Plaintiff.

No. 20-2-13773-1 SEA

ORDER ON VEXATIOUS LITIGATION AND SETTING CONDITIONS

Clerk's Action Required

ESTHER PARK DENSMORE, et al.,

Defendants.

Statement of Facts

On November 10, 2020, this Court held its first hearing on transfers from the District Court of petitions for harassment and stalking filed by Ms. Densmore and Ms. Wendy Li in a related matter, King County Case No. 20-2-15230-7 SEA. This Court had no contact with these causes of action or parties until it presided over the Anti-Harassment calendar on that date. At that time, Mr. Ma objected that he had not been properly served with the District Court transfer order that set his hearing, although Mr. Ma clearly was familiar with all pleadings and Temporary Protection Orders previously entered by the District Court and he attended the November 10 hearing. This Court set a hearing for 1:00 p.m. on November 13, 2020, to allow for the re-service of all relevant documents. Due to complaints that Petitioner's counsel was blocked from Mr. Ma's email and avoidance of service, the Court required the parties to register for e-filing service when documents were filed with the Court, and to unblock a specified email address so correspondence that is not filed could be exchanged electronically. The Court also

1 required that Mr. Ma communicate with Petitioners only through counsel, and that
2 communications with counsel be limited to those related to the pending legal cases.

3 At that point, this Court learned that Mr. Ma was a party to 23 different causes of action
4 in King County Superior Court commenced in 2019 and 2020. As of today, it appears that three
5 civil matters are active, although he is seeking appeal or discretionary review in two, and
6 discretionary review is being sought in two criminal matters. He has filed a complaint similar to
7 the one commencing this cause of action in U.S. District Court in Seattle.

8 Since November 10, Mr. Ma's entreaties to the Court have been substantial. He moved
9 to disqualify this Judge (denied due to exercise of discretion); appeal the extension of Temporary
10 Protection Orders and scheduling the November 13 hearing, asserting that his notices would
11 "stay judgment" during the appeal (stay denied because no judgment was entered); and sought
12 "trial by affidavit" (not applicable in this context). This Court has been inundated with motions,
13 notices, and e-mail correspondence, often accompanied by large and largely not relevant
14 attachments. On November 12 alone, the Court used five reams of paper to print documents sent
15 by Mr. Ma after the November 10 hearing.

16 Mr. Ma did not appear for the November 13 hearing either in-person or telephonically,
17 although both options were made available. The hearing lasted more than two hours. The Court
18 heard extensive testimony to support Ms. Densmore's and Ms. Li's allegations of harassment
19 and stalking by Mr. Ma, including voluminous and disturbing mailings, deliveries, faxes, and
20 emails; unauthorized charges to credit cards and bank accounts; fabricated collection actions; and
21 violations of personal medical information for their medically-fragile clients. The testimony
22 included specific harms Petitioners have suffered as well as fear they and their families have
23 experienced due to Mr. Ma's relentless, unpredictable, and intrusive actions. The Court granted
24 Ms. Li and Ms. Densmore one-year Orders of Protection prohibiting harassment and stalking.
25 That evening, Mr. Ma moved for an order of indigency in each case, which the Court denied
26 without prejudice due to the absence of supporting documentation.

1 Since November 13, Mr. Ma has complained to the Court by email regarding mandatory
2 e-filing of courtesy copies (which the Court has not required) and that the Court's order granting
3 his request for GR 33 accommodations is not filed under seal. The Court has not openly filed in
4 the court record any of the supporting documentation Mr. Ma submitted to request an
5 accommodation. *See* GR 33. Court records and proceedings, however, are presumed to be open.
6 It is a high hurdle to close proceedings or seal documents. *See* GR 15. No personal or sensitive
7 information is included in the Court's accommodation order; it will not be sealed.

8 Additionally, Petitioners' counsel has notified the Court that since November 13, it has
9 learned of a new collection action Mr. Ma filed against Ms. Densmore in King County District
10 Court; four packages from Mr. Ma were delivered to the law firm, including a bag of white rice;
11 and 374 pages of documents Mr. Ma faxed to the firm, some containing HIPAA-protected
12 information about Petitioner's clients.

13 Mr. Ma is not represented by counsel, which is his prerogative, but many of his actions
14 flagrantly violate court orders and wholly misunderstand or deliberately disregard court rules and
15 procedures. Despite being unrepresented, Mr. Ma is bound by the law and rules of court.

16 Conclusions of Law

17 The Court has the authority to control for the orderly conduct of proceedings before it
18 and to compel obedience to its orders. RCW 2.28.010. A person does not have an "absolute
19 and unlimited constitutional right to access to courts. All that is required is a reasonable right of
20 access – a reasonable opportunity to be heard." *In re Giordano*, 57 Wn. App 74, 77 (1990)
21 (quoting *Ciccarelli v. Carey Canadian Mines, Ltd.*, 757 F.2d 548, 554 (3d Cir. 1985)). Implicit
22 in the right to access is that "litigation proceed in good faith and comply with court rules." *Id.*
23 Consequently, the Court may "place reasonable restrictions on any litigant who abuses the
24 judicial process." *Yurtis v. Phipps*, 143 Wn. App. 680, 693 (2008).

25 Mr. Ma's actions in these cases alone, much less his extensive litigation, demonstrate a
26 pattern of abuse of judicial process. In the short time the cases have been pending before this
27 Court, Mr. Ma's actions have had the effect of impeding progress, causing confusion,

1 misrepresenting actions, violating court orders, wasting money and judicial resources, and
2 harassing the parties, their counsel, and the Court with unwarranted paperwork, distractions, and
3 veiled threats.

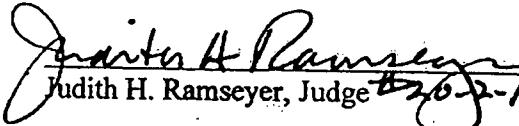
4 Consequently, the Court orders the following terms that will govern the conduct of this
5 case until it has been resolved or further order of the Court.

- 6 1. Mr. Ma may not file a document of more than five (5) pages without prior Court
7 approval. This includes the main body of the document in addition to any exhibits,
8 attachments, or accompanying or related documents.
- 9 2. A motion to file more than five pages shall be filed in the court record, with a copy to
10 opposing counsel. Mr. Ma may send a courtesy copy of the motion by email to the
11 Court's bailiff.
- 12 3. Any request for relief directed to the Court shall be submitted in the form of a motion,
13 with a proper note for hearing and delivery to the other party. Local court rules
14 governing motion practice shall apply unless prior Court approval is granted.
- 15 4. No party shall email the Court's bailiff more than twice in one day without prior
16 Court approval. No other method of communication is permitted unless authorized
17 by the Court.
- 18 5. If Mr. Ma has withdrawn his registration, he must immediately register for e-filing
19 distribution at the email address he provided at the November 10, 2020 hearing. All
20 filed documents will be distributed to the other parties by this means.
- 21 6. If the parties must correspond, they will do so only by email between Mr. Ma at the
22 personal email address he provided on November 10 and counsel for the Petitioner.
23 Mr. Ma may not complain that he has not been provided communications if he fails to
24 unblock counsel from using that email address. No additional faxes or deliveries of
25 packages or documents to counsel's law firm are permitted unless authorized by the
26 Court.

1 7. As ordered on November 10, 2020, Mr. Ma may not correspond with other members
2 of counsel's law firm except for the attorney representing Petitioner and his/her legal
3 assistant, if one is expressly designated by counsel.
4 8. Mr. Ma and his company Handsomeland LLC may not have direct or indirect contact
5 with Petitioner during this litigation or the term of the Protection Orders issued on
6 November 13, 2020.
7 9. If Mr. Ma fails to abide by the terms of this Order, the opposing party may move, or
8 the Court *sua sponte* may move, for a finding of contempt and sanctions, up to and
9 including dismissal of Mr. Ma's claims.
10 10. Mr. Ma and his company, Handsomeland, LLC, may not file additional causes of
11 action in King County Superior Court without prior Court approval. If subsequent
12 causes of action in which Mr. Ma or Handsomeland, LLC are commenced in King
13 County Superior Court, they shall be assigned to the undersigned judge.

14
15 It is so ORDERED.

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17 Dated: November 17, 2020.

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19 Judith H. Ramseyer, Judge *130-2-13773-1*

1 THE HONORABLE JUDITH RAMSEYER
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7 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
8 IN AND FOR THE COUNTY OF KING

9 GALLERY BELLTOWN CONDOMINIUM
10 ASSOCIATION, a Washington Nonprofit
11 Corporation,

12 Plaintiff,
13 vs.

14 Roland Ma,

15 Defendant.

16 NO. 21-2-06448-1 SEA

17 [PROPOSED] ORDER GRANTING *DENYING*
18 PLAINTIFF'S MOTION FOR
19 RECONSIDERATION

20 CLERK'S ACTION REQUIRED

21 This matter having come before the Court upon Plaintiff's Motion to Reconsider, and the
22 Court having considered the following:

23 1. Plaintiff's Motion for Reconsideration;
24 2. *Defendant's response*;
25 3. _____;
26 4. _____;
27 5. _____;

28 Therefore, being fully informed, it is Ordered that Plaintiff's Motion for Reconsideration
29 is *DENIED as no grounds under CR 59(a) have been made to*
30 *justify reconsideration. The Court is fully aware of the*
31 *order: mitigated circumstances in this case. Plaintiff was*

Denying
32 PROPOSED ORDER GRANTING PLAINTIFF'S
33 MOTION FOR RECONSIDERATION - 1

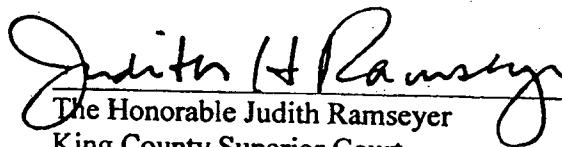
148675

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34 OR

1 order on 10/29/21 to provide housing for Mr.
2 Mr. for up to 30 days to determine if stability
3 would end his contemptuous behavior and based on the *
4 A hearing will be held on Nov. 30, 2021, at 9:15 am
5 to address this matter (rescheduled from Dec. 1, 2021).
6 Plaintiff's status report is due Nov. 29, 2021.

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8 DATED this 19 day of Nov. , 2021.
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The Honorable Judith Ramseyer
King County Superior Court

Presented by:

BARKER MARTIN, P.S.

/s/ Samantha Brown
Samantha Brown, WSBA No. 48131
Dean E. Martin, WSBA No. 21970
Attorneys for Gallery Belltown Condominium Association

the fact that he has been evicted
from his home for more than 6
months. While the underlying
reasons for repairs are Mr. ~~the~~ ^{the} Plaintiff's
the Court ordered Plaintiff to
arrest based on its finding
not taken action to make repair
a priority and, therefore, has some
role in exacerbating a bad
situation.



Denying
PROPOSED ORDER GRANTING PLAINTIFF'S
MOTION FOR RECONSIDERATION -2

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8 **IN THE COURT OF THE STATE OF WASHINGTON**
9 **IN AND FOR KING COUNTY**

10 GALLERY BELLTOWN
11 CONDOMINIUM ASSOCIATION, a
12 Washington Nonprofit Corporation,

13 Plaintiff,

14 vs.

15 Roland Ma,

16 Defendant.

17 Case No. 21-2-06448-1 SEA

18 **PROPOSED ORDER GRANTING**
19 **MOTION FOR**
20 **RECONSIDERATION**

21 **[CLERK'S ACTION REQUIRED]**

22 THIS MATTER having come on regularly for hearing before the above-entitled court
23 upon the motion of the Defendant, Roland Ma, by his attorneys of record, DICKSON
24 FROHLICH PS, and Thomas L. Dickson, and the Court having reviewed the pleadings and
25 files contained in the case file, heard the argument of the parties, and otherwise being fully
26 aware in the premises, it is now, therefore:

27 ORDERED, ADJUDGED and DECREED that ~~this Court will review the motion~~
28 ~~materials and if it elects to do so, revise the Order of Contempt of October 29, 2010, within~~
29 ~~seven days of the date hereof.~~ *Defendant's motion*
30 *is denied as not justified under*
31 *ER 59(a). The record speaks for itself.*

32 DATED: This 17 day of Nov., 2021.

33 *Judith H Ramseyer*
34 The Honorable Judith Ramseyer

35 *renging*
36 **ORDER GRANTING**
37 **MOTION FOR RECONSIDERATION**
38 Page 1 of 2

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2 Presented by:

3 Dickson Frohlich, P.S.

4 
5 Thomas Dickson, WSBA No. 11802
6 Attorney for Defendant

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ORDER GRANTING
MOTION FOR RECONSIDERATION

Page 2 of 2

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Appendix D

FILED
SUPREME COURT
STATE OF WASHINGTON
12/1/2021
BY ERIN L. LENNON
CLERK

THE SUPREME COURT OF WASHINGTON

In re:) No. 100213-1
)
ROLAND MA,) ORDER
)
Petitioner.) Court of Appeals
) No. 82926-2-I
) (consolidated with No. 82985-8-I)
)

Department II of the Court, composed of Chief Justice González and Justices Madsen, Stephens, Yu and Whitener, considered this matter at its November 30, 2021, Motion Calendar and unanimously agreed that the following order be entered.

IT IS ORDERED:

That the Petitioner's motion to modify the Deputy Commissioner's ruling and motion for leave to file supplemental exhibits are both denied.

DATED at Olympia, Washington, this 1st day of December, 2021.

For the Court

González C.J.
CHIEF JUSTICE

**Additional material
from this filing is
available in the
Clerk's Office.**