

FILED
SUPREME COURT
STATE OF WASHINGTON
5/16/2022 8:00 AM 1
BY ERIN L. LENNON
CLERK

7 | igor_lukashin@comcast.net

Bremerton, WA

**EXTENSION OF TIME REQUEST FOR
A PETITION FOR WRIT OF CERTIORARI**

No. _____

In The Supreme Court of the United States

Igor Lukashin, Petitioner, v.

Lakeside Industries; Washington State Dept. of Revenue, Respondents.

**APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI TO THE
WASHINGTON SUPREME COURT**

To the Honorable Elena Kagan:

Petitioner, Igor Lukashin, respectfully requests an additional sixty days, up to and including August 1, 2022, to file his Petition for Writ of Certiorari. On March 4, 2022, the Washington Supreme Court, without a pre-deprivation notice or post-deprivation opportunity to be heard, determined him “to be a vexatious litigant”, and further ordered:

That Igor Lukashin is prohibited from filing any future pro se non-party motions with the Supreme Court in any case. Any pro se non-party motions filed by Mr. Lukashin in any case before the Supreme Court shall be placed in unfiled papers without action. The Clerk’s decision to place a pro se non-party motion filed by Mr. Lukashin in unfiled papers shall not be subject to a motion to modify.

Absent an extension of time, the Petition for Writ of Certiorari would be due by June 2, 2022. Petitioner is filing this Application more than ten days prior to that due date.

A copy of the Washington Supreme Court's March 4, 2022 Order subject to review by this Court and a copy of email chain attempting to clarify the scope of the order are enclosed with this Application. This Court has jurisdiction to review the March 4, 2022 Order pursuant to 28 U.S.C. § 1257(a), as in violation of the Due Process and Supremacy Clauses.

Lukashin's attempts to secure out-of-state pro bono counsel have thus far been unsuccessful; and it is anticipated that additional time will be required to secure counsel and adequately prepare the Petition for Writ of Certiorari in this case. The certiorari might be granted in this case under Sup. Ct. R. 10(b) and (c), as the state court of last resort below issued a decision contrary to the Due-Process-grounded CA9 test in *Ringgold-Lockhart v. County of Los Angeles*, 761 F.3d 1057, 1062–7 (9th Cir. 2014)¹.

Compare also US v. Witkemper, 27 F.4th 551, 555 (7th Cir. Feb. 28 2022)² (issuing an order to show cause) *Johnson v. 27th Ave. Caraf, Inc.*, 9 F.4th 1300, 1311–12 (11th Cir. 2021)³ ("Due process requires that the attorney (or party) be given fair notice that his conduct may warrant sanctions and the reasons why." *In re Mroz*, 65 F.3d 1567, 1575 (11th Cir. 1995)); *Tumey v. Mycroft AI, Inc.*, 27 F.4th 657, 665–66 (8th Cir. 2022)⁴ (notice and meaningful opportunity to prepare under FRCP 65(a)(1)). See also *Holt v. State*, 232 P.3d 848, 853–55 (Kansas 2010)⁵ ("before the court-imposed filing restrictions become effective, the party subject to them is entitled to notice and an opportunity to be heard in opposition")

¹ https://scholar.google.com/scholar_case?case=7856329491867999212&

² https://scholar.google.com/scholar_case?case=10148230190874195676&

³ https://scholar.google.com/scholar_case?case=6911085959371474176&

⁴ https://scholar.google.com/scholar_case?case=10849178845196379434&

⁵ https://scholar.google.com/scholar_case?case=5170376277293914429&

Accordingly, the undersigned respectfully requests an additional sixty days to secure counsel and/or prepare the Petition for Writ of Certiorari on behalf of the Petitioner, Igor Lukashin.

Respectfully submitted,

s/ Igor Lukashin

Igor Lukashin
1405 NE McWilliams Rd
Ste 103
PMB #373
Bremerton, WA 98311

Attachment follows

Note: As evidenced by the Transmittal Information page at the end of this document, the parties below were served by means of filing this document via ac.courts.wa.gov portal on the date stated therein

THE SUPREME COURT OF WASHINGTON

LAKESIDE INDUSTRIES, INC.,)	No. 100437-1
)	
Petitioner,)	· O R D E R
)	
v.)	Court of Appeals
)	No. 81502-4-I
WASHINGTON STATE DEPARTMENT OF)	
REVENUE,)	
)	
Respondent.)	
)	
)	

Department II of the Court considered pro se non-party Igor Lukashin's motion for discretionary review and motion to modify at its March 1, 2022, Motion Calendar. The motions were referred to the March 3, 2022, En Banc Conference for decision.

Igor Lukashin has filed pro se non-party motions in more than 25 cases before the Washington Supreme Court. The Rules of Appellate Procedure do not permit pro se non-parties to file motions in the Supreme Court. Igor Lukashin has been informed that pro se non-parties are not permitted to file motions in cases, but he continues to file a substantial volume of frivolous pro se non-party motions. These motions take considerable staff and court time to process, but even more importantly, these motions delay the finalization of cases, affecting the actual parties to the case. Based on the volume of frivolous filings that negatively affect actual parties to cases, Igor Lukashin is determined to be a vexatious litigant. The Court unanimously agreed that the following order be entered.

IT IS ORDERED:

That the Petitioner's motion for discretionary review is denied. The Petitioner's motion to modify the Commissioner's ruling is denied.

IT IS FURTHER ORDERED:

That Igor Lukashin is prohibited from filing any future pro se non-party motions with the Supreme Court in any case. Any pro se non-party motions filed by Mr. Lukashin in any case before the Supreme Court shall be placed in unfiled papers without action. The Clerk's decision to place a pro se non-party motion filed by Mr. Lukashin in unfiled papers shall not be subject to a motion to modify.

DATED at Olympia, Washington, this 4th day of March, 2022.

For the Court

González, C.J.
CHIEF JUSTICE

RE: Additional clarification re order/ruling finality needed RE: Clarification requested - would my motion to modify herein be considered? - Fwd: Supreme Court No. 1006471 Stevens County v. Stevens County Sheriff's Department et al.

To IGOR LUKASHIN <igor_lukashin@comcast.net> • will.ferguson208@gmail.com <will.ferguson208@gmail.com> • nforce@co.stevens.wa.us <nforce@co.stevens.wa.us> • jeffrey.grant@atg.wa.gov <jeffrey.grant@atg.wa.gov>

The Court only issues mandates or certificates of finality in cases where it has granted review. In cases where this Court denied review of a Court of Appeals decision, the mandate or certificate of finality is issued by the Court of Appeals. See RAP 12.5.

Erin L. Lennon
Supreme Court Clerk

From: IGOR LUKASHIN [mailto:igor_lukashin@comcast.net]
Sent: Friday, March 11, 2022 12:36 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>; will.ferguson208@gmail.com; nforce@co.stevens.wa.us; jeffrey.grant@atg.wa.gov; IGOR LUKASHIN <igor_lukashin@comcast.net>
Subject: Additional clarification re order/ruling finality needed RE: Clarification requested - would my motion to modify herein be considered? - Fwd: Supreme Court No. 1006471 Stevens County v. Stevens County Sheriff's Department et al.

External Email Warning! This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

Dear Clerk Lennon,

I appreciate your prompt clarification.

Since this Court's approach conflicts with e.g. *De Long v. Hennessey*, 912 F.2d 1144 (9th Cir. 1990), but *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1054-56 (9th Cir. 2007) implies SCOTUS review would not be available until this Court's decision is final, would this Court be issuing certificates of finality in Nos. 100437-1, 100499-1, 10547-4, and herein under RAP 12.5(e) 30 days after relevant orders were entered herein and in the other cases referenced above?

Since this Court would accept no further motions from me in these cases, and there's also conflict with e.g. *Holt v. State*, 232 P.3d 848, 290 Kan. 491 (2010) as to the federal due process issue (*see also De Long* and *Molski*, 500 F.3d at 1058-, 1063, *supra*). SCOTUS certiorari petition may be an available remedy. Still, as *Denney v. City of Richland*, 462 P.3d 842, 195 Wash. 2d 649 (2020) and *CERT. FROM US COURT OF APPEALS v. Haynes*, 458 P.3d 767 (Wash. 2020) indicate, finality of this Court's decisions may be a vexing question for the State and federal courts alike, to say nothing of a pro se nonlawyer litigant like myself.

Could you please clarify whether certificates of finality shall issue and if so, when? If not, could you please clarify when the decisions, including March 4, 2022 Orders in Nos. 10437-1, 10499-1, 10547-4 and March 10, 2022 Ruling herein will become final, and cite relevant rules or other authority?

Thank you very much in advance for additional clarification.

Sincerely,

Igor Lukashin

On 03/11/2022 8:11 AM OFFICE RECEPTIONIST, CLERK <supreme@courts.wa.gov> wrote:

The Court's order in No. 100437-1 does not permit you to file a motion to modify in this case or a motion to reconsider in No. 100437-1.

Erin L. Lennon
Supreme Court Clerk

From: IGOR LUKASHIN [igor_lukashin@comcast.net]
Sent: Thursday, March 10, 2022 3:55 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>; will.ferguson208@gmail.com; nforce@co.stevens.wa.us; jeffrey.grant@atg.wa.gov; IGOR LUKASHIN <igor_lukashin@comcast.net>
Subject: Clarification requested - would my motion to modify herein be considered? - Fwd: Supreme Court No. 1006471 Stevens County v. Stevens County Sheriff's Department et al.

External Email Warning! This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

Good afternoon,

Commissioner Johnston unexpectedly and without notice issued a ruling today, despite the briefing timeframe has not yet been completed. Ipse dixit statements and failure to take into account SCOTUS recent decision in *Cameron* (discussing intervention post-decision on appeal), at [20-601 Cameron v. EMW Women's Surgical Center, P. S. C. \(03/03/2022\) \(supremecourt.gov\)](https://www.supremecourt.gov/cases/20-601), the core issue on which discretionary review was sought herein, makes me question the Commissioner's claim the motion was actually and fairly considered. See also oral argument transcript in *Arizona v. City and County of San Francisco*, [20-1775 \(supremecourt.gov\)](https://www.supremecourt.gov/cases/20-1775) addressing a nearly identical issue

The March 4, 2022 Order in No. 100437-1, entering broad and indefinite filing sanctions, without even addressing merits of Lukashin's arguments or identifying why specific arguments were frivolous, with no apparent way to challenge the Order, violates Due Process and as such is unconstitutional and void.

Notably, department of this Court on March 1, 2022, referred the case for decision to the court's en ban conference on March 3, 2022; however, no notice was provided to Lukashin that a broad order prohibiting all future non-party filings by Lukashin was contemplated, so he could argue against imposition of such sanctions. Yet cf. *Tumey v. MYCROFT AI, INC.*, No. 21-1975 (8th Cir. Mar. 4, 2022):

In the context of Rule 65(a)(1)'s notice requirement before a preliminary injunction can issue, the rule "implies a hearing in which the defendant is given a fair opportunity to oppose the application and to prepare for such opposition." *Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Local No. 70 of Alameda Cty.*, 415 U.S. 423, 432 n.7 (1974) (citation omitted). Same-day notice does not suffice. *Id.*

March 4, 2022 Order in No. 100437-1 is a de-facto permanent injunction, entered without notice and opportunity to be heard. See *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260, 130 S. Ct. 1367, 176 L. Ed. 2d 158 (2010) (a judgment is "void" when it "is premised either on a certain type of jurisdictional error or on a violation of due process that deprives a party of notice or the opportunity to be heard")

Further, this Court's precedent, *In re Disciplinary Proceeding Against Jones*, 338 P.3d 842, 856, 182 Wash. 2d 17 (2014) clearly stated:

The WSBA argues that the appeal of a frivolous motion is frivolous. This statement is overly broad because one should have an opportunity to appeal the initial finding that a motion is frivolous.

In light of SCOTUS Cameron decision and Arizona oral argument transcript, Lukashin sincerely believes the issues he raised are at the very least debatable and thus not frivolous.

RAP 17.7 motion to modify is appropriate to be filed (aggrieved person) by me, absent the prohibition in the March 4, 2022 order of the Court in No. 100437-1 (copy attached), consistent with the Court's precedent in *Jones, supra*. Yet my motion might well not be considered. My question is - if I filed a RAP 17.7 motion herein, will it be considered?

If not, would one of the attorneys for parties herein, who are officers of the Court, be aggrieved enough to file a motion to modify to request the Court and its Commissioner to comply with the Supremacy Clause and mandates of the federal constitution's Due Process?

Hopefully Attorney General's office will see fit, like a different-state colleague of his did in *Cameron, supra*, to seek relief on behalf of the State of Washington to bring attention to lack of due process afforded to Lukashin.

For the Clerk: Could you please clarify if the Court will entertain Lukashin's motion to modify herein or a motion to reconsider in No. 100437-1? After all, even this Court's precedent must yield if it's incorrect and harmful, like this Court reiterated earlier today in *State v. Crossguns*, 993963.pdf (wa.gov), p. 7. See also generally *State v. Blake*, 481 P.3d 521, 197 Wash. 2d 170 (2021) (disavowing prior precedent, reversing course).

Thank you very much for your prompt clarification.

Sincerely,

Igor Lukashin

----- Original Message -----

From: "Woodrow, Becky" <Becky.Woodrow@courts.wa.gov>
To: "will.ferguson208@gmail.com" <will.ferguson208@gmail.com>, "nforce@co.stevens.wa.us" <nforce@co.stevens.wa.us>, "jeffrey.grant@atg.wa.gov" <jeffrey.grant@atg.wa.gov>, "igor_lukashin@comcast.net" <igor_lukashin@comcast.net>
Date: 03/10/2022 2:16 PM
Subject: Supreme Court No. 1006471 Stevens County v. Stevens County Sheriff's Department et al.

Clerk, Counsel and Mr. Lukashin:

Attached is a copy of a document in the above referenced case. Please consider this as the original for your files, a copy will not be sent by regular mail.

ATTENTION: Beginning September 1, 2021, per new RAP 18.17, the Washington State Supreme Court will be shifting from page count limits to word count limits. For more information see www.courts.wa.gov/wordcounts

Any documents filed with this Court should be submitted via our web Portal: <https://ac.courts.wa.gov>

Please do not respond to this email. Any questions or response should be directed to our main email address, which is: supreme@courts.wa.gov.

Becky Woodrow
Senior Office Administrative Assistant
WA State Supreme Court
Becky.Woodrow@courts.wa.gov

IGOR LUKASHIN - FILING PRO SE

May 14, 2022 - 1:13 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 100,437-1
Appellate Court Case Title: Lakeside Industries, Inc. v. WA State Department of Revenue

The following documents have been uploaded:

- 1004371_Other_20220514130639SC864343_1401.pdf

This File Contains:

Other - Extension of Time Request: SCOTUS CERT PETITION

The Original File Name was SCOTUS_application_for_extension_of_time_cert_petition_WASC_100437-1_14may2022_w_att.pdf

A copy of the uploaded files will be sent to:

- Andrew.Krawczyk@atg.wa.gov
- castilloc@lanepowell.com
- craiga@lanepowell.com
- durbinb@lanepowell.com
- heidi.irvin@atg.wa.gov
- revolyef@atg.wa.gov

Comments:

No action by the Washington Supreme Court is requested at this time. This filing is to serve a forthcoming application for extension of time to file to be filed with U.S. Supreme Court.

Sender Name: Igor Lukashin - Email: igor_lukashin@comcast.net

Address:

1405 NE McWilliams Rd

Ste 103 PMB #373

Bremerton, WA, 98311

Phone: (360) 447-8837

Note: The Filing Id is 20220514130639SC864343

Igor Lukashin

360-447-8837 | igor_lukashin@comcast.net

Bremerton, WA

DATE: May 16, 2022

Clerk of the Court
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

Re: Digital signature on the enclosed printed copy of the extension-of-time application

Esteemed Clerk,

The enclosed three copies of the application for extension of time have been signed with the “s/”, using a typed-name format. Such signing is valid if the document was *electronically* filed with a court, so the login credentials are the actual “digital signature”, *see Becker v. Montgomery*, 532 U.S. 757, 762–68 (2001)¹ (meaning of the term “signature”, cure provision in the federal rules).

Judicial notice is requested and required, Fed. R. Evid. 201(b)(2),(c)(2), (d) that a copy of the application, filed with the Washington Supreme Court, is currently available at: https://www.courts.wa.gov/index.cfm?fa=controller.showEfiledDoc&fileName=1004371_Other_20220514130639SC864343_1401.pdf

See also Waters v. Drake, No. 2: 14-cv-1704 (S.D. Ohio Sept. 3, 2015)², *Lambert v. Lowe's Home Centers*, LLC, Civil Action No. 1: 14-CV-00107-JHM (W.D. Ky. Oct. 19, 2016)³, *State v. Covert*, 675 S.E.2d 740, 382 S.C. 205, 209 (2009)⁴, *State v. Arellano*, No. 13-17-00268-CR (Tex. App. Feb. 21, 2019)⁵, *State v. Mathews*, 986 P.2d 323, 327, 133 Idaho 300 (1999), *Com. v. Veneri*, 452 A.2d 784, 306 Pa. Superior Ct. 396, 398-403(Super. Ct. 1982)⁶, and *DeCook v. Olmsted Medical Center, Inc.*, 875 N.W.2d 263, 267 (Minn. 2016)⁷

Should you have any questions or concerns, please feel free to reach out to me.

¹ https://scholar.google.com/scholar_case?case=1600398445186605726&

² https://scholar.google.com/scholar_case?case=3919754221343470743&

³ https://scholar.google.com/scholar_case?case=14460274648771175504&

⁴ https://scholar.google.com/scholar_case?case=3078527988011773594&

⁵ https://scholar.google.com/scholar_case?case=2255062814408238972&

⁶ https://scholar.google.com/scholar_case?case=2892149795653168444&

⁷ https://scholar.google.com/scholar_case?case=1917279409246845919&

Respectfully yours,



Igor Lukashin
1405 NE McWilliams Rd
Ste 103
PMB #373
Bremerton, WA 98311

I certify that I filed a copy of this letter with the Washington Supreme Court, in the case No. 100,437-1, using ac.courts.wa.gov portal, thereby serving a copy on the parties in the service list therein.

DATED
this 16th day of May, 2022.



Signature