

SUPERIOR COURT OF
THE STATE OF WASHINGTON FOR CLARK COUNTY
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FILED

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BARBARA D. JOHNSON
JUDGE DEPT. NO. 6

January 7, 2005

JoAnne McBride, Clerk, Clark Co.

Mr. Brian Carr
11301 NE 7th St, Apt J5
Vancouver, WA 98584

Re Carr v. Carr, Clark County Superior Court Cause No. 04-2-08824-4; and
Carr, Clark County Superior Court Cause No. 04-2-08908-9

Dear Mr. Carr:

Both of the above cases came before this judge for hearing on December 10, 2004, pursuant to a Citation for Motion for Revision which you filed on November 23, 2004. RCW 2.24.050 and Local Rule 53.2 of the Superior Court for Clark County require the filing of a motion for revision within 10 days of the written order. Since the orders in both cases had been filed more than 10 days prior to the filing of the motion for revision, I indicated to you on December 10 that it would not be worthwhile to continue the hearings for additional attempts to serve Ms. Hunting, as the motions were not filed according to the time requirements. Following the hearing, you have forwarded proposed orders for the court to sign and have filed a Notice of Appeal to the Court of Appeals.

With respect to Cause No. 04-2-08824-4, the Order for Protection was entered on October 27, 2004, by District Court Judge Richard Melnick, acting on the Domestic Violence Docket as a Court Commissioner for Superior Court. This was apparently explained to you by the court clerk staff, and you filed a Motion for Revision of the decision of a court commissioner, as provided in RCW 2.24.050. However, as noted above, the motion was filed 27 days after the order was entered and is therefore not timely. I have re-drafted and entered the Order reflecting the court's ruling, a copy of which is enclosed.

With respect to Cause No. 04-2-08908-9, the Order in question was entered as a denial but not signed. By further investigation, I determined that Superior Court Judge John F. Nichols denied your petition, not a court commissioner. After I brought your motion to his attention, Judge Nichols decided it would be appropriate to clarify the record. As he concluded there was no emergency, he denied the request for a Temporary Order for Protection; however, he has set the case for hearing on your Petition for Order for Protection pursuant to RCW 26.50.050. A copy of his Amended Order of Denial of

v. Carr

Carr v.

Page 2

January 7, 2005

Temporary Order for Protection and Notice of Hearing is enclosed. You will need to take steps to have Ms Hunting served at least five days prior to the hearing date if you wish to pursue the case further.

As to Judge Nichols's Order, there is no right of revision pursuant to RCW 2.24.050, as that statute applies only to a decision of a court commissioner.

Sincerely,



Barbara D. Johnson
Superior Court Judge

Enclosures

Cc: Judge John F. Nichols
Karyn