

**COPY  
ORIGINAL FILED**

**FEB 16 2005**

*JoAnne McBride, Clerk, Clark Co.*

1  
2  
3  
4  
5  
6  
7 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**  
8 **IN AND FOR THE COUNTY OF CLARK**  
9

10 Brian P. Carr )  
11            Petitioner        )        No. 04-2-08908-9  
12                                )        )  
13        vs.                    )        Findings and Order  
14                                )        )  
15 Karyn                         )        )  
16                                )        Respondent  
17

18                This matter comes before the court in response to pleading filed by Carr entitled  
19                “Hearing Scheduled” and letter of response filed by \_\_\_\_\_, the court having considered the  
20 records and files herein, and being fully advised in the premises, enters the following:

21    **FINDINGS**

22 (1)        There are two domestic violence cases in Clark County Superior Court involving the  
23 same parties:

24                No. 04-2-08824-4 Karyn \_\_\_\_\_ Petitioner v. Brian P. Carr, Respondent  
25 in which Hunting has obtained an Order for Protection

26                AND

27                No. 04-2-08908-9 Brian P. Carr, Petitioner v. Karyn \_\_\_\_\_ Respondent  
              in which Carr sought an order for protection which was denied by the court.

1  
2 (2) Carr has filed pleadings in these cases with incorrect form in which the captions are  
3 combined and both case numbers are listed. This has resulted in confusion in the record and  
4 unnecessary work for court staff to attempt to clarify the official record.  
5

6 (3) Carr has attempted to schedule a hearing under both case numbers for either February  
7 11 or February 18, 2005. The record is unclear as to which date; Hunting has indicated she is  
8 not available on February 18, and was not served with notice of the February 18 date. There is  
9 no motion in the files which complies with Civil Rule (CR) 7, which requires an application for  
10 order to state with particularity the grounds for the motion, and to set forth the relief or order  
11 sought.  
12

13 (4) In Case No. 04-2-08824-4, a final order was entered on January 7, 2005. Carr filed a  
14 Notice of Appeal to the Court of Appeals on January 18, 2005. The trial court, Judge Barbara  
15 D. Johnson, lacks jurisdiction to make any further decisions following appeal except as  
16 provided in Rules of Appellate Procedure (RAP) 7.  
17

18 (5) In Case No. 04-2-08908-9, Mr. Carr filed a Notice of Appeal to the Court of Appeals on  
19 December 10, 2005; however, no final order had been entered by the trial court at that time.  
20 Kenneth Eisland, District Court Judge acting as a Superior Court Commissioner, entered a final  
21 order on January 19, 2005. No basis for a motion before Judge Barbara D. Johnson has been  
22 stated, and it is unclear whether the trial court has jurisdiction following the Notice of Appeal.  
23

24 (6) All of the above has created an unreasonable burden for court staff and resulted in  
25 difficulty for Hunting to respond to court proceedings, as set forth in her letter filed February  
26 14, 2005.  
27

1 FOR THE REASONS SET FORTH ABOVE, THE COURT ENTERS THE FOLLOWING  
2 ORDERS:

3  
4 (1) All pleadings must have a single case number and the correct caption. The Clerk will  
5 not accept, or if mistakenly accepted, will return, any pleadings which list more than one case  
6 number and/or have an incorrect caption.

7  
8 (2) No hearings will be scheduled except upon issuance of an Order to Show Cause by  
9 Judge Barbara D. Johnson. Any request for a hearing must be made by a written motion for  
10 Order to Show Cause which complies with CR 7, submitted to Judge Johnson. The moving  
11 party must include in the motion the basis for jurisdiction of the court and submit a proposed  
12 Order to Show Cause, as well as a proposed order sought in the hearing.

13  
14 (3) If Judge Johnson finds adequate basis in law and fact to set a hearing, the court will set  
15 a date. It will also be the responsibility of the moving party to serve the opposing party with  
16 the Order to Show Cause and all other pleadings in compliance with CR 6.

17  
18 (4) No hearing will take place on February 18, 2005, for the reasons set forth above. Any  
19 future hearing will be scheduled only as provided herein.

20  
21 DATED this 16 day of February, 2005.

22  
23  
24   
25  
26  
27 JUDGE BARBARA D. JOHNSON