

NO

IN THE

SUPREME COURT OF THE UNITED STATES

LISA WASHINGTON - PETITIONER

VS.

JOSEPH LEE WASHINGTON - RESPONDENT(S)

MOTION FOR PERMISSION TO EXTEND PAGE
COUNT

The Petitioner asks leave to extend the page count from 40 to 55 due to the nature of the case and petitioner had to write out statement of the case.

Petitioner declaration in support of this motion is attached hereto.

DECLARATION

I, Lisa Washington am the petitioner in the above entitled case. In support of my motion to extend the page count from 40 to 55 is due to Petitioner was unable to pay someone to type the statement of the case. Petitioner had to write it. Also, due to the nature of the case.

I declare under penalty of Perjury that the foregoing is true and correct.

Executed on: 12/10/24



Court of Appeal, First Appellate District, Division Four - No. A168483

S285035

IN THE SUPREME COURT OF CALIFORNIA

En Banc

SUPREME COURT
FILED

LISA WASHINGTON, Plaintiff and Appellant,

JUL 17 2024

v.

Jorge Navarrete Clerk

JOSEPH LEE WASHINGTON, Defendant and Respondent.

Deputy

The petition for review is denied.

GUERRERO

Chief Justice

Filed 4/11/24

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1116(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1116(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1116.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

LISA WASHINGTON,
Plaintiff and Appellant,
v.
JOSEPH LEE WASHINGTON,
Defendant and Respondent.

A168483

(Alameda County Super.
Ct. No. RP20083718)

MEMORANDUM OPINION¹

Lisa Washington (Washington) appeals the probate court’s approval of final distributions and payments from the estate of her aunt, who died intestate. Washington’s brother, Joseph Lee Washington, was the estate’s administrator. He filed a “First and Final Account and Report of Administrator, Petition for Approval of Statutory Commissions, Attorney Fees, Extraordinary Fees and Final Distribution,” to which Washington objected. At the conclusion of a hearing in July 2023 at which Washington did not appear, the court entered the challenged order approving the distributions and fees requested.

¹ We resolve this case by a memorandum opinion pursuant to the California Standards of Judicial Administration, section 8.1.

EXIT A

Although Washington does not have a lawyer representing her in this appeal, “the [same] rules apply to a party appearing in propria persona as to any other party.” (*Flores v. Department of Corrections & Rehabilitation* (2014) 224 Cal.App.4th 199, 205.) Much of the fact section of Washington’s opening brief consists of unsupported allegations of a conspiracy involving, among others, the administrator’s counsel, probate court judges, clerks and justices of this court, the justices of the California Supreme Court, an insurance company, the military, the Department of Homeland Security, the CIA, the FBI, two federal judges, the California Highway Patrol, and the police departments of several East Bay cities. The argument section alleges that some or perhaps all of these people and entities violated the federal Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1961 et seq., and obstructed justice; it also cites Penal Code statutes on attempt and aiding and abetting. We are required to presume that the result in the probate court was correct, and Washington’s allegations do not amount to a legal argument, supported by citations to the record and appropriate authority, that could satisfy her burden of showing error. (See *Singman v. IMDB.com, Inc.* (2021) 72 Cal.App.5th 1150, 1151; *United Grand Corp. v. Malibu Hillbillies, LLC* (2019) 36 Cal.App.5th 142, 153; *Paterno v. State of California* (1999) 74 Cal.App.4th 68, 106; Cal. Rules of Court, rule 8.204(a)(1)(B), (C).)

The fact section also contains an assertion that the probate court lacked jurisdiction because, when it held the hearing on the administrator’s Petition and issued the order approving it, Washington had a petition for review pending before the California Supreme Court in her prior appeal of the order confirming the sale of her aunt’s real property. (See *Washington v. Washington* (May 30, 2023, No. A166079) [2023 Cal. App. Unpub. Lexis

3118].)² An argument made only in passing in an opening brief's statement of facts is forfeited. (*Doe v. McLaughlin* (2022) 83 Cal.App.5th 640, 653.) Even if we were to consider it, what Washington offers is insufficient. When there is a stay pending appeal, "the trial court is divested of subject matter jurisdiction over any matter embraced in or affected by the appeal during the pendency of that appeal." (*Varian Medical Systems, Inc. v. Delfino* (2005) 35 Cal.4th 180, 196–197.) But Washington's briefing does not address whether there was a stay in the prior appeal (see Prob. Code § 1310), and it appears from the record that her aunt's house had already been sold pursuant to the court's order weeks before Washington filed her notice of appeal on August 16, 2022, of which we take judicial notice.³ As a result, any stay would have been ineffective, and Washington does not identify a mechanism by which the prior appeal could undo a sale that had already occurred. Because Washington has not addressed how, under these circumstances, the order at issue in this appeal could have affected the prior order approving the sale, she has not carried her burden to show that the court lacked jurisdiction to enter it. (See *Varian*, at p. 189.)

² The Supreme Court did not deny the petition for review until September 2023, and the remittitur from this court could not issue until after it had done so. (*Washington v. Washington* (Sept. 13, 2023, No. S280890) [2023 Cal. Lexis 5234]; Cal. Rules of Court, rule 8.272(b)(1)(A).)

³ For the first time at oral argument, Washington asserted that the probate court granted a motion to stay pending appeal, but no such motion or order granting it appears in the record. We were subsequently able to locate an ex parte motion to stay the sale pending appeal (which bears a stamp from the clerk indicating that it was filed on August 19, 2022) in the record filed with her prior appeal, and although no order on the motion is included, the register of actions appended to that record appears to show that it was granted on August 25, 2022. By then, however, the sale had already been completed, and we do not know whether the probate court was ever made aware of that fact.

DISPOSITION

The probate court's order is affirmed. The parties shall bear their own costs on appeal.

GOLDMAN, J.

WE CONCUR:

STREETER, Acting P. J.
HITE, J. *

* Judge of the Superior Court of the City and County of San Francisco, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Lisa Washington PETITIONER
(Your Name)

VS.

_____ — RESPONDENT(S)

PROOF OF SERVICE

I, Lisa Washington, do swear or declare that on this date, 12/10/24, 2024, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Mathew Aklen 4695 Chabot Dr. Ste 200 Pleasanton
CA

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12/10/24, 20


(Signature)