

FILED
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KING COUNTY
SUPERIOR COURT CLERK
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CASE #: 18-3-05993-7 SEA

Superior Court of Washington, County of KING

In re the Marriage of:

Petitioner/s (person/s who started this case):

Sonya Delance

and Respondent/s (*other party/parties*):

Michael Angelo Delance

No. 18-3-05993-7 SEA

**Contempt Hearing Order
(ORCN)**

[] Clerk's action required: 1, 8, 12

[] Review hearing: see section 12

Contempt Hearing Order

1. Money Judgment Summary

No money judgment is ordered.

- 2.** The court has considered the *Motion for Contempt Hearing* and any supporting documents, reply, and other documents from the court record identified by the court. A contempt hearing was held on (*date*): 09/23/22.

➤ **The Court Finds:**

- 3. Support Payments** (child support, medical support, children's expenses, spousal support)

Does not apply. This contempt hearing did not cover support issues.

- 4. Parenting Plan, Residential Schedule, or Custody Order**

Does not apply. This contempt hearing did not cover parenting/custody issues.

- 5. Restraining Order or Other Order**

Other findings: The court did not consider the motion on the merits as the petitioner was not served. The court enters this denial order and declines to continue the hearing to a different date for the reasons explained below.

Respondent filed this motion for contempt (#504) alleging that the petitioner violated the Order Appointing Special Master entered on March 28, 2022 (#420). Specifically, respondent alleges that the petitioner violated the order by not providing him with the contact information for the special master. A week prior to filing this motion for contempt, respondent filed a motion to compel the petitioner to provide him the contact information for the special master (#502). With regard to the motion for contempt, there is no proof of personal service of the order to show cause in the file. Petitioner did not respond to this motion or appear for today's hearing (presumably because she was not served). In reviewing the court file, the undersigned commissioner reviewed the petitioner's response to the motion to compel (#512) because the respondent filed a reply (#520) and updated WPSL (#519) for today's hearing on the motion for contempt, and the court wanted to review the response to which his reply referred. In reviewing the response, it is clear that it was filed in response to the motion to compel, not the motion for contempt. The court also reviewed Judge Keenan's Order denying the respondent's motion to compel, dated September 19, 2022 (#515).

There are several problems with respondent's motion aside from the lack of service:

- 1) The order the respondent alleges that the petitioner violated is not appropriate for contempt. See *e.g. Matter of Marriage of Young*, 26 Wash. App. 843, 845 (1980).
- 2) In some situations, the court would treat a motion for contempt as a motion to enforce if contempt was not an appropriate remedy. Here, however, Judge Keenan already denied the respondent's motion to compel. This court would not consider enforcing a provision of an order when the trial judge has already considered a motion that sought the same relief requested, and denied it.
- 3) Nothing in the Order Appointing Special Master requires or obligates the petitioner or her attorney to provide the respondent with the contact information for the special master. Therefore, failure to provide that information cannot possibly be considered a violation of the court order. The facts alleged by respondent do not establish even a prima facie case for contempt (or enforcement).

King County Superior Court
Judicial Electronic Signature Page

Case Number: 18-3-05993-7
Case Title: DELANCE VS DELANCE
Document Title: ORDER RE DENYING CONTEMPT
Signed By: Lindsey Goheen
Date: September 23, 2022



Pro Tem Commissioner: Lindsey Goheen

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: 2E98FCC0582DE804E14DA6D6F2041330E48E069D
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Certificate expiry date: 3/28/2027 10:57:21 AM
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OU=KCDJA, O=KCDJA, CN="Lindsey Goheen:
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