## **FILED**

2022 SEP 23 03:55 PM KING COUNTY SUPERIOR COURT CLERK E-FILED

CASE #: 18-3-05993-7 SEA

# **Superior Court of Washington, County of KING**

In re the Marriage of:	
	No. 18-3-05993-7 SEA
Petitioner/s (person/s who started this case): <u>Sonya Delance</u>	Contempt Hearing Order (ORCN) [ ] Clerk's action required: 1, 8, 12 [ ] Review hearing: see section 12
and Respondent/s (other party/parties):	
Michael Angelo Delance	

# **Contempt Hearing Order**

- 1. Money Judgment Summary
  - [X] 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)
  - [X] Does not apply. This contempt hearing did not cover support issues.
- 4. Parenting Plan, Residential Schedule, or Custody Order
  - [X] 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 considered a violation of the court order. The facts alleged by respondent do not establish even a prima facie case for contempt (or enforcement).

Although the undersigned normally errs on the side of caution in granting continuances and in hearing motions on the merits, time on the motions calendar is limited and in high demand. Given the clear defects with this motion, and the fact that Judge Keenan's order has, in essence, already decided the underlying issue, the undersigned denies the motion and denies the respondent's request to continue the hearing to allow more time for service.

6.	Lawyer	fees	and	costs
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[X] Does not apply.

#### The Court Orders:

#### 7. Contempt

Sonya Delance

[X] is **not** in contempt.

#### 8. Money Judgment

[X] Does not apply. No money judgment is ordered.

#### 9. Make-up parenting time

[X] Does not apply.

#### 10. Jail time

[X] Does not apply.

## 11. Contempt can be corrected (purged) if:

[X] Does not apply.

#### 12. Court review

[X] Does not apply.

Ordered.

Date	PT Commissioner Lindsey Goheen			
Petitioner and Respondent or thei	ir lawyers f	fill out below.		
This document (check any that apply): ] is an agreement of the parties ] is presented by me ] may be signed by the court without notice to me		This document (check any that apply): [ ] is an agreement of the parties [ ] is presented by me [ ] may be signed by the court without notice to me		
•		APPEARED VIA ZOOM		
Petitioner signs here <b>or</b> lawyer signs here + WSBA No.		Respondent signs here <b>or</b> lawyer sig	gns here + WSBA No.	
		Michael Angelo Delance	09/23/22	
Print Name	Date	Print Name	Date	
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# 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.

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OU=KCDJA, O=KCDJA, CN="Lindsey Goheen:

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