

BEFORE THE CITY OF CAMAS HEARINGS EXAMINER

Karin Nosrati on behalf of Morning Meadows Estate et al.,

Appellant,

v.

City of Camas, a Washington municipal corporation, Permitting Agency, and

Pac USA Camas LLC,

Applicant.

FILE NO.: SPRV23-06
APPEAL24-1001
PROJECT: 13TH STREET GAS STATION

**REPLY IN SUPPORT OF PAC USA
CAMAS LLC’S PREHEARING BRIEF
ON PROPER SCOPE OF APPEAL**

I. ARGUMENT

The Applicant, PAC USA Camas LLC (“PAC USA”), renews the arguments and objections raised in its November 21, 2024 Response Brief. Here, the Appellant, Ms. Karin Nosrati, is responsible for following the appropriate rules to perfect her appeal, both procedurally and substantively. *Holder v. City of Vancouver*, 136 Wn. App. 104, 106, 147 P.3d 641 (2006) (“[P]ro se litigants are bound by the same rules of procedure and substantive law as attorneys.”). In *Holder*, the trial court properly dismissed the appellant’s LUPA appeal because the appellant only mentioned LUPA once in his petition for review and, at trial, failed to demonstrate that he was entitled to relief. *Id.*

In *Edwards v. Le Duc*, 157 Wn. App. 455, 238 P.3d 1187, 1192 (2010), the appellate court found that a trial court had overstepped the bounds of impartiality by repeatedly assisting a pro se plaintiff in her personal injury trial by helping her in laying foundation for expert testimony, taking over questioning of key witnesses, coaching the plaintiff on answers to the defense counsel's objections, assisting the plaintiff in admitting exhibits, and instructing the jury that it could not draw any conclusions about merits of the case from the court's assistance. *Id.* at 460.

Affirming the rule that a court must hold pro se litigants to the same standards as attorneys, the appellate court concluded:

We acknowledge that trial courts have a difficult job of overseeing and conducting a trial fairly and efficiently, especially with parties representing themselves, but the trial court must, above all, remain impartial. On this record, it appears that the trial court felt obliged to assist a pro se litigant, but the trial court must treat pro se parties in the same manner it treats lawyers. *Westberg*, 86 Wn. App. at 411, 936 P.2d 1175; *cf. Bolte*, 38 A.D. at 237, 239, 56 N.Y.S. 1038.

Id.

For both her SEPA appeal and Type II permit appeal, Ms. Nosrati was required to perfect her appeal within fourteen days of the decision at issue. CMC18.55.165(E) (SEPA); CMC 18.55.200(A) (Type II appeal). That included identifying the parties to the appeal, stating the issues to be considered, and paying the applicable appeal fee.

It was Ms. Nosrati's obligation to ensure that these steps were met. In her appeal statement, she said that she was acting as the sole appellant on behalf of her neighbors, and she only identified herself and her husband as the appellant. Moreover, she was the only person that arguably executed, by typing her name, the required verification, and she was the only person to pay the required appeal fee.

Ms. Nosrati's appeal statement contained seven issues, one of which is related to the City's potential liability and therefore is likely non-justiciable in this forum. Under the applicable rules, these are the issues for this appeal. In her November 21, 2024 briefing, Ms. Nosrati again attempted to expand the appeal issues, by listing over twenty issues, and claiming an alleged right to further

expansion: “[*n*] *summary, we appeal the decision on numerous grounds and are not limiting ourselves the items listed above.*” Emphasis added.

The City’s appeal rules ensure impartiality and fundamental fairness to all parties. The rules require strict compliance to foster the policy of finality in land use decisions. *Chelan Cnty. V. Nykreim*, 146 Wn.2d 904, 931-32, 52 P.3d 1 (2002). Ms. Nosrati, elected to act as a pro se appellant. She is not entitled to rely on purported advice from the City on how to perfect her appeal. Her status as a pro se litigant does not entitle her to special treatment or relaxation of the applicable rules. Instead, the law requires that she be held to the same standards as an attorney.

II. CONCLUSION

Ms. Nosrati is an appellant in a quasi-judicial appeal proceeding. The parties and issues in her appeal were fixed at the expiration of the applicable 14-day appeal period, and Ms. Nosrati’s appeal statement defines the scope of the Examiner’s jurisdiction. Ms. Nosrati is not entitled to add parties, expand the issues to be heard, or rely upon a stream of third-party comments that are being filed long after the SEPA and Type II permit comment periods have closed.

For these reasons, PAC USA respectfully requests that the Examiner issue an order that limits Ms. Nosrati’s appeal to the issues presented in her appeal statement, strikes the untimely third-party comment letters, and rejects Ms. Nosrati’s attempt to expand the number of appealing parties.

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Dated this 27th day of November 2024.

SCHWABE, WILLIAMSON & WYATT, P.C.

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CERTIFICATE OF SERVICE

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct: That on the 27th day of November 2024, I arranged for service of the foregoing **REPLY IN SUPPORT OF PAC USA CAMAS LLC'S PREHEARING BRIEF ON PROPER SCOPE OF APPEAL** via Electronic Service to the parties to this action:

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