

Honorable Judge Larrañaga
Hearing: May 22, 2025
Without Oral Argument

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**KING COUNTY SUPERIOR COURT
STATE OF WASHINGTON**

ELIZABETH A. CAMPBELL, an individual,

Plaintiff,

v.

LARS CHRISTIAN MATTHIESEN, SHARON LUCAS, TOENE HAYES, KRISTINE LEANDER, SARAH D. ALAIMO, SWEDISH CULTURAL CENTER d/b/a the SWEDISH CLUB, GARY SUND, SHAMA ALBRIGHT, MOLLY OLSON SMITH, MARY EMERSON, IB R. ODDERSON, LANGDON L. MILLER, NEIL SNYDER, KRIS E. JOHANSSON, MARTIN K. JOHANSSON, ANNA FAINO and LANE POWELL PC,

Defendants.

Case No.: 23-2-25128-8 SEA

PLAINTIFF’S MOTION FOR CLARIFICATION OR CORRECTION OF ORDER DENYING MOTION REQUESTING PRESERVATION OF JUDGE’S WORKING PAPERS FOR CASE NO. 23-2-25195-4 UNDER CR 60(a)

I. INTRODUCTION

Plaintiff Elizabeth A. Campbell, pro se, moves under CR 60(a) to clarify or correct a clerical error in the Court’s April 21, 2025,¹ Order Denying Plaintiff’s Motion Requesting

¹ Plaintiff’s original motion for preservation of Judge Holloway’s working papers was properly filed under this lead consolidated action (Case No. 23-2-25128-8 SEA), though it sought relief regarding materials generated in the related matter captioned as Case No. 23-2-25195-4 SEA. The April 21, 2025, order denying that motion was likewise entered under the consolidated lead case number. This motion for clarification or correction is thus procedurally appropriate and within the Court’s authority under CR

1 3. Plaintiff's federal filing (Case No. 2:24-cv-00816-JLR, Dkt. #30, pp. 11-15, defendants' Ex.
2 1) detailed defendants' exclusion of briefs for Motions #1, #4, #7, and #8, placing Plaintiff's
3 filings "hundreds of pages later, un-tabulated" (Dkt. #30, p. 18; Decl. of Campbell, ¶ 4, Ex. C).

4 3. Defendants' opposition conceded to preserving the binders and confirmed Plaintiff's May
5 21-23, 2024, filings (Dkt. #30, p. 21), but opposed preserving notes (Dkt. #124, p. 3; Decl. of
6 Campbell, ¶ 3, Ex. B).

7 4. On May 21, 2024, the Clerk rejected 46 pages of Plaintiff's 69-page opposition brief to
8 Motion #4 (Dkt. #224) for formatting errors, filing only 23 pages, without notice until February
9 14, 2025 (Decl. of Campbell, ¶ 5, Ex. D; Motion to Stay, Court of Appeals No. 874985, pp. 6-14,
10 Ex. A).

11 5. Judge Holloway refused to consider filings not submitted via the eWorking Copies
12 Portal, which required a \$40 fee, despite Plaintiff's indigent status, as evidenced by an unruled
13 motion due to a fee issue (Dkt. #30, p. 19) and Plaintiff's requests for email authorization
14 (Holloway Comms, pp. 82-83; Decl. of Campbell, ¶ 6, Ex. E).

15 6. The Court's April 21, 2025, Order, captioned "GRANTING IN PART AND DENYING
16 IN PART," denied the motion in full, creating an inconsistency indicating a clerical error in
17 drafting (Order, pp. 1, 3; Decl. of Campbell, ¶ 7, Ex. F).

18 III. STATEMENT OF ISSUES

19 1. Whether the caption of the Court's April 21, 2025, Order, "GRANTING IN PART AND
20 DENYING IN PART," which contradicts its full denial of Plaintiff's Motion Requesting
21 Preservation of Judge Holloway's Working Papers, constitutes a clerical error in drafting under
22 CR 60(a) that mis-reflects the Court's intent to grant partial relief, specifically preserving the
23 hearing binders.

24 2. Whether procedural irregularities, including the Clerk's rejection of 46 pages of
25 Plaintiff's opposition brief to Motion #4 without notice, Judge Holloway's refusal to consider
26 non-portal filings despite Plaintiff's indigent status, and defendants' omission of Plaintiff's briefs

1 from the hearing notebook, support the Court’s intent to preserve the binders, as reflected in the
2 caption and defendants’ concession.

3 3. Whether correcting the clerical error to preserve the binders is necessary to ensure
4 fairness and a complete record for Plaintiff’s appeal, given the case’s complexity and Plaintiff’s
5 pro se challenges, including discovery disputes.

6 **IV. AUTHORITY AND ARGUMENT**

7 **Legal Standard:** CR 60(a) authorizes correction of clerical errors in orders at any time when the
8 record shows an inconsistency between the court’s intent and the order’s text, such as drafting
9 mistakes mis-reflecting the intended ruling (*In re Marriage of Getz*, 57 Wn. App. 177, 181
10 (1990); *Presidential Estates Apartment Assocs. v. Barrett*, 129 Wn.2d 320, 326 (1996)). Courts
11 may consider contextual evidence to clarify intent (*Marchel v. Bunger*, 13 Wn. App. 81, 84
12 (1975)) and preserve records when irregularities threaten fairness (*Nixon v. Warner*
13 *Communications*, 435 U.S. 589, 598 (1978)).

14 **A. The Caption Discrepancy Is a Clerical Error**

15 The order’s caption, “GRANTING IN PART AND DENYING IN PART,” is inconsistent with
16 its full denial, indicating a clerical error in drafting by the judge or bailiff (CR 60(a)). While
17 captions are not generally dispositive, Washington courts may look beyond the order’s body to
18 the full context of the record when clarifying intent. Here, the caption’s affirmative grant of “IN
19 PART” is not a boilerplate label but aligns with both the procedural posture and the defendants’
20 express concession that the binders should be preserved (*Marchel v. Bunger*, 13 Wn. App. 81, 84
21 (1975)).

22 The caption suggests the Court intended to grant partial relief, specifically preserving the
23 hearing binders, as supported by defendants’ concession (Dkt. #124, p. 3; Decl. of Campbell, ¶
24 3). This drafting mistake mis-reflects the Court’s intent, warranting correction to align with the
25 caption (*Getz*, 57 Wn. App. at 181; *Presidential Estates*, 129 Wn.2d at 326). Plaintiff does not
26

1 seek to relitigate the merits of the denial, but only to correct the order's form so that it conforms
2 to the Court's apparent intent and the procedural record.

3 **B. Procedural Irregularities Support the Court's Intent to Preserve Binders**

4 The Court likely intended to preserve the binders, as reflected in the caption, due to
5 procedural irregularities compromising the record, which necessitated ensuring a complete
6 record:

7 1. Clerk's Rejection: The Clerk's rejection of 46 pages of Plaintiff's opposition brief to
8 Motion #4 without notice (Motion to Stay, pp. 6-9, Ex. A; Decl. of Campbell, ¶ 5) limited the e-
9 filed record, increasing reliance on the notebook and likely prejudicing Order #4. This supports
10 the Court's intent to preserve the binders for verification, as lack of notice violated due process
11 (*Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950)).

12 2. Holloway's Portal Reliance: Judge Holloway's refusal to consider non-portal filings,
13 despite Plaintiff's indigent status (Dkt. #30, p. 19; Holloway Comms, pp. 82-85; Decl. of
14 Campbell, ¶ 6), meant he relied on the notebook, justifying the Court's intent to preserve it
15 (*Nixon*, 435 U.S. at 598).

16 3. Defendants' Notebook Omissions: Defendants' exclusion of Plaintiff's briefs from the
17 notebook, violating the Hearing Management Order (Dkt. #30, pp. 11-15; Decl. of Campbell, ¶
18 4), constituted misconduct, explaining the Court's intent to grant preservation to address this
19 irregularity (*Hazel-Atlas Glass Co.*, 322 U.S. 238, 246 (1944)).

20 4. Defendants' Concession: Defendants' agreement to preserve the binders (Dkt. #124, p.
21 3; Decl. of Campbell, ¶ 3) aligns with the caption, indicating the Court intended to grant this
22 unopposed relief to ensure transparency (*Dreiling v. Jain*, 151 Wn.2d 900, 907 (2004)).

23 These irregularities, detailed in Plaintiff's preservation motion (Dkt. #124) and federal
24 filing (Dkt. #30), demonstrate why the Court intended to preserve the binders, as the caption
25 suggests, to ensure fairness for appellate review (Decl. of Campbell, ¶ 8).

26 **C. Correction Ensures Fairness and Minimal Burden**

1 Plaintiff discovered the caption discrepancy in early May 2025 while preparing for
2 appellate review and acted promptly in filing this motion. Under CR 60(a), there is no deadline
3 for correcting clerical errors, and the short delay was due to ongoing, resource-intensive
4 discovery disputes involving 16 defendants.

5 Preserving the binders imposes no burden, as defendants conceded (Dkt. #124, p. 3), and
6 ensures a complete record for Plaintiff's appeal (Court of Appeals No. 874985; Decl. of
7 Campbell, ¶ 11). Correction aligns with due process, given the case's complexity (84 claims) and
8 Plaintiff's pro se challenges, including discovery disputes diverting resources in April-May 2025
9 (Decl. of Campbell, ¶ 10, Ex. G; *Erickson v. Pardus*, 551 U.S. 89, 94 (2007)).

10 V. CONCLUSION

11 The order's caption reflects the Court's intent to preserve Judge Holloway's binders,
12 contradicted by a clerical error in the full denial. Plaintiff requests clarification or amendment to
13 grant preservation, ensuring a complete record for appellate review.²

14 I certify that this memorandum contains 1,172 words, in compliance with the Local Civil
15 Rules.

16 DATED: May 8, 2025

17 Respectfully Submitted,

18 

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24 ² Because Plaintiff's appeal (Court of Appeals No. 874985) includes rulings stemming from proceedings held under
25 Case No. 23-2-25195-4 and the June 28, 2024, hearing notebooks compiled under Judge Holloway's supervision,
26 the integrity and availability of those materials is central to ensuring meaningful appellate review. The requested
clarification merely confirms the Court's apparent intent—as signaled in the order's caption and defense
concessions—to preserve these binders. This request is procedural, non-disruptive, and necessary to maintain the
completeness and fairness of the consolidated record on appeal.

**SUPERIOR COURT OF THE STATE OF WASHINGTON
IN THE COUNTY OF KING**

ELIZABETH A. CAMPBELL, an
individual,

Plaintiff,

v.

LARS CHRISTIAN MATTHIESEN,
SHARON LUCAS, TOENE HAYES,
KRISTINE LEANDER, SARAH D.
ALAIMO, SWEDISH CULTURAL
CENTER d/b/a the SWEDISH CLUB,
GARY SUND, SHAMA ALBRIGHT,
MOLLY OLSON SMITH, MARY
EMERSON, IB R. ODDERSON,
LANGDON L. MILLER, NEIL
SNYDER, KRIS E. JOHANSSON,
MARTIN K. JOHANSSON, ANNA
FAINO and LANE POWELL PC,

Defendants.

NO. 23-2-25128-8 SEA

**[PROPOSED] ORDER GRANTING
PLAINTIFF’S MOTION FOR
CLARIFICATION OR CORRECTION OF
ORDER DENYING MOTION
REQUESTING PRESERVATION OF
JUDGE’S WORKING PAPERS FOR CASE
NO. 23-2-25195-4 UNDER CR 60(a)**

THIS MATTER came before the Court on Plaintiff Elizabeth A. Campbell’s Motion for Clarification or Correction of the April 21, 2025, Order Denying Plaintiff’s Motion Requesting Preservation of Judge Holloway’s Working Papers for Case No. 23-2-25195-4 Under CR 60(a).

The Court, having considered the following:

1. Plaintiff’s Motion for Clarification or Correction Under CR 60(a), dated May 8, 2025;
2. Declaration of Elizabeth A. Campbell, dated May 8, 2025, with Exhibits A-G;

[PROPOSED] ORDER GRANTING PLTF.’S
MOTION FOR CLARIFICATION OR CORR.
OF ORDER DENYING MOTION REQUEST.
ING PRESERVATION OF JUDGE’S WRKG.
PAPERS UNDER CR 60(a) - 1

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- 1 3. Defendants' Opposition, if any;
- 2 4. Plaintiff's Reply, if any;
- 3 5. The files and records herein, including the April 21, 2025, Order, Dkt. #124, Dkt. #201,
4 Dkt. #30 (Case No. 2:24-cv-00816-JLR), and Motion to Stay (Court of Appeals No.
5 874985);

and being fully advised in the premises, now, therefore, it is hereby:

6 FINDINGS

7 1. The April 21, 2025, Order's caption, "GRANTING IN PART AND DENYING IN
8 PART," is inconsistent with its full denial of Plaintiff's motion, constituting a clerical error in
9 drafting under CR 60(a) that mis-reflects the Court's intent to grant partial relief, specifically
10 preserving Judge Holloway's hearing binders for the June 28, 2024, motion to dismiss hearing
11 (*In re Marriage of Getz*, 57 Wn. App. 177, 181 (1990)).

12 2. Defendants' concession to preserving the binders (Dkt. #124, p. 3) supports the Court's
13 intent, as reflected in the caption, to ensure a complete record for appellate review.

14 3. Procedural irregularities, including the Clerk's rejection of 46 pages of Plaintiff's
15 opposition brief to Motion #4 without notice (Motion to Stay, pp. 6-9, Ex. A), Judge Holloway's
16 refusal to consider non-portal filings despite Plaintiff's indigent status (Dkt. #30, p. 19;
17 Holloway Comms, pp. 82-85), and defendants' omission of Plaintiff's briefs from the hearing
18 notebook (Dkt. #30, pp. 11-15), compromised the record, further justifying the Court's intent to
19 preserve the binders (*Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950);
20 *Hazel-Atlas Glass Co.*, 322 U.S. 238, 246 (1944)).

21 4. Preserving the binders imposes no burden on the Court or parties and ensures fairness,
22 given the case's complexity (84 claims, Motion to Stay, p. 27) and Plaintiff's pro se challenges,
23 including discovery disputes (Decl. of Campbell, ¶¶ 2-4, 7-9, Ex. G; *Erickson v. Pardus*, 551 U.S.
24 89, 94 (2007)).

25 [PROPOSED] ORDER GRANTING PLTF.'S
26 MOTION FOR CLARIFICATION OR CORR.
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1 5. The Court further finds that although the April 21, 2025, order was entered in Case No.
2 23-2-25195-4 SEA, the motion and materials addressed in that order involved overlapping
3 parties, filings, and hearing materials with the present matter. Correction under CR 60(a) is
4 appropriate to conform the record to the Court's intent and to ensure preservation of materials
5 relevant to the appellate record.

6 **ORDER**

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

- 8 1. Plaintiff's Motion for Clarification or Correction Under CR 60(a) is GRANTED.
- 9 2. The April 21, 2025, Order is corrected to reflect the Court's intent, as indicated by the
10 caption, to grant partial relief by preserving Judge Holloway's hearing binders for the
11 June 28, 2024, motion to dismiss hearing.
- 12 3. The Court directs that Judge Holloway's hearing binders be preserved and maintained as
13 part of the court record for Case No. 23-2-25195-4, accessible for Plaintiff's appeal
14 (Court of Appeals No. 874985).
- 15 4. This correction imposes no burden on the Court or parties, as defendants conceded to
16 preservation (Dkt. #149, p. 4), and ensures a complete record for appellate review (*Nixon*
17 *v. Warner Communications*, 435 U.S. 589, 598 (1978); *Dreiling v. Jain*, 151 Wn.2d 900,
18 907 (2004)).

19 DATED this ____ day of May, 2025
20
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23 _____
24 Honorable Judge Larrañaga
25 King County Superior Court

26 [PROPOSED] ORDER GRANTING PLTF.'S
MOTION FOR CLARIFICATION OR CORR.
OF ORDER DENYING MOTION REQUEST.
ING PRESERVATION OF JUDGE'S WRKG.
PAPERS UNDER CR 60(a) - 3

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1 Presented by:

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26 [PROPOSED] ORDER GRANTING PLTF.'S
MOTION FOR CLARIFICATION OR CORR.
OF ORDER DENYING MOTION REQUEST.
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PAPERS UNDER CR 60(a) - 4

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1 **CERTIFICATE OF SERVICE**

2 I, Elizabeth A. Campbell, certify that on May 7, 2025, I caused to be served a true and
3 correct copy of the following documents, 1) PLAINTIFF’S MOTION FOR CLARIFICATION
4 OR CORRECTION OF ORDER DENYING MOTION REQUESTING PRESERVATION OF
5 JUDGE’S WORKING PAPERS FOR CASE NO. 23-2-25195-4 UNDER CR 60(a), 2)
6 DECLARATION OF ELIZABETH A. CAMPBELL IN SUPPORT OF MOTION FOR
7 CLARIFICATION OR CORRECTION OF ORDER DENYING MOTION REQUESTING
8 PRESERVATION OF JUDGE’S WORKING PAPERS FOR CASE NO. 23-2-25195-4 UNDER
9 CR 60(a), and 3) [PROPOSED] ORDER GRANTING PLAINTIFF’S MOTION FOR
10 CLARIFICATION OR CORRECTION OF ORDER DENYING MOTION REQUESTING
11 PRESERVATION OF JUDGE’S WORKING PAPERS FOR CASE NO. 23-2-25195-4 UNDER
12 CR 60(a) via the method indicated below and addressed to the following:

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25 \\
26 CERTIFICATE OF SERVICE OF MOTION, DECL.
CAMPBELL, AND [PROPOSED] ORDER FOR
CLARIFICATION OR CORR.OF ORDER DENY.
MOTION REQUEST. ING PRESERVATION OF
JUDGE’S WRKG.PAPERS UNDER CR 60(a) - 5

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Attorney for Defs Hayes, Leander

17 Signed on May 7, 2025 at Seattle, Washington.

18 

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23
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25 CERTIFICATE OF SERVICE OF MOTION, DECL.
26 CAMPBELL, AND [PROPOSED] ORDER FOR
CLARIFICATION OR CORR.OF ORDER DENY.
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JUDGE'S WRKG.PAPERS UNDER CR 60(a) - 6

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