

[X] EXPEDITE
[X] Hearing is set
Date: 02/09/21
Time: 8:30AM to 9:00AM
Judge/Calendar: Ex Parte

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THURSTON COUNTY

DEPARTMENT OF LABOR AND
INDUSTRIES OF STATE OF
WASHINGTON,

Plaintiff,

v.

FOWLER NAT D. AND MARY M
DBA FARMBOY DRIVE IN,

Defendant.

No. 20-2-02460-34

MOTION FOR ORDER TO SHOW CAUSE
WHY ACTION SHOULD NOT BE
DISMISSED AND ALL ORDERS
PREVIOUS ENTERED VACATED UNDER
CR 4, CR 12(b)(2), (4), and (5), CR 60(c)(5),
and DUE PROCESS CLAUSE OF THE
CONSTITUTIONS OF WASHINGTON
STATE AND THE UNITED STATES

Defendant, FOWLER NAT D. AND MARY M DBA FARMBOY DRIVE IN (“Defendants”), by and through undersigned counsel, moves this Court for an Order to Show Cause Why this case should not be dismissed this action under CR 12(b)(2), (4), and (5), for lack of personal jurisdiction over Defendants, and why this Court should not vacate all prior orders entered, under CR 60(b)(5) and Due Process Clause of the Washington and United States Constitution.

1. BASIS

Court Rule 60(b)(5) allows a party vacate void orders. The application shall be accompanied by a motion and affidavit stating facts and errors made. CR 60(e)(1). Upon filing the motion and affidavit and good cause the Court shall set a hearing. CR 60(e)(2). The motion, Motion for Order to Show Cause

1 affidavit, and show cause order shall be served upon the parties the same as a summons with the
2 hearing dated stated therein. CR 60(e)(3).

3 Here, this motion for an order to show cause is pursuant to CR 60(e), the Motion and
4 Memorandum to Dismiss and Vacate filed contemporaneously, this Court's records, and
5 Declaration of Drew Mazzeo supporting this Motion, all hereby incorporated by reference.
6

7 2. GOOD CAUSE

8 Orders were entered without due process of law. No summons has been filed, let alone
9 served, in this action. The Court lacks personal jurisdiction over Defendants. The matter should be
10 dismissed, and all previous orders vacated a void.

11 3. RELIEF REQUESTED

12 This Court enter an Order to Show Cause for (1) a hearing date more than 30 days from the entry
13 of this order on this Court's dispositive motion calendar and docket, and (2) setting a briefing schedule
14 before said hearing date.

15 DATED this 8th day of February 2021.

16 HARBOR APPEALS AND LAW, PLLC

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20 Drew Mazzeo, WSBA No. 46506
21 Attorney for Farmboys