IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

In re the Marriage of	)	No. 64376-2-I
SOHEILA BODAGHI,	)	DIVISION ONE
Respondent,	)	
and	)	
MOHAMMED VAHID DANESH-BAHREINI,	)	UNPUBLISHED
	)	FILED: July 25, 2011
Appellant.	)	

Cox, J. — Mohammed Vahid Danesh-Bahreini[1] appeals a decree of dissolution, arguing primarily that the trial court abused its discretion in awarding his ex-wife, Soheila Bodaghi, 80 percent of the marital property and $100,000 in attorney fees due to his intransigence. Because his briefs and the record on appeal are substantial obstacles to our review of his appeal, and for the additional reasons set forth below, we affirm.

The parties married in Tehran in 1989 and have two children. From 1989 until 1998, Vahid worked for Boeing as an engineer. He then started his own company, Engineering Network International (ENI). Vahid worked as the owner and president of ENI until it was shut down in 2009. ENI produced substantial profits and, from 2004 through 2008, provided the parties annual pretax income between $365,000 and $687,000. The trial court found that Vahid "is a smart, resourceful, good businessman who created, ran, and almost solely maintained

[1] Consistent with the parties' briefing, this opinion will refer to appellant as "Vahid."

a profitable and successful business, ENI . . . ."[2] The court also found that Vahid has "much greater earning ability than the wife will ever have" but does not, on his current salary, have the ability to pay maintenance.[3]

Soheila raised the parties' children and has largely been out of the workforce except for sporadic, part-time employment in the parties' business. She has taken community college courses and earned an MBA from City University of Bellevue. The trial court found that without further training, Soheila could earn no more than $10 to $12 an hour. If she returns to school and becomes a Certified Public Accountant, she could earn $42,000 per year. The court found that Soheila had paid $226,000 in attorney fees incurred in the dissolution and still owed $196,000.

The trial court concluded that Soheila was entitled to maintenance but that Vahid did not have the current ability to pay it. Therefore, "in lieu of spousal maintenance, and in light of the parties' disparate economic circumstances," the court awarded Soheila 80 percent of the community assets.[4] The court added:

> . . . The disproportionate award of assets is also based on the court's finding that the pool of community assets available to divide has been diminished by the husband's intransigent conduct, including conduct which was the basis for findings by the arbitrator that the husband was trying to give away community property and that the husband had breached his fiduciary duty to the community to preserve assets.[5]

---

[2] Clerk's Papers at 152.

[3] Id.

[4] Id.

[5] Id.

Both parties requested attorney fees based on the other party's alleged intransigence. The court found "no evidence that the wife has been intransigent or in bad faith in any respect."[6] The court specifically addressed and rejected each of Vahid's claims of intransigence.

Conversely, the court found that Vahid had "engaged in a pattern of intransigent conduct" that caused Soheila to incur substantial attorney fees.[7] The court characterized this intransigence as "pervasive," noting in particular Vahid's repeated misuse of joint funds, false claims relating to his failure to provide documentation, and his failure to comply with, and violations of, multiple arbitators' orders. The court ordered Vahid to pay Soheila $100,000 for attorney fees caused by his intransigence.

Vahid appeals.

The law does not distinguish between litigants who elect to proceed pro se and those who seek assistance of counsel.[8] Both must comply with applicable procedural rules, and failure to do so may preclude review.[9] This court generally will not consider arguments that are unsupported by pertinent authority, references to the record, or meaningful analysis.[10] It is also the

---

[6] Id. at 153.

[7] Id.

[8] In re Marriage of Olson, 69 Wn. App. 621, 626, 850 P.2d 527 (1993).

[9] Id. at 626; State v. Marintorres, 93 Wn. App. 442, 452, 969 P.2d 501 (1999).

[10] Cowiche Canyon Conservancy v. Bosley, 118 Wn.2d 801, 809, 828 P.2d 549 (1992) (arguments not supported by authority); State v. Elliott, 114 Wn.2d 6, 15, 785 P.2d 440 (1990) (insufficient argument); Saunders v. Lloyd's of

appellant's burden to provide a record sufficient to review the issues raised on appeal.[11]

With few exceptions, Vahid has failed to comply with these requirements. Although the trial lasted more than a month and included 26 witnesses and 311 exhibits, he has only provided transcripts of the parties' testimony and has designated no exhibits for review.[12] His briefs contain few references to a record that includes 14 volumes of the report of proceedings and nearly 1,300 pages of clerk's papers.[13] The briefing also contains a single citation to authority, no discussion of the applicable standard of review, and little meaningful legal analysis.[14] In sum, these deficiencies are substantial obstacles to our consideration of his appeal.

Our review of the record for the first issue indicates that the court was within its discretion in dividing the parties' property as it did. RCW 26.09.080 authorizes trial courts to dispose of marital property in whatever manner "shall appear just and equitable after considering all relevant factors . . . ." Relevant factors include the duration of the marriage, the economic circumstances of the

---

London, 113 Wn.2d 330, 345, 779 P.2d 249 (1989) (issues unsupported by adequate argument and authority); State v. Camarillo, 54 Wn. App. 821, 829, 776 P.2d 176 (1989) (no references to the record), aff'd, 115 Wn.2d 60, 794 P.2d 850 (1990); RAP 10.3(a).

[11] Story v. Shelter Bay Co., 52 Wn. App. 334, 345, 760 P.2d 368 (1988).

[12] Soheila separately designated 43 exhibits for review.

[13] The briefs occasionally cite to an appendix, but the appendix has not been provided.

[14] No cases are cited in Vahid's briefs on appeal.

parties, the need for maintenance, and the dissipation or wasting of marital assets.[15] The trial court is in the best position to determine what is fair and equitable and has broad discretion in distributing the property and liabilities in dissolution proceedings.[16] We will not reverse a trial court's property distribution on appeal absent a showing of manifest abuse of discretion.[17]

Here, the court's property distribution rested on findings that the parties' had a 20-year marriage, Soheila had minimal skills and earning power, Vahid had "much greater earning ability than [Soheila] will ever have,"[18] Soheila needed maintenance, and Vahid had dissipated the available pool of community assets. Soheila correctly points out that Vahid has not assigned error to these findings. A party challenging findings on appeal must assign error to each challenged finding and quote or provide the material portions of the challenged findings in his or her brief.[19] In addition, the challenging party must demonstrate "why specific findings of the trial court are not supported by the evidence and

---

[15] RCW 26.09.080; In re Marriage of Williams, 84 Wn. App. 263, 267-71, 927 P.2d 679 (1996) (courts consider duration of marriage, parties' financial resources, ability to meet their needs independently, and conduct depleting marital assets); In re Marriage of Wallace, 111 Wn. App 697, 708, 45 P.3d 1131 (2002) (trial court may consider party's waste of assets); In re Marriage of Steadman, 63 Wn. App. 523, 528, 821 P.2d 59 (1991) (trial court may consider one spouse's "gross fiscal improvidence" or "squandering of marital assets"); In re Marriage of Rink, 18 Wn. App. 549, 553, 571 P.2d 210 (1977) (court may consider maintenance in dividing property).

[16] Brewer v. Brewer, 137 Wn.2d 756, 769, 976 P.2d 102 (1999).

[17] Id.

[18] Clerk's Papers at 152.

[19] RAP 10.4(c)(g).

[must] ***cite to the record*** to support that argument."[20] Failure to follow these requirements may result in findings being treated as verities.[21]

Vahid has not complied with any of the aforementioned requirements for challenging findings of fact. Even after Soheila pointed out his failure to assign error, Vahid still did not assign error to any findings in his reply brief and did not respond to Soheila's argument that the findings should be treated as verities. In these circumstances, we conclude that the court's findings are verities on appeal.[22] Considering those findings, and in light of decisions upholding similar distributions in similar circumstances, we conclude that the court's distribution was not a manifest abuse of discretion.[23]

---

[20] In re Estate of Lint, 135 Wn.2d 518, 532, 957 P.2d 755 (1998) (emphasis added); In re Estate of Palmer, 145 Wn. App. 249, 264-65, 187 P.3d 758 (2008).

[21] Starczewski v. Unigard Ins. Group, 61 Wn. App. 267, 276, 810 P.2d 58 (1991) ("The trial court's findings will be taken as verities if the party challenging them does not supply citations to the record in support of the challenges."); In re Estate of Pfleghar, 35 Wn. App. 844, 845 n.1, 670 P.2d 677 (1983) (findings of fact not set out verbatim in brief as required by RAP 10.4(c) are treated as verities on appeal).

[22] We note the Supreme Court's admonition that "[i]f we were to ignore the rule requiring counsel to direct argument to specific findings of fact which are assailed and to cite to relevant parts of the record as support for that argument, we would be assuming an obligation to comb the record with a view toward constructing arguments for counsel as to what findings are to be assailed and why the evidence does not support these findings. This we will not and should not do." Lint, 135 Wn.2d at 532.

[23] See, e.g., Stacy v. Stacy, 68 Wn.2d 573, 574-75, 414 P.2d 791 (1966) (upholding award of 75 percent of net assets to wife where wife had not worked during 22-year marriage and there were three children still at home); In re Marriage of Dessauer, 97 Wn.2d 831, 835, 650 P.2d 1099 (1982) (75 percent of community property value to wife; 25-year marriage), overruled in part on other grounds, In re Marriage of Smith, 100 Wn.2d 319, 669 P.2d 448 (1983); In re Marriage of Donovan, 25 Wn. App. 691, 695-96, 612 P.2d 387 (1980) (two thirds

Vahid's challenges to the award of attorney fees for intransigence and the court's valuation of his business, ENI, suffer the same flaws. He again fails to satisfy any of the requirements for challenging the court's extensive and detailed findings of fact. We therefore treat them as verities. Treated as such, the findings amply support the court's award of attorney fees and the court's valuation and treatment of ENI.

Soheila requests attorney fees on appeal, arguing that the appeal is frivolous, that she "has had to obtain some legal assistance to meet the challenge Vahid brings to the trial court's orders," and that his manner of proceeding on appeal has caused her to incur unnecessary fees. Soheila has appeared pro se in this appeal. Attorney fees are not available on appeal to a nonlawyer, pro se litigant.[24]

We decline to impose sanctions under Rule of Appellate Procedure (RAP) 18.9(a). There is an insufficient showing that this appeal falls within the express provisions of that RAP.

We affirm the decree of dissolution.

Cox, J.

WE CONCUR:

of net assets to wife; 14-year marriage); Rink, 18 Wn. App. at 551 (two thirds of community property to wife; 24-year marriage).

[24] In re Marriage of Brown, 159 Wn. App. 931, 938, 247 P.3d 466 (2011).

Appelwick, J.

Becker, J.