

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

In the Matter of the Marriage of)
)
JILL IRINA BORODIN,) No. 66635-5-I
)
) DIVISION ONE
 Respondent,)
) UNPUBLISHED OPINION
 and)
)
ADAM REED GROSSMAN,)
)
)
 Appellant.) FILED: June 11, 2012

Grosse, J. — Pro se litigants are held to the same standards as attorneys and must comply with all procedural rules on appeal.¹ Failure to do so may preclude appellate review.² The failure of an appellant, including a pro se appellant, to provide argument and citation of authority in support of an assignment of error precludes appellate consideration of an alleged error.³ Here, pro se appellant Adam Grossman raises 40 assignments of error, but fails to support the majority of them with argument and citation of authority. We do not consider those assignments of error that are unsupported.

Grossman purports to provide argument and analysis of some issues, including the trial court’s decisions to exclude certain financial evidence and to limit the number of witnesses who could be called during the trial. Grossman claims, with regard to his allegation of error regarding financial evidence, that the trial court erred by striking certain testimony. But he fails to cite to the

¹ In re Marriage of Olson, 69 Wn. App. 621, 626, 850 P.2d 527 (1993).

² State v. Marintorres, 93 Wn. App. 442, 452, 969 P.2d 501 (1999).

³ Avellaneda v. State, ___ Wn. App. ___, 273 P.3d 477, 482 n.5 (2012).

portion of the record where this issue was raised, addressed, and resolved. He likewise fails to cite to the portion of the record where he requested additional witnesses and “equal time to testify” and where the trial court denied his requests. A party is required to include references to relevant parts of the record in the party’s argument section of its brief.⁴ Grossman has failed to comply with this rule. Grossman also fails to provide citations to the record for material he represents to be verbatim quotations from testimony or documents in the record. We are not required to search the record to locate the portions relevant to a litigant’s arguments, and we decline to do so with respect to these arguments.⁵ Grossman’s failure to comply with the appellate rules precludes our review of these issues.

Grossman raises additional issues in the conclusion section of his brief, such as “unethical and unlawful behavior” of respondent Jill Borodin’s counsel in the trial court, and requests a variety of relief, including that this court “order treatment” presumably of Borodin. Again, Grossman provides no citations to the record in support of his arguments and requests for relief, nor does he provide any supporting legal authority or meaningful argument. “Passing treatment of an issue or lack of reasoned argument is insufficient to merit judicial consideration.”⁶ We will not review the issues Grossman raises in the conclusion section of his brief.

Grossman challenges the trial court’s finding that he has a history of

⁴ RAP 10.3(a)(6).

⁵ Cowiche Canyon Conservancy v. Bosley, 118 Wn.2d 801, 819, 828 P.2d 549 (1992).

⁶ Holland v. City of Tacoma, 90 Wn. App. 533, 538, 954 P.2d 290 (1998).

domestic violence. As with other issues he raises, Grossman fails to provide citations to relevant parts of the record relevant to this issue. Moreover, review of the record as to this issue, to the extent possible, shows no error. A trial court must limit a parent's residential time if the trial court finds that the parent has a history of domestic violence.⁷ Grossman's history of domestic violence is evidenced by the August 2010 order for protection in which the court found that he "committed domestic violence as defined in RCW 26.50.010 and represents a credible threat to the physical safety of [Borodin.]"⁸ Grossman does not and cannot challenge that finding on appeal here. The finding is a verity on appeal and establishes Grossman's history of domestic violence.⁹

Grossman cites error in the trial court's award of attorney fees to Borodin based on Grossman's intransigence. A spouse's intransigence can be the basis of an award of attorney fees to the other spouse.¹⁰ A trial court's award of attorney fees is a matter within the court's discretion which we will not disturb absent an abuse of that discretion.¹¹ Grossman fails to cite to any evidence in the record in support of his argument, and accordingly we reject his argument.

We award Borodin compensatory damages pursuant to RAP 18.9(a),

⁷ RCW 26.09.191(2)(a).

⁸ We note that Borodin's citations to the record, purportedly to evidence in support of the entry of the protection order, are not helpful. Borodin fails to cite specific portions of the testimony of the witnesses she deems supportive of the trial court's decision. Further, we presume that her citations to "16a, 16b, 16c, 38, 66, 201, 203, 217, 219-221, and 223" are citations to exhibits. Some of these exhibits were not designated as part of the record on appeal and others of them are not relevant to Borodin's argument. Also we presume her repeated citation to Clerk's Papers 1073 should be to Clerk's Papers 1088.

⁹ See In re Marriage of Brewer, 137 Wn.2d 756, 766, 976 P.2d 102 (1999).

¹⁰ In re Marriage of Buchanan, 150 Wn. App. 730, 739, 207 P.3d 478(2009).

¹¹ In re Marriage of Bobbitt, 135 Wn. App. 8, 29-30, 144 P.3d 306 (2006).

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which allows an appellate court on its own initiative to order a party or counsel who fails to comply with the appellate rules to pay compensatory damages to any other party who has been harmed by the failure to comply. Compensatory damages may include an award of attorney fees and costs to the opposing party.¹² We award Borodin her attorney fees and costs incurred on appeal. She is directed to comply with RAP 18.1.¹³

Grosse, J.

WE CONCUR:

Dwyer, J.

Cox, J.

¹² Holiday v. City of Moses Lake, 157 Wn. App. 347, 356, 236 P.3d 981 (2010), review denied, 170 Wn.2d 1023 (2011).

¹³ We need not and do not address Borodin's request for an award of attorney fees and costs on appeal under RAP 18.9 on the ground that Grossman's appeal is frivolous.