

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

VILA PACE-KNAPP,	)	No. 67393-9-I
	)	
Appellant,	)	DIVISION ONE
	)	
v.	)	
	)	
Dick and Cecilia Pelascini,	)	UNPUBLISHED OPINION
husband and wife and their marital	)	
community; Thomas Boboth; and )	)	
Pacific Shoreline Mortgage,	)	
Inc.,	)	
	)	
Respondents,	)	
	)	
WINDERMERE REAL ESTATE/	)	
BELLEVUE COMMONS, INC.,	)	
	)	
Defendant.	)	FILED: November 13, 2012

Schindler, J. — Vila Pace-Knapp argues the trial court erred by (1) calculating postjudgment interest from 2009 instead of 2006 on an amount that did not include attorney fees; (2) denying her request for attorney fees incurred on remand; and (3) entering an order to release the \$35,990 deposited in the court registry to Dick and Celia Pelascini, Thomas Boboth, and Pacific Shoreline Mortgage Inc. (collectively Pelascinis). We affirm.

This is the third appeal in this case. The facts are set forth in our prior opinions.

Pace-Knapp v. Pelascini, 143 Wn. App. 1037, 2008 WL 699279; Pelascini v. Pace-Knapp, 160 Wn. App. 1005, 2011 WL 489756. We repeat the facts only as necessary.

On December 1, 2006, the court ruled in Pace-Knapp's favor and entered judgment for Pace-Knapp. In the first appeal, we remanded for a determination of damages and attorney fees under the Consumer Protection Act (CPA), chapter 19.86 RCW. Pace-Knapp, 2008 WL 699279, at \*1. On remand, the court entered a judgment on June 12, 2009, awarding damages, prejudgment interest, and attorney fees.

In the second appeal, the Pelascinis challenged the award of attorney fees and prejudgment interest. Pelascini, 2011 WL 489756, at \*1.<sup>1</sup> We concluded that the court erred by awarding fees related to a petition for supreme court review, and made a calculation error with respect to prejudgment interest. Pelascini, 2011 WL 489756, at \*9. We affirmed in all other respects and remanded "to recalculate the attorney fee award and prejudgment interest." Pelascini, 2011 WL 489756, at \*1.

The trial court entered an amended judgment on April 22, 2011, subtracting the amounts for attorney fees related to the petition for review and duplicative prejudgment interest.

In this third appeal, Pace-Knapp argues the trial court erred by refusing to award postjudgment interest dating back to the judgment entered December 1, 2006, by not awarding postjudgment interest on attorney fees, by denying her request for attorney fees, and by releasing the funds deposited in the court registry to the Pelascinis.

Pace-Knapp's appeal of the decisions to deny her request to award

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<sup>1</sup> The Pelascinis claimed the trial court erred "1) in awarding attorney fees based on documentation that was not contemporaneously recorded, 2) by failing to segregate work on unsuccessful claims, and 3) by failing to discount the amount awarded for duplicative and otherwise unproductive work." Pelascini, 2011 WL 489756, at \*3.

postjudgment interest back to 2006 and to deny her request for attorney fees is untimely. The court entered its judgment on April 22, 2011. On April 22, 2011, the court also denied Pace-Knapp's motion requesting additional attorney fees and to clarify the date postjudgment interest began to accrue. Pace-Knapp filed her motion for reconsideration a day late on May 3, 2011. The motion asked the court to reconsider its order denying Pace-Knapp's motion requesting additional attorney fees and to clarify the date postjudgment interest began to accrue. On June 7, 2011, the court entered an order releasing the funds deposited in the court registry. Pace-Knapp filed her notice of appeal on July 7, 2011.

RAP 5.2(a) requires a party to file a notice of appeal within 30 days of the order for which review is sought. Further, RAP 5.2(e) requires that a party file a timely motion for reconsideration in order to extend the time to appeal an order. Stedman v. Cooper, \_\_\_ Wn. App. \_\_\_, 282 P.3d 1168, 1170 (2012). Pace-Knapp did not file a notice of appeal within 30 days of entry of the order denying her motion to award postjudgment interest beginning in 2006 and an award of attorney fees on April 22, 2011.<sup>2</sup>

Pace-Knapp timely filed an appeal of the order lifting the stay and releasing the bond.<sup>3</sup>

Pace-Knapp argues the court erred by releasing the funds deposited with the court registry to the Pelascinis. Because the judgment has been paid in full, this issue

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<sup>2</sup> Pace-Knapp also contends the judgment contains a scrivener's error. Because appeal from the April 22, 2011 judgment is untimely, and because it was not raised below, the court does not consider this issue. RAP 2.5(a).

<sup>3</sup> Pace-Knapp filed her notice of appeal on July 7, 2011.

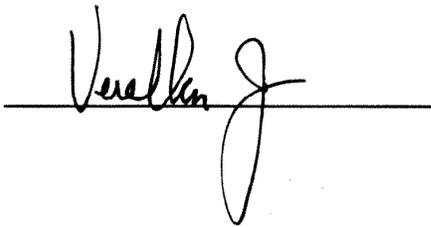
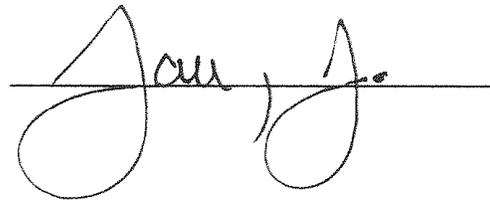
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is moot. Dean v. Fishing Co. of Alaska, Inc., 166 Wn. App. 893, 903-04, 272 P.3d 268 (2012).

Affirmed.

A handwritten signature in cursive script, reading "Schweidler, J.", written over a horizontal line.

WE CONCUR:

A handwritten signature in cursive script, reading "Verellen, J.", written over a horizontal line.A handwritten signature in cursive script, reading "Jan, J.", written over a horizontal line.