Court of Appeals No.: 606577

COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION TWO

FILIP HANIK et al.,

Appellants/Cross-Respondents,

v.

TERESA HANIK et al.,

Respondents/Cross-Appellants.

REPLY BRIEF OF APPELLANTS/CROSS-RESPONDENTS

Filip Hanik, Appellant *pro se*
16300 Ne 185th Ct
Brush Prairie, WA 98606
filip@hanik.com

Alexandra Hanik, Appellant *pro se*
16300 Ne 185th Ct
Brush Prairie, WA 98606
alex@hanik.com

(Case below: Superior Court, Clark County, Case No. 23-2-02429-3)

TABLE OF CONTENTS

TABLE OF AUTHORITIES

I. INTRODUCTION

Respondent Teresa Hanik's brief in opposition to this appeal is most notable for how little of it actually addresses the arguments made by Appellants.

Where Appellants meticulously demonstrated the material issues of fact that should have prevented the motion court from granting summary judgment, Respondent (hereafter, "Mother") pretends that Appellants demanded an affidavit from her as a prerequisite for her motion (a fabrication) and then devotes her entire argument on this point to refuting her own straw man.

Where Appellants proved that their claims below were based on evidence that Respondents fraudulently induced a trial court to order the traumatic detention of two children by misrepresenting a planned program of coercion and mistreatment as "therapy," Mother evades the argument and insists that as long as Respondents' deception was successful it cannot be actionable. Her position turns the law on its head.

Where Appellants showed that the claims they assert in the instant litigation were never adjudicated by any court, Mother calls this showing a "collateral attack" – while the record she herself cites proves otherwise.

Where Appellants demonstrated that they were wrongly sanctioned by the motion court, Mother insists that any sanction imposed by the court below was automatically correct simply because Appellants opposed the sanction.

On top of this, Mother – much as she did in the motion court below – bases her position on claims of "fact" that are unsupported by citations to the record, repeatedly resorting to *ad hominem* attacks on one of the Appellants (Filip Hanik) and misrepresenting the record in an effort to prejudice the Court against him.

In short, Mother's failure to refute the arguments presented in Appellants' original brief is almost total. Nothing could demonstrate more clearly the need for this Court to reverse the motion court below.

II. RESPONSE TO MOTHER'S RESTATEMENT OF THE CASE

Because one would never know it from reading Mother's brief, it is worth repeating what the instant litigation is about.

Appellants' Verified Complaint alleges the collusive manipulation of an arbitrator and a judge by the Respondents herein – a noncustodial parent (Mother) and a shady psychologist hired by her for the purpose (Respondent Gottlieb) – in an effort to change the custody of two minor children without regard for Washington law. This wrongful change of custody was to be engineered by applying psychological coercion to the minor children, who were to be isolated from their custodial parent for an extended period and, while vulnerable and disoriented, pressured into recanting their honest accusations against the noncustodial parent. (CP 7-9.)

Respondents' scheme succeeded to the extent that the court orders they wrongfully procured – by falsely representing their scheme as "reunification therapy" to the arbitrator and the

trial court – resulted in the seizure and confinement of the two minor children, who suffered serious emotional trauma as a result. (CP 9-10.)

It is significant that Mother does not devote a single word of her "Restatement of the Case" to refuting, or even addressing, any of these matters.

Instead, Mother begins her "Restatement of the Case" with a falsehood, proceeds to a *non sequitur*, and concludes by summarizing the rulings of the motion court below without ever describing the issues that were the subjects of the court's ruling – all in all, a remarkable record of evasion.

The falsehood: Mother claims that Appellants' Statement of the Case "is almost entirely unsupported" by citations to the record. (Mother's Brief, p. 3, n. 1.) Anyone who bothers to read Appellants' Brief can see that the opposite is true. (*See* Appellants' Brief, pp. 5-15.)

Compounding her falsehood, Mother then maintains that wherever Appellants do cite to the record they cite only to the

Verified Complaint, and that the law precludes any such citations as valid opposition to a motion for summary judgment. (Mother's Brief, p. 3, n. 1.) This is wrong on two counts. First, Appellants have cited not one but several solid pieces of evidence to demonstrate the existence of material disputes of fact precluding summary judgment. For example: two sworn affidavits rebutting Mother's claim that Respondents' scheme for the children was legitimate "reunification therapy" (CP 473-479, Appellants' Brief, pp. 19-21, 23-24); a written statement from the children's therapist (who would have testified at trial) warning that Respondents' "therapy" would actually harm the children rather than helping them (CP 9, paras. 28-29, Appellants' Brief, p. 10); details of Respondents' scheme *emphasized on the record by the arbitrator himself* that could not realistically be part of any legitimate therapy (CP 177, paras. 7-8, Appellants' Brief, p. 9); and evidence, specifically acknowledged on the record by the trial judge in the Matrimonial Action, that Respondents' attempt to implement

their plan actually did harm the children (CP 9, para. 30, Appellants' Brief, p. 10). Mother's brief ignores every one of these record citations.

Second, contrary to Mother's assertion, nothing in the law precludes the use of sworn statements, including factual claims verified under penalty of perjury, in opposition to summary judgment motions – and Mother herself offers no authority to the contrary.[1] Mother's sideswipe at Appellants' Statement of the Case, in which Appellants repeatedly cite to sworn or verified documents, is completely unfounded.

It is also hypocritical. While Appellants' brief scrupulously cites to the record for all statements of fact, the same cannot be said of Mother's brief in opposition. Mother claims, for instance, that Appellants spend fully 14 pages of their brief arguing that Mother "did not 'meet' the summary

[1] Indeed, as Appellants have already demonstrated, the actual posture of Respondents' motions for summary judgment was the exact opposite of what Mother claims in her brief: Appellants, in opposing summary judgment, pointed to crucial disputed facts on the basis of sworn statements, while Respondents presented no competent evidence of any kind in support of their motions. (Appellants' Brief, pp. 17-18, n. 6.)

judgment standard because she filed no declarations." (Mother's Brief, pp. 9-10.) This is flatly untrue: Appellants never made such an argument. What Appellants pointed out in their brief is that Mother failed to adduce *any* evidence to demonstrate the absence of a material dispute of fact. (Appellants' Brief, pp. 17-22.) In one footnote, Appellants then demonstrated that any claims of fact advanced in Mother's motion papers were legally valueless as evidence where they were not supported by an affidavit or verification; Mother offered unrebutted legal authority for that position. (Appellants' Brief, p. 17, n. 6.) In a word, what Appellants contended was entirely true. Mother's characterization of it was entirely false.

Nor are these the only false or unsubstantiated contentions in Mother's brief. She claims that Appellant Filip Hanik "*consented*" to the "arbitrator's decision" requiring the children to be handed over to Turning Points. (Mother's Brief, p. 12 [emphasis in original].) Wrong again. Mother's claim is belied by her own citation, which shows that Filip consented

only to the *role* of the arbitrator, *not* to Mother's assertion that what Turning Points offered, and the arbitrator wrongly accepted, was "unification" therapy – that is, to the question that lies at the very heart of this litigation. (*See* CP 1169.)

And there is still more. Mother cites nothing in the record to prove her claim that she conveyed no false information to the court below to obtain orders for the children's detention – because no such evidence exists (Mother's Brief, p. 13) – and her insistence that Appellants "repeatedly admitted" that Mother "loves her daughters and wants the best for them" (Mother's Brief, pp. 22, 34) finds no support in the record whatsoever, certainly not in the page Mother cites (CP 1171).

The non sequitur: Instead of addressing the factual contentions underlying this appeal, Mother devotes most of her Restatement of the Case to a recital of Appellants' unsuccessful attempts to seek interlocutory review (from this Court and Washington's Supreme Court) of the key rulings Respondents obtained from the arbitrator and the trial judge in the

Matrimonial Action (with the use of material misrepresentations of fact, as Appellants argue) – rulings that resulted in the confinement and consequent emotional damage of the children. (Mother's Brief, pp. 3-7.)

This is, to say the least, a paradoxical point for Mother to stress. All she actually demonstrates is that neither this Court nor the Supreme Court of Washington ever ruled on whether the scheme that Respondents successfully proposed to the arbitrator, and that was then enforced by the trial court in the Matrimonial Action with an order detaining the children, was actually a therapeutic program (as the parties had authorized) or instead a coercive means of changing custody through harmful psychological manipulation of the children – which, again, is the question at the heart of the instant litigation. (Mother's Brief, p. 7.)

The rulings attached as appendices to Mother's brief likewise prove that no court ever considered whether or not Respondents wrongfully and collusively deceived the arbitrator,

as Appellants allege, by misrepresenting their abusive scheme as "therapy" – which is what the instant litigation is all about. (Appendix "A" to Mother's Brief, p. 5; Appendix "B" to Mother's Brief, p. 8; Appendix "C" to Mother's Brief, p. 4.)[2] This adjudicative history supports Appellants' case, not Mother's.

The evasion of facts: While failing to discuss any of the facts set forth in Appellants' opening brief, Mother concludes her Restatement of the Case with the wholly unsupported claim that the entire case commenced by Appellants below constituted a "collateral attack" on the rulings obtained by Respondents' misrepresentations of fact in the Matrimonial Action (Mother's Brief, p. 8; see CP 7, paras. 21-22) – even though Mother's own

[2] By motion filed with this Court on August 1, 2025, Mother complained bitterly when Appellants presented, with their brief, a document from the Matrimonial Action on the grounds that Appellants had allegedly "made no argument" as to how the document pertained to the motion court's rulings granting summary judgment in the instant litigation. (Corrected Objection to Appellants/Cross-Respondents' Opening Brief, p. 3.) It is one more instance of the disingenuousness of Mother's arguments that she has presented, with *her* brief, rulings denying discretionary review of the Matrimonial Action without offering any argument as to how those rulings affected the decisions on appeal in the instant litigation.

summary, as shown above, proves that these rulings have never been reviewed by any court and therefore cannot be subject to a "collateral attack" in this action.

Thus, Mother's Restatement of the Case fails to set forth any facts at all relevant to this appeal.

III. ARGUMENT

A. RESPONDENTS FAILED TO MEET THE STANDARD FOR SUMMARY JUDGMENT

Mother argues that she presented a sufficient case for summary judgment by making the "contention" that there was "an absence of evidence to support [Appellants'] claim." (Mother's Brief, p. 10.)

The law, however, requires more than a "contention." A motion for summary judgment must establish the facts supporting the movant's case so clearly that no issue of material fact remains to be litigated at trial. *Hertog, ex rel. S.A.H. v. City of Seattle*, 138 Wash. 2d 265, 275 (1999), *citing Taggart v. State*, 118 Wash. 2d 195, 199 (1992) *and* CR 56(c). Moreover,

"[t]he court must construe all facts and inferences in the light most favorable to the nonmoving party." *Binschus v. Dept. of Corrections*, 186 Wash. App. 77, 91 (Ct. App., Div. 1, 2015), *aff'd*, 186 Wash. 2d 573 (2016).

Mother's brief does not even attempt to demonstrate that she met this exacting standard.[3] Instead, she claims that she and her fellow Respondents (Gottlieb and Turning Points) could not have collusively deceived the arbitrator in the Matrimonial Action, as alleged by Appellants, because "the trial court ruled that the children's detention was authorized by a valid court order based on a valid arbitrator's decision." (Mother's Brief, p. 12.) But this merely begs the question. As shown above, whether the arbitrator's decision (and the resulting court order) were "valid" – or whether, as Appellants allege, they were obtained fraudulently by Respondents' misrepresentations of fact about the nature of their abusive scheme for the children –

[3] She does not even point to any evidence suggesting the absence of a material dispute; she refers only to her own allegations unsupported by any sworn statement – which renders the allegations legally valueless. *See State v. Akridge*, 3 Wash. App. 274 (Ct. App., Div. 1, 1970).

is the very issue Appellants seek to resolve at a trial in the instant litigation. What is more, as Appellants have repeatedly demonstrated, this issue has yet to be ruled on by any court. (Mother's untethered claim that Appellants "attempt," in this litigation, "to *relitigate* how, or why the arbitrator decided to order the Turning Points program" (Mother's Brief, p. 14 [emphasis added]) is flatly untrue.) Mother's position reduces to a circular argument.

Not only did Appellants enunciate multiple facts proving, at a minimum, the existence of a material dispute that required resolution at trial (*see, e.g.*, CP 7-10, paras. 20-33); the trial court in the Matrimonial Action itself confirmed that the children's long-term therapist had "expressed concern and risk for psychological harm to the children and an amplification of safety concerns" if Respondent's scheme were carried out – thus directly contradicting Mother's claim (Mother's Brief, pp. 22-23, 26) that her plan called only for benign "therapy." (CP 9,

para. 30.) Indeed, the trial court noted on the record that one of the children had already experienced suicidal ideation. (*Id*.)

Clearly, at a minimum, a material dispute remained to be resolved with respect to the most crucial question of all in this litigation: whether or not Respondents misled the arbitrator into believing that the coercive scheme they proposed – and the arbitrator ordered – was the "therapy" the parties had agreed to.[4] (*See also* CP 478-479, paras. 2-3, CP 428-429 *and* CP 488, n. 3 for further evidence refuting Mother's claim.)

Finally, Mother's own motion for summary judgment pointed to the existence of a material factual issue by arguing that Appellants' assertions "can be disputed by the several professionals who served on the family law case from 2020

[4] Mother falsely claimed, in her motion for summary judgment, that Respondents' abusive plan for the children was supported by "the consensus [among the mental health professionals involved with the children] that there was a need for a more intensive reunification therapy for this family" (CP 307 [underlining in original]), and that the children never complained of being "damaged" by Respondents' "reunification proceedings" (CP 309). Appellants' opening brief exposed these claims as fabrications. (Appellants' Brief, p. 23-24.) Significantly, Mother's brief does not offer a word in defense of this double falsehood – the only claims of "fact" Mother has ever offered to show that Respondents' scheme for the children was benign and lawful.

through 2023." (CP 311.) Such a "dispute" could only have been resolved at trial; it could not legally be decided via summary judgment. *See Jones v. Allstate Ins. Co.*, 146 Wash. 2d 291, 300 (2002). Yet Mother's brief does not even mention this issue. Nor does it mention the glaring fact that the motion court granted summary judgment in Respondents' favor *before even allowing for the exchange of discovery between the parties*. (Appellants' Brief, pp. 31-32.)

Summary judgment was patently inappropriate in this case; nothing in Mother's brief lends any support to the motion court's disputed rulings.

B. THE MOTION COURT WRONGLY DISMISSED APPELLANTS' CLAIMS AS A MATTER OF LAW

1. False Imprisonment

Mother, like the motion court, relies on the circular argument that Appellants cannot, as a matter of law, sue Respondents for wrongfully obtaining a court order that resulted in the confinement of the children – because

Respondents succeeded in obtaining such an order. (Mother's Brief, p. 12; *see* CP 572; CP 574; CP 947-948.)

Appellants have already cited three cases that completely dispose of this argument. (Appellants' Brief, p. 29.) Mother responds by misrepresenting the holdings of all three.

According to Mother, *Turngren v. King County*, 104 Wash. 2d 293, 304-05 (1985) holds that only police officers can be liable for false imprisonment for wrongfully obtaining a court order that caused the victims' confinement, and that Mother, therefore, cannot be liable – despite having obtained exactly such an order through misrepresentations of fact – because she is not a police officer. (Mother's Brief, pp. 16-17.) That is nonsense; one will search the case in vain for such a holding. What the case actually held is that where defendants "deliberately conveyed false information to the magistrate" to obtain a court order that caused damage to the plaintiff, "respondents could be held liable for false imprisonment." *Id.*, 104 Wash. 2d at 304-05. That holding squarely refutes both

Mother's description of the case and, more importantly, the motion court's challenged rulings.

Mother then claims that *Fondren v. Klickitat County*, 79 Wash. App. 850, 855 (Ct. App., Div. 3, 1995), which (like *Turngren*) holds that one is liable for false imprisonment for fraudulently causing another's detention by authorities – exactly what Mother is alleged to have done in this case – does not apply to these facts because that case dealt with a motion to dismiss rather than one for summary judgment. (Mother's Brief, p. 17.) That is a "distinction" without a difference. In fact, *Turngren* and *Fondren* both directly refute the motion court's reasoning that Respondents could not be liable for wrongfully obtaining the order in question simply because they obtained it. And Mother's attempt to evade the plain meaning of these cases only underscores the point.

Mother outdoes herself in her effort to dodge the similar holding of *Tyner v. DSHS, Child Protective Servs.*, 141 Wash. 2d 68, 1 P.3d 1148, 1157 (2000). The *Tyner* court, following

the rulings in *Turngren* and *Fondren*, held that even a police officer or a CPS caseworker can be liable for false imprisonment if that official causes the arrest or detention of another by passing inaccurate information to authorities. Mother claims that this holding does not apply to this case because she "is not the State." (Mother's Brief, p. 18.) Comment is superfluous.

Mother also attempts to defend the motion court's grant of summary judgment to Respondents by asserting that Appellants "offered *no evidence* that [Mother] presented *any* false or misleading information to the court that issued the writ and the warrant." (Mother's Brief, p. 19 [emphasis in original].)

That claim is both false and irrelevant. It is false, because there *was* evidence in the record of such "false or misleading information": Respondents told the arbitrator and the trial court that Turning Points offered a legitimate program for reunification therapy (CP 341, para. F), while one of the detained children swore an affidavit indicating otherwise (CP

478-480); the children's therapist warned, in writing, that the "program" Respondents touted would actually be harmful to the children (CP 9, paras. 28-30); and Mother's flagrant attempts to isolate the children from their father while in detention (she tried to have their cell phones confiscated and was prepared to use physical force to get the children into Turning Points' custody – CP 428-429) militate against her claim of benign intentions in what she calls the "unification process."

Mother's claim is also irrelevant, because the paucity of "evidence" she alleges is meaningless in the context of a summary judgment motion *before the parties had even exchanged discovery*. It was not Appellants' duty to prove their case at that preliminary stage; they were only obliged to point to issues involving disputes of material fact, and Appellants more than satisfied that duty. The motion court erred in granting summary judgment to Mother on this cause of action.

2. Intentional Infliction of Emotional Distress

Mother insists that Respondents cannot be liable for intentional infliction of emotional distress because their alleged actions were not sufficiently "outrageous." (Mother's Brief, p. 21.) The exact import of this argument is not clear. At times, Mother appears to argue that her conduct could not be "outrageous" because the children's trauma was caused by a court order (ignoring the fact that the order was issued due to Respondents' false representations about the Turning Points scheme). (*Id*., p. 22.) At other times, she shifts her ground and suggests that because she is "a loving and caring mother," what she did cannot possibly have been "an outrage committed intentionally or recklessly." (*Id*., p. 23.)

Both assertions are unavailing.

Mother's claim to be immune from liability because she successfully persuaded a court to seize and terrify her daughters is contrary to law, as shown above. It is also blatantly illogical: the outrage alleged by Appellants lies precisely in Respondents'

deceptive manipulation of a court of law to inflict emotional distress on two minor children.

As for Mother's self-serving claim that she is simply too good to be liable for intentional infliction of emotional distress, the record belies her protestations of good intentions. Whatever she may claim after the fact, Mother's conduct – as set out in detail in the Verified Complaint – amounted to the deliberate kidnapping of her children (by means of wrongfully obtained court orders) in a setting and in a manner that she knew would traumatize them both. Indeed, the affidavit Alexandra Hanik submitted in opposition to Mother's motion emphasized the emotional distress suffered by the children, while Filip Hanik's affidavit outlined the consciously fraudulent nature of the scheme by which Respondents precipitated the children's trauma. (CP 473-481.) To deny that such conduct was "outrageous" is to deny reality.

Thus, Mother's arguments that Appellants' claim for intentional infliction of emotional distress was barred as a

matter of law are altogether untenable. And since Appellants established the existence of a dispute as to material facts with respect to this cause of action (*see* CP 478-480), the motion court was clearly in error when it granted summary judgment to Mother as to this claim.

3. *Prima Facie* Tort: Civil Conspiracy

Rather than address Appellants' detailed allegations setting forth Respondents' collusive scheme to apply coercive psychological pressure to the children – with the aim of wrongfully modifying child custody – Mother dismisses Appellants' cause of action for civil conspiracy as "nonsense" and claims that it was "rightly rejected…as a matter of law." (Mother's Brief, p. 24.)

Yet – although Mother ignores it – Appellants presented a detailed account of Respondents' concerted undertaking, as well as proof that what they did was unlawful. Appellants alleged that Respondents "engaged in a conspiracy designed to subject two minor children to psychological torture, systematic

abuse, manipulation and brainwashing"; that Respondents' actions were particularly outrageous because they involved misleading an arbitrator and a court of law; and, further, that Respondents used the pretext of an arbitrator's directive for "reunification therapy" as a screen for their own plan "to torture and/or abuse two minor children." (CP 12, paras. 54-58.) At least some of this, moreover, was set forth in Appellants' sworn statements, made on personal knowledge, based on Respondents' attempts to impose a draconian isolation on the children while they were confined. (*See* CP 478-479, paras. 2-3, CP 428-429 *and* CP 488, n. 3.) Appellants did more than allege an unlawful conspiracy; they presented evidence of conduct on Respondents' part that dovetailed closely with their allegations.

Lastly, it is highly disingenuous of Mother to complain that Appellants presented insufficient evidence of a conspiracy when – because no pretrial discovery had been conducted at the time the summary judgment motions were ruled on – Appellants lacked access to Respondents' emails, letters,

memoranda, notes and other documents that would have shed light on the details of their collusive scheme. (It is undisputed that Mother worked together with Gottlieb and Turning Points to achieve her "reunification" goals – *see* Mother's Brief, p. 26.) Since the motion court did not allow Appellants the normal discovery process as a way of confirming the allegations sworn in the Verified Complaint, the proper legal question – which Mother never discusses – is whether Appellants *might* have established their case once they were given access to Respondents' internal records and communications. Clearly, this question cannot be answered in the negative; and this proves that summary judgment was wrongly granted to Mother on this claim as well.

C. THE MOTION COURT WRONGLY GRANTED SUMMARY JUDGMENT IN FAVOR OF MOTHER'S CLAIM FOR "ABUSE OF PROCESS" AND WRONGLY AWARDED ATTORNEY'S FEES TO MOTHER

1. Abuse of Process

Mother concedes that this Court need not actually reverse the motion court's ruling granting summary judgment on Mother's counterclaim for "abuse of process," since Mother herself has withdrawn the counterclaim. (Mother's Brief, p. 28, n. 4.) Yet even here Mother's position is disingenuous and self-contradictory: while conceding that her counterclaim has been dismissed and is not before this Court, she nevertheless insists that Appellants did commit an "abusive use of process" [sic] (Mother's Brief, p. 14) and even that the motion court "essentially" ruled accordingly (*id*., p. 8). (Convenient word, "essentially.") Mother really cannot have it both ways.

In any event, there is clearly no basis in the record for any such finding against Appellants – as demonstrated in Appellants' opening brief – and Mother and Gottlieb, by

withdrawing their counterclaims, have already admitted as much. (CP 1156-1159.) This Court should rule accordingly.

2. Attorney's Fees

Mother insists that the motion court was justified in penalizing Appellants with a sanction of $4,500 in attorney's fees over what the motion court called Appellants' illegitimate claim for "civil conspiracy." (Mother's Brief, pp. 30-35.) Characteristically, Mother overlooks the relevant law and skips lightly over the facts.

As Appellants showed in their opening brief, Mother provided no information from which the motion court could have properly determined what attorney's fees Mother incurred due to any sanctionable conduct allegedly committed by Appellants. Nor did she present the slightest legal justification or excuse for having failed to do so. (*See* CP 1094-1098.) This failure was particularly striking given the motion court's ruling that only a fraction of the claims pursued by Appellants could be considered unsupported by law or fact. (CP 576-577.) Yet

Mother made no showing as which attorney's fees she incurred in responding to any allegedly illegitimate arguments.

Absent such a showing, Mother's request for sanctions was legally deficient. An award of attorney's fees under CR 11 is justified only where the party seeking the award explains why she is entitled to the specific award sought. *See Zimmerman v. W8Less Products, LLC*, 160 Wash. App. 678, 698 (Ct. App., Div. 2, 2011). The party must establish, "with reasonable certainty," the actual amount of fees incurred as a result of sanctionable conduct. *See Holmquist v. King County*, 192 Wash. App. 551, 559 (Ct. App., Div. 1, 2016). In addition, the amount sought must be established through the presentation of competent evidence. *Id*., 192 Wash. App. at 560. This clearly did not occur in the instant matter. Accordingly, the motion court's award of sanctions cannot stand.

Mother completely ignores these issues and argues, instead, that Appellants were properly sanctioned because they argued against the imposition of sanctions. Her brief asserts:

> The court sanctioned Filip because he continued (and continues) to claim that he has a viable cause of action against Teresa for seeking reunification therapy in their family law case, even though the court had already dismissed his baseless claims on summary judgment. CP 1292.

(Mother's Brief, p. 31.) According to Mother, a plaintiff who has not even been allowed pretrial discovery violates the law by saying that he believes he can make out a valid claim for a wrongful conspiracy once he is given the chance to review the defendants' correspondence and internal documents. No wonder Mother cites no authority to support this position – there being none. The legal merits of Appellants' arguments have already been discussed; Mother has no grounds for denying that Appellants' allegations *could* state a claim. Therefore, to say, as Mother does, that a plaintiff is guilty of advancing a sanctionable cause of action while key evidence remains concealed from him, simply because the defendants deny the allegations, is to turn the relevant law on its head.

Mother is just as far afield in her attempt to justify the motion court's effectively random award of $4,500 – the equivalent of 15 hours of billable work by Mother's counsel – for what, even assuming sanctions were appropriate, amounted to an exiguous task. Mother does not deny that the sanction applied only to one of Appellants' claims – the cause of action for a *prima facie* tort – and that Mother's entire argument on that issue consisted of two short, conclusory paragraphs out of Mother's 19-page motion for summary judgment, containing no analysis of the facts or the relevant law. (CP 319-320; *see* CP 310-346, CP 571-575 *and* CP 10, paras. 34-37.)

Mother does not explain how those two simple paragraphs required *15 hours* to compose; she argues that this problem does not matter – without explaining why it does not matter – and adds that Appellants' challenge to the amount of sanctions is "insulting." (Mother's Brief, p. 35.) Why such an argument is "insulting" is yet another thing that Mother does not explain. The fact remains that the motion court gave no

reason for believing that Mother's attorney spent 15 hours writing two simple paragraphs to rebut the only claim by Appellants the court considered sanctionable in the first place (CP 1294) – and Mother's brief sheds no light on the question; Mother simply dodges it. Here, too, the Court should reverse.

IV. CONCLUSION

Though nothing in Mother's brief addresses it, the central question raised in this case – and never yet ruled on by any court – is whether the plan that Mother and her hired gun "psychologist" successfully presented as "reunification therapy" to an arbitrator, and then a trial court, was in fact a therapeutic program or a coercive scheme designed to change child custody through psychological abuse.[5]

[5] Mother even asks this Court to "disregard" the portion of Appellants' brief specifically devoted to clarifying the nature of the question posed by Appellants' Verified Complaint, yet evaded by the motion court in the rulings now on appeal. (Mother's Brief, pp. 27-28.) Her bizarre misrepresentation of Appellants' elucidation of the issue as "baseless speculations about what *might have happened* had the children gone to New York" (*id*., p. 27 [emphasis in original]) – which, needless to say, has nothing to do with what Appellants wrote – reveals the full disingenuousness of Mother's position. Why go to such lengths to conceal the facts if she is actually telling the truth?

In the motion court below, Appellants argued that it was the latter – and presented two sworn affidavits, written evidence from the children's therapist (who was also prepared to testify) and details of Respondents' own plan to support the claim. Respondents insisted, without presenting a shred of competent evidence, that their plan was legitimate, simply because they managed to make the arbitrator (and later a trial judge) think that it was.

This was – and remains – the question on which the instant litigation turns. It has never been addressed by a court of law. It plainly presents a stark factual dispute between the parties. It can only be resolved by a trial – and a trial can only take place if the motion court's grant of summary judgment to Respondents is reversed.

At present, the parties have not even exchanged discovery. Mother clearly wants to keep it that way; her brief is

replete with *ad hominem* attacks[6] but never addresses the factual disputes at the heart of the case, pretending instead that no such disputes exist or, if they do, that they have already been ruled on. Both arguments are false.

Appellants, by contrast, seek only their day in court. A fair reading of the briefs presented on this appeal will demonstrate that Appellants are entitled to this – and that the rulings challenged herein have so far wrongly prevented this.

[6] The vituperative language Mother's brief aims at Appellant Filip Hanik, unsupported by anything in the record, is one of its most salient features. Mother describes him as "abusive" (Mother's Brief, p. 14), "scandalous" (*id*., p. 28), lacking "common sense" (*id*., p. 22), subject to "paranoid fantasies" (*id*., p. 26), a believer in "conspiracy theories" (*id*., p. 27) and "bizarre speculations" (*id*., p. 34), as well as suffering from "delusions" (*id*., p. 28) that issue from a "fevered imagination" (*id*., p. 27) – to quote some of Mother's choicer words.

Accordingly, Appellants again respectfully request that this Court reverse the rulings of the motion court challenged above, and remand this matter to that court for appropriate proceedings leading to trial.

DATED this 6th day of October, 2025

Respectfully Submitted,

DocuSigned by:
Filip Hanik 10/6/2025
7704CAB18A154C6...
FILIP HANIK
Appellant *pro se*

Signed by:
Alexandra Hanik 10/6/2025
DAEF5050FF374CF...
ALEXANDRA HANIK
Appellant *pro se*

CERTIFICATE OF COMPLIANCE

Pursuant to RAP 18.17(b), the undersigned certify that the foregoing Brief of Plaintiffs-Appellants was produced using word processing software and that the number of words contained in the document, exclusive of words contained in any appendices, title sheet, table of contents, table of authorities, certificate of compliance, certificate of service, signature blocks and pictorial images is 5,360, and therefore complies with the length limitation (6,000 words) contained in RAP 18.17(c)(3).

DocuSigned by:
Filip Hanik 10/6/2025
7704CAB18A154C6...
FILIP HANIK
Appellant *pro se*

Signed by:
Alexandra Hanik 10/6/2025
DAEF5050FF374CF...
ALEXANDRA HANIK
Appellant *pro se*

CERTIFICATE OF SERVICE

This is to certify that on the 6th day of October 2025, true and correct copies of the foregoing **REPLY BRIEF OF APPELLANTS** were served on all parties hereto by electronic service, email and/or First Class mail delivery to the following:

Kenneth W. Masters, Esq.
Shelby R. Frost Lemmel, Esq.
Masters Law Group, P.L.L.C.
321 High School Road NE, D-3 #362
Bainbridge Is., WA 98110
ken@appeal-law.com
shelby@appeal-law.com

Roxana T. Manesh, Esq.
WSBA #59410
The Vern McCray Law Firm
413 NE Everett Street
Camas, WA 98607
roxana@vernmccraylaw.com

Linda J. Gottlieb
473 FDR Drive, Apt. K407
New York, NY 10002
lindajoygottlieb@gmail.com

Turning Points for Families
Attn: Linda J. Gottlieb
473 FDR Drive, Apt. K407

New York, NY 10002
lindajoygottlieb@gmail.com

DocuSigned by:
Filip Hanik
7704CAB18A154C6...

10/6/2025

FILIP HANIK
Appellant *pro se*

FILIP HANIK

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Filed with Court:	Court of Appeals Division II
Appellate Court Case Number:	60657-7
Appellate Court Case Title:	Filip Hanik, Appellan v. Teresa Hanik, et al., Respondents
Superior Court Case Number:	23-2-02429-3

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Sender Name: Filip Hanik - Email: filip@hanik.com
Address:
16300 NE 185th Ct
Brush Prairie, WA, 98606
Phone: (415) 299-9888

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