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E-FILED  
THURSTON COUNTY, WA  
SUPERIOR COURT  
10/27/2021 4:51:24 PM  
Linda Myhre Enlow  
Thurston County Clerk

EXPEDITE (If filed within 5 court days of hearing)  
 Hearing is set:  
Date: 10-29-21  
Time: 10:00am Zoom #: 242-974-5214 Rm:4  
Judge/Calendar: Schaller/Revision

### Superior Court of Washington for Thurston County Family & Juvenile Court

In re: Guardianship of  
Hazel Belle Ursa Smith  
  
Respondent(s): Minor Child(ren)

No. 21-4-00443-34  
Preliminary Objections  
  
Submitted by John Smith,  
grandfather  
(Dewitt wasn't appointed here!)

**NOTE:** *signatures* & Dewitt, esq. was never appointed to represent anyone in the emergency guardianship cause(s), entirely different statutory construction from permanent guardianship!)  
TO: The Clerk of Thurston County Family & Juvenile Court, (360)709-3260, 2801 32nd AVE SW, Tumwater, WA 98512;

AND,

Breckan Scott-Gabriel, bar #:41585, attorney for Kathryn Stoker (maternal grandmother) and Hans Stoker (husband of Kathryn Stoker, but NOT the grandfather), PO Box 1123, Yelm, WA 98597-1123, PH. (360)960-8951, fax (360)485-1916, e-mail: breckan@breckanlaw.com;

AND,

Selena Ursa Smith, mother, e-mail: [doublekachina007@protonmail.com](mailto:doublekachina007@protonmail.com), domiciled in Oregon mailing address: 6901 26<sup>th</sup> Ct SE, Lacey, WA 98503, Ph. (971)803-9898

AND,

Robert Ayers (father), e-mail: unknown, Ph. unknown, address: unknown

AND,

James D Wells, e-mail: [rodytok@gmail.com](mailto:rodytok@gmail.com), (253) 948-8260, 210 Kiona Rd, Randle WA 98377

### Preliminary Objections Affecting Motion for Revision

1. The Respondent and her father, John Smith (grandfather) as her 'next friend' made/submitted a Motion for Order for Revision de Novo.  
A hearing on the Motion was scheduled for (date): 10-1-21 @ 10:00am before judge Schaller. It was stricken extra-judicially by Dewitt, esq, an attorney appointed by the court to represent Selena Smith in the permanent guardianship cases (21-4-00577-34 & 21-4-00678-34) but refused when sought for emergency guardianship for minors cases 21-4-00443-34 & 21-4-00452-34). These cases involved Selena's 3 minor children, my grandchildren with whom I am very familiar and have bonded with.

I sought to notify all parties and the court ASAP I intended to seek a revision to commissioner Thomas' ruling denying my effort to join the proceedings in order to protect my relationship with my grandchildren given the egregious circumstances surrounding this case and the utter lack of jurisdiction (both subject matter and in personam as well as failure of proper, not 'actual', service

and due process), conflicts of interest, egregious misconduct on the part of the petitioner's, their attorney, Breckan Scott, their agent (Robert Kurtz) who stalked and harassed Selena Smith while knowing her children were not 'missing', but in the lawful custody of their mother, Selena. There was a great deal of exculpatory evidence revealing Selena was not an unfit mother and that no exigent circumstances existed to warrant the unlawful unconstitutional issuance of an ex parte immediate emergency warrant intended to be executed in a foreign jurisdiction with NO JUDICIAL OVERSIGHT THERE WEHATSOEVER by Commissioner Kortokrax who subsequently, sua sponte, admitted he had a conflict of interest and recused himself AFTER issuing the ex parte immediate emergency order--fully aware it was intended to be executed in a foreign state based on NOTHING but Breckan Scott's unsworn ARGUMENTS (and says as much on the order in the record). **As a matter of law, challenges/objections to jurisdiction are ALWAYS timely.**

What is most galling about this miscarriage of justice is Breckan Scott, an officer of the court, lied to the court throughout her argument falsely claiming Selena Smith was mentally ill, had absconded with her children, claimed a nationwide manhunt was underway, that a number of states had open child endangerment cases open against Selena, and that she was neglecting her children. None of that was true. But neither Selena nor I were ever provided any meaningful opportunity for a full evidentiary hearing replete with live testimony, subpoenas, and cross examination. When Selena presented declarations from witnesses most familiar with her most current circumstances and care of her children, Commissioner Thomas openly sneered at them from the bench, then advised it was too bad she hadn't offered a declaration in her submissions why she had chosen a street name while attempting to avoid being stalked, which, upon investigation, turned out to be precisely what the Petitioners (Stokers) and their fraudulent "U.S. Marshall" (Robert Kurtz), who was not a "professional" (in commissioner Thomas' words), but little more than a New Jersey Security guard without portfolio of any kind whatsoever authorizing him to stalk Selena, ask for a fraudulent blank subpoena from Breckan Scott (which her office provided in violation of CR 45 and she admitted to in writing filed with this case. Neither did I or Selena have the opportunity to develop or present evidence that her mother, Kathryn. Stoker (petitioner) had instructed Selena's boyfriend (who she secured a NVPO against in commissioner Rebecca Zinn's court) to CLANDESTINELY DRUG Selena's food and coffee without her knowledge. I have documented proof of this and James Wells (the father of the two youngest children) and James Wells would testify truthfully to the fact of the matter.

I advised Breckan Scott of each of these facts and she consistently trivialized each and every instance of her clients misconduct, perjury, and her own perjury and misconduct as an officer of the court, arguing that everybody lies. E.g. Scott suborned perjury or abetted it when she knowingly signed the petition wherein the Stokers claimed they were the grandparents of the children under penalty of perjury when they and their attorney knew that to be false. This was materially misleading to commissioner Kortokrax, leading him to belief BOTH grandparents were onboard for him to issue the ex parte immediate order to seize the children from their mother in a foreign state without any advance notice at all. Scott argued Selena would flee if she had advance notice, but there is absolutely no evidence Selena has ever failed to appear in court or fled from authorities, and she had no criminal record. That an attorney can so easily manipulate a court contrary to law and in the absence of the respondent's presence, even absconding with her children in a foreign jurisdiction is shocking and alarming on the most fundamental level.

2. The objection to the lack of subject matter and in personam jurisdiction has been reserved throughout these proceedings. It is based on the violation of state sovereignty (**full faith and credit is NOT carte blanche**, else the notion of each state having its own sovereignty would be moot for all practical purposes). Selena, actually domiciled in Oregon along with her children, was entitled

to the protection her home state (Oregon) of residence could have provided her, but was denied under color of law and in violation of the 14<sup>th</sup> Amendment and 42 USC 1983. The Stokers lied when they told the court the children reside in Thurston County. Court records show commissioner Rebecca Zinn issued a DVPO protecting Selena and her children from harm and harassment with ample evidence Selena had left, with her children, the Stoker estate as early as November 17, 2020. Hans Stoker told Selena she was no longer welcome on his property, but his wife (Selena's mother) refused to join him in turning Selena away. Hans Stoker told Selena he had ALWAYS hated her (which would have been from the time he met her when she was 8 years old). He justified this sentiment by pointing out how much of his wealth he and his wife had spent on Selena and her children—children Hans Stoker falsely characterized in police reports of record as “My grandchildren”.

3. Breckan Scott has made much of the confusion she introduced by joining two proceedings of dramatically different statutory construction, i.e. the Emergency Guardianship cause numbers 21-4-00443-34 & 21-4-00452-34 and 21.4.00577-34 & 21-4-00578-34. The emergency guardianship for minors petition is radically more restrictive and subject to strict interpretation of its due process requirements compared to the permanent guardianship requirements. They are constitutionally incompatible when conflated through consolidation in an effort to evade a litany of procedural errors, abuse of discretion, abuse of process, and other material/accumulative errors. Breckan Scott was warned of the nightmare of confusion this would introduce, but sneered at the request to avoid such inevitable consternation. E.g. Dewitt extra-judicially striking a revision hearing he had not entered a notice of appearance for and was not appointed by the court to act. In fact, throughout the emergency guardianship proceedings, despite repeated requests by all parties to appoint an attorney for Selena, commissioner Thomas consistently refused, and would not even appoint a GAL on the children's behalf. It was obvious to all concerned and even observers that the handicapped destitute single mother of the 3 children at issue was so impoverished, despite trying to hold down a full time job delivering auto parts in Portland at minimum wage, she could not even remain in contact with the court during its ZOOM sessions over her cell phone, the only device she had—no computer, no printer, no access to any such assets and no knowledge of how to file electronically or otherwise abide by the myriad local court rules.
4. All parties and the court conceded Selena was destitute. Yet she was expected to pay for bench copies of her pleadings and other filings. I covered all those expenses for my daughter. Printing them wasn't a ready alternative given the volume of documents and inchoate evidence that was never permitted entry and consideration to be developed as the court relied on paper documents signed by a corrupt NJ security guard impersonating a LEO it had never met or seen or heard, along with a petitioner who stole MY identity as the grandfather, but told my grandchildren's mother he had always hated her.
5. In addition, I have had to pay separate costs for bench copies and subpoena fees imposed by the clerk's office when asked to sign the subpoenas pursuant to a praecipe under the authority of CR 45, a court rule Breckan Scott thinks is too trivial to abide by, or at least argues is immaterial and no indication of misconduct by her, the petitioners, and Robert Kurtz, the gang of 4 that successfully sought to use abuse of process to steal my daughter's minor children under cover of darkness in a foreign state without benefit of proper service or due process. I am beyond my most productive years and cannot afford with my limited income to even simply print out the volume of documents that constitutes the record in this case. Thus, I am submitting the record available on Odyssey (and an index to the same) of DVD in hopes the court will accept that in order to review and revise this case and commissioner Thomas' ruling. Breckan Scott has unnecessarily flummoxed the complexity of this case with its myriad errors and procedural/constitutional flaws by consolidating cases of vastly differing statutory construction. This is inherently unfair and seeks to sweep

reversible errors under a carpet of consolidation obscuring the fact. Neither does it meet the requirement for the appearance of fairness. Nothing about this case has been fair since its inception. (Jafar v. Webb, a WA Supreme Court case about civil fees for access to justice by indigents prohibited.)

6. I object to the fact the record shows the court did not swear in Breckan Scott, esq. in as a witness when she offered argument effectively as testimonial in nature. Nor was there anyone present representing myself or Selena to remind the court of the impropriety of failing to swear in a prevaricating attorney. It was not "evidence" to serve as the basis for the ex parte immediate emergency guardianship of minors order signed by recused commissioner Kortokrax on 5-28-21.
7. I object to the lack of proof in the record Selena Smith was properly timely served within the required 48 hours with a proper summons and petition. It is axiomatic the mother must have suspected something was going on to have her children seized after midnight in the presence of uniformed armed men with badges, guns, and a license to kill.
8. I object to the fact commissioner Indu Thomas failed to adequately consider CR 19 along with 24 in denying John Smith his motion to Join/Intervene to protect his interest in contacting/communicating with his grandchildren in this case and announced his interest was "aligned" with that of his daughter, and adequately represented by her, especially given her lack of appointed counsel, her poverty, her lack of resources to file/prepare documents/pleadings for the court or even the ability to remain in communication with the court. Selena is in the throes of abject despair of ever recovering her stolen children from the ultra-wealthy petitioners and has written she hates her entire family, emphasizing I am no exception to that hatred.
9. I object to the fact this court has aided and abetted a wealthy couple who has emotionally, psychologically, and mentally destroyed my daughter and her relationship with her biological family through a vicious but sustained decades old campaign of lies and parental alienation that is revealed in the record of filings submitted by Kathryn Stoker over the years replete with prima facie perjured derogation of myself and my daughter. It is worse than abhorrent this court would suggest I have no standing or am not a party to the proceedings that have everything to do with MY family and MY grandchildren. If anyone has no business interceding in a quintessentially bitter family dispute, it is this court, an adversarial arena rooted in the mists of time when superstitions dictated trials by combat and ordeal instead of a court of reconciliation. The damage done is incalculable and irreparable. That the court would try the fate of my daughter and my grandchildren on the shards of anonymous paper documents with no opportunity for live testimony, meaningful subpoena powers to produce evidence and witnesses along with live testimony and cross examination is monstrous, unamerican, and arguable criminal in aiding and abetting the perjury and misconduct of the wealthy petitioners and their corrupt attorney, an 'officer of the court'. The hatred engendered has already spanned generations. If anyone lacked 'standing' in the name of all that is holy and natural law, it is this court. Even the citizens of foreign states are not safe from its clutches beyond its own borders. It is unconstitutional by definition for a foreign jurisdiction to ever control the emergency seizure of children within a sister state on behalf of petitioners who has NO legal standing whatsoever until they launched this campaign to stalk, harass, threaten, drug, and violate my daughter's and her children's rights. Such a seizure and sovereignty is exclusively that of the state within which the children are located. That's not to say a permanent guardianship along with meaningful due process and success to the courts might not be proper, but certainly not the summary seizure of children on a holiday weekend with no judicial oversight from the state where the children were located and were living.

10. I object to the unlawful opening of Selena's private mail by the Stokers without her permission and the use of the contents therein as evidence relied on in this case as a result.

The above objections are sustained as indicated above and entered into the record.

Date: \_\_\_\_\_ Judge Schaller X \_\_\_\_\_  
*Signature*  
\_\_\_\_\_  
Printed Name

Respectfully submitted by: (Note: Michael Dewitt, esq. unlawfully and extrajudicially interfered w/this docket on 9-16-21 @ 11:42pm. Dewitt was never appointed as counsel herein, consolidation is irrelevant and no pretext for denying MY right to review/appeal. Selena's signature was affixed PRIOR to appointment in the 21-4-00557-34 & 21-4-00578-34 cases. Consolidating them was error.)

Date: 10-27-21 John Smith (grandfather): X *John Smith*  
*Signature* <--Please NOTE!  
Printed Name: JOHN SMITH, grandfather