

E-FILED  
THURSTON COUNTY, WA  
SUPERIOR COURT  
11/23/2021 - 10:33AM  
Linda Myhre Enlow  
Thurston County Clerk

[X] EXPEDITE (If filed within 5 court days of hearing)  
[X] Hearing is set: Present in tandem w/Reconsideration Motion  
Date: 11-26-21  
Time: 10:00am Zoom #:242-974-5214 Rm:4  
Judge/Calendar: Schaller/Reconsideration

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

In re: Emergency Guardianship of  
Hazel Bell Ursa Smith

---

Respondent(s): Minor Child(ren)

**No. 21-4-00443-34  
MEMORANDUM  
(Declaration & Arguments  
in Support of Motion for  
Reconsideration of 10-29-21  
Motion to Revise)  
By JOHN SMITH, Grandfather  
(Robertson v. Robertson 113  
WnApp 711) (CR 59)**

(Cover Sheet)

**TITLE OF DOCUMENT  
MEMORANDUM**

**(Declaration & Argument in Support of Motion for Reconsideration of 10-29-21  
Motion to Revise)**

**by JOHN SMITH, grandfather  
(Robertson v. Robertson 113 WnApp 711) (CR 59)**

---

**NAME: John Smith, grandfather  
Mailing ADDRESS: PO Box 1711,  
Shelton, WA 98584  
PHONE: (360)427-3599**

[X] EXPEDITE (If filed within 5 court days of hearing)  
[X] Hearing is set: Present in tandem w/Reconsideration Motion  
Date: 11-26-21  
Time: 10:00am Zoom #:242-974-5214 Rm:4  
Judge/Calendar: Schaller/Reconsideration

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

In re: Emergency Guardianship of  
[Hazel Belle Ursa Smith](#)

---

Respondent(s): Minor Child(ren)

**No. 21-4-00443-34  
MEMORANDUM  
(Declaration & Arguments  
in Support of Motion for  
Reconsideration of 10-29-21  
Motion to Revise)  
By JOHN SMITH, Grandfather  
(Robertson v. Robertson 113  
WnApp 711) (CR 59)**

TO: The Clerk of the Thurston County and 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](mailto: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,

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

**I Identity of the Parties**

(Person filing this Memorandum, Declaration , Arguments, Points & authorities.

**JURISDICTION**

The Petitioners (Stokers) are wealthy longtime residents of and domiciled in Thurston County, Washington. They lied when they declared to the commissioner the children at issue resided in Thurston County.

I, John Smith (maternal grandfather), am the one seeking to join this action. My daughter, Selena, left Washington State without any intention of returning **more than 6 months** prior to the date my grandchildren were seized in Oregon where Selena Smith resided and was domiciled with her children. She returned

Memorandum & Affidavit in support of Reconsideration: John Smith, (360)427-3599  
[pinbalwyz@yahoo.com](mailto:pinbalwyz@yahoo.com) 2 PO Box 1711, WA 98584

briefly in March to recover some of her property, from the Stokers, but did not reside in Washington or reestablish it since 11-21-20. The Stokers deliberately misconstrued this date to deceive the court into believing less than 6 months had lapsed since Selena left Washington in late November, 2020 as a DV survivor with her 3 young children. Thus, this court does not have proper in personam or subject matter emergency jurisdiction even if there had not been a less than 6-month absence of my grandchildren who were safely residing & domiciled in Oregon with their mother. **In light of these facts, all actions/orders taken/entered by this court are void ab initio.** The basis for this court's rulings have been based on fraudulent misrepresentations and deception submitted to this court by the Stokers without question, representation, or an opportunity to have a full evidentiary hearing including live testimony from witnesses replete with cross-examination. Objections to jurisdiction are **always timely**, even if raised for the first time on appeal.

Selena Smith, the mother of the very young child(ren) at issue in this cause, due to DV at the hands of her boyfriend, James Wells and long term emotional/psychological abuse at the hands of the Stokers, fled the State of Washington with her children (my grandchildren) prior to 11-21-20, which is the date James Wells (her boyfriend) filed a DV Protection Petition ([20-2-30761-34 | JAMES DANIEL WELLS, Jr vs SELENA URSA SMITH](#)) after she left Washington State to preserve her and her children's safety. Mr. Wells' purpose was to use the children (who he sought custody of in that petition) to support himself, being unemployed at the time. His petition was denied by Court Commissioner Rebekah Zinn. Mr. Wells is currently working more regularly (sleeping near Mt. Adams), but is non-compliant with the DVPO issued by the Zinn court prohibiting him from contact with his minor children. The Stokers have announced, in their pleadings, they intend to violate/skirt that court order by granting James Wells access to the children protected under said DVPO. The Petition for a parenting plan filed by Mr. Wells (Thurston case # [20-3-01280-34 | JAMES DANIEL WELLS, Jr vs SELENA URSA SMITH](#)) was found by the Thomas court on 7-6-21 upon examination of the record to have never completed proper original process or service, thus depriving the Thurston Family Court of proper jurisdiction in Mr. Wells petition for a parenting plan. Moreover, Mr. Wells did not bring the action (Emergency guardianship) now before this court. That was brought by the Stokers (petitioners) who had no previous standing before obtaining a constitutionally fatally flawed ex parte immediate emergency order based, according to the record, on their counsel's arguments rather than testimony or evidence. The emergency guardianship petition was the culmination of a months long campaign of stalking, theft, harassment, abuse of process, deception, and perjury by the Stokers, their attorney, and their agent, NJ security guard Robert Kurts. It was easily done because none of the victims of the misconduct had any knowledge of or notification of the proceedings until after the children were seized in a foreign jurisdiction with NO judicial oversight from Selena's and her children's home where she worked as a single mother at a full time Portland minimum wage job with 3 small children to raise and but one hand to do it. The prima facie violation of the rigorous due process requirements off RCW 11.130.225 are self evident—no proper service of original process or even a filed return of service within the timelines required or at all in the emergency guardianship case. The execution of the unconstitutional ex parte order in a foreign jurisdiction violated that jurisdiction's sovereignty and the mother's right to due process protection in that jurisdiction.

Selena Smith, previously filed a petition for DV protection, alleging Mr. Wells was violently abusive with her and the children, an alcoholic, and in need of anger management classes. Court Commissioner Rebekah Wells ruled in Selena's favor and ordered Mr. Wells, a convicted felon, to surrender his firearms. This action was filed by the mother from outside the State of Washington. Selena personally appeared electronically before this court (Court Commissioner Rebekah Zinn, presiding) from an out of state DV

women's shelter, filed the declaration of an advocate associated with this shelter confirming evidence she'd seen that appeared to be stalking while Selena was staying in that out-of-state DV shelter. **I, John Smith, observed the proceedings.**

(20-2-30788-34 | [SELENA URSA SMITH vs JAMES DANIEL WELLS, Jr](#))

i.e. For longer than 6-months, Selena Smith, and her children had left and no longer resided in or ever reestablished residence in Washington State prior to having her 3 children illegally seized around midnight on 5-30-21 under the color of Washington State law via an ex parte emergency guardianship order executed beyond Washington's own borders in a foreign state (Oregon). **Full faith and credit is NOT carte blanche else the separate sovereignty of the 50 states would be moot.**

Court Commissioner Kortokrax was either well aware Selena had left Washington State with her children (or should have been) more than 6 months before the instant case had been filed. Selena was under no legal obligation to inform the Stokers of her whereabouts, nor did the Stokers have standing to object since there was no court order granting them standing, custody, or visitation. Yet they conspired to track Selena cross-country in conjunction with NJ security guard Robert Kurtz for months, **ALONE**, wherever she went, using her I-phone and credit card to do so. **There was NO 'Nationwide manhunt' for Selena Smith**, only the witch hunt the Stokers and security guard Robert Kurtz (without authorization) had orchestrated, stolen (including MY identity) to support and deceive others unaware of the deception into supporting--**INCLUDING THIS COURT!**

**THIS COURT HAS REPEATEDLY CONFLATED NORMAL UCCJEA TYPE CUSTODY DISPUTES INVOLVING PARENTS/GUARDIANS WITH EX PARTE EMERGENCY PETITIONS FOR GUARDIANSHIP OF MINORS ORDERS EXECUTED OUT-OF-STATE, EFFECTIVELY STRIPPING THE RESPONDENT(S) OF ALL MEANINGFUL DUE PROCESS IN ALL BUT NAME ONLY. FOR THIS REASON, THE VERIFIABLE RATIONALE FOR DOING SO (IF IT IS NOT AN IMMUTABLE ABUSE OF PROCESS AB INITIO) MUST BE ASSURED. It was not. (See Exhibits 'F' & 'G'). Thus the unceasing ongoing objection to jurisdiction continues irrespective of the perjured and fraudulent declaration of security guard without portfolio AND NO "PROFESSIONAL" CREDENTIALS in children's services or authorization from New Jersey to criminally stalk Selena Smith across the nation—a "nationwide manhunt" of 3...the Stokers and Robert Kurtz. He misrepresented his position to police agencies in other jurisdictions and made use of numerous criminally unlawful means of invading Selena Smith's privacy for months in tandem with the Stokers whose purloined information he used. Notwithstanding the 'evidentiary' value of his sworn Declaration, his lies to other agencies regarding his authority, his credentials, Robert Kurtz's statements should be discounted/ignored and any evidence presented through his office should be suppressed. Robert Kurtz has tainted this entire process and this court along with any basis for its jurisdiction in this matter. Ergo, the court should vacate its rulings under Rule 60(b) and dismiss this case with extreme prejudice and sanctions against Breckan Scott-Gabriel, esq, who actively conspired with the Stokers from the outset, pursuant to Rule 11 along with the Stokers themselves.**

Even case officers with the New Jersey Division of Children & Families admitted they had no authority to use a New Jersey Court Order (under the circumstances) to order law enforcement in Oregon to seize Selena's children upon New Jersey's direction, although security guard Robert Kurtz was indifferent to the invasion of Selena's privacy when we spoke. When I challenged Kurtz's actions, a case worker supervisor claimed it was NJ Division of Children & Families 'policy' to track or find missing families/children when receiving reports/suspicions of the same. A supervising NJ Family Services official contradicted her. **Except...there WERE NO missing children.!** They were with Selena, their mother, who had no legal duty

Memorandum & Affidavit in support of Reconsideration: John Smith, (360)427-3599  
pinbalwyz@yahoo.com

to provide the State of New Jersey or the Stokers with such information. Nor was there a **nation-wide manhunt for her**, only the illegal surveillance conducted by NJ security guard Robert Kurtz and the Stokers, the means by which, in his declaration submitted to this court, he chose **not** to reveal to avoid incriminating himself. Ostensibly, Kurtz should be as clean as a hound's tooth. He's a RETIRED U.S. Marshal, now a security guard and ONLY a security guard, not a child/family case worker authorized to do the crimes he has implicated himself in doing. He declares hearsay on hearsay as fact, and swears to it despite it being contradictory to the patrol officer's own report—speaking of which, where is it?

Where are the photos of rotting food and detritus ankle high Kurtz speaks of? Where is the audio? Contemporary cops have body cameras and recorders. Where is the body? Where is the witchcraft? Where is the proof of the 'nationwide manhunt'? And where are the documents surveilled by Mr. Kurtz? Where is the "warrant" signed by a court of law authorizing him to stalk and spy on my daughter, invading her privacy even to minute by minute alerts of purchases she made with her credit card and her location while doing so? What other methods did Mr. Kurtz use to completely invade my daughter's privacy? If there was a "warrant" of any kind issued by a court of law, why hasn't this court or any of the parties herein seen it? Why hasn't it been submitted to this court? **BECAUSE IT DOESN'T EXIST AND NEVER DID.** It was a ruse, a witch hunter's noose, a prod for a rush to judgment without the slightest nod to due process. It was a fraud and a witch hunt this court chose to join. But Selena Smith was no Dillinger to be tracked down and hunted and stripped of her rights and her children after midnight in Oregon with no judicial oversight there by an Oregon court of law. This court has misconstrued the law by conflating UCCJEA proceedings with those of Washington's ex parte emergency guardianship of minors act. In so doing, it ignored the sovereignty of a foreign state's jurisdiction in such ex parte emergency proceedings and stripped my daughter of her rights to truly proper due process and her children in the bargain.

Robert Kurtz was acting only on his own without authority from his agency or direction to invade Selena's privacy by conspiring with the Stokers who were using software on her I-phone, credit card, and unauthorized invasion of her mail to track, unbeknownst to Selena, her movements, purchases, bills and confidential health/billing records (as well as rifling through her personal papers left where she once resided on the Stoker property). Adding outrage to injury, the Stokers kept the notices intended for Selena of fines received in the mail they opened rather than forwarding it to her new mailing address of which they were aware—putting her Driver's License at risk of suspension for want of notice. They used the unlawfully acquired document to try and prejudice the court against her. They may have inevitably have succeeded, denying Selena fairness in these proceedings, or even the appearance of fairness.

This last point is germane: This court, commissioner Indu Thomas presiding, commented on reviewing a number of threadbare reports in reaching her decision. Thomas commented on an occasion where Oregon's Family services offered Selena Smith any help they could provide. But the record of what commissioner Thomas had seen and was weighing in her ruling was never offered or made available to the parties in this action for review or rebuttal. Nor were ANY of the official agency documents commissioner Indu Thomas stated she had reviewed offered to the parties to review or rebut.

If a "nationwide manhunt" for Selena and her children provoked by the incident in Brooklawn, NJ on 1-16-21 was underway, why wasn't Selena detained and her children seized when she briefly came to collect her belongings and RV on the Stoker Property in March or April of 2021. If a "Nationwide Manhunt" was underway, why didn't Portland's Family and Children's services detain Selena and seize the children instead of offering her assistance? If my daughter's children were visibly in such a bad way, as Kurtz and

the Stokers allege, why didn't the Portland Family agency recognize it and take my daughter's children into custody on the spot?

The answer is fairly obvious. **There was no ongoing 'nationwide manhunt' for Selena and her children.** Robert Kurtz and Breckan Scott, esq. **lied** to this court. I heard this **lie** from attorney Breckan Scott's lips to the court with my own ears during the 7-6-21 hearing.

And the children were not seized by Portland's Family and Children's Services because they were neither abused nor neglected. It was just one of a series of **lies** like trying to label the dog (my daughter) as "mentally ill" to have the court dispatch it. In the interest of justice and the safety/welfare of my grandchildren, the witch must be hung?

In *Troxel vs. Granville* (530 U.S. 57), the U.S. Supreme Court pronounced Washington's Courts interpretation of the 'best interests' of the child(ren) "breathtaking in scope"! Additionally, it concluded a parent's bond with their minor children was so fundamental a right that a state which substituted its judgment for a parent's exceeded its authority no matter how seductive the state's reasoning might be without a genuine true imminent harm that would come to the child(ren). Not only is that not evident in the instant case, but the child(ren) were seized from Oregon without due process or notice and Oregon judicial oversight which would surely have denied the execution of a foreign state's emergency order under the circumstances where Washington had no prior orders establishing any rights for the Stokers. Nor were the children evaluated by a qualified expert prior to the court issuing its ex parte emergency seizure order executed out-of-state under cover of darkness. Where is the proof of such an existential threat to the children at issue in this cause as outlined earlier (ibid)? There isn't any, only multiple speculative or false assertions, denunciations by those beholding financially to the Stokers, their hired gun lawyer who actively conspired with them to kidnap the children in the middle of the night, and then **LIED** to this court as an officer of this court painting a false picture of a "nationwide manhunt" for my daughter. This court joined the invitation to engage in the witch hunt. It is culpable. This court's emperor has no clothes. It was not for nothing Franklin said, "The monarchists would hide in the judiciary."

**Kathryn Stoker lied to me** when she described the circumstances and genesis of that seizure as well as the date of the court hearing (Nathan Kortokrax presiding who recused himself) as being on the 18<sup>th</sup> of this month when it, in truth, was the 16<sup>th</sup>. The Stokers also lied about my mental condition and their egregiously galling false claims there was a "nation-wide manhunt" for Selena Smith. This is Kathryn's standard MO—perjury, then concerted efforts to seal the record to avoid detection. After surreptitiously alarming Selena via a campaign of stalking, theft, harassment, and slander, Kathryn Stoker lied to her daughter over the phone, telling her I was the one stalking he rather than Mrs. Stoker, a classic example of Mrs. Stoker's perfidy, and deception.

This Thomas court did not provide Selena with 60-days notice to respond to service from out-of-state, nor was a Return of Service filed in either of the 2 case #'s involving the child(ren) within 48 hours to either father or permission for alternative service sought. But, the Thomas court did exceed the maximum time allowed (60 days) for an emergency guardianship proceeding by 3 days. No return of service was filed, no Petition or summons was served on Selena Smith, or even properly drafted and filed with this court. By its own court rules, this court has not had proper jurisdiction in this case from the start. Nor were the fathers notified in a timely manner—**48 hours in an ex parte emergency Guardianship order** gratuitously and egregiously executed after midnight in a foreign jurisdiction where no exigent circumstances existed nor were found when the children were seized without an iota of due process in their home State of Oregon..

Memorandum & Affidavit in support of Reconsideration: John Smith, (360)427-3599  
pinbalwyz@yahoo.com

6 PO Box 1711, WA 98584

A small town contract attorney is not a presiding Oregon judge in a court of law, but just another attorney serving the municipality of Oakridge, OR. What has already been lost in this case can never be recovered or restored, Selena's trust in her mother...a viciously intrusive mother who admitted to Selena **she'd been using the I-Phone she'd gifted Selena to spy on her**, as well as theft of credit card data credit card Selena used to make personal purchases for herself and her children by her agent, NJ security guard Robert Kurtz who impersonated a LEO and deceived authorities in other states by claiming to have obtained a warrant to spy on/surveil Selena's use of her credit card in real time, up to the minute updates, 24/7! This was doubtless a fraud he used to deceive the credit card company and why he declined to clarify his methods in his sworn declaration submitted to this court. **Falsus in uno, falsus in omnibus!** The Stokers are dirty, as is their agent, Robert Kurtz, and their attorney, Breckan Scott, who all unlawfully conspired to stalk, harass, steal from, and invade Selena's privacy in a brazenly successful effort to literally steal Selena's children my manipulating and deceiving the Thurston County Family Court.

In short, this case and all orders pursuant to it are void ab initio for failure to establish proper subject matter and in personam jurisdiction over all the parties and the unconstitutional issuance of an ex parte immediate emergency order to seize children in a foreign jurisdiction, where they resided and were domiciled, on behalf of 3<sup>rd</sup> parties with no standing. The issuance of the ex parte emergency order to seize the children executed out-of-state was based on fraudulent misrepresentations and deceptions that are a matter of record presented to the court. Nor did the Kortokrax court take any care to insure the child(ren) were genuinely at risk or truly exigent circumstances existed immediately endangering the children. Kortokrax treated Selena smith as though she was Dillinger, then recused himself for conflict of interest.

I have ordered and will be paid for the video, audio, photos, and police reports from the Oakridge PD. They appear in the record. They reveal my grandchildren were not imperiled and their needs were being met; they were not living in squalid conditions. I have presented this evidence to the court for its consideration. The Oakridge Police Report assessment in no way supports the tale the Stokers had to tell this court. Neither do the Police reports from NJ, contrary to the perjured statements given the court by the Stokers agent (Robert Kurtz) and their dissembling attorney, Breckan Scott.

The midnight raid on Selena and her child(ren) is what one would expect in a totalitarian regime or from Hollywood. She has spent many hours discussing these events with me. I am part of my daughter and her children's life and have always tried to maintain a relationship with them. The Stokers made that incredibly difficult. I has never interfered with Selena's relationship with her children. I am a necessary and indispensable party to this action though the Stokers have never respected my role in my daughter's or grandchildren's lives. This can be easily seen in their false declarations where Hans and his wife deceived the court into believing he is the grandfather of my daughter's children. Her story is persuasive if the court would but take the time to hear it out rather than 5-minute justice. This case always was in critical need of a full evidentiary hearing replete with discovery, live witnesses and cross examination. I, John Smith, have listened carefully to my daughter and find ample reason to believe her description of her predicament despite Kathryn Stoker's lies about it—many dozens of hours listening to my daughter, Selena. It is abundantly clear my daughter is **not** delusional or mentally ill. She cries and gets upset about her babies. I am not an attorney, but I have an important ongoing role in the lives of my daughter and grandchildren that will be ignored/scuttled by the Stokers if I am not allowed to join this action and represent myself on behalf of my relationship with Selena, my daughter, and her children.

## **Relief Requested**

- 1. A full evidentiary hearing including witnesses, live testimony, discovery, subpoenas, and cross examination.**
- 2. Permission to supplement the record as well as brief the objection to jurisdiction**

## **II Additional DECLARATION**

1. I, John Smith, am of age, a U.S. citizen domiciled in Washington State, an investigatory journalist DBA as Soul Snatcher Productions providing vital information to the public, and am Selena Smith's father.
2. I know my daughter, Selena Smith, very well—sometimes better than she likes—and have always taken a strong interest in her, her welfare, and my grandchildren through her. I also know this case better than any other party or principal except possibly Selena herself.
3. I am in possession of numerous intensely exculpatory documents and evidence revealing the brutal victimizing of Selena, a 1-handed single mother of 3 who is destitute, distraught, and frightened by none other than the State's complaining witnesses. I have obtained said evidence and documentation after spending hundreds of hours investigating this case to where I know it like the back of my hand. My daughter does not have access to this library of exoneration because she has nothing—no computer, virtually no access to the internet, nor competent legal counsel with the time or inclination to mount a meaningful presentation despite the facts which make it possible.
4. I believe a travesty and miscarriage of justice is well underway of profound interest to the general public and all those mothers who are poor, destitute, and homeless living in fear that what happened to Selena and her children could as easily happen to them if it hasn't already. It is my conviction every parent desperately needs to know what goes on here and how it impacts/threatens minorities and the poor worst of all. The Stokers' crimes, deceptions, lies, perjury, fraud, theft, stalking, harassment, slander, and abuse of process include, but are not limited to the following:
5. Kathryn Stoker and James D. Wells (Selena's ex boyfriend and father of my youngest 2 granddaughters) engaged in the clandestine drugging/tainting of Selena's food and coffee (at Kathryn's direction according to James) without Selena's consent or knowledge during 2020. This made Selena ill and I witnessed the effect of the drugs during my conversation with Selena over the phone during that time period. She complained of feeling really sick.
6. I believe James is willing to testify to the above as he admitted his part which I believe makes him more credible because it does not make him look good. I have proof this is so.
7. The following is an excerpt from my phone conversation with James Wells implicating Kathryn Stoker, one of the State's complaining witnesses:



8. **Discussion w/James Wells about Kat orchestrating the tainting of Selena's food with drugs.** **John:** I wanted to talk about something because I was just following up on our conversation last night. And, I kinda wanted to make a pitch to you about the Stokers, and you were telling me about your thoughts about Selena and whatever medical issues that she had or doesn't have. But, anyway, you thought that she was getting medications, that she was a more pleasant person to be around. **Jim:** Yeah. **John:** But, Selena, you know, when she confronted you, you were honest with her, and you said yeah, that you had been putting medication that she didn't know about in her food and in her coffee and so forth. But, that you said that her mother directed you to do that. So, I'm pretty sure when my daughter let you know that she was really unhappy about that. So you went back and talked to Kathy about it, and Kathy knew that was illegal and instead of being honest with you, she just said "Oh, no. I didn't do that." You know, like she denied that she had any part of that or directed you to do that. In other words, if there had been any heat that came of that, Kathy was going to throw you under the bus. You realize that, don't you? **Jim:** Oh, yeah. Well, that's exactly what happened. **John:** Yeah. Yeah. And so what I'm saying is, look, Jim...
9. Kathryn & Hans Stoker, their attorney, Breckan Scott, and NJ security guard Robert Kurtz actively conspired to stalk harass, and steal from Selena including theft of data from her credit card which they used for weeks across the country to track all her movements, her purchases—every item to the penny—24/7 with minute by minute updates:
10. Breckan Scott's admission she issued a fraudulent subpoena to Robert Kurtz with which to use to stalk and harass Selena. [http://amicuscuria.com/wordpress/wp-content/uploads/2021/08/08.26.21.DeclarationBreckanScott.bcs\\_.pdf](http://amicuscuria.com/wordpress/wp-content/uploads/2021/08/08.26.21.DeclarationBreckanScott.bcs_.pdf)
11. Kathryn Stoker lied to medical staff misrepresenting she was Hazel Smith's mother. Kathryn Stoker lied to school authorities in 2020 misrepresenting she was her granddaughter's guardian.
12. Kathryn Stoker lied to me personally over the phone in early June, 2021 feigning complete surprise Selena's children had been seized in Oregon and acting as though she and Hans had nothing to do with it when it was, in fact, a scheme they'd been working on for months.
13. Hans Stoker lied in his petition to the Thurston Family Court (21-45-00443-21) claiming to be Selena's Children's **GRANDFATHER under penalty of perjury** when he knew this was false. Hans told Selena that he had always hated her, yet he is now the guardian of her children. Hans had been stealing my identity as the children's grandfather for years.
14. Kathryn Stoker perjured herself when she signed the same declaration in case 21-4-00443-34 filed on May 27, 2020 under penalty of perjury. Breckan Scott, esq. also signed it when she knew it to be false and often misleading the court falsely arguing (ex parte!) there was a "nationwide manhunt for Selena", that multiple states had open CPS cases against her, that she was a fugitive from justice, and she was mentally ill. None of that was true but no one could rebut her assertions because it was done behind closed doors ex parte.

15. Kathryn and Hans stoker rifled through and stole Selena's private papers then submitted them to court in case 21-4-00443-4 (Thurston Family Court). Their agent, NJ security guard Robert Kurtz, misrepresented himself to numerous law enforcement agencies as a LEO or at least representing the State of NJ in tracking down a fugitive (Selena) who had absconded with her children. None of that was true. He told others the children were "missing" when he knew that was untrue by virtue of **having stolen her credit card data** which he admitted revealed she had her children with her. Kathryn Stoker's routinely used Selena's cell phone without her knowledge to track and spy on Selena..
16. Kathryn Stoker gulled Selena out of custody of her oldest daughter, Maya Smith (now Maya Stoker) in 1999 (Thurston case 99-3-00727-2, 3rd party custody) but used the opportunity to perjure herself in the petition by claiming Selena's father (myself) was a diagnosed schizophrenic (I've never been diagnosed with any mental illness) by way of suggesting to the court Selena was mentally ill 'too', then trying to hide the perjury from discovery by seeking to have her fraudulent statement sealed. That court refused to do so. This is Kathryn Stoker's typical MO and is readily apparent even now in 2021. Kathryn Stoker was a drug abuser when I met her many years ago in Southern California, and it's still the case except now that she's a multi-millionaire several times over, she doesn't rely on the black market for her drugs—she simply goes doctor shopping.
17. **Hans is an alcoholic.** I and Amy Gmatzel will testify to as much. The following is an impromptu telling of the kind of abuse Selena suffered at the hands of James Wells and Hans Stoker under Kathryn's gaze (November, 2020):  
<http://amicuscuria.com/wordpress/wp-content/uploads/2021/07/6-27-21-1100am-Selena-audio.mp3>
18. **The Stokers lied in their report to the TCSO deputy (Wyatt Blankenship)** when they claimed Selena had not 'lived' there or years when she had lived on heir estate as recently as November, 2020. I, Amy Gmatzel, and James well will testify that the Stokers NEVER locked their door, contrary to what they told deputy Wyatt Blankenship. In fact, the Stokers had always maintained an open door policy with Selena and never expected her to call ahead or make an appointment prior to coming over. Stoker perfidy has destroyed Selena.
19. I personally heard Hazel Smith, Selena's daughter, begging her mother over the phone to come visit her. There were no prohibitions in any court document ordering Selena o refrain from contacting her children. In fac, the Stokers' attorney, Breckan Scott often reassured me over the phone Selena would be encouraged to see her children whenever andf as often as she liked. I have e-mail to this effect from Breckan Scott, esq. intended to convince Selena that's what the Stokers wanted.
20. Selena understood that her children had been snatched from her illegally without proper due process according to RCW 11.130.225 on the night of 5-28-21 in Oregon under cover of darkness without any judicial oversight from her home State of Oregon. She knew that without proper jurisdiction (which requires proper original service) all the Thurston County Family Court orders were void ab initio and deserved little or no respect.

21. Selena did not assault her children. A half dozen large burly deputies assaulted her and the pictures in the record reveal that. Selena was not recklessly indifferent to her children. The deputies were in their assault on a 140 pound barefoot 1-handed destitute single mother of 3 who refused to leave without her children in order to protect them.
22. Selena announced her presence to her mother straight away and stated she wanted to play with her children. Breckan Scott, esq. told the Stokers to call the police when told Selena had arrived on 7-17-21.
23. Selena has been the real victim for years that have now culminated in the theft of her children and criminal prosecution.
24. Kathryn Stoker picked up a loaded shotgun without provocation or history of DV in our marriage (circa 1980) and chased me with it because I refused to remain in the house to argue with her. Selena recalls this event.
25. Incompetent TCSO reporting deputy Wyatt Blankenship displays deep bias during call:  
<http://amicuscuria.com/wordpress/wp-content/uploads/2021/08/21.10.19-Wyatt-Blankenship-Call.mp3>
26. Hans Stoker feigns benevolence while hating on Selena:  
[http://amicuscuria.com/wordpress/wp-content/uploads/2021/08/F\\_21-003298\\_HC\\_Stoker.mp3](http://amicuscuria.com/wordpress/wp-content/uploads/2021/08/F_21-003298_HC_Stoker.mp3)
27. Kathryn Stoker condemns and demonizes her daughter:  
[http://amicuscuria.com/wordpress/wp-content/uploads/2021/08/F\\_21-003298\\_KL\\_Stoker.mp3](http://amicuscuria.com/wordpress/wp-content/uploads/2021/08/F_21-003298_KL_Stoker.mp3)
28. 7-27-21 Impromptu recording of Selena's description of life on the Stoker estate:  
<http://amicuscuria.com/wordpress/wp-content/uploads/2021/08/6-27-21-1100am-John-Selena-audio.mp3>
29. Kathryn & Hans Stoker engaged in a relentless campaign of parental alienation that lasted for decades that has permanently & cruelly traumatized Selena to the point she had to flee the abuse to survive. While the focus was on me while Selena was underage, it shifted to her once she became a mother. The Stokers started out lying about me, telling my children to keep secrets from me and that I was prohibited from seeing them. This subsequently shifted to where the Stokers would demonize Selena behind her back to everyone who would listen to them. I heard them disparage her and keep up a steady drumbeat of telling her there was something wrong with her. More recently, Hans told Selena he had always hated her. For this court to revictimize her on the basis of the most toxic liars I know is barbaric. Kathryn and Hans would easily be impeached on the stand were witnesses allowed to testify who truly know them and Selena. Selena is not a criminal or unfit mother. She didn't assault or recklessly endanger her children. My understanding is Heather Stone, the state's attorney wants my daughter to do prison time and be banned for life from having contact with her children. All parents needs to get a load of how handicapped destitute mothers trying to protect themselves and their children are treated in Thurston County's Family Court.

I declare under penalty of perjury of the laws of the State of Washington and pursuant to GENERAL Court RULE 13 and RCW 9A.72.085 that the foregoing is true and correct to the best of my knowledge.

DATED this 23rd day of November 2021, in the County of Mason, WA.



\_\_\_\_\_  
(Signature)

John Smith (Press) reporter

(Printed Name)

PO Box 1711, Shelton, WA 98584

(Address)

### SUMMARY, ARGUMENT, Point & Authorities

NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS (CR 59)

(a) **Grounds for New Trial or Reconsideration.** On the motion of the party aggrieved, a verdict may be vacated and a new trial granted to all or any of the parties, and on all issues, or on some of the issues when such issues are clearly and fairly separable and distinct, or any other decision or order may be vacated and reconsideration granted. **Such motion may be granted for any one of the following causes materially affecting the substantial rights of such parties:**

(1) **Irregularity in the proceedings of the court,** jury or adverse party, or any order of the court, or abuse of discretion, by which such party was prevented from having a fair trial.

Commissioner Kortokrax recused himself for conflict of interest subsequent to entering (on 5-28-21) an ex parte immediate emergency order successfully intended to seize Selena Smith's 3 small children in a foreign jurisdiction on behalf of the Stokers (petitioners) who had no prior standing whatsoever. Petitioners deliberately misrepresented evidence to the court they acquired from Selena by fraudulent issuance of a subpoena sent to NJ security guard Robert Kurts (their agent) via their attorney, Breckan Scott in violation of CR 45, intentional theft of credit card data, stalking, harassment, slander, impersonating a LEO, and false claiming to represent New Jersey's DCF in the course of their stalking Selena Smith. Edith Vanderwal, Thurston County Superior Court staffer, gratuitously entered an immaterial e-mail exchange between us into the record to further inflame and prejudice commissioner Thomas. Petitioners' counsel did the same reasonably calculating my criticisms of commissioner Thomas in the e-mail to Breckan Scott would inflame the passions and exacerbate the bias/prejudice of Thomas against my daughter and myself. The court clerk refused to sign subpoenas properly presented pursuant to a praecipe under the authority provided in CR 45. This delay prejudiced myself

Memorandum & Affidavit in support of Reconsideration: John Smith, (360)427-3599  
pinbalwyz@yahoo.com

12 PO Box 1711, WA 98584

and daughter, Selena Smith. No RTS was ever filed in the Emergency guardianship proceedings. Commissioner Thomas attempted to substitute actual notice for the stringent proper notice required pursuant to RCW 11.130.225. Breckan Scott, esq. consolidated the permanent guardianship proceedings with the incompatible requirements of RCW 11.130.225 proceedings which have entirely different statutory construction. She did this ex parte without notice. Allowing Petitioners to Execute an ex parte immediate emergency order to summarily seize children in a foreign jurisdiction by 3<sup>rd</sup> parties with no previous standing is an irregularity of constitutional proportions to say the least.

(2) **Misconduct of prevailing party** or jury; and whenever any one or more of the jurors shall have been induced to assent to any general or special verdict or to a finding on any question or questions submitted to the jury by the court, other and different from the juror's own conclusions, and arrived at by a resort to the determination of chance or lot, such misconduct may be proved by the affidavits of one or more of the jurors; **The misconduct and prior bad acts done by the petitioners, their attorney, and their agent, NJ security guard Robert Kurtz in this case or leading up to it are so egregious and numerous as to almost defy description for their breath taking brazen nature. Months prior to the Petition filing on 5-27-21, Hans was bullying Selena in a drunken stupor, telling her he had ALWAYS hated her and harping on how much money he had spent on her and her children. Kathryn Stoker was responsible for directing James Wells (Selena's ex-BF) to clandestinely drug Selena's food and coffee, sickening her in the bargain without her consent or knowledge. James Wells admitted this to both Selena and myself. I have documentation and proof of it. The Petitioners and their attorney all perjured themselves in the petition filed when they lied and swore they the were the grandparents of Selena's children, misleading the feckless court to believe both grandparents approved of seizing Selena's children. In a foreign jurisdiction. They lied when the claimed the children resided in Thurston County. This had not been true since midway through November, 2020 when Selena fled with her small children from the abuse of the Stokers and James Wells, the father of her two youngest.**

(3) **Accident or surprise** which ordinary prudence could not have guarded against; **The instant case was nothing BUT a litany of abuse of process, ex parte proceedings used to host the lies of Breckan Scott, esq. masquerading as unopposed (without notice) argument, the perjured declarations of the petitioners and Robert Kurtz—again, with no notice whatsoever. Breckan Scott told me "everybody lies", and she proved to be no exception to her own rule. Mendacity appears to be Breckan Scott's trump suit during her court appearances. The Thomas court appeared indifferent and more focused on disparaging Selena, her declarants (who Thomas had never met or spoken to) and preventing myself from intervening or joining under CR 19 & 24. Thomas gave my interests as being supposedly indistinguishable or at least "aligned" with Selena's. Moreover, Thomas opined from the bench Selena was more than adequate to representing my interests as further justification in denying my right to intervene to protect my own grandchildren (for whom she refused to appoint counsel) and relationship with them. i.e. Thomas concluded a 1-handed single destitute mother of 3 working full time at a minimum wage job in Portland whom Thomas condemned as being homeless and irresponsible was all I needed to represent my interests. It was readily apparent during the hearings while Selena remained in Portland, she had**

virtually nothing but her RV and couldn't even sustain phone contact with the Thomas court during the ZOOM sessions.

(4) **Newly discovered evidence**, material for the party making the application, which the party could not with reasonable diligence have discovered and produced at the trial;

The newly discovered evidence I have which was not available prior to Thomas denying my motion to intervene and then reconsideration based on her finding I had filed a Motion for Revision consists of Selena smith being clandestinely drugged/poisoned at the direction of her mother, Kathryn Stoker, because she and James Wells believed this made Selena more pleasant to be around. The theft of Selena's personal papers, private mail opened without her knowledge or consent, and fraudulent use of an illegal subpoena duces tecum issued from Breckan Scott's office to Robert Kurtz to steal Selena's credit card data to stalk & harass her across the country was unknown prior to filing my motion to revise.

(5) Damages so excessive or inadequate as unmistakably to indicate that the verdict must have been the result of passion or prejudice;

(6) Error in the assessment of the amount of recovery whether too large or too small, when the action is upon a contract, or for the injury or detention of property;

(7) **That there is no evidence or reasonable inference** from the evidence to justify the verdict or the decision, or that it is contrary to law;

It was not only contrary to law to sustain an unlawfully issued unopposed ex parte immediate emergency order to seize small children in a foreign jurisdiction by 3<sup>rd</sup> parties with no prior standing, but unconscionable and barbaric. No care to insure judicial oversight in that foreign jurisdiction was allowed and no representation was allowed for a destitute handicapped single mother of 3 or her children.

(8) **Error in law occurring at the trial and objected to at the time** by the party making the application; or

The objection to the unconstitutional nature of RCW 11.130.225 being executed in a foreign jurisdiction by 3<sup>rd</sup> parties with no prior standing and contrary to the Troxel vs. Granville U.S. Supreme Court ruling appears many times in the record along with objections for failure of proper notice consistent with the requirements of 11.139.225 or even a Return of Service filed attesting the proper service of original process. Thus, properly understood, all th court's rulings made without proper jurisdiction in this cause were and are void ab initio.

(9) **That substantial justice has not been done.**

There has been virtually nothing in this cause that meets the definition of substantial justice unless railroading a handicapped single destitute mother of 3 small children working full time for minimum wage in Portland meets that definition. This cause contains more perjury, theft, fraud, stalking, invasion of privacy, injustice, hatred, bias, and deceit under the auspices of the Thomas Court than I have ever seen in a courtroom before.

(b) **Time for Motion; Contents of Motion.** A motion for a new trial or for reconsideration shall be filed not later than 10 days after the entry of the judgment, order, or other decision. The motion shall be noted at the time it is filed, to be heard or otherwise considered within 30 days after the entry of the judgment, order, or other decision, unless the court directs otherwise. A motion for a new trial or for reconsideration shall identify the specific reasons in fact and law as to each ground on which the motion is based. Neither *Roberts v. Roberts* nor the language above excludes filing the Motion prior to a later written entry of adjudication. The RAP scheme clearly allows for early filing. The prohibition against late filing (longer than 10 days after written entry of a final order) is a floor, not a ceiling. The record shows the clerk's notes proving Thomas had ruled she would not consider Mr. Smith's Motion for Reconsideration because, she pointed out, he had already filed a Motion to Revise. This was long before the final written adjudication was entered on 7-29-21. As the Thomas court bench ruling prejudiced Mr. Smith's right to timely file a motion for reconsideration of his Motion to intervene, he had a right to rely on the Thomas decision for purposes of timeliness of his Motion to Revise Thomas. Additionally, the law, at worst, is ambiguous on the point, thus tipping the scales of interpretation in his favor as citizens have a right to know exactly what the law requires of them. The principles of judicial estoppel and equitable estoppel bar denial of Mr. Smith's Motion for Reconsideration, and then his Motion to Revise under these circumstances.

(c) **Time for Serving Affidavits.** When a motion for new trial is based on affidavits, they shall be filed with the motion. The opposing party has 10 days after service to file opposing affidavits, but that period may be extended for up to 20 days, either by the court for good cause or by the parties' written stipulation. The court may permit reply affidavits.

(d) **On Initiative of Court.** Not later than 10 days after entry of judgment, the court on its own initiative may order a hearing on its proposed order for a new trial for any reason for which it might have granted a new trial on motion of a party. After giving the parties notice and opportunity to be heard, the court may grant a timely motion for a new trial for a reason not stated in the motion. When granting a new trial on its own initiative or for a reason not stated in a motion, the court shall specify the grounds in its order. I was not provided time to read or rebut *Roberts v. Roberts* which the court relied on sua sponte in concluding it had no authority to hear Mr. Smith's Motion to Revise. *Roberts* simply reiterates the simple calculation that the 10 day filing deadline AFTER the final written adjudication is entered into the record may not be extended. It says nothing to prohibit early filing. Nor were the petitioners prejudiced by such an early filing. As thir attorney, Breckan Scott, gloated: "We have the kids!"

(e) **Hearing on Motion.** When a motion for reconsideration or for a new trial is filed, the judge by whom it is to be heard may on the judge's own motion or on application determine:

(1) **Time of Hearing.** Whether the motion shall be heard before the entry of judgment;  
In the instant case, commissioner Thomas concluded and ruled from the bench a Motion to Revise had been filed, thus (in her opinion) prohibiting Mr. Smith's Motion for Reconsideration before Thomas.

Memorandum & Affidavit in support of Reconsideration: John Smith, (360)427-3599  
pinbalwyz@yahoo.com

15 PO Box 1711, WA 98584

(2) **Consolidation of Hearings.** Whether the motion shall be heard before or at the same time as the presentation of the findings and conclusions and/or judgment, and the hearing on any other pending motion; and/or **Ex Parte Consolidation, without notice, of the emergency guardianship (RCW 11.130.225) and the permanent guardianship proceedings was error because the two are of radically different statutory construction and are constitutionally incompatible for consolidation due to their stark contrast in due process requirements, thus inviting clerical error and confusion--which is exactly what happened--when attorney Mike Dewitt peremptorily and extrajudicially struck a Motion to Revise Hearing he did not represent nor was ever assigned to.**

(3) **Nature of Hearing.** Whether the motion or motions and presentation shall be heard on oral argument or submitted on briefs, and if on briefs, shall fix the time within which the briefs shall be served and filed. **No briefs in this cause were invited by the court, nor was testimony and cross examination permitted, not the production of live witnesses.**

(f) **Statement of Reasons.** In all cases where the trial court grants a motion for a new trial, it shall, in the order granting the motion, state whether the order is based upon the record or upon facts and circumstances outside the record that cannot be made a part thereof. If the order is based upon the record, the court shall give definite reasons of law and facts for its order. If the order is based upon matters outside the record, the court shall state the facts and circumstances upon which it relied.

(g) **Reopening Judgment.** On a motion for a new trial in an action tried without a jury, the court may open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new findings and conclusions, and direct the entry of a new judgment. **This is precisely what is needed for even a scintilla of justice in the instant case. Additional testimony and production of evidence must be welcomed for justice by all the parties, even the destitute handicapped ones.**

(h) **Motion To Alter or Amend Judgment.** A motion to alter or amend the judgment shall be filed not later than 10 days after entry of the judgment. **Again, against all odds, this defines a floor, not a ceiling. Preliminary planning and docket reservation should not be restrained when it does not prejudice opposing parties.**

(i) **Alternative Motions, etc.** Alternative motions for judgment as a matter of law and for a new trial may be made in accordance with rule 50(c).

(j) **Limit on Motions.** If a motion for reconsideration, or for a new trial, or for judgment as a matter of law, is made and heard before the entry of the judgment, no further motion may be made without leave of the court first obtained for good cause shown: (1) for a new trial, (2) pursuant to sections (g), (h), and (i) of this rule, or (3) under rule 52(b). **This is precisely what occurred when commissioner Thomas ruled a Motion to Revise had been filed, thus precluding her from hearing Mr. Smith's Motion to Reconsider her denial of his Motion to Intervene for all the specious reasons described above offered by Thomas from the bench.**



Signed at Mason, [County] Washington [State] on 11-23-2021 [Date]  
Respectfully submitted by



Signature of Petitioner or Lawyer/WSBA No.

John Smith (grandfather), pro se  
Print Name

**I have e-mailed a copy of this entire document to Breckan Scott,  
attorney for the Stokers, Selena Smith & James Wells on 11-23-21.**

Signed at Mason, [County] Washington [State] on 11-23-2021 [Date]

Respectfully Submitted by



Signature of Petitioner or Lawyer/WSBA No.

John Smith (grandfather), pro se  
Print Name