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E-FILED
THURSTON COUNTY, WA
SUPERIOR COURT
06/21/2021 8:01:25 AM
Linda Myhre Enlow
Thurston County Clerk

EXPEDITE (if filing within 5 court days of hearing)
 Hearing is set:
Date: 6-16-21
Time: 10:00am Zoom #:2429745214 Rm:4
Judge/Calendar: Kortorkrex, et al; Ex Parte docket

**SUPERIOR COURT OF WASHINGTON
FOR THURSTON COUNTY
FAMILY AND JUVENILE COURT**

In the Guardianship of: Hazel Belle Ursa Smith
Onawa Kachina Smith-Wells
Raven Gaia Shenandoah Smith-Wells

Respondents (minors/children)

21-4-00443-34
MT 48
Motton
10525000



NO. 21-4-00443-34
Emergency In Limine
MOTION TO JOIN
(Supporting Declaration Embedded)

[x] Clerk's action required: **RULE 19**

TO: 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 (aka: Laura?), e-mail: girlsforscience@yahoo.com/girlsforscience/icloud.com, current address uncertain, (360)481-1900(?);
AND,
James Daniel Wells (father of Raven and Onawa), (253)948-8260(?), address unknown;
AND,
Robert Ayers (father of Hazel), Ph. Unknown, address: unknown in Colorado, E-mail: (?)

I(i). Identity of the Moving Party

Comes now John Smith (maternal grandfather of the minors at issue in this cause), pro se of necessity without counsel by and for himself seeking the relief listed under section II below and moves the Court for an Order allowing the unsealing/access to all documents/filings recorded in this cause, particularly those material to my grandchildren listed in the caption:

I(ii) Jurisdiction & Objection to the Same

While I, John Smith, concede the State of Washington properly has the police power and obligation to prevent imminent harm from the children found within its borders, this does not relieve it from the requirements of due process to properly acquire both subject matter and in personam jurisdiction. I have good reason to believe those requirements have yet to be met in this matter, thus **I reserve all rights I may have to object to jurisdiction despite seeking to join this action under Rule 19** as a necessary and indispensable party in interest.

No return of service upon any of the parents of the children at issue in this cause are within the court record. The children at issue have not been properly bifurcated into separate cause numbers per biological father as required by law.

None of the parties served (if they were at all) outside the State of Washington has been provided the strictly

1 construed requirement of 60 days to respond, or 90 days if served by mail whether in or outside the State of
2 Washington. No bona fide declaration of due diligence to properly serve all the necessary and indispensable
3 parties in interest has been filed in this matter or permission from the court sought to provide service by
4 alternate means.

5 Material and deliberate misrepresentations have been made in the pleadings to this court as to the identity
6 of Hans Stoker under penalty of perjury by Hans Stoker, Kathryn Stoker, their attorney, Breckan Scott-
7 Gabriel, bar #:41585 (an officer of the court), and Declarant Robert Kurtz.

8 **II Relief Sought & Objections**

- 9
- 10 1. I object to the jurisdiction of this court for want of proper due process (particularly original process)
11 being followed, strictly construed, to establish the same for both in personam and subject matter
12 jurisdiction.
 - 13 2. I object to jurisdiction due to the fraud as to material facts and misleading sworn statements made
14 to this court in the pleadings by petitioners and their counsel and Declarant Robert Kurtz.
 - 15 3. I ask for an order granting me permission to join this action under Rule 19 because I am a necessary
16 and indispensable party in interest who has critical relevant facts this court needs to protect the
17 children (who are without counsel) at issue and their relationship with myself and their mother, Selena
18 Smith. Irrevocable harm will come as a result if I am not allowed to join this action to preserve the
19 integrity of the children's familial bonds and the whole unadulterated truth in this matter. I will present
20 further pertinent motions and a brief if granted permission to join this action. I am very familiar with
21 all the principals and facts needed for the court to justly adjudicate this matter. In the alternative,
22 should this court balk at providing the ex parte relief requested, transfer this motion to the next
23 scheduled hearing in this case.
 - 24 4. I request all documents filed material to the welfare of my grandchildren filed in this cause be
25 unsealed for my examination and a copy be provided to me.

26 **III Material Facts & Sworn Declaration Supporting Motion**

- 27
- 28 1. I have a relationship with each of the children as their maternal grandfather with each of the
children at issue in this cause, They all know me and have been with me often except Raven
due to her age when I visited with her and her mother in the birthing recovery room in a
Tacoma hospital. (See photo below of Raven taken by me when she was less than a day
old.)
 2. My relationship with my daughter is currently strained as it is for her with all members of her
family...for assorted reasons, but generally because she does not trust any of them,
including me. My daughter has resented my chiding her in the past for exposing her children
at very tender ages to high risk of physical harm (including camping out with them in the
CHAZ war zone in Seattle when people were being shot on a nightly basis in the absence
of a police presence and ignoring Hazel's complaints of pain due to a severe parasitic illness
acquired during her mother's trip with them to an annual Rainbow Family gathering). My
daughter chose to play frisbee golf with her boyfriend (the father of Raven and Onawa) for
the day rather than take Hazel to a doctor despite Hazel's continued vomiting and cries of
pain. I gathered them up and drove to a local clinic to get medical care for Hazel. It was
difficult and met with medical incompetence, but we eventually prevailed in getting a
prescription that could only be filled at a compounding pharmacy closing in only a few
minutes before we arrived. But based on MY educated guess on what type of parasite it
was, Hazel was cured. I remain appalled Selena did not put Hazel at a higher priority than
frisbee golf.

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3. Despite Selena's financial codependency on her children, she loves them and they love her back. Each was breast fed by her. The bond between the, flawed as it is, is vital to all of their emotional and mental health. I was in the birthing room when Selena was born. I know her perhaps better than she knows herself.
 4. Selena justly fears further parental alienation at the hands of Hans Stoker and her mother, Kathryn Stoker as she witnessed (somewhat due to her own carelessness and naivete) with her oldest daughter, Maya, who she is estranged from currently and has been for some time. Selena has now estranged herself from her entire family, bar none, and isolated her children from them. She refuses to provide any stable living address or contact information. Maya has expressed anxiety Selena will come and remove her from Kathryn Stoker's home, a large multiple story waterfront estate assessed at nearly 3.5 million dollars. The house on the estate provided to Selena, her children, and her boyfriend rent free for years had a rental value of about triple the \$800/mo. Claimed in court documents filed by Selena. Selena does not live at the address she provided and filed with this court.
 5. Selena's mother habitually paints my daughter with an excessively broad brush as mentally ill to eliminate scrutiny of a host of contributing factors to the dysfunctional relationship such as emotional and financial codependency, prolonged alienation of affections starting with when my children with Kathy were very young following our divorce. Selena and her best friend, Amu, are able to testify to their recollection of Kathy's and Hans' disparagement when they were in the Stoker household. My daughter has now become Kathy's scapegoat over time to further serve her hysterical possessiveness which deeply injured and handicapped my bond with our children after our divorce to where it has now become intergenerational. The court must tread lightly in this fragile complex of child development and family dynamics rather than behave as a bull in a china shop as the Thurston County court has been given to in the past.
 6. Kathryn Stoker has repeatedly deliberately misled the family courts in the past in custodial matters effecting Selena on every occasion though I was not a party to them except or our divorce. I am able to provide evidence of this prior misconduct and deceit upon request as a matter of record—a record Kathryn unsuccessfully attempted to seal.
 7. My son, Chad, has taken it upon himself to send me insulting e-mail communication attempting to dissuade me from filing anything or participating in this action, He points to the estrangement between myself and Selena, but not the rift between Selena and her mother.
 8. It is anticipated the State of Colorado will grant jurisdiction to Washington State when properly asked given the addition of Hazel's two new siblings born in Washington State. Despite a parenting plan/custody order existing in and issued by a Colorado State Court, Selena never applied for or was granted permission to leave the State with Hazel. Selena did so out of fear for her life and threats from an ex-boyfriend after completely destroying the home her mother, Kathryn, had purchased for her in Nunn, Co. due to Selena leaving the home for extended periods in the bitter cold without draining the water pipes. The water damage filled the basement and saturated the house to the tune of what was said to be about \$150,000. After restoration of the house which had remained in Kathy's name, it was sold by the Stokers to recover some of their loss.
 9. Selena's judgement has repeatedly proven to be so inadequate with respect to her own health and safety as well as her children's, it calls into question her competency to care even for herself on a sustained basis. Without outside assistance, it does not appear she can manage her own affairs, let alone represent her children's best interest credibly in court without counsel. I believe the children need a GAL independent of the Stokers who will be

dedicated to the children;s best interest.

10. I am too old and infirm to raise my daughter's children, beautiful and interesting as they may be. I am seeking visitation rights that have never been reliably honored in a normal or even legally mandated way by either Selena or Kathryn even following our divorce when Selena was still a young child. But I'm convinced and have overwhelming evidence that such visitations would benefit them and enhance their health and safety. Selena has long hated Hans and appointing him as a guardian of her children would provoke a storm that would subject those children to great imminent risk. Selena's relationship with her children must be preserved. Hans is an alcoholic according to both Selena and Amy, her best friend since childhood who saw it first hand. I am the true and only maternal grandfather of the children at issue listed in the caption herein.

This Motion is based on the attached/embedded Declaration(s), files and exhibits recorded in this cause as well as those filed in material pending cases in other jurisdictions, fraud upon this court by petitioners including their counsel, Breckan Scott-Gabriel, objections by John Smith (Maternal grandfather), and lack of proper jurisdiction due to failure of due process and due diligence to meaningfully notify all the parents of the children (including 60 days to respond after being notified out of state).

DATED: June 15, 2021

John Smith

Print Name: John Smith, maternal grandfather

Moving Party Defendant / WSBA # _____

Address: PO Box 1711, Shelton, WA 98584

pinbalwyz@yahoo.com

Phone: (360)427-3599

DECLARATION

The undersigned declares as follows: That I am the moving party as described above Plaintiff Defendant in the above-entitled matter. That irreparable damage would be caused to the children and mother Plaintiff Defendant in this matter and that there are compelling circumstances in this proceeding to allow the Court to order the granting of permission for John Smith (maternal grandfather) to join this action.

GR 13 (identify): _____; and/or

Other (describe): RCW 0A.72.085

I certify under penalty of perjury under the laws of the State of Washington that the above is true and correct. Dated this 15th day of June, 2021, at/in Mason County Washington.

Print Name: John Smith (maternal grandfather)

Signature: /s/ John Smith (ibid)

IV Argument, Points & Authorities

1. Rule 19 provides lawful authority to grant the moving party permission to join this action.
2. In it inherently within the court's equitable power to grant the relief sought in what is an action in equity. The moving party has no other remedy in law and the children at issue are too young to represent themselves and are unrepresented by an attorney or GAL.
3. There exist complex but critical facts affecting the issue brought before this court that cannot be justly adjudicated without all the material evidence and history being brought to this courts attention. To date, the parties have show no inclination to tell the whole story or even represent their status truthfully or comply with mandatory due process requirements.

- 1 4. Petitioner's counsel should not be rewarded for incompetence or **deliberately** misleading the court
2 as to the relationship of Hans Stoker to the children, i.e. as the grandfather. By rights, an officer of
3 the court should be sanctioned for such **deliberate** misrepresentation.
- 4 5. The movant is aware of other pending cases involving the children at issue in this cause and has
5 brought it to this court's attention. It is anticipated the Colorado court will grant Washington State
6 jurisdiction due to Hazel's new circumstances and new siblings. But petitioner's counsel has left
7 the action filed to address Hazel's legal standing incomplete while failing to seek this court's
8 permission to modify the caption to correct the oversight/error.
- 9 6. No return of service has been filed to date providing proof of proper service on the children's
10 fathers.
- 11 7. The overly broad claims of mental illness alleged regarding Selena Smith are unproven,
12 undocumented to my knowledge, and undiagnosed. They are as likely to be personality disorders
13 as mental illness. The petitioner's bare assertions in this respect carry no weight what soever.
14 Neither has any medical training or is a medical expert.
- 15 8. The moving party, John Smith, was trained as a nurse in an officially designated nursing program
16 in Bremerton's Olympic college.
- 17 9. Kathryn Stoker falsely alleged I, John Smith. Was or had been mentally ill in an action she brought
18 seeking custody/guardianship of Selena's oldest daughter, Maya, who Selena is now estranged
19 from and changed her name to Stoker because she admitted she thought it would be more
20 advantageous to her. This is the kind of parental alienation Selena justly fears from the Stokers
21 even while she isolates her children from their family in response to that fear and affectations
22 claims of being a domestic violence victim as a pretext. Once the Stokers kicked Selena's
23 boyfriend out of the house long after Selena herself had abandoned it (and obtained a protection
24 order against him in Thurston Family Court) he disappeared from sight and, to my knowledge,
25 hasn't been heard from since.
- 26 10. Selena left Washington State, in whole or in part, because her boyfriend and she were both caught
27 trying to manipulate the system for assistance payments/benefits while Selena was out of State for
28 weeks and the children remained in her boyfriend's care. They each filed ompeting motions for DV
protection and Washington State cut them both off from further payments, suspecting welfare
fraud. Thu, financially, Selena felt she had no choice but to seek assistane in other states claiming
to be a DV victim in hiding. This worked until the New Jersey incident where she began fleeing
from the authorities wanting to question her about child neglect.
- 11 Kathryn Stoker has offered and pursuing dental care for Hazel's serious need to avoid a root canal
at her young age, something Selena never tended to despite her mother's best efforts to make an
appointment for Hazel and pay the dentist. Hazel's speech had noticeably regressed upon her
return to the Stoker residence.
- 12 The Stoker's state they are having to completely gut the home they allowed Selena and her
boyfriend (James Wells) to occupy for years without paying rent estimated to be worth about
\$2,400/mo. While the Stokers hods themselves out now as responsible parties rescuing my
grandchildren from squalid conditions now, they did nothing about those squalid conditions when
they existed for years on their own doorstep in a house they owned.
- 13 Kathryn Stoker was very unsupportive of Selena's last two pregnancies and indicated her
disapproval while urging her daughter to get an abortion. Selena refused.

28 **I have furnished a copy of this today to the Stoker's attorney and Selena by e-mail as listed above.**