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21-4-00443-34
MTRC 79
Motion for Reconsideration
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THURSTON COUNTY, WA
SUPERIOR COURT
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Linda Myhre Enlow
Thurston County Clerk

[ ] EXPEDITE (If filed within 5 court days of hearing)
[X] Hearing is set
Date: 7-22-21
Time: 10:30am Zoom #: 242-974-5214 Rm:4
Judge/Calendar: Rebekah Zinn/Motion Reconsider

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** **Motion for Reconsideration Re: Motion to Join By JOHN SMITH** **(Rule 19 & 59(a))**

(Cover Sheet)
TITLE OF DOCUMENT

Motion for Reconsideration Re: Motion to Join (6-30-21) by JOHN SMITH

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

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In re: Emergency Guardianship of Haazel Belle Ursa Smith Respondent(s): Minor Child(ren)	**No. 21-4-00443-34** **Motion for Reconsideration Re: Motion to Join By JOHN SMITH** **(Rule 19 & 59(a))**

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;
AND,
Selena Ursa Smith, mother, e-mail: doublekachina007@protonmail.com, domiciled in Oregon mailing address: 6901 26th Ct SE, Lacey, WA 98503, Ph. (971)803-9898
AND,
Robert Ayers (father), e-mail: unknown, Ph. unknown, address: unknown

I Identity of Parties

I, John Smith (grandfather of the subject minor(s) in this action) enter this counter-affidavit to James Wells' Declaration into the record, without counsel of necessity, pro se, for this court's consideration as the truth and nothing but the truth. I reserve the right and continue to object to the jurisdiction of this court as stated below under JURISDICTION. I continue my **objection to Shelley Brandt presiding** over ANY aspect of this case due to her having received money from the Stokers, previously represented my ex-wife, Kathryn Stoker, a party herein, against myself who seeks to join this action and she nearly precipitated a physical

altercation with me during that custodial litigation years ago. She also represented my daughter, Selena Smith, a party to this action. A fair hearing without her recusal cannot be had.

Kathryn Stoker (maternal grandmother) and her husband, Hans Stoker (who is NOT the grandfather of the children, contrary to his and his wife's sworn misrepresentations in their filed pleadings to this court) brought this action before this court well BEFORE the young children at issue had been evaluated by any qualified Family and Children's social worker within the State of their domicile or oversight of a state court properly presiding over the same, i.e. Oregon, where this court's emergency ex parte order to seize the children was executed around midnight and they were spirited, under cover of darkness, out of Oregon after handing off the very young three to the Stokers at a gas station adjacent to I-5 north of Eugene that night. The seizure was executed, as described at midnight, 5-30-21 in/near Oakridge, OR, the initial ex parte emergency petition for seizing my 3 grandchildren was filed 5-27-21, the order granting the petition was entered on 5-28-21. The Stokers filed their petition prior to the children being examined and evaluated precisely to deny their mother and my grandchildren due process with this court's approval, aid, and abetment under color of state law in violation of Oregon's sovereignty, the federal ADA (Selena has only one hand), her status as a destitute DV survivor (contrary to UCCJEA requirements, and in violation of meaningful protection under the 6th and 14 Amendment as well as principles laid out in Troxel vs. Granville (530 U.S. 57) and the notorious Elian Gonzalez international case.

JURISDICTION

The Petitioners (Stokers) are longtime residents of and domiciled in Thurston County, Washington.

I, John Smith (grandfather), am the one seeking to join this action. My daughter 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 briefly in March to recover some of her property, from the Stokers, but did not reside in Washington. The Stokers misused 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 jurisdiction even if there had not been a less than 6-month absence of my grandchildren residing/domiciled in Washington. **In light of these facts, all actions/orders taken/entered by this court are void abb initio**. The basis for this court's rulings have been fraudulent misrepresentations and deception submitted to this court by the Stokers.

Selena Smith, the mother of the very young child(ren) at issue in this cause, due to DV, fled the State of Washington with 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 the petition) to support himself. The petition was denied by Court Commissioner Rebekah Zinn. Mr. Wells is currently sleeping near Mt. Adams, and is non-compliant with a DV protection order issued by the court prohibiting him from contact with my grandchildren.

Selena Smith, 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 out of State. 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 that shelter confirming evidence she'd seen what 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-monthws, Selena Smith, and her children had left and no longer resided in Washington State prior to having her 3 children 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). Court Commissioner Rebekah Zinn 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 whereabout, 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 wherever she went using her I-phone to do so.

THIS COURT HAS REPEATEDLY CONFLATED NORMAL UCCJEA TYPE CUSTODY DISPUTES INVOLVING PARENTS/GUARDIANS WITTH 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 N OT 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 criminqally unlawful means of invading Selena Smith's privacy for months in tandem with the Stokers whose purloined information he used. Notwitstanding the evidentiary value of his sworn Declaration, his lies to other agencies regarding his authority, his credentials, Robert Kurt's statements should be discounted/ignored and any evidence presented through his office should be suppressed. Robert Kurtz has tainted this ntire process qand this court along with any basis for its jurisdiction in this matter. Ergo, the court should vacate it's rulings under Rule 60(b) and dismiss this case with extreme prejudice.

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 my privacy when we spoke. When Kurtz's actions were challenged, a case worker supervisor retorted it was NJ Division of Children & Families 'policy' to track or find missing families/children when receiving reports/suspicions of the same. **Except**...there **WERE NO missing children**.! They were with Selena, their mother, who had no legal duty 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 he chose **not** to reveal in his declaration submitted to this court to avoid incriminating himself.

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 to track, unbeknownst to

Selena, her movements, purchases, bills and confidential health/billing records obtained by opening her mail without permission (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 succeeded, denying Selena fairness in these proceedings, or even the appearance of fairness.

This rogue action by a Washington Family Court fails what even grade school children would recognize as the **SMELL TEST**. The statutory construction of a normal petition for guardianship of minors in Washington State replete with a full complement of meaningful due process is very different from an ex parte emergency petition for guardianship of minors with effectively **no meaningful due process**. Accordingly, the ex parte judicial excess of Washington's judiciary ought to be a pleasure enjoyed by its own citizens which it is accountable to rather than being visited upon the citizens of foreign states.

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 parents 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 minus Oregon due process and judicial oversight which would surely have denied the execution of an 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.

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 18th of this month when it, in truth, was the 16th. The Stokers also lied about my mental condition and their egregiously galling false claims there was a "nation-wide manhunt" for Selena Smith.

This 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. No return of service was filed, no Petition or summons was served on Selena Smith, or even properly filed with this court. By it's 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 emergency existed nor was one found when the children were seized without an iota of due process in their home State. A rent-a-prosecuting-attorney is not a presiding Oregon judge in a court of law, but just another attorney serving the two-bit town of Oakridge, OR. What has already been lost in this case can never be recovered or restored, Selena's trust in her mother…a mother who admitted to Selena she'd been using the I[Phone she'd gifted her daughter to spy on her. A credit card Selena used to make personal purchases for hersekf and her children. Security guard Robert Kurtz lied to authorities in other states by claiming to have obtained a warrant to spy 0n/surveil her use of her credit card in real time. 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!**

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. 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 court take any care to insure the child(ren) were genuinely at risk before giving them the impression that their mother was a 'bad' person as they were seized as though she was Dillinger. I have ordered and will be paying for the video, audio, photos, and police reports from the Oakridge PD. They will reveal my grandchildren were not imperiled and their needs were being met; they were not living in squalid conditions. I will present this evidence to this court for its consideration given the chance. Selena has spoken to the Oakridge authorities about this case. Their assessment does not support the tale the Stokers had to tell this court. 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 my me. I am part of my daughter and her children's life and have always tried to maintain a relationship with them. I has never interfered with Selena's relationship with her children. I am a necessary and indispensable party to this action as the Stokers have never respected my role in their lives which can be seen in their 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. I, John Smith, have taken the time to do so since I learned of my daughter's predicament despite Kathryn Stoker's lies about it—dozens of hours listening to my daughter, Selena. It is abundantly clear mu daughter is **not** delusional or mentally ill. She cries and gets upset about her babies. I am not an attorney, but I has an important ongoing role in the lives of my daughter and grandchildren that will be ignored 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.

II Relief Requested

1. To permit John Smith, the maternal grandfather of the children currently being held by he Stokers against their mother's will, to join this cause under Rule 30 and the court's own inherent equitable authority while reserving and continuing my objection to the court exercising jurisdiction in this matter when none exists.

2. To enjoin the Stokers from denying me or hindering my physical and/or Stoker as they have done. telephonic visitation with my grandchildren, including my adult granddaughter, Maya Stoker.

3. To provide me a specific weekend per month I may visit my grandchildren (preferably the first whole weekend in each and every calendar month) and phone visitation up to 45 minutes with my grandchildren once per week in the evening after 5:00pm, preferably on Wednesdays.

4. To order **all** parties to this action to provide me with all contact information including the address of where they currently reside when/while my grandchildren are in their care, and not to remove them from the State of Washington or Oregon without leave of a court of proper jurisdiction and 20 days written notice to me should they make such a request. This shall include any phone number or e-mail address my grandchildren may have now or in the future until they reach their majority.

5. To JOIN me to this action under Rule 19 as a matter of right and a matter of discretion, and to enter a written order including all the above listed relief into the record.

III MATERIAL & RELEVANT FACTS (& DECLARATION)

I, John Smith, am the maternal grandfather of the children at issue before the court in this case. I am unrepresented and necessarily come, without counsel, pro se before this court to voluntarily and honestly make the following Declaration under penalty of perjury in support of my Motion for Reconsideration and to Join this cause under Rule 19.

During the hearing held on 6-30-21, commissioner Indu Thomas presiding over my objections because I did not feel I could get a fair hearing or the appearance of fairness before her, the court made a number of unfair comments about the presumed 'evidence' it had, my relationship to my daughter during this litigation, and repeatedly directly asked me if I was an attorney at law despite my many filed declarations invariably stating I am not an attorney at law. I am, however, a Notary Public for the State of Washington, but have not acted in that capacity in this case and it hasn't come up or been an issue, other than to say the truth, especially in a court of law, means something to me as well does the law!

I was very disappointed the court did not appoint an attorney for my daughter, which I thought this case cried out for given her circumstances and indigency, her work, her lack of meaningful access to the court in a jurisdiction of inconvenience and where the DV she suffered occurred. **This is material to my motion as I will explain.**

It is not only that my daughter sorely needs an attorney (if she could keep one were they appointed) but that I need for her to have an attorney. This is relevant as I will explain. I am old. I am not in the best of health. As a paralegal with the electronic resources needed to assist her, I have, out of love and compassion for her, worked on typing the volumes of documents associated and filed in her case and on her behalf, often 12 or more hours/day, 7 days a week. I am emotionally and physically exhausted. I have a bad heart. My body is telling me to slow down. This kind of stress could kill me.

My daughter only has one good hand, She lost the other when she was 19 in a climbing accident near Spokane. Her mother kept this information from me for over 4 and a half months. My daughter once played the piano beautifully. I purchased a grand piano and once thought I could provide music lessons on it for her children, my grandchildren, but for Selena's mother who always interfered with my relationship with my children, then my grandchildren.

Commissioner Thomas questioned my capacity in aiding my one-handed daughter, in part, because of the many typos and errors contained in some of her submissions, assembled in great haste trying to meet numerous deadlines, clogged phone lines, flaky connectivity during ZOOM court sessions from Selena's phone while she worked her Portland job delivering auto parts at subminimum wages after expenses.

Commissioner Thomas denied my motion to Join, commenting my position was aligned with my daughter's in this action, implying by innuendo I was redundant (or worse) because nt pleadings and position mirrored my daughter's, who I dearly love and am proud of. But I've repeatedly stated to all who will listen, I will NOT be force, bullied, intimidated into choosing between my daughter and my grandchildren. I have incurred my daughters wrath in the past by reminding her of her duty to her own children00even now she explodesds, yells at me over the phone, hangs up on me when I'm in the middle if trying to help her and won't even tell me the address of where she resides or engage in the simplest exchange of pleasantries

without telling me it's none of my business. Her mother's spying and surveillance has destroyed her trust in everyone except her s newly found Portland allies and her small children.

I know, in the end, if I do not have some kind of court protection, I will never see my grandchildren again regardless of who gets custody or guardianship of them, the Stokers, the fathers, or even Selena. This court erred when it opined my daughter's interests and mine were so aligned, so parallel, as to be indistinguishable. This is simply untrue and doubly harms me and my grandchildren in the wake of this court denying my daughter competent legal representation. If it is true that my daughter is mentally ill, which she most definitely is not, then the court errs by violating the ADA which provides the handicapped the same right to meaningfully access the courts as those of sound mind and body.

The real rub here is my daughter cannot competently represent my interests despite this court's expressed opinion from the bench she was doing fine and didn't need a lawyer. This simply isn't true. I have spent many hours trying to find her an attorney. Despite the importance of this case, none will have her. She has no money and no assets as her mother, the petitioner in this case, is quick to point out to this court. It may be a moot point in that if my daughter was consigned a court appointed counsel, they'd soon withdraw if she treated them in the same manner she ha treated me, Attorneys are suffiently in demand they need not tolerate rude or extremely difficult clients.

Thus, when this court consigns me to have my daughter represent me, which is impossible for her to do for all the reasons I have explained, it does a gross injustice to me and my grandchildren and our interests where they are NOT parallel or indistinguishable from my daughter's. My daughter has no one to help her in all this but me. She will not be adequately transparent with me, with the court, with almost anybody to the point where she CAN be helped. To deprive me of the ability to represent myself in this action as the maternal grandfather when the petitioners knowingly lied about this fact, as did their attorney, and officer of the court, by stealing my identity as Selena's father and her children's grandfather (not the only material deception/misrepresentation) lends strong support to the argument I be allowed to intervene, have standing to ask for this court's help in protecting my relationship with my grandchildren—something that's commonly and routinely granted in guardianship matters.

Why wasn't I notified a so called nation wide manhunt for my daughter was underway? Because the Stokers had button holed NJ security guard Robert Kurtz, gulling him into believing THEY were the "grandparents" of my daughter's children. They've been pounding this particular drum for so long, even they must have begun to believe it. They believed the theft of my identity was so complete, they could openly, wantonly, substitute themselves for me even in their sworn documents under penalty of perjury.

It's an old legal maxim: False in one thing, false in all things. That certainly applies, and always has, to the Stokers. I want my daughter to thrive as a strong independent woman no longer codependnt and controlled by her mother and Kathy's husband, Hans. But I know without this court's protection, I will never see my grandchildren again, and will die with but a fond distant memory of them. I cannot expect this court to be my advocate. I can only be my own advocate. Nobody else is sufficiently competent or willing to do that. I must be granted standing to do so. The truth is, this is not only in my best interest, but ultimately in every party's interest.

Not even Selena had a way to contact James Wells, the father of Onowa and Raven (her I-Phone with this information was broken and she has no money to fix it), nor did the Stokers or their attorney. It was I who called James and explained to him the DV order did not prevent him from making an appearance in this

cause nd urged him to do so. I had no hand in leading Jimto the misapprehension he could use these proceedings as a can opener to avoid complying with the terms of the relevant DV order, which he openly guffawed at during his oral statement inth ZOOM court session on 6-30-21. ("...the RIDICULOUS DV Order...!"). He remains defiantly noncompliant with it, bever even attempting to abide by its terms.

Breckan Scott, the Stokers' attorney, has often broadly used innuendo to invite this court to believe she is not ttelling the truth or is hiding information about the contact information Ms. Scott presumes my daughter must have for Roger Ayers, the father of Hazel. Ms. Scott has called my daughter a liar speaking to me by phone. This would fit the definition for the Yiddish term 'CHUTZPAH' for aan attorney, and officer of the court, to openly and knowingly endorse her client's perjurd declarations to this court. Ms. Scott was perfectly aware Hans Stoker was not my aughter's father or her children's grandfather as was represented to this court. The Stokers knew there as a Colorado Court Order of original jurisdiction establishing a parenting plan. They had lived in Colorado for approximately 6-months while my daughter got her act together in that State. They were well aware that court order existed, but wanted to hide it from this court until their subterfuge was a fait accompli.

Yet in the face of all this, the court continues to treat my daughter as though she was Dillinger, except without his ill gotten money. The court treats me as superfluous and an annoyance or worse. An e-mail exchange between myself and this court's administrator regarding commissioner Shelley Brandt's recusal having nothing to do with this case inasmuch as Shelley Brandt never presided over this cause, could not because of her heavy involvement with the Stokers, and my making certain everybody knew I was aware of this fact to avoid a repeat of the debacle when commissioner Kortokrax recused himself for familiarity with the Stokers yet extending his previously entered order(s) awarding them what he';d sought in their preemptive ex parte emergency guardianship order executed illegally out-of-state PRACTICALLY IN THE SAME BREATH! Kortokrax set the next hearing on 6-30-21 and extended his orders until then.

The rancorous e-mail exchange between this court's administrator and myself over ensuring Shelley Brandt's disqualification for a conflict of interest was sent by the administrator to Breckan Scott, the Stokers' attorney. Breckan, in turn, entered it into the record for this court to see in hopes they would sanction me or at least bias the court. She may have succeeded. I have yet to see or experience justice being done by all the parties or the Stokers and their committed ally, NJ security guard Robert Stoker, held accountable for deception and criminally obtained material. Neither I nor my daughter have been afforded a fair hearing, or the appearance of a fair hearing. It is ritical the court, in the interest of justice, schedule a full hearing with live sworn testimony subject to cross examination interrogatories and depositions aling with full discovery and due process. These hearings have been treated like they were a traffic ticket...a ticket with 3 very small confused children's lives hanging in the balance and a very angry mother.

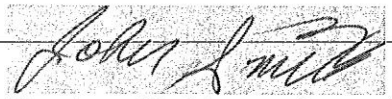
I respectfully request it also be **NOTED** that should I fail in my request for the relief I've sought in this pleading to be granted and denied the right to Join these proceedings as the maternal grandfather under Rule 19, **this document is also, in that event, intended to serve as notice prerequisite for filing a NOTICE of seeking a revision of this courts order in a review de novo before a Superior Court Judge.**

My daughter is not mentally ill.

My daughter cannot adequately even represent herself in these proceedings despite commissioner's thoughts to the contrary expressed from the bench. There are many errors that have been introduced throughout the course of these proceedings. No good can come of pruning a grandfather from them.

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.

Signed at Mason, [County] Washington [State] on July 7, 2021 [Date]



Signature of Petitioner or Lawyer/WSBA No.

John Smith (grandfather), pro se
Print Name

IV. Argument, Points & Authorities

This action is one in equity, thus the litigants are denied the right to a jury trial pursuant to the Washington State Constitution. This makes it all the more incumbent on the court to take the time and care to detail to do justice by all the parties. It is inherently within the courts authority to grant the relief sought within the 4-corners of this document.

A fatal irregularity throughout these proceedings has been conflating the statutory construction of UCCJEA type cases (See Exhibits 'F' & 'G') involving custody/guardianship dispute with the statutory construction of the far more procedurally draconian measures embarked upon by the Stokers when they planned far in advance a mechanism engineered to strip myself and my daughter of all due process in an ex parte emergency guardian action they knew would be executed out-of-state and intended to create an inconvenient forum/jurisdiction impossible for my daughter to negotiate and likely to keep me in the dark until it had become a fait accompli—a course they now openly espouse, but set up ww2ith all the deception they thought the court would swallow. The irregularity here is deliberately and covertly stripping interested parties of their rights to due process while the gestppo pounted on my daughter's door in the middle of the night on 5-30-21. The Stokers waited until my daughter's location had been unlawfully ascertained with faux authority and the most egregious invasion of her privacy with her own children.

Clearly, new Jersey did not want my daughter; there was no attempt to transport my daughter or her children back to NJ after they'd left there on 1-16-21. In fact, she had appeared shortly thereafter before the Washington DSHS authorities to prove her children were with her—required to physically stand with her children before these officials due to James Wells having defrauded DSHS out of sums of cash by falsely claiming the children were with him. If there had been a hue and cry, a nationwide manhunt for my daughter and her children, there they were within arm's reach of Washington DSHS and family Services officials inside their offices!

Had Selena's children looked ill kempt or abused, they would have been seized on the spot. Sometimes what a sleuth does NOT hear (like the Japanese crickets caged inside homes to warn of burglars in the dark) is altogether more important than what one does hear—like Robert Kurtz's incessant croaking.

But the court was not taking the time to adequately weight the evidence carefully and, most importantly, to DO NO HARM! Instead, urged on by the Stokers, the court set on a course to destroy my daughter and her children in order to 'save' them when, in truth, there was no true emergency, only a croaking frog befriended by wealthy multimillionaires many times over able to hire an attorney to assist them in laying the trap. Ms. Scott even offered to go down into Oregon and pinch the children for them. Given the very late hour in the middle of the night, we must leave it to imagination the level of involvement the attorney had to take their calls at night unless she'd been being continually updated by the croaking frog as the plan wound its way under the cover of darkness to its destination, the kidnapping, the snatching of 3 small children from their mother. See the Oakridge police report indicating how clean the mother's RV was and how the children had everything they needed, but obedient to Washington's laws and abuse of process, the police and clueless Oregon CPS workers carried out the Stoker's plot as planned.

There couldn't be a better example of misconduct by the prevailing party (Stokers) as described in CR 59(a)(2).

The Oakridge PD report from the night of 5-30-21 is newly discovered evidence of this miscarriage of justice only received yesterday, weeks after I'd paid for and requested it from the Oakridge, OR PD. It would have been helpful if I'd had standing to subpoena the audio and video from that department unredacted. It would further prove there was NO EMERGENCY when those babies, my grandchildren, were seized from their mother in the dead of night. What THIS COURT RELIED ON FROM THE CROAKING FROG, ROBERT KURTZ, was unverifiable hearsay on hearsay—unverifiable because upon checking with the Brooklawn NJ police, their officer's report said nothing of the sort as the frog stated in his false declaration, an event that occurred on 1-16-21 while my daughter was broken down in a Motel 6 until she could replace her vehicle and be on her way. Yet commissioner Indu Thomas pronounced from the bench on 7-6-21 this meant Selena Smith was RESIDING/LIVING in NJ. Surely this commissioner, after the years she states she has served on the bench, understands transiting a state, even if your vehicle breaks down, doesn't establish residency in NJ as a matter of law as she ruled. If so, then so much the better as that simply establishes a domicile other than Washington prior to Selena's arrival and establishing residency in Oregon.

This case is complex and is composed of many levels of conflicting laws and jurisdictions. Most judges and lawyers don't have a firm grasp on the substrate of this core foundation of law and a court's authority. I was not trying to be impudent when I objected to commissioner Indu Thomas and aske she recuse herself from this case. What I had witnessed years ago in Indu Thomas' courtroom presiding over Amy Cunningham's 16yo adopted daughter's emancipation petition was her twice refusing to rule on or even comment on Amy's motion (TWICE properly noted and docketed on Thomas' calendar) to appoint her an attorney—a right under the ADA federal law. Amy had been a victim of a horrible accident on the Hood Canal Bridge years earlier that left her hospitalized in a coma for weeks. I was in that courthouse accommodating her because she asked me too, and trusted ne since she and my daughter, Selena, grew up together and are still best friends years later. Amy has submitted declarations in this case. The accient left her with permanently impaired SHORT TERM MEMORY LOSS. She could not remember whbat you told her from the bench or the date you continued the hearing to for want of proper service of original process 5 minutes earlier. "Amy, is was in the back. I couldn't hear what the judge said. It sounded like she continued the hearing until a future date. What day did she [Thomaas] continue it to?"

"I don't know."

"Amy, it's really important that you remember as you're representing yourself and these court dates are important!"

"John! It's not that I don't want to remember or that I'm not trying. I just can't remember."

This was the young mother (Amy Cunningham, now remarried after being widowed, NKA: Amy Gmazel) you denied her motion for an attorney in a proceeding that ultimately resulted in you emancipating her immature adopted 16yo daughter, Christine. You may, at this point be thinking what I'm recapitulating has NOTHING to do with this case, Oh yes it does, as I'll explain.

You not only refused to appoint Amy an attorney (as you know do when Selena requests one though the Guardianship act in Washington (basically a UCCJEA statute) but you wouldn't even respond on the record to the motion for one. Then you refused to let any of the witnesses who had arrived to testify on Chrristines maturity, or lack thereof, and her inability to support herself. Christine simply planned on supporting herself on her dead adoptor father's social security death benefits for surviving minor. Children. The girl would steal $ from Amy's purse even before her father died (painfully) from terminal cancer, calculating Amy wouldn't detect it, knowing of her short term memory handicap. I developed a color photo of Christine in a car with her teen pals all holding open beer containers mugging for the camera. Not only did you deny Amy, a brain damaged woman with little/no short term memory, but you condoned my being persecuted for accommodating her by juvenile probation officer Sara Dotson. Surely you remember her despite the thousands of litigants you've seen?

Your ordered Christine to speak with Sara Dotson followed by her mother, Amy, separately. Christine was upset, even though you'd announced you weren't going to allow it or other evidence be submitted ti substantiasate the fact she was far too immature to be emancipated and Amy far to responsible a mother to have her parental rights terminated. You may not rember us, I can't know, but we all remember you. Christine had even crossed the street from her home with Amy and stolen the jeans of a police womqn who was later murdered in Lakewood along with 3 other LEO;s in a coffee shop. The police womqn was small statured and her missing pants must have fit as she suspected Christine enough to ask her mother if she could look in her bedroom while she was gone. Sure enough, the two women found the stolen jeans in Christine's bedroom. But that was only the tip of the iceberg. We had written evidence Christine would forge her mother's name on notes exfcuing her from classes. She drove without a license after her mother requested it be revoked due to her daughter's dangerous impetuous behavior. But you denied allowing any of that documented evidence to be submitted. You wouldn't allow live sworn testimony from people who knew Christine well. Now, fast forward.

Christine stepped out of the courtroom with Sara Dotson and Christine Cunningham/s retinue to spend 5-10 minutes in Sara Dotson's office. Amy, I and two of her other witnesses sar on benches waiting for Christine to come out. When she did, her face was wet from crying and the embarrassment of the color photo of her with her beer toting pals in a motor vehicle mugging for the camera. One of Amy's witnesses had downloaded it from Christine's social media FaceBook account.

Sara Dotson motioned for Amy to follow her into her office, I got up to accompany and continue accommodating Amy because I knew she wouldn't be able to remember the conversation—the woman you wouldn't provide with an attorney…or even respond to the request. Sara wouldn't hear of allowing me to accompany and accommodate Amy despite my remonstrating with her explaining Amy's handicap and how she, you, and the entire Family and Juvenile Courthouse were violating her ADA rights. Finally, I pulled

out my audio recorder and offered it to Amy to take with her to the interview. Sara Dotson became even more belligerent. She refused to let Amy take hold of the audio recorder. I ggot my camera out and began to take snapshots of Sara Dotson in the hall. She went ballistic and called security, telling them I was harassing and threatening her, asking them to trespass me from the courthouse—except there were 4 eye witnessed to the incident besides Sara Dotson, i.e. myself, Amy, and her other two witnesses. They all signed sworn declarations that Sara Dotson was lying when she alleged I had threatened/intimidating her. She knew Detective Roland Weiss. She was also friends with prosecutor Jennifer Lord. They were all so tight they might have been called the 3 musketeers and been sitting in each other's laps. This went on for months in Judge Murphy's courtroom before I managed to discredit them for prosecutorial abuse an caught Sara Dotson lying or changing her story so often, Judge Murphy granted me a change of venue—a rare event in the Thurston County courthouse to be sure.

But YOU, you knew about this. You knew a good Samaritan accommodating a handicapped woman in an emancipation case was being discriminated gainst and deprived of the one person she asked to come to the hearing and accommodate her. You turned not only a blind eye to her, denying her due process in the proceedings you presided over in your courtroom, but me as well for remonstrating with Sara Dotson by refusing her to rely on the accommodation she had brought with her. Then you condoned the retaliation I was subjected to for having the courage to insist on accommodating my daughte's life long friend she grew up in, a woman who also witnessed what went on in the Stoker house while she was playing with Selena—a woman who is a declarant and witness in THIS very case and is willing to tell what she knows and testify against the Stokers....the same woman you refused to provide a court appointed attorney and would not allow me to watch what went on in your courtroom because I was banned without recourse or appeal procedures to challenge the unlawful ban. Eventually, I prevailed as the whole truth came out and I was able to bring it to the court's attention, a lengthy, time consuming exhausting process, judge Murphy (mercifully) presiding. The truth and fairness mattered to that judge. She was the only one standing between me and a lying LEO (Sara Dotson) trying to railroad me into prison with a phony Class B felony allegation based purely on her uncorroborated story she changed every time she was interviewed/questioned, never recorded, signed or sworn two but merely repeated as hearsay, as here, and prosecutor Jennifer Lord SWEARING the hearsay on hearsay was the God's honest truth under penalty of perjury. Ultimately, prosecutor Jennifer Lord went behind my back after watching me query the states chief complaining witness (Dotson), expose the LEO, and file a motion to sanction deputy prosecuting attorney Sara Dotson for prosecutor misconduct, violating the Bradey rule and her chief detective Roland Weiss admitting to a PI their decision to prosecute was at least partly based on retaliation for the wording I'd chosen in a reply to civil litigation brought on my non other than Sara Dotson. You may rember her. Are you going to retaliate against me for having the nerve to bring out the truth bearing on your qualifications, or not, to hear this case or make a determination—a discretionary ruling on my motion for reconsideration in seeking to Join this action under Rule 30? The same way you did when you condoned denying me entrance to your courtroom to observe the proceedings against Amy Cunningham?

Here's the cite: 11-2-30671-0 | IN RE CHRISTINA CUNNINGHAM
You presided.

This case now before you echoes the one you say you forgot. Well here's a refresher course: The juvenile delinquent you emancipated is dead now. She was murdered at 26 years of age a few months ago by a boyfriend and her poor judgment in choice of men. He stabbed her to death. I wrote and published her obituary in my company's blog. It's toward the very end of the article under EPILOG. She was a beautiful

26yo young woman dead at her BF's violent hands and a knife. I firmly believe she'd still be alive today if it hadn't been for you and the rest of the cast of characters (photos included) I referenced.

Here's the multimedia link to her obituary and what lead to it starting in YOUR courtroom: **EPILOG**

http://amicuscuria.com/wordpress/?p=4426

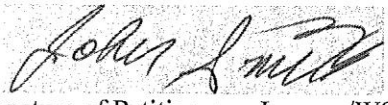
Commisioner Thomas, it wasn't only for the reason of your prior egregious entanglement with declarants and litigants in this case I was timorously objecting to. It was also because, no offense intended, I firmly believe you are not competent to hear a case as sensitive and complex as this. I saw your work. I documented your work and those of your peers working in that courthouse where judge murphy finally agreed it was impossible for me to get a fair hearing in your court house or the appearance of one. Breckan Scott has sought to take advantage of the tendency of your courthouse's bias against men, against the poor, against the handicapped, against the outspoken who remonstrate with public officials who trample on the rights of the people, even the poor and the destitute to justice by all the parties. The only commissioner I see who MIGHT be able to be impartial and try to take the time needed to be competent in ruling on a case as complex as this rather than dispense 10-minute justice would be commissioner Rebekah Zinn. I'd prefer a change of venue for the reason I see too much evidence of corruption within the Thurston County Family & Juvenile Courthouse. Moreover, I've often said, especially in the public sector and our judiciary, incompetence is equally as pernicious as incompetence and equally intolerable since the end results are the same: Miscarriages of justice. I do not want to see my grandchildren and daughter sacrificed on the horns of that alter. Enough!

Substantial justice has NOT been done! CR 59(a)(9)

Stop rewarding the petitioner's egregious abuse of process, the manipulation if this court through perjured misrepresentations, their criminal acts.
Permit me standing to represent myself in these proceedings, a provision typically granted to grandparents interested in preserving family bonds. There is no other than myself able and willing to aticulate my case for standing, visitation, and transparency by all parties with custody of these children. This cannot wait. Every day that goes by is a loss that must not be trivialized.

I have e-mailed a copy of this entire document to Breckan Scott, attorney for the Stokers, Selena Smith & Not Robert Ayers on 7-7-21.

Respectfully Signed & submitted in Mason, [County] Washington [State] on July 7, 2021 [Date]



Signature of Petitioner or Lawyer/WSBA No.

John Smith (grandfather), pro se
Print Name

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