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E-FILED
THURSTON COUNTY, WA
SUPERIOR COURT
07/09/2021 8:06:29 AM
Linda Myhre Enlow
Thurston County Clerk

- EXPEDITE (If filed within 5 court days of hearing)
 Hearing is set: Present in tandem w/Reconsideration Motion
Date: 7-29-21
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
MEMORANDUM, (Argument &
Counter-Affidavit to
ALL Declarations Attacking
Selena Smith to date) in
Support of Motion for
Reconsideration of Motion. To
JOIN (Rule 30 & 59)
By JOHN SMITH, Grandfather

(Cover Sheet)

TITLE OF DOCUMENT

**MEMORANDUM, (Argument & Counter-Affidavit to ALL Declarations Attacking
Selena Smith to date) in Support of Motion for Reconsideration of Motion. To
JOIN (Rule 30 & 59)**

by JOHN SMITH

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

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JOIN (Rule 30 & 59
by JOHN SMITH**

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 the Parties

I, John Smith (grandfather of the subject minor(s) in this action) enter this MEMORANDUM & counter-affidavit to ALL Declarations of record to date adverse to Selena Smith, 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 also **object 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 (I) seeks to join this action and also represented Selena Smith on the Stokers' dime on a separate occasion. She also represented my daughter, Selena Smith, a party to this action. A fair hearing without her recusal cannot be had.

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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--Selena Smith, the object of a witch hunt.

JURISDICTION

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

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 briefly in March to recover some of her property, from the Stokers, but did not reside in Washington or reestablish it since 11-21-21. 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 without question by the Stokers. 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 the petition) to support himself. The petition was denied by Court Commissioner Rebekah Zinn. Mr. Wells is currently homeless sleeping near Mt. Adams, and is non-compliant with a DV protection order issued by the court prohibiting him from contact with my grandchildren. The Stokers have announced, in their pleadings, they intend to violate that court order by granting the defiant James Wells access to the children protected under that court order. 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 this court on 7-6-21 upon examination of the record to have never completed proper original process, thus depriving that family court of jurisdiction.

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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 this shelter confirming evidence she'd seen that appeared to be stalking while Selena was staying in the 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). 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 Kurt'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

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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 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 own 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 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 Childrn's services detain Selena and seize the children instead

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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? Why doesn't the court cut to the chase and simply send Selena to the gas chamber like the Nazis did to their social undesirables in the Holocaust? Why spare any of the poor or destitute? God will know His own!

I will never forgive those who had a hand in virtually raping my daughter and never rest until I die to have her babies restored to the arms of their mother from the claws of the Stokers, their attorney, and this court.

The court of public opinion grinds slowly, but finely. The Stokes, their attorney, Breckan Scott, and this court have already lost (and not by a little) in that forum which shall remain as a matter of public record damning all who had a hand in this travesty of justice long after I am gone.

The Stoker Declarations, Conflicts of Interest

Never have I seen such vicious denunciations so carefully orchestrated against a destitute handicapped mother with little/no support from those she placed her trust in. As a paralegal, I've seen more than my share. This litany of denunciations by Selena's mother, her mother's husband, the Stokers' child (Alex), Maya and Chad Stoker (fka: Smith) is reminiscent of the kind of trials conducted under Stalin's government.

Kathryn Stoker has a long history of material and relevant bad acts documented in the pleadings and declarations and the court's own records referenced in those pleadings and declarations. They have been ignored if even read. The woman pursued me, without provocation, with her father's loaded 16 gauge shotgun circa 1979 on our farmstead on the Duckabush near Brinnon, WA. I had too much pride and discretion to air the fact before the local community or in court. I now regret it. Selena recalls it as she was there. Yet the same woman claims her daughter is too violent to raise her own children. As children, during our shared custody with Kathy, it was invariably on her watch and in her custody when my children would be most seriously injured. It was Kathy who chose abortion as a means of birth control during our marriage in what would otherwise have been our first child. Following Selena, she became pregnant with twins, a boy and a girl. She declared she hated being pregnant and the pregnancy. Soon, thereafter, she had a spontaneous(?) abortion. I was hurt and grief stricken. She later conceived Chad out of (she said) guilt and to mollify me.

Kathryn Stoker constantly berated me behind my back to her father and the rest of her family. Rather than be supportive, he would repeatedly tell her, "You can always correct your mistake." Before our marriage, Kathryn always assured me nobody in her family had ever gotten a divorce. More importantly, after our divorce, there are two eye witnesses, who have submitted declarations to this court, to the constant disparagement taking place behind my back in my children's presence while in the Stoker house.

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Nor was Kathryn Stoker above lying to the court in her declarations and pleadings to the court. I have documented these lies in Exhibits I've submitted to this court, including the record from Thurston case #99-3-00727-2 wherein she falsely declared before that court I had been diagnosed with schizophrenia. This was absolutely **false** and Kathy knew it. Accordingly, she tried to have the court seal these records to evade detection despite the fact I wasn't even a party to the action in which she had gulled my daughter into signing away custody of her small child, Maya Smith who later changed her name to Stoker because, as she told James Wells, she thought it was to her advantage and a better 'brand'. My daughter was upset and saw it as a slap in the face. I saw it as a demonstration of greed and Mya positioning herself to better benefit as a heir to the Stoker fortune, which amounts to multiple million\$ many times over.

This must also be said of Alex, Chad, and Chad's wife, all in line as beneficiaries or heirs of the Stoker fortune. Even (perhaps especially) children, like the notorious Willie Sutton, know "where the money is".

The Stokers are not shy about intimidating or threatening their children with their money. Kathryn has threatened to cut off Selena many times, to both Selena and myself. Her mother had once given Selena a decent used car after Selena had lost her right hand in an accident near Spokane. My daughter and I were going to meet my wife at a restaurant near Lake Nahwatzel. Selena invited me into the car she was driving for the trip, but cautioned me to keep mum about it because her mother had conditioned the 'gift' by asking her to agree never to allow ME to ride in it. Yeah, a small slight that speaks volumes about just who the Stokers really are. Their "gifts", their 'largesse' are but barbed fishing hooks with monofilament lines attached. They didn't want to 'help' Selena so much as own her. A gilded cage may look pretty from the outside until you've spent a lifetime imprisoned in it, a tale told in many guises familiar to us all. Do as we say or the gutter was the Stoker message. Hans hissed at my daughter, "Just remember where your bread is buttered, Selena!" "I butter my own bread," my daughter shot back into his face.

And so it was my daughter turned her back on all the Stokers' millions, their \$5 Million estate and waterfront mansion on the Nisqually Reach, the emotional and psychological abuse, the control, the gaslighting, the incessant disparagement, recriminations and steady drumbeat of being told, "You are mentally ill", the same message being repeated to anyone who would listen to the Stokers slander including Selena's own father.

But, my daughter is NOT mentally ill, nor is she a cupcake. Indeed, she sounds happier since she chose poverty and living her own life with her children since she left the Stokers' multimillion dollar waterfront mansion and estate. I've published many photos of it and looked at the assessor's records of its details. I wouldn't be able to afford the property taxes due on it, yet it is but one of many parcels and trusts the Stokers own or direct. Kathryn tells me they are merely "pensioners"—What a hoot!

Hans Stoker is a chronic alcoholic and my daughter can't stand the sight of him. Kathryn drinks with him, but not to the same extent. Both Stokers are prescription pill poppers dispersed to them as mood altering and anxiety controlling agents. They'd like nothing more than for Selena to be just like them, making her much easier to control—a theme their attorney keeps pounding on while the Stokers hold Selena's children hostage to bully her into complying with their wishes. Selena tells me this is their MO, to threaten to take her children, label her as 'mentally ill', and gaslight the courts into going along with the witch hunt. They have largely succeeded. They've also orchestrated Selena's Stoker relatives into doing their bidding, but not without some embarrassment. The Stokers wanted to keep their subterfuge from public scrutiny just as Kathryn attempted to do when she arranged to take Selena's first child from her, Maya Smith, now known as Stoker.

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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, violating that state's sovereignty and its citizen's rights in the bargain, lending substance to the U.S. Supreme Court's observation in the Troxel decision that **Washington State's interpretation of a "child's best interests"** was **"brehtaking in scope"** and exceeded its authority in substituting its judgment for that of a parent's when the child was not being harmed or abused or in imminent/immediate danger of irrevocable harm/neglect.

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) **"brehtaking 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 beholdng 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 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 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 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

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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 iPhone she'd gifted her daughter to spy on her. A credit card Selena used to make personal purchases for herself and her children. Security guard Robert Kurtz lied to authorities in other states by claiming to have obtained a warrant to spy on/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 Additional 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 Counter-Affidavit to James Wells 's Declaration filed 6-29-21 in this cause:

Kathryn Stoker does not like James Wells. She has had to clean up after him and his disgusting filth in the home she provided him, rent free, too often. (See Maya Stoker's declaration regarding the filth and mouse feces requiring the house to be gutted by Kathy Stoker's own admission to me over the phone.)

Maya's observation of the filth in her grandmother's house took place months after Selena fled the DV she experienced there at the hands of James Wells and in the findings of a DV order, entered by commissioner Rebekah Zinn. The Stokers, through their attorney, and in league with James Wells are attempting to Strip

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Selena Smith and her children of the DV protection order they so desperately need entered by Commissioner Zinn.

Mr. Wells has yet to comply with any of the conditions imposed by the order Commissioner Zinn entered except surrendering his firearms. Rebekah Zinn noted in her ruling James Wells appeared drunk when appearing before her. I have recently heard Mr. Wells slurred speech over the phone when attempting to discuss my grandchildren with him.

I believe Hans Stoker is using/gulling James Wells to undo Selena's efforts to have her children restored to her. Hans violates the intent of the DV protection order entered on her and her children's behalf by commissioner Zinn. I have reason to believe James Wells is omitting important information in his declaration such as sexually assaulting and injuring my handicapped daughter. Selena confided a great deal to me in an earlier DV petition against James Wells which she ultimately allowed to languish. It is a matter of record. The Stokers have virtually announced in their pleadings and declarations they intend to violate the DV order by encouraging James Wells to ignore it on the strength of their current status as temporary guardians of the children at issue.

Mr. James Wells filed a motion to vacate the DV protection order issued by commissioner Zinn for failure to show up in the proper courtroom. The court granted that motion and rescheduled a new hearing date Mr. Wells attended. He lost at that hearing when commissioner Zinn ordered a renewed DV protection plan after a full hearing where James Wells was given the opportunity to present his case. Commissioner Zinn noted in her ruling that James Wells appeared before her drunk, slurring his speech, and had violently abused Selena Smith and her children. She reviewed the pictures, submitted by Selena Smith, of a squalid house Selena had left weeks before in which James Wells continued to live off the Stoker's largesse, preventing any possibility of Selena returning to it.

James Wells was doing little/nothing to support his children while residing at/on the Stoker's \$5 million waterfront estate and is doing nothing by his children currently. He was effectively subsisting off of Selena and the children prior to her leaving. He would like to return to that status now, were it possible, and that is his hope.

Kathryn Stoker has helped Selena clean out mountains of beer cans from James' residence and vehicle in the past. When I confronted him over the phone with this fact, he did not deny it, but averred Selena helped consume some of them. Selena states she does not drink.

James Wells allowed one of his junkie friends going through severe heroin withdrawals to abide in the house with the children, leaving the vomit covering the walls, carpet, and bed for Selena to clean up/. He excused this abuse by arguing Selena went along with it. But, Selena bitterly complained of the incident and does not like Jim's drug addicted/using friends. She speaks of witnessing Jim snort hard drugs at a meth house.

Jim is associated with the Rainbow Family. He likes to attend their annual gatherings in far flung remote locations across the country. The one I recall most recently occurred in eastern Oregon. Everyone who attended became ill from a tainted water source, including Hazel Smith, my daughter's child with special needs. When they arrived at my home, I discovered Hazel was vomiting regularly and had diarrhea every 3-days. I deduced this was likely a multinucleated protozoan parasitic disease like/similar to giardia. What

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distressed me was rather than respond to my granddaughter's complaints about the pain she felt, he left to play frisbee golf for the day instead of taking her to the hospital. When he returned, I gathered up my granddaughter, Selena, and Jim for a trip to a family medical clinic in Shelton Washington. We waited some days for a test result diagnosing what ailed my granddaughter, Hazel. It proved to be inconclusive, but close enough to act on my hunch. We were forced to demand medication for my sick granddaughter with me leading the charge remonstrating with the PA who finally threw up her hands and retorted, "What do you want me to do?" I told her and she finally conceded the point, writing a children's prescription for Hazel who was not yet 5. Nobody in the region had it due to it being for small children. We had to race to an Olympia compounding pharmacy 15 minutes before it closed to get the prescription filled. It worked. Hazel healed. But I will never forget Jim's priorities: Frisbee Golf over a child sick with pain and vomiting. Jim cannot be trusted with the responsibility for the health and safety of small children, particularly in a drug induced or drunken stupor. His unwillingness to provide financial support for his children and their need of basic like food, shelter, clothing, etc. also militate against his being entrusted with the care of small children or a second bite at the legal DV apple separating him from those children until he complies with the order.

But, this is all 'fine' with Kathryn and Hans Stoker according to their declarations filed with this court. They're more than pleased to accommodate Jim despite the well founded existing DV order Jim has made no effort to comply with. The Stokers continue to hinder/deny my visitation with my grandchildren, in person or by phone, while embracing my daughter's abuser who thought nothing of endangering Hazel at the Rainbow Family gathering or failing to respond to her pain driven pleas for help! Think about that for one minute in this forum for 5/10 minute justice. Would you want this man entrusted with YOUR children's care? But Hans and Kathryn Stoker would according to their own declarations. Their ego infested extra-judicial plan to strip the children from my daughter is doing my grandchildren no favors. To date, neither has this court.

If Mr. Wells' job pays so well, as he says in his declaration, then why is a stage hand living in a rented tent trailer (he says) near Mt. Adams rather than Tacoma or Seattle? Why isn't he contributing to the support of his children? Why does he refuse to comply with the DV order naming him? Why hasn't her submitted a series of paystubs to the court confirming the rosy picture he paints. The truth is, even if he were working, the children would see none of it. But THIS IS THE GUY the Stokers heartily support to spend time with my daughter's children. It speaks volumes about the Stokers' priority and misuse of this court.

The house Jim describes on the Stoker estate was NOT safe, primarily due to Jim's and Hans Stoker's presence there. Selena is terrified of Jim and the Stokers because they injured and oppressed her. They have now seized her children without proper authority or due process in the middle of the night like some Gestapo scene from a bad movie lying in wait for Dillinger. James Wells is not a hard working man trying to provide for his children. He does not provide for them now, and he didn't provide for them then. Neither did he provide for his oldest daughter from long before he met Selena. His personal hygiene is disgusting with sores on his head under his dreadlocks last I saw him. He does not bathe regularly and he fills his abode with the detritus of alcohol containers and drug paraphernalia. This does nothing to queer his relationship with Hans Stoker. Selena, and the court, has good reason to protect her children from Jim.

Despite what 'benefits' Jim may have received from the State, he was never the head of household, in fact, and never was the primary support of the children. He used whatever income he received on himself and to buy alcohol. Mr. Wells describes his well-paying trade in his declaration, then segues to his routine of

applying for public assistance, TANIF, food stamps, etc. He goes on to describe his receipt of public welfare benefits as continuing uninterrupted.

Mr. Wells vaguely pans my daughter's veracity without so much as a shred of evidence or specific bare assertions. Jim voices platitudes about family while doing little/nothing to contribute to it. A father who limits himself to being a sperm donor doesn't have much to crow about. If Selena berated James, it was because he laid about in a drunken stupor all day doing nothing. Any court attempt to emasculate the existing DV protection order requiring Mr. Wells' compliance would be cavalier and irresponsible. It would also reward the Stokers for their deceit, perjury, and chicanery before this court. The seeds of a new Faustian bargain with the Stokers (this court presiding) lie barely beneath the surface of Mr. Wells' declaration. My grandchildren would be better off in a foster home than under the alcohol saturated care of James Wells.

SUMMARY & ARGUMENT

- 1. This court, commissioner Indu Thomas presiding, erred by not providing all the parties and myself an opportunity to inspect and rebut all the material it was using to influence her ruling.**
- 2. This court erred in finding it had proper jurisdiction when the ex parte emergency guardianship of minors Washington statutory construction requires proper original process and notification, a 48 hour limit on notifying the fathers (which was not met) and conflating the requirements of UCCJEA requirements with an ex parte emergency guardianship order executed in a foreign state in the middle of the night with no Oregon judicial oversight or protection before an Oregon State court of law. Basically, the State of Washington kidnapped the children under color of state law under the cover of darkness in violation of Oregon's sovereignty, the UCCJEA, and its citizens, Selena and her children.**
- 3. This court erred when it denied Selena Smith court appointed counsel, opining she appeared to be doing fine and didn't need one and wasn't entitled to one, despite this court's equitable power (IF it had genuine jurisdiction as it stated it believes) to provide such an attorney. Selena Smith has no way or resources to do so, has no printer, no laptop or PC, no reliable access to the internet, is barely surviving working for what nets to be subminimum wages delivering auto parts in the Portland area. She claims to live in a community where child reliable child care is available to her. She will not reveal the address to me or anyone I know. I regret this for my sake, my daughter's sake, and my grandchildren's sake. I was surprised to learn she went by a pseudonym (Laura) in the community she says she is proud of and relies on. I understand why this would diminish her credibility in the court's eyes. I have urged her to be more transparent.**
- 4. While I understand, all things considered, this court's reticence about my daughter's credibility, it has no good reason to discount my own. I am an officer of the State of Washington (Notary Public) and will not lie to this court for anyone, including my daughter, nor do I believe I need to in any event. The truth I know of supports her position well although she is a most difficult child and what most attorneys would call a very difficult client.**

5. This court erred when it opined my daughter's legal position/strategy for all intents and purposes was "aligned" with my own. This is not true. I believe my daughter favors her own best interests and rights over her children's. e.g. She will tell none of her children's blood relatives the address of where she chooses to reside and make a home for the children. She avers she is homeless and migratory, like the Roma, while contradicting herself by arguing she has a home address and local school, tutoring and other services nearby needed by the children. She is hostile to the idea of transparency to her family or to this court. I regret this. I have advised her she is doing herself no favors but have failed to dissuade her. At the same time, I'm heartened by her decision to become more independent even though I miss my grandchildren and the good times we spend together before the pandemic terribly. The Stokers (all of them) would not be privy to my relationship with my daughter and grandchildren. We do not like each other.
6. The Stokers have refused to allow me to speak with or visit my grandchildren. They have always done so by a variety of excuses, delays, and obstructive tactics. Their latest ruse was to instruct their attorney to claim I was "spying" on them when my daughter took my call during her phone visit with Hazel Smith. Selena provided me with an opportunity to say Hi to my granddaughter and exchange brief pleasantries until I encouraged Selena to resume her conversation with her daughter and I simply enjoyed listening to their banter silently. It is true, however, I heard Hans Stoker bellowing at his wife in the distance, but could not make out the words. I dialed my daughter, unaware she was on the phone with anyone else. I was happy to speak with my grandchild after so long and not hearing from her at all. Selena could have provided me with phone visitation with my grandchildren even though I knew nothing of her location, but did not. I only heard from her through Amy, her lifelong girlfriend after Selena was in a panic subsequent to having her children seized in the middle of the night without notice or warning or, IMO, authority. I deeply regret this and it hurts. I know, in my heart, I'd get scant chance to see my grandchildren again if Selena were awarded full unfettered custody. She tells me Oregon isn't so far away. But she won't provide me an address of where she's living even to mail her a laptop she desperately needs if she's to continue representing herself. Even I cannot often get hold of her by phone when I need to facing a deadline in this case. It is very difficult to keep up with her and furnish the legal documents she has requested. I wish she had an attorney for her sake as well as my own. She does not. I have tried to find one and none will have her when they learn she has no money—not even close. Nor do almost any of the ones I've vetted appear to have a solid ground game in the context of foreign jurisdictions in a case such as this—including the Stokers' own attorney who once took more time to respond to my calls or E-mail, but now does not.
7. By irrationally reasoning my interests in this case are aligned with my daughter's and refusing to appoint her a court designated competent attorney while simultaneously refusing to honor my request to JOIN this action pursuant to Rule 19, this court effectively consigns my interest which can easily be distinguished from my daughter's by even the most cursory examination, to an incompetent pro se litigant with very little experience or education in how to prepare or submit a case. If she loses this case, which is the most likely outcome if guided only by her own vision and ability, I will lose any meaningful right or access to visit with my grandchildren, neither in person, nor by phone, nor electronically. My daughter makes light of the fact that should she prevail, I will suffer the same separation from my grandchildren.

8. **In either event, I will remain separated from my grandchildren or any contact with them, either by virtue of my daughter's ennui toward the subject, or the Stoker's ongoing unmitigated and continuing hostility to it. Moreover, I have advocated for my grandchildren on many occasions, much to my daughter's annoyance. I have tried on numerous occasions to establish a rapprochement between my daughter and my granddaughter, Maya Stoker. The influence of the Stokers' money has perverted both my own children and at least one of my grandchildren, Maya, who admitted to seeing her interest in her future bettered by adopting a better "brand" name, i.e. Stoker. I would very much like to see my other grandchildren hang onto the name their mother gave them. Kathryn Stoker even changed my son's name behind my back without telling me when he was a minor. Hans Stoker has stolen my identity, and persuaded other, even my own children, that HE is the grandfather. This lie has been repeated so often and accepted he and his wife even grew bold enough to repeat it to this court in their pleadings under penalty of perjury. If that isn't dishonorable, the crime of perjury, and alienation of the affections of a child, I don't know what is, not even counting the years of the Stokers demonizing me to my own small children behind my back. This has created a rift that will not heal and my son, Chad and I, are irrevocably estranged as a result—a result directly attributable to the Stokers for which their wealth cannot compensate.**
9. I ask this court to grant my motion for reconsideration, and permit me to JOIN this action under Rule 19 pursuant to CR 59 in order that I may seek a visitation plan of 1 weekend (the first contiguous one) per month and mid-weekly (Wednesdays after 5:00pm) phone or electronic visitation of 45 minutes. I do not seek to deprive either my daughter or the Stokers of the affections of my grandchildren, though I would prefer to see my daughter's natural rights to her own babies restored. I am the only one in this mix who refuses to choose between my grandchildren even though I am pressured from every quarter to do so. I will not be bullied or intimidated into doing so. If grandparents have any rights or need of respect for their love of their own grandchildren, there can be no better case for such a 4-square proposition than this one. This court, despite my misgivings toward it, has no good reason not to grant this request and every reason to grant it. No other party can be trusted not to further damage my grandchildren's EXTENDED family, their rights, and not destroy my daughter in the bargain. The Stoker's have their Million\$. My daughter is indigent, but not an unfit mother. Nor is she mentally ill or violent except in self defense. I would like my grandchildren to be part of my life before I pass on. Restore them to us. Allow me to JOIN this action to help be part of the eyes and ears of this court so it may do justice by all the parties. I hold the keys as no other. My daughter is sometimes intractable but she does respect me. As for her mother, she lives her more than respects her. As for Hans Stoker, it is honestly in nobody's best interest for him to remain even as a temporary guardian of the children. No good can come of it, I can assure this court.
10. I would ask this court to also grant any other relief it thinks is just such as relieving myself and my daughter of fees associated with this action such as the \$10,00 fees for bench/working copies. Neither of us live in Thurston county and it works a hardship on us both. The timelines are often too awkward or impractical to rely on the U.S. mail and printing is expensive. I assume the court can read what has been submitted via Odyssey as well as I.

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 9, 2021 [Date]



Signature of Petitioner or Lawyer/WSBA No.

Selena Smith (mother), pro se

Print Name

I have e-mailed a copy of this entire document to Breckan Scott, attorney for the Stokers, Selena Smith & not Robert Ayers on 7-9-21.

Signed at Mason, [County] Washington [State] on July 9, 2021 [Date]

Respectfully Submitted by



Signature of Petitioner or Lawyer/WSBA No.

Selena Smith (mother), pro se

Print Name