

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF THURSTON  
FAMILY AND JUVENILE COURT

IN THE GUARDIANSHIP OF: )  
 )  
 )  
HAZEL BELLE URSA SMITH, ) No. 21-4-00578-34  
 ) Consolidated with  
 ) No. 21-4-00443-34  
 )  
 )  
Minors/Children. )

TRANSCRIPT OF RECORDED PROCEEDINGS

BE IT REMEMBERED that on the 21st day of November, 2022,  
the above-entitled and numbered cause came on for hearing  
before the Honorable Commissioner Pamella Nogueira,  
Thurston County Superior Court, Olympia, Washington.

Kathryn A. Beehler, CCR No. 2448  
Official Court Reporter  
Thurston County Superior Court  
2000 Lakeridge Drive S.W.  
Family and Juvenile Court  
Olympia, WA 98502  
(360) 709-3212

A P P E A R A N C E S

For the Petitioners                    **Virginia Clifford**  
**Hans Stoker and**                    **Attorney at Law**  
**Kathryn Stoker:**                    **Clifford Law**  
   **2952 Limited Lane NW**  
   **Suite A**  
   **Olympia, WA 98502**  
   **360-357-3007**  
   **Office@vcliffordlaw.net**

For the Respondent                    **Selena Ursa Smith**  
**Selena Ursa Smith:**

Guardian ad litem:                    **Cynthia Johnson, GAL**

Also Present:                            **Selena Smith, mother**

I N D E X

<u>Description</u>	<u>Page Reference</u>
<u>November 21, 2022, Hearing:</u>	4
Case Called/Introductory Remarks	4
Argument by Ms. Clifford	5
Court Indicates It Will Sign Renewed Orders	8
Selena Smith Enters Zoom Platform	9
Discussion	9
Ms. Selena Smith Addressed the Court	10
Response by Ms. Clifford	11
Discussion	12
Ruling of the Court	14
Discussion re Mediation	14
Court Enters Orders	16

1 November 21, 2022

Olympia, Washington

2 MORNING SESSION

3 Commissioner Pamella Nogueira, Presiding

4 (Transcript of Recorded Proceedings:)

5 --o0o--

6 THE COURT: All right. And then we have  
7 Ms. Clifford now in the courtroom, so --

8 MS. CLIFFORD: I apologize, Your Honor.

9 THE COURT: -- if you want to -- no, that's  
10 okay. I started right on the dot, so sometimes that  
11 happens.

12 MS. CLIFFORD: No. It's my failure --

13 THE COURT: I see --

14 MS. CLIFFORD: -- I went back for the court  
15 orders. I had forgotten to bring them.

16 THE COURT: Have you heard anything from  
17 Ms. Smith?

18 MS. CLIFFORD: I have had some e-mail  
19 communication back and forth. I e-mailed her copies  
20 of the original petition and summons in the minor  
21 guardianship cases, and she acknowledged receipt of  
22 those.

23 THE COURT: Okay.

24 MS. CLIFFORD: I don't have any information --  
25 she doesn't want to disclose where she is, and of

1 course --

2 THE COURT: No, no, no.

3 MS. CLIFFORD: -- there are criminal cases.

4 THE COURT: I apologize. Oh, I always forget  
5 when I get --

6 MS. CLIFFORD: Oh, which Smith?

7 THE COURT: -- attorney Smith.

8 MS. CLIFFORD: But no, I have not --

9 THE COURT: Ms. -- mom, Ms. Selena Smith is  
10 here. I apologize. I was like she doesn't want to  
11 disclose where she's at? I'm assuming she's in her  
12 office.

13 MS. CLIFFORD: Okay.

14 THE COURT: I apologize.

15 MS. CLIFFORD: I can find Ms. Smith. I can't  
16 find Selena Smith.

17 THE COURT: I apologize.

18 MS. CLIFFORD: So the biggest complication  
19 right now at this moment is that attorney Breckan  
20 Scott's office is closed, and unfortunately, her  
21 files have not been released to my client. So I'm  
22 having my clients -- so I'm having trouble verifying  
23 whether or not the publication occurred for  
24 Mr. Ayers, and I'd like to try --

25 THE COURT: Oh.

1 MS. CLIFFORD: -- to proceed with getting that  
2 accomplished and filing proof of if it happened. And  
3 then I'm thinking that I'll come to the court for a  
4 motion for leave to do publication for Selena Smith,  
5 she is happy to receive the pleadings, but she's not  
6 quite ready to sign an acceptance of service. So  
7 we're in the, she knows about this, she's  
8 participating, but we haven't formally served or  
9 properly under the civil rules. And I think that  
10 probably I'll need to do that. But first I'm  
11 contacting the bar, because apparently our clients  
12 also have some funds still on account with Ms. Scott.

13 So I know that there's a process for reaching --

14 THE COURT: Yeah.

15 MS. CLIFFORD: -- IOLTA accounts and getting  
16 files turned over. So I'm going to start that  
17 formally. I sent the forms to my client, but I think  
18 I'm going to chase this, because that also is the  
19 missing link.

20 I have not talked at all with Ms. Jennifer Smith,  
21 Counsel, but I know that her status quo is pretty --  
22 it seems that she's not asking for anything. But  
23 I'm -- I think there's some informal contact between  
24 the petitioners and Mr. Wells. But I don't know if  
25 that --

1 THE COURT: I think so, as well. At least  
2 that had been mentioned in the past, that that was in  
3 the works or --

4 MS. CLIFFORD: Yeah.

5 THE COURT: -- at least an open communication.

6 MS. CLIFFORD: Yes. They're communicate --  
7 they're on the same team, so to speak.

8 THE COURT: So what is your hope to accomplish  
9 today?

10 MS. CLIFFORD: To get a reissuance of orders  
11 for both of the cases, because they -- the actual  
12 orders, letters, expired now.

13 Your Honor, I've spoken to the Clerk's Office  
14 downstairs, and they say that they'll issue letters  
15 of guardianship if the court gives that specific  
16 instruction in this reissuance order. I haven't  
17 written it in because normally we're reissuing the  
18 orders exactly as is, and it hasn't been in there  
19 yet. So I don't know if the court would entertain  
20 writing that in. It would help my clients feel a  
21 little consoled if they had actual letters of  
22 guardianship, but it's the court's option.

23 THE COURT: I thought that had already been  
24 done, so I am willing to entertain that today. Let's  
25 see.

1 Ms. Selena Smith, anything you want to let me know  
2 today? Where is she? She was here a moment ago.

3 MS. CLIFFORD: Is she present?

4 THE COURT: She -- oh, that's who you were  
5 saying, Ms. Johnson, that you saw a minute ago. I  
6 did see her, too. I thought you meant Ms. Jennifer  
7 Smith, and I hadn't seen her --

8 MS. JOHNSON: Oh --

9 THE COURT: -- there you go.

10 MS. JOHNSON: -- oh.

11 THE COURT: The confusion of the Smiths.

12 MS. JOHNSON: Yes, it is.

13 THE COURT: All right. I do believe Ms. Smith  
14 left the platform.

15 MS. CLIFFORD: I apologize if I missed her.

16 THE COURT: No. That's -- I think she left  
17 before I even called it the first time. At least  
18 Ms. Johnson was already not finding her.

19 Okay. At this point I will sign renewed orders.

20 MS. CLIFFORD: If I can approach?

21 THE COURT: Yes. We'll maintain the status  
22 quo. Ms. Johnson, I take it you don't have any  
23 objections to that?

24 MS. JOHNSON: No, I don't, Your Honor.

25 THE COURT: All right. Let's find a date



1 for --

2 MS. CLIFFORD: The next one.

3 THE COURT: -- the new hearing. Oh, Ms. Smith  
4 is joining us back again.

5 MS. CLIFFORD: Oh, okay. Selena Smith?

6 THE COURT: Yes.

7 MS. CLIFFORD: Okay.

8 THE COURT: Ms. Selena Smith, can you hear us?

9 MS. SELENA SMITH: Sorry about that. I had  
10 technical difficulties.

11 THE COURT: That's okay. So as you know, we  
12 have been having an ongoing guardianship petition in  
13 this -- in both of your cases. Ms. Clifford took  
14 over as attorney for Ms. Kathryn and Mr. Hans Stoker  
15 since Ms. Scott's passing. Unfortunately, they've  
16 been having some difficulties obtaining the  
17 information from Ms. Scott's office since her  
18 passing. And that's unfortunate but also a little  
19 bit expected and common, just because she was a  
20 single -- a solo attorney, and it's not like a firm  
21 that others just keep going with the practice and  
22 assisting in what's going on.

23 So Ms. Clifford is having to contact the bar  
24 association in order to further inquire and have  
25 access to the files in this matter.

1 MS. SELENA SMITH: What kind of information?

2 THE COURT: Any and all information. The  
3 entire file is -- she has not been having access to  
4 it yet. So any and everything that the Stokers have  
5 been able to provide to their attorney has not made  
6 it to the hands of Ms. Clifford yet.

7 Does that make sense?

8 MS. SELENA SMITH: Yeah. So I also recognize  
9 that some of what they asserted existed does not  
10 exist in New Jersey or anywhere else.

11 THE COURT: What about New Jersey?

12 MS. SELENA SMITH: Well, Robert Kurts  
13 (phonetic) was a security guard, and that was proven  
14 through the office of accountability and through the  
15 child and welfare system there. There's no case that  
16 exists there on file with the sphere of record of the  
17 children and family services. And for several other  
18 assertions -- and including, like, the Brooklyn,  
19 New Jersey police log, like none of what they've  
20 asserted that started the case off is actually  
21 correct. Those files don't exist.

22 Like some of what they've asserted in the case  
23 doesn't exist. I've talked to Cynthia Johnson a  
24 little bit about this per e-mail, you know, where to  
25 look to prove that that's the case. So -- I mean,

1 I'm not sure what -- I understand the importance of  
2 having all files that Breckan Scott has associated  
3 with this case, but some of what's been asserted in  
4 the case already on record with the court simply  
5 doesn't exist.

6 I mean, Robert Kurts and fake subpoenas and, you  
7 know, some of those other stuff. I mean, I -- I just  
8 don't understand -- fact checking and verifying goes  
9 well beyond Breckan Scott's files. It's a matter of  
10 record with New Jersey and the State of Washington  
11 and other records sources. So, I mean, she's not the  
12 only source of records.

13 MS. CLIFFORD: Your Honor, if I could respond.  
14 I think what Ms. Selena Smith is saying, that she's  
15 disputing the validity of the information that was  
16 the basis of the petitioner's case. But we have not  
17 had a trial yet. And at a trial --

18 THE COURT: That's --

19 MS. CLIFFORD: --- everything must be proven  
20 and with evidence that is acceptable to -- and  
21 proven, you know, with a good track record, where it  
22 came from and admissibility. So that's down the  
23 road.

24 Right now we're just -- I'm attempting to verify  
25 actually whether a publication service occurred for

1 Mr. Ayers. That's one of the primary things I'm  
2 concerned about.

3 I also indicated to the court that Ms. Selena  
4 Smith receives the pleadings by e-mail and that that  
5 was acceptable to you for the petition and the  
6 summons. Now, I don't know if you are willing to  
7 acknowledge receipt of those and say that that's  
8 sufficient service to you or whether we have to do  
9 the -- the rules are that we send -- that we give you  
10 personal service or publication service. And so I  
11 would go those next steps and do that, unless you are  
12 satisfied with receiving the e-mails as service to  
13 you.

14 MS. SELENA SMITH: I verified with you several  
15 times, Ms. Clifford, that I've received --

16 THE COURT: All right --

17 MS. SELENA SMITH: -- what you've sent me by  
18 e-mail.

19 THE COURT: -- it's in the record now.

20 MS. CLIFFORD: That's great. I appreciate  
21 that. And I told the judge. That was not in the  
22 court record. So I wanted to --

23 THE COURT: It is now. There you go.

24 MS. CLIFFORD: -- yeah. I'd like to say,  
25 then, so you're happy with receiving pleadings by

1 e-mail, and so you'll tell the court that that's  
2 satisfactory to you?

3 MS. SELENA SMITH: Oh, it -- am I missing  
4 something here?

5 MS. CLIFFORD: Yeah. It's just that you're  
6 formally satisfying that that's satisfactory. And  
7 the reason is, otherwise I have to go find  
8 publication service to you in wherever we think you  
9 are. And without prying, I'm trying to just simplify  
10 things. So if you say you are satisfied receiving  
11 service by e-mail, that simplifies things.

12 MS. SELENA SMITH: I mean, can --  
13 commissioner, am I missing something? I understand  
14 that I can receive service several ways, one of which  
15 is by e-mail. I've confirmed with Ms. Clifford  
16 several times that I've received what she sent by  
17 e-mail. I don't understand why this question keeps  
18 coming up.

19 MS. CLIFFORD: Well, I --

20 THE COURT: Because it was not part of the  
21 record before. And unfortunately, if it's not -- if  
22 the confirmation is not given to me, then basically a  
23 party could say that that was insufficient way later  
24 on and cause a nightmare for everybody in the case.

25 Does that make sense? That's the easiest way to

1 put it. So --

2 MS. SELENA SMITH: I guess, but in the written  
3 referral, what --

4 THE COURT: -- to make sure that we're all on  
5 the same page and that we're all moving forward  
6 together on the same page, she just wants to make  
7 sure that it's on the record that you did receive  
8 them, although you have let her know informally  
9 that --

10 MS. SELENA SMITH: I -- I just stated that I  
11 did --

12 THE COURT: Exactly.

13 MS. SELENA SMITH: -- and she's asking me to  
14 repeat myself.

15 MS. CLIFFORD: Okay.

16 THE COURT: There you go. And that's now on  
17 the record, and it's sufficient for the court, and it  
18 is -- and that's that.

19 MS. CLIFFORD: Thank you. That's all.

20 THE COURT: So what I intend on doing today is  
21 setting the next review hearing. I will say, my  
22 intentions -- Ms. Clifford, do you think mediation in  
23 this case would be beneficial at all?

24 MS. CLIFFORD: I guess. I'd ask Ms. Selena  
25 Smith. Do you feel that mediation with your mother

1 and stepfather would be of use in the case?

2 MS. SELENA SMITH: I don't know what mediation  
3 is.

4 THE COURT: So mediation would be a time where  
5 you would meet. Oftentimes people go to the Dispute  
6 Resolution Center because it's more affordable than  
7 hiring an attorney or a retired judge in order to do  
8 that. And the mediator is basically like a referee.  
9 They will assist in figuring it out, people's point  
10 of views and what they want and common ground in an  
11 attempt to settle the case.

12 Does that make sense?

13 MS. SELENA SMITH: Yes. I have no attorney to  
14 assist me in that process.

15 THE COURT: That's correct. However, the  
16 Dispute Resolution Center doesn't accept attorneys,  
17 so they wouldn't have attorneys there, either.

18 MS. SELENA SMITH: Okay. And if mediation  
19 fails, does it end up back in court? I'm not  
20 confident that --

21 THE COURT: Then you guys come right back to  
22 where you were --

23 MS. SELENA SMITH: -- mediation would be  
24 successful.

25 THE COURT: -- yep. It's just an effort to

1 settle. You're not obligated to settle.

2 MS. SELENA SMITH: All right. Well, I still  
3 object to the guardianship. There were problems with  
4 original service and jurisdiction. But I am willing  
5 to give mediation a try. I expect full custody of my  
6 children back.

7 MS. CLIFFORD: Okay. That does explain your  
8 position, and I appreciate that. I think that given  
9 that that is a strongly held belief and position, I  
10 have to respect that and say that I think mediation  
11 is probably not going to help, because I believe that  
12 both sides in the case are both feeling the same way.  
13 And there's no way to --

14 MS. SELENA SMITH: Then I have confidence in  
15 the trial process. Because you're not going to be  
16 able to come up with --

17 THE COURT: And that's all right --

18 MS. SELENA SMITH: -- you know, what's  
19 necessary to back up your assertions.

20 THE COURT: -- Ms. Smith. Hold on. Hold on.  
21 Let's one at a time; okay? And you are both speaking  
22 to me, so there is no reason to be disrespectful or  
23 be angry. I'm just listening and hearing the --

24 MS. SELENA SMITH: It's my children --

25 THE COURT: -- what everyone has to say. I



1 very much understand. But so today I will enter  
2 orders. I am also going to enter an order waiving  
3 mediation.

4 MS. SELENA SMITH: I don't feel fully informed  
5 on this. They're saying they won't cooperate in the  
6 mediation process, that their positions aren't going  
7 to change, so mediation isn't going to make a  
8 difference. I'm willing to give mediation a try, but  
9 if they're -- if their whole idea is that, you know,  
10 I'm just going to give into the guardianship, well  
11 then that's not mediation.

12 THE COURT: Can I get an order waiving  
13 mediation? And that is why I'm waiving that  
14 requirement. That is a local court rule that  
15 requires mediation unless some specific circumstances  
16 make it so the court believes that mediation should  
17 be waived. And in this case -- I'll need two,  
18 actually, because there's two cause numbers.

19 MS. CLIFFORD: Do you want me to fill them  
20 out, Your Honor?

21 THE COURT: I wouldn't mind that at all.

22 MS. CLIFFORD: Okay. I can -- I have a pen,  
23 and I can could it.

24 THE COURT: Thank you. So I am willing --

25 MS. SELENA SMITH: My kids have been gone for

1 two years, like over a year. And they're -- and  
2 there's been no fact checking or verification of the  
3 Stokers' original petition. She had apologized to  
4 the court. My kids were one, two, and eight, you  
5 know, when they were removed. And, I mean, that's  
6 really young. If this were a CPS process, I would  
7 have more rights.

8 THE COURT: So again, Ms. Clifford, I want  
9 that order to waive mediation to --

10 MS. CLIFFORD: Yes.

11 THE COURT: -- also place this matter on the  
12 administrative calendar for trial setting on January  
13 9th.

14 MS. CLIFFORD: Trial setting on January 9th.  
15 Okay.

16 THE COURT: All right?

17 MS. SELENA SMITH: No attorney. No attorney.

18 THE COURT: Ms. Smith? You've had two  
19 attorneys. You fired them both. I have gone --

20 MS. SELENA SMITH: Yeah. Because they never  
21 were in contact or communication.

22 THE COURT: No, Ms. Smith. You were never in  
23 contact or in communication, and you were --

24 MS. SELENA SMITH: My e-mails can prove the  
25 exact opposite.

1 THE COURT: Okay. Even with that, I have  
2 still attempted to find attorneys for you. I have  
3 reached out to every single attorney we have on the  
4 list. I then went through the presiding judge, had  
5 another list of attorneys approved, and I still have  
6 not been able to find an attorney that has an  
7 acceptable caseload and that --

8 MS. SELENA SMITH: That doesn't change my  
9 rights --

10 THE COURT: -- do not have a conflict with  
11 this case.

12 Ms. Smith, your rights were met when I appointed  
13 attorney number one and number two. Now it's a  
14 favor, not a right. I'm --

15 MS. SELENA SMITH: A favor.

16 THE COURT: Yes. Your right to --

17 MS. SELENA SMITH: I went two months without  
18 an appointed attorney in the emergency matter of this  
19 case. I've gone several --

20 THE COURT: Ms. Smith, if you continue to  
21 interrupt --

22 MS. SELENA SMITH: -- times to that --

23 THE COURT: -- me, you're going to be done  
24 speaking today all --

25 MS. SELENA SMITH: I'm already --

1 THE COURT: -- together.

2 MS. SELENA SMITH: -- done. You've got my  
3 kids. What matters?

4 THE COURT: I don't have your kids. So again,  
5 if you --

6 MS. SELENA SMITH: Yeah. I've got due  
7 process.

8 THE COURT: -- stop interrupting me, we can  
9 continue today's matter. Otherwise, I can mute you  
10 and you can listen to what happens next.

11 So again, today I want to enter orders for both  
12 matters waiving mediation, setting these matters for  
13 trial setting on the administrative calendar. For  
14 Ms. Smith's knowledge, that is not something that  
15 anybody attends to. It's just so it's on our staff's  
16 calendar for trial setting.

17 MS. CLIFFORD: Your Honor, does the -- excuse  
18 me. Do I put that in this order, or is that on your  
19 own process?

20 THE COURT: You can, but I can do it as well  
21 if you'd like.

22 MS. CLIFFORD: I can do it.

23 THE COURT: And then the parties will have  
24 until December 27th to file a response to a request  
25 for settlement conference and trial setting: And

1           then I intend on setting a review hearing on this  
2           matter for January 23 if the parties are available.

3           MS. CLIFFORD: Yes. I am, Your Honor. So  
4           December 26th is the date for filing a response by  
5           Ms. Smith?

6           THE COURT: December 27th. The 26th is a --

7           MS. CLIFFORD: Oh, a holiday.

8           THE COURT: -- holiday. Yeah.

9           MS. CLIFFORD: Okay. Respondent's --

10          THE COURT: So December 27th would be a --  
11          would be the deadline for all parties in this case to  
12          file the form that can be found and by -- online at  
13          our Superior Court website. It can be found in the  
14          Clerk's Office or Court Administration.

15          The form has a mouthful of a name. It's "response  
16          to a request for settlement conference and trial  
17          setting." I promise I did not name it; to the  
18          contrary, I try to change it every day. And  
19          Ms. Smith, although I have already told you  
20          everything that's been done for an attorney, I have  
21          continued to have my staff reach out to local  
22          attorneys that were just too busy to see if that has  
23          changed, and I have her continue to reach out to  
24          attorneys out of county to see if anyone could  
25          possibly take the case.

1 Oh, she logged off again. Well --

2 MS. CLIFFORD: I'm going to send her a copy of  
3 this.

4 THE COURT: Thank you. But again, I will  
5 continue to do those efforts. I do think it would be  
6 beneficial to all parties to have her represented.  
7 It would be easier, more efficient, and obviously  
8 more helpful to her.

9 But I have signed the orders on emergency  
10 guardianships on Raven and Onawa, and I am now going  
11 to sign the one on Hazel.

12 MS. CLIFFORD: Okay.

13 THE COURT: All right. Ms. Clifford, do you  
14 mind if you just present those whenever you have them  
15 ready?

16 MS. CLIFFORD: Yes. That's fine.

17 THE COURT: All right. So I'm going to call  
18 some other cases --

19 MS. CLIFFORD: Yes. I'm happy to do so.  
20 Thank you.

21 THE COURT: -- Ms. Johnson.

22 MS. JOHNSON: All right.

23 THE COURT: Thank you.

24 MS. CLIFFORD: I feel like we made some  
25 progress, at least, in moving it along.

1 THE COURT: Well, all right. If you feel like  
2 progress, then I'm happy. Sometimes these cases, you  
3 know --

4 MS. CLIFFORD: Always.

5 THE COURT: -- it's like so many setbacks that  
6 are -- it's difficult to find progress in them. But  
7 hopefully we're getting there.

8 All right. So I'll move on.

9  
10 (Conclusion of the November 21, 2022,  
11 Proceedings.)

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SUPERIOR COURT OF THE STATE OF WASHINGTON  
 IN AND FOR THE COUNTY OF THURSTON  
 FAMILY AND JUVENILE COURT

IN THE GUARDIANSHIP	)	
OF:	)	
	)	
HAZEL BELLE URSA SMITH	)	No. 21-4-00578-34
	)	Consolidated with
	)	No. 21-4-00443-34
	)	
Minors/Children	)	
	)	TRANSCRIBER'S CERTIFICATE

STATE OF WASHINGTON	)	
	)	ss
COUNTY OF THURSTON	)	

I, Kathryn A. Beehler, Official Reporter of the Superior Court of the State of Washington, in and for the County of Thurston, do hereby certify:

I received the November 21, 2022, electronic recording directly from Thurston County Superior Court; This transcript is a true and correct transcription of the proceedings to the best of my ability; I am in no way related to or employed by any party in this matter, nor any counsel in the matter; and I have no financial interest in the litigation.

  
 Kathryn A. Beehler, Transcriber