

[] EXPEDITE (If filed within 5 court days of hearing)

[X] Hearing is set:

Date: 1-21-22

Time: 4:00 pm Zoom #: 786-408-0165 Rm:3

Comm/Calendar: **Rebeka Zinn**/Ex Parte Motion

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

Selena Ursa Smith,

Plaintiff

v.

James D. Wells,

Defendant

No. 20-2-30788-34

Motion to Clarify

1-19-22 Order of Dismissal of
DVPO Renewal & Declaration

By James Wells

**(Findings of fact and
Conclusions of Law requested)**

(Cover Sheet)

TITLE OF DOCUMENT

Motion to Clarify

1-19-22 Order of Dismissal of DVPO Renewal & Declaration

by James D. Wells

NAME: James D. Wells, father & defendant

Mailing ADDRESS: 210 Kiona Rd,

Randle, WA 98377

PHONE: (253)948-8260

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**(Findings of fact and
Conclusions of Law requested)**

TO: The Clerk of the Thurston County and Juvenile Court, (360)709-3260, 2801 32nd AVE SW,
Tumwater, WA 98512;

AND,

Selena Ursa Smith, pro se, mother, e-mail: doublekachina1819@protonmail.com, domiciled in Oregon
mailing address: 3737 SE Madison, Portland, 97214, Ph. (360)359-2410

I Identity of Parties

I, James D. Wells, father of the subject minor(s) Onawa & Raven Smith-Wells in this action have (of necessity) entered this Motion & Declaration seeking clarification and conclusions of law regarding the 1-19-22 order of dismissal of the Petitioner's Motion to renew the DVPO.

JURISDICTION

The parties resided in the State of Washington when both minor children were born in western Washington.

The alleged events complained of were said by the plaintiff to have occurred in the State of Washington. Thus, this court has both in personam and subject matter jurisdiction in this cause.

II Relief Requested

- 1. Provide written clarification signed by the presiding magistrate as to the effect of of Motion for renewal of the DVPO filed by Selena Smith being denied by the court on 1-19-22, commissioner Rebeka Zinn presiding.**

Motion for Clarification, Conclusions of Law, Findings - James Wells (253)948-8260
rodytok@gmail.com 2 210 Kiona Rd., Randle, WA 98377

2. To enjoin the Stokers from denying me or hindering my physical and/or electronic visits (as they have done—see attached exhibit ‘A’) regarding my 2 children, Onawea and Raven.
3. Enter Findings of Fact and Conclusions of law clarifying the terms of the DVPO issued by this court are no longer in effect or binding, the 1 year term of their duration having expired without renewal.

III MATERIAL & RELEVANT FACTS (& DECLARATION)

I, James D. Wells, and my two children, have been injured by Kathryn & Hans Stoker aggressive interference with my efforts to arrange physical visitation with my children until I have more suitable housing to accommodate them.

The Stokers have relied on (see attached exhibit ‘A’) the now expired DVPO entered over a year ago in this cause despite commissioner Rebeka Zinn’s pronouncement from the bench on 1-19-21 as to parenting being among the oldest and most fundamental rights we have. (See Troxel v. Granville).

I have good reason to believe they are engaged in a long continuing pattern of parental alienation that is, in this instance, harming my two children and creating a great deal of emotional distress for me.

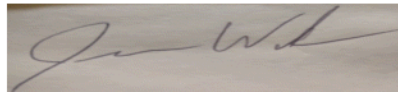
I feel the Stokers have grown arrogant in manipulating the court and virtually become a law unto themselves.

My children, especially my youngest (Raven), may well have forgotten me despite the strong familial bond we had when together.

The Stokers have millions of dollars at their disposal while I currently lack any form of transportation. Yet, I can arrange to visit my children through the help of my friends who do have transportation. The Stokers have advised me I will have a “fight” on my hands if I try to visit my children or defend my right to father them. Hans Stoker has pulled a gun on me without provocation in the past while I was in his residence and he in a drunken stupor. He is currently in possession of a semi-automatic shotgun belonging to Selena Smith this court ordered to be surrendered.

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 Lewis, [County] Washington [State] on Jan. 21, 2022.



Signature of Petitioner or Lawyer/WSBA No.

James D. Wells, pro se

Print Name

IV. Argument, Points & Authorities

It is inherently within the power of this court to grant the relief sought, i.e. a clarification in the form of findings of fact, conclusions of law, and an injunction against the Stokers from interfering with the parenting role and visitation toward that end Mr. Wells seeks with his children.

This action/case is one in equity. It is unjust and contrary to law to rely on an expired DVPO order to interfere with Mr. Wells visiting his children who are of a tender age and whose mother's whereabouts are unknown, or even if she is alive or dead.

Stop rewarding the Stokers' egregious abuse of process, the manipulation of this court through perjured misrepresentations, and their criminal acts. They should be enjoined pending a show cause hearing why the temporary injunction should not be made permanent except for the fact they are not parties to this case—all the more reason for a clarification, findings of fact, and conclusions of law establishing a bright line boundary in law they may not cross.

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 articulate 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 and cannot be recovered.

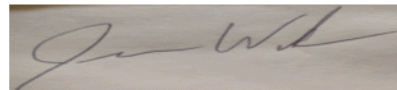
In fact, the Stokers have knowingly permitted Selena, in the recent past, to violate her conditions of release by having prohibited contact with her children. Selena confided this fact to her father, John Smith, and her attorney, Bruce Finlay.

This motion is the result of a hysterically controlling and possessive grandmother (Kathryn Stoker) who has long sought to exclude relatives from the lives of Selena's children and engaged in identical behavior during her divorce and custody litigations with John Smith, the grandfather of my children whose assistance I sought in drafting court documents and transmitting them to this court on such short notice due to the emergency.

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.

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 as best as I can tell..

Respectfully Signed & submitted in Mason, [County] Washington [State] on July 9, 2021 [Date]



Signature of Petitioner or Lawyer/WSBA No.

James Wells (father), pro se

Print Name

Motion for Clarification, Conclusions of Law, Findings - James Wells (253)948-8260
rodytok@gmail.com

EXHIBIT 'A'

RE: In Re dismissal order of motion to renew DVPO in case # 20-2-30788-34

From: Kat Stoker (kat-stoker@comcast.net)

To: pinbalwyz@yahoo.com; rodytok@gmail.com; chadwas@yahoo.com; hans-stoker@comcast.net; brucef@hcc.net

Cc: breckan@breckanlaw.com

Date: Thursday, January 20, 2022, 08:23 PM PST

The DVPO has not been renewed but the orders from the original DVPO required Jim to attend court ordered classes which he has not done. His attorney Jennifer has been advised to contact Jim concerning the court orders. I don't believe we are in peril of anything unless we do not respond correctly to court orders. Our attorney has advised us that Jim is not allowed visitation with the children until he completes the required court orders from a year ago. You are being dramatic as usual, John, no one is trying to intimidate Jim. Kat

From: Amicus Curia <pinbalwyz@yahoo.com>

Sent: Thursday, January 20, 2022 7:13 PM

To: Jim Tok <rodytok@gmail.com>; Kathryn & Hans Stoker <kat-stoker@comcast.net>; Kathryn & Hans Stoker <chadwas@yahoo.com>; Hans Stoker <hans-stoker@comcast.net>; Bruce Finlay <brucef@hcc.net>

Subject: In Re dismissal order of motion to renew DVPO in case # 20-2-30788-34

All parties & recipients will please take note:

The attached file is a copy of the ORDER by commissioner Rebekah Zinn dismissing the Motion/Petition to renew the DVPO against James Wells, the father of Onawa & Raven Smith-Wells. The Original DVPO has expired, one year from its issuance having lapsed.

Mr. Wells is the father of the two above referenced minors and is entitled to have a father's relationship with them as a fundamental and recognized right. He intends to vigorously defend that right and will not be intimidated by threats of a "fight" or having a handgun drawn on him without provocation at the Stoker residence approximately 2 years ago. Ignore this notice at your own peril.

Please include the attached file for your records.

Cordially,
John Smith, goatherd (360)427-3599

[DBA: Amicus Curia, paralegal \("We help you help yourself"\)](#)

1/2