

FILED

March 15, 2024

KITSAP COUNTY CLERK

DAVID T. LEWIS III

[x] EXPEDITE (if filed < 5 days of Hearing)

[x] Hearing is Set (time sensitive ambiguity)

Date: 2-15-24 Rm. 212

Time: 9:00am/1:30pm ZOOM #:6703623825

pcode:271 (Movant's time differed re law clerk's)

Judge/Calendar: Adams /Departmental or Civil?

**Superior Court of Washington,
County of Kitsap**

**In re the most recent Motion for Adequate
Cause filed by Lenard Feulner for a
parenting plan modification & support of:
Adeline Marylynn Feulner (child)
DOB: 6-2-07**

Petitioner (*party who withdrew case 07-3-01713-1*):

Heather Lynn Wood (mother)

And Respondent/s (*other party/parties*):

Lenard Ray Feulner (father)

No. 07-3-01713-1 ←(objection to case #)

**RESPONSE & additional Objections to
Lenard Feulner's recent Motion to Modify
Custody/Parenting Plan & Default Judgment**

Responding Party: Heather Wood, mother

RE: Motion in Limine, to **SEVER,**

Objection(s) to Lenard Feulner's

'Motion'/Declaration to join his new
action/motion to a cause # associated w/a
Petition filed herein dismissed/withdrawn by
the mother, Heather Wood, containing a
plethora of substantive errors & facially
defective documents introduced into the
record by Lenard Feulner & the Court Clerk.
[CR 40(e)].

**→Heather Wood has served Notice ←
disqualifying judge Adams from Lenard
Feulner's newly filed Petition**

(Clerk's Action Required re: RCW 4.12.050)

TO: The Kitsap County Superior Court Clerk, 614 Division St #202, Port Orchard, WA, 98366,
(360) 337-7164, superiorcourt@kitsap.gov; exparte@kitsap.gov, AND

Lenard Feulner, Respondent, 333 Lippert Dr, W, #C129, (360) 228-6079,

Lenardfeulner@gmail.com; AND

Adeline Feulner, 4101 Anderson Hill Rd SW, Port Orchard, WA, 98367, (564) 220-8922,

Adelinewolfpaw@gmail.com; AND

**Nancy Tarbell, esq., #26686, PO Box 840, Manchester, WA 98353-0840, (360)871-2794; (w/o
current standing in the instant new Action), nancy@tarbelllaw.com; AND**

**Kerry Stevens, esq., Bar #15420, 11074 SE Glendale Ave Unit A, Port Orchard, WA 98366-9033,
(360) 269-2947; slo@wavecable.com (w/o standing in the instant new Action) AND**

**Commissioner Matthew Clucas, esq. #22929, 614 Division St, Port Orchard, WA 98366-4683,
(360) 337-7140 (Presiding magistrate over the 8-15-23 Kangaroo Hearing w/o Due Process)**

RESPONSE in re Lenard Feulner's Motion Adequate
Cause to Modify Custody; reminder of Disqualification
of judge Adams pursuant to RCW 4.12.050

& OBJECTIONS

Heather L Wood, hrwood012@gmail.com
9129 James Rd, SW, Rochester, WA 98579

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I Identity of the Parties & Jurisdiction

COMES now, Heather Wood, pro se of necessity, w/o counsel, under protest, indigent, in Forma Pauperis to make the RESPONSE & Objections noted herein, having served notice via declaration pursuant to RCW 4.12.050 disqualifying judge Adams as a nondiscretionary matter of right, as follows:

JURISDICTION & VENUE

While the case # captioned above would have been properly within Kitsap County's Family Court subject matter and in personum jurisdiction due to the minor child's birth and both litigants' residency in Washington State, the Kangaroo unlawfully held impromptu hearing on 8-15-23 before Commissioner Clucas, without a scintilla of due process after the regularly scheduled MTSC hearing was disposed of and Lenard Feulner's motion dismissed, DEPRIVED jurisdiction and authority from this Court when it failed to meet even the most minimal procedural mandates required before luring both the feckless mother and father back into the courtroom w/o notice in collusion with two non-participating attorneys (Williamson & Yelish) who observed a commotion/altercation between Heather Wood, mother, and Adeline, her child, OUTSIDE the COURTROOM & Courthouse in the hallway/lobby where it ensued--extrajudicially contacting Clucas and MODIFYING THE RECORD through UNSWORN statements without either parent's permission or participation. Thus, Heather Wood took exception to jurisdiction, and reserved the objection THROUGHOUT these *fruit of the poisoned tree* proceedings in protest despite her appearance. Similarly, Venue was improper in Kitsap because the child's domicile remained with the legal custodial parent, Heather Wood, who was and remains domiciled in Thurston County. Heather Wood NEVER abandoned Adeline. Adeline refused to leave the Lewis county (Providence) hospital w/her mother, & ran away w/her father who acted in concert w/his daughter to further alienate Adeline's affections from her mother while engaging in custodial interference, i.e. hiding/sheltering a runaway. It should be noted Lenard Feulner himself in his most recent Declaration admits he was not awarded CUSTODY, but residency, and hasn't even abided by that, parenting by phone instead of in person since he does not reside w/the child. i.e. Mr. Feulner is an irresponsible and absentee father who his daughter does not reside with.

(1) OBJECTION 1: Commissioner Clucas was privately contacted by these two women w/o standing, local attorneys, Amanda Williams and Laura Yelish, who manipulated Clucas into unlawfully recalling the case w/o due process, notice, or an opportunity to confront the litigants' accusers, and taking statements from the two attorneys on the record w/o swearing them in: i.e. with NO testimony as a basis, and an illegally held hearing at that. Heather Wood continues to take exception on the record to this outrage and lawless Kangaroo hearing.

Heather Wood, the complaining mother in this instance continues to take exception on an continuing ongoing basis, reserving her protest/objection to the same to this violation of her civil rights and the kidnapping of her child under the pretext of the Court's authority without even the color of State law, thus lack of proper jurisdiction forced her into withdrawing her Parenting Plan Petition she subsequently withdrew given the Kangaroo nature of the proceedings. Moreover, as a matter of law, the above captioned cause number, a Petition by the mother for a parenting plan was withdrawn and confirmed as withdrawn by judge Adams, after recognizing the mother had served notice on all parties she had withdrawn her petition effective immediately. i.e. Procedurally, there exists no Petition by the mother to be joined to Lenard Feulner's de novo Petition for a parenting plan, thus requiring either a new case # to distinguish it from the rubbish pile he created in the above captioned cause number, now defunct/dismissed. Ms. Wood objects to Lenard Feulner's attempt to further his trashing the record, ambiguation and abuse of process. If he chooses to file a de novo petition, he is required to strictly adhere to original procedural requirements. He has yet to do so. Moreover, judge Adams opined from the bench on 3-12-24 under this (ibid) cause # shown in the caption, Mr. Feulner's Petition de novo for a modification/change of custody was a SEPARATE MATTER/PROCEEDING. Ergo, it is subject to RCW 4.12.050 which the mother has invoked to disqualify judge Adams from hearing that separate cause/matter.

(2) Objection 2: With respect to Mr. Feulner's motion for adequate cause, none exists because he neither resides with Adeline Feulner, the minor and source of this dispute, nor does he meaningfully parent/supervise her. Nor has he ever. The mother has ample evidence Adeline routinely violates Washington laws such as, but not limited to, receiving tattoos from her underage friend, tattooing other children, encouraging a 14yo girlfriend to snort a white powdery substance on camera, pressuring the same under age girlfriend to engage in a 3-some with a guy Adeline met on line (causing the girl to complain of and report it to her parents), smoking marijuana, swimming in the nude in a public lake (Long Lake) late after dark on a school night, reckless driving, perjury, lying to a public official in the course of their duties, criminal negligence for acting as a children's lifeguard while under the influence of drugs, lying to the GAL when asked about her father's sexual molestation of her when she was barely 6 years old, driving w/o adult supervision with other children in her vehicle, contributing to the delinquency of other minors, and engaging in the unlawful distribution of drugs and contraband to other minors. More importantly, Mr. Feulner has done nothing to prevent this behavior nor made any effort to hold her responsible for her dangerous/unlawful acts. He is a derelict father unfit to parent Adeline because he provides no structured environment or monitoring of her behavior. He puts my child and other children at risk as a result of his ennuui.

Mr Feulner may file under the original cause number brought on by the State of Washington as the Petitioner in 2007 or file under a NEW cause # issued by the

Kitsap County Clerk's office as a PARENTING case. Procedurally, he should file as the Petitioner in that new cause # for a parenting plan, allowing for discovery and the full exercise of Due Process by the parties instead of the Court acting as a shadow litigant and knight errant for the at risk child, Adeline Feulner.

(3) OBJECTION 3: Heathet Wood Objects to the use of the same cause # for Lenard Feulner's Petition De Novo for the reason it continues and adds to intolerable confusion and ambiguity created by Lenard Feulner as well as the Court Clerk--Leaving a mountain of facially substantively defective documents in the cause #07-3-01713-1 record which remain. Lenard Feulner's Petition De Novo must be severed from the #07-3-01713-1 case number in order for a clean record and proper jurisdiction to be established.

(4) OBJECTION 4: Judge Adams granted a continuance of at least 90 days on 2-12-24 due, in part, to Heather Wood medical fragility and being under a doctor's care toward recovery along with other objections and mthe failure by either party to be prepared to go forward to trial currently or to have completed discovery or furnished a list of witnesses, contact info, evidence to be submitted at trial w/a master index and tab attachments to each submission labeling it for the benefit of the Court's clerk and both parties.

(5) OBJECTION 5: The mother takes exception to the appearance of either Nancy Tarbell, esq. or Kerry Stevens, esq. in Mr. Feulner's Petition De Novo seeking a change of custody—a SEPARATE MATTER per judge Adams bench remarks rendered on 3-12-24. Nor is it a 'Cross Complaint' as judge Adams attempted to define the term.

CR 13 COUNTERCLAIM AND CROSS CLAIM

(a) Compulsory Counterclaims. A pleading shall state as a counterclaim any claim which at the time of serving the pleading the pleader has against any opposing party, if it arises out of the transaction or occurrence that is the subject matter of the opposing party's claim and does not require for its adjudication the presence of third parties of whom the court cannot acquire jurisdiction. But the pleader need not state the claim if

(1) at the time the action was commenced the claim was the subject of another pending action, or
(2) the opposing party brought suit upon the pleader's claim by attachment or other process by which the court did not acquire jurisdiction to render a personal judgment on that claim, and the pleader is not stating any counterclaim under this rule.

(b) Permissive Counterclaims. A pleading may state as a counterclaim any claim against an opposing party not arising out of the transaction or occurrence that is the subject matter of the opposing party's claim.

(d) Counterclaim Against the State. These rules shall not be construed to enlarge beyond the limits now fixed by law the right to assert counterclaims, or to claim credits against the State or an officer or agency thereof.

*[The State of Washington was the original Petitioner in the 00PARENTAGE case adjudicated and disposed of on 12-24-07. Exclusive custody was granted to the mother, Mr. Feulner was ordered to pay child support after his parentage had been established. The proper venue for a cross claim or motion for a change/modification would have been in that cause #. Procedural mandates for a cross claim are strictly construed, as are bars presented by collateral estoppel, judicial estoppel, and equitable estoppel. **Collateral estoppel** is a variation of res judicata barring re-litigation of the same issue(s) between the same parties. A litigant gets but ONE bite at the apple. A competing parenting plan may differ on only small details, or great ones. In any event, the amount to but 'objections' to those details, not a CROSS CLAIM. **Judicial Estoppel** amounts to a common law bar to the Court/Party contradicting itself and relying on both prongs of the ambiguity/contradiction simultaneously, inter alia, a Court/Party is prohibited from talking out of both corners of its mouth at the same time. **Equitable estoppel** is a legal doctrine preventing a party from using a right against another party if the right arose from misleading actions from the person claiming the right. It's also known as estoppel in pais, and it originated in common law as a way to prevent someone from taking unfair advantage of another through legal channels. E.g. The GAL's use of a PARENTAGE case pattern form, coercing the mother (pro se) into signing it under duress, or ignoring the mother's objections to null/improper jurisdiction arising out of Commissioner Clucas 8-15-23 impromptu sua sponte Kangaroo Hearing and the fruit of that poisoned tree. Mr. Feulner abused his right to enter pleadings and declarations by insistently and repetitively entering substantively defective on their face documents into the record, thereby contributing greatly to delay, ambiguity, and the expense of the impoverished mother. His submissions were awash in improperly using declarations as argument, and using argument to testify in them.]*

(e) Counterclaim Maturing or Acquired After Pleading. A claim which either matured or was acquired by the pleader after serving the pleading may, with the permission of the court, be presented as a counterclaim by supplemental pleading.

(f) Omitted Counterclaim. When a pleader fails to set up a counterclaim through oversight, inadvertence, or excusable neglect, or when justice requires, the pleader may by leave of court set up the counterclaim by amendment.

(i) Separate Trials; Separate Judgment. **IF** the court orders separate trials as provided in rule 42(b), judgment on a counterclaim or cross claim may be rendered in accordance with the terms of rule 54(b), even if the claims of the opposing party have been dismissed or otherwise disposed of. *[Judge Adams opined from the bench on 3-12-24 Mr. Feulner's recent Petition De Novo and Motion for Adequate Cause filings was a "separate matter." Ergo, they are subject to RCW 4.12.050 and the mother's disqualification of judge Adams]*

**RESPONSE to Lenard Feulner's Motion for Adequate Cause
(Re paragraph numbers in said Motion)**

- 1) ☒ admitted; ☐ denied; ☐ insufficient information
- 2) ☒ admitted; ☐ denied; ☐ insufficient information
- 3) ☐ admitted; ☒ denied; ☒ insufficient information

Mr. Feulner's sworn statement reversing his position in Adeline's Petition for Emancipation is infuriatingly contradictory to all of his prior misleading statements made in his declarations and arguments heretofore. This and other deceptions should be a basis for impeaching his assertions/claims made before the Court. Falsum in uno, Falsum omnibus.

Mr. Feulner's Statements, arguments, and declarations consist almost exclusively of innuendo, unsubstantiated mendacity, hearsay, parental alienation, and coaching his daughter, Adeline to lie for him, including vilifying the mother and attacking her while simultaneously doing an about face on his position supporting his daughter's Petition for Emancipation, now dismissed. The mother has filed a thorough response to Mr. Feulner's Petition De Novo for change/modification to the custody Order entered in a 2007 PARENTAGE Case listing the State of Washington as the Petitioner on 12-24-07, adjudicated and disposed on the same date along w/an order of child support. It is the proper forum for his efforts to undermine the mother's custody and parental authority over her only child. However, Mr. Feulner cannot lay claim to a single consistent benefit he has to offer that is in the best interest of his child, Adeline. He is indolent, dissolute, predatory, and an irresponsible absentee father unfit to parent/supervise Adeline. She does not reside w/him, but in an RV adjacent to her 94yo grandmother. Lenard Feulner lives w/his girlfriend at some distance, checking in w/Adeline occasionally by telephone.

The mother, on the other hand has been the exclusive caregiver to Adeline her entire life, protected, nursed, educated and catered to her every need. Even now, though on sick leave w/o pay, the mother provides for Adeline's Health insurance. Mr. Feulner does not. Adeline works approximately 5 days/week while Mr. Feulner has no visible income. When the father takes Adeline on weekend excursions, it is often on Adeline's dime. He does not provide her w/private music/dance lessons or a math tutor. The mother has done all these things over Adeline's lifetime. When the mother sought to adjust Mr. Feulner's share of these expenses, he threatened the mother. The mother has demonstrated great courage withering the blizzard of condemnation from this Court, Nancy Tarbell, the father, and Adeline herself for trying to protect Adeline from the girl's friends and herself, drug use, reckless driving, drug distribution, contributing to the delinquency of minors and tattooing them.

It is absolutely false to claim my child, Adeline, is living in Mr. Feulner's home. She

lives in an RV parked on her grandmother's property. Mr; Feulner lives w/his girlfriend in a separate residence some distance away. He sleeps and eats there. Nor does Mr. Feulner have my consent for this arrangement. My daughter uses drugs (marijuana) as does Mr. Feulner over my objections. She tests positive for drug use as does Mr. Feulner. Adeline filmed urging her 14yo girlfriend to snort a white powdery substance posted online, receiving Nazi tattoos from another child consisting of a penis and swastika, and complains her father discourages her eating—i.e. reduces her caloric intake. I would never agree to allow my underage daughter to live w/her father because he raped her when she was barely 6yo—french kissed her for his own sexual gratification and I learned of it in 2013 (filed a police report) when Adeline complained to me of the incident. Moreover, Mr. Feulner admitted the act to the Kitsap County Sheriff's detective who investigated the complaint. But he has denied it to the Court in his declarations and coached my daughter to follow suit. I intend to produce this detective as a witness to Lenard's admission regarding the incident to impeach him. He cannot be taken at his word and often contradicts himself because he can't keep his mendacity straight.

What is most harmful to Adeline is she is not being currently parented/supervised and Mr. Feulner admits, As does Nancy Tarbell, the GAL, he parents her by phone. Irrefutable evidence demonstrates she swam in Long lake in the nude on Halloween night, 2023—a school night. Nor does Mr. Feulner appear to prevent her from vaping or tattooing other children. Mr. Feulner meets the legal definition of an unfit parent. My daughter will be lucky to survive his so called 'parenting'—and is desperately in need of a structured environment.

Mr. Feulner repeats the lie he lists here in his pleading often. I did NOT have an 'outburst' either inside the court or outside of it or the Courthouse. It was my daughter who had the outburst as well as drove her father's car onto a public sidewalk, endangering herself and the public. I have audio tapes from the Court Clerk and a police report proving the same. Adeline, herself, admits 8-15-23 wasn't her best day. She can be heard disrupting a separate Court proceeding, Commissioner Clucas presiding, yet Mr. Feulner continues to repeat this falsehood to the Court.

I received a medical based continuance/setting of a trial date into mid June to exercise Discovery, interrogatories, and the subpoenaing of witnesses to expose Mr. Feulner's mendacity and unfitness as a parent. My child's criminal misconduct is clear evidence she is not being parented/supervised adequately. Nor is Mr. Feulner an expert or even adequately educated to opine on my fitness to educate my daughter, care for her emotional needs, and help her transition to a healthy law abiding adult.

I have a 4-year degree from TESC and am currently struggling to complete a master's degree. Mr. Feulner does nothing to educate my daughter other than to enable her scofflaw behavior as he is a scofflaw or worse himself, devoid of good judgment regarding appropriate boundaries for children and young girls as

mentioned above. Mr. Feulner's request is unreasonable because he cannot provide the care my daughter needs under the best of circumstances and is unfit to parent her, nor is he parenting her now, nor does she reside w/him.

My family is very interested in spending time w/my daughter and loves her. Mr. Feulner has spent less than 1% of his time with my daughter during the past 16 years and continues to 'phone it in'. He even has my daughter paying for his ski trips. I have a receipt demonstrating this fact.

Mr. Feulner obscures the fact the State of Washington had to sue him (case #07-9-03531-9 & 07-5-00352-8) in a parentage case to establish paternity in 2007 and obtain a child support order.

The mother is opposed to any custody change for all the reasons cited above.

For all the reasons cited above, the mother is opposed to the relief Mr. Feulner requested and wishes to exercise her right to Due Process in full including Discovery, depositions, live testimony, witnesses and subpoenaed documents along w/interrogatories. The mother requests a trial be set after 7-1-23 to allow for the meaningful exercise of these rights.

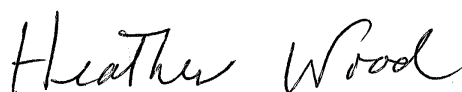
Mr. Feulner's statements cannot be relied upon and many amount to perjury inasmuch as he contradicts himself under oath in the same proceedings where both statements cannot be true.

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.

DATED this 14th day of March , 2024, in the County of Thurston, WA.


Heather Wood, pro se, mother

Respectfully submitted,


Heather Wood, pro se, mother

DATED this 14th day of March, 2024, in the County of Thurston, WA.

Affidavit for Return of Service

I, John Smith, am over 18, a resident in the State of Washington, and a Notary public in that State as well as a U.S. Citizen. Today, I electronically served the above document on all the parties and persons in interest listed on page 1 (Ibid) at their contact info as listed on that page.

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.

DATED this 14th day of March , 2024, in the County of Mason, WA.



John Smith