

FILED

APR 19 2024

KITSAP COUNTY CLERK
DAVID T. LEWIS III

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KITSAP

In re Adeline Feulner:

Case No: 07-3-01713-1

Heather Wood, petitioner

**MOTION AND DECLARATION
REQUESTING CLARIFICATION OF
GUARDIAN AD LITEM AUTHORITY AND
RESPONSIBILITY REGARDING
DISCOVERY**

And

Lenard Feulner, respondent

MOTION

COMES NOW Nancy Tarbell, Guardian ad Litem, appearing pro se, and moves the Court for CLARIFICATION OF GAL AUTHORITY AND RESPONSIBILITY REGARDING DISCOVERY REQUESTS. This Motion is supported by the court file and attached declaration.

DECLARATION

I was appointed Guardian ad Litem for Adeline Feulner by Judge Forbes on October 25, 2023. This appointment was affirmed with an *AMENDED Order Appointing GAL Nunc Pro Tunc to 10/25/23* entered on December 18, 2023. There have been many hearings, motions, and filings to date. At heart this is an action to establish an original parenting plan regarding Adeline.

Procedural posture: The original petition establishing this case was filed in 2008 with Ms. Wood as petitioner. Mr. Feulner has responded to the petition and filed at least two proposed parenting plans, that latest filed November 21, 2023.

On February 6, 2024 I read "Notice of Withdrawal of Petition by Heather Wood, mother & pro se Petitioner..." which was emailed to me. This document asserts that "she SERVES

07-3-01713-1
MTAF 287
Motion and Affidavit Declaration
16557008



Nancy Tarbell
Attorney at Law
P.O. Box 840
Manchester, WA 98353
(360) 871-2794

1 NOTICE of her WITHDRAWAL of her Petition effective immediately as a matter of right and
2 not discretionary or requiring permission from an party or, indeed, THIS COURT --..."

3 At a February 16, 2024 hearing (Ms. Wood was not present but Judge Adams attempted
4 to connect with her by phone in order to include her in the proceedings) Judge Adams ruled that
5 the Court accepted Ms Wood's Notice and allowed her to withdraw her petition. The Court also
6 accepted Mr. Feulner's assertion that his November 21, 2023 Proposed Parenting Plan (which
7 was in opposition to Ms Wood's earlier filed proposed plan) functioned as counter claim that
8 may be adjudicated independently (CR41a3). In addition, Mr. Feulner had filed his own petition
9 to create a parenting plan based off of a 2005 ruling regarding the same parties. The long-set
10 trial date of March 12, 2024 was preserved.

11 On March 12, 2024 the parties gathered for trial. Ms Wood's requested to continue the
12 trial date indicating that she had been ill and so was unprepared for trial. Ms. Wood's requested
13 a trial date after July 1. The other parties requested that the trial go forward that day, they were
14 ready for trial, or as soon as feasible. The court extensively inquired of the parties and selected a
15 trial date of June 4, 2024 warning that further continuances might be hard to obtain.

16
17 *Current issues:*

- 18 - April 10th I received the following emailed request from Ms Wood, " Please give me
19 the file with every persons contact information who you quoted anonymous and
20 otherwise. Including the convos you had w Michelle Robb. I want the file ASAP "
21 - April 11th : I gathered the address of every collateral contact from whom I received
22 information and photocopied the few pages from my notes regarding Ms Robb.
23 These were then emailed to Ms Wood.
24 - April 11th: email from Ms Wood: "I want all notes you have in the file. I want the file.
25 Did you compose by memory?"

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1
2 Please provide the anonymous contributors' names and contact info: someone said "Adeline was
3 too sheltered." Who are you referring to? Are they qualified in some way? What are their
4 credentials?

5 Please send the entire file which I am entitled to, including the anonymous opinionated
6 hearsay."

- 7 - April 11th, my response "You asked for the names and addresses and the notes for
8 Michelle Robb. I did that. As I recall, you are entitled to review my file. I'll have
9 to sort out my obligations regarding copying it. Give me a bit. Thanks."
- 10 - April 12th (a Friday)- there are further exchanges in which I question whether copying the
11 file is included in making the file available for "review" and indicate that I am
12 researching the issue. (exchanges at that point attached, exhibit 1).

13 I offered to meet Monday at the courthouse and make the file available for Ms
14 Wood's review. I received no acceptance of that offer.

- 15 - April 15th I am served with a "Subpoena Duces Tecum by Heather Wood, mother,
16 testimony from L Nancy Tarbell, Investigative GAL" (attached, exhibit 2). There are
17 a number of documents requested, "All digital discovery may be submitted to Heather
18 Wood at hthwoodo12@gmail.com with "Subpoena Discovery" in the subject line as
19 soon as possible."

20 In addition, I am commanded to appear for deposition on May 4th. "you are required
21 to be sworn and the deposition will be performed using Facebook video conferencing
22 at the library, via Heather Wood to the Officer."

- 23 - April 16th and 17th – an exchange of emails in which I attempt to clarify what is being
24 requested. I assumed in these emails that I must honor the subpoena duces tecum and
25 provide electronic copies—although there is some confusion still. (exhibit 3)
- April 18th I did further legal research and am now bringing the matter to the court for
sorting and direction. See memorandum.

My GAL file includes:

1) medical report from July 20th regarding Adeline's visit to Providence Medical Center. The
medical report includes various testing done by Adeline, impressions from the provider, and
documentation of the provider's impressions and exchanges with Ms Wood and with Adeline.
HIPPA protected but quoted and used in GAL report.

2) UA testing done by Ms Wood and Mr. Feulner at Kitsap Recovery Center to be ultimately
paid for by the county as an expense involved with ascertaining drug/alcohol issues as directly

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1 ordered in the GAL Order of Appointment. Directed by the court and information used in GAL
2 report.

3 3) Agape Unlimited Drug/alcohol assessment of Lenard Feulner and also of Adeline Feulner –
4 no UA testing results are included, only the assessments. Directed by the court and information
used in GAL report.

5 4) DCYF records – not public information – concerning Mr. Feulner, Ms Wood, and/r Adeline.
6 It appears to me that Ms Wood has requested her own file from DCYF. It is not clear to me
7 whether her information and mine are the same. GAL information is often not redacted.
8 Informaiton used in GAL report.

9 5) Publically available law enforcement records

10 6) Photos I took during an interview with Ms. Wood and also with Adeline. Photos show the
11 living conditions and also the surrounding area around the living space. Photos taken were with
12 the permission of Ms Wood or Adeline, respectively. No permission sought from homeowner
13 of land on which the living space was located. Used as memory aids when writing GAL report.

14 7) (a) Interview notes of collateral contacts from which information was received. (b) contacts
15 attempted but no information received. (c) professional contacts made in the course of records
16 requests. (a) has already been provided, (b) and (c) have not been gathered.

17 8) Releases and FAX cover sheets to gain information.

18 9) Research and books/articles consulted – can't really to specific but could name many of the
19 books I usually reference.

20 10) Currently over 460 emails. Primarily from/to Ms Wood. Many with legal attachments.
21 Research has shown no easy way to transmit this information. Ms Wood's directive to email
22 information to her is simply not feasible.

23 **My questions include:**

24 A. Some of the information in the GAL file is protected by other means. Of the 10
25 categories above, which are NOT to be reviewed (shown to and allowed to be read with reviewer
taking notes)?

B. Which categories are to be *reviewed with handwritten notes (only) allowed to be taken?*
This is often what is allowed.

C. Which categories are to be *reviewed with recording (video/camera/photcopy/???)* of the
actual document?

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1 D. Which category are to be digitally, or by GAL copying, to be transferred to the requesting
2 party? *(sometimes this is agreed by all parties – in this case I am hesitant).*

3 E There may be more issues brought up in response to this motion.

4 ALSO:
5 THE DEPOSITION (APART FROM THE RECORDS):

6 The deposition conditions are very unusual. It takes place at a library. This particular
7 library does have a small conference room with a door which may ensure a level of privacy. The
8 Officer is not designated but Ms. Wood indicates that it will be a Notary Public (un-named).
9 And somehow Facebook video conferencing will be used to bring the Officer to the deposition.
10 It is unknown what manner of recording will be used. It is unknown how the recording will be
11 memorialized, preserved , recorded or transcribed. (CR 28-30). Any use of any manner other
12 than transcription by an authorized court reporter needs, I believe, to be approved by this court –
13 at least in the case of this GAL.

14 There needs to be clarity and oversight regarding this process as the Subpoena is neither
15 clear nor usual.

16 The investigative role of Guardian ad Litem is extremely powerful, allowing access to all
17 manner of privileged information, including that of CPS, and un-redacted law enforcement
18 reports. And I am further tasked with requesting drug screening/evaluations/medical records of
19 the parties and of Adeline. My authority must be clear and unassailable as these records are
20 protected by layers of confidentiality requirements.

21
22
23 *Requests: In addition to the above guidance/court orders, the GAL renews her request for*
24 *counsel to be provided to her at county expense. At least for the discovery and deposition phase.*

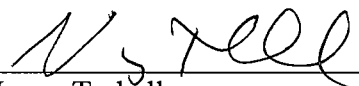
25 *These are unique situations, unique requests, and unique promises (future filing of Federal*

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1 *action, extremely contentious responses to GAL, indications that if an expression is not*
2 *controverted it is taken to be established).*

3
4 I swear under penalty of perjury under the laws of the State of Washington that the above is true
5 and correct.

6 DATED this 19th day of April, 2024 and signed in Port Orchard, WA.

7 
8 _____
9 Nancy Tarbell,
Guardian ad Litem

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1

Re: Collateral contacts and Michelle Robb notes

1 message

Nancy Tarbell <nancy@tarbelllaw.com>
To: Heather Wood <hthrwood012@gmail.com>

Fri, Apr 12, 2024 at 9:31 AM

1. Michelle Robb and Tori Colburn,,,might have been another but those two were who I had in mind when I wrote that.
2. You did. When you wrote me a summary of therapists you included under "Patricia Erskine" the information that Adeline ran away in 2013.

On Fri, Apr 12, 2024 at 9:16 AM Heather Wood <hthrwood012@gmail.com> wrote:

1. Who, Which "others"? : "Others have indicated that ms wood has so protected Adeline..." Page 10, paragraph 1, Line 4.
2. Who in God's name told you Adeline ran away in 2013??? : "In 2013 Adeline ran away..." Page 6, Para2, line 4.

Adeline reported to me she was raped by her father in 2013. Who would say she ran away when she was 6 years old??? Did she hop a train? Adeline is and always has been the love of my life!!!

On Fri, Apr 12, 2024 at 7:48 AM Nancy Tarbell <nancy@tarbelllaw.com> wrote:

As I said, I am checking this out. I agree that you have a right to see the file. No question. And I "shall make it available". I'm not disagreeing. If you want to come to the courthouse on Monday I can show you the file and you can read through it. I should be available after 10:30 a.m. and can bring the file with me. The courthouse doesn't close until 4:30, you could have six hours to read.

I asked for time to sort out whether that means I physically copy it (usually there is a fee for that-but you have a waiver - so I need to sort that bit out - I have sent an email to Frank) or whether I simply "make it available"--which has meant in other cases that you can review it (sit with me while you review it and make notes). There are hundreds of emails - many with lengthy attachments (filings made by both parties and by me). There is research I have done, Interview notes, police reports. And the file is in various forms - physical, electronic. There is nothing simple or quick about your request - which was made only yesterday.

I'm working on it.

Separately, please indicate what parts of the court report you are deeming "anonymous hearsay" and I will research your answers and respond. I am asking for specificity.

On Thu, Apr 11, 2024 at 7:32 PM Heather Wood <hthrwood012@gmail.com> wrote:

Didn't you just get done telling me you couldn't abide by my request for my daughters confidentiality?

...And now you're having to sort out complying with Judge Adams orders that were consistent Washington State law?

Your slip is showing.

Apparently, just because one graduated law school, passes the barr, and becomes steeped in GAL literature, doesn't make her a lawyer.

All parties are entitled to the files.
Turn it over.

This is easier than a hearing on a motion to compel.

Respectfully,
Heather Wood

On Thu, Apr 11, 2024, 4:01 PM Nancy Tarbell <nancy@tarbelllaw.com> wrote:

You asked for the names and addresses and the notes for Michelle Robb. I did that.

As I recall, you are entitled to review my file. I'll have to sort out my obligations regarding copying it. Give me a bit.

Thanks.

On Thu, Apr 11, 2024 at 2:48 PM Heather Wood <hthrwood012@gmail.com> wrote:

I want all notes you have in the file. I want the file. Did you compose by memory?

Please provide the anonymous contributors' names and contact info: someone said "Adeline was too sheltered." Who are you referring to?

Are they qualified in some way? What are their credentials?

Please send the entire file which I am entitled to, including the anonymous opinionated hearsay.

HW

On Thu, Apr 11, 2024, 1:49 PM Nancy Tarbell <nancy@tarbelllaw.com> wrote:

I am only required to have the person's name and address - so that is what I looked up.

I assume this is for contact regarding testimony. You were the one who provided me with the phone numbers, so I know that you already have those. You are very resourceful.

Please let me know if you need anything else. Thanks!

With regards,

Nancy Tarbell

The information in this e-mail is intended for the sole use of the person to whom it is addressed and may contain confidential and privileged information. If this e-mail is sent to you in error please immediately discard and contact the sender.

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With regards,

Nancy Tarbell

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2



Re: Discovery conference regarding subpoena-

1 message

Nancy Tarbell <nancy@tarbelllaw.com>
To: Heather Wood <hthrwood012@gmail.com>

Wed, Apr 17, 2024 at 12:13 PM

I have already sent you the entirety of the notes I have from Ms Robb. It is only a few pages. As you saw, most of my notes are memory cues. I did not discuss with Ms Robb the topics you mentioned.

I am getting the file scanned and prepared for you. Since this involves taking apart the file, it takes a bit. Also, I don't know how to preserve/transfer some of the information. Still working on it.

I am required to discuss with you what I do and don't have and to clarify your requests when unclear. That is what the above email is about- a cordial discussion of what I can provide and what is/is not in my file.

I take it from the above response that whatever is in my file is what you are seeking - and that you want a declaration regarding what is outlined but not provided.

Thus endeth the discovery conference.

Thank you.

On Tue, Apr 16, 2024 at 6:58 PM Heather Wood <hthrwood012@gmail.com> wrote:

Hi Nancy,

You are not required to produce what you don't have, but you are required to stipulate what you don't have. When I ask you for names and contact information of people you reference in your report, you are not at liberty to engage in conjecture calling for speculation e.g. I asked you for names and contact info of the source of your anonymous hearsay, you responded by stating you weren't sure. If you weren't sure, it should not have been in your report in the first place. You weren't hired to provide rumors and hearsay, especially anonymous hearsay.

The fact that you did so, will be used to impeach you.

Your report consists of many instances of hearsay, anonymous hearsay, and flatly false statements in tantamount to a kind of fraud perpetrated on the taxpayers of Kitsap County.

You had no basis for alleging that my daughter ran away from home at 6 years old. If you have such a basis, provide it now.

I want the notes where Adeline told you that she was partially clothed when she went swimming in Long lake, 10/31/2023 at 7:30 PM. I want the notes of that with the dates and times of the interview. Did you see the screenshot photo of her running nude into the Lake? Did you recognise whether that was Adeline? I do know it was her.

I note that you are very reluctant to, and have not signed anything in your report under penalty of perjury.

When you are deposed, you WILL be put under oath and held accountable for your veracity or lack thereof.

If you don't have the notes with respect to that, say so in writing.

Did you have a discussion with Adeline as to whether there were any drugs or alcohol at the Long Lake party?

How closely did you question Adeline about that?

You may not ask the court: "I will also ask the court for direction." for direction. I will object to it. I thought you were an attorney. Is this some kind of admission?

You are not at liberty to ask the judge how to respond to a subpoena, or to complain about my method. A litigant is entitled to every man's evidence.

I want all the notes from Mrs. Robb and about the attempted anonymous phone call, harrasing phone call, to Mrs. Robb about stealing her daughter's virginity.

Just give all the info you have, and that you don't have. If you don't have it, say what it is you don't have explicitly.

Thank you,
Heather Wood

On Tue, Apr 16, 2024 at 1:21 PM Nancy Tarbell <nancy@tarbelllaw.com> wrote:

Ms Wood: I am reading your subpoena and encountering difficulty ascertaining what documents you are requesting. I am already working on providing to you a copy of my file. However, you have listed several other documents that I do not have in my file and have no intention of securing. Most of these items you have access to yourself.

I have already provided information regarding those collateral contacts from whom I obtained information (not included are those people from whom I did not obtain information) and not included are contacts merely involved in securing records (mostly law enforcement, CPS, and other records personnel). Please let me know if you need those further contacts and I will see what I can do.

To the extent my file contains information on the following topics, they will be included in the investigative file. I am assuming these requests apply to Adeline, not to myself, although the subpoena is not clear. However I don't have all of the information you are requesting on all of these topics::

- all school records, historical and recent (I have some in the investigative file)
- records of sexual misconduct of family members (I'm assuming this is Adeline's family)
- past test scores, recent test scores (there is at least one in the investigative file--you sent it to me)
- school attendance (some)
- home/vacation schedule (I don't know what this means)
- Adeline's work schedule
- Adeline's bank records
- Amazon purchase records,
- all names of tattooed (sic) by Adeline Feulner parents of children
- Adeline's hospital logs/medical records (some are in the file)
- list of ALL of Adeline's friends and contact information
- Post Office and Amazon deliveries to 4101 Anderson Hill Rd. SW. Port Orchard, WA 98367

Please clarify as soon as possible. I will also ask the court for direction.

Thank you.

With regards,

Nancy Tarbell

The information in this e-mail is intended for the sole use of the person to whom it is addressed and may contain confidential and privileged information. If this e-mail is sent to you in error please immediately discard and contact the sender.

--

With regards,

Nancy Tarbell

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3

[x] EXPEDITE (if filed < 5 days of Hearing)
[x] Hearing is Set (time sensitive)
Date: 6-4-24 Rm. tbd Time: 9:00 AM
ZOOM#: tbd? Passcode: tbd?
Judge/Calendar: Adams/Departmental

RECEIVED FOR FILING
KITSAP COUNTY CLERK

APR 12 2024

DAVID T. LEWIS III

Subpoena # 40 to: Nancy Tarbell

(printed name of witness)

Superior Family Court of Kitsap County

In Re: The Parenting and Support of Adeline Feulner, Child.	Case Number: 07-3-01713-1
<u>Heather Wood, Mother</u> Petitioner	Subpoenas Duces Tecum by Heather Wood, Mother, testimony from: Nancy Tarbell, Investigative GAL.
Vs.	
<u>Feulner, Lenard (father)</u> <u>Respondent</u>	CR 45(4) & (3); & RCW 5.56.010 (Clerk's Action Required)

TO: NANCY TARBELL, esq. #26686, 2957 Larksprings Ln, Port Orchard, WA 98366, & PO Box 840, Manchester, WA 98353-0840, nancy@tarbelllaw.com, (360)552-0821, (360)871-2794.

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

Lenard Feulner, Respondent, DOB: 10-11-1956, Dr. Lic. No.: FEULNLR447PJ State: WA. Height: 6' Weight: 240 Eyes: brown, 4101 Anderson Hill Rd, SW, Pt Orchard WA 98367, 333 Lippert Dr, W, #C129, Ph. (360)874-8806, (360)228-6079, lenardfeulner@gmail.com).

Adeline Feulner, 4101 Anderson Hill Rd SW, Port Orchard, WA, 98367, (564) 220-8922, adelinewolfpaw@gmail.com; AND

Nancy Tarbell, esq. #26686, (GAL/knight errant) PO Box 840, Manchester, WA 98353-0840, nancy@tarbelllaw.com, (360)871-2794; AND

Kerry Stevens, esq., Bar #15420, (previously appointed atty in my withdrawn dismissed Petition) 11074 SE Glendale Ave Unit A, Port Orchard, WA 98366-9033, {360}269-2947, slo@wavecable.com; AND

Commissioner Matthew Clucas, esq. #22929, 614 Division St, Port Orchard, WA 98366-4683, (360) 337-7140, superiorcourt@kitsap.gov

NANCY TARBELL, YOU ARE COMMANDED TO TESTIFY ON **June 4th, 2024, 9:00 AM**, in the KITSAP COUNTY SUPERIOR FAMILY COURT, 614 Division St Port Orchard, WA, 98366, (360)337-7164, superiorcourt@kitsap.gov If the Trial Date changes, you will be notified as to the new date of your expected appearance.

THE ADDRESS AND TIME STATED above:

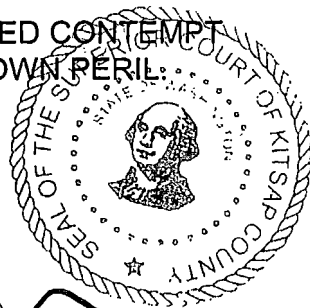
Description of testimony/document(s):

Nancy Tarbell's testimony and documentation, including all school records, historical and recent, investigative file, contact info of all persons interviewed including anonymously, records of sexual misconduct of family members, CPS records, past test scores, recent test scores, school attendance, home/vacation schedule, Adeline's work schedule, Adeline's bank records, Amazon purchase records, all names of tattooed by Adeline Feulner parents of children, Adeline's hospital logs/medical records, List of ALL of Adeline's friends and contact information, Post office and Amazon deliveries to 4101 Anderson Hill Rd. SW, Port Orchard, WA 98367. **All digital discovery may be submitted to Heather Wood at hthrwood012@gmail.com with 'Subpoena Discovery' in the subject line as soon as possible.**

NANCY TARBELL you are **also** Comanded to appear for **DEPOSITION** in the above cause on **May 4, 2024 @ 11:30 AM** In the **Bremerton Kitsap Regional Library, 1301 Sylvan Way, Bremerton, WA 98310, (360) 447-5480**, unless otherwise mutually agreed upon. You are required to be sworn and the deposition will be performed using Facebook video conferencing at the library, via Heather Wood to the Officer.

FAILURE TO COMPLY WITH THIS SUBPOENA MAY BE CONSIDERED CONTEMPT OF COURT AND MAY RESULT IN YOUR ARREST. FAIL AT YOUR OWN PERIL

Dated: 4/11/24



Kitsap Superior Court Clerk's Certified Signature: X ^(seal) [Handwritten Signature]

VANESSA CARLSON

Printed Name: _____