

# EXHIBIT 85

## Corrie Amsden

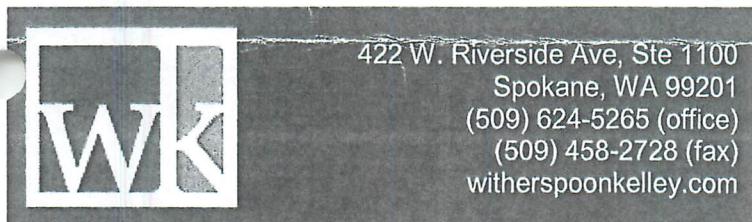
---

**From:** Corrie Amsden  
**Sent:** Friday, December 1, 2017 12:01 PM  
**To:** HR RLM; Marie Firestone; Georgie Feeser  
**Subject:** My last day

All:

During my time with Witherspoon Kelley I have witnessed, and reported, multiple issues. Some of which have failed to be investigated or corrected. Among those issues reported are attorney misconduct, sexual harassment, discriminatory remarks, racial slurs, and ex parte communication with a judge. I have witnessed others attempt to address similar concerns, only to be sequestered and accused of gossiping. Yesterday, I issued concern regarding charges on the company credit card which were quickly dismissed as, "justified" without research, investigation, or inquiry. All of this speaks to a culture at Witherspoon Kelley that is accepted, yet should not be occurring. Choosing to do nothing contributes to the problem. Choosing to do nothing allows wrongful, discriminatory acts to continue. I will not participate in choosing to do nothing. My last day with Witherspoon Kelley will be December 29, 2018. I have included Georgie on this email as this serves as notice that I will not be completing my self-review. Thank you.

**Corrie Amsden | Witherspoon • Kelley**  
Legal Assistant to Kimberly A. Kamel, and Michael F. Nienstedt  
[corriea@witherspoonkelley.com](mailto:corriea@witherspoonkelley.com) | [vCard](#)



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## Corrie Amsden

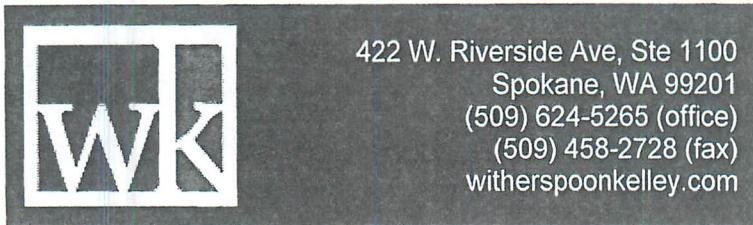
---

**From:** Corrie Amsden  
**Sent:** Friday, December 1, 2017 1:35 PM  
**To:** HR RLM; Marie Firestone; Georgie Feeser  
**Subject:** My last day

All:

My apologies. My previous email listed an end date of December 29, 2018. That was incorrect. My last day will be December 29, 2017. Thank you.

**Corrie Amsden** | Witherspoon • Kelley  
Legal Assistant to Kimberly A. Kamel, and Michael F. Nienstedt  
[corriea@witherspoonkelley.com](mailto:corriea@witherspoonkelley.com) | [vCard](#)



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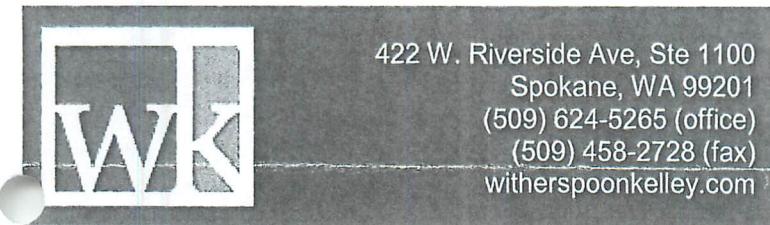
## Corrie Amsden

---

**Location:** 10 Large South  
**Start:** Tue 12/5/2017 3:00 PM  
**End:** Tue 12/5/2017 3:30 PM  
**Show Time As:** Tentative  
**Recurrence:** (none)  
**Meeting Status:** Not yet responded  
**Organizer:** Marie Firestone  
**Required Attendees:** Corrie Amsden; Richard L. Mount

### Marie Firestone

Office Manager | Witherspoon • Kelley  
[marief@witherspoonkelley.com](mailto:marief@witherspoonkelley.com) | vCard



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## Corrie Amsden

---

**From:** Corrie Amsden  
**Sent:** Tuesday, December 5, 2017 2:40 PM  
**To:** Marie Firestone  
**Cc:** Richard L. Mount  
**Subject:** RE:

I will attend this meeting. That said, I would like it noted that I have strong concerns as to the actual intent of why we are having this meeting.

-----Original Appointment-----

**From:** Marie Firestone  
**Sent:** Tuesday, December 5, 2017 2:20 PM  
**To:** Corrie Amsden; Richard L. Mount  
**Subject:**  
**When:** Tuesday, December 5, 2017 3:00 PM-3:30 PM (UTC-08:00) Pacific Time (US & Canada).  
**Where:** 10 Large South

### Marie Firestone

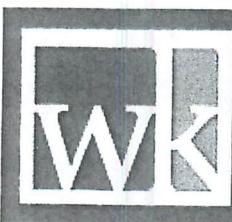
Office Manager | Witherspoon • Kelley  
[marief@witherspoonkelley.com](mailto:marief@witherspoonkelley.com) | vCard



422 W. Riverside Ave, Ste 1100  
Spokane, WA 99201  
(509) 624-5265 (office)  
(509) 458-2728 (fax)  
[witherspoonkelley.com](http://witherspoonkelley.com)

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**Corrie Amsden** | Witherspoon • Kelley  
Legal Assistant to Kimberly A. Kamel, and Michael F. Nienstedt  
[corriea@witherspoonkelley.com](mailto:corriea@witherspoonkelley.com) | vCard



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# December 5, 2017

Tuesday

December 2017

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
				31		

January 2018

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

TUESDAY	
5	
7 AM	
8	
9	
10	
11	
12 PM	
1	
2	
3	10 Large South; Marie Firestone
4	
5	
6	

Daily Task List
Arrange by: Due Date

Notes

Subject: Terminating my employment

From: corrieamsden@yahoo.com

To: marief@witherspoonkelley.com; rlm@witherspoonkelley.com

Date: Wednesday, December 6, 2017, 8:56:35 AM PST

Marie and Rick:

Based on the outcome of last night's meeting, I am ending my employment effective immediately. I removed the personal items from my desk. I will mail my key card certified mail. Thank you.

Sincerely,  
Corrie Amsden

# EXHIBIT 86



## 2016 Non-Attorney Performance Review Summary

Wage Increase \_\_\_\_\_

Employee's Name: Corrie Amsden  
HR Team: Rick Mount \_\_\_\_\_Date of Review: 2-16-17  
Marie Firestone X Janet Jackson X**JOB KNOWLEDGE:**

- Thoroughly familiar with and knows key facts of cases, applicable court rules
- Somewhat familiar with cases and court rules - seeks information when necessary
- General concept of cases, rules - adequate to accomplish tasks
- Needs to take time to learn court rules, client cases, and firm policies

**ABILITY AND WILLINGNESS TO LEARN NEW SKILLS:**

- Seeks out & is eager to take on new tasks and learn new techniques, skills & information
- Willing to learn new tasks, techniques and skills when asked to do so
- Hesitant to learn new tasks, techniques and skills
- Needs encouragement/one-on-one training to learn new tasks, techniques and skills

**ATTENDANCE / PUNCTUALITY / DEPENDABILITY:**

- Can be relied on to be at work and on time, willing to stay extra when needed
- Often late, but makes up time
- Frequently absent from desk and/or work
- Needs to understand value of self and effect on others when late and/or absent

**WORK QUALITY:**

- Work seldom needs changes caused by errors, catches attorney's mistakes, proofreads
- Has few errors in work, proofreads adequately
- Occasionally makes mistakes and has to redo work
- Needs to take time to slow down and/or proofread all work

**CLIENT COMMUNICATION SKILLS:**

- Has knowledge of clients and communicates with them, good relationship with clients
- Knows and able to communicate with clients, but no professional relationship established
- Little communication with client, not effective when she/he does communicate
- Needs some training in communicating with clients, learning who they are and their cases

**ABILITY TO PRIORITIZE:**

- Able to establish work priorities with little assistance, accomplishes the top priorities first
- Seeks advice on priorities, proceeds with priorities first, seeks assistance when needed
- Doesn't understand how some issues take priority, fails to seek assistance early in project
- Needs to ask attorney/supervisor to establish priorities to accomplish all tasks on timely

**ATTITUDE / COOPERATIVENESS:**

- Always willing to help out and maintains a positive attitude
- Usually available to assist others when asked, normally positive
- Will help out only when asked and sometimes resents being asked
- Needs coaching on when to offer to help others and being part of the team

## OVERALL APPRAISAL OF PERFORMANCE:

Yes <u>1</u>	Somewhat <u>1</u>	No <u>1</u>	Able to work with little supervision
Yes <u>1</u>	Somewhat <u>1</u>	No <u>1</u>	Suggests new approaches to routine projects for efficiency
Yes <u>1</u>	Somewhat <u>1</u>	No <u>1</u>	Capable of taking responsibility for key projects
Yes <u>1</u>	Somewhat <u>1</u>	No <u>1</u>	Needs prompting of duties and tasks
Yes <u>1</u>	Somewhat <u>1</u>	No <u>1</u>	Needs some additional training, still learning the job
Yes <u>1</u>	Somewhat <u>1</u>	No <u>1</u>	Works well under pressure of deadlines
Yes <u>1</u>	Somewhat <u>1</u>	No <u>1</u>	Dependable resource to me
Yes <u>1</u>	Somewhat <u>1</u>	No <u>1</u>	Team player and asset to the firm

Specific areas and/or skills for improvement, and how we can make that happen:

Still new and learning... You said need Worldox training.

---

Specific areas and/or skills they could help train others on:

You said "punctuality".

---

Suggested goals with intermittent goals to accomplish in the next year:

1. Prioritization.

Steps: \_\_\_\_\_

2. Listening.

Steps: \_\_\_\_\_

3. Continue to learn processes.

Steps: \_\_\_\_\_

Your personal/work goals with intermittent goals to accomplish in the next year:

1. Receive billing code to bill for my services (paralegal).

Steps: \_\_\_\_\_

2. Increase job responsibilities to justify pay increase.

Steps: \_\_\_\_\_

3. Fix WMS' calendar issues.

Steps: \_\_\_\_\_

Areas of special notice for 2016: \_\_\_\_\_

Conie Anderson

Employee

HR Team:

Jane Jackson  
Mark Weston

TO THE  
ORDER OF

Corrie L. Amsden  
6820 N. Altamont  
Spokane, WA 99217

  
AUTHORIZED SIGNATURE

1040318 1251000891 100043000711

WITHERSPOON KELLEY

383 STAFF		Amsden, C. L.		XXX-XX-XXXX	09/30/2017	0040318	
EMPLOYEE NO.	DEPARTMENT	EMPLOYEE NAME		SOCIAL SECURITY NO.	PERIOD END	CHECK NO.	
EARNINGS	HRS/JUNITS	CURRENT AMOUNT	YEAR TO DATE	DEDUCTIONS	-CURRENT AMOUNT	YEAR TO DATE	
Bonus	0.000	700.00	700.00	Federal Income Federal Medicar Federal Social	105.00 10.15 43.40	2735.84 411.61 1759.92	
1519.38	700.00	158.55	541.45	28385.45	4907.37	23462.78	
PAY RATE	CURRENT EARNINGS	CURRENT DEDUCTIONS	NET PAY	Y.T.D. EARNINGS	Y.T.D. DEDUCTIONS	Y.T.D. NET PAY	

561

Corrie,

Thanks for all you do  
for our firm and for our  
clients. Glad to have you  
on our team.

Mitch

A very happy New Year to you and your family! May it bring you many more successes and opportunities to help others. I am so happy to work with you. You are the best! Thank you for your hard work and dedication!

Corrie -  
congratulations. I  
look forward to  
another great year -  
and for fun

Wishing you  
the best of the  
new year and all  
the success you  
deserve.  
Best regards,  
Mike

I am so happy to  
work with you.  
You are the best!

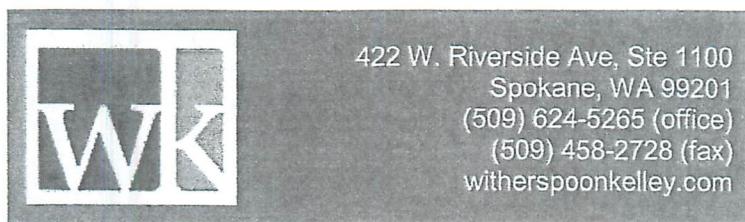
## Corrie Amsden

**From:** William M. Symmes  
**Sent:** Tuesday, November 14, 2017 4:50 PM  
**To:** Corrie Amsden  
**Subject:** RE: a few minutes of your time

I will keep it secret. I will be glad to provide whatever reference you need. Absolutely. I will also have to get you our birthday present.. ugh.

Sorry I have been so busy. Can talk whenever..... ☺

**William M. Symmes**  
Principal | Witherspoon • Kelley  
[WMS@witherspoonkelley.com](mailto:WMS@witherspoonkelley.com) | [Attorney Profile](#) | [vCard](#)



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**From:** Corrie Amsden  
**Sent:** Tuesday, November 14, 2017 4:49 PM  
**To:** William M. Symmes  
**Subject:** a few minutes of your time

I have been trying to find time to talk with you. Since you are busy, I will just put it in an email. I told Marie last week that at the end of the year I will be leaving. I have listed you as a professional reference. Most of the positions are with Spokane County. Please do not share this information. There is limited people who know I am leaving. Thank you.

**Corrie Amsden | Witherspoon • Kelley**  
Legal Assistant to Kimberly A. Kamel, and Michael F. Nienstedt  
[corriea@witherspoonkelley.com](mailto:corriea@witherspoonkelley.com) | [vCard](#)



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Subject:

From: corrieamsden@yahoo.com

To: corrieamsden@yahoo.com

Date: Thursday, February 1, 2018, 8:15:59 AM PST



8:37 PM

Dec 6, 2017

It's late start so I won't get in till  
10:10 hope everything went w

7:53 AM

ell for you yesterday

7:54 AM

Come on now. Things went exactly  
how I expected. All the concerns I  
shared with you happened. I was  
instructed not to talk to Robin  
Haynes attorney. I asked to talk to  
the detective and was told no. As I

the effective date was told to. As I got up to leave the meeting I asked if I should quit now or on the 29th. RLM said he didn't care, it was completely up to me. I am sending an email ending my employment effective immediately.

8:19 AM

160 / 1



Send

Sent from Yahoo Mail on Android



Screenshot\_2018-02-01-08-13-43.png  
135.7kB

565

Subject:

From: corrieamsden@yahoo.com

To: corrieamsden@yahoo.com

Date: Thursday, February 1, 2018, 8:34:17 AM PST



Oh No what detective I don't want  
you to go call me if you can Urgh

8:21 AM

I should have come to the meeting I  
had no idea it would go that way I am  
truly sorry. I thought he was just  
going to ask you about the facts  
supporting

8:25 AM

your email.

8:25 AM

The detective assigned to investigate  
the Robin Havnes matter. RI M said I

had nothing to contribute to the case. I strongly disagree. And they asked about my facts associated with the email and dismissed everyone as fast I told them. Not that it was Marie's first time hearing any of it.

8:27 AM

160 / 1



Send

Sent from Yahoo Mail on Android



Screenshot\_2018-02-01-08-13-54.png  
140.7kB

Subject:

From: corrieamsden@yahoo.com

To: corrieamsden@yahoo.com

Date: Thursday, February 1, 2018, 8:45:31 AM PST



Urgh. Well are you still going to be there when I get there? I can take you to lunch? I was going to do that before you left.

8:29 AM

No. I cleaned my desk out last night. Seriously, none of them want me there anyway. If I am being completely honest, based on things I heard in this meeting I am not even sure you do. The only reason I am not getting fired because of my emails.

8:47 AM

I talked to Rick you are not fired!

I TALKED TO YOU AND YOU ARE NOT HERE I  
don't want you to leave you ar



8:55 AM

e a good assistant. Please reconsider  
let me know if I can do anyth



8:55 AM

160 / 1



Send

Type message

Sent from Yahoo Mail on Android



Screenshot\_2018-02-01-08-14-05.png

138.6kB

569

Subject:

From: corrieamsden@yahoo.com

To: corrieamsden@yahoo.com

Date: Thursday, February 1, 2018, 8:35:18 AM PST



ing to help

8:55 AM

I know I am not fired. I quit. I am glad you thought I was a good assistant. I appreciate that. Look, I know how this plays out. People are gonna start making all kinds of allegations about me. Some true, some not true. I know what I saw at Witherspoon Kelley. I will not be silenced because others tell me I am wrong. Maybe I am.

Maybe everything I reported is morally wrong, but ethically compliant. That still speaks volumes to what kind of person I am. But what if I am right? Either way, the only

thing I lose is my income. And that is where faith comes in. Thank you for everything.

9:06 AM

Ohh I will miss you. Urgh I hate you leaving this way. Thank you for all of your good work.

160 / 1



Send

Sent from Yahoo Mail on Android



Screenshot\_2018-02-01-08-14-18.png  
163.4kB

# EXHIBIT 87

# EXHIBIT 88

1 decision. And then I performed a conflicts check; and it turns  
2 out Witherspoon Kelley, my law firm, has two cases directly  
3 adverse to Ms. Cathcart and her company, Empowering, Inc. One  
4 is for STCU for closing some property of Ms. Cathcart's; and  
5 the other is Ms. Cathcart sued a former employee on breach of  
6 contract and various other issues, and we represent that  
7 employee. And it's my understanding from one of the attorneys  
8 in the STCU matter that Ms. Cathcart has actually made a  
9 complaint against that lawyer and my firm, Ms. Ripley.

10 So as a result, I believe that it's a conflict of  
11 interest to try to communicate with Ms. Cathcart because of  
12 that. And I'm concerned that because my firm has two other  
13 matters with her that, you know, my communication with her  
14 would be difficult because she's adverse to Witherspoon Kelley  
15 and she may not be able to be neutral.

16 Finally, I think what's most telling is Ms. Cathcart's  
17 letter to the court. She filed two letters to the court. One  
18 was August 21st, and I think the other one -- I'd have to look  
19 at the date.

20 THE COURT: There's two, August 4th -- well, there's --  
21 I don't -- there's an August 4th letter, but that's to  
22 Ms. Strand.

23 MS. KAMEL: Right. And so in that letter, on the  
24 August 4th letter she specifically states -- she sets up a time  
25 frame for when the counseling would occur, which I think the

1 actually had Ms. Cathcart testify in a trial recently about  
2 that. And I don't know if -- I don't see this kind of behavior  
3 by a professional in the family law arena. Maybe I see it when  
4 the state is overseeing things, but I don't see it in a family  
5 law-type arena. If I look at her report, she says, "Reasons  
6 for referral. My understanding is the courts have found actual  
7 detriment confirming the subjective ongoing parental alienation  
8 of Christopher by Doris Strand and Wayne Janke, which has  
9 strained Christopher's relationship with his parents and  
10 ultimately a significant separation..." That's not what my  
11 finding was. This case is not about alienation. That --  
12 that's number one. So it's clear to me that this information  
13 is coming, must be coming from the Simons.

14 I then turn to her comments with regard to the conflict  
15 of interest with Ms. Kamel, and she protests a bit too much in  
16 my mind with regard to that. And I only say that because I  
17 don't see professionals act in this manner, particularly when  
18 they're working with the court. I see again on the next page  
19 that she sat down, she shared breakfast with the Simons and  
20 with -- with Ms. Courchaine at their own request to further  
21 illustrate the importance of family meals together. Everyone  
22 knows it's important to have a family meal. You don't have to  
23 educate people about that. So that, to me, was inappropriate.

24 I then look at page -- well, her pages aren't numbered.  
25 But she says under "Concerns" on the second to last page, "It

# EXHIBIT 89

1 them, that would be about the best that I think that I could do  
2 in my limited time to deal with this case.

3 I received that first letter from Empowering on August  
4 10th, and I eventually read it. When I got to the second page  
5 and I read the tone of the letter, "You must cooperate, you  
6 must not disparage, and I can't represent you, Mr. and  
7 Mrs. Simon are my clients," I knew this was going to hell in a  
8 handbag immediately.

9 When I got the August 21st report, it became extremely  
10 clear in my mind that, A, Ms. Cathcart does not have the full  
11 picture and understanding of what this case was about; B, that  
12 she had clearly formed alliances with the Simons that are  
13 inappropriate. I have never -- and I've been on the bench for  
14 about 14 or 13 years; before that I practiced family law for  
15 about 12 years. I've been doing this a long time. I've never  
16 seen a counselor go over to a parent's house and have  
17 breakfast. I get that she needed to do a home visit, but she  
18 sat down and broke bread. She explains, "They wanted to show  
19 off the -- the fact that they ate good foods and that sort of  
20 thing." But the appearance of bias is so significant here that  
21 I felt myself personally offended by it. I'd never seen that  
22 before.

23 I understand that Empowering used to hold a contract  
24 with the state and that most of their work was dealing with  
25 individuals going through dependency-type proceedings. I

1 actually had Ms. Cathcart testify in a trial recently about  
2 that. And I don't know if -- I don't see this kind of behavior  
3 by a professional in the family law arena. Maybe I see it when  
4 the state is overseeing things, but I don't see it in a family  
5 law-type arena. If I look at her report, she says, "Reasons  
6 for referral. My understanding is the courts have found actual  
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23 educate people about that. So that, to me, was inappropriate.

24 I then look at page -- well, her pages aren't numbered.  
25 But she says under "Concerns" on the second to last page, "It

# EXHIBIT 90

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF SPOKANE

3 In re: )  
4 CHRISTOPHER SIMON, )  
5 Child, )  
6 WAYNE JANKE and DORIS STRAND, )  
7 Petitioners, )  
8 and )  
9 RONALD SIMON and TERESA SIMON, ) Cause No. 15-3-02130-1  
10 Respondents. ) VERBATIM REPORT  
OF PROCEEDINGS

**MOTION HEARING**

August 25, 2017

Spokane County Courthouse  
Spokane, Washington  
Before the  
HONORABLE MARYANN C. MORENO

Terri A. Cochran, CSR No. 3062  
Official Court Reporter  
1116 W. Broadway, Department No. 7  
Spokane, Washington 99260  
(509) 477-4418

626

1 A P P E A R A N C E S  
23 For Petitioner DORIS STRAND, DORIS C. STRAND  
4 appearing pro se: 11311 E. 24th Avenue  
Spokane Valley, Washington 992065 For the Respondent RONALD DENNIS C. CRONIN  
6 SIMON: The Law Office of D.C. Cronin  
7 724 N. Monroe Street  
Spokane, Washington 992018 For the Respondent TERESA TAMARA C. MURRAY  
9 SIMON: Attorney at Law  
724 N. Monroe Street  
10 Spokane, Washington 9920111 The Guardian ad Litem: KIMBERLY A. KAMEL  
12 Witherspoon Kelley  
13 422 W. Riverside Avenue  
Suite 1100  
14 Spokane, Washington 9920115  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 || I --

2 MS. KAMEL: Right.

3 THE COURT: -- I -- making this statement, "Visits  
4 shall thereafter expand in frequency and duration," is really  
5 ambiguous. So I don't know who wrote that or who's  
6 proposing that.

7 MR. CRONIN: We were, because we want to keep it on  
8 track.

9 THE COURT: Well, it's going to stay on track. It's  
10 going to stay on track. So --

11 MR. CRONIN: That's why we incorporate the transcript  
12 as well.

13 THE COURT: Well, I'm going to -- yes, but the  
14 transcript is one thing, the order is another.

15 So I'm going to add to No. 2, "It is anticipated that,"  
16 okay? "visits will thereafter expand in frequency and duration,  
17 to include Ms. Simon," and that would be "per further court  
18 order." So on Monday I'll have -- we'll all know how that  
19 visit went, and then we'll do another order and we'll set  
20 another visit and we'll keep setting visits until -- until we  
21 get this going.

22 MS. KAMEL: Thank you. Those were my questions.

23 THE COURT: Okay. I have to stay involved in this,  
24 unfortunately, so -- to move this along.

25 MR. CRONIN: We asked for a declaration. That was

1 crossed out and said "Letter." I'd like the guardian to always  
2 be under oath.

3 MS. KAMEL: That's fine, I can file a declaration. It  
4 doesn't matter.

5 THE COURT: Whatever is quickest, because I want to see  
6 it. Even if it was an email, I would like to see it. You can  
7 email it, scan it, or whatever.

8 MS. KAMEL: Sure.

9 THE COURT: I just want to see it by the end of  
10 business --

11 MR. CRONIN: As long as it's under oath, I don't have a  
12 problem.

13 THE COURT: Okay. So we'll just call it a declaration.

14 MS. KAMEL: Okay.

15 THE COURT: I'm putting my initials next to the  
16 changes. Is there anything else?

17 MR. CRONIN: In light of your recent comments, so we  
18 don't wind up having our next hearing in two months, could we  
19 have a biweekly review? because we've got to get 14 days to get  
20 on the Friday docket, then you may or may not be available, and  
21 then we're going to have vacations and holidays. I agree with  
22 your idea but I want to --

23 THE COURT: I'll just stay here all the time and won't  
24 go away on the weekend or vacation.

25 So I still -- I need to stay involved in this. So what

# EXHIBIT 91

1           IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
2           IN AND FOR THE COUNTY OF SPOKANE

3   In re:    )  
4   CHRISTOPHER SIMON,    )  
5               Child,    )  
6   WAYNE JANKE and DORIS STRAND,    )  
7               Petitioners,    )  
8               and    )  
9   RONALD SIMON and TERESA SIMON,    ) Cause No. 15-3-02130-1  
10              Respondents.    ) VERBATIM REPORT  
  ) OF PROCEEDINGS

11    MOTION HEARING

12    August 25, 2017

13    Spokane County Courthouse  
14    Spokane, Washington  
15    Before the  
16    HONORABLE MARYANN C. MORENO

17      
18      
19      
20      
21      
22      
23    Terri A. Cochran, CSR No. 3062  
24    Official Court Reporter  
25    1116 W. Broadway, Department No. 7  
  Spokane, Washington 99260  
  (509) 477-4418

1                   A P P E A R A N C E S  
23     For Petitioner DORIS STRAND,   DORIS C. STRAND  
4     appearing pro se:                11311 E. 24th Avenue  
5                                        Spokane Valley, Washington 992066     For the Respondent RONALD      DENNIS C. CRONIN  
7     SIMON:                          The Law Office of D.C. Cronin  
8                                        724 N. Monroe Street  
9                                        Spokane, Washington 9920110    For the Respondent TERESA     TAMARA C. MURRAY  
11    SIMON:                          Attorney at Law  
12                                       724 N. Monroe Street  
13                                       Spokane, Washington 9920114    The Guardian ad Litem:        KIMBERLY A. KAMEL  
15                                       Witherspoon Kelley  
16                                       422 W. Riverside Avenue  
17                                       Suite 1100  
18                                       Spokane, Washington 99201

2 MS. KAMEL: Okay.

2 THE COURT: All right?

3 MS. KAMEL: Yep.

4 THE COURT: Questions? I'm going to deny the request  
5 to remove him and place him with Jayne Courchaine. Nobody's to  
6 be driving around that Starbucks taking pictures. Nobody's to  
7 be even close to that Starbucks. I'm looking at  
8 Ms. Courchaine, I'm looking at Ms. Simon and anybody else that  
9 might be thinking about it.

10 Questions?

11 MS. KAMEL: Your Honor, do you want me to file a  
12 declaration or just a letter to the Court and cc all the  
13 parties?

14 THE COURT: Just a letter to the court.

15 MS. KAMEL: Okay.

16 THE COURT: Because what I want to have happen is that  
17 I want that to happen frequently --

18 MS. KAMEL: Okay.

19 THE COURT: -- I want to expand it, I want to include  
20 Ms. Simon. We've got to get this show on the road.

21 Ms. Strand, you are to do everything in your power,  
22 whether you like it or not, to encourage him to have an  
23 enjoyable time with his father, to have a relationship with his  
24 father. I don't know how you're going to do that. And if you  
25 need to seek counseling in order to figure that out -- because

1 He's going to resist, we know this. He's going to resist you.  
2 You've got to figure out how to get him there and encourage him  
3 and make him feel that he's safe. Can you do that?

4 MS. STRAND: I can do that.

5 THE COURT: Okay. I don't have anything else after you  
6 folks. Do you want to work on an order while you're sitting  
7 here?

8 MR. CRONIN: Sure.

9 THE COURT: Okay.

10 MS. KAMEL: Sure.

11 THE COURT: Okay. I'll step down.

12 MS. KAMEL: Thank you, your Honor.

13

14 (RECESS TAKEN.)

15

16 MS. KAMEL: Your Honor, may I approach? We have a  
17 draft order, but I have questions regarding the back page,  
18 No. 2.

19 THE COURT: Sure.

20 (MS. KAMEL APPROACHED THE BENCH.)

21 MR. CRONIN: And whatever she crossed out we have a  
22 question on as well.

23 THE COURT: Let me read this first.

24 MS. KAMEL: Okay.

25 MR. CRONIN: What number is that?

# EXHIBIT 92

1  
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
2

3  
IN AND FOR THE COUNTY OF SPOKANE

4 In re: Emancipation )  
5 of Christopher Simon )  
6 ) No. 17-2-0379-1  
7 ) COPY  
8 )

9 HONORABLE MICHAEL PRICE  
10 VERBATIM REPORT OF PROCEEDINGS  
11 December 12, 2017

12 APPEARANCES:

13 FOR THE MOTHER: TAMARA MURRAY  
14 Attorney at Law  
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Spokane, WA 99201

15 FOR THE FATHER: DENNIS CRONIN  
16 Attorney at Law  
724 N. Monroe St.  
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17  
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1 VERBATIM REPORT OF PROCEEDINGS

2 December 12, 2017

3

4 THE COURT: Counsel, good morning.

5 MS. MURRAY: Good morning.

6 THE COURT: Please be seated. Let me see, Mr.  
7 Cronin, do you by chance -- or Ms. Murray, do either one of  
8 you have a case caption? And if you don't, I can try to dig  
9 it out and find it.

10 MS. MURRAY: Sure, Your Honor, I can put this on the  
11 record when you're ready.

12 THE COURT: Go ahead.

13 MS. MURRAY: Okay. We are here on the petition for  
14 emancipation filed by Christopher Simon on September 25th,  
15 2017. The cause number is 17-2-03739-1. I'm Tamara Murray  
16 here with the mother, Theresa Simon. Also with me is Dennis  
17 Cronin, attorney for the father, Ronald Simon. The minor  
18 did not appear this morning.

19 THE COURT: Okay. Thank you very much. And I'm  
20 just going to verify, counsel, with Debbie, my clerk.  
21 Debbie, you were able to page out in the reception area and  
22 there was no response from Mr. Simon?

23 THE CLERK: Yes, your Honor.

24 THE COURT: Okay. No response. Mr. Cronin,  
25 anything you want to put on the record, sir?

1 MR. CRONIN: I do. Thank you, Your Honor.

2 THE COURT: And these folks are your clients,  
3 correct?

4 MR. CRONIN: Yes.

5 THE COURT: Okay. Thanks for being here, folks.

6 MR. CRONIN: So Your Honor should be aware that for  
7 the last two years the Simons have been involved in  
8 litigation involving placement of Christopher since he filed  
9 his CHINS petition which was dismissed. He filed his de  
10 facto petition with Doris Strand and Wayne Janke, who are  
11 listed on the petition which was dismissed.

12 And since they filed their nonparental custody  
13 action, a decision of which is not due until January, all of  
14 that's with Judge Moreno. And in those proceedings it has  
15 been the opinion of one psychologist as alienation by Doris  
16 and Wayne with Christopher, and there's been reunification  
17 orders because of that on several occasions issued by Judge  
18 Moreno.

19 In those proceedings we became aware of this most  
20 recent filing for emancipation. Patricia Novotny of Seattle  
21 is handling Wayne and Doris' appeal of Judge Moreno's  
22 dismissal of the de facto petition that they brought. And  
23 she's also involved in the motions for discretionary review  
24 filed by Ken Cotto (phonetic spelling) of Judge Moreno in  
25 the third-party case on behalf of my clients.

1           So we showed up here today at expense and costs  
2 ready to move forward with this petition; to oppose it. And  
3 we don't know why Christopher, Wayne Janke, and Doris Strand  
4 have decided not to show up.

5           So asking that it be dismissed with prejudice but  
6 also that my client is entitled to his attorney's fees and  
7 costs for having to come here today and to be ready for  
8 today.

9           And I point out that in the third-party custody  
10 case, Wayne Janke was dismissed and so he doesn't even have  
11 any court orders that would suggest he's a guardian. And  
12 we think this whole thing was an effort to run around Judge  
13 Moreno's proceedings by Christopher Simon and by Wayne Janke  
14 and Doris Strand.

15           There's also a Guardian Ad Litem in that case for  
16 Christopher as well but her scope of her duties would not  
17 allow her to be here today and I did not expect to see her  
18 but if she did show up, I was going to take that to task.

19           THE COURT: What's the -- and Ms. Murray, you jump  
20 up in, too, please, if you can -- what exactly is Wayne  
21 Janke and Doris -- is it? I can't read the writing.

22           MR. CRONIN: Strand.

23           THE COURT: Strand. What is their relationship?

24           MR. CRONIN: They have no blood relationship. They  
25 were determined not to be de facto parents so they don't

1 have that relationship. And the third-party custody case  
2 where the nonparental, as they call that, Wayne Janke was  
3 dismissed. So he has absolutely no relationship. Doris  
4 Strand is the custodian temporarily in that case.

5 THE COURT: And they're just, my guess for lack of a  
6 better term, these are just folks that --

7 MR. CRONIN: They're alienating people who take  
8 other people's children from them.

9 THE COURT: Okay. They're folks that Christopher  
10 has just saddled up with somehow?

11 MR. CRONIN: Mm-hmm.

12 THE COURT: But no --

13 MR. CRONIN: Former friends of the family.

14 THE COURT: Okay.

15 MR. CRONIN: Who decided to take Christopher away  
16 from his parents so that he can be taken on a cruise to  
17 Hawaii without my client's consent. And they went in for  
18 court orders back in 2015, I believe.

19 THE COURT: And did your office or your clients get  
20 served with any of this material?

21 MR. CRONIN: No. We were going to consent to  
22 service. We sent out our notice of appearance.

23 THE COURT: Because you found out by way of the --

24 MR. CRONIN: By way of the proceedings.

25 THE COURT: Up in Judge Moreno's courtroom?

1 MR. CRONIN: Yes. So I sent my notice on  
2 December 8th. I was come -- we came in ready to take  
3 testimony, find out the basis for this filing, which is  
4 frivolous and without basis. We were going to put on for  
5 Your Honor with exhibits that it's a flat out lie to suggest  
6 he had a part-time job at Albertsons on 32nd and Pines or  
7 that he could support himself.

8 We were going to point out that his school records  
9 are dismal and that he's not a straight-A student. In fact,  
10 the records will suggest he's failing some classes and on  
11 and on it goes. Just as when he filed the CHINS petition,  
12 the CPS worker -- what was her name?

13 MS. MURRAY: Sheila Thorne.

14 MR. CRONIN: Sheila Thorne testified before Judge  
15 Moreno that Christopher had been coached and that the stuff  
16 in the CHINS petition was vigorously denied. It's not true.  
17 Hence the de facto case was dismissed among other reasons.

18 THE COURT: How old is Christopher now?

19 MR. CRONIN: 16.

20 THE COURT: And, Mr. Cronin, Ms. Murray, what did  
21 your clients, what did they have to pay your office to  
22 retain you? Well, for purposes of -- let me explain it this  
23 way because you're involved for multiple issues regarding  
24 your clients.

25 MR. CRONIN: Yeah, right. Exactly.

1           THE COURT: So how about I put it this way?

2           MR. CRONIN: It's an ongoing -- I don't have a  
3 separate contract.

4           THE COURT: Understood. But is there an amount of  
5 fees that you might be able to parcel out that would reflect  
6 your work for both of you on behalf of your clients for the  
7 emancipation hearing?

8           MR. CRONIN: I charge \$150 an hour. My staff is \$85  
9 an hour. I have a couple hours into this. But I wanted you  
10 to send the message.

11          THE COURT: Yeah. Ms. Murray, about the same rate  
12 for you?

13          MS. MURRAY: Yes. I have the same rate. I'm  
14 between doing some background investigation, getting the  
15 documents. I'd say I have about three hours, three or four  
16 hours into this altogether.

17          THE COURT: Okay. Thank you so much. And again  
18 folks, I appreciate you being here. Thank you. We can just  
19 keep the record on for a minute, counsel, okay? I'm just  
20 going to pencil out a few things. Okay. Let's stay on the  
21 record, counsel.

22          We might have, I'm just going to check with Debbie  
23 because she knows everything, Debbie, do we have any of the  
24 general orders over here?

25          THE CLERK: We do, Your Honor.

1           THE COURT: That counsel can fill out? Do you know  
2 if we have any of the judgment summaries by chance?

3           THE CLERK: I can get one if we don't.

4           THE COURT: Okay. We can follow up on that if we  
5 need. Okay. So we're staying on the record. This is re  
6 Christopher Simon, the cause number is here in Juvenile  
7 Court in Spokane, Washington today on December 12, 2017.  
8 It's 17-2-03739-1.

9           Ms. Murray and Mr. Cronin are both here on behalf of  
10 their clients who have joined us. And if I didn't mention  
11 it earlier, folks, I appreciate that you're here. Thank you  
12 for that.

13           And I have -- I knew we were going to have something  
14 that was a little bit off the norm because typically -- more  
15 this is for your folk's edification -- typically we don't  
16 have lawyers show up on emancipations. Usually because it's  
17 probably not a particular necessity and, frankly, most of  
18 the time when I see an emancipation, the young person has,  
19 for the most part, very well -- if you will -- laid out his  
20 or her plan, what their economic circumstances are, where  
21 they're living, how they're going to support themselves,  
22 what kind of job they have. I'll even get kids that come in  
23 with a year's worth of pay stubs and a breakdown of their  
24 finances, copies of their grades so the Court can see how  
25 they're doing.

1           A lot of them are really well done and that's a good  
2 indication that it's a young person that's often very mature  
3 and they'll have a declaration or an affidavit that provides  
4 all their reasoning in detail.

5           That's sort of been my experience so far. I haven't  
6 been over here for years and years. I've just finished one  
7 year but the emancipations I've done have for the most part  
8 been very well put together.

9           This emancipation, when I looked at it last night,  
10 the pleadings were -- I'll just use the term because I can't  
11 think of a better term -- they were kind of slip shot. They  
12 didn't tell the Court a whole lot of information. I didn't  
13 have any kind of financial breakdown regarding Mr. Simon's  
14 situation, what his expenses were anticipated to be, what  
15 his income might be with any kind of detail.

16           I didn't have anything to indicate how he was doing  
17 necessarily at school. He says he goes to University High  
18 school and he's a sophomore. Other than stating to the  
19 Court that he's an "A-minus student with no marks on my  
20 record."

21           He's also working on his eagle project for Boy  
22 Scouts. But usually the Court would have the young person  
23 follow up with all of that and document it for the Court.

24           So I saw Mr. Cronin and Ms. Murray walk in today and  
25 I didn't know until a couple minutes before they did that

1 there were lawyers in this case because I asked Debbie, my  
2 clerk, to check the file to see if there was an affidavit or  
3 declaration of service because there wasn't. So I assumed  
4 that the youth would show up and ask or perhaps not realize  
5 they had to serve the other party and I would continue it  
6 for service.

7 Instead, it appears that Mr. Simon is just not here  
8 and his parents are here and I find out for the first time  
9 today that there's been, I don't know if it's fair to say, a  
10 cornucopia of legal proceedings going on with other judicial  
11 officers and other courts.

12 And Mr. Cronin, did you say -- or Ms. Murray,  
13 there's actually rulings of Judge Moreno that have already  
14 made it up to Division III or they're on their way?

15 MR. CRONIN: Yes.

16 THE COURT: So it strikes me that it would be very  
17 difficult to comprehend that Ms. Strand -- Ms. Doris Strand  
18 and Wayne Janke certainly knew about these proceedings.  
19 They've been part of it is what counsel has advised me, and  
20 yet they didn't inform the Court in this petition for  
21 emancipation that, I think there's been a CHINS, I think I  
22 heard Mr. Cronin say, and third-party custody, if you will,  
23 in Judge Moreno's court. And again, I heard about Ken Cotto  
24 involved in appellate work. So that should have been  
25 disclosed to the Court. It wasn't.

1           And I'm not sure what I would have done if Mr. Simon  
2 had shown up today and there'd have been nobody on the other  
3 side after service. But clearly, I wouldn't have known  
4 about any of this because sometimes folks think that our  
5 various dockets and what's filed in one court necessarily  
6 makes its way into another court and it doesn't. It doesn't  
7 really work that way. I'm not going to know unless the  
8 lawyers or a party discloses it to me.

9           This seems to me that this is a pretty clear attempt  
10 either by Mr. Simon or Mr. Simon and Ms. Strand and  
11 Mr. Janke to essentially commit a fraud on the Court.  
12 That's the way it feels to me. I take this very seriously  
13 when I have lawyers that have to show up and charge their  
14 clients to respond to something that shouldn't have been  
15 filed in the first place.

16           If it was filed, it should have been at least  
17 appropriately disclosed to the Court what's going on and  
18 that was clearly left out. It seems to have been a  
19 purposeful omission.

20           So I'm going to dismiss this matter with prejudice  
21 today. I would typically not dismiss something with  
22 prejudice but under the circumstances it just strikes the  
23 Court that an emancipation just simply could not play out  
24 under these circumstances. So to dismiss it with prejudice  
25 seems appropriate.

1           Add to that the fact that Mr. Simon and the two  
2 individuals I've named are lucky that Mr. Cronin and Ms.  
3 Murray don't charge much more. And by the way, counsel, you  
4 should, because you're worth it.

5           But I'm going to order \$600 in attorney's fees to  
6 Mr. Cronin. \$600 in attorney's fees to Ms. Murray. But I'm  
7 going to call them attorney's fees by way of CR 11 sanctions  
8 because this is clearly, in this Court's view, sanctionable  
9 behavior that Mr. Simon and/or the others that were part of  
10 offering these pleadings are responsible for.

11          When you sign your name on the dotted line it  
12 doesn't matter if you're a pro se or if you're counsel. You  
13 still have the same responsibilities of candor with the  
14 Court and the parties and that clearly wasn't done. So Ms.  
15 Murray and Mr. Cronin, I'll leave it up to you if you want  
16 to do a judgment summary in support of those fees. I'll  
17 sign off on it if you do.

18          MR. CRONIN: Do I understand your decision to be  
19 that since it's represented under oath by Mr. Simon that  
20 he -- the guardians are Wayne and Doris, that they would be  
21 responsible for those fees?

22          THE COURT: That would be my take on it. Yep. So  
23 counsel, do you want to do an order back at your office or  
24 you can pencil out something here and I'll --

25          MR. CRONIN: We'll pencil something out.

1 THE COURT: Okay. And I was just double checking  
2 with Debbie, if you need a judgment summary to go along with  
3 it, we can try to print one out for you or sign it so I can  
4 get it signed for you. But either way, if you want to  
5 collect those fees, as you know, it would probably help to  
6 have that.

7 MR. CRONIN: Thank you.

8           THE COURT: All right. Counsel, if I'm in the  
9 middle of another hearing, just don't hesitate, just come on  
10 up and I'll take care of your order, okay?

11 MR. CRONIN: Joint and several?

12 THE COURT: Yes, sir. Times three. Yes. Thank you  
13 folks. Sorry for your inconvenience.

14

15 (End of proceedings)

25

1  
2  
3 C E R T I F I C A T E.  
4  
5

3 I, MELANIE MORMAN, do hereby certify under penalty of  
4 perjury under the laws of the State of Washington that the  
5 following is true and correct:

6 That I am an authorized transcriptionist;

7 I received the electronic recording directly from  
8 the Clerk's Office;

9 This transcript is a true and correct record of the  
10 proceedings to the best of my ability;

11 I do further certify that I am not a relative of,  
12 employee of, or counsel for any of said parties; and

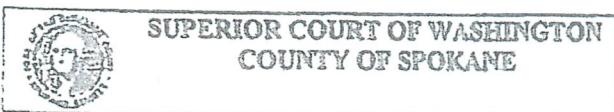
13 That I have no financial interest in the outcome of  
14 said litigation.

15

16 DATED this 1st day of February, 2019.  
17  
18  
19

20 *(Copy)*  
21 MELANIE A. MORMAN  
22 Transcriber  
Spokane County, Washington  
23  
24  
25

(Clerk's Date Stamp)



SUPERIOR COURT OF WASHINGTON  
COUNTY OF SPOKANE

Plaintiff(s): Re:  
vs. Christopher Simon  
Defendant(s): DOB 9/24/01

CASE NO. 17-2-03 739-1  
ORDER dismissing petition  
(OR) and for Sanctions

I. BASIS

Ronald + Terza Simon moved the court for: attorney fees and dismissal of the petition. The parents appeared with their attorneys. Christopher Simon did not appear

II. FINDING

After reviewing the case record to date, and the basis for the motion, the court finds that:

Christopher Simon did not appear for his hearing today. Christopher Simon, Wayne Janke and Chris Strand did not disclose the custody litigation pending in Superior Court or the appeal pending in Div II. The Janke/Strand's listed

ORDER  
(CI-03-0300 (Rev 03/2001)) (Continued on attachment) PAGE 1 OF 3

III. ORDER

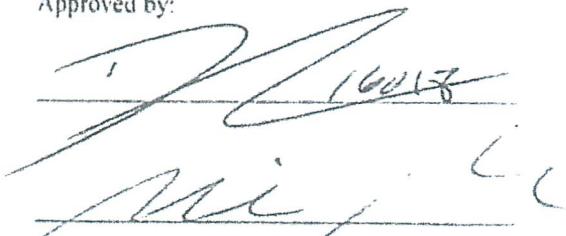
IT IS ORDERED that:

- ① The petition is dismissed with prejudice.
- ② Ronald Simon is awarded attorney fees of \$600.00 at the statutory interest rate of 12% payable by Christopher Simon, Doris Strand and Wayne Janke.
- ③ Teresa Simon is awarded attorney fees of \$600 at the statutory interest rate of 12% payable by Christopher Simon, Doris Strand and Wayne Janke. The judgment <sup>accrued</sup> shall ~~assess~~ interest on the unpaid balance at 12%. Christopher Simon, Wayne Janke and Doris Strand are Jointly and Severally liable.

Presented by:

 Anna M. May 390691

Approved by:

 Superior Court Judge / Commissioner

Dated: 12-12-17

Superior Court Judge / Commissioner

## II Findings continued

as "guardians" and likely co-authored the pleadings. The Court finds this is a clear attempt by Christopher Simon, Wayne Janke and Doris Strand to commit fraud on the Court and attorney fees per CR 11 are appropriate.

The "guardians" listed on the petition, Wayne Janke and Doris Strand, and Christopher Simon are jointly and severally liable for the attorney fees awarded as a sanction per CR 11.

All other findings are contained in the oral record incorporated.

# EXHIBIT 93

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF SPOKANE

3 In re: )  
4 CHRISTOPHER SIMON, )  
5 Child, )  
6 WAYNE JANKE and DORIS STRAND, )  
7 Petitioners, )  
8 and )  
9 RONALD SIMON and TERESA SIMON, ) Cause No. 15-3-02130-1  
10 Respondents. ) VERBATIM REPORT  
 ) OF PROCEEDINGS

REVIEW HEARING AND COURT'S RULING  
AS TO PETITION FOR NONPARENTAL CUSTODY

January 18, 2018

Spokane County Courthouse  
Spokane, Washington  
Before the  
HONORABLE MARYANN C. MORENO

Terri A. Cochran, CSR No. 3062  
Official Court Reporter  
1116 W. Broadway, Department No. 7  
Spokane, Washington 99260  
(509) 477-4418

651

1                   A P P E A R A N C E S  
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5   Spokane Valley, Washington 992066     For the Respondent RONALD     DENNIS C. CRONIN  
7     SIMON:                                     The Law Office of D.C. Cronin  
8   724 N. Monroe Street  
9   Spokane, Washington 9920110    For the Respondent TERESA     TAMARA C. MURRAY  
11    SIMON:                                     Attorney at Law  
12   724 N. Monroe Street  
13   Spokane, Washington 9920114    The Guardian ad Litem:     KIMBERLY A. KAMEL  
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1 should do in school, his activities. He would just like to get  
2 on with his life with what he calls us as his family. Thank  
3 you.

4 THE COURT: So a couple things. Again, I had  
5 anticipated when I made my ruling that the parties would  
6 cooperate in this process. And from what I can tell, without  
7 the reunification counseling there were some visits between Dad  
8 and Christopher that although Christopher says he didn't want  
9 to go and that the visits didn't go well, it was a start, it  
10 was at least a start. He didn't totally refuse to go. He  
11 didn't kick and scream and not go. So I was -- I was feeling  
12 pretty good about the start, that we were going to be able to  
13 move this along with Mr. Simon and then eventually get  
14 Mrs. Simon in and go where this case needs to go. My goal from  
15 my ruling was that the Simons be reunified with their son.

16 So again, I spoke to Mr. Simon and Mrs. Simon at the  
17 last hearing, and I thought we had an understanding that there  
18 would be some visits, we'll start them slowly, and then we'll  
19 continue to go on. It's unclear to me why visits stopped. If  
20 the Simons didn't recognize it, the ball was in their court to  
21 set up these visits or through counsel or through the GAL  
22 reporting how they went so that I could then monitor this and  
23 expand time and eventually get Christopher home. For some  
24 unknown reason the visits stopped. The Simons, through  
25 counsel -- I don't know if they reached out to the GAL -- I

1 have no idea what was going on other than the fact that they  
2 stopped visits. And I have no understanding of why that  
3 happened. I -- it sort of boggles my mind.

4 So as I indicated previously and what I'm basically  
5 doing is I'm incorporating my prior oral ruling by reference  
6 into my ruling today. In my last ruling I did make a finding  
7 of actual detriment. And again, I deferred a formal ruling,  
8 hoping that today on review I could dismiss this matter and  
9 that there would have been reunification. But apparently that  
10 is -- that is not the case. The goal was to overcome the  
11 issues, whatever they are, between Christopher and the  
12 Simons -- whether there's been alienation or not, I don't  
13 know -- and move toward placement of Christopher back home.

14 Since the time of my oral ruling and the entry of the  
15 order, there have been numerous declarations filed regarding  
16 things that the Simons have done, regarding things going on  
17 with Christopher. Never was a motion hearing brought by the  
18 Simons or by Ms. Strand. I've had nothing from either party  
19 asking the court formally to be involved in making a decision.  
20 Filings are just filings. Unless you make a motion to the  
21 court, the court doesn't act. So those are -- those are  
22 sitting in the court file.

23 Those declarations are interesting. There's a lot of  
24 blaming; there's a lot of, of course, blaming of Ms. Strand;  
25 there's a lot of blaming of me; there's a lot of blaming of the

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party to the matter; and (3) I did not engage in ex parte communication in violation of RPC 3.5 or CJC 2.9.

By way of background, in August of 2017 Judge Moreno ordered visitation between the Minor Child and his father. I was ordered by Judge Moreno to be present for the visits as GAL. The Court Order stated the court would initiate a conference call with the parties and the GAL weekly to set up the visits. I was the go between with the parties to make sure the Minor Child was present at the visits and I transferred the Minor Child to his father. September 7, 2017, was the last visit and I sent the parties and Judge Moreno an email asking to have another court call to set up additional visits. Several weeks went by and no additional call had occurred and none of the parties or Judge Moreno responded. On October 18, 2017, I was at the courthouse on an unrelated matter. I stopped by Judge Moreno's court room and asked Judge Moreno if the Court was scheduling additional visits. Judge Moreno said no and asked me to provide an update to the Court and parties. I don't remember discussing anything further with Judge Moreno including the fact that the Minor Child had filed emancipation paperwork. No additional communication occurred and at no time did Judge Moreno tell me what to provide in my update to the Court and parties.

If I did communicate with Judge Moreno about the emancipation filing it was only to state that the Minor Child filed for emancipation. None of the statements I made to Judge Moreno involved substantive issues or provided a tactical advantage to one party or another. Asking about scheduling a visit is a scheduling issue and stating a fact about filing for emancipation is an administrative process and does not violate RPC 3.5.

The GAL Court Order permits me to communicate, as I did, with the Court. Although I take a conservative approach and only discuss scheduling or administrative issues, as a GAL, I am an arm of the Court in my capacity as a GAL. Asking the Court about scheduling is not a violation of my order, RPC or other rule. My GAL order specifically provides that I am to assist the parties and counsel in reaching a resolution. The Court and parties were trying to rebuild the Minor Child's relationship with his parents for visitation. I asked the Court about scheduling additional visits. My Order permitted me to engage in this conduct.

As I am sure you are aware, a GAL is not a party to the case, but rather is an investigator who represents the child's best interest. As stated in my Order, I was to report to the Court on the child's expressed interests and I was to assist the parties and counsel in reaching a resolution of the matters. The Supreme Court has held that a GAL acts as an arm of the court. *West v. Osborne*, 108 Wn. App. 764, 821 (2001). As a GAL, I am not defined in my court order as a party. If only a party can engage in ex parte communication then by definition I did not do so. In the alternative, as a GAL and lawyer, if I was to follow RPC 3.5, then I still did not engage in improper ex parte communication.

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administrative . . . purposes," and that it did not "address substantive matters," there is no indication that any "circumstances require[d]" an ex parte communication rather than one that included the parties or their lawyers. And although the April 30, 2015 order appointing Ms. Kamel GAL authorized her to "report factual information regarding the issues ordered to be reported or investigated to the court," nothing in that order suggests that she was permitted to make such reports in ex parte communications contrary to the general rule of GALR 2(m) and RCW 26.12.187.

The better practice would have been for Ms. Kamel to address her inquiry about scheduling additional visits in a communication that included the parties or their lawyers, not by stopping by the judge's chambers and engaging in an ex parte communication. But because there appears to have been no reasonable possibility that any party would gain any advantage as a result of the ex parte communication, we do not believe that such a technical violation of RPC 3.5(b), if it is one, would merit disciplinary action.

You also allege in your grievance that Ms. Kamel's October 30, 2017 declaration "contains a statement, 'no contact by any party' [that] is not truthful." See RPC 3.3(a)(1) (lawyer shall not knowingly make a false statement of fact to a tribunal). But the declaration actually states, in paragraph 13, "There have been no attempts made, by any party, to schedule future visits." We have seen no evidence that this statement was false, much less that Ms. Kamel knew it was false.

We have considered carefully the information you provided, and we appreciate your bringing it to our attention. Under the Rules for Enforcement of Lawyer Conduct, a lawyer may be disciplined only upon a showing by a clear preponderance of the evidence that the lawyer violated ethical rules. Taking into account the sufficiency of the evidence, and the nature of disciplinary matters pending in our office at this time, we have decided to take no further action on your grievance and are dismissing it under ELC 5.7(a). If you do not mail or deliver a written request for review within **forty-five (45) days** of the date of this letter, our decision to dismiss your grievance will be final. Dismissal of a grievance constitutes neither approval nor disapproval of the conduct involved and should not be taken as the position of the Office of Disciplinary Counsel with respect to any other matter.

Sincerely,



Scott G. Busby  
Senior Disciplinary Counsel

cc: Kimberly Kamel

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