December 1, 2020

United States Department of Justice

Attn: Eric S. Dreiband

Assistant Attorney General

Civil Rights Division

Criminal Section

950 Pennsylvania Ave. NW

Washington, DC 20530

Dear Mr. Dreiband:

DEPRIV ATION OF RIGBTS UNDER COLOR OF LAW

18 U.S.C. § 242

"Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more than one year, or bath; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death. "

Please accept this as my formal complaint for violations of34 U.S.C. §12601, 18 U.S.C. §241, 18 U.S.C §242, and 18 U.S.C §1201 enacted by judicial and legislative officers of the State of Washington. These violations occurred through a devised, fraudulent scheme of falsified documents, abuse of power, and abuse of process. This scheme was developed under a confidential case filing disguised as a paternity action (Case No. 15-5-00185-5) and then used against Ronald and Teresa Simon in pilot trials resulting in the kidnapping of their only son, Christopher Simon, *ln Re: Christopher Simon, Wayne Janke and Doris Strand, Petitioners v. Ronald and Teresa Simon*, Respondents Case No. 15-3-02130-1 (*"Janke/Strand v. Simon"*).

By developing a system that established legal standing for individuals who had none, judicial and legislative officers devised a method to create "parties in parity" and thus the ability to generate private litigation. This devised system was constructed for replication and use in matters encompassing families involved in the child welfare system and legislated under the guise of equality for same sex couples and members of the LGBTQ community. Subsequently to the rulings of Spokane County Superior Court Judge Maryann C. Moreno in the *Janke/Strand v. Simon* trials, legislative enactments were made to the Uniform Parentage Act adopting and altering statutory language that conformed to her rulings. Because of the fraudulent scheme and

(page 2)

legislative enactments a covert state interest was achieved, and parental rights of children can now be challenged by litigants with no legal standing to do so.

The ability to produce "parties in parity" and generate private litigation allows Washington State to willfully alleviate its financial burden from, and involvement with, court cases within the child welfare system. To do this, the state need only identify potential private litigants and steer such cases into private litigation. This is achieved by Child Protective Services deeming reported allegations of abuse as "unfounded" or by use of a "voluntary placement" by the Department of Children Youth and Family. The ability to generate private litigation also gives Washington State the capability to generate the outcomes/data necessary to "evidence" that performance-based contracting within the child welfare system, implemented through legislative acts resulting from Braam v. State of Washington, 150 Wn. 2d 689; 81 P.3d 851 (2003), is successful.

From March 31, 2015 until January 17, 2018, Spokane County Superior Court Judge Maryann C. Moreno, Spokane County Court Commissioner Anthony Rugel WSBA #23096, Spokane County Court Commissioner Michelle Ressa WSBA #26372, Spokane County Court Commissioner Pro Tem Wendy Colton WSBA #35060, State Senator Jamie Pedersen WSBA #24690, State Senator Andy Billig, attorney Nathan Eilert WSBA #48018 (voluntarily resigned), attorney Spencer Harrington WSBA #35907, attorney Gary Stenzel WSBA #16974, attorney Gloria Porter WSBA #24662, attorney Dennis Cronin WSBA #16018, attorney Tamara Murray WSBA #39691, attorney Patricia Novotny WSBA #13604, attorney Mary Ronnestad WSBA #25193, attorney Kimberly Kamel WSBA #30041, attorney Joel Hazel WSBA #25786, attorney Matthew Daley WSBA #36711, attorney Timothy Lawlor WSBA # 16352, and attorney Shelley Ripley WSBA # 28901, acting under color of law, did conspire to deprive fit parents, Ronald and Teresa Simon, of their fundamental parental rights, by assisting Doris Strand and Wayne Janke to gain rights of their only son, Christopher Simon, through falsified documents, abuse of process, and abuse of power in violation of 34 U.S.C §12601 and 18 U.S.C. §241.

On January 18, 2018, Spokane County Superior Court Judge Maryann C. Moreno, Spokane County Court Commissioner Anthony Rugel WSBA #23096, Spokane County Court Commissioner Michelle Ressa WSBA #26372, Spokane County Court Commissioner Pro Tem Wendy Colton WSBA #35060, State Senator Jamie Pedersen WSBA #24690, State Senator Andy Billig, attorney Nathan Eilert WSBA #48018 (voluntarily resigned), attorney Spencer Harrington WSBA #35907, attorney Gary Stenzel WSBA #16974, attorney Gloria Porter WSBA #24662, attorney Dennis Cronin WSBA # 16018, attorney Tamara Murray WSBA #39691, attorney Patricia Novotny WSBA #13604, attorney Mary Ronnestad WSBA #25193, attorney Kimberly Kamel WSBA #30041, attorney Joel Hazel WSBA #25786, attorney Matthew Daley WSBA #36711, attorney Timothy Lawlor WSBA # 16352, and attorney Shelley Ripley WSBA # 28901, acting under color of law, did deprive fit parents, Ronald and Teresa Simon, of their fundamental parental rights, by giving custody of their only son to Doris Strand through falsified documents, abuse of process, and abuse of power, resulting in the kidnapping of their only son, Christopher Simon, in violation of34 U.S.C §12601, 18 U.S.C. §242, and 18 U.S.C. §1201.

(End Page 2)

(Start page 3)

HOW THE CASE BEGAN

The case, which is subject of this complaint, began as Child in Need of Services Petition ("CRINS"), case number 15-7-00716-8 filed with the juvenile court on March 19, 2015. The CHINS petition is alleged to have been initiated by the then minor child, Christopher Simon ("CS"). The juvenile court action was presided over by Spokane County Superior Court Commissioner Michelle Ressa and was summarily dismissed on April 1, 2015. The dismissal was based on knowledge that the Petitioners, Doris Strand, and Wayne Janke ("Ms. Strand, Mr. Janke, collectively "the Petitioners""), through their attorney, Spencer Harrington, had filed an action in Spokane County Superior Court.

The case which was filed as a paternity action in Spokane County Superior Court, originally assigned case number 15-5-00185-5, included a petition for establishment of parentage, a nonparental custody proceeding, a motion for de facto parentage, and several declarations. In addition to the parentage documents, the Petitioners, through their attorney Spencer Harrington, obtained a temporary restraining order ("TRO") via Spokane County Superior Court Commissioner Anthony Rugel in ex parte court. This TRO was obtained on March 31, 2015, without leave to proceed from the juvenile court, and wrongfully restrained Ronald and Teresa Simon ("Mr. Simon, Mrs. Simon, collectively ''the Simons" or ''the Respondents"") from their son.

From March 31, 2015 until September 17, 2015, under case number 15-5-00185-5, the judicial and legislative officers that are subject of this complaint devised a fraudulent system to attain legal standing for individuals that had none. The petitioners then presented to Spokane County Superior Court Judge Maryann C. Moreno's court asserting to be parties in parity pursuing parental rights of Christopher Simon under ln Re: Christopher Simon, Wayne Janke and Doris Strand, Petitioners v. Ronald and Teresa Simon, Respondents,CaseNo.15-3-02130-1 (*"Janke/Strand v . Simon"*). The fraudulent system devised under case number 15-5-00185-5, can be replicated for use by the State of Washington against parents involved in the child welfare/dependency system when used in conjunction with "voluntary placements," "Agreed Orders," Senate Bill 5598, and Engrossed Substitute House Bill 6037. Both bills were sponsored by State Senator Jamie Pedersen, and cosponsored, in part, by Andy Billig. **(See Introduction attachment).**

**Certified copies of all documents and court transcripts attached as exhibits to support the facts outlined in this complaint and audio recordings referenced are available for procurement from the Spokane County Superior Court Clerk's office under case number 15-3-02130-1, saved as "transcripts" in docket entries 2,3, and 4 of case number 15-3-02130- 1, or from Teresa Simon, 708 S Thor, Spokane, WA 99202 or 16322 N Sagewood Rd, Nine Mile Falls, W A 99026.**

**HOW THE FRAUD W AS PERPETRATED AND WHY**

1. In 1998, Washington State was sued by thirteen aged-out foster care children for the horrific treatment they suffered while in foster care. Braam v. State of Washington evolved into a class action lawsuit involving approximately 3,000 Plaintiffs. On July 31, 2004, the parties entered into a settlement agreement. The agreement required Washington State to

(End Page 3)

(Start Page 4)

make reforms to six key areas including placement stability, mental health, safe and appropriate placements, foster parent training and information, sibling placement, and services to adolescents.

2. An independent oversight committee was formed and tasked first with establishing practice standards, benchmarks, and desired outcome. Then, the committee created a plan for implementation and monitoring the progress and achievements set by the standards and benchmarks. DSHS was required to establish action steps and specific tasks to meet those benchmarks and to meet them within a certain timeframe. The oversight panel was to issue a progress reports every six months. On March 28, 2006, the fust report revealed that Washington State had failed to complete 32 of the 45 action plans.

3. For years following the 2004 settlement agreement, DSHS continually failed to meet the outcomes. So, in 2008, the attorneys for the Plaintiffs filed a motion to enforce the settlement agreement. And, in September of 2008, the Judge found the State was out of compliance and gave the State 90 days to remedy the deficiencies. In response to the 2008 ruling, Washington State began the quest to privatize the child welfare system through legislation.

4. The beginning language of Second Substitute House Bill 2106 reads, "The legislature finds that extensive research conducted by the Washington state institute for public policy demonstrates the potential for appreciable savings in the state's child welfare budget by deploying a core set of evidence-based and promising programs designed to strengthen families and prevent children from entering the foster care system."

5. Stated differently, "The legislature finds the potential for appreciable savings in the state' s child welfare budget by **developing programs designed to** strengthen families and prevent children from entering the foster care system." And thus began the system by design which focused on saving the state money implemented under the guise of improving outcomes for foster care children based on manipulated data. Here is how.

6. In 2009, the Washington State legislature directed the Children's Administration ("CA") and the Department of Social and Health Services ("DSHS") to implement reforms to the child welfare system. [**Exhibit 1, p. 20**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EKQ)

7. The legislation, enacted under the guise of contract consolidated, was to be implemented in two phases. Phase one required all existing contracts with the DSHS to be converted to performance-based contracting and the overall number of existing contracts to be reduced. This was to occur by January 1, 2011. Phase two required the establishment of two demonstration sites for comparative evaluation of case management of child welfare cases as administered by private entities in contrast to DSHS. The demonstration sites were to be implemented by July of 2012. The legislation also established the Child Welfare Transformation Design Committee to advise DSHS through this process. [**Exhibit 1, p. 20**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EKQ)**,** [**Exhibit 2, p. 48**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EJw)

(End Page 4)

(Start Page 5)

8. During the implementation of the enacted legislation, CA offered a model that claimed to reduce contracts by establishing a lead agency contractor (network administrator) to subcontract with other private entities for the administration of ail child welfare services, with contract performance to be measured by child safety and well-being, timeliness of services, and results of satisfaction surveys. Exhibit 12 p. 25, Exhibit 2, p. 48

9. On February 18, 2011, DSHS issued a request for proposal ("RFP") seeking bids from private entities to act as lead agency contractors. [**Exhibit 1, p. 26**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EJk)**,** [**Exhibit 2, p. 48**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EJw)

10. Despite the legislation purporting to compare case management amongst private entities and DSHS, the RFP issued by DSHS seeking lead agency contractors only solicited bids from private entities. [**Exhibit 1, p. 26**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EJk)**,** [**Exhibit 2, p.48**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EJw)**,** [**Exhibit 3, p. 53**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EJ0)

11. On May 5, The Washington Federation of State Employees filed a preliminary injunction to halt the RFP issued by DSHS. This lawsuit also identified that the purported legislation enacted under contract consolidation was nothing more than a consorted effort to privatize the child welfare system [**Exhibit 1, p. 26**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EJk)**,** [**Exhibit 2, p.48**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EJw)**,** [**Exhibit 3**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EKI)

12. On May 13, 2011, Thurston County Superior Court Judge McPhee granted the injunction, ruling DSHS had exceeded its authority under Second Substitute House Bill 2106**.** [**Exhibit 1, p. 26**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EJk)**.** [**Exhibit 2, p. 48**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EJw)

13. On May 26, 2016, DSHS withdrew its RFP and rewrote the legislation. Engrossed Second Substitute 2264 incorporated CA's model for lead agency contractors, which remedied the deficiency in the legislation identified by Judge McPhee. [**Exhibit 1, p. 26**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EJk)**,** [**Exhibit 2, p. 48**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EJw)

14. In January of 2013, DSHS again issued a RFP seeking network administrators. As this initial legislation required two demonstration sites, the divisional boundary line was eastern and western Washington. Eastern Washington was the test pilot location for administration of case management by private entities. Because of this, the same private entities already contracted with the state, were the same providers expected to submit bill proposals in response to the RFP. Based on concerns that the enacted legislation was flawed, 5 of the 8 intended bidders refused to submit proposals. Coincidently, the bulk of Washington State's "poverty-stricken families" reside in eastern Washington. [**Exhibit 1, p. 21**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EKk)**,** [**Exhibit 2. p. 49**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EKo)

15. The 5 bidders would be labeled "The Spokane Five" and amongst them, April Cathcart. At the time of the reform, Ms. Cathcart was the president of Empowering Inc., Services, UBI #602-673-468. Empowering Inc., Services held approximately 25 contracts with the state.

16. Lacking bid proposals from qualified private entities in the eastern Washington area, DSHS again rescinded the RFP in March of 2013. [**Exhibit 2, p. 49**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EKo)

**(End Page 5)**

**(Start Page 6)**

17. In response to the opposition by eastern Washington providers, the state legislature again amended the law under Engrossed Substitute House Bill 1774, and in January of 2014, DSHS issued a request for information ("RFI") seeking vendor information regarding managing performance-based contracting related to family support and related services, vendor availability and interest in responding to an RFP, what approach the vendors would take in assisting DSHS to implement the performance-based contracting, and recommendation on geographic service areas. [**Exhibit 2, p. 49-50**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EKo)

18. Empire Health Foundation, UBI # 602-858-247, was the only entity to respond to the RFI. Empire Health Foundation is located at: 1020 W RIVIERSIDE A VE, SPOKANE, W A, 99201, UNITED STATES. Exhibit 2, p. 50

19. Empire Health Foundation's response to the RFI, which proposed a two-tiered mode 1, was almost a mirror image of the initial two-phase legislation suggested by CA. Empire Health Foundation, the statewide network administrator, created a subsidiary, Family Impact Network, UBI #603-413-426 to serve as network administrator for eastern Washington. Family Impact Network is located at: 1020 WRIVERSIDE AVE, SPOKANE, WA, 99201, UNITED STATES. [**Exhibit 2, p. 50**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EKs)

20. Ms. Cathcart, of Empowering Inc., Services is involved in litigation against Empire Health Foundation and Family Impact Network, Spokane County Superior Court case number 19-

2- 04567-32. Matthew Daley, of Witherspoon, Kelley, Davenport, and Toole, P.S. is counsel of record for Empire Health Foundation and Family Impact Network in that litigation. This will be discussed in greater detail later in this complaint.

21. Against the service providers' and state employees' concerns and pro tests, under the guise of contract consolidation and performance-based contracting, and implemented through Second Substitute House Bill 2106, Senate Substitute House Bill 6832, Engrossed Second Substitute House Bill 2264. and Engrossed Substitute House Bill 1774, the Washington State legislature privatized the state's child welfare system. Once privatized, the new reforms were to be administered through the "Family Assessment Response" program enacted through Engrossed Substitute Senate Bill 6555. [**Exhibit 1**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EKQ)**,** [**Exhibit 3**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EKI)

22. Concurrent to the legislation, in 2012, DSHS implemented a pilot program within the child welfare system. This program was implemented as a result of the Washington Title IV-E Waiver Child Welfare Demonstration Project Proposal that was submitted to the federal government by Robin Arnold-Williams, Secretary of the Department of Social and Health Services on July 6, 2012.

23. Title IV-E of the Social Security Act provides funds to the states to provide foster care services. The waiver submitted by Robin Arnold-Williams asked the federal government for flexibility in use of the Title IV-E funds to implement this "pilot program." The pilot program is said to be based on evidence-based data that identified "markers" such as poverty, drug addiction, mental health, and homelessness as causes of abuse.

(End Page 6)

(Start Page 7)

24. This pilot program, implemented in 2012 in eastem Washington only, purported to improve Washington State's foster care system by preventing out-of-home placement through administering pre-placement services used to treat the above-referenced "markers." (For purposes of the pilot program, DSHS selected sibling visitation as the program to demonstrate success) ln eastem Washington, these pre-placement services are administered through private entities that are contracted/employed by the state, funded by Title IV􀀩E monies, and many with little to no training (See RCW 18.19.210 "agency affiliated counselor"). A list of the state's identified contractors: https :/ /www .dcyf. wa. gov /sites/ default/files/pdf/ statewidecontractorlist. pdf.

25. Shifüng the funds to pay the private entities under the performance-based contracts diverted Title IV-E funds from paying for direct care services for children already involved in the foster care system. As a result, the children already in state care suffered harm, including abuse, lack of adequate housing, placement in out-of-state facilities, and death. Exhibit 4

26. Since the implementation of the pilot program and performance-based contract legislation, the number of children placed in foster care has remained steady, or increased, with many children spending nights in hotel rooms and shipped to out-of-state facilities due to lack of funding for proper housing for them. Exhibit 4

27. According to Ryan Murrey, Executive Director of the Washington Association of CASA/GAL Programs, one of Washington State's contracted employees, the statistical data of what is reported to Child Protective Services is as follows: 15% physical abuse; 4%sexual abuse; 60% chronic neglect; 45% substance abuse; 3% extreme behaviors; and 13%homelessness.

28. Despite homelessness only accounting for 13% of the calls to Child Protective Services, millions of dollars of Title IV-E funding were misappropriated to build/fund low-income housing. Many of these funds were paid to Catholic-based non-profits.

29. The low-income housing paid for with Title IV-E funds targets families that are part of the "forecasted caseload" to the detriment of the children already involved in the system. The shifting of Title IV-E funds created a system that left children already involved in the system, a.k.a. "active caseload," suffering because the "forecasted caseload" and "active caseload" are competing for the same funding. Forecasted caseload information is tracked by the Caseload Forecast Council, and Governor Inslee with appointment authority, appointed Cheryl Strange and David Schumacher to track that data. [**Exhibit 5**](https://drive.google.com/open?id=1jXY_iDeaUbRZp1E0HeShLd153_LrO-ac&disco=AAAAN3JB5RI)

30. Also according Ryan Murrey, Executive Director of the Washington Association of CASA/GAL Programs, approximately 5,000 children enter the system every year, and as a normal, there is always approximately 10,000 children in state care. Despite the implementation of the new legislation, the foster care system in Washington has not prevented out-of-home placement. What Washington State did was implement a system

(End of Page 7)

(Start of Page 8)

that offers services paid for by the federal government and removed all liability from the state, while maintaining balance of the forecasted/active caseload budget.

31. Performance-based contracting worsened conditions for children and families involved in the system. Performance-based contracting reduced transparency, reduced state involvement in child welfare cases, and reduced state liability from the harms suffered by children involved in the system. As a result of the privatized system, children involved in the child welfare system are at greater risk and suffering more harm.

32. Contract consolidation and improving outcomes based on case management, as evaluated by private versus public entities, is a smoke and mirrors tactic.

33. This reform sought to privatize the child welfare system, as identified by Jeanine Livingston in 2011, and against continued protest, the state achieved that goal. [**Exhibit 3**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EKI), I!:

34. Engrossed Second Substitute House Bill 2264, incorporated CA's suggested idea for a "lead agency contractor" later identified as network administrator, "An entity that contracts with the department to provide defined services to children and families in the child welfare system. Exhibit 2, p. 48

35. Entities contracted with the department identified as "lead agency contractor" are individuals that hold professional licenses obtained through education and training.

36. Once contracted with the department, the "lead agency contractors" are required to "1099" their employees, who have less credentialing than the "lead agency contractor."

37. Those "1099" employees are then required to obtain their own business licenses and submit billing for their services to the "lead agency contractor," thereby establishing the "1099" employees as private contractors performing subcontracted services under the "lead agency contractor." An example of this is Heather Dazell. [**Exhibit 6**](https://drive.google.com/open?id=1jXY_iDeaUbRZp1E0HeShLd153_LrO-ac&disco=AAAAN9UUOPU)

38. The "lead agency contractor" is the only entity technically contracted with the state and therefore solely responsible for the acts of its private contractors, thus establishing, and implementing, a privatized system to administer child welfare services, and almost no state liability. Exhibit 1, p. 25

39. According to the implemented registration, and affirmed by a public records request, the "lead agency contractor" is obligated to ensure that the subcontracted entity is in compliance with the terms and conditions outlined in the contract between the department and the "lead agency contractor." Though this system is completely by design and created with full knowledge that "lead agency contractors" will be subcontracting out services, reporting of subcontractor information is completely voluntary. And, since reporting such

(End Page 8)

(Start Page 9)

information is voluntary, the state does not, and cannot, keep track of such information, nor have any policies or procedures for ensuring the "lead agency contractor" is enforcing the contract held between the state and the "lead agency contractor." [**Exhibit 7**](https://drive.google.com/open?id=1jXY_iDeaUbRZp1E0HeShLd153_LrO-ac&disco=AAAAN3JB5RQ)

40. Under this new system, which allows for unmonitored subcontracting of services, children receiving services from the child welfare/dependency system are at higher risk of suffering harms, and almost undetectably. As such, there is no way for the state to refute such risks and harms exist, as the state does not collect/track the subcontractor data. With this, child safety and well-being cannot be accurately or independently evaluated by the state and any data that reflects such statistics is false. Moreover, as the state is on full notice of the increased risks and harms posed to the children directly resulting from this implemented system, which allows for the unmonitored subcontracting of services, liability for such risks and harms are still the responsibility of the state. [**Exhibit 7**](https://drive.google.com/open?id=1jXY_iDeaUbRZp1E0HeShLd153_LrO-ac&disco=AAAAN3JB5RQ)

41. Privatization of Washington State's child welfare system sought to implement a system that removed the state from ail liability and accountability by requiring the "lead agency contractor" to "1099" their employees, resulting in the subcontracting of their contractual obligations. At the time of this reform, April Cathcart, as one of the largest services providers to eastern Washington, was intended by DSHS to be a "lead agency contractor." [**Exhibit 1, p. 25**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7ENc)

42. As Ms. Cathcart had concerns regarding child safety under this system, and after verifying with the Department of Revenue and the Department of Labor and Industries that such contracted/subcontracted system was illegal, Ms. Cathcart opposed the legislation and refused to submit a proposal in response to the RFP issued by the DSHS in 2013.

43. Ms. Cathcart also issued concerns regarding the potential for fraudulent billing under such a system. If a "lead agency contractor" is required to "1099" their employees, thereby outsourcing their contractual obligations, but submitting subcontractor information is voluntary, then it is possible that Governor Inslee, could be profiting, undetected, from a system that he signed into legislation. This is affirmed by the corporate filing of Caitlin Saunders Counseling and Psychotherapy PLLC, for which Jay Inslee is the Governor. If the Jay Inslee affiliated with the above-referenced business is Governor Inslee, then Governor Inslee should not be profiting from an entity providing services to the children of the child welfare system which are paid for by the federal government from legislation and reforms he signed into law. And with this privatized system, as verified by the attached public records request, there is no way to independently verify whether he is or not.[**Exhibit 7**](https://drive.google.com/open?id=1jXY_iDeaUbRZp1E0HeShLd153_LrO-ac&disco=AAAAN3JB5RQ)**,** [**Exhibit 8**](https://drive.google.com/open?id=1jXY_iDeaUbRZp1E0HeShLd153_LrO-ac&disco=AAAAN3JB5Rg)

44. This privatize child welfare system, implemented under the guise of contract consolidation and performance-based contracts, alleged to improve outcomes for children involved in the child welfare system, is detrimental to families and children, and was developed in the best interest of the state. [**Exhibit 5**](https://drive.google.com/open?id=1jXY_iDeaUbRZp1E0HeShLd153_LrO-ac&disco=AAAAN3JB5RI)

(End Page 9)

(Start Page 10)

45. The implemented legislation diverted funds from Title IV-E, taking money from children already involved in the system, purporting to create a system that offers pre-placement services to prevent out-of-home placement. What this legislation actually did was divert Title IV-E funds, taking money from children already involved in the system, and created a system that offers "front-end" services that are reimbursable by the federal government, under the guise of preventing out-of-home placement, ultimately "protecting the state's limited fiscal resources." [**Exhibit 5**](https://drive.google.com/open?id=1jXY_iDeaUbRZp1E0HeShLd153_LrO-ac&disco=AAAAN3JB5RI)

46. Though the CASA training daims the unified goal in dependency actions is reunification, this is not accurate. Reunification costs the state money. As you will see from the acts outlined in this complaint, the Washington State legislature developed a system by design, in the best interest of the state, to detriment of children and families, and for profit by those involved in the creation and implementation of the system.

47. This privatized system was developed under massive conflicts of interest, drafted by judicial and legislative officers with law degrees and state bar numbers who are directly profiting, ruling on cases, or benefitting from the legislation of the revamped system.

48. Tying someone's paycheck to improving outcomes for children should be a red flag as anyone who genuinely cares about the best interest of children does their job for the sake of children, not for profit, and most often voluntarily.

49. The privatization and implementation of performance-based contracting within a government system designed to administer child welfare services invokes a system designed to generate income from its success. The success of such a system is demonstrated by a reduction in use of services or the amount spent to administer such services.

50. The priority of a system designed to administer child welfare services is people. And with privatization and implementation of performance-based contracting within that system, the priority shifts from people to profits.

51. The highest profits are paid to the entities that demonstrate the most reduction in services. Or, as it pertains to child welfare, the entities that reduce services or convert to offer services that are reimbursable by the federal government.

52. A privatized system, which attaches financial incentives to improving outcomes, does not create a system that employs individuals who care more about children and families. It crafts a system that is money centered, thereby increasing the incentive for people to commit bad acts, including kidnapping, misappropriation of funds, abuse of power, and abuse of process, as described in this complaint, all to achieve the highest paycheck and with little to no risk of being caught.

(End of Page 10)

(Start of Page 11)

53. The performance-based contracting system implemented as part of the child welfare reform is modeled off the compensation/bonus structure of larger corporations, such as WITHERSPOON, KELLEY, DA VENPORT & TOOLE, P.S.

54. I am a former employee of WITHERSPOON, KELLEY, DAVENPORT & TOOLE, P.S. UBI # 600-346-766, located inside the US Bank Building at 422 W RIVERSIDE AVE, SPOKANE, WA, 99201-0302, UNITED STATES. I was hired in August of 2016 and voluntarily resigned my position on December 6, 2017.

55. The US Bank building is owned by BURLESON ROAD INVESTMENTS, LLC, UBI #602-752-169. Burleson's registered agent, as listed with the Washington Secretary of State, is Ellison Morgan whose address is listed as: Care of Kiemle Hagood, 601 W MAIN AVE STE 400, SPOKANE, WA, 99201-0613 UNITED STATES. BURLESON ROAD INVESTMENTS, LLC is a foreign corporation originally formed in Oregon. Its principal place of business as listed on the Oregon Secretary of State is 205 SE SPOKANE ST, STE 300, PORTLAND, OR 97202 UNITES STATES OF AMERICA. Its registered agent as listed on the Oregon Secretary of State is SSBLS SERVICES, INC. located at 209 SW OAK ST, STE 500, PORTLAND, OR, 97204 UNITED STATES OF AMERICA.

56. WITHERSPOON, KELLY, DAVENPORT & TOOLE, P.S., through a lease issued on April 11, 2003, occupies one suite on the 9th floor of the bank building. This suite is located to the left of the women's restroom and functions as the accounting department/office space/breakroom. WITHERSPOON, KELLY, DAVENPORT & TOOLE, P.S. also occupies the entire 10th floor of the bank building and the entire 11 th floor of the bank building located at the same address. The reception desk is located on the 11 th floor. In addition, WITHERSPOON, KELLY, DA VENPORT & TOOLE, P.S. also has an Idaho location.

57. The WITHERSPOON, KELLEY, DAVENPORT & TOOLE, P.S. Idaho location is inside the Spokesman Review Building, 608 Northwest Blvd, Suite 300, Coeur d' Alene, Idaho, 83814. The entity name as listed with the Idaho Secretary of State is WITHERSPOON, KELLEY, DAVENPORT & TOOLE, P.C.

58. The Spokesman Review building, located at 608 Northwest Blvd, Coeur d' Alene, Idaho, 83814 and is owned by COWLES REAL ESTATE COMPANY, UBI # 602-557-113, located at 999 W RIVERSIDE AVE, SPOKANE, WA, 99201 UNITED STATES. The registered agent for COWLES REAL ESTATE COMPNAY is CITIZENS REALTY COMPANY located at 999 W RIVERSIDE AVE, SPOKANE, WA, 99201-0000, UNITED STATES.

59. The legislation, reforms, and performance-based contract system implemented within the child welfare system allowed for creation of the *Janke/Strand v. Simon* matter which presented to Spokane County Superior Court Judge Maryann C. Moreno's court as case number 15-3-02130-1.

(End Page 11)

(Start Page 12)

60. Kimberly A. Kamel of Witherspoon, Kelley, Davenport, & Toole, P.S., was the "agreed" guardian ad litem of this matter. Ms. Kamel was solicited via email by the attorney for the petitioners, Spencer Harrington, while this case was still filed under 15-5-00185-5. **The email referenced in this paragraph can be procured from Kimberly A. Kamel, 422 W RIVERSIDE AVE, SPOKANE, WA, 99201-0302, UNITED STATES.**

61. Spencer Harrington's business information as listed with the Washington Secretary of State is: HARRINGTON LAW OFFICE, PLLC, UBI #602-883-939, 1515 W BROADWAY A VE, SPOKANE, WA, 99201 UNITED STATES, with registered agent information listed as Spencer Harrington, 1517 W BROADWAY AVE, SPOKANE, WA, 99201, UNITED ST ATES. According to Spokane County Parcel, 1515 W Broadway Ave., Spokane, W A 99201 does not exist. And, according to Spokane County Auditor, Spencer Harrington owns 1517 W Broadway Ave, Spokane, WA 99201, parcel number 25134.0210, which is also the physical location of his practice as listed with the Washington State Bar Association.

62. During part of my employment with Witherspoon, Kelley, Davenport, & Toole, P.S., I functioned as a legal assistant for Ms. Kamel. As such, I have reviewed every document within the *Janke/Strand v. Simon* case file, including the GAL file, and make this complaint as a whistleblower and a concerned citizen of the State of Washington.

63. Upon information and belief, Judge Maryann C. Moreno learned of the fraud that occurred in this case on December 15, 2016 at the adequate cause hearing for non-parental custody when she learned about an agreed order that was used while the case was filed under case number 15-5-00185-5. [**Exhibit 9**](https://drive.google.com/open?id=1jXY_iDeaUbRZp1E0HeShLd153_LrO-ac&disco=AAAAN3JB5R8)

64. At the December 15, 2016 adequate cause hearing for the non-parental custody portion of this case, Spencer Harrington, attorney Doris Strand and Wayne Janke, admitted that an agreed order was used to place the minor child, CS, with the Petitioners. [**Exhibit 10**](https://drive.google.com/open?id=1jXY_iDeaUbRZp1E0HeShLd153_LrO-ac&disco=AAAAN3JB5SE)

65. At that same hearing, Mr. Harrington also admitted that same agreed order was used in place of the return hearing for the temporary restraining order ("TRO") he had obtained against Ronald and Teresa Simon on March 31, 2015, and as a result, the adequate cause for the de facto parentage, "fell through the cracks." [**Exhibit 11**](https://drive.google.com/open?id=1jXY_iDeaUbRZp1E0HeShLd153_LrO-ac&disco=AAAAN3JB5SA)

66. The statement made by Mr. Harrington regarding the adequate cause for de facto "Falling through the cracks" is not truthful, and upon information and belief, Judge Moreno did not view the "Agreed Order" as fraud at this time, rather that the Simons had voluntarily entered into this "Agreement."

67. As is the case with most of the documents and the procedures used by Mr. Harrington, the purpose of the April 24, 2015 "Agreed" order was two-fold. lt was used to bypass the return hearing on the TRO and it was used to transfer custodial rights of Christopher through sleight of hand. To understand this fully, a return to the filing of this case is necessary.

(End Page 12)

(Start of Page 13)

68. With knowledge that CPS was filing a report in the juvenile court (CHINS petition) identifying the allegations made against the Simons were unfounded, Spencer Harrington, attorney for Doris Strand and Wayne Janke, filed a large amount of documents in Spokane County Superior Court on March 31, 2015. [**Exhibit 12**](https://drive.google.com/open?id=1EK3jiBognr1srva9dlAOnpxM_84VYVMB&disco=AAAAN3l8j_o)

69. Mr. Harrington intentionally misfiled this action as a paternity action, requiring the Spokane County Clerk's Office to assign a "15-5" case number to the file.

70. Paternity was never an issue in this case, which is noted three times during the pendency of this case. Twice by Commissioner Michelle Ressa, first at the April 1, 2015 CHINS hearing and second in her September 10, 2015 Order instructing the Clerk's office to dismantle the file and issue a new case number, and once by Commissioner Pro Tem Hoskins at the April 16, 2015 hearing to exceed page limits. [**Exhibit 13**](https://drive.google.com/open?id=1EK3jiBognr1srva9dlAOnpxM_84VYVMB&disco=AAAAN3l8kAI)

71. Misfiling this case as a paternity action gave tactical advantage to the Petitioners, and strategic advantage to the judicial and legislative officers subject of this complaint, in several ways. First, by misfiling this case as a paternity action, the Clerk's office assigned a "15-5" case number and rendered the case completely confidential. Unless you know the case exists, you won't know the case exists. No one can monitor the filings/actions. [**Exhibit 14**](https://drive.google.com/open?id=1EK3jiBognr1srva9dlAOnpxM_84VYVMB&disco=AAAAN3l8kAM)

72. Second, misfiling this case as a paternity action resulted in no assignment of a trial judge. This allowed for exploitation of the ex parte system through use of specific Commissioners for rulings and signatures. Selecting specific commissioners, or commissioner pro tems, is made possible by their public courtroom assignment, and allows for such things as selection of a specific guardian ad litem through use of a motion to exceed page limits rather than by appointment and normal procedure. No assignment of a trial judge also allows for exploitation of the presiding judge for use in determining judge assignment. As all Commissioner rulings are subject to revision by a judge, a motion filed with the presiding judge results in placement on a docket. If the motion is noted before a favorable judge, selection of that judge for case assignment is made possible simply by having that judge sign an order. Once a judge signs an order, it is likely that case assignment will be to that judge with removal by affidavit almost impossible. And, as in the case at bar, if misfiled as a paternity action, all of this occurs before the case is converted to a domestic and assigned a "15-3" case number and "judge assignment" is formerly noted in the system. [**Exhibit 14**](https://drive.google.com/open?id=1EK3jiBognr1srva9dlAOnpxM_84VYVMB&disco=AAAAN3l8kAM)

73. Lastly, by filing a case as a paternity action under the guise of defacto, private litigants can achieve non-parental custody without passing background checks because defacto does not have the same background check requirements as third-party custody cases. This allows private litigants with criminal histories or prior involvement with CPS to gain access to children. [**Exhibit 14**](https://drive.google.com/open?id=1EK3jiBognr1srva9dlAOnpxM_84VYVMB&disco=AAAAN3l8kAM)

74. This case, misfiled as a paternity action in Spokane County Superior Court, was originally assigned case number 15-5-00185-5, and, among other documents, included a petition for establishment of parentage, a nonparental custody proceeding, a motion for de facto

(End Page 13)

(Start Page 14)

parentage, declarations of the petitioners for non-parental, and declarations of the petitioners in support of their ex parte orders. [**Exhibit 12**](https://drive.google.com/open?id=1EK3jiBognr1srva9dlAOnpxM_84VYVMB&disco=AAAAN3l8j_o)

75. Mr. Harrington's filings contained intentional inaccuracies as Mr. Harrington drafted his own documents, which included the use of two sets of petitioner declarations, rather than using the mandatory forms as available on www.courts.wa.gov. [**Exhibit 12**](https://drive.google.com/open?id=1EK3jiBognr1srva9dlAOnpxM_84VYVMB&disco=AAAAN3l8j_o)

76. The large amounts of documents, in combination with their inaccuracies, allowed Mr. Harrington flexibility to utilize the documents interchangeably for targeted objectives during the crucial initial rulings/decision making/hearings of this case.

77. The first example of Mr. Harrington's targeted use of the initial filings is demonstrated by his use of selected documents in procurement of a temporary restraining order against Ronald and Teresa Simon, which alleged to withhold the Simons from their son.

78. On March 31, 2015, Spokane County Court Commissioner Anthony Rugel, with knowledge of the CHINS petition, granted a restraining order against the Simons without leave to proceed from Spokane County Juvenile Court. Commissioner Anthony Rugel' s ruling to issue a TRO without leave to proceed, significantly impacted the Simons' rights. With this knowledge, Commissioner Anthony Rugel did not direct the court clerk to record the hearing and conducted the hearing off the record. As such, there is no audio recording or court transcripts that document what occurred at the hearing on March 31, 2015. (The Jack of court room audio is discussed in [**Exhibits 21**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN1yGEmQ) **and** [**Exhibit 22**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN1yGEmM))

79. Without leave to proceed from Spokane County Juvenile Court, Spokane County Superior Court did not have jurisdiction, and therefore the initial TRO was not valid. The restraining order granted by Commissioner Anthony Rugel was still sent to law enforcement, as if valid, and wrongfully restrained the Simons from their son. And, as later ruled by Judge Moreno, the declarations used by the petitioners to obtain the ex parte restraining order were based on false allegations which had already been proved to be unfounded by CPS.[**Exhibit 11**](https://drive.google.com/open?id=1jXY_iDeaUbRZp1E0HeShLd153_LrO-ac&disco=AAAAN3JB5SA)

80. On April 1, 2015, Commissioner Michelle Ressa identified the deficiencies of the Petitioners March 31, 2015 filings in Spokane County Superior Court as she stated, "Well, just under the civil motion the CHINS that's going to be dismissed. That at least takes care of the problem with leave to proceed." It does not take care of the 14 day problem or the no notice .... " The 14-day problem and no notice, as identified by Commissioner Michelle Ressa is a smoke and mirrors tactic, and a simple counting of time identifies that. [**Exhibit 38**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8z-7Bo)

81. The leave to proceed issue, as identified by Commissioner Michelle Ressa, prevented Spokane County Superior Court from issuing a valid restraining order until the Spokane County Juvenile Court dismissed the CHINS. As also identified by Commissioner Michelle Ressa, dismissing the CRINS didn't remedy the invalid TRO which she referred to as, "The 14-day issue and no notice."

(End of Page 14)

(Start of Page 15)

82. CR 65(b) requires a temporary restraining order to be heard **within** 14 days, which includes the date of the hearing, and includes a caveat that states, "In case a restraining order is granted without notice, the motion for preliminary injunction **shall** be set down for hearing at the earliest possible time and takes precedence over all other matters." If Spokane County Superior Court issued a TRO on March 31, 2015, the hearing would have to occur no later than April 14, 2015. As noted by the original TRO, the hearing was scheduled for April 14, 2015. The TRO does not require a 14-day notice ofhearing. In fact, as outlined by CR 65(b ), the opposite is true.

83. No matter when the Simons received the documents, CR 65(b) allowed for the hearing to occur on April 14, 2015, but more importantly, CR 65(b) requires the hearing to occur at the earliest time possible. This means, Mr. Harrington could have filed those documents on March 31, 2015, served the Simons, and held a hearing **at anytime** after the Simons were served.

84. The actual concern of the judicial officers involved, which was disguised as both the "leave to proceed issue" and the "14-day issue and no notice," is the invalidity of the TRO. Stated differently, Commissioner Anthony Rugel cannot grant a valid TRO without jurisdiction, a.k.a. "leave to proceed issue," and Mr. Harrington cannot effectuate proper service of an invalid TRO, a.k.a. "14-day notice of hearing and no notice." Additionally, while dismissal of the CHINS paved the way for future remedy of the invalid TRO it did not validate the original TRO itself. This is also affirmed by Commissioner Pro Tem Wendy Hoskins when she "perfects the issue" on April 3, 2015 at the Motion to Quash hearing. [**Exhibit 38**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8z-7Bo)

85. On April 3, 2015, Commissioner Pro Tem Wendy Colton stated on the record," Now, that brings me back to the issue of the fact that there was not leave to proceed granted in the juvenile court and I agree that that's a problem ... I'm inclined to quash the restraining order that was filed on March 31 st ... I would sign the same TRO for purposes of perfecting the fact that there wasn't leave to proceed granted on the 31st" [**Exhibit 15**](https://drive.google.com/open?id=1EK3jiBognr1srva9dlAOnpxM_84VYVMB&disco=AAAAN3l8kAk)

86. The caption of the initial ex parte restraining order documents, "Ex parte restraining order/order to show cause, Nonparental custody," and the footer references, "RCW 26.10.115," affirming the statute under which the TRO was obtained was indeed, non­parental. The perfected ex parte Order dated April 3, 2015 references the same. The distinct difference between the two documents is that on the original TRO dated March 31, 2015, the clerk's action box on page 3 is unchecked, but as evidenced by Exhibit 11, it was still forwarded to law enforcement. [**Exhibit 11**](https://drive.google.com/open?id=1jXY_iDeaUbRZp1E0HeShLd153_LrO-ac&disco=AAAAN3JB5SA)**,** [**Exhibit 15**](https://drive.google.com/open?id=1EK3jiBognr1srva9dlAOnpxM_84VYVMB&disco=AAAAN3l8kAk)

87. Both the initial and perfected TRO's are obtained under a nonparental custody statute, however, the declarations used to obtain the initial TRO were not the Declarations entitled "Non parental custody." Instead, Mr. Harrington drafted a second set of petitioner declarations to allege untrue allegations about the Simons solely to obtain a TRO against the Simons. This is affirmed by Judge Moreno in her 11-17-16 oral ruling on defacto [**Exhibit 11**](https://drive.google.com/open?id=1jXY_iDeaUbRZp1E0HeShLd153_LrO-ac&disco=AAAAN3JB5SA)**,** [**Exhibit 15**](https://drive.google.com/open?id=1EK3jiBognr1srva9dlAOnpxM_84VYVMB&disco=AAAAN3l8kAk)

(End of Page 15)

(Start of Page 16)

88. Pursuing a TRO was a necessary component of this case as it allowed the petitioners to gain "physical custody" of the Simons' son. Had the petitioners only initiated a de facto proceeding, Christopher Simon would have been in the physical custody of the Simons and the petitioners would have lacked legal standing to pursue non-parental custody. De facto was not the intended target for the judicial and legislative officers involved in this matter but was necessary to "justify" filing the case as a "paternity" action. The Simons' non­parental custody case was **the** case on which the legislative changes to the Uniformed Parentage Act are based. [**Exhibit 16**](https://drive.google.com/open?id=1EK3jiBognr1srva9dlAOnpxM_84VYVMB&disco=AAAAN3l8kA0)

89. After the initial filings, and the April 3, 2015 motion to quash hearing that perfected the initial TRO, the next scheduled hearing for the Simons was set for April 17, 2015. April 17, 2015 was to be the return hearing for the TRO. [**Exhibit 17**](https://drive.google.com/open?id=1EK3jiBognr1srva9dlAOnpxM_84VYVMB&disco=AAAAN3l8kA4)

90. But, on April 16, 2015, Mr. Harrington appeared before the ex parte court in attempts to obtain an order to exceed page limits for the April 17, 2015 hearing.

91. As noted in court transcripts, Commissioner Pro Tem Marla Hoskins had concems about the Simons' case, including what type of case it was, how it was filed, and why a Commissioner had not been assigned to the case. Commissioner Pro Tem Marla Hoskins inquires with "Amanda" who, according to Commissioner Hoskins, should have knowledge about the case number assignment/filing of the Simons' case. [**Exhibit 18**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN1yGEnk)

92. Based on her concerns, the extent of this case, and the conversation she had with "Amanda," Commissioner Pro Tem Maria Hoskins tells Mr. Harrington she is going to take the file home and follow-up with Commissioners Ressa and Rugel. Commissioner Pro Tem Marla Hoskin refuses to sign any orders, including the extension of page numbers which is specifically asked for by Mr. Harrington. [**Exhibit 19**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN1yGEns)

93. Upon information and belief, based on Exhibit 14 identifying Mr. Harrington's use of "sleight of hand and smoke and mirrors tactics," and paragraph 6 of Mr. Harrington's declaration which states, "A Guardian ad Litem, Kimberly Kamel, has already been agreed to by counsel for the parties and an order is in the process of being prepared and presented," Mr. Harrington also abused the ex parte system to bypass the appointment process of a Guardian ad Litem and specifically targeted Kimberly Kamel, of Witherspoon, Kelley, Davenport, and Toole, P.S. [**Exhibit 20**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN3yamP0)

94. On April 17, 2015, a hearing occurred, but did not relate to the return hearing for the TRO previously noted on April 3, 2015. Instead, based on the Court's own motion, Commissioner Anthony Rugel remedied the deficiencies identified by Commissioner Pro Tem Wendy Hoskins. Rather than conduct the return hearing on the TRO, Commissioner Anthony Rugel, signed an Order appointing himself to the case, signed an Order exceeding page limits which included a declaration signed by Spencer Harrington, and signed an Order for the re-issuance of the ex parte restraining order. [**Exhibit 20**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN3yamP0)

(End of of Page 16)

(Start of Page 17)

95. The caption of the April 17, 2015 Reissuance of the Ex Parte Restraining Order con tains "non-parental custody" with the corresponding RCW 26.10.115 referenced in the footer, just as the initial TRO issued on March 31, 2015 and the perfected TRO issued on April 3, 2015 did. [**Exhibit 11**](https://drive.google.com/open?id=1jXY_iDeaUbRZp1E0HeShLd153_LrO-ac&disco=AAAAN3JB5SA)**,** [**Exhibit 15**](https://drive.google.com/open?id=1EK3jiBognr1srva9dlAOnpxM_84VYVMB&disco=AAAAN3l8kAk)**,** [**Exhibit 20**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN3yamP0)

96. On April 17, 2015, when the Order to Exceed Page Limits was granted, which noted the Simons' attorney Mr. Stenzel's non-concurrence and included the Declaration of Spencer Harrington which stated in paragraph 5, "Counsel for the parties have conferred and believe it is essential to this case that all information is before the court as the rights implicated are substantial" and again extended the initial TRO, the Simons' rights were significantly irnpacted. [**Exhibit 20**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN3yamP0)

97. The content of the court file 15-5-00185-5 affirm the Simons were contesting the allegations made by the Petitioners and defending their rights. The documents in [**Exhibit 20**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN3yamP0) affirm the April 17, 2015 rulings by Commissioner Anthony Rugel significantly impacted the Simons' rights. Still, Commissioner Anthony Rugel, just as he did with the March 31, 2015 TRO hearing, did not instruct the court clerk to record the hearing. As such, there is no audio recording or transcript for what occurred at the April 17, 2015 hearing.

98. In response to a GR 31.1 records request, Ashely Callan, Superior Court Administrator states, "It is the judicial officer's discretion if a hearing needs to be recorded or not. Normally, the hearings that could be appealed are recorded." [**Exhibit 21**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN1yGEmQ)

99. In response to a GR 31.1 records request, a letter from Suzanne McBride, Executive Assistant to Timothy W. Fitzgerald, dated August 11, 2020 affirms that a hearing was conducted on April 17, 2015, but was conducted off the record. [**Exhibit 22**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN1yGEmM)

100. While reviewing the archived documents of her case file, Teresa Simon found another order appointing Commissioner Anthony Rugel that was filed with the Court on April 20, 2015. This Order, however, was signed by Judge Julie McKay, and when Ms. Simon asked the Clerks for a copy of the order, she was denied. The order found in archives matches the docket entries, numbered 54 and 58 of case file 15-5-00185-5, affirming two separate orders appointing Commissioner Anthony Rugel were filed with the court. [**Exhibit 23**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN3yamTo)

101. The Simons, as evidenced by the attached email correspondence with their attorneys, were told a hearing was taking place, specifically stating, "You need to be on telephone stand by at 9:15-9:30 to know what time and what courtroom your hearing is." Also, as evidenced by the attached email correspondence, and Mr. Harrington's declaration which references the submission of22 declarations while seeking an order to exceed page limits, the Simons were not "willingly" giving up custodial rights of their son and were awaiting their day in court to be heard. [**Exhibit 24**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN3yamTs)

(End Page 17)

(Start Page 18)

102. Instead of receiving a phone call on April 17, 2015 the Simons received an email on April 20, 2015 at 9:09 a.m. stating, "Y our hearing has now been set for April 24, 2015. I have let Gary know that Ron has eye surgery the day before and will not be able to appear in person." [**Exhibit 25**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN3yamTw)

103. Gary Stenzel, attorney for the Simons, was also engaging in "sleight of hand and smoke and mirrors tactics." On April 21, 2015, Cassandra Taggart, paralegal to Mr. Stenzel sent the Simons an email at 10: 19 a.m. attaching 2 of the 3 orders signed by Commissioner Anthony Rugel on April 17, 2015. [**Exhibit 26**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN3yamT0)

104. What Mr. Stenzel did not send to bis clients was the Order exceeding page limits, which included the Declaration of Spencer Harrington identifying that Kimberly Kamel had been agreed to by counsel for the parties. [**Exhibit 26**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN3yamT0)

105. On April 21, 2015 at 1 :56 p.m. Cassandra Taggart sent the GAL order in an email to the Simons stating, "You and Ron will need to sign this and get it back to our office ... If you have any questions, please contact our office." As evidenced by the attached Order, there is no mention of an agreement, rather the Order states, "appointment" and identifies "The petitioners, respondent, and court moved for appointment of a guardian ad litem" and states, "Kimberly A. Kamel is appointed as guardian ad litem." [**Exhibit 27**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN3yamT4)

106. The inference of the GAL Order has drastically different legal implications for the Simons then the arrangement made by the "counsel for the parties" that led to Kimberly Kamel' s involvement with this case. The different legal implications is evidenced by Matthew Daley's brief submitted to Division III Court of Appeals. In Mr. Daley's brief, he references that the court, and both parties, brought motions. He also states the court entered an order granting that motion. There was no motion by the Court, the Simons, or the Petitioners for the appointment of Kimberly Kamel. Ms. Kamel was agreed to by "counsel for the parties" as declared under penalty of perjury by Spencer Harrington on April 16, 2015 and affirmed by Suzanne McBride on August 11, 2020. [**Exhibit 20**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN3yamP0)**,** [**Exhibit 22**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN1yGEmM)[**Exhibit 28**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN3yamT8)

107. With knowledge that Ron Simon would be recovering from surgery and unable to attend the April 24, 2015 hearing, and with Commissioner Anthony Rugel as the assigned Commissioner, the counsel for the parties appeared in court on April 24, 2015. The April 24, 2015 hearing was supposed to be the return hearing on the TRO and the Simons' opportunity to defend their rights against the initial TRO issued on March 31, 2015, perfected on April 3, 2015, and reissued on April 17, 2015 as previously documented in [**Exhibit 11**](https://drive.google.com/open?id=1jXY_iDeaUbRZp1E0HeShLd153_LrO-ac&disco=AAAAN3JB5SA)**,** [**Exhibit 15**](https://drive.google.com/open?id=1EK3jiBognr1srva9dlAOnpxM_84VYVMB&disco=AAAAN3l8kAk)**,** [**Exhibit 19**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN1yGEns)**,** [**Exhibit 20**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN3yamP0)**,** [**Exhibit 24**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN3yamTs)**, and** [**Exhibit 25**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN3yamTw).

108. The Simons, having been informed by Cassandra Taggart that a hearing was occurring, believed a hearing occurred. Without the consent of his clients, Gary Stenzel, in collusion with Spencer Harrington and Commissioner Anthony Rugel, signed the April 24, 2015 "Agreed Temporary Order" that gave Christopher Simon to the Petitioners. [**Exhibit 10**](https://drive.google.com/open?id=1jXY_iDeaUbRZp1E0HeShLd153_LrO-ac&disco=AAAAN3JB5SE)

(End Page 18)

(Start Page 19)

109. [**Exhibit 10**](https://drive.google.com/open?id=1jXY_iDeaUbRZp1E0HeShLd153_LrO-ac&disco=AAAAN3JB5SE) is the apex of the fraud committed in this case and contains documented evidence of collusion through "sleight of hand and smoke and mirrors tactics" by every judicial offi.cer that signed that document.

110. As noted previously, the initial TRO dated March 31, 2015, the perfected TRO dated April 3, 2015, and the Reissuance of the ex parte restraining order dated April 17, 2015 all had matching captions and footers referencing non-parental custody with the corresponding RCW 26.10.115. For ease of reference I have attached ail those documents in [**Exhibit 29**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN3yamUs).

111. The April 24, 2015 "Agreed Temporary Order" which purported to extend the original TRO issued on March 31, 2015, perfected on April 3, 2015, and reissued on April 17, 2015 was altered and had drastically different legal implications to the Simons and significantly impacted their rights. This is evidenced by the caption and footer of the April 24, 2015 document which now references **"Parentage"** in the caption and **"RCW 26.26.590"** in the footer. lt also states a motion for a temporary order was presented to the court and the parties have agreed to the entry of the order. [**Exhibit 30**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZaXQ)

112. The April 24, 2015 document, which purports to extend the original restraining order, was used to bypass the return hearing on the original TRO. Additionally, as verified by a GR 31.1 records request, the Spokane County Superior Court Clerk' s office cannot verify that law enforcement was provided a copy of this document as the "Clerks Action Required" box was not check nor did it specify that law enforcement would be provided a copy. A records request to law enforcement affirms the April 24, 2015 document was forwarded to law enforcement. [**Exhibit 30**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZaXQ)

113. When the judicial officers in this case used the April 24, 2015 agreed order to bypass the return hearing on the TRO, changing the caption of the document from "non-parental" to "parentage" they implied that the initial issue regarding paternity, implied by Spencer Harrington's intentional misfiling of this matter as a paternity action, had been jointly and voluntarily resolved. [**Exhibit 30**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZaXQ)

114. There was no motion that accompanied the April 24, 2015 order. [**Exhibit 31**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZaZM)

115. The Simons had NO knowledge the "Agreed Temporary Order" was entered and were told a hearing was occurring. [**Exhibit 24**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN3yamTs)**,** [**Exhibit 25**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN3yamTw)

116. The April 24, 2015 "Agreed Order" deprived the Simons of their right to be heard, and still, j ust as with the March 31, 2015 hearing and the April 17, 2015 hearing, Commissioner Anthony Rugel did not instruct the court clerk to record the hearing. As such, no audio recording or court transcript exists to document what occurred at the April 24, 2015 hearing. In a letter from Suzanne McBride, Executive Assistant to Timothy W. Fitzgerald dated August 11, 2020, there is no audio because, "Both parties' attorneys signed the order along with Commissioner Rugel. Agreed orders typically do not have audio recording because there is no oral argument." [**Exhibit 22**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN1yGEmM)

(End Page 19)

(Start Page 20)

117. Mr. Harrington fully understood the implications of the return hearing on the TRO originally scheduled for April 17, 2015 and this is documented in his statements made to Commissioner Pro Tem Wendy Hoskins during his Motion to Exceed Page Limits on April 16, 2015 where he states:

" ... the procedure here is essentially at the beginning for the Court to have as much information as possible because I don't want to say it' s an adequate cause per say, but it is sort of a gatekeeping for the Court to look at all of this information and decide if there is at least aprimafacie case for defacto parentage by the petitioners ... I know the Court doesn't want to read a bunch of materials and there is, I think, thirty-eight pages of declarations from both sides combined, but then there are also probably a hundred plus additional pages of records, photos, other things because again, these defacto parentage cases because they **sort of implicate the constitutional rights of biological parents with non-parents asserting that they are the defacto or psychological parents that right at the beginning of the case it was front loaded for the court to make some determination as to whether or not this case will move forward"** ( emphasis added). [**Exhibit 32**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZaY8)

118. The April 24, 2015 hearing was the Simons only opportunity to quash the TRO, ward off this litigation, and regain physical custody of their son. The "Agreed Ortler" utilized by Mr. Harrington, Mr. Stenzel, and Commissioner Anthony Rugel not only contradicted every bit of evidence previously submitted by the Simons, but it also deprived them of their rights without an opportunity to be heard.

119. The April 24, 2015 agreed order placing Christopher Simon with the Petitioners, which implied the voluntary resolution of parentage was based on, "The GAL's initial contact with the child." [**Exhibit 30**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZaXQ)

120. The Guardian ad Litem for this case was Kimberly A. Kamel. And the recommendation, and initial contact with the child, occurred before the Order for her appointment was ever signed and filed with the court and before Ms. Kamel ever met the Simons. [**Exhibit 33**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZaZQ)

121. The order appointing Kimberly Kamel as the GAL in this case was not signed by the court until April 27, 2015, 3 days after custody/parentage of Christopher had been fraudulently transferred by the April 24, 2015 "Agreed Order." [**Exhibit 33**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZaZQ)

122. Through two separate orders, Commissioner Anthony Rugel was assigned to this case ([**Exhibit 20**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN3yamP0) and [**Exhibit 22**](https://drive.google.com/open?id=1OCN9ooZS8YlwJ3ISt_XAwToBu4U-7a8W&disco=AAAAN1yGEmM)), yet the Order appointing Kimberly Kamel as the GAL is signed by Commissioner Julia Pelc on April 27, 2015. This is intentional, and a fundamental flaw of this case.

(End Page 20)

(Start Page 21)

123. The "Agreed Temporary Order" was necessary to bypass the return hearing on the TRO as the TRO issue had to be resolved by April 24, 2015.

124. The "Agreed Temporary Order" gave physical custody of Christopher Simon to the Petitioners, sol el y based on the requirement of the GAL who stated, "The child shall remain in the primary care of Wayne Janke and Doris Strand." [**Exhibit 30**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZaXQ)

125. Commissioner Anthony Rugel could not sign the "Agreed Temporary Order" based on a requirement of a GAL not yet appointed and the Order Appointing the Guardian Ad Litem on the same day as this would document the Court's knowledge the GAL had contact with the child before she was appointed, in violation of court rules. Nor could he sign it after April 24, 2015 as the "Agreed Temporary Order" he had already signed documents she is already appointed. [**Exhibit 30**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZaXQ)

126. As such, the "Agreed Temporary Order" is now documented evidence that Commissioner Anthony Rugel knowingly and willfully transferred custody of a child based on the recommendation of a GAL not yet appointed to the case. [**Exhibit 30**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZaXQ)**,** [**Exhibit 33**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZaZQ).

127. Upon information and belief, based on GR 31.1 public records requests, an audio recording of the hearings conducted in courtroom 304 on April 27, 2015, a printout of Family Law calendar from April 27-28, 2015, and an impromptu motion before Commissioner Pelc on August 3, 2020, Mr. Harrington presented the Order appointing the GAL to Commissioner Pelc outside of ex parte courtroom 304 designated for hearing family law matters. [**Exhibit 34**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZaZY)

128. Approximately two weeks after the April 24, 2015 hearing, Mrs. Simon, via email, inquired as to the results of the April 24, 2015, asking if she and Mr. Simon were still restrained from their son. Mr. Stenzel did not provide the Simons with a conformed copy of the agreed order within a period that would have allowed the Simons to contest the Order and, despite having totally altered the Simons' rights by signing the "Agreed Temporary Order" Mr. Stenzel responds to the Simons' inquiry with, "As far as I know." [**Exhibit 35**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZaZs)

129. At the time that Commissioner Anthony Rugel made significant rulings in this case, including the March 31, 2015 granting the TRO, the April 17, 2015 hearing remedying the deficiencies identified by Commissioner Pro Tem Wendy Colten, and April 24, 2015 giving custody of the Simons' son to the Petitioners based on a requirement of a GAL not yet appointed by the court, he was the Commissioner on the Steering Committee for the Washington Interdisciplinary Network of Guardianship Stakeholder ("WINGS"). [**Exhibit 36**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZaZw)

130. As kinship guardianship services was a component of the child welfare reform implemented by the legislation outlined at the onset of this complaint, and as the Commissioner for the steering committee of WINGs, Commissioner Anthony Rugel had interests in direct conflict to that of Ronald and Teresa Simon. The rulings made by Commissioner Anthony Rugel had a favorable outcome for the Petitioners and a favorable outcome for the Petitioners has a financial benefit to Commissioner Anthony Rugel. By

(End Page 21)

(Start page 22)

ruling in favor of the Petitioners, Commissioner Anthony Rugel engaged in self-dealing interests.

131. The clincher of the fraud occurred on September 10, 2015 and September 17, 2015. On September 10, 2015, an order reassigning a new case number of 15-3-02130-1 to case number 15-5-00185-5 was executed. The reassignment of a new case number purports to make this case, and its documents, publicly available. [**Exhibit 37**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZaaE)

132. The September 10, 2015 order was signed by Commissioner Michelle Ressa and used to remedy the inaccurate filing *Strand v. Simon*, case number 15-5-00185-5, which was filed as a paternity action. [**Exhibit 37**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZaaE)

133. The issue regarding the inaccurate filing was initially noted by Commissioner Michelle Ressa as she presided over CHINS petition which she summarily dismissed after learning that Spencer Harrington initiated proceedings and obtained a restraining order against the Simons in Spokane County Superior Court, without leave to proceed from her court. [**Exhibit 13**](https://drive.google.com/open?id=1EK3jiBognr1srva9dlAOnpxM_84VYVMB&disco=AAAAN3l8kAI)**,** [**Exhibit 38**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8z-7Bo)

134. On September 17, 2015, Commissioner Michelle Ressa signed an order waiving the filing fee for the re-assignment of a new case number. The September 17, 2015, order waiving the filing fee for clerk to assign a "3" number, also documents her opinion that the Petitioners brought the case in "in good faith" and "filed the action as instructed." [**Exhibit 39**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZab4)

135. At the time Commissioner Michelle Ressa made significant rulings in this case, including the April 1, 2015 ruling to dismiss this CHlNS, the September 10, 2015 Order assigning a new case number, and the September 17, 2015 Order waiving the filing fee and asserting the Petitioners had brough this case in good faith, she was a Governor and member of the board of directors of Family Impact Network ("FIN"), a Co-Chair of the One Family One Team Planning & Design Committee, a Co-Chair of the Washington State Court Improvement Program Steering Committee, and the Representative of the Children, Youth and Family Services Advisory Committee ("CYFSAC"). [**Exhibit 40**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZacA)

136. As Family Impact Network, Family One Team Planning & Design Committee, Washington State Court Improvement Program Steering Committee, and Children Youth and Family Services Advisory Committee were the result of the child welfare reform implemented by the legislation outlined at the onset of this complaint, and as member of the board of directors, co-chair, and representative for said entities and committees, Commissioner Michelle Ressa had interests in direct conflict to that of Ronald and Teresa Simon. The rulings made by Commissioner Michelle Ressa had a favorable outcome for the Petitioners and a favorable outcome for the Petitioners has a financial benefit to Commissioner Michelle Ressa. By ruling in favor of the Petitioners, Commissioner Michelle Ressa engaged in self-dealing interests.

(End Page 22)

(Start Page 23)

137. *Janke/Strand v. Simon*, which presented to Judge Moreno as Case No. 15-3-02130-1, was the product of falsified documents, abuse of power, and abuse of process, which occurred while the case was filed under Case No. 15-5-00185-5 as described above.

138. Through Doris Strand and Wayne Janke, falsified documents, abuse of power, and abuse of process, several judicial officers devised a deceptive, replicable method to create "legal standing" for individuals who would otherwise have none, including Ms. Strand and Mr. Janke. This is demonstrated by the actions described above and the documents used to achieve this result which are secured with the Spokane County Superior Court Clerk, under case number 15-3-02130-1 preserved in entries 2, 3, and 4 of the docket. [**Exhibit 41**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZaeA)

139. Because of the devised method, Ms. Strand and Mr. Janke pursued litigation they were not otherwise entitled to, and appeared before Judge Moreno's court under Case No. 15-3-02130-1, misrepresenting as parties in parity, asserting equivalent parental rights to that of Ronald and Teresa Simon , the biological parents of CS. **The assertion of parties in parity is documented in Patricia Novotny's appellate brief filed with Division ID court of appeals in September of 2018.** [**Exhibit 42**](https://drive.google.com/open?id=1sOkw_efkNP-TQQzQRhCjLtJGarO1hYvN&disco=AAAAN3hzHRU)

140. By devising a method to create legal standing and creating the illusion of equivalent rights, the judicial officers involved in this fraud developed a replicable system to generate "parties in parity" and the ability to generate private litigation.

141. The generation of parties in parity, and private litigation, is an intended result of the devised fraud and a covert state interest.

142. The case filed with Spokane County Superior Court, and assigned case number 15-3-02130-1, claims to present a case originally initiated to establish paternity which resulted in two trials for de facto parentage and non-parental custody. This is evidenced by the docket, attached as [**Exhibit 41**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZaeA) to this Complaint.

143. The docket entries for case number 15-3-02130-1, as outlined in [**Exhibit 41**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZaeA), begin with an initial entry of **02-19-2015** documenting a motion hearing before Judge Julie McKay with a subsequent entry on **09-10-2015** documenting an Order Re: Status of the Case.

144. The docket entries for case number 15-3-02130-1, imply this case was filed on **02-19-2015** with no subsequent activity for almost 7 months thus justifying the 09-10-2015 Order regarding Status of the Case issued by the court.

145. Because case number 15-3-02130-1 was not filed until **03-31-2015**, the entry documenting a **02-19-2015** hearing is not possible.

146. When the Spokane County Superior Court Clerk was asked about the 02-19-2015 entry as outlined in the online docket printout in [**Exhibit 41**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZaeA), Suzanne McBride, in writing stated "2-19-2015 motion hearing was written in error. It should have been 2-19-2016 as you can see from document 81 above. The scrivener's error will be corrected." [**Exhibit 43**](https://drive.google.com/open?id=1sOkw_efkNP-TQQzQRhCjLtJGarO1hYvN&disco=AAAAN3hzHRY)

(End Page 23)

(Start Page 24)

147. The explanation provided by Suzanne McBride indicating the entry should have been 02-19-2016 is not accurate as it is not chronologically possible. **02-19-2016** cannot occur before **09-10-2015** and the printout used by Ms. McBride in [**Exhibit 43**](https://drive.google.com/open?id=1sOkw_efkNP-TQQzQRhCjLtJGarO1hYvN&disco=AAAAN3hzHRY) is a different printout than what is available online.

148. Following the inquiry regarding the 02-19-2015 entry, the 02-19-2015 entry was removed from the docket and the online printout now begins with the September 10, 2015 Order signed by Commissioner Michelle Ressa. [**Exhibit 44**](https://drive.google.com/open?id=1sOkw_efkNP-TQQzQRhCjLtJGarO1hYvN&disco=AAAAN3hzHRo)

149. Case No. 15-3-02130-1, which purported to present "parties in parity" in "good faith" to Judge Moreno's court "as instructed," was the result of fraudulent documents, abuse of power, and abuse of process, and as such, from assignment, impartiality of the court was and is not possible as it was a case that never should have existed in the first place.

150. The fraud, which established legal standing and purported to present "parties in parity" to Spokane County Superior Court Judge Moreno's court, was not brought in good faith as outlined in Commissioner Michelle Ressa's September 17, 2015 order. [**Exhibit 39**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZab4)

151. Ms. Strand and Mr. Janke are not "parties in parity," and but for the fraudulent actions of the judicial officers that created the devised method in Case No. 15-5-00185-5, would not have had legal standing to pursue litigation against the Simons.

152. "Parties in parity," created by the fraudulent acts of the judicial officers involved in *Strand v. Simon* under Case No. 15-5-00185-5, created a covert state interest made possible by the child welfare reforms necessitated by Braam v. The State of Washington.

153. The covert state interest of "parties in parity" allows for private litigation of family law matters that were once subject to state involvement. Because of the child welfare reforms, once private parties with interests to child(ren) are identified, all the state, specifically Child Protective Services ("CPS") has to do to remove the state from involvement in a case is deem any allegations of abuse unfounded, just as CPS did in the Simons' matter.

154. In the instances of dependency cases where the child(ren) are already ward of the state, the state, specifically Division of Children, Youth, and Family Services, ("DCYF"), uses "voluntary placements" to remove children into the custody of private parties, just as the "agreed temporary order" was used in the Simons' case. The use of voluntary placements can also be utilized to change jurisdiction and venue of a case.

155. Voluntary placements and agreed orders circumvent due process and place biological parents in an inferior position to that of non-biological people pursuing custody of their child(ren).

156. Braam v. The State of Washington, a class action lawsuit initiated by aged-out foster care children, identified deficiencies of Washington State's child welfare system that caused serious harms and traumas to children, and the subsequent settlement agreement required key reforms be made to the child welfare system.

(End Page 24)

(Start of Page 25)

157. Through the reforms, the legislature also made modifications to the court system, which included the creation of reform committees, comprised of court commissioners and judgesSee[**Exhibit 45**](https://drive.google.com/open?id=1sOkw_efkNP-TQQzQRhCjLtJGarO1hYvN&disco=AAAAN3hzHTU)

158. The reform committees consist of, but are not limited to, court improvement programs, innovative dependency court collaboratives, permanency from day one groups, network administrators, and much more, which purport to decentralize the court system, specifically bridging the gap between juvenile court (dependency hearings) and superior court (family law matters).

159. Commissioner Anthony Rugel and Commissioner Michelle Ressa presided over hearings in *Janke/Strand v. Simon*, Case No. 15-5-00185-5 and rendered significant rulings in the case which ensured the creation of "parties in parity" and secured the covert state interest.

160. At the time Commissioner Anthony Rugel and Commissioner Michelle Ressa made those significant rulings, they had conflicts of interests with the *Janke/Strand v. Simon* matter as they had self-dealing interests, through their involvement with reform committees furthering state interests, were board members, governors, or members of entities or stakeholders employed by the state through the privatized system and both will directly benefit from the creation, replication, and reuse of the fraud. This is demonstrated by *Janke/Strand v. Simon*, Case No. 15-3-02130-1. At no time did Commissioner Anthony Rugel or Commissioner Michelle Ressa report the conflicts of interest they had with the Simons. [**Exhibit 36**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZaZw)**,** [**Exhibit 40**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZacA)

161. *Janke/Strand v. Simon*, Case No. 15-3-02130-1, a.k.a "the pilot trial(s)," is the private litigation generated from the fraud in *Janke/Strand v. Simon*, Case No. 15-5-00185-5. Its very existence, in conjunction with subsequent changes made to the Uniform Parentage Act under Senate Bill 6037 by the Washington State legislature which brought the legislation into alignment with the rulings made by Judge Maryann C. Moreno, is evidence the state, specifically DCYF through Commissioner Anthony Rugel and Commissioner Michelle Ressa, had secured its covert interest. [**Exhibit 46**](https://drive.google.com/open?id=1sOkw_efkNP-TQQzQRhCjLtJGarO1hYvN&disco=AAAAN3hzHTw)

162. The changes made to the Uniformed Parentage Act, that brought the legislation into alignment with the rulings made by Judge Maryann C. Moreno in *Janke/Strand v. Simon*, purported to bring equity to the LGBTQ community resulting from the U.S. Supreme Court ruling on same-sex marriage, now places biological parents at a disadvantage, depriving them of fundamental rights and due process. [**Exhibit 46**](https://drive.google.com/open?id=1sOkw_efkNP-TQQzQRhCjLtJGarO1hYvN&disco=AAAAN3hzHTw)

163. The Washington State legislature, during the drafting and implementation of Senate Bill 603 7 was not oblivious to the deprivation of fundamental rights, as State Senator Andrew Billig, one of the co-sponsoring senators of the legislation, met with the Simons several times throughout the legislative process which ran concurrent to the Simons' case.

164. Additionally, State Senator Jamie Pedersen, the sponsoring senator of the legislative changes to the Uniformed Parentage Act, in 2005 submitted an Amicus Curiae brief in In

(End Page 25)

(Start Page 26)

Re Parentage of LB, on behalf of the appellee/respondent who was represented by Patricia S. Novotny. [**Exhibit 47**](https://drive.google.com/open?id=1sOkw_efkNP-TQQzQRhCjLtJGarO1hYvN&disco=AAAAN3hzHUE)

165. Ms. Novotny, through In Re Parentage of LB, established de facto parentage case law in Washington State in 2005. [**Exhibit 47**](https://drive.google.com/open?id=1sOkw_efkNP-TQQzQRhCjLtJGarO1hYvN&disco=AAAAN3hzHUE)

166. Currently, Ms. Novotny is Ms. Strand's attorney, appealing Judge Maryann C. Moreno's ruling on the de facto parentage component of Case No. 15-3-02130-1. Judge Moreno ruled that Ms. Strand and Mr. Janke had not satisfied the burden of proof for de facto parentage which required clear, cogent, and convincing evidence. The trial court issued this ruling on November 16, 2016.

167. In the Petitioners appeal brief filed September 20, 2018, almost two years after Judge Moreno's ruling Ms. Novotny contends, "The trial court abused its discretion by applying an incorrect legal standard, specifically, by requiring Strand and Janke to prove their de facto parentage petition by clear and convincing evidence, rather than by a preponderance, "as our law provides." [**Exhibit 42**](https://drive.google.com/open?id=1sOkw_efkNP-TQQzQRhCjLtJGarO1hYvN&disco=AAAAN3hzHRU)

168. In support of her argument, Ms. Novotny states, "In recognizing the de facto parent doctrine and in its subsequent decisions, the Supreme Court has never declared the standard of proof to be clear and convincing evidence ... This makes sense because a de facto parentage action is a parentage action, i.e., a dispute between parties in parity ... In other parentage actions, proof is by a preponderance." However, the citations used by Ms. Novotny to support this, have significant language omitted. [**Exhibit 42**](https://drive.google.com/open?id=1sOkw_efkNP-TQQzQRhCjLtJGarO1hYvN&disco=AAAAN3hzHRU)

169. Ms. Novotny inciting State on behalf of McMichael. Fox, 132 Wn.2d346, 352,937 P.2d 1075, 1078 (1997) states, "proceedings brought under the UPA are civil actions governed by the rules of civil 5 procedure [citing RCW 26.26.120(1) and the] appropriate burden of proof is a preponderance of the evidence." Ms. Novotny's citation is wrong.

170. The actual wording of the citation used by Ms. Novotny, if recited verbatim states, **"Paternity proceedings brought under the UP A are civil actions governed by the rules of civil procedure. RCW 26.26.120(1)**; see State ex rel. Taylor v. Dorsey, 81 Wash. App. 414,420, 914 P.2d 773 (1996); Woods, 72 Wash. App. at 549, 865 P.2d 33; State ex rel. Wise v. Taylor, 65 Wash. App. 395, 397, 828 P.2d 1143 (1992); State ex rel. Goodner v. Speed, 26 Wash. App. 648, 650, 613 P.2d 1207 (1980), affirmed, 96

Wash. 2d 838,640 P.2d 13 (1982), cert. denied, Speed v. Goodner by Hadley, 459 U.S. 863, 103 S. Ct. 140, 74 L. Ed. 2d 119 (1982) (the UPA (RCW 26.26) bas not converted filiation proceedings into a criminal prosecution). **The appropriate burden of proof in paternity actions under RCW 26.26 is a preponderance of the evidence"** Dorsey, 81 Wash. App. at 420, 914 P.2d 773; Woods, 72 Wash. App. at 549, 865 P.2d 33; State ex rel. McGuire v. Howe, 44 Wash. App. 559,569, 723 P.2d 452, review denied, 107 Wash. 2d 1014 (1986).

171. If the caselaw used by Ms. Novotny were cited correctly, her argument fails as Commissioner Ressa, on September 10, 2015, ruled this matter was **not a paternity action**, and order Case No. 15-5-00185-5 to be dismantled and a new case number reassigned.

(End Page 26)

(Start Page 27)

Then, on September 17, 2015, Commissioner Ressa signed an order reassigning Case No. 15-3-02130-1 to the case and waiving the filing fee for the re-assignment of case number. [**Exhibit 37**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZaaE)**,** [**Exhibit 39**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZab4)

172. Furthering on her misuse of the case law, Ms. Novotny opines, "Therefore, it is unsurprising the Legislature's recent codification of the de facto parent doctrine specifies proof of the factors shall be by a preponderance" citing RCW 26.26A.440 (2)( c ), which she footnotes as having passed in 2018, and blames the trial court's error on its use of a Maine case. As with Ms. Novotny's citations, this is not an accurate recitation of the de facto parent doctrine or the history of the bill that altered the legislation. [**Exhibit 46**](https://drive.google.com/open?id=1sOkw_efkNP-TQQzQRhCjLtJGarO1hYvN&disco=AAAAN3hzHTw)

173. Washington's view on de facto parentage, according to our legislation, was by clear and convincing evidence. Senator Jamie Pedersen, as part of and in collaboration with, the National Conference of Commissioners on Uniform State Laws (''NCCUSL"), at its annual conference held in San Diego, California from July 14, 2017 to July 20, 2017 approved and recommended for enactment in all states, the proposed changes to the Uniform Parentage Act as drafted by the NCCUSL. [**Exhibit 48**](https://drive.google.com/open?id=1sOkw_efkNP-TQQzQRhCjLtJGarO1hYvN&disco=AAAAN3hzHUQ)

174. The legislation, as of July 20, 2017 and as proposed by the NCCUSL, still lists the de facto burden as clear and convincing evidence. [**Exhibit 48**](https://drive.google.com/open?id=1sOkw_efkNP-TQQzQRhCjLtJGarO1hYvN&disco=AAAAN3hzHUQ)

175. In contradiction to Ms. Novotny's September 18, 2018 brief, Washington's view was based on Maine's statute as noted by the comment section of the new section for adjudicating de facto which states, "This section is modeled on provisions that were recently enacted in Delaware and Maine, two states that adopted UP A (2002), and it reflects trends in state family law."[**Exhibit 48**](https://drive.google.com/open?id=1sOkw_efkNP-TQQzQRhCjLtJGarO1hYvN&disco=AAAAN3hzHUQ)

176. Washington's "view" on de facto parentage was not recommended for change until January 25, 2018, one week after Judge Moreno's final ruling in the *Janke/Strand v. Simon* case granting Ms. Strand non-parental custody of the Simons' son. This is because Washington's legislative changes to the Uniform Parentage Act, also added a new section regarding actions of the court in determining the best interest of a child*.* [**Exhibit 46**](https://drive.google.com/open?id=1sOkw_efkNP-TQQzQRhCjLtJGarO1hYvN&disco=AAAAN3hzHTw)

*177. Because Janke/Strand v. Simon*, which presented to Judge Moreno's court as Case No. 15-

3-02130-1 was based on fraud and secured a covert state interest, and because changes were made to the Uniformed Parentage Act to remedy the deficiencies identified by the rulings made by Judge Moreno in Case No. 15-3-02130-1, "parties in parity" do not appear to the court, but instead place biological parents in an inferior position to that of any non­parental individual pursuing custody of their child(ren), circumventing their rights to due process. [**Exhibit 10**](https://drive.google.com/open?id=1jXY_iDeaUbRZp1E0HeShLd153_LrO-ac&disco=AAAAN3JB5SE)**,** [**Exhibit 32**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZaY8)

178. Biological parents, subject to this litigation, present to courts fighting to regain their fundamental rights wrongfully taken. The fraud used in the *Janke/Strand v. Simon* case while it was filed under 15-5-00185-5 created a system by design.

(End Page 27)

(Start Page 28)

179. Because of the fraud, biological parents subject to this litigation are not engaged in litigation against the Petitioner(s), but are fighting directly against the very courts intended to provide equal protection under the law, ail while the Petitioner(s), who are there by illusion of equivalents rights, stand idly by and watch it happen. This is what happened in *Janke/Strand v. Simon*, Case No. 15-3-02130-1, which was the pilot trial to test "**the case**" created by the fraud while maintained under Case No. 15-5-00185-5.

180. It is almost impossible to alter case law. But, when existing law is applied to a novel set of facts, a hundred years of precedent can be overturned by just one case. [**Exhibit 49**](https://drive.google.com/open?id=1sOkw_efkNP-TQQzQRhCjLtJGarO1hYvN&disco=AAAAN3hzHUY)

181. When case law changes, whether by novel facts, change in legislation, or both, it alters lives, societies, and systems forever. It also leaves the litigants from the pilot trial, appearing as victims of constitutional deprivations with little to no recourse as the harm that results from the government action is presumed to be based on good faith or changes to legislation that were made to match the legislative intent.

182. In , Case No. 15-3-02130-1, the judicial officers presented a case to Judge Moreno that purported to consist of parties in parity and novel facts. The Washington State legislature then changed the legislation of the Uniform Parentage Act to align with Judge Moreno's rulings, implying legislative intent. Case number 15-3-02130-1 is currently pending before the Division III Court of Appeals under anchor case number 35974-3 filed as case number 35055-0 and was scheduled for oral argument on December 9, 2020. The Court of Appeals has since declined to hear the non-parental custody case, rendering the issue as "moot" since Christopher Simon is now 18.

183. The fraud which was enacted in *Janke/Strand v. Simon*, while the case was maintained under Case No. 15-5-00185-5, which purported to bring "parties in parity" to Judge Moreno's court is kidnapping, and that crime doesn't cease to exist just because Christopher Simon turned 18.

184. Every case from this point forward, brought through the same devised method, or the newly altered legislation, will result in the same fate suffered by the Simons. This is not justice, or in the best interest of a child. This is tyranny and this is criminal.

185. Upon information and belief, Judge Maryann C. Moreno and Kimberly Kamel were targets of a political coup, orchestrated, in part by Matthew Daley, Timothy Lawlor, and Shelley Ripley partners of Witherspoon, Kelley, Davenport, and Toole, P.S., unknowingly and to the detriment of Witherspoon Kelley, the corporation.

186. Matthew Daley engaged in self-dealing interests by furthering a political agenda to the advantage of his clients, specifically Empire Health Foundation and Family Impact Network, private corporations contracted with the state, as network administrators, to implement and enforce the reforms of the child welfare system.

187. The new reforms made to the child welfare system, are administered by Matthew Daley's clients, Family Impact Network. Family Impact Network also presided over and made key

(End Page 28)

(Start Page 29)

rulings in, *Janke/Strand v. Simon*, through Commissioner Michelle Ressa, who is and was a governor and member of the board of directors of Family Impact Network at the time she dismissed the CHINS petition filed by Christopher Simon and made significant rulings in *Janke/Strand v. Simon* case number 15-5-00185-5 that secured a covert state interest. A favorable outcome for the Petitioners in *Janke/Strand v. Simon* has financial benefits to Family Impact Network.

188. April Cathcart, a former contracted employee with the State of Washington, was introduced in the Simons' case to administer reunification services.

189. Per Judge Moreno' s Order dated July 21, 2017, the Simons were required to attend reunification counseling. Initially Randy Garrett was suggested. However, due to time constraints, April Cathcart, of Empowering Inc., Services, was assigned to perform those services. [**Exhibit 50**](https://drive.google.com/open?id=1sOkw_efkNP-TQQzQRhCjLtJGarO1hYvN&disco=AAAAN3hzHUg)

190. April Cathcart, at the time she was introduced to the Simons' case was involved in litigation against Matthew Daley's clients, Empire Health Foundation and Family Impact Network, who are alleged to have participated in the theft of Ms. Cathcart's proprietary information.

191. After Ms. Cathcart' s appointment, it is alleged that Ms. Kamel "learned" her firm was involved in litigation against her. [**Exhibit 51**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0qn0)

192. Based on a vague conflict of interest raised by Ms. Kamel, pursuant to the instruction of Matthew Daley and Timothy Lawlor, Ms. Cathcart was dismissed from the Simons' case. [**Exhibit 51**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0qn0)

193. The dismissal of Ms. Cathcart was not only retaliatory in nature, but detrimental to the Simons.

194. While Ms. Kamel did appear before the court and report the conflict, specifics regarding Ms. Kamel's clients, and the history surrounding the litigation, failed to make the record. Ms. Kamel' s clients not mentioned in the during the hearing to report her conflict are Empire Health Foundation and Family Impact Network. [**Exhibit 51**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0qn0)

195. The action to remove Ms. Cathcart, rather than Kimberly Kamel, resulted in self-dealing interests to Matthew Daley, Timothy Lawlor, Kimberly Kamel, and their clients, Empire Health Foundation and Family Impact Network.

196. Empire Health Foundation is an employee/agent of the State of Washington. As the statewide network administrator contracted by the state, Empire Health Foundation was responsible for the administration of the new policies, procedures, and legislation of the child welfare reforms made to the DSHS/DCYF/foster care system. This responsibility has since been delegated to Family Impact Network a subsidiary of Empire Health Foundation formed on June 23, 2014. The litigation between Empire Health Foundation, Family Impact Network and Ms. Cathcart is a direct result of Ms. Cathcart's challenge to the privatized child welfare system. [**Exhibit 1**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EKQ)**,** [**Exhibit 2**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EJQ)

(End Page 29)

(Start page 30)

197. In 2012, the legislature passed Engrossed Second Substitute House Bill 2264, implementing performance-based contracting within the child welfare system which was executed through a pilot program, specific to sibling visitation administered by the Department of Social and Health Services ("DSHS"). [**Exhibit 1**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EKQ)**,** [**Exhibit 2**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EJQ)

198. This pilot program, through a waiver demonstration project, allowed Washington State to use Title IV-E funds in a manner not allocated by the Social Security Act. At that time, Ms. Cathcart, through Empowering Inc., Services, held more than 25 contracts with DSHS, and provided services to families involved in the foster care system, including parent/child visitation. [**Exhibit 52**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0qsI)

199. As of March of 2015, the State of Washington, after 10 years, still had zero months of compliance with 7 of the 45 areas/outcomes needing improvement. As for outcome, sibling visitation/the pilot program that demonstrates to the federal government that Washington's plan for use of pre-placement services was working, it had 12 straight months of compliance. April Cathcart could tell you different. [**Exhibit 53**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0qtQ)

200. The child welfare reforms eventually led to the creation of the Department of Children, Youth, and Family ("DCYF") in 2017. The initial reform sought to use providers, such as Ms. Cathcart, to serve as contractors and network administrators for the eastern side of Washington state. As a network administrator, Ms. Cathcart was asked to "1099" her employees, essentially making them sole proprietors. Based on information received from Labor & Industries, and the Department of Revenue, Ms. Cathcart opposed the legislative changes. [**Exhibit 6**](https://drive.google.com/open?id=1jXY_iDeaUbRZp1E0HeShLd153_LrO-ac&disco=AAAAN9UUOPU)**,** [**Exhibit 7**](https://drive.google.com/open?id=1jXY_iDeaUbRZp1E0HeShLd153_LrO-ac&disco=AAAAN3JB5RQ)

201. The reforms sought to implement a structure within the DSHS/foster care system that minimized liability to State of Washington which increased the safety risks posed to the children involved in the system. Though contracting with network providers, such as Ms. Cathcart to provide services for the state, the state's requirement for network providers to "1099" their employees places them in the position of subcontracting those services rather than providing the services directly. With this, network administrators would be required to bill these "subcontracted" services to the state. And, with this structure, network administrators, rather than the state, would be directly liable for harms suffered by children/families receiving services through her subcontractors. [**Exhibit 6**](https://drive.google.com/open?id=1jXY_iDeaUbRZp1E0HeShLd153_LrO-ac&disco=AAAAN9UUOPU)**,** [**Exhibit 7**](https://drive.google.com/open?id=1jXY_iDeaUbRZp1E0HeShLd153_LrO-ac&disco=AAAAN3JB5RQ)

202. Years after Ms. Cathcart's initial protest to the child welfare reforms and her refusal to "1099" her employees, Ms. Cathcart's concerns were independently confirmed by Taunnia Bockmier. Ms. Bockmier is a "subcontracted employee" of Heather Dazell, a contracted network administrator for Washington State hired to perform family assessments. [**Exhibit 54**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0qtY)

203. Nothing about the child welfare reforms sought to reduce the risks posed to children of the system. This reform was solely to reduce the financial burden and liability imposed on the State of Washington from the harms that occur to children involved with the foster care system. To do this, the state established the "Family Assessment Response" program which purports to be utilized by CPS as a "voluntary" option to formal investigations. [**Exhibit 1**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EKQ)

(End Page 30)

(Start Page 31)

204. As evidenced by the email in [**Exhibit 54**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0qtY), the state was using their contracted employees, who then used their "subcontracted employees" to steer unknowing families into accepting services through the Family Assessment Response program, unnecessarily. Such actions result in creating data which was needed to provide "evidence" to the federal government that the pilot program and the performance-based contracting was working. For this reason, Ms. Cathcart, and several others, refused. Exhibit 12 [**Exhibit 2**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EJQ)

205. ln 2013, DSHS released a request for proposal! to contract with network administrators. Five of the eight bidders, including Ms. Cathcart, refused to submit a proposal based on harm that would come to the children and families. This forced DSHS to rescind the initial request and revamp the legislation through Engrossed Second House Bill 1774 ("ESHB 1774"), originally introduced on February 8, 2013. [**Exhibit 2**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EJQ)

206. As a result of the challenge to the legislative agenda, her refusal! to submit a bid proposal! and because she was the largest contracted employee in Eastern Washington, Ms. Cathcart was made an example. Shortly after her refusal to submit a bid proposal, Ms. Cathcart had false allegations levied against her, which would be later deemed unfounded, and several entities including Empire Health Foundation and Family Impact Network, colluded with two of her employees to steal Empowering Inc. Services proprietary information, including client data. **(See Spokane County Superior Court Case number 19-2-04567-32)**

207. Upon information and belief, the proprietary information/client data was given to Empire Health Foundation, after Empire Health Foundation was already contracted as the statewide network administrator resulting from a request for information issued by DSHS in January of 2014. [**Exhibit 2**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EJQ)

208. Upon information and belief, the proprietary information, including client data stolen from Ms. Cathcart, was then processed through Washington State University, as authorized by ESHB 1774, and presented to the federal government as if collected/generated by the state through "Family Assessment Response" program. The stolen data was submitted to the federal government as "evidence" the state's Title IV-E pilot program and newly implemented child welfare reforms were working. [**Exhibit 55**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0qtk)

209. The problem DSHS has with Ms. Cathcart's data it provided to federal government is, not only was the data the product of theft, it presented false results to the federal government as it purports to present data which is the result of "performance-based contracting" analyzed through the Washington State University. Ms. Cathcart was not operating a performance-based system as she challenged the reforms and refused to "1099" her employees. As the largest contracted service provider to DSHS, DSHS just needed her data to manipulate. And, the false allegations levied against were used to reduce her credibility when she pursued litigation for the theft of her proprietary information, which was part of the "ongoing litigation" not reported to the court in the *Janke/Strand v. Simon* matter when Ms. Kamel informed the court of her conflict. [**Exhibit 50**](https://drive.google.com/open?id=1sOkw_efkNP-TQQzQRhCjLtJGarO1hYvN&disco=AAAAN3hzHUg)**,** [**Exhibit 55**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0qtk)

210. On August 25, 2017, Ms. Kamel appeared before Judge Maryann C. Moreno and announced a conflict. In response to that conflict, Dennis Cronin, attorney for Ronald

(End Page 31)

(Start Page 32)

Simon states in pertinent part, ""So there's no conflict here, and if there is a conflict, the rules, the GALR Rule 2 as well as the ethical rules say the guardian ad litem steps out, not the therapist... Now, what's also stunningly missing from the complaint of the guardian ad litem is the failure to provide the Court with the risk benefit analysis of if the Court was to remove this person. There is no basis to do that, but if the Court were to do that, what' s the risk? What is the benefit? What about the trauma that would happen to this child and the people involved in the process of appointing yet a fourth counselor, who apparently now the only available is a couple of weeks out?" Tamara Murray, attorney for Teresa Simon, joined in Mr. Cronin's objection to the dismissal of Ms. Cathcart and asked for the immediate dismissal of Kimberly Kamel. [**Exhibit 56**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0quA)

211. Despite Mr. Cronin's and Ms. Murray's requests, Judge Moreno dismissed Ms. Cathcart against GALR Rule 2. [**Exhibit 57**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0qwY)

212. According to court transcripts dated January 18, 2018, which was the hearing in which Judge Moreno granted non-parental custody to the petitioner, Judge Moreno asserted the conflict raised by Ms. Kamel, resulting in Ms. Cathcart's dismissal, was supported by the Court of Appeals.[**Exhibit 58**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0qs4)

213. The dismissal of Ms. Cathcart on August 25, 2017 left the Simons without a counselor, Judge Maryann C. Moreno in control of scheduling visits for the Simons and their son, and resulted in a favorable ruling to the Petitioners, the State of Washington and to Witherspoon, Kelley, Davenport, & Toole, P.S. This decision left Kimberly Kamel engaging in self-dealing interests.

214. The litigation between Ms. Cathcart and Witherspoon, Kelley, Davenport, & Toole, P.S., involved the state's contracted agents, Empire Health Foundation and Family Impact Network, the entities responsible for administering the newly implemented performance­based contracting. The conflict was never with Ms. Cathcart and Ms. Kamel. The conflict was between Ms. Kamel and the Simons as Ms. Kamel's clients had interests in direct conflict to that of the Simons. Ms. Cathcart's introduction to the case merely flushed it out. [**Exhibit 58**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0qs4)

215. Ms. Kamel raised her conflict on August 25, 2017. Form 990 for Empire Health Foundation, which is publicly available shows that in 2017, Ms. Kamel's firm eamed$675,898 in legal fees from Empire Health Foundation. [**Exhibit 59**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0qss)

216. On August 25, 2017 Ms. Cathcart was dismissed from the Simons' case because allowing her to stay would have resulted in success for the Simons and Ms. Cathcart. Success for Ms. Cathcart and the Simons would have been problematic for the State.

217. The judicial officers that engaged in the bad acts outlined in this complaint, pursued this case with a RCW 13 .34 fact pattern under a RCW 26.10 statute. Meaning, they mimicked a dependency action while in civil litigation. In doing so, they achieve a favorable outcome of a dependency action, under a lower burden of scrutiny.

(End Page 32)

(Start Page 33)

218. Based on four days of Court Appointed Special Advocacy training ("CASA"), I now have persona! first-hand knowledge that dependency cases do not focus on reunification despite emphasizing the opposite. Though the training for CASA's is full of references to reunification being the focus, the opposite is true, as evidenced by [**Exhibit 60**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0qwc).

219. In a case example provided to us by Ryan Murrey, [**Exhibit 60**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0qwc) demonstrates the state' s use of a "voluntary placement." Notice that the date of incident is June 1, 2019 and the date of the voluntary placement is June 3, 2019, two days after the alleged incident and prior to the mother being assigned legal counsel. I asked questions about the use of the voluntary placement during the Zoom training. The voluntary placement was used prior to conducting any investigation. I asked what would have happened if the mother had refused to sign the voluntary placement and was told by DSHS workers attending the training that the children probably would have gone to foster care even though no investigation into the initial allegations had been conducted.

220. The training I attended was conducted via Zoom and was recorded. I have links to the meetings that were emailed to me by Ryan Murrey and are available upon request. The supervisor for the local Spokane CASA program is Pat Donahue. After being told that if I witnessed a child in imminent danger, I could not intervene and after witnessing the state's use voluntary placements to take children from their families, I quit attending the training after four days as I did not want to participate in a program that contributes to the destruction of families.

221. As I learned in my CASA training, Ms. Cathcart's services contradicted the state's focus of family preservation as reunification is not a service that is reimbursed by the federal government.

222. To reunify a family costs the state money. And prior to the state's interference, Ms. Cathcart was successfully operating outside of a performance-based contract model. This meant, at the time Ms. Cathcart presented to Judge Maryann C. Moreno' s court in the Simons' case, Ms. Kamel, while acting as Guardian ad Litem in the *Janke/Strand v. Simon* matter, was representing the best interest of the State of Washington through their clients, Empire Health Foundation and Family Impact Network, and those interests, were in direct conflict to the interests of Ronald and Teresa Simon, which is why Ms. Cathcart, rather than Ms. Kamel, was dismissed.

223. Judge Maryann C. Moreno's ruling to dismiss Ms. Cathcart gave an advantage to the Petitioners. Judge Maryann C. Moreno is not a stranger to family law as she admittedly practiced family law for 12 years before becoming a judge. And understood that, "Empowering used to hold a contract with the state and that most of their work was dealing with individuals going through dependency-type proceedings" which meant that Judge Maryann C. Moreno, at the time she made the ruling to dismiss Ms. Cathcart, was fully versed in the cancelling of Ms. Cathcart's contracts and the child welfare reforms. [**Exhibit 61**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0qwg).

(End Page 33)

(Start Page 34)

224. Following the false allegations levied against Ms. Cathcart, and the theft of her proprietary information, the state cancelled the contracts it held with Empowering Inc., Services. As a result of the child welfare reform, reunification was no longer a state priority because reunification costs the State of Washington money.

225. Through the child welfare reform, the state simply reallocated Title IV-E funding by claiming to shift its efforts to family preservation instead of reunification, while operating under the guise of reunification. The true goal of DCYF is "Permanency From Day-One" as evidenced by the $7. 7 million federal grant funding it received in 2018 under that name, in which DCYF included the Court Improvement Program for implementation of just that. As stated previously, Commissioner Michelle Ressa is Co-Chair of the Steering Committee for the Washington State Court Improvement Program. [**Exhibit 40**](https://drive.google.com/open?id=1xFzMmLYslr7mtgaW2EcPtgrqxYdee4dv&disco=AAAAN8uZacA)**,** [**Exhibit 62**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0qww)

226. By reallocating funding, and operating under the guise of family preservation, the state now receives funding through Title IV-E money to pay for services, like domestic violence treatment, behavioral health, and drug addiction. In dependency actions, these services are completed by agency affiliated counselors, who are also employees of the state, that act as court experts though they have no education, no degrees, and no training. [**Exhibit 63**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0qxk)

227. Pursuant to W AC 246-810-015, agency affiliated counselors may only provide counseling services as part of their employment with as a recognized agency. Translated, this means agency affiliated counselors may only provide services in dependency actions and to individuals involved in the child welfare system when the agency affiliated counselor has oversight from a recognized agency. However, as my family learned first-hand, those counselors will exceed their scope of practice when attorneys in private litigation, who also perform work in dependency actions, use the services of those agency affiliated counselors under the premise they won't get caught. Additionally, the recognized agencies and oversight agencies refuse to answer public records requests, or conduct proper investigations, to protect the system by design. [**Exhibit 64**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0qyI)

228. After my family experienced the misuse of an agency affiliated counselor, which was verified through an email to DCYF, I filed a complaint with the Department of Health and the Department of Social and Health Services against Ginger Johnson of Relationship Advantage. The Department of Health closed the report without investigations because the report did not meet one of the 8 possible reasons. The Department of Social and Health Services opted out based on Amie Roberts, Domestic Violence Treatment Program Manager's assessment that, "Ms. Johnson has not completed the DV assessment." However, information received from Ms. Johnson's client, identifies she did recommend treatment, and then upon learning she had been reported to the DOH and DSHS, Ms. Johnson and Maxey Law Office instructed their client to "stop" the recommended treatment. The decision made by Ms. Johnson and Maxey Law Office protected them from discipline, left their client out of compliance with the court, and engage in self-dealing interests. [**Exhibit 64**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0qyI)

(End Page 34)

(Start Page 35)

229. Most people do not know enough about this system to understand the difference between dependency actions and private family law matters or the scope of an agency affiliated counselor, unless you are a judge, lawyer, or work in the legal field.

230. According to Richard L. Packard, Ph.D. (Clinical & Forensic Psychology) the agency affiliated counselors use assessments which are comprised of testing with high sensitivity and low specificity, that purport to identify risk factors (likely to reoffend) for families involved in the dependency system or with CPS. Dr. Packard emphasized that agency affiliated counselors should not be used in private litigation, at all, as they have vastly different scopes. Also, according to Dr. Packard, the type of testing used by agency affiliated counselors is flawed and produces considerable amounts of false positives and false negatives. [**Exhibit 65**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT3s)

231. By using agency affiliated counselors within dependency actions, the state reduced its costs associated with treatment focused on "family preservation" for dependent families. So, instead of focusing on the safety of the children and families, the state is operating under the guise of reducing out-of-home placement by reallocating funding on "pre-placement services" and using people with no training to perform those services, who act as experts, and are ultimately liable. In doing so, the state implies family preservation preventing pre­placement services, though children are not any safer or suffering any less. Arguably, the children may suffer more with less detection, because of lack of transparency. Additionally, as demonstrated in [**Exhibit 64**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0qyI), agency affiliated counselors are exceeding their scope, undetected, and offering services to individuals involved in private litigation matters.

232. Because of the privatized system, the contracted employee, or their subcontractors, will now be responsible for those harms suffered by children and families, if they are ever even detected. This reform was a system by design. And, because Ms. Cathcart operated Empowering Inc., Services contrary to the privatized system, there was no way she could be used for the *Janke/Strand v. Simon case*. Reunification contradicted the State's covert interest that lies within the *Janke/Strand v. Simon* case, which is "legal standing" for "parties in parity." [**Exhibit 1**](https://drive.google.com/open?id=1yglGq356VS0fbmiMcfH4gL3eaLC5SB2w&disco=AAAAN8u7EKQ)

233. The novel facts of the *Janke/Strand v. Simon* case which were comprised of untruths, as identified by Judge Moreno in her January 6, 2017 Findings of Fact and Conclusions of Law [**Exhibit 49**](https://drive.google.com/open?id=1sOkw_efkNP-TQQzQRhCjLtJGarO1hYvN&disco=AAAAN3hzHUY) and her November 17, 2016 oral ruling of the same [**Exhibit 11**](https://drive.google.com/open?id=1jXY_iDeaUbRZp1E0HeShLd153_LrO-ac&disco=AAAAN3JB5SA), introduced "parties in parity" in a pilot trials known as *In Re: Christopher Simon, Wayne Janke and Doris Strand, Petitioners v. Ronald and Teresa Simon, Respondents*, Case No. 15-3-02130-1. Parties in parity are a necessary component to complete the system by design.

234. The system by design is the result of Braam v. State of Washington and was a master plan transformed under the leadership of Governor Inslee and the Washington State legislature beginning in 2009. This reformed system is supposed to be specific to dependency actions, however, because that system includes the use of "parties in parity," the system has carried over into private litigation, and as evidenced by my family, lawyers use the system by design in private family law matters even to the detriment of their own clients.

(End Page 35)

(Start Page 36)

235. The "parties in parity" in the *Janke/Strand v. Simon* case were the Petitioners, Doris Strand, and Wayne Janke, who presented to Judge Maryann C. Moreno's court, alleging equal rights of Christopher Simon. Doris Strand and Wayne Janke established legal standing with falsified documents, abuse of power, and abuse of process while under seal in Case No. 15-5-00185-5.

236. The falsified documents created in case number 15-5-00185-5 can be replicated for reuse by the state in dependency actions through private litigation. To do this, the state simply need to deem any allegations as unfounded or use a voluntary placement which allows for private individuals to pursue litigation, even if the parties do not have legal standing. This is demonstrated by the actions in the *Janke/Strand v. Simon* case, including the dismissal of Ms. Cathcart. This devised, fraudulent system was necessitated by Braam v. State of Washington.

237. ln 1998, attorney Tim Farris initiated suit against the State of Washington on behalf of 13 Plaintiffs, *Braam v. State of Washington*. The class action eventually grew to include approximately 3,000 of the state's 10,000 foster care kids. The case went to the Supreme Court with a retrial scheduled to begin in 2004. The trial court judge ordered mediation and a settlement was reached. As part of that settlement, Washington State the Settlement Agreement required an oversight panel to be assembled and Washington's progress was monitored. [**Exhibit 53**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0qtQ)

238. From the establishment of the oversight panel, Washington State failed to meet compliance standards. 11 years after the onset of litigation, a revised settlement agreement was negotiated. And, although it was acknowledged that Washington ha.cl made significant progress, it had also failed to meet several substantial outcomes. With this, the state agreed to achieve full compliance with 21 outcomes for 18 consecutive months. As of March 31, 2015, the state still had **ZERO** months of compliance in 7 substantial areas. An entire copy of the revised settlement agreement, which references 2SHB 2106, can be found at https:/ /www.clearinghouse.net/chDocs/public/CW-W A-0001-0003 .pdf.

[**Exhibit 53**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0qtQ)**,** [**Exhibit 66**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT4E)

239. The Braam settlement agreement, which required Washington State to implement reforms to key areas of the child welfare system, also impacts family law court. Most of this was conducted via legislation specifically through Second Substitute House Bill 2106, Senate Substitute House Bill 6832, Engrossed Second Substitute House Bill 2264, and Engrossed Substitute House Bill 1774.

240. Washington State implemented a performance-based contract system in child welfare, which when fully implemented, resulted in most of Washington State's mental/behavioral health providers working as contracted employees of the State of Washington. A list of statewide contractors list can be accessed at https ://www.dcyf.wa.gov / sites/ default/files/pdf/statewide contractor list. pdf. With this, Washington State created a system of "testifying expert witnesses" for their dependency cases, This performance􀁩based design purports to focus on children's well-being with an emphasis on preservation of the familial unit, when in fact, the exact opposite is true.

(End Page 36)

(Start Page 37)

241. Performance-based contracting established a layer of bureaucracy to remove ail liability from Washington State. The umbrella structure is comprised of qualified individuals "employed" by the State who then sub out the work to lower-leveled subcontractors with less training. lndeed, because of WAC 246.810.015, many individuals with NO training are acting as “experts" in court proceedings, mainly dependency hearings, undetected. [**Exhibit 64**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0qyI)

242. The result of the implemented legislation from Braam leaves children in situations where they are being abused, raped, and killed, all while dividing liability amongst Washington State's contractors and subcontractors should any litigation from harm to children ensue. Attorney Ted Buck went to trial for this very reason (Cox v. State of Washington). Sadly, most children suffering such harms are going undetected as a direct result of this system which I also discovered through records requests. [**Exhibit 7**](https://drive.google.com/open?id=1jXY_iDeaUbRZp1E0HeShLd153_LrO-ac&disco=AAAAN3JB5RQ)

243. With performance-based contracting, the State of Washington created a privatized foster care system, and in doing so, made the state "less liable" for any harms foster care children endure as the state-contracted individuals are now "technically" responsible for the state's foster children.

244. To current date, there are over 1,800 contracted individuals 8,940 "agency affiliated counselors" providing services to the state's foster care children. The contracted individuals are monitored by the state for compliance. The contracted individuals may sub­contract out their services. The reporting of the subcontracting is voluntary and, as verified by records requests, and the state has no method for monitoring the subcontracted individuals. [**Exhibit 64**](https://drive.google.com/open?id=1cLqvDVRZYNjEQm3cFhuN0hXEe0_D2FRE&disco=AAAAN9f0qyI)

245. This leaves the foster care children susceptible to harms, including sexual predators, without oversight or responsibility of the state. Because performance-based contracting removes liability from the state, there is greater emphasis to keep children home even if the children are being abused, neglected, or dying. The reform was created not with the best interest of children in mind.

246. The reform is a collective effort to prevent the State of Washington from being sued because of the failing system. Foster care is an enormous financial burden to the state and because of the stringent case law and constitutional rights of biological parents, it is almost impossible to terminate parental rights. So, to remedy this, Governor Inslee, with efforts of legislative-making bodies, law firms, and judicial appointments, created a system that by design, circumvents due process.

24 7. This began with passing of the performance-based contracting legislation and finished with the diversion of funds from Title IV 􀀕E which now purport to pay for pre-placement services preventing out-of-home placement. In combination with the newly implemented legislation, Governor Inslee, who took office in 2012, devised a method to utilize the implemented legislation, though judicial appointments. The result of combining legislation which is enforced through judicial appointments has a direct financial benefit to the state.

(End Page 37)

(Start Page 38)

248. Governor Inslee, a lawyer himself, WSBA #6824, knows the power, possibilities, and deprivation that comes from taking part in the creation of legislation while appointing the judicial officers to enforce it. Through judicial appointments tyranny in Washington State is occurring, without oversight or prospect for recourse.

249. There are 218 Judgeships in Washington. 187 state court positions, 22 appellate court positions, and 9 supreme court positions. The method of selection is to be by nonpartisan election. If a sitting judge is unable to complete his or her term, resigns, or dies, those vacancies are filled by Governor appointment. [**Exhibit 67**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT4Q)

250. Governor Inslee has been in office since 2012, and to current date, has appointed 111 judges into elected positions. Those appointments are as follows: 4 of the 9 Supreme Court Judgeships, 14 of the 22 Appellate Court Judgeships, and 93 of the 186 State Court Judgeships. In totality, almost 51 % of our elected judicial positions are occupied by Governor Inslee's appointments. [**Exhibit 68**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT4k)

251. By legal standards, this is a majority. Though Governor appointed judges are to run for re­i

election, the majority run unopposed. The non-opposition elections are the direct result of the implemented process of filling a midterm vacancy. [**Exhibit 69**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT4s)

252. 6 of the 12 Spokane County Superior Court Judges were recommended by the Spokane County Bar Association and appointed by Governor Inslee.

253. In October of 2019, the Washington State Bar Association opted to suspend the Judicial Recommendation Committee. [**Exhibit 70**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT44)

254. Shortly after the suspension of the Judicial Recommendation Committee, information regarding the appointment process changed on the Governor’s website also. A copy of the current process, which reportedly goes explicitly through the Governor’s general counsel now, is attached as [**Exhibit 68**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT4k).

25 5. Despite the discontinuation of the Judicial Recommendation Committee and the changes made to the Governor's website, countless articles, former instructions and judicial applications still exist on what the process was during the pertinent time of the Simons' case, Ms. Cathcart's ongoing litigation, and the controversy that surrounded that appointment process. [**Exhibit 71**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT5M)

256. While the Simons' case was still pending, Ronald Simon's attorney, Dennis Cronin, challenged Governor appointed judge, Shelley Szambelan. Mr. Cronin was amongst those who disputed the appointment/bar poll rating process. [**Exhibit 72**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT5c)

257. Prior to the changes, the appointment process went as follows: When a midterm vacancy occurred, the state, county, and minority bar associations recommend the judicial replacement candidates to the Governor. The Washington State Bar Association, through the judicial recommendation committee, oversees the appointments of the appellate court candidates. Likewise, the county and minority bars, through similar committees, oversee

(End Page 38)

(Start Page 39)

the appointments of the state court candidates. The state and county/minority bars, and oversight committees, are comprised of attorneys that are members of the corresponding bar. The method to fill a midterm vacancy was intended to be a two-part process as participation by the applicant judges is said to be "voluntary." [**Exhibit 67**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT4Q)**-**[**Exhibit 72**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT5c)

258. To fill a judicial midterm vacancy, interested attorneys apply for the position. If the vacancy is due to retirement, the retiring judge will often make the recommendation to the Governor as to who should fill the remainder of his/her term. But, whether by death or retirement, the process for fulfillment of the vacancy is still the same. Ali members of the bar associations receive a questionnaire supplied by the corresponding bar. [**Exhibit 67**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT4Q)**-** [**Exhibit 72**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT5c)

259. The questionnaires are a compilation of questions seeking the bar members' opinion of the judicial candidates' ability to be a sitting judge. The candidates then participate in interviews with members of the corresponding bar and the results of the questionnaire/interview are tabulated by Washington State University and that tabulation produces a "rating" which is applied by the corresponding bar. [**Exhibit 71**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT5M)

260. Following the questionnaire/interview process, and the tabulation of the results by Washington State University, the corresponding bar rates the judicial candidates within a range of "Exceptionally well qualified" to ''Not qualified." As the bar-poll rating process is voluntary, a judicial applicant can opt out but doing so results in public chastising and loss. [**Exhibit 67**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT4Q)**-**[**Exhibit 72**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT5c)

261. The implemented process purports to be an impartial method for selection of a Governor appointed judge. The data/results that are produced are completely subjective and the results relayed by the corresponding bar are never verified, meaning no one ever sees the actual questionnaires or knows the results, the results are just "reported."

262. The results relayed by the corresponding bar are accepted as true and produce the final candidates with endorsements by attorneys. The final candidates that are selected through this process will be interviewed by the Governor and the Governor will make bis final selection. The appointed judge will then hold that position until the next general election. This process is flawed.

263. On January 14, 2017, Spokane County Superior Court Judge Sam Cozza died. Several members of Spokane's legal community applied to fill the position. On April 11, 2017, deputy prosecutor, Tony Hazel, who was initially recommended by Judge Cozza's wife, was selected by Governor Inslee purportedly through the above-referenced process. Tony Hazel is the brother of Joel Hazel. Joel Hazel is a partner of Witherspoon, Kelley, Davenport, and Toole, PS. [**Exhibit 73**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT5o)

264. The vice-president of the Spokane County Bar Association that took part in Tony Hazel's bar poll rating was William Symmes, a partner of Witherspoon, Kelley, Davenport, and Toole, P.S. As 2018 was a general election year, Tony Hazel had to run for re-election to retain bis position and William Symmes went on to become president of the Spokane

(End Page 39)

(Start Page 40)

County Bar Association. At all times pertinent to Judge Hazel' s appointment and re­election, Mr. Symmes was associated with the Spokane County Bar Association responsible for Judge Hazel's rating/interview process. [**Exhibit 74**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT5s)

265. Following his appointment, it was intended that Judge Hazel run unopposed however, two other candidates came forward. When Judge Hazel was challenged, Matthew Daley and Timothy Lawlor, partners of Witherspoon, Kelley, Davenport, & Toole, P.S., managed and collected campaign funds for his re-election campaign. Part of raising campaign funds included sending company-wide emails to "all" employed at Witherspoon, Kelley, Davenport, and Toole, P.S., informing us to donate and where to take the money. I witnessed the corrupt judicial appointment/re-election process while employed at Witherspoon, Kelley, Davenport, & Toole, P.S, and was a recipient of those emails. **Emails sent to me while I was employed with Witherspoon Kelley which reflects the above are in the sole possession of April Cathcart's attorney, Richard Wall, WSBA #16581.**

266. Judge Hazel, who was intended to run unopposed in the 2018 general election, was challenged by J. Scott Miller and Jocelyn Cook. Judge Hazel and Mr. Miller participated in the bar-poll rating, conducted by the Spokane County Bar Association. Jocelyn Cook, based on her opinion that the process is flawed saying, "The endorsements, especially from attorneys who may appear in front of Hazel in the future, represent an inherent conflict of interest" declined to participate. I know from first-hand personal knowledge that Ms. Cook is right. [**Exhibit 75**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT5w)

267. Of significant importance is the experience of the rated candidates. Mr. Miller, with over 30 years of experience, was initially rated as "Not qualified" by the Spokane County Bar Association, which was publicly reported in news articles, most of which are clients of Witherspoon, Kelley, Davenport, & Toole, P.S. Mr. Miller's "rating" was eventually upgraded to "qualified." Judge Hazel with 14 years of experience was rated, "Exceptionally well-qualified" and this rating never faltered. This system appears to be fair, with Judge Hazel equating the process to that used to select a U.S. Supreme Court Justice, absent the confirmation by the Senate. But here is the important information that most voters do not know. [**Exhibit 75**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT5w)

268. Witherspoon, Kelley, Davenport, & Toole, P.S. is a large law firm in Spokane, Washington. Witherspoon Kelley has 42 attorneys and been in existence since 1884. Judge Hazel is a former employee of Witherspoon, Kelley, Davenport, & Toole, P.S. Judge Hazel's brother, Joel Hazel, is a partner at Witherspoon, Kelley, Davenport, & Toole, P.S. William Symmes, Jr., was the vice-president (and then became the president) of the Spokane County Bar Association that oversaw the appointment/rating process of Judge Hazel and is a partner of Witherspoon, Kelley, Davenport, & Toole, P.S. [**Exhibit 74**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT5s), [**Exhibit 76**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT6A)

269. Matthew Daley and Timothy Lawlor, who managed, contributed to, and collected campaign funds to retain Judge Hazel, are partners at Witherspoon, Kelley, Davenport, & Toole, P.S. Governor Inslee is a client of Witherspoon, Kelley, Davenport, & Toole, P.S. So, to summarize, the impartial bar-poll rating/appointment/re-election process, at least for

(End Page 40)

(Start Page 41)

Judge Hazel was rated, conducted, managed, and funded by Witherspoon, Kelley, Davenport, & Toole, P.S. [**Exhibit 76**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT6A)

270. Judge Hazel ultimately retained his position and presided over Family Law cases. On a second attempt to have a CR 60 motion heard, the Simons filed for fraud on the court before Judge Maryann C. Moreno. Judge Moreno. Judge Moreno recused herself leaving Judge Hazel to be assigned to hear the motion. As soon as Ms. Simon confirmed who the new judge was, she was able to file an affidavit to have Judge Hazel removed. Although the docket has no record of the affidavit of judge, there is record of an Order to Show Cause scheduled for March 29, 2019 in #405. Judge Hazel is in Department 6, Courtroom 405 [**Exhibit 77**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT6E), [**Exhibit 78**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT6Q)

271. Currently, Judge Hazel is assigned to April Cathcart's case against Empire Health Foundation and Family Impact Network, while Judge Hazel's campaign manager, Matthew Daley, is the attorney representing them. Judge Hazel should have already recused himself based on a conflict of interest and the appearance of impropriety, as noted by the emails provided to Ms. Cathcart's attorney. Still, he sits and rules on the case. [**Exhibit 79**](https://drive.google.com/open?id=1K7718USYrDbHI-4XoijDY885Gym7cE4a&disco=AAAAN9EHT6U)

272. The detriment to Washington citizens from the judicial appointment process is demonstrated by the Simons' and Ms. Cathcart's ongoing litigation. The process allowed attorneys from firms like Witherspoon, Kelley, Davenport, & Toole, P.S. to hand-pick judicial appointments for the Spokane County Superior Court which will result in financial gain to Witherspoon, Kelley, Davenport, & Toole, P.S., long after the process has alleged to change. And the retaliation suffered by the relentless litigation efforts being launched against Ms. Cathcart by Timothy Lawlor, Shelley Ripley, and Matthew Daley are not happenstance. Robin Haynes, who is an attorney and former Washington State Bar Association President, is suffering because of their actions as well.

**Robin Baynes, the State Bar President, is Accused of Theft at the Time of**

**Judge Hazel's Appointment**

Ms. Haynes is a former employee of Witherspoon, Kelley, Davenport, & Toole, P.S. According to Kimberly Kamel, Ms. Haynes suffered discrimination while employed at Witherspoon, Kelley, Davenport, & Toole, P.S. Ms. Haynes contested the treatment and voluntarily ended her employment. After terminating her employment, Ms. Haynes went to work at McNeice Wheeler, PLLC and served as the president of the Washington State Bar Association ("WSBA"). The WSBA is comprised of "Section Committees" which are occupied by many partners from Witherspoon, Kelley, Davenport, & Toole, P.S. Concurrent to Judge Hazel's appointment, discussion amongst the legal community was that Robin Haynes was challenging discriminatory practices occurring at the Washington State Bar Association.

Staff members of the WSBA reported events of discrimination and sexual harassment. I attended school with individuals that worked with the people being discriminated against. Ms. Haynes pursued the complaints but was met with resistance. Simultaneous to her challenges, Witherspoon, Kelley, Davenport, & Toole, P.S., was attempting to fill the deceased Judge Cozza's position. Ms.

(End Page 41)

(Start Page 42)

Haynes soon found herself facing allegations of theft and ultimately resigned as State Bar President. Brad Furlong, President Elect filled her position. [**Exhibit 80**](https://drive.google.com/open?id=1lv2P4dNUs_nEfo8xCsmbAhytMqVa169W&disco=AAAAN8uZb5k)

Upon information and belief, Timothy Lawlor, Joel Hazel, Matthew Daley, and Shelley Ripley were utilizing the theft allegations against Robin Haynes to put Witherspoon, Kelley, Davenport, & Toole, P.S in the spotlight during Tony Hazel's judicial appointment process. In addition, participating in the accusations against Ms. Haynes remedied the exposure Witherspoon, Kelley, Davenport, & Toole, P.S., had to being willing participants of the allegations being levied against Ms. Haynes. lt is unclear if the discrimination allegations raised by Ms. Haynes at the WSBA were addressed after her departure, however, after her resignation, similar allegations regarding sexual harassment were raised and initially ignored only to be independently investigated and validated. [**Exhibit 81**](https://drive.google.com/open?id=1lv2P4dNUs_nEfo8xCsmbAhytMqVa169W&disco=AAAAN8uZb5s) As for Ms. Haynes, the allegations of theft achieved what they were intended to do. [**Exhibit 82**](https://drive.google.com/open?id=1lv2P4dNUs_nEfo8xCsmbAhytMqVa169W&disco=AAAAN8uZb-I)

As a result of the allegations of theft, Ms. Haynes was charged. As a former employee of Witherspoon, Kelley, Davenport, & Toole P.S., I have first-hand personal knowledge of what was occurring at the time Ms. Haynes was accused. In fact, weeks prior to the execution of a "confidential search warrant" several company-wide emails were sent to "Ali" at Witherspoon Kelley, including me. The emails were sent by Michael Currin, who was the corporate president of the firm at that time. The emails informed us that over the next few weeks it was likely we would be hearing about a former colleague, Robin Haynes and advising us to use caution when talking about Ms. Haynes in the community. The emails further instructed us to refer all inquiries we may receive about Ms. Haynes to his attention. The above-referenced emails are in the possession of April Cathcart's attorney, Richard Wall, as it was included correspondence with the campaign fundraising for Tony Hazel and can also be verified by a former co­worker who also received the same emails. [**Exhibit 83**](https://drive.google.com/open?id=1lv2P4dNUs_nEfo8xCsmbAhytMqVa169W&disco=AAAAN8uZb-M)

As I had only been at Witherspoon, Kelley, Davenport, & Toole, P.S., for approximately 6 months, I inquired as to who Robin Haynes was. After learning of what Ms. Haynes was being accused of, and due to concerns regarding attorney misconduct I had previously reported to Richard Mount, I had serious concerns these allegations were false. Then, in the early morning of June 19, 2017, a news story aired about Ms. Haynes. One of the local news channels, KREM 2, aired the story about Ms. Haynes before the confidential search warrant had been filed with the court. This means, no one was supposed to know anything about it, yet. An online version of the newscast can be viewed at https ://www.krem.com/article/news/local/wa-state-bar-association-president-accused-of­embezzling-nearly-10k/293-450450320. A former co-worker, Kandi Elmenhurst alerted Mr. Symmes to the story.

KREM 2 news was, at the time they aired the Robin Haynes story, a client of Witherspoon, Kelley, Davenport, & Toole, P.S. And, as I would later learn from Kimberly Kamel, Timothy Lawlor and Shelley Ripley did a "document drop" containing confidential material to their client, KREM 2. I later learned there was discrepancy amongst the partners of Witherspoon, Kelley, Davenport, & Toole, P.S., regarding the Robin Haynes matter through emails of William Symmes, one of the partners I was assigned to, and conversations with Kimberly Kamel.

(End Page 42)

(Start Page 43)

Mr. Symmes sent an email to Mr. Currin about the above-referenced news story. Mr. Symmes was inquiring as to how KREM 2 knew about the bar complaint Witherspoon, Kelley, Davenport, & Toole, P.S., had filed against Ms. Haynes and asked Mr. Currin if Witherspoon, Kelley, Davenport, & Toole, P.S. had hired PR to give a statement. At the time of the document drop, most partners were unaware of Mr. Lawlor's and Ms. Ripley's individual actions. And, despite the dissention amongst the partners at Witherspoon, Kelley, Davenport, and Toole, P.S, after the individual acts of Mr. Lawlor and Ms. Ripley, Witherspoon, Kelley, Davenport, & Toole, P.S., tried to present a united front. It is important to note, that while Witherspoon, Kelley, Davenport, & Toole, P.S, is a corporation, the individual partners that comprise the corporation have competing interests and do not always keep each other apprised as to their business/persona! transgressions, nor adhere to the requirement to run a conflict' s check prior to engaging in legal representation.

Witherspoon, Kelley, Davenport, & Toole, P.S., specifically Timothy Lawlor and Shelley Ripley, with the assistance of McNiece Wheeler, PLLC, levied allegations of theft against Ms. Haynes. Partners Timothy Lawlor and Shelley Ripley sought board approval to pursue Ms. Haynes. Witherspoon, Kelley, Davenport, & Toole, P.S, via a board member vote, agreed to file a state bar complaint against Ms. Haynes. The board, however, denied participation of pursuing criminal charges. Joel Hazel authored the WSBA complaint filed with the bar. After the airing of the news story, Witherspoon, Kelley, Davenport, & Toole, P.S., would learn that Mr. Lawlor had been meeting with investigators after hours and of the "document drop" made by Mr. Lawlor and Ms. Ripley. As a result of Mr. Lawlor's participation in pursuing criminal charges against Ms. Haynes, Ms. Baynes was arrested.

One of the allegations made against Ms. Haynes was regarding misuse of the company credit card. However, other partners of Witherspoon Kelley were using their company credit cards similarly, including mine. In fact, the allegations made against Ms. Haynes regarding misuse of the company credit card was common practice by many partners of the firm, predominantly the men. Another allegation made against Ms. Haynes was regarding expense reimbursements from the WSBA. Ms. Haynes is accused of seeking out-of-pocket reimbursements for expenses that Witherspoon, Kelley, Davenport & Toole, P.S., paid for.

The reimbursements from the WSBA were allegedly sought without Witherspoon, Kelley, Davenport, & Toole P.S.'s knowledge. As I was employed at the time the charges were filed, I also have knowledge the allegations regarding Ms. Hayne' s submission for expense reimbursements to the State Bar has a differing version of who knew and how it was "discovered." That individual that discovered and reported the issue is Megan Thilo, and Megan Thilo, was not a witness interviewed by Detective, Kenneth Scott, though I told him about her when he called me.

Former Executive Director of Witherspoon, Kelley, Davenport, & Toole, P.S. Megan Thilo, reported concerns to certain partners about Ms. Haynes receiving reimbursements from the state bar. While it is true that Ms. Haynes used a company credit card for most expenses and Ms. Haynes was seeking reimbursements for those expenses, it is equally true Witherspoon, Kelley, Davenport, & Toole, P.S., knew about the reimbursements as Ms. Haynes was giving most of the money back to Witherspoon, Kelley, Davenport, & Toole, P.S. That reimbursed money was being tracked.

(End Page 43)

(Start Page 44)

Ms. Thilo alerted certain partners at the firm that Witherspoon, Kelley, Davenport, & Toole, P.S., that with Ms. Haynes submitting for reimbursement from the state bar for the same expenses Witherspoon, Kelley, Davenport, & Toole, P.S., was paying for, it looked as if Ms. Haynes was "double dipping." And, because Witherspoon, Kelley, Davenport, & Toole, P.S., received credit card statements identifying the charges, and also kept track of the reimbursements, they were willing participants of the "double dipping."

To remedy exposure to the "double dipping" issue, an email was sent to Ms. Haynes informing her that the Ms. Thilo, said it looked like she was double dipping. Ms. Haynes responded to that email indicating her understanding of why it appeared that way. Y ears later, Witherspoon, Kelley, Davenport, & Toole, P.S., then used the email sent to Ms. Haynes as "evidence" against her. Only, Witherspoon, Kelley, Davenport, & Toole P.S.'s version of the events did not include the initial email sent to Ms. Haynes informing her of the office manager' s concern. Instead, Witherspoon, Kelley, Davenport, & Toole, P.S., claims that knowledge of a public records request to Washington State Bar seeking copies of the reimbursement forms caused Ms. Haynes to send the email and failed to include information regarding the initial email sent to Ms. Haynes.

In leaving out the initiating email sent to Ms. Haynes, Witherspoon, Kelley, Davenport, & Toole, P.S. now present as an "unknowing victim" instead of a willing participant and Ms. Haynes a thief. Megan Thilo's employment ended shortly after her reporting of the "double dipping" issue, and as noted previously, was never interviewed by Detective Scott. Courtney' s husband, Sam Thilo, was an attorney at Witherspoon, Kelley, Davenport, & Toole, P.S., at the time his wife presented the "double dipping" issue, and Mr. Thilo left shortly after his wife's separation from the firm. Sam Thilo is now employed with the firm, Evans, Craven, & Lackie, P.S., which has been retained to defend Robin Haynes against the charges. Robin Haynes trial is scheduled for March of 2021. [**Exhibit 84**](https://drive.google.com/open?id=1lv2P4dNUs_nEfo8xCsmbAhytMqVa169W&disco=AAAAN8uZb-8)

The complaint against Robin Haynes submitted to the state bar was authored by Joel Hazel and filed at the same time his brother Tony Hazel was engaged in the appointment process to fill Judge Cozza's position. Based on my personal experience of company credit card use at Witherspoon, Kelley, Davenport, & Toole, P.S., evidence exists to prove the allegations levied against Ms. Haynes were common practice at Witherspoon, Kelley, Davenport, & Toole, P. S. I also reported this to Detective Scott when he called me. Detective Scott informed me that it was not his job to obtain information that may excuse Ms. Haynes behavior but to investigate and determine if there was enough "evidence" to charge her. Detective Scott' s further stated it would be decided at the back end whether she was guilty or not. What happened to Ms. Haynes was the equivalent of a public hazing because she was challenging discriminatory practices that should not have occurred.

During my employment with Witherspoon, Kelley, Davenport, & Toole, P.S., I witnessed, and was required to participate in, much wrongdoing. As instructed, I reported that wrongdoing, to Marie Firestone, and did so via email. On two occasions, I went directly to Richard Mount and William Symmes. I had regular discussions with Kimberly Kamel. Most of my reported concerns were ignored and the bad acts continued. Based on the wrongdoing I had witnessed and was required to participate in as part of my employment, I submitted my voluntary resignation.

(End Page 44)

(Start Page 45)

On December 1. 2017, I submitted an email to Marie Firestone and Richard Mount reporting my Iast day with the firm would be December 29, 2017. After I submitted my voluntary resignation, a meeting was requested with Marie Firestone, Office Manager, and Richard Mount, Partner and "one who oversees human resource functions." I was hesitant to attend that meeting but did so anyway. The meeting was an interrogation to analyze how much "truth" there was to my resignation email as much of what I had reported during my employment had not been investigated. Based on that December 5, 2017 meeting, I cleaned out my desk and terminated my employment on December 6, 2017. Exhibit SS

During my employment, I was vocal about my concerns and continually reported those concerns. Those concerns included reporting Joel Hazel to my supervisor, Janet Jackson, when I sent client documents to the Idaho office for filing. As the partner I was assigned to, Edward Anson, was being forced out of the firm, Mr. Hazel thought it best to hijack the documents and lock them in a safe. According to Joel Hazel. Mr. Anson was not supposed to working on any case other than the one he was taking through trial. Still, as a partner of Witherspoon, Kelley, Davenport, & Toole, P.S., Joel Hazel's actions were not in the best interest of the client, which was also his. As Joel refuse to release the documents, I was forced to recreate the documents, obtain original signatures, find alternate methods for filing, and do so on limited time to make the deadline filing.

Though I spoke out regularly. I was a respected employee, acknowledged for being a team player, had a great performance review, received one of the highest employee bonuses, and was valued by the partners I was assigned to. Exbibit 86. Prior to my resignation, I informed Ms. Kamel, and Marie Firestone, Office Manager, that I intended to continue to report my concerns to the appropriate entities after my employment ended. As evidenced by the email dated December 1, 2017. one of the concerns I reported was ex parte communication between Ms. Kamel and Judge Maryann Moreno. Upon filing my complaint with the Washington State Bar Association and the Commission on Judicial Conduct, I was accused of purloining documents from Ms. Kamel' s GAL file. Those "purloined documents from Ms. Kamel' s GAL file" are emails that I authored to document the wrongdoing, which was criminal in nature, that I was required to participate in for my paycheck. A copy of the complaint I filed, with the "alleged purloined documents" are attached as [**Exhibit 87**](https://drive.google.com/open?id=1ElfwCnVFom25rUVApqVP2RTC2AUqkU55&disco=AAAAN4Eurmw).

C**ONFLICTS. EX PARTE COMMUNICATION, AND FRAUD ON THE COURT**

On July 21, 2017, the Simons were Ordered to attend reunification counseling with their son. The Court initially appointed Randy Garret to perform those services. Mr. Garett, due to unavailability, referred the court to April Cathcart, of Empowering Inc., Services. On August 25, 2017, Kimberly Kamel, the guardian ad litem in the Simons' case and per the instruction of Matthew Daley and Timothy Lawlor, raised a vague conflict of interest, reporting to the court that her firm was involved in litigation against Ms. Cathcart. [**Exhibit 88**](https://drive.google.com/open?id=1ElfwCnVFom25rUVApqVP2RTC2AUqkU55&disco=AAAAN4EurnU)

In responding to Ms. Cathcart's comments on the conflict raised, Judge Moreno opined, "I then tum to her comments with regard to the conflict of interest with Ms. Kamel, and she protests a bit too much in my mind with regard to that. And I only say that because I don 't see professionals act in this manner, particularly when they're working with the court." Judge Moreno's opinion is

(End Page 45)

(Start Page 46)

based on insufficient information as specific information about Ms. Kamel' s clients causing the conflict failed to make the record.

Ms. Kamel's clients creating the conflict were Empire Health Foundation and Family Impact Network, the statewide and regional network administrators, contracted by the State of Washington to administer the new polices of the child welfare reforms and performance􀀂based contracting. And those clients, had interests in direct conflict to that of Ron and Teresa Simon, as a favorable outcome for Doris Strand and Wayne Janke was financially advantageous for Ms. Kamel's clients. While it seems reasonable to think that Judge Moreno would not be fully versed as to the child welfare reforms, her inside knowledge filters through in portions of her ruling when she states, 1'! understand that Empowering used to hold a contract with the state and that most of their work was dealing with individuals going through dependency-type proceedings." This statement is significant in that Judge Moreno would have to have some knowledge as to why Empowering no longer held contracts with the state. [**Exhibit 88**](https://drive.google.com/open?id=1ElfwCnVFom25rUVApqVP2RTC2AUqkU55&disco=AAAAN4EurnU)

Judge Moreno demonstrates her familiarity of family law while proffering support of her ruling stating, "I have never- and I’ve been on the bench for about 14 or 13 years; before that I practiced family law for about 12 years. I’ve been doing this a long time. I’ve never seen a counselor go over to a parent' s house and have breakfast. I get that she needed to do a home visit, but she sat down and broke bread ... the appearance of bias is so significant here that I felt myself personally offended by it." So, to remedy the vague conflict raised by Ms. Kamel, Judge Moreno dismissed April Cathcart. Judge Moreno's opinion that having breakfast shows bias is puzzling because when Ms. Kamel made the recommendation to leave Christopher with Doris Strand and Wayne Janke, which removed custody from the Simons. she had never even met the Simons. In fact, Ms. Kamel didn't meet with the Simons for over two months after she took their son. And still, the biggest problem with Judge Moreno' s ruling to dismiss Ms. Cathcart is it does not remedy the conflict, it enforces the conflict. [**Exhibit 89**](https://drive.google.com/open?id=1ElfwCnVFom25rUVApqVP2RTC2AUqkU55&disco=AAAAN4Eurn0)

Judge Moreno's ruling to dismiss Ms. Cathcart, authorized the State of Washington to influence the outcome of the Simons case directly through the actions of Kimberly Kamel, who was counsel of record for the State's agents while acting in the capacity of guardian ad litem for Christopher Simon. Judge Moreno's ruling to dismiss Ms. Cathcart furthered the retaliation being inflicted upon Ms. Cathcart and made it possible for the State of Washington to achieve its covert interest directly through the actions and opinions of its counsel of record, Ms. Kamel, who was profiting from the state's agents retaliating against Ms. Cathcart and whose interests were in direct conflict to the Simons. Judge Moreno' s ruling to dismiss Ms. Cathcart and allowing Ms. Kamel to continue to act in the capacity of the guardian ad litem, gave tactical advantage to the Petitioners and strategical advantage to the State of Washington through Ms. Kamel's clients, Empire Health Foundation and Family Impact Network, ultimately benefitting the State of Washington.

The Petitioners' success in this case was a direct result of Ms. Kamel 's actions and opinions offered while acting in the capacity as the guardian ad litem and counsel of record for the state's agents responsible for administration of performance-based contracting. And Ms. Kamel performed this dual role under the guise of the best interest of the child, with her actions dictated by Timothy Lawlor, Matthew Daley, and Mary Ronnestad. In further disservice to the Simons, following Ms. Cathcart's dismissal, Judge Moreno assumed sole responsibility of reunifying the Simon family.

(End Page 46)

(Start Page 47)

This included designating herself solely responsible for scheduling visits, including when, where, and how the visits were to happen, and only expanded in frequency and duration based on her opinion of the outcome of the visits, and only by further order of the Court.

The visits would begin with Ron and Christopher, increasing in frequency and duration, and eventually include Teresa Simon, also by order of the court. Kimberly Kamel was tasked with taking Christopher to and from the visits, and to file a declaration informing the court of how the visits went for Judge Moreno's evaluation. Judge Moreno's devised plan was documented in the Order she personally assisted in drafting. Mr. Cronin, attorney for Ronald Simon, asked Judge Moreno to have a biweekly review to ensure the visits stayed on track. Judge Moreno denied Mr. Cronin's request stating. ''I’ll just stay here all the time and won't go away on the weekend or vacation. So, I still - - I need to stay involved in this." [**Exhibit 90**](https://drive.google.com/open?id=1ElfwCnVFom25rUVApqVP2RTC2AUqkU55&disco=AAAAN4EuroA)

At the August 25, 2017 hearing, Judge Moreno Ordered Ms. Strand to, "Do everything in your power, whether you like it or not, to encourage him to have an enjoyable time with his father, to have a relationship with bis father. I don't know how you're going to do that. And if you need to seek counseling in order to figure that out - - because he's going to resist, we know this. He's going to resist you. You've got to figure out how to get him there and encourage him and make him feel that he's safe" [**Exhibit 91**](https://drive.google.com/open?id=1ElfwCnVFom25rUVApqVP2RTC2AUqkU55&disco=AAAAN4EuroI)

With the devised plan outlined in the Court's Order and Ms. Strand's instruction, a few visits occurred. The last visit between Ron and Christopher happened on September 8, 2017 and the visits between Teresa and Christopher never started. Judge Moreno stopped scheduling the visits. And, to adhere to the Order of the Court to do everything in her power to encourage the visits, on September 24, 2017, when Christopher turned 16, Doris Strand and Wayne Janke assisted Christopher in completing emancipation paperwork. Once completed, Doris called Ms. Kamel to inform her of what they had done. I learned of the impending emancipation proceedings from Kimberly Kamel.

After learning of the emancipation proceedings, on approximately October 17, 2017, Ms. Kamel went to the court to share the information with Judge Moreno. When Ms. Kamel returned from the court, I was instructed to draft a declaration of Ms. Kamel, containing specific information, per Judge Moreno. I was told that, ''Based on the impending emancipation proceeding, we were getting out of this case." Upon information and belief, the judicial officers that are subject of this complaint intended to use the emancipation as an escape route out of this case, prior to the emancipation proceedings occurring, and to prevent any information regarding the emancipation to make the court record/file of the case before Judge Maryann C. Moreno.

We were instructed to file a declaration stating there had been no visits and no one had contacted Ms. Kamel. According to Ms. Kamel. once her declaration was filed with the court, Judge Moreno would issue her final ruling and Ms. Kamel could then do her fees motion. I asked Ms. Kamel if we were going to include information about the communication that she had with Judge Moreno or reference the declaration was at the instruction of the judge. Ms. Kamel told me "no" telling me that the conversation she had with Judge Moreno was "technically" ex parte communication. [**Exhibit 87**](https://drive.google.com/open?id=1ElfwCnVFom25rUVApqVP2RTC2AUqkU55&disco=AAAAN4Eurmw)

(End Page 47)

(Start Page 48)

I researched emancipation proceedings and learned that the emancipation process requires service on the parents. I asked Kandi Elmenhurst, a former co-worker and employee of Witherspoon, Kelley, Davenport, & Toole, P.S. to see if the emancipation documents were publicly accessible, and if so, to obtain them for me. Upon receipt of the documents, I learned that Christopher, with the assistance of Doris Strand and Wayne Janke, tried to complete the emancipation process without serving the Simons any documents. As a result, the emancipation hearing originally scheduled for the 2nd week of October 2017, was re-noted to December 12, 2017. I informed Ms. Kamel, via email, of wh.at I found and issued concern that Mr. and Mrs. Simon were the only ones unaware of the impending emancipation proceeding. Based on what I found, I asked Ms. Kamel to include information regarding the upcoming emancipation in her declaration. Ms. Kamel initially stated that her mentor, attorney Mary Ronnestad which she did. [**Exhibit 87**](https://drive.google.com/open?id=1ElfwCnVFom25rUVApqVP2RTC2AUqkU55&disco=AAAAN4Eurmw)

Ms. Kamel' s declaration was filed on October 30, 2017 under seal. Based on the inclusion of the emancipation information in Ms. Kamel's declaration, Ronald and Teresa Simon filed responsive declarations affirming they had no knowledge of the pending emancipation proceedings. Because information regarding the emancipation proceeding was now part of the *Janke/Strand v. Simon* 15-3-02130-1 court file, the court file now contained glaringly obvious evidence of fraud, as the Petition for Emancipation was pursued without leave to proceed from Judge Moreno's court. Such actions affirm Ronald and Teresa Simons' allegations that Doris Strand and Wayne Janke were not supportive of repairing and rebuilding Christopher's relationship with them, as they had stated on the record.

When a person pursues parental rights of someone else's child, it is done on the basis it is in the best interest of the child and pursued under a statute that requires the court to determine that failure to recognize that relationship would cause detriment to the child. Under that theory, that person has acknowledged the importance of preserving relationships and could not then advocate for an emancipation proceeding to sever the relationship with that child's biological parents, unless it was always their intent. Moreover. that sane person would not allow the child to miss school and call them in sick just so they could attend court and still be telling the truth when they say, "1 am totally in favor of reunification ... As far as the emancipation, Christopher's 16 years old. That was his voice" just as Doris Strand did. [**Exhibit 93**](https://drive.google.com/open?id=1ElfwCnVFom25rUVApqVP2RTC2AUqkU55&disco=AAAAN4Euros)

As I reported in my complaint to the WSBA and the Commission on Judicial Conduct, Judge Moreno and Kimberly Kamel discussed the emancipation during their ex parte communication and a plan was made to "Get out of this case." Part of that plan included having Kimberly Kamel draft a declaration regarding the lack of contact and the lack of visits. And though Judge Moreno assumed sole responsibility for scheduling those visits, and Dennis Cronin's request for a biweekly review was denied. the lack of visits cited by Ms. Kamel in her declaration was going to be used against the Simons. At the time of Judge Moreno and Kimberly Kamel's ex parte communication, the court file only supported one possible ruling coming out of this case and that was a ruling in favor of the Petitioner. Had Judge Moreno and Kimberly Kamel been successful in their plot, the court file of the *Janke/Strand v. Simon* case would have been void of any information regarding the emancipation. Judge Moreno could have issued her final ruling in favor of the Petitioners, and Christopher, Doris Strand, and Wayne Janke could have presented to the emancipation proceeding as "guardians" as evidenced by the emancipation paperwork submitted to the Court.

(End Page 48)

(Start Page 49)

With information regarding the emancipation in the court file of the *Janke/Strand v. Simon* case, and the emancipation proceeding not scheduled until December, Judge Moreno was unable to issue her final ruling. A ruling in favor of the Petitioners with knowledge of an impending emancipation would make it appear as if Judge Moreno dismissed the case to facilitate the emancipation. The fundamental flaw of Judge Moreno and Ms. Kamel' s plot was the inconsistent ruling between Judge Price at the emancipation proceedings and the reasoning used by Judge Moreno to deprive the Simons of their fundamental rights.

On December 12, 2017, Judge Michael Price presided over the emancipation hearing and found the Petitioners, and Christopher, who failed to attend the hearing, had committed fraud on the court. While I have attached the entire transcript and order of that proceeding, Judge Price quite plainly stated:

"There's been, I don't know if it's fair to say, a cornucopia of legal proceedings going on with other judicial officers and other courts ... So it strikes me that it would be very difficult to comprehend that Ms. Strand - - Ms. Doris Strand and Wayne Janke certainly knew about these proceedings. They've been part of it is what counsel bas advised me, and yet they didn't inform the court in this petition for emancipation that, I think there's been a CHINS, I think I heard Mr. Cronin say, a third-party custody, if you will, in Judge Moreno' s coul1 ... So that should have been disclosed to the Court. It wasn't ... This seems to me that this is a pretty clear attempt either by Mr. Simon or Mr. Simon and Ms. Strand and Mr. Janke to essentially commit a fraud on the Court."

So, Judge Price dismissed the petition, with prejudice, found fraud had been committed on the court, and sanctioned Christopher, Ms. Strand, and Mr. Janke. [**Exhibit 92**](https://drive.google.com/open?id=1ElfwCnVFom25rUVApqVP2RTC2AUqkU55&disco=AAAAN4EuroU). If what Judge Price said on December 12, 2017 is true, it was true at the time the Petitioners assisted Christopher in filing the emancipation paperwork, Further, the Petitioners' acts of fraud should not have appeared any different to Judge Moreno, and Judge Moreno shouldn't have failed to act on that fraud. Still, despite the Petitioners acts of fraud, Judge Moreno had a very different reaction in her January 18, 2018 ruling than Judge Michael Price.

The January 18, 2018 ruling on non-parental custody by Judge Moreno was drastically different than the findings of Judge Price, Despite having knowledge of the attempted emancipation proceedings without leave of Court, which are discussed on January 18, 2018, Judge Moreno deprived the Simons of their son and cited failure to comply with court ordered visitation as the reason. In the verbatim report of the proceedings dated January 18, 2018, Judge Moreno states:

It' s unclear to me why visits stopped. If the Simons didn’t 't recognize it, the ball was in their court to set up these visits or through counsel or through the GAL reporting how they went so that I could then monitor this and expand tune and eventually get Christopher home. For some unknown reason the visits stopped. The Simons, through counsel - I don't know if they reached out to the GAL -- I have no

(End Page 48)

(Start Page 49)

With information regarding the emancipation in the court file of the *Janke/Strand v. Simon case*, and the emancipation proceeding not scheduled until December, Judge Moreno was unable to issue her final ruling. A ruling in favor of the Petitioners with knowledge of an impending emancipation would make it appear as if Judge Moreno dismissed the case to facilitate the emancipation. The fundamental flaw of Judge Moreno and Ms. Kamel' s plot was the inconsistent ruling between Judge Price at the emancipation proceedings and the reasoning used by Judge Moreno to deprive the Simons of their fundamental rights.

On December 12, 2017, Judge Michael Price presided over the emancipation hearing and found the Petitioners, and Christopher, who failed to attend the hearing, had committed fraud on the court. While I have attached the entire transcript and order of that proceeding, Judge Price quite plainly stated:

"There's been, I don't know if it’s fair to say, a cornucopia of legal proceedings going on with other judicial officers and other courts ... So it strikes me that it would be very difficult to comprehend that Ms. Strand - - Ms. Doris Strand and Wayne Janke certainly knew about these proceedings. They've been part of it is what counsel bas advised me, and yet they didn't inform the court in this petition for emancipation that, I think there's been a CHINS, I think I heard Mr. Cronin say, a third-party custody, if you will, in Judge Moreno' s coul1 ... So that should have been disclosed to the Court. It wasn't ... This seems to me that thls is a pretty clear attempt either by Mr. Simon or Mr. Simon and Ms. Strand and Mr. Janke to essentially commit a fraud on the Court."

So, Judge Price dismissed the petition, with prejudice, found fraud had been committed on the court, and sanctioned Christopher, Ms. Strand, and Mr. Janke. [**Exhibit 92**](https://drive.google.com/open?id=1ElfwCnVFom25rUVApqVP2RTC2AUqkU55&disco=AAAAN4EuroU). If what Judge Price said on December 12, 2017 is true, it was true at the time the Petitioners assisted Christopher in filing the emancipation paperwork, Further, the Petitioners' acts of fraud should not have appeared any different to Judge Moreno, and Judge Moreno shouldn't have failed to act on that fraud. Still, despite the Petitioners acts of fraud, Judge Moreno had a very different reaction in her January 18, 2018 ruling than Judge Michael Price.

The January 18, 2018 ruling on non-parental custody by Judge Moreno was drastically different than the findings of Judge Price, Despite having knowledge of the attempted emancipation proceedings without leave of Court, which are discussed on January 18, 2018, Judge Moreno deprived the Simons of their son and cited failure to comply with court ordered visitation as the reason. In the verbatim report of the proceedings dated January 18, 2018, Judge Moreno states:

It' s unclear to me why visits stopped. If the Simons didn 't recognize it, the ball was in their court to set up these visits or through counsel or through the GAL reporting how they went so that I could then monitor this and expand tune and eventually get Christopher home. For some unknown reason the visits stopped. The Simons, through counsel - I don't know if they reached out to the GAL -- I have no

(End Page 49)

(Start Page 50)

idea what was going on other than the fact that they stopped visits.

And I have no understanding of why that happened. I -- it sort of,

boggles my mind . [**Exhibit 93**](https://drive.google.com/open?id=1ElfwCnVFom25rUVApqVP2RTC2AUqkU55&disco=AAAAN4Euros)

After holding the Simons accountable for the cessation of the visits, the Simons suffered an adverse ruling. The advantage given to the Petitioners by Judge Moreno's August 25, 2017 ruling and the ex parte communication, which occurred on approximately October 18, 2017, become abundantly clear following Judge Moreno' s January 18, 2018 ruling.

The visits referenced in the January 18, 2018 ruling were discontinued by Judge Moreno during the ex parte communication with Kimberly Kamel in October 2017. This is affirmed by Ms. Kamel in ber response to the WSBA complaint dated March 19, 2018. Ms. Kamel also affirms the Court was responsible for scheduling those visits, not the Simons. During an ex parte communication, Judge Moreno told Ms. Kamel the court was not going to schedule any future visits. No party to this case was ever responsible for scheduling the visits. The Court was. [**Exhibit 94**](https://drive.google.com/open?id=1ElfwCnVFom25rUVApqVP2RTC2AUqkU55&disco=AAAAN4Euro0)

As evidenced by the August 25, 2017 verbatim report of proceedings, attached as [**Exhibit 90**](https://drive.google.com/open?id=1ElfwCnVFom25rUVApqVP2RTC2AUqkU55&disco=AAAAN4EuroA), and the Court's Order, Judge Moreno assumed sole responsibility of scheduling the Simons' reunification visits. This means, during the ex parte communication between Judge Moreno and Kimberly Kamel, which occurred in October of 2017, Judge Moreno reversed the August 25, 2017 court order and refused to schedule any future visits. And no one, including Ms. Kamel, ever notified the parties. The Court file was completely void of any information regarding the ex parte communication until after Judge Moreno entered her final order in March of 2018.

The subject matter of the ex parte communication which occurred in October of 2017 between Judge Moreno and Kimberly Kamel was used to deprive the Simons of their son in January of 2018. The decision to stop scheduling the Simons' visits gave tactical advantage to the Petitioner, Doris Strand, and on March 13, 2018 was awarded custody of Ron and Teresa Simons' son. The ex parte communication is confirmed by Ms. Kamel, affirmed by Scott Busby of the Washington State Bar Association who stated in pertinent part, "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 ex parte communication."[**Exhibit 95**](https://drive.google.com/open?id=1ElfwCnVFom25rUVApqVP2RTC2AUqkU55&disco=AAAAN4Euro4)

Washington State Code of Judicial Conduct Canon Rule 2.9(A)(l)(a)(b) states:

A judge shall not, initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter before that judge's court except as follows: When circumstances require it, ex parte communication for scheduling, administrative, or emergency purposes, which does not address substantive matter, or ex parte communication pursuant to a written policy or rule for a mental health court, drug court, or other therapeutic court, is permitted, provided: the judge reasonable believes that no party will gain a procedural, substantive, or tactical

(End Page 50)

(Start Page 51)

advantage as a result of the ex parte communication; and the judge makes provision promptly to notify all other parties of the substance of the ex parte communication, and gives the parties an opportunity to respond.

While Kimberly Kamel's October 30, 2017 Declaration purports to do that, the responsive declarations submitted by Ronald and Teresa, which should have been their "opportunity to respond" was also held against them at the January 18, 2017 hearing where Judge Moreno states:

Since the time of my oral ruling and the entry of the order, there have been numerous declarations filed regarding things the Simons have done, regarding things going on with Christopher. Never was a motion hearing brought by the Simons or Ms. Strand. I've had nothing from either party asking the court to formally to be involved in making a decision ... Those declarations are interesting. There' s a lot of blaming; there's a lot of, of course, blaming of Ms. Strand; there's a lot of blaming me; there's a lot of blaming of the system. And that's fine, that's all fine, and the Simons are entitled to - - to what you want to say. But it doesn't speak to reunification with Christopher, and it doesn't speak to attempting to move forward and reunite as a family. [**Exhibit 96**](https://drive.google.com/open?id=1fSyRPZqCY5ihVbVyBMy1W5LVVWxF2Zhr&disco=AAAAN4TOXEs)

Those declarations, even by Ms. Kamel in her declaration required by Judge Moreno contained evidence of the impending emancipation. And even though the court has broad discretion and could have ordered the parties to the court on its own motion, Judge Moreno never addresses the emancipation attempt or the fraud which she knew about when Ms. Kamel filed her declaration on October 30, 2017. Instead, Judge Moreno accuses the Simons of "blaming," including blaming Ms. Strand but says nothing about the Petitioners for committing fraud.

At no time during the January 18, 2018 hearing does Judge Moreno say anything about the ex parte communication. At no time during the January 18, 2018 hearing does Kimberly Kamel say anything about the ex parte communication. At no time during the January 18, 2018 hearing does Dennis Cronin or Tamara Murray stand up and make the record about me, or my phone call to them on December 12, 2017 informing them of the October 2017 ex parte communication. They all just stand there and watch Judge Moreno blame the Simons for filing responsive declarations to the Declaration of Kimberly Kamel that was ordered by Judge Moreno to be filed and contained evidence of fraud on the court. Judge Moreno knew prior to the December 12, 2017 hearing, and she ... did ... nothing.

There is clear, cogent, and convincing evidence that ex parte communication occurred, and no record of the ex parte communication in the court file. There is clear, cogent, and convincing evidence of fraud on the court in the court file as early as October 30, 2017 and no record of Judge Moreno addressing that fraud. There is clear, cogent, and convincing evidence that Judge Moreno was responsible for scheduling the Simons visits. There is clear, cogent, and convincing evidence Judge Moreno made the decision to stop scheduling the Simons' visits during an ex parte communication and then held the Simons accountable for the cessation of those visits to deprive

(End Page 51)

(Start Page 52)

them of their fundamental rights. Despite there being clear, cogent, and convincing evidence that Judge Maryann C. Moreno violated her oath of office, in response to the complaint I filed with the Commission on Judicial Conduct, the members stated the following:

"Under the state constitution, the Commission is limited to enforcing the Code of Judicial Conduct. It does not decide whether the judge made the right decisions. The Commission must find clear, cogent, and convincing evidence of a violation of the Code of Judicial Conduct before proceeding further. The Commission members found that no violation of the Code of Judicial Conduct was proven in this matter. [**Exhibit 97**](https://drive.google.com/open?id=1fSyRPZqCY5ihVbVyBMy1W5LVVWxF2Zhr&disco=AAAAN4TOXEw)

**USING REAL ESTATE TO "SECURITIZE" DEBT FOR ATTORNEYS FEES WHILE**

**STILL PROVIDING REPRESENTATION**

On October 17, 2016, Wayne Janke issued a Deed of Trust for parcel number 45282.3828 to Spencer Harrington, with Harrington Law Office, PLLC as the trustee. Parcel number 45282.3828 was Wayne Janke's home, which was sold in March of 2018. According to Spencer Harrington, the Deed of Trust was to secure attorney fees, in the amount of$28,359.32 that Mr. Janke owed to Spencer Harrington. The Deed of Trust signed on October 17, 2016, was not filed until April 11, 2017. Despite Mr. Janke allegedly owing Mr. Harrington attorney fees, Mr. Harrington continued to represent Janke/Strand. The amount of money secured by the Deed of Trust is approximately $45 more than what Janke/Strand owed for GAL fees. [**Exhibit 98**](https://drive.google.com/open?id=1fSyRPZqCY5ihVbVyBMy1W5LVVWxF2Zhr&disco=AAAAN4TOXFE)

**TARGETING A JUDGE FOR CASE ASSIGNMENT TO ACBIEVE POLITICAL COUP**

At the start of this complaint, I reported that a specific Judge could be targeted through the devised scheme created under case number 15-5-00185-5. In this case, it was Judge Moreno, whose assignment to this case was secured by the Simons attorney, Gary Stenzel. As Spencer Harrington originally filed this case as a paternity action there was no trial judge assigned. This allowed for all Hearings to be conducted in ex parte court before court commissioners. If an attorney wants to contest a court commissioner' s ruling, a motion for revision must be heard before a judge. Without a trial judge assigned, the attorney contesting the ruling must file motion documents before the Presiding Judge for placement on a judge’s docket. At the time of the Simons' case, Judge Cozza was the Presiding Judge.

On April 13, 2015 Gary Stenzel filed a motion for revision of Commissioner Pro Tem Wendy Colton's April 3, 2015 ruling. While a motion for revision in and of itself is not so abnormal, disputing the Commissioner's decision to allow a child to go on a cruise and waiting ten days to file the motion, with the child already having gone on the cruise and with the return hearing for the TRO noted 4 days away is conspicuous. Upon information and belief, based on the content of Mr. Stenzel's initial filing, the first motion for revision was a test run to see who Judge Cozza would assign the hearing to. Additionally, the portion of the order sought to be reviewed included: "Neither Adequate Harm or Defacto parental relationship, which is what a GAL bas to do first." After filing the initial motion, Presiding Judge Cozza placed the motion on Judge Moreno's docket. [**Exhibit 99**](https://drive.google.com/open?id=1fSyRPZqCY5ihVbVyBMy1W5LVVWxF2Zhr&disco=AAAAN4TOXIM).

(End Page 52)

(Start Page 53)

After learning Judge Moreno would hear the motion for revision, Mr. Stenzel tried again.

On April 21, 2015, Mr. Stenzel filed another motion for revision of Commissioner Pro Tem Wendy Colton's April 3, 2015 ruling. In addition to the second motion for revision, Mr. Stenzel filed a motion for change of judge. Again, while a motion for revision in and of itself is not so abnormal, and a motion for change of judge implies a desired different judicial assignment, setting a motion for revision when the return hearing is 3 days away is again conspicuous. More conspicuous is entering an agreed order to strike the revision hearing. [**Exhibit 100**](https://drive.google.com/open?id=1fSyRPZqCY5ihVbVyBMy1W5LVVWxF2Zhr&disco=AAAAN4TOXIU)

An agreed order is not necessary to strike a revision hearing as a simple phone call to a judicial assistant striking the hearing will suffice. However, asking Judge Moreno to make a "discretionary" ruling, ensures denial of a motion to change judge and judicial assignment. Additionally, in the second motion for revision, the portion of the order sought to be reviewed now stated, "There was no clear finding of de facto parenting although some information led to supporting some kind of relationship with the Petitioners."

On April 21, 2015, when Mr. Stenzel filed his second revision motion, Christopher had gone on the cruise to Hawaii and had been home for over a week. There was no remedy for the relief Mr. Stenzel was seeking as the issue was already moot. Further, the return hearing on the original TRO was 3 days away. Following the entry of the order striking the revision hearing, the "Agreed Temporary Order" was used to bypass the return hearing on the TRO, the Order appointing the GAL was signed 3 days later, and on July 2, 2015, Gary Stenzel filed a certificate of readiness and note for paternity trial to schedule trial with Judge Moreno, stating on the record that she was the assigned judge. [**Exhibit 101**](https://drive.google.com/open?id=1fSyRPZqCY5ihVbVyBMy1W5LVVWxF2Zhr&disco=AAAAN4TOXIo)

On July 24, 2015, Gary Stenzel appeared before Commissioner Rugel on a certificate of readiness. A discussion regarding judge assignment was conducted on the record. Court transcripts, and a call to Judge Moreno verify that she has not yet been listed as the assigned judge in the system, but instructed Commissioner Rugel to make a ruling on the motion pending before him and Commissioner Rugel struck the hearing. Then, on August Following Commissioner Michelle Ressa's September 10, 2015 Order assigning a new case number to case number 15-5-00185-5, case number 15-3-02130 was assigned to Judge Moreno on September 18, 2015. Following the assignment of a new case number, Gary Stenzel never filed a motion for change of judge. The fraud had achieved what it had set out to do. A devised replicable scheme, with the ability to hand pick the judge for case assignment, had been established. [**Exhibit 101**](https://drive.google.com/open?id=1fSyRPZqCY5ihVbVyBMy1W5LVVWxF2Zhr&disco=AAAAN4TOXIo)

CONCLUSION

Case law is the guideline, or precedent, of a jurisdiction. Precedents are derived from legal interpretations of cases that have undergone an appellate process. Sometimes these cases have constitutional implications. In reviewing these cases, the appellate courts generally apply strict scrutiny when evaluating the actions of the government.

Strict scrutiny is the most stringent level of scrutiny and it requires the government, which includes the judicial, legislative, and executive branches, to demonstrate that it used the least restrictive means to achieve its interest. Once a case has been ruled on by an appellate court, a legal doctrine known as Stare Decisis binds courts to adhere to the case law set by previous

(End Page 53)

(Start Page 54)

decisions of the appellate courts. Because of Stare Decisis, the law remains consistent when applied to similar cases. However, as the law is applied to facts, if facts are novel, case law is changed.

When existing law is applied to a novel set of facts, a hundred years of precedent can be overtumed by just one case. This is equally true with legislative enactments, especially if those legislative enactments are made and/or altered to model a particular case. When case law changes, whether by novel facts or change in legislation, it alters lives, societies, and systems forever. It also leaves the litigants of that one case (aka "the pilot trial") victims of constitutional deprivations with seemingly little to no recourse as the harm that results is presumed to be based on good faith or legislative intent. But, if the facts are fabricated and the outcomes of a case are defined by the judicial and legislative officers involved who have self-dealing interests, then the constitutional deprivations and harm that results is a direct result of the government. That is what happened to the Simons.

The judicial and legislative officers involved in the case that is the subject of this complaint, manufactured a novel set of facts and then used those facts, in conjunction with falsified documents, abuse of power, and abuse of process, to attain legal standing for individuals that had none. Through this devised, fraudulent scheme, Doris Strand and Wayne Janke appeared as

"parties in parity" before Spokane County Superior Court Judge Maryann C. Moreno and pursued parental rights of Christopher Simon. Those "novel facts" were so convincingly deceitful that Judge Moreno in her Findings of fact and Conclusion of Law dated January 6, 2017 stated, "The Court has reviewed all of the published case law in Washington concerning de facto parenting and there is not a published case in Washington with a similar fact pattern as presented in the case at bar." Still, Judge Moreno ruled the threshold for de facto had not been met.

On November 17, 2016, in her oral ruling, Judge Moreno ruled the Petitioners were not de facto parents and Ronald and Teresa Simon were fit parents. Judge Moreno identified, " ... the original allegations and even the trial brief Mr. Harrington filed, the petitioners made allegations against the Simons that were not true" and noted those same allegations were used to obtain restraining orders against the Simons on March 31, 2015. Despite this ruling, Christopher Simon was not returned to the custody of the Simons. Instead, an adequate cause hearing for nonparental custody was held on December 15, 2016. The significance of the false allegations used by the petitioners and Mr. Harrington, noted by Judge Moreno, surfaces in the adequate cause hearing as to have standing to pursue nonparental custody, RCW 26.10.032 requires, "that the child is not in the physical custody of one of his parents, or that neither parent is a suitable custodian."

On December 15, 2016, Judge Moreno held the adequate cause hearing for nonparental custody in case number 15-3-02130-1. At the start of this hearing, while trying to explain why an adequate cause hearing had never happened in the case, Mr. Harrington misrepresented to the court:

MR. HARRINGTON: Adequate cause it's a threshold finding ... the respondents have said it' s our burden to set this

hearing ... Anybody has the right to set this hearing. Strangely, that

(End Page 54)

(Start Page 55)

hasn't occurred in this case, and you'll see that's because agreed orders were entered in April of 2015.

THE COURT: Agreed - - What agreed Orders?

MR. HARRlNGTON: Pardon me?

THE COURT: What agreed orders?

MR. HARRlNGTON: There was the agreed temporary order. It was in, I believe, April, I want to say 2015.

THE COURT: Yeah, but to do what? An agreed order to do what?

MR. HARRlNGTON: Pardon me?

THE COURT: An agreed order on adequate cause?

MR. HARRlNGTON: No. An agreed order where Christopher was placed with the petitioners. And then at that point the adequate

cause issue, I believe, just sort of fell through the cracks from that point forward.

Judge Moreno had no knowledge of the April 24, 2015 "Agreed Temporary Ortler" referenced by Mr. Harrington as it was entered while the case was maintained under case number 15-5-

00185-5. Contrary to Mr. Harrington's misrepresentation to the court, the April 24, 2015

"Agreed Temporary Order" was the document used to bypass the return hearing on the

temporary restraining order issued against the Simons on March 31, 2015. And, as noted by

Judge Moreno on November 17, 2016, the temporary restraining order was obtained using false allegations.

The Simons did not agree to place Christopher with the Petitioners. They were told by their

attorney, Gary Stenzel, there was a hearing occurring, submitted evidence to dispute the

allegations of the petitioners, and believed a hearing did occur. In fact, at an August 7, 2015

hearing, Mr. Harrington misrepresented to the court that oral argument occurred, and at the same time lied about how the case was filed as a paternity action after a hearing. [**Exhibit 102**](https://drive.google.com/open?id=1fSyRPZqCY5ihVbVyBMy1W5LVVWxF2Zhr&disco=AAAAN4TOXJs)**.**

The Simons were unaware the April 24, 2015 "Agreed" order, which was signed by Mr.

Harrington, Mr. Stenzel, and Commissioner Anthony Rugel even existed. Mr. Stenzel never

provided his clients a copy of the order or informed them of what happened. And without the

initial restraining order, which allowed for the use of the "agreed" order, Christopher would have never been in the physical custody of Doris Strand and Wayne Janke. All the other restraining

orders referenced expired after 14 days. The expiration of the April 24, 2015 was extended to 12 months, without a hearing, on the recommendation of a GAL not yet appointed to the case before she ever met the Simons.

(End Page 55)

(Start Page 56)

If the findings of the Court were true on November 17, 2016, they were equally, if not more so, true on March 31, 2015 when Spencer Harrington pursued de facto and non-parental actions on behalf of his clients. Stated differently, on March 31, 2015, Ron and Teresa Simon were suitable custodians, Doris Strand and Wayne Janke were not de facto parents. And, until Mr. Harrington used false allegations and falsified documents to obtain a restraining order, Doris Strand and

Wayne Janke lacked physical custody, and legal standing, to pursue parental rights of

Christopher Simon.

The actual detriment determination made by Judge Moreno on December 15, 2016, was a direct result of the restraining order obtained by Spencer Harrington on March 31, 2015. This

restraining order was obtained without leave to proceed from juvenile court and based on false allegations. But for the April 24, 2015 "Agreed Temporary Order" used to bypass the return

hearing on that initial restraining order, non-parental custody for the Petitioners

was ... not.. .possible. And, if the nonparental trial would not have occurred, the Washington State legislature would not have "the court case" on which it based its legislation.

The Simons' non-parental custody case is "the case" that enacted Section 513(3) of Engrossed Substitute Serrate Bill 6037. The draft legislation, as authored by the National Conference of

Commissioners on Uniform State Laws offered two alternate options for Section 513(3). The

legislative note instructed states to, "enact Alternative A if the state does not wish a child to have more than two parents or Alternative B if the state wishes to authorize a court, in certain

circumstances, to establish more than two parents for a child." On December 20, 2017, 8 days

after I contacted Tamara Murray, attorney for Teresa Simon, and informed her of my concerns

regarding this case, Engrossed Substitute Serrate Bill 6037 was pre-filed for introduction with Washington State adopting "Alternative B."

Judge Moreno delayed final ruling on non-parental custody in the Simons' case. The ruling was originally scheduled for January 8, 2018, but since the Washington State legislature's regular

session didn't begin until January 8, 2018, the final ruling was rescheduled. On January 18, 2018 Judge Moreno issued her final ruling in the Simons' case, giving non-parental custody of the

Simons' son to Doris Strand. One week after the ruling, executive action was taken by the

Washington State legislature, on Engrossed Substitute Senate Bill 6037. The Washington State legislature adopted "Alternative B" and Engrossed Substitute Senate Bill 6037 now reads in

pertinent part, "The court may adjudicate a child to have more than two parents under this

chapter if the court finds that failure to recognize more than two parents would be detrimental to the child. A finding of detriment to the child does not require a finding of unfitness of any parent or individual seeking an adjudication of parentage."

By devising a fraudulent judicial and statutory scheme to give legal standing to individuals that had none, the judicial and legislative officers created "parties in parity" and the ability to

generate private litigation. In doing so, the legislative and judicial officers that are subject of this complaint, generated **the** case on which legislative changes to the Uniform Parentage Act are

based. That case is filed as *ln Re: Christopher Simon, Wayne Janke and Doris Strand,*

*Petitioners v. Ronald and Teresa Simon*, Respondents, Spokane County Superior Court Case No. 15-3-02130-1. Two concurrent trials were conducted under that case number, one for de facto

parentage and the other for non-parental custody. Both rulings are under appeal before the

(End Page 56)

(Start Page 57)

Division III court of appeals under anchor case number 35974-3 filed as case number 35055-0. 1t was scheduled for oral argument on December 9, 2020, but that has since been delayed. And,

absent the fraud committed by the petitioners and the judicial and legislative officers outlined in this complaint, this case would not exist at all.

Judge Moreno issued her ruling on de facto parentage on November 17, 2016, her ruling on non­parental custody on January 18, 2018, and on January 25, 2018, legislative changes were made to the Uniformed Parentage Act drafting and adopting statutory language that conformed to the rulings made by Judge Moreno in both trials conducted under case number 15-3-02130-1.

What happened to the Simons and their son was not case based on truth or pursued in the best

interest of the child. lt was pursued by judicial and legislative officers, with self-dealing

interests, through falsified documents, abuse of power, and abuse of process who stand to

achieve significant financial gain, through replication of this devised system, for years to come if this case is not investigated.

Upon information and belief, Judge Moreno, was the target of a political coup by several

partners of Witherspoon Kelley, Davenport, and Toole, P.S., that sought to create conflicts of

interests by using partners from their own firm in active litigation, in efforts to challenge a

subjective compensation/bonus system, transfer corporate power, and devise a replicable system for replacing elected judges with another Governor appointed judge of their choosing. Upon

information and belief, Judge Moreno learned of the fraud in this case on December 15, 2016

when Spencer Harrington informed her of the "April 2015 Agreed Order." Because of Canon

Rule 2.9(C), Judge Moreno couldn't investigate the facts pending, or impending, in the case

before her,

On January 18, 2018, in her oral ruling, Judge Moreno stated:

I was very cognizant of the law and the desire that the government and the court not be involved in issues between families. So I set a

schedule to start visits between the Simons and their son...

Now that Christopher is over 18, the Courts are telling the Simons "the issue" regarding

parentage of their son is moot. The Simons son was kidnapped by acts of individuals that raised their right hand and swore to uphold the Constitution of the United States and the Constitution and the laws of the State of Washington.

The facts and outcomes of this case were created and defined by the judicial and legislative

officers involved who have self-dealing interests. But for the actions of the judicial and

legislative officers listed in this complaint, In Re: Christopher Simon, Wayne Janke and Doris Strand, Petitioners v. Ronald and Teresa Simon, Respondents Case No. 15-3-02130-1 would not exist.

If a return hearing on the initial TRO would have occurred, which doubled as the ''prima facie" showing for de facto parentage, Christopher Simon would have gone home. Teresa Simon has not seen her son in five years.

(End Page 57)

(Start Page 58)

RCW 13.34 and RCW 26.10 are very different statutes with very different requirements.

However, the bad actors of this case realized that by combining both statutes in onr case, they

could bridge the gap between the two statutes. In doing so, they could create a desired outcome capable of replication. The bad actors bridged that gap through falsification of documents, abuse of power, and abuse of process, which created a RCW 26.10 case. Those same bad actors then

achieved a favorable outcome, and case law, for a RCW 13.34 case pursued under a RCW 26.10 statute. This means, the bad actors, through the use of private litigants, created a case, that

achieved a favorable RCW 13.34 outcome under a RCW 26.10 statute. The judicial actors in this case collectively created a case that would withstand strict scrutiny while appearing to have no state involvement in the case. And, the Washington State legislative officers codified it while it happened. The problem with Ronald and Teresa Simons' case is to achieve the RCW 26.10

litigation, the judicial officers deprived the Simons' of their constitutional rights without due

process. That is arbitrary use of power and that is tyranny.

In attempts to target me for blowing the whistle on this system, which tool 11 years to perfect,

the court system attacked my granddaughter's dad, Dillon Wheeler. During court proceedings, he stated he wanted to give up his rights. So, we hired an attorney, Mark Iverson, to terminate his rights. Mr. Wheeler showed up and defended his rights. Simultaneously, I was told by another

attorney, that based on a case that just came out of the court of appeals, that I might not have

standing. When I questioned Mr. Iverson about this, he conferred with an adoption attorney he knew and sent the documents attached as **Exhibit 103**.

The documents Mr. Iverson provided to us purported to give my daughter the ability to waive Mr. Wheeler' s rights. As I started to see a resemblance between our case and the Simons, I

demanded my attorney dismiss our case. With this, and the addition of the Ginger Johnson fiasco previously mentioned, Mr. Wheeler's lawyer is now trying to get us all back in court. And, with the new system as described in this complaint, the court has the power take anyone's child,

unnoticed and unfettered. I am not a stranger to the retaliation that whistleblowers suffer. l've

suffered it before. This is just the first time the attacks involve the criminal activity of

kidnapping.

I am a whistleblower. In 2004 I reported improperly disposed medical waste being discarded in my janitor's closet. After several attempts to report my concerns, Spokane Hazardous Waste

entered the building, created a "bio-hazard" disposal room, and accused me of staging photos for money. After reminding the investigator that I could not stage photos with material that was not supposed to exist in the first place, the medical offices received nominal fines. **Exhibit 104**

In 2011-2012, I reported that a doctor was sterilizing and reusing needles for spinal procedures. After reporting my concerns to Labor and Industries, I had my hours reduced and was eventually terminated. During the investigation, I was accused of violating the privacy of the doctor because I took photos of the dirty needles in the drawers of the operating rooms. The doctor was

conducting business in a facility still listed in "new construction" and using those dirty needles on unsuspecting injured patients of self-insured corporations and Medicaid/Medicare patients. The doctor then billed insurance companies for new needles.

(End Page 58)

(Start Page 59)

In 2017, I reported concerns regarding attorney misconduct, racial discrimination, sexual discrimination, and ex parte communication with a judge. I was asked to draft documents for a case that caused the kidnapping of a child, though I didn’t know it was kidnapping at the time. My gut told me something was not right. The emails I sent to Kimberly Kamel were labeled “part of the GAL file protected by court order.” And I was accused of purloining documents to conceal those emails. It is important to remember, just like the medical waste, I am being accused of “purloining documents” from a case, that but for the color of law violations of the judicial and legislative officers, would never exist in the first place.

Their concluded efforts resulted in the kidnapping of a child as a direct result of the GAL with dual roles. And now, after they stole the Simons’ son, Mr. Daley is attempting to collect on a GAL bill that totaled over $70,000 as evidenced by his brief submitted to the court of appeals. A successful attempt to get Ms. Kamel paid for her dual role in the Simons’ case is also a win for their clients, Empire Health Foundation and Family Impact Network. By steering this case to successful completion, Kimberly Kamel secured a financial cash flow for herself, her firm, and her clients. And that child, Christopher, they all alleged to work so hard for pursuing this in his best interest? Guess where he is now?

To all those who alleged to have so diligently pursued this case defending the best interest of Christopher, congratulations on your valent efforts. Because of you, he never graduated from high school, he never made eagle scouts and doesn’t have a job.

To all those show alleged to have diligently pursued this case defending the best interest of Christopher remember….“ I do solemnly swear, that I will uphold and defend the Constitution of the United States.…”

Text, letter

Description automatically generated