The Honorable Ronald Leighton

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

William Scheidler, **Plaintiff,** **V** **James Avery, individually and in his official capacity as Kitsap County's Assessor; Alan Miles, individually and in his official capacity as Kitsap County's deputy prosecutor; M. Karlynn Haberly, Individually and in her official capacity; Kay S. Slonim, Individually and in her official capacity; Felice Congalton, Susan Carlson, David Ponzoha, Zachary Mosner, Ione George individually and in her official capacity, the Washington State Board of Tax Appeals (BoTA),the** **Washington State Bar Association, and Jane and John Does, 1-100.** **Defendants.** Defendants	Civil Case No. 3:12-cv-005996-RBL- AMENDED RICO STATEMENT

In this action, claims have been asserted under the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. Section 1961. Under the current practice of The Western District of Washington, all parties filing RICO claims must file a RICO Statement as noted below.

This Statement includes the facts is relying upon to initiate this RICO complaint as a result of the "reasonable inquiry" required by Fed. R. Civ. P. 11. In particular, this Statement shall be in a form which uses the numbers and letters as set forth below, and shall state in detail

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and with specificity the following information.

1. State whether the alleged unlawful conduct is in violation of 18 U.S.C. Sections 1962(a), (b), (c), and or (d). The alleged unlawful activity is in violation of 18 U.S.C. Sections 1962 (a)(b), (c). and (d)

2. List each defendant and state the alleged misconduct and basis of liability of each defendant.

A. Defendant James Avery, individually and in any official capacity. Avery is mandated by law to publish the "qualifications and manner" of making claims for citizen's Article 7, Section 10 rights. Avery violates his obligations mandated by law, there is no legal "manner nor legal qualifications" that Avery disseminates – it is all a fraud to cheat citizens. Avery is a RICO defendant in an association-in-fact[1] with all defendants.

B. .Defendant Alan Miles, WSBA #26961, individually and in any official capacity. Miles aids and abets Avery's fraud. Miles is a RICO defendant through association with the Bar and in an association-in-fact with Avery.

C. Defendant M. Karlynn Haberly, WSBA #8674, individually and her official capacity as a Kitsap County Superior Court Judge Defendant Haberly's conduct as herein described routinely denies the an others basic due process for which declaratory judgement is not feasible. Conflict renders her 'disqualified to sit as judge" under RCW 2.28.030, CJC 2.11 and her violation of this law is official misconduct. Haberly supports the RICO defendants with her rulings that deny due process

D. Defendant Kay S. Slonim, WSBA #12414, individually and in any official capacity. Slonim aids and abets Avery's fraud by denying the due process. Slonum supports the RICO defendants with her rulings

E. Defendant Ione George, WSBA#18236, individually and in any official capacity. George aids and abets Avery's fraud and extortion scheme by presenting it as legitimate in federal court.. George is a RICO defendant by her association with the Bar, and in an association-in-fact with Miles, Avery, Haberly

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F. Washington State Board of Tax Appeals (BoTA) is an administrative agency that hears tax appeals of citizens. This action appeals their decision under the administrative procedures act.

G. Defendant Washington State Bar Association ("WSBA, Bar, Association") is a private organization. The WSBA is a fiduciary tasked with maintaining the "integrity" of WA State's judicial system and to insure lawyers 'protect and maintain' Scheidler's individual rights. The WSBA betrays the trust and is dominated by the RICO enterprise. The enterprise, acting under the authority of the WSBA, develops policies in dealing with bar complaints that targets sole practitioners, minorities, and political enemies of the enterprise of which Schiedler is one. The WSBA acts through its disciplinary counsel and so-called "review committees" which supervises the investigation of the grievances. The WSBA also supports the goals of the enterprise by functioning as a classic protection racket. That is, it charges exorbitant dues in exchange for providing protection to attorneys from grievances filed by their clients. It doing so it has developed policies and procedures that have never been reviewed nor approved by the Washington State Supreme Court. The WSBA and the RICO enterprise have dismissed all of Scheidler's grievances, while supporting misconduct by attorneys of Scheidler's opponents. As such, it has made it virtually impossible for him to obtain representation even though he has had good cases and the funds to pay retainers for obtaining competent counsel. The Washington State Bar Association is an organization that has a long history of the masquerading as a state agency that claims to protect the public against unethical attorneys through a judicial or quasi-judicial process that is unbiased, neutral, and fair. In fact, the organization has become beholden to the corrupt goals of the enterprise which is to allow unethical activity of its members to flourish through the use of wire fraud, bribery, extortion, intimidation and fear.

H. Defendant Felice Congalton, WSBA#6412, Felice Congalton is a member of the Office of Disciplinary Counsel (ODC) of the WSBA, who screens grievances submitted by the public. With others to be named later she has developed both written and unwritten policies that have not been reviewed by the Washington State Supreme Court that serve the goals of the

[1]See Phillip Morris USA Inc., 566 F.3d 1095, 1111, 386 U.S.App.D.C. 49

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RICO enterprise. As a member of the RICO enterprise, she is the prime enforcer of its corrupt goals. She dismisses legitimate grievances filed by opponents of the enterprise, thus allowing its members of the enterprise to continue with acts of fraud, bribery, extortion, and other criminal and unethical acts. She has dismissed numerous legitimate grievances filed by the plaintiff, treating him like a pariah of the legal profession making it impossible for him to obtain representation. Likewise, she supports bogus investigations by allowing illigitamate bar complaints of members of the enterprise. She is being sued in her capacity as an investigator for the WSBA. She is a RICO defendant.

I. Clerk Court of Appeals, David Ponzoha, denies the and others due process by refusing to file briefs and other papers with the court. Declaratory Judgement is not available. Ponzoha has refused to file briefings of the which has caused his legitimate appeals to be dismissed.

J. Defendant Susan Carlson, WSBA#12165, Susan Carlson, clerk of the Supreme Court, denies the and others due process by refusing to file briefs and other papers with the court. The clerk's of the Supreme Court consider this administrative for which appeal nor declaratory judgment is not available. Declaratory Judgment is not available.

K. Zachary Mosner refused to investigate a legitimate bar complaint filed by the plaintiff, deferring instead to the court system. This furthers the protection racket scheme run by the defendants, constitutes bribery and/or extortion. He is a RICO defendant

L. Defendant Jane and John Does, 1-100, who have not yet been identified. These are other members of the WSBA criminal enterprise. They will include judges disciplinary counsel, disciplinary board members and other attorneys who support the goals of the enterprise by engaging in predicate acts such as bribery, extortion, mail fraud, wire fraud in support of the activities of the WSBA protection racket.

3. List the alleged wrongdoers, other than the defendants listed above, and state the alleged misconduct of each wrongdoer.

A. Scott Busby extorted the democratic rights of John Scannell (Scannell) and others by orchestrating a bar violation where Scannell was disbarred for obstruction for refusing to turn over attorney client privileged information on his client Paul King, who Busby was also

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attempting to prosecute. Made accusations of Scannell making "frivolous motions" which were not only not frivolous, but Scannell was correct.. Participated in hundreds of ex parte contacts so he could prearrange Scannell's conviction. The goal was in Busby's own words "to send a message" to other attorneys as to what would happen if you turned to the legal system to try and fight the activities of the enterprise.

B. Gail McMonagle issues orders without jurisdiction so that Scannell cannot protect the attorney client privileges of his client.

C. Russell M. Aoki, Marcine Anderson, James E. Baker, Stanley A. Bastian, Eron Berg, Liza E. Burke, Anthony Butler, Brian L. Comstock, Ellen Conedera Dial, Lonnie Davis, Loren S. Etengoff, G. Geoffrey Gibbs, Anthony D. Gipe, Lori S. Haskell, David S. Heller, Nancy L. Isserlis, Mark A. Johnson, Peter J. Karademos, "Leland" B. Kerr, Douglas C. Lawrence, Carla C. Lee, Roger A. Leishman, Catherine L. Moore, Salvador A. Mungia, Kristin Olson, Kathleen O'Sullivan, Patrick A. Palace, Eric C. de los Santos, Marc A. Silverman, S. Brooke Taylor, Steven G. Toole, Edward F. Shea, Jr., Brenda Williams, and Jason T. Vail (hereinafter referred to as the "BOG") were all members of the Board of Governors who, individually and collectively organized the ex parte contact that were used to pre-arrange the convictions of the plaintiff. The BOG defendants have been heavily criticized by the ABA for taking part in the disciplinary process which represents a direct conflict of interest. The BOG continues to maintain control over the disciplinary process by making illegal ex parte contacts with the disciplinary board, the Supreme Court, and the disciplinary counsel's office so that discipline is steered away from prosecutors, defense counsel, and large firms and directed toward solo practitioners and minorities as well as political enemies of the enterprise.

E. Larry Kuznetz, Amanda Elizabeth Lee, David Heller, Brian Romas, Zachary Mosner, Thomas Cena, Joni Montez, Thomas Andrews, Tamara Darst, Susan B. Madden, Clementine Hollingsworth, William J. Carlson, Seth Fine, Carrie M. Coppinger, Henry (Ted) Stiles, Norris

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Hazelton, Thomas Cena, Michael Bahn, Melinda Anderson, Shea C. Meehan, Norma L. Ureña, Grace Greenwich, James V. Handmacher Ryan Barnes Robert Weldon, Julie Shankland, , Brian Romas, Shea C. Meehan were all members of the Disciplinary Board

Violated State ethics statutes by hiring common counsel with Scott Busby, thereby ensuring Scannell's conviction before Scannell could present a single piece of evidence. Extort the democratic rights of the members by upholding retaliatory bar prosecutions to cover for those who support disciplinary action against friends of the enterprise.

F. James Danielson, Bastian, and the Jeffers Danielson firm. The Jeffers-Danielson firm is an unethical firm who commit serious bar violations and use their influence and control of the enterprise to avoid prosecution for their own misconduct. The firm is paid $30,000 a year so that Danielson can pre-arrange conviction of the political enemies of Bastian and other members of the enterprise. Danielson also pre-selects hearing officers to uphold disciplinary actions against minorities and solo practitioners which achieves the aims of the enterprise by keeping most discipline steered toward solo practitioners and minorities. Hearing Officers who in the past, acquitted in the past are not called again. As a result of the fixing of cases by preselecting the judges, none of the defendants are ever fully acquitted. The WSBA has admitted this in response to public disclosure request submitted by Anne Block.

G. Christine Gregoire, through her agents, orchestrated the cover-up of the unethical activity in the attorney general's office, so that she would not be held accountable for her own misconduct, when she ran for Governor.

H. Loretta Lamb, first chair on the Beckman case, who conspired with Gregoire to coverup the unethical activities of both Gregoire and Lamb.

I. Timothy L. Leachman wrongfully initiated the prosecution of Doug Schafer by fabricating charges so that Grant Anderson would not be held accountable for his unethical activies.

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J. Grant Anderson sought and received the aid of the enterprise who failed to prosecute him for untethical activities involving a client's trust account.

K. Bobbe Bridges enlisted the aid of the enterprise in avoiding drunk driving charges being brought against her as a bar violation

L. Christine Grey, headed the prosecution of Douglas Schafer, covering for Grant Anderson, made a retaliatory prosecution of Jeffery Poole, who was eventually disbarred Linda Eide, headed the prosecution of Grunstein, proceeded to charge and convict without jurisdiction, destroyed evidence.

M. Jonathan Burke, headed prosecution of Steve Eugster, prosecution in retaliation for free speech right, conviction based upon hearsay testimony of incompetent dead person. Henry Judson III is a Seattle attorney who exploited a conflict of interest against Evangeline Zandt without giving written notice of the conflict to either the client or the court.

N. Geoffrey Gibbs was at all material times employed as a Snohomish County Commissioner. He acted and lives within he geographical boundaries of the Court. He is a person who, individually and in concert and agreement with other persons, acted under color of the law to deprive of rights guaranteed by the United States constitution by retaliating against her for exercising those rights. He conspired with others to retaliate against the Plaintiff. He is also a member of the RICO Enterprise.(How?)

O. Sky Valley Chronicle LLC is a Washington Limited Liability Company located in Sultan, Washington, whose agents are public officials and employees employed by public officials to control the message in Snohomish County, as a matter of policy, custom and usage of the City of Gold Bar, and Snohomish County defendants John E. Pennington and Crystal Hill Pennington, acted with the power conferred upon them by the City of Gold Bar, retaliated collectively, in concert and in agreement with the other named defendants against the to wrongfully retaliate against and injure her for exercising her First Amendment rights. This

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consisted of publishing untrue and defamatory attacks on Block and for organizing a campaign to wrongfully deprive Block of her law license.

P. Ronald Fejfar was at all material times an employee of defendant Sky Valley Chronicle. He is a person who, individually and in concert and agreement with other persons, acted under color of law to deprive of rights guaranteed by the United States constitution by retaliating against her for exercising those rights. He conspired with defendants John Pennington, Crystal Hill Pennington, and Joe Beavers to retaliate against the Plaintiff.

Q. Linda Eide was at all material times was an employee and disciplinary counsel of defendant Washington State Bar Association. While investigating Block, she began insisting that Block provide material that was covered by material shield act, and investigated complaints regarding her news reporting rather than her ethical obligations as an attorney. Framed the investigation in this fashion to aid the enterprise in wrongfully denying her bar license. Linda Eide, extorted the democratic rights of Anne Block and others by orchestrating a bar violation where Block was disbarred for obstruction for refusing to reveal her sources as a news reporter and refusing, at the behest of public officials on whom Anne Block had reported corrupt activities. She accused of Block making false accusations in news stories while acting as a newspaper reporter, but Block's articles were correct.. Participated in numerous ex parte contacts so she could prearrange Block's conviction's on alleged bar violations. Wrongfully attempted to obtain the sources for Block's news stories even though Block's sources should have protected under Washington law. The goal was in the words of another disciplinary counsel to send a message to other attorneys as to what would happen if you turned to the legal system to try and fight the activities of the enterprise. Linda Eide, also headed the prosecution of Grunstein, proceeded to charge and convict without jurisdiction, destroyed evidence, and used falsified evidence to wrongfully convict Grundstein.

R. Linda O'Dell is a hearing officer of defendant Washington State Bar Association. At

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some of the times mentioned in the complaint she was a Hearing Officer for the hearing of Ann Block. She was preselected by enterprise member Joseph Nappi Jr., for the purpose of convicting the of wrongful bar complaints. O'Dell had no intention of holding a fair hearing, and fact was chosen to guarantee a finding of guilt.

Linda O'Dell maintains her own RICO enterprise which depends on the cooperation of the Defendant Washington State Bar Association and other enterprise members. She formed a partnership with a convicted killer, who then constructed roofing for houses built on the OSO mudslide site. Using the influence of Pennington, all building on the mudslide site were wrongfully approved for construction by co-defendant Reardan.

S. Douglas Ende was at all material times an employee of defendant Washington State Bar Association. Douglas Ende was the supervisor Linda Eide who approved of the wrongful investigation of Ann Block. He refused to terminate the investigation or take Linda Eide off the case was confronted with her conflicts of interest and improper investigation

T. Kenyon Dissend, Margaret King, Michael Kenyon and Ann Marie Soto were at all material times are contractors for defendant City of Gold Bar being sued as members of the Enterprise. Kenyon Dissend is law firm is accountable for the acts of defendants King, Soto and Kenyon, who are all lawyers. Kenyon is also shareholder in that firm. These defendants knowingly passed on illegally obtained information to the enterprise for the purpose of blackmailing and extorting the democratic rights of Ann Block. King, Kenyon, Soto, wrote deceptive and knowingly untrue bar complaints, trying to make it look like they were authored by others.

U. Ronald Schaps was at all material times an employee (volunteer) of defendant Washington State Bar Association. At some of the times mentioned in the complaint he was a purported to Conflicts Review Officer. He was preselected by the Washington State Supreme Court, for the purpose of dismissing the legitimate bar complaints filed against Linda Eide, Lin

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O'Dell and Joseph Nappi Jr. had no intention of conducting an investigation of Plainitff's legitimate bar complaints, and in fact was chosen to guarantee a non-finding of prosecuritorial misconduct.

V. Dorothy Crowshaw was at all material times a member of the Enterprise assisting furtherance of defendants predicate acts. She is a person who, individually and in concert and agreement with other defendants, acted under color of law to deprive of rights guaranteed by the United States constitution by retaliating against her for exercising those rights. She also conspired with defendants Pennington, King, Hill, and Beavers, others to retaliate. She orchestrated a physical assault on Block's supporters when they attempted to attend city council meeting. Issued a thinly veiled threat to the media that Block would be murdered if she showed up at a City Counsel meeting.

W. Seth Fine is an employee of the Washington State Bar Association and a member of the Disciplinary Board of the Washington State Bar Association. He is member of the RICO enterprise who unethically contacted the defendants for the purpose of filing bar complaints against Block even though he was on the disciplinary board that was to hear the complaints.

X. Sean Reay is an employee and a prosecutor for Snohomish County who provided illegally obtained information to other members for the purpose of blackmailing and extorting the democratic rights of Block. He also wrongfully threaten the with jailing which was extortion and a predicate act under RICO

Y. Joseph Napi Jr is the Chief Hearing Officer for the Washington State Bar Association. Napi continued the WSBA's practice of predeciding cases during ex parte contacts with the disciplinary board and members of the Supreme Court instead the evidence presented at the actual hearings. In Block's case he ensured a favorable result for the prosecution by appointing a close associate, who herself should have been prosecuted for ethical lapses and who had a conflict of interest with respect to Block.

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Z. The WSBA Board of Governors (BOG) have been heavily criticized by the ABA for taking part in the disciplinary process which represents a direct conflict of interest. The BOG continues to maintain control over the disciplinary process by making illegal ex parte contacts with the disciplinary board, the Supreme Court, and the disciplinary counsel's office so that discipline is steered away from prosecutors, defense counsel, and large firms and directed toward solo practitioners and minorities as well as political enemies of the enterprise. These political enemies include a disproportionate amount of discipline directed at attorneys in Snohomish County where Anne Block resides. 44% of all attorney discipline in Washington State is directed toward Snohomish County attorneys even though Snohomish County is just a small fraction of the population of Washington. Block learned this from making public disclosure requests in December 2014. The reason for this is that prosecutors from Snohomish have dominated the disciplinary process by using corrupt means to dominate key positions and used those positions to further their own corrupt agenda.

AA. The. Snohomish County and its prosecutors participate in the RICO enterprise by using county equipment, employee time and resources to carry out the corrupt goals of the enterprise. Snohomish County has dominated the activities of the Washington State Bar Association to an inordinate degree so that 49% of all lawyer discipline is directed at attorneys in Snohomish County. It accomplishes this by extorting the democratic rights of opponents of the RICO enterprise.

4. List the alleged victims and state how each victim was allegedly injured. The specific victims of the Enterprise are include William Scheidler Doug Schafer, John Scannell, Paul King, Bradley Marshall, Robert Grundstein, Steve Eugster, Karen Unger, and Alfoster Garrett. Evangeline Zandt, Michael Chiofar Gummo Bear, Matthew Little. Ann Block, Chuck Lie, Elizabeth Lazalla, Noel Frederick, Susan Forbes, and Joan Ammen. General victims include the members of the Washington State Bar Association and the taxpayers of Washington, Snohomish

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County, Kitsap County, and Gold Bar.

The individual attorneys have had their law practices destroyed or severely hindered. Alfoster Garrett and Bradley Marshall have been victims of racial discrimination practiced by the bar. Matthew Little has had his constitutional right to an attorney taken away because of conduct of Kitsap Public Defenders Office. Matthew Little has had his constitutional right to an attorney taken away because of conduct of Kitsap Public Defenders Office. The members of the Washington State Bar Association have been intimidated into giving up some of their democratic rights as members of the Washington State Bar Association. Evangeline Zandt may have lost over $150,000 of money that should have been recovered for her. Michael Chiofar Gummo Bear has been denied adequate representation. The members of the Washington State Bar Association have been intimidated into giving up some of their democratic rights as members of the Washington State Bar Association. The public has been damaged as the Washington State Bar Association allows attorneys to practice in violation of the rules of professional conductThe public has been damaged as the Washington State Bar Association allows attorneys to practice in violation of the rules of professional conduct. As part of the blackmail extortion scheme, Block had defamatory and untrue information published about her in various media, and was threatened with physical assault and murder. She is also in the process of having her bar license wrongfully taken from her. She was wrongfully threatened with arrest for attempting to depose Pennington in a civil action.

Chuck Lie and Elizabeth Lazalla were former City council-persons of Gold Bar who were driven off the council with threatened assaults, actual assaults and stalking.

Susan Forbes was assaulted at a City Council meeting while Noel Frederick was threatened. Ann Block, Susan Forbes, and Joan Ammen wered sued with a SLAPP suit by Chris Wright.

5. Describe in detail the pattern of racketeering activity or collection of unlawful debts alleged

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for each RICO claim. A description of the pattern of racketeering shall include the following information:

a. List the alleged predicate acts and the specific statutes which were allegedly violated.

b. Provide the dates of the predicate acts, the participants in the predicate acts, and a description of the facts surrounding the predicate acts.

c. If the RICO claim is based on the predicate offense of wire fraud, mail fraud, or fraud in the sale of securities, the "circumstances constituting fraud or mistake shall be stated with particularity." Fed. R. Civ. P. 9(b). Identify the time, place and contents of the alleged misrepresentations, and the identity of persons to whom and by whom the alleged misrepresentations were made.

d. State whether there has been a criminal conviction for violation of the predicate acts.

e. State whether civil litigation has resulted in a judgment in regard to the predicate acts.

f. Describe how the predicate acts form a "pattern of racketeering activity."

g. State whether the alleged predicate acts relate to each other as part of a common plan. If so, describe in detail.

1. The RICO defendants have organized an enterprise which has now dominates and controls Washington State Bar Association, preventing it from performing its functions as intended by law. They have caused the WSBA to masquerade as a state agency that claims to protect the public against unethical attorneys through a judicial or quasi-judicial process that is unbiased, neutral, and fair. In fact, the organization has become beholden to the corrupt goals of the enterprise which is to allow unethical activity of the enterprise through the use of wire fraud, bribery, extortion, intimidation and fear.

2. The misrepresentations made by the defendants have been continual for the past 15 years. They have been constantly portrayed in press releases and on their web site WSBA.org. The following, which is an excerpt from the website is typical of the chief misrepresentations.

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All lawyers admitted to practice law in Washington are subject to lawyer discipline.
The lawyer discipline system protects the public by holding lawyers accountable for ethical misconduct.

3. In fact, the above misrepresentations are false as the enterprise, which now controls the Washington State Bar Association does not hold all attorneys accountable to the Rules of Professional Conduct or other ethical rules. The lawyer discipline system does not protect the public. The system does not hold lawyers accountable for ethical misconduct.

4. The above representations are material to both the public and to attorneys in the system as the public is entitled to a disciplinary system that polices ethical conduct, and other attorneys need a system that makes sure that ethical attorneys are not taken advantage of by unethical attorneys.

5. In making the above misrepresentations, the RICO defendants know the representations are false. The defendants intended to induce reliance on the representations by both the plaintiff, other attorneys, and the public. At all times relevant to this complaint, the was unaware that the representations by the defendants were false and relied upon their truth. The had a right to rely on it and has suffered damages as a result.

6. In asserting their plenary control powers, the defendant Supreme Court justices hold undisclosed private ex parte contacts with disciplinary counsel including defendant Busby, the defendant Washington State Board of Governors, the Washington Disciplinary Board, even when the disciplinary counsel acts an investigator which is a police function

7. They hold these ex parte meetings in private settings organized by the Washington State Bar Association, not by the Washington State Supreme Court. Their scheme to allow Washington attorneys have one of the least enforced disciplinary systems in the country is the common plan.

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8. Circa 1996. Scheidler is retired due to disability since 1996; Scheidler's disability is not disputed.

9. Scheidler is entitled to a "retired persons" property tax adjustment under Article 7, Section 10.

10. Circa 1998, Scheidler, intending to apply for his Article 7, Section 10 property tax adjustment rights, obtained the application and instructions from Kitsap County Assessor Carol Belas. Belas is tasked, by law, with providing these documents to Scheidler. See RCW 84.36.385(6)

"…each local assessor is hereby directed to publicize the qualifications and manner of making claims under RCW 84.36.381 through 84.36.389…"

11. Belas did not provided the "qualifications" as mandated by .385(6) because the instructions disseminated by Belas do not reflect the law as written, nor by following Belas's home-grown procedures would result in the calculated value for "disposable income" intended by RCW 84.36.383(5).

12. Scheidler notified Belas, via emails, that the materials she provided did not represent the controlling laws these materials were intended to represent. Belas is defrauding Scheidler and those similarly situated as the materials provided are a material misrepresentation intended to be relied upon to deprive people of their constitutional rights.

13. Circa 1998, Scheidler found Attorney Scott Ellerby, who agreed with Scheidler and represented Scheidler in that earlier challenge of the Assessor's fraud. Ellerby felt there were due process violations, violations of the ADA and privacy violations all caused by the Assessor's misrepresentations.

14. On or about November 16, 1998. Ellerby, after collecting legal fees from Scheidler in excess of $2000, over a period of about 8 months in preparation for Scheidler's administrative case, was threatened with his Bar license unless he withdrew as Scheidler's lawyer. This political threat to Ellerby implicates the WA State Bar, who controls Ellerby's law license as the leverage Kitsap County's Prosecutor, Cassandra Noble, WSBA#12390, used to a political end –

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NOT a legal outcome.

15. On or about Nov 17, 1998, Ellerby succumbed to the threat and withdrew on the very eve of the administrative appeal hearing under the political threat of Cassandra Noble**.** ***Appendix 2*** Set of Exhibits that document "perjury," "subornation of perjury," fraud," violations of rules of professional conduct 8.3 and 8.4.

16. Circa Feb. 1999. This 'political tactic' by Noble sabotaged that earlier administrative challenge of the Assessor's fraud as no other lawyer dared risk their law license in taking on the case given the political tactic by Noble against Ellerby. As a direct consequence in being rendered powerless, Scheidler was denied his rightful Tax exemption, Feb 1999 and the assessor continued defrauding retired people.

17. Scheidler, already in poor health, made worse by the tactics used by Bar associates, unable to find a lawyer to help, precluded any attempt to move that case forward or deal with Ellerby's unethical, abrupt and unconscionable withdrawal at that critical point in time.

18. It is a custom and practice for WSBA to retaliate against individuals who expose government corruption. See this RICO Statement re the Bar's retaliation against Anne Block and her law license for exposing the city of Gold Bar's Director of Emergency Services, John Pennington, who is likely responsible, at least in part, for the 43 deaths from a landslide in Oso, WA. See RICO statement concerning retaliation against Schaffer for exposing corrupt judge. See RICO statement concerning John Scannell for exposing bar violations by AG for blowing $17 million on Beckman case.

19. It is custom and practice for the WSBA to arbitrarily enforce conflict of interest charges in favor of lawyers who represent the government and for defense attorneys who represent the insurance companies and against attorneys who sue the government. See RICO statement where WSBA devised new case law to prosecute Marshall and Scannell for not having a written conflict statement on a potential conflict of interest, but looks the other way when confronted with actual conflicts of interest involving Chief Hearing Examiner Danielson and in the Matthew Little cases whose conflicts benefitted the government.

20. This is a significant "insurance matter." Insurance companies are usually linked, either directly or indirectly, to the Bar's case-fixing schemes. These case-fixing schemes are

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intended to reduce insurance liability and Anne Block's reporting was unfavorable to that goal. See RICO Statement for bias toward insurance bias.

21. Clearly the Assessor's fraud would have major implications to insurance payouts and premiums if ever resolved against the Assessor.

22. The Bar's discipline system is at the vortex in the breakdown in the rule of law in WA.

23. Circa July 2008, Scheidler regained physical and emotional strength to revisit the "fraud" being perpetrated upon retired and disabled people and the "political power" in how lawyers are forced from a case or too scared to take a "political" case by the Bar's leverage on their Bar license as the Ellerby withdrawal scheme shows.

24. Circa July 2008, Scheidler, intending to apply once again for his Article 7, Section 10 property tax adjustment rights, obtained the application and instructions from Kitsap County Assessor James Avery, defendant via the mail and wires (Internet).

25. Scheidler's applications would cover taxes payable in 2007, 2008, 2009 and 2010. This time frame encompasses the 10-year period note by 18 U.S.C. 1961(5). Feb 1999 was the first predicate act by assessor Belas and Bar associates Noble and Ellerby, in hiding the assessor's fraud by their concocted scheme to render Scheidler powerless against the fraud.

26. Circa 2008, Defendant Avery, just as his predecessor Carol Belas, did not provided the "qualifications" as mandated by .385(6) because the instructions disseminated by Avery, over the wires and through the mail, do not reflect the law as written, nor by following Avery's home-grown procedures would result in the calculated value for "disposable income" intended by RCW 84.36.383(5). Avery is defrauding Scheidler and those similarly situated. The materials Avery provides are a material misrepresentation intended to be relied upon to deprive people of their constitutional rights. This fraud is a predicate act under 18 U.S. Code § 1341 - Frauds and swindles and is a RICO violation.

RCW 84.36.383(5), states in pertinent part,

"… plus all of the following items **to the extent they are not included in or have been deducted from adjusted gross income**; (a) Capital gains, other than gain excluded from income

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360-769-8531

under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;"

27. James Avery's version of this section of statute noted above states this,

"If your return **included any deductions for the following items or if any of these items were not included in your adjusted gross income, they must be reported on your application for purposes of this exemption program … Capital gains (cannot offset with losses).**"

Appendix 3, Avery's 2008 Application included for the courts convenience.

28. Because the application obtained from the assessor, ***on its face***, misstates (contradicts) the law in how to calculate 'disposable income' Scheidler at once discussed with James Avery, via email, about the unlawful instructions and how Avery's instructions, if followed as written, would lead to an incorrect determination of disposable income and a consequent improper property tax adjustment.

29. Avery refused to correct his 'misrepresentations' and that Sheidler would need to comply with his version of the law or suffer an automatic denial of the constitutional right.

30. There is a "privacy" violation embedded within Avery's fraud - the demand to provide the assessor Federal Tax documents that would not occur under the statutory requirement. Avery has NO authority to audit Federal Tax forms and schedules as he does under his fraudulent scheme. The Legislature made clear in RCW 84.36.383, first sentence,

"Disposable income" means adjusted gross income **as defined in the federal internal revenue code**,"

31. Avery demanded Scheidler provide tax forms which he then "edited" to arrive at his own notion of "adjusted gross income". See Board of Equalization decisions re 11-507 to 11-510. Avery's demand for tax forms is an act of extortion under the Hobbs act and a predicate act under RICO

32. Furthermore the application requires applicants sign the application under penalty of

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360-769-8531

perjury that the information collected by the application is truthful - a conundrum without a solution given the facially faulty instructions.

33. Circa 2008, over a period of a few months, Scheidler, via email, notified the Department of Revenue (DOR), including DOR's director, Harold Smith, informing them that Kitsap County was misleading applicants in the determination of income. [documented by the record]

34. The DOR, including Harold Smith, in email responses, said the program is administered at the local level despite being a government entity and public official obligated by the WA Constitution specifically requiring the DOR and Harold Smith to "protect and maintain Scheidler's rights" and tasked specifically by the Legislature in RCW 84.36.385(6)

"(6) The department (DOR) … is hereby directed to publicize the qualifications and manner of making claims under RCW 84.36.381 through 84.36.389…"

And in RCW 84.08.020, To advise county and local officers, the DOR ***shall***:

> (1) Confer with, advise and direct assessors, boards of equalization, county boards of commissioners, county treasurers, county auditors and all other county and township officers as to their duties under the law and statutes of the state, relating to taxation, and direct what proceedings, actions or prosecutions shall be instituted to support the law relating to the penalties, liabilities and punishment of public officers, persons, and officers or agents of corporations for failure or neglect to comply with the provisions of the statutes governing the return, assessment and taxation of property, and the collection of taxes, and cause complaint to be made against any of such public officers in the proper county for their removal from office for official misconduct or neglect of duty. In the execution of these powers and duties the said department or any member thereof may call upon prosecuting attorneys or the attorney general, who shall assist in the commencement and prosecution for penalties and forfeiture, liabilities and punishments for violations of the laws of the state in respect to the assessment and taxation of property.

35. Scheidler has been denied his constitutional and statutory protections by the DOR and Harold Smith, and has been denied this forum to have his grievance addressed.

36. Harold Smith in doing nothing has aided and abetted Avery's fraud and committed

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360-769-8531

official misconduct, a gross misdemeanor under RCW 42.20.

37. Circa September 2008, Scheidler contacted the WA State Attorney General [AGO] via a citizen complaint submitted via the AGO web site. Scheidler made the same argument to the AGO as made earlier to both Avery and the DOR including Harold Smith. These correspondences are part of the record.

38. The Attorney General, whose staff attorneys are members of the WSBA, is the government agency that oversees the DOR, did nothing to protect and maintain Scheidler's rights, nor require the DOR and James Avery perform their statutory duty.

39. Scheidler has now been denied by the AGO –the protections the AGO must insure under the WA Constitution. Scheidler has been denied this forum to have his grievance addressed. AGO aided and abetted Avery's fraud as they have the power to remedy the grievance.

40. Circa 2008, Scheidler contacted his elected representatives, via email. Senator Derek Kilmer, whose focus at the time was on balancing the State's budget (correcting a scheme in which unlawful taxes are collected would obviously make Kilmer's job more difficult)…. he forwarded the email from Scheidler to the DOR for their response.

41. The DOR refused to respond.

42. Senator Derek Kilmer did nothing more to protect and maintain Scheidler's rights. Scheidler is denied this forum to have his grievance addressed. Kilmer, who is obligated to protect and maintain Scheidler's rights aids and abets in Avery's fraud.

43. Representative Jan Angel provided further evidence of the fraud by providing a Dept. of Revenue handout that specifically instructs county assessors in how to respond to applicants who question the contradictory instructions.

44. The 'DOR's handout' noted above incorrectly states the pertinent statutory language of .383(5) by using these words,

"plus all of the following **to the extend they were included in or deducted from adjusted gross income**……(a) Capital gains, other than gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;…"

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360-769-8531

45. This language on its face misstates (contradicts) the controlling law and misdirects anyone who relies upon the DOR's instructions. ***Appendix 4***, handout is attached for the court's convenience.

46. The DOR, by this handout, implicates the DOR in "directing the enterprise" not just aiding and abetting all WA Assessor's in deceiving all WA State Retired individuals from accurate information regarding their Article 7 Section 10 rights.

47. Representative Jan Angel did nothing more to protect Scheidler's individual rights; Scheidler is denied this forum to have his grievance addressed. Angel, whose obligation is to 'protect and maintain' Scheidler's rights, aids and abets in Avery's fraud.

48. Circa from 2008-2013. Scheidler, being in poor health and needing assistance to ease the added physical strain of taking on "city hall', contacted lawyers for their help. All of those contacted who took the time to listen to Scheidler's facts agreed with Scheidler that the instructions provided by Defendant James Avery, Kitsap's Assessor, did not accurately quote the law and could lead to an erroneous tax adjustment or the complete denial of the constitutional benefit. David Jurca, Cynthia (Masa) Hall, MBA, Jeffrey Stier, Melody Retallak, and Catherine Clark.

49. Circa 2008, Attorney David Jurca will testify that the legal challenge to Avery's fraud upon citizens is "unwinnable" due to ***political reasons*** regardless of the law.

50. The testimony of David Jurca that "politics" is at play and not the rule of law, is substantiated by Scheidler's inability to retain and obtain representation by every lawyer contacted despite the lawyer's sworn oath to never reject the cause of the oppressed. See RCW 2.48.210. Clerly when "politics" and "legal tactics" are obstructing Scheidler's ability to obtain counsel, it is state sanctioned OPPRESSION.

51. The evidence will show that the WA State Bar is the "political facilitator" in depriving Scheidler of his statutorily required legal representation by its 'plenary powers' used as a "political sword" and by dismissing grievances against the lawyers who betray their oath to "never reject the cause of the oppressed". The Bar has thus established an unlawful custom to exempt lawyers from taking cases the law requires them to take. This 'unchecked political power' enriches those lawyers who are allowed to evade the law that mandates they rescue the

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360-769-8531

oppressed. This aids and abets government oppression and makes citizens the play-toys of the Bar and those protected by the Bar.

52. The documented testimony of David Jurca, WSBA grievance #12-00015, that "politics" is at play and not the rule of law, is further substantiated by Scheidler's earlier experience with Kitsap Assessor Carol Belas, Cassandra Noble and Scott Ellerby – who was forced off Scheidler's case.

53. Schiedler contends that enhanced penalties were applied for exercising constitutional and statutory rights to process which is also a denial of due process. Due process principles prohibit prosecutorial vindictiveness.

See generally *Blackledge v. Perry* , 417 U.S. 21 (1974 and *United States v. Goodwin*, 457 U.S. 368 , 372-85, 102 S.Ct. 2485, 73 L.Ed. 2d 74 (1982). Prosecutorial vindictiveness occurs when "the government acts against a defendant in response to the defendant's prior exercise of constitutional or statutory rights." See also *United States v. Meyer*, 810 F.2d 1242, 1245 28 (D.C. Cir. 1987).

54. Scheidler was "sanctioned" in the aggregate more than $248,000, under rules the courts establish, interpret and apply, for his attempts to hold Bar lawyers – Ellerby, and Bar judges Hull, to the law; punished in pursuit of his right of redress and constitutional right to a fair hearing before an "impartial decision maker". The beneficiaries of this "sanction" is the insurer who foots the bill to defend Scott Ellerby and Ellerby's counsel Jeffrey Downer. It is blatant financial fraud accomplished because the WSBA doesn't hold lawyers to the law.

55. On or about July 30, 2008, with respect to Scott Ellerby's earlier role (about 9 years earlier) Scheidler learned, via emails on or around 2008 from Ellerby and Ellerby's superior Larry Mills, that the entire "withdrawal scenario" concocted in 1998 was untrue – a fraud instituted by Ellerby and Noble to accomplish a political end – save Kitsap's fraud from being exposed and keep legal fees that Scheidler would need for future representation. On that date, Larry Mills of Mills, Meyers, Swartling claimed that the had ordered Ellerby to withdraw.See ***Appendix 2 re evidence***.

William Scheidler, pro se
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Port Orchard, WA 98366
360-769-8531

56. Shortly thereafter Scheidler instituted a WSBA grievance #08-01646, against Ellerby, for the concocted story to withdrawal due to the political pressure of Cassandra Noble so as to help "cover" the fraud upon retired and disabled people from their Article 7, Sec 10 rights..

57. Circa Nov 2008 and Dec 25, 2008 respectively. The WSBA assigned the grievance against Ellerby to Zachary Mosner, of the WA State Attorney General's (AGO) office who dismissed the grievance on December 15, 2008. An appeal was made to a Disciplinary Board review commmittee

58. Circa March 2009, The Review Committee, Thomas Cena, WSBA #3469, dismissed the grievance with the caveat, ***"should there be a judicial finding of impropriety the grievance may be reopened" … this shifts the Bar regulatory functions to citizens and taxpayers – to obtain a "judicial finding.". Appendix 2 at Ex 11.*** This shifting of the investigation to the judicial branch is a policy adopted to delay and impede investigations of attorney misconduct. It exists in written and unwritten form and has never been reviewed by the Washington State Supreme court. Since it occurs during the investigation stage neither the Disciplinary Board nor Mosner have immunity as Mosner serves as an investigator and the review committee as his supervisor. This impeding furthers the protection racket scheme of the defendants who extort money from attorneys in the form of excessive dues, in return for protection from their clients. This constitutes extortion under the Hobbs Act and bribery and therefore are predicate acts under RICO

59. Zachary Mosner, of the AGO, has a "conflict of interest" investigating the grievance against Ellerby as Scheidler petitioned the WA State Attorney General about the very case Ellerby was hired to prosecute. Said another way … Ellerby faced a grievance from Scheidler for withdrawing, or faced a grievance from Cassandra Noble if he didn't withdraw. And Scheidler lost and Ellerby had his political protection in this "conflicted" system of regulation that characterizes the Bar.

60. Furthermore the Department of Revenue and the AG work hand-in-glove in the administration of WA Tax laws. ***Id RCW 84.08.020***. Zachary Mosner is one of the architects and enforcers of the state's scheme to defraud retired people of their Art 7, Sec 10 rights.

William Scheidler, pro se
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Port Orchard, WA 98366
360-769-8531

61. On or about March 18, 2009. Scheidler, recognizing the conflict in the WA State Bar disciplinary scheme, and in order to obtain a ***"judicial finding of impropriety,"*** as the caveat of the WSBA stated in dismissing the grievance against Ellerby, filed a lawsuit against Ellerby in Kitsap County Superior Court. This is cause 09-2-00660-3 and is offered as proof in support of the "political scheme" to hide all challenges of the fraud against Article 7, Section 10 applicants and to punish, in retribution, anyone who challenges the powers at play – including Scheidler who challenged Ellerby.

62. A jury was demanded to address the "negligence and fraud" charges against Ellerby.

63. On or about Jan 28, 2011, Kitsap Superior Court Judge Russell Hartman, WSBA #7104, presiding, dismissed case 09-2-00660-3 without allowing a jury trial, under his self-claimed authority, and imposed **Sanctions upon Scheidler, under his self-claimed authority, in the amount over $132,000 for bringing the lawsuit against Ellerby** payable to Ellerby, who schemed with Cassandra Noble to withdraw from Scheidler's case.

64. Judge Hartman acted SOLELY under the rules judges establish, enforce, interpret and administers – there are NO "procedural safeguards" in WA in monitoring the way Courts use the rules they make. This creates the very "partial" tribunal denounced in *Goldberg v. Kelly*, 397 U.S. 254 (1970)

65. In this case Judge Russell Hartman, a Bar associate, acted as "fact finder and decision maker under his claim to do so via CR 11 and CR 56[2]" on a case in which Ellerby, another Bar associate, is a party. Hartman violates RULE 2.11, which states, Disqualification

(A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality* might reasonably be questioned,

66. More seriously, Superior Court Judge Russell Hartman, a colleague of Ellerby via his Bar Association with Ellerby, is disqualified under law, RCW 2.28.030-disqulification due to common interests in the "legal enterprise". Hartman has determined his own compliance with

[2] See RICO Stmt at §1 ¶7-14 . These schemes are usually successful when judges deny 'jury trials' under color of court rule such as "summary judgment" where a judge becomes the "court" as fact-finder and decision maker, or when "statutes" only provide administrative remedies.

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Port Orchard, WA 98366
360-769-8531

RCW 2.28.030 and there are no "procedural safeguards" to monitor Judges deciding their own conduct under the laws that apply to them.

67. The passage of the WA State Bar Act, has created a "shadow" government unaccountable to the people. Allowing judges to define their own power in the administrative rules they create is unconstitutional.

68. An administrative agency may not determine the scope of its own authority. **ELEC. CONTRACTORS ASS'N v. RIVELAND 138 Wn.2d 9, 11 (1999)**; To permit branches to measure their own authority would quickly subvert the principle that state governments, while governments of general powers, must govern by the consent of the people as expressed by the Constitution. **WASH. STATE LABOR COUNCIL V. REED 149 WN.2D 48, 64 (2003)**

69. Scheidler should also be protected from Hartmans $132K sanction as the "Bar" disciplinary scheme directed Scheidler to obtain a ***"judicial finding of impropriety".***

70. This requirement of requiring a**"judicial finding of impropriety"** is a scheme **,**which allows the bar Bar uses their discretionary powers to avoid punishing a large amount, as long as they pay their hush money to the bar in exchange xtract money from citizen by either forcing the "grievant" hire a Bar associate and pay for their services in "obtaining a judicial finding", or take on the case pro se, so as to be sanctioned under "court rule authority" as in Scheidler's case. Either way the scheme is to extort money and power for the benefit of the Bar enterprise.

71. Clearly Hartman's ruling to impose more than $132K in sanctions was to extract political retribution for bringing a case against Ellerby, and to "chill Scheidler's" due process rights and keep "Kitsap's fraud" from public view and save the "balance sheets" of insurance co.

72. The appeal process is no different – it is all a Bar orchestrated act as the Bar holds all the cards and in this way the Bar increases its power over citizens without ever being accountable to a "jury" since the Bar has established an administrative rule to deny a jury.

73. When the fox gets to guard the hens for its own consumption, the Sherman Anti Trust Act is violated.

William Scheidler, pro se
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Port Orchard, WA 98366
360-769-8531

74. On or about, **November 20, 2008.** Scheidler, in pursuing Avery's fraud, without any other alternative, having all forums for a redress of grievances foreclosed and denied legal assistance, filed, pro se, a declaratory/injunctive cause of action in Kitsap Superior Court, defendant Karlynn Haberly presiding, asking the court to determine the validity of James Avery's home-grown calculation scheme. This is cause number 08-2-02882-0 and is incorporated in Dkt 1, Complaint page 9, Exhibit A8.

75. On or about December 11, 2008. Defendant Avery, through Kitsap's prosecuting attorney, defendant, Alan Miles, filed a motion to dismiss Scheidler's declaratory/Injunctive complaint arguing that Scheidler did not have standing to challenge the Assessor's erroneous application until he actually completes the application and then utilize the speedy administrative remedies that would be available under the administrative procedure act [APA].

76. On or about January 2, 2008, Defendant Haberly dismissed Scheidler's declaratory-injunctive complaint on the basis that Scheidler had an adequate and speedy administrative remedy once he completed the application. This is an absurd legal position as Scheidler contends there is no lawful application to complete. Haberly ignored that issue.

77. Clearly Judge Haberly is making a "political" decision to aid and abet in Avery's fraud and to impose a huge burden on Scheidler in taking the "long road" rather than simply order the application "corrected then and now". Haberly protects Kitsap County from financial liability by taking part in the fraud as it would affect County revenue.

78. Scheidler has now been denied this judicial forum to have his grievance addressed.

79. On or about Jan 23, 2009, Lawyers Catherine Clark and Melody Retallak agreed the dismissal of Scheidler's declaratory case was improper as the "application was a fraud" and appealed Judge Haberly's ruling.

80. The Court of Appeals II, comprised of Bar associates, affirmed Haberly's dismissal based in Alan Miles' assertion that Scheidler "failed to exhaust" the adequate, speedy administrative remedies that are available on May 18, 2010. In oral argument one of the judges on the panel said the application could be signed under duress. That is a curious statement by a judge when signing such a document under duress is a Class C Felony.

William Scheidler, pro se
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Port Orchard, WA 98366
360-769-8531

81. Scheidler, to date, has been denied all forums in which to have his grievance redressed by "procedural obstructions, fraud upon the courts, fraud in the courts, and through official misconduct" by defendants who are 'unaccountable' under the protections of the Bar.

82. On or about June 10 2010, Scheidler, without any other option, and under duress, provided private income information to the Assessor's staff who used it to compute Scheidler's disposable income. Defendant Avery used his homegrown calculation scheme as opposed to controlling law to intentionally miscalculate Scheidler's qualifications for his constitutional tax adjustment. The Assessor's results are in the record, Dkt 1, Complaint and Scheidler's application signed under duress is noted in cause 12-2-02161-1 [dkt 1, Complaint, page 8, w/Exhibit A3 attached thereto].

83. Scheidler was forced to sign these applications under duress as none were "true". Scheidler provided a written statement for the duress, which is noted as Exhibit A4 in the list of exhibits provided to the BOTA and is in the record and referenced in cause 12-2-02161-1 [dkt 1, Complaint at III, EX A4, w/Exhibit A4, attached thereto]. ***Appendix 5***, letter of duress, is attached for the court's convenience.

84. Scheidler, being forced to sign "under duress" so he must become a victim of a fraud depriving Scheidler of his Art. 7 sec10 rights is a violation of Scheidler's due process rights and is a Class C Felony under RCW 9A.60.030 and under the Hobbs Act, Obtaining a signature by deception or duress as a means to impose an unlawful tax.

a. A person is guilty of obtaining a signature by deception or duress if by deception or duress and with intent to defraud or deprive he or she causes another person to sign or execute a written instrument.

b. Obtaining a signature by deception or duress is a class C felony

85. Defendant Avery's action of demanding an illegal act by Scheidler under the threat of imposing higher taxes than the State is entitled to collect is extortion under the Hobbs act and a predicate act under RICO

86. All defendants involved to this point in Scheidler's ordeal have aided and abetted in this class C felony, which is extortion under the Hobbs Act. The Hobbs Act defines "extortion" as the "obtaining of property from another, with his consent, induced by wrongful use of actual

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Port Orchard, WA 98366
360-769-8531

or threatened force, violence, or fear, or ***under color of official right***" (emphasis added) and is a predicate RICO violation of 18 U.S.C. § 1951. Defendants are all culpable under RCW 9A.76 Rendering criminal assistance and other state and federal statutes imposing culpability.

847. Scheidler's applications were all miscalculated by the assessor. As a consequence Scheidler's Article 7, Section 10 rights were improperly denied and an unlawful tax imposed and collected by Kitsap County.

88. Circa 2010-2011, Scheidler proceeded to appeal the assessor's fraud -- via the long ago argued 'adequate and speedy administrative remedy' as portrayed to Superior court and to the Court of Appeals by defendant Miles, Avery and Haberly.

89. Circa July 2011, Scheidler first had to argue to the Kitsap County Board of Equalization [KCBoE] cause 462-10 to 465-10. See RCW 84.36.385(5) - applicants appeal rights.

90. The KCBoE did nothing. Rather the KCBoE ignored the central issue of the fraud – the Assessors application scheme and ignored the "letter of duress". Docket 15-2, page 2, filed 12/13/12… this forum was unavailable to Scheidler to address his grievance as the Board itself intimated it lack jurisdiction to address Avery's fraud.

91. Scheidler filed his appeal of the KCBOE decision on August 18, 2011 to the Board of Tax Appeals.(BoTA)

92. Following the rejection by the Kitsap County Board of Equalization, attempted to obtain counsel in order to proceed with his appeal. In spite of being told by numerous counsel that his arguments were correct, all attorneys who also members of the Washington State Bar Association refused to take his case because of political considerations rather than strength of the argument.

93. Felice Congalton, 305-494-2463WSBA review official and RICO enterprise member, dismissed 100% of grievances filed by Scheidler. Her actions were in support of the RICO enterprise developed policy of dismssing 96% of the approximate 3000 grievances filed each year, even though the prosecution rate in other states is much higher, usually around 30% of

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Port Orchard, WA 98366
360-769-8531

grievances filed. This policy, of steering business away from anti-government attorneys, and favoring government attorneys has never been approved by the Washington State Supreme Court. It is in furtherance of the protection racket scheme run by the RICO enterprise and constitutes bribery and extortion, which are predicate acts under RICO. This included grievances filed against lawyers for "LYING, PERJURY, SUBORNATION OF PERJURY, FAILURE TO REPORT JUDGES AND OTHER LAWYERS FOR THEIR VIOLATIONS AS THEIR ETHICAL DUTIES DEMAND"… which is a 'green light' for lawyers to use these "corrupt practices" as tactics to commit crimes, include those crimes noted as RICO crimes in 18 U.S.C. 1961, against their opponent without consequence.

> Offer of Proof: Grievances filed with the WA State Bar against lawyers for breach of RCW 2.48.210 – their duty to rescue the "oppressed" and to conduct themselves with "truth and honor", and abide by the rules of professional conduct 8.3 and 8.4 (ie. Reporting violations and engaging in violations of RCW 2.48.180(6) or by implication a violation of RCW 18.130.180(7), which constitutes a gross misdemeanor violation per RCW 42.20). One hundred percent of these grievances were dismissed sua sponte and again after objection by Felice Congalton and thereafter the Review Committee .
> Each grievance dismissed was for the lawyer's financial gain – whether directly or by being relieved of their constitutional and statutory duty to rescue the "oppressed."
> Grievance were filed related to trying to obtain counsel against the Assessor and his "fraudulent application," The Law provides for Scheidler to obtain this representation, (RCW 2.48.210), but no lawyer would honor their oath as mandated by the law and Rule 8.4(k):
> 12-00015 (filed Feb 12, 2012;dismissed by Congalton March 1, 2012), 12-00018 (filed Feb 12, 2012;dismissed by Congalton March 1, 2012); 12-00037(filed Feb 12, 2012;dismissed by Congalton March 1, 2012); 12-00038 (filed Feb 12, 2012;dismissed by Congalton March 1, 2012); 12-00039 (filed Feb 12, 2012;dismissed by Congalton March 1, 2012); 12-00045 (filed Feb 12, 2012;dismissed by Congalton March 1, 2012); 12-00101(filed Feb 12, 2012;dismissed by Congalton March 1, 2012); 12-00102(filed Feb 12, 2012;dismissed by Congalton March 1, 2012); 12-00151(filed Feb 12, 2012;dismissed by Congalton March 1, 2012); 12-00258(filed Feb 22, 2012;dismissed by Congalton March 15, 2012), 12-00259 (filed Feb 22, 2012;dismissed by Congalton March 15, 2012), 12-00264(filed Feb 22,

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360-769-8531

2012;dismissed by Congalton March 15, 2012), 12-00280 (filed Feb 22, 2012;dismissed by Congalton March 15, 2012); 12-00285 (filed Feb 22, 2012;dismissed by Congalton March 15, 2012), 12-00286(filed Feb 22, 2012;dismissed by Congalton March 15, 2012), 12-00287(filed Feb 22, 2012;dismissed by Congalton March 15, 2012); 12-00288(filed Feb 22, 2012;dismissed by Congalton March 15, 2012); 12-00290(filed Feb 22, 2012;dismissed by Congalton March 15, 2012); 12-00455, 12-00493*(filed April 25, 2012;dismissed by review committe 2012), 12-00533, 12-00536*(Jeff Steir), 12-00650*(filed April 10, 2012;dismissed by review committee), 12-00698*(filed April 11, 2012;dismissed by review committee), 12-00721* (filed April 13, 2012;dismissed by review committee), 13-00546,

[*] denotes grievances dismissed by review committee with the caveat "upon a judicial finding of impropriety the grievance may be reopened."

Grievances against lawyers for violation of RPC 8.4 misconduct, RPC 3.3 Candor towards the tribunal, RPC 3.4 Obstructing access.

13-02125, 13-02309, 14-00061, 14-00096, 14-00713, 08-01646

94 . On or about August 14 2012, in the second course of the 'speedy and adequate remedy' of the APA, RCW 34.05, propounded by defendants, Scheidler argued the fraud to the BoTA cause 11-507 to 510. Scheidler also sought the assistance of counsel due to disability, which Defendant Kay Slonim, as chair of the BoTA, denied.

95. RICO defendant Avery/Miles, in answer to Scheidler's BoTA appeal on August 31, 2012 argued that the BoTA did not have jurisdiction and demanded the BoTA dismiss Scheidler's appeal.

********This is a reversal of the legal position defendant Avery and Miles argued in cause 08-2-02882-0 – for declaratory/injunctive relief, which Judge Haberly dismissed based in defendants' claim there was a "speedy and adequate administrative remedy". *********

96. On or about Sept. 6, 2012. Defendant Kay Slonim, chair of the Board of Tax Appeals, dismissed Scheidler's appeal for lack of jurisdiction. See BoTA Order, signed by Kay Slonim, page 1, Docket 15-6.

William Scheidler, pro se
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Port Orchard, WA 98366
360-769-8531

97. Further, Kay Slonim, despite statutory mandates, limited her involvement to "whether the Assessor properly calculated disposable income". (document 15-6, page 8, Filed 12/13/12). An absurd analysis when the method used by the Assessor is wrong.

98. The questions before Ms. Slonim and BoTA are whether the Assessor has "misstated the law" that forced Scheidler to sign his application under duress – a Class C felony, as well as extortion under the Hobbs act and a predicate act under RICO.

99. Defendant Slonim knowingly presents false statements when she said, ruling page 3, ¶4, (EX A28), "Here William Scheidler filed a Declaration under penalty of perjury. The declaration, however, set forth no facts that contradict the facts material to the interpretation and application of RCW 84.36.383(5)." When in fact Scheidler refuted the claims of Alan Miles and James Avery. Scheidler had submitted a list of 27 exhibits, including the reasons for signing under duress, and performed the lawful calculation under controlling law showing the variation between Avery's scheme and the law, that is the same issue here, and discussed in Scheidler's 30-page declaration, which he signed under penalty of perjury August 14, 2012 on page 30. Defendant Slonim and the BoTA never addressed these facts, the law and the differences between the law and the differences between plaintiff's lawful calculations and Defendants Miles and Avery's sham calculations so as to claim – Scheidler didn't provide facts! This dishonest act was in furtherence of the enterprises extortion racket scheme and therefore a predicate act under RICO

100. Defendant Slonim's disrespect for the rule of law, denial of Scheidler's right of petition and issuing a false report are violations of RCW 9A.72; RCW 34.05.461(4), (8)(a); RCW 42.20.040 - a gross misdemeanor, and predicate acts of obstruction of justice.

101. Scheidler has now been denied the very forum – the Admin. Procedure Act -- Avery/Miles/Haberly had claimed, 2-years earlier, was the only "adequate and speedy remedy" available to address Scheidler's grievances. The core of Scheidler's grievances have not been addressed – Avery's fraud and being forced to sign under duress -- but rather covered up – and it is Bar lawyers orchestrating the entire fraud and obstructing justice.

102. Scheidler, over the course of three years has been denied every forum for a redress of grievance. Defendants have obstructed Scheidler's 1st amendment rights and his WA

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Article 1, Section 4 rights to have matters of public importance heard and addressed.

103. On or about Sept 6, 2012, Scheidler, now being deprived of the APA which proved defendants Miles, Avery, Haberly perpetrated a 'fraud on the court' in obtaining a dismissal of Scheidler's earlier declaratory claim, filed a CR 59/60 motion (relief from judgment) in Kitsap Superior Court, to reinstate his earlier declaratory/injunctive action, cause 08-2-02882-0.

1048. Defendant Haberly, who now has rendered criminal assistance in forcing Scheidler file his Article 7, Section 10 application 'under duress' – a class C felony, presided over this motion to decide her own conduct.

105. Scheidler argued all possible forums proved futile, INCLUDING the APA forum defendants Avery, Miles, Haberly claimed, years earlier, as the only 'speedy and adequate' forum; everything defendants Avery, Miles and Haberly claimed under their constitutional, and statutory obligations to uphold the US and WA constitutions, to conduct themselves with 'truth and honor,' to abide by rules of professional conduct, proved all to be a "fraud upon the court and fraud in the court" as all forums for a redress of Scheidler's grievances have been foreclosed by these defendants.

106. Despite the self-evident truth in Scheidler's circumstances of being denied a forum – the APA, to plead his grievance, Judge Haberly denied Scheidler due process by dismissing the motion with prejudice, Scheidler's CR 60 motion to reinstate cause 08-2-02882-0 and sanctioned Scheidler well over $600. Scheidler's subsequent motion for reconsideration was stricken under a bogus local court rule 59. [Note: LCRs must not conflict with the Supreme Court's Civil CR 59, which Kitsap's Local rule does. See Dkt 1, Complaint at page 15, Sec. IV, Exhibit A30 attached thereto.] Washington's statutory scheme which first requires taxpayers to file an appeal, then denies them the right to appeal further denies taxpayers in general the right to due process.

107. Scheidler has once more been denied a forum to have his grievances addressed -- and **SANCTIONED, again, seeking a forum for a redress of grievances**. And Associates of the WA State Bar are the ONLY people violating Scheidler's rights.

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108. October 2, 2012, within 30 days of the BoTA decision, after four years in seeking a forum for a redress of grievance Scheidler files cause 12-2-02161-1 under both his administrative appeal rights, if applicable, -- RCW 34.05.530, and or in the alternative under RCW 34.05.534 citing violations of State and Federal Constitutions, State and Federal laws... including 42 USC 1981, 1983, 1985. Dkt 1, Complaint.

109. Defendants did not answer.

110. October 23, 2012, Scheidler files his 1st amended complaint, incorporating all that is contained in his original complaint, (incorporation by reference in pleadings is governed by CR 10(c)) and adding causes of action under RCW 7.56 (prosecution by information), additional Federal and State constitutional provisions, and federal and state statutory provisions. Dkt 1, Complaint and Amended Complaint.

111, February 5, 2015, Scheidler instituted a RECALL petition for the RECALL of Stephen J. Holman, WSBA #8451, for malfeasance, misfeasance, violation of his oath of office and violations of WA Constitutional provisions. The RECALL of Stephen J. Holman, by Scheidler, is by constitutional right granted by Article 1. Sec 33.

112. The underlying matter for which Scheidler instituted the RECALL of Stephen Holman had to do with Stephen Holman's refusal to allow Scheidler to file "criminal charges" against David Ponzoha for Ponzoha's 7 gross misdemeanor violations of law. Scheidler is entitled to file criminal charges under the Criminal rules for Courts of Limited Jurisdiction rule 2.1(c).

113. February 25, 2015, The Kitsap County Prosecutor, through Alan Miles, WSBA #26961, per RCW 29A.56.130, filed the mandatory "ballot synopsis" and offered a "memorandum of law" with the Kitsap County Superior Court. Case # 15-2-00342-1. The Kitsap County Prosecutor, through Alexis T. Foster, WSBA #37032, also filed a "Notice of Appearance" on behalf of Stephen J. Holman and paid to the Superior Court a filing fee of $240 although the statutory language of RCW 29A.56.140, explicitly states,

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"Within fifteen days after receiving the petition, the superior court shall have conducted a hearing on and shall have determined, without cost to any party,

114. March 4, 2015, Scheidler filed a "Reply and Motion to Strike" to the Miles' "Memorandum of Law" as a 'mischaracterization' of the Constitutional language of Article 1, Sec 33, and unlawfully interferes with Scheidler's right of RECALL. Alan Miles' "Memorandum" added words to the Constitutional language and added "definitions" to the terms "malfeasance, misfeasance", which by common law doctrine have only their common language (dictionary) definitions.

115. March 6, 2015, Stephen J. Holman, through Alexis T. Foster, filed his "Memorandum" in which Holman sought "sanctions" against Scheidler under CR 11 for institution a RECALL petition.

115. March 9, 2015, Scheidler filed a "Special Motion to Strike" Holman's "CR 11" sanction demand as a SLAPP against Scheidler's constitutional rights. See RCW 4.24.525(4). Scheidler also filed an "Objection" to the "ballot synopsis" prepared by Alan Miles.

116. March 10, 2015, a hearing on these motions and on the "RECALL" petition was conducted by visiting Judge Frank Cuthbertson, WSBA #23418. All matters were taken under advisement, including the "SLAPP" motion.

117. March 12, 2015, Judge Cuthbertson issued his "Order" to "DISMISS" Scheidler's "RECALL" petition as failing to meet the 'definitions' of "malfeasance misfeasance" as Alan Miles "defined" those terms. Additionally Cuthbertson claimed that Stephen J. Holman had "discretion" as to charge or not charge David Ponzoha with the 7 counts of Gross Misdemeanor violations.

118. Judge Cuthbertson ruled to "DENY" Holman's CR 11 Sanction request. March 19, 2015, Scheidler filed his "Notice of Appeal" with the Kitsap Superior Court, per RCW 29A.56.270. Appeal #914702.

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119. March 25, 2015, Clerk for the WA State Supreme Court, Susan Carlson, WSBA # 12165, in a letter to Scheidler, demanded Scheidler pay a 'filing fee' of $290, or the Appeal will be dismissed.

120. March 30, 2015. Scheidler filed an "Objection" to Carlson's demand by stating that no such fee is required of him for the appeal in citing RCW 29A.56.140, supra. Scheidler also noted in his "objection" that the Legislature imposed a duty upon the Supreme Court by RCW 29A.56.270, which states,

121. "Appellate review of a decision of any superior court shall be begun and perfected within fifteen days after its decision in a recall election case and shall be considered an emergency matter of public concern by the supreme court, and heard and determined within thirty days after the decision of the superior court."

122. In fact, if a fee is required, the "local government entity" SHALL pay the necessary expense of defending an elective officer of the local governmental agency, … which may include costs associated with an appeal". See RCW 4.96.041.

123. Kitsap County did not pay the fee, nor did the County, through either prosecutor, Miles nor Foster, file any motions to amend the Supreme Court Clerk, Susan Carlson's, unlawful request that Scheidler pay the filing fee.

124. April 10, 2015, Clerk of the Supreme Court, Susan Carlson, entered a ruling "Terminating the Appeal" for failure to pay a "filing fee."

125. May 19, 2015, Carlson issued the "Mandate" and disposed of the appeal.

126. The conduct described above constitutes a violation of Scheidler's due process right to an appeal; a violation of Scheidler's due process right to institute his RECALL rights under Article 1, sec 33; for which declaratory judgment is not a remedy; a violation of voters rights to "sign or not sign a recall petition", a gross misdemeanor violation under RCW 29A.84.220 Violations — Corrupt practices — Recall petitions.

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> Every person is guilty of a gross misdemeanor, who:
>
> (1) For any consideration, compensation, gratuity, reward, or thing of value or promise thereof, signs or declines to sign any recall petition; or
>
> (2) Advertises in any newspaper, magazine or other periodical publication, or in any book, pamphlet, circular, or letter, or by means of any sign, signboard, bill, poster, handbill, or card, or in any manner whatsoever, that he or she will either for or without compensation or consideration circulate, solicit, procure, or obtain signatures upon, or influence or induce or attempt to influence or induce persons to sign or not to sign any recall petition or vote for or against any recall; or
>
> (3) For pay or any consideration, compensation, gratuity, reward, or thing of value or promise thereof, circulates, or solicits, procures, or obtains or attempts to procure or obtain signatures upon any recall petition; or
>
> (4) Pays or offers or promises to pay, or gives or offers or promises to give any consideration, compensation, gratuity, reward, or thing of value to any person to induce him or her to sign or not to sign, or to circulate or solicit, procure, or attempt to procure or obtain signatures upon any recall petition, or to vote for or against any recall; or
>
> (5) By any other corrupt means or practice or by threats or intimidation interferes with or attempts to interfere with the right of any legal voter to sign or not to sign any recall petition or to vote for or against any recall; or
>
> (6) Receives, accepts, handles, distributes, pays out, or gives away, directly or indirectly, any money, consideration, compensation, gratuity, reward, or thing of value contributed by or received from any person, firm, association, or corporation whose residence or principal office is, or the majority of whose stockholders are nonresidents of the state of Washington, for any service, work, or assistance of any kind done or rendered for the purpose of aiding in procuring signatures upon any recall petition or the adoption or rejection of any recall.

127. Additionally, the statistical data, see http://www.courtstatistics.org/~/media/Microsites/Files/CSP/NCSC_EWSC_WEB_NOV_25_14.ashx, exhibits anomalies that can only be explained by "case fixing"…. Despite a growing population and the "litigiousness of our society" circa 2008, the number of lawsuits began to trend down; and in WA the number of written cases in 2014 is lower than in 2007. Lawsuits involving insurance, financing and banking companies represent the lowest of any other category of litigation. See http://www.atg.wa.gov/top-consumer-complaints

128. In contrast, Consume Reports shows a RISE in the number of consumer complaints from 5000/mo in 2011, to over 20,000/mo in 2014 as a consequence of "financing and banking problems". http://files.consumerfinance.gov/f/201403_cfpb_consumer-response-annual-report-

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complaints.pdf

129. "Follow the money" and the "money" is in 'insurance, banking, real estate … With lawyers able to lie and mislead judge and jury without consequence, the money involved in case fixing is astounding.

130. This "money racket in case fixing" is big business and brings together a huge lobbying force to make rules and influence legislation. See The Federation of Defense and Corporate Counsel, headquartered in FL, whose board of directors are lawyers from "insurance companies" and "law firms who represent insurance companies". Ref: http://www.thefederation.org/process.cfm?PageID=1.

RICO ENTERPRISE'S PATTERN OF CRIMINAL ACTIVITY AND PREDICATE ACTS INVOLVING OTHER PARTIES

1. As a legal assistant, as a legal intern, and as an attorney, John Scannell was involved in a number of controversial suits In 1993, he was lead plaintiffin the largest class action lawsuit in Washington's history against a municipality. He filed a lawsuit that challenged the legal status of Sports stadiums that stopped their construction or delayed construction for years. In these lawsuits he teamed up with Stephen Eugster, He filed a number of racial discrimination suits, attempting to get the Washington State Supreme Court to adopt the adverse impact method of proof that was consistent with the U.S. Supreme Court. He filed suits charging the Seattle Police Department with war crimes for using chemical warfare during the WTO demonstrations in 1999 and won numerous settlements as a result

2. These activities attracted the attention of the defendant RICO enterprise who targeted Scannell's legal practice for elimination because the embarrassment these suits were bringing to prosecutors and to large firms who represented Scannell's opponents, who were supporters of the corrupt aims of the enterprise.

3. In 1996 Doug Schafer attracted the attention of the enterprise when he filed a complaint with the Washington State Bar Association against a corrupt judge, Grant Anderson, who violated the Rules of Professional Conduct when he was an attorney by illegally milking the

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estate of an elderly client. The Enterprise refused to prosecute the judge, claiming there was no wrongdoing.

4. Instead the enterprise began an extortion attempt against Schafer by threatening to disbar him. A biased investigation was conducted in early 1999 with the culmination of the filing of charges against Schafer on May 26th, 2009, by co-conspirator Timothy L. Leachman. Even though the Judge was eventually convicted, the enterprise preselected Schafer for discipline. The action of pre-selecting Schafer for discipline was a predicate act under RICO as it was an attempt to extort the democratic rights of WSBA membership from Schafer to prevent him from exposing the corrupt activities of the enterprise. As such it was a violation of the Hobbs act and a predicate act under RICO.

5. Bradley Marshall is an African American Attorney who has filed numerous lawsuits on behalf of minorities and against the police. As a minority attorney he attracted the attention of the enterprise because of his potential to embarrass prosecutors and his potential to expose the discriminatory practices of the enterprise. He was also targeted for being a minority.

6. Stephen Eugster is a Spokane attorney well known for his lawsuits on behalf of the public interest. These lawsuits included those that wasted the valuable tax money of the public such as stadiums for rich sports owners and other so-called public projects funded on behalf of the public. These lawsuits attracted the attention of the enterprise, most of whose members support such waste of the public resources.

7. Richard Pope is a Seattle attorney who was a political opponent of Christine Gregoire, who ran against her at least twice for the office of attorney general on the Republican ticket.

8. In 2009 Pope was targeted for discipline when he was “temporarily” suspended for three years because he raised a mental disability as a defense to some bar complaints. Eventually he was given a reprimand in 2012, but the motive for the three year non-disciplinary suspension, was political because he a an opponent of Gregoire who is an avid supporter of the

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enterprise.

9. Byron Holcomb is an attorney who is a sole practitioner who is active in supporting gun rights. He was told by representatives of the WSBA that he would be targeted for discipline because of his conservative political beliefs.

10. In 1998, Mr. Holcomb agreed to represent a client for an hourly fee to review files and make recommendations regarding an equal employment opportunity action that the client had filed pro se. Mr. Holcomb and the client later signed a second fee agreement in which Mr. Holcomb agreed to represent the client in an Equal Employment Opportunity Commission (EEOC) hearing. When the EEOC denied the client's claim and the client decided to appeal to the U.S. District Court, the client and Mr. Holcomb agreed to a contingent fee arrangement and signed a third agreement. In 2003, after the District Court dismissed the client's appeal, Mr. Holcomb and the client entered into a fourth fee agreement in which Mr. Holcomb agreed to file a notice of appeal at the Ninth Circuit Court of Appeals and seek mediation of the client's claim. Sometime in early March 2003, the client and Mr. Holcomb reached an impasse regarding the representation in the appeal, and Mr. Holcomb withdrew.

11.From December 1999 through March 2001, Mr. Holcomb borrowed from a trust a total of $52,300 in 24 individual loans. The trust was not a client. The amount of each individual loan ranged from $750 to $3,500. Most of the loans were outstanding for no more than two weeks; the last loan was outstanding for over a year. Mr. Holcomb eventually repaid all of the loans. The loans were not subject to a written loan agreement, payment of interest, penalties or fees, or a schedule for repayment of the principal. Mr. Holcomb did not provide security for the loans. Since the trust was not a client, there was no need for Holcomb to provide a conflict statement. There was never any evidence presented that the trust was a client. In spite of this, the ODC targeted Holcomb for his political beliefs and recommended discipline, for which he was ultimately suspended. However, the United States District Court of the Western District of

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Washington, never issued a reciprocal suspension, because there was no violation of the Rules of Professional Conduct.

12.Paul Simmerley is an attorney who has been a harsh critic of the WSBA Office of Disciplinary Counsel. He publicized the payment of sanctions in the Karen Unger case to the rest of the membership. In March of 2007, the Bar audited his trust accounts retroactive to 2004.

13.Eight cases of his clients were involved in his disciplinary proceeding, but he had hundreds of cases from other clients over a continuous 32 year legal career which were not. Further, Three of those eight cases were among the top-five most successful he have ever had in his 32 year legal career, successful results under a variety of very difficult circumstances for an incredibly low fee. Where the attorney has cases for which he is being subjected to possible discipline as his most successful in a 32 year career - was unprecedented for the typical disciplinary proceeding where there is usually bad legal work by the attorney or over-billing or both.

14.For five years, the Bar conducted an exhaustive, comprehensive audit of his Trust Account and investigated his practice and contacted and interviewed all of his clients at least since 2004 and exhaustively litigated these eight matters in the disciplinary proceeding. Yet, despite all of that, he was ordered to refund money to only one client and that refund was disputed – because the client had approved in writing his division of her case settlements proceeds, thanked him profusely and cashed the check he sent her - and her case did not involve any Trust Account issues. That case should have been a contract dispute, not a bar violation.

15.The money that was in his Trust Account went to the right place and that was done . Further, he saw to it that the money went to the right place before the Bar Association became involved for the first time in March of 2007. He did not have to be forced to do this. All of the above was uncontroverted.

16.His billing rate was $200 per hour which is well below the going rate for an attorney

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of his years in practice and experience. In addition, the total amount of his fees charged to his clients, obviously the most meaningful figure to a client, has also been extremely reasonable. In his 32 years of legal practice, in cases where the amount of fees charged by his opposition has been disclosed, He was not aware of any case where my fees have exceeded my opposition's fees None of this was of any concern to the WSBA..

17.ODC attorneys made misrepresentations to the WSBA Disciplinary Board about the record from the hearing and his attorney representing him, Kurt Bulmer, failed to timely file a Reply Brief in his appeal to the Washington State Supreme Court and also failed to timely file a Motion for Reconsideration, resulting in those important documents not being considered by the Court.

18.Had the documents been considered, he would have received a reprimand or perhaps a small suspension. Instead he was disbarred and he can not get any remedy because of the unlawful actions of the clerk Carpenter, who refuses to accept motions to set aside the mandate or otherwise allow evidence presented to set aside a judgment.

19.Karen Unger is an aggressive defense attorney who has received national awards for her work on behalf of defendants. She was so successful that prosecutors in her area even went to the unusual extent of having her law offices searched in 1997 as part of a personal vendetta carried out by local prosecutors to harass her because of her successful work. A statewide criminal defense attorney group decried the raid as having frightening implications. The local prosecutors could not get a local judge to sign the search warrant and had to go to a neighboring county to find a judge to sign the warrant to conduct the raid.

20.Ms. Unger's reputation as a good defense counsel attracted the attention of the Office of Disciplinary Counsel and the Enterprise, which is pro prosecutor. It brought charges on February 12, 2012, which were so frivolous that the hearing officer who heard the case stated in his decision that if he could award sanctions he would. Eventually the WSBA settled for over

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$70,000 in sanctions which the membership of the WSBA had to pay.

21.In 2000, the Scannell filed a grievance against Christine Gregoire, who at the time of the filing of the complaint in this case, was the governor of the State of Washington. In this grievance Scannell charged that Ms. Gregoire was negligent in supervising her subordinate Janet Capps who failed to file a notice of appeal in a timely fashion, which cost the taxpayers the right to have a $17 million appeal heard. (See *Beckman v. State*, No. 25982-6-II (Wash.App.Div.2 08/21/2000) (hereinafter referred to as the "Beckman case". At the time, the $17 million judgment was the largest judgment in Washington's history

22.Jan Michels, on or about August 18, 2000, notified the press that the bar was going to investigate Ms. Capps, ignoring confidentiality rules which normally would have Capps during the investigation state. Ms. Michels acted at the behest of the BOG and the Disciplinary Board impermissibly injected their judicial role into the investigative or police process, thereby destroying the illusion of an independent judiciary. In reality, the Disciplinary Board was intending to use Capps as a scapegoat for the unethical actions of then attorney general Christine Gregoire.

23.In notifying the press, the WSBA leadership made use of the mails and the internet to perpetuate their fraud on the public. In notifying the press, the WSBA leadership made the representation to the public that the WSBA would hold those responsible for wasting the taxpayers money in the Beckman suit. Gregoire made a representation that this was the first time her office had blown an appeal like this.

24.These representations were false. In fact, Gregoire, and Loretta Lamb were responsible for the waste of taxpayers moneys because of the disorganization in Gregoire's office (See court of appeals findings in the Beckman case). In fact, Gregoire's office had failed to file a timely appeal in a $1.6 million just one year earlier. The disciplinary board and disciplinary counsel office knew that their representations to the taxpayers was false, that the

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WSBA would never make a meaningful investigation into Scannells meritorious grievance because they needed to cover the unethical activities of Loretta Lamb, who was first chair on the Beckman case, and the chairman of the WSBA disciplinary board. They also needed to cover for the unethical conduct of Gregoire, who was then attorney general, but would soon be running for governor.

25.The above representations were material to both the public and to attorneys in the system as the public is entitled to a disciplinary system that polices ethical conduct, and other attorneys need a system that makes sure that ethical attorneys are not taken advantage of by unethical attorneys, and that their elected representatives are held accountable for their misdeeds..

26.In making these representations, the leadership of the WSBA had scienter. That is, they had knowledge of the falsity or reckless disregard for as to the truth of the representation. The leadership of the WSBA intended to induce reliance on it by the plaintiff, other attorneys in the WSBA, and the public at large.

27.Scannell filed more grievances against Ms. Gregoire on another case, unrelated to the Beckman case, where she committed a similar violation. Ms. Gregoire requested and the Disciplinary Board granted, an indefinite stay of the investigation of the grievance. The act of granting an indefinite stay in the

28.At the time Scannell was filing the complaint, he was working for the Law Offices of Paul H. King.

29.Unbeknownst to Scannell and Paul King, the chairman of the disciplinary was Loretta Lamb who was co-counsel and supervising attorney of Ms. Capps on the Beckman case and a direct subordinate of Gregoire. As supervising attorney, Loretta Lamb was responsible for properly managing the case and therefore was guilty of violating the Rules of Professional Conduct.

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30.Immediately upon the filing of the complaint, the Disciplinary Board and/or disciplinary counsel began harassing Scannell and Paul King by making unjustified demands for records and otherwise harassing them by investigating and charging for grievances that the Disciplinary Board normally doesn't care about. Disciplinary counsel first demanded that King produce all of Scannell's calendars for three years. This was a demand that was completely unrelated to any legitimate bar complaint. The purpose of the demand was to "send a message" that cooperation with the enterprise needed to perpetuate the fraud. That is, the Washington State Bar Association would "send a message" that any attorney that did not cooperate with the protection racket would suffer the legal equivalent of burning his business down. (disbarment) This action of "sending a message" was totally unrelated to legitimate aims of the bar association, and was designed to perpetuate the enterprise's function of exchanging dues for protection. It was an attempt to silence King and Scannell

31.The reason disciplinary counsel began its harassment of King and Scannell was to prevent the exposure of the fraud that the Enterprise was perpetuating upon the public. This fraud including protecting powerful attorneys such as Gregoire and those who were on the Disciplinary Board from scrutiny from the public, thereby increasing the probability of illicitly making money at their profession. This came a common response by the Enterprise, which was to protect their racketeering enterprise by extorting concessions from its opponents.

32.The actions taken by the disciplinary board and disciplinary counsel at the time were extortion, designed to coerce the democratic rights of Scannell and King as members of the Washington State Bar Association. As such these actions were extortion under the Hobbs act, and a predicate act under RICO.

33.The disciplinary counsel then turned its attention on Paul King in retaliation for Mr. Scannell's filing of the Gregoire grievance. The Washington State Bar Association deviated from its standard practice of rarely performing more than a perfunctory investigation on bar

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complaints by investigating anything it could learn about the King firm. It first demanded trust account records for his entire firm when it did not have adequate cause to do so. This was done to "send a message" to Paul King that Scannell's grievance threatened exposure of the racketeering enterprise. As such it was a predicate offense under RICO as a classic extortion scheme outlawed by the Hobbs Act..

34.After getting a list of clients members of the racketeering enterprise began scrutinizing every aspect of the King firm. Within two years, virtually all the time worked at the Law Offices of Paul King were spent responding to bar complaints manufactured by the racketeering enterprise.

35.John Scannell became an attorney in May of 2001.

36.During this time, John Scannell was an attorney for Paul King and remained so until he was eventually "disbarred." He had an agreement where he was the attorney for Paul King on virtually all of his business matters including before the Washington State Bar Association Disciplinary Board. He also has an agreement to represent King in any cases he might have in the ninth circuit.

37.Within a short period of time, over 30% of the plaintiff's practice was spent dealing with unjustified investigations by the enterprise. The acts of threatening King and Scannell with unjustified Bar Complaints were a form of extortion, expressly forbidden by the Hobbs act, as it became a method by which to coerce cooperation from the victims of the Enterprise from exposing the corrupt actions of the Enterprise which including paying protection (dues). This is a predicate offense under RICO.

38.Paul King eventually succumbed to the massive investigations, pleading guilty in hopes that the never ending investigations would cease. He pleaded guilty to a two year suspension which began on April 24, 2002.

39.Unknown to the racketeering enterprise, Paul King also pleaded guilty to a three year

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suspension in federal court part of which was reciprocal in nature. This was contained in a sealed court file in United States District Court, Western District of Washington.

40.During the Marshall's career as an attorney, the Enterpris engaged in institutionalized systematic racism in connection with the operation, control and structure of its lawyer disciplinary system in Washington State. The pervasiveness of this discrimination can be documented through factual and empirical studies which will confirm that African-American and ethnic minorities are substantially more likely to be disciplined than Caucasian lawyers in Washington State.

41.The Enererprise has engaged in disparate treatment of African-American and ethnic minorities through the use of facially neutral policies and practices that have a disparate discriminatory impact on African-American and ethnic minority lawyers.

42.The use of unbridled discretion of prosecutors, review committees, hearing officers, disciplinary board members and justices of the Washington State Supreme Court allows the selection of racial minority lawyers for prosecution in a racially biased manner.

43.Although the Enterprise was subject to Title VII and thus were required under the Uniform Guidelines on Employee Selections procedures to monitor the impact of their selection procedures on African American attorneys, they failed to so, and instead promulgated policies and procedures that hid the impact of their selection procedures, and in fact destroyed data in a systematic fashion so as to make it difficult, if not impossible to discover the true extent of their racially discriminatory policies.

44.There is no legitimate business reason justifying each of the aforementioned policies and practices that could not be achieved by a policy that does not have a discriminatory impact or a greatly reduced discriminatory impact.

45.It is beyond dispute that African-American and other ethnic minorities have long been victims of discriminatory treatment in public accommodations and have been deprived from

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equal opportunity in employment, education, housing and otherwise to participate in the American dream, simply because of the color of their skin.

46.Members of the Enterprise are aware that African-Americans and ethnic minorities have long been unrepresented and/or under-represented in the legal system and are susceptible to disparity in treatment due to racial discrimination. The Enterprise has utilized policies and procedures that have adversely impacted African-American and ethnic minority lawyers.

47.Bradley Marshall, as a minority, he was thus targeted for special scrutiny because of his race. Historically, Afro-Americans were completely under-represented in the law profession generally and in the Washington State Bar Association in particular. The Washington State Bar Association masked its discriminatory policies by keeping the effects of the enforcement of the Rules of Professional conduct, secret. By doing so, it could use minorities as scapegoats for its own corrupt policies which included the enterprise. Also by doing so, the Enterprise has engaged in racial discrimination. There is clear disparate treatment of Afro American attorneys such as Marshall as compared to Caucasian attorneys. The disciplinary counsel would not extend its favored treatment it gives to Caucasian attorneys to Afro-American attorneys. More importantly, the Washington State Bar Association interprets its bar rules in such a fashion that its interpretations have an adverse impact on minorities.

48.During his career as an attorney, Bradley Marshall filed numerous racial discrimination administrative claims and lawsuits on behalf of his clients, which were widely publicized by local newspapers and television news companies.

49.On October 1, 2002, the Washington State Supreme Court implemented ELC 5.5.

50.Under this rule, as eventually interpreted by the Washington State Supreme Court, the court delegated unprecedented police powers to the Washington State Bar Association.

51.The rule allows a disciplinary counsel to secretly issue a subpoena to anyone he wants, demanding testimony and records without notifying the target of an investigation notice.

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Since the witness usually has no idea as to what is being investigated, he has no ability to object to any of the questioning on the basis of relevancy.

52.The attorneys who the depositions are about, since they have no right to notice, cannot object. Thus there is no limit to the scope of the questioning. There is no provisions for filing for protective orders to limit the scope of questioning. It is the modern day equivalent to a star chamber.

53.In 2003, the Washington State Bar Association recommended the discipline of Doug Schafer

54.The WSBA did this to "send a message" to other members of the WSBA as to what would happen if they stood up to the activities of the protection racketeering enterprise. It was an attempt to extort the bar membership rights Schafer, therefore being a violation of the Hobbs act and a predicate offense under RICO.

55.On April 4, 2003, Danielson secretly negotiated a contract where he would work for the Washington State Bar Association as the "Chief Hearing Officer." Members of the enterprise negotiated the contract to further their goal of domination of the legal profession of Washington through corrupt means.

56.Under the scheme as negotiated by members of the enterprise, Danielson would share a $30,000 salary with Bastian, who was president of the WSBA Board of Governors. Since the WSBA was the charging party in cases where members such as Scannell, King, and Marshall, this would secretly give the WSBA BOG control over who was selected as hearing officers. This would also allow the BOG to set up sham trials for attorneys such as King, Marshall, and Scannell by pre-selecting judges that were predisposed to making findings of guilt against the political enemies of the enterprise.

57.In 2003, Scannell began representing Stacy Matthews and Paul Matthews over criminal charges that had been filed against both of them. Before his representation began he

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verbally told both of them that there might be a potential problem of a conflict of interest arising in the future. He stated that if that occurred, that he would have to withdraw representation of both of them. Stacy Matthews and Paul Matthews knew this, but wanted Scannell to represent them anyway. The reason for this was the criminal charges were being initiated by Mr. Matthews former employer and they did not want the criminal charges to impact the civil suit they had hired Scannell to file on their behalf.

58.The interest of Scannell, and Matthews interests in both the civil and criminal suits were the same. All three wanted the criminal trials to impact the civil trials as little as possible. For that reason, all three had a vested interest in making sure that the criminal charges were as light as possible and would have as little impact on the civil case as possible. The Matthews understood this and this was the reason that they wanted Scannell to represent them, as public defenders had no vested interested in the civil trial and already told the Matthew's they would not take the considerations of the civil trial when negotiating the plea. Scannell's actions were in compliance with the Rules of Professional Conduct as they existed at the time.

59.Later, in the summer of 2004, both Paul and Stacy Matthews entered an Alford plea to the charges. Stacy Matthew's sentence was slightly longer than Paul Matthew's for two reason. First, she had more evidence against her in case because she had allowed the police officers to tape an admission which put her in a worse light. Second, she had already pleaded guilty to another set of charges in another county. By accepting a slightly longer sentence, she achieved the benefit of serving the sentences concurrently instead of consecutively.

60.The sentencing was presided over by Judge Comstock. At the hearing, there was some concern expressed by the judge that a potential conflict of interest existed in the case and wondered if it had been adequately explained to them by counsel. The judge asked each defendant what his counsel had told them about the potential conflict. At the time, both defendants told the judge what the potential conflicts were and affirmed it had been explained to

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them by counsel. After the discussion, the judge was satisfied there was no problem in the acceptance of the pleas and ratified the agreement.

61.In 2004, when one targeted attorney, Jeffery Poole, had his counsel attempt to utilize the rules to file a protective order against an oppressive request, the disciplinary board ruled on the motion by refusing to exercise their jurisdiction. *In re Disciplinary Proceeding Against Poole*, No. 200, 193 P.3d 1064, 164 Wash.2d 710 (Wash. 10/09/2008). An agreement was reached between Poole's counsel Kurt Bulmer, and disciplinary counsel, Christine Grey to have the issue heard before Alexander.

62.Later, Poole was suspended in part, because he brought the motion before justice Alexander with other members of the enterprise agreeing that bringing a protective order constituted non-cooperation. In doing so, members of the protection racketeering enterprise ignored the dictates of CR 30, which suggests that any deposition is stayed while a motion to terminate the deposition is considered..

63.Christine Grey did this to "send a message" to other members of the WSBA as to what would happen if they stood up to the activities of the protection racketeering enterprise. It was an attempt to extort the cooperation of Poole, therefore being a violation of the Hobbs act and a predicate offense under RICO.

64.On January 14, 2005, WSBA hearing officer Tina Killian submitted her first known employment application for a WSBA disciplinary counsel position. She then presided in *In re Eric C. Hoort*, Pub. File No. 04-00037, without recusing herself or notifying respondent's counsel in that case. Neither James Danielson, the WSBA's chief of hearing officers, the WSBA's disciplinary counsels, nor anyone else at the WSBA took any action after learning of this and did not remove her from the hearing officer list. The actions of making an ex parte contact with a prosecutor and attempting to extract a "job" from the disciplinary counsel is attempted bribery and a predicate act under RICO. By not disclosing her ex parte contacts she

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committed misrepresentation by omission, which is a violation of RPC 4.1. She used the mails to commit her misrepresentation so that was mail fraud, a predicate offense under RICO.

65.Also in 2005, members of the enterprise targeted Bradley Marshall for prosecution for alleged violations of the RPC violations which led to a suspension on May 10, 2007. The selection and prosecution of Marshall was racially motivated and an extortion attempt to prevent Marshall from exercising his rights as a WSBA to prevent and fraud perpetuated by the enterprise. During the prosecution of Marshall, attempts were made by the enterprise to bribe the hearing officer. The charging and prosecution of Marshall in this fashion were predicate acts under RICO.

66.In 2005, Jonathan Burke and other members of the enterprise began targeting Stephen Eugster for prosecution of so-called violations of the RPC which led to Eugster's suspension on 6-11-2009. The prosecution relied almost entirely on the usually inadmissable testimony of a dead woman who was probably incompentent. The purpose of the prosecution was to target Eugster for his lawsuits on behalf of the public, which by their very nature, also threatened the illegal activities of the enterprise. The prosecution of Eugster was an attempt to extort the WSBA membership rights from Eugster so that the illegal activities of the enterprise would be continued. This prosecution was therefore a violation of the Hobbs Act and a predicate act under RICO

67.On or before October 18, 2005, John Scannell was served with two subpoenas duces tecums requiring him to appear for a deposition pursuant to ELC 5.5 (a subpoena issued before charges have been filed) to be taken on October 25, 2005.

68.One subpoena was issued pursuant to WSBA file # 05-00312, which concerns a WSBA-initiated complaint concerning Scannell's representation of his client Paul Matthews

69.The other subpoena was issued pursuant to WSBA file # 05-00873, which was related to a WSBA complaint filed against Scannell's client Paul King by King's client Kurt Rahrig.

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Port Orchard, WA 98366
360-769-8531

70.That subpoena sought all documents, including emails, and other electronic documents relating to Kurt Rahrig and/or *Kurt Rahrig v. Alcatel USA Marketing Inc. et al*,

71.The documents subpoenaed would have included records covered by the attorney-client privilege, arising from Scannell's representation of King. This included, e-mail consultations regarding the drafting of legal documents and pleadings regarding how King should respond to allegations of misconduct.

72.The documents subpoenaed would have included all electronic versions of drafts of different pleadings made by Scannell and King

73.Since the Washington State Bar Association was investigating King for practicing law without a license in Virginia, the attorney client privileged conversations could potentially be used in later criminal proceedings.

74.By demanding thousands of irrelevant documents such as this, members of the protection racketeering enterprise could bury the with mountains of paperwork, possibly gaining knowledge of privileged attorney client privileged information in other cases by examining the metadata contained in the electronic files, and otherwise make it impossible for the to carry on the practice of law.

75.By issuing such an oppressive subpoena, Busby committed an act of extortion, a predicate offense under RICO.

76.The subpoenas were for a deposition on the 25th of October, 2005, but were postponed because of a conflict in Scannell's schedule.

77.King, a Washington attorney, was the subject of a WSBA investigation arising from a bar complaint filed by Kurt Rahrig.

78.King was not notified of Scannell's deposition.

79.Scannell represented King before the WSBA and in a subsequent appeal to the Washington State Supreme Court.

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80.Scannell also represented King in virtually all of his other legal cases up to that point, including giving advice on the Rahrig case.

81.Disciplinary counsel also issued subpoenas duces tecum on October 12 and November 2, 2005, commanding Mr. King to appear and produce documents in the Rahrig investigation.

82.Scannell was not notified of the King depositions.

83.The October 12, 2005, subpoena, to King had to be reissued on November 3, 2005, because King the subpoena was not served by the WSBA. That subpoena was scheduled for a November 22, 2005 deposition.

84.During this time, the Washington State Bar Association issued at least one more subpoena regarding investigations of King and Scannell under ELC 5.5.

85.Using their newly granted subpoena powers under ELC 5.5, investigators for the WSBA claimed they could subpoena members of the public without giving individuals who were the subject of the investigation notice of the depositions.

86.On October 25, 2005, disciplinary counsel for the Washington State Bar Association, Scott Busby, WSBA # 17522, deposed Mark Maurin a former employee of both Scannell and King, and conducted an investigatory deposition concerning King and Scannell.

87.No notice was provided to Paul King nor Scannell.

88.Neither King nor Scannell had any knowledge of the deposition.

89.Neither King nor Scannell attended the Maurin deposition.

90.As a confidential employee who helped write briefs, Mark Maurin would have been privy to attorney client conversations of Scannell and King.

91.Since Mark Maurin did not have counsel and did not possess knowledge as to what the investigation was about, he had no way of knowing what questions were privileged or when he could object on the basis of privilege.

92.The continued Scannell deposition commenced on November 1, 2005, but was

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suspended when Scannell made a demand pursuant to CR 30(d) that the deposition be suspended to permit him to file a motion to terminate or limit the scope of the examination.

93.Scannell made the motion to terminate the deposition on November 3, 2005.

94.This motion was never ruled upon by the Disciplinary Board nor the Chief Hearing Officer.

95.On November 10, 2005, Paul King was served with one subpoenas duces tecum requiring him to appear for a pre-charging deposition pursuant to ELC 5.5.

96.That deposition was suspended when King filed a motion for a protective order.

97.That motion was similar to the motion of Mr. Scannell concerning the same subject matter (to terminate the deposition) concerning Mr. Rahrig in that it also contended, among other things, that the WSBA lacked jurisdiction to investigate a grievance concerning alleged representation of a client in Virginia.

98.It also complained about the WSBA conducting depositions without giving King or Scannell notice and asked that the Mark Maurin deposition be suppressed.

99.The Washington State Bar Association asserted that Mr. King engaged in the unauthorized practice of law by participating in a case in Federal Court in Virginia.

100.However, even though alleged activity was before a tribunal in Virginia, the was subjected to the subpoena in Washington, in violation of Washington's RPC 8.5(b) which provides for conduct in connection with a matter pending before a tribunal, the rules of the jurisdiction in which the tribunal sits is used, unless the rules of the tribunal provide otherwise.

101.The Washington State Bar Association asserted that Scannell aided King in the unauthorized practice of law in a case in Federal Court in Virginia.

102.Even though alleged activity was before a tribunal in Virginia state, Scannell was subjected to the subpoena in Washington, in violation of Washington's RPC 8.5(b) which provides for conduct in connection with a matter pending before a tribunal, the rules of the

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jurisdiction in which the tribunal sits is used, unless the rules of the tribunal provide otherwise.

103.The WSBA asserted that Scannell assisted King in the practice of law, but it is unclear whether or not Rahrig alleged that Scannell engaged in any misconduct. Scannell maintained in his response that he was never consulted regarding the Rahrig matter. He additionally maintains that he is not a partner of King, and did not associate on the case with King. All parties agree that Scannell and Rahrig only met briefly on one or two occasions, that Scannell never performed any legal services for Rahrig, and that Scannell never agreed to represent Rahrig. However, even though alleged activity was before a tribunal in Virginia, the was subjected to the unconstitutional subpoena in Washington, in violation of Washington's RPC 8.5(b).

104.A motion to terminate the Scannell deposition concerning Rahrig was made in writing by Scannell on November 3, 2005. Scannell argued that the WSBA lacked jurisdiction to investigate a grievance concerning King's alleged representation of a client in Virginia. He also alleged that the deposition was intended to elicit privileged attorney-client information and that the privilege had not been waived by King. In issuing subpoenas without probable cause and without notifying the target of the deposition, King, Busby violated the constitutional rights of Paul King to counsel. By not notifying King and thus, keeping him out of the deposition, Scannell could not assert attorney client privilege, as ELC 5.4 prevents him from doing so.

105.Rahrig asserted that King engaged in the unauthorized practice of law by participating in a case in Federal Court in Virginia while suspended from the State Bar Association in Washington. While Washington law requires bar complaints connected with a court in another state be tried under the law of the state where the tribunal sits, the plaintiffs refused to do so, as they wanted to use unconstitutional subpoena powers bestowed upon them by their fellow co-conspirators of the enterprise on the Washington State Supreme Court. King filed a protective order motion on November 21, 2005 challenging Washington's jurisdiction to

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conduct the deposition.

106.The WSBA filed a formal complaint on November, 2005 against Bradley Marshall, after he had filed suit against a client for fees owing to Marshall. Bradley Marshall, by suing the client had not relied upon the protection scheme for protection and therefore was working outside the parameters set by the enterprise.

107.On December 5, 2005, Tina Killian was appointed to preside over the Marshall's disciplinary case in the *Rheubottom* matter. When she was appointed, she failed to disclose her earlier job application committing misrepresentation by omission under RPC 4.1. Her subsequent communications by mail were thus mail fraud, a predicate act under RICO.

108.On December 14, 2005, the Chairman of the Disciplinary Board Bernard Friedman (Friedman), purporting to have some kind of authority to rule on Scannell's motion to terminate as well as King's Motion for a protective order, denied the motion without giving reasons for his decision in WSBA cases 05-00874 and 05-00302.

109.The Chairman's decision to issue an order, contradicted the precedent established in the Poole case, whereby the Chairman of the Disciplinary Board declined jurisdiction to rule pre-charging deposition. Scannellwas put in a "no win" situation, no matter how he chose to exercise his rights, the Enterprise members would change the rules so that Scannell would always be "wrong" and "frivolous." Since Washington Court Rule 30 does not allow for enforcement of a subpoena while a protective order is pending, since both the Disciplinary Board and the Washington State Supreme Court refuse to rule on the protective order, all actions taken against Scannell from this point in time forward are null and void as they are attempts to enforce a subpoena for which a motion to terminate the deposition had not been ruled upon.

110.King and Scannell each objected to the authority of Friedman to issue an order as they contended he had no authority under existing ELC rules. King and Scannell contended that that the Chief Hearing Officer had the authority.

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111.Acting on the "order" issued the previous year in WSBA cases # 05-00874 and # 05-00302, disciplinary counsel Busby attempted to reschedule the depositions of Scannell in a deposition notice dated April 20, 2006.

112.Busby rescheduled the Matthews' deposition for May 11, 2006 in WSBA case #05-0032. The Rahrig deposition was rescheduled for May 19, 2006 in case #05-00874.

113.On May 2, 2006, less than twenty days before the hearing for Bradley Marshall was scheduled to start, the WSBA filed its First Amended Formal Complaint, adding three new counts. On May 16, 2006, Ms. Killian allowed the WSBA's filing of its First Amended Formal Complaint.

114.Scannell attended the deposition on the Matthew's grievance on May 11, 2006 and answered all questions proposed to him.

115.Scannell refused to take part in the Rahrig deposition on May 19, 2006, because he claiming he had not been tendered witness fees in violation of RCW 2.40.020, RCW 5.56.010, ELC 5.5, CR 30, and CR 45.

116.In May 25, 2006, the WSBA posted on its Web site an opening for disciplinary counsel. The next day, Ms. Killian inquired about the open disciplinary counsel opening. This letter was an undisclosed ex parte contact forbidden by RPC 3.4 in that she concealed this letter from Bradley Marshall by not disclosing it. It was also an undisclosed attempt to solicit a bribe and therefore a predicate offense under RICO.

117.On June 1, 2006, disciplinary counsel forwarded an order to Ms. Killian for signature. Within hours they learned of Tina Killian's application, but took no action. The failure to notify Marshall was an act of misrepresentation by omission, a violation of RPC 4.1. In all of her subsequent communications, her failure to mention the ex parte contact was therefore mail fraud, and attempted bribery, both predicate offenses under RICO.

118.On June 2, 2006, the Anne Seidel responded to Killian's job application on

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promising to expedite her job application. On June 2, 2006, Killian signed the order sent to her on June 1, 2006. By signing the order, Killian had signaled that she intended to continue on hearing the case with the hopes of obtaining a job offer in exchange for dealing harshly with Marshall. Such actions constitute bribery, a predicate offense under RICO.

119.On June 20, 2006, disciplinary counsel informed Kurt Bulmer, Marshall's attorney, of Tina Killian's application, but refused to disclose other relevant information. The failure to disclose other relevant information was misrepresentation by omission, and a fraud upon the court. This was a predicate offense under RICO. On June 22, 2006, a letter was sent to Killian requesting she recuse herself. On June 26, 2006, Ms. Killian recused herself.

120.As to the disciplinary counsel and the WSBA generally, they were aware of Killian's actions in *In re Eric C. Hoort* and no action was taken. This is a predicate act under RICO. They also were aware of Killian's actions in Marshall's disciplinary matter and took no action for almost twenty days after Killian's inquiry into this new disciplinary counsel opening. This makes two attempted bribes and both are predicate acts under RICO.

121.Two other hearing officers were appointed and objected to in the Marshall case, exhausting all preemptory challenges.

122.On August 10, 2006, James Danielson, appointed himself to preside over Mr. Marshall's prosecution. However, when he appointed himself, he made no disclosures to Marshall of his conflict of interest created by the payment of his salary by the WSBA and the kickback of part of his salary to Bastian, who was the president of the WSBA. He notified Marshall by mail committing an act of misrepresentation by omission under RPC 4.1 and mail fraud under RICO.

123.In August 26, 2006, Danielson denied Marshall's motion to vacate Killian's Order allowing the filing of the WSBA's First Amended Complaint.

124.On December 14, 2006, Kurt Bulmer issued a subpoena to Tina Killian and the

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WSBA requesting all documents regarding Killian's employment applications. The WSBA moved to quash and opposed all discovery requests that could have revealed whether Danielson provided training on the ethical propriety of hearing officers' efforts to obtain employment with the WSBA, the WSBA's willingness to interview a hearing officer for the position of disciplinary counsel while the hearing officer is presiding over an ongoing case, and what role Killian's training, or lack thereof, had in her decision to not disclose her effort to obtain employment with the WSBA while serving as a hearing officer. The WSBA opposed a request to depose Killian. Danielson signed an order quashing the December 14, 2006 subpoena *deuces tecum* and disallowed Killian's deposition. Other than some greatly redacted sheets of paper, all discovery was disallowed by James Danielson.

125.During his prosecution of Marshall, Danielson identified with and was an advocate for the WSBA, sending letters on WSBA letterhead, the same letterhead disciplinary counsel used, issuing orders on WSBA pleading paper, the same pleading paper disciplinary counsel use, and thanking witnesses on behalf of the WSBA, not on behalf of all parties. By appointing himself as hearing officer, after all preemptory dismissals were used, by denying the deposition of WSBA personnel and Killian and by precluding the discovery of other instances where Killian served as hearing officer, through the issuance of a protective order, he in effect insulated Killian, disciplinary counsel and the WSBA from the rigors of constitutional impartiality and fairness. He also issued an order, directing the parties to not discuss Killian's actions with third parties and his refusal to grant Marshall's motion to vacate Killian's order allowing the filing of the WSBA's First Amended Complaint and other orders, allowed the prejudicial effect of Killian's conflict of interest and unconstitutional actions to go uncured. All of these actions were an attempt to corrupt the legal process and were therefore predicate acts under RICO.

126.Disciplinary Board Chairman Friedman denied King's motion for a protective order on June 6, 2006 in WSBA case #00854.

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127.Busby on June 13, 2006 attempted to reschedule the deposition of King on June 28, 2006 in WSBA case #00854.

128.On June 13, 2006, Scannell was re-served with a subpoena, this time was paid witness fees.

129.On July 5, 2006, Scannell again refused to testify because his client Paul King had not been notified of the deposition. Under the rules that were in effect at that time, John Scannell would have had to turn over attorney client information that had been subpoenaed because he had no right to assert attorney client privilege under ELC 5.4. However, Mr. King had a right to assert attorney client privilege if he had been notified of the deposition.

130.Another motion to terminate the deposition was filed by Scannell on July 6, 2006 in WSBA case # 05-00874. The Association responded on July 25, 2006 with a final response by Scannell on August 1, 2006.

131.On July 20, 2006, King filed a motion for a protective order, this time complaining that Scannell had not been given 5 days notice as a party to the deposition as required by ELC 5.5 and CR 30 in case # 05-0085480. On July 20, 2006, Busby attempted to take deposition of Paul King in case # 05-00854.

132.Meanwhile, in August of 2006, the American Bar Association released another critical report on Washington State's lawyer discipline system. It was criticized for allowing having the WSBA play a dominant role in the disciplinary process recommended that the court should distance the disciplinary process from the Washington State Bar Association. Among its criticisms were that the "ability of the disciplinary counsel's office to operate with the adjudicative function of the system was at risk". The report cited the Board of Governors supervisory control over the Disciplinary Board and the disciplinary counsel as examples of improper political influence over the disciplinary process and criticized the WSBA for being the grievant in many of the cases that came before the Board.

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133.On August 17, 2006, Gail McMonagle (McMonagle), a new chairperson of the WSBA Disciplinary Board issued an "order" on behalf of the Washington State Bar Association denying Scannell's motions in case #05-00874.

134.Scannell responded to McMonagle with a motion for reconsideration that she did not have authority to issue an order on behalf of the Disciplinary Board on August 25, 2006.

135.King's second motion for protective order was denied on September 20, 2006 by McMonagle in case # 05-00854.

136.Scannell's reconsideration motion was denied with another "order" from McMonagle on September 21, 2006.

137.Both King and Scannell considered McMonagle's order void because she acted beyond her authority.

138.In addition Scannell refused to follow McMonagle's order because it ordered attorney client privileged documents produced before appeals could have been completed. On October 16, 2006, John Scannell filed an action in King County Superior Court case # 06-2-33100-1 SEA which sought a ruling on the validity of the subpoena.

139.Shortly thereafter, a copy was faxed to Scott Busby..

140.On December 13, 2006, an amended petition to the King County action was filed in case # 06-2-33100-1 SEA which included Paul King as a plaintiff.

141.Both Scannell and King filed detailed responses to Review Committee IV, detailing the problems with common counsel, ex-parte contacts and conflict of interest.

142.On January 5, 2007, this WSBA review committee ordered Scannell and King to hearing on the charges presented by Busby relating to the investigation. There was only two persons on the review committee instead of three as required by the ELC.

143.On January 16, 2007, King objected to the absence of the citizen member on the committee and the apparent violation of not being charged by a three person review committee.

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144.Nothing in the rules indicates that 2 constitutes a quorum, and the review committees do not follow Robert's Rules of Order or any other parliamentarian system when conducting meetings.

145.As a result, King argued that the remaining trials that would ensue were void because he and Scannell had not been legitimately charged.

146.Any similar argument by Scannell would have been futile.

147.On February 7, 2007, the Chairman of the Disciplinary Board denied King's motion to vacate on the basis that two members were not considered a quorum in WSBA case # 05-00854.

148.On February 14, 2007, King filed a motion for reconsideration on the quorum issue.

149.On February 20, 2007, the Chairman of the Disciplinary Board denied King's motion to vacate on the basis that two members were not considered a quorum.

150.The hearing on the Marshall case was held on February 20-22 and 26-27, 2007. Neither Mr. nor Mrs. Harris nor Mr. nor Mrs. Rheubottom testified.

151.On February 23, 2007 King appealed to the full disciplinary board on the quorum issue.

152.Beginning on March 28, 2007, and continuing the present time, the Enterprise members began having undisclosed ex parte contacts between disciplinary counsel, the Disciplinary Board, the Board of Governors and members of the Washington State Supreme Court.

153.In Scannell's case alone there were over 300 undisclosed ex parte contacts.

154.Beginning on March 28, 2007, and continuing the present time, the Enterprise members began having undisclosed ex parte contacts between disciplinary counsel, the Disciplinary Board, the Board of Governors and members of the Washington State Supreme

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Court.

155.In Scannell's case alone there were over 300 undisclosed ex parte contacts.

156.During the trial, Danielson met with members of the Washington State Supreme Court, the Disciplinary Counsel's Office, and the WSBA who was one of parties. These meetings occurred as part of his membership on a Board of Governor's task force that was responding to the negative report issued by the American Bar Association. The existence of these meeting were illegal ex parte contacts that were an attempt to corrupt the legal process by influencing judges and members of the Disciplinary Board to punish Marshall for speaking out against the enterprise. As such, they were predicate acts under RICO.

157.Specifically, on March 28, 2007, on the very night before Danielson issued his decision, in the Marshall case, a meeting of the discipline committee task force #2 of the Board of Governors was held in which Danielson was a member. While Danielson was not present, he was immediately notified of the results of the meeting by e-mail. Included in this meeting were two members of the Board of Governors and one member of the Disciplinary Counsel's Office. These were undisclosed ex parte contacts that attempted to fraudulently corrupt the legal process by influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO.

158.Also, on March 28, 2007, a meeting of the Discipline Committee Task Force #1 of the Board of Governors was held. Supreme Court Justice Susan Owens was a member of the committee, and was not present, but was notified of the results of the meeting by e-mail. Also present was a representative of the Disciplinary Counsel's Office and members of the Board of Governors. These were undisclosed ex parte contacts that attempted to fraudulently corrupt the legal process by influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO.

159.In that the WSBA hearing officer Danielson made findings of fact not alleged in the

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WSBA complaint, entered conclusions of law and made recommendations based upon those findings of fact, Marshall was deprived of his right to due process of law:[3]

160.The decision by Danielson had nothing to do with evidence or based on any legal principles. Instead it was a fraudulently issued decision whose sole purpose was to punish Marshall for speaking out against the enterprise, to discriminate against him on the basis of his race, and to serve as a warning to other attorneys what would happen to them if they did not cooperate and pay homage to the protection racketeering enterprise. It was sent through the mail and fraudulently portrayed as some kind of legitimate legal decision, even thought the results were predetermined by a corrupt judiciary who violated their own code of judicial conduct in order to pressure the hearing examiner to do the dirty work of the enterprise. By fraudulently issuing its corrupt decision without due process and in violation of the constitutional rights of the Marshall and then using the mail system to accomplish its corrupt ends, Danielson committed a predicate act of mail fraud, and extortion under RICO.

161.The decision issued by Danielson included the use of a selection procedure, that has an adverse impact on minorities. This selection procedure is to allow the WSBA act as a complainant and be given unbridled discretion in conducting its prosecution including using ex parte contacts and other illicit methods to influence judges, while extorting cooperation from attorneys who do not pay homage to the enterprise. It has an adverse impact on minorities without a legitimate business related purpose and therefore constitutes racial discrimination under Title VII. In addition, Marshall can demonstrate that the WSBA's actions constitute disparate treatment compared to Caucasion attorneys with an intent to discriminate and therefore also constitutes racial discrimination under Title VII. The act of using racial discriminatory acts

[3] "An attorney has a cognizable due process right to be notified of the clear and specific charges and to be afforded an opportunity to anticipate, prepare, and present a defense." **In re Disciplinary Proceeding Against Romero**, 152 Wn.2d 124, 136-37, 94 P.3d 939 (2004).

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against Marshall also constituted an attempt to steer the market for attorneys against Afro-American attorneys and sole practitioners.

162.After he issued his corrupt decision, James Danielson and other members of the enterprise continued their corrupt methodology of having undisclosed ex parte contacts among themselves to ensure that the decision of Danielson would be upheld by his fellow co-conspirators in the enterprise.

163.For example on April 3, 2007, a meeting of the Discipline Committee Task Force #1 of the Board of Governors were held. Supreme Court Justice Susan Owens was a member of the committee, and was present. Also present was a representative of the Disciplinary Counsel's Office and members of the Board of Governors. These were undisclosed ex parte contacts that attempted to fraudulently corrupt the legal process by influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO.

164.On April 18, 2007, members of Task Force #1 of the Board of Governors met. These were undisclosed ex parte contacts that attempted to fraudulently corrupt the legal process by influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO.

165.On April 20, 2007, members of Task Force #2 of the Board of Governors met. This included two members of the Board of Governors and one member of the Disciplinary Counsel's Office. These were undisclosed ex parte contacts that attempted to fraudulently corrupt the legal process by influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO.

166.On May 8, 2007, King was charged by disciplinary counsel, in part for objecting to his loss of attorney client privilege and for objecting to the subpoena.

167.On May 9, 2007 members of Task Force #1 of the Board of Governors met. These were undisclosed ex parte contacts that attempted to fraudulently corrupt the legal process by

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influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO.

168.On May 10, 2007 the Washington State Supreme Court suspended Bradley Marshall for 18 months. That case is reported in *In re Disciplinary Proceeding Against Marshall* [No. 200, 302-8], 160 Wn.2d 317, 157 P.3d 859 (2007). In issuing their May 2007 suspension the WSBA and Supreme Court practiced racial discrimination by both disparate treatment, retaliation and by adverse impact. They charged Marshallknowing that there were similarly situated Caucasian lawyers that they did not charge. At least two of the comparators were on the same case as Mr. Marshall. The WSBA did this with the intent to discriminate against Marshall on the basis of race. Another comparator was an attorney that had close associations with the WSBA as a hearing officer. The WSBA also utilized policies and procedures that had an adverse impact on African Americans, with no justifiable business reason that could not be achieved by a policy that does not have a discriminatory impact or a greatly reduced discriminatory impact.

169.On May 14, 2007, members of Task Force #3 of the Board of Governors met. These were undisclosed ex parte contacts that attempted to fraudulently corrupt the legal process by influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO.

170.On May 23, 2007, Danielson met with McMonagle and Stan Sebastion, Bob Weldon, Doug Lawerence and Kristal Wiitala. These were undisclosed ex parte contacts that attempted to fraudulently corrupt the legal process by influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO.

171.On May 25, 2007, WSBA Chief Hearing Officer Danielson appointed Schoeggl as hearing officer in the King Case.

172.On May 30, 2007, Scott Busby charged Scannell with misconduct based upon the

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review committee order of January 5, 2007.

173.Scannell was primarily charged because of his insistence on preserving the right of King to attorney client privilege and for asserting that the chairman of the board did not have the right to act on behalf of the rest of the Disciplinary Board.

174.On June 4, 2007, Washington State Supreme Court Justice Matson met with Busby and another member of the ODC. These were undisclosed ex parte contacts that attempted to fraudulently corrupt the legal process by influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO.

175.On June 11, 2007, Chief Hearing Officer James Danielson (hereinafter referred to as Danielson) appointed a hearing officer in the Scannell case.

176.Neither before nor during this appointment did Danielson disclose that he had been having ex parte contacts with disciplinary counsel Busby, nor did he disclose he had been having ex parte contacts with opposing party, the WSBA.

177.He also did not disclose the substance of the conversations.

178.He also did not disclose that he was paid by the WSBA, who was one of the parties, nor did he disclose that he had been hired through a process which had an inherent conflict of interest because part of his salary was kicked backed to his law partner who was president of the WSBA.

179.On June 15, 2007, Scannell filed a motion to disqualify the WSBA hearing officer Mary Weshler as well as the entire Disciplinary Board.

180.Scannell brought this motion for cause because the hearing officer was not following ELC 10.12 for scheduling the hearing. The rule explicitly calls for motion to be filed before a hearing can be set, but Weshler attempted to set a hearing without a motion.

181.On June 20, 2007, members of the Disciplinary Committee of the Board of Governors met. These were undisclosed ex parte contacts that attempted to fraudulently corrupt

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the legal process by influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO.

182.On June 22, 2007, Scannell filed an alternative motion to disqualify the hearing officer assigned to his case without cause, in the event the Chief Hearing Officer did not rule in his favor on the motion to disqualify for cause.

183.On June 25, 2007, Danielson, without ruling on the motion to disqualify the hearing officer for cause, removed the hearing officer without cause, claiming Scannell had now used his only pre-emptory challenge.

184.On that same date, Danielson, as he had in the Marshall case, appointed himself as a hearing officer.

185.On July 6, 2007, Scannell brought a motion to disqualify the entire Disciplinary Board, as well as the Chief Hearing Officer, as they were witnesses in the case and the Chief Hearing Officer had deprived Scannell of his right to exercise a pre-emptory challenge.

186.He also sought to appeal the Chief Hearing Officer's previous rulings.

187.On July 10, 2007, Danielson formalized his opinion in the Scannell case where he refused to rule on the motion to disqualify the hearing officer for cause.

188.During July of 2007 Gail McMonagle, Larry Kuznetz, Amanda Elizabeth Lee, David Heller, Brian Romas, Zachary Mosner, Thomas Cena, Joni Dickinson Mina, Thomas Andrews, Tamara Darst, Susan B. Madden, Seth Fine, William J. Carlson, Clementine Hollingsworth, and Julie Shankland and the hearing officer in the King case, David Martin Schoeggl, held meetings with Busby and hired common counsel Robert Weldon to represent them in King County case # 06-2-33100-1 SEA.

189.The retaining of common counsel and subsequent discussions were ex parte contacts forbidden by Code of Judicial Conduct 1, 2(A), 3A(4), RPC 3.5b and ELC 2.6(e)(1)(d) and violated ethics prohibitions for Washington judges for having common counsel with one of the

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parties appearing before them.

190.The WSBA Disciplinary Board, McMonagle and David Martin Schoeggl then prejudged the case on July 24, 2007 by authorizing their retained counsel to enter briefing on a motion to dismiss that stated that none of John Scannell or Paul King's grievances had any basis in law or fact.

191.They raised a number of other arguments, including the argument that the Scannell and King had failed to include Washington State Supreme Court members as defendants.

192.The hiring of common counsel and subsequent discussions were ex parte contacts that attempted to fraudulently corrupt the legal process by influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO.

193.Scannell and King were denied by the King County Superior Court in case # 06-2-33100-1 SEA for lack of jurisdiction on August 8, 2007. In his ruling King County Superior Court presiding Judge Erlick at no point considered Scannell or King's arguments frivolous, stating he understood their arguments and they were debatable, but nonetheless considered them mistaken.

194.On September 19, 2007, members of the Disciplinary Committee of the Board of Governors, including Disciplinary Counsel Ende and Board of Governor members Bastian, Doug Lawerence, Weldon, Mungia, and Littlewood met.

195.During this meeting members of the committee met with each other to discuss King's issue that three board members were required charge a member with misconduct, and decided among themselves to say it was two.

196.King was not notified, nor were his arguments discussed.

197.Since Weldon was the common counsel in the King-Scannell lawsuit for McMonagle, Shoeggl, the Disciplinary board and Busby, this provided another level of ex parte contacts.

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198.On October 1, 2007 Larry J. Kuznetz, William J. Carlson, Thomas Cena, , Brian Romas, Thomas Andrews, Carrie M. Coppinger, Susan B. Madden, Tamara J. Milligan-Darst, Norma L. Ureña, Norris Hazelton, Seth Fine, Shea C. Meehan, Melinda Anderson, Julie Shankland began serving as members of the Disciplinary Board for the calendar year of October 1, 2007 to September 30, 2008. For the next year they met with Scott Busby, Disciplinary counsel in violation of the ethics statute and the ELC. These were ex parte contacts that attempted to fraudulently corrupt the legal process by influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO.

199.On October 7, 2007, members of the Disciplinary Committee of the Board of Governors, including Disciplinary Counsel Ende, Disciplinary Board Counsel Shankland and Board of Governor members Doug Lawerence, Weldon, Kristal Wiitala, and Littlewood met. These were undisclosed ex parte contacts that attempted to fraudulently corrupt the legal process by influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO.

200.On November 14, 2007, members of the Disciplinary Committee of the Board of Governors, including Disciplinary Board Counsel Shankland, Danielson and Board of Governor members Doug Lawerence, Weldon, Kristal Wiitala, and Littlewood met. These were undisclosed ex parte contacts that attempted to fraudulently corrupt the legal process by influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO.

201.The Disciplinary Board upheld the disbarment recommendation of Marshall on October and November. Between November 14, 2007 and September 8, 2007, by information and belief, various members of the enterprise met and conspired among themselves to fraudulently corrupt the legal process by influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO. On September 8, 2007, the WSBA

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Discipline Committee issued their "final report". In this "final report" the committees declared that the criticisms of the ABA were, for the most part, unjustified, and only offered a few meaningless token reforms. The committee used the mail to issue their "final report" which was an attempt to cover for the fraudulent conduct of members of the enterprise so that the enterprise could continue its protection racketeering activities. This is mail fraud and a predicate offense under RICO.

202.Beginning on or about November 2008, the individual members of the Enterprise again began making undisclosed ex parte contacts, this time for the purpose of amending the ELC's in response to the report of the American Bar Association. The name of the committee was the "ELC Drafting Task Force." On November 20, 2008, Carpenter, attended a meeting with Busby and disciplinary counsel Beitel, Disciplinary Board member Fine, Danielson, and office of General Counsel Turner. Barbara Matson, Susan J. Owen, Gerry L. Alexander, Charles W. Johnson, Richard B. Sanders, Tom Chambers, Mary E. Fairhurst, James M. Johnson, and Debra L. Stephens sent a representative-agent to the meeting named Sullins who would keep them abreast of what was going on. These were undisclosed ex parte contacts that attempted to fraudulently corrupt the legal process by influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO.

203.On March 11, 2008, King brought a motion for stay pending resolution of grievance filed alleging conflict of interest of hearing officer having common counsel with disciplinary counsel and prejudging the case.

204.On March 11, 2008, hearing officer David Martin Schoeggl refused King's motion for a stay.

205.On March 19, 2008 and on March 20, 2008, King filed for recusal of the hearing officer in his case for having common counsel and ex parte contacts with the ODC.

206.On March 21, 2008, the disciplinary chair denied King's motion for recusal.

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207.On April 14, 2008, Schoeggl denied motion for recusal.

208.On April 16, 2008, King appealed denial of motions for recusal to full board.

209.On April 25, 2008, William Carlson, acting as Vice Chair of the Disciplinary Board denied King's appeal of the denial of motions for recusal.

210.King's trial began on April 28, 2008.

211.On September 19, 2008, hearing officer Schoeggl recommended discipline in the King case.

212.Part of his decision relied on enhanced penalties for King for challenging the misconduct of the Disciplinary Board and the hearing officer and challenging the subpoenas in King County Superior Court.

213.Beginning on or about November 2008, Busby began making undisclosed ex parte contacts, this time under the alleged purpose of amending the ELC's. The name of the committee was the "ELC Drafting Task Force."

214.These meetings were organized as private meetings of a committee of the WSBA.

215.A representative of the Washington State Supreme Court was apparently invited to attend along with the Clerk of the Supreme Court.

216.Scannell's trial began on December 1, 2008.

217.On December 16, 2008, Busby filed more charges against Paul King.

218.On January 7, 2009, Scannell filed an answer on behalf of King to the December 16, 2008 complaint.

219.On February 2, 2009, the Disciplinary Board upheld the decision of the hearing officer in the King case.

220.In its decision the Disciplinary Board issued enhanced penalties for King for challenging the misconduct of the Disciplinary Board and the hearing officer and challenging the subpoenas in King County Superior Court.

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221.On February 3, 2009, the hearing officer in the Scannell case issued findings and proposed order proposing two year suspension..

222.On February 19, 2009, King filed a timely notice of appeal to the Washington State Supreme Court.

223.On March 12, 2009, Carpenter, attended a meeting with Busby and Disciplinary counsel Beitel, Disciplinary Board member Urina, Danielson, and office of General Counsel Turner. s Barbara Matson, Susan J. Owen, Gerry L. Alexander, Charles W. Johnson, Richard B. Sanders, Tom Chambers, Mary E. Fairhurst, James M. Johnson, and Debra L. Stephens sent a representative-agent to the meeting named Sullins who would keep them abreast of what was occurring. These were undisclosed ex parte contacts that attempted to fraudulently corrupt the legal process by influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO

224.The King County Superior Court's decision in case # 06-2-33100-1 SEA to dismiss Scannell and King's suit for lack of jurisdiction was upheld by the Washington State Court of Appeals on April 10, 2009

225.On May 12, 2009, Scannell provided a more detailed defense to the December 16 2008 complaint against King by an amended answer offering an additional defense involving the subject of Alford pleas. King contended that existing law would allow him to litigate the merits of his claim.

226.On or about May 14, 2009, Marshall appeared before the Washington State Supreme Court. Neither before nor during this hearing did individual members of the Washington State Supreme Court disclose that they had been having ex parte contacts with opposing disciplinary counsel nor did they disclose they had been having ex parte contacts with opposing party, the WSBA. They also did not disclose the substance of the conversations. In particular, co-conspirator Matson did not divulge that she had met regularly with disciplinary counsel Busby

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for over two years. Furthermore co-conspirators Fairhurst and Chambers were both past presidents of the Washington State Bar Association, who was a party and complainant in the Marshall case. As past president they would have been intimately familiar with the political makeup of the Washington State Bar Association. By not divulging these ex parte contacts they denied Bradley Marshall due process of law. The purpose of the failure to disclose was to discriminate against Bradley Marshall on the basis of race and to corrupt the judicial process and to ensure the continued existence of the protection racketeering enterprise. As such, it was a predicate offense under RICO and discrimination in violation of Title VII.

227.On June 10, 2009, the Washington State Supreme Court issued an order on the King case upholding the Disciplinary Board order.

228.In its decision the Washington State Supreme Court did not rule on the merits of the disqualification issue, claiming that King had not properly authenticated the exhibits in King County Case # 06-2-33100-1 SEA.

229.In its decision the Washington State Supreme Court issued enhanced penalties for King for challenging the misconduct of the Disciplinary Board and the hearing officer and challenging the subpoenas in King County Superior Court.

230.On June 30, 2009, King filed a timely motion for reconsideration, authenticating the exhibits in question.

231.Carpenter never filed the motion for reconsideration in a timely fashion.

232.The Washington State Supreme Court never ruled on the motion for reconsideration in the King case.

233.On July 22, 2009, Carpenter, attended a meeting with Busby and Disciplinary counsel Beitel, Disciplinary Board member Urina, Danielson, and office of General Counsel Turner. s Barbara Matson, Susan J. Owen, Gerry L. Alexander, Charles W. Johnson, Richard B. Sanders, Tom Chambers, Mary E. Fairhurst, James M. Johnson, and Debra L. Stephens sent a

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representative-agent to the meeting named Sullins who would keep them informed of the proceedings.

234.For Scannell and King, these were undisclosed ex parte contacts that attempted to fraudulently corrupt the legal process by influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO.

235.At the meeting, materials were distributed to the various participants and eventually were circulated to all the members of the enterprise. During this discussion, the Disciplinary Counsel's Office made a damaging admission that the rules do not clearly address the issue as to who was authorized to rule on motions during the investigative stage. This was in direct contradiction to the representations the disciplinary counsel's office made in the Scannell case, both in the disciplinary hearings and in the civil case that was filed in the King County Superior Court. In those cases, the disciplinary counsel charged that Scannell was "frivolous" for arguing the Chairman of the Disciplinary Board had no authority to rule on his motion to terminate the deposition.

236.Among the materials distributed to the various participants at the July 22, 2009 meeting was a proposal to redefine conviction in ELC 7.1 to include "Alford" pleas. This would prevent bar complaint defendants from using Alford pleas as a reason to fully litigate a defense to a bar complaint.

237. This was an undisclosed ex parte contact in King's case.

238. In August of 2009, Scott Busby wrote on behalf of the WSBA before the Washington State Supreme Court.

> The Association further requests that the Court address the issues presented here when [the court] issues it published opinion in this case to give guidance to other respondent lawyers who believe they can thwart a disciplinary proceeding merely by filing a lawsuit against the Association, the Supreme Court, or its members.

239. Mr. Marshall was not charged with filing a frivolous lawsuit as part of the

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disbarment proceedings. This is clear intent on the part of Mr. Busby and the Washington State Bar Association as a whole, to retaliate against Mr. Marshall and others as well as submit an improper "Send a message" argument to the decision-makers See *State v. Powell* 62 Wn. App. 914, 816 P.2d 86 (1991), review denied, 118 Wn.2d 1013 (1992).

240. This was a continuation of the extortionate behavior made by both Busby and the rest of the disciplinary counsel's office, to retaliate and extort concessions from Scannell, Marshall, King and other like them, who oppose the activities of the protection racket enterprise. The failure of the Washington State Supreme Court to sanction or reprimand Busby for his behavior demonstrates a failure to supervise and represents collusion by the rest of the members of the enterprise to support the activities of the protection racket enterprise. As such it is a violation of the Hobbs Act (18 U.S.C. §1951) and a predicate offense under RICO.

241. On September 4, 2009, Chairman of Task Force B, Seth Fine, wrote to the Chair of the ELC task force, in another undisclosed ex parte contact, admitting the following:

> ODC is authorized to demand information from a lawyer. There is no procedure for reviewing such demands. If a lawyer receives a demand that he or she consider improper or excessive, the lawyer has essentially two alternatives. The lawyer can provide the demanded information notwithstanding that objection. Or the lawyer can refuse to provide the information, thereby subjecting himself or herself to possible interim suspension or additional disciplinary charges…"

242. This was an undisclosed ex parte contact with the decision-makers and ODC over a substantive issue in both the Scannell and King appeals.

243. Seth Fine, a prosecutor for Snohomish county, was the Chair of the Disciplinary Board from October 1, 2009 until September 30, 2010.

244. Seth Fine's memo of September 4, 2009 along with the ODC memo of June 26, 2009 were in direct contradiction to the representations the disciplinary counsel's office made in the Scannell case. According to paragraph 76 of the Scannell charging complaint, his motion

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allegation that there was no authority for the chairman to rule on a protective order was "frivolous".

245. This also contradicted the briefing in the Scannell-King civil case, where the WSBA alleged that Scannell's and King's argument that there was no authority for the Chairman to rule on the motion had "no basis in law or fact."

246. On September 10, 2009, Busby and disciplinary counsel Beitel, Disciplinary Board members Urina and Fine, and Danielson met. These were undisclosed ex parte contacts that attempted to fraudulently corrupt the legal process by influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO.

247. On September 29, 2009, Scannell filed a timely notice of appeal of the September 1, 2009 recommendation to discipline him.

248. The King County Superior Court's decision in case # 06-2-33100-1 SEA to dismiss Scannell and King's suit for lack of jurisdiction was upheld by the Washington State Supreme Court on September 30, 2009.

249. On October 5, 2009, Scannell timely filed a notice of appeal to the Washington State Supreme Court.

250. A mandate was issued on November 4, 2009 on Court of Appeals case no. 60623-9-I directed to King County Superior Court in this case.

251. This mandate has yet to be acted upon.

252. Scannell attempted to get the court to address the issue of whether attorneys had a right to be notified of ex parte depositions failed when he filed a petition as an original proceeding to resolve the issues on or about November 4, 2009. His petition was in response to a petition to have him temporarily suspended.

253. On November 13, 2009, Scannell brought a motion to disqualify Justice Fairhurst because of her ties to Gregoire while working in the attorney general's office.

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360-769-8531

254. At the hearing, Fairhurst refused to disqualify herself.

255. Neither before nor during this hearing did individual members of the Washington State Supreme Court disclose that they had been having ex parte contacts with opposing disciplinary counsel nor did they disclose they had been having ex parte contacts with opposing party, the WSBA. They also did not disclose the substance of the conversations which included the most important issues raised by the appeal.

256. In particular, Justice Matson did not divulge that she had met regularly with disciplinary counsel Busby for over two years.

257. Both Justice Olsen and Justice Matson did not disclose that they had met with members of the WSBA, the WSBA Disciplinary Board, and members of the ODC for two years.

258. The other members of the Washington State Supreme Court did not disclose that they had sent a representative to the meetings for another two years.

259. Furthermore Fairhurst and Chambers were both past presidents of the Washington State Bar Association, who was a party and complainant in the Scannell case.

260. As past presidents they would have been intimately familiar with the political makeup of the bar association.

261. Justices Fairhurst and Justice Chambers did not disclose their past relationship to one of the parties, the WSBA.

262. Justice Fairhurst did not disqualify herself in response to the Scannell motion to disqualify.

263. Also at the November 16, 2009 meeting, Scannell complained that the court did not have authority to prosecute him under Washington law because of ELC 8.5, which requires grievances based upon conduct before another tribunal have to be investigated and tried in the law of the jurisdiction the other tribunal.

264. By not disclosing their relationships to the complainant WSBA and by not

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disclosing their ex parte relationships, said judgess denied Scannell due process of law by having his case heard by a disinterested and neutral tribunal.

265. On November 24, 2009, the Supreme Court suspended Scannell pending final resolution of his case. The court did so without considering whether the charges against him had any merit and therefore suspended him without due process.

266. On November 30, 2009, Scannell brought motion for reconsideration which was denied.

267. On or about December 24, 2009 Evangeline Zandt filed a bar complaint (WSBA File #09-01876) against Henry Judson III alleging that attorney Henry Judson III was violating RPC 1.7 by attempting to exploit a conflict of interest to transfer assets from her husband's guardianship to another guardianship.

268. On January 14, 2010, Carpenter, attended a meeting with Busby and Disciplinary Counsel Beitel, Disciplinary Board member Urina, and Fine, Danielson, and office of General Counsel Turner. Barbara Matson, Susan J. Owen, Gerry L. Alexander, Charles W. Johnson, Richard B. Sanders, Tom Chambers, Mary E. Fairhurst, James M. Johnson, and Debra L. Stephens sent a representative-agent to the meeting named Sullins who would keep them abreast of what was occurring at the meetings . These were undisclosed ex parte contacts that attempted to fraudulently corrupt the legal process by influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO.

269. On January 15, 2010, Henry Judson III responded to the Zandt grievance (WSBA file #09-01876) by generally denying the allegation without supplying specifics.

270. The WSBA defaulted after service of a summons and petition on Scannell's November 4, 2009 action. Scannell filed a motion for default on or about February 26, 2010.

271. Washington State Supreme Court Clerk Carpenter refused to process the motion on March 1, 2010.

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272. Washington State Supreme Court Clerk Carpenter refused to process the mandamus and prohibition actions on March 1, 2010

273. On March 3, 2010, Evangeline Zandt, responding to a request for additional information by the bar in WSBA file #09-01876, sent over a hundred pages of documentation detailing the conflict of interest and providing canceled checks showing that transfer of disputed funds could be imminent.

274. On March 10, 2010, Carpenter, attended a meeting with Busby and Disciplinary counsels Beitel and Ende, Disciplinary Board member Fine, Danielson, and office of General Counsel Turner. Barbara Matson, Susan J. Owen, Gerry L. Alexander, Charles W. Johnson, Richard B. Sanders, Tom Chambers, Mary E. Fairhurst, James M. Johnson, and Debra L. Stephens sent a representative-agent to the meeting named Sullins who would keep them abreast of what was occurring at the meetings. These were undisclosed ex parte contacts that attempted to fraudulently corrupt the legal process by influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO.

275. Scannell filed an objection to the Clerk's Ruling on March 31, 2010 using RAP 17.7.

276. Carpenter refused to process objection on April 5, 2010.

277. Any further efforts to appeal would be futile.

278. On April 8, 2010, Carpenter, attended a meeting with Busby and Disciplinary counsel Beitel and Ende, Disciplinary Board member Fine and Shanklund, Danielson, and office of General Counsel Turner. Barbara Matson, Susan J. Owen, Gerry L. Alexander, Charles W. Johnson, Richard B. Sanders, Tom Chambers, Mary E. Fairhurst, James M. Johnson, and Debra L. Stephens sent a representative-agent to the meeting named Sullins who would keep them informed of what was occurring at the meetings. These were undisclosed ex parte contacts that attempted to fraudulently corrupt the legal process by influencing judges and members of the

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Disciplinary Board and as such were predicate acts under RICO.

279. On June 10, 2010, Carpenter, attended a meeting with Busby and disciplinary counsels Beitel and Ende, Disciplinary Board members Fine, Urina and Shanklund, Danielson, and office of General Counsel Turner.

280. Barbara Matson, Susan J. Owen, Gerry L. Alexander, Charles W. Johnson, Richard B. Sanders, Tom Chambers, Mary E. Fairhurst, James M. Johnson, and Debra L. Stephens sent a representative-agent to the meeting named Sullins who would keep them informed of what occurred during the meeting.

281. At this meeting, the Chairman of the Disciplinary Board, Seth Fine, proposed a new ELC 5.5, which "would allow" an attorney to raise confidentiality concerns during an investigative subpoena.

282. One purpose of this change would be to take "discipline for non-cooperation off the table" where an attorney tried to raise confidentiality concerns.

283. This was an undisclosed ex parte contact over a material issue that was pending before the Washington State Supreme Court in the Scannell and King cases. These were attempts to fraudulently corrupt the legal process by influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO.

284. Scannell was contending he was being disciplined for non-cooperation, because he tried to raise confidentiality concerns over attorney client privileged information for an attorney he represented before the Disciplinary Board. That is, he was demanding that his client be notified of the deposition because, under ELC 5.4, Scannell could not raise it for him. In the three years the Scannell case had been litigated, the disciplinary counsel had ignored this issue in his briefing contending only that Scannell's arguments were frivolous.

285. Paul King was also, among other issues, contending that Scannell had to be notified because he was also a party to the deposition since the investigation was for the same issues.

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286. King attempted to get the court to address the issue of the ex parte deposition of Mark Maurin in that case.

287. Scannell attempted to get the Washington State Supreme Court to address the issue of joint counsel and ex parte contacts between disciplinary counsel and decision-makers in his disciplinary proceedings. The Washington State Supreme court refused to address this issue other than saying the ex parte contacts "arose" from Scannell's suit. There was no explanation as to why joint counsel was used.

288. Finally, Scannell attempted to get the Washington State Supreme Court to address the issue of attempting to protect the right of King to counsel and attorney client privilege in his disciplinary action. The Washington State Supreme Court refused to deal with the issue.

289. On June 14, 2010, Scannell filed a Motion for Relief From Court Order or Judgment.

290. On June 21, 2010, the ODC in WSBA file #09-01877 dismissed Evangeline Zandt's grievance, claiming she had not responded to the requested information.

291. On June 29, 2010, Carpenter dismissed motion Scannell's motion without prejudice, pending filing of new motion.

292. Evangeline Zandt subsequently notified the ODC supplying proof of service that she had supplied the information. However, the ODC did not further investigate the grievance.

293. On July 13, 2010, Scannell resubmitted Motion for Relief from Court Order or Judgment.

294. On July 22, 2010 Evangeline Zandt filed an appeal of the denial of the grievance and filed a bar complaint against the ODC for losing her paperwork. To this date she has not received a response to either the appeal or the grievance. The failure of the WSBA to investigate these grievances was a fraudulent attempt to corrupt the legal process and a predicate act under RICO.

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295. On July 28, 2010, Washington State Supreme Court Clerk Carpenter refused to process the Motion for Relief from court order or Judgment.

296. On August 27, 2010, Scannell objected to Carpenter's ruling of July 28, 2010.

297. Washington State Supreme Court Clerk Carpenter refused to allow Scannell to appeal his refusal to process the petition under RAP 17.7 on September 9, 2010.

298. Scannell was disciplined on September 9, 2010.

299. As in the King case, the court made no ruling as to whether the Chairman of the Disciplinary Board had power to rule on the motion for protective order. This was a necessary finding for the court to have to proceed to discipline him when there is an outstanding order for protection.

300. The court refused to issue any findings as to how it had authority to prosecute Scannell and King under Washington law.

301. In its decision the Washington State Supreme Court made new findings of fact that had no basis in the record. These included the allegation Scannell had not attended the Matthew's deposition even though he clearly had.

302. Since Scannell had attended the deposition there was no basis for finding him guilty of failing to cooperate in count 2 of the charges filed against him.

303. The court made findings that his lawsuit in King County Superior Court case #06-2-33100-1 SEA was frivolous even though he was never charged with that as misconduct and it was not a part of the record in his disciplinary appeal.

304. The court made findings that Scannell improperly made an unwritten contract with a client, even though he was not charged with that and there was no argument on the issue throughout the proceedings.

305. Scannell had not made a contract with Matthews.

306. The court did not address the issue as to how it could prosecute Scannell using

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Washington law for conduct connected with a tribunal in Virginia.

307. The court made no attempt to address the attorney client privilege issue, which was the central issue in the Washington State Supreme Court lawsuit, the disciplinary action against Scannell, and the present case.

308. On October 28, 2010, Carpenter, attended a meeting with Busby and disciplinary counsel Beitel and Ende, Disciplinary Board member Urina, Danielson, and office of General Counsel Turner. Barbara Matson, Susan J. Owen, Gerry L. Alexander, Charles W. Johnson, Richard B. Sanders, Tom Chambers, Mary E. Fairhurst, James M. Johnson, and Debra L. Stephens sent a representative-agent to the meeting named Sullins who would keep them informed of what was occurring at the meeting. These were undisclosed ex parte contacts that attempted to fraudulently corrupt the legal process by influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO.

309. Meanwhile, the Disciplinary Board has refused to investigate Gregoire or her subordinates in any meaningful fashion, instead destroying all files connected with the grievance.

310. The Washington State Supreme Court has denied any remedy for the ex parte contacts of the Supreme Court and for that of the Disciplinary Board as well as a remedy for the unconstitutional subpoenas.

311. Scannell's attempt to get the court to address this issue failed when he filed a petition to resolve the issues on or about November 4, 2009.

312. On or about December 24, 2009 Evangeline Zandt filed a bar complaint (WSBA File #09-01876) against Henry Judson III alleging that attorney Henry Judson III was violating RPC 1.7 by attempting to exploit a conflict of interest to transfer assets from her husband's guardianship to another guardianship.

313. On January 14, 2010, Carpenter, attended a meeting with Busby and Disciplinary

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Counsel Beitel, Disciplinary Board member Urina, and Fine, Danielson, and office of General Counsel Turner. Barbara Matson, Susan J. Owen, Gerry L. Alexander, Charles W. Johnson, Richard B. Sanders, Tom Chambers, Mary E. Fairhurst, James M. Johnson, and Debra L. Stephens sent a representative-agent to the meeting named Sullins who would keep them abreast of what was occurring at the meetings . These were undisclosed ex parte contacts that attempted to fraudulently corrupt the legal process by influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO.

314. On January 15, 2010, Henry Judson III responded to the Zandt grievance (WSBA file #09-01876) by generally denying the allegation without supplying specifics.

315. On April 8, 2010, Carpenter, attended a meeting with Busby and Disciplinary counsel Beitel and Ende, Disciplinary Board member Fine and Shanklund, Danielson, and office of General Counsel Turner. Barbara Matson, Susan J. Owen, Gerry L. Alexander, Charles W. Johnson, Richard B. Sanders, Tom Chambers, Mary E. Fairhurst, James M. Johnson, and Debra L. Stephens sent a representative-agent to the meeting named Sullins who would keep them informed of what was occurring at the meetings. These were undisclosed ex parte contacts that attempted to fraudulently corrupt the legal process by influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO.

316. On June 10, 2010, Carpenter, attended a meeting with Busby and disciplinary counsels Beitel and Ende, Disciplinary Board members Fine, Urina and Shanklund, Danielson, and office of General Counsel Turner.

317. Barbara Matson, Susan J. Owen, Gerry L. Alexander, Charles W. Johnson, Richard B. Sanders, Tom Chambers, Mary E. Fairhurst, James M. Johnson, and Debra L. Stephens sent a representative-agent to the meeting named Sullins who would keep them informed of what occurred during the meeting.

318. At this meeting, the Chairman of the Disciplinary Board, Seth Fine, proposed a new

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ELC 5.5, which "would allow" an attorney to raise confidentiality concerns during an investigative subpoena.

319. One purpose of this change would be to take "discipline for non-cooperation off the table" where an attorney tried to raise confidentiality concerns.

320. This was an undisclosed ex parte contact over a material issue that was pending before the Washington State Supreme Court in the Scannell and King cases. These were attempts to fraudulently corrupt the legal process by influencing judges and members of the Disciplinary Board and as such were predicate acts under RICO.

321. Scannell was contending he was being disciplined for non-cooperation, because he tried to raise confidentiality concerns over attorney client privileged information for an attorney he represented before the Disciplinary Board. That is, he was demanding that his client be notified of the deposition because, under ELC 5.4, Scannell could not raise it for him. In the three years the Scannell case had been litigated, the disciplinary counsel had ignored this issue in his briefing contending only that Scannell's arguments were frivolous.

322. Paul King was also, among other issues, contending that Scannell had to be notified because he was also a party to the deposition since the investigation was for the same issues.

323. King attempted to get the court to address the issue of the ex parte deposition of Mark Maurin in that case.

324. Scannell attempted to get the Washington State Supreme Court to address the issue of joint counsel and ex parte contacts between disciplinary counsel and decision-makers in his disciplinary proceedings. The Washington State Supreme court refused to address this issue other than saying the ex parte contacts "arose" from Scannell's suit. There was no explanation as to why joint counsel was used.

325. On June 30, 2010, King filed a timely motion for reconsideration. To date, the Washington State Supreme Court has yet to rule on King's motion for reconsideration.

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326. Meanwhile, the Disciplinary Board has refused to investigate Gregoire or her subordinates in any meaningful fashion, instead destroying all files connected with the grievance.

327. The Washington State Supreme Court has denied any remedy for the ex parte contacts of the Supreme Court and for that of the Disciplinary Board as well as a remedy for the unconstitutional subpoenas.

328. King's attempt to get the court to address this issue failed in **In re Disciplinary Proceeding Against King**, No. 200, 232 P.3d 1095, 168 Wash.2d 888 (Wash. 06/10/2010).

329. April 20, 2011, Matthew Little filed grievance against a Kitsap County defense attorneys Stephen King(King) (WSBA file #1100661), Michael Raya (Raya)(WSBA file #1100664), Eric Fong (Fong)(WSBA file #11-00665), and prosecutor Gina Buskirk(Buskirk).

330. Complaints against King alleged violations of RPC 3.3(a)(1)(4) in that he attempted to induce Little's wife to file a false declaration. King was also charged with advising Little he could take a certain course in order to satisfy the courts requirement of taking domestic violence treatment. After Little spent $250.00 and spent 27 hours in taking the course, the court ordered him to start over because it was the incorrect course.

331. Complaints against Raya and Fong alleged violations of RPC 1.4(a)(b) because they failed to disclose that his wife had stated in writings to the court that there was no domestic violence or assault in the case, when she was the complaining witness.

332. Complaints against Buskirk alleged violations of RPC 3.3(a)(1)(4) by making untrue statements to the court.

333. On April 25, 2011, the WSBA dismissed grievance against Raya and Fong on the grounds that their misconduct involved "professional judgment" and the bar does not reassess "professional judgment". The complaint against Buskirk was dismissed on the grounds her

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actions were not in violation of the RPC's. The complaint against King was dismissed with Little being told that when he claims ineffective assistance of counsel, they do not investigate it unless there is a judicial finding of impropriety.

334. On or about May 27, 2011, Michael Chiofar Gummo Bear filed grievances against John Cobb, a King County Prosecutor, (WSBA # 14304) for contacting him without going through his attorney of record John R. Scannell, claiming a violation of RPC 4.3 which prevents a lawyer from communicating directly with me about the subject of representation without the consent of the other attorney.

335. On or about May 28, 2011, Michael Chiofar Gummo Bear filed a grievance against Patrick Oishi (WSBA file #11-00921) and Phillip K. Sorenson (WSBA file #11-00922) charging them with charging a criminal charge without basis in law or fact (RPC 3.1)

336. On or about June 16, 2011, Michael Chiofar Gummo Bear filed a grievance against John Cummings (WSBA file #11-01019) charging him with obtaining a summons for a criminal charge without basis in law or fact (RPC 3.1).

337. On June 28, 2011 Matthew Little filed a grievance against defense attorney David LaCrosse(LaCrosse) (WSBA file #11-01079) alleging that Lacrosse had showed up at hearings unprepared and had done little, if any investigations in preparing his case for trial. .

338. On June 30, 2011, in response to grievance filed against LaCrosse, the WSBA told Little that when he claims ineffective assistance of counsel, they do not investigate it unless there is a judicial finding of impropriety.

339. On August 1, 2011, the disciplinary counsel's office rejected Bear's grievances against Sorenson (WSBA file #11-00922) and Cummings (WSBA file #11-01019), claiming the prosecutions were in good faith.

340. Prior to August 2, 2011, Little filed a grievance (WSBA file #11-01454) against Charles W. Tibbits alleging ineffective assistance of counsel.

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341. On August 2, 2011, the WSBA dismissed the Tibbets grievance(WSBA file #11-01454) and told Little that when he claims ineffective assistance of counsel, the WSBA does not investigate it unless there is a judicial finding of impropriety.

342. On August 2, 2011, the WSBA dismissed the Jeniece Lacross grievance, telling him that when charges ineffective assistance of counsel, the WSBA does not investigate it unless there is a judicial finding of impropriety.

343. On August 3, 2011, Matthew Little filed grievances against defense attorney Michelle Taylor(11-01309)

344. On August 5, 2011, the WSBA dismissed the grievance against Michelle A. Taylor (11-01309), telling Little do not investigate it unless there is a judicial finding of impropriety.

345. On August 15, 2011, the disciplinary counsel's office dismissed Bear's grievances against Patrick Oishi (WSBA file #11-00921), claiming the prosecution was in good faith.

346. On or about August 25, 2011 Little filed a grievance against prosecutor Robert R. Davy (WSBA file: 11-01289), and appealed dismissals of the grievances against Janeice LaCrosse, (WSBA file: 11-01290), and Michelle Taylor (WSBA file: 11-01309.

347. In the case of Davy, Little alleged violations of RPC 1.7(b)(2) (failure to get a written waiver before representing a client against a former client), RPC 3.8(b), (engaging in conversations with an unrepresented party without first informing him of right to counsel), RPC 3.8(a). (filing charge not supported by probable cause), all stemming from his representation of the City of Bremerton in doubling Little's bail at a time when the court would not provide Little a counsel in violation of his constitutional right to counsel in a criminal proceeding.

348.Bar pursuit of Robert Grundstein is an example of the practiced dishonesty and organized, institutional deceit an organization which violates Separation of Powers is able to maintain.

349.Grundstein was a Vermont resident on inactive WSBA status for the prior 12years.

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He had no history of discipline, anywhere. He was not a resident of WA nor was he found in the state for service. He had no clients and performed no acts under the WA long arm statute. Bar contrived to file a formal complaint against him which included charges related to motion practice in other states Bar didn't like. The Formal Complaint asked for "Probation". A disciplinary hearing was set for Spring of 2011.

350.Grundstein filed in Federal Court to enjoin the WA hearing. There was no jurisdiction or venue and the WA subpoena power did not extend to foreign states.

351.Grundstein couldn't call witnesses under the 6th amendment. The federal court abstained. At hearing, in violation of "In re Ruffalo", Civil Rule 15 and the 5th Amendment, Bar amended it's complaint to add 8 additional counts and changed it's requested sanction to "Disbarment".

352.After hearing, Bar removed all Grundstein's evidence from the record. The evidence was entered over 80 pages of transcript and re-numbered by the Hearing Officer to suit her pre-existing numbering system. This included 42 exculpatory exhibits and letters of recommendation. This was in violation of RPCs 3.3, 3,4 and 3.8. It also violated the 6th amendment and Grundstein's "Brady" rights. Bar obstructed justice and spoliated evidence to contrive the lies it needed. It also enlisted a corrupt attorney named Ronald Meltzer who testified to one of the surprise Complaint amendments. Bar sought to charge that a subpoena Grundstein issued under WA Civ. Rule 45 in a pro se action on behalf of his geriatric mother was fraudulently obtained because "only an active attorney can issue a subpoena". This was a fictitious offense. Any named party to a suit or pro se attorney can issue a subpoena.

353.Grundstein has tried to file corrective motions with the WA Supreme Court. The Clerk of Court, Ron Carpenter, will not let him file. Grundstein tried a Motion to Recall Mandate, (recall order of disbarment) which the Clerk would not present to the court.

354.The clerk felt that a mandate is not the same as an order.Block is a civil rights

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advocate and a citizen of the City of Gold Bar and the County of Snohomish. also has a blog called the "Gold Bar Reporter," which reports on government and government officials in Snohomish County and Gold Bar. As early as 2008 and continuing to the present day the learned of misfeasance, malfeasance, and corruption within city and county government, and has attempted to exercise her rights guaranteed by the speech and petition provisions of the First Amendment to the United States constitution to learn and report on the ongoing activities of county and city officials up to the date of filing the complaint.

355.Block is a former Washington State attorney harassed by the Enterpriseout of the practice of law. Block asserts that the individually named defendants in her suit have, in bad faith, conspired to deprive her of her vested right to practice law through a number of acts which led her to resign from the bar. In addition, the individual defendants in her case have conspired to form an enterprise with the purpose of dominating the WSBA and its disciplinary system so as to allow prosecutors, defense attorneys, practitioners at large firms, and non-minority attorneys to practice unethically and evade accountability for their misconduct. The Gold Bar defendants in her case originally intended for the enterprise to have a goal of covering up corruption but eventually led to a conspiracy to illegally divert public funds away from the City to finance the defense of the enterprise in continuing their predicate acts. The conspiracy will hereinafter be referred to as "the Enterprise."

356.The Enterprise has, as one of its goals, to dominate the Washington State Bar Association by punishing those who oppose the illegal goals of the Enterprise. It does this through extortion by harassing and punishing its enemies with disciplinary actions "to send a message" to those that oppose their criminal activities.

357.As outlined in the complaint, Block attempted to exercise her constitutional rights, including her right to shield the sources of newspaper articles she writes, her right to be free from unlawful search and seizure, her right to free speech, her right be free of conduct

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perpetrated by the WSBA in violation of the anti-trust laws, and her right of freedom of association.

358.Block continues to face imminent loss of her constitutional rights as a consequence of the actions of the defendants in her case. The Enterprise has repeatedly threatened Block, her associates with unconstitutional subpoenas and continue to threaten additional disciplinary actions against Block even though she is not a member of the bar and not a member of the bar association. Enterprise members have assaulted City Council members who are favorable to Block to force them out of office and have repeatedly stalked and threatened Block with acts of physical violence and murder. The defendants continuously harass her, in a manner which effectively interferes with her right to conduct business as a news reporter and practice law if she chooses The WSBA encourages other members of the community to treat Block as a pariah in the legal profession and allows them to commit violations of the rules of professional conduct against her with impunity. The WSBA's and Enterprise's actions constitute a de facto group boycott of Block's professional activities. The anti-trust actions taken by the WSBA are not reviewable by the Washington State Supreme Court, nor does the Washington State Supreme Court exercise supervisory control in this regard.

359.Ann Block also reports on local news inside Snohomish County on a BlogSpot co-owner Gold Bar resident, called the "Gold Bar Reporter." As early as 2008 and continuing to the present day Ann Block haslearned of misfeasance, malfeasance, and corruption within city and county government, and has attempted to exercise her rights guaranteed by the speech and petition provisions of the First Amendment to the United States constitution to learn and report on the ongoing activities of county and city officials up to the date of filing this complaint.

360.September 10th 2005, Mike Carter and Susan Kelleher wrote an article for the Seattle Times detailing how Pennington lacked credentials or work experience for his job as director of Emergency Services. According to a GAO special agent Paul DeSaulniers, Pennington

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graduated from college from a diploma mill called California Coast University, who sold college diplomas at a flat rate. His only work experience was as a state legislator getting a federal decision not to declare a mudslide area a disaster area overturned when he first lobbied the FEMA director and then President Clinton, to the designation overturned.

361.At the time, the competence of President Bush's appointees in FEMA was coming under intense scrutiny because of the lack of federal response to Hurricane Katrina.

362.On December 23, 2008, Block complained about the lack of services from the Mayor and the state in Gold Bar for removing snow from the roads. Her complaints generated a hostile response from Pennington, who told Block in an email that there was little he could do because he did not have the power to get an emergency declared. .Block went over his head by writing to Chief Executive Reardan, complaining that Pennington didn't know his job. Two days later on December 27th a declaration of emergency declaration was made.

363.Block first began attempting to get information from the City of Gold Bar in Snohomish County in December 2008 by filing petitions with the city known as Public Records Requests. ("PR requests") The initial PR requests occurred when Block learned from Crowshaw of information about alleged tampering of records concerning the safety of the city's water wells, and illegal use of the City's petro card by Karl Marjerle a water employee who used the card for his own use., According to Crowshaw, a "settlement" had been approved by then Mayor Crystal Hill to compensate the employee for the termination of the employee's job. This settlement was made so that members of the enterprise would not have to publicly acknowledge that it was condoning theft. An agreement was reached so that in exchange for $10,000 and unemployment benefits the enterprise would keep the theft of public money confidential even though evidence of the theft was overwhelming. This constituted bribery and was thus a predicate act under RICO.

364.For two months the City refused to comply with Block's requests under the Public

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Records Act (PRA) which requested records concerning the Marjerle incident.

365.In February 2009, Block hired Washington Coalition for Open Government attorney William Crittenden to force disclosure of the records. Crittenden, on behalf of Block, also requested "all records about how the City would respond to Block's requests for public records." On 2/19/2009, Block v. Gold Bar was filed in Snohomish County Superior Court to enforce the Public Disclosure Act when the City of Gold Bar refused to comply.

366.The early requests included requests for copies of electronic communications, including e-mails and records relating to the tampering of the City's water system. The City was not equipped or organized to respond to such citizen requests. City e-mail traffic, for example, existed in some instances only on the private cell phones, computers, Blackberries and such owned by city officials, such as Mayor Hill and Gold Bar city council members. Other forms of information existed in paper form only, and the city had no network among city computers or organization of information electronically stored on the various parts. Eventually, the City was forced to hire an IT specialist and attorneys to gather city information from private devices owned by its officials and to set up the city system for responding to citizen petitions for information.

367.The city, the mayor and city council member named above resisted and stalled in response to the PR requests, and responses were tardy and incomplete, which spawned additional PR requests, many of which are still outstanding. They agreed among themselves to retaliate against Block by defaming her and going after her bar license. These agreements were made while the council was in executive session in the months immediately following the Public Disclosure Requests.) Witnesses to these meetings were the members of the City council themselves and their staff. The exact form of the agreements will be supplemented later after discovery is complete. Chuck Lay was made aware of many of the agreements when he became a Council member in 2010.

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368.The purpose of the retaliation was to send a message to other citizens as to what would happen if they opposed corruption. This was extortion of the democratic rights of Block and other citizens in Gold Bar and therefore a predicate act under RICO.

369.The following list of retaliatory acts, though not exhaustive, were typical of the continuous and ongoing retaliatory actions of the City of Gold Bar, and its Mayor and City Council members and the RICO enterprise

370.Instead of complying with the agencies legal mandate pursuant to RCW 42.56, Beavers, Hill, and Croshaw elicited the assistance of Snohomish County Executive Aaron Reardon and John Pennington who then engaged in criminal conduct. According to Executive Officer Rick Kammerer of Snohomish County Sheriffs office?), Pennington used Snohomish County Sheriff's Officers Rodney Rochan and Kevin Prentiss to run criminal backgrounds on citizens. Block's investigators, PSI, confirmed that several non-permissible background checks were ran on Block via a law enforcement data base titled ACCESS; and in one case, Seattle FBI agent also ran an ACCESS check. The source of this information in this paragraph were records obtained by Block under Public Disclosure act from the Snohomish County Sheriff's office.

371.The Gold Bar Enterprise members also found willing accomplices with the other WSBA members who had already formed their own criminal enterprise that had similar goals.. The other Enterprise members had a similar goal of sending a message to attorneys who opposed corruption by filing lawsuits.

372.In March of 2009, Gold Bar's law firm Weed Gaafstra unlawfully received personal identifying information regarding Block from RICO enterprise members Rhey, Gibbs, and Fine, which included a copy of non-conviction criminal history records. Weed Gaafstra attorney Barbara Johnson disseminated a copy of Block's stolen file to Crystal Hill Pennington. Crystal Pennington then disseminated records via email to other members of the Gold Bar city council and to John E. Pennington. The purpose of disseminating the information was so that the Gold Bar City Council could eventually file bar complaints against the plaintiff. The witnesses to this

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include all the members of the Gold Bar city Council and their staff. Sources for the information in this paragraph are Chuck Lie and a deposition taken of

373.At the time, enterprise member Fine was on the Disciplinary Board of the WSBA. His contact of a with potential bar complainant was a violation of the code of ethics required of all members of the Disciplinary Board (ELC 2.3(k)). The purpose of disseminating the information was to provide material so that the case could be fixed in advance. The purpose of fixing the case was to send a message to all member of the bar as to what would happen to them if they opposed the illicit goals of the enterprise. As such, the actions were extortion and therefore a predicate act under RICO.

374.Also, enterprise member Gibbs was a member of the Board of Governors of the WSBA. His participation in a potential disciplinary case was a violation of the Rules for Enforcement of Lawyer Conduct (ELC 2.2b) (ELC 2.3(k)) required of all Board of Governor members. The purpose of disseminating the information was to provide material so that the case could be fixed in advance. The purpose of fixing the case was to send a message to all member of the bar as to what would happen to them if they opposed the illicit goals of the enterprise. As such, the actions were extortion and therefore a predicate act under RICO.

375.Meanwhile, the Ann Blocklearned that Mayor Crystal Hill was no longer a resident of Gold Bar because she had moved in with fellow enterprise member Pennington. She confronted Hill about the fact and told her she would have to resign as she was not a Gold Bar resident. Residency is a requirement under a Gold Bar City Ordinance.

376.In March 2009, Gold Bar, Beavers, Hill, Croshaw, and Snohomish County and John Pennington conspired with other Enterprise members to illegally access and retrieve from the Washington State Patrol and the Federal Bureau of Investigation Block's criminal history, and the history of other persons exercising First Amendment rights, and to receive and disseminate the same. Though no actual criminal history existed, they disseminated the information

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ambiguously as though it constituted criminal history.

377.In March 2009, Beavers, Hill, and Croshaw, conspired with John Pennington and Tamara Dohaherty to illegally access and retrieve Block's mental health history. Though they retrieved history for some other person, they characterized it as Block's and disseminated it to Gold Bar City Council and resident Fonda Ellis claiming wrongfully allowing Fonda Ellis to proclaim in an open public meeting that Block was a "certified lunatic". in retaliation for Block's exercise of First Amendment rights. This was witnessed by Susan Forbes and other citizens of Gold Bar.. The obtaining of this kind of information about Block served no government function other than to harass, blackmail, and extort the democratic rights of Ann Block. As such, it was an act of extortion under the Hobbs Act and a predicate act under RICO.

378.In April 2009, Gold Bar Mayor in April 2009, Crystal Hill (changed name to Pennington in June 2010) hired Eastside Computers owner Michael Meyers to retrieve Email communication sent from a blogger named Michael Brooks. Hill falsely claimed Brooks was Block and cut and paste an email onto one of Block's header emails to make it appear that Block sent the email. This act constituted forgery and extortion and therefore a predicate act under RICO. The alteration done to the email was witnessed by AnnBlock

379.In May 2009, Hill then used City of Gold Bar resources to write and file criminal complaints against Block with the assistance of John Pennington, The purpose of the defamation was to punish Anne Block for exercising her first amendment rights. Pennington used his friend Matthew Trafford to help process their criminal complaints against Block. Snohomish County Prosecutor's Office reviewed Hill and Pennington's criminal complaint and said "This is not cyber-stalking!" The Enterprise's efforts to have Block charged with a crime failed. Even though it failed, it was done in furtherance of the enterprise's blackmail and extortion scheme and therefore a predicate act under RICO. The source of this allegation are public disclosure requests of Ann Blockwhich showed the emails in question.

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380.In May 2009, Snohomish County's public records officer Diana Rose physically removed county records delivering public records to the City of Gold causing injury to public record/s. In December 2013, Block sent an email to Rose asking for a copy of the CD she stated under oath in deposition that she delivered to the City of Gold Bar and Beavers, Rose responded by stating that she no longer had Snohomish county's CD and that she just called Beavers, located at the Gold Bar City Hall, and he has the only copy of Snohomish County records.

381.On or about January 23, 2014, Block contacted the City of Gold Bar and Loen, Loen stated that she does not have the CD Beavers had on December 30, 2013 (his last day in office). The records on the CD according to Rose's deposition statements contained Block's mental health records. The destruction of records was in furtherance of the extortion and blackmail scheme and therefore a predicate act under RICO.

382.In early May 2009, Crystal Hill and John Pennington filed a police report claiming that the email address Brooks was disseminating to was an email address of his six year daughter. (In November 2013 Pennington's ex-wife Valerie Slocum wrote an affirmation to the Sno County Sheriff's Officer stating that the email address Pennington claimed was that of their daughter Grace was not her daughter's but was John Pennington's email address. Block filed a criminal complaint against Pennington for filing a false report. Slocum offered Deputy Sheriff's Officer Casey hundreds of email s between Pennington and herself. Deputy Casey refused to accept Slocum's emails into the police report.

383.In June 2009, Gold Bar council member Richard Norris wrote to Joe Beavers and let him know that he would be able to take over as Mayor.

384.In June 2009, Susan Forbes, an associate of Block, registered to run as a Gold Bar council member against Chris Wright.

385.The Snohomish County Herald did a story (fed to them by Block) that Chris Wright was a convicted wife beater and had a long history of violence dating back to his days in the

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military. The Herald went with the story that Wright lied about his conviction when he was confronted with it.

386.In July 2009, Gold Bar Mayor Joe Beavers (Beavers) stated to a Gold Bar council member Chuck Lie "We're going to get her Bar license for this. She crossed the line!" The reason Joe Beavers was able to say this is that an agreement had already been made with members of the enterprise, (including Fine and Gibbs) that the case would be fixed to disbar Anne Block in retaliation for her public disclosure suit being litigated with the assistance of Washington Coalition for Open Government Board Member William Crittenden. The Gold Bar Reporter online news source did not start until August 2009.

387.In July 2009, with the assistance of the Enterprise members Croshaws, Beavers, Pennington, and Hill, and non-Enterprise member and non-defendant Snohomish County's Daily Herald reporter Debra Smith issued a press release inferring that Block was anonymously blogging in order to force Hill out of office. Block signed every article she writes.

388.In late July 2009, Snohomish County Daily Herald's article reads "Gold Bar's Mayor Crystal Hill resigns citing harassment." Hill's resignation letter never stated any issues relating to harassment; her resignation simply stated that she enjoyed working as Gold Bar's Mayor. There was no mention of her not being a resident of Gold Bar. However, through word of mouth the enterprise members made it clear that the harassment was by the plaintiff. The predicate acts by the Enterprise members were meant to damage Block's standing within the legal community and to send a message to the rest of the community as to what would happened if they opposed the enterprises corrupt actions through public disclosure requests.

389.In July 2009, Beavers wrote to uncontested council member Rick Merritt stating don't worry about Mz. Block, outside forces will take care of her.

390.In August 2009, Beavers called non-Enterprise member and Gold Bar council member Chuck Lie asking for a one on one meeting at the Dutch Cup in Sultan, Washington. At

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the meeting he told Lie when discussing Block's public records lawsuit against the City " that woman needs a hysterectomy, she'd be better off!"

391.At the same Dutch Cup meeting in August 2009, Beavers also bragged to Lie that he had Snohomish County Court's in his pocket. Beavers was referring to his corrupt association with Gibbs who was then acting as a commissioner

392.At the end of August 2009, The Gold Bar Reporter was formed by Susan Forbes and Block. For the next three years the Gold Bar Reporter regularly reports on the lack of qualifications of Pennington by both education and experience and as well as other misconduct.

393.In November 2009, Pennington states in a dissolution proceeding that he has no college degree, even though publicly he had referred to his graduation from the diploma mill as a degree in order to get the job as the Director of Emergency Services..

394.Council member Chuck Lie also stated that Beavers was bragging to him that he was a reporter for the Sky Valley Chronicle.

395.In January 2010, a new Gold Bar city council was seated. Chuck Lie, Rick Merritt and Chris Wright replaced Richard Norris, Dorothy Croshaw, and Lonn Turner.

396.In April 2010, Gold Bar hired the law firm of Kenyon Disend to replace Weed & Gaafstra.

397.In April of 2010, Reardan asks Pennington whether homes should be allowed to be built on the Oso mudslide site. Pennington gives his approval. This approval was obtained under public disclosure by Block.

398.In May 2010, Crystal Hill Pennington sent Washington Coalition for Open Government President Toby Nixon an email stating that Block was an unemployed lawyer and had been treated at a mental health facility. Block has never been treated at a mental health facility or for mental health issues of any nature. The purpose of the letter was to damage the reputation of Block within the legal profession so the enterprise could eliminate Block's exercise

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of her civil rights through the extortion and blackmail scheme. As such, the writing of this letter was extortion and therefore a predicate act under RICO.

399.City of Gold Bar's clerk Penny Brenton (Brenton) stated that in May 2010, one month after Kenyon Dissend took over as the City's new law firm, City of Gold Bar's then Mayor Beavers ordered Brenton to write a Washington State Bar complaint against Block. According to Brenton, she wrote the WSBA complaints after Beavers ordered her to write them, but Croshaw filed it with the WSBA falsely affirming under oath that she wrote and had knowledge of the WSBA complaints. Croshaw's complaints further the acts of the Enterprise and were made in direct retaliation for Block's commitment to open government and as a result of Block's protected First Amendment activity. Since it was done in furtherance of the enterprise's blackmail extortion scheme, it constituted extortion and a predicate act under RICO

400.In October 2010 adopted Gold Bar Ordinance/ Resolution 10-14, which purported to delegate unfettered, arbitrary and capricious power to the city public records official, Beavers in this case, to sort and delay public records requests he deemed "long." The city and Beavers use the ordinance to promptly provide records to the mayor's friends, but to place other requests from Ann Block and other Gold Bar open government supporters on indefinite hold. The ordinance contains no standards to guide exercise of the discretion delegated and is an artifice to justify the city's opposition to, and evasion of, Plaintiff's First Amendment rights, which still are ignored and/or mostly unanswered as late as 2009. That city ordinance also arbitrarily restricts city response time to "12 hours per month," at a time when: 1) water employees have stolen from the city and been rewarded; 2) the city clerk stole from the city; 3) the city bank account was "hacked" for more than $400,000.00 dollars over a multi-month period; 4) the city has been transferring money wrongfully from a dedicated "water fund" utility account to its general account; 5) created a Storm Water Drain Fund to cover up the City's misappropriation of public funds from the Street Water Fund to fund litigation since 2009; 6) city employees and officials

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have used city vehicles and equipment for personal use; 7) the city budgeting process is deliberately abused to cover and implement the malfeasance; 8.) city answered public records request for friends without placing friends of city staff on city's priority list; 9.) Employees were using the Sky Valley Chronicle to write and post defamatory and untruthful articles about Plaintiff; and 10.) the Mayor of Gold Bar, Crystal Hill, a non-lawyer, was writing legal divorce papers on behalf of John Pennington, and Snoomish Countyemployee Rick Kammerer, and using Snohomish County and Gold Bar servers and equipment to accomplish the document preparation. Given the circumstances, placing a 12 hour monthly limit on PR request responses is arbitrary and capricious, especially when combined with the arbitrary powers to delay PR requests indefinitely, which the same ordinance also delegated to the mayor. The ordinance constitutes official retaliation against tAnn Block and other citizens exercising First Amendment rights of speech and petition.

401.In November 2010, Margaret King and Beavers telephoned federal administrative law judge Marriana Warmee in San Francisco, at the Equal Employment Opportunity Commission, to complain of Block's first amendment activity as a Gold Bar Reporter. Block talked to Judge Warmee with her paralegal as a witness to the conversation. The purpose of the phone call served no useful governmental purpose than to interfere with Block's law practice as an attorney in furtherance of the enterprise's blackmail and extortion scheme. As such, it was extortion and a predicate act under RICO.

402.In late November 2010, Beavers turned to council member Chuck Lie inside an open public council meeting, turned off the microphone, and said "we have a new aggressive strategy; we're going on the offense against Block." Gold Bar city council member Chuck Lie stated that Gold Bar council discussed non-permissible topics inside Executive Session; Lie said "the city's strategy was to "out money Block and when that didn't work Kenyon, King, and Beavers changed tactics stating " the city's strategy is now to defame Block".

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403.In February 2011, King and Beavers unilaterally without prior council approval filed a Motion for Sanctions in violation of RCW which does not allow public monies to be used to file Sanctions on Recalls. This was a continuing attempt to extort and blackmail the democratic rights of the plaintiff, constitutes extortion, and is therefore a predicate act under RICO.

404.In July 2011, someone from Jay Inslee's group gave Aaron Reardon political rival Mike Hope copies of records implicating Reardon in misuse of taxpayer monies to fund two affairs, one with county employee Tamara Dutton and one with former Snohomish County employee Deanna Dawson.

405.In late July 2011, after talking with Mike Hope on the telephone confirming where he received the affair documents from Jay Inslee, Gold Bar Reporters published " Reardon misusing taxpayer monies to fund his affairs" Inslee wanted Reardon gone because he announced that he was planning to run for governor.

406.Immediately following the GBRs report on Reardon's misuse taxpayer monies to fund his affairs, Reardon told Dutton that he destroyed public records and ordered her to destroy her records as well. Source of this allegation is Tamara Dutton.

407.Tamara Dutton stated that Reardon was after Block after the GBR broke the largest story Snohomish County partly bringing Reardon down.

408.In August 2011, Beavers assaulted Chuck Lie while inside council chambers. Deputy Martin witnessed Beavers jump in Chuck Lie's face, with spit coming out of his mouths, violently shoving his finger in Chuck Lie's face. Lie told Beavers to back off but he did not for several minutes. Deputy Martin approached Lie asking him if he wanted to file criminal complaints against Beavers. Lie was afraid that doing so would only be throwing fuel on the fire.

409.This was an assault and an intimidate Lie from exercising his democratic rights. As such it constituted extortion and therefore a predicate act under RICO.

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410.In November 2011, Block came out of her house around (am attempting to go to work. When she opened her car door she noticed Chris Wright siting at the bottom of her driveway with his car running. Wright glared at Block for a minute causing to enter her house for a video camera. When she returned Wright peeled away. Within one week of Wright's coming to Block's house, Block received her first telephone death threat. A call to the Snohomish County PD was never returned.

411.Chuck Lie resigned citing abuse, threats, and assaults by Wright, Croshaw and Beavers, in December 2012, after Beavers leaned screaming in his face and throw a copy of Block's tort claim at this face while at the same time telling Lie " We can charge you with breaking executive session!" This was a physical assault that was meant to intimidate Lie from exercising his democratic rights in furtherance of the enterprise's blackmail and extortion scheme and as such, was a predicate act under RICO.

412.In late December 2011, Chuck Lie told Block and her partner that Beavers was coming after them, Beavers and King were trying to get Wright to file WSBA complaints against Block. Although Wright declined, he did stalk Gold Bar Reporters, Forbes and Block at various public restaurants in Monroe that month which he admitted to when he filed a declaration in an unrelated lawsuit in Snohomish County Superior Court.

~~413.~~In late December 2011, King, Beavers, and Wright a notice of deposition with Snohomish County Superior Court Commissioner Geoffrey Gibbs. Although Gibbs was a personal friend to Kenyon (King's employer in 2011), Gibbs failed to disclose and recuse himself from Block's public records case.

414.During the first week of January 2012, Susan Forbes and Block went into City Hall to discuss an empty CD that the city provided in response to emails sent to or from Gold bar clerk Penny Brenton. Beavers got agitated stomping and pacing back and forth, grabbed the CD out of my hand, stormed away to the back council chambers, came back and threw the CDs at

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Block's chest assaulting her. Forbes witnesses Beavers assault. This was an assault and an intimidate Lie from exercising his democratic rights. As such it constituted extortion and therefore a predicate act under RICO.

415.Within hours, Block and Susan Forbes uploaded the records into MS Outlook and what they discovered was the Beavers released hundreds of emails between Penny Brenton and Kenyon Disend and Jeff Myers documenting that the City was illegally withholding public records involving Snohomish County Director John Pennington. Beavers created a log titled " disputed log" which included Pennington making racist comments about President Obama, Crystal Hill writing Penningtons divorce motions and appeals (unlawful practice of law because Hill was not a lawyer) and Pennington and Hill passing Mug shots inside emails. As of today, Beavers has refused to produce these records.

416.Beavers then posted a blog on the Sky Valley Chronicle critical Block's criminal complaint that he assaulted Block.

417.In January 2012, King used Gold Bar, Beavers, and Hill to write and file WSBA Bar complaints with the WSBA and Linda Eide (Eide). King's WSBA complaint were not to anyone else except Eide. With ongoing litigation, Eide had no other options but to "defer" King's complaints until Block's public records suits were finalized.

418.Since 2010 to Present, the city published on its web site the names of citizens making PR requests, designed to chill the exercise of First Amendment Rights within the city;

419.Since 2010 to Present, city publicly claimed that was responsible for the city's technical and legal costs incurred by the city to retrieve scattered information and costs incurred by the city to comply with state law regulating Public Records requests, an obligation that had existed, but been neglected by the city, since 1972 when the state statute required compliance, and before that pursuant to the First Amendment to the United States constitution.

420.In February 2012, at advice of counsel Greg Overstreet, Block filed an Anti-SLAPP

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motion in response to Beavers Motion for Sanctions. Krese struck City's and my motions claiming that allowing Sanctions to go forward would place a chilling effect on public participation

421.In February 5 2012, Aaron Reardon's right hand man Christopher M. Schwartze's Seattle Times friend Emily Heffner did a story on the Gold Bar Reporters. Schwartzen is a former Seattle Times reporter who Reardon hired in March 208 (six months before the SVC started).

422.On February 5 2012, Emily Heffner at the suggestion published a story with half-truths, claiming that Block was lying about Chris Wright's criminal history and publishing false stories, but correctly noted that Block broke the Reardon's misuse of taxpayer resources story to fund his affairs. Some of this was obtained from King County crimes unit, who seized Scwatrzen's Computer.

423.On Feb 5, 2012, Seattle Times had to retract its story four times for failing to investigate Gold Bar council member Chris Wright's criminal conviction history. To correct Heffner's story, AP reporters were brought in. Witnessed by Ann Block.

424.According to DEM Officer Stephen Hagberg, Pennington and Hill were anonymously blogging Block using county computers and telephones to harass Block on troll comments on the Seattle Times Feb 5, 2012, article about the GBRs. Hagberg witnessed Pennington bragging how he was going to get Block often.

425.Since February 6, 2012 to Present, Beavers, Hill and Pennington contributed to and posted over many defamatory, derogatory, untruthful and harmful articles about Block on a blog spot titled the Sky Valley Chronicle City of Gold Bar and Snohomish County resources to post blogs on an online blog spot at least partly controlled by Aaron Reardon, Christopher Schwarzen, John Pennington, Parry, Beavers, Denise Beaston, and Crystal Pennington Hill. King County Major Crimes Unit files in the investigation of Executive Aaron Reardon documented

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that Hulten, Reardon, Schwartzen, and Parry were participants in posting articles on the SVC. Ronald Fejfar is the SVC's agent. Fejfar gave Beaston, Beavers, John and Crystal Pennington, and Parry access log in codes to post defamatory and untruthful articles about Plaintiff. A small sample of the articles are given in this RICO statement..

426.One day after the Seattle Times article, on Feb 6, 2012, the SVC started going after Block in a very public way. Up until then, the only article that named her directly or indirectly was the one article about Hill resigning citing harassment.

427.…the SVC has ran over 132 defamatory and threatening articles either about Block or

428.On March 2012, City of Gold Bar and Beavers wrongly filed a lien against a residence (Homestead) owned by Block and her partner Noel Frederick. When Block contacted Beavers asking to see judicial notice which mandates Homestead exemptions, Beavers and Snohomish County remove the lien. City of Gold Bar and Beavers and Loen have refused to release public records relating to Block's request in this regard since March 2012.

429.In April 2012, Beavers publicly stated to another city council member that "I have no use for non-Christians like Block

430.In May, 2012, Hulten and Rudicill established a company called Thomas and French. Although it advertised itself as a family business, on one of its web sites shortly thereafter, there did not appear to be any business begin transacted except to print defamatory information about the political rivals of Reardan, which included the Block.

431.June 18, 2012, Block deposed Diana Rose and learned for the first time that Rose had supplied Gold Bar with mental health records in an effort to defame her in May of 2009. Block learned later that summer from Chuck Lee of the enterprises efforts to defame with her bar application. Although the records were obtained in executive session, they were not a proper subject of executive session, and the confidentiality had been waived by the enterprise members

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when they released the records to Gold Bar resident Fonda Ellis for use in a public meeting in 2009. When Block asked who ordered her to do this she said Tamara Doherty.

432.July 2012, Beavers uses city monies and city attorney Margaret King and Ann Marie Soto to write and support a ballot levy question to raise taxes to create a separate litigation fund. PDC complaints were filed against Beavers after the county turned over public records documenting that Beavers wrote the Levy (metadata confirmed) question using taxpayer resources in violation of PDC laws which prohibit the use of taxpayer resources to write or file Ballot questions.

433.In July 2012, attempting to get support for his tax levy to fund litigation, Beavers sends out a press release that the City is considering dis-incorporation as a result of having to comply with the RCW 42.56

434.Snohomish County processed the criminal complaints filed by Block, Forbes and Frederick, and Snohomish County Sheriff's Officer Deputy Casey first wrote that this was assault, but two months later amend his police report to say he meant to say this was not assault.

435.In July 2012, Beavers issues a press release stating that the City is complicating filing bankruptcy because of Block's PRR requests. ABC, Reuters, Herald, and King 5 pick up the story and Beavers holds a town hall style meeting in violation of Gold Bar's Ordinance. (Explain how it makes difference.

436.On July 17, 2012, at the Town hall style meeting council member Lonn Turner threatens Noel Frederick(Frederick) and Susan Forbes (Forbes) who were present and Block who was not present " You better stop or pack up and leave!" Turner jumped at Frederick in a threatening manner and said "it better stop! Frederick said "Lonn, I don't have any records suits against the City1"

437.In the middle a person asked who are these people and Croshaw appeared to orchestrate a preplanned attack violence by shouting out " There's two of them in the audience!"

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Immediately following Croshaw uttering these words, a friend of Croshaw's Thomas Shoenwald (extensive criminal convictions for beating up women) physically pushed assault GBR Susan Forbes while she running a video camera.. Criminal complaints followed but were not followed up on when Snohomish County Sheriff's Officer Deputy Casey changed his mind after first claiming it was an assault The assault in this case was orchestrated by Crowshaw, and was in furtherance of the enterprises scheme of blackmail and extortion to eliminate the democratic rights of the in violation of the Hobbs act and therefore a predicate act under RICO.

438.On August 10, 2012, The City of Gold Bar, through its mayor Beavers, conspired with Pennington, Reardon, Hulten and Rudicil to post an "attack piece" against on Wikipedia, the on-line encyclopedia. Though Wikipedia immediately withdrew the "hit piece" Mayor Beavers disseminated a copy of the article to multiple persons, including Gold Bar council member Bob Strom, who then called council member Chuck Lie, untruthfully claiming it to be embraced by Wikipedia. The article falsely blamed Block for the City's financial failures including its failure to supply road maintenance and snowplowing services. They falsely claim that Block did not appear at court proceedings using excuses, when in fact the reasons given were permissible under the American's with Disabilities Act (ADA) used as reasons for appearing by phone.. The article falsely claims that Block said there were tracking devices and or had pictures of them..

439.On September 8, 2012 the Sky Valley Chronicle referred to the as some "in-the-shadows coward", a "snake in the grass", as "a punk with no fire in the belly and no heart for a bare knuckle 12-rounder in the street" and a "scumbag" who is "deserving a special place in hell."

440.City of Gold Bar council members Christopher M. Wright and Florence Davi Martin encouraged Pennington's physical threats on the Sky Valley Chronicle Facebook page, and through postings incited and encouraged ridicule of, threatened violence against the Plaintiff.

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Martin even "liked" Pennington's threats to harm Block and Frederick stating "keep the great work".

441.In November 2012, Chris Wright waited for Gold Bar council member LaZella to exit the council chambers after a heated council meeting, as Lazella entered and was sitting in her car, Chris Wright ran up to her car stuck his head inside the window and within inches of her face screamed " I know how to deal with little woman like you!" Wright's actions were an assault designed to intimidate Lazella from exercising her democratic rights as a citizen. As such it was in furtherance of the blackmail and extortion scheme of the Enterprise members and a predicate act under RICO.

442.On November 30, 2012 and on December 2, 2012, the Sky Valley Chronicle published articles stating that it was going to file federal cyberstalking charges against Anne Block. There is no federal law on cyberstalking and no charges were filed.

443.On December 5, 2012, Pennington posted threats on the Sky Valley Chronicle Facebook's page to harm Block and her partner Noel Frederick Christmas gift of federal cyberstalking charge promising Hellfire would rain upon her

444.On December 6, 2012, Block filed a criminal complaint against Pennington with Snohomish County. Snohomish County assigned the complaint to a personal friend of Pennington on the Sky Valley Chronicle's Facebook. Instead of Snohomish County's Sheriff's Officer Kevin Prentiss (Prentiss) investigating Block's criminal complaint, Prentiss simply forwarded Plaintiff's criminal complaint to Snohomish County Prosecutor Reay. Block's December 6, 2012, criminal complaint remains ignored.

445.Since February 6, 2012 to Present, Fejfar, Pennington, Beavers, and Hill published criminal harassing and false statements about Block on their BlogSpot titled "The Sky Valley

446.Chronicle."

447.January 13, 2013, Gold Bar council member Dorothy Croshaw made a thinly veiled

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murder threat in the Seattle Weekly stating "And Anne (Block) of course, never shows up, because someone would kill her.." http://www.seattleweekly.com/2013-01-16/news/gold-bar-s-mountain-meltdown/ This murder threat was an attempt to threaten Block if she used her democratic rights, and therefore extortion and a predicate act under RICO.

448.In February 2013, City of Gold Bar and Beavers spread the malicious and untruthful Wikipedia attack piece via email about to several of Gold Bar

449.council members, past and present. Wikipedia monitoring managers removed the posting on Block. Wikipedia monitoring managers dubbed the Wikipedia article as "attack piece." (Wire Fraud)

450.On or about February 7, 2013, the reviewed via a public records response from City of Gold Bar which included a Wikipedia attack piece about her. Although the Wikipedia attack piece included information that was not true, they disseminated the information to council members ambiguously as though it constituted truth implying that the article had been researched and approved by Wikipedia.

451.On February 14, 2013, the Snohomish County Daily Herald exposed Snohomish County employees Rudicil and Hulten as two of the authors of the Wikipedia and Twitter attack sites created using county resources. See (http://www.heraldnet.com/article/20130214/NEWS01/702149999)

452.The City of Gold Bar and Crystal Pennington wrongly and untruthfully misrepresented to the Washington Coalition for Open Government that is an unemployed attorney who has been treated in a mental health facility (Time, date, and place)

453.In early Feb 2013, Chuck Lie was grocery shopping at Albertson's in Monroe, Joe Beavers aggressively circled Lie, aggressively jumping within inches of his face saying " have you read any good emails lately!" Beavers actions constituted assault, aimed at preventing from exercising his democratic rights. Since the action was taken in furtherance of the blackmail and

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extortion scheme, it constituted extortion, a predicate act under RICO.

454. February 2013, LaZella resigns citing harassment, intimidation, aggressive behavior after she talked to the GBR and Seattle Weekly stating that Hill was flashing her boobs at Bubbs Roadhouse in Sultan. http://www.monroemonitor.com/2013/02/12/gold-bar-councilwoman-lazella-resigns/

455.In April 2013, Prosecutor Sean Reay threatened Block during a CR 26 conf. call asserting that he would have me arrested if I did not give up my fight to depose Pennington in a public records suit. Krista Dashtestani was present when Reay made this threat via a CR 26 telephone call. Krista Dashtestani also wrote a declaration to the Court attesting to this in fact in May 2013. This was not while acting as a prosecutor, but as a complaining witness and therefore not subject to prosecutorial immunity. His allegations were untrue, were made at the behest of the enterprise and therefore a predicate act under RICO. Agreement to do this occurred between supplying the illegal information in 2009 and April 2013, the exact dates which will be determined after discovery.

456.In April 2013, Block filed a tort claim upon the county for the harassment that was documented by the Snohomish County Daily Herald's Feb 14, 2014 article titled "Reardon's staff linked to harassment." In Block's tort claim she noted that Hulten and Rudicil did not act alone, Pennington assisted them. Among the actions documented in the Herald article was the writing of the Wikipedia piece which the King County Major Crimes Unit tracked down as being authored by Hulten and Rudicil and further stated that the Snohomish County Daily Herald's story was right on target.

457.On May 10, 2013, Block writes a story for the Gold Bar Reporter documenting how Pennington was kicked out of a California Church. Before running with the story, Block double checked 5 different sources and asked Pennington for his response before publishing. Pennington never commented nor demanded a retraction.

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458.In May 2013, Snohomish County Aaron Reardon Executive resigned partly as a result of the Daily Herald's February 14, 2013 expose', and within one week of Reardon's resignation, Snohomish County Executive John Lovick was appointed to fill Reardon's tenure through 2014

459.Public records received from Snohomish County documents that Reay and King wrote and filed WSBA complaints against Ann Block, basis of the complaints was Block's First Amendment activity. Defendant Pennington falsely certified that he wrote the WSBA complaint, but public records later documented that Reay and King actually wrote the WSBA complaints, Pennington simply signed it. Records received under public disclosure show emails between King, Rheay and Rose actually writing the complaints and gathering documents in support.. Since the purpose of the complaint was not to allege serious misconduct as an attorney, but to go after Block's activities as a reporter, it was not a proper subject for a bar investigation

460.During the first week of July 2013, Block received a "tweet" for John and Crystal Pennington saying " I can't wait to go to your disbarment hearing." After receiving this Tweet from Hill Bock feared that the fix was in, so she started investigating WSBA lead counsel Linda Eide. Block sent Linda Eide a letter asking her to disclose what her relationship to Pennington was, Eide refused. Block them wrote WSBA head counsel Doug Ende explaining that Eide is a close personal friend to Pennington, Commissioner Geoffrey Gibbs and Gold Bar city attorney Michael Kenyon, and that she should have recused herself. Ende wrote Block back stating that Eide stating that Block was wrong and Eide had no involvement with any of the parties Block listed in her letter to Ende.

461.Block learned that Linda Eide was close relative to Craig Eide, former King County Judge and his wife Senator Tracey Eide.

462.Emails from Snohomish County confirm that John Pennington destroyed a file on his Outlook box sent to and from Senator Tracy Eide immediately after Block requested public

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records between Senator Eide and Pennington under the PRA.

463.Emails from Hulten, Reardon, Eide and Steve Hobbs documents that Senator Eide was having meetings with Reardon discussing a special project. The Herald article of Feb 14, 2014, article confirms that Hulten's only function inside the county was to go after Reardon's political foes.

464.In August 2013, Chuck Lie confirmed that consistently in Executive Session the main topic of conversation was how to shut down the Gold Bar Reporters. Lie also confirmed that Wright would call Block a "Boston Jew Bitch"

465.On September 9, 2013, the Sky Valley Chronicle published a solicitation, supposedly from the newspaper, asking residents to file bar complaints in support of its bar complaints against Anne Block. The Sky Vally Chronicle has not filed any bar complaints against Anne Block

466.On September 10, 2013, Joseph Nappi Jr. sent an email to David Thorner, recruiting him to train other hearing officers on how cases could be decided at training sessions instead of the actual trial.

467.In September 2013, Chuck Lie Skyped Block while she was away in Italy to inform her that the SVC had just posted threats for the public to file WSBA complaints against herWSBA license. The SVC also solicited complaints from general public to file complaints against Block's WSBA license and further stated that it was writing more complaints. The only one who did was Pennington.

468.In Late September 2013, Pennington write a personal letter to WSBA Lead Counsel Linda Eide basically asking if it was true that an investigator was going to meet up with him and Hill. Block learned through public records that Pennington Hills meeting with the WSBA occurred during county hours and on the county payroll (time sheets from Pennington confirmed that the taxpayers paid for this).

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469.In October 2013, using taxpayer resources and monies, attorneys Michael Kenyon, Ann Marie Soto, and former Gold Bar city attorney Jeff Myers as well as Joe Beavers and clerk Denise Beaston gathered with the WSBA investigator at City Hall to further the predicate acts of the Enterprise. These acts violated Block's civil rights.

470.In November 2013, Block received a response from the Snohomish County Prosecutor's Office for all records relating to the SVC. Sara Di Vittorio responded by sending Block four partially redacted SVC posts two of which had been taken down, confirming that Pennington was using electronic means to disseminate the SVC posts on county computers.

471.In early December 2013, Blocksent DEM PRR officer Diana Rose a records request seeking a copy of the CD she stated during depositions that she delivered to Gold Bar. Rose writes back saying Block just called Joe Beavers and he has a copy of the CD. " Block wrote back saying " thank you Ms. Rose for documenting what records the City of Gold Bar has but the Daines decision has been overturned which means the county must also produce a copy to me. Rose shot back a nasty email saying " again I just called Mayor Beavers and he has a copy waiting for you at City Hall!" Block contacted Beavers asking where the copy was that Rose said I could pick up but he simply placed it on his priority list on December 30, 2013.

472.Loen stated to Block's partner Noel Frederick 'The Sky Valley Chronicle's purpose is clear, to defame, harass and discredit Anne Block" in the first week of December 2013.

473.In January 2014, King County Major Crimes unit provided Block with a copy of Kevin Hulten's hard drive. Public records received show that Hulten, Reardon and Rudicil used a for profit company titled Edmond Thomas LLC" to harass political opponents including Block. Records show that Hulte and Rudicil were making trips to attorney Jack Connelly's Office while on the County's payroll (and time) to go after Connelly's political foe Jeanne Darnielle. In fact, Gold Bar Reporters found invoices in which the DNA was paying Hulten and Rudicil for their campaign services. Edmond Thomas was not registered as a PAC nor is there

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any evidence that Edmond Thomas paid tax.

474.On January 1, 2014, Loen was sworn in as Mayor of Gold Bar. Blockthen requested a copy of the CD from her and she responded by stating " I called Joe and he said he gave you the original copy." Block said if Beavers did give her the original copy then she would have had to sign the pick up sheet in Gold Bar city hall and Beavers would not have placed me on his priority list his last day in office (Dec. 30, 2013).

475.On January 7, 2014, plaintiff filed a quo warranto action in Kitsap County Superior court, challenging the unlawful actions of Felice Congalton in dismissing his bar grievances. He was joined on January 16, 2014 by John Worthington.

476.It was impossible for the plaintiff or John Worthington to get a fair hearing under the Washington Court system because there is no provision in Washington's system to appoint an out of state judge to hear the case. By suing Felice Cogalton, the plaintiff is, in effect, filing suit against the Washington State Bar Association, because it would have to pick up liability incurred by its employee Felice Congalton. Since the Washington State Bar Association is an association and not a corporation, this could make all Washington judges liable under the common law and also under Washington law, because they are all members of the WSBA. This principle has been upheld by the ninth circuit in the following cases: Bradley Marshall v. WSBA WD Case #11-cv-05319-SC, Richard Pope v. WSBA WD Case # 11-cv-05970-DWM, and John Scannell v. WSBA Case #12-cv-00683-SJO.

477.An article of the Sky Valley Chronicle, dated February 17, 2014 falsely claims that Block has a common law husband, is unemployed and has been held in contempt of court twice.

478.March 3, 2014,O'Dell is appointed by Nappi. Nappi has an undisclosed conflict of interest because O'Dell routinely refers cases vulnerable adults who she serves as guardian and/or trustee to a firm Nappi works for. She not disclose that an court appointed investigator and special master to assist the court has concluded that O'Dell has exploited and taken funds

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from an incapacitated person on February 19, 2014. The court eventually finds that O'Dell failed her duties as established by statute or standards of practice adopted by the certified professional guardian board. In addition public disclosures obtained by Block show that O'Dell has exploited another vulnerable adult Harry Highland, when she paid 15,000 for the house assessed at $208,000.in Spokane County.

479.The WSBA has a long history of fixing cases in advance by paying the chief hearing officer $30,000 a year to pre-select judges to ensure conviction. This is the only primary duty that the Chief Hearing Officer has over other hearing officers who are "volunteers". She was chosen for primarily two reasons. First, she owned a construction company that profited from contracts that should have never been allowed because the construction took place on the Oso mudslide site, which caused 47 people to perish. Since Pennington approved the permits, she would be a natural ally of him.

480.Second, she also ran a partnership which allowed her to exploit vulnerable adults as a guardian. On March 22, 2014, the OSO mudslide occurred killing 47 residents. At the time Pennington was on the east coast being paid by Snohomish when he was under contract for FEMA Emergency Institute. He doesn't get back until March 24, 2014 according to public records obtained by Block.

481.On March 25th, 2014, Block runs an article in the Gold Bar Reporter, reminding the Public of the times she warned readers that Pennington was unqualified by experience and education to run the Department of Emergency Services.

482.In April 2014, theO'Dell and Plivilech set up a PO Box in Sultan, Washington, to communicated with John and Crystal Pennington. Plivelich has never had any business dealings outside of Spokane until Lin O'Dell was assigned as the hearing officer. This was an illegal ex parte contact to further the enterprises scheme of protecting attorneys in the WSBA from discipline while extorting political enemies such as Block so it could continue its domination of

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the WSBA.

483.In April 2014, Block noticed that the SVC had posted that records were given to them as "courtesy." Interesting since Noel Frederick, Joan Ammen, Susan Sorbes, Chuck Lie and Block got placed on a priority list and then Gold Bar refused to answer the requests. But the SVC gets public records as courtesy from Gold Bar. This violates Gold Bar Ordinance 10-14 (priority answers to public records requests submitting to Gold Bar).

484.In May 2014, after being criminally harassed out of the practice of law, at Block's request, the Supreme Court signed her suspension notice.

485.In June 2014, after Eide and O'Dell were caught having exparte contact about Block while discovery was ongoing after Block requested telephone records from Eide. When Block asked Eide as to why she had calls to O'Dell, Eide unlawfully claimed that they were attorney client communication

486.In June 2014, Block noted Pennington via CR 45 for deposition as it relates to his WSBA complaint. Reay, Eide and O'Dell's telephone records document exparte communication, and Reay's email communication to Eide documents that all three Enterprise members worked together to deny Block's valid CR 45 subpoena for Pennington's testimony as it relates to the WSBA complaint filed by Snohomish County Prosecutor's Reay and King which Pennington falsely certified that he filed. O'Dell, Reay, and Eide refused to allow a valid subpoena to cover up their criminal conspiracy against Block.

487.In July 2014, Block wrote a story "Kenyon's Dirty Bag of Secrets involving Kenyon Disend involvement in a special prosecution of John Pennington for domestic violence at the same time they were representing Gold Bar and the City of Duvall (where Pennington's ex-wife Anne served as a council member) creating an obvious conflict of interest.

488. In late July 2014, Block went to Snohomish County to collect records. Reay lied stating that she "accosted:" him, as he was coming off the elevator in the Administration

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building where the Dept. of Information Services is not any where near where Reay was.

489. In fact, Reay never even saw Block as he got off the elevator (he was walking away) and no words were exchanged.

490. On July 21, 2014, WSBA, Ende, Eide and O'Dell held a hearing supposedly to try the Block on a bar complaint charge. Also present were Enterprise members and Beavers, Hill, Loen, and Pennington. The appeared by phone. After she was allowed to give her opening statement, she was cut off from the proceeding by hearing officer O'Dell. The rest of the hearing consisted of an illegal ex parte meeting between O'Dell, Eide, Ende and potential grievants Beavers, Hill Loen, and Pennington. .

491. Block has two witnesses, Ed Hiske, and Tami Dutton who will testify that Block was muted out of the hearing. Dutton filed a declaration attesting this issue. Block meets the definition of disabled under the American Disability Act and appeared by phone so she could use special headsets to participate.

492. In October 2014, Block sent the County PRR seeking all WBSA complaints any Prosecutor filed against other members of the WSBA. The County claims that no records exist.

493. As of December 15, 2014, Fejfar, Beavers, Hill and Pennington acting in concert to further the acts of the Enterprise have posted approximately 56 malicious and intentionally false attack articles on the Sky Valley Chronicle. Emails from King County's Major Crimes Unit's Investigation of Aaron Reardon document Reardon, Hulten, Parry and Schwarzten posted articles so long as Reardon "approved" the Blog; emails from , Beavers, and Beaston also document that each were given a passcode by Fejfar to login and post articles using Snohomish County and Gold Bar resources. Examples.

SVC LARRY DUM DROPS OUT OF GOLD BAR MAYORAL RACE Cites health issues August 21, 2013 meta tags Anne Block, cyber-stalking

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> Block has been described as possibly the "most despised" woman in the Sky Valley by a man who claims to have been a victim of Block via alleged cyber stalking and who chooses to remain anonymous for fear of more stalking.
>
> In an interview with the Chronicle he said he found Block to be, "Perhaps the most cunning, hateful and vicious individual I have ever run across...a stone cold sociopath if you ask me. I believe she has the capacity to one day to become dangerous to the physical well being of people she targets with all this hate talk and lies. It's sheer snake venom that comes out of her mind and mouth." "This is one sick freak," he added. The man said it was his understanding even a sitting judge had filed a complaint against Block. The Sky Valley Chronicle is aware of a group of people who are preparing to file criminal complaints of cyber stalking against Block and two known underlings, local women who have been known to do her bidding.
>
> Indeed the Chronicle - as well as current public officials and former public officials with the city of Gold Bar as well as residents the Chronicle has interviewed who claimed to have been stalked by Block.

494. The publication of these threats to file criminal complaints against Block and those associated with Block were part of the extortion scheme and therefore predicate acts under RICO. Block checked with Snohomish County Sheriff's Office and there were no criminal complaints filed against her.

495. All of this was related to similar threats made in connection with the withdrawal from mayoral race by Larry Dunn dated January 8, 2014.

> One Snohomish County family has been terrorized for six years by a nutcase using the PRA as a weapon of stalking, threats, intimidation and retaliation. The stalker has never been arrested, never stood trial, never did a dav in jail. It's all legal and open season on your and your family thanks to the PRA.

496. Another Example, July 12, 2014, Block is "officially labeled as delusional"

497. Sky Valley Chronicle posted in September 2014 " It is yet another bizarre chapter in the arguably strange life and antics of this Gold Bar woman which included, said the attorney in his filing, Block showing up in a hallway near his office door at the Everett county building

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where he works and verbally accosting him with what one eyewitness described as "a crazed look" on Block's face.

> On November 29, 2014, since this story was written the Wash. State Bar Association initiated an investigation into Anne Block's behavior and then held a pubic misconduct hearing for Block due to her alleged gross misconduct as an attorney in this state. Prior to that hearing her law license in Washington State was suspended by the WSBA. At the hearing, the WSBA's investigative counsel concluded after examining quite a few pieces of evidence and talking to witnesses, that Block did willfully engage in gross misconduct as an attorney - including egregious actions that damaged a Snohomish County man, John Pennington and his family - and recommended that Block be disbarred for her misconduct.

498. No witness statement were entered into evidence in the WSBA hearingas it relates to Block,

499. The WSBA refused to turn over a single record in discovery. And since O'Dell and Eide engaged in exparte communication in their efforts to estopp Blockfrom deposing Pennington, there were no witnesses to support any aspects of the WSBA's defamatory statements.

> In that report the WSBA Hearing Examiner agreed with the WSBA's investigative counsel that the Gold Bar woman should be disbarred for her misconduct which included, the bar probe found, making (willfully) untruthful comments and accusations as well as altering a document in order to derail the WSBA probe into her misconduct. And the strange story of Block's outrageous and arguably often bizarre behavior as an attorney, not to mention as a human being, do not end there.

500. Since 2008 to Present, Linda Loen (Loen), Hill, Beavers, Dorothy Croshaw, John Pennington, Crystal Pennington, Kevin Hulten, Diana Rose, Schwartzen, Rudicil, were sent a litigation hold to protect all records from destruction or loss including records native searchable format including metadata until Block's public records cases are litigated; failed to protect all records relating to Block from loss or destruction, even after receiving a litigation hold from Block on February 18, 2014 (four days after the Herald exposed Reardon, Rudicil and Hulten in

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its article " Reardon's staff linked to harassment" Hulten destroyed evidence and public computers *files,* documented by the King County Major Crime files. Hulten pled guilty to evidence tampering in this case, laughed at his pleas hearing in this case in July 2014.

501. Since 2010 to December 2013, City of Gold Bar, Beavers, Croshaw, Hill and Wright held city council meetings in violation of Gold Bar Ordinance 2.04.020 which mandates agendas and limits public comments. Instead the City held "Town Hall" style meetings, allowing friends of the council and/or mayor to speak and shout and disrupt meetings freely from the audience.

502. Snohomish County delegated its public records responsibilities to Aaron Reardon, who in turn designated public records officers for the County and its departments, delegating to them the obligation to respond to public records requests. John Pennington, Jon Rudicil and Kevin Hulten were Snohomish County employees under the supervision of Snohomish County Deputy Director Gary Haackenson, and under direct authority of Aaron Reardon during all material times.

503. Block, after learning of John Pennington's involvement with Gold Bar Mayor Crystal Pennington (nee Hill) regarding personal legal work on government equipment and servers, filed public records requests with Snohomish County and City of Gold Bar seeking copies of electronic communications between Crystal Hill and between John Pennington. Additional PR requests followed incomplete responses, and upon learning that Snohomish County Executive— Aaron Reardon---was paying with taxpayer money for out of town trysts with two women. Petitions for recall of elected Snohomish County and City of Gold Bar officials followed, including petitions against Aaron Reardon and Joseph Beavers, Christopher M. Wright and Florence Davi Martin.

504. City of Gold Bar refuses to allow public monitoring of its Finance Committee. The Washington State Auditor in December 2013 issued findings against the city as a result of

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making inter-loan fund transfers to fund litigation with no means to pay back its loans, and cited the City's Finance Committee for failing to fulfil its duties of providing oversight to city's expenditures. Defendant City of Gold Bar's Finance Committee operates without public postings, allows city officials only to appoint friends to hide their malfeasance of spending outside of the city's budget, and has no Ordinance permitting such meetings

505. Lovick is currently serving as Executive, and Pennington, and Parry serve at the will (non-union employees) of Snohomish County Executive Lovick. In January 2015, Block learned that Schwartzen resigned from Snohomish County.

506. From 2010 to December 2013, the City of Gold Bar and Beavers, and Martin used council meetings to publicly ridicule and defame Block's name. Gold Bar residents Susan Forbes video tapes the meetings, and the dates of the defendants listed herein are as follows:

507. City of Gold Bar, Beavers, Wright, and Martin called Executive Sessions at which time the City and its attorneys mainly discussed "shutting down the Gold Bar Reporters." Some of these meetings were witnessed by council member andAnn Block's witness Chuck Lie from 2010 until November 2012 (date Lie resigned citing physical threats to his life by defendants Beavers and Wright).

508. Since 2008 to present, City of Gold Bar council member/s continue to use private email addresses for government communication;

509. On March 17, 2015, Crystal Pennington and John Pennington met with Duvall police officer Lori Batiot for the purpose of furthering the extortion schemes of the protection racket enterprise. These three then proceeded to conspire together to manufacture false allegations against Anne Block in retaliation for Anne Block blowing the whistle on John Pennington's criminal activities. The goal was to manufacture evidence against Anne Block so that she could wrongfully be accused of criminal behavior so she could have her rights to conduct public disclosure requests extorted away from her..

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600. On April 12, 2015, Batiot attempted to contact Block and demanded that Block answer some questions or she would travel out to Anne Block's house in Gold Bar. After Block made some public disclosure requests to find out the nature of the accusations being leveled against her, at 16:13 hours, Batiot sent an email threatening prosecution of Block if she did not make a statement. This threat of prosecution was an act of extortion under the Hobbs act and a predicate act under RICO.

601. On May 4, 2015, Block filed a tort claim against the City of Duvall because of the actions of Batiot. Within hours, Batiot responded by filing for and obtaining a protection order against Block. In her declarations to the court, Batiot made several misrepresentations, including she was indigent, and that she had met Pennington only a couple of times in a professional capacity. In fact, Batiot had taken FEMA courses from Pennington in Maryland, and was the investigating officer in at least 4 cases involving domestic violence charges against Pennington. In each case she recommended dismissal of the charges.

6. Describe in detail the alleged enterprise for each RICO claim. A description of the enterprise shall include the following information:

a. State the names of the individuals, partnerships, corporations, associations, or other legal entities, which allegedly constitute the enterprise.

b. Describe the structure, purpose, function and course of conduct of the enterprise.

c. State whether any defendants are employees, officers or directors of the alleged enterprise.

d. State whether any defendants are associated with the alleged enterprise.

e. State whether plaintiff's alleging that the defendants are individuals or entities separate from the alleged enterprise, or that the defendant is an enterprise itself, or member of the enterprise.

f. If any defendants are alleged to be the enterprise itself, or members of theenterprise, explain whether such defendants are perpetrators, passiveinstruments, or victims of the alleged

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racketeering activity.

The enterprise in this case is a rimless hub and spoke conspiracy. The "hub" (core) consisted of the WSBA Board of Governors, the disciplinary board, the various disciplinary counsel and the defendants in this case. At various points in time, members of the hub would make individualized agreements (spokes) with other members of the WSBA and the public to further the illicit aims of the enterprise. The spokes would fluctuate throughout the last fifteen years, but the goals of the enterprise, of which all participants were generally aware, remained constant. The participants (both core and fluctuating) had an agreement to further goals of the Enterprise, which was to hoodwink the public into thinking that the WSBA was actually policing the Rules of Professional Conduct instead of covering for the unethical acts of the Enterprise. The defendants and the other participants are named in the complaint and in this RICO statement Some of the named defendants are employees. All listed disciplinary counsel are employees, as well as the Chief Hearing Officer Danielson and Nappi.The rest of the named RICO defendants are members of the enterprise and therefore associated with it. The RICO defendants are perpetrators of the enterprise while the other defendants are passive. While the Gold Bar members started out as a separate enterprise, it has now merged with the WSBA enterprise to comprise of one entity.

The Enterprise has also taken over the government of Gold Bar by extorting the democratic rights of those who oppose its corrupt policies.

7. State and describe in detail whether plaintiffis alleging that the pattern of racketeering activity and the enterprise are separate or have merged into one entity. The pattern of racketeering activity has essentially merged into one entity, which controls the disciplinary process of the Washington State Bar Association. While individual spokes (agreements with individual WSBA members) may not have the effect of completely informing those members of the exact role the spoke has in furthering the enterprise, most members who participate are fully knowledgeble as

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to general goals of the enterprise.

8. Describe the alleged relationship between the activities of the enterprise and the pattern of racketeering activity. Discuss how the racketeering activity differs from the usual and daily activities of the enterprise, if at all. A major function of the WSBA (if not the most important, certainly one of the most important) is to police its own members so that the public is assured that unethical attorneys are held accountable for their actions. In this regard, the enterprise has completely dominated the disciplinary process.

The Gold Bar members have gained complete control of the finances of the City of Gold Bar and have steered a major portion of its budget, to finance their own defense in this case and others.

As far as the rest of the activities of the WSBA, which includes organizing CLE's and other activities, such as giving bar exams, the enterprise does not dominate.

9. Describe what benefits, if any, the alleged enterprise receives from the alleged pattern of racketeering. The Kitsap County defendants benefit by having unjust taxes collected for their budgets. Enterprise members such as Avery are then rewarded by being given raises and more bureaucrats to supervise. The WSBA benefits include the coerced cooperation of other members of the Washington State Bar Association who have been denied their democratic rights of membership, the inflated dues and the benefits of having inflated dues. The Gold Bar defendants receive free representation to defend their corrupt activities, even though their criminal activities were done outside the scope of their employment. The City of Gold Bar enterprise members have stolen approximately $250,000 funds from the town treasury.

10. Describe the effect of the activities of the enterprise on interstate or foreign commerce. The Enterprise affects interstate commerce in that Washington attorneys are often called upon to represent clients who are from out of state or have suits that affect interstate commerce. By directing the market toward large firms instead of solo practitioners and minorities, the enterprise

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has artificially increased the price of legal services for these clients, which in turn increases the expenses for engaging in interstate commerce.

11. If the complaint alleges a violation of 18 U.S.C. Section 1962(a), provide the following information:

a. State who received the income derived from the pattern of racketeering activity or through the collection of unlawful debt The attorneys for the Gold Bar defendants. Kitsap county defendants have had their departmental budgets artificially inflated. They have also received free legal representation for their corrupt activities. They are also being paid to scheme, deceive, and steal from the public instead of providing honest services as required by law.

b. Describe the use or investment of such income. The plaintiff will demonstrate through analysis of department budgets that individual enterprise members profit by having the income from the scheme diverted to the defendants through raise and other amenities..

12. If the complaint alleges a violation of 18 U.S.C. Section 1962(b), describe in detail the acquisition or maintenance of any interest in or control of the alleged enterprise. The enterprise has acquired complete political control of the WSBA by intimidating its opponents as described above. The enterprise has also acquired complete political control of the government of Gold Bar through misconduct as previously described and partial control of Snohomish County through the misconduct as previously alleged. The enterprise also has extorted the democratic rights of the membership of the WSBA and citizens of Snohomish County, Kitsap County and Gold Bar to maintain control. By misusing its power to discipline, and to extort concessions from the citizenry of Kitsap County, Snohomish County and Gold Bar the enterprise intimidates the membership into not opposing the enterprise, thus ensuring that the enterprise controls the WSBA and the governments of Kitsap County, Snohomish County and Gold Bar.. This intimidation takes the form of “sending a message” to the membership of the WSBA and citizens of Gold Bar and Snothomish County

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and Kitsap County as to what will happen if they oppose the enterprise.

13. If the complaint alleges a violation of 18 U.S.C. Section 1962(c), provide the following information:

a. State who is employed by or associated with the enterprise.

b. State whether the same entity is both the liable "person" and the "enterprise" under Section 1962(c).

The Washington State Bar Association employs the disciplinary counsel defendants and the Chief Hearing officer. The persons liable under Section 1962(c) do not include the enterprise.

14. If the complaint alleges a violation of 18 U.S.C. Section 1962(d), describe in detailthe alleged conspiracy. See above.

15. Describe the alleged injury to business or property. Plaintiff has lost his tax deductions, money levied as sanctions by various courts as well as emotional damages and injury to his reputation.

16. Describe the direct causal relationship between the alleged injury and the violation of the RICO statute. The defendants and the enterprise have prevented the plaintiff from receiving adequate counsel and levied excess taxes against him, The has experienced severe emotional distress

17. List the damages sustained for which each defendant is allegedly liable. The defendants are jointly and severally liable for all damages.

18. List all other federal causes of action, if any, and provide the relevant statutenumbers. See the complaint

19. List all pendent state claims, if any. See Complaint

20. Provide any additional information that feels would be helpful to the Court in processing the RICO claim."

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Dated this 27th day of May, 2015

/S/ William Scheidler

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