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4 Currently assigned to Judge Martinez.
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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

10 **Anne Block,**
11 **Plaintiff,**
12 **V**

13 **Washington State Bar Association, et al al**
14 **Defendants.**
14 Defendants

Civil Case No. **15-cv-2018 RSM-**

RICO STATEMENT

15 In this action, claims have been asserted under the Racketeer Influenced and Corrupt
16 Organizations Act ("RICO"), 18 U.S.C. Section 1961.

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

- 21 1. State whether the alleged unlawful conduct is in violation of 18 U.S.C. Sections
22 1962(a), (b), (c), and or (d). The alleged unlawful activity is in violation of 18 U.S.C. Sections
23 1962 (a)(b), (c). and (d)
- 24 2. List each defendant and state the alleged misconduct and basis of liability of each defendant.
- 25 A. Defendant Washington State Bar Association (“WSBA, Bar, Association”) is a private
26 organization. The WSBA is a fiduciary tasked with maintaining the “integrity” of WA State’s
27 judicial system and to insure lawyers ‘protect and maintain’ Block’s individual rights. The
28 WSBA betrays the trust and is dominated by the RICO enterprise. The enterprise, acting under

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4 the authority of the WSBA, develops policies in dealing with bar complaints that targets sole
5 practitioners, minorities, and political enemies of the enterprise of which Block is one. The
6 WSBA acts through its disciplinary counsel and so-called “review committees” which supervises
7 the investigation of the grievances. The WSBA also supports the goals of the enterprise by
8 functioning as a classic protection racket. That is, it charges exorbitant dues in exchange for
9 providing protection to attorneys from grievances filed by their clients. It doing so it has
10 developed policies and procedures that have never been reviewed nor approved by the
11 Washington State Supreme Court. The WSBA and the RICO enterprise have dismissed all but a
12 small number of grievances filed by the public, while supporting misconduct by attorneys of
13 Anne Block’s opponents. Since she has become a political enemy of the enterprise, it has made
14 it virtually impossible for her to obtain representation even though she has had good cases and
15 the financial ability for obtaining competent counsel. The Washington State Bar Association is
16 an organization that has a long history of the masquerading as a state agency that claims to
17 protect the public against unethical attorneys through a judicial or quasi-judicial process that is
18 unbiased, neutral, and fair. In fact, the organization has become beholden to the corrupt goals of
19 the enterprise which is to allow unethical activity of its members to flourish through the use of
20 wire fraud, bribery, extortion, intimidation and fear.

21 • **SARAH ANDEEN (“Andeen”)** is a volunteer agent of defendant WSBA, who as a matter of
22 policy, custom and usage of defendant WSBA, and with the power conferred upon them by the State
23 of Washington, retaliated collectively and in concert and in agreement with other named defendants
24 against the Plaintiff to wrongfully injure Plaintiff for exercising her constitutional and statutory
25 rights. Andeen conspired with others to retaliate against Plaintiff and acted outside her authority.
26 Andeen is a RICO defendant and is not a previous defendant in *Block v Snohomish County et al C14-*
27 *235 RAJ*.

28 • **DEFENDANT KEVIN BANK (“Bank”)** is an agent of defendant WSBA, who as a matter of

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4 policy, custom and usage of defendant WSBA, and with the power conferred upon them by the State
5 of Washington, retaliated collectively and in concert and agreement with other named defendants
6 against Plaintiff to wrongfully injure Plaintiff for exercising her constitutional and statutory rights.
7 Bank conspired with others to retaliate against Plaintiff and acted outside his authority. Bank is a
8 RICO defendant and is not a previous defendant in *Block v Snohomish County et al C14-235 RAJ*.

9 • **DEFENDANT KATRHYN BERGER (“Berger”)** is an agent of defendant WSBA, who as a
10 matter of policy, custom and usage of defendant WSBA, and with the power conferred upon them by
11 the State of Washington, retaliated collectively and in concert and agreement with other named
12 defendants against the Plaintiff to wrongfully injure Plaintiff for exercising her constitutional and
13 statutory rights. Berger conspired with others to retaliate against Plaintiff and acted outside her
14 authority. Berger is a RICO defendant and is not a previous defendant in *Block v Snohomish County*
15 *et al C14-235 RAJ*.

16 • **DEFENDANT KEITH MASON BLACK (“Black”)** is an agent of defendant WSBA, who as a
17 matter of policy, custom and usage of defendant WSBA, and with the power conferred upon them by
18 the State of Washington, retaliated collectively and in concert and agreement with other named
19 defendants against the Plaintiff to wrongfully injure Plaintiff for exercising her constitutional and
20 statutory rights. Black conspired with others to retaliate against Plaintiff and acted outside his
21 authority. Black is a RICO defendant and is not a previous defendant in *Block v Snohomish County*
22 *et al C14-235 RAJ*.

23 • **DEFENDANT STEPHANIE BLOOMFIELD (“Bloomfield”)** is an agent of defendant
24 WSBA, who as a matter of policy, custom and usage of defendant WSBA, and with the power
25 conferred upon them by the State of Washington, retaliated collectively and in concert and
26 agreement with other named defendants against the Plaintiff to wrongfully injure Plaintiff.
27 Bloomfield conspired with others to retaliate against the Plaintiff and acted under color of the law.
28 Bloomfield is RICO defendant and is not a previous defendant in *Block v Snohomish County et al*

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4 *C14-235 RAJ.*

5 • **DEFENDANT MICHELE NINA CARNEY (“Carney”)** is an agent of defendant WSBA, who
6 as a matter of policy, custom and usage of defendant WSBA, and with the power conferred upon
7 them by the State of Washington, retaliated collectively and in concert and agreement with other
8 named defendants against the Plaintiff to wrongfully injure Plaintiff for exercising her constitutional
9 and statutory rights. Carney conspired with others to retaliate against Plaintiff and acted outside her
10 authority. Carney is a RICO defendant and is not a previous defendant in *Block v Snohomish County*
11 *et al C14-235 RAJ.*

12 • **S. NIA RENEI COTTRELL (“Cottrell”)** is an agent of defendant WSBA, who as a matter of
13 policy, custom and usage of defendant WSBA, and with the power conferred upon them by the State
14 of Washington, retaliated collectively and in concert and agreement with other named defendants
15 against the Plaintiff to wrongfully injure Plaintiff for exercising her constitutional and statutory
16 rights. Cottrell conspired with others to retaliate against Plaintiff and acted outside her authority.
17 Cottrell is a RICO defendant and is not a previous defendant in *Block v Snohomish County et al C14-*
18 *235 RAJ.*

19 • **WILLIAM EARL DAVIS (“Davis”)** is an agent of defendant WSBA, who as a matter of
20 policy, custom and usage of defendant WSBA, and with the power conferred upon them by the State
21 of Washington, retaliated collectively and in concert and agreement with other named defendants
22 against the Plaintiff to wrongfully injure Plaintiff for exercising her constitutional and statutory
23 rights. Davis conspired with others to retaliate against Plaintiff. He acted outside his authority.
24 Davis is a RICO defendant and is not a previous defendant in *Block v Snohomish County et al C14-*
25 *235 RAJ.*

26 • **STEPHANIA CAMP DENTON (“Denton”)** is an agent of defendant WSBA, who as a matter
27 of policy, custom and usage of defendant WSBA, and with the power conferred upon them by the
28 State of Washington, retaliated collectively and in concert and in agreement with other named

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4 defendants against the Plaintiff to wrongfully injure Plaintiff for exercising her constitutional and
5 statutory rights. Denton conspired with others to retaliate against Plaintiff and acted outside her
6 authority. Denton is a RICO defendant and is not a previous defendant in *Block v Snohomish County*
7 *et al C14-235 RAJ.*

8 • **DEFENDANT LINDA EIDE (“Eide”)** is an employee of Washington State Bar Association,
9 who as a matter of policy, custom and usage of defendant WSBA, and with the power conferred
10 upon them by the State of Washington, retaliated collectively and in concert and in agreement with
11 the other named defendants against the Plaintiff to wrongfully injure Plaintiff for exercising her
12 constitutional and statutory rights. Eide conspired with others to retaliate against the Plaintiff and
13 acted outside her official capacity as a prosecutor. She is a RICO defendant and is not a previous
14 defendant in *Block v Snohomish County et al C14-235 RAJ.*

15 • **DEFENDANT DOUG ENDE (“Ende”)** is an agent of defendant WSBA, who as a matter of
16 policy, custom and usage of defendant WSBA, and with the power conferred upon them by the State
17 of Washington, retaliated collectively and in concert and agreement with other named defendants
18 against the Plaintiff to wrongfully injure Plaintiff for exercising her constitutional and statutory
19 rights. Ende conspired with others to retaliate against Plaintiff and acted outside his authority. Ende
20 is a RICO defendant and is not a previous defendant in *Block v Snohomish County et al C14-235*
21 *RAJ.*

22 • **DEFENDANT MARCIA LYNN DAMEROW FISCHER (“Fischer”)** is an agent of
23 defendant WSBA, who as a matter of policy, custom and usage of defendant WSBA, and with the
24 power conferred upon them by the State of Washington, retaliated collectively and in concert and in
25 agreement with other named defendants against the Plaintiff to wrongfully injure Plaintiff for
26 exercising her constitutional and statutory rights. Fischer conspired with others to retaliate against
27 Plaintiff and acted outside her authority. Fischer is a RICO defendant and is not a previous
28 defendant in *Block v Snohomish County et al C14-235 RAJ.*

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4 • **DEFENDANT G. GEOFFREY GIBBS (“Gibbs”)** was at all material times a resident of
5 Snohomish County; a Commissioner for defendant Snohomish County; Disciplinary Board member,
6 and/or Board of Governors member, and employee or agent for Defendant WSBA. He is a person
7 who, individually, and in concert and agreement with other named defendants, acted to deprive
8 Plaintiff of rights guaranteed by the United States Constitution by retaliating against Plaintiff for
9 exercising those rights. Gibbs conspired with others to retaliate against Plaintiff for exercising her
10 constitutional and statutory rights. Gibbs acted outside his authority. Gibbs is a RICO defendant and
11 is not a previous defendant in *Block v Snohomish County et al C14-235 RAJ*.

12 • **DEFENDANT WILLIAM MCGILLIN (“McGillin”)** is an agent of defendant WSBA, who as
13 a matter of policy, custom and usage of defendant WSBA, and with the power conferred upon them
14 by the State of Washington, retaliated collectively and in concert and agreement with other named
15 defendants against Plaintiff to wrongfully injure Plaintiff for exercising her constitutional and
16 statutory rights. McGillin conspired with others to retaliate against Plaintiff. McGillin acted outside
17 his authority. McGillin is a RICO defendant and is not a previous defendant in *Block v Snohomish*
18 *County et al C14-235 RAJ*.

19 • **DEFENDANT MICHAEL JON MYERS (“Myers”)** is an agent of defendant WSBA, who, as
20 a matter of policy, custom and usage of defendant WSBA, and with the power conferred upon them
21 by the State of Washington, retaliated collectively and in concert and in agreement with other named
22 defendants against the Plaintiff to wrongfully injure Plaintiff for exercising her constitutional and
23 statutory rights. Myers conspired with others to retaliate against Plaintiff. He acted outside his
24 authority. Myers is a RICO defendant and is not a previous defendant in *Block v Snohomish County*
25 *et al C14-235 RAJ*.

26 • **DEFENDANT JOSEPH NAPPI JR. (“Nappi”)** is an agent of defendant WSBA, who as a
27 matter of policy, custom and usage of defendant WSBA, and with the power conferred upon them by
28 the State of Washington, retaliated collectively and in concert and agreement with other named

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4 defendants against the Plaintiff to wrongfully injure Plaintiff for exercising her constitutional and
5 statutory rights. Nappi conspired with others to retaliate against Plaintiff and acted outside his
6 authority. Nappi is a RICO defendant and is not a previous defendant in *Block v Snohomish County*
7 *et al C14-235 RAJ.*

8 • **DEFENDANT LIN O'DELL (“O’Dell”)** is an agent of defendant WSBA, who as a matter of
9 policy, custom and usage, and with the power conferred upon them by the State of Washington,
10 retaliated collectively and in concert and agreement with the other named defendants against the
11 Plaintiff to wrongfully injure Plaintiff for exercising her constitutional and statutory rights. O’Dell
12 conspired with others to retaliate against the Plaintiff and acted outside her official capacity as a
13 prosecutor. O’Dell is RICO and is not a previous defendant in *Block v Snohomish County et al C14-*
14 *235 RAJ.*

15 • **DEFENDANT MARK PLIVILECH (“Plivilech”)** is an employee or agent of defendant Lin
16 O’Dell, and reportedly the husband of defendant Lin O’Dell. Mark Plivilech retaliated collectively
17 and in concert and in agreement with other named defendants against the Plaintiff to wrongfully
18 injure Plaintiff. Mark Plivilech conspired with others to retaliate against Plaintiff. Mark Plivilech is
19 a RICO defendant and is not a previous defendant in *Block v Snohomish County et al C14-235 RAJ.*

20 • **DEFENDANT ALLISON SATO (“Sato”)** is an agent of defendant WSBA, who as a matter of
21 policy, custom and usage of defendant WSBA, and with the power conferred upon them by the State
22 of Washington, retaliated collectively and in concert and agreement with other named defendants
23 against the Plaintiff to wrongfully injure Plaintiff for exercising her constitutional and statutory
24 rights. Sato conspired with others to retaliate against Plaintiff and acted outside her authority. Sato is
25 a RICO defendant and is not a previous defendant in *Block v Snohomish County et al C14-235 RAJ.*

26 • **DEFENDANT RONALD SCHAPS (“Schaps”)** is an agent of defendant WSBA, who as a
27 matter of policy, custom and usage of defendant WSBA, and with the power conferred upon them by
28 the State of Washington, retaliated collectively and in concert and in agreement with other named

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4 defendants against the Plaintiff to wrongfully injure Plaintiff for exercising her constitutional and
5 statutory rights. Schaps conspired with others to retaliate against the Plaintiff. Schaps is a RICO
6 defendant and is not a previous defendant in *Block v Snohomish County et al C14-235 RAJ.*

7 • **DEFENDANT JULIE SHANKLAND (“Shankland”)** is an employee of defendant WSBA,
8 who as a matter of policy, custom and usage of defendant WSBA, and with the power conferred
9 upon them by the State of Washington, retaliated collectively and in concert and agreement with the
10 other named defendants against the Plaintiff to wrongfully injure Plaintiff for exercising her
11 constitutional and statutory rights. Shankland conspired with others to retaliate against the Plaintiff
12 and acted outside her official capacity as a liaison. Shankland is RICO defendant and is not a
13 previous defendant in *Block v Snohomish County et al C14-235 RAJ.*

14 • **DEFENDANT MARC SILVERMAN (“Silverman”)** is an agent of defendant WSBA, who as
15 a matter of policy, custom and usage of defendant WSBA, and with the power conferred upon them
16 by the State of Washington, retaliated collectively and in concert and agreement with other named
17 defendants against Plaintiff to wrongfully injure Plaintiff for exercising her constitutional and
18 statutory rights. Silverman conspired with others to retaliate against Plaintiff and acted outside his
19 authority. Silverman is a RICO defendant and is not a previous defendant in *Block v Snohomish*
20 *County et al C14-235 RAJ.*

21 • **DEFENDANT TODD R. STARTZEL (“Startzel”)** is an agent of defendant WSBA, who as a
22 matter of policy, custom and usage of defendant WSBA, and with the power conferred upon them by
23 the State of Washington, retaliated collectively and in concert and agreement with other named
24 defendants against the Plaintiff to wrongfully injure Plaintiff for exercising her constitutional and
25 statutory rights. Startzel conspired with others to retaliate against Plaintiff and acted outside his
26 authority. Startzel is a RICO defendant and is not a previous defendant in *Block v Snohomish County*
27 *et al C14-235 RAJ.*

28 • **JOHN DOE (WSBA PROCESS SERVER)** is an agent of defendant WSBA, who as a matter of

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4 policy, custom and usage of defendant WSBA, and with the power conferred upon them by the State
5 of Washington, retaliated collectively and in concert and agreement with other named defendants
6 against the Plaintiff to wrongfully injure Plaintiff for exercising her constitutional and statutory
7 rights. John Doe conspired with others to retaliate against Plaintiff. John Doe is a RICO defendant
8 and is not a previous defendant in *Block v Snohomish County et al C14-235 RAJ*.

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10 • **DEFENDANT LORI BATIOI (“Batiot”)** is a police officer for Defendant City of Duvall, who
11 acted and lives within the geographical and jurisdictional boundaries of this court. She is a person
12 who, individually, and in concert and agreement with other persons, acted under color of law to
13 deprive Plaintiff of rights guaranteed by the United States Constitution by retaliating against Plaintiff
14 for exercising her constitutional and statutory rights. Batiot conspired with other named defendants
15 to retaliate against the Plaintiff. Batiot is a RICO defendant and is not a previous defendant in *Block*
v Snohomish County et al C14-235 RAJ.

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17 • **DEFENDANT JOE BEAVERS (“Beavers”)** is a resident of City of Gold Bar, who acted and
18 lives within the geographical and jurisdictional boundaries of this court. He is a person who,
19 individually, and in concert and agreement with other persons who acted under color of law, as the
20 City of Gold Bar public records officer and/or Mayor, to deprive Plaintiff of rights guaranteed by the
21 United States Constitution by retaliating against Plaintiff for exercising those rights. Beavers
22 conspired with others to retaliate against Plaintiff. He is a RICO defendant and is a previous
23 defendant in *Block v Snohomish County et al C14-235 RAJ*; there are new allegations post *Block vs*
Snohomish County et al.

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25 • **DEFENDANT LINDA LOEN (“Loen”)** is the Mayor of the City of Gold Bar, who acted and
26 lives within the geographical and jurisdictional boundaries of this court, is a person who,
27 individually, and in concert and in agreement with other persons, acted outside color of law to
28 deprive Plaintiff of rights guaranteed by the United States Constitution by retaliating against Plaintiff
for exercising those rights. Loen conspired with others to retaliate against Plaintiff for exercising her

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4 constitutional and statutory rights. She is a RICO defendant and is not a previous defendant in *Block*
5 *v Snohomish County et al C14-235 RAJ*.

6 • **DEFENDANT CRYSTAL HILL PENNINGTON nee BERG** (“Hill-Pennington”) acted and
7 lives within the geographical and jurisdictional boundaries of this court. She is a person who,
8 individually, and in concert and agreement with other persons, acted under color of law to deprive
9 Plaintiff of rights guaranteed by the United States Constitution by retaliating against her for
10 exercising those rights. Hill-Pennington is currently the wife of Defendant John Pennington and
11 they constitute a marital community under the laws of the State of Washington. Hill-Pennington
12 conspired with others to retaliate against the Plaintiff. Hill-Pennington is a RICO defendant and is a
13 previous defendant in *Block vs Snohomish County et al C14-235 RAJ*; there are new allegations post
14 *Block vs Snohomish County et al*.

15 • **KENYON DISEND, A WASHINGTON PLLC**: was at all material times a Washington PLLC
16 licensed to do business in the state of Washington, whose agents and employees, as a matter of
17 policy, custom and usage, retaliated collectively and in concert and in agreement with other named
18 defendants, acted under color of law to deprive Plaintiff of rights guaranteed by the United States
19 Constitution by retaliating against her for exercising those rights. Kenyon Disend, PLLC conspired
20 with others to retaliate against the Plaintiff for exercising her constitutional and statutory rights.
21 Kenyon Disend, PLLC is a RICO defendant and is not a previous defendant in *Block vs Snohomish*
22 *County et al C14-235 RAJ*.

23 • **MICHAEL KENYON**: was at all material times an owner, shareholder, and employee of
24 defendant Kenyon Disend, a resident of King County, who acted and lives within the geographical
25 and jurisdictional boundaries of this court. He is a person who, as a matter of policy, custom and
26 usage of Kenyon Disend, PLLC, and individually, and in concert and in agreement with other
27 persons, acted outside color of law to deprive Plaintiff of rights guaranteed by the United States
28 constitution by retaliating against her for exercising those rights. Michael Kenyon conspired with

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4 other named defendants to retaliate against the Plaintiff and injure plaintiff for exercising her
5 constitutional and statutory rights. Michael Kenyon is a RICO defendant and is not a previous
6 defendant in *Block v Snohomish County et al C14-235 RAJ*.

7 • **DEFENDANT MARGARET KING (“King”)** was employed by Kenyon Disend, a contractor
8 for City of Gold Bar, from April 2010 through the end of December 2012, acting as investigator; and
9 was employed as a prosecutor for defendant Snohomish County from January 2013 to the end of 2013,
10 acting as investigator. King is a resident of King County, who acted and lives within the geographical
11 and jurisdictional boundaries of this court. She is a person who, individually, and in concert and
12 agreement with other named defendants, acted outside color of law to deprive Plaintiff of rights
13 guaranteed by the United States Constitution by retaliating against Plaintiff for exercising those
14 rights. King conspired with other named defendants to retaliate against Plaintiff and injure Plaintiff
15 for exercising her constitutional and statutory rights. King acted outside her official capacity as
16 attorney for the City of Gold Bar, and she acted outside her official capacity as prosecutor for
17 defendant Snohomish County. King is a RICO defendant and is not a previous defendant in *Block v*
18 *Snohomish County et al C14-235 RAJ*.

19 • **DEFENDANT ANN MARIE SOTO (“Soto”)** was at all material times an employee of
20 defendant Kenyon Disend, a resident of King County, who acted and lives within the geographical
21 and jurisdictional boundaries of this court. She is a person who, as a matter of policy, custom and
22 usage of Kenyon Disend, PLLC, and individually, and in concert and in agreement with other
23 persons, acted outside color of law to deprive Plaintiff of rights guaranteed by the United States
24 constitution by retaliating against her for exercising those rights. Soto conspired with other named
25 defendants to retaliate against the Plaintiff and injure Plaintiff for exercising her constitutional and
26 statutory rights. Soto is a RICO defendant and is not a previous defendant in *Block v Snohomish*
27 *County et al C14-235 RAJ*.

28 • **DEFENDANT SANDRA SULLIVAN nee Meadowcraft (“Sullivan”)** is a special prosecutor

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4 employed by Defendant City of Duvall and its law firm Kenyon Disend, who acted and lives within
5 the geographical and jurisdictional boundaries of this court. She is a person who, individually, and in
6 concert and in agreement with other persons, acted under color of law to deprive Plaintiff of rights
7 guaranteed by the United States Constitution by retaliating against Plaintiff for exercising her
8 constitutional and statutory rights. Sullivan conspired with other named defendants to retaliate
9 against the Plaintiff and acted outside her official capacity as a prosecutor. Sullivan is a RICO
10 defendant and is not a previous defendant in *Block v Snohomish County et al C14-235 RAJ*.

11 • **DEFENDANT CARY COBLANTZ** (“Coblantz”) was at material times a county employee
12 with Defendant King County assigned to the City of Shoreline, who acted and lives within the
13 geographical and jurisdictional boundaries of this court. He is a person who, individually, and in
14 concert and agreement with other persons, acted under color of law to deprive Plaintiff of rights
15 guaranteed by the United States Constitution by retaliating against Plaintiff for exercising her
16 constitutional and statutory rights. Coblantz conspired with other named defendants to retaliate
17 against the Plaintiff. Coblantz is a RICO defendant and is not a previous defendant in *Block v*
18 *Snohomish County et al C14-235 RAJ*.

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20 • **DEFENDANT SARA DIVITTORIO** (“DiVittorio”) was at all material times a civil
21 prosecutor for defendant Snohomish County. She acted and lives within the geographical and
22 jurisdictional boundaries of this court. She is a person who, individually, and in concert and
23 agreement with other persons, acted under color of law to deprive Plaintiff of rights guaranteed by
24 the United States Constitution by retaliating against Plaintiff for exercising those rights. DiVittorio
25 conspired with other named defendants to retaliate against Plaintiff for exercising her constitutional
26 and statutory rights. DiVittorio acted outside her official capacity as prosecutor with defendant
27 Snohomish County. DiVittorio is a RICO defendant and is not a previous defendant in *Block v*
28 *Snohomish County et al C14-235 RAJ*.

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4 • **DEFENDANT SETH FINE (“Fine”)** was at all material times a prosecutor for defendant
5 Snohomish County and disciplinary member for the WSBA, acting as an investigator in both
6 capacities. He acted and lives within the geographical and jurisdictional boundaries of this court. He
7 is a person who, individually and in concert and agreement with other persons, acted outside color of
8 law to deprive Plaintiff of rights guaranteed by the United States constitution by retaliating against
9 her for exercising those rights. Fine conspired with others to retaliate against the Plaintiff
10 constitutional and statutory rights. Fine acted outside his official capacity as prosecutor with
11 defendant Snohomish County and the WSBA. Fine is a RICO defendant and is not a previous
12 defendant in *Block v Snohomish County et al C14-235 RAJ*.

13 • **DEFENDANT BRIAN LEWIS (“Lewis”)** was at all material times the employee and public
14 records officer for Snohomish County. He acted and lives within the geographical and jurisdictional
15 boundaries of this court. He is a person who, individually, and in concert and agreement with other
16 persons, acted under color of law to deprive Plaintiff of rights guaranteed by the United States
17 Constitution by retaliating against her for exercising those rights. Lewis conspired with other named
18 defendants to retaliate against Plaintiff for exercising her constitutional and statutory rights. Lewis is
19 a RICO defendant and is not a previous defendant in *Block v Snohomish County et al C14-235 RAJ*.

20 • **DEFENDANT JOHN LOVICK (“Lovick”)** was at all material times the former Snohomish
21 County Executive. He acted and lives within the geographical and jurisdictional boundaries of this
22 court. He is a person who, individually, and in concert and agreement with other persons, acted
23 under color of law, to deprive Plaintiff of rights guaranteed by the United States Constitution by
24 retaliating against her for exercising those rights. He conspired with other named defendants to
25 retaliate against the Plaintiff for exercising her constitutional and statutory rights. Lovick is a RICO
26 defendant and is not a previous defendant in *Block v Snohomish County et al C14-235 RAJ*.

27 • **DEFENDANT JOHN PENNINGTON (“Pennington”)** was at all material times was
28 Director of the Snohomish County Department of Emergency Management, who acted and lives

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4 within the geographical and jurisdictional boundaries of this court. Pennington is trained by the U.S.
5 military in media tactics and techniques in which he has engaged against Plaintiff, a civilian. He is a
6 Diplomatic Security Officer, (secret police), who has abused his position to deprive Plaintiff of
7 rights. He is a person who, individually, and in concert and agreement with other persons, acted
8 under color of law, to deprive Plaintiff of rights guaranteed by the United States Constitution by
9 retaliating against her for exercising those rights. He conspired with other named defendants to
10 retaliate against the Plaintiff for exercising her constitutional and statutory rights. He is currently the
11 husband of Defendant Hill-Pennington, and they constitute a marital community under the laws of
12 the State of Washington. Pennington acted outside his official capacity as a Director of Emergency
13 Management with defendant Snohomish County. Pennington is a RICO defendant and is a previous
14 defendant in *Block v Snohomish County et al C14-235 RAJ*; there are new allegations post *Block vs*
15 *Snohomish County et al*.

16 • **DEFENDANT SEAN REAY (“Reay”)** was at all material times a prosecutor for defendant
17 Snohomish County acting as an investigator. He acted and lives within the geographical and
18 jurisdictional boundaries of this court. He is a person who, individually, and in concert and
19 agreement with other persons, acted outside color of law to deprive Plaintiff of rights guaranteed by
20 the United States Constitution by retaliating against her for exercising those rights. Reay conspired
21 with other named defendants to retaliate against Plaintiff for exercising her constitutional and
22 statutory rights. He acted outside his official capacity as prosecutor for Defendant Snohomish
23 County. Reay is a RICO defendant and is not a previous defendant in *Block v Snohomish County et*
24 *al C14-235 RAJ*.

25 • **DEFENDANT MARK ROE (“Roe”)** was at all material times a prosecutor for defendant
26 Snohomish County acting as an investigator and acted outside color of the law. He acted and lives
27 within the geographical and jurisdictional boundaries of this court. He is a person who, individually,
28 and in concert and in agreement with other persons, acted under color of law to deprive Plaintiff of

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4 rights guaranteed by the United States constitution by retaliating against Plaintiff for exercising those
5 rights. Roe conspired with others to retaliate against the Plaintiff for exercising her constitutional
6 and statutory rights. He is a RICO defendant and is not a previous defendant in *Block v Snohomish*
7 *County et al C14-235 RAJ*.

8 • **SKY VALLEY MEDIA GROUP, LLC dba or aka or commonly known as the “Sky Valley**
9 **Chronicle”** Defendant Sky Valley Media Group, LLC aka or dba or commonly known as the “Sky
10 Valley Chronicle”, was at all material times a Washington Limited Liability Company whose agents
11 and employees, as a matter of policy, custom and usage, retaliated collectively and in concert and
12 agreement with other named defendants against Plaintiff to wrongfully injure Plaintiff for exercising
13 her constitutional and statutory rights. The Sky Valley Media Group, LLC is a RICO defendant and
14 is not a previous defendant in *Block v Snohomish County et al C14-235 RAJ*.

15 • **DEFENDANT RON FEJFAR aka RON FAVOR aka RON FABOUR aka CHET ROGERS**
16 **(“Fejfar”)** was at all material times the agent of Defendant Sky Valley Media Group, LLC. He
17 acted and lives within the geographical and jurisdictional boundaries of this court. He, in concert
18 and in agreement with other named defendants, acted under color of law to deprive Plaintiff of rights
19 guaranteed by the United States Constitution by retaliating against Plaintiff for exercising those
20 rights. Fejfar conspired with other named defendants to retaliate against Plaintiff for exercising her
21 constitutional and statutory rights. Fejfar is a RICO defendant and is not a previous defendant in
22 *Block v Snohomish County et al C14-235 RAJ*.

23 NON- PARTIES POTENTIAL DEFENDANTS TO BE NAMED LATER

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25 • **SCOTT NORTH (“North”)** was at all material times was a resident of Snohomish County. He
26 acted and lives within the geographical and jurisdictional boundaries of this court. He is a person
27 who, individually, and in concert and agreement with named defendants, acted to injure Plaintiff for
28 exercising her constitutional and statutory rights. He is a potential RICO defendant and is not a

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4 previous defendant in *Block v Snohomish County et al C14-235 RAJ*.

5 **DENISE BEASTON “Beaston”** is an employee with the City of Gold Bar, acted and lives
6 within the geographical and jurisdictional boundaries of this court. She is a person who,
7 individually, and in concert and agreement with other persons, acted under color of law to deprive
8 Plaintiff of rights guaranteed by the United States constitution by retaliating against her for
9 exercising her constitutional and statutory rights. She conspired with other named defendants to
10 retaliate against the Plaintiff. She is a potential RICO defendant and is not a previous defendant in
11 *Block v Snohomish County et al C14-235 RAJ*..

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

14 A. Scott Busby extorted the democratic rights of John Scannell (Scannell) and others by
15 orchestrating a bar violation where Scannell was disbarred for obstruction for refusing to turn
16 over attorney client privileged information on his client Paul King, who Busby was also
17 attempting to prosecute. Made accusations of Scannell making “frivolous motions” which were
18 not only not frivolous, but Scannell was correct.. Participated in hundreds of ex parte contacts so
19 he could prearrange Scannell’s conviction. The goal was in Busby’s own words “to send a
20 message” to other attorneys as to what would happen if you turned to the legal system to try and
21 fight the activities of the enterprise.

22 B. Felice Congalton, WSBA #6412, Felice Congalton is a member of the Office of
23 Disciplinary Counsel (ODC) of the WSBA, who screens grievances submitted by the public.
24 With others, she has developed both written and unwritten policies for the WSBA that have not
25 been reviewed by the Washington State Court that serve the goals of the RICO enterprise. As a
26 member of the RICO enterprise, she is the prime enforcer of its corrupt goals. She dismisses
27 legitimate grievances filed by opponents of the enterprise, thus allowing its members to continue
28 with acts of wire fraud, bribery, extortion, and other criminal and unethical acts. She dismisses

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4 numerous legitimate grievances filed by the enemies of the enterprise, treating them like pariahs
5 of the legal profession, making it impossible for them to obtain representation. Likewise,, she
6 supports bogus investigations by allowing illegitimate bar complaints of members of the
7 enterprise.

8 C. Gail McMonagle issues orders without jurisdiction so that Scannell could not protect
9 the attorney client privileges of his client.

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

25 E. Larry Kuznetz, Amanda Elizabeth Lee, David Heller, Brian Romas, Zachary Mosner,
26 Thomas Cena, Joni Montez, Thomas Andrews, Tamara Darst, Susan B. Madden, Clementine
27 Hollingsworth, William J. Carlson, Seth Fine, Carrie M. Coppinger, Henry (Ted) Stiles, Norris
28 Hazelton, Thomas Cena, Michael Bahn, Melinda Anderson, Shea C. Meehan, Norma L. Ureña,

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4 Grace Greenwich, James V. Handmacher Ryan Barnes Robert Weldon, Julie Shankland, , Brian
5 Romas, Shea C. Meehan were all members of the Disciplinary Board

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

10 F. James Danielson, Bastian, and the Jeffers Danielson firm. The Jeffers-Danielson firm
11 is an unethical firm who commit serious bar violations and use their influence and control of the
12 enterprise to avoid prosecution for their own misconduct. The firm was paid \$30,000 a year so
13 that Danielson can pre-arrange conviction of the political enemies of Bastian and other members
14 of the enterprise. Danielson also pre-selects hearing officers to uphold disciplinary actions
15 against minorities and solo practitioners which achieves the aims of the enterprise by keeping
16 most discipline steered toward solo practitioners and minorities. Hearing Officers who in the
17 past, acquitted in the past are not called again..

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

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

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

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

28 K. Bobbe Bridges enlisted the aid of the enterprise in avoiding drunk driving charges

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4 being brought against her as a bar violation

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

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

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

19 O. Sky Valley Chronicle LLC is a Washington Limited Liability Company located in
20 Sultan, Washington, whose agents are public officials and employees employed by public
21 officials to control the message in Snohomish County, as a matter of policy, custom and usage of
22 the City of Gold Bar, and Snohomish County defendants John E. Pennington and Crystal Hill
23 Pennington, acted with the power conferred upon them by the City of Gold Bar, retaliated
24 collectively, in concert and in agreement with the other named defendants against the to
25 wrongfully retaliate against and injure her for exercising her First Amendment rights. This
26 consisted of publishing untrue and defamatory attacks on Block and for organizing a campaign to
27 wrongfully deprive Block of her law license.

28 P. Ronald Fejfar was at all material times an employee of defendant Sky Valley

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4 Chronicle. He is a person who, individually and in concert and agreement with other persons,
5 acted under color of law to deprive of rights guaranteed by the United States constitution by
6 retaliating against her for exercising those rights. He conspired with defendants John Pennington,
7 Crystal Hill Pennington, and Joe Beavers to retaliate against the Plaintiff.

8 Q. James Avery, individually and in any official capacity. Avery is mandated by law to
9 publish the “qualifications and manner” of making claims for citizen’s Article 7, Section 10
10 rights. Avery violates his obligations mandated by law, there is no legal “manner nor legal
11 qualifications” that Avery disseminates – it is all a fraud to cheat citizens.

12 R. Alan Miles, WSBA #26961, individually and in any official capacity. Miles aids and
13 abets Avery’s fraud. Miles is a RICO defendant through association with the Bar and in an
14 association-in-fact with Avery.

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

21 T. Kay S. Slonim, WSBA #12414, individually and in any official capacity. Slonim aids
22 and abets Avery’s fraud by denying the due process. Slonum supports the RICO defendants with
23 her rulings

24 U. Ione George, WSBA#18236, individually and in any official capacity. George aids
25 and abets Avery’s fraud. George is a RICO defendant by her association with the Bar, and in an
26 association-in-fact with Miles, Avery, Haberly

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

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4 procedures act.

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

18 X. The. Snohomish County and its prosecutors participate in the RICO enterprise by
19 using county equipment, employee time and resources to carry out the corrupt goals of the
20 enterprise. Snohomish County has dominated the activities of the Washington State Bar
21 Association to an inordinate degree so that 44% of all lawyer discipline is directed at attorneys in
22 Snohomish County. It accomplishes this by extorting the democratic rights of opponents of the
23 RICO enterprise.

24 • **Y. DEFENDANT KING COUNTY** is a Washington State County and Municipal Government
25 whose officials and employees, as a matter of policy, custom and usage of the County, and with the
26 power conferred upon them by the State of Washington, retaliated collectively and in concert and in
27 agreement with other named defendants against the Plaintiff to wrongfully injure Plaintiff for
28 exercising her constitutional and statutory rights. King County is not a RICO defendant and is not a

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4 previous defendant in *Block v Snohomish County et al C14-235 RAJ*.

5 • **DEFENDANT CITY OF DUVALL** is a Washington State City and Municipal Corporation
6 whose officials and employees, as a matter of policy, custom and usage of the City, and with the
7 power conferred upon them by King County, retaliated collectively and in concert and agreement
8 with other named defendants against the Plaintiff to wrongfully injure Plaintiff for exercising her
9 rights. The City of Duvall conspired with others to retaliate against Plaintiff for exercising her
10 constitutional and statutory rights. The City of Duvall is not a RICO defendant and is not a previous
11 defendant in *Block v Snohomish County et al C14-235 RAJ*.

12 • **DEFENDANT PORT OF SEATTLE:** Defendant Port of Seattle is a Washington State Port
13 and Municipal Corporation whose officials and employees, as a matter of policy, custom and usage
14 of the Port, and with the power conferred upon them by King County, retaliated collectively and in
15 concert and agreement with other named defendants against the Plaintiff to wrongfully injure
16 Plaintiff for exercising her constitutional and statutory rights. The Port of Seattle conspired with
17 others to retaliate against the Plaintiff. The Port of Seattle is not a RICO defendant and is not a
18 previous defendant in *Block v Snohomish County et al C14-235 RAJ*.

19 • **DEFENDANT SEAN GILLEBO (“Gillebo”)** is a police officer for defendant Port of Seattle,
20 who acted and lives within the geographical and jurisdictional boundaries of this court. He is a
21 person who, individually, and in concert and agreement with other persons, acted under color of law
22 to deprive Plaintiff of rights guaranteed by the United States Constitution by retaliating against
23 Plaintiff for exercising those rights. Gillebo conspired with other named defendants to retaliate
24 against the Plaintiff for exercising her constitutional and statutory rights. He is not a RICO defendant
25 and is not a previous defendant in *Block v Snohomish County et al C14-235 RAJ*.

26 • **DEFENDANT KALI MATUSKA (“Matuska”)** is a police officer for defendant Port of
27 Seattle, who acted and lives within the geographical and jurisdictional boundaries of this court. She
28 is a person who, individually, and in concert and agreement with other persons, acted under color of

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4 law to deprive Plaintiff of rights guaranteed by the United States constitution by retaliating against
5 her for exercising those rights. Matuska conspired with other named defendants to retaliate against
6 the Plaintiff for exercising her constitutional and statutory rights. She is not a RICO defendant and is
7 not a previous defendant in *Block v Snohomish County et al C14-235 RAJ*.

8 • **DEFENDANT JULIE TANGA (“Tanga”)** is a police officer for defendant Port of Seattle, who
9 acted and lives within the geographical and jurisdictional boundaries of this court. She is a person
10 who, individually, and in concert and agreement with other persons, acted under color of law to
11 deprive Plaintiff of rights guaranteed by the United States constitution by retaliating against her for
12 exercising those rights. Tanga conspired with other named defendants to retaliate against the
13 Plaintiff for exercising her constitutional and statutory rights. She is not a RICO defendant and is not
14 a previous defendant in *Block v Snohomish County et al C14-235 RAJ*.

15 • **DEFENDANT JAMES TUTTLE (“Tuttle”)** is an investigator for defendant Port of Seattle
16 Internal Affairs Unit, who acted and lives within the geographical and jurisdictional boundaries of
17 this court. He is a person who, individually, and in concert and agreement with other persons, acted
18 under color of law to deprive Plaintiff of rights guaranteed by the United States Constitution by
19 retaliating against her for exercising those rights. Tuttle conspired with other named defendants to
20 retaliate against the Plaintiff for exercising her constitutional and statutory rights. He is not a RICO
21 defendant and is not a previous defendant in *Block v Snohomish County et al C14-235 RAJ*.

22 • **DEFENDANT SNOHOMISH COUNTY:** Defendant Snohomish County is a Washington State
23 County and Municipal Government whose officials and employees, as a matter of policy, custom and
24 usage of the County, and with the power conferred upon them by the State of Washington, retaliated
25 collectively and in concert and agreement with other named defendants against the Plaintiff to
26 wrongfully injure Plaintiff. Snohomish County conspired with others to retaliate against Plaintiff for
27 exercising her constitutional and statutory rights. Snohomish County is not a RICO defendant and is
28 a previous defendant in *Block vs Snohomish County et al C14-235 RAJ*; there are new allegations

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

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

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4 taken from her. She was wrongfully threatened with arrest for attempting to depose Pennington
5 in a civil action. She was wrongfully "searched" in an airport under circumstances that constitute
6 rape.

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

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

12 5. Describe in detail the pattern of racketeering activity or collection of unlawful debts alleged
13 for each RICO claim. A description of the pattern of racketeering shall include the following
14 information:

- 15 a. List the alleged predicate acts and the specific statutes which were allegedly violated.
16 b. Provide the dates of the predicate acts, the participants in the predicate acts,
17 and a description of the facts surrounding the predicate acts.
18 c. If the RICO claim is based on the predicate offense of wire fraud, mail fraud, or fraud in the
19 sale of securities, the "circumstances constituting fraud or mistake shall be stated with
20 particularity." Fed. R. Civ. P. 9(b). Identify the time, place and contents of the alleged
21 misrepresentations, and the identity of persons to whom and by whom the alleged
22 misrepresentations were made.
23 d. State whether there has been a criminal conviction for violation of the predicate acts.
24 e. State whether civil litigation has resulted in a judgment in regard to the predicate acts.
25 f. Describe how the predicate acts form a "pattern of racketeering activity."
26 g. State whether the alleged predicate acts relate to each other as part of a common plan. If so,
27 describe in detail.

- 28 1. The RICO defendants have organized an enterprise which has now dominates and

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

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

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

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

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

25 5. In making the above misrepresentations, the RICO defendants know the
26 representations are false. The defendants intended to induce reliance on the representations by
27 both the plaintiff, other attorneys, and the public. At all times relevant to this complaint, the was
28 unaware that the representations by the defendants were false and relied upon their truth. The

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4 led to her resignation and disassociation from the bar. Additionally, the individual
5 defendants have conspired to form an Enterprise with the purpose of dominating the WSBA
6 and its disciplinary system so as to allow prosecutors, defense attorneys, practitioners' at
7 large firms, and non-minority attorneys to practice unethically and evade accountability for
8 their misconduct. The conspiracy will hereinafter be referred to as "the enterprise."

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10 • The enterprise has, as one of its goals, to dominate the Washington State Bar
11 Association by punishing those who oppose or seek to expose the illegal goals of the
12 enterprise. It does this through harassment, extortion, bribing, bullying, and punishing its
13 enemies. It punishes its members with disciplinary actions "to send a message" to those who
14 would oppose WSBA criminal activities and those who exercise their constitutional and
15 statutory rights. In re: the DISCIPLINE OF JOHN SCANNELL, Scott Bugsby, WSBA
16 counsel, said to the Washington State Supreme Court "lets send a message that if you sue us
17 this is what happens to you". Bugsby was referring to lawyers who oppose WSBA illegal
18 conduct suggesting they can look forward to disbarment.

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20 • **Background information (not a new allegation):** In December 2008, Plaintiff, a
21 citizen of Gold Bar, Washington, located in Snohomish County, requested records relating to
22 well tampering (malicious mischief RCW 9A.48.070) by a former water employee, which
23 Hill-Pennington, formerly Gold Bar Mayor "Crystal Hill", failed to report to the Snohomish
24 County Sheriff's Office or to Homeland Security for investigation. RCW 35a.12.100 states
25 the mayor "shall see that all laws and ordinances are faithfully enforced and that law and
26 order is maintained in the city, and shall have general supervision of the administration of
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city government and all city interests.” This request for records was made after Plaintiff received a phone call from Gold Bar Council Member, Dorothy Croshaw, informing Plaintiff that the City had just made a secret deal to pay off Karl Majerle in exchange for his silence. Public records obtained from Snohomish County in late 2008 establish that Majerle sabotaged the City's water system and illegally used the City's petro card for his personal use. The City failed report Majerle's crimes in accordance with their duties to the public: defendants Hill-Pennington, Beavers, and Croshaw breached their public duties, violated their oaths of office, conspired, and agreed to cover up Majerle's crimes. RCW 42.20.100 In December 2008, Block exercised her statutory rights pursuant to RCW 42.56 (Public Records Act "PRA") asking the City of Gold Bar for all records relating Karl Majerle. Instead of releasing public records in compliance with the PRA, the City of Gold Bar injured the public records by removing them from the city offices and/or the public official that held them, concealing them, and transferring the records to a private party, the insurance company, American Association for Washington Cities (AWC) representative Eileen Lawrence. RCW 40.16.010 states: "Every person who shall willfully and unlawfully remove, alter, mutilate, destroy, conceal, or obliterate a record, map, book, paper, document, or other thing filed or deposited in a public office, or with a public officer by authority of law, is guilty of a class C felony and shall be punished by imprisonment in a state correctional facility for not more than 5 years or by a fine of not more than one thousand dollars or by both.") The purpose of transferring the records according to council member Jay Prueher was because AWC instructed the city not to turn over the public records because the city would be sued again due to what was contained in the records. As of today, the /city of g/old

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4 Bar, Snohomish County, and AWC continue to conceal public records.

5 • **Background information (not a new allegation):** In October 2009, Hill-Pennington
6 Pennington, then acting Mayor of Gold Bar did hold a meeting on a non-regularly scheduled
7 date, at a non-principle location, where notice was not given by posting notice
8 prominently at the principal location, nor by giving notice to the newspaper, radio, or
9 television station, nor was it posted on the City's website pursuant to RCW42.30.080
10 (Special Meetings). Further, there were no minutes recorded at the special meeting, but
11 were created later following a public records request and lawsuit in late February 2009.

12 • **Background information (not a new allegation):** The members of the 2009 Gold Bar
13 Planning Commission were regular attendees of the City Council meetings. Both the City
14 Council meetings and the Planning Commission meetings were customarily held at the
15 principal location in City Hall on opposite Tuesdays. On the day of this Special Meeting,
16 the Planning Commission was meeting at the principal location. Several members of the
17 planning commission were unaware of the special meeting and did not see any notice of
18 special meeting posted at the principal location which they then occupied. Plaintiff
19 asserts this "special meeting" was in fact a secret meeting in violation of OPMA intended
20 to evade public knowledge and scrutiny. It follows then that if regular attendees
21 (planning commission members) did not see notice, the general public was also unaware
22 of the special meeting. In December 2008 after being informed by council member
23 Dorothy Croshaw of the Majerle settlement, Plaintiff requested all records relating to
24 Karl Majerle, which should have included the special meeting notice and meeting
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4 minutes. Only after Plaintiff hired an open government attorney and filed suit did the city
5 provide Plaintiff with a notice of special meeting and minutes, which Plaintiff asserts
6 were created after the special meeting took place and after Plaintiff requested records in
7 native format with metadata. The meeting minutes have been provided in native format
8 with metadata, only paper format. The arrangement agreed upon in the secret meeting,
9 under the circumstances constituted bribery and extortion, thus predicate acts under
10 RICO.
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12 • **Background information (not a new allegation):** From public records, Plaintiff
13 discovered that on July 8, 2008 the City of Gold Bar terminated Karl Majerle for gross
14 misconduct, sabotaging the city's wells and unlawful use of the city petro card. Mr.
15 Majerle was previously placed on paid administrative leave pending an investigation for
16 his use of the city's petro card in late June 2008. After Majerle was informed he was
17 being placed on administrative leave, he left city hall and went to wells #3 and #4 and
18 shut them down which he admitted in a Loudermill hearing. This hearing was recorded
19 by Majerle and conducted by H. Majerle Hill-Pennington subsequently applied for and
20 was denied unemployment benefits due to his gross misconduct. Majerle retained counsel
21 to fight for unemployment benefits, Brian Dale, Majerle never claimed he was terminated
22 without cause, nor did he ever file or threaten to file a lawsuit. Majerle did sign an at-will
23 employment acknowledgment from the city of Gold Bar upon employment. In a
24 September 2008 letter, Brian Dale suggested the city may not participate in Majerle's
25 unemployment hearing. According to council member Dorothy Croshaw; in October
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4 2008, the secret Gold Bar meeting occurred to arrange Majerle's payoff in exchange for
5 his silence. In late 2008 Majerle had an unemployment hearing contesting the denial of
6 benefits; the city abdicated their duty and failed to participate and subsequently Majerle
7 received unemployment benefits despite being terminated for gross misconduct; in
8 January 2009, he was given assistance obtaining new employment Hill-Pennington
9 Pennington called the city of Bellevue and gave a "positive reference; Majerle
10 additionally received \$10,000. At the time, G. Geoffrey Gibbs's law firm, representing
11 Majerle, had one of the largest contracts with Snohomish County, and Seth Fine and
12 Sean Reay were in charge of criminal prosecution unit in Snohomish County. Majerle
13 was not prosecuted for his crimes. Telephone retrieved from Snohomish County
14 establishes that Reay and Gibbs communicate on a regular basis. There was no legitimate
15 purpose for the benefits provided to Majerle. There was no legitimate reason not pursue
16 criminal charges against Majerle. Majerle in late summer 2014 told PSI Investigators that
17 he was under an agreement not to talk about the terms of the settlement agreement. In
18 September 2013, then Mayor Joe Beavers announced at a city council meeting that the
19 state auditor ordered him, Joe Beavers, to deposit an additional \$12,000 + in Karl
20 Majerle's retirement account. This was six years past Majerle's termination for cause. Joe
21 Beavers offered no evidence at the meeting of this "order". Neither was their evidence
22 in the state auditor's annual financial audit report to support Joe Beaver's claim. The
23 benefits Majerle received he was not entitled to. The agreement and authorization for
24 payment of these funds to Majerle was misappropriation of public funds (RCW
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4 42.20.070(1)). The agreement and payment constitutes bribery, extortion thus a
5 predicate act under RICO.

6 • **Background information:** Since August 2009, Plaintiff maintains and reports on local
7 news inside Snohomish County on a BlogSpot called "the Gold Bar Reporter" which is co-
8 owned with another Gold Bar resident, Susan Forbes. As early as 2008 and continuing to the
9 present day, Plaintiff learned of misfeasance, malfeasance, and corruption within city and
10 county government. Plaintiff has attempted to exercise her rights, as guaranteed by the
11 speech and petition provisions of the First Amendment of the United States Constitution, by
12 reporting on the activities of local city and county officials via her co-owned blog the Gold
13 Bar Reporter.
14

15 • **Background information:** The City of Gold Bar, Snohomish County, and Washington
16 State Bar Association channels its citizen's First Amendment speech and petition rights
17 through a system of formal written public records requests and responses under Washington
18 State's Public Records Act (RCW 42.56), as does Snohomish County and the Washington
19 State Bar. Plaintiff as a news reporter requests, gathers, disseminates and reports on news in
20 Washington State as defined under RCW 5.68.010. Plaintiff has been labeled as news
21 reporter by high ranking members of open government, and in September 2015 honored for
22 her contributions in reporting.
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24 • **Background information:** In early 2009, after Plaintiff filed suit against the City of
25 Gold Bar seeking access to public records, Seth Fine, acting outside his official capacity as a
26 prosecutor, and in derogation of his responsibility to avoid ex parte contact as a disciplinary
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4 board member stole from the WSBA the Plaintiff's WSBA license application and
5 investigative file. He then disseminated Plaintiff's WSBA license application and
6 investigative file to the City of Gold Bar's law firm, Weed, Graafstra, and Benson, Inc. The
7 file was then further disseminated to the City of Gold Bar employees and its governing body.
8 Fine's actions amounted to those of an investigator not a prosecutor or a disciplinary board
9 member. Fine's actions violated Plaintiffs civil rights and served no governmental purpose,
10 and amounted to extortion, thus a predicate act under RICO. 3.11

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12 • **New Allegation:** In late November 2013, Eide, acting on behalf of Defendant WSBA
13 issued an illegal subpoena for Plaintiff's Gold Bar Reporter news files collected for and in
14 preparation for publication on several political appointees from Snohomish County. None of
15 the files collected, nor were any of the files collected from a potential or past or current
16 client. The files Plaintiff collected were retrieved under the PRA, and many were given to
17 Plaintiff by long-term career county employees. The WSBA's subpoena and attempts to
18 depose and retrieve documents from Plaintiff solely on First Amendment news reporting
19 activity and did not involve a client, only a political appointee, John E. Pennington, and his
20 current wife, the former Mayor of Gold Bar, Hill-Pennington. Without legal authority to
21 issue such subpoenas in violation Plaintiff's constitutional and statutory rights, this
22 constituted extortion and was thus a predicate act under RICO. This also violated Plaintiffs
23 civil rights and served no governmental purpose. Plaintiff learned in late 2013 that the
24 WSBA's complainant and political appointee John E. Pennington was a personal friend to
25 lead Counsel Linda Eide.
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28 • **Background information:** Plaintiff published over fifty

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4 articles about John Pennington's incompetence, lack of credentials, and criminal history of
5 assaulting women, to head the Department of Emergency Management for Snohomish
6 County, and had requested access to his records starting as early as December 2008
7 republishing an article written by another political Chad Shue regarding Pennington's online
8 diploma from California Coastal College, an online college the U.S. government reported
9 sold diplomas at a flat rate; and another online diploma mill college U.S. Senator Tom
10 Harkin said was not providing education on PBS's Frontline, Education Inc.

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12 See **Error! Reference source not found.** [6/6/18/112517/706](#)

13 See also, **Error! Reference source not found.**

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- 15 • **Background information:** Public records Plaintiff reviewed since 2009 established that
16 John Pennington made several attempts to use his political influence with the Snohomish
17 County Sheriff's Office since May 2009 to have Plaintiff charged with "cyber-stalking."
18 Pennington's criminal complaints only complained about Plaintiff's constitutional and
19 statutory rights.
 - 20 • **Background information:** In March 2009, Defendant Hill-Pennington, Pennington,
21 Beavers, and Snohomish County to illegally access and retrieve Block's mental health
22 history. Though they retrieved history for some other person, they falsely characterized
23 it as hers and disseminated inside public records.
 - 24 • **Background information:** Additional public records documented that Pennington
25 criminally harassed Plaintiff on the Sky Valley Chronicle Facebook (SVC) and blog spots
26 and through twitter. Public payroll records confirm that many of Pennington's posts on the
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4 SVC were made while on the County's payroll; and one threat to physically harm Plaintiff in
5 December 2012 was made while being paid by I-EMA in Paris, Texas.

6 • **Background information:** Plaintiff's investigative pieces included posting police
7 reports documenting that Hill-Pennington violently assaulted a six year child in her care
8 leaving extensive bruises on the child's arms (public records show Mark Roe ensured this
9 was not prosecuted); Hill-Pennington's secreting of public records involving Hill-Pennington
10 and Pennington passing around mug shots; Pennington's racist communication about
11 President Obama; issues relating to John Pennington's involvement in a the rape of a 5 year
12 child from Cowlitz County; and Kenyon Disend's Special Prosecutor Sandra Sullivan (nee
13 Meadowcraft) assisting Pennington in quashing criminal assault charges of a third trimester
14 pregnant Duvall City Council member, Ann Laughlin, in May 2009. Kenyon Disend,
15 Michael Kenyon, Sandra Sullivan, City of Duvall, continue to withhold records relating to
16 Kenyon Disend's assisting Pennington in quashing criminal charges. Snohomish County
17 Prosecutor Mark Roe failed to prosecute Hill-Pennington for child abuse, instead, Roe
18 emailed the child protective services (CPS) officer directing her to not pursue criminal
19 charges. Roe's actions violated Plaintiff's civil rights and served no governmental purpose.
20 Kenyon Disend and its employees Sullivan and Kenyon's assisting Pennington with quashing
21 criminal assault charges in 2009.

22 • **Background information:** In June 2010, Gold Bar's clerk Penny Brenton was ordered
23 by Beavers to write WSBA complaints against Plaintiff which Dorothy Croshaw falsely
24 certified that she had knowledge of. Brenton a paid Gold Bar contractor at the time also
25 stated that Dorothy Croshaw paid her to write the WSBA
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4 complaints. Source public records from Gold Bar.

5 • **Background information:** In June 2010, Pennington wrote to Gold Bar's police chief
6 Robert Martin asking him to charge Plaintiff with "cyber-stalking" pointing to a
7 response one of the Gold Bar Reporters wrote to one its readers stating that Gold Bar
8 Reporters should be afraid of John Pennington, which triggered a response that the Gold
9 Bar Reporters were insured by Smith Wesson. Martin's superiors dismissed the
10 complaint as a prior restraint on Free Speech. Pennington never filed an official
11 criminal complaint only sent an email to Gold Bar Deputy Sheriff's Officers trying to
12 misuse his political influence to have Plaintiff charged with a crime.

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14 • **Background information:** In April 2011, Beavers assisted Kenyon Disend in obtaining
15 the contract with the City of Gold Bar for legal services. Margaret King was assigned to
16 represent the City of Gold Bar.

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18 • **Background information:** One month following Kenyon Disend's contract with Gold
19 Bar, Gold Bar's clerk Penny Brenton was ordered by then Mayor Beavers to write a WSBA
20 complaint for former council member Dorothy Croshaw. Croshaw filed a WSBA complaint
21 against Plaintiff in June 2010. Public records confirm Margaret King's involvement in
22 Croshaw complaint filed against Plaintiff solely based on Plaintiff's Gold Bar Reporter
23 publications. The City admitted in a public inspection request that it was collecting Gold Bar
24 Reporter files. In late 2010, the WSBA dismissed King, Croshaw, Brenton and Beavers
25 complaints as restraints on Plaintiff's free speech rights that have nothing to do with the
26 practice of law.
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- **Background information:** In late 2010 after receiving information that Beavers was stealing money from the City's water fund, Plaintiff filed a Recall Petition against Beavers. In early 2011, King without first seeking permission from the Gold Bar City Council filed a Motion for Sanctions against Plaintiff for exercising her constitutional right to file a Recall. Plaintiff objected noting that RCW and Washington State's Constitution only allows a City to defend a Recall Petition and provides no legal means to file a motion for sanction with tax payer monies on Recall Petitions. Snohomish County Superior Court Judge Krese agreed with Plaintiff dismissing King's illegal motion for sanctions.

- **Background information:** In late 2011, Gold Bar council member Chuck Lie (Lie) witnessed the City's strategy inside executive meetings as a three prong approach against Plaintiff: "out money you, and when that didn't work, they moved to defame you, and when that didn't work, they moved to discredit you." Lie also witnessed that the City of Gold Bar used its Executive Meetings for non-permissible purposes (RCW limits what an agency can discuss in executive session) and mainly talked about retaliating against the Gold Bar Reporter by shutting down the Gold Bar Reporters online news blog. Lie further witnessed council members stating that any settlement agreement with Plaintiff would include a demand that the Gold Bar Reporter be taken down and Beavers. Lie further witnessed Beavers stating "She (Plaintiff) took Karl Majerle's license so we're going get hers!" Lie is the one who complained to the Department of Health about Majerle lying on his application file with Bellevue which resulted in his termination, not Plaintiff.

- **Background information (not a new allegation):** In late 2011, Gold Bar council member Chuck Lie stated "Margaret King is coming after

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4 you!" Within one week, Defendant, Margaret King, City of Gold Bar attorney, filed a
5 Motion for Sanctions on a Recall Petition in violation of Washington State Recall laws.
6 Recall laws prohibit the filing of Sanctions using taxpayer monies to file a Motion for
7 Sanctions on Recall Petitions. King's actions violated Plaintiff's civil rights and served no
8 governmental purpose. King's actions amount to extortion, thus a predicate act under RICO.

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10 • **Background information (not a new allegation):** In late 2011, King, after receiving
11 Plaintiff's Notice of Unavailability on a public records lawsuit filed against the City of Gold
12 Bar, filed an ex-parte Motion, notifying Plaintiff via email only hours before. Plaintiff was
13 out of the state visiting her terminally ill father. King filed her motion with Snohomish
14 County Superior Court. The motion was then heard not by a Superior Court Judge but by
15 personal friend to Michael Kenyon, Mark Roe, Sean Reay, and associate to Seth Fine,
16 defendant G. Geoffrey Gibbs. Gibbs, a commissioner by permanent appointment.
17 Washington State's Public Records Act prohibits a Commissioner from hearing any issues
18 relating to public records. Gibbs's ignored Washington law, and held two ex-parte hearings,
19 denying Plaintiff's rights to be notified of such hearings and denying Plaintiff a meaningful
20 opportunity to be heard, in violation of the due process clause under the 14th Amendment.
21 Gibbs did so after receiving Plaintiff's Notice of Unavailability. He further issued sanctions
22 against Plaintiff. King, Kenyon, and Gibb's actions violated Plaintiff's civil rights and served
23 no governmental purpose. King, Kenyon, and Gibb's actions amount to extortion, thus a
24 predicate act under RICO.

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27 • **New Allegation specific to Margaret King, Michael Kenyon, and Ann Marie Soto;**
28 **Background information with respect to Hill-**

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4 **Pennington, Pennington, and Joe Beaver:** In January 2012, Margaret King, Michael
5 Kenyon, and Ann Marie Soto Hill-Pennington, Pennington, and Joe Beavers met and
6 conspired to assemble, write, and file the second WSBA complaint against Plaintiff's WSBA
7 license. King, Hill-Pennington and Beavers used city staff, city's public records withheld
8 from the Plaintiff for over three years. In February 2012, Gold Bar's law firm, Kenyon
9 Disend, billed the taxpayers of Gold Bar for the WSBA complaint against Plaintiff.
10

11 • **New Allegation** In late March 2012, Reay telephoned Plaintiff under the guise of having
12 a CR 26 conference as it relates to a public records case. During this telephone conference
13 Reay threatened Plaintiff and her paralegal that if Plaintiff continued to insist on deposing
14 Pennington he would have Plaintiff and her paralegal arrested. By doing so, Reay was not
15 acting as a prosecutor.
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17 • **Background Information** In July 2012, Plaintiff, having received an Order Compelling
18 Snohomish County employees' deposition testimony, deposed Snohomish County's public
19 records officer Diana Rose. Plaintiff, Rose, Reay, Di Vittorio, Gold Bar resident reporter
20 Joan Amenn, and a court reporter were present. Rose admitted under oath that she physically
21 tampered with county public records, removing them from Snohomish County, delivering
22 them to City of Gold Bar. Once Rose admitted that she committed an "injury to public
23 records", a felony in Washington State, Plaintiff questioned Rose on who ordered her to
24 remove County records. This prompted Reay to start screaming at Plaintiff to divert
25 attention. DiVittorio ordered Rose not to answer Plaintiff's questions. Reay and Di Vittorio's
26 actions violated Plaintiff's civil rights and served no governmental purpose.
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4 • In February 2013, the Snohomish County Daily Herald, acting on information provided
5 to them by Plaintiff exposed Snohomish County Executive Officer Kevin Hulten for
6 criminally harassing Plaintiff. See [http://Error! Reference source not found.](http://Error! Reference source not found.01/702149999)
7 [01/702149999](http://Error! Reference source not found.01/702149999) \

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9 • **Background information (not a new allegation):** In late February 2013, Plaintiff sends
10 Snohomish County a litigation hold demanding that the county preserve all record in native
11 format with metadata as it relates to her. Snohomish County Council refers the Hulten
12 investigation to the King County Major Crimes Unit who confirms that the Herald's story
13 was "right on target." According to King County Major Crimes Unit, Hulten used a "wiping
14 program" in March 2013 to destroy evidence only after receiving Plaintiff's litigation hold.
15 From King County's Major Crimes files from Reardon investigation, public emails between
16 Reardon's executive officers confirmed that Snohomish County Executive Officers were
17 authors on the Sky Valley Chronicle. An online news site which not one person identifies
18 who is writing. In April 2013, Plaintiff receives a news tip from a person alleging to be a
19 Snohomish County insider stating that Pennington and his public records officer Diana Rose
20 (Rose) created a diversion to expose Snohomish County Executive Aaron Reardon's affair
21 with a county social worker named Tamara Dutton. According to the source, this was done
22 because Reardon's affairs were about to become public and Deanna Dawson threatened
23 Reardon that if he exposed her, she would take him down. The Washington State Patrol
24 (WSP) was investigating Reardon for misappropriation of public monies and had interview
25 Dawson about her affair with Reardon. Dawson denied she had an affair with Reardon even
26 though public records from Washington State's Public
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4 Disclosure Commission (PDC) documented Dawson was traveling with Reardon in France.
5 In late April 2013, Plaintiff published "The Stoning on Tamara Dutton " in April 2013
6 alleging for the first time that Pennington and Rose assisted Dawson with covering up her
7 extra marital affair with Snohomish County Executive Reardon, throwing Dutton under the
8 bus to protect Dawson. Plaintiff learned in the summer of 2013 that Rose was a very close
9 friend to Dawson.
10

11 • **Background Information** In May 2013, Plaintiff's private investigators provided
12 Plaintiff with a 30 plus year background search on Pennington. This investigation concluded
13 that Pennington was kicked out of a church in San Diego California for molesting two boys
14 during a church camping trip, he is the only suspect in the rape of a five year old girl from
15 Cowlitz County Washington, picture documents he is molesting his step daughter, and a
16 witness, Ann Laughlin declared under oath that she caught Pennington taking naked showers
17 with his genitalia hanging in the face of a six year old girl (declaration filed in King County
18 Court). As a result, Plaintiff published a story about how Snohomish County DEM John
19 Pennington was kicked out of church after two boys made sexual abuse allegations against
20 him. Instead of denying any of the allegations Plaintiff has leveled against Pennington and
21 suing for defamation in the proper forum should he believe the allegations were false,
22 Pennington filed a series of WSBA complaints in an attempt harass, intimidate, and interfere
23 with Plaintiff's income and business, as well as silence Plaintiff. Pennington filed these
24 complaints directly with his personal friend and WSBA lead counsel, Linda Eide, stating
25 that Plaintiff's publications were "beyond the pale." A careful review of past Gold Bar
26 council meetings confirmed that the phrase "beyond the pale" was used by Hill-Pennington
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4 on a regular basis. Block answered Pennington's complaint affirming under oath that she
5 contacted Pennington for comment prior to publishing any of her stories, and Pennington
6 was a political appointee not a client, thus Plaintiff's answer to the WSBA was that it had no
7 jurisdiction in this matter. Plaintiff further asserted New York Times v Sullivan, and
8 suggested to the WSBA that if Pennington believes that we've defamed him, then he should
9 file a defamation suit. Public records confirm that Pennington used government resources
10 inside Snohomish County for the WSBA complaint.
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12 • **New Allegation** On June 1, 2013 John Lovick is appointed Snohomish County
13 Executive. Since Plaintiff filed her last complaint, she has learned through public records
14 that Snohomish County DEM, Pennington, was not trained, supervised, disciplined, or
15 adequately screened for employment with Snohomish County. Since 2015, Plaintiff has
16 reviewed thousands of public records relating to Pennington and has found no evidence that
17 Pennington was trained, supervised, disciplined, nor was adequately screened. Public
18 records show that Pennington received no civil rights training. Pennington was on paid-
19 administrative leave since April 2014 until terminated by Snohomish County Executive
20 Dave Somers in 2016. Pennington was never disciplined for his conduct as stated herein,
21 even though Plaintiff produced voluminous evidence to Snohomish County to support
22 discipline and in March 2014, then Council Member Dave Somers, stated in an email to
23 Plaintiff that the County never ran a background check on Pennington and he didn't know
24 why. As Snohomish County Executive, Lovick continued disgraced and ousted former
25 Snohomish County Executive Aaron Reardon's policies including the policy "Let
26 Pennington Do as He Pleases" and the policy "Get Anne Block".
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4 • **Background Information** In July 2013, Hill-Pennington sent Plaintiff a "tweet" stating
5 "can't wait to go to your disbarment hearing." Plaintiff responded to the WSBA stating that
6 she stands by her articles on Pennington, left the door open for Pennington to contact the
7 Gold Bar Reporters for a retraction, and further asserted her constitutional rights to be left
8 alone in her private affairs that do not involve a client, only a political official who Plaintiff
9 as an investigative journalist has been reporting on for corrupt acts of child and criminal
10 assault since August 2009. The WSBA assigned lead counsel Linda Eide. Linda Eide is a
11 first relative to Senator Tracey Eide. Tracey Eide and Pennington are personal friends.
12 Public emails from Snohomish County confirmed that a personal relationship exists between
13 Pennington and WSBA Eide. In the middle of September 2013, the SVC published a story
14 asking the general public to file WSBA complaints against Plaintiff. The SVC also stated
15 that it would be filing its own WSBA complaints. Pennington is the only person who filed
16 and signed the WSBA complaints. In November 2013, WSBA Eide issued a "subpoena
17 seeking all Gold Bar Reporter files relating to Pennington and Hill-Pennington. All property
18 records for a website owned by Plaintiff and all non-clients of Plaintiff
19 "CrystalHillPennington" Eide also issued a subpoena for Gold Bar Reporter files and the
20 deposition of Plaintiff in the same. Eide unilaterally scheduled the deposition for December
21 6, 2015, even after being notified that Plaintiff had been diagnosed with severe diverticulitis,
22 unable to walk, thus disabled.

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25 • **Background Information** In August 2013, Gold Bar Reporter's co-owner Susan Forbes
26 contacted the WSBA stating that the Gold Bar Reporter have never sued for defamation, but
27 if the Gold Bar Reporters got their Pennington story wrong we will retract; she left her
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4 contact information for Pennington but clearly stated that she will not retract anything until
5 Pennington answers some questions. Pennington never requested a "retraction" and he never
6 responded to Forbes's letter to the Washington State Bar in this matter.

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8 • **New Allegation** On December 3, 2013, Plaintiff sent an email to Eide, "objecting" to the
9 WSBA subpoena for records and deposition relating to the same, asserting again that it had
10 no legal right to citing First Amendment, Media Shield (RCW 5.68.010) and in violations of
11 her constitutional rights. Eide ignored Plaintiff's December 3, 2013, objection letter and held
12 an ex-parte deposition on December 6, 2013, even though Enforcement of Lawyer Conduct
13 ("ELC") 5.5 mandates that once Eide received an objection, she was mandated to suspend
14 the deposition until she could obtain a court order. In late 2013, Washington State's
15 Legislature under RCW 5.68.010 mandated that 'no agency with subpoena power can issue a
16 subpoena for media files;" and the WSBA Rules of Professional Conduct ("RPC") had no
17 provision to oversee lawyers First Amendment rights or news reporters on issues not relating
18 to the practice of law. Acting without authority of law, Eide unilaterally sent her request to
19 the WSBA Review Committee asking for an investigation in the middle of February 2014.
20 One day prior to the Review Committee Meeting, Eide sent Plaintiff a Notice asking her if
21 she wanted to submit any evidence. Plaintiff submitted the December 3, 2013 notifying the
22 WSBA that she objected in violation of RCW 5.68.010, attorney-client communication, and
23 her First Amendment rights as a news reporter.

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25 • **New Allegation** On February 14, 2014, the WSBA Review Committee issued a formal
26 complaint against Plaintiff based solely on Eide's ex-parte communication. Eide then sent
27 Pennington a copy but not the Plaintiff member at the time.
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4 It was immediately published it on the Sky Valley Chronicle site. Plaintiff immediately
5 contacted Eide asking why she disseminated a copy of non-public record before serving a
6 copy on the WSBA member. After receiving Plaintiff's complaint email, Eide sent a server
7 to Plaintiff's house around 9:45 p.m. According to public records reviewed from the WSBA
8 and a witness neighbor, the server, defendant, John Doe, intentionally breached the peace
9 hoping that someone would call the police. A neighbor who lives directly across the street
10 from Plaintiff witnessed the breach of peace, came over to John Doe and told him to leave or
11 he would be removed. The next day Plaintiff inspected her front door and noticed that the
12 WSBA server caused extensive damage to the wood frame of Plaintiff's front door. Plaintiff's
13 partner repaired the door and placed a metal plate around the wood frame to secure the door.
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15 • **New Allegation** March 3, 2014, Defendant O'Dell is appointed by Defendant Nappi,
16 from 54 hearing officers on the hearing panel. Nappi and O'Dell have a mutual undisclosed
17 conflict of interest: O'Dell routinely refers vulnerable adult cases to the firm, Ewing
18 Anderson, P.S.; Nappi works for Ewing Anderson, P.S. Neither O'Dell, nor Nappi disclosed
19 this conflict of interest.
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21 • **New Allegation** On February 19, 2014 Court appointed investigator and special master
22 to assist the Superior Court in Stevens County concluded that O'Dell had committed ethical
23 violations and refused to account for funds that she had gained control over in her role as a
24 limited guardian of a vulnerable adult, Paula Fowler. The unaccounted for funds were
25 between \$3 million and 4 million and remain unaccounted for at the time of filing of this
26 suit. The court eventually found that O'Dell failed her duties as established by statute or
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4 standards of practice adopted by the certified professional guardian board and ordered the
5 guardianship ended. O'Dell refused to resign as guardian and still refuses to account for
6 the funds under her control. In addition public disclosures obtained by Plaintiff show that
7 O'Dell has exploited another vulnerable adult Harry Highland, when she paid \$15,000 for
8 Highland's house that was assessed at \$208,000.00 in Spokane County. O'Dell and
9 Plivilech are now living in the house.
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11 • **New Allegation** The WSBA has a long history of fixing cases in advance by paying
12 the chief hearing officer \$30,000 a year to pre-select judges to ensure conviction. This is
13 the only primary duty that the Chief Hearing Officer has over other hearing officers who
14 are "volunteers". O'Dell was chosen primarily for three reasons. First, she owned a
15 construction company that profited from contracts that should have never been allowed
16 because the construction took place on the Oso mudslide site. Since Pennington approved
17 the permits, she would be a natural ally of him. Second, she also ran a partnership which
18 allowed her to exploit vulnerable adults as a guardian and trustee and on probate; she
19 would refer those cases to Ewing Anderson, P.S., Nappi's employer. Finally, and most
20 importantly, she was chosen to fix the case against Anne Block in return for the bar not
21 prosecuting bar complaints against her so she could continue to exploit and profit from
22 her unethical actions as a guardian and trustee. The exchange of the conviction of Anne
23 Block in exchange for her immunity from her illicit actions as a guardian constitutes
24 bribery and a predicated act under RICO.
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27 • **Background Information** On March 22, 2014, the OSO mudslide occurred resulting
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4 in the deaths of 43 people. At the time Pennington was on the east coast being paid by
5 Snohomish when he was under contract for PEMA Emergency Institute. He doesn't get
6 back until March 24, 2014 according to public records obtained by Block. Plaintiff
7 immediately published articles critical of Pennington in his DEM role, including an "I
8 told you so" statement on the Gold Bar Reporter referring to the warnings Plaintiff had
9 published prior to the Oso deaths that Pennington, in the role of DEM, needed to be
10 immediately terminated lest lives be lost in a future disaster due to his incompetence.
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12 • **New Allegation** At the end of April 2014, Plaintiff notified the WSBA and the
13 Washington State Supreme Court that she would not be renewing her license and would be
14 disassociating with the WSBA. On May 1, 2014, the Washington State Supreme Court
15 signed her request to dissociate with the WSBA. Post May 1, 2014, Eide and O'Dell
16 continued to threaten plaintiff via email and mail, attempting to unlawfully assert
17 jurisdiction over Plaintiff's First Amendment protected activities that do not relate to RPC or
18 clients, but only relate to Plaintiff's political news reports on the Gold Bar Reporter
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20 • **New Allegation** In May 2014, after being notified that Plaintiff does not waive personal
21 and subject matter jurisdiction to the WSBA, Plaintiff notified O'Dell and Eide that she
22 would be out of state on business for two months. O'Dell unilaterally set discovery for a
23 three week period during the time that Plaintiff would be out of state. O'Dell and Eide
24 refused to answer a single discovery request issued by Plaintiff.
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26 • **New Allegation** In early May 2014, without waiving personal and subject matter
27 jurisdiction, also noting that Plaintiff was no longer a member, Plaintiff agreed to
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4 participate in settlement conference with Eide. The conference amounted to Edie trying to
5 extort Plaintiff's democratic rights, alleging that Plaintiff does not have the legal right to
6 disassociate with the WSBA under the First Amendment. Plaintiff again noted that the
7 WSBA has no jurisdiction over Plaintiff's First Amendment rights to report on
8 Pennington, and now the corruption inside the WSBA.

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10 • **New Allegation** In early May 2014, after successfully "disassociating " with the WSBA
11 by having the Washington State Supreme Court sign her suspension order for non-payment
12 of fees and noncompliance of CLEs, Plaintiff finally agreed to speak with Lin O'Dell but at
13 all times without waiving her personal and subject matter jurisdiction. Plaintiff's again noted
14 that she was no longer a WSBA member and had disassociated as a result of being
15 criminally harassed by Pennington with the assistance of the WSBA. This was the first
16 time Plaintiff had any communication with O'Dell. During this telephone conversation,
17 Plaintiff called O'Dell a thief and noted that the Gold Bar Reporter discovered that she
18 was stealing elderly clients' homes. Plaintiff also told O'Dell to "go pound sand! I'm not a
19 member of your corrupt organization any longer, so don't contact me again!" At the end of
20 June 2014, Eide had ex-parte communication with Reay trying to quash a legally issued
21 CR45 subpoena Plaintiff issued for Pennington's deposition testimony. Source is public
22 phones records. RPC prohibits the WSBA Hearing Officer from having ex-parte contact
23 with the Office of Disciplinary Counsel. Plaintiff filed WSBA complaints against Eide,
24 O'Dell and Reay, and Ronald Schaps. Without investigating a single allegation, WSBA
25 dismissed Plaintiff's complaints in late 2014.

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28 • **New Allegation** Early June 2014 Reay acted outside

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4 official County duties, made ex-parte contact with Eide. Plaintiff issued a CR 45 subpoena
5 for WSBA witness, John Pennington. Shortly after Pennington is served, Snohomish County
6 Prosecutor, Sean Reay, acting outside his official County duties and acting as personal
7 attorney for WSBA witness Pennington, did use County resources to make ex-parte email
8 contact with Eide requesting Eide quash the subpoena. Plaintiff sent a public records request
9 to Snohomish County seeking records relating to official duties of Snohomish County
10 Prosecutors and all records that relate to other bar complaints the prosecutors have
11 participated in. Snohomish County responded that no responsive records exist.

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13 • **New Allegation** June 2014 Eide, ex-parte contact with O'Dell Shortly after Reay
14 contacted Eide to quash the subpoena, Eide made ex-parte contact with O'Dell who then
15 issued a quash order.
- 16
17 • **New Allegation** June 2014 Eide unlawfully redacts records When Plaintiff learned a
18 quash order was issued for the subpoena shortly after the subpoena was served, Plaintiff
19 requested Eide's telephone records. Eide unlawfully redacted the phone records for the ex-
20 parte contacts with O'Dell claiming attorney-client privilege.
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22 • **New Allegation** June 30, 2014 O'Dell and Eide hold another ex-parte telephone
23 communication. Source is public phones records from the WSBA. O'Dell then sets a
24 hearing date for three weeks later on July 21, 2014. Plaintiff was not notified nor consulted
25 in scheduling the hearing date, time, or location. RPCs and ELCs prohibit the WSBA
26 Hearing Officer from having ex-parte contact with the Office of Disciplinary Counsel.
- 27 • **New Allegation** Defamation July 2014, Reay authored knowingly false, and libelous
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4 statements, intended to defame and marginalize Plaintiff, and published them inside public
5 records that have been archived into digital on-line publications which have been further
6 re-published and disseminated. Those false statements, which continue as published
7 records today, including public records, that caused Plaintiff damages, although not all-
8 inclusive, the statements include:

- 9
- 10 • That Plaintiff is “delusional”.
 - 11 • That Plaintiff “accosted” Reay.

12 • **New Allegation** First week of July 2014 The Sky Valley Chronicle defames Plaintiff.

13 While WSBA failed to notify plaintiff of upcoming hearing, the Sky Valley Chronicle,
14 registered to Ron Fejfar, did receive a hearing notice. The Sky Valley Chronicle then posted
15 a story stating a hearing was scheduled on July 21, 2014 for Ms. Block’s “misconduct as an
16 attorney” which is how Plaintiff learned of the scheduled hearing. Plaintiff has never
17 committed “misconduct as an attorney”. As of today, the Sky Valley Chronicle has meta-
18 tagged Plaintiff in Google publishing that the “WSBA wants Anne Block disbarred”. Several
19 members of the WSBA were contacted and stated that the Sky Valley Chronicle never
20 contacted them and such publication is defamation per se. Since February 13, 2012, the Sky
21 Valley Chronicle has published more than 100 defamatory articles about Plaintiff which
22 remain published to this day.

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- 24 • **New Allegation** July 2014 WSBA denies reasonable accommodation request, precludes
25 Plaintiff from participating in Hearing. July 21, 2014 Eide, O’Dell, Nappi held ex-parte
26 hearing. When Plaintiff learned via the Sky Valley Chronicle about the scheduled July 21,
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4 2014 hearing, Plaintiff immediately contacted the bar. Plaintiff, without waiving personal
5 and subject matter jurisdiction, requested a reasonable accommodation of a telephone
6 hearing so that Plaintiff could use special equipment to accommodate her disability so she
7 could participate in the hearing. Eide did not want the Plaintiff to appear telephonically, and
8 for some reason the Plaintiff does not understand, wanted Plaintiff to appear in a separate
9 room. This was the only option Plaintiff was given by the WSBA. The WSBA refused to
10 engage in the “interactive process”. Plaintiff then emailed Eide and said she would be
11 unable to participate due to the refusal for accommodation. Eide responded with a phone
12 number for Plaintiff to call on the day of the hearing. Plaintiff called, as instructed, but was
13 muted out of the hearing, which Plaintiff asserts was retaliatory. O’Dell, in her Findings of
14 Fact and Conclusions of Law, while admitting “the volume was turned down”,
15 mischaracterized it as “very slightly” whereas witnesses state Plaintiff was “muted out”.
16 Additionally, the WSBA entirely muted or disconnected the Plaintiff. O’Dell lied in the
17 Findings of Fact and Conclusions of Law stating Plaintiff terminated the call. When Plaintiff
18 was not responded to when she tried to communicate, which involved objections, and
19 offering evidence, she set down her headset and tried to call into the hearing from another
20 number three times over a 7 minute period but reached voicemail each time. Plaintiff’s
21 objections and evidence were never acknowledged. O’Dell and Eide later used Plaintiff’s
22 disability as a basis to further the discipline and pre-determined disbarment against Plaintiff.
23 Plaintiff asserts the refusal to make a reasonable accommodation was further retaliation for
24 Plaintiff exercising her statutory and constitutional rights.
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- **New Allegation** In August 2014, Gibbs, as a WSBA Board of Governors “BOG” had

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4 ex-parte contact with the ODC to influence the disciplinary proceedings against Plaintiff
5 violating the RPC; Gibbs has a connection with John Pennington; Gibbs has committed
6 fraud on Snohomish County Citizens; WSBA disciplinary breach of process; WSBA
7 deceives the public. In August 2014, while serving on the WSBA Board of Governors,
8 Gibbs contacted WSBA ODC member, Jean McElroy, via email, complaining about
9 Plaintiff's First Amendment protected activity. To wit, news reports on the Gold Bar
10 Reporter about Gibbs' corruption as it relates to Snohomish County. Gibbs has significant
11 motive to seek to suppress Plaintiff's exercise of free speech as it relates to Gibbs
12 specifically.
13

14 Plaintiff asserted in the Gold Bar Reporter blog that Gibbs is the reason why
15 Snohomish County yields over 40% of disbarred lawyers in Washington State, that Gibbs
16 had committed fraud upon the Courts, and stole land misusing his influence in his various
17 positions and with Snohomish County Superior Court to steal land from Carolyn Riggs.
18 RPC prohibit ex-parte contact between any WSBA Board member and an ODC member
19 when there is an active investigation.
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22 On the Arbitrator Application and Oath, 9-16-2010, Gibbs filed false statements.

23 Question 3 on the "Supplemental" *Are you now, or have you ever been a party in a civil*
24 *lawsuit?* Gibbs' response: "Everett Events Center Special District; Snohomish County
25 (condemnation action to acquire land for Everett Events Center)"
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4 Question 4 on the “Supplemental” *Have you ever been the subject of professional discipline*
5 *of any type by the W.S.B.A. or other Bar Association or other professional regulatory body*
6 *or agency?* (Emphasis added) Gibbs’ response: “No.”

7
8 Gibbs failed to include on questions 3 and 4: several lawsuits involving him including a
9 lawsuit filed against him in June 1990 by the Washington State Attorney General, Ken
10 Eikenberry, relating to illegal lobbying acts and improper reporting of more than one-
11 hundred thousand dollars. Gibbs was found guilty. The Attorney General issued a statement,
12 published in the Seattle Times, that Gibbs conduct was fraud. The Attorney General found
13 Gibbs’ hidden money in offshore accounts and then forced Gibbs to pay his judgment. Gibbs
14 sought to have the records in these matters sealed.

15
16 The Public Disclosure Commission (“PDC”) permanently revoked Gibbs’ lobbying
17 license. They also contacted the WSBA seeking Gibbs disbarment for his illegal conduct.

18
19 Gibbs was also sued by the Washington State Food Dealers Association, filed February 8,
20 1990 in King County claiming \$292,728 in damages, accusing Gibbs of using association
21 funds for personal use. Gibbs and his law firm sought a secrecy order, having the records
22 sealed. The Seattle P-I joined by KIRO, Inc. successfully challenged to have the records
23 unsealed.

24
25 Additionally, in approximately 1998 Gibbs donated to John Pennington’s “Friends of
26 John Pennington” legislative representative campaign through the lobbying group Food
27 Dealers Association of Washington.

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Curiously, Gibbs was not disbarred for his illegal conduct and the WSBA lists no

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4 disciplinary history for Gibbs. More astounding, Gibbs is now not just an active member of
5 the WSBA, but he is either currently or formerly (post fraud conviction) the Treasurer for the
6 WSBA, the Chair of the WSBA Budget and Audit Committee, the Chair of the Investment
7 Committee, the Chair of the Task Force to Revise Rules for Enforcement of Lawyer
8 Conduct, Liaison for the Civil Rights Section, member of the WSBA Rules of Professional
9 Conduct Committee, and member of the Board of Governors, as well as numerous other
10 positions of authority and influence with the Snohomish County Bar Association and
11 Snohomish County Courts. He is also an “active market participant” within the Anderson
12 Hunter Law Firm, P.S.

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14 When Plaintiff filed a bar complaint against Gibbs the WSBA ignored it.

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16 • **New Allegation O’Dell False Statements** September 2014, Although not all inclusive,
17 the following are some of the false statements:

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- 19 • Page 1, ll. 11-12, O’Dell claims Plaintiff attended hearing telephonically which a
20 false statement is. *O’Dell first muted, and then disconnected Plaintiff, thereby
21 excluding her from the hearing in both actions.*
 - 22 • O’Dell lists three (3) formal charges, none of which are in anyway the subject matter
23 of the original bar complaint or supplemental complaints. And, in fact, none of these
24 formal charges are true.
 - 25 • As to COUNT 1, Plaintiff never “certified that no grievance investigation
26 was pending” when she disassociated and chose to not renew her license,
27 pay dues, or provide proof of insurance. Plaintiff did attest that no client
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4 filed a complaint when she added to contract “So long as the issue being
5 investigated pertains to a former client”. Plaintiff has the right to modify
6 contracts. *Berg vs Hudesman 115 Wn. 2d 657 (1990)*.

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- 8 • As to COUNT 2, Plaintiff filed a motion for a Protective Order on her
9 media files, which the WSBA illegally demanded access to. The motion
10 was never ruled on; it was entirely ignored. O’Dell does not have the
11 authority to rule on that motion and should not have proceeded until that
12 motion was ruled on by the Court. As to the deposition, December 3rd,
13 2013 Plaintiff sent Eide an objection letter stating she would not be
14 appearing at the deposition scheduled December 6, 2013 citing RCW
15 5.68.010 (media shield) and First Amendment grounds and attorney-
16 client protected communication. Media Shield states that any agency with
17 subpoena power seeking deposition of a news reporter or media files
18 must seek a subpoena from the court first. The WSBA in December 2013
19 had neither power nor authority to seek media files. Eide ignored RCW
20 5.68.010 and unilaterally held an ex-parte deposition on December 6,
21 2013. ELC 5.5(e)(2) states that “a timely objection suspends any duty as
22 to respond to the subpoena until a ruling has been made.” There was no
23 ruling made. The duty is on the WSBA to get a Court order, not on the
24 respondent lawyer.
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- 27 • On September 10, 2014 O’Dell
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published a false statement of unprivileged communications in Findings of Fact, Conclusions of Law, on page 8, ll. 5-9, O’Dell made the following false statement, “The Respondent had no intention of testifying in a deposition or answering interrogatories regarding the allegations she made against the Grievant and others”. O’Dell presumed to know the mind and thoughts of the Respondent/Plaintiff, when in fact the Respondent/Plaintiff was acting ethically and responsibly in protecting her media files, sources, and attorney-client protected communications. The WSBA had no authority to access these files and the duty was on the WSBA to get a court order to overcome the law that protects such files.

- On Page 2, ll. 24-26, O’Dell states the hearing continued without Block on the line. O’Dell falsely states the respondent purposefully attempted to disrupt the hearing by discontinuing the call. There is no argument that the hearing continued without the respondent able to fully participate, which was improper, but the action that disrupted the hearing was that of the WSBA by excluding the respondent by way of muting the respondent and then by entirely disconnecting the respondent.
- On Page 2, O’Dell falsely asserts “the association had given her several options...” as it relates to Plaintiff’s request for a reasonable accommodation at the July 21, 2014 Hearing.

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- On Page 10, ll. 2-8, O’Dell states “Respondent spent the next months responding to the Grievant with professional and personal attacks against him and his family. She was asked by the association to verify her responses and refused to do so by feigning legal documents to deny further investigation. These actions caused serious harm to the legal system in general and to Mr. Pennington specifically. It is my opinion Respondent did actual harm to this Grievant....” These are false statements.
- On Page 12, ll. 17-19, O’Dell states “Respondent filed no supporting documents in defense of allegations set forth in the formal complaint.”
- On Page 13, ll-12, “The Respondent continued to attempt to engage the Hearing Officer in exparte communication. Ex 86. In late May 2014 she began emailing the Hearing Officer with “evidence” or “exhibits”. Respondent/Plaintiff made no attempt to engage in ex-parte communications. On Saturday, May 24, 2014 Plaintiff submitted exhibits to both Eide and O’Dell per Eide’s request. Plaintiff was not previously supplied any scheduling order. Regardless, there was no attempt at ex-parte communication as Plaintiff submitted evidence to both parties simultaneously.

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- On page 14, ll. 3-7 O’Dell states, “She refused to respond to the allegations in the formal complaint, BF16. instead diverting her issues to the Grievant, Snohomish County Officials, WSBA, ODC staff, the Hearing Officer, the Chief Hearing Officer, and Gold Bar Officials.”
- On page 14, ll. 19-21, O’Dell stated “The Respondent has threatened Linda Eide...and Julie Shankland, assistant general counsel...” O’Dell’s statement is a demonstration of acting with reckless disregard to the true statements Plaintiff made, which were that she intended to sue the WSBA, naming specific persons, not that Plaintiff ever threatened to physically harm anyone.
- O’Dell states in the July 21, 2014 hearing transcript, page 19 that Plaintiff’s motion for a protective order was filed on May 28, 2014 and the motion was denied: Plaintiff’s motion was ignored and never ruled on. O’Dell does not have the authority to rule on that motion and should not have proceeded until that motion was ruled on by the Court.
- O’Dell states in the July 21, 2014 hearing transcript, page 19, that she will issue a written decision in the form of Findings of Fact, Conclusions of law 20 days after the hearing is concluded. She did not issue the Findings of Fact and Conclusions of

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Law until September 10, 2014—51 days later

NB: the original and subsequent bar complaints by “witness” John Pennington were entirely based on the published content on the Gold Bar Reporter Blog, which is First Amendment protected Activity.

Content related to John Pennington was specific to him as a government official and his actions that caused him to be unfit to serve in that capacity. O’Dell falsely states Pennington is a private citizen and separates him from government officials.

- **New Allegation WSBA** Pennington filed at least six (6) bar complaints in 2013 over the course of 43 days about Plaintiff’s First Amendment protected activity. The bar failed to list Pennington as a “Vexatious Grievant” and failed to enter an order restraining Pennington from filing grievances for engaging in a “frivolous [and] harassing course of conduct” as to “render the grievant’s conduct abusive to the disciplinary system”. See ELC5.1 In contrast, when another public employee, in this case an employee for the City of Gold Bar, filed a bar complaint against Plaintiff in 2010 also complaining about Plaintiff’s blog, the WSBA response was that Plaintiff’s conduct was protected free speech which they neither condemned nor condoned. They further instructed Ms. Croshaw to take her complaint to the proper forum if she felt she had been defamed; the WSBA was not the proper forum. Plaintiff asserts Pennington has misused his influence in his formal capacities to alter the course of

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4 the WSBA.

- 5 • **New Allegation** September 2014 O'Dell tells Paula Fowler Johnson that Anne Block
6 will be disbarred; Breach of Process.

7 O'Dell's client, Paula Fowler Johnson, contacted Plaintiff through her Gold Bar Reporter
8 blog approximately September 2014. Prior to this contact, Plaintiff was unaware of Paula
9 Fowler Johnson and her relationship with O'Dell. Fowler Johnson related a conversation to
10 Plaintiff that occurred between Fowler Johnson and Lin O'Dell wherein Fowler Johnson was
11 in her attorney, Richard Wallace's office, with Lin O'Dell. (After the contact from Fowler
12 Johnson, Plaintiff obtained a statement from Paula Fowler Johnson through Plaintiff's
13 investigators.) Fowler Johnson, who objects to O'Dell being her guardian, made a statement
14 to O'Dell to the effect that O'Dell could not be her guardian because she was a defendant in
15 a RICO suit. O'Dell responded that Fowler Johnson need not concern herself with that as
16 Anne Block will be disbarred.

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19 Back ground information: Fowler Johnson was in a court battle with O'Dell because O'Dell
20 had taken control of Fowler Johnson's multi-million-dollar inheritance through false
21 pretexts, blatant lies to the court, a dozen ex-parte hearings, and altered documents. (See:
22 Stevens County Superior Court Case 06-4-00094-9.) The court found that O'Dell had
23 misappropriated funds and lied to the court. (See Findings of Fact and Conclusions of Law
24 11-20-2014.) Fowler Johnson's claims include the following, but is a small representation of
25 the totality: O'Dell denied Fowler Johnson's basic needs, had her dogs shot, stole her horses,
26 took possession of and sold her real property, and paid a Judge \$5,000 out of estate monies
27 to replace a public defender representing a man accused of
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4 assaulting Fowler Johnson's mother—the benefactor of the estate. Additionally, Mark
5 Plivilech a convicted killer, who served time in prison, and partner or husband to Lin O'Dell,
6 went to Fowler Johnson's home and stated to her I will soon own your home. Fowler
7 Johnson's former husband also made a written statement, which is part of the court record,
8 that Plivilech made similar statements to him about owning Fowler Johnson's home. The
9 judge in the Fowler Johnson and O'Dell case, Judge Monasmith, had harsh words for O'Dell
10 (See: Findings of Fact and Conclusions of Law November 20, 2014.) The special
11 investigator appointed by the judge issued a scathing report of O'Dell. (See Investigative
12 report filed 2-19-2014.) O'Dell has yet to comply with Judge Monasmith's order which
13 included providing an accounting and repaying Paula Fowler Johnson's monies. The
14 WSBA, through McGillin, "broomed" two bar complaints filed by Paula Fowler Johnson
15 against O'Dell. (By Lin O'Dell's own words, these complaints should be investigated: "The
16 public is entitled to fair and candid investigation into allegation (sic) of lawyer misconduct
17 and without that candid investigation the public questions the integrity of the entire legal
18 system," page 8, Findings of Fact, Conclusions of Law, In re: ANNE BLOCK.)
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21 • **New Allegation** In September 2014, O'Dell continued to issue wire and mail threats, and
22 used Plaintiff's free speech statements against her by placing those statements (made only
23 after Plaintiff was no longer a member) into her findings of fact to warrant disbarment.
24 O'Dell also placed for the first time in the WSBA record a false statement and finding that
25 Plaintiff lied about Pennington causing him harm. Since there was no such evidence in the
26 WSBA record documenting that Plaintiff lied about Pennington, Plaintiff objected noting
27 that this not only violated Our U.S. Supreme Court's
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4 holdings Re the Discipline of *Ruffalo* but also violated Plaintiff's 14th Amendment due
5 process rights to be given notice and meaningful opportunity to respond. Plaintiff stands by
6 every article published, and the WSBA file contains no evidence in support of O'Dell's
7 findings that Plaintiff lied about Pennington.

8
9 • **New Allegation** In late 2014, Plaintiff learned from Snohomish County public phone
10 records that On May 8, 2014 at 1:29 PM, and at 2:35, and 3:28, Sean Reay made ex-parte
11 contact with WSBA Disciplinary Counsel WSBA members at 206-733-5926. Reay is an
12 employee of defendant Snohomish County assigned to prosecute claims brought against
13 the County not monitors WSBA complaints.

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15 • **New Allegation** Additional public phone records from Snohomish County also
16 established that On May 13, 2014, at 1:40 Sean Reay called Kenyon Disend, a city attorney
17 for Gold Bar and for the City of Duvall.

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19 • **New Allegation** On May 30, 2014, 1:00 PM Sean Reay called WSBA Linda Eide at
20 206-733-5902. This ex-parte contact provided no valid governmental purpose and was
21 solely to conspire to harm Plaintiff solely based on Plaintiff's protected activities. There
22 was no governmental purpose for a Snohomish County Prosecutor to be calling the
23 WSBA lead counsel Eide or Alison Sato on Plaintiff's case while using county resources
24 and while on the county's payroll. Reay was acting outside his official duties as
25 Snohomish County prosecutor.

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27 • **New Allegation** In June 2014, a blogger from Snohomish County contacted Plaintiff
28 informing her that defendant WSBA Eide was in fact a first relative to Senator Tracy

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4 Eide. Senator Tracy Eide is a personal friend to Aaron Reardon and John Pennington.

5 • **New Allegation** In July 2014, the WSBA become subject to sunshine laws of
6 Washington. Plaintiff sent the WSBA a public records request seeking all records
7 relating to who assigned WSBA hearing officers. Plaintiff received email communication
8 between Chief Hearing Officer Joseph Nappi Jr. and Yakima attorney and WSBA
9 hearing officer David Thorner discussing how they would pre-decide cases prior to trial,
10 just as they had inside a training session about the Marjia Starwecki complaints. Two
11 WSBA complaints filed against Starwecki were written by WSBA Board member G.
12 Geoffrey Gibbs, but filed anonymously filed with his colleagues inside the WSBA ODC.

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15 • **New Allegation** Plaintiff is a person with documented major life impairment as
16 defined by the Americans with Disabilities Act (ADA), requested a reasonable
17 accommodation for the July 21, 2014 hearing which the WSBA ignored. Plaintiff filed an
18 Equal Employment Opportunity Complaint (EEO) with the Seattle District Office. The
19 EEO issued a right to sue letter, dated on September 25, 2015, which Plaintiff received
20 by October 1, 2015.

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22 • **New Allegation** In late 2014, Plaintiff filed WSBA complaints against Lin O'Dell,
23 Linda Eide, and Sean Reay for ex-parte communication in violation of Washington Rules
24 of Professional Conduct. WSBA assigns Ronald Schaps to investigate bar complaints
25 Plaintiff filed against O'Dell Eide and Reay. Schaps admits in letter that he did not
26 investigate Plaintiff's WSBA complaints.

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28 • **New Allegation** Pennington defames Plaintiff and

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4 engages a Stratfor contractor to stalk Plaintiff, misuses County resources for personal
5 reasons. In early April 2015, Plaintiff reviewed public records from Snohomish County
6 Dept. of Emergency Management (DEM) which included emails between John
7 Pennington and Steve McLaughlin, between March 23, 2014 (immediately following the
8 Oso Mudslide deaths) and July 29, 2014. Plaintiff had been actively engaged in blogging
9 about Pennington's incompetence as Snohomish County's DEM and the recent deaths of
10 the 43 Oso Mudslide victims as well as other exposes on Pennington. John Pennington,
11 using county resources (county computers on county time) emailed Steve McLaughlin, a
12 Snohomish County "vendor" per Snohomish County payment warrants, defaming
13 Plaintiff stating as a matter of known fact, that Plaintiff is a "stalker", a "soon-to-be
14 disbarred attorney", and that Plaintiff also goes by the name "Michael Broaks". Steve
15 McLaughlin, of "Sound and See" is a Stratfor agent. Stratfor is a private company
16 previously exposed as a private, global secret police force, based in Texas, that provides
17 confidential intelligence services to large corporations and government agencies, has a
18 web of informants, engages in payoffs, and payment laundering techniques.

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- 22 • **New Allegation** In March 2015, Plaintiff acting in capacity as a journalist began
23 investigating the Penningtons involvement with the Duvall Children's Community
24 Theater. Because Plaintiff has ample reason to believe that Pennington is responsible for
25 the rape of a 5 year old child from Cowlitz County, and is raping his step-daughter (JH),
26 Plaintiff requested access to records from the Duvall Community Theatre seeking to
27 know if they ran criminal background checks on Hill-Pennington Pennington and John
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4 Pennington prior to allowing both access to children. In the middle of March 2015, acting
5 on personal legal advice from Snohomish County Prosecutors Mark Roe and Sean Reay,
6 John Pennington and his wife Hill-Pennington Pennington field a false police report and
7 lodged an intentionally false 911 complaint trying to cover up that PSI investigators
8 while trying to serve a CR 45 subpoena learned that the Penningtons' were guilty of child
9 endangerment leaving three minor children home alone. Although the City of Duvall
10 police officers are under a mandate to report child neglect, the City of Duvall when
11 requested for records relating to their mandated child protected services report admitted
12 that no report was ever filed with Washington State Child Protected Services.
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15 • **New Allegation** March 2015, The Penningtons filed criminal complaints with the City
16 of Duvall because I, as a licensed attorney in other districts, exercised my legal rights
17 under CR 45 subpoena power to depose Hill-Pennington in a public records case filed
18 seeking access to public records Hill-Pennington continue to withhold and possess under
19 RCW 42.56. In the middle of March 2015, Duvall police officer Lori Batiot advised the
20 Penningtons to Petition for a Restraining order based solely on First Amendment
21 protected free speech and news reporting of the Plaintiff.
22

23 • **New Allegation** Pennington and Hill-Pennington retaliate for First Amendment
24 Protected Speech; Pennington misuses county resources. Approximately March 2015,
25 Plaintiff sent an email to the Duvall Community Theatre Board of Directors informing
26 them John Pennington is a pedophile and has assaulted women and children. On March
27 19, 2015, in retaliation for this protect speech and true
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4 statements warning the public of the dangers Pennington posed, the Penningtons acting
5 on legal advice given to them by, Duvall City Police Officer Lori Batiot, filed a Petition
6 for Restraining Order King County attempting to silence Plaintiff. The sole evidence
7 Hill-Pennington and Pennington submitted in support of their petition were altered copies
8 of Plaintiff's Gold Bar Reporter news publication. Judge Meyers dismissed the petition
9 as a prior restraint on free speech. Records show Pennington was being paid by
10 Snohomish County during the time he was in court.
11

12 • **New Allegation** Pennington and Hill-Pennington retaliate for First Amendment
13 Protected Speech On March 25, 2015 the City of Duvall declined to prosecute
14 Penningtons' criminal complaints based on Plaintiff's First Amendment activity (the same
15 evidence Penningtons' presented to Judge Meyers on March 19, 2015). Source: Public
16 records Plaintiff received from the City of Duvall.
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18 • **New Allegation:** In late March 2015, Plaintiff issued payment to retrieve over 150
19 pages of exhibits Hill-Pennington and Pennington filed with their Petition for Restraining
20 Order. Plaintiff immediately noted that the exhibits were altered and included false
21 statements alleging that Plaintiff was using anonymous emails and Twitter accounts.
22 Hill-Pennington and Pennington knew that the Twitter and email addresses accounts
23 belonged to real persons aside from Plaintiff including Krista Dashtestani and Brandia
24 Taamu, because Krista Dashtestani physically served Hill-Pennington with a public
25 records request and assisted in the in person deposition of Pennington, and personally
26 met Michael Kenyon in court proceeding involving Hill-
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4 Pennington; and Brandia Taamu signs her Twitter and news reports. Hill-Pennington also
5 openly bragged inside her Petition to Restrain Plaintiff's free speech rights that they shut
6 down two of my Twitter accounts, and three of Brandia Taamu's Twitter accounts, but
7 the Penningtons conveniently left out that they were using anonymous Twitter accounts
8 themselves, including but not limited to "GodBarReporter" and "NsCrier".
9 GodBarReporter is associated with emergency management and its only "followers" were
10 that of emergency management agencies.
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12 • **New Allegation:** On March 25, 2015 or soon thereafter, after attempts by Hill-
13 Pennington and Pennington to have Plaintiff criminally prosecuted in Duvall were
14 denied, and after King County Judge Meyers denied their Petition to Restrain the Free
15 Speech in the form of a Restraining Order on March 19, 2015, Hill-Pennington filed the
16 exact same criminal complaint in Gold Bar, with the exact same altered documents,
17 alleging once again that Plaintiff is cyberstalking the Pennington's simply because the
18 Pennington's object to Plaintiff's First Amendment blogs. The Hill-Pennington criminal
19 complaint then lands directly on the desk of Prosecutor Mark Roe who requests further
20 information as is "NEEDED FOR TRIAL" from Sergeant Casey, a Snohomish County
21 Deputy assigned to Gold Bar. Roe, at some point, refers the case to Mark Larson in King
22 County although in an email from Roe to Larson, Roe states "Okay, here is the deal, the
23 very gracious, Mark Larson, King Count CCD, has agreed to handle the AB cyberst.
24 referral. He would like it mailed directly to him. I told him I don't know if it is fileable or
25 not, but have been told it may require some follow up investigating by SCSO." Roe goes
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4 on to state his personal vendetta against Plaintiff stating “I also explained the harassment
5 his office can expect. We agreed that our office does not probably have an actual conflict,
6 but that with AB’s repeated attacks on me, almost constant technol warfare against this
7 county and our taxpayers and on-going litigation against both, it might be best that
8 another county handle the criminal referral.” Larson declines to prosecute the case
9 stating there was threats thus no basis for the complaint. Hill-Pennington also falsely
10 claims to Snohomish County Sheriff’s office that she cannot find work as a result of
11 Plaintiff’s news reports. FEMA contracts confirm that the Pennington’s made over
12 \$150,000.00 with FEMA Emergency Management Institute (“EMI”). Over \$35,000 was
13 awarded to Hill-Pennington, personally, within two-months of her filing the criminal
14 complaint. Hill-Pennington does not live in Snohomish County and the events she
15 complained about occurred in the City of Duvall and yet her complaint has visited at least
16 three jurisdictions, including Snohomish County. Public telephone records from
17 Snohomish County Prosecutors Office document that the Pennington’s had a direct line
18 to both Reay and Roe.

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22 • **New Allegation: Defamation** on March 19, 2015 Hill-Pennington and Pennington
23 did knowingly make and/or publish false documents and false libelous, recorded
24 statements inside King County, Washington State records, archived into digital on-line
25 publications.

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27 • **New Allegation: Defamation** On March 19, 2015, March 25, 2015, and April 1,
28 2015 Hill-Pennington did knowingly file false

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4 statements with the King County District Court, City of Duvall, and Snohomish County,
5 respectively. Those false statements were unprivileged communications. They were also
6 further re-published and disseminated, including by and through but not limited to, inside
7 Snohomish County Prosecutor's office, The City of Edmonds, Zackor and Thomas, The
8 City of Shoreline, and King County Public records. The falsities that Hill-Pennington
9 stated and published, which continues as published public records today, that caused
10 Plaintiff damages, although not all-inclusive, include the following knowingly false
11 statements about Plaintiff:
12

13 (1) Plaintiff repeatedly contacted our children and our children's schools.

14 (2) Plaintiff places information about our [Hill-Pennington and Pennington's]
15 children's schools and their [children's] photos online.
16

17 (3) States Plaintiff is delusional.

18 (4) States Plaintiff accused Hill-Pennington of poisoning the City's water wells.

19 (5) "...orgies and drug parties with my staff."
20

21 (6) "That anyone around us is part of a conspiracy to molest or hurt children."
22

23 (7) Plaintiff purchased a gun to protect herself.

24 (8) Plaintiff is "... sending men to talk to children in [her] home."
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26 (9) Plaintiff used multiple on-line identities (that did not belong to Plaintiff, nor
27 did Plaintiff use): **Error! Reference source not found., Error! Reference
28 source not found., Error! Reference source not found.**

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4 (10) [Plaintiff is] "...using 'Michael Broaks' when contacting our child, family,
5 and friends", and @snocoreporter twitter.

6 (11) Stated Plaintiff is "irrational" and "delusional".

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8 • **New Allegation: Defamation** On April 12, 2015 Hill-Pennington did knowingly
9 make the following defamatory statements about Plaintiff:

10 • Plaintiff has a "sexual obsession with [Hill-Pennington]"

11 • **New Allegation: Threat on Plaintiff's Life.** April 2015, after the Penningtons failed
12 three times to obtain a restraining order on Plaintiff's First Amendment protected speech
13 or have criminal charges filed against Plaintiff for the same, Plaintiff learned that John
14 Pennington had "taken out a hit" on Plaintiff. Confidential Source, to be revealed in
15 depositions or trial.

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17 • **New Allegation:** On April 12, 2015, Duvall Police Officer Lori Batiot, called
18 Plaintiff's partner's business phone leaving a threatening message stating that if Plaintiff
19 did not call her back she would come over to her house in Gold Bar, located in
20 Snohomish County. Since Duvall is located in King County, Plaintiff viewed this as an
21 extortionist wire threat to harm Plaintiff and a gross violation of Plaintiff's civil rights
22 over matters protected by the First Amendment. As a result of Officer Batiot's wire
23 threats, Plaintiff requested access to public records under RCW 42.56 involving Batiot,
24 the Penningtons, and Plaintiff. Public records reviewed in January 2016 show John
25 Pennington and Lori Batiot are friends.
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4 • **New Allegation: Defamation** On May 4, 2015 Lori Batiot did knowingly publish
5 false documents and false libelous, recorded statements inside King County, Washington
6 State records, archived into digital on-line publications which have been further
7 published and disseminated. The falsities that Batiot stated and published, which
8 continues as published records, including public records, today, that caused Plaintiff
9 damages, although not all-inclusive, include the following knowingly false statements
10 about Plaintiff:
11

- 12 • That Plaintiff repeatedly, on multiple occasions, sent multiple men, to the
13 Pennington residence “Block hired people...to go to the Penningtons residence as
14 recently as...”

15
16 (2) That Plaintiff personally went to the Pennington home: “Ms. Block made face-
17 to-face contact with the Pennington children at the door.”

18 (3) Plaintiff has mental health issues.

19 (4) That Plaintiff is unemployed.

20 (5) That Plaintiff is “stalking” Batiot.

21
22 (6) That Plaintiff’s partner’s business cell number is, in fact, Plaintiff’s home
23 number. Plaintiff alleges Batiot used the phone number on April 12, 2015 as a
24 method to intimidate and harass Plaintiff and Plaintiff’s partner, after the City of
25 Duvall dismissed the Pennington’s criminal complaint on March 25, 2015.
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4 Plaintiff alleges these actions and false statements were in retaliation for
5 Plaintiff's exercise of First Amendment protected speech and in furtherance of the
6 enterprise.

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8 • **New Allegation: False Statements in Public records** on May 4, 2015, Lori Batiot did
9 knowingly make the false statements into public and/or court records which were
10 published and archived into digital on-line publications which have been further
11 published and disseminated. Although not all-inclusive, the knowingly false statements
12 include the following:

- 13
- 14 • In a King County Shoreline document, Batiot falsely states: Mr. Harrison
15 stated "he would try to keep me from going to federal prison".
 - 16 • "I also told Mr. Harrison very clearly that I found his and Ms. Block's
17 behavior very alarming."
 - 18 • That she demanded he and Block make no further attempts to directly contact
19 me "or my family and that they were to stay away from my house, schools,
20 and any other place that caused my family and I to be placed in fear of their
21 harassment"
 - 22 • That Batiot is "indigent" (as a Duvall Police Officer) thus unable to pay a
23 filing fee for a restraining order.
 - 24 • That Plaintiff "implied [Batiot] is a pedophile".

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27 • As of today, Defendants Duvall, Batiot, Penningtons and Michael Kenyon continue to
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4 withhold public records involving Plaintiff, retaliating against Plaintiff for exercising her
5 First Amendment protected rights. Plaintiff filed a suit seeking access to public records
6 against the City of Duvall in late June 2015. The suit is still pending in King County
7 Superior Court.

8
9 • **New Allegation: Retaliation for Protected Free** On May 4, 2015, in retaliation for
10 Plaintiff seeking public records about Batiot as they relate to Plaintiff following Batiot's
11 telephone threats to Plaintiff, Officer Batiot went to Shoreline District Court seeking a
12 restraining order against Plaintiff and seeking to have Plaintiff committed to a mental
13 institution. Officer Batiot made several false statements to the court: She claimed the she,
14 Officer Batiot, was indigent; that Plaintiff was unemployed; had a history of mental
15 health issues; and that Plaintiff was born on June 16, 1967. According to a Duvall,
16 Washington police report in May 2015, the Penningtons requested that the Duvall police
17 department seek a restraining order "to get John in the clear..." Batiot's is the only officer
18 who assisted the Penningtons.

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20 • **New Allegation: Retaliation for Protected Speech** On May 24, 2015, after arriving
21 at London Heathrow Airport, Plaintiff was fully body clothed searched in a very personal
22 and penetrating manor. She was also illegally detained at Seattle Tacoma International
23 Airport, by two Port Officers and one US Customs Officer, Curtis Chen. The search and
24 detainments were caused and arranged by John Pennington's unlawful use of his
25 Homeland Security connections together with Officer Batiot, both of whom also
26 contacted Cary Coblantz. The same day Pennington contacted Cary Coblantz, a tracker
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4 (flag) was placed on Plaintiff's U.S. Passport falsely certifying that Plaintiff was wanted
5 for "possible felony warrant with extradition back to the U.S." Plaintiff was served a
6 partial copy of a temporary restraining order for Officer Batiot by U.S. Customs. Plaintiff
7 learned these facts from public records retrieved from King County Sheriff's Office.
8 Judge Smith, King County Shoreline Division denied Batiot's permanent restraining
9 order and chastised Batiot for wrongly using government resources and paying for none.
10

11 • **New Allegation** In May 2015, King County Sheriff's Officer Cary Coblantz received
12 at least two phone calls from defendant John Pennington, and immediately following the
13 phone call, Coblantz received an email from the DOJ Interpol confirming what flight
14 number Plaintiff and her partner were coming back to Seattle International Airport from
15 London. After receiving Plaintiff's flight information from Pennington, Coblantz then
16 placed a phone call to the Port of Seattle informing them what flight Plaintiff was on
17 asking the Port of Seattle and US Customs officers to serve a civil order on Plaintiff. The
18 Port of Seattle Officer Matuska, Tanga, and Gillebo elicited the assistance of US
19 Customs Officer Curtis Chen to place a tacker on Plaintiff's passport. The Port of Seattle
20 admitted via a public records request that it has never served a civil order on any other
21 person ever except for Plaintiff. At relevant times, Pennington was being paid by
22 Snohomish County. Coblantz, Tanga, Gillebo, and Tuttle, were being paid by King
23 County. Curtis Chen was being paid by U.S. federal government. Coblantz's emails
24 retrieved from public records also documented that he was reading another news
25 reporter's website claiming it to be Plaintiff's and then issued a public email to Port of
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4 Seattle police that Plaintiff was “anti-government”.

5 • **New Allegation** Public records from the City of Shoreline confirmed that Coblantz not
6 only conspired with Pennington and Batiot to have Plaintiff charged with "stalking" but
7 he also conspired with City of Duvall Special Prosecutor, a Kenyon Disend contractor,
8 Sullivan. Although Coblantz is assigned to the City of Shoreline, while Sullivan is
9 assigned to Duvall, Sullivan and Coblantz agree in public records to retaliate to have
10 Plaintiff attempting to charge plaintiff with felony criminal stalking and harassment
11 charges. Plaintiff reviewed the evidence file from King County, City of Shoreline, and
12 confirmed that the only evidence Batiot placed into the records were complaints against
13 the Gold Bar Reporter's news reports. These same records confirmed that Batiot falsely
14 restated what the Penningtons had disseminated to Gold Bar in 2009 that Plaintiff had
15 been treated for mental health issues, was unemployed, and was born on June 16, 1967.
16 Batiot and the Penningtons conspired together to have Plaintiff charged with stalking
17 crimes between March 2015 to June 19, 2015. Their conspiracy failed and on September
18 21, 2015, the Gold Bar Reporter published "Duvall City attorney Sandra Sullivan
19 (Meadowcraft) quashing criminal charges for political favors, EXPOSED" and "Michael
20 Kenyon's Dirty Bag of Secrets Part II.”

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24 • On June 19, 2015, Batiot also sought to have Plaintiff committed for a PSY evaluation
25 simply for exposing via her news reports of Batiot's corrupt acts with the Penningtons
26 and exposing her past drunk driving conviction and that she had been terminated for
27 cause from two other police departments. Public records from the City of Brier,
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4 Whatcom County and Shoreline confirm that anytime someone would expose Batiot's
5 corrupt acts, she would be claim she was being "stalked".

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7 • On June 19, 2015, defendants Beavers, Hill-Pennington, and the Penningtons met at
8 King County District (Shoreline Division) Court to further the efforts of the Enterprise to
9 as the Penningtons had requested of Batiot 'get John in the clear.'" Beavers live in
10 Snohomish County. Judge Smith denied their attempts to restrain plaintiff and the
11 Enterprise efforts to have Plaintiff arrested and committed for PSY evaluation. Judge
12 Smith further stated to Batiot in open court "you utilized a lot of government resources to
13 get Ms. Block served but you paid for none. Don't you think that's a little unfair?"
14 Although Judge Smith was speaking to Batiot, an onlooker stated "he (Judge Smith) was
15 glaring at John Pennington."

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17 • **New Allegation** From public records retrieved in August 2015, Reay assisted Hill-
18 Pennington by her giving personal giving legal advice. Public records from King County
19 Courts filed on March 19, 2015, also document that Hill-Pennington referred to Reay as
20 her personal lawyer. Hill-Pennington is a resident of Duvall, located in King County,
21 while Reay serves as Snohomish County prosecutor. By acting as Hill-Pennington and
22 Pennington's legal counsel, Reay acted as their personal counsel, outside the scope of his
23 official duties as a Snohomish County prosecutor.

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25 • **New Allegation** On September 3, 2015, Roe violated Plaintiff's civil rights by
26 disseminating an email letter, which included high ranking members of the Washington
27 State Legislature, stating that he felt sorry for John
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4 Pennington, and then further lied stating that he never had communication with
5 Pennington. On the same day, Plaintiff wrote Roe a response that she thought it was
6 pretty strange for a county prosecutor to be writing a letter to plaintiff, and mighty odd
7 that he would feel sympathetic to a non-county resident who abuses women and children.
8 At the time Roe contacted Plaintiff, he was being paid by Snohomish County taxpayers,
9 and his email confirms that he used Snohomish County servers to disseminate the letter.
10

11 • **New Allegation** In September 2015, a former Snohomish County Department of
12 Information Services employee Pam Miller gave Plaintiff public records previously
13 requested from Snohomish County but withheld, documenting that defendant DiVittorio
14 and Lewis tampered with public records Plaintiff requested. In late March 2014, Miller
15 objected in a public email that Plaintiff was being treated differently than other requesters
16 in violation of RCW 42.56, and further stated she witnessed Lewis tampering with files
17 ready for Plaintiff to pick up. DiVittorio called an in-person meeting with Miller who
18 stated that DiVittorio screamed at her stating "Do you realize the financial risk you have
19 placed in the County in by writing this email?" Miller was subsequently fired
20 immediately after blowing the whistle on Di Vittorio and Lewis's tampering with public
21 records as it relates solely to Plaintiff's records requests.
22

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24 • **New Allegation** On September 25, 2015, Snohomish County Prosecutor Mark Roe
25 telephoned Cowlitz County Sheriff's Office asking if Gold Bar Reporters were correct
26 about Pennington being the prime suspect in the rape of 5 year old child, thus proving
27 Plaintiff's news articles on Pennington were right on target. In 1993 when John
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4 Pennington was named as the only suspect in the rape of 5 year old girl, defendant
5 Michael Kenyon was the City attorney for Kelso. Today, Michael Kenyon owns one of
6 the largest municipal law firms in Washington State. Clients include Defendants City of
7 Duvall and Gold Bar.

8
9 • **New Allegation** On October 5, 2015, John Pennington was actively stalking Plaintiff at
10 her place of business in Monroe, Washington, while being paid by Snohomish County.
11 Plaintiff took a picture of Pennington from her office window.

12 • **New Allegation** October 2015, Denial of Reasonable Accommodation. Plaintiff's
13 doctor provided Plaintiff a letter dated October 1, 2015 plainly stating Plaintiff had major
14 surgery scheduled for October 29, 2015 with an anticipated 6-8 week recovery period. The
15 purpose of the surgery was an attempt to restore hearing. Plaintiff received the letter
16 October 7, 2015 and the same day provided it to WSBA liaison, Julie Shankland, as
17 previously directed by Shankland. October 8, 2015 Shankland "denied" Plaintiff's
18 reasonable accommodation request, via email, as "unreasonable" without having engaged
19 in "the good faith interactive process", and further claimed that Plaintiff must file a Motion
20 for Reasonable Accommodation with the Full Disciplinary Board despite no existence of a
21 rule mandating such filings. As the WSBA refused to grant the accommodation in the
22 weeks prior to the scheduled surgery, Plaintiff additionally filed a motion for a reasonable
23 accommodation providing further medical documentation including a post-operative
24 surgery picture and narcotic prescription information which impairs judgment and prohibits
25 operating a vehicle. The Disciplinary Counsel Chair *pro tem*, Stephanie Bloomfield, in an
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open hearing, unilaterally—without a vote—denied Plaintiff's reasonable accommodation request in violation of General Rule 33, RCW 49.60, and the American's with Disabilities Act overturning Washington State Supreme Court's holding in *Re: DISCIPLINE of Sanai*.

- **New Allegation** On October 30, 2015, the WSBA Full Disciplinary Board members Kevin Bank, Marcia Damerow Fischer, Stephanie Bloomfield, Sara Andeen, Michele Nina Carney, S. Nia Renei Cottrell, Michael Jon Myers, Keith Mason Black, Kathryn Berger, Stephania Camp Denton, Marc Silverman, and William Earl Davis and ODC lead counsel Eide held an ex-parte hearing, violated the Open Public Meetings Act by not voting in public, held an ex-parte hearing only after being notified that Plaintiff was disabled unable to attend, and the WSBA Full Board engaged in in ex-parte communication with the Hill-Pennington and Pennington during the public hearing. A long time open government news reporter videotaped the ex-parte proceedings documenting that the WSBA violated Plaintiff's rights to be accommodated under RCW 49.60 and GR 33.

- **New Allegation: Pennington, WSBA Conspired, held ex-parte communications.** On October 30, 2015, while being paid by Snohomish County, Pennington, met and conspired with the WSBA Full Disciplinary Board, Beavers, Ende, Sato, Eide, and Hill-Pennington at the WSBA Offices. A WSBA employee, who is believed to be defendant Julie Shankland communicated with Pennington, carried a message from Pennington to Defendant Kevin Bank during a public hearing, relating to the WSBA's proceeding against Plaintiff. Shankland, Pennington, and Bank's ex-parte communication during a public hearing was captured on video and posted to the Gold Bar Reporter's U Tube

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4 account and titled "WSBA Corruption caught on Camera."

5 • **New Allegation** At the October 30, 2015 hearing Re Block, WSBA Full Disciplinary
6 Board member Kevin Bank threatened the news reporter videotaping the WSBA's ex-
7 parte hearing against plaintiff. Alison Sato also attempted to force the news camera and
8 intimidate the news reporter from the public hearing even though the Washington State
9 Attorney General issued rule that all public meetings can be legally videotaped. In
10 October 2015, Plaintiff witnessed Pennington stalking her at her place of business located in
11 Monroe, Washington. Plaintiff snapped a picture of Pennington with her iPhone.

12 • **New Allegation** On November 13, 2015, after denying Plaintiff's reasonable
13 accommodation without engaging in good faith discussions, the WSBA Full
14 Disciplinary Board adopted O'Dell September 2014 Findings of Fact, which included
15 false information that Plaintiff, had lied against Pennington. The WSBA's record does
16 not support that Plaintiff lied about Pennington, nor has Pennington denied a single
17 article written by the Gold Bar Reporters.

18 • **New Allegation** On November 17, 2015, Pennington reported to Snohomish County
19 Emergency Command Center (EOC) signed onto the Gold Bar Reporter, shut down
20 Plaintiff's Twitter account, while three people were killed in destructive wind storms. Storms
21 that caused Governor Jay Inslee to declare a state of emergency for Washington. Pennington
22 was on county time and on the county payroll at the time.

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26 493. As of December 15, 2014, Fejfar, Beavers, Hill and Pennington acting in concert to
27 further the acts of the Enterprise have posted approximately 56 malicious and intentionally false
28 attack articles on the Sky Valley Chronicle. Emails from King County's Major Crimes Unit's

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4 Investigation of Aaron Reardon document Reardon, Hulten, Parry and Schwarzten posted
5 articles so long as Reardon "approved" the Blog; emails from , Beavers, and Beaston also
6 document that each were given a passcode by Fejfar to login and post articles using Snohomish
7 County and Gold Bar resources. Examples.

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

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11 Block has been described as possibly the "most despised" woman in the Sky
12 Valley by a man who claims to have been a victim of Block via alleged cyber
13 stalking and who chooses to remain anonymous for fear of more stalking.

14 In an interview with the Chronicle he said he found Block to be, "Perhaps the
15 most cunning, hateful and vicious individual I have ever run across...a stone cold
16 sociopath if you ask me. I believe she has the capacity to one day to become
17 dangerous to the physical well being of people she targets with all this hate talk
18 and lies. It's sheer snake venom that comes out of her mind and mouth." "This is
19 one sick freak," he added. The man said it was his understanding even a sitting
20 judge had filed a complaint against Block. The Sky Valley Chronicle is aware of a
21 group of people who are preparing to file criminal complaints of cyber stalking
22 against Block and two known underlings, local women who have been known to
23 do her bidding.

24 Indeed the Chronicle - as well as current public officials and former public
25 officials with the city of Gold Bar as well as residents the Chronicle has
26 interviewed who claimed to have been stalked by Block.

27 494. The publication of these threats to file criminal complaints against Block and those
28 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.

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

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

8 497. Sky Valley Chronicle posted in September 2014 " It is yet another bizarre chapter in
9 the arguably strange life and antics of this Gold Bar woman which included, said the attorney in
10 his filing, Block showing up in a hallway near his office door at the Everett county building
11 where he works and verbally accosting him with what one eyewitness described as "a crazed
12 look" on Block's face.

13 On November 29, 2014, since this story was written the Wash. State Bar
14 Association initiated an investigation into Anne Block's behavior and then held a
15 public misconduct hearing for Block due to her alleged gross misconduct as an
16 attorney in this state. Prior to that hearing her law license in Washington State was
17 suspended by the WSBA. At the hearing, the WSBA's investigative counsel
18 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.

- 19 •
- 20 • **New Allegation** Public records reviewed in December 2015, obtained from the City of
21 Gold Bar document that Loen had a meeting at Gold Bar City Hall with Beavers during the
22 first week of December 2013. Immediately following this meeting, Loen called Plaintiff
23 strongly urging that she "must keep your WSBA license" and you need to go to that
24 deposition. Plaintiff believes that Loen's statement that Plaintiff must go to the deposition
25 was the December 6, 2013 ex-parte deposition held by WSBA Lead Counsel Linda Eide.
26 Soon thereafter, Loen sent Plaintiff an email stating "soon you will have a lot of public
27 records". In late 2015, Plaintiff learned that Beavers acting on policy and custom as mayor
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for the City of Gold Bar used city resources to assist the WSBA by providing altered public records to a WSBA investigator. The City of Gold Bar has an ordinance that place public records request on a “priority list” on a “first come, first served” basis. Plaintiff has public records requests submitted to Gold Bar since 2010, that remain unanswered and on the city’s priority list. There is no evidence that Beavers, acting as mayor for the City of Gold Bar, placed the WSBA on a priority list before providing WSBA access to public records. Gold Bar Ordinance 10-14 mandates anyone seeking access to public records be place on the priority list and be provided records accordingly.

- **New Allegation** From June 2013 to present, defendants continuously harass Plaintiff, attempt to extort her, physically threaten people who choose to associate with Plaintiff, in a manner which effectively interferes with her right to conduct business as a news reporter and extorted her right to practice law as a result her decision to report on corruption. The WSBA encourages other members of the community to treat the plaintiff as a pariah in the legal profession and allows members to commit violations against her in violation of the rules of professional conduct against Plaintiff with impunity.

- **New Allegation** From May 2014 to Present, and only after Plaintiff was no longer a member of the WSBA, Hill-Pennington, Kenyon, Pennington, Beavers, WSBA, Snohomish County, and Gibbs's sign on to the Gold Bar Reporter on an almost on a daily basis. The Gold Bar Reporter has a "tracking device" on the website. Defendants Bank, Roe, DiVittorio, Silverman, Berger, Nappi Jr. O'Dell and Eide are also frequent visitors.

- **New Allegation** The anti-trust actions taken by the WSBA are not reviewable by the

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4 Washington State Supreme Court, nor does the Washington State Supreme Court exercise
5 supervisory control in this regard. The individual members as well as the WSBA as a whole,
6 are market participants with require close supervision by bar.

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8 • **New Allegation** With respect to the violations by the bar, the individually named
9 defendants, and other defendants, their criminal activities are outlined in the accompanying
10 RICO statement and will be submitted within 30 days of this filing

11 • **New Allegation** The Washington State Bar Association and its defendants' actions
12 amount to due process violations in violation of the 14th Amendment to the U.S.
13 Constitution.

14 • **New Allegation** With respect to the Washington State Bar Association's infringement on
15 Plaintiff's First Amendment rights without authority of law, such conduct in violation of the
16 First Amendment to the U.S. Constitution to punish and stifle free speech--free speech issues
17 that the WSBA and its defendants have no jurisdiction over.

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19 • **New Allegation** The collective actions of the defendants of retaliating against attorneys
20 who oppose their criminal activities, has prevented the plaintiff from obtaining meaningful
21 representation, in violation of the sixth amendment right to counsel.

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23 • **New Allegation** A true copy of the WSBA's ex-parte hearing against Plaintiff can be
24 viewed at **Error! Reference source not found.**

25 • **New Allegation** As outlined in the accompanying RICO statement the bar targets
26 discipline to minority groups, sole practitioners, opponents of the RICO enterprise, and
27 attorneys from Snohomish County. 41% of all bar discipline comes out of Snohomish
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4 County, which is only one of Washington's 49 counties. The bar's selection procedures for
5 discipline has an adverse impact on minority groups which cannot be justified in terms of
6 business necessity. The result of this activity steers the market away from these groups and
7 thus violates the Sherman Antitrust Act.
8

9 **ALLEGATIONS INVOLVING WILLIAM SCHEIDLER**

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

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

14 10. Circa 1998, Scheidler, intending to apply for his Article 7, Section 10 property tax
15 adjustment rights, obtained the application and instructions from Kitsap County Assessor Carol
16 Belas. Belas is tasked, by law, with providing these documents to Scheidler. See RCW
17 84.36.385(6)

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

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

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

28 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

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4 all caused by the Assessor's misrepresentations.

5 14. On or about November 16, 1998. Ellerby, after collecting legal fees from Scheidler
6 in excess of \$2000, over a period of about 8 months in preparation for Scheidler's administrative
7 case, was threatened with his Bar license unless he withdrew as Scheidler's lawyer. This political
8 threat to Ellerby implicates the WA State Bar, who controls Ellerby's law license as the leverage
9 Kitsap County's Prosecutor, Cassandra Noble, WSBA#12390, used to a political end – NOT a
legal outcome.

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

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

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

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

27 19. It is custom and practice for the WSBA to arbitrarily enforce conflict of interest
28 charges in favor of lawyers who represent the government and for defense attorneys who

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4 represent the insurance companies and against attorneys who sue the government. See RICO
5 statement where WSBA devised new case law to prosecute Marshall and Scannell for not having
6 a written conflict statement on a potential conflict of interest, but looks the other way when
7 confronted with actual conflicts of interest involving Chief Hearing Examiner Danielson and in
8 the Matthew Little cases whose conflicts benefitted the government.

9 20. This is a significant “insurance matter.” Insurance companies are usually linked,
10 either directly or indirectly, to the Bar’s case-fixing schemes. These case-fixing schemes are
11 intended to reduce insurance liability and Anne Block’s reporting was unfavorable to that goal.
12 See RICO Statement for bias toward insurance bias.

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

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

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

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

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

28 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

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4 84.36.383(5). Avery is defrauding Scheidler and those similarly situated. The materials Avery
5 provides are a material misrepresentation intended to be relied upon to deprive people of their
6 constitutional rights. This fraud is a predicate act under 18 U.S. Code § 1341 - Frauds and
7 swindles and is a RICO violation.

8 RCW 84.36.383(5), states in pertinent part,

9 “... plus all of the following items **to the extent they are not included in or have been**
10 **deducted from adjusted gross income**; (a) Capital gains, other than gain excluded from income
11 under section 121 of the federal internal revenue code to the extent it is reinvested in a new
12 principal residence;”

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

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

17 *Appendix 3*, Avery’s 2008 Application included for the courts convenience.

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

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

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

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

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

10 32. Furthermore the application requires applicants sign the application under penalty of
11 perjury that the information collected by the application is truthful - a conundrum without a
12 solution given the facially faulty instructions.

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

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

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

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

24 (1) Confer with, advise and direct assessors, boards of equalization, county boards
25 of commissioners, county treasurers, county auditors and all other county and
26 township officers as to their duties under the law and statutes of the state, relating
27 to taxation, and direct what proceedings, actions or prosecutions shall be instituted
28 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

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4 county for their removal from office for official misconduct or neglect of duty. In
5 the execution of these powers and duties the said department or any member
6 thereof may call upon prosecuting attorneys or the attorney general, who shall
7 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.

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

10 36. Harold Smith in doing nothing has aided and abetted Avery's fraud and committed
11 official misconduct, a gross misdemeanor under RCW 42.20.

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

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

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

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

27 41. The DOR refused to respond.

28 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.

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

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

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

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

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

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

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

28 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

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4 substantiated by Scheidler's inability to retain and obtain representation by every lawyer
5 contacted despite the lawyer's sworn oath to never reject the cause of the oppressed. See RCW
6 2.48.210. Clerly when "politics" and "legal tactics" are obstructing Scheidler's ability to obtain
7 counsel, it is state sanctioned OPPRESSION.

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

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

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

23 See generally *Blackledge v. Perry* , 417 U.S. 21 (1974 and *United States v. Goodwin*, 457 U.S.
24 368 , 372-85, 102 S.Ct. 2485, 73 L.Ed. 2d 74 (1982). Prosecutorial vindictiveness occurs when
25 "the government acts against a defendant in response to the defendant's prior exercise of
26 constitutional or statutory rights." See also *United States v. Meyer*, 810 F.2d 1242, 1245 28 (D.C.
27 Cir. 1987).

28 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

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4 hearing before an “impartial decision maker”. The beneficiaries of this “sanction” is the insurer
5 who foots the bill to defend Scott Ellerby and Ellerby’s counsel Jeffrey Downer. It is blatant
6 financial fraud accomplished because the WSBA doesn’t hold lawyers to the law.

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

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

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

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25 58. Circa March 2009, The Review Committee, Thomas Cena, WSBA #3469, dismissed
26 the grievance with the caveat, “*should there be a judicial finding of impropriety the grievance*
27 *may be reopened*” ... *this shifts the Bar regulatory functions to citizens and taxpayers – to*
28 *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

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4 RICO

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

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

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

21 62. A jury was demanded to address the “negligence and fraud” charges against Ellerby.

22 63. On or about Jan 28, 2011, Kitsap Superior Court Judge Russell Hartman, WSBA
23 #7104, presiding, dismissed case 09-2-00660-3 without allowing a jury trial, under his self-
24 claimed authority, and imposed **Sanctions upon Scheidler, under his self-claimed authority,**
25 **in the amount over \$132,000 for bringing the lawsuit against Ellerby** payable to Ellerby, who
26 schemed with Cassandra Noble to withdraw from Scheidler’s case.

27 64. Judge Hartman acted SOLELY under the rules judges establish, enforce, interpret
28 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

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4 maker under his claim to do so via CR 11 and CR 56¹” on a case in which Ellerby, another Bar
5 associate, is a party. Hartman violates RULE 2.11, which states, Disqualification

6 (A) A judge shall disqualify himself or herself in any proceeding in which the judge's
7 impartiality* might reasonably be questioned,
8

9 66. More seriously, Superior Court Judge Russell Hartman, a colleague of Ellerby via his
10 Bar Association with Ellerby, is disqualified under law, RCW 2.28.030-disqualification due to
11 common interests in the “legal enterprise”. Hartman has determined his own compliance with
12 RCW 2.28.030 and there are no “procedural safeguards” to monitor Judges deciding their own
13 conduct under the laws that apply to them.

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

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

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

24 70. This requirement of requiring a “**judicial finding of impropriety**” is a scheme
25 ,which allows the bar Bar uses their discretionary powers to avoid punishing a large amount, as
26 long as they pay their hush money to the bar in exchange xtract money from citizen by either
27 forcing the “grievant” hire a Bar associate and pay for their services in “obtaining a judicial

28 ¹ 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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4 finding”, or take on the case pro se, so as to be sanctioned under “court rule authority” as in
5 Scheidler’s case. Either way the scheme is to extort money and power for the benefit of the Bar
6 enterprise.

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

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

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

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

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

26 76. On or about January 2, 2008, Defendant Haberly dismissed Scheidler's declaratory-
27 injunctive complaint on the basis that Scheidler had an adequate and speedy administrative
28 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

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4 order the application “corrected then and now”. Haberly protects Kitsap County from financial
5 liability by taking part in the fraud as it would affect County revenue.

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

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

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

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

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

25 83. Scheidler was forced to sign these applications under duress as none were “true”.
26 Scheidler provided a written statement for the duress, which is noted as Exhibit A4 in the list of
27 exhibits provided to the BOTA and is in the record and referenced in cause 12-2-02161-1 [dkt 1,
28 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

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4 is a Class C Felony under RCW 9A.60.030 and under the Hobbs Act, Obtaining a signature by
5 deception or duress as a means to impose an unlawful tax.

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

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

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

13 86. All defendants involved to this point in Scheidler's ordeal have aided and abetted in
14 this class C felony, which is extortion under the Hobbs Act. The Hobbs Act defines "extortion"
15 as the "obtaining of property from another, with his consent, induced by wrongful use of actual
16 or threatened force, violence, or fear, or *under color of official right*" (emphasis added) and is a
17 predicate RICO violation of 18 U.S.C. § 1951. Defendants are all culpable under RCW 9A.76
18 Rendering criminal assistance and other state and federal statutes imposing culpability.

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

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

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

28 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

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4 August 18, 2011 to the Board of Tax Appeals.(BoTA)

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

10 93. Felice Congalton, 305-494-2463WSBA review official and RICO enterprise member,
11 dismissed 100% of grievances filed by Scheidler. Her actions were in support of the RICO
12 enterprise developed policy of dismissing 96% of the approximate 3000 grievances filed each
13 year, even though the prosecution rate in other states is much higher, usually around 30% of
14 grievances filed. This policy, of steering business away from anti-government attorneys, and
15 favoring government attorneys has never been approved by the Washington State Supreme Court.
16 It is in furtherance of the protection racket scheme run by the RICO enterprise and constitutes
17 bribery and extortion, which are predicate acts under RICO. This included grievances filed
18 against lawyers for “LYING, PERJURY, SUBORNATION OF PERJURY, FAILURE TO
19 REPORT JUDGES AND OTHER LAWYERS FOR THEIR VIOLATIONS AS THEIR
20 ETHICAL DUTIES DEMAND”... which is a ‘green light’ for lawyers to use these “corrupt
21 practices” as tactics to commit crimes, include those crimes noted as RICO crimes in 18 U.S.C.
22 1961, against their opponent without consequence.

23 Offer of Proof: Grievances filed with the WA State Bar against lawyers for breach
24 of RCW 2.48.210 – their duty to rescue the “oppressed” and to conduct
25 themselves with “truth and honor”, and abide by the rules of professional conduct
26 8.3 and 8.4 (ie. Reporting violations and engaging in violations of RCW
27 2.48.180(6) or by implication a violation of RCW 18.130.180(7), which
28 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

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4 by being relieved of their constitutional and statutory duty to rescue the
“oppressed.”

5 Grievance were filed related to trying to obtain counsel against the Assessor and
6 his “fraudulent application,” The Law provides for Scheidler to obtain this
7 representation, (RCW 2.48.210), but no lawyer would honor their oath as
8 mandated by the law and Rule 8.4(k):

9 12-00015 (filed Feb 12, 2012;dismissed by Congalton March 1, 2012), 12-00018
10 (filed Feb 12, 2012;dismissed by Congalton March 1, 2012); 12-00037(filed Feb
11 12, 2012;dismissed by Congalton March 1, 2012); 12-00038 (filed Feb 12,
12 2012;dismissed by Congalton March 1, 2012); 12-00039 (filed Feb 12,
13 2012;dismissed by Congalton March 1, 2012); 12-00045 (filed Feb 12,
14 2012;dismissed by Congalton March 1, 2012); 12-00101(filed Feb 12,
15 2012;dismissed by Congalton March 1, 2012); 12-00102(filed Feb 12,
16 2012;dismissed by Congalton March 1, 2012); 12-00151(filed Feb 12,
17 2012;dismissed by Congalton March 1, 2012); 12-00258(filed Feb 22,
18 2012;dismissed by Congalton March 15, 2012), 12-00259 (filed Feb 22,
19 2012;dismissed by Congalton March 15, 2012), 12-00264(filed Feb 22,
20 2012;dismissed by Congalton March 15, 2012), 12-00280 (filed Feb 22,
21 2012;dismissed by Congalton March 15, 2012); 12-00285 (filed Feb 22,
22 2012;dismissed by Congalton March 15, 2012), 12-00286(filed Feb 22,
23 2012;dismissed by Congalton March 15, 2012), 12-00287(filed Feb 22,
24 2012;dismissed by Congalton March 15, 2012); 12-00288(filed Feb 22,
25 2012;dismissed by Congalton March 15, 2012); 12-00290(filed Feb 22,
26 2012;dismissed by Congalton March 15, 2012); 12-00455, 12-00493*(filed April
27 25, 2012;dismissed by review committe 2012), 12-00533, 12-00536*(Jeff Steir),
28 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

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4 disability, which Defendant Kay Slonim, as chair of the BoTA, denied.

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

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

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

15 97. Further, Kay Slonim, despite statutory mandates, limited her involvement to
16 “whether the Assessor properly calculated disposable income”. (document 15-6, page 8, Filed
17 12/13/12). An absurd analysis when the method used by the Assessor is wrong.

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

21 99. Defendant Slonim knowingly presents false statements when she said, ruling page
22 3, ¶4, (EX A28), “Here William Scheidler filed a Declaration under penalty of perjury. The
23 declaration, however, set forth no facts that contradict the facts material to the interpretation and
24 application of RCW 84.36.383(5).” When in fact Scheidler refuted the claims of Alan Miles and
25 James Avery. Scheidler had submitted a list of 27 exhibits, including the reasons for signing
26 under duress, and performed the lawful calculation under controlling law showing the variation
27 between Avery's scheme and the law, that is the same issue here, and discussed in Scheidler's
28 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

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4 and Avery's sham calculations so as to claim – Scheidler didn't provide facts! This dishonest act
5 was in furtherance of the enterprises extortion racket scheme and therefore a predicate act under
6 RICO

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

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

15 102. Scheidler, over the course of three years has been denied every forum for a redress
16 of grievance. Defendants have obstructed Scheidler's 1st amendment rights and his WA Article
17 1, Section 4 rights to have matters of public importance heard and addressed.

18 103. On or about Sept 6, 2012, Scheidler, now being deprived of the APA which
19 proved defendants Miles, Avery, Haberly perpetrated a 'fraud on the court' in obtaining a
20 dismissal of Scheidler's earlier declaratory claim, filed a CR 59/60 motion (relief from judgment)
21 in Kitsap Superior Court, to reinstate his earlier declaratory/injunctive action, cause 08-2-02882-
22 0.

23 1048. Defendant Haberly, who now has rendered criminal assistance in forcing
24 Scheidler file his Article 7, Section 10 application 'under duress' – a class C felony, presided
25 over this motion to decide her own conduct.

26 105. Scheidler argued all possible forums proved futile, INCLUDING the APA forum
27 defendants Avery, Miles, Haberly claimed, years earlier, as the only 'speedy and adequate' forum;
28 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

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4 these defendants.

5 106. Despite the self-evident truth in Scheidler's circumstances of being denied a forum
6 – the APA, to plead his grievance, Judge Haberly denied Scheidler due process by dismissing the
7 motion with prejudice, Scheidler's CR 60 motion to reinstate cause 08-2-02882-0 and sanctioned
8 Scheidler well over \$600. Scheidler's subsequent motion for reconsideration was stricken under
9 a bogus local court rule 59. [Note: LCRs must not conflict with the Supreme Court's Civil CR
10 59, which Kitsap's Local rule does. See Dkt 1, Complaint at page 15, Sec. IV, Exhibit A30
11 attached thereto.] Washington's statutory scheme which first requires taxpayers to file an appeal,
12 then denies them the right to appeal further denies taxpayers in general the right to due process.

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

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

21 109. Defendants did not answer.

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

27 111, February 5, 2015, Scheidler instituted a RECALL petition for the RECALL of
28 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.

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4 112. The underlying matter for which Scheidler instituted the RECALL of Stephen
5 Holman had to do with Stephen Holman's refusal to allow Scheidler to file "criminal charges"
6 against David Ponzoha for Ponzoha's 7 gross misdemeanor violations of law. Scheidler is
7 entitled to file criminal charges under the Criminal rules for Courts of Limited Jurisdiction rule
8 2.1(c).

9 113. February 25, 2015, The Kitsap County Prosecutor, through Alan Miles, WSBA
10 #26961, per RCW 29A.56.130, filed the mandatory "ballot synopsis" and offered a
11 "memorandum of law" with the Kitsap County Superior Court. Case # 15-2-00342-1. The
12 Kitsap County Prosecutor, through Alexis T. Foster, WSBA #37032, also filed a "Notice of
13 Appearance" on behalf of Stephen J. Holman and paid to the Superior Court a filing fee of \$240
14 although the statutory language of RCW 29A.56.140, explicitly states,
15 "Within fifteen days after receiving the petition, the superior court shall have conducted a
16 hearing on and shall have determined, without cost to any party,

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

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

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

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

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

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

15 119. March 25, 2015, Clerk for the WA State Supreme Court, Susan Carlson, WSBA #
16 12165, in a letter to Scheidler, demanded Scheidler pay a ‘filing fee’ of \$290, or the Appeal will
17 be dismissed.

18 120. March 30, 2015. Scheidler filed an “Objection” to Carlson’s demand by stating that
19 no such fee is required of him for the appeal in citing RCW 29A.56.140, supra. Scheidler also
20 noted in his “objection” that the Legislature imposed a duty upon the Supreme Court by RCW
21 29A.56.270, which states,

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

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

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

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

9 125. May 19, 2015, Carlson issued the “Mandate” and disposed of the appeal.

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

15 Every person is guilty of a gross misdemeanor, who:

16 (1) For any consideration, compensation, gratuity, reward, or thing of value or
promise thereof, signs or declines to sign any recall petition; or

17 (2) Advertises in any newspaper, magazine or other periodical publication, or
18 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
19 for or without compensation or consideration circulate, solicit, procure, or obtain
signatures upon, or influence or induce or attempt to influence or induce persons
20 to sign or not to sign any recall petition or vote for or against any recall; or

21 (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
22 procure or obtain signatures upon any recall petition; or

23 (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
24 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
25 against any recall; or

26 (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

27 (6) Receives, accepts, handles, distributes, pays out, or gives away, directly or
28 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

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4 majority of whose stockholders are nonresidents of the state of Washington, for
5 any service, work, or assistance of any kind done or rendered for the purpose of
6 aiding in procuring signatures upon any recall petition or the adoption or rejection
7 of any recall.

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

15 128. In contrast, Consume Reports shows a RISE in the number of consumer complaints
16 from 5000/mo in 2011, to over 20,000/mo in 2014 as a consequence of “financing and banking
17 problems”. [http://files.consumerfinance.gov/f/201403_cfpb_consumer-response-annual-report-](http://files.consumerfinance.gov/f/201403_cfpb_consumer-response-annual-report-complaints.pdf)
18 [complaints.pdf](http://files.consumerfinance.gov/f/201403_cfpb_consumer-response-annual-report-complaints.pdf)

19 129. “Follow the money” and the “money” is in ‘insurance, banking, real estate ... With
20 lawyers able to lie and mislead judge and jury without consequence, the money involved in case
21 fixing is astounding.

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

27 **RICO ENTERPRISE’S PATTERN OF CRIMINAL ACTIVITY AND PREDICATE** 28 **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 plaintiff in 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

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4 lawsuits he teamed up with Stephen Eugster, He filed a number of racial discrimination suits,
5 attempting to get the Washington State Supreme Court to adopt the adverse impact method of
6 proof that was consistent with the U.S. Supreme Court. He filed suits charging the Seattle Police
7 Department with war crimes for using chemical warfare during the WTO demonstrations in 1999
8 and won numerous settlements as a result

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

14 3. In 1996 Doug Schafer attracted the attention of the enterprise when he filed a
15 complaint with the Washington State Bar Association against a corrupt judge, Grant Anderson,
16 who violated the Rules of Professional Conduct when he was an attorney by illegally milking the
17 estate of an elderly client. The Enterprise refused to prosecute the judge, claiming there was no
18 wrongdoing.

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

27 5. Bradley Marshall is an African American Attorney who has filed numerous lawsuits
28 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

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4 discriminatory practices of the enterprise. He was also targeted for being a minority.

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

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

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

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

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

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4 representation in the appeal, and Mr. Holcomb withdrew.

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

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

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

28 14.For five years, the Bar conducted an exhaustive, comprehensive audit of his Trust

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

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

14 16.His billing rate was \$200 per hour which is well below the going rate for an attorney
15 of his years in practice and experience. In addition, the total amount of his fees charged to his
16 clients, obviously the most meaningful figure to a client, has also been extremely reasonable. In
17 his 32 years of legal practice, in cases where the amount of fees charged by his opposition has
18 been disclosed, He was not aware of any case where my fees have exceeded my opposition's fees
19 None of this was of any concern to the WSBA..

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

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

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

11 20. Ms. Unger's reputation as a good defense counsel attracted the attention of the Office
12 of Disciplinary Counsel and the Enterprise, which is pro prosecutor. It brought charges on
13 February 12, 2012, which were so frivolous that the hearing officer who heard the case stated in
14 his decision that if he could award sanctions he would. Eventually the WSBA settled for over
15 \$70,000 in sanctions which the membership of the WSBA had to pay.

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

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

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4 Gregoire.

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

10 24. These representations were false. In fact, Gregoire, and Loretta Lamb were
11 responsible for the waste of taxpayers moneys because of the disorganization in Gregoire's office
12 (See court of appeals findings in the Beckman case). In fact, Gregoire's office had failed to file a
13 timely appeal in a \$1.6 million just one year earlier. The disciplinary board and disciplinary
14 counsel office knew that their representations to the taxpayers was false, that the WSBA would
15 never make a meaningful investigation into Scannells meritorious grievance because they needed
16 to cover the unethical activities of Loretta Lamb, who was first chair on the Beckman case, and
17 the chairman of the WSBA disciplinary board. They also needed to cover for the unethical
18 conduct of Gregoire, who was then attorney general, but would soon be running for governor.

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

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

28 27. Scannell filed more grievances against Ms. Gregoire on another case, unrelated to the

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4 Beckman case, where she committed a similar violation. Ms. Gregoire requested and the
5 Disciplinary Board granted, an indefinite stay of the investigation of the grievance. The act of
6 granting an indefinite stay in the

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

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

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

26 31. The reason disciplinary counsel began its harassment of King and Scannell was to
27 prevent the exposure of the fraud that the Enterprise was perpetuating upon the public. This
28 fraud including protecting powerful attorneys such as Gregoire and those who were on the

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4 Disciplinary Board from scrutiny from the public, thereby increasing the probability of illicitly
5 making money at their profession. This came a common response by the Enterprise, which was
6 to protect their racketeering enterprise by extorting concessions from its opponents.

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

11 33.The disciplinary counsel then turned its attention on Paul King in retaliation for Mr.
12 Scannell's filing of the Gregoire grievance. The Washington State Bar Association deviated
13 from its standard practice of rarely performing more than a perfunctory investigation on bar
14 complaints by investigating anything it could learn about the King firm. It first demanded trust
15 account records for his entire firm when it did not have adequate cause to do so. This was done
16 to "send a message" to Paul King that Scannell's grievance threatened exposure of the
17 racketeering enterprise. As such it was a predicate offense under RICO as a classic extortion
18 scheme outlawed by the Hobbs Act..

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

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

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

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

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

13 39. Unknown to the racketeering enterprise, Paul King also pleaded guilty to a three year
14 suspension in federal court part of which was reciprocal in nature. This was contained in a
15 sealed court file in United States District Court, Western District of Washington.

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

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

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

28 43. Although the Enterprise was subject to Title VII and thus were required under the

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4 Uniform Guidelines on Employee Selections procedures to monitor the impact of their selection
5 procedures on African American attorneys, they failed to do so, and instead promulgated policies
6 and procedures that hid the impact of their selection procedures, and in fact destroyed data in a
7 systematic fashion so as to make it difficult, if not impossible to discover the true extent of their
8 racially discriminatory policies.

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

12 45. It is beyond dispute that African-American and other ethnic minorities have long been
13 victims of discriminatory treatment in public accommodations and have been deprived from
14 equal opportunity in employment, education, housing and otherwise to participate in the
15 American dream, simply because of the color of their skin.

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

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

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4 the Washington State Bar Association interprets its bar rules in such a fashion that its
5 interpretations have an adverse impact on minorities.

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

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

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

12 51. The rule allows a disciplinary counsel to secretly issue a subpoena to anyone he wants,
13 demanding testimony and records without notifying the target of an investigation notice. Since
14 the witness usually has no idea as to what is being investigated, he has no ability to object to any
15 of the questioning on the basis of relevancy.

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

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

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

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

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4 through corrupt means.

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

12 57. In 2003, Scannell began representing Stacy Matthews and Paul Matthews over
13 criminal charges that had been filed against both of them. Before his representation began he
14 verbally told both of them that there might be a potential problem of a conflict of interest arising
15 in the future. He stated that if that occurred, that he would have to withdraw representation of
16 both of them. Stacy Matthews and Paul Matthews knew this, but wanted Scannell to represent
17 them anyway. The reason for this was the criminal charges were being initiated by Mr. Matthews
18 former employer and they did not want the criminal charges to impact the civil suit they had
19 hired Scannell to file on their behalf.

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

28 59. Later, in the summer of 2004, both Paul and Stacy Matthews entered an Alford plea to

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4 the charges. Stacy Matthew's sentence was slightly longer than Paul Matthew's for two reason.
5 First, she had more evidence against her in case because she had allowed the police officers to
6 tape an admission which put her in a worse light. Second, she had already pleaded guilty to
7 another set of charges in another county. By accepting a slightly longer sentence, she achieved
8 the benefit of serving the sentences concurrently instead of consecutively.

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10 60.The sentencing was presided over by Judge Comstock. At the hearing, there was some
11 concern expressed by the judge that a potential conflict of interest existed in the case and
12 wondered if it had been adequately explained to them by counsel. The judge asked each
13 defendant what his counsel had told them about the potential conflict. At the time, both
14 defendants told the judge what the potential conflicts were and affirmed it had been explained to
15 them by counsel. After the discussion, the judge was satisfied there was no problem in the
16 acceptance of the pleas and ratified the agreement.

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

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25 62.Later, Poole was suspended in part, because he brought the motion before justice
26 Alexander with other members of the enterprise agreeing that bringing a protective order
27 constituted non-cooperation. In doing so, members of the protection racketeering enterprise
28 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

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4 attempt to extort the cooperation of Poole, therefore being a violation of the Hobbs act and a
5 predicate offense under RICO.

6 64. On January 14, 2005, WSBA hearing officer Tina Killian submitted her first known
7 employment application for a WSBA disciplinary counsel position. She then presided in *In re*
8 *Eric C. Hoort*, Pub. File No. 04-00037, without recusing herself or notifying respondent's
9 counsel in that case. Neither James Danielson, the WSBA's chief of hearing officers, the
10 WSBA's disciplinary counsels, nor anyone else at the WSBA took any action after learning of
11 this and did not remove her from the hearing officer list. The actions of making an ex parte
12 contact with a prosecutor and attempting to extract a "job" from the disciplinary counsel is
13 attempted bribery and a predicate act under RICO. By not disclosing her ex parte contacts she
14 committed misrepresentation by omission, which is a violation of RPC 4.1. She used the mails
15 to commit her misrepresentation so that was mail fraud, a predicate offense under RICO.

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

23 66. In 2005, Jonathan Burke and other members of the enterprise began targeting Stephen
24 Eugster for prosecution of so-called violations of the RPC which led to Eugster's suspension on
25 6-11-2009. The prosecution relied almost entirely on the usually inadmissible testimony of a
26 dead woman who was probably incompetent. The purpose of the prosecution was to target
27 Eugster for his lawsuits on behalf of the public, which by their very nature, also threatened the
28 illegal activities of the enterprise. The prosecution of Eugster was an attempt to extort the WSBA

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4 membership rights from Eugster so that the illegal activities of the enterprise would be
5 continued. This prosecution was therefore a violation of the Hobbs Act and a predicate act under
6 RICO

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

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

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

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

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

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

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

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

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4 the practice of law.

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

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

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

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

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

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

16 81.Disciplinary counsel also issued subpoenas duces tecum on October 12 and November
17 2, 2005, commanding Mr. King to appear and produce documents in the Rahrig investigation.

18 82.Scannell was not notified of the King depositions.

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

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

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

27 86.On October 25, 2005, disciplinary counsel for the Washington State Bar Association,
28 Scott Busby, WSBA # 17522, deposed Mark Maurin a former employee of both Scannell and

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4 King, and conducted an investigatory deposition concerning King and Scannell.

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

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

7 89.Neither King nor Scannell attended the Maurin deposition.

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

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

13 92.The continued Scannell deposition commenced on November 1, 2005, but was
14 suspended when Scannell made a demand pursuant to CR 30(d) that the deposition be suspended
15 to permit him to file a motion to terminate or limit the scope of the examination.

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

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

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

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

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

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

28 99.The Washington State Bar Association asserted that Mr. King engaged in the

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4 unauthorized practice of law by participating in a case in Federal Court in Virginia.

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

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

11 102.Even though alleged activity was before a tribunal in Virginia state, Scannell was
12 subjected to the subpoena in Washington, in violation of Washington’s RPC 8.5(b) which
13 provides for conduct in connection with a matter pending before a tribunal, the rules of the
14 jurisdiction in which the tribunal sits is used, unless the rules of the tribunal provide otherwise.

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

24 104.A motion to terminate the Scannell deposition concerning Rahrig was made in
25 writing by Scannell on November 3, 2005. Scannell argued that the WSBA lacked jurisdiction to
26 investigate a grievance concerning King’s alleged representation of a client in Virginia. He also
27 alleged that the deposition was intended to elicit privileged attorney-client information and that
28 the privilege had not been waived by King. In issuing subpoenas without probable cause and

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4 without notifying the target of the deposition, King, Busby violated the constitutional rights of
5 Paul King to counsel. By not notifying King and thus, keeping him out of the deposition,
6 Scannell could not assert attorney client privilege, as ELC 5.4 prevents him from doing so.

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

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

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

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27 108.On December 14, 2005, the Chairman of the Disciplinary Board Bernard Friedman
28 (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-

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4 charging deposition. Scannell was put in a “no win” situation, no matter how he chose to exercise
5 his rights, the Enterprise members would change the rules so that Scannell would always be
6 “wrong” and “frivolous.” Since Washington Court Rule 30 does not allow for enforcement of a
7 subpoena while a protective order is pending, since both the Disciplinary Board and the
8 Washington State Supreme Court refuse to rule on the protective order, all actions taken against
9 Scannell from this point in time forward are null and void as they are attempts to enforce a
10 subpoena for which a motion to terminate the deposition had not been ruled upon.

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

14 111. Acting on the “order” issued the previous year in WSBA cases # 05-00874 and # 05-
15 00302, disciplinary counsel Busby attempted to reschedule the depositions of Scannell in a
16 deposition notice dated April 20, 2006.

17 112. Busby rescheduled the Matthews’ deposition for May 11, 2006 in WSBA case #05-
18 0032. The Rahrig deposition was rescheduled for May 19, 2006 in case #05-00874.

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

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

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

28 116. In May 25, 2006, the WSBA posted on its Web site an opening for disciplinary

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4 counsel. The next day, Ms. Killian inquired about the open disciplinary counsel opening. This
5 letter was an undisclosed ex parte contact forbidden by RPC 3.4 in that she concealed this letter
6 from Bradley Marshall by not disclosing it. It was also an undisclosed attempt to solicit a bribe
7 and therefore a predicate offense under RICO.

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

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

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

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27 120. As to the disciplinary counsel and the WSBA generally, they were aware of Killian's
28 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,

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4 exhausting all preemptory challenges.

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

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

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

24 125. During his prosecution of Marshall, Danielson identified with and was an advocate
25 for the WSBA, sending letters on WSBA letterhead, the same letterhead disciplinary counsel
26 used, issuing orders on WSBA pleading paper, the same pleading paper disciplinary counsel use,
27 and thanking witnesses on behalf of the WSBA, not on behalf of all parties. By appointing
28 himself as hearing officer, after all preemptory dismissals were used, by denying the deposition

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4 of WSBA personnel and Killian and by precluding the discovery of other instances where Killian
5 served as hearing officer, through the issuance of a protective order, he in effect insulated Killian,
6 disciplinary counsel and the WSBA from the rigors of constitutional impartiality and fairness.
7 He also issued an order, directing the parties to not discuss Killian's actions with third parties
8 and his refusal to grant Marshall's motion to vacate Killian's order allowing the filing of the
9 WSBA's First Amended Complaint and other orders, allowed the prejudicial effect of Killian's
10 conflict of interest and unconstitutional actions to go uncured. All of these actions were an
11 attempt to corrupt the legal process and were therefore predicate acts under RICO.

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

14 127. Busby on June 13, 2006 attempted to reschedule the deposition of King on June 28,
15 2006 in WSBA case #00854.

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

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

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

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

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4 King in case # 05-00854.

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

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

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

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

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

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

25 138. In addition Scannell refused to follow McMonagle's order because it ordered
26 attorney client privileged documents produced before appeals could have been completed. On
27 October 16, 2006, John Scannell filed an action in King County Superior Court case # 06-2-
28 33100-1 SEA which sought a ruling on the validity of the subpoena.

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

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

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

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

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

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

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

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

20 147.On February 7, 2007, the Chairman of the Disciplinary Board denied King's motion
21 to vacate on the basis that two members were not considered a quorum in WSBA case # 05-
22 00854.

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

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

26 150.The hearing on the Marshall case was held on February 20-22 and 26-27, 2007.
27 Neither Mr. nor Mrs. Harris nor Mr. nor Mrs. Rheubottom testified.
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4 151. On February 23, 2007 King appealed to the full disciplinary board on the quorum
5 issue.

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

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

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

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

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

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

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

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

13 159. In that the WSBA hearing officer Danielson made findings of fact not alleged in the
14 WSBA complaint, entered conclusions of law and made recommendations based upon those
15 findings of fact, Marshall was deprived of his right to due process of law:²

16 160. The decision by Danielson had nothing to do with evidence or based on any legal
17 principles. Instead it was a fraudulently issued decision whose sole purpose was to punish
18 Marshall for speaking out against the enterprise, to discriminate against him on the basis of his
19 race, and to serve as a warning to other attorneys what would happen to them if they did not
20 cooperate and pay homage to the protection racketeering enterprise. It was sent through the mail
21 and fraudulently portrayed as some kind of legitimate legal decision, even though the results
22 were predetermined by a corrupt judiciary who violated their own code of judicial conduct in
23 order to pressure the hearing examiner to do the dirty work of the enterprise. By fraudulently
24 issuing its corrupt decision without due process and in violation of the constitutional rights of the
25 Marshall and then using the mail system to accomplish its corrupt ends, Danielson committed a
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27 ² "An attorney has a cognizable due process right to be notified of the clear and specific charges and to be afforded
28 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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4 predicate act of mail fraud, and extortion under RICO.

5 161.The decision issued by Danielson included the use of a selection procedure, that has
6 an adverse impact on minorities. This selection procedure is to allow the WSBA act as a
7 complainant and be given unbridled discretion in conducting its prosecution including using ex
8 parte contacts and other illicit methods to influence judges, while extorting cooperation from
9 attorneys who do not pay homage to the enterprise. It has an adverse impact on minorities
10 without a legitimate business related purpose and therefore constitutes racial discrimination
11 under Title VII. In addition, Marshall can demonstrate that the WSBA's actions constitute
12 disparate treatment compared to Caucasian attorneys with an intent to discriminate and therefore
13 also constitutes racial discrimination under Title VII. The act of using racial discriminatory acts
14 against Marshall also constituted an attempt to steer the market for attorneys against Afro-
15 American attorneys and sole practitioners.

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

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

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

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4 RICO.

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

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

12 167. On May 9, 2007 members of Task Force #1 of the Board of Governors met. These
13 were undisclosed ex parte contacts that attempted to fraudulently corrupt the legal process by
14 influencing judges and members of the Disciplinary Board and as such were predicate acts under
15 RICO.

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

27 169. On May 14, 2007, members of Task Force #3 of the Board of Governors met. These
28 were undisclosed ex parte contacts that attempted to fraudulently corrupt the legal process by

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

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

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

12 172. On May 30, 2007, Scott Busby charged Scannell with misconduct based upon the
13 review committee order of January 5, 2007.

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

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

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

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

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

27 178. He also did not disclose that he was paid by the WSBA, who was one of the parties,
28 nor did he disclose that he had been hired through a process which had an inherent conflict of

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4 interest because part of his salary was kicked backed to his law partner who was president of the
5 WSBA.

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

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

11 181. On June 20, 2007, members of the Disciplinary Committee of the Board of
12 Governors met. These were undisclosed ex parte contacts that attempted to fraudulently corrupt
13 the legal process by influencing judges and members of the Disciplinary Board and as such were
14 predicate acts under RICO.

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

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

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

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

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

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

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4 188. During July of 2007 Gail McMonagle, Larry Kuznetz, Amanda Elizabeth Lee, David
5 Heller, Brian Romas, Zachary Mosner, Thomas Cena, Joni Dickinson Mina, Thomas Andrews,
6 Tamara Darst, Susan B. Madden, Seth Fine, William J. Carlson, Clementine Hollingsworth, and
7 Julie Shankland and the hearing officer in the King case, David Martin Schoeggl, held meetings
8 with Busby and hired common counsel Robert Weldon to represent them in King County case #
9 06-2-33100-1 SEA.

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

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

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

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

23 193. Scannell and King were denied by the King County Superior Court in case # 06-2-
24 33100-1 SEA for lack of jurisdiction on August 8, 2007. In his ruling King County Superior
25 Court presiding Judge Erlick at no point considered Scannell or King's arguments frivolous,
26 stating he understood their arguments and they were debatable, but nonetheless considered them
27 mistaken.

28 194. On September 19, 2007, members of the Disciplinary Committee of the Board of

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4 Governors, including Disciplinary Counsel Ende and Board of Governor members Bastian, Doug
5 Lawrence, Weldon, Mungia, and Littlewood met.

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

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

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

13 198. On October 1, 2007 Larry J. Kuznetz, William J. Carlson, Thomas Cena, , Brian
14 Romas, Thomas Andrews, Carrie M. Coppinger, Susan B. Madden, Tamara J. Milligan-Darst,
15 Norma L. Ureña, Norris Hazelton, Seth Fine, Shea C. Meehan, Melinda Anderson, Julie
16 Shankland began serving as members of the Disciplinary Board for the calendar year of October
17 1, 2007 to September 30, 2008. For the next year they met with Scott Busby, Disciplinary
18 counsel in violation of the ethics statute and the ELC. These were ex parte contacts that
19 attempted to fraudulently corrupt the legal process by influencing judges and members of the
20 Disciplinary Board and as such were predicate acts under RICO.

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

27 200. On November 14, 2007, members of the Disciplinary Committee of the Board of
28 Governors, including Disciplinary Board Counsel Shankland, Danielson and Board of Governor

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4 members Doug Lawrence, Weldon, Kristal Wiitala, and Littlewood met. These were
5 undisclosed ex parte contacts that attempted to fraudulently corrupt the legal process by
6 influencing judges and members of the Disciplinary Board and as such were predicate acts under
7 RICO.

8 201.The Disciplinary Board upheld the disbarment recommendation of Marshall on
9 October and November. Between November 14, 2007 and September 8, 2007, by information
10 and belief, various members of the enterprise met and conspired among themselves to
11 fraudulently corrupt the legal process by influencing judges and members of the Disciplinary
12 Board and as such were predicate acts under RICO. On September 8, 2007, the WSBA
13 Discipline Committee issued their “final report”. In this “final report” the committees declared
14 that the criticisms of the ABA were, for the most part, unjustified, and only offered a few
15 meaningless token reforms. The committee used the mail to issue their “final report” which was
16 an attempt to cover for the fraudulent conduct of members of the enterprise so that the enterprise
17 could continue its protection racketeering activities. This is mail fraud and a predicate offense
18 under RICO.

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

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4 Board and as such were predicate acts under RICO.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 225.On May 12, 2009, Scannell provided a more detailed defense to the December 16

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4 2008 complaint against King by an amended answer offering an additional defense involving the
5 subject of Alford pleas. King contended that existing law would allow him to litigate the merits
6 of his claim.

7 226. On or about May 14, 2009, Marshall appeared before the Washington State Supreme
8 Court. Neither before nor during this hearing did individual members of the Washington State
9 Supreme Court disclose that they had been having ex parte contacts with opposing disciplinary
10 counsel nor did they disclose they had been having ex parte contacts with opposing party, the
11 WSBA. They also did not disclose the substance of the conversations. In particular, co-
12 conspirator Matson did not divulge that she had met regularly with disciplinary counsel Busby
13 for over two years. Furthermore co-conspirators Fairhurst and Chambers were both past
14 presidents of the Washington State Bar Association, who was a party and complainant in the
15 Marshall case. As past president they would have been intimately familiar with the political
16 makeup of the Washington State Bar Association. By not divulging these ex parte contacts they
17 denied Bradley Marshall due process of law. The purpose of the failure to disclose was to
18 discriminate against Bradley Marshall on the basis of race and to corrupt the judicial process and
19 to ensure the continued existence of the protection racketeering enterprise. As such, it was a
20 predicate offense under RICO and discrimination in violation of Title VII.

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

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

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

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

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

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

10 233. On July 22, 2009, Carpenter, attended a meeting with Busby and Disciplinary
11 counsel Beitel, Disciplinary Board member Urina, Danielson, and office of General Counsel
12 Turner. s Barbara Matson, Susan J. Owen, Gerry L. Alexander, Charles W. Johnson, Richard B.
13 Sanders, Tom Chambers, Mary E. Fairhurst, James M. Johnson, and Debra L. Stephens sent a
14 representative-agent to the meeting named Sullins who would keep them informed of the
15 proceedings.

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

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

28 236. 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

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4 prevent bar complaint defendants from using Alford pleas as a reason to fully litigate a defense to
5 a bar complaint.

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

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

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

13 239. Mr. Marshall was not charged with filing a frivolous lawsuit as part of the
14 disbarment proceedings. This is clear intent on the part of Mr. Busby and the Washington State
15 Bar Association as a whole, to retaliate against Mr. Marshall and others as well as submit an
16 improper "Send a message" argument to the decision-makers. See *State v. Powell*, 62 Wn. App.
17 914, 816 P.2d 86 (1991), review denied, 118 Wn.2d 1013 (1992).

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

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

27 ODC is authorized to demand information from a lawyer. There is no procedure
28 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

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4 can refuse to provide the information, thereby subjecting himself or herself to
5 possible interim suspension or additional disciplinary charges...”

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

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

10 244. Seth Fine’s memo of September 4, 2009 along with the ODC memo of June 26,
11 2009 were in direct contradiction to the representations the disciplinary counsel’s office made in
12 the Scannell case. According to paragraph 76 of the Scannell charging complaint, his motion
13 allegation that there was no authority for the chairman to rule on a protective order was
14 “frivolous”.

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

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

22 247. On September 29, 2009, Scannell filed a timely notice of appeal of the September 1,
23 2009 recommendation to discipline him.

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

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

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

6 251. This mandate has yet to be acted upon.

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

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

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

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

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

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

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

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

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

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

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

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

12 264. By not disclosing their relationships to the complainant WSBA and by not disclosing
13 their ex parte relationships, said judges denied Scannell due process of law by having his case
14 heard by a disinterested and neutral tribunal.

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

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

20 267. On or about December 24, 2009 Evangeline Zandt filed a bar complaint (WSBA File
21 #09-01876) against Henry Judson III alleging that attorney Henry Judson III was violating RPC
22 1.7 by attempting to exploit a conflict of interest to transfer assets from her husband's
23 guardianship to another guardianship.

24 268. On January 14, 2010, Carpenter, attended a meeting with Busby and Disciplinary
25 Counsel Beitel, Disciplinary Board member Urina, and Fine, Danielson, and office of General
26 Counsel Turner. Barbara Matson, Susan J. Owen, Gerry L. Alexander, Charles W. Johnson,
27 Richard B. Sanders, Tom Chambers, Mary E. Fairhurst, James M. Johnson, and Debra L.
28 Stephens sent a representative-agent to the meeting named Sullins who would keep them abreast

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4 of what was occurring at the meetings . These were undisclosed ex parte contacts that attempted
5 to fraudulently corrupt the legal process by influencing judges and members of the Disciplinary
6 Board and as such were predicate acts under RICO.

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

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

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

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

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

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

27 275. Scannell filed an objection to the Clerk's Ruling on March 31, 2010 using RAP
28 17.7.

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

5 277. Any further efforts to appeal would be futile.

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

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

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

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

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

26 283. This was an undisclosed ex parte contact over a material issue that was pending
27 before the Washington State Supreme Court in the Scannell and King cases. These were
28 attempts to fraudulently corrupt the legal process by influencing judges and members of the

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4 Disciplinary Board and as such were predicate acts under RICO.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 298. Scannell was disciplined on September 9, 2010.

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

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

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

28 302. Since Scannell had attended the deposition there was no basis for finding him guilty

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4 of failing to cooperate in count 2 of the charges filed against him.

5 303. The court made findings that his lawsuit in King County Superior Court case #06-2-
6 33100-1 SEA was frivolous even though he was never charged with that as misconduct and it
7 was not a part of the record in his disciplinary appeal.

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

11 305. Scannell had not made a contract with Matthews.

12 306. The court did not address the issue as to how it could prosecute Scannell using
13 Washington law for conduct connected with a tribunal in Virginia.

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

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

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

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

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4 unconstitutional subpoenas.

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

7 312. On or about December 24, 2009 Evangeline Zandt filed a bar complaint (WSBA File
8 #09-01876) against Henry Judson III alleging that attorney Henry Judson III was violating RPC
9 1.7 by attempting to exploit a conflict of interest to transfer assets from her husband's
10 guardianship to another guardianship.

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

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

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

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

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

11 318. At this meeting, the Chairman of the Disciplinary Board, Seth Fine, proposed a new
12 ELC 5.5, which “would allow” an attorney to raise confidentiality concerns during an
13 investigative subpoena.

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

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

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

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

28 323. King attempted to get the court to address the issue of the ex parte deposition of

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4 Mark Maurin in that case.

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

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

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

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

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

20 329. April 20, 2011, Matthew Little filed grievance against a Kitsap County defense
21 attorneys Stephen King(King) (WSBA file #1100661), Michael Raya (Raya)(WSBA file
22 #1100664), Eric Fong (Fong)(WSBA file #11-00665), and prosecutor Gina Buskirk(Buskirk).

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

28 331. Complaints against Raya and Fong alleged violations of RPC 1.4(a)(b) because they

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4 failed to disclose that his wife had stated in writings to the court that there was no domestic
5 violence or assault in the case, when she was the complaining witness.

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

8 333. On April 25, 2011, the WSBA dismissed grievance against Raya and Fong on the
9 grounds that their misconduct involved “professional judgment” and the bar does not reassess
10 “professional judgment”. The complaint against Buskirk was dismissed on the grounds her
11 actions were not in violation of the RPC’s. The complaint against King was dismissed with
12 Little being told that when he claims ineffective assistance of counsel, they do not investigate it
13 unless there is a judicial finding of impropriety.

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

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

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

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

28 338. On June 30, 2011, in response to grievance filed against LaCrosse, the WSBA told

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4 Little that when he claims ineffective assistance of counsel, they do not investigate it unless there
5 is a judicial finding of impropriety.

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

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

11 341. On August 2, 2011, the WSBA dismissed the Tibbits grievance(WSBA file #11-
12 01454) and told Little that when he claims ineffective assistance of counsel, the WSBA does not
13 investigate it unless there is a judicial finding of impropriety.

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

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

19 344. On August 5, 2011, the WSBA dismissed the grievance against Michelle A. Taylor
20 (11-01309), telling Little do not investigate it unless there is a judicial finding of impropriety.

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

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

26 347. In the case of Davy, Little alleged violations of RPC 1.7(b)(2) (failure to get a
27 written waiver before representing a client against a former client), RPC 3.8(b), (engaging in
28 conversations with an unrepresented party without first informing him of right to counsel), RPC

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4 3.8(a). (filing charge not supported by probable cause), all stemming from his representation of
5 the City of Bremerton in doubling Little's bail at a time when the court would not provide Little a
6 counsel in violation of his constitutional right to counsel in a criminal proceeding.

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

10 349.Grundstein was a Vermont resident on inactive WSBA status for the prior
11 12years. He had no history of discipline, anywhere. He was not a resident of WA nor
12 was he found in the state for service. He had no clients and performed no acts under
13 the WA long arm statute. Bar contrived to file a formal complaint against him which
14 included charges related to motion practice in other states Bar didn't like. The Formal
15 Complaint asked for "Probation". A disciplinary hearing was set for Spring of 2011.

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

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

22 352.After hearing, Bar removed all Grundstein's evidence from the record. The
23 evidence was entered over 80 pages of transcript and re-numbered by the Hearing
24 Officer to suit her pre-existing numbering system. This included 42 exculpatory exhibits
25 and letters of recommendation. This was in violation of RPCs 3.3, 3,4 and 3.8. It also
26 violated the 6th amendment and Grundstein's "Brady" rights. Bar obstructed justice and
27 spoliated evidence to contrive the lies it needed. It also enlisted a corrupt attorney
28 named Ronald Meltzer who testified to one of the surprise Complaint amendments. Bar

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4 sought to charge that a subpoena Grundstein issued under WA Civ. Rule 45 in a pro se
5 action on behalf of his geriatric mother was fraudulently obtained because "only an
6 active attorney can issue a subpoena". This was a fictitious offense. Any named party
7 to a suit or pro se attorney can issue a subpoena.

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

12 354. The clerk felt that a mandate is not the same as an order.
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16 6. Describe in detail the alleged enterprise for each RICO claim. A description of the enterprise
17 shall include the following information:

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

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

21 c. State whether any defendants are employees, officers or directors of the
22 alleged enterprise.

23 d. State whether any defendants are associated with the alleged enterprise.

24 e. State whether plaintiff's alleging that the defendants are individuals or entities separate from
25 the alleged enterprise, or that the defendant is an enterprise itself, or member of the enterprise.

26 f. If any defendants are alleged to be the enterprise itself, or members of the enterprise, explain
27 whether such defendants are perpetrators, passive instruments, or victims of the alleged
28 racketeering activity.

 The enterprise in this case is a rimmed hub and spoke conspiracy. The "hub" (core)

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4 consisted of the WSBA Board of Governors, the disciplinary board, the various disciplinary
5 counsel and the defendants in this case. At various points in time, members of the hub would
6 make individualized agreements (spokes) with other members of the WSBA and the public to
7 further the illicit aims of the enterprise. The spokes would fluctuate throughout the last fifteen
8 years, but the goals of the enterprise, of which all participants were generally aware, remained
9 constant. The participants (both core and fluctuating) had an agreement to further goals of the
10 Enterprise, which was to hoodwink the public into thinking that the WSBA was actually policing
11 the Rules of Professional Conduct instead of covering for the unethical acts of the Enterprise.
12 The defendants and the other participants are named in the complaint and in this RICO statement
13 Some of the named defendants are employees. All listed disciplinary counsel are employees, as
14 well as the Chief Hearing Officer Danielson and Nappi. The rest of the named RICO defendants
15 are members of the enterprise and therefore associated with it. The RICO defendants are
16 perpetrators of the enterprise while the other defendants are passive. While the Gold Bar
17 members started out as a separate enterprise, it has now merged with the WSBA enterprise to
18 comprise of one entity.

19 In this case the “rim” consists of the general agreement of the membership of
20 Washington State Bar Association to agree to have the criminal RICO enterprise represent them.
21 While there are some attorneys that might want to change the system, they are basically extorted
22 by fear and intimidation from doing anything. Others simply tolerate it because it is too much
23 trouble and would take too much of their time to do anything about it. Unfortunately, there are
24 far too many attorneys who go along with it because they would rather not be held accountable
25 for their own unethical activities. .

26 7. State and describe in detail whether plaintiffs alleging that the pattern of racketeering activity
27 and the enterprise are separate or have merged into one entity. The pattern of racketeering
28 activity has essentially merged into one entity, which controls the disciplinary process of the

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4 Washington State Bar Association. While individual spokes (agreements with individual WSBA
5 members) may not have the effect of completely informing those members of the exact role the
6 spoke has in furthering the enterprise, most members who participate are fully knowledgeable as
7 to general goals of the enterprise.

8 8. Describe the alleged relationship between the activities of the enterprise and the pattern of
9 racketeering activity. Discuss how the racketeering activity differs from the usual and daily
10 activities of the enterprise, if at all. A major function of the WSBA (if not the most important,
11 certainly one of the most important) is to police its own members so that the public is assured
12 that unethical attorneys are held accountable for their actions. In this regard, the enterprise has
13 completely dominated the disciplinary process.

14 The Gold Bar members have gained complete control of the finances of the City of Gold
15 Bar and have steered a major portion of its budget, to finance their own defense in this case and
16 others.

17 As far as the rest of the activities of the WSBA, which includes organizing CLE's and
18 other activities, such as giving bar exams, the enterprise does not dominate.

19 9. Describe what benefits, if any, the alleged enterprise receives from the alleged pattern of
20 racketeering. The Kitsap County defendants benefit by having unjust taxes collected for their
21 budgets. Enterprise members such as Avery are then rewarded by being given raises and more
22 bureaucrats to supervise. The WSBA benefits include the coerced cooperation of other members
23 of the Washington State Bar Association who have been denied their democratic rights of
24 membership, the inflated dues and the benefits of having inflated dues. The Gold Bar defendants
25 receive free representation to defend their corrupt activities, even though their criminal activities
26 were done outside the scope of their employment. Attorneys in general, in Washington profit by
27 not being held accountable for their unethical activity.

28 10. Describe the effect of the activities of the enterprise on interstate or foreign commerce. The

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4 Enterprise affects interstate commerce in that Washington attorneys are often called upon to
5 represent clients who are from out of state or have suits that affect interstate commerce. By
6 directing the market toward large firms instead of solo practitioners and minorities, the enterprise
7 has artificially increased the price of legal services for these clients, which in turn increases the
8 expenses for engaging in interstate commerce.

9 11. If the complaint alleges a violation of 18 U.S.C. Section 1962(a), provide the following
10 information:

11 a. State who received the income derived from the pattern of racketeering activity or through the
12 collection of unlawful debt The attorneys for the Gold Bar defendants. Kitsap county defendants
13 have had their departmental budgets artificially inflated. They have also received free legal
14 representation for their corrupt activities. They are also being paid to scheme, deceive, and steal
15 from the public instead of providing honest services as required by law.

16 b. Describe the use or investment of such income. The plaintiff will demonstrate through analysis
17 of department budgets that individual enterprise members profit by having the income from the
18 scheme diverted to the defendants through raise and other amenities..

19 12. If the complaint alleges a violation of 18 U.S.C. Section 1962(b), describe in detail
20 the acquisition or maintenance of any interest in or control of the alleged enterprise. The
21 enterprise has acquired complete political control of the WSBA by intimidating its opponents as
22 described above. The enterprise has also acquired complete political control of the government of
23 Gold Bar through misconduct as previously described and partial control of Snohomish County
24 through the misconduct as previously alleged. The enterprise also has extorted the democratic
25 rights of the membership of the WSBA and citizens of Snohomish County, Kitsap County and
26 Gold Bar to maintain control. By misusing its power to discipline, and to extort concessions
27 from the citizenry of Kitsap County, Snohomish County and Gold Bar the enterprise intimidates
28 the membership into not opposing the enterprise, thus ensuring that the enterprise controls the

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4 WSBA and the governments of Kitsap County, Snohomish County and Gold Bar.. This
5 intimidation takes the form of “sending a message” to the membership of the WSBA and citizens
6 of Gold Bar and Snothomish Countyand Kitsap County as to what will happen if they oppose the
7 enterprise.

8 13. If the complaint alleges a violation of 18 U.S.C. Section 1962(c), provide the following
9 information:

- 10 a. State who is employed by or associated with the enterprise.
11 b. State whether the same entity is both the liable "person" and the "enterprise"
12 under Section 1962(c).

13 The Washington State Bar Association employs the disciplinary counsel defendants and the
14 Chief Hearing officer. The persons liable under Section 1962(c) do not include the enterprise.

15 14. If the complaint alleges a violation of 18 U.S.C. Section 1962(d), describe in detailthe alleged
16 conspiracy. See above.

17 15. Describe the alleged injury to business or property. Plaintiff has lost her rights to practice
18 law and has suffered immearsurable damage to her reputation

19 16. Describe the direct causal relationship between the alleged injury and the violation of the
20 RICO statute. The defendants and the enterprise have prevented the plaintiff from conducting her
21 law practice and damaged her reputation in the community.She has experienced severe
22 emotional distress

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24 17. List the damages sustained for which each defendant is allegedly liable. The defendants are
25 jointly and severally liable for all damages as caused. Excluded from all damages are those that
26 were dismissed in the previous suits against the defendants in that suit as well as others who may
27 not have liability because of res judicat or collateral estoppel .

28 18. List all other federal causes of action, if any, and provide the relevant statutenumbers. See

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not have liability because of res judicata or collateral estoppel .

18. List all other federal causes of action, if any, and provide the relevant statute numbers. 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." The court should familiarize itself with the activities of different federal judges such as Judges Pechman, Jones, and Leighton, who violated the Code of Judicial Conduct by dismissing and sanctioned previous plaintiffs, when they had a direct financial stake in the litigation.

Dated this 18th day of February, 2016

S/ 
Anne Block