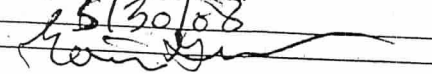


CERTIFICATION- State of Washington, County of King. The undersigned, duly authorized clerk of the King County District Court, Washington, hereby certifies that the document on which this stamp is imprinted is a true and correct copy of the original filed in the Court.

SIGNED 5/30/08
 Court Clerk

STATE OF WASHINGTON
 KING COUNTY DISTRICT COURT
 FOR East Division, Redmond Courthouse

087-001160

6/2/72
Anne Haughlin Pennington
 Petitioner DOB

NO. 08-3-03941-6
 TEMPORARY ORDER FOR PROTECTION
 AND NOTICE OF HEARING (TMORPRT)
 (All Cases)
 (Clerk's Action Required)

vs.
9/22/66
John Edward Pennington
 Respondent DOB

Next Hearing Date/Time: 6/12/08 - 9:00 AM
 At: King County Superior Court
 516 3rd Avenue, Room W291, Seattle, WA 98104

Identification of Minors: No Minors Involved.

Name (First, Middle Initial, Last)	Age	Race	Sex

For good cause shown, the court finds that an emergency exists and that a Temporary Protection Order should be issued without notice to the respondent to avoid irreparable harm. **IT IS THEREFORE ORDERED THAT:**

X	1. Respondent is RESTRAINED from causing petitioner physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking <input checked="" type="checkbox"/> petitioner <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:
X	2. Respondent is RESTRAINED from coming near and from having any contact whatsoever, in person or <u>through</u> others, by phone, mail, or any means, directly or indirectly, except for mailing or service of process of court documents by a 3 rd party or contact by respondent's lawyer(s) with <input checked="" type="checkbox"/> petitioner <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:

If both parties are in the same location, Respondent shall leave.

X	<p>3. Respondent is RESTRAINED from going onto the grounds of or entering petitioner's <input checked="" type="checkbox"/> residence <input checked="" type="checkbox"/> workplace <input type="checkbox"/> school; <input type="checkbox"/> the day care or school of <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only: Workplaces: Office - 130 Nickerson St, Suite 305 Seattle, WA <input checked="" type="checkbox"/> other: ② Duwall City Hall ③ Duwall Fire Station ④ Old Duwall Church Sanctuary, 150 Maternity Duwall, WA <input type="checkbox"/> Petitioner's address is confidential. <input checked="" type="checkbox"/> Petitioner waives confidentiality of the address which is: 12128-317th Pl, NE Duwall, WA 98019</p>	Dk
	<p>4. Petitioner shall have exclusive right to the residence petitioner and respondent share. The respondent shall immediately VACATE the residence. The respondent may take respondent's personal clothing and respondent's tools of trade from the residence while a law enforcement officer is present. <input type="checkbox"/> This address is confidential. <input type="checkbox"/> Petitioner waives confidentiality of this address which is:</p>	ward
X	<p>5. Respondent is PROHIBITED from knowingly coming within, or knowingly remaining within <u>100 yards</u> (distance) of: petitioner's <input checked="" type="checkbox"/> residence <input checked="" type="checkbox"/> workplace <input type="checkbox"/> school; <input type="checkbox"/> the day care or school of <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only: <input checked="" type="checkbox"/> other: Workplaces listed in box # 3</p>	at Evergreen Hospital and offices of Petitioner physician
	<p>6. Petitioner shall have possession of essential personal belongings, including the following:</p>	Dk
	<p>7. Petitioner is granted use of the following vehicle: Year, Make & Model _____ License No. _____</p>	
	<p>8. OTHER:</p>	
<p>Complete the following only if protection is granted involving a minor:</p>		
	<p>12. Petitioner is GRANTED the temporary care, custody, and control of <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:</p>	
	<p>13. Respondent is RESTRAINED from interfering with petitioner's physical or legal custody of <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:</p>	
	<p>14. Respondent is RESTRAINED from removing from the state <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:</p>	

The respondent is directed to appear and show cause why this temporary order should not be made effective for one year or more and why the court should not order the relief requested by the petitioner or other relief which may include electronic monitoring, payment of costs, and treatment. **FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE COURT GRANTING SUCH RELIEF. THE NEXT HEARING DATE AND TIME IS SHOWN BELOW THE CAPTION ON PAGE ONE.**

WARNINGS TO THE RESPONDENT: Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. If the violation of the protection order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States, which includes tribal lands, the defendant may be subject to criminal prosecution in federal court under 18 U.S.C. § 2261, 2261A, or 2262.

Violation of this order is a gross misdemeanor unless one of the following conditions apply: Any assault that is a violation of this order and that does not amount to assault in the first degree or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. Also, a violation of this order is a class C felony if the respondent has at least 2 previous convictions for violating a protection order issued under Titles 10, 26 or 74 RCW.

If the court issues a final protection order, and the respondent's relationship to the petitioner is that of spouse or former spouse, parent of a common child, or former or current cohabitant as intimate partner, the respondent may not possess a firearm or ammunition for as long as that final protection order is in effect. 18 U.S.C.

§ 922(g)(8). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1). If the respondent is convicted of an offense of domestic violence, the respondent will be forbidden for life from possessing a firearm or ammunition. 18 U.S.C. § 922(g)(9); RCW 9.41.040.

YOU CAN BE ARRESTED EVEN IF THE PERSON OR PERSONS WHO OBTAINED THE ORDER INVITE OR ALLOW YOU TO VIOLATE THE ORDER'S PROHIBITIONS. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

It is further ordered that the clerk of the court shall forward a copy of this order on or before the next judicial day to Duval-Carration County Sheriff's Office Police Department **WHERE PETITIONER LIVES** which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

The clerk of the court shall also forward a copy of this order on or before the next judicial day to Duval-Carration County Sheriff's Office Police Department **WHERE RESPONDENT LIVES** which shall personally serve the respondent with a copy of this order and shall promptly complete and return to this court proof of service.

Petitioner has made private arrangements for service of this order.

The law enforcement agency where petitioner respondent lives shall assist petitioner in obtaining:

Possession of petitioner's residence personal belongings located at: the shared residence respondent's residence other: _____

Custody of the above-named minors, including taking physical custody for delivery to petitioner (if applicable).

Other: _____

This Temporary Order for Protection is effective until the next hearing date shown below the caption on page one.

DATED 5-30-09 at 3:50 a.m./p.m.

Presented by: [Signature]

Petitioner

JUDGE/COURT COMMISSIONER

A Law Enforcement Information Sheet (LEIS) must be completed

RECEIVED

NOV 05 2009

Anderson, Fields, McIlwain
& Dermody, Inc. P.S.

AMH 2:15

COPIES SENT TO

CLIENT 11-a-09

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

In re the Marriage of:

Case No: 08-3-03941-6 SEA

JOHN EDWARD PENNINGTON,
Petitioner,

PETITIONER'S ANSWERS TO
RESPONDENT'S FIRST SET OF
INTERROGATORIES AND REQUESTS
FOR PRODUCTION

and

ANNE LAUGHLIN PENNINGTON,
Respondent.

ANSWER TO INTERROGATORY NO.: 1.

Date of birth: 9-22-66 Place: Nashville, Tennessee

ANSWER TO INTERROGATORY NO.: 2.

SSN: 414-35-1613

ANSWER TO INTERROGATORY NO.: 3.

Name: John Edward Pennington

ANSWER TO INTERROGATORY NO.: 4.

Address and phone number:

PETITIONER'S ANSWERS TO RESPONDENT'S
FIRST SET OF INTERROGATORIES - 1

Linn, Schisel & DeMarco, P.S.
860 S.W. 143rd St.
Burien, WA 98166

PH/TDD - (206) 242-9876 Fax - (206) 431-5713
Law@LinnSchiselDeMarco.com

- 1
2 c) Director, Department of Emergency Management
3 d) 40 hour work week; disaster preparedness and response

4 15. Question omitted.
5

6 ANSWER TO INTERROGATORY NO.: 16

7 Time lost from work? No
8

9 ANSWER TO INTERROGATORY NO.: 17.

10 See 18.
11

12 ANSWER TO INTERROGATORY NO.: 18.

13 2008 tax return is attached.
14

15 I have not been able to locate my 2007 tax return. It is possible
16 Respondent is in possession of this.

17 ANSWER TO INTERROGATORY NO.: 19.

18 Employment agreement? No
19

20 ANSWER TO INTERROGATORY NO.: 20.

21 N/A
22

23 ANSWER TO INTERROGATORY NO.: 21.

24 Additional employment? Yes
25

26 a) Department of Homeland Security
27

28 b) Contract instruction at Emergency Management Institute
29

30 c) Paid per contract: \$2,700 for first; \$2,950 for second
31

d) 8 days total

PETITIONER'S ANSWERS TO RESPONDENT'S
FIRST SET OF INTERROGATORIES - 4

Linn, Schisel & DeMarco, P.S.
860 S.W. 143rd St.
Burien, WA 98166
PH/TDD - (206) 242-9876 Fax - (206) 431-5713
Law@LinnSchiselDeMarco.com

1 28120 NE 147th Place, Duvall, WA phone: (425) 788-4198

2 ANSWER TO INTERROGATORY NO.: 5.

3 How long at this address: since March 2006

5 ANSWER TO INTERROGATORY NO.: 6.

6 Persons living at this address:

<u>Name</u>	<u>Relationship</u>	<u>Length of Time</u>
Grace Ann Pennington	daughter	entire

<u>Monthly Gross/ Net Salary</u>	<u>Age</u>	<u>Occupation</u>
N/A	6	N/A

16 ANSWER TO INTERROGATORY NO.: 7.

17 No.

19 ANSWER TO INTERROGATORY NO.: 8.

20 Question omitted

22 ANSWER TO INTERROGATORY NO.: 9.

23 Question omitted

24 ANSWER TO INTERROGATORY NO.: 10.

<u>Street No/ City/State</u>	<u>Mo/Yr to Mo/Yr</u>	<u>Monthly Rent or Mortgage Payment</u>
28120 NE 147 th Pl Duvall, WA	March 2006 to present	\$2,965, including property taxes

31 PETITIONER'S ANSWERS TO RESPONDENT'S
FIRST SET OF INTERROGATORIES - 2

Linn, Schisel & DeMarco, P.S.
860 S.W. 143rd St.
Burien, WA 98166
PH/TDD - (206) 242-9876 Fax - (206) 431-5713
Law@LinnSchiselDeMarco.com

1
2 ANSWER TO INTERROGATORY NO.: 11.

3 Date and place of marriage

4 9-16-07 Nashville, Davidson County, Tennessee

5
6 ANSWER TO INTERROGATORY NO.:12.

7 Education

8
9 Name of Institution Dates of Attendance Degree Obtained/Date

10 California Coast University 1999-2001 BS/Business Admin, 2001

11
12 American Military University current I am pursuing a masters
13 degree in Disaster
14 Emergency management

15 ANSWER TO INTERROGATORY NO.: 13.

16 Health, name and address of treating physician(s).

17 I am in very good physical health.

18 Eileen O'Keefe, M.D.
19 Evergreen Medical
20 17000 - 140th Ave NE, #101
21 Woodinville, WA 98072
22 (425) 481-6363

23
24 ANSWER TO INTERROGATORY NO.: 14

25 Yes, I am currently employed.

26 a) Snohomish County
27 3500 - 109th St. SW
28 Everett, WA 98204

29 b) July 11, 2006

30
31 PETITIONER'S ANSWERS TO RESPONDENT'S
FIRST SET OF INTERROGATORIES - 3

Linn, Schisel & DeMarco, P.S.
860 S.W. 143rd St.
Burien, WA 98166
PH/TDD - (206) 242-9876 Fax - (206) 431-5713
Law@LinnSchiselDeMarco.com

June 12, 2009
DVPO Hearing

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COURT COMMISSIONER: The first case before the court, Pendleton versus Pendleton. This is 08-3-03941-6SEA. Will the parties approach please?

MS. LORELLA: Right here. Good morning Your Honor. Teresa Lorella. I'm here for Hank Finesilver. We just this morning put in a notice of appearance. We were hired last night for this matter. I have given a copy to the respondent. I'm here with my client.

COURT COMMISSIONER: Okay.

MS. LORELLA: And...

COURT COMMISSIONER: Could you please state your name on the record?

MR. JOHN PENNINGTON: Good morning, John Pennington, at this point representing myself.

COURT COMMISSIONER: Okay. And I did receive the petition. I also received the response that was filed and I reviewed both documents and the attachments—there were attachments to the response. Sir, have you had a chance to review the order that was handed up to me this morning?

MR. JOHN PENNINGTON: Yes ma'am I have.

COURT COMMISSIONER: And are you in agreement with this order or any part of it?

MR. JOHN PENNINGTON: No ma'am I am...

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COURT COMMISSIONER: Then we'll go forward with the full hearing. I'll hear argument on behalf of the petitioner first.

MS. LORELLA: Thank you. And I would like to say that my client did not have a chance to file a replay, and so if anything does come up in testimony that was not in the paperwork I ask that it be considered because the respondent will have a chance to testify to that in court today.

COURT COMMISSIONER: Okay. Are you asking to present testimony of your client?

MS. LORELLA: Yes.

COURT COMMISSIONER: Okay.

MS. LORELLA: I'm going to have her...

COURT COMMISSIONER: Please raise your right hand. Do you swear or affirm that the testimony you give today will be the truth, the whole truth and nothing but the truth?

MS. ANN PENNINGTON: Yes I do.

COURT COMMISSIONER: Thank you.

EXAMINATION OF ANN PENNINGTON

(BY MS. LORELLA)

Q: And could you please tell the court your name?

A: Ann Laughlin Pennington.

Q: And how long have you been married to the respondent?

1 A: Since September 16th, 2007.

2 Q: How long have you guys been together over all?

3 A: Since about June—May of 2005.

4 Q: Just for some background information for the commissioner, who is
5 Grace?

6 A: Grace is John's five year old daughter. He has custody of her.

7 Q: And when did she live with you?

8 A: She came to live with us I think end of June, beginning of July of 2005.

9 Q: And although it may be obvious, are you pregnant?

10 A: Yes, about nine months.

11 Q: And as far as this matter is concerned, when did you and your husband
12 separate?

13 A: On May 11th, of 2008, Mother's Day.

14 Q: And who filed the actual separation action?

15 A: John did.

16 Q: Why didn't you?

17 A: I just—I didn't know that we were going that direction quite yet.

18 Q: When the commissioner looks at the paperwork she'll see that you filed
19 the protection order about three weeks after the separation was actually
20 filed. Can you tell her why?

21 A: Yeah, things were getting worse, and John seemed to be kind of coming
22 unraveled. His arguments with me were more and more irrational. He
23 had more extreme ups and downs. More extreme polarized. He—I'm

1 sorry this is hard. He—he was coming to my home. He was sending me
2 emails, long emails, lengthy emails. He was leaving voicemails on my cell
3 phone. Some of them were very, very, very angry. I had gone in to get
4 some of my things when he wasn't there because if I did try to get
5 something when he was there he would have just got in my way and not
6 let me leave or tried to keep me from getting any of my things, my
7 personal belongings. And I walked in on May 13th, a couple of days after I
8 had left the home. I guess John had been out of town from the 9th to the
9 13th, or the 9th to the 11th and then he knows I'm not working on Tuesdays
10 so that I would probably go back into the home to get some more
11 belongings. And I went upstairs, I find my shawl in the garbage and I
12 found the gun on the chair in the—in the master bedroom, and there were
13 bullets next to it in a blue backpack. And I thought that was not—there
14 could be nothing but a threat there. Every time he gets angry or he has
15 some—he—at the very end of his divorce, his pervious divorce he'd go
16 hunting or go shooting at a range or something. This gun was down.
17 When he has the five year old in the house, and it's a revolver which he
18 tells me you don't have to chamber it, it's so easy to use, and I had just
19 had a colleague at work whose three year old son had been shot in the
20 head by his ten year old brother on accident. The funeral was only—it
21 was less than a month prior to me finding that gun down on April 19th.

22 Q: Do you have any criminal matters pending?

23 A: Yes. The City Prosecutor is looking into this as a criminal matter

1 Q: And have you...

2 A: Duvall.

3 Q: Have you spoken to the police or the prosecutor?

4 A: I have had lengthy conversations with the police several times.

5 Q: And are you afraid of your husband?

6 A: Absolutely.

7 Q: Can you briefly explain when that fear began or how long you've been
8 afraid?

9 A: It's been off and on prior to—prior to getting married, but I kept thinking
10 well it's the divorce and he's—he's got to heal and I'm going to help him.
11 I'm going to make him and be there to help him and get through it. And
12 that he—he's—back in as far as December 9th or around there in 2005 he
13 was aggressive and violent, pushed me during an argument in public at
14 the Starbuck's in Bellevue. Had thrown me out of the house, or—or, you
15 know, would tell me he was throwing me out of the house, get my stuff,
16 don't collect any of your things, just get out. And then would a few
17 minutes later, you know, no I love you and I want you to stay. I don't
18 mean that. I don't remember the question.

19 Q: You answered it. That's fine. Do you—do you know of John displaying
20 this behavior to anyone else?

21 A: Yes. I know—I have seen him be very, very rough with his daughter in
22 front of me and also with our animals. Our dog, which is over 110 pounds.

1 and part Mastiff urinates on the floor when he comes home just without
2 even—without even him saying anything.

3 Q: Has he destroyed any property in front of you?

4 A: He took his glasses once, his reading glasses, he was standing in the
5 kitchen and I was sitting on the couch in the den and there was no wall
6 between us, and he took them and he was angry about something, he
7 crumpled them up, threw them across the room towards me. They were
8 probably, I don't know, maybe a foot or two away from my face when they
9 flew past me and hit the fireplace to my left. And I remember at that point
10 thinking, you know, how fast do I get to the—to the—to the garage door
11 which was halfway between us. He was slamming things down.

12 Slammed his hand down on the counter and things like that. Just yelling,
13 screaming. And I also remember thinking about Grace and I know that I
14 have no authority over her, but I was wondering, you know, how do I get
15 her because a lot of this stuff happens in front of her and I just wanted to
16 take her with me and—but I don't—I can't.

17 Q: When he's angry does your husband call you any names?

18 A: Yeah. He's called me dumb shit, asshole, dumb ass, dip shit, stupid, fat
19 chick. Yeah, you name it. Bitch.

20 Q: What about a history of any physical abuses beyond the—the destruction
21 of property? Has he touched you?

22 A: Yeah. He—we've stood in the kitchen a couple of times. He'll
23 roughhouse and, you know, sometimes it starts out as fun but there is a

1 control point on your collarbone that he gets you down to the floor and that
2 can hurt and I remember asking him to stop a number of times and that it
3 was hurting. And I know that I my face was showing that it was hurting
4 and he wasn't stopping. And I remember—I remember being in the
5 kitchen standing with my back to the sink and he stood right up against
6 me, and this was when I was pregnant, and my—it's very embarrassing to
7 talk about, but my—my breasts became very, very sore. It hurt to wear
8 pajamas to bed. It hurt to wrap a towel around. And he would come at
9 me, and he was joking, I think he was laughing, but it was kind of a mean
10 laugh and he would twist them or poke at them or jab at them and I said
11 stop it. And I would try to get his hands away from him and—away from
12 me and get around him and leave, but that was just—that was just one of
13 those things that would happen. It happened a couple times in the
14 kitchen. It happened once in the car. It happened once on the couch.
15 And I didn't think it was funny at all.

16 Q: Have there been any instances where he has blocked you physically from
17 leaving?

18 A: Absolutely. That happens frequently. I know that one of the only ways for
19 me to stop him from—from following me around the house and yelling at
20 me, screaming at me, calling me names, saying fuck you, things like that.
21 I know that one of the only ways for me to get out of there, to get the—to
22 get things calm to some semblance of calm, is to leave. Usually that's the
23 only way because he escalates it regardless. And then when I leave,

1 when I try to go, if I try to go get an outfit for work because I'm going to
2 stay somewhere that is safe, that is calm overnight, or if I try to get my
3 keys or get my purse or something like that, he—he'll stand in the
4 doorway and I have to go into the walk in closet upstairs in our master
5 bedroom, which is tiny, and he stood in the doorway. And he stood in the
6 doorway once and he saw me getting my things and he—and he stood
7 there and he got this expression on his face that's like, you know, this is
8 amusing. This is just amusing, you know. This is typical or you. And I—I
9 remember looking up at him and said I would rather that you not watch.
10 And he said oh, I'm going to watch. I'm going to be here. In fact I'll help
11 you. And when I try to get out he—he goes really far as far as aggression,
12 and then when I try to get out of the place then he's holding my arm, my
13 shoulders, or holding my elbows, keeping me from leaving. And he has
14 done that repeatedly in this little walk in closet. I guess I should know
15 better than to keep things in there. In the master bathroom, which the
16 closet goes into the master bathroom, and between the garage door and I
17 remember once that he was standing in the garage door in the laundry
18 room and he wouldn't let me out, and I am—I grabbed the two cats and I
19 ran for the front door and I just—I didn't look back and as soon I was
20 outside I know that I was in view of the neighbors and stuff like that and I
21 know that he wouldn't come out there. But I just left at that point.

22 Q: Now you've said that this has escalated since your pregnancy, and you
23 may have already answered that, but can you tell the—the court what

1 exactly you mean by saying that—that since pregnancy this has gotten
2 worse?

3 A: We found out I was pregnant about in November, very beginning of
4 November, right before the election. I got elected to the Duvall City
5 Council November 7th, or whatever that was, and we went to the doctor's
6 appointment. There was just no—no joy—no joy from the beginning. And
7 I remember arguments just beginning to escalate about everything about
8 the baby. It was just about, you know, me being a mature maternal age,
9 advance maternal age. Of me being, you know, having to go through
10 tests possibly at one point. He—he just—it was one thing after another
11 and when it got to the point where it was December, February, we really
12 started having arguments off and on a lot and that was where he, you
13 know, always wound up standing in between me and the door or just
14 towering over me, yelling at me, screaming at me the obscenities.

15 Q: Who has your power of attorney?

16 A: My parents.

17 Q: And when did you give them power of attorney?

18 A: When I left on May 11th.

19 Q: Why did you do that?

20 A: Because I—I believe that if something happens to me he will not—he
21 would care less about keeping me alive.

22 Q: Is there a reason that you feel that way?

1 A: I remember him telling the story a bunch of times about his ex-wife Valerie
2 and how she had had a terrible C section in the delivery room and the
3 doctor was on top of her pushing down on her and getting the baby out.
4 Her uterus was actually out on the table. He asked the doctor what is that
5 and he said oh, that's your wife's uterus. When the baby came out the
6 doctor handed Grace to John and John said oh, it's okay Daddy's got you.
7 He tells it every time—every time she has her birthday. And he tells me
8 how his wife was dying on the table, just dying in front of his eyes. And
9 the thing he talks about is how when he took Grace in his arms and said
10 Daddy's got you, it's okay, and everybody turned and looked at him and
11 was, you know, just mesmerized by the fact that John could get her to
12 stop crying immediately. Nothing about his wife dying on the table. And
13 that doesn't make me feel very...

14 Q: I'm going to ask a couple questions that deal with the response that he put
15 in. Did you ever remove him from your car insurance?

16 A: No. No.

17 Q: So is he still insured by your insurance?

18 A: Yes. I thought John would drop me from the car insurance because I
19 have one car and he has two cars, and household insurance and he went
20 through USAA which was through my family's connection and I thought
21 that he would drop me so I took my car, which is \$76 per month. I took my
22 car off. I took initiative because I didn't want to find out that I get in an
23 accident and then I'm not covered.

1 Q: Now, the commissioner has probably seen some emails that you have
2 sent to John in that time period where you have said that you were asking
3 him to not contact you. Can you explain to the commissioner why you
4 were contacting him in those instances?

5 A: I thought that we were doing counseling. I did not feel comfortable talking
6 with him on—off line by—by ourselves and so I thought that by going and
7 having somebody, a third party there, somebody that would be safe to
8 kind of make sure things didn't escalate and get out of control, that that
9 would be okay. That at least we could do that for some period of time. I
10 don't know what would happen at the end of that. And what was your
11 question?

12 Q: That was the question. So do you feel that you've answered that—that—
13 why did you contact him?

14 A: Oh, it was about scheduling the appointments. I had very brief one or two
15 sentence emails only about scheduling. I remember that I couldn't—I had
16 to be out of town one day for meetings and I—I rescheduled and he
17 accused me of canceling, and that's when he served me with the legal
18 separation. And it was about scheduling or about the person that was
19 going to do the counseling, and I had a—I have a voicemail on my cell
20 phone from him when he said you just—I want to—let's do the counseling.
21 I have been trying for two and a half years to do some counseling with
22 him, but finally he agreed to do it. You find the person. You tell me who it
23 is. You give me the dates and times and you—and I'll choose it and then

1 you—I'll be there. And the next time he said—he said I'm not going if your
2 parents recommended it. I'm not going if—if your friends have
3 recommended it, and we had some friends who are psychiatrists, and I'm
4 not going if they are the ones who recommended it. I want to go see a
5 Christian counselor and then he started having all these ultimatums one
6 after another. And I didn't feel like that was very serious but I was going to
7 go. We had one scheduled for June 3rd and one scheduled for June 11th.

8 Q: So despite the fact that you have been willing the past to do counseling
9 are you afraid of your husband?

10 A: Absolutely.

11 Q: And can you say with—tell the commissioner what you are afraid of? Why
12 are you asking for this protection order today?

13 A: This is escalating. This is something that is just getting out of hand, and
14 there is no reason when he argues. There is just nothing I can reason
15 with and the emails, letters, I'm being served all the time. I've never been
16 served in my life. I just—I—I just—I need—I need to be able to deliver this
17 baby healthily and my doctor is really worried about it. My heart rate goes
18 up like beyond normal. The baby has been writhing in my stomach at
19 times like when someone came and served me late at night at my home.
20 I've actually lost weight. My baby is all right. They say she's growing.
21 She's okay. But they are worried about the stress, and I'm—I'm just
22 worried about what happens after this baby is born. What happens to me.
23 And I went in and I asked the police would you please go to his home,

1 because he has lots of weapons in his home in the gun cabinet and in an
2 unlocked drawer up in his bureau. Can you please just write down the
3 serial numbers if something happens to me I don't want my life to be in
4 vain.

5 MS. LORELLA: I think that's—thank you.

6 COURT COMMISSIONER: Sir I did read you
7 response. Additional information was provided in her testimony. So you
8 have the chance to present your own testimony if you want to. Would you
9 like to present your own testimony in addition to your written response?

10 MR. JOHN PENNINGTON: Yes ma'am.

11 COURT COMMISSIONER: Then please raise your
12 right hand. Do you swear or affirm that the testimony you give today will
13 be the truth, the whole truth and nothing but the truth?

14 MR. JOHN PENNINGTON: Yes ma'am.

15 COURT COMMISSIONER: Thank you. And start by
16 stating your name on the record.

17 MR. JOHN PENNINGTON: For the record my name is
18 John Pennington and at this point Your Honor I am representing myself.
19 This is not going to be easy for me either so I ask you to forgive me. I've
20 tried to properly format documents in my response for your review and if
21 I've made a mistake I'd ask the court for guidance. There are three very
22 specific areas I would like to ask the court to consider or address. First
23 and foremost are the timelines, the fact that this domestic violence

1 protection order was filed one day after I served my wife legal separation
2 documents following a 30 day separation, physical separation from one
3 another. Secondly, I'd like to address specific rebuttals to incidents that
4 are either completely false or grossly represented. Three, there are some
5 extreme complications with the domestic violence protection order, how it
6 is has essentially prohibited me from anything in that very small town.
7 Your Honor this is a marriage of only eight months that has been in trouble
8 since day one, but there has never been an incident of domestic violence
9 in this marriage. There is a baby on the way. There is clearly anxiety that
10 has been very elevated and we've been headed toward counseling, but
11 there has never been an incident of domestic violence in this marriage. In
12 the court documents that I submitted I've included every single
13 correspondence between me and my wife from the moment she left our
14 family on May the 9th right up to where I filed for legal separation. I ask
15 the court to closely examine those correspondences for the tone and the
16 tenor between the two parties. In no document, no email, no letter is there
17 any reference by my wife or me that domestic violence or verbal abuse
18 has ever occurred in this marriage or was occurring. The
19 correspondences that the court have demonstrate most emails regarding
20 counseling appointments. There is no mention of domestic violence ever
21 occurring until the day after she was served with legal separation papers.
22 The incident report that she attaches to the domestic violence protection
23 order was written less than three hours after she avoided service of those

1 legal separation documents at her work earlier that day. I believe that her
2 request for a domestic violence protection order was an immediate
3 reaction following the first attempt to serve her, and perhaps even a
4 means to keep me from her forthcoming baby which I believe is within the
5 jurisdiction of the court, this court at that time—at this time. Before I filed
6 for a legal separation our only communication over that one month period
7 had been email, one letter and phone calls, and one in person visit where I
8 tried to get my daughter's—my five year old daughter's cat returned to me
9 after Ann removed it while we were away camping, and even now she is
10 saying that that is domestic violence. My wife left our home and our family
11 on May the 9th taking personal items and community property of value.
12 She then returned the next weekend while she knew that we were
13 camping and removed essentially everything of value and her remaining
14 personal items. In her incident report she stated that she needed some
15 peace and space, and particularly said that she needed some comfort
16 items to accompany her at her mother's house. But what she did,
17 however, Your Honor was took \$5000 worth of wedding gifts, every piece
18 of Waterford Crystal in the house, a \$3000 painting from the fireplace
19 mantel, expensive kitchen cookware, and even to my disbelief, her skis,
20 boots and poles from the garage. She forwarded her mail immediately
21 and then removed my five year old daughter's cat refusing to return it to a
22 little girl whose heart is now completely shattered. After one month of
23 trying to get information on the status of our marriage, on how the baby is

1 doing, on insurance for the baby and work, whether or not I'll even be
2 allowed inside the delivery room, and after seeing how she abandoned not
3 just me but my daughter who has been calling her mom for three years, I
4 did file for a legal separation. And that's when her allegations began
5 flying. At no time, even under the stress of the past month Your Honor,
6 have things gotten out of control and I'd ask the court to closely examine
7 those correspondences as a submission of that proof. My wife makes
8 several allegations that are either false or just grossly exaggerated. She
9 alleged that I found—that she found a firearm on a wing back chair and
10 felt that it was a thinly veiled threat. Foremost Your Honor I had no idea
11 that she was leaving that—the residence that weekend. Secondly, my
12 daughter was already gone for four day visiting her mother and was
13 returning with me. And third, she fails to disclose to the court that the gun
14 was in a sealed fanny pack and there was no ammunition near it. I was
15 leaving for a few days for Canada to try and give her some space and in
16 the process of leaving I returned for my car and hastily put that gun on the
17 wing back chair in the fanny pack. I knew crossing the border—and I've
18 been a concealed pistol license holder in the state for 14 years, I
19 understand federal law and I understand crossing the border with a gun is
20 a major issue. So I returned and put it in the wing back chair. Again, it
21 was in a sealed fanny pack and it was an honest mistake while trying to do
22 the right thing. She alleges a verbal incident where I called her, and
23 actually—and pardon my language, a dip shit, which indeed it did do, but

1 she doesn't share the entire story of that particular day. Late in April Ann
2 was seven and a half months pregnant and for the first time was
3 experiencing balancing issues or balance issues. She was struggling with
4 the pregnancy moving around for the first time. And on a very early
5 Sunday morning we were going to paint the baby's room. Ann tried to get
6 up on a four foot high three legged stool to cut in the paint at the ceiling. I
7 didn't feel it was safe and I asked her completely in vain to please not risk
8 herself or the baby. It is important I believe for the court to know that I
9 was so concerned that I was the one who called her mother, the only
10 person who I knew that she would listen to. Her mother arrived within 30
11 minutes still wearing I'm sure a night robe or a bathrobe, within 30 minutes
12 and convinced Ann not to stand on top of the stool. In that room I did
13 facetiously say that she did not need to be a dip shit and that I could
14 simply do it. I'm very sorry if that was offensive, but at the time my focus
15 was very purely on protecting her and the baby. She makes accusations
16 regarding roughhousing, and Your Honor what Ann refers to as
17 roughhousing is what I believe most families in America do which is just
18 goofing off. Any occasions this has happened have been very, very rare,
19 but have always included my five year old, even our 100 pound dog as
20 she talks about. She is not sharing with the court that if they occurred
21 they occurred with me on blood thinning medications for a nine inch long
22 blood clot in my leg that has been there for about 11 years. And if
23 anything, we can't roughhouse, even get close to it because I'm prone to

1 excessive bleeding and very visible bruising, which none has occurred.
2 The specific incident that I believe she is actually referring to happened
3 over two years ago when she came home from a self-defense class when
4 she was working for another employer. She was still in her dress clothes.
5 It was in the kitchen and when she—she approached me she was—
6 wanted to share with me what she had learned that particular day. She
7 doesn't reveal that my daughter, who was three at the time, was also there
8 and we were all absolutely goofing around and we were laughing. We
9 were goofing around. She never once indicated that it was an issue until
10 after she filed for domestic—after she filed—after I filed, excuse me, for a
11 legal separation. Ann states repeatedly that I blocked her way as she tries
12 to leave the house. What I believe is critical here is that her own
13 statement acknowledges the fact that she has left the house with her
14 jewelry and with her clothes on numerous occasions. Have I tried to get
15 her to stop and work through issues? Absolutely. Have I failed?
16 Miserably. At no times have I used intimidation to block her. Candidly I've
17 just kind of come to the point where I'm resigned to the fact that under any
18 scenario she's going to leave and go to her mother's house. Your Honor
19 there are severe complications with the domestic violence protection
20 order. It is prohibiting me from essentially one half of my entire town.
21 Duvall is very small. There are two roads into it and right now I can't even
22 come to my house without essentially violating it on Highway 203. She
23 has prohibited me from public buildings, City Hall, the fire department.

1 She has prohibited me from my place of worship which also is on Highway
2 203. She had prohibited me from my daughter's kindergarten. She will
3 not be able to attend vacation bible school. I'm prohibited from going to
4 my barber, two gas stations and all of the Mexican restaurants in town,
5 even the grocery store that I shop at. Perhaps most disturbing, and what I
6 would really like to highlight for the court is because of the blood thinner
7 medications I have to be monitored routinely. It's imperative to my health.
8 I'm prohibited from going to Evergreen Anti-Coagulation Clinic within 100
9 yards of the maternity ward and her physician. Basically the radius
10 around that encompasses all of Evergreen Hospital. After the domestic
11 violence protection order was issued she tried to make third party contact
12 with my Your Honor. I ask the court to sincerely question my wife's
13 supposed fear when two days after this order was issued she did reach
14 out to me via third party and ask whether or not I could attend a previously
15 scheduled counseling session with her. She has already asked the police
16 department's assistance to remove a grand piano and other items but she
17 was willing to meet me one on one for counseling only two days after the
18 order was issued. Lastly, she did indeed escalate what I believe is conflict
19 unnecessarily by canceling me from the homeowner's policy and the auto
20 insurance policy. I had no notice of that and only found out three days
21 ago. In summary Your Honor what I believe had actually happened is
22 although I love her and I—and I believe that she loves me, I don't think
23 she really wanted to marry me. I believe that she never fully accepted the

1 fact that there were others in this relationship, in this case our daughter,
2 my daughter, and that she never maybe really wanted a baby, and yet the
3 irony of the whole thing is that she actively sought each one of these. This
4 marriage has not been great, but all together I will tell you it has not been
5 awful. There have been some wonderful, amazing moments in this
6 marriage. I've only sought answers and solutions and after 30 days, and
7 after watching my daughter's heart be completely trampled I filed for legal
8 separation. This order which was filed after I made that move is, I believe,
9 not appropriate. Finally I ask the court to examine closely the last lines of
10 my wife's incident report for the real truth, and that is that she just quote,
11 "desperately needs relief from his emails, phone calls and letters". I love
12 my wife and I'm sorry that it's come to this, but there has been no
13 domestic violence in this marriage and I only wish her and our family well.
14 I respectfully request the court to dismiss the protection order, or if
15 appropriate to enter mutual restraints as I have proposed (inaudible) at
16 this point I believe they will give us both peace and space and ensure that
17 the community's financial interests are preserved. Two last points Your
18 Honor, I'm unfamiliar with anything regarding the power of attorney, and
19 the comment that they make about my glasses is one that I didn't
20 understand when I saw it. It threw me. And I've only had three pairs of
21 glasses my entire life, and I've brought for the court all three of them, and
22 the court is more than happy to look at them. One from the late '90s, one

1 from early 2000 and the ones that I'm wearing today. None of them have
2 been damaged.

3 COURT COMMISSIONER: Thank you. I'm reviewing
4 the order that you handed—or that you provided, that—you're proposed
5 order, and the cause number on that order is that the cause number for
6 your legal separation?

7 MR. JOHN PENNINGTON: Yes. I believe it is.

8 MS. LORELLA: If I may cut in? I think that the divorce
9 action that, the dissolution action has a separate cause number.

10 MR. JOHN PENNINGTON: Okay.

11 MS. LORELLA: So the order might be under that
12 number. There is two going on at this point. The protection order I think
13 was consolidated with the legal separation, and then the legal separation
14 was not converted to a dissolution. There are concurrent...

15 COURT COMMISSIONER: (Inaudible). There is also
16 a dissolution of marriage?

17 MS. LORELLA: Yes. I believe he filed a dissolution of
18 marriage, so there is concurrent cases.

19 COURT COMMISSIONER: Okay. Did you file for
20 divorce or legal separation?

21 MR. JOHN PENNINGTON: I filed for a legal
22 separation, was then served the DVPO and then on June the 10th filed
23 for—filed for the dissolution.

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COURT COMMISSIONER: Okay. So the dissolution has a different case number?

MR. JOHN PENNINGTON: I have...

COURT COMMISSIONER: I don't have the dissolution before me. All I have is the legal separation, which is the same cause number as the petition.

MR. JOHN PENNINGTON: The temporary order that—that I'm showing Your Honor is 08-3-03941-6 and it's the same as...

COURT COMMISSIONER: This is your...

MR. JOHN PENNINGTON: ...the response.

COURT COMMISSIONER: ...legal separation case.

MR. JOHN PENNINGTON: Correct. The temporary...

COURT COMMISSIONER: Okay. So what's—do you have any paperwork for the divorce?

MR. JOHN PENNINGTON: All I have is the amended—I have the return of service and I have the...

COURT COMMISSIONER: Okay, and the number that is up at the top of that, what number is that on the upper right hand corner? Case number. It should be on the front page. Well, okay. I won't force you to sort through all of that on the record, but that is something that we are going to need to sort out. And then I'll hear a reply from the attorney for the petitioner.

1 MS. LORELLA: (Inaudible) Your Honor (inaudible)
2 number (inaudible).

3 COURT COMMISSIONER: Have you filed your actual
4 divorce? You filed it?

5 MR. JOHN PENNINGTON: Yes ma'am I did.

6 COURT COMMISSIONER: Okay, and it may not be in
7 the court file yet is the problem. Okay. So let me hear your reply then?

8 MS. LORELLA: And Your Honor would it be possible for
9 me to ask a few questions of my client or because of time would you...

10 COURT COMMISSIONER: A few brief questions,
11 but...

12 MS. LORELLA: Very brief and then I'll sum up...

13 COURT COMMISSIONER: Okay.

14 MS. LORELLA: ...with a quick reply.

15 COURT COMMISSIONER: Okay.

16 (Resume examination of Ann Pennington)

17 Q: Could you please explain to the court the status of your husband's gun
18 permit?

19 A: From what I understand about a month and a half ago John told me that
20 he had accidentally shredded his concealed weapons permit, and he was
21 going to go to the Duvall City Police and get it renewed. And then he
22 decided to go to the Snohomish County Sheriff's Office to get it renewed
23 and he came back that day and he told me that no, they wouldn't let him

1 do that. He was going to have to get his attorney to do some kind of filing,
2 or whatever, because it was a violation for him to have a concealed
3 weapon or purchase weapons.

4 Q: Why?

5 A: Because he had restrictions on him or restraints on him from his previous
6 marriage. And John, I know I've gone with him on exchanges, he carries
7 a gun on himself frequently and I've seen him with a gun in his back
8 pocket when he goes into to do exchanges with his ex-wife.

9 Q: Just briefly did you attempt to make any third party contact?

10 A: No. Absolutely not.

11 Q: Do you have any legal rights regarding your stepdaughter Grace?

12 A: No.

13 Q: Could you have her with you?

14 A: No.

15 Q: Do you have any intent to prohibit John from his—his particular medical...

16 A: No.

17 Q: ...building at Evergreen? Can you explain briefly to the commissioner?

18 A: The anti-coagulation clinic is in a separate building, and from what I
19 understood by the order that I had filed I was just prohibiting him from the
20 fifth floor in a different building where my—where all the women's services
21 are, where my obstetrician office is and the maternity ward, which is not
22 part of the building next door where the anti-coagulation clinic is located.

1 Q: Finally, do you know of any other glasses between—besides the glasses
2 that are in court today?

3 A: No, I know (inaudible). No.

4 Q: Did he crumple a pair of glasses?

5 A: Yes he did and he had them fixed at Wal-Mart in Everett.

6 Q: Okay.

7 MS. LORELLA: And Your Honor if I can sum up quickly
8 just with some argument.

9 COURT COMMISSIONER: Okay.

10 MS. LORELLA: The reason I asked my client about
11 insurance is because we have not had a chance, obviously we were hired
12 yesterday, we are in the process of obtaining and actual declaration—is it
13 Pemco?

14 MS. ANN PENNINGTON: USA.

15 MS. LORELLA: USS—USAA. I actually have a letter
16 that is not in a declaration form that was faxed to us at the last minute
17 yesterday, and you'll obviously have to take my word on it because it has
18 not been presented in declaration, but the respondent is still covered. The
19 reason I think it's important, obviously it's not a big issue, but it goes
20 towards credibility. And much of what is in the response is at best a half
21 truth. Some of it is frankly just not truth at all. Some of it is again subtle.
22 He actually left the house on May 9th. She left on the 11th. I think what is
23 really important though, even about his response, is the nonchalance

1 towards the definition of domestic violence. He does—even taken on their
2 face value he admits to calling her names. He admits to accidentally
3 leaving guns around, and this is in the best possible light. We obviously
4 are arguing that it was much different than the light that he's putting it in,
5 but even by his own words he's admitting some of these truths. I think
6 that the respondent is inappropriately using Grace. My client cannot take
7 that girl out of the house whether she feels that that girl should be out of
8 the house or not. She is a stepmother. She had no rights to do so. And
9 to continuously use Grace as a pawn or to show somehow that my client
10 has abandoned the home because she could not take the stepdaughter is
11 not appropriate. It's an inappropriate use of the child between (inaudible).
12 I think probably the most important thing is that the respondent himself
13 tells you that when his wife got out of the house she got out and she did
14 not want him to know where she was. She is scared of this man. And
15 even by his own response you can see that. We are asking for this
16 protection order. She's a public person in Duvall. We're not trying to—he
17 is sort of portraying himself as the victim of the protection order. That is
18 not her intent. Her intent is to be safe. To be safe when she goes to her
19 town hall meetings or to the fire department meeting. It's not her intent to
20 make the—the respondent's life miserable. It's her intent to deliver this
21 baby safely, and we're asking that you put this protection order in place so
22 that she can focus on having a safe baby, a safe delivery.

1 COURT COMMISSIONER: Thank you. I did review
2 the materials that were submitted. I've taken into account the testimony
3 presented to me today. The petitioner has the burden to show by
4 preponderance of the evidence that she has met the standards for the
5 entry of a domestic violence protection order. In this case the respondent
6 has eloquently stated his point of view and his side of the story. And
7 some of the things that have occurred between these parties could be
8 attributed to what you might consider a bad break up. Disagreements
9 hurt. Misunderstandings that happened when a relationship or a marriage
10 is in the process of breaking apart and particularly heightened by the fact
11 that there is a child on the way. Other things that are raised in the petition
12 and by the testimony of the petitioner, which I find to be credible, go
13 beyond what we would consider a bad break up and are now moving into
14 the area of the legal definition for domestic violence, and that is
15 threatening, blocking her from leaving when she wanted to leave or
16 needed to leave, using guns, having guns present and having the
17 presence of the guns be part of a threat perceived by the petitioner. She
18 has to show that she has a reasonable fear of imminent bodily harm, and I
19 find her fear based on this record before me to be credible. She is clearly
20 afraid. And I find it to be reasonable. So I am going to enter a one year
21 order for protection, but it's not going to be exactly the order that she's
22 asking for because of the fact that there is a divorce and/or legal
23 separation case pending and some of these things need to be dealt with in

1 that case. Regarding the child that is not born, the court does not have
2 jurisdiction over unborn children in any way, shape or form. I cannot enter
3 any type of an order today concerning that child. Regarding the problems
4 with the fact that the parties live in a small town and the respondent needs
5 to go certain places in the town and not find himself in violation of this
6 order, I am not going to grant the prohibition on the respondent from being
7 within a 100 yards of the petitioner. I will include that the respondent is
8 excluded from the petitioner's residence and her workplace, and if she's
9 working or doing her official duties in a place that is outside of her regular
10 office and the respondent by accident happens to be there it is his
11 responsibility to leave, and then he's not going to be arrested for that. It
12 happens. We all have our lives. You have to be able to go to the grocery
13 store, but if you get there and you see that she's there you have to leave
14 and come back another time because the person that will be held
15 accountable in this kind of an order is the respondent. But I'm going to
16 strike the part that says must remain 100 yards away, and I will leave in
17 the language that has—that the respondent is excluded from the home
18 and workplace of the petitioner. Regarding the request for personal
19 property, the property listed here includes items that need to be addressed
20 in the dissolution or the legal separation. I only have jurisdiction on this
21 calendar concerning essential personal belongings, meaning clothing,
22 personal hair care items, things like that. The piano, given that it's not
23 been presented to me as something essential to the profession of the

1 petitioner, the architectural table, her wedding dress, and all of the other
2 items listed—listed here are not considered essential personal belongings.
3 So I'm not going to grant those requests. I don't believe that there is any
4 dispute that the petitioner should be using the Ford Explorer. I didn't—
5 okay. So will leave that as something that she's using.

6 MS. LORELLA: Can I say something briefly?

7 COURT COMMISSIONER: And I've added the
8 language—and I will hear from you in a moment...

9 MS. LORELLA: Okay. Thank you.

10 COURT COMMISSIONER: ...that all issues regarding
11 property and insurance are reserved for the dissolution or the legal
12 separation. And then what was your question?

13 MS. LORELLA: The architectural table is something that
14 my client needs for work. I mean obviously we're done with testifying so I
15 just wanted to bring that up. It's something that she needs for her job as a
16 council member.

17 MS. ANN PENNINGTON: Yes some (inaudible) project for
18 the City.

19 COURT COMMISSIONER: Is that—do you dispute
20 that?

21 MR. JOHN PENNINGTON: I do, but Your Honor her
22 stuff has been available and ready to go since the day before this—I filed
23 for the legal separation.

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COURT COMMISSIONER: All of these things that are listed here that I just now crossed out? Well, here's what I'll do. I'm crossing that out of this order. The parties are here today. The respondent in this case brought a proposed temporary order. If the parties agree and they want to enter an order concerning property or insurance I would sign an agreed order. There are—the husband was asking for mutual restraints which are financial restraints. I'm not sure if it actually references the insurance, but the parties certainly could present with a— with an agreed order which I would sign, or either party has the right to appear on the family law motions calendar asking for a temporary order.

MS. LORELLA: And I do think that I am going to defer that to the family law calendar for an appropriate motion.

COURT COMMISSIONER: Thank you.

MS. LORELLA: Thank you.

COURT COMMISSIONER: And both parties need to remain in the courtroom until everyone has signed and received a copy of the order today.

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I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my skill and ability.

DATED this _____ day of February, 2009 in Bonney Lake, Washington.

Christine P. Killien

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SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

In Re the Marriage of:)
)
 JOHN EDWARD PENNINGTON, JR.,) No. 08-3-03941-6
)
)
 Petitioner,)
)
 vs.)
)
 ANNE LAUGHLIN PENNINGTON,)
)
 Respondent.)
)

VERBATIM REPORT OF PROCEEDINGS
FROM ELECTRONIC CD-ROM RECORD
MOTION PROCEEDINGS
JUNE 12, 2008

APPEARANCES:

For John Pennington: JOHN PENNINGTON
Pro Se

For Anne Laughlin: THERESA LORELLA
Attorney at Law

Before: COMMISSIONER MEG SASSAMAN

Prepared by: Linda A. Owen
425-822-1582

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PROCEEDINGS

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MS. LORELLA: Good morning, your Honor. Theresa Lorella, I'm here for Hank Finesilver. We just this morning put in a Notice of Appearance. We were hired last night for this matter. I have given a copy to the respondent. I'm here with my client, and --

THE COURT: Okay. And please state your name on the record.

MR. PENNINGTON: Good morning. John Pennington, at this point representing myself, your Honor.

THE COURT: Okay. And I did receive the petition. I also received the response that was filed, and I reviewed both documents and the attachments. There were attachments to the response.

Sir, have you had a chance to review the order that was passed up to me this morning?

MR. PENNINGTON: Yes, ma'am, I have.

THE COURT: And are you in agreement with this order or any part of it?

MR. PENNINGTON: No, ma'am, I am not.

THE COURT: Then we'll go forward with a full hearing. I'll hear argument on behalf of the petitioner first.

1 MS. LORELLA: Thank you. And I would like to say
2 that my client did not have a chance to file a reply, and so
3 if anything does come up in testimony that was not in the
4 paperwork, I ask that it be considered, because the
5 respondent will have a chance to testify to that in court
6 today.

7 THE COURT: Okay. Are you asking to present
8 testimony of your client?

9 MS. LORELLA: Yes.

10 THE COURT: Okay.

11 MS. LORELLA: I'm going to have her testify.

12 (ANNE LAUGHLIN PENNINGTON SWORN.)

13

14

DIRECT EXAMINATION

15 BY MS. LORELLA:

16 Q. Anne, could you please tell court your name.

17 A. Anne Laughlin Pennington.

18 Q. And how long have you been married to the
19 respondent?

20 A. Since September 16, 2007.

21 Q. How long have you guys been together overall?

22 A. Since about June -- May of 2005.

23 Q. Just for some background information for the
24 Commissioner, who is Grace?

25 A. Grace is John's five-year-old daughter. He has

1 custody of her.

2 Q. And when did she live with you?

3 A. She came to live with us I think end of June,
4 beginning of July of 2005.

5 Q. And although it may be obvious, are you pregnant?

6 A. Yes, about nine months.

7 Q. And as far as this matter is concerned, when did
8 you and your husband separate?

9 A. On May 11th of 2008, Mother's Day.

10 Q. And who filed the actual separation action?

11 A. John did.

12 Q. Why didn't you?

13 A. I just -- I didn't know that we were going that
14 direction quite yet.

15 Q. When the Commissioner looks at the paperwork,
16 she'll see that you filed the protection order about three
17 weeks after the separation was actually filed. Can you tell
18 her why?

19 A. Yeah, things were getting worse, and John seemed
20 to be kind of coming unraveled. His arguments with me were
21 more and more irrational, he had more extreme ups and downs,
22 more extreme polarized. He -- sorry, this is hard. He --
23 he was coming to my home, he was sending me e-mails, long
24 e-mails, lengthy e-mails, he was leaving voicemails on my
25 cell phone. Some of them were very, very, very angry.

1 I had gone in to get some of my things when he
2 wasn't there, because if I did try to get something when he
3 was there, he would have just got in my way and not let me
4 leave or tried to keep me from getting any of my things, my
5 personal belongings. And I walked in on May 13th, a couple
6 of days after I had left the home. I guess John had been
7 out of town from the 9th to the 13th -- or the 9th to the
8 11th. And then he knows I'm not working on Tuesdays and
9 that I would probably go back into the home to get some more
10 belongings. And I went upstairs, I found my shawl in the
11 garbage, and I found a gun on the chair in the fam -- in the
12 master bedroom, and there were bullets next to it in a blue
13 backpack. And I thought that was not -- there could be
14 nothing but a threat there. Every time he gets angry or he
15 has some -- at the very end of his divorce, his previous
16 divorce, he'd go hunting or go shooting at a range or
17 something. This gun was down when he has a five-year-old in
18 the house, and it's a revolver, which he tells me you don't
19 have to chamber it, it's very easy to use.

20 And I had just had a colleague at work whose
21 three-year-old son had been shot in the head by his
22 10-year-old brother on accident. The funeral was only -- it
23 was less than a month prior to me finding that gun down on
24 April 19th.

25 Q. Do you have any criminal matters pending?

1 A. Yes, the City prosecutor is looking into this as a
2 criminal matter.

3 Q. And have you --

4 A. Duvall.

5 Q. Have you spoken to the police or the prosecutor?

6 A. I have had lengthy conversations with the police
7 several times.

8 Q. And are you afraid of your husband?

9 A. Absolutely.

10 Q. Can you briefly explain when that fear began or
11 how long you've been afraid?

12 A. It's been off and on prior to -- prior to getting
13 married, but I kept thinking, well, it's the divorce, and
14 he -- he's got to heal, and I'm going to help him. I'm
15 going to make -- I'm going to be there to help him get
16 through it, and that he -- he's back in -- as far as
17 December 9th or around there in 2005, he was aggressive and
18 violent, pushed me during an argument in public, the
19 Starbucks in Bellevue, had thrown me out of the house, or,
20 you know, would tell me he was throwing me out of the house,
21 get my stuff, don't collect any of your things, just get
22 out, and then would a few minutes later, you know, no, I
23 love you, and I want you to stay. I don't mean that.

24 I don't remember the question.

25 Q. You answered it, that's fine.

1 Do you -- do you know of John displaying this
2 behavior to anyone else?

3 A. Yes. I know -- I have seen him be very, very
4 rough with his daughter in front of me, and also with our
5 animals. Our dog, which is over 110 pounds and part
6 mastiff, urinates on the floor when he comes home, just
7 without even -- without even him saying anything.

8 Q. Has he destroyed any property in front of you?

9 A. Uh, he took his glasses once, his reading glasses.
10 He was standing in the kitchen, and I was sitting on the
11 couch in the den, and there was no wall between us, and he
12 took them and he was angry about something, he crumpled them
13 up, threw them across the room towards me. They were
14 probably, I don't know, maybe a foot or two away from my
15 face when they flew past me and hit the fireplace to my
16 left.

17 And I remember at that point thinking, you know,
18 how fast do I get to the -- to the -- to the garage door,
19 which was halfway between us. He was slamming things down,
20 slammed his hand down on the counter and things like that,
21 just yelling, screaming. And I also remember thinking about
22 Grace, and I know that I have no authority over her, but I
23 was wondering, you know, how do I get her, because a lot of
24 this stuff happens in front of her, and I just wanted to
25 take her with me and -- but I don't -- I can't.

1 Q. When he's angry, does your husband call you any
2 names?

3 A. Yeah, um, he's called me dumbshit, asshole,
4 dumbass, dipshit, stupid, fat chick, um, yeah, you name it,
5 bitch.

6 Q. What about a history of any physical abuses beyond
7 the destruction of property, has he touched you?

8 A. Yeah, he -- we've stood in the kitchen a couple of
9 times, he'll roughhouse, and, you know, sometimes it starts
10 out as fun, but there's a control point on your collarbone
11 that he gets you down to the floor, and that can hurt. And
12 I remember asking him to stop a number of times and that it
13 was hurting, and I know that my face was showing that it was
14 hurting, and he wasn't stopping.

15 And I remember -- I remember being in the kitchen
16 standing with my back to the sink, and he stood right up
17 against me, and this was when I was pregnant, and my -- it's
18 very embarrassing to talk about, but my breasts became very,
19 very sore, it hurt to wear pajamas to bed, it hurt to wrap a
20 towel around, and he would come at me, and he was joking, I
21 think he was laughing, but it was kind of a mean laugh, and
22 he would twist them or poke at them or jab at them, and I
23 said "stop it." And I would try to get his hands away from
24 him -- away from me and get around him and leave, but that
25 was just -- that was just one of those things that would

1 happen. It happened a couple times in the kitchen, it
2 happened once in the car, it happened once on the couch, and
3 I didn't think it was funny at all.

4 Q. Have there been any instances where he has blocked
5 you physically from leaving?

6 A. Absolutely. That happens frequently. I know that
7 one of the only ways for me to stop him from -- from
8 following me around the house and yelling at me, screaming
9 at me, calling me names, saying "fuck you," things like
10 that, I know that one of the only ways for me to get out of
11 there -- to get the -- to get things calm, to some semblance
12 of calm, is to leave. Usually that's the only way, because
13 he escalates it regardless. And then when I leave, when I
14 try to go, if I try to go get an outfit for work because I'm
15 going to stay somewhere that's safe, that's calm, overnight,
16 or if I try to get my keys or get my purse or something like
17 that, he -- he'll stand in the doorway. And I have to go
18 into the walk-in closet upstairs in our master bedroom,
19 which is tiny, and he -- he's stood in the doorway. And he
20 stood in the doorway once, and he saw me getting my things,
21 and he stood there and he got this expression on his face of
22 like, you know, this is amusing, this is just amusing, you
23 know, this is typical of you.

24 And I -- I remember looking up at him and said, "I
25 would rather that you not watch."

1 And he said, "Oh, I'm gonna watch. I'm gonna be
2 here. In fact, I'll help you."

3 And when I tried to get out, he -- he goes really
4 far, as far as aggression, and then when I try to get out of
5 the place and he's holding my arm, my shoulders or holding
6 my elbows, keeping me from leaving, and he's done that
7 repeatedly in this little walk-in closet. I guess I should
8 know better than to keep things in there.

9 In the master bathroom, which the closet walk goes
10 into the master bathroom, and between the garage door, and I
11 remember once that he was standing in the garage door in the
12 laundry room and he wouldn't let me out, and I -- I grabbed
13 the two cats, and I ran for the front door, and I just -- I
14 didn't look back, and as soon as I was outside, I knew that
15 I was in view of the neighbors and stuff like that, and I
16 know he wouldn't come out there. But I just left at that
17 point.

18 Q. Now, you've said that this has escalated since
19 your pregnancy, and you may have already answered that, but
20 can you tell the court what exactly you mean by saying that
21 since pregnancy this has gotten worse?

22 A. We found out I was pregnant about in November,
23 very beginning of November, right before the election. I
24 got elected to the Duvall City Council, November 7th, or
25 whatever that was, 6th. And we went to the doctor's

1 appointment, there was just no -- no joy -- no joy from the
2 beginning. And I remember arguments just beginning to
3 escalate about everything about the baby. It was just
4 about, you know, me being a mature maternal age, advanced
5 maternal age, of me being -- you know, having to go through
6 tests possibly at one point. He -- he just -- it was one
7 thing after another, and when it got to the point where it
8 was December or February, we really started having arguments
9 off and on a lot, and that was where he, you know, always
10 wound up standing in between me and the door or just
11 towering over me yelling at me, screaming at me, the
12 obscenities.

13 Q. Who has your power of attorney?

14 A. My parents.

15 Q. And when did you give them power of attorney?

16 A. When I left on --

17 Q. And can --

18 A. -- May 11th.

19 Q. Why did you do that?

20 A. Because I -- I believe that if something happens
21 to me, he will not -- he would care less about keeping me
22 alive.

23 Q. Is there a reason that you feel that way?

24 A. I remember him telling the story a bunch of times
25 about his ex-wife Valerie and how she had had a terrible

1 C-section in the delivery room and the doctor was on top of
2 her pushing down on her and getting the baby out. Her
3 uterus was actually out on the table. He asked the doctor,
4 "What is that?"

5 And he said, "Oh, that's your wife's uterus."

6 When the baby came out, the doctor handed Grace to
7 John, and John said, "Oh, it's okay, daddy's gotcha." He
8 tells it every time -- every time she has her birthday. And
9 he tells me how his wife was dying on the table, just dying
10 in front of his eyes, and the thing he talks about is how
11 when he took Grace in his arms and said, "daddy's gotcha,
12 it's okay," and everybody turned and looked at him and was,
13 you know, just mesmerized by the fact that John could get
14 her to stop crying immediately. Nothing about his wife
15 dying on the table. And that doesn't make me feel
16 very. . .

17 Q. I'm going to ask a couple questions that deal with
18 the response that he put in. Did you ever remove him from
19 your car insurance?

20 A. No, no.

21 Q. So is he still insured by --

22 A. Yes, I thought John would drop me from the car
23 insurance, because I have one car, and he has two cars and
24 household insurance, and he went through USAA, which was
25 through my family's connection, and I thought that he would

1 drop me, so I took my car, which is \$76 per month, I took my
2 car off, I took initiative, because I didn't want to find
3 out that I get in an accident and that I'm not covered.

4 Q. Now, the Commissioner has probably seen some
5 e-mails that you have sent to John in that time period where
6 you said that you were asking him to not contact you. Can
7 you explain to the Commissioner why you were contacting him
8 in those instances?

9 A. I thought that we were doing counseling. I did
10 not feel comfortable talking with him offline by -- by
11 ourselves, and so I thought that by going and having
12 somebody, a third party there, somebody that would be safe
13 to kind of make sure things didn't escalate and get out of
14 control, that that would be okay, that at least we could do
15 that for some period of time. I don't know what would
16 happen at the end of that, and --

17 What was your question?

18 Q. That was the question. So do you feel that you've
19 answered -- that why did you contact him?

20 A. Oh, it was about scheduling the appointments. I
21 had very brief, one- or two-sentence e-mails, only about
22 scheduling. I remember that I couldn't -- I had to be out
23 of town one day for meetings, and I -- I rescheduled, and he
24 accused me of canceling. And then that's when he served me
25 with the legal separation. And it was about scheduling or

1 about the person that was going to do the counseling. And I
2 had a -- I have a voicemail on my cell phone from him when
3 he said you just -- I want to -- let's do the counseling.
4 I'd been trying for two and a half years to do some kind of
5 counseling with him, but finally he agreed to do it. You
6 find the person, you tell me who it is, you give me the
7 dates and times, and you -- I'll choose it, and then you --
8 I'll be there.

9 And the next time he said -- he said, I'm not
10 going if your parents recommended it. I'm not going if --
11 if your friends have recommended it. We have some friends
12 who are psychiatrists, and I'm not going if they're the ones
13 who have recommended it. I want to go see a Christian
14 counselor. And then he started having all these ultimatums,
15 one after another, and I didn't feel like that was very
16 serious, but I was going to go. We had one scheduled for
17 June 3rd and one scheduled for June 11th.

18 Q. So despite the fact that you have been willing in
19 the past to do counseling, are you afraid of your husband?

20 A. Absolutely.

21 Q. And can you say -- tell the Commissioner what you
22 are afraid of. Why are you asking for this protection order
23 today?

24 A. This is escalating. This is something that's just
25 getting out of hand. And there's no reason when he argues.

1 There's just nothing I can reason with. And the e-mails,
2 the letters, I'm being served all the time. Never been
3 served in my life. I just -- I just -- I need -- I need to
4 be able to deliver this baby healthily, and my doctor is
5 really worried about it. My heart rate goes up like beyond
6 normal. The baby has been writhing in my stomach at times,
7 like when someone came and served me late at night at my
8 home. I've actually lost weight. My baby is all right,
9 they say she's growing, she's okay, but they're worried
10 about the stress. And I'm -- I'm just worried about what
11 happens after this baby is born, what happens to me.

12 And I went in and I asked the police, would you
13 please go to his home, because he has lots of weapons in his
14 home, in the gun cabinet and in an unlocked drawer up in his
15 bureau, would you please just write down the serial numbers.
16 If something happens to me, I don't want my life to be in
17 vain.

18 MS. LORELLA: I think that's enough. Thank you.

19 THE COURT: Sir, I did read your response.
20 Additional information was provided in her testimony. So
21 you have the chance to present your own testimony if you
22 want to. Would you like to present your own testimony in
23 addition to your written response?

24 MR. PENNINGTON: Yes, ma'am, I would.

25 (JOHN PENNINGTON SWORN.)

1 THE COURT: And start by stating your name on the
2 record.

3 MR. PENNINGTON: For the record, my name is John
4 Pennington, and at this point, your Honor, I am representing
5 myself.

6 This is not going to be easy for me either, so I
7 ask you to forgive me. I've tried to properly format
8 documents ~~in my response for your review~~, and if I've made a
9 mistake, I ask the court for guidance.

10 There are three very specific areas I would like
11 to ask the court to consider or to address. First and
12 foremost are the timelines. The fact that this domestic
13 violence protection order was filed one day after I served
14 my wife legal separation documents following a 30-day
15 separation, physical separation from one another.

16 Secondly, I'd like to address specific rebuttals
17 to incidents that are either completely false or grossly
18 misrepresented.

19 Three: There are some extreme complications with
20 the domestic violence protection order, how it has
21 essentially prohibited me from anything in that very small
22 town.

23 Your Honor, this is a marriage of only eight
24 months that has been in trouble since day-one, but there has
25 never been an incident of domestic violence in this

1 marriage. There is a baby on the way, there's clearly
2 anxiety that's been very elevated, and we've been headed
3 toward counseling, and there's never been an incident of
4 domestic violence in this marriage.

5 In the court documents that I've submitted I've
6 included every single correspondence between me and my wife
7 from the moment she left our family on May the 9th, right up
8 to where I filed for legal separation. I ask the court to
9 closely examine those correspondences for the tone and the
10 tenor between the two parties. In no document, no e-mail,
11 no letter is there any reference by my wife or me that
12 domestic violence or verbal abuse had ever occurred in this
13 marriage or was occurring. The correspondences that the
14 court have demonstrate mostly e-mails regarding counseling
15 appointments.

16 There's no mention of domestic violence ever
17 occurring until the day after she was served with legal
18 separation papers. The incident report that she attaches to
19 the domestic violence protection order was written less than
20 three hours after she avoided service of those legal
21 separation documents at her work earlier that day. I
22 believe that her request for a domestic violence protection
23 order was an immediate reaction following the first attempt
24 to serve her and perhaps even a means to keep me from our
25 forthcoming baby, which I believe is within the jurisdiction

1 of the court, this court at that time -- at this time.

2 Before I filed for a legal separation, our only
3 communication over that one-month period had been, e-mail,
4 one letter, and phone calls, and one in-person visit where I
5 tried to get my daughter's -- my five-year-old daughter's
6 cat returned to me after Anne removed it while we were away
7 camping, and even now she's saying that that is domestic
8 violence.


9 My wife left our home and our family on May the
10 9th, taking personal items and community property of value.
11 She then returned the next weekend while she knew that we
12 were camping and removed essentially everything of value and
13 her remaining personal items. In her incident report she
14 stated that she needed some peace and space and particularly
15 said that she needed some comfort items to accompany her at
16 her mother's house. But what she did, however, your Honor,
17 was took \$5,000 worth of wedding gifts, every piece of
18 Waterford crystal in the house, a \$3,000 painting from the
19 fireplace mantel, expensive kitchen cookware, and even to my
20 disbelief, her skis, boots, and poles from the garage. She
21 forwarded her mail immediately and then removed my
22 five-year-old daughter's cat, refusing to return her to a
23 little girl who's heart is now completely shattered.

24 After one month of trying to get information on
25 the status of our marriage, on how the baby is doing, on

1 insurance for the baby, and were -- whether or not I'll even
2 be allowed inside the delivery room, and after seeing how
3 she abandoned not just me, but my daughter, who has been
4 calling her "mom" for three years, I did file for a legal
5 separation, and that's when her allegations began flying.
6 At no time, even under the stress of the past month, your
7 Honor, have things gotten out of control, and I ask the
8 court to closely examine those correspondences as submission
9 of that proof.

10 My wife makes several allegations that are either
11 false or just grossly exaggerated. She alleged that I
12 found -- that she found a firearm on a wingback chair and
13 felt that it was a thinly-veiled threat. Foremost, your
14 Honor, I had no idea that she was leaving the residence that
15 weekend. Secondly, my daughter was already gone for four
16 days visiting her mother and was returning with me. And
17 third, she fails to disclose to the court that the gun was
18 in a sealed fanny pack and there was no ammunition near it.
19 I was leaving for a few days for Canada to try and give her
20 some space, and in the process of leaving, I returned from
21 my car and hastily put that gun on the wingback chair in the
22 fanny pack. I knew crossing the border -- and I've been a
23 concealed pistol license holder in the state for 14 years.
24 I understand federal law, and I understand crossing a border
25 with a gun is a major issue, so I returned, put it in the

1 wingback back chair. Again, it was in a sealed fanny pack
2 and it was an honest mistake while trying to do the right
3 thing.

4 She alleges a verbal incident where I called her
5 and actually -- and pardon my language -- a dipshit, which,
6 indeed, I did do, but she doesn't share the entire story of
7 that particular day. Late in April, Anne was seven and a
8 half months pregnant, and for the first time was
9 experiencing balancing issues or balance issues. She was
10 struggling with the pregnancy, moving around, for the first
11 time. And on a very early Sunday morning we were going to
12 paint the baby's room. Anne tried to get up on a four-foot
13 high, three-legged stool to cut in the paint at the ceiling. 
14 I didn't feel it was safe, and I asked her completely in
15 vain to please not risk herself or the baby. It's
16 important, I believe, for the court to know that I was so
17 concerned that I was the one who called her mother, the only
18 person who I knew that she would listen to. Her mother
19 arrived within 30 minutes, still wearing, I'm sure, a night
20 robe or a bath robe, within 30 minutes, and convinced Anne
21 not to stand on top of the stool.

22 In that room, I did facetiously say that she did
23 not need to be dipshit and that I could simply do it. I'm
24 very sorry if that was offensive, but at the time my focus
25 was very purely on protecting her and the baby.

1 She makes accusations regarding roughhousing, and,
2 your Honor, what Anne refers to as roughhousing was what I
3 believe most families in America do, which is just goofing
4 off. Any occasions this have happened have been very, very
5 rare but have always included my five-year-old daughter,
6 even our 100-pound dog, as she talks about. She's not
7 sharing with the court that if they occurred, they occurred
8 with me on blood thinning medications for a nine-inch-long
9 blood clot in my leg that's been there for about 11 years,
10 and if anything, we can't roughhouse, even get close to it,
11 because I'm prone to excessive bleeding and very visible
12 bruising, which none has occurred.

13 The specific incident that I believe she's
14 actually referring to happened over two years ago where she
15 came home from a self-defense class when she was working for
16 another employer. She was still in her dress clothes, it
17 was in the kitchen, and when she -- she approached me, she
18 was -- wanted to share with me what she had learned that
19 particular day. She doesn't reveal that my daughter, who
20 was three at the time, was also there, and we were all
21 absolutely goofing around, and we were laughing. We were
22 goofing around. She never once indicated that it was an
23 issue until after she filed for domes -- after she filed --
24 after I filed, excuse me, for a legal separation.

25 Anne states repeatedly that I've blocked her way

1 as she tries to leave the house. What I believe is critical
2 here is that her own statement acknowledges the fact that
3 she has left the house with her jewelry and with her clothes
4 on numerous occasions. Have I tried to get her to stop and
5 work through issues? Absolutely. Have I failed?
6 Miserably. At no times have I used intimidation to block
7 her, and candidly, I've just kind of come to the point where
8 I'm resigned to the fact that under any scenario she's going
9 to leave and go to her mother's house.

10 Your Honor, there are severe complications with
11 the domestic violence protection order. It has prohibited
12 me from essentially one-half of my entire time. Duvall is
13 very small. There are two roads into it, and right now I
14 can't even come to my house without essentially violating it
15 on Highway 203. She has prohibited me from public
16 buildings, City Hall, the fire department, she's prohibited
17 me from my place of worship, which also is on Highway 203.
18 She's prohibited me from my daughter's kindergarten, she
19 will not be able to attend vacation Bible school. I'm
20 prohibited from going to my barber, two gas stations, and
21 all of the Mexican restaurants in town, even the grocery
22 store that I shop at.

23 Perhaps most disturbing and what I would really
24 like to highlight for the court is because of the blood
25 thinner medications, I have to be monitored routinely, it's

1 imperative to my health, I'm prohibited from going to
2 Evergreen Anticoagulation Clinic within 100 yards of the
3 maternity ward and her physician. Basically, the radius
4 around that encompasses all of Evergreen Hospital.

5 After the domestic violence protection order was
6 issued, she tried to make third-party contact with me, your
7 Honor. I ask the court to sincerely question my wife's
8 supposed fear when two days after this order was issued she
9 did reach out to me via a third party and ask whether or not
10 I could attend a previously-scheduled counseling session
11 with her. She has already asked police department
12 assistance to remove a grand piano and other items, but she
13 was willing to meet me one-on-one for counseling only two
14 days after the order was issued.

15 Lastly, she did, indeed, escalate what I believe
16 is conflict unnecessarily by canceling me from the
17 homeowner's policy and the auto insurance policy. I had no
18 notice of that and only found out three days ago.

19 In summary, your Honor, what I believe has
20 actually happened is that although I love her and I believe
21 that she loves me, I don't think she really wanted to marry
22 me. I believe that she never fully accepted the fact that
23 there were others in this relationship, in this case our
24 daughter, my daughter, and that she never maybe really
25 wanted a baby. And yet the irony of the whole thing is that

1 she actively sought each one of these.

2 This marriage has not been great, but all together
3 I will tell you it has not been awful. There have been some
4 wonderful, amazing moments in this marriage. I've only
5 sought answers and solutions, and after 30 days -- and after
6 watching my daughter's heart be completely trampled, I filed
7 for legal separation. This order, which was filed after I
8 made that move, is, I believe, not appropriate.

9 Finally, I ask the court to examine closely the
10 last lines of my wife's incident report for the real truth,
11 and that is that she just, quote, desperately needs relief
12 from his e-mails, phone calls, and letters. I love my wife,
13 and I'm sorry that it's come to this, but there's been no
14 domestic violence in this marriage, and I only wish her and
15 our family well. I respectfully ask the court to dismiss
16 the protection order, or if appropriate, to enter mutual
17 restraints as I have proposed them, because at this point I
18 believe they'll give us both peace and space and ensure that
19 the community's financial interests are preserved.

20 Two last points, your Honor, I'm unfamiliar with
21 anything regarding the power of attorney, and the comment
22 that they make about my glasses is one that I didn't
23 understand when I saw it, it threw me. And I've only had
24 three pair of glasses my entire life, and I brought for the
25 court all three of them, and the court is more than happy to

1 look at them, one from the late 90s, one from early 2000,
2 and the ones that I'm wearing today. None of them have been
3 damaged.

4 THE COURT: Thank you. I'm reviewing the order
5 that you handed up -- or that you provided, that -- your
6 proposed order, and the cause number on that order, is that
7 the cause number for your legal separation?

8 MR. PENNINGTON: Yes, I believe it is.

9 THE COURT: Okay.

10 MS. LORELLA: If I may cut in, I think that the
11 divorce action, the dissolution action, has a separate cause
12 number.

13 MR. PENNINGTON: Okay.

14 MS. LORELLA: So the order might be under that
15 number. I think there's two going on at this point. The
16 protection order I think was consolidated with the legal
17 separation, and then the legal separation was not converted
18 to a dissolution. There are concurrent --

19 THE COURT: Legal separation -- there's also a
20 dissolution of marriage?

21 MS. LORELLA: Yes. I believe he filed a
22 dissolution of marriage, so there's concurrent cases.

23 THE COURT: Okay. Did you file for divorce or
24 legal separation?

25 MR. PENNINGTON: I filed for a legal separation,

1 was then served the DVPO, and then on June the 10th filed
2 for --

3 MS. LAUGHLIN: June 9th.

4 MR. PENNINGTON: Filed for the dissolution.

5 THE COURT: Okay. So the dissolution has a
6 different case number.

7 MR. PENNINGTON: I have --

8 THE COURT: I don't have the dissolution before
9 me. All I have is the legal separation, which is the same
10 cause number as the petition.

11 MR. PENNINGTON: The temporary order that I'm
12 showing, your Honor, is 08-3-03941-6, and it's the same
13 as --

14 THE COURT: This is your --

15 MR. PENNINGTON: -- the response.

16 THE COURT: -- legal separation case.

17 MR. PENNINGTON: Correct.

18 THE COURT: Okay, so what's --

19 MR. PENNINGTON: The temporary --

20 THE COURT: Do you have any paperwork for the
21 divorce?

22 MR. PENNINGTON: All I have is the amended -- had
23 the return of service, and I have the --

24 THE COURT: Okay, and the number that's up at the
25 top of that, what number is that, on the upper right-hand

1 corner, case number? It should be on the front page.

2 Well, okay, I won't force you to sort through all
3 of that on the record, but that's something that we are
4 going to need to sort out. And then I'll hear a reply from
5 the attorney for the petitioner.

6 Just a second.

7 THE CLERK: Your Honor, I'm not finding any other
8 number, so it's either still in the process of being
9 scanned --

10 THE COURT: Have you filed your actual divorce?
11 You filed it?

12 MR. PENNINGTON: Yes, ma'am, I did.

13 THE COURT: Okay, and it may not be in the court
14 file yet, is the problem, okay.

15 So let me hear your reply then.

16 MS. LORELLA: And, your Honor, would it be
17 possible for me to ask a few questions of my client, or
18 because of time would you --

19 THE COURT: A few brief questions, but --

20 MS. LORELLA: Very brief.

21 THE COURT: Okay.

22 MS. LORELLA: And then I'll sum up with a quick
23 reply.

24 THE COURT: Okay.

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REDIRECT EXAMINATION

BY MS. LORELLA:

Q. Could you please explain to the court the status of your husband's gun permit.

A. From what I understand, about a month and a half ago John told me that he had accidentally shredded his concealed weapons permit, and he was going to go to the Duvall City Police and get it renewed, and then he decided to go to the Snohomish County Sheriff's office to get it renewed, and he came back that day, and he told me that, no, they wouldn't let him do that. He was going to have to get his attorney to do some kind of filing or whatever because it was a violation for him to have a concealed weapon or purchase weapons.

Q. Why?

A. Because he had restrictions on him, restraints on him from his previous marriage. And John, I know I've gone with him on exchanges. He carries a gun on himself frequently, and I've seen him with a gun in his back pocket when he goes in to do exchanges with his ex-wife.

Q. Just briefly, did you attempt to make any third-party contact?

A. No, absolutely not.

Q. Do you have any legal rights regarding your stepdaughter, Grace? Could you have her with you?

1 A. No.

2 Q. Do you have any intent to prohibit John from
3 his -- his particular medical --

4 A. No.

5 Q. -- building at Evergreen? Can you explain briefly
6 to the Commissioner --

7 A. The anticoagulation clinic is in a separate
8 building, and from what I understood by the order that I had
9 filed, I was just prohibiting him from the physical or in a
10 different building where my -- where all the women's
11 services are, where my obstetrician's office is and the
12 maternity ward, which is not part of the building next door
13 where the anticoagulation clinic is located.

14 Q. Finally, do you know of any other glasses
15 between -- besides the glasses that are in court today?

16 A. No, I know that -- no.

17 Q. Did he crumple a pair of glasses?

18 A. Yes, he did, and he had them fixed at Wal-Mart in
19 Everett.

20 MS. LORELLA: Okay. And, your Honor, if I can sum
21 up quickly just with some argument.

22 THE COURT: Okay.

23 MS. LORELLA: The reason I asked my client about
24 insurance is because we have not had a chance, obviously, we
25 were hired yesterday -- we are in the process of obtaining

1 an actual declaration -- is it Pemco?

2 MS. LAUGHLIN: USAA.

3 MS. LORELLA: USS -- USAA. I actually have a
4 letter that is not in a declaration form that was faxed to
5 us at the last minute yesterday, and you'll obviously have
6 to take my word on it because it's not been presented in
7 declaration, but the respondent is still covered.

8 The reason I think it's important, obviously it's
9 not a big issue, but it goes towards credibility, and much
10 of what is in the response is at best a half truth, some of
11 it is frankly just not truth at all. Some of it's again
12 subtle. He actually left the house on May 9th, she left on
13 the 11th. I think what's really important, though, even
14 about his response is the nonchalance towards the definition
15 of domestic violence. He does -- even taken on their face
16 value, he admits to calling her names, he admits to
17 accidentally leaving guns around, and this is in the best
18 possible light. We obviously are arguing that it was much
19 different than the light he's putting it in, but even by his
20 own words he's admitting some of these truths.

21 I think that the respondent is inappropriately
22 using Grace. My client cannot take that girl out of the
23 house, whether she feels that that girl should be out of the
24 house or not. She is a stepmother, she has no rights to do
25 so. And to continuously use Grace as a pawn or to show

1 somehow that my client has abandoned the home because she
2 could not take the stepdaughter is not appropriate. It's an
3 inappropriate use of the child between this.

4 I think probably the most important thing is that
5 the respondent himself tells you that when his wife got out
6 of the house, she got out and she did not want him to know
7 where she was. She is scared of this man, and even by his
8 own response you can see that.

9 We are asking for this protection order. She's a
10 public person in Duvall. We're not trying to -- he's sort
11 of portraying himself as the victim of the protection order.
12 That's not her intent. Her intent is to be safe, to be safe
13 when she goes to her townhall meetings or to the fire
14 department meetings. It's not her intent to make the
15 respondent's life miserable. It's her intent to deliver
16 this baby safely, and we're asking that you put this
17 protection order in place so that she can focus on having a
18 safe baby, a safe delivery.

19 THE COURT: Thank you. I did review the
20 materials that were submitted. I've taken into account the
21 testimony presented to me today. The petitioner has the
22 burden to show by a preponderance of the evidence that she
23 has met the standard for the entry of a domestic violence
24 protection order.

25 In this case the respondent has eloquently stated

1 his point of view and his side of the story, and some of the
2 things that occurred between these parties could be
3 attributed to what you might consider a bad breakup,
4 disagreements, hurt, misunderstandings that happen when a
5 relationship or a marriage is in the process of breaking
6 apart, and particularly heightened by the fact that there's
7 a child on the way. Other things that are raised in the
8 petition and by the testimony of the petitioner, which I
9 find to be credible, go beyond what we would consider a bad
10 breakup and are now moving into the area of the legal
11 definition for domestic violence, and that is threatening,
12 blocking her from leaving when she wanted to leave or needed
13 to leave, using guns, having guns present, and having the
14 presence of the guns be part of a threat perceived by the
15 petitioner. She has to show that she has reasonable fear of
16 imminent bodily harm, and I find her fear based on this
17 record before me to be credible. She's clearly afraid. And
18 I find it to be reasonable, so I am going to enter a
19 one-year order for protection, but it's not going to be
20 exactly the order that she's asking for, because of the fact
21 that there is a divorce and/or legal separation case pending
22 and some of these things need to be dealt with in that case.

23 Regarding the child that's not born, the court
24 does not have jurisdiction over unborn children in any way,
25 shape, or form. I cannot enter any type of an order today

1 concerning that child.

2 Regarding the problems with the fact that the
3 parties live in a small town and the respondent needs to go
4 certain places in the town and not find himself in violation
5 of this order, I am not going to grant the prohibition on
6 the respondent from being within 100 yards of the
7 petitioner. I will include that the respondent is excluded
8 from the petitioner's residence and her workplace, and if
9 she's working or doing her official duties in a place that's
10 outside of her regular office and the respondent by accident
11 happens to be there, it's his responsibility to leave, and
12 then he's not going to be arrested for that. It happens, we
13 all have our lives. You have to be able to go to the
14 grocery store, but if you get there and you see that she's
15 there, you have to leave and come back another time, because
16 the person that will be held accountable in this kind of an
17 order is the respondent. But I'm going to strike the part
18 that says must remain 100 yards away, and I will leave in
19 the language that has -- that the respondent is excluded
20 from the home and workplace of the petitioner.

21 Regarding the requests for personal property, the
22 property listed here includes items that need to be
23 addressed in the dissolution or the legal separation. I
24 only have jurisdiction on this calendar concerning essential
25 personal belongings, meaning clothing, personal hair care

1 has been available and ready to go since the day before
2 this -- I filed for the legal separation.

3 THE COURT: All of these things that are listed
4 here, are they just not crossed out?

5 Well, here's what I'll do, I'm crossing that out
6 of this order. The parties are here today. The respondent
7 in this case brought a proposed temporary order. If the
8 parties agree and they want to enter an order concerning
9 property or insurance, I would sign an agreed order.

10 There are -- the husband was asking for mutual
11 restraints, which are financial restraints. I'm not sure if
12 it actually references the insurance, but the parties
13 certainly could present me with an agreed order which I
14 would sign or either party has the right to appear on the
15 family law motions calendar asking for temporary order.

16 MS. LORELLA: And I do think that I am going to
17 defer that to the family law calendar for an appropriate
18 motion.

19 THE COURT: Thank you.

20 MS. LORELLA: Thank you.

21 THE COURT: And both parties need to remain in the
22 courtroom until everyone has signed and received a copy of
23 this order today.

24 (PROCEEDINGS ADJOURNED.)

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CERTIFICATE

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STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I hereby declare under penalty of perjury that the foregoing transcript of proceedings was prepared by me or under my direction from CD-ROM recordings of the proceedings, monitored by me and reduced to typewriting to the best of my ability;

That the transcript is, to the best of my ability, a full, true and correct record of the proceedings, including the testimony of witnesses, questions and answers and all objections, motions and exceptions of counsel made and taken at the time of the proceedings;

That I am neither attorney for, nor a relative or employee of any of the parties to the action; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

1-13-10
Date

Linda A. B.