

WASHINGTON STATE SUPERIOR COURT FOR KITSAP COUNTY.

William Scheidler,
Plaintiff,

V

State of Washington, and
Kevin Hull, individually and in any official
capacity; Jesse Young, individually and in any
official capacity; Michelle Caldier,
individually and in any official capacity; Jan
Angel, individually and in any official
capacity; and
Jane and John Does, 1-100.
Defendants

Case # 16-2-02139-7

Denial of Civil Rights and Damages under 42
USC 1983 and 42 USC 1985; Criminal
Profiteering under 9A.82.100; and or RICO, 18
USC 1964; Official misconduct under RCW
7.56.020; Fraud; Intentional infliction of
emotional distress; negligent infliction of
emotional distress; and negligence. Declaratory
and Injunctive relief

Trial by Jury Demanded.

**I. GENERAL OBJECTION TO ANY SUPERIOR COURT JUDGE OR ANY
WASHINGTON STATE BAR ASSOCIATE SERVING AS A JUDICIAL
OFFICER IN ANY PROCEEDING RELATED TO THIS CASE.**

RCW 2.28.030 states: A judicial officer is a person authorized to act as a judge in a court
of justice. Such officer *shall not act as such* in a court of which he or she is a member in any
of the following cases: (1) In an action, suit, or proceeding to which he or she is a party, or in
which he or she is directly interested...”

**All Superior Court Judges and all Washington State Bar Associates are all joined as
interested party defendants and are DISQUALIFIED as JUDGE.**

This case concerns the “policies, customs, practices, and rules” that are utilized
improperly, unlawfully and unconstitutionally by Washington State’s “judicial officers -

1 judges”. These policies, customs, practices and rules are those that superior court judges
2 establish, interpret, apply and enforce. See Article 4, SECTION 24 RULES FOR SUPERIOR
3 COURTS.

4 “The *judges* of the superior courts, shall from time to time, establish uniform rules for the
5 government of the superior courts.”

6 The “superior court judges” who establish their rules under Article 4, Sec 24, cannot sit
7 as judges in judgment of the rules they make, interpret and utilize because they are “directly
8 interested” and “biased” as they are the rule-makers, interpreters and users of these rules being
9 improperly used. See also *In RE Consolidated Cases* 123 Wn.2d 530 and *Elec. Contractors*
Ass'n v. Riveland 138 Wn.2d 9, 11, *infra*.

10 This case also concerns the “policies, customs, practices, and rules” Washington State
11 Bar Associates utilize improperly, unlawfully and unconstitutionally, which they establish,
12 interpret, apply and enforce. See RCW Title 2, Chapter 48. These Bar Associates cannot sit in
13 judgment of their own “policies, customs, practices and rules” because they are “directly
14 interested” as they are the rule-makers, interpreters and users of these rules being improperly
15 used. *Id In RE Consolidated Cases* and *Elec. Contractors Ass'n v. Riveland*.

16 This case also concerns Article 4, Sec 9 and Article 5 of Washington’s Constitution which
17 gives legislators the power TO REMOVE A JUDGE FOR ANY REASON, This case also
18 concerns Article 2, Sec 28(12) which prohibits the legislature from “legalizing the unauthorized
19 or invalid acts by any official”. Judges are ‘officials’ and this constitutional prohibition in
20 legalizing their unauthorized conduct directly affects them.

21 This creates a quid pro quo -- an “institutional conflict” – in which judges are directly
22 interested in the outcome of this case because these constitutional provision directly affects the
23 legislatures mandate to remove judges from office, under Article 4, sec 9, or Article 5, for
24 “unauthorized or invalid acts”, which are prohibited by Article 2, Sec 28(12). Such a quid pro
25 quo in trading offices for favors – i.e., you turn a blind eye to my misconduct (which conduct
26 constitutes a gross misdemeanor, at a minimum, under both RCW 42.20 and RCW 9A.80.010),
27 and I’ll turn a blind-eye to your misconduct, mandates disqualification due to the inherent
28 “institutional conflict” that this case embodies.

This case also concerns the Washington State Supreme Court’s failure to establish a “fair
forum” by which a citizen(s) can challenge the “policies, customs, practices, rules” used by

1 judges that doesn't involve another judge sitting when all judges are "disqualified". The
2 Supreme Court is specifically tasked by the legislature in RCW 2.04.190 to prescribe rules for
3 "the simplification of the system of pleading, practice and procedure in said courts to promote
4 the speedy determination of litigation on the merits." This failure effectively "legalizes
5 unauthorized or invalid acts by these justices of the Supreme Court by which they decide their
6 own conduct because no other avenue by which an impartial judge has been established. Said
7 another way, the Supreme Court 'rigged the system' that leaves ONLY them to decide the
8 conduct by judicial branch officials – including the conduct by Supreme Court judges. See
9 *State Labor Council v. Reed* 149 Wn.2d 48 (Apr. 2003), *infra*

10 These conflicts are, on their face, evidence of an intentional fraud upon society concocted
11 by Superior Court Judges with the aiding and abetting of the Washington Supreme Court, in
12 which the Washington State Legislature acquiesces, to assure "judges judge judges" in
13 violation of RCW 2.28.030. This 'rigged system' provides the means by which judges under
14 color of law can commit and cover-up crimes committed by judges, their colleagues of the
15 Bar, those legislators who aid and abet in the crimes of judges.

16 Furthermore this fraud – this rigged system -- concocted by Superior Court and Supreme
17 Court Judges results in another unconstitutional scheme -- self-regulation. Self-regulation
18 without citizen oversight becomes a "special privilege" that no other citizen, class of citizens
19 or corporation enjoys. Self-regulation is a special privilege prohibited by Article 1, Sec 8, 12
20 and 28 and further prohibited by RCW 4.04.010, which holds the common law is the rule of
21 decisions in Washington State. The common law expressly prohibiting self-regulation is
22 established in *In RE Consolidated Cases* 123 Wn.2d 530 and *Elec. Contractors Ass'n v.*
23 *Riveland* 138 Wn.2d 9, 11 "we do not defer to an agency the power to determine the scope of
24 its own authority" and "An administrative agency may not determine the scope of its own
25 authority"; and in *Wash. State Labor Council v. Reed* 149 Wn.2d 48 (Apr. 2003) "To permit
26 branches to measure their own authority would quickly subvert the principle that state
27 governments, while governments of general powers, must govern by the consent of the people
28 as expressed by the constitution".

1 Clearly this “rigged system”, which violates constitutional, statutory and common laws,
2 devised by judges disqualifies all Washington State Judges from sitting in any proceedings
3 concerning this case.

4 **Disqualification due to financial interest.**

5 At the vortex of this case is the defrauding of Retired/disabled citizens of their Article 7,
6 Sec 10 constitutional rights committed by public officials and protected by judges and Bar
7 Associates in which the legislature “acquiesces”. This “defrauding of citizens” is one of the
8 motives judges have created these circular schemes so it is government officials deciding their
9 own conduct, not the people as a jury would provide.

10 Every government official, employee, contractor, agency, labor union ... who feeds from
11 the public trough, are “disqualified to sit as judge for their financial interest” in the fraud
12 perpetrated upon retired/disabled citizens.

13 These “schemes” by which government officials decides their own conduct, as opposed
14 to a jury that is required by Article 1, Sec 21, is intended to render the words of Article 1,
15 Section 1, “all political power is in the people” and “governments derive their just powers by
16 the consent of the people”, irrelevant.

17 Clearly “judicial officers and Washington State Bar Associates” are “directly interested”
18 in the “policies, customs, practices, rules” that they establish, interpret, apply and enforce and
19 use improperly, unlawfully and unconstitutionally to render Article 1, Sec 1 meaningless.

20 These persons (a.k.a., Bar Associates) are therefore DISQUALIFIED by law to act as
21 judge in this case. Otherwise, notwithstanding the disqualification statute, these persons, a.k.a,
22 Bar Associates, would be claiming a “privilege” no other person, association or corporation
23 enjoys in judging their own “policies, customs, practices, rules and laws applying to them”.
24 Such claimed privileges violate Article 4 and the 14th amendment of the US Constitution as
25 well as Article 1, Sec 8, 12, and 28, and Article 2, Sec 28(6, 12 and 17) of Washington’s
26 Constitution.

27 **II. JURY TRIAL DEMANDED**

28 Plaintiff hereby makes his constitutional demand for Jury Trial as Article 1, Section 21
provides inviolate. Hereafter only by “written waiver” signed by each party may such jury
trial be denied. NO person or Bar Associate has the authority to deny this JURY TRIAL!

1 Furthermore “official conduct” is a ‘factual matter’ and by law, RCW 4.40.060, a jury
2 decides whether or not such ‘conduct’ constitutes an officials “just powers” by the “consent
3 of the people”. Additionally, a jury is also mandated for the declaratory/injunctive relief
4 requested per RCW 7.24.090. ONLY a JURY shall comment on the facts, Certainly NOT a
5 Bar Associate who is disqualified from serving as judge, nor any judge who, by law, shall
6 ONLY DECLARE the law, NOT comment on the facts, Wash const. Article 4, Sec 16!

7 **III. INTRODUCTION:**

- 8 1. **This Action is mandated by ARTICLE 1, SECTION 32** of Washington’s Constitution,
9 which states: “*A frequent recurrence to fundamental principles is essential to the security*
10 *of individual right and the perpetuity of free government.*”
- 11 2. **When judges establish themselves, in violation of law, as the sole arbiter of**
12 **government’s powers and individual rights, as the circular scheme in §I above**
13 **describes, individual rights are no longer secure and government is no longer free.**
14 **Said another way, judges have established themselves as an oligarchy and pose a**
15 **grave danger to our society.**
- 16 3. Comes now the plaintiff, William Scheidler, who files claims against the defendants for
17 breach of their governmental duty – a fiduciary duty -- defined by Washington’s
18 constitution and laws resulting in a government controlled by Bar Associates who deny
19 Scheidler’s equal protection and due process rights (his “individual rights” as Article 1,
20 Sec 1 expressly provides). This ‘monopoly control’ of our government, by Bar Associates
21 who occupy decision-making government offices, provides the means and opportunity to
22 engage in racketeering activities and civil rights violations that are more fully described
23 below.
- 24 4. Legislative officials, particularly Jesse Young, Michelle Caldier and Jan Angel trade their
25 office in a quid pro quo with judicial officials, particularly Kevin Hull, a Bar Associate,
26 so their breach of duty is covered up under the protection of these Bar Associates and the
27 privileges and immunities Bar Associates bestow upon themselves and others so as to
28 reap power and riches at the expense of citizen rights.

1 5. **Under Washington’s constitution neither ‘special privileges’ nor ‘immunities’ are**
2 **authorized, nor shall unauthorized or invalid acts by any official be legalized. Art 1,**
3 **Sec 8, 12, 28; Art 2, Sec 28(12).**

4 6. All Defendants, by exchanging their office for special privileges and immunities at the
5 expense of individual rights are subject to suit and damages pursuant to 42 U.S.C § 1983
6 and 42 U.S.C § 1986, RCW 7.56, RCW 9A.82.100 and any other expressed or implied
7 right of action as Article 2, Sec 28(17) specifically provides – neither criminal nor civil
8 actions are to be limited.

9 7. Scheidler seeks his remedies, declaratory/injunctive relief, and damages stemming from
10 defendants’ violations of law, gross negligence and intentional infliction of emotional
11 distress.

12 **IV. PARTIES, JURISDICTION, VENUE**

13 8. Venue and jurisdiction are proper in this court or in Federal Court (should defendants
14 remove this case) under one or more of RCW 2.08.010; RCW 4.92.010; 28 USC §1331,
15 §1334, §1343, §2201 and 28 U.S.C 1367 – supplemental jurisdiction. Venue in this
16 county/district is appropriate pursuant to RCW 4.12.020; title 28, USC, §1391, because
17 the pertinent events took place in this district.

18 **V. NAMED DEFENDANTS.**

19 9. STATE OF WASHINGTON (STATE) is established solely *to protect and maintain*
20 *individual rights*, Article 1, Section 1. The State is in breach of its constitutionally
21 mandated duty. The State’s breach of duty has, is and will continue to harm Scheidler and
22 deprive Scheidler of his lawful rights, and those similarly situated, until constitutional
23 mandates are enforced.

24 10. Defendant Kevin Hull, a Bar Associate, is being sued individually and in any official
25 capacity as Kitsap county superior court judge. Defendant Hull has, is, and will continue
26 to exercise his powers in an unjust, unlawful and unauthorized manner, to the detriment
27 of Scheidler unless Hull is held to the law and Bar Associates are expelled from
28 controlling Washington’s government.

- 1 11. Defendant Jesse Young, Washington state representative, 26th District, is being sued
2 individually and in any official capacity. Defendant Young has the continuing duty and
3 power to remedy Kevin Hull's 'unauthorized and invalid' conduct but refuses to do so.
4 Additionally, Defendant Young made a commitment to Scheidler to address judicial
5 corruption in exchange for Scheidler's endorsement for representative for the 2015-2016
6 term. Defendant Young breached his promise and has, is and will continue to violate his
7 primary obligation prescribed by article 1, sec 1, to the detriment of Scheidler unless
8 Defendant Young is held to his duty.
- 9 12. Defendant Michelle Caldier, Washington state representative, 26th District, is being sued
10 individually and in any official capacity. Defendant Caldier has the continuing duty and
11 power to remedy Kevin Hull's 'unauthorized and invalid' conduct but refuses to do so.
12 Additionally, Defendant Caldier during a face-to-face meeting on August 24, 2016 said
13 she would look into the fraud involving these public officials/defendants. Defendant
14 Caldier breached her promise and has, is and will continue to violate her primary
15 obligation prescribed by article 1, sec 1, to the detriment of Scheidler unless Defendant
16 Caldier is held to her duty.
- 17 13. Defendant Jan Angel, Washington state senator, 26th District, is being sued individually
18 and in any official capacity. Defendant Angel has the continuing duty and power to
19 remedy Kevin Hull's 'unauthorized and invalid' conduct but refuses to do so.
20 Additionally, Defendant Angel in a face-to-face meeting on or about August 19, 2014,
21 made a commitment to Scheidler to address judicial corruption. See
22 [http://corruptwash.com/2014/08/19/senator-jan-angel-invites-scheidler-to-cure-
23 misunderstandings/](http://corruptwash.com/2014/08/19/senator-jan-angel-invites-scheidler-to-cure-misunderstandings/). Defendant Angel breached her promise and has, is and will continue
24 to violate her primary obligation prescribed by article 1, sec 1, to the detriment of
25 Scheidler unless Defendant Angel is held to her duty.
- 26 14. Defendant Jane and John Does are yet to be named defendants who are being sued
27 individually and in any official capacity. Defendants Jane and John Does have violated
28 their primary obligation prescribed by article 1, sec 1 to Scheidler's detriment.
15. All defendants are liable for the harms inflicted upon Scheidler per RCW 9A.08.020; 42
USC 1985(c) among other laws and doctrines whether specific herein or not.

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VI. PLAINTIFF.

16. Plaintiff William Scheidler (hereafter referred to as "Scheidler, or Plaintiff") is a resident of Kitsap County. When Scheidler discovered the Kitsap County Assessor was defrauding retired/disabled citizens, he reported the fraud to legislators, the attorney general, and to the department of revenue. [Appendix 1 http://corruptwash.com/wp-content/uploads/APPENDIX-1.pdf](http://corruptwash.com/wp-content/uploads/APPENDIX-1.pdf). Rather than correct this fraud upon Scheidler and the retired/disabled, Washington State Bar Associates who occupy government offices in the judiciary, the legislature, in the attorney general's office and at the department of revenue, as well as Bar Associates who are Kitsap County's prosecutors, all retaliated against Scheidler so as to obstruct justice and destroy him and render him powerless so this fraud and those who devised, implement and protect this fraud (the named defendants) would continue.

17. Scheidler is entitled to the guarantees enumerated in the United States Constitutional and laws, and in Washington State's constitution and laws, which all defendants are to uphold, particularly article 1 sec 1 – to protect individual rights; *not destroy individuals who report government corruption..*

18. The plaintiff has performed all conditions precedent to the maintenance of this action, including grievances to the appropriate regulating agency per RCW 4.24.500 to RCW 4.24.510 and RCW 4.92.100, and is in all other respects fully qualified to maintain this action.

VII. FACTS

**A. HISTORY OF EVENTS TO ESTABLISH THE CONTEXT BY WHICH
DEFENDANTS' CONDUCT MUST BE MEASURED:**

Note: hyperlinks used in this document are to public records, or information in the public domain. If any party cannot access these documents via the hyperlink, Plaintiff will email the downloaded document for free. Or if defendant prefers, plaintiff will download and mail these documents at \$.20/page.

1 **The question for the jury that needs to be answered by defendants is how they**
2 **protected Scheidler’s “individual rights”, as Article 1, Sec 1 mandates, including**
3 **Scheidler’s Article 7, Sec 10 rights, in light of their conduct outlined below?**

4 19. At the vortex of this case is a fraud being perpetrated upon retired/disabled individuals of
5 Kitsap County by the Kitsap County Assessor, James Avery under the protection of Bar
6 Associates who hold government decision-making offices.

7 20. The mechanism for the fraud, which originates at the Department of Revenue in
8 consultation with the Washington State Attorney General, is by the Kitsap County
9 Assessor distributing false instructions to applicants who apply for the property tax
10 exemption granted by Washington’s constitution Article 7, Sec 10.

11 21. The “application”, [APPENDIX 3](#) - [http://corruptwash.com/wp-](http://corruptwash.com/wp-content/uploads/Appendix-3-Kitsap-app.pdf)
12 [content/uploads/Appendix-3-Kitsap-app.pdf](http://corruptwash.com/wp-content/uploads/Appendix-3-Kitsap-app.pdf) is irrefutable evidence of the Assessor’s
13 fraud by misstating RCW 84.36.383(5). Ref:
14 <http://app.leg.wa.gov/RCW/default.aspx?cite=84.36.383>. (Assessor on page 3 of
15 [APPENDIX 3](#), substitutes his language for that of the statute). By the assessor’s
16 substitution then results in a false determination of income, which is a qualifying
17 criterion.

18 22. The simple scheme is by changing words, adding words, omitting words, or rearranging
19 words of the statute at issue, RCW 84.36.383, which is a statute describing a formula for
20 the calculation of “disposable income”. When words that describe a formula are changed,
21 omitted, or added, numbers these words represent are changed, added or omitted thereby
22 changing the result obtained to that result if no words were added, changed or omitted.

23 23. Neither the Assessor, nor any other government official has any authority to change the
24 language of a law by adding words, rearranging words, or omitting words established by
25 the legislature in RCW 84.36.383(5). In fact the legislature made this prohibition in
26 altering statutory language explicitly clear in the very first line of RCW 84.36.383, which
27 states:

28 “As used in RCW 84.36.381 through 84.36.389, except where the context clearly
 indicates a different meaning: inter alia, (5) *"Disposable income" means ...*”

- 1 24. Defendants, by adding words, rearranging words, omitting words, as the Assessors
2 application, Appendix 3, page 3, clearly shows, have unlawfully changed the law, in
3 violation of RCW 84.36.383, which they then interpret, and in this way, by this fraud, the
4 Article 7 Sec 10 exemption is artificially denied to those who would qualify, including
5 Scheidler, absent the fraud.
- 6 25. All Defendants are aware of this fraud upon citizens by having the evidence in hand, and
7 have done nothing! By doing nothing Defendants have betrayed their fiduciary duty and
8 aid and abet in this fraud. Fraud is a class C Felony and an element of criminal profiteering
9 under state and Federal Law.
- 10 26. Defendant Jan Angel even provided further evidence that the Department of Revenue
11 with the aid of the Attorney General, possibly assistant attorney generals Zachary Mosner
12 and Cam Comfort, are likely the fraud's architects or chief deceivers. [APPENDIX 4 -
13 http://corruptwash.com/wp-content/uploads/Appendix-4-DOR-memo.pdf](http://corruptwash.com/wp-content/uploads/Appendix-4-DOR-memo.pdf), is a true copy
14 of a document Defendant Angel provided Scheidler that clearly alters RCW 84.36.383(5),
15 the statute being misquoted and misused to defraud citizens.
- 16 27. Because these government officials refused to uphold the law, Scheidler was forced to
17 become a victim of this fraud and was forced to sign documents under duress.
18 [APPENDIX 5 -
19 http://corruptwash.com/wp-content/uploads/Appendix-5-App-sign-
20 under-duress.pdf](http://corruptwash.com/wp-content/uploads/Appendix-5-App-sign-under-duress.pdf) Being forced to sign fraudulent documents under duress is a Class C
21 Felony. All defendants engage in this Class C Felony.
- 22 28. In early 1998, Scott Ellerby, an attorney with the firm Mills Meyers Swartling, WSBA#
23 16277, agreed with Scheidler that the Kitsap County Assessor was lying to county
24 residents, by changing the words of RCW 84.36.383 (Appendix 3) for the purpose of
25 defrauding retired/disabled citizens of their constitutional rights.
- 26 29. Ellerby took Scheidler's case. Ellerby was on Scheidler's case for about 7 months and
27 had charged Scheidler legal fees over \$2000 to prepare for a 'formal administrative
28 hearing' before the Board of Tax Appeals for the purpose of addressing this fraud.
Scheidler paid Ellerby's fees in full and on time.
30. On or about November 1998, a date that was three days before the formal administrative
hearing before the Board of Tax Appeals for which Ellerby was paid to prepare and to

1 attend, Ellerby notified Scheidler through the mail and over the wires claiming he had to
2 immediately withdraw his representation because the Kitsap County prosecutor,
3 Cassandra Noble, raised a conflict of interest claim that demanded his withdrawal.

4 31. Note: RCW 2.48.210 mandates Ellerby protect Scheidler and RCW 2.48.230 mandates
5 Ellerby carryout Scheidler's wishes to address the fraud. Ellerby is under no legal
6 obligation to the Assessor or the County Prosecutor. However the rules established by the
7 courts and Bar Association provide a loop-hole for lawyers to disregard the obligations
8 imposed under RCW 2.48.210 and RCW 2.48.230. In this way a lawyer, by the use of
9 the rules lawyers establish, can be 'extorted' from unpopular cases by prosecutors such
10 as the Kitsap County prosecutor. Extortion is a State and Federal felony offense;
11 obstruction of justice by the extortion is a state and federal felony offense.

12 32. The Legislature is willfully negligent in allowing lawyers to establish rules that render
13 statutes and constitutional obligations irrelevant, and can be used as "extortion tools" so
14 as to cover-up crimes, deny rights and obstruct justice.

15 33. [APPENDIX 2](http://corruptwash.com/wp-content/uploads/Appendix-2-Elleby-felony-crimes.pdf), EX 2 - <http://corruptwash.com/wp-content/uploads/Appendix-2-Elleby-felony-crimes.pdf> is a true copy of a letter Ellerby sent to Kitsap's prosecutor asking they
16 waive this conflict.

17 34. [APPENDIX 2](http://corruptwash.com/wp-content/uploads/Appendix-2-Elleby-felony-crimes.pdf), EX 3 - <http://corruptwash.com/wp-content/uploads/Appendix-2-Elleby-felony-crimes.pdf>, is true copy of an e-communication Ellerby sent to Scheidler stating
18 he would be "forced to withdraw" if the county doesn't waive the conflict.

19 35. On the eve of the formal administrative hearing, Ellerby withdrew from Scheidler's case
20 and filed a Notice of Withdrawal with the Board of Tax Appeals citing the prosecutor's
21 demand he withdrawal due to conflict. [APPENDIX 2](http://corruptwash.com/wp-content/uploads/Appendix-2-Elleby-felony-crimes.pdf), EX 1 - <http://corruptwash.com/wp-content/uploads/Appendix-2-Elleby-felony-crimes.pdf> is a true copy of this Notice of
22 Withdrawal.

23 36. In 2008, Scheidler learned that Ellerby never had a conflict of interest and that his entire
24 excuse to withdraw on the very night of the formal hearing was a complete fabrication
25 between Ellerby and Kitsap County prosecuting attorney, Cassandra Noble. This is a
26 fraud upon Scheidler and the Board of Tax Appeals. This is evidenced by [APPENDIX](http://corruptwash.com/wp-content/uploads/Appendix-2-Elleby-felony-crimes.pdf)
27 [2](http://corruptwash.com/wp-content/uploads/Appendix-2-Elleby-felony-crimes.pdf), EX 7 - [http://corruptwash.com/wp-content/uploads/Appendix-2-Elleby-felony-](http://corruptwash.com/wp-content/uploads/Appendix-2-Elleby-felony-crimes.pdf)
28

1 [crimes.pdf](#), which is a true copy of an email sent to Scheidler by the president of Ellerby's
2 firm, Larry Mills, stating no such conflict required Ellerby's withdrawal.

3 37. Scheidler, upon learning of being defrauded by Ellerby and the County Prosecutor back
4 in 1998, from the 2008 email Appendix 2, demanded a refund of fees paid to Ellerby.
5 Ellerby refused and DENIED there was ever a "conflict" requiring his withdrawal despite
6 submitting his Notice of Withdrawal that cited "conflict of interest" as reason for his
7 withdrawal. This is an issue of fact and of fraud and for a jury to resolve.

8 38. Thereafter Ellerby filed sworn affidavits stating he "withdrew at Plaintiff's (Scheidler's)
9 request." [APPENDIX 2](#), EX's 4, 5, 6 - [http://corruptwash.com/wp-](http://corruptwash.com/wp-content/uploads/Appendix-2- Ellerby-felony-crimes.pdf)
10 [content/uploads/Appendix-2- Ellerby-felony-crimes.pdf](#). This is false swearing under
11 either scenario ...either Ellerby lied to Scheidler and the Board of Tax Appeals in filing
12 a "notice of withdrawal" citing the reason as "conflict of interest". Or Ellerby lied to the
13 Kitsap Superior Court in filing affidavits stating his withdrawal was "at plaintiff's
14 (Scheidler's) request".

15 39. False swearing is a gross misdemeanor committed for the purpose to steal Scheidler's
16 property ~\$2000, and achieve unlawful sanctions imposed by defendant Hull, who,
17 notwithstanding Hull is disqualified as judge, ignores the false swearing by Ellerby so as
18 to punish Scheidler in excess of \$120,000 for filing suit against Ellerby – Hull's WSBA
19 colleague.

20 40. False swearing to achieve theft in a racketeering enterprise are Class B and C Felonies.
21 Defendant Hull is using his office to further the crimes by Ellerby, Downer, Kitsap
22 prosecutor and Kitsap assessor. They operate as an 'association-in-fact enterprise' in this
23 racketeering scheme under 18 U.S.C. § 1961(4) for the purpose to steal money from
24 Scheidler by fraud.

25 41. In 2008, Scheidler filed a Washington State Bar complaint against Ellerby for lying to
26 him and conspiring with the County prosecutor demanding Ellerby withdraw from
27 Scheidler's case due to a conflict of interest, which Larry Mills claimed was a complete
28 lie.

42. The Washington State Bar assigned Scheidler's grievance against Ellerby to assistant
attorney general Zachary Mosner (the same assistant attorney general who links to the

1 assessor/DOR's fraud at the vortex of this case). Mosner dismissed Scheidler's grievance
2 to protect both Ellerby and the Fraud Mosner plays a part.

3 43. The Washington State Bar issued a letter of dismissal with the caveat that "upon a judicial
4 finding of impropriety" the grievance would be reopened. [APPENDIX 2](#), EX 11 -
5 <http://corruptwash.com/wp-content/uploads/Appendix-2-Elleby-felony-crimes.pdf>.

6 44. Under RCW 2.48 the Washington State Bar, at their cost, is tasked with lawyer discipline.
7 For the Washington State Bar to delegate their "investigation" to a "judicial finding" is
8 to shift costs to taxpayers; and the responsibility to investigate the charges is shifted to
9 the grievant and a judge, who is paid by taxpayers. This is a fraud upon taxpayers where
10 the Washington State Bar is the architect and judges aid and abet for the financial benefit
11 of the Bar association in which they are associates. Diversion of public assets for a private
12 purpose, lawyer discipline is supposed to be funded by lawyers, not taxpayers.
13 Misappropriation of public funds is a Class C Felony and constitutes an element of
14 criminal racketeering under state and federal laws. Here the 'association-in-fact' in this
15 misappropriation of government funds include Defendant Hull and the WSBA discipline
16 arm of the WSBA.

17 45. Scheidler, without alternatives, sued Ellerby in 2008 to obtain a 'judicial finding of
18 impropriety,' as the Bar's precondition to reopening the grievance stated. Scheidler
19 additionally sued for damages – his return of the fees paid to Ellerby and consequential
20 damages for being denied the honest services of his lawyer and forced to become a victim
21 of the assessor's fraud upon retired/disabled citizens. This is Kitsap Superior Court case
22 # 09-2-00660-3 and is incorporated as evidence of proof that lawyers and judges, all being
23 Bar Associates, violate laws, codes and rules without consequence. This case is further
24 proof the **Legislature is NEGLIGENT** in their oversight of the blatant violations of the
25 law, codes and rules committed by judges and lawyers that causes tremendous harm to
26 individuals and the denial of due process fairness.

27 46. A JURY TRIAL was DEMANDED to weight the facts (including the facts noted in the
28 appendixes (hyperlinks)), and from the declarations and admissions that make up the
29 factual elements of the Ellerby case.

- 1 47. Judge Russell Hartman, who is a Washington State Bar Associate, was assigned the case.
2 Such judicial assignment is an improper diversion of public resources for which the
3 Washington State Bar should bear all costs under RCW 2.48. Here Judge Russell Hartman
4 in an association-in-fact with Ellerby and the WSBA discipline arm of the WSBA
5 orchestrate this diversion of public funds for the WSBA's private purpose and financial
6 benefit.
- 7 48. After 3 years of motions, unlawful discovery of medical records that are "privileged from
8 discovery" under RCW 5.30.060(9) – which is a violation of Scheidler's protected
9 privacy, Judge Russell Hartman dismissed the case without allowing for a jury and
10 imposed a penalty on Scheidler in the amount of \$120,000 plus interest, payable to
11 Ellerby for bringing suit against Ellerby. Notwithstanding it was the WSBA that
12 delegated to Scheidler a "judicial finding" to reopen the grievance (Ref: Appendix 2, Ex
13 11). Denial of a jury trial is a denial of due process rights and unauthorized.
- 14 49. When judges deny a jury trial it goes without saying that all decisions are now being made
15 by judges; and their decisions are reviewed by other judges. It is a scheme designed by
16 judges as a way to hide crimes, commit crimes and obtain the result they want by not
17 allowing citizens, as in a jury, to determine 'governments' just powers' and whether their
18 conduct is lawful.
- 19 50. Judge Hartman, in his order of dismissal and the imposition of the \$120,000 sanction,
20 never addressed the evidence – the assessor's fraud, the emails, notice of withdrawal, the
21 affidavits that prove Ellerby made up two stories (perjury) – one to withdraw from
22 Scheidler's case, the other to avoid refunding fees unjustly collected, the jury demand,
23 etc.
- 24 51. By the court's own rules, for a judge to dismiss a case each and every piece of evidence
25 must be viewed in Scheidler's favor. But here, the evidence was ignored that proved
26 criminal conduct by Hartman's Bar colleagues – Ellerby, Downer, Noble, Mills, etc.
27 Scheidler's equal protections and due process rights are violated by Judge Hartman, who
28 acts with these others in an 'association-in-fact' to commit crimes and divert public assets
to a private purpose.

1 52. The **Legislature is NEGLIGENT** in their oversight of judges who deny jury trials and
2 disregard the laws that apply and in this way they rule to protect and to enrich their fellow
3 colleagues of the judicial branch and their Bar Association, rather than protect citizens,
4 like Scheidler, which is their sole duty.

5 53. Scheidler appealed to Division 2, Court of Appeals (COA). The COA ruled, in an
6 unpublished opinion, the attorney fee award, the \$120,000 sanction, was "manifestly
7 unreasonable" and was reversed in full and remanded. The COA-II improperly upheld
8 the 'summary judgment dismissal'. The COA did not address **APPENDIXES 2-7**, which
9 are material FACTS from which the complaint was instituted and SPECIFICALLY, as
10 the law demands, FOR A JURY.

11 *RCW 4.44.090 Questions of fact for jury.*

12 *All questions of fact other than those mentioned in RCW 4.44.080, **shall be** decided by*
13 *the jury, and **all evidence thereon addressed to them.***

14 54. Nor did the Appellate court address the denial of a jury trial when a jury trial was
15 demanded – this is a denial of due process as ‘redress of grievances’ is a constitutional
16 right under both the US and Washington Constitutions.

17 55. The **Legislature is NEGLIGENT** in failing to oversee the judicial branch and their
18 corrupt conduct noted above.

19 56. Scheidler sought Supreme Court review of the COA-II unpublished opinion based upon
20 a conflict in law, the "substantial public interest" in attorney misconduct, a false record
21 perpetrated by the COA upon which their 'unpublished opinion' was based, and a host of
22 other instances of defense counsel and COA misconduct including the blind-eye to the
23 evidence and the common law established by the Supreme Court in *DISCIPLINE OF*
24 *DANN* 136 Wn.2d 67, 69, Aug. 1998, which states,

25 "Attorney and Client - Discipline - Dishonesty, Fraud, Deceit, or Misrepresentation -
26 Unintended Results. In order to maintain public confidence in legal institutions and to
27 enhance respect for the law generally, RPC 8.4(c) - which defines professional
28 misconduct by a lawyer as conduct involving dishonesty, fraud, deceit, or
29 misrepresentation - is administered in a manner ***that holds attorneys accountable for the***
30 ***results of their conduct, even unintended results.***"

31 57. Scheidler’s entire case is a consequence of “dishonest lawyers – Scott Ellerby, Cassandra
32 Noble, the WSBA’s delegation to Scheidler, and Taxpayers, to do the investigate and
33

1 obtain a judicial finding, etc”, yet Scheidler is being punished when, according to the law
2 of *DANN*, the “LAWYERS” are responsible for the consequences of their dishonesty.
3 Scheidler has been denied his equal protections and due process rights by the unlawful
4 use of public office.

5 58. The Supreme Court refused to accept Scheidler’s review pleading because it exceeded
6 page limits – a rule the Supreme Court establishes, interprets, applies and enforces. There
7 is no impartial court to challenge the Court’s rules.

8 59. Scheidler objected on the grounds that the length of his pleading was due to the large
9 number of violations by defendant, judges and the Court of Appeals. These violations
10 consisted of perjured facts, misapplication of law, ethical violations, and other due
11 process violations, which required extra pages to list them all. Plus, according to the
12 Supreme Courts own rules on appeal, all of these "errors" noted by Scheidler require
13 reference to the record, which exceeded 2000 pages, and citation to the authorities relied
14 upon. Said another way, to truncate any part of Scheidler’s pleading so as to meet an
15 arbitrary page length limitation would cheat Scheidler of presenting all the grievances
16 against Ellerby and all the misconduct committed by judges and the Court of Appeals.
17 Nevertheless, the Supreme Court denied Scheidler’s objection and refused to take the
18 appeal. Scheidler’s substantive rights were violated under the use of the courts’ self-
19 established rules.

20 60. The **Legislature is NEGLIGENT** in their check of the judicial branch’s misuse of court
21 rules to deny substantive rights – that is, the right of petition on matters of public
22 importance.

23 61. On March 23, 2013, the case against Ellerby was remanded back to Superior Court

24 **B. Facts pertaining to Defendant Kevin Hull**

25 62. Judge Russell Hartman retired while the case was in appeal and was not called back to
26 preside over the remanded case. See Article 4, Sec 7, “... if a previously elected judge of
27 the superior court retires leaving a pending case in which the judge has made discretionary
28 rulings, the judge is entitled to hear the pending case as a judge pro tempore without any
written agreement.” Hartman was not recalled to hear the case as a judge pro tempore.

1 63. On January 9, 2015, Judge Kevin Hull was assigned the remanded case. Under law, RCW
2 2.28.030(2) a judge who WAS NOT PRESENT AND SITTING as a member of the court
3 at the hearing of a matter submitted for its decision is DISQUALIFIED from hearing the
4 matter.

5 64. Judge Hull, by law, cannot fulfill the COA's mandate because Judge Hull never was
6 "present and sitting" for the matter remanded.. The entire case was heard and judged by
7 Russell Hartman, who was reversed for his abuse of discretion, who then retired. In such
8 a case where the sitting judge, Russell Hartman, is no longer 'sitting' and was not recalled,
9 Judge Hull's ONLY legal avenue was to grant a NEW TRIAL.

10 65. Scheidler immediately filed motions under CR 59 and 60 for relief from judgment and
11 NEW TRIAL based upon 'fraud upon the court', misconduct of defense counsel, the
12 'abuse of discretion by Judge Hartman, the misconduct of Joel Penoyar, who authored
13 the COA 'unpublished decision', the delegated "finding of impropriety" to Scheidler by
14 the Washington State Bar, which "EXEMPTS" Scheidler from sanctions, etc. (refer to
15 filings in case # 09-2-00660-3, offered as proof)

16 66. A NEW TRIAL is not only required by law, RCW 2.28.030(2) supra, as Judge Hull never
17 was "present and sitting" at any time on the case, but a New Trial is warranted based upon
18 the accumulation doctrine established by the Supreme Court in STATE v. MARKS 71
19 Wn.2d 295, 301 (1967) .

20 "New Trial - Grounds - Accumulated Error. A new trial may be required for an
21 accumulation of errors even though no one of them, standing alone, would be of
22 sufficient gravity to constitute grounds for reversal."...

23 67. Judge Hull refused to disqualify as required by RCW 2.28.030(2), refused to grant a new
24 trial, and denied every motion - never addressed the evidence and re-awarded Ellerby
25 approximately \$120,000, which is an amount the COA II already ruled as "manifestly
26 unreasonable" – and in fact is unlawful as Scheidler was delegated, by the Bar, to obtain
27 a "judicial finding of impropriety". (ref Appendix 2 Ex 11)

28 Note: RCW 2.28.030 is routinely violated by judges. Judge Jennifer Forbes
refused to disqualify for conflict. Judge Keith Harper not only refused to
disqualify but stated from the Bench – you need to go to the moon or Mars to get

1 a fair forum in which to challenge the judicial branch. Defendants Young, Calder
2 and Angel are fully aware of judges violating RCW 2.28.030 and do nothing!

- 3 68. Defendant Hull is in violation of RCW 2.28.030(2) and Rule 2.11 and the following
4 decisions are unlawful: to deny Scheidler's motions to vacate judgment due to misconduct
5 of opposing counsel and for a new trial; to deny the return of Scheidler's funds (appeal
6 bond) held by the clerk in the amount of \$170,000 plus accrued interest, which the COA
7 ruled was an abuse of discretion; to rule Ellerby didn't invade Scheidler's protected
8 privacy or breach any court rules during the litigation, and to award Attorney Ellerby
9 \$88,409.40 plus a year of interest @12%, which amounts to about \$120,000
- 10 69. Defendant Hull's orders are without jurisdiction, are void, and are violations of Scheidler's
11 equal protections and due process rights to an impartial, disinterested, decision maker.
- 12 70. Judge Hull has a vested interest in this action because the very 'essence' of the case hinges
13 in a lawyers (whether judicial or quasi-judicial) statutory allegiance to "truth and honor".
14 Clearly Judge Hull, using the prestige of his office, can make self-serving rulings that
15 erode the legislatures intent in mandating attorneys adhere to the highest standards of
16 "Truth and Honor" as embodied in RCW 2.48.210. Said another way, lawyers, as judge
17 are inherently motivated by their own self-interest in defining the moral values imposed
18 upon them (i.e., what is meant by "truth and honor") than fulfilling the legislature's intent
19 embodied in the law so as to protect society from a corrupt judicial system.
- 20 71. Judge Hull is bound by law, specifically RCW 4.04.010 which states in unambiguous
21 terms, "The common law shall be the rule of decision in all courts". Hull's only choice of
22 law, which Scheidler noted time and again -- is the common law case *DISCIPLINE OF*
23 *DANN* 136 Wn.2d 67, 69, Aug. 1998, supra.
- 24 72. Judge Hull has blatantly ignored this statutory mandate to abide by the Supreme Court's
25 ruling in *DANN* which he is legally required to obey by the express language of RCW
26 4.04.010. Clearly Hull, in making his false claim that he must follow the COA's
27 "unpublished order," does so to "protect" and "enrich" his fellow lawyers and insurance
28 agencies who insure these lawyers -- Scott M. Ellerby, WSBA# 16277; Jeffrey P.
Downer, WSBA# 12625; Russell Hartman (ret.) WSBA# 7104; Larry Mills, WSBA#
6129; Gauri S. Locker, WSBA# 39022; Allyson J. Ferguson, WSBA #31246; Joel

1 Penoyar, WSBA# 6407; J. Anderson, WSBA(unknown); and Jill Johanson WSBA#
2 15649. This is Criminal profiteering, trading in public office and denial of equal
3 protections and due process.

- 4 73. In other words, Kevin Hull creates a "LIE" claiming he is bound, untruthfully, by an
5 "unpublished opinion" in abrogation of the legislatures mandate that the 'common law'
6 shall be the rule of decisions in all courts. "unpublished decision" do not constitute the
7 common law in Washington State, RCW 4.04.010. Hull does so to save himself for his
8 unlawful orders when he should have disqualified himself, per RCW 2.28.030(2) and
9 Rule 2.11 supra. Kevin Hull creates a "LIE" claiming he is bound by an "unpublished
10 opinion" in abrogation of the legislatures mandate that it is the "common law" that is the
11 rule of decision. Judge Hull commits these abuses simply to save his colleagues from
12 violating my due process rights. This simple "lie" claiming he must abide by an
13 'unpublished opinion', which is itself an unlawful opinion is to save his fellow lawyers
14 but also force the matter to appeal and necessitate a separate cause of action for "fraud
15 upon the court".

16 VIII. GENERAL ALLEGATIONS

17 C. Defendant Washington State/Attorney general's Negligence to Supervise the 18 Washington State Bar Association and its members in government offices. (Bar)

- 19 74. The underlying issue concerns the 'policies, practices, customs, claimed powers and
20 schemes' [Bar schemes] used by Washington State Bar associates who hold government
21 decision-making offices in the judicial, legislative, executive branches, sit on
22 administrative boards, legislative committees, ethics boards, and who fully occupy offices
23 as prosecutors and city attorneys, among other decision-making roles.
- 24 75. The Washington State Bar doesn't need to overthrow Washington's government, they
25 essential ARE Washington's government. The Bar's assumption of most government
26 offices is unconstitutional in violation of Article 1, Sec 1, et. seq., and is the reason
27 Washington government officials are committing crimes, betraying their fiduciary duties
28 and stripping citizens of their rights. All of which creates an "institutional conflict of
interest" in which one branch of government protects the another branch of government

1 and leaves no “fair forum” for a redress of a citizen’s grievance involving these quid pro
2 quo schemes between the branches.

3 76. The Bar openly claims its purpose is to “serve its members” (Ref:
4 <http://www.wsba.org/About-WSBA>). The associates of the Bar engage in for-profit
5 private businesses as well as holding government decision-making offices. This provides
6 the means by which to achieve the Bar’s objectives – trading office for favors.

7 77. Bar Associates occupy every judicial office and constitute Washington State’s Judicial
8 Branch – a consequence of legislation creating the Bar, RCW 2.48, that effectively
9 swallows Article 4, Sec 17 and results in ONLY Bar Associates being eligible to hold
10 judicial office. This was NOT the result prior to the enactment of RCW 2.48. This
11 consequence provides the opportunity and means for the Bar to engage in any scheme
12 that “serves its members” as the Bar holds the licenses of its associates hostage to their
13 schemes, as the Ellerby case shows.

14 78. Another way to express this fact is as follows: WSBA = Agency of the State = Judicial
15 Branch! Hereafter, simply the [Bar].

16 79. The Bar’s ‘schemes’ have no independent oversight to protect citizens from Bar
17 Associates who choose to misuse their claimed powers under their claimed rules which
18 they establish, interpret and apply, unlawfully, to others. RCW Title 2 does NOT
19 authorize the Bar to dictate to citizens any course of action. Rather RCW 2.48.210
20 mandates all Bar Associates “protect and maintain individual rights”. No Bar Associate,
21 including Defendant Hull, has ever explained how their conduct “protected and
22 maintained” Scheidler’s rights.

23 80. Thus the application of rules established and adopted by Bar associates that impact
24 citizens is unauthorized, and therefore unlawful and unconstitutional, a violation of RCW
25 42.20.

26 81. The Legislature is grossly negligent in their blind-eye to these Bar schemes which
27 threatens EVERY litigant’s rights to a fair forum to challenge these abuses, because all
28 judicial officials are Bar Associates who use their government office to protect their
colleagues and Bar schemes.

1 82. Self-regulation, which characterizes the Bar and its associates, violates the following
2 statutory and common law holdings and deprive every citizen of their due process fairness
3 in having a disinterested decision-maker when the Bar’s customs, policies, practices,
4 rules are at issue.

- 5 • RCW 2.28.030(1), prohibits a judge from sitting when directly interested.
- 6 • *In RE Consolidated Cases* 123 Wn.2d 530 and *Elec. Contractors Ass'n v. Riveland*
7 138 Wn.2d 9, 11 “we do not defer to an agency the power to determine the scope of
8 its own authority” and “An administrative agency may not determine the scope of
9 its own authority”;
- 10 • and in *Wash. State Labor Council v. Reed* 149 Wn.2d 48 (Apr. 2003) “To permit
11 branches to measure their own authority would quickly subvert the principle that
12 state governments, while governments of general powers, must govern by the
13 consent of the people as expressed by the constitution”.
- 14 • RCW 4.04.010, the common law, which is the law established in *Consolidated,*
Riveland and *Reed*, **shall be the rule of decisions in all cases.**

15 83. Non-bar citizens are excluded from voting on Bar issues, nor approving their by-laws,
16 nor in holding executive Bar offices.

17 84. Evidence of the Bar’s privileged and independent status is amply illustrated in the
18 blatantly arrogant statement made 3/21/ 2014, by visiting Judge, Keith Harper, WSBA
19 #10742, who said from the bench, in effect,

20 **... (you have to) go to the moon or Mars for a fair venue to address your**
21 **dissatisfaction with the judicial branch... (See**
22 **[http://corruptwash.com/2014/03/23/judge-keith-harper-you-want-a-fair-](http://corruptwash.com/2014/03/23/judge-keith-harper-you-want-a-fair-venue-try-the-moon-or-mars/)**
23 **[venue-try-the-moon-or-mars/](http://corruptwash.com/2014/03/23/judge-keith-harper-you-want-a-fair-venue-try-the-moon-or-mars/))**

24 85. The Washington State Legislature has neglected to either monitor, investigate, or
25 establish an avenue to address citizen’s complaints concerning the Bar’s ‘schemes. Said
26 another way, a Bar associate is always the decision maker, fact finder, and jury,
27 concerning Bar ‘schemes’ DESPITE constitutional provisions to the contrary. For
28 example – the “Ellerby case, #09-2-00660-3. Ellerby is a lawyer who lied to Scheidler.
The Bar’s scheme was to delegate back to Scheidler the prerequisite task of obtaining a
“judicial finding of impropriety” for the grievance to go forward. To obtain this “judicial

1 finding” Scheidler had to argue before a Bar lawyer serving as judge, Russell Hartman
2 and then Kevin Hull. Hull, as judge, in violation of constitutional, statutory and common
3 law authorities, sanctioned Scheidler \$120,000 for seeking a “**judicial finding of**
4 **impropriety**” as Scheidler was delegated by the Bar to open the grievance.

5 **The legislature is negligent in allowing the Bar to shift its discipline process to a**
6 **“judicial finding of impropriety”. This shifts the Bar’s expenses, which are private**
7 **costs borne by the associates of the Bar, to tax payers who must fund the judicial**
8 **process for a “judicial finding of impropriety”.**

9 86. Clearly this is a Bar scheme to shift lawyer discipline to a Bar judge who can use his
10 public office at taxpayer expense to retaliate against Scheidler, a citizen, for bringing a
11 Bar complaint against an associate of the Bar. This is one mechanism by which the Bar
12 “serves its members” by depriving Scheidler of his property, his constitutional, statutory
13 and common law rights without recourse and to shift the Bar’s costs to taxpayers.

14 87. The Bar’s ‘schemes’, as in the Ellerby case, are clearly intended to unlawfully prolong
15 litigation, 3-years as in the Ellerby case, in violation of Article 1, Sec 10 and RCW
16 2.04.190 through unnecessary and uncheck tactics so as to drive up costs for citizens, or
17 cover-up crimes, contrary to Article 2, Section 28(12), so as to defraud citizens of their
18 rights, property and liberty for the benefit of Bar Associates, as a review of the Ellerby
19 case will clearly show – the \$120,000 sanction Hull imposed upon Scheidler was ordered
20 to be paid to Ellerby! It is a bald-faced fraud to enrich Bar Associates!

21 88. Defendant Washington State was established by Washington’s Constitution. Under the
22 constitution all political power is in the people and the *governments* of Washington obtain
23 their “*just powers*” from the “*consent of the people*” and are established to “*protect and*
24 *maintain individual rights*”, Article 1, Section 1.

25 89. Hull’s \$12000 sanction imposed upon Scheidler was NOT by the “*consent of the people*”,
26 nor was it “*just*”, nor was it lawful. Rather Kevin Hull determined for himself the laws
27 that applied to judges, such as the disqualification statute RCW 2.28.030. And Hull
28 determined for himself if Scheidler has the protection of the other statutes and common
laws instituted for Scheidler’s protection. Clearly Hull used his office to deny Scheidler
his rights so as to aid and abet the Bar in “serving its members”.

- 1 90. The legislature has the authority granted by Article 4, section 9 or Article 5, to insure “we
2 the people” keep control over the governments we established. For the legislature to
3 relinquish, abandon or refuse to act, in spite of its duty and powers by which to exercise
4 their duty, the Legislature forfeits the very notion of "we the people" and forfeits “by the
5 consent of the people”, and forfeits ‘individual protections’ and forfeits all notions of
6 “just powers”. The Legislatures abandonment of these principles explains why we, the
7 people, are nothing but pockets to pick, by and through the Bar’s schemes.
- 8 91. Washington State Governments have abridged their “just powers” and refused either
9 intentionally or negligently to protect individual rights as the facts cited herein and
10 offered as proof, show.
- 11 92. The government officials noted herein have acted ultra vires, beyond their “just powers”
12 in breach of their fiduciary duty and have caused injury, either intentionally or by willful
13 neglect to Scheidler, an “individual” whose rights governments are established to protect
14 and maintain.
- 15 93. Of particular note is the prohibition placed upon the Washington State legislature from
16 “legalizing the unauthorized or invalid act by any official”. Article 2, Sec 28. When the
17 legislature and the Bar Associates who hold official offices turn a blind-eye to
18 “unauthorized or invalid acts by government officials”, the legislature and these decision-
19 making officials have effectively “legalized unauthorized or invalid acts” which the
20 Washington Constitution strictly prohibits. Scheidler has been injured as a consequence.

21 **IX. OTHERS INVOLVED BUT NOT YET NAMED DEFENDANTS**

- 22 94. Jeffrey P. Downer, Wsba# 12625; Russell Hartman (Ret.) Wsba# 7104; Larry Mills,
23 Wsba# 6129; Gauri S. Locker, Wsba# 39022; Allyson J. Ferguson, Wsba #31246; Joel
24 Penoyar, Wsba# 6407; J. Alexander, Wsba(Wsba # Unknown); Jill Johanson Wsba#
25 15649, Jennifer Forbes Wsba #26043; Keith Harper Wsba #10742; David Jurca WSBA
26 #2015; Jeffrey Stier WSBA #6911; Scott Ellerby WSBA #16277; Cassandra Noble
27 WSBA #12390; J. Reiko Callner, WSBA #16546; Bruce Lemon, WSBA #9326; Ronald
28 Schaps, WSBA#2203; Elizebeth Turner, WSBA#24165; Cathrine Clark, WSBA#
21231; Melody Retallak, WSBA # 40871; Jeffrey Downer, WSBA#12625; Joel Penoyar,
WSBA #6407; Gauri Locker, WSBA#39022; Keith Harper, WSBA #10742; Frank

1 Cuthbertson, WSBA #23418; Ernetta Skerlak WSBA #14128; Eric Miller, WSBA
2 #41040; Cam Comfort, WSBA# 15188; Zachary Mosner WSBA# 9566; Alan Miles
3 WSBA #26961; Ione George, WSBA# 18236; Dionne Maren Padilla-Huddleston WSBA
4 # 38356; Sally Briggs Leighton, WSBA# 12156; Alexis Foster, WSBA #37032; Mary M.
5 Tennyson WSBA #11197; Washington State Bar Association; Washington’s Attorney
6 General; Legislative Ethic Board: Eugene Green, Rep. Drew Hansen, WSBA #30467,
7 Sen. Jim HoneyFord, Stephen L. Johnson, Judge Terry Lukens, WSBA #5499, Sen. Jamie
8 Pedersen, WSBA #24697, Kenny Pittman, Debbie Regala, Rep. Brandon Vick – whose
9 polices condone aiding and abetting; and The Kitsap Sun, which betrays the public trust
10 by underreporting or printing half-truths intended to deceive or cover-up government
11 misconduct, who may be named defendants at a future time.

12 **X. DECLARATORY JUDGEMENT QUESTIONS PRESENTED TO A JURY, IF**
13 **AVAILABLE [SEE 18 U.S. CODE § 2201 AND § 2202; QUESTIONS OF FIRST**
14 **IMPRESSION]**

- 15 95. Declare RCW 2.48, which established the Washington State Bar as an agency of the state
16 is unconstitutional on its face or is operated in an unconstitutional manner.
- 17 96. Given the facts, the dishonesty of Scott Ellerby and the WSBA’s fraud upon Scheidler
18 and taxpayers in delegating to Scheidler the task in obtaining “a judicial finding of
19 impropriety” – which costs Scheidler and taxpayers the 3-years of unnecessary litigation
20 -- has Washington State Bar Associate, Kevin Hull, serving as Kitsap Superior Court
21 judge, exercised his claimed powers in a “just manner”, according to laws, codes and
22 rules, specifically for the protection of Scheidler as required by Article 1, Section 1?
- 23 97. Given the facts have Jesse Young, Michelle Caldier and Jan Angel and Washington State
24 exercised their constitutional powers, e.g., Article 4, Sec 9; Article 5..., to address the
25 misconduct by Judge Kevin Hull?
- 26 98. Given the facts, have Jesse Young, Michelle Caldier and Jan Angel or Washington State
27 taken any action that would “protect and maintain” Scheidler’s rights as mandated by
28 Article 1, Section 1?
99. Given the facts and considering the concentrated and self-regulating power Washington
State Bar Associates exert over Washington State Citizens, has Washington State

1 adequately monitored the “policies, practices, customs, claimed powers and schemes’ of
2 these self-regulating Washington State Bar Associates to insure their compliance with
3 Article 1, section 1, and RCW title 2?

4 **D. WA STATE COURTS ARE BAR FUNCTIONS – RCW 2.48, which created the
5 Washington State Bar, is UNCONSTITUTIONAL on its face and in practice.**

6 100. WA State Bar Associates (a.k.a, Supreme and Superior court judges, by virtue of Article
7 4 Sec 17) make court rules, interpret the rules they make, strategize through other
8 associations in how to ‘abuse the rules’ – such as through the Association of Superior
9 Court Judges, rules committee, disciplinary board, etc., -- protect themselves by having
10 Bar associates sitting as decision-makers – judges, hearing officials, legislators, governor,
11 and administrative officials. This constitutes a monopoly that has gained control of
12 Washington’s decision-making processes and this is unconstitutional under Article 12 sec
13 22.

14 101. The Washington State Bar, a state agency per RCW 2.48, engages in closed elections
15 where only Bar Associates can vote for and hold executive offices of the Bar. Citizen
16 control or oversight is prevented and Bar Associates run the agency for their own power
17 and wealth. This clearly poses a grave danger to society in having a state agency operate
18 outside citizen control and have its members occupy judicial, legislative, executive,
19 administrative offices and sit on government boards and committes. This alone mandates
20 legislative attention and investigation of the Bar.

21 102. The Washington State Bar’s discipline system is also “in house” and has been criticized
22 by the American Bar Association’s Clark Commission,
23 [http://www.americanbar.org/content/dam/aba/migrated/cpr/reports/Clark_Report.authche
25 ckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/cpr/reports/Clark_Report.authche
24 ckdam.pdf)

26 **E. Frauds devised by the Bar – the “judicial finding of impropriety” scheme to
27 defraud.**

28 103. The Bar’s monopoly power – plenary power -- allows Bar Associates to engage in
criminal profiteering schemes, such as the “judicial finding” shifting to taxpayers when
the Bar is liable for the cost of lawyer discipline, without being accountable to anyone.

- 1 104. In addition to the Bar’s members being in key government offices to cover-up frauds like
2 the Assessor’s fraud at the vortex of this case, the Bar has created its own fraud – the
3 “judicial finding of impropriety” the Bar’s discipline committee assigns to the Plaintiff
4 and to taxpayers. This fraud is designed to shift lawyer discipline and the Bar’s costs to the
5 grievant who then is forced to spend years of his/her life seeking this “judicial finding of
6 impropriety” that will never end in a finding. Rather the judge, as Judge Hull’s conduct
7 proves, dismiss the complaint without ever addressing the evidence and punish the
8 Plaintiff, Scheidler in this case, by imposing thousands of dollars as sanctions.
- 9 105. The Washington State Legislature is negligent in their duty to address of such despicable
10 schemes that costs citizens and the Plaintiff such a high cost.

11 **XI. SCHEME OF EUPHAMISMS**

- 12 106. Bar associates have established their unique substantive law that replaces legislative and
13 constitutional mandates. For example judges “abuse their discretion,” or “it was error” or
14 determine that they are the “reasonable person” or “reverse and remand”... This scheme
15 of “euphemisms” replaces the substantive laws that use words like “gross incompetence,
16 negligence, fraud, prejudice, deceit, perjury, unlawful, unjust, breach of trust ...” – which
17 are all terms that define criminal conduct per RCW 42.20, which states,
18 Every officer or other person mentioned in RCW 42.20.070, who shall willfully disobey
19 any provision of law regulating his or her official conduct in cases other than those
20 specified in said section, **shall be guilty of a gross misdemeanor.**
- 21 107. By relabeling unauthorized or invalid conduct as merely an “abuse of discretion” these
22 government officials escape accountability for their “UNLAWFUL” conduct!
- 23 108. There are no ‘impartial remedies’ in WA State to challenge the Bar’s use of euphemisms
24 to supplant substantive law as such claims would be against the entity that establishes
25 these procedures, applies, interprets, and decides its own power and conduct through the
26 procedures and the euphemisms it devises to hide their criminal conduct. Said another
27 way “lawyers decide lawyer conduct” and decide to what extent citizens are the lawyer’s
28 play-toys.
109. It is a fact the judicial/lawyer “regulating agencies” are a sham – a fraud upon the people
as 99% of all grievances are dismissed sua sponte. No other “regulating entity” has a

1 statistical dismissal rate to equal the Bar's. The consequence is WA State's judicial
2 system is also a fraud upon the people and a mechanism by which citizens are fleeced of
3 their life, liberty, property, without consequence or a fair avenue of redress.

4 **XII. THE COMMON LAW "IMMUNITY" IS A FRAUD PERPETRATED UPON**
5 **SOCIETY BY WASHINGTON'S SUPREME COURT**

6 110. Immunities ARE PROHIBITED by Washington's constitution, Article 1, sections 8,
7 12, and 28. In Washington State, "public officials" are either guilty or not guilty in how
8 they perform their official duties. See Article 5; See Article 2 Section 28(12), which
9 PROHIBITS legalizing unauthorized or invalid acts by any official; and RCW 42.20
10 supra.

11 111. The words of Article 2, Sec 28(12) – unauthorized or invalid – clearly means that an
12 officials conduct is solely prescribed by the constitution or laws. Any act by any official
13 that is not supported by express authorization found in Washington's constitution and
14 laws is "unauthorized".

15 112. Judge Hull's refusal to disqualify, his denial of a New Trial, his imposition of sanctions,
16 his denial of a jury trial, his refusal to abide by the common law of *DANN*, his the blind-
17 eye to the perjury committed by Ellerby and his lawyer, his blind-eye to the assessor's
18 fraud, his blind-eye to the Bar's schemes ... are "UNAUTHORIZED"!

19 113. These "immunities" bestowed by the Supreme Court clearly prove the judicial branch is
20 corrupt in disregarding Washington's Constitution. The legislature is complicit in this
21 corruption. The motive is simple – a legislator is granted "immunity" and citizens have
22 NO State Avenue to challenge a government that behaves UNCONSTITUTIONALLY.

23 **Additional Offers of proof:**

24 114. It is a fact, the Washington State Bar is an "agency of the state" which is established to
25 "...serve the members of the Bar." Ref: <http://www.wsba.org/about-WSBA>.

26 115. It is a fact "members of the Bar" engage in 'for profit' businesses and 'occupy
27 government decision-making offices'.
28

- 1 116. It is a fact the 1933 legislation that created the Washington State Bar (WSBA), RCW
2 2.48, which serves its members, swallowed the 1889 Constitutional provision, Article 4,
3 Sec 17, that defines the eligibility to hold judicial office.
- 4 117. It is a fact, as a consequence of the legislation establishing the WSBA, which effectively
5 swallowed Article 4, Sec 17, voters may ONLY elect WSBA associates to judicial office,
6 or only WSBA members may be appointed to judicial official. Said another way, only
7 members of an ‘agency of the state – the WSBA’ may become judges, not members of
8 the general public. There is no freedom of choice in the election of judges.
- 9 118. It is a fact that judges, who may only be WSBA associates, have the means and
10 opportunity to use their public office to carry out the purpose of the WSBA, which is to
11 “...serve members of the Bar.” <http://www.wsba.org/about-WSBA>
- 12 119. It is a fact, judicial officials have established “privileges and immunities” for themselves,
13 prosecutors and anyone else performing a judicial function.
- 14 120. It is a fact, Washington’s Constitution PROHIBITS “privileges and immunities” under
15 Article 1, sections 8, 12 and 28.
- 16 121. It is a fact that one way for judicial officials (aka WSBA associates) ... serve its members,
17 is to bestow unconstitutional grants of ‘privileges and immunities’.
- 18 122. It is a fact, under the unconstitutional grants of these privileges and immunities, judges
19 and prosecutors conspire to “predetermine the outcome of cases” without consequence.
20 Ref: Ashelman v Pope, 793 F.2d 1072, 1078 (9th Cir. 1986)
- 21 123. It is a fact, “a conspiracy between a judge and prosecutor” as Ashelman allows runs
22 counter to RCW 2.48.210 that mandates “truth and honor” of all WSBA associates.
- 23 124. It is a fact of law, RCW 42.20.080, violating a provision of law that regulates official
24 conduct is a gross misdemeanor.
- 25 125. It is a fact that Washington’s Constitution, Article 2, Sec 28(12) PROHIBITS “legalizing
26 an unauthorized or invalid act by any official.
- 27 126. It is a fact that Bar Associates, as judges, have “legalized” (re Ashelman) the
28 “unauthorized act” (prohibited by RCW 2.48.210 and Art. 2, sec 28(12)), to engage in a
“conspiracy between a judge and prosecutor” as ONE example of Bar Associates
bestowing “privileges and immunities” intended to “serve the members of the Bar.

1 127. It is a fact VICTIMS of the “privileges and immunities” WSBA judges bestow upon
2 WSBA prosecutors so as to engage in conspiracies to “predetermine case outcomes”
3 (Ashelman), are suing the WSBA for racketeering, obstruction of justice, Sherman anti-
4 trust conduct and due process violations.

5 128. It is a fact to sue the WSBA for their unlawful conduct when WSBA members are judges
6 is a futile act.

7 129. ONLY a jury can help insure judges and prosecutors do not fix cases

8 130. It is a fact judges DENY jury trials under the rules judges make, judges interpret, judges
9 apply, and judges review.

10 131. The factual evidence supporting Plaintiff Scheidler’s allegations that the WA State Bar is
11 the facilitator for all the ‘corrupt tactics and procedural chicanery, fraud and deceit,
12 resulting in a dysfunctional court system’ include the following matters involving
13 Scheidler directly. These official proceedings are incorporated by reference as
14 EVIDENCE of the Bar’s “custom and practices” that fosters RICO activity, in breach of
15 their fiduciary duty, *to permit “LYING, PERJURY, SUBORNATION of PERJURY”*
16 *without consequence*

17 **CASES to be EXAMINED FOR CORRUPT INFLUENCE**

18 132. Kitsap County Superior Court case numbers: defendants include Avery and WA State
19 Bar Associates Scott Ellerby WSBA #16277, Felice Congalton, WSBA #6412, J. Reiko
20 Callner WSBA#16546 and Stephen Holman WSBA #8451, all decision makers include
21 WA State Bar Associates serving as judge [J. Russell Hartman, WSBA #7104, Kevin
22 Hull, WSBA #23994 (acting without authority –See RCW 2.28.030(2) Must disqualify
23 “When he or she was not present and sitting as a member of the court at the hearing of a
24 matter submitted for its decision”), Keith Harper WSBA #10724, Jennifer Forbes WSBA
25 #26043 and past president of the Kitsap County Bar Association, Frank Cuthbertson,
26 WSBA #23418. The allegations were that these lawyers violated law obstructed justice,
27 engaged in fraud upon the court, fraud in the court (perjury), their fiduciary duty and
28 caused actual harm; all cases demanded a jury, all cases were dismissed on CR 12 or CR
56 motions, and CR 11 Sanctions were imposed upon Scheidler --- totaling about

1 \$248,000 payable to Ellerby (over \$120,000 of these sanctions were by Kevin Hull who
2 NEVER sat on the case – yet granted Ellerby’s motion for this amount!!!).

3 08-2-02882-0; 09-2-00660-3; 12-2-02161-1; 14-2-00042-3; 15-2-0342-1

4 133. Court of Appeals II case numbers: The Court, through its clerk David Ponzoha, refused
5 to file pleadings (In an appeal from Judge Hull’s sanction award of \$120K when he was
6 never present for ANY matter for which he imposed sanctions). Then Ponzoha dismissed
7 the appeal for not filing a pleading – Ponzoha created the very situation he then ruled
8 upon to SAVE Judge Hull and to insure Ellerby was provided money out of Scheidler’s
9 pocket. All defendants in those appeals are Bar associates and Defendant Avery... all
10 decision makers are Bar Associates Joel Penoyar WSBA#6407, Ernetta Skerlak WSBA
11 #14128 among others... One appeal and an interlocutory appeal reached an opinion and
12 resolved in the Bar associates favor, but reversed \$132,000 of the \$248,000CR 11
13 Sanctions that were payable to Scott Ellerby. The appeal of Hull’s award was never heard
14 due to the Clerk obstructing the appeal by not filing an opening brief and then dismissed
15 the appeal for not filing a brief - #454351 387816, 397498, 425912, 454351

16 134. WA Supreme Court case numbers: The Supreme Court through its clerk Susan Carlson,
17 WSBA #12165 refused to take all of these petitions against WA State Bar Associates on
18 “procedural claims – page length” or in the claim the court lack “jurisdiction over the
19 party – a lawyer” (the Court claims ‘plenary powers’) and despite paying a fee for
20 Supreme Court Review. And despite the Courts own rule that “a clerks ruling on
21 procedural grounds” requires ‘de novo review’. RAP 1.2 states a case will not be
22 determined based in compliance or non-compliance with procedures. #’s 848149,
23 848971, 857164, 876592, 879672, 902887, 914702

24 **XIII. CLAIMS AGAINST DEFENDANTS:**

25 **A. First Cause of Action: Civil Rights Act, Title 42 U.S.C BB 1983– Due Process and 26 Conspiracy to interfere with civil rights.**

27 135. Plaintiff realleges and incorporates all the preceding paragraphs as if set forth in full.

28 **Defendant Kevin Hull and the Ellerby case in part.**

136. Defendant Kevin Hull, a Bar associate, is an elected judicial official who owes Scheidler
a fiduciary duty as explicitly expressed by Article 1, Section 1, “to protect and maintain

1 individual (Scheidler’s) rights”. Defendant Hull, as described above, has acted ultra vires,
2 maliciously, without authority contrary to article 4, sec 28 and RCW title 2 by violating
3 the following statutory and common law mandates:

4 a. article 1, sec 1 acting contrary to protecting Scheidler’s rights; Defendant Hull denies
5 Scheidler his equal protections and due process rights for the unjust benefit of Hull
6 himself, his colleagues and the insurers who’s funds are at stake.

7 b. article 1, sec 3 in depriving Scheidler of his property without due process of law;
8 Defendant Hull denies Scheidler his equal protections and due process rights for the
9 unjust benefit of Hull himself, his colleagues and the insurers who’s funds are at stake.

10 c. article 1, sec 4 depriving Scheidler of his right of petition; Defendant Hull denies
11 Scheidler his equal protections and due process rights for the unjust benefit of Hull
12 himself, his colleagues and the insurers who’s funds are at stake.

13 d. article 1, sec 14 by imposing a \$120,000 sanction when Scheidler is immune from
14 sanctions under RCW 4.24.500 to RCW 4.24.510, which states,

15 “A person who communicates a complaint or information to any branch or agency of
16 federal, state, or local government... is immune from civil liability for claims based
17 upon the communication to the agency or organization regarding any matter
18 reasonably of concern to that agency or organization.”

19 Scheidler’s entire action was instituted based on his Bar grievance, which the Bar
20 then delegated back to Scheidler for a “judicial finding of impropriety”. Scheidler, by
21 law, is immune because he reported the conduct to the proper regulating agency.
22 Defendant Hull denies Scheidler his equal protections and due process rights for the
23 unjust benefit of Hull himself, his colleagues and the insurers who’s funds are at stake.

24 e. Article 1, Section 21, depriving Scheidler of his constitutional jury trial; Defendant
25 Hull denies Scheidler his equal protections and due process rights for the unjust
26 benefit of Hull himself, his colleagues and the insurers who’s funds are at stake.

27 f. RCW 4.44.090, depriving a jury from deciding the facts – i.e., Ellerby’s lies,
28 Penoyar’s lies, Russell Hartman’s lies, Jeffrey Downer’s lies, etc. Defendant Hull
denies Scheidler his equal protections and due process rights for the unjust benefit of
Hull himself, his colleagues and the insurers who’s funds are at stake.

g. RCW 4.04.010, depriving a jury from deciding the “conditions of society” and the
proper roles of our institutions – i.e., governments’ “just powers” as provided by our

1 constitution. Defendant Hull denies Scheidler his equal protections and due process
2 rights for the unjust benefit of Hull himself, his colleagues and the insurers whose
3 funds are at stake.

- 4 h. RCW 4.04.010 acting contrary to the court of appeals mandate by re-imposing a
5 \$120,000 sanction upon Scheidler when the COA reversed judge Hartman’s \$120,000
6 sanction on Scheidler as ‘manifestly unreasonable’ and an abuse of discretion;
7 Defendant Hull denies Scheidler his equal protections and due process rights for the
8 unjust benefit of Hull himself, his colleagues and the insurers who’s funds are at stake.
- 9 i. RCW 2.48.210 mandates all Bar associates uphold the highest means of “truth and
10 honor” and “never seek to mislead a judge or jury by any false statement of fact or
11 law”. The entire Ellerby case concerns “truth and honor” and “seeking to mislead” ...
12 a jury is the ONLY just arbiter of what is true an what is deceitful – a jury was denied
13 by Bar associates serving as judges in order to cover up violations of RCW 2.48.210,
14 the violation of which constitutes a gross misdemeanor under RCW 42.20.080, RCW
15 9A.80, among other criminal statutes.
- 16 j. Defendant Hull denies Scheidler his equal protections and due process rights (right to
17 a jury trial) for the unjust benefit of Hull himself, his colleagues and the insurers
18 who’s funds are at stake.
- 19 k. Defendant Hull violates RCW 2.28.030 for refusing to disqualify as judge as he never
20 was “present or sitting” as a member of the court upon which he rendered his unjust
21 orders; Defendant Hull denies Scheidler his equal protections and due process rights.
- 22 l. RCW 2.04.190 mandating cases be determined on the merits – Judge Hull ignored all
23 the evidence to justify his unjust ruling; Defendant Hull denies Scheidler his equal
24 protections and due process rights for the unjust benefit of Hull himself, his
25 colleagues and the insurers who’s funds are at stake.
- 26 m. RCW 4.04.010 by ignoring the common law established by the Washington State
27 Supreme court in *DISCIPLINE OF DANN* 136 Wn.2d 67, 69, Aug. 1998. This
28 common law provides Scheidler **immunity** from Hull’s retaliation (i.e., the \$120,000
sanction) as Scheidler’s lawyer, Scott Ellerby, **is liable** for the consequence of his
actions. Defendant Hull denies Scheidler his equal protections and due process rights

1 for the unjust benefit of Hull himself, his colleagues and the insurers who's funds are
2 at stake.

3 n. Article 1, Section 8, 12 and 28, Kevin Hull, in violating Scheidler's rights by ignoring
4 the provisions of law that are enacted to protect Scheidler and that govern Kevin
5 Hull's conduct, Hull has claimed a "privilege" no other citizens has – to decide for
6 himself what laws he choose to obey and what laws he chooses to ignore. Defendant
7 Hull denies Scheidler his equal protections and due process rights for the unjust
8 benefit of Hull himself, his colleagues and the insurers who's funds are at stake.

9 137. Defendant Hull's \$120,000 sanction imposed upon Scheidler and awarded to Ellerby for
10 the benefit of Ellerby's insurance provider and to enrich Hull's Washington State Bar
11 colleague, Jeffrey Downer and lawfirm of Lee Smart, in violation of the constitutional
12 and statutes noted above are unauthorized, unlawful, and invalid.

13 138. Hull intentionally violates Scheidler's rights and directly resultes in Scheidler's injuries
14 and denial of due process for the unjust benefit of Hull himself, the unlawful taxes taken
15 from retired/disabled for Hull's salary, benefits and perks, and to enrich his colleagues
16 and the insurers who's funds are at stake.

17 **Defendants Jesse Young, Michelle Caldier and Jan Angel**

18 139. Our legislature has the power and the legal and ethical duty Under Article 4, Sec 9 and
19 Article 5 to remove judges who commit "official misconduct" when they act ultra vires
20 ... steal from citizens (misappropriation and theft as described above) to enrich
21 themselves and their government colleagues and claim "privileges and immunities" no
22 other person, corporation or class of citizens enjoy.

23 140. Defendants Jesse Young, Michelle Caldier and Jan Angel are Washington state elected
24 representatives and senator of the 26th District, respectively, who owe Scheidler a
25 fiduciary duty as explicitly expressed by article 1, section 1, "to protect and maintain
26 individual (Scheidler's) rights" as they are lawfully mandated by RCW 29A.24.031(5).

27 141. Defendants Jesse Young, Michelle Caldier and Jan Angel have the means and opportunity
28 to exercise their fiduciary duty by the powers provided by Article 4, Sec 9 and Article 5.
But they refuse to use their powers for the protection of Scheidler's rights and therefore
aid and abet in the unlawful and unauthorized conduct by Judge Kevin Hull

1 142. Legislators Jesse Young, Michelle Caldier and Jan Angel are using their public office to
2 aid and abet in this fraud upon retired/disabled citizens and to obstruct the people's
3 political power, and help these corrupt Bar Associates undermine Washington's
4 Constitution and laws, particularly Article 1, Sec 1, which expressly states all political
5 power is in the people, not placed in the hands of, Jesse Young, Michelle Caldier nor Jan
6 Angel alone.

7 143. For these three legislators, by doing nothing, is no different than claiming for themselves
8 the power of the full legislature, or deciding for the entire population, to authorize the
9 'unauthorized and invalid acts' by other government officials. Such inaction violates
10 ethical laws such as RCW 42.52.070, which states in pertinent part,

11 "... no state officer or state employee may use his or her position to secure special
12 privileges or exemptions for himself or herself, ... or other persons; and

13 RCW 42.52.160, which states in pertinent part,

14 "... No state officer or state employee may employ or use any person, money, or property
15 under the officer's or employee's official control or direction, or in his or her official
16 custody, for the private benefit or gain of the officer, employee, or another."

17 144. Because these ethical laws are laws defining legislative conduct, the violation is a gross
18 misdemeanor per RCW 42.20.080, and abuse of office per RCW 9A.80.010.

19 145. Young, Caldier, and Angel, in claiming they alone, as opposed to the full legislature as
20 Article 4, Sec 9 and Article 5 provides not only violates these ethical statutes, but have
21 similarly violated Article 2, Sec 28(12), which these statutes emulate. Our Constitution
22 Prohibits the legislature from passing any law that authorizes the "unauthorized and
23 invalid acts by ANY official". To 'acquiesce to the unauthorized conduct" by Judge
24 Kevin Hull is to do what Article 2, Sec 28(12) prohibits.

25 146. These defendants act in willful and malicious defiance of our constitution and laws and
26 deprive Scheidler of his equal protections and due process rights.

27 147. Jesse Young, Michelle Caldier and Jan Angel places every Washington State citizen at
28 risk of being a victim of government misconduct. Because "acquiescing to corruption
condones it" and allows it to spread.

Therefore Jesse Young, Michelle Caldier and Jan Angel's failure to exercise their
constitutional authority by allowing Kevin Hull, to engage in unauthorized and invalid

1 acts, constitutes official misconduct under color of office and the improper use of their
2 office to aid and abet in the denial of Scheidler's equal protections and due process rights.

3 149. Since 2008, defendant Jan Angel, then as a state representative, was made aware of the
4 Kitsap Assessor's, James Avery, fraud upon retired/disabled citizens. Appendix 4, supra,
5 was provided by Jan Angel. Appendix 4 misstates the law – an unauthorized and invalid
6 act by the DOR/ATG who prepared the document Jan Angel then provided Scheidler.

7 150. It is a fact Jan Angel and James Avery are friends, which friendship was established when
8 both Jan Angel and James Avery were real estate brokers prior to their elective offices
9 and then as elected officials thereafter.

10 151. Jan Angel refused to do anything more despite her legal obligation to uphold
11 Washington's constitution and laws.

12 152. Since 2014, Defendants Young, Caldier and, once again, Jan Angel, were made aware of
13 the facts summarized herein through emails, phone calls, face-to-face meetings and
14 copies of grievances and evidence delivered to Young, Caldier and Angel on CD's,
15 [EXHIBIT 1] concerning Judge Hull and his role in the Ellerby case, and that the Ellerby
16 case is a consequence of Bar associates covering-up a fraud upon retired/disabled citizens.

17 153. Defendants Angel, Caldier and Young know, or should know from these facts, that
18 Washington State Bar Associates are using their office as the means to steal from citizens,
19 cover-up crimes and deny due process rights as the Ellerby case shows. Defendants
20 Young, Caldier and Angel are complicit in the fraud and complicit in Defendant Hull's
21 denial of Scheidlers equal protections and due process rights for the benefit of these
22 defendants in salary, benefits and perks, and for the benefit of the colleagues, friends and
23 insurers.

24 154. Defendants Young, Caldier and Angel knowing the facts and the wide ranging decision-
25 making control Bar Associates exert over Washington State Citizens should know
26 citizens are powerless against the Washington State Bar and its Associates who use their
27 government offices to enrich themselves, their colleagues and friends from the harms Bar
28 Associates, including defendant Hull, inflict upon Scheidler. Defendants Young, Caldier
and Angel are complicit in Defendant Hull's denial of Scheidlers equal protections and
due process rights.

1 155. Defendants Young, Caldier and Angel and Washington State, knowing the facts that there
2 is no “impartial forum” that is totally free from the Bar’s influence they should have a
3 heightened level of concern of the dangers in such broad and unchecked power Bar Associates
4 wield over Washington citizens. Defendants Young, Caldier and Angel are complicit or
5 negligent leading to Defendant Hull’s denial of Scheidler’s equal protections and due
6 process rights.

7 156. The sad fact is Defendants Young, Caldier and Angel and Washington State have violated
8 their primary obligations prescribed by Article 1, Sec 1 by unilaterally refusing to address
9 the unchecked power of the Bar, including defendant Hull, and its oppressive ‘policies,
10 practices, customs, claimed powers and schemes’ inflicted upon Scheidler and many
11 other citizens of the 26th District and likely in the other Districts of Washington.

12 157. The sad fact is Defendants Young, Caldier and Angel and Washington State have
13 violated their primary obligations prescribed by Article 1, Sec 1, and particularly Article
14 2, Section 28(12), by unilaterally refusing to address the unlawful conduct of defendant
15 Kevin Hull – a Bar Associate, and the harm Hull’s conduct has on Scheidler. Defendants
16 Young, Caldier and Angel’s blind-eye to Hull’s “unauthorized or invalid acts” effectively
17 “legalizes” what Article 2, Sec 28(12) strictly prohibits. Defendants Young, Caldier and
18 Angel are complicit in Defendant Hull’s denial of Scheidler’s equal protections and due
19 process rights for their own benefit and the benefit of their colleagues and friends and for
20 the benefit of the insurers whose assets are at risk.

21 158. Scheidler has supplied irrefutable evidence, via personal experience and personal
22 knowledge of the facts and listed the specific wrongdoing by Judge Hull which he
23 conveyed to Young, Caldier and Angel.

24 159. The Washington State Supreme Court has held, citing *Estey*, 104 Wn.2d at 605, *In re*
25 *Debruyn*, 112 Wn.2d 924 (Wash. 1989),

26 We have held that “[m]isfeasance means the improper doing of an act an officer might
27 lawfully do; or, in other words, it is the performance of a duty in an improper manner.”
28 (Citation omitted.) *Berge v. Gorton*, 88 Wn.2d 756, 760, 567 P.2d 187 (1977).
Malfeasance has been defined as: “Evil doing; ill conduct; the commission of some act
which is positively unlawful; the doing of an act which is wholly wrongful and unlawful;
the doing of an act which the person ought not to do at all; the doing of what one ought
not to do; the performance of some act which ought not to be done; the unjust performance

- 1 of some act which the party had no right, or which he had contracted not, to do.'(Citation
2 omitted.) Berge, at 761, quoting State v. Miller, 32 Wn.2d 149, 152, 201 P.2d 136 (1948).
- 3 160. Defendants Young, Caldier and Angel willfully and maliciously ignored Scheidler's pleas
4 for protection against the unauthorized and invalid acts by Kevin Hull, despite a
5 legislator's fiduciary obligation and legislative power provided by Article 4, Sec 9, and
6 Article 5 which are intended to "protect" Scheidler's rights as mandated by Article 1,
7 Sec 1. Defendants Young, Caldier and Angel are complicit in Defendant Hull's denial of
8 Scheidlers equal protections and due process rights.
- 9 161. Defendant Young began ignoring and returning Scheidler's emails as "SPAM" after
10 promising Scheidler, in Young's 2014 campaign, to address judicial corruption.
- 11 162. Scheidler even prepared a DRAFT resolution, per Article 4, Sec 9 that was ignored by
12 defendants Young, Caldier and Angel. Exhibit _____
- 13 163. Defendants Young, Caldier and Angel, by failing to act in accordance with their duty
14 prescribed by Article 1, Sec 1, by the powers granted to them under Article 4, sec 9 and
15 Article 5, are liable to Scheidler under the principles of culpability that is further
16 described by RCW 9A.08.020.
- 17 164. The defendants' retaliation against plaintiff deprives Scheidler of rights secured by the
18 fifth and Fourteenth Amendment to the United States Constitution by persons who act
19 under color of law. The retaliation wrongly deprives citizens, including plaintiff, of equal
20 protection and due process rights and impermissibly chills exercise of those rights by the
21 plaintiff and similarly situated citizens.
- 22 165. Defendants have conspired with each other to retaliate against Scheidler for exercising
23 his constitutionally secured rights.
- 24 166. The violations, wrongful acts, and omissions alleged herein have proximately and
25 actually caused damages to the plaintiff for loss of earning capacity, out-of-pocket losses,
26 impairment of personal and business reputation, personal humiliation and fear, and
27 mental anguish and suffering in an amount to be proved at trial.
- 28 167. The defendants have demonstrated that they intend to continue their wrongful conduct.
168. Plaintiff alleges that the conduct of Kevin Hull was motivated by evil and malicious
intent and/or his conduct involves reckless or callous indifference to the plaintiff's

1 constitutional rights and that this is a proper case for awarding Scheidler punitive
2 damages.

3 169. As outlined in this complaint, Scheidler has attempted to exercise his constitutional rights,
4 including Scheidler's right to a jury trial that have been denied by Bar Associates who
5 hold decision-making roles.

6 170. None of the defendants are entitled to any immunity from damages, because Washington
7 does not recognize common law immunities of judicial and prosecutorial immunities and
8 even if it did, the defendants actions were taken in their administrative capacity and not
9 their judicial or prosecutorial capacities.

10 **B. Second Cause of Action: RCW 9A.82/18 USC 1961 Criminal profiteering/RICO**

11 171. All preceding paragraphs are incorporated as if set forth in full.

12 172. Due to the Bar having its associates in key decision-making roles within the judicial,
13 legislative, executive and administrative branches of government it has the means and
14 opportunity to engage, as associations in fact with others, in extortion, (as the Ellerby
15 case shows), mail and wire fraud (as both the Assessor's and Ellerby's cases show),
16 trading in public office (as Defendants Hull, Caldier, Young and Angel show),
17 obstruction of justice (as this case the evidence shows), proves these entities use their
18 government office as an 'association-in-fact', per 18 U.S.C. § 1961(4), for criminal
19 purposes.

20 173. The violations, wrongful acts, and omissions alleged herein have proximately and
21 actually caused damages to the plaintiff for loss of earning capacity, out-of-pocket losses,
22 impairment of personal and business reputation, personal humiliation and fear, and
23 mental anguish and suffering in an amount to be proved at trial.

24 **C. Third Cause of Action: RCW 7.56 .100, Unlawfully exercising any public office**

25 174. Scheidler incorporates all the preceding paragraphs as if set forth in full.

26 175. Scheidler has a due process and equal protection interests in the offices held by
27 Defendants Hull, Angel, Caldier, and Young.

28 176. Each defendant has unlawfully exercised their office to the harm of Scheidler

177. Scheidler is entitled to recover his damages due to defendants' unlawful conduct as
provided by RCW 7.56.090.

1 **D. Third Cause of Action: Fraud**

2 178. Plaintiff incorporates all preceding paragraphs as if set forth in full.

3 179. Plaintiff had a right to rely upon the fiduciary obligations demanded of defendants by
4 law.

5 180. The obligations imposed upon defendants are material to Scheidler's injuries

6 181. All defendants know or should know they have a fiduciary duty and have made promises
7 and claims that they would honor their fiduciary duty by the oath each defendant takes in
8 order to occupy the position through which and by which they incur the obligations to
9 plaintiff.

10 182. Defendants refused to abide by their fiduciary duty and by their refusal caused the injuries
11 plaintiff suffered.

12 **E. Negligence**

13 183. Plaintiff incorporates all preceding paragraphs as if set forth in full.

14 184. Defendants' criminal conduct is negligence per se.

15 185. The conduct described herein violates the provisions of law that regulate official duties
16 and constitute gross misdemeanor crimes at the minimum, and/or felony crimes at the
17 worst..

18 186. The State of Washington is liable for the criminal conduct of its employees, officers and
19 agents

20 **XIV. PRAYER FOR RELIEF**

21 Wherefore the plaintiff prays

22 Award Plaintiff actual damages against each defendant in the amount of \$120,000 plus
23 interest at 12% from July 2013.

24 Award Plaintiff treble damages as provided by 18 USC 1964(c)

25 Award Plaintiff an amount for pain and suffering as the Court (jury) deems proper under
26 the circumstances.

27 Declare judges-judging-judges violates Article 1, sec 1; Article 1 secs 8, 12, 28; Article
28 1, sec 21; Article 4, sec 16; Article 4, sec 28.

Declare RCW 2.48 is unconstitutional in violation of Article 1, sec 1.

Award Plaintiff all costs and attorney fees.

1 I, the undersigned, attest that the foregoing information is true to the best of my
2 knowledge and offered in the public interest and for the public good.

3 Signed this November 18, 2016,
4



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