No.89574-I

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

ALEXANDER HANUSKA PhD, Appellant v.

DEPARTMENT OF LABOR & INDUSTRIES and

BOARD OF INDUSTRIAL INSURANCE APPEALS and

NORDSTROMS, Defendants.

APPELLANT'S DETAILED CHRONOLOGY OF THE CASE DISPROVING THE VALIDITY OF THE CASE RECORD

ALEXANDER HANUSKA PhD

Pro Se Appellant

C/o Joseph Russell Haynes

3104 East Broadway Road # 2, Mesa, AZ 85204-1736

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I. INTRODUCTION

This Appellant's Opening Brief is typed by his domestic partner, Joseph R. Haynes as prepared by JUDr. Dagmar Hanuskova (Appellant's mother and retired Attorney General of his native country), because his current injuries caused by the deliberate negligence towards his current medical disability by the opposing counsels Gary Keehn, Joel Wright, Michael Reilly, Laura Morse and this Court's administrator Richard Johnson, repeatedly ignored the fair warnings of his Court appointed physician Warren H. Tripp MD not to force him to participate until full recovery. Otherwise it may cause him severe critical medical harm. It did indeed unfortunately happen on September 26, 2012. This appeal is intended to elicit a ruling that is consistent with the Washington Supreme Court

findings In Re Disciplinary Proceeding of Sanai (2009), Washington Supreme Court Docket No. 200,578-1. Judge Shaffer proceeded with open court hearing on March 16, 2012 after receiving legally invalid court documents in violation of CR 4(a)(1) and 11(a), without notifying Mr. Haynes (who is not an attorney) of this problem since June of 2010. The Court Administrator Richard Johnson requested on May 20, 2013 to have this brief properly formatted under RAP 10.4 (a) rule. Appellant objects to the removal of the original attachments, because majority of them are of record on appeal and the few, which are not, are admissible under RCW 9 A.72. 010 (1) ***"Materially false statement" means any false statement oral or written, regardless of its admissibility under the rules of evidence, which could have affected the course or outcome of the proceeding"*** overrules RAP 10.4 (a) and incriminates the Defendants with violations of CJC 2.3 (a) (b), CJC 1.2(1) (2, 3, 5), CJC 2.1, 2.2, CJC 2.5 (A), CJC 1.1 (E) and RPC 8.4 (c) (d) and ACC 13-503, 15-505 10 (b)(c). The paper size is different in Europe, Appellant cannot change the original document to the Court of Appeals, that would be tempering of evidence (all the other parties received a notarized US formatted photocopy). The sworn statements of JUDr. Dagmar Hanuskova and Joseph Russell Haynes, Warren H. Tripp MD, Diane DeWitt PhD, Troy G. Anderson MD depicts the current health status of Appellant after he was exposed to illegal intimidation by the Defendants in summer of 2012, during proceedings of this case, this is legally relevant to this appeal, causing Appellant's severe injury, preventing him to currently act as "pro se". Many of these exhibits are of record on this appeal and had been

previously presented to the court of judge Molchior, the Board of Industrial Insurance Appeals, Superior Court of judge Shaffer, Notice of Appeal to the Court of Appeals, in Appellants notices, trial briefs, exhibits, attachments and had been produced in Clerk's papers (Mr. Johnson jumped the gun again in a similar manner, as he did in September of 2012, claiming that Appellant had not produced the Record of Proceedings, because it looks like that he has only a very vague knowledge of the Appellant's case records making again prejudicial assumptions against Appellant. If Mr. Johnson had read the previous relevant and repeated objections of Appellant to direct communications violated by the Defendants repeatedly in spring and summer of 2012 and not ignored them, Appellant may had not suffered a heart attack on September 25, 2012. Mr. Johnson should excuse himself voluntarily from any further participation in this case. See Objection to faulty mail dated May 22, 2012, Objection to direct mail dated June 20, 2012, Objection to direct Mail dated June 21, 2012 where Dr. Tripp and Mr. Haynes repeatedly advised the parties: ***"The Plaintiff is currently medically unable to represent himself in any court of law due to legally verified medical conditions and recovery from numerous surgeries by his medical team represented by Warren H. Tripp MD as his medical Court representative. His current recovery is only partial, because his cardio, neurological, orthopedic and psychological issues are not medically resolved, he is heavily medicated and if exposed to any unnecessary stress he can suffer at any time additional cardio episode, stroke or further paralyses which can put him in critical danger (attached also previously as Exhibit No.3 – in the Notice of Appeal dated April 9, 2012 attached as Exhibit No. 4/C)."*** Mr. Johnson, Mr. Reilly, Ms. Morse, Mr.

Wright, Mr. Keehn, Ms. Molchior ignored these fair warnings and had not corrected their actions, until it was too late and Appellant did indeed suffer a heart attack on September 25, 2012. ***"I voluntarily stepped in as his care taker, taking care of his entire affairs including signing any kind of documents which he granted me with a Power of Attorney in May and June of 2009 and from January 2010 to present. It is outrageous that the Defendant's attorney made unfounded threats claiming that I am pretending to be his attorney. I've never appeared as his attorney in any court or Board hearing, not even a scheduled teleconference in any of his legal cases. Since 2010 nobody in Seattle claimed that I cannot sign any of his pleadings through his entire process in the Superior Court of judge Catherine Shaffer (the opposing counsel is conveniently calling them "on the Board level" and not the correct Superior Court level). If that would be true, why did judge Shaffer or Mr. Keehn from 2010 through 2012 not oppose any of my signatures? It would invalidate the entire court process of the Appeal at the Superior Court level and judge Shaffer's ruling should be vacated and the case forwarded back to its beginnings, since she had and Mr. Keehn had the legal duty to tell me than, that it was in violation of CR 4(a)(1) and 11(a), but does not fall under RCW 2.48.180, because I have a valid Power of Attorney which allows me to sign any document on territory of any of the U.S. States and I had not ever appeared in any Court or Board action as his attorney. I and my partner had been seriously intimidated by Mr. Wright, claiming that I could go to jail in September of 2012. I am an optician by trade who is helping my very ill partner to speed up any of his legal proceedings by typing his legal correspondence as dictated by his legal adviser (his mother JUDr. Dagmar Hanuskova, retired Attorney General of his native country) and mailing them out, since he is medically unable to leave the house on his own, because the closest post office is few miles away and his electric wheelchair would not make it. I am also employed from 9-5 and doing this on my spare time as a courtesy to him and the courts." " (see sworn statement of Joseph Russell Haynes dated May 7, 2013 – Exhibit No.2).***

Appellant lives beyond poverty level since his industrial injury of November 13, 2002 and is financially unable to hire from Arizona a

Washington State attorney to represent him on a contingency fee. This fact does not change Appellant's case, or its legal merits and values.

II. A CHALLENGE OF HON. JUDGE SHAFFER FINDINGS

Judge Shaffer failed to proceed with any kind of investigation about the altered Board Certified Record (later BCR), despite being repeatedly presented with relevant medical, legal and factual evidence; from which majority was excerpted from the BCR and some was outside of the BCR and admissible under RCW 9.A.72.010 (1) and had not attached any opinion in her verbal ruling of March 16th, 2012 to this matter.

Appellant re- introduced letters from his former attorney James Walsh, his Court Appointed Medical Representative Warren H. Tripp MD and Diane W. De DeWitt PhD and copy of EKG *(as presented to judge Molchior in March of 2009, see Notice of Appeal (later NoA) dated April 9, 2012 as Exhibits No.8 , Clerk Papers (later CP) Non- Jury Trial (later NJT)of March 16, 2012 as recorded by Ms. Vitrano; page 25 lines 1 to 12):* ***Judge Shaffer: "And hold on. March 5, 2009 letter I haven't seen before. And the letter dated January 22nd, 2009, I haven't seen, nor have I seen the letter from Mr. Sikes dated January 22, 2009. All right, let me hear from you, Mr. Keehn, about this as an exhibit". Mr. Keehn: "Well I have". Judge Shaffer: "Some of it is on the record, some of it is not." Mr. Keehn: "As we indicated before, we believe that the Court's review is limited to the certified Appeal Board Record"*** **Mr. Keehn insists limiting the court's decisions to the altered BCR under RCW 51.04.010, RCW 51.52.110 and 115 as base for judge Shaffer's ruling, because the removed documents incriminate him and judge Molchior with improper conduct, in violations under RPC 8.4 (c) (d) (f).**

Judge Molchior refused to postpone the originally scheduled hearing for June 16, and 17, 2009, this was scheduled without Appellant's knowledge by his attorney James Walsh, who was fully aware that his

health was deteriorating and he needed another urgent surgery, which was colliding with judge Molchior's case schedule, never disclosing to Appellant his personal attachments to Carol J. Molchior in her former professional life as an attorney (at Madden, Madden & Crockett) before she became an industrial judge. The BCR shows judge Molchior's deliberate prejudice: *(CP Notarized Photocopy of BCR hearing of March 6, 2009 Page 4 line 23 through 26 and Page 5 lines 1 through 6 attached as Exhibit No.6 to NoA dated April 9, 2012 or Plaintiff's Trial Brief –later PTB) dated February 27, 2012 Exhibit No.15 same pages and lines):* ***"Judge Molchior: Well, there is only going to be one person representing Mr. Hanuska and that's going to be either him or you, but not both. So if the reason is that he wants a continuance (meaning Dr. Tripp, the Board Appointed Certified Medical Representative of the Plaintiff) is that he can participate and help in arguing the motion, that's not going to happen"*** Judge Molchior is showing her prejudice towards Appellant's current medical disability, his medical team and their opinions, despite being previously ordered by her superior on September 4, 2008, judge Lynn Hendrickson, not to ignore Appellant's ability to appear in court and to postpone any action until he is medically cleared by his team of medical experts*: (BCR page 274-5, CP NoA dated November 11, 2010 exhibit No.5 or (later PTB) dated February 27, 2012 Exhibit No.16)* ***"I trust you will communicate to Mr. Hanuska that the matter has been postponed. Hopefully this action will assist in his recovery. In the interest of limiting further delays in Mr. Hanuska's appeal, I need you to provide this tribunal with an update over his condition and assessment of Mr. Hanuska's ability to participate (either in person or telephonically) in the future proceedings."*** After this teleconference judge Molchior discarded the medical statement from Dr. Warren Tripp dated March 5, 2009 and medical statement from Diane DeWitt PhD dated

February 26, 2009 pretending for the remainder of her assignment to this case through January of 2010, that she never read two of these faxes she had received in her own chambers, knowing that Appellant was completely medically incapable to participate in any of her scheduled court actions beyond March 5, 2009. She barraged him with bantering phone calls and cascade of legal mail (as she previously done in the same abusive pattern in August and September of 2008 when he sustained his original injury), which remained unopened and was returned to the Board, because he had to choose by preserving his life and health, or having his severely injured leg amputated and because of major high risk of suffering any additional cardio episode, which may have paralyzed him completely. On March 13, 2009, Appellants attorney, James Walsh sent the following correspondence to judge Molchior: ***"I have sent my notice of Intent to Withdraw to the parties in this matter. Mr. Hanuska has acknowledged my Notice of Intent to Withdraw. Mr. Hanuska has asked that I inform the Court and the employer that due to medical condition beyond his control, he has not been cleared by his medical team as of this date to testify in his hearings scheduled for June 16th and 17th, 2009. Mr. Hanuska asked me to inform the Court and the parties that a safer date for his hearings would be in August, 2009 or September, 2009. Please move the hearing dates per Mr. Hanuska's request." (see BCR 486, or notarized photocopy CP NoA dated April 9, 2012 Exhibit No.9, or CP PTB dated February 27, 2012 Exhibit No.6)*** This letter arrived in her court chambers without medical supporting evidence, because Mr. Walsh was aware that judge Molchior already was in possession of such medical evidence which had previously arrived in her court chambers through the same fax machine on March 5, 2009. It's important to note that Mr. Keehn

claims in his trial brief dated August 20, 2011 to judge Shaffer that he had not seen this letter from Dr. Tripp dated March 5, 2009 until Appellant's domestic partner re- introduced it into evidence in June of 2009 *(CP NoA dated April 9, 2012 Exhibit No. 10, or CP NoA of April 9, 2012 Exhibit No.1 page 10): "A little over two weeks before the June 17, 2009 hearing, on June 1, 2009 the Board received a voluminous letter from Mr. Haynes with extensive exhibits"... "**The exhibits include documents which appear for the first time in the board record, including a March 5, 2009, letter from Dr. Tripp which states Mr. Hanuska's "medical condition" requires that he does not participate in legal work".** **This written statement from Mr. Keehn is completely false and another of his numerous perjuries in the courts of judges Molchior and Shaffer, because he himself had participated in the teleconference hearing on March 6, 2009 where it was discussed by judge Molchior, him and Mr. Sikes as recorded by Roger Flygare:** *(CP Notarized Photocopy of BCR hearing of March 6, 2009 Page 18 line 23 through 26 as Exhibit No.6 dated April 9, 2012 or PTB dated February 27, 2012 Exhibit No.15 same pages and lines) :* **Judge Molchior: "Well, the letter dated 3/5/09 from Dr. Tripp refers to a team of medical experts currently treating him"; page 3 lines 10 to 12: Judge Molchior: "and I have faxed to the parties, but I am not going to address those now."**

Judge Molchior, Mr. Keehn, Mr. Walsh and Mr. Sikes received those three letters. This BCR proves Mr. Keehn's false statements in his trial brief in August 20, 2011 to judge Shaffer, the same perjury he presented on the record of the hearing at judge Molchior's court on June 17, 2009. He claims in his defense that the Washington Bar Association dismissed Appellant's complaint against him in October of 2010; Appellant was not aware when filing his complaint (prior to receiving the complete BCR in May of 2010) that the medical statement from Dr. Tripp dated March 5, 2009 "magically" disappeared from the BCR; Mr. Keehn made sure with

his "hand delivery" to Ms. Temple at the WA State Bar that she would base her findings reading only the severely altered BCR, knowing in October of 2010 that Dr. Tripp's medical statement dated March 5, 2009 was not included in the file he "hand delivered" to the WA Bar. Appellant does not know the reasons why judge Shaffer did not catch this lie of Mr. Keehn, overlooking the crucial details on the BCR of this teleconference on March 6, 2009, proving the existence of these important medical documents confirming that the Board, judge Molchior and Mr. Keehn had detailed knowledge that Appellant was not allowed performing any legal work due to medical preparations for his second surgery and catastrophic EKG's from November of 2008. The Board, judge Molchior and Mr. Keehn decided to ignore it and discard it from the BCR and pretend for the reminder of the Board level case actions between March 6th, 2009 through the dismissal of January 20, 2010 that they never seen it before. This document was re-introduced into evidence by Appellant's domestic partner Mr. Haynes to the Board, judge Molchior and judge Shaffer on eight occasions (as recorded by the court reporter Ms. Vitrano (*RP page 25 line 1 to 2): " Judge Shaffer "March 5 2009 letter I haven't seen before."* ***How could she overlooked this medical letter eight times in the Appeal's files claiming that she never seen it before, if she truly read the BCR (including the recorded teleconference between judge Molchior, Mr. Sikes and Mr. Keehn dated March 6th, 2009 by the Court Reporter Mr. Flygare) and both of Appellant's trial briefs and all of its exhibits and how does she explain why they are missing from the BCR:"*** *(a)1st on May 28, 2009 in the letter to Chief Industrial Judge Janet Whitney (BCR 483) as well as the letter from the Plaintiff dated January 26, 2009 to his attorney James Walsh (BCR Page 484) b)2nd in the Petition for*

Review dated January 30, 2010 (BCR Page 40) c)3rd the Appeal to the Superior Court dated March 11, 2010 (page 10 and Exhibit 7/2) d)4th the Plaintiff's trial brief dated March 13, 2011 (page 55 and Exhibit 13/1) e) 5th the Plaintiff's reply to the Defendant's trial Brief dated May 16, 2011 (page 4 and Exhibit 6/2) f) 6th the Plaintiff shortened trial brief dated August 1, 2011 (page 6 and Exhibit 6/1) g)7th the Plaintiff's shortened reply to the Defendants trial Brief dated February 27th, 2012 (page 3 and Exhibit 4/3) h) 8th handed to judge Catherine Shaffer during his oral argument on March 16th, 2012.) "; as she claimed in her opening statement as recorded by Ms. Vitrano *(CP NJT of March 16, 2012 page 4 lines 4 to 5):* ***"Judge Shaffer: "I've read everything, I think" (Page 48 lines 14 to 22): Judge Shaffer: "Now Dr. Hanuska has had some pretty strong advocacy on his behalf in the course of this appeal. His partner is in his corner. His doctors have been in his corner. And the time that he was representing Dr. Hanuska his attorney was his attorney. But none of these people were able to communicate the direct request for a continuance and the medical support of it".*** The BCR on page 486 from

Mr. Walsh, the former attorney of Appellant: ***"I have sent my notice of***

Intent to Withdraw to the parties in this matter. Mr. Hanuska has acknowledged my Notice of Intent to Withdraw. Mr. Hanuska has asked that I inform the Court and the employer that due to medical condition beyond his control, he has not been cleared by his medical team as of this date to testify in his hearings scheduled for June 16th and 17th, 2009. Mr. Hanuska asked me to inform the Court and the parties that a safer date for his hearings would be in August, 2009 or September, 2009. Please move the hearing dates per Mr. Hanuska's request." (see BCR 486, or notarized photocopy CP NoA dated April 9, 2012 Exhibit No.9, or CP PTB dated February 27, 2012 Exhibit No.6) **and the BCR**

bellow disproves this faulty statement of judge Shaffer, where judge Molchior unwillingly left evidence of the proof that she indeed received in her own court chambers the three letters from Warren Tripp MD and Diane DeWitt PhD, updating her on Appellant's medical inability to proceed with her unfair schedule colliding with

his urgent surgery in order to save his injured leg (*CP Notarized Photocopy of BCR hearing of March 6, 2009 Page 18 line 23 through 26 as Exhibit No.6 dated April 9, 2012 or PTB dated February 27, 2012 Exhibit No.15 same pages and lines)* **Judge Molchior: "Well, the letter dated 3/5/09 from Dr. Tripp refers to a team of medical experts currently treating him". (and page 3 lines 10 to 12): Judge Molchior: "and I have faxed to the parties, but I am not going to address those now."** Instead of inviting Dr. Tripp to a dialogue, without claiming that his statements were false, judge Molchior decided to ignore these medical options of Appellant's medical team, despite the still valid order of her superior judge Hendrickson not to ignore his medical ability to participate (which was never adjudicated by any other jurist differently); she removed Dr. Tripp from any of the courts correspondence with the exception of her dismissal on January 20, 2010. It was her way to show her retaliation in violation of CJC 2.3 (a) (b) for the two letters she received from Dr. Tripp the previous day ,critiquing her ignorance to Appellant's ongoing medical issues, verbally forcing his office manager Ms. Begay to make statements which violated HIPPA laws*(BCR: 435 lines 20 to 21 or CP notarized photocopy of NoA dated April 9, 2012 as Exhibit No.15)Charlotte Begay : "He does have an attorney that you need to Contact directly" (line 24)* ***Judge Molchior: "Well, he does not have an attorney"*** and ignoring Dr. Tripp's professional schedule with his other patients. This is another of judge Molchior's perjuries because Dr. Tripp in his letter to her on October 31, 2008 said *(BCR 239-40, or CP NoA dated April 9, 2012 as Exhibit No.13, or PTB dated February 27, 2012 as Exhibit No. 4 pages 7 and 8)*: ***"Mr. Hanuska has informed me that he has found an attorney to handle his case while he is recovering"*** **and disclosing to judge Molchior the attorneys identity:** ***"James R. Walsh, Attorney at Law, PO Box 2028, Lynnwood WA 98036"*** Mr. Walsh, Appellant's attorney, realized that judge Molchior was not willing to listen

to any opinions of Appellant's medical team and decided to withdraw on March 13, 2009 without having to confront her about it (only than he disclosed to Appellant his previous associations in her prior professional life as an attorney, before she became an industrial judge):***"I have sent my notice of Intent to withdraw ...move the hearing dates per Mr. Hanuska's request." (see page 5)*** Mr. Keehn claimed on June 17, 2009 that only then he had seen these letters for the first time, but that is a perjury, because he had participated in the recorded teleconference with judge Molchior and Mr. Sikes on March 6, 2009 where she confirms faxing these to them, discussing it with them. Mr. Keehn denied that judge Molchior violated the Codes of Judicial Conduct in the teleconference of June 30, 2008 where she addressed him by his first name only, as well as the Court Reporter Mr. Flygare. In the same teleconference, when Appellant tried to disclose to judge Molchior the relevant medical and legal evidence proving that Mr. Keehn was presenting her with faulty evidence and knowledge that doing so was a fraud; judge Molchior literally shut him up and ordered Mr. Flygare to enter it into record as "discussion" instead, so that no other jurist after could again read about the relevant evidence in the official Board files Appellant told her about over the phone. Later she had this record altered by removing these and other of her prejudicial indiscretions towards Appellant. This undermined her objectivity and impartiality in this case and is in violation of the Code of Judicial Conduct under CJC 1.2 (2, 3, and 5). By doing so, no other jurist could ever find them on the BCR. When Appellant politely objected to

such unprofessional and biased behavior, she misconstrued that he hung up on her, which was untrue. If you closely examine the altered "official record" of that teleconference, Mr. Keehn lost the phone connection with judge Molchior as well (how could Appellant disconnected the signal between Mr. Keehn and the judge from his cell phone in Arizona?). Mr. Keehn was able to redial, since he knew her direct phone number which she never disclosed to Appellant. It is not surprising those other medical statements disappeared from the BCR after this incident, including the medical statements by Dr. Tripp, Dr. DeWitt on March 5, 2009; attorney Walsh's letter dated March 13, 2009 and the letter mailed to her by neurologist Dr. Anderson MD in April of 2009. Appellant mistrusted any of Mr. Keehn's previous actions, when his valuable 350-page medical records left with Mark Carlson MD (his former primary care physician in Lynnwood, Washington) for safekeeping had been lost on the same day Dr. Carlson met with Mr. Keehn. This meeting was hold without any knowledge of Appellant's former attorney Robert J. Heller (who was recovering from a stem cell transplant cancer surgery in a hospital) on February 24, 2006 and Dr. Carlson wrote a medically incorrect statement about Appellant's closure of benefits. For these reasons after he moved to Arizona he became pro se and his mother, a retired Attorney General, listened via Internet to all his scheduled teleconferences as per her own sworn statement already of record: ***"Because of this fraud of Gary Keehn I started to look up for my son as his Legal advisor. Slovakia has a civil law: if the Plaintiff is permanently disabled, I as his parent can be his***

legal representative and adviser. I am not familiar with Washington State laws and court rules; I am aware that the basic litigation procedures are very similar, so I had silently participated in all scheduled phone actions of judge Molchior and Mr. Keehn with my son..... I've heard judge Molchior's indiscretions of her judicial decorum and codes of judicial conduct with Mr. Keehn and Mr. Flygare and how judge Molchior and Mr. Keehn abused my son's rights. Since, I am not sure if she represented her prior connections with "Gary", or the rules of the power Washington State gave her as an industrial judge in all her actions after this major unprofessional indiscretion and questionable impartialness. (Attached as Exhibit No.1). After Appellant objected to judge Molchior's violations of the CJC on June 30, 2008, she further violated CJC 2.1, 2.2 in all her future actions between June of 2008 up to her dismissal in January of 2010; her CJC 2.3 violations in March, April, May and June of 2009. ***"If judge Molchior was truly innocent of these accusations, why did she not come forward since 2010, when my son reported this fraud and declared where these statements are after she as the last person in the chain of evidence quoted them in the above mentioned teleconference. She did not make any ruling or official statement that my son and his medical team were lying about his condition, or the conditions themselves, was false or in any way intended to defraud the court. It looks that she decided to defraud him of a fair trial and his civil rights instead. The reason why she remained until today silent is, because if she would now officially come forward she would make her own statements and ruling in January of 2010 a perjury because she stated: "This is a hearing of Alexander Hanuska, scheduled to commence at ten a.m. It's now 10.25, and neither Mr. Hanuska nor anyone representing him has called or appear today." This is disproved also by the statement of his former attorney James Walsh, faxed to the same machine in her own court chambers on March 13, 2009: "I have sent my notice of Intent to Withdraw to the parties in this matter. Mr. Hanuska has acknowledged my Notice of intent to Withdraw. Mr. Hanuska has asked that I inform the Court and the employer that due to medical condition beyond his control, he has not been cleared by his medical team as of this date to testify in his bearings scheduled for June***

16th and 17th, 2009.Mr. Hanuska asked me to inform the Court and the parties that a safer date for his bearings would be in August, 2009 or September, 2009. Please move the bearing dates per Mr. Hanuska's request." Judge Molchior again had not made any ruling on this one either, not even acknowledging that she received it, or declaring that it was a false statement. By not properly adjudicating all of the above mentioned evidence with the exception "I am not going to address those now" did not give her the authority to simply discard them from the official Board Record and her own future statements pretending that she had not received them are confirming that she should have considered the constitutionality of forcing my son to choose between preserving his health and preserving his legal rights. By doing so she chose to violate my son's rights and compromise the basic rules of a proper conduct of a judge and the previously quoted ruling in Re Disciplinary Proceedings of Sanai (2009) Washington Supreme Court Docket No. 200 578 1. Judge Molchior knew from the letter of March 5, 2009 from Dr. Tripp that: "This patient has a medical condition that requires that the patient not participate in work (This includes "legal work"). The patient may not participate in these activities from today until he is cleared by his surgeon and cardiologist. I have been informed that he is to participate in a hearing to expose him to an "independent" psychological evaluation. This is not the time for such an activity." (Exhibit No. 1 - sworn Statement of JUDr. Dagmar Hanuskova dated May 1, 2013)

Judge Molchior choose to ignore it and called Appellant (who was in the Banner Medical Hospital in Mesa, Arizona) undergoing cardio tests to determine if his heart could survive the stress of another anesthesia and surgery (literally disrupting the complicated procedure) on his cell phone telling him that the teleconference of March 13, 2009 was canceled. He picked up, the callers ID was blocked and got very upset that she again ignored his medical team orders, his blood pressure spiked into critical levels and both Appellant and his cardiologist informed Dr. Tripp that this had to stop. On March 13, 2009 Mr. Walsh was still Appellant's attorney

of record through March 30, 2009. By doing so judge Molchior violated the CJC under 2.3 (a) (b) Dr. Tripp was realizing that judge Molchior was repeating the same abusive pattern towards Appellant and his medical team, in the same way she was ignoring Appellant's medical conditions and the statements he wrote to her in August-September of 2008, when Appellant fell out of his wheelchair and severely injured his right leg. He was aware that judge Molchior had indeed received his three faxes on March 5, 2009 in her court chambers, because Appellant forwarded to him him (and all other members of his medical team) his private e-mail with his attorney Mr. Walsh, the following morning of March 6, 2009, confirming that judge Molchior received Dr. Tripp's three letters: ***"Dear Alex, the Judge has agreed to set the matter over until Friday, March 13, 2009 at 10:30 am. The Judge called and advised that she was in receipt of 3 letters transmitted to her by Dr. Tripp. Two are statements by Dr. Tripp dated February 24, 2009 and March 5, 2009 respectively and one is a statement by Dr. DeWitt dated February 26, 2009. Two of the letters seek to have a different judge assigned to the case."*** *(see CP PTB dated February 27, 2012 as Exhibit No.16/B, or CP notarized photocopy NoA dated April 9, 2012 as Exhibit No.5)* This explains why his medical team is until today in Appellants corner (as quoted by judge Shaffer), because judge Molchior was violating their medical orders, literally disrupting Appellant's medical treatment and repeatedly putting him in critical danger. Dr. Tripp e-mailed judge Hendrickson to see if her order was still valid (dated September 4, 2008), where she banned all e-mail communication and ***ordered judge Molchior not to ignore Appellant's medical ability to appear in court proceedings.*** Judge Hendrickson

promptly replied to Dr. Tripp's office manager, Ms. Begay, that her order was still valid. So if her order was valid and binding for Appellant, why was the same order not applied to the actions of judge Molchior, because the BCR shows that she received Dr. Tripp medical order dated March 5, 2009 preventing Appellant to perform any legal work; but she disregarded it and harassed him as she did previously with any opinions of Appellant's medical team in autumn of 2008, forcing him (because of her violations and indiscretions of CJC) to choose between preserving his health and life, or forcing him to agree to her unreasonable case scheduling with catastrophic medical consequences. The BCR shows on page 293 a letter from judge Molchior mailed directly to Appellant on March 20, 2009 despite her knowledge that he was not allowed to participate in any legal work per orders of Dr. Tripp dated March 5, 2009; further violating his rights, because Mr. Walsh was still his attorney of record. BCR shows on page 308 that Mr. Keehn filed and objection the same day (March 20, 2009) to the intention of Mr. Walsh's withdraw with the Board Secretary David Threedy. Mr. Walsh officially withdrew only on March 30, 2009 as per the BCR. Judge Molchior's direct written communication on March 20, 2009 and direct phone call on March 13, 2009 shows her deliberate prejudice when she tried to force Appellant to ex-parte communications, knowing that he was not allowed to perform any legal work (per doctor's orders dated March 5, 2009), being still represented by Mr. Walsh. Her actions were jeopardizing his health,

recovery and putting him into critical risk of suffering any cardio episode, this may resulted into a complete paralysis. She considered this as an ideal medical condition to force him to proceed with open court proceedings, knowing he was medically unable to represent himself beyond March 5, 2009 when she received these orders from his Board Certified Physician Dr. Tripp. These actions of judge Molchior constituted violations of CJC 2.3 (a) (b). Mr. Keehn perjured himself about these facts to judge Shaffer in his trial brief dated August 20, 2011 because; ***"On March 12, 2009 the Board received a notice of intent to withdraw by Mr. Walsh. Id. The Board granted Mr. Walsh withdraw. On March 20, 2009 the Board sent Mr. Hanuska a letter to his address of record.... etc. ."*** (see CP PTB dated April 9, 2012 page 8, lines 15 to 18) Mr. Keehn filed an objection dated March 20, 2009 to Mr. Walsh's withdraw (BCR page 296 to 312) intentionally misleading judge Shaffer by not disclosing that to her, that he withdraw his objection to Mr. Walsh's withdraw only on March 30, 2009 (BCR page 313). In the same trial brief Mr. Keehn mentions all of the missing documents, but he presented very different statement on the record of the hearing of June 17, 2009 with judge Molchior, both knowing Appellant could not oppose them in his verified medical absence. Either his statements on June 17, *2009 that:* ***"The exhibits include documents which appear for the first time in the board record, including a March 5, 2009, letter from Dr. Tripp which states Mr. Hanuska's "medical condition" requires that he does not participate in legal work" are fraudulent, or the opposite statements in his trial brief to judge Shaffer dated August 11, 2011 are false "On March 13, 2009 the Board received a letter from James Walsh which stated he had submitted his Notice of Intent to Withdraw. CABR***

at 285. Mr. Walsh stated Mr. Hanuska had asked him to "inform the Court and the parties that a safer date for his hearing would be in August, 2009 or September, 2009." Id. The March 13, 2009 request for a continuance by Mr. Hanuska's former attorney was resolved by the Board's March 16, 2009 order. On March 16, 2009 the Board issued an order Denying Affidavit of Prejudice, in which the Board denied Mr. Hanuska's implied affidavit of prejudice based on the receipt of letters from Dr. Tripp and Diane DeWitt, Ph.D., which recommended that the case be assigned to a different industrial appeal judge. CABR at 290. The Board also stated "please be advised that Interlocutory Order Establishing Litigation Schedule dated February 3, 2009 remains in effect." CABR 290. Mr. Hanuska did not protest or appeal this determination, and thus the issue regarding whether the Board correctly denied Mr. Hanuska's request for a continuance on March 16, 2009 is not before this court. In regards to the June 1, 2009 request for a continuance by Mr. Haynes, the Board concluded Mr. Haynes was not listed as Mr. Hanuska's lay representative." *(CP PTB Exhibit No 1 page 14 lines 15 to 25 and page 16 lines 1 to 6).* **This statement of Mr. Keehn is also fraudulent, the order signed by Chief Industrial judge Janet Whitney (BCR page 292) does not mention Mr. Walsh's request of March 13, 2009, nor does it address Dr. Tripp's medical statement dated March 5, 2009 informing the judge and the Board that Appellant is not allowed to participate in any legal activities. The order does not address any of the issues Dr. Tripp and Dr. DeWitt outlined against judge Molchior. The quote of WAC 263-12-091 is irrelevant, because Appellant, Dr. Tripp or Dr. DeWitt had no reason to object judge Molchior in the first 30 days of her assignment, until she started violating Appellants rights and Codes of Judicial Conduct on June 30, 2008 and forward and putting him in critical danger without any regards to their warnings. Judge Whitney's order does**

adjudicate any of those legal facts. Judge Whitney, the Board and judge Molchior failed to serve Appellant's attorney of record, but tried to force Appellant to ex-parte communications knowing and ignoring the orders of his medical team and Mr. Walsh as his attorney. The letter from judge Molchior (BCR page 293) dated March 20, 2009, which she unsuccessfully tried to serve on Appellant directly, does not mention any of the three letters Dr. Tripp faxed to her on March 5, 2009, or does not answer the question why they disappeared from the record, so that any other jurist, including judge Shaffer, could not find them on the BCR. Judge Molchior knew that Mr. Walsh was still Appellant's attorney of record. Appellant had full legal right to refuse, or respond to such letter, because Judge Molchior was violating his civil rights when he was still represented by an attorney of record and medical orders of Dr. Tripp. As for Mr. Keehn's comments Re: Mr. Haynes: Mr. Haynes was authorized to act on Appellant's behalf as his domestic partner furnished with a self- explanatory Power of Attorney dated May 8, 2009, because Appellant just underwent a complicated second surgery on his severely injured leg, was under influence of controlled substances in a cast and unable to even go to a toilet. Dr. Tripp and Mr. Walsh notified judge Molchior in March of 2009 that this situation was scheduled to happen, but both judge Molchior and Mr. Keehn ignored it and tried to force Appellant with unreasonable case

schedule, causing him catastrophic medical consequences with possible amputation of his leg, or to follow the orders of his medical team and preserve his life. Under such medical circumstances Mr. Haynes as his domestic partner did not need to be his lay representative, because he had a valid signed Power of Attorney dated May 8, 2009 from Appellant. This also contradicts judge Molchior's Opening statement On June 17, 2009: ***"Judge Molchior: This is a hearing in the matter of Alexander Hanuska, scheduled to commence at ten a.m. It's now 10:25, and neither Mr. Hanuska nor anyone representing him has called or appeared today."*** *(BCR Transcript of the June 17, 2009 hearing page 1 line 23 to 26).* Judge Molchior created a prejudice for Appellant knowing that he was not properly served on the order dated March 16, 2009, or her letter dated March 20, 2009 as required by law (both returned to them unopened through US mail), because until March 30, 2009 Mr Walsh's was still Appellant's attorney of record until Mr. Keehn and the Board withdrew their objections to Mr. Walsh's intent to withdraw. If any Appellant is declared ill, not able to represent himself and make any legal decisions, an honest, unbiased judge and/or attorney would try to make a simple attempt to speak to the medical team of Appellant, or Mr. Haynes, if they had any questions. Mr. Keehn's untruthfulness to judge Shaffer is trying to cover up judge Molchior's of her judicial power towards Appellant and is in violation of and RPC 8.4 (c) (d). Appellant's medical team examined this evidence and knows (as presented through their sworn statements throughout this case – see Appendix) that the BCR was altered in Appellant's medical verified

absence without proper compliance of the laws. If judge Molchior properly adjudicated the letters from Dr. Tripp, Dr. DeWitt, Dr. Anderson and Mr. Walsh, Appellant would not have a case, **but simply discarding them and pretending that she had not received them and allowing false statements in the hearing of June 17, 2009 are very false and a perjury for both Mr. Keehn and judge Molchior.** *(BCR Page 10 line 1, 2 and 6 to 10, or CP NoA dated April 9, 2012 Exhibit No. 10, or CP NoA of April 9, 2012 Exhibit No.1 page 10): **"A little over two weeks before the June 17, 2009 hearing, on June 1, 2009 the Board received a voluminous letter from Mr. Haynes with extensive exhibits...The exhibits include documents which appear for the first time in the board record, including a March 5, 2009, letter from Dr. Tripp which states Mr. Hanuska's "medical condition" requires that he does not participate in legal work" "Indeed, Hon. Molchior's actions are so egregious as to justify a discrimination action, but first it is necessary to see to it that Plaintiff's rights per Sanai are protected in the instant action"**_(NoA dated November 30, 2010 page 6)"* Judge Shaffer incorrectly addressed the fact, Appellant hired his former attorney Mr. Walsh on January 13, 2009 and not on October 14, 2008. ***(BCR shows interaction between Mr. Walsh and Mr. Norman Voiles, office Assistant Self Insured Section of the Board in Olympia, Washington acknowledging James R. Walsh as the Plaintiff's attorney of record : "Claimant : Alexander Hanuska James R. Walsh Attorney at Law, PO Box 2028, Lynnwood WA 98036-2028.."***(BCR 436 or CP NoA dated April 9, 2012 as Exhibit 18).* She also incorrectly adjudicated the fact that according to the verbiage of the contract between Appellant and Mr. Walsh, Mr. Sikes was legally authorized by Appellant to represent him in the teleconference on March 6, 2009 with judge Molchior (or any legal action), because the representation contract signed on October 14, 2008 was limited to Mr.

Walsh only. (***"You are hereby advised that I have retained James R. Walsh, Attorney at Law, to represent me in the industrial injury claim referred to above. You are directed to change my address in your records to: James R. Walsh Attorney at Law, P.O. Box 2028, Lynnwood, WA 98036."*** *(see CP PTB dated February 27, 2012 as Exhibit No. 18 or CP NoA dated April 9, 2012 as Exhibit No. 12)* The contract's verbiage does not include "the Law firm of James R. Walsh" nor does it include any other name authorized to act on Appellant's behalf, same as his signed HIPPA release. Mr. Sikes gave two different statements: to judge Molchior (*see also page 9 of this brief*) : ***Judge Molchior: Well, there is only going to be one person representing Mr. Hanuska and that's going to be either him or you, but not both."*** On May 5, 2011 Mr. Sikes denied in a phone conversation that he ever represented Appellant: ***"my participation was solely as an attorney working with Mr. Walsh".*** *(see CP PTB dated February 27, 2012 as Exhibit No. 15 pages 1 and 2).* ***"I am his domestic partner since 1998 and have the detailed knowledge to declare that I had personally witnessed and heard on repeated occasions the abuse of judge Molchior and Mr. Keehn against my partner's reasonable disability needs, the OUTREGEOUS bantering e-mails and phone calls after his injury of August 28, 2008 and their never ending refusal to accommodate his needs after his medical team repeatedly advised them and the courts, not to do so. Not one Board record is showing that either judge Molchior or Mr. Keehn had made a single effort to speak with me, or any of his medical providers after they faxed their medical opinions on March 5, 2009 to judge Molchior, which she forwarded through her own fax machine to Mr. Keehn. Judge Molchior and Mr. Keehn just continued to harass him during his medical procedures with bantering phone calls, interrupting his preparations and recoveries during/or post his surgeries and bombarding him with legal mail which remained unopened and was returned to them, because he was medically precluded to participate, which they were legally notified and aware of, but decided to ignore. If you look closely at the Board Record of the teleconference between judge Molchior, Mr. Keehn and Mr. Sikes (who was not, as he claimed to the judge, my partner's attorney) on March 6, 2009 (as recorded by the Court Reporter Roger***

Flygare) which judge Molchior scheduled after receiving and acknowledging the medical statements from his medical team not allowing him any legal work or participation until his fragile health would be stabilized enough to do so. Judge Molchior scheduled the teleconference on a Friday morning, knowing that his court appointed medical representative, Warren H. Tripp MD, could not participate, because he does have scheduled patients. Dr. Tripp and his staff repeatedly complained about judge Molchior's unprofessionalism, interrupting his business and refusing to schedule a fair dialogue on any of the 42 Friday afternoons she was assigned to this case, when he would be able to give her unlimited attention. Instead she literally "brown nosed" her friend "Gary", as she preferred to call him during official court proceedings. It is troubling, and looks like it was done on purpose by her, because Dr. Tripp notified her just few hours before in the three letters she had received (but pretended through the remainder of her assignment to this case until January of 2010, together with Mr. Keehn, that she never received them): "To me, it appears that the patient's health condition is being used against him. I also feel that it is not fair for me to be asked to be present for a phone conference at a time when I have multiple patients scheduled. Repeatedly, I have notified the patient and the judge that would not be available for a phone conference, reliably, during patients' office visit hours, Monday through Thursday. I have notified the patient and the judge I would be available Friday afternoons ... I have been also asked to be present for a phone conference with very little warning, with notices arriving two days before. This is not possible and appears biased." (excerpted from letter of Warren Tripp MD to judge Molchior on 2/24/2008) In the same teleconference she shows prejudice and biasness towards Dr. Tripp and my partner: Judge Molchior :"So if the reason that he wants a continuance so that he (meaning Dr. Tripp) can participate and help in arguing the motion that's not going to happen. By the same token, Doctor Tripp, I have no idea why he thinks he is involved in this motion or the hearing on this motion", (excerpted from Board Certified Record of the Hearing on March 6, 2009 as recorded by Roger Flygare - page 4 line 26, page 5 line 1 through 6 and Exhibit No. 3) see Sworn Statement of Joseph Russell Haynes dated May 7, 2013 (exhibit No.2) Mr. Walsh,

despite resigning as Appellant's attorney, revisited the Superior Court's

appeal evidence in April of 2011 dooming judge Molchior's actions: (direct quote***):" I thought of her (meaning judge Molchior) to be an honorable person had I had any notion that she (judge Molchior) was trouble, I would never hear her case."..."I thought I was trying to help to have it scheduled as soon as possible, than when you alerted me about these medical problems the last thing I wanted to do for you was at least to get that across, that's why we thought it should been pushed out as the last thing for you to do and I am really sorry that they did not that for you"*** Mr. Walsh also gave a sworn statement that he notified judge Molchior to postpone the hearings of June 2009 and that he had forwarded to Mr. Keehn (in March of 2009) a signed release by Appellant, giving him full access to his medical chart and to his entire medical team, which he chose not to use and miss-constructed against Appellant in the hearing on June 17, 2009 making another fraudulent statement to judge Molchior (*BCR Transcript of hearing dated June 17, 2009 page 12 lines 5 to 10*): ***"Clearly, by this time Dr. Hanuska had time to identify those doctors. He had time to send us Dr. Tripp's records; provide records from the other medical providers that he was seeing. That's -- we have not received Dr. Tripp's file. We've not received identification of these other medical providers in Arizona who are willing to testify. Clearly, by this time Dr. Hanuska had time to identify those doctors. He had time to send us Dr. Tripp's records; provide records from the other medical providers that he was seeing. That's -- we have not received Dr. Tripp's file. We've not received identification of these other medical providers"*** Only 16 months later, 9 months after judge Molchior issued her dismissal based on this fraudulent statements, Mr. Keehn was confronted with this sworn statement on August 27, 2009 by Ms. Charlotte Begay (Dr. Tripp's office manager and custodian of Appellant's medical records:

"I, Charlotte Begay verify under perjury of law, that attorney Gary D. Keehn made a written request to produce the medical records for our patient Dr. Alexander Hanuska, which was received by our office on March 16, 2009. I did comply with the request, since Mr. Keehn

included a signed authorization with Dr. Hanuska's signature, informing Mr. Keehn on March 31, 2009 through fax, that our office requests a payment prior to releasing any records. Mr. Keehn since then never followed up through phone, e-mail, fax or direct US mail to our office advising us about the requested payment. Several month passed by without him expressing any further interest in the file. But in his reply to the Washington State Bar Association on July 9th, 2009 in the grievance under WSBA File: 09-00859 Gary D. Keehn claims (page 5):" Up to this date, the employer has not received complete answers to its medical expert interrogatory and request for production. We have not received the file and the opinions of Dr. Tripp or any of the other medical providers as referenced in Mr. Hanuska's e-mail". Mr. Keehn's reply claiming that it is Dr. Hanuska's fault by not producing his medical file is very false, because I believe it is Mr. Keehn's responsibility to pay for the medical records and follow up on his request. I would have no problem releasing the requested records, once payment has been received." (see CP PTB dated February 27, 2012 as Exhibit No.17, or CP NoA of April 9, 2012 as Exhibit No.. 10). Mr. Keehn immediately

filed to have this statement removed, this correctly incriminates him

with violation of RPC 8.4 (c) (d). Mr. Haynes also wrote in his sworn statement dated May 7, 2013:*" I am aware that Mr. Keehn had indeed received my partner's medical release to allow him full access to his entire medical chart and to his entire team of providers in March of 2009, because I had to mail it from the post office for him, since he is medically precluded to leave our house on his own. Mr. Keehn did indeed perjured himself in the court hearing of June 17, 2009 (hold in my partner's verified medical absence and inability to appear) where he lied to judge Molchior that my partner had refused to produce such documents and identify any of his medical providers. He had not informed anybody (including me), that he decided not to use the valid medical release giving him an unlimited access to the information he asked for and promptly received. Mr. Keehn also "forgot" to enter it into evidence, claiming in October of 2010 that he "did not feel comfortable". He misconstrued his comfortableness into a fraudulent statement that my partner refused to do what he asked for and had indeed received, putting the legal proof on him, because he did not notify*

the court, the judge, the Board or me that he decided not to use it. He repeated the same perjury in the court of judge Shaffer in March of 2012. These actions are not covered by immunity allowing any attorney to present any false evidence and to make fraudulent statement with the knowledge that he was deliberately lying to the courts in order to receive a favorable outcome for his clients in this case in my partner's verified medical absence. Mr. Keehn's actions and his repeated perjuries are in violation of RPC 8.4 (c) (d)." (see Exhibit No. 7) Mr. Keehn than claimed a very different statement to Ms. Temple at the WA State bar, contradicting the previous one he made to judge Molchior; ***"As to securing records from Future Family Medicine, I did receive a release for records from Mr. Walsh's office. On March 9, I sent Future Family Medicine a letter addressed to Dr. Warren Tripp MD, furnishing him with a release and asking for a copy of the records. Shortly thereafter, without warning Mr. Walsh withdrew. Once he withdrew, I did not feel comfortable utilizing the release I received from his office." (Letter from October 14, 2009 see CP PTB dated February 27, 2012 as Exhibit No. 19, or CP NoA dated April 9, 2012 as Exhibit No. 11).*** repeating the same perjury to judge Shaffer on August 20, 2011. Mr. Keehn never informed Appellant or his medical team, the Board, the judge or his domestic partner, that he chose not to use the signed medical release, because he falsely misrepresented that the burden of legal proof wasn't his from the moment he received that signed release as he had asked for from Appellant. His statement to the Court on June 17, 2009 that Appellant had not produced his medical files was fraudulent. Had he said "I received from Appellant's attorney a signed Medical release in March of 2009 granting me an unlimited access to his medical files and providers, but I chose not to use it after his attorney Mr. Walsh resigned" he could not continue by claiming that Appellant had not produced his

medical records or had not identified his medical providers. This was a deliberate fraud on Mr. Keehn's behalf, which created prejudice towards Appellant and judge Molchior by dismissing his case on these fraudulent grounds. On top of this perjury, he conveniently forgot to enter this Medical Release into the BCR evidence, so that no other jurist could later find the proof of his perjury which is in violation of RPC 8.4 (c) (d). Judge Molchior incorrectly applied the WAC 296-12-1158, RCW 51.52.102 and WAC 263-12-15 (8) knowing that she, as well as Mr. Keehn, were untruthful on the record and aware that Appellant could not stop them in the middle of such lies, because he was medically precluded to participate. If judge Shaffer truly read all these statements included as attachments in both of Appellant's trial briefs, she would had to question why there are major discrepancies between Mr. Keehn's statements on record of June 17, 2009 and the BCR and why any of these specific documents from his former attorney Mr. Walsh, his entire medical team (Dr.Tripp, Dr. DeWitt, Dr. Anderson) were missing from the BCR beyond March 5, 2009, or why judge Molchior never tried to contact Dr. Tripp after receiving his medical statement that Appellant was medically precluded to participate in any court proceedings beyond March 5, 2009?:

a)Medical Statement from Warren H. Tripp MD dated February 24, 2009: ***"Basically I agree with the opinion that the patient should have a change of the current judge Carol J. Molchior that is presiding the patient's case. The patient has had multiple medical problems in the past several months that seem to be passed over by the current judge in this case. He would benefit from having a judge to his case that may***

have more understanding of medical problems associated with the patient and is more open-minded to the medical problems associated with this case. The patient's current medical problems put him at a disadvantage, especially when they are being used against him. This does not put them in a position where he can be judged fairly or present his case with his attorney. If he is suffering or is in great pain, he will not be able to make decisions that would be as accurate as if he was in fair health." [Emphasis added] To me, it appears that the patient's health condition is being used against him. I also feel that it is not fair for me to be asked to be present for a phone conference at a time when I have multiple patients scheduled. Repeatedly, I have notified the patient and the judge that I would not be available for a phone conference, reliably, during patients' office visit hours, Monday through Thursday. I have notified the patient and the judge I would be available Friday afternoons ... I have been also asked to be present for a phone conference with very little warning, with notices arriving two days before. This is not possible and appears biased." b) The second fax was letter from Diane DeWitt PhD, the Plaintiff's Forensic Psychologist (the letter was dated February 26, 2009)*:"I am a board certified vocational and counseling psychologist. I am also a board certified forensic vocational expert. I am a Washington state licensed psychologist. In part of my over 28 years of practice, I have completed an estimated 1,000 evaluations most of which were forensic in nature and included assessment of harmful employment-related events. I have appeared in 70 trials and hearings, including before the B.I.I.A. I met Mr. Hanuska in December 2006 when I was asked by his attorney to assess the impact of workplace events on his physical health, mental health, relationships, and vocational prospects. He was an employee of Nordstrom in Seattle. I completed an evaluation and wrote a report. I was then deposed in August 2007. In November 2007, I had a follow up in-person contact, essentially a debriefing, with Mr. Hanuska just prior to his moving to Arizona. He has remained in contact with me through periodic updates sent by email. Therefore, I am familiar with what he has been experiencing in Arizona with regard to his healthcare. I know about his struggle to become medically stable to arrive at an improved level of daily functioning. In my professional opinion, I would highly recommend that all parties, including the hearing judge, grant Mr.*

Hanuska the benefit of doubt. Allow him to work with his physicians at the best pace he can sustain, get well first, and then proceed with the open and pending legal processes. If fresh eyes would help, I recommend the case be transferred to another judge. But to keep sending demands requiring rapid responses while he is still medically unstable and emotionally vulnerable is unnecessary and will create a backlash. I also recommend that some respect be granted to his treatment team by accommodating their schedules and talking with them then they are actually available. This is a common professional courtesy." *c)* The third fax was a medical statement from Warren H. Tripp MD (the Board Certified Medical representative of my son) updating judge Molchior on Plaintiff's medical incapability to participate in future legal proceedings due to a second upcoming surgery and cardiologic issues discovered before his first surgery: ***"This patient has a medical condition that requires that the patient not participate in work (This includes "legal work"). The patient may not participate in these activities from today until he is cleared by his surgeon and cardiologist. I have been informed that he is to participate in a hearing to expose him to an "independent" psychological evaluation. This is not the time for such an activity. I will also include the notes of a previous letter of Dr. Dewitt, if permitted by her." (see CP PTB dated February 27, 2012 as Exhibits No. 4, or CP NoA dated April 9, 2012 notarized photocopies as Exhibits No.4)*** Also this letter mailed by Troy G. Anderson three years ago to judge Molchior is missing in the BCR. Dr. Anderson (Appellant's neurologist) wrote about the missing letter on September 20, 2012: ***"He has a disabling neurological condition which makes him a candidate for disability benefits as an outcome of his industrial injury at work on November 14, 2002. I do fully support his claim and had written a letter almost three years ago for his support....there have been some missing information in his legal file, including my own letter noted above... I agree with his other medical providers and recommend the legal system to full support my patient and to give him an opportunity to defend his case when he is medically stable enough to do so." (see Exhibit No.6).***

Judge Molchior acknowledged receiving all of these three faxed letters in a phone call the following morning of March 6, 2009 to attorney Mr.

Walsh, who informed him through e-mail (e-mailed also to his medical team): ***"Dear Alex, the Judge has agreed to set the matter over until Friday, March 13, 2009 at 10:30 am. The Judge called and advised that she was in receipt of 3 letters transmitted to her by Dr. Tripp. Two are statements by Dr. Tripp dated February 24, 2009 and March 5, 2009 respectively and one is a statement by Dr. DeWitt dated February 26, 2009. Two of the letters seek to have a different judge assigned to the case."(see page 20)*** Judge Molchior's reasoning was retaliation towards Dr. Tripp who correctly critiqued her biased and unprofessional behavior. Judge Molchior altered the file by not including these documents into the BCR after receiving them through her fax machine, US mail and for the reminder of her assignment to this case she pretended that she had not received them, despite leaving contradicting evidence in her own words in recorded teleconferences of March 6, 2009 and June 17, 2009. Mr. Keehn insists limiting the court's decisions to the altered BCR as base for judge Shaffer's ruling, because the removed documents incriminate him with improper conduct and in violation under RPC 8.4 (c) (d) (f). Judge Shaffer also misinterpreted the facts supported by the BCR, by claiming that Appellant had not notified judge Molchior of his need in July of 2009 too leave for his urgent medical treatment (not covered in Arizona by Medicare), which was prepaid in advance by his parents out of their pockets. He had indeed notified the Court of his intentions weeks in advance, on June 10 and 18 2008, in a telephone call to Judge Molchior's assistant Barbara Hughes. ***(BCR page 90 on June 18, 2008 e- mail from Ms. Hughes to judge Molchior or CP PTB February 27, 2012 as Exhibit No. 11): "Hi Carol!..I think it would be a good idea to have a brief teleconference because he does have some legitimate questions***

which may be losing something in translation. He said he will be leaving for his country July 5th for medical treatment. His travel arrangements are already made and he needs to go for his treatment since he can't get them here"...) **Judge Molchior never granted direct communication to Appellant ever, only through her assistant Ms. Hughes; except when she directly asked him to forward to her the Interrogatory answers on September 2, 2009, but granted Mr. Keehn unlimited direct access and attention. In that sense, judge Molchior granted preferential treatment to Mr. Keehn in violation of CJC Rule 1.1 E 1.2.** At no time did she or Mr. Keehn indicate that this visit would present any problem to either the Court or Defendants. Despite this, she mailed out her ruling the day before Appellant's departure (scheduled eleven months in advance with a pre-paid airline ticket by his parents, with the Court's knowledge.) During this period of Appellant's visit to his parents in Europe and his medical procedures, all mail was returned to all senders with a note to re-mail it after August 23, 2009. The problem is that, under Washington State law, Appellant had only 72 hours within which to respond. He was in transit to Europe (for medical treatment) at the point that his allowable response time had expired. In intentionally scheduling legal actions during Appellant's brief visit for health reasons, judge Molchior created and exacerbated a situation which caused additional prejudice to his case and violation of CJC Rule 2.5 (a).Mr. Keehn filed a motion to compel Appellant to respond to Interrogatory Questions on August 11, 2008 for responses Mr. Keehn had already received on July 4,

2008, also conveniently timed to coincide with his trip to correct medical problems, essential to his recovery. Judge Molchior telephonically transmitted orders for Appellant to comply on August 11, 2008. His cell phone does not work in Europe and her phone calls were beyond midnight European time, so even if it had worked it would been turned off. Appellant emailed judge Molchior on return when discovering her messages on his cell phone, which was left in Mesa, Arizona, that he had in fact responded, and forwarded her a copy of the email dated July 4, 2008, which had been sent to Mr. Keehn, with his discovery responses hours prior to his departure to Europe. Judge Molchior then personally forwarded Appellant's Responses to Mr. Keehn through her direct e-mail on September 2nd, 2008 at 11.17 AM with comment : ***"Mr. Keehn, here is an e-mail from Dr. Hanuska. IAJ Molchior" (BCR page 28-31, 468-473, 426 or PTB dated February 27, 2012 as Exhibit No.9).*** Clearly she knew that the Interrogatories had been responded to in a timely manner! Judge Molchior also "forgot" to correct the BCR that Appellant had indeed complied with the court rules. Mr. Keehn conveniently filed another false statement on July 7, 2009, knowing that Appellant could not oppose his fraudulent action (BCR page 135-36): Sworn Statement of Mr. Blake Nordstrom: ***"3. I have no personal knowledge of Mr. Hanuska's current medical condition or need for medical treatment...4.I have no knowledge of Mr. Hanuska's ability to engage and perform gainful employment. This would include the time period from September 30, 2004 to November 5, 2007." (see BCR 135-6)*** Mr. Keehn submitted another perjury to the courts, Mr. Nordstrom did engaged in a phone

conversation in October of 2007 with Appellant's father: ***"Under perjury of law I declare that my husband called Mr. Blake Nordstrom in October of 2007 confronting him about his false promises to take care of my son's health, benefits and lost income. Mr. Nordstrom used the f- k and the s-t words and slammed the phone down. My husband called for the second time and then Mr. Nordstrom ordered his attorney D. Michael Reilly to give my son a small check for his medical treatment (this never became a part of the settlement of 2007) when moving from Washington State to Arizona State in 2007 after his discrimination case was resolved. Mr. Nordstrom knew from my husband (and from his own attorneys who received the relevant medical evidence during recorded depositions of my son and his medical witnesses in August and September of 2007) that my son was forever not employable in October of 2007, because of the injuries be sustained during his employment on November 13, 2012; not his cerebral palsy he was born with and worked from the age of 11 through November 13, 2002; and Nordstrom's repeated refusal to pay and/or allow medical treatment under his L&I claim; but allowed Mr. Keehn to file a fraudulent closure of his L&I case, contradicting his own actions in November of 2007. This was presented by Mr. Keehn to the courts, conveniently in my son's court verified medical absence, so that he could not oppose it. He had not seen this false statement until Mr.Threedy had sent him a notarized copy of the Board's file in May of 2010...." (Sworn Statement of JUDr. Dagmar Hanuskova – Exhibit No.1)*** Appellant had notified Mr. Keehn of these facts right after through mail in 2007 and he perjured himself in the teleconference to judge Molchior in June of 2008 that it was untrue. Appellant discovered this false sworn statement only in May of 2010, 5 months after judge Molchior dismissed his case on fraudulent grounds, when Deidre D. Matthews (Public records officer) forwarded to him the BCR from which all these quotes originate in every of his pleadings between May of 2010 to present. Only then he discovered the BCR was altered, the previously mentioned medical statements from his medical

team (Dr. Tripp, Dr. DeWitt and Dr. Anderson) were missing (from March 6, 2009 to the day the BCR was prepared by Ms. Matthews on May 6, 2010.) If you very carefully read all these details of the BCR, you will find in judge Molchior's own words as recorded by R. Flygare, that she had indeed received them, had not adjudicated them as required by law, just simply removed them from the BCR and pretended together with Mr. Keehn that they had not received them. This is a major violation of conduct under Fundamental Principals of Professional Conduct Rule:

"8.4 (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;(d) engage in conduct that is prejudicial to the administration of justice; (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law." Mr. Keehn and judge Molchior claims to be immune by judicial action privilege for Appellant to enforce damages in a private civil action, but this court does have the authority to enforce sanctions, because under ELC 1.4 there is no statute of limitation. This court also has the power and duty to scrutinize all actions of judge Molchior, because under E 1.2 (2) ***" A judge should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens, and must accept the restrictions imposed by the Code. (3) Conduct that compromises the independence, integrity, and impartiality of a judge undermines public confidence in the judiciary. (5) Actual improprieties include violations of law, court rules, or provisions of this Code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this Code or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as a judge."*** Judge Shaffer made many legal and factual mistakes in her ruling on March 16, 2012 (this is contradicted by the BCR as prepared by Ms. Matthews, (of which

notarized photocopies were attached in Appellant's Superior Court Appeal and both of his trial briefs to judge Shaffer, the Appellant's Notice of Appeal to the Court of Appeals and this trial brief and such being legally of record on appeal) confirming that judge Molchior violated CJC and Mr. Keehn RPC. Judge Shaffer contradicted her own opening statement that she "read everything" incorrectly affirming judge Molchior's ruling. By not reading all of Appellant's documents of the Appeal and not applying the correct laws and rules (in violations of CJC, RPC, In Re Disciplinary Proceedings of Sanai (2009) Washington Supreme Court Docket No. 200 578 1) judge Shaffer's ruling should be vacated.

II. B CONSISTANT INTERPRETATION OF CLAIM

Appellant's interpretation of events is consistent with the documentation he presented in this Appeal since 2007 to the present. It is also consistent with the actions of his entire medical team and their medical opinions (Dr. Tripp, De Witt PhD, Dr. Anderson, Dr. Linden, Dr. Campbell, Dr. Jeppson and Dr. Hoefer), statements from his partner Mr. Haynes and Appellant's parents.

II. C SPECIAL EXPRETISE CLAIM

The Special Expertise file of this Appeal was deliberately altered by judge Molchior (mostly in Appellant's verified medical absence which she choose to ignore), by removing all the relevant medical evidence that disproves the legal right for Defendants to have this case closed, because through their attorneys Mr. Keehn and Mr. Reilly they received between

May to November of 2007 medical documentation which disproves their incorrect medical opinions of Dr. Hamm, Dr. Robinson, Dr. Robin, Dr. Carlson. Refusal of treatment for Appellant's psychological injuries and physical neurological injuries of his partially paralyzed left arm and digits 3, 4, 5 cannot be associated with a "post-polio syndrome" incorrectly diagnosed by Dr. Carlson, who falsely authorized the closure in February of 2006: (see sworn statement of Joseph R. Haynes dated May 7, 2013): ***"I do also declare under perjury of law that I had introduced my partner to my former primary physician Mark C. Carlson MD in May of 2000 (who was my physician since 1991 when I moved from California to Washington). We lived in Lynnwood and Dr. Carlson's office was in Mukilteo. Because of my partner's disability I drove him to his medical procedures and remained present in the exam rooms. I was physically present in the room, after I introduced him to Dr. Carlson, when my partner handed to Dr. Carlson his entire medical chart which survived transfers from all his previous physicians in Europe and New York State. I was also present when Dr. Carlson was making written statements in 2006 about my partner's inability to work because of his industrial injuries he sustained on November 13, 2002. I was shocked when I've seen (delivered through US mail) the false and medically incorrect statements of Dr. Carlson of February 24, 2006 claiming that his industrial injury benefits expired and accompanied my partner to investigate, why suddenly the previous 350 pages of his medical history were missing after Mr. Keehn met with Dr. Carlson on February 24, 2006. The clinic was refusing of granting him access to see his own chart (!) and I had to call 911 and with a help of a police officer the clinic then allowed us to peak into his own medical chart and property confirming our fears that indeed all his previous 350 pages of medical history were gone. I am also aware that this was "magically" entered incorrectly into the jurisdictional history sheets as if it happened two years earlier in 2004 and not February 24, 2006 as the Board Records show until today. One would assume, that there would be a reasonable question, why did Dr. Carlson treat my partner for two years more, without telling him that he did not anymore need treatment for his***

industrial injuries of November 13, 2002 (his psychological and physical injuries of his left arm partial paralyses of digits 3, 4, 5 and excruciating pain) ? I am also aware that my partner tried, repeatedly to all judges, to have this fraudulent record corrected, but they refused to even listen (see Exhibit No. 2) The correct diagnoses of Appellant disability which he was born with is cerebral palsy and such there does not exist a "post cerebral palsy syndrome" which could affected his left arm partial paralyses on the day of his industrial injury of November 13, 2002. Dr. DeWitt confirms this in her sworn statement dated July 5, 2012: ***" 4." I took an active role in correctly naming the condition with which Alexander Hanuska was born, cerebral palsy. That resulted in the record being corrected with him and his attorneys.5. My report fully described how I reached that conclusion. I am aware that the opposing attorney (D. Michael Reilly) was still sorting out this issue at the time of my August 2007 deposition."*** The original, later altered medical evidence by judge Molchior, confirms a reasonably accurate understanding of what happened to him, what kind of medical treatment he needed. Cindy Bowers MD, the original 2002 emergency literal opener of his W-654504 case, became his primary care physician of record when living in Lynnwood, Washington through December of 2007 until he moved into Mesa, Arizona. Dr. Bowers repeatedly notified the Board as late as August 16, 2007 (!) that: " ***Mr. Hanuska with ongoing L arm complaints following L+I injury, first noted by me on chart 12/2/2002 as parenthesis L arm, Pt. with GI since injury with reflux Barrett's following L+_I injury data.. This medical diagnose is recorded since day one of the injury: first in the self-insured accident report December 3, 2002 "....my left arm froze" "When Dr. Bowers saw Mr. Hanuska on December 2, 2002, and December 17, 2002, in the immediate aftermath of the November 14, 2002, Emergency Room visit, she recorded her clinical impressions. She wrote down two separate diagnoses: acute stress disorder (308.3) and left arm parenthesis. (Mark C. Carlson MD, the former primary care physician***

of the Appellant in 2002 was on vacation in Italy, when this industrial injury occurred and first seen him only much later in February of 2003.) Her written summary confirms a reasonably accurate understanding of what happened to Mr. Hanuska and what kind of treatment he might need... Dr. Bowers separately noted the physical condition of his left shoulder and limb as dysfunction (paralysis) and pain, had she been his primary care physician in 2002, she might have referred him to specialists in a matter of months, not years." (CP NoA dated April 9, 2012 as Exhibits No. 21, 22, 23) **which judge Molchior removed from evidence. JUDr. Dagmar Hanuskova addresses correctly this issue : "** *My son was born with cerebral palsy, which cannot have any medical connection to the injuries he sustained on November 13, 2012 during his former employment at Nordstrom Inc. in Seattle Washington, leaving him with a partially paralyzed left arm and digits 3, 4, 5 on his left hand, excruciating pain and permanent acute stress, which put him into permanent Social Security Disability since November 13, 2002. These medical issues cannot be connected to his cerebral palsy which happened "in vitro" prior to his delivery on August 21, 1962. This illness could not repeat itself 40 years later in November 2002. I am also aware that my son's original medical chart (surviving a chain of all his previous medical providers between 1962 to February 24, 2006) suddenly disappeared from the hands of his former primary care physician Mark C. Carlson MD on February 24, 2006 when he met with Mr. Keehn without my son's, his former attorney's knowledge (who was recovering from a cancer surgery in a Seattle hospital). Dr. Carlson after this meeting made a false medical statement to Mr. Keehn that my son's medical benefits for his on the job injury and the employer's liability expired (backtracking the date with another false statement, contradicting all of his previous statements as presented in 2006 to the Board of Industrial Insurance Appeals), blaming all my son's medical problems on his disability which he was born with. This is a medical impossibility, mainly because Dr. Carlson failed to properly diagnose him as a cerebral palsy patient in all those six years he was under his care. The Board entered incorrectly this information as if it had happened on February 24, 2004 and not 2 years later as the statement signed by Dr. Carlson shows until today. My son repeatedly advised the Board and all the judges that this was incorrect and false, but nobody of*

them wanted to pay any attention to it, or was even willing to listen and Mr. Keehn tried to suppress any document from my son's medical history charts (which only few pages resurfaced from several hospital archives in Slovakia, where he underwent numerous surgeries in his teen years connected to his cerebral palsy), proving that Dr. Carlson's and Mr. Keehn's statements tried to defraud the Washington State Courts by claiming a non-existing diagnoses of my son as the reason for his medical problems in 2002, in order to avoid financial responsibilities for his future permanent medical care and loss of income. Even an employee from Nordstrom Risk Management, who was appalled by such dirty tactics of Mr. Keehn, send to my son's former attorney a copy of an e-mail where Mr. Keehn discloses his tactics how to discredit my son's medical and financial benefits, knowing that doing so would put him in danger, that his neurological injuries would become permanent.....It was cheaper for the Defendants to suppress the correct medical evidence, because it opens another legal question : if they realized having the incorrect diagnoses only on February 24, 2006, they had no reason to refuse and delay medical treatment for my son's on the job injuries of November 13, 2002 to present. Why had they not opposed the ruling of judge Canova in November of 2005, if they are so convinced that my son had not suffered such injury? The altered Board records shows that Mr. Keehn made all of his major legal moves always without my son's attorney of record being present (recovering from cancer), or during my son's surgeries and recoveries from his injury (caused by the lies of Mr. Keehn and judge Molchior), conveniently again in his verified medical absence. Their refusal of the reasonable accommodations of his disability needs, his medical and financial benefits for his Industrial injuries of November 13, 2002 (by their own choice) made my son permanently unemployable for the rest of his life; their use of poor judgment of tactics (in violations of CRC and RPC) to receive favorable rulings for presenting fraudulent medical, legal and factual evidence and suppressing relevant evidence which disproves their fraud, intimidating and retaliating against my son, his partner mentally and financially; his medical team for telling the truth, almost causing his death. Be aware, that if any of the Defendants makes another adverse move towards my son or Mr. Haynes, or interferes with his current recovery and upcoming surgery, or tries to eliminate any of

the submitted evidence correctly incriminating judge Molchior, Mr. Keehn, Mr. Wright, Mr. Reilly, Ms. Morse or Mr. Johnson, I will deliver all the paper and audio evidence (which is in my personal safe in Slovakia) to the medias and post them on the world wide web. How will people around the world respond to titles as "An industrial judge abusing a severely disabled and injured employee" or "Blake Nordstrom giving false statements to the Courts". This Court should finally investigate why my son's official Board Record was deliberately altered and manipulated by judge Carol J. Molchior and Gary Donald Keehn in my son's verified medical absence and why the Board of Industrial Insurance Appeals and judge Catherine Shaffer refused to proceed with a proper investigation (this means reading all the files submitted by my son, or his former attorneys since 2003) to answer all questions of this Appeal. It would be very wise for the Defendants to strongly consider withdrawing contest in this case after eleven years of hell for my son (medically and financially), settling it out of court very fast, before his Arizona attorney files a claim for infliction of a serious, intentional injury of September 26, 2012, repeatedly violating his medical disability needs by the individuals mentioned above. " (see Exhibit No.1) Judge Shaffer also made an improper note in her ruling***: "As I know or care, you may have cerebral palsy"*** which she edited out when Ms. Vitrano submitted to her the transcript for review in March of 2012 (realizing after the hearing that this statement contradicted her ruling and the basics of this case).

II. D FINANCIAL IMPACT CLAIM

Defendants shouldn't have requested the closure of Appellant's case. Their own physician Dr. Robinson confirmed that Appellant had suffered an industrial injury and Dr. Carlson authorized Mr. Keehn, in a medically incorrect and false statement, to close Appellant's benefits for medical treatment, lost income and other benefits to

which he is entitled under judge Canova's order. It is very troubling that the actions taken by Defendants in November of 2007 completely contradict the action for closure as Mr. Keehn requested from the Board just a few days later. It is his legal liability that he presented in July of 2008 to the Courts a false statement from Mr. Nordstrom in Appellant's verified medical absence and conveniently "forgot" to serve Appellant with that particular document as required by law.

II. E HEALTH IMPACT CLAIM

Because of the continued Defendant's refusal for medical treatment of the industrial injuries of November 13, 2002 the paralyses of his left arm and digits 3, 4, 5 and psychological diagnoses became permanent. Appellant never received a single medical treatment from Defendants under the umbrella of his L&I claim. His very limited medical treatment was provided by the DSHS of Washington and Arizona States. Judge Canova's ruling in November of 2005 is based on Defendant's own IME Dr. Robison's opinion that he indeed suffered an industrial injury and is entitled to such benefits. Instead, he is receiving permanent Social Security Disability benefits only since Defendants shouldn't have requested the closure of Appellant's case. Their own physician Dr. Robinson confirmed that Appellant had suffered an industrial injury and Dr. Carlson authorized Mr. Keehn, in a medically incorrect and false statement, to close Appellant's benefits for medical treatment, lost income and other benefits to

which he is entitled under judge Canova's order. It is very troubling that the actions taken by Defendants in November of 2007 completely contradict the action for closure as Mr. Keehn requested from the Board just a few days later. It is his legal liability that he presented in July of 2008 to the Courts a false statement from Mr. Nordstrom in Appellant's verified medical absence and conveniently "forgot" to serve Appellant with that particular document as required by law. March of 2007, as a direct outcome of these injuries, living beyond poverty level, with only basic Medicare health benefits. _Because of the biased, prejudicial, discriminatory actions of judge Molchior and Mr. Keehn, he had suffered an accident falling out of his electric wheelchair in August of 2008 and had to undergo so far 4 extremely complicated reconstructive surgeries in order to save his injured leg and to prevent amputation (cerebral palsy is preventing him to be a candidate for an artificial knee replacement, he would not be able to walk on a prosthetic leg due to his different gait and walking pattern). Dr.Tripp and his entire medical team repeatedly notified both judge Molchior and Mr. Keehn, that forcing Appellant into legal participation could put him into critical danger, risking any additional cardio episode such as stroke or heart attack. When Appellant consistently advised the Washington Courts of the improper actions of judge Molchior and Mr. Keehn, they harassed and intimidated him in summer of 2012, including making a forced entry and trespassing of a private property which is gated and daily guarded

between 8 AM to 5 PM with a no trespassing signs posted before the gates. Beyond these hours you have to receive a code from the home owner through a phone at the gates to be able to enter, but their agent sneaked illegally in, intimidating Appellant on September 25, 2012 which almost ended in his death and put him again in critical danger. He is now permanently suffering additional cardio diagnoses for the rest of his life. Their actions, through their own hired agent, are in violations of several Arizona laws ACC 13-1503, 13-505 10 (b)(c) and warrants additional claims for a deliberate infliction of a serious permanent injury, because Appellant's Court Appointed Medical Representative Dr. Tripp repeatedly reminded Mr. Keehn, Mr. Wright, Mr. Reilley, Ms. Morse, judge Molchior, the Court Administrator Mr. Johnson from April 2012 to September of 2012, that Appellant was medically unable to participate and all of them unwisely ignored these medical restrictions. Instead they intimidated him through private direct e-mail, US mail, FEDEX, messengers and phone calls until his collapse on September 26, 2012. (Defendant's attorney Mr. Reilly and Mr. Keehn had proper knowledge of his medical limitations from his detailed medical files and extensive depositions.) For doing so, they are liable for his hospital bills, pain and suffering and this court shouldn't force Appellant to proceed, penalizing him for a delay he had not created himself, knowing that this current severe life threatening injury was inflicted on him by the perpetrators mentioned above, discriminating towards his current medical disability, in

retaliation for telling the truth.

III. LEGAL ARGUMENT

Appellant submits that Judge Molchior's abuse of discretion in failing to consider his medical condition and going forward with the legal action is even more reprehensible than the hearing officer in Sanai. Accordingly, in keeping with this Washington State Supreme Court ruling judge Shaffer failed to proceed with any kind of investigation about the altered BCR, despite being repeatedly presented with relevant medical, legal and factual evidence; from which majority was excerpted from the BCR and some was outside of the BCR, but admissible under RCW 9.A.72.010 (1). Judge Shaffer failed to adjudicate judge Molchior's and Mr. Keehn's violations of CJC 2.3 (a) (b), CJC 1.2 (2, 3, 5), CJC 2.1, 2.2, CJC 2.5 (a), CJC 1.1 (e) and RPC 8.4 (c) (d) (f), because she had not read the entire evidence presented to her by Appellant in his Notice of Appeal and his two trial briefs with all its exhibits and attachments and decided to proceed after receiving them in a faulty form in violation of CR 4(a)(1) and 11(a). *"This appeal is intended to elicit a ruling that is consistent with the Washington Supreme Court findings in In Re Disciplinary Proceeding of Sanai (2009), Washington Supreme Court Docket No. 200,578-1, a copy of which is attached hereto as Exhibit No.3 for ease of reference. In Sanai, an attorney appearing for a disbarment hearing faxed a note to the disciplinary hearing officer on a Friday, before a scheduled Monday hearing, but the hearing officer decided that there was not a sufficient basis to grant the continuance, and held the hearing, reaching a conclusion that was unfavorable to Mr. Sanai. Mr. Sanai supplemented his note with a letter from his doctor, stating that, "On April 13, 2007 Mr. Sanai returned for an appointment with me, with continuing symptoms of severe hypertension. I took his blood pressure which was dangerously*

high. I enquired of Mr. Sanai if he was under any stress. He stated that he had a trial beginning on Monday, April 16. I instructed him that under no circumstances could he participate in such trial or other highly stressful activity without incurring a severe risk to his health." Also noteworthy is the fact that Mr. Sanai's sole medical problem was hypertension, which elevated his blood pressure and placed him at risk for circulatory problems. As will be shown later, Plaintiff had and has many more difficult problems than those experienced by Mr. Sanai. "At Fredric [Sanai]'s show cause hearing in this case, WSBA affirmatively stated it was not arguing that the letter, or Fredric's symptoms, were faked. Nor did it assert that Fredric was lying about his condition." There, the State Bar admits that it is not disputing the legitimacy of Mr. Sanai's sole physician. Mr. Sanai argued that the State Bar put him in the untenable position of choosing between defending his legal rights and taking the advice of his doctor. The Supreme Court agreed, and ordered that the matter be remanded to the Disciplinary Committee for another hearing. This issue is not venue-specific and has a constitutional impact. Sanai relies upon Trummel v. Mitchell, 156 Wn.2d 653; 131 P.3d 305 (2006), which is a civil matter. As the Sanai court further stated: "[We] do not believe that the respondent has been given that full opportunity to be heard in his own defense which the spirit of the law in such cases contemplates. It is true that, in the early stages of the case, the trial committee was quite lenient with the respondent in the matter of postponements and in fact granted two of the three continuances upon grounds which it was not compelled to recognize as being conclusive, but which, in the desire to be eminently fair, it did recognize and accept as being satisfactory. That fact, however, will not afford sufficient reason for refusing a further continuance when good cause is shown therefor." (emphasis added) Id. at 80. The conditions of the abuse of the discretion are delineated in one of Sanai's supporting cases. "A hearing officer abuses her discretion when her decision is 'manifestly unreasonable, or exercised on untenable grounds, or for untenable reasons.'" State v. Downing, 151 Wn.2d 265, 272, 87 P.3d 1169 (2004). As in the Sanai case, it was unreasonable for Hon. Carol Molchior to continue the legal proceedings in Plaintiff's absence, forcing him to choose between taking the advice of his medical team and protecting his constitutional right to a fair hearing. The Sanai court also observed that: "WSBA does not discuss

the potential constitutional impact of disbarring Fredric through a trial held in his absence. Instead, WSBA argues that applying the Trummel factors mentioned above, the hearing officer did not abuse his discretion in denying the continuance. Answering Br. of WSBA at 37 (quoting Trummel, 156 Wn.2d at 670-71). Unlike here, Trummel involved a request for continuance of a harassment suit so that Trummel could better prepare a new attorney and possibly cross-examine witnesses though he had previously declined to present any testimony." Similarly, in the instant matter, Hon. Carol Molchior, and Hon. Lynn Hendrickson in her subsequent investigation, failed to consider the constitutional impact of proceeding, when such a decision put Plaintiff in the position of choosing between his legal rights and protecting his fragile health. Even though the Sanai court concluded that the basis for a continuance in Trummel was not consistent with the basis for the continuance requested in the Sanai case, it did consider the WSBA's presentation of that case, which proves the universality of the venue pertaining to constitutional issues. The facts of the instant case are virtually identical, and therefore the Sanai decision is the correct legal precedent for this court to use in determining whether or not Hon. Molchior's decision to deny Plaintiff a continuance despite extensive medical evidence that Plaintiff was not able to represent himself without risking great harm to his health, than was presented in the Sanai court. As will be shown, Mr. Sanai's medical problems are dwarfed by the multiple medical difficulties endured by Plaintiff. Further, Hon. Molchior has demonstrated a complete indifference to Plaintiff's medical team, and indeed has fueled the flames of discontent with her discourteous treatment and sudden demands of Plaintiff's medical team without respect for previously scheduled care sessions with their patients. This is significantly more egregious than the conditions which formed the basis for the Supreme Court's decision in Sanai, and Hon. Molchior was aware that virtually all representation of Plaintiff ceased after two of Plaintiff's doctors ascertained, and communicated in writing to Hon. Molchior on multiple occasions throughout the proceeding, that Plaintiff's medical condition would not allow him to participate in legal proceedings. In addition, when Plaintiff's attorney, James Walsh, submitted his Withdrawal on March 12, 2009, he included a statement that he had been in communication with Plaintiff's doctors, and that they had informed him that Plaintiff was unable to participate in the legal process. Hon.

Molchior knew of the gravity of Plaintiff's medical condition and inexplicably intentionally ignored the advice of Plaintiff's medical team. Plaintiff has several physicians which are under the auspices of his primary care physician, Dr. Warren Tripp. There are three orthopedic surgeons, one neurologist, one gastrointestinal specialist, two cardiologists, one psychologist, and entire team of renowned surgeons at an orthopedic institute in Arizona. To comport with the standards established in Sanai, Plaintiff requests that all proceedings subsequent to August 28th, 2008, the date that Plaintiff's medical team first informed Hon. Molchior of the degree of difficulty of Plaintiff's medical condition, be regarded as null and void, and that the matter be remanded and retried. The requirements of Sanai have been far exceeded in this action in every regard. Indeed, Hon. Molchior's actions are so egregious as to justify a discrimination action, but first it is necessary to see to it that Plaintiff's rights per Sanai are protected in the instant action. Judge Molchior ABUSED HER JUDICIAL DISCRECTION in failing to continue the legal proceedings in this matter despite the presentation of communications, on multiple occasions, from multiple medical professionals, and Plaintiff's attorney, as he was withdrawing from the case, to the effect that Plaintiff was medically prohibited from participating in any legal matters for several documented medical reasons." (see NoA dated November 3, 2010 pages 2 to 6)

Appellant requests that the case be remanded, and that all actions taken by the Court subsequent to the first violation of CJC by judge Molchior and Mr. Keehn on June 30, 2008, be declared null and void. Also all actions taken by the Court subsequent to August 27, 2008, the date that the Court received notification from Dr. Tripp of the seriousness of Appellant's medical condition, be declared null and void, consistent with the Supreme Court's ruling in Sanai. In Sanai, an attorney appearing for a disbarment hearing faxed a note to the disciplinary hearing officer on a Friday, before a scheduled Monday hearing, but the hearing officer decided that there

was not a sufficient basis to grant the continuance, and held the hearing, reaching a conclusion that was unfavorable to Mr. Sanai. Mr. Sanai supplemented his note with a letter from his doctor, stating that : ***"On April 13, 2007 Mr. Sanai returned for an appointment with me, with continuing symptoms of severe hypertension. I took his blood pressure which was dangerously high. I enquired of Mr. Sanai if he was under any stress. He stated that he had a trial beginning on Monday, April 16. I instructed him that under no circumstances could he participate in such trial or other highly stressful activity without incurring a severe risk to his health."***

Also noteworthy is the fact that Mr. Sanai's sole medical problem was hypertension, which elevated his blood pressure and placed him at risk for circulatory problems. As shown in the BCR, Appellant had and has many more difficult problems than those experienced by Mr. Sanai. At no point during any phase of these proceeding did either judge Hendrickson, Molchior, or Shaffer conclude that the letters presented by Appellant evidencing his medical conditions were false, or that Dr. Tripp's or Mr. Walsh's representations were fraudulent or false. At no time did either of the judges assert that Appellant was lying about his condition, or the conditions themselves, were false or in any way intended to defraud the Court. Therefore judges Molchior and Hendrickson should have considered the constitutionality of forcing Appellant to choose between preserving his health and preserving his legal rights. Judge Shaffer failed to familiarize herself with the case record making incorrect legal conclusions in her ruling on March 16, 2012 which is disproved by the evidence attached to this case and is in violation of standards

established In Re Disciplinary Proceedings of Sanai (2009) Washington Supreme Court Docket No. 200 578 1 and in violations of CJC 2.3 (a) (b), CJC 1.2(1) (2, 3, 5), CJC 2.1, 2.2, CJC 2.5 (a), CJC 1.1 (e), and RPC 8.4 (c) (d), and ACC 13-503, 15-505 10 (b) (c).

IV. CONCLUSIONS

For all of the above-described reasons, Appellant requests that this Court order that the case be remanded to the Board of Labor & Industries for a fair hearing, and due to the ongoing discriminations, violations of CJC and RPC by judge Molchior and the Board to resume all legal actions at the Superior Court level, when Appellant is deemed medically capable of handling the legal work by his medical team, and that judge Molchior and Mr. Keehn, who forced Appellant to choose between his legal rights and his compromised health are failing to live up to the standard established in Sanai, had violated Appellant's legal rights in a most egregious manner causing him two very serious life threatening injuries in violation of ACC 13-503, 15-505 10 (b)(c), and therefore they should be excluded from any subsequent judicial administration in this case.

V. APPENDIX - Exhibits No. 1 through No.7

DATED this 26 day of March 2014 Alexander HANUSKA PhD

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION I

ALEXANDER HANUSKA, PhD Plaintiff,	)	COURT OF APPEALS CASE No: 68602-0
DEPARTMENT OF LABOR & INDUSTRIES; BOARD OF INDUSTRIAL INSURANCE APPEALS; and NORDSTROMS, Defendants	)	**SWORN STATEMENT OF** **JUDr. DAGMAR HANUSKOVA**

TO: COURT CLERK OF THE APPELATE COURT DIVISION I

AND TO: KING COUNTY SUPERIOR COURT CLERK

AND TO: LAURA THERESE MORSE AND D. MICHAEL REILLY

AND TO: DEPARTMENT OF LABOR AND INDUSTRIES

AND TO: BOARD OF INDUSTRIAL INSURANCE APPEALS

AND TO: ANASTASIA R. SANDSTROM

JUDr. Dagmar Hanuskova declares as follows:
My name is JUDr. Dagmar Hanuskova, residing in Bratislava, Slovak Republic. I am over the age of 18, competent to declare that I am personally familiar with all the facts and details filed in this lawsuit against Nordstrom Inc., the Board of Industrial Insurance Appeals and Department of Labor and Industries in Seattle Washington by my son Alexander Hanuska PhD. I am a retired Attorney General and a Civil Law Supreme Court judge with 45 years of spotless service (which promoted me after the fall of communism), as one of the only four non- communist party members in the judicial system of the former Czechoslovakia, now Slovak Republic.

1. I am very familiar with my sons disability, his medical diagnoses and the medical fraud Nordstrom's attorneys Gary Donald Keehn and D. Michael Reilley are trying to present to the Washington State Courts (first in his Discrimination lawsuit against his former employer for deliberate ignorance of his reasonable disability accommodation needs in 2005, which was resolved out of court in November of 2007) and now in his still pending Labor and Industries case W-654504 since December of 2002. I am very aware that Gary D. Keehn repeatedly presented false evidence to the courts of judge

Carol J. Molchior, Catherine Shaffer; the Washington State Bar Association with full knowledge by doing so was a fraud. When my son and his entire medical team advised the Washington State Courts of this injustice, Mr. Keehn and judge Molchior repeatedly intimidated my son (and his domestic partner Mr. Joseph R. Haynes) which escalated into his heart attack he had suffered on September 26, 2012, as an outcome of such illegal actions of their hired agent the previous evening.

2. My son was born with cerebral palsy, which cannot have any medical connection to the injuries he sustained on November 13, 2012 during his former employment at Nordstrom Inc. in Seattle Washington, leaving him with a partially paralyzed left arm and digits 3, 4, 5 on his left hand, excruciating pain and permanent acute stress, which put him into permanent Social Security Disability since November 13, 2002. These medical issues cannot be connected to his cerebral palsy which happened "in vitro" prior to his delivery on August 21, 1962. This illness could not repeat itself 40 years later in November 2002. I am also aware that my son's original medical chart (surviving a chain of all his previous medical providers between 1962 to February 24, 2006) suddenly disappeared from the hands of his former primary care physician Mark C. Carlson MD on February 24, 2006 when he met with Mr. Keehn without my son's, his former attorney's knowledge (who was recovering from a cancer surgery in a Seattle hospital). Dr. Carlson after this meeting made a false medical statement to Mr.Keehn that my son's medical benefits for his on the job injury and the employer's liability expired (backtracking the date with another false statement, contradicting all of his previous statements as presented in 2006 to the Board of Industrial Insurance Appeals), blaming all my son's medical problems on his disability which he was born with. This is a medical impossibility, mainly because Dr. Carlson failed to properly diagnose him as a cerebral palsy patient in all those six years he was under his care. The Board entered incorrectly this information as if it had happened on February 24, 2004 and not 2 years later as the statement signed by Dr. Carlson shows until today. My son repeatedly advised the Board and all the judges that this was incorrect and false, but nobody of them wanted to pay any attention to it, or was even willing to listen and Mr. Keehn tried to suppress any document from my son's medical history charts (which only few pages resurfaced from several hospital archives in Slovakia, where he underwent numerous surgeries in his teen years connected to his cerebral palsy), proving that Dr. Carlson's and Mr. Keehn's statements tried to defraud the Washington State Courts by claiming a non-existing diagnoses of my son as the reason for his medical problems in 2002, in order to avoid financial responsibilities for his future permanent medical care and loss of income. Even an employee from Nordstrom Risk Management, who was appalled by such dirty tactics of Mr. Keehn, send to my son's former attorney a copy of an e-mail where Mr. Keehn discloses his

tactics how to discredit my son's medical and financial benefits, knowing that doing so would put him in danger, that his neurological injuries would become permanent.

3. Because of this fraud of Gary Keehn I started to look up for my son as his Legal advisor. Slovakia has a civil law: if the Plaintiff is permanently disabled (which he is since November 13, 2002), I as his parent can be his legal representative and adviser. I am not familiar with Washington State laws and court rules; but I am aware that the basic litigation procedures are very similar, so I had silently participated in all scheduled phone actions of judge Molchior and Mr. Keehn with my son, giving an executive order to have them taped, which is completely legal in Slovakia without disclosing it to my son or anybody else at that time. I've heard judge Molchior's indiscretions of her judicial decorum with Mr. Keehn and Mr. Flygare and how judge Molchior and Mr. Keehn abused my son's rights. I am not sure if she represented her prior connections with "Gary" (as she preferred to call him during official court proceedings in front of my son), or the rules of the power that Washington State gave her as an industrial judge in all her actions after these major unprofessional indiscretions and questionable impartialness. They both claimed them false and immunity towards their actions, but they are in violation of several Washington State laws with no statute of limitations for Mr. Keehn's misconduct under ELC 1.4 and Codes of Judicial Conduct and Rules of Professional Conduct. All of my evidence should be admissible under: RCW 9A.72.010 (1) My son is not claiming any collateral damages from his disability discrimination case (which was resolved out of court in November of 2007), but to recover his reasonable medical and financial benefits for his valid Labor and Industries case (which was not provided in November of 2007); and disability discrimination how judge Molchior and Mr. Keehn treated him during the proceedings in his verified medical absence; how they altered the Board records creating prejudice and fraud in his case. They received fair repeated warnings from his medical team not to do so and they still refused to accommodate his new disability limitations and needs which arose from his August 28,2008 severe injuries, following his so far three emergency surgeries and reasonable recovery. Judge Molchior abused her judicial discretion by removing all of these documents from the official record, pretending and perjuring herself later for the reminder of the case together with Mr. Keehn that they have not received them.

4. Just few, but crucial examples of the validity of his claims: judge Molchior had the cockiness to call Mr. Keehn by his first name as well the court reporter Roger Flygare during official court proceedings, but later altered the Board file, so that no other jurist reading that file would know about it. If I had done that myself, since it was a court recorded teleconference, despite my 45 years of dedicated service I

would be fired on the spot and my objectivity and impartialness as a judge towards the other party would be down the drain. In the same proceedings, when my son tried to disclose to judge Molchior the relevant medical and legal evidence proving that Mr. Keehn was presenting her with faulty evidence and knowledge that doing so was a fraud; judge Molchior literally shut him up and ordered Mr. Flygare to enter it into record as "discussion" instead, so that no other jurist after could again read about the relevant evidence in the official case files my son tried to tell her above over the phone. When my son politely objected to such unprofessional and biased behavior of her, she misconstrued that he hung up on her, which was untrue. If you closely examine the altered "official record" of that teleconference, Mr. Keehn lost the phone connection with judge Molchior as well (how could my son disconnected the signal between Mr. Keehn and the judge from his cell phone in Arizona?). Mr. Keehn was able to redial, since he knew her direct phone number, which she never disclosed to my son. It is not surprising that other medical statements, which confirmed my son's correct diagnoses and would prevent judge Molchior making a favorable ruling for Mr. Keehn, disappeared from the court records after this incident, including the medical statements by Dr. Tripp, Dr. DeWitt on March 5, 2009; attorney Walsh's letter dated March 13, 2009 and the letter mailed to her by neurologist Dr. Anderson MD in April of 2009. The parties do not know that my son used to be a Court reporter between 1980-84 during his summer breaks (he couldn't perform physical work as other students of his age, but was able to type at incredible speed and accuracy) at the Supreme Court in Bratislava and so he does have a proper idea what is legally right and what is legally wrong and the correct independent and impartial behavior of a judge towards any party in a legal case during official court sessions.

5. When my son left for his previously scheduled medical treatment with the court's knowledge, Mr. Keehn submitted to judge Molchior another fraudulent statement, this time from Mr. Blake Nordstrom on July 8, 2008 claiming that he was not aware of my son's medical conditions or status of his recovery since November of 2002, when he met him in person. This sworn statement is another perjury Mr. Keehn presented to the courts, knowing that my son could not oppose it, receiving his medical treatment in Europe. Under perjury of law I declare that my husband called Mr. Blake Nordstrom in October of 2007 confronting him about his false promises to take care of my son's health, benefits and lost income. Mr. Nordstrom used the f- k and the s-t words and slammed the phone down. My husband called for the second time and then Mr. Nordstrom ordered his attorney D. Michael Reilley to give my son a small check for his medical treatment (this never became a part of the settlement of 2007) when moving from Washington State to Arizona State in 2007 after his discrimination case was resolved. Mr. Nordstrom knew from my husband (and from

his own attorneys who received the relevant medical evidence during recorded depositions of my son and his medical witnesses in August and September of 2007) that my son was forever not employable in October of 2007, because of the injuries be sustained during his employment on November 13, 2012; not his cerebral palsy he was born with and worked from the age of 11 through November 13, 2002; and Nordstrom's repeated refusal to pay and/or allow medical treatment under his L&I claim; but allowed Mr. Keehn to file a fraudulent closure of his L&I case, contradicting his own actions in November of 2007. This was presented by Mr. Keehn to the courts, conveniently in my son's court verified medical absence, so that he could not oppose it. He had not seen this false statement until Mr.Threedy had sent him a notarized copy of the Board's file (as prepared by Deidre Matthews) in May of 2010; 8 months after judge Molchior dismissed the case based on their own additional false statements and perjuries in the hearing of June 17, 2009, hold in verified medical absence of my son, recovering in cast from his complicated surgeries, under the influence of controlled substances such as Percocet, legally declared by the hospital as medically incompetent and unable to make any decisions, relishing Mr. Joseph R. Haynes (his domestic partner) with a Power of Attorney, which judge Molchior ignored and considered this an ideal condition to force my son to represent himself as a "pro se" attorney two days in row, scheduled for 7 hours each over the phone (!) from his bed in Arizona. How could he done that by not being even able to move in his bed? How could he examine witnesses and evidence to be presented by Mr. Keehn in a Seattle court room over the phone? No judge in this case seems to consider that my son was primarily a "pro se" attorney and only secondarily "a witness". All of them (including the last wrongly adjudicating judge Shaffer) talk about his phoned testimony, but the two days hearings scheduled in Seattle were not limited to a 10 minute phoned testimony by him as a witness at all. Remember please, that the hearings were scheduled for 7 hours each for two days, with numerous witnesses appearing for the Defendant on the stand. How could my son observe the reaction of the witnesses on the stand or reactions of the court and of the judge, or to examine any physical evidence which was to be presented in a Seattle court room from his bed in Mesa Arizona, by not being able to leave on his own to his toilette? In such medical condition, he couldn't perform the duties as his own attorney over the phone drugged with high doses of Percocet. The court and the Board again also forgot to properly serve him on any of these legal documents through Mr. Haynes, as per his valid power of attorney (the CR 4(a)(1) and 11(a) does not apply on a Board level for Mr. Haynes) . The Board, judge Molchior and Mr. Keehn had three months advanced notices from my son's doctors and his former attorney, that such medical situation was scheduled to occur, but they ignored it, altered the record, perjured themselves pretending not to know. Judge Molchior

should considered that such medical conditions would not allow him to appear, but since March 6, 2009 she already made her biased mind favorable to her friend Gary; *(Board Record of the Hearing on March 6, 2009 as recorded by Roger Flygare)* ***Judge Molchior: "So if the reason that he wants a continuance so that he (meaning Dr. Tripp) can participate and help in arguing the motion that's not going to happen. By the same token, Doctor Tripp, I have no idea why he thinks he is involved in this motion or the hearing on this motion".*** and despite being previously ordered by her superior on September 4, 2008, judge Lynn Hendrickson, not to ignore the Plaintiff's ability to appear in court and to postpone any action until he is medically cleared by his team of medical experts: ***"you will receive communications on his behalf such as this letter until he is able to resume his participation in this matter. I trust you will communicate to Mr. Hanuska that the matter has been postponed. Hopefully this action will assist in his recovery.... In the interest of limiting further delays in Mr. Hanuska's appeal, I need you to provide this tribunal with an update over his condition and assessment of Mr. Hanuska's ability to participate (either in person or telephonically) in the future proceedings."*** Judge Molchior's action was in direct violation of this still valid order, which until today was not adjudicated by any other jurist differently. Dr. Tripp had just properly followed that order of judge Hendrickson the previous day on March 5, 2009. The letter to judge Molchior said: ***"This patient has a medical condition that requires that the patient not participate in work (This includes "legal work"). The patient may not participate in these activities from today until he is cleared by his surgeon and cardiologist. I have been informed that he is to participate in a hearing to expose him to an "independent" psychological evaluation. This is not the time for such an activity. I will also include the notes of a previous letter of Dr. Dewitt..."*** Judge Shaffer incorrectly adjudicated this situation by claiming that if my son was able to communicate with his attorney Mr. Walsh, he was able to participate. This is incorrect, because my son's communications with his attorney happened earlier and it was his medical situation that has changed beyond March 5, 2009 when he had started tests for his upcoming surgery, became "pro se" (on March 30, 2009) and underwent his urgent second surgery which prevented him to participate. Mr. Walsh advised the Courts on March 13, 2009 that he was medically precluded to represent himself on June 16 and 17, 2009 and his domestic partner reminded the Courts trough Chief Industrial judge Janet Whitney on May 28, 2009 that his partner was declared by the hospital (where he just underwent his second urgent surgery) medically unable to represent himself. Judge Molchior altered the record by removing these documents, without adjudicating them as required by law, overstepping and abusing her judicial power in violation of the rules of judicial conduct and violating my son's rights identical as In Re Disciplinary Proceedings of Sanai (2009) Washington Supreme Court Docket No. 200 578 1. Judge Shaffer conveniently forgot to address at all why all of these documents are not included in the official Board record, proving that my son notified the courts on repeated occasions with over three months advanced notice, of not

going to be medically able to participate in judge Molchior's case schedule arranged by his former attorney Mr. Walsh without his knowledge and that judge Molchior and Mr. Keehn had received them.

6. It's important to note: Mr. Keehn claims in his trial brief dated August 20, 2011 to the court of judge Shaffer that be bad not seen this letter from Dr. Tripp dated March 5, 2009 until Mr. Haynes re--introduced it into evidence in June of 2009: ***"A little over two weeks before the June 17, 2009 bearing, on June 1, 2009 the Board received a voluminous letter from Mr. Haynes with extensive exhibits"....."The exhibits include documents which appear for the first time in the board record, including a March 5, 2009, letter from Dr.Tripp which states Mr.Hanuska's "medical condition" requires that be does not participate in legal work"*** This written statement from Mr. Keehn is completely false, another of his numerous perjuries in the court of judge Molchior and judge Shaffer, because he participated in the teleconference hearing on March 6, 2009; this letter was faxed to him by no other than judge Molchior herself and where it was discussed by judge Molchior, Mr. Keehn and Mr. Sikes as recorded by Roger Flygare on the Board's Record: ***Judge Molchior: "Well, the letter dated 3/5/09 from Dr.Tripp refers to a team of medical experts currently treating him"..."and I have faxed to the parties, but I am not going to address those now."*** Judge Molchior, Mr. Keehn, Mr. Walsh and Mr. Sikes received those letters. How can Mr. Keehn claim the opposite in the hearing of June of 2009 and in his trial brief to judge Shaffer in August of 2011? This Board Record proves Mr. Keehn's false statements in his trial brief to judge Shaffer, the same perjury he presented to judge Molchior's court on June 17, 2009. He claimed in his defense that the Washington Bar Association dismissed my son's complaint against him in October of 2010, but my son was not aware at that time that the medical statement from Dr. Tripp dated March 5,2009, Dr. DeWitt and Dr. Anderson magically disappeared from the Board Record and Mr. Keehn made sure with his "hand delivery" to Ms. Temple at the WA State Bar, that she would base her findings reading only the severely altered Board Record, knowing in October of 2010 that these letters from March and April of 2009 we're not anymore included in the file he "hand delivered" to her. Judge Molchior, Mr. Keehn, Mr. Threedy and the Board refused to explain since 2010, (the discovery of this fraud, when my son was the first time properly served with the official Board Certified Record of his case, he had not ever seen before) why these were not in the Board Record. How could these statements from my son's medical team to the court of judge Molchior and the Board gone missing, when there is traceable evidence in the recorded teleconference the same day, that judge Molchior received them in the morning of March 6, 2012 through the fax machine in her own court chambers, faxing them also to Mr. Keehn and Mr. Walsh, but later ignored and removed them without properly adjudicating

them as required by law from the official files, pretending for the reminder of her involvement in this ease with Mr. Keehn that they never received them in March of 2009. If judge Molchior was truly innocent of these accusations, why did she not come forward since 2010, when my son reported this fraud and declared where these statements are after she as the last person in the chain of evidence quoted them in the above mentioned teleconference. She did not make any ruling or official statement that my son and his medical team were lying about his condition, or the conditions themselves, was false or in any way intended to defraud the court. It looks that she decided to defraud him of a fair trial and his civil rights instead. The reason why she remained until today silent is, because if she would now officially come forward she would make her own statements and ruling in January of 2010 a perjury because she stated: ***"This is a hearing of Alexander Hanuska, scheduled to commence at ten a.m. It's now 10.25, and neither Mr. Hanuska nor anyone representing him has called or appear today."*** This is disproved also by the statement of his former attorney James Walsh, faxed to the same machine in her own court chambers on March 13, 2009: ***"I have sent my notice of Intent to Withdraw to the parties in this matter. Mr. Hanuska has acknowledged my Notice of intent to Withdraw. Mr. Hanuska has asked that I inform the Court and the employer that due to medical condition beyond his control, he has not been cleared by his medical team as of this date to testify in his bearings scheduled for June 16th and 17th, 2009.Mr. Hanuska asked me to inform the Court and the parties that a safer date for his bearings would be in August, 2009 or September, 2009. Please move the bearing dates per Mr.Hanuska's request."*** Judge Molchior again had not made any ruling on this one either, not even acknowledging that she received it, or declaring that it was a false statement. By not properly adjudicating all of the above mentioned evidence with the exception "I am not going to address those now" did not give her the authority to simply discard them from the official Board Record and her own future statements pretending that she had not received them are confirming that she should have considered the constitutionality of forcing my son to choose between preserving his health and preserving his legal rights. By doing so she chose to violate my son's rights and compromise the basic rules of a proper conduct of a judge and the previously quoted ruling in Re Disciplinary Proceedings of Sanai (2009) Washington Supreme Court Docket No. 200 578 1.

7. It is outrageous that Mr. Keehn claimed in his further perjuries in the court of judge Shaffer three years later stating again that he never seen them until June of 2009 and that my son was abusing the system. No, my son was trying to save his health and severely injured right leg, which otherwise had to be amputated and he would not be ever able to walk ever again on a prosthetic leg due to his different gait and walking pattern, because of his cerebral palsy. Mr. Keehn and judge Molchior altered the official file by removing these medical statements from his Court appointed primary care physician of record, Warren Tripp MD, Diane DeWitt PhD,

his former attorney James Walsh and neurologist Troy G. Anderson MD beyond March 6, 2009. All these legally authorized individuals had repeatedly notified them, that my son was medically unable to participate in any court proceeding until he had recovered from his injury and his following urgent surgeries.

a) Medical Statement from Warren H. Tripp MD dated February 24, 2009:

"Basically I agree with the opinion that the patient should have a change of the current judge Carol J. Molchior that is presiding the patient's case. The patient has had multiple medical problems in the past several months that seem to be passed over by the current judge in this case. He would benefit from having a judge to his case that may have more understanding of medical problems associated with the patient and is more open-minded to the medical problems associated with this case. The patient's current medical problems put him at a disadvantage, especially when they are being used against him. This does not put them in a position where he can be judged fairly or present his case with his attorney. If he is suffering or is in great pain, he will not be able to make decisions that would be as accurate as if he was in fair health." [Emphasis added] To me, it appears that the patient's health condition is being used against him. I also feel that it is not fair for me to be asked to be present for a phone conference at a time when I have multiple patients scheduled. Repeatedly, I have notified the patient and the judge that I would not be available for a phone conference, reliably, during patients' office visit hours, Monday through Thursday. I have notified the patient and the judge I would be available Friday afternoons ... I have been also asked to be present for a phone conference with very little warning, with notices arriving two days before. This is not possible and appears biased." b) The second fax was letter from Diane DeWitt PhD, the Plaintiff's Forensic Psychologist (the letter was dated February 26, 2009): "I am a board certified vocational and counseling psychologist. I am also a board certified forensic vocational expert. I am a Washington state licensed psychologist. In part of my over 28 years of practice, I have completed an estimated 1,000 evaluations most of which were forensic in nature and included assessment of harmful employment-related events. I have appeared in 70 trials and hearings, including before the B.I.I.A. I met Mr. Hanuska in December 2006 when I was asked by his attorney to assess the impact of workplace events on his physical health, mental health, relationships, and vocational prospects. He was an employee of Nordstrom in Seattle. I completed an evaluation and wrote a report. I was then deposed in August 2007. In November 2007, I had a follow up in-person contact, essentially a debriefing, with Mr. Hanuska just prior to his moving to Arizona. He has remained in contact with me through periodic updates sent by email. Therefore, I am familiar with what he has been experiencing in Arizona with regard to his healthcare. I know about his struggle to become medically stable to arrive at an improved level of daily functioning. In my professional opinion, I would highly recommend that all parties, including the hearing judge, grant Mr. Hanuska the benefit of doubt. Allow him to work with his physicians at the best pace he can sustain, get well first, and then proceed with the open and pending legal processes. If fresh eyes would help, I recommend the case be transferred to another judge. But to keep sending demands requiring rapid responses while he is still medically unstable and emotionally vulnerable is unnecessary and will create a backlash. I also recommend that some respect be granted to his treatment team by accommodating their schedules and talking with them when they are actually available. This is a common professional courtesy." c) The third fax was a medical statement from Warren H. Tripp MD (the Board Certified Medical representative of my son) updating judge Molchior on Plaintiff's medical incapability to participate in future legal proceedings due to a second upcoming surgery and cardiologic issues discovered before his first surgery: ***"This patient has a medical condition that requires that the***

patient not participate in work (This includes "legal work"). The patient may not participate in these activities from today until he is cleared by his surgeon and cardiologist. I have been informed that he is to participate in a hearing to expose him to an "independent" psychological evaluation. This is not the time for such an activity. I will also include the notes of a previous letter of Dr. Dewitt, if permitted by her." Judge Molchior acknowledged receiving all of these three faxed letters in a phone call the following morning of March 6, 2009 to my son's attorney Mr. Walsh, who informed him through e-mail (e-mailed also to his medical team): *"Dear Alex, the Judge has agreed to set the matter over until Friday, March 13, 2009 at 10:30 am. The Judge called and advised that she was in receipt of 3 letters transmitted to her by Dr. Tripp. Two are statements by Dr. Tripp dated February 24, 2009 and March 5, 2009 respectively and one is a statement by Dr. DeWitt dated February 26, 2009. Two of the letters seek to have a different judge assigned to the case."*

8. Mr. Keehn also received through my son's former attorney Mr. Walsh in March of 2009 a signed release giving Mr.Keehn full access to his medical chart and to his entire medical team, which he chose not to use and miss-constructed against my son in the hearing of June 17, 2009 where Mr. Keehn made a fraudulent statement to judge Molchior on June 17, 2009: *"Clearly, by this time Dr.Hanuska had time to identify those doctors. He had time to send us Dr. Tripp's records; provide records from the other medical providers that he was seeing. That's - we have not received Dr.Tripp's file. We've not received identification of these other medical providers in Arizona who are willing to testily. He had time to send us Dr.Tripp's records; provide records from the other medical providers that he was seeing. That's-we have not received Dr. Tripp's file. We've not received identification of these other medical providers"* Only 16 months later, 9 months after judge Molchior issued her dismissal based on this fraudulent statements he claimed a very different story completely contradicting himself to the WA State Bar Association: *"As to securing records from Future Family Medicine, did receive a release for records from Mr. Walsh's office. On March 9, I sent Future Family Medicine a letter addressed to Dr. Warren Tripp MD, furnishing him with a release and asking for a copy of the records. Shortly thereafter, without warning Mr. Walsh withdrew. Once he withdrew, I did not feel comfortable utilizing the release l received from his office."* Mr. Keehn had never informed my son, the Board, the judge or the my son's medical team, or Mr. Haynes, that he chose not to use the signed medical release, because he falsely misrepresented to the court on June of 2009 that my son had not produced his medical file, which was a fraudulent statement. Had he said "I received from the Plaintiff's attorney a signed medical release in March of 2009 granting me unlimited access to his medical files and providers, but I chose not to use it after his attorney Mr. Walsh resigned" he could not continue by claiming that my son had not produced his medical records or had not identified his medical providers. What a legal coincidence that he also "forgot" to enter them into the Board Record so that no other jurist reading the Board Record later could find it. This was deliberate fraud on Mr. Keehn's behalf which negatively created prejudice towards

my son and judge Molchior by dismissing his case on such fraudulent grounds. Judge Molchior and Mr.Keehn forced him to choose between preserving his health, following the reasonable advice of his medical team, or to follow the case schedule of judge Molchior, which was violating his legal rights with catastrophic consequences to his already very fragile health at the time. They repeatedly and deliberately ignored the reasonable disability accommodation needs after his new injuries of August 28, 2008. It is illegal under state and federal laws to refuse to accommodate such disability needs and it is even more troubling when such abuse is done by an industrial judge, whose previous actions discredited her as a biased jurist in this case. When this was repeatedly reported to the Board and to the courts, they ignored my son's and his medical team's pleas for patience to give his fragile health the priority to recover first. Judge Molchior instead completely removed Dr. Tripp and my son's medical team from any further communications, as retaliation for their criticism of the biased illegal actions of judge Molchior and Mr. Keehn in this case, with the exception of judge Molchior's dismissal in January of 2010. But I, my husband, Mr. Haynes, my son's entire medical team had seen and heard over the years what was really going on and **we ALL will not be silent anymore**. Let's see how the Defendants want to disprove each paragraph of my statement without committing further perjuries. Over eleven years by now, we had paid together with my husband thousands of dollars out of our pockets from our retirement savings for our son's medical needs not covered under Medicare, because he is in no financial condition to do so on 735 dollars of his Social Security Disability and 118 dollars of food stamps per months, which is now his only income. The Defendants deliberately tried to suppress evidence such as his medical history chart since 2006 (the one that magically disappeared on February 24, 2006), when Mr. Keehn together with Dr. Carlson realized that my son was a victim of cerebral palsy and not polio. They deliberately tried to defraud the courts and my son's reasonable benefits, in their incorrect medical opinions from November 13, 2002 to February 24, 2006. Dr. Diane DeWitt wrote on July 5, 2012 in her sworn statement (see Exhibit No.4): ***"I look an active role in correctly naming the condition with which Alexander Hanuska was born, cerebral palsy. That resulted in the record being corrected with him and his attorneys. My report fully described how I reached that conclusion. I am aware that the opposing attorney (meaning D. Michael Reilley) was still sorting out this issue at the time of my August 2007 deposition. I was after the fact aware that the pending 2006 and 2007 legal matter was "settled" prior to trial shortly after my deposition but before my scheduled trial appearance was cancelled."*** Troy G. Anderson (my son's neurologist) wrote on September 20, 2012:" ***He has a disabling neurological condition which makes him a candidate for disability benefits as an outcome of his industrial injury at work on November 14, 2002. I do fully support his claim and had written a letter almost three years ago for his support....there have been some missing information in his legal file, including my own letter noted above... I agree with his other medical providers and***

recommend the legal system to full support my patient and to give him an opportunity to defend his case when he is medically stable enough to do so." (see Exhibit No.6). It was cheaper for the Defendants to suppress the correct medical evidence, because it opens another legal question : if they realized having the incorrect diagnoses only on February 24, 2006, they had no reason to refuse and delay medical treatment for my son's on the job injuries of November 13, 2002 to present. Why had they not opposed the ruling of judge Canova in November of 2005, if they are so convinced that my son had not suffered such injury? The altered Board records shows that Mr. Keehn made all of his major legal moves always without my son's attorney of record being present (recovering from cancer), or during my son's surgeries and recoveries from his injury (caused by the lies of Mr. Keehn and judge Molchior), conveniently again in his verified medical absence. Their refusal of the reasonable accommodations of his disability needs, his medical and financial benefits for his Industrial injuries of November 13, 2002 (by their own choice) made my son permanently unemployable for the rest of his life; their use of poor judgment of tactics (in violations of CRC and RPC) to receive favorable rulings for presenting fraudulent medical, legal and factual evidence and suppressing relevant evidence which disproves their fraud, intimidating and retaliating against my son, his partner mentally and financially; his medical team for telling the truth, almost causing his death. Be aware, that if any of the Defendants makes another adverse move towards my son or Mr. Haynes, or interferes with his current recovery and upcoming surgery, or tries to eliminate any of the submitted evidence correctly incriminating judge Molchior, Mr. Keehn, Mr. Wright, Mr. Reilly, Ms. Morse or Mr. Johnson, I will deliver all the paper and audio evidence (which is in my personal safe in Slovakia) to the medias and post them on the world wide web. How will people around the world respond to titles as "An industrial judge abusing a severely disabled and injured employee" or "Blake Nordstrom giving false statements to the Courts". This Court should finally investigate why my son's official Board Record was deliberately altered and manipulated by judge Carol J. Molchior and Gary Donald Keehn in my son's verified medical absence and why the Board of Industrial Insurance Appeals and judge Catherine Shaffer refused to proceed with a proper investigation (this means reading all the files submitted by my son, or his former attorneys since 2003) to answer all questions of this Appeal. ***It would be very wise for the Defendants to strongly consider withdrawing contest in this case after eleven years of hell for my son (medically and financially), settling it out of court very fast, before his Arizona attorney files a claim for infliction of a serious, intentional injury of September 26, 2012, repeatedly violating his medical disability needs by the individuals mentioned above.***

STATE OF ARIZONA
COUNTY OF

Bratislava, May 1, 2013

JUDr. Dagmar HANUSKOVA

This instrument was acknowledged before me this 1 day of May, 2013, by JUDr. DAGMAR HANUSKOVA.

In witness whereof I hereunto set my hand and official seal.

NOTARY PUBLIC

SWORN STATEMENT OF JUDr. Dagmar Hanuskova

ERIK LINDQUIST
Notary Public - Arizona
Maricopa County
My Comm. Expires Sep 2, 2016

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION I

ALEXANDER HANUSKA PhD. Plaintiff, v. DEPARTMENT OF LABOR & INDUSTRIES, BOARD OF INDUSTRIAL INSURANCE APPEALS; and NORDSTROMS Defendants.	)	**CASE NO.:** 68602-0 **SWORN STATEMENT OF JOSEPH RUSSELL HAYNES**

TO: COURT CLERK OF THE APPELATE COURT DIVISION I

AND TO: KING COUNTY SUPERIOR COURT CLERK

AND TO: LAURA THERESE MORSE AND D. MICHAEL REILLY

AND TO: DEPARTMENT OF LABOR AND INDUSTRIES

AND TO: BOARD OF INDUSTRIAL INSURANCE APPEALS

AND TO: OFFICE OF THE ATTORNEY GENERAL

Joseph Russell Haynes declares as follows:
My name is Joseph Russell Haynes, residing in Mesa Arizona. I am over the age of 18 and fully competent to declare that I am personally very familiar with all the legal facts and details filed in this lawsuit against Nordstrom Inc., the Department of Labor and Industries and the Board of Industrial Insurance Appeals in Seattle Washington by my domestic partner Alexander Hanuska PhD.

1. My partner is currently in very poor health and legally not allowed to represent himself in any court of law because of his injuries he suffered during his former employment at Nordstrom Inc. in Seattle Washington on November 13, 2002 and his injuries from the accidents on August 28, 2008 and September 25, 2012 which occurred in Mesa, Arizona, as an outcome from his court verified diagnoses of acute stress, cerebral palsy and as a reaction to the discriminative

actions against my partner, favoritism towards Gary D. Keehn by judge Carol J. Molchior, fraudulent statements of the Defendant's. He fell out of his wheelchair severely injuring his right foot and underwent so far three very complicated surgeries in order to save his injured leg, because of his preborn diagnosis of cerebral palsy he cannot receive a knee replacement. Since these injuries his blood pressure is at critical levels from the pain he has to endure, he is also suffering from Barrett's esophagus syndrome which is preventing him to use pain killers on a daily base. For these reasons he has a small service animal since 2004. His medical team is currently not allowing him to perform any legal work, because there is a very high risk of another cardio episode, or stroke which may paralyze him completely. Judge Molchior, Mr. Keehn, Mr. Wright, Mr. Reilley, Ms. Morse and Mr. Johnson deliberately ignored these restrictions and intimidated my partner and me in the past summer of 2012 as a retaliation for telling the truth about the fraudulent actions of judge Molchior and Mr. Keehn effecting his valid case, causing him a heart attack on September 26, 2013 as an outcome of their ignorance to his current medical disability conditions and limitations, ignoring the repeated warnings from his Court appointed Medical representative Warren Tripp MD not to do so between April of 2012 to present (see Exhibits No. 3, 4, 5, 6).

2. I voluntarily stepped in as his care taker, taking care of his entire affairs including signing any kind of documents which he granted me with a Power of Attorney in May and June of 2009 and from January 2010 to present. It is outrageous that the Defendant's attorney made unfounded threats claiming that I am pretending to be his attorney. I've never appeared as his attorney in any court or Board hearing, not even a scheduled teleconference in any of his legal cases. Since 2010 nobody in Seattle claimed that I cannot sign any of his pleadings through his entire process in the Superior Court of judge Catherine Shaffer (the opposing counsel is conveniently calling them "on the Board level" and not the correct Superior Court level). If that would be true, why did judge Shaffer or Mr. Keehn from 2010 through 2012 not oppose any of my signatures? It would invalidate the entire court process of the Appeal at the Superior Court level and judge Shaffer's ruling should be vacated and the case forwarded back to its beginnings, since she had and Mr. Keehn had the legal duty to tell me than, that it was in violation of CR 4(a)(1) and 11(a), but does not fall under RCW 2.48.180, because I have a valid Power of Attorney which allows me to sign any document on territory of any of the U.S. States and I had not ever appeared in any Court or Board action as his attorney. I and my partner had been seriously intimidated by Mr. Wright, claiming that I could go to jail in September of 2012.

3. I am an optician by trade who is helping my very ill partner to speed up any of his legal proceedings by typing his legal correspondence as dictated by his legal adviser (his mother JUDr. Dagmar Hanuskova, retired Attorney General of his native country) and mailing them out, since he is medically unable to leave the house on his own, because the closest post office is few miles away and his electric wheelchair would not make it. I am also employed from 9-5 and doing this on my spare time as a courtesy to him and the courts.

4. I am his domestic partner since 1998 and have the detailed knowledge to declare that I had personally witnessed and heard on repeated occasions the abuse of judge Molchior and Mr. Keehn against my partner's reasonable disability needs, the OUTREGEOUS bantering e-mails and phone calls after his injury of August 28, 2008 and their never ending refusal to accommodate his needs after his medical team repeatedly advised them and the courts, not to do so. Not one Board record is showing that either judge Molchior or Mr. Keehn had made a single effort to speak with me, or any of his medical providers after they faxed their medical opinions on March 5, 2009 to judge Molchior, which she forwarded through her own fax machine to Mr. Keehn. Judge Molchior and Mr. Keehn just continued to harass him during his medical procedures with bantering phone calls, interrupting his preparations and recoveries during/or post his surgeries and bombarding him with legal mail which remained unopened and was returned to them, because he was medically precluded to participate, which they were legally notified and aware of, but decided to ignore. If you look closely at the Board Record of the teleconference between judge Molchior, Mr. Keehn and Mr. Sikes (who was not, as he claimed to the judge, my partner's attorney) on March 6, 2009 (as recorded by the Court Reporter Roger Flygare) which judge Molchior scheduled after receiving and acknowledging the medical statements from his medical team not allowing him any legal work or participation until his fragile health would be stabilized enough to do so. Judge Molchior scheduled the teleconference on a Friday morning, knowing that his court appointed medical representative, Warren H. Tripp MD, could not participate, because he does have scheduled patients. Dr. Tripp and his staff repeatedly complained about judge Molchior's unprofessionalism, interrupting his business and refusing to schedule a fair dialogue on any of the 42 Friday afternoons she was assigned to this case, when he would be able to give her unlimited attention. Instead she literally "brown nosed" her friend "Gary", as she preferred to call him during official court proceedings. It is troubling, and looks like it was done on purpose by her, because

Dr. Tripp notified her just few hours before in the three letters she had received (but pretended through the remainder of her assignment to this case until January of 2010, together with Mr. Keehn, that she never received them): *"To me, it appears that the patient's health condition is being used against him. I also feel that it is not fair for me to be asked to be present for a phone conference at a time when I have multiple patients scheduled. Repeatedly, I have notified the patient and the judge that would not be available for a phone conference, reliably, during patients' office visit hours, Monday through Thursday. I have notified the patient and the judge I would be available Friday afternoons ... I have been also asked to be present for a phone conference with very little warning, with notices arriving two days before. This is not possible and appears biased." (excerpted from letter of Warren Tripp MD to judge Molchior on 2/24/2008)* In the same teleconference she shows prejudice and biasness towards Dr. Tripp and my partner*: Judge Molchior :"So if the reason that he wants a continuance so that he (meaning Dr. Tripp) can participate and help in arguing the motion that's not going to happen. By the same token, Doctor Tripp, I have no idea why he thinks he is involved in this motion or the hearing on this motion", (excerpted from Board Certified Record of the Hearing on March 6, 2009 as recorded by Roger Flygare - page 4 line 26, page 5 line 1 through 6 and Exhibit No. 3)*

5. I do also declare under perjury of law that I had introduced my partner to my former primary physician Mark C. Carlson MD in May of 2000 (who was my physician since 1991 when I moved from California to Washington). We lived in Lynnwood and Dr. Carlson's office was in Mukilteo. Because of my partner's disability I drove him to his medical procedures and remained present in the exam rooms. I was physically present in the room, after I introduced him to Dr. Carlson, when my partner handed to Dr. Carlson his entire medical chart which survived transfers from all his previous physicians in Europe and New York State. I was also present when Dr. Carlson was making written statements in 2006 about my partner's inability to work because of his industrial injuries he sustained on November 13, 2002. I was shocked when I've seen (delivered through US mail) the false and medically incorrect statements of Dr. Carlson of February 24, 2006 claiming that his industrial injury benefits expired and accompanied my partner to investigate, why suddenly the previous 350 pages of his medical history were missing after Mr. Keehn met with Dr. Carlson on February 24, 2006. The clinic was refusing of granting him access to see his own chart (!) and I had to call 911 and with a help of a police officer the clinic then allowed us to peak into his own medical chart and property confirming our fears that indeed all his previous 350

pages of medical history were gone. I am also aware that this was "magically" entered incorrectly into the jurisdictional history sheets as if it happened two years earlier in 2004 and not February 24, 2006 as the Board Records show until today. One would assume, that there would be a reasonable question, why did Dr. Carlson treat my partner for two years more, without telling him that he did not anymore need treatment for his industrial injuries of November 13, 2002 (his psychological and physical injuries of his left arm partial paralyses of digits 3, 4, 5 and excruciating pain) ? I am also aware that my partner tried, repeatedly to all judges, to have this fraudulent record corrected, but they refused to even listen (see Board Certified Record page 429)

6. I am aware that Mr. Keehn had indeed received my partner's medical release to allow him full access to his entire medical chart and to his entire team of providers in March of 2009, because I had to mail it from the post office for him, since he is medically precluded to leave our house on his own. Mr. Keehn did indeed perjured himself in the court hearing of June 17, 2009 (hold in my partner's verified medical absence and inability to appear) where he lied to judge Molchior that my partner had refused to produce such documents and identify any of his medical providers. He had not informed anybody (including me), that he decided not to use the valid medical release giving him an unlimited access to the information he asked for and promptly received. Mr. Keehn also "forgot" to enter it into evidence, claiming in October of 2010 that he "did not feel comfortable". He misconstrued his comfortableness into a fraudulent statement that my partner refused to do what he asked for and had indeed received, putting the legal proof on him, because he did not notify the court, the judge, the Board or me that he decided not to use it. He repeated the same perjury in the court of judge Shaffer in March of 2012. These actions are not covered by immunity allowing any attorney to present any false evidence and to make fraudulent statement with the knowledge that he was deliberately lying to the courts in order to receive a favorable outcome for his clients in this case in my partner's verified medical absence. Mr. Keehn's actions and his repeated perjuries are in violation of RPC 8.4 (c) (d). (see Exhibit No.7)

7. I was also present when my partner e-mailed Mr. Keehn his answers to his Interrogatory Questions and identified his medical witnesses. Mr. Keehn falsely misstated to judge Molchior (in his verified medical absence) that he did not comply, which was again false. On return my partner immediately forwarded to the judge the original July 2008 e-mail which she then personally forwarded to

Mr. Keehn through her own direct e-mail, but refused to correct the false statements of the Board Record (as she conveniently entered in his verified medical absence, because the legal question was not that he did not comply, as she entered it onto the Board record with "Gary" in one of her numerous ex-parte communications.) She also never allowed my partner to speak with her directly, only through her assistant Ms. Barbara Hughes, but had any time for "Gary" when he called her directly on the phone without any witnesses. The Board had not forwarded any of the previously refused mail, also conveniently knowing that my partner's allowed 72 hours window to reply under WA court rules had expired, because he was in Europe receiving urgent medical treatment paid by his parents (because his only Medicare and AHCCCS insurances do not cover such treatment and he is too poor to pay for it out of his pocket, because he receives only 735 dollars per months in his Social Security Disability benefit and 118 dollars in food stamps) and could not defend himself against such frivolous, unfounded and false accusations. Judge Molchior seemed to have a pleasure (or was it a deliberate tactic with "Gary" ?) further compromising my partner and his case in his court verified absence (see Board Certified Record pages 28-31, 468-473, and 426)

8. I am putting all of the Defendants to legal proof to disprove all the above statements of occurrences as outlined against the Defendants in:
The Notice of Appeal (and all of its trial briefs, exhibits and attachments)
The sworn statement of JUDr. Dagmar Hanuskova (see Exhibit No.1)
The sworn statements of Warren H. Tripp MD (see Exhibit No.3)
The sworn statements of Diane W. DeWitt PhD (see Exhibit No.4)
The sworn statement of James Walsh (see Exhibit No.5)
The sworn statement of Troy G. Anderson MD (see Exhibit No.6)
The sworn statement of Joseph Russell Haynes (see Exhibit No.2)

9. Refer please from any further unfounded attacks and intimidations (as in summer of 2012) , which created major backslashes in my partner's complicated medical recovery and from any direct contact as per medical orders, known to all of the Defendants since March 5, 2009, repeatedly putting him in critical danger. Any further unfounded attacks and intimidations that my partner violated the Settlement are false, because by federal and state laws the Department of Labor and Industries, the Board of Industrial Insurance Appeals is his legally designated provider by federal law for his medical and financial benefits in connection to his Industrial injuries he sustained on November 13, 2002. The Defendants own Settlement verbiage allows that the confidentially is not breached, or prevents him

to talk freely to his treatment providers, except that he is not allowed to disclose the terms and amounts of the settlement to them. (So far he had not done so since November 5, 2007.) I am putting the Defendants to proof that this statement is correct. Even the direct telephone action between the parents of my partner with Blake Nordstrom in October of 2007 does not violate it, because neither my partner, nor anybody else, had disclosed any amounts. His mother's action was done outside of the settlement, my partner's, his former attorney's, or even the Defendant's own attorney's knowledge. My partner, I and his attorneys first knew about this action of his mother, as retired Attorney General and his legal adviser, only after it had already occurred and is not mentioned anywhere. Any further false claims of a breach of the settlement of November 5, 2007 may trigger a tectonic wave of actions with public consequences to the Defendants, as outlined in the sworn statement of JUDr. Dagmar Hanuskova (see Exhibit No.1).

10. Any future legal mail has to come addressed to me per US certified mail, no FEDEX, UPS or any messengers knocking on the doors please. The front gate guard was advised about these medical orders and my partner's limitations (remember please that there is no trespassing allowed by the owners of this property and my partner is medically not allowed and able to leave his bed for several months very shortly after his new surgery. Any other than US certified mail left by the doors or on the porch will remain unopened and will be returned to its sender. If any party violates these current medical limitations of my partner's fragile health and orders of his medical team, there will be legal consequences for such violators filed in Arizona court and the medias will be notified as well (in order to prevent the repeat of the very unwise events orchestrated by Mr. Keehn and Mr. Wright on September 25, 2012). Do not expect me to make any replies to mail arriving on Monday in Mesa, Arizona to be back on Friday in Seattle, Washington. I need at least 30 days, because I do have to work from 9-5 Monday through Friday, the Post office hours in Arizona are only 9-5 Monday through Friday and I also have to care for my ill partner constricted to his bed.

11. I agree with the Sworn Statement of JUDr. Dagmar Hanuskova that the Defendants should withdraw their contest of my partner reasonable medical and financial benefits for his employment injuries of November 13, 2002.

Mesa, May 7, 2013 Joseph Russell Haynes

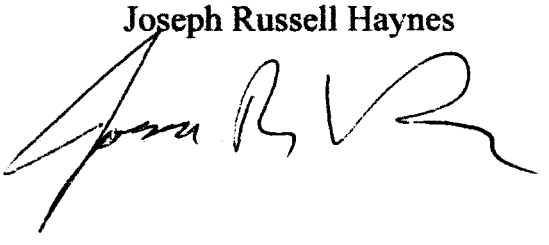


Exhibit No. 3/1
(5 pages)

STATE OF ARIZONA
COUNTY OF Maricopa } ss.

This instrument was acknowledged before me this 27th day of March, 20 12, by Alexander Ivanuskin

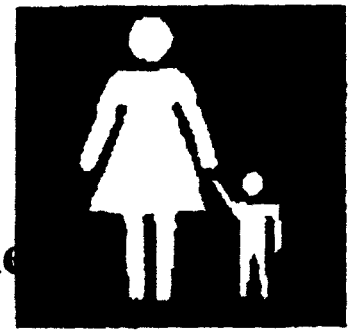
In witness whereof I herewith set my hand and official seal.

NOTARY PUBLIC

AMANDA R FRKLICH
Notary Public - Arizona
Maricopa County
My Comm. Expires Nov 9, 2015

Exhibit No 9/12 S/J

Future Family Medicine PLLC
1140 S. San Jose, suite B
Mesa, AZ 85202
480-833-1859
Fax 480-833-3298



Work Statem

Patient's Name: ALEXANDER HANUSKA

Date : 03/05/09

To Whom It May Concern:

This patient has a medical condition that requires that the patient not participate in work (This includes "legal work') . The patient may not participate in these activities from today until he is cleared by his surgeon, and cardiologist. I have been informed that he is to participate in a hearing to expose him to a "independent" psychological evaluation. This is not the time for such an activity.

I will also include the notes of a previous letter below with the letter of Dr. Dewitt if permitted by her.

If you have any questions, please feel free to contact my office at the number identified above.

Sincerely,

Warren H. Tripp M.D.

STATE OF ARIZONA
COUNTY OF Maricopa } ss.

This instrument was acknowledged before me this 27th day of March, 20 12 by Alexander Hanuska

In witness whereof I herewith set my hand and official seal.

, NOTARY PUBLIC

AMANDA R FRKLICH
Notary Public - Arizona
Maricopa County
My Comm. Expires Nov 9, 2015

Exhibit No ~~4~~ 3/2

STATE OF ARIZONA
COUNTY OF Maricopa } ss.

This instrument was acknowledged before me this 27th day of March, 2012, by Vivienne Hanuska

In witness whereof I herewith set my hand and official seal.

NOTARY PUBLIC

AMANDA R FRKLICH
Notary Public - Arizona
Maricopa County
My Comm. Expires Nov 9, 2015

3/4

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

ALEXANDER HANUSKA PhD Plaintiff v. DEPARTMENT OF LABOR & INDUSTRIES, BOARD OF OF INDUSTRIAL INSURANCE APPEALS AND NORDSTROMS Defendants	**CASE NO.:** **12-2-19753-9 SEA & 10-2-10338-4 SEA & 68602-0** **SWORN STATEMENT** **WARREN H. TRIPP MD**

TO: COURT OF APPEALS, BOARD OF INDUSTRIAL INSURANCE

APPEALS, L.T. MORSE, M.D. REILLY, A. SANDSTROM

My patient Alexander Hanuska PhD has been in very poor health over the past year. He has had several surgeries from which he had not yet sufficiently recovered to be his own attorney and represent himself in any court. Previously I have been asked to write a letter for him confirming his disability from performing these duties in court (whether it be physically present in court or working by phone). I have not changed these restrictions, because he is not well.

However it appears that the attorneys Gary Keehn, Joel F. Wright and Michael O Reilly are repeatedly ignoring these restrictions, knowing that forcing my patient could cause him significant medical harm. As I was informed yesterday night by his domestic partner Joseph Russell Haynes and his mother JUDr. Dagmar Hanuskova (retired Attorney General of former Czechoslovakia) Mr. Wright and Mr. Reilly went too far trying to force my patient to disallowed direct communication sending direct certified mail and a legal messenger banging on his doors for three days in row. Mr. Haynes repeatedly notified all the parties in writing as well, that he does have a valid Power of Attorney for all his legal mail and communications to be directed at him and that may patient may suffer critical medical consequences if my orders will be disregarded. My patient has a weak

3/5

heart with ongoing hypertension from pain and stress. He is unable to take pain killers on a daily base, because he also suffers from Barrett's esophagus and for this reason has a specially trained service dog. Mr. Keehn, Mr. Wright and Mr. Reilly does not seem to care. Now my patient ALEXANDER HANUSKA PhD suffered a heart attack early Tuesday morning on September 25, 2012 and was admitted to the Banner hospital. He could easily died.

ALEXANDER HANUSKA PhD is not able to participate in court related activities at this time until future notice which may take several months, because of the unwise actions of Mr. Keehn, Mr. Wright and Mr. Reilly. He will need clearance from his cardiologist, orthopedic surgeons, and his neurologist to resume physical activities involving court work after complete recovery. Forcing to engaging him into these activities before he is released by his specialists until complete recovery, could compromise his health even further and violates his legal rights for a fair trial, it may even kill him at this point. Therefore, he is continued to be advised not to participate in court related activities including e mail, phoned testimony, any kind of legal mail, or any other work until he is cleared to do so. I hope that this is FINALLY perfectly clear.

As to Mr. Wright's and Mr. Keehn's objections about my previous statements to any of the courts, I have to inform you that all my previous statements to all the courts are genuine and my medical opinions depict the correct medical diagnoses of my patient. I am in possession of these Legal documents, because since September 4, 2008 and the Order of Honorable Judge Lynn Hendrickson, I am my patients Court appointed medical representative. I do respectfully ask the Courts not to strike any of my statements between 2008 through present.

If you have any questions, please feel free to contact my office at the number listed above.

Mesa, September 28, 2012 Warren H. Tripp MD

Warren Tripp MD

SWORN STATEMENT
WARREN H. TRIPP MD

Exhibit No 4/81

[redacted]

February 2nd, 2009

[redacted]

Re: Alexander Hanuska

I am a board certified vocational and counseling psychologist. I am also a board certified [illegible] Fellow [illegible] over 28 years of practice, I have completed an estimated 1,000 evaluations most of which were forensic in nature and included assessment of harmful employment related events. I [illegible]

I met Mr. Hanuska in December 2006 when I was asked by his attorney to assess the impact of workplace events on his physical health, mental health, relationships, and vocational prospects. He was an employee of Nordstrom in Seattle. I completed an evaluation and wrote a report. I was then deposed in August 2007.

In November 2007, I had a follow up in-person contact, essentially a debriefing, with Mr. Hanuska [illegible] Arizona. He has remained in contact with me through periodic updates sent by email. Therefore, I am familiar with what he has been experiencing in Arizona with regard to his healthcare. I know about his struggle to become medically stable to [illegible]

In my professional opinion, I would highly recommend that all parties, including the [illegible] judge, grant Mr. Hanuska the request of [illegible] to work with his physicians at the best pace he can sustain, get well first, and then proceed with the open and pending legal processes. A fresh eyes would help. I recommend the case be transferred to another judge. But to keep sending demands requiring rapid responses while he is still medically unstable and emotionally vulnerable is unnecessary and will [illegible] I also recommend that [illegible] by accommodating their schedules and talking with them when they are actually available. This is a common professional courtesy.

Sincerely Yours,

Diane W. DeWitt, Ph.D.

[redacted]

STATE OF ARIZONA
COUNTY OF Maricopa } ss.

The foregoing instrument was acknowledged before me this 27th day of March, 2012, by Alexander Hanuska

In witness whereof I herewith set my hand and official seal.

NOTARY PUBLIC

AMANDA R FRKLICH
Notary Public - Arizona
Maricopa County
My Comm. Expires Nov 9, 2015

No 15[illegible]
4/12

Regarding: Claim number W-654504 – Alexander Hanuska

4/3

SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

ALEXANDER HANUSKA PhD.	**CASE NO: 10-2-10338 SEA**
Plaintiff.	**SWORN STATEMENT OF DIANE W. DeWITT PhD**
v.	
DEPARTMENT OF LABOR & INDUSTRIES; BOARD OF INDUSTRIAL INSURANCE APPEALS, and NORDSTROMS.	
Defendants	

Diane DeWitt hereby declares as follows:

1. My name is Diane W. DeWitt, and I am over the age of 18 and am competent to testify. I am personally familiar with the facts recited herein. I am a psychologist licensed by

practice in the State of Washington. My office address is 12356 Northup Way, Suite 100, Bellevue, WA 98005, telephone: 425-867-1500.

2. I am board certified in two related specialties: counseling and vocational psychology by the American Board of Professional Psychology and forensic vocational assessment by the American Board of Vocational Experts.

3. My practice is 70% forensic evaluations and/or clinical assessments for a variety of private and public agencies, attorneys, and individuals. I have appeared in trial 89 times in federal and county courts and, with depositions, testified for 455 hours total.

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4. Therefore, because I did not have access the original medical records, I took an active role in correctly naming the condition with which Alexander Hamaska was born, cerebral palsy. That resulted in the record being corrected with him and his attorneys.

5. My report fully described how I reached that conclusion. I am aware that the opposing attorney was still sorting out this issue at the time of my August 2007 deposition.

6. I was after the fact aware that the pending 2006 and 2007 legal matter was "settled" prior to trial shortly after my deposition but before my scheduled trial appearance was cancelled.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct. Signed at Bellevue, Washington on July 5, 2012.

Diane W. DeWitt, Ph.D., [illegible]

TRANSMISSION VERIFICATION REPORT

Exhibit No. 5/1

TIME : 03/12/2009 22:36
NAME : JAMES R WALSH
FAX : 14257789247
TEL : 14257746883
SER.# : 000A8N379402

DATE,TIME	03/12 22:35
FAX NO./NAME	12066256958
DURATION	00:00:21
PAGE(S)	01
RESULT	OK
MODE	STANDARD ECM

LAW OFFICE OF JAMES R. WALSH
Lawyer, Inc.

JAMES R. WALSH
20201 Cedar Valley Rd, Suite 140
P.O. Box 2028
Lynnwood, WA 98036-2028

THADDEUS D. SIKES
PH: (425)774-6883
FX: (425) 778-9247

March 13, 2009

STATE OF ARIZONA
COUNTY OF Maricopa } ss. Via Fax

The foregoing instrument was acknowledged before me this 21st day of March, 20 12, by Alexander Hanuska

In witness whereof I herewith set my hand and official seal.

_____, NOTARY PUBLIC

AMANDA R FRKLICH
Notary Public - Arizona
Maricopa County
My Comm. Expires Nov 9, 2015

Judge Carol Molchior
Board of Industrial Insurance Appeals
83 South King Street, Suite 401
Seattle, WA 98104
FX: (206) 587-5059

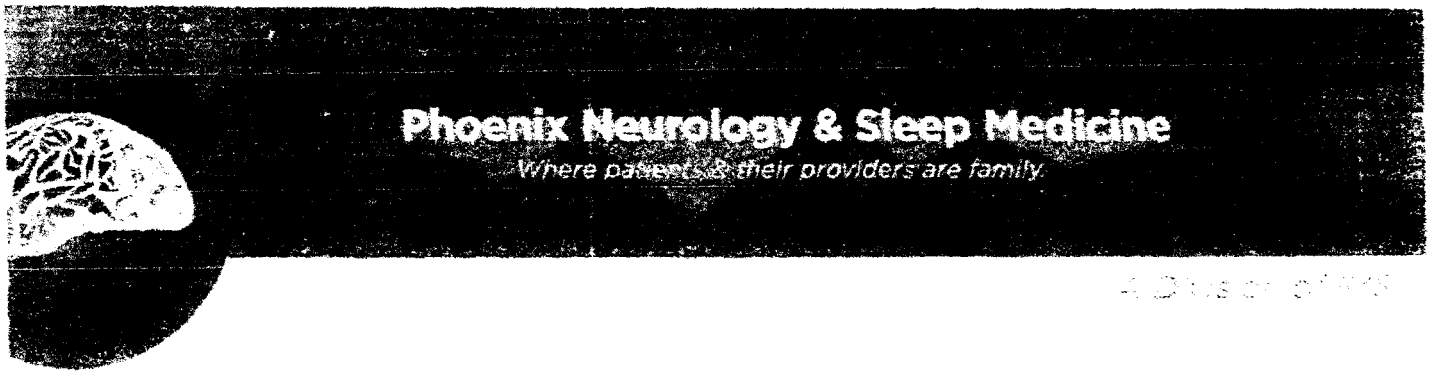
RE: Claimant: ALEXANDER HANUSKA
Claim No: W654504
Docket No: 08 10249

Dear Judge Molchior:

I have sent my Notice of Intent to Withdraw to the parties in this matter. Mr. Hanuska has acknowledged my Notice of Intent to Withdraw. Mr. Hanuska has asked that I inform the Court and the employer that due to medical conditions beyond his control, he has not been cleared by his medical team as of this date to testify in his hearings scheduled for June 16 and 17, 2009. Mr. Hanuska has asked me to inform the Court and the parties that a safer date for his hearing would be in August, 2009 or September, 2009. Please move the hearing dates per Mr. Hanuska's request.

Best Personal Regards,

Exhibit 166



ERIK LINDQUIST
Notary Public - Arizona
Maricopa County
My Comm. Expires Sep 2, 2016

STATE OF ARIZONA }ss.
COUNTY OF

This instrument was acknowledged before me this 4 day of May, 2013, by Alexandra Hanuska

In witness whereof I herewith set my hand and official seal.

NOTARY PUBLIC

Exhibit No. 47
(4 pages)

LAW OFFICE OF JAMES R. WALSH
Lawyer, Inc.

JAMES R. WALSH
20201 Cedar Valley Rd, Suite 140
P.O. Box 2028
Lynnwood, WA 98036-2028

THADDEUS D. SIKES
PH: (425)774-6883
FX: (425) 778-9247

February 20, 2009

Via Mail

Alexander Hanuska
3104 E. Broadway #2
Mesa, AZ 85204

Dear Mr. Hanuska:

Enclosed please find the Stipulation and Authorization for Release of Medical Records. Please sign and return in the self addressed stamped envelope I provided for your convenience. Mr. Keehn can obtain these records by other legal means. For this reason I think it is better to sign the release. If you have any questions regarding this matter please contact our office. Thank you.

Best Personal Regards,

JAMES R. WALSH
ATTORNEY AT LAW

Encl.

No 27B

BY..........................

BEFORE THE BOARD OF INDUSTRIAL INSURANCE APPEALS
STATE OF WASHINGTON

In Re: ALEXANDER [illegible]

Claim No. [illegible]

Docket No. 10 10049

STIPULATION AND AUTHORIZATION FOR RELEASE OF MEDICAL RECORDS

STIPULATION

COME NOW the parties hereto, through their respective counsel, and stipulate that the records custodian of:

Warren H. Tree, MD
Culture Family Medicine
[illegible] S. San Jose, Suite B
Mesa, AZ 85202

is hereby authorized to release a copy of the complete records, including psychiatric, drug, alcohol, and /or sexually transmitted diseases records protected by state or federal regulation AZ CRF, regarding:

Name	Date of Birth	Social Security No.
Alexander [illegible]	6/21/67	100-82-9482

including, but not limited to: all billings, medical records including out-patient records, application or interview forms, chart or office notes, test results, x-rays and reports, [illegible] reports, operative records and notes, progress reports, consult

KEGIN & KUNKLER
[illegible]

No 27/8

notes and [illegible] admission and discharge notes, forms and summaries, [illegible] and any and all other documents with regard to this [illegible].

FOR THE CLAIMANT: [illegible]

By [illegible]
[illegible]
Please provide me a copy: Yes No

FOR THE EMPLOYER:

By [signature]
Gary Keehn, WSBA #7523
Please provide me a copy

AUTHORIZATION

I, [illegible], hereby authorize the records custodian of Warren [illegible] [illegible], MD, to release a copy of my complete records, including discharge summary, history and physical exam records, operative/pathology reports, billing and itemized statements, radiology and laboratory reports, progress notes, psychiatric, drug, alcohol, and/or sexually transmitted diseases records, and any and all other records to attorneys James Walsh and Gary Keehn.

Revocation: I understand that I may revoke this authorization by submitting the revocation request in writing to the above listed medical providers, at any time except to the extent that action has already been taken based on the original authorization, where the provider requires the information to be paid for treatment provided to me, or where the authorization is required as a condition of obtaining insurance coverage and the insurer can contest the policy or a claim under the policy.

Redisclosure Prohibited for Certain Information: Once disclosed, the recipient [illegible] require to maintain the confidentiality of your health [illegible] information. However, if you authorize the disclosure of health information

STIPULATION AND AUTHORIZATION FOR RELEASE OF MEDICAL RECORDS

KEEHN & KUNKLER
Attorneys at Law, P.S.
[illegible]
[illegible]
[illegible]
[illegible]

No 17/84

[illegible] and sexually transmitted disease information, state law prohibits redisclosure [illegible] authorize disclosure of information containing drug or [illegible] information. Redisclosure is prohibited by federal law (42 CFR Part [illegible] understand that I have the following rights: a) To inspect or copy my protected health information, b) To receive a copy of this signed authorization, and c) [illegible] this authorization.

This signature/authorization is null and void 90 days from the date it is signed.

DATED this 26 day of February, 2009, at Yuma, Arizona.

[signature]
[illegible]

AUTHORIZATION AND AUTHORIZATION FOR RELEASE OF MEDICAL RECORDS

[illegible]

Future Family Medicine PLLC
1140 S. [illegible] Suite B
Mesa, AZ [illegible]
480-832-[illegible]
Fax 480-[illegible]

Medical Statement
Patient's Name: ALEXANDER HANUSKA
Date of Birth: [illegible]

Dear [illegible] Judge Hendrickson

[illegible] postponing the hearing for my patient Mr. Alexander [illegible] at present time is current [illegible]
I am a Family Physician in a solo practice in Arizona. Mr Alexander Hanuska moved to Arizona and was seen by me 04/14/2008 for his first visit. One a subsequent physical exam the patient was found to have a [illegible] problems, and he was advised to see a oral surgeon for correction of these problems. The patient has no medical coverage of dental care in the United States, but has a previous citizen of Slovakia the patient could get [illegible] his dental care in the Slovakia. I recommended that he traveled to Slovakia for this since he was provided [illegible] travel to this country. Dental care in Arizona currently is not covered by many insurances including [illegible] which the patient currently has. On his return from Europe, the patient presented in the office 08/26/2008 [illegible] complaints of difficulty walking due to pain in his knee. His examination was consistent with a torn meniscus [illegible] was referred to orthopedic surgery for further management.
He was [illegible] walk and rest in bed until he was to be evaluated by a orthopedic surgeon.

The [illegible] see Dr. R. Richard Maxwell M.D. who had the patient get a MRI of his right knee and a complex [illegible] posterior horn of the medial meniscus was found. The patient is scheduled for surgery in November [illegible] has been undergoing orthopedic directed physical therapy and other treatments in preparation for surgery. [illegible] his needs for ambulation, the patient has been provided with a motorized scooter so that his [illegible] not cause any further damage to his legs. His ability to perform and appear in court is still undetermined [illegible] his estimate of 6 weeks to recover from surgery expected in October has subsequently been delayed [illegible] of his orthopedic surgeon. I continue to address his medical needs including management of medications [illegible] have him medically prepared for surgery.

Concerning the patient's current medical needs he is being sent to see a neurologist for evaluation and treatment of the [illegible] cerebral palsy which has significant impact upon his lower limbs. I believe that the cerebral palsy [illegible] evaluated at the Mayo Clinic here in Scottsdale Arizona, but his insurance, Medicaid, does not cover [illegible] Clinic. Therefore, I will do my best to find a neurologist in the community that specializes in the treatment [illegible] palsy.

Regarding the patient's mental status: the patient continues to have significant mental health related stress. He will need continuation of care for his mental health here in the Phoenix area. I have spoken with his prior psychologist concerning [illegible] his health, and I agree that this patient will need continuation of mental healthcare. I recommend [illegible] a psychologist in the community. However the ability of the patient to see this psychologist may be limited [illegible] current financial situation.

Regarding my representation of Mr. Hanuska. I am honest, but certainly not qualified. My interest is only in seeing [illegible] remains in as good as health that he can. Mr. Hanuska has informed me that he has found a attorney [illegible] his case while he is recovering.

Again [illegible] allowing my patient to safely recover.

Sincerely,

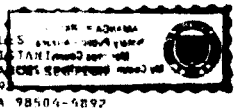
[illegible] MD

CC: Ga[illegible]
[illegible]

NOVEMBER 15, 2002

W654504
ALEXANDER HANUSKA
NORDSTROM INC
INJ: 11/13/02

SINCERELY,



NORMAN VOILES
OFFICE ASSISTANT
SELF INSURANCE
PO BOX 44892
OLYMPIA, WA 98504-4892
(360) 902-6870
FAX #: (360) 902-6900

ATTACHMENT(S) INCLUDED
CRIB: CLAIMANT: ALEXANDER HANUSKA
JAMES R WALSH, ATTORNEY AT LAW,
PO BOX 2028, LYNNWOOD WA, 98036-2028
CC: EMPLOYER: NORDSTROM INC
NORDSTROM TOWER, 1700 SEVENTH AVE STE 1000,
SEATTLE WA, 98111-5865
MISCELLANEOUS: ALEXANDER HANUSKA
3104 E BROADWAY #2, MESA AZ, 85204

represented.

. . . . .

JUDGE MOLCHIOR: On the record.

This is a continued conference in the matter of Alexander Hanuska. It was scheduled so that Doctor Tripp could update us on Mr. Hanuska's condition and ability proceed with his hearing.

It's been several months since Doctor Tripp told us stop communicating with Mr. Hanuska, and basically designated himself as Mr. Hanuska's representative.

Charlotte, what's the status?

OFFICE MANAGER: (INAUDIBLE)

JUDGE MOLCHIOR: We need you to speak up for the court reporter.

OFFICE MANAGER: I'm sorry?

JUDGE MOLCHIOR: I said we need you to speak up for the court reporter.

OFFICE MANAGER: Doctor Tripp did want me to go ahead and re schedule, and also Mr. Hanuska.

JUDGE MOLCHIOR: And why?

OFFICE MANAGER: He does have an attorney that you would need to contact directly.

JUDGE MOLCHIOR: And who is that?

OFFICE MANAGER: I did not get that information from him.

JUDGE MOLCHIOR: Well, he doesn't have an attorney who has appeared for this appeal. So as far as the Board is concerned, Doctor Tripp is still his representative.

AMANDA E FRELICH
Notary Public - Arizona
Maricopa County
My Comm. Expires Mar 6, 2010

STATE OF ARIZONA
COUNTY OF [illegible] ss

The foregoing instrument was acknowledged before me this [illegible] day of [illegible] 20[illegible] by [illegible]

In witness whereof I hereunto set my hand and official seal.

NOTARY PUBLIC

Future Family Medicine PLLC
1140 S. San Jose, suite B
Mesa, AZ 85202
480-833-1659
Fax 480-833-3298

cc: Judge Melchior
83 South King Street, suite 401
Seattle, WA 98104-2848

James R. Walsh
Attorney at Law
PO Box 2028
Lynnwood, WA 98036

Alexander Hanuska

STATE OF ARIZONA
COUNTY OF [illegible] } ss

This instrument was acknowledged before me this [illegible] day of [illegible] 20 [illegible] by [illegible]
In witness whereof I hereunto set my hand and official seal.

NOTARY PUBLIC

NOV 04 2005

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