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 OBJECTION TO DEFENDANT'S MOTION TO STRIKE APPELLANT'S MOTION TO STRIKE DEFENDANT'S PERJURY STATEMENTS OF RECORD BY D.MICHAEL REILLY & LAURA T. MORSE

ALEXANDER HANUSKA PhD

Pro Se Appellant

C/o Joseph Russell Haynes

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

I. INTRODUCTION

Appellant's Objection to Defendant's Motion to strike perjuries 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) to Defendant's reply dated February 20, 2014. Appellant underwent as planned a very complicated surgery on his leg connected to his original injury of August 28, 2008. Appellant repeatedly notified all the Courts in advance in May and June 2013 that this situation was to occur very shortly. He had not fully recovered yet from this major surgery.

II. DISPUTED FACTUAL ISSUES

Appellant's Motion to strike Defendant's perjury Statements of Record by D. Michael Reilly and Laura T.Morse dated January 27, 2014 was not filed on "February 3, 2014" (direct quote of MS .Morse), but according to USPS (tracking # 70122210000094299147) on January 30, 2014. She further claims:" (the Motion) Pursuant to RAP.17.4 (c) would have been due 10 days after it was filed". Ms. Morse seems to deliberately leave out that Defendant uses two different ways to file; e-filing the courts and using only standard US mail service for Appellant. In this case the Appellant's liability starts on the day the Appellant receives it through US mail in his Arizona residence. Because of his injuries, he is exempt from use of his community mail boxes (he does not legally possess a key to box # 2). He had indeed responded in a timely manner (delivering his motion to the Supreme Court on February 30, 2014), 9 days after discovering such

motion during his visit with his court appointed medical representative

Warren H. Tripp MD on February 21, 2014 . Dr. Tripp also supports

his Motion to strike with his Statement: *"Alexander Hanuska PhD is my patient since March of 2008 when moving from Lynnwood, WA to Mesa, AZ. He is disabled from birth and has a pending industrial injury case; so I had read his entire existing medical files from his medical providers, contacted them personally in order to provide my patient with the best possible care of his medical needs. I spoke with Dr. Diane DeWitt and connected him with his specialists (neurologists, orthopedic surgeons, cardiologists, gastro ethnologist). I had also seen the relevant medical and legal documents connected to his industrial injury of November 2002 and his discrimination case which was resolved in November of 2007. My patient until today complied with court demands when medically able and allowed to participate through August of 2008 until he suffered an injury on his left knee, this required so far 4 major surgeries for which: Judge Molchior repeatedly refused to grant continuance; Judge Hendrickson overruled judge Molchior ruling that my patient has to be healthy in order to represent himself; Judge Shaffer granted continuance; The Court of Appeals refused continuance, than modified the ruling several months later still not allowing my patient to recover; judge Molchior, Mr. Johnson and Defendant's attorneys ignored my repeated written warnings that my patient could suffer further medical damage escalating into his heart attack and hospitalization in 9/2013 as an outcome to the illegal intimidation of the opposing parties. I wrote numerous medical statements regarding my patients medical inability to represent himself during preparations to his surgeries and reasonable recovery times after, as well as did so all my colleagues on his medical team. I have to agree with my patient, that the actions of the above mentioned individuals grant separate disability discrimination, causing further pain and damages to his already very fragile health. I had heard from my patient and from my office manager, Ms. Charlotte Begay that several of my statements, as well as hers, disappeared from the official record after being delivered to judge Molchior and Mr. Keehn. Both of them claimed very false different statements on the record when my patient was precluded medically to participate. I have heard my patient's reasonable objections to the bias treatment by judge Molchior, talking with Mr. Keehn on a first name*

motion during his visit with his court appointed medical representative

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basis, cutting my patient off when trying to explain to her that Mr. Keehn submitted a medically false statement from his former physician Mark Carlson MD, which was used for the closure of his benefits. I have heard how she instructed to be entered onto the record as "a discussion" instead; compromising my patient's case. I am also aware that all medical evidence, including the support of his permanent benefits by his neurologist Troy Anderson MD went missing from the record. I have read the sworn statement from Dr. Diane DeWitt informing the courts that the opposing counsels had since September of 2007 full knowledge that their medical assessment as presented to the courts were false (directly addressed to Michael D. Reilly, who represented Nordstrom in the discrimination case). My patient's statements to the Supreme court that he never received from Nordstrom a single medical treatment under his L& I case for the allowed diagnoses is true, despite his attorney's and my patient himself asking for them since December of 2002. My letter to judge Hendrickson from October of 2008 specifies my patient's medical needs which were repeatedly ignored, making his original injury permanent. This is not a case of opinion, but medical facts and my patient's medical history .Mesa, January 21, 2014 Warren H. Tripp MD "

Was the Defendant's mail lost in the holiday rush? Was it left in the community mail box to which Appellant does not have even a key? Was it left in someone else of the 250 plus inhabitants of the Brentwood West community? Appellant does not know any of the answers to these possibilities, since Defendant choose not to use service which can be tracked. Appellant uses since 2003 to present US Certified mail in his entire correspondence with any of the Washington State Courts in the past or present to prevent such mishaps. Defendant's attorneys previously forgot to serve Appellant on the Note of Appearance (see Appellant's Third Objection to faulty mail service dated June 21, 2012: "We *also notified the Appellate Court and the parties that there were major discrepancies of names of parties involved in this case in the Appellate*

Court letters dated May 3, 2012 and June 7, 2012. This was very confusing, we asked the Appellate Court to verify again: a) Is Gary Donald Keehn still representing Nordstrom; if not when did he withdrawn and why did he not serve us on such a document? b) Is Megan Diane Peyton still representing Nordstrom; we had not received either her Notice of Appearance, or withdraw at all? c) Is Laura Therese Morse representing Nordstrom; we had not received her Notice of Appearance? d) is D. Michael Reilly representing Nordstrom; we had not received his Notice of Appearance?" and the Court of Appeals own clerk Mr. Johnson mailing his order to a non- existing address (see Objection to Faulty Mail Service and Relief from sanctions dated May 22, 2012 *"pursuant to RAP Rule 5.4 files an objection and motion for relief without sanctions from the Court Clerk's papers (attached hereto as Exhibit No.1) dated May 3, 2012 delivered to Plaintiff's residence in faulty manner this morning on May 22, 2012 containing a schedule of the case due dates, which were forfeited by the Court clerk's mistake."* (both documents are of Court record).

The original Motion of Appellant dated February 27, 2014 should be allowed to be considered and is 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".*

For further evidence confirming Appellant's truthfulness of facts Appellant challenges the Defendant's counsels D. Michael Reilly and Laura T. Morse to disprove following statement of Appellant and his entire medical team claiming that Appellant from day of his injury on November 13, 2002 through present had not received a single medical treatment under the umbrella of L&I until today paid by Nordstrom Inc. **Please name to the Hon. Judges of the Washington Supreme Court dates of treatment, name of the doctor and the cost for the allowed diagnoses from November 13, 2002 through present as outlined**

in the judgment of Hon. Judge Canova dated November 15, 2005

provided for Appellant's on the job injuries. Remember Ms. DeWitt's PhD. sworn statement (from May 7, 2012 : *" 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 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 (meaning D. Michael Reilly)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.")*(also of court record)

Is this the reason why D. Michael Reilley had not signed any Defendants Motions past November of 2007; or in order not to commit a perjury ; or to further intimidate the Appellant, as he previously and unsuccessfully tried in spring of 2012 ? He is not an Appellate specialized attorney.

Please look at Exhibit No.14 attached to Plaintiff's reply to Defendant's trial brief dated February 27, 2012 and of Court record). After Hon. Judge Greg Canova ruled in Appellant's favor on November 15, 2005 Mr. Keehn made an unethical move behind Appellant's knowledge, or his former attorney, who was recovering from cancer surgery in a hospital:" *From: Haugen, Bob Sent: Wednesday, December 07,20054:07 PMTo: Kral,Janine Cc: Herron, Ilise; Ingersoll, Bonnie Subject: Alexander Hanuska-Decision to Appeal.... " Janine,We discussed this case with Gary last week and it is our opinion that this is not a good case to appeal and our best course of action is to jump in, manage the case and get it settled. Gary's analysis is attached. There are two issues: Was there a traumatic incident and did it occur in the course of employment? Our own IME physician gave the opinion that there was a traumatic incident so it is very unlikely that we could win on this issue. As for course of employment, we would agree with the judge that the parking lot exclusion probably wasn't*

intended for this type of situations and we believe that the Court of Appeals could easily agree that the employee was brought back into the course of employment at the time of the conversation regarding the carpooling. Unless you have any questions or concerns, we are going to advise Gary NOT to file the appeal. The case will be remanded back to the dept. and we will begin working to resolve the claim .Re: Alexander Hanuska Claim No. W-654504Docket No. 03 14846 Dear Ilise: On September 28, Judge Greg Canova reversed the order of the Board of Industrial Insurance Appeals. In so doing, Judge Canova held the claimant sustained a traumatic injury in the course of his employment on November 13, 2002... he Board of Industrial Insurance Appeals also found that Hanuska sustained a traumatic injury on November 13, 2002. ....Further, I would expect the worker attorney to argue this is a subject for the legislature and not the courts. Finally, the worker attorney could argue that the action taken by Ms. Kops at the direction of her supervisor was harassment in light of Hanuska's disability and that even if the Court did create the exception, that Hanuska's situation would not fall within it. I am not optimistic Nordstrom would prevail on this issue....I would expect the worker attorney to argue this is a subject for the legislature and not the courts. Finally, the worker attorney could argue that the action taken by Ms. Kops at the direction of her supervisor was harassment in light of Hanuska's disability and that even if the Court did create the exception, that Hanuska's situation would not fall within it. I am not optimistic Nordstrom would prevail on this issue. When we last talked, you stated you received medical records and that Hanuska is no longer under medical care for the anxiety condition. In light of that, exposure is limited to back time loss, payment of medical bills and a permanent partial impairment for mental health. This is not a pension case. Litigation costs through the Court of Appeals at a minimum is $15,000.00. If we do not prevail, we will have to pay the attorney fees of Mr. Heller. In light of the cost, exposure and chances of prevailing, my recommendation is to accept the claim and put the money that would have been used in the appeal process to limit the employer's exposure on time loss and treatment".

Suddenly Nordstrom's own IME, who verified previously that Appellant had sustained an industrial injury to the courts had a "change of heart"

after being paid by Defendants for another statement, completely contradicting his own credibility, or was it "to limit the employer's exposure on time loss and treatment "as per Gary D. Keehn? Since 2003 Washington's Department of DSHS had paid Appellant's entire very limited medical treatment for the diagnoses allowed by Hon. Judge Canova through December of 2007 when Appellant moved from Lynnwood, WA to Mesa, AZ (see Exhibit No.13 attached to Plaintiff's reply to Defendant's trial brief dated February 27, 2012 - of Court record):

"The complete clinical records of Kevin Morris, Psy.D., a contract psychologist with the Washington State Department of Social and Health Services, have been reviewed. Psychological test data used by these same four practitioners have been analyzed and incorporated into this report. Five collateral sources were interviewed by telephone: they are Cindy Bowers, M.D., a family physician who has become Mr. Hanuska's new primary care physician; Eric Kraus, M.D., a University of Washington consulting neurologist; Cynthia George, M.S., R.P.T., registered physical therapist who treated Mr. Hanuska in 2006; Kevin Morris, Psy.D., who has seen Mr. Hanuska five times for ongoing assessment of eligibility for the Government Assistance – Unemployable (G.A-U.) program; and Daniel Miller, M.A., Alexander Hanuska's psychotherapist since 2006. .... When initially seen by Mr. Miller in 2006, Alexander Hanuska complained of severe sleep disturbance, poor concentration, high anxiety, very low energy level, constant fatigue, and other symptoms of severe and incapacitating depression with anxiety. After one year of treatment he is happier, less anxious, has his sense of humor back, is not so fatigued, and according to Mr. Miller "no longer meets criteria" for the original diagnoses. Therefore, after Alexander Hanuska had access to physical therapy and to psychological treatment, he substantially recovered in one calendar year. Had he been able to begin both kinds of treatment in early 2003, he probably would have been fully recovered later that same year. Thus, by now, he has been unnecessarily incapacitated for over four

years; he has been unable to work throughout the same period of time. He still is not fully recovered.. "

See JUDr. Dagmar Hanuskova's sworn statement dated May 1, 2013

(attached to Motion to Strike Defendants perjuries etc. dated February 27,

2014): 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."

After arrival to Mesa, AZ Appellant realized that similar program named AHCCCS who provides medical services to disabled low income residents in Arizona does not cover such services (dental as well), his court appointed physician W. H. Tripp MD wrote to judge Molchior: (Exhibit No.4/7 attached to Appellant's reply to Defendant's Nordstrom's trial brief dated February 27, 2012 -of Court record): *"Regarding the patient mental status, the patient continues to have significant mental health related stress. He will need continuation of his mental health here in Phoenix area. However the ability of the patient to see this psychologist may be limited by his current financial situation"*

These request were ignored by judge Molchior ,who removed all medical documents, which would not allowed her to rule in favor of Nordstrom and her friendship with the opposing counsel Mr. Keehn who she choose to address on a first name basis during court proceedings, editing, removing and pretending of never receiving medical documents from Appellant's medical team from 2008 through 2009 compromising her own integrity as a biased judge, depended on her private connections to Mr. Keehn, deliberately intimidating Appellant during teleconferences causing his injury in August of 2008 and heart attack in August of 2012. 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 court record, despite being repeatedly presented with relevant medical, legal and factual evidence; majority of which was excerpted from the court record , some was outside of the court record ,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, 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).

III. LEGAL CONCLUSIONS

Mr. Keehn with his unethical actions defrauded Appellant from any medical treatment for his on job injuries of November 13, 2002, which by now made Appellant's injuries permanent. All documents proving that Mr. Keehn, Mr. Reilley and Ms. Morse intend to defraud this Supreme Court with Defendant's liability to provide medical treatment, permanent benefits for his injuries sustained on the job on November 13, 2002 should be allowed. Defendant should also repay Washington State and DSHS and Arizona's AHCCCS for all medical treatments already provided for his on Job Injuries, so that these agencies could reuse those funds to treat another

disabled, but non on the job injury related illnesses. Ms. Morse is incorrect that this case it is not identical with and is not consistent with the Washington Supreme Court findings In Re Disciplinary Proceeding of Sanai (2009), Washington Supreme Court Docket No. 200,578-1, because on June 19, Appellant became medically and legally incapable to represent himself in any court of law; Mr. Johnson, or any other judge of the Court of Appeals Division I, was legally correctly notified by Appellant and his entire medical team that he was medically and legally precluded to comply with his order dated June 21, 2013, (which even remained unopened and was returned on June 27, 2013 after arrival in Arizona), because Appellant had to choose to preserve his life and follow the medical orders of his physicians dated June 19, 2013; or to risk another possible stroke, heart attack, complete paralyses, or to die on the operating table during the long surgery. As per "Sanai" and the Supreme Court:" *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 the Acting Chief Judge to continue the legal proceedings in Appellant's absence beyond June 19, 2013, forcing him to choose between taking the advice of his medical team and protecting his constitutional right to a fair trial."*

The Court did not make any attempt to serve his designated parties in Appellant's verified medical inability to comply and such, the crux of the issue is not that Appellant not comply with the order, but that the Chief Acting Judge was forcing him to choose preserving his left leg and health,

or his legal right for a fair trial. Appellant would like to remind everybody that judge Shaffer (with identical medical statements from Appellant's team) had granted in summer of 2010 a continuance for the same identical surgery on his right leg (18 times artificial fracture with amputation of small bones to be replaced by two screws and wires, which requires a long recovery, (designed by several surgeons in order to save his right leg, because he cannot receive an artificial knee. He would not be able to walk on an artificial limb and both of his legs have to be identical in order for him not to lose his already limited ability to walk. Be aware please, that he is the first individual in the world to undergo such procedure with his pre-existing condition, the Core Institute is planning to publicize such articles worldwide, for this reasons nobody could predicted exact recovery time and his heart attack already derailed his surgery schedule by 13 months, risking that his muscles will be completely atrophic complicating his recoveries even more.) This brings another legal question in Appellant's favor: If judge Shaffer granted continuance for the same medical reasons, why did the Court of Appeals refused to do so after being properly notified that Appellant has to undergo such surgery, as soon as possible he recovered from his heart attack in order to preserve his at least limited ability to walk and not to be permanently in an electric wheelchair? Ms. Morse also pretends hearing for the first time about his surgery only on June 28, 2013; the record proves that Appellant repeatedly correctly notified this Court in advance in May and June 2013, hat this situation was

to occur very shortly. The Courts of Appeals refusal to grant continuance after Appellant's heart attack and his left leg surgery constitutes a deliberate disability discrimination and prejudice to his case. The refusal of the Appellate Court to accommodate the new disability needs and its accommodation in the case schedule, so that Appellant could comply when medically deemed capable, grants Appellant to file a separate discrimination case. The legal fact on which the dismissal of his case dated July 16, 2013, claiming that Appellant did not comply with the Chief Acting Judge's order by July 1, 2013 is in violation of the standards as established per "Sanai" because this Court, including the Chief Acting Judge, this Court's Administrator, Mr. Johnson had detailed medical knowledge from Appellant's medical team (Dr's. Tripp, Dr. Linden, Dr. Jeppesen) that Appellant's any participation in this case seized from June 19, 2013 to November 30, 2013 due to his urgent and extremely complicated surgery and pending recovery in connection to his original injury of August 28, 2008. Dismissal of his case by the Chief Acting Judge on July 16, 2013 based on Appellant's medical condition and inability to comply (with the Acting Chief Judge's full legal knowledge when making this ruling on July 16, 2013) should be voided and null. This Chief Acting Judge's ruling is in violations of the standards as established with the Washington Supreme Court findings In Re Disciplinary Proceeding of Sanai (2009), Washington Supreme Court Docket No. 200,578-1 and allows the Appellant to file a separate legal case in the

Arizona State Courts (as supported by AZ Disability offices and Human Rights), for disability discrimination and repeated, deliberate infliction of severe injuries, pain, suffering and medical costs by ignoring Appellant's current medical disability status as correctly and truthfully described to this Court in numerous warnings and medical statements from his entire medical team, based and state licensed professionals in Arizona State. Appellant does not object to any length of the Hon. Judges of the Supreme Court of Washington State to conclude their decision. He strongly encourages them to take as much time as needed in order to read through hundreds of pages of the relevant medical evidence. The only reason why opposing Counsels are trying to eliminate any medical and legal evidence (this is in complete accordance with the ruling of Hon. Judge Canova in November of 2005), is to cover up Defendant's financial liability and medical benefits to Appellant and to repay the Washington State department of DSHS and Arizona State department of AHCCCES who paid every single medical treatment since November 13, 2002. Appellant's injuries in 12 years of deliberate Defendant's refusal of medical treatment had become permanent, because of Mr. Keehn's unethical actions in February of 2006 as described in his own words: "In light of that, exposure is limited to back time loss, payment of medical bills and a permanent partial impairment for mental health....In light of the cost, exposure and chances of prevailing, my recommendation is to accept the claim and put the money that would have been used in the appeal process to limit the employer's exposure on time loss and treatment".

Dated this 10 day of March 2014 Alexander HANUSKA PhD.

CERTIFICATE OF SERVICE BY MAIL

I certify that on this day I served the attached Notice to the parties of this proceeding and their attorneys or authorized representatives, as listed below. A true copy thereof was delivered to the United States Postal Service, postage prepaid.

SERVICE LIST

SUPREME WASHINGTON STATE COURT/RONALD R. CARPENTER

415 12th AVENUE SW, OLYMPIA, WA 98501-2314

PO BOX 40929, OLYMPIA WA 98504-0929

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800 FIFTH AVENUE # 2000

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DATED: March 10, 2014

Joseph Russell Haynes

Exhibits

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Features:
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Available Actions

DATE & TIME	STATUS OF ITEM	LOCATION
January 30, 2014 , 8:44 am	**Delivered**	**OLYMPIA, WA 98501**
January 30, 2014 , 8:15 am	Sorting Complete	OLYMPIA, WA 98501
January 30, 2014 , 7:07 am	Arrival at Unit	OLYMPIA, WA 98501
January 30, 2014	Depart USPS Sort Facility	FEDERAL WAY, WA 98003
January 29, 2014 , 10:14 pm	Processed through USPS Sort Facility	FEDERAL WAY, WA 98003
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January 29, 2014 , 12:57 am	Processed through USPS Sort Facility	PHOENIX, AZ 85043

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Mesa Sherwood Station

UNITED STATES POSTAL SERVICE

July 14, 2011

Dr. Alexander Hanuska
3104 E. Broadway Rd., Lot 2
Mesa, AZ 85204-1736

Dear Dr. Hanuska:

I am writing in response to your request for a temporary change in the mode of your mail delivery due to your medical restrictions. I received the necessary documentation, including a letter from your doctor, and it has been decided your mail will be delivered to your mail box on the curb.

Please keep in mind the requested change is temporary and service is returned to the centralized delivery when the hardship no longer exists.

Should you have further questions, please feel free to call me (480) 807-4983.

Sincerely,

Simi Sethi
Customer Service Manager
Mesa Sherwood Station
325 S. Lindsay Rd.
Mesa, AZ 85204

325 S. LINDSAY RD
MESA, AZ 85204
PHONE: (480) 807-4983
FAX (480) 396-9836

The worker attorney filed an appeal in the superior court from the Board decision. Judge Canova agreed with the Board's analysis that claimant sustain an industrial injury. According to Judge Canova and the Board in order to determine whether or not the injury is traumatic, one must look at the reaction of the worker and not how a reasonable person might react under the circumstances. There is ample case law and factual evidence to support the Board and Judge Canova's decision that Hanuska sustained an injury.

If we were to appeal, we would have to ask the Court to create an exception in stress injury claims where the stress results from "bona fide and necessary personnel actions undertaken by employers in the normal course of business." See in re: Carol Darmon, BIIA Decision 99 19957. I expect the worker attorney to argue this would be contrary to liberal construction of the Act in favor of the injured worker. Further, I would expect the worker attorney to argue this is a subject for the legislature and not the courts. Finally, the worker attorney could argue that the action taken by Ms. Kops at the direction of her supervisor was harassment in light of Hanuska's disability and that even if the Court did create the exception, that Hanuska's situation would not fall within it. I am not optimistic Nordstrom would prevail on this issue.

The second issue is course of employment. Was Hanuska in the course of his employment at the time of the conversation? It is obvious that Hanuska was not furthering the business interest of his employer and that he was not on the employer's premises. The Board of Appeals agreed. Judge Canova did not. Judge Canova admitted during his oral decision there was no case law directly on point but it was his opinion the parking lot exception as defined in the statute was not meant to apply in this type of situation. He agreed with the plaintiff that when Kops informed Hanuska of the alleged policy of Nordstrom, i.e., can no longer car pool on account of Kops being the team leader, that the conversation brought Hanuska into the course of employment. In other words, the focus was on Kops and not on Hanuska. Our argument is the focus should be on Hanuska and not Kops. I can envision certain situations in which you can be off employer premises and have a conversation which would bring both parties within the scope of their employment. In this case, I agree with the Board that these were two co-workers who were commuting home in a car pool which was a private arrangement. Therefore, Hanuska was not in the course of his employment.

As pointed out previously, there is no case law directly on point in applying the commute/parking lot law to this situation. The Court of Appeals or Supreme Court would be able to make new law. It is impossible for me to say how the Court would rule, but one must remember the law of liberal construction in favor of the worker and recent decisions of the Court which have not been favorable to employers. Nordstrom has a fair chance of prevailing on this issue.

When we last talked, you stated you received medical records and that Hanuska is no longer under medical care for the anxiety condition. In light of that, exposure is limited to back time loss, payment of medical bills and a permanent partial impairment for mental health. This is not a pension case. Litigation costs through the Court of Appeals at a minimum is $15,000.00. If we do not prevail, we will have to pay the attorney fees of Mr. Heller. In light of the cost, exposure and chances of prevailing, my recommendation is to accept the claim and put the money that would have been used in the appeal process to limit the employer's exposure on time loss and treatment.

The judgment was filed on November 14. If we are to file an appeal, we must do so no later than December 12. Although I am going to be in and out of the office, I will make myself available to answer any questions you have in regards to this matter.

Very truly yours,

Gary D. Keehn

Robert N. Haugen
WA Office WC Manager
Tie Line: 8-805-2500
Tie Line Fax: 8-805-2689
Outside Line: 206-303-2500
Outside Fax: 206-303-2689

Herron, Ilise

From: Haugen, Bob
Sent: Wednesday, December 07, 2005 4:07 PM
To: Kral, Janine
Cc: Herron, Ilise; Ingersoll, Bonnie
Subject: Alexander Hanuska-Decision to Appeal

Janine,

We discussed this case with Gary last week and it is our opinion that this is not a good case to appeal and our best course of action is to jump in, manage the case and get it settled.

Gary's analysis is attached. There are two issues: Was there a traumatic incident and did it occur in the course of employment? Our own IME physician gave the opinion that there was a traumatic incident so it is very unlikely that we could win on this issue. As for course of employment, we would agree with the judge that the parking lot exclusion probably wasn't intended for this type of situations and we believe that the Court of Appeals could easily agree that the employee was brought back into the course of employment at the time of the conversation regarding the carpooling.

Unless you have any questions or concerns, we are going to advise Gary NOT to file the appeal. The case will be remanded back to the dept and we will begin working to resolve the claim.

Re: Alexander Hanuska

Claim No. W-654504

Docket No. 03 14846

Dear Ilise:

On September 28, Judge Greg Canova reversed the order of the Board of Industrial Insurance Appeals. In so doing, Judge Canova held the claimant sustained a traumatic injury in the course of his employment on November 13, 2002. The stress injury occurred when Christine Kops told Hanuska that she had been informed by her supervisor that she could no longer carpool with him. According to Ms. Kops, upon hearing this Hanuska became red in the face and visibly upset. According to Hanuska's testimony, he had a difficult time sleeping that evening and ruminated about how he was going to get home when he worked late. The following day, he had a panic attack. Per his family physician, Mark Carlson, M.D., the conversation between Kops and Hanuska triggered an emotional reaction which led to panic attack and an anxiety syndrome.

The Board of Industrial Insurance Appeals also found that Hanuska sustained a traumatic injury on November 13. In so finding, the Board relied upon the case of in re: Robert Hedblum, BIIA Decision 88 2237. Although not cited by the industrial appeals judge, the Board could have relied upon the case of in re: Adeline Thompson, BIIA Decision 90 4743.

The BIIA judge rejected the claim on the basis that at the time the claimant sustained the stress injury he was not in the course of his employment. He was commuting home with Ms. Kops. As pointed out by the industrial appeals judge, there are no Board or appellate cases directly on point. The industrial appeals judge stated: The claimant's attorney asserted an argument that the traumatic event occurred within the course of employment because the communication to Mr. Hanuska came from a member of the management team. Current case law does not support a conclusion that any act of management, especially one that occurs away from the work site while the worker is off duty, entitles a worker the benefits under the Industrial Insurance Act. The undersigned did not find a case directly on point, but there are decisions that provide a basic framework for analyzing the claimant's argument.

Future Family Medicine PLLC
1140 S. San Jose suite B
Mesa, AZ 85202
480-833-1869
Fax 480-833-3293

11 4/7

Medical Statement
Patient's Name: ALEXANDER HANUSKA
Date of 10/31/08

Dear Honorable Judge Hendrickson,

Thank you for postponing the hearing for my patient Mr. Alexander Hanuska. This will have significant impact on his current health.
I am a Family Physician in a solo practice in Arizona. Mr Alexander Hanuska has become my patient since he 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 significant dental problems, and he was advised to see a oral surgeon for correction of these problems. The patient had no medical coverage of dental care in the United States, but has a previous citizen of Slovakia the patient could easily obtain this dental care in the Slovakia. I recommended that he traveled to Slovakia for this since he was provided a means to travel to this country. Dental care in Arizona currently is not covered by many insurances including Medicaid which the patient currently has. On his return from Europe, the patient presented in the office 08/26/2008 with complaints of difficulty walking due to pain in his knee. His examination was consistent with a torn meniscus and he was referred to orthopedic surgery for further management.
He was advised not to walk and rest in bed until he was to be evaluated by a orthopedic surgeon.

The patient was referred to see Dr. R. Richard Maxwell M.D. who had the patient get a MRI of his right knee and a complete tear of the posterior horn of the medial meniscus was found. The patient is scheduled for surgery in November 20th and has been undergoing orthopedic directed physical therapy and other treatments in preparation for surgery. To assist with his needs for ambulation, the patient has been provided with a motorized scooter so that his cerebral palsy does not cause any further damage to his legs. His ability to perform and appear in court is still unchanged. His previous estimate of 6 weeks to recover from surgery expected in October has subsequently been delayed under direction of his orthopedic surgeon. I continue to address his medical needs including management of medications and will 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 spasticity from his cerebral palsy, which has significant impact upon his lower limbs. I believe that the cerebral palsy would be best evaluated at the Mayo Clinic here in Scottsdale Arizona, but his insurance, Medicaid, does not contract with the Mayo Clinic. Therefore, I will do my best to find a neurologist in the community that specializes in the treatment of cerebral 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 this aspect of his health, and I agree that this patient will need continuation of mental healthcare. I recommended to him a psychologist in the community. However the ability of the patient to see this psychologist may be limited by his current financial situation.

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

Again, thank you for allowing my patient to safely recover.

Sincerely,

Warren H. Tripp M.D.

CC: Gary D. Keehn, Atty
Keehn Kuhker, PLLC
1218 3rd Ave # 1800
Seattle, WA 98101

unable to work at gainful employment, due to the hostile work environment related to his disability or national origin?

7. In your professional opinion, on a more-probable-than-not basis with a reasonable degree of professional certainty, what is Alexander Hanuska's prognosis for returning to full-time employment?

8. In your professional opinion, on a more-probable-than-not basis with a reasonable degree of professional certainty, what, if any, future medical/psychological treatment does Mr. Hanuska require to repair any psychological injury he might have suffered as a result of the incidents he experienced as a Nordstrom employee? Please estimate the cost of treatment.

For answers to all these questions turn to pages 39 to 42.

PROCEDURES:

An examination meeting two hours in duration was completed with Alexander Hanuska on December 4, 2006. Immediately after the interview, Mr. Hanuska completed two brief screening tests that measure anxiety and depression. These tests were the Beck Depression Inventory (BDI), the Beck Anxiety Inventory (BAI). He completed a third test, the Millon Behavioral Health Inventory (MBHI), on January 4, 2007. Follow-up telephone contact was employed to obtain additional background facts.

Three psychiatric evaluations about Alexander Hanuska completed by Ronald Early, Ph.D., M.D., Douglas Robinson, M.D., and Dr. John Hamm M.D., have been reviewed. The complete clinical records of Kevin Morris, Psy.D., a contract psychologist with the Washington State Department of Social and Health Services, have been reviewed. Psychological test data used by these same four practitioners have been analyzed and incorporated into this report. Five collateral sources were interviewed by telephone: they are Cindy Bowers, M.D., a family physician who has become Mr. Hanuska's new primary care physician; Eric Kraus, M.D., a University of Washington consulting neurologist; Cynthia George, M.S., R.P.T., registered physical therapist who treated Mr. Hanuska in 2006; Kevin Morris, Psy.D., who has seen Mr. Hanuska five times for ongoing assessment of eligibility for the Government Assistance – Unemployable (G.A-U.) program; and Daniel Miller,

M.A., Alexander Hanuska's psychotherapist since 2006. A report by Joseph Robin, M.D., Kirkland neurologist, was reviewed.

The file information is kept in two separate three-ring binders. Records and documents from other sources are kept separate from the working file containing notes and other items generated as a part of the evaluation work product. The two binders hold a total of 467 pages with the following contents:

Evaluation Binder – 127 pages

1. Application, intake form, statements, and time sheets – 14 pages.
2. Handwritten notes – 43 pages.
3. Resume and Photograph of Mr. Hanuska – 4 pages.
4. Test answer sheets, score sheets, and summary – 13 pages.
5. Releases for information – 16 pages.
6. Division of Disability Services items – 4 pages.
7. Correspondence with Attorney – 2 pages.
8. Copy of this report – 43 pages.
9. Copy of March 30, 2007, declaration – 5 pages.

Document Binder – 341 pages

1. Dr. John E. Hamm's report – 12 pages.
2. Transcription of Mr. Hanuska's interview by Dr. Hamm – 49 pages.
3. Millon Clinical Multiaxial Inventory from Dr. Hamm – 9 pages.
4. Dr. Ronald G. Early's report – 10 pages.
5. Work information and medications lists from Mr. Hanuska – 12 pages.
6. Patient history by Mr. Hanuska for Dr. Kevin Morris – 28 pages.
7. Dr. Kevin N. Morris's records – 64 pages.
8. Dr. Joseph J. Robin's report – 18 pages.
9. Dr. Mark Carlson's deposition (pp. 6, 9, 10, 13 -15, 27- 30, 40) – 11 pages.
10. DSHS and Compass Health diagnostic and treatment information – 48 pages.
10. Everett Clinic walk-in clinic summary by Dr. Cindy Bowers – 3 pages.
11. Dr. Douglas Robinson's report and test data – 40 pages.

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&l 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