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Supreme Court Case No. 97057-2
Court of Appeals No. 50997-1-II
Kitsap County Superior Court No. 17-2-00146-7

SUPREME COURT OF THE STATE OF WASHINGTON

JOHN SCANNELL, *petitioner*

v.

GIORGIY BULKHAK, *respondent*

**ON APPEAL FROM KITSAP COUNTY SUPERIOR COURT
STATE OF WASHINGTON**

MOTION TO ALLOW AMICUS BRIEF

Jonathan Grindell
7152 34th Ave SW,
Seattle WA. 98337

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MOTION TO ALLOW AMICUS CURIAE BRIEF

COMES NOW Jonathan Grindell, General Counsel of Marathon Funding Services Inc., representing Marathon Funding Services Inc., Robert Crawford, Sophia Bagnaschi, Jonathan Grindell, KKKKK Corporation, Paul King, and John Doe, a tenant residing at 545 6th St. Bremerton WA.

Relationship of Amici to the Case. Amici Marathon Funding Services Inc., Robert Crawford, Sophia Bagnaschi and Jonathan Grindell (hereinafter referred to as the “Marathon Amici” and/or “Amici”) are currently parties to a similar unlawful detainer action in King County Washington for a property located at 7152 34th Ave SW, Seattle WA. 98337, initially filed as Case #19-2-11325-1SEA in King County Superior Court. That case has been removed to the United States District Court, Western District of Washington # 2:19 cv-00829-JCC. The Amici are also full-time volunteers in the public interest law firm Veterans for Guardianship and Probate Reform, S.P.C., a DBA of Marathon Public Interest, N.P.

KKKKK Corporation and Paul King are owners and occupants of the property in question in this case. John Doe is a tenant in the same building but a different address.

Knowledge of the Case. All the Amici are familiar with the issues and the arguments presented by the parties.

Summary of the Issues Presented in This Brief:

Importance. The subject case is of great public importance. The issues of Federal law have broad implications for the important legal rights of the public.

A Contradiction of Bedrock Law. The Plaintiff 's action attempts to disregard a broad range of bedrock legal rights of the Defendant. The Plaintiff's arguments are not only contrary to established case law in the State of Washington and several other states, Plaintiff's arguments also violate the U.S. Constitution as well as contradict a thousand years of common law protections dating back to the Magna Carta.

The Central Issue. The central issue of the case, and the fundamental legal right that the Plaintiff attempts to deprive the Defendant of, is the Constitutionally inviolate Seventh Amendment right to a jury trial in cases involving the dispossession of real estate. The common law basis of the right to a jury in dispossession cases originated in the 12th century A.D. This right is one of the most basic and incontrovertible protections for property owners in our legal system. Here, the plaintiff, who is an alleged owner who has never been in possession seeks to eject

and or evict owners and tenants who are in possession, without due process of law and without a jury trial.

Judicial Immunity In this case the court acted against non-parties with a clear absence of all jurisdiction. In doing so, the court violated important constitutional rights such the right to due process due process and right to a jury trial.

The court thus violated earlier principles the United States Supreme Court has established for judicial immunity such as *Stump v. Sparkman*, 435 U.S. 349 (1978). In that case, the court announced a two-part test as to whether the judge was entitled to judicial immunity:

1. Whether it is a function normally performed by a judge; and
2. Whether the Parties dealt with the judge in his judicial capacity.

Even in *Stump v. Sparkman*, the action taken by the judge was directed at Parties to the dispute, not non-parties.

In Sum. The Plaintiff's action attempts to gain possession from the owner and tenants by denying Defendant's constitutional right to a jury trial. The Plaintiff thus attempts to deny Defendant's right to due process of law.

Argument

7152 34th Ave. SW, Seattle, WA. is located in the venue of Washington's First Division Court of Appeals, which ruled in the case of

Puget Sound Inv. Group, Inc. v. Bridges, 963 P. 2d 944 - Wash: Court of Appeals, 1st Div. 1998, that title must be cleared first, before the tenants can be evicted via the expedited procedures of unlawful detainer for an owner who is out of possession. This ruling was based upon a straightforward interpretation of RCW 59.12.030 and is virtually identical to the argument submitted by Scannell in his appeal brief before division 2. There is now a clear split among the circuits as to the availability of the expedited procedure in an unlawful detainer action to an alleged landlord who is out of possession following a tax sale. Since Marathon Funding Services Inc., Robert Crawford, Sophia Bagnaschi and Jonathan Grindell intend to rely heavily on *Puget Sound Inv. Group Inc. supra*, in their case located in division I, they will present argument in support of that decision in the amicus curie brief.

KKKKK corp., Paul King (King) and John Doe, who are mentioned in the briefs and the record, are not parties to this case because they have never been served with a summons and complaint. The record of this case demonstrates, not only has the court failed in achieving personal jurisdiction, the record also shows demonstrates they have not even been served with a single eviction notice. In spite of this, the court has issued a writ of restitution that will totally dispossess them of their land or rental property without any due process of law. They will argue

that the total denial of due process violates legal authority dating back to the Magna Charta, including prohibitions against such self help evictions announced by the United States Supreme Court in *Lugar vs. Edmondson Oil, Corp.*, 457 U.S. 922 (1982) and *In Re Adams*, 65 B.R. 646 (1986). and will subject the landlord, the landlord's attorney, and the judges in this case to civil and criminal liability under 42 USC 1983 and 18 USC 242.

6. Conclusion

For the reasons given in this motion, the amici respectfully request that this court allow the filing of the amicus curie brief.

Dated this 7th day of June, 2019



Jonathan Grindell, General Counsel WSBA #51086
Veterans for Guardianship and Probate Reform, S.P.C.
A DBA of Marathon Public Interest, S.P.C.

JOHN SCANNELL - FILING PRO SE

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