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.

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 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 December 23, 2013; because Appellant underwent as planned a very complicated surgery on his leg connected to his original injury of August 28, 2008. Appellant repeatedly notified this Court in advance in May and June 2013, that this situation was to occur very shortly.

II. DISPUTED FACTUAL ISSUES

His medical team verified to this Court in writing that Appellant is declared medically and legally incapable to represent himself effective June 19, 2013 through November 30, 2013; (later prolonged by Nathan Jeppesen MD until January 31, 2014): Warren H. Tripp MD (an Arizona licensed primary care physician and Appellant's medical representative of this Courts record) wrote on June 20, 2013 : *"To whom It May Concern: This patient has a medical condition that requires that the patient will very shortly undergo a complicated surgical procedure, which will require at least twenty weeks of recovery. His cardiologist, neurologist and orthopedic surgeon are not allowing him to participate in any legal work for this period of time. If any unforeseen complication will arise, I will notify this Court in writing latest by November 30, 2013. My patient will be under influence of controlled substances for a longer period of time. Excuse him from all Court proceedings until further notice, when his cardiologist, neurologist and orthopedic surgeon will allow him again such activities. Please accommodate these new disability needs of my patient. If you have any questions do not hesitate to contact my office."*

This medical statement and order is supported by the above mentioned Arizona licensed specialists, cardiologist Ryk W. Linden MD FAAC who wrote on June 19, 2013: *"Alexander Hanuska PhD. is currently a patient under my medical care. The patient has a medical condition and pending surgery. Please excuse him from all Court proceedings until further notice. If you require additional information please do not hesitate to contact my office."*

Appellant's Arizona licensed orthopedic surgeon Nathan Jeppesen DPM also supported his need for continuance on June 19, 2013: *"To Whom it May Concern: I am writing this letter to inform you that I will be performing a surgical procedure on Dr. Alexander Hanuska on 7/16/13 on his left ankle. This procedure will have a prolonged healing time and will require a period of significant rest, strict observance of non-weight bearing and rehabilitation. I expect him to not be fully recovered for approximately 20 weeks but could take longer if any unforeseen complications arise. Please accommodate Dr. Alexander Hanuska in this healing time period"*

Defendant's attorney Laura T. Morse in Answer to Petition for review wrote on December 23, 2013: *"After a delay in proceedings for failure to file the Clerk's Papers, Mr. Hanuska requested a continuance to file his opening brief. Division One of the Court of Appeals granted this request in February 2013, moving the filing date to May 10, 2013 – 13 months after he originally filed his appeal."*

This statement is partially false, blaming delays on Appellant and deliberately misleading any jurist reading it. After Appellant filed an Appeal to Division One of the Court of Appeals, Mr. Richard D. Johnson, send the case schedule on May 3, 2012 to a non-existing address. which was returned to him and he re-mailed it to the correct address forfeiting by his own mistake the schedule dates he set onto the paper. Appellant was forced to file objection to faulty mail, relief for sanctions for Mr.Johnson's own mistakes, which he is not responsible for (see Objection to faulty mail service and relief from sanctions dated May 22, 2012 docket 68602-0). Appellant than in a timely manner filed Statements of Arrangements on June 11, 2012 as well the Clerk's papers (certified US mail 70115000 125987398, 70111570000357884175, 70111570000357884168) delivered

to all parties on time. During this time the Defendant's attorneys Michael D. Reilly, Laura T. Morse, Gary D. Keehn, refused to acknowledge the repeated warnings of Appellant's fragile health: "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 10, 2012 attached as Exhibit No. 4/C).(and Objection to continued faulty mail dated June 20, 2012 as well as June 21, 2013).*

"On a random check with the Clerk's office on July 6, 2012 we discovered that by the court's clerk's mistake they misplaced the Designation of Clerk's papers in the wrong case file, which were received in Seattle on June 14, 2012. These papers are due on September 6, 2012. The court clerk informed me only today (because the clerk's office never read or properly filed the Designation of Clerk's Papers since June 14, 2012), that the previously granted fee waiver does not apply to these documents and advised me via e-mail to file for such waiver and indigence. We ask this court for an Order of indigence authorizing the expenditure of public funds to prosecute this appeal wholly at public expense. The following declaration is made in support of this motion. Per proper procedure as advised by the Supreme Court the Plaintiff filed such motion on August 8, 2012 (previously delivered to all parties, but the Supreme Court replied only on August 30, 2012 to send a copy of this motion to judge Catherine Shaffer (certified US mail # 7011 1150 00012598 9415) first. After the Supreme Court rules, the Clerk's designated papers will be promptly transferred to the Appellate Court (they are ready see attachment No.1 from the Court's clerk Ms. Sophie Reed). It is not the Plaintiff's fault in delay of these due papers, but he has no power or way to speed the decision of the Supreme Court."(excerpted from Motion for all Clerk's fees waiver and Indigence dated July 8, 2012)

Judge Shaffer had not replied until October 1, 2012 forfeiting the due date. How can Ms. Laura T. Morse deliberately mislead the Supreme Court, blaming the Appellant for a delay which was caused by the Clerk's office, and judge Shaffer's long delay in response to the motion. Ms. Morse was served on all these documents and deliberately tries to blame Appellant for, which is false and such should be stricken from the record. It is also important to note that all of Appellant's motions, brief's etc. were signed by Mr. Haynes (Appellant's domestic partner, who is not an attorney, helping his ill immobile partner to speed up the case due process from January 30, 2010 through October 7, 2012 (including the entire case at the Superior King County Courthouse). Judge Shaffer and Mr. Keehn forgot to notify Appellant and Mr. Haynes, that despite having a valid Power of Attorney dated January 30, 2010; Mr. Haynes was not allowed to sign any documents on any Superior Court or Appellate Court's levels. This makes all the documents invalid. Appellant and Mr. Haynes were illegally intimidated by the below specified individuals and suffered a heart attack from these illegal actions and was forced to file a Motion for continuance on October 7, 2012: *"This motion is signed by Joseph Russell Haynes (as prepared by JUDr. Dagmar Hanuskova, the Plaintiff's mother and retired Attorney General of Slovak Republic.) A Power of Attorney which is granting Mr. Haynes the right to sign for Plaintiff was filled with the Board of Industrial Insurance Appeals on January 30, 2010 (a copy was previously attached as Exhibit No. 2.) The Plaintiff is currently medically unable to represent himself in any court of law due to legally verified medical conditions and recoveries from numerous surgeries and his current severe injury of September 26, 2012, by his medical team represented by Warren H. Tripp MD as his medical Court representative.*

According to RPC 8.5(a) Joseph Russell Haynes is not allowed to give any legal advice to the Plaintiff; it was made previously clear that Mr. Haynes helps by typing the Plaintiff's pleas, motions as prepared by his mother, signing them and taking them to the post office to be mailed out in order to speed up the legal process that is reasonable accommodation of his current medical inability to participate, this arose from his injuries on August 28, 2008 and September 26, 2012. All legal mail should been served on him, as per valid Power of Attorney. The opposing counsels Gary Donald Keehn (his attorney Joel. Wright), Laura Therese Morse, Michael D. Reilly and the Appellate Court Administrator Richard D. Johnson repeatedly violated this reasonable accommodation of the Plaintiff's current medical disability needs by sending him not allowed direct mail communications and all of them refused to honor this reasonable accommodation of his current disability needs as repeatedly outlined in numerous objections to direct contact in violation of his Court appointed representative Warren H. Tripp MD and the Plaintiff's domestic partners, Joseph Russell Haynes, Power of Attorney filed with both courts and known to all perpetrators of these orders. I had previously objected in writing to these violations on repeated occasions (and of record in this case): "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, this can put him in critical danger." Warren Tripp MD as his Court appointed medical representative also advised all the courts their employees and attorneys: ...Their behavior and actions against him, his case and his health put him in major hypertension risk for which now he needs to be daily medicated, stress and depression. ALEXANDER HANUSKA is not able to participate in court related activities at this time until future notice. He will need clearance from his orthopedic surgeons, his neurologist and his cardiologist to resume physical activities involving court work after complete recovery. The ignorance of judge Molchior and attorney Gary Keehn already created numerous backslashes in his 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. Therefore, he is continued to be advised not to participate in

court related activities including e-mail, phoned testimony, or any other work until he is cleared to do so. I hope that this is FINALLY perfectly clear." Mr. Wright decided to send a legal messenger banging on the Plaintiff's doors and windows on Thursday 9/21, Friday 9/22 and Monday 9/24 almost breaking them, unsuccessfully forcing him to accept the not allowed direct mail from Mr. Joel Wright. All this was happening between 4-5 PM each afternoon, despite all the parties knowing that I would be at work each day at that time and the Plaintiff in his electric wheelchair with his service dog barking, trying to protect him from such intruders, would put him in critical danger and he had suffered the following morning a heart attack and is hospitalized in Mesa. The messenger did not deliver the motions to me as required by law, but taped it on the door and left. At the same time attorney Michael D. Reilly send him a direct certified mail 70101060000114092767 which was refused and returned to the sender. Mr. Reilly and Ms. Morse until today (!) had not served me on a notice of appearance or any of the previously returned FedEx direct mail. The Plaintiff is currently recovering from his severe injuries and is under the care of his medical team (see attached sworn statement of Warren Tripp MD dated September 28, 2012 as exhibit No.1 A & B). His cardiologist is not allowing him any legal participation or even a hint of a smallest kind of stress, which at this point could simply kill him. He is on a new heart medication and only after three months and results of future consultations and tests scheduled for January of 2013 will show his recovery progress. Warren Tripp MD and I will update this Court in writing by latest January 17, 2013 on the Plaintiff's recovery progress. This could been prevented. Please sanction all the above mentioned perpetrators for repeatedly disrespecting the Plaintiff's medical orders of no direct contact and violations against my valid Power of Attorney which have now serious life threating and permanent medical consequences for the Plaintiff's already very fragile health. He has several months of recovery ahead and I ask this Court to stop any direct communications to the Plaintiff trough house phone, e-mail, US Mail, UPS or FedEx. Any further violations at this point may kill him. All perpetrators will be taken to full legal responsibility for their continued wrongdoings."(Motion for Continuance dated October 7, 2012)

Amazingly, the Court of Appeals refused to grant any continuance and

only after again disturbing Appellant's recovery, this was deliberately caused by the perpetrators above, modified by the Court of Appeals only in February of 2013 and required that Appellant files his Opening Trial Brief no later than May 13, 2013. Appellant had indeed complied by mailing his Opening Trial Brief through US certified mail delivered to this Court on May 9, 2013 (US certified mail 70122210000094299079). The Court objected to the form it was filed on May 9, 2013 and asked Appellant to have it reformatted and re-filed by May 30, 2013. Appellant again complied and delivered the new reformatted opening trial brief on May 30, 2013 (US certified mail proof label 70113500000160791580) in which his trial brief under RULE 10.4:

"(a) Typing or Printing Brief. Briefs shall conform to the following requirements: (1) An original and one legible, clean, and reproducible copy of the brief must be filed with the appellate Court. The original brief should be printed or typed in black on 20-pound substance 8-1/2 by 11-inch white paper. Margins should be at least 2 inches on the left side and 1-1/2 inches on the right side and on the top and bottom of each page. The brief shall not contain any tabs, colored pages, or binding and should be stapled in the left-hand upper corner. (2) The text of any brief typed or printed must appear double spaced and in print as 12 point or larger type in the following fonts or their equivalent: Times New Roman, Courier, CG Times, Arial, or in typewriter fonts, pica or elite. The same typeface and print size should be standard throughout the brief, except that footnotes may appear in print as 10 point or larger type and be the equivalent of single spaced. Quotations may be the equivalent of single spaced. Except for material in an appendix, the typewritten or printed material in the brief shall not be reduced or condensed by photographic or other means."

Mr. Haynes, who is not an attorney, but an optician, used as required Times New Roman 12 point double space for the text and Times New

Roman 12 Italic single space for quotations as required above. The Brief's text from the first word "I. Introduction. This Appellant's Brief..." to his signature and date "Dated this 28 day of May, 2013" has exactly 50 pages as required by this rule. This Court Rule does not limit any quotations as long as they fit the 50 pages. It may be Mr. Haynes small mistake by not separating the first three pages including only the front page and appendix and the last single page of Certificate of Service with Roman numbers instead, but in the previous trial Brief's Judge Shaffer accepted a 26 paged brief, where the front page was also not separated and had not notified Mr. Haynes that it was longer as required by the same Court rule, which does not specify if appendix and certificate of mailing are also the pages to be counted. Some of Washington Court rules cite if Appendix should be counted (as this Petition's rule 13.4 (f); *"(f) Length. The petition for review, answer, or reply should not exceed 20 pages double spaced, excluding appendices."* and other rules don't.

The brief also included sworn statements from his mother JUDr. Dagmar Hanuskova, Mr. Haynes and members of his medical team. *"Appellant objected 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"*

Ms. Morse deliberately leaves out in her reply the legal fact, that *"these 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, which 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, which 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 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 please Motion dated September 9, 2012 disproving Mr. Johnson's false claim that Appellant had not produced Record of Proceedings : "The Court records should indicate that the report of proceedings (Ct. Reporter Vitrano, March 16, 2012) was filed with all the parties in the Notice of Appeal dated April 11, 2012 as Exhibit No.2 (complete pages 1 through 50 as notarized by Amanda R. Firklich on March 21, 2012) and delivered to all the parties of this Appeal on April 11 and 12, 2012 (proof of delivery attached hereto as Exhibit No. 2). This document is of record, being prepared by the King County Superior Clerk's papers under sub number 36 pages 687-923 (from which pages 747-797 are the Court reporter Vitrano's Report of proceedings as previously indicated in the Designation of Clerk's papers dated June 11, 2012 page 2).

Ms. Morse further misrepresents the legal fact, deliberately leaving out all of the correct dates connected to this issue, in her version it looks like that

Appellant had not complied with the order and only later requested continuance and not vice versa, as the correct court record shows. This is deliberate misleading of the Supreme Court and such should be stricken of record as well: *" The Court of Appeals provided Mr. Hanuska another checklist to clarify how he could confirm his briefing giving him until July 1, 2013 to re-file. On June 28, 2013 instead of adding the record cites and making the other changes by the Court of Appeals, Mr. Hanuska filed a five page motion for continuance, citing the need for surgery on his leg."*

Appellant was not properly served on this Court of Appeals letter, which was issued by the Chief Acting Judge at the same time having in his hands (as quoted by Ms. Morse on June 28, 2013) the medical statements from Dr. Tripp, Dr. Linden and Dr. Jeppesen, informing him correctly that Appellant was not medically allowed to participate in any legal work starting June 19, 2013 through November 30, 2013. The same Acting Chief Judge did not make any legal ruling that at any point during any phase of these proceeding did the Chief Acting Judge conclude that the medical orders presented by Appellant evidencing his medical conditions were false or that Dr's. Tripp, Linden, Jeppesen representations were fraudulent or false. At no time did the Chief Acting Judge assert that Appellant was lying about his condition, or the conditions themselves, were false or in any way intended to defraud this Court. Therefore the Chief Acting Judge should considered the constitutionality of forcing Appellant to choose between preserving his health and preserving his legal rights. The legal question is not that he did not comply, but despite having sufficient medical evidence from Appellant's three doctors informing the

judge of his medical inability to participate in any courts actions from June 19, 2013 through November 30, 2013 (later by Dr. Jeppesen prolonged through January 31, 2014), but tried to force him to continue litigation, refusing to grant continuance. The Chief Acting Judge deliberately omits, (Ms. Morse as well) any of these facts in his letter mailed out to Appellant after receiving the true correct information of his changed medical status in order to prevent any additional heart attack, stroke or blood clots as it happened on September 26, 2012. Ms. Morse and Mr. Reilly are deliberately downgrading the Appellant's statement in his motion of indigence claiming that he never received a single medical treatment paid by Nordstrom for his injuries as outlined in the ruling of Honorable judge Greg Canova on November 15, 2005. The Defendant's attorneys are claiming *"Nordstrom disputes the content of Mr. Hanuska's subjoined declaration"* This is a perjury, contradicted by the jurisdictional history facts sheets claiming repeated request for treatment by Appellant's former attorneys and Appellant himself between December 2002 through present and court record files that from 2002 through December of 2007 Washington DSHS paid for Appellants treatment instead and from March of 2007 through present AHCCCS of Arizona and supported by sworn Statements of Warren Tripp MD, Diane D. DeWitt PhD *(excerpt 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."), JUDr. Dagmar Hanuskova, Alexander Hanuska PhD, Joseph

R. Haynes . Excerpt from JUDr. Dagmar Hanuskova dated May 1, 2013:

"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 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&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 etc... For more violations of judge Molchior and Mr. Keehn read the entire statement please. (All of these statements are all in Defendant's possession)

III. LEGAL CONCLUSIONS

For these reasons, Ms. Morse is incorrect that the 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 bleed out 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 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 will soon 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 anthropic 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 Courts 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.

Dated this 27th day of January 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.

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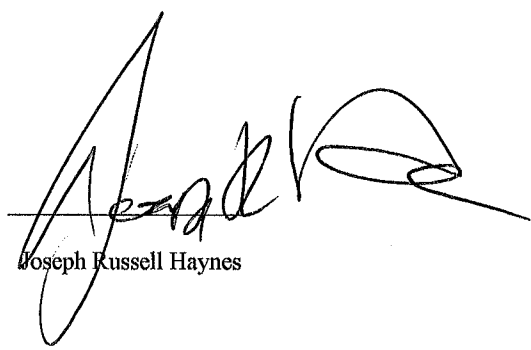

DATED: January 27, 2014

Joseph Russell Haynes