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SUPREME COURT
STATE OF WASHINGTON
2012 2 21
BY RONALD R. CARPENTER

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

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

TO: COURT CLERK OF THE APPELATE COURT DIVISION I

AND TO: KING COUNTY SUPERIOR COURT CLERK

AND TO: LAURA THERESE MORSE AND D. MICHAEL REILLY

AND TO: DEPARTMENT OF LABOR AND INDUSTRIES

AND TO: BOARD OF INDUSTRIAL INSURANCE APPEALS

AND TO: ANASTASIA R. SANDSTROM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Bratislava, May 1, 2013

JUDr. Dagmar HANUSKOVA

STATE OF ARIZONA
COUNTY OF)ss:

This instrument was acknowledged before me this 4 day of May, 2013 by JUDr. Dagmar HANUSKOVA.

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

NOTARY PUBLIC

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

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SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

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

Diane DeWitt hereby declares as follows:

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

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

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

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

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4. Therefore, because I did not have access the original medical records, I took an active role in correctly naming the condition with which Alexander 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 was still sorting out this issue at the time of my August 2007 deposition.

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

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

Diane W. DeWitt, PhD., ABVE, ABPP

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: May 7, 2013

By : _____ Joseph Russell Haynes