

Received
Washington State Supreme Court

JUN - 8 2015

Ronald R. Carpenter
Clerk

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

JAMES J. O'HAGAN,)	NO. 47078-1-11 No. 91730-2
Appellant,)	DECLARATION OF JAMES J. O'HAGAN
Vs.)	ADDRESSING ERRORS AND MOTION TO
)	CONSOLIDATE CASES AND ADDRESS
JOESPH FIELD and FIELD JERGER, LLP))	POSSIBLE BIAS AND PREJUDICIAL ISSUES
)	
Respondents.))	

I James J. O'Hagan swear under the penalty of perjury of the laws of the State of Washington that the following is true and correct.

ERRORS AND OMISSIONS

I am sorry when I emailed you a copy of the enclosed it was not signed I will sign the copy you sent me and send you the \$200.00 fee with it. I also noticed a copy of the Field judgment was not forwarded so I am sending you a copy of it.

MOTION TO CONSOLIDATE CASES

Currently the Supreme Court is addressing another case of mine, case no. 91019-7. Case no. 91019-7 addresses a contract with the court that guarantees my family a future damages jury trial. The damages we suffered in this Field action caused a significant amount of our future damages and as such is directly involved in the future damages jury trial in Pacific County cause no 94-2-00298-0. This is why jurisdiction should've been in Pacific County with the Field action as the two cases are directly related.

The reason the two cases are directly related, and Joseph Field and Associates are directly responsible for a significant portion of our future damages is because: The Honorable Paul B. Snyder concluded when absconding Judgment debtor Kelley (in Pacific County cause no.94-2-00298-0) filed bankruptcy he worked with Carsten von

Borstel, owner of Fields Unlimited Inc. to judgment proof about \$700,000.00 of Kelley's assets, from our judgment in Pacific County cause no. 94-2-00298-0.

Fields Unlimited Inc. was a bankruptcy fraud factory, whose sole purpose was to capitalize on getting customers to use fraudulent bankruptcies to avoid paying debts. Through investigations and discovery I discovered evidence that Carsten became a board member of Northwest Farm Credit Services after he had defrauded them (USDA) out of over two million dollars. Carsten worked with an attorney by the name of Victor van Kotten to accomplish defrauding Northwest Farm Credit Services (USDA) out of the two million dollars. Victor van Kotten is an attorney who works and lives in Hoodspport Oregon.

With fraud and other means Carsten and his brother Ted von Borstel acquired over 25,000 acres of dry land wheat and range land in the Dallas Oregon area. Shortly after Judge Snyder exposed Carsten's involvement in Kelley's bankruptcy fraud, Carsten filed his own bankruptcy to avoid a forthcoming judgment from my family. During Carsten's bankruptcy his brother Ted offered to buy all of Carsten's assets for \$2,000.00. I objected and offered to purchase Carsten's assets for \$10,000.00. The honorable Elizabeth Perris found that the von Borstel's were attempting to use the bankruptcy courts to defraud everyone they could, and sold Carsten's assets to me. I then hired Joseph Field to represent me as legal council to recover the assets I purchased.

If the fraud is properly addressed Victor van Kotten could face criminal fraud charges and wind up in very serious trouble. Through my personal investigations I learned Jonathon Smalies is a partner in Field Jerger LLP who grew up in Hoodspport Oregon and had close family ties to Victor van Kotten. As our investigation into Victor van Kotten's involvement in Carsten's fraud factory grew, Joseph Field assigned Jonathon Smallie to work on our case. In an effort to protect Victor van Kotten from the criminal fraud he engaged in with the von Borstels, Jonathon Smallies sabotaged our efforts to recover Carsten's assets that were tied to Victor van Kotten's involvement in the fraud. Through this experience I learned the problem of attorneys using their official office to protect the criminal acts of their fellow attorneys is an epidemic. Judge Snyder

exposed this problem and the Honorable Douglas Golez tried to allow a jury to address it, and the jury was blocked by Division II Court of Appeals Judges.

The honorable Elizabeth Perris provided me the following case law and stated that she did not appreciate the magnitude of fraud involved in Carsten's bankruptcy filings that was designed and accomplished by attorneys. Judge Perris stated to me that if I ever reached a jury and proved the fraud she could, or the courts could, unwind the theft of Carsten's assets from my family.

Geo. P. Reintjes Co. , Inc. v. Riley Stoker Corp., 71 F. 3d 44, 48 (1st Cir. 1995) "Fraud on the Court" is construed narrowly. It is "reserved for those cases of injustices which, in certain instances are sufficiently gross to demand a departure from rigid adherence to the doctrine of res Judicata. "

Appling v. State Farm Mutual Auto Ins. Co., 340 F. 3d 769, 780 (9th Cir. 2003) (quoting United States v. Beggerly, 524 U.S. 38, 46 (1998)). The ninth Circuit has adopted the definition of "fraud upon the court" provided by Professor Moore: " "Fraud upon the court" should , we believe, embrace only that species of fraud which does or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication. "

Alexander v. Robertson , 882 F. 2d 421, 424 (9th Cir. 1989) (quoting 7 J. Moore & J. Lucas, Moore's Federal Practice 60.33 92d ed. 1978)) . It " includes both attempts to subvert the integrity of the court and fraud by an officer of the court. "

In re Intermagnetics Am. , 926 F. 2d 912,916 (9th Cir. (1991). The moving party must "show an unconscionable plan or scheme which is designed to improperly influence the court in its decision."

The eleventh Amendment does not protect state officials from claims for prospective relief when it is alleged that a state official acted in violation of federal law. Warnock v. Pecos County, 88 F. 3rd 341 (5th Cir 07-08-1996)

To prevent himself from malpractice and serious theft, embezzlement and extortion crimes Joseph Field has done everything in his power to prevent me from reaching a jury.

The honorable Elizabeth Periss understood that Joseph Field not only defrauded my family but in the process of defrauding my family he defraud the area in which I live out of the commerce that would've been generated with a reasonable recovery of Carsten assets. In the process of keeping fraud big business for attorneys Joseph Field and his accomplices not only defrauded my family out of about 3.5 million dollars they defrauded the Twin Harbors area out of the commerce that would've been generated

with the 3.5 million dollars. While the Oregon Courts were not motivated to address the theft of 3.5 million dollars from a Washington State Resident our Washington State Constitution protects my family members and me from this type of criminal activity, and our Supreme Court Justices have an obligation to protect the interests of individual's living in and doing business in the state.

Joseph Field also had a close relationship with Kenyon Kelley's bankruptcy trustee Russell Garrett. Russell Garrett accepted a \$97,327.57 bribe from Kenyon Kelley's attorney Gregory Ursich, to sabotage the recovery of Mr. Kelley's assets. When I was attempting to address the bribing of Kelley bankruptcy trustee and Northwest Farm Credit Services involvement in the theft of the Kelley Grayland cranberry farm from our judgment in the courts, Joseph Field filed his judgment garnishment action in Grays Harbor Superior Court.

Joseph Field worked with local attorney Curt Jhanunen to arrange to have Joseph Field's garnishment action filed before Gordon Godfrey because Mr. Jhanunen was directly involved in the theft of the Kelley Grayland cranberry farm and was aware Gordon Godfrey did not have any problem providing him and his fellow attorneys' preferential treatment. The record shows that after I intentionally caused Joseph Field to be concerned about Gordon Godfrey's involvement in the case, the case was transferred to the Honorable F. Mark McCauley and he was reluctant to provide preferential treatment to Mr. Field as he understood the economic ramifications to the area. The record shows Judge McCauley indicated that he was going to proceed according to law and that he instructed Mr. Field that he had improper service and to correct the problem. The record shows Judge McCauley reserved my jurisdictional argument after Joseph Field got upset with him and hung-up on him during our hearing.

The record shows that the moment Mr. Field knew he was not going to receive preferential treatment from Judge McCauley he arranged to have Judge Godfrey resume precedence over the case. Please do not attempt to imply to me that any of this was not prearranged, and that any of it had to do with any type of justice, as every bit of it is organized criminal attacks on a vulnerable individual and his family, by officers of our

courts, who consider them their courts. Mr. Field had a copy of our Judgment in Pacific County cause no. 94-2-00298-0, and was aware that he was directly responsible for a significant portion of our future damages as described in the last sentence of our judgment. Joseph Field intentionally avoided filing his action in Pacific County in an attempt to obtain preferential treatment and avoid the ramification involved in defrauding us and the county in which my family lives in.

When I present my future damages to the jury in connection with Pacific County cause no. 94-2-00298-0, the jury will award me triple damages against Joseph Field and Field Jergger LLP for sabotaging our efforts to recover Carsten's assets and using his position as an officer of the court to defraud us and steal over 3.5 million dollars of assets from my family and me. Currently I am asking the Supreme Court Justices to locate me a judge to preside over my future damages jury trial in Pacific County cause no. 94-2-00298-0 and Supreme court case no 91019-7 and since these two cases are directly related they should be consolidated in the interests and efficiency of justice.

CONCERNS ABOUT BIAS AND PRERDUCIAL ATTATUDES

The majority of my family's future damages and the damages I received from Joseph Field related to this action resulted from organized crimes by officers of our courts who were and are Washington State Bar members. As I understand it all of our Supreme Court Justices are Washington State Bar members, and as such I have a right to be concerned about bias and prejudicial attitudes.

In an effort to address the difference between justice and the judicial industry I ran for State Representative for the 19th district. In my campaign efforts I tried to educate the people about the problems our society is having because officers of our courts have violated the separations of powers and infiltrated the legislative and executive branches of our governments to enhance the judicial industry, and in the process they have damaged justice. I tried to expose the fact that the judiciary is operating a bad faith industry that while it enhances the judicial industry it seriously damages justice and our societies domestic tranquility. I ran against long time

incumbent democrat Brian Blake who received about \$85,000.00 in campaigning contributions.

I recently learned that our Judges and Justices may contribute to a lobbying fund and individual campaign funds. I have a right to know if anyone in a decision making position involved in this action or Supreme Court cause no. 91019-7 contributed to a lobbying fund, or any individual's campaigns that involve officers of our courts running for legislative and executive positions. I have a right to know this because it is a way our judges have manipulated themselves into a position where they can make bad faith decisions that attack vulnerable individual's rights while enhancing the judicial industry.

Not only is this a conflict of interest it is a direct attack on our constitutions, by organizing to assume the power needed to attack individuals rights, equal protections and equal opportunities. Whether or not they utilize the power to make bad faith decisions or attack an individual's rights remains with the individual but the moment absolute power is assumed that removes all individual responsibility, decisions become based on personal attitudes instead of personal responsibility. In order to be equal we all need to have equal responsibilities to our laws.

I have a right to know if our Supreme Court Justices hold onto a belief that in some instances individual rights need to be sacrificed for the betterment of the whole society. In a society where we are all created equal, there is no Nobility and no individual or group of individuals other than a jury of one's peers can determine the fate of an individual's rights. In a society where we are all equal only Judges obsessed with power can take another individuals life, liberty and property under color of law. Only judges who have disrespect for our constitutions believe they have the power to take an individual's life, liberty and property.

I will not make it easy for any of you to take my life, liberty and property and attack our constitutions. So if any of you consider using creative writing skills to attempt to justify, or satisfy an obsession to power in taking my life, liberty and property I ask you to consider RCW 4.04.010 Extent to which common law prevails and first consider writing a simple a plain statement explaining where, and how you have acquired the

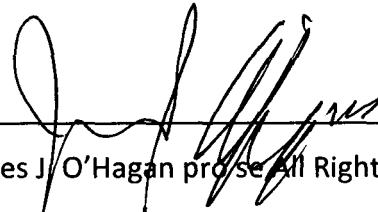
power to determine the facts involved in taking an individual's life, liberty and property outside of the presence of a jury. I contend the jury is the only barrier that keeps you and I equal especially when it comes to the fact that you are state bar members who are in a position to cover the backside of your fellow state bar members. I contend the jury mandatory clause in our constitutions was created to protect the taking of my life, liberty and property from this type of governmental oppression.

When considering using creative writing skills please explain to all of us why a group of highly educated and practiced lawyers would have any problem at all defending their actions from an uneducated prose litigant before a jury, unless their actions were extremely criminal in nature. If you are concerned about our society's perception of your fellow state bar members, then please explain to us how you are going to change society's perception by executing lawyer crimes by concealing them from a jury.

PRAYER FOR RELIEF

Will you please combine this case with cause no. 91019-7, and locate an unbiased and impartial Judge to preside over my family's future damages jury trial so I can get my life, liberty and property that was stolen from me, by an organized group of state bar members, back.

Dated this 5th day of June 2015.

By 
James J. O'Hagan prose All Rights Reserved

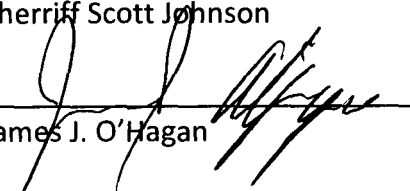
Certificate of Service

I James J. O'Hagan swear under the penalty of perjury of the laws of the state of Washington that the following is true and correct. On June ~~5th~~ 2015 I emailed and / or mailed a copy of the foregoing to the following:

Washington State Supreme Court
supreme@courts.wa.gov
Sgt. John Huntington
Mark McClain

Joseph Field
joe@fieldjger.com
Sherriff Scott Johnson

Dated this 5th day of June, 2015.


James J. O'Hagan