

1 FILED  
2 SUPREME COURT  
3 STATE OF WASHINGTON  
4 3/22/2018 8:00 AM  
5 BY SUSAN L. CARLSON  
6 CLERK

7 WASHINGTON STATE SUPREME COURT

8 JOHN WORTHINGTON,

9 Plaintiff,

10 vs.

11 WESTNET,

12 Defendants,

No. 953309

**PETITIONER'S REPLY TO WESTNET  
MOTION TO STRIKE**

13 1. Identify of Moving Party

14 John Worthington respectfully replies to the WestNET motion to strike  
15 Petitioner's letter of protest.

16 2. Statement of Relief Sought

17 Worthington respectfully requests the Supreme Court to deny the Motion to  
18 Strike the petitioner's letter of protest.

19 3. Facts Relevant to Motion

20 Worthington filed a letter of protest because the Counsel for WestNET  
21 made misrepresentations to the Washington State Supreme Court. Counsel for  
22 WestNET wrote a declaration admitting to misleading the Washington State  
23 Supreme Court Justices with the trial court. The trial court was not the court which  
24 was misled, only the appellate courts were misled.  
25  
26

1           The Kitsap County Prosecutor representing WestNET informed the  
2  
3 Supreme Court WestNET did not conduct seizure forfeitures and also stated under  
4 oath the Kitsap County Prosecutor could not represent WestNET.

5           4. Grounds for Relief and Argument

6  
7           RPC 3.3 (c) reads in relevant part:

8                   **(c) If the lawyer has offered material evidence and comes to know of its**  
9                   **falsity, the lawyer shall promptly disclose this fact to the tribunal unless**  
10                   **such disclosure is prohibited by Rule 1.6.**

11           On October 27, 2015, Ione George wrote a declaration to the Kitsap County  
12  
13 Superior Court. In that declaration, George admitted to making false statements  
14 during oral argument and in briefing to the Washington State Supreme Court.

15  
16           Dec. of Worthington Exhibit 1

17           Since this is the first appearance in front of the Washington State Supreme  
18  
19 Court since the false statements were admitted to have been made to them,  
20 WestNET counsel has the responsibility under RPC 3.3 (c) to inform the  
21 Supreme Court of the factual misrepresentations. Some of those misrepresentations  
22 may have affected the outcome of the previous hearings and opinions by the  
23  
24 Supreme Court.

1  
2 Furthermore, RCW 36.27.040 reads in relevant part:

3  
4 **The prosecuting attorney shall be responsible for the acts of his or her**  
5 **deputies and may revoke appointments at will.**

6 Thus the elected prosecutor also has an obligation to admit the facts were  
7 misrepresented to the Supreme Court under the statute and pursuant to RPC 5.1.  
8

9 The statute is quite clear that the deputy prosecutors are only extensions of  
10 the elected prosecutor and that the Prosecutor takes responsibility for the actions of  
11 the Deputy prosecutors.. <sup>1</sup> Although George tries to take responsibility for the false  
12 statements, her position as Deputy Prosecutor offers no authority for her to take  
13 “corrective measures.” There is simply no statutory ability for deputy Prosecutor’s  
14 to function independently and with authority over other Deputy Prosecutors.  
15  
16

17 Therefore, pursuant to the statute, Russell Hauge and Tina Robinson are the  
18 true responsible parties for the blatant misrepresentations to the Washington State  
19 Supreme Court. The facts are, the elected prosecutors are responsible for telling  
20

---

21 <sup>1</sup>RPC 5.1 [1] [Washington revision] Paragraph (a) applies to lawyers who have managerial  
22 authority over the professional work of a firm. See Rule 1.0A (c). This includes members  
23 of a partnership, the shareholders in a law firm organized as a professional corporation, and  
24 members of other associations authorized to practice law; lawyers having comparable  
25 managerial authority in a legal services organization or a law department of an enterprise or  
26 government agency; and lawyers who have intermediate managerial responsibilities in a  
firm. Paragraph (b) applies to lawyers who have supervisory authority over the work of other  
lawyers in a firm.

1 as WestNET, requesting funds in the name of WestNET and then cashing those  
2 funds once they were collected.

3 WestNET counsel has seemed to forget her previous appearance before the  
4 Supreme Court and has also forgot the obligation to inform the tribunal she has  
5 misled. The elected Prosecutor has seemed to forget the language of the statute  
6 RCW 36.27.40

8 Worthington was within his right to protest the failure of the Deputy  
9 Prosecutor and the elected prosecutor to take responsibility for the past  
10 misrepresentations to this court.

12 The facts are, the responsibilities under RPC 3.3 c, and d have not been  
13 fulfilled. The tribunal which was misled has not been officially notified of the  
14 false statements Ione George has already declared to have been made in oral  
15 testimony and the briefing.

17 5. Conclusion

18 Based on the aforementioned arguments WestNET's motion to strike the  
19 petitioner's letter of protest should be denied.  
20

22 Respectfully submitted this 2st day of March 2018.

23 **BY :/JOHN WORTHINGTON**

24 John Worthington  
25 4500 SE 2<sup>ND</sup> PL.  
26 Renton WA.98059

1  
2 **Certificate of Service**

3 I certify that on the date and time indicated below, I caused to be served  
4 via email , a copy of the documents and pleadings listed below upon the attorney  
5 of record for the defendants herein listed and indicated below.

- 6 1. REPLY TO MOTION TO STRIKE, DECLARATION IN SUPPORT OF AND  
7 EXHIBIT ATTACHED THERETO

8 IONE GEORGE WESTNET PAM LOGINSKY WAPA  
9 614 Division Street MS-3SA 206 10th Ave. SE  
Port Orchard, W A 98366 Olympia, WA 98501

10 PETER B. GONICK WASHINGTON STATE SUPREME COURT  
11 Deputy Solicitor General 415 12th Avenue SW,  
1125 Washington Street SE Olympia, WA 98504-0929

12 I declare under penalty of perjury under the laws of the United States  
13 that the foregoing is true and correct.

14 Executed on this 21st day of March, 2018

15  
16 **BY :/JOHN WORTHINGTON**

17 John Worthington  
18 4500 SE 2<sup>ND</sup> PL.  
19 Renton WA.98059  
20  
21  
22  
23  
24  
25  
26

1  
2  
3 WASHINGTON STATE SUPREME COURT

4 JOHN WORTHINGTON,

No. 953309

5 Plaintiff,

DECLARATION IN SUPPORT  
OF PETITIONER'S REPLY TO  
WESTNET MOTION TO  
STRIKE

6 vs.

7 WESTNET,

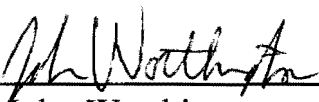
8 Defendants,

9  
10  
11  
12 DECLARATION OF JOHN WORTHINGTON

13 John Worthington hereby declares as follows:

- 14 1. I am the plaintiff in this action. I am over the age of 18 years, competent to  
15 testify, and I have personal knowledge of the facts stated herein.  
16 2. On October 27, 2015, I was sent a declaration by Ione George. (Exhibit 1)  
17 3. I declare under penalty of perjury under the laws of the United States that the  
18 foregoing is True and correct.

19 Respectfully Executed this 21<sup>ST</sup> day of March, 2018.

20 BY   
21 John Worthington  
22 4500 SE 2<sup>ND</sup> PL  
23 Renton WA.98059  
24  
25  
26

# EXHIBIT 1

---


# Worthington v. WestNet, Cause No. 11-2-02698-3

**Batrice Fredsti**

Tue 10/27/2015 3:35 PM

To: worthingtonjw2u@hotmail.com <worthingtonjw2u@hotmail.com>;

Cc: Ione S. George <IGeorge@co.kitsap.wa.us>; Carrie A. Bruce <CBruce@co.kitsap.wa.us>;

 1 attachments (136 KB)

Declaration of Ione S. George Pursuant to RPC 3.3(d).pdf;

Dear Mr. Worthington,

Attached please find a Declaration of Ione S. George Pursuant to RPC 3.3(d), which will be filed with the court this afternoon. Per our email service agreement, a copy will not follow in the mail.

Sincerely,

*Batrice Fredsti*  
*Legal Assistant to Ione George*  
*and Christy Palmer*

Kitsap County Prosecutor's Office

614 Division Street, MS-35A

Port Orchard, WA 98366

Phone: (360) 337-7032

Fax: (360) 337-7083

[bfredsti@co.kitsap.wa.us](mailto:bfredsti@co.kitsap.wa.us)



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KITSAP

JOHN WORTHINGTON,

Plaintiffs,

NO. 11-2-02698-3

v.

DECLARATION OF IONE S.  
GEORGE PURSUANT TO RPC  
3.3 (d)

WestNET

Defendants.

I declare under penalty of perjury under the laws of the State of Washington that the following is true and correct:

I am a Chief Deputy Prosecuting Attorney for the Kitsap County Prosecuting Attorney's Office, and am counsel for defendant WestNET.

As of today's date I am aware that a statement I made in response to a question during oral argument before the Supreme Court in this case on Thursday, October 23, 2014, was inaccurate. The following declaration is submitted, in accordance with RPC 3.3(d), to identify and correct that response.

In its initial motion for dismissal, pursuant to CR 12(b)(6), WestNET brought to the

DECLARATION OF IONE S. GEORGE  
PURSUANT TO RPC 3.3 -- 1

TINA R. ROBINSON  
Kitsap County Prosecuting Attorney  
614 Division Street, MS-35A  
Port Orchard, WA 98366-4676  
(360) 337-4992 Fax (360) 337-7083  
www.kitsapgov.com/pros

1 Court's attention several pertinent portions of the Interlocal Drug Task Force Agreement which,  
2 it asserted, supported the premise that WestNET was not an entity subject to suit.

3 Among those provisions, referred to above, WestNET referred to the following Interlocal  
4 provision:  
5

6 The Office of the Kitsap County Prosecutor shall, in addition to its  
7 normal duties in the prosecution of Kitsap County felony drug  
8 violations, represent the Cities, Kitsap County, and the State in real  
9 and personal property forfeitures and drug nuisance abatement  
proceedings initiated by the Task Force assigned personnel.

10 The following comment was added in argument of this provision in the Supreme Court  
11 briefing: "*Of note, the agreement does not provide for the Task Force (e.g. WestNET) to initiate*  
12 *forfeitures or abatements; nor does it reflect that the Prosecutor's Office would represent the*  
13 *Task Force.*"

14 At oral argument before the Supreme Court, I was asked if WestNET had ever appeared  
15 voluntarily as a plaintiff or a petitioner in any action. Specifically the court asked if WestNET  
16 had filed any forfeiture actions. Based upon the language of the Interlocal agreement, my  
17 independent investigation and my knowledge of the facts at that time, I represented to the court  
18 that WestNET had not ever affirmatively initiated any action; that when forfeiture actions were  
19 filed, related to WestNET drug task force investigations, they were filed on behalf of the  
20 underlying agency who seized the evidence.  
21

22 My representation to the Court in this, and in all regards, was based on my absolute belief  
23 in the truth of my statements.  
24

25 Yesterday, October 26, 2015, I discovered that Deputy Prosecuting Attorneys who were  
26 involved in drug forfeiture proceedings related to WestNET drug task force operations had in the  
27  
28

DECLARATION OF IONE S. GEORGE  
PURSUANT TO RPC 3.3 -- 2

**TINA R. ROBINSON**  
Kitsap County Prosecuting Attorney  
614 Division Street, MS-35A  
Pon Orchard, WA 98366-4676  
(360) 337-4992 Fax (360) 337-7083  
[www.kitsapgov.com/pros](http://www.kitsapgov.com/pros)

1 past filed pleadings in those actions which indicated that they (the Deputy Prosecuting Attorneys)  
2 were representing WestNET, as opposed to the underlying WestNET member agency or  
3 employee, and that the forfeiture proceeding was brought by WestNET, rather than, again, the  
4 underlying WestNET member agency.  
5

6 As of today's date, I have made corrective measures within my office and have every  
7 reason to believe any future appearance made by my office on such cases will correctly reflect  
8 that the forfeiture action is sought by the seizing agency and that legal representation is on behalf  
9 of that person or agency, not WestNET; in compliance with the language and intent of the  
10 Interlocal Agreement.  
11

12  
13 DATED October 27, 2015 at Port Orchard, Washington.  
14

15  
16   
17 IONE S. GEORGE  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DECLARATION OF IONE S. GEORGE  
PURSUANT TO RPC 3.3 -- 3

**TINA R. ROBINSON**  
Kitsap County Prosecuting Attorney  
614 Division Street, MS-35A  
Port Orchard, WA 98366-4676  
(360) 337-4992 Fax (360) 337-7083  
[www.kitsapgov.com/pros](http://www.kitsapgov.com/pros)

CERTIFICATE OF SERVICE

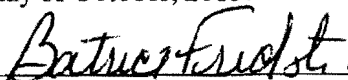
I, Batrice Fredsti, declare, under penalty of perjury under the laws of the State of Washington, that I am now and at all times herein mentioned, a resident of the state of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the above document in the manner noted upon the following:

John Worthington  
4500 SE 2<sup>nd</sup> Place  
Renton, WA 98059

- Via U.S. Mail
- Via Fax:
- Via Email:
- Via Hand Delivery

SIGNED in Port Orchard, Washington this 27<sup>th</sup> day of October, 2015.



Batrice Fredsti, Legal Assistant  
Kitsap County Prosecutor's Office  
614 Division Street, MS-35A  
Port Orchard WA 98366  
Phone: 360-337-4992

DECLARATION OF IONE S. GEORGE  
PURSUANT TO RPC 3.3 -- 4

TINA R. ROBINSON  
Kitsap County Prosecuting Attorney  
614 Division Street, MS-35A  
Port Orchard, WA 98366-4676  
(360) 337-4992 Fax (360) 337-7083  
www.kitsapgov.com/pros

**JOHN WORTHINGTON - FILING PRO SE**

**March 21, 2018 - 6:22 PM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 95330-9  
**Appellate Court Case Title:** John Worthington v. WestNet  
**Superior Court Case Number:** 11-2-02698-3

**The following documents have been uploaded:**

- 953309\_Answer\_Reply\_20180321182133SC148586\_1377.pdf  
This File Contains:  
Answer/Reply - Answer to Motion  
*The Original File Name was PETITIONER'S REPLY TO WESTNET MOTION TO STRIKE.pdf*

**A copy of the uploaded files will be sent to:**

- igeorge@co.kitsap.wa.us
- joe@joethomas.org
- thelittlewho@hotmail.com

**Comments:**

---

Sender Name: John Worthington - Email: Whodalooboboo@gmail.com  
Address:  
4500 se 2nd pl  
Renton, WA, 98059  
Phone: (425) 917-2235

**Note: The Filing Id is 20180321182133SC148586**