

65153-6

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No. 65153-6-1

COURT OF APPEALS OF THE STATE OF WASHINGTON

Division I

MICHAEL J. MAJOR

Appellant,

v.

ANDREW C. BOHRNSEN,
MAXEY LAW OFFICE,

Respondents.

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COURT OF APPEALS OF THE STATE OF WASHINGTON
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APPELLANT'S REPLY BRIEF

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TABLE OF CONTENTS

I. PRELIMINARY REASONS WHY THE RESPONDENTS' BRIEF MUST BE DISMISSED	page 1
II. THE RESPONDENTS' FAILURE TO CONTEST, AND THEREFORE CONCEDED THE APPELLANT'S ARGUMENTS	4
1. The Wrongful Application of Res Judicata	4
2. Condoning the Defendants' Refusal to Take Part in Discovery to Cover Up Wrongdoing	8
3. Rearranging the Dates of Issues Noted For Hearing to Provide a Specious Decision for Defendants	9
4. Using the Court as a Vehicle of Institutional Violence to Irreparably Injure, to the Point of Death, a Citizen both Lawyers and Judge Knew to be Innocent and his Children	11
5. The Aiding and Abetting of the Defendants' Libelous Attacks, Abuse of the System, Harassment and Vexatious Ploys, Designed to Make the Defendants Rich While Imposing Crushing Financial Burdens Upon the Plaintiffs, Deny Them Their Constitutional Rights to a Fair Trial, and have Them and Their Children Irreparably Injured - to the Point of Death	13
6. Conspiracy	14
<u>Certificate of Service</u>	18

My name is Michael J. Major. I herein state and declare this reply brief to the response brief of Steven R. Stocker, representing Andrew C. Bohrsen, and Bohrsen, representing the Maxey Law Office.

I will refer to my initial brief, which contains my references to the record as (br.1), and the respondents' paper, which refers to the clerk's papers only once in a generalized way and the transcript not at all, by page number, as (pg.1).

I. PRELIMINARY REASONS WHY THE RESPONDENTS' BRIEF MUST BE DISMISSED

1. In its order of May 25, 2010, this court clearly denied the respondents' motion on the merits and stipulated the requirement for a brief. Bohrsen acknowledged this in his letter to the court of May 28. Yet, in direct defiance of this court's order, they submitted the virtually identical motion, cynically changing the title to "brief." The only other changes were similarly cosmetic. For instance, the first paper contained an argument: "Standard to Be Applied to a Motion On the Merits," which was deleted, with the second two arguments identical, the only changes being headings B. and C. becoming A. and B. Outside of the rearrangement of a phrase or

so, all of the other points are exactly the same from one paper to the next. Also the same are the three case citations which state the need to show prejudice; they -- render vacuous by extirpating rather than disproving all of the facts I adduced to show prejudice.

2. RAP 10.3(a) stipulates the content of the appellant's brief be in the form of assignments of error/ statement of the case/argument. RAP 10.3(b) requires respondents to respond to the appellant's brief in this same manner. In their habitual disregard of the rules, this the lawyers utterly fail to do. They do not address, much less attempt to disprove my position. Any objective person reading the lawyers non-brief would find it impossible to know what my case is.

3. The three lengthy appeals orders the lawyers attached as an appendix are inadmissible and are in direct violation of RAP 10.3(a)(7) which states "An appendix may not include materials not contained in the record on review." Those orders are not under review by this court in this case.

4. In their only reference to the clerk's papers (pg.4), the lawyers list papers from the previous two cases (not this one) in a generalized fashion

(and the lawyers failed, per the rules, to send me the appropriate page designations of what these clerk's papers referred to). The lawyers do not refer to any specific point to show why these papers are relevant to this case - only to say that the trial court Judge Annette S. Plese, read them. (pgs.4-5) So what?

5. These two references, to the appeals court decisions in other cases, and lower court decisions in other cases, constitute the lawyers entire "Statement of the Case." What case is that? Not this one.

6. The totality of the respondents' arguments, as reflected in their titles, are two, the first that the awarding of attorney fees by Judge Frazier was "a judicially sanctioned procedure" (pgs.5-6) and that Judge Plese had the "authority" to dismiss my case. (pgs. (6-8). I never argued that a judge did not have the right to order attorney fees or that a judge did not have the authority to dismiss a case. (I argued that the judges abused their authority, which is something entirely different). In other words, the lawyers' arguing non-issues in their nonbrief is as vacuous as it is irrelevant, and only underscores their failure to argue against my actual case under appeal.

7. Most of the lawyers' paper is devoted to naming decisions in other forums by other judges - as always, arguing every case but the one before them.

8. On the signature page of the so-called brief (pg. 9) Stocker properly signed his name above his printed name, as attorney for Bohrnson. But Stocker also improperly signed his name "for" Bohrnson, over the latter's printed name, as attorney for the Maxey Law Office. But Stocker has no standing to sign for the Maxey Law Office, for he is not that firm's attorney of record. Bohrnson is. Therefore, both lawyers are in violation of CR 11(a), and Bohrnson, by failing to sign, has effectively defaulted his client, Maxey Law Office, from this case.

II. THE RESPONDENTS' FAILURE TO CONTEST, AND THEREFORE CONCEDING THE APPELLANT'S ARGUMENTS

The lawyers' refusal to adhere to the requirements of the brief format represents a deliberate attempt to obfuscate through innuendo, misrepresentation, and falsehoods what they are unable to prove through the rules of evidence. What follows are the shards of the lawyers' disconnections put into the format of my brief to expose the lawyers' position in all its puerility.

1. The Wrongful Application of Res Judicata (br.8-14)

Despite their ongoing prattle in lower court that this case represented a violation of res judicata, there is

absolutely no reference to this term or the principle it evokes in the lawyers' paper. And this in view of the fact that the entire reason. . . Judge Plese's dismissing my action, as stated in her order, drafted by Stocker, is:

This lawsuit is the same allegations that have been ruled upon in two prior lawsuits before Judge Frazier and Cozza and this court has no authority to rule upon their actions ... (br.9)

The respondents have not addressed, so have confessed the obvious, namely, that the core issue of this suit, insurance fraud, could not have been presented to Judge Frazier since Bohrsen did not present me with the bill, with his notation that he was sending an identical copy to their carrier, James River Insurance Company, until after that case was over.

The second case, as the respondents have, in fact, argued, was identical to the first (centering on the plaintiff/defense lawyer collusion) with the exception that, pursuant to Judge Frazier's instructions, only Mark Major had the right to sue these lawyers for contract breach and misconduct; and so only Mark, not I, was plaintiff in that case before Judges Eitzen and Cozza.

Here the legal definition of res judicata (br.10) bears repeating:

RES JUDICATA: Lat: the thing has been decided; a matter has been adjudged. Doctrine by which a "final Judgment by a court of competent jurisdiction is conclusive upon the parties in any subsequent litigation involving the same cause of action."
(Barron's Law Dictionary)

Although Maxey was a defendant in the previous two cases, Bohrsen, a defendant in this case, was not. And Mark D. Hodgson, who was a defendant in the previous two cases, is not a defendant in this case. Furthermore, insurance fraud, the main cause of action in this case, was not a cause of action in the previous two cases.

Therefore, since res judicata stipulates the same parties and the same causes of action, and both these components of this doctrine were missing from the previous two cases, it is impossible that this case be considered identical to the previous two

Furthermore, the lawyers argue (pg.6) "at the risk of being redundant, it must be remembered that the Respondents had moved for a dismissal of Appellants' lawsuit on the pleadings, not by motion for summary judgment." Therefore, the allegations in the complaint must be accepted as true unless obviously frivolous. But the lawyers did not move to

dismiss on this basis, but rather res judicata, which, as has just been shown, is a frivolous use of this principle.

To turn to the issue of insurance fraud, there are two aspects, as stated in my complaint.

The first is double-billing. In their latest paper, the lawyers resolved their previous contradictions to present a coherent point. Whether it is true or not there is no way of knowing, since, as shown below, they refused to take part in discovery. However, accepting, for the purpose of this argument, that what the lawyers say is true, that James River Insurance Company paid the Maxey, who, in turn, paid Borhrnsen, and, should I ever pay those costs, that money would go directly back to James River - the case against the lawyers is even more devastating. For the lawyers, in arguing this first aspect, refuse to address, and thus concede, the second aspect, as stated in my complaint:

Even more serious, even on the untenable premise that this bill could be justified, what remains is that the defendants were awarded this money not because of an award against them for malpractice, for they prevailed in this case.

This means a total perversion of what insurance is supposed to mean. This award was not a result of a policy for a protection against loss. Rather it represents a

swindle in which lawyers can attempt to destroy citizens' lives for no just reason, to submit totally frivolous pleadings which are accepted by judges the lawyers corrupt, representing a complete abuse of the system of justice. (CP 3)

2. Condoning the Defendants' Refusal to Take Part in Discovery to Cover Up Wrongdoing (br.14-17)

By scrupulously avoiding any mention of this misconduct, the lawyers hope to make it "disappear." It won't. They stated (pg.5) they were not required to take part in discovery, naming as their primary reason, "as such interrogatories have previously been asked and answered" in the previous two cases. As shown in my initial brief, the questions concerning the underlying issues of perjury and the plaintiff/defense lawyer collusion have never been answered. And no questions about insurance fraud were answered in the previous cases for they weren't asked. And they weren't answered in this case when they were asked.

They were required to answer these questions, or partake in the required discovery conference and apply for a protective order, none of which they did. The fact that they knew Judge Plese would not require them to obey the rules by dismissing the case on a sham issue only proves the lawyers had her in their pocket before the hearing. It's a crime for lawyers to bribe and/or otherwise inveigle a judge to perpetuate injustice by overturning the rules for the side with the deepest pockets.

3. Rearranging the Dates of Issues Noted for Hearing to Provide a Specious Decision for Defendants (br.17-19)

Judge Plese started the September 25 hearing stating that only my motion regarding Mark's innocence, the only one noted for that day, would be heard, and that the respondents' motion to dismiss would be heard at its noted time, October 9.

At the end of the hearing, not allowing me the opportunity to argue the insurance issue, as did the lawyers, she dismissed my entire case. At the same time, this sleight-of-hand prevented new evidence from CPS and still another court officer from arriving.

The respondents' called this deceitful flimflam to prevent even more evidence from arriving attesting to Mark's innocence so they could continue in their vicious vendetta to destroy my family "harmless" (pg.4) and did not "in any way prejudice the Appellant." (pg.8) Yet, in the very next sentence they wrote:

He had admitted that the only new theory of recovery was one that had not basis in law and constituted a claim for which no recovery could be had. (pg.8)

For the lawyers to argue that my charge of insurance fraud has "no basis in law" is one thing, but to say I "admitted it" (with no reference to the record)

represents the lawyers still again sinking to their level of pathological lying to the tribunal.

Furthermore, Judge Plese, by arbitrarily and capriciously dismissing my case on September 25 instead of at the lawyers' noted hearing for October 9, also accomplished, through this hoax, my motion to compel also noted for October 9.

Accepting the lawyers' argument that double-billing had not occurred, only means that the lawyers were not simply bilking their pro se opponent and insurance carrier. Rather it means James River is a co-conspirator. For, no doubt, most citizens subjected to this fraud, feel compelled to pay, or they will lose their jobs, their licenses, credit ratings, etc. So James River makes big money out of this, as do the lawyers. The occasional intended victim who does not submit to this extortion the carrier no doubt writes off as acceptable business losses. Thanks to the lawyers, this sets the stage for our coming multi-billion dollar suit against, among others, James River, in federal court in Seattle, in which we'll be represented by lawyers representing judicial reform, civil rights, and consumer protection agencies.

Thanks to the lawyers, I now have a case of insurance fraud of gigantic dimensions. Obviously, had the relationship between the lawyers and their carrier been legitimate, they would have freely answered my discovery questions and sent their insurance policy. Neither they nor Judge Plese would have had the need to engage in their deceit.

4. Using the Court as a Vehicle of Institutional Violence to Irreparably Injure, to the Point of Death, a Citizen both Lawyers and Judge Knew to be Innocent and his Children (br.19-29)

In response to the overwhelming evidence of Mark Major's innocence, all of the lawyers' and judges' failure in every forum to even allege Mark's guilt, his persecution as a violent felon resulting from the allegations of one demented woman, who has recanted her allegations, the lawyers simply repeated their position as stated in lower court (br.27-28), namely that they never had anything to do with Mark Major or Lacey Major:

" ... the only 'new evidence' purportedly offered by the Appellant were inadmissible and totally irrelevant contentions related exclusively to the domestic relations dispute between Appellant's son, Mark Major, and his son's ex-wife Lacey in their dissolution action. (pg.7)

True, the core issue of this suit is insurance fraud. Nevertheless, from the complaint onward,

I have maintained that the legal foundation of the case was the underlying issues of perjury and lawyer collusion. Even the lawyers' champion, Judge Frazier, recognized Lacey's behavior to be an underlying and therefore relevant issue. (br.9-10) So have the lawyers, in still another of their self-incriminating contradictions, said the same: "This case, like the two before it, all grew out of fact. Those underlying facts, etc." (emphasis added) (pg.2).

In still another of their self-annihilating contradictions, the lawyers, in this case, in maintaining they never had any relationship with Mark, effectively denied ever having signed a contract to represent Mark in our case against Lacey - thus leaving the judges who covered up the first two cases exposed in the public spotlight as fools, since the lawyers argued this contract in the previous two cases, and the judges argued the lawyers' version of this contract. Now it's just "disappeared." Or so the lawyers wish.

Also, besides presenting Mark's innocence as an underlying issue in this case, I also presented it as an independent one, based on new evidence, pursuant to CR 60(b)(3). Here Judge Plese, in the brightest of all the bright shining lies in this

case, said, "I agree. The Court does have that option on that rule ... " But then said she couldn't rule on it, since Judge Frazier had already ruled on it - when, in fact, he had written he would NOT rule on it. (br.24-27)

5. The Aiding and Abetting of the Defendants' Libelous Attacks, Abuse of the System, Harassment and Vexatious Ploys Designed to Make the Defendants Rich While Imposing Crushing Financial Burdens Upon the Plaintiffs, Deny Them Their Constitutional Rights to a Fair Trial, and have Them and Their Children Irreparably Injured - to the Point of Death (br.30-37)

In this still another section in which the lawyers failed to defend, therefore public confessing their guilt, I will here simply highlight one point. At the hearing before Judge Eitzen (br.31), Mark stated repeatedly he was not interested in any money or punishing the lawyers; all he wanted then was an apology, his record cleared, and a chance to see his daughters who had been wrenched from him for several years. Had the lawyers been interested in bringing this litigation to an immediate close without any further loss of time, effort, or money, as they have continually claimed, with no liability whatsoever, they would have jumped at the chance. For they

had Mark Major on the record. Instead, Bohrnson pressed forward to gain his vexatious order and attorney fees from Judge Cozza (br.30-37) and then later, attorney fees from this court.

This is perhaps the most stunning illustration of all why the lawyers are in this case not for the reasons they have said they are, but only because exploiting and extorting money from upstanding fathers, destroying them and their children in the process, is a lucrative racket, made possible through insurance fraud.

6. Conspiracy (b.37-44)

This is still another example of the lawyers refusing to contest these charges (or the legal citations justifying them) representing their conceding their guilt.

Here the lawyers' ongoing ploy of evoking decisions in every other case except the one before them can be turned on its head. For if our case has ever been less than impeccable, some judge or lawyer along the way would have found a flaw, and so would not have had to to such shameful deceptions.

The lawyers' entire litigation, from day one, has been built on the legal foundations of, first, perjury, second, the plaintiff/defense lawyer collusion, and, third, fraud. In this case, as well as every other, lawyers and judges have used the color of law to

contravene the law, and shut out citizens to all access of their rights under the Constitution and laws of the land. Conspiracy.

7. Conclusion

The staggering extent of the corruption exposed in this case, in terms of judges, public officials, and lawyers, and the institutions they represent, has determined that this case, sooner or later, is destined to become a media cause celebre and scandal of the century. The one question more and more Americans will be asking is, "How can these people live with themselves? Don't they know what they are doing, day in and day out destroying innocent families through the most childish transparent lies and tactics so sordidly banal - as in the 'banality of evil?'" Don't all these judges and lawyers and officials have families and loved ones of their own whom they will eventually betray, if they have not done so already, as they betray Americans who come to their courts seeking justice but are given, instead, violence?"

A good starting point for this answer is in Judge Plese's response to the question I put to her at the September 25, 2009 hearing. I drew an analogy with a hypothetical case a few years back, when the issue was not father's but women's rights, I drew

a parallel with this hypothetical woman going through what Mark has gone through, and asked the judge to put herself in this woman's shoes.

Judge Plese's response? "The problem is I'm a judge. I can't put myself in (her) shoes." She wanted to convey the impression that, as a judge, she had to rise above mere personal considerations and uphold the law. But, of course, she didn't. As related earlier, on pages 12-13, she said she was empowered by the law - Civil Rule 60 - but then lied by saying another judge had ruled on that matter when he didn't. She also said (RP 21) "I don't have any new evidence. I saw no new evidence ... " And I said, "You have Lacey's recantation." To which Judge Plese's response was that she was deeming me a vexatious litigant.

So, to answer the question, how has she managed to live with herself? - she's simply had the defenses built up, supported by the system, so she could block out what she did in one case and so go onto the next, the previous one fading away. But this case, for a variety of reasons, will not go away. They will not be able to block off what they have done from their consciences. Thus, they have inflicted upon

themselves the judgment of the damned. They have opened themselves to the awareness of the disintegration of their souls, for which there is no appeal - only the redemption that will come from admitting wrong and doing right.

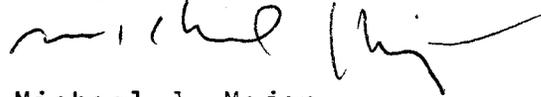
For the judges in this court, this means not only upholding the law in this case, but reversing their decisions in the previous two cases. Of course they can use the color of the law, as always, to say that since those cases have been dismissed and are either pending or on their way to the supreme court, that there is nothing that they can do. But a law can always be found to promote justice - as, in this instance - RAP 12.9(b).

Since the ramifications of this overall litigation affect countless Americans, the judges in this court can continue on their chosen path to perdition, or redeem themselves, uphold the law with a decisive decision, and become heroes for our time.

Either way, what will sooner or later prevail - is Justice.

I swear under penalty of perjury that the
above and foregoing is true and correct.

June 22, 2010



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CERTIFICATE OF SERVICE

The undersigned certifies that on June 23,
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Michael J. Major