

COURT OF APPEALS  
Appellate Division

DOCKET NO. **43633-7-II**

In Re: The Marriage of:  
Declarant Paul David Shoemaker  
Plaintiff / paul-david

and

Dawn Marie Shoemaker  
Ward of the Court  
Defendant / Dawn

Appeal from Incidents of Marriage, Custody, Support, and Maintenance  
And Award and Denial of Attorney Fees, and Costs  
Case No. 06-3-00340-9

Hon. Sally Olsen  
Superior Court of Washington  
Kitsap County

---

paul-david Amended Opening Brief and Appendix

---

Paul David Shoemaker  
PSC 5000 735 5<sup>th</sup> Street  
McChord near [98438-9998]  
[(801)] 938 -4820

COURT OF APPEALS  
STATE OF WASHINGTON  
2013 APR 12 AM 9:02  
BY *Sally Olsen*

Y/m 8/9/13

**TABLES**

Cover Page.....i

Tables.....ii

Table of Contents to Memorandum of Law (MOL).....ii

Table to Transcripts.....ii

Table of Authorities.....iii

Introduction.....1

Assignments of Error.....3

Statement of the Case.....4

Legal Argument.....10

Motion to Supplement Record.....48

Motion for over-length brief.....51

Conclusion.....52

**TABLE OF CONTENTS TO MEMORANDUM OF LAW (MOL)**

See **additional** issues, statements, arguments, and case-holdings too voluminous to include in this opening brief, yet relied upon by paul-david in support of paul-david’s due process etc. challenges presented to this court for consideration, in paul-david’s desires to not overburden this court or the reviewing Judges with the extensive complexities of this case and with paul-david’s desires to provide a meaningful record for review including all denials to paul-david to so submit to the Kitsap Court. (See Appendix/Memorandum of Law, with eye-witness’ Affidavits and Ex attached hereto and herein by reference, in its entirety as if fully produced here.)

**TABLE TO TRANSCRIPTS**

	VOLUME I
--	----------

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
WESTERN WASHINGTON

In re: Marriage of:

No. **43633-7-II**

PAUL DAVID SHOEMAKER,  
Appellant

Notice of Corrected Table of  
Contents for Amended Opening Brief

v.

DAWN MARIE SHOEMAKER

Appellee

---

COMES NOW, Appellant, Notices the court and Opposing counsel of this corrected Table of Contents for his Amended Opening Brief to perfect his appeal Due to computer error.

**So let it be written, so let it be done.**

Dated this 15<sup>th</sup> day of August 2013.

*Paul David*

PSC 5000, 735 5<sup>TH</sup> St.  
JBLM-McChord Field, WA 98438

2013 AUG 15 PM 2:59  
COURT OF APPEALS  
WESTERN WASHINGTON  
CLERK

INTENTIONALLY  
LEFT BLANK  
FRONT AND BACK

cc. Appellee by and through  
Cameron Fleury  
1101 Broadway, ste 500  
Tacoma, WA 98402

	See Appendix 1 Docket sheet and Memorandum of Law
--	---

Transcript Designation	<b>VOLUME II</b>
1T	Trial Testimony paul-david and maria-janet ( 3/14/2012) unrebutted firsthand knowledge verified unrebutted Declaration 3/6/2013

**TABLE OF AUTHORITIES**

Citing's below

All cites below in this Opening Brief and MOL are intended to be ["cf"].  
 "The same As compared to our beliefs" in support of my claim in common law, then and now.

**For clarification purposes:**

**MOL is defined as Memorandum of Law, [attached].<sup>1</sup>**

**Maxims**

Fundamental Commercial Maxims.....4. 10  
 Blackstone and the Law of Nations; Matthew 22, 37-40...MOL: 10, 11, 14  
*Corpus Juris Secumdem*, §4, Pg 802; §2 Pg 769;  
 Vol 7 § 4.....28, 29

**[S]tatutes at Large**

Statutes at Large Vol. 49 Public No 271.....MOL 10, 25, 26

**US Code**

5 USCA 1 (a), (b) and (c) .....MOL 37, 49  
 18 U.S.C. § 1505, § 1510, § 1512-1513.....MOL.4,53,102,104,106  
 UCC-1-(207) 308.....MOL: 48  
 UCC-1-103.....MOL: 48

---

<sup>1</sup> All citings are intended to include all "cf" clarifications, additional "cf" explanations and supporting "cf" citings-Law contained in the attached Appendix/Memorandum of Law, eye witness affidavits are hereby and hereto incorporated by reference and additionally included in their entirety as if produced and reproduced herein and hereto in each section of Paul-david's Opening Brief and as relied upon by Paul-david in Paul-david's Opening Brief.

USDC Title 36 §705.....11

**Federal Acts (mandatory)**

Articles of Confederation 1778.....12,19  
Defense Authorization Act for Fiscal Year “2011”.....MOL 40, 41  
Soldiers and Sailors Relief Act Soldiers and Sailors Relief  
Act,(1940)Section 201 (50 U.S.C. App. § 521),(.....MOL 41, 42, 43  
Equal Access to Justice Act, [cf. Black’s Law Dictionary, Sixth  
Edition] ... .. M O L 1 1  
Northwest Ordinance, Article II.....16, MOL 11, 14  
Foreign Agents Registration Act (22 USC § 612)et seq.....29  
7 Moore's Federal Practice, 2d ed., p. 512, ¶ 60.23.....21

**Revised Code of Washington (RCW)**

RCW 2.48.010 .....11  
RCW 9A.40.060(2).....6, 45  
RCW 9A.40.070(2).....2,50  
RCW 5.24.010.....2,50  
RCW 26.19 Appendix Standard #6.....46  
RCW 26.09.270.....5  
RCW 26.09.071.....46,48  
RCW 26.19.071.....46  
RCW  
4.84.185.....44,45  
RCW 26.09.191.....  
CR 7.....6  
KCLCR 7(b)(1)(B).....4,5,26,30,31,38,42,45,53  
KCLCR 59(e).....10

**Case Law-Holdings**

**U.S. Supreme Court**

Ableman v. Booth (1858), 56 U.S. (21 How.) 506, 16 L.Ed. 169.....24  
Agency Holding Corp v Malley-Duff & Assoc. 107 S Ct 2759,  
483 US 143,151 (1987).....20,26  
Argersinger v. Hamlin, Sheriff (407 U.S. 425.....25  
Brotherhood of Trainmen v. Virginia ex rel. Virginia State Bar  
(377 U.S.1).....3,10  
Burnham v. Superior Court of Cal., Marin County (1990) 495  
U.S. 604, 610-618[109 L.Ed.2d 631, 639-644, 110 S.Ct.2105]...MOL:13  
Crandall v. State of Nevada, 73 U.S. 6 Wall. 35 35 (1867).....2, 7  
Gideon v. Wainwright 372 U.S. 335.....25  
Hagans v Lavine, 415 US 533(1974).....24

<u>Haig v. Agee</u> , 453 U.S. 280, 101 S. Ct. 2766, 69 L. Ed. 2d 640 (1981)...	10
<u>Haines v. Kerner</u> , 404 U.S. 519, 522.....	38,40
<u>HAZEL-ATLAS GLASS CO. v. HARTFORD-EMPIRE CO.</u> 322 U.S. 238 (64 S. Ct. 997, 88 L. Ed. 1250) (1944) .....	20,29,33,37,38,43,44
<u>Kulko v. Superior Court of California, Etc.</u> , 436 U.S. 84, 92, 98 S.Ct. 1690, 1696, 56 L.Ed.2d 132 (1978).....	18,19
<u>Liteky v. U.S.</u> 114 S. Ct. 1147, 1162 (1994).....	21
<u>Meyer v. Nebraska</u> , 262 U.S. 390, 399, 401, 43 S.Ct. 625, 67 L.Ed. 1042 (1923).....	41
<u>Mookini v. U.S.</u> , 303 U.S. 201).....	MOL48
<u>Owen v City of independence Missouri</u> 100 S. Ct 1398, 1401.....	24
<u>Robin v. Hardaway</u> (1772) citing <u>8 Co. 118. a. Bonham's case.</u> <u>Hob. 87; 7 Co. 14.) a. Calvin's case</u> .....	10
<u>Rotella v. Wood et al.</u> , 528 U.S. 549 (2000).....	MOL 4, 11
<u>United States vs. Kis</u> , 658 F.2d, 526, 536-337 (7th Cir. 1981).....	24,27,47
<u>U.S. v. Will</u> , 449 US, 200, 66 L. ed. 2d, 392 p. 40.....	MOL: 35.20,30
<u>U.S. v. Mason</u> , 412 U.S. 391,400 (1973).....	11
<u>Victor Rabinowitz et. at. v. Robert F. Kennedy</u> , 376 US 605.....	29
<u>Trinsey V. Pagliaro</u> DC Pa. 1964,229 F. Supp. 647.....	29,31,33,42
<u>Wells v Wells</u> 376 F 2d 750 (1979).....	25
<u>Williams v. United States</u> , 289 U.S. 553) (9133).....	30

### Circuit Court

#### 9th Circuit

<u>Data Disc, Inc v Sytems Tech Assoc, Inc</u> , 557 f2d 1260 (9 <sup>th</sup> Cir 1977) .....	35,47
<u>State v Counts</u> , 99 Wn.2d 54, 659 P.2d 1087 (1983) <u>STATE v.</u> <u>COUNTS</u> , 99 Wn.2d 54, 659 P.2d 1087 [Nos. 47687-0, 48239-0, 47932-1. En Banc. February 24, 1983.....	2

#### 7<sup>th</sup> Circuit

<u>Littleton v. Berbling</u> , 468 F.2d 389, 412 (7th Cir. 1972).....	46
---	----

#### 5<sup>th</sup> Circuit

<u>Johnson v. State</u> , ___ So.3d ___ (Fla. 5th DCA, No. 5D11-4394, 8/31/2012).....	37,38
<u>Orszak v. Orszak</u> (2000) 8 RFL (5 <sup>th</sup> ) 350 (Ont. SCJ).....	17

#### 2<sup>nd</sup> Circuit

<u>Brown v state</u> , 37 Ne 2d 73, 77 (Ind 1941).....	16
--	----

<u>Hooker v Boyles</u> , 346 Fed 2d 285, 286 (1965).....	16, 25
<u>Lantana v. Hopper</u> , 102 F2d 188; .....	MOL 36
<u>Rosemond v. Lambert</u> , 469 F2d 416.....	MOL 36

**WA Court of Appeals**

<u>Biggs v. Vail</u> , 124 Wn.2d 193, 197, 876 P.2d 448 (1994).....	44
<u>In Re Parantage of R.D.C.</u> Wn App 66701-7-1.....	46
<u>In Re Marriage of Pollard</u> 99 Wn App 48, 52(2000).....	46
<u>Marriage of Robinson</u> 159 Wn. App 162, 249 P 3d 532(2010).12,14,17,19	

**WA Courts**

<u>In Re Marriage of Booth and Griffin</u> , 114 Wn 2d 772, 776 (1990).....	46
<u>Marriage of Kovacs</u> 121 Wn 2d 795 (1993).....	46
<u>In Re Marriage of Littlefield</u> 133 Wn 2d 39 at 47.....	45
Washington Parenting Act, Factor vii Laws of 1989, ch 375 §10.....	13,18,32,38,39

**NY Supreme Court**

<u>Chase v. Chase</u> (11/22/2006) NY S Ct-500656 .....	36
---	----

**All others**

<u>Byzewski v. Byzewski</u> , 429 N.W.2d 394, 397 (N.D. 1988)]. .....	24
<u>Chicago v. New York</u> , 37 F Supp 150.....	MOL 36
<u>Dasher v. Housing Authority of City of Atlanta, Ga., D.C.Ga.</u> , 64 F.R.D. 720, 722.....	MOL 11
<u>Elkins v. Superior Court</u> (2007) 41 Cal.4th 1337.....	40
<u>Eschbach v Eschbach</u> , 56 NY2d at 171.....	MOL 17
<u>Gallo v. Gallo</u> , 66 N.J.Super. 1, 5,(App.Div.1961).....	41
<u>Hall v. Hall</u> , 585 S.W.2d 384, 385 (Ky. 1979).....	46
<u>Honomichl v. State</u> , 333 NW 2d 797, 799 (SD 1983).....	16, 25
<u>In re Marriage of Carlsson</u> (2008) 163 Cal.App.4th 281.....	40
<u>In re Marriage of Fitzgerald &amp; King</u> (1995) 39 Cal.App.4 <sup>th</sup> 1419, 46 Cal.Rptr.2d, 558 [No. H013512. Sixth Dist. Nov 8, 1995.].....	19,38
<u>Jeannemarie O. v Richard P.</u> 2012 NY Slip Op 03240 Decided on April 26, 2012 Appellate Division.....	41
<u>Kenner v. C.I.R.</u> , 387 F.3d 689 (1968).....	21
<u>Lilly v. Lilly</u> , 2011 UT App 53 (Utah Court of Appeals, February 25, 2011) .....	23
<u>Maryland Dad Gets \$852K Judgment for Ex-Wife’s False Allegations</u> , July 20th, 2011 by Robert Franklin, Esq.....	36
<u>Marriage of Tossey</u> CA4/3, Filed 8/16/12.....	40

<u>Matter of Gago v Acevedo</u> , 214 AD2d 565, 566 [1995].....	35,41
<u>Matter of Youngok Lim v Sangbom Lyi</u> , 299 AD2d 763, 764 [2002].....	35
<u>McLean v. Grabowski</u> , 92 N.J. Super. 545, 547-48 (Ch.Div. 1966)....	12
<u>Moor v Moor</u> , 75 AD3d 675, 676-677 [2010]).....	18,21
<u>Nir v Nir</u> , 172 AD2d 651, 652 [1991]).....	MOL.17, 24
<u>People v. Loomis</u> , 172 Misc.2d 265, 267, 658 N.Y.S.2d 87.....	35
<u>People v Mckinon</u> , 362 NW 2d 809, 912 (Mich App 1985) .....	MOL 29
<u>Porter v. Porter</u> (ND 1979) 274 NW 2d 235.....	29,30,31,33,42
<u>Rabbitt v. Frank C. Webber and Co.</u> , 130 N.E. 787,788.....	MOL 18
<u>Ridley v. Dennison</u> , 298 N.J. Super. 373, 381 (App. Div. 1997).....	44,45
<u>Rook v. Rook</u> , 233 Va. 92, 95, 353 S.E. 2d 756, 758 (1987).....	17
<u>Sheila L.</u> , 465 S.E.2d at 222.....	14
<u>Simpson v. O'Donnell</u> 98 Nev. 516, 518, 654 P.2d 1020, 1021 (1982)...	24
<u>The Parental Alienation Syndrome: A Dangerous Aura of</u> Reliability, 27 Loy. L.A.L. Rev. 1367, 1370 (June 1994)17,35,41	
<u>Von Kettler et al. v. Johnson</u> , 57 Ill 109 (1870).....	14

**Canada**

<u>- A(A.) v. A.(S.N.)</u> 2007CarswellBC 1591( CA).-.....	17
<u>Cox v. Stephen</u> (2003) 47 RFL 5 <sup>th</sup> 1 (CA.).....	17
<u>Johnson v. Ross-Johnson</u> 2009 Carswe lINS 398.....	17
<u>Jannotta v. Hess</u> .....	MOL...20
LORNA MCKEE & MARGARET O'BRIEN EDS., THE FATHER FIGURE 28 (1982) (quoting <i>In Re</i> Agar-Ellis, 24 Ch. D. 317 (1883) (England).....	MOL.47
<u>R. Getliffe-Grant</u> 2006 Carswell BC 3233 (BCSC).....	17

VERIFICATION

“i, :paul-david:, in the above entitled Declarant-paul-david’s Opening Brief by Commercial Affidavit hereby verify under penalty of perjury under the laws of the **United States of America**, [*cf.* Articles of Confederation 1777] without the “**United States**” [*cf.* Northwest Ordinance 1787] (federal government), that the below statements of facts and laws is true and correct, according, to the best of my current information, first-hand knowledge and belief, so help me God, pursuant to 28 USC 1746(1) (Constitution, Laws and Treaties of the United States are supreme law of the land, notwithstanding anything in the Organic Constitution or Organic Laws of Washington State,

**Certificate of Service**

I certify that I served a **CORRECTED** copy of the **Table of Contents Amended Opening Brief Fleury\_Clerk 8/15/2013** on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
<u>Cameron J. Fleury,</u> <u>Dawn Shoemaker c/o</u> <u>Cameron Fleury</u>	<input checked="" type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)	1102 Broadway, Ste 500 Tacoma, WA 98402	8/15/2013
		1102 Broadway, Ste 500 Tacoma, WA 98402	8/15/2013
<u>Court of Appeals</u> <u>Case Mgr. Christina</u>	<input type="checkbox"/> Mail <input checked="" type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File	To the Clerk's Office 950 Broadway, Ste 300 Tacoma, WA 98402	8/15/2013
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date 8/15/2013

Sign here ►

*Paul Shoemaker*

Typed or printed name

Paul Shoemaker

INTENTIONALLY  
 LEFT BLANK  
 FRONT AND BACK

1 **INTRODUCTION**

2  
3 Appellant paul-david lost custody of his young son, any hope of a relationship  
4 with his son, and grievous financial burdens because of interspousal discord  
5 that often occurs on the demise of a marriage. The mother alleged DV  
6 throughout the entire case and the trial court found that DV never occurred.

7 Rather, as is the case when most marriages fall apart, and according to the  
8 Family Law Court and Other Experiment researched and documented  
9 Copyright ©Greg Hallett 2002 (Are You My Father,<sup>2</sup> hereinafter The  
10 Experiment) false and unfounded statements are used by the courts to destroy  
11 families and parent child relationships. Dawn brought multiple [false]  
12 unfounded statements of spousal and emotional abuse, in every state and  
13 foreign state the family was living in due to paul-david's military status. All  
14 of them were dismissed for lack of foundation and evidence with the  
15 exception of one. The only blemish on paul-david's record was contempt but  
16 he did this to protect his son from further witnessing Dawn's sexual acts with  
17 multiple men as his son had described to him on several occasions. The trial  
18 court's decision to 100% deny paul-david contact with his son was based  
19 strictly on his "violation of the Parenting Plan" and didn't take into  
20 consideration paul-david's legitimate reasoning's of his such actions and the  
21 191 restrictions were extremely excessive given the fact the parenting plan  
22 violation totaled ONLY 10 days.

23 Federal law, International law, nor Washington law nowhere says that a  
24 husband (or wife) can be locked out of his home, denied physical custody of  
25 his child, denied parent child relationship, and have his movements curtailed  
26 simply for being part of a broken marriage without any SUBSTANTIAL  
27 showing of foundation or evidence without also considering multiple counts  
28 of [false] allegations substantiated in the trial court record. Otherwise, there

---

<sup>2</sup> Family Law Court and Other Experiment researched and documented Copyright  
©Greg Hallett 2002 (Are You My Father)

1 would be stay-away orders, residence-exclusion orders, and presumptions  
2 against custody in nearly every dissolution action brought before any court.  
3 This is hardly what any Legislature federal, foreign or state ever intended.  
4 paul-david has been subjected to a grievous injustice here. He was stripped of  
5 his son completely, and subjected to incorrect horrendous financial burdens.  
6 The trial court abused its discretion without jurisdiction, outside of the  
7 bounds of professional conduct and law and its orders should be reversed.  
8 All references pertaining to the ALL STATES contained in the above  
9 referenced Appeal correspond to matching references to [*cf*:STATE OF  
10 WASHINGTON] and are accepted pursuant to Session Laws Law 1941 c 82,  
11 sec. 1: Rem Supp. 1941 § 12 78 [as codified and copyrighted at [*cf*: RCW  
12 5.24.010] Judicial notice of Constitution and laws.<sup>3</sup>  
13 paul-david (hereinafter [paul-david equals: [*cf*: paul-david: [shoemaker]]) may  
14 “cite” various court cases. Such “citations” indicate that such cases illustrate  
15 certain aspects of truth and beliefs and therefore validate the points of this  
16 communication. Certification of “good faith”<sup>4</sup> The parties identified herein –  
17 in good faith, by this offer of proof with prejudice<sup>5</sup>, in reliance upon the

---

<sup>3</sup> “Every court of this state “SHALL” take judicial notice of the Constitution, **common law**, civil law, and statutes of every state, territory and other jurisdictions of the United States. [1941 c 82, sec. 1: Rem Supp. 1941 1278] [*cf*: CR44.1 DETERMINATION OF FOREIGN LAW], See [*cf*: CR44.1(b)] United States Jurisdiction. The laws of a state, territory, or other jurisdiction of the United States “SHALL” be determined as provided in RCW 5.24. The Washington State Supreme Court states that they (“a)re bound by the [U.S.] Supreme Court” [*cf*:State v Counts, 99 Wn.2d 54, 659 P.2d 1087 (1983) STATE v. COUNTS, 99 Wn.2d 54, 659 P.2d 1087 [Nos. 47687-0, 48239-0, 47932-1. En Banc. February 24, 1983]. (Emphasis added)

<sup>4</sup> As used in reference to this or any subsequent action or process relative to the issues identified individual :good faith” means being faithful to one’s duty and obligations to the Supreme Ruler of the universe and the Constitution for The State of Washington AD 1878 to protect and defend each from all enemies foreign and domestic

<sup>5</sup> As used in reference to this or any subsequent action or process relative to this herein identified individuals “prejudice” means bias and discrimination, ongoing unlawful, unconstitutional or ungodly acts involving fraud, extortion and gesture, or every other such deceit or presumption

1 Constitution for The State of Washington AD 1878<sup>6</sup>, reserving status, office,  
 2 and rights, swear the facts set forth herein are true, correct, complete, and not  
 3 misleading the truth, the whole truth and nothing but the truth.  
 4 paul-david hereby invokes National common law in commerce in these  
 5 proceedings. [*cf* Crandall v. State of Nevada, 73 U.S. 6 Wall. 35 35 (1867)]

6 **ASSIGNMENTS OF ERROR**

7 I. TRIAL COURT ERRORED BY ALLOWING ABROGATION  
 8 [BREACH] OF PAUL-DAVID’S PRIVATE BOND-[CONTRACT] BY  
 9 DAWN’S UNCLEAN HANDS [UNJUSTIFIED CONDUCT] NOT  
 10 SUPPORTED IN THE RECORD .....11

11 II. TRIAL COURT ERRORED BY REVERSING CUSTODY WHEN THE  
 12 RECORD LACKED JUSTIFICATION OR A VALID LAW TO  
 13 SUPPORT ROBBERY AND BURGALRY - TRESPASS OF PAUL-  
 14 DAVID’S PROPERTY .....20

15 III. TRIAL COURT ERRORED WHEN CAMERON FLEURY  
 16 PERPETRATED FRAUD IN FACTUM—(WARD OF THE COURT)  
 17 WITHOUT A VALID LAW TO BIND PAUL-DAVID TO  
 18 APPELLEE’S ATTORNEY-WITNESS.....28

19 IV. TRIAL COURT ERRORED BY VIOLATING PAUL-DAVID’S DUE  
 20 PROCESS RIGHTS WHEN OBJECTIONS, EXHIBITS, AND  
 21 EXAMINATIONS WERE DENIED WITHOUT FOUNDATION,  
 22 SHOWING OF PREJUDICE TO DAWN, OR JUSTIFICATION FOR  
 23 ROBBERY AND BURGALRY .....31

24 V. TRIAL COURT ERRORED WHEN THE RECORD DID NOT  
 25 SUPPORT THE COURT’S CONCLUSIONS WITH WANT OF  
 26 SUBSTANTIAL EVIDENCE.WITHOUT CLAIM OF CONSENT  
 27 TO CHANGE EXISTING [2006] BOND-[CONTRACT].....37

28 **ISSUES PERTAINING TO ASSIGNMENT OF ERROR**

29  
 30 1. Should this court find that the trial court had no jurisdiction after June  
 31 12, 2006? To wit, the court has taken jurisdiction over the parties and re-

---

<sup>6</sup> As used in referenced to this or any subsequent action or process relative to the herein identified individuals “The State of Washington” means the State of Washington of the several States of the Union AD 1878

1 opened the case in on September 10, 2010, instead of leaving the Temporary  
2 Order of May 19, 2006 and June 12, 2006 Agreed Order, as the existing  
3 orders of the case (notwithstanding the fact that the case should never been  
4 dismissed for want of service upon me at the Clerk's Dismissal). [Pertains to  
5 Assignment of Error 1 to 2].

6 2. In the alternative of reversing for want of jurisdiction, should this  
7 court reverse the Final Parenting Plan (and/or remand for a new trial) due to:  
8 (1) due process violations, (2) for want of substantial evidence in the record  
9 supporting the Findings and Conclusions and Final Parenting Plan, (3) the  
10 only witness the court relied upon (the mother) had no credibility, (4) for the  
11 fact there is evidence supporting RCW 26.09.191(2)(b) restrictions against  
12 the mother and her parenting? [Pertains to Assignment of Error 3 to 5].

13 **STATEMENT OF THE CASE**

14 **This** is an appeal from Orders entered in violation, of the Fundamental  
15 Commercial Maxims in this domestic relations dissolution action on October  
16 20, 2010, October 29, 2010, December 16, 2010, February 11, 2011,  
17 February 29, 2011, August 19, 2011, May 22, 2012. (CP 701 [Ex 10-  
18 13,15,19-21, 45, Admitted], 597-610, 704-750),(RP P27 Ln 1-3; P56 Ln  
19 13-23; P80 Ln 19-25; P81 Ln 1-25; P82 Ln 1-8), Appendix/MOL P40 Ln 6-  
20 34; P41 Ln 14-49)

21 The parties started living together, in Georgia, after Dawn followed  
22 after paul-david to Georgia, where paul-david was stationed with the  
23 USAF in April 2003. Without knowledge to paul-david, Dawn  
24 initiated adoption proceedings in Washington before the birth of the  
25 parties' child in the summer of 2004. Upon discovery paul-david  
26 initiated paternity proceedings stopping the adoption process. (CP 22  
27 Ln 14-21) (RP P49 Ln 15-18; 19-25; P50 Ln 1)

28 On 1 November 2004 the child Ethan Michael, now age 8, was born.

1 Shortly after the birth, paul-david and Dawn reconciled and were-  
2 married on 11 November 2004 in Pierce County, Washington. (CP 22-  
3 23)

4 In March 2006 when paul-david returned to Georgia from an 11 week  
5 TDY training in Texas, Dawn brought terrorist threats charges against  
6 paul-david. The Georgia court dismissed all charges against paul-  
7 david for lack of evidence to prosecute. (CP 33)

8 paul-david filed an action for Legal Separation in March 2006 as a *sui juris*  
9 litigant. Dawn was personally served in Gig Harbor Washington. (CP 703[Ex  
10 49, Admitted, sub 7-9][Reply Mot Modify, Attach 1, Ex 19) On May 19  
11 2006, paul-david was granted sole primary care of the offspring, Ethan  
12 Michael on the basis of Dawn's mental instability, Dawn's [false] accusations  
13 of domestic violence (CP 335-348). Dawn had fraudulently used paul-david's  
14 social security number on 7 credit card applications (CP P24 Ln 11-17; P39-  
15 50)(Reply Motion to Modify[Attach 1, P2])(RP P38; 162 ).

16 On June 12, 2006 the parties signed an Bond-[contract]-Agreed Order  
17 dismissing Dawn's dissolution filing in Pierce County, continuing the initial  
18 legal separation action in Kitsap County and re-affirming paul-david's May  
19 19, 2006 Parenting Plan and citing RCW 26.09.191(3) restrictions and  
20 prohibitions against Dawn (CP 1-2, 335-348) [PP16 §2.2, 3.9, 3.10].  
21 Thus a Bond-[contract] was signed and bonded to between paul-david and  
22 Dawn; which remained in place without objection, challenge, or appeal from  
23 2006 until 2010, paul-david and Dawn continued to attempt to reconcile  
24 without much success (CP 1-2)(RP P34; P25 Ln 7-8; P40; P42 Ln 1-5; P45  
25 Ln 8-12; P46 Ln 21-25; P47 Ln 1-7, 20-21; P66 Ln 11-16).

26 Immediately after the family moved to paul-david's new duty station in Utah  
27 [June 2006], the parties marriage continued to remain in turmoil. Just prior to  
28 paul-david's [July 2006] overseas deployment, Dawn violated the recently  
29 signed Agreed Order [Parenting Plan] and took Ethan Michael away from the

1 family home to a place unknown to paul-david. paul-david was forced to call  
2 the local police to respond to Dawn's custody interference, where she finally  
3 complied and returned Ethan Michael to paul-david at the family's apartment  
4 (CP 24 Ln 17-19, 338-348)(RP P42 Ln 6-11).

5 Due to Dawn's actions, paul-david was forced to give Local Parentis POA to  
6 the grandmother maria-janet for the duration of his overseas deployment, in  
7 order to ensure Dawn would not again custodially interfere and disappear  
8 with Ethan Michael as she had done several times already (CP 25 Ln 20-23,  
9 35 Ln 21-23; 36 Ln 1-3; 338-348)(RP 42 Ln 19-21; 43 Ln 24-25; 44 Ln 1-3).

10 Upon paul-david's return to Utah from his overseas deployment, the legal  
11 separation of the parties continued to remain in severe constant turmoil on a  
12 daily basis despite the family was living under the same roof. In July-August  
13 2007, Dawn again attempted to utilize the base Family Advocacy Program  
14 (FAP) to charge paul-david with abuse (CP 26 item 18)(RP P44 Ln 24-25;  
15 P45 Ln 1-7, 14-15; P46 Ln 24-25).

16 Because of Dawn's accusations of abuse, paul-david's military police duties  
17 were restricted, Dawn was required to stay at the on-base hotel she was also  
18 required to allow Ethan Michael to stay in the family home with paul-david,  
19 and the family was then placed into counseling at the FAP. After several  
20 weeks of continued counseling, the FAP counselor determined there was a  
21 lack of evidence that paul-david had caused any harm to anyone (CP 26 item  
22 18)(RP P45 Ln 1-3).

23 Dawn and paul-david continued to struggle daily to repair [reconcile] their  
24 marriage, with mostly unsuccessful results (CP 27)(RP P34 Ln 6-13; P42 Ln  
25 1-5; P45 Ln 8-12; P46 Ln 21-25; P47 Ln 1-7, 20-21; P66 Ln 11-16).

26 From May 2008- May 2009 paul-david was again deployed overseas to  
27 Korea. Only this time paul-david decided to give Dawn another chance to  
28 care for Ethan Michael in his absence and not disappear with Ethan Michael  
29 as she had previously demonstrated. The parties continued to struggle with

1 their on-going constant marriage turmoil. paul-david had regular frequent  
2 phone and video chats with Ethan Michael. In November 2008, paul-david  
3 returned on his “mid-tour” leave for 30 days, so he could be there for Ethan  
4 Michael’s birthday, the parties’ anniversary, and Thanksgiving. After which  
5 he returned to Korea until May 2009, all while maintaining regular frequent  
6 phone and video calls with Ethan Michael; as well as continuing to work with  
7 Dawn through communication on their marriage which was also frequently  
8 unsuccessful (CP 27)(RP P34 Ln 6-13; P42 Ln 1-5; P45 Ln 8-12; P46 Ln 21-  
9 25, P47 Ln 1-7, 20-21; P66 Ln 11-16).

10 In June 2009 the family was assigned in Okinawa Japan. In August 2010 after  
11 the family had been in Japan 14 months, paul-david discovered the 2008  
12 erroneous dismissal of this case at the time Dawn informed him through an email  
13 while he was again on deployment overseas to Kyrgyzstan; that she finally wanted  
14 a divorce and she had requested Early Return of Dependents (ERD) and was taking  
15 Ethan-Michael from Japan back to the States with her (CP 349-351) (CP 29 item  
16 29-31).

17 It was at this time paul-david discovered several extra-marital relationships Dawn  
18 had throughout their entire marriage and that Dawn’s mental instabilities of a  
19 suspected Narcissistic personality disorder [difficulty differentiating fact from  
20 fiction in her mind] started to come to light making reconciliation impossible (CP  
21 28 item 25, 339 [2.2]; 36 Ln 8-12; 38 Ln 1-8, 424-432) (RP P34 Ln 6-13; P42 Ln  
22 1-5; P45 Ln 8-12; P46 Ln 21-25, P47 Ln 1-7, 20-21; P66 Ln 11-16).

23 During the emergency travel back to Japan, Clayton Longacre was hired by paul-  
24 david solely to inform the clerk of the clerk’s clerical error by their failure to  
25 notify paul-david of the Clerk’s Want of Prosecution and the erroneous  
26 dismissal of paul-david’s custody (CP 29 item 31; 37 item 16; 361-363).

27 On September 10, 2010 against paul-david’s specific instructions of Washington’s  
28 lack of jurisdiction, Clayton Longacre petitioned the Kitsap court for a reinstatement  
29 of the case instead of just simply informing the Kitsap clerk of the clerical error and

1 requiring the clerk to notify the court for automatic reinstatement. The Kitsap court  
2 reinstated the case on the unnecessary motion and again re-affirmed the June 12,  
3 2006 Agreed Order and Parenting Plan confirming the bond-[contract] between  
4 paul-david and Dawn. (CP 1-2, 335-359, 357-359)(RP P15 Ln 15-18; P19 Ln 5-6;  
5 P20 Ln 5-6)

6 Upon paul-david's return from Kyrgyzstan on September 14, 2010 he demanded  
7 Dawn comply with the Kitsap court's reinstatement order which Dawn failed to do  
8 by completely ignoring the Kitsap court's order and the parties' confirmed bond-  
9 [contract] ultimately custodially interfering by keeping Ethan Michael from paul-  
10 david (CP 30 item 32; 1-2; 357-359)(RP P143 Ln 9-22 ). Also on September 14,  
11 2010 paul-david's military commander failed to comply with Kitsap court's  
12 reinstatement order and to enforce the return of Ethan Michael to paul-david. This  
13 was based on Dawn's using [false] allegations to the Family Advocacy center in  
14 Japan to manipulate paul-david's military commander into not enforcing the Kitsap  
15 court's reinstatement order (CP 30 item 32-33)(RP P31 Ln 4-5, P147 Ln 1-10 ).

16 At no time was Dawn appeared personally before the court until March 2012.  
17 On October 20, 2010 despite being well outside the 30 day appeal limit  
18 [9/10/2010 through 10/10/2010] Dawn's attorney-witness Cameron Fleury knew  
19 or should have known the appeal period for reinstatement expired. After his  
20 first failed TRO attempt and without personal service in Washington [claimed  
21 Forum State] on paul-david or service on Clayton Longacre; the court granted  
22 Cameron Fleury's second TRO denying paul-david contact with Ethan  
23 Michael and Dawn, on unsubstantiated grounds against KCLCR 7(b)(1)(B)  
24 (CP 701 [Ex 10, Admitted ]).

25 On October 25, 2010 in response to Dawn's second TRO filing, paul-david's then  
26 attorney Clayton Longacre, failed once again to comply with paul-david's instructions  
27 by choosing instead to file a Motion to Show Cause to restrain Dawn from  
28 disappearing from Japan with Ethan Michael without challenging jurisdiction. The  
29 court partially granted the motion with instructs that either party not remove Ethan

1 Michael from Japan without further order from the court. This improper custody  
2 modification continued until October 29, 2010, despite being well outside the 30 day  
3 appeal limit [9/10/2010-10/10/2010] for the reinstated order (CP 29 Ln 20-23; 30 Ln  
4 1- 13, (CP 223-230 [Petitioner's TRO 10/25/2010]; 357-359, 420-421)(RP P15 Ln  
5 15-18; P19 Ln 5-6; P20 Ln 5-14).

6 On 10/29/2010 the court reversed the reinstatement order, custody of Ethan  
7 Michael to Dawn and adopted a new parenting plan on the basis of status quo  
8 of Ethan Michael on a basis of Dawn's [false] claim of "emotional abuse" by  
9 paul-david (CP 357-359; 420-421; 223-230 [Decl Resp 10/25/2010 item 30]).

10 The hearing was still held instead of STAYED despite the court  
11 having notice through Dawn's attorney-witness' pleadings that the AF  
12 Family Advocacy was in the middle of an ongoing six week long  
13 investigation into Dawn's [false] accusations of "emotional abuse" (CP  
14 357-359; 420-421; 223-230 [Decl Resp 10/25/2010 item 30], 223-230 [Petitioner's  
15 TRO 10/25/2010])(RP P22 Ln 5-6; P30 Ln 8-9; P149 Ln 1-3; ).

16 Also October 29, 2010 Dawn used her previous accusation from  
17 Georgia against paul-david claiming that paul-david had once already  
18 been charged with "abuse/terroristic threats," by omitting the GA  
19 Dismissal Order for the same case. The court used this as its basis for  
20 necessitating "emergency [jurisdiction]" on unsubstantiated grounds.  
21 (CP 33) Additionally on October 29, 2010 the court's order is without  
22 any inquiry or findings of fact or conclusions of law from Justice  
23 Russell Hartman (CP 223-230; 701 [Ex 13, admitted ]).

24 On November 2, 2010 (Nov 1, 2010 U.S. time) the Japan Air Force Central  
25 Review Board (CRB) concluded that no abuse occurred and determined Dawn's  
26 allegations "did not meet criteria." Although having notice, the court did not  
27 continue the hearing to await for the CRB determination before ruling on the matter  
28 (CP 223-230 [Decl Resp 10/25/2010 item 30])(CP 223-230 [Petitioner's TRO  
29 10/25/2010] 357-359; 420-421)(RP P79 Ln 11; P80 Ln 1-7 ).

1 On November 8, 2010 paul-david filed a “Notice of Motion to Vacate Void  
2 Orders” later amended to “Notice of Motion for Reconsideration.” The Motion was  
3 “On the merits, without oral argument” (CR 7). On December 15, 2011 the  
4 court, denied paul-david’s re-filed Motion for Reconsideration stating  
5 the motion was untimely, despite not being supported by the court’s  
6 own record of the initial filing (CP 389; 480; 491-492; 493-528; 529-  
7 541; 542-545)(RP P70 Ln 10-19).

8 Due to the overwhelming length and circumstances of this case, for a more  
9 complete narrative of the events see Appendix/Memorandum of Law (MOL)  
10 attached and incorporated in its entirety hereto and herein, as if fully  
11 reproduced herein.

12 **LEGAL ARGUMENT**

13 “[*cf* Robin v. Hardaway (1772) Acts of the Legislature contrary to God’s  
14 Law, must be considered **as void**, *8 Co. 118. a. Bonham's case. Hob. 87;*  
15 *7 Co. 14.) a. Calvin's case.][*cf* Crandall v. Nevada (1867) Government is  
16 to share with the people.”<sup>7</sup>*

17 The violations of the Fundamental Commercial Maxims (*ex dolo malo non oritur*  
18 *action*), (an action does not arise from fraud), party acting with dishonest intent, or  
19 misrepresenting the facts commits an injury against the law itself, (*to lie is to go against*  
20 *the mind*), and (*Fiat justitia ruat caelum*)(let justice be done though the heavens fall).  
21 Appendix/MOL Pg 1 Ln 7-28 (Maxims).....

---

<sup>7</sup> “But if the government has these rights on her own account, the citizen also has **correlative rights**. He has the right to come to the seat of government to assert any claim he may have upon that government or to transact any business he may have with it. To seek its protection, to share its offices, to engage in administering its functions. He has a right to free access to its seaports, through which all the operations of foreign trade and commerce are conducted, to the subtreasuries, the land offices, the revenue offices, and the **courts of justice in the several states**, and this right is in its nature **independent of the will of any state** over whose soil he must pass in the exercise of it.” [*cf* Crandall v. State of Nevada 73 U.S. (6 Wall.) 35] (Emphasis added) Haig v. Agee, 453 U.S. 280, 101 S. Ct. 2766, 69 L. Ed. 2d 640, 1981 U.S. LEXIS 39, 49 U.S.L.W. 4869, 7 Media L. Rep. (BNA) 1545 (1981) 69 L. Ed. 2d 640 p.662

1 **U.S. v. Mason, 412 U.S. 391, 400 (1973)**

2 The Supreme Court said this about "stare decisis":  
3 "And if the doctrine of stare decisis has any meaning at all, it requires  
4 that people in their everyday affairs be able to rely on our decisions  
5 and not be needlessly penalized for such reliance."  
6 f. Flood v. Kuhn, 407 U.S. 258, 283 (1972); Wallace v. M'Connell, 13  
7 Pet. 136, 150 (1839).

8 U.S. Supreme Court decisions are most always verified and calibrated,  
9 defined and detailed as in total conformity with Constitutional Law and the  
10 common law. In this instant case the Habeas petitioned for in the  
11 Constitutional Article III dcUS court is generally granted upon the first  
12 application and especially upon **ANY** showing of fraud or diminishment of  
13 confidence in the Judicial System. Here both USDC judges who denied the  
14 Habeas Corpus for paul-david's son are guilty of impersonating an Officer of  
15 the United States. [No con-stitutional oaths] It is paul-david's and Private  
16 Attorney General maria-janet's duty as a federal criminal witness and federal  
17 criminal investigator to make this fact known (CP 701[Ex 56, Admitted]).

18 Private Attorney General defined.<sup>8</sup>

19 BAR Charter as defined in RCW 2.48.010 and USDC Title 36 §705.<sup>9</sup>

20 **I. TRIAL COURT ERRORED BY ALLOWING ABROGATION**  
21 **[BREACH] OF PAUL-DAVID'S PRIVATE BOND-[CONTRACT] BY**  
22 **DAWN'S UNCLEAN HANDS [UNJUSTIFIED CONDUCT] NOT**  
23 **SUPPORTED IN THE RECORD .....**

---

<sup>8</sup> "Civil Rights Act of 1866, 14 Stat 27, enacted April 9, 1866, (and sometimes referred to as The Private Attorney General Act) 39th Congress, Sess. 1, Ch 31 (1866), CHAP. XXXL, (*Formally titled*): An Act to protect all Person in the United States in their Civil Rights, and furnish the Means of their Vindication, April 9, 1866"; Public Law 104-317, Oct 19, 1996, 110 Stat 3853; 93 stat 1284; and Public Law 96-170, 96th Congress, Dec 9th 1979. Connick v. Thompson, 179 Led 2d 417, (Appendix/MOL Pg 2 Ln 15 PAG)

<sup>9</sup> [A]ll BAR members' violations of the BAR Charter as an attempt to overthrow the United States Government which is a violation under 18 USC 1918 and chapter 115 of Title 18 USC and to do so violates the Taft-Hartley Act of a "closed union shop" which is a monopoly which involves antitrust law violations, and the Smith Act of an overthrow of the United States Government (see RCW 2.48.010) and USDC Title 36 §705.

1 a) **McLean v. Grabowski, 92 N.J. Super. 545, 547-48 (Ch.Div. 1966)**

2 'The conscience of the court'....“The State is a third party to every  
3 divorce proceeding and has exclusive control of the matrimonial  
4 status of those **domiciled** within its borders.” McLean v. Grabowski,  
5 92 N.J. Super. 545, 547-48 (Ch.Div. 1966).

6 No party, including the child, has been domiciled within Washington’s  
7 boarders since 2006, validating Washington’s loss of jurisdictional control.  
8 The child has been completely away from Washington for more than 7 years,  
9 which clearly determines a want of state jurisdiction (Marriage of Robinson  
10 159 Wn. App 162, 249 P 3d 532(2010)(CP: 26, item 15-P31)(RP: P128 Ln 9-  
11 22).

12 paul-david questioned the court’s authority over him (being domiciled in  
13 Okinawa Japan) from the very beginning (RP: P11 Ln 24-25) in this “sham”  
14 modification civil action pursuant not only to the many Federal Acts and the  
15 actions taken thereof which led paul-david to question the distinct issue of all  
16 of the [judge]-justice’s inactivated constitutional oaths and even the oaths of  
17 the unqualified Attorneys involved (Appendix/MOL P2 Ln 1).

18 b) ***Organic Laws***

19 *-Articles of Confederation*

20 “**To ALL whom** these Presents shall come...agree to certain articles  
21 of Confederation and perpetual Union...  
22 Full faith and credit shall be given in each of these states to the  
23 records, acts and judicial proceedings of the courts and magistrates of  
24 every other state...” (Emphasis added)

25 1787 Constitution for the United States of America in Congress  
26 Assembled

27 *Northwest Ordinance (Art 2)*

28 “And, in the just preservation of rights and property, it is  
29 understood and declared, that no law ought ever to be made, or have  
30 force in the said territory, that shall, in any manner whatever, interfere  
31 with or affect private contracts or engagements, bona fide, and  
32 without fraud, previously formed.” (Emphasis added)

33 Appellant can find no written law or historical reference to rebut the truth-fact

1 that the only justification for custody and support of paul david's and Dawn's  
2 child, is their previously bona fide without fraud agreed- Bond-[contract]  
3 (2006)

4 c) ***Washington's Parenting Act (House Bill 48, § 9, 50<sup>th</sup> Legis (1987)***

5 "Commentary at 27...first criterion limited involvement of  
6 parent's conduct had been harmful to the child...second criterion...  
7 and later ...whether parents agreed to residential placement of the  
8 child...The parents' wishes or agreements, and if the parents have  
9 entered into agreements, whether the agreements were made  
10 knowingly and voluntarily"

11 "– history of each parent in decision making—whether the parents  
12 have demonstrated ability and desire to cooperate with one another in  
13 decision making--RCW 26.09.187(1)(b), c(ii)(iii)) Washington's  
14 Parenting Act---unique legislative attempt to focus on continued  
15 'parenting' responsibilities." (Emphasis added)

16 Dawn in her own hand written agreements, agreed paul-david was in a better  
17 position to be the custodial parent of their child and made a Bond-[contract]  
18 (2006) with paul-david. The trial court denied paul-david to offer that  
19 evidence or even cross examine Dawn, misconstruing paul-david's "on  
20 quarters" ill status (3/5/2012) as a waiver to his constitutional right to cross  
21 examine Dawn and denied paul-david's standing objection to any testimony  
22 and evidence or exhibits entered in his medical absence and non availability  
23 to interview Dawn or her witness submissions (CP 694 [1:30-1:50]). As well,  
24 the court continued with the trial despite taking recesses and contacting paul-  
25 david's military command [Sgt Damien] who confirmed that paul-david had  
26 been confined to quarters by a doctor for 48 hours as of the afternoon of  
27 3/5/2012, substantiating the court's error of proceeding with the trial in paul-  
28 david's excused absence (CP 696-697). Later (3/14/2012) Sally Olsen  
29 sustained Dawn's attorney-witness' objection [witness list 1 pg] on the same  
30 identical grounds of paul-david's denied objection, 3/5/2012. Had paul-david  
31 not been ill and confined to bed-rest [quarters] on the first day of trial, the  
32 exhibits [6 six-inch binders] in which Dawn submitted would also not have

1 been received by paul-david prior to trial EITHER. Maxim: "Equity under the  
2 law is paramount and mandatory at/in law" (CP 698 [9:10]) (RP: P10 Ln7-19)

3 **d) Subject matter jurisdiction does not allow emergency jurisdiction to**  
4 **serve as the basis for continuing jurisdiction**

5 "Allowing emergency jurisdiction to serve as the basis for  
6 continuing jurisdiction would provide a license for every  
7 unscrupulous would-be custodial parent...to take his or her children  
8 and make false allegations of emergency situations."<sup>10</sup>

9 (Appendix/MOL P19 Ln 31-36; P53 Ln 32-39; Sheila L 465 S.E.2d at  
10 222)

11 "Subject matter jurisdiction in dissolution proceedings exists if  
12 one of the parties is a resident of Washington during the proceedings.  
13 Residence is **domicile in fact and intent to reside presently** in  
14 Washington."<sup>11</sup> (Robinson)(Emphasis added)(Appendix/MOL P14 Ln  
15 27-57; P15 Ln 1-20)(RP: P113 Ln 1-22; P115 Ln 20-22; P116 Ln 4-6)

16 In 2006, Dawn and their child was a resident of Washington. paul-david was  
17 still in Georgia. In June 2006, Dawn and paul-david voluntarily entered into a  
18 bond-[contract]. Both paul-david and Dawn agreed that custody of their child  
19 would be with paul-david. Confirmed and witnessed by the court (CP 1-2)  
20 and affirmed in Dawn's own handwriting with additional witnesses on  
21 October 28, 2006 (CP 703 [Ex 55, Admitted])(RP P42 Ln 3-17, P43 Ln 22-  
22 23). This evidence, on more than one level, was denied and beastly ignored  
23 by Sally Olsen. After 2006, neither Dawn nor paul-david and most  
24 importantly their child never, in fact, were a resident [domiciled] of  
25 Washington. The parties' were ALL completely away from Washington for  
26 more than five years; which makes the trial court a trespasser of the law. paul-  
27 david indisputably had un rebutted bona fide custody of his son (5/19/2006-

---

<sup>10</sup> "Judge without subject matter jurisdiction is a trespasser of the Law." (RP P149 Ln 1-11) (Sheila L 465 S.E.2d at 222) (Appendix/MOL Pg 16 Ln 18-24); "Judicial power is always for the purpose of giving effect to the will of the law." Von Kettler et al. v. Johnson, 57 Ill 109 (1870)

<sup>11</sup> "Jurisdiction is of subject matter and of the person [both preserved], and both must concur or the judgment will be void in any case in which a court has assumed to act." (Robinson) (RP P115 20-22 )(Appendix/MOL P15 Ln 39-5)(Appendix/MOL P16 Ln 1-5)

1 9/10/20010). Dawn did in fact indisputably violate the courts reinstatement  
2 order for nearly 45 days and thus has committed kidnapped/custodially  
3 interfered with paul-david's custody (CP 357-359). The USAF aided and  
4 abetted the kidnapper by refusing to honor the court's reinstatement orders.  
5 Dawn's attorney-witness failed his due diligence even after receiving  
6 un rebutted written knowledge from paul-david of the custodial  
7 interference/kidnapping, thus aided and abetted Dawn in her custodial  
8 interference/kidnapping, while also failing to inform the authorities or the  
9 court of Dawn's continued criminal acts; in which the trial court's denial of  
10 due process refused such substantial evidence despite already being  
11 substantiated in the court record. Clayton Longacre also failed to inform the  
12 court [for which similar instances in other cases has caused his disbarment  
13 (WSBA File)] of the custodial interference/kidnapping and as well aided and  
14 abetted Dawn's criminal actions, aside from Longacre bringing the clerk's  
15 error to light in an inappropriate application to the court. Both officers of the  
16 court violated their rules of professional conduct. Continuing on, Dawn's  
17 attorney-witness on 20 October 2010, falsified the record with complete  
18 hearsay that was not supported in any record in his misleading effort to  
19 convince an ex-parte commissioner to grant his TRO action, even after  
20 previously being denied from acquiring a TRO against paul-david, without  
21 ever supplying substantiated NEW evidence (KCLCR 7(b)(1)(B)) (CP  
22 701[Ex 10, Admitted])(CDP 420-421). The sparse record is nowhere  
23 meaningful for want of fact findings with substantial evidence for all pre-trial  
24 hearings [2010-2011] to support the trial courts unwarranted modification of  
25 custody that is certainly without any evidence or cause supporting  
26 SUBSTANTIAL change in circumstances. Again, this was all done without  
27 both parties' ever being physically present or [paul-david] being served in the  
28 claimed forum state before the court. All acts of the territorial-justices in  
29 every manner of the biasness and usurpation by the unqualified actor-justices

1 cannot undo or override the *Organic Laws* (NW Ordinance Art 2) regarding  
2 the Bond-[contract] (2006). (CP P60 Ln 4-8, 65 Ln 11-14, 124 Ln 1-13)(RP:  
3 P5 Ln 16-22; P8 Ln 20; P10 Ln 20; P11 Ln 24-25; P12 Ln 14-18, 24-25; P16;  
4 P18; P22 Ln 22-25; P23 Ln 10; P39 Ln 18-24; P48 Ln 16-25; P49 Ln 1-2. [It  
5 is redundant to cite any more pages/Lns]

6 *e) Court lacking subject matter Jurisdiction*

7 “[N]o authority need be cited for the proposition that, when a  
8 court lacks jurisdiction, any judgment rendered by it is void” Hooker  
9 v Boyles, 346 Fed 2d 285, 286 (1965); Honomichl v State, 333 NW  
10 2d 797, 799 (SD 1983)

11 “A reviewing court is required to consider the issue of subject  
12 matter jurisdiction even when it was not raised below in order to  
13 avoid an unwanted exercise of judicial authority.” Honomichl (Id)

14 “Where judicial tribunals have no jurisdiction of subject matter,  
15 the proceedings are void” People v Mckinon, 362 NW 2d 809, 912  
16 (Mich App 1985)

17 “Jurisdiction over the subject matter of action is essential to  
18 power of court to act, and is conferred only by constitution or by  
19 **valid** statute.” Brown v state, 37 Ne 2d 73, 77 (Ind 1941)

20 This [dry-dock]-trial-court never regained subject matter over paul-david’s  
21 son or authority even under the Divisible Divorce Doctrine, or UCCJEA  
22 which was the main basis of Washington court’s claimed authority over this  
23 case and which the all findings and conclusions are wanting. Neither paul-  
24 david nor Dawn intended jurisdiction in Washington after 2006. This was  
25 clearly demonstrated by Dawn traveling directly to New York upon her return  
26 to the states from Japan and paul-david being work-forced to return to  
27 Washington (3/3/2011). Both parties had to be physically present [or paul-  
28 david served in the forum state] before the [dry-dock] trial court could  
29 determine any “incidents of marriage” in 2010-2012, however this only  
30 occurred in 2006. (RP: P5 Ln 16-22; P8 Ln 20; P10 Ln 20; P11 Ln 24-25;  
31 P12 Ln 14-18, 24-25; P16; P18; P22 Ln 22-25; P23 Ln 10, P39 Ln 18-24, P48  
32 Ln 16-25, P49 Ln 1-2, P53 Ln 20-23. [It is redundant to cite the many more  
33 pages/Lns]

1 f) ***Extrinsic or collateral fraud***

2 “A void judgment procured by extrinsic or collateral fraud or  
3 entered without jurisdiction over the subject matter or the parties.”  
4 (Appendix/MOL P16 Ln 27-41; P17 Ln 1-2; Rook 233 Va. 92, 95,  
5 353 S.E. 2d 756, 758 (1987)(RP P22 Ln 24-25, 23 Ln 4; 76 Ln 6-13)

6 The record demonstrates that the court lacked any evidence pertaining to  
7 jurisdiction in the 2010 proceedings (Robinson). The most important factor  
8 that at no time neither Dawn nor paul-david’s son ever *near, associated with,*  
9 *nor connected to* Washington for his care, custody, and protection at the time  
10 of the initial modification proceedings; 5 years later, constituting a complete  
11 loss of continuing and exclusive jurisdiction by lack of contact with  
12 Washington. None of which could be cured by paul-david informing the Clerk  
13 of her wrongful dismissal of paul-david’s original Bond-[contract] [cf: Katz v.  
14 Katz, 310 N.J. Super. 25, 707 A.2d 1353(App. Div. 1998)] (CP 29 item 31; 37  
15 item 16)(Appendix/MOL P9 Ln 47-55; P10 Ln 1-17).

16 Alienation and willingness to deceive has been well determined as criteria for  
17 determining the “fitness” of custodial parents. [cf: T.S. v. A.V.T. (AB Court  
18 of Queen’s Bench<sup>12</sup>)] [Alienation – A(A.) v. A.(S.N.) 2007Carswell BC  
19 1591(CA)<sup>13</sup>] [cf: Orszak v. Orszak (2000) 8 RFL (5<sup>th</sup>) 350 (Ont. SCJ)<sup>14</sup>] [cf:  
20 Donald v. Leyton, 2008 Carswell Ont 1967 (Ont. S.C.J.)<sup>15</sup>]

21 “An initial child custody determination is to be based on....the  
22 willingness of each parent to foster a relationship with the other  
23 parent. However, the court found that the Mother's positive attributes

---

<sup>12</sup> “Court awarded primary residence and decision making to the father on basis that he would not alienate daughter from other parent. Best interest of child was to have one primary parent, and for that parent not to alienate her from the other parent.” (Appendix/MOL P3 Ln 2-23; 24-31; P4 Ln 1)

<sup>13</sup> “For most children, fundamental to their identity is an ability to love and accept love from each available parent.” [cf: R. Getliffe-Grant citing cf: Cox v. Stephen (2003) 47 RFL 5<sup>th</sup> 1 (CA)].

<sup>14</sup> “Failure to provide access can be “emotional abuse” and subject to a protection application.”

<sup>15</sup> “Part of growing trend to transfer custody if alienation, child 2.5 years old. Also done in [cf: Johnson v. Ross-Johnson 2009 CarswellNS 398.”]

1 were outweighed by her ‘cumulative efforts’...to interfere with the  
2 father's relationship with the children...and by her ‘willingness...to  
3 deceive’ in order to achieve her goal of parenting the children without  
4 the [father's] involvement.” (Emphasis added)[*cf.* Moor v Moor, 75  
5 AD3d 675, 676-677 (2010)(CP 29 item 31; 37 item 16)(RP P86 Ln 10-  
6 24; P87 Ln 1-2) (Appendix/MOL P20 Ln 19-39 Jeannemarie quoting  
7 Rundell, Moore P20 Ln 28)(The Experiment” “Doctrine”)

8 The Final Parenting Plan was acquired through clear and unquestionable due  
9 process violations at the trial as well as the falsely claimed “emergency” TRO  
10 ex-party hearing. RCW 26.09.187(1)(b),c(ii)(iii) Washington’s Parenting Act-  
11 “unique legislative attempt to focus on continued ‘parenting’  
12 responsibilities.” Because of Dawn’s Narcissistic Personality [never  
13 investigated by the court], Dawn clearly falls squarely into this category of  
14 child “emotional abuse.” Dawn has horrifically alienated paul-david out of his  
15 son’s life for more than two and a half years with absolutely zero contact.  
16 Dawn’s willingness to deceive by making numerous false allegations and  
17 misleading statements not only to her attorney-witness but also by the court’s  
18 lack judicial of integrity; is clear and substantial proof that the improper  
19 custody modification is an absolute trial-court-mistake. paul-david asks this  
20 courts to undue this egregious, outlandish and excessive mistake due to the  
21 clear absence of substantial evidence supporting significant THREAT to the  
22 child’s LIFE (CP: 420-421; 37 item 16)(RP P31 Ln 16-18, 86 Ln 11-12 ).

23 g) ***Jurisdictional connections lost Kulko v. Superior Court of***  
24 ***California, Etc., 436 U.S. 84, 92, 98 S.Ct. 1690, 1696, 56 L.Ed.2d***  
25 ***132 (1978)***

26 “The fact that jurisdictional connections can be lost is established by the  
27 Supreme Court's decision in Kulko.” Kulko v. Superior Court of California,  
28 Etc., 436 U.S. 84, 92, 98 S.Ct. 1690, 1696, 56 L.Ed.2d 132 (1978) (RP P81  
29 Ln 2-3, 108 Ln 2-3) (Appendix/ MOL p28 Ln 1-4)  
30 In Kulko, five years loss was constituted as sufficient to lose continuing  
31 jurisdiction if the parties absent themselves and the child from the forum  
32 state. paul-david’s son has been absent from Washington for seven years, this  
33 confirms that Utah [home state from 2006-2009] had more of a connection

1 than did Washington. paul-david nor Dawn never met any residency  
2 requirements to maintain any process in Washington, clearly making  
3 Washington the wrong forum (Robinson).

4 h) *paul-david was denied due process; In re Marriage of Fitzgerald &*  
5 *King 39 Cal.App.4<sup>th</sup> 1419, 46 Cal.Rptr.2d, 558 [No. H013512. Sixth*  
6 *Dist. Nov 8, 1995.]*

7 “Due process permits the exercise of personal jurisdiction over a  
8 nonresident defendant in the following four situations: 1. Domicile in  
9 forum state at time of commencement, [of modification process] 2.  
10 Physical presence or service in forum state, 3. Defendant consents [in  
11 writing] to jurisdiction, 4. Sufficient minimum contacts with forum  
12 state.” (Emphasis added)(RP P12 Ln 14-18, 13 Ln 4-5)  
13 (Appendix/MOL pg 10 Ln 19-35) (RP: P93 Ln 1-12; P114 Ln 10-16;  
14 P130 Ln 12-35)

15 paul-david met all four criteria above in Fitzgerald to prove the severe want  
16 of jurisdiction from 2010 forward. This further demonstrates the biases and  
17 prejudices of the trial court’s own rules set out by higher courts such as  
18 Fitzgerald and many others mandates. [*cf.* RCW 5.24.101, *cf.* Articles of  
19 Confederation]

20 Assignment of Error Summary: The entire record demonstrates the want of  
21 both subject matter jurisdiction and personal jurisdiction over paul-david and  
22 his son. Dawn has demonstrated she too never wished Washington to be her  
23 domicile by her own actions of traveling to New York rather than  
24 Washington. paul-david clearly met the criteria set out in [Robinson]  
25 established by Western Washington Court of Appeals [2010] further  
26 clarifying and demonstrating the want of INTENT of the family to make  
27 Washington their home. This substantiation makes the court’s decision  
28 baseless and on untenable grounds. The parents absented themselves and their  
29 child for more than 7 years [Kulko]. The record amply demonstrates severe  
30 gender bias, partiality, bias, and egregious judicial and professional canon  
31 violations as outlined in the Fundamental Fairness Doctrine, hereinafter  
32 “Doctrine”, “The Experiment.” (CP 424-432]) Most key to the parties’ child’s

1 identity and healthy emotional growth is to be able receive love from both of  
2 his parents, unconditionally. The record before this court is lacking of any  
3 expert, or substantial circumstances that paul-david is not a “fit” custodial  
4 parent or has harmed his son in any way. While on the other hand Dawn’s  
5 actions and false allegations [verified in higher court’s holdings] coupled with  
6 the attorney-witness mutilations of the record very clearly show Dawn to be  
7 “unfit” to be a custodial parent for their child (UCCJEA).

8 **II. TRIAL COURT ERRORED BY REVERSING CUSTODY WHEN THE**  
9 **RECORD LACKED JUSTIFICATION OR A VALID LAW TO**  
10 **SUPPORT ROBBERY AND BURGALRY - TRESPASS OF PAUL-**  
11 **DAVID’S PROPERTY.....**

12 a) **Canon 1**  
13 “A Judge Shall Uphold and Promote the Independence, Integrity,  
14 and Impartiality of the Judiciary, and the Appearance of Impropriety.”  
15 (RP P16 Ln 19-23, 62 Ln 4-5)(Appendix/MOL P20 Ln 18-47; 52-58;  
16 P21 Ln 1-20)

17 Even a scant appearance of partiality mandates the automatic recusal of  
18 the justice whether paul-david asked or not. In this case paul-david did  
19 ask for the justice Sally Olsen to step down (August 2011) because of her  
20 conflict of interest with paul-david’s immediate family and she refused.  
21 (RP: Pg 134 Ln 10-12)(Reply Motion to Modify [Attachment 2])

22 b) **Canon 2**  
23 “A Judge Should Perform the Duties of Judicial Office Impartially,  
24 Competently, and Diligently”

25 Sally Olsen was aware of the Holding in (HAZEL-ATLAS GLASS CO. v.  
26 HARTFORD-EMPIRE CO. 322 U.S. 238 (64 S. Ct. 997, 88 L. Ed. 1250)  
27 (1944)). Not only in the August 2011 hearing but also by preponderance of  
28 evidence standard testimony of maria-janet and paul-david, Sally Olsen  
29 committed additional error by not authoring her OWN Findings to ensure an  
30 unbiased truthful record, thereby invalidating her Findings, when as clearly  
31 shown as being authored by Dawn’s attorney-witness with extreme prejudice  
32 against paul-david (CP 736-742).

33 “Denial of the fundamental right to offer relevant and competent  
34 evidence on a material issue is almost always considered reversible  
35 error.” (Appendix/MOL P18 Ln 14-50) “Integrity of the process was

1 fatally compromised by denial.” (Appendix/MOL P7 Ln 24-49; P18  
2 Ln 14-47 Carlson supra) (RP: P141 Ln 14-15)

3 Denial of due process clearly violated the integrity of the court along with the  
4 justice’s-[judge’s] judicial duties. Had Dawn and the USAF honored the  
5 Bond-[contract], enforced the 2006 court’s order, the status quo would rightly  
6 have remained with paul-david. However, due to the mutilation and  
7 falsification of the record, without even minimal compelling investigative  
8 evidence neither in the record nor by valid law, shows clear demonstration of  
9 a lack of integrity in the justice’s duties (CP 1-2; 311-312 [Ex 55]; 357-359;  
10 360-388; 420-421; 529-541; 694-700; 713-719; 720-735; (“Doctrine”) (“The  
11 Experiment”)

12 c) ***Fraud On The Court By An Officer Of The Court***

13 “A judge is an officer of the court, as well as are all attorneys.  
14 ...to act impartially and lawfully... *A judge is not the court.*” People  
15 v. Zajic, 88 Ill.App.3d 477, 410 N.E.2d 626 (1980).

16 “Whenever any officer of the court commits fraud during a  
17 proceeding in the court, he/she is engaged in ‘fraud upon the court’.  
18 In Bulloch v. United States, 763 F.2d 1115, 1121 (10th Cir. 1985),  
19 “the court stated... It is where the court...is corrupted or influenced ...  
20 or where the judge has not performed his judicial function --- thus  
21 where the impartial functions of the court have been directly  
22 corrupted.”<sup>16</sup> (CP 736-742)(RP P61 Ln 19-23 )(Appendix/ MOL P25  
23 Ln 15-57; P26 Ln 1-56; P27 Ln 1-7)(RP: P25 Ln 21; P26 Ln 1-8; P27  
24 Ln 12)

25 Here, all of the justices by and through their fraud upon the court were  
26 instantly disqualified because of their extreme biases and allowances to  
27 consider hearsay attorney-witness statements without ANY expert

---

<sup>16</sup> “Fraud upon the court’ has been defined by the 7th Circuit Court of Appeals ... is a 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 its impartial task of adjudging cases...Kenner v. C.I.R., 387 F.3d 689 (1968); 7 Moore’s Federal Practice, 2d ed., p. 512, ¶ 60.23. The 7th Circuit further stated ‘a decision produced by fraud upon the court is not in essence a decision at all, and never becomes final.’  
“Courts have repeatedly held that positive proof of the partiality is not a requirement on the appearance of partiality.” (Emphasis added) Liteky v. U.S. 114 S. Ct. 1147, 1162 (1994).

1 investigative showing of evidence whatsoever. The trial court denied the only  
2 expert investigators declaration from being offered as an exhibit (CP 20-21;  
3 420-421)(Reply Motion to Modify[Attach 2])(RP P 36 Ln 25, 37 Ln 1, 62 Ln  
4 19-21). The want of investigation into the Narcissistic falsities and phantom  
5 non-existent abuse charges, in want of expert investigation, made by Dawn  
6 disqualified her from being a “fit” custodial parent. On top of that which is  
7 depicted the previously unrebutted-Bond-[contract] with paul-david bona  
8 fide, without fraud and affirmed in her own handwriting, clearly demonstrates  
9 paul-david was the choice of the family to be the custodial parent. (CP 1-2;  
10 311-312)(RP P43 Ln 13-17, 22-23)

11 d) ***Turner v Walla Walla, 10 Wn Ap 401 (1974) “Abuse of discretion***  
12 ***is no basis for a ruling”***

13 Sally Olsen severely abused her discretion through her biases and lack of  
14 integrity fully supported by compelling evidence in the record (**CP 694-700**).  
15 In commerce by candor Sally Olsen’s decision is amply recorded as plain  
16 error, baseless and on untenable grounds, is finally the product of manifest  
17 abuse of discretion. The mutilated findings, authored by Dawn’s attorney-  
18 witness, absolutely lacking any mention of paul-david’s claims including but  
19 not limited to 1) of Dawn’s Narcissistic Personality 2) custodial interference  
20 3) want of due process 4) unrebutted-[affidavits] (hereinafter the  
21 “Declarations”)) shows absolute lack of impartiality from Sally Olsen (CP  
22 694-700; 736-742)(RP P24 Ln 4-10; 55 Ln 20-23; 56 Ln 11-12; 62 Ln 4-9 ).  
23 In addition, this substantial evidence unequivocally demonstrates and proves  
24 gender bias, (“Doctrine” “The Experiment”). In paul-david’s and maria-  
25 janet’s minds, verified in the “Declarations” describe judicial bribing proving  
26 the baseless untenable erroneous grounds with judicial canons and  
27 professional irresponsibility violations.

28 e) ***Validity of judgments [∴ Pennoyer v. Neff - 95 U.S. 714 (1878)***  
29 ***“...the validity of such judgments may be directly questioned, and***  
30 ***their enforcement in the State resisted....over whom that court has no***

1 jurisdiction do not constitute due process of law.”(Emphasis  
2 added)(Appendix/MOL P23 Ln 24)

3 In 2006, Dawn had met the residency requirements and was personally served  
4 in Washington, the forum state at the time (CP 223-230 [Sub 7-9], Reply  
5 Motion to Modify [Attachment 1, Ex 19]). As a result, there was proper  
6 jurisdiction, both subject matter and personal. Then Dawn and paul-david  
7 entered into a fully agreed BOND-[contract] with both parties signing and  
8 bonding to the terms and conditions of the BOND-[contract]. Dawn failed to  
9 challenge or appeal the unrebutted-BOND-[contract] in June 2006 and again  
10 in Sept 2010. (CP 1-2; 357-359)(“Doctrine”)(“The Experiment”)(RP P60 Ln  
11 5-8, 14-19, 21-22)

12 ***Father’s shelter [domicile] [~~cf.~~ Lilly v. Lilly, 2011 UT App 53 (Utah***  
13 ***Court of Appeals, February 25, 2011)]***

14 “...Because the trial court had failed to determine Father’s  
15 domicile, the Court of Appeals **Reversed and Remanded** to  
16 determine Father’s domicile to determine whether Utah has subject  
17 matter jurisdiction to modify the child support.” (Appendix/MOL P27  
18 Ln 25-44)

19 There was never any marital domicile of this family in Washington. paul-  
20 david was NEVER served any personal process of the modification process  
21 within the borders of the claimed forum state, Washington. paul-david and  
22 Dawn were domiciled with their son for 3½ years in Utah, COMPLETELY  
23 away from Washington before being domiciled in Okinawa Japan for 15  
24 months prior to the filing of the improper modification process(CP 701 [Ex  
25 10, Admitted]). The court is in want of a written signed waiver of jurisdiction  
26 from paul-david. The action of Longacre was not submitted to the clerk as  
27 instructed by paul-david(WSBA File). The only time Washington could claim  
28 jurisdiction [continuing or otherwise] was when Dawn resided in Washington  
29 with their son in 2006 when the original bona fide, without fraud BOND-  
30 [contract] was voluntarily entered into and voluntarily signed by both parents.  
31 This is the only valid unrebutted bona fide without fraud Bond-[contract]

1 EVIDENCE during this entire case, with no appeal from Dawn to date; within  
2 jurisdictional guidelines. From 2006 throughout the trial, there still is neither  
3 a marital domicile nor non-military-related-intended-residency of either  
4 parent in the claimed forum state, Washington.

5 g) ***The Divisible Divorce Doctrine requirements***

6 "a court has jurisdiction to change the parties' marital status 'no  
7 matter where' the defendant spouse resides." [*cf.*: Byzewski v.  
8 Byzewski, 429 N.W.2d 394, 397 (N.D. 1988)]...But meeting the  
9 jurisdictional requirements to sever the marital status itself "does not  
10 necessarily grant the court the authority to adjudicate the related  
11 inciden[ces] of the marriage." Id. at 397. "Before adjudicating the  
12 incidences of the parties' marriage," a trial court "is required to obtain  
13 in personam jurisdiction over both [of the spouses]." [*cf.*: Simpson v.  
14 O'Donnell], 98 Nev. 516, 518, 654 P.2d 1020, 1021 (1982).] Thus, a  
15 court must have personal jurisdiction over a **nonresident spouse** in  
16 order to validly adjudicate matters of alimony or spousal support; the  
17 distribution or division of property; rights to child custody; and the  
18 award of child support.

19 Here, in applying to modify the unrebutted Bond-[contract] bona fide without  
20 fraud between the parents and bonded to in unison voluntarily by both parents  
21 on June 12, 2006; the trial court lost ALL jurisdiction of ANY kind when  
22 both parents entered into a Bond-[contract] regarding their child and who  
23 voluntarily left the claimed forum state. Dawn's own handwriting confirms  
24 her wishes and agreement in the unrebutted Bond-[contract] (CP 311-312)  
25 (RP P43 Ln 24-25; 44 Ln 1-3)(Appendix/MOL P21 Ln 33; P39 Ln 33-52;  
26 P40 Ln 1-9; P42 Ln 30, P66 Ln 8; P69 Ln 15).

27 h) ***Court acting outside Jurisdiction commits acts of violence***

28 "No judicial process, whatever form it may assume, can have any  
29 lawful authority outside the limits of the [territorial] jurisdiction of the  
30 court or judge by whom it is issued; and an attempt to enforce it  
31 beyond these boundaries is nothing less than lawless  
32 violence." Ableman v. Booth (1858), 56 U.S. (21 How) 506, 16 L.Ed.  
33 169 [Emphasis added].<sup>17</sup>

---

<sup>17</sup> "Jurisdiction can not be assumed Owen v City of independence Missouri 100 S. Ct  
1398, 1401; Once challenged, jurisdiction must be answered." Hagans v Lavine, 415

1           “A reviewing court is required to consider the issue of subject  
2 matter jurisdiction even when it was not raised below in order to  
3 avoid an unwanted exercise of judicial authority” Honomichl. (RP: P5  
4 Ln 16-22; P8 Ln 20; P10 Ln 20; P11 Ln 24-25; P12 Ln 14-18, 24-25;  
5 P16 Ln 1-25; P18 Ln 7-20; P22 Ln 22-25; P23 Ln 109; P39 Ln 18-24;  
6 P48 Ln 16-25; P49 Ln 1-2; P53 Ln 20-23. [It is redundant to cite the  
7 many more pages or Lns]

8 Nowhere has Sally Olsen or the other justices produced on the record  
9 justification 1) that juries of peers are NOT allowed in civil divorce cases, 2)  
10 that the forum state had NOT lost continuing jurisdiction of more than 7  
11 years, 3) that actions of Longacre were NOT improper, 4) That equity in the  
12 law is NOT paramount and mandatory at/in law, 5) That Findings do NOT  
13 demonstrate abuse of discretion and want of jurisdiction.

14       j) **Agency Holding Corp v Malley-Duff & Assoc. 107 S Ct 2759**  
15           “The object of civil RICO is thus not merely to compensate  
16 victims but to turn them into prosecutors, “private attorneys general,”  
17 dedicated to eliminating racketeering activity”  
18           “*Litigants may be assisted by unlicensed layman during judicial*  
19 *proceedings.*” See, [cf :Brotherhood of Trainmen v. Virginia ex rel.  
20 Virginia State Bar (377 U.S. 1)]; [cf :Gideon v. Wainwright (372 U.S.  
21 335); [cf :Argersinger v. Hamlin, Sheriff (407 U.S. 425)]

22 Here, maria-janet not only is a PAG but a Congressionally recognized  
23 Criminal Investigator and a Criminal Witness authorized to represent one of  
24 the people, paul-david; with the higher courts same mindset that paul-david  
25 could have been at least assisted by maria-janet during the trial [3/5, 3/6,  
26 3/14/2010]. The record is lacking of Findings that there is a law in which  
27 paul-david could not be assisted by Private Attorney General [2009] maria-

---

US 533(1974)

“Question of jurisdiction is always fundamental, and if there is an absence of  
jurisdiction over either the person or the subject matter, court has no power to act.”

Wells v Wells 376 S 2d 750 (1979)

“[N]o authority need be cited for the proposition that, when a court lacks jurisdiction,  
any judgment rendered by it is void” Hooker v Boyles, 346 Fed 2d 285, 286 (1965);  
Honomichl v State, 333 NW 2d 797, 799 (SD 1983)

“Where judicial tribunals have no jurisdiction of subject matter, the proceedings are  
void” People v Mckinon, 362 NW 2d 809, 912 (Mich App 1985).

1 janet (CP 313-317). At the sham divorce trial, paul-david was not allowed  
2 ANY form of due process whatsoever. No trial by jury of his peers was  
3 afforded to paul-david as diligently requested. [*cf.* Agency Holding Corp  
4 v Malley-Duff & Assoc. 107 S Ct 2759] (Reply Motion to Modify [Attach  
5 1, Ex 13]; Ex 56)(RP: P135 Ln 18-25; P136 Ln 1-9, 17-25; P137 Ln 1-  
6 22)[*cf.* International Treaties, *cf.* Law of Nations, *cf.* International laws,  
7 Scripture, *cf.* P.L. 97-280]

8 1) ***Uniform Bonding Code***  
9 § 5.4 A judge shall lose his bonding and not be bonded and shall be  
10 deemed unbondable if  
11 (1) Fails to protect the Constitutionally guaranteed remedies of due  
12 process.” (Reply Motion to Modify [Attach 1, Ex 2; 20])  
13 § 5.0 Judicative Control- Consideration of Affidavits  
14 “All affidavits must be considered, answered and affirmed or  
15 denied categorically, point-for-point in writing.”

16 paul-david has not been allowed **even one second** of contact with his son  
17 since 3/3/2011. Dawn’s efforts have been nothing short of deceitfully  
18 alienating paul-david, by completely severing their entire relationship with  
19 “zero” contact for the remainder of his son’s childhood (12 years)(CP 713-  
20 719). The lack of an investigation by the Kitsap court into the willingness of  
21 each parent to foster a meaningful parent child relationship, the one major  
22 element of Legislative intent required in custody proceedings, violates that  
23 intent. Instead, Sally Olsen has effectively destroyed the parties’ child’s  
24 emotional identity and wellbeing by ordering “zero” contact between paul-  
25 david and his son, including all other family members and/or third parties, for  
26 the remainder of his son’s childhood (12 years)(CP 713-719). Sally Olsen  
27 used the basis of claiming vexatious litigation and applied **extreme**  
28 **unwarranted RCW 26.09.191 restrictions** without a showing of substantial  
29 evidence while attacking the personality of paul-david, instead of correctly  
30 applying the Law, which is extremely contrary to the legislative intent of the  
31 ‘best interest of the child’. To wit, all of which being based on Dawn’s clear

1 artifice, stratagem, deceit and false manipulations. This, at a bare minimum  
2 demonstrates Sally Olsen's bias/gender bias and partiality, equating to clear  
3 violations of the Judicial Canons. Even convicted murderers and felons get  
4 some kind of visitation, whether it's supervised or otherwise. Because of the  
5 magnitude of many higher courts' rulings, paul-david could not include all of  
6 them in this Brief or Memorandum in Support. Sally Olsen is unbondable for  
7 her biases in not protecting paul-david's Constitutionally guaranteed remedies  
8 of due process (Reply Motion to Modify [Attach 1, Ex 2])("Doctrine","The  
9 Experiment")(Appendix/MOL P62 Ln 20; P 94 Ln 20-24; P96 Ln 7-17; P97  
10 Ln 27-40; P98 Ln 1-13)(P9 Ln 1-50)(OPCA)(RP P121 Ln 6-13 ).

11 m) ***STATE EX REL. CARROLL V JUNKER 79 Wn 2d 12***

12 "A decision which is based on untenable or erroneous grounds  
13 rather than upon objectivity and impartiality must, by definition, be  
14 the product of manifest abuse of discretion...basis for trial court's  
15 decision inherently unreasonable...clearly unsupported by  
16 evidence[hearsay] or the law" [cf: Carroll at ?]

17 Here the trial court misconstrued the law [hearsay] and improperly relied on  
18 the misconception of the record. Testimony from paul-david and maria-janet  
19 at the trial supports the hearsay rule especially when cross examination of  
20 Dawn was repeatedly denied. (CP 694-700)(RP P157-162)

21 n) ***RCW 26.09.002 Policy of the state***

22 "The state recognizes the fundamental importance of the parent-  
23 child relationship to the welfare of the child and the relationship  
24 between the child and each parent should be fostered."

25 Sally Olsen has violated the Policy of Washington state on untenable grounds  
26 predicated on her gender bias, bias with want of objectivity and impartiality  
27 generating her manifest abuse of discretion. Even convicted rapists and  
28 murderers get visitation (CP 694-700; 714, 716[3.9, 3.10]).

29 o) ***Crimes against justice under Statutes at Large, section 5407***

30 Both Mary Allen and Jaimie Hetzog each mutilated the record (Mary Allen  
31 by shredding documents) (Jaimie omitting testimony in the RP) filed in

1 opposition and violations of crimes against justice.<sup>18</sup> Therefore Jami Hetzog  
2 and Mary Allen must be sanctioned for such collaborated behaviors (Reply  
3 Motion to Modify, [Attach 3]). *For reference, Appellant is in possession of*  
4 *Mary Allen’s personal letter (correspondence) and the trial court witness’*  
5 *Affidavits which validate this claim for the courts consideration of*  
6 *Appellant’s cf: RAP 9.11(a)(1-6) Motion, if granted.*

7 Assignment of Error Summary: Here, the trial court erred by condoning its  
8 own numerous actions of “fraud upon the court” and intentional omissions in  
9 the record as declared and outlined above, section “c, o”. Thus proving again,  
10 paul-david was completely denied a fair trial (Reply Motion to Modify [Attach  
11 2]). maria-janet is not a public official and therefore is outside of the  
12 purview of BAR requirements. As well, maria-janet has capacity and  
13 standing to represent one of the people, paul-david. Because the trial court  
14 clerk Mary Allen and reporter Jaimi Hetzog supplied a mutilated record  
15 [which can be validated if the court grants Appellant’s cf: RAP 9.11(a)  
16 Motion], expecting this court to rely upon such, which ultimately failed to  
17 submit and report a meaningful record for review, it clearly constitutes crimes  
18 against justice under Statutes at Large, section 5403 (Reply Motion to Modify  
19 [Attach 2]).

20 **III. TRIAL COURT ERRORED WHEN CAMERON FLEURY**  
21 **PERPETRATED FRAUD IN FACTUM—(WARD OF THE COURT)**  
22 **WITHOUT A VALID LAW TO BIND PAUL-DAVID TO APPELLEE’S**  
23 **ATTORNEY-WITNESS.....**

24 a) *[cf. corpus juris secundum, Attorney & Client Sec 2 Pg 769]*

---

<sup>18</sup> “SEC. 5407. If two or more persons in any State or Territory conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws, each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment.” [See §§ 1977-1991, 20042010, 5506-5510.1]

1           “Americans appearing in American courts represented by licensed  
2 lawyers are known to be “wards-of-the-court”. See, e.g., Corpus Juris  
3 Secundum, Attorney & Client, Sec. 2, pg 769: Black’s Law  
4 Dictionary (5th Ed., 1991) defines “wards-of-the-court” as “infants”  
5 or “persons of unsound mind”.

6 A person of unsound mind does not have the capacity to submit any  
7 testimony, claims, or assertions. Because attorneys are not qualified to testify  
8 or submit anything to the court, everything submitted by Dawn or her  
9 attorney-witness unauthored and/or unsigned by Dawn is simply hearsay.  
10 (Trinsey V. Pagliaro DC Pa. 1964,229 F. Supp. 647; Porter v. Porter (ND  
11 1979) 274 NW 2d 235; HAZEL-ATLAS GLASS CO)

12       b) [*cf:Victor Rabinowitz et. at. v. Robert F. Kennedy, 376 US 605*]  
13           “...Attorney must represent corporations, it being incorporeal and  
14           a creature of the law. An attorney...must appear with the corporate  
15           charter and law in his hand. A person acting as an attorney for a  
16           foreign principal must be registered to act on the principal’s behalf.”  
17           See [*cf: Foreign Agents Registration Act (22 USC § 612 et seq.)*]; “It  
18           is a clearly established principle of law that an attorney must  
19           represent a corporation”

20 Cameron Fleury completely failed to prove his standing or even his firms  
21 standing as required by 18 USC §§ 219, 951.<sup>19</sup> The record is completely  
22 lacking of Cameron Fleury’s corporate charter and law on 10/22/2010 to act  
23 on Dawn’s (non-corporate-principal’s) behalf. Dawn in retaining Cameron  
24 Fleury, is a Ward of the Court thus making all of her testimony and  
25 submissions into the court hearsay (Trinsey; Porter; HAZEL-ATLAS GLASS  
26 CO) paul-david did not hire Clayton Lonacre (WSBA File) to do anything but  
27 inform the court that he was not relinquishing/waiving jurisdiction to anyone  
28 or anything and simply wanted the clerk to be informed of the clerk’s mistake

---

<sup>19</sup> “Failure to file the “Foreign Agents Registrations Statement” goes directly to the jurisdiction and lack of standing to be before the court, and is a felony pursuant to 18 USC §§ 219, 951. The conflict of law, interest and allegiance is obvious. “... Want of FARA registration is want of jurisdiction and standing before the court causing the act of a felony...“Failure to file the ‘Foreign Agents Registrations Statement’ goes directly to the jurisdiction and lack of standing to be before the court...”(afra)

1 of improperly dismissing the Bond-[contract](CP 1-2; 338-348). paul-david's  
2 testimony and submissions to the court are the only true "evidence" Sally  
3 Olsen could have realistically relied upon or quote in her decision [findings].  
4 It is understood that the findings are rarely changed except on a showing of  
5 where the findings are egregiously excessive [RCW 26.09.191]and  
6 unsubstantiated to support completely removing one parent's rights to the  
7 child. The findings and conclusions [authored by Appellee's counsel,  
8 (Porter)] are on untenable grounds, do not support their excessiveness and are  
9 lastly a manifest abuse of discretion. (CP 704-712; 736-742)(RP P163 Ln 4-  
10 5)

11 e) *[cf: Williams v. United States, 289 U.S. 553 (1933)]*

12 ... that a power definitely assigned by the *Constitution* to one  
13 department can neither be surrendered nor delegated ...nor vested  
14 by *statute* ...[italics in original, bold emphasis added]. *Brutum*  
15 *fulmen!!* (Appendix/MOL P2 Ln 1)

16 *Brutum fulmen* : insensible thunderbolt : a futile threat or display of  
17 force [false threat].

18 Under no circumstance can it be said that the use of a foreign ex-party false  
19 allegation restraining order to modify custody be used when it is not allowed  
20 by law or rule (CP 420-421; 30 Ln 6-9, item 34; 701[Ex 10, Admitted]).

21 f) *Uniform Child Custody Jurisdiction and Enforcement*  
22 *(Appendix/MOL P14 Ln 37-61; P 38 Ln 1-21)*

23 "The Supreme Court gave insufficient attention to facts and  
24 evidence that, in our opinion, are of such **significant collective**  
25 **magnitude** as to warrant a custody determination in favor of the  
26 father." (Appendix/MOL P11 Ln 42-58; P12 Ln 1-42; P22 Ln 7)  
27 (Emphasis added)

28 Dawn knowingly and with full intent, committed custodial interference  
29 when she refused to return Ethan-Michael and comply with paul-david's  
30 the courts reinstatement custody order on 9/14/2010 and continuing  
31 through 10/20/2010. This clearly demonstrates an obvious showing of  
32 Dawn's criminal acts. Both the USAF and justice Hartman knew or  
33 should have known there was substantial evidence supporting a

1 punishable commission of a crime(CP 362 ¶5; 357-359; 420-421)(RP P2  
2 Ln 3-13; 3 Ln 3-17; 143 Ln 9-22).  
3 Assignment of Error summary: With the total denial of due process by  
4 denying evidence, exhibits, or testimony is fraud upon the court by Sally  
5 Olsen (Trinsey; Porter). It's understood that the findings are not normally  
6 changed except on a showing of extreme un-substantiation for the  
7 restrictions which were imposed. The trial court Findings are lacking of any  
8 SUBSTANTIAL credible evidence [that is not hearsay] from Dawn which  
9 warrant or SUBSTANTIALLY support the kidnapping/custodial interference  
10 of paul-david's relationship with his son. Even more importantly trial court  
11 Findings are also lacking of SUBSTANTIAL credible evidence warrant or  
12 SUBSTANTIALLY support the RCW 26.09.191 restrictions which  
13 completely removes ALL of paul-david's rights to consortium with his son  
14 (CP 694-700; 713-719; [unauthored]736-742). However, the record is replete  
15 with CLEAR substantial support for RCW 26.09.191 restrictions against  
16 Dawn through preponderance of evidence from the "Declarations" of paul-  
17 david, maria-janet, Jonathan Arndt etc; that is not hearsay and are based on  
18 the initial bona fide without fraud Bond-[contract] and/or the reinstatement  
19 order (CP 1-2; 362 ¶5)(Reply Motion to Modify [Attach 2])(RP P15 Ln  
20 15-18; 19 Ln 5-6; 20 Ln 5-14;38 Ln 2-13).

21 **IV. TRIAL COURT ERRORED BY VIOLATING PAUL-DAVID'S DUE**  
22 **PROCESS RIGHTS WHEN OBJECTIONS, EXHIBITS, AND**  
23 **EXAMINATIONS WERE DENIED WITHOUT FOUNDATION,**  
24 **SHOWING OF PREJUDICE TO DAWN, OR JUSTIFICATION FOR**  
25 **ROBBERY AND BURGALRY OF PROPERTY.....**  
26

- 27 a) ***Personality Disorders and False Claims of Abuse Feb 17, 2013-***  
28 ***Narcissistic Personality Disorder***  
29 "Narcissistic individuals are extremely self-centered and are  
30 preoccupied with their own abilities, appearance, comfort, and  
31 importance. Researchers believe that the onset of this disorder occurs  
32 in early adulthood. lying and destruction of property interferes with  
33 relationships between others." (Emphasis added)

1 Narcissists are very manipulative and clever. paul-david and maria-janet  
2 believe and are convinced Dawn's Narcissistic Personality was caused by  
3 Dawn's own abuse at 9 years old at the hand of her father, Gary Harris, which  
4 there are many court records from Dawn in her parents' divorce; that validate  
5 paul-david's belief. paul-david was denied bringing this evidence forward  
6 because of the extreme denial of due process and the preferential treatment of  
7 Dawn's attorney-witness ("Doctrine")(Washington's Parenting Act)(RP P61  
8 Ln 19-23; P62 Ln 4-5). Some are addicted to the upset that they cause to  
9 others. Due to this addiction, the prospect of improved outcome for these  
10 individuals is poor. Otherwise, the possibility of a positive outcome varies  
11 with the severity of the disorder. Expert investigation needed to be conducted  
12 before any modification decision could be made (Bond-[contract] (CP20-21;  
13 362 ¶4; 420-421)(RP P 124 Ln 1-25; 125 Ln 1-2, 17-19) (Appendix/MOL  
14 P108 Ln 5-25).

15 a) ***Marriage of Kovac 121 Wn 2d 795 (1993)***

16 "The Parenting Act does not create a presumption that placement  
17 of the child with the parent who has been the primary caregiver is  
18 always in the child's best interest absent proof that the primary  
19 caregiver's personality-conduct and parenting style has harmed the  
20 child's physical, mental or emotional well being"

21 The record does not support the Findings that paul-david's was not the  
22 primary caregiver too or that paul-david's parenting style harmed the child's  
23 physical, mental or emotional well being at the time of the 10/20/2010 or  
24 10/29/2010 hearings. The court ignored Dawn's Narcissistic Personality, her  
25 custodial interference/kidnapping (9/14/2010 - 10/20/2010) AND the lack of  
26 jurisdiction over the family contained in the "Declarations". The Air Force  
27 CRB's determination 4 days (U.S. time) after the 10/29/2010 hearing  
28 supported paul-david's claim of Dawn's false allegations and Narcissistic  
29 Personality [lying] making Dawn an "unfit" custodial parent (CP 30 item 34;  
30 37 item 16; 362 ¶5; 420-421; 701 [Ex 12-13]) (RP P79 Ln 11; 80 Ln 1-7 ).

1           b) ***[cf Porter v. Porter (ND 1979) 274 NW 2d 235.]***  
2                           *"The practice of an attorney filing an affidavit on behalf of his*  
3                           *client asserting the status of that client is not approved, inasmuch as*  
4                           *not only does the affidavit become hearsay, but it places the attorney*  
5                           *in a position of witness thus compromising his role as advocate."*

6       Here, Dawn was physically absent from ALL hearings except in 2006 and the  
7       initial trial day 3/5, 3/6/2012; having Cameron Fleury act totally in her  
8       complete absence authoring/making every piece evidence which he submitted  
9       as of her behalf, complete and utter hearsay and finally inadmissible during  
10      this entire case (10/20/2010- 5/22/2012)(HAZEL-ATLAS GLASS CO).

11           d) ***[cf Trinsey V. Pagliaro DC Pa. 1964,229 F. Supp. 647]***  
12                           *"An attorney for the plaintiff cannot admit evidence into the court.*  
13                           *He is either an attorney or a witness"*

14      Here again, because Dawn was physically absent from ALL hearings except  
15      the initial Agreed Order Settlement bond-[contract] 2006 and at the initial  
16      trial day [when paul-david was ill and ordered on military Quarters]. Dawn  
17      again had Cameron Fleury act for her; which places Cameron Fleury in the  
18      position of a witness. Again, making every piece of testimony and evidence  
19      which he submitted, complete and utter hearsay and finally inadmissible  
20      during this entire case. All of paul-david's submissions were authored and  
21      signed by him and submitted properly by his POA maria-janet officially  
22      authorized by paul-david (HAZEL-ATLAS GLASS CO).

23           e) ***Maxim: Equity under the law is paramount and mandatory in/at***  
24                           *law*  
25                           *"What is done for one side must be likewise done for the other*  
26                           *side to avoid defileing and loss of integrity of the court itself."*

27      The Initial Objection by paul-david on 3/5/2012 through his POA were  
28      identical to Dawn's attorney-witness's objections on 3/14/2012 (Porter).  
29      These identical objections challenged the testimony of Dawn and any exhibits  
30      she entered via herself or her attorney-witness, Cameron Fleury (3/5/2012),  
31      which the trial court denied. However, when Dawn's attorney-witness made

1 the same objections against paul-david on 3/14/2012, the trial court permitted  
2 these objections; which in turn denied paul-david from cross-examining  
3 Dawn and from submitting relevant evidence supporting his position. That is  
4 a clear manifest abuse of discretion by Sally Olsen to deny one side and grant  
5 the other side where objections were identical in substance and form (CP694-  
6 700; (Reply Motion to Modify [Attach 1, Ex20])(RP P61 Ln 19-23; 62 Ln 4-  
7 5).

8 f) *Elements of credit card fraud committed by Dawn*

9 Despite already being in the trial court record, paul-david was denied from  
10 admitting the Gig Harbor Police Department (GH PD) report which detailed  
11 that the elements of credit card fraud by Dawn in the Gig Harbor Police Sgt.  
12 Report, stating the Prosecuting Attorney supported the Prosecution of Dawn  
13 for credit card fraud. The law is that there is no statute of limitations in fraud.  
14 paul-david urges that due to there being no statute of limitations on “Fraud”,  
15 Dawn should be held responsible for her criminal actions and appropriate  
16 criminal actions should commence immediately. The unrebutted testimony,  
17 the “Declarations”, of paul-david, maria-janet, Dawn’s own handwritings, the  
18 GH PD report; overwhelmingly substantiate and support sanctions and formal  
19 charges (CP 24 item 10; 35 item 6; 40-50; 362 ¶5)(Reply Motion to Modify  
20 [Attach 1, Ex 8-9, 18])(RP: P162 Ln 4-19).

21 Here the lack of jurisdiction after the reinstatement order is continually  
22 alleged in paul-david’s “declarations” and unrefuted by Dawn or the court.<sup>20</sup>

23 “An unrebutted affidavit stands as truth in law. “Court of Appeals  
24 may not assume the truth of allegations in a pleading which are  
25 contradicted by affidavit...The need for asserting all matters under  
26 solemn oath of personal and legal liability for the validity of each and  
27 every statement, the participant must provide material evidence  
28 substantiating that each and every fact or entry is true, valid, relevant,  
29 and verifiable. Without said acceptance of liability and facts provided

---

<sup>20</sup> “Indeed, no more than affidavits is necessary to make the prima facie case.” *United States v. Kis*, 658 F.2d 526, 536 (7th Cir. 1981); Cert.

1 to support one's assertions, no credibility is established." Data Disc  
2 Inc v Systems Tech Assoc Inc 557 F2d 1260 (9<sup>th</sup> Cir 1977)<sup>21</sup>  
3 Here Dawn's declarations and the declarations of unverified witnesses were  
4 not asserted as complete, nor was credibility ever established. Wards of the  
5 Court establish no credibility. On the other hand, all of paul-david's  
6 "Declarations" were all under penalty of perjury, true, correct, complete and  
7 not misleading, fulfilling the standard of credibility.

8 g) ***Custodial interference – Committed by Dawn***

9 Dawn withheld Ethan-Michael and interfered with the trial courts 9/10/2010  
10 order--reaffirming 6/12/2006 bond-[contract], despite being presented with it  
11 on 9/14/2010. Both Dawn and paul-david's USAF Command at Kadena AFB,  
12 Okinawa, Japan; custodially interfered for roughly 45 days after notification  
13 of said order. At no time did the court make any determination during the  
14 course of this ENTIRE CASE regarding Dawn's custody interference (CP: 30  
15 item 32-34; 37 item 16; 362 ¶5; 420-421) (RP RP P143 Ln 9-22 ).

16 "Interference with parental rights, is "so **inconsistent** with the  
17 best interests of the child that it raises, by itself, a strong probability  
18 that the offending party is unfit to act as a custodial parent"  
19 (Emphasis added)(Appendix/MOL P12 Ln 13; Matter of Gago v  
20 Acevedo, 214 AD2d 565, 566 [1995])

21 "Parental Alienation Syndrome occurs when one parent uses  
22 his/her influence ...to undermine the relationship between the child  
23 and the other parent." (Appendix/MOL P15 Ln 8-9, P15 Ln 31)  
24 (People v. Loomis, 172 Misc.2d 265, 267, 658 N.Y.S.2d 87)

25 "Evidence that the custodial parent intentionally interfered with  
26 the noncustodial parent's relationship with the child per se, raises a  
27 strong probability that the offending party is unfit to act as custodial  
28 parent" (Appendix/MOL P12 Ln 44-51; Matter of Youngok Lim v  
29 Sangbom Lyi, 299 AD2d 763, 764 [2002])

---

<sup>21</sup> un-rebutted re·but [ri·buht] IPA verb, re·but·ted, re·but·ting.  
verb (used with object)

1. to refute by evidence or argument.

2. to oppose by contrary proof. verb (used without object)

3. to provide some evidence or argument that refutes or opposes.

Origin: \12501300; Middle English *reb* ( *o* ) *uten* < Old French *rebouter*, equivalent to *o re-* + *bouter* to butt Un·re·but·ted, adjective

1 Again, in this instance Dawn clearly and intentionally interfered with paul-  
2 david's relationship with his son by disobeying the court's order for  
3 approximately 45 days, with the complete assistance of the USAF. (CP 357-  
4 358; 420-421)(RP P 19 Ln 15-16, 18-19)The status quo argument during the  
5 10/29/2010 hearing was based SOLEY upon the commission of a CRIME.  
6 Clearly this overwhelmingly SUBSTANTIATES Dawn to be "unfit" to be the  
7 child's custodial parent as per RCW 9A.40.060 Custodial interference in the  
8 first degree (CP ?)(RP P143 Ln 9-22)(Appendix/MOL P24 Ln 26-54; P25 Ln  
9 1-45).

10 "In Chase v, Chase, a mother's continued false accusations that  
11 the father was a pedophile, compelled the Appellate Division to  
12 reverse a Family Court finding that granted custody to the mother.  
13 The Appeals Court's finding that the mother...**made repeated false**  
14 **and unsubstantiated claims...disobeyed various court orders**  
15 warranted a change of custody. As a consequence of the mother's  
16 conduct, the Court granted the father custody of the child." (**Bold**  
17 **Emphasis added**) [*cf Chase v Chase* NY S Ct-(11/22/2006)]

18 Here, the only expert investigation into the truth or falsity of Dawn's  
19 allegations of abuse against paul-david, were dismissed by USAF CRB<sup>22</sup> (CP  
20 420-421). There court never attempted to investigate Dawn's Narcissistic  
21 Personality. The record is lacking of any substantial evidence that Dawn's  
22 allegations were true. The CRB six-week investigation [11/2/2010 U.S.]  
23 supports paul-david's contention of Dawn's Narcissistic Personality of false  
24 allegations, which warrant REVERSAL of the 10/29/2010 improper  
25 modification of custody, and the trial courts' Final Parenting Plan 5/22/2012.  
26 The status quo basis for the improper modification of custody that is NOT  
27 substantially supported in the record, validates the Narcissistic Personality

---

<sup>22</sup> "As is so often the case with emotionally-charged claims of child sexual abuse, mere findings of innocence were insufficient to shield Darryl Ginyard from its many adverse effects...after each new allegation, he lost custody of his children..." [*cf Maryland Dad Gets \$852K Judgment for Ex-Wife's False Allegations, July 20th, 2011 by Robert Franklin, Esq*], (Appendix/MOL P1 Ln 31-35; P2 Ln 1-56; P3 Ln 1)

1 and custodial interference by Dawn at the 10/20/2010 third attempted ex party  
2 hearing, as well as the 10/29/2010 hearing (CP 30 item 34; 37 item 16; 362  
3 ¶5; 420-421)(RP: Pg 38 Ln 2-13; Pg 162 Ln 9-12).

4 h) **Misprision of felony and misprision of treason**  
5 Misprision of felony and misprision of treason was committed by the court  
6 justices through their outrageous denial of due process. paul-david has been  
7 denied from being able to bring this issue forward until now. (After-  
8 discovered fraud, (HAZEL-ATLAS GLASS CO.)(CP 694-700)(Reply  
9 Motion to Modify [Attach 2])(RP P128 Ln 24-25; 129 Ln 1; 89 Ln 2-6 )  
10 Assignment of Error Summary: Dawn’s Narcissistic Personality Disorder,  
11 with mutilation of the record by Dawn’s attorney-witness and all unauthored  
12 Findings [supposedly] by the court illustrate the egregious violations as  
13 separately outlined (a-k) above have tainted the entire record. Including the  
14 fact the TRO and modification hearings never presented ANY NEW  
15 substantial evidence NOT based on untenable grounds or custodial  
16 interference [false status quo] to validate significant change of circumstances.  
17 How can the court rely on such tainting even under the abuse of discretion  
18 standard and the mutilation of the incomplete-sparse record without  
19 effectuating a manifest unconstitutional injustice against paul-david and  
20 likewise against the parties’ child.

21 **V. TRIAL COURT ERRORED WHEN THE RECORD DID NOT SUPPORT**  
22 **THE COURT’S CONCLUSIONS WITH WANT OF SUBSTANTIAL**  
23 **EVIDENCE.WITHOUT CLAIM OF CONSENT TO CHANGE**  
24 **EXISTING [2006] BOND-[CONTRACT].....**

25 a) **Judicial Impartiality Johnson v. State, So.3d (Fla. 5th DCA, No.**  
26 **5D11-4394, 8/31/2012)**  
27 Judicial **impartiality** “is at the core of our system of criminal  
28 justice,” “...judge’s departure from the position of neutrality “vitiates  
29 the validity of the proceedings”“... (*a pro se litigant*), *however*  
30 *inartfully pleaded, are sufficient to call for the opportunity to offer*  
31 *supporting evidence. Accordingly...we conclude that he is entitled to*  
32 *an opportunity to offer proof.*” (Appendix/MOL P18 Ln 49-50; P19

1 Ln 1-4. *Haines*) (Appendix/MOL7 Ln 37-48; P9 Ln 1-7 Johnson v  
2 state) (Reply Motion to Modify [Attach 1, Ex 20])

3 Russell Hartman's extreme partial vitiation ("Doctrine" "The Experiment)and  
4 lack of investigation with regard to custodial interference by Dawn and  
5 Dawn's Narcissistic Personality, coupled with paul-david's and maria-janet's  
6 "Declarations", supports paul-david's position of improper status quo basis;  
7 warranting complete reversal of the custody BACK to the original status  
8 (2006). The justices' blatant bias, gender bias, partiality, and conflict of  
9 interest vitiated and tainted the validity of any proceedings, not to mention  
10 his/her violations in commerce of candor warrants Appellant be awarded  
11 sanctions (CP 694-700). The justices' in this instant matter have a duty under  
12 18 USC 4 to report felonies against fellow territorial employees brought to  
13 their attention (Taft Hartley Act, Smith Act, and Sherman Clayton Antitrust  
14 Act violations) paul-david was PREJUDICED by the complete denial of due  
15 process (Fitzgerald). The Findings of Facts and Conclusions of Law being  
16 authored by Cameron Fleury; is replete with inconsistencies not supported by  
17 the record, untrue, misleading, manifestly unreasonable, based on untenable  
18 grounds, applying the wrong legal standard, and finally  
19 UNSUBSTANTIATED extreme RCW 26.09.191 restrictions only state his  
20 alleged facts. The Facts adopted by the trial court are unsubstantial and  
21 unsupported in the record to remove all of paul-david's parental rights and  
22 more importantly to completely deny his son his unalienable right to contact  
23 with his father (Senate Bill 3130)(Article 4, section 16 Washington  
24 Constitution) (HAZEL-ATLAS GLASS CO.).

25 c) ***Marriage of Kovacs 121 Wn 2d 795 (1993)***

26 "Because Parenting Act is subject to more than one reasonable  
27 interpretation the Parenting Act is subject to Judicial construction".

28 paul-david has been as much a primary parent as Dawn has (CP 32 item 36;  
29 362 ¶ 5-6).The record is in want of the numerous times maria-janet had the

1 complete, care, custody, and control of her grandson for months at a time,  
2 (CP 35 item 9-10; 36 item 11,13-15) thereby invalidating the perjury and  
3 falsities put before the court by Dawn's attorney-witness and Dawn herself  
4 (CP 37 item 16; 38 item 21) not only at the improper ex-party restraining  
5 hearing (10/20/2010) but also at the objected to during the 3/5, 3/6/2012 trial  
6 when paul-david fully apprised Sally Olsen of his "on quarters" medical  
7 illness status. (CP 694 [1:30-1:49; 696 [9:06-9:33]. Each of these "LITTLE"  
8 violations adds up to a "HUGE" violation of due process, egregious manifest  
9 abuse of discretion, and manifest constitutional injustice to paul-david and his  
10 son (RP P115 Ln 6-10; 123 Ln 1-3, 10-11; P 126 Ln 1-2; P 127 Ln 1-2, 10-  
11 12, 16-17; 138 Ln 10-17 ).

12 d) ***Factor vii Laws of 1989, ch 375 §10***

13 "(2) An ambiguity will be deemed to exist if the statute is subject  
14 to more than one reasonable interpretation"

15 "Exclusion of evidence manifestly unreasonable and based on  
16 untenable grounds (ER 403) hearsay (Wn Parenting Act)(RP  
17 P157-163)

18 The trial court failed to address Dawn's continued failure to answer ANY  
19 discovery while granting Dawn sanctions against paul-david and  
20 simultaneously denying sanctions TO paul-david for the same failure;  
21 displays the manifest abuse of discretion, preferential treatment, not to  
22 mention complete conflict of interest by Sally Olsen in collusion with all of  
23 the other justices in this mess. (CP 694-700)"Equity in law is paramount and  
24 mandatory in/at law" (Maxim of Law). The court's denial to allow witness  
25 testimony, denial of cross examination of Dawn, denial of submitting relevant  
26 and competent evidence of personality disorder/effect on children, and/or  
27 denial from investigating Dawn's own abuse at 9 years old in her own  
28 handwriting, RCW 26.09.191(2)(a)(iii)(j)(b)(i)(ii)(a) undeniably  
29 VALIDATES paul-david's and maria-janet's unrebutted "Declarations."  
30 United States v Kis, 658 F.2d, 526, 536-337 (7th Cir. 1981) (RP P157-163)

1 e) ***Fair Trial***

2 “Denying a party the right to testify or to offer evidence is  
3 reversible per se.” (RP: Pg 11 Ln 5-6; (Ex 21), Appendix/MOL P7 Ln  
4 22)(Marriage of Tossey CA4/3, Filed 8/16/12)

5 “...elements of a fair trial is the *right to offer relevant and*  
6 *competent evidence on a material issue...denial...is almost always*  
7 *considered reversible error*” (Appendix/MOL P18 Ln 15; 30 Elkins)

8 ...Carlsson court...“The trial should not only be fair in fact, but it  
9 should also appear to be fair.”...Because the court did not afford him  
10 one, the integrity of the process was fatally compromised.” (RP: Pg  
11 15 Ln 7-12; Appendix/MOL P18 Ln 37-47; In re Marriage of  
12 Carlsson (2008) 163 Cal.App.4th 281)(**Bold Emphasis added**)

13 “Allegations such as those asserted by petitioner, (a pro se  
14 litigant), however inartfully pleaded, are sufficient to call for the  
15 opportunity to offer supporting evidence”.(Appendix/MOL P13 Ln 1-  
16 3; P19 Ln 1-4; ; Haines v Kerner 404 U.S. 519, 522

17 The denial to paul-david to offer evidence from (CP 694-700)(Reply Motion  
18 to Modify[Attach 2])(“Doctrine”) and the preponderance of evidence from  
19 the “Declarations” from paul-david and maria-janet, clearly warrants and  
20 mandates reversal of the improper trial court custody order back to the 2006  
21 status (CP 1-2; 701[[Ex 10, 12-13]; 357-359)(RP P26 Ln 15-17; 56 Ln 24-  
22 25; 64 Ln 21-25; 65 Ln 1-2; 62 Ln 20-21 )

23 f) ***Legal Duty to report felonies***

24 “18 USC 4 Legal Duty to report felonies” (Appendix/MOLpg 24  
25 Ln 26-37) (RP: Pg 89 Ln 1-16), 42 USC (a)(8).“Unauthorized use/  
26 disclosure of SSN.”(Appendix/MOL P24 Ln 20-39)(RP P89 Ln 1-16)

27 “SEC 208. [42 U.S.C. 408] (“a) Whoever-- as to-- (8) discloses,  
28 uses, or compels the disclosure of the social security number of any  
29 person in violation of the laws of the United States; shall be guilty of  
30 a felony...or imprisoned for not more than five years, or both.”  
31 (Appendix/MOL P24 Ln 32-49; P25 Ln 1-41; P26 Ln 1-7) (RP P89  
32 Ln 1-16)

33 Appellee’s entire case was built around Dawn’s false and misleading  
34 statements and Dawn’s commission of felony crimes with continual  
35 Misprision of Felony by Cameron Fleury. Even in his closing arguments, not  
36 refuting paul-david’s, maria-janet’s and others’ “Declarations”, Cameron

1 Fleury continued to disavow Dawn's responsibility of her criminal crimes.  
2 The failure of Sally Olsen to refer Dawn to the proper authorities constitutes  
3 Misprision of Felony for which Sally Olsen should be charged likewise (CP  
4 40-50; 694-700)(Reply Motion to Modify[Attach 1, Ex 8-9, 18]);[Attach  
5 [2](RP P135 Ln 1-7).

6 e) ***Evidence of false allegations***

7 "...evidence of false allegations...which interfere with parental  
8 rights, is 'so inconsistent with the best interests of the child that it  
9 raises, by itself, a strong probability that the offending party is unfit to  
10 act as a custodial parent." [cf: *Matter of Gago v Acevedo*, 214 AD2d  
11 565, 566 [1995]].<sup>23</sup>

12 "...whether Mother[/Dawn] knowingly made false  
13 allegations...is a material fact question warranting a hearing. The trial  
14 Court's ruling to the contrary was plain error mandating reversal." [cf:  
15 *Gallo v Gallo* 66 N.J. Super. 1, 5, (App. Div. 1961)] (Appendix/MOL  
16 P14 Ln 1-6; P20 Ln 1-4).<sup>24</sup>

17 Here, Dawn is and has always been unwilling and/or unable to control her  
18 behaviors [extra marital affairs in Washington, Utah, Georgia and also Japan  
19 IN FRONT of the parties' child, Narcissistic Personality, her insistence to  
20 convince everyone of phantom falsities that never existed, and completely  
21 UNSUBSTANTIAL in her plan and inten to completely remove paul-david  
22 out of his son's life and memory ("Doctrine" "The Experiment") (CP 364-  
23 366; 369-971; 372-373) "Dawn is also openly having an adulterous  
24 relationship with an active duty Navy sailor she works with at Camp Kinser.

---

<sup>23</sup> "It is well settled law that the parent-child relationship is of constitutional dimension. It  
...is 'the oldest of the fundamental liberty interests recognized by [the United States  
Supreme] Court' and both the child and plaintiff have an absolute due process right to  
the resolution of these allegations." [cf: *Meyer v Nebraska*, 262 US 390, 399, 401,  
43 S. CT. 625, 67 L. Ed 1042 (1923)] (Appendix/MOL Pg 10 Ln 24, Pg 14 Ln 13,  
Pg 20 Ln 11, Pg 22 Ln 31, Pg 41 Ln 4, Pg 41 Ln 21 & 38, Pg 42 Ln 20 & 41 & 51,  
Pg 43 Ln 13, 53)

<sup>24</sup> "The Parental Alienation Syndrome theory was developed by Dr. Richard  
Gardner...Theory is that subconsciously and unconsciously 'programmed' by one  
parent against the other." *The Parental Alienation Syndrome: A dangerous Aura of  
Reliability*, 27 LOY. L.A.L. Rev. 1367, 1370 (June 1994) (Appendix/MOL Pg 12 Ln  
37)

1 She has admitted to the relationship, and has no problem exposing Ethan to it.  
2 Dawn personally told me she is currently planning on moving herself and  
3 Ethan with this sailor in New York State...” (CP 362 ¶5). Both paul-david  
4 and his son have, not just a right to consortium, but a fundamental liberty  
5 interest right to love each other and to be a part of each other’s lives (CP 420-  
6 421; 714; 716 [3.10]; 717 [3.14]) (Appendix/MOL P12 Ln 13, 44-51 (RP P48  
7 Ln 17-18, 21-23; 49 Ln 1-2, 25).

8 f) ***RCW 26.09.191 violations attributable to Dawn***

9 (2)(a) The parent's residential time with the child shall be limited if it  
10 is found that the parent has engaged in any of the following conduct:  
11 (J)(b) **The parent's residential time with the child shall be limited**  
12 **if it is found that the parent resides with a person who has**  
13 **engaged in any of the following conduct: (i) Physical, sexual, or a**  
14 **pattern of emotional abuse of a child; (ii) a history of acts of**  
15 **domestic violence** as defined in RCW 26.50.010(1)

16 The record supports Dawn’s RCW 26.09.191 violations. Her failure to protect  
17 paul-david’s son, or perform safe parental functions, (residing with a  
18 convicted Domestic Violence violator [Gary Harris] upon immediate return to  
19 the U.S.), SUBSTANTIATED through unrebutted “Declarations” of more  
20 than one witness including professional expert witnesses and investigators,  
21 detail these Pierce County Criminal records. The court denied paul-david  
22 from admitting to the court the extensive public criminal record-file on Gary  
23 Harris’ multiple convictions for Domestic Violence especially including in  
24 Dawn’s own handwriting details of sexual abuse of Dawn at 9 years old  
25 (causing Dawn’s alleged N.P.Disorder) and stipulated to by a third party  
26 investigator’s unrebutted “Declaration”. The courts’ [due process] denial also  
27 included the cross examination of Dawn, regarding the total falsities and  
28 hearsay of Dawn and her attorney-witness (Porter; Trinsey), criminal credit  
29 card theft, unwillingness of Dawn to foster the parent-child relationship with  
30 paul-david, failure of Dawn to protect their child’s emotional health and  
31 identity from Dawn’s Narcissistic Personality Disorder (N.P. Disorder) while

1 perpetrating the complete 100% loss of paul-david's son's (daddy's) love(CP  
2 33; 37 item 16; 40-50; 311-312; 362 ¶5)(Reply Motion to Modify[Attach 1,  
3 Ex 8- 9, 18])(RP P 148 Ln 9-16; 159 Ln 1-6)

4 g) *Stay of proceedings*

5 Section 201 (50 U.S.C. App. § 521)

6 "Once the court has notice, regardless of how notice was  
7 given...If the stay request is denied, the court must make findings of  
8 fact about the lack of material effect, or ensure...sufficient evidence in  
9 the record to warrant denial...the prerequisite to obtaining a stay is a  
10 showing that he is unavailable to appear at the civil court hearing."

11 "Failure to grant a stay sua sponte in such circumstances would  
12 violate the intent of the Act...Such a failure would probably be  
13 reversed on appeal as an abuse of judicial discretion. It could also  
14 serve as a sound equitable basis for attacking a default judgment  
15 under section 200(4)." (**Emphasis added**)

16 Here, paul-david gave proper notice to the trial court on 2/10/2011(CP 593-  
17 596) of his military commander's denial of leave for the 2/11/2011 hearing  
18 regarding alleged contempt as well as at the Appeal of the denial of the stay  
19 2/29/2011(CP 546-587). The record is lacking of any findings of fact by Mary  
20 Karlynn Haberly or Eric Schmidt, which supporting the INTENT of SCRA.  
21 paul-david merely needed to demonstrate his unavailability to appear which  
22 the record clearly demonstrates he did. (RP P22 Ln 13, 22-24; 70 Ln 7, 20-22;  
23 71 Ln 14-15; 71 Ln 1-6; 151 Ln 7-11 )

24 h) *[cf:HAZEL-ATLAS GLASS CO. v. HARTFORD-EMPIRE CO.*  
25 *322 U.S. 238 (64 S. Ct. 997, 88 L. Ed. 1250) (1944)demonstrates*  
26 *the fraud*

27 "Hartford's lawyers had several years previously admitted that the  
28 Hartford lawyer was the true author of the spurious publication."

29 "From the beginning...a rule of equity...of which is after-  
30 discovered fraud, relief will be granted against judgments regardless  
31 of the term of their entry. This equity rule...established in English  
32 practice long before the foundation of our Republic...to fulfill a  
33 universally recognized need for correcting injustices." (**Emphasis**)

34 Here, Dawn's attorney-witness did NOT sign the many declarations which  
35 he CLEARLY authored (which he admitted to doing in private

1 correspondence [personal letter] he sent to Appellant and can be provided  
2 upon granting of *cf*: RAP 9.11(a) Motion) under solemn oath of personal,  
3 commercial, financial, and/or legal liability for validity is absolutely clearly  
4 the same as the abuses outlined above. The record supports Appellant's  
5 assertions of Dawn's Narcissistic Personality, warranting the need for  
6 investigation and that under equity paul-david should be granted his relief.  
7 (CP 37 item 16) 424-432)(Appendix/MOL P71 Ln 1, P94 Ln 1-12 (HAZEL-  
8 ATLAS GLASS CO.)(RP: P124 Ln 14-23)

9 l) ***[Biggs v Vail 119 Wn 2d 129]***

10 "Sanction of Attorney Fees not supported by record-no finding  
11 advanced without reasonable cause" [*cf*: RCW 4.84.185]

12 "Record as a whole not found totally frivolous--- This Court  
13 reviews the trial court's refusal to impose sanctions under CR 11 for  
14 abuse of discretion." [*cf*: Biggs v. Vail, 124 Wn.2d 193, 197, 876  
15 P.2d 448 (1994)]

16 paul-david's request for sanctions and Dawn's lack of opposition to EACH  
17 of Appellant's federal cases as a whole, clearly demonstrate paul-david's  
18 assertions were neither frivolous nor vexatious, as there are no order  
19 demonstrating malicious INTENT by paul-david. Meaning, Dawn  
20 completely failed to rebut anything or demonstrate her involvement in such  
21 cases or how those cases had a negative EFFECT or were a DANGER to  
22 the parties' child. (CP 420-421) (RP P31 Ln 16-18; P79 Ln 11; 80 Ln 1-7;86  
23 Ln 11-12; 163 Ln 4-5)

24 m) ***[Ridley v. Dennison Knowingly false and malicious allegations,***  
25 ***make sanctions appropriate against Attorney[-witness]***

26 paul david's assertions which the court FAILED to address were that of  
27 Dawn's allegations were not only baseless but part of Dawn's Narcissistic  
28 Personality pattern of knowingly making false and malicious allegations in  
29 [five different state-locations] throughout the entire duration of the parties'  
30 relationship. The court's proper action [without preferential treatment],

1 should have been to leave status quo as it had been from (6/12/2006-  
2 10/20/2010) with Appellant; and do a continuance of the 10/29/2010 hearing  
3 as there was NO NEW SUBSTANTIAL evidence to warrant a modification  
4 of custody NOR a restraining order against Appellant; or at the VERY least  
5 until completion of the Air Force six-week CRB investigation (11/2/2010  
6 U.S. time). paul-david was prejudiced by the preferential treatment and was  
7 denied to submit competent third party professional evidence of Dawn's  
8 unclean hands and RCW 26.09.191 violations (CP 20-21; 37 item 16; 420-  
9 421; )(RP P61 Ln 19-23; P62 Ln 4-5).

10 The record is lacking any substantial evidence of actual case participation by  
11 Dawn. This cannot even hardly be considered vexatious, as there are no  
12 findings in any of the cases of an improper motive by paul-david or that  
13 EVERY one of paul-david's assertions were false and without any valid  
14 standing.<sup>25</sup> Therefore the courts Findings are COMPLETELY  
15 unsubstantiated and in TOTAL error. The un-authored Findings by Sally  
16 Olsen [in her rushed judgment and non-adjourned decision] had no valid  
17 materially substantiated evidence as to whether or not Dawn or her attorney-  
18 witness incurred any expenses for cases they neither answered nor attended.  
19 The record is void of any evidence whatsoever of expenses they incurred  
20 from [non] participation without even an answer to the attempts of paul-  
21 david. Therefore again the courts Findings are COMPLETELY  
22 unsubstantiated and in TOTAL error. On the other hand paul-david expended  
23 more than \$40,000.00 in fees from [now disbarred] Clayton Longacre  
24 (WSBA) and Bruce Clements, this warrants reimbursement ("Doctrine" "The  
25 Experiment) due to Dawn's and her attorney-witness' "Dirty Hands", Theft

---

<sup>25</sup> "...Plaintiff's request that the Court impose sanctions was denied. At the hearing, should it be proffered to the Court substantial and credible evidence that the allegations were not only baseless but part of a pattern of knowingly false and malicious allegations, sanctions would be appropriate." Ridley v. Dennison, 298 N.J. Super. 373, 381 (App. Div. 1997).(Appendix/MOL P37 Ln 24-26); (Fordhan Law Review, Vol 80, Issue 2, Article 5 P549; P552-554; P557-P566;P 570)

1 and corruption of the record and after-discovered fraud. (CP 33; 40-50; 421-  
2 421; 424-432)(RP P 32 Ln 1-15; 47 Ln 8-12; 79 Ln 11; 80 Ln 1-7; 143 Ln 9-  
3 22; ) “Administrative Agencies and trial justices must make fact findings that  
4 are clear and complete to permit a meaningful review. The §391 et seq clearly  
5 violates the equal protection clause.” ([Equal Access to Justice Act, [*cf.*  
6 Black’s Law Dictionary, Sixth Edition])(RP P120 Ln 18-25; 121 Ln 6-13)

7 n) ***RCW 26.19.071 Standards for determination of income***

8 “..5(g)(6)...In the absence of records of a parent's actual earnings,  
9 the court shall impute a parent's income in the following order of  
10 priority:

11 “Conflicting code sections- Must be reviewed under abuse of  
12 discretion standard—legislative intent must be sought before orders  
13 entered”

14 paul-david’s “Declarations”, opening statements, closing statements and  
15 various hearings informed the court of Dawn’s Narcissistic Personality and  
16 that the STOLEN false information [DFAS pay stub] submitted by Dawn and  
17 her attorney-witness of paul-david’s actual income was in fact, incorrect and  
18 never signed by paul-david authorizing release of his PERSONAL  
19 information. It was manifest abuse of discretion for Mary Karlynn Haberly  
20 and Sally Olsen to not utilize [*cf.* RCW 26.09.071] and seek legislative intent  
21 before imputing child support orders against paul-david (In Re Parentage of  
22 R.D.C. Wn App 66701-7-1 at 5¶3)(RP P 89 Ln 2-6).

23 o) ***Orders entered without personal jurisdiction outside of domicile-***  
24 ***Divisible Divorce Doctrine***

25 “Divorce proceedings typically contain two principle components:  
26 (1) the dissolution of the marital status, and (2) the adjudication of the  
27 incidences of the marriage. The "divisible divorce" doctrine  
28 recognizes that each of these components have "distinct and separate  
29 jurisdictional foundations." Hall v. Hall, 585 S.W.2d 384, 385 (Ky.  
30 1979)(RP P56 Ln 13-23 )(Appendix/MOL P41 Ln 1-29).

31 Dawn’s attorney-witness knew that he was willfully submitting false  
32 inaccurate support calculations which lacked competent-credible-substantiated  
33 evidence (Cooper v Cooper). Instead the stolen, out dated, irrelevant income

1 document was without evidence of the military sponsors signature or written  
2 release agreement, which is not only unsubstantiated hearsay manipulation of  
3 the court, but AGAIN criminal theft of paul-david's SSN/ID committed by  
4 Dawn. Dawn, being a military dependent for nearly 10yrs and her attorney-  
5 witness, Cameron Fleury both have extensive military knowledge and  
6 experience, thus clearly showing their malicious intention to manipulate the  
7 court. Not to mention, the record LACKS substantiated evidence the personal  
8 income document was obtained from government Defense Finance  
9 Accounting Service (DFAS) or from paul-david's authorization. (CP 604-  
10 608)(RP P 46 Ln 3-14; 160 Ln 11-25)

11 p) **United States vs. Kis, 658 F.2d, 526, 536-337 (7th Cir. 1981); Non**  
12 **Rebutted Affidavits are "Prima Facie Evidence in the Case**  
13 From 10/20/2010 until 3/5/2012, MOST declarations in the record are NOT  
14 authored by Dawn. Several motions, petitions, or otherwise were NOT under  
15 oath of personal, commercial, financial or legal liability for their validity with  
16 material evidence substantiating their true, valid, relevant and verifiability, by  
17 the TRUE author! Dawn's attorney-witness is lacking ALL credibility of his  
18 unsigned self-authored creations, expecting the court to believe that his  
19 creations were in fact, authored by Dawn, which is clearly a **BOLD FACE**  
20 **LIE**. Without acceptance of legal liability by Dawn or her attorney-witness of  
21 legal liability and facts provided to support each of their assertions, no  
22 credibility could ever be established (Data Disc, Inc v Syatems Tech Assoc,  
23 Inc, 557 f2d 1260 (9<sup>th</sup> Cir 1977)(CP 529-541)(RP P 68 Ln 13-21; 69 Ln 18-  
24 24; 124 Ln 14-23)

25 Assignment of error summary: When Judicial Impartiality is violated all  
26 proceedings have no credibility and all proceedings are vitiated. Judicial  
27 Construction of ambiguity avoided by gender bias and partiality; establishes  
28 the unfairness to paul-david and denial of honest services, and thus demands  
29 reversal of unsubstantiated findings on untenable grounds. It is reversible  
30 plain error in the face of unsubstantial false allegations and VERY

1 substantiated criminal acts which demand reversal. Theft and unauthorized  
2 disclosure of a person's social security number is a criminal felony.  
3 Misprision of felony occurs when formal charges are not brought against an  
4 offending party. All justices' including Eric Schmidt and Cameron Fleury are  
5 offenders of Misprision of Felony. The "Declarations" detail the criminal acts  
6 of Dawn; which the court denied submissions of these credible evidences  
7 through VERY clear and egregious violation of due process. No findings,  
8 conclusions, or Report of Proceedings at any time address paul-david's  
9 assertions regarding the criminal acts of Dawn detailed in the "Declarations"  
10 including the denial of the automatic stay of proceedings by Eric Schmidt  
11 requiring total reversal of the non-meaningful review call for § 391 et seq  
12 sanctions. Dawn's entire submissions, record, testimony is un-credible  
13 hearsay totally lacking even a semblance of credibility. Such fatal errors from  
14 Dawn and her attorney-witness wanting under oath of personal, commercial,  
15 financial or legal liability for their validity with material evidence  
16 substantiating their true, valid, relevant and verifiable, by SIGNING  
17 documents which he was the TRUE author of, require complete reversal and  
18 damages with sanctions in Appellant's favor. It was manifest abuse of  
19 discretion for Mary Karlynn Haberly and Sally Olsen to not utilize [*cf.* RCW  
20 26.09.071] and seek legislative INTENT before calculating [imputing] child  
21 support orders against paul-david once they were made aware the personal  
22 income document was illegally obtained when the record very clearly lacks  
23 SUBSTANTIAL evidence to the contrary; thus requiring immediate reversal  
24 and reimbursement.

25 **Motion to Supplement Record**

26 COMES NOW, Appellant and Pursuant to the Panel's Ruling 7/29/2013  
27 requiring Appellant's Motion to Supplement the Record including the  
28 Supplemental Designation of Record be included in this Amended Opening  
29 Brief under [*cf.* RAP 9.11(a) 1-6]:

1 Appellant clearly meets [*cf.* RAP 9.11(a)1] because the documentation  
2 currently missing from review and attached to Appellant’s Reply to Motion to  
3 Modify are including but not limited to exhibits 1-20: hand written statements  
4 from Appellee with regard to evidences of criminal crimes she has committed  
5 [Ex 9, 11][Attachment 1]. Next, affidavits from witnesses at the hearing on  
6 8/19/2011 of Prejudice/conflict of interest of Sally Olsen, and witness  
7 affidavit from ingerid bereth elise at the initial trial hearing on 3/5/, 3/6/2012  
8 in Appellant’s absence, witness affidavits of judicial bad faith, bias and denial  
9 of due process of Sally Olsen from the third trial day on 3/14/2012  
10 [Attachment 2]. Documents erroneously removed and criminally destroyed  
11 through shredding by trial court clerks, in error of GR 14(a),(b) “(a)...This  
12 Rule applies to attachments unless the nature of the attachments makes  
13 compliance impractical; (b) ...This rule is not mandatory for trial or hearing  
14 exhibits...if it does NOT impair legibility...” [Attachment 3]. Finally, trial  
15 court records inadvertently omitted from the original Designation of Clerk’s  
16 Papers due to extreme confusion regarding the numerous attempts of  
17 formatting of the Clerk’s Papers; see Supplemental Designation of Clerks  
18 Papers [Attachment 4] which was also later filed separately on 8/6/2013  
19 under [*cf.* RAP 9.6(a)], Are You My Father [Attachment 5] an investigative  
20 publication.  
21 These supplements are HIGHLY needed to FAIRLY resolve the issues on  
22 review. Without these supplements, the review will be extremely inequitable  
23 and prejudicial to Appellant for they are foundational documents showing  
24 Appellee’s and the court’s bad faith and unclean hands which are integral to  
25 Appellant’s Errors on Review. Additionally they show there is NO  
26 SUBSTANTIAL evidence in the record to support the outrageous Findings.  
27 Appellant requests that the additional items which have not already been  
28 supplied by Appellants Supplemental Clerks papers [8/6/2013]for the  
29 inadvertently omitted documents, be Granted for the record on Review to

1 avoid a manifest injustice and prejudice to Appellant.  
2 Appellant clearly meets [cf: RAP 9.11(a)2] because it is likely the  
3 supplemental documents and additional evidence on review listed above  
4 would have significant bearing on the decision being reviewed as they  
5 demonstrate and prove Appellant's position and Errors on Review  
6 substantiated by higher state Supreme, Circuit and US Supreme Court's  
7 holdings [RCW 5.24.010]. Again, these documents are the foundational  
8 documents to Appellant's Errors on Review.  
9 Appellant clearly meets [cf: RAP 9.11(a)3] because at the trial [3/14/2012]  
10 through the court's denial of due process, rejected and refused to allow  
11 Appellant to present or submit these same documents, excluding the trial  
12 hearing affidavits [3/5, 3/6, 3/14/2012], as part of his evidence relevant to his  
13 position during the trial. Therefore Appellant was clearly unable to include  
14 these documents in his original Designation of Clerks Papers for review.  
15 However, Appellant's position in this matter is substantiated by trial court  
16 minutes in Supplemental Designation CP 694-700.  
17 Appellant clearly meets [cf: RAP 9.11(a)4] because Appellant can assume  
18 that since these documents were criminally shredded by the trial court clerks,  
19 and refused from submission of evidence during the trial; that there was no  
20 adequate post judgment remedy available to Appellant other than this appeal  
21 for review. Therefore the court should grant this motion and request  
22 Appellant to supply the missing documents for review on the basis of the  
23 Fundamental Fairness Doctrine and all public policy regarding equity.  
24 Appellant clearly meets [cf: RAP 9.11(a)5] because these documents more  
25 appropriately support Appellant's position for reversal of the trial courts final  
26 orders and it would be inadequate to remand for this sole issue in an effort to  
27 supply the Appellate court with a meaningful record for review as Appellant  
28 is in possession of said documentation with filing stamped copies.  
29 Appellant clearly meets [cf: RAP 9.11(a)6] because the trial court RECORD

1 undeniably lacks Appellant's foundational documentation which supports an  
2 incomplete trial court record for a meaningful review as required to avoid a  
3 manifest injustice against Appellant. (Supplemental Designation [8/6/2013]  
4 CP 694-700). The trial court and appellate court clerks have clearly  
5 prejudiced Appellant by refusing multiple times to allow Appellant to supply  
6 these documents based on frivolous reasons as copies can never be considered  
7 as hazardous.

8 For the reasons stated above, Appellant believes a showing of compelling  
9 circumstances has been continually presented without any intent to delay  
10 anything and still [being harmed] with 100% no contact with his son affecting  
11 Appellant's constitutional right [*cf.*: RAP 2.5(a)(3) and (b)(3)] and  
12 Appellant's substantial right [*cf.*: RAP 17.4(c)(1)]. Appellant respectfully  
13 requests the court Grant this motion and required missing documents be  
14 submitted for review and allow Appellant the opportunity to address them but  
15 more importantly to avoid a manifest prejudicial injustice against Appellant  
16 and to fairly have a meaningful record for review. Denial would be contrary  
17 to the Fundamental Fairness Doctrine and all Public Policy regarding equity.

18 **Motion to File an Over-length brief**

19 COMES NOW, Appellant, respectfully brings forth this this Motion to File an  
20 Over-length brief Per the court's last order from the judge's panel, dated July  
21 29, 2013, stating: "If Appellant wishes this court to consider the remaining  
22 exhibits and attachments, he must move under [*cf.*: RAP 9.11] to add them to  
23 the record on appeal....if appellant chooses to file [*cf.*: RAP 9.11] motion, he  
24 must file this motion as part of his amended opening brief, and this court will  
25 consider the motion when it addresses the merits of his appeal."

26 Appellant urges that in order to do so, his amended Opening Brief must be  
27 permitted as an over-length amended Opening Brief to allow for the inclusion  
28 of a [*cf.*: RAP 9.11] motion "as part of his amended brief" as instructed by

1 courts order dated July 29, 2013 and 8/2/2013. Appellant further urges that  
2 requiring a motion to be within his amended Opening Brief forces Appellant  
3 to remove relevant portions of his Amended Opening Brief, “A brief of  
4 appellant, petitioner, or respondent should not exceed 50 pages” [cf: RAP  
5 10.4(b)]; in order comply with the court’s ruling. This would thus cause a  
6 SEVERE HARDSHIP and INJUSTICE against Appellant by preventing him  
7 from bringing forth all of his relevant errors and issues on review within his  
8 Amended Opening Brief. Therefore, Appellant believes a clear showing of  
9 “compelling reasons” to file an over-length brief as outlined in [cf: RAP  
10 10.4(b)] has been sufficiently met, and the court should grant this Motion.  
11 Appellant is asking the court consider the “remaining attachments and  
12 exhibits” as already filed and therefore part of the court record eliminating the  
13 need for Appellant to once again RE-FILE all the identical documents which  
14 he has already supplied to the court in the previously expect for the  
15 documents which the trial court Clerk’s claim are NOT in the court file. If the  
16 court agrees with these assertions, Appellant would only be requiring enough  
17 over-length pages to cover the Motions contained “as part of this Amended  
18 Opening Brief” per the panel’s ruling on July 29, 2013 and 8/2/2013.  
19 For the reasons stated above, Appellant believes a showing of “compelling  
20 reasons” [cf: RAP 10.4 (b)] is presented, again, in this Motion to File an  
21 Over-length Brief and should therefore be Granted.  
22 Lastly Appellant URGES that denial would be contrary to the Fundamental  
23 Fairness Doctrine and all Public Policy regarding equity.

#### 24 CONCLUSION

25 The Legislature as applied to Legislative justices only, has said, “Enough!” calling  
26 for sanctions for bad faith modification petitions. Lawyers and litigants  
27 will compromise commerce in the truth unless this Court heeds the  
28 Legislature’s command and calls for a change by raising the acceptable

1 standards of honesty in family law (“Doctrine” “The Experiment”). This Court  
2 should take the first step by sanctioning Dawn, for both her criminal acts and  
3 reversing the “bad faith” orders of the courts (10/29/2010; 2/11/2011; 8/19/2011;  
4 5/22/2012) to conform to the evidence of Robbery and Burglary [bad faith artifice  
5 and strategem, deceitful acts and falsities] which was used to prevent the parent  
6 child relationship between paul-david and his son (“Doctrine” “The Experiment”).  
7 Dawn’s actions undeniably deem her “**unfit**” to be the custodial parent.  
8 (UCCJEA), (RCW 26.09.191 (2)(a)(iii)(b)(i)(ii)(a)). For the foregoing reasons,  
9 the trial court’s Robbery and Burglary of paul-david’s property and lack of  
10 fair due process warrants complete reversal of this case and the refund of the  
11 criminal support calculations by Dawn and her attorney-witness Cameron  
12 Fleury Attorney’s fees to paul-david, are an appropriate sanction for “Dirty  
13 Hands” and “Bad Faith” of Appellee.

14 **Based on the evidence submitted herein for Review, there was NEVER**  
15 **jurisdiction or standing for the trial court to Rule after 9/10/2010. Even if**  
16 **there was standing AND due process, there MUST be SUBSTANTIAL**  
17 **evidence to support permanent removal of paul-david’s parental RIGHTS.**  
18 **The trial courts orders must be REVERSED and/or vacated.**

19 Declarant-paul-david retains the Right to Amend this opening brief without  
20 leave of court with my choice of law and my choice of court including additional  
21 new found evidence not ascertainable at the time of this opening brief.  
22 Declarant-paul-david reserves the right to have the Assistance of Private  
23 Attorney General maria-janet who will also act as a Federal witness and Federal  
24 criminal investigator<sup>26</sup> [*cf*: 18 U.S.C 1510, 1512-13].

25 **So let it be written, so let it be done.**

---

<sup>26</sup> “Whoever corruptly ... influences, obstructs, or impedes or endeavors to influence, obstruct, or impede due process or the proper administration of the law... shall be fined not more than \$5,000 or imprisoned not more than five years, or both.” [*cf*: Title 18 U.S.C. § 1505, **1512-13**]. (Appendix/MOL P102 Ln 32; P103 Ln 1-40; P104 Ln 1-11, 13-39; P105 Ln 1-40; P106 Ln 1-39; P107 Ln 1-38; P108 Ln 1-3)

1  
2 Dated this \_\_\_\_ day of August 2013  
3  
4 Respectfully submitted  
5  
6  
7  
8  
9  
10  
11 cc. Dawn by and through  
12 Attorney-witness-Cameron Fleury  
13 1101 Broadway, ste 500 Tacoma, WA 98402

Autograph: *paul-david:*

paul-david: [shoemaker]  
PSC 5000, 735 5<sup>TH</sup> St.  
JBLM-McChord Field, near [98438]

**INTENTIONALLY  
LEFT BLANK FRONT  
AND BACK**

**Certificate of Service**

I certify that I served a copy of the AMENDED BRIEF 8/9/2013 on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
<u>Cameron J. Fleury,</u> <u>Dawn Shoemaker c/o</u> <u>Cameron Fleury</u>	<input checked="" type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)	1102 Broadway, Ste 500 Tacoma, WA 98402 <hr/> 1102 Broadway, Ste 500 Tacoma, WA 98402	8/9/2013      8/9/2013
	<input type="checkbox"/> Mail <input checked="" type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File	To the Clerk's Office 950 Broadway, Ste 300 Tacoma, WA 98402	8/9/2013
<u>Court of Appeals</u> <u>Case Mgr. Christina</u>	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date 8/9/2013

Sign here ►

*Paul Shoemaker*

Typed or printed name

Paul Shoemaker

INTENTIONALLY  
 LEFT BLANK  
 D.A. 11/18/13