

65153-6

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No. 65153-6-I

COURT OF APPEALS OF THE STATE OF WASHINGTON

Division I

MICHAEL J. MAJOR

Appellant,

v.

ANDREW C. BOHRNSEN,
MAXEY LAW OFFICE,

Respondents.

APPELLANT'S AMENDED BRIEF

FILED
COURT OF APPEALS DIV. #1
STATE OF WASHINGTON

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My name is Michael J. Major. I herein state and declare as follows:

A. ASSIGNMENTS OF ERROR AND PERTINENT ISSUES

1. The trial Judge Annette S. Plese erred in dismissing Major's case for res judicata when the entire basis of this case, insurance fraud, had never been previously litigated by either Michael Major or his son Mark Major.

The issue is whether it is permissible to dismiss a case on the allegation that it is but a repetition of previously tried actions when the evidence shows that no such actions have ever been tried.

2. Judge Plese erred in condoning the defendant lawyers refusing to take part in discovery, especially in regards to the insurance issue.

The issue is whether it is permissible to condone lawyers refusing to participate in discovery for no other reason than to prevent their wrongdoing from being exposed.

3. Judge Plese erred in hearing the defendants' motion to dismiss at a date earlier than when it was noted.

The issue is whether it is permissible to rearrange the dates of issues noted for hearing, solely to rig

a specious decision in favor of lawyers who failed to present a legitimate case.

4. Judge Plese erred in suppressing all of the evidence, especially new evidence, proving Mark Major's innocence, denying a new hearing pursuant to CR 60(b)(3) or (c), offering as her sole rationale that another judge had ruled on CR 60 when, in fact, no other judge had done so.

The issue is whether it is permissible to lie on the public record for the express purpose of using the court as a vehicle of institutional violence to destroy a man the judge knows to be innocent, along with his vulnerable children.

5. Judge Plese erred in condoning the lawyers' vexatious, harassment, and other behavior designed to cause huge and needless expenses upon the Majors, while the lawyers get rich through the process - while projecting this wrongful lawyer behavior upon the Majors.

The issue is whether it is permissible to punish citizens who seek peaceful redress through the court from unlawful state persecution and side with the state and its agent lawyers in heaping upon those citizens libelous abuse, crushing expenses, and shutting off

any constitutional resolve to governmental violence.

6. Judge Plese erred by entering into a criminal conspiracy with the defendant lawyers.

The issue is whether it is permissible to abdicate the independence of the judiciary to become a stooge for agents of abusive power, whose sole intent is to use the color of the law to contravene the law and get rich through the wrongful criminalization of innocent citizens with the evil mens rea of destroying those citizens and their children.

B. STATEMENT OF THE CASE

1. The Wrongful Application of Res Judicata

a. Judge Plese dismissed this action for the reason, as stated in her September 25, 2009 order: "This lawsuit is the same allegations that have been ruled upon in two prior lawsuits before Judges Frazier and Cozza and this court has no authority to rule upon their actions ... " (CP 121)

b. In the first case, No. 07-2-03994-0, Judge David Frazier awarded Andrew C. Bohrsen,

the lawyer representing Maxey Law Office, \$23,800 in attorney fees, at the final hearing. (CP 106)

c. After the case was closed, Bohrsen billed both the Bohrsen/Maxey insurance carrier, James River Insurance Company, and me, for the \$23,800. (CP 106)

d. In the subsequent case before first Judge Tari S. Eitzen, and then Judge Salvatore Cozza, No. 08-2-04050-4, with my son, Mark Major, as the sole plaintiff (CP 120), Bohrsen was not named as a defendant. (CP 117)

e. In that case, in which Mark Major listed 10 causes of action (two withdrawn), none of these 10 related to any insurance issue. (CP 118)

f. Lawyer Mark D. Hodgson was named as a defendant in the first case (CP 3) and in the second (CP 120); he is not named as a defendant in this case. (CP 3)

g. In this case, the core issue I stated in my complaint is insurance fraud. (CP 3)

2. Condoning the Defendants' Refusal to Take Part in Discovery to Cover Up Wrongdoing

a. I mailed the respondents my first set of interrogatories and requests for production of

of documents (CP 75-78) and (CP 79-82) on August 10, 2009, the respondents being served -- on August 11. I then mailed my requests for the required discovery conference on September 12 (CP 101&102), certified mail, return receipt requested (CP 103&104).

b. I filed my motion to compel/alternate for default on September 14, 2009 (CP 35-46). I filed supplementary evidence in support of that motion on September 22, 2009 (CP 69-104).

c. The respondents wrote they were not required to participate in discovery. (CP 83)

d. Judge Plese did not hear my motion to compel, instead dismissing my case. (RP 22)

3. Rearranging the Dates of Issues Noted for Hearing to Provide a Specious Decision for Defendants

a. At the September 25, 2009 hearing, Judge Plese stated she would hear my motion for partial summary judgment (on the issue of Mark Major's innocence) and she would hear the respondents' motion to dismiss on the date noted, October 9. (RP 4)

b. At this hearing Bohrnson argued his dismiss motion (RP 13-14), as did the lawyer representing Bohrnson, Steven R. Stocker (RP 15-16). I argued

my motion, the only one noted for that hearing.

(RP 4-13)

c. Since Judge Plese granted the defendants' dismiss motion, noted for October 9, my motion to compel, also noted for October 9 (APPENDIX 1, CP 124) was not heard.

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

a. In my motion for partial summary judgment, I provided the extensive, objective third party evidence attesting to Mark Major's innocence and Lacey Major's perjuries (CP 5-33) (RP 8-12). I also highlighted the extensive damage done to Mark's two young daughters at the hands of their mother (CP 111-112) (CP 126) (RP 11).

b. I presented the new evidence of Lacey Major's recantation of all of her allegations against Mark Major (CP 7), her two sworn statements (CP 21&22).

c. At the hearing I presented this new evidence, which gave her the authority, under CR 60(b)(3) to exonerate Mark Major. (RP 20). Judge Plese said,

"I agree. The Court does have that option under that rule ... " (RP 20). But then she said, "It's already been ruled on by another judge ... " and "I cannot re-decide what's already been decided ... " and "You're asking me to overturn another judge's ruling." RP 22)

d. Although we had sent the petition for a new hearing based on the new evidence of Lacey's recantation to the five previous judges, only Judge Frazier responded, and he refused to consider this new evidence. (CP 127)

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

a. The respondents' central argument is that all our litigation has been "solely for the purpose of harassment and to place an undue time and economic burden upon the Defendants." (CP 83)(RP 13-15)

b. Shortly after the Maxey firm withdrew as our counsel (CP 60), I offered Maxey an easy end to the litigation, with no liability whatsoever. No response. (CP 107-108)

c. At the hearing on March 5, 2009, Judge Eitzen repeatedly asked Mark Major what he wanted, to which Mark repeatedly responded that all he wanted was an apology, and his name cleared; he was not interested in any financial awards from the opposing lawyers. (CP 108)

d. This offer was open until July 15, 2009, when Bohrsen noted his vexatious and sanctions motions before Judge Cozza. (APPENDIX 2) (CP 64), these motions granted (APPENDIX 3) (CP 65) and (APPENDIX 4) (CP 65), on July 17, 2009.

6. Conspiracy

a. The above facts, amplified to provide their context, will add up, as shown in the next section, to conspiracy, in both the civil and criminal legal definitions of the word.

C. ARGUMENT

1. The Wrongful Application of Res Judicata

The core issue of this case is, as stated in my complaint:

In the case of Michael Major and Mark Major v. Mark D. Hodgson and the Maxey Law Office, No. 07-2-03994-0, in the Spokane County Superior Court, Judge David Frazier awarded the Maxey firm \$23,800 in attorney fees.

The lawyer representing Maxey, Andrew C. Bohrsen, in his affidavit signed August 19, 2008, billed the plaintiff Michael Major for this \$23,800, at the same time he billed their insurance company, James River Insurance Company, for the identical amount.

This double-billing represents insurance fraud.

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

This means a total perversion of what insurance is supposed to mean. This award was not a result of a policy for a protection against loss. Rather it represents a swindle in which lawyers can attempt to destroy citizens' lives for no just reason, to submit totally frivolous pleadings which are accepted by judges the lawyers corrupt, representing a complete abuse of the system of justice. (CP 3)

Judge Plese's entire reason for dismissing this action, as stated in her order, is: "This lawsuit is the same allegations that have been ruled upon in two prior lawsuits before Judges Frazier and Cozza and this court has no authority to rule upon their actions ... " (CP 121)

In the subsequent case referred to by Judge Please, of Mark Major (only) against the same defendants before first Judge Tari S. Eitzen and then Judge Salvatore Cozza, No. 08-2-04050-4, the only difference between that case and the first one is that Mark Major only (and not I) was the plaintiff. This was the result of our strict adherence to Judge Frazier's order:

Accordingly, without standing to be a party in the underlying lawsuit, Michael Major has no legal grounds or standing to claim damages or injuries resulting from the involvement of the Maxey Law Office in that action. Mark Major, not Michael Major

is the only individual that would have a civil cause of action against this law firm for acts or omissions the firm committed relating to its involvement in that case. (Memorandum, July 23, 2008) (CP 120)

Thus Mark Major was the sole plaintiff in the following case. (CP 120)

Although Mark Major originally named Bohrnson's firm, then called Bohrnson & Stowe, as a defendant, he voluntarily withdrew that firm as a defendant "to focus on the teaming up of plaintiff and defense lawyers to obstruct justice" (CP 117)

Mark Major also voluntarily withdrew two causes of action relating to Bohrnson and listed the eight remaining. None of these ten causes of action related to insurance fraud. (CP 118)

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

Insurance fraud was NOT listed as a cause of action in the previous case before Judges Eitzen/Cozza.

Insurance fraud was NOT listed as a cause of action in the case before Judge Frazier (or any other previous case) for the simple reason that we had no idea the lawyers were covered by insurance until Bohrnson informed us of same by billing both their

insurance carrier and me AFTER Judge Frazier had dismissed our case.

Furthermore, lawyer Mark D. Hodgson was named as defendant in the first case (CP 3) and in the second (CP 120); but he is not named as a defendant in this case (CP 3).

Here are the exchanges between Judge Plese and myself at the hearing: (RP 22-24)

COURT: Okay. And I at this time have made by decision. I am dismissing this case. It involves the same cases that were already filed.

MAJOR: I missed the last part.

COURT: I am dismissing this case today. It's the same --

MAJOR: You're dismissing the entire case?

COURT: The entire case.

MAJOR: Insurance fraud was not brought up in any other case. You dismiss this motion, but insurance fraud they didn't respond to the -- they didn't respond to the discovery which I asked them questions about the -- about -- so you're dismissing the insurance fraud today because you don't have -- because it's brand new? It hasn't been brought up in any other one.

COURT: It is not brand new. You're bringing up the same issues.

MAJOR: I did not bring up insurance fraud in any other case. I brought this up in this Partial Summary Judgement. I have not dealt with the insurance fraud yet. That's for another Partial Summary Judgement.

COURT: Well at this point, Mr. Major, these are the same issues that have been heard.

MAJOR: Insurance fraud is the same one we've done before --

COURT: And if you want --

MAJOR: Is that right?

COURT: -- you can file an appeal, but at this point, I am dismissing this lawsuit in total, okay? If you try to re-file this same case with the same facts with the same issues, at that time, I will do an order that you're a vexatious litigant, and you will not be able to file anything regarding this because this is all the same issue that has already been decided by several others.

MAJOR: Insurance fraud has been decided? Judge Moreno --
COURT: You can change the wording. It's all the same.
MAJOR: Insurance fraud is the same issue, right?
COURT: It's the same issue, okay.
MAJOR: Thank you.

Note that toward the end of this exchange, Judge Plese escalated the number of judges who had already heard the issue of insurance fraud from two to "several." In this context I mentioned Judge Moreno, and Judge Plese said, "You can change the wording, but it's all the same" and "It's the same issue."

But Judge Moreno was the first judge in our civil litigation against Lacey Major. Bohrnsen was not a defendant in that case. We didn't know who he was. He didn't make an appearance until the following case before Judge Frazier. The Maxey lawyers were not accused of insurance fraud. They were our lawyers. And the Maxey firm did not bill us for attorney fees or sanctions. Insurance was not an issue. The issue in that first case was the false allegations of Lacey Major against Mark Major.

But, according to Judge Plese, the issue of perjurious claims of domestic violence and plaintiff/defense lawyer collusion to obstruct

justice, and insurance fraud are identical. "You can change the wording. It's all the same ... It's the same issue, okay."

CR 56(d) shows that the defendants' motion to dismiss, equivalent to a summary judgment motion, required them to show "There is no genuine issue of any material fact ... "

The defendants never even alleged I failed to present material facts which showed there was an issue for trial. Had the defendants answered my discovery requests (see next section), and had a case, they would have been able to show there was no issue of material fact regarding insurance fraud. That they failed to so respond is their acknowledgement that there is an issue of material fact.

At the hearing, Bohrnson did not address the insurance issue. Stocker did, at least the first aspect. (RP 15-17). But, strip away his lawyerspeak, and what Stocker really said is that Bohrnson/Maxey billed his insurance carrier for the \$23,800 in attorney fees, but not me; but the court, at Bohrnson/Maxey's request, did bill me for the \$23,800. Therefore, Stocker, through

his own contradictions, created his own issue of material fact. Moreover, Stocker did not address the second, more important aspect of my charge - the racket of being paid by insurance not to cover a loss, such as an award against them for malpractice, but simply for pursuing frivolous actions against innocent citizens.

Therefore, there is no factual or legal basis upon which my suit could be dismissed, certainly not upon the sham use of res judicata. In fact, any reasoning which leads to that unjust conclusion is insane.

2. Condoning the Defendants' Refusal to Take Part in Discovery to Cover Up Wrongdoing

I mailed the respondents my first set of interrogatories and requests for production of documents (CP 75-78) and (CP 79-82), on August 10, 2009, the respondents being served on August 11. After receiving no response I mailed my requests for the required discovery conference on September 12 (CP 101&102), certified mail, return receipt requested (CP 103&104).

I filed my motion to compel/alternate for default on September 14, 2009 (CP 35-46). I filed supplementary evidence in support of that motion on

September 22, 2009. (CP 69-104)

The defendants only response to these discovery requests was their 1-page paper (CP 83) in which they stated they were not required to take part in discovery, naming as their primary reason "as such interrogatories have previously been asked and answered" in the two previous cases.

However, in the two sets of discovery requests to the Maxey firm lawyers in the first case (CP 85-87) and (CP 88-90) as well as the two sets to Maxey in the second case (CP 91-95) and (CP 96-100), they did not answer any questions relating to insurance for the very simple reason that, again, this issue was not raised in those two cases so no discovery questions/requests regarding same were made. The same is true of Hodgson in these and every other case in which he was involved. (CP 23-34)

All of these questions/requests related to the primal perjuries of Lacey Major against Mark Major, and the plaintiff/defense lawyer collusion which grew out of these perjuries. None of these received a legitimate answer either.

In this case, however, the identical discovery questions/requests were sent to both defendants (CP 35-42) and (CP 43-46). Though many related to

the perjury and collusion issues which spawned this case, the majority of the questions/requests, on each and every page, related to insurance, the central topic in this case. Not a single response.

In this case, the defendants are in total violation of discovery as required by CR 33(a) and 34. They even failed to meet the still unacceptable threshold - enjoined by CR 37(a)(3) which states "an evasive or incomplete answer is to be treated as a failure to answer."

They failed to participate in the required discovery conference required by CR 26(i). This same rule states that the "court will not entertain any motion or objection with respect to rules 26 through 37 unless counsel have conferred with respect to the motion or objection." This order also forbids a party from seeking a protective order unless this conference requirement was met; and the defendants did not seek a protective order.

CR 26(i) states that, in view of the defendants' failure to adhere to the rules, I could, since I made a good faith attempt to adhere to these rules, apply for sanctions under Rule 37(b), which I did (A)(B)(C) including default. (CP 69-71)

The defendants did not even offer the pretense of frivolous responses, instead arrogantly announcing (CP 83) that the required discovery requests "do not require an answer by the Defendants."

That the defendants would make such an assertion on the complacent expectation that Judge Plese would condone their flagrant violation of these rules does not lessen, only deepens their culpability.

3. Rearranging the Dates of Issues Noted for Hearing to Provide a Specious Decision for Defendants

My motion for partial summary judgment, focused only on the issue of Mark Major's innocence, was the only motion noted for the September 25, 2009 hearing. Judge Plese admitted this. (RP 4)

As even Stocker pointed out, the respondents' motion to dismiss was not noted until October 9. (RP RP 4). Also noted for October 9 was my motion to compel/alternate for default. (appendix 1, CP 124)

After Judge Plese told me, "We'll do your motion today, and I'll see you again on October 9," I naturally used all my time to argue my motion attesting to Mark Major's innocence. (RP 4-13) Bohrsen (RP 13-14) and Stocker (RP 15-16)

argued their dismiss motion.

LCR 40(b)(10) requires a 12-day notice for a regular motion, and the notification it is ready to be heard within 2-days. LCR 56 requires a dismissal motion (same as a summary judgment) to have a 28-day notice.

Judge Plese, by promising that the defendant's dismiss motion would be heard not that day, September 25, but October 9, as noted, at the start of the hearing, then allowing the defendants to argue that motion, before then arbitrarily and capriciously granting that dismiss motion, breached these fundamental rules of fairness. For, through this judicial deception, I was not allowed 1-second to argue against that motion.

Through this same sleight-of-hand, Judge Plese "disappeared" my motion to compel/alternative for default, also noted for October 9. She thus covered up the lawyers violating all of the rule regarding discovery, condoning their not offering a single answer to any of my discovery requests. Had Judge Plese enforced the rules, the defendants would have incriminated themselves on the perjury and collusion issues leading up to this case, and the insurance issue at its core.

I presented the following objective third-party evidence attesting to the innocence of Mark Major in terms of the allegations of domestic violence made against him by his ex-spouse, Lacey Major:

Bonnie Scott, director of STOP, the anger management agency Mark was forced to attend, ordered him to take polygraph tests (for which he had volunteered) on Lacey's allegations. (CP 8) Mark passed them all. Notable was the allegation that he broke a restraining order by driving on the grounds of the daycare where his children were staying, roaring drunk, tossing beer cans and endangering the lives of all the children on the grounds. Four sworn eyewitness reports showed Mark was 45 minutes out of town the time the alleged incident occurred. (CP 10-12) Another eyewitness attested to Lacey's ingesting drugs while pregnant with her first child, stealing a stores with the children present to support her meth habit, finding packets of meth small enough to be swallowed beneath the children's cribs, her neglect, etc. (CP 13)

Scott wrote the several accusations of Mark "stalking" Lacey, especially in his car, to be

unfounded, since the GPS tracking system he wore validated he wasn't in the areas Lacey said he was. Scott also found Lacey's accusations of Mark sexually abusing his daughter to be unfounded. (CP 8) Supporting this was the doctor Lacey took the daughter to, whose report stated there was no sign of sexual molestation whatsoever. (CP 6)

Even more significantly, Scott wrote she had spoken with Lacey, which means that not stating any Lacey allegation she thought was true indicated she thought none of them were true. (CP 8) Along these same lines, Judge Plese had before her several discovery questions directed to Lacey's lawyer, Hodgson, asking for any substantiation of any Lacey allegations. (CP 23-34). Hodgson offered not a single one. He defaulted on each and every discovery request.

Here is additional evidence presented to Judge Plese:

As the result of Hodgson siccing CPS upon Mark, a new round of terror began in December, 2007. CPS burst into the hospital room where Mark's then fiancée had just given birth to their new daughter in what should have been one of the happiest days of their lives and threatened to snatch the baby away. These torments did not come to an end until September 12, 2008, when Commissioner James Triplet put an end to Lacey's recycled lies and decisively banished CPS from the family's life. Speaking on behalf

of Mark was his then current anger management counselor, Herb Robinson of Tapio Counseling, plus a number of CPS workers who had actually visited Mark in his visits with his daughter. The Scott letter was also presented, along with the testimony of Mark's friends, many of whom had seen Mark interact with their children and even had him babysit for them, plus affirmations from hospital personnel, children, and employers. The order of Commissioner Triplet is attached. (CP 6-7)

Judge Plese had been given Commissioner Triplet's order. (CP 14-20)

All of this evidence was presented in my motion for partial summary judgment, filed August 21, 2009 (CP 5-34) Moreover, in my later paper, filed September 23, 2009, I had even newer evidence. In addition to Commissioner Triplet and the two court officers mentioned before, Scott and Robinson, a third court officer had volunteered to write a paper on behalf of Mark. As if this was not enough, CPS, incredibly, had affirmed Mark's innocence. (CP 111)

All of this evidence was referred to before Judge Plese at the hearing. (RP 8-11)

But the most incontrovertible evidence of Mark's total innocence was stated at the hearing (RP 8) but given the full context in my earlier pleading. (CP 7)

This evidence is in the form of two sworn statements

by Lacey. The first is her April 13, 2009 petition for a renewal of a protection order, written by Hodgson. The second, signed just four months later, withdrawing that restraint order, obviously written in her own hand. (CP 21&22)

That these papers conclusively represent the perjurer totally renouncing all of her perjuries as false is demonstrated by none of the opposing lawyers or judges bringing Lacey in, either through a sworn declaration or in person, to say that these papers represent anything else.

Judge Plese stated, "Mr. Major, I had a chance to read the entire file, everything that you submitted." (RP 17) Therefore, she was aware of what I wrote previously (CP 111-112), stated at the hearing (RP 11), and repeated in my reconsider motion, which Judge Plese did not act upon. (CP 126). Namely, Herb Robinson, head of Tapio Counseling, who was involved in originally writing the CPS laws, at the hearing before Commissioner Triplet, cited numerous statistics on the often irreparable damage that often results to young girls who are unjustly wrenched from their fathers. The results include a lack of self-esteem which often leads to their

growing up victims of sexual and other abuse. What I have been told by others, and recently witnessed personally, not having seen the girls for several years, is that Mark's two daughters, now ages 7 and 6, are excessively shy and fragile, with no self-confidence, had been malnourished to the point of concentration camp thinness, with a wardrobe of little more than rags.

Therefore, this case is not only about what happened in the past. These children, in the full custody of Lacey, are still in a clear and present danger.

In a pleading prior to the hearing (CP 110-111), I invoked the reopening of or a new hearing pursuant to Civil Rule 60, especially its provision of (b)(3), for new evidence. At the hearing I also appealed to CR 60(b)(3). (RP 20) To which Judge Plese replied, "I agree. The Court does have that option on that rule ... " (RP 20) But here's how she tried to squirm out of it.

COURT: So I'm not going to grant your Summary Judgment at this point. I can tell you, though, Mr. Major, that because everything you rely on in this lawsuit relies on issues that have already been decided by other judges, I have no power to rule on cases that they have, and you're asking me to basically overturn what other judges already did on the same level that I am on. I can't overturn anything that was already done.

MAJOR: You have authority under Civil Rule 60(b)(3). I have never heard a judge here (say) how can we use the law to promote justice. This Civil Rule 60(b)(3) says you have new evidence, the underlying -- the underlying thing which started (all this) was a conviction of an innocent man. You've got tons of (evidence). You say you haven't any facts --

COURT: Mr. Major, listen to what I'm saying, though. This issue is do I have -- you're asking me to go in a new case filing to go back and overturn something another judge did and use that rule. I agree. The Court does have that option on that rule, but you're going about it the wrong way, and I am bound by the rules that I have that says this is a brand new lawsuit. So you can't bring up an old lawsuit in a new filing and try to overturn the Judge's rulings.

MAJOR: I took this up to the state Supreme Court. They said go to the appeals court. The appeals court said it's got to go to this Superior Court. I sent it to all these five judges. (None) responded, and now I'm trying this one. I'll come in tomorrow and have a new filing for just CR 60(b)(3) on this new evidence. Is that what you'd like?

COURT: This case has already been decided on by other judges.

MAJOR: You have new evidence.

COURT: I don't have any new evidence. I saw no new evidence. So at this point --

MAJOR: You have Lacey's recantation.

COURT: Mr. Major, at this point based on what I have, I am going to dismiss this lawsuit because you don't -- you are re-filing under a new number something that has already been decided, and if you try to file it again, I am going to deem you, also, a vexatious litigant, as Judge Cozza deemed Mark Major.

This Court is deeming you, also, the same, meaning, you cannot re-file the same issue. You understand what I'm telling you?

MAJOR: What about the CR 60?

COURT: It's already been ruled on by another judge. So at this time, you, also, cannot file anything involving this same issue.

MAJOR: Are you doing that on the basis of a motion from the other judges?

COURT: I'm doing it on my own because I cannot re-decide what's already been decided.

MAJOR: Chief counsel for the --

COURT: I read the whole file. You're asking me to overturn another judge's ruling.

MAJOR: I'm asking you for justice. (RP 20-22)

Note the following excerpt:

MAJOR: You have new evidence.

COURT: I don't have any new evidence. I saw new evidence. So at this point --

MAJOR: You have Lacey's recantation.

At which point she terms me "vexatious."

But the most salient point which shreds a gaping hole in the cover-up not only of Judge Plese but also all of the other judges she is trying to cover up - exposing them to the glare of the public spotlight in all their naked shame, is her first stating, in terms of CR 60(b)(3), "I agree. The Court does have that option on that rule ... " Then a mind-boggling series of contradictions, concluding with, "You're asking me to overturn another judge's ruling."

Who is this judge?

As I stated in the above, I had submitted the same CR 60(b)(3) petition to the five previous Judges Moreno, Clark, Frazier, Eitzen, and Cozza. The only one who responded was Judge Frazier, but he did not respond with a ruling. As I wrote to Judge Plese in my motion for reconsideration:

In his order of August 24, 2009, Judge Frazier refused to address any of this evidence on the basis that Lacey's testimony "was not submitted as evidence in the summary judgment proceeding, and the credibility of Lacey Major was not an issue that was relevant to the court's consideration and decision in summarily dismissing, etc." (CP 127)

Of course Lacey's testimony was not submitted to Judge Frazier, for she did not provide it until long after the case before Judge Frazier had been dismissed. It was new evidence. And he did not rule.

The main point here, however, is that Judge Plese's stating she could not rule on CR 60(b)(3) because Judge Frazier had already so ruled is a bright shining lie which guarantees that the names of Judge Plese and all the implicated judges will live in infamy.

Bohrnsen, at the hearing, ostensibly responded to my partial summary judgment motion, for he referred to it as "the focal issue" and twice as my "motion." This is what Bohrnsen had to say:

Turning to the focal issue, Mr. Major raises this case has nothing to do with Mark Major's record, and it has nothing to do with Lacey Major. Lacey Major is not a party to this suit. The Maxey Law Offices never represented Lacey Major for any purposes, never had any contact with Lacey Major.

As far as the basis for this motion, it's apparent we accept what Mr. Major says is all of these recanting of allegations by Lacey Major made in other domestic relations actions between she and Mark Major. It is

new evidence in his mind as something that goes back to court commissioners and Judge Moreno's initial decision, but it has nothing to do whatsoever with the Maxey Law Office.

The legal basis for summarily denying this motion over and above its frivolity does not raise an issue. There is nothing that Mr. Major has said in writing or just now to the Court that has anything whatsoever to do with my client or the allegations of any wrongdoing. (RP 14-15)

Stocker said as much. (RP 16-17)

No, the Maxey lawyers did not represent Lacey. They represented Mark Major and myself. But by teaming up with Hodgson, they did and have represented Lacey's interest, and made big money doing so, not licitly, of course, but illicitly, and that is the wrongdoing, and what this overall litigation is all about. To use Judge Frazier's phrase, Lacey's perjuries were the issues of "the underlying lawsuit," which, like a cancer, despite the cover-ups applied to it, has metastasized through each succeeding suit and infected the integrity of so many judges.

The main issue here, however, is not the veracity of the respondents' statements, but rather that they are on the public record as saying that they do not now or never had any relationship whatsoever to Mark Major or Lacey Major, or Mark's innocence or Lacey's perjuries.

CR 56 (c) and (e), respectively, state, in relevant part:

(c) The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.

(e) When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleadings, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial.

Bohrnsen's and Stocker's on this issue (which is consistent with all of the opposing lawyers opinions on same) do not rise even to the unacceptable level of "mere allegations or denials." They do not even allege Lacey's accusations were true or deny that Mark is 100 percent innocent.

Therefore, since there is no genuine issue as to the material fact of Mark Major's innocence, and the respondents have never even alleged that there is such an issue, I am entitled to my partial summary judgment, and the clearing of Mark Major's name and the awarding him full custody of his children.

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

The lawyers' ongoing whine is that we have filed all of our actions and pleadings "solely for the purpose of harassment and to place an undue time and economic burden upon the Defendants."

(CP 83) (RP 13-15)

The truth, however, is the complete opposite, and the facts supporting the truth can be simply put.

Once the amateurish swindle between the Maxey lawyers and Hodgson (CP 60) exploded in their faces, I offered Maxey an easy way out of the moral mess they created for themselves, with no loss of honor, reputation, or any financial liability whatsoever. (CP 107-108). Naturally, the stakes went up, as they always do when the side with no case spurns and continues to spurn to even discuss any offer of compromise or settlement.

Both Bohrsen and Hodgson were present at the following exchange between Judge Teri S. Eitzen and Mark Major on March 5, 2009. (CP 108)

COURT: Now, what's the conspiracy theory?

MAJOR: We paid the attorney a thousand dollars for a simple 28 day continuance. Both attorneys talked to each other and it was never done. We never fired the attorney (Partovi). Never fired him.

COURT: How does that become a conspiracy with the judiciary?

MAJOR: I'm not very good at explaining stuff, I guess. It's in the writing. I'm -- and I just --

COURT: And you say you want justice. What you are saying in your prayer for relief is that you want three million dollars.

MAJOR: Well, that's just words, you know. I'm not going (through all this) for three million dollars.

COURT: It's not just words, Mr. Major.

MAJOR: I get that. I want justice for me.

COURT: What do you want?

MAJOR: I want to be cleared.

COURT: Cleared of what?

MAJOR: I was charged with domestic violence through my first wife. (That's) how this started, and we are divorced. I was sent to prison. I was totally innocent. I took polygraph tests, two. It got dropped. It's done. It's started out from that and I just, my ex-wife, and then it ends up to this. (RP 23-24)

COURT: Okay. And what is it that you want? What do you want?

MAJOR: I want justice for this.

COURT: Tell me what that means to you, please. Do you want Mr. Bohrsen in jail?

MAJOR: No.

COURT: What do you want?

MAJOR: I want you to read the papers and go through and see that it's wrong.

COURT: Well --

MAJOR: I was mistreated. I want an apology out of it.

COURT: So you want somebody to say they messed up and they didn't handle that continuance correctly and they should apologize to you

MAJOR: Yes.

COURT: That's all you want?

MAJOR: That's how it started out.

COURT: But then you say you want three million dollars.

MAJOR: I guess I don't have anything to say to that. (RP 28-29)

So, there you have it. In those two short passages, Mark Major was asked explicitly what he wanted five times. He answered in such plain English that even a judge or lawyer should be able to understand. He was innocent, he was treated unfairly, and he simply wanted an apology and his record cleared, with the obvious implication that he not only be released from the financial burdens which continue to crush him to this day, but even more importantly, that he be reunited with his daughters. For at that time he had not been allowed to see them since December, 2005, over three years, despite a court order on April 5, 2007, which allowed visitation, and which Lacey and Hodgson thumbed their noses at, with the approval of every subsequent judge. (CP 48)

Had Bohrsen/Hodgson et al been truly interested in ending this litigation, with no liability whatsoever, and no need to answer another pleading or attend another hearing, they would have jumped at the chance. But we received no response, either at the hearing, or later.

Up to April 15, 2009, when Bohrsen faxed his notice of his hearing with Judge Cozza (Apx. 2 - CP 64)

- the offer was still open. But he wasn't at all interested in freeing his associates or himself from the time, effort, and expense of litigation.

In other words, this is the absolute, undeniable, and irrevocable proof that Bohrsen et al's lament that they are the victims is a monstrous lie, a pathological projection of their sick souls.

The impression conveyed by the defendants and Judge Plese was that this vexatious order was designed simply to prevent any further action being brought against these lawyers. However, a closer look at this gambit reveals much more.

The first thing to note is that Mark Major was not informed that Judge Cozza was the new judge until July 15, 2009, just two days before Bohrsen noted the hearing for July 17. (Apdx. 2, CP 64) This is in violation of LCR 40(b)(1) which requires a 12-day notice. What Bohrsen accomplished through this fraud was preventing Mark Major from noting his objection and his counter-vexatious motion (long previously properly filed, noted and served through the interim of four successive judges who were assigned to the case and recused themselves).

Add to this the staggering saga of illegality that went into this setup, with the most improper ex parte meetings with Bohrnson, Judges Moreno and Cozza and/or their assistants. (CP 63-66)

Now turn to Judge Cozza's sanctions award of \$9,183, Judge Cozza's name stamped over Judge Moreno's (Apdx 3, CP 65). And then the vexatious order, with Judge Cozza's name stamped over Judge Eitzen. Judges Moreno and Eitzen had both recused themselves from this case. They all conspire together, but are all afraid to take responsibility. (Apdx. 4, CP 65)

The two salient facts emerging from this rancid document are not only is Mark Major prohibited from filing any action against the lawyers, but also "any papers, pleadings, or new causes of action." Second, that he must pay "all outstanding judgments entered in favor of the Maxey Law Office and for sanctions previously awarded by the court."

What a racket! Add \$23,800 plus \$9,183 (and double that for the identical amount they've received from their insurance carrier) to fatten the lawyers' wallet and the judges' coffers for persecuting a man they know to be innocent. Sure beats going to work for an honest living.

But that's just a start. The total shutting

off of Mark from any form of legal redress means that he, as a contractor, cannot get a business license or a driver's license, and can neither file a just lien to protect himself nor go to court to protect himself from an unjust lien. Nor can he be bonded or insured. Since he is the father of four children, two of them in his custody, these judges and lawyers are wholly committed to create such financial burdens that his children will invariably suffer as well.

Moreover, as we found out very quickly, Judge Cozza's order prevents Mark from going to court to try to protect his daughters from the increasingly erratic and destructive behavior of Lacey.

The malevolent malice of this gratuitous intent to inflict overwhelming suffering on an innocent man and his helpless children goes far far beyond simply exploiting them out of greed. This maleficence is corroborated in the Bohrsen/Maxey responses to Mark's second set of discovery requests. (CP 96-100)

These came about as the result of earlier requests sent to Mark by Bohrsen, all intrusive and designed to dig up dirt rather than provide legitimate information for his case. Mark refused, filed for a protective order, and Bohrsen, his bluff called,

didn't pursue the matter. But Mark did in this second set of requests (CP 96-100). The Bohrsen/Maxey responses are astounding in that, not only in spite of but also because of their evasiveness, they expose the vindictiveness of these lawyers.

Add to this the several other of the lawyers gratuitous small-minded, mean-spirited, and petty acts, such as Hodgson's back-alley maneuvers to sic CPS on Mark in an attempt to destroy his new family of fiancée and new-born (CP 6-7) and you have a mens rea of fathomless evil.

VEXATIOUS LITIGATION: civil action shown to have been instituted maliciously and without probable cause. 11 N.Y.S. 2d 768, 772

The lawyers have never even alleged we have gone to court for any other reason than to protect ourselves and our families from unlawful state persecution.

It is the lawyers who, from the very start, have used the color of law against us with malice and without probable cause. They are

(continued)

the vexatious litigants.

MALICIOUS PRSECUTION: an action for recovery of damages that have resulted to person, property or reputation from previous unsuccessful civil or criminal proceedings which were presecuted without probable cause and with malice. 52 N.W. 2d 86, 90.

The lawyers and the judges they have corrupted have proceeded with malice and without probable cause, and so are guilty of malicious prosecution.

6. Conspiracy

All of the facts and legal authorities presented above add up to a conspiracy, in both the civil and criminal legal definitions of the term.

The conspirators in this overall litigation have been engaged in an ongoing rampage in what the U.S. Supreme Court termed during the passage of the Civil Rights Act as "official lawlessness."

AMENDMENT XIV: ... Nor shall any State ... deny to any person within its jurisdiction the equal protection of the laws.

COLOR OF LAW: "mere semblance of legal right." 202 N.W. 144, 148. An action done under color of law is one done with the apparent authority of law but actually in contravention of law. A federal cause of action may be maintained against a state officer who under "color of law" deprives a person of his civil rights. 42 U.S.C. 1983.

CONSPIRACY: "a combination of two or more persons to commit a criminal or unlawful act, or to commit a lawful act by criminal or unlawful means; or a combination of two or more persons by concerted action to accomplish an unlawful purpose, or some purpose not

in itself unlawful by unlawful means. It is essential that there be two or more conspirators; one cannot conspire with himself." 314 P. 2d 625, 631.

CONSPIRATOR: One involved in a conspiracy: one who acts with another, or others, in furtherance of an unlawful transaction. "It is not necessary that each member of a conspiracy know the exact part which every other participant is playing; nor is it necessary in order to be bound by the acts of his associates that each member of a conspiracy shall know all the other participants therein; nor is it requisite that simultaneous action be had for those who come on later, and cooperate in the common effort to obtain the unlawful results, to become parties thereto and assume responsibility for all that has been done before." 47 F. Supp. 395, 400-01. According to the Model Code, a conspirator is one who, with another person or persons, with the purpose of promoting or facilitating the commission of a crime "a) agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such crime or an attempt or solicitation to commit such crime; or b) agrees to aid such other person or persons in the planning or commission of such crime or an attempt or solicitation to commit such crime." Model Penal Code 5.03(1).

CODE OF JUDICIAL CONDUCT, Canon 3 C(1) Judges having actual knowledge that another judge has committed a violation of this Code should take appropriate action. Judges having actual knowledge that another judge has committed a violation of this Code that raised a substantial question as to the other judge's fitness for office should take or initiate appropriate corrective action, which may include informing the appropriate authority. (2) Judges having actual knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to the lawyer's fitness as a lawyer should take or initiate appropriate corrective action, which may include informing the appropriate authority.

CODE OF JUDICIAL CONDUCT, Canon 1: Judges Shall Uphold The Integrity And Independence Of The Judiciary: An independent and honorable judiciary is indispensable to justice in our society. Judges should participate in establishing, maintaining, and enforcing high standards of judicial conduct, and shall personally observe those standards so that the integrity and independence of the judiciary shall be preserved. The provisions of this Code are to be construed to further that objective.

Just a few examples of this conspiracy are the collusion of plaintiff/defense lawyers to obstruct justice (CP 60), leading to the collusion with judges even to the extent of overruling other judge's orders (CP 53), blackmail (CP 61), extortion (65), the imputation of violence (CP 67) and attempt to incite violence against citizens for attempting to seek peaceful redress through the courts (CP 62) all a part of the evil mens rea intended to bring irreparable damage, including death to an upstanding father and his children.

These are only a few of the specific instances which permeate every single written and spoken argument of all of the conspirators. These more than fulfill the requirements for a R.I.C.O. suit which, if the system does not right itself in this court, will be our next step in a federal suit in Seattle against Washington State et al, this outrage, the judicial scandal of the century, being in such a media glare that we'll not be representing ourselves, but have the lawyers of leading judicial reform and civil rights organizations doing it for us, with our putting up the entire \$8 billion in awards asked for, as, if

if necessary, for contingency. By that time all our media and political initiatives, now under way, will have come to fruition. (CP 65-66)

In reviewing the legal foundations of our opponents, perjury, upon which is built the lawyer/judges collusion, upon which is built insurance fraud, have not been created for this family alone. These state sponsored rackets were well in place before we came along.

The first, perjury, is standard procedure in the divorce courts, the only courts in which a man is considered guilty until proven innocent, and he never gets a chance to prove his innocence. (CP 109-110)

But the lawyer/judges collusion is not limited to simply the divorce courts. This dovetails into the more entrenched outrage of the systematic and total shutting out all citizens who seek redress from the courts from abusive government when ~~ever~~ such redress would upset the corrupt status quo. As we found out, the Maxey/Hodgson collusion was not limited to them. When we contacted literally dozens of lawyers in the Spokane area, we found out that, though some expressed an initial interest,

all, as soon as they realize what this litigation is about, back off.

This is the game: A citizen won't find a lawyer to represent him (without betrayal), and if the citizen discovers the fraud, no other lawyer will touch it. The opposing lawyers then, as in this case, with their supercilious sneers, say the citizen is practicing law without a licence. The term "pro se" becomes a code phrase as derogatory in its connotations as invectives previously applied to African-Americans or women. Lawyers would never get away with this bigotry unless they had the full support of judges.

As always, Judge Plese says it best:

COURT: One of the things that I noted, though, this is a Complaint and Summons filed by you making several allegations, and my understanding is you're not an attorney. Is that right, Mr. Major? You're not a licensed -- you're pro se? You're representing yourself?

MAJOR: That's right because I couldn't hire a lawyer because they teamed up together, and every lawyer in town knows that they're involved in wrongdoing. They're not gonna do it so the Judge can say, hey, you're a pro se. Boom.

COURT: Here's why I'm asking because I read your Complaint, and your Complaint states that you, as plaintiff pro se, are filing these issues against these defendants, and that you've made several claims, one being fraud, insurance fraud, malpractice, moral turpitude, and that you, as a plaintiff, have a lawsuit against them for those issues, and even to

read forward, and I'm going to kind of jump ahead because you're representing you're not an attorney saying I'm representing Mark Major

You're saying you personally have a claim against these two, and everything in your paperwork that you filed, though, says Mark Major has an issue, and you're standing in the shoes of Mark Major because all the facts that you're relating relate to Mark Major. There's nothing in here, though, where you've made it you rely on the Mark Major issues and the Complaints. MAJOR: Mark Major is the underlying one because we started off together, and they betrayed us, and then it's gone from there one cover up after another, and so the underlying fact of whether Mark is innocent or not is the foundation upon which they built their entire edifice, and then if you just go off into somewhere else again, then this will go on forever. COURT: I understand that ...

And then Judge Plese, once I exposed her bias for what it was "did just go off into somewhere else again."

As it's been from the start. And the denigration of pro se status was there from the start. At the hearing before Judge Moreno, after Hodgson charged me with practicing law without a license, because I had no standing, I pointed out I certainly did have standing, if for no other reason that I had a contract with the Maxey lawyers. But Judge Moreno would hear nothing against the lawyers which would implicate them in wrongdoing (CP 57-59). She then dismissed Mark Major from the suit on the hoax that I did not have standing. (CP 56)

Judge Frazer said that, because I had signed

the contract with Maxey, only Mark could file a lawsuit against that firm. (CP 120)

When Mark Major appeared as the sole plaintiff before Judge Eitzman, she, in concert with Bohrnson, also mocked him for being a pro se, and also fed him with misinformation in an attempt to blackmail him into signing the vexatious order. (CP 62)

After Mark refused, and I exposed the Bohrnson/Eitzen intimidation for what it was, blackmail, Judges Eitzen and Moreno said that Mark, on the basis of the newsletter not Mark, but I wrote, accused Mark of making a personal threat of violence not only toward her, but also the entire court (bomb threat)? I also exposed this sordid hoax for what it was, a reckless, irresponsible, and inexcusable incitation to violence. (CP 62)

All of this, of course, leads to the third tier of insurance fraud (CP 109).

The fact is that Mark and I represent a family law firm no less than does Maxey Law Office. It just happens that we are attorney-pro ses, who have the same rights, under the law, as do attorneys-at-law. When David Partovi, of the Maxey firm, represented his associates, Cam Zorrozuza and William C. Maxey,

(before the appearance of Bohrnsen), nobody raised a hue and cry that only Partovi submitted and signed pleadings and appeared at hearings; that all three lawyers did not write identical papers and appear at the same hearings to make the identical oral arguments three times. It hasn't mattered whether Mark and I appeared as co-plaintiffs, or each as solo plaintiffs, judges and lawyers have changed their lies, contradicting themselves, to distort the law any which way they could, to ram through their a priori decision that any citizen of the United States who challenges corrupt government will be denied all access to the U.S. Constitution and the laws of the land.

This is a conspiracy, in both the civil and criminal definitions of the word, of appalling dimensions.

D. RELIEF REQUESTED

My relief requested is the same as listed in my complaint (CP 4) - with the adding of Stocker to Bohrnsen and Maxey - since Stocker

far crossed the line of legitimately defending his client to join the conspiracy.

If the court thinks this relief is excessive or harsh, I would refer back to the earlier sections of this paper (pgs. 30-33) in which the lawyers were continually offered a way out, with no liability whatsoever. But, no, they wanted no compromise. They had their own agenda and wanted this conflict to play out to the bitter end. So be it.

I request

1. that for the negligent and intentional infliction of emotional distress that each of the defendants pay \$13 million each or \$26 million total in tax-free damages, plus attorney fees and all costs and any other financial losses resulting from the defendants' actions, plus any other damages that may be just.

2. that the court refer lawyers Andrew C. Bohrsen, William C. Maxey, and Steven R. Stocker to the Washington State Bar Association for disbarment and to the Attorney General for criminal prosecution.

I swear under penalty of perjury that the

above and foregoing is true and correct.

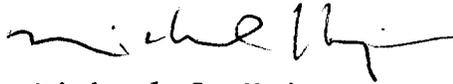
April 14, 2010



Michael J. Major
7915 East Longfellow
Spokane, WA 99212
(509) 315-9123

CERTIFICATE OF MAILING

The undersigned certifies that on April 14, 2010 he mailed a copy of this paper to Steven R. Stocker, 312 W. Sprague Ave., Spokane, WA 99201; Andrew C. Bohrsen, 9 South Washington St., Ste. 300, Spokane, WA 99201.



Michael J. Major

SUPERIOR COURT OF WASHINGTON FOR SPOKANE COUNTY

MICHAEL J. MAJOR,)
)
 Plaintiff,) No. 09-2-03143-1
)
 v.) NOTE FOR MOTION CALENDAR
) Clerk's Action Required
 ANDREW C. BOHRNSEN,)
 MAXEY LAW OFFICE,)
 Defendants.)

TO: All parties and their counsel:
 An issue of law shall be heard at the following time
 and place:

PLACE: Spokane County Superior Court

DATE: October 9, 2009, Friday

TIME: 2:30 p.m.

ISSUE: Plaintiff's motion to compel/alternative for default

AUTHORITY: CR 37(a), (b)(A)(B)(C)

September 12, 2009

Submitted by,

Michael J. Major
 4208 North Atlantic
 Spokane, WA 99205
 (509) 315-9123

CERTIFICATE OF MAILING

The undersigned certifies that on September 12, 2009, he
 mailed a copy of this paper to Steven R. Stocker, SLS, 312 W.
 Sprague Ave., Spokane, WA 99201; Andrew C. Bohrsen, 9 South Wash-
 ington, Ste. 300, Spokane, WA 99201.

Michael J. Major

APPENDIX -1-

(CP 124)

FACSIMILE MESSAGE FROM:

The Law Office of Andrew C. Bohrnsen, P.S.

A Professional Service Corporation
Licensed to Practice in Washington and Idaho

300 Hutton Building • 9 South Washington • Spokane, Washington 99201-3708
Telephone: (509) 838-2688 • Fax: (509) 838-2698

To: Mark Major	Date: July 15, 2009
Company:	Facsimile No: 413-1105
From: Andrew C. Bohrnsen	File: Major v. Hodgson & Maxey

This transmission consists of 1 pages including this page.

HARD COPY WILL NOT BE MAILED.

MESSAGE:

Please be advised that Judge Salvatore Cozza will be hearing the motions scheduled for Friday. We have spoken to John, Judicial Assistant to Judge Cozza, this morning to confirm that our motion for vexatious litigant and motion for sanctions are "ready" to be heard on Friday, July 17 at 9:00 a.m. John advises that the motion will be heard at 9:00 at the 4th Floor Annex.

**IF ANY PROBLEMS WITH THIS FACSIMILE, PLEASE CONTACT Lisa
AT THE ABOVE NUMBER. THANK YOU.**

APPENDIX 2

(CP 64)

The information contained in this facsimile is attorney privileged and confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this fax in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. We will promptly reimburse you for the telephone and postage charges. Thank you.

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8 SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

9 MARK MAJOR,

10
11 Plaintiff,

12 vs.

13
14 MARK D. HODGSON and MAXEY LAW
15 OFFICE,

16 Defendants.

NO. 08-2-04050-4

ORDER AWARDING
SANCTIONS TO DEFENDANT
MAXEY LAW OFFICE
[PROPOSED]

17
18 THIS MATTER having come on previously for hearing before the court pursuant
19 to cross-motions for summary judgment, and the court having previously entered
20 judgment against the plaintiff and in favor of the defendant, dismissing the plaintiff's
21 causes of action, and the court having previously found that the plaintiff's cause of
22 action was frivolous and brought in violation of Civil Rule 11, NOW, THEREFORE:

23 IT IS HEREBY ORDERED, JUDGED AND DECREED that the defendant should
24 be awarded, and hereby is awarded against the plaintiff the amount of \$ 9,183 as
25 and for sanctions for reasonable attorney fees and costs incurred herein.

26 DONE IN OPEN COURT this 17 day of July, 2009.

27
28 **SALVATORE F. COZZA**

THE HONORABLE MARYANN MORENO
Judge of the Superior Court

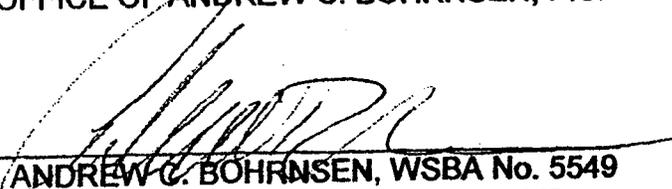
APPENDIX 3
ORDER AWARDING SANCTIONS TO
DEFENDANT MAXEY LAW OFFICE: 1 (CP 65)

Law Office of Andrew C. Bohrsen, P.S.
9 South Washington, Suite 300
Spokane, Washington 99201
(509) 838-2688 • Fax (509) 838-2698

Presented by:

LAW OFFICE OF ANDREW C. BOHRNSEN, P.S.

By:


ANDREW C. BOHRNSEN, WSBA No. 5549
Attorneys for Defendant Maxey Law Office

APPENDIX 3 (continued)

(CP 65)

ORDER AWARDING SANCTIONS TO
DEFENDANT MAXEY LAW OFFICE: 2

Law Office of Andrew C. Bohrsen, P.S.
9 South Washington, Suite 300
Spokane, Washington 99201
(509) 838-2688 • Fax (509) 838-2698

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MAR 20 1999

THOMAS R. FALLQUIST
SPOKANE COUNTY

SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

MARK MAJOR,

Plaintiff,

vs.

MARK D. HODGSON, MAXEY LAW
OFFICE and BOHRNSEN & STOWE

Defendants.

NO. 08-2-04050-4

VEXATIOUS LITIGANT ORDER

THIS MATTER coming on before the court pursuant to defendant's motion to declare plaintiff as a vexatious litigant, and the court having heard argument of counsel and being fully apprised in the premises, NOW, THEREFORE:

IT IS HEREBY ORDERED, JUDGED AND DECREED that Mark Major is hereby found to be a vexatious litigant and he is enjoined from filing any further action on papers in this court without first obtaining leave of the ^{assigned} Presiding Judge. In order to file any papers, pleadings, or new causes of action, the plaintiff must make application for leave and the paper and/or pleadings shall bear the caption "Application Seeking Leave to File"; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the application shall be supported by a Declaration by the plaintiff stating:

APPENDIX 4

(CP 65)

VEXATIOUS LITIGANT ORDER: 1

The Law Office of Bohrsen & Stowe
Attorneys at Law
300 Hutton Building
9 South Washington
Spokane, Washington 99201
1501 222 2222 - Fax 1501 222 2222

SFC

1. That the matters asserted in the new complaint or papers have never been raised and disposed of on the merits by any court;

2. That the claim or claims are not frivolous or made in bad faith; and

3. That he has conducted a reasonable investigation of the facts and that investigation supports his claim or claims.

A copy of this order shall be attached to any application; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that no application shall be accepted by the Presiding court unless and until the plaintiff provides documented proof that he has paid all outstanding judgments entered in favor of The Maxey Law Office as and for sanctions previously awarded by the court and post bond in that amount set by the court which shall be forfeited in favor of the defendant Maxey Law Office should the new claim or papers be found to be frivolous and in violation of Civil Rule 11. SFC

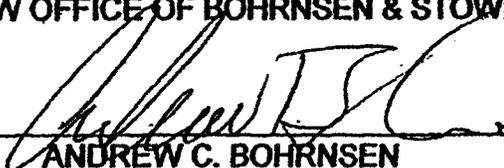
DONE IN OPEN COURT this 17 day of March, 2009.

SALVATORE F. COZZA

THE HONORABLE TERRI EITZEN
Judge of the Superior Court

Presented by:

LAW OFFICE OF BOHRNSEN & STOWE

By: 

ANDREW C. BOHRNSEN
WSBA No. 5549
Attorneys for Defendant
Maxey Law Office

APPENDIX 4 (continued)

(CP 65)