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NO. 40588-1-II

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IN THE COURT OF APPEALS  
OF THE STATE OF WASHINGTON  
DIVISION II

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WILLIAM D. WEBSTER  
Appellant,

v.

SOMDET WEBSTER, et, al  
Appellees.

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OPENING BRIEF OF APPELLANT

---

William D. Webster  
2102 25<sup>th</sup> Ave. SE  
Puyallup, WA 98374  
253-298-7557

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3 I. INTRODUCTION

4 This brief is submitted by William D. Webster and will address the facts  
5 surrounding this case including, but not limited to a “Pro Bono Scam” by a seated  
6 judge who was arrested/convicted while a member of the Communist Party and  
7 attorneys for K&L Gates, Gordon Thomas Honeywell and Legal Voice. It will  
8 further address the illegal summary judgment rendered in this case, the court  
9 violating pro se Plaintiff’s 1<sup>st</sup> and 14<sup>th</sup> Amendment civil rights, the court using  
10 RCW 9.62.010 to dismiss this case, the seated judge as a past employee of  
11 opposing attorneys law firm, the seated judge and opposing attorneys violating 18  
12 U.S.C 1341 and 1346 in their “Pro Bono Scam”, the seated judge as a member of  
13 the Communist Party and committing a felonies under the RCW for being a  
14 member of the Communist Party, the seated judge violating the pro se Plaintiff’s  
15 1<sup>st</sup> and 14<sup>th</sup> amendment rights by intimidating him in court with armed police and  
16 vilifying/threatening him in court in front of opposing attorneys and the public,  
17 the seated judge violating pro se Plaintiff’s 14 amendment civil rights by striking  
18 his evidence and brief and not allowing pro se Plaintiff a continuance so that he  
19 could have a 911 tape evidence transcribed that shows defendants were  
20 committing crimes under RCW 9.62.010 and 9A.76.175 while calling the Kitsap  
21 County Sheriff’s office and informing them that William D. Webster was  
22 violating a restraining order that was in fact made out to 10 year old William S.  
23 Webster, and that defendants were lying to police and stating that Mr. Webster  
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2 had called Mrs. Webster on her cell phone in violation of a restraining order. It  
3 should be noted once again that the case against Mr. Webster was dismissed for  
4 lack of evidence in that the restraining order was made out to another person and  
5 cell phone records show that Defendants Somdet Webster, Sam Flower and Sue  
6 Kumlee were in conspiracy to lie to the police to have Mr. Webster arrested and  
7 as stated to Kip D. Webster by Somdet Webster in a phone call on Jan. 28, 2007,  
8 fully one day before Mr. Webster's arrest "Daves going to jail, Daves going to  
9 jail." (Dave is Mr. Webster)  
10  
11

## 12 II. DEFINITIONS AND LAWS

13 1) SLAPP- "A strategic lawsuit against public participation- that is a suit brought  
14 by a developer, corporate executive, or elected official. Black's Law Dictionary,  
15 abridged eighth edition.

16 2) Title 18 U.S.C. Part I, Chapter 63> 1341 FRAUDS AND SWINDLES

17 3) Title 18 U.S.C. Part I, Chapter 63> 1346 DEFINITION OF "SCHEME OR  
18 ARTIFICE TO DEFRAUD."

19 4) RCW 4.24.500 Good faith communication to government agency.

20 5) RCW 4.24.510 Communication to government or self-regulated organization

21 6) RCW 9.62.010 Malicious Prosecution.

22 7) RCW 9A. 72.080 Statement of what one does not know to be true.

23 8) RCW 9A.76.175 Making a false or misleading statement to a public servant.

24 9) RCW 9A.80.010 Official Misconduct.

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26 *BRIEF OF APPELLANT-2*  
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3 **III. ASSIGNMENT OF ERRORS**

4 1) Did Judge Cuthbertson abuse his discretion and err in using RCW 4.24.500 and  
5 RCW 4.24.510 to dismiss the case against the Defendants with full knowledge  
6 that the defendant's were committing a class C felony under RCW 9.62.010, a  
7 gross misdemeanor under RCW 9A.76.175 and violating RCW 9A.72.080 by  
8 lying in their 911 phone call to the Kitsap County Sheriff's Office/911 operators  
9 on Jan. 29, 2007? **Yes!**

10  
11 2) Did Judge Cuthbertson abuse his discretion and err when he dismissed the case  
12 saying it is collateral estoppel/attack? **Yes!**

13 3) Did Judge Cuthbertson, any of the attorneys for the three law firms or the  
14 attorney for Legal Voice show any evidence other than verbal heresay or biased  
15 personal opinion that any of Plaintiff's case was collateral estoppel/attack? **No!**

16 4) Did Judge Cuthbertson abuse his discretion and err by dismissing Plaintiff's  
17 case of premeditated abuse of process, infliction of emotional/economic distress,  
18 false light, conspiracy, and malicious intent? **Yes!**

19  
20 5) Did Judge Cuthbertson abuse his discretion and err by not recusing himself  
21 from the trial as he was a past employee of defendant's attorney's law firm  
22 Gordon Thomas Honeywell and violated Plaintiff's rights under 18 U.S.C 1341  
23 and 18 U.S.C. 1346? **Yes!**

24 6) Was Judge Cuthbertson, the Pierce County Court System, the law firm of K&L  
25 Gates, attorneys Laura K. Clinton and Jessica A. Skelton, the law firm of Gordon  
26 Thomas Honeywell, attorney Christine D. Sanders and Salvador Alejo Mungia,  
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3 and the pro-homosexual/feminist activist organization represented by attorney  
4 David J. Ward, in conspiracy to defraud Plaintiff Mr. Webster and conspired in a  
5 “Pro Bono Scam” and should this fraud be viewed in the context of Rule 60(b)(4),  
6 U.S.C. 1341, U.S.C 1346 and fraud statutes? **Yes!**

7 7) Should have the documented member of the Communist Party, Superior Court  
8 Judge Frank Cuthbertson , who is a convicted criminal with an arrest warrant out  
9 for him in Greensboro, North Carolina, been precluded from setting on this case  
10 due to his committing a felony under RCW 9.81.010, 9.81.020, 9.81.030,  
11 9.81.040, 9.81.060, 9.81.082, 9.81.083, 9.81.090, 9.81.110? **Yes!**

12  
13 8) Did Judge Cuthbertson violate Plaintiffs 1<sup>st</sup> and 14<sup>th</sup> Amendment rights by  
14 limiting pro se Plaintiff to only seven(7) minutes to state his case and did not hold  
15 the four(4) law firms, attorneys and organizations any such limits? **Yes!**

16 9) Did Judge Cuthbertson violate Plaintiff's 1<sup>st</sup> and 14<sup>th</sup> Amendments rights by  
17 taking a break in the proceedings so he could intimidate pro se Plaintiff by calling  
18 into court an armed Pierce County Sheriff who was dressed in a black Nazi  
19 Waffen SS like uniform and who made Plaintiff leave the court after proceedings?  
20 **Yes!**

21  
22 10) Did Judge Cuthbertson abuse his discretion, err and violate pro se Plaintiff's  
23 1<sup>st</sup> and 14<sup>th</sup> Amendment rights by threatening pro se Plaintiff with sanctions and  
24 by verbally assaulting pro se Plaintiff and vilifying him in Court and in front of  
25 opposing attorneys for calling the pro-homosexual/feminist activist organization  
26 “Legal Voice” “Homosexuals?” **Yes!**

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28 *BRIEF OF APPELLANT-4*

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3 11) Did Judge Cuthbertson abuse his discretion and err by holding pro se, non-  
4 Washington State Bar Association member, non-law school educated, non-  
5 licensed, 65 year old senior citizen, pro se, merchant seaman, Plaintiff to the  
6 standards of a licensed, educated attorney? **Yes!**

7 12) Did Judge Cuthbertson abuse his discretion, err and violate Plaintiff's 14<sup>th</sup>  
8 Amendment civil rights by not allowing pro se Plaintiff a continuance to have  
9 evidence in the form of 911 tapes transcribed and along with them cell phone  
10 records that show issues of material fact, conspiracy, abuse of process, malicious  
11 intent and crimes being committed by the defendants. **Yes.**

12 13) Did Judge Cuthbertson abuse his discretion, err and violate Plaintiff's 14<sup>th</sup>  
13 Amendment rights by striking his brief and the Declaration of Kip D. Webster  
14 that was submitted to court which shows issues of material fact, conspiracy,  
15 malicious intent and abuse of process. **Yes.**

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18 **IV. STATEMENT OF THE CASE**

19 On Jan. 28, 2007, Somdet Webster called Kip D. Webster, who is William D.  
20 Webster's brother and stated to him that "Daves going to jail, Daves going to  
21 jail!" (Dave is William D. Webster) (*citation; Declaration of Kip D. Webster*) On  
22 the morning of Jan 29, 2007, Mr. Webster was asleep at home after a 13 hour shift  
23 working for the state of Washington. Mr. Webster was awoken by a phone call  
24 from Mrs. Webster who was at the Original Thai Taste restaurant in Port Orchard,  
25 Washington, that is owned by Mrs. Sue Kumlee. After the phone call, Mr.  
26 Webster went back to sleep, but was once again awoken by a phone call, this  
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3 time from Mrs. Kumlee. Mrs. Kumlee stated that the police were coming over to  
4 Mr. Webster's residence and he should leave. Mr. Webster in a half awake state  
5 got dressed and walked out to his truck that was parked in front of his residence.  
6 At that time two black uniformed police surrounded Mr. Webster from the front  
7 and the back ordering him on the ground.

8 It should be noted that the officer in back had an automatic M-16 machine gun  
9 pointed at Mr. Webster's back and the officer in the front was pointing a Glock  
10 9mm semi-auto pistol at Mr. Webster's front. Both officers were walking over  
11 unfamiliar ground with their fingers on the triggers of their weapons and since  
12 one was in front and one was in back, if they would have shot Mr. Webster, they  
13 would have also shot each other.  
14

15 Mr. Webster was arrested and the police showed no order to him stating that  
16 William D. Webster was restrained from being in his residence. Mr. Webster  
17 retained criminal attorney David Gerhke to defend him. Attorney Gerhke's  
18 investigation found that Mr. Webster did not call Mrs. Webster on her cell phone  
19 as both she and Mr. Flower stated to the Kitsap County 911 operator. (*citation:*  
20 Judge Cuthbertson illegally struck Verizon cell phone records submitted to the  
21 Court. (*citation; Report of Proceedings, p. 12: [Webster]: If the defendant's*  
22 *attorneys wish to have my paperwork stricken, I move for a continuance....."*  
23 *[Cuthbertson] "I am going to grant the motion to strike the response pleading."*)  
24 Further playing of the 911 tapes discovered that Mrs. Webster and Mr.  
25 Flower were using Mrs. Kumlee's business, with Mrs. Kumlee's blessing, to  
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3 commit fraud and lie to police. (*citation*: Judge Cuthbertson did not allow pro se  
4 Webster a continuance to have 911 calls transcribed and submitted to court.  
5 (*citation*; *Report of Proceedings p.12* “[Cuthbertson] In this case, if your going to  
6 proceed pro se, that what we do is we treat you like a lawyer. You’re held to the  
7 same rules of evidence and the same court rules and everything else as a person  
8 represented by counsel.”) The case was subsequently dismissed as the restraining  
9 order also was not made out to William D. Webster, but was made out to William  
10 S. Webster a 10 year old child, a fact that Mrs. Webster, Mr. Flower and Mrs.  
11 Kumlee did not convey to police and none of the police or their office verified the  
12 proper person on the restraining order. Mrs. Webster on interrogatories by  
13 attorney Gerhke admitted that Mr. Flower was the author of the restraining  
14 order/helped her fill it out. It should be noted that in court proceedings in Kitsap  
15 County, Mrs. Webster and her attorney Jennifer Brugger of the Northwest Justice  
16 Project both stated under oath that Mrs. Webster could not read, speak or  
17 understand the English language, thus it was Mr. Flower with the help of Sue  
18 Kumlee that filed out the restraining order made out to William S. Webster, and it  
19 was Somdet Webster, Samuel Flower, operating out of Mrs. Kumlee’s business  
20 that called the Kitsap Sheriff’s and lied to them. It should be noted that on the  
21 911 tapes the Kitsap County 911 operator speaking to the Kitsap Sheriff’s Office,  
22 calls Mr. Flower “a pest” because “he had called so much” on the subject of Mr.  
23 Webster.  
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27 Mr. Webster presented records to the Court that Judge Frank Cuthbertson is a

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2 convicted criminal with an arrest warrant out for him from North Carolina, and  
3 was arrested while in the company of and was a member of the Communist Party  
4  
5 (*citation; see court filings with arrest/conviction/warrant record for Frank*  
6 *Cuthbertson from Greensboro, North Carolina and selected pages from "Red*  
7 *Tide Rising in the Carolinas."*) Judge Cuthbertson violated Mr. Webster's civil  
8 right according to the 1<sup>st</sup> and 14<sup>th</sup> Amendments to the U.S. Constitution by (1)  
9 Holding Mr. Webster to the level of an attorney even though Mr. Webster is  
10 barred from joining the Washington State Bar Association (*citation; report of*  
11 *proceedings, p 12: [Cuthbertson] "we treat you just like a lawyer. You're held to*  
12 *the same rules of evidence and the same court rules and everything else as a*  
13 *person represented by counsel. ), (2) Striking pro se Plaintiff's "responsive*  
14 *pleading."* (*citation; report of proceedings: [Cuthbertson] "I am going to grant the*  
15 *motion to strike the responsive pleading."*), (3) Imposing a time limit on Mr.  
16 Webster that was not imposed on the four law firms and its licensed attorneys.  
17 (*citation; report of proceedings, p 21: [Cuthbertson] "I'm going to give you seven*  
18 *minutes, so if you can do it in seven minutes."*), (4) Judge Cuthbertson taking a  
19 recess so that he could bring into court an armed Pierce County Sheriff dressed in  
20 a black Nazi Waffen SS style uniform, all to intimidate, confuse and scare pro se  
21 Webster. (*citation; report of proceedings, p. 11: [Cuthbertson] "We'll take a*  
22 *brief recess and then get going."*), (5) Judge Cuthbertson repeatedly interrupting  
23 pro se Webster to confuse the pro se Plaintiff and so that he could not properly  
24 state his case, something Cuthbertson did not do to attorneys from the opposing  
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3 four law firms. (*citation; report of proceedings, p 21 to p 32*), (6) Judge  
4 Cuthbertson vilified and threatened pro se Webster, and violating his 1<sup>st</sup>  
5 Amendment rights for him calling the pro-homosexual/feminist advocacy group  
6 “Legal Voice” homosexuals/feminists. Cuthbertson did this in front of attorneys  
7 and the public in court. (*citation; report of proceedings, p 38*: [Cuthbertson]  
8 “.....to make allegations about, you know, members of the court’s sexual  
9 preferences or alleged sexual preferences or whether this is a lesbian-gay  
10 conspiracy, that from what I have heard today has no merit. It’s inappropriate and  
11 has no place in court and that would be, you know, were you not a pro se, I would  
12 certainly impose sanctions based in that conduct.”), (7) Judge Cuthbertson not  
13 allowing pro se Plaintiff to speak and defend himself thus violating the 1<sup>st</sup> and  
14 14<sup>th</sup> Amendment. (*citation; report of proceedings. P 37*: [Webster] “Your honor,  
15 may I speak?, [Cuthbertson] “We’re finished.”) (8) Judge Cuthbertson calling pro  
16 se Plaintiff Webster back to the side of the bar to “off the record” repeatedly  
17 vilify, brow beat, embarrass and verbally rape Mr. Webster for calling the pro  
18 homosexual/feminist advocacy group “Legal Voice” homosexuals and feminists.  
19 (*citations; no citations as Cuthbertson made sure this was after court and no*  
20 *recording was being made of his vilifying the pro se Plaintiff.*

## 23 V. STANDARD OF REVIEW

24 The Washington Courts have stated that the “Standard of Review” in Lybbert v.  
25 Grant County, 141 Wn.2d 29, 34, 1 p.3d 1124 (2000) as “We review a trial courts  
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27 BRIEF OF APPELLANT-9  
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2 granting a summary judgment de novo, engaging in the same inquiry as the trial  
3 court.  
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5 In Owen v. Burlington N. Santa Fe R.R., 153 Wn.2d 780, 789, 108 P.3d 1220  
6 (2005), the Court stated; Summary judgment is proper if there is no genuine issue  
7 of material fact and the moving party is entitled to judgment as a matter of law  
8 CR 56. A material fact is one that affects the outcome of the litigation.  
9 The Court also in Lybbert, supra, stated “When considering a summary judgment  
10 motion, the court must construe all facts and reasonable inferences in the light  
11 most favorable to the nonmoving party.  
12

#### 13 VI. FACTS AND ARGUMENT.

14 1) Defendants Committing Crimes under RCW 9.62.010, RCW 9A.76.175 and  
15 RCW 9A.72.080 While Call Police. Criminal Law Supersedes the Anti-SLAPP  
16 Statutes in RCW 4.24.500 and RCW 4.24.510  
17 Evidence in the form of 911 tapes, cell phone records and Declaration of Kip D.  
18 Webster that the court refuse to allow to be admitted, conclusively shows that the  
19 defendants where committing crimes under RCW 9.62.010, RCW 9A.72.080 and  
20 RCW 9a.76.175. The defendants lied to police and 911 operators and stated facts  
21 that they knew were false so that Plaintiff would be falsely arrested. Clearly the  
22 Court, the three law firms and the homosexual/feminist advocacy organization  
23 conspired to not let the pro se Plaintiff justly present his case. Mr. Webster’s civil  
24 rights of equal protection under the 14<sup>th</sup> Amendment were not only violated in the  
25 Cuthbertson Court , but were trashed. RCW 4.24.500 and RCW 4.24.510 which  
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3 are commonly known as an anti-SLAPP laws state that a person has immunity  
4 from prosecution if they communicated “ any matter reasonably of concern to that  
5 agency or organization”, it goes on to state “Statutory damages may be denied if  
6 the court finds that the complaint or information was communicated in bad faith.”

7 RCW 4.24.500 specifically states that “The purpose of RCW 4.24.500 through  
8 4.24.520 is to protect individuals who make good-faith reports to appropriate  
9 governmental bodies.” Clearly the defendants knew that they were  
10 communicating untruths and lying to police and 911 operators. Prosser, torts, 98,  
11 1 Cooley, Torts, (4 Ed.) 131, p. 437; Annotantion, 80 A.L.R. 580; Restatement,  
12 Torts, 682; cf Restatement, torts, 136(b) states that” The gist of the action is the  
13 misuse or misapplication of the process.” If the Plaintiff were allowed to show  
14 his evidence, it would have shown that the defendants lied about Mr. Webster  
15 making a cell phone call to Mrs. Webster and court evidence shows that there was  
16 no restraining order made out to William D. Webster which is proven by the  
17 Kitsap County Prosecutors Office dismissing charges against Mr. Webster. The  
18 formers of the anti-SLAPP law did not intend the statutes to hide persons such as  
19 the defendants who are committing crimes under the Washington Criminal Code.  
20 Criminal activity in the commission of crimes supercedes the anti-SLAPP  
21 statutes. Even the anti-SLAPP statutes state that the communication must be in  
22 good-faith and of reasonable concern to that agency or organization. The  
23 defendants lying about a cell phone call Mr. Webster had supposedly made to  
24 Mrs. Webster and knowingly stating that William D. Webster was violating a  
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28 *BRIEF OF APPELLANT-11*

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3 restraining order, defendants made false statements that they knew to be untrue,  
4 (see RCW 9A.72.080), made false and misleading statements to the Kitsap  
5 County Sheriff's Office/911 operator. See RCW 9A.76.175 and with the  
6 Declaration of Kip D. Webster which shows malicious forethought on the part of  
7 the defendants to have Plaintiff falsely arrested for a restraining order made out to  
8 another person. A non-existent, fabricated cell phone call and a restraining order  
9 made out to a person other than William D. Webster, were not of concern to the  
10 Kitsap County Sheriff's Office/911 operator on Jan. 29, 2007, thus the anti-  
11 SLAPP statues are not in this context and should not have been cited by Judge  
12 Cuthbertson to dismiss this case. In Wilcox v. Superior Court, 27 Cal. App. 4<sup>th</sup>  
13 809, 821-823, 33 Cal.Rptr.2d 446 (1994), the court stated that the Plaintiff can  
14 overcome the special motion to strike (anti-Slapp) by showing of success on the  
15 merits of the action. Judge Cuthbertson struck all of Plaintiff's evidence and did  
16 not allow pro se time to have a 911 tape transcribed. The 911 tape, the cell phone  
17 records and Declaration of Kip Webster all show that defendants were committing  
18 crimes while contacting police/911 and they planned the arrest of Mr. Webster  
19 ahead of time as evident with the Jan 28, 2007 phone call from Somdet Webster  
20 to Kip Webster: "Daves going to Jail, Daves going to Jail." (Dave is William D.  
21 Webster.)  
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24 2/3) No Collateral Estoppel/Attack.

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26 Nowhere in the proceedings does Judge Cuthbertson, the three law firms  
27 including Cuthbertson's former employer Gordon Thomas Honeywell or the

28 *BRIEF OF APPELLANT-12*

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3 homosexual/feminist advocacy organization Legal Voice provide any admissible  
4 proof that Mr. Webster's case is collateral estoppel/attack. No evidence was  
5 provided, no court record presented and only non admissible heresay evidence  
6 was admitted. None of the charges brought by the Plaintiff have ever been  
7 brought and/or adjudicated by any other Court. Plaintiff's and Mrs. Webster's  
8 dissolution trial brought forth none of the charges that the Plaintiff has stated in  
9 his claim. It should be noted though that the Port Orchard Police Department  
10 brought felony perjury charges against Somdet Webster, (case # DO-8-990) but  
11 since her attorney Jennifer Brugger of the Northwest Justice Project is a past  
12 Kitsap prosecutor, the Kitsap Prosecutors in the person of Prosecutor Kevin  
13 Howell refused to prosecute the felony. Judge Cuthbertson abused his discretion  
14 and erred by using the defense of collateral estoppel/attack to wrongfully dismiss  
15 this case.  
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18 4) Wrongful Dismissal of Plaintiff's Charges of Premeditated Abuse of Process,  
19 Infliction of Emotional/Economic Distress, Conspiracy, and Malicious  
20 Prosecution/Intent.

21 Plaintiff tried to submit evidence in the form of a declaration by Kip D. Webster,  
22 cell phone records and obtain a continuance to have a 911 tape transcribed to  
23 show all of the claims made against the defendants by the Plaintiff are true and  
24 actionable, but the Cuthbertson Court refused to allow the pro se defendant to  
25 defend himself thus violating Plaintiff's 14<sup>th</sup> Amendment right of equal protection  
26 under the law. Pro se Plaintiff did not know or understand before hearing that he  
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3 had entered the “discovery” stage of the trial and had to defend his claims. As the  
4 United States Supreme Court stated in Hughs v. Rowe: “An unrepresented litigant  
5 should not be punished for his failure to recognize subtle or legal deficiencies in  
6 his claim.” And the Federal 9<sup>th</sup> Circuit Court of Appeals stated in Balistreri v.  
7 Pacifica Police Dept. 901 F.2d 696, 699 (9<sup>th</sup> Cir. 1990): ‘ This Court recognizes  
8 that it has a duty to ensure that pro se litigants do not lose their rights to a hearing  
9 on the merits of their claim due to technical procedure requirements.’ The  
10 Federal 2<sup>nd</sup> Circuit Court of Appeals eight years after Balistreri, supra , stated in  
11 Davis v. Kelly, 160 F.3d 922 (2<sup>nd</sup> Cir 1998): “ Though a Court need not act as an  
12 advocate for pro se litigants, in pro se cases there is a grater burden and  
13 correlative greater responsibility upon the district to ensure that constitutional  
14 deprivations are redressed and that justice is done.” Judge Cuthbertson did not  
15 follow state and federal court opinions in granting summary judgment and  
16 dismissing this case. As stated in Babcock v. State, 116 Wn.2d 596, 809 p.2d 143  
17 (1991) “Summary judgment is no substitute for trial.” The federal Courts have  
18 voiced their opinion on summary judgment when the 5<sup>th</sup> Circuit Court of Appeals  
19 stated: “As a general rule summary judgment should not be granted until party  
20 opposing the motion has had an adequate opportunity to conduct discovery.”  
21 Alabama farm Bureau Mut. Casualty Co. v. American Fidelity Life Ins. Co. 606  
22 F.2d 602 (5<sup>th</sup> Cir. 1979) In the United States Supreme Court decision in Estella v.  
23 Gamble, 429 U.S. 97 (1976), the highest court in the land stated: “ Thus Haines v.  
24 Kerner, supra, teaches that the decision on the merits of the complaint should

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2 normally be postponed until the facts have been ascertained. The same approach  
3 was taken in Polk Co. v. Glover, 305 U.S. 5, in which the court reversed the  
4 dismissal of a complaint, without intimating any view of constitutional issues, on  
5 the salutary principle that the essential facts should be determined before passing  
6 upon grave constitutional questions.” Historically, in the 1944 case, the Court in  
7 Dioguardi v. Durning, 139 F.2d 774, 775 CA 1944) rightly stated : “ Admittedly,  
8 it is tempting to eliminate the complaint at the pleading stage. Unfortunately, this  
9 is another instance of judicial haste, which, in the long run, makes waste. We  
10 cannot say with assurance that under the allegations of the pro se complaint,  
11 which we hold to less stringent standards than formal pleadings by attorneys, it  
12 appears beyond doubt that the plaintiff can prove no set of facts in support of his  
13 claim which would entitle him to relief.” Thus the many, many cases in favor of  
14 not granting summary judgment/dismissing the pro se case stand in opposition to  
15 the Cuthbertson Court decision. Pro se Plaintiff was not given a chance to defend  
16 himself and his civil rights were violated in that action. In Brower v. Ackerley, 88  
17 Wn. App. 87, 943 P.2d 1141, (1997), Division One of the Washington State Court  
18 of appeals rightly stated that “...plaintiff’s emotional distress was sufficient to  
19 take the outrage claim to the jury.” Mr. Webster got no such option from the  
20 Cuthbertson Court as he was not allowed to take his evidence before a jury of his  
21 peers. The Court in Carmody v. Trianon Co. 7 Wn.2d 226, 109 P.2d 560 (1941),  
22 stated it properly when it upheld a decision for the Plaintiff by stating that an  
23 award of damages for mental anguish without requiring direct proof of mental  
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3 anguish. The intentional tort of “outrage” was recognized by the court in Grimsby  
4 v. Samson 85 Wn.2d 52, 59-60, 530 P.2d 291 (1975) while the objective  
5 symptomatology requirement was first applied to *negligent* infliction of emotional  
6 distress a year later in Hunsley v. Giard, 87 Wn.2d 424, 553, P.2d 1096 (1976)  
7 5) As a Past Employee of the Opposing Law Firm of Gordon Thomas Honeywell,  
8 Should Judge Cuthbertson Recused Himself Before Trial?  
9 Judge Frank Cuthbertson was a past employee and attorney for the opposing law  
10 firm of Gordon Thomas Honeywell and admitted so to pro se Plaintiff. Not  
11 realizing the consequences and “good ‘ol boy network” in the Tacoma and the  
12 Pierce County Judicial System, pro se Plaintiff mistakenly made a spur of the  
13 moment uniformed decision to allow Cuthbertson to remain on the case. By all  
14 state and federal court decisions and the Judicial Codes, Judge Cuthbertson should  
15 have recused himself before trial. As the U.S. Supreme Court stated in Stone v.  
16 Powell, 428, U.S. 35, 96 S. Ct. 3037, 49 L.Ed 2d 1067 (1976): “The United States  
17 Constitution guarantees an unbiased judge who will always provide litigants with  
18 full protections of all rights.” It is obvious by Cuthbertson’s violations of pro se  
19 Plaintiff’s 1<sup>st</sup> and 14<sup>th</sup> Amendment rights that he willfully did not protect the pro  
20 se Plaintiff’s Constitutional civil rights. Washington Courts in Fleck v. King  
21 County 16 Wn. App. 668, 671, 558 P.2d 254(1977) stated: “Next to importance to  
22 the duty of rendering a righteous judgment, is that of doing it in a manner as will  
23 beget no suspicion of the fairness and integrity of the judge.” And as the Court  
24 stated in Narrowsview Preservation Ass’n v. Tacoma, supra; Anderson v. Island  
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3 County, 81 Wn.2d 312, 501 P.2d 594 (1972): “ ...the possibility of tainted  
4 incentives and flawed impulses is clear, not limited to ...blatant statements of  
5 advantage or influence.” The Cuthbertson Court did not follow the “appearance of  
6 fairness doctrine” and once again stated in Narrowsview, supra : “The appearance  
7 of fairness doctrine requires that an administrative body be fair, free from  
8 prejudice, and have the appearance of impartiality.” And the state goes further in  
9 its decision in Sherman v. State 205 128 Wn.2d 164, 905 P.2d 355(1995), when it  
10 stated : “ .. in deciding recusal matters, actual prejudice is not the standard. The  
11 CJC recognizes that where a trial judge’s decisions are tainted by even a mere  
12 suspicion of partiality, the effect on the public’s confidence in our judicial system  
13 can be debilitating.” Judge Cutbertson should have recused himself before trial  
14 and the United State Supreme Court state so in Marshall v. Jerrico Inc., 446 US  
15 238, 242, 100 S. Ct. 1610 L.Ed 2d (1980): “The neutrality requirements helps  
16 guarantee that life, liberty, or property will not be taken on the basis of erroneous  
17 or distorted concepts of the facts of law.”  
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20 6) Pro Bono Scam

21 Pierce County Superior Court Judge Frank Cuthburton, Pierce County Superior  
22 Court Judge Edmund Murphy, the Pierce County Court system, the law firms of  
23 Gordon Thomas Honeywell and K&L Gates, the pro-homosexual/feminist  
24 advocacy organization “Legal Voice” attorneys, Salvador A. Mungia, Christine  
25 D. Sanders, David J. Ward, Jessica A. Skelton and Laura K. Clinton are all  
26 engaged in a “Pro Bono Scam” to defraud and extort money from pro se Plaintiff  
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3 William D. Webster. Under the American Bar Association guidelines titled :  
4 “Consumers Guidelines to Legal Help, Finding Legal Help”, it states in regard to  
5 Pro Bono services: “ These programs generally help people whose income is less  
6 than 125 percent of the federal poverty level.” The 125% of the federal poverty  
7 level today for a family of two is \$18,538 per year. The United States Department  
8 of Health & Human Services “2009 HHS Poverty Guidelines” shows the poverty  
9 level for a family of two as \$14,570. In another American Bar Association paper  
10 titled “Standards of Pro Bono Programs, Standards For Programs Providing Civil  
11 Pro Bono Legal Services To Persons of Limited Means,” it states “ Eligibility  
12 Determinations”, The commentary to Standard 2.1 of the ABA Standards for  
13 Providers of Civil Legal Services to the Poor, provides the following guidelines  
14 on determining client eligibility. The provider should obtain sufficient  
15 information during the intake interview to permit fair and thoughtful application  
16 of established eligibility guidelines. Data should be obtained....Information  
17 should be recorded in sufficient detail to document compliance with guidelines  
18 and to provide a record for review in the event that the decision regarding  
19 eligibility is challenged.” I , William D. Webster do hereby challenge the  
20 eligibility for Pro Bono service of Somdet Webster and Mrs. Sue Kumlee. Under  
21 Washington State Rules of Professional Conduct RPC 6.1 “Pro Bono Publico  
22 Services,” it states: “ RPC 6.1 (a) provide legal services without fees or  
23 expectations of fee to” (1) persons of limited means. (2) delivery of legal services  
24 at a substantially reduced fee to persons of limited means. (3) Persons eligible for  
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3 legal services under paragraphs (a)(1) are those who qualify for services provide  
4 by a qualified legal services provider and those whose incomes and financial  
5 resources are slightly above the guidelines utilized by such programs.....” The  
6 Cuthbertson Court and the Murphy County have granted the law firms of Gordon  
7 Thomas Honeywell, K&L Gates and the homosexual/feminist advocacy  
8 organization “Legal Voice” tens thousands of dollars in “legal fees” for  
9 representing Somdet Webster and Sue Kumlee Pro Bono. It should be noted that  
10 Somdet Webster, a person in court sworn documents has stated that she cannot  
11 read and understand the English language, has signed over to “Legal Voice” all of  
12 the fees in question. Is this a scam within a scam? Somdet Webster works five  
13 and six days a week for the United States Navy exchange, Base Kitsap. In  
14 addition to her salary, Ms. Webster takes home upwards of \$100. per day in tips  
15 from her customers. A witness can be brought into court to confirm this claim. In  
16 addition to her salary and tips, Ms. Webster receives \$7200. a year in child  
17 support from Mr. Webster. There is no way that Ms. Webster is a person of  
18 ‘limited means.” Ms. Webster drives a newer Honda Car and has enough money  
19 to gamble at casinos on a regular bases, even according to a witness, Ms. Webster  
20 has alluded to losing \$1000. at one gambling session. Attorneys for Gordon  
21 Thomas Honeywell, K&L Gates and Legal Voice know and had full knowledge  
22 that Ms. Webster is way above the guidelines for Pro Bono services and/or  
23 reduced fees. Mrs. Sue Kumlee owns the Original Thai Taste restaurant in Port  
24 Orchard. Mrs. Kumlee meets a payroll every week, has employees, owns a house  
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3 and property in Belfair, Washington, and more than likely has Federal Social  
4 Security benefits for her and her minor son and a death benefit from her dead  
5 husbands employer. How can Mrs. Kumlee have all of these incomes and still be  
6 at 125% of the federal poverty level? The answer to that is she can't! The law  
7 firms, judges, court system and attorneys are pulling a "Pro Bono Scam" on 65  
8 year old senior citizen pro se Mr. Webster. It is obvious to all but the most corrupt  
9 or uneducated that K&L Gates, Gordon Thomas Honeywell, Legal Voice and all  
10 of their attorneys are asking the court to participate in the "Pro Bono Scam" and  
11 the Cuthbertson and Murphy Court have willingly joined in the scam against a  
12 lone 65 year old senior citizen. One only has to look at the presented evidence and  
13 consult the Washington State Bar Association documents on pro Bono  
14 representation to see the dastardly, unethical, immoral scam that the defendant's  
15 law firms, attorneys and judges are trying to perpetrate. All of the evidence of  
16 wrongdoing and judicial corruption are on their way to the Washington DC office  
17 of the FBI and Mr. Webster's Congressman has agreed to make sure that there is  
18 an investigation by the FBI of judicial/attorney corruption. It is obvious to anyone  
19 observing this "Pro Bono Scam" that the involved parties are trying to bankrupt  
20 senior citizen Webster. They have piled on coordinated attacks with endless  
21 paperwork and schedule court dates when Mr. Webster is trying to earn an honest  
22 living. Its evident that to "teach Mr. Webster a lesson" all involved have no  
23 reservations about unethical practices, and its plainly obvious they have no ethics  
24 and a moral compass. It should be noted that among other statutes all involved

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3 have violated, they have violated federal mail fraud statutes under 18 U.S.C. 1341  
4 and 18 U.S.C. 1346. Plaintiff is looking into actions on these violations in federal  
5 court or requesting the U.S. Department of Justice to pursue actions against the  
6 perpetrators. A very interesting recent case is United States v. Barraza (2010)  
7 where Judge Manuel Barraza of the El Paso, Texas Criminal Court was convicted  
8 of two counts of wire fraud, deprivation of honest services and one count of  
9 making a false statement to a federal official. Lets take a few steps here. Judge  
10 Cuthbertson deprived Mr. Webster of “Honest Services” and is a party to a “Pro  
11 Bono Scam.” Judge Cuthbertson lied and hid his arrest/conviction/warrant and his  
12 membership in the Communist Party to become an attorney and judge. My, it  
13 looks like Judge Cuthbertson makes Judge Barraza look like a “piker” when it  
14 comes to felonies.

16 7) Communist Party Member Frank Cuthbertson

17 Pro Se Plaintiff, William D. Webster has provided the Court with solid factual  
18 evidence that Judge Frank Cuthbertson is a convicted criminal with an arrest  
19 warrant out for his arrest in Greensboro, North Carolina. Frank Cuthbertson was  
20 arrested and convicted for “dangerous weapons,” and was arrested and convicted  
21 while a member and with members of the Durham N.C. branch of the Communist  
22 Party. (see Red Tide Rising in the Carolinas.) To Plaintiff’s knowledge Judge  
23 Frank Cuthbertson has never disavowed or discontinued his membership in the  
24 Communist Party. To Plaintiff’s knowledge Frank Cuthbertson hid his  
25 arrest/conviction/outstanding warrant and his membership in the Communist  
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3 Party from Seattle University to attend law school, the Washington State Bar  
4 Association to become an attorney and the governor of the state of Washington to  
5 become a Superior Court Judge (it is a violation of the RCWs to lie to a public  
6 official .) Judge Frank Cuthbertson as a member of the Communist party and an  
7 elected official is committing a felony under the Revised Code of Washington  
8 9.81.010, 9.81.020, 9.81.030, 9.81.040, 9.81.060, 9.81.082, 9.81.083, 9.81.090,  
9 9.81.110. It is a felony to be an elected official and a member of the Communist  
10 Party. All with knowledge, including this Court, of this crime become a party to  
11 this crime unless it is reported and prosecuted. To Plaintiff's knowledge, Judge  
12 Frank Cuthbertson has never taken a polygraph test as to his affiliation with the  
13 Communist Party and its members, its about time, don't you think? As a  
14 documented member of the Communist Party and a convicted criminal with an  
15 arrest warrant out for him, Frank Cuthbertson cannot be an elected judge, is  
16 committing a felony by doing so and cannot have set on Plaintiff's case or any  
17 other case for that matter, and being a member of the Communist Party his  
18 decisions in all cases he has set on are mot and up for review. As with other  
19 evidence of judicial/attorney corruption this is being provided to the Washington  
20 DC office of the FBI, corruption division and Mr. Webster's Congressman.

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23 "No man in this country is so high that he is above the law. No officer of the law  
24 may set that law at defiance with impunity. All officers of the government from  
25 the highest to the lowest, are creatures of the law, and are bound to obey it."

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27 Burton v. United States 202 U.S. 344(1906). In Kentucky Bar Association v.

28 *BRIEF OF APPELLANT-22*

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3 Guidugli, 967 S.W. 2d 19 (1956), the court convicted Mr. Guidugli for:

4 “Respondent concealed a prior conviction, and made false statements as to his  
5 past character to enable him to take the bar...I am not willing to say he after  
6 recovering his place in society since his....conviction, must be damned because  
7 he made false statements in an attempt to conceal his past.” Let us see now,  
8 attorney Guidugli lied to hid his being a convicted criminal and is disbarred,  
9 Frank Cuthbertson lied to hid his being a convicted criminal and a member of the  
10 Communist party so he could take the bar and he is made a Superior Court Judge.  
11 There is something wrong with this picture can you find it? Another interesting  
12 case is In re Charos, 585 N.E. 2d 1334 (Ind 1992) In Charos,supra, when the  
13 court convicted attorney Charos it stated: “ he failed to disclose three prior  
14 arrests.” The Indiana Supreme Court found that Charo’s omissions to be deceitful  
15 conduct and observed that “at his very first encounter with a situation calling for  
16 sound professional ethics, this Respondent embarked upon a path of deception.”  
17 Is it deception in Indiana for an attorney to hid arrests and be disbarred and  
18 commendable in Washington state to hid an arrest/conviction, membership in the  
19 Communist party and as a prize for lying be made an attorney and then a Superior  
20 Court Judge? I may be mistaken, but aren’t Washington State and Indiana in the  
21 same country with just about the same laws? Why isn’t Frank Cuthbertson being  
22 held accountable like Mr. Charos and Mr. Guidugli? Oh, I’m sorry, my mistake,  
23 Frank Cuthbertson is now a judge and is above the laws of common men.  
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27 8) Judge Cuthbertson Limited Pro Se Plaintiff to Seven(7) Minutes to Defend

28 *BRIEF OF APPELLANT-23*

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3 Himself Against Four(4) Law Firms, Violating Plaintiff's Civil Rights.

4 On page # 21 of the Report of Proceedings at line # 23 through line # 24, Judge  
5 Frank Cuthbertson states to pro se Plaintiff Webster "I'm going to give you seven  
6 minutes, so if you can do it in seven minutes." Judge Cuthbertson did not set a  
7 time limit for the four(4) law firms arrayed against lone pro se Mr. Webster. It  
8 should be noted that the attorneys were in the same organization as Judge  
9 Cuthbertson, the Washington State Bar Association, and this "club" bars  
10 membership by pro se Mr. Webster. By singling out pro se Mr. Webster with a  
11 seven(7) minute time limit and no time limit for all of the opposing attorneys  
12 including Cuthbertson's past employer Gordon Thomas Honeywell, Judge  
13 Cuthbertson violated Plaintiff's rights of free and equal speech under the 1<sup>st</sup>  
14 Amendment and Mr. Webster's rights to "equal protection" under the 14<sup>th</sup>  
15 Amendment. It should be noted that during Mr. Webster's seven(7) minutes,  
16 Judge Cuthbertson would not let Mr. Webster properly defend himself and  
17 constantly interrupted pro se Webster, so Mr. Webster could not state his proper  
18 defense. Judge Cuthbertson did not use this tactic with his past employers law  
19 firm or the licensed attorneys.

22 9) Armed Black Clad Pierce County Sheriff.

23 On page # 11 of the report of Proceedings at line #14 to line # 15, Judge  
24 Cuthbertson took a recess. He took the recess to bring into the court room and  
25 stand behind pro se 65 year old senior citizen Webster, an armed Pierce County  
26 Sheriff clad in what any historian of military history would know as a look alike  
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28 *BRIEF OF APPELLANT-24*

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3 for a WWII Nazi Waffen SS Stormtroop black uniform. The only thing missing  
4 were the SS lightning flashes and the Waffen SS “Deathshead” emblem. This was  
5 done to distract and intimidate pro se Webster.

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7 10) Plaintiff’s First Amendment Civil Rights.

8 The Report of Proceedings shows that Judge Cuthbertson verbally “raped” the pro  
9 se Plaintiff in and after court for stating that Legal Voice was a  
10 homosexual/feminist advocacy organization and its attorneys were possibly  
11 homosexuals/feminists. Legal Voice’s own web site states that their “Focus  
12 Areas” is “lesbian, gay, bisexual, transgender rights. ....rights for lesbian and  
13 gays.” Wikipedia, the internet encyclopedia defines “gay” as “Referring to  
14 people, practices and culture associated with homosexuality.” Wikipedia defines  
15 “lesbian” as “refer to women who identify themselves or who are characterized  
16 by others as having the primary attribute of female homosexuality.” Wikipedia  
17 defines “bisexual” “is a sexual behavior or orientation involving physical or  
18 romantic attraction to both males and females.” Wikipedia defines “transgender”  
19 as “transgender people may identify as heterosexual, homosexual, bisexual,  
20 pansexual, polysexual or asexual. Since the pro-homosexual/feminist organization  
21 “Legal Voice” decided to defend the defendants, it was very important to  
22 Plaintiff’s case to establish a motive behind their actions and have that as a matter  
23 of record. Legal Voice’s own web site identifies themselves as homosexuals and  
24 feminists. Judge Cuthbertson vilifying and threatening the pro se Plaintiff both in  
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2 and after court violated Mr. Webster right of free speech as stated in the 1<sup>st</sup>  
3 Amendment and also Mr. Webster's 14<sup>th</sup> Amendment right of equal protection  
4 under the law. Judge Cuthbertson violated and threatened to violate Pro se 65 year  
5 old senior citizen Webster's civil rights under the 1<sup>st</sup> and 14<sup>th</sup> Amendments. In  
6 Jackson v. New York State, 381 F.Supp. 2d 80, 89 (N.D.N.Y) (2005) it was stated  
7 that the right to petition includes the rights to "complain to public officials and to  
8 seek administrative and judicial relief." A citizen does not lose the right to  
9 petition the government merely because his communication to the government  
10 contains some harassing or libelous statements. See: Stachura v. Truszkowski, 763  
11 F.2d 211, 213 (6<sup>th</sup> Cir. 1985). Judge Cuthbertson threatened and intimidated 65  
12 year old senior citizen pro se Webster by bringing into court an armed, military  
13 dressed Pierce County Sheriff and threatening sanctions and the taking away of  
14 Mr. Webster's civil right to petition his government. A clear violation of Mr.  
15 Webster's civil rights under, but not limited to the 1<sup>st</sup> and 14<sup>th</sup> Amendment. The  
16 U.S. Supreme Court, the highest court in the land stated "State Courts, like  
17 Federal Courts, have a constitutional obligation to safeguard personal liberties and  
18 uphold federal law." Stone v. Powell 428 US 465, 483 n. 35, 96 S. Ct. 3037 49  
19 L.Ed 2<sup>nd</sup> 1067(1976) It seems that state, federal law and the U.S. Constitution  
20 have no place in the Cuthbertson court, but it is the way of the Communist  
21 manifesto.

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26 11) Did Judge Cuthbertson abuse his discretion, err and abuse pro se Webster by  
27 holding him to the standards of an educated, licensed attorney? Pro se 65 year old

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2 senior citizen William D. Webster is a documented merchant seaman and not a  
3 licensed attorney. Mr. Webster is barred from joining the “club” that is the  
4 Washington State Bar Association. Mr. Webster is barred from defending anyone  
5 else in court but himself. Mr. Webster cannot run for a judicial seat in the state of  
6 Washington. In short, Mr. Webster is not an attorney and has next to no college  
7 education. Mr. Webster works with his hands to earn his living.  
8

9 12) Not Allowing Pro Se a Continuance to Transcribe and Enter Into Evidence  
10 911 Tapes of Somdet Webster and Samuel Flower Lying to the Kitsap County  
11 Sheriff’s office and 911 Operators.  
12

13 Not being an attorney, pro se Mr. Webster did not realize that he had to show  
14 evidence to fight a summary judgment. Mr. Webster thought he only had to show  
15 the evidence in the “discovery” stage of the trial and had not had the 911 tape  
16 transcribed as it is expensive and Mr. Webster is doing this case out of his very  
17 limited pocket. To be fair and protect Mr. Webster’s 14<sup>th</sup> Amendment right, Judge  
18 Cuthbertson should have allowed a continuance to have the evidence transcribed  
19 and submitted. In LaSane v. Hall’s Sec. Analyst, Inc., 239 F.3d 206, 209 (2<sup>nd</sup> Cir.  
20 2001), the second Federal Circuit Court stated: “ Pro se Plaintiff’s should be  
21 granted special leniency regarding procedural matters.”  
22

23 13) Did Judge Cuthbertson Abuse His Discretion And Err By Striking Pro Se  
24 Plaintiff’s Brief and Declaration of Kip D. Webster as Evidence?  
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26 The pro se brief should have been entered into the Court records. To use a time  
27 bar which confusingly included a holiday was unfair to the non-attorney Plaintiff.  
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3 The very least Judge Cuthbertson should have done was allow the Declaration of  
4 Kip D. Webster and the Verizon cell phone records to be entered. The declaration  
5 shows pre-meditation by Somdet Webster to have Mr. Webster arrested and the  
6 cell phone records show that Somdet Webster and Samuel Flower were lying to  
7 authorities and committing crimes in doing so. In Estella v. Gamble, 429 U.S. 97,  
8 99(1976), the Supreme Court stated: “Pro se complaints no matter how inartfully  
9 pleaded shall be held to less stringent standards than those filed by attorneys.”  
10  
11 And in another decision from the highest court in the land, the Supreme Court  
12 stated in United States v. Sanders, 373 U.S. 1,2 (1963): “Pro se defendant’s  
13 pleadings should not be held to niceties of lawyers pleadings or dismissed because  
14 his claim seems unlikely to prove meritorious.” In a 4<sup>th</sup> Federal Circuit decision  
15 even closer to this instant case, the Circuit stated in Bauer v. C.I.R., 97 F.3d 45, 49  
16 (4<sup>th</sup> Cir. 1996) “Courts are encouraged to liberally treat procedural errors made by  
17 pro se litigants, especially when a technical procedure rule is involved.” And in  
18 the 5<sup>th</sup> Federal Circuit Court, that court stated in Gochnour V. Marsh, 754 F.2d  
19 1137 (5<sup>th</sup> Cir. 1985) “The Court reads pro se pleadings and briefs with tolerance  
20 and understanding.” Obviously the Cuthbertson Court does not read U.S.  
21 Supreme Court and Circuit decisions or as is probably the case just ignores them.  
22

## 23 VII. CONCLUSION

24 Its obvious to even the uneducated pro se Mr. Webster that the United States  
25 Constitution, its Amendments and state statutes have no place in a Cuthbertson  
26 court if you are not a licensed attorney, a friend of the court , a fellow  
27

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3 Communist, a member of the NAACP and/or in the good 'ol boys/girls club that  
4 is the Washington State Bar Association. Mr. Webster's civil rights in the  
5 Cuthbertson Court where not just trampled, they were bulldozed into the ground.  
6 Pro Se Plaintiff Webster is asking this Court to right the wrongs that were piled  
7 onto him in the Cuthbertson Court. All the facts and evidence are there if only Mr.  
8 Webster can get his day in court. Attorney after attorney from mega-law firms  
9 have been brought against one lone 65 year old senior citizen, pro se, Vietnam era  
10 vet, past Commander of an American Legion Post. The hopes of these attorneys is  
11 to teach the common person that you cannot petition the courts pro se to ask the  
12 courts to right wrongs that have been done to you. How long can this judiciary,  
13 say this county survive when the common person on the street is vilified, verbally  
14 raped and threatened by a known Communist Party Member like Frank  
15 Cuthbertson? How long, possibly even now, is it before our courts are turned into  
16 the courts of 1938 Nazi Germany, a revenue stream for the government and its  
17 friends at the bar associations and a means of power and control over even the  
18 legislative branches of government and the voters. How long? Or is it already  
19 here? In closing, the attorneys in this case have tried to make out that Somdet  
20 Webster is a witness and should be afforded witness protection, this is a lie  
21 and perjury by the attorneys. Somdet Webster is a perpetrator and co-conspirator  
22 who without regard to Mr. Webster's life and safety, lied to the police and put Mr.  
23 Webster in harms way and in jail for her own ends.

24  
25  
26  
27 *BRIEF OF APPELLANT-29*  
28

1  
2  
3 ADDENDUM #1

4 OBSTRUCTION OF JUSTICE BY COURT CLERK DAVID C. PONZOHA  
5 AND HIS OFFICE

6 Pro se Plaintiff William D. Webster properly submitted his "Brief of Appellant."

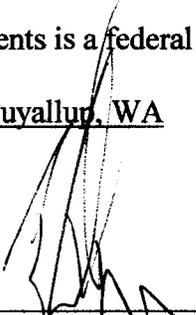
7 On August 19, 2010 court clerk David C. Ponzoha mailed a notice to the pro se

8 Plaintiff that he would not accept and file Plaintiff brief because.

- 9 1) Brief does not include assignments of error RAP 10.3(a)(4)  
10 2) Brief (Statement of Case) does not cite to the record.

11 First, Rule 10.3 Content of Brief states "should contain" not "will contain." The  
12 New World Dictionary of the American Language, second college edition, defines  
13 "should" as: "equivalent to ought to." Thus, clerk Ponzoha is intentionally  
14 obstructing justice to make additional costs for the pro se, punish the pro se, cause  
15 pro se mental anguish and discourage pro se from using the court system. This is  
16 not the first time clerk Ponzoha has done this to pro se Webster. In another recent  
17 case, clerk Ponzoha violated so many of the pro se's civil rights, the court moved  
18 his case to Division I to hide Mr. Ponzoha's transgressions. Obstruction of justice  
19 in regards to the 1<sup>st</sup> and 14 Amendments is a federal crime.

20 SIGNED this day Aug. 27, 2010 at Puyallup, WA

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\_\_\_\_\_  
William D. Webster  
2102 25<sup>th</sup> Ave. SE  
Puyallup, WA 98374  
253-298-7557

BRIEF OF APPELLANT-30

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STATE OF WASHINGTON

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No. 40588-1-II

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IN THE COURT OF APPEALS  
OF THE STATE OF WASHINGTON  
DIVISION II

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WILLIAM D. WEBSTER  
Appellant

v.

SOMDET WEBSTER, et, al  
Appellee

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CERTIFICATE OF SERVICE

---

I hereby certify under penalty of perjury that on Aug 27, 2010, I caused to be delivered by First Class Mail:

**Opening Brief of Appellant:**

D.J. Ward  
Legal Voice  
907 Pine St. Ste 500  
Seattle, WA 98101-1818

Salvador Alejo Mungia, II  
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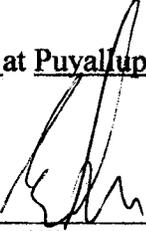
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*CERTIFICATE OF SERVICE-1*

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SIGNED this day Aug 27, 2010 at Puyallup, WA.



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William D. Webster  
2102 25<sup>th</sup> Ave. SE  
Puyallup, WA 98374  
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*CERTIFICATE OF SERVICE-2*