

No. 47599-5-II

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DIVISION II

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STATE OF WASHINGTON

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

RICHARD TURAY,
Respondent/Plaintiff,

v.

AL NERIO, MARY REGER, KRISTIN CARLSON, TODD DUBBLE,
BYRON EAGLE, ELENA LOPEZ, HOLLY CORYELL, JOHN SCOTT,
Appellants/Defendants,

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR PIERCE COUNTY
The Honorable Bryan Churshoff, Judge

RESPONSE TO APPELLANT'S OPENING BRIEF

Richard Turay, pro se
Special Commitment Center
P.O. Box 88600
Steilacoom, WA 98388
(253) 581-9725

TABLE OF CONTENT

	Page
I. IDENTITY OF RESPONDENT	1,
II. SUMMARY OF ARGUMENTS	1,
III. ASSIGNMENT OF ERROR	2,
IV. STATEMENT OF THE CASE	2,
V. ARGUMENTS	6,
A. Whether trial court erred denying the parties motions for summary judgment when undisputed facts establish multiple constitutional violations did occur.	Pg. 6
B. Whether Trial Court erred denying defense of qualified immunity from suit, where Turay satisfied his burden of showing violation of established constitutional rights.	Pg. 12
C. Whether Policy-203 offends the principles of Fourteenth Amendment Due Process clause requirements, as applied in the present action.	Pg. 14
D. Whether Appellant's attorney, violated the "Rules of Professional Conduct(RPC)", by deliberately being untruthful to the Court in the Appellant's pleadings	Pg. 17
VI. CROSS-APPEAL	19,
1. Whether The Trial Court Erred Denying Claim On Loss of Consortium Raised By Turay With His Mother?	Pg. 19
VII. CONCLUSION	20,

TABLE OF AUTHORITY

<u>WASHINGTON STATE COURTS</u>	Page
<u>Craddock v. Yakima Cty.</u> , 166 Wn. App. 435, 442, 271 P.3d 289 (2012)	15,
<u>Reichelt v. Johns-Manville Corp.</u> , 107 Wn.2d 761, 773 733 P.2d 530 (1987)	19,
<u>Ueland v. Reynolds Metals Co.</u> , 103 Wn.2d 131, 140, 691 P.2d 190 (1984).	19,
 <u>FEDERAL NINTH CIRCUIT COURTS</u>	
<u>Carlo v. City of Chino.</u> , 105 F.3d 493, 496 (9 th Cir. 1997);	13,14,
<u>Henry v. County of Shasta.</u> , 132 F.3d 512, 519, 137 F.3d 1372 (9 th Cir. 1997).	13,14,
<u>Jones v. Blanis.</u> , 393 F.3d 918, 933-34 (9 th Cir. 2004)	16,
<u>Keenan v. Hall.</u> , 83 F.3d 1083, 1092 (9 th Cir. 1996)	13,
<u>Strandberg v. City of Helena.</u> , 791 F.2d 744, 747 (9 th Cir. 1986)	13,
<u>Turay v. Seling.</u> , 108 F.Supp.2d at 1155-57 (9 th Cir. 2000)	14,
 <u>UNITED STATES SUPREME COURT</u>	
<u>Cty of Sacramento.</u> , 523 U.S. 833, 118 S.Ct. 1708, 140 L.Ed.2d 1043 (1998)	15,
<u>Healy v. James.</u> , 408 U.S. 169, 92 S.Ct. 2338, 33 L.Ed.2d 266 (1972).	16,
<u>Mitchell v. Forsyth.</u> , 472 U.S. 511, 526, 105 S.Ct. 2806, 86 L.Ed.2d 411, (1985)	12,
<u>Pell v. Proconier.</u> , 417 U.S. 817, 826, 94 S.Ct. 2800, 41 L.Ed.2d (1974).	16,
<u>Sandin v. Conner.</u> , 515 U.S. 472, 484, 115 S.Ct. 2293, 132 L.Ed.2d 418 (1995)	15,

TABLE OF AUTHORITY (Cont.)

<u>UNITED STATES SUPREME COURT (Cont.)</u>	Page
<i>Turner v. Safley</i> , 482 U.S. 78, 107 S.Ct. 2254, 96 L.Ed.2d 64 (1987)	6,
<i>Youngberg v. Romeo</i> , 457 U.S. 307, 321-22, 102 S.Ct. 2452, 73 L.Ed.2d 28, (1982).	13,14,
<i>Saucier v. Katz</i> , 533 U.S. 194, 200, 121 S.Ct. 2151, 150 L.Ed.2d 272, (2001).	12,
 <u>OTHER CITED AUTHORITY</u>	
16 Wash. Prac., tort Law And Practices § 6.33(4 th ed. 2015)	19,
RPC 3.3	17,18,
RPC 4.1	18,
RPC 8.4	18,

TABLE OF EXHIBITS

- A. B. Denny, Second Declaration with Attachments-A & B Dated Sept. 23, 2014.
- B. B. Denny Declaration with Attachments-A to G Dated August 21, 2015.
- C. Order Re: Motion Turay in Guardianship Action 2013.
- D. Declaration Turay For Summary Judgment 2015.
- E. Declaration Roy Stout June 16, 2014/July 9, 2014.
- F. Limited Guardianship Orders 2013.
- G. Policy-203 Telephone Use SCC.

I. IDENTITY OF RESPONDENT

I, Richard Turay, Respondent, pro se, provides this Court the following response to Appellant's Opening Brief on Appeal.

II. SUMMARY OF ARGUMENT

Violation of rights is based in family dispute over guardianship of Turay's 86-year-old mother Betty¹, involving financial assets Turay attempts to protect from his Niece "Ingrid Hunter", whom had Betty declared incompetent, obtaining control of \$900,000.00 in cash assets, over Turay's objections in guardianship Court.

Records before Trial Court were sufficient for denial of summary judgment. Records establish violations of the First Amendment, by the Appellant's actions. Appellants, by restricting not only Turay's telephone contact, but all Turay's contact with Betty in violation of SCC Policy-203 wording, violated First Amendment clause. Appellants imposed restraints without providing required "Due Process" hearing² to allow dispute of bare allegations of Hunter, before imposing bar on every form of contact with Betty. Appellants are aware when restraining all contact, no Court's orders restrained contact. Appellants, based on evidence before trial court, are not entitled to qualified immunity, violating constitutional rights of Turay.

Turay's §1983 suit seeks damages for actions prior to Court's order being obtained by Hunter³, not any time after Court's order is entered.

1 Betty Turay shall be referred to by her First name to avoid confusion with her son.

2 Policy-203 is arbitrary and capricious, in that it fails to require any form of Procedural Due Process Hearings, before implementation of punitive restrictions on access to telephones for misconduct by the civil detained residents of SCC..

3 Mr. Turay does not dispute the Appellant must comply with the Trail Court's restraint order once entered.

III. ASSIGNMENT OF ERROR

- A) Whether Trial Court erred denying the parties motions for summary judgment, when undisputed facts establish multiple constitutional violations did occurred.
- B) Whether Trial Court erred denying the defense of qualified immunity from suit, where Turay satisfied his burden of showing violation of clearly established constitutional rights.
- C) Whether Policy-203 offends the principles of Fourteenth Amendment Due Process clause requirements, as applied to Turay in the present action.
- D) Whether Appellant's attorney, violated the "Rules of Professional Conduct(RPC)", by deliberately being untruthful to the Court in the Appellant's pleadings

IV. STATEMENT OF THE CASE

In 2013, Turay's Niece Hunter" had Betty declared incompetent, seeking appointment as financial legal guardian. Turay opposed this guardianship, attempting to protect his mother's assets from Hunter. Court appointed Hunter guardian, which she used to contact SCC on April 15, 2014, requesting they stop contact of Turay and Betty. CP 44-45, 48-49.

April 15, 2014, based on a communication with Hunter, in which Appellants gave Hunter legal advice directing her to obtain an order of restraint, Appellants "Nerio"; "Reger"; and "Carlson" authored a restraint sanction against Turay, blocking all forms of communications with his

mother, including "third-party" contact of his attorneys, in violation of SCC Policy-203 wording, without required "Due Process" hearings before restraint sanction on Turay. **EXHIBIT-A at Attach-A.**

Opposing counsel's claims in Appellant's Opening Briefing to this Court, that Turay is not restrained from contact other than telephone contact is contrary to physical evidence before both this Court presently, and Trial Court at summary judgment. **EXHIBIT-B at Attach-G**

The attorney clearly commits willful, deliberate and acute violations of the Rules of Professional Conduct to gain favorable standing before this Court on review, through violations of RPC-3.1; RPC-3.3(a)(1) & (a)(4); RPC 4.1(a) and RPC-8.4(a) & (c) & (d), designed to protect proceedings, by ensuring honesty of counsel in pleadings. See **Opening Briefing at 3.**

Appellants failed to seek any evidence of Hunter's allegations that Turay is calling Betty 30 times a day, nor evidence that Turay is seeking money from contact with Betty during calls, as asserted in Appellants pleadings. See **Opening Brief at 2.**

Factual evidence available from guardianship Court shows Turay requested appointment of Court provided guardian to protect Betty's assets from Hunter in 2013, Which contradicts Hunter's allegations Turay is seeking money from Betty, as a Court appointed guardian would need Court written approval to provide Turay any of Betty's money. **EXHIBIT-C.**

This evidence would be presented to Appellants, had the Appellants provided Turay a "Due Process Hearings" under Policy-203, before imposing restrictive blocks on Turay's contact with Betty completely.

Appellants failed to perform even minimal investigation into a bare assertion of Hunter. Appellants should have monitored Turay's physical phone use each day, determining if Turay used the phone 30 times a day, they should have demanded copies of Hunter's phone bills showing facility phones are calling her 30 times a day, should demand proof from Hunter or Betty that Turay is seeking money from Betty, anything reasonable, to prove that a restraint against Turay is justified, with provision of notice and a hearing before restraint that blocks actual lawful consortium with Turay's beloved 86-year-old mother Betty, whom was in the hospital. **EXHIBIT-B at Attach-A & Attach-B & Attach-C.**

Appellant's conduct violated established First Amendment rights, blocking all forms of communications with Betty after April 15, 2014, prior to the "order of restraint" being obtained by Hunter, per the record before Trial Court at summary judgment. Therefore, Trial Court properly denied Appellant's request for summary judgment, based on clear violations of an established constitutional right Turay must enjoy. **EXHIBIT-A at Attach-A.**

Records establish violations of Turay's Fourteenth Amendment rights to "Due Process" of a hearing before implementation of restraint on all forms of communication access after April 15, 2014, without even informing Turay why he is being restrained, which must be considered by this Court when looking at Trial Court's rulings on both of the summary judgment motions in this action⁴. **EXHIBIT-A at Attach-A.**

⁴ Turay filed for summary judgment, having clearly established a violation of the First Amendment constitutional rights in the Trial Court, which should have been granted, making actual trial on the matter unnecessary. Trial Court improperly denied Turay's motion for summary judgment, setting a trial before a jury.

On May 12, 2014, Trial Court imposed an order of restraint on request of Hunter, again without proof of Turay's alleged conduct. The Trial Court's order expired on May 12, 2015. **EXHIBIT-B at Attach-E.**

On May 27, 2014, Appellants did impose an indefinite restrictive sanction against Turay, blocking all forms of communications with Betty and Hunter, including accepting incoming telephone calls, "no verbal, written, third-party or media contact" with either person indefinitely while housed at the SCC facility. See **EXHIBIT-B at Attach-G.**

However the Trial Court's restraint order expired May 12, 2015, to date the Appellants have failed to comply with removal of the restraint sanctions against Turay at the SCC, continuing to violate his First Amendment right to the present date, even after stating the indefinite restrictive contact sanction would be reviewed by the team if the restraint order is lifted or expired. See **EXHIBIT-B at Attach-E & Attach-G.**

Appellants, in their own pleadings to the trial court provided the evidence to support Turay's claims of a constitutional First Amendment right violation by the Appellants. In fact, without Appellants submitting the evidence of their conduct, Turay's complaint might have failed to establish clear violations of constitutional First Amendment rights at the Trial Court, however the record before the Trial Court did prove violations, making summary judgment wholly improper for the Appellants. Turay's summary judgment was denied at Trial Court, even with proof of constitutional violation. Appellant's claims of no material issue in dispute means summary judgment for Turay should be granted.

V. ARGUMENTS

A. **Whether Trial Court erred denying the parties motions for summary judgment, when undisputed facts establish multiple constitutional violations did occurred.**

Appellant's claims that no constitutional violation was proven in the record before the trial court is merit-less, mindless and frivolous. Appellants provided the necessary evidence through their witness "Becky Denny's" sworn declarations, attachments and their own "motion for summary judgment attachments", that an established constitutional right is violated by the Appellants, even applying the *Turner v. Safley*, 482 U.S. 78 (1987) test standards.

1. **First Amendment Free Speech**

The *Turner* test requires four factors considered when addressing the SCC Policy-203. Applying the *Turner* test is further dis-positive in this action, as the test mandates the Courts determine:

(1) Whether there is a "valid, rational connection" between the regulation and a legitimate governmental interest put forward to justify it?

This would require two points to establish the governmental interest in protecting society from harassing contacts. (1) The proof of the harassment, either by Court's order or other evidence proving harassing contacts. (2) Complaint from the person being harassed directly or proof of guardianship over the person being harassed, by complaining party.

In context of the current application of Policy-203 the SCC Appellants cannot claim such a legitimate interest existed, as Betty never contacted SCC to seek intervention in contact from Turay. At no time did

Betty claim to Appellants that she is being harassed by Turay, nor ask the SCC to block contact with her son. Betty herself continued to call SCC daily, even after Court's order is placed between her and Turay on May 1, 2014, continuing to seek contact with her son. **EXHIBIT-D "Turay's Decl."**

These incoming calls from Betty were answered by other SCC residents, whom informed Betty of Hunter's actions and Court's orders prohibiting Betty's contact with her son, at which point Betty confronted Hunter, whom then obtained a second order of restraint against the residents answering⁵ the incoming calls from Betty on May 12, 2014, claiming to the Courts these residents are contacting Betty on Turay's behalf, which is material fact still in dispute. **EXHIBIT-E "Stout's Decl."**

SCC might interest under Policy-203, if contacted in-person by someone claiming they are personally being harassed by a resident of SCC, such interest cannot be establish when contacted by a third-party, without SCC obtaining proof of legal guardianship, claiming another under guardian's care is being harassed, without providing physical evidence of harassment by the detainee, either through statements of the harassed person or physical evidence, such as telephone bills. Herein, Appellants never obtained proof of Hunter's guardianship, which grants power allowing Hunter to protect Betty from financial exploitation by control over Betty's money accounts and assets, not power to determine whom Betty contacts. **EXHIBIT-F "Guardianship Document"**.

5 The telephones at the SCC are not allowed to be monitored or answered by staff, per the Federal Court's prior orders of Hon. William Dwyer(deceased). The residents are allowed to make and receive unrestricted telephone calls at all times at the SCC.

Courts, through a restraint order is the proper venue for such claims to be addressed by a Court appointed guardian, providing SCC authority of Court's order once obtained. However, Turay's Constitutional First Amendment rights were violated by the Appellants before the Court's May 1, 2014⁶ order of restraint is obtained by Hunter, with Appellants applying restraints on April 15, 2014. Appellants must wait for Court's order before implementation of restraint on Turay's constitutional First Amendment rights under their Policy-203, when no "due process" hearing safeguards are provided under SCC Policy-203, allowing dispute of the allegations of harassment before restraint of Turay's rights. **EXHIBIT-G "Policy-203"**.

There simply is no governmental interest in the appellant's choices of conduct in this instant action, based on this set of facts, proven before the Trial Court at the summary judgment hearings. Therefore, the first prong of the *Turner-Safely* test must fail in respect to this action, based on the records before both this Court and Trial Court at summary judgment.

(2) Whether there are alternative means of exercising the right that remains open to residents of SCC?

Appellants in their pleadings claim only access to the telephones is restrained, the physical documentary evidence in the record before the Trial Court proves this claim a lie to this Court. **EXHIBIT-A at Attach-A.**

Turay had absolutely no alternative means of communications or contacts with Betty, when reviewing the wording of the April 15, 2014 order of SCC Appellants restraining all forms of contact, which reads in those

⁶ The restraint order obtained May 1, 2014 was suspended May 5, 2014, pending the further hearings in the Court, which Hunter failed to inform SCC Appellants.

relevant parts: "Mr. Turay is not to have any contact with Betty Turay and this includes *verbal, non-verbal, written, phone, third-party, or any other contact not listed here.*" **EXHIBIT-A at Attach-A.**

Appellant's counsel is dense in pleading that Appellant's choice of wording does not block all forms of contact, as he attempts to present in the pleadings before this Court. Policy-203 only allows staff to restrict the telephone for abuse, thereby this restraint as worded is disallowed under Policy-203, wording. **EXHIBIT-G "Policy-203 at Pg-1"**.

Appellants wording prohibits Turay's civil attorneys from contact with Betty in his SVP trial, contrary to Appellant's attorney's assertions to this court, addressing all "third-party" contact being restrained. This violates Turay's First Amendment rights to access the Courts, as he is unable to obtain Court's ordered subpoenas "pro se" or through his civil attorneys for Betty as a witness, where the restraint prohibits even a Court, as a third-party contact with Betty on Turay's behalf. **EXHIBIT-A.**

The sworn declaration of Becky Denny⁷ in the record states lies regarding Turays ability to continue contact with his mother through other means, which Appellant's attorney cites to this Court in the pleadings, based on the physical evidence before this Court and the Trial Court at summary judgment, the lies of Denny are disproved. **EXHIBIT-B.**

The second prong of the Turner-Safely test must fail in this action based on the physical records in this action before both Courts.

⁷ Becky Denny is the legal liaison for the SCC facility, making statements under oath that the physical evidence proves untrue before this Court, per the records.

(3) Whether accommodation of the asserted constitutional right would have a significant impact on guards and other detainees?

Turay's assertion of his First Amendment right to communicate with Betty would not have a significant impact on either the residential staff of SCC or the other detainees. The Federal Court, through orders of Hon. William Dwyer, Judge(deceased) established the SCC staff is not allowed to monitor the telephone calls of the civil detained SCC residents, nor have any significant involvement in the outgoing or incoming telephone calls made by or to the civil detained residents.

The facts of the present action dispute the Appellants position, when proven that Betty is calling the SCC resident herself, after Turay is restricted, eliminating all the allegations of Turay or other residents harassing Betty by telephone. Evidence proves Turay is not harassing this "member of the public" as alleged by Hunter, which should result in an investigation by SCC Appellants, with proof of harassment established, before destroying Turay's constitutional First Amendment right through Appellant's restrictions on all Turay's contact. **EXHIBIT-E.**

The third prong of the Turner-safely test fails in this action based on records before both this Court and Trial Court at summary judgment in this action.

(4) Whether ready alternatives are absent?

Whether a ready alternative to the full restriction would accommodate the residents rights at *de minimis* costs to the state's interest. In the present case there is a ready alternative to the full

restricted telephone contact that would accommodate Turay's rights under the First Amendment, at little cost to the state's interests.

Appellants could simply have Turay make calls from the staff desk phone, monitoring Turay's communication on his end of conversation with Betty, ensuring he is not harassing her, as alleged to Appellants by Hunter.

In the therapeutic environment, residential staff regularly do "one on one" escorts of residents whom misbehave at SCC, ensuring staff present to address any misbehavior by resident immediately, therefore it would stand to reason that such "telephone escorts" could be provided as a reasonable alternative to complete telephone restriction, when allegations of abuse are made to SCC. This continues to ensure that SCC supports restricting "harassment of the members of the public", while providing for the resident's constitutional right to communicate. In addition, herein more than just Turay's telephone access is restricted by the SCC Appellants, blocking even his attorneys contact with Betty on Turay's behalf and Court's subpoenas entered on Turay's behalf, per the wording of the restriction imposed by the Appellants April 15, 2014.

The forth prong of the Turner-safely test fails in this action based on the readily available alternative to complete restriction of telephones, as stated herein above, simple monitory at the staff desk works.

As applied, in this action the Turner-safely test is dis-positive on each of the four points this court must consider, when looking at the Policy-203 of SCC. Due Process" shall be addressed in issue number three, as they are separate from the First Amendment claims completely.

B. Whether Trial Court erred denying defense of qualified immunity from suit, where Turay satisfied his burden of showing violation of established constitutional rights.

The Supreme Court has made clear that in a §1983 suit for an alleged violation of a constitutional right, “the requisites of a qualified immunity defense must be considered in proper sequence.” *Saucier v. Katz*, 533 U.S. 194, 200, 150 L.Ed.2d 272, 121 S.Ct. 2151 (2001). because qualified immunity is “an entitlement not to stand trial or face the other burdens of litigation,” a ruling on the issue should be made early in the litigation, to avoid cost and expenses of trial where the issue is dispositive. *Id* (quoting *Mitchell v. Forsyth*, 472 U.S. 511, 526, 86 L.Ed.2d 411, 105 S.Ct. 2806 (1985)).

The Court has set forth a two-step analysis that must be strictly adhered to. See *Id* The first inquiry “must be whether a constitutional right would have been violated on the facts alleged.” *Id*. The second inquiry is “whether the right was clearly established.” *Id*.

(1) On The Alleged Facts, Constitutional Violation Occurred.

The threshold question that must be considered, is whether taken in the light most favorable to Turay, the facts that he alleges show that the SCC's conduct violated a constitutional right. Turay argues that he was denied complete contact⁸ with Betty between April 15, 2014 and May 12, 2014 at the SCC, prior to the Court's order of restraint being entered.

Specifically, Turay contends that the SCC violated his First Amendment rights by blocking all forms of contact, including third-party

⁸ The SCC prohibited *verbal, written, phone, third-party and all other forms of contact*, per wording in SCC's April 15, 2014 directive order to Turay. **Exhibit-A at Attach-A.**

attorney contacts or third-party Court contacts on Turay's behalf with Betty his mother, not just telephone contacts as Appellants attempt to claim in this action, while Betty is recovering from a stroke condition. EXHIBIT-A.

The courts have held that “prisoners have a First Amendment right to telephone access, subject to reasonable security limitations. Keenan v. Hall, 83 F.3d 1083, 1092 (9th Cir. 1996)(citing Strandberg v. City of Helena, 791 F.2d 744, 747 (9th Cir. 1986)).

Since Keenan, the Courts have continued to recognize “the existence of a First Amendment right to telephone access subject to reasonable security measures.” Carlo v. city of Chino, 105 F.3d 493, 496 (9th Cir. 1997); Henry v. County of Shasta, 132 F.3d 512, 519, 137 F.3d 1372 (9th Cir. 1997). Moreover, the Supreme Court has held that “persons who have been involuntarily committed are entitled to more considerate treatment and conditions of confinement than criminals whose conditions of confinement are designed to punish” Youngberg v. Romeo, 457 U.S. 307, 321-22, 73 L.Ed.2d 28, 102 S.Ct. 2452 (1982).

Viewing Turay's allegations in favorable light, if he is denied contact access to his mother, particularly during times of an emergency, a constitutional violation “could be found.” Saucier, 533 U.S. at 207.

(2) The Right Was Clearly Established.

“The relevant, dispositive inquiry in determining whether a right is clearly established is whether it would be clear to a reasonable officer that his conduct was unlawful in the situation he confronted. Saucier, 533 U.S. at 202. Not only is the law clearly established that prisoners have a First

Amendment right to telephone access subject to reasonable security measures, Keenan, 83 F.3d at 1092; Carlo, 105 F.3d at 496; Henry, 132 F.3d at 519, the law also clearly establishes that civil detainees should be subject to fewer limitations on their constitutional rights. Youngberg, 457 U.S. at 321-22. In this case, the officers were put on notice by the 1994 Turay injunction that not providing telephone access to SCC detainees was constitutionally inadequate, especially in cases of family emergencies. See Turay v. Seling, 108 F.Supp.2d at 1155-57. The right of civil detainees to use telephones was reiterated in Judge William Dwyer's orders in 1998 and 1999 and the Turay opinion in 2000. See Turay, 108 F.Supp.2d at 1155. Therefore, the right to telephone access was clearly established and a reasonable officer would recognize that prohibiting access would violate that right.

It should interest this Court, Mr. Turay previously prevailed in claims on telephone access rights at SCC, maintaining an injunction at SCC from 1994 to 2007, until SCC is finally deemed in compliance with constitutional requirements, now Turay, mere years later is again before the Courts with similar claims of constitutional violations on a similar issue as the prior injunction, "telephone access rights".

C. Whether Policy-203 offends the principles of Fourteenth Amendment Due Process clause requirements, as applied in the present action.

Policy-203 offends the Fourteenth Amendment clause by failing to provide (1) Notice of the alleged violations before restraint; (2) Hearing on the allegations, with evidence in record to establish violations; (3) Safe

guards of an appeal process, the Policy-203, as applied, violates established constitutional rights under the Fourteenth Amendment clause.

“The touchstone of due process, is protection of the individual against arbitrary governmental actions, whether in denying fundamental procedural fairness (procedural due process) or in exercising power arbitrarily, without any reasonable justification in the service of a legitimate governmental interest (substantive due process).” Craddock v. Yakima Cty, 166 Wn. App. 435, 442, 271 P.3d 289 (2012)(citing Cty of Sacramento, 523 U.S. At 845-46). A liberty interest can arise if conditions of confinement present an “atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life.” Sandin v. Conner, 515 U.S. 472, 484, 115 S.Ct. 2293, 132 L.Ed.2d 418 (1995). These interest are “generally limited to freedom from restraints.” *Id*

The exercise of governmental power in this fashion would be like having a Judge of this Court accused by “allegations” of assault, then sending him to prison as a sanction, without hearings, evidence, or trial provided to prove his innocence of the allegations.

Policy-203, as applied to Turay by the Appellants deprived Turay any means to present a defense to the allegations, Appellants acted without evidence, without hearing to allow dispute of allegations before restraint is imposed and without providing notice why Turay is sanctioned by complete restraint of all contact automatically, upon unsupported allegations of a third-party, without any “due process” provided to protect Turay's First Amendment constitutional right of association with his

mother, which denied consortium rights completely under Policy-203⁹.

“The right to free association is guaranteed under the First Amendment.” *Healy v. James*, 408 U.S. 169, 92 S.Ct. 2338, 33 L.Ed.2d 266 (1972). “Confined persons also enjoy this right, although it may be limited for reasonable security measures”. *Pell v. Procunier*, 417 U.S. 817, 826, 94 S.Ct. 2800, 41 L.Ed.2d (1974).

Policy-203 is arbitrary and capricious as written, denying any chance of defense before restraints are imposed, which does not meet the established standards for either form of “Due Process”. **EXHIBIT-G.**

The rights for civil detained SVPs are analyzed under *Jones v. Blanis*, 393 F.3d 918, 933-34 (9th Cir. 2004)(“civil detained persons shall not be treated similar to, equal to, or more restrictive than their criminal counterparts”), therefore if criminal prisoners must be provided “Due Process” hearings in the prisons, under prison policies before restraint, civil detainees must be provided more considerate forms of “Due Process” hearings under civil policies, before restraint, as they cannot be treated “similar to, identical to or more restrictive than the criminal counterparts”, per holdings in *Jones*.

Turay faced, arbitrary governmental actions under Policy-203, being denied procedural fairness before imposition of restraint, as he is not given notice why he was being restrained April 15, 2014, merely that he is

⁹ The Policy-203 has a merely a one line statement allowing restraint for misuse of telephones, without protection or safeguards provided for residents from arbitrary and capricious application by staff. The application against Turay exceeded authority of Policy-203, Appellants removed all contact rights, including: “*verbal, non-verbal, written, phone, third-party, or any other contact not listed hear.*” Appellants have no right to remove all contact under “Telephone Policy-203”, based on the wording.

no longer to have contact of any kind with his beloved mother, with no opportunity to defend himself, prove his innocence, nor have evidence in record sufficient to show "harassing conduct" on his part warrants restraint. No reasonable person could find procedural fairness in this SCC Policy-203, as Policy-203 violates the due process rights, both procedural and substantive, being arbitrary and capricious as worded and applied.

D. Whether Appellant's attorney, violated the "Rules of Professional Conduct(RPC)", by deliberately being untruthful to the Court in the Appellant's pleadings

Attorney ZISER W.S.B.A. No. 43103, failed to inform the Court of the complete blockage of Turay's communications with his mother, claiming in his pleading that only the "telephone calls" are being blocked by his clients. However, this is completely contradictory to the physical evidence in the records submitted before this Court for review. The attorney knows his duty under Rules of Professional Conduct(RPC), chose to deliberately violate RPC 3.3(a)(1) & (a)(4), in an apparent attempt to confuse the Court on the facts of the constitutional violations, as if the Court views the physical evidence signed by the SCC Appellants on April 15,2014 the First Amendment right to association with Turay's mother is completely blocked by the Appellants, even through third-party contact of his attorneys of any Court "pro se", which is beyond policy-203 wording.

Counsel, in the 'opening brief' of this action lied to the Court directly to gain favorable standing on his issues, as if the Court believed counsel's claim that only the telephone right is block, without bars on other forms of

communications, then no First Amendment violation would stand.

However, this "pro se" party is bringing the lies to light before this Court, which requires this Court take action against opposing counsel for his willful, deliberate and obtuse conduct, in violation of several RPC standards at this time, unless he corrects his lies himself.

Counsel claims that Appellants acted properly under Policy-203 is disproved by the record, as nothing in policy-203 allowed the Appellants to block any form of communication beyond a telephone. The evidence shows Appellants blocked the: "*verbal, non-verbal, written, phone, third-party, and any other contact not listed here.*" in their April 15, 2014 order to Turay under Policy-203 standards. Since counsel is aware of this evidence in the record, having submitted such in the Clerk's Papers, attached to the sworn declarations and pleadings, has cited this date directly in his briefing, claiming his clients merely imposed "temporary phone use restriction on Turay", claiming such allowed by policy-203, it is clear that Counsel is lying to gain favorable standing on review before this Court, in violation of the RPC 3.3(a)(1) & (a)(4) & RPC 4.1(a) & RPC 8.4(a) & (c) & (d) standards.

Counsel has presented false statements of material facts to this Court on review, done so with the clear intent to violate the "oath" that he took as an attorney, while lying to gain favorable standing for his clients in the action at bar.

Counsel is an attorney licensed to practice law, knows procedural rules and requirements, therefore cannot claim inadvertent mistake in this

matter, on the material issues he lied on in the pleadings.

This Court must take action against this Counsel for the conduct, as the conduct directly relates to the material issues in dispute, whether his clients block all forms of communications with Ms. Turay, violating the First Amendment right to communications at the SCC.

VI. CROSS-APPEAL

1. **Whether The Trial Court Erred Denying Claim On Loss of Consortium Raised By Turay With His Mother?**

The nature of a "loss of consortium is typically thought of as a loss of socialization , affection, assistance and conjugal fellowship, and loss or impairment of sexual relations in the marital relationship." Reichelt v. Johns-Manville Corp, 107 Wn.2d 761, 773 733 P.2d 530 (1987); see also 16 Wash. Prac., tort Law And Practices § 6.33(4th ed. 2015). Our Supreme Court has also held that children have a claim for loss of parental consortium. Ueland v. Reynolds Metals Co., 103 Wn.2d 131, 140, 691 P.2d 190 (1984).

In the present action, Mr. Turay alleged loss of consortium with his beloved mother through the Appellants choices of conduct between dates of April 15, 2014 and May 12, 2014, before the Court's orders restraining contact, and such was denied in the Trial Court proceedings. However, based on standing case law such is actionable as a claim, where Appellants blocked consortium without authority, by blocking all contact between Turay and his mother. Although the suit fails to state such, Hunter is liable to Appellant for the loss of consortium as well, however the trial

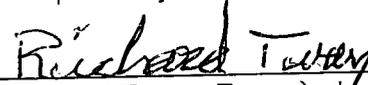
Court should be reversed on the ruling on consortium, as that ruling is an abuse of discretion in this instance. Turay is a laymen of the law, asks this Court here grant his cross appeal under RAP 5.2 on this issue, when remanding the case for trial proceedings, as he has been denied consortium with his mother for multiple months without Court's order of any restraint being active, by Appellants choices of continued conduct.

VII. CONCLUSION

For the reasons herein stated, the appeal should be denied on all of Appellants claims. Turay should be granted remand for the trial proceedings established in the Trial Court's original summary judgment order. The Court should uphold the Trial Court's rulings, providing trial, and reverse Trial Court's denial of the consortium claims.

DATED This 25th day of April, 2016

Respectfully Submitted



Richard Turay, Respondent, pro se
Special Commitment Center
P.O. Box 88600
Steilacoom, WA 98388
(253) 581-9725

TABLE OF EXHIBITS

- A. B. Denny, Second Declaration with Attachment-A & B From Sept. 23, 2014
- B. B. Denny Declaration Attachment-A to G From August 21, 2015
- C. Order Re: Motion Turay in Guardianship Action 2013
- D. Declaration Turay For Summary Judgment 2015
- E. Declaration Roy Stout June 16, 2014/July 9, 2014
- F. Limited Guardianship Orders 2013
- G. Policy-203 Telephone Use SCC

EXHIBIT

A

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7 STATE OF WASHINGTON
PIERCE COUNTY SUPERIOR COURT

8 RICHARD TURAY,

9 Plaintiff,

10 v.

11 AL NERJO, MARY REGER, KRISTIN
12 CARLSON, TODD DUBBLE,
13 BYRON EAGLE, ELENA M. LOPEZ,
14 HOLLY CORYELL, JOHN SCOTT

15 Defendants.

NO. 14-2-08815-4

SECOND DECLARATION OF
BECKY DENNY, SPECIAL
COMMITMENT CENTER LEGAL
COORDINATOR IN SUPPORT OF
MOTION FOR SUMMARY
JUDGMENT

16 I, Becky Denny, am over the age of 18 years and competent to testify to the matters
17 below, declare and state as follows:

18 1. I make the following declaration based on my personal knowledge and review of
19 business records maintained at the Department of Social and Health Services Special
20 Commitment Center (SCC) in the normal course of business.

21 2. I am the Legal Coordinator at the SCC. I have held this position since
22 April 2000. My job responsibilities include managing the legal affairs of the SCC to ensure a
23 coordinated approach to legal issues. As part of my position I have access to SCC records, and
24 have reviewed those records in preparing this Declaration.

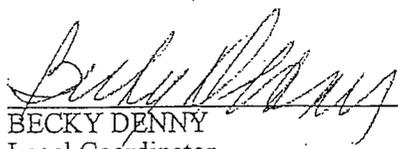
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3. The first Current Condition that limited Richard Turay's phone usage was imposed on him on April 15, 2014. A true and correct copy of that restriction is attached hereto as Attachment A.

4. The second Current Condition that limited Richard Turay's phone usage was imposed on him on May 6, 2014. A true and correct copy of that restriction is attached hereto as Attachment B.

I affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

DATED this 23rd day of September, 2014, at Steilacoom, Washington.



BECKY DENNY
Legal Coordinator

CERTIFICATE OF SERVICE

I, Stacy I. Ogg hereby certify that on this 24th day of September 2014, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system; and I hereby certify that copies were sent to the non-CM/ECF participants as follows:

I sent an electronic copy to Becky Denny, Legal Coordinator at the Special Commitment, and upon information and belief, same was delivered to pro se plaintiff, Richard Turay. A copy was also sent to pro se plaintiff, Richard Turay via U.S. Mail, postage prepaid at the Special Commitment Center, P.O. Box 88600, Steilacoom, WA 98388.

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 24th day of September 2014, at Tumwater, Washington.


STACY I. OGG
Legal Assistant

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Washington State
Department of Social
& Health Services

SCC Special Commitment Center

SPECIAL COMMITMENT CENTER

Current Conditions

Resident: Turay, Richard

SCC #: 490007

Unit: Dogwood

Date: 4/15/14

Time: 1:30pm

Vulnerable Adult: Yes No

Review / Expiration Date: 5/15/14

Background

Special Instructions

Mr. Turay is not to have any contact with Betty Turay and this includes verbal, non-verbal, written, phone, third party, or any other contact not listed here.

Risks

NA

Movement Restrictions

Escort requirement NONE

Restricted from Per policy

Contact Restrictions

Other Residents NONE

Staff See special instructions

On-Unit Behavior

Unit Restriction Per policy

Room Restriction Per policy

Personal Property Per policy

Telephone Richard Turay is restricted from using the pay phones. He is only allowed to use the legal phone.

Restrictions from on-unit activities Per policy

Hygiene Per policy

Meals

Location: Dining Facility Unit

Other

NA

Behavioral Contingencies

Violation of these conditions will result in a CAT II BMR for "other rule violations-violating current condition"

Mary Ann Reger, MA

Signature

Author Name (Printed)

Al Nerio

Signature

Program Area Mgr OR RRC 4 Name (Printed)

Kristin Carlson, PhD

Signature

Clinical Supervisor Name (Printed)

Signature

Distribution: Electronic File (SCAN); Resident (COPY); Resident File (ORIGINAL); Unit Desk (COPY); On-site Supervisor (COPY)



SPECIAL COMMITMENT CENTER

Current Conditions

Resident: Turay, Richard

SCC #: 490007

Unit: Dogwood

Date: May 6, 2014

Time: 1330

Vulnerable Adult: Yes No

Review / Expiration Date: 7/10/14

Background	Mrs. Turay's guardian has a restraining order in place, and as such Mr. Turay's phone usage and contact abilities within the institution are limited given concerns for potential exploitation of Mrs. Turay.	
Special Instructions	Mr. Turay is not to have any contact with belty Turay. Contact id defined as no verbal, written, third party or media contact (phone, video conference, etc) He is not to accept phone calls or make phone calls and is restricted to legal phone usage for legal calls ONLY until 7/10/14, when the team will review progress, adherence, and concerns	
Risks	None	
Movement Restrictions	Escort requirement	NONE
	Restricted from	All regular phone usage, may only use legal phones for legal calls.
Contact Restrictions	Other Residents	
	Staff	NONE
On-Unit Behavior.	Unit Restriction	Per policy
	Room Restriction	Per Policy
	Personal Property	Per policy
	Telephone	May only use legal phones for legal calls.
	Restrictions from on-unit activities	Per policy
	Hygiene	Per policy
Meals	Location:	Dining Facility <input type="checkbox"/> Unit <input checked="" type="checkbox"/>
Other	None	
Behavioral Contingencies	If Mr. Turay violates any of these conditions his behavior wilolo be reviewed for appropriate administrative action and a BMR will be issued.	

Mary Ann Reger, MA
Psychology Associate

Mary Ann Reger MA
Signature

Author Name (Printed)

Al Nerio
PA2 PAM

Al Nerio PAM
Signature

Program Area Mgr OR RRC 4 Name (Printed)

Signature

Kristin Carlson, Ph.D.
Assistant Clinical Director

Kristin Carlson
Signature

Clinical Supervisor Name (Printed)

Signature

Distribution: Electronic File (SCAN); Resident (COPY); Resident File (ORIGINAL); Unit Desk (COPY); On-site Supervisor (COPY)

EXHIBIT

B

1
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7 STATE OF WASHINGTON
PIERCE COUNTY SUPERIOR COURT

8 RICHARD TURAY,

9 Plaintiff,

10 v.

11 AL NERIO, MARY REGER, KRISTIN
12 CARLSON, TODD DUBBLE,
13 BYRON EAGLE, ELENA M. LOPEZ,
HOLLY CORYELL, JOHN SCOTT

14 Defendants.

NO. 14-2-08815-4

DECLARATION OF BECKY
DENNY, SPECIAL COMMITMENT
CENTER LEGAL COORDINATOR
IN SUPPORT OF MOTION FOR
SUMMARY JUDGMENT

15
16 I, Becky Denny, am over the age of 18 years and competent to testify to the matters
17 below, declare and state as follows:

18 1. I make the following declaration based on my personal knowledge and review of
19 business records maintained at the Department of Social and Health Services Special
20 Commitment Center (SCC) in the normal course of business.

21 2. I am the Legal Coordinator at the SCC. I have held this position since
22 April 2000. My job responsibilities include managing the legal affairs of the SCC to ensure a
23 coordinated approach to legal issues. As part of my position I have access to SCC records, and
24 have reviewed those records in preparing this Declaration.

25 3. On April 11, 2014, I was contacted via e-mail by Ingrid Hunter, guardian for
26 plaintiff's mother Betty Turay.

1 4. In the e-mail Ms. Hunter stated that Betty Turay was in an assisted living facility
2 due to having suffered a stroke in October 2013. Ms. Hunter recounted that when she was
3 appointed guardian for Mrs. Turay she had prohibited plaintiff from contacting Mrs. Turay
4 because she alleged that his calls was causing Mrs. Turay's stroke related conditions to worsen
5 and that plaintiff was manipulating Mrs. Turay in order to obtain money. Ms. Hunter asked for
6 SCC's assistance in stopping plaintiff's calls to Mrs. Turay. Attachment (Attach.) A.

7 5. I responded to Ms. Hunter that SCC was not able to assist with the problem
8 absent a court order limiting plaintiff's ability to have phone contact with Mrs. Turay. Attach.
9 A.

10 6. Ms. Hunter subsequently contacted me stating that Mrs. Turay was being
11 contacted by another SCC resident named Roy Stout who was acting on plaintiff's behalf. She
12 asked for SCC's assistance in stopping these calls. Attach. B.

13 7. I was subsequently contacted by the guardian's attorney who informed me that
14 she would be seeking a Temporary Restraining Order (TRO) to restrain further contact of
15 Mrs. Turay by plaintiff, Roy Stout and a former SCC resident by the name of Andre Brigham
16 Young. Attach. C.

17 8. Ms. Hunter obtained an ex parte TRO restricting plaintiff's contact with
18 Mrs. Turay on May 1, 2014 and provided a copy to SCC. Attach. D.

19 9. This order was followed by a second TRO issued on May 12, 2014. Attach. E.

20 10. In the May 12th Order the court "directed [SCC] to assist in the implementation
21 on the restraints against Richard Turay and Roy Stout".

22 11. The May 12th order was followed by a final Amended TRO entered on June 9,
23 2014. Attach. F.

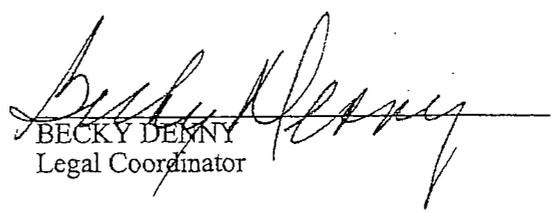
24 12. The complaints requesting each TRO allege that Richard Turay was manipulating
25 Mrs. Turay to obtain money and property.

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13. Based on the court's issuance of the May 1st and May 12th TROs, SCC entered current conditions¹ restricting plaintiff's ability to have contact with Betty Turay. Attach. G.

I affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

DATED this 21st day of August, 2014, at Steilacoom, Washington.


BECKY DENNY
Legal Coordinator

¹ Current Conditions are internal SCC documents that set behavioral expectations for the resident.

Denny, Becky (DSHS/SCC)

From: Denny, Becky (DSHS/SCC)
Sent: Tuesday, April 15, 2014 9:49 AM
To: Surreal
Subject: RE: Personal/private

I received your email. I have been in touch with our Chief Executive Officer and Chief Administrator as well as our legal team.

There isn't a lot that the Special Commitment can do, however, we do have some suggestions for you.

Your best course of action would be to get a restraining order against Richard Turay on your grandmother's behalf.

There is also a feature called CenturyLink's Caller ID service called "Anonymous Call Rejection" which also might work.

We are going to be placing a call restriction on Mr. Turay but that is only good for so long so you are encouraged to take the suggestions we've identified on your grandmother's behalf. Please let us know if the harassment continues.

Thank you for bringing it to our attention.

Becky Denny
SCC Legal Coordinator
253-589-6203 (phone)
253-589-6228 (fax)
dennybe@dshs.wa.gov

—Original Message—

From: Surreal [REDACTED]
Sent: Friday, April 11, 2014 4:21 PM
To: Denny, Becky (DSHS/SCC)
Subject: Personal/private

Hello. My name is Ingrid Hunter and I need to talk to someone about some problems I am having with Richard Turay. My grandmother is Betty Turay (his mother) and I have been made her legal guardian due to a stroke that she suffered back in October.

For years Rick has burdened our family with his troubles. He has been convicted several times for aggravated rape and was finally brought into the civil commitment center many many years ago. When not in prison, he would beat my grandmother and steal from her and my grandfather (who is now deceased) and has caused nothing but grief. My grandmother and he have a very toxic relationship. Even though he has been convicted several times, she has always maintained that he is innocent and that those girls asked for it. Over his lifetime she has given him hundreds of thousands of dollars for attorneys. She has also done some shady dealings to prevent him from going to jail, but that's another story.

He has been manipulating her for YEARS!!

Since her stroke back in October, I became her POA until I was granted the Guardianship. I did not allow them to speak for several months due to her condition and his need to manipulate her for money.

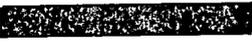
She is now in assisted living and was doing extremely well until Rick got a hold of her. (He found out where she was by having Andre Young call around looking for her) Adult protective services were called because of this.

I spoke with Rick and gave him some ground rules that he was never to ask her for money again or burden her with troubles but now he is calling her up to 30 x a day. (I know this because she has a message recorder) and he is manipulating her into giving him the family beach house so that he has a place to go when (if) he gets released. He's even saying that she has to attend a court date (without me) so she can sign off for him to live at the beach house. HE DOES NOT HAVE Guardian PERMISSION FROM ME TO DO THIS.

As her official guardian, I do not want them talking anymore. Since they have been talking she has been extremely agitated, upset, nervous and mean toward other people in the family because of the terrible things Rick is putting in her head. He is also trying to talk her into running away. I believe he is making plans to have someone (Andre Young perhaps) pick her up and take her out of the place where she is. I believe it is just a matter of time before she has another event and she does not need to be burdened with all of the trouble and worry that he puts her through.

I need to know what I can do to stop this. Please help. Any advise would be good.

Also, do you know if he is getting released? That would be horrible. He is a bad man and will just start up where he left off and I fear for my grandmothers safety as well as my own.

Ingrid Hunter


Denny, Becky (DSHS/SCC)

From: Denny, Becky (DSHS/SCC)
Sent: Tuesday, April 29, 2014 10:12 AM
To: 'Surreal'
Subject: RE: Personal/private

Good. Thanks.

Becky Denny
SCC Legal Coordinator
253-589-6203 (phone)
253-589-6228 (fax)
dennybe@dshs.wa.gov

-----Original Message-----

From: Surreal [REDACTED]
Sent: Tuesday, April 29, 2014 10:12 AM
To: Denny, Becky (DSHS/SCC)
Subject: Re: Personal/private

Looks like someone named Roy Stout...
No she has not accepted any calls.

Ingrid Hunter
SeaStone Botanicals LLC
[REDACTED]
www.seastonebotanicals.com

> On Apr 29, 2014, at 8:18 AM, "Denny, Becky (DSHS/SCC)" <DENNYBE@dshs.wa.gov> wrote:
>
> I will see what we can do about this. Hopefully your mother is not accepting the calls.
>
> Becky Denny
> SCC Legal Coordinator
> 253-589-6203 (phone)
> 253-589-6228 (fax)
> dennybe@dshs.wa.gov
>

> -----Original Message-----

> **From:** Surreal [REDACTED]
> **Sent:** Monday, April 28, 2014 10:22 PM
> **To:** Denny, Becky (DSHS/SCC)
> **Subject:** Re: Personal/private
>

> Hi Ms Denny,
> Just an FYI- Rick has been having other inmates make phone calls for him. My mother reported that she has received several collect calls from someone named Roy.

>
> Ingrid Hunter

> [REDACTED]

>
>

>> On Apr 15, 2014, at 9:48 AM, "Denny, Becky (DSHS/SCC)" <DENNYBE@dshs.wa.gov> wrote:

>>
>> I received your email. I have been in touch with our Chief Executive Officer and Chief Administrator as well as our legal team.

>> There isn't a lot that the Special Commitment can do, however, we do have some suggestions for you.

>> Your best course of action would be to get a restraining order against Richard Turay on your grandmother's behalf. There is also a feature called CenturyLink's Caller ID service called "Anonymous Call Rejection" which also might work.

>> We are going to be placing a call restriction on Mr. Turay but that is only good for so long so you are encouraged to take the suggestions we've identified on your grandmother's behalf. Please let us know if the harassment continues.

>> Thank you for bringing it to our attention.

>>

>> Becky Denny

>> SCC Legal Coordinator

>> 253-589-6203 (phone)

>> 253-589-6228 (fax)

>> dennybe@dshs.wa.gov

>>

>>

>> —Original Message—

>> From: Surreal [REDACTED]

>> Sent: Friday, April 11, 2014 4:21 PM

>> To: Denny, Becky (DSHS/SCC)

>> Subject: Personal/private

>>

>> Hello. My name is Ingrid Hunter and I need to talk to someone about some problems I am having with Richard Turay.

>> My grandmother is Betty Turay (his mother) and I have been made her legal guardian due to a stroke that she suffered back in October.

>>

>> For years Rick has burdened our family with his troubles. He has been convicted several times for aggravated rape and was finally brought into the civil commitment center many many years ago. When not in prison, he would beat my grandmother and steal from her and my grandfather (who is now deceased) and has caused nothing but grief. My grandmother and he have a very toxic relationship. Even though he has been convicted several times, she has always maintained that he is innocent and that those girls asked for it. Over his lifetime she has given him hundreds of thousands of dollars for attorneys. She has also done some shady dealings to prevent him from going to jail, but that's another story.

>> He has been manipulating her for YEARS!!

>> Since her stroke back in October, I became her POA until I was granted the Guardianship. I did not allow them to speak for several months due to her condition and his need to manipulate her for money.

>> She is now in assisted living and was doing extremely well until Rick got a hold of her. (He found out where she was by having Andre Young call around looking for her). Adult protective services were called because of this.

>> I spoke with Rick and gave him some ground rules that he was never to ask her for money again or burden her with troubles but now he is calling her up to 30 x a day. (I know this because she has a message recorder) and he is manipulating her into giving him the family beach house so that he has a place to go when (if) he gets released. He's even saying that she has to attend a court date (without me) so she can sign off for him to live at the beach house. HE DOES NOT HAVE Guardian PERMISSION FROM ME TO DO THIS.

>> As her official guardian, I do not want them talking anymore. Since they have been talking she has been extremely agitated, upset, nervous and mean toward other people in the family because of the terrible things Rick is putting in her

head. He is also trying to talk her into running away. I believe he is making plans to have someone (Andre Young perhaps) pick her up and take her out of the place where she is. I believe it is just a matter of time before she has another event and she does not need to be burdened with all if the trouble and worry that he puts her through.

>>

>> I need to know what I can do to stop this. Please help. Any advise would be good.

>>

>> Also, do you know if he is getting released? That would be horrible. He is a bad man and will just start up where he left off and I fear for my grandmothers safety as well as my own.

>>

>>

>> Ingrid Hunter

>> [REDACTED]

>>

Denny, Becky (DSHS/SCC)

From: Arlene Joe [REDACTED]
Sent: Monday, May 19, 2014 4:54 PM
To: Surreal Hunter; Lanny Turay; Denny, Becky (DSHS/SCC); Alison Bogar
Subject: Richard Turay Restraints
Attachments: Turay Rich ROS.pdf; Turay Roy ROS.pdf; Turay Andre ROS.pdf

Parties -

Richard Turay was served the restraining order, see the Return of Service attached.

Also served were two third parties of Mr. Turay who are known to my client, Ingrid Hunter. Return of Service on Roy Stout and Andre Young are also attached.

Very sincerely,
Arlene
Law Office of Arlene Joe
(253) 212-0349

Failure to appear may result in a Temporary Order being entered by the court that grants the relief requested in the motion without further notice.

II. Basis

A motion for a temporary restraining order without written or oral notice to the RICHARD TURAY or that party's lawyer has been made to this court.

III. Findings

The court adopts paragraphs 2.1, 2.2, and 2.4 of the Motion/Declaration for an Ex Parte Restraining Order and for an Order to Show Cause (Form WPF DR 04.0150) as its findings, except as follows:

IV. Order

It is Ordered:

4.1 Restraining Order

Violation of a Restraining Order in paragraph 4.1 with actual notice of its terms is a criminal offense under Chapter 26.50 RCW and will subject the violator to arrest. RCW 26.09.060.

RICHARD TURAY, or any third party on his behalf including but not limited to ROY STOUT and ANDRE BRIGHAM YOUNG is/are restrained and enjoined from having any contact direct or indirect, with BETTY TURAY.

RICHARD TURAY is restrained and enjoined from molesting, assaulting, harassing, or stalking BETTY TURAY.

RICHARD TURAY is restrained and enjoined from instructing, encouraging, or directing any third party, including but not limited to ROY STOUT, ANDRE BRIGHAM YOUNG or any other third party as an extension of RICHARD TURAY, to have any contact whatsoever with BETTY TURAY or the guardian INGRID HUNTER.

The staff at McNeil Island are authorized and directed to assist in the implementation of this order.

Clerk's Action. The clerk of the court shall forward a copy of this order, on or before the next judicial day, to (name of the appropriate law enforcement agency) SOUTH SOUND 911 which shall enter this order into any computer-based criminal intelligence system available in this state used by law enforcement agencies to list outstanding warrants. (A law enforcement information sheet must be completed by the party or the party's attorney and provided with this order before this order will be entered into the law enforcement computer system.)

Service

The requesting party must arrange for service of this order on the restrained party. File the original Return of Service with the clerk and provide a copy to the law enforcement agency listed above.

Full Faith and Credit

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

4.2 Other Restraining Orders

Does not apply.

4.3 Surrender of Deadly Weapons

Does not apply.

4.4 Expiration Date

This order shall expire on the hearing date set forth above or 14 days from the date of issuance, which ever is sooner, unless otherwise extended by the court.

4.5 Waiver of Bond

Does not apply.

1 EXTEND TO HEARING DATE.

4.6 Other

The court may hear the matter on shortened time on May 12, 2014.

Dated: 5-1-14 at 1:40 a.m./p.m.

[Signature]

Judge/Commissioner

Presented by:

Luce, Kenney & Associates, PS

[Signature]

Peter D. Haroldson, WSBA No. 35592
Of counsel for Guardian

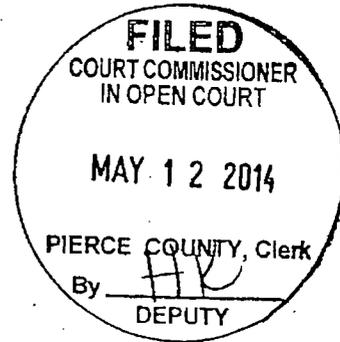
FILED
IN COUNTY CLERK'S OFFICE

A.M. **MAY 01 2014** P.M.
PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY: [Signature] DEPUTY

5/5/2014 861



13-4-01748-5 42520204 TMRO 05-13-14



1007 5/13/2014 0002

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**SUPERIOR COURT OF WASHINGTON
COUNTY OF PIERCE**

In the Guardianship of:	Case No. 13-4-01748-5
BETTY TURAY,	Temporary Order (TMO/TMRO)
an Alleged Incapacitated Person.	<input type="checkbox"/> Clerk's Action Required <input type="checkbox"/> Law Enforcement Notification, ¶ 3.1

I. Judgment/Order Summaries

1.1 Restraining Order Summary
Restraining Order Summary is set forth below:

Name of persons restrained: RICHARD TURAY and ROY STOUT and ANDRE YOUNG.
Name of persons protected: BETTY TURAY and INGRID HUNTER. See paragraph 3.1.

Violation of a Restraining Order in paragraph 3.1 with actual notice of its terms is a criminal offense under Chapter 26.50 RCW and will subject the violator to arrest. RCW 26.09.060.

1.2 Money Judgment Summary
Does not apply.

II. Basis

A motion for a temporary order was presented to this court and the court finds reasonable cause to issue the order.

III. Order

It is Ordered:

3.1 Restraining Order
Violation of a Restraining Order in paragraph 3.1 with actual notice of its terms is a criminal offense under Chapter 26.50 RCW and will subject the violator to arrest. RCW 26.09.060.

Temp Order (TMO/TMRO) - Page 1 of 6
WPF DR 04.0250 Mandatory (7/2009) - RCW
26.09.060; .110; .120; .194, .300(2)

LAW OFFICE OF ARLENE JOE
5705 78TH Avenue Court West
University Place, Washington 98467
Phone: 253-212-0349 Fax: 1-253-449-0609

Declaration of Becky Denny
Attachment E
Page 1 of 3

1007 5/13/2014 0007

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X RICHARD TURAY, ROY STOUT, and ANDRE YOUNG, and ANY THIRD PARTY ON THEIR BEHALF, are restrained and enjoined from disturbing the peace of either BETTY TURAY or INGRID HUNTER.

X ANDRE YOUNG is restrained and enjoined from going onto the grounds of or entering the home or work place of either BETTY TURAY or INGRID HUNTER.

X ANDRE YOUNG is restrained and enjoined from knowingly coming within or knowingly remaining within 1,000 feet of the home or work place either BETTY TURAY or INGRID HUNTER.

X RICHARD TURAY, ROY STOUT, and ANDRE YOUNG, and ANY THIRD PARTY ON THEIR BEHALF, are restrained and enjoined from assaulting, harassing, or stalking either BETTY TURAY or INGRID HUNTER.

Clerk's Action/Law Enforcement Action

X This order shall be filed forthwith in the clerk's office and entered of record. The clerk of the court shall forward a copy of this order on or before the next judicial day to LESA which shall forthwith enter this order into any computer-based criminal intelligence system available in this state used by law enforcement agencies to list outstanding warrants.

The protected party or the protected party's attorney must complete a law enforcement information sheet and provide it with this order before this order will be entered into the law enforcement computer system.

Service

- The restrained party or attorney appeared in court or signed this order; service of this order is not required.
- The restrained party or attorney did not appear in court; service of this order is required. The requesting party must arrange for service of this order on the restrained party. File the original Return of Service with the clerk and provide a copy to the law enforcement agency listed above.

Expiration Date

This restraining order will expire in 12 months and shall be removed from any computer-based criminal intelligence system available in this state used by law enforcement agencies to list outstanding warrants, unless a new order is issued, or unless the court sets forth another expiration date here: (month/day/year) _____

Full Faith and Credit

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

3.2 Temporary Relief

1007 5/13/2014 0000

Does not apply.

3.3 Bond or Security
Does not apply.

3.4 Other

a. Amend Section 5.7h) of the Guardianship Order dated January 6, 2014 to allocate up to \$200 a month to Richard Turay and to add an allocation of up to \$100 a month to Deborah Dickenson.

b. Pay the attorney fees and costs of Peter Haroldson, Luce Lineberry & Kenney Law Firm, in the sum of \$1,305.07, from the Incapacitated Person's blocked account, for preparation and representation on the ex parte restraining order.

c. Pay the attorney fees and costs of the Law Office of Arlene Joe, from the Incapacitated Person's blocked account, for representation of the guardian on guardianship and restraint matters, in the sum of \$3,166.25.

d. McNeil Island Corrections Center staff are authorized and directed to assist in the implementation of the restraints against Richard Turay and Roy Stout. *AJ*

KARENA KIRKENDOLL
COURT COMMISSIONER

Kirkendoll

Commissioner

Dated: May 12, 2014

Guardian's attorney:
A signature below is actual notice of this order.
Presented by:

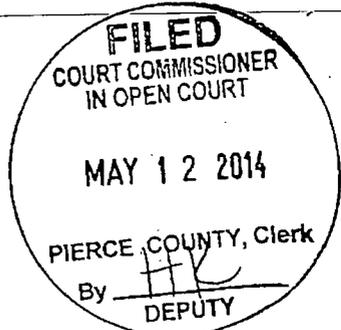
Respondent or respondent's attorney:
A signature below is actual notice of order.
Approved for Entry:

Arlene Joe 5/12/2014
Arlene Joe / WSBA # 35530 Date
Attorney for Guardian

Richard Turay Date

Roy Stout Date

Andre Young Date



Temp Order (TMO/TMRO) - Page 3 of 6
WPF DR 04.0250 Mandatory (7/2009) - RCW
26.09.060; .110; .120; .194; .300(2)

LAW OFFICE OF ARLENE JOE
5705 78TH Avenue Court West
University Place, Washington 98467
Phone: 253-212-0349 Fax: 1-253-449-0609

Declaration of Becky Denny
Attachment E
Page 3 of 3



13-4-01748-5 42671538 TMRO 06-10-14

FILED
IN COUNTY CLERK'S OFFICE

A.M. JUN 09 2014 P.M.

PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY _____ DEPUTY

SUPERIOR COURT OF WASHINGTON
COUNTY OF PIERCE

<p>In the Guardianship of:</p> <p>BETTY TURAY,</p> <p>an Alleged Incapacitated Person.</p>	<p>Case No. 13-4-01748-5</p> <p>Temporary Order AMENDED (TMO/TMRO)</p> <p><input checked="" type="checkbox"/> Clerk's Action Required <input checked="" type="checkbox"/> Law Enforcement Notification, ¶ 3.1</p>
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I. Judgment/Order Summaries

1.1 Restraining Order Summary
Restraining Order Summary is set forth below:

Name of persons restrained: RICHARD TURAY and ROY STOUT and ANDRE YOUNG.
Name of persons protected: BETTY TURAY and INGRID HUNTER. See paragraph 3.1.

Violation of a Restraining Order in paragraph 3.1 with actual notice of its terms is a criminal offense under Chapter 26.50 RCW and will subject the violator to arrest. RCW 26.09.060.

1.2 Money Judgment Summary
Does not apply.

II. Basis

A motion for a temporary order was presented to this court and the court finds reasonable cause to issue the order.

III. Order

It is Ordered:

*Temp Order (TMO/TMRO) - Page 1 of 6
WPF DR 04.0250 Mandatory (7/2009) - RCW
26.09.060; .110; .120; .194, .300(2)*

LAW OFFICE OF ARLENE JOE
5705 78TH Avenue Court West
University Place, Washington 98467
Phone: 253-212-0349 Fax: 1-253-449-0609

Declaration of Becky Denny
Attachment F
Page 1 of 3

0011
6/10/2014
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3.1 Restraining Order
Violation of a Restraining Order in paragraph 3.1 with actual notice of its terms is a criminal offense under Chapter 26.50 RCW and will subject the violator to arrest. RCW 26.09.060.

- X RICHARD TURAY, ROY STOUT, and ANDRE YOUNG, and ANY THIRD PARTY ON THEIR BEHALF, are restrained and enjoined from disturbing the peace of either BETTY TURAY or INGRID HUNTER.
- X ANDRE YOUNG is restrained and enjoined from going onto the grounds of or entering the home or work place of either BETTY TURAY or INGRID HUNTER.
- X ANDRE YOUNG is restrained and enjoined from knowingly coming within or knowingly remaining within 1,000 feet of the home or work place either BETTY TURAY or INGRID HUNTER.
- X RICHARD TURAY, ROY STOUT, and ANDRE YOUNG, and ANY THIRD PARTY ON THEIR BEHALF, are restrained and enjoined from assaulting, harassing, or stalking either BETTY TURAY or INGRID HUNTER.
- X RICHARD TURAY, ROY STOUT, and ANDRE YOUNG and ANY THIRD PARTY ON THEIR BEHALF are restrained from coming near and from having any contact with BETTY TURAY or INGRID HUNTER, in person or through others, by phone, mail, or any means, directly or indirectly, except through an attorney, or mailing or delivery by a third party of court documents.

Clerk's Action/Law Enforcement Action

- X This order shall be filed forthwith in the clerk's office and entered of record. The clerk of the court shall forward a copy of this order on or before the next judicial day to LESA which shall forthwith enter this order into any computer-based criminal intelligence system available in this state used by law enforcement agencies to list outstanding warrants.

The protected party or the protected party's attorney must complete a law enforcement information sheet and provide it with this order before this order will be entered into the law enforcement computer system.

Service

- The restrained party or attorney appeared in court or signed this order; service of this order is not required.
- The restrained party or attorney did not appear in court; service of this order is required. The requesting party must arrange for service of this order on the restrained party. File the original Return of Service with the clerk and provide a copy to the law enforcement agency listed above.

Expiration Date

This restraining order will expire in ~~12~~ ^{on MAY 12, 2015} months and shall be removed from any computer-based criminal intelligence system available in this state used by law enforcement agencies to list outstanding warrants, unless a new order is issued, or unless the court sets forth another

1138 6/10/2014 001

expiration date here: ~~MAY 30, 2016~~
MAY 23, 2015

Full Faith and Credit

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

3.2 Other

- a. Pay the attorney fees and costs of Peter Haroldson, Luce Lineberry & Kenney Law Firm, in the sum of \$1,305.07, from the Incapacitated Person's blocked account, for preparation and representation on the ex parte restraining order.
- b. Pay the attorney fees and costs of the Law Office of Arlene Joe, from the Incapacitated Person's blocked account, for representation of the guardian on guardianship and restraint matters, in the sum of \$3,166.25.

*c) The Respondent may have -
This order is stayed for 7 days or until
mot. to revise is heard if noted is heard*

JOHN CAIN

PRO TEM

John C. Cain
Commissioner *PRO TEM*

Dated: May 12, 2014

Guardian's attorney:
A signature below is actual notice of this order.
Presented by:

Respondent or respondent's attorney:
A signature below is actual notice of order.
Approved for Entry:

Arlene Joe 6/9/2014
Arlene Joe / WSBA # 35530 Date
Attorney for Guardian

Appeared by phone 6/9/2014
Richard Turay Date

FILED
IN COUNTY CLERK'S OFFICE

Roy Stout Date

A.M. JUN 09 2014 P.M.

PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY _____ DEPUTY

Andre Young Date



scc Special Commitment Center

SPECIAL COMMITMENT CENTER

Current Conditions

Resident: Turay, Richard.

SCC #: 490007

Unit: Dogwood

Date: 5/27/14

Time: 2:17pm

Vulnerable Adult: Yes No.

Review / Expiration Date: Indefinite

Background	Mrs. Turay's guardian currently has a restraining order in place, and as such Mr. Turay's phone usage and contact abilities within the institution are limited given concerns for potential exploitation of Mrs. Turay.
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Special Instructions	Mr. Turay is not to have any contact with Betty Turay, mother, or Ingrid Hunter, guardian. Contact is defined as no verbal, written, third party or media contact (phone, video conference etc). He is not to accept phone calls or make phone calls to Betty Turay or Ingrid Hunter for an indefinite period of time. Should the restraining order be lifted or expire, the team will review progress, adherence, and concerns, as well as potential removal of the current condition.
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Risks	
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Movement Restrictions	Escort requirement	None
	Restricted from	Receiving and making phone calls to Betty Turay and Ingrid Hunter

Contact Restrictions	Other Residents	No
	Staff	No

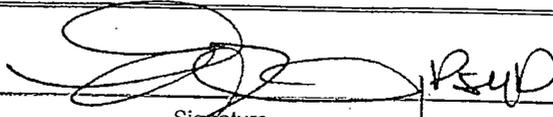
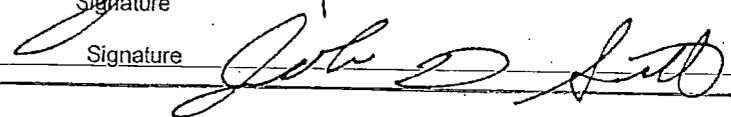
On-Unit Behavior	Unit Restriction	Not at this time
	Room Restriction	No
	Personal Property	None
	Telephone	May not utilize the phone to call Betty Turay or Ingrid Hunter. May not accept phone calls from Betty Turay or Ingrid Hunter.
	Restrictions from on-unit activities	None
	Hygiene	None

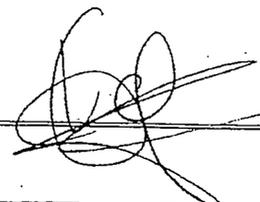
Meals	Location:	Dining Facility <input checked="" type="checkbox"/> Unit <input type="checkbox"/>
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Other	
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Behavioral Contingencies	1. If Mr. Turay violates any of these conditions his behavior will be reviewed for appropriate administrative action and a BMR will be issued. Should he accept phone calls, staff should follow policy and issue a BMR as outlined for breaking a current condition. Please email all concerns or violations to Dr. Lopez
--------------------------	--

Elena M. Lopez, Psy.D
Psychologist 4

Author Name (Printed) PA2 PAM, RRC4 or RRC3	 Signature
	 Signature

Holly Coryell Ph.D Clinical Director	 Signature
---	--

Distribution: Resident; Resident File; Electronic File; Unit Desk; On-site Supervisor

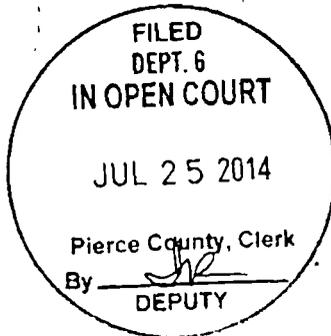
Originator: Edgar Wing

EXHIBIT

C



13-4-01748-5 42985623 ORRE 07-28-14



SUPERIOR COURT OF WASHINGTON
COUNTY OF PIERCE

In the Guardianship of:

Case No. 13-4-01748-5

BETTY TURAY,

Order re: Motions by Richard Turay

an Alleged Incapacitated Person.

(OR)

Clerk's action required

Richard Turay presented motions to this court for an order to remove Ingrid Hunter from the Guardianship of Betty Turay, impose monetary sanctions on Ingrid Hunter for contempt of court, and dismiss the temporary restraining order against Richard Turay. The court having considered the motions, declaration(s), testimony and the court file, and finding good cause, *It is Ordered:*

*Motion for a Successor Guardian is denied;
Motion for revision of Commissioner's order denied;
Motion for contempt is denied;
Attorney fees awarded in the amount of \$200,
to be paid by Richard Turay, and not
from the guardianship assets.*

Dated: 7-25-14

Jack Nevin
Judge Nevin

Presented by:

Approved for entry:
Notice of presentation waived:

[Signature]
Arlene Joe \ WSBA # 35530
Attorney for Ingrid Hunter, Guardian

Telephonic appearance
Richard Turay, Moving Party

Order (OR) - Page 1 of 1

LAW OFFICE OF ARLENE JOE
5705 78TH Avenue Court West
University Place, Washington 98467
Phone: (253) 212-0349 Fax: (253) 449-0609

007
7/28/2014 2139

EXHIBIT

D

STATE OF WASHINGTON
PIERCE COUNTY SUPERIOR COURT

RICHARD GARRETT TURAY,) NO. 14-2-08815-4
Plaintiff, (DECLARATION OF RICHARD TURAY
v.) IN SUPPORT OF PLAINTIFF'S MOTION
(FOR SUMMARY JUDGMENT AND
AIBERT NEIRO, et al., (CROSS MOTION FOR SUMMARY
(JUDGMENT
Defendants.)
_____ (

I, Richard G Turay, am over the age of 18 years and capable, and competent to testify to the matters below, declare and state as follows, to-wit:

1. I make the following declaration based upon my personal knowledge and information available to me during my many year's long unlawful, illegal and punitive conditions of confinement at the Special Commitment Center, SCC.
2. It is unconscionable for anyone to think, that they can obstruct my right to contact my Mom, Betty G Turay, premised on my niece, Ingrid Hunter, who is seeking to obtain monies of my Mom's and mine; which is in the same bank account bearing my mother's name and her name alone on the bank checking/saving's account.
3. Whatever actions Becky Denny, et al took against myself, Roy Stout, and sought to against Andre Young were, as the conditions of confinement at SCC are, strickly retaliatory, and punitive in purpose and intent. I have been away from my beloved Mother, Betty G Turay, for 27 years, and, because Becky Denny and her SCC cohorts deemed they hold the power and authority to arbitrarily, and capriciously punish me based upon money stealing, unlawful, lying, confiscating my properties by niece of mine, Ingrid Hunter, I have had to file litigation against each of them herein listed in this lawsuit.
4. Under state law, I have a right to a hearing to counter any allegations made or alleged against me prior to any administrative actions taken, or determination made. Becky Denny, and her SCC cohorts did not provide me with the alluded to rights I claim, but simply restricted me from telephone usage, for weeks without my knowledge or awareness of why I could not use the Unit phones, until provided to me several weeks later.
5. Because my niece, Ingrid Hunter, has made, and continues to make untrue allegations against me, SCC defendants with their totally adversarial, capricious attitudes have accepted it all as true. When it is patently clear, that it obvious; Ingrid Hunter is using my incarcerated status, to steal monies of mine and my mother's. My funds are banked with my Mom's in the same

checking/savings accounts. Fortunately for me, I do have proof, that my funds are therein and combined with my Mom's, and Ingrid Hunter has no right to access the alluded to monies. No Court is authorized to have my niece, Ingrid Hunter, to just take my monies and use as she will without my permission. I have not provided Ingrid Hunter with authority to touch my money, for her to use and do as she will is thief.

6. It is to be understood, that, there is no means of separating my Mom's funds from my own funds without the Bank in question separating the two monetary amounts into separate accounts via a bank accountant. My Mom, Betty G Turay, is competent and capable enough, to be heard/testify in a Court of law. She is not a mentally ill person, and she ought to be permitted to testify pertaining to all of the matters at issue.
7. The allegations against me are as absurd as SCC defendants having confined me at the SCC facility, because they allege I have a nonexistent mental abnormality/personality titled paraphilia not otherwise specified, NOS. It is criminal, for the defendants, to confine me with a non-existent diagnoses, and continue to do so, for job security purposes.
8. As for SCC Unit phones, it has to be pointed out, that SCC defendants have never obeyed the United States District Court Orders, to comply with my right to full telephone access, except for accepting collect calls. Nor, have defendants ever adhered to obeying my rights to full telephone access i.e. defendants have removed access to telephone books of any kind, and we can not make collect calls.
9. On a comparative analysis basis, Department of Correction, DOC, inmates have access to e-mail, computers, and can make collect calls. SCC residents have no such access as aforementioned pertaining to DOC inmates rights and privileges. SCC residents are suppose to be treated similar to civilians, however, I am/we are treated far worse than death row inmates. In fact, commitment at SCC is a death sentence. SCC has the highest mortality ratio than all of the DOC prisons combined. Nearly 60 SCC residents have died within the last 26 years. Why? It all has to do with the punitive conditions of confinement at SCC.
10. For 17 years, until USDC Judge, William Dwyer died; SCC was under Injunction, for failure and refusal to comply with numerous federal court orders issued against SCC defendants. Subsequently, there was sanctioned issued against defendants, and in one instance, 13 Plaintiffs were granted \$10,000 dollars; including myself, because defendants defied Federal Judge, William Dwyer's orders pertaining to open and free access to telephones at SCC. Hypothetically, if this Court ordered SCC defendants, to comply with these orders, or ones this honorable court issued it is more likely than not, that defendants would not obey the court's order's.
11. At present, I am sorely physically ill, and have King County Superior Court court orders, for medical treatment, and SCC defendants have summarily refused to fully adhere to these alluded to court orders. In point of fact, SCC defendants role is to kill SCC resident. Hundreds of millions of dollars have been spent continuing SCC defendants holocaust onto myself, and others at SCC.
12. The issue of telephone usage is well settled law, and it is res judicata and collateral estoppel for the matter at issue to be relitigated. The SCC defendants refused and otherwise failed to comply with Judge William Dwyer's(deceased) numerous orders, and including unimpeded telephone usage, how else would defendants be under an injunction for 17 years, for non-compliance. The only reason I, and others are not released from custody is, because Judge William Dwyer died. The defendants have always mistreated plaintiff, and others similarly

situated worse than DOC inmates. In fact, defendants owe Plaintiff, RG Turay, and others thousands of dollars, for sanctions never paid to me, and other SCC residents. Other subsequent Judges, after Judge Dwyer died have just wanted the entire case, to go away, because of the voluminous amount of past litigation had in the cases/injunction alluded to.

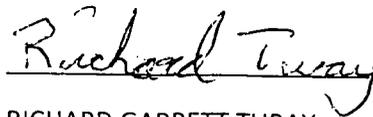
13. Plaintiff, Turay has no interest in bringing frivolous litigation, to waste his life, and the State's time and resources. More than a million dollars is involved in my niece's handling of my and my Mom's bank account. It is not Ingrid Hunter's money it is my Mom's and my monies. Ingrid Hunter is usurping my rights to unimpeded telephone access, and my right to my own monies, that is combined with my Mom's with lies, deceit and deception. My Mother, Betty G Turay, is not Ingrid Hunter's mother; she is Ingrid Hunter's grandmother. I am Betty G Turay's son, not her grandson. I cannot imagine someone, anyone being granted authority to my monies without my authorization; which is what has been done.
14. SCC defendants will tell the Court's anything, to maintain their punitive conditions of confinement, which includes impeding my right to unimpeded telephone usage, and the 17 years injunction proves my point. The only reason the injunction was resolved is, because of the extraneous judicial work involved; which no State, or Federal judge is willing/has not been willing to preside over. SCC defendants have defied every single order issued by Federal Judges, and State Judges; including the 9th Circuit Court of Appeals.
15. It is unbelievable for Becky Denny to, in any way, manner, shape, or form make reference to SCC policies, when SCC residents do not have access to any of them; especially, those they do not want SCC residents to be in possession of. DOC inmates have open access to all of DOC's policies and procedures. There was a time, when Judge Dwyer appointed an Ombudsman, and Court Master, because, he needed to know bi-monthly, who was lying to him. Judge Dwyer found SCC defendants were continually deceiving and conning the Court, and on each and every occasion; defendants were found to be lying to the Court.
16. At present, SCC defendants are being investigated by DISABILITY RIGHTS OF WASHINGTON. See: Plaintiff's Exhibit#1. Plaintiff, Richard G Turay, was kidnapped and placed at SCC, when he was in his 30s, and now; he is well into his 60s. For treatment? SCC is not a treatment program; it is a mistreatment facility. Everything under guise of treatment is a façade. The defendants are not legally able to relitigate issues i.e. unimpeded telephone usage of which they loss in the injunction determination. It is to be pointed out, that Special needs residents are not suppose to be confined at SCC, and was definitely included in the consent decree signed onto by the State of Washington, to remove them, and they were removed by Federal Court order. They/Developmentally Disabled are only there/at SCC as a means of exploiting them, and Plaintiff. This too is against Judge, William Dwyer's Court order's. SCC defendants have previously done the same court defiant behaviors in the past of placing Developmentally Disable persons at SCC.
17. For the honorable Court to rule in SCC defendant's favor flies in the face of all previous Federal court orders i.e. ombudsman reports, and Court Master's reports issued against SCC defendants defiance of these alluded to orders and reports in the 17 years injunction held against defendants. Plaintiff nearly forgot SCC's Resident Advocates(2 of them), who are employed at SCC, to purportedly advocate for Plaintiff, et al; however, the Resident Advocates are prohibited from testifying in Court's of law. Quite candidly, I do not know, why the Resident Advocates are at SCC, because defendants and attorney's general prohibit them from advocating for SCC

residents. Otherwise, there would be no need, for Disability Rights of Washington investigating complaints of SCC Resident rights, and Institute of Public Policy investigating SCC defendants violation of Plaintiff's rights and privileges. I am not suppose to be a prisoner, however, I am treated far worse than any DOC inmate. I know, because I have been a DOC inmate.

18. The SCC defendants loss the issues pertaining to unimpeded telephone access, and are relitigating in defiance of established/settled federal orders, what they have already loss. Using my niece, Ingrid Hunter, as catalyst to prohibiting me from telephone access to my mother is unprecedented. Ingrid Hunter is a crooked, robbing, untrustworthy person, who is without any redeeming character, veracity, or integrity. And, because I am incarcerated; Ingrid Hunter is taking advantage of me, to get at mine, and my Mother's monies. We are not talking about chump change. I must have at least a quarter of a million dollars included in my Mom's checking and savings bank account.
19. I do not want my Mother, Betty Turay, in a Nursing/Convalescent home, when we/me and my Mom have enough money, to hire a 24 hour a day Homecare person to take care of my Mom in her own apartment, for the rest of her life. Betty Turay is my Mom, and I do not want Ingrid Hunter involved in any aspect of my Mom's and my life.
20. SCC's policies and procedure are a proverbial joke, and always have been. The alluded to policies and procedures have never been adhered to, but to exploit Plaintiff, and all others hereinat SCC. Because of my physical disabilities, I ought not to be at SCC. However, SCC is so punitive in purpose and effect, that, they have disallowed many dying SCC residents to be released to go home to die. Actually refused to release dying SCC residents, when a relative or friend would allow them to come home, to die. Judge Dwyer found out, who was lying to him, and as a result held defendants under Injunction, until, he died.
21. No SCC resident is suppose to be held in Intensive Management Units, IMU, and this too is against the Injunction. Again, and again, defendants have held SCC open premised on deception. Who would not take defendants' fake treatment, if doing so would insecure their release after a reasonable amount of time? SCC defendants are operating a scam, and because my name is on the injunction; they are, and have been retaliating against me, since day one. To relitigate unimpeded telephone access is a violation of res judicata, and collateral estoppel.

I affirm under penalty of perjury under the laws of the State of Washington that the Forgoing is true and correct to the best of my knowledge and belief.

DATED this 13th day of March, 2015, at Steilacoom, Washington.



RICHARD GARRETT TURAY,

Acting pro-se

EXHIBIT

E

**Superior Court of Washington
County of Pierce**

In the Guardianship of:

BETTY TUTAY

An Alleged Incapacitated Person

No. 13-4-01748-5

Declaration of:

Roy Stout

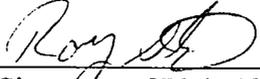
(DCLR)

I Declare:

- 1) I, Roy Stout never called Betty Turay,
- 2) Betty Turay would call wanting to talk to Richard Turay her son 4 to 5 days straight wait 2 to 3 days than call back,
- 3) I told her that there is a restraining order in place and that her son could not come to the phone, After several times of letting Betty Turay know this, I took it upon myself to read to her the (TRO),
- 4) Shortly after reading Betty the (TRO) I received a (TRO) and was put on a current conditions that not only stopped me from talking to Betty Turay and Ingrid Hunter it also stopped me from talking to my family and friends, in the process of this there was a death my family.
- 5) In the Turay Federal Injunction, Judge Dwyers order that we had our civil rights restored and should have unmonitored adequate phone access. Phone use is a right, not a privilege.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at Steilacoom, Washington. on This 16th Day of June, 2014



Signature of Plaintiff

Roy Stout

Print or Type Name

Roy Stout
P.O. Box 88600
Steilacoom, WA 98388
1-253-584-9601 or 9047

**Superior Court of Washington
County of Pierce**

In the Guardianship of:

BETTY TUTAY

an Alleged Incapacitated Person

No. 13-4-01748-5

Declaration of:

Richard Roy Scott
(DCLR)

I Declare:

- 1) At 7:23 PM Turay came in from the yard and came directly to my room and showed me a note that RRC4 Cutshaw, a security staff supervisor, had handed him.
- 2) The note was unsigned and typed and had his mothers name, Betty Turay on it. The note said call your mom, collect and had her phone number.
- 3) Turay did not call his mom. Or ask anyone else to.

I swear the above is true under threat of perjury this 9th day of July 2014


Richard Roy Scott Pro Se
Box 88600
Steilacoom, Washington 98388
1-253-584-9601 or 9047

Betty Turay

253-853-0453

Per her, she states to call her collect.

EXHIBIT

F



13-4-01748-5 41814157 ORAPGD 01-07-14

FILED
IN COUNTY CLERK'S OFFICE

AM JAN 06 2014 P.M.
PIERCE COUNTY WASHINGTON
BY KEVIN STOCK County Clerk

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**SUPERIOR COURT OF WASHINGTON
COUNTY OF PIERCE**

In the Guardianship of:	Case No. 13-4-01748-5
BEETTY TURAY,	LIMITED GUARDIAN OF PERSON AND (ORAPLGP)
an Alleged Incapacitated Person.	FULL GUARDIAN OF ESTATE (ORAPGDE)
	Clerk's Action Required

I. CLERK'S INFORMATION SUMMARY

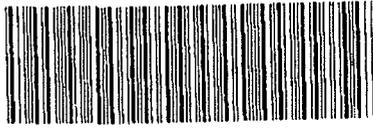
Date guardian appointed: January 6, 2013
 Reporting requirement: Annual
 Due date for Personal Care Plan: April 6, 2014
 Due date for Inventory: April 6, 2014
 Date of next review: By April 6, 2015
 Bond amount: \$26,000
 Restricted account: Yes, if funds exceed bond
 The Guardian is a Lay (Family) Guardian.
 No letters shall issue until court-ordered bond has been posted.

Incapacitated Person (IP)	Limited Guardian of Person and Full Guardian of Estate
Betty Turay Harbor Place at Cottesmore 1016 29 th St NW Gig Harbor, WA 98335	Ingrid Hunter c/o Law Office of Arlene Joe 5705 78 th Avenue Court W University Place, WA 98467

Standby Guardian	Address & Phone	Relationship to IP
Lanning Turey	602 NW 83 rd Street Seattle, WA 98117 (206) 551-4553	Son

Or. Appoint Gdn of Person/Estate (ORAPLGP, ORAPGDP, ORAPLGE, ORAPGDE, ORAPGD) - Page 1 WPF GDN 04 0100 (03/2011) RCW 11 88 020, 11 88 095

LAW OFFICE OF ARLENE JOE
5705 78th Avenue Court West
University Place, Washington 98467
Phone 253-212-0349 Fax 1-253-449-0609



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IN COUNTY CLERK'S OFFICE

A.M. JAN 06 2014 P.M.
PIERCE COUNTY WASHINGTON
BY KEVIN STOCK County Clerk

**SUPERIOR COURT OF WASHINGTON
COUNTY OF PIERCE**

In the Guardianship of:
BETTY TURAY,
an Alleged Incapacitated Person.

Case No. 13-4-01748-5
**LIMITED GUARDIAN OF PERSON AND
(ORAPLGP)
FULL GUARDIAN OF ESTATE (ORAPGDE)**
Clerk's Action Required

I. CLERK'S INFORMATION SUMMARY

Date guardian appointed: January 6, 2013
Reporting requirement: Annual
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ORAPGDP, ORAPLGE, ORAPGDE, ORAPGD) - Page 1
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LAW OFFICE OF ARLENE JOE
5705 78th Avenue Court West
University Place, Washington 98467
Phone 253-212-0349 Fax 1-253-449-0609

Interested Parties	Address & Phone	Relationship to IP
Audrey Thompson	10 Liza Harmond Dr #103 West Brook, ME 04092 (207) 856-0282	Daughter
Deborah Dickenson	1825 Kent Des Moines Rd #E-1 Des Moines, WA 98198 (206) 824-1083	Daughter
Richard Turay	McNeil Island Correnctions Center Special Commitment Center PO Box 88600 Steilacoom, WA 98388 (253) 588-5281	Son

II. HEARING

This Matter came on regularly for hearing on a Petition for Appointment of Guardian of Betty Turay, the Alleged Incapacitated Person.

The Alleged Incapacitated Person's presence was waived for good cause shown other than mere inconvenience, as set forth in the file and reports in this matter.

The Guardian ad Litem, Suzanne Winger, was present. The following other persons were present at the hearing: Ingrid Hunter, proposed guardian; Arlene Joe, attorney for the proposed guardian;

The Court considered the written report of the Guardian ad Litem and the Medical/Psychological/ARNP Report, the testimony of witnesses, remarks of counsel, and the documents filed herein. Based on the above, the Court makes the following

III. FINDINGS OF FACT

3.1 Notices

All notices required by law have been given and proof of service as required by statute is on file. Notice, if required, was provided to the Regional Administrator of DSHS pursuant to RCW 11.92.150, but DSHS neither appeared at this hearing nor responded to the Petition.

3.2 Jurisdiction

The jurisdictional facts set forth in the petition are true and correct, and the Court has jurisdiction over the person and estate of the Alleged Incapacitated Person.

3.3 Right to Attorney and Jury Trial

The Alleged Incapacitated Person was informed of the right to an attorney, which was declined, and the right to a jury trial, which was declined.

1 **3.4 Guardian ad Litem**

The Guardian ad Litem appointed by the Court has filed a report with the Court. The report is complete and complies with all requirements of RCW 11.88.090.

2 **3.5 Alternative Arrangements Made By the Alleged Incapacitated Person**

3 The Alleged Incapacitated Person made alternative arrangements for assistance, but such arrangements are inadequate in the following respects:

4 *Ingrid Hunter, the proposed guardian, was designated by the Alleged*
5 *Incapacitated Person to act as her attorney-in-fact but she should NOT continue*
6 *in this role because stronger measures are necessary to protect the Alleged*
7 *Incapacitated Person, Ingrid Hunter would be able to better protect the Alleged*
8 *Incapacitated Person as the guardian.*

9 **3.6 Capacity**

10 The Alleged Incapacitated Person is incapable of managing her financial affairs and is in need of a full Guardianship over the estate.

11 The Alleged Incapacitated Person is capable of managing some personal affairs, but is in need of the protection and assistance of a limited Guardian of the person in the areas as follows:

12 Please refer to Section 4.5 of this Order.

13 **3.7 Guardian**

14 The proposed Guardian is qualified to act as Limited Guardian of the Person and Full Guardian of the Estate of the Incapacitated Person. The Proposed Guardian's address, phone numbers and email address are as follows:

15 Ingrid Hunter
16 c/o Law Office of Arlene Joe
17 5705 78th Avenue Court W.
18 University Place, WA 98467
19 (253) 212-0349

20 **3.8 Guardian ad Litem Fees and Costs**

21 The Guardian ad Litem was appointed at estate expense and shall submit a declaration for payment of fees and costs pursuant to the local rules.

22 The Guardian ad Litem has requested a fee of \$2,601.51 for services rendered and reimbursement of \$54.55 for costs incurred while acting as Guardian ad Litem, which are reasonable, and should be paid the Guardian from the guardianship estate.

23 **3.9 Bond**

24 The assets of the Alleged Incapacitated Person exceed three thousand dollars (\$3,000) and should be placed in a blocked account with an insured financial institution or bonded

25 **3.10 Right to Vote**

The Alleged Incapacitated Person is capable of exercising the right to vote

3.11 Petition Filed in Good Faith and Burden of Proof Met

The Petitioner filed this action after having conducted a preliminary investigation. Based on the evidence presented to the court, the court finds that the petition was filed in good faith and was not frivolous, and that the fees and costs incurred in connection herewith should be paid by persons/parties other than the Petitioner, as set forth below. The court further finds that the Petitioner has met its burden of establishing the statutory bases for imposition of the guardianship by clear, cogent, and convincing evidence.

IV. CONCLUSIONS OF LAW

Based upon the above findings and fact, the court makes the following conclusions of law.

4.1. Incapacitated Person

Betty Turay is an Incapacitated Person within the meaning of RCW Chapter 11.88, and a Limited Guardian of the Person and Full Guardian of the Estate should be appointed.

4.2 Guardian

Ingrid Hunter is a fit and proper person as required by RCW 11.88.020 to be appointed as a guardian.

4.3 Powers and Limitations of the Guardian of the Person

The Guardian of the Person should have, upon issuance of letters, all of the powers and responsibilities of a Guardian of the Person pursuant to the provisions of Chapter 11.92 RCW, including but not limited to the following:

- a) To review, release, consent to the release of, and use, as appropriate, all medical, dental, mental health, psychological, psychiatric, medication, laboratory, and social services work records, charts, evaluations, and reports concerning the Incapacitated Person, including information protected under the HIPAA Act;
- b) To monitor the conditions and needs of the Incapacitated Person;
- c) To consent to and arrange for, or refuse to consent to, medical, dental, psychological, or psychiatric treatment and care, including any and all medications, diagnostic testing, evaluation, examination, placement and/or transfer to an appropriate health care facility, such as, but not limited to, an adult family home, hospital, assisted living facility, or nursing home, IN CONSULTATION WITH THE INCAPACITATED PERSON;
- d) To select or discharge any health care or medical provider IN CONSULTATION WITH THE INCAPACITATED PERSON;
- e) To decide code status of the ward, including the use of life sustaining measures, including intravenous therapy, tube feedings, hydration, antibiotics, pain medications, and comfort care;
- f) To provide substitute informed consent (RCW 7.70.065) to medical or dental treatment, medications for the incapacitated person, including surgery, except where contrary to law;
- g) To provide for or contract for case care or management services on behalf of the Incapacitated Person;
- h) To provide for such other personal assistance as the Incapacitated Person require;
- i) To establish a pre-need burial or cremation plan for the Incapacitated Person;

- 1 j) To have released to the Guardian any and all health information requested regarding
 2 the Incapacitated Person, by all providers who are covered entities under the Health
 Insurance Portability and Accountability Act (HIPAA) and/or their business
 associates, pursuant to 45 CFR 164.514, upon receiving a copy of this document

3 **4.4 Powers and Limitations of the Guardian of the Estate**

4 The Guardian of the Estate should have, upon issuance of letters, all of the powers of the
 Guardian of the Estate pursuant to the provisions of Chapter 11.92 RCW, including but
 not limited to the following

- 5
- 6 a) To undertake the management of the Incapacitated Person's financial affairs,
 including but not limited to contracting for and incurring obligations on behalf of the
 Incapacitated Person, becoming representative payee of any income from Social
 7 Security, income from the Incapacitated Person's employment, and any other sources
 of revenue or income;
- 8 b) To locate and gather assets;
- 9 c) To enter any safe deposit box(es) held in the name of the Incapacitated Person
 (individually or with another), and inventory and/or remove any contents there from,
 and to maintain and/or close said box(es) or to add items thereto, or to drill open the
 10 safe deposit box(es) in the event the keys to the box(es) are misplaced or missing, as
 deemed by the Guardian to be in the Incapacitated Person's best interests;
- 11 d) To close any financial accounts, including bank accounts held individually or jointly
 with another, and to make withdrawals, deposits or transfer of funds into or out of
 12 any such accounts, without the necessity of obtaining the written authority of any
 other person named on any such joint accounts;
- 13 e) To establish guardianship account(s),
- 14 f) To proceed to expend funds as necessary for the benefit of the Incapacitated Person
 subject to review of the Court;
- 15 g) To convert all holdings, including but limited to savings accounts, money market
 accounts, IRAs, mutual funds, stocks, bonds, cash, automobiles, mobile homes, and
 any other personal property, including pensions, annuities, 401(k)s, and any other
 16 income, into the name of said Guardian for the purposes of the guardianship. and all
 other reasonable duties required of a guardian. Any bank, savings and loan, credit
 union, stock brokerage, insurance company, or other institution holding assets of the
 17 Incapacitated Person, including but not limited to cash, investments, stocks, bonds,
 certificates, funds, safe deposit box, or personal property, shall release information or
 18 deliver the assets to the Guardian as directed by the Guardian;
- 19 h) To invest and re-invest guardianship assets as provided in Chapter 11 100 RCW
 without further order of the court for the remainder of the Incapacitated Person's
 20 lifetime; to do anything that a trustee can do under the provisions of RCW 11 98.070
 for periods not exceeding one year from the date of this Order or until the filing of
 21 the next annual report, whichever is longer; to re-invest monies placed into accounts
 as they mature, including Certificates of Deposit at any time during the year; should
 22 funds be placed into any investment accounts, to re-invest, transfer, or sell such
 investment funds as the guardian deems necessary; provided that funds shall remain
 23 in the same financial institution absent a court order allowing the Guardian to remove
 the funds from the financial institution and funds in the accounts shall not be
 24

1 withdrawn and placed into the Guardian's operating account except as set forth above
or under a court order;

- 2 i) To remove the Incapacitated Person's name from any joint bank account and/or
3 financial account and change the mailing address of any bank and/or financial
4 statement to any address the Guardian may request. In the event that an asset has
5 signatories or co-owners in addition to the Incapacitated Person, the Guardian shall
6 have the authority to block all access to such account, safe deposit box, or property
7 until true ownership has been discovered;
- 8 j) To enter any dwelling, residence, or storage area rented or owned by the
9 Incapacitated Person, or access the land or property owned or rented (individually or
10 with another) by the Incapacitated Person without the necessity of obtaining the
11 written authority of any other person named on any such dwelling, land, property, or
12 storage area;
- 13 k) To obtain a real estate appraiser to appraise the Incapacitated Person's real estate, in
14 order to petition the court for authority to sell the real estate, if the sale of real estate
15 is necessary to pay for the Incapacitated Person's expenses;
- 16 l) To make disbursements for nursing home care, medical expenses, and incidental
17 expenses on behalf of the Incapacitated Person;
- 18 m) To arrange pre-need cremation or burial arrangements as may be necessary;
- 19 n) To remove, change, and/or re-key any lock to the Incapacitated Person's home,
20 apartment, storage unit, rental property, vehicles, or any other locked property that is
21 owned by the Incapacitated Person;
- 22 o) The power and authority to apply for, consent to, and/or to receive funds from
23 governmental sources for the Incapacitated Person, including but not limited to,
24 Supplemental Security Income benefits (SSI), HUD Section 8 rent subsidies,
25 Childhood Disability Benefits under the Old-Age, Survivors and Disability Insurance
Program, Temporary Assistance to Needy Families, Social Security benefits,
Veterans' Administration benefits of all kinds, pensions of all kinds, vocational
rehabilitation programs, medical services, food stamps, and Title RR services.

4.5 Limitations and Restrictions Placed on the Incapacitated Person

The limitations and restrictions placed on the Incapacitated Person should be as follows:

- 17 ✓ The right to vote is NOT revoked.
- 18 ✓ The right to possess a license to drive is NOT revoked, but her primary care provider
and the Department of Licensing must agree that she is safe to drive a vehicle.
- 19 ✓ The right to decide who shall provide care and assistance is RETAINED, as long as
the decisions keep the Incapacitated Person safe and healthy, and the guardian shall
20 have sole decision-making authority as to what is safe and healthy.
- 21 ✓ The right to consent to or refuse medical treatment is RETAINED, as long as the
choices keep the Incapacitated Person safe and healthy, and the guardian shall have
22 sole decision-making authority as to what is safe and healthy
- 23 ✓ The right to hold elective office is revoked.
- 24 ✓ The right to marry or divorce is revoked.
- 25 ✓ The right to make or revoke a will is revoked.
- ✓ The right to enter into a contract is revoked
- ✓ The right to appoint someone to act on her behalf is revoked.
- ✓ The right to sue or be sued other than through a guardian is revoked.

- ✓ The right to buy, sell, own, mortgage, or lease property is revoked.
- ✓ The right to make decisions regarding social aspects of your life is **RETAINED**, as long as the choices keep the Incapacitated Person safe and healthy, and the guardian shall have sole decision-making authority as to what is safe and healthy.

V. ORDER

All of the Findings of Fact and Conclusion of Law completed and checked above are hereby ordered by the Court, and the Court also orders as follows:

5.1 Prior Power of Attorney

Any Power of Attorney of any kind previously executed by the Incapacitated Person is canceled in its entirety.

5.2 Appointment of Guardian

Ingrid Hunter is appointed as Limited Guardian of the Person and Full Guardian of the Estate of Betty Turay.

The powers and limitations of the Guardian and the limitation and restrictions placed on the Incapacitated Person shall be as set forth in paragraphs 4.3, 4.4, and 4.5 of the Conclusions of Law.

5.3 Letters of Guardianship

The Clerk of the Court shall issue letters of Limited Guardianship of the Person and Full Guardianship of the Estate to Ingrid Hunter upon the filing of an oath, with letters to be valid until May 6, 2015.

5.4 Guardianship Bond and Security

Guardianship bond shall be in the amount of \$26,000.

The Guardian shall have access to the following account: Financial institution guardianship checking account funded by the Incapacitated Person's monthly Social Security deposit of \$2,165, to total \$26,000 annually.

All other accounts shall be blocked and the guardian shall file a Receipt of Funds into Blocked Account, form WPF GDN 04.0600, with the Court no later than 30 days from the date of this order.

5.5 Report of Substantial Change in Income or Assets

Within thirty days of any substantial change in the Estate's income or assets, the Guardian of the Estate shall report to the Court and schedule a hearing. The purpose of the hearing will be for the Court to consider changing the bond or making other provision in accordance with RCW 11.88 100.

5.6 Inventory

Within three months of appointment, the Guardian of the Estate shall file a verified inventory of all the property of the Incapacitated Person, which has come into the Guardian's possession or knowledge. The inventory shall include a statement of all

1 encumbrances, liens, and other secured charges on any item. A review hearing upon
 2 filing of the inventory is not required.

3 **5.7 Disbursements**

4 The Guardian of the Estate shall be authorized and directed to disburse the following:

- 5 a) That sum reasonable and necessary for the Incapacitated Person's monthly costs of
 6 care as deemed appropriate by the Guardian;
 7 b) That sum reasonable and necessary to maintain the Incapacitated Person's medical
 8 insurance;
 9 c) Such other reasonable medical and dental expenses which are incidental to this
 10 guardianship and not covered by insurance.
 11 d) That sum reasonable and necessary to maintain the Incapacitated Person's
 12 homeowner's insurance, pay the property taxes, pay the utilities, and pay the
 13 mortgage on the home;
 14 e) That sum reasonable and necessary to maintain the Incapacitated Person's driving
 15 rights, including purchasing gasoline, maintaining automobile insurance and vehicle
 16 licenses, and paying for vehicle repair and upkeep;
 17 f) That sum reasonable and necessary for the preparation and filing of income tax
 18 returns, recent or past, for the Incapacitated Person, should it become necessary.
 19 g) Reasonable and necessary attorney fees with such fees subject to court review and
 20 approval at the next accounting,
 21 h) Up to three hundred dollars (\$300) a month to Richard Turay, as has been the custom
 22 of the Incapacitated Person;
 23 i) Up to one hundred dollars (\$100) a month to Audrey Thompson, as has been the
 24 custom of the Incapacitated Person;
 25 j) Up to three hundred dollars (\$300) a month for storage of the Incapacitated Person's
 personal property;
 k) Up to three hundred dollars (\$300.) a month for outings and transportation for the
 Incapacitated Person's benefit

This order satisfies the requirement of obtaining an Order Authorizing Disbursements
 from restricted accounts.

5.8 Authority for Investment and Expenditure

The authority of the Guardian of the Estate for investment and expenditure of the
 Incapacitated Person's estate is as follows:

Full authority to invest and expend the assets as needed, with the assistance of the
 Incapacitated Person as set forth above.

5.9 Personal Care Plan

Within three months after appointment, the Guardian of the Person shall complete and
 file a Personal Care Plan that shall comply with the requirements of RCW 11.92.043(1).

5.10 Status of Incapacitated Person

Unless otherwise ordered, the Guardian of the Person shall file an annual report on the
 status of the Incapacitated Person that shall comply with the requirements of RCW
 11.92.043(2)

- 1 **5.11 Substantial Change in Condition or Residence**
The Guardian of the Person shall report to the Court within thirty days any substantial
- 2 change in the Incapacitated Person's condition, or any change in residence of the
- 3 Incapacitated Person
- 4 **5.12 Designation of Standby Guardian**
The Guardian shall file a written notice designating a standby Guardian. The notice shall
- 5 comply with the requirements of RCW 11 88 125
- 6 **5.13 Duration of Guardianship**
This Guardianship shall continue in effect until terminated pursuant to RCW 11 88 140.
- 7 **5.14 Discharge/Retention of Guardian ad Litem**
The Guardian ad Litem is discharged.
- 8
- 9 **5.15 Notice of Right to Receive Pleadings**
This order serves as notice to the following persons, as described in RCW
- 10 11.88.090(5)(d), of their right to file with the court and serve upon the Guardian, or the
- 11 Guardian's attorney, a request to receive copies of pleadings filed by the Guardian with
- 12 respect to the Guardianship:
- 13 Audrey Thompson, 10 Liza Harmond Drive #103, West Brook, ME 04092;
- 14 Deborah Dickenson, 1825 Kent Des Moines Rd #E-1, Des Moines, WA 98198;
- 15 Richard Turay, McNeil Island Corrections Center, Special Commitment Center,
- 16 PO Box 88600, Steilacoom, WA 98388.
- 17 **5.16 Guardian Fees**
There are no guardian fees.
- 18 **5.17 Guardian ad Litem Fee**
The Guardian ad Litem fees and costs are approved as reasonable in the total amount of
- 19 \$2,637.56. They shall be paid from Guardianship estate assets.
- 20 **5.18 Legal Fees**
The petitioner attorney's fee and costs were necessary to establish the guardianship and
- 21 are reasonable in the amount of \$2,958.06, and shall be paid to the Law Office of Arlene
- 22 Joe from Guardianship estate assets
- 23 **5.19 Guardian's Report**
The Guardian's first report shall cover the 12 (twelve)-month period following the
- 24 appointment, then every three years thereafter, if ordered by the court. The Guardian's
- 25 report is due within 90 days of the end of the reporting period and shall comply with the
- requirements of RCW 11.92.040(2) 11.92.043(2).

5.20 Other

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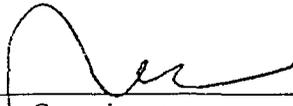
The Guardian is authorized to obtain sealed and/or confidential reports filed with the Clerk of the Court without prior approval by the Court.

The Guardian reserves the right to present to the court a review of the Incapacitated Person's Limitations and Restrictions (as provided in Section 4.5) a year after this Order is entered for determination of restoring a given revocation of the Incapacitated Person's power.

The Guardian shall have access to up to \$50,000 from restricted accounts in the first year of the guardianship for necessary repairs on the Incapacitated Person's real property located at 212 S. 219th Street, Des Moines, Washington, to prepare the property for sale or rental.

The guardian shall manage all communications between the Incapacitated Person and Richard Turay, including the number of telephone calls per month and the length and content of the calls, with the sole purpose of protecting the Incapacitated Person's mental and physical health. The guardian shall establish additional boundaries to prohibit any discussion of finances during the telephone calls.

DATED AND SIGNED IN OPEN COURT THIS 6TH DAY OF JANUARY 2014.



Court Commissioner

Presented by:

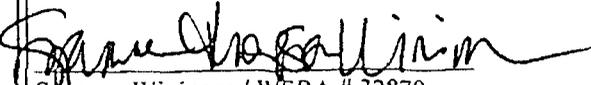


Arlene Joe / WSBA #35550
Counsel for Petitioner/Guardian

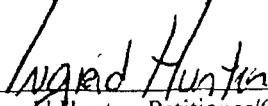
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IN COUNTY CLERK'S OFFICE

A.M. JAN 06 2014 P.M.
PIERCE COUNTY WASHINGTON
KEVIN STOCK County Clerk
BY _____

Read; Approved for Entry



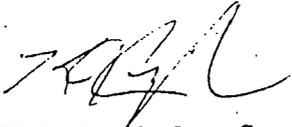
Suzanne Wininger / WSBA # 32870
Guardian ad Litem



Ingrid Hunter, Petitioner/Guardian

EXHIBIT

G

Authorizing Sources: RCW 71.09, Chapter 388-880 WAC	Initially Issued August 15, 1991
Approving Authority:  Kelly Cunningham, Superintendent	Re-issued July 22, 2010 Sunset Review July 22, 2012

PURPOSE

This policy secures and protects the right of residents to reasonable telephone access for making and receiving calls, including legal calls. It defines the circumstances and procedures under which this right may be denied or restricted.

SCOPE

This policy relates to all residents of the Special Commitment Center (SCC) for making personal, emergency, bereavement and legal calls.

DEFINITION

Legal call means a telephone call to or from an attorney or attorney's staff, court, or officer of the court, or court-appointed expert witness. Calls being made to other state or local agencies, or other DSHS offices are not legal calls.

POLICY

1. Personal Calls

SCC residents may have reasonable access to a telephone to make and receive personal calls providing they have not been placed on phone restriction for misuse.

- A. Telephones in SCC dayrooms are provided for resident use. These telephones will accept incoming calls and allow calls out – either collect or by calling card number, but will not accept incoming collect phone calls.
- B. Dayroom phone numbers are not confidential.
- C. Telephones are available to residents during regular unit hours and at other authorized times. No calling, except in an emergency, is permitted after lights out.
- D. Individual phone calls are limited to 20 minutes. Residents are responsible for monitoring their phone usage. However, staff may intervene if a resident is overusing the telephone.
- E. Staff may intervene and / or restrict a resident's phone access if he or she abuses telephone privileges.

2. **Attorney and Legal Calls ("Legal phone").**

A. Attorney and legal calls on designated legal telephones may be made without cost to the resident.

B. The legal telephone is normally available to residents only during regular business hours, except when arranged in advance with the Legal Coordinator through the resident's attorney or other caller authorized in this policy.

C. Legal phone use is generally available only during weekday business hours. Except for hearings conducted by telephone, use is limited to no more than twenty minutes per call.

D. Depositions may not be conducted on the legal phone.

E. Calls by residents to and from the SCC Ombudsman shall be processed as a legal call.

- All conditions / restrictions applicable to residents making or receiving legal calls shall be applied to calls to and from the Ombudsman.

F. To make a Legal Call the resident must:

1. Approach the unit desk during posted hours.
2. Give the name and number of the attorney, law firm or approved party to the desk staff person.
3. Enter the legal phone booth.
4. Staff will dial and, upon an answer, verify the name & number to confirm that it is a legitimate legal call then transfer the call to the resident.
5. Staff will contact the legal coordinator whenever they believe the call being made is not actually to an attorney, law firm or approved party.

3. **Emergency & Bereavement Calls**

SCC will pay telephone charges for an **indigent resident's** emergency or bereavement calls when there is a death, hospitalization, severe injury or illness or similar emergency involving a family member or significant other. (See *SCC Policy 232 for Indigence Qualification Information*)

A. See the current SCC Clinical Caseload Spreadsheet to determine who is an indigent resident.

B. During normal business hours, the Clinical Department's designated SCC Family Therapist, Chaplain, Case Manager, or Residential Program Manager may authorize an emergency or bereavement call for an indigent resident.

C. After normal business hours, the On-Site-Supervisor may contact the Administrative On-Call-Officer for authorization to provide an emergency or bereavement call for an indigent resident.

D. Bereavement or emergency calls made at state expense shall be limited to 30 minutes in duration.

E. Bereavement and emergency calls made at state expense may only be made to locations within the continental United States.

D. To make an Emergency or Bereavement Call at SCC expense, the indigent resident must:

1. Make a request to one of the individuals identified in subparagraph B. & C. above or if after hours contact the Unit Supervisor and ask him/her to contact the On-Site-Administrator to obtain permission to make the call.
2. Provide the assigned desk staff with the name and number of the person being called.
3. Staff will dial the number and establish contact, then transfer the call to the resident.
4. Staff will log bereavement calls for indigent residents by time and number called.

CERTIFICATE OF SERVICE

Plaintiff, Richard Turay, hereby certifies that on this 25th day of April, 2016, a true and correct copy of the following documents are mailed postage prepaid:

- Response to Appellant's Opening Brief with Exhibits A-G
- Cert. Of Service
-

Addressed to the following:

Court of Appeals, Div. II
Attn: Hon. Court Clerk
950 Broadway, STE# 300
Tacoma, WA 98402

Gregory Ziser, Atty.
Washington State Attorney General
P.O. Box 40124
Olympia, WA 98504

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Respectfully Submitted,

Richard Turay
Richard Turay, plaintiff, pro se
Special Commitment Center(SCC)
P.O. Box 88600
Steilacoom, WA 98388
(253) 581-9724