

74765-7

74765-7

COURT OF APPEALS DIVISION ONE

CASE NO. 74765-7-i

RALPH HOWARD BLAKELY,  
Appellant,

vs.

michael charles kahrs, et.,ano.,  
Appellee.

APPEAL FROM

KING COUNTY SUPERIOR COURT

CASE NO. 15-2-12980-5

HONORABLE LAURA C. INVEEN

GRANTING DEFENDANT'S ORDER

FOR SUMMARY JUDGMENT DISMISSAL

AS MANIFEST ERROR

RAP 2.5 (a) (3)

CR 60 (b)(2)(4)

RALPH HOWARD BLAKELY, 817995  
SCCC II 1 A 19  
191 Constantine Way  
Aberdeen, WA 98520-5409

2016 JUN 23 AM 11:11  
COURT OF APPEALS DIVISION ONE  
STATE OF WASHINGTON

DEPRIVED OF REQUISITE PROCEDURAL DUE PROCESS OF LAW, RENDERING ORDER GRANTING DEFENDANT'S SUMMARY JUDGMENT INVALID. W.S.C. Article I, Section 21

DISPUTED ISSUES OF MATERIAL FACTS

1. Whether Defendant Kahrs concealment of January 9, 2009, & May 1, 2009, Attorney client agreement is a disputed issue of material fact. When he declares "limited representation".
2. Whether Defendant Kahrs "self-interest" in the preparation of Spokane Court Order showing "unlimited representation for client" when he declares "limited representation" a disputed issue of material fact.
3. Whether Defendant Kahrs "manipulated the Spokane Court in his "self-interest" prepared Order to receive \$35,000.00 advance fee for preparation of three Thurston County lawsuits, that he declined to prepare, an issue of material fact, when Judge Tompkins significantly noted "solely for benefit of Blakely.
4. Whether Defendant Kahrs "delayed submission""delays discovery caused prejudice to the Plaintiff, a disputed material issue of fact.
5. Whether Defendant Kahrs "delayed fee billing" of five years on June 23, 2014, of no assistance on the three Thurston Court Complaints, and "conflict with him paying Mr. Taylor to influence Juarez-Trevino to withdraw his recantation a disputed material issue of fact.
6. Whether Plaintiff's 6/10/15, First Interrogatories and Request for Production were timely complied to by Defendant, when 9/24/15, Plaintiff was forced to prepare Motion to Compel Discovery supported with Memorandum of Law and twelve exhibits of 20 letters and Declarations of "personal knowledge" a Disputed Material issue of fact for the preponderance of a Jury.
7. Whether Judge Inveen erred, by granting Defendant's January 13, 2016, Motion to Strike Plaintiff's (12) "personal knowledge" Declaration Exhibits that were used to support the October 26, 2015, Order Compelling Discovery a disputed Material Issue of fact for a Jury to decide.
8. Does a Disputed material issue of fact exist, when Defendant conceals 1/9 & 5/1/09 Attorney-Client Agreement in reference to 6/10/15 First Request for Documents a question of material issue of fact for the preponderance of a Jury.
9. Whether the Plaintiff's "fair trial rights" were violated, when the Court erred granting Defendant's Summary Judgment Motion before enforcing Plaintiff's Motion to Compel Discovery. Burnett v. Spokane Ambulance, 131 Wn 2d 484, 933 P.2d 1036(1997); Keck v. Collins, 181 Wn. App.67,325 P.3d 306(2014)
10. Court erred by not considering "factors" from Burnet v. Spokane Ambulance before strike Plaintiff's exhibits, evidence of Affidavits, "verified Complaint" Keck v. Collins, 181 Wn. App.67.
11. Whether Defendant Kahrs misrepresented "representation" "solely for the benefit of Mr. Blakely" (Attorney-Client Agreement with intentions of "self-interest fraud" in violation of the Consumer Protection Act. Borish v. Russel, et.al., 155 Wn. App. 892, 230 P.3d 646(2010) n 24

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STATEMENT OF THE CASE

The Plaintiff Ralph Howard Blakely, first contacted Attorney Michael Charles Kahrs in 2007 for the preparation of a federal civil rights complaint, In January 9,2009, Plaintiff signed an Attorney-client agreement for a retainer of \$5,000.00, and then signed a second attorney-client agreement May 1, 2009, with \$20,000.00 payment to prepare and a Writ of Habeas Corpus. Exhibit No. 17

March 20,2009, Plaintiff suffered catatonic seizure, falling down the Washington State Reformatory dining Hall stairs. Plaintiff was then transported to Valley General Hospital and returned to (WSR)Infirmary. Exhibit No. 15 March 21,2009, seven correctional staff including medical staff placed the Plaintiff in a wheelchair; allowing him to fall out of the wheelchair twice. Then they picked him upto their shoulders and dropped him onto the floor. Officer David Young (now Nathan Dahl)bounced knee in middle of Plaintiff's back breaking ribs, and rupturing left Kidney. (fn/1 exhibit)

The Plaintiff was then transported to "MAX segregation" (so that noone could witness) black left shoulder, hip, and urination of blood. (fn/1 exhibit)

After six months in segregation, the Plaintiff was released to Stafford Creek Correction Center Unit H 1, and about October 4,2009, Plaintiff suffered another catatonic seizure. (fn/1 exhibit)

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(fn/1 As shown in Exhibit No. 12-d, the Plaintiff was forced to ship out the Valley General Hospital Reports, and the correctional incident reports of March 20, and October 5,6,2009.

(fn/1 As shown in Exhibit No. 15-d, March 5-20,2009 Primary encounter Reports of falling down, by medical staff Mary Keppler, ARNP.

STATEMENT OF THE CASE

The Plaintiff was then pitched onto a holding cell floor of no mat, nor blanket for about 27 hours. (fn 2 of Exhibit 12-d ) Then was wheelchaired back to (SCCET medical (Eshibit No.15-E Affidavit of Sandavol) (draggin bare feet on pavement causing sever abrasions to tops of feet) Dr. R. Trevino treated the abrasions, then had the Plaintiff pitched onto floor R 2020. ( (fn2 of Exhibit No.12-d of corroborating Declaration of Cornig)

October 6, 2009, (fn 2 Ex.No.12-d OFFICER incident report) Stafford Creek Officer Barrett, flipped and slammed Plaintiff's head on the floor, blackening right temple and eye. Then C/O Wm. Nelson bounced his knee in middle of the Plaintiff's fragile back re-breeding ribs, rupturing left kidney. (Eshibit No. 15-b)

September 10, 2009, Stafford Creek Correction Officers Gretschel and Newbery (EX. No.12) seized seven of the Plaintiff's legal document boxes. U.P.S. tagged box 5 of 9 contained Robbie Juarez-Trevino's notorized recantation Affidavit and other supporting legal documents clearly showing Blakely innocent. In addition to box 5 of 9 was a 50 page brief and a letter from Alliance Publishing Group about publishing a manuscript. (Declaration of Miller & Fischer Ex.No. 12)

November 7, 2012, Declaration of Corydon Whaley, Exhibit No. 12-a page 2 ¶ 5, "May 2011 I found Mr. Blakely's one remaining box of property in the evidence holding area of the Intelligence and Investigation Office. (UPS 5 of 9 with all legal documents and manuscript missing Exhibit 12-a and Exhibit 12-b is a 5 page notorized Affidavit of legal documents that have been improperly seized with outgoing legal mail.)

Exhibit No. 12-c of July 31, 2012, "official misconduct complaint on C/O Alberto Alavez seizing legal file in associated retaliation; as is shown by 9/10/11 Offender complaint, ex.12-c.

August 8, 2015, C/O s Brandt and Reese seized confiscated 20 legal document boxes belonging to Plaintiff Blakely. Ex.No. 12-d September 1, 2015, Blakely filed Official Staff Misconduct Complaint on associated officer harassment and confiscation of legal documents. Ex.# 12-d.

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(fn/2 As shown by Exhibit No. 12-d, the Plaintiff prepared a Risk Management Claim No.31083118 in attempt to have his legal document returned.

STATEMENT OF THE CASE

October 4, 2009, Plaintiff signed a 3 page Declaration prepared by Defendant Kahrs, asking him to obtain medical treatment and to obtain post-conviction relief. Exhibit No. 15-f

November 5, 2009, Defendant Kahrs 4 page Declaration supported with Blakely medical records, copy of X-Ray reports, diagnostic reports from Exhibits A-L. Exhibit No. 15-f These medical exhibits, and post-conviction documents positively were not returned to Blakely in accordance to Judge Inveen's 10/26/15 Order Compelling Discovery.

October 16, 2010, Stafford Creek Correction Center medical primary encounter Report on pre-left eye infection and blindness. Ex.No. 15-g The Ophthalmologist Dupey, Brett, Williams, Estillila, have all examined the left eye as being blind. /fn3

December 1, 2010, Plaintiff's letter to Defendant Kahrs; asking Kahrs for assistance on the THREE Thurston County Superior Court Civil Rights Complaints of No. 10-2-00695; No. 10-2-01551-2; 11-2-00834-4 in relation to Exhibit No. 4. Kahrs failed to produce the mentioned 51 page medical Diary, Exhibit No. 15-g

December 4, 2009, Lawyer Kahrs, with the above mentioned declarations and medical exhibits, prepared an Order to the Spokane Superior Court asking for \$35,000.00 for his advance fee to prepare and file the three Thurston Superior Court medical malpractice and lose of property Complaints. Exhibits Nos. 2 copy of \$35,000 Check to Kahrs and Exhibit No. 16-K093-94 is his order with Judge Tompkins significant notation "solley for the benefit of Mr. Blakely", As Mr. Kahrs Attorney-client agreements, this Order does not order "limited representation" of Mr. Blakely.

Exhibit No. 3, Defendant Kahrs August 26, 2009, letter requesting several documents from Spokane Court No. 95-01916-0 for preparation for release of your funds. Additionally, paralegal went through documents you provided and compiled the following (14 ailments) as this information as never returned by Kahrs in Discovery.

September 30, 2009, Defendant Kahrs' September 30, 2009, letter acknowledging funds from the "Special Person's Care Trust". Exhibit No 3

(fn 3/ Between Kahrs and officer confiscation of Blakely's legal documents of Exhibit No. 12-d; Blakely is unable at this time to supply essential corroborating exhibits to show concealment, omission, fraud.

STATEMENT OF THE CASE

May 28, 2015, Plaintiff Ralph Howard Blakely, filed and had served on Defendant Michael C. Kahrs a 6 page verified "personal knowledge" Complaint of legal malpractice and breach of fiduciary duty. (Ex. No.18) In addition, a complaint of Consumer Protection Act Violation of financially exploiting an ADA vulnerable adult. Exhibit No. 11, 2, RCW 1986; RCW 74.34.110(1-9)

Page three of the Verified Complaint, August 26, 2009, declined to represent Blakely's Federal Civil Rights Complaint, but receives and reviews Blakely's medical records, but refuses to return the medical records during the discovery period of the Three Thurston County Superior Court lawsuits. Exhibit No. 3 This same page, in December, 2010, Kahrs pays himself \$2,120.00 to hire unlicensed Acute Investigations to locate Jurez-Trevino, when Ignacio Cobos and Stephen Espinosa, with licensed Detective Mario Torres had already obtain a second recantation declaration from Juarez-Trevino. Exhibit No.19 Kahrs refused to pay Torres, nor to communicate with him. Exhibit K00 38. Instead by December 2011, pays his "self Interest" \$4,480.00 for paying Taylor \$2,714.27 to locate Juarez-Trevino in an attempt to influence him to retract his recantation.. Exhibit No. 9,36

Page four of Exhibit No. 18 (verified Complaint) explains how Defendant allowed the highly skilled Attorney General to "dazzle the court" into summary judgment in January and February of 2012<sup>fin2</sup> on Complaints No. 10-2-00695; 10-2-01551-2; and 11-2-00834-4 of Exhibit No. 4 vs. Exs. 5,6,7,8,9, 10) Defendant Kahrs, after its too late obtains an expert Neurotoxicologist statement, and prepares a Notice of Appearance, paying Court of Appeals II Fees after the Court dismissed all three lawsuits causing injury upon injury. Exhibit No. 4.

Page Five of Exhibit No. 18, creates numerous material issues of fact and question of why Defendant Kahrs waited 5 years to submit a \$26,400.00 billing June 23, 2014, as a breach of his fiduciary DUTY "for the sole benefit of Mr. Blakely" Exhibit No. 17,9

Exhibits Nos. 5,6,7, 8, 9,10 are "personal knowledge Declarations and letters" of about 30 corroborated documents correlated to Defendant Kahrs direct letters and statements. K0 65-80 & Ko 98-103, K40-41,

June 10, 2015, Plaintiff Blakely mailed to Defendant's Counsel McIntosh, Plaintiff's First Request for Interrogatories Combined with Request for Production of Documents Cr 26,33,34 of six pages. Requested verified original of the completed interrogatories be returned to Plaintiff within 30 days of service. Exhibit No. 22

September 24, 2015, Plaintiff's Notice of Hearing, Declaration of Mail, Motion For Order to Compel Discovery CR 37. Ex. No.22a

October 8, 2015, Plaintiff's 8 page Memorandum of Law in Support of Motion to Compel Discovery and Non-Evasive Answers to Verified Complaint, along with Declaration of Summarized 12 Exhibits of Declarations, Affidavit, letters asking Defendant Kahrs to provide legal assistance. Exhibit No.22b

November 27, 2015, Plaintiff's letter, "please respond to the Interrogatories and request for production of documents of October 25, 2015, and specifically please produce a copy of Lawyer Kahrs contract between Mr. Blakely of about November 2007!" Exhibit No.22c

September 27, 2015, Plaintiff's Motion to Stay Defendant's Motion For Summary Judgment Hearing as Premature and Supporting Declaration, with Declaration of Mailing on back of page. Exhibit No. 22D

October 25, 2015, Plaintiff's Second Request For Interrogatories Combined With Request For Production of Documents, CR 26,33,34. Ex.#23

Interrogatory #1. Please explain, why the Plaintiff has been charged about \$4,953. (correction \$7,194.) for unlicensed investigator Taylor Kindred to interview Robbie Juarez-Trevino? RFPD No.1. Please produce any document that would support the recovery of the NOTICIZED AFFIDAVIT of Juarez-Trevino or that investigator Kindred produced "specific results that benefited the Plaintiff.

a) Why did the Defendant Kahrs rudely refuse to communicate with licensed Detective Mario Torres? Ex.# K 038  
No.2. Please explain, why Defendant Kahrs refused to prepare and file "Civil Rights Complaint for the Plaintiff to recover Blakely's 50 page brief and Notorized Affidavit of Recantation by Juarez ?

Part (b) of No.2 RFD "...letters by Attorney Gemberline (Ex.No.13) showing that Blakely was forced to have Gemberling do the briefing for "Arrest of judgment" after Blakely paid Kahrs to do that brief." WHY did Kahrs refuse to do this "arrest of Judgment brief? Exhibit No. 23\*

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in/4 This total includes Kahrs billing (research) of \$2,120 & 2,350 -\$2,714.  
Exhibit No. 9

October 26, 2015, King County Superior Court Judge Inveen, grants Plaintiff's Order to Compel Defendants to Answer June 10, 2015, interrogatories and RFD based on no opposition to Memorandum and 12 exhibits that were improperly struck 1/22/16. Exhibit No. 21

January 12, 2016, Court Judge Inveen, grants Defendants' Order Denying Plaintiff's Motion To Compel Discovery, based on:  
"The Court notes that on 11/20/15, it received Plaintiff's Motion to Compel admission of Answer, noted for 11/27/15. That Motion did not include a Declaration of Service either per CR 3.1 or otherwise, and was not considered by court. However, it appears to have been incorporated in this Motion, and this order addresses the issues raised in it. Exhibit No. 24.

The Plaintiff's 10-25-15, Second Request For Interrogatories Combined with Request For Production of Documents was served with the Standard King County Court "Note for Hearing and ("the second page as Declaration of Mail to the Court and opposing Counsel") beings the Correction Center refuses extra postage on outgoing legal mail, returning several legal parcels to Forsberg & Umlauf. Exhibit No. 23, 24

November 20, 2015, Court Judge Inveen's Order granting Plaintiff's Motion For Additional Time To Respond to Defendant's Motion For Summary Judgment. (1) Hearing on Defendant's Summary Judgment Motion is continued to January 22, 2016. (2) Plaintiff's Response is Due on 1/8/16. (5) Plaintiff's Motion to Amend Complaint is denied without prejudice. Exhibit No. 25

August 31, 2015, Court Denying Plaintiff's Motion For Default Judgment based on Defendant has answered the verified complaint of legal malpractice, July 31, 2015. Exhibit No. 26

November 29, 2015, Court granting Extension of Time to file Statement of Arbitration to 2/12/2016. Exhibit No. 27.

November 16, 2015, Defendant's Reply on Motion For Summary Judgment Ex. #28 Dismissal and Opposition to (1) Plaintiff's Motion To Stay Defendant's Motion For Summary Judgment Hearing as Premature; and, (2) Plaintiff's Motion to Extend Time To Amend Complaint. Page 2, line 14-13 shows that Kahrs did not produce "e-mail and /or documents of advance permission from trustee to disburse funds" as part of necessary discovery. Ex. #28

Defendant's Reply p2, ¶3 is contrary to Attorney-Client Agreement, " Mr. Kahrs did not represent Mr. Blakely on his civil matters; he had NO DUTY of care to Mr. Blakely, and Mr. Blakely sustained no damage from any act or omission by Mr. Kahrs". When he collect an advance payment of \$35,000.00 to represent Mr. Blakely.(Solely for the benefit of Mr. Blakely)! Exhibit No. 28. (see Appendix page 5) Ex.9 Kahrs 6/23/14bill

Exhibit No. 4, Plaintiff included Kahrs ExsNo. 98-102 that corroborate a material fact at issue and correlate the Plaintiff's September 27,2015, Motion for An Order to Compel Discovery; which was supported by Plaintiff exhibits 1-12 of Declarations and letters of personal knowledge. Exhibit No. 22 a & 22 b The Court of Appeals II, February 21,2014 Order addressed to (WAG) Judge, Carr, and Michael C. Kahrs, consolidating two Thurston County Court Cases 10-2-0695-5 and 10-2-01551-2 with loss of property Complaint 11-2-00834-4. Exhibit No. 4

Exhibit No. 11, Defendant's Ex.# K 117, January 26,2010, letter, "I am sorry but... I would not provide assistance in your civil action and I cannot help you on your Ninth Circuit Case." "However, I am still planning to visit SCCC this Friday." (CPA DexOnline.com advertisement) (February 23,2012 trustee Spurgetis letter... "as for your need of expert testimony for your excessive force matter, I would suggest that you go through Mr. Kahrs."

"regarding your desire to have your criminal conviction retried, I know that Mr. Kahrs is working on this matter for you as previously ordered by Judge Tongkins." Exhibit No. 11(CPA)Consumer Protection Act.

Exhibit No.14, was entered into Court Record October 23,2015, as Genuine material facts at issue. Referring to No.2 ,p 15 Material facts at issue exist when Defendant Kahrs knew his defense of "the court made me do it," actually existed under the law, when i.e. (Ex.R066) billed,inter alia, \$560.00 to visit Ralph Blakely without "OBTAINING permission from the court."

(No 1. Disputed Genuine material fact at issue of Exhibit No. 14 existed as to why Defendant Kahrs was refusing to provide a copy of Attorney client agreement of 1/9/09 & 5/1/09; which is both relevant and material to the material fact at issue; whether Kahrs defense of "the court made me do it by LIMPPING MY representation" is an invalid defense and/or a fraud upon the court. Ex.no.14& 11

(no 4. whether Kahrs billing for same research for (objected to) investigator Kindred of a combined total of \$ 7.194.)Ex.#k065-80)was intended to fraudulently "MANIPULATE" the Spokane Superior Court Order for \$35,000.00advance fee for him to claim "limited his representation" when the Judge noted "solely for the Benefit of Mr. Blakely." And Mr. Blakely absolutely received NOTHING !Ex.#14 Attorney Kahrs attempting to perpetrate a defenseve fraud on the Court are questions of fact that must be resolved by a jury trial.

Plaintiff's November 5, 2015, Motion, Declaration in Support of Motion For An Order Granting an Extension of Time To Amend Plaintiff's Complaint was denied by the Court 11/20/15. Exhibit Nos. 20, 25

Defendant's self-serving Declaration 10/22/15, clearly explains that he as a lawyer was well qualified to handle Blakely's post-conviction brief and the Three Thurston Superior Court medical assault and property loss Complaints. Exhibit No. 29, page 3 ¶ 6, Kahrs did not comply with 1/26/15 Order <sup>Ex. #21</sup> of Discovery to supply ("e-mail ' Each time I provided assistance, I requested and received advance approval from Mr. Spurgetis to do so.'). Injury to Blakely, "For example, the Thurston Superior Court dismissed Mr. Blakely's lawsuits on summary judgment in 2013." There would not have been summary judgment dismissal's if Defendant Kahrs not breached his 1/9 & 5/1/09 Attorney-Client Agreement of loyal fiduciary DUTY within the year's statute of limitations. Exhibit #29.

Exhibit No. 29 p3 ¶6, "Mr. Spurgetis approved me to pay appellate filing fees, for Clerk's Papers and for Verbatim Reports of Proceedings in each case." the Court of Appeals II to dismiss all three Cases. with severe loss, injury, and damage, showing malice by Mr. Kahrs.

Exhibit No. 29 p 5 ¶13, "showing malice towards the Plaintiff in his breach of fiduciary DUTY of care;" Defendant Kahrs showed contempt against Blakely's post-conviction relief from illegal restraint! This ridiculous hiring of an unlicensed investigator to have Juarez-Trevino withdraw his recantation Declaration that was obtained by Espinosa, Cobos, and licensed Detective Torres as proven supra page 4 and 5, Ex, No. 9.

Emphasis Exhibit No. 29-1, February 13, 2016, "self-serving Counsel's Declaration in Support of Defendant's Motion For Summary Judgment Dismissal of "Ex. A Judge Tompkins Order Approving Reallocation of funds".

Exhibit No. 29-2, January 4, 2016, Declaration of Kahrs in Opposition to Plaintiff's Motion to Compel for Hearing on 1/8/16. Kahrs billing show too numerous same research of legal documents from lawyer Cossey, but Cossey as the trial lawyer, did not send him the 1098 pages of Verbatim Report, nor Declarations of probable cause, Memorandums of Law, on Venue, Arrest of Judgment, Motion to dismiss based on Entrapment. The Copy that I received came fresh from Court of Appeals Data-base disc. By this Declaration sent (e-mail 1/4/16) to Counsel, Blakely did not receive it before the January 8, 2016 hearing, as unfair tactics, and Court Error, of January , 2016 Order denying Plaintiff's Motion to Compel Discovery of Exhibit No. 23.

November 15, 2015, Sixteen page Plaintiff's Motion To Enlarge Time Within Which To Object to Defendant's Motion For Summary Judgment and Motion For Order Compelling Defendants to Respond To Jurisdictional Questions Presented. Exhibit No. 30 with Declaration of Mailing.

Exhibit No. 31, December 20, 2015, Note for hearing, p2 Declaration of Mail, Motion For An Order Compelling Discovery, Declaration in Support, proposed Order granting Motion to Compel Defendant to Answer Affirmative Request and produce specific documents, in reference to Ex. #29-2.

Exhibit No. 32, October 25, 2015, Notice for Hearing, p 2 Declaration of Mail, Motion For Appointment of Counsel, Declaration of Plaintiff almost blind, ADA handicap, unskilled legally, and financially exploited, proposes Order granting Appointment of counsel.

Exhibit No. 33, January 3, 2016, Declaration of Mailing, Declaration of Ralph Blakely Identification of Genuine Material & Legal Facts at Issue. "Defendant Kahrs is attempting to perpetrate a fraud on this Court by claiming that he was bound by the representation limitations imposed by trustee and Court of an incapacitated person, creating the material fact at issue that Kahrs knew. Exhibit No. 29, , 13 pages

the material fact at issue as to whether or not Defendant Kahrs, knew or should have known, (Exhibit No. 29 'he knew') that a Court is not allowed to interfere with an attorney-client relationship except in the case of an incapacitated person with regard to this case and the three Thurston Superior Court cases. Ex. 33, p2 ¶2

Clearly Defendant Kahrs and his Attorney that filed this summary judgment Motion knew that the Thurston Superior Court Judge overtly concluded that Plaintiff Blakely was competent, when said Judge did not refute Assistant Attorney General Daniel J. Judge, who stated: ¶ 4-5 Exhibit No. 33 page 4 (9) The foregoing inherently raises three genuine material jurisdictional facts at issue, to wit: ... (¶ "A" "B" "C") 13 pages. Exhibit No. 34 Plaintiff's Notice For Hearing, page 2 Declaration of Mail, Plaintiff's Motion to Compel Admission Answers, of November 22, 2015. The proposed Order and Motion asked for Answers within 15 days on December 8, 2015, consisting of 3 pages in correlation to Exhibit No. 33.

December 30, 2015, Plaintiff received Defendant's Opposition, and/or Objections and Responses to Plaintiff's Request For Affirmative Answers to Plaintiff's Material Issues of Fact Dated 12/21/15, but mailed 12/19/15??

Exhibit No. 35 Defendant's page 2, Did Kahrs commit legal malpractice and/or attorney misconduct with securing through invalid agreement with Attorney James Spurgetis to limit the representation of Attorney Kahrs, "contrary" to Plaintiff Blakely's best interest?

No. 3 Was Kahrs' agreement with Attorney Spurgetis to not represent Plaintiff Blakely in the three Thurston Superior Court lawsuits an implicit and/or explicit agreement to join an ongoing larger conspiracy to prevent Blakely from obtain legal assistance that would allow Blakely to regain control of his finances ?

Page 3, #4 Did Defendant Kahrs intentionally commit legal malpractice by ignoring the mandates of "RCW 4.08.060" requiring representation by counsel in the three Thurston Superior Court lawsuits ? ?

.... Page 4, #6 It is a material fact at issue as to whether or not Kahrs is fraudulently attempting to deceive this Superior Court into believing that a court order limiting attorney representation and requiring authorization of a court appointed trustee, inherently creates an unethical and unconstitutional "conflict of interest," by vehicle of ethical and fiduciary duty

- .... Page 5, # 8 MATERIAL FACTS AT ISSUE ARE CREATED BY Defendant Kahrs accepting \$35,000.00 from a "Special Care Needs Trust" to represent an "Incapacitated Person" in three Thurston Superior Court lawsuits; then refusing to represent said "incapacitated Person" of the "Special Care Needs Trust" then agreeing that said three Thurston Superior Court lawsuits had merit by authorization from the "Special Care Needs Trust Court" and "Trustee Attorney Spurgetis to represent Blakely on appeal from the dismissal of said three Thurston Superior Court lawsuits; adding substantial evidence of theft by fraud by Trustee Spurgetis and the "Special Care Needs Trust Court" authorizing \$8,500.00 of the \$35,000.00 to Attorney Kato to provide the legal assistance to Plaintiff Blakely that Attorney Kahrs refused to provide? ?
- .... Page 7, # 9 D Does the Defendant's Reply on Motion For Summary Judgment Dismissal page 2 line 14-18 create "misrepresentation to the Court" as being "contrary" to line 21-23(November 16,2015) that Kahrs represented Mr. Blakely in three Court of Appeals II Appeals ? ? ?
- .... Page 8, # 9 E Has Kahrs made this egregious statement?"Mr.Kahrs did not represent Mr. Blakely on his civil matters; he had no duty of care to Mr. Blakely for those matters, and Blakely sustained no damage from any act or omission by Mr.Kahrs"? Is a Writ of Habeas Corpus Civil ?

December 4,2015, notarized Affidavit of Ignacio Cobos having "personal knowledge" of Mr. Blakely's criminal case by personally scrutinizing March 5,9, 2005 Verbatim Report of the Blakely trial, and by being personally acquainted to state-informant Robbie Juarez-Trevino.Ex.No.36,9. Mr. Cobos has also personally corresponded with Defendant Kahrs many times in reference to unlicensed investigator Kindred interviewing Juarez-Trevino for "sole" purpose to "coerce" Juarez-Trevino to withdraw his Declaration of recantation of his fabricated testimony. Exhibit No. 36

Exhibit No. 37, Plaintiff's 19 page Opposition to Defendant's Motion For Summary Judgment Dismissal. "After 5 years, Kahrs sends a \$ 26,400.00 attorney fee bill to Blakely, on June 23,2014. After Blakely was forced to prepare, file, serve three Thurston Superior Court lawsuits within the years statute of limitations in April and May 2010. After Kahrs received \$35,000.00 advance payment and 1/9/09 attorney-C agreement.

Page 7 ¶2,3 of Plaintiff's January 5, 2016, Opposition to Defendant's Motion For Summary Judgment Dismissal;"supporting Declarations, Affidavit, of genuine material facts of breach of fiduciary contract "DUTY" and care to the "benefit of Blakely" showing 'personal knowledge' of Blakely's medical problems, and wrongful conviction." These reasonable inferences must be considered in light most favorable to the 'non-moving Plaintiff' .

All these Declarations, Affidavits, exhibits have been submitted in support of 10/27/15 Court Order to Compel Discovery from the Defendant, and should not have been struck 1/12/16.

"The Defendant's Motion For Summary Judgment Dismissal (DMSJD) is misleading the Court and contorts the true facts:" Plaintiff's Verified Complaint is a "personal knowledge Declaration" corroborated by the dozen or more Declarations of 'personal knowledge' of Kahrs financial exploitation of elderly Plaintiff." Exhibit No. 18

"Defendant Kahrs also violates the Consumer Protection Act, RCW 19.86 as is supported by Exhibit No. 11, 29,2,17"

¶ 3 Plaintiff's Opposition, "Defendant's Motion For Summary Judgment is fundamentally flawed in reference to page 4 (C) creates a 'highly disputed issue' to assist Mr. Blakely with procedural matters at the discretion of the Trustee." Line 14, "Mr. Blakely filed many lawsuits as a pro se litigant..."

Page 8 "The Defendant's Motion For Summary Judgment cannot be granted, when highly "DISPUTED" material facts are present, according to Defendant's 11/16/15, Reply on Motion For Summary Judgment, page 2

1 Lines 19-22 "In short, Mr. Blakely can show no set of facts to no set of facts to defeat summary judgment because he cannot meet his burden of production on each essential element of his causes of action." "Mr. Kahrs did not represent Mr. Blakely on his civil matters, he had no duty of care to Mr. Blakely for those matters, and Mr. Blakely sustained no damage from any act or omission by Mr. Kahrs. Exhibit No.28

This created a "DISPUTED" material fact that must be put to the preponderance of a jury trial. Exhibit No. 18

Plaintiff's Exhibit No. 38, December 24, 2015, Notice of Hearing, page 2 Declaration of Mailing, Plaintiff's Opposition to Defendant's (DMSJD), and Declaration in Support of Opposition to Defendant's Motion For Summary Judgment Dismissal(DMSJD).(Supported with Exhibits 1-15)

Plaintiff's 12/24/15, nine page Declaration, supported by the 1-15 Exhibits of Declarations, Affidavits, and letters of "personal knowledge" of Defendant Kahrs legal malpractice of financial exploitation of a blind vulnerable adult age 80. Exhibits No. 1-15,\*14,\*30,33

Plaintiff's Declaration page 2 of 9, ¶ 5 and ¶ 6 clearly show that Defendant Kahrs being contemptible to the special person care needs and request for medical treatment and post-conviction relief from illegal restraint.

Plaintiff's Declaration page 3 ¶ 7 responding to Defendant Kahrs (DMSJD) p 2 ¶1 "Mr. Kahrs had no duty to represent Blakely in his Civil actions." "BUT WHY did he have Blakely sign two Attorney-Client agreements and advance \$35,000.00 payment to Kahrs for \$200.00 per hour to represent Blakely?" Exhibit No. 17,2,4

Paragraph No.10 "Based on Facts that Defendant's (DMSJD) is fundamentally flawed creating numerous procedural, legal, jurisdictional and genuine material facts at issue, all of which cannot be identified until the "DISCOVERY" process has been completed with the production of the Attorney-Client agreement". Exhibits No. 14,30, 33,38

Paragraph No. 11 "Defendant Kahrs committed legal malpractice, (violation of Consumer Protection Act RCW 1986) and attorney misconduct by securing through invalid agreement with Attorney Spurgetis to "LIMIT" THE REPRESENTATION of Attorney Kahrs, CONTRARY to Plaintiff Blakely's best interest. Exhibit No. 14,30,33,38,11

Page 5 of 9, Plaintiff's Declaration, ¶ 18 "...Did Kahrs violate the rules of professional conduct of "UNDIVIDED LOYALTY" to a client by "limited representation", but fabricated services"(Consumer Protection Act?) Exhibit No. 11

Plaintiff's 12/24/15, Declaration in Opposition to (DMSJD) on page 6 of 9, ¶ 22 shows how Defendant Kahrs caused Blakely damage, injury upon injury by his filing a Notice of Appearance in the three Thurson Superior Court Appeals, paying fees after Commissioners terminated review. Then the Plaintiff was not notified of final mandate. Exhibit No. 4 This shows contempt on the part of the Defendant. The Plaintiff's 9 page Declaration responds to Defendant's (DMSJD) paragraphs "A to G" in relation to 1-G 35 showing how the Defendant caused the Plaintiff injury and damage. Exhibit Nos. 1-33

Exhibit No. 39, Judge Inveen's January 25, 2016 Order (which was mailed to Court of Appeals with Amended Notice of Appeal May , 2016) granting the Defendant's Summary Judgment.

Exhibit No. 40, Plaintiff's February 2, 2016, Motion For Reconsideration and Declaration on Disputed Issues of Material Fact of not considering the factors of Burnet v. Spokane Ambulance of Discovery, and Exhibit No. 14, 30, 33

Exhibit No. 41, Plaintiff's February 3, 2016, Motion to Vacate Judgment Based on Denial of Jury Trial and Jurisdictional/structural Defects under Provisions of Civil Rule 59 consisting of 19 pages. Page 2 is the BASIS and analysis of Judge Inveen's 1/25/16 Order granting Summary Judgment as an error. as a matter of law.

"The Court committed ERROR, as a matter of Law, when the Defendant presented no evidence to dispute the above mentioned material fact and/or the (8) DISPUTED Genuine Material Facts At Issue on page 15 of Exhibit 41" Example of (3) Defendant Kahrs Consumer Advertisement Ex.#11 and his 10/22/15 Declaration (Ex #29 VIOLATES the Washington Consumer Protection Act under the facts and circumstances present in this case. In accordance to Exhibit No. 17, 2, 11 and he commits fraud on the Court by \$35,000.00 advance payment and states " I have no duty to represent Mr. Blakely"!

Exhibit No. \*42, Plaintiff's Declaration of Mailing (3-22-16 consisting of 9 pages of Court Orders of 1/25/16, 3/3/16/, 3/21/16) that the Plaintiff was not able to obtain copies from the system. Plaintiff has mailed to all parties Designation of Clerk Papers, Statement of Arrangements for verbatim Reports

1. THE COURT COMMITTED ERROR, AS A MATTER OF LAW, WHEN THERE IS A DISPUTED MATERIAL FACT, THEN SUMMARY JUDGMENT IS IMPROPER. *Kalms v. Wagner*, 133 Wn2d 210, 215, 943 P.2d 1369 (1997); *Boss Logger, Inc., v. Aetna Cas. Co.* 93 Wn. App. 682, 685 n1; 970 P.2d 755 (1998)

a) Did the Court error by not considering the Plaintiff's Declaration of Genuine Material & Legal Facts at Issue ? Exhibit No. 14

A. Plaintiff's "personal knowledge declaration" of January 4, 2016, states, "Defendant Kahrs refused to provide Plaintiff with January 9 & May 1, 2009, Attorney-Client Agreement. Which Defendant Defendant Kahrs received \$35,000.00 advance retainer instead of the mentioned \$5,000. Ex. 17, 2. Defendant Kahrs agreed to represent Plaintiff in the three subject matter lawsuits in Thurston County." Exhibit Nos. 3-7

1. Plaintiff Blakely, sent Kahrs all the Medical Records, incident reports, Doctor Declarations, of Plaintiff's suffering seizure, falling down stairs, then brutally assaulted by medical staff and officers March 20-21, 2009, Exhibit No. 15

Plaintiff Blakely, after release from MAX segregation October 4-6, 2009, suffered seizure, not able to move from (SCCC) hospital floor as C/O Barrett slammed head to floor, and C/O Nelson viciously bounced knee in middle of Blakely's fragile back re-breaking ribs rupturing left kidney, then "pitched onto holding cell floor" while urinating blood for about 22 hours. Exhibit No. 15

a) Plaintiff, after many requests within one year statute of limitations to kahrs; requesting his preparation filing, service of two medical negligence malpractice, and assault civil rights complaints against medical providers and staff of (DOC); Plaintiff was forced to prepare and file his Complaints in Thurston County Superior Court in April and May of 2010, without Kahrs assistance.

b) Plaintiff's legal document boxes were seized by the (SCCC) staff, September 10, 2009, at which time Plaintiff's notarized Robbie Juarez-Trevino Recantation Affidavit and supporting 50 page Brief were in legal box (UPS tagged 5 of 9) was never returned.

Plaintiff, after many requests for Defendant Kahrs to prepare and file a Civil Rights Complaint and injunction to recover the notarized Recantation Affidavit and supporting 50 page Brief; was forced to prepare and file with Thurston County Superior Court April 11 \_ , 2011, in an attempt to recover the Plaintiff's legal property. Exhibit No. 3-15, 14

2. Defendant Kahrs filed fraudulent documents with the King County Superior Court claiming that Spokane Court Judge Tompkin prohibited him from representing Plaintiff Ralph H. Blakely in said subject matter lawsuits.

In this lawsuit, Defendant Kahrs is being sued in part, for refusing to represent Plaintiff Blakely in the three subject matter lawsuits filed in Thurston County Superior Court, therefore material facts at issue remain as to the Attorney-Client fiduciary duty agreement (1/9 & 1/09 agreement to loyally represent Plaintiff Blakely. Exhibit No. 17 vs.14

- a) Defendant Kahrs is attempting to perpetrate a fraud on the King County Superior Court by claiming that he was bound by the "representation limitations imposed by (his own prepared Spokane Court Order Ex.No 16 K93-94). When Judge Tompkins made a significant notation ("solely for the benefit of Mr. Blakely") He is claiming the trustee and the court imposed the limit of representation, but his two attorney-client agreements have no limitation to representation.
- b) Exhibit 29, October 22, 2015 Defendant Kahrs Declaration 'boasts' admitted to practice law in the USDC; Ninth Circuit Court of Appeals; U.S.S.C. and my practice consists of criminal post-conviction relief; representing prisoners in matters with the Department of Corrections and etc. (also see Ex.No.11
- c) After he received \$35,000 attorney fee, Defendant Kahrs January 20, 2010, letter refusing assistance in Blakely's civil action and cannot help you in your Ninth Circuit Case. Ex.No.11 v.17

B. Defendant Kahrs "limited representation" of an incapacitated person, as adjudicated by the Spokane Court, creates the material fact at issue as to whether Defendant Kahrs actually knew that a court is not allowed to interfere with an attorney-client relationship except in the case of an "incapacitated person" with regard to this case and the three Thurston County Superior Court lawsuits and the Court of Appeals II. Exhibit No. 29, 14, 30, 33, 41\* Schmidt v. Coogan, 181 Wn 2d 661-664, 335 P. 3d 426, 434 CPA (15)

1. The Basis of authority is in the Plaintiff's Exhibit No. 41 page (2) analysis of Court error, as a matter of law in granting the Defendant summary Judgment.

2. Page (3) of Ex.# 41 the Attorney-Client agreement for loyal g general representation. and Page (4) of Ex.# 41 itemized Material Facts at Issue 1 through 8

3. Page (15) of Ex.# 41 DISPUTED genuine material facts at Issue, and on page (17) argument and authority as to Courts have DUTY to address jurisdictional questions continued to page (19) as a full incorporation of this Brief and Authority of argument.

CV RELIEF SOUGHT from the Court of Appeals I

Plaintiff Blakely prays or asks this Court to Reverse the King County Superior Court January 25, 2016 Order granting the Defendant's summary Judgment and remand to a Jury trial with instructions, on all material facts at issue, Davis v. Cox, 183 Wn. 2d 269, 351 P.3d 862 (2015).

II. THE COURT ERRED, AS A MATTER OF LAW, BY NOT CONSIDERING THE OCTOBER 27, 2015 Order COMPELLING DISCOVERY, AND BY NOT GRANTING Plaintiff's November 27, 2015 Order for Discovery.

a) Whether or not the Court erred, by denying Plaintiff's 11/27/15 Order to Compel Admission and Production of Documents ? Ex. No. 23

A Plaintiff's First Request for Discovery was June 10, 2015, for the Defendant Kahrs to answer withing 30 days. Exhibit No. 22 September 24, 2015 Plaintiff filed Motion for Order to Compel Discovery, and a Motion to Stay proceedings of Defendant's Motion For Summary Judgment. Ex.No.22 October 4, 2015, Plaintiff's Letter requesting Answers and Production of documents. Ex. No. 22a, 22, b, 22c, 22D

1. The Court erred in not granting Plaintiff's Motion To Stay the Defendant's Motion For Summary Judgment until non-evasive, non-concealment, and all documents were produced. Burnet v. Spokane Ambulance, Inc., 131 Wn, 2d 484, 933 P.2d 1036 (1997); Keck v. Collins, 181, Wn. App. 67, 73-76, 325 P.3d 306 (2014) The Court holding that the trial court did not consider the factors from Burnet v. Spokane Ambulance on the Plaintiff's proffered evidence, declarations under rule ER 704, 705 of a lay person with personal knowledge, that are correlated with medical records.

2. The Plaintiff's October 8, 2015 6 page Memorandum of Law to support his Motion For An Order To Compel Discovery was supported by 12 exhibits, of Declarations, Affidavits, and supporting legal documents Exhibits No. 1-12. 22b

a) The Court erred in granting Defendant's January 8, 13, 2016, Motion to Strike the Plaintiff's Exhibits that were used to support his 10/8/15 Memorandum of Law supporting Plaintiff's Motion for An Order to Compel Discovery; which Judge Inveen granted October 26, 2015. Ex. No. 21

b) These Plaintiff's Exhibits, Declarations, Affidavits, Letters,

letter (10/4/09) about 3 page declaration, and request to Kahrs to take over the Ninth Circuit Court of Appeals Case. Exhibit No. 20 This 3 page Declaration was not returned by Kahrs on Plaintiff's First Request for Production of Documents, of June 10, 2015, nor after the October 20, 2015 Order to Compel. Exhibit No. 21

c) Plaintiff September 24, 2015, submitted a Motion For Order to Compel Discovery CR 37 (a)(3)(4) supported by Declaration of summarized twelve exhibits (The defendants at that time did not object to the 12 exhibits of declarations, affidavit, letters or request to defendant Kahrs to provide ~~medical~~ <sup>legal</sup> assistance to obtain critically needed medical care) Defendant Kahrs did not submit copies of these many letters in his submission, nor did he supply copies of the January 9, 2009, Attorney-client agreement of no restrictions on representation. Exhibit No. 16, 29

3. In accordance with Exhibit No. 29, and the Consumer Protection Act RCW 19.86, clearly states being a legal expert, but manipulates the Spokane Court with a devious Order to obtain \$35,000. to represent Plaintiff Blakely on the three Thurston County Superior Court Lawsuits. This Declaration of October 22, 2015, shows deception, mischaracterization, and misrepresentation. Page 3, Kahrs claims submitting billings for legal services, but does not produce them for the discovery, Line 2-5.

a) Exhibit 29, line 12 "Mr. Blakely filed many lawsuits as a pro se litigant." This is false that "Kahrs advised me on procedure in some of those matters." When he deliberately refused to prepare a Brief for the Ninth Circuit Court of Appeals and to prepare the three Thurston County lawsuits. Exhibit No. 3-12 Line 17-"The Thurston County Court DISMISSED three of Mr. Blakely's lawsuits on summary judgment in 2013."

b) The Court erred, by not considering the Plaintiff's Verified Complaint as a "personal Knowledge" Affidavit. Exhibit No. That \* shows in correlation with the Declarations, Exhibits 1-12, Defendant Kahrs Concealment, omissions, evasive answers, 5 year afterward a fee billing, and 6 months after Plaintiff's first interrogatories and request for attorney-client agreements. Exhibit Nos. 22, 22a, 22b, 22c, 22D.

(i) The Court erred, by Denying the Plaintiffs' December , 2015, Motion For An Order To Compel Discovery. Exhibit No. 23, 35 Keck v. Collins, 181 Wn App. 67, 73-74, 325 P.3d 306 (2014); Burnett et al., v. Spokane Ambulance, et al., 131 Wn. 2d 484, 933 P.2d 1036 (1997) Questions of fact may be determined as a matter of law, when reasonable minds could reach but one conclusion. The question of fact is one for the trier of fact, and summary judgment is not appropriate.

c) As in Case of the Plaintiff, the Supreme Court holds in Burnett that the trial court erred in limiting discovery by the Plaintiff on the issue of whether Defendant was negligent, or fraudulent in concealing the attorney-client agreements of no "limited representation". Ex. #24 The Court's January 12, 2016, Order erred by not view or consider the Notice of Hearing (page 2 "Declaration of Mail") of November 22, 2015, off Plaintiff's Motion For Order To Compel Admission Answers Timely (Attached) Exhibit No. 23; Erdman v. Chapel Hill Presbyterian Church et al, 156 Wn App. 827, 833; 234 P.3d 299, 301 (2010)

(i) The trial Court erred by not considering all the relevant factors under rule 609, when there are "disputed Material Facts at Issue existing as to why Defendant Kahrs is refusing to provide a copy of the attorney-client agreement June 10, 2015; further creating a material fact at issue as to whether or not said attorney-client relationship as a matter of law; which is relevant and

material to the material fact at issue as to whether Defendant Kahrs defense of "the court made me do it," is an invalid defense and/or a fraud upon the Court. S.v. Hardesty, 129 Wn 2d 303,309; 915 P.2d 1084(1996) Discovery at 315; Key Design, Inc. v. Moser 138 Wn2d 875,887; 983 P.2d 661,(1999) Exhibit No. 14 ,30,33,41

4. The trial court erred, as a matter of law, by denying Plaintiff's November 22,2015, Motion to Compel Admission of Answers, with Notice For Hearing and Declaration of Mail. Exhibit No. 35,22,22a,22b,22c,22D

a) The disputed Material Fact at Issue is Defendant Kahrs' five year after Plaintiff was forced to prepare and file three Thurston County Superior Court Medical Malpractice, and D&C Seizure of Blakely's legal documents within the statute of limitations. But Kahrs collected a \$35,000.00 advance fee and two attorney-client agreements that do not "limit his representation" as he claims. Exhibit No.2 vs.17

Bremer v. Vernon School District, 34 Wn. App. 192,199; 660 P.2d 278(1983) Curtis v. Zuck 65 Wn.App.377,383(1992) Prevents the Superior Court from granting Summary Judgment. Reversal is required when there are disputed material issues of fact. Exhibit No. 14 Disputed Material Facts at Issue.

b) The Defendant Kahrs Answer to Plaintiff's Verified Complaint, states "limited representation" but this was his manipulation of the court for the Order that he prepared as a scheme to defraud an elderly blind person. State v. Craddick, 61 Wash 425,432,112 P.491(1911) State v. Ralph, 41 Wn App. 770,776,706 P.2d 641(1985); Youngquist v. Thomas, 196 Wash. 444, 83 P.2d 337 (1938) Exhibit No.16 vs.17

i) Exhibit No. 14 of Disputed Material Facts at Issue:  
No. 2 A material fact at issue exists as to whether Defendant Kahrs knew his defense of "the court made me do it," actually existed under the law, when he billed, inter alia, \$560 to visit Ralph Blakely in prison without first obtaining permission from the Court. Ex.K066

ii) Exhibit No. 40 Plaintiff's Declaration in Support of Opposition to Defendant's Motion For Summary Judgment dated January 5, 2016

page 2, of 9, #s 5-6, a material fact at issue is that Defendant Kahrs refused to pay Blakely's licensed Detective Mario Torres, who had been instrumental in obtaining a Notorized Recantation Affidavit from Juarez-Trevino (that was seized by officers 9/10/10, Kahrs then paid unlicensed Kindred Taylor to locate Juarez-Trevino about \$2,713.27 plus Kahrs fees of about \$,000 dollars to influence Juarez-Trevino to withdraw his Recantation. Kahrs did this without permission of the Spokane Superior Court, creating a disputed material fact at issue and fraud. Ex.#8,39,40.

c) Plaintiff Blakely's First and Second Sets of Interrogatories and Production of Documents to Defendant Kahrs failed to produce copies of requested "e-mail(s)" and documents of permission from the Spokane Court to pay himself \$3,000 and Taylor \$2,700. to influence Juarez-Trevino to withdraw his Recantation. Ex.No.8,39,40, K038.

The Court erred, as a matter of law, by not considering Plaintiff's Motions For Order To Compel Discovery, and Motion For Order to Stay Proceedings; also erred in granting Defendant's Summary Judgment,

When there were more than ten "Disputed Material Facts At Issue, Including violations of Consumer Protection Act concerning fraud by concealment, omissions, deception, self interest enrichment. Ex.1-21. Expedia, Inc. v. Steadfast Ins. Co., 180 Wn 2d 793,797,799,808, 805, 329 P. 3d 59-67(2014); In Matter of Disciplinary Proceedings Against (IMDPA) McGarth, 178 Wn.2d 280,285,296, 308 P. 3d 615-621(2013; (IMDPA) Marshall, 167 Wn 2d 51,68,75, 217 P.3d 291-300(2009). Then the Defendant has manipulated the Court to an improper granting of a Summary Judgment Dismissal. Sv. McCarty, 90 Wn. App.195,204,950 P.2d997 (1998) The Defendant's Declarations were "self-serving" of "self-interest". Schmidt v. Coogan, 181 Wn 2d 661-664-,335 P.3d 428,434 (CPA) (2014) Kommavongssa v. Haskell, 149 Wn 2d 288,291,294,315,67 P.3d 1070(2002) In Matter of Wixon, 182 Wn.App.881,884,907,332 P.3d 1065(2014)

III. THE SUPERIOR COURT COMMITTED ERROR, AS A MATTER OF LAW, WHEN THERE IS MISREPRESENTATION, MANIPULATION BY THE DEFENDANT: THE COURT FAILED TO CONSIDER THE DEFENDANT'S MISLEADING STATEMENTS.

A) Did Defendant Kahrs manipulate or mislead the Court?

In the Matter of Disciplinary Proceedings Against Eugster,  
166 Wn. 2d 293, , 209 P.3d 435,444(2008) n 53,Ex.#14,30,33,41

A. Defendant Kahrs concealed the Plaintiff's Attorney-client Agreement of January 9, and May 1, 2009; which clearly show no "limitation within the scope of his representation. Exhibit No. 41, Defendant's Motion For Summary Judgment. Page 2 "(1) Mr. Kahrs had no duty to represent Mr. Blakely in his civil actions; (2) Mr. Kahrs breached no duty of care to Mr. Blakely; (3) Mr. Kahrs met his fiduciary obligations to Mr. Blakely, including accounting for all funds entrusted to him."

1. The Superior Court erred by not considering and compelling copies of Kahrs' 1/9/09 and 5/1/09 attorney-client Agreement( of no limitation to representation of Blakely on civil actions)Ex.No.17;# 29,14,30,33,41

2. The Court erred by not considering Exhibit No. 2 Blakely's \$35,000. advance retainer of December 3,2009, with Exhibit No.16 (Court Order 'manipulating' the court"prepared by Kahrs") but Judge Tompkins makes a significant notation "SOLELY FOR THE BENEFIT OF MR. BLAKELY".

3. Five (5) years after Blakely's legal injuries of no legal representation; Defendant Kahrs, June 23, 2014, fee billing of \$26,400.00 for researching and hiring an unlicensed Kindred Taylor to influence Juarez-Trevino to withdraw his recantation Declaration that Blakely paid licensed Detective Torres and Cobos to obtain. Exhibit<sup>9,36</sup> No.8-a-d K038. In Matter Disciplinary Prodeedings Against Van Derkbeek, 153 Wn. 2d 64,71,78; 101 P.3d 88,91,95 (2004) Billing misconduct as well as dishonest selfish motive for financial gain and "SELF-INTEREST". (IMDPA) Kuvara, 149 Wn 2d 237,244; 66 P.3d 1057,1060(2003).

- B. Defendant's October 22, 2015, Declaration (self-serving) "representing prisoners in matters with the Department of Corrections, Ninth Circuit Court of Appeals, U.S.D.Cs" This misrepresents his January 20, 2010, letter to the Plaintiff;" I would not provide assistance in your civil action and cannot help you on your Ninth Circuit Case." Exhibit No. 11 CIVIL RIGHTS advertisement-DexOnline.com "false imprisonment, habeas corpus, etc."KAHRS. K117 Ex.

After Defendant Kahrs had received \$35,000.00 advance fee December 3, 2009, Exhibit No. 2 vs.# 29 10/22/15 self-serving Declaration, page 3," before submitted billings for legal services on Mr. Blakely's behalf to post-conviction and medical matters to Mr. Spurgetis for approval, and only after receiving permission from Mr. Spurgetis to pay my billings."

# 6 "Mr. Blakely filed many lawsuits as a pro se litigant."L17-20 contrary, Mr. Kahrs refused to prepare and file three Thurston County Superior Court medical assault malpractice suits of March and October 2009 within the years statute of limitation of 2010. Forcing blind Mr. Blakely to lose his three Thurston lawsuits causing injury upon injury in the loss of \$26,400.00 and more under the violation of the Consumer Protection Act. RCW 1986 page 4. (IMDPA) Van Camp, 171 Wn.2d 781, 257 P.3d 599(2011)fn1-17

1. DISPUTED material fact at issue (Exhibit No. 14) (2) Kahrs' 6/23/14 billing (Ex k 66) EXISTS as to whether Defendant Kahrs misrepresents, omissions, concealment of e-mail discovery, when he billed, inter alia, \$560.00 to visit Ralph Blakely in prison without first obtaining permission from Spurgetis. Ex.No.29 page 2&3. Judge Inveen's 10/26/2015 Order to Compel Discovery did not produce e-mail, nor letter of permission from Mr. Spurgetis ! Ex.No.21,22,22a,22b,22c. CPA damages; Taylor v. Bell, 185 Wn.App.270,278,279,340 P.3d 951 (2014)R CPA Was there Collusion between Kahrs and Spurgetis for misrepresentation, concealment, etc.?

2. DISPUTED material fact at issue (Exhibit No. 14) (5) whether Kahrs

intended to fraudulently 'manipulate' the Spokane Superior Court by claiming said Superior Court Order (Ex.#16) "limited his representation', CONTRARY to the clear terms of said Court Order." stating that the \$35,000.00 advance fee was to be used 'solely for the Benefit of Mr. Blakely! Ex.#16 is supported by 1/9/09 Attorney-Client Agreem't Ex.#17, 2. (IMBPA) Trejo, 163 Wn.2d 701,715,165 P.3d 1150(2008); (IMDPA) Egger, 152 Wn.2d 393,416,98 P.3d 477,480(2004). Defendant's'self- serving' (Ex.#29) 10-22-15, create CONFLICT by his paying unlicensed Kindred (Ex.#9, \*9-1 to influence Juarez-Trevino to withdraw his second recantation declaration. (Ex.#9-2\*&9-3\*).Then refused to communicate with licensed Detective Tores (Ex.#8'K38'). (IMDPA) Johnson, 118 Wn.2d693,826 P.2d 186 1992);(IMDPA) Jackson, 180 Wn.2d 201,227,231,322 P.3d 809(2013); (IMDPA) Vanderveen, 166 Wn.2d 594,609,611,211 P.3d 1008,1015(2009)

2. DISPUTED material fact at issue concerning Defendant Kahrs' multiple billing for the same alleged research services of the post-conviction legal documents (that were never returned to Blakely) as per 10/26/15 Order Compelling Discovery. Whether Kahrs committed theft by fraud of the \$26,000.00 fee billing, that was five years after he received advance \$35,000. payment for three Thurston Superior Court lawsuits; one was to recover the original notarized recantation affidavit (Juarez-Trevino) from (DOC) officers improper seizure Ex.#12,14,30,33,9-1-2-3.

3. The Court erred by the January 25,2016, Order granting Defendant's Summary Judgment without considering Plaintiff's exhibits that were used to support 10/8/15 Memorandum of Law for the 10/26/15 Court Order to Compel Discovery. Ex.#21 and #22,a-D,

4/ The Court erred by the January 12, 2016, Order striking the Plaintiff's exhibits of declarations, affidavits, that supported the Court's October 26, Court Order Compelling Discovery, when the Plaintiff's Exhibits show misrepresentation, mischaracterization, fraud on the Court, as a matter of law. Burnet v. Spokane Amb.131 Wn.2d484,486, 933 P.2d 1023,1037 (1997).

Plaintiff's Exhibit No. 4~~1~~ of 19 pages explains why the King County Superior Court committed error, as a matter of law, when its ruling to strike the material and jurisdictional legal facts at issue encompassed in said Declaration of Plaintiff Ralph Blakely. "Identification of Genuine Material & Legal Facts at Issue", thereby unlawfully and unconstitutionally depriving the Plaintiff of a jury trial in violation of the State of Washington and the United States Constitutions, cf., Davis v. Cox, 183 Wn.2d <sup>288-9</sup>269,351 P.3d 862(2015);

Washington Const. Art.I Sec 21 under which "the right to trial by jury shall remain inviolate," . . . highest protection and indicates the right must remain the essential component of the legal system.

Judge Inveen's January 25,2016, Order granting Defendant's Summary Judgment was error before Discovery could be obtained in accordance with her October 26,2016 Order to Compel Discovery. This Motion for this Order was supported by the exhibit of Declarations that NOW, she strikes, in the handwritten grant of summary judgment. (See page 2,3,4 of Ex.#4~~1~~) Sofie v. Fibreboard Corp, 112 Wn.2d 636,656(183 Wn.2d 289)771 P.2d 711 (1989) The right of trial by jury guarantees litigants the right to have a jury resolve questions of disputed material facts.

C. This court's conclusion that "there is no legal authority for this court to review another superior court's order," has the legal force and effect, under the full faith and credit clause, of binding this Court with the fact that Plaintiff Blakely is an incapacitated person as a matter of law, rendering said Order Granting Defendant's Summary Judgment null and void.

A. Plaintiff's October 8,2015, Motion For Appointment of Counsel was properly noted for hearing 11/20/15, but was not properly ruled on.

Exhibit No. 32

1. Plaintiff's Exhibit No. 4~~1~~, page 3, Defendant Kahrs' 1/9/09 and 5/1/09 Attorney-Client Agreement of "NO limitations to representation!"

Because it is for "general legal representation, agreement," which creates Material Facts At Issue. Exhibit No. 41 of 1 through 9 Material Facts at Issue. Union Elevator & Warehouse Co., Inc. v. State, 96 Wn.App. 288, 289, 290, 980 P.2d 779 (1999) The trial Court erred in granting Summary Judgment because material questions of fact exist concerning the unreasonableness was inappropriate where there were genuine issues of material fact, the Court of Appeals reverses the judgment and remands the case for trial. Genuine Issues of Material Fact exist as are clearly shown in Ex. 41 with emphasis on Number 3, was Defendant Kahrs agreement with Attorney Spurgetis not to represent Blakely in the Three Thurston County lawsuits an implicit and/ or explicit agreement to join an ongoing larger conspiracy to prevent Blakely from obtaining legal assistance that would allow Plaintiff Blakely to regain control of his finances. Union Elevator at 96 Wn.App. 293, 294. Marincovich v. Tarabochia, 114 Wn. 2d 271, 274, 787 P.2d 562 (1990)

2. The Genuine Issue of Material Fact exists (10/22/15 Ex.# 29 Declaration of Defendant Kahrs) misrepresenting, misleading the court, direct conflict with Attorney-client Agreement of 1/9/09 'Ex.#17'; concealment, fraud as directly indicated on page 3<sup>4</sup> of Ex. 29. quoting "I did not represent him on civil matters, including his civil rights and medical malpractice claims." Ex.No.11 "Page 4" "I cannot help you on your Ninth Circuit Case..." 1/26/10 letter. Page 5, quoting "In February, 2011, I again declined to take on Mr. Blakely's medical malpractice case." 2/28/11 letter.

Plaintiff Blakely was forced to prepare and serve and file his two medical Malpractice and brutal assault injury cases before the statute of limitations in April and May of 2010.

Defendant Kahrs received advance payment of \$35,000.00 to prepare the Thurston County lawsuit on the improper Department of Correction

Officer seizure of the notarized recantation affidavit of Juarez-Ex#12 Trevino and Blakely's fifty page accompanying brief September 10,2009. Defendant Kahrs refused to prepare, serve, and file this Complaint for an "incapacitated person" (Ex.#29,41 Kahrs Declaration page 2,paragraph 3.quoting, "Mr.Blakely is the beneficiary of a special needs trust established in Spokane Superior Court with assistance of the trustee,"

3. Manipulation of the Court occurred, (Ex.# 16) compared with Plaintiff's Ex.# 41 page 4 paragraph number (4) "Did Defendant Kahrs intentionally commit legal malpractice by IGNORING the mandates of RCW 4.08.060 requiring the representaiton by counsel in the Three Thurston County Superior Court lawsuits" ? ?

(5)Did Defendant Attorney intentionally IGNORE the legal fact that the Court's Order limiting his representaiton that he relies on, (Ex.# 16) necessarily requires an incapacitated person finding, thereby raising the jurisdictional fact at issue as to whether or not the dictates of RCW 11.88 had been followed" ? ?

4. It is a genuine material fact at issue as to whether Defendant Kahrs fraudulently deceived the King County Superior Court and the Spokane Superior Court by his personal preparation of the December 3, 2009, Court Order of "self interest enrichment" where Judge Tompkins makes a significant notation " solely for the benefit of Mr. Blakely", but five years of all the Plaintiff's losses, damages, and injuries, Defendant Kahrs' self interest billing of \$26,400.00. Exhibit No.2,16. In the matter of Disciplinary Proceeding Against Marshall, 160 Wn.2d 317,324,343,157 P.3d 859,873(2007) Concealment of the Fee Arrangement6 ABA Std 5.1 governs an attorney's failure to maintain personal integrity... conduct involving dishonesty, fraud, deceit, or misrepresentation. Marshal at 160 Wn.2d 343

Plaintiff Blakely, age 80, has suffered severe injury of broken ribs, ruptured left kidney, and loss of notarized recantation Affidavit of Jurez-Trevino; which would have proven illegal restraint and a wrongful conviction. Ex.# 9-9-1-2-3; Ex # 12

IV. THE COURT SHOULD VACATE JUDGMENT BASED ON DENIAL OF JURY TRIAL AND JURISDICTIONAL / STRUCTURAL DEFECTS UNDER PROVISIONS OF CIVIL RULE 59, (Facts and Argument Ex. # 41, 19 pages)

A. numerous legal and material facts at issue exist as to whether or not Ralph Blakely is, and/or ever has been, (relevant to these proceedings) an "incapacitated person," as matter of fact and/ or law; and whether or not Attorney Spurgetis and Judge Tompkin, in concert with Defendant Attorney Kahrs, deliberately exercised control of Ralph Blakely's financial assets with purpose to manipulate the scope and breadth of representation, Ralph Blakely would receive from Defendant Attorney Kahrs; creating a plethora of interrelated, interdependent material facts at issue, a significant portion of which cannot be properly framed until the discovery process is completed, such as Ralph Blakely recently being provided a copy of the Attorney-Client Contract dated 1/9/09 & 5/1/09 conclusively showing no restrictions on representation to be provided by Attorney Kahrs; creating numerous material facts at issue that must be presented to the jury at trial on the merits, for example:

(1) Was Defendant Kahrs aware that Ralph Blakely was never determined to be an "incapacitated person" pursuant to the mandates of Chapter 4.88 RCW and the Constitution of the United States.

There can be no legitimate question as to whether Defendant Kahrs knew that Ralph Blakely had never been lawfully determined to be an incapacitated person because he would have had to know that the Grant County Superior Court Jury Trial and Eastern State Hospital had ruled that Ralph Blakely was not an incapacitated person, when reviewing the criminal records\*\*

(2) Was Defendant Attorney Kahrs aware that because, as matter of law, that RCW 4.88 "mandates" are an essential condition precedent to the appointment of a guardian ad litem as applied to this case; and that therefore, no legitimate guardian ad litem had been appointed, thereby, rendering Attorney Spurgetis' purported appointment as trustee invalid and ineffectual.

In other words, as conclusively evidenced by the existing record, Defendant Kahrs knew that Ralph Blakely had never lawfully been determined an incapacitated person, thereby rendering any purported "trustee" status by Judge Tompkins and Attorney Spurgetis clearly invalid, which would have been known by any competent attorney; notwithstanding that the trial judge in the three subject matter lawsuits had ruled Ralph Blakely unquestionably competent; requiring Defendant Kahrs to inform this court why he did not require this Court

and the Courts in the three subject matter lawsuits to appoint an attorney as required by RCW 4.08.060; whereas on the other hand, if Defendant Kahrs knew that Ralph Blakely was not an incapacitated person within the meaning of Chapter 4.88 RCW, then any competent attorney would have known that no restrictions could be lawfully made on Defendant Attorney Kahrs representation.

#### COURTS HAVE DUTY TO ADDRESS JURISDICTIONAL QUESTIONS

As clearly shown above, Plaintiff Blakely has brought numerous jurisdictional questions that must be resolved prior to any ruling on the merits because Courts are forbidden from exercising "hypothetical jurisdiction," *Steel Co. v. Citizens For Better Environment*, 523 U.S.83, 118 S.Ct.1003, 140 L.Ed.2d 210 (1998); *Davis v. Passman*, 442 U.S.228, 99 S.Ct.2264, 60 L.Ed. 2d 846 (1979);

The question whether a litigant has a 'cause of action' is analytically distinct and prior to the question of what relief, if any, a litigant may be entitled to receive.

*Haywood v. Brown*, 556 U.S.\_\_\_\_, 129 S.Ct. 2108, 173 L.Ed.2d 920 (2009);

In our federal system of government, state as well as federal courts have jurisdiction over suits brought pursuant to 42 U.S.C. § 1984, the statute that creates a remedy for violations of federal rights committed by persons acting under color of state law.

*State v. Nelson*, 53 Wn.App.128, 776 P.2d 471 (1988):

When jurisdiction is, by the Constitution of this State, or by statute, conferred on a court or judicial officer all the means to carry it into effect are also given; and in the exercise of the jurisdiction, if the course of proceeding is not specifically pointed out by statute, any suitable process or mode of proceeding may be adopted which may appear most conformable to the spirit of the laws.

*United States v. Morgan*, 346 U.S.502, 74 S.Ct.247, 98 L.Ed.248(1954):

The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

Courts have a "virtually unflagging obligation to exercise" the full extent of the Court's jurisdiction, *Deakins v. Monaghan*, 484 U.S.

404 U.S. 193, 108 S.Ct.523, 96 L.Ed.2d 529 (1988); also see:

State v. Taggart, 159 Wash. 201, 202 P. 741 (1930):

When Court has jurisdiction of cause, it cannot accept or reject jurisdiction at its pleasure.

Pratt v. Hurley, 79 F. 3d 60 (7th Cir. 1996):

Courts have no more right to decline exercise of jurisdiction which is given, than to usurp that which is not given.

There is a presumption "against slamming the courthouse door in the face of holders of constitutional claims," *Czerkies v. Department of Labor*, 73 F.3d 1435 (7th Cir. 1996); *Landmark Communications Inc. v. Virginia*, 435 U.S. 829, 842, 98 S.Ct.1535, 56 L.Ed.2d 1 (1978) ("An enforced silence, however limited, solely in the name of preserving the dignity of the bench would probably engender resentment, suspicion, and contempt much more than it would engender respect"); cf., *Franklin v. Gwinnett County Public Schools*, 503 U.S.60, 112 S.Ct. 1028, 117 L.Ed. 2d 208 (1992) ("where legal rights have been invaded, and a federal statute provides for a general right to sue for such invasion, federal courts may use any available remedy to make good the wrong done").

The Court erred by granting Defendant's Judgment, when they presented "no" evidence to dispute this material fact. Thus, the Court lacked subject matter jurisdiction to decide the disputed "controversy" in favor of the moving party.

The Plaintiff prays that this Court of Appeals I will vacate judgment and reverse back to the superior court for a jury trial.

March 22, 2016, Plaintiff was denied legal copies of Court Order documents, and was forced to mail 1/25/16, 1/12/16, 3/3/16, 3/21/16 Orders to the Court of Appeals. Exhibit No. 42 '9 pages' with Amended Notice of Appeal, Designation of Court Papers and Statement of Arrangements. Plaintiff did not have knowledge or access to "Court Approved Transcriptionists, nor access to local court rules. Of the 14 pages to Exhibit No. 42, six are Declaration of Service by Mail, about the Designation of Court Papers, and Statement of Arrangements, Notice of Appeal.

IV. CONCLUSION AND REQUESTED REVERSAL OF Defendant's Summary Judgment.

The Plaintiff's Statement of the Case, and Four argued Court Errors as presented and supported by the main Exhibits of No. 2, 4, 9, 12, 11, 14, 16, 17, 30, 33, and 41 a Motion To Vacate Judgment Based on Denial of Jury Trial and Jurisdictional /Structural Defects under Provisions of Civil Rule 59, consisting of 19 pages.

Based on Consumer Protection Facts Attorney-Client relationship, advance \$35,000.00 payment for preparation, filing, and service of the three Thurston Superior Court lawsuits, and post-conviction relief from illegal restraint as shown in Exhibit No. 9, Statement of Case pages 4 ¶2; p21 ¶ 4, and page 20 ¶ 4.

The Plaintiff being ADA almost blind at the age of 80 is asking this Court of Appeals I to reverse Defendant's summary judgment and remand to jury trial along with appointment of counsel.

Respectfully submitted June 14, 2016

*Ralph H. Blakely*  
Ralph Howard Blakely 817995  
SCCC H 1 A 19  
191 Constantine Way  
Aberdeen, WA 98520-9504

DECLARATION OF SERVICE BY MAIL  
GR 3.1

I, Ralph Howard Blakely, declare and say:

That on the 21 day of June, 2016, I deposited the following documents in the Stafford Creek Correction Center Legal Mail system, by First Class Mail pre-paid postage, under cause No. COA I 74785-71 KCSCNO. 15-2-12980-5SEA Ralph Howard Blakely Appellant v, Michael C. Kahrs, et ano. Respondents 29 page Appellants Brief supported by 42 Exhibits 340 pages Affidavits, ; Declarations, letters,

~~MR. Blakely fell backwards, suffering concussion, causing loss of vision, we have helped him assemble this brief and exhibits, but we do not have proper court porceures Blakely has written to court transcribers and to Attonrey Spurgetis to pay the court, but no response at this time, Mr. Blakely is over 80 years old and should not be in prison.~~

addressed to the following:  
Court of Appeals I  
One Union Square  
600 University Street  
Seattle, WA 98101-4170

Susan McIntosh  
Forsberg & Umlauf  
901 5th Ave. Ste 1400  
Seattle, WA 98164-2047

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

DATED THIS 21 day of June, 2016, in the City of Aberdeen, County of Grays Harbor, State of Washington.

Ralph H. Blakely  
Signature

Print Name

DOC 817995 UNIT 11A19  
STAFFORD CREEK CORRECTIONS CENTER  
191 CONSTANTINE WAY  
ABERDEEN WA 98520

2016 JUN 23 AM 11:10  
COURT OF APPEALS DIV 1  
STATE OF WASHINGTON

# EXHIBIT 1

# KAHRS LAW FIRM, P.S.

---

5215 Ballard Ave. NW, #2  
Seattle, WA 98107

*Michael C. Kahrs, Esq.*

Tel: 206.264.0643  
Fax: 206.237.8555

April 30, 2009

Ralph Blakely, DOC #817995  
Washington State Reformatory - MCC  
P.O. Box 777  
Monroe, WA 98272

RE: Representation

Dear Mr. Blakely:

It was good to finally talk with you today. Because the state was never a party, I have contacted the Supreme Court to see about getting copies. I charge a discounted rate for prison litigation, \$200.00 per hour. I have enclosed a basic contract for you to sign and return to me.

I have also enclosed the policies governing obtaining private medical care outside the prison. This lays out the procedure which must be followed. Ask your counselor to set up a legal call for next week as we talked about. Let's do it Thursday.

Sincerely,



Michael C. Kahrs  
Attorney at Law

MK:mk  
Enclosures

# KAHRS LAW FIRM, P.S.

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5215 Ballard Ave. NW, #2  
Seattle, WA 98107

*Michael C. Kahrs, Esq.*

Tel: 206.264.0643  
Fax: 206.237.8555

June 8, 2009

*By e-mail*

James Spurgetis, Atty.  
601 W. Main Ave. Ste. 820  
Spokane, WA 99201

RE: Ralph Blakely

Dear Mr. Spurgetis:

Thanks for talking with me today. First, I appreciate the clarification regarding the special needs trust and what I would need to do to access funds to benefit Mr. Blakely. At this point I would like to move forward and petition Judge Thompkins for funding to take care of various medical and legal issues. As we discussed, please send me the forms necessary to present this case to the court.

Sincerely,

*/s/ Michael Kahrs*  
Michael C. Kahrs  
Attorney at Law

MK:mk  
cc: Mr. Blakely

# EXHIBIT 2

# CASHIER'S CHECK

**Washington Trust Bank** 

MEMBER FEDERAL DEPOSIT INSURANCE CORPORATION  
SPOKANE, WASHINGTON 99210

No. 2245610

28-B  
1251

December 4 20 09

PAY TO THE ORDER OF Kahrs Law Firm Trust Account \$ 35,000.00

FBO Ralph Howard Blakely Sr

THIRTY FIVE THOUSAND DOLLARS AND ZERO CENTS

Blakely WTB Trust

  
AUTHORIZED SIGNATURE

⑈ 2245610⑈ ⑆ 125100089⑆ 1002311009⑈

# KAHRS LAW FIRM, P.S.

5215 Ballard Ave. NW, #2  
Seattle, WA 98107

*Michael C. Kahrs, Esq.*

Tel: 206.264.0643  
Fax: 206.237.8555

August 26, 2009

12/7/09

Ralph Blakely, DOC #817995  
Stafford Creek Corrections Center  
191 Constantine Way  
Aberdeen, WA 98520

RE: Update

Dear Mr. Blakely:

I am writing this letter to inform you that a hearing was held on December 3, 2009. At this hearing, the judge approved disbursing the funds to me out of your trust. I have enclosed a copy of the order signed by Judge Thompkins with this letter. I received a check today from Mr. Spurgetis for Thirty-Five Thousand Dollars and No/100 (\$35,000.00). Per instructions from the Court, I will be placing the monies in a trust account at Viking Bank here in Seattle.

To get you thorough outside physical, I have asked the medical records department to send me copies of all paperwork I will need to accomplish this. Once I get the paperwork, I will start working to get you a thorough physical evaluation. I need you to get copies of your medical file. Kite medical records and ask for copies. Then when they ask for money, let me know how much it is. I will send a check to them to pay for it.

I have also started looking for an investigator to look at your Grant County conviction. I have prepared a release for you to sign to get records from your trial attorney. I have also sent a letter to the Court of Appeals to obtain the trial transcripts.

Sincerely,

Michael C. Kahrs  
Attorney at Law

Enclosures  
MK: mk

z October 4, 2009

Attorney Michael Kahrs  
5215 Ballard Ave. N.W. Suite # 2  
Seattle, WA 98107

RE: Received Declaration 10/2/09

I have constant cervical and lumbar back pain, which is so great that it leads to thoughts of suicide without a clear mind. I'm unable to get acceptable medical relief treatment for my painful knee joints of no cartilage.

At my age, not able to take ulcer causing pain killer medication, the pain becomes unbearable and does no cure the injury.

Not having a clear mind, I made a correction to No.5 of the Declaration before reading your letter not to make any corrections.

Would it be possible to amend and WITH a supplemental complaint to the Ninth Circuit Court of Appeals, the current ordeal of March 20,21,2009?

The Court of Appeals Ninth Circuit has denied all my Criminal Motions and Certificate of Appealability September 23,2009. So, to buy some time, I have just mailed a Motion for "En Banc" review by a full panel of Judges of the informal brief of November 11,2008.

The more I do, the more messed up matters get, but being time barred develops if action is not taken.

USDC I need to shipp out some medical indifference documents, supporting the past and curent civil rights complaint, beings investigation has seized [two] of my legal boxes of viable legal records.

Enclosed is the three page Declaration October 4,2009. Will make amendments to the supplemental medical civil rights complaint in the next letter.

Respectfully,

Ralph H. Blakely, 817995  
S.C.C.C. H1 337  
191 Constantine Way  
Aberdeen, WA 98520

c.

KAHRS 000005

July 16, 2012

Attorney Michael C. Kahrs  
5215 Ballard Ave. N.W. #2  
Seattle, WA 98107-3848

the back side of this letter and second page are some suggestions to undoing the procedural and time bar the Attorney General John Samson will argue. Possibly you will have more to add to this, in addition to the 15-18 page proposed writ of habeas corpus.

Miller-El v. Dretke, Cockrell, 545US231-535US322, Blakely has shown positive unreasonability determination of facts in clear light, weight of evidence presented in the state court proceedings 28 USC 2253(d)(2).

Cobos has become paranoid about your association with the group of attorneys doing everything to keep me in prison, because of their fraud. He has the information that I need, but is unwilling to present or release it. He is hoping to undue his conviction soon, which is questionable. Judge prosecutor Knodell and state agent Juarez really screwed him, as they did to my case.

I received the psychiatric information for the Grant County Superior Court. which will help support Marie Wendel's obtaining an expert neurological scientist that I had suffered an apraxia stroke or seizure February 1999 and September, 201999

Samson's Response and Answer "Docket 32" was seized in my 7 legal boxes 10-2009. I believe that possibly, you were sent a copy back in 2008. This document would help to produce a better argument in the writ of habeas corpus.

The malfeasance of medical and the Environment here is unbearable, as I'm recovering from the near death torture, pain and sickness of the Mexican bird flu and my head is still not clear from the explosion.

Cobos thinks Robbie Juarez is still hiding out in Moses Lake and an aggressive detective or KNODELL COULD PRODUCE HIM.

Maybe we could produce a subpoena duces corpus by the court to produce Mr. Juarez!

*Ralph*

WSC Article I sec 3 SHALL is Due Process NO EVIDENCE OR INSUFFICIENT evidence  
the court SHALL dismiss

KAHRS 000006

# EXHIBIT 3

# KAHRS LAW FIRM, P.S.

5215 Ballard Ave. NW, #2  
Seattle, WA 98107

Michael C. Kahrs, Esq.

Tel: 206.264.0643  
Fax: 206.237.8555

August 26, 2009

Ralph Blakely, DOC #817095  
Stafford Creek Correctional Center  
191 Conventine Way  
Aberdeen, WA 98520

RE: Update

Dear Mr. Blakely:

I am writing this letter to inform you of the steps I am taking in your case. I have requested several documents from Spokane County Case No. 95-3-01916-0 to assist in the preparation of a motion to release your funds as you requested.

*Dr. Carl Bellabanka*

Attentionally, my paralegal went through the documents you provided and compiled the following list of your medical ailments:

- 1. Kidney infection
- 2. Chronic pain in knee joints
- \* 3. Lower lumbar disk injury
- 4. Ulcerated stomach
- 5. Head injury from fall regarding stitches
- \* 6. Chronic back pain
- 7. Temporary paralysis of your legs
- \* 8. Spinal decompression
- 9. Urinary tract problems
- 10. Kidney stones
- 11. Small renal calculi in left kidney
- \* 12. Mild to moderate lumbar levorotatoscoliosis
- \* 13. Multilevel degenerative disk disease of a moderate degree
- 16, 17. \* 14. Considerable degenerative narrowing of the medial main joint space

- \* 15. *unnecessary IMPROPER PROSTATE OPERATION AT SCCC PHARMACY D.I. to FLOMAX (TAMUSULIN)*
- \* 16. RECENT SCI - Cervical injury of 3-21-09
- \* 17. " LUMBAR Central Vertebra of 3-21-09
- 18. SEVERE SLEEP DEPRIVATION - TRAUMATIC PSYCHIC
- 19. COLONORSY
- 20. Spinal cord trauma causing neuro-apnoia of 3-21-09

Obviously no one is in a better position than you to list all of your medical ailments that DOC is denying you medical treatment on. Thus, it would be very helpful if you could provide a list of the medical ailments you believe you are currently suffering under.

3-21-09 Serious Cervical Apical Cervical trauma injury causing neuro-apnoia

www.kahrslawfirm.com

mkahrs@kahrslawfirm.com

0888 664-0463

509 529-5120

T

Ralph Blakely  
August 26, 2009  
Page 2

If you have any questions, concerns, or additional information you feel I need, please do not hesitate to contact me at the address above.

Sincerely,



Michael C. Kahrs  
Attorney at Law

MK: se

# KAHRS LAW FIRM, P.S.

---

5215 Ballard Ave. NW, #2  
Seattle, WA 98107

*Michael C. Kahrs, Esq.*

Tel: 206.264.0643  
Fax: 206.237.8555

September 30, 2009

Ralph Howard Blakely, #817995  
Stafford Creek Correction Center  
191 Constantine Way  
Aberdeen, WA 98520

RE: Achieving the release of your funds

Dear Mr. Blakely:

Enclosed is a revision of the declaration you originally provided. Please do not make any changes. Simply date, sign and immediately return it so we can move forward with obtaining your funds from the Special Person's Care Trust.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Michael C. Kahrs  
Attorney at Law

MK: sc  
Enclosure

# EXHIBIT 4

May 15, 2013

Washington Court of Appeals, III  
Case Manager KIM  
David C. Ponzola, Clerk  
950 Broadway Suite 300  
Tacoma, WA 98402-4454

RE: Case No. 44754-I\_II TCSC No. 10-2-01551-2 WSC No. 88707-1

Your May 13, 2013, letter requesting \$290.00 filing fee is incorrect, when it should be only \$250.00. Which May 8, 2013 letter to Attorney Michael C. Kahrs--requesting him to forward a check of \$750.00 to the Court of Appeals for the three following cases:

1. Case NO. 44544-1-II TCSC No. 11-2-00834-4 WSC No. 88455-2 \$250.00
2. Case No. 44584-1-II TCSC NO. 10-2-00695-5 WSC No. 88516-8 \$250.00
3. Case No. 44554-1-II TCSC No. 10-2-01551-2 WSC No. 88707-1 \$250.00

Total amount Attorney Michale Kahrs is to remit to Court filing \$750.00

There should not be any \$40 surcharge, because Mr. Ralph Blakely is partially blind, physically and mentally handicapped, and is able to prove that he is innocent and been severely and brutally injured.

Attorney Kahrs will remitt a check for \$750.00 filling fees on the above mentioned Cases on Appeal

respectfully requested,

*Ralph H. Blakely*  
Ralph H. Blakely 817995  
SCCC H 4 B 43  
191 Constantine Way  
Aberdeen, WA 98520

c; prepared by Imran Vahora

IN THE COURT OF APPEALS  
THE STATE OF WASHINGTON  
DIVISION II

RALPH HOWARD BLAKELY,

Appellant;

v.

DEPARTMENT OF CORRECTIONS, et al.,

Appellee/Respondent.

NO. 44544-1

LIMITED NOTICE OF  
APPEARANCE

To: THE CLERK OF THE COURT:

To: ATTORNEYS FOR APPELLEE/RESPONDENT:

PLEASE TAKE NOTICE that the undersigned, Michael C. Kahrs, Attorney at Law, hereby appears for the Plaintiff, Ralph Blakely, in the above-entitled action for limited purposes. Representation is hereby limited to making this motion for continuance and for paying any costs associated with the appeal. Copies of all papers and proceedings herein, except original process, shall continue to be served upon the pro se Appellant.

DATED this 15 day of January, 2014.

  
MICHAEL C. KAHRs, WSBA #27085  
Counsel for Appellant

The undersigned certifies, under penalty of perjury according to the laws of the United States and the State of Washington, that on the date set forth below, I caused to be served in the manner noted below a copy of the this documents on Appellant/Respondent in this case:

1. NOTICE OF APPEARANCE

- VIA U.S. MAIL
- VIA HAND DELIVERY
- VIA FACSIMILE
- VIA ELECTRONIC MAIL

  
Michael C. Kahrs, WSBA #27085

1/15/14  
Date

IN THE COURT OF APPEALS  
THE STATE OF WASHINGTON  
DIVISION II

RALPH HOWARD BLAKELY,

Appellant;

v.

TRACY DANIEL, et al.,

Appellee/Respondent.

NO. 44584-1-II

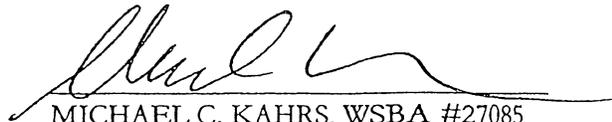
LIMITED NOTICE OF  
APPEARANCE

To: THE CLERK OF THE COURT:

To: ATTORNEYS FOR APPELLEE/RESPONDENT:

PLEASE TAKE NOTICE that the undersigned, Michael C. Kahrs, Attorney at Law, hereby appears for the Plaintiff, Ralph Blakely, in the above-entitled action for limited purposes. Representation is hereby limited to making this motion for continuance and for paying any costs associated with the appeal. Copies of all papers and proceedings herein, except original process, shall continue to be served upon the pro se Appellant.

DATED this 15<sup>th</sup> day of January, 2014.

  
MICHAEL C. KAHRs, WSBA #27085  
Counsel for Appellant

The undersigned certifies, under penalty of perjury according to the laws of the United States and the State of Washington, that on the date set forth below, I caused to be served in the manner noted below a copy of the this documents on Appellant/Respondent in this case:

1. NOTICE OF APPEARANCE

- VIA U.S. MAIL
- VIA HAND DELIVERY
- VIA FACSIMILE
- VIA ELECTRONIC MAIL

\_\_\_\_\_  
Michael C. Kahrs, WSBA #27085

\_\_\_\_\_  
Date

IN THE COURT OF APPEALS  
THE STATE OF WASHINGTON  
DIVISION II

RALPH HOWARD BLAKELY,

Appellant;

v.

BENJAMIN PORTER, et al.,

Appellee/Respondent.

NO. 44754-1

LIMITED NOTICE OF  
APPEARANCE

To: THE CLERK OF THE COURT:

To: ATTORNEYS FOR APPELLEE/RESPONDENT:

PLEASE TAKE NOTICE that the undersigned, Michael C. Kahrs, Attorney at Law, hereby appears for the Plaintiff, Ralph Blakely, in the above-entitled action for limited purposes. Representation is hereby limited to making this motion for continuance and for paying any costs associated with the appeal. Copies of all papers and proceedings herein, except original process, shall continue to be served upon the pro se Appellant.

DATED this 15 day of January, 2014.

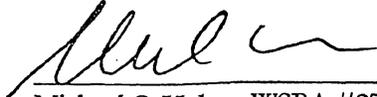


MICHAEL C. KAHRs, WSBA #27085  
Counsel for Appellant

The undersigned certifies, under penalty of perjury according to the laws of the United States and the State of Washington, that on the date set forth below, I caused to be served in the manner noted below a copy of the this documents on Appellant/Respondent in this case:

1. NOTICE OF APPEARANCE

- VIA U.S. MAIL
- VIA HAND DELIVERY
- VIA FACSIMILE
- VIA ELECTRONIC MAIL

  
\_\_\_\_\_  
Michael C. Kahrs, WSBA #27085

1/15/14  
\_\_\_\_\_  
Date



Washington State Court of Appeals  
Division Two

950 Broadway, Suite 300, Tacoma, Washington 98402-4454

David Ponzoha, Clerk/Administrator (253) 593-2970 (253) 593-2806 (Fax)

General Orders, Calendar Dates, and General Information at <http://www.courts.wa.gov/courts> OFFICE HOURS: 9-12, 1-4

February 21, 2014

Ralph Howard Blakely  
#817995 H-4-B-43  
Stafford Creek Corrections Ctr  
191 Constantine Way  
Aberdeen, WA, 98520-9504

Daniel Judge  
Atty General's Ofc  
P O Box 40126  
Olympia, WA 98504-0126

Douglas Wayne Carr  
Atty General's Ofc  
P O Box 40116  
Olympia, WA 98504-0116

Michael Charles Kahrs  
Kahrs Law Firm PS  
5215 Ballard Ave NW Ste 2  
Seattle, WA, 98107-4838  
[mike@kahrsfirm.com](mailto:mike@kahrsfirm.com)

**CASE # 44544-1-II**

**CASE # 44754-1-II**

**CASE # 44584-1-II**

**Ralph H. Blakely, Appellant v. Dept. of Corrections, et al., Respondents**

Re: Thurston County Nos. 11-2-00834-4, 10-2-01551-2, 10-2-00695-5

Dear Counsel:

The above referenced appeals have been opened under the Cause Nos. **44544-1-II**, **44754-1-II** and **44584-1-II**. It appears that these cases should be consolidated. These cases will therefore be placed on the motion docket for consolidation. The motions will be considered without oral argument. A written response shall be filed no later than **March 10, 2014**. Division II General Order 91-1. Counsel will be advised, in writing, at a later date of the commissioner's decision.

Very truly yours,

David C. Ponzoha,  
Court Clerk

DCP:k

cc: Thurston County Clerk

# EXHIBIT 5

# KAHRS LAW FIRM, P.S.

---

5215 Ballard Ave. NW, #2  
Seattle, WA 98107

*Michael C. Kahrs, Esq.*

Tel: 206.264.0643  
Fax: 206.237.8555

November 14, 2013

Ralph Blakely, DOC #817995  
Stafford Creek Corrections Center  
191 Constantine Way  
Aberdeen, WA 98520

RE: Status

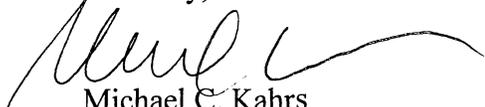
Dear Mr. Blakely:

Again I received a letter from a Mr. Peralta mentioning your problems without cyanocobalamin. As I explained in my prior letter, I was informed that you just needed to get approval via the inmate paid health care policy. I could then send money to pay for it.

I also received a letter from a Chad Christensen. I am not sure exactly what is going on but I have enclosed the original and one copy of the last two large envelopes sent to my office. The larger of the two is jumbled due to the post office mishandling it. It is not in order and I have no idea what order it should be in. The smaller is in order.

As for the Supreme Court letter, I must admit that I also am confused. All I can say is that if you wish the motion to be considered a motion for discretionary review, you let the Supreme Court know and I will take care of the filing costs.

Sincerely,



Michael C. Kahrs  
Attorney at Law

MK: mk  
Enclosure

October 15, 2013

Kahrs Law Firm  
5215 Ballard Ave, N.W.  
Seattle, WA. 98107-4838

Mr. Kahrs,

I have been assisting Mr. Blakely with three of his Civil Rights Complaints of vicious assault and loss of his property.

Now a couple weeks ago, Mr. Blakely needed copies of about 200 documents, but the only way the Counselor would make them is to send them out to an attorney; which he did. And you were requested to send them back to him, why have you not done this?

Mr. Blakely has been without his critically needed cyanocobalamin, which enables him to hearing on the phone, vision, balance, alleviates fatigue, and increases his stability, but you have not assisted him in obtaining this economical 500 Mcg of cyanocobalamin, why?

Mr. Spurgetis has allegedly embezzled \$.140,000 from Mr. Blakely's trust account and the Court of Appeals has exploited \$870 from him, but refuses to present my hardwork of briefing on his three Civil Rights Complaints of loss of property, medical negligent, vicious assault. Why haven't you been able to help Mr. Blakely just a little bit ?

Mr. Blakely also sent you a D.O.C. application for offender paid "PHARMACY" which needs your attention from "BYE RITE DRUG" or GNC or SAFEWAY or ? Why have you not assisted Mr. Blakely with the critically needed daily 500 Mcg cyanocobalamin that would help him to speak clearly ?

I also assisted Mr. Blakely in the filing and preparation of a Writ of Habeas Corpus with credible relevant exhibits in the Grays Harbor County Superior Court; which is set for hearing October 24, 2013. This needs someone to present oral argument, but maybe you are too busy helping those people that don't need help. Why can't you at least assist Mr. Blakely ?

I don't understand why the Washington Supreme Court (October 10, 2013) letter by Susan L. Carlson Sepreme Court Deputy Clerk has rejected his Motion for Discretionary Writ of Certiorari to compel the Court of Appeals Clerk David Ponzoha to present all my diligent hard work to a REVIEW.

Why can't you assist Mr. Blakely with this serious problem ?

Enclosed two page Supreme Court Letter that needs your assistance ?

Presented by  
Sergio Peralta



assistant to Mr. Blakely

December 11, 2013

KAHRS LAW FIRM, P.S.  
5215 Ballard Ave. N.W. Suite 2  
Seattle, WA 98107

RE: URGENT YOU MUST CORRECT THE Court of Appeals Clerk and  
Court Commissioner

Mr. Peralta, October 31, 13 prepared Motion for Reconsideration  
Ruling of Dismissal of above Mentioned Cause Numbers in accordance  
to RAP 17.6; 17.2 according to Supreme Court Clerk Susan Carlson.  
And NOW this Court Clerk has the Commissioner reduce the Condictioal  
Ruling of Dismissal.

I believe Mr. Peralta's Motion for reconsiderations explains  
and argues the situation quite well.

Mr. Blakely is ailing and in critical need of cyanocobalamin  
and Folic Acid. I mailed a letter to you on December 5, 2013 about  
this serious problem. You can purchase such by Rite-aid GNC-  
Safeway, or any other PHARMACY AND HAVE THEM MAIL THEM TO Ralph  
Blakely, showing outside offender paid health care.

Enclosed December 6, 2013 letter of David C. Ponzona Court Clerk  
Deficiencies, and not submitting Briefs and exhibits to requested  
Review of Judges. on all three Civil Rights Cases.

You paid \$870 for a proper review of Mr. Blakely's assault and  
battery, brutal use of force breaking his ribs and rupturing his  
kidney, while he was suffering neuroleptic-catatonia on the hospital  
floor not able to provoke such brutality.

Mr. Blakely drastically needs help, are you going to help  
him in his ailing stately age of 77 or are you going to let the  
Courts bury him?

Please do something very soon,

the court of Appeals  
has set a dead line of  
Dec-19-2013 for dismissal  
Chad Christensen

J

January 19, 2014

KAHRS LAW FIRM, P.S.  
5215 Ballard Ave. NW. #2  
Seattle, WA. 98107

RE: Enclosed Authorization for releas of health informaiton

Mr. Blakely received you 9 x 12 envelope of January 15, 2014, but it was lacking prior requested return exhibits of Dr. John D. Kenney being "indifferent" by denying Blakely's transfer of \$9.00 to Rite-Aide Pharmacy for the purchase of bottle 500 Mcg cyancobalamin. Mr. Blakely needs to know that you received them, as his friend Chad also mailed more corroborating exhibits of the same. Please copy and return to Blakely.

NOW TNEN, have you received an "ASSEMBLED exhibits numbers 1-11" that clearly supported deliberate indifference and contempt by both Stafford Creek Correction Center Medical Provider, Scott Light and Medical director DR. Kenney.

IF NOT, I'll have Blakely send a copy soon, because it is very critical that he get his one and only vital medication of 500 Mcg cyancobalamin(B12) to prevent his neuroleptic-catatonic seizures similar to those of 3-20 & 106-2009.

THESE, eleven exhibits have information that are not in the medical book of (SCCC) of exhausted administrative remedies, and health service kites that were deliberately removed from his record.

PERSONALLY, I would like to know why it takes an attorney and Court two years of receiving perpetual requests for a most vital simple medication of cyancobalamin of no side effects and with too numerous benefits for a vulnerable handicapped adult?? (see his 2007 United States District Court Case c/v 1803)

WHAT, are you doing to help Mr. NBlakely obtain critically needed medication of 500 Mcg cyancobalamin to alleviate his every-day chronic knee joint, cervical, lumbar torture of severe pain??

BEINGS, Mr. Blakely is mentally and physically handicapped, would it be possible for you to encourage lawyer K. Seivers of Washington Disabilities ? 1-800-572-2702 to assist in obtaining "B12"

Mr. Blakely turned in SCCC store order for "MEGA MAX" AND "B complex Vitamins" but "NOTHING"; THEY IMPROPERLY SEIZED HIS FUNDS THAT friend Mike Benz sent into him. Blakely basically cannot benefit from, as they are swallowed and not absorbed as cyancobalamin.

Do something even, if it's improper,

*Chad Christensen 358748*

*[Handwritten signature]*

January 15, 2014

Kahrs Law Firm  
5215 Ballard Ave. N.W. # 2  
Seattle, WA 98107

SUBJECT: 500 Mcg Cyncobalamin daily medication is 5000% of recommended

At this point of 5,000 percent of daily recommended allowance, IT BECOMES A MEDICATION to prevent "myelin sheath" axon-synaptice short-circuit of the Communication neuron cells causing loss of hearing vision, balance, immune system, lethergy, catatonia, neuroleptic syndrome and more.

The Inmate store has B Vitamins, but they are NOT adequate for Mr.Blakely's critical needs of rejuvenation. AND even the MEGA-MAX VITAMINS only cause Blakely to choke with elements that he is allergic too as some elements in the "B Vitamins" that are sold in inmate store.

these vitamins do NOT DISOLVE IN MOUTH as does the 500 cyanocobalamin of greater efficacy

When vitamins are swallowed, they merely pass off into the urine.

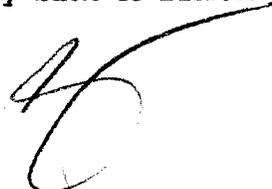
Are you going to delay another year for SCCC medical officials like DOC medical director Dr. John D. Kenney and PA-C Scott Light murder Mr.Blakely ?

Pay Walmart, Ride-Aide, Walgreen, ?? for a bottle of 500 Mcg Cyanocobalamin plus shipping to Stafford creek Correction Center, regardless of whether or not they are rejected ! At least this will show that you did not conspire with Dr.Kenney and Light to murder Blakely.

ENCLOSURE; health service kite 1/7/14 by Shelly, MacKinder, SEC SUP confirming FMD Dr. Kenney, Scott Light. Send a copy back to Blakely confirming receipt.

Sincerely,

Chad Christensen, 358798  
Stafford Creek Corection Center H 4  
191 Constratine Way  
Aberdeen, W



February 6, 2014

Kahrs Law Firm

Mr. Blakely has not strength in his left arm nor in his left leg because of several neuroleptic-catatonia seizures caused by deficiency of cobalamin

The B-complex vitamins in store are "worthless" and have only 10 percent of Mr. Blakely's critically needed (B12) of 500 Mcg daily.

The Mega-MAX vitamins are so large the he chokes and they are just urinated out in full waste, where cyanocobalamin are absorbed in mouth to the blood stream.

Mr. Blakely fell again with severe injuries to knose, knees, and broken hand (left side)

I believe that it would support Mr. Blakely's position, if you were to write or e-mail David Perlmutter, M.D. neurologist as an expert on ageing people needing (B12) 800 Mcg daily. The Frank Reid Naples, Florida, FL 34102



Chad Christensen



I, Kurt Angelone, declare that I am of competent age and a resident of Stafford Creek Correction Center.

1. That I am acquainted with Mr. Blakely and his experience with the medical treatment of daily medication of cyanocobalamin creating stamina and 30 other body and mind beneficial functions.

*I believe that;*

2. Cyanocobalamin daily stops muscle cramps, spasms, stimulates the body and mind glands to produce normally,

*I believe,*

3. Cyanocobalamin along with folic acid helps to control inflammation and damaged blood vessels in the brain, and also helps to stop heart spasms.

*As in a heart patient suffering from a heart attack approximately 2 yrs ago.*

4. Since, on the medical treatment of cobalamin and folic acid, I have experienced very good results in all body and mind functions.

I, Kurt Angelone, declare under the penalty of perjury of the law of the State of Washington that the foregoing is true and correct.

Dated December 7, 2013

*Kurt Angelone*

STATE OF WASHINGTON )  
COUNTY OF GRAYS HARBOR ) ss; DECLARATION OF STEVEN ROSE

I, Steven Rose, 361741, declare under penalty of perjury of the laws of the State of Washington that the following is true and correct:

2. On September 13, 2013, at about 12:40, I witnessed Ralph Blakely fall to the pavement causing injury to his elbow, hip, and knee.

3. Mr. Blakely fell just past the laundry entry station, and the correction officer walked over to assist.

Dated September 14, 2013, at Stafford Creek Correction Center

*Steven Rose*  
#361741

STATE OF WASHINGTON  
COUNTY OF GRAYS HARBOR

) ss: *Rickey GATTIN*  
)

I declare under penalty of perjury of the laws of the State of Washington that the following is true and correct:

I am a prisoner at the Stafford Creek Correction Center Unit H 4 R62 and am well acquainted with Ralph Blakely..

That Friday, February 15, 2013, I witnessed Mr. Blakely fall at the Unit 4 fence gate, where the concrete is rough, as he was coming back from lunch.

Again as a second time the same day, Mr. Blakely, lost his balance as the Unit 4 entry door closed on him as he fell. I had to help him up from between the door and the jamb, after Dinner.

When I informed the Unit officers, they just smiled and let it pass.

Dated at SCCC February 17, 2013

*Rickey GATTIN*

*(witnessed MR Blakely Fall)*

STATE OF WASHINGTON )  
 ) ss: declaration of John F. Ammons  
COUNTY OF GRAYS HARBOR )

I, John F. Ammons, 749928, declare under penalty of perjury of the laws of the State of Washington that the following is true and correct:

2. That about 12:40 p.m. I witnessed Ralph Blakely fall to the pavement, on September 13, 2013.

3. Mr. Blakely fell just past the laundry entry station, and the correction officer walked over to assist.

4. But Mr. Blakely had already stood up with the assistance of Robert Benoit.

5. I have also observed the abrasions on Mr. Blakely's left elbow.

Dated September 13, 2013

  
John F. Ammons, 749928  
Stafford Creek Correction Center  
Aberdeen, WA 98520

STATE OF WASHINGTON        )  
                                  ) ss: DECLARATION OF ROBERT BENOIT  
COUNTY OF GRAYS HARBOR )

I, Robert Benoit, <sup>727093</sup>, declare under penalty of perjury of the laws of the State of Washington that the following is true and correct:

2. That September 13, 2013, at about 12:40 p.m. I was walking and talking to Ralph Blakely.

3. I was unable to catch Mr. Blakely as he fell just past the entry of the laundry station towards "P" building.

4. Mr. Blakely sustained abrasions to his left elbow and bruised hip. Mr. Blakely was able to stand up before the officer walked over to assist.

Signed September 17, 2013



Robert Benoit  
Stafford Creek Correction Center

I, Jeremy W. Carr, 350100, am incarcerated at Stafford Creek Center, and of a competent age, to declare the following:

1. I have been repeatedly diagnosed with Seborrhea/psoriasis, Keratoytic dermatology skin disease, and have received all kinds of ointments, creams for the treatment of this scally skin around my nose head and ears.

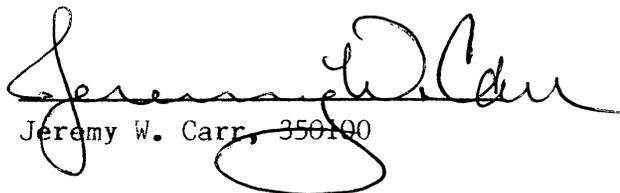
2. But after too many years, this has not been the proper treatment, and I am not the dermatology expert, to state that, maybe I might have "exzema!"

3. Another inmate with similar "Exzema" has experienced excellent results for a short period medical treatment of daily medication of cyancobalamin.

4. I have suffered too many years from the perpetual improper medical diagnoses and treatment, ~~AND also suffered painful muscle cramps.~~

I, Jeremy W. Carr, declare under the penalty of perjury of the laws of the State of Wahsington that the foregoing is true and correct to the best of my knowledge.

Dated December 10, 2013

  
Jeremy W. Carr, 350100

January 26, 2014

Attorney Rachel SeEVERS  
Washington Disability Rights  
315 5th Ave. South Suite 850  
Seattle, WA. 98104

RE: Cognitive impaired, Dementia, Vulnerable adult age 78, Unlawfully  
Imprisoned, and brutally battered during neuroleptic seizure

Ralph Howard Blakely, has been adjudicated(ADA) and has three Declarations  
by Washington Department of Corrections Medical Director(at large) Dr. John D.  
Kenney, that Blakely is cognitive impaired, dementia, loss of hearing, partially  
blind. Also has a 12 page history of spraying "agent orange" and highly toxic  
neuroleptic chemicals, by Neurotoxicologist Dr. Raymond Singer.

Mr. Blakely has been severely injured & neglected, \*tortured\* and suffers  
substantial chronic everyday cervical, lumbar, and knee joint pain, while unlaw-  
fully imprisoned. I have witnessed credible evidence of factual innocence.

Mr. Blakely has assembled a complete medical "deliberate indifference" and  
malice malfeasance exhibits, exhausted remedies, (both grievances and administ-  
rative) for the critical need of cyanocobalamin to prevent neuroleptic-catatonias  
seizures of March and October 2009. (Serious disregard, recklessness, injury)

There is also the issue of discrimination of Blakely not getting cobalamin  
as other prisoners receiving bi-monthly, who are similarly situated with same  
medical problems of muscle cramps of legs, heart, loss of balance, hearing,  
lethargy, (All of this indifference has been documented along with his irrepara-  
ble kidney injury of 2009, which still occasionally hemorrhages.

March 20, 2009, Blakely fell down Monroe Correctional Complex dining hall  
stairs, was placed on infirmary bed, of not being able to move, hear, nor provoke  
anyone, suffering neuroleptic-catatonic seizure ~~of~~. Staff on the following  
evening placed Blakely into a wheel chair (twice as he fell out onto the floor)  
they then picked him up to their shoulders dropping him onto the floor severely  
bruising left shoulder and hip, then viciously "figured four legs to back"  
causing severe injury to lumbar, as they brutally bounced knee in middle of Mr  
Blakely's back breaking ribs, rupturing kidney and spleen.

Then, they placed Blakely in MAX segregation for 6 months of painful torture  
without pain medication, nor medical care, so that no one could observe his black  
bruises.

Again, October 6, 2009, at the Stafford Creek Correction Center on the  
hospital floor, suffering a neuroleptic-catatonia seizure of not able to hear,  
move, nor provoke anyone, C/O Barrett brutally slammed Blakely's head to floor  
as he flipped him over, and C/O Nelson viciously bounced knee in middle of Blakely  
back re-breaking ribs and rupturing left kidney. They then dumped him onto a  
holding cell floor of no mat nor blanket for over 27 hours of torture. Then  
dragged Blakely's bare feet half mile back to SCCC medical causing severe abrasions  
to Blakely's feet, which were treated by Dr. Rodolfo Trevino.

Now during year 2013, fully documented malice discontinued cyanocobalamin  
medication, which was prescribed by ARNP Eveyln Dryer for one year to 3/2014\*  
This was maliciously discontinued by Dr. John D. Kenney, and PA-C Scott Light.  
Your legal assistance is critically needed to help Mr. Blakely  
Blakely has all jail house manuals, as he has correspondence from prior year.

Chad Christensen, 358798 H4 B46  
SCCC; 191 Constantine Way; Aberdeen, WA 98520

*Ralph Howard Blakely*  
Ralph Howard Blakely 817995 h4B36

# EXHIBIT 6

# KAHRS LAW FIRM, P.S.

---

5215 Ballard Ave. NW, #2  
Seattle, WA 98107

*Michael C. Kahrs, Esq.*

Tel: 206.264.0643  
Fax: 206.237.8555

May 16, 2013

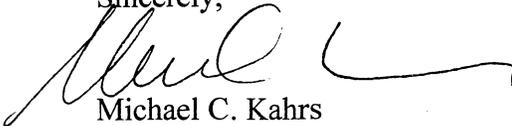
Ralph Blakely, DOC #817995  
Stafford Creek Corrections Center  
191 Constantine Way  
Aberdeen, WA 98520

RE: Status

Dear Mr. Blakely:

I received a letter from an individual named Sergio Peralta. He says that you are suffering from the lack of cyanocobalamin. I checked with the inmate store and they don't have it on stock. I checked with Olympia and was told that you could get it provided you fill out the necessary forms pursuant to DOC Policy 600.020 (Offender-Paid Health Care). Once it is approved, I can provide you the funds necessary to purchase the cyanocobalamin from an outside source. This is the only suggestion I can make to get the medication you feel is necessary for your health.

Sincerely,



Michael C. Kahrs  
Attorney at Law

MK: mk  
Enclosure

# EXHIBIT 7

March 6, 2014

Kahrs LaewFirm  
5215 Ballard Ave N.W. #2  
Seattle, WA 98107

Lawyer kahrs,

I have written to you before about Mr. Blakely being handicapped with neuroleptice seizures caused by cobalamin deficiency, short-circuiting myelin sheath in vulnerable adults. And from viewing his horrobile injuries of 3/20#10/6/09 and several times afterwards; his ongoing mental and physical injuries are similar in nature as a deficiency of cobalamin.

Judge and Carr bullied Blakely in January 2013 with Motions for Summary Judgment without granting him an extension of time. Also they bullied the Court into denying him counsel, when there was sufficient proof of mental handicap, on his two Motions for Appointment of Counsel. It is very clear that highly skilled powerful attorney generals "DAZZALED" the Court into an improper summary judgment, when there was deception in the Defendants' Declarations that misled the Court.

Mr. Blakely was "NOT EQUAL TO" AS A MISCARRIAGE OF JUSTICE, and should have been granted appointment of counsel. His motions were well supported with doctor statements.

Mr. Blakely received a Court of Appeals letter stating a deadline of March 14, 2014 to file his briefs. IS THERE ANYWAY THAT YOU CAN SUPPLEMENT THE BRIEFING THAT HAS ALREADY BEEN SUBMITTED ? Based on facts in the Ver Batin Reports of judicial errors of unequal representation of a mental handicapped inmate, who was brutally injured physically and tortured with pain and suffering.

Mr. Blakely explained to the Court that the Declarations supporting the Defendant's Motion for Summary judgment were deceptive and NOT LOGICAL. There was insufficient evidence to favor a judgment for the moving defendants. Therefore summary judgment should have been denied in all three cases.

Would you please take care of this Court of Appeals March 14, deadline because Mr. Blakely without cobalamin is not capable, nor competent to properly respond.

THANK YOU FOR YOUR HELPO

Steven Morgan  
H 4 B37

December 5, 2013

KAHRS LAW FIRM, P.S.  
5215 Ballard Ave. Suite 2 *N.W.*  
Seattle, WA. 98107 *Y838*

RE: Ralph Blakely critically needing 500 Mcg cyanocobalamin

Mr. Blakely nearly choked to death ~~November~~ <sup>th</sup> November 30, p.m. because he lacks the stamina of cobalamin.

He has diligently attempted to obtain that vital medication every since the first of the year, when he sent offender complaints and other documents to you for assistance.

Mr. Blakely has exhausted all grievance levels, <sup>Y</sup> administrative remedies to Washington Department of Corrections Secretary Bernar Warner, Scott Frakes, Deputy Prison Director, and Norman Goodenough, SCCC Health care manager.

He claims that you have copy <sup>15</sup> of Dr. Stuart Andrews prescription of cyanocobalamin, Dr. Rodolfo Trevino, ARNP Evelyn Dryer.

True symptoms of B 12 deficiency are prevalant of his falling down, not able to hear, difficulty speaking, loss of balance, muscle cramps, heart spasms., neuroleptic-catatonic- apraxia seizures, and etc.

He has requested the price from Bye Rite Pharmacy in Aberdeen, WA , but no reply.

I believe Mr. Blakely has more than exhausted all avenues and it is time, or past time, for you or Matthew Silva, to immediately take action and <sup>(get a)</sup> preliminary injunction before they kill Mr. Blakely like Allan <sup>(get a)</sup> Parmalee, and Merle Rosye, and Jerry Jury.

Now if you can't find all the copies of tort claim, grievance, Quality Assurance letters, <sup>11</sup> help Mr. Blakely assemble another package, but you, as his attorney, need to take immediate action to get Mr. Blakely critically needed cobalamin, NOW, before they kill him !! NO Delay or excuses. Please!!!

*"Ralph Blakely"*  
Thank you for your help!  
Steven Morgan

Bernard Warner, Secretary of  
Washington Department of Corrections  
Box 41101, 4th Floor  
Olympia, WA.98504-1101

RE: Request for investigation under RCW 72.01.060, and WAC 137-10-Et.SEQ.  
to the enclosed claims of deliberate indifference and malice malfeasance by the  
Washington Department of Corrections Unit of Stafford Creek Correction Center,  
Medical Manager James John Dominoski(HCM1);correction officers William Nelson,  
and Richard Barrett.

IT can be proven that I'm actually innocenct AND unlawfully imprisoned at  
the age of 75. That October 6,2009, while suffering"paralysis-apraxia" ON THE  
FLOOR of Stafford Creek Correction Center Hospital; Richard Barrett brutally  
and maliciously [SLAMMED] my head against the floor; [T]hen 300 pound William  
Nelson viciously and brutally bounced all his weight on one knee in the middle  
of my fragile back!! Breaking ribs, rupturing left kidney,spleen, and rupturing  
spinal lumbar disc.

UNDER RCW 74.34.110(1-8);Medical Manager J. Dominoski(HCM1) is attempting  
to financially exploite aged Mr.Blakely for monetary funds to cover his expert  
economical medical Dr. Dan Greenlee for relief of chronic lumbar pinched nerve  
pain of torture for over two years, since the October 6,2009 brutal assault.

UNDER RCW 9A.36.011( ); Barrett and Nelson sadistically and maliciously  
assaulted Mr.Blakely, who was positively not able to provoke any use of brutal  
injuring assault. This brutal assault has resulted in an irreparable kidney  
injury, that has bleed perpetually and is and has bleed for five days now !!!

The incident reports are very clear about malice assault of Mr.Blakely,  
("goosenecking wrists")("figuring-four legs to'back")October 5,6,2009 AND THEN  
stripped of clothes AND DROPPED ONTO HARD CONCRETE FLOOR OF NO MAT, NOR BLANKET  
FOR 27 hours of [torture] is more than unnecessary wanton infliction of pain-  
ful torture.

Because of the coverup of extreme malfeasance and the unethical tactic of  
SIOC Medical Manager J. Dominoski(HCM1) and Susan Mackinder, Security Supervisor  
removing from medical records ledger, 2 pages of mental consultation reports by  
PAC Carey Tucker, during <sup>10/5)2011</sup> january,2012,(3 pages Mr.Blakely is unable to enclose.

I, Ralph H. Blakely, declare under the penalty of perjury that I have been  
severly abused, brutally assaulted, painfully tortured and exploited for funds.

Dated February 14,2012, *Ralph H. Blakely*

Ralph Howard Blakely,817995.

Awaiting you written response

December 23, 2013

Kahrs Law Firm, P.S.  
5215 Ballard Ave. N.W. #2  
Seattle, WA 98107-4836

RE: (3) COA-II CASES on Motion For Reconsideration, 44754-44584-44544  
AND Mr. Blakely's \*CRITICAL\* need for cyanocobalamin to recover from  
a very serious illness.

October 31, 2013, I submitted a 6 page Motion For Reconsideration of Commissioner Schmidt's Conditional Ruling of Dismissal of above mentioned cases.

Now, the Judges have NOT ruled on that Motion and should be compelled. AGAIN, December 17, 2013, I submitted the same 6 page Argument (\*GR34-RCW73.34.110(1-9) with W Supreme Court AUTHORITY of Jafar v. Webb No. 87009-8(2013) supported by WSC Clerk Susan Carlson recommended RAP17.6;17.2(a)(c)10/22/13.

You were mailed a copy of this 6 page Motion for Reconsideration; which Mr. Blakely wants you to (\*RESERVE\*) the time for Court of Appeals to make a ruling opinion bases on Jafar v. Webb, and this should be done in Mr. Blakely's case, as a vulnerable adult be exploited, and a victim of injury, and unlawful imprisonment! Now, If you don't have this 6 page copy reply and I'll have Blakely mail you another copy.

A different COA II Commissioner issued three similar Orders of Dismissal; which are contrary to Jafar v. Webb,

Enclosed is Mr. Blakely's signed consent for you to takeover the three above mentioned cases with reserve of Judge's opinion.

AND MR. BLAKELY'S mental illness caused by deficiency of "B 12" and folic acid. Before I or he received your December 23, 2013 letter his friend Mike Benz mailed \$9.00 to him so that he could pay (Rite Aide Pharmacy, 301 E. Wishkan, Aberdeen, WA 98520 for the purchase and shipping of bottle of 500 MCG cyanocobalamin.

Enclosed is Mr. Blakely's signed consent for you to take all actions and pay costs necessary to obtain cyanocobalamin and to initiate the necessary complaint upon review of Mr. Blakely's 11 exhibits of suffering, grievances, administrative remedies, deliberate indifference by medical provider Scott Light deliberately discontinuing ARNP Evelyn Dryer's year of prescribed cyanocobalamin to 3/14/2014\* causing painful torture of Blakely's knee joints, falling, cervical, lumbar pain, dementia, fatigue, lethargy, weakness, cognitive impairment, choking, loss of balance and more torture. FOLLOW THROUGH TO OBTAIN Dr. David Permutters Affidavit, on myelin sheath short-circuit

*Ralph Blakely*

March 22, 2013

Attorney Michael C. Kahrs  
5215 Ballard Av.e N.W.#2  
Seattle, WA 98520

Enough funds were wasted on Detective Kidred and no service on Juarez of the Libel Suit, therefore no funds should be paid to an Investigator in Texas.

All that is requested of Marie Wendle is a Declaration to corroborate CHIEF DOC MEDICAL DIRECTOR John D. Kenney, M.D. of January 3, 2013, (8 pages) clearly stating "Blakely is suffering from a progressive and continuous deterioration of his cognitive ability (DEMENTIA) p8 And osteoarthritis, diminished hearing, sinus infection, bowel adenoma, and subconjunctival hemorrhage" (page 5) correlated with Elizabeth Irwin PhD, October 29, 2008, "Blakely suffered from dementia, he exhibited some aphasia, memory impairment and executive functioning deficits." TCSC Case No. 10-2-00695-5

Also there is a more recent February, 2013 Declaration from MEDICAL DIRECTOR AT LARGE Dr. John D. Kenney in correlation with 1/3/2013, that should be e-mailed to Dr. Singer, so that he can come forward to clearly state that Dr. Kenney is only partially right AND THAT BLAKELY SUFFERED COBALAMIN DEFICIENCY CAUSING NEUROLEPTIC-catatonic episode type seizure OR ACCORDING TO THE Spokane Superior Court, Judge Linda Tompkins April 11, 2000 report Blakely suffers schizophrenia paranoid-catatonic seizure DSM IV 295.20.

Or Does Blakely suffer catatonic-apraxia from neuro-synaptic-axon-dendrite-MYELIN SHEATH short-circuit of the nano-microscopic cellular communication of Brain to Spinal body movement.

Blakely has really been taunted and mentally injured by the laST two months of insufficient cyanocobalamin and was on the edge of ANOTHER NEUROLEPTIC SEIZURE SEVERAL TIMES, AND it will be several weeks for him to recover.

He has lost three very good civil rights law suits because he did not have an experts declaration on the above subject. Wendle is only adding injury to injury.

Blakely has filed February 8, 2013 CrR 7.8 Motion for an evidentiary hearing in the Grant County Superior Court with what declarations of recantation and exhibits. And the Texas detective would be an absolute waste of funds. It was bad enough that Kindred screwed Blakely.

Sincerely,



June 9, 2013

Kahrs Law  
Michael C. Kahrs  
5215 Ballard Ave. N.W.  
Seattle, WA 98107

Would you please sent a check for \$290 to Washington Court of Appeals for Thurston County Superior Court Case No. 10-2-01551-2 of Ralph Howard Blakely v. Benjamin Porter, et.al. Respondent. Attached June 5, 2013 letter from Court Clerk David Ponsoha and case manager Kim. The COA II Case No. 44754-1-II which is Due June 17, 2013.

Also, Mr. Blakely is having great difficulty, assisting me in the preparation of 200 document Brief to the Court of Appeals II No. 44544-I-II TCSC#11-2-00834-4 I should be able to finish and file it before the end of June on the seizure of seven of his legal document boxes, damaged typewriter, loss of manuscript hearing aid, and etc.

The medical cut off his supply of cyanocobalamin, as indifference to cause him great mental injury; which has occurred ! He is taunted with chronic neck and back and knee joint pain and cannot see, hear, think clearly.

Also Please take on and do the Appeal of No. 44584-1-II COA brief from the Thurston County Superior Court No. 10-2-00695-5. Mr. Blakely has most all his exhibits organized with other court documents

Chief DOC Medical Director John Kenney really knows how to retaliated against Mr. Blakely, by cutting of his daily 500 Mcg of cyanocobalamin. I can see real deterioration of pain and suffering.

Dr. Singer could prescribe cyanocobalamin in his affidavit for Mr. Blakely.

*Ralph H. Blakely*      *Valerie Indeen G*

# EXHIBIT 8

Washington State Bar Association  
1325 Fourth Ave. Suite 600  
Seattle, WA 98101-2539

Lawyer EXPLOITATION Complaint  
NO. 14-00830

May 9, 2014

Kahrs Law Firm  
Michael C. Kahrs, Lawyer  
5215 Ballard Ave N.W. #2  
Seattle, WA 98107-4838

In December 2009, you received a \$35,000 check from my trust account, and since that time, \$23,000 of the amount has been exploited from a vulnerable adult. Causing more aggravation and hardship to his growing medical problems of a wrongful conviction, brutal assault and irreparable injury suffered over the five years of illegal restraint.

You agreed to represent the brutal assault and injury cases and legal writ of habeas corpus, but have conspired with Spokane attorney to keep me in prison, and delay all medical in hopes that I would die as a coverup for your and Spokane Attorney Spurgetis financial exploitation of a handicapped vulnerable adult.

I demand that you immediately terminate any further exploitation and mail the balance of \$35,000 to Peter Eriksen  
9532 S.W. O Road  
Royal City, WA 99353

*Ralph H. Blakely*  
Ralph Howard Blakely, 817995  
Stafford Creek Correction Center H4 B36  
191 Cosntnatine Way  
Aberdeen, WA 98520-9504

copy to Washington State Bar Association  
1325 Fourth Ave Suite 600  
Seattle, WA 98101-2539

Mr. Kahrs has conspired with Attorney James Spurgetis to keep innocent Blakely in prison and to keep him from receiving adequate expert medical treatment. Violating RPC 1.2,3,5,7,8

They have both severely exploited a handicapped vulnerable adult age 78 who is unlawfully imprisoned and has five years ago submitted that evidence to Lawyer Kahrs to obtain the release of Blakely from prison, but Kahrs has conspired with Spurgetis to keep Blakely in prison and suffer the horror of brutal injuries of correction officers 3/20 and 10/4/2009.

Lawyers Kahrs and Spurgetis have financially exploited and abused vulnerable adult Blakely under (RCW 74.34.110(1-9) also violating REC 8.4/8.5

I, Ralph H. Blakely declare under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct,

Date May 9, 2014 *Ralph H. Blakely 817995*  
*SCCC*



**CASEY INVESTIGATIONS**  
A FULL SERVICE DETECTIVE AGENCY

MARIO A. TORRES, P.I.

PO Box 1407  
RICHLAND, WA 99352  
OFFICE (509) 943-4543  
FAX (888) 467-9242  
CELLULAR (509) 521-1818

July 2, 2014

Ralph H. Blakely, #817995  
SCCC H 4 B 36  
191 Constantine Way  
Aberdeen, WA. 98520 - 9504

**Re: Letter dated - May 25, 2014.**

Mr. Blakely,

I received your letter today that was dated May 25, 2014. I apologize for the long wait but I was out of the State working a case and I just returned. I remember your attorney very well. In my years as a criminal defense private investigator since 2001, I have never met a more unprofessional person. I recall that each time I called him he would hang up on me when I began to speak to him about you. In my personal opinion people like him should not be practicing law specifically criminal defense. It was adamant to me that he wanted nothing to do with your case.

I contact the phone number you provided for Mr. Erickson but an elderly woman answered the phone and told me that he was not there. I left her my phone number. I will call back tomorrow if he doesn't call me.

I would be willing to assist you in your case. My agency travels all over the US and Mexico working on criminal defense cases so I would be willing to attempt to locate material witness(s) in your case.

I also did a quick check into the PI agency your previous attorney used, Acute Investigation. That agency in question may not even be licensed. In my preliminary check I found Acute Investigation to be operating out of Yakima county but a search of Dept. of Licensing PI licenses issued to Acute Investigations I found none. I may be wrong but in my preliminary check I didn't see anything.

Feel free to contact me at (509) 521-1818 or add me to a visitation list to visit you at your current institute in order for me to have a meeting with you.

Respectfully,

  
Mario A. Torres  
Criminal Defense Private Investigator  
Casey Investigations

Email: [MarioTorres@CaseyInvestigations.Com](mailto:MarioTorres@CaseyInvestigations.Com) Website: [www.CaseyInvestigations.Com](http://www.CaseyInvestigations.Com)

KAHRS <sup>Ex 1</sup> 000038  
38

I, Mark Vannausdle declare under the penalty of perjury of the laws of the State of Washington that the following is true and correct.

2. During a long period of time, I have assisted Ralph H. Blakely, age 78, with some of his legal problems arising from medical negligence and injuries caused by the Washington Department of Corrections.

3. For instance, I have written many letters of request to Lawyer Michael C. Kahrs, asking him to compel the Stafford Creek Correction Center to either provide Mr. Blakely with critically needed daily 500 Mcg(B12) cyanocobalamin to prevent Mr. Blakely's neuroleptic-catatonic seizures, or to allow him to purchase it through Offender Paid Health Care PLAN.

4. Lawyer Kahrs has deliberately procrastinated for several years by not making any efforts to assist Mr. Blakely, but has "ponzi-schemed or pyraminded false billings against his \$35,000 retainer that was supposed to be used to write Mr. Blakely's Writ of Habeas Corpus, and to address official brutal assaults.

5. Also Lawyer Kahrs has failed to provide Offender Paid Health Care in the form of critically needed cobalamin and spinal decompression treatment, but has pyramided his billing for doing nothing about the necessary medical treatment to prevent neuroleptic seizures and chronic back pain.

6. Now for almost five years, Lawyer Kahrs has breached his duty to provide the legal service that Mr. Blakely contracted for.

Dated May 28 ,2014

*Mark Vannausdle*

Declaration

EXIA  
KAHRS 000039  
39

DECLARATION OF PEAT ERIKSEN  
IN SUPPORT OF LEGAL MALPRACTICE  
BY LAWYER MICHAEL C. KAHRs in  
VIOLATION OF THE CONSUMER  
PROTECTION ACT RCW 19.52.036-96

I, Peat Eriksen, declare under the penalty of perjury of the laws of the State of Washington that the following is true and correct.

2. That I reside at Royal City, Washington, of the legal age, and have been acquainted with Ralph H. Blakely for over two decades.

3. I have visited Ralph Blakely many times and assisted him in preparing of legal complaints for correction officers breaking his ribs and rupturing his kidney and back. Also I personally witnessed his black-bruised left shoulder and hip after C/O's deliberately dropped him on the floor 3/20/09.

4. I am also familiar with Lawyer Michael C. Kahrs' unfair "ponzi-scheme fee billing, and not performing a legal service as a breach of legal profession and duty" to provide a service to a handicapped vulnerable adult Mr. Blakely.

5. Mr. Blakely tendered to Lawyer Kahrs \$35,000 trust fund for a Writ of Habeas Corpus, to provide Offender Health Paid Care, and prepare medical malpractice complaints for the brutal battery of Mr. Blakely's broken ribs and ruptured kidney. But after "four years" Lawyer Kahrs has done "NOTHING" for Mr. Blakely. Lawyer Kahrs has deliberately failed to provide Mr. Blakely with critically needed "(B 12)" to prevent his neuroleptic-catatonic seizures.

6. Now for almost five years, Lawyer Kahrs has breached his duty to provide the legal service that Mr. Blakely contracted for.

DATED *May 31*, 2014

*Peat Eriksen*  
\_\_\_\_\_  
Peat Eriksen

Declaration of Peat Eriksen  
In Support of Legal Malpractice  
Complaint Against MC Kahrs

I, Peat Eriksen declare under penalty of perjury of the laws of the state of Washington that the following is true + correct.

1. That I reside on West Royal Slope, Washington, and have been acquainted with Ralph H Blakely for several decades.
2. I have visited Ralph many times and assisted preparation of legal complaints against correction officers for injuries.
3. I have personally seen the black + blue shoulder, forearm and other injuries inflicted.
4. In the last 4-5 years since Kahrs was authorized to act in the best interest of Ralph, there has been sparse insignificant demonstration of any assistance.
5. Kahrs failed to promote dispense of current medical doctor prescription.

Dated: May 31, 2014

Peat Eriksen  
9532 SW O RD  
Royal Washington  
99357  
(509) 346-2428

EXIC  
KAHRS 000041...



I, Mark Vannausdle declare under the penalty of perjury of the laws of the State of Washington that the following is true and correct.

2. During a long period of time, I have assisted Ralph H. Blakely, age 78, with some of his legal problems arising from medical negligence and injuries caused by the Washington Department of Corrections.

3. For instance, I have written many letters of request to Lawyer Michael C. Kahrs, asking him to compel the Stafford Creek Correction Center to either provide Mr. Blakely with critically needed daily 500 Mcg (B12) cyanocobalamin to prevent Mr. Blakely's neuroleptic-catatonic seizures, or to allow him to purchase it through Offender Paid Health Care PLAN.

4. Lawyer Kahrs has deliberately procrastinated for several years by not making any efforts to assist Mr. Blakely, but has "ponzi-schemed or pyramided false billings against his \$35,000 retainer that was supposed to be used to write Mr. Blakely's Writ of Habeas Corpus, and to address official brutal assaults.

5. Also Lawyer Kahrs has failed to provide Offender Paid Health Care in the form of critically needed cobalamin and spinal decompression treatment, but has pyramided his billing for doing nothing about the necessary medical treatment to prevent neuroleptic seizures and chronic back pain.

6. Now for almost five years, Lawyer Kahrs has breached his duty to provide the legal service that Mr. Blakely contracted for.

Dated May 28, 2014

*Mark Vannausdle*

DECLARATION OF  
IN SUPPOR OF LEGAL MALPRACTICE  
OF LAWYER MICHAEL C. KAHRs and  
VIOLATION OF THE CONSUMER  
PROTECTION ACT RCW19.52.036-86

I, *Chad Christensen*

declare udner the penalty of perjury of

the laws of the State of Washington that the following is true and correct.

2. That I am of the legal age, and have been acquainted with Ralph H. Blakely for more than several years.

3. I am also familiar with Lawyer Michael C. Kahrs' unfair double fee billing, and not performing a legal service as a breach of legal profession or misconduct.

4. Mr. Blakely trusted Lawyer Kahrs with a \$35,000 trust fund for legal assistance in medical, brutal assault, injury, and the preparation of a Writ of Habeas Corpus, but after four years Lawyer Kahrs has done "nothing" for Mr. Blakely.

5. Lawyer Kahrs has only "pyramided his billings during this four year-period, and refuses to transfer that medical and legal trust account to Mr. Peat Eriksen, who will and has assisted vulnerable adult Mr. Blakely in obtaining the critically needed daily medication of cobalamin to prevent his neuroleptic seizures.

Dated *8-28*-2014

  
Chad Christensen 358742

DECLARATION OF Bryan L. Stetson  
IN SUPPORT OF LEGAL MALPRACTICE  
AND VIOLATION OF THE CONSUMER  
PROTECTION Act RCW 19.52.036, 86

I, Bryan Lee Stetson, declare under the penalty of perjury of the laws of the State of Washington that the following is true and correct.

2. During a long period of time, I have assisted Ralph H. Blakely, age 78, with some of his legal problems arising from medical negligence and injuries caused by the Washington Department of Corrections.

3. For instance, I have written many letters of request to Lawyer Michael C. Kahrs, asking him to compel the Stafford Creek Correction Center to either provide Mr. Blakely with critically needed daily 500 MCG (B12) cyanocobalamin to prevent Mr. Blakely's neuroleptic-catatonic seizures, or to allow him to purchase it through Offender Paid Health Care PLAN.

4. Lawyer Kahrs has deliberately procrastinated for several years by not making any efforts to assist Mr. Blakely, but has "ponzi-schemed or pyramided false billings against his \$35,000 retainer <sup>in May 2014\*</sup> that was supposed to be used to write Mr. Blakely's Writ of Habeas Corpus, and to address official brutal assaults.

5. Also Lawyer Kahrs has failed to provide Offender Paid Health Care in the form of critically needed cobalamin and spinal decompression treatment, but has pyramided his billing for doing nothing about the necessary medical treatment to prevent neuroleptic seizures and chronic back pain.

6. Now for almost five years, Lawyer Kahrs has breached his duty to provide the legal service that Mr. Blakely contracted for.

Dated May 31<sup>st</sup>, 2014 by Bryan Lee Stetson 

## Howard Blakely Trust

5/13/2014 9:59 AM

Register: Trust Account

From 01/01/2009 through 05/13/2014

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
12/07/2009			Advanced Client Costs	Deposit		X	25,000.00	25,000.00
12/07/2009			Advanced Client Costs	Deposit		X	10,000.00	35,000.00
12/31/2009			Interest	Deposit		X	10.55	35,010.55
01/03/2010	1	Kahrs Law Firm	Legal expenses		320.00	X		34,690.55
01/03/2010	2	Kahrs Law Firm	-split-	Pay invoice	409.49	X		34,281.06
01/31/2010			Interest	Deposit		X	13.65	34,294.71
02/03/2010	3	Kahrs Law Firm	Legal expenses	Pay invoice	100.00	X		34,194.71
02/03/2010	4	Kahrs Law Firm	-split-	Pay invoice	1,372.69	X		32,822.02
02/26/2010			Interest	Deposit		X	12.63	32,834.65
03/03/2010	5	Kahrs Law Firm	Legal expenses	Pay invoice	80.00	X		32,754.65
03/10/2010	6	Deptment of Correcti...	Legal expenses	DOC records	80.00	X		32,674.65
03/31/2010			Interest	Deposit		X	14.80	32,689.45
04/30/2010			Interest	Deposit		X	13.44	32,702.89
05/28/2010			Interest	Deposit		X	12.55	32,715.44
06/30/2010			Interest	Deposit		X	14.79	32,730.23
07/30/2010			Interest	Deposit		X	13.45	32,743.68
08/03/2010	7	Kahrs Law Firm	Legal expenses	Pay invoice	180.00	X		32,563.68
08/03/2010	8	Kahrs Law Firm	Legal expenses	Pay invoice	560.00	X		32,003.68
08/23/2010		Kahrs Law Firm	Client payment	Blakely Deposit		X	215.41	32,219.09
08/30/2010			Interest	Deposit		X	14.12	32,233.21
09/01/2010	9	Miscellaneous	Legal expenses	Marie Wendell ...	1,000.00	X		31,233.21
09/03/2010	10	Kahrs Law Firm	-split-	Pay invoice	652.38	X		30,580.83
09/30/2010			Interest	Deposit		X	12.62	30,593.45
10/07/2010	11	Kahrs Law Firm	Legal expenses	Pay invoice	800.00	X		29,793.45
10/07/2010	12	Kahrs Law Firm	Legal expenses	Pay invoice	200.00	X		29,593.45
10/07/2010	13	Miscellaneous	Legal expenses	Grant County P...	443.22	X		29,150.23
10/12/2010	14	Kahrs Law Firm	Legal expenses	Pay invoice - A...	3.00	X		29,147.23
10/29/2010			Interest	Deposit		X	11.81	29,159.04
11/15/2010	15	Kahrs Law Firm	Legal expenses	Pay invoice	360.00	X		28,799.04
11/30/2010			Interest	Deposit		X	12.71	28,811.75
12/01/2010	16	Acute Investigations	Legal expenses	Investigator ret...	1,100.00	X		27,711.75
12/02/2010	17	Kahrs Law Firm	Legal expenses	Pay Invoice	2,120.00	X		25,591.75
12/31/2010			Interest	Deposit		X	10.90	25,602.65
01/01/2011	18	Kahrs Law Firm	Legal expenses	Pay invoice	460.00	X		25,142.65
01/31/2011			Interest	Deposit		X	9.50	25,152.15
01/31/2011	19	Kahrs Law Firm	Legal expenses	To KLF for fili...	215.41	X		24,936.74
02/28/2011			Interest	Deposit		X	4.78	24,941.52
03/10/2011	20	Acute Investigations	Legal expenses	Retainer	1,000.00	X		23,941.52
03/31/2011			Interest	Deposit		X	5.23	23,946.75
04/29/2011			Interest	Deposit		X	4.76	23,951.51

## Howard Blakely Trust

5/13/2014 9:59 AM

Register: Trust Account

From 01/01/2009 through 05/13/2014

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
05/31/2011			Interest	Deposit		X	5.25	23,956.76
06/30/2011			Interest	Deposit		X	4.92	23,961.68
07/01/2011	21	Kahrs Law Firm	Legal expenses		1,590.48	X		22,371.20
07/29/2011			Interest	Deposit		X	4.44	22,375.64
08/29/2011			Interest	Deposit		X	5.06	22,380.70
09/01/2011	22	Deptment of Correcti...	Legal expenses	Records	60.00	X		22,320.70
09/30/2011			Interest	Deposit		X	4.59	22,325.29
10/11/2011			Interest	Deposit		X	35.60	22,360.89
10/31/2011			Interest	Deposit		X	4.75	22,365.64
11/30/2011			Interest	Deposit		X	4.60	22,370.24
12/29/2011	23	Acute Investigations	Legal expenses	Acute Investiga...	183.40	X		22,186.84
12/30/2011			Interest	Deposit		X	4.59	22,191.43
12/30/2011	24	Kahrs Law Firm	Legal expenses		2,360.00	X		19,831.43
01/31/2012			Interest	Deposit		X	3.89	19,835.32
02/29/2012			Interest	Deposit		X	2.65	19,837.97
03/30/2012			Interest	Deposit		X	2.74	19,840.71
04/04/2012	25	Acute Investigations	Legal expenses	Acute Investiga...	430.87	X		19,409.84
04/30/2012			Interest	Deposit		X	2.74	19,412.58
05/04/2012			Interest	Deposit		X	0.32	19,412.90
05/31/2012			Interest	Deposit		X	2.23	19,415.13
06/30/2012			Interest	Deposit		X	2.39	19,417.52
07/31/2012			Interest	Deposit		X	2.47	19,419.99
08/31/2012			Interest	Deposit		X	2.47	19,422.46
09/01/2012	27	Kahrs Law Firm	Legal expenses	Pay invoice	46.60	X		19,375.86
09/01/2012	26	Kahrs Law Firm	Legal expenses	Pay invoice	923.50	X		18,452.36
09/30/2012			Interest	Deposit		X	2.29	18,454.65
10/30/2012			Interest	Deposit		X	2.34	18,456.99
10/30/2012	29	Kahrs Law Firm	Legal expenses	Pay invoice	940.00	X		17,516.99
10/30/2012	30	Dr. Singer	Legal expenses	Retainer	2,000.00	X		15,516.99
11/30/2012			Interest	Deposit		X	2.09	15,519.08
12/31/2012			Interest	Deposit		X	1.97	15,521.05
01/31/2013			Interest	Deposit		X	1.98	15,523.03
02/28/2013			Interest	Deposit		X	1.79	15,524.82
03/18/2013	28	Kahrs Law Firm	Legal expenses	Pay invoice	500.00	X		15,024.82
03/18/2013	31	Kahrs Law Firm	Legal expenses	Pay invoice	920.00	X		14,104.82
03/31/2013			Interest	Deposit		X	1.90	14,106.72
04/30/2013			Interest	Deposit		X	1.74	14,108.46
05/16/2013	32	Thurston County Sup...	Legal expenses	Appeal fees	580.00	X		13,528.46
05/31/2013			Interest	Deposit		X	1.77	13,530.23
06/19/2013	33	Thurston County Sup...	Legal expenses	Appeal fee	290.00	X		13,240.23

Howard Blakely Trust

5/13/2014 9:59 AM

Register: Trust Account

From 01/01/2009 through 05/13/2014

Sorted by: Date, Type, Number/Ref

<u>Date</u>	<u>Number</u>	<u>Payee</u>	<u>Account</u>	<u>Memo</u>	<u>Payment</u>	<u>C</u>	<u>Deposit</u>	<u>Balance</u>
06/30/2013			Interest	Deposit		X	1.65	13,241.88
07/31/2013			Interest	Deposit		X	1.69	13,243.57
08/31/2013			Interest	Deposit		X	1.69	13,245.26
09/30/2013			Interest	Deposit		X	1.63	13,246.89
10/31/2013			Interest	Deposit		X	1.69	13,248.58
11/30/2013			Interest	Deposit		X	1.63	13,250.21
12/31/2013			Interest	Deposit		X	1.69	13,251.90
01/21/2014	34	Thurston County Sup...	Legal expenses	Clerk's papers	871.00	X		12,380.90
01/23/2014	35	Miscellaneous	Legal expenses	Verbatim Repo...	95.00	X		12,285.90
01/23/2014	36	Miscellaneous	Legal expenses	Statement of A...	9.30	X		12,276.60
01/23/2014	37	Miscellaneous	Legal expenses	Statement of A...	605.00	X		11,671.60
01/31/2014			Interest	Deposit		X	1.67	11,673.27
02/28/2014			Interest	Deposit		X	1.35	11,674.62
03/19/2014	38	Kahrs Law Firm	Legal expenses	Pay invoices	2,900.00	X		8,774.62
03/31/2014			Interest	Deposit		X	1.02	8,775.64
04/30/2014			Interest	Deposit		X	0.36	8,776.00

46



4. That I made notes on the verbatim report of proceedings for March 5-9, 2005, showing clear fabricated inconsistent testimony of Robbie Juarez-Treviño.

5. That those hand-written notes would be found in the verbatim report of proceedings for March 9, 2005, pages 608 through 705

6. That these pages of the verbatim report of proceedings have been filed with the King County Superior Court, under case number 15-2-12980-5 SEA.

7. That before Mr. Kahrs took Mr. Blakely's case, I was instrumental in obtaining a Notarized Affidavit from Mr. Juarez-Treviño, in which he, under penalty of perjury, recanted his fabricated testimony of March 9, 2005.

8. That I, further viewed a Search Report dated September 10, 2009, from Stafford Creek Correction Center, where Correctional Officers had seized seven (7) of Mr. Blakely's legal document boxes.

9. That Mr. Juarez-Treviño's affidavit was among those seven (7) boxes.

10. That Correctional Officers seized from my possession "numerous" legal documents with Mr. Blakely's name and a copy of the affidavit from Mr. Juarez-Treviño.

11. That I, again, on June 2010, were instrumental in obtaining a second declaration from Mr. Juarez-Treviño, with the condition that said decla-

AFFIDAVIT OF IGNACIO COBAS

Page 2 of 4

ration would not be used until Mr. Juarez-Treviño had a new identity and was relocated in Mexico.

12. That when I found out that Mr. Kahrs had hired an unlicensed investigator, Mr. Kindred, to perform work on behalf of Mr. Blakely, I believed that Mr. Kahrs was taking advantage of Mr. Blakely by financially exploiting him because Mr. Kindred was also working as an investigator for Grant County Prosecutor's Office, and Mr. Juarez-Treviño's affidavit made it crystal clear that he was instructed on his fabricated testimony by the Grant County Prosecutor's Office.

13. That Mario Torres, a licensed investigator had already performed an investigation on behalf of Mr. Blakely for which Mr. Kahrs collected \$ 35,000.00, and Mr. Kahrs refused to communicate with Mr. Torres.

14. That when I attempted to communicate with Mr. Kahrs and Mr. Spurgetis, they were rude and cut the communication short, despite the fact that I had a written Release of Information and Authorization from Mr. Blakely, which had previously been served to them by mail.

15. That I wanted to explain to Mr. Kahrs and Mr. Spurgetis about the fact that I was instrumental in the investigation and recantation of Mr. Juarez-Treviño.

AFFIDAVIT OF IGNACIO COBOS

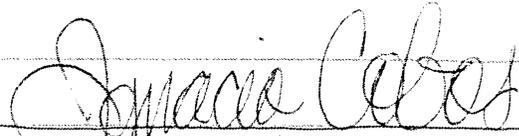
Page 3 of 4

16. That Mr. Kahrs refused to use Mr. Juarez-Treviño's recantation on behalf of Mr. Blakely.

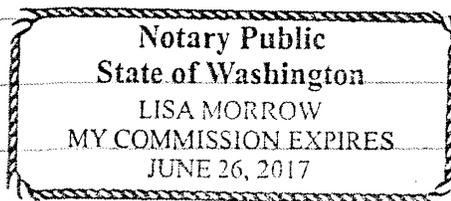
17. That I prepared several legal documents for Mr. Blakely, that clearly demonstrated that Mr. Juarez-Treviño lied about being at a Unit at Airway Heights Correction Center, when he was at a different Unit.

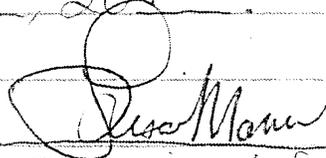
18. That it is my belief that Mr. Kahrs hired Mr. Kindred to interview Mr. Juarez-Treviño for the "sole" purpose to "coerce" Mr. Juarez-Treviño to withdraw his declaration on the recantation of his fabricated testimony.

Further affiant says naught.

  
Ignacio Cobos

SUBSCRIBED AND SWORN TO BEFORE ME this 4  
day of December, 2015.





Notary Public in and for the State  
of Washington.

Residing at: Walla Walla County  
My Commission Expires on: 6/26/17

AFFIDAVIT OF IGNACIO COBOS

Page 4 of 4

AFFIDAVIT OF STEPHAN ESPINOSA

STATE OF WASHINGTON )  
 ) ss:  
COUNTY OF GRAYS HARBOR )

I, Stephan Espinosa, declare under the penalty of perjury of the laws of the State of Washington that the following is true and correct:

1. That I was a resident of Moses Lake, Washington, and am well acquainted with Robbie Juarez Trevino and his mother Irene Trevino.

2. On about 4.6.2010, I was transferred to Coyote Ridge Correctional Center, in Council, Washington. At this time, I again met up with Robbie Juarez Trevino.

3. Robbie Juarez was doubtful about his personally knowing Grant County Prosecutor Blakely, and that they had communicated with him to testify so over and over on more than several occasions, to Grant Mr. Blakely. Also, he stated, "that Detective Watney suggested that he write [letters] August 28, 2003, with the addresses of Lorene and Yolard in Oregon, and that he wanted Mr. Blakely to send him 32-500."

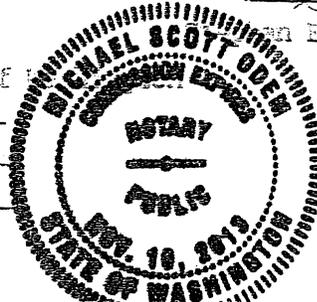
Robbie also stated, "that Detective Watney had Mr. Blakely transferred back into the main Airway Heights Correctional Center Prison, so that, he could record a conversation with Mr. Blakely about the middle of August 2003.

About June 10, 2010, Ignacio Cobos, gave me a copy of an Affidavit for Robbie Juarez to sign, which I witnessed him sign.

SIGNED AND SCRIBED TO ON OATH, April 5, 2013 SAE.

*Stephan Espinosa*  
Stephan Espinosa, 802225

Notary Public in and for the State of  
COUNTY OF: WALLA WALLA  
EXPIRATION: 11/10/2013  
Michael Scott Olem



STATE OF WASHINGTON )  
 )  
COUNTY OF FRANKLIN )

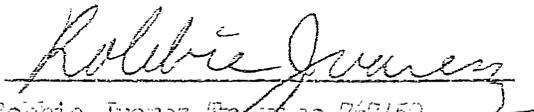
ss: RECANTATION AFFIDAVIT OF ROBBIE JUAREZ TREVINO

1. I am now a resident of Coyote Ridge Correction Center, P.O.Box 769; Connell, Washington, 99362-0769.
2. That I had met with Detective David Matney and Grant County Prosecutor John D. Knodell, prior to the middle of September 2003, to discuss the entrapment of Mr. Blakely.
3. About the last week of August 2003, I wrote a letter to Mr. Blakely, who was in Airway Heights Correction Center; as I was under the direction of Detective David Matney.
4. That during the March 9, 2005, trial of Mr. Blakely, I testified, "having a conversation with Mr. Blakely about killing his wife and daughter for \$40,000 and \$80,000"; between the specific dates of October and December 18, 2002. (Verbatim Report pages 629-652) This communication allegedly took place out front of "K" unit of Airway Heights Correction Center (MAIN).
5. I, now recant this testimony as being false, because the inmate placement records of Mr. Blakely places him in a separate prison of "CAMP" during this specific period of time between October 2002-December 2002.

I, Robbie Juarez Trevino, 767459, declare under penalty of perjury of the laws of the State of Washington that the forgoing is true and correct.

SWORN TO ON OATH, this \_\_\_ day of \_\_\_\_\_, 2010.

Attested: \_\_\_\_\_

  
Robbie Juarez Trevino, 767459

AFFIDAVIT OF ROBBIE JUAREZ TREVINO

Ralph

8-28-03

Hey old friend !! I really need  
some traveling \$ to make it to Mexico,  
and your getting out soon. Here is that  
address 215 N.W. Poplar Place, Redmond,  
that I can get or maybe you can cut  
\$3-500 which will help your release. I'll  
be back in touch with you soon with  
address!! (L)

your friend

Ralph's Quares

STATE OF WASHINGTON     )  
  ) ss:  
COUNTY OF King         )

I, Dennis Stewart, *R.*, declare under the penalty of perjury of the laws of the State of Washington that the following is true and correct:

1. About the middle of August, 2003, I moved into cell # 14 B of "K" Building in with Ralph Howard Blakely, at Airway Heights Correction Center.
2. Mr. Blakely was upset because he was about to be released from Airway "Camp" after he had spent a year there.
3. The last days of August, 2003, Mr. Blakely received two letters from some jerk Juarez, who was trying to scam him for money.
4. Months later, Blakely received two more letters, maybe the middle of October or middle of November or first of December, 2003, making four letters from that jerk Juarez.
5. The Department of Corrections inmate placement records will positively verify my placement August-2003 with inmate Blakely in #14 B of K Building of Airway Heights Correction Center.

Dated in King County, June 7, 2008.

*Dennis R. Stewart*  
\_\_\_\_\_

Dennis Stewart

Seattle, WA 98108

# EXHIBIT 10

Kahrs Law Office                      July 23, 2013  
Michael C. Kahrs, Counsel  
5215 Ballard Ave. N.W.  
Seattle, WA. 98107

Enclosed is the 35 page Brief for Mr. Blakely's appeal of Thurston County Superior Court abuse of discretion and Attorney General Judge bambolzing the Court. When the Court should have considered Mr. Blakely being handicapped ADA and not mentally capable of arguing the complicated issues.

Mr. Blakely twice submitted Motions for Appointment of Counsel showing that he is mentally not competent to compete with highly skilled Senior Counsel Judges, who has expedient resources and just snapped his finger and produced Declarations of misrepresentation. Even though I was not in the position to witness Mr. Blakely falling out of wheelchair twice and then beinging bounced on the floor with a C/O David Young WHO HAS CHANGED HIS NAME TO NATHAN DAHL

Can you doan Amecus Curie Brief to supplement this 21 page brief that I have assisted in putting together that really needs a professional addition.

Mr. Blakely is really hurting for his critically needed cyanco-balamin of 500 Mcg Daily. It would keep him from neuroleptic-catatonia seizures. Under the RCW 74.32.130, 140 Washington Practice volume 26 section 5.33 Elder Law and Practice, Petition For AN Order Of Protection For A Vulnerable Addlt and Immediate Temporary Restraining Order (CR 65(b) in conjunction with this case No. 10-2-00695-5 in the Thurston County Superior Court ??

I typed a letter to Neurologist John Miller in Aberdeen Neurologist in an attempt to get a perscription for B-12, but no answer. They have a \$9.00 bottle of Mega MAX vitamins which has a thousand percent cyanocobalamin, but Blakely cannot swallow the large hard pill. He claims to dissolve the 500 Mcg in his cheek for best results of 6000 per cent of daily,

Mr. Blakely has perscriptions from Dr. Stuart Andrews for cyanocobalamin and a current one from medical provider Eveylen Dryer, but PAC Scott light maliciously canceled or discontinued. That perscription was to March, 2014.

Mr. Blakely really needs your assistance,

Sergio Peratta

October 15, 2013

Kahrs Law Firm  
5215 Ballard Ave, N.W.  
Seattle, WA. 98107-4838

Mr. Kahrs,

I have been assisting Mr. Blakely with three of his Civil Rights Complaints of vicious assault and loss of his property.

Now a couple weeks ago, Mr. Blakely needed copies of about 200 documents, but the only way the Counselor would make them is to send them out to an attorney; which he did. And you were requested to send them back to him, why have you not done this?

Mr. Blakely has been without his critically needed cyanocobalamin, which enables him to hearing on the phone, vision, balance, alleviates fatigue, and increases his stability, but you have not assisted him in obtaining this economical 500 Mcg of cyanocobalamin, why?

Mr. Spurgetis has allegedly embezzled \$.140,000 from Mr. Blakely's trust account and the Court of Appeals has exploited \$870 from him, but refuses to present my hardwork of briefing on his three Civil Rights Complaints of loss of property, medical negligent, vicious assault. Why haven't you been able to help Mr. Blakely just a little bit ?

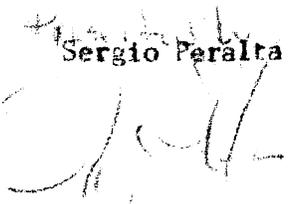
Mr. Blakely also sent you a D.O.C. application for offender paid "PHARMACY" which needs your attention from "BYE RITE DRUG" or GNC or SAFEWAY or ? Why have you not assisted Mr. Blakely with the critically needed daily 500 Mcg cyanocobalamin that would help him to speak clearly ?

I also assisted Mr. Blakely in the filing and preparation of a Writ of Habeas Corpus with credible relevant exhibits in the Grays Harbor County Superior Court; which is set for hearing October 24, 2013. This needs someone to present oral argument, but maybe you are too busy helping those people that don't need help. Why can't you at least assist Mr. Blakely ?

I don't understand why the Washington Supreme Court (October 10, 2013) letter by Susan L. Carlson Sepreme Court Deputy Clerk has rejected his Motion for Discretionary Writ of Certiorari to compel the Court of Appeals Clerk David Ponzoha to present all my diligent hard work to a REVIEW.

Why can't you assist Mr. Blakely with this serious problem ?

Enclosed two page Supreme Court Letter that needs your assistance ?

  
Sergio Peralta

Send it to Mr. Blakely

WASHINGTON STATE SUPREME COURT

RALPH HOWARD BLAKELY,  
Plaintiff,  
  
vs.  
MICHAEL CHARLES KAHRs,  
KAHRs LAW FIRM TRUST ACCOUNT,  
Defendant.

WSC Mp. \_\_\_\_\_

DECLARATION OF Ralph Blakely  
IN SUPPORT OF WASHINGTON STATE  
BAR Assoc. COMPLAINTS AGAINST  
MICHAEL C. KAHRs, LEGAL Malpractice

I, Ralph Howard Blakely, age 79, as a partially blind handicapped vulnerable adult declares the following:

2. December 4, 2009, Lawyer Michael C. Kahrs received a \$35,000 cashier's check for legal services of preparation of Writ of Habeas Corpus and for the preparation of Complaints of Medical Malpractice. (Exhibit #

3. Lawyer Kahrs has refused to timely preform his legal ethical "duties" of absolutely NO briefs, NOR preparation of any complaints of injuries caused by the misuse of excessive force on vulnerable adult Blakely, who was unable to provoke such force. (Exhibit # ; page 2,3,4,5 of legal malpractice complaint)

4. Lawyer Kahrs refused to mail an accounting (fee billing) to Blakely, until the Washington State Bar Association compelled a billing. (Exhibit 5/14/14 Legal Complaint and 12/15/14 legal complaints)

5. Lawyer Kahrs "concealed" facts of self interest greed, "misrepresentation" in the "exploitation" of a handicapped vulnerable adult to the Washington State Bar Association in violation of R.P.C. 1.3; 1.5 (a)(4,5,9)(f)\*; 1.15A; 8.4(c,d) (g)(m) as extraordinary circumstances for action of the Washington State Supreme Court. Exhibit 5/14/14; 12/15/14 complaints with attachments) RCW 74.34.110(1-9)

6. Injury upon injury has occurred, and was caused by Lawyer Kahrs "malice" delay , neglect, to prepare the necessary legal documents in 2009, 2010, as his contract provided. Lawyer Kahrs "breached his contract and legal duty". Which has resulted in prolonged illegal restraint of physical injury and medical malpractice of irreparable injuries.

I, Ralph Howard Blakely, declare under the penalty of perjury of the laws of the State of Washington that the foregoing is true and correct, and ask that the Washington State Supreme Court make a review of the facts supporting the issuance of a Writ of Restitution to Lawyer Kahrs.

Dated June 11, 2015, at SCCC

*Ralph H. Blakely*  
Ralph Howard Blakely 817995  
SCCC H 4 B36  
191 Constnatine Way  
Aberdeen, WA 98520

Declaration of Peat Eriksen  
In Support of Legal Malpractice  
Complaint Against MC Kahrs

I, Peat Eriksen declare under penalty of perjury of the laws of the state of Washington that the following is true + correct.

1. That I reside on West Royal Slope, Washington, and have been acquainted with Ralph H Blakely for several decades.
2. I have visited Ralph many times and assisted preparation of legal complaints against correction officers for injuries.
3. I have personally seen the black + blue shoulder, forearm and other injuries inflicted.
4. In the last 4-5 years since Kahrs was authorized to act in the best interest of Ralph, there has been sparse, insignificant demonstration of any assistance.
5. Kahrs failed to promote, dispense of current medical doctor prescription.

Dated: May 31, 2014

Peat Eriksen  
9532 SW O RD  
Royal Washington  
99357  
(509) 346-2428

I, Imran Valhora, 341921 declare under the penalty of perjury of the laws of the State of Washington that the following is true and correct.

2. During a long period of time, I have assisted Ralph H. Blakely, age 78, with some of his legal problems arising from medical negligence and injuries caused by the Washington Department of Corrections.

3. For instance, I have written many letters of request to Lawyer Michael C. Kahrs, asking him to compel the Stafford Creek Correction Center to either provide Mr. Blakely with critically needed daily 500 Mcg(B12)cyanocobalamin to prevent Mr. Blakely's neuroleptic-catatonic seizures, or to allow him to purchase it through Offender Paid Health Care PLAN.

4. Lawyer Kahrs has deliberately procrastinated for several years by not making any efforts to assist Mr. Blakely, but has "ponzi-schemed or pyramided false billings against his \$35,000 retainer <sup>/May 2014\*</sup> that was supposed to be used to write Mr. Blakely's Writ of Habeas Corpus, and to address official brutal assaults.

5. Also Lawyer Kahrs has failed to provide Offender Paid Health Care in the form of critically needed cobalamin and spinal decompression treatment, but has pyramided his billing for doing nothing about the necessary medical treatment to prevent neuroleptic seizures and chronic back pain.

6. Now for almost five years, Lawyer Kahrs has breached his duty to provide the legal service that Mr. Blakely contracted for.

Dated 5/21/2014

341921  
Valhora Imran

DECLARATION OF PEAT ERIKSEN  
IN SUPPORT OF LEGAL MALPRACTICE  
BY LAWYER MICHAEL C. KAHRs in  
VIOLATION OF THE CONSUMER  
PROTECTION ACT RCW 19.52.036-96

1. I, Peat Eriksen, declare under the penalty of perjury of the laws of the State of Washington that the following is true and correct.

2. That I reside at Royal City, Washington, of the legal age, and have been acquainted with Ralph H. Blakely for over two decades.

3. I have visited Ralph Blakely many times and assisted him in preparing of legal complaints for correction officers breaking his ribs and rupturing his kidney and back. Also I personally witnessed his black-bruised left shoulder and hip after C/O's deliberately dropped him on the floor 3/20/09.

4. I am also familiar with Lawyer Michael C. Kahrs' unfair "ponzi-scheme fee billing, and not performing a legal service as a breach of legal profession and duty" to provide a service to a handicapped vulnerable adult Mr. Blakely.

5. Mr. Blakely tendered to Lawyer Kahrs \$35,000 trust fund for a Writ of Habeas Corpus, to provide Offender Health Paid Care, and prepare medical malpractice complaints for the brutal battery of Mr. Blakely's broken ribs and ruptured kidney. But after "four years" Lawyer Kahrs has done "NOTHING" for Mr. Blakely. Lawyer Kahrs has deliberately failed to provide Mr. Blakely with critically needed "(B 12)" to prevent his neuroleptic-catatonic seizures.

6. Now for almost five years, Lawyer Kahrs has breached his duty to provide the legal service that Mr. Blakely contracted for.

DATED *May 31*, 2014

*Peat Eriksen*  
\_\_\_\_\_  
Peat Eriksen

11. Dr. Singer reserves the right to resign from serving as an expert witness or consultant for reasons including: violation of the terms of this agreement; ethical conflict; if advanced payment for services is not rendered; if an outstanding balance is not paid; if funds are not available to adequately prepare for testimony; or another reasonable cause.

12. The undersigned agrees to not modify any report by Dr. Singer. All changes, if any, shall be performed only by Dr. Singer.

13. In addition to the responsibility of a corporation, which may have an agent of the corporation sign this agreement, the person who signs this agreement also accepts personal responsibility for payment under the terms of this agreement.

14. The undersigned retains Raymond Singer, Ph.D. under the terms of this agreement as a consultant or expert witness in neuropsychology with a specialty in toxic chemical effects on the nervous system (neurobehavioral toxicology and/or neurotoxicology) and agrees to pay for all services rendered in connection with each case for which Dr. Singer was retained.

15. If the name and address of the firm or corporation represented by the undersigned is not entered below, Dr. Singer may complete that section with information from the client's letterhead to clarify identification of responsibility for the terms of this contract.

Client's name (print or type): RALPH BLAKELY

Name and address of company: KAHRS LAW FIRM, P.S.  
5215 BALLARD AVE. NW, #2  
SEATTLE, WA 98107

Client's telephone number: Atty: (206) 264-0643

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**(If faxed or emailed, please deliver this copy to Dr. Singer with your original signature.)**

Michael C. Kahrs \_\_\_\_\_ Date: \_\_\_\_\_

Raymond Singer agrees that he will not do any work beyond what he has as a retainer without prior agreement with Michael Kahrs.

# EXHIBIT 11

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Attorneys At Law  
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Attorneys

# KAHRS LAW FIRM, P.S.

---

5215 Ballard Ave. NW, #2  
Seattle, WA 98107

*Michael C. Kahrs, Esq.*

Tel: 206.264.0643  
Fax: 206.237.8555

January 20, 2010

Ralph Blakely, DOC #817995  
Stafford Creek Corrections Center  
191 Constantine Way  
Aberdeen, WA 98520

RE: Update

Dear Mr. Blakely:

I am sorry but we had previously discussed that I would not provide assistance in your civil action and I cannot help you on your Ninth Circuit Case. However, I am still planning to visit Stafford Creek this Friday. I am waiting for clearance from the counselors.

Sincerely,



Michael C. Kahrs  
Attorney at Law

MK: mk

# KAHRS LAW FIRM, P.S.

5215 Ballard Ave. NW, #2  
Seattle, WA 98107

*Michael C. Kahrs, Esq.*

Tel: 206.264.0643  
Fax: 206.237.8555

January 20, 2010

Ralph Blakely, DOC #817995  
Stafford Creek Corrections Center  
191 Constantine Way  
Aberdeen, WA 98520

1/26/10

RE: Update

Dear Mr. Blakely:

I am sorry but we had previously discussed that I would not provide assistance in your civil action and I cannot help you on your Ninth Circuit Case. However, I am still planning to visit Stafford Creek this Friday. I am waiting for clearance from the counselors.

Sincerely,

Michael C. Kahrs  
Attorney at Law

MK: mk

JAMES P. SPURGETIS, P.S.  
ATTORNEY AT LAW  
CHASE BANK FINANCIAL CENTER  
601 W. MAIN, STE. 820  
SPOKANE, WA 99201  
TELEPHONE: (509) 444-5141  
FACSIMILE: (509) 444-5143

LEGAL CORRESPONDENCE

February 23, 2012

Ralph H. Blakely, Jr. 817995  
Stafford Creek Correction Center  
H 1 A 18  
191 Constantine Way  
Aberdeen, WA 98520-9504

Re: February 1, 2012 letter

Dear Mr. Blakely:

I received your letter dated February 1, 2012, on February 6<sup>th</sup>.

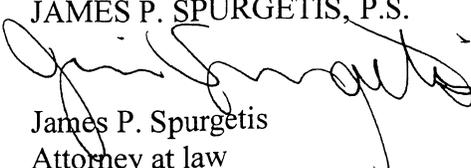
I don't believe you will be able to have your court created Special Needs Trust dissolved. However, if you would like to try, please send me what you would like to have Judge Tompkins review, I will file it for you, and get it before her for hearing. Please let me know if arrangements can be made to have you present by telephone for the hearing.

As for your need of expert testimony for your excessive force matter, I would suggest that you go through Mr. Kahrs. Perhaps he can bring that matter before Judge Tompkins for you.

Regarding your desire to have your criminal conviction retried, I know that Mr. Kahrs is working on this matter for you as previously ordered by Judge Tompkins. I suspect I will hear from him once he has completed his investigation on your behalf.

Sincerely,

JAMES P. SPURGETIS, P.S.

  
James P. Spurgetis  
Attorney at law

/js

# EXHIBIT 12



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

SEARCH REPORT/EVIDENCE FORM

DATE 9-10-09	TIME 1100	BUILDING/AREA/UNIT/ROOM NUMBER PROPERTY
LAST NAME, FIRST NAME BLAKELY, R		DOC NUMBER 817995
LAST NAME, FIRST NAME		DOC NUMBER

The above building/area/unit/room was searched and the following contraband was found:

- 2 BOTTLES OF OMEGA 3 FISH OIL 7.
- (MATROL) CONTAINING UNKNOWN 8.
- FILLS, 9.
- 10.
- 11.

Disposition: 7 BOXES AND 1 SACK SEIZED AND DELIVERED TO I + I.

Item numbers placed in evidence: 7 BOXES AND 1 BROWN SACK

C/O G. Mitchell 9-10-09  
STAFF: PRINT NAME AND DATE

C/O NEWBERRY, S.D. 9-10-09  
STAFF: PRINT NAME AND DATE

Shift Lieutenant's Initials: \_\_\_\_\_ Date: \_\_\_\_\_ Case No. \_\_\_\_\_

Sergeant's Review: \_\_\_\_\_ SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

CHAIN OF POSSESSION OF EVIDENCE

Each person will record transfer date of item(s) to next person (below)

DATE/TIME	FROM (Legible Signature)	TO (Legible Signature)
9-10-09	MAIN PROPERTY	I AND I. INVESTIGATOR WHALEY

Final disposition of contraband \_\_\_\_\_

(THIS FORM REQUIRES TWO (2) SIGNATURES BELOW WHEN CONTRABAND IS DISPOSED OF)

1. \_\_\_\_\_  
SIGNATURE TITLE DATE

2. \_\_\_\_\_  
SIGNATURE TITLE DATE

Distribution: WHITE-Attach to evidence CANARY-CUS (for unit file) PINK-Disciplinary Hearing Officer GOLDENROD-Offender or Area Supervisor

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, REW 42.17, and RCW 40.14.

Ralph Howard Blakely,  
Plaintiff,

vs.

Washington Department of Corrections,  
et.al., Defendants.

No. 11-2-00834-4

DEC:ARATOPM PF PETER  
Anton LINDAHL

I, PETER Lindahl, make the following declaration:

That I have knowledge of the facts herein, and am competent to testify to such facts.

I am of the legal age and a resident of the Stafford Creek Correction Center in Aberdeen, Washington

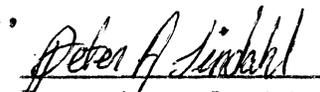
That in the morning of September 10, 2009, I went to property with Mr. Blakely, in order to retrieve nine of his legal document boxes. While the legal boxes were stacked on a rack dolly, Property officers Newberry and Getchel were removing legal documents from the boxes.

I did observe the United Parcel Service tag of "5 of 9"; which there were two folded-down paper bags holding legal documents that were removed by C/Os Newberry.

The officers told Mr. Blakely, that he would not be able to retrieve his property at that time and would have to come back next week.

I, Peter Lindahl, declare under the penalty of perjury under the laws of the State of Washington that the foregoing statement is true and correct to the best of my knowledge.

Dated this 15 th day of September, 2011,

  
Peter Anton Lindahl

No. 11-2-00834-4

DECLARATION OF Jerome Little

1. I, Jerome Little, declare that I am of adult age, and a resident of Stafford Creek Correction Center

2. On or about September 10, 2009, I was employed in the Stafford Creek Correction Center Property receiving and storage department.

3. During that morning I observed Mr. Blakely check what was marked UPS 5 of 9 box of a total of 9 boxes shipped from the Monroe Correctional Complex Center, that were all together on a cart ready for his retrieval.

4. The property officer, then informed Mr. Blakely that they were holding the property boxes.

5. Later, I was able to observe the contents of the same box 5 of 9 UPS tagged with two brown paper bags that had been folded down to fit within the box. One brown paper bag contained hygiene items, and the other contained a large manuscript, and legal documents, neatly arranged in the other brown bag.

I, Jerome Little, declare under the penalty of perjury under the laws of the state of Washington that the foregoing statement is true and correct to the best of my knowledge.

Dated this 11<sup>th</sup> day of September, 2011

  
Jerome Little, 873197

No. \_\_\_\_\_

DECLARATION OF Christopher  
Neil Miller

I, Christopher N. Miller, declare that I am of the legal age, and a resident of the Washington State Reformatory (WSRU) Unit D 335.

2. On or about the middle of January 2009, I read the 50 page brief, that was written and prepared by Ralph H. Blakely, on the issues of "being similarly situated in the way of like treatment to to a shorter sentence compared to other offender's sentences." This brief was well support with over thirty (30) Washington Superior Court Case numbers and length of sentence.

3. Each of the 30 cases cited by aggravated, felony, first degree murder, all received a sentence of less than ten (10) years by the Washington Superior Courts. I was enthused to the facts of "like treatment" of being similarly situated of having my disproportionate sentence reduced" by Mr. Blakely filing this well argued brief. I asked Mr. Blakely to do a similar brief for my situation, but he was having problems medically.

4. I was next to Mr. Blakely's D 334 cell, when officers packed that brief, and a book manuscript that I also read, along with his other legal documents and hygiene items, after Mr. Blakely suffered a seizure of falling down the dinning hall stairs.

5. Leslie Pounds continued to indirectly correspond with Mr. Blakely; and he gave and asked me to confirm the facts stated above, beings I had communicated with Mr. Blakely prior to his accident.

I, Christopher N. Miller declare under the laws of perjury of the State of Washington that the following is true and correct.

Dated February 11, 2010, at WSRU.

Christopher Neil Miller 17957

EXHIBIT 12a

Ex12a

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STATE OF WASHINGTON  
THURSTON COUNTY SUPERIOR COURT

RALPH HOWARD BLAKELY,  
  
Plaintiff,  
  
v.  
  
ELDON VAIL, et al.,  
  
Defendants.

NO: 11-2-00834-4

DECLARATION OF CORYDON  
WHALEY

I, CORYDON WHALEY, make the following declaration:

1. I have knowledge of the facts herein, and am competent to testify to such facts.

2. I am currently employed by the Washington Department of Corrections (DOC) as an Investigator 3 at the Stafford Creek Corrections Center (SCCC) in Aberdeen, Washington. I have been employed by DOC for over 23 years and have been a DOC Investigator for over 13 years.

3. Inmate Ralph Blakely, DOC No. 817995, was transferred from the Monroe Correctional Complex (MCC) to SCCC in June 2009. The DOC shipped two boxes of Mr. Blakely's property with him on the DOC chain bus and the remainder of his property was shipped to SCCC after he arrived at SCCC.

4. In early September 2009, two SCCC officers inventoried Mr. Blakely's property from MCC and found several Omega-3 Fish Oil pill bottles that had pharmaceutical pills in them that were not Omega-3 Fish Oil. These two officers filled out

EXHIBIT 3

1 incident reports on September 10, 2009 describing what they had found and put the pill  
2 bottles in a brown paper sack that was then put in box No. 5 of the seven boxes of property  
3 the officers were inventorying. Plaintiff's boxes of property, including box No. 5, with the  
4 sack with the pill bottles in it, were then sent to me for further investigation and  
5 appropriate action. SCCC Investigator Blumberg returned all the boxes of property except  
6 for box No. 5 to the SCCC property room as there was no contraband in these boxes. I do  
7 not recall doing anything in 2009 with the one remaining box of property that contained  
8 unidentified pills.

9 5. In May 2011 I found Mr. Blakely's one remaining box of property in the  
10 evidence holding area of the Intelligence and Investigation Office. This box had been  
11 obscured by other boxes that had been stacked in front of it. I went through the box and  
12 took out the three bottles marked Omega-3 Fish Oil containing unknown pills and had  
13 Investigator Blumberg return the box with its remaining items to Mr. Blakely's counselor,  
14 Lawrence Mays. The remaining items in the box were primarily hygiene items in amounts  
15 which seemed to be in excess of those allowed by DOC policy. I left it up to Counselor  
16 Mays to determine how best to process the property provided to him in May 2011 by  
17 Investigator Blumberg.

18 6. In May 2011 I conducted an investigation of the fish oil bottles and found  
19 that they contained five different kinds of pills. The bottles contained Phenalgesc 325  
20 mg., Flomax 0.4 mg., Etodolac 400 mg., some pills I presumed to be fish oil, and a number  
21 of small round pills that I was unable to identify. I took photographs of the Omega-3 Fish  
22 Oil bottles and the various pills found in the bottles. The pills have not been returned to  
23 Mr. Blakely as they are contraband by virtue of not being in their original and properly  
24 marked containers. I do not know where or how Mr. Blakely obtained the various pills  
25 found in the Omega-3 Fish Oil bottles. Mr. Blakely was not issued an infraction over the  
26 contraband pills.



EXHIBIT 126

Ex 126

WASHINGTON STATE COURT OF APPEALS II

RALPH HOWARD BLAKELY,  
Appellant,

CASE No.4454-1-II

vs.

WASHINGTON DEPARTMENT OF CORRECTIONS, Et.al,  
RESPONDENTS.

DECLARATION OF RALPH HOWARD BLAKELY  
SUPPORTING AND DECLARING EVIDENCE  
OF PERPETUAL "ASSOCIATION OF OFFICER  
RETALIATION" EVIDENCE AUTHENTICATION  
Title IX rule 901(a)(b)(7)(10);904

1. Ralph Howard Blakely, age 77, an innocent vulnerable adult, and a victim of correctional officer "associated retaliatory" harassment, for complaint addressing the improper seizure of incoming and outgoing legal mail, documents seized from Cell four times in one month.(Exhibits Nos. 1-17)

2. I suffer chronic cognitive impairment, "dementia"(Exhibit No.12,Declaration of Chief DOC Medical Director Dr.John D.Kenney) and NOT able to litigate as an equal to, lacking legal skill and omnipotent authority of Attorney General Douglas W. Carr.

3. It is discriminating, miscarriage of justice, fundamental unfairness for highly skilled Carr to represent the brutal abusive culprits of "associated retaliation"; when the Appellant has been severely injured, tortured, unlawfully imprisoned.(Exhibit No. 18)

4. The Court abused discretion in denying Blakely's Motion For Order to Stop the "associated retaliation"; harassment of the improper seizure of Blakely's of May 19,2012. Exhibit No.12 and exhibits already in the Court record.

5. The exhibits No. 1&2 clearly show that each of 9 of 9 legal boxes contained 2 folded down paper bags packed full of legal documents. Exhibit No.2 showing that Blakely paid for the shipping of all 9 of 9 UPS legal boxes. July 21,2009 letter of Captain Ed Fritch on 4 legal boxes and TV of \$60.00

6. The Exhibit No.3 Joe D. Newberry 9/10/09 incident report"(two)Omega 3 Fish Oil containers" when I & I Whaley's clear pictures show (3) bottles, and that is on G.Gitchel report,"containers placed in box 5 of 7 in brown paper bag." These seven legal boxes were turned over to Investigator Whaley.

7. Also Declarations of Blakely, Fischer, Vannausdle, exhibit No.3 verifying the 475 page manuscript of legal box 5 of 9 UPS tagged.

8. Exhibit No.4 are the postage transfer receipts 1/13/09 of shipping typewriter to Pacific Officer Equipment for Repair, 5/6/10, returned(new)typewriter.

Declaration of Blakely supporting evidence 1 of

June 2, 2011, Attorney James P. Spurgetis requesting that Blakely received the new typewriter from Washington Access. Exhibit No. 4

9. Exhibit No. 5 are two mail rejection notices about the 10X13 legal mail envelope containing about 200 legal documents that were approved by OAS Weidman 11/19/09, stamped legal mail, but then was blocked out by the mailroom after they removed the 11/20/09 U.S. postage stamp of about \$6.00, sent to H.Q. for Review. The notice is incorrect "From Peat Erickson" To Blakely, Ralph" but the legal documents were returned over sixty-days later? This causing serious legal injury to time and procedural bar of an evidentiary hearing.

Ongoing improper seizure of Blakely's Outgoing legal mail is the example of 2, 25, 11, an envelope (9X12) containing about 90 legal documents, these documents were examined and sealed by Counselor E. Ord 2/24/11 and stamped legal mail. Exhibit No. 6; Mr. Blakely was infractioned for an attempt to process legal mail, "WHEN" IT WAS EXAMINED AND APPROVED, AND SEALED by Counselor E. Ord and stamped by the Counselor. A letter, May 20, 2011, by Prisons Director Dan Pacholke, attempting to cover up wrong-doing and the April 2011, four times seizing and shredding legal document from Blakely's cell. \*(Exhibit No. 6)

April 27, 2011, Roy Gonzalez letter regarding the holding of Blakely's legal outgoing legal mail \*(without issuing Mail Restriction Notice) This Notice was never issued and the approximate <sup>26</sup>90 legal documents were never returned. \*Ex. No. 6)

Captain Clint May 20, 2011, letter covering for the malfeasance of "G" unit officers misplacing the <sup>86</sup>90 legal document 9X12 envelope and the February 25, 2011 Infraction of punishment for their improper seizure (theft of U.S. Mail) \*\*as retaliation by Cheryl Sullivan. Blakely made several attempts to recover, of no avail. (Exhibit No. 6)

May 5, 2011, Senior Tort Investigator G. Pressel, tortious conduct of "associated officer retaliation" \*shredding and seizing\* Blakely's legal documents from his cell "four times" During April 2011. Exhibit No. 7

Exhibit No. 8. December 16, 2009, letter of Investigator Greg Pressel, responding to when prison officials maliciously and sadistically used force on Mr. Blakely, (while he was suffering neuroleptic-catatonia on the (SCCC hospital floor not able to hear, nor move) causing extreme broken ribs, ruptured left kidney, back, and black right temple and eye. This was beyond the contemporary standards of decency "repugnant to the conscience of mankind" (assault with no provocation, no penological justification for Blakely complaining about his legal property being seized, causing injury upon injury.

10. November 8, 2012 Sergeant Cheryl Sullivan's Declaration (three years after the actual genuine material fact) is contrary to Mail Restriction Notice of 11/20/09 showing that the mail was from Peat Erickson and to Blakely, Ralph. Exhibit No. 5<sup>7/9</sup> The question is why was there a priority mail sticker, and a \$6.00 postage, AND legal mail and "Not Legal Mail" boldly written on the 10X13 envelope, if it was NOW U.S. POSTAL MAIL? ? Exhibit No. 9 & 5 Why was the \$6 U.S. Postage removed? Sgt. Sullivan's Declaration paragraph 4. is egregiously false about Mr. Eriksen assisting Mr. Blakely with illegal activities while Mr. Blakely was at Airway Heights. Paragraph # 6 states "Mr. Blakely was free to send the materials returned to him to Mr. Eriksen via regular, Non-legal mail", AFTER INJURY HAD OCCURRED with time and procedural bar. Ms. Sullivan can remember 21562 rejections?

THIS is contrary to OAS L. Weidman thoroughly examining the legal documents of the 10 x 13 envelope and then signing and sealing it !! Exhibit No. 5

! 11. Investigator Corydon Whaley (three years after the fact) on November 7, 2012, in paragraph 3 that in June 2009 DOC shipped two boxes of Mr. Blakely's property with him. THIS is proven false by the UPS invoices and UPS tagged boxes clearly labeled 1,2,3,4,5,6,7,8,9 of 9. Exhibit No. 10

12. I, Blakely Sworn On Oath clearly state, "counting and reading" the consecutively numbered UPS tagged legal boxes 1-9 of 9 at about 10 a.m. September 10, 2009. This is confirmed by exhibits No. 1,2,3, and missing paper bag holding the 475 page manuscript, notarized Affidavits of Recantation by Juarez, and 50 page brief, that was the other half of UPS tagged box 5 of 9, which was held in Whaley's office for two years. Exhibit No. 10

13. March 31, 2011, Staff Misconduct Grievance on mailroom Brown and Sgt Sullivan illegally seizing 9 X12 envelope of 86 legal documents as a means of harassment and retaliation without due process (tampering with U.S. Postal Mail. Also Superintendent Pat Glebe's March 15, 2011, two page letter was seized and opened and resealed with second page removed (envelope clearly water marked) and was not delivered until 3/31/11. Exhibit No. 11

14. May 19, 2012, a Motion for Vulnerable adult Protection Order RCW74.34, Memorandum Of Law in Support of VAPO, Declaration of Blakely in Support of the Motion For VAPO to stop extreme abuse, harassment, retaliation and discrimination, and Order to stop the improper seizure of legal documents. The all mighty Attorney General bamboozled Judge McPhee for a denied Order. CP27, exhibit No. 12

ALSO, Blakely filed a Motion For Reconsideration of VAPO on June 19, 2012, with Declaration of many exhibits of psychological injuries, dementia, cognitive impairment, AND three Chief DOC Medical Director Dr. Kenney Declarations. EX.#12\*

15. On July 27, 2012, by "associated officer retaliation" the ongoing harassment and punishment of Blakely, by C/O Alberto Alavez seizing Blakely's legal mail AND ISSUED (3) three BOGUS INFRACTIONS (declarations of Robert Benoit, Mark Vannausdle indicating "vindictive officer"); punishing Blakely with 40 hours of hard labor. This associated retaliation was for Blakely complaining about his legal mail and legal documents being improperly seized; which leads to the next planned retaliation by associated officer Laurence C. Mays "vindictively seizing" Blakely's VERBATIM REPORT AND removing legal 1.5X2" yellow post-it note stickers (23) AND THEN issuing BOGUS INFRACTION and 60 hours of hard labor punishment.

Then perpetually the retaliation continues by Sergeant Sullivan seizing incoming legal mail (that Blakely mails to Attorney General Douglas Carr as a showing of ongoing retaliation and injury to obtain legal assistance for a vulnerable handicapped adult age 77.

16. Declaration of Blakely, August 29, 2012, In support of TORT OF OUTRAGE TO DESIST, with supporting 15 Declarations of official wanton, sadistic, malice, malfeasance resulting in vicious brutal assault and injury to Blakely for complaints against "associated officers". The declarations clearly show the unnecessary infliction of injury (declaration of Sandoval, Cornell, Danielson).

"Vindictive retaliatory transfer" by C/O L. Mays and CUS Bruner of Blakely to far distant H4 Unit from dining, so that Blakely suffers chronic knee joint pain three times daily of no knee cartilage and pinched back nerves. AND THEN HAVING HIM CELLED WITH ("MRSA") inmate Aldrich for psychological punishment.

17. Motion To Stay Proceedings Until Appointment of Counsel, being unable to litigate Due to Mental and Physical Handicap; Memorandum and Supporting Declaration, of November 27, 2012, set for December 7, 2012 hearing.

The Court abuses discretion continuing the Motion to Stay till after Attorney General files Motion For Summary Judgment, 12/21/12. The December 21, 12 hearing was canceled by Defendants' Attorney bamboozling the Court to ignore Blakely's Motion to Stay is shown by holding the summary judgment hearing before the hearing of Motion to Stay is extremely and fundamentally unfair Due Process. Exhibit No. 15 And to add injury to injury the Defendants' Attorney files February 5, 2013 (two days before February 8, 2013 hearing "Defendants' Response to Opposition to Plaintiff's Motion For Reconsideration and to STAY of the Summary Judgment. Exhibit No. 12, 15

18. Plaintiff's Objection to Defendants' Motion For Summary Judgment, Declaration of Blakely in Support of Memorandum in Objection of Defendant's Motion For Summary Judgment. The Court abused discretion by NOT considering genuine

issues of material facts of the non-moving Plaintiff's Declarations, exhibits to Stay Proceedings prior to Defendants' submitting a Motion for S.J. Exhibit No 16 The Court erred in NOT considering the disputed facts of the Defendants, misrepresenting substantial facts "inventoried" 9 of 9 USP tagged legal boxes and showing NO return of all nine legal boxes to the Plaintiff, and NO showing of any "inventory". Exhibits 1,2,3,4, compared to exhibits 9 & 10 Shows misrepresentation, and the causation of severe injury of Blakely's unlawful imprisonment.

19. The State had it's officers had a "DUTY" to protect a vulnerable adult's legal incoming and outgoing mail in addition to his legal sealed 9 of 9 UPS tagged boxes that were already inventoried by Washington State Reformatory officers and sealed the legal boxes, Exhibits No.1,2,3. The Court erred by NOT examining Ex.Nos.1,2,3 of true genuine issues of material fact compared to Flagrant Declarations of Sullivan and Whaley holding box 5 of 9, where the bag of legal documents were removed; two years after September 10,2009, This is a dispute, which the Court of Appeals has asked to reverse Defendant's Summary Judgment.

20. Exhibit No. 17, the Court erred in granting Defendants' Order for S.J., when the NON-moving Plaintiff presented genuine material evidence, declarations of malice malfesance and injury upon injury, along with retaliation and discrimination of exploiting a vulnerable adult who suffers cognitive impairment, and dementia. January 27,2013, Plaintiff's Motion For Reconsideration of Judicial Order of January 25,2013, Exhibit No.17.

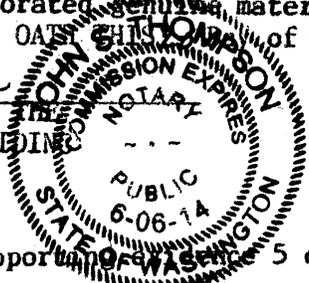
21. Exhibit No. 18, are five exhibits clearly showing a copy of Mr,Juarez's recantation affidavit( which does not hold the weight of the actual notarized Affidavit of Juarez that was in the folded down paper bag of legal box 5 of 9) And also the critically needed corroborating documents, of prison placement records proving that Blakely did not offer Juarez money as being framed for two counts of solicitation to commit first degree murder. That 1/2 of box 5 of 9 of legal documents would have positively proven Mr.Blakely INNOCENT.

22/. Investigator Whaley's Declaration Pictures are very clear of \*three\* Omega 3 Fish Oil with plastic seals still in place but broken. WHY THEN, didn't Whaley take very clear pictures of\*1-9 of 9\* UPS tags and THEN UNSEAL (9) boxes taking very clear pictures of the neatly organized packed legal documents in each of the 9 boxes ? ? ?

I, Ralph Howard Blakely, declare under the penalty of perjury of the laws of of the State of Washington that the foregoing is true and correct and all the exhibits are true corroborated, genuine, material facts, relating to injury.

SWORN AND SCRIBED ON OATH BY JOHN S. THOMPSON, Notary Public, State of Washington, on this 9th day of June, 2013.

*John S. Thompson*  
NOTARY PUBLIC IN AND FOR THE  
STATE OF WASHINGTON, RESIDING  
IN SHELTON



*Ralph H. Blakely*  
Ralph Howard Blakely, 817995

EXHIBIT 12c

EX12C

WASHINGTON DEPARTMENT OF CORRECTIONS

Bernard Warner, Secretary  
Scott Frakes, Prison Director  
P O Box 41101  
Olympia, WA 98504-1101

No. \_\_\_\_\_  
OFFICIAL MISCONDUCT COMPLAINT OF:  
C/O Alberto Alavez

Pursuant To: RCW 72.02.060, "The Secretary shall investigate all complaints made against the chief executive officer, or any institution and also any complaint against any other officer or employee."

Pursuant To: RCW 9A.80.010, "Official Misconduct"(1) A public servant is guilty of Official Misconduct if, with intent to obtain a benefit, or to deprive another person of a lawful right or privilege:(a) He intentionally commits an unauthorized act under color of law; or (b) He intentionally refrains from performing a duty imposed upon him by law,(2) Official Misconduct is a gross misdemeanor."

COMPLAINT DETAILS

On July 27, 2012 at about 1:15pm on my way to "P" building, correction officer Alberto Alavez unnecessarily and wantonly seized my legal file folder at the "B" building dining hall exit, that I have used everyday for over ten(10) years. C/O Alavez improperly seized this legal file folder as to harsh, intimidate, and retaliate against vulnerable adult Mr. Blakely age 76, who is handicapped.

2. As a show of vindictiveness, C/O Alavez improperly drafted "THREE" general infractions "353,301,102" which within displays vindictive bad attitude. He neglected to properly cite WAC 137-28-220-353-

a. WAC 137-28-353 is Disruptive behavior

b. Now, as unlawfully imprisoned for 13 years, Mr. Blakely is soft polite, spoken and is positively NOT disruptive. (

c. C/O Alavez also showed apathy and disdain by crumpling Mr. Blakely's critically needed legal file folder.

3. C/O Alavez was aggressively disruptive in ripping Mr. Blakely's legal documents from his file folder and then crumpling it.

a. C/O Alavez is devious in his general infraction report by improperly stating " He became disruptive and said, " Superintendent Glebe approved for me to have it". " I am going to head quarters with this."

b. The true statement was I would appeal to Superintendent Glebe and I am going to headquarters with this." And Please make sure you put it in storage! ALL MY LEGAL FOLDERS ARE ALTERED AND REINFORCED AS TO MY HOBBY CRAFT PERMIT. REMEDY: Please return my legal waterproof file folder, for my handicapped left arm. I declare under the penalty of perjury the foregoing is true and correct.

Dated 30 July, 2012 at SCCC *Ralph H. Blakely 817995*

Confidential  
Offender  
Copy

LOG I.D. NUMBER  
**1110500**



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

**APPEAL TO LEVEL III  
APELACIÓN AL 3ER NIVEL**

Name: NOMBRE:	Last APELLIDO	First PRIMERO NOMBRE	Middle 2DO NOMBRE	DOC Number NUMERO DOC	Facility/ FACILIDAD	Unit/Cell UNIDAD/CELDA
Blakely, Ralph H.				817995	SCCC	H1018L
Community Corrections Office OFICINA DE CORRECCIONES EN LA COMUNIDAD			Date Typed FECHA ESCRITA	PART B - OBTS INFORMATION INFORMACION DE OBTS		
			8-2-11	Remedy/REMEDIIO 08	Resolution/RESOLUCION 04	Pending/PENDIENTE

**PART A - APPEAL TO LEVEL III/PARTE A - APPELCIÓN AL 3ER NIVEL** Response due/Respuesta-requerida en

**I WANT TO APPEAL:** (written 7-29-11) time 1816 and 1814, correction officers, thrashed my cell of legal documents, and seized some of them. Then at 1816, correction officer J. Karavand and HJ. Klemetson vindictively retaliated by thrashing six of my legal files here in the "P" building; seizing some the my legal notes and documents. These named correction officers, in addition to the injury in the loss of valuable legal documents, created traumatic stress of psychological emotional and physical heart disturbance; which will eventually lead to another catatonic apraxia seizure.

**SUGGESTED REMEDY:** There are very few amenities in the cell and nothing to search or perpetual searches are extremely intimidating causing too much stress for my heart condition. 2. The legal documents seized were for Attorney McKee who is allowed to practice in the federal court system and should be returned to me soon.

<u>/S/ Kerri McTarsney</u>	<u>8-2-11</u>	<u>/S/ Ralph Blakely</u>	<u>8-2-11</u>
Grievance Coordinator Signature FIRMA DE COORDINADOR DE QUEJAS	Date FECHA	Grievant Signature FIRMA DE QUEJANTE	Date FECHA

**PART B - LEVEL III RESPONSE/PARTE B RESPUESTA 3ER NIVEL**

I reviewed your initial grievance as well as all appeals and responses.  
DOC Investigator Katelyn Daugherty also reviewed this grievance and provided this response:  
I reviewed your initial grievance as well as all appeals and responses. The Level I and II responses clearly and appropriately addressed your issue.  
The documents confiscated from your cell were not allowed to be in your possession. Staff acted in accordance with policy and procedure in this case. There is nothing to support your allegation that staff acted inappropriately or unprofessionally.  
I concur with the previous responses.

  
 OCO Deputy Secretary/Designee  
 SUBSECRETARIO DE LA OCO/DESIGNADO

9/10/11  
 Date  
 FECHA

**STAFF MISCONDUCT GRIEVANCE**

FILED PURSUANT TO RCW 72.01.060

Pursuant to RCW 72.01.060, which holds in part: "The Secretary of the Washington Department of Corrections shall investigate all complaints made against the subordinate officer or employee of an institution.

The Complainant, Ralph H. Blakely, files the following Complaint against Correction officer Brown and Sergeant Cheryl Sullivan, 3/2/2011, on the seizure of my legal mailed documents.

These LEGAL DOCUMENTS WERE SCRUTINIZED AND EXAMINED BY Stafford Creek Correction Center Counselor Ed Ord and G unit correction officer who gave me permission to seal the 9 X 12 manila envelope. He then stamped legal mail and signed off on the sealed flap. DOC 590.500(III.) (B)(1)(6)

This 9 X 12 Envelope with absolutely legal court documents was illegally seized by Sergeant Cheryl Sullivan as a means of harassment and retaliation, without due process. Sergeant Sullivan illegally tampered with United States Postal Mail and also against DOC policy of legal mail being opened in the presence of that inmate.

ALSO, Superintendent Pat Glebe's March 15, 2011 two page letter was seized by someone and the envelope was resealed with only the front one page, and was not delivered until late 3/31/2011.

Other legal letters/3/17/2011 to Attorney Christopher Coker were not mailed or were seized.

This is a severe violation of the First Amendment, Fourth, and Fourteenth Rights to access legal Courts.

I request that these LEGAL DOCUMENTS be returned immediately.

I, Ralph H. Blakely, 817995, declare under the penalty of perjury that the foregoing is true and correct under the law of the State of Washington.

Dated March 31, 2011, at SCCC.

Ralph H. Blakely  
Ralph H. Blakely, 817995  
SCCC H 1 A 18  
191 Constantine Way  
Aberdeen, WA 98520-9504

C:

WASHINGTON DEPARTMENT OF CORRECTIONS

Benard Warner, Secretary  
Scott Frakes, Prison Director  
P.O. Box 41101  
Olympia, WA 98504-1101

Pursuant To: RCW 72.02.060, "The Secretary shall investigate all complaints made against the chief executive, officer, or any institution and also any Complaint against any other officer or employee."

Pursuant To: RCW 9A.80.010, "Official Misconduct"(1) A public servant is guilty of Official Misconduct if, with intent to obtain a benefit, or to deprive another person of a lawful right or privilege:(a) He intentionally commits an unauthorized act under color of law; or (b) He intentionally refrains from performing a duty imposed upon him by law,(2) Official Misconduct is a gross misdemeanor."

COMPLAINT DETAILS:

On August 23, 2012 at about 4:30pm ; at Stafford Creek Correction Center, "H 1 Unit" Washington State Correction Officer and Counselor Lawrence Mays vindictively came to Mr. Blakely's cell demanding Mr. Blakely's 80 pages of Verbatim Report. This legal Verbatim Report had 23 1.5" x 2" yellow "Post-it Note Stickers on the various pages. These specific legal notes were placed on those specific pages over two years ago by an attorney's paralegal.

I paid for that expert legal advise two years ago and Counselor Mays vindictively without proper cause read and ripped all 23 1.5"x2" yellow Note stickers from Blakely's legal documents.

These valuable NOTs are critically needed to Prove Mr. Blakely's actual factual innocence, THESE NOTES ARE LEGAL DOCUMENTS AND ARE PART OF LEGAL DOCUMENTS,

Counselor Lawrence Mays clearly shos his outrageously vindictive misconduct by issuing a general infraction WAC 137-28-220-053 "Possession of anything not authorized for retention or receipt by an inmate and/ or not issued to an inmate by regular institutional channels."

The Law Library has always issued these yellow sticker notes stickers as appendix markers or page markers The yellow legal note stickers on Blakely's legal documents had the paralegals hand writing and expert legal notes. The hand writing does not match that of Mr. Blakely.

NOW, this clearly shows a chain of intimidation, retaliation, harasshment, leading to extreme discrimination of unlike treatment of other inmates that are similarly situated, most all have "yellow, purple, green, pink notes-stickers that were institutionally issued. I declare under the penalty of perjury of the laws of State of Washington that the foregoing is true and correct.  
Dated August 23 2012 S.C.C.C  
Ralph H. Blakely 817995

EXHIBIT 12D

Ex 12D

OFFICIAL STAFF MISCONDUCT

COMPLAINT NO \_\_\_\_\_

Washington State Department of Corrections  
 Robert Herzog, Deputy Secretary  
 Box 41101  
 Olympia, WA 98504-1101

Pursuant to RCW 72.01.060, "The Secretary shall investigate all complaints made against the chief executive officer, of any institution and also any complaint against any other officer or employee."

COMPLAINT DETAILS:

I, Ralph H. Blakely, 817995, declare that I'm age 79, and have been illegally restrained for about 17 years in the State of Washington.

During October 6, 2009, while suffering a "nauseptic-catatonic seizure on the Stafford Creek Correction Center Infirmery floor, not able to move, nor to provoke the use of excess force, as C/o Barrett viciously slammed my head on the floor (blackening temple, eye) as C/O Nelson brutally bounced knee in the middle of Blakely's fragile back, breaking ribs front and back, rupturing left kidney. I was then transfered to segregation holding cell and pitched onto the floor for over 27 hours, before being returned to medical.

Every since, I have been by (associated officer) retaliated against by ther constant seizure of my legal documents, and other property.

August 6, 2015, "Hq'Unit" about 10:10 a.m. I took two steps out of cell 36 and shook a bug from a triple folded hand towel, at the backside of a stairway. As Mr. Crayne spun around, grabbing towel and pitching it into a trash can, I I immediately backed into my cell without "touching, nor speaking to that person)"

CUS Kevin Shanahan, had officers transfer me to segregation, and then wrote a 633 Assault Infraction, when there was absolutely no intent to harm, nor to touch, nor to threaten anyone.

C/O Brandt and C/O Reese (by association) improp<sup>ly</sup> ~~by~~ <sup>seizing my legal</sup> ~~seizing my legal~~ documents, ~~all typewriter ribbons, pinwheels, typepaper, pens, medical "HSR" drinking cups, cervical pillow, and hobby craft items, as a perpetual means to abuse, harras a vulnerable adult for complaining.~~

After many years of abuse, harassment, by the correction officers of Stafford Creek Correction Center, I suffer fear, stress, and trauma, and ask you to transfer me to Airway Heights Correction Center with the return of all legal documents, typewriter ribbons, and other property as soon as possible.

My severe medical problems of my blind left eye, and floaters in my right eye can be repaired in Spokane by an expert, who will be paid by by an account lawyer.

*under Offender Paul Health Care Plan*  
 I, Ralph H. Blakely 817995, declare under the penalty of perjury that the aforementioned is true and correct.

Dated September 1, 2015,

*Ralph H. Blakely*  
 Ralph H. Blakely, 817995

SOCC H 1 836  
 191 Constantine Way  
 Aberdeen, WA 98520



**STATE OF WASHINGTON**  
DEPARTMENT OF ENTERPRISE SERVICES – OFFICE OF RISK MANAGEMENT  
1500 Jefferson Street PO Box 41466, Olympia, Washington 98504-1466  
(360) 407-9199 [www.des.wa.gov](http://www.des.wa.gov)

November 25, 2015

Ralph Blakely 817995  
Stafford Creek Corrections Cntr  
191 Constantine Way  
Aberdeen, WA 98520

RE: Tort Claim # 31083118

Dear Ralph Blakely:

The Department of Enterprise Services, Office of Risk Management, received your tort claim seeking damages for loss of personal property on November 24, 2015. This acknowledgment does not constitute a review of the legal adequacy of the claim, nor should it be construed as a waiver of any deficiencies that may exist.

Washington State maintains a public liability fund for payment of tort claims only after there has been a finding of tortious conduct. Please see Chapter 4.92 RCW. The investigation of your claimed personal property loss will be conducted by the Department of Corrections (DOC), as authorized by Chapter 4.92.210 (4) RCW.

As described in DOC 440.000 - Personal Property For Offenders; all authorized offender property will be retained at the offender's risk. Offenders will be reimbursed through the tort claim process only if it is determined that property was lost or damaged through staff negligence. Recovery of damages is limited by state law to the terms outlined in Chapter 72.02.045 RCW - Superintendent's Authority.

Upon completion of the investigation our office will notify you regarding the determination.

Sincerely,

N. Roberts  
Tort and Sundry Claims Representative

FILED  
SUPERIOR COURT  
THURSTON COUNTY, WA

2011 APR 11 PM 2:03

BETTY J. GOULD, CLERK

1	<input type="checkbox"/> Expedite
2	<input checked="" type="checkbox"/> No HEARING SET
3	<input type="checkbox"/> Hearing Set For:
4	Date: _____
	Time: _____
	Judge: _____

5  
6  
7

SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

11-2-00834-4

8	RALPH HOWARD BLAKELY, Plaintiff,
9	
10	vs.
11	ELDON VAIL; CLINT MAY; CORYDON WHALEY
12	CHERYL SULLIVAN, et.al.;
13	AND UNKNOWN OTHERS ACTING UNDER
14	COLOR AND AUTHORITY OF WASHINGTON
	STATE DEPARTMENT OF CORRECTIONS,
	Defendants.

NO. ~~10-2-00834-4~~

VERIFIED COMPLAINT FOR  
DEPRIVATION OF PROPERTY  
WITHOUT DUE PROCESS AND  
MALICIOUS HARASSMENT, AND  
RETALIATION, inter alia,

I - INTRODUCTION

15       1.1 Ralph H. Blakely, is a 74 year old businessman, unlawfully  
16 imprisoned at Stafford Creek Correction Center. This Complaint is  
17 for the deprivation of valuable legal documents, manuscript, and  
18 other valuable property illegally seized by the above named Depart-  
19 ment of Corrections authorized employees of the mailroom and  
20 property receiving room.

II - JURISDICTION AND VENUE

22       2.1 This Court has jurisdiction over these claims under the  
23 Washington Constitution, Article IV, § 1, common law, RCW 9A.36.083,  
24 42 U.S.C. § 1983, and the Washington State Constitution, Article  
25 I, §§ 3, 4, 5, 14, and the United States Constitution Amendments  
26 One, Four, Eight, and Fourteen, and Due Process Rights.

27       2.2 Venue is proper in this Court pursuant to RCW 4.92.010(5),  
28 and because some of the parties reside in this County.



1 and/ or allowed directly or indirectly the seizure of the  
2 Plaintiff's four, five boxes of legal documents, manuscript, and  
3 personal hygiene items and claims described herein.

4. 4.4 Defendant, Cheryl Sullivan, Sergeant of Stafford Creek  
5 Correction Center Mailroom, during times relevant to this com-  
6 plaint. She personally participated, acquiesced, and/or allowed  
7 directly or indirectly in the illegal seizure of the Plaintiff's  
8 important legal mail and legal documents and other property.

9 4.5 Defendant, Investigator Corydon Whaley of the Stafford  
10 Creek Correction Center Property Receiving Room, during times relevant  
11 to this complaint. He personally participated, acquiesced, and/or  
12 allowed directly or indirectly the illegal seizure of the Plain-  
13 tiff's important five boxes of legal documents, manuscript,  
14 and personal hygiene items, damaged Brothers typewriter, and other  
15 property claims described herein, and special hearing aids.

16 4.6 Defendant(s) are sued in their individual and official  
17 capacity for personally and authoritively participated, acquiesced,  
18 and/or allowed directly or indirectly the Plaintiff's loss of  
19 boxes of legal documents, manuscripts, legal mail, both incoming  
20 and outgoing, and loss of other personal property, under color of  
21 Washington State Law.

22 4.7 Defendant(s), unknown others, community partners and  
23 spouses are sued for their direct or indirect participation,  
24 acquiescence, emotional or financial support, and/or having  
25 contributed in or allowed directly or indirectly the losses  
26 of the plaintiff's legal mail, legal documents, manuscript, and  
27 other personal property shipped from Monroe Correctional Com-  
28 ples by the Plaintiff.

1. 4.8 Those unknown Defendant(s), who directly or indirectly  
2 seized or misplaced the Plaintiff's five boxes of legal documents,  
3 manuscript, and other personal property shipped from the Monroe  
4 Correctional Complex, should be held accountable for such losses.

5 4.9 The Term "Defendant(s)" in plural form herein is intend-  
6 ed to include one or more of the named and name-unknown Defen-  
7 dants, and is not intended to exclude any named person, but is  
8 intended to assist in simplifying the description of the claims.

9 V - FACTS COMMON TO ALL COUNTS

10 5.1 On March 29, 2009, Washington State Reformatory, (Inmate  
11 Personal Property Record) of the property storage indicated that  
12 there were nine boxes of legal documents, and personal property.  
13 June 29, 2009, Plaintiff's kite to the Stafford Creek Correction  
14 Property Room, Explaining nine boxes, television, Brothers type-  
15 writer were to be shipped from (MCC). The response on July 1,  
16 2009, was five (5) boxes, 1 typewriter were received.

17 5.2 July 21, 2009, letter from Captain Ed Fritch in response  
18 to correspondence to Superintendent Frakes regarding the mailing  
19 of four boxes from (MCC). "On June 2nd the Mailroom shipped five  
20 boxes of your property to (SCCC)". The amount needed to ship your  
21 remaining four boxes and television is \$ 60.00.

22 5.3 September 10, 2009, Washington State Department of Cor-  
23 rections officer, J.D. Newberry, and C/O Gretchel, who in turn  
24 delivered seven (7) boxes to I. and I. Investigator Corydon Whaley.

25 5.4 October 5-13, 2009, Plaintiff received only 4 of the nine  
26 (9) boxes of legal documents, manuscript, and other personal  
27 property. June 29, 2009, the response to Plaintiff's kite is that  
28 property had five boxes and 1 typewriter at (SCCC).

1           5.5 October 13,2009, Plaintiff prepared paperwork to ship  
2 the damaged Brother(K66584227) typewriter to Pacific Office Equi-  
3 pment for repairs, because it was damaged in shipment or storage.

4           5.6 January 19,2010, Plaintiff's letter to Pacific Office  
5 Equipment, complaining that the new replacement Brother ML 300  
6 did not function properly; which had been pickedup from (SCCC)  
7 property January 7,2010. The Pacific Office Equipment Invoice of  
8 December 2,2009, was paid by Jim Spurgetis of \$215.41. The (SCCC)  
9 property had removed the principal type pin-wheel.

10          5.7 February 18, and April 23,2010, Plaintiff wrote letters  
11 Pacific Office Equipment, that the Brother typewriter does not  
12 function. Then the first week of May, Plaintiff, upon call-out to  
13 )SCCC) property shipped the Brother typewriter to Pacific Office  
14 Equipment.

15          5.8 November 20,2009, Sergeant Cheryl Sullivan authorized  
16 the seizure of a legal 9x 12 envelop containing about 200 legal  
17 documents of significant importance to the Plaintiff's proof of  
18 innocence.

19          5.9 Plaintiff's November 25,2009, kite to the (SCCC)mailroom  
20 with a response from Sergeant Cheryl Sullivan, stating that the  
21 Plaintiff's [l]legal documents were sent to headquarters for re-  
22 view.

23          5.10 Plaintiff's November 28,2009, letter to Superintendent  
24 Patrick Glebe, addressing that the 9X13 legal envelope was inspec-  
25 ted by(OAS) L. Weidman as to legal contents and sealed and signed  
26 and taped shut.

27          5.11 Plaintiff's December 2, 2009, letter to Secretary of the  
28 Washington Department of Corrections, about this (SCCC)LEGAL MAIL

1. 9X13 envelope full of legal documents to be copied and then to be  
2 filed in the Grant County Superior Court Clerk's Office.

3       5.12 December 15,2009, (SCCC) Correctional Captain Clint May  
4 responds with a two page letter about this legal mail envelope,  
5. after the (SCCC) Mailroom had already placed \$5 or \$8 worth of  
6 postage and then destroyed the postage.

7       5.13 December 23,2009,(DOC) Prisons Division Director, Ric-  
8 hard Morgan, replies for the recent letter to Secretary Eldon  
9 Vail, that Correctional Manager Roy Gonzalez has already ruled on  
10 this matter and upheld the restriction. Therefore no other level  
11 of appeal is available. Over 60 days later, the 9X13 legal docu-  
12 ment mail envelope was returned, after it was too late for the  
13 Grant County Superior Court Judge to rule on Blakely's release.

14.       5.14 December 7,2009, Plaintiff filed Standard Tort Claim  
15 Form No. 31073173 with the Office of Financial Management, Risk  
16 Management Division for an itemized billing of \$ 435,206.60.

17       5.15 December 16,2009, Senior Tort Investigator, Greg Pressel  
18 responded with request for additional information.

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28

1                    COUNT - I (FIRST AMENDMENT RETSALIATION)

2            6.1 Defendant(s)' actions and inactions were motivated by the  
3 Plaintiff's attempted prior and present administrative, verbal  
4 and legal complaints seeking to procure his legal rights, a First  
5 Amendment Right.

6            6.2 Defendant(s) sought to chill, deter and eliminate the  
7 Plaintiff's legal complaints and actions, by their seizure of his  
8 legal documents, manuscript, incoming and outgoing legal mail,  
9 and other personal property of the Plaintiff.

10           6.3 Plaintiff had a Right under the First Amendment to com-  
11 Plain about things he did, and to have his legal documents, manu-  
12 script, incoming and outgoing legal mail, and other personal  
13 property in storage without being seized in retaliation.

14           6.4 Defendant(s) knew of the unreasonable risks of staff  
15 retaliation against persons like the Plaintiff because they lack  
16 any "non-retaliation" policies, training and practices, despite  
17 being put on notice of such seizure problems and practices exist-  
18 ing in this case and in too many others. But the Defendants re-  
19 fuse to take any corrective actions. The foregoing seizures of  
20 legal documents, manuscript, incoming and outgoing legal mail and  
21 other personal property has contributed to serious injuries suf-  
22 fered by the Plaintiff.

23           6.5 Defendant(s) seizure actions of Plaintiff's legal property  
24 lacks any legitimate penological interests and are designed to  
25 chill and deter protected prisoners First Amendment Constitution-  
26 al rights



COUNT - III --(CRUEL AND UNUSUAL PUNISHMENT)

8.1 Plaintiff includes and incorporates each and every averment made within this complaint as though fully set forth herein.

8.2 The Defendant(s)' malice malicious seizure of the Plaintiff's important legal documents and manuscript, that would have helped return him to Court to prove his actual factual innocence. This malfeasance of malice seizure of the Plaintiff' seven boxes of legal documents, that could support his actual innocence and set him free from cruel and unusual psychological torture of two life sentences for an alleged crime he was unable to commit.

8.3 The Plaintiff's disproportionate more than life sentence is an extreme injury and torture of everyday life, without some hope of freedom from the pain and torture. The Plaintiff has raised a genuine issue of material fact as to the legitimate penological grounds of the Defendant's transfer and seizure of his legal documents. and manuscript.

8.4 The Stafford Creek Correction Center Medical Staff and officer,s October 4-14,2009, brutally broke Blakely's ribs, rupturing left kidney, tortured on hard concrete floor for 27 hours (no matt nor blanket is the unnecessary and wanton infliction of pain and tortue to an American with Disabilities as a true violation of Cruel and Unusual Torture of the Eighth Amendment.

8.5 [T]hen the Defendant's add more psychological injury to injury by illegally seizing the Plaintiff's legal documents, manuscript, and other property, to further discriminate against a "Handicapped" unlawfully imprisoned elderly man.

COUNT--IV--(DISCRIMINATION--EIGHTH AMENDMENT VIOLATION)

9.1 Plaintiff asserts and incorporates each and every allegation made with this complaint as though full set forth herein.

9.2 The Defendant(s)' malice malicious seizure of the Plaintiff's important special hearing aides in the seven boxes of legal documents, could have possibly prevented serious officer injury to Plaintiff Blakely. ( 42 U.S.C.S. § 12133 n5)

9.3 Defendant's seizure of Plaintiff's special hearing aids would possibly have prevented serious initial infractions and cruel and unusual punishment in segregation.

9.4 Defendant Investigator Corydon Whaley of the Stafford Creek Correction Center and of the State of Washington officials improperly and vindictively seized Plaintiff's legal property and manuscript that has created great psychological and emotional mental injuries of an American disabled by serious head injuries with in the prison system.

9.5 Defendant Whaley's seizure of every important legal document that supported the Plaintiff's actual factual proof of his innocence. This improper seizure injured the Plaintiff's chances of proving his actual factual innocence through an evidentiary hearing.

9.6 Defendant also improperly seized Plaintiff's personal property, causing more than psychological mental injuries, but also monetary injuries and health injuries without the seized vitamins and minerals to a 74 year-old ADA handicapped man.

V. -- RELIEF SOUGHT

10.1 Plaintiff either seeks the return of all his seized property, legal documents, manuscript, personal property, and personal hygiene or \$435,206.60.

10.2 Plaintiff seeks special damages not less than triple damages requested to be determined at trial.

10.3 Plaintiff seek injunctive and declaratory relief.

10.4 Plaintiff seeks any and all costs, expenses and fees associated with this case, including but not limited to those available under 42 U.S.C. § 1988.

10.5 Plaintiff seeks such other relief this Court deems just.

Respectfully submitted on October 1, 2010. Ralph H. Blakely  
Ralph Howard Blakely,

VERIFICATION

I, hereby certify under oath, penalty of perjury, and the laws of Washington State, that the preceding statements are true and correct to the best of my knowledge, and are based on records, observations, and belief and reasonable conclusions therefrom.

Signed at Aberdeen, WA. on October 1, 2010. Ralph H. Blakely  
Ralph Howard Blakely

Date/Fecha: \_\_\_\_\_

Offender Name / Nombre del interno/interna	DOC Number/Núm. DOC	Unit/Unidad
--	---------------------	-------------

**PROPERTY DESCRIPTION/DESCRIPCION DE LA PROPIEDAD:**

1. Legal Music Papers (16 Boxes)	11. Legal Music Papers
2. _____	12. _____
3. _____	13. _____
4. _____	14. _____
5. _____	15. Legal Papers
6. _____	16. THE WASH. COURTS
7. _____	17. Small Box
8. _____	18. _____
9. _____	19. _____
10. _____	20. _____

The property listed above is being held in the property room awaiting disposition. Please indicate how you wish to dispose of the property listed above and return this signed form to the Property Officer.

La propiedad arriba anotada está en el cuarto de propiedad a que se decida su disposición. Indique en este formulario, por favor, como quiere que se disponga de la propiedad y déselo al oficial de propiedad.

**DISPOSE OF MY LISTED PROPERTY AS FOLLOWS / DISPONGA DE MI PROPIEDAD COMO SIGUE:**

- Donate to charity.  
*Dónela a un organismo caritativo.*
- Destroy it.  
*Destrúyala.*
- Send it out at my expense to: *Envíela a expensas mías a:*  
Include a completed, signed postage transfer slip if you are choosing to send items out. / *Incluya un formulario de transferencia de fondos firmado si quiere enviar los artículos afuera.*
- CI Access Warranty Return/Devolución bajo garantía CI

Name/Nombre	PEAT ERIKSEN
Address/Dirección	9532 S.W. O Road ROYALTON OH
City/Ciudad	Royalton OH
State/Edo.	OH
Zip Code/Código postal	44871

Offender Signature/Firma del interno/interna: \_\_\_\_\_  
Date/Fecha: \_\_\_\_\_

**THE ABOVE LISTED PROPERTY WAS DISPOSED OF / SE DISPUSO DE LA PROPIEDAD ARRIBA APUNTADA:**

- As indicated by offender/Como indicó el interno o interna
- By other means (Specify how and why)/De otra forma (explique).

Employee Signature/Firma del personal: \_\_\_\_\_ Date/Fecha: \_\_\_\_\_  
Employee Signature/Firma del personal: \_\_\_\_\_ Date/Fecha: \_\_\_\_\_

**ACKNOWLEDGMENT OF RECEIPT OF THE ABOVE LISTED PROPERTY / RECONOCIMIENTO DEL RECIBO DE LA PROPIEDAD APUNTADA EN LO ANTERIOR:**

Signature of Person Receiving Property/Firma de la persona que recibe la propiedad: \_\_\_\_\_ Date/Fecha: \_\_\_\_\_



OFFENDER COPY



STATE OF WASHINGTON  
**DEPARTMENT OF CORRECTIONS**  
P. O. Box 41129 • Olympia, Washington 98504-1129 • Tel (360) 725-8223  
FAX (360) 664-4056

September 18, 2015

Blakely, Ralph; DOC# 817995  
Stafford Creek Corrections Center  
H1036L

Mr. Blakely:

I am responding to your appeal of grievance log ID 15593447, dated 09/01/14. The grievance coordinator found your grievance not grievable.

Property dispositions do have an appeal process and not grievable; therefore are not grievable.

According to page 16 of the Offender Grievance Program Manual, only one issue is permissible per complaint form; it appears that you listed two issues on this complaint form.

If you wish to pursue the second issue, you may file a separate complaint.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale N. Caldwell".

Dale N. Caldwell  
Grievance Program Manager

CC: Kerri McTarsney, SCCC Grievance Coordinator  
Grievance Log ID 15593447

Addendum

OFFICIAL STAFF MISCONDUCT  
COMPLAINT NO \_\_\_\_\_

Washington State Department of Corrections  
Robert Harzog, Deputy Secretary  
Box 41101  
Olympia, WA 98504-1101

Pursuant to RCW 72.01.060, "The Secretary shall investigate all complaints made against the chief executive officer, of any institution and also any complaint against any other officer or employee."

COMPLAINT DETAILS:

I, Ralph H. Blakely, 817995, declare that I'm age 79, and have been illegally restrained for about 17 years in the State of Washington.

During October 6, 2009, while suffering a "nauseoleptic-catatonic seizure on the Stafford Creek Correction Center Infirmary floor, not able to move, nor to provoke the use of excess force, as C/O Barrett viciously slammed my head on the floor (blackening temple, eye) as C/O Nelson brutally bounced knees in the middle of Blakely's fragile back, breaking ribs front and back, rupturing left kidney. I was then transferred to segregation holding cell and pitched onto the floor for over 27 hours, before being returned to medical.

Every since, I have been by (associated officer) retaliated against by their constant seizure of my legal documents, and other property.

August 6, 2015, "H4 Unit" about 10:10 a.m. I took two steps out of cell 36 and shook a bug from a triple folded hand towel, at the backside of a stairway. As Mr. Crayne spun around, grabbing towel and pitching it into a trash can. I immediately backed into my cell without "touching, nor speaking to that person)"

C/O Kevin Shanahan, had officers transfer me to segregation, and then wrote a 633 Assault Infraction, when there was absolutely no intent to harm, nor to touch, nor to threaten anyone.

C/O Brandt and C/O Reese (by association) improperly <sup>seizing my legal</sup> took my legal documents, all typewriter ribbons, and other property. I have recently been ~~seized~~ <sup>seized</sup> of my typewriter ribbons, pinwheels, typepaper, pens, medical "HSR" drinking cups, cervical pillow, and hobby craft items, as a perpetual means to abuse, harass a vulnerable adult for complaining.

After many years of abuse, harassment, by the correction officers of Stafford Creek Correction Center, I suffer fear, stress, and trauma, and ask you to transfer me to Airway Heights Correction Center with the return of all legal documents, typewriter ribbons, and other property as soon as possible.

My severe medical problems of my blind left eye, and floaters in my right eye can be repaired in Spokane by an expert, who will be paid by by an account lawyer.

I, Ralph H. Blakely 817995, declare under the penalty of perjury that the aforementioned is true and correct.

Dated September 1, 2015,

Ralph H. Blakely, 817995  
SU02 H 1 236

191 Constantine Way  
Abandon, WA 98520

# EXHIBIT 13

**GEMBERLING & DOORIS, P.S.**

Attorneys At Law  
2920 S. Grand Blvd., #132  
Spokane, WA 99203

(509) 838-8585

January 18, 2010

Mr. Ralph H. Blakely  
#817995  
Stafford Creek Correction Ctr.  
191 Constantine Way  
Aberdeen, WA 98520

RE: Court of Appeals No. 287190  
STATE OF WASHINGTON V. RALPH H. BLAKELY

Dear Mr. Blakely,

Our office has been appointed to represent you in the Court of Appeals in your appeal from Grant County Cause No. 04-1-00369-8. Please keep this letter as it contains information you may need in the course of the appeal.

The Court of Appeals procedures take one to two years. We will be ordering the record on appeal, including a transcript of courtroom hearings and copies of important pleadings, in the next few weeks. Preparation of the record may take several months.

Once the record is complete, we will write an opening brief, which is ordinarily due within 45 days after the record is complete. The State will then have 60 days to answer. We may file a reply brief if we think it will be helpful to our position. We will provide you with copies of these briefs.

If the court orders oral argument we will also argue on your behalf. After that, the Court of Appeals will issue a written opinion deciding the issues presented. The entire process from the filing of the notice of appeal to the issuing of a court opinion takes an average of 12 to 18 months.

You will have the opportunity to file a statement of additional grounds for review. Once we have filed the opening brief on your behalf, the court will advise you of your right to file your own statement of additional grounds and will send a form you may use for that purpose. If you want a copy of the transcripts, you will need to send us a written request at that time. You should file a statement of additional grounds for review if you believe that there are issues we have not adequately addressed in the opening brief.

The issues that can be raised on appeal are limited. The Court of Appeals does not weigh the evidence and make factual determinations. The focus of an appeal is whether the proceedings in the trial court were conducted in accordance with the law. Because the Court of Appeals is only reviewing what happened at your trial, no new evidence, including testimony, may be brought in at this stage.

We would appreciate your telling us any issues you believe should be raised on appeal. Although we will be making our own evaluation of the record and possible issues, we believe your input would be helpful. Please write down and send us your thoughts about anything that you feel was unfair in the way your case was handled in Superior Court. You also should let us know whether you are a citizen and whether you face any potential immigration consequences as a result of this conviction.

Our fee will be paid by the Office of Public Defense. In the event we do not win, the State can seek to recover from you the cost of this appeal, including our fee and the cost of transcripts.

If you need to contact us by telephone, you should arrange a legal call through your counselor. Unfortunately, we are only able to accept a very limited number of long distance collect calls from you to discuss your appeal. It is your decision as to when you wish to talk to us, but we suggest you wait until our office has received the transcripts from your trial. If your counselor will not assist in placing a legal call, please send us a short note indicating the reason for the call and we will make arrangements to talk with you.

The rest of our communication will be by mail or local telephone calls. We do not accept calls from the inmate phones because they are monitored and recorded. Use of those phones may constitute a waiver of the attorney client privilege.

It is extremely important that you keep us advised of your current address and telephone number at all times. You must let this office know if you change your address or telephone number so we can reach you after the trial record has been reviewed. It is possible that we could discover that the continued pursuit of the appeal might expose you to potential adverse consequences. If we cannot locate you once we are ready to write your brief, that may be grounds for asking the Court of Appeals to dismiss your case

because you have abandoned your appeal. If we cannot locate you once the court enters a decision, we will not be willing to ask the court to reconsider its decision or request a further appeal by a higher court.

Please let us know if you have additional concerns or questions. We appreciate the opportunity to represent you in this matter.

Yours truly,



Janet Gemberling

# EXHIBIT 14

PREPARATION FOR 11/20/15 SUMMARY JUDGMENT HEARING

Defendant's motion for summary judgment is fundamentally flawed creating numerous procedural, legal, jurisdictional and genuine material facts at issue, all of which cannot be identified until the discovery process has been completed.

MATERIAL FACTS AT ISSUE

(1) Did Plaintiff Blakely establish an attorney-client agency relation ship when securing an agreement from Defendant Attorney Kahrs to represent him.

(2) Did Defendant Kahrs commit legal malpractice and/or attorney misconduct when securing through invalid agreement with Attorney Spugetis to limit the representation of Attorney Kahrs, contrary to Plaintiff Blakely's best interest.

(3) Was Defendant Kahrs agreement with Attorney Spugetis to not represent Plaintiff Blakely in the three Thurston County lawsuits an implicit and/or explicit agreement to join an ongoing larger conspiracy to prevent Plaintiff Blakely from obtaining legal assistance that would allow Plaintiff Blakely to regain control of his finances.

(4) Did Defendant Kahrs intentionally commit legal malpractice by ignoring the mandates of RCW 4.08.060 requiring representation by counsel in the three Thurston County lawsuits.

(5) Did Defendant Attorney intentionally ignore the legal fact that the Court's order limiting his representation that he relies on, necessarily requires an incapacitated person finding, thereby raising the jurisdictional fact at issue as to whether or not the dictates of Chapter 11.88 RCW had been followed.

(6) It is a material fact at issue as to whether or not Defendant Kahrs is fraudulently attempting to deceive this Superior Court into believing that he was unaware of the legal fact that a court order limiting attorney representation and requiring authorization of a court appointed trustee, inherently creates an unethical and unconstitutional conflict of interest, by vehicle of ethical and fiduciary duty to make sure Plaintiff Blakely was represented by counsel during the three Thurston County lawsuits.

(7) As clearly and conclusively evidenced by the transcripts of the Thurston County lawsuit proceedings that the trial court determined that Plaintiff Blakely was competent and that he had a right to be represented by counsel, see:

(March 18, 2011)(page 7) MR. JUDGE: Mr. Blakely is an able individual of 112 IQ who's capable of functioning, capable of thinking, capable of going to the law library, and even as we had seen up until this week, capable of submitting submissions to the court with respect to amendments of the complaint. (February 1, 2013)(page 4) MR. BLAKELY: And I would like to have attorney Michael Kahrs carry on with this, but I have encountered some kind of problem even though he has been paid to take it on and to get my new expert declarations to support my mental and physical handicap. (January 25, 2013)(page 15) THE COURT: So when I say, Mr. Blakely, that you have the right to have an attorney file, what I'm saying is you have the right within ten days, but an attorney has the right within 21 days.

(3) Material facts at issue are created by Defendant Attorney Kahrs accepting \$35,000.00 from a "Special Care Needs Trust" to represent an "incapacitated person" in three Thurston County lawsuits; then refusing to represent said "incapacitated person" of the "Special Care Needs Trust"; then agreeing that said three Thurston County lawsuits had merit by receiving authorization from the "Special Care Needs Court" and "Trustee Attorney Spurgetis" to represent Plaintiff Blakely on appeal from the dismissal of said three Thurston County lawsuits; adding substantial evidence of theft by fraud by Trustee Attorney Spurgetis and the "Special Care Needs Court" authorizing \$8,500.00 of the \$35,000.00 to Attorney Kato to provide the legal assistance to Plaintiff Blakely that Attorney Kahrs refused to provide.

(9) The foregoing inherently raises three genuine material jurisdictional facts at issue, to wit:

(A) Did the so-called "Special Care Needs Trust" Court ever lawfully obtain jurisdiction over Plaintiff Blakely's assets as an "incapacitated person," when as here, the mandates of Chapter 11.88 RCW were not complied with, and Plaintiff Blakely was not given notice of, nor allowed to participate in, any of the proceedings depriving him of control of his assets.

(B) Whether or not the Spokane Court had jurisdiction to create a "supplemental need trust" under provisions of 42 U.S.C. 1396p(d)(4)(A).

(C) Were the Thurston County Superior Courts required to assure that Plaintiff Blakely was represented by counsel in the three Thurston County lawsuits after being made aware that Plaintiff Blakely was being deprived of his right to be representation by counsel based on a "Special Care Needs Trust" Court restricting said representation, thereby depriving the three Thurston County Courts of competent jurisdiction to

Page 2 proceed.

DISPUTED MATERIAL FACTS AT ISSUE

(1) A material fact at issue exists as to why Defendant Kahrs is refusing to provide a copy of the attorney-client contract signed by both Ralph Blakely and Attorney Kahrs; further creating a material fact at issue as to whether or not said attorney-client creates an attorney-client relationship as matter of law; which is relevant and material to the material fact at issue as to whether Defendant Kahrs defense of "the court made me do it," is an invalid defense and/or a fraud upon the Court.

(2) A material fact at issue exists as to whether or not Defendant Kahrs knew his defense of "the court made me do it," actually existed under the law, when he billed, inter alia, \$560 to visit Ralph Blakely in prison without first obtaining permission from the court. *Eyk 66*

*veed  
10/27/15*  
(4) Material facts at issue exist concerning Defendant Attorney Kahrs consumer advertisement and his letter which states "practicing in federal courts, habeas corpus, Ninth Circuit Court of Appeals, civil rights litigation," (Exhibit No. 11) violates the Washington Consumer Protection Act under the facts and circumstances present in this case.

*3-15-13  
SCC shows*  
(5) Material facts at issue exist as to whether Defendant Kahrs intended to fraudulently manipulate the Spokane Superior Court by claiming said Superior Court Order limited his representation, contrary to the clear terms of said Court Order, stating that the \$35,000 retainer fee was to be used "solely for the benefit of Mr. Blakely."

*Term 10/20/20*  
(6) Material facts at issue exist concerning Defendant Attorney Kahrs' multiple billing for the same alleged services; and material facts at issue exist as to whether or not Defendant Kahrs committed theft by fraud of a portion of the money charged Ralph Blakely, inter alia, as alleged in the State Bar Association Complaint filed by Ralph Blakely against Defendant Attorney Kahrs, which prompted Defendant Kahrs to withdraw from the case.

(7) Numerous material facts at issue exist regarding whether or not Defendant Kahrs intentionally accepted \$35,000.00 of Ralph Blakely's money to protect and advance his constitutional rights in challenging Ralph Blakely's conviction and to protect Ralph Blakely's medical care rights under Washington Law, the Federal Constitution, and the American Disabilities Act; whereas Defendant Kahrs charged Ralph Blakely over \$25,000.00 and did not protect or advance medical care and did not prepare and/or file for any post conviction relief challenging Ralph Blakely's underlying unlawful conviction; when as here, Attorney Kato was paid over eight thousand dollars to file for post-conviction relief that Defendant Kahrs was paid to do, but refused to do, in violation of the attorney-client contract, attorney ethical requirements, attorney fiduciary duty to client, and in violation of Ralph Blakely's legal and constitutional rights, of which inherently constitutes, inter alia, attorney malpractice. *5/6/11*

(8) Several material facts at issue exists as to why Defendant Attorney Kahrs spent substantial funds attempting to obtain a Declaration from

trial witness Robbie Juarez-Trevino that would recant the existing sworn to Declaration of Robbie Juarez-Trevino, offering sworn to testimony that he had falsely fabricated his trial testimony against Ralph Blakely at trial at behest of favor from prosecution, offered by the prosecutor to Robbie Juarez-Trevino.

(9) Numerous legal and material facts at issue exist as to whether or not Ralph Blakely is, and/or ever has been, (relevant to these proceedings) an "incapacitated person," as matter of fact and/or law; and whether or not Attorney Spurgetis and Judge Tompkin, in concert with Defendant Attorney Kahrs, deliberately exercised control of Ralph Blakely's financial assets with purpose to manipulate the scope and breadth of representation Ralph Blakely would receive from Defendant Attorney Kahrs; creating a plethora of interrelated, interdependent material facts at issue, a significant portion of which cannot be properly framed until the discovery process is completed, such as Ralph Blakely being provided a copy of the Attorney-Client Contract signed by Defendant Kahrs and Ralph Blakely; all of which will require the Court to obtain answers to the following questions from Defendant Kahrs, to wit:

408,066 (A) Was Defendant Kahrs aware that Ralph Blakely was never determined to be an "incapacitated person" pursuant to the mandates of Chapter 4.88 RCW and the Constitution of the United States? *5/16/06*

There can be no legitimate question as to whether Defendant Kahrs knew that Ralph Blakely had never been lawfully determined to be an incapacitated person because he would have had to know that the Grant County Superior Court jury trial and Eastern State Hospital had ruled that Ralph Blakely not an incapacitated person.

(B) Was Defendant Attorney Kahrs aware that because, as matter of law, that Chapter 4.88 RCW mandates are an essential condition precedent to the appointment of a guardian ad litem as applied to this case; and that therefore, no legitimate guardian ad litem had been appointed, thereby, rendering Attorney Spurgetis' purported appointment as trustee was and is invalid.

In other words, as conclusively evidenced by the existing record, Defendant Kahrs knew that Ralph Blakely had never lawfully been determined an incapacitated person, thereby rendering any purported "trustee" status by Judge Tompkin and Attorney Spurgetis clearly invalid, which would have been known by any competent attorney; notwithstanding that the trial judge in the three subject matter lawsuits had ruled Ralph Blakely unquestionably competent; requiring Defendant Kahrs to inform this court why he did not require this court, and the courts in the three subject matter lawsuits to appoint an attorney as required by RCW 4.08.060, whereas on the other hand, if Defendant Kahrs knew that Ralph Blakely was not an incapacitated person within the meaning of Chapter 4.88 RCW and Chapter 4.08 RCW, the any competent attorney would have known that no restrictions could be made on his representation; notwithstanding the ethical and constitutional violations encompassed in Defendant Kahrs conduct.

issue are present as to whether or not Judge Tompkin did in fact off law, limit the representation of Attorney Kahrs; or on the other hand, as Plaintiff Blakely claims, Attorney Kahrs is attempting to perpetrate a defensive fraud on this Court, which are questions of fact that must be resolved by the jury at trial on the merits, as guaranteed by the Seventh Amendment of the United States Constitution.

#### DISPUTED GENUINE MATERIAL FACTS AT ISSUE

(1) Material facts at issue existed as to why Defendant Kahrs was refusing to provide a copy of the attorney-client contract that has now been provided; further creating material facts at issue as to whether or not said attorney-client agreement creates an attorney-client relationship; of which is both relevant and material to the material fact at issue as to whether Defendant Kahrs defense of the "the court made me do it by limiting my representation" is an invalid defense and/or a fraud upon the court.

(2) Material facts at issue exist as to whether or not Defendant Kahrs knew his defense of "the court made me do it," actually existed under the law, when he billed, inter alia, \$560 to visit Ralph Blakely in prison without first obtaining permission from the court.

(3) Material facts at issue exist concerning Defendant Attorney Kahrs consumer advertisement and his letter which states "practicing in federal courts, habeas corpus, Ninth Circuit Court of Appeals, Civil Right litigation," (Exhibit No. 11) violates the Washington Consumer Protection Act under the facts and circumstances present in this case.

(4) Material facts at issue exist concerning Defendant Attorney Kahrs' multiple billing for the same alleged services; and material facts at issue exist as to whether or not Defendant Kahrs committed theft by fraud of a portion of the money charged Ralph Blakely, inter alia, as alleged in the State Bar Association Complaint filed by Ralph Blakely against Defendant Attorney Kahrs, which prompted Defendant Kahrs to withdraw from the case.

whether Defendant Kahrs intended<sup>(15)</sup> to fraudulently "MANIPULATE" the Spokane Superior Court by claiming said Court Order limited his representation, contrary to the clear terms of said Court order, stating that the \$35,000.00 retainer was to be used "SOLELY FOR THE BENEFIT OF MR. BLAKELY" Mr. Blakely received nothing !

(5) Material facts at issue exist concerning Defendant Attorney Kahrs' multiple billing for the same alleged services; and material facts at issue exist as to whether or not Defendant Kahrs committed theft by fraud of a portion of the money charge Ralph H. Blakely, inter alia, as alleged in the State Bar Association Complaint filed by Ralph H. Blakely against Defendant Attorney Kahrs, which prompted Defendant Kahrs to withdraw from the case.

(6) Numerous material facts at issue exist regarding whether or not Defendant Kahrs intentionally accepted \$35,000.00 of Ralph Blakely's money to protect and advance his constitutional rights in challenging Ralph Blakely's conviction and to protect Ralph Blakely's medical care rights under Washington Law, the federal Constitution, and the American Disabilities Act; whereas Defendant Kahrs charged Ralph Blakely over \$25,000.00 and did not protect or advance medical care and did not prepare and/or file for any post conviction relief challenging Ralph Blakely's underlying unlawful conviction; when as here, Attorney Kato was paid over eight thousand dollars to file or post-conviction relief that Defendant Kahrs was paid to do, but refused to do, in violation of the attorney-client contract, Attorney ethical requirements, attorney fiduciary duty to client, and in violation of Ralph Blakely's legal and constitutional rights, of which inherently constitutes, inter alia, attorney malpractice.

(7) Several material facts at issue exist as to why Defendant Attorney Kahrs spent substantial funds attempting to obtain a Declaration from trial witness Robbie Juarez-Trevino that would recant the existing sworn to Declaration of Robbie Juarez-Trevino, offering sworn to testimony that he had falsely fabricated his trial testimony against Ralph Blakely at trial at behest of favor from prosecution, offered by the prosecutor to Robbie Juarez-Trevino.

(8) Numerous legal and material facts at issue exist as to whether or not Ralph Blakely is, and/or ever has been, (relevant to these proceedings) an "incapacitated person," as a matter of fact and/or law; and whether or not Attorney Spurgetis and Judge Tompkin, in concert with Defendant Attorney Kahrs, deliberately exercised control of Ralph Blakely's financial assets with purpose to manipulate the scope and breadth of representation Ralph Blakely would receive from Defendant Attorney Kahrs: creating a plethora of interrelated, interdependent material facts at issue, a significant portion of which cannot be properly framed until the discovery process is completed, such as Ralph Blakely recently being provided a copy of the Attorney-Client

Contract dated 5/1/09 conclusively showing no restrictions on representation to be provided by Attorney Kahrs: creating numerous material facts at issue that must be presented to the jury at trial on the merits, for example:

(A) Was Defendant Kahrs aware that Ralph Blakely was never determined to be an "incapacitated person" pursuant to the mandates of Chapter 4.88 RCW and the Constitution of the United States.

There can be no legitimate question as to whether Defendant Kahrs knew that Ralph Blakely had never been lawfully determined to be an

Incapacitated person because he would have had to know that Grant County Superior Court jury trial and Eastern State Hospital had ruled that Ralph Blakely was not an "incapacitated person," when reviewing the criminal record.

(B) Was Defendant Attorney Kahrs aware that because, as matter of law, that Chapter 4.88 RCW mandates are an essential condition precedent to the appointment of a guardian ad litem as applied to this case; and that therefore, no legitimate guardian ad litem had been appointed, thereby, rendering Attorney Spurgetis' purported appointment as trustee invalid and ineffectual.

In other words, as conclusively evidenced by the existing record, Defendant Kahrs knew that Ralph Blakely had never lawfully been determined an incapacitated person, thereby rendering any purported "trustee" status by Judge Tompkin and Attorney Spurgetis clearly invalid, which would have been known by any competent attorney; notwithstanding that the trial judge in the three subject matter lawsuits had ruled Ralph Blakely unquestionably competent; requiring Defendant Kahrs to inform this court why he did not require this court, and the courts in the three subject matter lawsuit to appoint an attorney as required by RCW 4.08.060; whereas on the other hand, if Defendant Kahrs knew that Ralph Blakely was not an incapacitated person within the meaning of Chapter 4.88 RCW and Chapter 4.08 RCW, then any competent attorney would have known that no restrictions could be lawfully made on Defendant Attorney Kahrs representation.

#### COURTS HAVE DUTY TO ADDRESS JURISDICTIONAL QUESTIONS

As clearly shown above, Plaintiff Ralph Blakely has brought numerous jurisdictional questions that must be resolved prior to any ruling on the merits because courts are forbidden from exercising "hypothetical jurisdiction," *Steel Co. v. Citizens For a Better Environment*, 523 U.S.83, 118 S.Ct. 1003, 140 L.Ed.2d 210 (1998); *Davis v. Passan*, 442 U.S. 228, 99 S.Ct. 2264, 50 L.Ed.2d 846 (1979):

The question whether a litigant was a 'cause of action' is analytically distinct and prior to the

question of what relief, if any., a litigant may be entitled to receive.

Haywood v. Brown, 556 U.S. ---, 129 S.Ct.2100, 173 L.Ed.2d 920 (2009):

In our federal system of government, state as well as federal courts have jurisdiction over suits brought pursuant to 42 U.S.C. § 1984, the statute that creates a remedy for violations of federal rights committed by persons acting under color of state law.

State v. Nelson, 53 Wa. App. 128, 766 P.2d 471 (1988):

When jurisdiction is, by the Constitution of this State, or by the constitution of this statute, conferred on a court or judicial officer all the means to carry it into effect are also given and in the exercise of the jurisdiction, if the course of proceeding is not specifically pointed out by statute, any suitable process or mode of proceeding may be adopted which may appear most conformable to the spirit of the laws.

United States v. Morgan, 346 U.S.502, 74 S.Ct.247, 93 L.Ed.2 249 (1954):

The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

Courts have a "virtually unflagging obligations to exercise" the full extent of the Court's jurisdiction,

Deakins v. Monaghan, 484 U.S. 193, 108 S.Ct.523, 98 L.Ed 2d 529 (1988); see also:

State v. Taggart, 159 Wash.201,202 P.741 (1930):

When a court has jurisdiction of cause, it cannot accept or reject jurisdiction at its pleasure.

Pratt v. Hurley, 79 F.3d 60 27th Cir. 1996):

Courts have no more right to decline exercise of jurisdiction which is given, than to usurp that which is not given.

There is a presumption "against slamming the courthouse door in the face of holders of constitutional claims,"

Czorkies v. Department of Labor, 73 F.3d 1435 (7th Cir. 1996); Landmark Communications Inc. v. Virginia, 435 U.S. 829, 842, 98 S.Ct. 1535, 56 L.ed.2d 1 (1979) ("An enforced silence, however limited, solely in the name of preserving the dignity of the bench would probably engender resentment, suspicion, and contempt much more than it would engender respect"); cf., Franklin v. Gwinnett County Public Schools, 503 U.S. 69, 112 S.Ct. 1028, 117 L.ed.2d 208 (1992) ("Where legal rights have been invaded, and a federal statute provides for a general right to sue for such invasion, federal courts may use any available remedy to make good the wrong done")

#### RELIEF SOUGHT

Plaintiff Blakely prays this Superior Court will vacate the judgment granting summary judgment and afford Plaintiff Blakely his right to jury trial on all material facts at issue, Davis v. Cox, 183 Wa.2d 269, 351 P.3d 862 (2015).

Dated this 3rd Day of February, 2016.

Respectfully submitted,

*Ralph H. Blakely*  
Ralph H. Blakely, 817995

# EXHIBIT 15

DATE (m/d/yy)	TIME (24-hr)	FACILITY	UNIT	ALLERGIES	PLAN / RX
3/5/09	1300	WSR	D		
<p>implementing recommendation from GI consult</p>					<p>① D/C NSAIDs (Etoricoxib)</p> <p>② Increase Pulses to Wng to bed x/y/z</p> <p>③ CBC, CHEM</p> <p>LAB SLIP MADE on 3/5/09</p>

DATE (m/d/yy)	TIME (24-hr)	FACILITY	UNIT	ALLERGIES	PLAN / RX
3/11/09	0800	WSR			
<p>WT: 174 BIP 108/59 HR 65</p> <p>C/O T pain behind Bk knees / colonoscopy / R/L hand</p> <p>S: Heavy scalp intermittently. Abdom pain</p> <p>D: A Scalers / impetigo / sore</p> <p>R: Sclerotic Dermatitis</p> <p>P: Coal Tar - pt junction cure</p> <p>HT until Scope No NSAIDs</p> <p>Chronic back - knee pain</p> <p>Discovered Metformin - pt refuses med - consider low dose per</p>					<p>Classification of Pulses</p> <p>Please continue @ 40mg</p> <p>Wng bed x/y/z</p> <p>HTA 24/wk x 6 weeks</p> <p>3/11/09</p> <p>3/11/09</p>

DATE (m/d/yy)	TIME (24-hr)	FACILITY	UNIT	ALLERGIES	PLAN / RX
3/20/09	0950	WSR	D 334	Piroxicam	
<p>1/M here for ACC for HSR issues. WT=175#</p> <p>Bip= 10/64 P= 63 R/B, T= 96.4 - O/Hair</p> <p>CC requests elevator pass. Wants control book to let out early</p> <p>HPI: Morning unannounced falls despite Obs report: rapid stable gait</p> <p>ROS: back pain twisting, better w/ Capsaicin</p> <p>Wants to go to TMU</p> <p>Exam: Stable. Cognit. Saturated</p> <p>(A) Status quo: I'll call P'side Paycom for Obs of instability</p> <p>(P) No elevator pass until morning witnesses</p> <p>instability. Offered Walker, pt refused. Offered cane - refused</p> <p>Unwired amb-walk; steady firm clear in hallway</p>					

State law (RCW 70.02; RCW 70.24.103; RCW 71.03.390) and/or federal regulations (42 CFR Part 2; 45 CFR Part 164) prohibit disclosure of this information without the specific written consent of the person to whom it pertains, or as otherwise permitted by law.

**EXHIBIT 05 B**

Blakey, Howard  
817995

DATE (m/d/yy)	TIME (24-hr)	FACILITY	UNIT	ALLERGIES	PLAN / RX
10/4/09	2200	Sccc	H1B	NKDA	
<p>Call to H1B by 90 off medical Emergency  offender holding onto his chest 40 of faint  initial on Sat check was 67%. Same was rechecked  at 92%. 90 of Neck pain  I was later informed that offender had  been involved in a fight with cell  mate and had hit his head and  Neck when post fall.  Neurocheck will. PERRL. AST Baby AST given  EKG machine not printable. Will monitor in 1pu  overnight. On call provider notified. Jodelon</p>					

Blakey, Howard  
817995

DATE (m/d/yy)	TIME (24-hr)	FACILITY	UNIT	ALLERGIES	PLAN / RX
10/6/09	1050	Sccc	Seq	NKDA	
<p>Call from Sergeant Yardley, cleared for OC,  EID per chart, pt. refused to leave IPU,  nurse observed restraint 4 pts., taken by  w/c &amp; officer escort to holding cell in  Segregation, passive resistance only, no  wounds noted, when I asked pt.  whether any shot of breath, wounds,  c/o, pt. did not speak. No wounds  observed. SRSR</p>					

Blakey, Howard  
817995

DATE (m/d/yy)	TIME (24-hr)	FACILITY	UNIT	ALLERGIES	PLAN / RX
10/10/09	2130	Sccc	Seq	NKDA	
<p>Inmate 90 "urinating blood"  Inmate brought to medical room.  US 974 89-18 (12/78 SATS 97%. Explained I send urine  to inmate that we would need  a urine specimen. At 2145 gave  inmate a cup to give sample.  Inmate urinated in 100 cc of  dark tea color urine. Urine  cup performed. Urine sample put  into lab vial in case provider  wanted. I sent. No other complaints.</p>					<p>Send urine  to Lab for  culture &amp; sensitivity  w/ RBC. BAUM Army  pucung LPN4</p>

State law (RCW 70.02; RCW 70.24.105; RCW 71.05.390) and/or federal regulations (42 CFR Part 2; 45 CFR Part 164) prohibit disclosure of this information without the specific written consent of the person to whom it pertains, or as otherwise permitted by law.



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

DOC 410.430 DOC 420.250  
DOC 420.255 DOC 610.010  
DOC 610.025 DOC 610.040  
DOC 610.650 DOC 670.030

**PRIMARY ENCOUNTER REPORT**  
[4-4350] [4-4351] [4-4355] [4-4359] [4-4367] [4-4372] [4-4397]  
[4-4398] [4-4405] [4-4407] DOC 13-435 (03/24/2009) POL-

Blakey, Howard  
8/7/99

10/4/99  
Call to H/B by 90 off medical Emergency  
offender holding onto his chest 40 of pain  
initial on Sat chest was 67%. Same was rechecked  
at 92%. 90 of Neck pain  
It was later informed that offender had  
been involved in a fight with cell  
mate and had hit his head and  
Neck in past fall.  
Neurocheck with PERL. ASA Baby ASA given  
EKG machine not available. Will monitor in IPu  
overnight. On call provider notified. Jaded

DATE (m/d/yy)	TIME (24-hr)	FACILITY	UNIT	ALLERGIES	PLAN / RX
10-6-09	1050	SCCC	Seg	NKDA	

Blakey, Howard  
8/7/99

DATE (m/d/yy)	TIME (24-hr)	FACILITY	UNIT	ALLERGIES	PLAN / RX
10-6-09	1050	SCCC	Seg	NKDA	
Call from Sergeant Yardley, cleared for OC, EIO per chart, pt. refused to leave IPu. Nurse observed restraint 4 pts., taken by w/c & officer escort to holding cell in Segregation, passive resistance only, no wounds noted, when I asked pt. whether any Shot of Breath, wounds, etc, pt. did not speak. No wounds observed. SRS/R					

DATE (m/d/yy)	TIME (24-hr)	FACILITY	UNIT	ALLERGIES	PLAN / RX
10-6-09	1050	SCCC	Seg	NKDA	

Blakey, Howard  
8/7/99

DATE (m/d/yy)	TIME (24-hr)	FACILITY	UNIT	ALLERGIES	PLAN / RX
10-10-09	2130	SCCC	Seg	NKDA	
Inmate 90 "urinating blood" Inmate brought to medical room US 97.4 89-18 (12/78) Sats 97%. Explained I need urine to inmate that we would need a urine specimen. At 2145 gave inmate a cup to give sample. Inmate urinated a 100cc of dark tea color urine. Urine cup performed. Urine sample put into lab vial in case provider wanted to send. No other complaints.					

DATE (m/d/yy)	TIME (24-hr)	FACILITY	UNIT	ALLERGIES	PLAN / RX
10-10-09	2130	SCCC	Seg	NKDA	
Inmate 90 "urinating blood" Inmate brought to medical room US 97.4 89-18 (12/78) Sats 97%. Explained I need urine to inmate that we would need a urine specimen. At 2145 gave inmate a cup to give sample. Inmate urinated a 100cc of dark tea color urine. Urine cup performed. Urine sample put into lab vial in case provider wanted to send. No other complaints.					

EXHIBIT 15 C

Ex 15C



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

OFFENDER I.D. DATA:  
(Name, DOC#, DOB)

Blakey, Ralph

817995

6/3/36

### REQUEST TO USE NON-FORMULARY DRUG

## DO NOT THIN

#### PROVIDERS

This form should be initiated when it is medically necessary to prescribe a non-formulary drug.  
**FILL OUT ELECTRONICALLY AND E-MAIL TO CHAIR OF P & T COMMITTEE.**

Facility: *WSP / MCC*

Generic name: *Cyanocobalamin (vit B12) oral*

Proprietary name(s) (if a particular brand is being requested): *NA*

Dosage form, strength, and frequency requested: *2.50 micrograms - IT stat qd*

Anticipated length of treatment: *indefinitely*

Diagnosis(es) relevant to this request: *Chronic back & neck pain, fatigue*

Justification for this request including, but not limited to, reasons: *subjectively efficacious in lieu of opiates & NSAIDs.*

- 1) Why comparable drugs in Formulary, if applicable, will not suffice: *non efficacious, habit-forming*
- 2) Previous unsuccessful therapy including Dosage and Duration: *GI distress & NSAIDs*
- 3) Objective measures of failure, if applicable: *subjective*
- 4) New high quality evidence in literature: *none known*
  - A) Web address:
  - B) Copy attached:  Yes  No
- 5) Details of problem of which drug is being requested including nature, frequency, severity, impact of symptoms, how diagnosis was made): *chronic, DDD & PDD on Cospine & L-spine XRAYs*
- 6) Other explanation to support your request:

REQUESTED BY: <i>Dr. [Signature]</i>	TITLE: <i>Medical Director</i>	DATE: <i>12/28/07</i>
--------------------------------------	--------------------------------	-----------------------

#### ACTION BY PHARMACY AND THERAPEUTICS COMMITTEE

A. Action:

B. Comments:

CHAIRPERSON, P & T COMMITTEE:	DATE:
-------------------------------	-------

The following must be completed if any of the above information drops to page two:

Offender Name:	DOC #:	Date of Request:
----------------	--------	------------------

RECEIVED  
 12/28/07  
 [Signature]

State law (RCW 70.02; RCW 70.24.105; RCW 71.05.390) and/or federal regulations (42 CFR Part 2; 45 CFR Part 164) prohibit disclosure of this information without the specific written consent of the person to whom it pertains, or as otherwise permitted by law.

an

d/d

RECEIVED

April 10, 2008

2008 APR 14 AM 10:09

STATE OF WASHINGTON OFFICE  
OF THE ATTORNEY GENERAL

Washington Attorney General  
Assistant Attorney General  
Patricia C. Fetterly  
Torts Division  
Box 40126  
Olympia, WA 98504-0126

RE: Grievances, X-ray, kidney infection reports from DSHS-CV07-1803-RAJ-MAT

Would you please send me a copy of records, documents received from the Eastern State Hospital (DSHS).

Also, please mail me copies of the recent Valley General "MRI" evaluation Report.

I have copies of all the grievances of Grant County and ESH, but they were mailed out and are extremely difficult to retrieve. Grant County should have the originals along with kites.

I'm not able to take the prescribed pain medication, and am suffering everyday and every step from chronic lower lumbar pinched nerve pain and the knee joint pain. As there are hundreds of other Monroe Correctional inmates suffering from shortage and improper medical treatment, I'm only asking for the most economical effective medical treatment possible without surgery, which is very expensive. And \$10.00 every three months is very reasonable for a bottle of Glucosamine Chondroitin and Vitamin for relief of knee joint pain and leg muscle cramps.

awaiting you reply,

*Ralph H. Blakely*  
Ralph H. Blakely, 817995  
WSRU D334  
Box 777  
Monroe, WA 98272-0777

c;

June 27, 2008

Attorney James Spurgetis, trustee  
Ralph H. Blakely Special Person Care Trust  
601 W. Main Suite 820  
Spokane, WA 99201  
Phone 509-444-5141

RECEIVED

JUL 02 2008

James P. Spurgetis, P.S.

Dr. Justin McCormick  
15224 Main St. Suite 103  
Mill Creek, WA 98012  
Phone 425-341-4105

Re: MyoVision Win Scan98 lumbar L5-S1 "disc decompression"

Please mail immediately to Dr. Justin McCormick a medical prepaid decompression disc treatments for the lumbar L5-S1 collapsed disc and also the Cervical (neck) disc, of \$3000.00.

Arrangements will be made by the Monroe Correctional Complex to coordinate the transport of Mr. Blakely to 15224 Main St. Suite 103, Mill Creek, WA 98012 upon the designated date and time set or arranged by Dr. McCormick and the Monroe Correctional Complex officials.

This will be done in compliance to United States District Court Motion for an Order to transport to prepaid acceptable lumbar disc decompression medical treatment. Case No. CV07-1803-RAJ

Also make the necessary steps to pay Attorney to carry this medical forward.

I have suffered excruciating chronic pain for over eight long years of unlawful imprisonment; it is time for acceptable medical treatment!

Respectfully,

*Ralph H. Blakely*  
Ralph Howard Blakely, 817995  
WSRU D334  
Box 777  
Monroe, WA 98272-0777

c; Clerk United States District Court and  
Washington State Assistant Attorney General Patricia C. Fefferly

DATE (m/d/yy)	TIME (24-hr)	FACILITY	UNIT	ALLERGIES	PLAN / RX
7/30/09	1420	SCCC	F		
<p>PT C/O about not getting anal B12 was on 250 IT food. CA Back Neck pain fatigue State is on NKF for in chat Lept Section - Handwritten, but no approval on it. Med was DC'd by Dr Trevis 7/07 2<sup>nd</sup> NOT Founding. Ordered B12 - 1000, 9 mg yesterday. B12 level on 6/26/09 was elevated - 1218 normal (200-1100) A - B12 inject cont 2 injections. new B12 = 3 units.</p>					<p>B12 level 10/09 L.L. Figueroa, PAC L. Figueroa PAC</p>

DATE (m/d/yy)	TIME (24-hr)	FACILITY	UNIT	ALLERGIES	PLAN / RX
8/14/09	1100	SCCC	F	NKDA	
<p>% weakness, Neck, back Pain - Reassessing Meds</p> <p>5 - wants vit B12 shot &amp; states it helps his pain</p> <p>6 - looks sad + talks slow</p>					<p>Give vit B12 1000ug in AM now</p>

DATE (m/d/yy)	TIME (24-hr)	FACILITY	UNIT	ALLERGIES	PLAN / RX
8/14/09					
<p>A/P - continue Neck pain look into vit B12 for Nerve pain</p> <p>Order A11 review</p>					

State law (RCW 70.02; RCW 70.24.105; RCW 71.05.390) and/or federal regulations (42 CFR Part 2; 45 CFR Part 164) prohibit disclosure of this information without the specific written consent of the person to whom it pertains, or as otherwise permitted by law.



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

DOC 410.430  
DOC 610.025  
DOC 670.030

**PRIMARY ENCOUNTER REPORT**

[4-4350] [4-4351] [4-4355] [4-4359] [4-4367] [4-4372] [4-4397]  
[4-4398] [4-4405] [4-4407] DOC 13-435 (05/29/2008) POL

EXHIBIT 150

Ex150

DATE (m/d/yy) 3/20/09 TIME (24-hr) 1130 FACILITY WSP UNIT D334 ALLERGIES Piroxicam

OP: 122/78 P: 92 O2 Sat 95%, R24.  
 Responded to med. emerg for "possibly unconscious inmate." VM found at base of C/D dining stairwell lying face down more on @ side/face down @ top of head right against wall. Noticed small emesis of food mixed w meds. Carefully rolled to @ side to maintain airway. Eyes open initially, then during pupil checked rolled eyes back in head & unable to assess. Head supported & back kept straight.

PLAN / RX  
 Emergent Transport to VGH ED  
 Cervical board & collar  
 [Signature]

DATE (m/d/yy) TIME (24-hr) FACILITY UNIT ALLERGIES

Called for MLP back-up, as MLP on site. M. Keppler, ANP arrived on scene. Abuse v.s. taken @ scene. Briefly assessed by MLP. Directed transfer to gurney via restraint to hard back board & c-collar in place. Transferred to trauma rm. Eyes open. Breathing easily & regular @ 24 RR. P= 60 & strong. PERL. Can move extremities. EKG done per MLP. Observed Rt. forearm pronounced hematoma - 3" x 2 1/2" x 1/2" tall. Ice bag used to hematoma.

PLAN / RX

DATE (m/d/yy) TIME (24-hr) FACILITY UNIT ALLERGIES

per MLP. Officer who saw incident states he was coming down stairs and fell from 4th stair from bottom & rolled down stairs. Officer was unsure if he hit head. No marks seen on head. MLP Keppler here. Orders to send to VGH ER for eval. [Signature]

PLAN / RX

Consult request to VGH ED [Signature]

State law (RCW 70.02; RCW 70.24.105; RCW 71.05.390) and or federal regulations (42 CFR Part 2; 45 CFR Part 164) prohibit disclosure of this information without the specific written consent of the person to whom it pertains, or as otherwise permitted by law.



STATE OF WASHINGTON  
 DEPARTMENT OF CORRECTIONS

DOC 410.430 DOC 610.010  
 DOC 610.025 DOC 610.040  
 DOC 610.650 DOC 670.030

PRIMARY ENCOUNTER REPORT  
 [4-4350] [4-4351] [4-4355] [4-4359] [4-4367] [4-4372] [4-4397]  
 [4-4398] [4-4405] [4-4407] DOC 13-435 (12/16/2008) POL

EXHIBIT ~~33~~15E

EX15E

DECLARATION OF Lorenzo Sandoval

STATE OF WASHINGTON )  
 ) ss:  
COUNTY OF GRAYS HARBOR)

I. Lorenzo Sandoval, 283632, declare under the penalty of perjury to the law of the State of Washington that the following is true and correct.

1. I am incarcerated at the Stafford Creek Correction Center and was a resident of H 6 A 93 Unit.
2. On or about October 5, 2009, late afternoon, I was peering out of my cell window towards the recycling and rear door to medical.
3. I observed one correctional officer pushing and holding onto gray-haired and bearded inmate, slumped over in the wheelchair. There were two other officers walking alongside. The old gray bearded prisoner was dragging his stocking feet on the pavement. The wheelchair had no feet stirups.
4. It looked like the gray haired prisoner was ready to fall out of the wheel chair, as his shirt was choking him.
5. I recognized the old prisoner as that of Mr. Blakely.

Dated this 8th day of April, 2010.

*Lorenzo Sandoval*

Lorenzo Sandoval, 283632  
Stafford Creek Correction Center  
191 Constantine Way,  
Aberdeen, WA 98520

Subscribed and Sworn to before me,  
this day of April, 2010

*John L. Illinger*

Notary Public in and for the State  
of Washington, residing in Shelton.  
My Commission expires: 6/6/10

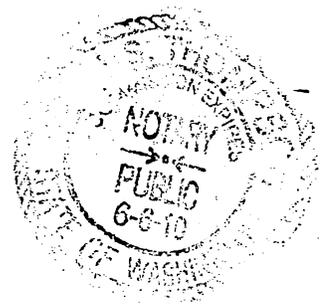


EXHIBIT 15F

Ex 15F

9

<input type="checkbox"/>	EXPIDITE
<input checked="" type="checkbox"/>	No Hearing set:
<input type="checkbox"/>	Date: _____
<input type="checkbox"/>	Time: _____
	Judge: _____

FILED  
SUPERIOR COURT  
THURSTON COUNTY WA

'10 AUG -4 P4 :57

BETTY J. GOULD CLERK

BY \_\_\_\_\_ DEPUTY

SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

RALPH HOWARD BLAKELY,  
Plaintiff,

No. 10-2-01551-2

vs.

VERIFIED COMPLAINT FOR  
MEDICAL NEGLIGENCE, ASSAULT  
NEGLIGENCE, CRUEL AND  
UNUSUAL CRUEL PUNISHMENT  
WITHOUT DUE PROCESS,  
MALICIOUS HARASSMENT,  
RETALIATION, inter alia,

BENJAMIN PORTER; HOWARD  
W. YARDLEY; RICHARD BARRETT;  
WILLIAM NELSON; RODOLFO  
TREVINO, M.D.; JOHN SCOTT; UNDER  
COLOR OF STATE OF WASHINGTON;  
MARITAL AND COMMUNITY PARTNERS  
OF EACH NAMED DEFENDANT: AND  
UNKNOWN OTHERS,  
Defendants.

I - INTRODUCTION

151.1 Ralph Howard Blakely is a 73 year old gentleman with a long  
16 successful history as a businessman. He has various ongoing and  
17 new medical complications, caused by and/or not treated by the  
18 defendants. This includes causes such as assaults on him by  
19 defendants' calloused and negligence denial or acceptable medical  
20 care, assaults by prison guards, and to maliciously inflict  
21 gratuitous and needless emotional trauma, pain and suffering, in  
22 part because of Mr. Blakely's advanced age, disabilities and succes-  
23 sful litigation history, and because of his class membership.

II - JURISDICTION AND VENUE

24 2.1 This Court has jurisdiction over these claims under the  
25 Washington Constitution, Article IV, § 1, common law, RCW 9A.36.083,  
26 42 U.S.C. § 1983, and the Washington Constitution, Article I, §§ 3,  
27 4, 5, 14, and the United States Constitution, Amendments One, Five,

1. Eight, and Fourteen.

2 2.2 Venue is proper in this Court pursuant to RCW 4.92.010(5),  
3 and because some of the parties reside in this County.

4 2.3 This Court may enter injunctive and declaratory relief per  
5 CR-57, RCW 7.24, CR-65, and RCW 7.40.

6 III - EXHAUSTED REMEDIES

7 3.1 Plaintiff has exhausted all state tort remedies required  
8 by RCW 4.92.090-.110.

9 3.2 Plaintiff has exhausted all "available" administrative  
10 grievance remedies required by 42 U.S.C. §1997e(a). However, such  
11 administrative remedies are not really "available" because DOC  
12 written policy (Offender Grievance Procedures Manual, (9/11/09)  
13 pages 32-34), and practices provide for frequent punitive and  
14 adverse treatment of prisoners who dare to pursue administrative  
15 grievances described under this section.

16 IV - - PARTIES

17 4.1 Plaintiff, Ralph Howard Blakely, Plaintiff, is a prisoner  
18 of the Department of Corrections ("DOC") at Stafford Creek  
19 Correction Center ("SCCC") during times relevant to this complaint.  
20 Mr. Blakely was previously at the Monroe Correctional Complex  
21 ("MCC") at Monroe, Washington.

22 4.2 Defendant Lieutenant Benjamin Porter was the officer in  
23 position of state authority at Stafford Creek Correction Center  
24 during times relevant to this complaint. He personally partici-  
25 pated, acquiesced, and/or allowed directly or indirectly in the  
26 Plaintiff's injuries and claims described herein.

27 4.3 Defendant Sergeant Howard W. Yardley was in the position of  
28 State authority at Stafford Creek Correction Center during Octo-

1 during October 5th and 6th 2009 assault and injuries to Mr. Blakely.  
2 4.4 Defendants, Howard W. Yardley, Richard Barrett; William  
3 Nelson, are Washington State Correctional officers at the  
4 Stafford Creek Correction Center at Aberdeen, Washington during  
5 October 5th and 6th, 2009. They personally participated, acquie-  
6 sced and allowed injuries to Mr. Blakely.

7 4.5 Defendant John Scott, custodial unit supervisor of Stafford  
8 Creek Correction Center segregation unit during the atrocious  
9 torture of Mr. Blakely during October 5th and 6th, 2009.

10 4.6 Defendant Rodolfo Trevino, is the Medical Doctor at the  
11 Stafford Creek Correction Center hospital during times relevant  
12 to this complaint. Dr. Trevino examined Blakely several times  
13 for the injuries sustained by Mr. Blakely and personally acquies-  
14 ced, and directly or indirectly denied Blakely expert medical  
15 treatment in a safe environment.

16 4.7 Defendant(s) are sued in their individual and official  
~~17 official capacity for personally participated, acquiesced, and/~~  
18 or allowed directly or indirectly in Plaintiff's injuries and  
19 claims described herein, under color of state law of Washington.

20 4.8 Defendant(s) unknown, others, community partners and spouses  
21 are sued for their direct or indirect participated, acquiescence,  
22 emotional or financial support, and/or having contributed in or  
23 occur such as described herein contributing to Plaintiff's  
24 injuries and claims described herein.

25 4.9 The term "Defendants" in plural form herein is intended to  
26 include one or more of the named and name-unknown defendants,  
27 and is intended to assist in simplifying the description of the claims.

28

1 . V. - FACTS COMMON TO ALL COUNTS

2 5.1 September 21, 2009, an extreme disrespectful young man was  
3 assigned to Stafford Creek Correction Unit H 1 B 37, and was  
4 abusive with extra loud television and loud outbursts of laughter  
5 all night long, causing severe sleep deprivation for ten days.

6 5.2 October 4, 2009, 10 p.m., Blakely without a clear-mind  
7 pulled the television plug, as inmate Michael Capple went berserk;  
8 jerking the cord as the television fell onto the floor. Blakely  
9 fell back into the lower bunk; as he grabbed my arm, dragging off  
10 balance into the door jam, injuring my right knee and side of  
11 head. I then was suffering chest pain, and was transported to SCCC  
12 medical clinic for an EKG; then upto the hospital.

13 5.3 October 5, 2009, Rodolfo Treveno, M.D. allowed prison  
14 correction officer to walk Blakely a half-mile to segregation cell  
15 number 2. Blakely with extreme torture of leg muscle spasms, and  
16 to weak to stand, slumped to the hard cold concrete floor in ~~stress~~

~~17 full shock of the symptoms of terrifying apraxia, not able to~~  
18 hear, muscle weakness of not able to move, speak or eat.

19 5.4 [F]ive hours later correction officers bounced on cuffed  
20 Blakely; placing him in a wheelchair without stirrups, which allow-  
21 ed his feet to drag on the pavement back to Stafford Creek Correction  
22 Center medical hospital. Dr. Treveno examined Blakely, treated the  
23 abrasions on Blakely's feet.

24 5.5 The unknown officers stripped Blakely of clothing, then  
25 dumped Blakely onto hospital room R2020 hard concrete floor; as  
26 some later threw a blanket over Blakely.

27 5.6 October 6, 2009, Correction officer Richard Barrett, in  
28 control of Blakely's upper body slammed Blakely's head against the wall with

1 such force as to [blacken] Blakely's right temple and eye.

2 5.7 Correction officer William Nelson, under the direction  
3 of Lt. B. Porter and Sergeant HoYardley, brutally bounced all  
4 his weight on one knee in the middle of Blakely's fragile back.  
5 This heavy weight caused [RE]=BREAKING RIBS, VERTEBRA, rupturing  
6 left kidney, liver damage, internal bleeding, urinating straight  
7 blood for days.

8 5.8 C/O s Barrett and Nelson lifted the offender(Blakely by  
9 the arms and placed offender in a wheelchair. Offender was wheeled  
10 to SCCC segregation unit cell number 2.

11 5.9 Segregation custodial unit supervisor John Scott under  
12 the authoritative color of Washington State allowed C/O s Barrett,  
13 Nelson, Bisher, Brule to dump Blakely onto the hard cold concrete  
14 floor of cell Number 2 [without] mattress NOR blanket for over  
15 22 hours of atrocious torture.

16 5.10 On or about October 7,2009, Blakely was wheelchaired

~~17 back to the Stafford Creek Correction Center Hospital for a~~  
18 thyroid-benzel-iodide injection, overnight under the direction  
19 of Dr.Rodolpho Trevino. Then Blakely was wheeled back to  
20 segregation cell with a [mat] and blankets till October 14,2009.

21 5.11 The Defendant(s)'(collectively) actions and inactions  
22 lacked any legitimate penological interests and were designed  
23 and intended to abuse, harass, atrociously torture Blakely,  
24 while he was suffering a rare neural-synaptic short circuit  
25 disorder of the symptoms of apraxia.

26 5.12 The Defendant(s) unnecessarily and wantness infliction  
27 of painful psychological and physical torture of Mr. Blakely  
28 was deliberate harm to cause death upon 73 year old Blakely.

1                    COUNT - I

2            6.1 Plaintiff includes and incorporates each and every  
3 averment made elsewhere herein as though fully set forth herein.

4            6.2 The Defendants have a duty and obligation to treat the  
5 Plaintiff fairly, in good faith, and to assure he receives prompt  
6 and sufficient medical care, without being brutally crushed and  
7 tortured, or assaulted by staff and treated punitively for  
8 requiring expert medical and mental health care.

9            6.3 The Defendant (s) knew or if acting reasonably, should  
10 have known -- that the Plaintiff had medical and mental health  
11 disorder of apraxia as a disability. That Mr. Blakely's prior  
12 occurrences of this same mental disorder of apraxia in the medi-  
13 cal record.

14           6.4 The Defendant denied, refused and failed to take any,  
15 reasonable adequate care of the Plaintiff, by just allowing him  
16 to lay in bed without any disturbance to recover from the symptoms  
17 of Apraxia that took place earlier at Washington State Reformatory.

18           6.5 The Defendants with full knowledge of Mr. Blakely's  
19 mental disorder of apraxia and fall that was clearly outlined  
20 in the medical record of January 16.23,2008 and March 20-23,2009.  
21 The Defendants negligence, calloused, deliberate and in most cases,  
22 deliberately indifferent, malicious and brutal treatment, along  
23 with living conditions that promoted and furthered unreasonable  
24 and known risks of more brutal injury to Mr. Blakely, and the  
25 medical care and denial fell below the minimum standards of  
26 of a safe community in a civilized society.

27           6.6 Because of Defendants' brutal actions and inactions the  
28 Plaintiff was significantly injured both physically and psychologically.

1            COUNT - II (CRUEL AND UNUSUAL PUNISHMENT)

2            7.1 Plaintiff includes and incorporates each and every  
3 averment made elsewhere in this complaint as though fully set forth herein.

4            7.2 Defendants' actions and inactions were part of a scheme to  
5 cause gratuitous pain, injury and suffering with unnecessary  
6 wanton injury and deliberate intent, lacking any legitimate  
7 penological interests.

8            7.3 Because of Defendants' actions or inactions, Plaintiff  
9 suffered severe and significant physical injury including but  
10 not limited to broken or fractured bones, contusions, bruises,  
11 bleeding, including but not limited to both physical and psycho-  
12 logical injury.

13            COUNT - III (DUE PROCESS VIOLATIONS)

14            8.1 Plaintiff includes and incorporates each and every  
15 averment made elsewhere in this complaint as though fully set  
16 forth herein.

~~17            8.2 Defendant(s) actions and motivations were in part caused~~  
18 by Plaintiff's prior medical encounters of a possibly rare disorder of  
19 the neurol synaptic short circuit of the hypothalamus, caused by the too  
20 many head injuries within the prison system. Their actions were also  
21 motivated by Plaintiff's repeated administrative complaints against  
22 WSR/DOC parties for prior and present mistreatment, denial or medical care  
23 and medical problems and risks because of facility budget and  
24 denial of disability accomodations. This also violates the (ADA)  
25 American Disability ACT, where persons such as Mr.Blakely must  
26 be provided for, but in this case, the Defendants deliberately  
27 denied and/or cancelled them,injuring or contributing to his injuries.

28            8.3 Defendants' denied the Plaintiff both his ADA rights and his rights

1 and his rights under Due Process of the State and Federal  
2 Constitution where he was subjected to physical and psychological  
3 punishment amounting to unconstitutional cruel and unusual  
4 punishment.

5 COUNT - IV (FIRST AMENDMENT RETALIATION)

6 9.1 By this reference, Plaintiff includes and incorporates  
7 each and every averment made elsewhere in this complaint as  
8 though fully set forth herein.

9 9.2 Defendants' actions and inactions were motivated by  
10 Plaintiff's successful and attempted prior and present administrative,  
11 verbal and legal complaints seeking to procure his legal rights,  
12 a First Amendment right.

13 9.3 Defendants sought to chill, deter and eliminate Plaintiff's  
14 complaints and actions, by their treatment of the Plaintiff.

15 9.4 Plaintiff has a right under the First Amendment to  
16 complain about things he did, and have the medical conditions  
17 he did, without amounting to retaliation, as it did.

18 9.5 Defendants know of the unreasonable risks of staff  
19 retaliation against persons like the Plaintiff, because they  
20 lack any "non-retaliation" policies, training and practices  
21 despite being put on notice such problems and practices exist  
22 not only in legal cases, but in writing hundreds of times by  
23 others, yet the defendants refuse to take any corrective actions.  
24 This lack of any policy or training contributed to the injuries  
25 suffered by the Plaintiff.

26 9.6 Defendants actions lacked any legitimate penological  
27 interests and are designed and furthered to chill and deter protected  
28 prisoners First Amendment constitutional rights, and do so.

VI RELIEF SOUGHT

- 1        10.1 Plaintiff seeks actual damages of not less than \$ 150,000.00  
2 to be determined at trial.
- 3        10.2 Plaintiff seeks special damages not less than triple  
4 damages requested, to be determined at trial.
- 5        10.3 Plaintiff seeks injunctive and declaratory relief.
- 6        10.4 Plaintiff seeks any and all costs, expenses and fees  
7 associated with this case, including but not limited to those  
8 available under 42 U.S.C. § 1988.
- 9        10.5 Plaintiff seeks such other relief this Court deems just.
- 10 Respectfully submitted on April 15, 2010

Ralph H. Blakely

VERIFICATION

I hereby certify under oath, penalty of perjury, and the laws of Washington State, the preceding statements are true and correct to the best of my knowledge, and are based on reports, records, observations, belief and reasonable conclusions therefrom.

Signed at Aberdeen, WA April 15, 2010

Ralph H. Blakely

Stafford Creek Correction Center  
H2 B38  
191 Constantine Way  
Aberdeen, WA 98520-9504



SARA SMITH MD FMD

HEALTH SERVICES KITE

This form must be used to request non-emergency health care services, except in facilities where kiosks or sign-up sheets are used.

PLEASE PRINT

SUBMISSION OF HEALTH SERVICES REQUEST MAY RESULT IN A CO-PAY

LAST NAME <b>BLAKELY</b>		FIRST NAME <b>RALPH</b>		
DOC NUMBER <b>817995</b>	FACILITY <b>SCCC</b>	UNIT/CELL <b>H1B36</b>	DATE <b>11-17-15</b>	TIME
JOB/PROGRAM		JOB/PROGRAM HOURS		DAYS OFF

If you feel you have an actual medical emergency, alert the staff and do not use this form.

TYPE OF REQUEST (check only one box per form)

- MEDICAL
- DENTAL
- MENTAL HEALTH
- MEDICATION REFILL – List medication(s) with prescription number(s) or place sticker below
- OPTOMETRY
- OTHER: \_\_\_\_\_

REASON FOR REQUEST (list problem or medications needing refill)

~~Dr. Stuart Andrews, Neurologist David Singer, Dr. Rodolfo Trevino all prescribed 250-500 Mcg Daily Cyanocobalamin with dramatic effects for stamina of mind body, immune system, balance, eliminates fatigue, creates balance, and prevents heart muscle cramps, leg muscle cramps, and would help to prevent my neuroleptic-catatonic seizures. IT IS BOTH ECONOMICAL AND THE VERY BEST MEDICATION FOR PEOPLE OVER AGE 4)!!!!!! MALICE DISCRIMINATION AND DELIBERATE INDIFFERENCE ARISES, WHEN OTHER PEOPLE OBTAIN VERY EXPENSIVE MEDICATION OF \$ 15-20 cards a month that are flushed down the drain!!!! DRAIN NOW IS THE TIME TO REFILL MY CRITICALLY NEEDED 250 Mcg Cyanocobalamin before Attorney Hank Balason files a substantial lawsuit.~~

*Ralph Blakely*  
OFFENDER SIGNATURE

HEALTH SERVICES RESPONSE/ENCOUNTER

This form must be filed if any information is entered below except for: simple prescription refills, finance, non-medical work/bunk change, religious diets, shoes, classification, non-health services issues

Schedule within \_\_\_ days/weeks/months     Next available sick call     No visit required

Your case was presented to the CRC (for your request of vitamin B-12 supplementation) in 2014 and was Level 3 (not medically necessary). Please continue to work with your unit provider.

RESPONDER signature and stamp (all copies)    DATE and TIME  
*S. Smith* (S. Smith)    11-18-15

PRESCRIPTIONS MUST BE WRITTEN ON DOC 13-435 PRIMARY ENCOUNTER REPORT (PER) OR IN CIPS

Distribution: **WHITE/YELLOW** – Responder, **PINK** – Offender keeps  
 Distribution upon completion: **WHITE** – Health Record, **YELLOW** – Return to Offender with Response  
 State law (RCW 70.02) and/or federal regulations (42 CFR Part 2) prohibit disclosure of this information without the specific written consent of the person to whom it pertains, or as otherwise permitted by law.

**RECEIVED**  
**NOV 17 2015**  
**SCCC HEALTH SERVICES**

March 17, 2013

Thurston County Superior Court  
Clerk Betty Gould  
Judge Gary Tabor  
2000 Lakewridge Drive, S.W.

Ralph Howard Blakely v. Benjamin Porter, et.al.  
LETTER AND DECLARATION OF MARK Vannausdle  
IN SUPPORT OF PLAINTIFF' BRIEF IN OPPOSITION

RE: Case No. 10-2-01551-2 Plaintiff's Brief in Opposition to Defendants S.J.  
Set for Hearing March 29, 2013, at 11am.

WOULD you please add the shorted pages, 22, 23, 24, 25, 26 to Mr. Blakely's Brief Motion and Memorandum in Opposition to Defendants' Motion For S.J. that was mailed to you March 14, 2013, because the Counselor would not make legal copies without immediate mailing.

Also, The S.C.C. Medical Staff discontinued Mr. Blakely's critically needed cobalamin, which causes him all the horrible symptoms of catatonic apraxia of not able to meet with me and others in assisting in the preparation of legal documents and exhibits.

My friend Michael rounded up a short supply of Blakely's critically needed cyanocobalamin in order to keep Blakely from an absolute immobile catatonic-mute state of being. This medical deliberate indifference to discontinuing Mr. Blakely's cobalamin is by "associated retaliation" for Mr. Blakely's 7 years of Complaints on this genuine material factual issue of malice by those he has complained about.

I have assisted Mr. Blakely in obtaining replacement legal documents, that will positively prove his actual innocence, after SCCC property deliberately and improperly seized those very important legal documents. These documents would have gotten Blakely an evidentiary hearing and his release from Prison. AND, Mr. Blakely would not have suffered the brutal assault by C/Os Nelson and Barrett, and would have been able to get his spinal decompression for relief from chronic back pain and shocking paralysis of legs.

Lorenzo and Kurt have also assisted in the preparation of Mr. Blakely's legal documents, and it is time that the Court to consider his Motions For Appointment of Counsel.

I, Mark Vannausdle, declare under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct

Dated at SCCC, March 17, 2013

Mark Vannausdle



DECLARATION OF Vannausdle in Support of Blakely's Brief

October 15, 2012

Dr. William M. Landau, M.D.  
St. Louis Connect Care  
5535 Delmar Blvd.  
Saint Louis Mo. 63112

Over forty years ago, I sprayed the combined 2,4-Dichlorophenoxyacetic acid and 2,4,5-Trichlorophenoxyacetic acid 10 hours a day for weed control to both agriculture and horticulture; and later suffered several trauma head injuries.

I'm age 76, innocent and unlawfully imprisoned on two counts of solicitation to commit first degree murder that was fabricated by a vindictive motivated prosecutor and an informant out to extricate himself from a longer sentence.

I have the documented history of cognitive impairment, Dementia, by several psychiatrists, psychologists from 1986 to current. My first seizure December 1995, auto accident with severe head injury. Then February 1999, October 1999; March 20, 2009 and October 5, 2009.

Secondly, I have been severely assaulted by correction officers, while I was suffering seizure of Apraxia on the hospital "floor" by officer viciously bouncing his weight on one knee in middle of back breaking ribs, rupturing left kidney, March 21, 2009 & October 5, 2009. The kidney still hemorrhages occasionally, and my lumbar disc creates severe neurological pain. I have two separate civil rights "assault" complaints scheduled for the middle of 2013 on use of excess force to vulnerable adult who was unable to provoke, nor move from the floor.

I drastically need your expert evaluation or Affidavit on the subject of Apraxia based on complete paralysis of body lasting up to 11 days. I have the similar neurotoxicology history as Fernando Caro of Oxamyl, Diquat, Paraquat, Guthion, Parathion, Thiocyan, Azinphos Methyl, Endrin, Fungicides, Herbicides, and Insecticides since 1967. I was prescribed (Zyprexa) Olanzapine for over 4 years by psychiatrist Mira Narkiewicz, which created severe dementia and took me three years of sleep deprivation to overcome the bad side effects.

Attorney Michael C. Kahrs, 5215 Ballard Ave. N.W.; Seattle, WA 98107-4838 Phone 1-888-664-0643 has the funds for your fees for assisting in proving from the several Apraxia episodes caused by neuro-synaptic-dendrite-myelin-sheath-axon short-circuit of cell communication causing brain and body paralysis.

Since I have been taking daily 500 mcg cyanocobalamin, there has been no occurrence of Apraxia seizures since October, 2009. Your expertise on Apraxia will also help me to prove my innocence of not being able to read a declaration of March 4, 2005. I have medical documents to support,

Please reply or call Attorney Kahrs,

*Ralph H. Blakely*

Ralph Howard Blakely, 817995, Stafford Creek Correction Center, H1 A18; 191 Constantine Way

Aberdeen, WA 98520-9504

# EXHIBIT 15G

Ex15G

13

FILED  
SUPERIOR COURT  
THURSTON COUNTY WA

10 APR 29 P1:43

BETTY J. GOULD CLERK

BY \_\_\_\_\_  
DEPUTY

<input type="checkbox"/> EXPIDITE
<input checked="" type="checkbox"/> No Hearing Set
<input type="checkbox"/> Hearing Set For:
Date: _____
Time: _____
Judge: _____

**SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY**

RALPH HOWARD BLAKELY,  
Plaintiff,

vs.

TRACY DANIAL, et. al.;  
JANET MILLER; HOWARD ANDERSON;  
HAROLD ARCHIBALD;  
DAVID YOUNG; JOSEPH MAYNOR;  
JOHN DAVID KENNEY;  
MARY KEPPLER; GLORIA JEVEL;  
MARITAL AND COMMUNITY PARTNERS  
OF EACH NAMED DEFENDANT; AND  
UNKNOWN OTHERS,  
Defendants.

No. 10-2-00695-5

VERIFIED COMPLAINT FOR  
MEDICAL NEGLIGENCE, ASSAULT,  
NEGLIGENCE, CRUEL AND  
UNUSUAL CRUEL PUNISHMENT  
WITHOUT DUE PROCESS,  
MALICIOUS HARASSMENT,  
RETALIATION, inter alia,

I - INTRODUCTION

1.1 Ralph H. Blakely is a 73 year old gentleman with a long successful history as a businessman. He has various ongoing and new medical complications, caused by and/or not treated by the defendants. This include causes such as assaults on him by defendants, contributing to and worsened by defendants' calloused and negligent denial of medical care, assaults by prison guards, and to maliciously inflict gratuitous and needless emotional trauma, pain and suffering, in part because of Mr. Blakely's advanced age, disabilities and successful litigation history, and because of his class membership.

1 II - JURISDICTION & VENUE

2 2.1 This court has jurisdiction over these claims under  
3 the Washington Constitution, Article IV, § 1, common law, RCW  
4 9A.36.083, 42 U.S.C. § 1983, and the Washington Constitution,  
5 Article I, §§ 3, 4, 5, 14, and the United States  
6 Constitution, Amendments One, Five, Eight and Fourteen.

7 2.2 Venue is proper in this court pursuant to RCW  
8 4.92.010(5), and because some of the parties reside in this  
9 County.

10 2.3 This court may enter injunctive and declaratory  
11 relief per CR-57, RCW 7.24, CR-65, and RCW 7.40.

12 III - EXHAUSTED REMEDIES

13 3.1 Plaintiff has exhausted all state tort remedies  
14 required by RCW 4.92.090-.110.

15 3.2 Plaintiff has exhausted all "available"  
16 administrative grievance remedies required by 42 U.S.C. §  
17 1997e(a). However, such administrative remedies are not  
18 really "available" because DOC written policy (Offender  
19 Grievance Procedures Manual, (9/11/09) pgs. 32-34), and  
20 practices provide for frequent punitive and adverse treatment  
21 of prisoners who dare to pursue administrative grievances  
22 described under this section.

23 IV - PARTIES

24 4.1 Plaintiff, Ralph Blakely, is a prisoner of the Dept.  
25 of Corrections ("DOC") at Stafford Creek Correction Center  
26 ("SCCC") during times relevant to this complaint. Mr.  
27 Blakeley was previously at the Monroe Correctional Complex  
28 ("MCC") at Monroe Washington.

1 4.2 Defendant, John D. Kenney, is the Medical Director at the  
2 Monroe Correctional Complex ("MCC") at Monroe Washington, during  
3 the times relevant to this complaint. He acknowledged letters from  
4 Mr. Blakely of serious medical problems prior to Blakely's serious  
5 injuries. He personally acquiesced, and/or directly or indirectly  
6 denied Mr. Blakely acceptable expert medical treatment and or the  
7 denial of Mr. Blakely's exevator pass.

8 4.3 Defendant, Howard Anderson, is the Associate Superintendent  
9 at Monroe Correctional Complex(MCC)(RCW 72.02.055) during the times  
10 relevant to this complaint. He personally participated, acquiesced,  
11 and/or allowed directly or indirectly in the Plaintiff's injuries  
12 and claims described herein.

13 4.4 Defendants, David Young, Joseph Maynor, Rodney Shimogawa, Ron  
14 Brevig, Lt. Lee Williams, are Washington State Correctional officers  
15 at the Washington State Reformatory at Monore, Washington, During  
16 March 21, 2009. They personally participated, acquiesced and allow-  
17 ed injuries to Mr. Blakely.

18 4.5 Defendant(s) Janet Miller and Tracy Daniel are Custodial  
19 Unit Supervisors of Washington State Reformatory during and prior  
20 to Mr. Blakely's fall down the dinning hall stairs. They were  
21 advised or had knowledge of Mr. Blakely falling on the stairs and  
22 offered to transfer Blakely to Twin Rivers Unit of no stairs to  
23 alleviate Mr. Blakely decending stairs. They personally participat-  
24 ed, acquiesced, and/or allowed directly or indirectly in the  
25 Plaintiff's injuries and claims described herein.

26 4.6 Defendant(s) are sued in their individual and official capacity  
27 for personally participated, acquiesced, and/or allowed directly  
28 or indirectly in Plaintiff's injuries and claims described herin,

1 herein, under color of state law.

2 4.7 Defendants, unknown, others, community partners and spouses  
3 are sued for their direct or indirect participation, acquiescence,  
4 emotional or financial support, and/or having contributed in or  
5 allowed directly or indirectly the unreasonable risks to exist or  
6 occur such as described herein contributing to Plaintiff's injuries  
7 and claims described herein.

8 4.8 The term "defendants" in plural form herein is intended to  
9 include one or more of the named and name-unknown defendants, and  
10 it is intended to assist in simplifying the description of the claims.

11 V. - FACTS COMMON TO ALL COUNTS

12 5.1 About May, 2007, Custodial Unit Supervisor Tracy Daniel and  
13 Counselor held a classification hearing; at that time an override  
14 was granted for Mr. Blakely to be transferred to Twin Rivers Unit  
15 by May, 2008, because defendants knew of Blakely's medical risks.

16 5.2 The override documents were never signed by the Superinten-  
17 dent's office and were filed in the Counselor's file of "D" Side  
18 of the Washington State Reformatory, as a pervasive indifferent policy.

19 5.3 On or about February, 2009, Mr. Blakely met with Classifica-  
20 tion unit team of C.U.S. Janet Miller, Counselor Knight, and Evans,  
21 about classification to medium custody to Twin Rivers Unit of the  
22 Monroe Correctional Complex. Mr. Knight, then pulled from the file  
23 cabinet the unsigned override transfer document, as Ms Miller put  
24 the override on the computer file and a transfer to Twin River Unit.

25 5.4 At all the classification hearings, Blakely made clear mention  
26 that he had fallen on the stairs to the dining hall, and should  
27 be moved to Twin Rivers Unit of no stairs, because Blakely's ele-  
28 vator pass was rescinded October 24, 2008 by an officer, increasing risk.

1 5.5 About January 2009, Blakely sent a letter to  
2 defendant Scott Frakes informing him of a repeating denial  
3 of medical care that posed an unreasonable risk a person of  
4 common intelligence would have known of or anticipated. The  
5 medical issues included problems with critical neurological  
6 paralyzing back pain and that Blakely had fallen several  
7 times causing head injuries contributing to these escalating  
8 injuries.

9 5.6 Defendant Frakes sent a letter to defendant John  
10 Kenney, MCC's Medical Director, who responded by cutting off  
11 Blakely's medical care and disability passes, without ever  
12 having examined Blakely. He was deliberately indifferent to  
13 Blakely's serious medical needs within minimum standards  
14 acceptable in the Community, contributing and/or causing  
15 more and future injuries.

16 5.7 WSR/DOC medical records reflect that about January 19,  
17 2008, Blakely was transferred to the prison infirmary by  
18 guard Michael Banks (not a defendant to this case) for  
19 symptoms appearing to be paralyzing severe cervical-  
20 sciatic neck and lumbar pain, problems speaking and an  
21 inability to hear. Blakely was hospitalized at WSR until  
22 January 21, 2008.

23 5.8 About March 19, 2008, Blakely was transferred to  
24 Valley General Hospital (VGH) for an MRI to evaluate  
25 Blakely's cervical and lumbar pain. During this examination  
26 when the technicians were assisting moving Blakely from the

1 MRI table, he was unable to stand, resulting in him slumping  
2 to the floor. Defendants had ignored Blakely's medical  
3 problems for so long, his health deteriorated to "near-  
4 critical" stages.

5 5.9 About May 12, 2008, Blakely fell in the law library  
6 because defendants had continued to provide him sufficient  
7 medical care. Guard Sutherland (not a defendant in this  
8 case) assisted in transporting Blakely to WSR's medical  
9 area. Blakely recieved six (6) stitches for a cut on his  
10 head as the result of the fall.

11 5.10 About October 13 and again on the 17th, 2008, WSR  
12 Medical Provider, defendant Keppler examined Blakely for  
13 blurred vision, and being unqualified to make such diagnosis  
14 after Blakely's fall, his neck and back paralyzing pain  
15 triggered the examination while trying to put of his socks.  
16 Again on October 28 and 29, 2008, Psychologist Elizabeth  
17 Irwin sought to examine Blakely for what might be called  
18 "dementia" after it was reported he could not think clearly  
19 and reported debilitating head pressure and blurred vision.  
20 The person was unqualified for the examination as only  
21 being a psychologist, not a psyciatrist, as a common  
22 practice, custom and policy of the defendants to deny  
23 prisoners sufficient medical care.

24 5.11 About February 13, 2009, at WSR, Blakely came down  
25 with debilitating head pain and pressure, again, back and  
26 neck pain with excrutiating cramps. This caused Blakely

1 to again fall down the double steep dining hall stairs  
2 because defendants refused him medical care and disability  
3 passes. Blakely requested a medical override to Twin Rivers  
4 Unit (TRU) from defendant Keppler to avoid the dangerous  
5 conditions. The request was denied, contributing to more  
6 and additional injuries, furthered by defendant Kenney.

7 5.12 About March 20, 2009, at WSR after still being forced  
8 by defendants to not-use available disability access,  
9 Blakely again fell down the dining area stairs as a result  
10 of defendants denials and lack of ordinary care. As a  
11 result, he was again strapped to a gurney board and  
12 transferred to the prison clinic, then to VGH where he  
13 was X-rayed and given another MRI.

14 5.13 Blakely was retruned to WSR's infirmary and unable to  
15 move unassisted, was placed on a bed. Symptoms included  
16 a form of neurological short circuit in the brain  
17 commonly associated with "apraxia" where Blakely was  
18 unable to hear, speak, eat or to connect thoughts through  
19 body movement.

20 5.14 Defendants also callously and deliberately caused  
21 Blakely to fall out of the wheel chair two or three times  
22 in order to cause wanton and deliberate pain and injury.  
23 They would also pick him up high, dropping him, causing  
24 other physical injuries such as but not limited to  
25 bruising and contusions of his left temple and hip,  
26 snapping Blakely's neck, and guard David Young brutally

Verified Complaint

1 and wantonly deliberately bounced all his weight on one  
2 knee in the middle of Blakely's back, breaking Blakely's  
3 rib(s), crushing his vertebra and injuring internal  
4 organs. This was gratuitous infliction of physical abuse  
5 designed and intended to injure and cause Blakely pain and  
6 suffering.

7 5.15 Defendants Jevell, Archibald, Young, Maynor,  
8 Shimogawa and unknown others conspired and acted together  
9 or separately to physically and psychologically injure  
10 Blakely intentionally, maliciously and vindictively, where  
11 he had pre-existing medical conditions, worsened by  
12 defendants by causing or contributing to bruises, broken  
13 bones, contusions wantonly and without serving any  
14 legitimate penological interests. This includes but is not  
15 limited to taking and furthering punitive treatment because  
16 Blakely had medical conditions he could not control such  
17 as placing Blakely in long-term isolation where the  
18 conditions are the harshest and most psychologically  
19 damaging and promotes the Stockholm Syndrome.

20 5.16 About June 2009, DOC Headquarters transferred  
21 Blakely from WSR to another facility at Stafford Creek  
22 Correction Center ("SCCC") where medical care and staff  
23 treatment are improved with a few exceptions.

24 5.17 Defendants' (collectively) actions and inactions  
25 lacked any legitimate penological interests and were  
26 designed and intended to abuse, harass and mistreat Blakely.

Verified Complaint

COUNT - I (Negligence - Medical Malpractice)

1  
2 6.1 Plaintiff includes and incorporates each and every  
3 averment made elsewhere herein as though fully set forth  
4 herein.

5 6.2 Defendants had a duty and obligation to treat  
6 Plaintiff fairly, in good faith, and to assure he receives  
7 prompt and sufficient medical care, and is not abused,  
8 assaulted by staff and treated punitively for requiring  
9 medical care.

10 6.3 Defendants knew or if acting reasonably, should have  
11 known ~~that~~ that Plaintiff had medical conditions requiring  
12 disability provisions and consideration, and had notice  
13 by Plaintiff's letters, notes (memos), grievances and  
14 observations.

15 6.4 Defendants denied, refused and failed to take any,  
16 reasonable and adequate care of Plaintiff because of  
17 defendants negligence, calloused, deliberate and in most  
18 cases, deliberately indifferent, malicious and vindictive  
19 treatment, living conditions that promoted and furthered  
20 unreasonable and known risks of more harm to Plaintiff, and  
21 treatment or denial of care below the minimum standards of  
22 the community in a civilized society.

23 6.5 Because of defendants' actions and inactions Plaintiff  
24 was injured both physically and psychologically of a  
25 significant degree.

26 //

Verified Complaint



1 such as Plaintiff must be provided for, but in this case,  
2 defendants deliberately denied and/or cancelled them,  
3 injuring or contributing to injuries of Plaintiff.

4 8.3 Defendants' denied Plaintiff both his ADA rights and  
5 his rights under due process of the State and Federal  
6 Constitution where he was subjected to physical and  
7 psychological punishment amounting to unconstitutional  
8 cruel-and-unusual punishment.

9 COUNT - IV (First Amendment Retaliation

10 9.1 By this reference, Plaintiff includes and incorporates  
11 each and every averment made elsewhere in this complaint  
12 as though fully set forth herein.

13 9.2 Defendants' actions and inactions were motivated by  
14 Plaintiff's successful and attempted prior and present  
15 administrative, verbal and legal complaints seeking to  
16 procure his legal rights, a First Amendment right.

17 9.3 Defendants sought to chill, deter and eliminate  
18 Plaintiff's complaints and actions, by their treatment of  
19 Plaintiff.

20 9.4 Plaintiff had a right under the First Amendment to  
21 complain about things he did, and have medical conditions  
22 he did, without facing adverse and abusive treatment he  
23 did, without amounting to retaliation, as it did.

24 9.5 Defendants know of the unreasonable risks of staff  
25 retaliation against persons like Plaintiff because they  
26 lack any "non-retaliation" policies, training and practices

1 despite being put on notice such problems and practices  
2 exist not only in legal cases, but in writing hundreds of  
3 times by others, such as Allan Parmelee (e.g. see Parmelee  
4 v. O'Neil, 145 Wn.App. 223 (1998)) has, yet the defendants  
5 refuse to take any corrective actions. This lack of any  
6 policy or training contributed to the injuries suffered by  
7 Plaintiff.

8 9.6 Defendants actions lacked any legitimate penological  
9 interests and are designed and futhered to chill and deter  
10 protected prisoners First Amendment constitutional rights,  
11 and do so.

12 VI RELIEF SOUGHT

13 10.1 Plaintiff seeks actual damages not less than \$150,000.  
14 to be determined at trial.

15 10.2 Plaintiff seeks special damages not less than triple  
16 damages requested, to be determined at trial.

17 10.3 Plaintiff seeks injunctive and declaratory relief.

18 10.4 Plaintiff seeks any and all costs, expenses and fees  
19 associated with this case, including but not limited to  
20 those available under 42 U.S.C. § 1988.

21 10.5 Plaintiff seeks such other relief this court deems just.

22  
23 Respectfully submitted on 03/26/10.

*Ralph H. Blakely*  
Ralph Howard Blakely  
SCCC - 817995  
191 Constantine Way  
Aberdeen WA 98520

24  
25  
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Verified Complaint

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VERIFICATION

I hereby certify under oath, penalty of perjury, and the laws of Washington State, the preceding statements are true and correct to the best of my knowledge, and are based on records, observations, belief and reasonable conclusions therefrom.

Signed at Aberdeen WA on 03/26/10. Ralph H. Blakely  
Ralph Howard Blakely

Verified Complaint

# EXHIBIT 16

Ex 16

COPY  
ORIGINAL FILED  
DEC 03 2009

THOMAS R. FALLQUIST  
SPOKANE COUNTY CLERK

RECEIVED  
NOV - 9 2009  
DEPT. 10

THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SPOKANE

YOLANDA BLAKELY,

NO. 95-3-01916-0

Petitioner;

ORDER APPROVING  
DISBURSEMENT OF FUNDS  
FROM SPECIAL NEEDS TRUST

vs.

RALPH HOWARD BLAKELY, JR.;

(PROPOSED)

Respondent.

THIS MATTER coming before this Court on the motion of Respondent, and all relevant parties having fully briefed this matter including the following pleadings:

Respondent's Motion to Disbuse Funds From Special Needs Trust;

Declaration of Michael C. Kahrs with exhibits; and

Declaration of Ralph Blakely.

This Court makes the following findings of fact:

1. Ralph H. Blakely Jr. is in need of funds for the purposes of pursuing post-conviction litigation in his criminal conviction and sentence in Grant County, *State v. Blakely*, No. 04-1-00369-

8.

2. Mr. Blakely has consented to the disbursement of these funds in the amount of Ten Thousand Dollars and no/100 (\$10,000.00).

ORDER APPROVING DISBURSEMENT  
FROM SPECIAL NEEDS TRUST - 1

Kahrs Law Firm, P.S.  
5215 Ballard Ave. NW, #2 Seattle, WA 98107  
Ph: (206) 264-0643 Fax: (206) 547-0226  
mkahrs@kahrslawfirm.com

ORIGINAL

KAHRS 000093

1 3. The Court finds that the amount requested for investigation, \$10,000.00, is  
2 reasonable.

3 4. Ralph H. Blakely Jr. is in need of funds for the purposes of obtaining medical care  
4 for a multitude of serious medical conditions.

5 5 Mr. Blakely has consented to the disbursement of these funds in the amount of  
6 Twenty-Five Thousand Dollars and no/100 (\$25,000.00).

7 6. The Court finds that the amount requested to obtain medical care, \$25,000.00, is  
8 reasonable.

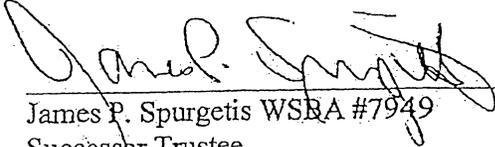
9  
10 IT IS THEREFORE ORDERED that the Trustee shall disburse the sum of \$35,000.00 to Mr.  
11 Blakely's attorney, Michael Kahrs. *To be held by Mr Kahrs in an individual trust account solely for*  
12 accounting of disbursements as set forth below: *the benefit of Mr. Blakely*

13 *disbursed requests to be presented to*  
14 *Trustee ahead of expenditure. Email is*  
15 *approved communication media. Special circumstances*  
16 *may be brought to the court.*

17 Dated this 3<sup>rd</sup> day of December, 2009.

18  
19   
20 Honorable LINDA G. TOMPKINS

21  
22 Presented By:  
23  
24   
25 Michael C. Kahrs WSBA #27085  
26 Attorney for Ralph H. Blakely Jr.

27 Approved as to Form and Notice of  
28 Presentment Waived:  
  
James P. Spurgetis WSBA #7949  
Successor Trustee

ORDER APPROVING DISBURSEMENT  
FROM SPECIAL NEEDS TRUST - 2

Kahrs Law Firm, P.S.  
5215 Ballard Ave. NW, #2 Seattle, WA 98107  
Ph: (206) 264-0643 Fax: (206) 547-0226  
mkahrs@kahrslawfirm.com

# EXHIBIT 17

## REPRESENTATION AGREEMENT

1. In consideration of Kahrs Law Firm, P.S. ("Attorney"), agreeing to represent Ralph Blakely ("Client") in the matter of general legal representation, Client agrees to the following conditions regarding Attorney's representation.

2. All attorney's fees for legal services rendered are and will be based on the hourly rates as from time to time are established by the firm, plus any out-of-pocket expenses that may be incurred, such as filing fees, deposition charges, postage and long distance charges. Please note that this list is suggestive only and is not comprehensive. Attorney's fees are billed in minimum 1/10th hour increments. Invoices are due upon receipt. Attorney has the option of charging interest at a rate of 1% per month if he so chooses for all invoices greater than 30 days overdue. The hourly rate at this time is \$200.00 per hour.

3. Client agrees to keep Attorney advised of Client's whereabouts at all times and to cooperate in the handling of this case. Unless prior arrangements are made in writing, attorney is authorized to withdraw from representation of the Client in this matter if the account is more than 30 days past due. Additionally, if Attorney believes an additional retainer should be collected before additional work is done in that matter and if that additional retainer is not forthcoming within 30 days of the request of such a retainer, then Attorney is authorized to withdraw from representation of the Client in this matter.

4. A retainer of <sup>RHS, \$20,000 FROM WASHINGTON BANK TRUST, JAMES P. SPURGETTS, TRUSTEE</sup> \$5,000 must be paid by Client to Attorney prior to the time any work (other than the initial interview) will be done or as arranged between Client and Attorney. Costs incurred by Attorney will be deducted from the retainer at the time monthly bills are prepared. Invoices will be sent out for work done on the account and fees will subsequently be deducted from the retainer. When the retainer is completely expended, the Client will be asked for a subsequent retainer based on the amount and type of work anticipated.

5. At this time, it is difficult to estimate the amount of time and expense which will be necessary to adequately represent the client in this matter. Since every case is different, we cannot make an estimate as to the total cost of representation in this matter.

6. If Client feels that the fees received are unreasonable, he or she may seek judicial review of the fees received, to the extent permitted by law. In the event that action, suit or legal proceedings are initiated or brought to enforce any or all of the provision of this Agreement, the prevailing party shall be entitled to such attorney's fees, costs and disbursements, including the costs related to depositions, whether or not entered into evidence in any proceeding, as are deemed reasonable and proper by an arbitrator or court. In the event of an appeal of an initial decision of an arbitrator or court, the prevailing party shall be entitled to such attorney's fees, costs and disbursements as are deemed reasonable and proper by the appellate court(s).

7. This Agreement shall be deemed executed in the State of Washington and shall be interpreted and construed in accordance with the laws of the State of Washington relating to contracts made and performed therein. Venue shall be proper only in the County of King, State of Washington.

CLIENT UNDERSTANDS THAT ATTORNEY HAS MADE NO GUARANTEES OF ASSURANCE OF  
ULTIMATE SUCCESS, AND AGREES THAT OTHER ATTORNEYS IN THIS OFFICE  
MAY WORK ON THIS CASE.

By: \_\_\_\_\_  
MICHAEL C. KAHRs

Date: \_\_\_\_\_

By: Ralph H. Blakely  
RALPH BLAKELY

Date: 5-1-09

## REPRESENTATION AGREEMENT

1. In consideration of Kahrs Law Firm, P.S. ("Attorney"), agreeing to represent Ralph Blakely ("Client") in the matter of general legal representation, Client agrees to the following conditions regarding Attorney's representation.

2. All attorney's fees for legal services rendered are and will be based on the hourly rates as from time to time are established by the firm, plus any out-of-pocket expenses that may be incurred, such as filing fees, deposition charges, postage and long distance charges. Please note that this list is suggestive only and is not comprehensive. Attorney's fees are billed in minimum 1/10th hour increments. Invoices are due upon receipt. Attorney has the option of charging  
The hourly rate at this time is \$200.00 per hour.

3. Client agrees to keep Attorney advised of Client's whereabouts at all times and to cooperate in the handling of this case. Unless prior arrangements are made in writing, attorney is authorized to withdraw from representation of the Client in this matter if the account is more than 30 days past due. Additionally, if Attorney believes an additional retainer should be collected before additional work is done in that matter and if that additional retainer is not forthcoming within 30 days of the request of such a retainer, then Attorney is authorized to withdraw from representation of the Client in this matter.

4. A ~~retainer of \$20,000~~ retainer of \$20,000 paid by Client to Attorney prior to the time any work will be done or as arranged between Client and Attorney.

Costs incurred by Attorney will be deducted from the retainer at the time monthly bills are prepared. Invoices will be sent out for work done on the account and fees will subsequently be deducted from the retainer. When the retainer is completely expended, the Client will be asked for a subsequent retainer based on the amount and type of work anticipated.

5. At this time, it is difficult to estimate the amount of time and expense which will be necessary to adequately represent the client in this matter. Since every case is different, we cannot make an estimate as to the total cost of representation in this matter.

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7. This Agreement shall be deemed executed in the State of Washington and shall be interpreted and construed in accordance with the laws of the State of Washington relating to contracts made and performed therein. Venue shall be proper only in the County of King, State of Washington.

CLIENT UNDERSTANDS THAT ATTORNEY HAS MADE NO GUARANTEES OF ASSURANCE OF ULTIMATE SUCCESS, AND AGREES THAT OTHER ATTORNEYS IN THIS OFFICE MAY WORK ON THIS CASE.

By: \_\_\_\_\_  
MICHAEL C. KAHRs

Date: \_\_\_\_\_

By: Ralph H. Blakely  
RALPH BLAKELY

Date: January 9, 2009

# EXHIBIT 18

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

15-2-12980-5 SEA

RALPH HOWARD BLAKELY,  
Plaintiff,

vs.

MICHAEL CHARLES KAHRs,  
KAHRs LAW FIRM TRUST ACCOUNT,  
Defendant.

No. \_

VERIFIED COMPLAINT FOR  
LEGAL MALPRACTICE,

BREACH OF FIDUCIARY DUTY

I. INTRODUCTION

1.1 Ralph Howard Blakely, age 78, is a vulnerable adult with disabilities, and illegally restrained at the Stafford Creek Correction Center.

1.2 Lawyer Michael Charles Kahrs was first contacted about 2007, for legal assistance to compel the Monroe Correctional Complex to transport Mr. Blakely to a Spinal Decompression Expert for guaranteed chronic back pain relief.

II. JURISDICTION AND VENUE

2.1 This Court has jurisdiction over these claims under the Washington Constitution, Article IV, Section 1,6 common law, RCW 18.235.130; RCW 19.86 2.08.01

2.2 Venue is proper in this Court pursuant to RCW 7.60.055 and because the party resides in this County.

2.3 This Court may enter a preliminary injunctive and declaratory relief per CR 57, RCW 74.34.110(1-9) Vulnerable Adult Protection, RCW 7.24., CR 65 and RCW 7.40.

### III. EXHAUSTED REMEDIES

§.1 Plaintiff has exhausted several years of too many letters and phone calls to enforce Lawyer Kahrs April 30, 2009, <sup>10</sup> contract to litigate the Officer Assault and Battery, and Medical Malpractice Complaint, along with the litigation of the wrongful conviction of the innocent Plaintiff. (RPC 3.2)

3.2 Such administrative remedies are not really "available" for the Plaintiff to enforce lawyer to make reasonable efforts to expedite litigation consistent with interests of the Plaintiff. (RPC 3.2)

### IV. STATEMENT OF BASIC FACTS AND LEGAL CAUSES OF ACTION

EXS  
0-2-04955  
§.1 Plaintiff, Ralph Howard Blakely was wrongfully convicted, and was brutally battered March 21, 2009, by officers, medical; while suffering a Neuroleptic-catatonia-apraxia seizure on the MCC hospital floor. Plaintiff suffered broken ribs, ruptured kidney, lumbar, cervical injuries March 21, 09.

4.2 Plaintiff was THEN placed in MAX segregation, so that noone could witness the black shoulder, hip and urination of straight blood from ruptured kidney, for a period of six months.

EXS  
0-2-6150  
AGAIN, October 4, 2009, Plaintiff suffered a neuroleptic-apraxia seizure on the Stafford Creek Correction hospital floor not able to provoke the officer Barrett from slamming Blakely's head to the floor and officer Nelson from bouncing his knee in middle of Blakely's back re-breaking ribs and rupturing kidney.

0-2-0834  
EX/2  
4.3 On September 10, 2009, (SCCC) correction officer improperly seized the Plaintiff's 7 legal document file boxes, that contained Recantation Affidavit and other documents proving the Plaintiff's actual innocence.

EX/2  
4.4 December 4, 2009, Lawyer Michael C. Kahrs received a \$35,000. check from Ralph H. Blakely, check No. 2245610 WTB) as advanced payment for Kahrs to prepare and file the two assault, medical malpractice injury complaints. And also to prepare and file a complaint for the recovery of Blakely's legal documents and manuscript.

EX 3

4.5 August 26, 2009, Lawyer Kahrs went through the legal documents, to compile 14 medical ailments, that had occurred while illegally imprisoned. But refused or declined to represent Mr. Blakely's Federal Rights Complain USC 42 Section 1983 medical malpractice complaint.

4.6. January 27, 2010, Grant County Public Records replied to Lawyer Kahrs request for records, but nothing else was done, with the large request.

April 17, 2010, Another Public Disclosure Record Request was made and paid \$5.39 to the Department of Corrections.

4.7 May 30, 2010, Lawyer Kahrs, procrastinates to the service of the prepared verified complaint against the Monroe Correctional Complex, medical officers for the March 21, 2009, Brutal assault, and medical malpractice, negligence. The Kahrs Law Firm 5/30/10 letter was in contrast to the clients requested service of the complaint that should have been timely drafted by Mr. Kahrs.

EX 4  
19

4.8 September 20, 2010, Lawyer Kahrs Paid investigator Taylor Kindred \$1,000.00 , when Blakely asked him to pay Detective Torrez out of Kennebec to investigate and obtain a recantation affidavit from Robbie Juarez Trevino on Blakely's wrongful conviction. RPC 1.7,8(a)(2)

EX 5

4.9 Plaintiff June 17, 2011, after two years of pleading to Lawyer Kahrs about taking proper legal action to prove wrongful conviction, and illegal imprisonment of deliberate indifference to chronic painful suffering; that the Plaintiff was in need of critical expert medical treatment and legal assistance against the wrongful conviction.

EX 6

4.10 Plaintiff's December 2, 2011, letter pleading for Lawyer Kahrs to stop procrastinating and take some action, laying out relevant legal documents to prove that he was wrongfully convicted and was innocent.

EX 7

4/11 After more than two years of procrastination, Lawyer Kahrs contacts an expert neurologist Dr. Raymond Singer, but the delay has caused the Plaintiff severe legal injuries of Summary Judgments.

EX 44  
4.12 January 2012, the highly skilled Washington Attorney General Daniel Judge filed a Motion for Summary Judgment in the Thurston County Superior Court based on facts of deliberate procrastination by Attorney Kahrs assisting vulnerable Blakely in obtaining expert neuropsychologist/ neurotoxicologist Singer's evaluation report.

4.13 On or about February, 2012, another Attorney General Douglas Carr filed a Motion for Summary Judgment in the Thurston County Superior Court against The Plaintiff's Complaint for improper seizure of 7 legal boxes of legal documents, manuscript, notarized Affidavit of Recantation by Robbie Juarez Trevino.

Plaintiff Blakely, wrote many letters to Attorney Kahrs for assistance in the preparation of Memorandums of Law in Opposition to the Attorney General's stacked three Motions For Summary judgment, but Attorney Kahrs deliberately refused to legally assist the Plaintiff.

4.14 Plaintiff Blakely suffered the injury of three Thurston County Superior Court Orders dismissing two credible medical neglect, negligence, malpractice, and assault injury complaints; which were well supported with documented evidence, because Attorney Kahrs refused to assist Plaintiff Blakely. But was paid a retainer of \$35,000 for that legal purpose.

4.15 Plaintiff, with the assistance of other inmates filed a notice of appeal to Court of Appeals II on the three Civil Rights Complaints of loss of legal property and medical malpractice, but Attorney Kahrs procrastinated in timely submission of filing fees, statement of arrangement fees, This caused the Plaintiff additional penalties, sanctions, and prolonged actual injury of chronic pain every day thereafter.

4.16 The Plaintiff being a vulnerable adult, suffering excruciating daily chronic arthritic crippling joint pain; has been assisted by other inmates in their writing too many letters asking Attorney Kahrs to legally assist Mr.

Mr. Blakely.

4.17 The Plaintiff, after four or five years, has received a billing for the \$35,000 retainer fee for services that were specifically contracted for and that were never received. Lawyer Kahrs breached his ethical duty to legally prepare three civil rights complaints, (seeking medical treatment and recovery of legal documents) Instead Lawyer Kahrs breached a fiduciary duty to "exploit" a partially blind vulnerable Plaintiff of \$20,000.00.

4.18 Lawyer Kahrs selfish disregard of his ethical duty to perform the necessary contracted fiduciary duties of preparing legal malpractice and brutal assault Complaint against medical officers has resulted in gross injury and painful suffering. Lawyer Kahrs failure to prepare the Writ of Habeas Corpus as contracted for by Mr. Blakely paying \$35,000 has been a substantial double injury.

\* 4.19 Lawyer Kahrs, after four years of unethical conduct in violation of RPC 1.15 A (h)(3) "gave no reasonable notice to the Plaintiff of the intent to withdraw any earned fees." Also, Defendant Kahrs, (RPC 1.15.A(f) has failed too numerous times to return critically needed legal documents; which misconduct is the proximate cause of the Plaintiff's prolonged incarceration, and medical neglect.

4.20 The defendant Kahrs has returned some legal documents, but not the essential verbatim reports, briefs, and the Plaintiff's proposed outlined briefs. The Defendant has concealed the direct communication between him and adverse attorney Spurgetis, about not doing any preparation of legal documents, nor proper representation. This perpetual delay of five years has greatly hindered the Plaintiff from liberty and obtaining medical relief from everyday chronic painful torture.

4.21 The proximate causation of the Defendant's unethical breach of duty, omissions, concealment have produced too many injuries of loss of liberty, property, loss of legal injuries complaints with sanctified Court of Appeals fees.

4.22 Defendant Kahrs cumulative acts to exploit and deceive a vulnerable handicapped adult, age 79 has caused four years of prolonged painful torture.

V. JURY OR JUDGE

5.1 The Plaintiff hereby would request that a jury try this case.

VI. PRAYER FOR RELIEF FOR RETURN OF FUNDS AND DAMAGES

6.1 Plaintiff Blakely requests that judgment be entered against the Defendant Kahrs as follows:

6.2 That Defendant Kahrs be ordered to return \$20,000 actual funds from the initial \$35,000.00 that was paid to Kahrs Law Firm Trust Account.

6.3 That Defendant Kahrs be ordered to pay \$20,000.00 compensatory damages for prolonged incarceration of painful torture, loss of liberty, loss of expert medical care due to illegal restraint.

6.4 Awarding Plaintiff Blakely his costs and disbursements incurred in this action.

6.5 Awarding Plaintiff Blakely any additional or further relief which the Court finds equitable, appropriate or just.

Respectfully submitted 5-28

2015

*Ralph H. Blakely*

VII. VERIFICATION

I, Ralph Howard Blakely certify under oath, penalty of perjury, and the laws of Washington State, the preceding statements are true and correct to the best of my knowledge, and are based on reports, records, letters, exhibits, belief and reasonable conclusions therefrom.

Signed at Aberdeen, WA., 5-28

2015

*Ralph H. Blakely*  
SCCC H4 B36  
191 Constantine Way  
Aberdeen, WA. 98520-9504

# EXHIBIT 19

Expedite:  
Judge: Laura Inveen  
Hearing: 11/20/15  
Time : 9:00 am

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

RALPH HOWARD BLAKELY,  
Plaintiff,

No. 15-2-12980-5 SEA

vs.

MICHAEL CHARLES KAHR, et.al.,  
Defendants.

DECLARATION OF PLAINTIFF  
IN SUPPORT OF MOTION FOR AN  
ORDER GRANTING AN EXTENSION  
OF TIME TO AMEND PLAINTIFF'S  
COMPLAINT

I, Ralph H. Blakely, age 79, handicapped, partially blind, as an inexperienced litigator am unable to compete with "THREE" highly skilled lawyers with resources.

2. The genuine material issues of fact arises, when a lawyer breaches his Fiduciary Duty of Care and Loyalty to a handicapped client, after he received \$35,000.00 for the benefit of the Plaintiff. Exhibit No. 2

3. The "Discovery" of answers of the Defendant, to why he waited (5) five years after the Receipt of the \$35,000.00 to bill the client?

4. The Discovery will support the amended Complaint with genuine material issues of fact if the Plaintiff is allowed (60) days extension of time to prepare the amended complaint and to serve it.

I, Ralph Howard Blakely declares under the penalty of perjury of the laws of the State of Washington that the above mentioned is true and correct.

Dated November 4, 2015

*Ralph H. Blakely*  
SOCC H1 b36  
191 Constantine Way  
Aberdeen, WA 98520

Honorable Laura Inveen

SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

RALPH HOWARD BLAKELY,  
Plaintiff,

Cause No. 15-2-12980-5 SEA

ORDER OF DEFAULT JUDGMENT

vs.

MICHAEL CHARLES Kahrs, et.al.,  
Defendants.

CR 54 ; Cr55; CR 12  
RCW 74.34.110(1-9)

THIS MATTER having come before this Court, and the Court having considered the Motion For Default Judgment supported by Declaration of the Plaintiff, and the Court Record of May 29, 2015 Service upon the Defendant, Michael C. Kahrs.

ACCORDINGLY, the Defendant, Michael Charles Kahrs, has not answered the Verified Complaint of Legal Malpractice in a timely fashion, nor responded to the requested interrogatories.

IT IS HEREBY ORDERED, that the Plaintiff's proposed ORDER FOR DEFAULT JUDGMENT BE GRANTED AND THAT Michael Charles Kahrs refund \$35,000.00 December 2009 funds to the Plaintiff

DONE IN OPEN COURT, THIS

day of August 2015

---

Honorable Judge Laura Inveen

# EXHIBIT 20

Expedite:  
Judge: Laura Inveen  
Hearing: 11/20/15  
Time : 9:00 am

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

RALPH HOWARD BLAKELY,  
Plaintiff,

No. 15-2-12980-5 SEA

vs.

MICHAEL CHARLES KAHS, et.al.,  
Defendants.

DECLARATION OF PLAINTIFF  
IN SUPPORT OF MOTION FOR AN  
ORDER GRANTING AN EXTENSION  
OF TIME TO AMEND PLAINTIFF'S  
COMPLAINT

1. I, Ralph H. Blakely, age 79, handicapped, partially blind, as an inexperienced litigator am unable to compete with "THREE" highly skilled lawyers with resources.

2. The genuine material issues of fact arises, when a lawyer breaches his Fiduciary Duty of Care and Loyalty to a handicapped client, after he received #35,000.00 for the benefit of the Plaintiff. Exhibit No. 2

3. The "Discovery" of answers of the Defendant, to why he waited (5) five years after the Receipt of the \$35,000.00 to bill the client?

4. The Discovery will support the amended Complaint with genuine material issues of fact if the Plaintiff is allowed (60) days extension of time to prepare the amended complaint and to serve it.

I, Ralph Howard Blakely declares under the penalty of perjury of the laws of the State of Washington that the above mentioned is true and correct.

Dated November 4, 2015

*Ralph H. Blakely 817995*  
SOCC H1 b36  
191 Constantine Way  
Aberdeen, WA 98520

Expedite:  
Judge: Laura Inveen  
Hearing! 11/20/15

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

RALPH HOWARD BLAKELY,  
Plaintiff,

vs.

MICHAEL CHARLES KAHS, et.al..  
Defendants.

No. 15-2-12980-5 SEA  
ORDER GRANTING EXTENSION OF TIME  
TO AMEND PLAINTIFF'S COMPLAINT  
CR 15

THIS MATTER having come before this Court, and the Court having considered the Plaintiff's Declaration, Exhibits, and reviewed the record along with the Plaintiff's Motion For An Order Granting An Extension Of Time To Amend Plaintiff's Complaint under Court rule Cr 15.

ACCORDINGLY, THIS COURT grants the Plaintiff's Order For Extension of Time To Amend Plaintiff's Complaint for (90) ninety days to prepare the amended complaint and to serve it.

IT IS HEREBY ORDERED, that the Plaintiff's Order For Extension of Time TO Amend Plaintiff's Complaint within 90 days is granted.

DONE in open Court, this        day of November 2015,

\_\_\_\_\_  
Honorable Judge Laura Inveen

Presented by: Ralph Blakely 817995  
SOCC H 1 B36  
191 Constantine Way  
Aberdeen, WA 98520

# EXHIBIT 21

M,  
P

Judge: Honorable Laura Inveen  
Department 48  
Hearing Set: 10/23/2015  
Time: 9a.m.

superior court of washington for county of king

RALPH HOWARD BLAKELY,,  
Plaintiff,

vs.

MICHAEL CHARLES KAHRs,  
Defendant.

NO. 15-2-12980-5 SEA  
ORDER GRANTING MOTION TO COMPEL  
DISCOVERY - CR 37 (a)  
~~(proposed order)~~

THIS MATTER having come before this Court, and the Court having considered the Motion for an Order Granting Motion to Compel Discovery pursuant to Civil Court Rule CR 37 (a), *and no opposition having been filed.*

ACCORDINGLY, this Court grants the Plaintiff's Order to Compel Defendant Michael C. Kahrs to answer the June 10, 2015, interrogatories and produce the requested documents without (Cr 37(a)(3) evasive or incomplete answers on or before *October 30, 2015.*

IN ADDITION, THE Plaintiff pursuant to CR 37(a)(4) be granted the sum of \$ *φ* as reasonable expenses in obtaining this Order, on the ground that the Defendant has had sufficient time to properly answer without delay.

DONE IN OPEN COURT, this *26* day of October 2015

*Laura Inveen*  
HONORABLE JUDGE Laura Inveen

**ORIGINAL**

Judge Laura Inveon  
Expedite:  
Hearing: 11/20/15  
Time: 9:00 a.m.

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

RALPH HOWARD BLAKELY,  
Plaintiff,

vs.

MICHAEL CHARLES KAIRS, et.al.  
Defendants.

No. 15-2-12980-5 SEA  
PLAINTIFF'S MOTION FOR AN  
ORDER GRANTING AN EXTENSION  
OF TIME TO AMEND PLAINTIFF'S  
verified COMPLAINT

Plaintiff, Ralph Howard Blakely motions this Court for an Order Granting an Extension of time to Amend the Plaintiff's Verified Complaint, and to permit the Defendant to properly Answer Interrogatories and Produce essential documents.

BASED upon the Court Order of October 26, 2015, and CR 37(a)(3) allowing the Defendant to timely Answer Interrogatories; the Plaintiff asks this Court for a Sixty-day (60) Extension of time to Amend and served the Complaint on additional Defendants.

Based on the Declaration of the Plaintiff requesting and Extension of Time it allows the Defendants to timely answer.

Dated November 4, 2015

*Ralph H. Blakely*  
Ralph H. Blakely, 817995  
SCCC II 1 B36  
191 Constantine Way  
Aberdeen, WA 98520-9504

Judge: Laura B. Inveen  
Rm C-203 DEPT 12  
Hearing: 11/20/15  
Time: 9:00 am

SUPERIOR COURT OF WASHINGTON FOR THE COUNTY OF KING

RALPH HOWARD BLAKELY,  
Plaintiff,

vs.

MICHAEL CHARLES KARRS, ET.AL.  
Defendant.

No. 15-2-12930-5 SEA  
DECLARATION OF PLAINTIFF  
IN SUPPORT OF EXTENSION  
FOR FILING STATEMENT OF  
ARBITRABILITY (KOLMAR2:1(a))

1. Ralph H. Blakely, the Plaintiff, age 79, declares the following in support of Motion for an Order to extend November 5, 2015, deadline. KOLMAR2:1(a).

2. The Plaintiff has shown good cause for an extension of time order for filing a Statement of Arbitrability due to the Defendant's delayed answers to Discovery filed June 10, 2015.

3. Based on the fact that the Defendant has not answered the Plaintiff's Second Request For Interrogatories and production of documents before their request for Summary Judgment hearing on November 20, 2015.

4. The Plaintiff is obtaining evidence of misstatements by the Defendant.

5. The Plaintiff is almost blind, handicapped and has to depend upon others to prepare the Discovery documents, therefore the Plaintiff is asking the Court to extend the Statement of Arbitrability and \$220 arbitration fee until after the November 30, 2015, scheduled Defendant's hearing and the second request for interrogatories has been answered by the Defendants.

I, Ralph H. Blakely, declare that the aforementioned is true and correct under the penalty of perjury.

Dated October 26, 2015,

*Ralph H. Blakely*  
Ralph H. Blakely, 817995  
SCCC H 1 B36  
191 Constnatine Way  
Aberdeen, WA 98520

c:

# EXHIBIT 12

SUPERIOR COURT OF WASHINGTON FOR THE COUNTY OF KING

RALPH HOWARD BLAKELY,  
Plaintiff,

vs.

MICHAEL CHARLES KAHRs,  
Defendant.

No. 15-12980-5 sea  
PLAINTIFF'S FIRST REQUEST FOR  
INTERROGATORIES COMBINED WITH  
REQUEST FOR PRODUCTION OF  
DOCUMENTS CR 26,33,34

TO: Michael C. Kahrs

A. GENERAL DEFINITION AND PROCEDURE

You have been served with the Plaintiff's First Request for Interrogatories combined with Request for Production of Documents. Please type your answers in the space provided or on a separate page or pages as needed. In the event you choose a place your response on a separate page, you must clearly denote the number of the question to which the response relates, including any subpart thereof, if applicable. Return the verified original of the completed interrogatories to Ralph H. Blakely, SCCC; 191 Constantine Way; Aberdeen, W, within 30 days of service or at such time and place as is mutually agreed upon.

B. SCOPE OF ANSWERS AND RESPONSES

That the answers are to include all the information known to or reasonably ascertainable by you or other representative.

C. OBJECTIONS

If you object to answering any interrogatory in whole or in part, state your objection and the factual and legal reasons supporting the objections with particularity in lieu of your answer.



INTERROGATORY No. 4 Would your legal visit to MAX Segregation to counsel Blakely, who had been injured March 20,2009, by correctional OFFICERS? HAVE ASSISTED HIM in his Civil Rights Complaints of Medical Malpractice ?

ANSWER:

a) Why did you pay a nurse as a medical consultant ?

ANSWER:

b) Why didn't you obtain an expert neurologist or neuropsychologist to make the proper evaluation of Mr. Blakely's medical ailments ?

ANSWER:

c) Why was investigator Kindred Taylor hired to investigate Mr. Juarez, when Maro Torres was preferred as a Washington licensed investigator ?

ANSWER:

d) Did you have knowledge of the fact that Investigator Kindred Taylor was working for Grant County as a state agent ?

ANSWER:

e) Beings you paid an investigator to investigate Mr. Juares in reference to Mr. Blakely's wrongful conviction; was this for the purpose of your preparing a Writ of Habeas Corpus or PRP ?

ANSWER:

INTERROGATORY No. 4 Would your legal visit to MAX Segregation to counsel Blakely, who had been injured March 20,2009, by correctional OFFICERS? HAVE ASSISTED HIM in his Civil Rights Complaints of Medical Malpractice ?

ANSWER:

a) Why did you pay a nurse as a medical consultant ?

ANSWER:

b) Why didn't you obtain an expert neurologist or neuropsychologist to make the proper evaluation of Mr. Blakely's medical ailments ?

ANSWER:

c) Why was investigator Kindred Taylor hired to investigate Mr. Juarez, when MAro Torres was preferred as a Washington Licenced investigator ?

ANSWER:

d) Did you have knowledge of the fact that Investigator Kindred Taylor was working for Grant County as a state agent ?

ANSWER:

e) Beings you paid an investigator to investigate Mr. Juares in reference to Mr. Blakely's wrongful conviction; was this for the purpose of your preparing a Writ of Habeas Corpus or PRP ?

ANSWER:

EXHIBIT 22a

Ex22a

Judge: Honorable Laura Inveen  
Room C-203 Dept 43

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING

RALPH HOWARD BLAKELY,  
Plaintiff,

vs  
MICHAEL CHARLES KAHR, et.al.

NO. 15-2-12980-5 SEA  
NOTICE FOR HEARING  
SEATTLE COURTHOUSE ONLY  
(Clerk's Action Required ) (NTHG)

TO: THE CLERK OF THE COURT and to all other parties listed on Page 2:  
PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the calendar checked below.

Calendar Date: October 23, 2015 - 9AM Day of Week: Friday

Nature of Motion: MOTION FOR ORDER TO COMPEL DISCOVERY Cr 37(a)(3)(4)

CASES ASSIGNED TO INDIVIDUAL JUDGES - Seattle	
If oral argument on the motion is allowed (LCR 7(b)(2)), contact staff of assigned judge to schedule date and time before filing this notice. Working Papers: The <u>judge's name</u> , date and time of hearing <u>must</u> be noted in the upper right corner of the Judge's copy. Deliver Judge's copies to Judges' Mailroom at C203.	
<input type="checkbox"/> Without oral argument (Mon - Fri)	<input checked="" type="checkbox"/> With oral argument Hearing
Date/Time: <u>October 23, 2015 9 AM</u>	Trial Date: <u>9/23/2016</u>
Judge's Name: <u>Laura Inveen</u>	

CHIEF CRIMINAL DEPARTMENT - Seattle in E1201	
<input type="checkbox"/> Bond Forfeiture 3:15 pm, 2 <sup>nd</sup> Thur of each month	<input type="checkbox"/> Certificates of Rehabilitation- Weapon Possession (Convictions from Limited Jurisdiction Courts) 3:30 First Tues of each month

CHIEF CIVIL DEPARTMENT - Seattle -- (Please report to W864 for assignment)	
<i>Deliver working copies to Judges' Mailroom, Room C203. In upper right corner of papers write "Chief Civil Department" or judge's name and date of hearing</i>	
<input type="checkbox"/> Extraordinary Writs (Show Cause Hearing) (LCR 98.40) 1:30 p.m. Tues/Wed -report to Room W864	<b>Non-Assigned Cases:</b> <input type="checkbox"/> Non-Dispositive Motions M-F (without oral argument). <input type="checkbox"/> Dispositive Motions and Revisions (1:30 pm Tues/Wed) <input type="checkbox"/> Certificates of Rehabilitation ( <b>Employment</b> ) 1:30 pm Tues/Wed (LR 40(b)(2)(B))
<input type="checkbox"/> Supplemental Proceedings (1:30 pm Tues/Wed)(LCR 69)	
<input type="checkbox"/> DOL Stays 1:30 pm Tues/Wed	
<input type="checkbox"/> Motions to Consolidate with multiple judges assigned (without oral argument) (LCR 40(b)(4))	

You may list an address that is not your residential address where you agree to accept legal documents.  
Sign: \_\_\_\_\_ Print/Type Name: Ralph Howard Blakely  
WSBA # 817995 (if attorney) Attorney for: \_\_\_\_\_  
Address: SCCC H 1 B36 1919 Constantine Way City, State, Zip Aberdeen, WA 98520  
Telephone: 360 537 1800 ext 1923 Date 10/23/15

DO NOT USE THIS FORM FOR FAMILY LAW OR EX PARTE MOTIONS.

157-24-15

DECLARATION OF SERVICE BY MAIL  
GR 3.1

Honorable Laura Inveen

I, Ralph Howard Blakely, declare and say:

That on the 24 day of September, 2015, I deposited the following documents in the Stafford Creek Correction Center Legal Mail system, by First Class Mail pre-paid postage, under cause No. 15-2-12980-5 SEA :

Motion for an Order to Compel Discovery, proposed order ,  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

addressed to the following:

Forsberg & Umlauf  
Attorney Susan Mc Intosh 26138  
901 Fifth Ave. Suite 1400  
Seattle, WA 98164  
206 689 8500

Honorable Laura Inveen  
KING COUNTY SUPERIOR COURT  
Room C 203 Dept 43  
516 Third Ave  
Seattle, WA 98104

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

DATED THIS 24 day of September, 2015, in the City of Aberdeen, County of Grays Harbor, State of Washington.

*court must find willful  
& substantial prejudice*

Ralph Blakely  
Signature

Print Name

DOC 817995 UNIT H 1 B 36  
STAFFORD CREEK CORRECTIONS CENTER  
191 CONSTANTINE WAY  
ABERDEEN WA 98520

I, certify that 11/4/15 of depositing with SCCC U.S. maile this Motion for extension of time to the following *Ralph Blabek 817995*

**LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE**

Name Judge Laura Inveen Dept 48  
King County Superior Court  
Service Address: 516 Third Ave. RmC203  
City, State, Zip Seattle, WA 98104  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

Name Attorney Susan McIntosh  
Service Address: 901 Fifth Av.e Suit 1400  
City, State, Zip Seattle, WA 98164  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

**IMPORTANT NOTICE REGARDING CASES**

Party requesting hearing must file motion & affidavits separately along with this notice. List the names, addresses and telephone numbers of all parties requiring notice (including GAL) on this page. Serve a copy of this notice, with motion documents, on all parties.

The original must be filed at the Clerk's Office not less than six court days prior to requested hearing date, except for Summary Judgment Motions (to be filed with Clerk 28 days in advance).

THIS IS ONLY A PARTIAL SUMMARY OF THE LOCAL RULES AND ALL PARTIES ARE ADVISED TO CONSULT WITH AN ATTORNEY.

The SEATTLE COURTHOUSE is in Seattle, Washington at 516 Third Avenue. The Clerk's Office is on the sixth floor, room E609. The Judges' Mailroom is Room C203.

JUDGE LAURA INVEEN  
206 296 9268

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING**

RALPH HOWARD BLAKELY,

Plaintiff,

vs.

MICHAEL CHARLES KAHRS, ET AL.

Defendants.

CASE NO. 15-2-12980-5 SEA  
NOTICE OF COURT DATE (Judges)  
(NOTICE FOR HEARING)  
SEATTLE COURTHOUSE ONLY  
(Clerk's Action Required) (NTHG)

TO: THE CLERK OF THE COURT and to all other parties per list on Page 2:  
PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the calendar checked below.

Calendar Date: November 20, 2015 Day of Week: FRIDAY

Nature of Motion: Defendant's Motion for Summary Judgment Hearing

**CASES ASSIGNED TO INDIVIDUAL JUDGES – SEATTLE**

If oral argument on the motion is allowed (LCR 7(b)(2)), contact staff of assigned judge to schedule date and time before filing this notice. Working Papers: The judge's name, date and time of hearing must be noted in the upper right corner of the Judge's copy. Deliver Judge's copies to Judges' Mailroom at C203

Without oral argument (Mon - Fri)  With oral argument Hearing

Date/Time: Friday, November 20, 2015 at 9:00 a.m.

Judge's Name: Judge Laura Inveen Trial Date: MAY 23, 2016

**CHIEF CRIMINAL DEPARTMENT – SEATTLE (E1201)**

- Bond Forfeiture 3:15 pm, 2<sup>nd</sup> Thursday of each month
- Extraordinary Writs from criminal or infraction (Show Cause Hearing) LCR 98.40(d) 3:00 p.m. Mon-Thurs.
- Certificates of Rehabilitation- Weapon Possession (Convictions from Limited Jurisdiction Courts) 3:30 First Tues of each month

**CHIEF CIVIL DEPARTMENT – SEATTLE (Please report to E863 for assignment)**

Deliver working copies to Judges' Mailroom, Room C203. In upper right corner of papers write "Chief Civil Department" or judge's name and date of hearing

- Extraordinary Writs (Show Cause Hearing) (LCR 98.40) 1:30 p.m. Thurs/Fri -report to Room E863
- Supplemental Proceedings/ Judicial Subpoenas (1:30 pm Thurs/Fri)(LCR 69)
- Motions to Consolidate with multiple judges assigned (LCR 40(a)(4) (without oral argument) M-F
- Structured Settlements (1:30 pm Thurs/Fri)(LCR 40(2)(S))

**Non-Assigned Cases:**

- Non-Dispositive Motions M-F (without oral argument).
- Dispositive Motions and Revisions (1:30 pm Thurs/Fri).
- Certificates of Rehabilitation (Employment) 1:30 pm Thurs/Fri (LR 40(a)(2)(B))

You may list an address that is not your residential address where you agree to accept legal documents.

Sign: [Signature] / note #29640 Print/Type Name: SUSAN K. MCINTOSH  
WSBA # 26138 (if attorney) Attorney for: Defendants  
Address: 901 Fifth Avenue, Suite 1400, Seattle, WA 98164  
Telephone: 206-689-8500 Email Address: smcintosh@forsberg-umlauf.com Date: September 22, 2015

**DO NOT USE THIS FORM FOR FAMILY LAW OR EX PARTE MOTIONS.**

**LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE**

Ralph Howard Blakely, #817995  
SCCC H4 B36  
191 Constantine Way  
Aberdeen, WA 98520-9504  
(X) Via U.S. Legal Mail

Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty. For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty. For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty. For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_  
Email Address: \_\_\_\_\_

**IMPORTANT NOTICE REGARDING CASES**

Party requesting hearing must file motion & affidavits separately along with this notice. List the names, addresses and telephone numbers of all parties requiring notice (including GAL) on this page. Serve a copy of this notice, with motion documents, on all parties.

The original must be filed at the Clerk's Office not less than six court days prior to requested hearing date, except for Summary Judgment Motions (to be filed with Clerk 28 days in advance).

THIS IS ONLY A PARTIAL SUMMARY OF THE LOCAL RULES AND ALL PARTIES ARE ADVISED TO CONSULT WITH AN ATTORNEY.

The SEATTLE COURTHOUSE is in Seattle, Washington at 516 Third Avenue. The Clerk's Office is on the sixth floor, room E609. The Judges' Mailroom is Room C203.

EXHIBIT 22b

Ex 22b

Judge: Laura Inveen  
Hearing: 10/23 and or 11/20/15  
Complaint: 5/29/15

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

RALPH HOWARD BLAKELY,  
Plaintiff,

vs.

MICHAEL CHARLES KAHRs, et.al.,  
Defendant.

Case No. 15-2-12980-5 SEA  
MEMORANDUM OF LAW IN SUPPORT  
OF Motion to Compel Discovery  
and NON-EVASIVE ANSWERS TO  
VERIFIED COMPLAINT

I. INTRODUCTION

I, Ralph Howard Blakely, Plaintiff, age 79, as an inexperienced vulnerable adult (RCW 74.34.110(1-9)) submit the following Memorandum of Law in Support of Motion to Compel Discovery (CR 37) and Non-evasive answers to Verified Complaint For Legal malpractice, Breach of Fiduciary Duty.

II. ISSUES

- 1) Whether or not evasive and denial answers to the verified complaint For Legal Malpractice and breach of Fiduciary Duty?
- 2) Whether Attorney Kahrs breached the contractual ethical duties not to deceive, omit answering complaint evasively ?
- 3) Does Omissions, evasive answers contribute to concealment, deceit, or misrepresentation that reflects on a Lawyers' self-interest ?
- 4) Was the Plaintiff misled by Lawyer Kahr's (consumer Protection Act) advertisement in the preparation of Writs of Habeas Corpus and Civil Rights Complaints, as a vulnerable disabled adult? RCW 19.86 and RCW 39.60 and RCW 74.34.110(1-9)
- 5) Has the Defendant misled the Court with Motion for Summary Judgment, and an affirmative defense of the Plaintiff's Complaint being barred by Statute of Limitations?
- 6) Does the cumulative effect of the foregoing demonstrate a manifest of bad faith and concealment for Lawyer Kahr's self-interest in his fabricated billing of May 2, 2014 ?

SEARCHED FOR INDEXED  
SERIALIZED FILED  
OCT 27 2015  
KING COUNTY CLERK  
RECEIVED

162  
10/28/15

1. Whether or not evasive and denial answers to a verified complaint for legal malpractice and breach of fiduciary duty show concealment?

A. December 4, 2009, Lawyer Michael C. Kahrs received a \$35,000.00 check from the Plaintiff, Ralph H. Blakely; as advanced payment for the Defendant to prepare and file three "civil rights complaints" and to prepare a writ of habeas corpus.

(Ex.# 2,1(missing lawyer-client contract) #11; #3)( Verified Complaint)

1) The Plaintiff as a vulnerable disabled, almost blind adult age 79, and had substantial evidence (notorized 3/ /2009 recantation affidavit of Robbie Juarez-Trevino prior to 9/10/2009 seizure) that would have proven the Plaintiff innocent and a wrongful conviction.

a( ~~Evasive~~ or omission of answers is synonymous with negligence on the part or actions of the Defendant. Jones v. Strom Const Co, 84 Wn2d 518, 520 (1974)ñ Snohomish Co. Public Transp. B.A.Corp v. First Group Am. Inc. 271 P.3d 850, 868ñ 173 Wn2d 829(2012) fn1

b( Defendants! fee billing after after five years of absolutley no briefing, no medical care, nor ~~l~~civil rights complaints prepared or filed by the defendant, as requested by client Blakely. (IMDPA) McGarth, 308 P.3d 615 619ñ 178 Wn2d 280, 289(2013) Omission of material information or the failure to disclose amounts to concealment of lawyer-client contract of obligated professional duty of care to the Plaintiff. Violating RPC 3.3(a-2-3)ñ

RPC 1.15A(a)(Defendant held essential medical records from the Plaintiff during Court hearings in TCSC February 2013) RPC 8.4(c-d) West v. Thurston County No.41085-1-II-41085-1-II(2012) n55 misrepresented the content of the records and demonstrated manifest of bad faith and concealment of records.

c( "(IMDPA) Marshall, No.200,302-8(2007 n50 Concealment of the fee arrangement ABA standard 5.1 governs an attorney's failure to maintain personal integrity in a situation where the attorney seeks to deceive his client.

AMA standards 5.1 governing "conduct involving dishonesty, fraud, ~~deceit,~~ or misrepresentation that adversely reflects on the Defendants"delayed" fee billing five years after his contract to prepare three civil rights complaints and a Writ of Habeas Corpus,( That were never prepared by Lawyer Kahrs)

d( NOW, the Defendant evades answering the Plaintiff's Verified Complaint with clear, cogent answers, instead of inadvertent nondisclosures-which has the same impact on the fairness of proceedings as deliberate "concealment". Strickler v. Greene, 527 U.S.263,288(1999) false advertising prong of RCW 9A.76.050 does not require a showing,

II. Whether Attorney Kahrs breached the contractual ethical duties, not to deceive, omit answering the verified complaint openly without evasive answers?

A. Defendant Lawyer Kahrs ( Complaints Answer of 7/31/15) admits (1.2) that the existence of an attorney client relationship, which give rise to a DUTY of care on the part of the attorney to the client, Mr. Blakely. Defendant also admits receiving advance payment of \$35,000.00 December 4,2009. Ex.# 1 & 2

1) The Plaintiff will show [ an act or omission by the attorney in] breach of the DUTY of care in violation of (RPC 1.3) no diligence and delay and no action to prepare the three "civil rights complaints of actual injury" (Exhibits Nos. 4,5,6)(# 11) *Hizey v. Carpenter, 119 Wn.2d 251,260-61, 830 P.2d 646(1992)* *S. Am. Ind. v. Cozgan* *Anderson v. DeLoach*

a) The Plaintiff has suffered irreparable injury upon injury caused by the Defendant Kahrs denied action to prepare three civil rights complaints of actual brutal assault injuries and the third complaint for the recovery of Notorized recantation Affidavit of Juarez-Trevino and the supporting brief, that would have proven Blakely actually innocent of the wrongful conviction of 3/9/05. (Exhibits No. 3-10 v. 11) (IMDPA Vanderveen, No. 200, 569-1(2009); (IMDPA) Marshal, No.200,302-8(2007) n50 Concealment of the fee arrangement ABA standard 5.1 governs an attorney's failure to maintain personal integrity in a situation where the attorney seeks to DECEIVE someone other than the court or his CLIENT.(IMDPA) Peterson No.10313(1993) ethical obligations to care of a vulnerable disabled adult. RCW 74.34.110(1-9) RPC 8.4(c-d)

b) The defendant's omission of material information, and failure to disclose his contract to represent the Plaintiff in the three "civil rights complaints" and to prepare a Writ of Habeas Corpus are significant DUTIES of care. RPC 1.3; "one cannot discharge a duty ignorance of the affairs of a business to which one owes a DUTY of diligence, care and skill does not excuse a lawyer from liability for his MALFEASANCE." *Senn v. Northwest underwriters, Inc. 74 Wn.App 408(1994); Schreiner Farms, Inc. v. A Tower, No.30244-0-III (2013)n 12 RCW 64.40.010(4); 4.16.005-040(1)* The Statute of limitations on an action "does not begin to run until the cause of action accrues" *Sabey v. Howard Johnson & Co. 101 Wn.App 575,592-93(2000); Davis v.Davis Wright Tremaine, 103 Wn.App 628,655(2000)*

III. DOES OMISSIONS, EVASIVE ANSWERS CONTRIBUTE TO CONCEALMENT, DECEIT, OR MISREPRESENTATION THAT REFLECTS ON A LAWYER'S "SELF-INTEREST"?

*Schmidt v Coogan* 181 Wn2d 427, 335 P3d 426 (2014) W4

A. Defendant Lawyer Kahrs (Answer page 6 1-12,13 ) deceit or misrepresentation arises, "Plaintiff's Complaint may be barred, in whole or in part, by the applicable statutes of limitations." When (Exhibit No. 12) after five years a fabricated attorney fee billing of May and June 23, 2014 ? ? (Ex.No.11

1. Rules of professional conduct 1.3, " a lawyer shall act with reasonable diligence and promptness in representing a client."

(RPC 1.5) " a lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses."

(4) "the amount involved and the 'results obtained'; (5) the time limitations imposed by the client or by the circumstances;" ...

... (9) ... "whether the fee agreement demonstrates that the client had received a reasonable and fair disclosure of material elements of the fee agreement and of the lawyer's billing practices." .. (f) shall comply with Rule 1.15A.(3) "in the event of a dispute relating to a fee for no results? ?

(IMDPA, Jackson, No.201,017-2(2014) concealment; (IMDPA) McGarth, No.201-115-2 n19(2013)

a) The defendant's misrepresentation of "any damages and proximately caused by the Plaintiff's own fault" is contortion of the true facts, that Defendant Lawyer Kahrs' self-interest to submit a fee billing five years later 6/23/14 for no Writ of Habeas Corpus, nor any effort to timely prepare and file "three Civil Rights Complaints" as he agreed to, as his DEX advertisement clearly states in exhibit No.11 and his nondisclosed contract of omissions. (IMDPA) Noble, 100 Wn 2d 88(1983) conversion of funds to "self-interest" Rosellini, 97 Wn2d 373,377(1982); (IMDPA) Selden, No. 13316(1986) misappropriation of funds misstatement of the amount taken and concealment tolling the discovery rule to intentional torts.

b) The Defendant's Answer misrepresents the "highly disputed genuine material facts" to be determined by the Court, and not just his answer of an affirmative defense.

c) The Fiduciary Duty of the Defendant Kahrs to "protect a disabled vulnerable almost blind adult age 79" from "financial exploitation and actual injury, along with obtaining adequate medical, and to prepare a Writ of Habeas Corpus has been neglected with malice. Violating RCW 74.34.110-(1-9); RCW 1986 Consumer Protection Act. RCW 39.60 Discrimination

IV. WAS THE PLAINTIFF MISLED BY LAWYER KAHR'S (Consumer Protection Act) advertisement IN THE PREPARATION OF WRITS OF HABEAS CORPUS AND CIVIL RIGHTS COMPLAINTS. (exhibit No.11 RCW 19.86.020 unfair methods or deceptive acts or practices in the conduct) Keithly v. Intelius, Inc.W.D.Wn2011)764 F. Supp.2d 1257; Smith v. Stockdale,(2012)166Wn.App 557,271 P.3d917.

A. To establish an unfair or deceptive act for purposes of a private Consumer Protection Act claim, there must be shown a real and substantial potential of the deceptive act, as opposed to a hypothetical possibility of an isolated unfair or deceptive act's being repeated, in order to meet the requirement of impacting the public interest. RCW 19.86.020; Benhnke v. Ahrens, 294P.3d 729,172 WN.App281(2012) n32 at 294 P.3d 737 Attorney's nondisclosure was likely repeated with other clients.

1. Defendant Lawyer Kahrs on December 4,2009, collected \$35,000.00 to prepare and file a Medical negligent malpractice, and brutal assault Complaint on injuries to Mr. Blakely. These injuries of March 21,2009, were caused by misuse of force while Blakely suffered a neuroleptic-catatonic seizure on the hospital floor not able to provoke broken ribs, ruptured left kidney, broken collar bone.

a) Plaintiff had contacted the Defendant prior to 8/26/09 about medical ailments that DOC are denying treatment.(Exhibit No. 3) Blakely asked the Defendant to timely prepare and file the above mentioned civil rights assault complaint before the one year statute of limitations, but he deliberately refused. Blakely then, prepared and filed the complaint on or about April 2010, and asked the Plaintiff to serve it on the individuals, but that request was denied. (Exhibit Nos. 4,5,6,7,)

b) Again, October 5,6,2009, Blakely suffered a neuroleptic-catatonic seizure on the infirmary floor of not able to move, nor speak, and (SCCC) medical misuse of excess force broke Blakely's ribs, re-rupturing left kidney; "which still currently hemorrhaging blood 8/4 to 8/30/2015.

Plaintiff again, requested the Defendant Kahrs to prepare and file this Medical Malpractice and assault Civil Rights Complaint before the one-year statute of limitations, but he refused. (Exhibits No.

c) Defendant Kahrs paid a medical consultant, who refused to give a declaration. Kahrs procrastinated in obtaining neurologist Raymond Singer's report timely to support Blakely's Thurston County Superior Court Complaints as the expert, therefore causing Blakely to lose his complaints.

Defendant Kahrs refused to then pay timely the Court of Appeals II filig fees and Arrangement fees. (Exhibits No.4,5,6,7,)

V. HAS THE DEFENDANT MISLED THE COURT WITH A MOTION FOR SUMMARY JUDGMENT, AND AFFIRMATIVE DEFENSE OF THE PLAINTIFF'S COMPLAINT BEING BARRED BY STATUTE OF LIMITATIONS?

A. The denial of a continuance of the Defendant's Motion for Summary Judgment to obtain substantial discovery is reviewed for an abuse of discretion. *Stranberg v. Lasz*(2003) 115 Wn.Ap.396,63 P.3d 809 This would be improper, when there are highly disputed genuine material issues of vulnerable adult financial exploitation and actual injury upon injury caused by the Defendant. *Cotton v. Kronenberg*(2002). 111 Wn.Ap.258,44 P.3d 878 "A genuine material fact is one upon which the outcome of the litigation depends."(IMDPA) Jones, (2014)338 P.3d 842, ,182WN2d17,n18,19RPC3.4(cd)

1. The Plaintiff has clearly shown genuine issue of material facts of fiduciary duty of care, not to exploit a vulnerable adult for not preparing a Writ of Habeas Corpus as he clearly advertised and agreed to upon receipt of \$35,000.00 Exhibit No.2 contract will be compelled upon discovery. CR 37 (IMDPA) Marshall, 160 Wn2d 317,329(2007); (IMDPA) Poole,156 Wn2d 196,209(2006)
  - a) Defendant Kahrs is attempting to evade genuine material issue of breach of fiduciary DUTY and contract agreement of duty of care to a vulnerable adult. *Dewar v. Smith*(2015)342 P.3d 328, 185 Wn.Ap.544 Evidence supported finding breach of DUTY and reliance elements of negligent misrepresentation claim; genuine issue of material fact existed to whether CPA's misrepresentation proximately caused an injury. n2,14,15,45; *Taylor v. Bell*,No.70414-1-I(2014)R&R
  - b) Proximate causation has two elements: cause in fact and legal causation. *Smith v. Preston Gates Ellis, LLP*, 135 WnApp.859,864(2006) cause in fact refers to the "but for" consequences of an act, that is, the immediate connection between an act and an injury. .
  - c) The Plaintiff, as in the case of *Behnke v. Ahrens*, (2012)294 P.3d 729, ,172 Wn.App.281 Clients brought claims against Attorney including violation of Consumer Protection Act, breach of fiduciary duty, and malpractice the Plaintiff has shown unfair practice, and injury upon injury, and genuine material issues of fact and dispute to warrant a Motion to Stay the Defendant's Motion for Summary Judgment; when there has been no discovery, no depositions, nor admissions, Therefore the Court must consider the facts in the light most favorable to the Plaintiff, as being a vulnerable handicapped adult. RCW 74.34 110(109) AND TO allow the Plaintiff to obtain competent loyal counsel.

VI. DOES THE CUMULATIVE EFFECT OF THE FOREGOING DEMONSTRATE A MANIFEST OF BAD FAITH AND CONCEALMENT FOR LAWYER KAHR'S SELF-INTEREST IN HIS FABRICATED BILLING OF June 23, 2014 FOR NONPERFORMANCE OF 2009 LEGAL LITIGATION ON CIVIL RIGHTS COMPLAINTS FOR THE PLAINTIFF ? ?

A. "A Supreme commandment of attorney ethics is undivided loyalty to a client and the shunning of any 'self-interest' that would conflict with the interests of the client. In re Wixom, (2014)182 Wn.App.881,884,885. (IMDPA) Eiler, (2010)236 P.3d 873,876;169 Wn2d 340 Judge was disciplined for disdainful, condescending demeaning manner ((which Defendant Kahrs set an example when licensed Detective Mario Torres called Kahrs to explain that he had obtained a recantation from Juarez-Trevino, but that Kahrs was very rude in cutting him off)) exhibit No.8.

Kahrs, 12/1/10	paid to	Kindred Taylor dba Acute Invest.	\$	1,100.00
"	3/10/11	paid to	" " " "	1,000.00
"	12/29/11	paid to	" " " "	183.40
"	4/4/12	paid to	" " " "	430.87

2714

The Defendant Kahrs paid an unlicensed investigator to undue what Blakely's licensed Detective had already secured, but refused to communicate or to pay Detective Torres.

In addition to, exhibit No. 8 is a copy of an "e-mail" between Kahrs and trustee Spurgetis implying that Kahrs should circumvent any move that Blakely makes to obtain adequate medical or to obtain actual facts of innocence and a wrongful conviction. This Notorized recantation Affidavit with 50 page brief was improperly seized by officers September 2009. (exhibit ~~not~~ presented)

1. In June 2010, Torres through Stephen Espinosa, Ignacio Cobos, were able to secure a recantation declaration on the promise that it would not be used until Jaurez-Trevino was relocated with new identity in Texas or Mexico. (exhibit of Espinosa Affidavit and declaration ~~not~~ presented)

a) The cumulative effect of the six issues of genuine material facts and Memorandum of Law in support incorporate the CASE of Ang v. Martin, 154 Wn. 2d 477,482-83,114 P.3d 837(2005) As this CASE clearly states and opens the door to allow Blakely to a twenty minute explanation of substantial genuine material exhibits of actual innocence.

b)"Plaintiff in a malpractice action against criminal defense attorney are required to prove by a preponderance of the evidence that they are actually innocent of the criminal charges or wrongful conviction."Ang v. Martin

b) "Plaintiff in a malpractice action against a criminal defense attorney is required to prove by a preponderance of the evidence that he is actually innocent of the criminal charges or wrongful conviction." Ang v. Martin, 154 Wn.2d 482-83(2005) (Blakely Exhibit No.8 with IV.summarized exhibit of Genuine Material Facts of Innocence consisting of 1-12 exhibits(not included)

c) Plaintiff is able to PROVE actual innocence in fact, and not merely to present evidence of the State's inability to prove guilt, Ang v. Martin

2. Lawyer Kahrs refusal to communicate with licensed detective Mario A. Torres about his obtaining a notarized affidavit of recantation in March 2009; and then Kahrs paying an unlicensed investigator to interview Juarez-Trevino twice, when Juarez had received the promise "that the recantation affidavit would not be used until he was relocated in Texas or Mexico." This shows malice breach of fiduciary DUTY of care to a vulnerable innocent adult.

In addition to the cumulative effect of lack of due diligence, avaricious self-interest, after five years a fabricated fee billing covering the \$35,000.00 advanced funds by Blakely for the main purpose of him preparing a Writ of Habeas Corpus and obtaining adequate Offender Paid Health Care.

(Exhibit No. 11 is Kahrs' Consumer Protection advertisement for Civil Rights)

a) A MALICE question arises ! "Why did Kahrs deliberately submit to the Spokane County Superior Court a 'Motion to Seal the Record in Blakely'" ? ?

b) Why has Defendant Kahrs delayed answering the three interrogatories of June 10, 2015, and supplied "EVASIVE ANSWERS" to the Complaint, 7/31/15 ?

c) Would the aforementioned be proximate cause of Kahrs' breach of DUTY AND MALICE injury upon injury to the Plaintiff ?? Hizey v. Carpenter, 119 Wn. 2d 251, 260-61, 830 P.2d 646(1992) Kahrs delayed diligence, OMISSIONS in the breach of duty of care has caused the Plaintiff great suffering, hardship, loss of property and loss of liberty.

d) Kahrs can not discharge 'DUTY OF DILIGENCE'; care and skill does not excuse him from liability of concealment or malfeasance." Senn v. Northwest Underwriter, Inc. 74 Wn.App.408(1994)

3. I, the Plaintiff asks this Court for the PROPOSED Order to Compel the defendant to fully answer the interrogatories of 6/10/15 without evasive answers and to supply the supporting documents.

a) IN ADDITION, the Plaintiff asks this Court for the (proposed Order to "STAY DEFENDANT's MOTION FOR SUMMARY JUDGMENT as an unfair tactic against a vulnerable unskilled adult as a victim of exploitation.

I, Ralph H. Blakely, 817995 respectfully submit this document on October 8, 2015

DECLARATION SUMMARY OF EXHIBITS IN SUPPORT OF MOTION TO COMPEL DISCOVERY

Exhibit No.1 June 8,2009, Lawyer Kahrs letter attempting to obtain funds to represent Blakely's release from prison, to transport to pain relief expert for spinal decompression and needed medical treatment. April 15,2009, Kahrs letter: Representation and not able to communicate. April 20,2009, Kahrs letter for prison litigation of \$200.00 per hour, and policies on private medical care which Blakely already had and prepared application to obtain outside paid care.

Exhibit No.2 Copy of Washington Trust Bank Check No.2245610 for \$35,000 retainer fee to pay for outside expert medical treatment, and for Writ of Habeas Corpus release from a wrongful conviction.

Exhibit No.3 August 26,2009, Kahrs letter, informing steps I am taking in your case of medical ailments that DOC is denying you medical treatment.

September 30,2009. revision of the declaration in obtaining funds

Exhibit No.4 Lawyer Kahrs procrastinated for several years, after far too many requests for him to prepare verified Medical malpractice, assault, negligence Complaints, and the improper seizure of legal documents by DOC, that would have supported Blakely's prison release. May 15,2013, letter to Court of Appeals II explaining 5/8/13 letter to Lawyer Kahrs requesting him to pay \$750 Court fee.

AFTER four years, Lawyer Kahrs files his first Motion of Limited Notice of Appearance on COA No.44754-1; 44584-1-II; 44544-1-II because he refused to pay statement of arrangement fees after TWO AGO s served handicapped blakely with two MOTions For Summary Judgment during the month of January,2012, but Lawyer Kahrs refused to assist physical and mental handicapped blakely in his Objections to the AGOs three Motions for Summary Judgment, which were improper.

Exhibit No.5 Letter by Sergio Peralta to Lawyer Kahrs, October 15,2013, covering three Civil Rights Complaints of vicious assault and loss of Blakely property, and Lawyer Kahrs NOT doing his duty to client handicapped Blakely

December 11,2013, letter by Chad Christensen,"URGENT Mr.Blakely is ailing and in critical need of cyancobalamin (b12) to prevent neuroleptic-catatonic seizures; Blakely drastically needs help, are you going to help him in his ailing stately age of 77, or are you going to let the courts bury him?" TO KAHRS

January 15,2014, Letter by Chad Christensen to Lawyer Kahrs on the request for cyancobalamin medication to prevent Blakely's neuroleptic-catatonia seizures.

January 19,2014, letter by Chad Christensen to Lawyer Kahrs drastically attempting to have Lawyer Kahrs take responsibility "DUTY" to help vulnerable Blakely.

DECLARATION SUMMARY OF EXHIBITS IN SUPPORT OF

Exhibit No.6. March 6,2014, Steven Morgan letter to Lawyer Kahrs; requesting Kahrs "DUTY" assistance to obtain Blakely's cyanocobalamin medication to prevent horrible injuries of officers when suffering a neuroleptic seizure.

AGO Carr and Judge ' s bullied Blakely in January 2012 Motions For Summary Judgment without granting his extension of time. Lawyer Kahrs allowed the WAG to bully vulnerable handicapped Blakely by misleading the Court.Lawyer Kahrs "breached his duty" according to lawyers legal ethics and rules of professional conduct. Lawyer Kahrs has absolutley done NOTHING to assist Mr.Blakely ! !

December 5,2013, Steven Morgan letter toKahrs Law Firm on Blakely critically needing cyanocobalamin (b12) preventing loss of balance and seizures.

February 14,2012, Official Staff Misconduct Complaint to DOC Secretary Bernard Warner about the brutal assault injuries caused by medical correcitonal officers to Blakely, while he was suffering paralysis-apraxia on the hospital floor unable to provoke such. As this supports Morgans letters of breach of duty by Lawyer Kahrs to assist Mr.Blakely in his legal complaints, as he was PAID TO ! Exhibit No.7. December 28,2013, Blakely letter prepared by allen trevino to Kahrs Law Firm on "breach of duty" to prepare Blakely's legal documents, causin/g injury upon injury, painful torture of painful suffering.

ALSO, Lawyer kahrs refusing to pay Court of Appeals fees, AND BLAKELY'S CON-  
SENT TO TAKEOVER THE THREE MENTIONED CASES (that Kahrs was and had the "DUTY"  
to prepare and file originally, but refused to after he collected \$35,000 retainer.

March 22,2013, Kurt Angelone letter to Attorney Michael C. Kahrs, on the opposed funds paid to Detective Kindred and NO SERVICE TO JURREZ of Libel Suit, (informant by the Grant County prosecutor, with proven perjury)

ALSO, Kahrs improperly paid medical consultant Marie Wendle, who refused to give Affidavit to her review and evaluation of Blakely's medical records; who Blakely objected to funding. Blakely lost three very good civil rights law suits because Kahrs breached his duty to reopresent Blakely after his collected \$35,000 retainer fee. \*LETTERS by Imaran Valora,& WDA Attorney Rachel SeEVERS\*

ALSO, Kahrs paid a Grant County Detective "Kindred" to do NOTHING to assist Blakely's investigation and obtaining exculpatory evidence of Blakely's WRONGFUL CONVICTION, when Blakely demanded that he wanted Detective Mario Torres.

Exhibit No.8.July 2, 2014, Casey Investigations by Mario A. Torres, on Blakely's need for his legal assistance for the recovery of exculpatory evidence.

This is Detective Torres favorable response and complaint that Kahrs "rudely refused communication" & But is supported by letters by Ignacio Cobos.

DECLARATION SUMMARY OF EXHIBITS IN SUPPORT OF

Ex. No 8. Ignacia Cobos and Stephen Espinosa had obtained a second Recantation Declaration from Robbie Juarez-Trevino about June ,2010; which was promised not to be used until he was given new identity and relocated out of Washington. (Er 61,62 as correlated with IV. Summarized Er 60aab-c-d-e; 63,64,65

Now the original notorized Robbie Juarez Affidavit, along with a 50 page brief were shipped from (MCC) to Stafford Creek Correction Center, where C/Os seized 7 legal document boxes, ( UPS tagged 5 of 9 contained a 9 X12 file bag containing that 50 page brief and supporting documents proving actual innocence. (As shown in Exhibit # 12, search report, Declaration of Whaley holding May 2011)

Casey Investigations by Licensed detective Mario A. Torres attempted to communicate with Lawyer Kahrs that Ignacio Cobos had scrutinized, taken notes of the Blakely March 2005 trial, and that he was instrumental with Cobos in obtaining the notorized Recantation prior to Lawyer Kahrs . (Ex. Kahrs#38 Er 67,68,69,70,71,72,) These exhibits, letter of Kahrs '7/5/12'to Cobos clearly show "conflict by Kahrs not communicating with Detective Torres that Blakely insisted that Kahrs pay.

'Conflict' June 29,2010, letter (not received by Blakely)"Ignacio Cobos for payment."This, combined with the recent contact by the"investigator" (Torres) informs me that you are litigating these matters totally without my assistance." "I litigate their cases for them." Cobos and Torres attempted to inform Kahrs that before Kahrs contract with Blakely, that they had already thoroughly scrutinized Blakely's transcript and obtained the notorized affidavit, but Kahrs refused by hiring unlicensed Detective, who worked for Grant County Prosecutor. This was done against Mr. Blakely's strong objections.(Kahrs Ex# 121

'concealment' 'conflict' 4/20/2012, after summary judgment of Blakely's Civil rights medical negligence case in attempt to obtain critically needed medication, and "expert neuropsychologist, neurotoxicologist Raymond Singer; when it is "TOO LATE" the injury upon injury has occurred because Lawyer Kahrs would not listen to Blakely, nor communicated with Cobos "three years later".(ER 78) (Er 79,79a,b)

A Declaration by Dennis R. Stewart, plus inmate placement record of Blakely showing that 'NO communication of Solicitation could have occurred between Blakely and Juarez-Trevino in 8/5/02-8/13/03 at Airway Heights Correction Center. In addition, Mr.Stewart certifies the FIRST of four extortion letters by Juarez-Trevino of August 28&31; which the 8/28/03 letter was revoked after 3/9/05 Trial.(ER 63 Er 64,65)

DECLARATION SUMMARY OF EXHIBITS IN SUPPORT OF

Exhibit No. 9. DECLARATION of Mark Vannausdle, has assisted Blakely age 78, with some legal problems arising from medical negligence and injuries caused by Washington Correction officers, that he paid Lawyer Michael Kahrs to perform. In addition, Kahrs was to revise the (PRP) that I assisted in preparing back in 2010, but Kahrs deliberately breached his fiduciary duty and contract.

Mr. Kahrs after four or five years "pyramided false legal billing" against the \$35,000.00 retainer that was supposed to have been used to revise Mr. Blakely's (PRP) Writ of Habeas Corpus, and to address official brutal assaults, 5/28/14

May 28, 2014, Declaration of Chad Christensen, that he is familiar with Lawyer Michael Kahrs' unfair double fee filling, and not performing a legal service as a breach of the legal profession consisting of misconduct. Lawyer Kahrs has done "nothing for Mr. Blakely"

May 31, 2014, Bryon L. Stetson has assisted Blakely age 78, in medical negligence and injuries caused by Correction officers, Lawyer Kahrs procrastinated for several years by not making any efforts of assist Mr. Blakely, but has "ponzi-schemed false billings against the \$35,000.00 retainer but has never revised the (PRP) nor prepared any briefs. Mr. Kahrs breached his duty to provide the legal service that Mr. Blakely contracted for.

May 21, 2014, Declaration of Imeran Vahora assisted Mr. Blakely in writing many letters to Lawyer Kahrs asking him to compel (SCCC) to provide critically needed medical treatment. Mr. Kahrs deliberately procrastinated for several years before mailing a pyramided false billing against Blakely's \$35,000.000 retainer. But has never prepared any legal documents. Lawyer Kahrs Breached his duty as a lawyer.

May 31, 2014, DECLARATION OF Peat Eriksen of Royal City, Washington has visited Mr. Blakely too many times witnessing Black left shoulder, broken collar bone after officer assault 3/20/2009. He is also familiar with Lawyer Kahrs unfair fee billing five years after he received \$35,000.00 fee retainer as a breach of legal profession and duty to provide legal service to a handicapped vulnerable adult Blakely. Lawyer Kahrs has done "Nothing" for Mr. Blakely,

Exhibit No.10. July 23,2013, letter by Sergio Peralta, to Michael Kahrs, Counsel about allmighty Attorney General "bamboozling the Judge , when Mr. Blakely being ADA handicapped, impaired hearing and eyesight, RCW 74.34.110(1-9)

October 15,2015, Sergio Peralta letter to Kahrs, Peralta assisted Mr. Blakely with three Civil Rights Complaints of vicious assaults by C/O's and loss of notorized recantation Affidavit, PRP, of Recantation by Juarez-Trevino.

Ex.No.10 Sergio Peralta letter to Kahrs on 7/23/13, submitting proposed 35 page brief for Mr. Blakely's appeal of Thurston County Superior Court abuse of discretion and Attorney General Judge "bambozling the Court. When the Court should have considered Mr. Blakely as being handicapped ADA and not skilled to argue the complicated issues.

Second Peralta letter of 10/15/2013, of his assistance in Blakely's three Civil Rights Complaints of vicious assault by C/Os and loss of his property. Lawyer Kahrs has not returned 200 legal documents, nor provided any legal assistance to the W.S.S.C. Motion.

Declaration of Peat Eriksen of May 31,2014, Blakely's past injuries by C/Os misuse of force; and Lawyer Kahrs "insignificant assistance"

Declaration of Ralph Blakely of June 11,2015, being partially blind, paying Kahrs \$35,000.00; and Kahrs breaching his fiduciary "DUTY" of ethical legal care. Kahrs has concealed facts; self-interest; in the financial exploitation of a vulnerable adult causing injury upon injury of malice misconduct.

Ex. No.11 Consumer Protection Advertisement, clearly showing that Lawyer Kahrs does "Civil Rights Complaints and Writs of Habeas Corpus"; but Kahrs has done "nothing" for Mr. Blakely.

Attorney Spurgetis February 23,2012 Letter, "testimony for your excessive force matter, I would suggest that you go through Mr. Kahrs,..." "I know that Kahrs is working on your criminal conviction".

Ex.No.12 Lawyer Kahrs (after five years) mailed to Blakely a fabricated billing on June 23,2014.

Ex.No.13 Attorney Gemberling Letter of January 18,2010, showing that Kahrs neglect or refusal to prepare the necessary brief for Blakely and that Ms.Gemberling is doing the opening brief on Blakely's wrongful conviction.

BEING THAT I CAN NOT PERSONALLY APPEAR IN COURT, and swear on oath that the aforementioned summary of exhibits are true and correct in support of the Memorandum of Law; I am asking this Court "Ex Parte" to review the exhibits and Order the Defendant to answer the "three interrogatories and production of documents of June 10,2015, without denial and evasive answers !

IN ADDITION, I ask this Court for the proposed Order to Stay Defendant's Hearing for Summary Judgment until after discovery is complete.

I, Ralph H. Blakely, declare under the penalty of perjury of the State of Washington that the foregoing is true and correct. Dated October 6,2015,

*Ralph H. Blakely* 817995; SCCC H1 B36; 191 Constantine Way:Aberdeen, WA 98520

DECLARATION OF SERVICE BY MAIL  
GR 3.1

I, Ralph H. Blakely, declare and say:

That on the 8th day of October, 2015, I deposited the following documents in the Stafford Creek Correction Center Legal Mail system, by First Class Mail pre-paid postage, under cause No. 15-2-12980-5 SEA :

- 8 page memorandum of law, supporting Declaration summary of exhibits ;
- \_\_\_\_\_ ;
- \_\_\_\_\_ ;
- \_\_\_\_\_ ;

addressed to the following:

King County Superior Court  
Judge Laura Inveen, Dept 48  
516 Third Ave Room C-203  
Seattle, WA 98104

Forsberg & Umlauf  
Susan McIntosh  
901 Fifth Ave. Suite 1400  
Seattle, WA 98164

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

DATED THIS 8 day of October, 2015, in the City of Aberdeen, County of Grays Harbor, State of Washington.

Ralph H. Blakely  
 Signature

Print Name

DOC 817995 UNIT H1 B36  
 STAFFORD CREEK CORRECTIONS CENTER  
 191 CONSTANTINE WAY  
 ABERDEEN WA 98520

Judge: Honorable Laura Inveen  
Department 48  
Hearing Set: 10/23/2015  
Time: 9a.m.

superior court of washington for county of king

RALPH HOWARD BLAKELY,,  
Plaintiff,

vs.

MICHAEL CHARLES KAHRs,  
Defendant.

NO. 15-2-12980-5 SEA  
ORDER GRANTING MOTION TO COMPEL  
DISCOVERY - CR 37 (a)  
(proposed order)

THIS MATTER having come before this Court, and the Court having considered the Motion for an Order Granting Motion to Compel Discovery pursuant to Civil Court Rule CR 37 (a).

ACCORDINGLY, this Court grants the Plaintiff's Order to Compel Defendant Michael C. Kahrs to answer the June 10, 2015, interrogatories and produce the requested documents without (Cr 37(a)(3) evasive or incomplete answers on or before 2015.

IN ADDITION, THE Plaintiff pursuant to CR 37(a)(4) be granted the sum of \$ as reasonable expenses in obtaining this Order, on the ground that the Defendant has had sufficient time to properly answer without delay.

DONE IN OPEN COURT, this day of October 2015

Honorable Judge Laura Inveen

Judge: Honorable Laura Inveen  
Room C-203 Dept 48  
Hearing Set: October 23, 2015  
Time: 9:00a.m.

SUPERIOR COURT OF WASHINGTON FOR COUNTY OF KING

RALPH HOWARD BLAKELY,  
Plaintiff,

vs.

MICHAEL CHARLES KAHRIS,  
Defendant.

NO. 15-2-12980-5 SEA  
MOTION FOR AN ORDER COMPELLING  
DISCOVERY- - CR 37(a)

Plaintiff moves this Court for an Order pursuant to Rule CR 37(a) of the Washington Superior Court Civil Rules Procedure compelling Defendant to answer fully without evasive answers, that were requested June 10, 2015, and again on September 13, 2015. As of date, the Plaintiff has not received any response.

Plaintiff submitted these interrogatories, pursuant to Rule CR 33-34 about four months ago, with a followup letter of September 13, 2015.

Plaintiff also moves for an Order pursuant to CR 37(a)(4) requiring the aforesaid Defendant to pay Plaintiff the sum of \$ \_\_\_\_\_ as reasonable expenses in obtaining this order, on the ground that the Defendants' refusal to answer the interrogatories, or to produce the documents, has no substantial justification.

Dated September 23, 2015

*Ralph H. Blakely*  
Ralph Howard Blakely, 817995  
SCCC H 1 B36  
191 Constantine Way  
Aberdeen, WA 98520

Phone No. 360 537 1800 Ext 1923

EXHIBIT 22c

Ex22c

November 27, 2015

Judge: Laura C. Inveen  
Hearing: 1/22/16

Forsberg & Jmlauf  
Attorney Susan McIntosh  
901 Fifth Ave, Suite 1400  
Seattle, WA 98164

No. 15-2-12980-5 SEA

RE: Ralph Blakely vs. Michael C. Kahrs

Would you please respond to the Interrogatories and request for production of documents of October 25, 2015. And specifically please produce a copy of Lawyer Kahrs contract between Mr. Blakely of about November 2009.

Also would you please include a copy of the Memorandum of Law on Legal Malpractice, as I believe that he mailed both copies to the Court, and does not have a copy.

Respectfully requested,

*Ralph H. Blakely*  
Ralph H. Blakely 817995  
SCCC H i B36  
191 Constantine Way  
Aberdeen, WA 98520-9504

c

EXHIBIT 22

Ex 22D

Judge: Honorable Laura Inveen  
Complaint filed: 5/31/2015  
Hearing: 10/23/15 & 11/20/15  
Room C 203 Dept 48

SUPERIOR COURT OF WASHINGTON FOR COUNTY OF KING

RALPH HOWARD BLAKELY,  
Plaintiff,  
  
vs  
  
MICHAEL CHARLES KAHR, et.al,  
Defendant.

No. 15-2-12980-5 SEA  
MOTION TO STAY DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT HEARING AS  
PREMATURE CR 62(b) CR 56(d)  
AND SUPPORTING DECLARATION

Plaintiff Motions this Court for an ORDER TO STAY Defendant's Motion For Summary Judgment Hearing as being premature, pursuant to CR 62 before discovery is properly finished.

Plaintiff has Motioned this Court for an ORDER TO COMPEL DISCOVERY pursuant to CR 37(a) June 10, 2015.

ACCORDINGLY, the Plaintiff asks this Court for an ORDER TO STAY DEFENDANT'S Motion for Summary Judgment.

DECLARATION OF PLAINTIFF IN SUPPORT

I, Ralph Howard Blakely, as a partially blind vulnerable adult, age 79, declares: the following:

1. The defendant has "evaded answering interrogatories and production of documents". Plaintiff has submitted to the Court a Motion to Compel discovery.
2. The Defendant has breached his fiduciary contract duty and violated the rules of professional conduct, along with the financial exploitation of a vulnerable adult causing injury. RCW 74.34.110(1-10); RPC 1.2; 1.3; 1.15A: 8.4
3. The Plaintiff has presented to the Court on July 22, 2015, a summary of genuine Material 1-10 exhibits showing a Breach of Fiduciary and Care DUTY to prepare and file three civil right complaints and to litigate a wrongful conviction of an innocent person. Also the exhibits clearly show financial exploitation of a vulnerable adult.

I, Ralph Howard Blakely, declares under the penalty of perjury that the foregoing is true and correct.

Dated September 27, 2015 *Ralph N. Blakely 817995*  
SCCC H 1 B36 - 191 Constantine Way - Aberdeen, WA 98520

179  
9-27-15

Judge:Honorable Laura Inveen, #48  
Hearing: 10/23 & 11/20/2015

SUPERIOR COURT OF WASHINGTON FOR COUNTY OF KING

RALPH HOWARD BLAKELY,  
Plaintiff,

vs.

MICHAEL CHARLES KAHRs, et.al.,  
Defendant.

No. 15-2-12980-5 SEA

PLAINTIFF'S ORDER TO STAY DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT HEARING  
PURSUANT TO CR 62 CR 56

THIS MATTER haveing come before this Court, and the Court having considered the PlaIntiff's Motion to Stay Defendant's Motion for Summary Judgment Hearing scheduled for October 23 and November 20, 2015, pursuant to court rule CR 62.

IN ADDITION, the Court having reviewed the genuine material disputed issues of the May 31,2015, "Verified Legal Malpractice Complaint, and Breach of Fiduciary Duty" in comparison to Defendant's "evasive answers" showsthat the Defendant's Motion For summary judgment hearing is premature, and should be "STAYED" until discovery is made and the Defendant provides non-evasive answers.

IT IS SO ORDERED, the Defendant"s Motion For Summary Judgment Hearing is STAYED.

DONE IN OPEN COURT, this day of October,2015,

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Honorable Judge Laura Inveen

# EXHIBIT 13

10-25-15 P 2nd D. I. B. C. P. Ex23

Judge: Laura B. Inveen  
Rm C-203-Dept 48  
Hearing: 11/20/15  
Time: 9:00 am

SUPERIOR COURT OF WASHINGTON FOR COUNTY OF KING

RALPH HOWARD BLAKELY,  
PLaintiff,

vs.

MICHAEL CHARLES KAHRS, et.al.  
Defendants.

No. 15-12980-5 SEA  
PLAINTIFF'S SECOND REQUEST FOR  
INTERROGATORIES COMBINED WITH  
REQUEST FOR PRODUCTION OF  
DOCUMENTS CR 26, 33(a), CR 34

TO: MICHAEL C. Kahrs

A. General Definition and Procedure

You have been served with the Plaintiff's Second Request for Interrogatories combined with Request for Production of Documents. Please type your answers in the space provided or on a separate page or pages as needed. In the event you choose to place your response on a separate page, you must clearly denote the number of the question to which the response relates, including any subpart thereof, if applicable. Return the verified original of the completed interrogatories to Ralph H. Blakely, SCCC; 191 Constantine Way; Aberdeen, WA. within ( 30 ) days of service or at such time and place as is mutually agreed upon.

B. SCOPE OF ANSWERS AND RESPONSES

That the answers are to include all the information known to or reasonably ascertainable by you or other representative.

C. OBJECTIONS

If you object to answering any interrogatory in whole or in part, state your objection and the factual and legal reasons supporting the objections with particularity in lieu of your answer.

D. VERIFICATION BY AGENT

Verification by the Defendant or agent, as to composit knowledge of the information and documents attached.

181  
11-25-15

INTERROGATORY No. 1. Please explain, why the Plaintiff has been charged about \$ 4,953.00 for unlicensed investigator Taylor Kindred to interview Robbie Juarez-Trevino ?

ANSWERS:

REQUEST FOR PRODUCTION No. 1 Please produce any document that would support the recovery of the Notorized Affidavit or recantation by Robbie Juarez-Trevino or that investigator Kindred produced "specific results that benefited the PLaintiff.

RESPONSE:

- a) Why did the Defendant Kahrs rudely refuse to communicate with licensed Detective Mario Torres? K 38

ANSWER:

INTERROGATORY No. 2. Please explain, why Defendant Kahrs refused to prepare and file "Civil Rights Complaint for the Plaintiff to recover Blakely's 50 page brief and Notorized Affidavit of recantation by Juarez-Trevino ?

ANSWERS:

- a) Did the Defendant Kahrs deliberately delay preparing and filing a Recovery Complaint for the Recovery of Blakely's legal documents by (SCCC) correction officers, when he paid the fees and filed a Notice of Appearance in Thurston County Superior Court and/or the Court of Appeals Division II?

ANSWERS:

REQUEST FOR PRODUCTION No. 2. Please produce letters, and complete criminal file that was received from Blakely's prior attorney in reference to "Kahrs 118" 2/17/10 letter.

RESPONSE:

- a) Please, also a complete copy of the March 5,9,2005, Grant County Superior Court trial transcript( that has never been returned)

RESPONSE:

- b) Inference to Ex.B92,1/18/2010 and Kahrs 54; 3/15/2011, letters by Attorney Gemberling showing that Blakely was forced to have Gemberling do the briefing for "arrest of judgment" after Blakely paid Kahrs to do that brief. "WHY did the Defendant Kahrs refuse to do this "arrest of judgment brief" ?

ANSWER:

REQUEST FOR PRODUCTION OF COMPLETE March 5-9,2005 Verbatim Report in reference to Kahrs 65-12/23/09; K66-5/8/09;1/26/10; K69-8/17/10 review pleadings; K 71-10/31/10,review trial documents; K72-11/17-29,review\$2,120 and etc.K—80!

RESPONSE:

- c) Inference to K 121,5/29/10, ( Plaintiff never received) and true, DOES this letter show neglect, self-interest, breach of fiduciary duty as the Defendant continued to investigate and review transcript, when Ignacio Cobos and Detective Torres made many attempts to communicate with the Defendant doing what they had already done in 2009 ???

ANSWER: \*YES\* or No

- d) This letter that the Plaintiff never received shows that the Defendant's non-diligent efforts to prepare the requested writ of habeas corpus and the three civil rights complaints for the Plaintiff. SHOULD THE DEFENDANT have terminated his contract then and returned the Plaintiff's \$ 35,000.00 as a breach of "DUTY" ???

ANSWER: Yes or NO

REQUEST FOR PRODUCTION OF CONTRACT AND ALL DOCUMENTS RECEIVED FROM Lawyer Robert Cossey

RESPONSE:

INTERROGATORY No. 3. Inference to K 118,1/20/10, "received the criminal file"; "see letter from 'Casey' Casey Investigations(Mario Torres)K 038 (K43-52 Cobos) SHOULD THE DEFENDANT HAVE COMMUNICATED WITH Casey Investigator Torres on the fact that he and Cobos had already obtained a Notorized recantation Affidavit from Juarez-Trevino and that Cobos had thoroughly scrutinized the Blakely Transcript and wanted to send Kahrs his notes ?? K43-52 Cobos)

ANSWER:

3-a) In reference to K 124, 6/29/10 (never received by the Plaintiff)  
"highly recommended in medical malpractice and 'I want to use her on  
your case'" (Marie Wendel, Rn CLNC ? "NOT a NEUROLOGIST EXPERT !!  
WHY DID THIS Wendel NOT AND REFUSED TO GIVE AN AFFIDAVIT TO THE  
PLAINTIFF to support Blakely's brutal assault and medical malpractice  
complaint after the Defendant paid her ? ? ? vs. K125,127,128,129

ANSWER:

INTERROGATORY No.4. WHY wasn't "EXPERT" Neurologist, neuropsychologist, neuro-  
toxicologist contacted before Blakely was forced to meet  
the statute of one-year limitations on filing assault, negligence, medical mal-  
practice Complaint as Kahrs 135-137 before 3/---/2010 ? ? ?

ANSWER:

#### VERIFICATION

I, Michael Charles Kahrs, 27085, verify under oath, penalty of perjury and  
the laws of Washington State, that the proceeding statements are true and correct.

Dated November, 2015

MICHAEL CHARLES KAHRs, Defendant  
5215 Ballard Ave. N.W.  
Seattle, WA 98107-4838

# EXHIBIT 24

Honorable Laura Inveen  
Hearing Date: January 8, 2016  
Without Oral Argument

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

RALPH HOWARD BLAKELY,  
  
Plaintiff,

vs.

MICHAEL CHARLES KAHRs, et al.,  
  
Defendants.

No. 15-2-12980-5 SEA

~~(PROPOSED)~~ ORDER DENYING  
PLAINTIFF'S MOTION TO COMPEL  
DISCOVERY

(NO ENVELOPES PROVIDED)

This matter came on for consideration on Plaintiff's Motion for an Order Compelling Discovery. The Court, having reviewed the moving papers and defendants' opposition and being otherwise fully advised in the premises, hereby

ORDERS that Plaintiff's Motion for an Order Compelling Discovery is hereby DENIED. *The court notes that on 11/30/15 it received Plaintiff's Motion to Compel Admission of Answer, noted for 11/27/15. That motion did not include a Declaration of Service, either per GR 3.1 or otherwise, and was not considered by the court. However, it appears to have been incorporated in this motion and DATED this 12 day of January, 2016. This Order addresses the issues raised in it. In the future, all pleadings must be 1) filed with the clerk's office, and 2) include a Declaration of Service to be considered.*

*Laura Inveen*  
\_\_\_\_\_  
Judge Laura Inveen

cc: TT  
a/c  
(PROPOSED) ORDER DENYING PLAINTIFF'S MOTION TO COMPEL  
DISCOVERY - PAGE 1

**ORIGINAL**

FORSBERG & UMLAUF, P.S.  
ATTORNEYS AT LAW  
901 FIFTH AVENUE • SUITE 1400  
SEATTLE, WASHINGTON 98164-1039  
(206) 689-8500 • (206) 689-8501 FAX

1 Presented by:

2 FORSBERG & UMLAUF, P.S.

3  
4 

Susan K. McIntosh, WSBA #26138

5 Attorneys for Defendants

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# EXHIBIT 15

11-20-10 [unclear] ASC

Ex25

THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

RALPH HOWARD BLAKELY,  
Plaintiff,

v.

MICHAEL CHARLES KAARS,  
et al.,  
Defendants

No. 15-212980-5 SEA

Order on: Plaintiff's Motion  
for Additional Time to Respond  
to Defendants' Motion for  
Summary Judgment

ORDERED: PLAINTIFF'S MOTION IS  
GRANTED AS FOLLOWS:

1. HEARING ON DEFENDANTS' SUMMARY  
JUDGMENT MOTION IS CONTINUED TO JANUARY 22,  
2016 AT 11:00 AM;

2. PLAINTIFF'S RESPONSE IS DUE NO  
LATER THAN JANUARY 9, 2016;

3. ANY REPLY IS DUE BY JANUARY 13,  
2016;

4. PLAINTIFF MAY APPEAR BY TELEPHONE FOR  
THE HEARING; AND

5. PLAINTIFF'S MOTION TO AMEND COMPLAINT IS  
DENIED

DATED: 11/20/15

Jenna C. J  
JUDGE

WITHOUT  
PREJUDICE.

PRESENTED BY:

APPROVED:

Susan M. Intosh

\_\_\_\_\_  
Attorney for Plntf. / Def.

Attorney for Plntf. / Def.

WSBA # 26138

THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

RALPH HOWARD BLAKELY,  
Plaintiff,  
v.  
MICHAEL CHARLES KAHR,  
et al.,  
Defendants

No. 15-212980-5 SEA  
Order on: Plaintiff's Motion  
for Additional Time to Respond  
to Defendants' Motion for  
Summary Judgment

ORDERED: PLAINTIFF'S MOTION IS  
GRANTED AS FOLLOWS:

1. HEARING ON DEFENDANTS' SUMMARY  
JUDGMENT MOTION IS CONTINUED TO JANUARY 22,  
2016 AT 11:00 AM;

2. PLAINTIFF'S RESPONSE IS DUE NO  
LATER THAN JANUARY 8, 2016;

3. ANY REPLY IS DUE BY JANUARY 13,  
2016;

4. PLAINTIFF MAY APPEAR BY TELEPHONE FOR  
THE HEARING; AND

5. PLAINTIFF'S MOTION TO AMEND COMPLAINT IS

DATED: 11/20/15

Jenna C. J.  
JUDGE

DENIED  
WITHOUT  
PREJUDICE.

PRESENTED BY:

Susan M. Intish  
Attorney for Plntf./Def.  
WSBA # 26138

APPROVED:

\_\_\_\_\_  
Attorney for Plntf. / Deft.

# EXHIBIT 26

Honorable Laura Inveen

SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

RALPH HOWARD BLAKELY,  
Plaintiff,

Cause No. 15-2-12980-5 SEA  
*Denying Motion for*  
ORDER ~~FOR~~ DEFAULT JUDGMENT

vs.

MICHAEL CHARLES Kahrs, et.al.,  
Defendants.

CR 54 ; CR55 ; CR 12  
RCW 74.34.110(1-9)

THIS MATTER having come before this Court, and the Court having considered the Motion For Default Judgment supported by Declaration of the Plaintiff, and the Court Record of May 29, 2015 Service upon the Defendant, Michael C. Kahrs.

ACCORDINGLY, the Defendant, Michael Charles Kahrs, has ~~not~~ answered the Verified Complaint of Legal Malpractice *in a timely fashion, not responded with Certification of Service by mail included,* *hurry filed the same on July 31, 2015* *jet* to the requested interrogatories.

IT IS HEREBY ORDERED, that the Plaintiff's proposed ORDER FOR DEFAULT JUDGMENT BE GRANTED AND THAT Michael Charles Kahrs return \$35,000.00 December 2009 funds to the Plaintiff. *is Denied* *jet*

DONE IN OPEN COURT, THIS 31st day of August 2015

*Laura Inveen*  
Honorable Judge Laura Inveen

~~(Proposed)~~ ORDER ~~FOR~~ DEFAULT JUDGMENT **ORIGINAL**

*2*  
*REC-15*  
*190*

# EXHIBIT 27

Honorable Laura Inveen

KING COUNTY SUPERIOR COURT FOR THE STATE OF WASHINGTON

RALPH HOWARD BLAKELY,

Petitioner,

v.

MICHAEL CHARLES KAHRs, et.al.,

Respondent.

No. 15-2-12980-5 SEA

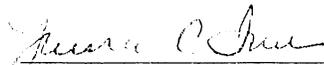
**ORDER GRANTING  
EXTENSION OF TIME**  
to file Statement of Arbitration

THIS MATTER having come before the Court on the Petitioner's Motion, after having considered the pleading and files in this matter: to file Statement of Arbitration and pay the \$220 fee

It is hereby ORDERED:

The Motion for an Extension of Time is hereby GRANTED. The deadline for filing the Petitioner's brief is extended to February 12, 2016 JCB ~~after November 20, 2015 hearing~~.

DONE this 29 day of November, 2015.

  
\_\_\_\_\_  
Commissioner / Clerk

Presented by:

Ralph H. Blakely \_\_\_\_\_, Petitioner

DOC # 817495 Unit 41E36  
SCCC 191 CONSTANTINE WAY  
ABERDEEN WA 98520

191  
12/15

# EXHIBIT 28

11/11/2006 PSC6 Ex28

EXT To 1-8-16  
1-13-16 Resp  
1-22-16 hearing  
JAM  
Teleph

Honorable Laura Inveen  
Hearing Date: November 20, 2015  
Hearing Time: 9:00 a.m.

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

RALPH HOWARD BLAKELY,

Plaintiff,

vs.

MICHAEL CHARLES KAHRS, ET AL.

Defendants.

No. 15-2-12980-5 SEA

DEFENDANTS' REPLY ON MOTION  
FOR SUMMARY JUDGMENT  
DISMISSAL AND OPPOSITION TO (1)  
PLAINTIFF'S MOTION TO STAY  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT HEARING  
AS PREMATURE; AND, (2) PLAINTIFF'S  
MOTION TO EXTEND TIME TO AMEND  
COMPLAINT

Defendants Michael Kahrs and Kahrs Law Firm Trust Account ask the court to grant their summary judgment motion dismissing plaintiff's Complaint in its entirety. Plaintiff filed no opposition to the motion and no genuine issues of material fact preclude dismissal. Defendants do not object to plaintiff's appearing for the hearing by telephone.

Defendants ask the court to deny plaintiff's unfiled<sup>1</sup> motion to stay the hearing on their summary judgment motion because defendants have fully answered both plaintiff's Verified

<sup>1</sup> Plaintiff served his motion on counsel for defendants and on the Court, but has failed to file it with the Clerk as of November 16, 2015.

192/15

1 Complaint for Legal Malpractice and Breach of Fiduciary Duty and plaintiff's First Request for  
2 Interrogatories Combined with Request for Production of Documents. Defendants' motion asks  
3 the court to resolve a question of law, viz., whether Mr. Kahrs owed Mr. Blakely the duties  
4 alleged in plaintiff's Complaint. Plaintiff's motion to stay the hearing on defendants' summary  
5 judgment motion should be denied as no further discovery is necessary to decide the motion,  
6 nor would any result in the discovery of facts sufficient to defeat summary judgment.

7 Plaintiff also appears to have pending a Motion to Extend Time to Amend Complaint.

8 There is no record of the motion having been filed with the Clerk of the Court. Mr. Blakely  
9 served a declaration in support of that motion, although the copy served appears only in mirror  
10 image. The text of the declaration is attached hereto as an appendix. Mr. Blakely's motion fails  
11 to comply with the Civil Rules for amending his complaint as no proposed amended complaint  
12 accompanies the motion. CR 15(a). Nor does the motion or supporting declaration show that  
13 justice requires allowing amendment. Amendment would be futile as all facts show that Mr.  
14 Kahrs fully accounted for the \$35,000 in trust funds. He both received advance permission  
15 from the Trustee to disburse funds and returned all remaining funds upon termination of the  
16 attorney-client relationship with plaintiff. Mr. Blakely seeks only to delay the hearing on the  
17 defendants' summary judgment motion by requesting additional time to conduct discovery and  
18 amend his complaint.

19 In short, Mr. Blakely can show no set of facts to defeat summary judgment because he  
20 cannot meet his burden of production on each essential element of his causes of action. Mr.  
21 Kahrs did not represent Mr. Blakely on his civil matters; he had no duty of care to Mr. Blakely  
22 for those matters, and Mr. Blakely sustained no damage from any act or omission by Mr.

1 Kahrs. Consequently, Mr. Kahrs is entitled to judgment as a matter of law and dismissal of this  
2 lawsuit with prejudice.

3 DATED this 16<sup>th</sup> day of November, 2015.

4 FORSBERG & UMLAUF, P.S.

5  
6 By: s/ Susan McIntosh  
7 Terrence J. Cullen, WSBA #12554  
8 Susan K. McIntosh, WSBA #26138  
9 Attorneys for Defendants  
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1 APPENDIX

2 Ralph H. Blakely, age 79, partially blind, as an inexperienced litigator am unable to  
3 compete with "THREE" highly skilled lawyers with resources.

4 2. The genuine material issues of fact arises, when a lawyer breaches his Fiduciary  
5 Duty of Care and Loyalty to a handicapped client, after he received \$35,000.00 for the benefit  
6 of the Plaintiff. Exhibit No. 2.

7 3. The "discovery" of answers of the Defendant, as to why he waited (5) five years  
8 after the Receipt of the \$35,000.00 to bill the client?

9 4. The discovery will support the amended complaint with genuine material issues  
10 of fact if the Plaintiff is allowed sixty (60) days extension of time to prepare the amended  
11 complaint and to serve it.

12 I, Ralph H. Blakely, declares under the penalty of perjury of the laws of the State of  
13 Washington that the above mentioned is true and correct.

# EXHIBIT 29

Ex29

Honorable Laura Inveen  
Hearing Date: November 20, 2015  
Hearing Time: 9:00 a.m.

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

RALPH HOWARD BLAKELY,

Plaintiff,

vs.

MICHAEL CHARLES KAHRs, ET AL.

Defendants.

No. 15-2-12980-5 SEA

DECLARATION OF MICHAEL C. KAHRs  
IN SUPPORT OF MOTION FOR  
SUMMARY JUDGMENT DISMISSAL

Michael C. Kahrs declares as follows:

1. I am of legal age, competent to be a witness, and make this declaration on personal knowledge of the matters contained herein. I am duly admitted to practice law in Washington since 1997. I am also admitted to practice law in the United States District Court for the Eastern and Western Districts of Washington, the Ninth Circuit Court of Appeals, and the United State Supreme Court. My practice consists of criminal post-conviction relief in both state and federal courts, representing prisoners in matters with the Department of Corrections and the Indeterminate Sentence Review Board, Public Records Act, and some general civil

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1 litigation. I am a member of the Criminal Justice Act panel for the Western District of  
2 Washington qualified to represent persons in federal habeas corpus actions.

3 2. In 2009, plaintiff Ralph Blakely contacted me asking for assistance on various  
4 matters. Mr. Blakely was incarcerated following convictions in Spokane County and Grant  
5 County, Washington. Mr. Blakely wanted me to assist him in pursuing post-conviction relief  
6 related to his conviction in a solicitation of first degree murder case, *State v. Blakely*, Grant  
7 County Superior Court Cause No. 04-1-00369-8. Mr. Blakely also wanted assistance in  
8 obtaining medical care for his many medical conditions. Mr. Blakely is currently 79 years old. I  
9 agreed to help Mr. Blakely with these two matters.

10 3. Mr. Blakely is the beneficiary of a special needs trust established in Spokane  
11 County Superior Court. With the assistance of the Trustee, I asked the court to disburse funds  
12 from Mr. Blakely's special needs trust to fund my assistance on these two matters. The court  
13 granted my motion, finding that Mr. Blakely was in need of the funds to pursue post-conviction  
14 relief and obtain medical care. The court ordered that Thirty-Five Thousand Dollars be  
15 earmarked for these purposes. The court ordered that (1) the funds be held in an individual trust  
16 account for Mr. Blakely's benefit; and, (2) requests for disbursement be presented to the  
17 Trustee of Mr. Blakely's trust before expenditure. A true and correct copy of the Spokane  
18 County Superior Court's Order Approving Disbursement of Funds from Special Needs Trust,  
19 entered on December 3, 2009, is attached as **Exhibit 1**.

20 4. I established an individual trust account for Mr. Blakely's benefit at then Viking  
21 Bank, as directed by the court. The Trustee sent a check for \$35,000 that I deposited into Mr.  
22 Blakely's specifically opened trust account.

1           5.       Attorney James P. Spurgetis is the Trustee for the Ralph Blakeley Special Needs  
2 Trust. Before transferring money from the trust account for my services rendered, I submitted  
3 my billings for legal services on Mr. Blakely's behalf related to the post-conviction and  
4 medical matters to Mr. Spurgetis for approval. I paid my invoices from the Viking Bank trust  
5 account only after receiving permission from Mr. Spurgetis to pay my billings. In the course of  
6 my work on Mr. Blakely's behalf, I asked Mr. Spurgetis to approve disbursements to pay for  
7 investigator Taylor Kindred, for expert review of Mr. Blakely's medical records by nurse-  
8 consultant Marie Wendle, for a report by neuropsychologist and neurobehavioral toxicologist  
9 Raymond Singer, Ph.D., and for medical and court records related to the post-conviction and  
10 medical matters. I made those disbursements only after receiving Mr. Spurgetis' approval. A  
11 true and correct copy of my invoices for legal services for Mr. Blakely is attached as **Exhibit 2**.

12           6.       Mr. Blakely filed many lawsuits as a pro se litigant. I advised him on procedure  
13 in some of those matters and, on occasion, assisted Mr. Blakely in service of documents or  
14 other procedural matters. I did not represent Mr. Blakely in any of those cases. Each time I  
15 provided assistance, I requested and received advance approval from Mr. Spurgetis to do so.  
16 Where appropriate, Mr. Spurgetis would approve my assisting Mr. Blakely with procedural  
17 matters for his civil litigation. For example, the Thurston County Superior Court dismissed  
18 three of Mr. Blakely's lawsuits on summary judgment in early 2013. Mr. Spurgetis approved  
19 my assisting Mr. Blakely in perfecting his appeals of those cases, authorizing me to pay  
20 appellate filing fees, for Clerk's Papers and for Verbatim Reports of Proceedings in each case. I  
21 made a limited appearance in each case, making it clear that my involvement for Mr. Blakely  
22 was to seek an extension of time for him to perfect the appeals. A true and correct copy of my  
23 Limited Notice of Appearance in each case is attached as **Exhibit 3**. A true and correct copy of

1 my January 15, 2014 letter to Mr. Blakely regarding my limited appearance to perfect his  
2 appeals is attached as **Exhibit 4**. A true and correct copy of Mr. Kahrs' December 23, 2013  
3 letter to Mr. Blakely containing Mr. Blakely's signature authorizing payment of the court costs  
4 in the appeals is attached as **Exhibit 5**.

5 7. I communicated with Mr. Blakely by telephone, in person, and by written  
6 correspondence to keep him informed regarding the work I was doing on his behalf. Mr.  
7 Blakely also wrote to me, asking for assistance on many matters beyond the post-conviction  
8 and medical issues on which I represented him. I wrote to Mr. Blakely many times confirming  
9 what I was able to do for him and what I was not authorized to do. I reminded Mr. Blakely that  
10 I did not represent him on civil matters, including his civil rights and medical malpractice  
11 claims.

12 8. When writing to Mr. Blakely, I used prior correspondence as a template. Often,  
13 the date of the correspondence did not update automatically and was not manually changed.  
14 When the document was saved to my word processing system, the naming convention my  
15 office used included the date the letter was written. Where handwritten notation of dates are on  
16 the exhibits to this declaration, they are the dates contained in the name of the document as  
17 saved on my computer system, and thus are the actual dates of the letters.

18 9. I wrote my first letter to Mr. Blakely reminding him of the scope of my work in  
19 late January 2010. In that letter, I told Mr. Blakely that I was "sorry but we had previously  
20 discussed that I would not provide assistance in your civil action and I cannot help you on your  
21 Ninth Circuit Case..." A true and correct copy of my January 26, 2010 letter to Mr. Blakely  
22 with corrected date notation is attached as **Exhibit 6**.

1           10.     In May 2010, I wrote to Mr. Blakely reminding him of the limitations on my  
2 assistance imposed by the court's December 3, 2009 order. Mr. Blakely asked that I help him  
3 serve process in one of his civil cases. I told Mr. Blakely that I was not sure Mr. Spurgetis  
4 would approve that expenditure and asked what he wanted me to do. A true and correct copy of  
5 my May 19, 2010 letter to Mr. Blakely with corrected date notation is attached as **Exhibit 7**.

6           11.     I again wrote to Mr. Blakely regarding service of process in his civil case on  
7 May 30, 2010, explaining "I am limited by what I can do according to the Court and Mr.  
8 Spurgetis must approve payments...If you want, I can see if I can get approval to pay for  
9 service of process. [Mr. Spurgetis] might agree because it is based on your medical  
10 problems..." A true and correct copy of my May 30, 2010 letter to Mr. Blakely with corrected  
11 date notation is attached as **Exhibit 8**.

12           12.     In February 2011, I again declined to take on Mr. Blakely's medical malpractice  
13 case. A true and correct copy of my February 28, 2011 letter to Mr. Blakely with corrected date  
14 notation is attached as **Exhibit 9**.

15           13.     From 2009 through May 2014, I worked on Mr. Blakely's behalf to find support  
16 for his contention that a witness who testified at his solicitation of murder trial gave false  
17 testimony and would recant. In March 2011, the investigator I hired to interview witness  
18 Robbie Trevino Juarez wrote a report summarizing his investigation and interview with Mr.  
19 Juarez. Mr. Juarez declined to sign the proposed affidavit prepared by Mr. Blakely that would  
20 recant his trial testimony and told the investigator that his trial testimony was truthful. Mr.  
21 Juarez testified at Mr. Blakely's trial that Mr. Blakely offered to pay him \$40,000 each to kill  
22 Mr. Blakely's wife and daughter. In March 2013, Mr. Blakely gave me information that Mr.  
23 Juarez was in Texas and would sign an affidavit recanting his trial testimony. However, Mr.

1 Blakely refused to authorize me to engage another investigator in Texas in an attempt to re-  
2 interview Mr. Juarez. I was unable to obtain sufficient evidence to make a post-conviction  
3 challenge on Mr. Blakely's behalf; consequently, I filed no post-conviction motion or petition.

4 14. From 2009 through May 2013, I also worked on Mr. Blakely's behalf to  
5 determine whether he was receiving appropriate medical care for his many serious medical  
6 conditions while incarcerated. Mr. Blakely has serious physical and mental health ailments. I  
7 obtained his prison medical records and had Marie Wendle, an expert nurse-consultant, review  
8 them for appropriate care. Ms. Wendle gave the opinion that the care Mr. Blakely was  
9 receiving appeared to be timely and appropriate. A true and correct copy of my September 20,  
10 2010 letter to Mr. Blakely describing my conversation with Ms. Wendle is attached as  
11 **Exhibit 10.**

12 15. Mr. Blakely believed he benefitted from taking vitamin B<sub>12</sub> supplements to  
13 counteract longstanding exposure to chemicals he had as a farmer. Until May 2014, I assisted  
14 Mr. Blakely in seeking to have the supplement provided to him in prison at his expense, as  
15 allowed by Department of Corrections policy.

16 16. I obtained prior approval from the Trustee and retained Raymond Singer, Ph.D.,  
17 a neuropsychologist and neurobehavioral toxicologist for Mr. Blakely to review Mr. Blakely's  
18 records and prepare a report on the effect of Mr. Blakely's chemical exposure on his mental  
19 status. Mr. Blakely hoped to use Dr. Singer's report to challenge his conviction, based on his  
20 mental status at his solicitation trial. Dr. Singer prepared a draft report that I sent to Mr. Blakely  
21 along with Dr. Singer's request for additional information. In May 2013, I wrote to Mr. Blakely  
22 regarding Dr. Singer's draft report and additional questions, asking for additional information. I  
23 offered to host a conference call with Dr. Singer and Mr. Blakely to facilitate the

1 communication between them. Mr. Blakely failed to respond to Dr. Singer's request. A true and  
2 correct copy of my letters to Mr. Blakely dated May 16, 2013 and May 17, 2013 are attached as  
3 **Exhibits 11 and 12.** Mr. Blakely never responded to my requests.

4 17. In May 2014, Mr. Blakely asked for an accounting for the trust account funds. I  
5 provided the accounting by letter dated May 18, 2014, along with an explanation of the work I  
6 did on Mr. Blakely's behalf. In that letter, I reiterated that "I sought approval for everything I  
7 have done on your behalf from the court appointed guardian of your trust, including paying any  
8 invoices I submitted for services rendered." A true and correct copy of my May 18, 2014 letter  
9 with corrected date notation is attached as **Exhibit 13.**

10 18. Mr. Blakely filed a grievance with the Washington State Bar Association,  
11 claiming I violated the Rules of Professional Conduct in connection with my work on his  
12 behalf. At that point, I declined to do additional work for Mr. Blakely. The Office of  
13 Disciplinary Counsel dismissed Mr. Blakely's grievance on November 19, 2014.

14 19. When Mr. Blakely filed his grievance in late May 2014, funds remained in the  
15 individual trust account from the \$35,000 disbursement from the special needs trust. I refunded  
16 the \$8,560.59 balance to the Ralph Blakely Trust. I sent Mr. Blakely a copy of my letter to the  
17 Trustee. A true and correct copy of my June 2, 2014 letter to Mr. Spurgetis enclosing a check  
18 for \$8,560.59 payable to the trust, is attached as **Exhibit 14.**

19 20. I held another small sum in the trust account that Mr. Blakely had previously  
20 sent to me. I sent that sum to Peter Eriksen at Mr. Blakely's express request. A true and correct  
21 copy of my August 6, 2014 letter to Mr. Blakely regarding those funds is attached as  
22 **Exhibit 15.**

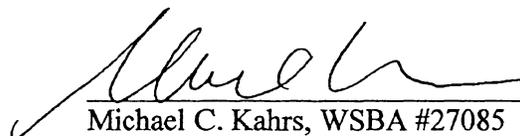
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21. After sending the check to Mr. Eriksen, the trust account balance was zero. I then closed the account. A true and correct copy of Mr. Blakely's trust account ledger through June 23, 2014 is attached as **Exhibit 16**.

22. I sent Mr. Blakely all materials from my files that he requested.

23. On May 28, 2015, Mr. Blakely filed his Verified Complaint for Legal Malpractice and Breach of Fiduciary Duty in King County Superior Court. A true and correct copy of plaintiff's Complaint is attached as **Exhibit 17**.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge. Dated this 22<sup>nd</sup> day of October, 2015, at Seattle, Washington.

  
Michael C. Kahrs, WSBA #27085

# EXHIBIT 29-1

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Honorable Laura Inveen  
Hearing Date: January 22, 2016  
Hearing Time: 11:00 a.m.

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

RALPH HOWARD BLAKELY,  
  
Plaintiff,  
  
vs.  
  
MICHAEL CHARLES KAHRS, ET AL.  
  
Defendants.

No. 15-2-12980-5 SEA  
  
DECLARATION OF SUSAN K.  
MCINTOSH IN SUPPORT OF  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT DISMISSAL

Susan K. McIntosh declares as follows:

1. I am of legal age, competent to be a witness and make this declaration on personal knowledge of the matters contained herein.
2. Attached as **Exhibit A** is a true and correct copy of Judge Tompkins Order Approving Reallocation of Funds for Medical and Post-Conviction Relief entered March 15, 2013, in Spokane County Superior Court Cause No. 95-3-01916-0.
3. Attached as **Exhibit B** is a true and correct copy from Mr. Kahrs' files of Representation Agreements signed by Ralph Blakely dated January 9, 2009 and May 1, 2009. The scope of these agreements was superseded by Judge Tompkins' December 3, 2009 Order,

15-2-12980-5 SEA

1 which is Exhibit 1 to the Declaration of Michael C. Kahrs in Support of Motion for Summary  
2 Judgment Dismissal.

3 I declare under penalty of perjury under the laws of the State of Washington that the  
4 foregoing is true and correct to the best of my knowledge.

5 Dated this 13<sup>th</sup> day of February, 2016, at Seattle, Washington.

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7 Susan K. McIntosh, WSBA No. 26138

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EXHIBIT 29-2

1-4-16 DECI - [unclear] Ex29-2

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Honorable Laura Inveen  
Hearing Date: January 8, 2016  
Without Oral Argument

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

RALPH HOWARD BLAKELY,

Plaintiff,

vs.

MICHAEL CHARLES KAHRs, ET AL.

Defendants.

No. 15-2-12980-5 SEA

DECLARATION OF MICHAEL C.  
KAHRs IN OPPOSITION TO  
PLAINTIFF'S MOTION TO COMPEL

Michael C. Kahrs declares as follows:

1. I am of legal age, competent to be a witness, am one of the defendants in this action, and make this declaration on personal knowledge.

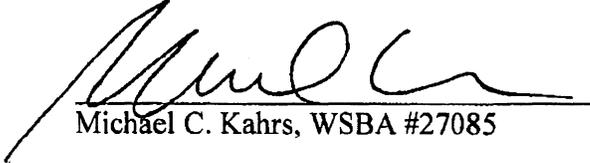
2. To respond to plaintiff's request that I produce the case files related to plaintiff's criminal defense where Robert Cossey represented the plaintiff, I searched my archived files. I have no files responsive to plaintiff's request.

3. In September and October 2014, I sent Mr. Blakely three boxes of documents containing files including those from his criminal defense case. Those boxes included the files

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1 Mr. Cossey had previously sent to me. I did not retain copies of the three boxes of documents  
2 sent to Mr. Blakely.

3 I declare under penalty of perjury under the laws of the State of Washington that the  
4 foregoing is true and correct to the best of my knowledge. Dated this 4<sup>th</sup> day of January, 2016,  
at Seattle, Washington.

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7 Michael C. Kahrs, WSBA #27085

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IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

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RALPH HOWARD BLAKELY,

Plaintiff,

Cause No. 15-2-12980-5 SEA

vs.

MICHAEL CHARLES KAHRs, and  
KAHRs LAW FIRM TRUST ACCOUNT,

DEFENDANT(S).

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168  
MOTION TO ENLARGE TIME  
WITHIN WHICH TO OBJECT TO MOTION FOR SUMMARY JUDGMENT  
AND  
MOTION FOR ORDER COMPELLING DEFENDANT(S)  
TO RESPOND TO JURISDICTIONAL QUESTIONS PRESENTED

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CERTIFICATE OF MAILING

I, Ralph Blakely hereby declare, being aware of penalties for perjury, and the laws of the State of Washington, that I have placed in the SCCC Institutional Legal Mail System, a copy of the above captioned legal pleading, with postage thereon, thereby constituting a filing with the King County Superior Court Clerk at this time, pursuant to GR 3.1, cf., Houston v. Lack, 487 U.S. 266, 108 S.Ct. 2379, 101 L.Ed.2d 245 (1988), addressed to the following: Susan K. McIntosh and Terrence J. Cullen, Forsberg & Umlaug, P.S., Attorneys at Law, 901 Fifth Avenue, Suite 1400, Seattle, Washington 98164-1039; Honorable Laura Inveen, King County Court House, 516 3rd Avenue, Seattle, Washington 98104; and Clerk of King County Superior Court, King County Court House, 516 3rd Avenue, Seattle, Washington 98104.

Dated this 15th day of November, 2015.

Respectfully submitted,

By: Ralph H. Blakely 817 995  
RALPH BLAKELY

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT DISMISSAL

Page 1:

Mr. Kahrs fulfilled his obligations to Mr. Blakely within the limited scope of his representation.

Page 2:

Mr. Blakely alleges that he hired Mr. Kahrs to represent him on all of these matters, that Mr. Kahrs did not assist him as agreed, and that Mr. Kahrs owes him Twenty Thousand Dollars (\$20,000) from the funds paid to Mr. Kahrs. Mr. Blakely alleges he is innocent of the crime for which he is incarcerated.

Page 3:

Mr. Blakely is the beneficiary of a special needs trust established in Spokane County Superior Court.... The court granted Mr. Kahrs' motion, finding that Mr. Blakely was in need of the funds to pursue postconviction relief and obtain medical care.

Page 4:

Attorney James P. Spurgetis is the Trustee for the Ralph Howard Blakely Special Needs Trust.... Each time Mr. Kahrs provided assistance to Mr. Blakely, he requested and received advance approval from Mr. Spurgetis to do so. Mr. Spurgetis would approve Mr. Kahrs' assisting Mr. Blakely with procedural matters for his civil litigation. For example, the Thurston County Superior Court dismissed three of Mr. Blakely's lawsuits on summary judgment in early 2013. Mr. Spurgetis approved Mr. Kahrs' assisting Mr. Blakely in perfecting his appeals of those cases, authorizing Mr. Kahrs to pay appellate filing fees, for Clerk's Papers and for Verbatim Reports of Proceedings in each case. Mr. Kahrs made a limited appearance in each case.... Mr. Blakely authorized Mr. Kahrs to pay all court costs for his appeals, tacitly admitting the limited assistance of Mr. Kahrs was providing in those cases..... Mr. Blakely also wrote to Mr. Kahrs, asking for assistance on many matters beyond the post-conviction and medical issues on which Mr. Kahrs represented him.... In May 2010, Mr. Kahrs wrote to Mr. Blakely reminding him of the limitations on Mr. Kahrs' assistance imposed by the court's December 3, 2009 order. Mr. Blakely asked that Mr. Kahrs help him serve process in one of his civil cases. Mr. Kahrs told Mr. Blakely that he was not sure Mr. Spurgetis could approve that expenditure and asked what Mr. Blakely wanted him to do.

Page 6:

Mr. Kahrs again wrote to Mr. Blakely regarding service of process in his civil case on May 30, 2010, explaining "I am limited by what I can do according to the Court and Mr. Spurgetis must approve payments.... If you want, I can see if I can get approval to pay for service of process [Mr.

Page 1

Spurgetis] might agree because it is based on your medical problems. In February 2011, Mr. Kahrs again declined to take on Mr. Blakely's medical malpractice case.

Page 7:

At Mr. Blakely's request, Mr. Kahrs obtained prior approval from the Trustee and retained Raymond Singer, Ph.D., a neuropsychologist and neurobehavioral toxicologist to review Mr. Blakely's records and prepare a report on the effect of Mr. Blakely's chemical exposure on his mental status. Mr. Blakely hoped to use D. Singer's report to challenge his conviction, based on his mental status at his solicitation trial. Dr. Singer prepared a draft report that Mr. Kahrs sent to Mr. Blakely along with Dr. Singer's request for additional information. In May 2013, Mr. Kahrs wrote to Mr. Blakely regarding Dr. Singer's draft report and additional questions, asking for additional information. He offered to host a conference call with Dr. Singer and Mr. Blakely to facilitate the communication between them. Mr. Blakely failed to respond to Dr. Singer's request and never responded to Mr. Kahrs' requests.

Page 8:

Mr. Kahrs reiterated that "I sought approval for everything I have done on your behalf from the court appointed guardian of your trust, including paying any invoices I submitted for services rendered." Mr. Blakely filed a grievance with the Washington State Bar Association, claiming Mr. Kahrs violated the Rules of Professional Conduct in connection with his work on Mr. Blakely's behalf. At that point, Mr. Kahrs declined to do additional work for Mr. Blakely. The Office of Disciplinary Counsel dismissed Mr. Blakely's grievance on November 19, 2014.

Page 12:

The gravamen of plaintiff's Complaint for legal malpractice is that Michael Kahrs breached his duty of care as Mr. Blakely's attorney by not representing Mr. Blakely in his various civil matters and by not achieving Mr. Blakely's goals for post-conviction relief and medical treatment. The facts show that (1) Mr. Kahrs had no duty to represent Mr. Blakely in his various civil matters and Mr. Blakely knows that; (2) Mr. Kahrs' investigation on Mr. Blakely's behalf failed to yield sufficient evidence to pursue post-conviction relief for him; and, (3) Mr. Kahrs' investigation into the treatment Mr. Blakely was receiving in prison indicated it was timely and appropriate.

Page 14:

Mr. Kahrs repeatedly reminded Mr. Blakely, both by telephone and in writing, that he was not authorized to and did not represent Mr. Blakely in civil litigation. Mr. Kahrs received permission from the Trustee to "rescue" Mr. Blakely when three court of appeals cases in his civil matters were about to be dismissed on procedural grounds.

Page 2

The reasoning giving rise to Defendant(s) Motion for Summary Judgment is fundamentally flawed in numerous respects, inherently creating genuine material facts at issue, attempting to use a fraudulently created smoke screen of limited representation pursuant to an invalid court order tailoring the scope of his representation.

The bizarre dichotomy of Attorney Kahrs claiming an unlawful trust purportedly created because Plaintiff Blakely is considered incapacitated with regard to controlling his hard earned monetary assets, as an excuse not to represent Mr. Blakely in the three civil actions he was hired to represent Plaintiff Blakely therein.

In other words, Defendant Kahrs knew that Plaintiff Blakely had to be considered an "incapacitated person" before a court could limit an attorney's representation, as further evidenced by Defendant Kahrs obtaining his representation marching orders from so-called Trustee Spurgetis as limited by the Court; with Defendant Kahrs knowing that the limitations on his representation was imposed in direct conflict with RCW 4.08.060. Guardian ad litem for incapacitated person.

When an incapacitated person is a party to an action in the superior courts, he or she shall appear by guardian, or if he has no guardian, or in the opinion of the court the guardian is an improper person, the court shall appoint one to act as guardian ad litem. Said guardian shall be appointed as follows: (1) When the incapacitated person is plaintiff, upon the application of a relative or friend of the incapacitated person.

of which gave Plaintiff Blakely a State created, federally protected right of representation by an attorney, inherently

depriving the King County Superior Court of competent jurisdiction to proceed to a decision on Defendant(s) Motion for Summary Judgment, absent representation by an attorney regarding Incapacitated Person Plaintiff Blakely; compounded by the Thurston County Superior Court lacking competent jurisdiction over the three subject matter legal actions giving rise to the attorney representation Defendant Kahrs is attempting to ignore in his fraudulent Motion for Summary Judgment, see page (12) of summary judgment motion, stating:

The facts show that (1) Mr. Kahrs had no duty to represent Mr. Blakely in his various civil matters and Mr. Blakely knows that; (2) Mr. Kahrs' investigation on Mr. Blakely's behalf failed to yield sufficient evidence to pursue postconviction relief for him; and, (3) Mr. Kahrs' investigation into the treatment Mr. Blakely was receiving in prison indicated it was timely and appropriate.

providing substantial evidence that Defendant Kahrs is claiming he represented Plaintiff Kahrs with purpose of fraudulently disclaiming any merit in Plaintiff Blakely's issues for postconviction relief and medical care; however, Defendant Kahrs contradicts his own position by providing dubious "limited representation" of Plaintiff Blakely's appeals regarding the same actions he claimed he was not authorized to represent at the trial court level, for example see summary judgment motion, page (14);

Mr. Kahrs repeatedly reminded Mr. Blakely, both by telephone and in writing, that he was not authorized to and did not represent Mr. Blakely in civil litigation. Mr. Kahrs received permission from the Trustee to "rescue" Mr. Blakely when three court of appeals cases in his civil matters were about to be dismissed on procedural grounds.

creating the material fact at issue as to whether Defendant

Kahrs was participating in a larger conspiracy to violate Plaintiff Blakely's legal and constitutional rights by not simply asking Trustee Supergetis and the Court for permission to represent Plaintiff Blakely on the three Thurston County Superior Court actions, that give rise to this lawsuit; because that authorization, whether valid or necessary, would certainly have been given such as it was on the appeal of said three subject matter legal actions.

It is difficult for this writer to imagine that the attorney filing the underlying summary judgment motion was not aware of the legal facts that the basis of Defendant Kahrs limited representation was premised on Plaintiff Blakely's court imposed fraudulent "incapacitated person" legal personage, where said attorney stated in the summary judgment motion, inter alia:

(page 1) Mr. Kahrs fulfilled his obligations to Mr. Blakely within the limited scope of his representation. (page 2) Mr. Blakely alleges that he hired Mr. Kahrs to represent him on all of these matters, that Mr. Kahrs did not assist him as agreed.... (page 3) Mr. Blakely is the beneficiary of a special needs trust established in Spokane county Superior Court.... The court granted Mr. Kahrs' motion, finding that Mr. Blakely was in need of the funds to pursue postconviction relief and obtain medical care.... (page 4) Attorney James P. Suprgetis is the Trustee for the Ralph Howard Blakely Special Needs Trust.... Each time Mr. Kahrs provided assistance to Mr. Blakely, he requested and received advance approval from Mr. Spurgetis to do so.... For example, the Thurston County Superior Court dismissed three of Mr. Blakely's lawsuits on summary judgment in early 2013. Mr. Spurgetis approved Mr. Kahrs' assisting Mr. Blakely in perfecting his appeals of those cases....

Defendant(s) cannot have it both ways, if Plaintiff Blakely was a legitimate "Special Needs Trust" legal

personage, then Defendant Kahrs committed malpractice and breach of fiduciary duty by refusing to represent Plaintiff Blakely on the three lawsuits filed in Thurston County Superior Court; and if Plaintiff Blakely was not a legitimate "Special Needs Trust" legal personage, then attorney-client agency relationship mandated his representation and failure to comply breached Defendant Kahrs' fiduciary duty to Plaintiff Blakely.

The foregoing creates material facts at issue that now require Defendant Kahrs and his attorneys to provide this Superior Court documentation that would establish that Plaintiff Blakely is in fact and law a recipient of a "Special Needs Trust" that would prevent him from defining the scope of representation by an attorney he obtained; and if not, then Defendant Kahrs' attorney must be charged with participating in an ongoing every expanding conspiracy to defraud Defendant Blakely out of his monetary assets.

In addition, as revealed in the excerpts of transcripts of the three subject matter lawsuits, it appears that Defendant Kahrs entered an unlawful agreement with the attorneys from the Washington Attorney General's Office to prevent Plaintiff Blakely from prevailing in his three lawsuits, by covering up the violations of his clearly established statutory and constitutional rights, which elevates Defendant Kahrs to a person acting under the color of State Law within the purview of Title 42 U.S.C. § 1983 and § 1985, rendering Defendant(s) summary judgment motion as a pleading invoking the "unclean hands" doctrine, see:

(7)

TRANSCRIPT EXCERPTS FROM SUPERIOR COURT HEARINGS

Blakely v. Porter, Superior Court No. 10-2-01551-2; Court of Appeals No. 44754-1-II Judge Christine Pomeroy)

(March 18, 2011)(page 7) MR. JUDGE: ...To the contrary, Mr. Blakely is an able individual of 112 IQ who's capable of functioning, capable of thinking, capable of going to the law library, and even as we had seen up until this week, capable of submitting submissions to the court with respect to amendments of the complaint.... (page 8) All of these circumstances that I've talked about do not present the extraordinary circumstances contemplated under federal law for appointment of counsel. Under state law, I don't see any legal basis, this not being the type of case where Mr. Blakely is entitled to an attorney and, as a result his motion for appointment of counsel under both cause numbers should be denied. (page 9) THE COURT: ...I'm going to say that what I'm about to rule will be on both cases, not only Cause No. 10-2-1551-2 but 10-2-00695-5 as they are the same issue, and that is are you entitled by right to an attorney in this civil case, and the Court has to answer no, not by right. And plus, I do not feel that there is sufficient basis to appoint an attorney. Number one, although you are 73 years of age, you have had a past of litigation preparation and knowledge of the workings of the court as seen. Second of all, you do have higher than average intelligence and that intelligence in the past for legal issues which is your prerogative. In reviewing the documentation of recently filed, it does look as if you do spend a significant amount of time, which you are entitled to do, in the law library. And in reviewing your pleadings and your motion in this, I think it's sufficient to say that there is no basis to appoint an attorney in this civil action. You have a right to hire an attorney and you have a right to proceed with the civil action, but the appointment of counsel will be denied as there is no basis for an appointment of counsel.

(2/17/12)(page 7) MR. JUDGE: ...The current action under the 1551 cause number is against a number of individual defendants, none of whom are the Department of Corrections.... (page 9) MR. JUDGE: ...I have no communication or indication from Michael Kahrs that he would pay for any treatment by Dr. Greenly.... Frankly, I just don't believe that Mr. Kahrs has said I'm going to pay the bill for Mr. Blakely to go to Mr. Greenly's office or somewhere else, and until I see that I, frankly, don't believe it. (page 13) MR. BLAKELY: Mr. Kahrs, Attorney Kahrs will absolutely positively pay that doctor for that initial evaluation so that he can submit a viable declaration supporting his proposed spinal decompression treatment, and Mr. Kahrs will guarantee payment to that doctor.... And I have not been able to get ahold of Mr. Kahrs this week and I  
Page 1 (8)

will have him send a letter to that effect.... THE COURT: Mr. Blakely, I am going to do an order denying the default and I'm going to say for the specific health care treatment to send you to this specific doctor.

(March 29, 2013)(page 4) MR. JUDGE: My name is Dan Judge and I represent the named defendants in this matter. I work with the Attorney General's Office and normally assigned to cases relating to the Department of Corrections, but the Department of Corrections is not a defendant in this case; however, the named individuals are. Your Honor, we respectfully request that this Court grant our motion for summary judgment and dismiss Mr. Blakely's claim in its entirety. Mr. Blakely included a component of a cross-claim for summary judgment which I'm taking as a cross-motion for summary judgment just served on us last week which isn't timely and should be denied. (page 11) So Mr. Blakely, in response, comes back with fairly hyperbolic answers or responses regarding rupturing of internal organs, the fracturing of breaking of vertebra, the fracturing or breaking of ribs, and injuries that are not meted out really by any of the medical records beyond bruising ... the use-of-force procedure was carried out by the health care staff, and Mr. Blakely doesn't meet his burden in response by referring to conclusory or hyperbolic answers regarding what had occurred.

(page 13) MR. JUDGE: With respect to disability, he doesn't meet the prima facie claim of a disabled condition, but before you even get to that, the only claims are in this matter, again, are just against individually named defendants, and consequently, there isn't a basis for Mr. Blakely to proceed on an ADA claim for that reason.

(page 21) THE COURT: I will find specifically that there were a number of claims or grievances that were not properly exhausted or aggrieved and should not be today considered by this Court. Case law is clear that a court is not to get involved unless that there has been a decision on grievances that were properly submitted ... there are no medical experts that give opinions that there was negligence or malpractice ... the Department of Corrections was a defendant earlier, they are individuals, they're being represented by the Attorney General's Office in light of their positions within the Department of Corrections. I do not find that there's been a sufficient showing that there's clearly established law putting them on notice that their acts violated any of Mr. Blakely's civil rights. (page 23) Mr. Blakely has requested additional time to produce medical testimony. He's had sufficient time. I'm not granting his motion for additional time ... I am finding there are no material issues of fact that would allow this case to go forward.... (page 24) THE COURT: ...Defendants' motion for summary judgment is hereby granted and plaintiff's claims against defendants are dismissed with prejudice.  
page 2 (9)

TRANSCRIPT EXCERPTS FROM SUPERIOR COURT HEARINGS

Blakely v. Daniel et al., Court of Appeals No. 44584-1-II,  
Superior Court No. 10-2-00695-5 (Judge Christine Pomeroy)

(June 3, 2011)(page 3) THE COURT: You moved the court to change the caption to the defendants in their individual capacity. The complaint already does that. You state that you are not experienced and ask the Court to state any other corrective amendments that should be made. I will tell you right now, Mr. Blakely, I cannot do that ... but it's clear that the reply is not allowed in this case and I will strike it.... (page 6) MR. BLAKELY: I'm in the process of trying to eliminate some of these problems by getting knowledgeable counsel to take over, so that beings I'm not competent to properly prepare and timely serve these defendants.... THE COURT: I am now denying the plaintiff's leave to file an amended complaint mainly because there is no amended complaint attached to the motion, and further, I will strike your supporting attachment. (page 7) MR. BLAKELY: The only thing is I'm doing my utmost to get a legal counsel and I had some of my documents, legal documents seized when I sent them out to what I thought was legal counsel.

(February 1, 2013)(page 4) MR. BLAKELY: ...And I would like to have attorney Michael Kahrs carry on with this, but I have encountered some kind of problem even though he has been paid to take it on and to get my new expert declarations to support my mental and physical handicap.... (page 5) MR. JUDGE: ...Mr. Blakely only submitted a very conclusory one-page motion coupled with an even more conclusory one-page declaration, indicates references to wanting to have counsel appointed despite motions having been brought on two prior occasions; making reference to an attorney appearing in the case when I've heard nothing from that attorney about appearing in this case ... He has a declaration, he does include a motion and memorandum and objection to motions for summary judgment. (page 9) THE COURT:....He has asked for additional time stating that an attorney has agreed to come on board. I'm denying a continuance on that basis.... (page 10) THE COURT: ...such as the request that there be a dismissal as to defendants who were not personally served.... (page 11) THE COURT: I'm not considering any further materials.

(February 3, 2013)(page 4) MR. JUDGE: I represent the defendants in this matter and we are the moving parties on our motion for summary judgment and dismissal of Mr. Blakely's claims in their entirety ... the only ones who have waived personal service are Defendants Keppler, Mary Keppler, Harold Archibald and Janet Miller. All of the named defendants have not been personally served. This court does not have jurisdiction over them and those (page 5) claims should be dismissed, and there hasn't been any other service  
Page 3 (10)

on any other defendant and there hasn't been any service on the State of Washington.... (page 10) MR. JUDGE: You don't have personal service over the officers who are involved in this, and this Court does not have jurisdiction over them.... (page 16) MR. BLAKELY: The reason for delay is the fact that Attorney Michael Kahrs was paid to serve all of the defendants, and the reason, other reason for delay in submitting the objection to the summary judgment and the exhibits are based truly upon the fact that senior counsel, Mr. Judge, and attorney Mr. Kahrs conspired and submitted two motions for summary judgment i the same 20-day period of January in which I did not have access to the law library.... And there has been extreme coverup and misrepresentation by the defendants. I ask this court to deny the defendants' motion for summary (page 18) judgment and allow me to amend the complaint and for Attorney Michael Kahrs, who has been paid to properly serve those missing defendants, David Young, who broke my ribs front and back and ruptured me left kidney that is still hemorrhaging occasionally. (page 20) MR. JUDGE: ...And with respect to Mr. Kahrs, I've not had any contact with Mr. Kahrs regarding this case or regarding a Raymond Singer. The next regarding broken ribs and ruptured kidneys, again, are examples of self-diagnosis that had appeared. He had the injury in the fall on the stairs, which was examined and was being treated, but there hasn't been any diagnosis of reputed kidney or broken ribs on the part of Mr. Blakely like a lot of things that are evidenced in the record. (page 22) THE COURT: It has been argued and not rebutted that defendants were not personally served. Three defendants waived that personal service. They are the only three defendants that are properly before the Court in this case ... none of the named defendants were a part of that particular situation, and so again ... there is not a proper set of defendants before this Court on the issue of use of force and the officer's use of restraint. (page 23) THE COURT: Mr. Blakely had indicated that he wanted to bring an attorney on board. He has indicated that he has paid the attorney to do certain things, but I have no evidence in that regard before me other than his statement. There is no agreement that was signed, there has been no attempt by him to subpoena this attorney to ask him any questions, and so those matters are simply not sufficiently presented for me to authorize a further delay. (page 25) THE COURT: ...There is an allegation of ADA violations, that would have to be with a governmental body or entity other than individual defendants. The only defendants here, as I've already pointed out, are individuals. There has been no expert testimony presented by the defendant as to any alleged negligence or medical malpractice.... (page 26) THE COURT: And so I am today granting the defendant's request that this matter be resolved in summary judgment and that the cause of action brought in this lawsuit be dismissed. I'll sign an order to that effect.

Blakely v. Department of Corrections, Court of Appeals No. 44544-1-II; Superior Court No. 11-2-00834-4; January 25, 2013.

(page 3) THE COURT: We are here on a motion for summary judgment. (page 4) MR. CARR: Your Honor, my name is Douglas Carr. I'm an Assistant Attorney General and represent the defendants in this matter ... I think of particular importance is the fact that the Department of Corrections is not a defendant in this case and neither is the State of Washington, Mr. Blakely has named four individuals: former (page 5) secretary of the Department of Corrections, Eldon Vail; a Stafford Creek Corrections Center investigator, Mr. Whaley; another Stafford Creek Corrections Center employees, Ms. Sullivan, who worked in the mail room; and then Clint May, who was a captain at Stafford Creek and was involved in the mail-rejection issues.... Mr. Blakely's two arguments on this claim are that, because the mail was inspected in his living unit and sealed before it came to the mail room, that somehow or another insulated the mail room from looking at it more closely. That clearly is not the case. He is also arguing that this process took way too long, that somehow or another it took months for him to get the documents back. (page 6) MR. CARR: I think he probably has presented enough evidence to survive summary judgment that some of his property may be missing. The problem he faces in this case is he hasn't tied that to any of the defendants. The only defendant that (page 6) had anything to do with his property was the investigator, Mr. Whaley.... Mr. Blakely says ... There was this one missing box, and that means there must have been these legal materials in there that would show he is innocent.... (page 8) Mr. Blakely continues to raise these claims that somebody abused him and neglected him and he was taken over to the infirmary, and he says they broke his ribs and ruptured his liver or something like that ... he hasn't tied that to any of the defendants. (page 9) MR. BLAKELY: My legal boxes contained critical legal documents that would have proven my actual facts of innocence as a due process causation of actual injury, and this seizure of my legal documents has been ongoing, and, therefore, I would like to have the proceedings stayed until attorney Kahrs is able to take over. (page 10) MR. BLAKELY: I motion this Court to stay the proceedings until my attorney, Michael Kahrs, will file a notice of appearance and Mr. Kahrs has been paid. (page 12) THE COURT: As I understand the complaint, there are four principle causes of action: violation of due process rights, retaliation to the point of impinging on constitutional rights, cruel and unusual punishment under the Eighth Amendment, and that is split into a cruel and unusual complaint, as well as a discrimination claim. (page 15) THE COURT: So when I say, Mr. Blakely, that you have the right to have an attorney file, what I'm saying is you have the right within ten days, but an attorney has the right within 21 days. (page 17) THE COURT: The action is dismissed with prejudice.

In this lawsuit, Defendant Kahrs is being sued in part, for refusing to represent Plaintiff Blakely in the three subject matter lawsuits filed in Thurston County, therefore a material fact at issue remains as to the attorney-client fiduciary duty of Defendant Kahrs.

Defendant Kahrs is attempting to perpetrate a fraud on this King County Superior Court by claiming that he was bound by the representation limitations imposed by the trustee and Court of an incapacitated person, creating the material fact at issue as to whether or not Defendant Kahrs, knew or should have known, that a court is not allowed to interfere with an attorney client relationship except in the case of an incapacitated person with regard to this case and the three Thurston County Superior Court cases.

Clearly Defendant Kahrs and his attorney that filed this summary judgment motion knew that the Thurston County Superior Court Judge implicitly concluded that Plaintiff Blakely was competent, without refuting the Assistant Attorney General Judge who stated:

(March 18, 2011)(Page 7) MR. JUDGE: To the contrary, Mr. Blakely is an able individual of 112 IQ who's capable of functioning, capable of thinking, capable of going to the law library, and even as we had seen until this week, capable of submitting submissions to the court with respect to amendments of the complaint.

Plaintiff Blakely has alleged that Defendant Kahrs was attempting to act in concert with Trustee Spurgetis to cover-up the legal fact that the mandates of Chapter 11.88 RCW were never complied with, as Plaintiff Blakely was never given Notice of or allowed to attend any proceedings.

PROCEDURAL DUE PROCESS - INCAPACITATED PERSON

RCW 11.88.005. Legislative Intent.

To protect the liberty and autonomy of all people of this state, and to enable them to exercise their rights under the law to the maximum extent, consistent with the capacity of each person. The legislature recognizes that people with incapacities have unique abilities and needs, and that some people with incapacities cannot exercise their rights to provide for their basic needs without help of a guardian. However, their liberty and autonomy should be restricted through the guardianship process only to the minimum extent necessary to adequately provide for their own health or safety, or to adequately manage their financial affairs.

RCW 11.88.010. Authority to Appoint Guardians- Definitions -Venue- Nomination by Principal.

(1) The superior court of each county shall have power to appoint guardians for the person and/or estates of incapacitated persons, and guardians for the estates of nonresidents of the state who have property in the county needing care and attention.

(b) For purposes of this chapter, a person may be deemed incapacitated as to the person's estates when the superior court determines the individual is a significant risk of financial harm based upon a demonstrated inability to adequately manage property or financial affairs.

(c) A determination of incapacity is a legal not a medical decision, based upon a demonstration of management insufficiencies over time in the area of person or estate. Age, eccentricity, poverty, or medical diagnosis alone shall not be sufficient to justify a finding of incapacity.

(f) For purposes of the terms "incompetent," "disabled," or not legally competent," as those terms are used in the RCW to apply to person incapacitated under this chapter, those terms shall be interpreted to mean "incapacitated" persons for purposes of this chapter.

(2) The superior court for each county shall have power to appoint limited guardians for the persons and estates, or either thereof, of incapacitated persons, who by reason of the incapacity have need for protection and assistance, but who are capable of managing some of their personal and financial affairs. After considering all evidence presented as a result of

such investigation, the court shall impose, by order, only such specific limitations and restrictions on an incapacitated person to be placed under a limited guardianship as the court finds necessary for such person's protection assistance. A person shall not be presumed to be incapacitated nor shall a person lose any legal rights or suffer any legal disabilities as the result of being placed under a limited guardianship except as to those rights and disabilities specifically set forth in the court order establishing such limited guardianship. In addition, the court order shall state the period of time for which it shall be applicable.

(3) Venue for petitions for guardianship of limited guardianship shall lie in the county wherein the alleged incapacitated person is domiciled, or if such person resides in a facility supported in whole or in part by local, state, or federal funding sources, in either the county where the facility is located, the county of domicile prior to residence in the supported facility, or the county where a parent or spouse or domestic partner of the alleged incapacitated person is domiciled.

RCW 11.88.040. Notice and Hearing, When Required- Service -Procedure.

Before appointing a guardian or a limited guardian, notice of a hearing, to be held not less than ten days after service thereof, shall be served personally upon the alleged incapacitated person, if over fourteen years of age, and served upon the guardian ad litem.

Before appointing a guardian or a limited guardian, notice of a hearing, to be held not less than ten days after served thereof, shall be given by registered or certified mail to the last known address requesting a return receipt signed by the addressee or an agent appointed by the addressee, or by personal service in the manner provided for services of summons, to the following:

- (1) The alleged incapacitated person, or minor, if under fourteen years of age;

The alleged incapacitated person shall be present in court at the final hearing on the petition: Provided, that this requirement may be waived at the discretion of the court for good cause other than mere inconvenience shown in the report to be provided by the GAL pursuant to RCW 11.88.090 as now or hereafter amended, or if no guardian ad litem is required to be appointed pursuant to RCW 11.88.090.

In this case, Plaintiff Blakely was never given notice of any hearing, nor was he allowed to participate in any way, in the proceedings that resulted in Attorney Spurgetis or the Spokane Superior Court claiming any jurisdiction whatsoever over Plaintiff Blakely's monetary or any other assets, thereby any control over Plaintiff Blakely's money paid to Defendant Kahrs for representation in the three Thurston County cases is non-existent and void, cf., Hayer v. Rice, 113 Wash. 144, 193 P.723 (1920); S. ex rel Lowary, v. Superior Court , 41 Wash. 450, 83 P. 726 (1906); In re Guardianship of Bouchat, 11 Wn.App. 369, 522 P.2d 1168 (1974); because it is not enough that a person charged with being an incompetent should be merely cited to appear in guardianship proceedings, but he must be actually present, in order to give the court competent jurisdiction, In re Wetmore, 6 Wash. 271, 33 P. 615 (1893).

RELIEF SOUGHT

Plaintiff Blakely prays this Court will enlarge the time within which Plaintiff can file an objection to Defendants Motion for Summary Judgment, for ninety days.

Plaintiff Blakely further prays this Court will issue an order compelling Defendant to Respond to the jurisdictional questions encompassed above, including proof that the Spokane Superior Court has competent jurisdiction over Plaintiffs money and/or property.

This 15th day of November, 2015.

Respectfully submitted,

By: Ralph Blakely, 817995  
RALPH BLAKELY

# EXHIBIT 31

Ex 31

Judge: Laura C. Inveen #48  
Hearing : 1/8/16 no oral argument

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING

RALPH HOWARD BLAKELY,  
Plaintiff,

vs.

MICHAEL CHARLES KAHR, et al.

NO. 15-2-12980 - 5 SEA  
NOTICE FOR HEARING  
SEATTLE COURTHOUSE ONLY  
(Clerk's Action Required ) (NTHG)

TO: THE CLERK OF THE COURT and to all other parties listed on Page 2:

PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the calendar checked below.

Calendar Date: January 8, 2016 Day of Week: Friday

Nature of Motion: Motion for order compelling discovery (proposed order) Declaration

CASES ASSIGNED TO INDIVIDUAL JUDGES – Seattle

If oral argument on the motion is allowed (LCR 7(b)(2)), contact staff of assigned judge to schedule date and time before filing this notice. Working Papers: The judge's name, date and time of hearing must be noted in the upper right corner of the Judge's copy. Deliver Judge's copies to Judges' Mailroom at C203.

Without oral argument (Mon - Fri) [ ] With oral argument Hearing

Date/Time: 1/8/16 9:00am

Judge's Name: Laura C. Inveen Trial Date: 5/23/16

CHIEF CRIMINAL DEPARTMENT - Seattle in E1201

- [ ] Bond Forfeiture 3:15 pm, 2<sup>nd</sup> Thur of each month
- [ ] Certificates of Rehabilitation- Weapon Possession (Convictions from Limited Jurisdiction Courts) 3:30 First Tues of each month

CHIEF CIVIL DEPARTMENT – Seattle -- (Please report to W864 for assignment)

Deliver working copies to Judges' Mailroom, Room C203. In upper right corner of papers write "Chief Civil Department" or judge's name and date of hearing

[ ] Extraordinary Writs (Show Cause Hearing) (LCR 98.40) 1:30 p.m. Tues/Wed -report to Room W864

[ ] Supplemental Proceedings

(1:30 pm Tues/Wed)(LCR 69)

[ ] DOL Stays 1:30 pm Tues/Wed

[ ] Motions to Consolidate with multiple judges assigned (without oral argument) (LCR 40(b)(4))

Non-Assigned Cases:

[ ] Non-Dispositive Motions M-F (without oral argument).

[ ] Dispositive Motions and Revisions (1:30 pm Tues/Wed)

[ ] Certificates of Rehabilitation (Employment) 1:30 pm Tues/Wed (LR 40(b)(2)(B))

You may list an address that is not your residential address where you agree to accept legal documents.

Sign: Ralph H Blakely Print/Type Name: \_\_\_\_\_

WSBA # 817995 (if Attorney) Attorney for: \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip \_\_\_\_\_

Telephone: \_\_\_\_\_ Date: \_\_\_\_\_

DO NOT USE THIS FORM FOR FAMILY LAW OR EX PARTE MOTIONS.

DECLARATION OF MAIL

LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE

Name Judge Laura C. Invaen #48  
Service Address: 516 Third Ave RmC-203  
City, State, Zip Seattle, WA 98104  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_

Name King County Superior Court Clerk  
Service Address: 516 Third Ave. Rm E609  
City, State, Zip Seattle, WA 98104  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_

Telephone #: \_\_\_\_\_  
Forsberg Umlauf  
Name Susan McIntosh  
Service Address: 401 Fifth Ave. M 1400  
City, State, Zip Seattle, WA 98164  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_

Telephone #: \_\_\_\_\_  
Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_

Telephone #: \_\_\_\_\_  
Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_

Telephone #: \_\_\_\_\_  
Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_

*Robert H. Barkley 817995*  
IMPORTANT NOTICE REGARDING CASES

Party requesting hearing must file motion & affidavits separately along with this notice. List the names, addresses and telephone numbers of all parties requiring notice (including GAL) on this page. Serve a copy of this notice, with motion documents, on all parties.

The original must be filed at the Clerk's Office not less than six court days prior to requested hearing date, except for Summary Judgment Motions (to be filed with Clerk 28 days in advance).

THIS IS ONLY A PARTIAL SUMMARY OF THE LOCAL RULES AND ALL PARTIES ARE ADVISED TO CONSULT WITH AN ATTORNEY.

The SEATTLE COURTHOUSE is in Seattle, Washington at 516 Third Avenue. The Clerk's Office is on the sixth floor, room E609. The Judges' Mailroom is Room C203.

Expedite:  
Judge: Laura Inveen, #48  
Room C-203  
Hearing: 1/22/16  
Time: 11:00am

SUPERIOR COURT OF WASHINGTON FOR COUNTY OF KING

RALPH HOWARD BLAKELY,  
Plaintiff,

No. 15-2-12980-5 SEA  
MOTION FOR AN ORDER COMPELLING  
DISCOVERY - CR 26(i) CR 37(a)

vs

MICHAEL CHARLES KAHRS, et.al.,  
Defendants.

Plaintiff moves this Court for an Order pursuant to Discovery Court Rules CR 26(i); CR 37(a); CR 11(g) Mandatory compelling the Defendant to answer fully without evasive answers, that were requested October 25, and also admit or deny response to the November 22, 2015 Discovery Request to the Defendant.

Plaintiff submitted these interrogatories and request for production of documents, and also submitted a second letter of of 10/23//15 and third letter of December 4, 2015, but the Defendant has not properly responded.

AT THIS TIME, Plaintiff motions this Court for the proposed ORDER pursuant to CR 37(a)(4); CR 11(g) requiring the aforesaid Defendant Kahrs to pay the Plaintiff the sum of \$ \_\_\_\_\_ as reasonable expenses in obtaining this order, on the ground that the Defendant's refusal to answer 2nd request for interrogatories, and to produce all specific documents, and to admit or deny the request of 11/25/15, has no substantial justification.

Dated December 20, 2015, *Ralph H. Blakely*  
Ralph Howard Blakely 817995  
SCCC H 1 A 19  
191 Constantine Way  
Aberdeen, WA 98520-9504

Motion For Telephonic Hearing 1/22/2016 at 11:00 am  
Phone No. 360 537 1800 Ext 1923 Counselor Lawrence Mays

Expedite:  
Judge: Luara C. Inveen #48  
Hearing: 1/8/16  
Trial: 5/23/16

SUPERIOR COURT OF WASHINGTON FOR COUNTY OF KING  
RALPH HOWARD BLAKELY,  
Plaintiff,  
  
vs.  
  
MICHAEL CHARLES KAHRs, et.al.  
Defendants

No. 15-2-12980-5 SEA  
Plaintiff's Declaration in  
in Support of Motion To Compel  
Discovery and Production of  
Documents and affirmative  
Answers as requested

1, Ralph H. Blakely, age 79, as an inexperienced litigator, am unable to compete for Due Process of equality in opposition to "three" highly skilled lawyers with unlimited resources.

2. That October 25, 2015, I requested a second set of interrogatories; which were evasively answered, but the Defendant did not specifically return legal documents that were sent to him by Attorney Robert Cossey. (Ex K0118)

3. The Defendant has not responded to Plaintiff's "courtesy request letter of 11/24/15, nor that of December 4, 2015, requesting the return of legal documents received by both the Plaintiff and Attorney Robery Cossey according to the October 25, 2015 second set of interrogatories and request for production of documents.

4. On November 22, 2015, I mailed to the Defendant, Court, Judge, three pages of request for Affirmative answers of Deny or Admit, but have not received a Response. ( attached was a proposed order compelling defendant's response before December 8, 2015)

5. This essential requested discovery is needed to support the Plaintiff's Declaration to Support his Motion in opposition to the Defendant's Motion for Summary Judgment Dismissal.

6. The Plaintiff, asks this Court to grant the "proposed order granting the Plaintiff's Motion compelling the Defendants to produce the specific legal documents, and to answer the Afffirmative deny or admit request before 1/22/2016.

I, Ralph H. Blakely, declare under penalty of perjury of the state of Washington that the aforementioned is true and correct.

Dated December 20, 2015.

*Ralph H. Blakely*  
SOCC # 1 A 19  
191 Constantine Way  
Aberdeen, WA 98520

*TYPED With donated reversed ribbon*

PLAINTIFF'S DECLARATION IN SUPPORT OF MOTION TO COMPEL

Judge: Laura Inveen # 48  
Room C -203  
Hearing: 1/22/16 11:00am  
Telephonic Hearings: 360-537 1800 Ex 1923

SUPERIOR COURT OF WASHINGTON FOR COUNTY OF KING

RALPH HOWARD BLAKELY,  
Plaintiff,

vs.

MICHAEL CHARLES KAHRS, et.al.,  
Defendants.

No. 15-2-12980-5 SEA

ORDER GRANTING MOTION TO  
COMPEL DEFENDANT TO ANSWER  
Affirmative Request and to  
PRODUCE THE REQUESTED SPECIFIC  
DOCUMENTS PER AND ReQUEST  
CR 37 (a) (4)

THIS MATTER having come before this Court, and the Court having considered the Motion and supporting Declaration of the Plaintiff pursuant to Washington Civil Court Rules CR 26(i);37(a)(3) evasive, omission, concealment or incomplete answers on or before \_ 2015

ACCORDINGLY, the Defendant has not responded to the 11/22/15(proposed order) nor the courtesy request letter of 12/4/15 to produce the requested specific documents and affirmative answers within the designated time.

IN ADDITION, the Plaintiff pursuant to CR 37(a)(4) be granted the sum of \$ as reasonable expenses in obtaining this Order, on the ground that the Defendants have had sufficient time to properly answer and respond without delay.

DONE IN OPEN COURT, this day of 2015-2016.

Honorable Judge Laura C. Inveen

Presented by:  
Ralph H. Blakely, 817995  
SCCC H 1 A 18  
191 Constantine Way  
Aberdeen, WA 98520

# EXHIBIT 32

Ex 32

Judge: Laura B. Inveen  
Rm C-203--Dept 48  
Hearing: 11/20/15  
Time: 9:00 am

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING

RALPH HOWARD BLAKELY,  
Plaintiff,  
vs.  
MICHAEL CHARLES Kahrs, et.al.,  
Defendant.

NO. 15-12980-5 SEA  
NOTICE FOR HEARING  
SEATTLE COURTHOUSE ONLY  
(Clerk's Action Required ) (NTHG)

TO: THE CLERK OF THE COURT and to all other parties listed on Page 2:  
PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the calendar checked below.

Calendar Date: November 20, 2015 Day of Week: Friday

Nature of Motion: DISCOVERY  
Motion for Telephonic Ordered hearing, Appointment of Counsel.

<b>CASES ASSIGNED TO INDIVIDUAL JUDGES - Seattle</b>	
If oral argument on the motion is allowed (LCR 7(b)(2)), contact staff of assigned judge to schedule date and time before filing this notice. Working Papers: The <u>judge's name</u> , date and time of hearing <u>must</u> be noted in the upper right corner of the Judge's copy. <i>Deliver Judge's copies to Judges' Mailroom at C203.</i>	
<input type="checkbox"/> Without oral argument (Mon - Fri)	<input checked="" type="checkbox"/> <sup>a key issue*</sup> With oral argument Hearing
Date/Time: <u>November 20, 2015</u>	<u>9:00 am</u>
Judge's Name: <u>Laura B. Inveen</u>	Trial Date: <u>11/20/2015</u>

<b>CHIEF CRIMINAL DEPARTMENT - Seattle in E1201</b>	
<input type="checkbox"/> Bond Forfeiture 3:15 pm, 2 <sup>nd</sup> Thur of each month	
<input type="checkbox"/> Certificates of Rehabilitation- Weapon Possession (Convictions from Limited Jurisdiction Courts)	
3:30 First Tues of each month	

<b>CHIEF CIVIL DEPARTMENT - Seattle -- (Please report to W864 for assignment)</b>	
<i>Deliver working copies to Judges' Mailroom, Room C203. In upper right corner of papers write "Chief Civil Department" or judge's name and date of hearing</i>	
<input type="checkbox"/> Extraordinary Writs (Show Cause Hearing) (LCR 98.40) 1:30 p.m. Tues/Wed -report to Room W864	
<input type="checkbox"/> Supplemental Proceedings (1:30 pm Tues/Wed)(LCR 69)	<b>Non-Assigned Cases:</b>
<input type="checkbox"/> JDOL Stays 1:30 pm Tues/Wed	
<input type="checkbox"/> Motions to Consolidate with multiple judges assigned (without oral argument) (LCR 40(b)(4))	
	<input type="checkbox"/> Non-Dispositive Motions M-F (without oral argument).
	<input type="checkbox"/> Dispositive Motions and Revisions (1:30 pm Tues/Wed)
	<input type="checkbox"/> Certificates of Rehabilitation ( <b>Employment</b> ) 1:30 pm Tues/Wed (LR 40(b)(2)(B))

You may list an address that is not your residential address where you agree to accept legal documents.  
Sign: \_\_\_\_\_ Print/Type Name: Ralph Howard Blakely  
WSBA # \_\_\_\_\_ (if attorney) Attorney for: \_\_\_\_\_  
Address: \_\_\_\_\_ City, State, Zip \_\_\_\_\_  
Telephone: 360 537 1800 extension 1923 Date: \_\_\_\_\_

**DO NOT USE THIS FORM FOR FAMILY LAW OR EX PARTE MOTIONS.**

ea 02.15

229  
11-25-15

DECLARATION OF MAIL

LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE

Name Judge Laura C. Inveen  
Service Address: 516 Third Ave. C 203  
City, State, Zip Seattle, WA 98104  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

Name King County Super Clerk  
Service Address: 516 Third Ave. E 609  
City, State, Zip Seattle, WA 98104  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

Name Forsberg Umlauf  
Service Address: 901 Fifth Ave.  
City, State, Zip Seattle, WA 98164  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

**IMPORTANT NOTICE REGARDING FAMILY LAW CASES**

**IF YOU ARE THE PERSON SCHEDULING THIS MOTION**, you must confirm this hearing by calling the Family Law Motions Coordinators at 296-9340 between 2:30 p.m. and 4:15 p.m. (3) court days before the hearing and between 8:30 a.m. and 12:00 p.m. (noon) two (2) court days prior to the hearing.

**IF YOU OBJECT TO THIS MOTION**, under King County Superior Court Rule LFLR 5, your response and accompanying paperwork **must be in writing** and must be delivered, not later than by 12:00 p.m. (noon) of four (4) weekdays (not including court holidays) prior to the hearing to:

- 1) the Superior Court Clerk in Room E609 (the originals go to the Clerk);
- 2) all parties' attorneys (or directly to any party who does not have an attorney); and,
- 3) the Family Law Motions Coordinators in Room W291.

Any statements of a party or witness must be signed, dated and sworn to under penalty of perjury, and must contain the state and city where signed.

The moving party's reply is due by noon two court days prior to the hearing. Check-in time is **9:00 am** for morning hearings and **1:15 p.m.** for afternoon hearings.

THIS IS ONLY A PARTIAL SUMMARY OF THE LOCAL RULES. ALL PARTIES ARE ADVISED TO CONSULT WITH AN ATTORNEY.

The **KING COUNTY COURTHOUSE** is in Seattle, Washington at 516 Third Avenue.

Judge: Laura Inveen  
Hearing 10/23/or 11/20, 2015  
Time: 9: am

IN THE SUPERIOR COURT OF WASHINGTON

FOR KING COUNTY

RALPH HOWARD BLAKELY, )  
Appellant/Petitioner, )  
V. )  
MICHAEL CHARLES KAHR, )  
Respondent. )

Case No. 15-2-12980-5 SEA  
**MOTION FOR APPOINTMENT  
OF COUNSEL**  
**(Clerk's Action Required)**

COMES NOW the Appellant/Petitioner, Ralph Howard Blakely, and moves this court for the Appointment of Counsel .

The Appellant/Petitioner listed above lacks sufficient funds to pay for an attorney to properly prosecute this action, and therefore seeks the aid of counsel ~~at public expense/~~ his expense.

1. The Appellant/Petitioner is untrained in the law with limited access to the prison law library; and does not possess the ability, or knowledge to prepare and present this action in the manner of a professionally trained attorney and fears wasting the time, energy, and resources of the Court.
2. The issues involved in this case are complex and the aid of counsel would not only benefit the Movant in this matter, but will also provide proper form and decorum during litigation before this, or any future Court.
3. The Motion and Affidavit setting forth assets, expenses, and liabilities supports this request and is attached herein. The review of this trial court decision is taken in good faith.

Dated this 8, day of October, 2015.

Ralph H Blakely 817995  
Stafford Creek Corrections Center  
191 Constantine Way  
Aberdeen, Washington 98520

Judge: Laura Inveen

IN THE SUPERIOR COURT OF WASHINGTON

FOR   KING   COUNTY

RALPH HOWARD BLAKELY, )  
 Appellant/Petitioner, )  
 v. )  
MICHAEL CHARLES KAHR, )  
 Respondent. )  
 \_\_\_\_\_ )

Case No. 15-2-12980-5 SEA   A  

**ORDER GRANTING  
APPOINTMENT OF COUNSEL**

This Court after being fully advised finds that the Appellant/Petitioner is ~~impecunious~~ therefore, **IT IS HEREBY ORDERED THAT:**

- The Appellant/Petitioner is permitted to file this action without payment of a filing fee.
- The County Sheriff is directed to serve the pleadings in this action without charge to the Appellant/Petitioner.
- Payment of the filing fee may be reviewed at a subsequent hearing.
- Forms shall be provided to the Appellant/Petitioner at no cost.
- The Clerks Office shall provide one complete set of copies of the pleadings to the Appellant/Petitioner without cost.
- The court shall appoint legal counsel to the Appellant/Petitioner without cost.
- The motion is denied.
- Other: ~~Plaintiff is almost blind, ADA handicap, unskilled legally. compared to highly skilled top legal firm representing a highly skilled lawyer, who financially exploited a vulnerable adult.~~  
**JUSTICE would be unfair without counsel.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Judge/Court Commissioner

Honorable Laura Inveen  
Room C 203 Depart 48  
Hearing 10/23/ & 11/20/2015  
complaint filed 5/31/15

SUPERIOR COURT OF WASHINGTON FOR COUNTY OF KING

RALPH HOWARD BLAKELY,  
Plaintiff,

vs.

MICHAEL CHARLES KAHR,  
Defendant.

No. 15.-2-12980-5 SEA  
MOTION FOR TELEPHONIC HEARING  
DECLARATION IN SUPPORT OF  
CR 7 (b) (5) *pleadings*

I, Ralph Howard Blakely, Plaintiff, asks this Court for a Telephonic Hearing Order For Motion to Compel Discovery (CR 37) and for Plaintiff's Motion to STAY Defendant's Motion For Summary Judgment Hearing.(CR 62)

BASED UPON GENUINE MATERIAL facts of being illegally restrained and financially exploited by a lawyer of self-interest; who breached legal DUTY OF CARE.

Se condly, I am age 79, left eye blind, and right eye cloudy, and am NOT legally skilled like the defendant and his omnipotent lawyer.

DECLARATION OF PLAINTIFF IN SUPPORT OF TELEPHONIC HEARING

I, Ralph H. Blakely signed a contract with Lawyer Kahrs, and paid him \$35,000.00 in advance to ~~prepare~~ three civil rights complaints of medical malpractice and for loss of valuable recantation affidavits supporting actual innocence. In addition to litigate the wrongful conviction.

After five years of no prepared complaints, briefs, and absolutely no results Mr. Kahrs sends a fabricated fee billing for absolutely no medical assistance, causing the Plaintiff great harm, injury and suffering.

The Motion For Summary Judgment Hearing is premature violating Due Process of Discovery, ethical legal fairness of the Judicial system. I ask this Court to grant this proposed Order for a Telephonic Hearing.

I, Ralph H. Blakely declare under the penalty of perjury of the laws of the State of Washington that the foregoing is true and Correct.

Dated September 27, 2015

*Ralph H. Blakely, 817995*

The pay phones disconnect upon "third party transfer calls"  
MOTION FOR TELEPHONIC HEARING

# EXHIBIT 33

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

---

RALPH HOWARD BLAKELY,

Plaintiff,

Cause No. 15-2-12980-5 SEA

vs.

MICHAEL CHARLES KAHRs, and  
KAHRs LAW FIRM TRUST ACCOUNT,

DEFENDANT(S).

---

DECLARATION OF PLAINTIFF RALPH BLAKELY  
IDENTIFICATION OF GENUINE MATERIAL & LEGAL FACTS AT ISSUE

---

CERTIFICATE OF MAILING

I, Ralph Blakely hereby declare, being aware of penalties for perjury, and the laws of the State of Washington, that I have placed in the SCCC Institutional Legal Mail System, a copy of the above captioned legal pleading, with postage thereon, thereby constituting a filing with the King County Superior Court Clerk at this time, pursuant to GR 3.1, cf., Houston v. Lack, 487 U.S. 266, 108 S.Ct. 2379, 101 L.Ed.2d 245 (1988), addressed to the following: Attorney Michael Charles Kahrs, 901 Fifth Avenue, Suite 1400, Seattle, Washington 98164-1039; Honorable Laura Inveen, King County Court House, 516 3rd Avenue, Seattle, Washington 98104; and Clerk of King County Superior Court, King County Court House, 516 3rd Avenue, Seattle, Washington 98104.

Dated this 4th day of January, 2016.

Respectfully submitted,

By: Ralph H. Blakely 817995  
RALPH BLAKELY

EX-14-48PAC665

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

---

RALPH HOWARD BLAKELY,

Plaintiff,

Cause No. 15-2-12980-5 SEA

vs.

MICHAEL CHARLES KAHRs, and  
KAHRs LAW FIRM TRUST ACCOUNT,

DEFENDANT(S).

---

DECLARATION OF PLAINTIFF RALPH BLAKELY  
IDENTIFICATION OF GENUINE MATERIAL & LEGAL FACTS AT ISSUE

---

Comes Now, above named Plaintiff, Ralph H. Blakely, with this "DECLARATION OF PLAINTIFF RALPH BLAKELY" to wit: "IDENTIFICATION OF GENUINE MATERIAL & LEGAL FACTS AT ISSUE," in conjunction with currently filed: "PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT DISMISSAL CF 60(b); LCR 7(b)(<sup>5</sup>4)," and "PLAINTIFF'S DECLARATION IN SUPPORT OF OPPOSITION TO THE DEFENDANT'S MOTION FOR SUMMARY JUDGMENT DISMISSAL LCR 7."

Defendant Michael Kahrs has refused to provide Plaintiff Ralph Blakely with a copy of the contract signed by Defendant Kahrs and Plaintiff Blakely in which Defendant Kahrs agreed to represent Ralph Blakely in the three subject matter lawsuits filed in Thurston County.

Defendant Kahrs has filed fraudulent documents with this Court claiming that Spokane County Superior Court Judge Tompkin prohibited Attorney Kahrs from representing Ralph Blakely in said three subject matter lawsuits.

In this lawsuit, Defendant Kahrs is being sued in part, for refusing to represent Plaintiff Blakely in the three subject matter lawsuits filed in Thurston County, therefore material facts at issue remain as to the attorney-client fiduciary duty to Plaintiff Blakely by Defendant Kahrs.

Defendant Kahrs is attempting to perpetrate a fraud on this King County Superior Court by claiming that he was bound by the representation limitations imposed by the Trustee and Court of an incapacitated person, creating the material fact at issue as to whether or not Defendant Kahrs, knew or should have known, that a court is not allowed to interfere with an attorney client relationship except in the case of an incapacitated person with regard to this case and the three Thurston County Superior Court cases.

Clearly Defendant Kahrs and his attorney that filed this summary judgment motion knew that the Thurston County Superior Court Judge overtly concluded that Plaintiff Blakely was competent, when said Judge did not refute Assistant Attorney General Judge, who stated:

(March 18, 2011)(Page 7) Mr. Judge: To the contrary Mr. Blakely is an able individual of 112 IQ who is capable of functioning, capable of thinking, capable of going to the law library, and even as we had seen until this week, capable of submitting submissions to the court with respect to amendments of the complaint.

Plaintiff Blakely has alleged that Defendant Kahrs was attempting to act in concert with Trustee Spurgetis to cover-up the legal fact that the mandates of Chapter 11.88 RCW were never complied with, as Plaintiff Blakely was never given Notice of or allowed to attend any proceedings.

(March 18, 2011)(page 7) MR. JUDGE: Mr. Blakely is an able individual of 112 IQ who's capable of functioning, capable of thinking, capable of going to the law library, and even as we had seen up until this week, capable of submitting submissions to the court with respect to amendments of the complaint. (February 1, 2013)(page 4) MR. BLAKELY: And I would like to have attorney Michael Kahrs carry on with this, but I have encountered some kind of problem even though he has been paid to take it on and to get my new expert declarations to support my mental and physical handicap. (January 25, 2013)(page 15) THE COURT: So when I say, Mr. Blakely, that you have the right to have an attorney file, what I'm saying is you have the right within ten days, but an attorney has the right within 21 days.

(8) Material facts at issue are created by Defendant Attorney Kahrs accepting \$35,000.00 from a "Special Care Needs Trust" to represent an "incapacitated person" in three Thurston County lawsuits; then refusing to represent said "incapacitated person" of the "Special Care Needs Trust"; further agreeing that said three Thurston County lawsuits had merit by receiving authorization from the "Special Care Needs Court" and "Trustee Attorney Spurgetis" to represent Plaintiff Blakely on appeal from the dismissal of said three Thurston County lawsuits; adding substantial evidence of theft by fraud by Trustee Attorney Spurgetis and the "Special Care Needs Court" authorizing \$8,500.00 of the \$35,000.00 to Attorney Kato to provide the legal assistance to Plaintiff Blakely that Attorney Kahrs refused to provide.

(9) The foregoing inherently raises three genuine material jurisdictional facts at issue, to wit:

(A) Did the so-called "Special Care Needs Trust" Court ever lawfully obtain jurisdiction over Plaintiff Blakely's assets as an "incapacitated person," when as here, the mandates of Chapter 11.88 RCW were not complied with, and Plaintiff Blakely was not given notice of, nor allowed to participate in, any of the proceedings depriving him of control of his assets.

(B) Whether or not the Spokane Court had jurisdiction to create a "supplemental need trust" under provisions of 42 U.S.C. 1396p(d)(4)(A).

(C) Were the Thurston County Superior Courts required to assure that Plaintiff Blakely was represented by counsel in the three Thurston County lawsuits after being made aware that Plaintiff Blakely was being deprived of his right to be representation by counsel based on a "Special Care Needs Trust" Court restricting said representation, depriving the three Thurston County Courts of competent jurisdiction to proceed.

(10) The genuine legal material facts at issue identified above are overwhelmingly supported by genuine material facts at issue giving rise to said legal material facts at issue, for example, the 3/5/99 "ORDER RE: MOTION FOR ORDER APPOINTING LARRY WEISER AS GUARDIAN AD LITEM FOR RALPH H. BLAKELY JR.," under rubric of FINDINGS, which do not establish competent jurisdiction for the Superior Court over the finances or assets of Ralph Blakely in Cause Numbers 96-2-04155-1 and 95-3-01916-0, see Appendix (A), based on the following material facts at issue:

FINDINGS 2.1: "The court finds that Dr. Wert has reviewed medical and documents, interviewed Ralph H. Blakely, Jr. on November 17, 1998 and November 27, 1998, and recommend that a Guardian Ad Litem should be appointed for Ralph H. Blakely Jr."

When Dr. Wert interviewed Ralph H. Blakely, Jr. on November 17, 1998 and November 27, 1998, Ralph Blakely had just been falsely accused of kidnapping his wife after years of marital disputes in which Mr. Blakely had been recently poisoned by his wife just prior to falsely accusing him of kidnapping her; thereby said Doctor Wert interviews took place during a very traumatic time for Mr. Blakely, when interviewed on November 17 and 27, 1998; however, Ralph Blakely Jr.'s competency on 3/5/99, the date of the Court's findings, is well documented in the DSHS Eastern State Hospital report provided Honorable Evan E. Sperline, in a 4/30/99 report, see Appendix (B), as to Ralph Blakely's competency, whereas said report states:

Mr. Blakely's general mental ability was measured with the GAMA - a nonverbal test that required Mr. Blakely to answer reasoning and problem-solving questions using abstract geometric designs - and he earned a GAMA IQ score of 113. This score falls in the High Average range of mental ability. His GAMA IQ score is ranked at the 81st percentile, which means that his performance was equal to or greater than that of 81% of individuals his age.

Mr. Blakely's performance on the WMT was within normal limits, which means that he exhibited no memory problems (recall or recognition) as measured by this assessment.

On the Trails A portion, Mr. Blakely completed the task in 45 seconds with no errors. This score placed Mr. Blakely in the 50 - 75th percentile range for individuals of similar age. On the Trails B portion, Mr. Blakely completed the task in 106 seconds with no errors. This score also placed him in the 50 - 75th percentile range for individuals of similar age.

The results from the above assessments suggest that Mr. Blakely is of normal intelligence with no significant memory problems or significant neuropsychological deficits. These results are consistent with earlier assessment results.

It is a genuine material fact at issue as to whether or not Ralph Blakely Jr. was an "incapacitated person" as required by RCW 4.08.060 on 3/5/99 when the order appointing a Guardian Ad Litem was signed by Judge Tompkin; or on the other hand, whether or not the judicial participants referred to in said order, had formed an unlawful agreement to defraud Mr. Blakely of his legal personage with purpose to commit theft by fraud of Ralph Blakely's financial and material assets.

FINDINGS 2.2: "Based upon the information provided by Dr. Wert after new visits and observations with Ralph H. Blakely Jr., coupled with the statements of Eric Shumaker and Matthew Dudley, the court is satisfied that a sufficient showing has been made to appoint a guardian ad litem for Ralph H. Blakely, Jr."

A material fact at issues as to whether or not Dr. Wert made any such "new visits and observations," because Ralph Blakely claims there was no contact with Dr. Wert after November, 27, 1998; and the truthfulness of any so-called "statements of Eric Shumaker and Matthew Dudley," who both knew that Ralph Blakely was at Eastern State Hospital for competency evaluation order by Grant County District Court Judge Sperline, for trial on the same kidnapping charges that Dr. Wert was involved in; evidencing a material fact at issue as to whether or not Ralph Blakely's attorneys, Eric Shumaker and Matthew Dudley, were perpetrating a fraud on the Spokane County Superior Court with purpose to deprive Ralph Blakely of control over his monetary and material assets, see "ORDER: 3.6. Larry Weiser, as Guardian ad Litem for Ralph H. Blakely, Jr., hereby becomes the client of Matthew Dudley in the instant action and the dissolution of marriage action."

FINDING 2.3: "In determining whether to appoint a guardian ad litem for Ralph H. Blakely Jr., the court is (relying on) the criteria set out in Vo v. Pham, 81 Wn.Ap. 781, 916 P.2d 462 (1996) and the court is reasonably convinced that Ralph H. Blakely, Jr. is not competent at this time to comprehend with understanding and intelligence the significance of the entire legal proceedings and their effect on and relationship to his best interests."

Judge Tompkin's "Finding 2.3" is substantively contrary to the Judge Sperline ordered competency evaluation

performed by Eastern State Hospital at the exact same time, 3/5/99, which is a combination of genuine legal and material facts at issue, for example see the criteria referred to in Vo v. Pham, 81 Wn.App. 781, 916 P.2d 462 (1996), which is premised on RCW 4.08.060 that mandates a Chapter 11.88 finding of "incapacitated person" procedural due process prior to application of RCW 4.08.060 "Guardian ad litem for incapacitated person," which states:

When an incapacitated person is a party to an action in the superior courts, he or she shall appear by guardian, or if he has no guardian, or in the opinion of the court the guardian is an improper person, the court shall appoint one to act as guardian ad litem. Said guardian shall be appointed as follows: (1) When the incapacitated person is plaintiff, upon the application of a relative or friend of the incapacitated person.

In other words, an RCW 11.88.040 procedure and finding is an essential condition precedent to application of a RCW 4.08.060 appointment of guardian ad litem, see:

PROCEDURAL DUE PROCESS - INCAPACITATED PERSON

RCW 11.88.005. Legislative Intent.

To protect the liberty and autonomy of all people of this state, and to enable them to exercise their rights under the law to the maximum extent, consistent with the capacity of each person. The legislature recognizes that people with incapacities have unique abilities and needs, and that some people with incapacities cannot exercise their rights to provide for their basic needs without help of a guardian. However, their liberty and autonomy should be restricted through the guardianship process only to the minimum extent necessary to adequately provide for their own health or safety, or to adequately manage their financial affairs.

RCW 11.88.010. Authority to Appoint Guardians- Definitions -Venue- Nomination by Principal.

(1) The superior court of each county shall have power to appoint guardians for the person and/or estates of incapacitated persons, and guardians for the estates of nonresidents of the state who have property in the county needing care and attention.

(b) For purposes of this chapter, a person may be deemed incapacitated as to the person's estates when the superior court determines the individual is a significant risk of financial harm based upon

a demonstrated inability to adequately manage property or financial affairs.

(c) A determination of incapacity is a legal not a medical decision, based upon a demonstration of management insufficiencies over time in the area of person or estate. Age, eccentricity, poverty, or medical diagnosis alone shall not be sufficient to justify a finding of incapacity.

(f) For purposes of the terms "incompetent," "disabled," or not legally competent," as those terms are used in the RCW to apply to person incapacitated under this chapter, those terms shall be interpreted to mean "incapacitated" persons for purposes of this chapter.

(2) The superior court for each county shall have power to appoint limited guardians for the persons and estates, or either thereof, of incapacitated persons, who by reason of the incapacity have need for protection and assistance, but who are capable of managing some of their personal and financial affairs. After considering all evidence presented as a result of such investigation, the court shall impose, by order, only such specific limitations and restrictions on an incapacitated person to be placed under a limited guardianship as the court finds necessary for such person's protection assistance. A person shall not be presumed to be incapacitated nor shall a person lose any legal rights or suffer any legal disabilities as the result of being placed under a limited guardianship except as to those rights and disabilities specifically set forth in the court order establishing such limited guardianship. In addition, the court order shall state the period of time for which it shall be applicable.

(3) Venue for petitions for guardianship of limited guardianship shall lie in the county wherein the alleged incapacitated person is domiciled, or if such person resides in a facility supported in whole or in part by local, state, or federal funding sources, in either the county where the facility is located, the county of domicile prior to residence in the supported facility, or the county where a parent or spouse or domestic partner of the alleged incapacitated person is domiciled.

RCW 11.88.040. Notice and Hearing, When Required- Service Procedure.

Before appointing a guardian or a limited guardian, notice of a hearing, to be held not less than ten days after service thereof, shall be served personally upon

the alleged incapacitated person, if over fourteen years of age, and served upon the guardian ad litem.

Before appointing a guardian or a limited guardian, notice of a hearing, to be held not less than ten days after served thereof, shall be given by registered or certified mail to the last known address requesting a return receipt signed by the addressee or an agent appointed by the addressee, or by personal service in the manner provided for services of summons, to the following:

- (1) The alleged incapacitated person, or minor, if under fourteen years of age;

The alleged incapacitated person shall be present in court at the final hearing on the petition: Provided, that this requirement may be waived at the discretion of the court for good cause other than mere inconvenience shown in the report to be provided by the GAL pursuant to RCW 11.88.090 as now or hereafter amended, or if no guardian ad litem is required to be appointed pursuant to RCW 11.88.090.

FINDINGS 2.4: "Good cause exists to appoint Larry Weiser as Guardian ad Litem for Ralph H. Blakely, Jr."

As clearly and conclusively evidenced by the foregoing, several genuine material facts at issue exist regarding whether or not Defendant Kahr's scope of representation of Ralph Blakely could be lawfully constrained by order of Judge Tompkin, who lacked competent jurisdiction over the control of Ralph Blakely's financial assets; notwithstanding the inherent violation of Rules of Professional conduct by Defendant Kahrs.

FINDINGS 2.5: "The court finds the filing of the motion for appointment of a Guardian ad Litem as Ralph H. Blakely Jr.'s response to participate in this trial."

It is difficult to imagine any of the involved attorneys or Judge Tompkin could believe their conduct was not illegal, where the motion was filed when everyone knew that Ralph Blakely was then currently under Grant County Judge Sperline Court Order at Eastern State Hospital for a competency evaluation, see Appendix (B), see BASIS: "This matter came before the court upon the motion of counsel for Ralph H. Blakely, Jr. The motion sought the appointment of a guardian ad litem for Ralph H. Blakely, Jr. A hearing was held before the honorable Linda G. Tompkins on Friday, February 26, 1999."

FINDINGS 2.6: "The court's findings and conclusions in this case shall have no precedential or preclusive effect

on any other civil or criminal proceeding involving Ralph H. Blakely Jr. and the matters at issue therein."

This Finding evidences that Judge Tompkin knew Ralph Blakely was then currently at Eastern State Hospital for a competency evaluation ordered by Grant County Judge Sperline; and this finding, 2.6, as matter of law, precludes any restrictions on the scope of representation by Defendant Kahrs in the three subject matter lawsuits filed by Ralph Blakely in King County.

ORDER 3.5: "Gary Gainer, counsel for Yolanda Blakely in the dissolution of marriage action, and Matthew Dudley, counsel for Ralph H. Blakely, Jr. in the dissolution of marriage action, hereby stipulate to Larry Weiser being appointed as Guardian ad Litem for Ralph H. Blakely, Jr. in the dissolution of marriage action as well."

This "ORDER RE: MOTION FOR ORDER APPOINTING LARRY WISER AS GUARDIAN AD LITEM FOR RALPH H. BLAKELY JR." was conformed by Thomas R. Fallquist Spokane County Clerk on March 5, 1999; however, it is not signed by Gay J. Gainer, Attorney for Yolanda Blakely, was not signed by Dennis Hession, Attorney for Yolanda Blakely, Becky Barker and Lorene Blakely, and was not signed by Larry Weiser, Guardian ad litem for Ralph H. Blakely, Jr., and was not signed by Judge Tompkin; therefore, said ORDER has no legal force and effect whatsoever, and could not be used to allow Defendant Kahrs to claim that the scope of his representation of Ralph Blakely in the three subject matter lawsuits underlying this lawsuit.

(11) As clearly and conclusively evidenced by Appendix (C), "ORDER RE: APPROVAL OF SETTLEMENT OF PARTIES RCW 11.96," said Order is not conformed as being filed and Judge Tompkin did not sign said Order, thereby said Order has no legal force and effect whatsoever, and is void for lack of requisite procedural due process<sup>11</sup> thereby depriving Attorney Kahrs of any legitimate claim that Judge Tompkin's order restricted the scope of his representation.

(12) As clearly and conclusively evidenced by Appendix (D), "STIPULATED AGREEMENT RE: SETTLEMENT OF TRUST CLAIMS OF BECKY BLAKELY, LORENE BLAKELY, RALPH H. BLAKELY SR., RALPH H. BLAKELY III, PAUL F. BLAKELY AND STAN LONG AS TRUSTEE OF BLAKELY FARMS TRUST," said Settlement is not dated by Matthew Dudley and there is no legitimate legal basis that would confer "Trustee" status upon Stan Long; in part because Ralph Blakely was operating Blakely Farms Trust in his own legal personage in that name; thereby, a material fact at issue exists regarding whether or not Stan Long had lawful authority to dispose of any financial or material assets of Ralph Blakely; and said "Stipulated Agreement" was filed in the Superior Court but not signed by any Judge.

(13) As clearly and conclusively evidenced by Appendix (E), DSHS Medical Lake Hospital again performed a competency evaluation upon Ralph Blakely and confirmed that Ralph Blakely was unquestionably competent during the entire period of Judge Tompkin and involved attorneys acted in concert to illegally purport to appoint a guardian ad litem with purpose to unlawfully deprive Ralph Blakely of his lawful control over his financial and material assets; with further purpose to unlawfully and unconstitutionally prevent Ralph Blakely from adequately proving his innocence and challenging his convictions underlying his incarceration.

(14) By "DECREE OF DISSOLUTION" dated 8/1/15, see Appendix (F), in case #95-3-01916-0 and #96-2-04155-1, Judge Tompkin finalized both said cases and discharged Larry Weiser as guardian ad litem for both said cases; and awarded Ralph Blakely by vehicle of Exhibit (G): "All property acquired by the husband after May 23, 1995, the date upon which the marriage became defunct and the parties commenced residing separate and apart. All property currently in the husband's possession, custody and control and not provided for within the Decree of Dissolution," thereby leaving hundreds of thousands of dollars of Ralph Blakely's personal assets at peril for theft and/or misappropriation of which has not been accounted for to date.

(15) As evidenced by Appendix (G), Defendant Attorney Michael Kahrs filed a "MOTION TO DISBURSE FUNDS FROM SPECIAL NEEDS TRUST," in Case No. 95-3-010916-0 dated 11/06/09, claiming that "Mr. Blakely ... has various medical problems that he believes are not being properly taken care of.... Mr. Blakely also claims he is innocent of the crime charged. He would like to prove his innocence and wishes to hire an attorney, Michael C. Kahrs, to investigate this. Mr. Kahrs is experienced in post-conviction litigation and investigating claims of actual innocence."

(16) As evidenced by Appendix (H): "ORDER APPROVING DISBURSEMENT OF FUNDS FROM SPECIAL NEEDS TRUST," dated 11/9/09 and signed by Superior Court Judge Tomkin under Case No. 95-3-01916-0, stating in pertinent part:

1. Ralph H. Blakely Jr. is in need of funds for the purposes of pursuing post-conviction litigation in his criminal conviction and sentence in Grant County, State v. Blakely, No. 04-1-00369-8.

2. Mr. Blakely has consented to the disbursement of these funds in the amount of Ten Thousand Dollars and n/10 (\$10,000.00).

3. The court finds that the amount requested for investigation, \$10,000.00, is reasonable.

4. Ralph H. Blakely Jr. is in need of funds for the purposes of obtaining medical care for a multitude of serious medical conditions.

5. Mr. Blakely has consented to the disbursement of these funds in the amount of Twenty-Five Thousand Dollars and no/100 (\$25,000.00).

6. The Court finds that the amount requested to obtain medical care, \$25,000.00, is reasonable.

Said Order Approving Disbursement Of Funds does not in any way restrict the scope of Attorney Kahrs representation of Ralph Blakely; creating a genuine material fact at issue why Attorney Kahrs refused to represent Plaintiff Blakely in the three subject matter lawsuits filed in Thurston County Superior Court after agreeing by contract to do so, and being paid by Plaintiff Ralph Blakely to do so.

(17) On 3/15/13 Superior Court Judge Tompkins issued an "ORDER APPROVING REALLOCATION OF FUNDS FOR MEDICAL AND POST-CONVICTION RELIEF," in Case No. 95-3-01916-0, stating in pertinent part:

My. Blakely has not pursued the medical care to the degree he previously desired, but continues to pursue the post-conviction relief matter. Therefore, the funds spent have been more than allocated from the post-conviction relief category (\$10,000) than from the medical category (\$25,000).... ORDER: ...The \$35,000 previously ordered released from the Trust to attorney Michael Kahrs may be allocated either to the post-conviction relief matter or the medical treatment matter.

(18) On 12/24/14 Judge Tompkins issued an "ORDER ON MOTION BY ATTORNEY KENNETH H. KATO FOR PAYMENT OF ATTORNEY FEES FROM SPECIAL PERSON CARE TRUST," in Case No. 96-2-04155-1, stating in pertinent part:

THIS MOTION came on for hearing on Kenneth H. Kato's Motion for Payment of Attorney Fees from Special Person Care Trust supported by his declaration, asking the Court to authorize payment to him of \$8,500 under a flat fee agreement between Ralph H. Blakely, Jr. and Mr. Kato, who will file a personal restraint petition for Mr. Blakely to the Washington Court of Appeals, Division III, to secure his release from unlawful restraint... 1. The Court finds Mr. Kato's fee of \$8,500 is reasonable and, pursuant to the flat fee agreement between him and Mr. Blakely for the personal restraint petition, authorizes payment in that amount from the Ralph H. Blakely, Jr., Special Person Care Trust.

There are no scope of representation restrictions on this Court Order and the attorney-client agreement with Attorney Kato is no different than that between Ralph Blakely and Attorney Kahrs evidencing invalidity of any Defense by Attorney Kahrs in his attempt to hide behind his interpretation of a court order; and raising material facts at issue as to why Ralph Blakely is forced to pay Attorney Kato to do what Attorney Kahrs was already paid to do.

#### CONCLUSION

As evidenced above, several genuine legal and material facts at issue are present as to whether or not Ralph Blackely was ever lawfully determined to be an incapacitated person that would allow Defendant Kahrs to legitimately restrict his representation of Ralph Blakely premised on any purported court order; and whether or not there is now, or ever was, a legitimate "Special Person Care Trust" that was or is "authorized by 42 U.S.C. 1396p and 20 F.R. 416.1246(e), as claimed by Judge Tompkin and the other participants that have committed theft by fraud of Plaintiff Ralph Blakely's financial and material assets.

Also, as evidenced above, material facts at issue are present as to whether or not Defendant's Attorneys have a legal and ethical duty to report the illegal conduct described above, relevant and material to this lawsuit.

As further evidenced above, several genuine legal and material facts at issue are present as to whether or not Judge Tompkin could have lawfully restricted the scope of representation by Attorney Kahrs; and material facts at issue are present as to whether or not Judge Tompkin did in fact or law, limit the representation of Attorney Kahrs; or on the other hand, as Plaintiff Blakely claims, Attorney Kahrs is attempting to perpetrate a defensive fraud on this Court, which are questions of fact that must be resolved by the jury at trial on the merits, as guaranteed by the Seventh Amendment of the United States Constitution.

Dated this 4th day of January, 2016.

Respectfully submitted,

By: Ralph H. Blakely 817995  
RALPH H BLAKELY JR.

# EXHIBIT 34

Ex34

Expedite:  
Judge: Laura Inveen#48  
Hearing: 1/22/16  
Time: 11. an

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING

RALPH Howard BLAKELY,  
Plaintiff,

vs.  
MICHAEL, Charles Kahrs,  
Defendants

NO. 15-2-12980-5 SEA  
NOTICE FOR HEARING  
SEATTLE COURTHOUSE ONLY  
(Clerk's Action Required ) (NTHG)

TO: THE CLERK OF THE COURT and to all other parties listed on Page 2:  
PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the calendar checked below.

Calendar Date: November 27, 2015 Day of Week: Friday

Nature of Motion: Motion to Compel Admission of Answers *ORDER*

<b>CASES ASSIGNED TO INDIVIDUAL JUDGES – Seattle</b>	
If oral argument on the motion is allowed (LCR 7(b)(2)), contact staff of assigned judge to schedule date and time before filing this notice. <b>Working Papers:</b> The <u>judge's name</u> , date and time of hearing <b>must</b> be noted in the upper right corner of the Judge's copy. <b>Deliver Judge's copies to Judges' Mailroom at C203.</b>	
<input checked="" type="checkbox"/> Without oral argument (Mon - Fri)	<input type="checkbox"/> With oral argument Hearing
Date/Time: <u>9 00 am</u>	Trial Date: <u>May 2016</u>
<b>CHIEF CRIMINAL DEPARTMENT - Seattle in E1201</b>	
<input type="checkbox"/> Bond Forfeiture 3:15 pm, 2 <sup>nd</sup> Thur of each month	
<input type="checkbox"/> Certificates of Rehabilitation- Weapon Possession ( <b>Convictions from Limited Jurisdiction Courts</b> ) 3:30 First Tues of each month	

<b>CHIEF CIVIL DEPARTMENT – Seattle -- (Please report to W864 for assignment)</b>	
<i>Deliver working copies to Judges' Mailroom, Room C203. In upper right corner of papers write "Chief Civil Department" or judge's name and date of hearing</i>	
<input type="checkbox"/> Extraordinary Writs (Show Cause Hearing) (LCR 98.40) 1:30 p.m. Tues/Wed -report to Room W864	
<input type="checkbox"/> Supplemental Proceedings (1:30 pm Tues/Wed)(LCR 69)	<b>Non-Assigned Cases:</b>
<input type="checkbox"/> DOL Stays 1:30 pm Tues/Wed	
<input type="checkbox"/> Motions to Consolidate with multiple judges assigned (without oral argument) (LCR 40(b)(4))	
	<input type="checkbox"/> Non-Dispositive Motions M-F (without oral argument).
	<input type="checkbox"/> Dispositive Motions and Revisions (1:30 pm Tues/Wed)
	<input type="checkbox"/> Certificates of Rehabilitation ( <b>Employment</b> ) 1:30 pm Tues/Wed (LR 40(b)(2)(B))

You may list an address that is not your residential address where you agree to accept legal documents.  
Sign: Ralph H. Blakely Print/Type Name: Ralph H. Blakely  
WSRA # \*1&((% 817995 (if attorney) Attorney for: \_\_\_\_\_  
Address: \_\_\_\_\_ City, State, Zip \_\_\_\_\_  
Telephone: 360 537 1800 ext 1923 Date: November 22, 2015

DO NOT USE THIS FORM FOR FAMILY LAW OR EX PARTE MOTIONS.

SC 07.15

248  
1/22/15

LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE

**DECLARATION OF MAIL**

Name Judge Laura Inveen # 48  
Service Address 516 Third Ave., Rm C-203  
City, State, Zip Seattle, WA 98104  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

Name King County Superior Court Clerk  
Service Address 516 Third Ave. E609  
City, State, Zip Seattle, W. 98104  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

Name Susand McIntosh  
Service Address: 901 Fifth Ave. Rm 1400  
City, State, Zip Seattle, WA 98164  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

**IMPORTANT NOTICE REGARDING CASES**

Party requesting hearing must file motion & affidavits separately along with this notice. List the names, addresses and telephone numbers of all parties requiring notice (including GAL) on this page. Serve a copy of this notice, with motion documents, on all parties.

The original must be filed at the Clerk's Office not less than six court days prior to requested hearing date, except for Summary Judgment Motions (to be filed with Clerk 28 days in advance).

THIS IS ONLY A PARTIAL SUMMARY OF THE LOCAL RULES AND ALL PARTIES ARE ADVISED TO CONSULT WITH AN ATTORNEY.

The SEATTLE COURTHOUSE is in Seattle, Washington at 516 Third Avenue. The Clerk's Office is on the sixth floor, room E609. The Judges' Mailroom is Room C203.

Expedite!  
Judge: Laura Inveen, Dept 48  
Hearing 1/22/16  
Time: 11:am

SUPERIOR COURT FOR KING COUNTY

RALPH HOWARD BLAKELY,  
Plaintiff,

No. 15-2-12980-5 SEA  
PLAINTIFF'S MOTION TO COMPEL  
ADMISSION ANSWERS CR 8 ; 33,37

vs.

MICHAEL CHARLES KAHRIS, et.al.,  
Defendants.

Plaintiff Motions this Court for an Order pursuant to Rule CR 8,37(a) of the Washington Superior Court Civil Rules Procedure compelling Defendant to Answer without evasive answers, within 15 days of receipt of them, 11/24/15.

Plaintiff on November 20, 2015, presented these questions of genuine issue of material fact to support his Motion for an Extension of time to Amend his verified Complaint, but would ask the Defendant to affirm or deny them.

Plaintiff Motions this Court an order to Compel the Defendant to answer them within 15 days of November 24, 2015. without evasive answers.

Dated November 22, 2015,

*Ralph H. Blakely*  
SCCC H 1 B36  
191 Constantine Way  
Aberdeen, WA 98520

Phone 360 537 1800 Ext 1923

Expedite:  
Judge: Laura Inveen, #48  
Hearing: 1/22/16  
Time: 11 am

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

RALPH HOWARD BLAKELY,  
Plaintiff ,

vs.

MICHAEL CHARLES KAHRS, ET. AL.,  
Defendants.

No. 15-2-12980-5 SEA  
PLAINTIFF'S ORDER TO  
COMPELL ADMISSION OF  
ANSWERS BY 12/8/15  
CR 8; 33,37

THIS MATTER having come before this Court, and the Court having considered the Motion For An Order granting Plaintiff's Order To Compel Defendant to Answer Admission of Attached (3 pages) of Answers.

Accordingly, this Court grants the Plaintiff's Order to Compel the Defendant Michael Charles Kahrs to Affirm or Deny the November 22, 2015 three pages of Answers to questions, before December 8, 2015.

DONE IN OPEN COURT, THIS day of November, 2015,

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Honorable Judge Laura Inveen

Expedite:  
Honorable Laura Inveen, Dept 48  
Hearing : 1/22/16  
Time: 11:00 am

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

RALPH HOWARD BLAKELY,  
Plaintiff,

vs.

MICHAEL CHARLES KAHR, et., al.,  
Defendants.

No. 15-2-12980-5 SEA

PLAINTIFF'S request for AFFIRMATIVE  
ANSWERS TO PLAINTIFF'S MATERIAL  
ISSUES OF FACT

CR \*8 Cr 25 CR 37

Plaintiff is requesting Affirmative or denial Answers to the Plaintiff's  
MATERIAL FACTS AT ISSUE WITHIN the next 15 days.

**AFFIRM OR DENY; No.1 Did Plaintiff Blakely establish an attorney-client agency  
relationship when securing an agreement from Defendant Kahrs to represent him?**

**Affirmative Answer:**

**AFFIRM OR DENY; No.2 Did Defendant Kahrs commit legal malpractice and/or attorney  
misconduct when securing through invalid agreement with Attorney James Spurgetis  
to limit the representation of Attorney Kahrs, contrary to Plaintiff Blakely's  
best interest ?**

**Affirmative Answer:**

**Affirm or Deny; No. 3 Was Defendant Kahrs agreement with Attorney Spurgetis to  
not represent Plaintiff Blakely in the Three Thurston County Superior Court law-  
suits an implicit and/or explicit agreement to join an ongoing larger conspiracy  
to prevent Plaintiff Blakely from obtaining legal assistance that would allow  
Plaintiff Blakely to regain control of his finances?**

**AFFIRMATIVE ANSWER:**

**AFFIRM OR DENY; No. 4 Did Defendant Kahrs intentionally commit legal malpractice  
by ignoring the mandates of "RCW 4.08.050" requiring representation by counsel in  
the three Thurston County lawsuits ?**

**AFFIRMATIVE ANSWER:**

**AFFIRM OR DENY; No. 5 Did Defendant Attorney intentionally ignore the legal fact  
that the Court's order limiting his representation that he relies on, necessarily  
requiring an incapacitated person finding, thereby raising the jurisdictional  
fact at issue as to whether or not the dictates of Chapter 11.88 RCW had been  
Followed ?**

**AFFIRMATIVE ANSWER:**

REQUEST FOR AFFIRMATIVE ANSWERS  
AND MOTION TO COMPEL ANSWERS

1 of 3

AFFIRM OR DENY: No. 6 It is a material fact at issue as to whether or not Defendant Kahrs is fraudulently attempting to deceive this Superior Court into believing that a court order limiting attorney representation and requiring authorization of a court appointed trustee, inherently creates an unethical and unconstitutional "conflict of interest", by vehicle of ethical and fiduciary duty to make sure Plaintiff Blakely was represented by counsel during the three Thurston County lawsuits ?

ADMIT OR DENY: ANSWER:

ADMIT OR DENY: No. 7 As clearly and conclusively evidenced by the transcripts of the Thurston County lawsuits proceedings that the trial court determined that Plaintiff Blakely was competent and that he had a right to be represented by counsel see: (March 19, 2011) page 7 WAG Senior Counsel Judge: Mr. Blakely is an able individual of 112 IQ, who's capable of functioning, ... (February 1, 2013) page 4 Mr. Blakely: " And I would like to have attorney Michael Kahrs carry on with this, but I have encountered some kind of problem even though he has been paid to take it on and to get my new expert declarations to support my mental and physical handicap." ;.. (1/25/13) COURT: ... 'you have the right to have an attorney file, within 10 days.' ? ? ?

ADMIT OR DENY ANSWER:

ADMIT OR DENY: No. 8. MATERIAL FACTS AT ISSUE ARE CREATED BY DEFENDANT ATTORNEY KAHRS accepting \$35,000.00 from a "Special Care Needs Trust" to represent an "Incapacitated person" in three Thurston County lawsuits; then refusing to represent said "incapacitated person" of the "Special care Needs Trust" then agreeing that said three Thurston County lawsuits had merit by receiving authorization from the "Special Care Needs Trust Court" and "Trustee Attorney Spurgetis" to represent Plaintiff Blakely on appeal from the dismissal of said three Thurston County lawsuits; adding substantial evidence of theft by fraud by Trustee Attorney Spurgetis and the "Special care Needs Trust Court" authorizing \$8,500.00 of the \$35,000.00 to Attorney Kato to provide the legal assistance to Plaintiff Blakely that Attorney Kahrs refused to provide? ? ?

ADMIT OR DENY ANSWER:

AFFIRM OR DENY No. 9: Does the foregoing inherently raise three genuine material jurisdictional facts at issue, to wit:

(A) Did the so-called "Special Care Needs Trust" Court ever lawfully obtain jurisdiction over Plaintiff Blakely's assets as an "incapacitated person", when as here, the MANDATES OF chapter 11.83 RCW were not complied with, and Plaintiff Blakely was not given notice of, nor allowed to participate in any of the proceedings depriving him of control of his assets. ?

ADMIT OR DENY ANSWER:

*The court has an affirmative duty to resolve all jurisdictional questions, and/or appeal from the result.*

ADMIT OR DENY No. 9 (B) Whether or not the Spokane Superior Court had Jurisdiction to create a "supplemental Need Trust" under provisions of 42 U.S.C. 1396 p (d) (4) (A) and to pay Kahrs \$35,000.00 ?

AFFIRM OR DENY ANSWER:

ADMIT OR DENY No. (9(C) Were the Thurston County Superior Courts required to assure that Plaintiff Blakely was represented by counsel (when he made three Motions for appointment of counsel) in the three Thurston County lawsuits after being made aware that Plaintiff Blakely was being deprived of his right to be representation by co counsel based on a "Special Care Needs Trust" RCW 4.09.060 Court restricting said representation, thereby depriving the three Thurston County Court of competent jurisdiction to proceed ?

ADMIT OR DENY ANSWER:

*are the following two details in Motion for Summary Judgment*  
ADMIT OR DENY No.9 (D) Does the Defendant's Reply on Motion For Summary Judgment Dismissal page 2 Line 14-18 create "misrepresentation to the court" as being "contrary" to line 21-23 (November 16, 2015) that Kahrs represented Mr. Blakely in the three Court of Appeals II appeals ? ? ?

*reply*

ADMIT OR DENY ANSWER:

AFFIRM OR DENY No. 9 (E) Has the Defendant Kahrs made this egregious statement ? "Mr. Kahrs did not represent Mr. Blakely on his civil matters: he had no duty of care to Mr. Blakely for those matters, and Mr. Blakely sustained no damage from any act or omission by Mr. Kahrs" ? IS A WRIT OF HABEAS CORPUS CIVIL ? ? ?

ADMIT OR DENY ANSWER:

*It is possible Attorney Kahrs did not make this statement and that his attorney is misrepresenting what attorney Kahrs said*  
VERIFICATION

*Continuing to seek after and a misrepresentation to the court.*

STATE OF WASHINGTON )  
COUNTY OF KING ) scribed and sworn by

I am the Defendant in this legal malpractice lawsuit and have answered the aforementioned three pages of admissions to genuine material facts at issue with true and correct answers.

Dated 2015

# EXHIBIT 35

Ex35

Honorable Laura Inveen  
Hearing Date: 1/22/16  
Hearing Time: 11:00 a.m.

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

RALPH HOWARD BLAKELY,  
  
Plaintiff,  
  
vs.  
  
MICHAEL CHARLES KAHRs, ET AL.  
  
Defendants.

No. 15-2-12980-5 SEA  
  
OPPOSITION TO PLAINTIFF'S MOTION  
TO COMPEL ADMISSION ANSWERS

Defendants Michael Charles Kahrs and Kahrs Law Firm, P.S., sent the attached  
Objections and Responses to Plaintiff's Request for Affirmative Answers to Plaintiff's Material  
Issues of Fact to plaintiff via U.S. Mail, first class postage prepaid on December 19, 2015. The  
responses were made within the time allowed by the Civil Rules.

DATED this 21<sup>st</sup> day of December, 2015.

FORSBERG & UMLAUF, P.S.

By: *Susan K. McIntosh*  
Terrence J. Cullen, WSBA #12554  
Susan K. McIntosh, WSBA #26138  
Attorneys for Defendants

Honorable Laura Inveen

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

RALPH HOWARD BLAKELY,

Plaintiff,

vs.

MICHAEL CHARLES KAHRs, ET AL.

Defendants.

No. 15-2-12980-5 SEA

OBJECTIONS AND RESPONSES  
TO PLAINTIFF'S REQUEST FOR  
AFFIRMATIVE ANSWERS TO  
PLAINTIFF'S MATERIAL ISSUES  
OF FACT

Defendants Michael Charles Kahrs and Kahrs Law Firm, P.S. (hereinafter, collectively, "Defendants"), by and through their attorneys of record, Terrence J. Cullen, Susan K. McIntosh and Forsberg & Umlauf, P.S., provide the following objections, answers and responses to Plaintiff's Request for Affirmative Answers to Plaintiff's Materials Issues of Fact propounded to them.

**GENERAL OBJECTIONS**

Defendants object to the discovery requests to the extent they seek information and responses that are beyond the scope of the defendants' obligations under the Civil Rules, are

OBJECTIONS AND RESPONSES TO PLAINTIFF'S REQUEST  
FOR AFFIRMATIVE ANSWERS TO PLAINTIFF'S MATERIAL  
ISSUES OF FACT - PAGE 1

1505268 / 1221.0057

**FORSBERG & UMLAUF, P.S.**  
ATTORNEYS AT LAW  
901 FIFTH AVENUE • SUITE 1400  
SEATTLE, WASHINGTON 98164-1039  
(206) 689-8500 • (206) 689-8501 FAX

1 vague, ambiguous, confusing, or otherwise lack coherence. Defendants incorporate their  
2 objections in response to each interrogatory and request.

3 No. 1. Did Plaintiff Blakely establish an attorney-client agency relationship when  
4 securing an agreement from Defendant Kahrs to represent him?

5 **RESPONSE:** Objection. Defendants object to this request as vague, ambiguous, and  
6 confusing. Subject to and without waiving their objections, defendants admit only that an  
7 attorney-client relationship existed between defendants and the plaintiff for the limited scope of  
8 representation as permitted by the December 3, 2009 Order Approving Disbursement of Funds  
9 From Special Needs Trust. Deny all remaining or different statements.

10 No. 2. Did Defendant Kahrs commit legal malpractice and/or attorney misconduct with  
11 securing through invalid agreement with Attorney James Spurgetis to limit the representation of  
12 Attorney Kahrs, contrary to Plaintiff Blakely's best interest?

13 **RESPONSE:** Objection. Defendants object to this request as vague, ambiguous, and  
14 confusing. Also, improperly seeks an admission of matters central to the issues in the case, calls  
15 for speculation, calls for legal conclusions, legal opinions and expert opinions, including expert  
16 opinions on legal issues, and is otherwise an improper request under CR 36. *See Brust v.*  
17 *Newton*, 70 Wn. App. 286 (1993). Subject to and without waiving their objections, defendants  
18 respond as follows: **Deny.**

19 No. 3. Was Defendant Kahrs' agreement with Attorney Spurgetis to not represent  
20 Plaintiff Blakely in the three Thurston County Superior Court lawsuits an implicit and/or  
21 explicit agreement to join an ongoing larger conspiracy to prevent Plaintiff Blakely from  
22 obtaining legal assistance that would allow Plaintiff Blakely to regain control of his finances?  
23

1           **RESPONSE: Objection.** Defendants object to this request as vague, ambiguous, and  
2 confusing. Also, may improperly seek an admission of matters central to the issues in the case,  
3 calls for speculation, calls for legal conclusions, legal opinions and expert opinions, including  
4 expert opinions on legal issues, is not reasonably calculated to lead to the discovery of  
5 admissible evidence, and is otherwise an improper request under CR 36. *See Brust v. Newton*,  
6 70 Wn. App. 286 (1993). Subject to and without waiving their objections, defendants respond  
7 as follows: **Deny.**

8           No. 4. Did Defendant Kahrs intentionally commit legal malpractice by ignoring the  
9 mandates of “RCW 4.08.060” requiring representation by counsel in the three Thurston County  
10 lawsuits?

11           **RESPONSE: Objection.** Defendants object to this request as vague, ambiguous, and  
12 confusing. Also, may improperly seek an admission of matters central to the issues in the case,  
13 calls for speculation, calls for legal conclusions, legal opinions and expert opinions, including  
14 expert opinions on legal issues, is not reasonably calculated to lead to the discovery of  
15 admissible evidence, and is otherwise an improper request under CR 36. *See Brust v. Newton*,  
16 70 Wn. App. 286 (1993). Subject to and without waiving their objections, defendants respond  
17 as follows: **Deny.**

18           No. 5. Did Defendant Attorney intentionally ignore the legal fact that the Court’s order  
19 limiting his representation that he relies on, necessarily requiring an incapacitated person  
20 finding, thereby raising the jurisdictional fact at issue as to whether or not the dictates of  
21 Chapter 11.88 RCW had been followed?

22           **RESPONSE: Objection.** Defendants object to this request as vague, ambiguous,  
23 unintelligible, and confusing. Also, may improperly seek an admission of matters central to the

1 issues in the case, calls for speculation, calls for legal conclusions, legal opinions and expert  
2 opinions, including expert opinions on legal issues, is not reasonably calculated to lead to the  
3 discovery of admissible evidence, and is otherwise an improper request under CR 36. *See Brust*  
4 *v. Newton*, 70 Wn. App. 286 (1993). Subject to and without waiving their objections,  
5 defendants respond as follows: **Deny**.

6 No. 6. It is a material fact at issue as to whether or not Defendant Kahrs is  
7 [f]raudulently attempting to deceive this Superior Court into believing that a court order  
8 limiting attorney representation and requiring authorization of a court appointed trustee,  
9 inherently creates an unethical and unconstitutional “conflict of interest,” by vehicle of ethical  
10 and fiduciary duty to make sure Plaintiff Blakely was represented by counsel during the three  
11 Thurston County lawsuits?

12 **RESPONSE: Objection.** Defendants object to this request as vague, ambiguous,  
13 unintelligible and confusing. Also, may improperly seek an admission of matters central to the  
14 issues in the case, calls for speculation, calls for legal conclusions, legal opinions and expert  
15 opinions, including expert opinions on legal issues, is not reasonably calculated to lead to the  
16 discovery of admissible evidence, and is otherwise an improper request under CR 36. *See Brust*  
17 *v. Newton*, 70 Wn. App. 286 (1993). Subject to and without waiving their objections,  
18 defendants respond as follows: **Deny**.

19 No. 7. As clearly and conclusively evidenced by the transcripts of the Thurston County  
20 lawsuits proceedings that the trial court determined that Plaintiff Blakely was competent and  
21 that he had a right to be represented by counsel see: (March 18, 2011) page 7 WAG Senior  
22 Counsel Judge: Mr. Blakely is an able individual of 112 IQ, who’s (sic) capable of functioning,  
23 ...(February 1, 2013) page 4 Mr. Blakely: “And I would like to have attorney Michael Kahrs

1 carry on with this, but I have encountered some kind of problem even though he has been paid  
2 to take it on and to get my new expert declarations to support my mental and physical  
3 handicap.”...(1/25/13) COURT: ...“you have the right to have an attorney file, within 10  
4 days.” ???

5 **RESPONSE: Objection.** Defendants object to this request as vague, ambiguous,  
6 unintelligible, and confusing. Also, may improperly seek an admission of matters central to the  
7 issues in the case, calls for speculation, calls for legal conclusions, legal opinions and expert  
8 opinions, including expert opinions on legal issues, is not reasonably calculated to lead to the  
9 discovery of admissible evidence, and is otherwise an improper request under CR 36. *See Brust*  
10 *v. Newton*, 70 Wn. App. 286 (1993). Subject to and without waiving their objections,  
11 defendants respond as follows: **Deny.**

12 No. 8. MATERIAL FACTS AT ISSUE ARE CREATED BY DEFENDANT KAHRS  
13 accepting \$35,000.00 from a “Special Care Needs Trust” to represent an “Incapacitated Person”  
14 in three Thurston County lawsuits; then refusing to represent said “incapacitated person” of the  
15 “Special Care Needs Trust” then agreeing that said three Thurston County lawsuits had merit  
16 by receiving authorization from the “Special Care Needs Trust Court” and “Trustee Attorney  
17 Spurgetis” to represent Plaintiff Blakely on appeal from the dismissal of said three Thurston  
18 County lawsuits; adding substantial evidence of theft by fraud by Trustee Attorney Spurgetis  
19 and the “Special Care Needs Trust Court” authorizing \$8,500.00 of the \$35,000.00 to Attorney  
20 Kato to provide the legal assistance to Plaintiff Blakely that Attorney Kahrs refused to provide?

21 **RESPONSE: Objection.** Defendants object to this request as vague, ambiguous,  
22 unintelligible, and confusing. Also, improperly seeks an admission of matters central to the  
23 issues in the case, calls for speculation, calls for legal conclusions, legal opinions and expert

1 opinions, including expert opinions on legal issues, is not reasonably calculated to lead to the  
2 discovery of admissible evidence, and is otherwise an improper request under CR 36. *See Brust*  
3 *v. Newton*, 70 Wn. App. 286 (1993). Subject to and without waiving their objections,  
4 defendants respond as follows: **Deny**.

5 No. 9A. Does the foregoing inherently raise three genuine materials jurisdictional  
6 facts at issue, to wit: (A) Did the so-called "Special Care Needs Trust" Court ever lawfully  
7 obtain jurisdiction of Plaintiff Blakely's assets as an "incapacitated person," when as here, the  
8 MANDATES OF chapter 11.88 RCW were not complied with, and Plaintiff Blakely was not  
9 given notice of, nor allowed to participate in any of the proceedings depriving him of control of  
10 his assets?

11 **RESPONSE: Objection.** Defendants object to this request as vague, ambiguous,  
12 unintelligible, and confusing. Also, may improperly seek an admission of matters central to the  
13 issues in the case, calls for speculation, calls for legal conclusions, legal opinions and expert  
14 opinions, including expert opinions on legal issues, is not reasonably calculated to lead to the  
15 discovery of admissible evidence, and is otherwise an improper request under CR 36. *See Brust*  
16 *v. Newton*, 70 Wn. App. 286 (1993). Subject to and without waiving their objections,  
17 defendants respond as follows: **Deny**.

18 No. 9B. Does the foregoing inherently raise three genuine materials jurisdictional  
19 facts at issue, to wit: (B) Whether or not the Spokane Superior Court had jurisdiction to create a  
20 "supplemental Need Trust" under provisions of 42 U.S.C. 1396 p (d) (4) (A) and to pay Kahrs  
21 \$35,000.00?

22 **RESPONSE: Objection.** Defendants object to this request as vague, ambiguous,  
23 unintelligible, and confusing. Also, may improperly seek an admission of matters central to the

1 issues in the case, calls for speculation, calls for legal conclusions, legal opinions and expert  
2 opinions, including expert opinions on legal issues, is not reasonably calculated to lead to the  
3 discovery of admissible evidence, and is otherwise an improper request under CR 36. *See Brust*  
4 *v. Newton*, 70 Wn. App. 286 (1993). Subject to and without waiving their objections,  
5 defendants respond as follows: **Deny**.

6 No. 9C. Does the foregoing inherently raise three genuine materials jurisdictional  
7 facts, to wit: (C) Were the Thurston County Superior Courts required to assure that Plaintiff  
8 Blakely was represented by counsel (when he made three Motions for appointment of counsel)  
9 in the three Thurston County lawsuits after being made aware that Plaintiff Blakely was being  
10 deprived of his right to be representation (sic) by co counsel based on a “Special Care Needs  
11 Trust” RCW 4.08.060 Court restricting said representation, thereby depriving the three  
12 Thurston County Court of competent jurisdiction to proceed?

13 **RESPONSE: Objection.** Defendants object to this request as vague, ambiguous,  
14 unintelligible, and confusing. Also, may improperly seek an admission of matters central to the  
15 issues in the case, calls for speculation, calls for legal conclusions, legal opinions and expert  
16 opinions, including expert opinions on legal issues, is not reasonably calculated to lead to the  
17 discovery of admissible evidence, and is otherwise an improper request under CR 36. *See Brust*  
18 *v. Newton*, 70 Wn. App. 286 (1993). Subject to and without waiving their objections,  
19 defendants respond as follows: **Deny**.

20 No. 9D. (D) Does the Defendant’s Reply on Motion for Summary Judgment  
21 Dismissal page 2 Line 14-18 create “misrepresentation to the court” as being “contrary” to line  
22 21-23 (November 16, 2015) that Kahrs represented Mr. Blakely in the three Court of Appeals II  
23 appeals? ? ?

1           **RESPONSE: Objection.** Defendants object to this request as vague, ambiguous,  
2 unintelligible, and confusing. Also, may improperly seek an admission of matters central to the  
3 issues in the case, calls for speculation, calls for legal conclusions, legal opinions and expert  
4 opinions, including expert opinions on legal issues, is not reasonably calculated to lead to the  
5 discovery of admissible evidence, and is otherwise an improper request under CR 36. *See Brust*  
6 *v. Newton*, 70 Wn. App. 286 (1993). Subject to and without waiving their objections,  
7 defendants respond as follows: **Deny.**

8           No. 9E.           (E) Has the Defendant Kahrs made this egregious statement ? “Mr.  
9 Kahrs did not represent Mr. Blakely on his civil matters: he had no duty of care to Mr. Blakely  
10 for those Matters, and Mr. Blakely sustained no damage from any act or omission by Mr.  
11 Kahrs”? IS A WRIT OF HABEAS CORPUS CIVIL ???

12           **RESPONSE: Objection.** Defendants object to this request as vague, ambiguous,  
13 unintelligible, and confusing. Also, may improperly seek an admission of matters central to the  
14 issues in the case, calls for speculation, calls for legal conclusions, legal opinions and expert  
15 opinions, including expert opinions on legal issues, is not reasonably calculated to lead to the  
16 discovery of admissible evidence, and is otherwise an improper request under CR 36. *See Brust*  
17 *v. Newton*, 70 Wn. App. 286 (1993). Subject to and without waiving their objections,  
18 defendants respond as follows: Admit the trust of the statement in quotation marks; Deny the  
19 statement is egregious; Deny all remaining or different statements.

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RESPONSES DATED this 19<sup>th</sup> day of December, 2015.

FORSBERG & UMLAUF, P.S.

By:   
Terrence J. Cullen, WSBA #12554  
Susan K. McIntosh, WSBA #26138  
Attorneys for Defendants

# EXHIBIT 36

Ex 36

COPY OF Notorized Affidavit of Ignacio Cobos

2. That I am well acquainted with Mer. Bl Ralph Blakely Criminal case.
3. That before M.r Michael Kahrs, Attorney at alw, accepted Mr. Blakely's criminal and civil actions, I, as a competent paralegal, went through Mr. Blakely's verbatim preport of proceedings of his jury trial.

Page 1 of 4

4 That I made notes on the verbatim report of proceedings of March 5-9 2005, sho showing clear fabricated inconsistent testimony of Robbie Juare-Trevino.

5. That those hand-written notes would be found in the verbatim report of proceedings for March 9, 2005, pages 608 through 705.

6. That these pages of the verbatim report of proceedings have been filed with with the King County Superior Court under case number 15-2-12980-5 SEA.

7. That before the// Mr. Kahrs took Mr. Blakely's case, i was instrumental in obtaining a Notorized Affidavit from Mr. Jurez-Trevino, in which he, under pen penalty of perjury, recanted his fabricated testimony of March 9, 2005

8. That I further viewed a Search Report dated September 10, 1009, from Staff Stafford Creek Correction Center. where Correctional Osfficers had seized seven (7) of Mr. Blakely's legal document boxes.

9. That Mr. Juarez-Trevino's Affidavit wa among those seven & boxes.

10. That Correcitonal Officers seized from my possession" numerous" legal docu documents with Mr. Blakely's name and a copy of the affidavit from Mr. Juarez-Trevino.

11. That I, again, on June 2010, were instrumental in obtaining a second decla declaration from Mr. Juarez-Trevino, with the condition that said declaration

Page 2 of 4

would not be used until Mr. Juarez-Trevino had a new identity and was relocated in Mexico.

12.

12. That when i found out that Mr. Kahrs had hired an unlicensed invewstigator Mr, Kindred, the perform work on behalf of Mr. Blakely, I believed that Mr. Kahrs was taking aadvantage of M.r Blakely by financially exploting him because Mr. Kindred was also working as an investigator for Grant County Prosecutor's Office, and Mr. Juarez Trevino's affidavit made it crystal clear that he was instructed on his fabricated testimony by the Grant County Prosecutor's office

13. That Mario Torres, a license investigator had alrede performed an investig investigation on behalf of Mr. Blakely for which Mr. Kahrs collect : 35,0000.00 and Mr. Kahrs refused to communicate with Mr. Torres.

14. That when i attempted to communicate with mr. Kahrs and Mr. Spurgetis, the they were rude and cut the communication short, despite the fact that I had a written Releas of Informaiton and Authorization from Mr. Blakely, which had pr previously been served to them by mail.

15. That I anted to explain to Mr. Kahrs and Mr. Spurgetis about the fact that I was instrumental in the investigation and the obtaining recantation of Mr. Jaurez-Trevino. 's Affidavit.

page 4 of 4

16. That Mr. Kahrs refused to use Mr. Juare-z Trevino's recantation on behalf of Mr. Blakely.

17. That I prepared several legal DOCUMENTS FOR Mr. Balkely that clearly demonstrated that Mr. Juarez-Trevino lied about being at a unit at Airway H HGeights Correciton Center when he was at a different unit.

18 That is is muy belief that Mr. kahrs hired Mr. Kindred to interview Mr. Juarez-Trevino for "sole" purose to "coerce" Mr. Juarez-Trevino to withdraw his delcaration on the recantation of his ba fabricated testimony.

Notorized December 4, 2015 Ignacio Cobos. I have mailed a copy to Judge Laua Inveen with and attached to the Disclosure of lay, fact expert witnesses 12/16/15

# EXHIBIT 37

1/5/00 P... Ex37

Judge: Laura C. Inveen  
Hearing: 1/22/16  
DUE: 1/3/16

AUPERIOR COURT OF WASHINGTON FOR COUNTY OF KING

RALPH HOWARD BLAKELY,  
Plaintiff,

vs.

MICHAEL CHARLES KAHRIS, ET.AL,  
Defendants.

No. 15-2-12980-5 SEA  
PLAINTIFF'S OPPOSITION TO  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT DISMISSAL  
CR 60 (b) (CR)(b)(4)

I. INTRODUCTION

Plaintiff, Ralph Howard Blakely, age 79 as an inexperienced pro se litigant, opposed the Defendant's Motion For Summary Judgment Dismissal. Plaintiff is asking this Court to dismiss the Defendant's Motion for Summary and Judgment and deny the Defendant's proposed order based on the following:

BASED ON Defendant's motion for summary judgment being fundamentally flawed, creating numerous procedural, legal, jurisdictional and genuine material facts at issue, all of which cannot be identified until the discovery process has been completed. At this date, the Defendant's have not properly produced essential documents to support the proposed orders compelling discovery. (9 page Declaration of Blakely and Exhibits) <sup>Ex 14</sup> ~~ATTACHED~~ 18P Decl of legal facts at issue 832p exhibits

Defendant Kahrs requested relief (MSJD pl.2) misleads the Court according to Kahrs client-attorney contract and exhibit No.1, 4/30/09 letter) which the Defendant is concealing, along with other essential client documents.

II. OPPOSITIONAL STATEMENT OF FACTS

0.0 After five (5) years of client-attorney conflict, the Defendant Kahrs\* prepares and submitted to the Plaintiff an itemized fee bill for \$26,400.00, but has never provided any complaints of injury, results of medical assistance in

obtaining the Plaintiff's critically needed prescribed cyanocobalamin to prevent neuroleptic-catatonic seizures, nor has he assisted Blakely in his Writ of Habeas Corpus briefing. (Blakely Declaration, Ex.# 2,k113,3,12,15,pages 1-9

3.1 Plaintiff Blakely did establish an attorney-client agency relationship when they initiated an agreement by Defendant Attorney Kahrs to represent Plaintiff Blakely. (Exhibit No.1, receipt of \$35,000.00 and 5 year late fee billing#12)

3.2 Defendant Kahrs commits legal malpractice and/or attorney misconduct when securing through an invalid agreement with Attorney James Spurgetis "a limit" to the representation by Attorney Kahrs, "contrary" to Plaintiff's best interest.

3.3 Defendant Kahrs agreement with Attorney Spurgetis, "not to represent Plaintiff Blakely in the three Thurston County Superior Court lawsuits was an agreement to join an ongoing larger conspiracy to prevent Plaintiff Blakely from obtaining legal representation that would allow Plaintiff Blakely to regain control of his financial estate.(Ex.8 or 78,790 # 2)

3.4. Defendant Kahrs intentionally deceive the Courts by ignoring the mandates of "RCW 4.08.060" requiring the Plaintiff to be represented by 'loyal counsel' in the three Thurston County Superior Court Civil Rights injury lawsuits. ( Plaintiff's Declaration 4 of 9 Ex.# 4,2,12)

3.5 Defendant Kahrs intentionally deceive the Plaintiff and the Court of the legal fact that the Court's Order "limiting representation" that he relies on, necessarily requires an "incapacitated person" "finding", thereby raising the jurisdictional fact at 'issue' as to whether or not the dictates of Chapter 11.88 RCW had been followed by Defendant Kahrs. (Plaintiff Declaration 2,3,4,5,6,7,8, and Exhibit No."14")

3.6 It is a "material fact at issue as to whether or not Defendant Kahrs is fraudulently attempting to deceive this King County Superior Court into believing that he was unaware of the legal fact that a court order limiting attorney representation and requiring authorization of a court appointed trustee, (

(Ex.#2,15)(Kahrs' client-attorney contract) inherently creates an unethical and unconstitutional conflict of interest, by vehicle of ethical and fiduciary duty to make sure Plaintiff Blakely was represented by counsel during the three Thurston County Superior Court Civil Rights lawsuits.(Exhibit #1,2,3,4,5,6,7,8, 9, k 0137, 10,\*11\*,12,\*14\*, 15)

3.7 As Clearly and conclusively evidenced by the transcripts of the Thurston County Superior Court Civil Rights lawsuits proceedings that the trial Court determined that Blakely was competent and that he had a right to be represented by counsel, see:(March 18,2011)(page 7) Mr. D.J.Judge: Mr. Blakely is an able individual of 112 IQ who's capable of functioning, capable of thinking capable of going to the law library, and even as we had seen up until this week, capable of submitting submissions to the court with respect to amendments of the complaint. (February 1, 2013) (page 4) MR.BLAKELY:"And I would like to have Attorney Michael Kahrs carry on with this, but I have encountered some kind of problem even though he has been paid to take it on and to get my new expert declarations to support my mental and physical handicap. (January 25, 2013)(page 15) THE COURT: So when I say, Mr.Blakely, that you have the right to have an attorney file, what I'm saying is you have the right within ten days, but an attorney has the right within 21 days.

3.8 Material facts at issue are created by defendant Attorney Kahrs accepting \$35,000.00 from a "Special Care Needs Trust" to represent and "incapacitated person" in three Thurston County Superior Court Civil Rights lawsuits that had "MERIT", by receiving authorization from the "Special Care Needs Court" and the "Trustee James Spurgetis" to represent Plaintiff Blakely on appeal from the dismissal of said three Thurston County Superior Court Civil Rights lawsuits; adding substantial evidence of theft by fraud by Trustee Attorney Spurgetis and the "Special Person Care Needs Trust Court" authorizing \$8,500.00 of the \$35,000.00 to Attorney Kato to provide the legal assistance to Plaintiff Blakely that Attorney Kahrs refused to provide.(Ex.# 1,2,4,7,\*,\*137K

3.9 The foregoing inherently raises three genuine material jurisdictional facts at issue, to wit:

(A) Did the so-called "Special Person Care Needs Trust" Court ever lawfully obtain jurisdiction over Plaintiff Blakely's estate and assets as a "INCAPACITATED PERSON", WHEN AS HERE, the mandates of Chapter 11.88 RCW were not complied with, and Plaintiff Blakely was not given notice of, nor allowed to participate in, any of the proceedings depriving him of

him of control of his assets.

(B) Whether or not the Spokane Court had jurisdiction to create a "supplemental need trust" under provisions of 42 U.S.C. 1396 p(d)(4)(A)?

(C) Were the Thurston County Superior Courts required to assure that Plaintiff Blakely was represented by counsel in the three Thurston County Superior Court Civil Rights lawsuits after being made aware that Plaintiff Blakely was being deprived of his right to be represented by counsel based on a "Special Person Care Needs Turst" Court restricting said representation, thereby depriving the three Thurston County Civil Rights Court of competent jurisdiction to proceed.

Plaintiff's May 28, 2015, Verified Complaint for Legal Malpractice, Breach of Fiduciary Duty causing the Plaintiff substantial perpetual painful suffering and injury, has clear "merit" as defined in paragraphs 4.1 through 4.22, Decl. A1-9

3.10 In accordance with Kahrs' concealed client-attorney "contract" and his 4/30/09 letter (Ex.#1 & 2) create a substantial material issue of ethical "loyalty-DUTY OF CARE" to a clients' best interest. And even though paragraphs 4.1 through 4.22 are not properly stated as material issues of legal fact, they are issues of merit as a causation of injury by Defendant Kahrs not assisting Blakely in his 2008 Federal Complaint for deprivation of critically needed cyanocobalamin to prevent neuroleptic-catatonic seizures, Ex.# 10,11, K1177 & Decl. B10-19

In reference to Defendant's "B section" of (DMSJD) there is NOT a "loyal-ethical-client relationship, when a lawyer is extremely "obvious" in creating the legal documents to the Spokane County Superior Court for a "limited purpose of SELF-INTEREST" and not the interest of an injured ADA client! Exhibits # 1-15. All other lawyers, who obtained \$35,000.00 in advance would have properly prepared the three Thurston County Superior Court Civil Rights Injury Complaints, for their client. Blakely Declaration B10-19

Page 3 (DMSJD) <sup>line 18-19</sup> (1) states "the funds be held in an individual trust account for Mr. Blakely's benefit" line 22-23 "check for \$95,000. that he ~~benefit~~ into Blakely's trust account"...

Page 4 (DMSJD) Line 1-4, "... Before transferring money from the trust account for his services rendered, Mr. Kahrs submitted his billings for legal services on Mr. Blakely's behalf related to the post-conviction and medical matters to Spuryetis for approval."

Decl. A2-9

PLAINTIFF'S OPPOSITION TO DEFENDANT'S (DMSJD) 4 of

The Defendant is deceiving the Court, when the actual fact clearly shows his only billing of 5 years later of June 23, 2014. Exhibit No. 12<sup>9</sup> The Defendant's fee billing is almost four (4) years after Blakely's March 20 and October 5, 2009, serious injuries caused by correction officer misuse of excess force to a neuroleptic-catatonic Plaintiff. (Plaintiff's Declaration p1-9 exhibits attached) Prior to Kahr's 8/26/09 letter, Blakely had asked him to obtain expert neurologist Dr. Carlo Bellabarba, and by the time Kahrs retained Blakely's recommended second choice expert Dr. Raymond Singer, Summary Judgment had already been heard by the Court and the cases with merit were dismissed. Exhibit No. 3, 5, Decl. §§ 10-19

3.11 (DMSJD) page 4, extreme conflict arises, when Defendant Kahrs dictates and prepares his legal documents of "SELF-INTEREST" preventing him from representing Blakely in civil matters, but allowed him to assist Blakely with procedural matters, at the discretion of the trustee." This is contrary to Exhibit No. 1 Kahrs' client-attorney contract, and the facts that Blakely had already passed the procedure test in his 2007 Federal Civil Rights 42 USC §1983 Court Case, as is depicted by the Declarations, letters of (Exhibits 5, 6, 7, 8, 9, 10, 11 & Declaration) <sup>§§ 10-19</sup> The defendant Kahrs has misled the Court about "assisting Blakely on procedures" when Kahrs states repeatedly "ot obtain permission from Spungetis" shows conflict with the loyal-relationship with client Blakely. (DMSJD) page 5 line 17 is contrary to Exhibit No. 11 and his contract/ No. 7; Decl., §§ 10-19

3.12 (DMSJD Page 6, Plaintiff's Declaration paragraph 5, 6 supported by the exhibits No. 8, K 38, Affidavit of Espinosa, Cobos, and the second Recantation of Juarez-Trevino.; which had been gained before Defendant Kahrs hired and paid Kindred \$2,713.27 to get Juarez-Trevino to "withdraw his recantation" this created legal ethical misconduct by Lawyer Kahrs and his defense lawyer. (D20-23

Page 7 (DMSJD) line 1, 2 "...consequently, he filed no post-conviction motion or petition. Kahrs Decl., §13. This creates, conflict, self-interest, coverup of Defendant Kahrs self-interest, conspiracy, and fraud. Line 3-13 is extremely contorted to coverup Defendant Kahrs legal malpractice. Decl., §3, D28, 29  
PLAINTIFF'S OPPOSITION TO DEFENDANT'S (DMSJD) 5 of

Defendants' (DMSJD) page 7, line 6.7 "Dr. Singer's report to challenge his conviction is contrary to Blakely Declaration ¶5, K38, Exhibit No.8 and shows conflict. In addition, line 10-13 are ridiculous, and contrary to the fact that Blakely attempted to call Dr. Singer several times of no avail. K 0137 Kahrs clearly noted for Singer not to do any more work. Exhibit No.9. vs. No.8 (D)

Defendants' (DMSJD) (2) is contrary to Blakely's Federal 42 USC§1983 lawsuit attempting to obtain daily cyanocobalamin (B12) to prevent neuroleptic-catatonic seizures; which caused Blakely to fall with head stitches June 2008, then March 20, 2009 to fall down dining hall stairs (transported to Valley General Hospital MRI-X-Ray broken rib, collar bone,, hematoma). Defendant Kahrs refused to compel the Department of Correction under the Offender "Paid" Health Care Plan to allow Blakely to purchase his dialy cyanocobalamin, and spinal decompression. Blakely Declaration E 29 Exhibits 9,10,15 Consultant's Wendies examination of medical records was a ploy for Kahrs financial enrichment and to do nothing for Blakely.

Blakely's Declaration pages 8 and 9 explains the relevancy of Kahrs breach of fiduciary duty, care, and legal malpractice causing injury upon injury to the Plaintiff.

### III. OPPOSITION TO STATEMENT OF ISSUES

1. In a summary judgment Motion, the Defendant Kahrs bears the initial burden of showing the absence of an issue of material fact. *Laplante v. State*, 85 Wn. 2d, 154, 158, 531 P.2d 299(1975) At this point the Plaintiff has shown sufficient genuine material issues of fact and disputed issues ignorance, mistake trust, fraud, concealment, omissions, evasive answers, and misrepresentation. (INDPA) *Vanderveen*, 166 Wn2d 594, 615, 211 P.3d 1008(2009); *Anderson v. Dussault*, 181 Wn 2d 360, 365, 333 P.3d 395(2014); *Young v. Key Pharmaceuticals*, 112 Wn 2d 216, 225n4 770 P.2d 182(1989) The Plaintiff's Declaration supported by the attached 1-15 exhibits makes a prima facie showing on all the elements of his **cause of action**. Therefore, Defendant's (DMSJD) should be denied, and the Plaintiff's Order to

compel production of legal documents and "non-evasive answers should be granted instead of Defendant's Motion for summary judgment. (IMDPA) Jones, 182 Wn 2d 17, 34,35,40-45,338 P 3d 842(2014) the Defendant failed to comply with discovery, as Omission is regarded as failure to comply Jones at n40,44,47.

2. According to the Plaintiff's exhibits Nos.1-15,\*14\* and Many supporting Declarations of genuine material facts of breach of fiduciary contract "DUTY" and care to the "benefit of Blakely" and other reasonable inferences must be considered in light most favorable to the "non-moving party" Plaintiff Blakely.

The Defendant has not complied with "discovery CR 37" to produce a copy of Attorney-client Contract in relation to Exhibit No. 1, 2,14.(IMDPA) Jones , 182 Wn 2d 17,34,35,40; Keck v. Collins, No.90357-3(2015)al; Cr 56 Wilson Court Ltd. P'ship v. Tony Maroni's Inc. 134, Wn 2d 692,693,952 P.2d 500(1998).

The Defendant's (DMSJD is misleading the Court and contorts the true facts; Plaintiff Blakely has made a prima facie showing on all the elements of his cause of action, that Defendant Kahrs breached his contract of "loyal duty and care to benefit Blakely" Exhibits Nos. 1,2,K113,3,4,5,6,7,\*8\*K38\*9,K137,K117,11,12,\*14\*,15.

Defendant Kahrs also violates the Consumer Protection Act RCW 19.86 as is supported by Exhibit No. 1,2,K117,\*11\* Taylor v. Bell, 185 Wn App.281-289; 133 Wn. 2d 1012,352 P.3d 188 (2015) n41 16, 20; fn 1-7,.15

3. Defendant's Motion for Summary Judgment is fundamentally flawed in reference to page 4 "C" creates a highly disputed issue" to assist Mr. Blakely with procedural matters at the discretion of the Trustee! Then line 14 states "Mr. Blakely filed many lawsuits as a pro se litigant. . ." This Statement clearly states that Blakely did not need Kahrs assistance with procedural matters at the discretion of the Trustee." Creating a genuine issue of factual "DISPUTED MATERIAL FACTS" , (IMDPA) Abele, (2015) 184 Wn 2d 1,7 overview: (IMDPA) Marshall, 160 Wn 2d 317,330, 157 P.3d 859(2007) Therefore, (DMSJD) must be denied !!

The Defendant's Motion for Summary Judgment cannot be granted, when highly "DISPUTED" material facts are present, according to Defendant's Reply on Motion For Summary Judgment Dismissal of 11/16/15. Page 2 line 14-16, "He both received advance permission from the Trustee to disburse and return all remaining funds upon termination of the attorney-client relationship with Plaintiff."

This creates a highly "DISPUTED" material issue in lines 19-22 of page 2. "In short, Mr. Blakely can show no set of facts to defeat summary judgment because he cannot meet his burden of production on each essential element of his causes of action." "Mr. Kahrs did not represent Mr. Blakely on his civil matters" he had no duty of care to Mr. Blakely for those matters, and Mr. Blakely sustained no damage from any act or omission by Mr. Kahrs"

Plaintiff's Complaint page 2 § 4.4 "December 4, 2009, as advanced payment to Kahrs to prepare and file two assault, medical malpractice injury complaints. And also to prepare and file a complaint for recovery of Blakely's legal documents and manuscript." §4.5 August 26, 2009 Lawyer Kahrs went through the legal documents, to compile 14 Medicaid ailments, ...refused to represent Blakely's Federal Right Complaint USC 42 § 1983 medical malpractice Complaint." Exhibits Nos. 1,2,3,5,K113,K38,,K117\*,11\*,12,13,14\*,15

The Defendant's omission and failure to produce a copy of client-attorney contract, along with ~~high~~-evasive answers to interrogatories and the non-production of criminal case documents from trial lawyer Robert Cossey and Blakely's proposed writ of habeas corpus documents constitutes concealment as a "disputed issue" before this Court. Anderson v. Dussault, 181 Wn 2d 360,368,333 P.3d 395(2014); (IMDPA) Vanderveen, 166 Wn 2d 594,615,211 P.3d 1008(2009); (IMDPA) Marshall, No. 200,302-8(2007) n50 Concealment of the fee arrangement Standard 5.1 governs an attorney's failure to maintain personal integrity in a situation where the attorney seeks to "deceive" someone other than the court or his client. Kahrs' attorney-client fee billing of 5 years after receipt on June 23,2014 is substantial proffered evidence to support the Plaintiff's Complaint of legal malpractice, and breach of fiduciary duty and care for the "benefit of Blakely" Exhibits No. 1,2,11,14,15. Alexander v. Sanford, 161 Wn.App 135,140, 325 P.3d 341,351 n2,58,89 (2014).

In a Summary Judgment Motion, the burden is on the moving party (Defendant Kahrs) to demonstrate that there is no genuine issue as to a material fact and that as a matter of law. Hartley v. State, 103 Wn 2d 768,774(1985).

#### IV. EVIDENCE IN OPPOSITION TO DEFENDANT'S (MSJD)

Plaintiff's nine page declaration supported with 15 Exhibits of other Declarations showing Blakely being wrongfully convicted and actually innocent, that were received before the Defendant, against the Plaintiff's permission, and in conflict to licensed Detective Mario Torres's attempts to verify such recantation Affidavit had already been obtained from Juarez-Trevino on the promise that it would not be used until Trevino had new identity in Mexico. (Exhibit 28, E 38) That Defendant Kahrs creates a "highly disputed issue" of his fee billing of \$ 16,000.00 (more or less) for questionable post--conviction investigation. (When all had been accomplished by Torres, Cobos, Espinosa, and a proposed Writ of Habeas Corpus had been mailed to Defendant Kahrs.

September 10, 2009, Stafford Creek Correction Officers Getchel, Newbery, Whaley improperly seized (7) of Blakely's legal document boxes containing a (50) page brief supported by the Notorized Affidavit of Robbie Juarez-Trevino's Recantation. (Plaintiff's 1st Exhibit No. 12 IS I Investigator Whaley's Declaration and search report)

*stich ?*

NOW SINCE, Defendant Kahrs page 12, lines 14-21 makes a material issue as fact to lines 5-11 in opposition to the essential elements of a claim for legal malpractice. "(1) The facts show that Mr. Kahrs had no DUTY to represent Mr. Blakely in his various civil matters ... (2) Mr. Kahrs' investigation on Mr. Blakely's BEHALF failed to yield sufficient evidence to pursue post-conviction relief for him; ("THIS highly DISPUTED ISSUE as described above shows fee billing fraud")

*Manks v. Grace, et, al. 167 WnApp. 542, 273 P.3d 1029 (2012) No. 66071-3-1 Breach of contract, and violation of the Consumer Protection Act. RCW 19.86*

*Stiley, III v. Black, 130 Wn2d 486; 925 P.2d 194 (1996) (nature of action)*

During 2009, Plaintiff mailed to Defendant Kahrs a proposed Writ of Habeas and copy of Blakely's 3/5-9/05 Verbatim Report and a request for him to communi<sup>46</sup> with licensed Detective Mario Torres. Defendant Kahrs, later contacted unlicensed investigator Taylor Kindred, paying him \$2,713.00 to have Juarez-Trevino to

investigator Taylor Kindred, paying him \$ 2,713.27 to influence Juarez-Trevino to withdraw his Affidavit of Recantation. (Exhibit Blakely Declaration p2, ¶6 Ex.No.8\* Declarations of Trevino, Espinosa, Ignacio Cobos, correlated with (RP 629-652) clearly showing Blakely is innocent and wrongfully convicted. That Defendant Kahrs was not asked to re-investigate, but to review Blakely's proposed Writ of Habeas and to submit it to the Court. Attorney Kahrs created a conflict of interest as shown by Exhibit No.K 38 letter of Mario Torres, and four page Declaration of Ignacio Cobos and others. Rickman v. Prater Blue Cross No. 91040-5(2015)n6,8,9,31/fn3; Anderson v. Dussault, 181 Wn.2d360,333P.3d395(14) (TEDRA) RCW 11.96A070; n23/fn2; (INDPA) Hall, 180 Wn.2d 201,322 P.3d 795(2014) /fn3,n1 at823,n5,12,n15,n19; (INDPA) Jackson, 180 Wn.2d 201,322 P.3d 795 (2014) n56, Due Process of law, the appearance of fairness doctrine.(see nine page Blakely Declaration supported by 15 Exhibits of genuine material facts and Declarations, supporting legal malpractice, breach of fiduciary (DUTY OF CARE)).

ADDITIONAL, Defendant Kahrs page 12,lines 14-21(3)"Mr.Kahrs investigation into the treatment Mr.Blakely was receiving in prison indicated it was timely and appropriate." This is "contrary" to Kahrs letters(Blakely Decl.¶¶ 2-5,8,813-19 (Exhibits #4,5,6,7,14,15) (The B-10 through G-35 of Blakely Declaration is correlated with replying to Defendant Kahrs Motion for Summary Judgment(DMSJD)).

After Mr. Kahrs was terminated May 2014, Blakely was able to obtain a critically needed perscription for daily 500 Mcg cyanocobalamin(b12) from Dr.Raymond Singer corroborated by medical director Dr. Stuart Andrews to prevent neuroleptic catatonic-apraxia seizures, fatigue, loss of balance. This could have been accomplished in 2009 and 2010. The Blakely medical records will show (Exhibits#5,6,7, 3,15) that Blakely made too many requests for effective B-12 medication. Blakely's 2008 Federal 42 USC §1983 Complaint against Dr.John D. Kenney was on the deprivation of B-12 deficiency causing neuroleptic-catatonia, as Kahrs 1/26/10 letter, "I cannot help you on your Ninth Circuit Case."K117 This is a conflict of DUTY.

conflict of DUTY OF CARE to Mr. Blakely, p2, l 21; conflicts with Line 14-16  
...B"upon termination of the attorney-client relationship with Plaintiff" when  
receiving advance permission from the Trustee, "for Blakely's <sup>side</sup> benefit" ??  
"Kahrs did not represent Mr. Blakely on his civil matters" (see the concealed  
Kahrs-Blakely 2009 client-attorney contract and (K93,94, K Kahrs <sup>Ex</sup> letter charg-  
\$200.00 per hour). "Blakely sustained no damage from any act or omission by Kahrs"?  
Dwar v. Smith (2015) 342 P.3d 328, 185 Wn.App. 544 Evidence supported finding breach  
of fiduciary DUTY and contract agreement of duty of care (for <sup>Sole</sup> Benefit of Blakely  
Ex 2) and reliance elements of negligent misrepresentation is a material issue  
of fact (K93,94 showing self-interest) with Judge Tompkins notation for the  
<sup>side</sup> benefit of Blakely) The misrepresentation is a cause in fact and legal causation  
of injury upon injury to Blakely. n2, 14, 15, 45; Taylor v. Bell, No. 70414-1-I (2014)  
Smith v. Preston Gates Ellis, LLP, 135 Wn.App. 859, 864 (2006) cause in fact refers  
to the "but for" consequences of Kahrs deliberate procrastination to contract  
the real expert Dr. Carlo Bellabarba, 6/26/09 and/or Dr. William Landau (Ex 6/  
Neurologist Neurologist  
15, K117) was in conflict with non-expert nurse Wendle. (INDPA) Marshall. No. 200,  
302-8 (2007) n 55 misrepresented the content of the records and demonstrated a  
manifest of bad faith and concealment of "fee arrangement" failure to maintain  
personal integrity seeking to "deceive client Blakely, and the Spokane Court. K93,94  
Strickler v. Greene, 527 U.S. 263, 288 (1999) fairness of proceedings as omissions  
is to "concealment" and false advertising (Exhibit No. 11 v.1) Does not require  
a showing.

Page 12-13, in the "interest of client" Ex. K93,94 was drafted in the "SELF-  
INTEREST" and enrichment of Attorney Kahrs and NOT TO THE <sup>Sole</sup> "BENEFIT OF BLAKELY"  
to recover his "NOTORIZED RECANTATION AFFIDAVIT OF Robbie Juarez-Trevino and  
Blakely's 50 page brief that would have exonerated Blakely in 2009 <sup>5</sup> of a wrong-  
ful conviction. Attorney Kahrs had and created a "DUTY-CLIENT-ATTORNEY" contract.  
(Exhibit No. 1, 2, K93,94) but conceals the contract.

where there is a "highly disputed material issue of omission, concealment, attorney-client contract," the Defendant's Motion For Summary judgment Dismissal should be dismissed . When there are many disputed issues the Defendant's (DMSJD) must be dismissed. State v. A U Optronics Corp, <sup>4/24</sup> 180 903,920-25,328 P.3d 919(2014) Factual dispute as to whether non-disclosure was essential to effective law records were presumptively subject to disclosure. RCW 42.56.240(10)

Defendant Kahrs, (DMSJD) page 13 has not proffered a non-deceptive genuine issue of material fact as his burden. Atherton Condo-Apartment Owners Ass'n of Directors v. Blue Bev. Co. 115 Wn.2d 506,516,799 P.2d 250(2015) A material fact of "dispute" is one upon which the outcome of the litigation depends in whole or part, Atherton at 516. Page 14 line 4-16, Kahrs clearly shows "conflict" "self-interest" deceiving the Spokane Superior Court and NOW the King County Superior Court\*Trustee to "rescue" Mr. Blakely when three court of appeals cases in his civil rights matters ("were dismissed") and MANDATED based on Kahrs deliberate deception." When Kahrs collected \$35,000.00 advance fee for the purpose of preparing and filing the original verified complaints in Thurston County Superior Court, which would have prevented an appeal and dismissals. Exhibits.1-7,11, X Kahrs performed AFTER THE Court of Appeals sanctioned Blakely and dismissed ! Kahrs deceived a vulnerable client December 3,2009 ORDER prepared by him in his "self-interest" to deceive the Spokane Court. Anderson v. Dussault, 181 Wn 2d 360 368,333 P.3d 395(2014) An inadvertent non-disclosure of evidence has the same impact on the fairness of the proceedings as deliberate concealment. Duties and obligations of an attorney to integrity, and loyalty. (IMDPA) Marshal, No.200,302-8(2007) n 50 dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on a lawyers "self interest" and deception to a client. (IMDPA, Petersen No. 10313(1993) ethical obligations to client.(IMDPA) Selden, No 13316 (1986) misappropriation concealment tolling discovery.(IMDPA Noble,100Wn2d88(83)

V. Mr. Kahrs did not get Trustee's approval to charge over \$500.00 to visit Blakely January 29, 2010, (1/31/10 Invoice) has knowledge of RCW 4.08.060 GAL!!!  
Supra p2, §§ 3.2-3,5 and Exhibit No. 14

omit  
A. The Spokane County Superior Court (RCW 4.08.060) approved disbursement of Blakely's trust funds to Attorney Michael Kahrs without proper Notice to Ralph Howard Blakely. The proposed mischaracterized "devious" Court Order was intentionally DRAFTED BY MR. KAHR'S K 93,94 as Judge Tompkins adds to the <sup>SOLE</sup> benefit of Blakely ? ?

1. (DMSJD) page 15, "with the Trustee's approval." and against Plaintiff's objection\* (K33, Ex.#8) Kahrs hired an "unlicensed investigator Kindred, who was WORKING FOR THE GRANT COUNTY PROSECUTOR (see Ex.\*8 letters and Affidavit of Ignacio Cobos)\* K 38 Kahrs refused to communicate with Blakely and Washington licensed Detective Mario A. Torres. K 38 Ex.No.8

a) Unlicensed investigator interviewed Mr. Juárez, 3/11 in an attempt to have Robbie Juárez-Trevino withdraw his recantation. (See Affidavit of Cobos, Espinosa, Blakely correlated with 3/9/2005 Verbatim Report RP 630-652 | | |

b) Kahrs "repeatedly" states " his trial testimony that Mr. Blakely offered to pay him \$40,000 each to kill Mr. Blakely's wife and daughter was truthful."

§  
NOW THEN, according to the true Washington Department of Correction "inmate placement records" clearly showing Blakely being in a different prison at the specific time, date of Juárez-Trevino's communicated offer of solicitation with Mr. Blakely \*\*October ? to December 18, 2002\*\* (\*RP 629-640,645-652) Exhibit No. 8 The Transcript is very clear and corroborated with "inmate placement records" that Blakely absolutely did not communicate with Trevino. Cobos and Espinosa had an agreement with Trevino, not to use the Recantation Affidavit until Trevino had new identity in Mexico.

c) page 15, the contorted lines 19-23 is inconsistent with Blakely's critical need of a Neuropsychologist, Neurotoxicologist Dr. Raymond Singer before MAY 2010 filing of the two officer assault civil rights complaints. Kahrs refused to hire Dr. Carlo Bellabarta 8/26/09 and procrastinated in hiring Dr. Singer only TOO LATE after the two civil rights cases were dismissed causing injury upon injury.

(DMSJD) page 16 is contorted to fact that Blakely attempted to communicate with Dr. Singer and of no avail, because the two assault civil rights complaints on the issue leading to medical negligence had already been dismissed due to lack of expert neuropsychologist report, as a deliberate delay by attorney Kahrs, as a "disputed issue" clearly shown by actual dates of Thurston County Court dismissals.

Blakely's reply to p.16, <sup>(DMSJD)</sup> ¶ 3 is contrary and inconsistent "within the context"

Blakely was opposed to nurse Wendle's evaluation compared with that of an expert Dr. Carlo Bellabarta, Neuroscientist William Laundus, and/or Neuropsychologist John Miller, Dr. David Perlmutter on the deficiency of cobalamin leading to the loss of balance, fatigue, neuro-synaptic-dendrite-axon-myelin-sheath short-circuit lack of mental and physical stamina and much more, when history of working with highly toxic chemicals. (( Kahrs' self-interest could not provide Blakely with a \$ 9.00 years supply of cyanocobalamin when he fabricates a bill for \$26,400.00 ))

which for three years has prevented neuroleptic-catatonic-apraxia seizure and heart and legl MUSCLE SPASMS which I have used sparingly as critically needed! Defendant Kahrs arguament has no merit to support his (DMSJD), therefore it must be denied, based upon disclosure of contract, improper proposed Spokane County Court ORDER K 93,94 without notice to Blakely RCW 4.08060, and in the self-interest of Defendant Kahrs.

KD 5/16 8/25 9-20-10  
2 9-10  
(DMSJD) page 17, Misrepresentation arises, "the end of 2010, Mr. Kahrs had fulfilled his duties under the court's order (KAHRS SELF-INTEREST ORDER) to investigate the medical care Mr. Blakely was receiving." This mischaracterizes a material issue of fact that KAHRS 2013 letters on the critically needed cyanocobalamin supported by the Declarations, letters of Christensen, Peralta, Valhora, Morgan. Exhibits No.3,4,5,6,7, 15 K \_ \_ \_ This shows deliberate conflict, omission, concealment, and genuine material issue of facts for (DMSJD) to be deleted. (INDPA) Vetter, 104 Wn2d 779(1985); (INDPA) Noble, 100 Wn.2d 88(1983); (INDPA, McGarh (2013) 308 P.3d 615, 619, 178 Wn.2d 280, 289(

4. (DMSJD) Kahrs Decl., Ex. 13; K156 letter; (5) five years concealment billing, and now considering filing a lawsuit to compel (DOC) to Allow Blakely to purchase (B-12\_ cyancobalamin after Blakely's Federal 2006 lawsuit on that subject, that Kahrs refused to assist Blakely Ex 6K117\*. NOT Kahrs 10/22/15 Declaration of clearly states practicing in Federal and Ninth Circuit Courts, representing prisoners, and (emphasis " I am a member of CIA panel for WDC of wh. qualified to represent person in federal habeas Corpus actions." And he received \$35,000.00 up front to file the proposed Blakely Writ of Habeas (5) five years ago, but has no prevailed on the Carter, Weber, and 12 other cases. I strongly believe that Kahrs is attempting to coverup negligence, legal malpractice, breach of fiduciary, and has created injury upon injury to Blakely and his (DMSJD) should be DENIED ! Inconsistencies of Kahrs Decl. Ex. K149, 1/15/14; K156, 5/10/14 and K128, 2/28/11 " I generally do not take medical cases because they are extremely complex and require resources that I don't have.. I have done some research into apraxia" after Blakely had and was forced to prepare and file his own Civil Rights complaints after paying Kahrs \$35,000 in advance is a material issue at fact fraud, before this Court as a DISPUTED ISSUE. Kahrs fulfilled his "self-interest enrichment" in the financial exploitation innocent adult age 79.

C. (DMSJD) page 17 Plaintiff has shown several prima facie "HIGHLY DISPUTED" material issues of facts, legal malpractice, negligence, concealment, evasive answers, deliberate improper preparation of Spokane Court Order K 93,94 without Notice to Blakely. RCW4.08.060 for the Defendant's "self-interest enrichment in the financial exploitation of an innocent adult. Exhibit No.2

At this time a Plaintiff's prima facie DISPUTED material issues of facts are not before a judge, but for the preponderance of the evidence to the fact finding jury. **Douglas v. Visser** No. 67242-9-1(2013) fraudulent concealment, negligence, misrepresentation, violation of Consumer Protection Act RCW 1986, Ex.No.11, breach of fiduciary duty of care, (Judge Tompkins notation to K 93, 94 ("SOLEY FOR THE BENEFIT OF Mr. Blakely") creates a prima facie DISPUTED issue a denial of the Defendant's Motion for Summary Judgment Dismissal (DMSJD) PLAINTIFF'S OPPOSITION TO DEFENDANT'S (DMSJD) 15

A material issue of fact arises, when Defendant Kahrs prepares a proposed Court ORDER that is "devious" and Judge Tompkins(K 93.94) has to make a special notation ("SOLELY for the benefit of Mr. Blakely") "but for" over (5) five years absolutely receives **\*\*NO benefit\*\***( not even \$9.00 supply of critically needed 500 Mcg cyanocobalamin) (nor \$9.00 a month for a new typewriter ribbon) AND after five years received an attorney fee billing 6/27/14, for \$26,400 of \$35,000.00 creates a third material issue of fact of concealment of Attorney-client 2009, contract. HAS \$ 26,400.00 over five years been ("exclusively" for the benefit of Mr. Blakely") Mr. Blakely'

ly would not experience the horrific torture of neuroleptice-catatonic seizures and heart spasm attacks. But this is not a material issue of fact for medical care.

When MacDonald, Hoague, Bayless, now (15-cv-1310 PAJ-MAT) file a class-action lawsuit against Washington (DOC) Dr. Steven Hammond and Secretary Dan Pacholke for inadequate medical supplied (FRCP 23(a)1-4) to Inmates and Blakely. This clearly states that Kahrs' expert nurse Wendle is erroneous and wrong, about Blakely receiving adequate medical care.(Kahrs Decl p375 is contrary to a genuine material issue of fact, when Dr. Singer was not to provide any other service, and when Kahrs was terminated; Blakely received (Exhibit 15 a report and the critically needed perscription for cyanocobalamin) Kahrs never advised Blakely in the procedure of any civil nor criminal matters as explained supra. Defendant Kahrs Declaration is misleading the Court that he had to get permission from Trustee Spurgetis, when after five years he sends Blakely a fee bill of \$26,400 for his self-interest financial enrichment, depriving Blakely of Judge Tompkins(K93-94) NOTATION("solely for benefit of Mr. Blakely") Kahrs did not get permission for charging Blakely \$560 for 1/29/10 visit. (K 066) Cotton v. Kronenberg, et.al 111 Wn.App.258,44 P.3d 868(2002);148 Wn2d 1011,62 P.3d(2003)breach of fiduciary duty, legal malpractice violation of Consumer Protection Act, and conversion.

Defendant's (DMSJD) page 18 and Kahrs' Decl are misleading the Court, when Plaintiff has presented prima facie genuine issues of material fact, concealment contract, evasive answers, lack of production of documents by the Defendant.

A. Standard of review by the Court focuses on the Defendant showing a prima facie of elements; which the Defendant has not accomplished. Therefore the Court must view all facts and reasonable inferences to be considered in light most favorable to the Non-moving party (Plaintiff Blakely) and all questions of law are reviewed de novo. Cr 56 The Defendant's Motion for (DMSJD) should be denied. *Surreal v. Pong's Corp. Inc.* 117 WnApp.33, No.49653-1-I(2003); *Issaquah Educ. Assoc. v. Issaquah School Dist.* 104 Wn 2d 443 based on contract, duty the (DMSJD) must be denied. *Bremer v. Mt.Vernon Sch. Dist.* 34 Wn. App.192(1983) alleging breach of contract, conflicting Declarations creating a disputed material issue of fact.

1. Defendant Kahrs evasive answers to interrogatories, refusing to produce legal documents as he requested in exhibits K 65-91 (billing review) Kahrs has refused to mail the Plaintiff all "e-mail documents to and from spurgetis, letter to Superintendent Warner 2/16/14 ; letter to Dr. Hammond, copy of NOA Motion, 1/14/14. (IMDPA) *McCarthy*, 178 Wn.2d 280,288,(2013) had the duty to disclose material facts at issue; omissions, concealment are material issues of fact prohibiting a Defendants' Motion for Summary Judgment. *Jackowski v. Borchelt, et.al.* 174 Wn 2d 720, 278 P.3d 110(2012) negligent misrepresentation and breach of contract, breach of common law fiduciary duties, fraudulent concealment, that remains a genuine material issue of fact of contract concealment. *Bowen v. Corporate Prop. Investors*, No. 36582-7-1; 35 Wn.App.1076(1997) n IV (A) disabilities RCW 4.16.190; RCW 11.80 (B) concealment of contract CR 15(c) knew or should have known *White v. Jones v. Manville Corp.* 103 Wn2d 344,348; 693 P.2d 697(1985); There is a genuine Material Issue of Material fact as to whether Defendant Kahrs concealment of contract documents tolls statutes of limitations to initial injuries. RCW 4.06.020(4); RCW 4.16.090(2) *In re Estate Richard* 118 Wn2d 737(1992)

2. November 2009 Defendant Kahrs prepared the (proposed order) for Superior Court Judge Tompkins to sign December 3, 2009. Judge Tompkins made a notation (K 93.94) ("\$35,000.00 to be held by Mr. Kahrs in an individual trust account \*\*SOLEY FOR THE BENEFIT OF MR. BLAKELY\*\*) generates a material issue of fact, when five years later Kahrs presents a \$26,400.00 fee bill for attempting to have Blakely's critically needed daily cyanocobalamin medication restored. And Kahrs failed to assist Blakely under the (DOC) Offender Paid Health Care plan during 2011, 2012, 2013 to purchase a \$9.00 years supply of cyanocobalamin.

a) Defendant Kahrs has been in contempt of "not presenting discovery of all "disbursed requests to be presented to trustee ahead of expenditure 'e-mail" is approved communication media special circumstances be brought to the court." (Ex. X 66'1/29/10 fee billing for \$ 560 unrequested visit with Blakely was never 'e-mailed' and was not for the benefit (exclusively) of Blakely, but for his to visit Allan Parmalee) When all Blakely has requested is a \$9.00 yearly supply of critically needed cyanocobalamin and a typewriter ribbon instead of recycled ones from other inmates.

b) Defendant Kahrs creates a genuine material issue of fact, by NOT communicating with licensed Detective Mario Torres, Ignacio Cobos to their thorough preparation showing a wrongful conviction of an innocent person by a vindictive prosecutor out to retaliate. Blakely v. Washington 542 U.S. 290(2004)

#### VI. PLAINTIFF'S OPPOSITION TO (DMSJD) SHOULD BE DENIED - CONCLUSION

BASED UPON Plaintiff Blakely presenting material issues of facts in a prima facie manner supported by genuine material exhibits and authorities, statutes, concealment of documents, evasive discovery creates "DISPUTE" !

THEREFORE, Plaintiff Blakely motions this Court for an Order dismissing the Defendant's (DMSJD) as denied in its entirety with prejudice.

Dated January 5, 2016. *Ralph Howard Blakely* 517495  
SCCC H 1 A 19; 191 Constantine Way; Aberdeen, WA 98520-9504

# EXHIBIT 38

Ex 38

Judge: Laura C. Inveen #48  
Hearing: 1/22/16/11:00am  
Telephonic Hearing:  
360 537 1800 1923 1936  
C 203

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING

RALPH HOWARD BLAKELY,  
Plaintiff,  
vs.  
MICHAEL CHARLES Kahrs, et al.,  
Defendants

NO. 15-2-12980-5 SEA  
NOTICE FOR HEARING  
SEATTLE COURTHOUSE ONLY  
(Clerk's Action Required ) (NTHG)

TO: THE CLERK OF THE COURT and to all other parties listed on Page 2:  
PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the calendar checked below.

Calendar Date: 1.22.16 Day of Week: Friday

Nature of Motion: Plaintiff's OPPOSITION TO Defendant's (DMSJD)

CASES ASSIGNED TO INDIVIDUAL JUDGES - Seattle

If oral argument on the motion is allowed (LCR 7(b)(2)), contact staff of assigned judge to schedule date and time before filing this notice. Working Papers: The judge's name, date and time of hearing must be noted in the upper right corner of the Judge's copy. Deliver Judge's copies to Judges' Mailroom at C203.

Without oral argument (Mon - Fri)  With oral argument Hearing  
Date/Time: 1/22/16/ 11:00am  
Judge's Name: Laura C. Inveen Trial Date: 5/23/2016

CHIEF CRIMINAL DEPARTMENT - Seattle in E1201

Bond Forfeiture 3:15 pm, 2<sup>nd</sup> Thur of each month  
 Certificates of Rehabilitation- Weapon Possession (Convictions from Limited Jurisdiction Courts)  
3:30 First Tues of each month

CHIEF CIVIL DEPARTMENT - Seattle -- (Please report to W864 for assignment)

Deliver working copies to Judges' Mailroom, Room C203. In upper right corner of papers write "Chief Civil Department" or judge's name and date of hearing

Extraordinary Writs (Show Cause Hearing) (LCR 98.40) 1:30 p.m. Tues/Wed -report to Room W864  
 Supplemental Proceedings (1:30 pm Tues/Wed)(LCR 69)  
 DOL Stays 1:30 pm Tues/Wed  
 Motions to Consolidate with multiple judges assigned (without oral argument) (LCR 40(b)(4))  
**Non-Assigned Cases:**  
 Non-Dispositive Motions M-F (without oral argument).  
 Dispositive Motions and Revisions (1:30 pm Tues/Wed)  
 Certificates of Rehabilitation (Employment) 1:30 pm Tues/Wed (LR 40(b)(2)(B))

You may list an address that is not your residential address where you agree to accept legal documents.

Sign: Ralph H. Blakely Print/Type Name: \_\_\_\_\_  
WSBA # 817995 (if attorney) Attorney for: \_\_\_\_\_  
Address: \_\_\_\_\_ City, State, Zip \_\_\_\_\_  
Telephone: 360-537-1800-1936 Date: 1/22/16

DO NOT USE THIS FORM FOR FAMILY LAW OR EX PARTE MOTIONS.

DECLARATION OF MAILING

LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE

Name ~~King County Superior Court Clerk~~  
Service Address: ~~516 Third Ave E609~~  
City, State, Zip ~~Seattle, WA 98104~~  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

Name ~~King County Superior Court Judge~~ **Laura C. Inveen #48**  
Service Address: ~~516 Third Ave. Rm C 203~~  
City, State, Zip ~~Seattle, WA 98104~~  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

Name ~~Susan K McIntosh Forsberg & Umlauf~~  
Service Address: ~~901 Fifth Ave. Suite 1400~~  
City, State, Zip ~~Seattle, WA 98164-1039~~  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

IMPORTANT NOTICE REGARDING CASES

Party requesting hearing must file motion & affidavits separately along with this notice. List the names, addresses and telephone numbers of all parties requiring notice (including GAL) on this page. Serve a copy of this notice, with motion documents, on all parties.

The original must be filed at the Clerk's Office not less than six court days prior to requested hearing date, except for Summary Judgment Motions (to be filed with Clerk 28 days in advance).

THIS IS ONLY A PARTIAL SUMMARY OF THE LOCAL RULES AND ALL PARTIES ARE ADVISED TO CONSULT WITH AN ATTORNEY.

The SEATTLE COURTHOUSE is in Seattle, Washington at 516 Third Avenue. The Clerk's Office is on the sixth floor, room E609. The Judges' Mailroom is Room C203.

I certify Mailing of Plaintiff's 18 page Opposition to Defendant's (DMSJD) supported by 9 page declaration of 15 exhibits

*12/24/15  
Ralph H. Blahely 817995  
SCC 111A19*

Judge: Laura Invern  
Exidite:  
Hearing: 1/22/2015  
Telephonic Hearing

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

RALPH HOWARD BLAKELY,  
Plaintiff,

vs.

MICHAEL CHARLES KAHR, et.al.,  
Defendants.

No. 15-2-12080-5 SEA  
PLAINTIFF'S DECLARATION IN  
SUPPORT OF OPPOSITION TO THE  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT DISMISSAL  
LCR 7

1. Ralph H. Blakely, age 70, as an inexperienced litigator, am unable to compete for Due Process of equality in opposition to "three" highly skilled lawyers with unlimited resources.

2. The genuine material issue of fact arises, when a lawyer takes or accepts \$35,000.00 from the client under devious pretense, and then after five years of absolutely no results, nor benefit to Blakely; prepares a Lawyer fee billing. Exhibit No. 2 <sup>Ex 14</sup>  
<sub>Ex 12</sub>

Now, Kahrs evades the interrogatory of "what benefit or result" did Mr. Blakely receive from the Lawyer fee billing of \$ 25,400.00 that has been deducted from the \$35,000.00 ? Exhibit No. 2 <sup>Ex 14</sup>  
<sub>Ex 11</sub>

<sup>Ex 5, 6, 7, 9</sup>  
<sub>Dates</sub> - 3. The too many letters and declarations of Blakely's friends clearly show that Lawyer Kahrs did not assist Mr. Blakely in obtaining medical care in prison for his various civil medical malpractice and assault Complaints. Exhibit #0 <sup>5, 6, 7, 9</sup>

Based upon genuine material facts, That Blakely has not received a \$9.00 yearly supply of 500 Mcg. (B-12) because Lawyer Kahrs breached his "contract" to obtain a perscription from "expert Neuropsychologist Raymond Singer, "WHO was hired by Blakely, but Lawyer Kahrs procrastinated in making a retainer fee to Dr. Raymond Singer, when it was too late for Dr. Singer's report to support Blakely's two medical Malpractice and Assault Verified Complaints. The 500 Mcg (B-12) would have prevented Blakely's neuroleptic-tatonic seizures, and medical officer assault. Exhibit No. 9 and #K137 <sup>Ex 15</sup>

4. Lawyer Kahrs created "conflict" for Blakely by making a special note to Dr. Singer's agreement, "that he will not do any work beyond what he has a retainer without prior agreement with Michael Kahrs." This stopped Blakely from obtaining

This stopped Blakely from obtaining a prescription for 500 Mcg daily (B-12 that would have positively prevented Blakely's loss of Balance, eye sight and more.. Exhibit No. 9, 10, 15 #K137

5. Mr. Blakely prepared and filed a 42 USC Sec 1983 Complaint against Dr John D. Kenney to obtain "B-12" to prevent catatonic seizure in 2007, and at this time Lawyer Kahrs was contacted to prepare a brief. Ex.# K117 After the statute of one year limitations, Lawyer Kahrs states " that he does not do civil litigation; which is contrary to his advertisement. Ex.# B 11 B15-3

"Concealment, conflict" April 20, 2012, after summary judgment of Blakely's two Civil Rights medical negligence cases was obtained by Washington Attorney General Senior Counsel Daniel Judge. Lawyer Kahrs then send "expert Neuropsychologist, neurotoxicologist Raymond Singer's report; when it was " TOO LATE" the injury upon injury had occurred because Lawyer Kahrs would not listen to Blakely's requests, nor would he communicate with Washington licensed Detective Mario Torres and Ignacio Cobos that they had already obtained the Notorized Recantation Affidavit of Robbie Juarez Trevino, and that Cobos had thouroughly scrutinized Blakely's complete transcript showing a wrongful conviction of Blakely. Ex.#K38, Br 67, 68, 69 70, 71, 72 These exhibits, letter of Kahrs '7/5/12' to Cobos clearly show

"conflict" by Lawyer Kahrs not communicating with Detective Mario Torres that Blakely insisted that Kahrs pay. Exhibit No. 88, 60a, 60b; 60c; 60d; 60e; 61, 62, 63, 64....

6. Lawyer Kahrs paid to Taylor Kindred (unlicensed detective working for Grant County) \$ 2,713.27 to influence Robbie Juarez Trevino to recant his Declaration of Recantation; which is injury upon injury. Exhibit No. 8

NOW ACCORDING TO Lawyer Kahrs fee billing of more or less than \$15,000.00 for post conviction relief in State v. Blakely; this leads to double deception by Lawyer Kahrs. When according to Kahrs Spokane County Superior Court order of allowed only \$10,000.00 for post conviction relief. Ex 11-12

AGAIN, In Defendant Kahrs, Motion for Summary Judgment line 19 " Mr. Kahrs \*neither agree to represent Mr. Blakely in his various civil matters, nor did the Court approve use of the trust funds for that purpose." "Mr. Kahrs owed no DUTY TO Mr. Blakely for legal work that was outside the scope of his authorized representation," Defendant Kahrs has committed misrepresentation, deception, fraud and injury to Blakely by receiving \$35,000.00 of positively Blakely's hard-earned money. \*Defendant Kahrs REPLY\* page 2 lines 14-16 " termination of the attorney-client relationship with Plaintiff, Mr. Blakely." CONTRARY TO line 214-23 "Mr. Kahrs did not represent Mr. Blakely on his civil matters; he had no DUTY of care to Mr. Blakely for those matters," WHERE IS CLIENT\_RELATIONSHIP LOYALTY ????

DECLARATION OF BLAKELY IN OPPOSITION TO Summary Judgment 2 of 9

The Genuine material issue has been clearly been stated as a highly DISPUTED "client-relationship(Defendant's Reply page 2, lines 14-15)"termination of the attorney client-relationship" after Defendant Kahrs sends Blakely a fee billing after five years of procrastination. AND THEN, Kahrs letter stating that" he could not mail to Blakely the balance of \$8,500. based on fact that the Department of Corrections would take half of it. Exhibit No. K117 4/11-12/13

7. Defendant Kahrs (MFSJD) page 2 lines 2-4 is very clear to "deception and to misleading the Court by stating" (1) Mr. Kahrs had no duty to represent Blakely in his civil actions: " (BUT WHY DID HE obtain : 35,000.00 from Blakely and had Blakely sign a contract to pay Kahrs \$200.00 per hour is an issue of material fact<sup>Ex 1</sup> of dispute before this Court. WHY DOES the Defendant "conceal" that contract ? ? Does this contract create a DUTY OF CLIENT-RELATIONSHIP OF Blakely paying Kahrs \$ 200.00 per hour to represent Blakely as a loyal counsel of no conflict ? ? <sup>Ex 1</sup>

8. Defendant Kahrs (MFSJD) line 3-4 " Mr.Kahrs met his fiduciary obligations to Blakely, including accounting for all funds entrusted to him." This statement clearly created a direct client-relationship of DUTY AND CARE to abide by the requests of Blakely, when after five years the Defendant mails a fee billing to Blakely June 23,2014. Exhibit No. This fee billing to Blakely CONFIRMS the contract that Blakely signed with Defendant Kahrs to represent Blakely.<sup>Ex 1</sup> 4-11-12-13

Therefore Defendant Kahrs has deliberately misled the Court in (MFSJD) by not producing a copy of that contract with Blakely and not with the Court. This Court should consider this genuine issue of material fact and dismiss the Defendant's (MFSJD) with prejudice as a matter of law. <sup>Ex 14</sup>

9. Line 14-15 page 2 (MFSJD) misleading, when Kahrs recently mailed \$8,600. back of which was then paid to Lawyer Kato to do post-conviction relief, that Kahrs refused to perform. Blakely is now asking the Court for compensatory damages for the prolonged incarcerations of four years at \$20,000 per year. Blakely agrees with (MFSJD) pag3 that Blakely is almost blind, suffering pain, limiting his ability to correspond with Mr. Kahrs, but disagrees with the remainder due to the above mentioned highly disputed issue of fact before the Court.

10. BASED FACTS THAT Defendant's (MFSJD) is FUNDAMENTALLY FLAWED creating numerous procedural, legal, jurisdictional and genuine material facts at issue, all of which cannot be identified until the discovery process has been completed. With the production of client-relation obligation contract. <sup>Ex 15</sup>

11. Defendant Kahrs committed legal Malpractice and/or attorney misconduct by securing through invalid agreement with Attorney Spurgetis to "LIMIT" the

the representation of Attorney Kahrs, CONTRARY to Plaintiff Blakely's best interest. Ex 14

B 12. Defendant Kahrs agreement with Attorney Spurgetis not to represent Plaintiff Blakely in the three Thurston County Superior Court Civil Rights law suits an agreement to join an ongoing larger conspiracy to prevent Blakely from obtaining legal assistance that would have proven him innocent and a wrongful conviction. Ex 3/8

B 13. Defendant Kahrs intentionally committed legal malpractice by ignoring the mandates of RCW 4.08.060 requiring representation by counsel in the three Thurston County Superior Court lawsuits; when he misled the Spokane County Superior Court to obtain \$ 35,000.00 of Blakely's hard-earned money. Ex 14

B 14. Defendant Kahrs intentionally circumvented his legal documents to mislead the Spokane Court to an Order limiting his representation that he relies on as a deception to his legal duty and care of a client-relationship. In this devious legal manipulation of limiting his representation violating the terms of his written contract with Blakely to charge Blakely \$200.00 per hour. Ex 1-14

B 15. It is a material fact at issue as to whether or not Defendant Kahrs is fraudulently attempting to deceive this King County Superior Court into believing that he was unaware of the legal fact that a Court order limiting attorney representation and requiring authorization of a Court appointed trustee, inherently creates an unethical and unconstitutional conflict of interest, by vehicle of ethical and fiduciary duty to make sure Plaintiff Blakely was represented by counsel during the three Thurston County Superior Court lawsuits.

B 16. AS clearly and conclusively evidenced by the transcripts of the Thurston County Superior Court lawsuit proceedings that the trial court determined that Plaintiff Blakely was competent and that he had a right to be represented by counsel. Exhibit No. "Mr. Blakely: ' And I would like to have attorney Michael Kahrs carry on with this, but I have encountered some kind of problem, even though he has been paid to take it one and to get my new expert declarations to support my mental and physical handicap.' March 18, 2011 page 7. Ex 5-6-7-15

B 17. Material facts at issue are created by Defendant Kahrs having Blakely sign an Attorney-client-relationship contract to represent Blakely at a rate of \$200.00 per hour, therefore mandating a fiduciary duty and care of loyalty of professional conduct to abide by the Client's requests. Attorney Kahrs confirmed this contract by accepting \$ 35,000.00 of Blakely's hard-earned money in advance.

Ex 1-14

B. 18. Page 4 (DMFSJD) Did Kahrs render services to Mr. Blakely or to Attorney James P. Spurgetis, before transferring money from the trust account ? Did Kahrs violate the professional rules of "undivided loyalty" to a client by "limited representation", but created fabricated services? Defendant Kahrs did not get permission from Mr. Spurgetis to meet with "client" 1/29/2010, fee \$100.00; then another "meeting with client" fee \$300 plus \$200 plus \$40. plus 40 total fee <sup>462</sup> ~~Ex 13~~ billing \$1,372.69. In question "Talk, email w/investigators, GAL\*\* 1/12/2010, \$60.00.

B. 19. GAL\*\* of the so-called "Special Needs Trust"; the Court never lawfully obtained jurisdiction over Plaintiff Blakely's assets as an "incapacitated person" when as here, the mandates of Chapter 11.88 RCW were not complied with, and Plaintiff Blakely was not given notice of, nor allowed to participate in, any of the proceedings depriving him of control of his assets. ~~Ex 13~~

Whether or not the Spokane Court had jurisdiction to create a "supplemental need trust" under provisions of 42 U.S.C.1396p(d)(4)(A) ? Lawyer Kahrs upon accepting \$35,000 advance fee was required to represent Blakely in the three Thurston County Superior Court lawsuits, beings he was well aware of GAL\*\*"Special Person Needs Trust" ignoring the mandates of RCW 4.08.060 I I ~~Ex 14~~

C.20 The rules of legal professional representation is "undivided loyalty" of a client-lawyer-relationship, the lawyer abiding by the requests of the client. Defendant Kahrs is contrary by stating "limited scope from representing Blakely in civil matters, at the discretion of the trustee. ~~Ex 2-14~~

Kahrs is contrary to the mandates of RCW 4.08.060, clearly showing lawyer "SELF-INTEREST" and selfish enrichment in a conspiracy to defraud Blakely of his constitutional rights of life, liberty and property. ~~Ex 2-14~~

C. 21. Defendant Kahrs is extremely contrary within Page 4 (DMFSJD) "Mr. Blakely filed many lawsuits as a pro se litigant." Very true was the 2007 U.S. District <sup>EX 17</sup> ~~EX 15-11~~ Court 42 USC Sec1983 on the critical request for (B-12) and Spinal decompression) Mr. Blakely had no assistance from Kahrs, nor Spurgetis, and the material issue of dispute is that Kahrs was paid in advance to prepare and file within the year statute of limitations those three Thurston County Superior Court lawsuits. ~~Ex 11-15-K17~~

Where the medical malpractice, negligence, assault injury occurred in March, October, 2009. and Blakely was forced to prepare them at the last days, serve and file them WITHOUT THE ASSISTANCE OF Defendant Kahrs in May 2010 and 2011. Defendant Kahrs absolutely did NOT provide any assistance, nor advice on these three Thurston County lawsuits, as makes a disputed material fact that they were dismissed, based on absolutely no assistance by Lawyer Kahrs. And by the time appellate filing fees were paid; the Court terminated review as a sanction.

K5-C-7-15

C 22 Defendant Kahrs, as shown by the too many Court of Appeals documents, Blakely was sanctioned for not paying "timely" the court costs, which was more or less than nine months after Blakely had filed his appellate briefs on each of the three Civil Rights Cases from Thurston County Superior Court. At the time that Kahrs finally paid the Court Costs, The appellate Commissioners terminated review and issued a "Final Mandate" on each of the three Cases as injury upon injury caused by Defendant Kahrs deliberate delay to "timely pay" Court Costs. See Exhibits No. B4,5,6,7,8,9,10,11,12,13 This clearly shows contempt on the part of Defendant Kahrs. page 5 (DMFSJD)

At this time Defendant Kahrs did not communicate with Blakely and the Court failed to mail a copy of the Motions to terminate review after Kahrs filed a Notice of Limited Appearance, causing Blakely severe injury in loss of Court Costs on top of NO REVIEW by the Court of Appeals. Exhibits No. B4-13 Defendant Kahrs allegations of page 5 (DMFSJD) are extremely devious, contrary within the context, and violate the rules of professional conduct. The Defendant's Motion For Summary Judgment should be dismissed with prejudice.

Kahrs Ex.117,1/26/10, "I cannot help you on your Ninth Circuit Case. However, I am still planning to visit SCCC Friday." Kahrs does not get approval from Mr. Spurgetis for the \$560.00 transportation and fee for an unwarranted visit of no results. K#6 If Blakely would have received this letter of NO ASSISTANCE, Blakely should have asked Kahrs to return the \$35,000. and rescind his client-attorney Contract.

Deception and dispute arises from Kahrs Ex.#7-119 letter 5/19/2010 confirming the fact of Blakely having to prepare a Medical Malpractice Complaint on the March 20<sup>2009</sup> Medical negligence and assault Complaint as the one-year statute of limitations. It also confirms the fact that Kahrs does not assist Blakely and has never assisted Blakely. This letter is also contrary to obtaining permission from Mr. Spurgetis, when he failed to do, when he billed Blakely \$560. for an uncalled for visit. EX#K6

Page 6 (DMFSJD) AGAIN, Defendant Kahrs wrote to Blakely regarding service of process in his civil case on May 30,2010, explaining "I am limited by what I can do according to the Court and Mr. Spurgetis must approve payments." KEX.#8

AGAIN, IN February 2011\*\* Kahrs declined to take on Blakely's medical malpractice case. K# 9-12B being ridiculous, contrary and REFUSING TO REPRESENT Blakely, depicting incompetent case authority, when I asked him to hire Dr. Raymond Singer, and or the names of three different neurologist from the University of Washington prior to May 2010 Caro v. Calderon,165 F.3d 1223(9thCir1999) on the Expert issue of neuroleptic-apraxia by Neuroscientist Dr. Wm. Landau. B15  
117

C. 23. Page 6, line 8-9, "Mr. Kahrs was so contemptible as to "repeatedly remind Mr. Blakely of the limited scope of his engagement, explaining what he could and what he could not do under the Court's order." This statement is extremely CLEAR THAT Kahrs violates his fiduciary duty of professional conduct, and breaches his contract with Blakely, of undivided ethical loyalty. For the Spokane Court Records will show that he and he alone formed the scope the the Court's Order. Exhibit No./ ~~Kahrs attorney-client contract of~~ 2009.

D. 24 MR. KAHR'S INVESTIGATION IN PURSUIT OF EVIDENCE FOR POST-CONVICTION RELIEF WAS IN CONTEMPTABLE CONFLICT WITH THE FACT THAT Cobos had already thoroughly scrutinized Blakely's Verbatim Report; and Licensed Detective Mario Torres along with Stephan Espinosa had obtained a Notorized Recantation Affidavit from Robbie Juarez-Trevino, that was improperly seized September 10, 2009 by (SCCC) correction officers Gretchel & Newbery. (Exhibit No. B-8\* Summarized Exhibit of genuine Material Facts of Innocence,

~~\*\*Er 60a, -e) \*61\*62\*63, 64, 65, 66, 67, 68, 69, 70, 71-79\*79b\* K38\*, K39, K40, K41, B-4, 5, 6, 7\*~~

D. 25. DEFENDANT KAHR'S against Blakely's request, ~~deliberately hired unlicensed Grant County investigator Taylor Kindred, (paying him \$2,713.27) to have Jaurez-Trevino to recant his recantation declaration of June, 2010,~~ but did not realize that it was witnessed by Stephen Espinosa and Cobos. Exhibit No. \*B-8\* "The agreement was that it not be used till he relocated."

D. 26. Line 18-20 (DMFSJD) is extremely CONTEMPTABLE of Defendant Kahrs clearly showing his co-conspiracy with Spurgetis to keep Blakely incarcerated; when the genuine material evidence of Exhibit No. \*B-8\* clearly shows that Blakely did NOT communicate with Juarez that mentioned statement! ! Kahrs refused to communicate with license detective Mario Torres, and Stephan Espinosa, and Cobos. Exhibit No. \*B-8\* K-38

D. 27. Defendant Kahrs 10/22/15 Declaration, paragraph 13 is so RIDICULOUS AND CONTEMPTABLE, that it shows vindictive retaliation and conspiracy. WHY SHOULD BLAKELY AUTHORIZE Mr. Kahrs to coerce Juarez-Trevino into recanting his recantation declaration, when it is corroborated and correlated with his fabricated March 9, 2005, testimony supported by prison inmate placement records clearly showing October 2002 he and Blakely were in different Prisons and the communication DID NOT OCCUR! ! !

D. 28. Defendant Kahrs deliberately procrastinated in retaining Dr. Raymond Singer, neuropsychologist as Blakely's expert neuroleptic-apraxia seizure doctor for Blakely's two Medical Malpractice and Assault Complaints, but by May 2013, Thurston County Court's dismissal of the May 2010\*\* Verified complaints shows Kahrs contempt. Kahrs Decl#16, Exil#12 and Paragraph line 3-13 (DMFSJD) (S)

DECLARATION OF BLAKELY IN OPPOSITION TO Summary Judgment 7 of 9

E. 29. Mr. Kahrs' investigation regarding medical services concluded in finding that Mr. Blakely was receiving timely and appropriate care. <sup>7-15</sup>

This is the most ridiculous contrary statement a loyal counsel could make against a client, who had advanced \$35,000.00 to prepare three civil rights Complaints of Medical negligence and assault of broken ribs, ruptured left kidney, cervical, and lumbar spinal injuries that were show by the MRI, X-ray of Valley General Hospital and MCC medical records. The fact that Blakely requested that Kahrs obtain a "NEUROLOGICAL DOCTOR FROM THE University of Washington, and Blakely supplied Kahrs with the names of several neuroscientists and surgeons Like Dr. Sanford Wright of Everret, Washington, <sup>8-9-16-15</sup>

Kahrs was in conflict with Blakely's ~~conflict~~ by paying Wendle, a nurse ONLY who was unable to give a Declaration after being paid a \$1,000.00 compared to DR. Raymond Singer's current prescribed medication of cyancobalamin to prevent NEURO-LEPTIC-CATATONIC seizure, creating balance, stamina, strenght, prevents neuro-synaptic-myelin-sheath cellular-shortcircuiting and much more in adults over age 65. This 250 Mcg of cyancobalamin (B-12) daily would have prevented Blakely from falling down in 2007, 2008, 2009, as the cause of Blakely's injuries.

Kahrs deliberately procrastinated in writing a letter in 2014, (five years late) to Medical Director Steven Hammond, M.D. for the Department of Corrections. This resulted in Dr. Hammond agreeing to allow Blakely purchase the cyancobalamin, ut but Secretary and Sec Keith Parris of (SCCC) rescinded Blakely's application, because Kahrs would not assist Blakely. Kahrs Decl P 15

F. 30. True Blakely loses faith in Mr. Kahrs after five years of conflict and the fact that Wn.S. Bar Association does not honor Grievances from Prisoners. CONCEALMENT OCCURRES, when June 23, 2014, Kahrs sends a "fabricated" fee bill to Blakely for more or less \$ 16,000. for "POST-CONVICTION CHALLENGE". Then attempts to coerce Blakely into agreeing for him to go back to the Spokane Court for more <sup>(141-13)</sup> "self-interest enrichment funds" Khrs Ex.#16 verses supra page 5 emphasis v.K141 May 17, 2013, Kahrs EX.16 compared to supra page 5 RCW 4.08.060.

Defendant Kahrs has contorted facts and misled the Bar Association and the Spokane Court and this Court. Therefore this Court must Dismiss Defendant Kahrs Motion for Summary Judgment with prejudice, and grant Plaintiff Blakely's requested relief.

G. 31 Plaintiff Blakely agrees that Defendant Kahrs ( after five years of concealment of enriched self-interest) has submitted June 23, 2014 a full fabricated accounting for the \$ 35,000.00 entrusted to him to cause Blakely prolonged painful suffering of torture in prison, when Blakely is actually innocent and is able to positively prove that fact with genuine material evidence in 20 minutes.

DECLARATION OF BLAKELY IN OPPOSITION TO Summary Judgment 8 of 9

G. 32. Page 9 (DMFSJD) Kahrs Decl, p22" I sent Mr. Blakely all materials from my files that he requested."

However, Kahrs has not sent all the specific material documents that were being mailed to Kahrs by Robert Cossey such as, (Declarations, evidence reports supporting the charging information, proposed jury instructions, original verbatim report, etc. from the March 2-9,2005 Jury trial.

The Plaintiff has never received a copy of client-Attorney contract of 2009 (that was not changed). In 2008 and 2009, Blakely mailed to Kahrs his copy of the 42 USC Sec 1983 Complaint against the Department of Corrections and Dr. John D. Kenney for Medical Negligence, In addition, the Plaintiff Mailed a proposed Federal Writ of Habeas Corpus, but the Defendant did nothing to assist Plaintiff, and those documents were never returned. Ex.#9-15(12/1/2010 letter) "51 page medical diary" left eye infected caused by indifference of both Kahrs and DOC medical; which is now blind. (see Ophthalmologist medical reports)(12/1/2010 letter)

G. 33. Essential discovery has not be completed under CR 26(i),33,34,37, Nor AFFIRMATIVE ANSWERS requested with a second courtesy letter and thereafter with a Motion for an Order to Compel the Defendant to comply (12/20/15)

34. Exhibit #9 K137, Defendant made a restrictive notation, but after Kahrs was terminated, Neuropsychologist Singer (Exhibit #15 highly prescribes Blakely's critically needed daily 500 Mcg Cyanocobalamin (B-12) only too late after ten neuroleptic seizures paralyzing left arm and leg.(Exhibit No. 15. 8/8/2010 request for Neurologist to the Defendant)

35. Defendant Kahrs has clearly shown that the holding of Blakely medical records, criminal defense documents, and the improper service of three civil rights complaints; has caused the Plaintiff Blakely prolonged illegal restraint, neuroleptic seizure torture, loss of left eye, arm, leg, and suffering.

I, Ralph Howard Blakely, declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge and ability.

Dated December 24,2015 at (SCCC)

*Ralph H. Blakely*  
Ralph Howard Blakely 817995  
SCCC H 1 A 19  
191 Constnatine Way  
Aberdeen, WA 98520-9504

# EXHIBIT 39

Ex 39

Master Doc. (10/20/2011)

# EXHIBIT 40

Ex40  
2-2-16 PRO...

Judge: Laura C. Inveen #48  
Hearing: February 18, 2016

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

RALPH HOWARD BLAKELY,  
Plaintiff,

vs.

MICHAEL CHARLES KAHRs, et.al.,  
Defendants.

No. 15-2-12980-5 SEA

PLAINTIFF'S MOTION FOR  
RECONSIDERATION OF DEFENDANT'S  
ORDER OF SUMMARY JUDGMENT  
Dismissal. CR59(a)(1)(2)(g)  
CR 60(a)(b)(4)

Plaintiff, Ralph Howard Blakely, age 79, ADA handicapped, and without skilled legal representation, ask this Court to Reconsider the January 26, 2016, Defendant's Order of Summary Judgment Dismissal based upon the following:

II. DISPUTED ISSUES OF MATERIAL FACT

1. Whether it is abuse of discretion by not considering genuine issues of material facts before granting summary judgment.
2. Whether Defendant Kahrs commits legal malpractice or misconduct by agreeing with Attorney Spurgetis to limit his representation for Blakely's interest.
3. Does Kahrs proposed 12/4/2009 Court Order (EX.K93,94) deceive the Court into making a special notation "solely for the benefit of Mr. Blakely" create a disputed issue of material fact.
4. Whether summary judgment can be granted when there is a disputed issue of material fact that Blakely received absolutely no benefit from \$35,000.00 Kahrs retainer.
5. Whether Defendant Kahrs devious 5 year later fee billing of about \$17,000. for post-conviction relief for Blakely was Kahrs' "SELF-INTEREST ENRICHMENT"
6. Whether Plaintiff's Exhibit No.8 supports a disputed issue of material fact that there was serious extreme conflict with Kahrs hiring unlicensed investigator Taylor Kindred to have Robbie Juarez-Trevino to withdraw his Recantation Declaration that was witnessed by Ignacio Cobos, Stephan Espinosa.
7. Whether Kahrs exhibit K 38, (Detective Mario Torres letter) supports extreme misconduct by Defendant Kahrs not paying licensed detective Mario Torres for his 2009 affirmation of the notarized recantation Affidavit.

8. Whether court abuse of discretion occurs by not considering Blakely Exhibit No. 14 (13)page Declaration of Plaintiff's identification of Genuine Material & Legal Facts at Issue.

9. Would A DISPUTED material fact at issue arise from Kahrs' (5 year later) fee billing for review (triple) of legal documents that he never had and could not produce under compelled discovery.

10. Whether the Court failed to consider the appropriate factors before granting summary judgment according to Burnett v. Spokane Ambulance, et, al, 131 Wn 2d 484, (1997); Keck v. Collins, 181 Wn.App.67(2014)

### III. LEGAL SUPPORTING AUTHORITY

1. Whether It Is Abuse of Discretion by Not Considering Genuine Issues of Material facts before granting summary judgment.

Defendant Kahrs five year late fee billing exhibit #K66,65 shows that he had knowledge of Special Person Care Trust needing a guardian at Litem and trustee legal representation as should have been considered in "Plaintiff's exhibit No.14" Keck v. Collins, 181 Wn.App.67(2014); Burnett, 131 Wn.2d484(1997)

Sundquist Homes, Inc. v. Snohomish County PUD Utility No. 140 Wn2d 403(2000) asserting as Blakely a Disputed issue of Material fact that summary judgment is inappropriate. Blakely has shown the Court fundamental genuine material issues of fact constituting fraud, attorney-client conflict and attorney misconduct.

2. Whether Defendant Kahrs Commits Legal Malpractice or Misconduct by agreeing with Spurgetis to limit his representation for Blakely's interest.

a) Defendant's January 4, 2016, Declaration Exhibit No. 1 K93,94 Order prepared by Kahrs to "MISLEAD" the Spokane Court, "but for" Judge Tompkins special notation "solely for the benefit of Mr. Blakely"

b) Kahrs at the last, produces a January 2009 copy of Attorney-client Contract March 20, 2009, Blakely suffered a neuroleptic-catatonic seizure and was later battered by officers, breaking ribs, rupturing kidney, blackening left shoulder and hip, but Kahrs refused to visit Blakely then to witness the black shoulder and hip.

c) "But for Kahrs not obtaining permission from the Spokane Court (Ex.Nos.55,66) charges Blakely 1/29/10 \$560.00 to visit him, but visited Allan Parmeled instead.

d) Kahrs pays unlicensed investigator Kindred \$2,713.00 and himself another \$2,200 to review and have Kindred coerce Jurez-Trevino to withdraw his recantation; when he refused to communicate with licensed Detective Mario Torres who had already performed and was able to affirm.

Defendant Kahrs (proposed order K 93-94) either expressed or implied misrepresentation, as conduct creating a false pretense. Cockett, Hashimoto Case No.13-01918(2015)

#### ELEMENTS OF MISREPRESENTATION

A misrepresentation may be either express or implied. In re Felton, 197 B.R.881,\*89 (N.D.Cal.1996)(conduct creating a false pretense or false representation can justify nondischarge under section (523(a)(2): See also Capital Corporation v. Weinstein, 31 B.R.804,809(Bankr.E.D.N.Y.1983)("It is well recognized that silence, or the concealment of a material fact, can be the basis of a false impression which creates a misrepresentation actionable under Sec 523(a)(2)(A). A debtor's misleading conduct intended to convey an inaccurate impression may constitute "false pretenses."id; see also In re Webb,349 B.R. 711,716 (Bankr D.Ore.2006)("False pretenses' or false representation' both involve intentional conduct intended to create and foster a false impression.") A statement is still true. Kane v. Torres (In re Torres),2001 Bankr LEXIS 384,\*\*12-13 (Bankr D.Haw,2011). With respect to Debtor's misrepresentations, this element is met because Debtor made many misrepresentations to Plaintiff.

(1) Misrepresentation, fraudulent omission or deceptive by the lawyer

(2) Knowledge of the falsity or deceptiveness of his statement or conduct

(3) Lawyers intent to deceive

(4) Justifiable reliance by client on the lawyers's statement or conduct

(5) Injury or damage to client proximately caused by clients reliance on the lawyer's statement or conduct. In re Weinberg,410 B.R.19,35 (B.A.P. 9th Cir 2009)

(B) Defendant Kahrs 6/23/14 fee billing exhibit nos.K66,67,68 clearly show knowledge of the mandatory need for Counsel under RCW 4.08.060 Guardian Ad Litem for "incapacitated person" when he specifically notes "GAL" fee charges Invoices, when he submitted proposed Spokane Superior Court Order.

1. Defendant Kahrs created a false impression to the Spokane Superior Court

e) Defendant Kahrs' 10/22/2015, Declaration is ridiculous on page 4; after he collected \$35,000. and January 2009 Attorney-client contract of no limitations; he states " I WROTE TO MR. BLAKELY MANY TIMES CONFIRMING ... WHAT I WAS NOT AUTHORIZED TO DO." "I reminded Mr. Blakely that I did not represent him on civil matters",...paragraph 9 "I CANNOT HELP YOU"...

¶10 contrary to contract and fraud

¶13 Extreme Conflict with genuine material issues of fact Ex.K 38, Exhibit No.8 recantation of Juarez-Trevino, corroborated by Stephan notarized Affidavit, notarized affidavit of Ignacio Cobos, and inmate placement records showing October 2002 Blakely was in a different prison. so that no communication could have occurred. MAKING Kahrs 10/22,2015 Declaration ERRONEOUS !

f)Kahrs was instructed to obtain an expert Neurologist prior to Blakely's 3/20,2009 neuroleptic seizure; but waits till after summary judgment was entered on the two medical negligence and malpractice Thurston County lawsuits creates a disputed material issue.

Under Washington Court rule CR 59(a) Motion for reconsideration may be granted when such issues are clearly and fairly separable and distinct.

(g) ... the Court may open the judgment, take additional testimony, amend findings of fact and conclusions of law.(Blakely 10/8/15 Memorandum of Law in Support of Motion to Compel Discovery and Non-evasive answers to Verified Complaint)

#### IV. CONCLUSION

The Plaintiff Ralph Howard Blakely asks this Court for fair justice to grant his proposed Order to dismiss the Defendant's Motion for Summary Judgment Order, based on true facts of misrepresentation, concealment of legal documents, fee billing , and lawyers self-interest enrichment"

I, Ralph H. Blakely, declare under the penalty of perjury that ~~of~~the State of Wahsington that the foregoing is true and correct.

Respectfully requested February 2, 2016

*Ralph H. Blakely*  
Ralph H. Blakely 817995  
SOCC H 1 A19  
191 Constantine Way  
Aberdeen, WA 98520

DECLARATION OF SERVICE BY MAIL

GR 3.1

I, Ralph Howard Blakely, declare and say:

That on the 2nd day of February, 2015, I deposited the following documents in the Stafford Creek Correction Center Legal Mail system, by First Class Mail pre-paid postage, under cause No. 15-2-12980-5 SEA :

Notice for Hearing, Motion for Reconsideraiton, (propose Order  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

addressed to the following:

King County Superior Court  
Judge ~~Laura Inveen # 48 Room C203~~  
516 Third Ave.  
\_\_\_\_\_  
Seattle, WA 98104

Forsberg & Umlauf  
Susan McINTosh  
901 Fifth Ave. Suite 1400  
\_\_\_\_\_  
Seattle, WA 98164

King County Superior Court Clerk  
526 Third Ave. Rm E 609  
\_\_\_\_\_  
Seattle, WA 98104

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

DATED THIS 2nd day of February, 2015, in the City of Aberdeen, County of Grays Harbor, State of Washington.

Ralph H. Blakely 817995  
Signature

\_\_\_\_\_  
Print Name

DOC \_\_\_\_\_ UNIT H 1 A 19  
STAFFORD CREEK CORRECTIONS CENTER  
191 CONSTANTINE WAY  
ABERDEEN WA 98520

Judge: Laura C. Inveen #48  
Hearing: February 5-12, 2016  
Room: C 203

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING

RALPH HOWARD, Blakely,  
vs. Plaintiff,  
MICHAEL CHARLES KAHR, et al  
Defendants.

NO. 15-2-12980-5 SEA  
NOTICE FOR HEARING  
SEATTLE COURTHOUSE ONLY  
(Clerk's Action Required ) (NTHG)

TO: THE CLERK OF THE COURT and to all other parties listed on Page 2:  
PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the calendar checked below.

Calendar Date: February 5, 12, 2015 Day of Week: Friday

Nature of Motion: MOTION FOR RECONSIDERATION (proposed order)

CASES ASSIGNED TO INDIVIDUAL JUDGES – Seattle	
If oral argument on the motion is allowed (LCR 7(b)(2)), contact staff of assigned judge to schedule date and time before filing this notice. Working Papers: The <u>judge's name</u> , date and time of hearing <u>must</u> be noted in the upper right corner of the Judge's copy. Deliver Judge's copies to Judges' Mailroom at C203.	
<input checked="" type="checkbox"/> Without oral argument (Mon - Fri)	<input type="checkbox"/> With oral argument Hearing
Date/Time: 2/5, 12, 2016	
Judge's Name: Laura C. Inveen	Trial Date: May 23, 2016

CHIEF CRIMINAL DEPARTMENT - Seattle in E1201	
<input type="checkbox"/> Bond Forfeiture 3:15 pm, 2 <sup>nd</sup> Thur of each month	
<input type="checkbox"/> Certificates of Rehabilitation- Weapon Possession (Convictions from Limited Jurisdiction Courts) 3:30 First Tues of each month	

CHIEF CIVIL DEPARTMENT – Seattle -- (Please report to W864 for assignment)	
Deliver working copies to Judges' Mailroom, Room C203. In upper right corner of papers write "Chief Civil Department" or judge's name and date of hearing	
<input type="checkbox"/> Extraordinary Writs (Show Cause Hearing) (LCR 98.40) 1:30 p.m. Tues/Wed -report to Room W864	
<input type="checkbox"/> Supplemental Proceedings (1:30 pm Tues/Wed)(LCR 69)	<b>Non-Assigned Cases:</b>
<input type="checkbox"/> DOL Stays 1:30 pm Tues/Wed	<input type="checkbox"/> Non-Dispositive Motions M-F (without oral argument).
<input type="checkbox"/> Motions to Consolidate with multiple judges assigned (without oral argument) (LCR 40(b)(4))	<input type="checkbox"/> Dispositive Motions and Revisions (1:30 pm Tues/Wed)
	<input type="checkbox"/> Certificates of Rehabilitation (Employment) 1:30 pm Tues/Wed (LR 40(b)(2)(B))

You may list an address that is not your residential address where you agree to accept legal documents.  
Sign: Ralph Howard Blakely Print/Type Name: \_\_\_\_\_  
WSBA # 817995 (if attorney) Attorney for: \_\_\_\_\_  
Address: 191 Constan Lane Way City, State, Zip 98520  
Telephone: 360-537-1800 Ex 1923 Date: \_\_\_\_\_

DO NOT USE THIS FORM FOR FAMILY LAW OR EX PARTE MOTIONS.

SC 07-15

304-2-16

Judge : Laura C. Inveen #48  
Hearing : February 5, 12, 2016

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

RALPH HOWARD BLAKELY,  
Plaintiff,

vs.

MICHAEL CHARLES KAHS, et.al.,  
Defendants.

No. 15-2-12980-5 SEA

PLAINTIFF'S ORDER GRANTING  
MOTION FOR RECONSIDERATION  
AND ORDER DISMISSING Defendant's  
ORDER OF SUMMARY JUDGMENT  
CR 59

THIS MATTER having come before this Court, and the Court having considered the Plaintiff's Motion for Reconsideration supported by the Plaintiff's exhibits Nos. 1 through 15 of Declarations and Affidavits, and the misrepresentations of the Defendant's Declarations.

Also considering the DISPUTED MATERIAL ISSUES OF FACT, WHICH ARE supported by the Defendant's 5 year late billing of absolutely no beneficial assistance for the Plaintiff on his post-conviction relief, nor medical negligence, injury complaints.

ACCORDINGLY, this Court grants the Plaintiff's Order of reconsideration and Order the dismissal of the Defendant's Order of Summary Judgment.

DONE IN OPEN COURT, this            day of February 2016.

\_\_\_\_\_  
Honorable Judge Laura C. Inveen

HONORABLE LAURA C. INVEEN  
Hearing: 1/22/16/11:00am

SUPERIOR COURT OF WASHINGTON FOR COUNTY OF KING

RALPH HOWARD BLAKELY,  
Plaintiff,

vs.

MICHAEL CHARLES KAHRS, et al,  
Defendants.

No. 15-2-12980-5-SEA

ORDER DENYING DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT  
DISMISSAL

This matter came before the Court on January 22, 2016, as the Plaintiff's  
OPPOSITION to the Defendant's Motion for Summary Judgment Dismissal (DMSJD).  
The Honorable Laura C. Inveen having heard oral argument from the Plaintiff by  
way of telephone, and having reviewed the Plaintiff's 18 pages supported by  
Plaintiff's 9 page declaration and exhibits

IT IS ORDERED, ADJUDGED AND DECREED that the Defendants' Motion for  
Summary Judgment Dismissal is Denied.

Dated

Honorable Laura C. Inveen

Presented by: Ralph Howard Blakely, 817095  
SCCC H 1 A19  
191 Constantine Way  
Aberdeen, WA 98520

(proposed) PLAINTIFF'S ORDER DENYING DMSJD

306.16  
2-2-16

# EXHIBIT 41

Ex 41

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

---

RALPH HOWARD BLAKELY,

Plaintiff,

Cause No. 15-2-12980-5 SEA

vs.

MICHAEL CHARLES KAHRs, and  
KAHRs LAW FIRM TRUST ACCOUNT,

DEFENDANT(S).

---

MOTION TO VACATE JUDGMENT BASED ON DENIAL OF  
JURY TRIAL AND JURISDICTIONAL/STRUCTURAL DEFECTS  
UNDER PROVISIONS OF CIVIL RULE 59

---

CERTIFICATE OF MAILING

I, Ralph Blakely hereby declare, being aware of penalties for perjury, and the laws of the State of Washington, that I have placed in the SCCC Institutional Legal Mail System, a copy of the above captioned legal pleading, with postage thereon, thereby constituting a filing with the King County Superior Court Clerk at this time, pursuant to GR 3.1, cf., Houston v. Lack, 487 U.S. 266, 108 S.Ct. 2379, 101 L.Ed.2d 245 (1988), addressed to the following: Attorney Michael Charles Kahrs, 901 Fifth Avenue, Suite 1400, Seattle, Washington 98164-1039; Honorable Laura Inveen, King County Court House, 516 3rd Avenue, Seattle, Washington 98104; and Clerk of King County Superior Court, King County Court House, 516 3rd Avenue, Seattle, Washington 98104.

Dated this 3rd day of February, 2016.

Respectfully submitted,

By: \_\_\_\_\_  
RALPH BLAKELY

307 19P  
2-3-16

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

---

RALPH HOWARD BLAKELY,

Plaintiff,

Cause No. 15-2-12980-5 SEA

vs.

MICHAEL CHARLES KAHRS, and  
KAHRS LAW FIRM TRUST ACCOUNT,

DEFENDANT(S).

---

MOTION TO VACATE JUDGMENT BASED ON DENIAL OF  
JURY TRIAL AND JURISDICTIONAL/STRUCTURAL DEFECTS  
UNDER PROVISIONS OF CIVIL RULE 59

---

Comes Now, Plaintiff Ralph Howard Blakely, with this MOTION TO VACATE JUDGMENT BASED ON DENIAL OF JURY TRIAL AND JURISDICTIONAL/STRUCTURAL DEFECTS UNDER PROVISIONS OF CIVIL RULE 59, challenging judgment rendered by Honorable Laura Inveen dated 1/25/16, to wit: ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT DISMISSAL, which was rendered by Judge Inveen without competent jurisdiction.

Plaintiff Blakely hereby adopts by reference, Plaintiff's "DECLARATION OF PLAINTIFF RALPH BLAKELY IDENTIFICATION OF GENUINE MATERIAL & LEGAL FACTS AT ISSUE," thirteen pages, along with attached thereto Appendix (A) through (H), see CR Rule 10(g):

(g) Adoption by Reference; Exhibits. Statements in a pleading may be adopted by reference in a different part of the same pleading or in another pleading or in any motion. A copy of any written instrument which is an exhibit to a pleading is a part thereof for all purposes.

(1)

BASIS

Plaintiff Blakely hereby files this Motion to Vacate Judgment premised primarily on this Court's ruling to strike the material and jurisdictional legal facts at issue encompassed in said "DECLARATION OF Plaintiff RALPH BLAKELY IDENTIFICATION OF GENUINE MATERIAL & LEGAL FACTS AT ISSUE," thereby unlawfully and unconstitutionally depriving Plaintiff Blakely of a jury trial in violation of the State of Washington and the United States Constitutions, cf., Davis v. Cox, 183 Wn.2d 269, 351 P.3d 862 (2015).

This Court's Order Granting Summary Judgment states in the handwritten portions thereto, as follows:

HANDWRITTEN GRANT OF SUMMARY JUDGMENT

1-20-12  
In so ordering, the court finds the legal position of defendant's motion to strike as well taken, and has not considered materials submitted in violation of CR 56(e).

As substantial portion of the materials submitted by Plaintiff were not made on personal knowledge, did not set forth facts that would be admissible in evidence, and/or did not affirmatively show the affiant was competent to testify to the matters stated there in. The Court further notes that lay testimony is not competent to opine on the legal standard of care.

Further, there is no legal authority for this court to review another superior court's order whether it be proceedings related to plaintiff's dissolution, his competency or the special needs trust.

Footnote 1: In the future such position should taken in the form of an objection rather than separate pleading, LCR 56(e).

This court's conclusion that "there is no legal authority for this court to review another superior court's order," has the legal force and effect, under the full faith and

credit clause, of binding this Court with the fact that Plaintiff Blakely is an incapacitated person as matter of law, rendering said Order Granting Summary Judgment null and void because this court cannot lawfully proceed against an incapacitated person who has a guardian ad litem appointed and a trustee.

In addition, Defendant has now provided this Court a copy of the "REPRESENTATION AGREEMENT" between Defendant Attorney Kahrs and Plaintiff Ralph Blakely which unquestionably creates an attorney-client relationship between Attorney Kahrs and Ralph Blakely, nullifying Defendant Kahrs "the court made me do it by limiting my representation" defense, which states in pertinent part:

REPRESENTATION AGREEMENT

1. In consideration of Kahrs Law Firm, P.S. ("Attorney"), agreeing to represent Ralph Blakely ("Client") in the matter of general legal representation, Client agrees to the following conditions regarding Attorney's representation.

4. A retainer of \$5,000 must be paid by Client to Attorney prior to the time any work (other than the initial interview) will be done or as arranged between Client and Attorney. Costs incurred by Attorney will be deducted from the retainer at the time monthly bills are prepared. Invoices will be sent out for work done on the account and fees will subsequently be deducted from the retainer. When the retainer is completely expended, the Client will be asked for subsequent retainer based on the amount and type of work anticipated.

7. This Agreement shall be deemed executed in the State of Washington and shall be interpreted and construed in accordance with the laws of the State of Washington relating to contracts made and performed therein. Venue shall be proper only in the County of King, State of Washington.

By: Ralph Blakely

5/1/09

(3)

There are no restriction of representation encompassed in the above "Representation Agreement" because it is for "general legal representation," nor could their be, creating the following material facts at issue.

MATERIAL FACTS AT ISSUE

(1) Did Plaintiff Blakely establish an attorney-client agency relation ship when securing an agreement from Defendant Attorney Kahrs to represent him.

(2) Did Defendant Kahrs commit legal malpractice and/or attorney misconduct when securing through invalid<sup>h</sup> agreement with Attorney Spugetis to limit the representation of Attorney Kahrs, contrary to Plaintiff Blakely's best interest.

(3) Was Defendant Kahrs agreement with Attorney Spugetis to not represent Plaintiff Blakely in the three Thurston County lawsuits an implicit and/or explicit agreement to join an ongoing larger conspiracy to prevent Plaintiff Blakely from obtaining legal assistance that would allow Plaintiff Blakely to regain control of his finances.

(4) Did Defendant Kahrs intentionally commit legal malpractice by ignoring the mandates of RCW 4.08.060 requiring representation by counsel in the three Thurston County lawsuits.

(5) Did Defendant Attorney intentionally ignore the legal fact that the Court's order limiting his representation that ne relies on, necessarily requires an incapacitated person finding, thereby raising the jurisdictional fact at issue as to whether or not the dictates of Chapter 11.88 RCW had been followed.

(6) It is a material fact at issue as to whether or not Defendant Kahrs is fraudulently attempting to deceive this Superior Court into believing that he was unaware of the legal fact that a court order limiting attorney representation and requiring authorization of a court appointed trustee, inherently creates an unethical and unconstitutional conflict of interest, by vehicle of ethical and fiduciary duty to make sure Plaintiff Blakely was represented by counsel during the three Thurston County lawsuits.

(7) As clearly and conclusively evidenced by the transcripts of the Thurston County lawsuit proceedings that the trial court determined that Plaintiff Blakely was competent and that he had a right to be represented by counsel, see:

(1) Did Plaintiff Blakely establish an attorney-client agency relationship when securing an agreement from Defendant Attorney Kahrs to represent him.

(2) Did Defendant Kahrs commit legal malpractice<sup>hej</sup> and/or attorney misconduct when securing through ~~invalid~~<sup>agreements</sup> with Attorney Spugetis to limit the representation of Attorney Kahrs, contrary to Plaintiff Blakely's best interest.

(3) Was Defendant Kahrs agreement with Attorney Spugetis to not represent Plaintiff Blakely in the three Thurston County lawsuits an implicit and/or explicit agreement to join an ongoing larger conspiracy to prevent Plaintiff Blakely from obtaining legal assistance that would allow Plaintiff Blakely to regain control of his finances.

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(7) As clearly and conclusively evidenced by the transcripts of the Thurston County lawsuit proceedings that the trial court determined that Plaintiff Blakely was competent and that he had a right to be represented by counsel, see:

# EXHIBIT 41

3-2-16 PROX/1007-01  
Ex 41

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

---

RALPH HOWARD BLAKELY,

Plaintiff,

Cause No. 15-2-12980-5 SEA

vs.

MICHAEL CHARLES KAHRs, and  
KAHRs LAW FIRM TRUST ACCOUNT,

DEFENDANT(S).

---

MOTION TO VACATE JUDGMENT BASED ON DENIAL OF  
JURY TRIAL AND JURISDICTIONAL/STRUCTURAL DEFECTS  
UNDER PROVISIONS OF CIVIL RULE 59

---

CERTIFICATE OF MAILING

I, Ralph Blakely hereby declare, being aware of penalties for perjury, and the laws of the State of Washington, that I have placed in the SCCC Institutional Legal Mail System, a copy of the above captioned legal pleading, with postage thereon, thereby constituting a filing with the King County Superior Court Clerk at this time, pursuant to GR 3.1, cf., Houston v. Lack, 487 U.S. 266, 108 S.Ct. 2379, 101 L.Ed.2d 245 (1988), addressed to the following: Attorney Michael Charles Kahrs, 901 Fifth Avenue, Suite 1400, Seattle, Washington 98164-1039; Honorable Laura Inveen, King County Court House, 516 3rd Avenue, Seattle, Washington 98104; and Clerk of King County Superior Court, King County Court House, 516 3rd Avenue, Seattle, Washington 98104.

Dated this 3rd day of February, 2016.

Respectfully submitted,

By: \_\_\_\_\_  
RALPH BLAKELY

30719P  
2-3-16

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

---

RALPH HOWARD BLAKELY,

Plaintiff,

Cause No. 15-2-12980-5 SEA

vs.

MICHAEL CHARLES KAHRs, and  
KAHRs LAW FIRM TRUST ACCOUNT,

DEFENDANT(S).

---

MOTION TO VACATE JUDGMENT BASED ON DENIAL OF  
JURY TRIAL AND JURISDICTIONAL/STRUCTURAL DEFECTS  
UNDER PROVISIONS OF CIVIL RULE 59

---

Comes Now, Plaintiff Ralph Howard Blakely, with this MOTION TO VACATE JUDGMENT BASED ON DENIAL OF JURY TRIAL AND JURISDICTIONAL/STRUCTURAL DEFECTS UNDER PROVISIONS OF CIVIL RULE 59, challenging judgment rendered by Honorable Laura Inveen dated 1/25/16, to wit: ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT DISMISSAL, which was rendered by Judge Inveen without competent jurisdiction.

Plaintiff Blakely hereby adopts by reference, Plaintiff's "DECLARATION OF PLAINTIFF RALPH BLAKELY IDENTIFICATION OF GENUINE MATERIAL & LEGAL FACTS AT ISSUE," thirteen pages, along with attached thereto Appendix (A) through (H), see CR Rule 10(g):

(g) Adoption by Reference; Exhibits. Statements in a pleading may be adopted by reference in a different part of the same pleading or in another pleading or in any motion. A copy of any written instrument which is an exhibit to a pleading is a part thereof for all purposes.

(1)

BASIS

Plaintiff Blakely hereby files this Motion to Vacate Judgment premised primarily on this Court's ruling to strike the material and jurisdictional legal facts at issue encompassed in said "DECLARATION OF Plaintiff RALPH BLAKELY IDENTIFICATION OF GENUINE MATERIAL & LEGAL FACTS AT ISSUE," thereby unlawfully and unconstitutionally depriving Plaintiff Blakely of a jury trial in violation of the State of Washington and the United States Constitutions, cf., Davis v. Cox, 183 Wn.2d 269, 351 P.3d 862 (2015).

This Court's Order Granting Summary Judgment states in the handwritten portions thereto, as follows:

HANDWRITTEN GRANT OF SUMMARY JUDGMENT

In so ordering, the court finds the legal position of defendant's motion to strike as well taken, and has not considered materials submitted in violation of CR 56(e).

As substantial portion of the materials submitted by Plaintiff were not made on personal knowledge, did not set forth facts that would be admissible in evidence, and/or did not affirmatively show the affiant was competent to testify to the matters stated there in. The Court further notes that lay testimony is not competent to opine on the legal standard of care.

Further, there is no legal authority for this court to review another superior court's order whether it be proceedings related to plaintiff's dissolution, his competency or the special needs trust.

Footnote 1: In the future such position should taken in the form of an objection rather than separate pleading, LCR 56(e).

This court's conclusion that "there is no legal authority for this court to review another superior court's order," has the legal force and effect, under the full faith and

credit clause, of binding this Court with the fact that Plaintiff Blakely is an incapacitated person as matter of law, rendering said Order Granting Summary Judgment null and void because this court cannot lawfully proceed against an incapacitated person who has a guardian ad litem appointed and a trustee.

In addition, Defendant has now provided this Court a copy of the "REPRESENTATION AGREEMENT" between Defendant Attorney Kahrs and Plaintiff Ralph Blakely which unquestionably creates an attorney-client relationship between Attorney Kahrs and Ralph Blakely, nullifying Defendant Kahrs "the court made me do it by limiting my representation" defense, which states in pertinent part:

REPRESENTATION AGREEMENT

1. In consideration of Kahrs Law Firm, P.S. ("Attorney"), agreeing to represent Ralph Blakely ("Client") in the matter of general legal representation, Client agrees to the following conditions regarding Attorney's representation.

4. A retainer of \$5,000 must be paid by Client to Attorney prior to the time any work (other than the initial interview) will be done or as arranged between Client and Attorney. Costs incurred by Attorney will be deducted from the retainer at the time monthly bills are prepared. Invoices will be sent out for work done on the account and fees will subsequently be deducted from the retainer. When the retainer is completely expended, the Client will be asked for subsequent retainer based on the amount and type of work anticipated.

7. This Agreement shall be deemed executed in the State of Washington and shall be interpreted and construed in accordance with the laws of the State of Washington relating to contracts made and performed therein. Venue shall be proper only in the County of King, State of Washington.

By: Ralph Blakely

5/1/09

There are no restriction of representation encompassed in the above "Representation Agreement" because it is for "general legal representation," nor could their be, creating the following material facts at issue.

MATERIAL FACTS AT ISSUE

(1) Did Plaintiff Blakely establish an attorney-client agency relation ship when securing an agreement from Defendant Attorney Kahrs to represent him.

(2) Did Defendant Kahrs commit legal malpractice and/or attorney misconduct when securing through invalid<sup>h</sup> agreement with Attorney Spugetis to limit the representation of Attorney Kahrs, contrary to Plaintiff Blakely's best interest.

(3) Was Defendant Kahrs agreement with Attorney Spurgetis to not represent Plaintiff Blakely in the three Thurston County lawsuits an implicit and/or explicit agreement to join an ongoing larger conspiracy to prevent Plaintiff Blakely from obtaining legal assistance that would allow Plaintiff Blakely to regain control of his finances.

(4) Did Defendant Kahrs intentionally commit legal malpractice by ignoring the mandates of RCW 4.08.060 requiring representation by counsel in the three Thurston County lawsuits.

(5) Did Defendant Attorney intentionally ignore the legal fact that the Court's order limiting his representation that ne relies on, necessarily requires an incapacitated person finding, thereby raising the jurisdictional fact at issue as to whether or not the dictates of Chapter 11.88 RCW had been followed.

(6) It is a material fact at issue as to whether or not Defendant Kahrs is fraudulently attempting to deceive this Superior Court into believing that he was unaware of the legal fact that a court order limiting attorney representation and requiring authorization of a court appointed trustee, inherently creates an unethical and unconstitutional conflict of interest, by vehicle of ethical and fiduciary duty to make sure Plaintiff Blakely was represented by counsel during the three Thurston County lawsuits.

(7) As clearly and conclusively evidenced by the transcripts of the Thurston County lawsuit proceedings that the trial court determined that Plaintiff Blakely was competent and that he had a right to be represented by counsel, see:

(1) Did Plaintiff Blakely establish an attorney-client agency relationship when securing an agreement from Defendant Attorney Kahrs to represent him.

(2) Did Defendant Kahrs commit legal malpractice and/or attorney misconduct when securing through <sup>he</sup> invalid ~~agreement~~ with Attorney Spugetis to limit the representation of Attorney Kahrs, contrary to Plaintiff Blakely's best interest.

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(7) As clearly and conclusively evidenced by the transcripts of the Thurston County lawsuit proceedings that the trial court determined that Plaintiff Blakely was competent and that he had a right to be represented by counsel, see:

7. This agreement shall be deemed executed in the State of Washington and shall be interpreted and construed in accordance with the laws of the State of Washington relating to contracts made and performed therein. Venue shall be proper only in the County of King, State of Washington.

By: Ralph Blakeiy 1/± /09 second 5/7/09

There are NO RESTRICTION OF REPRESENTATION encompassed in the above "Representation Agreement" because it is for "general legal representation," nor could there be, creating the following material facts at issue:

(March 18, 2011)(page 7) MR. JUDGE: Mr. Blakely is an able individual of 112 IQ who's capable of functioning, capable of thinking, capable of going to the law library, and even as we had seen up until this week, capable of submitting submissions to the court with respect to amendments of the complaint. (February 1, 2013)(page 4) MR. BLAKELY: And I would like to have attorney Michael Kahrs carry on with this, but I have encountered some kind of problem even though he has been paid to take it on and to get my new expert declarations to support my mental and physical handicap. (January 25, 2013)(page 15) THE COURT: So when I say, Mr. Blakely, that you have the right to have an attorney file, what I'm saying is you have the right within ten days, but an attorney has the right within 21 days.

(8) Material facts at issue are created by Defendant Attorney Kahrs accepting \$35,000.00 from a "Special Care Needs Trust" to represent an "incapacitated person" in three Thurston County lawsuits; then refusing to represent said "incapacitated person" of the "Special Care Needs Trust"; further agreeing that said three Thurston County lawsuits had merit by receiving authorization from the "Special Care Needs Court" and "Trustee Attorney Spurgetis" to represent Plaintiff Blakely on appeal from the dismissal of said three Thurston County lawsuits; adding substantial evidence of theft by fraud by Trustee Attorney Spurgetis and the "Special Care Needs Court" authorizing \$8,500.00 of the \$35,000.00 to Attorney Kato to provide the legal assistance to Plaintiff Blakely that Attorney Kahrs refused to provide.

(9) The foregoing inherently raises three genuine material jurisdictional facts at issue, to wit:

(A) Did the so-called "Special Care Needs Trust" Court ever lawfully obtain jurisdiction over Plaintiff Blakely's assets as an "incapacitated person," when as here, the mandates of Chapter 11.88 RCW were not complied with, and Plaintiff Blakely was not given notice of, nor allowed to participate in, any of the proceedings depriving him of control of his assets.

(B) Whether or not the Spokane Court had jurisdiction to create a "supplemental need trust" under provisions of 42 U.S.C. 1396p(d)(4)(A).

(C) Were the Thurston County Superior Courts required to assure that Plaintiff Blakely was represented by counsel in the three Thurston County lawsuits after being made aware that Plaintiff Blakely was being deprived of his right to be representation by counsel based on a "Special Care Needs Trust" Court restricting said representation, depriving the three Thurston County Courts of competent jurisdiction to proceed.

(10) The genuine legal material facts at issue identified above are overwhelmingly supported by genuine material facts at issue giving rise to said legal material facts at issue, for example, the 3/5/99 "ORDER RE: MOTION FOR ORDER APPOINTING LARRY WEISER AS GUARDIAN AD LITEM FOR RALPH H. BLAKELY JR.," under rubric of FINDINGS, which do not establish competent jurisdiction for the Superior Court over the finances or assets of Ralph Blakely in Cause Numbers 96-2-04155-1 and 95-3-01916-0, see Appendix (A), based on the following material facts at issue:

FINDINGS 2.1: "The court finds that Dr. Wert has reviewed medical and documents, interviewed Ralph H. Blakely, Jr. on November 17, 1998 and November 27, 1998, and recommend that a Guardian Ad Litem should be appointed for Ralph H. Blakely Jr."

When Dr. Wert interviewed Ralph H. Blakely, Jr. on November 17, 1998 and November 27, 1998, Ralph Blakely had just been falsely accused of kidnapping his wife after years of marital disputes in which Mr. Blakely had been recently poisoned by his wife just prior to falsely accusing him of kidnapping her; thereby said Doctor Wert interviews took place during a very traumatic time for Mr. Blakely, when interviewed on November 17 and 27, 1998; however, Ralph Blakely Jr.'s competency on 3/5/99, the date of the Court's findings, is well documented in the DSHS Eastern State Hospital report provided Honorable Evan E. Sperline, in a 4/30/99 report, see Appendix (B), as to Ralph Blakely's competency, whereas said report states:

Mr. Blakely's general mental ability was measured with the GAMA - a nonverbal test that required Mr. Blakely to answer reasoning and problem-solving questions using abstract geometric designs - and he earned a GAMA IQ score of 113. This score falls in the High Average range of mental ability. His GAMA IQ score is ranked at the 81st percentile, which means that his performance was equal to or greater than that of 81% of individuals his age.

Mr. Blakely's performance on the WMT was within normal limits, which means that he exhibited no memory problems (recall or recognition) as measured by this assessment.

On the Trails A portion, Mr. Blakely completed the task in 45 seconds with no errors. This score placed Mr. Blakely in the 50 - 75th percentile range for individuals of similar age. On the Trails B portion, Mr. Blakely completed the task in 106 seconds with no errors. This score also placed him in the 50 - 75th percentile range for individuals of similar age.

The results from the above assessments suggest that Mr. Blakely is of normal intelligence with no significant memory problems or significant neuropsychological deficits. These results are consistent with earlier assessment results.

It is a genuine material fact at issue as to whether or not Ralph Blakely Jr. was an "incapacitated person" as required by RCW 4.08.060 on 3/5/99 when the order appointing a Guardian Ad Litem was signed by Judge Tompkin; or on the other hand, whether or not the judicial participants referred to in said order, had formed an unlawful agreement to defraud Mr. Blakely of his legal personage with purpose to commit theft by fraud of Ralph Blakely's financial and material assets.

FINDINGS 2.2: "Based upon the information provided by Dr. Wert after new visits and observations with Ralph H. Blakely Jr., coupled with the statements of Eric Shumaker and Matthew Dudley, the court is satisfied that a sufficient showing has been made to appoint a guardian ad litem for Ralph H. Blakely, Jr."

A material fact at issues as to whether or not Dr. Wert made any such "new visits and observations," because Ralph Blakely claims there was no contact with Dr. Wert after November, 27, 1998; and the truthfulness of any so-called "statements of Eric Shumaker and Matthew Dudley," who both knew that Ralph Blakely was at Eastern State Hospital for competency evaluation order by Grant County District Court Judge Sperline, for trial on the same kidnapping charges that Dr. Wert was involved in; evidencing a material fact at issue as to whether or not Ralph Blakely's attorneys, Eric Shumaker and Matthew Dudley, were perpetrating a fraud on the Spokane County Superior Court with purpose to deprive Ralph Blakely of control over his monetary and material assets, see "ORDER: 3.6. Larry Weiser, as Guardian ad Litem for Ralph H. Blakely, Jr., hereby becomes the client of Matthew Dudley in the instant action and the dissolution of marriage action."

FINDING 2.3: "In determining whether to appoint a guardian ad litem for Ralph H. Blakely Jr., the court is (relying on) the criteria set out in Vo v. Pham, 31 Wn.Ap. 781, 916 P.2d 462 (1996) and the court is reasonably convinced that Ralph H. Blakely, Jr. is not competent at this time to comprehend with understanding and intelligence the significance of the entire legal proceedings and their effect on and relationship to his best interests."

Judge Tompkin's "Finding 2.3" is substantively contrary to the Judge Sperline ordered competency evaluation

performed by Eastern State Hospital at the exact same time, 3/5/99, which is a combination of genuine legal and material facts at issue, for example see the criteria referred to in *Vo v. Pham*, 51 Wn.App. 781, 916 P.2d 462 (1996), which is premised on RCW 4.08.060 that mandates a Chapter 11.88 finding of "incapacitated person" procedural due process prior to application of RCW 4.08.060 "Guardian ad litem for incapacitated person," which states:

When an incapacitated person is a party to an action in the superior courts, he or she shall appear by guardian, or if he has no guardian, or in the opinion of the court the guardian is an improper person, the court shall appoint one to act as guardian ad litem. Said guardian shall be appointed as follows: (1) When the incapacitated person is plaintiff, upon the application of a relative or friend of the incapacitated person.

In other words, an RCW 11.88.040 procedure and finding is an essential condition precedent to application of a RCW 4.08.060 appointment of guardian ad litem, see:

PROCEDURAL DUE PROCESS - INCAPACITATED PERSON

RCW 11.88.005. Legislative Intent.

To protect the liberty and autonomy of all people of this state, and to enable them to exercise their rights under the law to the maximum extent, consistent with the capacity of each person. The legislature recognizes that people with incapacities have unique abilities and needs, and that some people with incapacities cannot exercise their rights to provide for their basic needs without help of a guardian. However, their liberty and autonomy should be restricted through the guardianship process only to the minimum extent necessary to adequately provide for their own health or safety, or to adequately manage their financial affairs.

RCW 11.88.010. Authority to Appoint Guardians- Definitions -Venue- Nomination by Principal.

(1) The superior court of each county shall have power to appoint guardians for the person and/or estates of incapacitated persons, and guardians for the estates of nonresidents of the state who have property in the county needing care and attention.

(b) For purposes of this chapter, a person may be deemed incapacitated as to the person's estates when the superior court determines the individual is a significant risk of financial harm based upon

a. demonstrated inability to adequately manage property or financial affairs.

(c) A determination of incapacity is a legal not a medical decision, based upon a demonstration of management insufficiencies over time in the area of person or estate. Age, eccentricity, poverty, or medical diagnosis alone shall not be sufficient to justify a finding of incapacity.

(f) For purposes of the terms "incompetent," "disabled," or not legally competent," as those terms are used in the RCW to apply to person incapacitated under this chapter, those terms shall be interpreted to mean "incapacitated" persons for purposes of this chapter.

(2) The superior court for each county shall have power to appoint limited guardians for the persons and estates, or either thereof, of incapacitated persons, who by reason of the incapacity have need for protection and assistance, but who are capable of managing some of their personal and financial affairs. After considering all evidence presented as a result of such investigation, the court shall impose, by order, only such specific limitations and restrictions on an incapacitated person to be placed under a limited guardianship as the court finds necessary for such person's protection assistance. A person shall not be presumed to be incapacitated nor shall a person lose any legal rights or suffer any legal disabilities as the result of being placed under a limited guardianship except as to those rights and disabilities specifically set forth in the court order establishing such limited guardianship. In addition, the court order shall state the period of time for which it shall be applicable.

(3) Venue for petitions for guardianship of limited guardianship shall lie in the county wherein the alleged incapacitated person is domiciled, or if such person resides in a facility supported in whole or in part by local, state, or federal funding sources, in either the county where the facility is located, the county of domicile prior to residence in the supported facility, or the county where a parent or spouse or domestic partner of the alleged incapacitated person is domiciled.

RCW 11.88.040. Notice and Hearing, When Required- Service Procedure.

Before appointing a guardian or a limited guardian, notice of a hearing, to be held not less than ten days after service thereof, shall be served personally upon

the alleged incapacitated person, if over fourteen years of age, and served upon the guardian ad litem.

Before appointing a guardian or a limited guardian, notice of a hearing, to be held not less than ten days after served thereof, shall be given by registered or certified mail to the last known address requesting a return receipt signed by the addressee or an agent appointed by the addressee, or by personal service in the manner provided for services of summons, to the following:

- (1) The alleged incapacitated person, or minor, if under fourteen years of age;

The alleged incapacitated person shall be present in court at the final hearing on the petition: Provided, that this requirement may be waived at the discretion of the court for good cause other than mere inconvenience shown in the report to be provided by the GAL pursuant to RCW 11.88.090 as now or hereafter amended, or if no guardian ad litem is required to be appointed pursuant to RCW 11.88.090.

FINDINGS 2.4: "Good cause exists to appoint Larry Weiser as Guardian ad Litem for Ralph H. Blakely, Jr."

As clearly and conclusively evidenced by the foregoing, several genuine material facts at issue exist regarding whether or not Defendant Kahr's scope of representation of Ralph Blakely could be lawfully constrained by order of Judge Tompkin, who lacked competent jurisdiction over the control of Ralph Blakely's financial assets; notwithstanding the inherent violation of Rules of Professional conduct by Defendant Kahrs.

FINDINGS 2.5: "The court finds the filing of the motion for appointment of a Guardian ad Litem as Ralph H. Blakely Jr.'s response to participate in this trial."

It is difficult to imagine any of the involved attorneys or Judge Tompkin could believe their conduct was not illegal, where the motion was filed when everyone knew that Ralph Blakely was then currently under Grant County Judge Sperline Court Order at Eastern State Hospital for a competency evaluation, see Appendix (B), see BASIS: "This matter came before the court upon the motion of counsel for Ralph H. Blakely, Jr. The motion sought the appointment of a guardian ad litem for Ralph H. Blakely, Jr. A hearing was held before the honorable Linda G. Tompkins on Friday, February 26, 1999."

FINDINGS 2.6: "The court's findings and conclusions in this case shall have no precedential or preclusive effect

on any other civil or criminal proceeding involving Ralph H. Blakely Jr. and the matters at issue therein."

This Finding evidences that Judge Tompkin knew Ralph Blakely was then currently at Eastern State Hospital for a competency evaluation ordered by Grant County Judge Sperline; and this finding, 2.6, as matter of law, precludes any restrictions on the scope of representation by Defendant Kahrs in the three subject matter lawsuits filed by Ralph Blakely in King County.

ORDER 3.5: "Gary Gainer, counsel for Yolanda Blakely in the dissolution of marriage action, and Matthew Dudley, counsel for Ralph H. Blakely, Jr. in the dissolution of marriage action, hereby stipulate to Larry Weiser being appointed as Guardian ad Litem for Ralph H. Blakely, Jr. in the dissolution of marriage action as well."

This "ORDER RE: MOTION FOR ORDER APPOINTING LARRY WEISER AS GUARDIAN AD LITEM FOR RALPH H. BLAKELY JR." was conformed by Thomas R. Fallquist Spokane County Clerk on March 5, 1999; however, it is not signed by Gay J. Gainer, Attorney for Yolanda Blakely, was not signed by Dennis Hession, Attorney for Yolanda Blakely, Becky Barker and Lorene Blakely, and was not signed by Larry Weiser, Guardian ad litem for Ralph H. Blakely, Jr., and was not signed by Judge Tompkin; therefore, said ORDER has no legal force and effect whatsoever, and could not be used to allow Defendant Kahrs to claim that the scope of his representation of Ralph Blakely in the three subject matter lawsuits underlying this lawsuit.

(11) As clearly and conclusively evidenced by Appendix (C), "ORDER RE: APPROVAL OF SETTLEMENT OF PARTIES RCW 11.96," said Order is not conformed as being filed and Judge Tompkin did not sign said Order, thereby said Order has no legal force and effect whatsoever, and is void for lack of requisite procedural due process; thereby depriving Attorney Kahrs of any legitimate claim that Judge Tompkin's order restricted the scope of his representation.

(12) As clearly and conclusively evidenced by Appendix (D), "STIPULATED AGREEMENT RE: SETTLEMENT OF TRUST CLAIMS OF BECKY BLAKELY, LORENE BLAKELY, RALPH H. BLAKELY SR., RALPH H. BLAKELY III, PAUL F. BLAKELY AND STAN LONG AS TRUSTEE OF BLAKELY FARMS TRUST," said Settlement is not dated by Matthew Dudley and there is no legitimate legal basis that would confer "Trustee" status upon Stan Long; in part because Ralph Blakely was operating Blakely Farms Trust in his own legal personage in that name; thereby, a material fact at issue exists regarding whether or not Stan Long had lawful authority to dispose of any financial or material assets of Ralph Blakely; and said "Stipulated Agreement" was filed in the Superior Court but not signed by any Judge.

(13) As clearly and conclusively evidenced by Appendix (E), DSHS Medical Lake Hospital again performed a competency evaluation upon Ralph Blakely and confirmed that Ralph Blakely was unquestionably competent during the entire period of Judge Tompkin and involved attorneys acted in concert to illegally purport to appoint a guardian ad litem with purpose to unlawfully deprive Ralph Blakely of his lawful control over his financial and material assets; with further purpose to unlawfully and unconstitutionally prevent Ralph Blakely from adequately proving his innocence and challenging his convictions underlying his incarceration.

(14) By "DECREE OF DISSOLUTION" dated 8/1/15, see Appendix (F), in case #95-3-01916-0 and #96-2-04155-1, Judge Tompkin finalized both said cases and discharged Larry Weiser as guardian ad litem for both said cases; and awarded Ralph Blakely by vehicle of Exhibit (G): "All property acquired by the husband after May 23, 1995, the date upon which the marriage became defunct and the parties commenced residing separate and apart. All property currently in the husband's possession, custody and control and not provided for within the Decree of Dissolution," thereby leaving hundreds of thousands of dollars of Ralph Blakely's personal assets at peril for theft and/or misappropriation of which has not been accounted for to date.

(16) As evidenced by Appendix (G), Defendant Attorney Michael Kahrs filed a "MOTION TO DISBURSE FUNDS FROM SPECIAL NEEDS TRUST," in Case No. 95-3-010916-0 dated 11/06/09, claiming that "Mr. Blakely ... has various medical problems that he believes are not being properly taken care of.... Mr. Blakely also claims he is innocent of the crime charged. He would like to prove his innocence and wishes to hire an attorney, Michael C. Kahrs, to investigate this. Mr. Kahrs is experienced in post-conviction litigation and investigating claims of actual innocence."

(15) As evidenced by Appendix (H): "ORDER APPROVING DISBURSEMENT OF FUNDS FROM SPECIAL NEEDS TRUST," dated 11/9/09 and signed by Superior Court Judge Tomkin under Case No. 95-3-01916-0, stating in pertinent part:

1. Ralph H. Blakely Jr. is in need of funds for the purposes of pursuing post-conviction litigation in his criminal conviction and sentence in Grant County, State v. Blakely, No. 04-1-00369-8.
2. Mr. Blakely has consented to the disbursement of these funds in the amount of Ten Thousand Dollars and n/10 (\$10,000.00).
3. The court finds that the amount requested for investigation, \$10,000.00, is reasonable.

4. Ralph H. Blakely Jr. is in need of funds for the purposes of obtaining medical care for a multitude of serious medical conditions.

5. Mr. Blakely has consented to the disbursement of these funds in the amount of Twenty-Five Thousand Dollars and no/100 (\$25,000.00).

6. The Court finds that the amount requested to obtain medical care, \$25,000.00, is reasonable.

Said Order Approving Disbursement Of Funds does not in any way restrict the scope of Attorney Kahrs representation of Ralph Blakely; creating a genuine material fact at issue why Attorney Kahrs refused to represent Plaintiff Blakely in the three subject matter lawsuits filed in Thurston County Superior Court after agreeing by contract to do so, and being paid by Plaintiff Ralph Blakely to do so.

(17) On 3/15/13 Superior Court Judge Tompkins issued an "ORDER APPROVING REALLOCATION OF FUNDS FOR MEDICAL AND POST-CONVICTION RELIEF," in Case No. 95-3-01916-0, stating in pertinent part:

My. Blakely has not pursued the medical care to the degree he previously desired, but continues to pursue the post-conviction relief matter. Therefore, the funds spent have been more than allocated from the post-conviction relief category (\$10,000) than from the medical category (\$25,000).... ORDER: ...The \$35,000 previously ordered released from the Trust to attorney Michael Kahrs may be allocated either to the post-conviction relief matter or the medical treatment matter.

(18) On 12/24/14 Judge Tompkins issued an "ORDER ON MOTION BY ATTORNEY KENNETH H. KATO FOR PAYMENT OF ATTORNEY FEES FROM SPECIAL PERSON CARE TRUST," in Case No. 96-2-04155-1, stating in pertinent part:

THIS MOTION came on for hearing on Kenneth H. Kato's Motion for Payment of Attorney Fees from Special Person Care Trust supported by his declaration, asking the Court to authorize payment to him of \$8,500 under a flat fee agreement between Ralph H. Blakely, Jr. and Mr. Kato, who will file a personal restraint petition for Mr. Blakely to the Washington Court of Appeals, Division III, to secure his release from unlawful restraint... 1. The Court finds Mr. Kato's fee of \$8,500 is reasonable and, pursuant to the flat fee agreement between him and Mr. Blakely for the personal restraint petition, authorizes payment in that amount from the Ralph H. Blakely, Jr., Special Person Care Trust.

There are no scope of representation restrictions on the Court Order and the attorney-client agreement with Attorney Kate is no different than that between Ralph Blakely and Attorney Kahrs evidencing invalidity of any Defense by Attorney Kahrs in his attempt to hide behind his interpretation of a court order; and raising material facts at issue as to why Ralph Blakely is forced to pay Attorney Kate to do what Attorney Kahrs was already paid to do.

As evidenced above, several genuine legal and material facts at issue are present as to whether or not Ralph Blakely was ever lawfully determined to be an incapacitated person that would allow Defendant Kahrs to legitimately restrict his representation of Ralph Blakely premised on any purported court order; and whether or not there is now, or ever was, a legitimate "Special Person Care Trust" that was or is "authorized by 42 U.S.C. 1396p and 20 F.R. 416.1246(e), as claimed by Judge Tompkin and the other participants that have committed theft by fraud of Plaintiff Ralph Blakely's financial and material assets.

Also, as evidenced above, material facts at issue are present as to whether or not Defendant's Attorneys have a legal and ethical duty to report the illegal conduct described above, relevant and material to this lawsuit.

As further evidenced above, several genuine legal and material facts at issue are present as to whether or not Judge Tompkin could have lawfully restricted the scope of representation by Attorney Kahrs; and material facts at

issue are present as to whether or not Judge Tompkin did in fact or law, limit the representation of Attorney Kahrs; or on the other hand, as Plaintiff Blakely claims, Attorney Kahrs is attempting to perpetrate a defensive fraud on this Court, which are questions of fact that must be resolved by the jury at trial on the merits, as guaranteed by the Seventh Amendment of the United States Constitution.

DISPUTED GENUINE MATERIAL FACTS AT ISSUE

(1) Material facts at issue existed as to why Defendant Kahrs was refusing to provide a copy of the attorney-client contract that has now been provided; further creating material facts at issue as to whether or not said attorney-client agreement creates an attorney-client relationship; of which is both relevant and material to the material fact at issue as to whether Defendant Kahrs defense of "the court made me do it by limiting my representation" is an invalid defense and/or a fraud upon the court.

(2) Material facts at issue exist as to whether or not Defendant Kahrs knew his defense of "the court made me do it," actually existed under the law, when he billed, inter alia, \$560 to visit Ralph Blakely in prison without first obtaining permission from the court.

(3) Material facts at issue exist concerning Defendant Attorney Kahrs consumer advertisement and his letter which states "practicing in federal courts, habeas corpus, Ninth Circuit Court of appeals, civil right litigation," (Exhibit B. 11) violates the Washington Consumer Protection Act under the facts and circumstances present in this case.

(4) Material facts at issue exist as to whether Defendant Kahrs intended to fraudulently manipulate the Spokane Superior Court by claiming said Superior Court Order limited his representation, contrary to the clear terms of said Court Order, stating that the \$35,000 retainer fee was to be used "solely for the benefit of Mr. Blakely."

(5) Material facts at issue exist concerning Defendant Attorney Kahrs' multiple billing for the same alleged services; and material facts at issue exist as to whether or not Defendant Kahrs committed theft by fraud of a portion of the money charged Ralph Blakely, inter alia, as alleged in the State Bar Association Complaint filed by Ralph Blakely against Defendant Attorney Kahrs, which prompted Defendant Kahrs to withdraw from the case.

(6) Numerous material facts at issue exist regarding whether or not Defendant Kahrs intentionally accepted \$35,00.00 of Ralph Blakely's money to protect and advance his constitutional rights in challenging Ralph Blakely's conviction and to protect Ralph Blakely's medical care rights under Washington Law, the Federal Constitution, and the American Disabilities Act; whereas Defendant Kahrs charged Ralph Blakely over \$25,000.00 and did not protect or advance medical care and did not prepare and/or file for any post conviction relief challenging Ralph Blakely's underlying unlawful conviction; when as here, Attorney Kato was paid over eight thousand dollars to file for post-conviction relief that Defendant Kahrs was paid to do, but refused to do, in violation of the attorney-client contract, attorney ethical requirements, attorney fiduciary duty to client and in violation of Ralph Blakely's legal and constitutional rights, of which inherently constitutes, inter alia, attorney malpractice.

(7) Several material facts at issue exist as to why Defendant Attorney Kahrs spent substantial funds attempting to obtain a Declaration from trial witness Robbie Juarez-Trevino that would recant the existing sworn to Declaration of Robbie Juarez-Trevino, offering sworn to testimony that he had falsely fabricated his trial testimony against Ralph Blakely at trial at behest of favor from prosecution, offered by the prosecutor to Robbie Juarez-Trevino.

(8) Numerous legal and material facts at issue exist as to whether or not Ralph Blakely is, and/or ever has been, (relevant to these proceedings) an "incapacitated person," as matter of fact and/or law; and whether or not Attorney Spurgetis and Judge Tompkin, in concert with Defendant Attorney Kahrs, deliberately exercised control of Ralph Blakely's financial assets with purpose to manipulate the scope and breadth of representation Ralph Blakely would receive from Defendant Attorney Kahrs; creating a plethora of interrelated, interdependent material facts at issue, a significant portion of which cannot be properly framed until the discovery process is completed, such as Ralph Blakely recently being provided a copy of the Attorney-Client Contract dated 5/1/09 conclusively showing no restrictions on representation to be provided by Attorney Kahrs; creating numerous material facts at issue that must be presented to the jury at trial on the merits, for example:

(A) Was Defendant Kahrs aware that Ralph Blakely was never determined to be an "incapacitated person" pursuant to the mandates of Chapter 4.88 RCW and the Constitution of the United States.

There can be no legitimate question as to whether Defendant Kahrs knew that Ralph Blakely had never been lawfully determined to be an

incapacitated person because he would have had to know that the Grant County Superior court jury trial and Eastern State Hospital had ruled that Ralph Blakely was not an incapacitated person, when reviewing the criminal record.

(B) Was Defendant Attorney Kahrs aware that because, as matter of law, that Chapter 4.88 RCW mandates are an essential condition precedent to the appointment of a guardian ad litem as applied to this case; and that therefore, no legitimate guardian ad litem had been appointed, thereby, rendering Attorney Spurgetis' purported appointment as trustee invalid and ineffectual.

In other words, as conclusively evidenced by the existing record, Defendant Kahrs knew that Ralph Blakely had never lawfully been determined an incapacitated person, thereby rendering any purported "trustee" status by Judge Tompkin and Attorney Spurgetis clearly invalid, which would have been known by any competent attorney; notwithstanding that the trial judge in the three subject matter lawsuits had ruled Ralph Blakely unquestionably competent; requiring Defendant Kahrs to inform this court why he did not require this court, and the courts in the three subject matter lawsuit to appoint an attorney as required by RCW 4.08.060; whereas on the other hand, if Defendant Kahrs knew that Ralph Blakely was not an incapacitated person within the meaning of Chapter 4.88 RCW and Chapter 4.08 RCW, then any competent attorney would have known that no restrictions could be lawfully made on Defendant Attorney Kahrs representation.

#### COURTS HAVE DUTY TO ADDRESS JURISDICTIONAL QUESTIONS

As clearly shown above, Plaintiff Blakely has brought numerous jurisdictional question that must be resolved prior to any ruling on the merits because Courts are forbidden from exercising "hypothetical jurisdiction," Steel Co. v. Citizens For A Better Environment, 523 U.S. 83, 113 S.Ct. 1003, 140 L.Ed.2d 210 (1998); Davis v. Passman, 442 U.S. 228, 99 S.Ct. 2264, 60 L.Ed.2d 846 (1979):

The question whether a litigant has a 'cause of action' is analytically distinct and prior to the

question of what relief, if any, a litigant may be entitled to receive.

Haywood v. Drown, 556 U.S. \_\_\_, 129 S.Ct. 2108, 173 L.Ed.2d 920 (2009):

In our federal system of government, state as well as federal courts have jurisdiction over suits brought pursuant to 42 U.S.C. § 1984, the statute that creates a remedy for violations of federal rights committed by persons acting under color of state law.

State v. Nelson, 53 Wn.App. 123, 766 P.2d 471 (1988):

When jurisdiction is, by the Constitution of this State, or by statute, conferred on a court or judicial officer all the means to carry it into effect are also given; and in the exercise of the jurisdiction, if the course of proceeding is not specifically pointed out by statute, any suitable process or mode of proceeding may be adopted which may appear most conformable to the spirit of the laws.

United States v. Morgan, 346 U.S. 502, 74 S.Ct. 247, 98 L.Ed. 243 (1954):

The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

Courts have a "virtually unflagging obligation to exercise" the full extent of the Court's jurisdiction,

Deakins v. Monaghan, 484 U.S. 193, 108 S.Ct. 523, 98 L.Ed.2d 529 (1988); see also:

State v. Taggart, 159 Wash. 201, 202 P. 741 (1930):

When court has jurisdiction of cause, it cannot accept or reject jurisdiction at its pleasure.

Pratt v. Hurley, 79 F.3d 60 (7th Cir. 1996):

Courts have no more right to decline exercise of jurisdiction which is given, than to usurp that which is not given.

There is a presumption "against slamming the courthouse door in the face of holders of constitutional claims,"

Czerkies v. Department of Labor, 73 F.3d 1435 (7th Cir. 1996); Landmark Communications Inc. v. Virginia, 435 U.S. 829, 842, 98 S.Ct. 1535, 56 L.Ed.2d 1 (1978)("An enforced silence, however limited, solely in the name of preserving the dignity of the bench would probably engender resentment, suspicion, and contempt much more than it would engender respect"); cf., Franklin v. Gwinnett County Public Schools, 503 U.S. 60, 112 S.Ct. 1028, 117 L.Ed.2d 208 (1992)("where legal rights have been invaded, and a federal statute provides for a general right to sue for such invasion, federal courts may use any available remedy to make good the wrong done").

RELIEF SOUGHT

Plaintiff Blakely prays this Superior Court will vacate the judgment granting summary judgment and afford Plaintiff Blakely his right to jury trial on all material facts at issue, Davis v. Cox, 183 Wn.2d 269, 351 P.3d 862 (2015).

Dated this 3rd day of February, 2016.

Respectfully submitted,

By: Ralph H. Blakely  
RALPH BLAKELY

The Court Erred. Defendant's presented no evidence to dispute this material fact. Thus, the Court lacked subject Matter Jurisdiction to decide the disputed "controversy" in favor of the Defendants.

# EXHIBIT 42

Ex 42  
- - - 07 - 102 - V

DECLARATION OF SERVICE BY MAIL

GR 3.1

I, Ralph Howard Blakely, declare and say:

That on the 22 day of March, 2016, I deposited the following documents in the Stafford Creek Correction Center Legal Mail system, by First Class Mail pre-paid postage, under cause No. COA 74765-7-1 :

Ralph Howard Blakely Appellant v. Kahrs No. 15-2-12980-5 SEA ;  
Court Orders 3/3/16 Order denying Motion to vacate judgment ;  
Order Denying Motion for Reconsideration ;  
2-25-2016 Order Granting Defendant's Motion for Summary Judgment ;

**I just received 3/15/15 COA I documents of demand 3/21/16/11:AM And Counselor Mays refused to make copies of 5 pages of King Co Sup Court ORDERS and Designation of Court Papers and statement of Arrangements PLEASE SEND ME BACK AND REPLY TO the following court orders Attorney Supurgetis will be paying the filing fee and statement of arrangements, court reports, clerk papers**

Court of Appeals Division I  
One Union Square  
600 University Street  
Seattle, WA 98101-4170

Susan McIntosh  
901 Fifth Ave. Suite 1400  
Seattle, WA 98164-2047

*9 pages*

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

DATED THIS 22 day of March, 2016, in the City of Aberdeen, County of Grays Harbor, State of Washington.

*Ralph Blakely*  
Signature

\_\_\_\_\_  
Print Name

DOC 817995 UNIT H1A19  
STAFFORD CREEK CORRECTIONS CENTER  
191 CONSTANTINE WAY  
ABERDEEN WA 98520

DECLARATION OF SERVICE BY MAIL

GR 3.1

I, Ralph Howard Blakely, declare and say:

That on the 23 day of February, 2016, I deposited the following documents in the Stafford Creek Correction Center Legal Mail system, by First Class Mail pre-paid postage, under cause No. 15-2-12980-5 SEA:

Motion to Vacate Judgment Based on Denial of Jury Trial and Jurisdictional/ Structural Defects Under Provisions of CR 59  
Designation of Clerk Papers and all Exhibits;  
THE MAILROOM HAS BEEN RETURNING SOME OF MY OUTGOING LEGAL MAIL AND I have had extreme difficulty having copies made, and obtaining envelopes.;  
Also I have had some of my legal exhibits improperly seized.

addressed to the following:

King County Superior Court Clerk  
516 Third Ave. Room E 609  
Seattle, WA 98104

Attorney Susan McIntosh  
901 Fifth Ave. Suite 1400  
Seattle, WA 98164-1039

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

DATED THIS 23 day of February, 2016, in the City of Aberdeen, County of Grays Harbor, State of Washington.

Signature

Ralph Blakely 817995

Print Name

DOC \_\_\_\_\_ UNIT \_\_\_\_\_

STAFFORD CREEK CORRECTIONS CENTER  
191 CONSTANTINE WAY  
ABERDEEN WA 98520

**DECLARATION OF SERVICE BY MAIL  
GR 3.1**

I, Walter Howard Gladly, declare and say:

That on the 15 day of April, 2015, I deposited the following documents in the Stafford Creek Correction Center Legal Mail system, by First Class Mail pre-paid postage, under cause No. 03-74763-7-1 15-2-12500-3 SCA:

Judge Designation of Clerk's Papers, Statement of Arrangements for  
transcription of verbatim report

The Stafford Creek Correction Center Mailroom has not allowed my legal  
mail to be sent out to Umlauf and Forsberg Attorney Susan McIntosh

addressed to the following:

<u>King County Superior Court</u>	<u>Court of Appeals I</u>	<u>Forsberg &amp; Umlauf</u>
<u>515 Third Ave S 605</u>	<u>One Union Square</u>	<u>201 Fifth Ave. Suite 1400</u>
<u>Seattle, WA 98104-3305</u>	<u>500 University St.</u>	<u>Seattle, WA 98141-3047</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

DATED THIS 15 day of April, 2015, in the City of Aberdeen, County of Grays Harbor, State of Washington.

Walter Howard Gladly  
Signature

\_\_\_\_\_  
Print Name

DOC 3870000 UNIT 1000000  
STAFFORD CREEK CORRECTIONS CENTER  
191 CONSTANTINE WAY  
ABERDEEN WA 98520

DECLARATION OF SERVICE BY MAIL  
GR 3.1

I, Ralph Howard Blakely, declare and say:

That on the 24 day of April, 2015, I deposited the following documents in the Stafford Creek Correction Center Legal Mail system, by First Class Mail pre-paid postage, under cause NO. CPA 74765-7-I KESC NO. 15-2-12980-SEA  
MOTION FOR EXTENSION OF TIME RAP 13.9;

~~The King County Superior Court has not responded with cost bill for the transcription of hearings, nor cost of CLERK PAPERS~~  
~~THE PLAINTIFF is requesting an EXTENSION OF TIME TO FILE BRIEF~~

addressed to the following:

Court of Appeals Div One  
One Union Square  
600 University Street  
Seattle, WA 98101-4170

King County Superior Court  
516 Third Ave. Rm E 609  
Seattle, WA 98104

Foresberg & Unlauf  
901 Fifth Ave. Suite 1400  
Seattle, WA 98164

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

DATED THIS 24 day of April, 2015, in the City of Aberdeen, County of Grays Harbor, State of Washington.

Ralph H. Blakely 817995  
Signature

Print Name

DOC \_\_\_\_\_ UNIT 111419  
STAFFORD CREEK CORRECTIONS CENTER  
191 CONSTANTINE WAY  
ABERDEEN WA 98520

DECLARATION OF SERVICE BY MAIL  
GR 3.1

I, Ralph Howard Elakely, declare and say:

That on the 26 day of April, 2016, I deposited the following documents in the Stafford Creek Correction Center Legal Mail system, by First Class Mail pre-paid postage, under cause No. 74765-7-I KCSC No 15-2-12980 SEA

copy of the Stafford Creek Correction Center legal mail log of April 24, 2016 showing mail service of Motion For Extension of Time RAP 18.8 to the following. RE:COA-I April, 21 2016 letter  
Being almost blind, the (SCCC) mailroom has returned many of my legal envelopes addressed to Foresberg & Umlauf, 901 Fifth Ave. Suite 1400, Seattle Counselor Mays refuses to make legal copies, nor to provide assistance in outgoing legal mail.

addressed to the following:

Court of Appeals Div One  
One Union Square  
600 University Street  
Seattle, WA 98101-4170

Foresberg & Umlauf  
901 Fifth Ave. Suite 1400  
Seattle, WA 98104

I am confused to COA-I dates of April 18, 2016 Appellant filed a request of extension of time. and COA-I letter dated April 21, which I received April 20, 2016 at 10:30 am

I believe that April 18, mailed to you was a Notice of Appeal with THREE ORIGINAL COURT ORDERS: WHICH I have asked to have returned copies

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.  
because Counselor Mays refused to make legal copies for me, beings I am almost blind, I have difficulty reading.

DATED THIS 26 day of April, 2016, in the City of Aberdeen, County of Grays Harbor, State of Washington.

Ralph H. Elakely 317995  
Signature

Print Name

DOC \_\_\_\_\_ UNIT 141019  
STAFFORD CREEK CORRECTIONS CENTER  
191 CONSTANTINE WAY  
ABERDEEN WA 98520

DECLARATION OF SERVICE BY MAIL

GR 3.1

Judge: Laura C. Inveen # 48

I, Ralph Howard Blakely, declare and say:

That on the 11th day of February, 2016, I deposited the following documents in the Stafford Creek Correction Center Legal Mail system, by First Class Mail pre-paid postage, under cause No. 15-2-12980-5-SEA:

Notice of Appeal (RAP 5.3) Statement of Arrangements (RAP 9.2(a)) ;  
\_\_\_\_\_ ;

I am restricted to only 4 pages of legal documents; otherwise my ;  
outgoing legal mail has been returned as of February 2,3,2016

I have two full envelopes addressed to Umlauf & Forsberg, Attorney Susan McIntosh  
addressed to the following:

King County Superior Court Judge  
516 Third Ave. Rm C 203  
Seattle, WA 98104

King County Superior Court Clerk  
516 Third Ave. Rm E 609  
Seattle, WA 98104

Forsberg & Umlauf  
Susan McIntosh  
901 Fifth Ave Ste 1400  
Seattle, WA 98164 1039

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

DATED THIS 11 day of February, 2016, in the City of Aberdeen, County of Grays Harbor, State of Washington.

Ralph H. Blakely 817995  
Signature

\_\_\_\_\_  
Print Name

DOC \_\_\_\_\_ UNIT H1A19  
STAFFORD CREEK CORRECTIONS CENTER  
191 CONSTANTINE WAY  
ABERDEEN WA 98520

COURT OF APPEALS FOR THE STATE OF WASHINGTON  
DIVISION ONE

RALPH HOWARD BLAKELY,

Petitioner,

v.

MICHAEL CHARLES KAHRIS, et al.,

Respondent.

No. 74755-7-1

MOTION FOR EXTENSION OF TIME

RAP 18.8

COMES NOW Petitioner *pro se* Ralph Howard Blakely, and moves  
this Court for an Order extending the time for filing his Brief

from March 15, 2016, to June 15, 2016, pursuant to RAP 18.8.

This Motion is based upon the records and files herein and the attached Declaration.

Done this 24 day of April, 2015.

Respectfully submitted,

Signature: Ralph H. Blakely 817995

Printed Name: \_\_\_\_\_

DOC # \_\_\_\_\_ Unit H1A19  
SCCC 191 CONSTANTINE WAY  
ABERDEEN WA 98520



COURT OF APPEALS FOR THE STATE OF WASHINGTON  
DIVISION one

~~RALPH HOWARD BLAKELY,~~

Petitioner,

v.

~~MICHAEL CHARLES KAHRB, et al.,~~

Respondent.

No. 74765-7-1

ORDER GRANTING  
EXTENSION OF TIME

THIS MATTER having come before the Court on the Petitioner's Motion, after having considered the pleading and files in this matter:

It is hereby ORDERED:

The Motion for an Extension of Time is hereby GRANTED. The deadline for filing the Petitioner's brief is extended to June 15, 2015.

DONE this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Commissioner / Clerk

Presented by:

Ralph Howard Blakely, Petitioner

DOC # 217005 Unit 41 A 10  
SCCC 191 CONSTANTINE WAY  
ABERDEEN WA 98520

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

<u>RALPH HOWARD BLAKELY,</u>	)	No.15-2-12980-5 SEA
	)	<u>COA 74765-7-1</u>
Plaintiff,	)	
v.	)	NOTICE OF APPEAL
	)	(RAP 5.3)
<u>MICHAEL CHARLES KAHRS, et.al.,</u>	)	
	)	
Defendant.	)	
_____	)	

I, Ralph Howard Blakely, appearing pro se, seek review by the designated appellate court of the: King County Superior Court Order Granting Defendant's Motion for Summary Judgment Dismissal

entered on the 25 day of January, 2016.

A copy of the decision is attached to this notice.

DATED THIS 11th day of February, 2016, in the City of Aberdeen, Grays Harbor County, State of Washington.

Ralph H. Blakely

Signature

Ralph H. Blakely

Printed Name

DOC# 817995, Unit # 1 A 19  
191 Constantine Way  
Aberdeen, WA 98520

SUPERIOR COURT OF WASHINGTON  
COUNTY OF KING

RALPH HOWARD BLAKELY,  
Plaintiff,

vs.

MICHAREL CHARLES KAHRs,et.al.,  
Defendants.

No. 15-2-12380-5 SEA  
MOTION AND REQUEST FOR  
CLERKS PAPERS AND ALL EXHIBITS  
DESIGNATION OF CLERK PAPERS  
LC 7 (b)(6) LCR 56

Plaintiff, Ralph Howard Blakely requests the Designation of Clerk Papers  
and exhibits as follows:

sub	docket date	docket code	docket description	misc Inform
2	5-23-2015	Set Case Schedule		5-23-2016
		JDG 0048	Judge Laura Inveen Dept 48	
3	5-28-2015	Case Infor Cover		
4	5-29-2015	Affidavit Service		
5	6-3-2015	Notice of Appearance Defendants		
6	7-28-2015	MOTION FOR TELEPHONIC HEARING		
7	7-28-2015	MOTION FOR DEFAULT JUDGMENT AND <u>10 Exhibits</u>		
8	7-28-2015	Objection/ opposition		
9	7-28-2015	Affidavit in Support		
10	7-31-2015	ANSWER & AFFIRMATIVE DEFENSE		
11	8-12-2015	Notice of Hearing /mtsmjg/ Inveen		10-23-2015
12	8-31-2015	Order Denying Motion/ Petition		
13	9-17-2015	Letter from Ralph Blakely		
14	9-22-2015	Notice of Hearing/ Summary Judgment		11-20-2015
15	10-22-2015	Motion for Summary Judgment		
16	10-22-2015	Declaration of Michael C. Kahrs		
17	10-27-2015	ORDER COMPEL ANSER INTERROGATORIES		
18	11-02-2015	NOTICE OF HEARING/ Extension of Time/Re		11-5-2015

DESIGNATION OF CLERK PAPERS AND EXHIBITS Er 1-90

Sub	Packet Date	Packet Code	Packet Description	Misc Inform
19	11-16-2015	Reply / Defendants		
20	11-20-2015	Hearing Continued	Unspecified Judge Inveen, Dept 48	
	11-20-2015	Audio Log Dr. W 864		
21	11-20-2015	Motion/ Plaintiff		
22	11-20-2015	Order on Motion For Additional Time		
23	11-20-2015	Notice of Hearing/enlarge Time		11-20-15
24	11-24-2015	Motion / Pet		
25	11-24-2015	Order Extending of Time		
**	10-8-2015	MEMORANDUM OF LAW in Support of Motion to Compel Discovery and Non-Evasive Answers to Verified Complaint Supported with Plaintiff's Exhibits No. 1-11 to Judge Laura C. Inveen consisting of 8 page memorandum and 90 pages of supporting exhibits.		
26	12-1-2015	Notice of Hearing/ Compel Answers		11-27-15
27	12-14-2015	Correspondence From Ralph Blakely		
28	12-21-2015	Letter and Request		
29	12-21-2015	Objection/ Opposition/ Defendant Fahrs		
30	12-21-2015	Notice of Hearing/ Disclose Witness		12-21-15
**	10-8-2015	DECLARATION OF SUMMARIZED EXHIBITS supporting Motion to Compel Discovery of Exhibits Nos.1-11;90 pages		
same 29-31	1-5-2016	Objection/ Opposition/ Defendant		
32	1-5-2016	Declaration of Susan K McIntosh		
33	1-5-2016	Declaration of Michael C. Zahre		
**	10-8-2015	WHERE ARE THE MANY DECLARATIONS OF BLAKELY in support of		
34	1-8-2016	Notice withdraw & Substitute Counsel		
**_**	1-8-2016	Plaintiff's Exhibits Nos.1 through 15 160 pages		
35	1-11-2016	Notice of Hearing/Opposition		1-22-2016
36	1-11-2016	Objection/ Opposition/ Plaintiff		
37	1/13/2016	Reply/ Defs		
same 32-37	1-13-2016	Declaration of Susan McIntosh		
39	1-13-2016	Motion to Strike/ defs		
**	12-21-2015	Plaintiff's Motion to Strike witnesses		
40	1-13-2016	Order Denying Motion to Compel		
41	1-13-2016	Notice of Hearing?Opposition		1-22-2016
42	1-22-2016	Motion Hearing/Judge Laura inveen, Dept 48 AUDIO LOG Dr. W 864		
43	1-25-2016	ORDER GRANTING Summary Judgment		
44	2-5-2016	Notice/Decl Mail/ Mtn Reconsideration/inveen948		

