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Washington State Supreme Court

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No.89574-I

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

ALEXANDER HANUSKA PhD, Appellant v.  
DEPARTMENT OF LABOR & INDUSTRIES and  
BOARD OF INDUSTRIAL INSURANCE APPEALS and  
NORDSTROMS, Defendants.

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**APPELLANT'S OBJECTION TO DEFENDANT'S MOTION TO  
STRIKE APPELLANT'S MOTION TO STRIKE DEFENDANT'S  
PERJURY STATEMENTS OF RECORD BY D.MICHAEL REILLY  
& LAURA T. MORSE**

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ALEXANDER HANUSKA PhD

Pro Se Appellant

C/o Joseph Russell Haynes

3104 East Broadway Road # 2, Mesa, AZ 85204-1736

**I. INTRODUCTION**

Appellant's Objection to Defendant's Motion to strike perjuries is typed by his domestic partner Joseph R. Haynes as prepared by JUDr. Dagmar Hanuskova (Appellant's mother and retired Attorney General of his native country) to Defendant's reply dated March 14, 2014. Appellant underwent as planned a very complicated surgery on his leg connected to his original injury of August 28, 2008. Appellant repeatedly notified all the Courts in advance in May and June 2013 that this situation was to

occur very shortly. He had not fully recovered yet from this major surgery.

## **II. DISPUTED FACTUAL ISSUES**

Appellant's Motion to strike Defendant's perjury Statements of Record by D. Michael Reilly and Laura T. Morse dated March 14, 2014 is still contradicting Defendant's statements and avoiding to answer issues that Mr. Reilley and Mr. Keehn were fully aware that by deliberately requesting a closure of Appellant's benefits in November of 2007; where both Mr. Keehn and Mr. Reilley are in a major violation of conduct under Fundamental Principles of Professional Conduct Rule: **8.4 (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation ;( d) engage in conduct that is prejudicial to the administration of justice; (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law."**

*"On a random check with the Clerk's office on July 6, 2012 we discovered that by the court's clerk's mistake they misplaced the Designation of Clerk's papers in the wrong case file, which were received in Seattle on June 14, 2012. These papers are due on September 6, 2012. The court clerk informed me only today (because the clerk's office never read or properly filed the Designation of Clerk's Papers since June 14, 2012), that the previously granted fee waiver does not apply to these documents and advised me via e-mail to file for such waiver and indigence. We ask this court for an Order of indigence authorizing the expenditure of public funds to prosecute this appeal wholly at public expense. The following declaration is made in support of this motion. Per proper procedure as advised by the Supreme Court the Plaintiff filed such motion on August 8, 2012 (previously delivered to all parties, but the Supreme Court replied only on August 30, 2012 to send a copy of this motion to judge Catherine Shaffer (certified US mail # 7011 1150 00012598 9415) first. After the Supreme Court rules, the Clerk's designated papers will be promptly transferred to the Appellate Court (they are ready see attachment No.1 from the Court's clerk Ms. Sophie Reed). It is not the Plaintiff's fault in*

*delay of these due papers, but he has no power or way to speed the decision of the Supreme Court.”(excerpted from Motion for all Clerk’s fees waiver and Indigence dated July 8, 2012) “Judge Shaffer had not replied until October 1, 2012 forfeiting the due date .How can Ms. Laura T. Morse deliberately mislead the Supreme Court, blaming the Appellant for a delay which was caused by the Clerk’s office and judge Shaffer’s long delay in response to the motion. Ms. Morse was served on all these documents and deliberately tries to blame Appellant for, which is false and such should be stricken from the record. It is also important to note that all of Appellant’s motions, brief’s etc. were signed by Mr. Haynes (Appellant’s domestic partner, who is not an attorney, helping his ill immobile partner to speed up the case due process from January 30, 2010 through October 7, 2012 (including the entire case at the Superior King County Courthouse). Judge Shaffer and Mr. Keehn forgot to notify Appellant and Mr. Haynes, that despite having a valid Power of Attorney dated January 30, 2010; Mr. Haynes was not allowed to sign any documents on any Superior Court or Appellate Court’s levels. This makes all the documents invalid. Appellant and Mr. Haynes were illegally intimidated by the below specified individuals and suffered a heart attack from these illegal actions and was forced to file a Motion for continuance on October 7, 2012: “This motion is signed by Joseph Russell Haynes (as prepared by JUDr. Dagmar Hanuskova, the Plaintiff’s mother and retired Attorney General of Slovak Republic.) A Power of Attorney which is granting Mr. Haynes the right to sign for Plaintiff was filled with the Board of Industrial Insurance Appeals on January 30, 2010 (a copy was previously attached as Exhibit No. 2.) The Plaintiff is currently medically unable to represent himself in any court of law due to legally verified medical conditions and recoveries from numerous surgeries and his current severe injury of September 26, 2012, by his medical team represented by Warren H. Tripp MD as his medical Court representative. According to RPC 8.5(a) Joseph Russell Haynes is not allowed to give any legal advice to the Plaintiff; it was made previously clear that Mr. Haynes helps by typing the Plaintiff’s pleas, motions as prepared by his mother, signing them and taking them to the post office to be mailed out in order to speed up the legal process that is reasonable accommodation of his current medical inability to participate, this arose from his injuries on August 28, 2008 and September 26, 2012. All legal mail should been*

*served on him, as per valid Power of Attorney. The opposing counsels Gary Donald Keehn (his attorney Joel Wright), Laura Therese Morse, Michael D. Reilly and the Appellate Court Administrator Richard D. Johnson repeatedly violated this reasonable accommodation of the Plaintiff's current medical disability needs by sending him not allowed direct mail communications and all of them refused to honor this reasonable accommodation of his current disability needs as repeatedly outlined in numerous objections to direct contact in violation of his Court appointed representative Warren H. Tripp MD and the Plaintiff's domestic partners, Joseph Russell Haynes, Power of Attorney filed with both courts and known to all perpetrators of these orders. I had previously objected in writing to these violations on repeated occasions (and of record in this case): "His current recovery is only partial, because his cardio, neurological, orthopedic and psychological issues are not medically resolved, he is heavily medicated and if exposed to any unnecessary stress he can suffer at any time additional cardio episode, stroke or further paralyzes, this can put him in critical danger." Warren Tripp MD as his Court appointed medical representative also advised all the courts their employees and attorneys: ...Their behavior and actions against him, his case and his health put him in major hypertension risk for which now he needs to be daily medicated, stress and depression. ALEXANDER HANUSKA is not able to participate in court related activities at this time until future notice. He will need clearance from his orthopedic surgeons, his neurologist and his cardiologist to resume physical activities involving court work after complete recovery. The ignorance of judge Molchior and attorney Gary Keehn already created numerous backslashes in his recovery. Forcing to engaging him into these activities before he is released by his specialists until complete recovery, could compromise his health even further and violates his legal rights for a fair trial. Therefore, he is continued to be advised not to participate in court related activities including e-mail, phoned testimony, or any other work until he is cleared to do so. I hope that this is FINALLY perfectly clear." Mr. Wright decided to send a legal messenger banging on the Plaintiff's doors and windows on Thursday 9/21, Friday 9/22 and Monday 9/24 almost breaking them, unsuccessfully forcing him to accept the not allowed direct mail from Mr. Joel Wright. All this was happening between 4-5 PM each afternoon, despite all the parties knowing that I would be at*

*work each day at that time and the Plaintiff in his electric wheelchair with his service dog barking, trying to protect him from such intruders, would put him in critical danger and he had suffered the following morning a heart attack and is hospitalized in Mesa. The messenger did not deliver the motions to me as required by law, but taped it on the door and left. At the same time attorney Michael D. Reilly send him a direct certified mail 70101060000114092767 which was refused and returned to the sender. Mr. Reilly and Ms. Morse until today (!) had not served me on a notice of appearance or any of the previously returned FedEx direct mail. The Plaintiff is currently recovering from his severe injuries and is under the care of his medical team (see attached sworn statement of Warren Tripp MD dated September 28, 2012 as exhibit No.1 A & B). His cardiologist is not allowing him any legal participation or even a hint of a smallest kind of stress, which at this point could simply kill him. He is on a new heart medication and only after three months and results of future consultations and tests scheduled for January of 2013 will show his recovery progress. Warren Tripp MD and I will update this Court in writing by latest January 17, 2013 on the Plaintiff's recovery progress. This could been prevented. Please sanction all the above mentioned perpetrators for repeatedly disrespecting the Plaintiff's medical orders of no direct contact and violations against my valid Power of Attorney which have now serious life threatening and permanent medical consequences for the Plaintiff's already very fragile health. He has several months of recovery ahead and I ask this Court to stop any direct communications to the Plaintiff trough house phone, e-mail, US Mail, UPS or FedEx. Any further violations at this point may kill him. All perpetrators will be taken to full legal responsibility for their continued wrongdoings."(Motion for Continuance dated October 7, 2012). How can Ms. Morse and Mr. Reilley blame Appellant's heart attack, which could been prevented, if the Attorneys and the Court did not ignore the warnings of his medical team not to engage Appellant for a limited time in any Court actions? Their ignorance of these fair warnings as outlined by Dr. Tripp and Mr. Haynes, Defendant's illegal intimidations of both Appellant, Mr. Haynes makes them legally liable for this injury.*

The Court did not make any attempt to serve his designated parties in

Appellant's verified medical inability to comply and such, the crux of the issue is not that Appellant did not comply with the order, but the Chief Acting Judge was forcing him to choose preserving his left leg and health, or his legal right for a fair trial. Appellant would like to remind everybody that judge Shaffer (with identical medical statements from Appellant's team) had granted in summer of 2010 a continuance for the same identical surgery on his right leg, designed in order to save it, because he cannot receive an artificial knee. He would not be able to walk on an artificial limb and both of his legs have to be identical in order for him not to lose his already limited ability to walk. No judge has the legal right to try to force an Appellant to choose between his legal rights for a fair trial, or his fragile health condition caused by Defendant's illegal actions. JUDr. Hanuskova is providing you with detailed chronology of his case from 2007 through present (attached as Exhibit No.1) and her sworn statement dated March 20, 2014 (attached as Exhibit No.2) which incriminates the validity of the original biased discriminative actions of judge Molchior, Gary D. Keehn and D. Michael Reilly between 2007 through present (including audio evidence contradicting the Court record as manipulated by judge Molchior and Mr. Keehn in Appellant's verified medical absence. All of his medical providers has seen and heard it and are supporting his claim. It is in this Courts interest to read it and correct the files accordingly. Judge Molchior who removed all medical documents, which would not allowed her to rule in favor of Nordstrom and her

friendship with the opposing counsel Mr. Keehn, who she choose to address on a first name basis during court proceedings, editing, removing and pretending of never receiving medical documents from Appellant's medical team from 2008 through 2010 compromising her own integrity as a biased judge, depended on her private connections to Mr. Keehn, deliberately intimidating Appellant during teleconferences causing his injury in August of 2008 and heart attack in August of 2012. Appellant submits that Judge Molchior's abuse of discretion in failing to consider his medical condition and going forward with the legal action is even more reprehensible than the hearing officer in Sanai. Accordingly, in keeping with this Washington State Supreme Court ruling judge Shaffer failed to proceed with any kind of investigation about the altered court record, despite being repeatedly presented with relevant medical, legal and factual evidence; majority of which was excerpted from the court record, some was outside of the court record, but admissible under RCW 9.A. 72.010 (1). Judge Shaffer failed to adjudicate judge Molchior's and Mr. Keehn's violations of CJC 2.3 (a) (b), CJC 1.2 (2, 3, 5), CJC 2.1, 2.2, CJC 2.5 (a), CJC 1.1 (e) and RPC 8.4 (c) (d) (f), because she had not read the entire evidence presented to her by Appellant in his Notice of Appeal, his two trial briefs with all its exhibits and attachments and decided to proceed after receiving them in a faulty form in violation of CR 4(a) (1) and 11(a).

### **III. LEGAL CONCLUSIONS**

Mr. Keehn with his unethical actions defrauded Appellant from any

medical treatment for his on job injuries of November 13, 2002, which by now became permanent. All documents proving that Mr. Keehn, Mr. Reilley and Ms. Morse intend to defraud this Supreme Court with Defendant's liability to provide medical treatment, permanent benefits for his injuries sustained on the job on November 13, 2002 should be allowed. Defendant should also repay Washington State's DSHS and Arizona's AHCCCS for all medical treatments already provided for his on job injuries, so that these agencies could reuse those funds to treat another disabled individual, but non on the job injury related illnesses. Ms. Morse is incorrect that this case it is not identical with and is not consistent with the Washington Supreme Court findings In Re Disciplinary Proceeding of Sanai (2009), Washington Supreme Court Docket No. 200,578-1, because on June 19, 2013 Appellant became medically and legally incapable to represent himself in any court of law; Mr. Johnson, or any other judge of the Court of Appeals Division I, was legally correctly notified by Appellant and his entire medical team that he was medically and legally precluded to comply with his order dated June 21, 2013, (which even remained unopened and was returned on June 27, 2013 after arrival in Arizona), because Appellant had to choose to preserve his life and follow the medical orders of his physicians dated June 19, 2013; or to risk another possible stroke, heart attack, complete paralyses, or to die on the operating table during the long surgery. As per "Sanai" and the Supreme Court:" *The conditions of the abuse of the discretion are delineated in one of Sanai's supporting cases. "A hearing officer abuses her discretion when*

*her decision is 'manifestly unreasonable or exercised on untenable grounds, or for untenable reasons.'" State v. Downing, 151 Wn.2d 265, 272, 87 P.3d 1169 (2004). As in the Sanai case, it was unreasonable for the Acting Chief Judge to continue the legal proceedings in Appellant's absence beyond June 19, 2013, forcing him to choose between taking the advice of his medical team and protecting his constitutional right to a fair trial."*

The Court did not make any attempt to serve his designated parties in Appellant's verified medical inability to comply and such, the crux of the issue is not that Appellant not comply with the order, but that the Chief Acting Judge was forcing him to choose preserving his left leg and health, or his legal right for a fair trial. Ms. Morse also pretends hearing for the first time about his surgery only on June 28, 2013; the record proves that Appellant repeatedly correctly notified the Court in advance in May and June 2013, hat this situation was to occur very shortly. The Courts of Appeals refusal to grant continuance after Appellant's heart attack and his left leg surgery constitutes a deliberate disability discrimination and prejudice to his case. The refusal of the Appellate Court to accommodate the new disability needs and its accommodation in the case schedule, so that Appellant could comply when medically deemed capable, grants Appellant to file a separate discrimination case. The legal fact on which the dismissal of his case dated July 16, 2013, claiming that Appellant did not comply with the Chief Acting Judge's order by July 1, 2013 is in violation of the standards as established per "Sanai" because this Court, including the Chief Acting Judge had detailed medical knowledge from

Appellant's medical team (Dr's. Tripp, Dr. Linden, Dr. Jeppesen), that Appellant's any participation in this case seized from June 19, 2013 to November 30, 2013 due to his urgent and extremely complicated surgery and pending recovery in connection to his original injury of August 28, 2008. Dismissal of his case by the Chief Acting Judge on July 16, 2013 based on Appellant's medical condition and inability to comply (with the Acting Chief Judge's full legal knowledge when making this ruling on July 16, 2013) should be voided and null. Appellant does not object to any length of the Hon. Judges of the Supreme Court of Washington State to conclude their decision. He strongly encourages them to take as much time as needed in order to read through hundreds of pages of the relevant medical evidence. The only reason why opposing counsels are trying to eliminate any medical and legal evidence (this is in complete accordance with the ruling of Hon. Judge Canova in November of 2005), is to cover up Defendant's financial liability and medical benefits to Appellant and to repay the Washington State department of DSHS and Arizona State department of AHCCCS who paid every single medical treatment since November 13, 2002. Appellant's injuries in 12 years of Defendant's refusal of medical treatment had become permanent, because of Mr. Keehn's unethical actions in February of 2006 as described in his own words:

*"In light of that, exposure is limited to back time loss, payment of medical bills and a permanent partial impairment for mental health....In light of the cost, exposure and chances of prevailing, my recommendation is to accept the claim and put the money that would*

***have been used in the appeal process to limit the employer's exposure on time loss and treatment".***

Dated this 26 day of March 2014

  
Alexander HANUSKA PhD.

CERTIFICATE OF SERVICE BY MAIL

I certify that on this day I served the attached Notice to the parties of this proceeding and their attorneys or authorized representatives, as listed below. A true copy thereof was delivered to the United States Postal Service, postage prepaid.

SERVICE LIST

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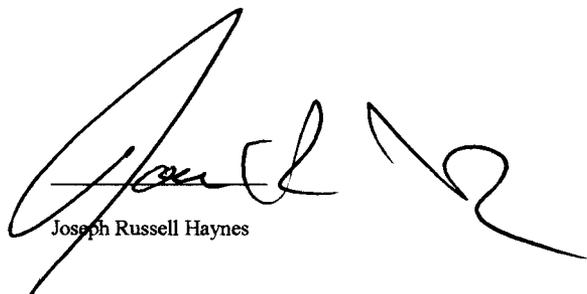
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DATED: March 10, 2014

  
Joseph Russell Haynes