

70909-7

70909-7

CASE NO. 70909-7

**COURT OF APPEALS
STATE OF WASHINGTON
DIVISION ONE**

**IN RE THE GUARDIANSHIP OF
DOROTHY MAY KERTIS
AN INCAPACITATED PERSON**

2014 JAN -3 PM 4:27
COURT OF APPEALS
STATE OF WASHINGTON

MOTION ON THE MERITS

**DEWEY W. WEDDLE, WSBA 29157
Attorney for Dianna Parish, Guardian**

**Law Office of Dewey W. Weddle, PLLC
909 Seventh Street
Anacortes, WA 98221
360-293-3600
Fax: 360-293-3700
dwweddle@msn.com**

DIANNA PARISH, guardian of the person and estate of her grandmother, Dorothy May Kertis, moves the court for an order affirming the decision of the Skagit County Superior Court entered on August 15, 2013 that denied appellant Terry Kertis's Motion to Terminate Restraining Orders Regarding Dorothy May Kertis, and the court's decision entered on September 11, 2013 that denied Mr. Kertis's Motion to Reconsider Order on Motion to Terminate Restraining Order.

ISSUES PRESENTED FOR REVIEW

1. Did Terry Kertis inflict "fear of imminent physical harm or bodily injury" (*i.e.*, domestic violence) on his mother, Dorothy Kertis, thereby justifying the entry of an order protecting her from fear of physical harm or bodily injury?
2. Has Terry Kertis demonstrated a substantial change in circumstances that would warrant termination of the protective order?

STATEMENT OF THE CASE

Dorothy Kertis is 89 years old and resides in the memory care unit at Fidalgo Care Center and Rosario Assisted Living in Anacortes, Washington (hereinafter "Fidalgo"). Dorothy suffers from advanced dementia and requires assistance with all activities of daily living. She spends her waking hours in a wheelchair because she is non-ambulatory. Her lucid moments are relatively rare.

Dorothy was admitted to Fidalgo in October of 2009. Prior to her admission, she had been a resident of the Mountain View Adult Family Home for approximately two years. Before that, Dorothy had lived with her daughter, Sandra Ross, until Dorothy fell and broke her hip and her dementia became so advanced that professional care was needed.

Sandra began taking care of Dorothy after Dorothy's husband died. George Kertis passed away on September 4, 2005. Two months later, on November 15, 2005, Dorothy executed a Durable Power of Attorney appointing Sandra as her attorney-in-fact, and designating her son, Terry Kertis, as the alternate attorney-in-fact.

Unfortunately, Sandra succumbed to cancer on July 11, 2009.

Three weeks later, on July 30, 2009, Dianna petitioned for guardianship of Dorothy's person and estate. Dianna is Sandra's daughter. She petitioned for guardianship because she and other family members had grave concerns about Terry's ability to manage Dorothy's financial affairs and his ability to make sound decisions regarding Dorothy's medical care. Their concerns were based upon Terry's chronic problem with alcohol and his inability to manage his own finances, as evidenced by his numerous DUI arrests and by his filing for bankruptcy the previous year. (In 2001 Terry was arrested and charged with DUI under Anacortes Municipal Court cause number 86-021435. The charge was amended to

Negligent Driving in the 2nd degree. In 2003 he was arrested again and charged with DUI under Anacortes Municipal Court cause number AC0006372. He was granted deferred prosecution. In 2005 he was arrested again and charged with DUI under Skagit County District Court cause number C00598086. He entered a plea of guilty. In 2006 he was arrested again and charged with DUI and his deferred prosecution was revoked. He entered a plea of guilty. In 2006 he was arrested again and charged with DUI under Anacortes Municipal Court cause number AC0008840. Eventually he entered a plea of guilty to Negligent Driving in the 1st Degree. In 2006 he was arrested yet again and charged with DUI under Burlington Municipal Court cause number BUC008062. He entered a plea of guilty. [As a result of all of these arrests and guilty pleas, Terry's driver's license was suspended.] On April 15, 2008 Terry and his wife filed for bankruptcy under Chapter 7 under cause number 0812225.)

Terry was displeased with Dianna's petition for guardianship. It was as if he had won the lottery and then had the winning ticket snatched from his hand. When the guardianship petition was filed, the approximate value of Dorothy's estate was \$344,742. She owned a home in Anacortes and was receiving social security income and annuity income totaling approximately \$2227 per month. Dianna's petition completely derailed Terry's plan to move into his mother's home and assume control over her

finances, which would have been a godsend to Terry, a chronically unemployed, bankrupt inebriate.

On August 14, 2009 with the assistance of his attorney, Gerald Osborn, Terry filed a motion asking the court (1) to dismiss the petition for guardianship; (2) to designate him as the attorney-in-fact; (3) to allow him entry into his mother's home and her safe deposit box; and (4) to require Dianna to produce an inventory and accounting of his mother's property. At the hearing on August 28, 2009 the Honorable Judge Michael E. Rickert denied all of Terry's requests and "revoked any and all Powers of Attorney naming Terry Kertis as attorney-in-fact for Dorothy Kertis." Thus began a long and uninterrupted string of rulings against Terry, whose frustration and anger with Dianna and the court increased each time it happened.

On December 11, 2009, over Terry's objection, the Honorable Judge Susan K. Cook signed an order appointing Dianna as full guardian of Dorothy's person and estate. As Judge Rickert had done at the previous hearing, she denied Terry's verbal request for an inventory and accounting and for entry into his mother's home.

On January 25, 2010, Terry filed a motion asking the court (1) to compel discovery; (2) to restrain Dianna from disposing of his mother's property; (3) to provide an accounting of \$4927.77 removed from an

account belonging to Dorothy Kertis; and (4) to require payment of his attorney's fees. Essentially, Terry's motion made the same requests that the court had twice denied.

On February 5, 2010 Judge Cook signed an order denying all of Terry's requests. Judge Cook found that "because Mr. Kertis's Motion to Compel essentially asks for the same relief that this court has twice denied him, it was not made in good faith and it is not unreasonable to conclude that the motion was filed to harass the guardian and therefore it has needlessly increased the cost of litigation." Judge Cook ordered Terry to pay \$500 in attorney's fees and entered a judgment accruing interest at the rate of 12% per annum, which Terry still has not paid.

On March 23, 2010 Mr. Osborn withdrew.

On May 20, 2010 Dianna received a call from Laura Willingham, the Resident Services Coordinator at Fidalgo, requesting that Dianna consider filing for a restraining order for Terry. At one o'clock that morning Terry had been intercepted by Fidalgo staff while on his way to his mother's room where he intended to sleep on the floor. The following day, Ms. Willingham wrote a letter to Dianna expressing her concern that Terry's conduct was putting Dorothy's safety, as well as the safety of other residents, at risk. Ex 3

On May 27, 2010 Dianna filed a Motion/Declaration for Ex Parte Restraining Order and for an Order to Show Cause. Dianna's motion was supported by her declaration; by the declaration of her brother, Richard Ross, the standby guardian; and by the letter from Ms. Willingham. The declarations and the letter made it plain that Terry was putting his mother and other residents of Fidalgo at substantial risk of harm. The following are excerpts from Ms. Willingham's letter (emphasis added):

"We feel strongly that Terry's visits are putting her (Dorothy) and the other memory care residents at a safety risk."

"Terry Kertis has a history of visiting his mother spontaneously. ***Recently his visits have appeared to cause emotional distress for Dottie and most recently, caused our facility staff great concern for her safety and that of others.*** Initially, when concerns arose, the facility and the Resident Services Coordinator attempted to work with Terry to schedule visits to ensure positive outcomes. The goal was to encourage visitation in public areas where the visits could be monitored to ensure Dottie has a pleasant and safe experience. This arrangement was the result of activity such as defacement of Dottie's family pictures in her room following one of Terry's visits as well as ***multiple episodes of Dottie demonstrating increased agitation and behavior following his visits.*** The terms were that Terry would contact us prior to every visit and that the visits would be arranged in public. Terry was not cooperative with this arrangement. Terry has subsequently stopped visiting during the day at the pre-approved times and has attempted more frequently to visit at night or on weekends without announcement.

Upon several recent visits, Dottie's safety was put at risk. About three weeks ago Terry arrived unannounced and was found by caregivers to be handing out cigarettes to other residents in memory care. Upon approach, Terry was verbally inappropriate stating "everyone deserved a smoke now and then." Terry was argumentative about facility policy as a non-smoking facility as well as with the issue of safety, should a cigarette be lit and left behind by a person with memory impairment.

On another occasion, Terry arrived without prior arrangement and was found in the kitchen cutting up and handing out apple wedges to residents. When asked to stop what he was doing, he was found to be verbally inappropriate, disruptive and argumentative. ***The caregivers had to physically intercede to prevent injury from an apple Terry provided to a woman who is not able to swallow regular texture food and has such memory impairment that she would not have been able to determine that she was unable to safely eat the apple wedge.*** Terry was asked to leave immediately.

On another occasion, Terry arrived in the very early morning on a weekend. When approached by the nurse and redirected to visit at an appropriate time, he stated that he was just dropping off items that his mother needed. The nurse escorted Terry out and then inventoried what he had left for Dottie. It was discovered that he had dropped off a pair of scissors and an open box cutting knife.

On the most recent occasion, Terry arrived on the property at about 1:00 a.m. and was found attempting to get into his mother's room. When approached by staff and redirected, he was loud, disruptive and argumentative stating he needed a place to sleep. ***He was escorted outside though the caregivers were concerned about his behavior reporting that he may have been intoxicated as he was very aggressive verbally and presented to them as "threatening."***

As an assisted living [sic], ***we are concerned for the safety of our residents including Dottie as far as Terry is involved.*** We are saddened that our concerns may lead to prohibiting his visitation, however at this time, ***we feel that we have done everything we are capable of doing to ensure safe visitation and without success. We feel strongly that Terry's visits are not for the benefit of his mother and in fact cause her distress for days following each visit.*** He has been unwilling and perhaps unable to comprehend the importance of memory care and the practices we employ to ensure each resident's safety, health and happiness. ***As we feel Terry puts Dottie and the other residents at significant safety risk*** and as we are not fully able to protect our residents from his behaviors, we have provided this letter to his family and guardians in effort to resolve the concerns.

After reviewing the declarations and the letter from Ms. Willingham, the Honorable Judge John M. Meyer signed an Ex Parte Restraining Order/Order to Show Cause. Ex 4 Judge Meyer adopted paragraphs 2.1, 2.2, and 2.4 of Dianna's Motion as his findings:

Based upon the information contained in the declarations and the letter, it is apparent that ***Terry Kertis (1) has engaged in conduct that is detrimental to the safety and welfare of his mother, (2) has unlawfully taken property belonging to his mother, and (3) has harassed Gary Ross, the guardian's father.*** (paragraph 2.1) (emphasis added)

This injury may be irreparable because Terry Kertis continues to place his mother at risk of personal harm. ***Apparently Mr. Kertis is so deranged by long term substance abuse that he cannot control his impulses. He should be restrained from having contact with his mother and with Gary Ross because his inappropriate conduct continues to escalate.*** (paragraph 2.2) (emphasis added)

Terry Kertis refuses to abide by the terms and conditions placed upon his visits with his mother. The staff at Fidalgo Care Center and Rosario Assisted Living are becoming increasingly concerned about Mr. Kertis's inappropriate behavior. ***A temporary order is necessary to prevent any other incidents similar to those described in the declarations of Dianna Parish and Richard Ross, and the letter provided by Laura Willingham.*** (paragraph 2.4) (emphasis added)

Terry was served with the Temporary Restraining Order that afternoon at a tavern in Anacortes. Within hours he was arrested for two violations of the order.

On June 11, 2010, at the show cause hearing, Judge Meyer signed a Restraining Order effective for one year. Judge Meyer found that Terry ***“has engaged in conduct that places his mother at risk of psychological***

and physical harm.” (emphasis added) The order was subsequently amended because it contained a typographical error indicating that the order would expire on June 11, 2010 [the date that it was signed] rather than June 11, 2011. The Honorable Judge David Needy signed the amended order. Ex 5

Unfortunately, the restraining order only fueled Terry’s anger and his determination to make Dianna’s life a living hell, as well as that of her brother and her father. His vicious harassment, including death threats and breaking out the windshield of Dianna’s car, resulted in Dianna and her brother obtaining Domestic Violence Protection Orders (in King County) of 25 years duration. As a result of his convictions for numerous violations of the restraining order and the protection orders, Terry was incarcerated for almost four months (January through April 2011).

As the expiration date of the one year restraining order approached, Dianna filed a Petition for Renewal and Modification of Protection Order. Dianna and her brother submitted a Declaration in Support of Petition to Renew and Modify Restraining Order detailing Terry’s conduct since the original restraining order was entered. Ex 6
Their declaration is essential reading for anyone who wants to understand why Dianna sought renewal of the restraining order, and why renewal was granted.

On June 10, 2011, at the hearing on the petition, Terry appeared with a handwritten, multiple page, rambling diatribe detailing his many grievances. Ex 7 His paperwork had not been filed and had not been provided to Dianna's lawyer prior to the hearing. Judge Cook declared a recess to give herself and Dianna's lawyer time to read the paperwork. A few excerpts from the document are noteworthy:

I would like to charge Dianna Parish and the Ross family for perjury and contempt of court. Also for the harassment and false accusations they have made against me since the death of my sister, Sandi Ross. Illegal actions were going on before that date and illegal actions are continued today. The first judge's order on 8/28/09 HAS NOT BEEN FOLLOWED! [sic] p.1

Yes I am angry but how do I release my anger? ***The courts had done nothing.*** I'm just supposed to let them continue with illegal activity? p. 9 (emphasis added)

Yes, I stated that I would kill them, however, they are both larger than me and they both know that I would never hurt them in that way. p. 9 (emphasis added)

Judge Cook came back on the bench, and after hearing the arguments presented, she renewed the restraining order for five years so that it would expire on June 10, 2016. Judge Cook found that ***"Terry Lee Kertis continues to engage in conduct that places his mother, Dorothy May Kertis, at risk of psychological and physical harm."*** (emphasis added) Judge Cook added that the order "may be lifted or modified by further order of the court."

Mercifully, things calmed down after the entry of this order, presumably because Terry realized that violating restraining orders and protection orders would result in additional jail time. However, Terry continued to appear at the annual hearings that Dianna calendared for approval of her annual reports, each time reasserting his endless litany of grievances.

On March 29, 2013, at the most recent hearing for approval of the annual report, Terry appeared with a Petition for Review and a Petition for Right to See My Mother. (Ex 8 and Ex 9, respectively) He had filed these documents the previous day but had not provided copies to Dianna's lawyer. Judge Meyer advised Terry that his petitions were not properly before the court because he had not followed the civil rules.

Two months later, on May 22, 2013, with the assistance of Nancy Preg, his current attorney, Terry filed a Motion to Terminate Restraining Orders Regarding Dorothy May Kertis.

On June 4, 2013, after lengthy negotiations, Terry, his lawyer, and the court signed an Agreed Order Modifying Restraining Order Entered on June 10, 2011. Ex 10 The agreed order contained the following provisions relevant to this motion:

Initially, Terry Kertis shall have supervised 60 minute visits with his mother scheduled at 7 day intervals at Fidalgo Care Center/Rosario

Assisted Living. Mr. Kertis understands that Dorothy may sleep or be non-responsive through the entire 60 minute visit.

When arriving for his visit, Mr. Kertis will check in at Fidalgo/Rosario administration offices. He will not go directly to his mother's room without being accompanied by the person who is to supervise the visit, or that person's delegate.

Any proposed changes to this schedule must be made in writing two weeks prior to the proposed change to allow the guardian time to coordinate the change with Fidalgo/Rosario staff. The guardian and Fidalgo/Rosario must approve any requested change before it is implemented.

Although Dorothy suffers from dementia and is in declining health because of her advanced age, her condition is stable at this time. As soon as the guardian becomes aware of a significant change in Dorothy's medical condition, either through personal observation or being notified by the Fidalgo/Rosario staff, the guardian will promptly notify Mr. Kertis. In that event, the guardian may approve additional visitation.

If, after eight visits, there are no problems, upon request by Mr. Kertis and agreement by the guardian and Fidalgo/Rosario, this Order may be further modified to increase the frequency of the visits, change the scheduled time of the visits, or increase the time allotted for each visit.

On June 11, 2013 Mr. Kertis made his first visit to Fidalgo to see his mother. Only two weeks later, problems began. On June 26, 2013 Ms. Preg sent an email to Dianna's attorney, noting that "the three visits Mr. Kertis has had with his mother have gone well," but that "Mr. Kertis is uncomfortable having Laura Willingham serve as the supervisor of his visits." Ms. Preg requested that Dianna "make sure that Ms. Willingham does not supervise any of Mr. Kertis's visits with his mother." Ex 11 Ms. Preg went on as follows:

Also, Mr. Kertis's three visits with his mother have not taken place in her room. The wording of the agreed order refers to visiting in her room. Can you and your client explain why the visits are not taking place in her room? Also, Mr. and Mrs. Kertis come to the care center together and Mrs. Kertis (Tina) visits Dorothy with Terry. Is it possible for Terry to visit Tina's mother along with Tina after he visits Dorothy?

The following afternoon Dianna's attorney responded to Ms. Preg, asking her to "please help Mr. Kertis understand that his comfort does not take priority over the care home's practical needs. It is likely that Ms. Willingham supervises the visits because she is the manager responsible for all residents and is available to do it. I am sure you would agree that neither Mr. Kertis nor my client has the ability to dictate Fidalgo's staffing decisions." Ex 12 Dianna's attorney went on as follows:

With respect to the visits taking place in an area other than in Dorothy's room, the reference to Dorothy's "room" in the Agreed Order does not specify that visits must take place in her room. Rather, it restricts Mr. Kertis from going alone directly to her room (or anywhere else, for that matter, other than to the administrative offices) without an escort. That is, he must check in on his arrival and be escorted to his visits with his mother. Moreover, the staff at Fidalgo have gone out of their way to create a nice, comfortable environment for Terry's visits with his mother. Visits take place in an area that the staff can oversee, but also be at a distance and out of the way for Mr. Kertis's comfort. Why is this a problem?

As regards Mr. Kertis's wish to visit his mother-in-law, certainly he is free to do so, but those visits must be made within the time he is permitted to visit his mother; that is, between 3:00 and 4:00 p.m. If he does want to visit his mother-in-law, then upon his arrival he should mention it to the supervisor so that arrangements can be made.

Again, it is heartening to hear that the visits are going well. Everyone hopes that future visits will also meet that description. Whether they do or not is up to Mr. Kertis.

Within an hour, Ms. Preg responded, stating that “Mr. Kertis has told me that Dorothy is taken out of bed and put in an uncomfortable chair for his visits. He is concerned that his mother is uncomfortable and questions whether she would be more comfortable in her own bed.” Ms. Preg went on to express her hope that Dianna and Fidalgo would “respond to Mr. Kertis’s concerns in a cooperative way.” Ex 13

Dianna’s attorney replied later that afternoon, again addressing the concerns that Ms. Preg set forth in her emails. Ex 14

Again, if Mr. Kertis wants to visit his mother-in-law during his regularly scheduled time with Dorothy, and the staff can make the arrangements, there is no problem.

As to Mr. Kertis’s concern that his mother is seated in an uncomfortable chair during his visits, I would think that the staff at the care center, who supervise the visits and look after Dorothy 24 hours a day, would take some sort of corrective action if that were the case. If Mr. Kertis thinks Dorothy is uncomfortable, he can always ask the staff if there is a more comfortable chair, a pillow, a blanket, or whatever he thinks might help. But Mr. Kertis does not get to dictate where the visits take place; that is up to the staff at Fidalgo.

With respect to Ms. Willingham supervising the visits, again, neither my client nor Mr. Kertis can dictate Fidalgo's staffing decisions.

By following the Agreed Order, the staff at Fidalgo and my client are indeed cooperating with Mr. Kertis. Please let me know if you are apprised of any violations of the Agreed Order, and I will do whatever I can to swiftly address those violations.

Finally, perhaps it would be helpful to remind Mr. Kertis that every time I have to deal with his issues, including reading and responding to your emails, the amount of money in his mother's estate is reduced. As a beneficiary of her estate, he might want to keep that in mind.

On July 19, 2013, after only six visits, Terry renewed his motion to terminate the restraining order. He also filed a Motion for Instruction to Guardian to Grant Permission for Mr. Kertis to Receive Medical Information About Dorothy May Kertis, alleging that he had not received any medical information about his mother since before February 27, 2010 (which was false because every year since the establishment of the guardianship he has received copies of Dianna's annual report detailing Dorothy's medical condition). He also alleged that before Dianna had obtained the restraining order, he "had a very close relationship with his mother."

On July 29, 2013, Dianna filed her Guardian's Declaration in Response to Petition to Terminate Restraining Order. Ex 15 Richard Ross also filed his Standby Guardian's Declaration in Response to Petition to Terminate Restraining Order. Ex 16 Dianna also filed another letter from Fidalgo, dated July 24, 2013, this time signed by Laura Willingham; Toni Bolo, DNS-ALF; and Joe Sladich, the Executive Director. Ex 17

The following excerpts from Dianna's declaration are relevant:

Recently Mr. Kertis, through his lawyer, requested visitation with his mother. Although I did not think there would be much benefit to

Dorothy because she was not likely to recognize him, and is rarely lucid enough for a conversation, I saw it as the “right thing to do” if we could work out a satisfactory agreement. We worked very hard to agree to terms that were mutually acceptable, and would still offer Dorothy and the other residents protection from upset or inappropriate conduct, should Mr. Kertis not comport himself as he should. There was an eight week trial period with a provision for requested changes before and after the eight weeks. Although, by all reports, the visits have gone well, three weeks into the visitation schedule Mr. Kertis, through his lawyer, started complaining about the terms. Now, six weeks into the schedule, apparently Mr. Kertis has abandoned the agreement altogether by filing his motion to drop the restraining order rather than simply asking for a modification. A person who does not want to follow his own signed agreement now wants the court to nullify that agreement.

Mr. Kertis blames others for the existence of the protection order, not his own repeated behaviors. Attending a court-ordered treatment program and staying out of jail since does not a changed man make. It is well documented that addictive behavior and substance addictions are rarely “cured” and are an ongoing issue for the addict. Mr. Kertis makes no mention of an ongoing treatment program or support program, nor does he even say he is no longer indulging in alcohol or other substances. ***He has a long history of being on and off the wagon since he was in his teens. That fact alone makes me feel protection is not only needed, but reasonable.*** (emphasis added)

Mr. Kertis wants what he wants when he wants it. ***Before the death of my mother (Mr. Kertis’ sister and POA for Dorothy), Mr. Kertis rarely visited his mother, even when begged to come visit or help with her care.*** This is why it is hard to have full confidence that there are not other motives playing in. He seems to take great satisfaction in trouble-making for others. He does not appear to recognize the same rules apply to him as everyone else. He does not appear to have learned that there are consequences for poor behavior. (emphasis added)

Mr. Kertis mentions he has a very close relationship with his mother, as he did with his father. As a member of the same family, I would like to clarify. No doubt Mr. Kertis has love for his parents, wife and children. ***But to at all imply that he is a dotting son is simply untrue. Rarely would he help his aging parents, even when asked, with chores or repairs. Rarely would he visit or even attend family functions such as***

holiday and birthday celebrations. When Dorothy was able to live in her home alone, she denied access to him—she felt he was disrespectful of her property and her wishes. He still confuses her property with his own. (emphasis added)

I also wish to remind the court that Dorothy's estate is a modest one and her funds are rapidly diminishing. She simply cannot afford the extensive legal battles Mr. Kertis regularly initiates. It is not costing him a dime to file motions and make the same request of the court over and over. Yet the cost to his mother, whom he claims to be so concerned about, and the cost to others is high. It's easy to make trouble when someone else is footing the bill.

I take my position and responsibility as Dorothy's guardian very seriously. I am her voice when she can no longer express herself. I am her protector and caretaker. Dorothy is soon to be 89 years old and deserves to be surrounded by love and peace. If Mr. Kertis can contribute to that, I am happy to offer reasonable supervised visitation. Protection, in my ardent opinion, must stay in place. The downside is simply too high.

In his declaration, Richard Ross provided a thorough analysis of the criteria [RCW 26.50.130(3)(c)(i-ix)] that must be considered before a court can find that a "substantial change in circumstances" has occurred which would justify terminating a protection order. It is not unreasonable to conclude that in ruling against Terry, the court gave considerable weight to this analysis.

The July 24, 2013 letter from Fidalgo also expressed strong opposition to termination of the restraining order. It cannot be doubted that the court gave significant weight to this letter. The letter includes the following passages:

Due to Mr. Kertis's extensive history of demonstrated poor decision making which both directly and indirectly threatened the wellbeing of other elders living with us, and because his behavior had been reported by our facility under the "Mandated Reporting" obligations to the Washington State Residential Complaint Department, which resulted in investigations into our safety measures and emergency response management; and our obligations for resident rights for each elder—we ***cannot in good conscience at this time permit a situation where elders could be exposed to a previously identified risk which unfortunately Mr. Kertis continues to pose to our community.*** (emphasis added)

We value the rights of families to visit, and reconnect when bridges have been broken. We are often honored to be a part of that journey. ***In this case uniquely, there are simply too many examples of Terry Kerti's actions which place our elders at risk that we cannot support and strongly advise against any changes at this time.*** (emphasis added)

The following day, July 30, 2013, Ms. Preg filed a Reply Brief in Support of Motion to Terminate Restraining Orders Regarding Dorothy May Kertis. Ms. Preg claimed that "Mr. Kertis had no choice in renoting [*sic*] his motion and seeking court intervention." She personally attacked Dianna and Rick, accusing them of "character assassination" of Dorothy's "only living child." She then cursorily addressed the factors that Richard had so thoroughly glossed in his declaration regarding whether a "substantial change in circumstances" had occurred such that it would warrant termination of the restraining order.

On August 2, 2013 Judge Meyer heard the arguments regarding Terry's motions. After hearing the arguments, Judge Meyer reserved his

rulings for a later date to give Ms. Preg more time to further respond to some questions he had asked her during the hearing.

On August 15, 2013 Judge Meyer signed an order denying Terry's motion to require Dianna to grant Terry access to Dorothy's medical information. Judge Meyer found that "the movant has not established a need to obtain such information from Fidalgo Care Center and Rosario Assisted Living." Judge Meyer also found that "the movant is not prohibited from asking questions about his mother's condition, and that he is able to personally observe her condition when he visits her every week." On the same day Judge Meyer also signed an order denying Terry's motion to terminate the restraining order. Ex 1 Judge Meyer found that, based upon the evidence presented, Terry "had not established by a preponderance of the evidence that termination of the order is warranted." Judge Meyer also ruled that "the Court cannot look behind the original restraining order (DVPO) issued herein as it was not appealed and becomes a verity."

On August 23, 2013 Terry filed a Motion to Reconsider Order on Motion to Terminate Restraining Order, and a CR 60 Motion to Vacate Restraining Orders Regarding Dorothy May Kertis.

In his motion for reconsideration, Terry advanced a new theory: all of the restraining orders, including the Agreed Order Modifying

Restraining Order Entered on June 10, 2011, were void for of lack of subject matter jurisdiction because “the pleadings filed by the guardian did not allege domestic violence by Mr. Kertis against his mother. There are no allegations of physical harm, bodily injury, assault to Dorothy [sic] or the infliction of fear of physical harm, bodily injury or assault on Dorothy by Mr. Kertis.” Terry also complained that the guardian “has not used the proper forms specifically required by RCW 26.50.035(1) for the standard petition and orders for protection, which state respectively the allegation and finding that the respondent committed domestic violence.”

On September 11, 2013, Judge Meyer entered his Order on Motion for Reconsideration. Ex 2 Judge Meyer found that:

The Court had jurisdiction to enter the original restraining order and to subsequently renew the restraining order based upon Mr. Kertis “inflicting fear of imminent physical harm or bodily injury” on his mother, as voiced by his mother’s guardian, who stands in his mother’s shoes. (emphasis added)

The court file contains voluminous evidence, including declarations made under oath, and a detailed letter from Fidalgo Care Center filed on May 27, 2010, indicating that Mr. Kertis engaged in conduct that placed his mother at risk of emotional and psychological harm as well as physical harm, which in itself would have warranted the guardian seeking restrictions on Mr. Kertis’s contact with his mother, even if it were not by means of a restraining order. (emphasis added)

This motion for reconsideration, furthermore, is a collateral attack on the original orders herein and, also, is untimely. (emphasis added)

The following day Terry filed his Notice of Appeal.

ARGUMENT

1. Terry Kertis inflicted “fear of imminent physical harm or bodily injury” (*i.e.*, domestic violence) on his mother, Dorothy Kertis, thereby justifying the entry of the order protecting her from such fear of physical harm or bodily injury.

“Domestic violence” means: (a) Physical harm, bodily injury, assault, *or the infliction of fear of imminent physical harm, bodily injury* or assault, *between family* or household *members*; (b) sexual assault of one family or household member by another; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member. RCW 26.50.010 (1) (emphasis added)

As an incapacitated person, Dorothy Kertis is an extremely vulnerable adult who depends upon others, her guardian in particular, to protect her from those who would do her harm, either intentionally or through negligence. The court file is replete with documented evidence (including declarations under oath) of Mr. Kertis “inflicting fear of imminent physical harm or bodily injury” on his mother, and that fear was inflicted on the guardian, who stands in Dorothy’s shoes and speaks for her. A person so bereft of judgment that he would leave a pair of scissors and an open box cutter accessible to a person suffering from advanced dementia clearly presents a substantial risk of causing “physical harm or bodily injury” to that person. This is but one example of Mr. Kertis’s many behaviors that put his mother (and others) at substantial risk of

harm, including showing up intoxicated at 1:00 a.m. to sleep on the floor of his mother's room; being hostile and combative with the staff at Fidalgo when they tried to intervene; handing out cigarettes to other residents in the memory care unit; and feeding other residents food that could have caused choking. For the guardian to have not taken action to protect her grandmother in the face of such aberrant behavior would have been a dereliction of her duty to protect her ward. Obviously, the court likewise believed when it entered the restraining order that failure to do so would have placed Dorothy at risk of harm.

Mr. Kertis's claim that the court abused its discretion when it entered the restraining order is baseless. "Abuse of discretion" is defined as discretion exercised on untenable grounds or for untenable reasons. *In re Luckey*, 73 Wash.App. 201, 208, 868 P.2d 189 (1994). Considering the totality of the facts and circumstances, it would have been an abuse of discretion had the court *not* granted Dianna's request for a restraining order.

Finally, Mr. Kertis's argument that the court lacked jurisdiction to enter the restraining order is simply bizarre. On June 4, 2013 he and his lawyer signed an agreed order modifying the restraining order. He cannot now sensibly argue that the court lacked jurisdiction to enter the order.

2. Terry Kertis has not demonstrated a substantial change in circumstances that would warrant termination of the protective order.

Mr. Kertis's attorney argues at some length about how Mr. Kertis merely used "poor judgment" when he was doing all of the things that justified entry of the restraining order, and that he is now a "changed man" who has accepted responsibility for his past conduct and is remorseful.

Unfortunately for Mr. Kertis, this argument is completely eviscerated by his Petition for Review (Ex 8) which was filed on March 29, 2013, *only 54 days* before Ms. Preg appeared for him and filed the Motion to Terminate Restraining Orders Regarding Dorothy May Kertis. This document, which is nearly identical to similar screeds Mr. Kertis has filed over the years, proves that Mr. Kertis is not a "changed man." There is no expression of remorse. On the contrary, the document is an incoherent diatribe accusing Dianna and her brother of illegal acts, and shows that Mr. Kertis is as deranged now as he was when then the original restraining order was entered. The following are a few excerpts, but this document is worth reading in its entirety because it provides conclusive evidence that Mr. Kertis continues to believe that he is the victim of a vast conspiracy orchestrated by Dianna, her brother, and his deceased sister:

I have contacted the APD, SCS, SCDC, SCSC, KCDC KCSO called me on 8/14/10. [sic] I have contacted Clear, Community Action (I have been on a waiting list for at least 2 years) and many other agencies. I even called the mayor. Every time receiving [sic] the answer of CIVIL/CRIMINAL. I consider RIGHT/WRONG. I can't believe that this has happened. My mother is the woman I have loved all my life and she was ILLEGALLY taken from me. Gary Ross (my brother-in-law) was driving the car in 1962 that killed my brother. My parents had taught me that GOD had a purpose and in Dianna and Ricks' own words "there was never any problem until this GUARDIANSHIP was filed ILLEGALLY by them. I understand that this will take time, the only thing I want today, is the right to see MY MOTHER! She is not doing well and I am not informed of anything that happens to her. They have taken her last child from her. All because of GREED and to cover-up [sic] what Sandi had done for a living with other elders. My sister and I always argued about GOD. My sister did not believe. She had total control of my accounts while serving my time in 2006 and aware of my financial situation. [sic] She also had all of my parents [sic] legal information. She had four years to remove me. The following is a list of illegal acts from the beginning...

08/07/10—I was downtown for the Arts and Crafts Festival. I walked to a friends [sic] house and seen [sic] Diannas' [sic] truck and lost it. These people took my mother.

08/08/10—I was called by the APD wanting me to come and talk about the throwing of the rock. I was arrested for MM3 and DVPO. Rick Ross was asked by the APD what they wanted to do about the phone calls? Rick responded that they had already filed in KC and he would check the records and get back to them. Case #AC12643

THIS IS THE FIRST CRIME I HAD ACTUALLY COMMITTED SINCE 2005!!! I BELIEVE AFTER THE DECEITE [sic] THESE PEOPLE HAD PUT ME THROUGH I COULD NOT HELP MY REACTION.

01/03/11—I received [sic] a summons from Bothell for court on 1/12/11 for telephone harassment. Nothing in court that day but I was arrested by Redmond and spent the next 5 months in jail. This was a plan since before my sister died. She expected to live longer than our mother and her plan failed so her husband and kids took over this scandal [sic] because they would be affected.

I WANT JUSTICE!

I WANT TO SEE MY MOTHER!!!!!!

Clearly, Mr. Kertis has not accepted responsibility for his past conduct, nor has his anger abated. Because Mr. Kertis now sees his mother every week, it is not unreasonable to infer that what Mr. Kertis really wants is to finally win, to defeat his niece and nephew, to at long last give them their comeuppance.

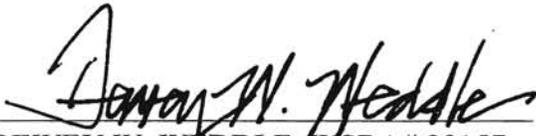
CONCLUSION

Mr. Kertis's appeal is wholly devoid of merit. Neither the law nor the facts support termination of the restraining order. The preponderance of the evidence leads to only one conclusion—entry of a protective was justified and there has not been a substantial change in circumstances that would justify termination of the order.

For the reasons set forth above, the guardian respectfully asks the court to affirm the lower court's decision denying Mr. Kertis's motion to terminate the restraining order.

Dated this 8th day of January, 2014.

Respectfully submitted by:


DEWEY W. WEDDLE, WSBA# 29157
Attorney for Dianna Parish

CASE NO. 70909 -7

COURT OF APPEALS
STATE OF WASHINGTON
DIVISION ONE

IN RE THE GUARDIANSHIP OF
DOROTHY MAY KERTIS
AN INCAPACITATED PERSON

MOTION ON THE MERITS
APPENDIX

DEWEY W. WEDDLE, WSBA 29157
Attorney for Dianna Parish, Guardian

Law Office of Dewey W. Weddle, PLLC
909 Seventh Street
Anacortes, WA 98221
360-293-3600
Fax: 360-293-3700
dwweddle@msn.com

FILED
COURT OF APPEALS DIVISION
STATE OF WASHINGTON
2014 JAN -8 PM 4:27

APPENDIX TABLE OF CONTENTS

EX 1	ORDER ON MOTION TO TERMINATE RESTRAINING ORDER (AUGUST 15, 2013)
EX 2	ORDER ON MOTION FOR RECONSIDERATION (SEPTEMBER 11, 2013)
EX 3	LETTER FROM FIDALGO CARE CENTER AND ROSARIO ASSISTED LIVING (MAY 21, 2010)
EX 4	EX PARTE RESTRAINING ORDER/ORDER TO SHOW CAUSE (MAY 27, 2010)
EX 5	RESTRAINING ORDER (JUNE 11, 2010)
EX 6	DECLARATION IN SUPPORT OF PETITION TO RENEW AND MODIFY RESTRAINING ORDER (JUNE 2, 2011)
EX 7	HANDWRITTEN DOCUMENT OF TERRY KERTIS
EX 8	PETITION FOR REVIEW (MARCH 28, 2013)
EX 9	PETITION FOR RIGHT TO SEE MY MOTHER (MARCH 28, 2013)
EX 10	AGREED ORDER MODIFYING RESTRAINING ORDER ENTERED ON JUNE 11, 2011 (JUNE 4, 2011)
EX 11	EMAIL FROM MS. PREG TO MR. WEDDLE (JUNE 26, 2013)
EX 12	EMAIL FROM MR. WEDDLE TO MS. PREG (JUNE 27, 2013)
EX 13	EMAIL FROM MS. PREG TO MR. WEDDLE (JUNE 27, 2013)
EX 14	EMAIL FROM MR. WEDDLE TO MS. PREG (JUNE 27, 2013)

- EX 15 GUARDIAN'S DECLARATION IN RESPONSE TO MOTION TO TERMINATE RESTRAINING ORDER (JULY 29, 2013)
- EX 16 STANDBY GUARDIAN'S DECLARATION IN RESPONSE TO MOTION TO TERMINATE RESTRAINING ORDER (JULY 29, 2013)
- EX 17 LETTER FROM FIDALGO CARE CENTER IN RESPONSE TO MOTION TO TERMINATE RESTRAINING ORDER (JULY 29, 2013)

EXHIBIT 1

RECEIVED

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

AUG 19 2013

2013 AUG 15 PM 3:46

LAW OFFICE OF
DEWEY W. WEDDLE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SKAGIT COUNTY

In the Matter of the Guardianship of:

NO.: 09-4-00260-6

DOROTHY MAY KERTIS,

ORDER ON MOTION TO
TERMINATE RESTRAINING ORDER

An Incapacitated Person.

THIS MATTER came on regularly for hearing of motion to terminate a restraining order entered by this court on May 27, 2010, renewed on June 11, 2010, renewed on June 10, 2011, and modified by agreement of the parties on June 4, 2013. The following persons attended the hearing: Dewey W. Weddle, attorney for Dianna Parish, guardian of the person and estate, and

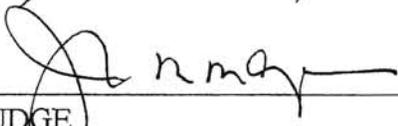
Terry Kertis + his Counsel, Nancy Preg.

The court reviewed the pleadings submitted by the parties and heard the remarks of those in attendance. Based upon the evidence presented, the court finds that the respondent has not established by a preponderance of the evidence that termination of the order is warranted. Because the court may not modify an order for protection that is permanent or issued for a fixed period exceeding two years upon a motion of the respondent unless the respondent proves by a preponderance of the evidence that the requested modification is warranted [RCW 26.50.130 (4)], the motion to terminate the restraining order is denied.

ORIGINAL

1 The court also finds good cause to award attorney's fees and costs incurred in responding
2 to the motion to terminate the protection order, as provided for by RCW 26.50.130(6).
3 Accordingly, Mr. Kertis shall issue a check payable to the Estate of Dorothy May Kertis in the
4 amount of N/A.

5 * The Court cannot look behind the original restraining order
6 DATED this ^{15th} 2nd day of August 2013 (Dv10) issued herein, as it was set up.
7 peeled + becomes a verity.
8 There is insufficient evidence
9 to find a substantial change
10 in circumstances.



JUDGE

Presented by: None the less, the Court sympathizes with Mr. Kertis'
11 Dianna W. Weddle situation and encourages the guardian to
12 DEWEY W. WEDDLE, WSBA #29157 endeavour to expand visitation as justifi-
13 Attorney for Dianna Parish ed.
14 Guardian of the Person and Estate of Dorothy May Kertis

13 Approved for entry:

15 _____
16 NANCY W. PREG, WSBA #7009
17 Attorney for Terry Kertis

EXHIBIT 2

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2013 SEP 11 AM 11:50

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SKAGIT COUNTY

In the Matter of the Guardianship of:

NO.: 09-4-00260-6

DOROTHY MAY KERTIS,

ORDER ON MOTION FOR
RECONSIDERATION

An Incapacitated Person.

THIS MATTER came before the Court for consideration of Terry Kertis's *Motion to Reconsider Order on Motion to Terminate Restraining Order*.

The court reviewed the court file and the pleadings submitted by the parties. Based upon the evidence presented, the court FINDS:

1. The Court had jurisdiction to enter the original restraining order and to subsequently renew the restraining order based upon Mr. Kertis "inflicting fear of imminent physical harm or bodily injury" on his mother, as voiced by his mother's guardian, who stands in his mother's shoes.

2. The court file contains voluminous evidence, including declarations made under oath, and a detailed letter from Fidalgo Care Center filed on May 27, 2010, indicating that Mr. Kertis engaged in conduct that placed his mother at risk of emotional and psychological harm as well as physical harm, which in itself would have warranted the guardian seeking restrictions on Mr. Kertis's contact with his mother, even if it were not by means of a restraining order.

cc: Weddle
Pveg

ORIGINAL

SCANNED
9/12/13
MDE/MLB

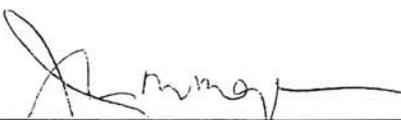
*3.

ORDER

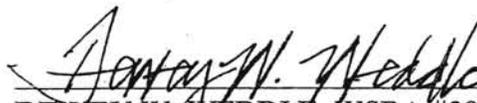
Based upon those findings, the Court affirms the *Order on Motion to Terminate Restraining Order*, entered on August 15, 2013, which denied Mr. Kertis's request to terminate the restraining order. *and denies the motion for reconsideration.*

Jmm

Dated this 9/11 day of 2013


JUDGE JOHN M. MEYER

Presented by:


DEWEY W. WEDDLE, WSBA #29157
Attorney for Dianna Parish
Guardian of the Person and Estate of Dorothy May Kertis

**3. This motion for Reconsideration, furthermore, is a collateral attack on the original orders herein and, also, is untimely. Jmm.*

RECEIVED

SEP 12 2013
LAW OFFICE OF
DEWEY W. WEDDLE

EXHIBIT 3

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2010 MAY 27 PM 1:35

1
2
3
4
5
6 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
7 FOR SKAGIT COUNTY

8 In the Matter of the Guardianship of:

NO.: 09-4-00260-6

9 DOROTHY MAY KERTIS,

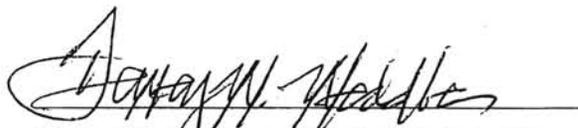
LETTER FROM FIDALGO CARE
CENTER AND ROSARIO ASSISTED
LIVING

10 An Incapacitated Person.

11 Attached hereto is letter authored by Laura Willingham, a representative of Fidalgo Care
12 Center and Rosario Assisted Living. This letter is offered in support of the guardian's motion for
13 a restraining order that, *inter alia*, would restrain Terry Kertis from disturbing the peace of the
14 Dorothy May Kertis, and prevent him from going onto the grounds of or entering her residence,
15 which is Fidalgo Care Center and Rosario Assisted Living, 1105 27th Street, Anacortes,
16 Washington.
17

18
19 Dated this 27th day of May 2010

20
21 Presented by:

22 

23 DEWEY W. WEDDLE, WSBA# 29157

24 Attorney for Dianna Parish

25 Guardian of the Person and Estate of Dorothy May Kertis

LETTER FROM FIDALGO CARE CENTER AND
ROSARIO ASSISTED LIVING

LAW OFFICE OF DEWEY W. WEDDLE, PLLC
909 7th Street
Anacortes, WA 98221
(360) 293-3600

COPY



1105 27th Street • Anacortes, Washington 98221

(360) 293-3174

May 21st, 2010

From: Laura Willingham, RSC at Rosario Assisted Living

To: Dianna Parish, Guardian and family member of Dorothy "Dottie" Kertis

Re: Concerns about visitation of Terry Kertis

To Whom It May Concern,

This letter has been authored in effort to highlight the concerns of the care-team serving Dottie Kertis here at Rosario Assisted Living. Over the past 4-6 weeks, we have observed an increase in concerning activity by her son Terry Kertis. Mrs. Kertis resides in our memory care neighborhood due to significant memory impairment resulting from dementia. She is alert, able to make all her needs known. She has poor safety awareness and is at risk for elopement and thus requires 24 hour supervision. Dottie is a pleasant woman who is a delight to work with. However, she is also a vulnerable adult who is subject to, and from our accounts, influenced by negative and potentially unsafe interactions with her Son. We feel strongly that Terry's visits are putting her and the other memory-care residents at a safety risk.

It is important to state that as a philosophy, we believe family ties should be encouraged and supported whenever possible. To that end, we feel that we have attempted to provide every opportunity to preserve the relationship between a son and his mother however, at this time we do not feel that Terry's presence is of a positive or supportive influence.

Terry Kertis has a history of visiting his mother spontaneously. Recently, his visits have appeared to cause emotional distress for Dottie and most recently, caused our facility staff great concern for her safety and that of others. Initially, when concerns arose, the facility and the Resident Services Coordinator attempted to work with Terry to schedule visits to ensure positive outcomes. The goal was to encourage visitation in public areas where the visits could be monitored to ensure Dottie has a pleasant and safe experience. This arrangement was a result of activity such as defacement of Dottie's family pictures in her room following one of Terry's visits as well as multiple episodes of Dottie demonstrating increased agitation and

behavior following his visits. The terms were that Terry would contact us prior to every visit and that the visits would be arranged in public. Terry was not cooperative with this arrangement. Terry has subsequently stopped visiting during the day at the pre-approved times and has attempted more frequently to visit at night or on weekends without announcement.

Upon several recent visits, Dottie's safety was put at risk. About three weeks ago, Terry arrived unannounced and was found by caregivers to be handing out cigarettes to other residents in memory care. Upon approach, Terry was verbally inappropriate stating "everyone deserved a smoke now and then." Terry was argumentative about facility policy as a non-smoking facility as well as with the issue of safety, should a cigarette be lit and left behind by a person with memory impairment. (It is important to note that Terry has knowledge of facility policies as he was once enrolled in a caregiver course offered in our facility where these policies are explicitly detailed.)

On another occasion, Terry arrived without prior arrangement and was found in the kitchen cutting up and handing out apple wedges to residents. When asked to stop what he was doing, he was found to be verbally inappropriate, disruptive and argumentative. The caregivers had to physically intercede to prevent injury from an apple Terry provided to a woman who is not able to swallow regular texture food and has such memory impairment that she would not have been able to determine that she was unable to safely eat the apple wedge. Terry was asked to leave immediately.

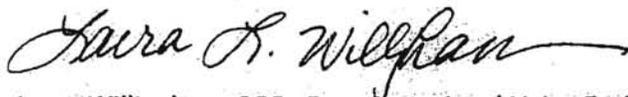
On another occasion, Terry arrived in the very early morning on a weekend. When approached by the nurse and redirected to visit at an approved time, he stated that he was just dropping off items his mother needed. The nurse escorted Terry out and then inventoried what he had left for Dottie. It was discovered that he dropped off a pair of scissors and an open box cutting knife.

On the most recent occasion, Terry arrived on the property at about 1:00 a.m. and was found attempting to get into his mother's room. When approached by staff and redirected, he was loud, disruptive and argumentative stating he needed a place to sleep. He was escorted outside though the caregivers were concerned about his behavior reporting that he may have been intoxicated as he was very aggressive verbally and presented to them as "threatening".

As an assisted living, we are concerned for the safety of our residents including Dottie as far as Terry is involved. We are saddened that our concerns may lead to prohibiting his visitation, however at this time, we feel we have done everything we are capable of doing to ensure safe visitation and yet without success. We feel strongly that Terry's visits are not for the benefit of his mother and in fact cause her distress for days following each visit. He has been unwilling

and perhaps unable to comprehend the importance of memory care and the practices we employ to ensure each resident's safety, health and happiness. As we feel Terry puts Dottie and the other residents at significant safety risk and as we are not fully able to protect our residents from his behaviors, we have provided this letter to his family and guardians in effort to resolve the concerns.

Respectfully Submitted,



Laura Willingham, RSC - Rosario Assisted Living Facility

Phone: 360-293-3174

EXHIBIT 4

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA
2010 MAY 27 PM 1:32

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR WHATCOM COUNTY

In re the Guardianship of:

DOROTHY MAY KERTIS

An Incapacitated Person.

NO.: 09-4-00260-6

EX PARTE RESTRAINING ORDER/
ORDER TO SHOW CAUSE

CLERK'S ACTION REQUIRED

**LAW ENFORCEMENT
NOTIFICATION, ¶ 4.1**

RESTRAINING ORDER SUMMARY

Restraining Order Summary is set forth below:

Name of person restrained: TERRY KERTIS
Names of persons protected: DOROTHY MAY KERTIS and GARY ROSS
See paragraph 4.1.

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

I. SHOW CAUSE ORDER

IT IS ORDERED that TERRY KERTIS appear and show cause, if any, why the restraints below should not be continued in full force and effect pending final determination of this action and why the other relief, if any, requested in the motion should not be granted. A hearing has been set for the following date, time and place:

Date: 6/11/10

Time: 9:00 (a.m.) p.m.

Place: Superior Court.

Room/Department: TBD

ORIGINAL

1 If you disagree with any part of the motion, you must respond to the motion in writing before
2 the hearing and by the deadline for your county. At the hearing, the court will consider
3 *Written* sworn affidavits or declarations. Oral testimony may *Not* be allowed. To respond
4 you must: (1) file your documents with the court; (2) provide a copy of those documents to
5 the judge or commissioner's staff; (3) serve the other party's attorney with copies of your
6 documents (or have the other party served if that party does not have an attorney); and (4)
7 complete your filing and service of documents within the time period required by the local
8 court rules in effect in your county. If you need more information, you are advised to consult
9 an attorney or a courthouse facilitator.

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

12 II. BASIS

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

15 III. FINDINGS

16 The court adopts paragraphs 2.1, 2.2, and 2.4 of the Motion/Declaration for an Ex Parte
17 Restraining Order and for an Order to Show Cause as its findings.

18 IV. ORDER

19 IT IS ORDERED:

20 4.1 Restraining Order

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

24 TERRY KERTIS is restrained and enjoined from disturbing the peace of DOROTHY
25 MAY KERTIS and from going onto the grounds of or entering the residence of
DOROTHY MAY KERTIS, whose address is Fidalgo Care Center and Rosario
Assisted Living, 1105 27th Street, Anacortes, Washington.

TERRY KERTIS is restrained and enjoined from disturbing the peace of GARY
ROSS and from going onto the grounds of or entering the residence of GARY ROSS,
whose address is 1515 Seventh Street, Anacortes, Washington.

TERRY KERTIS is restrained and enjoined from going onto the grounds of or
entering the house owned by DOROTHY MAY KERTIS, located at 3103 L Avenue,
Anacortes, Washington.

1
2
3
4
5
6
7
8
9
10
11
12
13

CLERK'S ACTION

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

SERVICE

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

Full Faith and Credit

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

14
15
16
17
18
19
20
21
22
23
24
25

4.2 Other Restraining Orders

Does not apply.

4.3 Surrender of Deadly Weapons

Does not apply.

4.4 Expiration Date

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

4.5 Waiver of Bond

Does not apply.

4.6 Other

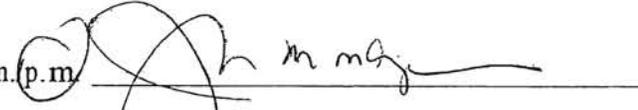
Dated: 5/27/18 at 128 a.m./p.m. 
Judge/Commissioner

EXHIBIT 5

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA
2010 JUN 11 PM 3:24

1
2
3
4
5
6 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
7 FOR SKAGIT COUNTY

8 In re the Guardianship of:

9 DOROTHY MAY KERTIS

10 An Incapacitated Person.

NO.: 09-4-00260-6

RESTRAINING ORDER
(Amended)

CLERK'S ACTION REQUIRED

**LAW ENFORCEMENT
NOTIFICATION**

11
12
13
14 **I. RESTRAINING ORDER SUMMARY**

15 Restraining Order Summary is set forth below:

16 Name of person restrained: TERRY LEE KERTIS

17 Name of persons protected: DOROTHY MAY KERTIS and GARY ROSS See paragraph 4.1.

18 **Violation of a Restraining Order with actual knowledge of its terms is a criminal offense**
19 **under Chapter 26.50 RCW and will subject the violator to arrest. RCW 26.09.060.**

20 **II. BASIS**

21 THIS MATTER came on for a hearing pursuant to an order of this court entered on May
22 27, 2010 requiring TERRY LEE KERTIS to appear and show cause, if any, why the restraints
23 below should not be continued in full force and effect pending final determination of this action
24 and why the other relief, if any, requested in the motion for the *ex parte* restraining order should
not be granted.

25 The following persons attended the hearing: Dewey W. Weddle, Dianna Parish, Richard
Ross, Terry Kertis, and Tina Kertis.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

III. FINDINGS

Based upon the remarks of those present and a review of the files and records herein, the court finds that TERRY LEE KERTIS has engaged in conduct that places his mother at risk of psychological and physical harm. The court further finds that TERRY LEE KERTIS has engaged in conduct that constitutes harassment of GARY ROSS, including threatening telephone calls.

IV. ORDER

IT IS ORDERED:

4.1 Restraining Order

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

TERRY KERTIS is restrained and enjoined from disturbing the peace of DOROTHY MAY KERTIS and from going onto the grounds of or entering the residence of DOROTHY MAY KERTIS, whose address is Fidalgo Care Center and Rosario Assisted Living, 1105 27th Street, Anacortes, Washington.

TERRY KERTIS is restrained and enjoined from disturbing the peace of GARY ROSS and from going onto the grounds of or entering the residence of GARY ROSS, whose address is 1515 Seventh Street, Anacortes, Washington.

TERRY KERTIS is restrained and enjoined from going onto the grounds of or entering the house owned by DOROTHY MAY KERTIS, located at 3103 L Avenue, Anacortes, Washington.

Full Faith and Credit

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

4.2 Other Restraining Orders

Does not apply.

4.3 Surrender of Deadly Weapons

Does not apply.

1 **4.4 Expiration Date**

2 This order shall expire on June 11, 2011 unless otherwise extended by the court.

3 **4.5 Waiver of Bond**

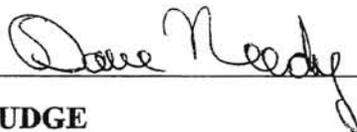
4 Does not apply.

5 **4.6 Other**

6 Mr. Kertis was present in court when the original order, which contained a typographical
7 error indicating that the order would expire on June 11, 2010, was entered. Mr. Kertis heard the
8 court rule that the restraining order was effective for one year, but was given a copy of the order
9 indicating that it would expire on June 11, 2010.

10 The mailing of this amended restraining order via certified mail with a return receipt will
11 constitute service on Mr. Kertis. The attorney for the guardian will file the return receipt with
12 the court and will provide a copy to the appropriate law enforcement agency.

13
14 Dated: June 11, 2010

15 
16 _____
17 **JUDGE**

18 Presented by:

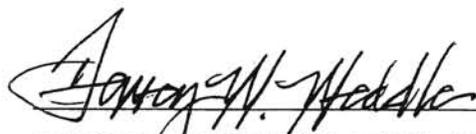
19 
20 _____
21 DEWEY W. WEDDLE, WSBA #29157
22 Attorney for Dianna Parish
23 Guardian of the Person and Estate
24
25

EXHIBIT 6

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SKAGIT COUNTY

In the Matter of the Guardianship of: DOROTHY MAY KERTIS, An Incapacitated Person.	NO.: 09-4-00260-6 DECLARATION IN SUPPORT OF PETITION TO RENEW AND MODIFY RESTRAINING ORDER
--	---

COMES NOW DIANNA PARISH, Guardian of the Person and Estate of Dorothy May Kertis, and Richard Ross, the standby guardian, and, in support of the guardian's petition to renew and modify the restraining order entered by this court on June 11, 2010, declare:

We believe the Restraining Order entered by this court on June 11, 2010 must be renewed because our grandmother, Dorothy Kertis, and our father, Gary Ross, are still in need of continued protection from our uncle, Terry Kertis. We further believe that the order should be effective for longer than one year because Terry Kertis has demonstrated he is a risk to resume his campaign of harassment and has stated that he is simply waiting for the expiration of the current restraining order.

Since the original ex parte restraining order was served on Mr. Kertis, he has (1) repeatedly violated the order; (2) repeatedly stated that he has no intention of stopping his behaviors; (3) has stated that he is enjoying this harassment; and, (4) most critically, stated that he is waiting for the expiration of the current order before resuming his harassment.

COPY

1 Below are summaries of key incidents related to Mr. Kertis's behavior since the court
2 issued the temporary restraining order on 28 May, 2010 and the one-year restraining order on
3 June 11, 2010:

- 4 • 28 May 2010: Mr. Kertis was arrested for twice violating the restraining order, just hours
5 after it was served on him (threats to Gary Ross; entry on the property of Dorothy Kertis'
6 care home). The arresting officer documented additional threats by Mr. Kertis and
7 statements that he had no intention of stopping (APD 10-A04086). Quotes from the
8 report: *"He also said several times that 'these people are going down,'" and, "These*
9 *people are just trying to intimidate me. But that is okay, 'cause I am a mustang and I*
10 *don't quit."*
- 11 • 7 June 2010: Police were called to the Anacortes Starbucks store. Mr. Kertis entered the
12 establishment, frightening staff and patrons with loud ranting regarding Dorothy and
13 Gary's family. Reporting Starbucks employee and responding officer both noted Mr.
14 Kertis appeared to suffering from mental issues (APD 10-A04423).
- 15 • 10 June 2010: Mr. Kertis had an arraignment hearing in Anacortes Municipal Court for
16 previous violations of protection order. He failed to appear. However, he did make
17 threatening voicemails to both Dorothy's guardian and standby guardian (us). These
18 threats revolved around our scheduled appearance at the following day's restraining order
19 hearing: *"You're going down!" "I'm going to nail your asses!"* and assertions he was
20 going to *"rumble"* with the Dorothy's guardians the next day.
- 21 • 11 June 2010: Skagit County Superior Court Protection Order Hearing. Mr. Kertis
22 approached Guardians and Dorothy's attorney in entrance foyer, making hostile overtures
23 and comments. During the hearing Mr. Kertis made a hostile outburst in front of Judge
24
25

1 Meyer. After the hearing, Mr. Kertis stated loud enough for Dianna and Dorothy's
2 attorney, Dewey Weddle, to hear: *"I'm going to kill her, I'm going to kill him."*

- 3 • 24 June 2010: Mr. Kertis was arrested for violation of the restraining order by entering
4 the grounds of Dorothy's care home. According to the police incident report, a witness
5 stated Mr. Kertis said he knew he was violating the order and that he made bizarre, out of
6 context statements: *"[witness] told the man [Kertis] he had to leave and got the reply of*
7 *'I'm going to win my race tomorrow; I'm the best damned motorcycle rider in this*
8 *town.'"*
- 9 • 3 August 2010: Gary Ross received a hang-up phone call from Mr. Kertis' home. APD
10 Officer investigated. Mr. Kertis was not arrested because the officer could not prove it
11 was Mr. Kertis who specifically dialed the phone. Within an hour of this call, Mr. Kertis
12 left voicemails with Dianna demanding that Dorothy be moved to a "cheaper" care
13 facility, in order to avoid selling her home. Mr. Kertis has repeatedly stated that he
14 desires Dorothy's home be preserved so that he may have it. (APD 10-A06229)
- 15 • 4 August 2010: Dorothy's care home reports to Guardian that Mr. Kertis made a hostile
16 call to the home which, among other statements, included Mr. Kertis announcing he was
17 going to remove Dorothy from the facility.
- 18 • 4 August 2010: Over the course of eight hours, Mr. Kertis left four threatening telephone
19 voicemails for Richard Ross and Dianna Parish. Mr. Kertis was clearly under the
20 influence of drugs or alcohol. The calls revolved around his continued demands that our
21 grandmother be moved to a "cheaper" care home. If we did not comply, Mr. Kertis
22 would *"send somebody after"* us, or worse: *"I'm telling you to move my mom, move my*
23 *mom outta there. If you move her to Seattle, I'll kill you. I'll kill you."*

1 Mr. Kertis taunted Richard Ross and threatened to assault him, threatened to assault
2 Dianna's husband, and made repeated threats to assault Gary Ross: *"I heard that I put
3 you through Hell ever since Sandi [Gary's wife, our mother] died. You don't even know
4 what Hell is, you've only been in purgatory. We've just been playing softball, I've played
5 hardball."*

6 In Mr. Kertis' second call that night he also stated he was waiting out the expiration of
7 Gary's protection order: *"I'm gonna get your Dad in a year, so you tell him he better get
8 in shape 'cause I'm after his ass!"*

9 These threats were reported to the authorities, but no arrest was made. Mr. Kertis was
10 later charged with four counts of harassment. (Redmond PD 10-014181; Bothell PD
11 2010-00025302; King County Sheriff 10-182864; Seattle PD 10-271464).

- 12 • 8 August 2010: Mr. Kertis was arrested by Anacortes PD for violation of protection
13 order and malicious mischief-domestic violence. He prowled the home of Gary Ross the
14 night prior and smashed the windshield of Dianna Parish. (APD 10-A06386).
- 15 • Summer - winter of 2010: Dianna and Richard were repeatedly approached by upset
16 friends and associates whom experienced encounters with Mr. Kertis in Anacortes. Mr.
17 Kertis would contact persons he recognized as knowing Dianna and Richard, then talk
18 about how much fun he was having committing his crimes or upsetting the family. He
19 made statements how he skirted protection orders by hiding just off protected property
20 line or sending third parties onto the protected property. He stated that he wanted "bad
21 things" to happen to us or our family.
- 22 • 5 November 2010: As Dorothy's guardian, Dianna was contacted by The Veterans
23 Administration in regard to Dorothy's VA Pension. Earlier in 2010 Mr. Kertis attempted
24
25

1 to fraudulently gain full access to Dorothy's VA data. Though the VA blocked his
2 access, it is another example of Mr. Kertis' attempted crimes against his mother; similar
3 to repeated attempts to gain access to Dorothy's bank accounts and private medical
4 information in 2009.

- 5 • 30 November 2010: As Dorothy's Guardian, Dianna was contacted by Fidalgo Care
6 Center. On an Anacortes outing, residents and staff in a Fidalgo Care marked van where
7 approached by Mr. Kertis. He demanded to see his mother, leaving only after being told
8 Dorothy was not in the van. This was an attempted third violation of the restraining
9 order.
- 10 • 2 December 2010: During plea agreement sentencing in Anacortes Municipal Court for 6
11 charges related to crimes against Dorothy, Gary and/or their family, Mr. Kertis again
12 stated in open court he has no intention of stopping his behaviors; that he was "*not done*
13 *yet.*"
- 14 • January - April, 2011: Due to his convictions in Anacortes Municipal Court, King
15 County District Court-Redmond, and repeated failure to appear for court hearings in King
16 County, Mr. Kertis was incarcerated for all but a few weeks of this 4 month period.

17 Mr. Kertis is currently:

- 18 1. Convicted by Anacortes Municipal Court for violation of protection order for Dorothy
19 and Gary (AMC AC12495; December 2, 2010).
- 20 2. Ordered by Anacortes Municipal Court to repay Dorothy for theft in April, 2010 (still
21 pending)

3. Convicted by Anacortes Municipal Court for Malicious Mischief - Domestic Violence against Dianna Parish, Guardian to Dorothy, daughter to Gary (AMC AC12643; December 2, 2010).
4. Convicted by King County District Court-Redmond for Telephone Harassment-DV against Richard Ross, Guardian to Dorothy, son to Gary (KCDC-R CR0035026).
5. Bound by "Stipulated Order of Continuance" plea agreement with King County Prosecutor for three counts of Telephone Harassment-DV on Richard and Dianna. Convictions on these depend on Mr. Kertis' 2 year compliance to prosecutor's criteria: get drug/alcohol abuse evaluation and comply with all prescribed treatments, get mental health evaluation and comply with all prescribed treatments, no violations of the law, abide by all existing No-Contact-Orders; no contact with Dianna and Richard, Dorothy's Guardian & Standby Guardian (KCDC-K 410182864).

Because of Mr. Kertis' crimes in August, we are now protected by Domestic Violence Protection Orders with 25 year durations (Dianna via King County Superior Court-Seattle, 10-2-26062-5; Richard via King County District Court-Redmond 107-683).

To date there are over a dozen police incident reports associated with Mr. Kertis acting out in reference to—or committing crimes against—Dorothy, Gary or members of our family. There are also a number of other incidents where Mr. Kertis violated protection orders, but police did not investigate.

Mr. Kertis clearly is a continued risk to both Dorothy Kertis and Gary Ross. A renewal of the restraining order is justified, and we ask that it remain in place for more than one year. We also request that the order be made more specific so that Mr. Kertis cannot avoid prosecution for violations of the order.

1 I am over the age of eighteen, a resident of the State of Washington and competent to
2 testify as a witness herein.

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

5
6 Signed at Seattle, Washington this 1st day of June, 2011

7
8 _____
9 DIANNA PARISH
10 Guardian of the Person and Estate of Dorothy Kertis

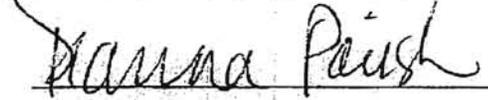
11 Signed at Redmond, Washington this 1st day of June, 2011

12
13 _____
14 RICHARD ROSS
15 Standby Guardian
16
17
18
19
20
21
22
23
24
25

1 I am over the age of eighteen, a resident of the State of Washington and competent to
2 testify as a witness herein.

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

5
6 Signed at Seattle, Washington this 1st day of June, 2011

7 
8 _____

9 DIANNA PARISH
10 Guardian of the Person and Estate of Dorothy Kertis

11 Signed at Redmond, Washington this 1st day of June, 2011

12 
13 _____

14 RICHARD ROSS
15 Standby Guardian

EXHIBIT 7

09-4-00260-6

①

Skagit County Superior Court

I am here to respond to the motions of Dianna Parish and her actions for the time she has had control of my mother, Dorothy Kertis.

The first judge, Michael Rickert, made an order that has not been followed to this date.

I had been in no trouble since my DUI's after my fathers death in 2005, until I was accused of stealing my mothers wedding rings by the Ross family on 2/14/10

They had a restraining order on me for my mother and Gary Ross but not themselves. If I was such a danger, why didn't they add themselves. They have taken my mother away from me and want to extend this restraining order. I don't want to see any of the Ross family nor Dianna Parish. However my mother is a different story. I've lost the last year and that is the longest I have ever endured. These are her last years and I should have the right to see her.

My Children also want to be notified
Terina Kertis -
Bradley Kertis -

(2)

Case # 09-4-00260-6

I would like to charge Dianna Parish and the Ross family for perjury and contempt of court. Also for the harassment and false accusations they have made against me, since the death of my Sister, Sandi Ross. Illegal actions were going on before that date and illegal actions are continued today. The first judges order on 8/28/09 HAS NOT BEEN FOLLOWED!

1. Before my sister died, she had total control of my mothers assets since before my fathers death on 9/4/05. In the first court papers, Dianna Parish stated that my mother was in a care phacility for 4 years. This is incorrect. My mother lived at 1515 7th Street, Anacortes, Wa. for the first 2 years after my fathers passing, this is Gary Ross' house. My sister recieved over \$53,000.00 for those 2 years and my mothers expenses did not even take a portion, maybe a small portion. I come up with the following:

Social Security - \$1065.00 x 24 = 25,560.00

Galic Annuity - \$1,162.19 x 24 = 27,892.56

coming to the sum of \$53,452.56

This is not all that was and still is missing

2. On 8/28/09 Judge Michael Rickert made an order for Dianna Parish, to come up with an inventory and account for

(3)

of my mothers assets since my sister, Sandi Ross, had handled her affairs. This being before the death of my father on 9/4/05. My fathers letter was written on 3/10/04. To this day, this order has not been followed.

3. On 12/11/09, Dianna Parish was appointed guardian and on 12/18/09 she had taken an oath. Yet the first judges order still had not been followed. Not from that date on was the expectations of the GAL Hortencia Castillo followed. Her atty. Dewey Weddle, was aware of the first judges ruling but did not see that it was followed. The court system was being "used". I was to get my own personal property from the home. No heirlooms were going to be sold. That they were trying to prepare the house for rental and dispose of things and I would have the first chance at anything that is sold. FALSE

All that had happened from 12/11/09 to 2/5/10 - I am totally confused with. They made alot of accusations that are totally false ~~and~~

4. On 2/5/10 - I brought Dianna to

(4)

court, again because the first judges order, had not been followed. I also had not received any of my personal items nor did they let me receive any of the items my parents had given me - my fathers tools and guns. Just because I hadn't removed those things over the years, does not mean they are not mine. Again the GAL, Hortencia Castillos expectations had not been followed.

Judge Susan Cook, for some reason, seemed to agree with Dianna's statements that I was just causing problems with the care of my mother. That she (Dianna) had been awarded guardianship on 12/11/09 and I was rushing her to get this inventory and accounting that she had 90 days for, acting like it was due on 3/11/10. It was due by 12/11/09 but never produced. She was already late yet I was fined \$500.00 for frivolous charges and Judge Susan Cook changed the due date to 3/11/10. Dewey Wedd. was aware of the first order being an inventory and accounting of my mother assets since my sister, Sandi Ross. (Dianna's mother) had taken over. It was turned into Dianna's inventory.

I still do not understand that judgement and disagree with it. I am angry on how the courts can be lied to and simply because there is a different judge, the first judges order is thrown out.

5. The best way to go about showing what the Ross family and Dianna Parish have put me through, is to write down the date of each thing and a small explanation. This list is not everything, just things I have legal papers for. It also has dates of things that were in my outlook, illegal

7/11/09 - I was called 1 hr. before my sister died not knowing of her illness.

8/6/09 - I recieved papers stating alot of untrue things.

8/27/09 - I wanted the untruths to be taken out and I wanted an inventory and accounting of my mothers assets.

8/28/09 - Judge Michael Rickert made Dianna a fidiciary to come up with that information while the GAL did her own reports.

12/3/09 - GAL reports produced.

12/11/09 - case# 09-4-00260-6
Judge Michael Rickerts order on 8/28/09 has not been followed.

(6)

1/20/10 - still trying to rent the house.

2/5/10 - fined \$500.00 ext. to 3/11/10

2/14/10 - accused of stealing my mothers wedding rings. FALSE

3/11/10 - given same inventory I had complained on 8/28/09 about. Except things I mentioned, that they say didn't exist, were there with no accounting. There is also the Credit Union not mentioned. My attorney, Gerald Osborne, did not answer the judges questions. All he did was shrug his shoulders. My parents had IRA's and savings accounts in 3 different places

3/22/10 - A petition was filed for sale of my mothers house. I had still not seen an inventory and accounting of my mothers assets as ordered. I was sent a petition for Island County about this and we went to Island County Courthouse. We were told that they had no case about that. Dewey Weddle was contacted and he said that was a mistake, nothing was going on. FALSE

3/24/10 - I filed a request for special notice because none of the rules of the guardianship were being followed.

4/24/10 - I was accused of stealing a boat from my mothers property.

(7)

That is ridiculous, I was supposed to be able to purchase anything that they were going to sell. I had still not received my personal property.

Again, false accusations.

5/27/10 - I received papers from Dewey Weddle at 16:45. The APD report says 16:10. Dewey walked into the Anchor Inn, slammed these papers on my table with a smile and walked out. This paper said that my mother was being taken away from me and that I needed to show cause why this should not be enforced. There was no date on this to go to court. It was like court has already been handled and my mother was taken from me - for FALSE reports. I was very angry & confused and walked up to my mother's care facility at 1105 27th St. I called Gary Ross from the building and asked "What the hell was going on? You've sold my parents cars and are accusing me of theft — he hung up on me and called 911. I was not in a good mood about this whole situation and I was arrested.

6/10/10 - The APD received a call from Rick Ross claiming that a Terry or a Tina Kertis were making harrass

(8)

ing phone calls to him. He was in King County and it was to harass them before court the following day.

FALSE

6/11/10 - There was court this day but I knew nothing of it. Dewey Weddles papers are confusing. He says I was at court on 6/11/10 yet another says I wasn't. I don't remember being there - I was not to be notified by 'Dianna Parish's' request. I'm more confused. What have I done? I also finally recieved a key to storage, for my personal things on 6/17/10.

6/22/10 - I recieved papers that my mother was taken from me and all these courtcases that I had missed. Yes, I'm angry, how can this be happening? It is not right!

6/23/10 - I walked to 1105 27th Street to see about the class that I had taken and the patients that I knew. I wanted to know if I could visit these people. I was arrested.

7/3/10 - Larry Burtness, a childhood friend, came to my house and said, "What is going on at your moms? Why are they selling everything?" I was in shock. My family was supposed to be notified of anything sold. He took me to a neighbors house and I witnessed

(9)

Dianna Parish, selling my personal things not to mention everything my parents once owned. A lot of heirlooms were being sold as well. Yes I'm angry, but how do I release my anger? The courts had done nothing. I'm just supposed to let them continue with illegal activity?

8/4/10 - Dianna and Rick did not have a RO on me so I called them to vent my frustrations. I said things that probably did not make sense but they had put me through pure torture. I was relieving my anger. Yes, I stated that I would kill them, however, they are both larger than me and they both know that I would never hurt them in that way.

8/7/10 - I went downtown for the Arts & Crafts Festival and wanted to go to a friend's house. I had to walk past 1515 7th Street to get to that house and I saw Dianna's car ~~and~~ parked in the alley. I had a rock in my hand and through it at the car, breaking the window.

8/8/10 - I went to the APD and told them that I had broken the window. That I was sorry and would pay for the damage. The APD asked

RICK ROSS, what they wanted to do about Terry's harrasing phone calls? Rick had the APD listen to 3 phone calls I had made on 8/4/10 and Rick stated that he had already filed his case in Kenmore and Dianna had filed hers in Bothell and they would get back to them.

8/11/10 - # 107-00683 - Rick in Redmond
 8/17/10 - # 10-2-25937-6 SEA - Dianna
 8/20/10 - # 107-00683 - RICK
 8/25/10 - # 107-00683 - Rick 25 yr. R.O.
 8/30/10 - # CR0035026 - RICK - Bothell
 8/31/10 - # 10-2-25937-6 SEA extended 9/14/
 9/14/10 - # 10-2-25937-6 SEA - changed DVP
 9/16/10 - recieved papers for #107-00683
 9/16/10 - recieved papers for #10-2-25937-6
 9/28/10 - # 10-2-26062-5 SEA - 25 yr RO. ^{SEA}
 10/19/10 - # CR0035026 - Redmond
 11/9/10 - # 561676 - Seattle - Dianna
 11/29/10 - # 561676 - Seattle - Dianna
 12/2/10 - Anacortes court for MM3 and ROV. The Seattle cases were mentrond because these were the same phone calls talked about to the APD on 8/8/10. Dianna agrees to drop all charges if I plead guilty to MM3 and ROV. I thought this included Seattle and the rest of King County.

12/8/10 - Skagit County Court
 12/18/10 - Ticket in Bothell - 8/4/10 telephone harrassin

(11)

- 1/4/11 - Summons #24579 - telephone harassment in Bothell
- 1/4/11 - Arrested in Bothell by Redmond #CR0035026 - spent 29 days in jail in Snohomish County and fined \$418.00 released on 2/3/11
- 2/3/11 - released from Redmond and transferred to Kent RTC on
- 2/4/11 - #410182864 - H DV
- 2/5/11 - released to appear on 2/17/11
- 2/11/11 - turned myself into Skagit County
- 2/28/11 - released
- 3/1/11 - #561676 called other King County cities and found out there was warrants out for me so...
- 3/3/11 - turned myself into RTC #410182864
- 3/4/11 - #410182864
- 3/10/11 - pre-trial
- 3/17/11 - #410182864
- 4/1/11 - court in Skagit County unable to attend.
- 4/15/11 - #410182864
- 4/25/11 - #410182864 - made agreement and released.
- 5/31/11 - called by Dewey Weddle about a case coming up on 6/10/11 in Skagit County Superior Court.
- 6/2/11 - recieved papers about case coming up.

EXHIBIT 8

IN THE SUPERIOR COURT
OF THE STATE OF WASHINGTON
FOR SKAGIT COUNTY

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2013 MAR 28 PM 4:18

In the matter of the Guardianship of: Case No. 09-4-00260-6

DOROTHY MAY KERTIS

PETITION FOR: REVIEW

MY MOTHER

I have contacted the APD,SCS,SCDC,SCSC,KCDC,KCSO called me on 8/4/10. I have contacted Clear,Community Action(I have been on a waiting list for at least

2 years) and many other agencies.I even called the Mayor. Every time recieving the answer of CIVIL/CRIMINAL. I consider RIGHT/WRONG. I can't believe that this has happened. My Mother is the woman I have loved all of my life and she was ILLEGALLY taken from me. Gary Ross (my brother-in-law) was driving the car in 1962 that killed my brother. My parents had taught me that GOD had a purpose and in Dianna and Ricks'own words,"there was never any problem until this GUARDIANSHIP that was filed ILLEGALLY by them. I understand that this will take time, the only thing I want today, is my right to see MY MOTHER!

She is not doing well and I am not informed of anything that happens to her. They have taken her last child from her. All because of GREED and to cover-up what Sandi had done for a living with other elders. My sister and I always argued about GOD. My sister did not believe. She had total control of my accounts while serving my time in 2006 and aware of my financial situation. She also had all of my parents legal information. She had four years to remove me. The following is a list of illegal acts from the beginning...

07/07/09 - Dianna Parish and Sandi Ross met with Hortencia Castillo privately.

07/11/09 - Sandi Ross died at 10:20 a.m. I was called 1 hour before she died not aware of any problems with me as Alternate.

07/24/09 - Sandi Ross' burial. She had all of my legal proof of power.

07/26/09 - Lie about Sandi in obituary. Found out she was not my fathers child.

07/30/09 - Hortencia Castillo is appointed GAL. I was not there. I was not aware.

08/08/09 - Recieved petition for Guardianship. Court on 8/28/09. Guardian ad

item is already appointed. What purpose is court? I did not know this.

- 08/28/09 - Order given by Judge Michael Rickert. Due in 90 days.
Hortencia Castillo is again appointed GAL. Already appointed.
- 11/28/09 - Order still not produced.
- 12/11/09 - My attorney demanded \$1800 to file criminal suit. Did not answer ?'s.
- 12/11/09 - Dianna Parish is appointed Guardianship of my mother and estate.
The order of Michael Rickert disappeared. Nothing was followed the way we were told it would be followed.
- 01/20/10 - Demanded by Dewey Weddle to remove my property but refused entrance into home. WHY? Had to make a list of personal property, have receipt or signature of items my mom gave to me. IMPOSSIBLE Remove by 2/10/10.
- 01/25/10 - Filed Motion to compel discovery. Order of 8/28/09 still not produced.
- 02/05/10 - Fined \$500 for frivolous charges. Order of 8/28/09 still not produced.
Dianna was given until 3/11/10. WHY? Turning this order into Diannas' inventory due in 90 days after appointment of Guardian. This is NOT what the order of 8/28/09 was. This was missing information of the first POA(Diannas' mother) Sandi Ross(my sister). I was supposed to get this information before appointment of ~~POA~~ GUARDIANSHIP
- 02/16/10 - I was accused of Theft of my mothers wedding ring by Rick Ross at APD #10-AO1197.
- 03/11/10 - Diannas' inventory and accounting was finely produced and was what I had argued about on 8/28/09. Judge Michael Rickerts order had disappeared. Dewey Weddle was aware of what the order was and continued to lie to the court that it had been produced.
- 03/15/10 - Rick Ross was made Alternate for Guardianship of MY MOTHER!
- 04/24/10 - Rick Ross, Gary Ross and Dianna Parish accused me of theft of a boat(#10-AO3105) I had used for many years. Demanding \$250 when the GAL said it was worth \$50. I was told I and my children would have first chance to buy anything sold.
- 05/18/10 - Criminal citation AC12432 charging me with Theft 3. How the City of Anacortes charges me with theft I did not understand and wanted a jury trial.
- 05/27/10 - Papers for a temporary RO were filed on this date by Dewey Weddle at the Skagit County Superior Court. Not notifying me of this because

they were "afraid of my reaction to such an order". I was served papers by Dewey Weddle (he had a smile on his face) at 4:10 p.m. at the Anchor Inn Tavern. These papers told me that I could not see my mother and to appear in Whatcom County Superior Court on 6/11/10 at 9:00 a.m. They are aware that I or my wife do not drive.

05/28/10 - I was arrested at 11:48 p.m. by APD for DVPO and VCO double.

06/10/10 - Rick Ross calls the APD at 9:40 a.m. saying he is receiving harassing phone calls from Terry or Tina Kertis. APD referred Rick to M.V. Rick was in Redmond and Kenmore receiving calls from someone in M.V. so he was referred to Kenmore and Redmond.

Also on this date in the Skagit County Superior Court is a case filed by Dewey Weddle on 5/27/10. Taking my mother from me. I was also given a RO on Gary Ross for telephone harassment and theft of my mother's property. I was not even aware of this case because they did not want me notified. Dewey Weddle's papers said court on 6/11/10 Whatcom County. Changes made one year later again with lies from Dewey Weddle.

06/11/10 - Dewey Weddle tells Skagit County Superior Court that there is a warrant out for my arrest and wants to continue the restraints. Court continues RO. I was not present, my papers said WCSC. Dewey Weddle makes changes in 2011 with this date. Telling the Court that I was present. I was NOT present.

07/17/10 - Garage Sale. Informed of this by childhood friend, he expected to see me there but I was not informed. Neither were my children. I went to neighbors house to get a picture of her selling my personal property.

07/19/10 - I was able to get my parents telephone number and switched from 360-293-4101 to 293-6767. This was the only thing I received from my parents. The phone company had me put 873-8951 for a few

days

to make transfer. The phone company told me on 3/26/13 that it was a fictitious phone number it was started on 6/1/10 (When my mother's house was approved for sale) and canceled on 8/20/10 (the same day that Rick Ross files in KING County) and accusing me of that number.

07/22/10 - Court for case #AC0012432 Theft 3. Extended to 12/2/10.

08/03/10 - My wife made a call to her mother(293-3791) and reached the Ross answering machine(293-3010) immediately hung-up.

08/04/10 - I was called by the King County Sheriff asking about harassing phone calls. Yes, I had called them both many times since 7/11/09. However, I did not have 873-8951 on that date. They saved calls and

used them against me later.

08/07/10 - I was downtown for the Arts and Crafts Festival. I walked to a friends house and seen Diannas' truck and lost it. These people took my mother.

08/08/10 - I was called by the APD wanting me to come and talk about the throwing of the rock. I was arrested for MM3 and DVPO. Rick Ross was asked by the APD what they wanted to do about the phone calls? Rick responded that they had already filed in KC and he would check the records and get back to them. Case #AC12643.

THIS IS THE FIRST CRIME I HAD ACTUALLY COMMITTED SINCE 2005!!!!
I BELIEVE AFTER THE DECEIT THESE PEOPLE HAD PUT ME THROUGH
I COULD NOT HELP MY REACTION.

08/11/10 - Rick Ross filed with KC.

08/17/10 - Dianna Parish filed in KC.

These phone calls are in the Anacortes Police files. When Dianna and Rick were in court getting a RO for MY MOTHER and Gary Ross in SKAGIT COUNTY SUPERIOR COURT had the opportunity to be added, they were not concerned!

It doesn't stop here, it now is in KC. The same phone calls I had made months earlier. The same charges were filed or discussed in three counties and nine cities.

12/02/10 - Court in Anacortes. Six different charges. All dropped but MM3 and RO for Gary Ross, Rick Ross, Dianna Parish and residence of 1515 7th Street. Fine but not MY MOTHER! Seattle cases were discussed and Rick and Dianna were told to drop the charges. They said KC had control of that they would see what they could do.

01/03/11 - I recieved a summons from Bothell for court on 1/12/11 for telephone harrasment. Nothing in court that day but I was arrested by Redmond and spent the next 5 months in jail. This was a plan since before my sister died. She expected to live longer than our mother and her plan failed so her husband and kids took over this scandal because they would be affected.

I WANT JUSTICE!

I WANT TO SEE MY MOTHER!!!!!!

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

SIGNATURE Terry Kutei Date 3/28/2013

EXHIBIT 9

2013 MAR 28 PM 4:18

IN THE SUPERIOR COURT
OF THE STATE OF WASHINGTON
SKAGIT COUNTY

In the matter of the Gaurdianship of:

CASE NO. 009-4-00260-6

DOROTHY MAY KERTIS

PETITION FOR: RIGHT TO
SEE MY MOTHER

I PRAY TO GOD FOR THE RIGHT TO SEE MY MOTHER

I do not understand. I committed a crime in 2005 when my father died. I had not committed a crime until 8/8/10. I had been accused many times by GARY ROSS, RICHARD ROSS, DIANNA PARISH through their attorney DEWEY WEDDLE.

On 5/27/10 They took my mother from me ILLEGALLY! I have not seen her since that date and it is killing my mother and myself. That is why her health is severely moving downward. I have never been removed from my mothers arms, we were VERY CLOSE!!! I WANT TO SEE HER BEFORE IT IS TOO LATE.

I have lived on my own since 1974 and never borrowed from my parents. I am still living on \$1100 a month. I have had my property for 24 years. These people stole EVERYTHING that MY PARENTS worked their entire lives for.

MY CHILDREN recieved nothing of their GRANDFATHERS. All that was wanted was a WWII handkerchief (sold) for my daughter. My son wanted Grandpas guns, he has a liscence. They sold TOOLS that my father gave me many years ago. This has destroyed me and my family.

If these people still think that I am a danger to my mother. My wifes cousin, JOYCE PANZERO, has agreed to be Guardian ad Litem so that I can visit MY MOTHER and MY WIFES MOTHER.

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

SIGNATURE *Dorothy Kertis*

DATE

3/28/2013

EXHIBIT 10

2013 JUN -4 PM 1:16

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SKAGIT COUNTY

In the Matter of the Guardianship of:

DOROTHY MAY KERTIS,

An Incapacitated Person.

NO. 09-4-00260-6

AGREED ORDER MODIFYING
RESTRAINING ORDER ENTERED
ON JUNE 10, 2011

CLERK'S ACTION REQUIRED
Page 4, Paragraph 18
LAW ENFORCEMENT
NOTIFICATION

Dianna Parish, guardian of the person and estate of her grandmother, Dorothy May Kertis, and Terry Lee Kertis, son of Dorothy May Kertis, by and through their attorneys, Dewey W. Weddle and Nancy Preg, respectively, hereby agree to modify the restraining order entered by this court on June 10, 2011 that prohibits Mr. Kertis from having contact with his mother, as follows: ¹

1. Initially, Terry Kertis shall have supervised 60 minute visits with his mother scheduled at 7 day intervals at Fidalgo Care Center/Rosario Assisted Living. Mr. Kertis understands that Dorothy may sleep or be non-responsive through the entire 60 minute visit.

¹ Although the guardian does not believe that Dorothy will recognize Mr. Kertis or benefit from visits with him at this point, she does believe that given Dorothy's advanced age and declining health, allowing regularly scheduled visits is the appropriate and compassionate thing to do for Mr. Kertis.

COPY

1 2. Because they are most familiar with the state of Dorothy's health and her needs,
2 supervision will be provided by Fidalgo/Rosario staff. The supervisor will allow Mr. Kertis as
3 much personal time with his mother as possible and will endeavor to be as unobtrusive as
4 possible, so long as the visits go smoothly.

5 3. Mr. Kertis may not bring any food or beverages for Dorothy as she has dietary
6 restrictions for her own health and well-being. (Likewise, Mr. Kertis will not offer food or
7 beverages to other residents as many of them also have dietary restrictions.)

8 4. Visits will begin and end promptly at the specified time. Missed visits will not be
9 rescheduled. Arriving late for a visit will not change the time the visit ends.

10 5. When arriving for his visit, Mr. Kertis will check in at Fidalgo/Rosario administration
11 offices. He will not go directly to his mother's room without being accompanied by the person
12 who is to supervise the visit, or that person's delegate.

13 6. A visit may be terminated by the supervisor at any time if the supervisor believes that Mr.
14 Kertis is engaging in inappropriate behavior, or if the supervisor believes Dorothy is becoming
15 upset for any reason.

16 7. A visit may be terminated if the supervisor reasonably believes that Mr. Kertis is under
17 the influence of drugs or alcohol, or if Mr. Kertis does not fully comply with visitation terms or
18 fully cooperate with Rosario staff.

19 8. Mr. Kertis will leave promptly and cooperatively at the scheduled end time or as
20 requested by Fidalgo/Rosario staff.

21 9. Visits will commence the first Tuesday after the entry of this Order and begin at 3:00
22 p.m. and end at 4:00 p.m.

23 10. Any proposed changes to this schedule must be made in writing two weeks prior to the
24
25

1 proposed change to allow the guardian time to coordinate the change with Fidalgo/Rosario staff.

2 The guardian and Fidalgo/Rosario must approve any requested change before it is implemented.

3 11. Although Dorothy suffers from dementia and is in declining health because of her
4 advanced age, her condition is stable at this time. As soon as the guardian becomes aware of a
5 significant change in Dorothy's medical condition, either through personal observation or being
6 notified by the Fidalgo/Rosario staff, the guardian will promptly notify Mr. Kertis. In that event,
7 the guardian may approve additional visitation.

8 12. Mr. Kertis may be accompanied by Joyce Penzaro or any immediate family members (his
9 wife or children) as guests during the visits.

10 13. If, after eight visits, there are no problems, upon request by Mr. Kertis and agreement by
11 the guardian and Fidalgo/Rosario, this Order may be further modified to increase the frequency
12 of the visits, change the scheduled time of the visits, or increase the time allotted for each visit.

13 14. If there are repeated or substantial problems resulting from Mr. Kertis's visits,
14 Fidalgo/Rosario staff may terminate all future visits by notifying the guardian in writing that they
15 intend to do so.

16 15. Although it is not expected that it will be necessary, the supervisor has the discretion to
17 request a civil standby from the Anacortes Police Department to oversee compliance with the
18 visitation terms.

19 16. Other than these modifications governing the times that Mr. Kertis may visit his mother,
20 all of the other terms and provisions of the Restraining Order entered on June 10, 2011 remain in
21 effect; that is, Mr. Kertis is prohibited from knowingly coming within, or knowingly remaining
22 within, 500 feet of Fidalgo/Rosario Care Center except during the times (as set forth in this order)
23 that he is there to visit his mother.
24

17. Mr. Kertis's signature on this document constitutes service of this document upon him.
18. The clerk of the court shall forward a copy of this order on or before the next judicial day to the Anacortes Police Department.

ORDER

THIS MATTER came before the Court upon the agreement by the parties to modify the restraining order entered by this court on June 10, 2011 that prohibited Terry Kertis from having any contact with his mother, Dorothy Kertis. Based upon the agreement of the parties, the Court finds good cause to modify the restraining order by incorporating the terms of the agreement of the parties as set forth above, numbered 1 through 18.

Dated this 4th day of June, 2013

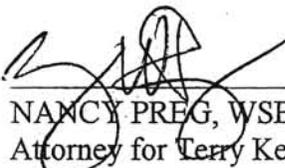
G. BRIAN PAXTON

JUDGE/COMMISSIONER

Presented by:


DEWEY W. WEDDLE, WSBA #29157
Attorney for Dianna Parish

Approved for entry:


NANCY PREG, WSBA #7009
Attorney for Terry Kertis

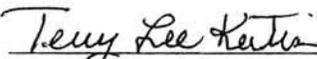

TERRY LEE KERTIS

EXHIBIT 11

Dewey Weddle

From: "Nancy Preg" <nan1949@earthlink.net>
To: "Dewey Weddle" <DWWeddle@msn.com>
Sent: Wednesday, June 26, 2013 1:05 PM
Subject: Terry's visits

Hi Dewey,

I wanted to catch you before you are out of the office in July. I understand that the three visits that Mr. Kertis has had with his mother have gone well. As I noted in my email to you dated June 4th, Mr. Kertis is uncomfortable having Laura Willingham serve as the supervisor of his visits. Yesterday, she supervised his visit with his mother. Since it is in everyone's best interest that these visits go well, I am asking you and your client again to make sure that Ms. Willingham does not supervise any of Mr. Kertis's visits with his mother. Also, Mr. Kertis's three visits with his mother have not taken place in her room. The wording of the agreed order refers to visiting in her room. Can you and your client explain why the visits are not taking place in her room? Also Mr. and Mrs. Kertis come to the care center together and Mrs. Kertis (Tina) visits Dorothy with Terry. Is it possible for Terry to visit Tina's mother along with Tina after he visits Dorothy?

Please get back to me as soon as you can so that these questions and details can be taken care of before you are out of your office.

Sincerely,

Nancy Preg
206-605-1460

EXHIBIT 12

Dewey Weddle

From: "Dewey Weddle" <dweddle@msn.com>
To: "Nancy Preg" <nan1949@earthlink.net>
Cc: "Dianna Parish" <diannaparish@gmail.com>; "rick ross" <r.g.ross@comcast.net>
Sent: Thursday, June 27, 2013 12:13 PM
Subject: Re: Terry's visits

Hello Nancy,

First, it is good to hear that the first three visits have gone well. So it is puzzling that Mr. Kertis would have an objection to Ms. Willingham supervising the visits, given that she has supervised two of the three visits. Why does he care that she is the supervisor when the visits have been pleasant thus far? He doesn't have to like Ms. Willingham; he's not visiting her. Please help Mr. Kertis understand that his comfort does not take priority over the care home's practical needs. It is likely that Ms. Willingham supervises the visits because she is the manager responsible for all residents and is available to do it. I am sure you would agree that neither Mr. Kertis nor my client has the ability to dictate Fidalgo's staffing decisions.

With respect to the visits taking place in an area other than in Dorothy's room, the reference to Dorothy's "room" in the Agreed Order does not specify that visits must take place in her room. Rather, it restricts Mr. Kertis from going alone directly to her room (or anywhere else, for that matter, other than to the administrative offices) without an escort. That is, he must check in on his arrival and be escorted to his visits with his mother. Moreover, the staff at Fidalgo have gone out of their way to create a nice, comfortable environment for Terry's visits with his mother. Visits take place in an area that the staff can oversee, but also be at a distance and out of the way for Mr. Kertis's comfort. Why is this a problem? Does Mr. Kertis want to visit his mother or her room?

As regards Mr. Kertis's wish to visit his mother-in-law, certainly he is free to do so, but those visits must be made within the time he is permitted to visit his mother; that is, between 3:00 and 4:00 p.m. If does want to visit his mother-in-law, then upon his arrival he should mention it to the supervisor so that arrangements can be made. What we want to avoid is having Mr. Kertis stretch the time envelope by visiting Dorothy for an hour and then going to visit his mother-in-law and then forgetting something in Dorothy's room and going back there to retrieve it and then forgetting to tell his mother-in-law something and going back there and so on and before you know it the one hour visit has become two hours because he is just seeing his mother-in-law, what is the problem, why are you hassling me, the restraining order is only about my mother, and so forth. We do not want to invite such conflict, which could result in a violation of the restraining order, which would have very negative consequences for Mr. Kertis.

Again, it is heartening to hear that the visits are going well. Everyone hopes that future visits will also meet that description. Whether they do or not is up to Mr. Kertis.

Best regards,

Dewey

8/1/2013

EXHIBIT 13

From: Nancy Preg
To: Dewey Weddle
Sent: Thursday, June 27, 2013 1:02 PM
Subject: Re: Terry's visits

Hi Dewey,

Contrary to your information, Ms. Willingham has only supervised one of Mr. Kertis's visits last Tuesday. Certainly you and your client do not run Fidalgo. But I expected that your client at least would request that someone besides Ms. Willingham supervise the visits, especially since with good reason, Mr. Kertis asked for that courtesy before the order was entered. Also I appreciate your explanation that the visits take place in an area that is better for Mr. Kertis and that the Fidalgo staff have gone out of their way to provide a comfortable environment for the visits and I will pass that information on to my client. Mr. Kertis has told me that Dorothy is taken out of bed and put in an uncomfortable chair for his visits. He is concerned that his mother is uncomfortable and questions whether she would be more comfortable in her own bed. I also understand that you and your client want to control Mr. Kertis's access to Fidalgo. You and your client know that Mr. Kertis walks 3-4 miles for a one hour visit with Dorothy and that he has not gotten to see his mother-in-law for three years also. Rather than making up scenarios of what might occur, maybe it would be appropriate for your client to ask Fidalgo if it is okay for Mr. Kertis to visit Tina's mother after he visits his mother. That seems to be more of their decision than yours or your client's. After all they have the right to ask him to leave.

As you know, whether the visits go well depends on the cooperation of Mr. Kertis, your client and Fidalgo. And I hope your client and Fidalgo will respond to Mr. Kertis's concerns in a cooperative way.

Sincerely,

Nancy

EXHIBIT 14

Dewey Weddle

From: "Dewey Weddle" <dweddle@msn.com>
To: "Nancy Preg" <nan1949@earthlink.net>
Cc: "Dianna Parish" <diannaparish@gmail.com>; "rick ross" <r.g.ross@comcast.net>
Sent: Thursday, June 27, 2013 4:42 PM
Subject: Re: Terry's visits

Dear Nancy,

What is happening now is the very reason the Agreed Order is so specific in its terms. Mr. Kertis now wants additional time at Fidalgo so that he may visit his mother-in-law. For him to have additional time requires a written modification of the Agreed Order, and we are only three weeks into it. (I do not know with certainty that Mr. Kertis and his wife are walking 3 to 4 miles every time they visit, and I am reasonably sure that you do not know that with certainty either.) Again, if Mr. Kertis wants to visit his mother-in-law during his regularly scheduled time with Dorothy, and the staff can make the arrangements, there is no problem.

As to Mr. Kertis's concern that his mother is seated in an uncomfortable chair during his visits, I would think that the staff at the care center, who supervise the visits and look after Dorothy 24 hours a day, would take some sort of corrective action if that were the case. If Mr. Kertis thinks Dorothy is uncomfortable, he can always ask the staff if there is a more comfortable chair, a pillow, a blanket, or whatever he thinks might help. But Mr. Kertis does not get to dictate where the visits take place; that is up to the staff at Fidalgo.

With respect to Ms. Willingham supervising the visits, again, neither my client nor Mr. Kertis can dictate Fidalgo's staffing decisions. I would also point out that Mr. Kertis, and no one else, is responsible for his reaction to whatever he encounters in this world. He can choose to be uncomfortable when Ms. Willingham supervises, or he can choose to be fine with it. Either way, it his decision. I am quite certain that Ms. Willingham is not hovering around on a broom and glowering at him when he visits, and even if she were, he could simply choose to ignore it.

By following the Agreed Order, the staff at Fidalgo and my client are indeed cooperating with Mr. Kertis. Please let me know if you are apprised of any violations of the Agreed Order, and I will do whatever I can to swiftly address those violations.

Finally, perhaps it would be helpful to remind Mr. Kertis that every time I have to deal with his issues, including reading and responding to your emails, the amount of money in his mother's estate is reduced. As a beneficiary of her estate, he might want to keep that in mind.

Best regards,

Dewey

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

8/1/2013

EXHIBIT 15

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2010 JUL 29 PM 4:21

1
2
3
4
5
6 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
7 FOR SKAGIT COUNTY

8 In the Matter of the Guardianship of:

NO.: 09-4-00260-6

9 DOROTHY MAY KERTIS,

GUARDIAN'S DECLARATION IN
RESPONSE TO PETITION TO
TERMINATE RESTRAINING
ORDER

10 An Incapacitated Person.

11
12 COMES NOW DIANNA PARISH, Guardian of the Person and Estate of Dorothy May
13 Kertis, and, in response to the petition to terminate the restraining order entered by this court on
14 June 11, 2010, declares:

15 As guardian and granddaughter of Dorothy May Kertis, my primary concern and
16 responsibility is for her well-being. As the court is aware, there is a large file regarding this
17 guardianship case and I believe, for good reason, that protection is still very much needed.

18 Mr. Kertis has engaged in multiple behaviors in the past which had the consequence of
19 the protection order being requested by Rosario Assisted Living/Fidalgo Care Center, and being
20 granted by this court on three different occasions. We are told Mr. Kertis has cleaned up his life
21 and is a "changed man," but we have no real proof of that. I have seen no sign of Mr. Kertis
22 wanting to make amends or even demonstrate regret. His problems with substance abuse have
23 been lifelong, as well as his problems with authority, rules, and anger management. If he is able
24

25
DECLARATION IN RESPONSE TO PETITION TO
TERMINATE RESTRAINING ORDER

Page 1 of 4

LAW OFFICE OF DEWEY W. WEDDLE, PLLC

909 7th Street
Anacortes, WA 98221
(360) 293-3600

COPY

1 to maintain responsible, caring behavior this week or this month, I cannot say with any
2 confidence that it will not be a different story in the future.

3 Recently Mr. Kertis, through his lawyer, requested visitation with his mother. Although I
4 did not think there would be much benefit to Dorothy because she was not likely to recognize
5 him, and is rarely lucid enough for a conversation, I saw it as the "right thing to do" if we could
6 work out a satisfactory agreement. We worked very hard to agree to terms that were mutually
7 acceptable, and would still offer Dorothy and the other residents protection from upset or
8 inappropriate conduct, should Mr. Kertis not comport himself as he should. There was an eight
9 week trial period with a provision for requested changes before and after the eight weeks.
10 Although, by all reports, the visits have gone well, three weeks into the visitation schedule Mr.
11 Kertis, through his lawyer, started complaining about the terms. Now, six weeks into the
12 schedule, apparently Mr. Kertis has abandoned the agreement altogether by filing his motion to
13 drop the restraining order rather than simply asking for a modification. A person who does not
14 want to follow his own signed agreement now wants the court to nullify that agreement.
15

16 Mr. Kertis blames others for the existence of the protection order, not his own repeated
17 behaviors. Attending a court-ordered treatment program and staying out of jail since does not a
18 changed man make. It is well documented that addictive behavior and substance addictions are
19 rarely "cured" and are an ongoing issue for the addict. Mr. Kertis makes no mention of an
20 ongoing treatment program or support program, nor does he even say he is no longer indulging
21 in alcohol or other substances. He has a long history of being on and off the wagon since he was
22 in his teens. That fact alone makes me feel protection is not only needed, but reasonable.
23

24 Dorothy is in a very fragile state of health at this point. She is vulnerable to upset and she
25 lives in a unit with many other vulnerable adults. They need staff and family to look out for their

1 needs and to do everything possible to maintain a peaceful quality of life. Giving a past abuser
2 unrestricted access is not the way to achieve this. While I can appreciate that a son wants to have
3 time with his mother, we have offered time and the care-staff have done everything possible to
4 ensure a meaningful, special visit between mother and son, without running the risk of upset
5 which could have very detrimental effects on Dorothy's health and mental state. I also recognize
6 that the care-staff are responsible for many other seniors with differing needs and states of
7 health. It is a burden to ask the management staff to supervise the visits one hour a week, but
8 they have been willing to accommodate this in efforts to give mother and son time together
9 without undo risk. Asking them for even more supervised time would perhaps be possible but
10 not necessarily fair to other seniors and their families. As guardian and granddaughter to
11 Dorothy, and a regular visitor to the home, I want their focus to be as it should be, on the
12 compassionate care for Dorothy and the other residents.

14 Mr. Kertis wants what he wants when he wants it. Before the death of my mother (Mr.
15 Kertis' sister and POA for Dorothy), Mr. Kertis rarely visited his mother, even when begged to
16 come visit or help with her care. This is why it is hard to have full confidence that there are not
17 other motives playing in. He seems to take great satisfaction in trouble-making for others. He
18 does not appear to recognize the same rules apply to him as everyone else. He does not appear to
19 have learned that there are consequences for poor behavior.

21 Mr. Kertis mentions he has a very close relationship with his mother, as he did with his
22 father. As a member of the same family, I would like to clarify. No doubt Mr. Kertis has love
23 for his parents, wife and children. But to at all imply that he is a doting son is simply untrue.
24 Rarely would he help his aging parents, even when asked, with chores or repairs. Rarely would
25 he visit or even attend family functions such as holiday and birthday celebrations. When

1 Dorothy was able to live in her home alone, she denied access to him—she felt he was
2 disrespectful of her property and her wishes. He still confuses her property with his own.

3 I also wish to remind the court that Dorothy's estate is a modest one and her funds are
4 rapidly diminishing. She simply cannot afford the extensive legal battles Mr. Kertis regularly
5 initiates. It is not costing him a dime to file motions and make the same request of the court over
6 and over. Yet the cost to his mother, whom he claims to be so concerned about, and the cost to
7 others is high. It's easy to make trouble when someone else is footing the bill.

8 Mr. Kertis is also petitioning the court to have access to Dorothy's medical records.
9 There is no need for that. He is not the guardian. Private medical information he obtained in the
10 past through lies and trickery ended up as part of public court documents, thanks to Mr. Kertis's
11 poor judgment.

12 I take my position and responsibility as Dorothy's guardian very seriously. I am her
13 voice when she can no longer express herself. I am her protector and caretaker. Dorothy is soon
14 to be 89 years old and deserves to be surrounded by love and peace. If Mr. Kertis can contribute
15 to that, I am happy to offer reasonable supervised visitation. Protection, in my ardent opinion,
16 must stay in place. The downside is simply too high.

17 I am over the age of eighteen, a resident of the State of Washington and competent to
18 testify as a witness herein.

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

21 Signed at Seattle, Washington this 26th day of July, 2013.

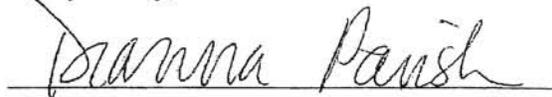
22
23 
24 DIANNA PARISH
25 Guardian of the Person and Estate of Dorothy Kertis

EXHIBIT 16

2013 JUL 29 PM 4:21

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SKAGIT COUNTY

In the Matter of the Guardianship of:

NO.: 09-4-00260-6

DOROTHY MAY KERTIS,

An Incapacitated Person.

STANDBY GUARDIAN'S
DECLARATION IN RESPONSE TO
PETITION TO TERMINATE
RESTRAINING ORDER

COMES NOW RICHARD ROSS, grandson and Standby Guardian of Dorothy May Kertis, and in response to Mr. Kertis' petition to terminate restraining order, declares:

I strongly oppose the petition to terminate the Restraining Order which, for three years, has successfully protected my grandmother, Dorothy Kertis, against Mr. Terry Kertis' out-of-control behaviors. Mr. Kertis presents no substantial proof that he has truly changed his circumstances to justify terminating the order. To the contrary, years of continued evidence demonstrate that the order restraining Mr. Kertis must remain in place.

Moreover, this request for termination of the order is completely unnecessary. Mr. Kertis' motion to terminate the restraining order (initially filed on May 22, 2013) is predicated entirely on the premise that "This court should allow Mr. Kertis to visit his mother." Mr. Kertis is allowed to visit his mother; under terms that he agreed with. Though not warranted by any change in Mr. Kertis' behavior, in a gesture of compassion, Dorothy's guardian, my sister, Dianna Parish, offered to modify the Restraining Order to facilitate safe, supervised visits by Mr.

COPY

1 Kertis with his mother. After much costly back and forth, an agreement was made that had
2 reasonable rules and a progression path for Mr. Kertis to follow to potentially increase visitation
3 time. Mr. Kertis and his attorney both signed the modification of the Restraining Order, agreeing
4 to its terms as full answer to their petition for termination. The modified Restraining Order was
5 approved by this court on June 4, 2013.

6 On June 11, 2013, Mr. Kertis began to regularly visit his mother, supervised by care
7 home staff, in a manner that is safe and supportive for all. The guardian and Dorothy's care
8 home staff have followed the modified order completely. However, even though Mr. Kertis
9 agreed with the provisions of the modified restraining order, soon it was apparently not enough.
10 Through his attorney, Mr. Kertis repeatedly attempted to skirt or ignore the order's rules
11 (attempting to change visit durations, times, location, and dictate who will supervise). This
12 resulted in more unnecessary legal expense and time to repeatedly address Mr. Kertis'
13 complaints and attempted manipulations. Now, for no cause, Mr. Kertis has renewed his motion
14 for termination of the Restraining Order, an abusive use of litigation that further depletes my
15 grandmother's nearly diminished estate, jeopardizing her ability to pay for future care.
16

17 **Mr. Kertis presents no evidence of a substantial change in circumstances.**

18 After reviewing all of the evidence presented—including the declarations and testimony
19 from the petitioner and the respondent—this court has **three times** affirmed that an order is
20 necessary to protect Dorothy Kertis and the Guardians' father, Gary Ross from Mr. Kertis: on
21 May 27, 2010 (two week ex parte order); on June 11, 2010 (1 year expiration) and on June 10,
22 2011 (5 year expiration, strengthened order). Mr. Kertis and his wife, Tina Kertis, were present
23 and testified at both the June 11, 2010 and June 10, 2011 hearings. At those hearings, there were
24 many examples of Mr. Kertis' unchecked, escalating bad behaviors, well-documented in
25

1 declarations and statements, evidencing the petitioner's concern for Dorothy's physical and
2 emotional wellbeing. Having witnessed Mr. Kertis' testimony and nature first-hand, in every
3 instance the court agreed with this concern and approved the petitions for the Restraining Order.

4 Mr. Kertis now wants the Restraining Order with respect to Dorothy to be completely
5 terminated. In his motion, Mr. Kertis cites RCW 26.50.130, and notes that the statute requires
6 that a restraining order may not be terminated unless Mr. Kertis "proves by a preponderance of
7 the evidence that there has been a substantial change in circumstances" RCW 26.50.130(3)(a).

8 Mr. Kertis provides no evidence of a substantial change in circumstances. Instead, Mr.
9 Kertis' rationale for termination of the order is essentially this: This court erred on all three
10 occasions when it entered restraints against Mr. Kertis; that is, the court should have disregarded
11 the testimony of the petitioners at the hearings; the court should have disregarded Mr. Kertis'
12 own damaging testimony, his behavior and his written presentation at the hearings; the court
13 should have disregarded nearly all of literally dozens of documented examples of the escalating
14 risk Mr. Kertis' behavior presented to his mother and other residents and staff at her care home;
15 the court should have disregarded the crimes Mr. Kertis committed against his mother and
16 others; and, instead, the court should have ruled that because it was not shown that Mr. Kertis
17 actually physically assaulted his mother, then his behavior was really not "that bad." This is not
18 proof by a preponderance of the evidence that there has been a substantial change in Mr. Kertis'
19 circumstances.
20

21 Mr. Kertis' rationale also disregards two facts: First, the arguments for—and the court's
22 subsequent approval of—the original Restraining Order and its renewal were not based on the
23 premise Mr. Kertis committed or planned to commit a willful act of physical violence against his
24 mother. The concern was a near universal fear regarding Mr. Kertis' unwillingness or inability
25

1 to control his aberrant behavior, thus placing his mother and others at risk of both physical and
2 emotional harm. In other words, the Restraining Order was based on "... *the infliction of fear of*
3 *imminent physical harm, bodily injury....*" Second, saying that the order should be terminated
4 on the basis that "Mr. Kertis is not likely to resume acts of domestic violence against Dorothy
5 May Kertis," is saying that a risk of future harm must be proved in order to keep the Restraining
6 Order in place. I believe the law is clear on this topic: "*the petitioner bears no burden of*
7 *proving that he or she has a current reasonable fear of imminent harm by the respondent.*" RCW
8 26.50.130(3)(a) There actually is a reasonable fear. However, I do not believe proof of it must
9 be demonstrated to continue my grandmother's protection.

10 It is also telling that Mr. Kertis' motion to terminate the Restraining Order only attempts
11 to end protections for Dorothy Kertis and not Gary Ross. Based on his own filings, apparently
12 Mr. Kertis' assertion that he is reformed, of no risk, and worthy of the removal all restraints, is
13 only applicable to his mother.

14 **The preponderance of the evidence is that there has been no change in circumstances.**

15 RCW 26.50.130(3)(c)(i-ix) identifies the criteria that must be considered in order to find
16 that a "substantial change in circumstances" justifies granting a motion to terminate a protection
17 order. Below are answers to the RCW's relevant 'substantial change' criteria relating to Mr.
18 Kertis and this restraining order:

19 Has Mr. Kertis committed or threatened domestic violence since the order was entered? (i)

20 Yes, repeatedly. Since the restraining order's entry:

- 21
- 22 • Mr. Kertis was three times arrested for a total of four violations of this Restraining Order;
 - 23 two violations were against his mother at her care home; two against the Guardians'
 - 24

1 father. Mr. Kertis was convicted of one count of DV Protection Order Violation (his
2 mother); the remaining were not prosecuted for plea bargain.

- 3 • Mr. Kertis also committed and was charged with four counts of Harassment-DV
4 (Redmond-KCDC, Bothell Municipal, Seattle Municipal, King County DC). These
5 involved death threats made on the Guardian and Standby Guardian, threats of assault on
6 the Standby Guardian and the Guardians' family members, claims of stalking against the
7 Guardian. Contrary to Mr. Kertis' assertion, these crimes are, in fact, completely relevant
8 to Mr. Kertis' behavior against his mother. In his own words, Mr. Kertis' threats
9 revolved exclusively around his demands the Guardian place Dorothy in a "cheaper" care
10 facility; that Dorothy's home not be sold to support her care, per this court's direction,
11 but instead be preserved for Mr. Kertis. Mr. Kertis was convicted of one count of
12 Harassment-DV (Redmond); the remaining were not prosecuted for plea
13 bargain/Stipulated Order of Continuance.
- 14 • Mr. Kertis was also charged and convicted of Malicious Mischief-DV against the
15 Guardian.
16

17 Has Mr. Kertis violated the terms of the protection order? (ii)

18 Yes, Mr. Kertis has repeatedly violated the order:

- 19 • Within hours of original order service, Mr. Kertis was arrested for two violations.
- 20 • Weeks later he was arrested for an additional violation of the order.
- 21 • A month later he was again arrested for violation of the order.
- 22
- 23
- 24

1 This does not count the multiple violations of the Restraining Order (entering onto
2 protected property, failed attempt at direct contact, attempts at 3rd party contact) which the police
3 did not pursue because they believed there was insufficient evidence to convict.

4 That Mr. Kertis has not recently violated the order has more to do with his new
5 understanding there will be significant penalties to his crimes than it does any change in his
6 outlook.

7 Also, since the court's June 4, 2013 approval of the modification to the Restraining Order
8 (for supervised visits), through his attorney, Mr. Kertis has attempted to skirt or violate its rules
9 and dictate new demands outside the bounds of the order's rules.

10 Has Mr. Kertis been convicted of criminal activity since the protection order was entered? (iii)

11 Yes; since the order was entered (referencing above noted arrests), Mr. Kertis has been:

- 12 • Convicted of Harassment-DV (KCDC-Redmond)
- 13 • Convicted of Malicious Mischief-DV (Anacortes Municipal)
- 14 • Convicted of Violation of Protection Order (Anacortes Municipal)
- 15 • Convicted of Violation of Protection Order (Anacortes Municipal)
- 16 • I believe a search of records will also show a DUI violation (SCDC).

17 Has Mr. Kertis taken responsibility for his behavior which resulted in entry of the order? (iv)

18 No, unfortunately, not in the slightest.

- 19 1. Since the order was entered, Mr. Kertis has continued to attend all of Dorothy's
20 guardianship hearings, where—among multiple made-up/conspiracy stories and false
21 claims repeatedly presented by Mr. Kertis—he has zealously refused to accept any
22 responsibility for his actions. For years Mr. Kertis has insisted that the Restraining Order
23 is fault of the Guardian (Dianna Parish), the Standby Guardian (me), and Dorothy's care
24 home staff, all of whom are part of a conspiracy against him. If there is any question of
25

1 this, one need look no farther than Mr. Kertis' past filings and statements he has made in
2 guardianship hearings. For example, Mr. Kertis filed a response to the guardian's most
3 recent petition for approval of her annual report and accounting. Among other hostile,
4 erroneous statements, Mr. Kertis repeatedly demonstrated absence of any ownership for
5 his behavior resulting in Dorothy's protections and continued his assertions that the
6 guardianship is a crime. In his response, Mr. Kertis states that his mother "was
7 ILLEGALLY taken from me"; that "they have taken her last child from her. All because
8 of GREED and cover-up..."; that the "GUARDIANSHIP that was filed ILLEGALLY by
9 [the guardians]"; and again states "they took my mother from me ILLEGALLY!" (all
10 emphasis by Mr. Kertis). It goes on. Other filings and testimony by Mr. Kertis in the
11 Guardianship over the last four years are similar.

- 12
- 13 2. Since the entry of the order, Mr. Kertis entered into plea agreements as a result of three
14 crimes against his mother or against the guardians in relation to his mother's care. In
15 each of these convictions, Mr. Kertis entered an Alford Plea, formally claiming no
16 responsibility for his crimes.
 - 17 3. In his declaration in support of termination of the order, Mr. Kertis states he is "very
18 sorry for the trouble [he] has caused." Without exaggeration, I can say this is the first
19 and singular instance of Mr. Kertis expressing any remorse for his actions over the last
20 four years. However, it is overshadowed by Mr. Kertis' years of threats, harassment,
21 substance abuse and out-of-control, risky behaviors towards his mother and others.
 - 22 4. Mr. Kertis' refusal to accept responsibility for his own behavior even slips out in his
23 declaration in support of this petition to terminate: "Ms Parrish [sic] had succeeded in
24 taking my mother away from me," and "I felt that the guardian had taken my mother
25

1 away from me.” No one took Mr. Kertis away from his mother other than Mr. Kertis. It
2 was his out-of-control behavior, that put his mother, the other residents and staff of her
3 care facility at physical and mental risk, that forced the guardian to take action. There
4 was no other option. This protection order was filed as a last resort due to Mr. Kertis’
5 refusal to control himself. He has since repeatedly demonstrated the wisdom of that
6 decision. And to this day Mr. Kertis has consistently, ardently blamed everyone other
7 than himself for the results of his own conduct.

8 Has Mr. Kertis fully addressed his drug or alcohol abuse? (v)

9 No. Both alcohol and drugs have clearly been a contributing factor in Mr. Kertis’ bad
10 behaviors before and after entry of the protection order. I have no confidence he has fully
11 addressed his abuse. Mr. Kertis has a decades-long history of alcohol and drug problems. He
12 has a history of participating in substance abuse treatment only when required to do so by the
13 court and only to the absolute minimum required. He has a history of relapse from treatment.

- 15 1. Mr. Kertis’ declaration proclaims “I no longer have the problems with alcohol before the
16 restraining orders were entered.” Mr. Kertis carefully selects his wording. There is no
17 claim he no longer consumes alcohol, only a vague statement that he no longer has the
18 problems he once did.
- 19 2. Mr. Kertis states in his declaration that he participated in an alcohol relapse program
20 between February and October, 2011. This participation was not of his choosing. It was
21 required as part of a Stipulated Order of Continuance plea bargain with King County DV
22 Prosecutor. If Mr. Kertis did not participate in treatment, he faced near automatic
23 conviction on three additional counts of Harassment-DV and jail-time. Mr. Kertis has
24

1 not truly addressed his substance abuse problem with treatment; he has complied with
2 court order to the absolute minimum required to avoid further personal impact.

3 3. Treatment for a long-standing substance abuse problem is an indefinite process. By his
4 own declaration, Mr. Kertis has not participated in any treatment for well over a year and
5 a half (ceasing AA meeting participation October 2011).

6 4. Mr. Kertis' crimes and behavior were clearly also driven by abuse of drugs. Yet he
7 makes no reference to participation in any other substance abuse treatment.

8 5. Mr. Kertis has a history of relapse. For example, during the pendency of this
9 guardianship, Mr. Kertis claimed to be rid of his problems with alcohol; presenting a
10 letter of support from his past (court required) treatment counselor. Even that letter noted
11 Mr. Kertis had repeatedly relapsed from previous treatments.

12 Does the petitioner consent to terminating the protection order? (vi)

- 13
- 14 • Dianna Parish, Guardian petitioning on behalf of Dorothy Kertis and responsible for
15 Dorothy's overall care, does not consent to terminating the order.
 - 16 • Joe Sladich, Laura Willingham and Toni Bolo, representing the staff and management of
17 Fidalgo Care Center & Rosario Assisted Living, responsible for Dorothy's daily care and
18 safety, oppose terminating the order.
 - 19 • As Standby Guardian petitioning on behalf of Dorothy, I do not consent to terminating
20 the order.

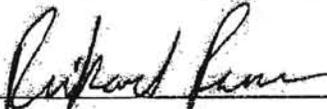
21 Finally, Mr. Kertis' pleadings revolve specifically and exclusively around wanting to see
22 his mother. This desire was met on June 4, 2013, with entry of the Agreed Order Modifying
23 Restraining Order. Mr. Kertis agreed to this modification and its terms. While he has generally
24 behaved himself in the presence of supervisors during visits, a few weeks of good behavior in a
25

1 supervised and structured environment with clear ramifications for not behaving is no
2 demonstration it would continue were this structure and supervision removed. Furthermore, in
3 the weeks following the modification order's entry for visitation, Mr. Kertis has again
4 demonstrated he is either unwilling or unable to follow even the basic rules he agreed upon. This
5 demonstrates that even when Mr. Kertis is given what he wants, he just demands more, with no
6 regard to the cost to his own mother or others. I ask that the court deny Mr. Kertis' motion to
7 terminate the Restraining Order and that the court assist in remedying Mr. Kertis' repeated use of
8 litigation, which is depleting the last of his mother's funds for her care, wasting the time of the
9 court, the guardian and Dorothy's care home staff.

10 In summary, Mr. Kertis' motion to terminate the Restraining Order is should be denied.
11 Mr. Kertis has not provided proof by a preponderance of the evidence of a change in
12 circumstances, substantial or otherwise, to justify the removal of protections for my
13 grandmother. The facts state strongly that protections should remain.
14

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

17
18 Signed at Redmond, Washington this 29th day of July, 2013.

19 

20 RICHARD ROSS
21 Standby Guardian

EXHIBIT 17

2013 JUL 29 PM 4:22

1
2
3
4
5
6 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
7 FOR SKAGIT COUNTY

8 In the Matter of the Guardianship of:

NO. 09-4-00260-6

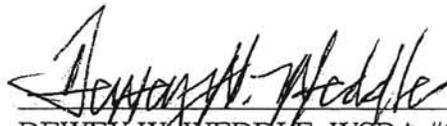
9 DOROTHY MAY KERTIS,

LETTER FROM FIDALGO CARE
CENTER IN RESPONSE TO
MOTION TO TERMINATE
RESTRAINING ORDER

10 An Incapacitated Person.

11
12 Attached hereto is a letter from Fidalgo Care Center and Rosario Assisted Living in
13 response to Terry Kertis' motion to terminate the restraining order with respect to Dorothy
14 Kertis.

15 Presented by:

16
17 

18 DEWEY W. WEDDLE, WSBA #29157
19 Attorney for Dianna Parish
20 Guardian of the Person and Estate

21
22
23
24
25
LETTER FROM FIDALGO CARE CENTER IN
RESPONSE TO MOTION TO TERMINATE
RESTRAINING ORDER

Page 1 of 1

LAW OFFICE OF DEWEY W. WEDDLE, PLLC
909 7th Street
Anacortes, WA 98221
(360) 293-3600

COPY



1105 27th Street · Anacortes, Washington 98221

(360) 293-3174

July 24, 2013

To Whom it May Concern:

It was brought to our attention that Mr. Kertis would like to alter the conditions of his visitation to Rosario Assisted Living. We are submitting this letter with opposition to any proposed changes at this time.

We have extensive knowledge and experience in working with Mr. Kertis over the time his mother has lived with us. While the past few weeks have given us hope for Mr. Kertis's positive changes, such little time does not erase the significant concerns we have as a direct result of years of poor decision making which continuously put our elders and staff at risk.

Mr. Kertis has been prompt and congenial for all of his recent visits, and we have done our best to reciprocate that effort by providing him with a private space in which to spend time with his mother. Unfortunately, on a recent visit, Mr. Kertis's wife attempted to enter Dorothy's (Dottie's) private bedroom without consent. She stated to the care team she was "looking for a vase that belonged to her family." There is no way for us to know definitively if she was being honorable or not because Dottie cannot verbalize what is or is not hers. Moreover, if we had not been watching, we would not have known that Dottie's private area had been entered. The team educated Terry and his wife that such activity was not permitted. This example points to the need for our team to be ever vigilant in watching out for Dottie's wellbeing when Terry Kertis and his family are visiting.

A second example further supports our concerns, when Mr. Kertis had initiated a conversation with our care team (not a designated administrative team representative but a member of the care staff), about moving the time of the visits to later in the day. And then pursuing a change based on that conversation without consulting any of the administrative team. Attempts to enter personal spaces without permission, and spontaneous attempts to make changes to current agreements enforce the necessity of supervised visits at this time.

Due to Mr. Kertis's extensive history of demonstrated poor decision making which both directly and indirectly threatened the wellbeing of other elders living with us, and because his behavior had been reported by our facility under the "Mandated Reporting" obligations to the Washington State Residential Complaint Department, which resulted in investigations into our safety measures and emergency response management, and our obligations under resident rights for each elder - we cannot in good conscience at this time permit a situation where elders could be exposed to a previously identified risk which unfortunately Mr. Kertis continues to pose to our community. If the order is changed or unsupervised visitation is permitted by the courts, the obligation for us remains to ensure the wellbeing of the Elders we care for. The burden for our limited staff is only made more significant in this case. Eldercare is as much like general healthcare today, terribly challenged by staffing demands and financial constraints. We cannot afford to provide staff just to ensure Terry Kertis acts appropriately when he is visiting. We ask the court to consider the impact that any changes to the current order will have for our healthcare services and the wellbeing of the elders who rely on us.

We value the rights of families to visit, and reconnect when bridges have been broken. We are often honored to be a part of that journey. In this case uniquely, there are simply too many examples of Terry Kertis's actions which place our elders at risk that we cannot support and strongly advise against any changes at this time.

Respectfully submitted,



Laura Willingham, RSC Rosario Assisted Living & Memory Care.



Toni Bolo, Assistant DNS-ALF



Joe Sladich, Executive Director

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COURT OF APPEALS
STATE OF WASHINGTON
DIVISION ONE

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2014 JAN -9 PM 3:15

In the Matter of the Guardianship of:

DOROTHY MAY KERTIS,

An Incapacitated Person.

CASE NO. 70909 - 7

DECLARATION OF DELIVERY

I, Dewey W. Weddle, attorney for Dianna L. Parish, Guardian of Dorothy M. Kertis, on the 8th day of January, 2014, delivered true and correct copies of the following documents:

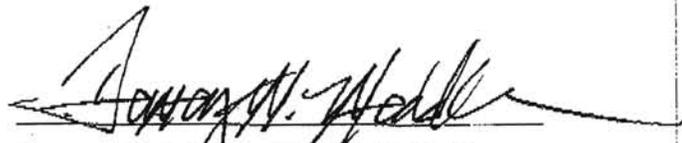
- 1. MOTION ON THE MERITS
- 2. APPENDIX TO MOTION ON THE MERITS

to:

Nancy Preg, Attorney for Terry L. Kertis, Appellant
4233 N.E. 88th Street
Seattle, WA 98115

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

DATED this 9th day of January, 2014, at Anacortes, Washington.


Dewey W. Weddle, WSBA #29157
Attorney for Dianna Parish

LAW OFFICE OF DEWEY W. WEDDLE
A Professional Limited Liability Company
Telephone: 360-293-3600

909 7th Street
Anacortes, WA 98221

Fax: 360-293-3700
dwweddle@msn.com

FAX TRANSMITTAL

TO: State of Washington, Court of Appeals, Division One
Court Administrator/Clerk

FAX: 206-389-2613

FROM: Law Office of Dewey W. Weddle, PLLC
Tamara, Legal Assistant

DATE: January 9, 2013

TIME: 3:07 pm

70909-7

NUMBER OF PAGES INCLUDING THIS SHEET: 2

SUBJECT: *IN RE THE GUARDIANSHIP OF DOROTHY MAY KERTIS*
CASE NO: 70909

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2014 JAN -9 PM 3:15

*****COMMENTS*****

Attached please find the following document to be entered in the above referenced case:

- 1. DECLARATION OF DELIVERY

Thank you in advance for your cooperation. If there are any problems with proceeding in this manner, please call.

CONFIDENTIAL AND PRIVILEGED COMMUNICATION NOTICE

The contents of this electronic communication are strictly confidential and privileged and are intended solely for the above-named recipient. If you receive this transmission in error, please do not review or reproduce its contents. Rather, please destroy the communication and contact the Law Office of Dewey W. Weddle, PLLC to inform sender of your accidental receipt of the transmission.