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

THOMAS BRET HAGGERTY, an individual

Plaintiff(s),

v.

SUSAN CRAIGHEAD, PALMER ROBINSON, LORI
KAY SMITH, ELIZABETH BERNS, in their
professional and/or personal capacity, and any unknown
1 to 75 JOHN and/or JANE DOE(S) at this time.

Defendant(s).

NOV 5 2 03 021

COMPLAINT

Comes now the Plaintiffs, THOMAS BRET HAGGERTY, making the following
complaint(s) under the Washington State Constitution, and the Laws of Washington State do
hereby allege and avers as follows.

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I. PARTIES

1. I, T. BRET HAGGERTY am an individual residing in the City of Mill Creek, in Snohomish County Washington State, and the Plaintiff herein and affected party. Plaintiff is unrepresented in this matter, he is not an attorney, and is not representing any other individual in this matter. I make this declaration upon personal knowledge, and am otherwise competent to testify to the matters stated herein.
2. Defendant, KCSC Chief Presiding Judge Susan Craighead, was a KCSC Judge at all times material to this action, and did so swear an oath to Support the Constitution of the State of Washington.
3. Defendant KCSC Judge Palmer Robinson, was a KCSC Judge at all times material to this action, and did so swear an oath to Support the Constitution of the State of Washington.
4. Defendant KCSC Judge Lori Kay Smith, was a KCSC Judge at all times material to this action, and did so swear an oath to Support the Constitution of the State of Washington.
5. Defendant KCSC Judge Elizabeth J. Berns, was a KCSC Judge at all times material to this action, and did so swear an oath to Support the Constitution of the State of Washington.
6. Defendant(s) 1-75 John and/or Jane Doe's could include but are not limited to additional actors who conspired to deny constitutional rights such as members of any executive committee and/or any other secret committee and/or association(s). These actors, if any, will be discovered and identified by reasonable and appropriate discovery as allowed under court rule and/or any other applicable governing authority

II. JURISDICTION AND VENUE

7. This Court has Jurisdiction to review disputes of equity pursuant to RCW 2.08.010

- 1 17. Plaintiff is the Petitioner in KCSC Cause 14-3-06850-0 titled Haggerty v. Phasavath.
- 2 18. Plaintiff has historically been denied access to the King County Courthouse
- 3 19. On October 14, 2014 Defendant Susan Craighead issued an Order requiring plaintiff
- 4 to Motion for Adequacy/Threshold Hearing Order by February 3, 2015 in addition to
- 5 ordering the assignment of Judge in KCSC cause 14-3-06850-0.
- 6 20. On December 2, 2014 defendant Susan Craighead issued an Order of reassignment of
- 7 cause 14-3-06850 to defendant Elizabeth Berns.
- 8 21. On March 6, 2015 defendant Lori Kay Smith presided over an ex parte hearing
- 9 concerning "Status Conference" and issued an Order on such in KCSC cause number
- 10 14-3-06850-0. Defendant Smith oral order dismissing plaintiffs' case and written
- 11 order awarding opposing party fees (against me), no notice of hearing was provided.
- 12 22. Defendants have provided no notice of March 6, 2015 hearing, no notice of March 20,
- 13 2015 due date, and no notice of March 27, 2015 hearing on KCSC cause number 14-
- 14 3-06850-0 Haggerty v. Phasavath.
- 15 23. Defendants have assumed Judicial disciplinary authority via King County Superior
- 16 Court Local Court rules further prejudicing plaintiffs rights.
- 17 24. Plaintiff has standing to bring this action forth has been personally injured by the
- 18 actions of the Defendants collectively and individually. Plaintiff has a well grounded
- 19 fear additional substantial injury is presently and continues to happen. Plaintiff has a
- 20 constitutional right to be free of such abuses taken under the color of law and denial of
- 21 due process of law; *Port of Seattle v. International Longshoremen's & Warehousemen's Union*, 52 Wn.2d 317, 324 P.2d 1099 (1958): *It is an established rule in this jurisdiction that one who seeks relief by temporary or permanent injunction must show (1) that he has a clear legal or equitable right, (2) that he has a well-grounded fear of immediate invasion of that right, and (3) the acts complained of*

1 *are either resulting in or will result in actual and substantial injury to him.*

2 25. In State ex rel. Lemon v. Langlie, 273 P.2d 464- Wash Supreme Court 1954

3 "A written Constitution is not only the direct and basic expression of the
4 sovereign will, but is the absolute rule of action and decision for all departments
5 and offices of government with respect to all matters covered by it and must
6 control as it is written until it shall be changed by the authority that established
7 it. No function of government can be discharged in disregard of, or in opposition
8 to, the fundamental law. The state Constitution is the mandate of a sovereign
9 people to its servants and representatives. No one of them has a right to ignore or
10 disregard its mandates; and the legislature, the executive officers, and the
11 judiciary cannot lawfully act beyond the limitations of such Constitution."

12 26. Judicial Canons prohibit any judge from hearing a matter in which a reasonable
13 person could draw into question the impartiality or potential bias of the judge after
14 being apprised of all relevant facts.

15 27. Defendant Craighead King County Superior Court Chief Presiding Judge job duties
16 are detailed in GR29 of the Washington Supreme Court Rules for General
17 Application, is tasked with the training and supervision and/or the delegation of said
18 requirements to subordinate staff (Co-Defendants and/or unnamed John and/or Jane
19 Does) or Court Administration employees.

20 **IV. RESERVATION OF RIGHTS**

21 28. Plaintiff reserves any and all rights to amend this complaint and/or any document
 within this lawsuit as information which is presently known to plaintiff and/or
 defendants becomes relevant and/or any information as yet unknown to either plaintiff
 and/or defendants collectively and/or individually is discovered. Plaintiff also reserves

1 any and all rights to seek additional relief from the court for similar causes of action
2 and/or monetary relief as would become appropriate.

3 V. CAUSE OF ACTION

4 29. The Defendants have engaged in a pattern of diversion of Public resources for a
5 Private cause that does not support the poor and/or indigent, but one which generates
6 income via fees and/or charges for the private business via the King County BAR
7 Association, at the expense of the plaintiffs' constitutional rights. Defendants have
8 sworn Oaths to support the Washington State Constitution and to faithfully and
9 impartially discharge the duties of judge; defendants have violated their oaths of
10 office by this pattern of egregious and habitual violation of plaintiffs' constitutional
11 rights.

12 30. Defendants are Superior Court Judges however the doctrine of absolute Judicial
13 Immunity does not apply as these violations of constitutional rights are not normal
14 judicial functions and the relief sought is non monetary. In Stump v. Sparkman 435
15 US 349 Supreme Court 1978 "*Under the doctrine of absolute judicial*
16 *immunity, judges are subject to suit only for (1) "non-judicial actions, ie, actions not*
17 *taken in the judge's judicial capacity," or (2) "actions, though judicial in nature,*
18 *taken in the complete absence of all jurisdiction."*

19 31. No Common Law, Statutory Law, and/or Constitutional law exists to shield
20 defendants with immunity from lawsuits seeking declaratory and/or Injunctive relief.

21 32. In and through pre trial discovery it is the Plaintiffs reasonable belief that the
Defendants have engaged in a long term conspiracy to violate the appearance of
fairness doctrine and plaintiffs' constitutional rights.

33. The Defendants have engaged in a (a) Willful, (b) wanton, (c) Ultra Vires, acts in
excess of their respective function.

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VI. RELIEF REQUESTED

Plaintiff, Thomas Bret Haggerty, hereby request that the Court grant the following relief:

1. INJUNCTION prohibiting all unconstitutional and illegal acts is entered to protect the plaintiffs from imminent irreparable harm.
2. Defendants are enjoined from any additional dissemination of Judicial Intellectual Property to any private gain and/or cause, save for the infirmed and/or poor.
3. Declaratory order is issued that the defendants have willfully and deliberately violated their respective Oaths of Office, in and through the denial of plaintiffs' constitutional rights to due process of law and access to court.
4. Declaratory order that defendants have violated the appearance of fairness doctrine.
5. Plaintiff is awarded costs and reasonable attorney fees and/or unbundled Legal Services fees, as required by RCW and/or common law, if any apply.
6. That the Court grant such other relief as may be just and equitable.

Signed this 23rd day of March, 2015.

T. Bret Haggerty

Thomas Bret Haggerty, Pro Se

13222 29th Avenue SE

Mill Creek, WA 98012

Bhaggerty85@gmail.com

(425) 385-3459

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I swear under penalty of Perjury of the State of Washington and of the Laws of the United States of America, as enforced in the County of Snohomish the foregoing complaint and affidavit in support of and all attached appendix documents, if any, to be true and correct to the best of my knowledge and belief.

Signed this 23rd day of March, 2015 in the city of Mill Creek, County of Snohomish state of Washington.

Signed *T. Bret Haggerty*, Thomas Bret Haggerty.

1 **Declaration of Filing**

2 I hereby certify that on March 23rd, 2015 I personally filed the foregoing document
3 with the clerk of Snohomish County Superior Court.

4
5 I swear under penalty of perjury under the laws of the State of Washington the foregoing is
6 true and correct.

7 Dated this 23rd day of March, 2015 at Mill Creek Washington.

8 THOMAS BRET HAGGERTY

9 Thomas Bret Haggerty, Pro Se

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11 Mill Creek, WA 98012

12 Bhaggerty85@gmail.com

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