

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

3 CHRISTOPHER J. HUPY, an individual, and THOMAS  
4 BRET HAGGERTY, an individual

5 Plaintiffs,

6 v.

7 The Actors of KING COUNTY SUPERIOR COURT; The  
8 FOLOWING King County Superior Court Judges in their  
9 professional capacity; SUSAN CRAIGHEAD, PALMER  
10 ROBINSON, MARIANE SPEARMAN, JIM RODGES, J.  
11 WESLEY SAINT CLAIR, PATRICK H. OISHI, RICHARD  
12 MCDERMOTT, MICHAEL TRICKEY, SUSAN AMINI,  
13 BETH ANDRUS, MONICA BENTON, ELIZABETH  
14 BERNIS, BILL BOWMAN, TIMOTHY BRADSHAW,  
15 REGINA CAHAN, GREG CANOVA, CHERYL CAREY,  
16 JAMES CAYCE, JOHN H. CHUN, ANDREA DARVAS,  
17 WILLIAM DOWNING, THERESA DOYLE, JOAN  
18 DUBUQUE, RICHARD D. EADIE, BRIAN GAIN, JULIA  
19 GARRATT, HELEN HALPERT, BRUCE HELLER,  
20 HOLLIS HILL, LAURA INVEEN, RONALD KESSLER,  
21 BARBARA LINDE, DEAN LUM, BARBARA MACK,  
22 LEROY MCCULLOUGH, LAURA GENE MIDDAUGH,  
23 DOUGLASS NORTH, SEAN O'DONNELL, SUZANNE  
24 PARISIEN, KIMBERLY PROCHNAU, JEFFREY  
25 RAMSDELL, JUDITH RAMSEYER, JEAN RIETCHEL,  
26 MARY E. ROBERTS, ROGER ROGOFF, JOHN R. RUHL,  
27 CAROL SHAPIRA, KEN SCHUBERT, CHATHERINE  
28 SHAFFER, LORI-KAY SMITH, JULIE SPECTOR, MARY  
29 YU and up to 30 additional JOHN AND/OR JANE DOE(S).  
30 HEREAFTER COLLECTIVELY REFFERED TO AS  
31 "JUDICIAL ACTORS"

32 Defendant(s).

NO.

PLAINTIFFS  
MOTION FOR  
PRELIMINARY  
INJUNCTION

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**I. INTRODUCTION / RELIEF REQUESTED**

The Defendants in this matter have engaged in a long term pattern of diverting public resources to benefit their private cause. They have provided monthly (at least) meeting space in the King County Courthouse, IT (Information Technology) support services including access to the secure King County computer network and plaintiffs reasonably believe support via IT county paid support personnel, the Defendants have also lent the prestige of the office in furtherance of a private corporation, the King County BAR Association of which they are members. The Defendants have provided exclusive access to intellectual property to the private corporation while denying the public from equal (or any) access via their candid discussions at these meetings. The Actors of King County Superior Court whom are also State Officers, prior to taking their office must swear an Oath to Support the Constitution of the State of Washington. The Constitution, which is well known to this Court, is mandatory. It is not discretionary nor is its application to be considered arbitrary or voluntary. The language is clear that Public funds, with the exception of aid to the poor are not to be used for any private cause.

The facts are clear in this matter, the Judges of King County Superior Court also being King County BAR members have abused the prestige of the Bench and diverted both real and intellectual property to support their private cause, all to the substantive detriment of the plaintiffs and the citizens at large. Actors representing the interests of this Association have admitted the wrongdoing and vowed to continue.

The injury to the plaintiffs is clear and imminent harm will happen if the defendants are allowed to continue their illegal acts, therefore the Plaintiffs seek a preliminary injunction to preserve the limitation of power and stop the blatant disregard of the Washington State Constitution pending the conclusion of this litigation.

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**II. Statement of Issue**

Whether the court should preliminarily enjoin the Defendants (Judges of King County Superior Court) from further abuse of office which would cause actual and substantial injury to the plaintiffs.

**III. Evidence Relied Upon**

Plaintiffs rely upon the declaration of Christopher J. Hupy and Thomas Bret Haggerty, the Constitution of the State of Washington, Statements made by the Defendants, statements made by KCBA Susan Carroll and other KCBA members, and all attachments thereto, as well as pleadings and papers filed in this action.

**IV. FACTS**

- a. Article 1 Section 1 of the Washington Constitution states "All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights" this statement was first and foremost that the people do not yield their right to control that which they created. The Defendants have usurped their function and authority to divert the people's treasure and failed to protect the plaintiffs' rights.
- b. Defendants have for years (likely decades) violated Article 8 Section 5 and/or Section 7 of the Washington State Constitution which prohibits using the people's resources in furtherance of a private cause.
- c. Defendants have violated Article 4 Section 13 of the Washington State Constitution by providing a personal benefit to their private association at the expense of the taxpaying citizens.
- d. Defendants have all taken an Oath of Office prior to assuming their office to Support

1 the Washington State Constitution Article 4 Section 28 of said document, the  
2 Defendants actions are in violation of such Oath of Office.

- 3 e. The King County BAR Association is a registered Washington State Private  
4 Corporation.
- 5 f. The defendants are both members of the KCBA and Judges serving at the pleasure of  
6 the Citizens.
- 7 g. Plaintiffs are both citizens and non lawyers in this action.
- 8 h. Article 1 Section 29 of the Washington State Constitution requires mandatory  
9 compliance, defendants actions are in violation.
- 10 i. Article 1 Section 7 of the Washington State Constitution enumerates the right of  
11 assemblage and association to the people, it provides no such right to that which  
12 and/or those who are governed by the people.
- 13 j. The Defendants as members of the King County BAR Association additionally use  
14 this publics resources to conduct business of the KCBA, specifically annual elections  
15 historically held during and scheduled to be held at their June meetings at the  
16 Courthouse.

## 17 V. ARGUMENT

### 18 a. Standard for Preliminary Injunctive Relief-

19 Washington State Supreme Court Civil Rule 65 governs trial court procedure for  
20 obtaining an injunction. The preliminary injunction if to preserve the status quo while the  
21 plaintiffs compile the evidence necessary to demonstrate their entitlement to a permanent  
injunction. Northwest Gas Ass'n v. Washington Utilities & Transp. Com'n, 141 Wn. App. 98,  
113, 168 P.3d 443 (2007). To obtain injunctive relief of any kind, the movant must show (1) a  
clear legal or equitable right; (2) a well-grounded fear of immediate invasion of that right;  
and (3) that the act complained of will result in actual and substantial injury. Rabin v. City of

1 Seattle, 135 Wn.2d 278, 284, 957 P.2d 621 (1998); Northwest Gas Ass'n, 141 Wn. App. At  
2 115 (citing Tyler Pipe Indus. Inc. v. Dep't of Revenue, 96 Wn.2d 785, 792, 638 P.2d 1213  
3 (1982). Injunctions are addressed to the equitable powers of the court and the listed criteria  
4 must be examined in the light of competing equities, including the balancing the relative  
5 interests of the parties and, if appropriate (as here), the interest of the public. Tyler Pipe  
6 Indus. 96 Wn.2d at 792; Northwest Gas Ass'n, 141 Wn. App. At 122.

7 At a preliminary Injunction hearing the plaintiff need not prove, and the trial court  
8 does not reach or resolve, the merits of the three criteria for injunctive relief set forth above.  
9 Northwest Gas Ass'n, 141 Wn. App. At 116; Tyler Pipe, 96 Wn.2d at 793. Rather the trial  
10 court considers only the likelihood that the plaintiff will ultimately make the required  
11 showings. Id. A court should however reach the merits of purely legal issues before deciding  
12 whether to grant or deny the preliminary injunction. Rabon v. City of Seattle, 135 Wn.2d 278,  
13 286, 957, P.2d 621 (1998). To facilitate the appellate review, a trial court should also enter  
14 findings of fact and conclusions of law supporting its grant or denial of preliminary relief.  
15 San Juan County v. No New Gas Tax, 160 Wn.2d 141, 154, 157 P.3d 831 (2007).

16 **b. Standards for Evaluating the Constitution-**

17 Article I Section 29 of the Washington Constitution states "CONSTITUTION  
18 MANDATORY. The Provisions of this constitution are mandatory, unless by express words  
19 they are declared to be otherwise. This clear and unambiguous language requires  
20 governmental compliance. In **State ex rel. Lemon v. Langlie, 273 P. 2d 464 - Wash:  
21 Supreme Court 1954** "A written Constitution is not only the direct and basic expression of  
the sovereign will, but is the absolute rule of action and decision for all departments and  
offices of government with respect to all matters covered by it and must control as it is  
written until it shall be changed by the authority that established it. No function of

1 government can be discharged in disregard of, or in opposition to, the fundamental law. The  
2 state Constitution is the mandate of a sovereign people to its servants and representatives. No  
3 one of them has a right to ignore or disregard its mandates; and the legislature, the executive  
4 officers, and the judiciary cannot lawfully act beyond the limitations of such Constitution."

5 **c. Article 8 Section 5 and Section 7 of the Washington State Constitution-**

6 **In King County v. Taxpayers of King County, 938 P. 2d 309 - Wash: Supreme Court**  
7 **1997 the court ruled;** The motive and objective of this constitutional provision is to prevent  
8 the transfer of public assets from public entities, resulting in an inadequate return, or net loss,  
9 to the public. This has nothing to do with whether or not there is present such minimal  
10 consideration legally necessary to support a promise. If a public official may transfer \$100 of  
11 taxpayer property for a \$5 return to the taxpayers, they are \$95 poorer. The return is  
12 inadequate regardless of the legal sufficiency of the consideration. The purpose of the  
13 provision is to avoid transactions which plunder the public purse to the benefit of private  
14 corporate wealth.

15 The constitutional text employs absolute and sweeping language to avoid this  
16 eventuality through use of the term "any," a term of total exclusion, as well as the  
17 term "aid," defined as "[t]o support, help, assist, or strengthen." *Black's Law*  
18 *Dictionary* 68 (6th ed.1990).

19 We have held it is the role of the courts to guard the public purse from expenditures in  
20 controversion of this article as it is a uniquely judicial responsibility to rigorously  
21 enforce this constitutional provision. *See Miller v. City of Tacoma*, 61 Wash.2d 374,  
384, 378 P.2d 464 (1963) (whether public expenditures amount to an unconstitutional  
gift "is solely a judicial question and ultimately must be decided by this court."); *see*  
*also Scott Paper Co. v. City of Anacortes*, 90 Wash.2d 19, 33, 578 P.2d 1292  
(1978)(no legislative attempt to define a gift for the constitutional provision would be  
meaningful because construction of the constitution is a judicial function); *Washington*  
*Natural Gas Co. v. Public Util. Dist No. 1*, 77 Wash.2d 94, 101, 459 P.2d 633  
(1969) ("article 8, section 7, prohibiting any city, county, town, or other municipal  
corporation from giving away its money or property or lending its money or credit to  
or in aid of any private entity is a mandatory provision and must be strictly  
observed.") (citing *Johns v. Wadsworth*, 80 Wash. 352, 141 P. 892 (1914); and *State*  
*ex rel Washington Navigation Co. v. Pierce County*, 184 Wash. 414, 51 P.2d 407  
(1935), *modified by* 187 Wash. 695, 60 P.2d 16 (1936)).

**d. Equity Requires Injunctive Relief to Prevent Plaintiffs Harms-**

1 In deciding to enjoin the Actors of King County Superior Court the court must examine  
2 the competing equities, including balancing the relative interests of the parties and the  
3 interests of the public. Tyler Pipe Indus., 96 Wn.2d at 792; Northwest Gas Ass'n, 141 Wn.  
App at 122. Failure to enjoin the defendants will harm both Plaintiff Hupy and Haggerty  
Interests.

4 Both Plaintiffs are or have been pro se (self represented) litigants in the King County  
5 Superior Court, both in Family Law and Civil cases. Both Plaintiffs are self employed and are  
6 also harmed by the unfair advantage the KCBA Association has in the marketing the prestige  
7 of the meeting location. Intellectual property has been and continues to be transmitted to this  
8 private cause, damaging the Plaintiffs ability to prosecute their cases and have harmed them  
9 in the past. Members, including these Judges, have an unfair advantage that the plaintiffs and  
general public do not and cannot obtain (the self proclaimed judicial exemption from the  
Public Records Act and no usable Court Rule governing the release of records). In the case of  
legal procedures the plaintiffs can self educate and/or formally educate. However no amount  
of "self help" can overcome the unfair advantage of these unconstitutional meetings of the  
defendants association.

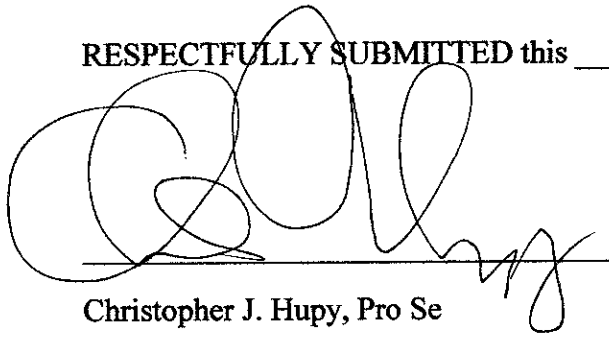
10 The public has a strong interest in enforcing the requirements of the Washington  
11 Constitution. The public will not be harmed by the delay of these Private meetings held in  
12 violation of Article 8 Sections 5 and 7, Article 4 Section 13, Article 4 Section 28, Article 1  
13 Section 1, Article 1 Section 7, Article 1 Section 29, and Article 1 Section 3. Therefore, the  
14 equities favor granting preliminary injunctive relief.  
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VI. CONCLUSION-

Plaintiffs have a clear legal and equitable right to be governed by the Constitution. The continued unchecked actions of the Defendants (Actors of King County Superior Court) make it impossible to repay and/or undo the damages caused to the plaintiffs absent an injunction. Further in balancing the relative interests, the plaintiffs and the people's interests in protecting their constitutional rights outweigh the defendants desire to further their private corporation in violating the constitution. Therefore the Court should preliminarily enjoin the any further diversion efforts by the Defendants (Judges of King County Superior Court) and enjoin the defendants from any additional dissemination of intellectual property.

RESPECTFULLY SUBMITTED this 30<sup>TH</sup> day of April, 2014.



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