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

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

6 Plaintiffs,

7 v.

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

Defendant(s).

NO.

EX PARTE MOTION
FOR EMERGENCY
TEMPORARY
RESTRAINING
ORDER

PLAINTIFFS MOTION EMERGENCY EX PARTE TEMPORARY RESTRAINING
ORDER- 1

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2 **I. INTRODUCTION / RELIEF REQUESTED**

3 Comes now the Plaintiffs, Christopher J. Hupy and T. Bret Haggerty, asking the court to
4 grant a Temporary Restraining Order / Temporary Injunctive Order against the Defendants.

5 Washington State Supreme Court Civil Rule **CR 65(2)b** states in relevant part “ *A temporary*
6 *restraining order may be granted without written or oral notice to the adverse party or his*
7 *attorney only if (1) it clearly appears from specific facts shown by affidavit or by the verified*
8 *complaint that immediate and irreparable injury, loss, or damage will result to the applicant*
9 *before the adverse party or his attorney can be heard in opposition, and (2) the applicants*
10 *attorney certifies to the court in writing the efforts, if any, which have been made to give the*
11 *notice and the reasons supporting him claim that notice should not be required...*”

12 The plaintiffs in this matter are self represented and are not lawyers and/or members of the
13 Washington State BAR, the clear and unambiguous language in CR65(2)b state that the
14 applicants lawyer shall perform such functions, this is not possible in this case, however
15 attempts to provide notification have been made, see plaintiffs declaration filed separately.

16 Revised Code of Washington **RCW 7.40.050** states “*Notice- Restraining Orders in*
17 *Emergencies. No injunction shall be granted until it shall appear to the court or judge*
18 *granting it, that some one or more of the opposing party concerned, has had reasonable*
19 *notice of the time and place of the making application, except in cases of emergency to be*
20 *shown in the complaint, the court may grant a restraining order until such notice can be*
21 *given and hearing had thereon.*”

18 The facts stated in the Plaintiffs Affidavits, attached as Plaintiffs Motion for
19 Preliminary Injunction Exhibits D and E, which outline the serious specific harm as well as
20 the facts contained in exhibit G (King County BAR FLS Webpage) that the defendants intend
21 to continue this pattern of unconstitutional diversion by holding a meeting this Friday, clearly
states the imminent and irreparable danger of loss of the public’s real property, Intellectual

1 Property, exposure to liability set to again happen the Friday. The Washington Supreme
2 Court ruled "*Substantial evidence exists when the record contains evidence of sufficient*
3 *quantity to persuade a fair-minded, rational person that the declared premise is true.*" World
4 Wide Video, Inc. v. City of Tukwila, 117 Wash.2d 382, 387, 816 P.2d 18
5 (1991) (quoting Bering, 106 Wash.2d at 220, 721 P.2d 918). Any rational minded person
6 examining this case and evidence would conclude emergency judicial intervention is
7 warranted.

8 The Defendants intend to divert the assents this Friday May 2nd, 2014 absent judicial
9 intervention by this court this diversion will happen and cannot ever be completely repaired.
10 The issuance of a Temporary Restraining Order will not in any way damage the defendants,
11 the plaintiffs, and/or the taxpaying public at large, if it protects all of the parties concerned
12 because it limits the Judicial Officers ethical Judicial Canon violations, protects the plaintiffs
13 from further injury, and the public from further injury .

14 The Defendants in this matter have engaged in a long term pattern of diverting public
15 resources to benefit their private cause. They have provided monthly (at least) meeting space
16 in the King County Courthouse, IT (Information Technology) support services including
17 access to the secure King County computer network and plaintiffs reasonably believe support
18 via IT county paid support personnel, the Defendants have also lent the prestige of the office
19 in furtherance of a private corporation, the King County BAR Association of which they are
20 members. The Defendants have provided exclusive access to intellectual property to the
21 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

1 the State of Washington. The Constitution, which is well known to this Court, is mandatory.
2 It is not discretionary nor is its application to be considered arbitrary or voluntary. The
3 language is clear that Public funds, with the exception of aid to the poor are not to be used for
4 any private cause.

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

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

14 **II. Statement of Issue**

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

18 **III. Evidence Relied Upon**

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

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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 the Washington State Constitution Article 4 Section 28 of said document, the Defendants actions are in violation of such Oath of Office.
- e. The King County BAR Association is a registered Washington State Private Corporation.
- f. The defendants are both members of the KCBA and Judges serving at the pleasure of the Citizens.
- g. Plaintiffs are both citizens and non lawyers in this action.
- h. Article 1 Section 29 of the Washington State Constitution requires mandatory compliance, defendants actions are in violation.
- i. Article 1 Section 7 of the Washington State Constitution enumerates the right of assemblage and association to the people, it provides no such right to that which

1 and/or those who are governed by the people.

- 2 j. The Defendants as members of the King County BAR Association additionally use
3 this public resources to conduct business of the KCBA, specifically annual elections
4 historically held during and scheduled to be held at their June meetings at the
5 Courthouse.

6 V. ARGUMENT

7 a. Standard for Preliminary Injunctive Relief-

8 Washington State Supreme Court Civil Rule 65 governs trial court procedure for
9 obtaining an injunction. The preliminary injunction is to preserve the status quo while the
10 plaintiffs compile the evidence necessary to demonstrate their entitlement to a permanent
11 injunction. *Northwest Gas Ass'n v. Washington Utilities & Transp. Com'n*, 141 Wn. App. 98,
12 113, 168 P.3d 443 (2007). To obtain injunctive relief of any kind, the movant must show (1) a
13 clear legal or equitable right; (2) a well-grounded fear of immediate invasion of that right;
14 and (3) that the act complained of will result in actual and substantial injury. *Rabin v. City of*
15 *Seattle*, 135 Wn.2d 278, 284, 957 P.2d 621 (1998); *Northwest Gas Ass'n*, 141 Wn. App. At
16 115 (citing *Tyler Pipe Indus. Inc. v. Dep't of Revenue*, 96 Wn.2d 785, 792, 638 P.2d 1213
17 (1982)). Injunctions are addressed to the equitable powers of the court and the listed criteria
18 must be examined in the light of competing equities, including the balancing the relative
19 interests of the parties and, if appropriate (as here), the interest of the public. *Tyler Pipe*
20 *Indus.* 96 Wn.2d at 792; *Northwest Gas Ass'n*, 141 Wn. App. At 122.

21 At a preliminary Injunction hearing the plaintiff need not prove, and the trial court
does not reach or resolve, the merits of the three criteria for injunctive relief set forth above.
Northwest Gas Ass'n, 141 Wn. App. At 116; *Tyler Pipe*, 96 Wn.2d at 793. Rather the trial
court considers only the likelihood that the plaintiff will ultimately make the required
showings. *Id.* A court should however reach the merits of purely legal issues before deciding

1 whether to grant or deny the preliminary injunction. *Rabon v. City of Seattle*, 135 Wn.2d 278,
2 286, 957, P.2d 621 (1998). To facilitate the appellate review, a trial court should also enter
3 findings of fact and conclusions of law supporting its grant or denial of preliminary relief.
4 *San Juan County v. No New Gas Tax*, 160 Wn.2d 141, 154, 157 P.3d 831 (2007).

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

7 Article I Section 29 of the Washington Constitution states "CONSTITUTION
8 MANDATORY. The Provisions of this constitution are mandatory, unless by express words
9 they are declared to be otherwise. This clear and unambiguous language requires
10 governmental compliance. In *State ex rel. Lemon v. Langlie*, 273 P. 2d 464 - Wash:
11 **Supreme Court 1954** "A written Constitution is not only the direct and basic expression of
12 the sovereign will, but is the absolute rule of action and decision for all departments and
13 offices of government with respect to all matters covered by it and must control as it is
14 written until it shall be changed by the authority that established it. No function of
15 government can be discharged in disregard of, or in opposition to, the fundamental law. The
16 state Constitution is the mandate of a sovereign people to its servants and representatives. No
17 one of them has a right to ignore or disregard its mandates; and the legislature, the executive
18 officers, and the judiciary cannot lawfully act beyond the limitations of such Constitution."

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

20 **In *King County v. Taxpayers of King County*, 938 P. 2d 309 - Wash: Supreme Court**
21 **1997 the court ruled;** The motive and objective of this constitutional provision is to prevent
the transfer of public assets from public entities, resulting in an inadequate return, or net loss,
to the public. This has nothing to do with whether or not there is present such minimal
consideration legally necessary to support a promise. If a public official may transfer \$100 of
taxpayer property for a \$5 return to the taxpayers, they are \$95 poorer. The return is
inadequate regardless of the legal sufficiency of the consideration. The purpose of the
provision is to avoid transactions which plunder the public purse to the benefit of private
corporate wealth.

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

4 We have held it is the role of the courts to guard the public purse from expenditures in
5 controversion of this article as it is a uniquely judicial responsibility to rigorously
6 enforce this constitutional provision. See Miller v. City of Tacoma, 61 Wash.2d 374,
7 384, 378 P.2d 464 (1963) (whether public expenditures amount to an unconstitutional
8 gift "is solely a judicial question and ultimately must be decided by this court."); see
9 also Scott Paper Co. v. City of Anacortes, 90 Wash.2d 19, 33, 578 P.2d 1292
10 (1978)(no legislative attempt to define a gift for the constitutional provision would be
11 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
12 (1969) ("article 8, section 7, prohibiting any city, county, town, or other municipal
13 corporation from giving away its money or property or lending its money or credit to
14 or in aid of any private entity is a mandatory provision and must be strictly
15 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
16 (1935), *modified by* 187 Wash. 695, 60 P.2d 16 (1936)).

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

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

Both Plaintiffs are or have been pro se (self represented) litigants in the King County
Superior Court, both in Family Law and Civil cases. Both Plaintiffs are self employed and are
also harmed by the unfair advantage the KCBA Association has in the marketing the prestige
of the meeting location. Intellectual property has been and continues to be transmitted to this
private cause, damaging the Plaintiffs ability to prosecute their cases and have harmed them
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.

The public has a strong interest in enforcing the requirements of the Washington
Constitution. The public will not be harmed by the delay of these Private meetings held in

1 violation of Article 8 Sections 5 and 7, Article 4 Section 13, Article 4 Section 28, Article 1
2 Section 1, Article 1 Section 7, Article 1 Section 29, and Article 1 Section 3. Therefore, the
3 equities favor granting preliminary injunctive relief.

4 **VI. CONCLUSION-**

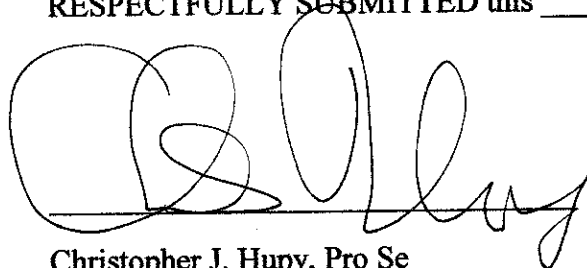
5 Plaintiffs have a clear legal and equitable right to be governed by the Constitution.
6 The continued unchecked actions of the Defendants (Actors of King County Superior Court)
7 make it impossible to repay and/or undo the damages caused to the plaintiffs absent an
8 injunction. Further in balancing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

2 Plaintiffs, Christopher J Hupy and T. Bret Haggerty, hereby request that the Court grant the
3 following relief:

- 4 1. The Court Enter a Temporary Restraining Order prohibiting the further diversion of
5 any public resources and prohibit the dissemination of any additional Intellectual
6 Property in furtherance of their private cause.
7 2. That the Term of this Temporary Restraining Order not exceed 14 days in length
8 3. That a Hearing on Plaintiffs Motion for Preliminary Injunction be Noted for Calendar
9 as soon as possible, providing appropriate time for all parties to reply and/or strict
10 reply.
11 4. That the Court Grant such other relief as may be just and equitable.

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RESPECTFULLY SUBMITTED this 1ST day of May, 2014.



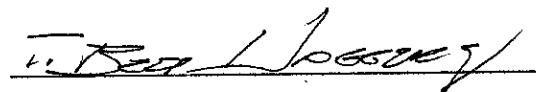
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PLAINTIFFS MOTION EMERGENCY EX PARTE TEMPORARY RESTRAINING
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