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Friday, June 27, 2014—11:15 a.m.
Honorable George N. Bowden
Department 3
With Oral Argument

IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR SNOHOMISH COUNTY

CHRISTOPHER J. HUPY, an individual, and)
THOMAS BRET HAGGERTY, an individual)
)
) Plaintiffs,)
)
) vs.)
)
) The Actors of KING COUNTY SUPERIOR)
) COURT, et al.,)
)
) Defendants.)
)

No. 14-2-03819-2
DEFENDANTS' CR 12(b)(6) MOTION
TO DISMISS

I. RELIEF REQUESTED

Defendant Actors of King County Superior Court and the individually named King County Superior Court Judicial Officers (the "Superior Court Defendants") respectfully move for an order dismissing this action against them on the grounds that the plaintiffs, Christopher J. Hupy and Thomas Bret Haggerty ("Plaintiffs"), lack taxpayer standing. This motion is based on CR 12(b)(6), as well as the arguments and authorities cited herein.

II. STATEMENT OF FACTS

a. Introduction

Filed on May 1, this lawsuit involves an action against the entirety of the King County Superior Court bench (the Complaint lists 53 superior court judges by name). The Plaintiffs are

1 *pro se* and seek to enjoin the Superior Court Defendants from permitting the Family Law Section
2 of the King County Bar Association (“KCBA”) to hold its monthly meetings, without charge, in
3 the presiding judge’s courtroom over the lunch hour. The Plaintiffs, who themselves have
4 attended these meetings, allege that by allowing the meetings to occur, the Superior Court
5 Defendants have diverted public property, bestowed the prestige of the Court, and, because
6 judges and commissioners may also attend, have furnished “judicial intellectual property” to
7 support a private entity.

8 According to the Plaintiffs, these activities violate the Washington Constitution’s
9 prohibitions against lending government credit and gifting public funds. As a result, they ask
10 this court to enter an injunction against the Superior Court “to protect the plaintiffs and the
11 citizens at large from imminent irreparable harm.”¹

12 **b. The Plaintiffs and Standing**

13 According to the Complaint, the Plaintiffs live in Mill Creek, in Snohomish County,
14 Washington.² Nevertheless they allege they have taxpayer standing against the [King County]
15 Superior Court Defendants to bring this action:

16 Plaintiffs have standing to bring this action forth, *In Barnett v. Lincoln*, 162 Wash.
17 613, 299 P.392 (1931) a taxpayer brought suit alleging that a city corporation
18 executed a contract without requiring a bond from the other party as required by
19 law. This court recognized taxpayer standing because “the risk of loss resulting
20 from noncompliance or breach of the contract would fall upon the taxpaying
21 public. The assumption of this risk constitutes a general damage.” *Id.* at 622,
22 299 P.392. The court noted when a municipal corporation violates the law “it is
23 a fair presumption that every taxpayer will be injured in some degree by such
illegal act” even if no pecuniary harm can be shown. *Id.* at 623, 299 P.392.³

¹ Complaint at ¶ V.1.

² Complaint at ¶ 1 and 2.

³ Complaint at ¶ 73. (Italics in original).

1 As explained below, the Plaintiffs have not set forth facts to establish taxpayer standing.
2 There is no allegation in the Complaint that the Plaintiffs pay taxes that fund the activities
3 complained about in this action. There is no allegation in the Complaint that, prior to the
4 commencement of this lawsuit, the Plaintiffs pointed out these activities to the Attorney General
5 with a demand that he take action to stop them. There is no allegation in the Complaint of a
6 refusal to act by the Attorney General on the Plaintiffs' (nonexistent pre-filing) demand. There
7 are no facts alleged in the Complaint that such a demand would have been futile.

8 **c. The Complaint -- Factual Allegations**

9 The Complaint alleges that the Superior Court Defendants are honorary members of the
10 KCBA, a private nonprofit corporation,⁴ and that for years the KCBA's Family Law Section has
11 held monthly meetings in the King County Courthouse.⁵ No fee is collected for the use of this
12 space.⁶

13 The Plaintiffs state they have attempted to attend the Family Law Section meetings,
14 which are scheduled on the first Friday of each month over the noon hour.⁷ They allege they
15 were denied entrance to the March 7, 2014 meeting, but clarify that Susan Carroll, the KCBA
16 Family Law Section chair, subsequently apologized. They were since permitted to attend the
17 April 4 and May 2 meetings.⁸

18
19 ⁴ Complaint at ¶ 3 to 55, and 66; Exhibit B to Complaint (copy of KCBA judicial membership webpage,
stating in part, "Sitting judges, commissioners and magistrates are honorary KCBA members[.]"); Exhibit
20 C to Complaint (copy of listing for KCBA as registered corporation on Secretary of State Webpage).

21 ⁵ Complaint at ¶ 67; *see also* Exhibit D to Complaint (Plaintiff Affidavit – Christopher Affidavit ("Hupy
Affidavit")) (discussing monthly KCBA Family Law Section meetings held in presiding judge's
courtroom); Exhibit E to Complaint (Plaintiff Affidavit—Thomas Bret Haggerty ("Haggerty Affidavit"))
22 (discussing KCBA Family Law Section meetings held in presiding judge's courtroom).

23 ⁶ Complaint at ¶ 67.

⁷ Complaint at ¶ 78; Exhibit G to Complaint (KCBA Family Law Section Webpage).

⁸ Complaint at ¶ 77; *see also* Exhibit D to Complaint (Hupy Affidavit) and Exhibit E to Complaint
(Haggerty Affidavit); Exhibit L: (4/7/14 email from Christopher Hupy to Susan Carroll stating that she
"apologized for my [Hupy's] denial of admittance to last months (sic) KCBA FLS meeting in Courtroom

1 The Complaint further states that at the April 4 meeting, Ms. Carroll announced that the
2 Family Law Section had been informed that it would no longer be permitted to use the presiding
3 judge's courtroom but that there would be two remaining meetings held at the courthouse, on
4 May 2 and June 6.⁹

5 **d. The Complaint – Claims and Relief Requested**

6 As stated above, the Plaintiffs claim that by allowing monthly Family Law Section
7 meetings to be held in the Courthouse with judges and commissioners present and without
8 charging for the space, the Superior Court Defendants are diverting public property, lending the
9 prestige of the Court, and using “judicial intellectual property” to support a private entity, in
10 violation of the Constitution’s prohibitions against lending credit and/or gifting public funds.¹⁰

11 The Plaintiffs also speculate that the results in their own family law cases, in which they
12 mostly appeared *pro se*,¹¹ would have turned out better if they had been allowed to attend the
13 meetings.¹²

14 Based on the above, the Plaintiffs request entry of an injunction: (a) “prohibiting all
15 unconstitutional and illegal acts ... to protect the plaintiffs and the citizens at large from
16 imminent irreparable harm[;]” and (b) precluding the Superior Court Defendants “from any

17 942 of the KCSC adding that you [Carroll] had no idea that I and T. Bret Haggerty were refused entry”);
18 and (4/22/14 email from Susan Carroll to Christopher Hupy reiterating, “I look forward to seeing you
again at the May meeting.”).

19 ⁹ Complaint at ¶ 77 and 79; *see also* Exhibit D (Hupy Affidavit) at unnumbered page 2; Exhibit E
(Haggerty Affidavit) at page 3.

20 ¹⁰ Complaint at ¶ 77.

21 ¹¹ Mr. Haggerty states that he has been intermittently represented by legal counsel in his case. Exhibit E
(Haggerty Affidavit) at page 1.

22 ¹² Exhibit D (Hupy Affidavit) at unnumbered page 2 (“I have been a *pro se* litigant in King County
Superior Court, specifically in a Custody case, as a petitioner for a DVPO [Domestic Violence Protection
Order], as a respondent in a DVPO, and as a respondent in (sic) Dissolution action for many years now
and my exclusion from the information has harmed my case.”); Exhibit E (Haggerty Affidavit) at page 4
23 (“There is no question that being able to have access to the intellectual property of the judges first hand
and the ability to rub elbows outside of the court room is a benefit. For this to be denied to any litigant is
such a gross miscarriage of justice!”).

1 additional dissemination of Judicial Intellectual Property to any private gain and/or cause, save
2 for the infirmed and/or poor.”¹³ They also ask for costs and attorney fees.¹⁴

3 **III. QUESTION PRESENTED**

4 Taxpayer standing requires the Plaintiffs to allege, among other things, that they pay
5 taxes which fund the activities they challenged here and that they asked the Attorney General to
6 maintain a taxpayer action before filing suit. The Plaintiffs have alleged neither. Must the
7 Complaint therefore be dismissed?

8 **IV. ARGUMENT**

9 **A. The Complaint Should Be Dismissed Because Plaintiffs Lack Taxpayer**
10 **Standing To Bring This Action**

11 The purpose of CR 12(b)(6) is to weed out complaints where, even if that which the
12 plaintiff alleges is true, the law does not provide a remedy. *McCurry v. Chevy Chase Bank, FSB*,
13 169 Wn.2d 96, 101, 233 P.3d 861 (2010). A CR 12(b)(6) motion questions only the legal
14 sufficiency of the allegations in a pleading, asking whether there is an insuperable bar to relief.
15 *Contreras v. Crown Zellerbach Corp.*, 88 Wn.2d 735, 742, 565 P.2d 1173 (1977). Dismissal is
16 appropriate under the rule if it appears beyond doubt that the plaintiff cannot prove any set of
17 facts which would justify recovery. *Tenore v. AT&T Wireless Servs.*, 136 Wn.2d 322, 330, 962
18 P.2d 104 (1998). In performing such an analysis, the plaintiff’s allegations are presumed to be
19 true and a court may consider hypothetical facts not included in the record.” *Id.*

20 Standing is a party’s right to make a legal claim or seek judicial enforcement of a duty or
21 right. *State v. Link*, 136 Wn. App. 685, 692, 150 P.3d 346 (2008), *review denied*, 160 Wn.2d

22
23

¹³ Complaint at ¶ V. 1 and 2.

¹⁴ *Id.* at ¶ V. 3 and 4.

1 1025 (2007). The doctrine of standing prohibits a party from asserting another's legal right.
2 *West v. Thurston County*, 144 Wn. App. 573, 578, 183 P.3d 346 (2008).

3 To properly plead taxpayer standing, a plaintiff's complaint must allege (1) a taxpayer's
4 cause of action and facts supporting the plaintiff's taxpayer status; (2) that the plaintiff pays the
5 type of taxes funding the project in question; and (3) the plaintiff asked the Attorney General's
6 office to take the action before bringing suit. *Dick Enters., Inc. v. King County*, 83 Wn. App.
7 566, 572-73, 922 P.2d 184 (1996). Taxpayers need not allege a direct, special, or pecuniary
8 interest in the outcome of the lawsuit, but they must demonstrate that their demand to the
9 Attorney General's office to initiate the action was refused, unless such a request would have
10 been futile. *Robinson v. City of Seattle*, 102 Wn. App. 795, 805, 10 P.3d 452 (2000) (citing *City*
11 *of Tacoma v. O'Brien*, 85 Wn.2d 266, 269, 534 P.2d 114 (1975)).

12 Here, the Plaintiffs fail to satisfy the above requirements. The Complaint contains no
13 allegations establishing their taxpayer status, and, particularly, nothing to show that they pay
14 taxes related to the alleged diversion of courthouse property, the lending of judicial prestige or
15 the use of "judicial intellectual property" to support the KCBA Family Law Section meetings.
16 Additionally, the Plaintiffs fail to allege that they submitted a written request to the Attorney
17 General to take action before filing suit. As a result, they have omitted mandatory elements
18 necessary to state a claim and the Complaint must be dismissed.

19 **B. The Plaintiffs' Post-Filing Emails to the Attorney General are not a Cure.**

20 The Plaintiffs have since attempted to correct some of the above deficiencies in their
21 Complaint by submitting, on May 16, a supplemental document titled, "Mandatory Judicial
22 Notice—Declination From The Washington State Attorney General." This document consists of
23

1 ten pages of emails between Plaintiff Hupy and Deputy Solicitor General Jeffrey Even.¹⁵ Eight
2 of the ten pages concern Mr. Hupy's unrelated complaint about a letter from Mr. Even regarding
3 Mr. Hupy's appropriation and use of the name "Superior Court Judges Association." The other
4 two pages consist of two emails: one from Mr. Hupy to Mr. Even, dated May 9, 2014, or eight
5 days after this lawsuit was filed, providing Mr. Even with a copy of the pleadings and asking
6 him, "Do you care to get involved in this matter?" In the second email, dated May 16, Mr. Even
7 responds, "Mr. Hupy, no, we do not intend to intervene in this matter." (Underlining added).

8 Simply filing supplemental material in the court file is insufficient to amend a complaint
9 under GR 15. But even if it was, the Plaintiffs' still lack standing. The emails show that the
10 Plaintiffs did not initiate contact with the Attorney General's Office until after they had
11 commenced the present action. The Supreme Court has made clear, however, that this
12 requirement is a "condition precedent to the maintenance of a taxpayer's action challenging the
13 validity and legality of what public officers are intending to do or have done." (Emphasis
14 added). *Reiter v. Wallgren*, 28 Wn.2d 872, 877, 184 P.2d 571 (1947). The strategy used by the
15 Plaintiffs of "file first, ask the Attorney General later" completely renders the requirement
16 meaningless.

17 Furthermore, this strategy also countermands the underlying policy of the rule, that
18 taxpayer complaints should initially be channeled to those public officials responsible for
19 enforcing the law. As the *Reiter* court stated, "any other rule would open the door of the courts
20 to an over-officious citizen who might, inspired by motives good or bad, institute actions
21 challenging the validity of contracts or the acts of public officers without first presenting the
22 question of the propriety of such procedure to the public officials who are charged with
23

¹⁵ For ease of reference, a true and correct copy of this document is attached herewith as Attachment 1.

1 responsibility.” *Reiter*, 28 Wn.2d at 877 (quoting *Reed v. Cunningham*, 126 Iowa 302, 101 N.W.
2 1055, 156 (1905)).

3 Finally, the emails offered by the Plaintiffs fail to prove that submitting a request to the
4 Attorney General would be futile. Declining to intervene or “get involved” (as Mr. Hupy’s email
5 puts it) in the Plaintiffs’ pending case is different from refusing to initiate an action on behalf of
6 the taxpayers in the first instance. Intervention presupposes that the Attorney General agrees
7 with the multitude of decisions already made by the Plaintiffs regarding how to frame the
8 complaint, including: What claims should be asserted? How should they be presented? In what
9 venue should they be asserted—Snohomish County? Who are the proper defendants – **all** fifty
10 three superior court judges? The Plaintiffs’ tardy, post-filing request, which asks the Attorney
11 General to pair up with them, is simply not comparable to presenting the question to the Attorney
12 General before any lawsuit has been filed.

13 In sum, if the Plaintiffs intend to bring a lawsuit against the entire King County Superior
14 Court bench, they must satisfy all the requirements for standing, regardless of whether they agree
15 with them. Because they have not done so here, the Complaint in this matter must be dismissed.
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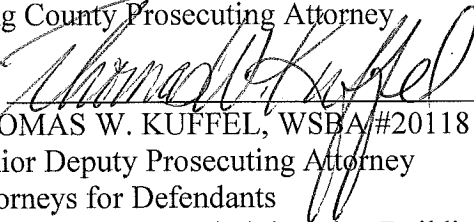
V. CONCLUSION

For the reasons set forth supra, the Superior Court Defendants respectfully ask this Court to enter an order dismissing the Complaint against them in this matter.

DATED this 19th day of June, 2014.

Respectfully submitted,

DANIEL T. SATTERBERG
King County Prosecuting Attorney

By: 
THOMAS W. KUFFEL, WSBA #20118
Senior Deputy Prosecuting Attorney
Attorneys for Defendants
900 King County Administration Building
500 Fourth Avenue
Seattle, WA 98104
Telephone: (206) 296-0430
Fax: (206) 296-0415
Thomas.Kuffel@kingcounty.gov

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DECLARATION OF FILING AND SERVICE

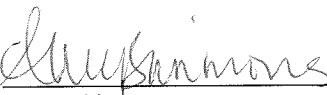
I hereby certify that on June 19, 2014, I sent the foregoing document via ABC Legal Messenger to be filed with the Clerk of the Snohomish County Superior Court.

I also caused a copy of the foregoing document(s) to be served on the following individual(s) via E-mail:

Plaintiff Christopher J. Hupy 13222 29 th Avenue SE Mill Creek, WA 98012 amakirkland@hotmail.com	Plaintiff Thomas Bret Haggerty 13222 29 th Avenue SE Mill Creek, WA 98012 Bhaggerty85@gmail.com
---	--

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

DATED this 19th day of June, 2014 at Seattle, Washington.

By: 
Amy Simmons
Legal Secretary/Paralegal, Civil Division
King County Prosecuting Attorney's Office
Phone 206-296-0419 Fax 206-296-0415
Email: Amy.Simmons@kingcounty.gov

ATTACHMENT 1

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

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

Plaintiffs,

v.

The Actors of KING COUNTY SUPERIOR COURT; The
FOLOWING King County Superior Court Judges in their
professional capacity; SUSAN CRAIGHEAD, PALMER
ROBINSON, MARIANE SPEARMAN, JIM RODGES, J.
WESLEY SAINT CLAIR, PATRICK H. OISHI, RICHARD
MCDERMOTT, MICHAEL TRICKEY, SUSAN AMINI,
BETH ANDRUS, MONICA BENTON, ELIZABETH
BERNS, BILL BOWMAN, TIMOTHY BRADSHAW,
REGINA CAHAN, GREG CANOVA, CHERYL CAREY,
JAMES CAYCE, JOHN H. CHUN, ANDREA DARVAS,
WILLIAM DOWNING, THERESA DOYLE, JOAN
DUBUQUE, RICHARD D. EADIE, BRIAN GAIN, JULIA
GARRATT, HELEN HALPERT, BRUCE HELLER,
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. 14-2-03819-2

MANDATORY
JUDICIAL NOTICE-
DECLINATION
FROM THE
WASHINGTON
STATE ATTORNEY
GENERAL

1 Comes now the Plaintiff's, Christopher J. Hupy and T. Bret Haggerty, without malice or
2 contempt for the Court, this court shall take Mandatory Judicial Notice of the following:

3 **I. JUDICIAL NOTICE AUTHORITY**

4 Washington State Supreme Court Rules of Evidence-

5 **ER201(b) Kinds of Facts.** A Judicially noticed fact must be one not subject to
6 reasonable dispute in that it is either (1) generally known within the territorial
7 jurisdiction of the trial court or (2) capable of accurate and ready determination by
8 resort to sources whose accuracy cannot be reasonably be questioned.”

9 **ER201(d) When Mandatory.** A court shall take notice if requested by a party and
10 supplied with the necessary information.

11 **II. JUDICIAL NOTICE SUBJECT MATTER**

12 Declination by the Attorney General of the State of Washington to bring action
13 against the defendants and additional previous communication between co-plaintiff
14 Hupy and the Office of Attorney General.

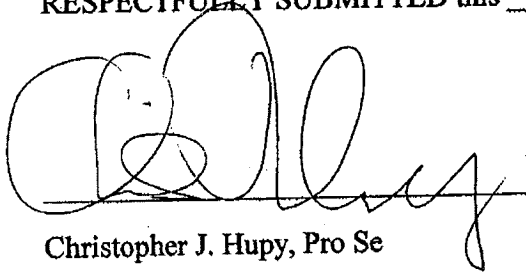
15 **III. SUPPORTING DOCUMENTATION**

16 A. Communications from Washington State Attorney General dated 5-16-2014, and
17 previous communications between co-plaintiff Hupy and AG Deputy Solicitor
18 General Jeffrey T. Even.

19 B. Washington State Supreme Court Rule ER201

20 C. Declaration of authenticity by Co-plaintiff Christopher J. Hupy
21

1 RESPECTFULLY SUBMITTED this 16TH day of May, 2014.

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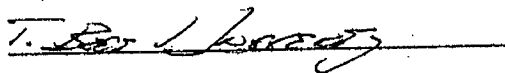
5 Christopher J. Hupy, Pro Se

6 13222 29th Avenue SE

7 Mill Creek, WA 98012

8 amakirkland@hotmail.com

9 (503) 931-4991

10
11 

12 Thomas Bret Haggerty, Pro Se

13 13222 29th Avenue SE

14 Mill Creek, WA 98012

15 bhaggerty85@gmail.com

16 (425) 385-3459

1 **Declaration of Filing and Service**

2 I hereby certify that on May 16th, 2014 I personally filed the foregoing document with
3 the clerk of Snohomish County Superior Court.

4 I also caused a copy of the foregoing document on the following individual(s) via
5 previously agreed upon service method of electronic delivery (email)-

6 **Counsel for the Defendants-**

7 King County Prosecuting Attorney Daniel Satterberg in and through his Senior

8 Deputy Thomas Kuffel WSBA #20118

9 500 4th Avenue, Suite 900

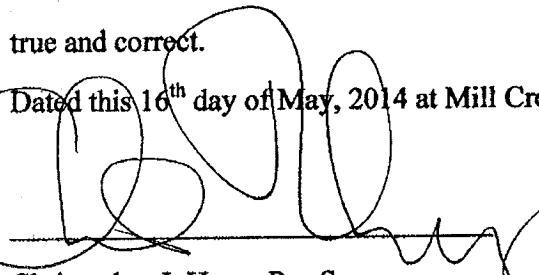
10 Seattle, WA 98104

11 Phone (206) 296-0430

12 Thomas.Kuffel@kingcounty.gov

13 I swear under penalty of perjury under the laws of the State of Washington the foregoing is
14 true and correct.

15 Dated this 16th day of May, 2014 at Mill Creek Washington.

16 
17 Christopher J. Hupy, Pro Se

18 13222 29th Avenue SE

19 Mill Creek, WA 98012

20 amakirkland@hotmail.com

21 (503) 931-4991

EXHIBIT

A.

Electronic Communications
between Co-plaintiff
Christopher Hupy and
Washington Attorney General

[Print](#)**RE: Superior Court Judges Association and our conversation today**

From: **Even, Jeff (ATG)** (JeffE@ATG.WA.GOV)
Sent: Fri 5/16/14 11:19 AM
To: 'Christopher Hupy' (amakirkland@hotmail.com)
Cc: 'thomas.kuffel@kingcounty.gov' (thomas.kuffel@kingcounty.gov)

Mr. Hupy, no, we do not intend to intervene in this matter.

Jeffrey T. Even

Deputy Solicitor General

Office of the Attorney General

PO Box 40100

Olympia, WA 98504-0100

jeff.even@atg.wa.gov

From: Christopher Hupy [mailto:amakirkland@hotmail.com]
Sent: Friday, May 09, 2014 3:45 PM
To: Even, Jeff (ATG)
Subject: RE: Superior Court Judges Association and our conversation today

Mr. Even,

I suspect you have already seen these but just in case, here is a copy of the filings so far in SCSC

Cause number 14-2-03819-2.

Take special note to the Motion of Administrative Preassignment of Judicial Officer declaration.

Do you care to get involved in this matter?

Christopher J. Hupy

This email communication may contain CONFIDENTIAL INFORMATION WHICH ALSO MAY BE LEGALLY PRIVILEGED and is intended only for the use of the intended recipients identified above. If you are not the intended recipient of this communication, you are hereby notified that any unauthorized review, use, dissemination, distribution, downloading, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify me by reply email, delete the communication and destroy all copies.

> Subject: RE: Superior Court Judges Association and our conversation today

> Date: Wed, 10 Apr 2013 17:38:33 -0700

> From: JeffE@ATG.WA.GOV

> To: amakirkland@hotmail.com

>

> Demand as often as you like. I've responded already and will respond no further.

>

> -----Original Message-----

> From: Christopher Hupy [<mailto:amakirkland@hotmail.com>]

> Sent: Wednesday, April 10, 2013 5:29 PM

> To: Even, Jeff (ATG)

> Subject: Re: Superior Court Judges Association and our conversation today

>

> Jeff,

>

> You have made a decision which effects me by even representing the non state agency claiming to be judges. I will wait to jump down your throat on this until ESB5680 is signed, once signed I will respond with a vexatious-like vigor

>
> I again demand a administrative hearing.
>
>
> Chris
> Sent via BlackBerry by AT&T
>
> -----Original Message-----
> From: "Even Jeff (ATG)" <JeffE@ATG.WA.GOV>
> Date: Wed, 10 Apr 2013 22:09:53
> To: <amakirkland@hotmail.com>
> Subject: RE: Superior Court Judges Association and our conversation today

>
>
>
> Mr. Hupy:

>
> It may be helpful for me to provide you with a more expansive response as to why I do not believe that any administrative hearing is necessary or appropriate. By statute, an administrative hearing is required only when a right to one is established by law or constitutional right. RCW 34.05.413(2). Neither circumstance applies here.

>
> All that has happened is that I have written you a letter explaining a legal position. No administrative action by any state agency has taken place. Your claims regarding the name "Superior Court Judges Association" have not been the subject of any administrative order or other agency action. I have simply explained to you, through my letter of March 1, 2013, why the views you have communicated regarding your claim to the name are incorrect. There is no statute providing you a right to an administrative hearing on the basis that you disagree with a letter from the Office of the Attorney General, nor does that letter give rise to any constitutional right to due process. It is just a letter stating a legal position. There has, accordingly, been no administrative action that could form the subject of any administrative hearing.

>
> I trust that this information will help you better understand the position I previously expressed, both below and in my letter of March 1.

> Jeff Even
> Deputy Solicitor General
> Office of the Attorney General
> PO Box 40100
> Olympia, WA 98504-0100
> voice: (360) 586-0728
> fax: (360) 664-2963
> jeff.even@atg.wa.gov
> To save paper, please do not print this message unless necessary.

>
>

>
>
>
> From: Even, Jeff (ATG)
> Sent: Wednesday, April 10, 2013 12:07 PM
> To: 'Christopher Hupy'
> Subject: RE: Superior Court Judges Association and our conversation today

>
> No matter how many times you ask, your request will remain inappropriate. There will be no administrative hearing, because none is called for under the law.

>
>
>
> From: Christopher Hupy [<mailto:amakirkland@hotmail.com>]
> Sent: Wednesday, April 10, 2013 12:05 PM
> To: Even, Jeff (ATG)
> Subject: RE: Superior Court Judges Association and our conversation today

>
>
> Mr. Even,

>
>
> You have made the decision to represent this group, you have made the decision informing me to cease and desist using my lawful business name. These are decisions, they are administrative decisions and as you know due process begins at the administrative level, your decision to deny my lawful request under RCW 34.05 is in fact a denial of my right to procedural due process, and act not covered by attorney client nor condoned by your job description.

>
>
>
> Interesting scenario you have created here, you as a lawyer serve your clients and your actions are expressions of your clients wishes, in this case your clients are Superior Court Judges (all Washington State Superior Court Judges no less) so your clients are denying my rights and if I am correct on my presumption it would seem that "privilege takes flight" upon attorney client conspiracy.

>
>
>
> Again I request/demand a administrative hearing, based on my standing, in this matter and your decisions affecting my rights.

>
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>
>
>

>
>
>
> Christopher J. Hupy, Principal
>
> Superior Court Judges Association
>
> PO Box 12655
> Everett, WA 98206
>
> 503-931-4991
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>

> Subject: RE: Superior Court Judges Association and our conversation today
> Date: Mon, 8 Apr 2013 15:47:01 -0700
> From: JeffE@ATG.WA.GOV <<mailto:JeffE@ATG.WA.GOV>>
> To: amakirkland@hotmail.com <<mailto:amakirkland@hotmail.com>>

>
> Once again, there are no administrative hearings on this topic.

>
>
>
> From: Christopher Hupy [<mailto:amakirkland@hotmail.com>]
> Sent: Monday, April 08, 2013 3:20 PM
> To: Even, Jeff (ATG)
> Cc: Chief Justice Barbara Madsen / Washington Supreme Court
> Subject: RE: Superior Court Judges Association and our conversation today

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> Mr. Even,

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> Consider this a formal demand and/or request for a Administrative Hearing on your decision below-
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> 1. Your and/or the Washington Attorney General's decision to refuse a administrative hearing to me
as outlined below

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> With all respect due,
>
> Christopher J. Hupy, Principal
>
> Superior Court Judges Association
>
> PO Box 12655
> Everett, WA 98206
> 503-931-4991
>

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> Subject: RE: Superior Court Judges Association and our conversation today
> Date: Mon, 8 Apr 2013 15:05:09 -0700
> From: JeffE@ATG.WA.GOV <<mailto:JeffE@ATG.WA.GOV>>
> To: amakirkland@hotmail.com <<mailto:amakirkland@hotmail.com>>

>
> There is no provision for an administrative hearing for such claims. Aside from the fact that I have
made no "decisions," in your term, this is not a subject on which an administrative hearing can be
claimed.

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>
> From: Christopher Hupy [<mailto:amakirkland@hotmail.com>]

> Sent: Monday, April 08, 2013 3:02 PM
> To: Even, Jeff (ATG)
> Subject: RE: Superior Court Judges Association and our conversation today
> Importance: High

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> Mr. Even,

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> Consider this a formal request and/or demand for a administrative hearing under RCW 34.05 over several of your decisions-

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> 1. The Washington State Attorney General's and or your Decision to represent "The Association of the Superior Court Judges of the State of Washington" (herein referred to as TASCJSW) using public funds

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> 2. Your decision to demand I cease and desist using my legal business name

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> 3. Your Claim of "Non Profit" status of "TASCJSW"

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> 4. Your decision that a group of "State of Washington Officers" is in law identical to a Individual "State of Washington Officer"

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> 5. Your decision that the TASCJSW has a "common law" right to the use of a name unique from that which the clear and unambiguous language contained in the enacting legislation provided to them.

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> Please inform the OAH of my address and contact information, I wish to start the likely lengthy and exhaustive discovery and deposition process as soon as possible.

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> I do reserve my right to make additional request per Washington Administrative Procedure Act RCW 34.05 for additional Administrative Appeals.

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> With all respect due,

>
>

> Christopher J. Hupy, Principal
>
> Superior Court Judges Association
> Everett, WA 98206
>
> 503-931-4991

>
>

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> Subject: RE: Superior Court Judges Association and our conversation today
> Date: Mon, 8 Apr 2013 09:39:58 -0700
> From: JeffE@ATG.WA.GOV <<mailto:JeffE@ATG.WA.GOV>>
> To: amakirkland@hotmail.com <<mailto:amakirkland@hotmail.com>>

>

> Mr. Hupy, nothing in your message below or in our conversation should be construed as agreement with anything you have said.

>
>

> From: Christopher Hupy [<mailto:amakirkland@hotmail.com>]
> Sent: Friday, April 05, 2013 12:33 PM
> To: Even, Jeff (ATG)
> Subject: Superior Court Judges Association and our conversation today