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*6/27/14*  
SONYA KRASKI  
COUNTY CLERK  
SNOHOMISH CO. WASH.

SONYA KRASKI  
COUNTY CLERK  
SNOHOMISH CO. WASH.

*for  
Debra  
Horne*



CL16638951

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

CHRISTOPHER HUPY & THOMAS HAGGERTY  
**PLAINTIFF/PETITIONER(S)**  
vs.

KING COUNTY SUPERIOR COURT ET AL  
**DEFENDANT/RESPONDENT(S)**

**CAUSE NO.:** 14-2-03819-2

**COVER SHEET**

**ATTACHED HERETO IS: EMAIL CORRESPONDENCE BETWEEN PLAINTIFFS AND THE COURT.**

*23*

**Glisic, Mario**

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**From:** Glisic, Mario  
**Sent:** Friday, June 27, 2014 4:23 PM  
**To:** Bret Haggerty (bhaggerty85@gmail.com); Christopher Hupy (amakirkland@hotmail.com)  
**Cc:** Kuffel, Thomas (Thomas.Kuffel@kingcounty.gov); Downes, Michael; Lucas, Michelle  
**Subject:** Hupy vs. King County Superior Court, 14-2-03819-2 - Message from Judge Bowden

Dear Mr. Hupy and Mr. Haggerty,

As you know, this matter was pre-assigned to me by Judge Downes, and we calendared the defendants' motion to dismiss for a contested hearing this morning at 11 AM. Shortly before the case was called, a "Motion for Change of Judge" was filed and brought to my attention. The motion cited RCW 4.12.050, which statute provides litigants the right to have the matter heard by a different judge, provided the assigned judge has not already made any ruling in the case. Both plaintiffs joined in that motion. Invoking that statute divested this court from entering any ruling or exercising any discretion thereafter. Hence this case was referred back to the Presiding Department for reassignment.

My law clerk later informed me that there may have been some confusion over whether the motion was a request that I recuse myself (which would involve exercising some judicial discretion in ruling on that motion) rather than a motion for change of judge under RCW 4.12.050. We attempted to re-calendar the case for a telephonic or in-person hearing to give you an opportunity to be heard. You then provided him with a working copy of a partial pleading containing a purported amendment to your earlier motion, citing a different statute. And you then followed that with an email communication to him objecting to the hearing we had proposed to allow you to clarify your motion, objecting to any response from the defendants and demanding a right to call witnesses. Relying upon your original motion for change of judge, the claim of prejudice is established by filing the motion supported by affidavit alleging prejudice. Each plaintiff filed a declaration in support of the original motion alleging such prejudice in lieu of an affidavit. The only basis upon which I may now hear this matter would be upon written stipulation agreed to by all parties.

Since I have no reason to believe that will occur, this will simply confirm that the Presiding Department will be asked to reassign this case to a different judge.

Very truly yours,

George N. Bowden  
Judge

## Glisic, Mario

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**From:** amakirkland@hotmail.com  
**Sent:** Friday, June 27, 2014 3:34 PM  
**To:** Glisic, Mario; Senior Deputy Prosecutor Tom Kuffel  
**Cc:** Bret Haggerty; Lucas, Michelle  
**Subject:** Re: Hupy/Haggerty v. Judges of King County Superior Court cause number 14-2-03819-2

Mr. Glisic,

If in fact judge Bowden is treating this as a motion and calendaring it as such and is going to allow ANY response from the defendants I demand to be given appropriate time to respond to any such filing and reserve any and all rights to call defendant witnesses to appear for cross examination under oath.

The process of disqualification is akin to prejudice and once that has been established the judicial officer is divested of any and all authority.

If the intention of this judge is to deprive any right of any litigant in this matter we will appeal that decision.

With all respect due,

Christopher J. Hupy  
Co-plaintiff  
Sent via BlackBerry by AT&T

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**From:** "Glisic, Mario" <Mario.Glisic@snoco.org>  
**Date:** Fri, 27 Jun 2014 22:19:27 +0000  
**To:** 'Christopher Hupy' <amakirkland@hotmail.com>; Tom Kuffel <thomas.kuffel@kingcounty.gov>  
**Cc:** Bret Haggerty <bhaggerty85@gmail.com>; Lucas, Michelle <Michelle.Lucas@snoco.org>  
**Subject:** RE: Hupy/Haggerty v. Judges of King County Superior Court cause number 14-2-03819-2

Dear all,

Since there was some mutual confusion as to what type of motion was being brought by plaintiffs, I am hereby scheduling a hearing on the plaintiff's motion for 9am Monday morning, June 30, 2014, in Department 3 before Judge Bowden. A letter will follow.

Best,

Mario Glisic

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**From:** Christopher Hupy [mailto:amakirkland@hotmail.com]  
**Sent:** Friday, June 27, 2014 2:40 PM  
**To:** Tom Kuffel; Glisic, Mario  
**Cc:** Bret Haggerty; Lucas, Michelle  
**Subject:** RE: Hupy/Haggerty v. Judges of King County Superior Court cause number 14-2-03819-2

I am on my way to the courthouse now and will drop a copy off to Judge Bowden.

Christopher J. Hupy

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**From:** [Thomas.Kuffel@kingcounty.gov](mailto:Thomas.Kuffel@kingcounty.gov)  
**To:** [Mario.Glisc@snoco.org](mailto:Mario.Glisc@snoco.org); [amakirkland@hotmail.com](mailto:amakirkland@hotmail.com)  
**CC:** [bhaggerty85@gmail.com](mailto:bhaggerty85@gmail.com); [Michelle.Lucas@snoco.org](mailto:Michelle.Lucas@snoco.org)  
**Subject:** RE: Hupy/Haggerty v. Judges of King County Superior Court cause number 14-2-03819-2  
**Date:** Fri, 27 Jun 2014 21:32:55 +0000

Mr. Glisc,

Thank you for your email. I had been under the misimpression that the Plaintiffs' motion was brought under RCW 4.12.050 (the affidavit of prejudice statute). Now that I have had a chance to read the motion more carefully (it arrived as I was almost out the door for the hearing on Defendants' motion), and confirm with Mr. Hupy, (see attached), the affidavit of prejudice statute was not the basis for the motion. Rather, per Mr. Hupy's explanation, it was a motion for the judge to disqualify himself for cause, which, I believe would ordinarily have to be noted for a future time and date (with opportunity to respond) in accordance with the Court Rules (unless accompanied by a motion to shorten time).

In light of the above, does Judge Bowden still have this case, or has the Court granted the motion to disqualify?

Thank you,  
Tom Kuffel  
Sr. DPA

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**From:** Glisc, Mario [<mailto:Mario.Glisc@snoco.org>]  
**Sent:** Friday, June 27, 2014 1:55 PM  
**To:** 'Christopher Hupy'  
**Cc:** Kuffel, Thomas; Tom Kuffel KCPAO; Bret Haggerty; Lucas, Michelle  
**Subject:** RE: Hupy/Haggerty v. Judges of King County Superior Court cause number 14-2-03819-2

Mr. Hupy,

Your recap of what occurred here this morning is correct. There was no order signed nor entered as one is not required; your motion to affidavit the judge is sufficient. Please stay in touch with Michelle Lucas, Presiding Judge Downes' law clerk, regarding the reassignment of your case.

Best,

**Mario Glisc**  
**Law Clerk to Judge Bowden**

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**From:** Christopher Hupy [<mailto:amakirkland@hotmail.com>]  
**Sent:** Friday, June 27, 2014 1:32 PM  
**To:** Gilsic, Mario  
**Cc:** Tom Kuffel; Tom Kuffel KCPAO; Bret Haggerty  
**Subject:** Hupy/Haggerty v. Judges of King County Superior Court cause number 14-2-03819-2

Mario,

I wanted to recap our conversations this morning, the co-plaintiff (Mr. Haggerty) and I appeared at Judge Bowden's courtroom and you stated the hearing was NOT going to happen and that the Judge Bowden was not going to be hearing the case, further that we (plaintiff's) would need to speak to Presiding Judge Downes clerk/bailiff to obtain date(s) for another motion for preassignment to be heard and/or another motion for preassignment would need to be filed. I did not perceive that you were in any way providing any legal advice only procedural directions.

Judge Bowden had granted the plaintiffs motion for disqualification.

Will a copy of his order be mailed to the parties or do I/we need to obtain a copy of his order from the SCSC Clerk's office?

If I have misstated or mischaracterized any of the above please correct it for the record.

Let me know as soon as possible concerning Judge Bowden's order.

Sincerely,

Christopher J. Hupy  
Co-Plaintiff

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--Forwarded Message Attachment--

**From:** [amakirkland@hotmail.com](mailto:amakirkland@hotmail.com)  
**To:** [Thomas.Kuffel@kingcounty.gov](mailto:Thomas.Kuffel@kingcounty.gov)  
**CC:** [bhaggerty85@gmail.com](mailto:bhaggerty85@gmail.com)  
**Subject:** RE: Hupy/Haggerty v. Judges of King County Superior Court cause number 14-2-03819-2  
**Date:** Fri, 27 Jun 2014 20:57:12 +0000

Motion was for cause, thank you for pointing out that typographical error as the Heading and Text of the cited RCW was correct (that of RCW 4.12.040) an inadvertent and unintentional error of "050" which should have been "040".

This motion was for the good cause as evidenced in the Motion.

The right to a unbiased and impartial Judge is well founded in both Washington law and Federal law, until such time as a disinterested Judge is assigned plaintiff's intentions are to motion for disqualification.

I am sure this is your desire as well, a disinterested Judge which would lead to the expeditious disposal of this action (understandable differences in the definition of "disposal" notwithstanding).

Plaintiff's will vigorously defend this motion, including but not limited to application of any and/or all rules of discovery.

This cause is appearing to be a "can of worms" of sorts but with time and careful attention to rules it will get sorted out.

Simple answer to your question is "No" RCW 4.12.050 was not the legal basis for disqualification.

Sincerely,

Christopher J. Hupy  
Co-plaintiff

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**From:** [Thomas.Kuffel@kingcounty.gov](mailto:Thomas.Kuffel@kingcounty.gov)  
**To:** [amakirkland@hotmail.com](mailto:amakirkland@hotmail.com); [mario.glisic@snoco.org](mailto:mario.glisic@snoco.org)  
**CC:** [tom.kuffel@kingcounty.gov](mailto:tom.kuffel@kingcounty.gov); [bhaggerty85@gmail.com](mailto:bhaggerty85@gmail.com)  
**Subject:** RE: Hupy/Haggerty v. Judges of King County Superior Court cause number 14-2-03819-2  
**Date:** Fri, 27 Jun 2014 20:38:07 +0000

Mr. Hupy,

Just for clarification, your motion cited to RCW 4.12.050, the affidavit of prejudice statute. That was the basis for your motion requesting disqualification, correct?

Thank you,  
Tom

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**From:** Christopher Hupy [<mailto:amakirkland@hotmail.com>]  
**Sent:** Friday, June 27, 2014 1:32 PM  
**To:** [mario.glisic@snoco.org](mailto:mario.glisic@snoco.org)

**Cc:** Kuffel, Thomas; Tom Kuffel KCPAO; Bret Haggerty  
**Subject:** Hupy/Haggerty v. Judges of King County Superior Court cause number 14-2-03819-2

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