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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

Cody Hart, [REDACTED]
[REDACTED]

Civil Action No. 2:23-cv-00503-RSM

Plaintiffs,

v.

SKAGIT COUNTY SHERIFF DONALD
MCDERMOTT, SKAGIT COUNTY
PROSECUTING ATTORNEY RICHARD
WEYRICH, COUNTY OF SKAGIT, and
RLI INSURANCE COMPANY

Defendants

**PLAINTIFF'S EMERGENCY MOTION FOR WRIT OF MANDAMUS AND
PRELIMINARY INJUNCTION**

1 **I. INTRODUCTION**

2 Mandamus is extraordinary relief however, everything about this matter is extraordinary—at
3 least to the extent that supposed public servants overthrowing the U.S. Constitution, elected
4 officials openly violating state and federal laws, and the usurping of an entire government by
5 former County officials who refuse to be bound by the U.S. Constitution and who will stop at
6 nothing to obstruct elections is not something that often arises in a single case. This Court’s
7 immediate intervention is needed to set things back on track and restore the Constitutional rights
8 of the Plaintiffs, and all U.S. Citizens who reside in Skagit County Washington.

9 **II. BACKGROUND**

10 This motion is based on the following:

- 11 1. During the August and November 2022 Federal Elections in Skagit County, Election
12 observers, the Public, and Plaintiffs such as Cody Hart were obstructed from accessing
13 Skagit County Voting Centers and even though the Skagit County Canvassing Board,
14 Sheriff and Prosecuting Attorney were all notified they used their powers to obstruct U.S.
15 Citizen Voting Rights resulting in this Complaint being filed by the Plaintiffs.
- 16 2. On December 23, 2022 the Deputy Secretary of State Randy Bolerjack notified Plaintiff
17 Cody Hart that a compliant of Help America Vote Act (HAVA) Title III, 52 U.S.C.
18 §§20901-21145 federal election violations against Skagit County that included evidence of
19 ballot data forgery, and violations of federal election audit trail requirements was
20 proceeding to formal HAVA Title III hearings (OAH Docket 29450).
- 21 3. On March 6, 2023 the Plaintiffs filed three complaints with this court against County Public
22 officials alleging violations of the United States Constitution, official bond violations, and
23 alleging County Public officials are not legally in office and that elections are needed. The
24 Plaintiffs have requested leave of Court to pursue monetary damages resulting from the
25 Defendants actions and a request for criminal referral for the crimes being reported.

No. 2:23 CV-00311 JHC Skagit County Prosecuting Attorney
No. 2:23 CV-00312 JHC Skagit County Auditor

No. 2:23 CV-00309 TLF Skagit County Commissioners

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4. On March 17, 2023 the Plaintiffs filed a complaint against Skagit County Canvassing Board members for federal election violations in 2016, 2017, 2018, and 2019 that included evidence of official misconduct, neglect of duty, and other violations that were confirmed in a 2019 Secretary of State report that included a signed admission from the Chair of the Canvassing Board, Skagit County Auditor Sandra Perkins. Notably, the 2019 Secretary of State report was concealed by the Defendants from all of the public, until 2022, when it was exposed after an independent investigation of Skagit County Election Fraud. Again, the Plaintiffs have requested this Court approve leave of Court to pursue monetary damages resulting from the Defendants actions and a request for criminal referral.

No. 2:23 cv-00404-RSL Skagit County Canvassing Board

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5. On April 4, 2023 the Plaintiffs filed a complaint for this case against the Skagit County Sheriff and Skagit County Prosecuting Attorney for allegations that include a conspiracy to obstruct criminal reports against public officials violating federal election laws, public officials not legally being in office, and as with the other cases submitted to this court witness statement evidence, and notification that elections are necessary. Unlike the prior cases, the Plaintiffs have requested a full jury trial for this case with fourteen specific items as requested relief and again a request for criminal referral for what is being reported.

6. On April 11, 2023 Plaintiff Cody Hart contacted the office of U.S. District Attorney for Western Washington and requested emergency assistance addressing election obstruction and was informed nobody in the office was able to assist and the phone call was ended.

7. Although Plaintiffs have provided evidence, named perpetrators, and requested criminal referral assistance from this Court, the Plaintiffs have not expected this Court to be their sole defenders of liberty and because of the vastness of what has been happening and the violations of the Plaintiffs Civil Rights, numerous written EMERGENCY requests for assistance including sworn affidavits, Notices of Felony Relating to Upcoming Elections,

1 and request for assistance that the Plaintiffs believed those being notified were obligated
2 to assist with (See Exhibit 6) but unfortunately, to date no relief has been provided;

- 3 a. February 6, 2023 **Case Filed in Snohomish County Superior Court**
To date no assistance (No. 23-2-00891-31)
- 4 b. March 10, 2023 **U.S. Attorney Nicholas W. Brown**
No response, no assistance
- 5 c. March 20, 2023 **Washington State Supreme Court Justice Steven Gonzalez:**
Responded that no assistance would be provided
- 6 d. March 20, 2023 **Skagit County Undersheriff Chad Clark**
Verbal response request forwarded to Skagit County Prosecuting Attorney
- 7 e. March 20, 2023 **Skagit County Superior Court Judge Brian Stiles**
No response, no assistance
- 8 f. March 30, 2023 **Secretary of State Steve Hobbs**
No response, no assistance

10 8. According to 18 U.S. Code § 4 - Misprision of felon,
11 *Whoever, having knowledge of the actual commission of a felony cognizable by a*
12 *court of the United States, conceals and does not as soon as possible make known*
13 *the same to some judge or other person in civil or military authority under the*
14 *United States, shall be fined under this title or imprisoned not more than three*
15 *years, or both.*

16 9. Also, according to RCW 36.27.020, duties of the Prosecuting Attorney, such as Defendant
17 Weyrich, duties include;
18 (9) *Present all violations of the election laws which may come to the prosecuting*
19 *attorney's knowledge to the special consideration of the proper jury;*
20 (10) *Examine once in each year the official bonds of all county and precinct officers*
21 *and report to the legislative authority any defect in the bonds of any such officer*

22 10. To date, Plaintiffs, such as Cody Hart, have been informed by representatives of the Skagit
23 County Election office that they have not been made aware of any vacancies of public
24 office in Skagit County for the upcoming August Primary Election but once they are, they
25 will publicly post the vacancies.

11. According to RCW 42.12.040, for any and all Skagit County Public Offices alleged to have
been vacated upon the Happening of bond violations, because the Public offices are
Partisan offices, if there is not a candidate for the vacancy, or if candidates are not allowed
to file by the imminent primary candidate filing deadline because the vacancy is not
announced, or if the vacancy is announced after the deadline, a Partisan appointment will

1 occur and be in place until 2025. Alternately, according to RCW 42.12.040 if the vacancies
2 had been announced when they occurred months ago, potential candidates, such as the
3 Plaintiffs would have already begun campaigning and U.S. Citizens of Skagit County
4 would be able to conduct an election to select their Public Officials to begin their term in
5 2024. Based on the pattern and practice of the Defendants to violate election laws, obstruct
6 criminal reporting against government officials, and usurp a Democratically elected
7 government, there is a substantial likelihood the ongoing delay in allowing vacancies to be
8 unannounced has been a coup to ensure Partisan control of Skagit County until 2025.

9 12. May 19, 2023 is the candidate filing deadline for the upcoming August Primary election.
10 If no vacancy is announced, potential candidates such as the Plaintiffs, will not be permitted
11 to provide voters there candidate information in the voter pamphlet or conduct an election
12 to fill the vacancy, unless this Court intervenes.

13 13. To date, the Skagit County Auditor has posted no vacancies in any public office, preventing
14 Plaintiffs and other from campaigning for vacant positions.

15 14. Granting the requested emergency relief will serve the public interest, and prevent voters
16 from being disenfranchised.

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18 **III. IRREPARABLE INJURY**

19 There will be irreparable injury that cannot be compensated monetarily at a later date if
20 this Court does not intervene to allow candidates to campaign for vacated public offices, allow
21 U.S. Citizens the right to vote for their government representatives, and intervene to stop unelected
22 employees and appointees illegal seizure of an entire County government, and depriving U.S.
23 Citizens of their rights.

24 This Emergency Motion is supported by witness statements, voice recordings, video
25 recordings, and supporting declarations.

IV. RELIEF

The Plaintiffs respectfully request the Court to issue a writ of mandamus to,

1. a court approved representative of the Skagit County Prosecuting Attorney, to immediately examine the official bonds of all Skagit county and report to this Court, and to the Skagit County legislative authority, any defect in the bonds of any such officer and provide notification to this court, and to the public, of the happening of any event in RCW 42.12.010 from January 1, 2020 to present.
2. County of Skagit that any elective office with a happening of any event in RCW 42.12.010, shall be judged vacant, and an election for the replacement(s) shall be conducted as quickly as law will allow.
3. County of Skagit to immediately issue public notifications of all vacant public offices eligible for election in the upcoming August Primary election.
4. County of Skagit to appoint and notify the public of replacements for all vacant public offices until an election can be conducted for the public office.
5. County of Skagit to take all steps necessary to extend the candidate filing deadline for the upcoming August Primary and provide a report to this Court of the proposed deadline changes.
6. grant all such other relief as may be appropriate to fully and properly dissipate the effects of the conduct complained of herein, or which may otherwise seem proper to this court.

Also, due to the extraordinary circumstances of what is occurring, the Plaintiffs request this Court;

7. Unless Enjoined by this Court, Defendants may destroy, dispose of, or conceal evidence needed so this Court can enter a final judgement.
8. Remove the leadership of the offices of the Skagit County Sheriff and Skagit County Prosecuting Attorney and replace them with Court approved

1 representatives, such as from the U.S. Marshal and U.S. District Attorney's office,
2 to protect and defend the Constitutional Rights of the Plaintiffs and Skagit County
3 Citizens until this Court can enter a final judgement

4 9. Assign federal observers to all Skagit County elections until such time as the court
5 decides to remove them and to direct the U.S. Marshal Service to enforce this
6 Courts orders and immediately remove any Skagit County elected official who's
7 office became vacant, but who has not voluntarily left office.

8 10. Notify the Secretary of State as the Chief Election Official for Washington State,
9 of what is occurring in Skagit County and request a remedy be proposed to Skagit
10 County residents and the Skagit County Auditor to extend the Skagit County
11 Candidate Filing Deadlines and any other election deadline, so U.S. Citizens may
12 vote for a representative government to begin their Term on January 1, 2024.

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14 Dated April 13, 2023

15 Respectfully submitted,

16
17 _____
18 Cody R. Hart, *Pro Per*

19 [Redacted signature block]
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