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**SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING**

CHARLES A. HAROLD, JR., OBO VA
SHARON M. HAROLD,

Petitioner,

vs.

DAVID ALLEN PAICE,

Respondent.

Case No. 23-2-03980-7 KNT

**PETITIONER’S REQUEST FOR SUA
SPONTE RELIEF FOR VIOLATIONS OF
WASHINGTON STATE CODE OF
JUDICIAL CONDUCT, RULE
2.11(A)(6)(d)**

Petitioner Charles A. Harold, Jr. herein incorporates by reference all prior submissions to this Court in the captioned matter, and all submissions in the case entitled, *In re Sharon M. Harold Irrevocable Trust*, Case No. 22-4-08326-1 as if fully set forth herein. Each and every allegation, argument, exhibit and objection previously submitted by Petitioner is reiterated and realleged with the same force and effect as if fully stated in this document.

I. INTRODUCTION

Respondents submit this supplemental brief to address significant violations of judicial conduct, specifically Rules of Judicial Conduct, Rule 2.11(A)(6)(d) and severe violations of constitutional rights in the handling of both TEDRA and VAPO cases involving the Trustee Paice and Grantor Sharon M. Harold. Respondent Charles Harold was the Petitioner in the matter known as *Harold v. Paice*, Case No. 23-03980-7 (“VAPO

1 matter"). He was acting pro se as the attorney in fact for Grantor in the VAPO matter
2 and previously in the TEDRA matter until Grantor retained her own counsel.
3 Respondents seek sua sponte relief from this Court in the form of dismissing the TEDRA
4 and VAPO cases and the reinstatement of the original Vulnerable Adult Protection Order
5 for the protection for Grantor against the Trustee for financial elderly abuse of vulnerable
6 adult.

7 **II. STATEMENT OF FACTS REGARDING THE MOTION FOR REVISION.**

8 The following facts summarize the confusing court processes that lead to the
9 improper assignment of Commissioner Judson and Judge Yip in the TEDRA and VAPO
10 matters.

11 On May 23, 2023 at 10:17 a.m., Sascha Schilbach, attorney for Trustee David A.
12 Paice, sent an email to the Honorable Tanya L. Thorp stating in pertinent part, "The
13 online docket for this matter shows a 'Motion Hearing' on a 'Motion for Revision' set for
14 May 26, 2023 at 8:30 AM. Based on our reading of King County's Local Civil Rules,
15 where, as here, a case is not assigned to an individual judge, the Chief Civil Judge, and
16 not a litigant, controls the scheduling of any hearing." Local Civil Rule 7(b)(8)(A) also
17 provides that "[n]o response shall be filed unless authorized by the court." Mr. Schilbach
18 continued, **"To date, we have not received any information from the Court
19 concerning scheduling of the Motion for Revision or whether the Court has
20 authorized a response. Accordingly, can the Court please confirm that no
21 response from our client to the Motion for Revision has been authorized by the
22 Court and that there is not actually any hearing on May 26, 2023, notwithstanding
23 Mr. Harold's Notice for Hearing?"** (emphasis added.)

24 When Mr. Schilbach sent this email, he knew at the time that no such order was
25 issued requesting either him or Petitioner to submit additional information to the Court.
26 This email constitutes ex parte communication since no order was issued on the
27 submission of additional information.

1 On May 23, 2023 at 10:44 AM, Coverage Bailiff to the Honorable Tanya L. Thorp
2 sent an email to all parties in the VAPO Revision Matter stating, "Good morning, This
3 revision reassignment should be made by the Chief Civil Judge at the RJC, Judge
4 Bender, handling Kent-designated cases. I have copied Judge Bender's Bailiff to this
5 email."

6 On May 23, 2023 at 10:48 AM, Chase Craig, Bailiff to Judge Johanna Bender of
7 the Maleng Regional Justice Center, Courtroom GA, sent an email to all parties in the
8 VAPO Revision matter stating; "Good morning, Counsel - Pursuant to local rules, our
9 Court will assign this Revision to a trial court for review. An order to this effect will be
10 entered – and forwarded to the parties – this week. The assigned court will then contact
11 you re: hearing details for the motion and whether a response will be called for. Please
12 respond to this email by attaching electronic copies of the Revision material."

13 On May 23, 2023, at 3:00 PM, Chase Craig, Bailiff to Judge Johanna Bender sent
14 an email to all parties in the VAPO Revision matter stating; "Good afternoon, all – Please
15 see the attached order on assignment to Judge Williams (Court copied here) for this
16 Revision. I am also attaching the working copies of the Revision material."

17 On Wednesday, May 24, 2023 at 2:08 PM, Caitlyn Walker, Bailiff to Judge
18 Matthew Williams of King County Superior Court – MRJC, sent an email to all parties in
19 the VAPO Revision matter stating, "Good Morning! I apologize for the delay in response.
20 Judge Williams would like a response from the respondent. As for hearing dates, are
21 parties available on Friday, June 9th at 9:30 AM or 10:00 AM?" Judge Williams' bailiff
22 requesting a response from respondent is not a court order and not compliant with Local
23 Court Rule 7.

24 On May 31, 2023, according to the court docket, the Motion for Revision was
25 assigned to Judge Wyman Yip.

26 On Wednesday, August 30, 2023 at 9:01 AM, Caitlyn Walker, Bailiff to Judge
27 Matthew Williams of King County Superior Court – MRJC, sent an email to all parties in
28

1 the VAPO Revision matter stating, "Good Morning, This case was reassigned from
2 Judge Williams to Judge Yip, please remove Williams Court from your communications."

3 On October 30, 2023, Mr. Schilbach filed an Opposition to Petitioner's Motion for
4 Revision. As far as Petitioner knows, there was no order ever issued asking for any
5 briefing from Mr. Schilbach.

6 On Wednesday, April 3, 2024 at 9:05 AM, Sam Luikens, Bailiff to the Honorable
7 Wyman Yip , sent an email to all parties in the VAPO Revision matter stating, "Good
8 morning, This confirms the Respondent's Motion for Revision has been set on the
9 Court's calendar for 06/21/2024 @ 10:00 AM via Zoom. The moving party should please
10 file and serve the Notice of Hearing reflecting the motion date and time. Please submit
11 all working papers via eWorking Copies. Proposed orders should be in Word format and
12 delivered via eWorking Copies no less than 48 hours prior to the hearing."

13 On April 3, 2024, Petitioner Charles Harold filed an Amended Notice of Court
14 date (Judges) (Notice of Hearing) Kent-Designated Cases Only for case No. 23-2-
15 03980-7 KNT as requested by Judge Yip's clerk Sam Luikens noting the Revision
16 hearing date for June 21, 2024.

17 On Friday, June 14, 2024, three days prior to the Revision hearing, Mr. Schilbach
18 filed a Supplemental Response, Objection to Motion for Revision, and Request for Order
19 Directing Payment of Attorney Fees and Costs from Charles A. Harold Jr. This additional
20 briefing e Revision was not asked for by Judge Yip and was filed in violation of Local
21 Civil Rule 7(b)(5)(C). This rule states, "No response to a motion for revision shall be filed
22 unless authorized by the court." Judge Yip issued no order to Mr. Schilbach or Petitioner
23 asking for additional information regarding the Revision hearing. Additionally, LCR 7
24 states that motions for revision shall be based on the written materials and evidence
25 submitted to the commissioner, including documents and pleadings in the court file, not
26 oppositions objecting to the Revision, which was already calendared.

27 This ex parte interference by Mr. Schilbach violated Petitioner's constitutional
28 rights in that it interfered with his rights of due process, equal protection and his First

1 Amendment right to petition the government with grievances. As stated earlier,
2 Petitioner will address Mr. Schilbach's ex parte communications at a later date with other
3 "governmental or enforcement agencies."

4 On Monday, June 17, 2024 at 12:48 PM, Judge Yip issued an order striking the
5 motion for revision citing procedural facts in dispute without holding a hearing on the
6 matter.

7 **III. HISTORY OF JUDICIAL ERROR**

8 1. Initial TEDRA Case: The trustee, who is the Grantor's grandson-in-law,
9 filed a Verified Petition for Approval of an Interim Account, Discharge of Trustee, and
10 Appointment of a Successor Trustee in Washington State, where the trust is
11 administered. The trust instrument, governed by California law, is irrevocable.

12 2. Commissioner Judson's first ruling error: Commissioner Judson claimed
13 he reviewed the TEDRA petition and ruled that it must be sent to trial. The case was
14 assigned to Judge Yip. During the TEDRA litigation, it was discovered that Trustee's
15 petition was fraudulent because the Trustee had not completed an account of Trust in
16 over 12 years. The interim account was not interim since it was created 12 years
17 retroactively contrary to the requirements of California Probate Code. California Probate
18 Code requires yearly filings, whereas Paice's accounting did not contain credible
19 information created contemporaneously to the administration of the trust because it
20 omitted the required 2022 account of trust.

21 3. Commissioner Filer's VAPO: Petitioner Charles Harold filed a petition for
22 Vulnerable Adult Protection Order (VAPO) alleging financial elderly abuse by the
23 Trustee, who had used over \$120,000 from the trust to pay his attorney fees while
24 refusing to provide Grantor her own matching trust funds for her to hire competing
25 counsel to defend the illegal taking of her Trust funds by Trustee. Commissioner Filer
26 found reasonable cause to believe that the Trustee had committed financial elderly
27 abuse and issued a temporary protection order and scheduled a hearing for a permanent
28 order.

1 4. Judicial Misconduct: Commissioner Judson, who had previously presided
2 over the TEDRA case, was assigned to the VAPO hearing, violating Rule 2.11(A)(6)(d)
3 of the Washington Code of Judicial Conduct. Commissioner Judson denied Petitioner a
4 permanent VAPO. A presentation hearing was set regarding the order. Petitioner and
5 Grantor never agreed on a date with Respondent's attorney but Respondent's attorney
6 scheduled the hearing anyway. Petitioner and Grantor filed Notices of Unavailability
7 which were ignored by Respondent's attorney and Commissioner Judson. The hearing
8 went forward without the presence of either Petitioner or Grantor. Petitioner then filed a
9 Motion for Revision.

10 5. Judicial Misconduct: Judge Yip, who was the prior and present judge in
11 the TEDRA case, was assigned the VAPO Revision hearing, violating Rule 2.11(A)(6)(d)
12 of the Washington Code of Judicial Conduct because he did recuse himself.

13 6. Dismissal of VAPO Revision Hearing: Judge Yip dismissed the VAPO
14 revision hearing, citing procedural scheduling errors, despite email confirmation from his
15 bailiff on April 3, 2024 that the hearing was properly scheduled. This dismissal blocked
16 the Petitioner's ability to challenge Commissioner Judson's rulings and interfered with
17 his constitutional rights.

18 **IV. JUDICIAL ETHICS VIOLATIONS.**

19 Washington Code of Judicial Conduct

20 1. Violations of Rule 2.11(A)(6)(d): The repeated assignment of
21 Commissioner Judson and Judge Yip to cases related to the same underlying trust
22 dispute constitutes a violation of Rule 2.11(A)(6)(d) of the Washington Code of Judicial
23 Conduct. This rule mandates that a judge disqualify themselves from any proceeding in
24 which they previously presided over the matter in another court. The failure to adhere to
25 this rule undermines the integrity and impartiality of the judicial process. Commissioner
26 Judson and Yip, despite not legally being able to sit on the VAPO and Revision hearing
27 offered no compelling government reason, narrowly tailored to achieve the government
28

1 interest, using the least restrictive means. They simply violated Petitioner's and
2 Grantor's rights.

3 2. Violations of Rule 2.2: Specifically, Comment 4 to Rule 2.2 states. "It is not
4 a violation of this Rule for a judge to make reasonable accommodations to ensure pro
5 se litigants the opportunity to have their matters fairly heard."

6 This comment was added to Washington's Code of Judicial Conduct as part of a
7 broader trend among states to provide guidance to judges on how to handle cases
8 involving self-represented litigants while maintaining impartiality. The comment
9 recognizes that judges may need to make reasonable accommodations to ensure pro
10 se litigants have a fair opportunity to be heard, without violating the overall requirement
11 that judges perform their duties fairly and impartially.

12 3. Violations of Rule 2.6(A): "A judge shall accord to every person who has
13 a legal interest in a proceeding, or that person's lawyer, the right to be heard according
14 to law."

15 Rules 2.2, 2.6 and 2.11, taken together, indicate that judges in Washington have
16 an obligation to ensure pro se litigants have a fair opportunity to present their case,
17 which may include making reasonable accommodations while still maintaining judicial
18 impartiality. Dismissing two cases without a hearing, particularly if local rules require
19 such a hearing for pro se litigants, runs afoul of these ethical guidelines.

20 4. Violation of RCW 2.64.020 - Commission on Judicial Conduct: This statute
21 establishes the Commission on Judicial Conduct. The purpose of this Commission is to
22 enforce the Code of Judicial Conduct . The actions of the judges in this case are subject
23 to review by this commission for potential violations.

24 5. Violation of Judicial Ethics Advisory Opinion 17-03: While not a statute,
25 this opinion provides guidance on when judges should recuse themselves. It states that
26 disclosure is required when any known past association would lead a reasonable person
27 to infer that the judge is partial or there is a potential for a conflict of interest. The failure
28 to disclose or recuse in this case goes against this ethical guidance. These violations

collectively demonstrate a significant departure from proper judicial conduct and procedure.

V. CONSTITUTIONAL VIOLATIONS

1. Due Process Violations: The U.S. Constitution guarantees the right to due process under the 14th Amendments. The involvement of judges with prior knowledge of the case in related proceedings denied the petitioner an unbiased hearing, violating due process rights. Judge Yip's dismissal of the revision hearing without allowing arguments further exacerbates this violation. Again there was no strict scrutiny of Judson's and Yip's ruling demonstrating a compelling government interest for their rulings.

2. First Amendment Violations: The dismissal of the VAPO revision hearing interfered with First Amendment rights, including:

- The right to petition the government for redress of grievances.
- Freedom of speech in reporting potential crimes.
- Freedom of association (or disassociation) regarding intimate family relationships.

3. Equal Protection Concerns: The handling of this case raises equal protection issues under the 14th Amendment, as pro se litigants are entitled to fair access to the courts. Judge Yip's dismissal without a hearing appears to violate local court rules requiring judges to provide opportunities for pro se litigants to be heard.

4. Improper Case Assignments

The repeated assignment of judges who had prior involvement in related matters suggests administrative errors in case management. While judicial economy may be a consideration, it cannot override constitutional rights and ethical requirements for judicial impartiality.

VI. STANDARDS OF REVIEW.

When a government action infringes upon a fundamental constitutional right, courts apply the strict scrutiny standard. This requires the government to demonstrate:

1 1. Compelling Government Interest: The law or action must serve a
2 compelling state interest.

3 2. Narrow Tailoring: The law or action must be narrowly tailored to achieve
4 that interest.

5 3. Least Restrictive Means: The law or action must be the least restrictive
6 means to achieve the compelling interest.

7 **VII. REINSTATEMENT OF COMMISSIONER FILER'S TPO.**

8 Among the six total judicial officers involved in this case, Commissioner Filer
9 stands out as the only truly independent judiciary who reviewed the Vulnerable Adult
10 Protection Order (VAPO) petition and TEDRA facts without prior involvement in the
11 related TEDRA case. This independence is crucial for several reasons:

12 1. Unbiased Assessment: Commissioner Filer, unlike Commissioner Judson
13 and Judge Yip, approached the VAPO petition without any preconceived notions or prior
14 knowledge of the TEDRA case. This allowed for an objective evaluation of the evidence
15 presented.

16 2. Finding of Reasonable Cause: In her initial hearing, Commissioner Filer
17 found reasonable cause to believe that the trustee had committed financial elderly abuse
18 of a vulnerable adult - specifically, the grantor who is his grandmother. This finding
19 carries significant weight, as it was made by a judicial officer viewing the case with fresh
20 eyes.

21 3. Compliance with Rule 2.11(A)(6)(d): Unlike the subsequent involvement
22 of Commissioner Judson and Judge Yip, Commissioner Filer's hearing and ruling did
23 not violate Rule 2.11(A)(6)(d) of the Washington Code of Judicial Conduct, which
24 requires judges to disqualify themselves if they have previously presided over the matter
25 in another court.

26 4. Preservation of Due Process: By issuing the original protection order
27 based on an unbiased review of the evidence, Commissioner Filer's action aligns with
28

1 the constitutional guarantee of due process, ensuring a fair and impartial hearing for all
2 parties involved.

3 5. Protection of Vulnerable Adults: The initial protection order served the
4 important purpose of safeguarding a potentially vulnerable adult from financial abuse,
5 which aligns with the state's interest in protecting its elderly citizens.

6 Given these factors, it is argued that Commissioner Filer's original protection
7 order should be reinstated for the following reasons:

8 1. It represents the only ruling in this matter made by a truly independent
9 judicial officer without prior involvement in related cases.

10 2. The finding of reasonable cause for financial elderly abuse was based on
11 an unbiased assessment of the evidence presented.

12 3. Reinstating this order would rectify the subsequent due process violations
13 that occurred when judges with prior case involvement made rulings on related matters.

14 4. It would uphold the court's duty to protect vulnerable adults from potential
15 financial abuse.

16 5. Reinstating the original order would serve as a remedy for the violations
17 of Rule 2.11(A)(6)(d) that occurred in subsequent hearings.

18 By reinstating Commissioner Filer's original protection order, the court would be
19 taking a significant step towards rectifying the procedural irregularities and potential
20 constitutional violations that have occurred throughout this case. It would also ensure
21 that the initial, unbiased finding of potential financial elderly abuse is properly addressed
22 and that the vulnerable adult in question receives the protection initially deemed
23 necessary by an independent judiciary. This reinstatement would serve not only the
24 interests of justice in this specific case but also uphold the broader principles of judicial
25 impartiality, due process, and protection of vulnerable adults that are fundamental to our
26 legal system.

VIII. STATE CASE LAW

Washington Cases:

1. State v. Dominguez, 81 Wn. App. 325, 914 P.2d 141 (1996)

Application: This case established that a judge's prior involvement in a related case can create an appearance of fairness problem. It's relevant to Commissioner Judson and Judge Yip's involvement in both the TEDRA and VAPO cases.

2. Sherman v. State, 128 Wn.2d 164, 905 P.2d 355 (1995)

Application: The court held that recusal is required when a judge's impartiality might reasonably be questioned. This supports the argument for recusal of both Commissioner Judson and Judge Yip due to their prior involvement in related cases.

3. State v. Madry, 8 Wn. App. 61, 504 P.2d 1156 (1972)

Application: This case established that a judge should recuse themselves if they have personal knowledge of disputed evidentiary facts. This could apply to Commissioner Judson's and Judge Yip's prior knowledge from the TEDRA case.

California Cases:

1. Christie v. City of El Centro, 135 Cal. App. 4th 767 (2006)

Application: This case held that a judge should recuse themselves if a person aware of the facts might reasonably entertain a doubt about the judge's impartiality. This standard could apply to both Commissioner Judson and Judge Yip.

2. Catchpole v. Brannon, 36 Cal. App. 4th 237 (1995)

Application: This case established that the appearance of bias can be as damaging to public confidence in the administration of justice as actual bias. This supports the argument for recusal based on the appearance of impropriety.

These cases support the argument that Commissioner Judson and Judge Yip should have recused themselves due to their prior involvement in related cases, which could create an appearance of bias or impropriety. The cases also reinforce the importance of maintaining public confidence in the impartiality of the judiciary, which is a key issue in this situation. The unusual set of facts in this case, involving multiple

1 related proceedings and judges presiding over cases they had previously been involved
2 with, makes it particularly important to consider these precedents regarding judicial
3 disqualification and the appearance of fairness

4 **IX. FEDERAL CASE LAW**

5 Williams v. Pennsylvania, 579 U.S. 1 (2016):

6 Application: The Court found that: Even if the judge's vote was not decisive, his
7 participation in the court's deliberations may have influenced his colleagues. There is an
8 impermissible appearance of impropriety in these circumstances. The appropriate
9 remedy is to vacate the decision and remand for re-hearing without the disqualified
10 judge's participation. This directly applies to Commissioner Judson and Judge Yip's
11 involvement in both the TEDRA and VAPO cases, despite their prior knowledge and
12 decisions in related matters.

13 Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009):

14 Application: The Supreme Court established that recusal is required under the
15 Due Process Clause when "the probability of actual bias on the part of the judge or
16 decisionmaker is too high to be constitutionally tolerable." The Court emphasized: An
17 objective inquiry is necessary, not just examining actual bias. The judge's subjective
18 belief about their own impartiality is not the determining factor. Courts must consider
19 whether, under a realistic appraisal of psychological tendencies and human weakness,
20 the interest poses such a risk of actual bias or prejudgment that the practice must be
21 forbidden if the guarantee of due process is to be adequately implemented. This
22 standard supports the argument that both Commissioner Judson and Judge Yip should
23 have recused themselves due to their prior involvement creating a high probability of
24 bias.

25 In re Murchison, 349 U.S. 133 (1955):

26 Application: The Supreme Court held that a judge who acts as a "one-man grand
27 jury" cannot then preside over the contempt trial of a witness who appeared before him
28 in the grand jury proceedings. The Court stated: "A fair trial in a fair tribunal is a basic

1 requirement of due process. Fairness of course requires an absence of actual bias in
2 the trial of cases. But our system of law has always endeavored to prevent even the
3 probability of unfairness." This case emphasizes the importance of preventing even the
4 appearance of unfairness, which is relevant to the current situation where judges had
5 prior involvement in related cases.

6 Tumey v. Ohio, 273 U.S. 510 (1927):

7 Application: The Court held that it violates due process for a judge to have a direct
8 financial interest in the outcome of a case they are deciding. While not directly on point,
9 this case established the principle that certain conflicts of interest are so severe that
10 they violate due process regardless of any showing of actual bias.

11 Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847 (1988):

12 Application: The Court held that a judge's failure to recuse himself in a case
13 where he had a financial interest in the outcome (through a university board position)
14 violated 28 U.S.C. § 455(a), which requires recusal in any proceeding in which the
15 judge's impartiality might reasonably be questioned. The Court noted that scienter is not
16 an element of a violation of § 455(a), and that judges have an independent duty to
17 recuse themselves in any proceeding in which their impartiality might reasonably be
18 questioned. Applying these cases to the current situation: Commissioner Judson and
19 Judge Yip's involvement in both the TEDRA and VAPO cases, despite their prior
20 knowledge and decisions in related matters, creates an impermissible risk of actual bias
21 under Williams v. Pennsylvania. Their failure to recuse themselves violates the objective
22 standard set in Caperton, as there is a high probability of bias due to their prior
23 involvement.

24 The involvement of these judges in related cases creates an appearance of
25 unfairness that violates the principles established in In re Murchison. While not directly
26 financial, the judges' prior involvement creates a conflict of interest severe enough to
27 potentially violate due process under the principles of Tumey v. Ohio.

1 Under Liljeberg, the judges had an independent duty to recuse themselves in any
2 proceeding where their impartiality might reasonably be questioned, regardless of their
3 subjective belief in their ability to be impartial.

4 These federal cases strongly support the argument that Commissioner Judson
5 and Judge Yip's failure to recuse themselves violated due process and equal protection
6 rights. The appropriate remedy, as suggested in Williams v. Pennsylvania, would be to
7 vacate their decisions and remand for rehearing without their participation.

8 **X. CONCLUSION**

9 The handling of this case involved multiple violations of judicial ethics rules and
10 constitutional rights. To preserve the integrity of the judicial process and protect the
11 rights of all parties involved, the previous rulings should be vacated and the matters
12 reheard before impartial judges with no prior involvement in the case.

13 By applying the strict scrutiny standard, it is clear that the government's actions
14 in this case do not meet the necessary criteria to justify the infringement of constitutional
15 rights. The rulings should therefore be vacated, and the cases reassigned to ensure a
16 fair and impartial judicial process.

17 **XI. REQUEST FOR SUA SPONTE RELIEF.**

18 1. Vacate Rulings: Vacate all rulings made by Commissioner Judson and
19 Judge Yip in the VAPO and TEDRA matters due to violations of Rule 2.11(A)(6)(d).

20 2. Reinstate Protection Order: Reinstate the original temporary protection
21 order issued by Commissioner Filer since her involvement in these matters is the only
22 independent ruling untainted by violations of judicial procedure.

23 3. Assign New Judges: Assign new judges with no prior involvement to
24 rehear both the TEDRA and VAPO matters.

25 4. Review Procedures: Review court administrative procedures to prevent
26 future improper case assignments that violate Rule 2.11(A)(6)(d). Again, the use judicial
27

1 economy intrinsic to the management of the courts is no excuse for violating
2 constitutional rights.

3 Respectfully submitted:

4 DATED: July 17, 2024

s/Charles A. Harold, Jr.

Charles A. Harold, Jr., Residual Beneficiary and
Respondent in pro se

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8 We certify that this memorandum contains 4,154
9 words, in compliance with the Local Civil Rules.

1 **CERTIFICATE OF SERVICE**

2 I certify, under penalty of perjury under the laws of the United States and the
3 State of Washington, that on July 17, 2024, I served a copy of the foregoing document
4 on all counsel of record as indicated below:

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16 Executed at Apache Junction, Arizona this 17th day of July, 2024.

18 s/Charles A. Harold, Jr.
19 Charles A. Harold, Jr.