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Judge Ronald B. Leighton

US District Court for the Western District of WA.

**William Scheidler,
Plaintiff,**

V

**James Avery, individually and in his official capacity as Kitsap County's Assessor; Alan Miles, individually and in his official capacity as Kitsap County's deputy prosecutor; M. Karlynn Haberly, Individually and in her official capacity; Kay S. Slonim, Individually and in her official capacity; Felice Congalton, Susan Carlson, David Ponzoha, Zachary Mosner, Ione George individually and in her official capacity, the Washington State Board of Tax Appeals (BoTA), the Washington State Bar Association, and Jane and John Does, 1-100.)
Defendants. (Emphasis added)**

Defendants

Case # 3:12-cv-05996-RBL

Offer of Proof

in support of Motion to Disqualify Judge Ronald Leighton and all WA State Bar Associates as Judge.

NOTE: JULY 30, 2015

I. AUTHORITY:

A. "Abuse of Discretion"

"Court recuses itself upon remand of inmate's § 1983 action due to court's abuse of discretion in denying inmate appointment of counsel, where findings of Third Circuit are based on inaccurate factual premises formed because highly relevant portions of case record were not included in

1 appellate record, because court's "impartiality might reasonably be questioned" in future by
 2 counsel or party. *Parham v Johnson* (1998, WD Pa) 7 F Supp 2d 595.

3 **B. Judge as Witness**

4 "Purpose of provision in 28 USCS § 455 that any justice or judge of United States shall
 5 disqualify himself in any case in which he has been material witness, is to prevent judge from
 6 having to pass on competence and veracity of his own testimony given with respect to matter
 7 presently in controversy before him," *In re Continental Vending Machine Corp.* (1976, CA2
 8 NY) 543 F2d 986.

9 **C. Fiduciary Duty of All Bar Associates**

10 "in Schwarzmann went on to say that, like their corporate counterparts, condominium directors
 11 have a fiduciary duty to exercise ordinary care in performing their duties and to act reasonably
 12 and in good faith. *Id.* at 403 This court has said that a court will not substitute its judgment for
 13 that of corporate directors "[u]nless there is evidence of fraud, dishonesty, or incompetence
 14 (i.e., failure to exercise proper care, skill, and diligence) [.]". *In re Spokane Concrete Prods.,*
 15 *Inc.*, 126 Wash.2d 269, 279, 892 P.2d 98 (1995) (emphasis added). Reasonable care is
 16 required. *Id.* (citing *Nursing Home Bldg. Corp. v. DeHart*, 13 Wash.App. 489, 498, 535 P.2d
 17 137, review denied, 86 Wash.2d 1005 (1975)). The Court of Appeals extensively discussed
 18 Washington's business judgment rule in *Shinn v. Thrust IV, Inc.*, 56 Wash.App. 827, 833-35,
 19 786 P.2d 285, review denied, 114 Wash.2d 1023, 792 P.2d 535 (1990). Among other things,
 20 the court concluded that good faith is insufficient because a director must also act with such
 21 care as a reasonably prudent person in a like position would use under similar circumstances.
 22 *RISS v. ANGEL* 131 Wn.2d 612, 632, 934 P.2d 669 (1997)

23 **D. Sanctions for Judge-shopping; Sanctions against party engaged in judge shopping
 24 and opposing motion for disqualification.**

25 "... reprimanded attorneys for engaging in judge-shopping. *Vaqueria Tres Monjitas, Inc. v*
 26 *Rivera Cubano* (2005, DC Puerto Rico) 230 FRD 278, 62 FR Serv 3d 1414; epitomized
 27 "gamesmanship, judge-shopping, and sandbagging which First Circuit has condemned" and
 28 warranted sanctions of reasonable attorneys' fees and expenses of all objectors to motion to
 disqualify. *O'Donnell v Petit* (In re Petit) (1997, BC DC Me) 204 BR 271.

E. Judge-shopping as element determining bias

"to test judge's impartiality in light of disqualification motion under 28 USCS § 455(a); court
 must balance right of every litigant to have case decided by impartial tribunal against policy
 against allowing litigants to engage in judge shopping. *Idaho v Freeman* (1979, DC Idaho) 478
 F Supp 33.

**F. Over 100 Reasonable people, within a 20 hour period, have signed a petition in
 support of a complaint under 28 USC 351 to remove Judge Ronald B. Leighton as
 judge based in the facts noted below.**

of litigation”

FACTS:

- 1) Government defendants James Avery, Kitsap elected official, along with WA State Bar lawyers Kay Slonim, Karlynn Haberly, Alan Miles, are cheating retired/disabled citizens, plaintiff Scheidler is disabled, of their constitutional program designed to assist retired and disabled citizens with their property tax obligations. In other words, James Avery and his cohorts of the WA State Bar, are collecting an unlawful tax.
- 2) Defendants' counsels, WA State Bar attorneys Eric Miller of the Washington State Attorney General's office and Lone George of the Kitsap County Prosecutor's office are obstructing Scheidler's access to the court to address and remedy Avery's. These lawyers engaged in the despicable tactic of "judge shopping."
- 3) These lawyers removed Scheidler's case from state court to Judge Ronald B. Leighton's Federal court simply to ask Judge Leighton to dismiss the case based in the claim Judge Leighton didn't have jurisdiction.
- 4) Judge Leighton obliged these corrupt government lawyers and dismissed the case without remanding the case back to state court as the law requires, 28 U.S. Code § 1447 (c). Because Plaintiff Scheidler was without a "court to hear his case" he was forced to appeal to the 9th circuit court of appeals.
- 5) While the case was in appeal, the Clerk of the 9th Circuit sent Judge Leighton a letter regarding an undecided motion – The motion was Scheidler's motion to reconsider. Judge Leighton responded to the Clerk saying ... "the motion was denied, Scheidler is vitriol rather than logical and [Scheidler's] case is frivolous on its face."
- 6) The 9th Circuit then ruled on the merits of Scheidler's appeal and indicated that Judge Leighton's refusal to "remand" Scheidler's case back to state court was an abuse of discretion.
- 7) The 9th Circuit said Judge Leighton failed to decide Scheidler's state administrative matter that was properly before him -- another abuse of discretion -- and ordered that matter decided.
- 8) The 9th circuit said that Plaintiff Scheidler could amend his complaint as to all his state and federal causes of action, despite Judge Leighton's dismissal with prejudice and his claim the case is "frivolous on its face".
- 9) The 9th circuit, despite defendants claims of immunity from suite, imposed NO limitations upon Scheidler in amending his complaint... an implication defendants are not immune from accountability as they claimed.
- 10) Then, after the 9th Circuit issued its mandate to the District Court, Judge Leighton issued another dubious order that miss-captioned the case and misquoted the 9th Circuit's specific directive to hear Scheidler's administrative appeal. Scheidler objected to Judge Leighton's deceptive order and Leighton changed the order so it agreed with the 9th's mandate along the lines discussed above.
- 11) Plaintiff Scheidler, in his amended complaint, added Lone George as another defendant, and named Judge Leighton as an aider and abettor with George in using despicable tactics to obstruct justice and deny due process (dkt 58 paragraphs 15-16 and

138-148). This right of action is found in the WA State Supreme Court's holding in *Mission Springs v. City of Spokane* 134 Wn.2d 947 at 965, stating, "*Rutherford v. City of Berkeley*, 780 P.2d 1444, 1447 (9th Cir. 1986) (substantive due process violated at moment harm occurs); *Sintra, Inc. v. City of Seattle*, 119 Wn.2d 1, 21 n. 11, 829 P.2d 765 ("[A]n action for a violation of substantive due process is ripe immediately . . . because the harm occurs at the time of the violation.") (citing *Bateson*, 857 P.2d at 1303), cert. denied, 506 U.S. 1028, 113 S. Ct. 676, 121 L. Ed. 2d 598 (1992); *Cox v. City of Lynnwood*, 72 Wn. App. 1, 8, 863 P.2d 578 (1993)"

More about "judge-shopping" as a legal tactic.

12) Judge-shopping is a 'sanctionable act' in its own right but even more egregious when the Judge-shoppers object to a motion to disqualify – Which is the case here. Defendants who removed Scheidler's case in an act of "judge shopping" are opposing Judge Leighton's "disqualification".

Offer of proof are the following cases. "... reprimanded attorneys for engaging in judge-shopping. *Vaqueria Tres Monjitas, Inc. v Rivera Cubano* (2005, DC Puerto Rico) 230 FRD 278, 62 FR Serv 3d 1414; epitomized "gamesmanship, judge-shopping, and sandbagging which First Circuit has condemned" and warranted sanctions of reasonable attorneys' fees and expenses of all objectors to motion to disqualify. *O'Donnell v Petit (In re Petit)* (1997, BC DC Me) 204 BR 271.

13) Judge-shopping must be considered when evaluating a judge's bias because 'judge shopping' is an act done specifically to find a biased judge!

Offer of proof is the following case. "to test judge's impartiality in light of disqualification motion under 28 USCS § 455(a); court must balance right of every litigant to have case decided by impartial tribunal against policy against allowing litigants to engage in judge shopping. *Idaho v Freeman* (1979, DC Idaho) 478 F Supp 33.

Concerning Fiduciary Duty and conflict mandating disqualification

14) Additional grounds for Judge Leighton's disqualification are based in subsection (b)(4) of 28 USC 455 which states in pertinent part,

"[A judge] shall also disqualify himself in the following circumstances:(4) He knows that he, individually or as a fiduciary... has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;

15) As a Bar Associate and as a judge along with those defendants who are Bar Associates, all have fiduciary duties under their codes of conduct to "insure the Integrity of the judiciary." And both judge and lawyers have reciprocal obligations to report each other for conduct that runs contrary to promoting "public confidence in the judiciary and which injures our system of government under law"

NONE of the Washington State Bar lawyers notified any authority of Judge Leighton's violations of Canon 1, much less his violations of law.

"Judge shopping" is sanctionable yet Judge Leighton didn't take any action against the lawyers who engaged in this tactic, but

rather found it necessary to call Scheidler 'vitriol rather than logical'.

16) Furthermore Judge Leighton's duty is mandated by law, RCW 2.48.210 and Article 1, Sec 1, which imposes a duty to "rescue the oppressed" and to "protect and maintain individual rights".

The conduct by Avery and his cohorts upon retired/disabled citizens is "oppression" and WSBA lawyers MUST come to the rescue of those oppressed by Avery. But rather the WSBA has instituted a "political policy" that not only negates this duty, but employs "legal tactics like "judge shopping" to further oppress the oppressed.

tactics are taking any action to "maintain confidence in the judiciary."

17) Judge Leighton's disqualification is warranted under 28 USC 455, and his conduct justifies a complaint under 28 USC 351.

Judge Leighton's conduct without a doubt "injures our system of government under law" and neither the judge nor the lawyers in witnessing these despicable

108 SIGNATURES

	NAME	ZIP CODE	COUNTRY	DATE SIGNED
1	Bill Scheidler	98366	United States	Jul 28, 2015
2	Barbara Stone	33180	United States	Jul 28, 2015
3	Elliot Bernstein	33434	United States	Jul 28, 2015
4	Joanne Denison	60631	United States	Jul 28, 2015
5	Marti Oakley	55303	United States	Jul 28, 2015
6	Kris Hood	78247	United States	Jul 28, 2015
7	Rebecca Ryan	32819	United States	Jul 28, 2015
8	Mary Crane	48183	United States	Jul 28, 2015
9	Carl A Nylund	64030	United States	Jul 28, 2015
10	Gerald Senear	55343	United States	Jul 28, 2015
11	Deirdre Gilbert-Dickson	77459	United States	Jul 28, 2015
12	Anne Giroux	98466	United States	Jul 28, 2015
13	Athena Roe	80907	United States	Jul 28, 2015
14	Doug Franks	30102	United States	Jul 28, 2015
15	Mario Jimenez Jerez	33183	United States	Jul 28, 2015
16	Jackie Menhart	11233	United States	Jul 28, 2015
17	Christina Bateman	17331	United States	Jul 28, 2015
18	Loretta Romo	77488	United States	Jul 28, 2015
19	John DiLiberto	18702	United States	Jul 28, 2015
20	Susan C Fretwell	80907	United States	Jul 28, 2015
21	Rosie Vincent	92562	United States	Jul 28, 2015
22	Sheila George	33189	United States	Jul 28, 2015
23	Jaime Fitzgerald	57107	United States	Jul 28, 2015

	NAME	ZIP CODE	COUNTRY	DATE SIGNED
24	Alicia d'Ablaing	91910	United States	Jul 28, 2015
25	Wally Daylight	5039	Australia	Jul 28, 2015
26	Lorenzo Tegl	55130	United States	Jul 28, 2015
27	Emily Eldridge Thomas	57014	United States	Jul 28, 2015
28	Anne Block	98251	United States	Jul 28, 2015
29	ann dorian	77584	United States	Jul 28, 2015
30	Mean Dean	91702	United States	Jul 28, 2015
31	Colia Clark	10031	United States	Jul 28, 2015
32	Emily Mitchell	57033	United States	Jul 28, 2015
33	Nate Franco	10032	United States	Jul 28, 2015
34	Alan Lopez	33137-3836	United States	Jul 28, 2015
35	Damon McGee	06607	United States	Jul 28, 2015
36	Wendy Greene	92583	United States	Jul 28, 2015
37	Belinda Jennings	10472	United States	Jul 28, 2015
38	Brandon Harris	47601	United States	Jul 28, 2015
39	Deb Host Kidsmom	39603	United States	Jul 28, 2015
40	Luzaida Lopez	33801	United States	Jul 28, 2015
41	Tamar Dick	18032	United States	Jul 28, 2015
42	Anthony Ware	20724	United States	Jul 28, 2015
43	AmericanFathers LiberationArmy	33128	United States	Jul 28, 2015
44	Teresa Anderson	92225	United States	Jul 28, 2015
45	Daniel P Ryan	33755	United States	Jul 28, 2015
46	Mercedes Frederick	92025	United States	Jul 28, 2015
47	Rudy Guzman	33130	United States	Jul 28, 2015
48	Donald Tenn	95827	United States	Jul 28, 2015
49	Barbara Hoskins	32405	United States	Jul 28, 2015
50	Roisin Cassidy	94010	United States	Jul 28, 2015
51	Lisa Norman	35758	United States	Jul 28, 2015
52	Traci Eccles	98682	United States	Jul 28, 2015
53	Mansfield Hill	46226	United States	Jul 29, 2015
54	Aurora Mata	79107	United States	Jul 29, 2015
55	Lorraine Phillips	99509	United States	Jul 29, 2015
56	Jessica Hepner	85653	United States	Jul 29, 2015
57	Tracy Baxter	V3H 3M3	Canada	Jul 29, 2015
58	Aaron R Bates	20777	United States	Jul 29, 2015
59	Peter Scott	46534	United States	Jul 29, 2015
60	Andy Critchell	PO2 7RA	United Kingdom	Jul 29, 2015

	NAME	ZIP CODE	COUNTRY	DATE SIGNED
61	Reginald Peavy	11003	United States	Jul 29, 2015
62	Mark Cimini	01886	United States	Jul 29, 2015
63	Frederick Bailey	31404	United States	Jul 29, 2015
64	Robert Monroe Jr.	12308	United States	Jul 29, 2015
65	Samantha Hardy	06131	United States	Jul 29, 2015
66	Cathy D'Attilo	06851	United States	Jul 29, 2015
67	Randy Robinson	48185	United States	Jul 29, 2015
68	Kim Duncan	24015	United States	Jul 29, 2015
69	William Johnson	10451	United States	Jul 29, 2015
70	Fred Tranfield	29412	United States	Jul 29, 2015
71	Cynthia Yerton	97013	United States	Jul 29, 2015
72	Daniel Swoverland	06037	United States	Jul 29, 2015
73	Abdul Malik Khan	60645	United States	Jul 29, 2015
74	Porsche Holcomb	10302	United States	Jul 29, 2015
75	Laura Lodygowski	06450	United States	Jul 29, 2015
76	Lorraine Louglas	85209	United States	Jul 29, 2015
77	Scott Anderson	85122	United States	Jul 29, 2015
78	Richard Cassalata	85123	United States	Jul 29, 2015
79	Chris Bryant	65079	United States	Jul 29, 2015
80	Paula Fowler	83858	United States	Jul 29, 2015
81	Jim Brash	07054	United States	Jul 29, 2015
82	Sherleen Cain	BT25 1BD	United Kingdom	Jul 29, 2015
83	Louise Kane	02642	United States	Jul 29, 2015
84	Michael Foster	25430	United States	Jul 29, 2015
85	Feather Groves	80906	United States	Jul 29, 2015
86	Doug House	68510	United States	Jul 29, 2015
87	Sherry Johnston	77327	United States	Jul 29, 2015
88	Clyde Angel Collins	37885	United States	Jul 29, 2015
89	Frank Mills	77365	United States	Jul 29, 2015
90	Wai Ling Liu	31084	Georgia	Jul 29, 2015
91	Pam Parsons	92549	United States	Jul 29, 2015
92	Sharon Shepard	75044	United States	Jul 29, 2015
93	Annette Berghammer	81539	Germany	Jul 29, 2015
94	Colleen Sorensen	97210	United States	Jul 29, 2015
95	Judy Frazier	06450	United States	Jul 29, 2015
96	Trudy Dysert	38464	United States	Jul 29, 2015
97	Doris Peel	32024	United States	Jul 29, 2015

	NAME	ZIP CODE	COUNTRY	DATE SIGNED
98	Stephanie Bang	793001	India	Jul 29, 2015
99	Dave Bunday	po54lg	United Kingdom	Jul 29, 2015
100	June Bullied	m6p 2s2	Canada	Jul 29, 2015
101	Rick Garza	98926	United States	Jul 29, 2015
102	Margret Wrennstad	416 66	Sweden	Jul 29, 2015
103	Deirdre Keys	98444	United States	Jul 29, 2015
104	Estelle Goforth	76561	United States	Jul 29, 2015
105	Hollis Ann Fulmor	92592	United States	Jul 29, 2015
106	Brian Wiles	70130	United States	Jul 29, 2015
107	Frances Jones	72209	United States	Jul 29, 2015
108	Charles Davenport	11413	United States	Jul 29, 2015

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I, the undersigned, attest that the foregoing information is true to the best of my knowledge.

Signed this July 29, 2015,



William Scheidler
Plaintiff pro per.
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