

# Law Offices of Regeimbal, McDonald & Young, PLLC

A Professional Limited Liability Company

*Michael V. Regeimbal*  
[mike@rm-law.com](mailto:mike@rm-law.com)

*Robert P. McDonald*  
[robert@rm-law.com](mailto:robert@rm-law.com)

*Saphronia R. Young*  
[saphronia@rm-law.com](mailto:saphronia@rm-law.com)

*Ermin Ciric*  
[ermin@rm-law.com](mailto:ermin@rm-law.com)

December 31, 2019

Rajakumari Susheelkumar  
11031 Elliston Way NE  
Redmond, WA 98053

Jayakumar Nair  
10, Laxmibai Vayojana Kendram  
Rotary Junction  
Thiruvananthapuram, Kerala  
India 695023

Sukanya Susheel  
Mookambika, WSRA-189  
Chottupura Street, West Fort  
Thiruvananthapuram, Kerala  
India 695023

Jayakrinshnan Nair  
11031 Elliston Way NE  
Redmond, WA 98053

Email: [rajithankam99@gmail.com](mailto:rajithankam99@gmail.com); [susheel.sukanya@gmail.com](mailto:susheel.sukanya@gmail.com);  
[Rajithankam9@gmail.com](mailto:Rajithankam9@gmail.com); [jknair@gmail.com](mailto:jknair@gmail.com)

*Sent Via Email and US Mail to Avoid Delay*

**Re: *Guardianship of Omana Thankamma; Notice of Change in Circumstances***

Dear relatives of Ms. Thankamma:

Please find enclosed a Notice of Change in Circumstances dated December 30, 2019. *See Exhibit A.* As reflected, Ms. Thankamma is currently in the Intensive Care Unit at Harborview due to a change in medical condition. As also indicated, the Guardian is willing to facilitate visitation with family members. The Guardian has informed me that she had previously been successful with Skype sessions, if family is interested then please let me know. Due to the Holidays, the Guardian will do her best to accommodate schedules. We do want to keep you all informed and do want to maintain family contact as much as possible.

Unfortunately, this invitation does not apply to Mr. Nair. Mr. Nair currently has a Vulnerable Adult Protection Order entered against him which restricts **his** visitation and contact with Ms. Thankamma. *See Exhibit B.* I do not represent Mr. Nair but if Mr. Nair seeks visitation then he needs to comply with the terms of the Order.<sup>1</sup> The Court has Ordered, "If Respondent [Nair] wishes to resume visitation, he shall submit a visitation proposal by motion to this Court..." If Mr. Nair submits a visitation proposal and that proposal is approved by the court

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<sup>1</sup> Mr. Nair appears to dispute service of a State Order/pleadings in federal court, we are more than happy to address service issues if he wants to take that up with the State Court. Mr. Nair was properly served.


then the Guardian will abide by any such Order. Until such time, the Guardian is guided by the Orders currently in place.

To be clear, as already indicated in my letter of December 4<sup>th</sup>, 2019, there is no restriction against other family besides requesting advance notice in writing (email works just fine) to the Guardian. It is unfortunate that my office and the Guardian have received **no** request for visitation from family to date.

There have been a copious amount of pleadings filed by Mr. Nair and the other named "Petitioners" in the various federal actions. It seems that the most recent set is requesting that the federal Court affirm a proposal that Ms. Thankamma be relocated to India. Putting to the side for the moment the Order by the federal court vesting the state courts with jurisdiction, the Guardian is in support of relocation. However, the proposal has to, at a minimum: meet the needs/conditions of Ms. Thankamma, meet the requirements of the current Orders in place (Mr. Nair has a VAPO against him), be coordinated with the facility Ms. Thankamma is in now for a safe discharge plan, and (as repeated numerous times) be approved by the Court as in the best interests of Ms. Thankamma. It is extremely disappointing that not a single direct communication from any family member has been sent to my office or the Guardian regarding a relocation proposal, instead the Petitioners have opted to federal court pleading practice. As previously communicated, we may be able to put together a proposal with funding that provides for a safe discharge/relocation with medical staff being included for travel. However, the Guardian cannot even begin to explore this possibility with Harborview, other third parties, and the court if no family members are willing to step up. In other words, the lines of communication need to be opened.

I look forward to your prompt response. In the interim, should you have any additional questions or concerns do not hesitate to reach out to my office.

Very Truly Yours,  
**REGEIMBAL, McDONALD & YOUNG, PLLC**



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*Cc: Channa Copeland  
Daniel Baker ([dannyry@uw.edu](mailto:dannyry@uw.edu));  
Brian Waters ([WatersB@JGKMW.com](mailto:WatersB@JGKMW.com))*

# **EXHIBIT A**

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE  
COUNTY OF KING

**In the Guardianship of:** Case No. 18-4-05231-6 SEA  
**Omana Thankamma** NOTICE OF CHANGE IN CIRCUMSTANCES  
An Incapacitated Person. Clerk's code: (NTCCIR)

The following circumstances have changed with regards to the Incapacitated Person.

On December 20<sup>th</sup>, 2019, the Incapacitated Person was discharged from Harborview Medical Center to Queen Anne Healthcare, located at 2717 Dexter Ave N, Seattle, WA 98109. On December 27<sup>th</sup>, 2019, the Incapacitated Person was re-admitted to Harborview Medical Center. I was informed by the treating physician on the 27<sup>th</sup> of December that The Incapacitated Person was stable and they were waiting on test result and that the Incapacitated Person experienced high blood sugar and altered mental status, which caused her readmission. On December 30<sup>th</sup>, 2019 I was notified that on December 29<sup>th</sup>, due to rapid breathing and in order to stabilize the Incapacitated Person the treatment team determined it was in The Incapacitated Persons best interest to be sedated and intubated and placed into the ICU at Harborview.

I plan to notify known family members of the Incapacitated Person, namely her brother, Jayakumar Nair, her daughter, Rajakumari Susheelkumar, and her granddaughter, Sukanya Susheel, of this change in the Incapacitated Person's condition at their last known email and mailing addresses. I plan to inform them that there are no restrictions on them with regard to visitation, and that I am able and willing to facilitate their visitation in Harborview should they desire to visit the Incapacitated Person.

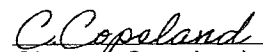
The son of the Incapacitated Person, Jayakrishnan Nair, has been restricted from visiting his

1 No. 19-2-31462-1 SEA. My counsel will reach out to him directly at his last known email address to inform  
2 him that visitation will be allowed only as provided for in the VAPO, i.e., supervised at his own expense and  
3 with the permission of the hospital, for the protection of the Incapacitated Person.

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**DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON  
THAT THE FOREGOING IS TRUE AND CORRECT.**

Signed at Orting, Washington this 30th day of December, 2019.

  
Channa Copeland, CPG

# **EXHIBIT B**

FILED  
2019 DEC 17  
KING COUNTY  
SUPERIOR COURT CLERK

**CERTIFIED  
COPY**

CASE #: 19-2-31462-1 SEA

XP01

|   |     |
|---|-----|
| <b>Superior Court of Washington<br/>For KING County</b>         |     |
| In re the Matter of:  |     |
| <u>OMANA THANKAMMA</u><br>A Vulnerable Adult (Protected Person) | DOB |
| <u>JAYAKRISHNAN K. NAIR</u><br>Respondent (Restrained Person)   | DOB |

**Order for Protection –  
Vulnerable Adult**

No. 19-2-31462-1 SEA

Court Address: King County Superior Court,  
Courtroom W-325, 516 3<sup>rd</sup> Avenue, MS C-203,  
Seattle, WA 98104

Telephone Number: (206) 296-9100  
(Clerk's Action Required) (ORPRTVA)

**Violation of restraint provisions 1, 3, 4, or 5 with actual notice of its terms is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. RCW 74.34.145**

**Petitioner is:**

- the vulnerable adult.
- X (name) CHANNA COPELAND, who filed on behalf of the vulnerable adult and is:
  - X the vulnerable adult's guardian or legal fiduciary.
  - an interested person as defined in RCW 74.34.020(12).
  - WA Dep't of Social and Health Services.

**Respondent Identification:**

|                    |                          |              |
|--------------------|--------------------------|--------------|
| Sex                | Race                     | Hair         |
| <u>Male</u>        | <u>East Indian/Asian</u> | <u>Black</u> |
| Height             | Weight                   | Eyes         |
| <u>Approx 5'9"</u> | <u>Approx 165 lbs</u>    | <u>Brown</u> |

**Respondent's Distinguishing Features:**

Access to weapons:  yes  no X unknown

**Court order summary:**

No-contact provisions apply as set forth on the following pages.

The terms of this order shall be effective immediately and for five years from today's date, unless stated otherwise here:

**The court finds based upon the court record:**

The court has jurisdiction over the parties and the subject matter and respondent has been provided with reasonable notice and an opportunity to be heard. Notice of this hearing was served on the respondent by

X personal service  service by mail pursuant to court order  service by publication pursuant to court order  other

This order is issued in accordance with the Full Faith and Credit provisions of VAWA: 18 U.S.C. § 2265. Respondent committed acts of abandonment, abuse, personal exploitation, improper use of restraints, neglect and/or financial exploitation of the vulnerable adult.

X The court also finds that the respondent represents a credible threat to the physical safety of the

*Order for Protection – Vulnerable Adult (ORPRTVA) - Page 1 of 4  
WPF VA-3.015 Mandatory (07/2017) - RCW 74.34.130*

vulnerable adult, and that the relationship of the respondent to the vulnerable adult is  spouse or former spouse  parent of a common child  current or former cohabitants and intimate partners X Other: Son.

X After the guardian or limited guardian imposed a restriction on the vulnerable adult's right to associate with the respondent:

X Petitioner did timely file the petition in this case within 14 days.

X The restraint provisions below are no more restrictive than necessary to protect the vulnerable adult.

X Placing reasonable time, place, or manner restrictions is unlikely to sufficiently protect the vulnerable adult.

**Additional findings and conclusions of law as required under Title 11.92 RCW follow:**

The Guardian has repeatedly attempted to be reasonable with the respondent, but the respondent has continued to act in a manner inconsistent with the best interests of the vulnerable adult. The respondent continued to try to provide physical care against advice and order of the court, continued to try to return the vulnerable adult to his home against order of the court, continued to visit the vulnerable adult unannounced, continued to act in a disruptive manner, and improperly interacted with the vulnerable adult. At this time, any contact whatsoever between the vulnerable adult and the respondent is denied. If respondent wishes to resume visitation, he shall submit a visitation proposal by motion to this Court with notice to the Guardian and the care facility in which the vulnerable adult resides. This Court reaffirms its previous finding that no care facility that provides care to Ms. Thankamma should provide Mr. Nair with the right to visitation "absent their own personal professional institutional determination that he did not present a risk of harm to his mother or to staff or to disruption of those institutions' daily procedures or care of [Ms. Thankamma] or other patients located there" and consistent with the restraints identified in this Order. Any visitation proposal by the respondent should include, at a minimum, the presence of a third party neutral, such as a police officer, who will be paid by the respondent personally, the requirement that respondent make visitation requests in writing to the Guardian and the facility with a minimum of 48 hours of notice, and an outline of the steps that will be taken to ensure that the respondent's visitation does not in any way interfere with the care being provided to the vulnerable adult or to any other staff or patient located in the facility.

Petitioner did not timely file the petition in this case within 14 days. The immediate restriction ended by operation of law on the 14<sup>th</sup> day. This petition may continue under Title 74.34 RCW.

The court concludes as a matter of law the relief below shall be granted.

***It is ordered:***



X 1. The respondent is **restrained** from committing or threatening to commit physical harm, bodily injury, assault, including sexual assault against the vulnerable adult and from molesting, harassing, or stalking the vulnerable adult.

(If the respondent's relationship to the vulnerable adult is that of spouse or former spouse, parent of a common child, or former or current cohabitant as intimate partner, then effective immediately, and continuing as long as this protection order is in effect, **the respondent may not possess a firearm or ammunition.** 18 U.S.C. § 922(g)(8). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1).)

X 2. Respondent is **restrained** from committing or threatening to commit acts of abandonment, abuse, personal exploitation, improper use of restraints, neglect, or financial exploitation against the vulnerable adult.

X 3. The respondent is **excluded** from the vulnerable adult's residence.  The vulnerable adult's address is confidential.  The vulnerable adult waives confidentiality of the address which is:

X 4. The respondent is **restrained** from coming near and from having any contact with the vulnerable adult, in person or through others, by phone, mail, or any means, directly or indirectly, except through an attorney, or mailing or delivery by a third party of court documents.

X 5. Respondent is **prohibited** from knowingly coming within, or knowingly remaining within 100 YARDS (distance) of the vulnerable adult's  residence  workplace  adult day program;  the premises of the long-term care facility where the vulnerable adult resides.  other:

X 6. The respondent is **required** to provide an accounting of the disposition of the vulnerable adult's income or other resources by January 17<sup>th</sup>, 2020 (date).

X 7. The respondent is **restrained** from transferring the vulnerable adult's property for \_\_\_\_\_ (up to 90) Days.

X 8. The respondent is **restrained** from transferring respondent's property for \_\_\_\_\_ (up to 90) Days.

X 9. Petitioner is granted judgment against the respondent as set forth in the judgment filed on \_\_\_\_\_ (date).

10. The bond posted is exonerated or the petitioner may apply ex parte for an order to disburse other security.

X 11. Other: The respondent is **prohibited** from harassing, intimidating, and/or threatening any persons involved in the care of the vulnerable adult, including, but not limited to, Channa Copeland, Dr. Andrew Hahn, any and all employees of Harborview Medical Center or any other facility providing care to the vulnerable adult, and any legal professionals representing any of the aforementioned persons.

The respondent is **restrained** from using the vulnerable adult's name and/or personal information to sign up for any services, including, but not limited to, Comcast, PACER, or AirBnB accounts.

**Warnings to the Respondent:** Violation of restraint provisions 1, 3, 4 and 5 of this order with

actual notice of its terms is a criminal offense under chapter 26.50 RCW and will subject you to arrest. If the violation of the protection order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States, which includes tribal lands, you may be subject to criminal prosecution in federal court under 18 U.S.C. §§ 2261, 2261A, or 2262.

Violation of restraint provisions 1, 3, 4, and 5 of this order is a gross misdemeanor unless one of the following conditions apply: Any assault that is a violation of this order and that does not amount to assault in the first degree or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. Also, a violation of this order is a class C felony if you have at least two previous convictions for violating a protection order issued under Titles 7, 10, 26 or 74 RCW.

If you are convicted of an offense of domestic violence, you will be forbidden for life from possessing a firearm or ammunition. 18 U.S.C. § 922(g)(9); RCW 9.41.040.

**You can be arrested even if the person or persons who obtained the order invite or allow you to violate the order's prohibitions.** You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

#### WACIC Data Entry

It is further ordered that the clerk of the court shall forward a copy of this order on or before the next judicial day to King County Sheriff's Office and X Seattle City Police Department **Where the protected person lives** which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

#### Service

Petitioner shall arrange for service of this order on:

- Respondent.
- Vulnerable Adult.
- Vulnerable Adult's guardian.

The following persons appeared, further service is not required:

- Respondent.
- Vulnerable adult.
- Vulnerable adult's guardian.

Service may be done by a law enforcement agency, free of charge, a hired professional process server, or a person 18 or over who is not a party to this action.

#### Law Enforcement Assistance

Pursuant to RCW 74.34.140, law enforcement shall assist petitioner as follows:

**This order is in effect until the expiration date on page (1) one.**

Dated: 12/17/2019 at 10:42 10 a.m/p.m.

Judge/Commissioner

**JULIE SPECTOR**

Presented by:

I acknowledge receipt of a copy of this order:

[Signature] 12-2-19  
Petitioner Ernie Oriz on behalf of Date

Did not appear  
Respondent Date

Ernie Oriz, Channing Capital, WSP# 144-52111

Petitioner or petitioner's lawyer must complete a Law Enforcement Information Sheet (LEIS).