

Exhibit A

KING COUNTY SUPERIOR COURT

In Re the Guardianship of)
)
 OMANA THANKAMMA,) No. 18-4-05231-6 SEA
)
 An Alleged Incapacitated Person.)
)
 -----)
)
 In the Matter of:)
)
 OMANA THANKAMMA,) No. 19-2-26860-3 SEA
)
 A Vulnerable Adult)
)
 v.)
)
 CHANNA COPELAND,)
)
 Respondent.)

VERBATIM REPORT OF PROCEEDINGS
BEFORE THE HONORABLE JOHN MCHALE

December 11, 2019

APPEARANCES:

JAYAKRISHNAN NAIR appearing pro se

On Behalf of Channa Copeland:
ERMIN CIRIC

On behalf of DSHS:
JENNIFER BOHARSKI

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I N D E X

	PAGE
ARGUMENT BY MR. NAIR	6
ARGUMENT BY MR. CIRIC	21
ARGUMENT BY MR. NAIR (IN REBUTTAL)	32
RULING BY THE COURT	41

1 (Proceedings commenced at 1:38:21 p.m.)

2 THE COURT: Good morning, everyone. Or good
3 afternoon, everyone. You may be seated. A lot of material,
4 so let me get set up here and then we'll get into it.

5 We all are here before the Court on a motion for
6 revision in the Matter of the Guardianship of Omana
7 Thankamma under Cause No. 18-4-05231-6 with a Seattle
8 designation. Before I have you all introduce yourselves for
9 this, I want to clear up what may be some confusion on this
10 as to what we're actually here to address today. So we're
11 here on that cause number that I just represented, and that
12 is the guardianship. On the same date or in the same
13 hearing when this was last considered before Commissioner
14 Velategui, which was November 14th, there was also a
15 vulnerable adult protection order that was considered, and
16 that was denied. And that was under a different cause
17 number, 19-2-26860-2. That number was not assigned to this
18 court for purposes of this revision. However, I have
19 reviewed everything that went into that hearing, I've read
20 everything that's been presented to me. I have listened to
21 the complete hearings of November 6th, 2014, and November
22 14th, 2019 as well. I may have said '14 before.

23 What is not before me for sure is -- I received a
24 notice of appearance today with regard to the vulnerable
25 adult protection order that is under Cause No. 18-2-20186-1

1 with a Seattle designation. That is the vulnerable
2 protection order that was entered against Mr. Nair, from
3 which some of the direction in the guardianship of appears
4 to come from. And so with that I received an objection from
5 the Department, in particular from Counsel Ms. Boharski, who
6 I think is here, indicating that they objected to a motion
7 to shorten time to hear a CR 60 motion.

8 So that matter was not something that was
9 considered by Judge Velategui on November the 14th, and so
10 that was not assigned to me, and that is not a matter that
11 will be addressed here today. This -- my belief is that it
12 should go back to the ex parte department where this matter
13 was initially considered and see what takes place from
14 there. So that one is not being considered.

15 With all that said as an introduction, before we
16 get into the substance of this, although I think I know who
17 you are sitting in front of me, for the record, with
18 everything being recorded here, I'll have the parties
19 introduce themselves, starting on my right, your left,
20 Mr. -- do you pronounce it "NAY-uhr" or "NYE-uhr"?

21 MR. NAIR: My name is Jayakrishnan Nair.

22 THE COURT: Okay, Mr. Nair.

23 MR. NAIR: Yes, but I go by Jay.

24 THE COURT: Okay, and then moving to his side?

25 MR. CIRIC: Good afternoon, Your Honor. Ermin

1 Ciric here on behalf of the guardian who's here to my right,
2 Channa Copeland.

3 THE COURT: Okay, thank you. And although I just
4 said you're -- there's not a reason to be here for purposes
5 of your cause number, but for the record, if you could
6 introduce yourself.

7 MS. BOHARSKI: Good afternoon, Your Honor.
8 Jennifer Boharski, Assistant Attorney General representing
9 the Department.

10 THE COURT: Okay. So with all that said, Mr.
11 Nair, in a motion for revision such as this, under the rules
12 each side gets 10 minutes to argue, and you can reserve some
13 of your time for rebuttal. Most significantly on this --
14 and again, I've read everything, and I probably read more
15 than what I should consider, because in these hearings the
16 Court can only consider what was before the commissioner at
17 the time. So what I would hope that you would focus on
18 is -- and I look at this as a motion for revision de novo.
19 So what that means is, I'm looking at it in the same way
20 that the commissioner did at the time. I'm not just seeing
21 if he or -- he in this case abused their discretion. I'm
22 looking at it all anew. So if you could focus on, at least
23 as I've read it, why the guardianship should be terminated,
24 that would probably help me most. So you'll get a chance,
25 and then after that, I'll turn to the guardian and they'll

1 respond, and you get one more chance to reply, okay? All
2 right, and you all are free to make your arguments from
3 counsel table with papers spread out, if you like. So okay,
4 so you can begin.

5 MR. NAIR: Good afternoon, Your Honor. First and
6 foremost, I want to apologize if I have any omissions or
7 commissions on my side which is -- I'm not a lawyer, I'm a
8 pro se. I'm a computer engineer. I quit my profession to
9 take care of my mother who had a stroke. And we actually --
10 I mean, I was spending so much money for taking care of my
11 mother at home that we thought it was a blessing in disguise
12 to have the State take care of her, and so that's why we --
13 it was an agreed, stipulated agreement with Ms. Boharski and
14 my lawyer at the time, Mr. McBroom (phonetic) to bring in a
15 guardian.

16 But what we did not expect was that she would be
17 dumped into the worst hellhole in the whole of the nation, a
18 (inaudible) home with a terrible, drastic record of human
19 rights abuses and murders and so forth that can be seen from
20 online, and the CMS itself, the Center for Medicare Services
21 have placed them at the bottom of the list. And we
22 communicated with pictures and live stream of YouTube and
23 whatever ways possible to the guardian to have her moved
24 from that facility. Because each day my mother was clinging
25 to my hand, asking to be taken back home, and I was -- I

1 couldn't see her fears anymore.

2 And there were no objections so on the 6th of
3 July -- my sister came from India on June 13th. And she
4 went to the Paramount and she saw that my mother's condition
5 was near death. She was -- she was unconscious. She was
6 having a very heavy fever, and her hands and her body was
7 covered in blisters. And she was lying in vomit and
8 excreta. As we are taking several -- not only me, my friend
9 and my relatives, (inaudible) and myself. So many people
10 have had eyewitness accounts and sent those pictures to the
11 guardian, as was I before the Court on Exhibit 1 of the
12 motion for revision and our Exhibit 3, I believe.

13 So my sister, you know, screamed and she asked for
14 help, and the Paramount said that us -- we had been
15 contacted by the guardian, Ms. Copeland, a week ago and had
16 gone and had threatened our family in India, Mr.
17 (inaudible), and that is what prompted my sister to book the
18 tickets and come here. She had been threatened when she was
19 in India that she was going to withdraw nutrition and
20 medicine and water to my mother and have her murdered. So
21 that prompted my sister to immediately book the tickets and
22 come to U.S.

23 And she went to Paramount, she saw that she had
24 not got many medicines. She had become a skeleton. She had
25 lost weight. She had been -- had blisters all over her

1 body. So she asked for help, and the staff at Paramount said
2 that the guardian and the administrator had said -- had
3 asked to not intervene and to let her pass away peacefully
4 and to pray for her.

5 So my sister couldn't believe what she was
6 hearing, so she called paramedics. Paramedics came and they
7 said that her glucose was over 400. That's the -- all the
8 (inaudible) medical records are in front of the Court. You
9 have like, you know, we have obtained all the medical
10 records from the paramedics and the hospital itself. So she
11 had -- her fever was over 104. She was -- she had not
12 received water or medication for days, or nutrition. And
13 she was like worse than an animal. You wouldn't do that to
14 a dog. She was treated like that.

15 So my sister took her to the hospital, and she was
16 immediately stabilized with the insulin and water, nothing
17 else. Just insulin and nutrition. So on June the 3rd, my
18 sister was concerned that, you know, they would let her go
19 back to Paramount where she would be murdered. So we filed
20 a police complaint. The next thing we know, the next day
21 when we went to Paramount, we were asked to stop visiting.
22 So we -- my sister and I have not seen my mother since July
23 5th, so that's been nearly -- more than five months, almost
24 six months now.

25 THE COURT: July 5th, you say?

1 MR. NAIR: July 5th, yes. Since July 5th, nobody
2 from our family has had any contact with her, with our
3 mother. We were -- my sister was actually locked up in a
4 room for five hours in Harborview when she went to visit on
5 July 5th. So he was (inaudible). She had to call me and
6 ask me to come and rescue her, and I rescued her, and then I
7 was also trespassed. And then we have not had any chance to
8 go back to see her. And my sister spent almost two months
9 in the U.S. trying to visit her, and she was denied -- all
10 the approach was denied.

11 But the guardian break (inaudible) or respond to
12 our emails. We sent emails to Paramount -- sorry, sent them
13 to Harborview. And the doctor who had asked us to stop
14 visiting, Dr. Hahn (phonetic), we sent him emails asking
15 to -- you know, we were told some ridiculous, stupid
16 nonsense that, you know, some protein substance was found in
17 the food after my sister left on the previous day. I was
18 not even there. So they accused my sister of putting
19 something in her food, and that was the reason why both of
20 us were not being allowed to visit.

21 But anybody (inaudible) can understand that that
22 was a retaliation to the police complaint that we had filed
23 on July 3rd, because before then there were no restrictions
24 to our visits. So then we sent the emails and we sent
25 official demand letters stating that, you know, we are going

1 to file a civil rights complaint if we don't have the chance
2 to visit our mother by August. And we again did not receive
3 any response. Harborview would just point to the guardian
4 and say the guardian has authorized to not have any -- to
5 allow any visits to our mother. So we filed the federal
6 complaint, and as a response to the federal -- after the
7 federal complaint was served two days later, you know,
8 they -- she filed for a petition for restrictions with the
9 court, and clearly just retaliation for what -- you know,
10 just trying to buttress their defense against the civil
11 rights case.

12 And Dr. Hahn did a complete about-turn, and he
13 filed a frivolous GRO stating that he was threatened by the
14 complainant saying Hitler's final solution or whatever, but
15 which had nothing to do whatever with Dr. Hahn or anybody
16 can see -- read the complaint and understand that's just
17 frivolous. So the frivolous GRO has been thrown out. And
18 so -- and my mother has been held in isolation in illegal
19 solitary confinement for almost six months. She's a citizen
20 of India. She's only here to visit me, to stay with me.
21 Otherwise, she has no reason to even be in this country.
22 It's an act of war against a foreign nation and a foreign
23 visitor to be holding her hostage, because neither the DSHS
24 nor the State of Washington, nor anyone in this country, the
25 nation of the United States, has any right to prohibit her

1 from going back to her home country.

2 THE COURT: So let me take you back a little ways.
3 so when she was first here, first had the stroke, that was
4 2014?

5 MR. NAIR: That's correct, sir.

6 THE COURT: And then after 2014 did she ever go
7 back to India --

8 MR. NAIR: She did not.

9 THE COURT: -- or did she stay here and then she
10 had another stroke in 2016?

11 MR. NAIR: That's correct. In the 2014 stroke,
12 she was paralyzed waist down. So I quit my job and became a
13 full-time caregiver and, you know, we just had a maid and
14 (inaudible) to take care of her, because she was still able
15 to eat by her hand -- eat her by mouth and everything. But
16 the second stroke completely paralyzed her, except for
17 limited moment of the right hand.

18 So then I hired a CNA. You know, we had a couple
19 of turn-overs and then we had Ashley Redikan (phonetic), a
20 CNA, who was at home on March 12, 2018 when I went, you
21 know, to take care of some other stuff. But when I left the
22 home on March 12, 2018, Ashley Redikan and Alexandra Hart
23 (phonetic), my housekeeper and CNA, were both present at
24 home, so there was absolutely no abandonment by any -- I
25 mean, then I was charged with reckless abandonment by

1 Issaquah code, and then on the basis of that charge, Ms.
2 Boharski got a VAPO against me for five years, even though
3 she has since admitted to the Court that the statements in
4 the completed thing here such as that she was found lying on
5 the floor, fecal matter, urine stink, that's all complete
6 nonsense. It's not supported by the police report. If you
7 do read the police report, it says very clearly she was
8 found with clean and fresh bedding. And so an allegation of
9 neglect is completely unfounded.

10 But still we admitted to having the guardian so
11 that, you know, I was spending upwards of \$10,000 and
12 staying at home so that -- we thought it could be, you know,
13 if she got good care like at Harborview or a good nursing
14 home which is within 25 miles and I can visit her every day,
15 it would not be a bad thing. So we accepted that. But then
16 we never accepted or signed up for our mother getting
17 murdered like an animal. That's not what we signed up for.

18 And then for the six months we have been -- my
19 sister spent -- I mean, she went back to India in tears,
20 traumatized that she couldn't visit our mother. All we are
21 addressing is that this guardian has a conflict of interest,
22 even that, you know we have filed a police report -- a
23 police complaint as well as the two federal civil rights
24 complaint against not only Ms. Copeland, but also against
25 the DSHS and against Mr. Ciric representing her for his

1 various violations of the procedures and for other, as the
2 Court is aware, other malfeasance.

3 THE COURT: Let me ask -- so, I mean, this is a
4 unique situation with a foreign national in the United
5 States having a health problem such as this. There's no
6 Medicare, you know, for someone at her age that she would
7 have had. And from what I read, it looks as if at one point
8 there was some type of health insurance or funding that was
9 available for -- what happened to that? Why is that not
10 around anymore to help?

11 MR. NAIR: I paid for her -- since 2002 when she
12 has been visiting me -- I mean I came to U.S. first on the
13 basis of merit as a -- I had a 99.9 GRE score and I got
14 admitted to (inaudible) with NASA funding for research. So
15 I was a NASA scholar. So on that basis, I was able to
16 sponsor my mother's visit for a visitor's visa. So I've
17 been taking -- since then, I've maintained her traveler's
18 visitor insurance. So the Molina Health Care insurance that
19 I purchased privately, Molina silver plan, that only would
20 pay for hospital admissions, but it wouldn't pay for
21 inpatient like nursing care.

22 THE COURT: No long-term care?

23 MR. NAIR: No long-term care. It's only for
24 travelers visiting, so they had limited coverage. So I
25 actually -- Molina Health Care is actually a defendant in

1 the -- if you look at the federal civil rights complaint
2 that is in front of the federal court. They are actually a
3 defendant because they refused placement. If they had
4 allowed placement, then we wouldn't be here. If not, no
5 problem would have been here for the cost. Because I was
6 not saying that she must be at home. I'm saying that she
7 should get good care. That's our -- as a son, that's my
8 right.

9 So Molina declined placement, so I paid out of
10 pocket from my savings. I quit my job and took care of her
11 at home with a CNA and with a visiting CNA and three
12 visiting therapists. Since then, my mother has lost vision
13 in one eye because the guardian was not available for a
14 follow-up visit to Dr. Phillip Chen for -- she had had a
15 glaucoma surgery on July 2018 with Dr. Chen when she was
16 under my care. But she had a complication. Her blood
17 vessels were forming on her eye.

18 So she was taken there on March 31st, 2019, and
19 the guardian was not an available -- or she did not take the
20 car. So she was brought back to the Paramount without
21 having the procedure done, as a result of which, she has
22 lost vision on one eye. My mother has suffered like an
23 animal. This cannot continue anymore. Either -- if she
24 cannot be returned to my house, at least she should be
25 allowed to go back to India. The way it is, because of the

1 conflict of interest with the civil rights case complaints
2 against Ms. Copeland, she should be -- I mean, we are
3 requesting that the Court would terminate the guardianship
4 so we can take care of her. My sister and I are both very
5 well educated and we have no criminal record and we are
6 upstanding people. Either we can take care of her back or
7 at the very least, she should be replaced by a replacement
8 guardian, the standby guardian, Stuart Warren (phonetic), I
9 believe is his name. So that we can work with him to
10 arrange the transportation back to India.

11 But what should not be allowed to happen is that
12 this person who was always so (inaudible) her murder, after
13 having sent us emails and harassing phone calls saying that
14 she has going to do that. It is not something that she did
15 without all of the proof. She actually threatened us with
16 that, as can be seen from the emails which we have been
17 presented in the exhibits.

18 So she cannot be continued as a guardian. But
19 either the guardianship can be terminated or she can be
20 replaced with Mr. Warren, but all we are requesting is that
21 our mother's solitary confinement -- she cannot speak
22 English, so she's depending on me for emotional support, for
23 everything. She loves me more than her life. And I love
24 her too, so we just want to be reunited with our mother.

25 THE COURT: And I did see that there was a

1 declaration going back to the protection order entered
2 against you, a declaration I saw from your mother at that
3 time, which I think would have been August of 2018
4 indicating that she loves you and would prefer to be at
5 home.

6 MR. NAIR: My mother had given birth to three
7 children and unfortunately my two older siblings are no
8 more. I'm her only child. I was born when she was near 40,
9 and so she has a very, very strong affinity and love towards
10 me, and the only reason why she came to -- she came to the
11 U.S. in 2002 immediately after I got the NASA scholarship.
12 And she has been with me every step of the way. And my
13 business is named after, Omana Homes. Everything shows how
14 much I love her.

15 THE COURT: Okay. So just a couple of other
16 questions and I'll let you sit down. So the incident that
17 seemed to get all of this started was March 12th of 2018,
18 but I thought I read that she -- even while she was living
19 in your home at that time, there were some health-related
20 issues that she had to go to the hospital for, say in the
21 year before that, is that true?

22 MR. NAIR: No. She has been, as a matter of fact,
23 it can be seen that -- you know, from the stroke report in
24 2016, she had a massive cerebellar stroke, and she was in
25 inpatient in Las Vegas for five months. They did not

1 believe that she would survive for another two or three
2 months. But she has not only survived under my care, she
3 has even recuperated well. She could -- you know, talk in
4 Maylayalam because I found a Maylayalam-speaking speech
5 therapist, (inaudible). And under -- you know, I got her
6 the best therapies and best care possible, you know, more
7 than what anybody could have. She was taken from a
8 six-bedroom luxury home with care from CNAs and a maid and
9 both children to a place which is the worst -- officially
10 the worst the U. S. to be murdered. I mean, if this is not
11 a complete travesty of justice, then it is hard to imagine
12 what that can be.

13 THE COURT: And then, a couple of other questions
14 I forgot to ask before. So for a hearing like this to
15 terminate a guardianship, I didn't see that there was any
16 notice of this hearing that was given to your mother. Did
17 you make any attempts to give her a notice of the hearing
18 for today?

19 MR. NAIR: We had absolutely no clue even where
20 she was for the last six months. We were just told that she
21 was at Harborview. My attorney and I went to -- Mr. Paul
22 Baretta and Mr. Banyon (phonetic), two attorneys
23 representing me, and I tried to go and see her. And we were
24 (inaudible). Even my attorneys were not able to make
25 contact. So he has been completely held -- incommunicado.

1 And the declaration by both my attorneys are in the Court.
2 And Mr. Banyon has said that she has been held completely
3 incommunicado. Mr. Baretta has also said the same thing.
4 And this is all as a retaliation to the police complaint and
5 the federal complaint that we initiated. Because we've
6 said, if you look at the dates on the timeline, May 20th we
7 filed the complaint with a civil liberties (inaudible). And
8 we also sent letters to senators and the Washington
9 Long-Term Care Ombudsman, Patricia Hunter, and so forth.

10 So until then we were visiting her at Harborview
11 every day, my sister and I, for eight to 10 hours even on
12 the day -- Independence Day, July 4th, you know, we were
13 with our mother. I have photos that were taken on the same
14 day. But the next day when we were trying to visit, my
15 sister was placed in (inaudible), and since then, just
16 complete -- making allegations from several months past
17 which the guardian had never made before. And the
18 guardian -- in fact, on May 15th email, she said that she
19 wants to return her back to my house if I pay for six months
20 of her insurance and care and all that. So it's very
21 obvious that it's an insult to the opinions of the court to
22 be alleging me off malfeasance or any kind of -- sort of
23 abuse for months before that. It's just nothing more than
24 nonsense.

25 THE COURT: I mean, do you have resources to -- if

1 she's not in your home, do you have financial resources to
2 have her in a place that is, well, nicer than Paramount?
3 And although Harborview is a pretty amazing place in what it
4 can do and we're lucky to have Harborview to handle any
5 traumatic issues or just for overall health care, but do you
6 have -- my simple question is, do you have resources
7 available that would help get her into a nicer facility?

8 MR. NAIR: Your Honor, resources are the last
9 thing we are worried about when it comes to my mother. I
10 own several properties in the U.S. and in India, and my
11 first pro choice would be for her to be back in India -- to
12 back in, sorry, in my house in Redmond. If that is not an
13 option, then we would rather have a back in India because
14 there the care -- the cost of care is much lower, but the
15 same quality. Without any compromise in quality, she can
16 get same quality as Harborview at a place next to my
17 mother -- my sister's house. And that will be our second
18 choice. If she's not allowed to go back to home in India,
19 she could go home in Redmond.

20 But the Redmond where she can be with me where we
21 both love each other so much, that would be the best thing
22 to do for her to spend her remaining few days in peace and
23 happiness and love. Because she doesn't have much to live.
24 Just please let her live the remaining time in happiness and
25 love.

1 THE COURT: But, I mean to get her back to India,
2 my guess, that would be sort of like a private jet ambulance
3 type -- I mean, the way you describe her current physical
4 condition now, is that what -- I mean, I take it she can't
5 take a commercial flight.

6 MR. NAIR: But she could -- I mean, if you look at
7 the CR 68 offer that Ms. Copeland had presented in return
8 for -- she said that if we settled the federal civil rights
9 complaint that we are filing against her for one dollar,
10 then she would allow my mother to go back to India at her
11 expense. That was her offer. And that Harborview would
12 also pitch in for the cost. But we declined that offer,
13 saying that, you know, what you have done to us must be
14 brought to justice. So if Harborview and she is able to
15 sponsor a flight back to India, which I assume would be
16 cheaper than keeping her at Harborview, we are fine with
17 that. We just want her to -- want her to be with us.
18 That's the most important thing. We have absolutely no
19 complaints against Harborview in terms of the care that
20 she's receiving there. We are very reasonable people. We
21 just want her to be happy, peaceful, and with family, that's
22 all.

23 THE COURT: Okay. All right, thank you. I asked
24 you a lot of questions that are not directly relevant to the
25 issues that are before me here today, but just things I was

1 curious about. You know, the point of a guardianship is to
2 look after a person to make sure that they're in the best
3 situation that they can possibly be. So I understand where
4 you're coming from, and I also understand where the guardian
5 is coming from and what they've done, but I'll hear more
6 from them about this.

7 MR. NAIR: I just want to add one more thing.

8 THE COURT: Okay, one more thing.

9 MR. NAIR: My mother was in various hospitals for
10 27 months before this guardianship happened, including about
11 six months in Harborview itself and five months in St. Rose
12 Dominican Hospital in Las Vegas. Another five or six months
13 in -- for her triple bypass, which also I paid out of pocket
14 in (inaudible) Hospital in New Jersey in 2012. And all this
15 time, we have never had any complaint against me or any
16 other thing. So all of a sudden, like after we filed the
17 police complaint and the federal civil rights complaint,
18 they're coming after me with all these allegations should be
19 seen for what it is, nothing more than an attempt to deceive
20 the Court.

21 THE COURT: Okay, thank you. All right, Mr.
22 Ciric?

23 MR. CIRIC: Good afternoon again, Your Honor. As
24 the Court indicated, the Court sits in a little bit of a
25 unique position in these guardianship proceedings because

1 the Court is, at the end of the day, the super guardian that
2 makes the final decisions with respect to the direction that
3 the guardianship is going to go and what authority the
4 guardian is provided or isn't provided. With that being
5 said, there are some procedural limitations in terms of why
6 we're here today on a motion for revision, and I think I
7 outlined some of my objections in terms of what was
8 submitted to the Court beyond what was before Commissioner
9 Velategui when he entered the order granting the litigation
10 authority, the guardian's inventory, assessing fees and
11 costs against the estate, assessing some fees and costs
12 against Mr. Nair personally, and denying Mr. Nair's petition
13 to terminate or modify the guardianship.

14 And so I do renew those objections, and that
15 really what we're here today is to determine whether under
16 RCW 11.88.140 or RCW 11.88.120 this court feels it's in the
17 best interests of the incapacitated person to modify or
18 terminate this guardianship. And since the November 6th
19 hearing to today, nothing has changed in terms of an
20 alternative proposal received by the family or by Mr. Nair
21 himself in lieu of a guardianship. That hasn't changed. And
22 the Court, rightfully so, was able to ask some questions
23 past the pleadings here to be able to assess whether that
24 has changed, but it hasn't, Your Honor.

25 And I wanted one thing to be clear on the record.

1 Mr. Nair continues to say, we, we, we, but there's no
2 evidence that the other family members are restricted from
3 Ms. Thankamma. And I want to be clear on that. There are
4 no restrictions against the other family members.

5 MR. NAIR: Objection, Your Honor.

6 THE COURT: Okay, well, no. In these kind of
7 hearings, since it's not a witness who's being asked
8 questions, there aren't really objections for that. But
9 you're going to have another chance to respond. So let's
10 just let him make his argument, and then you'll get a chance
11 to respond. So if you have things that he says that you
12 don't agree with, make a note of them and then bring them up
13 when you'll have a chance to reply.

14 MR. NAIR: Thank you, and absolutely, Your Honor.

15 THE COURT: Okay.

16 MR. CIRIC: Outside of the CR 68 offer, Your
17 Honor, which was sent, we never received a single response
18 or proposal. Communications with family members have
19 occurred and there have not been one single restriction or
20 restraint against them. Now, Harborview has, as the
21 declarations by Mr. Nair's own attorneys, Mr. Dan Young and
22 Mr. Paul Baretta, which I again renew my objections to, but
23 those declarations do indicate that Harborview has placed
24 certain limitations to access. And with respect to Mr. Nair
25 himself, they -- and as the pleadings and documents

1 presented before the Court, Harborview's position has been
2 that they deem him a safety risk to Ms. Thankamma and staff,
3 and they are not permitting him on site.

4 He's attempted on site visitation with Mr. Young
5 and with Mr. Baretta. There's some issues with Mr. Young
6 because he didn't want to identify himself. There were some
7 issues with Mr. Young because they seemed to try a back door
8 entrance. But as far as Harborview -- and I don't represent
9 Harborview -- as far as they're concerned, those are the
10 restrictions against Mr. Nair.

11 In terms of whether the guardian is restricted
12 from access to Ms. Thankamma, she's not. Harborview has not
13 been served and has not been made a party to these
14 proceedings, and so this court has, and Commissioner
15 Velategui had no jurisdiction to be able to enter findings
16 as to whether Harborview's policy with respect to Mr. Nair
17 or the other family members is proper or not.

18 In terms of what restrictions have been placed by
19 the guardian up to November 6th, it was: We need advance
20 notice of a request for visitation, and we need it to be in
21 writing so that we can communicate with Harborview staff.
22 That was the only restriction imposed by the guardian. And
23 the reason for that, Your Honor, was because Harborview had
24 taken a more restrictive position. And since that time,
25 since the federal court remanded this -- remanded the

1 proceeding back to the state court and the guardian was
2 provided litigation authority, we moved for a separate
3 vulnerable adult protection action against Mr Nair.

4 And the reason I point that out is to say that
5 there wasn't -- and the notice of change in circumstances
6 which was filed August, Your Honor, of last year -- of this
7 year, Your Honor, indicates clearly the concerns that the
8 guardian had with respect to Mr. Nair. After that notice
9 was filed, we moved forward with the petition for
10 instructions from the Court as to these issues. We could
11 have moved for emergency relief under the vulnerable adult
12 protection action, but it was chosen -- we didn't pursue
13 that route because Harborview took such a restrictive
14 position. Now, since the guardian has been afforded
15 litigation authority, we have pursued that route. So to say
16 that there aren't any allegations of abuse against Mr. Nair
17 is clearly incorrect.

18 And with respect to some of the constitutional
19 arguments presented by Mr. Nair, I want to take us back to
20 the starting point of this guardianship, which was the
21 agreed order. This wasn't a settlement agreement. In his
22 response to the -- in his motion for revision, Mr. Nair
23 highlights that it was a blessing in disguise to accept
24 these terms that Ms. Thankamma has to be kept in a facility
25 within 25 miles of the home and she would have unrestricted

1 access to her family. They would have -- the family would
2 have co-decision-making. She would receive U.S. citizenship
3 through a court order. Her care would be held to a gold
4 standard. And she would be allowed to visit his home and
5 attend religious ceremonies with their son.

6 None of that is in the order, Your Honor, and that
7 was an order that was signed by Mr. Nair's attorney that was
8 representing him in an order that was signed by Ms.
9 Thankamma's attorney who was representing her. Two separate
10 attorneys and an order entered. And that's where the
11 guardian derived her authority from, and that authority
12 specifically referred to the VAPO entered against Mr. Nair.
13 It says that the guardian shall be guided by that order,
14 referring to the VAPO, Your Honor, and that's what the
15 guardian has been guided by.

16 Mr. Nair has indicated that his preference would
17 be to have his mom returned to his home today. In lieu, he
18 would like her to return to India. Again, no written
19 proposals have been submitted to the guardian that she could
20 present to the Court as an alternative to where Ms.
21 Thankamma is currently, or as an alternative to
22 guardianship.

23 THE COURT: So while you're there, as to the CR 68
24 offer to resolve it, the settlement of the federal claims,
25 is there only one federal claim that's left?

1 MR. CIRIC: I believe it's two, Your Honor. So
2 there was one federal -- there was initially two federal
3 court actions, one for removal of the state court
4 guardianship to federal court, which was dismissed, and then
5 there was a substantive action with respect to a temporary
6 restraining order and a 146-page complaint against the
7 guardian and several other defendants. That one was
8 dismissed initially and then reopened.

9 And in that interim time when it was dismissed,
10 the guardian had presented a motion for fees to the federal
11 court, and that order was entered by Judge Pechman
12 indicating it's improper at this time to award any type of
13 fees and costs. That one was opened -- there were several
14 orders entered by Judge Pechman with respect to Mr. Nair as
15 asked to service and as to addressing certain issues. And
16 instead, Mr. Nair then -- he had a separate federal cause of
17 action against his former attorneys related to some
18 bankruptcy, amended that complaint, added me and my firm as
19 a party, the guardian personally, and the guardian in her
20 fiduciary capacity as well. So there are technically two
21 substantive federal proceedings that the guardian is party
22 to.

23 THE COURT: Thank you.

24 MR. CIRIC: And so, Your Honor, we go back to the
25 statutory mandate that if there is an alternative that's

1 proposed in lieu of guardianship with respect to a less
2 restrictive alternative, it needs to adequately provide for
3 the needs of the incapacitated person. And as the Court
4 reasonably indicated, reasonable notice of the hearing has
5 to be provided to the incapacitated person. They have to
6 have a right to voice their opinion.

7 Based on the pleadings before Commissioner
8 Velategui and before this court, which is the agreed order,
9 Ms. Thankamma's intent at a time when she was presumed to
10 have capacity prior to being adjudicated incapacitated was
11 that she wanted Ms. Copeland as her guardian, and that she
12 wanted the terms of that guardian -- that agreed order to
13 govern.

14 THE COURT: And she was represented at that time,
15 right?

16 MR. CIRIC: She was represented at that time, Your
17 Honor. And since that time, we haven't received again a
18 single proposal by Mr. Nair. And we welcome it. If there
19 is a proposal which will adequately, and that's the key
20 phrase, with respect to funding and her physical ailments,
21 adequately provide for Ms. Thankamma's needs, we welcome
22 that proposal. But any such proposal as indicated in the CR
23 68 offer has to be approved by the Court. It has to be,
24 because the guardian cannot. So the guardian can accept
25 left and right, but if this court doesn't agree with it,

1 we're not moving forward. And I believe that was the issue
2 at the last hearing, and that issue hasn't changed since
3 that time, Your Honor.

4 I also wanted to respond to Mr. Nair that the
5 request for litigation authority was somehow in a response
6 to a criminal complaint he had filed for the numerous
7 complaints he has filed with the ACLU, the WSBA, the CPG
8 board and various other entities. And I wanted to note
9 there that all of these entities, including Adult Protective
10 Services, didn't find any type of evidence or substantiate
11 any findings as to abuse by the guardian with respect to Ms.
12 Thankamma. Actually, Adult Protective Services came back
13 and said that the allegations were unsubstantiated.

14 And to go back to Mr. Nair's representation that
15 this was somehow in retaliation to his complaints,
16 completely inaccurate, Your Honor, because what this whole
17 thing started from was that VAPO that was entered for him
18 restraining him from placement decision making. And what
19 this started from was that agreed guardianship order
20 restraining him from making medical care decisions on behalf
21 of Ms. Thankamma.

22 Since that point, at Paramount, several incidences
23 occurred which were in violation of both of those orders,
24 and that raised concern to the guardian. And because of
25 that, Ms. Thankamma was no longer able to be kept at

1 Paramount. We have the medical records, we have the notice
2 of change in circumstances, which has followed this court.
3 And I've presented this court with the medical records, the
4 police report, the nurse assessment that was presented, the
5 APS report, all of it reflecting that there was severe
6 concerns with respect to Mr. Nair's conduct in terms of how
7 he interacted with his mother.

8 I've also presented this court with -- and what
9 the commissioner reviewed, with the video that Mr. Nair
10 himself posted, which was completely inappropriate. We've
11 emphasized the particular pictures of him kissing, hugging,
12 and groping. At Paramount, he was specifically found in bed
13 with his mother. And the last -- the reasoning for this was
14 cultural differences, but the fact of the matter, Your
15 Honor, is that Mr. Nair has indicated in his pleadings that
16 his mother has been here, at least in a visitation status,
17 since 2002 with him. So it's assumed that over a 17-year
18 period that the cultural differences should have been
19 embedded and should be reflective of what's proper here in
20 the United States.

21 And I don't make any -- I don't think anyone's
22 making any type of cultural comments as to what's proper in
23 India or what's not proper in India. The fact of the matter
24 is that the police had concerns with respect to these, a
25 report was filed, Paramount had concerns, they placed

1 restrictions against his visitations, and at the end of the
2 day, Paramount didn't want to deal with it anymore so she
3 had to be transferred over to Harborview. And Harborview's
4 position has been to restrict Mr. Nair from access.

5 But again, I want to emphasize, there's no
6 restriction against the other family members, except for the
7 same request is if they want visitation, it's to be made in
8 writing with advanced notice. This has been communicated to
9 them. But no request has been made to the guardian herself.

10 THE COURT: That writing advanced notice can be
11 via email even, right?

12 MR. CIRIC: Yes. Yes, Your Honor.

13 THE COURT: Okay.

14 MR. CIRIC: And the only reason we make that
15 request with the other family members is that there have
16 been incidences in the past where Mr. Nair will appear with
17 third parties. And staff changes. They don't know -- not
18 every single staff member at Harborview knows what Mr. Nair
19 looks like or what his other family members look like. If
20 the communications are sent to the guardian, she'll be able
21 to clearly communicate things to Harborview, Harborview will
22 know who's going to be appearing at what time, and provide
23 visitation. But with respect to the restrictions against
24 Mr. Nair, we do feel they're appropriate. And I know
25 Harborview's policy is not before this court, but the

1 guardian has requested litigation authority, that was
2 approved, we believe it's proper and we intend to move
3 forward with that vulnerable adult protection action,
4 because if Ms. Thankamma is moved from Harborview or if
5 Harborview does change its policy with respect to
6 restrictions against Mr. Nair, we do feel that it is going
7 to go against the best interests of Ms. Thankamma.

8 And so, in large part, Your Honor, we do request
9 that this court deny in its entirety the motion for
10 revision. I do believe that the pleadings submitted today
11 show great concern about Mr. Nair's conduct with his mother.
12 They show him continuously trying to have her moved back to
13 his home for whatever reason, even though there are three
14 separate orders saying that's improper, and his actions at
15 Harborview and at Paramount all show an inability not to
16 interfere with staff in terms of medical decision-making and
17 medical assistance. For those reasons, Your Honor, we do
18 object to entry of the proposed order that Mr. Nair has
19 submitted.

20 THE COURT: Okay. Let me finish my notes. Okay,
21 I let you -- everyone's gone on a little longer, but it is a
22 complicated issue. So Mr. Nair, your last shot on this.

23 MR. NAIR: Yes, sir. First and foremost, I want
24 to express my severe reservations against these animals.

25 Complete --

1 THE COURT: Mr. Nair, you can make your arguments,
2 but let's not -- in any kind of case that I --

3 MR. NAIR: But he -- he --

4 THE COURT: Let me just say, in any kind of case I
5 have in here, I don't want anyone making direct personal
6 attacks --

7 MR. NAIR: But he -- he --

8 THE COURT: No, he can say --

9 MR. CIRIC: Why did you not object to him when he
10 made it sound like --

11 THE COURT: He can say what the allegations are,
12 but not calling someone a name like that. So that kind of
13 is where the line is. And over on the wall to the side --
14 you're not a lawyer, but everyone should adhere to this.
15 It's the creed of professionalism for the Washington State
16 Bar Association. So make a strong argument, but let's not
17 be calling someone an animal.

18 MR. NAIR: Yes, but there are certain lines that
19 should not be crossed. And Mr. Ciric is a defendant in the
20 case filed in federal court because of his conduct of making
21 completely inflammatory allegations that would make
22 somebody's blood boil.

23 THE COURT: I understand, but --

24 MR. NAIR: If he had made that with the -- you
25 know, with the permission -- in an (inaudible) for a fight,

1 I would have ripped his tongue out for having said what he
2 did. But that's a different matter.

3 THE COURT: Okay.

4 MR. NAIR: I'm controlling my temper here, but
5 what he said is completely inappropriate.

6 THE COURT: So just take a couple of deep breaths
7 and then just give me an argument on this. I want you to
8 make points to me about why the guardianship should be
9 terminated or modified in some way.

10 MR. NAIR: Yes. First and foremost, with regard
11 to this verbal diarrhea, a lot of stupid lies have been
12 made. My sister spent two months here trying to contact our
13 mother. She was denied all access, and now she has filed a
14 habeas corpus complaint asking for the United States
15 government to release her back to India because the U.S.
16 does not have any right to hold a foreign visitor hostage.

17 And after -- in that, she has filed a declaration
18 which states clearly that my -- our mother -- she has
19 returned to India. And after having read this declaration,
20 this guy is now saying that she can visit her, even though
21 they didn't let her visit her for the two months that she
22 was in the U.S. Which again shows that he's always acting
23 in bad faith and in a way to subvert -- in a subversive
24 manner to deceive this court.

25 So Harborview had no restrictions on our visit

1 until July 5th. In fact, she was there for, I would say a
2 total of about 10 or 11 months from the period before the
3 guardianship and after the guardianship. During this entire
4 period, there was never any restrictions or any allegations
5 or anything of that sort. After we filed the federal
6 complaint, which was served to the CEO of Harborview, his
7 name I believe is Paul Ramsey, and he was fired after he was
8 served. That is when our restriction of -- our access was
9 revoked, for both my sister and I.

10 So to say that Harborview has any concerns or
11 whatever is complete nonsense. How will you just want to
12 defend their position against the federal civil rights claim
13 by deflecting the blame back onto me? I mean, she was in
14 hospital for 27 months. Nobody had any complaints. She had
15 care, we had in-home caregivers living with us. They
16 understand how much my mother and I love each other. So the
17 conflict of interest with Harborview is the only thing --
18 after we filed the complaint, is the only thing that is
19 prohibiting them from any -- I don't get any visitations, my
20 sister and I. In fact, Ms. Copeland had filed a change of
21 circumstances in which she said that my sister applied some
22 chemicals to my mother's arms to cause the blisters, and now
23 she's going back and changing it. So they cannot even agree
24 on what allegations to make. They are just all over the
25 place.

1 And then as regard to the new (inaudible) that
2 they are pursuing, I actually have never got any service of
3 it. I don't know when it is scheduled to be heard. I have
4 absolutely no idea about it. And I only read about it in
5 the response. So in regards to the agreed-upon audit, my
6 attorney Greg McBroom had worked with Ms. Boharski, and she
7 had agreed that my mother would be placed within 25 miles
8 from radius from our home. Why would that 25 mile radius be
9 there in the court order it was not for our access? That
10 doesn't make any sense for her to be based within 25 miles
11 if we are not allowed access. I mean, that makes no sense.

12 And that we also said that no (inaudible) change,
13 no (inaudible) status will be changed without consulting
14 with us. But Ms. Copeland unilaterally changed it to no
15 resuscitation. And then she sent emails to our family
16 saying that based on her ton of research in (inaudible), she
17 did not believe that my mother decided to leave. I mean,
18 how infuriating is that that, that our mother is going to be
19 murdered? Reading that, my sister immediately booked
20 tickets on the next flight possible and boarded back to
21 India -- to the U.S. And then she went to Harborview, and
22 this is what she found. Her being covered in blisters with
23 104 degree fever, and the staff saying that she's been asked
24 to suffocate to death for capital punishment, for what? For
25 no reason other than that she didn't have any money to pay

1 for her from the DSHS purse.

2 So the only reason we agreed -- we did not have --
3 we could have opposed the guardianship action, but the only
4 word of truth that came out of this guy's mouth is that we
5 accepted the guardianship offer because Ms. Boharski
6 accepted my attorney at the time, McBroom's, suggestions to
7 keep her within 25 miles. And we thought that if all her
8 our needs are being taken care of and she can get good care
9 at a facility, then I wanted to go back to Microsoft. And I
10 was a group program manager leading a large team. I wanted
11 to go back and restart my career, because in a (inaudible).

12 So I thought it would be a good idea. If she can
13 get good care and we can visit her every day, it wouldn't be
14 a bad idea at all. So that's why we accepted that. But
15 they have used this, this so-called guardian, changed the
16 postcode, sent us harassing, threatening emails saying that
17 if we're going murder her, and after we found her murder
18 attempt and reported that the police, now we have been kept
19 out of having any access to our mother for the last six
20 months. And after my sister went back to India and filed
21 the Habeas Corpus, now he's saying that the restriction is
22 only against me. And everything is just gaming the system,
23 just making a complete caricature of the legal system and
24 making complete mockery of the courts. That's what he's
25 doing. This guy does not deserve to be anywhere near a

1 courtroom. He should not be a counselor. That's why we are
2 pursuing the complaint against the WSB also, to have him
3 debarred from the bar association.

4 So another thing. Paramount was not the one who
5 made the decision to have nothing with me or anything of
6 that sort. The reason why she's in Harborview was because
7 the Washington State Long-Term Care Ombudsman, Patricia
8 Hunter, and some of the dignitaries that we have interacted
9 with, including one senator, U.S. Senator, I forget her
10 name -- the U.S. senator for Washington. They had involved
11 in our behalf and said that people should not be returned to
12 Paramount. But that is what we have emailed them to.

13 So I have emails. I can actually -- if the Court
14 gives me one day's time I'll refer you to the (inaudible).
15 we have emails from the senator and ombudsman stating that
16 we have -- they will address our concerns and how it showed
17 that she should not be returned to Paramount. Now this guy
18 is trying to turn it around and say it's somehow due to my
19 part or something. Because the reason why she is at
20 Harborview is because she's not allowed to return to
21 Paramount by Patricia Hunter, ombudsman for Washington State
22 LPC, based on our complaints that we had filed on May 20th.

23 THE COURT: Okay, I understand.

24 MR. NAIR: So, and I have one more thing that I
25 want to address is that the library of (inaudible) that we

1 initiated, that I initiated, was to show that she was not
2 getting -- you know, if you look at 43 hours of video where
3 I posted all the YouTube links are missing. If you look
4 at --

5 THE COURT: I didn't have the video, but I saw
6 pictures from it, and I read about them and read --

7 MR. NAIR: But in my reply to the response, I
8 actually posted the links to each of the videos. So you can
9 go ahead and watch all the 43 hours of video. And the
10 fact -- you know, these are posted in January. In February,
11 she posted a care plan which said that, you know, she wanted
12 to return her to home to live with me. In May 15th she
13 sends the email saying that if you pay for her care, we will
14 return her back. So now after we filed the police
15 complaint, she's going back to videos posted six months ago
16 and making completely inflammatory allegations, for which,
17 you know -- which is completely inappropriate. Those
18 allegations just shows what a pathetic, you know, a better
19 word, this guy is.

20 THE COURT: All right. Unlike on the third floor
21 where commissioners have a lot of things that are going on
22 and they're just handing out their decisions as quickly as
23 possible, I'm going to give you a decision today, but I'd
24 like to take about 10 minutes or so to go back and look over
25 my notes that are here in the other documents that you all

1 have been provided.

2 MR. NAIR: If I may, I want to add one more point.

3 THE COURT: One last point.

4 MR. NAIR: Thank you, sir. Which is that he has
5 asked for \$34,000 in fees for representing the guardian in a
6 federal lawsuit, which is still ongoing. And he filed the
7 same petition for fees both in federal court and state
8 court. And federal court has completely dismissed it, a
9 U.S. senior judge. And he tried a backdoor entry for a case
10 that is still ongoing to get fees. For what reason?
11 Absolutely, this is just -- there's absolutely no reason to
12 award him any fees at all at this time.

13 THE COURT: Okay. All right, so why don't we
14 take -- it's 2:30. Why don't we be back here at 2:45, and
15 then I'll give you all a decision.

16 MR. NAIR: Thank you.

17 (Recess from 2:30:51 p.m. to 2:46:29 p.m.)

18 THE COURT: Thank you, you can all be seated. All
19 right. It will be kind of a lengthy decision and then I'll
20 get to the orders. As it stands here, Mr. Nair, there is no
21 doubt -- you can sit back at counsel table unless you're
22 more comfortable back there. Wherever you're most
23 comfortable. There is no doubt that you love your mother,
24 and the evidence before me is that you want her home or
25 someplace better than where she's been at Paramount or at

1 Harborview because you truly do love your mother, and
2 perhaps also out of a family responsibility to your siblings
3 and to your mother over time. I get the sense that you know
4 that caring for your mother is just the right thing for you
5 to do as a son and as a human being, and that you, in caring
6 for her, want to make sure that she receives the absolute
7 best care that she can have.

8 MR. NAIR: Thank you, Your Honor.

9 THE COURT: I understand your frustration over
10 time. I understand your frustration in court hearing things
11 about yourself, but there are reports that are out there
12 that have been floated around since this has been in place.
13 And they've come from Paramount, they've come from police
14 reports, they've come from Harborview, from a doctor at
15 Harborview, from a variety of sources, and so they're out
16 there.

17 While I understand your frustration, and I can
18 understand how that might lead a person to act out in some
19 ways, I disagree that acting out in any way is the way that
20 anything should be handled. However, acting out in any way
21 is not and has not been in the best interest of your mother.
22 I'm afraid it's sort of deepened the hole that you find
23 yourself in in this and in other cases that are out.

24 MR. NAIR: We just want to see our mother. I just
25 want to see my mother.

1 THE COURT: I know, I understand. And what,
2 sadly, you don't have and what your mother -- none of us
3 have because we're all getting older, but in particular your
4 mother because of her health situation, there's not a lot of
5 time that's available to anyone that's involved in this
6 particular proceeding. What I would ask that you do in
7 this, is that you, to the extent that -- not act out, of
8 course, but to dig deep and see what changes or maybe
9 sacrifices, what you can do to make this situation better.
10 And if that is first of all holding your tongue when you
11 feel like you need to say something to a care provider or to
12 the guardian or to someone else, that's a first step, but
13 also maybe even pulling yourself back and further
14 negotiating with the guardian and Mr. Ciric about trying to
15 work out some other resolution in this that may spring from
16 the CR 68 agreement that was provided.

17 Let me just tell you all this first and then I'll
18 have a little bit more. There may be some way that you all
19 could work together to ultimately get your mother to India
20 if that -- maybe that's an option that could happen.

21 MR. NAIR: We would love to.

22 THE COURT: And it could be also making sacrifices
23 financially in some way where you're able to come up with
24 some additional funding that can immediately be put into
25 this to work in her best interest to get her in a good, safe

1 place or perhaps back to India if that's where your contacts
2 with her or your sibling's contacts with her, if that's
3 where she would want to be.

4 MR. NAIR: Can we work with the stand-in, standby
5 guardian, Stuart Warren? That's what we want to -- we
6 propose that we work with the standby guardian, Stuart
7 Warren, to take her back to India. We just do not trust --
8 my family does not trust this particular guardian. That's
9 the only issue we have. We'll work with the other guardian.

10 THE COURT: I understand, but I'm saying if it
11 takes trying to work right now with Ms. Copeland, I mean and
12 her counsel, even from a distance, small baby steps, maybe
13 that leads to it, maybe that leads to an impasse where
14 something happens and a standby guardian does have to come
15 into play. But I think you just need to take a few steps
16 back in the short time that you have on this to see if
17 something can be worked out for your mother's best interest.
18 And that's the way I see this globally.

19 And again, it could be having to dig deep into
20 what you have available financially, either here or with
21 others in India or any place that might be of help to you.
22 As I look at this petition for termination of the -- motion
23 for revision as to termination of the guardianship or to
24 modify the guardianship, as Mr. Ciric says, I am bound by
25 the law that's before me. And in particular, that is at RCW

1 11.88.140 and .120. And when I get directly to the points
2 on those that I want to address -- I had it out before and
3 then -- here we go.

4 MR. NAIR: Your Honor, we just want visitation
5 with our mother.

6 THE COURT: This is as to RCW 11.88.12 -- 140. "A
7 court may terminate a guardianship, or a guardianship may be
8 terminated by an adjudication or a finding of capacity on
9 the part of the person that's found to be incapacitated."
10 And I'm not seeing that there's any evidence of that here,
11 so that's not the case. Or -- and we certainly don't have
12 death of an incapacitated person at this point, and we're
13 happy that that's not the situation here, of course.

14 And that beyond that, if I'm looking to -- I
15 suppose just in the -- if the Court somehow or other finds
16 that the guardianship is no longer necessary, the Court
17 could terminate it. But what I'm left in looking at, in
18 looking at a termination or a modification of the
19 guardianship from there takes me down to RCW 11.88.120,
20 which provides that, "A Court may modify a guardianship as
21 it deems just and in the best interest of the incapacitated
22 person, and that the Court must modify or terminate a
23 guardianship when a less restrictive alternative such as a
24 power of attorney or a trust will adequately provide for the
25 needs of the incapacitated person."

1 And at this point I've not been presented with a
2 less restrictive alternative, as I see it, that will provide
3 for the needs of your mother. And part of that is sadly
4 because I guess over time her health condition, as you
5 acknowledge -- although you haven't seen her now since, you
6 say since July, but it's deteriorated since then. So at
7 this point I'm not able to grant the motion for revision to
8 either terminate or modify the guardianship as it stands.

9 Additionally, I want to -- although we didn't
10 argue about this, but there is the -- it was before the
11 commissioner on November 14th also, was your motion for a
12 vulnerable adult protection order against Ms. Copeland. And
13 I'm also going to deny, to the extent that it's before me --
14 and that cause number was not appointed but I'm looking at
15 it because it was there with Commissioner Velategui that
16 day -- I'm going to deny the motion for revision of that
17 order. Again, no doubt that you care for your mother and
18 you want to do whatever you can for her, but as I look at
19 it, I'm seeing Ms. Copeland as the guardian is doing what
20 she can for your mother in her limited ability as the
21 guardian, with limited funds available, to care for your
22 mother as well. And what I'm afraid is that with the
23 limited resources that she has, time that she has to put
24 into ongoing litigation with this takes away from time,
25 thought that she can put into your mother's case to try to

1 improve her situation, perhaps to try to find some place
2 beyond Harborview. So I just want to put that in mind as
3 well.

4 There may have been a misunderstanding or
5 unfortunate words that were used with your sister in India
6 as to your mother's health situation here, your strong word
7 on that as you felt as if there was a desire that she'd be
8 murdered or killed here. What I see in the documents that
9 have been provided is that the guardian, Ms. Copeland, is
10 doing what she can to look after your mother's best
11 interest. So I'm denying the motion for revision.

12 As to these, I've prepared orders. I just want to
13 go through part of the order. Okay, yeah, go ahead.

14 MR. NAIR: There was one more thing which was a
15 petition for preliminary injunction that my attorney had
16 questions about --

17 THE COURT: Oh, yeah. Thank you.

18 MR. NAIR: There is no reason to deny visits for
19 my mother for me at Harborview. So I want to be able to see
20 my mother before she dies. If not --

21 THE COURT: And that's something I meant to
22 address in my notes about this too. That's not something
23 that's before the Court, so I don't have the power here to,
24 under this guardianship or under any of the cause numbers
25 that are here, to tell Harborview what to do with this.

1 That -- I mean, I'm not encouraging additional litigation,
2 but that's something that you'd have to take up directly
3 with Harborview. I'm not sure if that's through the state
4 or if that's -- I think it probably would be through --

5 MR. NAIR: It would have been appropriate if the
6 guardian was -- this woman was replaced with a proper
7 guardian who didn't want to kill my mother so that we can
8 work with Mr. Warren to access her at Harborview and to take
9 her back to India. There's absolutely no reason, as Your
10 Honor has just said, that a loving son should be denied
11 access to his mother for the last six months. Do you find
12 that appropriate? I mean, we are writing a book and
13 publishing it on Amazon. The public will judge that this
14 court is a joke otherwise.

15 THE COURT: Yeah. As to that, I don't have
16 authority on it. What I would suggest, and Mr. Ciric may
17 have some idea here, and what I meant to suggest with the
18 steps, and I know you at this point --

19 MR. NAIR: We don't want to work with this
20 guardian. We will work with Mr. Stuart Warren, and we just
21 want to be able to see my mother. For the last six months
22 my mother has not been allowed access to any of her family
23 members, and that is completely illegal and inappropriate.
24 This court should not -- you know, for the sake of retaining
25 any sort of credibility, this court should not allow that to

1 continue. Otherwise, this court is basically telling the
2 public that this is a laughable kangaroo court. A mockery.

3 THE COURT: But the thing is, I can't -- what I
4 understand, the restrictions on visitation came directly
5 from Harborview. At a certain point, Harborview put
6 restrictions on, and then in a way to --

7 MR. NAIR: That was after we filed the complaint.

8 THE COURT: Well, whether a complaint's filed or
9 not, they put them on, and then you're working through
10 supervised visitation. They are letting Ms. Copeland know
11 ahead of time that there's going to be a visitation, that
12 she would have been a help to you in getting through the
13 wall or gauntlet to get in to have some type of visitation.
14 Sitting up here, I would like you to be able to have contact
15 with your mother, but I don't have any jurisdiction over
16 Harborview right now.

17 What I would suggest, and this goes back to my
18 taking steps to try to improve the situation, is in a kind
19 and respectful way, having a contact with Ms. Copeland as
20 the guardian, perhaps getting updates on your mother's
21 status, and then maybe working toward some type of
22 supervised visitation to start, and then maybe things can
23 change or get better from that point onward. But it's going
24 to take an effort on your part, holding yourself back in
25 your frustrations, and understandable frustrations in this,

1 I think, to move toward that point. I can't in this hearing
2 grant a preliminary injunction or any type of order to
3 direct Harborview to do anything, so on that I'm bound.

4 Mr. Ciric?

5 MR. CIRIC: Your Honor, just for clarification.
6 So when we had the November 6th hearing in front of the
7 commissioner Velategui that was really on the merits. We
8 presented argument, and then we were set over for the
9 presentation hearing on I believe the 14th.

10 THE COURT: Right.

11 MR. CIRIC: In between, and I don't want to put
12 words in Counsel Young who's not here to defend himself, in
13 his mouth, but in between, Counsel Young went to the Kent
14 courthouse, Kent Regional Justice Center --

15 THE COURT: Right, I saw that.

16 MR. CIRIC: And submitted a preliminary injunction
17 under this guardianship proceeding. And I was phoned in by
18 Commissioner Hillman, and I told him: Oh, we have a
19 presentation hearing in front of -- it's a Seattle
20 designated case. Under Local Court Rule 98.2 we have a
21 hearing set, presentation hearing set for tomorrow. And
22 commissioner Hillman said: Yes, the more proper place to
23 bring this is in Seattle.

24 But at the November 14th hearing, Counsel Young
25 was there, did appear on behalf of Mr. Nair, and he never

1 renewed that petition. And so as far as I'm aware,
2 commissioner Velategui never ruled on the petition after
3 they had filed the -- after Mr. Nair had filed the
4 pleadings. So it would be improper to rule on a revision
5 motion for revision.

6 MR. NAIR: As can be seen from the transcript,
7 Commissioner Velategui actually told my then-counsel Young
8 that he was to shut up his mouth and not bring the
9 preliminary injunction, which is completely illegal. He
10 didn't even -- he actually did rule, denied the preliminary
11 injunction. So all I'm saying is that my mother is near
12 death, and if she dies without seeing her children one last
13 time, this entire public is going to say that this court has
14 failed her. The Court should grant her access to just meet
15 with me. If not, you'll have her blood on your conscience,
16 and I don't know how you can go to sleep with that.

17 THE COURT: Well, thing is, I don't -- the problem
18 is, I don't have jurisdiction over Harborview as far as
19 allowing the visit. What I can order and I'll do that
20 orderly --

21 MR. NAIR: What you should do is to replace her
22 with a working guardian, so that we can work with that
23 guardian. Why do you want to insist that she should
24 continue as a guardian when she has tried to murder our
25 mother? Unless you want to murder our mother yourself.

1 THE COURT: If you'll let me finish here. So I
2 understand -- I said I understand your frustration, but I'm
3 going to give you my order here. I want you all to try to
4 work together with this.

5 MR. NAIR: There's no working with this guardian.

6 THE COURT: All right. So my order on this is,
7 one, the motion for revision is denied in its entirety. I
8 adopt the findings and conclusions entered in the order
9 denying Mr. Nair's petition to terminate guardianship and
10 granting the guardian's amended and renewed petition for
11 instructions with the following modifications based on my de
12 novo review. And I just have certain modifications that I'm
13 setting forth here that are from the commissioner's ruling.

14 At page 4, lines 3 to 4, I would -- since this
15 court was not provided with the video of the incident in Ms.
16 Thankamma's room, I can't say that the incapacitated person
17 is clearly trying to push Mr. Nair off in the video
18 presented. So this court would substitute in its adopted
19 findings the word "reportedly" in place of "clearly."

20 At page 5, paragraph 6, at lines 2 to 3 it reads,
21 at relevant part, that there was no embezzlement and the
22 guardian sought instruction from the Court as to the issue
23 in August of 2018. Per the record, "2018" should be
24 substituted with "2019," which is when the first request for
25 instructions was made.

1 And finally, in paragraph 16, at lines 8 to 10,
2 the commissioner struck from the record and did not consider
3 Mr. Nair's response to a petition for instructions and
4 declaration of acceptance of the guardian's CR 68 offer to
5 immediately repatriate Ms. Thankamma to India. This court
6 reviewed that pleading and did not find that it directly
7 addressed the guardian's request for instructions. It
8 included expression of disagreement with the guardian's
9 work, and it appeared to this court to be more supportive of
10 Mr. Nair's request that the guardianship be terminated.

11 And finally, jurisdiction over the guardianship
12 matter shall continue to lie with the ex parte department of
13 the King County Superior Court. The guardian is not
14 required to bring future reports, petitions or other matters
15 before me or any other assigned judge unless or until
16 otherwise ordered. So what will happen if it goes back ex
17 parte and there are any rulings on this and there's a
18 disagreement from either side and somebody wants to pursue a
19 motion for revision, that will go to the chief civil judge,
20 and she, as it is now, would then assign it out to another
21 judge.

22 MR. NAIR: Your Honor, there is one important
23 matter that -- the fees is not allowed, right? Because the
24 federal court has already denied their application for fees.
25 So the fees at least has to be (inaudible).

1 THE COURT: As to Commissioner Velategui's ruling
2 on the fees on this particular matter, I'm leaving that in
3 place with what he had ordered, and I think that was --

4 MR. NAIR: But those fees have already been
5 decided by the federal court. How can the commissioner
6 overrule a federal senior U.S. judge?

7 THE COURT: May I look at those?

8 MR. NAIR: \$33,000 in fees for a federal court
9 that is still ongoing. It has been decided already by U.S.
10 Court. Does a pro tem commissioner have more power than a
11 U.S. senior judge?

12 THE COURT: Let me get back to that order.

13 MR. CIRIC: Pages 10 and 11, Your Honor.

14 THE COURT: Okay.

15 MR. NAIR: I hope this court will not make the
16 mistake of overruling a federal judge.

17 THE COURT: I'm sorry, what page did you say, Mr.
18 Ciric?

19 MR. CIRIC: 10 and 11, Your Honor.

20 THE COURT: What is the status of the fee request
21 with the federal court?

22 MR. NAIR: The federal court has denied it in
23 their entirety. That is in Exhibit I think 12 in the motion
24 for revision.

25 THE COURT: Okay.

1 MR. CIRIC: Your Honor, so with respect to the
2 federal court claim, again, it was a motion for fees against
3 Mr. Nair personally. And that was denied, and as pointed
4 out in our response, by Judge Pechman at this point in the
5 litigation with the background thought that she is aware of
6 some of the potential vexatious motions or discovery
7 processes being undertaken and constant pleadings being
8 filed by Mr. Nair, that are inconsistent with court order.

9 That being said, the \$29,000 that was awarded in
10 favor of the guardian was in terms of the guardianship
11 estate. That wasn't an amount sought or awarded against Mr.
12 Nair. And that's typical in presenting an accounting or
13 report to the court, is we request that the court reviews
14 the fees and costs incurred by the guardian on behalf of the
15 guardianship and awards such against the guardianship
16 estate, and that's what Commissioner Velategui did. He
17 reviewed the affidavit and found that those were reasonable.

18 The amounts that were assessed against Mr. Nair
19 personally were segregated out with respect to the petition
20 to terminate the guardianship, the numerous and voluminous
21 pleadings there, the several hearings we had on that issue
22 and also his vulnerable no protection action petition and
23 hearings we had on that issue, and those amounted to
24 \$10,439.90, and those were the ones that were awarded
25 against Mr. Nair. Those ones were not related to the

1 federal action at all.

2 Judge Pechman had no point in time limited the
3 guardian from seeking approval of reasonable fees and costs
4 against the guardianship estate. She only limited, at this
5 point in time, against seeking against Mr. Nair personally.
6 We do intend to refile a motion should we be successful in
7 dismissing that federal action to assess what fees were
8 already assessed against the estate to be reimbursed by Mr.
9 Nair.

10 THE COURT: Okay.

11 MR. NAIR: Your Honor, as can be clearly seen from
12 Exhibit 12, this so-called attorney actually filed a motion
13 for attorney fees both with federal court and with
14 commissioner Velategui for the cost of defending the
15 guardian against the federal case. The federal case was
16 initially dismissed and then reopened based on my motion for
17 revision. And he had brought the motion for fees in between
18 the time between when it was dismissed and reopened. And
19 U.S. Judge Pechman denied flat out, saying that the case is
20 still going on and there is no -- no fees is appropriate at
21 this point. But Commissioner Velategui still awarded
22 \$29,000 in fees for representing the client in the federal
23 court. And that same -- they are completely mutually
24 opposing. The federal court's action is -- that supersedes
25 the commissioner's award of the fees. So I humbly pray the

1 court that the federal court's action should be respected
2 and that all the fees award -- the award of fees should be
3 denied. Because otherwise, it would be a direct contempt of
4 the federal court.

5 THE COURT: Okay. In my mind, I was so focused on
6 the revision issues as to the substance of the guardianship.

7 MR. NAIR: (Inaudible).

8 THE COURT: Let me just say, I'm going to think a
9 little bit more about this. And so what I'm going to ask,
10 and I do not want another big stack of things, but today is
11 the 11th, let's say by the 18th of next week -- and you
12 don't have to present a brief if you don't want to. If you
13 just want to give me a one-page thing that tells me where to
14 go and what I already have here to look at this, but present
15 that to me in one week, let's say by four o'clock on the
16 18th with proposed orders, and then I'll address the fee
17 issue then. So one week, five-page note, nothing more than
18 five pages.

19 MR. NAIR: Exhibit 12 in my motion has that order
20 from federal court.

21 THE COURT: Okay. So then you may just say:
22 Judge, pleading paper -- Judge McHale, look at Exhibit 12
23 specifically. Which I have here. If you want to say in a
24 short period of time what it is I should look at there in
25 particular, then you can do that. And then if you all get

1 that to me by Friday after the 18th -- by Friday the 20th, I
2 will get a decision to you on that. Okay. So I'm going
3 to -- I'll sign these orders. I'm going to put --

4 MR. NAIR: Your Honor, may I ask one last
5 question?

6 THE COURT: Yes.

7 MR. NAIR: Is there any good reason why you have
8 not made a decision in favor of my mother so that she can
9 meet with the family and so that we can work with a
10 reasonable guardian like Stuart Warren so that my mother can
11 visit her family? I mean, she has been held in solitude,
12 illegal -- in solitary incarceration for the last six
13 months. And this court has a constitutional duty to award
14 that. Because there's again six of the statutes have been
15 presented and so many of the state statutes and
16 constitutional rights of both my mother and us. So at least
17 we hope that the Court will -- for the sake of its own
18 public integrity and reputation, at least replace the
19 guardian with somebody who we can work with and at least
20 restore her access to our family.

21 THE COURT: Let me just --

22 MR. NAIR: Because the last thing we want is the
23 public to think that there is no justice with Judge McHale.

24 THE COURT: All right. Get these orders signed
25 and I'll hand these to (inaudible), and I'll get to your

1 question.

2 First of all, as to visitation, I'll repeat
3 again -- or contact with your mother, I have no authority
4 over Harborview. And I understand that's beyond where your
5 question is now, but --

6 MR. NAIR: Why do you --

7 THE COURT: -- right now you're in a situation
8 where Ms. Copeland is appointed as the guardian for your
9 mother. What I see in everything that's been presented
10 here, though you disagree, she is working hard to do what is
11 in your mother's best interest there.

12 MR. NAIR: Killing her is in her best interests?

13 THE COURT: There've been concerns that are
14 brought to her and to others over time when visits have
15 happened, when there've been contacts with medical providers
16 and others that -- I don't want to put words in her mouth,
17 but make it seem as if it's an unsafe situation or that it's
18 not in your mother's best interest for you to be there
19 visiting now.

20 So despite your love for your mother and your
21 explanations for some of these particular situations that
22 have happened, I see what I see there, and it shows me -- I
23 think for purposes of this, I'm not looking at clear, cogent
24 and convincing evidence as I am when a guardianship is
25 entered, but by a preponderance of the evidence that these

1 incidents may have happened. And so for your mother's
2 safety, I'm allowing her to continue in her role as the
3 guardian and directing your mother's care as she sees fit.

4 But that doesn't mean that can't change, but that
5 change is going to take some act on your part, showing that
6 you're able to control your frustration and that you can
7 take further acts in your mother's best interest.

8 MR. NAIR: I've always taken the best acts in my
9 mother's best interest.

10 THE COURT: I understand, but I think you would
11 probably admit that your temper may rise at times. And so I
12 think that -- and I wasn't there, but that may have led to
13 some of the problems that have come forth.

14 MR. NAIR: The problem there is --

15 THE COURT: I know this is a difficult, bad issue
16 for everybody to have to be addressing here, and I'm doing
17 the best that I can with it. I hope there are some
18 opportunities to make the situation improve. And that will
19 end today's hearing. I'll stand by for your briefing by
20 next week. All right.

21 (Proceedings concluded at 3:19:27 p.m.)
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C E R T I F I C A T E

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I, Rebecca Donley, a certified court reporter in and for the State of Washington, do hereby certify:

That the foregoing was transcribed by me;

That the foregoing is a true record of the audio/video recording given to me, to the best of my ability.

I further certify that I am in no way related to any party to this matter nor to any counsel, nor do I have any interest in this matter.

Witness my hand this 26th day of December 2019.

Rebecca Donley _____

REBECCA E. DONLEY, CCR
CCR License #3184
Certified Court Reporter in and for the State of Washington,
Court-Approved Transcriptionist for King County, Washington,
residing in Poulsbo, Washington.

EXHIBIT B

1 THE SUPERIOR COURT FOR THE STATE OF WASHINGTON

2 IN AND FOR THE COUNTY OF KING

3

4 In the Guardianship of:)
5 OMANA THANKAMMA,) No. 18-4-05231-6 SEA
6 An Incapacitated Person.)

7

8 In the Matter of:)
9 OMANA THANKAMMA,) No. 19-2-26860-3 SEA
10 A Vulnerable Adult)

11

11 v.)

12 CHANNA COPELAND,)

13

13 Respondent.)

14

14 MOTION HEARING

15

15 Pro Tem Commissioner Carlos Velategui Presiding

16

16 November 6, 2019

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TRANSCRIBED BY: Bonnie Reed, CET
Reed Jackson Watkins
206.624.3005

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A P P E A R A N C E S

On Behalf of Jayakrishnan Nair:

DAN ROBERT YOUNG

Dan Young Law Office

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On Behalf of Channa Copeland:

ERMIN CIRIC

Regeimbal, McDonald & Young, PLLC

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Also present:

Jayakrishnan Nair

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November 6, 2019

THE COURT: Thankamma.

MR. CIRIC: Good morning, Your Honor.

THE COURT: I have this CD which apparently is a copy of, what, the YouTube video?

MR. CIRIC: Yes, Your Honor.

THE COURT: How long does it take it to watch?

MR. CIRIC: I've actually cited out the relevant portions in the response. It's a 42-minute video. But in my response I've cited out the portions where there's the kissing and the hugging and all the other stuff.

THE COURT: Oh. So it's part of the record, but you can describe it explicitly?

MR. CIRIC: Sure. Sure. Thank you.

THE COURT: All right. Have you seen it?

MR. YOUNG: I have not, Your Honor.

THE COURT: Because your client put it on the YouTube, so -- as I understand it. Is that how it got there?

MR. CIRIC: Yes, Your Honor.

MR. NAIR: I haven't seen it either, Your Honor.

THE COURT: Oh. How did it get on there on YouTube?

MR. NAIR: I wanted to share with her that what is going on (inaudible) real life (inaudible).

1 THE COURT: How did it get on YouTube?

2 MR. NAIR: I don't know.

3 THE COURT: Well --

4 MR. NAIR: I don't know, it was --

5 MR. CIRIC: It was a live session by Mr. Nair, Your Honor.

6 THE COURT: A live session.

7 MR. NAIR: Because I wanted to show that she was going
8 neglected and she was not getting any care for the guardian,
9 I initiated the live session so she can see for herself.

10 THE COURT: I see.

11 MR. NAIR: Because she didn't believe me.

12 THE COURT: And who connected it with YouTube?

13 MR. NAIR: The YouTube was a live session show. It was my
14 (inaudible) to go to Ms. Copeland that my mother was being
15 neglected and not getting any care.

16 THE COURT: So it's a matter of public record.

17 MR. CIRIC: Yes, Your Honor.

18 THE COURT: Available to the world.

19 MR. NAIR: I showed -- I was showing her what's happening.
20 That was my (inaudible).

21 MR. YOUNG: Was that at Paramount?

22 MR. NAIR: At Paramount, yes.

23 MR. CIRIC: So, Your Honor, just for the record, Ermin
24 Ciric here on behalf of the guardian, Channa Copeland. And
25 Ms. Copeland is here with us as well.

1 THE COURT: Okay. Let me just get out a -- they hide the
2 writing pads in here. I never know where I'm going to find
3 them next. Thank you. Okay. So...

4 MR. YOUNG: And I'm Dan Young on behalf of Mr. Nair.

5 MR. NAIR: And Ms. Copeland is the only person I shared it
6 with and she had no --

7 THE COURT: I'm sorry. You have a lawyer here, so unless
8 I ask you a question, you're not to interfere.

9 MR. NAIR: (Inaudible).

10 MR. CIRIC: Your Honor, just a few -- I'm assuming you've
11 gotten a stack on stack on stack of documents.

12 THE COURT: I would say it's about 5 or 6 inches.

13 MR. CIRIC: Yes, Your Honor. Just a few procedural issues
14 that I'd like to address before getting into the substantive
15 matters.

16 THE COURT: All right.

17 MR. CIRIC: It's a personal service request by Mr. Nair
18 that seems to keep coming up and the untimely response by
19 Mr. Nair filed yesterday.

20 THE COURT: Which response was that?

21 MR. CIRIC: He filed a -- as far as I received on eServe,
22 he filed the response to the petition -- the amended
23 petition for instructions.

24 THE COURT: I don't always remember the titles of the
25 documents I've read. So there's a guardian's response.

1 That's not it. Here's a guardian's response.

2 MR. CIRIC: It's unlikely that you received working
3 copies, Your Honor. Like I said, it was filed yesterday.

4 THE COURT: Is it this response to petition for
5 instructions, this?

6 MR. CIRIC: Yes, Your Honor.

7 THE COURT: This -- oh, really? That appears to be --

8 MR. CIRIC: Lengthy.

9 THE COURT: -- a couple hundred pages.

10 MR. CIRIC: Yes, Your Honor. I did my best to try to go
11 through it as quickly as I could this morning. But we do
12 object, obviously, to that.

13 But first getting to the personal service requested by
14 Mr. Nair. If Your Honor recalls, previously our office was
15 telephone conferenced in, and an order was entered by the
16 court that required Mr. Nair to personally serve the stack
17 of documents he had submitted to the court on that time. I
18 was only involved with part of -- because I was at another
19 hearing -- with part of the telephone conference, and my
20 recollection was that he was supposed to serve those
21 documents to us before the end of the next day, which was
22 October 22nd, 2019. We didn't receive the documents until
23 midday October 25th, 2019.

24 However, Mr. Nair has filed several federal actions, Your
25 Honor, alleging that this court doesn't have jurisdiction.

1 The guardian has waited for months to get instruction. And
2 we're okay with proceeding as to the VAPA and the
3 guardianship petition even though it was -- the documents
4 weren't provided as ordered by this court because we do feel
5 it's in Ms. Thankamma's best interests to get findings and
6 instruction from this Court.

7 THE COURT: But you're objecting to his late pleadings
8 that you got yesterday?

9 MR. CIRIC: Yes, I am objecting to that. And the reason I
10 raised it -- raise it right now, Your Honor, with respect to
11 what happened at the last hearing is that Mr. Nair has now
12 filed -- and I believe is part of this response as well --
13 in the federal action and he's alleged that your -- that
14 Your Honor has somehow in that order, which is Exhibit 18 to
15 the guardian's response, now required the guardian to
16 personally serve him any and all pleadings moving forward.
17 That was not my understanding, and that's not what the order
18 entered by the court instructed us to. This is pretty much
19 a pro bono estate. There are no funds and no assets. So
20 requiring the guardian to personally serve Mr. Nair is
21 extremely prejudicial.

22 I did include -- I modified the guardian's proposed order
23 proving the petition for instruction to reflect that there
24 is no such personal service requirement outside of what's
25 provided by statute in the civil rules.

1 I'd also request that Your Honor -- I know you're sitting
2 pro tem, but that you would retain jurisdiction so that we
3 don't have to go through the introductions each and every
4 time we're before the court. So that's the first procedural
5 objection.

6 The second one is with respect to Mr. Nair's untimely
7 response. In usual fashion, hundreds of pages were
8 submitted the day before the court hearing. Under King
9 County Local Court Rule 98.20(d) provides that reports,
10 accountings and contested or noted matters in guardianship
11 proceedings are to be noted 14 calendar days before. A
12 response is due no later than four court days noon with -- I
13 had communicated this concern to Mr. Paul Barrera, who had
14 reached out to my office indicating he now represented
15 Mr. Nair. And I had cited the relevant court rule to him.
16 Nonetheless, Mr. Nair yesterday served us with his response
17 to the amended and renewed petition.

18 The guardian filed and served her amended and renewed
19 petition the same day that the Court instructed all of us to
20 come to the hearing today as to all the other issues that
21 were raised by Mr. Nair. And there's King County eServed on
22 October 21, 2019, Mr. Nair received, gave him 16 days prior
23 to today's hearing to respond. He chose not to until the
24 last day.

25 As soon as Mr. Nair and Mr. Barrera, who was responding on

1 his behalf, were notified that Mr. Nair received copies of
2 this because Mr. Nair objected to this -- the hearing today
3 on the amended petition saying he was never served. I
4 provided them the copy of the certificate of eService which
5 was filed with the court, and immediately minutes later
6 Mr. Nair withdrew from eServe and since then has said that
7 the guardian needs to personally serve him everything.

8 THE COURT: The certificate of eService, was that arranged
9 previously?

10 MR. CIRIC: No, Your Honor, it's through the court's
11 eFiling system. So if he was registered for eService
12 through his email: JKNair@gmail.com. And I have copies
13 here for the Court.

14 THE COURT: Oh, so he registered --

15 MR. CIRIC: Yes.

16 THE COURT: -- to accept eService.

17 MR. CIRIC: Yes, Your Honor.

18 THE COURT: Is that correct?

19 MR. CIRIC: Yes. I have copies are for counsel as well.

20 And he received those pleadings the same day that they
21 were filed with the court. And that eServe certification
22 was filed with the court as well. And immediately as soon
23 as I sent over that confirmation to him saying, Mr. Nair,
24 you received this at the same time, he withdrew from
25 eService and said we needed --

1 MR. NAIR: (Inaudible).

2 THE COURT: Do not comment. Do not say another word or I
3 will exclude you from the courtroom.

4 MR. NAIR: Okay.

5 MR. CIRIC: So, Your Honor, he should have responded on
6 October 31st; he didn't. He waited until the very last day.

7 The reason I really want to bring up the objection is what
8 was filed with respect to Mr. Paul Barrera, who was
9 attempting to represent -- or indicated to everyone he was
10 representing Mr. Nair. Mr. Nair has filed pleadings with
11 this court in -- as attached to that response to the
12 guardian's petition and amended -- amended petition for
13 instructions and included a declaration from Mr. Nair, an
14 attorney, wherein Mr. Barrera is saying he is going to be
15 and needs to be a witness at today's hearing. I don't see
16 Mr. Barrera at today's hearing, however.

17 Again, in large part, Mr. Barrera's. Again, in large
18 part, Mr. Barrera's declaration went to that Harborview's
19 position right now is Mr. Nair is restricted from the
20 facility because of safety concerns for Ms. Thankamma and
21 staff. And that was filed as part of Mr. Barrera's
22 declaration, that Harborview -- that's Harborview's
23 position. He's also included Exhibit 27, which waives
24 attorney/client privilege with Mr. Barrera. It's
25 communication between Mr. Nair and Mr. Barrera.

1 In his declaration, counsel Barrera says: "Well, I'm
2 expected to be a witness and under RPC 3.7, the advocate
3 witness rule, I can't appear and advocate for Mr. Nair."

4 However, he did advocate for Mr. Nair. The relevant
5 correspondence, which is Exhibit 27, filed by Mr. Nair
6 states, quote, Nair: "Could you describe the reason you are
7 choosing to not represent me on November 6th? I am still
8 trying to get representation, and it looks fishy that you
9 would withdraw at such a critical time. If you are
10 backtracking, at least we should be able to show why as the
11 Court wanted us to be represented. So if I have to go to
12 court on my own again, then what explanation do I give the
13 Court?"

14 Mr. Barrera responded by providing Mr. Nair the
15 declaration, signed, and further provides representation as
16 to service issues and states as follows -- pretty much
17 recommending that today he should try to get a continuance.
18 Mr. Barrera states, quote : Rebut any declaration that you
19 were served in time. And if the Court decides too many
20 issues exist, ask for a two-week continuance to file a
21 motion to consolidate, a motion to assign an individual
22 judge. Pose the request for attorney's fees as premature,
23 end quote. Mr. Barrera also cites to a separate legal
24 letter that was being sent to Mr. Nair as to the legal
25 issues that are before the Court today.

1 The reason I raise this, Your Honor, is because the
2 advocate witness rule under RPC 3.7 clearly states that you
3 can't, as an attorney, act as witness and counsel at the
4 same time, and those are the very documents that have been
5 presented to this court to try to for some reason bolster
6 Mr. Nair's credibility today. It's improper and they should
7 be stricken from the court.

8 One key facet of the declaration and the response, Your
9 Honor, is that Mr. Nair, all of a sudden a day before the
10 hearing, is saying he's open to having Ms. Thankamma
11 relocated to India with family. This was extremely shocking
12 to me. And the only way I was able to actually find it in
13 the 23-plus-page response is it was in the headline: Accept
14 CR 68. We sent the CR 68 months ago. We sent him several
15 letters saying, Mr. Nair, we understand you object to the
16 court's jurisdiction, we understand you have concerns.
17 Let's try to come up with a proposal that we can present to
18 the Court which the Court would find is in the best
19 interests of Ms. Thankamma if family is willing to accept
20 her in India. Not a single response, Your Honor. He's
21 filed hundreds of pages of pleadings up to yesterday; not a
22 single response to that request. So I do feel that that
23 request today that Ms. Thankamma be removed back to India to
24 be with family was made in bad faith and is really a guise
25 to have Mr. Nair argue for some kind of a continuance today.

1 Accordingly, I would request that the response and any
2 testimony and declaration offered by Mr. Barrera be stricken
3 and not considered. And I do feel that the Court has
4 jurisdiction. The issues are very important, and they
5 should be ruled upon today.

6 Because of these procedural objections, I leave it to the
7 discretion of the Court as to presentation of argument on
8 the substantive issues. But I'd recommend that we address
9 Mr. Nair's VAPA petition and his petition to terminate the
10 guardianship in unison because they are based on really the
11 same types of allegations. And then we can proceed to the
12 guardian's petition for instruction, Your Honor.

13 THE COURT: So much of what was in his response -- which I
14 didn't know was delivered late -- appears as well, I
15 believe, in the VAPA case.

16 MR. CIRIC: Yes. I would argue that, Your Honor, it's
17 pretty duplicative in terms of all the petitions that are --
18 and that's why I would argue that there's no real reason to
19 have that response in place. He's -- effectively, he
20 constructively responded to the guardian's petition. You
21 know, he said no, the guardian -- the guardianship should be
22 terminated, and the guardian should be restrained. And he's
23 presented his allegations.

24 THE COURT: Do you want to respond to those procedural
25 objections?

1 MR. YOUNG: Yes. I haven't seen the response, so I guess
2 I'm at a disadvantage there.

3 THE COURT: Oh, I'm sorry. When were you retained?

4 MR. YOUNG: Basically yesterday -- last night. He did not
5 have representation for this morning, and I so I said I
6 would see what I could do. He sent me a bunch of documents,
7 which I looked at. But the response wasn't there, although
8 I did see the declaration of Mr. Barrera.

9 I don't see why that is even an issue in terms of being
10 available for the Court's review. Obviously at trial, an
11 attorney cannot represent a client and then testify at a
12 proceeding. And I think that's why he withdrew, so that he
13 would not have that dual role. And so -- but that doesn't
14 mean that he can't state what he saw and observed personally
15 and why the Court cannot consider that. He's not
16 representing Mr. Nair right now. So, therefore, he doesn't
17 have that conflict and is arguing his own credibility
18 anyway, which is the reason for that rule.

19 In terms -- and I don't think the federal cases make any
20 difference here. I don't even know what those claims are.
21 I haven't seen those. It seems to me this is a guardianship
22 proceeding. And I think the solution that Mr. Nair came
23 upon may be one best for everybody because the ward is not a
24 citizen of the United States. She's from India. She was
25 only here visiting her son. She had strokes and so forth,

1 and then her physical condition deteriorated. She doesn't
2 have any money. She doesn't qualify for any benefits, as
3 far as I'm aware of.

4 THE COURT: Oh, I'm sorry, Counsel. I'm unaware of any
5 evidence that she has no money or no assets. They may not
6 be located in the United States and they may be for all I
7 know. The evidence thus far indicates that in the joint
8 account, \$500,000 went in and out. Some \$60,000 -- \$66,000,
9 is the number I recall, went in and out. It was a joint
10 account.

11 When Mr. Nair complains or talks about when all this is
12 done, he talks about our real estate business which would, I
13 guess, imply that he had a real estate business with his
14 mother and that she had some interest in these funds. The
15 \$10,000 that the guardian has sequestered came out of a
16 joint account, and no accounting has been provided by
17 Mr. Nair to indicate the source of those funds. And so I
18 understand you just got the case yesterday. Your client is
19 waving his hand up in the air, but he's had some 16 days to
20 prepare for this hearing and his papers -- his papers to
21 include a substantial declaration from a lawyer who may or
22 may not have been entitled to respond in that declaration
23 was only delivered to opposing counsel yesterday.

24 So I'll let you finish your argument before I tell you
25 what all that means.

1 MR. YOUNG: Okay. Well, obviously, I didn't know that the
2 monetary issue was the subject of the proceeding today.
3 Clearly, if there's a joint account, that doesn't mean that
4 each joint holder of the account has the money. One can
5 trace the funds, and if one person put all the money in,
6 presumably that's his money and doesn't belong to the other
7 joint holders. But I don't think that's an issue today.
8 What I was getting at is --

9 THE COURT: Well, I think it is an issue. The motion is
10 to allow the guardian to use the funds to provide for the
11 ward's care and potentially the costs of administration,
12 which would eat up the entire \$10,000 in two heartbeats.

13 MR. YOUNG: Well, then that should have been addressed in
14 there. I didn't particularly see that. But it's my
15 understanding that that was his account and not hers.

16 THE COURT: Well, but that's --

17 MR. YOUNG: He provided the funds.

18 THE COURT: That's an understanding that he provided the
19 funds, as I indicated, hasn't been shown.

20 MR. NAIR: (Inaudible), Commissioner.

21 THE COURT: Sit in the back of the courtroom, sir. You
22 can watch the proceedings from there. I indicated to you
23 earlier, twice now, you are not to interrupt.

24 MR. NAIR: But they are telling lies.

25 THE COURT: I --

1 MR. NAIR: What they are telling you is nonsense. Every
2 money that is in that account is mine.

3 MR. YOUNG: Please, please.

4 MR. NAIR: I mean, you should have some brain sense inside
5 your head.

6 MR. YOUNG: You know, I apologize, Your Honor, and ask the
7 Court not to --

8 THE COURT: The behavior exhibited by Mr. Nair is
9 representative of his appearance in this court every single
10 time he's been here.

11 MR. NAIR: The money belongs to me. I have proof of it.
12 It's in the account.

13 MR. YOUNG: Please, please.

14 Well, I wasn't at the other -- I'm not -- I can't say
15 something, Your Honor. But obviously different people have
16 different points of view and different -- and coming from
17 different cultures, as I'm sure Your Honor is aware, have
18 different --

19 THE COURT: Mr. Nair has represented that he's a
20 multimillion in the past. I don't think he's hamstrung by
21 being a citizen or his country of origin is not the United
22 States. I think that he's quite competent. And, in fact,
23 having spent the morning reading papers that were late
24 delivered and having found his way into the federal district
25 court with some 50 counts of Plaintiff's complaint against

1 the defendants, somehow I don't find that argument
2 persuasive.

3 MR. YOUNG: Well, he certainly has some skills, I'll say
4 that. But I'm -- all I'm suggesting is that there are
5 cultural differences that perhaps make him behave in certain
6 ways that are not normally expected in our culture. That's
7 all I'm saying. And I think what I was getting at is that
8 one solution to the issue, it appears to me, if we're
9 looking for a practical solution, would be that he take his
10 mother back to India where she originally came from. And
11 that would, seems to me, solve a lot of these issues.

12 MR. CIRIC: Your Honor, if I could, just a quick reply.

13 THE COURT: Thank you. I'm going to rule on the late --

14 MR. CIRIC: Sure. That's the very point of my objection.
15 You know, counsel started off with Mr. Nair did not have
16 representation. He did. He had Mr. Paul Barrera contact my
17 office since the last hearing in this matter to get
18 visitation and to submit the letter that this court ordered
19 Mr. Nair submit. And so Mr. Barrera was representing him
20 this entire time, and no response was filed by either
21 Mr. Nair or Mr. Barrera. And it's improper to do any type
22 of continuance on that basis.

23 THE COURT: Do you have a notice of intent to withdraw
24 from Mr. Barrera?

25 MR. CIRIC: He never even filed a notice of appearance.

1 THE COURT: Do you have a notice of consent to
2 substitution?

3 MR. CIRIC: No. And the fact of the matter is, Your
4 Honor, is that everything is before -- you know, what I'm
5 getting from opposing counsel is what I was anticipating
6 which is: Well, we don't need to enter these findings. We
7 don't need to give the guardian litigation authority. We
8 don't need to potentially request an accounting because
9 there's an option there. But we don't have anything in
10 writing. We have no proposal to get her to India. And if
11 Mr. Nair is serious, he's shown that he can write, he can
12 communicate with my office. We've requested multiple times,
13 let's put together a proposal. That's not before the Court
14 today.

15 What's before the Court today is a petition to approve the
16 90-day inventory and instructions for litigation, Mr. Nair
17 VAPA's petition to terminate the guardianship -- and his
18 petition to terminate the guardianship. Those are the only
19 things before the Court. There's no solid proposal,
20 particularly with respect to safe discharge, which I'm sure
21 Harborview is going to have their own concerns to share with
22 just handing the reins over to Mr. Nair with respect to
23 where Ms. Thankamma should be.

24 We're not opposed to her going to India. We just think
25 that we need to come up with a joint solution and proposal

1 where one family member from India will agree to take her on
2 or some type of custodian and put that before the Court.
3 But that should be brought at a separate day and a separate
4 hearing, Your Honor.

5 THE COURT: Okay. All right. So your motion in principle
6 relates to the \$10,000 and instructions?

7 MR. CIRIC: Yes, Your Honor.

8 THE COURT: Your client's motion is to pursue a VAPA
9 complaint against the guardian.

10 MR. YOUNG: Well --

11 THE COURT: Is that correct?

12 MR. YOUNG: Well, what he really wants is visitation.

13 THE COURT: He has a VAPA petition before the court.

14 MR. YOUNG: Yes, he does.

15 THE COURT: All right. You'll be able to argue that.
16 You'll be able to argue yours. Let me think here. I think
17 that the arguments will be consolidated. I think that
18 because the response to the VAPA petition will include a
19 presentation by the guardian that will include, in essence,
20 the argument for the petition for instructions that will
21 begin with counsel's presentation of the basis for the VAPA
22 petition, to which you'll be able to respond in full,
23 addressing both your motion and your response to the VAPA.

24 MR. CIRIC: It makes sense to me, Your Honor.

25 THE COURT: I think that's the best way to proceed.

1 So, Counsel, do you want to pursue the --

2 MR. YOUNG: Okay. The -- what he really wants is to be
3 able to visit his mother. That's the basis of it. He's
4 been prevented from doing that for the last four months.
5 And he -- obviously, the ward has the right to see people,
6 socialize, determine her friends and that sort of thing.
7 He's her only son and has a close relationship with her.
8 She's now in a country where she doesn't speak the language.
9 She's probably marooned there in the hospital, and it's very
10 disconcerting to an older person to be in that kind of a
11 situation not being visited by family. And it seems like
12 there are a lot of artificial barriers put on his
13 visitation, and he would just like those removed. And he
14 would like to have access to his mother.

15 And I would object to the declaration submitted in support
16 of that. They contain all sorts of statements about staff.
17 Well, I've been informed by staff, and I've been informed by
18 these people and staff says, blah, blah, blah, but there's
19 no identification of who those staff are, what the specific
20 details are, and so forth. And that's obviously hearsay.
21 If they want to use stuff like that, then they should submit
22 the declaration from the staff person that gives the details
23 of what exactly happened and why Mr. Nair should not be able
24 to see his mother, what danger or harm did he -- or does he
25 represent to her.

1 MR. CIRIC: Your Honor, responding to that just quickly is
2 that no identification in that there's been some type of
3 arbitrary restriction is incorrect. We've submitted before
4 this Court both the medical report which -- the medical
5 documents which identify the staff and the concerns from
6 staff with respect to Mr. Nair and his family -- and other
7 family members continuing to try to feed or provide liquids
8 to Ms. Thankamma.

9 We've also submitted the police report where Mr. Nair was
10 walked in on, I believe it was a nurse, and there was an
11 altercation because he was found to have his legs wrapped
12 around Ms. Thankamma, and Ms. Thankamma's breast was exposed
13 at the time. And so those are all before the Court.

14 And really, Your Honor, just getting to the VAPA again,
15 the allegations here are consistent, are the same in the
16 federal actions, and are the same here. There were three
17 orders entered against Mr. Nair with respect to not having
18 Ms. Thankamma live with him at the home. This was in August
19 of 2018 when a five-year permanent restraint order was
20 initiated by APS, was entered against Mr. Nair. It
21 restrained him from placement decisions. A criminal
22 proceeding was brought. A criminal court entered an order
23 restraining Mr. Nair from placement decisions.

24 And then the guardianship order, which was agreed to, and
25 Mr. Nair and both Ms. Thankamma were represented by

1 independent counsel provides that the guardian shall be
2 guided by the VAPA entered in place and shall make
3 visitation decisions in the best interests of the IP, the
4 incapacitated person. So that's three separate orders.

5 And I think what this all boils down to, Your Honor, and
6 I've cited in my page 8 of the VAPA response, is the email
7 correspondence -- there's been hundreds -- between Mr. Nair
8 and the guardian. Mr. Nair says, quote, in May of 2019:
9 "All you need to do is call an ambulance and let her" --
10 referring to Ms. Thankamma -- "go. We have a large family
11 ready to take care of her. The best place for her is home.
12 Any sane person can see the best thing to do for her
13 emotional and physical well being is to return home unless
14 they have a nefarious objectives."

15 So even after three court orders were entered and an
16 agreed order that he agreed to, he requests a -- he kept
17 requesting from the guardian to return her to him in his
18 home.

19 The guardian responded: "This is not how it works. There
20 are processes in courts involved now. I can't move anyone,
21 your mother or otherwise, without telling the court and
22 especially not to the home that she was removed from the
23 police for neglect."

24 The guardian at that time had obtained roughly \$10,000
25 from a joint account and instructed Mr. Nair. "I need to

1 get permissions. I can pay for her insurance but if I pay
2 for her insurance, I cannot pay for an immigration attorney
3 to help me get her residency status and Social Security
4 number to get her on Medicaid. Who will pay for her nursing
5 care?" That's after Mr. Nair stopped paying private pay
6 insurance for Ms. Thankamma.

7 When these lines of communication show that the guardian
8 was not willing to overstep what authority this court had
9 entered by three separate orders, that's when communications
10 broke down. That's when all the threatening and personal
11 emails started.

12 And this is really what it's about, Your Honor, it's a
13 loss of control. It's not about cultural differences. It's
14 a son that feels he's lost control over his mother in an
15 inappropriate relationship. In August of --

16 MR. NAIR: Watch your tongue, man.

17 MR. CIRIC: In August of 2019, Your Honor --

18 THE COURT: One more outburst and you'll be sitting
19 outside in the common area and not in the courtroom.

20 MR. CIRIC: In August of 2019, Your Honor, the guardian
21 prepared and filed her original petition for instructions
22 with this court as to these very issues. We set it for
23 August 22nd hearing. We provided service to Mr. Nair. Not
24 a single objection was sent. At 4:18 p.m., I receive an
25 email from the clerk forwarded, which included Mr. Nair's

1 request to strike the hearing the very next day. That's 12
2 minutes before the end of business day. I scrambled to
3 figure out what was going on. He had filed the federal
4 causes of action for removal and with respect to alleging
5 that this court didn't have jurisdiction. Out of an
6 abundance of caution, I struck the hearing, came here and
7 submitted the notice striking and provided it.

8 That day, August 22nd, is when Mr. Nair actually filed the
9 notice of removal required by U.S. Code Section 114. It was
10 a tactic by him to wait to the eve of the hearing and then
11 is now alleging that he doesn't have access to Mom, Mom's
12 funds aren't being used properly when he's the very cause of
13 this. We spent months in federal court getting this case
14 kicked back to state court.

15 The VAPA itself, Your Honor, Mr. Nair has complained about
16 the guardian and myself and sued myself and my firm to
17 everyone and anyone under the sun; this has included the
18 police, he's filed criminal complaints, the Washington state
19 bar association, the CPG Board, the APS, the mayor's office,
20 ACLU. Pretty much any organization or entity, he's filed a
21 report or requested an investigation.

22 These are all mandated reporters of abuse, and not one
23 single negative report or investigation, Your Honor. To the
24 contrary, Exhibit 17 to the response is APS's findings which
25 say that it is more likely than not the alleged financial

1 exploitation, neglect and mental abuse did not occur, the
2 allegations are unsubstantiated. The remaining allegations
3 are all frivolous, Your Honor, because they were caused by
4 Mr. Nair trying to get this kicked up to federal court.

5 As to the unconstitutional restraints, there are none.
6 The incapacitated person that Mr. Nair entered an agreed
7 order to guardianship. There was no unconstitutional
8 restraint. The guardian offered several times to come up
9 with a proposal on getting Ms. Thankamma relocated to India.

10 And on the cultural point, Your Honor, I believe it was
11 the sister that communicated that Mr. Nair, as the sole son,
12 in India has the decision-making authority. So it would be
13 very difficult for us just to transfer over to one of the
14 family members without him being involved.

15 The medical issues, not true, Your Honor. Mr. Nair's own
16 witness and non-family member emailed the guardian that the
17 last time he saw the incapacitated person, she was fine.
18 Additionally, a full code was implemented in favor of the
19 incapacitated person, and deciding code status was the very
20 authority that Mr. Nair and the incapacitated person agreed
21 to in the order appointing. That's page 6 of that order.
22 The guardian hasn't acted improperly.

23 Mr. Nair alleges some improper restraining in interacting
24 with Harborview or some collusion. Not true. The reason
25 Ms. Thankamma was placed in Harborview was after the police

1 came in and saw him wrapped -- wrapped with his legs around
2 his mother.

3 MR. NAIR: Commissioner, do you allow all these lies to be
4 happening? I mean, this guy is getting lies and lies, and
5 you're just listening to that and you're asking me to shut
6 up. That is nonsense.

7 THE COURT: Mr. Nair. Mr. Nair. You can sit out in the
8 common area on the other side of the windows and watch. I'm
9 done. Mr. Nair, I'm finished with you interrupting.

10 MR. NAIR: I'm finish with this Court also. What he is
11 doing is nonsense. Your incompetence is being exploited by
12 these people.

13 MR. YOUNG: Mr. Nair, please don't do that. (Inaudible).
14 I apologize, Your Honor, for my client.

15 MR. CIRIC: Your Honor, a notice of change of
16 circumstances after these events occurred was filed by the
17 guardian and served on Mr. Nair, it was filed with this
18 court. That's Exhibit 5. That exhibit identifies the
19 location of Ms. Thankamma. There's been no efforts to try
20 to conceal that. And Mr. Nair has himself submitted a
21 letter from -- on October 31st from Harborview saying, we,
22 by our policy, are not permitting Mr. Nair to enter because
23 of the staff and safety concerns.

24 And how has his conduct transitioned over to the care
25 being provided to Ms. Thankamma? Dr. Han (phonetic), the

1 medical provider for Ms. Thankamma, which was also filed by
2 Mr. Nair, filed an antiharassment petition and order. He
3 said, I am not going to provide Ms. Thankamma any more care
4 because of the conduct by the son. The threatening conduct,
5 the personal allegations make me feel unsafe at work and I
6 can't provide her care anymore.

7 THE COURT: And Dr. Han is who?

8 MR. CIRIC: Dr. Han is one of the defendants in the
9 federal action, and he was a former medical provider for
10 Ms. Thankamma.

11 THE COURT: At what location?

12 MR. CIRIC: Harborview.

13 THE COURT: Thank you.

14 MR. CIRIC: And again, Your Honor, this Court's authority
15 sitting as (inaudible) guardian is to make sure that best --
16 and as well the guardian, that the best interests of
17 Ms. Thankamma are being promoted. It's not about what
18 Mr. Nair might or might not want.

19 So we request that the VAPA in full should be denied
20 because there's no basis for it, and we request that fees
21 and costs should be assessed as well.

22 Similarly with respect to the guardianship petition to
23 terminate. Counsel has suggested that all he wants is
24 visitation. That's incorrect. He could have just submitted
25 a request for visitation. The guardian said, well, if

1 you're requesting visitation, it needs to be advance notice
2 and it needs to be by supervision. Since after Mr. Barrera
3 appeared and began his communications with Harborview,
4 Harborview said, no. Because of the safety concerns and the
5 other allegations of Mr. Nair, we're not providing him
6 visitation.

7 These aren't any restrict- -- improper restrictions placed
8 by the guardian. And again, we brought the petition for
9 instruction on this issue. If we receive litigation
10 authority, Mr. Nair will be provided a notice of hearing to
11 be able to assert his right as to why he should or shouldn't
12 be restrained from his mother.

13 And when we look at whether Mr. Nair -- whether this
14 guardianship should be modified, the burden upon Mr. Nair is
15 to present an alternative that's suitable for his mother.
16 He hasn't done one. Clearly, clearly, Mr. Nair is an
17 improper substitute decision-maker with respect to
18 Ms. Thankamma.

19 In addition to the police report, the medical report, we
20 have that video that he posted and was live streamed onto
21 YouTube where he's kissing his mother on the lips, kissing
22 her on the cheeks, kissing her on the neck and kissing her
23 on the area above the breasts. And it's clearly shown in
24 the video, Ms. Thankamma waving her arms to try to wave him
25 off. Those aren't cultural differences, Your Honor. That

1 is abuse towards a vulnerable and elderly adult.

2 Your Honor, if it's not the guardian's fault, it's
3 Harborview. If it's not Harborview, it's Paramount. If
4 it's not Paramount, it's DSHS or the State of Washington or
5 the United States or one of the other 50 defendants that
6 Mr. Nair has sued. It's everyone but Mr. Nair in his eyes.
7 He hasn't changed his conduct at any point in this
8 proceeding or at any point in trying to interact with the
9 guardian. We've done our best to try to communicate with
10 him. We've done our best to try to give him the benefit of
11 the doubt, and he just hasn't changed any of his behaviors.

12 Litigation authority is proper not only with respect to
13 potential restraint proceedings, but as this Court correctly
14 identified, there are assets in question. Mr. Nair has
15 submitted pleadings of an Omana, LLC, which is the name of
16 his mother, implying that Omana might have an interest in
17 real property. There has been the different joint accounts
18 here.

19 And with respect to that, there's been no embezzlement
20 because any joint account holder can withdraw the funds.
21 That doesn't mean their owner -- and the guardian hasn't
22 used them. She put them in a blocked account until
23 ownership is decided. But any joint tenant is provided the
24 right to withdraw or transfer the funds, and that's what the
25 guardian did under the statute.

1 THE COURT: Can you expand on the \$500,000 and the
2 \$66,000, what your recollection of that is?

3 MR. CIRIC: It's similar to the Court's, Your Honor.
4 Again, I'm been trying to focus a lot of my attention on
5 responding to the VAPA and the petition to terminate the
6 guardianship. But that there was commingling and
7 transferring of funds. And what I did want to emphasize is
8 whether this court is going to have authority to have
9 Mr. Nair account, in potential proceedings or today,
10 Mr. Nair in his own vulnerable adult protection proceeding
11 stated that he was Omana's power of attorney for finances
12 since she's been here. And under the Power of Attorney Act,
13 Your Honor, this court is vested with clear jurisdiction and
14 authority to require him to account.

15 At this point in time that's all the guardian had asked
16 for. She said, look, there were funds in the joint account
17 that were \$10,000, we don't know what happened to the
18 \$500,000. We don't know what happened to different real
19 property. We don't know what Omana's LLC is, but if
20 Mr. Nair is going to come in here and say, I was her
21 attorney in fact, her fiduciary, then he should be required
22 to account and provide further information. We haven't even
23 gotten to that step yet, Your Honor. You know, everything
24 has been stalled and delayed in the federal court. We
25 finally have gotten the opportunity to come back to the

1 state court, and we're hit with two different petitions by
2 Mr. Nair to dismiss and to -- the guardianship and to
3 restrain the guardian.

4 We feel both of the petitions by Mr. Nair should be
5 dismissed, and we do feel it's appropriate to assess
6 attorney's fees and costs. Usually I know the Court is
7 hesitant with respect to pro se individuals, but here
8 Mr. Nair has shown he's clearly able to, you know, at least
9 in pleadings, represent his position. So we do feel that
10 the \$3,500 that is being requested should be assessed
11 against him. Thank you.

12 THE COURT: All right. Mr. Nair, you can come back into
13 the courtroom. Sit in the front row.

14 MR. NAIR: Thank you, Your Honor.

15 THE COURT: Do not interrupt. It's your --

16 MR. NAIR: (Inaudible) chance to speak.

17 THE COURT: It's your lawyer's opportunity to speak, and
18 you are not to interrupt.

19 MR. YOUNG: Well, I disagree, Your Honor, with the
20 presentation that counsel has made. I guess I have to
21 confess, I haven't seen all of those documents, all of the
22 police reports and so forth. But my experience tells me
23 that the police reports are not always accurate, and those
24 other kinds of reports are just conclusions by people. I
25 did read the medical report which contains -- which I didn't

1 find very persuasive.

2 And I would submit that if he is on his mother, kissing
3 her and so forth, I would suggest that that is a part of a
4 different cultural understanding than what we have here.
5 That would be unusual in this culture; whether it is in
6 India or not, I can't say. But I suspect there's definitely
7 a cultural component to that.

8 And I don't know how one can say that the mother was
9 waving her arms to get him off when she can't speak English.
10 And that's an assumption of what the waving of the arms
11 mean. It could have other different meanings as well. So I
12 don't find that to be dispositive.

13 I think it's clear, though, that Mr. Nair should be a part
14 of his mother's life and be involved in what is in her best
15 interests and arranging for something that will meet her
16 needs. She probably doesn't have a long time left in life
17 in her particular medical situation, I would suppose. And
18 so it doesn't do much good to bar him from seeing her for
19 whatever life span she has left.

20 And I think there are some other alternatives. I don't
21 know that any less restrictive alternatives were discussed
22 or even considered now, but I suggest that there probably
23 are some. This case could be headed in different
24 directions. I don't know that litigation is going to solve
25 the underlying issues, and so that's why I suggested at the

1 outset that a more practical solution ought to be toward
2 perhaps getting her to India where she can receive care.

3 I think there's no question but that she had bad care at
4 Paramount, there's plenty of evidence in the record to show
5 that. That's what gave rise to a lot of concern on
6 Mr. Nair's behalf, that his mother had vomit on her and
7 there are pictures of that in the record and was not being
8 cared for properly.

9 So she could be cared for at a lot less expense in India.
10 She has family there. It would not be terribly difficult, I
11 suppose, to have family members from India provide some kind
12 of declaration of their willingness to take care of her.
13 She lived there before. That, I don't think, would be too
14 difficult to do, and one could probably make some kind of
15 travel arrangements to have her go there. I don't know that
16 Mr. Nair has investigated that completely, but that seems to
17 me not outside the realm of reasonable practicality and
18 possibility.

19 But I think also that Mr. Nair should be able to see his
20 mother, and I don't see things in the record that would
21 preclude that. There are a lot of things that came out
22 after he started complaining, and he certainly has
23 complained. And, of course, counsel is trying to taint
24 Mr. Nair for pursuing what he believes are his rights, and
25 its not improper to file complaints and try to get relief

1 from the situation that you see yourself in. Mr. Nair has
2 apparently done that to a large degree, but there's nothing
3 improper about making complaints. But he's trying to taint
4 Mr. Nair as though filing a federal lawsuit is somehow
5 improper or frivolous. I'm not aware of any findings of any
6 court that his court proceedings were frivolous, so I don't
7 think that should be held against him. I think it more
8 shows the depth of his feeling to want to be connected to
9 his mother and part of her life and in a position to assist
10 in her welfare. That's what it shows to me.

11 And in terms of the accounting, I don't know about the
12 numbers. These other amounts, I'm not familiar with that.
13 But if that's an issue, he should be able to provide an
14 accounting of where the monies came from, and I believe he
15 has records to that effect. He should have records to that
16 effect and can satisfy the Court as to the source of the
17 funds and whose monies they actually are.

18 It's my understanding that she does not have certainly
19 assets in this country and doesn't work or have income. But
20 whether she has investments or not, I guess I don't know.
21 But whether they can be reached or not is another question.
22 So I think that could be supplemented if that's an issue
23 about those things.

24 But I think the issues really are -- the more important
25 issues are Mr. Nair's right to see his mother and her right

1 to see her son, and there should be some way to provide that
2 and that's very important to Mr. Nair.

3 THE COURT: Thank you. So the Court --

4 MR. NAIR: (Inaudible).

5 THE COURT: Thank you. No.

6 The Court will not consider the late-filed response.
7 Mr. Nair signed an agreed order in these matters. Mr. Nair
8 appeared in -- specifically the guardianship -- appeared in
9 the guardianship. He signed an agreed order in the
10 guardianship. He was unhappy with the procedures of the
11 guardianship, and he filed actions -- or an action in
12 federal district court and removed the guardianship to the
13 federal district court where he filed a substantial
14 complaint against numerous defendants, near as I can tell.
15 When his case was dismissed by Judge Marsha Pechman, he the
16 same day, apparently, filed a motion for reconsideration at
17 which he was partially successful.

18 He has litigation skills. He, however, oversteps those
19 skills frequently. He must have appeared in my courtroom,
20 either while I was a full-time commissioner or a sitting pro
21 tem, asking for immediate relief with no notice to opposing
22 counsel thinking that the Court should just sign an order
23 because his mother was in unpleasant circumstances as he
24 viewed them, that the orders entered against him were
25 unreasonable. And the Court spent some time explaining to

1 him that you can't just walk into court with a motion and an
2 order and get relief without giving notice to the other
3 side. Those conversations with Mr. Nair were very difficult
4 because he simply refused to accept litigation procedure.

5 Notwithstanding that, he would note motions, as described
6 earlier by counsel, use procedural -- his procedural skills
7 to, for example, remove the case to federal district court.

8 He was present in court when I expressed some concern at
9 what he was presenting to me and how we should deal with it.
10 I had tremendous concerns about notice. What had he
11 delivered to opposing counsel? Did opposing counsel have
12 notice? How much notice had they received? So these
13 concerns on the last occasion, as I recall, caused me to
14 call and demand of the guardian's counsel that they discuss
15 with me setting up an appropriate hearing and setting some
16 ground rules for delivery of papers.

17 Because Mr. Nair serves all of his own papers, I
18 determined that simply relying upon his affidavit of mailing
19 was not sufficient. His declaration of delivering papers by
20 any form would cause me a great deal of concern, and so I
21 simply required that he deliver papers to opposing counsel
22 or to counsel's office and get a "copy received" stamp.
23 That way he could deliver them himself and he could have
24 somebody else deliver them on his behalf, but they had to
25 get a "copy received" stamp because notice is all important

1 and notice was a great concern to the Court.

2 His complaint that his mother was hidden from him, that he
3 was denied access to her, the photographs that he attached
4 to his pleadings -- I think in three pleadings -- I'm just
5 taking a quick review of here in the Court's electronic
6 system to look at. Just in the guardianship alone are a
7 thousand pages over three sets of pleadings. That doesn't
8 include the apparently 223 pages in this response that's
9 been delivered.

10 This case has a history in this department because
11 Mr. Nair is unhappy with the guardianship. In one of his
12 pleadings he says he's a multimillionaire. And in another
13 of the pleadings I read here someplace, there's some
14 complaint about a bankruptcy. I don't know if he's filed a
15 bankruptcy or not. But he's provided no evidence with
16 record to the monies that went through the accounts that are
17 referenced by the guardian in their motion here today asking
18 for fees and permission to use the \$10,000.

19 While they did address the fact that 500,000 had gone
20 through this account one way or another, that another 66,000
21 had gone through the account one way or another, and
22 Mr. Nair never addresses it at all. And --

23 MR. NAIR: (Inaudible).

24 THE COURT: Mr. Nair, Mr. Nair, don't raise your hand and
25 don't speak. Your opportunity to present the Court with

1 your evidence was given to you 16 days ago.

2 MR. NAIR: (Inaudible).

3 THE COURT: To which you have not responded.

4 MR. NAIR: All the accounts for the financial transactions
5 have been provided. He wouldn't look at it. It's just your
6 fault, not mine.

7 THE COURT: Thank you. So, frankly, he complains about
8 the placement of his mother in this facility that he says is
9 the bottom facility in the United States. And I don't know
10 whether it is or not. It may well be. But the fact of the
11 matter is is that Mr. Nair's behavior has made it impossible
12 for anyone probably to be willing to take on his mother as a
13 new client. And why is that? Well, apparently he was told
14 not to come back to the first facility, and now he's been
15 told not to come back to Harborview.

16 And I'm, frankly, surprised that counsel for the guardian
17 here is able to discuss these difficulties that he has had
18 and that the guardian has had in a calm, respectful tone
19 attempting to address the facts, not the outrage.

20 The guardianship was necessitated by the finding that
21 Mr. Nair apparently was not present when his mother was
22 found in their home in response to a 9-1-1 phone call, was
23 with Ms. Thankamma on a mattress on the floor with fecal
24 matter and the heavy smell of urine around. And the
25 colostomy bag lying on the floor. Now, this resulted in the

1 beginnings of this guardianship.

2 Since then, Mr. Nair has been observed in the care
3 facility in a very inappropriate situation with his mother.
4 His legs wrapped around her, her breasts exposed, kissing
5 her on the lips and on the neck and on the chest. There is
6 no way that reference to cultural differences can provide
7 any justification for that behavior. We are not in India.

8 If that behavior is culturally appropriate in India, this
9 Court has no comment on it. But it is not appropriate in
10 these United States. And this is where we are, and this is
11 how visitors or persons who were formerly from India and are
12 now in the United States must comport themselves according
13 to our standards, not to some nebulous standard that we have
14 no knowledge of.

15 In addition, apparently, Mr. Nair has posted on YouTube
16 this behavior with his mother.

17 MR. NAIR: How many lies can you say out here?

18 THE COURT: So --

19 MR. NAIR: It's all right. Did you see that? Did you see
20 me kiss my mother inappropriately? So can you please stop
21 this nonsense?

22 THE COURT: The Court has the --

23 MR. NAIR: I need (inaudible).

24 THE COURT: The Court has the guardian's response here,
25 and attached to the guardian's response --

1 MR. CIRIC: Pages 4 to 7, Your Honor.

2 THE COURT: -- on page 4 through 7 has the photographs and
3 is very concerned about what it's looking at here. Under no
4 circumstances -- under no circumstances would this Court
5 terminate this guardianship, given those photographs and
6 given the description of the police by how Ms. Thankamma was
7 found in her home.

8 MR. NAIR: (Inaudible).

9 THE COURT: Now, counsel points out that for the past four
10 months, Mr. Nair has not been able to visit his mother.
11 There's no court order from this Court that says -- that I'm
12 aware of that says Mr. Nair cannot visit with his mother.
13 The difficulty is that the behavior of Mr. Nair is such that
14 the institutions where she has been located have refused to
15 allow him on their premises or to visit with his mother.

16 These actions are actually beyond the authority of this
17 Court to address. The Court does not have jurisdiction over
18 Harborview. The Court does not have jurisdiction over the
19 care facility. And so the Court can't order them to do
20 anything.

21 To preclude any misunderstanding. This Court would not
22 require that they provide him with the right to visitation
23 with his mother absent their own personal professional
24 institutional determination that he did not present a risk
25 of harm to his mother or to staff or to disruption of those

1 institutions' daily procedures or care of his mother or
2 other patients located there.

3 Mr. Nair has, with those institutions, become his own
4 worst enemy, just as he has in these proceedings. His
5 behaviors have resulted in all of the delays that are
6 complained of here by him because he simply is unwilling to
7 be cooperative. No facility will take a client -- at least
8 it's this Court's experience, perhaps there are oddball
9 differences. But anyone reviewing the records of the
10 facilities who is asked to take on this client or who asks
11 to speak with a former caregiver or guardian about this
12 client would immediately refuse to take the client because
13 number one, she can't pay; number two, they don't want the
14 disruption.

15 Now, if Mr. Nair had the money or if Ms. Thankamma had the
16 money to pay for care in a private institution that would
17 enable her to have the very best of care, probably we're
18 looking at someplace in the vicinity of 9- to \$12,000 a
19 month. And they might be willing to take a client who had a
20 disruptive family member. But certainly no institution that
21 is going to be asked to take a client who is on SSI or SSA
22 or some form of Medicaid would probably not be willing to do
23 it because the reimbursement rate would be way lower than
24 the disruption that they would have to incur.

25 So what Mr. Nair has done here is to -- probably absent

1 the payment of 9- to \$12,000 a month to some private
2 institution -- precluded his mother from going to any other
3 institution. She is stuck at Harborview, and they will find
4 any way they can to get her a placement outside of
5 Harborview that will be safe and appropriate. And if I
6 read -- if I recall correctly from the pleadings, would even
7 assist in paying for her travel to India and her placement
8 there somehow. But Mr. Nair, by his behavior, has created a
9 difficulty for them that they're not going to be able to
10 very easily overcome.

11 MR. CIRIC: Thank you, Your Honor.

12 THE COURT: Mr. Nair's litigation behavior is, for want of
13 a better word, vexatious; though it may not meet the exact
14 legal description of that because I don't have it. But he
15 may either intend to harangue the guardian and their lawyer,
16 as the lawyer argues in his paperwork, or he simply believes
17 he's right and so he needs to pursue it in a way he deems
18 best. But it is best in a manner not designed to assist his
19 mother and simply does nothing more than run up the expenses
20 of the guardian's lawyer, of the guardian, and of every
21 institution apparently that his mother has been placed in.

22 The Court is well aware of the practice of some pro se
23 litigants to send letters to every Tom, Dick and Harry
24 official in the state or even the federal government. This
25 Court doesn't believe it has ever seen those pieces of

1 correspondence be successful in doing anything other than to
2 buttress the arguments of litigants engaged with such a
3 person to the extent to prove that that person's method of
4 litigation is vexatious; not likely to produce anything
5 worthwhile, and not helpful whatsoever to the object of that
6 litigation, which is his mother.

7 So the VAPA petition filed by Mr. Nair is denied and
8 dismissed.

9 The petition for instruction petitioned for by the
10 guardian is granted in full.

11 Clearly, the guardian is going to pick and choose how much
12 and how to pursue those things because there are going to be
13 budgetary constraints, they have other patients and clients
14 to care for. But the Court is in full agreement with the
15 guardian that they need these authorities to pursue as they
16 deem appropriate in order to provide for Ms. Thankamma and
17 to meet their own obligations.

18 The Court has great, great appreciation for the efforts of
19 the guardian in this case. She has stuck with this case,
20 and her lawyers have stuck with this case, and both are
21 entitled to the commendation by this Court on behalf of
22 Ms. Thankamma.

23 I find it -- I find it dismaying that Mr. Nair couldn't
24 provide an appropriate, reasonable response to the motion in
25 a timely fashion. I have spent time with Mr. Nair when he's

1 appeared in my court without notice to anyone, encouraging
2 him to hire counsel. He has reported to me that he had
3 counsel, that that counsel would appear, that he paid that
4 counsel \$3,000. That counsel never appeared, never
5 responded. I have no way of knowing whether Mr. Nair was
6 telling me the truth or not. But I've done everything I
7 could to encourage him to proceed in this litigation
8 appropriately, and I've been unsuccessful at it. And
9 apparently so has the guardian's lawyer been unsuccessful in
10 getting Mr. Nair to address the issue.

11 It's money. It takes money to send her to India. It
12 takes family's agreement to accept her in India. But this
13 Court has no idea what kind of care facilities, if any,
14 exist in India. So that means that family would have to be
15 willing to take her, and somehow this Court and this
16 guardian would have to have some idea of the family's
17 ability to provide the care needed for Ms. Thankamma.
18 That's going to require cooperation, communication, and a
19 court order. So there's no trip to India. We don't put her
20 on the bus or stick her on a plane and send her and say,
21 good luck and Godspeed. That won't happen.

22 So as I said, the VAPA is denied. It's frivolous, there's
23 no -- there's not one bit of complaint in that VAPA that
24 would substantiate any action against this guardian.

25 The Court specifically awards the money sequestered to be

1 used by the guardian as they deem appropriate. Payment of
2 cost of administration and distributions for the benefit of
3 the ward to abide their sole discretion.

4 In addition, the Court intends to award the \$3,500
5 requested.

6 So it's 12:10. I believe -- am I here next week? I am
7 for a day next week.

8 THE CLERK: (Inaudible).

9 THE COURT: Let me just check my calendar, see if I'm here
10 next week.

11 MR. NAIR: (Inaudible) we're not coming back here.

12 THE COURT: Let's see.

13 MR. NAIR: Do I get a chance to speak, Commissioner?

14 THE COURT: No. We --

15 MR. NAIR: Then that just establishes that everything that
16 has gone on -- what does it mean?

17 THE COURT: November 14th, I'm here. And November 14th,
18 Counsel, at 10:30 will be the presentation of your order.
19 You are the prevailing party, so the preparation of the
20 order is your responsibility. Provide me, please, with some
21 declarations regarding your attorney's fees and time spent
22 for you and the guardian.

23 MR. CIRIC: Thank you, Your Honor.

24 THE COURT: Thank you. It's now 12:12.

25 MR. CIRIC: Your Honor, just one question because the

1 clerk tends to like only the court form orders for the
2 vulnerable adult protection proceedings.

3 THE COURT: You can --

4 MR. CIRIC: I have one prepared and it's already been
5 circulated, or did you just -- you want me to resubmit
6 again?

7 THE COURT: Just bring it all at once, I'll do it all at
8 one time.

9 MR. CIRIC: That works.

10 THE COURT: Thank you.

11 MR. CIRIC: Thank you, Your Honor.

12 MR. YOUNG: Thank you, Your Honor.

13 THE COURT: Thank you.

14 MR. NAIR: Commissioner, do I get a chance to speak at all
15 or no?

16 THE COURT: You were given your opportunity to speak 16
17 days ago, Mr. Nair, and you chose to drop the papers on
18 counsel's office yesterday. You're untimely. Leave. Leave
19 or the officer will escort you out.

20 (Conclusion of hearing)

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C E R T I F I C A T E

STATE OF WASHINGTON)

) ss

COUNTY OF KING)

I, the undersigned, do hereby certify under penalty of perjury that the foregoing court proceedings were transcribed under my direction as a certified transcriptionist; and that the transcript is true and accurate to the best of my knowledge and ability, including any changes made by the trial judge reviewing the transcript; that I received the audio and/or video files in the court format; that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of November, 2019.

Bonnie Reed

Bonnie Reed, CET

EXHIBIT C

Hon. John McHale
December 18, 2019

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

In re: the Guardianship of

OMANA THANKAMMA,

An Alleged Incapacitated Person.

CASE NO. 18-04-05231-6 SEA
CASE NO. 19-2-26860-3 SEA

SUPPLEMENTAL BRIEF REGARDING
ATTORNEY FEES

I. RELIEF REQUESTED

As can be seen clearly from the transcript (Addendum G @ Motion for Revision) of the hearing on 11/06/2019, the attorney representing the guardian had sought fees of \$2000 and \$1500 respectively for defending the Motion to Terminate Guardianship brought in this case (18-04-05231-6 SEA) and the Petition for Vulnerable Adult Protection Order (19-2-26860-3). The Commissioner granted the fees sought of \$3500 after denying those two actions. However, understanding that the Commissioner is biased in favor of allowing them anything they asked for, on the next week Mr. Ciric upped the ante to abuse and exploit this bias and sought to include nearly \$30,000 in attorney fees for defending and appearing in an ONGOING Federal Lawsuit (C19-01296-MJP), and \$10,000 for petition for instructions, bringing the total to nearly \$40,000, or more than 10 times what the Commissioner had allowed in this earlier ruling the previous week. On the same day, Hon. Federal Judge Pechman REVERSED the award of fees by ordering that Ms. Copeland is not eligible for any attorney fees at all for the Federal case, still ongoing.

Award of Fees is in CONTEMPT OF FEDERAL COURT

1 Notwithstanding, this Court, on the motion for revision, has stated orally that it
2 wishes to "leave the Commissioner's award of fees as is". However, this is not only in
3 direct contempt of the Federal Court order DISALLOWING any fees on the federal
4 matter, but also establishes the fact that Hon. Judge McHale, despite having stated on
5 record that he had read the pleadings, did not actually do so as the order was plainly in
6 [Exhibit 12] attached to the Motion. Furthermore, his ruling is also corroborating the fact
7 that he did not read the exhibits that clearly establishes that the guardian has caused Ms.
8 Thankamma to go blind on her right eye due to her complete indifference and neglect to
9 provide authorization for a follow-up procedure to her glaucoma surgery on 3/21/2019 at
10 ophthalmologist Dr. Philip Chen's office. She had threatened her family in India with
11 withholding her medicines and food to kill her as "she did a ton of research on Hinduism
12 and did not believe Omana deserved to live in this condition". Her daughter Ms. Raji flew
13 in from India based on this threat from the guardian and found Ms. Thankamma left to die
14 in her own feces and vomit, with a 104 degrees fever, and covered with gruesome blisters
15 [Exhibit A attached hereto]. Ms. Raji rescued her from Paramount Shelter and filed a
16 police complaint against the guardian. Her entire family (son, daughter, granddaughter and
17 brother) then jointly filed a Federal Civil rights complaint (Exhibit B) detailing her abuse
18 and the murder attempt by the guardian. As retaliation for filing the police complaint and
19 the civil rights case, the guardian has kept Omana in illegal solitary confinement for the
20 last SIX months, which is the most heinous & dastardly evil possible to a helpless dying
21 quadriplegic. All of these facts are undisputed and well corroborated by emails, medical
22 evidence of her condition obtained from Paramedics, and testimonies by FOUR different
23 family and friends who visited her at Paramount, who found her lying in her excrements.

The Award of Fees is Unconscionable and Egregious

1
2 Notwithstanding the award, this Court, perhaps as a result of not having read any
3 of these documents, have chosen to side with the Commissioner in denying the petition to
4 terminate this spurious guardianship, and award fees to the guardian, which tantamount to
5 not only condoning her UNDISPUTED criminal conspiracy to commit Ms. Thankamma's
6 murder, but also encouraging these serious crimes much to the detriment of the Ward.
7 Family is preparing to file a motion for reconsideration on this ruling. Any person of
8 minimum common sense who has read all the documents, and understands the fact that
9 there were no restrictions on her children's visits until July 5th, the day AFTER they filed
10 the police complaint, cannot escape the conclusion that the actions taken by Ms. Copeland
11 are nothing more than pathetic attempts to deceive the Honorable King County Superior
12 Court into unconscionable orders that would buttress her defense against the Civil Rights
13 complaint ongoing in the Federal Court. She has used a couple of screenshots of a loving
14 son kissing and hugging his dying mother, from 43 hours of live video that he had himself
15 initiated to show Ms. Copeland about her ongoing neglect at Paramount, back in January,
16 even though on May 15 she had proposed in an email to move her back to his home if he
17 would reinstate her private insurance and pay for six months of her care as before at home.

King County Superior Court has No Jurisdiction

18
19 It is to be further noted that the guardianship is inherently illegal and void by
20 definition, as neither King County nor the State of Washington, nor any of its Courts or
21 Judges, have any jurisdiction to place a guardianship over a foreign citizen who is only
22 here to visit her son, and wants to go back to her home country. It is Ms. Thankamma's
23 inherently immutable right to return to her country, which is guaranteed by the terms of
her B1/B2 visa, as well as by international treaties such as the Geneva Convention and the

1 travel treaties between the sovereign nations of India and USA, signed circa 1954 between
2 the then Heads of the states, Eisenhower and Nehru. This travel treaty guarantees that
3 neither nation will violate the repatriation rights of visitors from the other, absent any
4 pending criminal charges, as is the case here. Therefore to hold Omana hostage against
5 the wishes of her family and herself, is a blatant violation of this Indo-American treaty and
6 a seriously egregious and illegal overexertion of the powers vested with this Court. She
7 has not been allowed even a phone call with any of her family in India, or to interact with
8 anybody that can speak or understand the only language she knows, Malayalam. This
9 Court's aiding and abetting of this blatant human rights violation and Constitutional rights
10 violation will certainly lead to massive erosion of public trust, and raise international
11 outcry as the Family will have no option but to move diplomatic channels through Indian
12 Consulate and President Trump to exercise their inalienable right to relocate their mother
13 to India if this Court continues to fail to do its duty to safeguard the Constitution. Anyone
14 examining the facts and evidence can see her son has done everything an ideal son would
15 do for her mother, and she has never suffered any harm under his care for four + years at
16 his home, defraying all her expenses, and sacrificing his career to become her fulltime at-
17 home caregiver. She had been staying happily with the best of care and love at his home.

18 In the light of the above facts, it is humbly prayed that the Court will Suo Sponte
19 recognize its mistake, reverse its egregious and illegal ruling, and terminate this spurious
20 guardianship and allow Family to take Omana back to India, as is her undisputed right, in
21 addition to reversing the award of fees which is in direct contempt of Federal Court.

22 

23 Rajakumari Susheelkumar



Jayakrishnan Nair

EXHIBIT D

*Honorable Judge John McHale
Without Oral Argument*

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

In the Guardianship of:

OMANA THANKAMMA,

An Incapacitated Person.

No. 18-4-05231-6 SEA

No. 19-2-26860-3 SEA

**ORDER CONFIRMING FEES AND
COSTS AWARDED TO GUARDIAN**

THIS MATTER having come on for hearing upon the Motion for Revision of Commissioner's Rulings on Petitions for Termination/Replacement of Guardian, for VAPO, and for a Preliminary Injunction, and the Court having reviewed the Motion, the Guardian's Response to Motion for Revision, all related filings, and the court file, and having heard the argument of those present, good cause having been found previously denied the Motion for Revision in its entirety and adopted the Findings and Conclusions entered in the Order Denying Nair's Petition to Terminate Guardianship and Granting Guardian's Amended and Renewed Petition for Instructions with the modifications outlined in the Order Denying Motion for Revision. The Court however did reserve on the Judgment entered by the Commissioner with respect to fees/costs and requested additional briefing. Having now reviewed said additional briefing and the Court otherwise being fully advised on the premises, hereby enters the following:

ORDER

1. The Court adopts and confirms the Order and Judgment Against Jayakrishnan “Jay” Nair in its entirety for total judgment of \$10,1325.50 plus 12% interest from the date Judgment was entered, November 14, 2019, until paid in full.
2. The Court adopts and confirms, consistent with the prior modifications adopted by this Court in the Order Denying Motion for Revision and the Addendum to that Order filed also today, December 23, 2019 and the Findings in the Order Denying Nair’s Petition to Terminate Guardianship and Granting Guardian’s Amended and Renewed Petition for Instructions related to the fees/costs approved against the Guardianship Estate and in favor of the Guardian in the amount of \$29,808.85 on November 14, 2019.
3. Finally, the Court adopts and confirms the Order Denying Mr. Nair’s request for a Vulnerable Adult Protection Order under Cause Number 19-2-26860-3 SEA entered on November 14, 2019 as it applies to financial obligations included in the judgment entered under Cause Number 18-4-05231-6 SEA from which financial obligations included herein also arise.

DONE IN OPEN COURT this 23rd day of December, 2019.

JUDGE JOHN F. McHALE
KING COUNTY SUPERIOR COURT

EXHIBIT E

Honorable Judge John McHale
Hearing: December 11, 2019 at 1:30PM
Room E-733
With Oral Argument

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

In the Guardianship of:

OMANA THANKAMMA,

An Incapacitated Person.

No. 18-4-05231-6 SEA

**GUARDIAN'S RESPONSE TO
MOTION FOR REVISION**

I. INTRODUCTION & RELIEF REQUESTED

COMES NOW, Channa Copeland (hereinafter, "Guardian"), the Full Guardian of the Person and Estate of Omana Thankamma (hereinafter "Omana"), by and through her counsel of record, Robert P. McDonald and Ermin Ciric of Regeimbal, McDonald & Young, PLLC, and seeks an Order denying the Motion for Revision of Commissioner's Rulings for Petitions for Termination/Replacement of Guardian, for VAPO and for a Preliminary Injunction (the "Motion") filed by Jayakrishnan K. Nair (hereinafter "Mr. Nair") in the above entitled cause. Judge McHale has requested a written response to the Motion as well as written clarification regarding two issues raised.

II. OBJECTIONS

1 **2.1 Untimely Filed.** The Guardian objects to the Motion on the basis that it was untimely
 2 filed. King County Local Court Rule (KCLCR) 7(b)(8)(A) specifies that “A motion for revision
 3 of a commissioner’s order shall be filed within 10 days of entry of the written order, as provided
 4 in RCW 2.24.050.” Mr. Nair requests revision of orders entered November 14, 2019, and filed
 5 his Motion on November 25, 2019. The Motion was not directed to the proper Judge, and it was
 6 re-noted for hearing on November 27, 2019. As the 10-day deadline was November 24, 2019,
 7 Mr. Nair’s filing is untimely. The Guardian requests that the Motion be denied on these grounds.
 8 *See KCLCR 7(b)(8)(B)(ii)* (“for cases not assigned to an individual judge, the hearing shall be
 9 scheduled by the Respective Chief Judge”).

10
 11 **2.2 Improper Contents.** KCLCR 7(b)(8)(A) provides that “The motion [for revision] shall
 12 only identify the error(s) claimed.” However, the 21-page Motion far oversteps these bounds,
 13 introducing additional allegations and requesting entirely new relief. The Guardian requests that
 14 the Motion be denied due to its non-compliance with court rule.

15
 16 The Guardian would also point out that Mr. Nair appears to only seek revision of the
 17 Order/Findings denying his Petition to Terminate Guardianship filed in the above entitled cause
 18 of action (Cause No. 18-4-05231-6 SEA). Mr. Nair has not sought revision of the Order/Findings
 19 denying his Vulnerable Adult Protection Action against the Guardian under Cause No. 19-2-
 20 26860-3 SEA. The Guardian requests that the issues and oral argument be limited accordingly.

21 **2.3 Improper Attachments.** KCLCR 7(b)(8)(B)(iii) requires that “All motions for revision
 22 of a commissioner’s order shall be based on the written **materials and evidence submitted to**
 23 **the commissioner**, including documents and pleadings in the court file” (emphasis added). The
 24 Motion was filed with dozens of addenda and exhibits, including many that were not submitted
 25 to the commissioner at the time of the hearing referenced. In fact, several attachments are

1 documents that post-date the November 6, 2019 hearing in which the Commissioner made his
2 rulings. These include Addendum C, a Petition for Preliminary Injunction dated November 12,
3 2019; Addendum E, the Declaration of Dan R. Young dated November 8, 2019; Addendum J, a
4 Petition for Writ of Habeas Corpus dated November 19, 2019; Addendum L, which contains a
5 Declaration of Jayakrishnan Nair and a Declaration of Rajakumari Susheelkumar, both dated
6 November 19, 2019; Addendum N, a Joint Petition for Recusal dated November 13, 2019;
7 Exhibit 12, an Order on Motions for Fees and Costs dated November 14, 2019; Exhibit 25, an
8 email from Dan R. Young to Mr. Nair dated November 15, 2019; and a “Reply” (“AIP
9 Thankamma’s Childrens’ Joint Declaration in Reply to Guardian’s Response to Vulnerable
10 Adult Protection Order”) dated December 6th, 2019 with 220 exhibits. The Guardian requests
11 that the Motion be denied due to its non-compliance with court rule and/or that the improperly
12 submitted material be stricken from the record and otherwise not considered by this Court.
13

14 **III. RESPONSE TO MOTION FOR REVISION**

15 The Motion is primarily composed of misrepresentations of facts and complete
16 fabrications. It is perplexing how often Mr. Nair makes factual statements, then provides exhibits
17 and addenda that either fail to support or flatly contradict those statements. It is unclear whether
18 he hopes that nobody will bother to read his voluminous filings, or believes the Guardian, her
19 counsel, and this Court to lack the comprehensive ability required to spot obvious
20 inconsistencies. Whatever the case, it is Mr. Nair’s practice to provide documentation that says
21 one thing, then turn around and claim another in the body of the pleading.

22 Mr. Nair claims while she was living with him, Ms. Thankamma’s care team “included
23 three (speech, physio and occupational) therapists visiting three times a week, and two CNAs
24 (Exhibits 5 and 6).” *Motion, p. 3*. Exhibits 5 and 6 to the Motion contain various resumes and
25 certificates of the in-home caretakers Mr. Nair hired, but not one of those caretakers is shown by

1 that documentation to be a CNA. Nonetheless, Mr. Nair repeatedly refers to caretaker Ashley
2 Redican as a CNA. *Id.*

3 Mr. Nair claims in March of 2018, Ms. Thankamma was evaluated by a Dr. Nayak, who
4 “determined that she was ‘very well cared for, well hydrated, no signs of trauma or neglect, skin
5 has no rashes, and she was at her medical baseline, and caregivers appear to be quire
6 knowledgeable about her care.’” *Id.* In Dr. Nayak’s report, Exhibit 10 to the Motion, that
7 quotation does not appear anywhere.

8 Mr. Nair claims the Order appointing the Guardian was actually a negotiated settlement
9 subject to certain terms. None of these terms actually appear in the Order Appointing Guardian
10 in the form Mr. Nair presents. Mr. Nair: “1) She must be kept in a facility within 25 miles of
11 home where she would have unrestricted access to her family.” *Id.*, p. 4. Order: “The Guardian
12 will arrange for placement of Ms. Thankamma within 25 miles of Jay Nair’s home located at
13 11031 Elliston Way NE, Redmond, WA 98053.” *Id.*, *Add. I*, p. 5. Mr. Nair: “2) All decisions on
14 her POLST Code must lie with family.” *Id.*, p. 4. Order: The Guardian is granted the authority
15 “To decide code status of Omana Thankamma, including the use of life sustaining measures....”
16 *Id.*, *Add. I*, p. 5-6. Mr. Nair: “3) She will receive a US Citizenship through Court Order so she
17 can receive Medicaid benefits.” *Id.*, p. 4. Order: The Guardian is granted the authority “To apply
18 for citizenship through Department of Immigration and make all associated determinations and
19 decisions regarding citizenship.” *Id.*, *Add. I*, p. 6. Mr. Nair: “4) Her care will be held at the same
20 gold standard that she had been receiving at home.” *Id.*, p. 4. Order: The Guardian is granted the
21 authority “To consent to and arrange for, or refuse to consent to, medical, dental, psychological
22 or psychiatric treatment and care....” *Id.*, *Add. I*, p. 5. Mr. Nair: “She would be allowed to visit
23 home and attend religious ceremonies with her son.” *Id.*, p. 4. No such provision appears in the
24 Order.

1 Mr. Nair refers to a psychological evaluation by Dr. Janice Edwards as evidence that
2 “Omana is a fully conscious and intellectually functioning individual who can do advanced math
3 by head better than most people” and “Omana loves her son and needs family’s emotional
4 support for battling Depression and Separation Anxiety Disorder – her clinical diagnosis is in
5 Exhibit 21.” *Id.*, p. 5. Dr. Edwards’s report, attached to the Motion as Exhibit 20, includes the
6 following paragraph about Ms. Thankamma’s mathematical ability:

7 Mr. Nair made the argument (which he had made to me before in a phone conversation)
8 that his mother was very skilled with numbers and that she could do complicated
9 multiplications in her head. He asked her a math question (50 X 11) and repeated the
10 question several times until she gave an answer, which was the correct answer. (This was
11 not as impressive as it could be since in his phone conversation with me, Mr. Nair gave
12 this same math problem as an example of a difficult problem that his mother could do. I
13 wondered if this is the only math problem that he asks his mother.)

14 *Id.*, Ex. 20, p. 4. In addition, the Exhibit 21 referred to by Mr. Nair is not in fact a clinical
15 diagnosis by Dr. Edwards; it is a list of diagnoses printed from UW Medicine eCare that lists Ms.
16 Thankamma’s PCP as Thuan D Ong, MD. Dr. Edwards does not work for UW Medicine.

17 Mr. Nair claims in an email to Ms. Sukanya Susheel, the Guardian “states that based on
18 her ‘ton of research on Hinduism, she did not believe that Omana should be allowed to continue
19 to live in this condition.’” *Id.*, p. 5. That email, which is attached to the Motion as Exhibit 22,
20 actually includes the following quotation from the Guardian: “I did a ton of research on
21 Hinduism, your family has made it clear that God was important to Omana. In my research all I
22 can find is that everything we are doing right now goes completely against her beliefs. Please
23 correct me if I am wrong, being Hindu, life should not be prolonged artificially. [...] Unless you
24 feel that she has bad Karma that needs to be settled with this sort of suffering she should have
25 been allowed to pass without this sort of suffering a long time ago.” *Id.*, Ex. 22, p. 22.

Mr. Nair claims on June 13, 2019, Ms. Thankamma was discovered “unconscious and
delirious, and running a heavy fever. Her body was covered with gruesome blisters, and she was

1 lying in a pile of excreta, urine and vomit that had been stinking dreadfully as it had not been
2 changed for days (Exhibit 2).” *Id.*, p. 6. Exhibit 2 contains three photos, two of a large blister on
3 Ms. Thankamma’s hand, and the other of her lying in apparently clean bedding without any other
4 visible ‘gruesome blisters’ on the visible skin on her right arm, knee, face, or shoulder. *Id.*, Ex. 2.

5 Mr. Nair claims his Petition to Terminate the Guardianship was “E-Served on the
6 opposite party both by USPS mail AND by using King County’s E-Service System (Exhibit 23:
7 Proof of E-Service).” *Id.*, p. 7. That Exhibit shows that the Motion to Dismiss was indeed e-
8 served upon Ermin Ciric, but the only document listed is the Motion to Dismiss, and **no Note or**
9 **Notice of Hearing** is shown (Mr. Nair often serves only the Notice of Hearing OR the Motion
10 pleadings, but not both). *Id.*, Ex. 23. Mr. Nair provides no evidence of mailing.

11 Mr. Nair claims Commissioner Velategui “has repeatedly stated on record that Plaintiffs
12 pleadings are ‘several inches thick’ and so he did not want to read them.” *Id.*, p. 8. At one point
13 during the hearing on November 6, 2019, a transcript of which Mr. Nair attaches to the Motion
14 for Revision as Addendum G, Ermin Ciric stated, “I’m assuming you’ve gotten a stack on stack
15 on stack of documents,” to which Commissioner Velategui replied, “I would say it’s about 5 or 6
16 inches.” *Id.*, Add. G, p. 5. Later in the hearing, Commissioner Velategui said, “Just in the
17 guardianship alone there are a thousand pages over three sets of pleadings. That doesn’t include
18 the apparently 223 pages in this response that’s been delivered.” *Id.*, p. 38. Nowhere in the
19 transcript does Commissioner Velategui indicate that the volume of pleadings hindered his
20 ability to review them.

21 Mr. Nair claims in response to a Declaration filed by his attorney, Paul Barrera, “Mr.
22 Ciric [...] demanded that he must withdraw from representing us as he has turned into a witness
23 under RPC 3.7 (Line 2, Page 5 of Addendum E).” *Id.*, p. 8. Line 2 and following of page 5 of Mr.
24 Barrera’s declaration (actually contained in Addendum F) reads as follows: “My first-hand
25 account is critical to the case to show Harborview’s refusal and the Guardian’s refusal to assist

1 Mr. Nair to visit his mother. For those reasons, I believe that under RPC 3.7, I am a necessary
2 witness at the November 6, 2019 hearing, and am therefore unable to represent Mr. Nair in that
3 proceeding.” *Id.*, *Add. F*, p. 5. By Mr. Barrera’s own testimony, Mr. Ciric was not involved in his
4 decision not to represent Mr. Nair at the hearing.

5 Mr. Nair claims Commissioner Velategui “asked Mr. Nair to wait outside the court room
6 in the lobby, and that he only intended to hear what the Guardian had to say.” *Id.*, p. 9. However,
7 the transcript clearly shows that Mr. Nair was excluded from the courtroom because he could not
8 control his verbal outbursts, though he was allowed to return. *Id.*, *Add. G*, pp. 24, 27, 32, 38-39,
9 40. At both hearings (during argument and at the presentation hearing) security was called by the
10 court.

11 Mr. Nair claims Commissioner Velategui “disallowed proof of a Wire Transfer (Exhibit
12 24) from a Bitcoin account that Mr. Nair held 100% personally....” *Id.*, p. 9. The hearing
13 transcript shows that the word “Bitcoin” was never spoken, and Mr. Nair merely verbally
14 claimed that “The money belongs to me. I have proof of it. It’s in the account.” *Id.*, *Add. G*, p.
15 17. In addition, the ‘proof’ offered in Exhibit 24 does not show the name of the Bitcoin account
16 owner, does not identify the receiving account, and does not show any proof whatsoever that the
17 money belonged solely to Mr. Nair.

18 Mr. Nair claims Commissioner Velategui was biased against him because of the
19 Commissioner’s wife’s religious beliefs. *Id.*, p. 9-10. Mr. Nair offers not a shred of evidence for
20 this inflammatory accusation. Mr. Nair goes on to claim that the Commissioner said, “if these
21 people want to hug or kiss their mothers, that should be done in India, but when these people
22 come to MY country, they must acting according to OUR culture.” *Id.*, p. 10. The only
23 statement made by the Commissioner that’s even remotely similar is as follows: “Since then, Mr.
24 Nair has been observed in the care facility in a very inappropriate situation with his mother. His
25 legs wrapped around her, her breasts exposed, kissing her on the lips and on the neck and on the

1 chest. There is no way that reference to cultural differences can provide any justification for that
2 behavior. We are not in India. If that behavior is culturally appropriate in India, the Court has no
3 comment on it. But it is not appropriate in these United States. And this is where we are, and this
4 is how visitors or persons who were formerly from India and are now in the United States must
5 comport themselves according to our standards, not to some nebulous standard that we have no
6 knowledge of.” *Id., Add. G, p. 40 (emphasis added)*.

7 Mr. Nair claims Commissioner Velategui “retorted that he did not believe the ‘poor’
8 nation of India [...] had ANY hospitals or nursing homes at all.” *Id., p. 10*. Commissioner
9 Velategui actually said, “It takes family’s agreement to accept her in India. But this Court has no
10 idea what kind of care facilities, if any, exist in India. So that means that family would have to be
11 willing to take her, and somehow this Court and this guardian would have to have some idea of
12 the family’s ability to provide the care needed for Ms. Thankamma. That’s going to require
13 cooperation, communication, and a court order. So there’s no trip to India. We don’t put her on
14 the bus or stick her on a plane and send her and say, good luck and Godspeed. That won’t
15 happen.” *Id., Add. G, p. 45*.

16 Mr. Nair claims Commissioner Velategui “also said he has ‘great appreciation and
17 commendation’ for Ms. Copeland’s brave decision to withhold Omana’s medicines and nutrition
18 to kill her, as she was an unnecessary burden on taxpayer money.” *Id., p. 10*. Commissioner
19 Velategui actually said, “The Court has great, great appreciation for the efforts of the guardian in
20 this case. She has stuck with this case, and her lawyers have stuck with this case, and both are
21 entitled to the commendation by this Court on behalf of Ms. Thankamma.” *Id., Add. G, p. 44*.

22 Mr. Nair claims Commissioner Velategui “said that if ‘Mr. Nair wants to see his mother,
23 he must come up with \$9k-\$12k a month that would take to place her a private facility, so they
24 can accommodate his requests to visit her, but when she is on public assistance such as SSI or
25 Medicaid, these facilities are not under any obligation to allow any visitation to someone

1 freeloading the system.” *Id.*, p. 10. Commissioner Velategui actually said, “Now, if Mr. Nair
2 had the money or if Ms. Thankamma had the money to pay for care in a private institution that
3 would enable her to have the very best of care, probably we’re looking at someplace in the
4 vicinity of 9- to \$12,000 a month. And they might be willing to take a client who had a
5 disruptive family member. But certainly no institution that is going to be asked to take a client
6 who is on SSI or SSA or some form of Medicaid would probably not be willing to do it because
7 the reimbursement rate would be way lower than the disruption that they would have to incur.”
8 *Id.*, *Add. G*, p. 42.

9 Mr. Nair claims an award of \$33,500.00 in attorney’s fees was made “for the two
10 hearings on November 6th and 14th that lasted less than 15 minutes each, bringing up strong
11 suspicions of corruption and kickback schemes for attorney fees.” *Id.*, p. 10. First, Mr. Nair
12 seems to be referring to the Order Denying Nair’s Petition to Terminate Guardianship and
13 Granting Guardian’s Amended and Renewed Petition for Instructions, which approved
14 \$29,808.85 in attorneys’ fees of Regeimbal, McDonald & Young, PLLC, “for services in
15 connection with the guardianship.” *See court file*; p. 10. These services reached far beyond two
16 short hearings; rather, those fees encompass all fees incurred from the establishment of the
17 Guardianship through the costs of defending the Guardian in the several federal and state actions
18 initiated by Mr. Nair. An award of fees/costs in favor of the Guardian and against the
19 Guardianship Estate is permissible under RCW 11.96A.150 and is within the Court’s discretion
20 as “Super Guardian.” Only \$10,132.50 was related to Mr. Nair’s voluminous State court
21 petitions and eventually assessed against Mr. Nair personally (\$5,066.25 related to the VAPA
22 and \$5,066.25 related to the Petition to Terminate Guardianship).

23 Mr. Nair claims that Judge Marsha Pechman denied “all attorney fees for the guardian on
24 the same matter [...] as if a direct response to Commissioner Velategui’s order.” *Motion*, p. 11.
25 The Order on Motions for Fees and Costs makes no reference to the Commissioner’s ruling. In

1 fact, Judge Pechman makes the following conclusion (not before this Court for consideration on
2 revision), which contradicts Mr. Nair's claims:

3 While Defendant Copeland has failed to establish her entitlement to attorney fees and
4 costs **at this point in the litigation** in which she has become involved, the Court
5 nevertheless takes this opportunity to express its concern over the behavior exhibited by
6 Plaintiff as chronicled in Defendant Copeland's declaration and exhibits. While the Court
7 understands that this is a volatile matter touching on the concerns of a family for their
8 aged and invalid mother, abusive conduct by any party will not be tolerated, including
9 abuse of the legal system by means of frivolous or vexatious motions or discovery
process. While Defendant Copeland has not established her right to fees and costs by
virtue of unreasonable and non-meritorious litigation tactics **at this point**, that is not to
say that continued activity in that regard by Plaintiffs will not qualify her for such
reimbursement at a later date. For now, however, the Court must deny her motion for the
reasons stated above.

10 *Id.*, Ex. 26, p. 4 (*emphasis added*). Effectively, the Guardian's motion for was denied as
11 premature (the Guardian had filed after the actions were dismissed, but then Judge Pechman
12 reopened the substantive action after Mr. Nair moved for reconsideration). It is also important to
13 note that Judge Pechman's Order merely denied an award of attorney's fees against Mr. Nair
14 personally; the Order makes no statement regarding whether the costs are reasonable and for the
15 benefit of the incapacitated person, which is the standard Commissioner Velategui used to
16 approve the Guardian's attorney's fees in the Guardian's Amended and Renewed Petition.
17

18 Section V of the Motion is a direct regurgitation of the Petition to Terminate
19 Guardianship filed by Mr. Nair, and the Guardian requests that the Court refer to her Response to
20 that Petition, filed on October 31, 2019.

21 Section VI of the Motion concerns a Petition for Preliminary Injunction that Mr. Nair
22 claims was "presented by Attorney Mr. Dan Young but refused to be even heard by the
23 Commissioner for reasons known only to him (Exhibit 25)." *Motion*, p. 12. In fact, those reasons
24 were very clearly set forth by Commissioner Velategui at the hearing on November 6, 2019:
25

1 Now, counsel [for Mr. Nair] points out that for the past four months, Mr. Nair has not
2 been able to visit his mother. There's no court order from this Court that says – that I'm
3 aware of that says Mr. Nair cannot visit with his mother. The difficulty is that the
4 behavior of Mr. Nair is such that the institutions where she has been located have refused
5 to allow him on their premises or to visit with his mother.

6 These actions are actually beyond the authority of this Court to address. The Court does
7 not have jurisdiction over Harborview. The Court does not have jurisdiction over the care
8 facility. And so the Court can't order them to do anything.

9 To preclude any misunderstanding. This Court would not require that they provide him
10 with the right to visitation with his mother absent their own personal professional
11 institutional determination that he did not present a risk of harm to his mother or to staff
12 or to disruption of those institutions' daily procedures or care of his mother or other
13 patients located there.

14 *Id.*, *Add. G*, pp. 40-41. It is difficult to imagine how the Commissioner could have been any
15 clearer in his reasoning.

16 Section VII of the Motion is, again, a direct regurgitation of the Petition to Terminate
17 Guardianship, and the Guardian again requests that the Court refer to her Response thereto.

18 Any factual allegations made by Mr. Nair not directly addressed by this Response should
19 be considered to be DENIED by the Guardian.

20 **IV. CLARIFICATIONS**

21 The Court seeks clarification as follows: “there are references made to an Anti-
22 Harassment matter by a medical provider and a No-Trespass Order for Harborview so he would
23 also like some written clarification regarding them.” The Guardian is aware of a Petition for an
24 Order for Protection – Harassment and a Temporary Protection Order and Notice of Hearing –
25 Harassment that were filed by Dr. Andrew W. Hahn, a physician at Harborview, against Mr.
Nair. These pleadings were previously submitted to this Court as Exhibit 16 to the Guardian's
Response to Nair Vulnerable Adult Petition, which was filed in Cause No. 19-2-26860-3 SEA on
November 1, 2019. For ease of access, those pleadings have been attached hereto as **Exhibit A**.
Mr. Nair has also previously submitted, as part of Exhibit F to the Declaration of Paul A. Barrera

1 submitted in Cause No. 18-4-05231-6 SEA (the above-captioned matter), a letter from
 2 Harborview dated October 31, 2019, outlining the visiting restrictions imposed on Mr. Nair that
 3 arose “out of prior visitation by Mr. Nair in which he exhibited behaviors that put patient safety
 4 at risk. He has also had interactions with staff in which he has been abusive or threatening which
 5 further impacts our ability to provide a safe environment in which to deliver care.” Again, for
 6 ease of access, that letter and its attachment has been attached hereto as **Exhibit B**. Beyond
 7 Harborview’s stated intention to restrict Mr. Nair from visiting Ms. Thankamma, the Guardian is
 8 not aware of any No-Trespass Order for Harborview entered under any cause number.

9 Mr. Nair opines that there are no allegations of abuse against him, but this is clearly false.
 10 The Guardian specifically petitioned the court for instructions and litigation authority because of
 11 Mr. Nair’s inappropriate conduct. The relief was delayed due to Mr. Nair removing the matter to
 12 federal court. The Guardian has since petitioned for a Vulnerable Adult Protection Order against
 13 Mr. Nair under Cause No. 19-2-31462-1 SEA. To be clear, although the other family members
 14 appear to join in support of Mr. Nair’s petitions, it is only Mr. Nair who has been restricted from
 15 Ms. Thankamma. The other family members are permitted visitation, and the Guardian has
 16 conveyed this message to them, though they have not directly reached out to the Guardian.

17 V. CONCLUSION

18 For the aforementioned reasons, the Guardian requests that the Motion for Revision be
 19 denied in its entirety.

20 Signed and dated this 9th day of December, 2019 at Des Moines, WA.

21 REGEIMBAL, McDONALD & YOUNG, PLLC

22 *“I certify that this pleading contains
 23 a word count consistent with KCLCR.”*

24 /s/ Ermin Ciric

25 ERMIN CIRIC, WSBA NO. 52611
 Attorney for Guardian, Channa Copeland

EXHIBIT F

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

In the Guardianship of:

OMANA THANKAMMA,

An Incapacitated Person.

No. 18-4-05231-6 SEA

**ADDENDUM TO ORDER DENYING
MOTION FOR REVISION**

THIS MATTER was before the Court for hearing on December 11, 2019 to consider the Motion for Revision of Commissioner’s Rulings on Petitions for Termination/Replacement of Guardian, for VAPO, and for a Preliminary Injunction filed by Ms. Thankamma’s son, Jayakrishnan K. Nair. After reviewing the Motion, the Guardian’s Response to Motion for Revision, all related filings, and the court file and after argument, the Court entered an Order Denying Motion For Revision on December 11, 2019. Upon further review, the Court by this Addendum Order is adding an additional modification to its adoption of the Commissioner’s ruling that led to the revision request that was before this Court. This modification is set forth with the addition of paragraph 1(d) below.:

ORDER

1. The Motion for Revision is denied in its entirety. The Court adopts the Findings and Conclusions entered in the Order Denying Nair’s Petition to Terminate Guardianship and Granting Guardian’s Amended and Renewed Petition for Instructions with the following modifications based on the Court’s de novo review:

- 1
- 2 a. At page 4, lines 3 – 4, since the Court was not provided with the video of the
- 3 incident in Ms. Thankamma’s room, the Court cannot say that the incapacitated
- 4 person is “clearly” trying to push Mr. Nair off in the video presented. The Court
- 5 would substitute in its adopted findings the word “reportedly” in place of
- 6 “clearly.”
- 7 b. Page 5, paragraph 6 at lines 2 -3 reads, at relevant part, as follows: “There was no
- 8 embezzlement and the Guardian sought instruction from the Court as to the issue
- 9 in August of 2018.” Per the record, “2018” should be substituted with “2019.”
- 10 The Guardian petitioned for instructions on August 15, 2019.”
- 11 c. In paragraph 16, at lines 8 – 10, The Commissioner struck from the record and did
- 12 not consider Mr. Nair’s Response to Petition for Instructions, and Declaration of
- 13 Acceptance of Guardian’s CR 68 Offer to Immediately Repatriate Ms.
- 14 Thankamma to India. This Court reviewed this pleading and did not find that it
- 15 directly addressed the Guardian’s Request for Instructions. It included
- 16 expressions of disagreement with the Guardian’s work and appeared to this Court
- 17 to be more supportive of Mr. Nair’s request that the Guardianship be terminated.
- 18 d. This Court does not adopt the entirety of Paragraph 18 of the Commissioner’s
- 19 Order, and after further consideration revises the Court finding to read as follows:
- 20 Mr. Nair brought the Motion to Terminate the Guardianship out of a genuine
- 21 concern for his mother, Ms. Thankamma, and in a good faith, though misguided,
- 22 attempt to address the many issues he has with the guardianship currently in
- 23 place. The motion was not well grounded in law or fact and the Court can
- 24 understand how one might see the motion as frivolous. However, in light of Mr.
- 25 Nair’s obvious desperation, the Court does not find that the motion was
- “frivolous” because it appears that Mr. Nair truly believed his motion had merit and that his actions were not inappropriate. While Mr. Nair’s overall intent is to have his mother, Ms. Thankamma, live in a situation outside of the guardianship,

1 his continuous attacks on the guardian Ms. Copeland do reflect an intent to unduly
2 harass and burden the guardian, Ms. Copeland.

- 3 2. Jurisdiction over this Guardianship matter shall continue to lie with the ex parte
4 department of the King County Superior Court. The Guardian is not required to bring
5 future reports, petitions, or other matters before myself or any other assigned judge
6 unless and until otherwise ordered.

7 DONE IN OPEN COURT this 23rd day of December, 2019.

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10 JUDGE JOHN F. McHALE
11 KING COUNTY SUPERIOR COURT
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EXHIBIT G

IN THE KING COUNTY SUPERIOR COURT
FOR THE STATE OF WASHINGTON

In re: the Guardianship of)	
)	CASE NO.S 18-04-05231-6 SEA
OMANA THANKAMMA,)	19-2-26860-3-SEA
)	
An Alleged Incapacitated Person.)	AIP OMANA THANKAMMA'S FAMILY'S REPLY
)	TO MS.COPELAND'S RESPONSE TO MOTION
)	FOR REVISION
)	

1. INTRODUCTION

In the continuing theme of shamelessly prevaricating to Court for the pathetic purpose of seeking to evade liability in the ongoing federal civil rights lawsuit that AIP Thankamma's family has filed [Exhibit 13@ Motion], on her gruesome abuse and neglect at officially the WORST ranked "facility" in the entire nation, including her attempted murder that the so-called "guardian" organized in criminal conspiracy with Paramount Shelter to get rid of Omana (after having blinded her right eye due to her indifference in not allowing a vital post surgery procedure at ophthalmologist Dr.Philip Chen's office on March 21 2019), this response continues to attempt deflecting the blame towards the family, especially Mr. Nair, despite the fact that any reasonable person can see that he has done everything possible as an ideal son. This reply exposes their deception viz--a-viz each subsection in the response.

2. COUNTERS TO OBJECTIONS

2.1 MOTION FOR REVISION WAS TIMELY FILED

As every legal professional knows, when the deadline for a court filing falls on a holiday or weekend, the deadline is automatically extended to the next business day. The 10-day period is counted starting the next day, which means the 10-day deadline was November 25, and not November 24, which was a Sunday. Regardless, the Family did file the response on the 10th day per local rules.

1 It was filed timely on November 25th, and Bailiff for Chief Civil Judge Honorable Spector, Ms.
2 Pam Roarke, reassigned to Honorable Judge McHale per the local policy of rotation for such motions.

3
4 **2.2 CONTENTS ARE PROPER**

5 The Federal Lawsuit and other exhibits filed with the motion were also filed on September 25th
6 motion to terminate guardianship and for VAPO against Ms. Copeland, and the Commissioner did have
7 access to them, although he clearly did not read any of those documents as is plainly obvious from the
8 transcript [Addendum G@ Motion] in which he regurgitates the nonsense about "Colostomy bag lying
9 on the floor, police in response to a 911 call finding Ms. Thankamma lying on the floor with strong
10 smell of urine and fecal matter etc.". However, if he had read those documents, he would have
11 understood the fact that **Omana never had a Colostomy in her life, and that what the cop mistook as**
12 **her Colostomy bag was in fact the Urine bag which is supposed to be placed under the bed per**
13 **medical guidelines.** The cop's incompetence [Exhibit 9@ Motion] is further obvious from the fact that
14 he had checked Mr. Nair's license and known he was 37 years old, yet claims in the police report that
15 Ms. Thankamma was 99 years old, which is a **laughable biological impossibility.** Omana was only 76
16 years old, but the **cop could not tell the difference between a stroke victim and a centenarian.**

17
18 At least, he does state truthfully in the police report that she was found to be lying in her
19 hospital bed [please see Exhibits 3 and 4 for the expensive modifications made to the home to
20 accommodate her needs] in **"clean and fresh bedding"**. Dr. Nayak states her skin was presented in
21 great condition. The motion for revision, as is clearly stated, is for ALL three rulings by Commissioner
22 Velategui on November 14th, which includes both the petition to terminate AND the petition for VAPO
23 under cause number 19-2-26860-3-SEA, as well as the petition for injunction [Addendum C @ Motion]
24 barring Harborview from interfering with Family's visitations, which the Commissioner did not even
25 let attorney Dan Young present, for reasons only known to him. If this isn't bias and prejudice, what is?
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1 **2.3 ATTACHMENTS ARE PROPER**

2 As can be seen from the filings on September 25, these attachments and exhibits were duly in
3 front of the Commissioner, who simply ignored them, and has even stated on record that the pleadings
4 were "several inches thick and vexatious". For the attachments since then, such as the Habeas Corpus
5 petition, those are presented as a means of updating this Court on the relevant details of this matter so
6 justice can be served. Ms. Thankamma has been kept in illegal isolation in violation of all fundamental
7 human rights for nearly six months, and this Court should consider all the facts to see the full picture.
8

9
10 **3. OBJECTIONS TO SECTION III @ RESPONSE**

11 **MR. NAIR HAD HIRED TWO QUALIFIED CNAs AS CAREGIVERS**

12 Every word that the Family has written in the motion is well corroborated by the exhibits,
13 unlike Mr. Ciric's numerous fibs. As can be seen from Reference 2 (Ms. Ashley Redican CNA's resume
14 and certificates) and Reference 3 (Ms. Karina Conspicion CNA's background and certificates), Mr. Nair
15 had indeed hired TWO qualified CNAs approved by DSHS to provide care for vulnerable adults like Ms.
16 Thankamma, from qualified premium paid site www.care.com [Exhibit 29@ Motion]. Ms. Ashley
17 Redican, the CNA that was with Ms. Thankamma when Mr. Nair left his home on the morning of March
18 12th, had in fact received her Registered Nursing Assistant degree from Olympic College in October 2012
19 (she even graduated with a 4.0 GPA as can be seen from her resume in Reference 2), and had also
20 worked [Please also see Reference 1: Ashley Redican's statement] in many leading nursing homes in
21 WA state such as Liberty Shores and Harbor House Memory Care in Poulsbo WA, Northwoods Lodge
22 Rehabilitation Center in Silverdale WA, Martha and Mary Memory Care etc, where she provided similar
23 care to stroke-affected patients exactly like Ms. Thankamma. As a matter of fact, Mr. Nair had gone above
24 and beyond to ensure that even the maid Ms. Alexandra Hall he hired, had some experience working
25 with seniors in assisted living facilities [Reference 4: Ms. Hall's statement]. It is hard to imagine what
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1 more any son could have done to take care of his sick mother [Reference 5]. She also received weekly
2 three sessions by therapists from Providence Health Care, whose contact details are as follows:

3 **Providence Home Health Care Coordinators**

4 Guzel: (425) 495 1114, Hannah (425) 765-7954 ;

5 **Occupational Therapists:**

6 Roopa: (425) 765 1869, Dan: 425 213 4358;

7 **Physical Therapists:**

8 Laurie: (425) 466 0451, Jan: (425) 890 7492, Janice: (425) 681 6303, Wendy: (209) 907 4820;

9 **Speech Therapist:**

10 Dinesh Kannada: (301) 945 6008; (Only Malayalam speaking licensed ST in the area)

11 **Primary Care Physician** Dr. Seema Diddee (425) 391-3900; (Also can speak Malayalam)

12
13 The quality of her care is obvious from the fact that despite having a prognosis of only a few
14 months to live when she was discharged from St.Rose-Dominican hospital in Las Vegas, after 5 months
15 of inpatient care, she has not only survived but also thrived and even recuperated well under his care.
16 The APS action was entirely unnecessary and unwarranted. Ms. Thankamma was doing great at home
17 and had plenty of qualified care, in addition to psychological support which is very critical for her mental
18 health as she is a clinically depressed patient also suffering from separation anxiety about her son. The
19 911 call from the neighbor, as can be plainly seen from the police report, was ABSOLUTELY NOTHING
20 more than a simple misunderstanding about the maid Ms. Hall's request for borrowing a blender, which
21 became entirely blown out of proportion due to incompetence of the cop. Please note the email Mr. Nair
22 had sent to Officer Fischbeck following the non-incident [Reference 9: Email to Cop], even thanking him
23 for coming out and checking on his home. This Kafkaesque pathetic nightmare has no rhyme or reason to
24 continue as Ms. Thankamma was happily and peacefully staying with gold standard care at her beloved
25 home, with her beloved family She is an ardent Hindu, and she relies on her son for doing her daily
26 Pujas, which have also been disrupted, in violation of her constitutional right to practice her religion.
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1 **ATTORNEY GREG McBROOM HAD NEGOTIATED SETTLEMENT WITH DSHS**

2 As can be seen from [Reference 6: McBroom Email], Family had accepted the Guardianship after
3 lengthy negotiations between their attorney Mr. Greg McBroom and Ms. Jennifer Boharski from DSHS,
4 as it was thought to be a "blessing in disguise" if Mr. Nair can offload the exorbitantly expensive private
5 care to State, so he can return to work for Microsoft where he was a Program Manager leading a team
6 of 26 engineers. **His love for his mother can also be seen from the fact that he put his own career**
7 **at hiatus in order to become a fulltime work-at-home caregiver for his mother.**

8 However, Ms. Copeland disregarded all the verbiage in the negotiated settlement, and instead
9 *dumped her into a most filthy homeless shelter abounding with criminal convicts and drug addicts,* where
10 she endured most ghastly neglect and abuse. After she ignored all the Family's numerous pleas
11 requesting her to be moved from Paramount, including showing her pictures of her horrendous neglect
12 [Photos at Exhibit 1@ Motion], and even live Youtube video sessions showing she was never receiving
13 diaper changes and she was being made to lie on her own excrements for hours until Family visited and
14 cleaned up themselves (a common theme of this nasty facility, as many other inmates' families have
15 also reported in their Yelp reviews), the Guardian and Paramount decided to block access to family to
16 prevent the documentation of her neglect, abuse and suffering, and even conspired to murder her.
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20 **CERTIFIED PSYCHOLOGIST DR. JANICE EDWARD'S MENTAL EVALUATION REPORT**

21 As can be seen plainly from [Exhibit 20 @ Motion], Dr. Janice Edwards, a board certified clinical
22 psychologist, has evaluated Omana and mentioned that "she is capable of holding a conversation,
23 understands her whereabouts and time, understands court proceedings, and wants to return home to
24 live with son as she loves her son". Furthermore, she even tested Ms. Thankamma's general knowledge
25 by asking her questions like "Name the previous president of USA" to which she correctly replied
26 "Barack Obama", and asked her arithmetic questions such as how much is 50 X 11. which she correctly
27 answered instantaneously (she is good with numbers as she was an accountant for 35 years). Omana
28

1 also stated [also see Exhibit 15 @ Motion] that Mr. Nair has taken the best possible care of her.

2 The statements above clearly proves that Ms. Thankamma is a fully conscious, smart and alert
3 individual, and to place such a person in illegal solitary confinement without access to anyone she can
4 communicate with (she does not speak English, only Malayalam), is beyond cruel, it is criminal evil.

5
6 **BOTH ATTORNEYS Mr.YOUNG & Mr.BARRERA WERE INAPPROPRIATELY APPROACHED BY Mr.CIRIC**

7
8 Both attorneys Dan Young and Paul Barrera [Reference 7: Barrera Email] have complained of
9 being inappropriately approached by Mr. Ciric, trying to persuade them to stop representing the
10 Family. After they filed the declarations as witness of Omana's inhuman treatment and isolation at
11 Harborview, Mr. Ciric had called and emailed them stating RPC 3.7, and threatened them with Bar
12 Complaints. In addition, Commissioner Velategui even threatened Mr. Young with bar complaint
13 [Reference 8: Young Email] if he even opened his mouth to represent Family or state their case (!!).

14
15 Commissioner Velategui had asked Mr. Nair to wait outside in the Courtroom because he had
16 objected to Mr. Ciric's shameless lies. As the petitioner, he had the right to testify and present his case
17 first, but Mr. Velategui did not even allow him to speak, as can be plainly seen from [Addendum G @
18 Motion]. Commissioner had denigrated his family's religious beliefs also on an earlier court hearing (on
19 October 10th) when he stated on record that his own wife was a follower of Ms. Amritanandamayi Devi,
20 a close friend of Ms. Thankamma for over 50 years, and expressed disgust at her religious practices.

21
22 **FEDERAL CASE IS ONGOING. MOTION FOR FEES WAS DENIED BY HON. U.S. SENIOR JUDGE PECHMAN**

23
24 Contrary to what is stated in the response, that \$30,000 was charged for "establishment of
25 guardianship through defending the federal and state actions", the matter of fact is that Regeimbal
26 PLLC had no involvement whatsoever in the establishment of the guardianship (which was a
27 negotiated settlement between DSHS and Family), or any involvement AT ALL until Family initiated a
28 Federal lawsuit against the guardian. That is when they even came into the picture at all, as can be seen

1 from the docket. They had motioned both the Federal Court AND the State Court for attorney fees on
2 the Federal lawsuit. As can be seen from [Exhibit 12 @ Motion], the Hon. Federal Judge Marsha J.
3 Pechman has flat out denied ANY attorney fees at all, and the Civil Rights Complaint is currently
4 proceeding to its discovery phase. The fact that this junior attorney has shown the gall to attempt to
5 supersede a Honorable Federal Senior Judge's ruling by deceiving a County Pro-Tem Commissioner is
6 inexcusable, especially as he has persuaded him for fees in the Federal matter that is still ongoing.

7 *This further proves that Mr. Ciric is capable of drooping to any lows for "gaming the system" and*
8 *to defraud and scam the Courts. Of course, the award of fees is illegal as a matter of law as they are not*
9 *eligible to receive any attorney fees at this point, as the Federal Court has categorically ruled.*

10
11
12 **PROOF OF SOURCE OF FUNDS OF \$10,500 Ms. COPELAND STOLE FROM Mr. NAIR**

13 Mr. Nair had provided Commissioner with proof of a wire transfer [Exhibit 24 @ Motion] he
14 had initiated on 2/20/2019 for \$9350/- from his personal Bitcoin account at www.bittrex.com
15 [Reference 10: Proof of Sole Account Ownership] to his Bank of America Account ending in 3880
16 (which had Omana listed as a joint account holder ONLY for the purpose of facilitating Mr. Nair to pay
17 for her expenses, otherwise Ms. Thankamma has no source of funds other than a paltry pension of ~
18 \$300/mo from India) to pay for critical legal fees for saving a home with over \$300K in equity from
19 being lost in a sheriff sale, which was promptly usurped by Ms. Copeland on the VERY next day [Ref 11:
20 Email from Ms. Copeland confirming the theft]. She had stealthily instructed Ms. Nicole Hale, Bank of
21 America associate at the Redmond Ridge Branch, to inform her as soon as there is money received on
22 the account so she can usurp it, after feeding Ms. Hale with atrociously derogatory false information
23 slandering and libelling Mr. Nair. As can be seen from the exhibits, the money belongs 100% to Mr.
24 Nair, and even Ms. Thankamma herself could not have claimed the money (not that she would have
25 wanted to) as Mr. Nair had the paper trail to prove its source. Mr. Nair's businesses have suffered
26 enormous losses due to the malfeasance of Ms. Copeland and Mr. Ciric due to his mental agony & stress.

1 **THE NEW VAPO PETITION IS A CONTINUATION OF SUCH FLAGRANT ABUSE OF PROCESS**

2 Mr. Nair never received any notice or service of this new VAPO petition [19-2-31462-2], which
3 he only came to know FROM THIS RESPONSE. A quick look at the King County Court website does not
4 show any date for hearing has been set or that it was even filed in his correct name, as he could not
5 look up this VAPO by his name - showing yet another example of how Mr. Ciric plays crass games to
6 make a COMPLETE MOCKERY of the Courts. Please note the following excerpts from the emails sent by
7 Ms. Copeland, in which she herself suggests moving Ms. Thankamma back to Mr. Nair's care at his home
8 if he pays for reinstating her insurance (which she let lapse): [Reference 14: Ms. Copeland's Email on
9 4/27/2019] "It is obvious she is not doing well at Paramount. I warned that this would not be a good
10 facility for her..... I don't want to continue to keep Omana at Paramount..... I want to allow her to go home
11 so I need you to help me make that happen." Guardian had no complaints until Mr.Nair filed the lawsuit.

12 This categorically also proves that her allegations against Mr. Nair and Ms. Susheelkumar,
13 (whom she has alleged of having used Chemicals to cause blisters on Omana on June 13 in Reference
14 XII @ Declaration) are nothing more than mere HOGWASH to divert blame for her horrendous murder
15 attempt of Omana. Furthermore, she had also filed a Personal Care Plan on 2/15/2019 with this Court
16 in which she had stated her intent on returning Omana to her home under the care of Mr. Nair. All these
17 filings and emails were made months after the 43 hours of Youtube live video sessions [Links are in
18 Page 7 of the Declaration her Children filed on 12/6/2019] in which they showed her that Omana was
19 not receiving any care or diaper changes at Paramount, causing her severe trauma and skin breakage,
20 requiring five emergency room admissions for serious infections she contracted at Paramount, which
21 Family members Mr. Kavesh Sharma, Ms. Rajakumari Susheelkumar and Mr. Jay Nair had initiated after
22 finding her unconscious with high fever and covered in feces and vomit almost EACH time they visited.
23 After she completely ignored all their humble pleas and emails to save their mother from Paramount,
24 Family was forced to **file a complaint with American Civil Liberties Union on their website on May**
25 **20, 2019** [Reference 15: ACLU Complaint] and send letters to U.S. Senators and other dignitaries.
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1 and polite emails to be reunited with their mother, they were forced to file the Federal Civil Rights
2 Complaint C19-01296-MJP. Guardian responded with the Petition for Instructions, which made new
3 malicious "allegations" against Mr. Nair and Ms. Susheelkumar about their "conduct" from several
4 months prior. on which nobody had any "complaints" until AFTER the Federal lawsuit was filed.

5 It is humbly prayed that this Court will kindly put an end to this most subversive drama, and let
6 Omana return home where she was staying happily and with excellent care, as all her caregivers can
7 attest. Ms. Thankamma is a foreign citizen here in this country only to visit her son. She has absolutely
8 no reason to be here otherwise. Neither King County, nor DSHS, nor the State of Washington, nor even the
9 nation of USA has any right whatsoever to hold a visiting tourist hostage against the wishes of her and her
10 family. As a hypothetic, kindly imagine a situation where the Honorable Reader is visiting a family
11 member in say India or China, and were to be taken hostage from his/her home while happily staying
12 watching TV, and held incommunicado in complete solitary confinement, wherein everyone speaks a
13 foreign language that he cannot understand. If that is not the definition of pure Satanic Evil, and also
14 interpreted seriously back here in USA as a hostile act of war against the nation of USA (as it is a violation
15 of the immutable & nonnegotiable right of a tourist to return to his/her home country), then what is?
16

17 The Ex-Parte department of King County Superior Court has been seriously compromised by
18 the racial prejudice and xenophobia of the so-called "Commissioners" Judson and Velategui, as their
19 "orders" violating all established due process and constitutional rights of Omana and her family proves.
20 The order of VAPO against Mr. Nair signed by Commissioner Judson was premised on the completely
21 nonsensical police report and the lies (as admitted by Ms. Boharski, DSHS Asst. Attorney General) on
22 record. The abandonment case was dismissed on July 10, 2019, therefore there is absolutely no rhyme
23 or reason whatsoever to continue the VAPO or the guardianship. Therefore Family is also petitioning
24 this Court (through the concomitant CR60 Motion to quash VAPO) to end this massive travesty.
25 Furthermore, it is imperative that this Hon. Court retains jurisdiction on all matters concerning Ms.
26 Thankamma, including the new VAPO sought against Mr. Nair, to prevent further miscarriage of justice.
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1 **KIDNAPPER'S LOGIC: FORCING TO MEET DEMANDS FOR RELEASE OF VICTIM TO FAMILY**

2
3 The perverted, criminal tactic used by Office of Risk Management and Guardian is plainly
4 obvious to any reasonable person: they will only allow Omana to be returned to her home country
5 (which is anyways guaranteed by US-India travel treaties and by Geneva Convention) if the Family
6 agrees to their demand to "settle" the ongoing Federal case for \$1, as can be seen from the CR68 offer in
7 [Addendum O @ Motion]. In other words, they will not let Family meet or even talk to her on the phone,
8 until their demands to settle the lawsuit are met. This alone explains everything going on in this matter in
9 a nutshell. An innocent and fully alert quadriplegic in her final days is being held incommunicado
10 (without access to even attorneys representing the family, as made clear in the declarations by Mr.
11 Barrera and Mr. Young in [Addendum E] and [Addendum F] of the motion), for almost 6 months. Her
12 daughter spent several months in the USA yearning to see her mother one last time, but all her efforts
13 were thwarted by these evil animals, forcing her to return to India traumatized and in tears.

14
15 For all the above reasons, Family of Ms. Thankamma is most humbly praying to this Honorable
16 Court to terminate this spurious and detrimental "guardianship", quash the VAPO (which was obtained
17 through proven lies and a since-dismissed "abandonment" case), injunct Harborview from restraining
18 Family's visitation rights, enter a VAPO against the murderous so-called "guardian", impose sanctions
19 on Mr. Ciric for his abuse & mockery of the Courts for personal benefit & unjust enrichment, uphold the
20 Hon. Federal Judge Pechman's order disallowing any attorney fees, allow Omana to return home, and
21 restore faith in the sanity and integrity of the King County Superior Court in global public conscience.

22
23 DATED this 10th day of December, 2019.

24 

25 Rajakumari Susheelkumar
26 Mookambika, WSRA-189,
27 West Fort, Thiruvananthapuram, Kerala, India

24 

25 Jayakrishnan Nair
26 11031 Elliston Way NE
27 Redmond WA 98053

Exhibit H

IN THE KING COUNTY SUPERIOR COURT
FOR THE STATE OF WASHINGTON

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In re: the Guardianship of)	
)	CASE NO. 18-04-05231-6 SEA
OMANA THANKAMMA,)	
)	
An Alleged Incapacitated Person.)	AIP THANKAMMA'S CHILDRENS' JOINT DECLARATION IN REPLY TO GUARDIAN'S RESPONSE TO VULNERABLE ADULT PROTECTION ORDER
)	
)	

Each of the paragraphs in the Guardian's Response to the victim Omana Thankamma's family's VAPA petition are addressed herein, viz-a-viz each paragraph by its corresponding number. However, to truly understand how shamelessly insidious this response filed by "attorney" Mr. Ciric is, it is humbly prayed that this Honorable Court will first read the VERY DETAILED statement of facts presented in the ongoing Federal Civil Rights Case (C19-01296-MJP), which is attached as [Exhibit 13] to the Motion for Revision. Mr. Ciric has appeared on that matter and made several responsive pleadings, and therefore is very well aware of the facts. Yet the fact that he has shown the gall to present these absurd lies to mislead this Court, **knowing full well that those are 100% complete lies**, is not only a terrible Contempt of this Honorable Court but also a matter to be addressed by the Bar Associations. This debased young man has shown time and again that he has no integrity whatsoever and loves to cheat and "game the system". He is an embarrassment to the legal community. To protect the integrity of the Courts, these lies must be addressed and appropriate Sanctions Imposed.

Omana's son Mr. Jayakrishnan (Jay) Nair MS, MBA, is an upstanding member¹ of the Community [Reference I: Bio from the reputed Wall Street Transcript], an Erdos#2 Mathematician, CEO of a very valuable Biotech Startup with exclusive licenses from Johns Hopkins University, Owner of Omana Homes LLC, and a well accomplished author and recipient of numerous prestigious awards and honors. Her daughter Ms. Rajakumari (Raji) Susheelkumar MA is a senior journalist with India's prestigious Mathrubhumi Newspaper². Both her children don't have any criminal record, and are highly educated.

<p>¹ https://www.linkedin.com/in/knair/ ² www.mathrubhumi.com/</p>
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1) As can be seen plainly from the VAPO Petition by DSHS/APS [Reference II], **the only allegation** against Mr. Nair is a false allegation of not hiring qualified caregivers. **There are no other allegations even put forth by DSHS or any other party EVER.** The petition alleged that Mr. Nair hired unqualified caregivers from Craigslist, but the fact of the matter is he only used Craigslist to hire maids such as Ms. Alexandria Hall and Ms. Jennifer Gallagos for his real estate business (Omana Homes LLC, named after his mother, which also shows the deep emotional bond between mother and her only remaining son).

In reality however, Mr. Nair had hired qualified CNAs [Exhibits 5@ Motion: CNA Ashley Redican's credentials and certificates, and Exhibit 6@ Motion: CNA Karina Conspicion's credentials and certificates] from the same regulated site that most large nursing homes use to hire their staff [Exhibit 29@ Motion: paid Membership from www.care.com].

Notwithstanding the above, the Commissioner Judson did not even allow Mr. Nair to provide a testimony or allow an evidentiary hearing [Reference III: Attorney McBroom's comment about Commissioner Judson's incompetence, calling him a "piece of work"], and entered a VAPO, which still had **NO OTHER RESTRICTIONS** other than that Mr. Nair cannot remove her from any facility. **There are absolutely no restrictions at all on his visitation rights.**

2) Nobody had ever brought any allegations of abuse ever against Mr. Nair. The only concern from DSHS/APS on the VAPA was whether Omana was receiving adequate care at home. As can be seen clearly from reading the police report [Exhibit 9 @ Motion], the 911 call was **NOTHING MORE THAN A SIMPLE MISUNDERSTANDING BY A NEIGHBOR FOR WHICH SHE HAS SINCE PROFUSELY APOLOGIZED FOR HER MISTAKE**, as she suspected Ms. Hall, who was the maid for the family, had requested her for a blender to crush pills. Ms. Marcy O'Brien, the neighbor, had never met Ms. Hall before and was **not even aware of Ms. Thankamma's existence**, as the family had just moved into this home a few weeks prior. There was no concern about Ms.

1 Thankamma at all, as Ms. O'Brien did not even know who she was. Furthermore, the police was
2 readily welcomed inside the home by the maid Ms. Hall, as there was nothing to hide, and the
3 officer has indeed noted (contrary to what Mr. Ciric alleges) that Omana was found in clean
4 and fresh bedding on her hospital bed, peacefully and happily watching Malayalam TV.

5 Ms. Jennifer Boharski, representing the DSHS had apologized to Court for the wrong and
6 misleading allegations about the "lying on the floor, fecal matter and smell of urine etc", and
7 stated on record that "they were taken from another case by mistake" and asked the Court to
8 "strike those lies". Also, most laughably, Ms. Thankamma never had a Colostomy in her life,
9 and the Colostomy bag that the cop is referring to is her Urine Bag, which is supposed to be
10 kept under the bed per medical protocol. [Exhibit 18@ Motion: Response to VAPA Petition].

11 Ms. Thankamma was happily staying in a six bedroom mansion, [Exhibit 3@ Motion]
12 heavily customized for optimizing her life satisfaction such as being surrounded by her
13 religious idols, ramps, Hoyer lift, 24x7 remote monitoring by family in India etc, combined with
14 the best of private care, therapies and insurance money could buy. She was found clean and
15 fresh in her hospital bed, and got the shock of her life when she was taken from home against
16 her desperate pleas to the cop to please leave her alone.

17 Furthermore, she was evaluated at Issaquah Swedish Hospital, where Dr. Nayak was full
18 of praise for how well she has been presented. He states in his medical report [Exhibit
19 10@Motion] as follows: "Patient is apparently at her baseline. Her skin is generally very
20 well cared for and there are no signs of trauma or neglect. Son is quite caring and well-
21 informed in regards to her care". Report also shows she was well hydrated, her vitals were
22 normal, and she was seen speaking with her son, All these facts were deliberately hidden in the
23 nonsensical and fraudulent response, although Mr. Ciric was aware of them from the pleadings
24 in the Federal Court, proving yet once again that he is nothing more than a shameless liar, who
25 always seeks to deceive, swindle and mislead Honorable Courts with half-truths and fiction.
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1 3) Family's attorney Greg McBroom suggested that having DSHS take the financial responsibility
2 for Ms. Thankamma's care at a facility within 25 miles to the home, with unrestricted access to
3 all family members, would be a "blessing in disguise" as that could help Mr. Nair save the huge
4 monthly expenses for private live-in caregivers, private insurance, private therapy sessions,
5 privately paying for her Botox pain injections etc, in addition to letting him return to his regular
6 job at Microsoft which he had left to become a caregiver for his mother.
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9 4) However, it turned out that the guardian appointed was a TOTAL disaster, an evil psychopath
10 abusing pro bono guardianship as a way for self-aggrandization. Against the plain language of
11 the order that she cannot make any code changes for her care, she changed her POLST to No
12 Resuscitation [Exhibit 32@Motion], against the vehement protests from the family [Exhibit
13 22@Motion: Emails about changing POLST and her plan to "soon authorize Omana's Death at
14 Paramount by withholding medicines and food"]. She showed incredible arrogance stating that
15 "opinions of Jay, Raji and other family members are just that, opinions, at the end only I have
16 the authority to decide whether your mom should live or die". She also states in the last email
17 to Omana's granddaughter that "based on my research on Hinduism, I believe Omana should
18 not be allowed to live in this condition", and that "I am now the new head of your family".
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21 5) Omana's only source of income was a \$300 pension from a Public Utility Company in India
22 (ww.kseb.in) from where she had retired as a senior accountant in 1995. All of her care and
23 living expenses were paid for privately by Mr. Nair from his personal funds, as a Microsoft
24 Program Manager, NASA Researcher (he has published papers on NASA space applications³ and
25 advanced robotics that have received best paper awards) and entrepreneur for the last 17
26 years since she first started visiting him in the USA in 2002, only 6 months after he himself first
27 came to USA on a NASA research fellowship as a sponsored graduate student at University of
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³ <http://citeseerx.ist.psu.edu/viewdoc/summary?doi=10.1.1.13.3450>

1 Massachusetts. From thereon, he was recruited to Microsoft upon graduation, and his mother
2 joined him in Seattle. She has always been under her son's financial care for all throughout the
3 17 years in the USA, wherein he also defrayed for her triple bypass in Atlanticare Hospital in NJ
4 [Reference V], as well as her two strokes and the hospitalization and recuperation costs thereof.
5 As Omana herself states in [Exhibit 15@ Motion], Mr. Nair has been an ideal son who has gone
6 above and beyond his call of duty to ensure his mother gets the best of medical care, happiness
7 and love. Omana loves her children more than her own life, and vice versa.

8
9 Notwithstanding the above, he was shocked to see that \$10,500 was stolen from his
10 Bank of America account (to which Omana's name had been added only to facilitate her medical
11 transactions), This money had just been transferred the day before from his 100% personally
12 owned Bitcoin account at www.bittrex.com and is 100% his money [Exhibit 24@ Motion].

13 There has never even been any hint of any abusive conduct from Mr. Nair as is obvious
14 to any reasonable person examining all the evidence. He and other family members were
15 extremely concerned about her neglect and abuse at Paramount Nursing Home, which is
16 officially ranked by CMS as the WORST HELLHOLE in ALL OF AMERICA [Exhibit 11@ Motion],
17 as the bottom dweller of dreaded Table B. She was always found drenched in vomit and fecal
18 matter, and was steadily deteriorating each day and in tears, holding his hand asking to be
19 taken back home every day when he visited. All her therapies were abruptly stopped. She had
20 been receiving Speech, Physio and Occupational Therapies at home [Exhibit 4@ Motion, which
21 includes the contact information for the therapists that were visiting her at home]. She was no
22 longer receiving Botox pain injections or stretching exercises for her legs, without which she
23 had developed incredibly crucifying cramps in her legs. She did not receive followup care to her
24 eye surgery with Dr. Philip Chen (just before the guardianship) and this led to severe
25 complications and pain in her right eye. Omana lost her vision on right eye completely due to
26 the Guardian's refusal to be available to give consent for a procedure even though she was
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1 taken to the facility for the followup. When the Dr's office called, Ms. Copeland did not pickup
2 the phone, and therefore the procedure was not done, leading to her right eye turning blind. All
3 this and more are detailed in the Federal Civil Rights complaint that is ongoing [Exhibit 13@
4 Motion]. The totally unnecessary suffering and losses (including getting blinded in one eye for
5 no reason other than the indifference and irresponsibility of so-called "guardian") Omana and
6 Family had to go through due to this tyrannical action by APS to take her from home, and to put
7 her in a shelter that is officially only for transient homeless and not capable of taking in a stable
8 long-term care patient [Reference VI: Paramount Shelter webpage that states they cannot
9 provide long-term care] and from the deliberate evil of the "guardian" is truly unfathomable,
10 and shows how stupidly broken the guardianship system in the State really is.
11

12 All her therapies were stopped, leading to terrible regression and loss of progress made
13 by years of therapy at home. As they did not have trained staff that could take care of her
14 urinary catheter, it was removed and she was placed on diapers, which are never changed -
15 leading to five serious infections including a MRSA infection. On each of these 5 occasions, it
16 was only family's timely intervention that saved her life, after they found her unconscious and
17 covered with vomit and excreta [Exhibit 1 @ Motion]. Even the guardian has acknowledged this
18 in emails "I know Omana is not doing well in Paramount...I know she loves her home and want
19 to go back". Ms. Copeland even filed a Personal Care Plan [Reference VII] that states she wants
20 to return Omana to her home and has stated repeatedly that she is willing to send her back
21 home if son pays for reinstating her insurance and for 6 months of caregiving costs upfront.
22

23 -----
24 6) Heartbroken at his mother's plight and concerned about her safety, Thankamma's family sent
25 several emails to Ms. Copeland asking to move her from Paramount. He even initiated several
26 live video sessions on Youtube while he was visiting so he can let the guardian see for herself
27 how his mother was never getting any care or diaper changes, or even insulin, food or
28

1 medicines unless he insisted. Even when the call light is on for hours. Here are the links, which
2 show nothing but the purest form of platonic immaculate deep love between a mother and son:

3 <https://youtu.be/pVpILEMmTN4>

4 <https://youtu.be/emiFvblaYow>

5 <https://youtu.be/Gk1eq3gEpVc>

6 <https://youtu.be/13BZxv3ATb4>

7 https://youtu.be/_SZZ0m2LLPE

8
9 The fact **that these sordid animals combed through over 43 hours of live video**
10 **above (that the son voluntarily shared over ELEVEN MONTHS AGO on which no concerns**
11 **were raised until now) for the purest and most innocent purpose of demonstrating her**
12 **lack of care, ONLY for the subversive purpose of finding a couple of "screenshots" where**
13 **he is hugging and kissing his dying, sick mother, and tried to show that in a negative**
14 **light, if anything ONLY proves how incredibly perverted, vile and morally depraved these**
15 **sicko monsters really are.** It was Mr. Nair who initiated these live sessions based on his trust
16 that the guardian would act to secure her placement at a better facility, to save his mother from
17 the gruesome neglect. Her urinary catheter had been removed, and she was put on diapers,
18 which meant that due to her incontinence, she was always lying in soiled and wet diapers. But
19 nobody would answer their calls for help, and that is what he demonstrated in the videos.

20
21 Moreover, as can be seen from [Exhibit 22 @ Motion] the emails and the care plan that
22 the guardian filed, some of them as late as May 30, in which she herself admits that she knows
23 how much Omana loves her son, how deep their emotional bond is, and the best place for her is
24 to be returned to be home with son, clearly establishes the nefarious intent of misleading the
25 Court with complete pathetic nonsense to cover up their crimes and murder attempt of Omana.
26 Mr. Ciric is personally a defendant in (C19-01577-MJP), and so he is most desperate to show the
27 plaintiffs in a bad light to evade the responsibility for his abuse of position as "Officer of Court".
28

1 This cozener is not intellectually capable of understanding the responsibilities of a lawyer. The
2 entire response from Mr. Ciric is truly an insult to the intelligence of the Court, and a shameless
3 attempt to mercilessly abuse Commissioner Velategui's intellectual lacunae, on which it must
4 be painfully said he succeeded- which also proves Mr. Velategui has not read the Federal Suit.
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7 7) On February 16, Mr. Nair sent an email to Ms. Copeland [Exhibit 22@ Motion, Page 7] including
8 a picture that showed Omana was covered in vomit and excreta. Ms. Copeland responded by
9 saying she had forwarded the picture to the administrator, one Roger, at Paramount, whom Mr.
10 Nair had never met before. He was concerned that there would be retaliation for his whistle
11 blowing. On his next visit, on February 18th around 11:15 AM, he was approached by this man
12 Roger, who identified himself as the administrator for the facility, and asked to hand over his
13 phone as "he would not be allowed to bring in any cameras or take any pictures if he wanted to
14 continue to visit his mom". Mr. Nair was startled, but politely responded that it was not possible
15 as his Pixel 3 smartphone had sensitive personal information, and moreover he had the right to
16 take pictures of his mother for her memories and for documenting her neglect.

17
18 "Roger" became quite upset, and threatened Mr. Nair that "you are not going to be here
19 for long" and walked away. At this, Mr. Nair immediately reported this matter from his phone to
20 Ms. Copeland [Reference VIII] about being approached by Roger and their conversation, from
21 her room. About 30 minutes later, while he was with his mom, couple of Seattle PD officers
22 showed up and said he had been trespassed from the facility, without providing any reason
23 other than that Roger had decided to trespass him. Mr. Nair immediately again sent another
24 email to Ms. Copeland explaining what had happened [Reference IX].

25
26 From the above emails and the timelines, it is CRYSTAL CLEAR to anyone that the whole
27 agenda of this facility, notorious nation-wide and ranked by CMS as the WORST OF THE WORST
28 among all the 45,000+ care facilities in the nation, was to prevent Omana's children from

1 documenting her severe neglect. There was absolutely no other reason, as any reasonable
2 person can surmise from the facts. They did not like Mr. Nair visiting Ms. Thankamma every day
3 and taking pictures and reporting to the guardian, who betrayed his trust by exposing him as a
4 whistleblower. The police report on Feb 18 and the nasty allegations are simply a product of
5 the nasty imagination of these evil monsters who would trespass anyone that documents the
6 condition and neglect of inmates, which Mr. Ciric has shamelessly regurgitated.
7

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9 8) On May 6th, while he was visiting, Mr. Nair found that his mother had been neglected for hours
10 in her excrements. After pressing the call light, he waited for over 2 hours but nobody answered
11 while Omana continued to writhe in pain and discomfort, tears rolling down her eyes. Unable to
12 tolerate anymore, he went up to the nursing station and asked to speak with Head Nurse one
13 Ms. Pauline, and asked her to come to the room, where he TOOK A PHOTO IN HER PRESENCE of
14 the condition his mother was in, and asked her to acknowledge her abuse and neglect. She said
15 she would have someone clean it soon, and did, but that was after 5 hours after Omana had had
16 a bowel movement. She was literally drenched in her own poop for 5 hours.
17

18 Very next day, when he visited, he was accosted by a black male "nurse" (for whatever
19 reason, almost all of the "nurses" and "staff" at this ghetto "facility" are scary looking black
20 males recently immigrated from African countries). He identified his name was Tedla Ulele, and
21 that he was asked by Roger to "supervise" his visits and not allow any photography. Mr. Nair
22 asked Tedla to check her temperature as she seemed to be running a fever, to which Tedla
23 inserted his hand underneath her gown and fondled her breast, to rile up Mr. Nair and stir up a
24 confrontation. Mr. Nair took out his phone, started recording and asked his mother to describe
25 her abuse in Malayalam. At this point Tedla grabbed his phone and assaulted him. All the details
26 of this incident are in the Civil Rights Complaint [Exhibit 13 @Motion] Page 61. He was badly
27 bruised from being dragged across the floor, in front of several inmates and staff members.
28

1 Omana screamed loudly, as did couple of other inmates watching, which prompted two
2 staff members, namely the receptionist Peter and a Nursing Assistant Yohannan, to come to his
3 rescue. They pulled away Tedla who was mauling Mr. Nair, and allowed him to escape being
4 beaten possibly to death by this violent criminal thug. This facility's one-star yelp⁴ and other
5 online reviews label it as the most abusive and murderous place, nicknamed as "**Auschwitz of**
6 **Seattle**" by the families of dozens of victims who have been raped, assaulted or murdered
7 there. It did not get the ranking as the ABSOLUTE worst shelter home in the USA for nothing.
8 Here are some excerpts from some of the reviews (ALL OF THEM 1 STAR) on their yelp page:
9 (Please note they were renamed to Paramount Shelter recently, from "Leon Sullivan Shelter")
10

11
12 From Jacob J.:

13 *"Horrible Care - This facility neglected to turn an immobile friend of mine (their patient) every 2*
14 *hours as required. Causing pressure ulcers and an **infection that went septic resulting in the***
15 ***death** of my already immunocompromised friend."*

16
17
18 From Christina F.:

19 *"A TERRIBLE PLACE. **It is what nursing home nightmares are made of.** It is filthy, it smells, the*
20 *food is beyond terrible (makes hospital food look great) the employees are absolutely non*
21 *interested and negligent. I have heard people screaming for help and left on the floor. I am in the*
22 *process of videotaping events there, and will be filing suit against them in the near future."*

23
24 From Elizabeth L.:

25 *"THE WORST NURSING HOME IN WASHINGTON STATE. I have witnessed residents smelling of*
26 *feces and urine for hours at a time with not one of their aides stopping to check on them. I have*
27 *heard residents yelling for help and not one person who walked by seemed the least bit concerned.*
28

⁴ <https://www.yelp.com/biz/leon-sullivan-health-care-center-seattle-2>

1 *The business office manager (the same "Mauri" who made the police report to stop Mr. Nair's*
2 *visits and documentation of Omana's condition) is the most unprofessional person who was very*
3 *condescending and abrupt. I dont understand how she can be this way when dealing with family*
4 *members who are grieving and suffering every day trying to make ends meet while their loved*
5 *ones are left there to be neglected and exploited. The activities supposedly taking place were*
6 *always done half assed or not at all. If you decide to tour this building and aren't instantly turned*
7 *off by the smell of urine and death, please request to go to the second and third floor....I couldn't*
8 *even type this without vomiting in my mouth a bit"*
9

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11 9) All the emails from the family were legitimately expressing the concerns about his beloved
12 mother who was taken from a luxury home with all the care and love in the world, to a hell hole
13 and left to die. His indignation expressed in the emails are indicative of the pain from seeing his
14 mother's suffering and neglect, and absolutely no threats have been used, other than warning of
15 the pending lawsuit - which is permitted, otherwise every lawyer in the planet would be
16 "threatening" or "abusing". Mr. Nair stands behind all the emails, and are fully vindicated.
17

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19 10) Mr. Nair has, as warned in the emails, indeed followed through and filed a lawsuit [Exhibit 13 @
20 Motion]. Similarly he fully intends to follow through and publish a book shortly on amazon.com
21 detailing the failed guardianship system, which has resulted in the most Kafkaesque nightmare
22 for his mother, beyond even the best (or worst) imagination of Mr. Franz Kafka himself in his
23 books. It is his civic duty to the Society that these sickos running this horror show are exposed.
24 so innocent mothers like Omana can be obviated from being victim of such complete insanity.
25

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27 11) Mr. Nair has promptly filed an objection to the Petition, as can be seen from [Reference X]. It
28 seems Mr. Ciric is competing against himself on how many lies he can write in one document.

Besides, the \$10,500 the guardian stole from his account was 100% HIS money, as the wire transaction from the Bittrex account [Exhibit 24@ Motion], the day before she stole it, proves.

12) Yet another lie. Despite the fact that the guardianship had been promptly removed to Federal Court, the junior "attorney" Mr. Ciric, who just now graduated law school, did not understand that such removal automatically void all further proceedings in State court, and illegally tried to re-note the hearing, in violation of Federal Statute, prompting Plaintiffs to file complaints with the Bar Association and to file a Motion for Sanctions against him [Reference XI]. Yet he has the gall to shamelessly claim that in "abundance of caution he struck the state court petition" while the fact as can be seen from the exhibits to the Motion for Sanctions is that he did everything he can to convince the Honorable Clerk to hold an ILLEGAL hearing on a matter already removed.

13) As can be seen from the emails, Mr. Nair has been desperately pleading with and begging the guardian to be allowed to go home. Mr. Ciric appears to be delusional to have the gall to deceive this Honorable Court with so many easily provable lies. It appears he no longer wishes to be admitted to legal practice, as it is inconceivable that such as shameless charlatan can be allowed anywhere near a Courtroom, let alone malign its integrity with his cheap infantile chicanery.

14) First statement of truth in the otherwise maliciously pathetic "response" replete with fibs.

15) His firm presented Family with a CR68 offer to relocate Omana back to India, but only under the condition that they agree to settle the Civil Rights Suit for a laughable \$1. Unless they agree to their stipulation, Family would not be allowed to meet with their mother, but once agreed, their mother will be released back to them. How is this logic any different from that of a kidnapper asking for ransom / for conditions to be met for the victim to be released to family?

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16) - Correct-

17) Partially Correct. Mr. Nair submitted a motion for reconsideration [Reference IV] immediately after U.S. Senior Judge Honorable Marsha J. Pechman dismissed the matter for lack of subject matter jurisdiction. His motion was GRANTED, and the case was reopened [Reference XII]. A second Federal Case was necessitated to bring Mr. Ciric to justice (among others) for the losses that Plaintiffs' two businesses, Ratner Biomedical Inc. and Omana Homes LLC, have suffered due to the mental trauma of having to deal with this most excruciating circumstances they have caused, due to which Mr. Nair has been unable to focus on his work. This has led to his homes being vacant for months, causing severe loss of income, while he was unable to travel to present his business plan at TERMIS 2019, a prestigious biotech conference which would have given access to millions of dollars in VC funding, despite having won the Competition [Reference XIII].

18) Please see declarations [Reference XIV] from family members Rajakumari, Susheelkumar, Sukanya, Jayakumar and Kavesh. Ms. Manila is neither a family member nor a friend, and they were never intimated about his visit. He appears to be a shill that Ms. Copeland sent.

19) All communications with Dr. Andrew Hahn are attached in [Reference XV]. Kindly read Sections I and J of the Federal Complaint [Exhibit 13 @ Motion] to learn the facts about his involvement in this matter. Mr. Nair and Ms. Susheelkumar had been visiting their mother every day for three weeks at Harborview since the time she was saved by the latter from impending death from Paramount, where she was found completely covered in ghastly blisters [Exhibit 2@ Motion] from bullosis diabeticorum. Ms. Raji Susheelkumar was told by Staff that the **Administrator Roger had been instructed by Guardian Ms. Copeland "to let her pass away**

1 **peacefully" and that she was not allowed to receive any food, water or medicine.** After
2 Raji screamed and called 911, **paramedics noted that her glucose was over 400, she was**
3 **severely dehydrated and malnourished, lost over 20 lbs, and was running a fever of 104**
4 **degrees - i.e. she was near death.** The comprehensive medical evidence (metabolic panel,
5 blood test, lipase, all vitals) for her murder attempt can be seen from [Exhibit 27@ Motion].

6 After getting stabilized at Harborview with food and insulin, Omana quickly
7 recuperated and was able to converse with her children. Worried that she would be returned to
8 Paramount after becoming stable, Raji decided to file a police complaint with Seattle PD (19-
9 243177) on July 3, 2019. Next day went by without incident, as her children spent about 12
10 hours with her on Independence day, and was warmly greeted on their way out by a Nurse
11 Leah. But when they returned on July 5th, Dr. Hahn told them they would not be allowed to
12 visit her as he was investigating a "sugary substance found floating in her food last night" and
13 asked them to stop visiting for two weeks, as can be seen from emails in [Reference XV]. Jay and
14 Raji politely obeyed his request, and did not return for the next two weeks, whilst they also
15 asked why this suspicious substance was not preserved for lab tests, and asked for a detailed
16 investigation. It is to be noted that neither children never had ANY altercations ever with any
17 staff member at Harborview and have always been most cordial and polite.

18 After waiting for two weeks when they contacted Dr. Hahn for permission to visit, he
19 ignored all their emails, and as did the guardian and Harborview patient relations. Thereafter
20 Family sent legal letters [Reference XVI] to Ms. Copeland, Dr. Hahn and Harborview demanding
21 to arrange a visit with their mother by August 5th, failing which they warned of starting a legal
22 action. As they did not receive any response, family filed [Exhibit 13 @ Motion] with Federal
23 Court, in which they named Dr. Hahn as a defendant. Following this, as a retaliation, Dr. Hahn
24 filed a completely frivolous Temporary Restraining Order per the suggestion of Office of Risk
25 Management, in which he completely somersaulted on the reason for them not being allowed to
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1 visit- he clearly states that he was merely following the order from the Office of Risk
2 Management after he told them about the police complaint that the children had filed against
3 Paramount (which is also under the same Office of Risk Management) about her murder
4 attempt. He mentions that he had no objections to their visits but was told by ORM to stop the
5 visits by family, by his own admission, as retaliation for the Police Complaint they filed and also
6 admits that the story about the "sugary substance" was a lie that was made up as an excuse.

7 **This frivolous TRO petition was promptly dismissed by the King County Superior**
8 **Court.** His allegation about being threatened by the mention of "Hitler's final solution" in the
9 Federal Complaint is a **very laughable joke, as anyone reading the Federal Complaint, Page**
10 **12, para 33 can see that it is taken completely out of context to deceive the Court.** The
11 TRO petition was therefore summarily dismissed as frivolous.

12
13 This prompted the Plaintiffs to file a Motion for Sanctions against Dr. Hahn and Mr.
14 Ciric, for malicious abuse of legal processes for inventing lame laughable defenses against the
15 Federal lawsuit that had already been filed against them [Reference XI]. Dr. Hahn has
16 maintained that he was simply following orders from ORM at all times and was not involved in
17 any of the decision making, and he even has said in the past that he supports family's rights and
18 want to assist Omana to go back to live with her son at her beloved home [Reference XVII].
19

20 -----
21 20) Adult Protection Services / DSHS is also a defendant to the Federal Lawsuit, as they are the
22 ones responsible for this stupid insanity where a quadriplegic who was staying happily in a
23 loving and well cared for home has been involuntarily taken to be abused, neglected and even
24 murdered at (officially) the worst hell hole in all of America, the bottom dweller in the dreaded
25 SFF list that CMS publishes annually [Exhibit 11]. If this is not the very definition of complete
26 catastrophic failure, then what is? They have done a very perfunctory investigation trying to
27 protect their own interests. As can be seen from [Reference XVIII], Ms. Pam Rago, investigator
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for APS, did not even call the witnesses identified in the complaint to take their statement, showing that they only wanted to shadily cover up the matter and attempt to reduce their own culpability in having put Omana in this situation in the first place.

No real investigation has taken place at all, despite the fact Plaintiffs have provided tons of evidence in the form of eyewitness testimonies, gruesome photographs [Exhibits 1 and 2 @ Motion] corroborating emails in which the "guardian" threatened that she was going to authorize Paramount to withhold her nutrition and medicines as she "did a ton of research on Hinduism and did not believe Omana deserved to live in this condition", and even statements from Paramedics and tons of medical evidence showing all her vitals were compromised and she was having glucose level over 400, which was immediately stabilized with one shot of insulin. Investigation by Seattle PD was sabotaged by another lie Dr. Hahn was forced to tell by the Office of Risk Management, that Omana was suffering from a serious infection which would explain her elevated glucose and other vitals, which is completely untrue and she was stabilized at Harborview with nothing other than nutrition, water and insulin. Her medical charts obtained also shows her vitals has declined horribly from the time 5/27-6/13 when she was rescued by Raji, and then steadily improved after Paramedics took her to Harborview.

21) The Family's lawyer Mr. Paul Barrera had arranged personal service to Mr. Ciric's lawfirm, and had it time-stamped at the earliest [XIX]. The same filings had already been made a month prior via E-Service [Please see Addendum N@ Motion for Revision, (Motion for Recusal, Exhibit 2)]. It is a blatant violation of 14th amendment rights of the family to have been required to have to undertake completely unnecessary and expensive personal service (\$180 in this instance) when the same files have already been served via King County E-Service, which is all that the other party was required to use by the Commissioner. All service requirements have been met.

1 **HUMBLE PRAYER TO RETURN OMANA WHERE SHE BELONGS ON HUMANITARIAN GROUNDS**

2 Family is completely in agreement to return Omana to India, but that cannot be at the expense
3 of providing immunity for the guardian (or her counsel) for their flagitious, vile and illegal actions
4 orchestrating Omana's murder in evil, criminal conspiracy with the nation's filthiest shelter, or holding
5 Omana in illegal cruel solitary confinement for no reason other than as retaliation for the complaints
6 they filed against them. Not only son Jay Nair, but her daughter Rajakumari (who flew in from India
7 only to be with her mom) has also been not allowed to meet with her mother, as has been any other
8 visitors, including the family's two attorneys Paul Barrera and Dan Young, both of who have now
9 turned into witnesses (RPC 3.7) of her abuse and solitary confinement at Harborview [Please see their
10 respective declarations in Addendums E and F @ Motion]. The guardian and her counsel Mr. Ciric must
11 be, and will be, held accountable to the furthest extent of the law and also in the Public eye, which is a
12 duty that Omana's family owes to her as retribution for all her tears and ultimate suffering, even losing
13 vision on her right eye, due to the most dastardly evil perpetrated by these dangerous psychopaths.

14
15 Contrary to what has been stated in the response, neither Mr. Nair nor Ms. Susheelkumar, nor
16 any other member of their family has ever been found of having committed any abuse of their mother
17 by any court. Omana is a citizen of India, and as such she has an immutable and non-negotiable right to
18 return to her homeland as guaranteed by the terms of her B1/B2 visitor visa. She is not wanted for any
19 criminal proceeding in the US, and therefore it is **a violation of Indo-American bilateral treaty and**
20 **the Geneva Convention to hold her hostage in a foreign nation against her and her family's wishes.**

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22 Imagine this Honorable Court's own mother visited a relative in India on a tourist visa, and was
23 taken from her relative's home (while happily and safely watching TV) and held incommunicado,
24 without access to any family member, or even a telephone call, without any legal reason, for almost six
25 months. How could the US Media or Government treat that as anything other than an act of war? This
26 situation is similar to the injustice done to Mr. Otto Warmbier when he visited North Korea, a hostile
27 nation to USA. What right does APS or any state agency have to keep a foreign citizen hostage without
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1 permission from her family and against her wishes (please see Omana's declaration, Exhibit 15@
2 motion)? What has been going on in this case is nothing short of a colossal failure of the legal system,
3 which the Family is keen to not only rectify, but also seek damages for and bring perpetrators to justice.

4 It is humbly prayed that the Honorable Court should not allow these evil monsters who are still
5 torturing and crucifying an innocent quadriplegic by keeping her in illegal solitary confinement for no
6 reason for over 5 months, and her Family, by wantonly abusing the power for nefarious malice, to be
7 hiding behind any statute, as that would tantamount to tolerating such animalistic behavior and placing
8 the Society in jeopardy. Mr. Nair is an erudite scholar, a scientist-entrepreneur who has qualified for
9 memberships in several high IQ societies such as Mensa and Oath (One in a thousand) Societies. If such
10 a person can be a victim of racial prejudice and be treated like dirt, without allowed access to his dying
11 mother, then it is a signal to society that these xenophobic savages can perpetrate any crimes with
12 impunity against anyone of color and/or any immigrants, as the latter are not recognized as humans.

14 An innocent helpless quadriplegic has been most anxiously waiting for over five months
15 listening to every footsteps in the hallway praying to see her children one last time, deeply yearning for
16 a simple kiss from her beloved family, a hug of love, for a word of kindness in Malayalam (the only
17 language she understands). Condoning this level of heinous, pathologically depraved villainy is akin to
18 OFFICIALLY admitting USA has a terribly failed and stinking legal system whose much celebrated
19 constitution only applies to rich whites, who can have their flagitious ways with immigrants who have
20 about as much (perhaps even less) rights as livestock. Ms. Raji Susheelkumar was not even allowed to
21 see her mom on her birthday, which was traumatizing as she had flown across the globe for this.

23 This nation has been made great by the hardwork of immigrants, among them Indian-
24 Americans occupy a special place as having the highest contributions in science, IT and medicine, while
25 having the lowest crime rates of any immigrant group⁵. This family has built two very valuable
26 businesses and created employment opportunities and contributed to the nation. This Court has a
27 Constitutional mandate to end their hideous, vicious & demonical persecution of an innocent family.

28 ⁵ <https://www.migrationpolicy.org/article/indian-immigrants-united-states>

1 As can be seen from the declaration of Ms. Susheelkumar attached to Habeas Corpus Petition
2 [Addendum J @ Motion], there is plenty of quality care available for Omana right next to her home, one
3 of which is the world class Ananthapuri Hospital, where she can get care on par or better than
4 Harborview. Therefore there is absolutely no legal or logical reason to prolong her agony.

5 Ms. Susheelkumar had spent several weeks in the USA trying to meet her mother, and pleaded
6 many times with Harborview and the guardian for allowing the same, but not only they ignored all her
7 begging pleas, they even accused her of causing the blisters on Omana by using chemicals, as retaliation
8 to her police complaint [Reference XXII]. However, it has been medically established that her blisters
9 were due to bullosis diabeticorum, from having glucose over 400 as she was not receiving any insulin.
10 Ms. Susheelkumar returned to India in tears, not knowing if or when she will ever be able to see her
11 mother again, after all her efforts were thwarted by the guardian and atrocious allegations of using
12 chemicals to injure her mother and of putting "brown, sugary substance" into her food, were leveled
13 against her to nullify the credibility of her police complaint of Omana's alleged murder she witnessed.
14

15 To demonstrate how evil the guardian and her counsel are, after noticing from her Habeas
16 Corpus declaration that she has since returned to India, just yesterday [December 5., 2019] they sent
17 her an email, stating that they would allow her to visit (but only her) and not the son Jayakrishnan Nair
18 [Reference XXIII]. This is clearly malicious because they are aware it would be difficult for Ms.
19 Susheelkumar to return to USA after having spent months trying the hardest for a chance to meet her
20 mother, and now that she has returned to India, they want to make an artificial "offer" knowing she
21 cannot take it, only so that they can convince the Court that they are only targeting Mr. Nair. The
22 allegations against Ms. Susheelkumar have been medically proven to be false, but she was unable to be
23 with her mother for even a minute after July 5th, as retaliation for having filed the police complaint two
24 days prior. They even have shown the audacity to question the validity of the signatures of Ms.
25 Susheelkumar and other family members in India. If they are serious about allowing Family in India to
26 meet with Omana, they will like to interact with her through a video meeting with Mr. Nair present.
27
28

1 The only reason Ms. Omana Thankamma came to the USA was to be with her son, and her first
2 choice would be to return to her son's home in Redmond. The VAPO has absolutely no restrictions to
3 her returning to his home to live with him for the few short days she has remaining in her life. Son has
4 proven to be more than capable of being a wonderful caregiver, as when she was discharged from
5 St.Rose-Dominican hospital [Reference XX] after her second massive Cerebellar stroke, she was not
6 expected to live more than a few days. But under his dedicated care and love, sacrificing his regular IT
7 job and career and becoming a full time caregiver, she has not only thrived but in fact made a
8 miraculous recovery that has surprised even her PCP. All physicians, therapists and caregivers that
9 have treated Omana for the last 7 years since her triple bypass in 2012 have agreed that he is
10 extremely knowledgeable about her care requirements and provided excellent care at home, with two
11 CNAs, three therapists and a maid, in addition to both himself and his sister visiting from India. Omana
12 would love nothing less than to resume her wonderful and loving life back at her home in Redmond.
13

14 The only reason the VAPO was entered was because of the abandonment charge that had been
15 pending against Mr. Nair at the time from Issaquah Municipal Court, which has since been summarily
16 dismissed. Contrary to what has been stated in the response, Mr. Nair was not arrested and never had
17 any conditions set for his release by any court. Those are all Mr. Ciric's figments of wild imagination
18 that have no grounding in reality. Therefore it makes no sense to not reverse all the unwarranted trail
19 of destruction the spurious case left behind, which was nothing more than a combination of a
20 misunderstanding of a neighbor and pathetic display of incompetence by a moronic cop who cannot tell
21 the difference between a Colostomy bag and an Urine bag [Exhibit 18@ Motion]; or a 99 year old and a
22 stroke victim. Any reasonable person examining all evidences will agree that Mr. Nair has been an ideal
23 son who went above and beyond what 99.99% of the society could do for their mother in his situation,
24 defraying for his mother's expensive private care out of his pocket for 7 years and taking care of all
25 hospital expenses for triple bypass, two strokes, rehabilitation, in-home therapies, live-in CNAs etc, all
26 from the comfort of a luxury 6 bed home in a prestigious golf course community. How many people
27
28

1 could have done any better than him? Omana was inpatient for over 27 months (prior to the
2 commencement of this guardianship action) in Atlanticare Hospital in Pomona NJ, St. Rose Dominican
3 Hospital in Las Vegas, and Harborview itself. THERE WAS NOT A SINGLE INSTANCE OF ANY
4 COMPLAINT AGAINST HIM OF ANY INAPPROPRIATE BEHAVIOUR DURING ALL THIS TIME. This shows
5 beyond any shadow of a doubt that the nasty retaliatory allegations made AFTER they filed complaints
6 to ACLU, Human Rights Watch, Indian Consulate, Ombudsman, Senators, DSHS [Reference XXI, Exhibit
7 1] and several other authorities about her terrible abuse, are just that: nasty meaningless retaliations.
8

9 Furthermore, kindly note that **there were no restrictions on the visits from either children**
10 **until July 3rd, when Raji filed a police complaint with Seattle PD.** Both Jay and Raji had been visiting
11 Omana and spending almost 4 to 5 hours EACH DAY by her bedside. As Dr. Hahn admits in his frivolous
12 TRO petition, the decision to block ALL visitors for Omana was taken by Risk Management (which
13 controls both Harborview and Paramount) ONLY AFTER her daughter made the police complaint. Ms.
14 Susheelkumar spent months in USA desperately trying to see her mother, and the guardian and
15 Harborview ignored all her pleas to be allowed to visit even for a minute, even alleging that she was
16 somehow responsible for the blisters (which was medically confirmed to be due to bullosis
17 diabetiformis). **Ms. Susheelkumar was placed under false arrest when she tried to visit her mother**
18 **at Harborview and was forced to stay in an isolated room for 5 hours until Jay rescued her.**
19

20 Therefore it is prayed that this Honorable Court will end this complete insanity and the totally
21 counter-productive "guardianship" and restore sanity by returning her to her son's home where she
22 belongs, so she can spend her few remaining days, if not hours, in happiness, peace and love.

23 DATED this 6th day of December, 2019.

24 

25 Rajakumari Susheelkumar
26 Mookambika, WSRA-189,
27 West Fort, Thiruvananthapuram, Kerala, India
28



Jayakrishnan Nair
11031 Elliston Way NE
Redmond WA 98053

Exhibit I

Special Focus Facility (“SFF”) Program

This webpage offers a list of nursing homes that have a history of serious quality issues or are included in a special program to stimulate improvements in their quality of care. Please take a minute to review this background information on our “Special Focus Facility” program. The background here will help you be as informed as possible when you discuss your long term care options with any nursing home that is listed here – and what they are doing to improve their quality of care.

Background

The Centers for Medicare & Medicaid Services (CMS) and state agencies inspect nursing homes on a regular basis to determine if they are providing the quality of care that Medicare and Medicaid requires in order to protect and improve residents’ health and safety. When nursing homes do not meet CMS’ health care or fire safety standards, these instances are cited as deficiencies, and we require that the problems be corrected.

Most nursing homes have some deficiencies, with the average being 6-7 deficiencies per inspection. However, we have found that a minority of nursing homes have:

- More problems than other nursing homes (about twice the average number of deficiencies),
- More serious problems than most other nursing homes (including harm or injury experienced by residents), and
- A pattern of serious problems that has persisted over a long period of time (as measured over the three years before the date the nursing home was first put on the SFF list).

Although such nursing homes may periodically institute enough improvements to correct problems identified on one inspection, significant problems would often re-surface by the time of the next inspection. Such facilities with a “yo-yo” or “in and out” compliance history rarely address underlying systemic problems that give rise to repeated cycles of serious deficiencies, which pose risks to residents’ health and safety. To address this problem CMS created the “Special Focus Facility” (SFF) program.

How the Special Focus Facility (SFF) Program Works

The methodology for identifying facilities for the SFF program is based on the same methodology used in the health inspection domain of the Five-Star Quality Rating System. Results from over three cycles (approximately three years) of inspections are converted into points based on the number of deficiencies cited and the scope and severity level of those citations. The more deficiencies that are cited, and the more cited at higher levels of scope and severity, the more points are assigned. More information about this methodology can be found at <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/CertificationandCompliance/downloads/usersguide.pdf>.

The facilities with the most points in a state then become candidates for the SFF program. The number of nursing homes on the candidate list is based on five candidates for each SFF slot, with a minimum candidate pool of five nursing homes and a maximum of 30 per State. State agencies use

this list to select nursing homes to fill the SFF slot(s) in their state. See list of candidates in Table F below.

Once a state selects a facility as an SFF, the State Survey Agency, on CMS's behalf, conducts a full, onsite inspection of all Medicare health and safety requirements every six months and recommends progressive enforcement (e.g., fines, denial of Medicare payment) until the nursing home either (1) graduates from the SFF program; or (2) is terminated from the Medicare and/or Medicaid program(s).

Once an SFF graduates or is terminated, each State then selects a new SFF from a monthly list of candidates. CMS also informs candidate nursing homes of their inclusion on the SFF candidate list in the monthly preview of the Five-Star Quality Rating System.

How Can You Use This Information

If you are considering admission to a nursing home included on this list you may want to:

- Visit the *Nursing Home Compare* website to view information about the nursing home's star ratings, staffing, quality measures, and inspection results (see <https://www.medicare.gov/nursinghomecompare/search.html>).
- Visit the nursing home. Talk to staff, residents, physicians, and other families. Ask the nursing home staff what they are doing to improve the quality of care for residents in the nursing home.
- Call the State survey agency (agency contact information is posted on *Nursing Home Compare*) to find out more about the nursing home.
- If the nursing home is an SFF, look at the length of time that a nursing home has been on the SFF list. This is particularly important if the nursing home has been an SFF nursing home for more than 18-24 months, since such nursing homes are closer to either graduating (due to improvements) or ending their participation in Medicare and Medicaid.
- Call your local State Ombudsman, Administration on Aging, and local groups to find out more about the nursing home.

If you currently reside in a SFF nursing home, please know that this home is being closely monitored (it is inspected twice as often as other nursing homes). You may also direct any questions you have to the contacts above. The good news is that most of the nursing homes in the SFF program significantly improve their quality of care within 18-24 months after being selected, while about 10% tend to be terminated from Medicare and Medicaid.

How to Interpret the Tables

Below we list nursing homes in six (6) different categories:

- A. **Table A – New Additions:** Nursing homes newly added to the SFF (which have not yet had a standard inspection since being added to the list).
- B. **Table B – Not Improved:** Nursing homes that have failed to show significant improvement despite being given the opportunity to show improvement in at least one inspection after being named as a SFF nursing home.

- C. **Table C – Improving:** Nursing homes that have shown significant improvement, as indicated by the most recent inspection, and CMS is waiting to see if the improvement continues over time. If the improvement continues for about 12 months (through two standard inspections), these nursing homes will graduate from the SFF program. “Significant improvement” means that the most recent standard inspection (and any complaint investigations) found no deficiencies in which there was actual harm to any resident, and no deficiency in which there was widespread systemic potential for harm (i.e. no deficiency at or above an “F” level).
- D. **Table D – Recently Graduated:** These nursing homes not only improved, but they sustained significant improvement for about 12 months (through two standard inspections). CMS lists their names as “graduates” for a few months after they graduate so that anyone who has been tracking their progress will be informed. “Graduation” does not mean that there may not be problems in quality of care, but does generally indicate an upward trend in quality improvement compared to the nursing home’s prior history of care.
- E. **Table E – No Longer in Medicare and Medicaid:** These are nursing homes that were either terminated by CMS from participation in Medicare and Medicaid within the past few months, or voluntarily chose not to continue such participation. In most cases the nursing homes will have closed, although some nursing homes that leave Medicare later seek to show better quality and re-enter the Medicare program after demonstrating their ability to comply with all Federal health and safety requirements.
- F. **Table F – SFF Candidate list:** These are nursing homes that qualify to be selected as an SFF. The number of nursing homes on the candidate list is based on five candidates for each SFF slot, with a minimum candidate pool of five nursing homes and a maximum of 30 per State.

Important Note about Information Delays

The State survey agencies are responsible for entering survey information into CMS’ databases and providing updates as needed. Every attempt is made to assure the accuracy and timeliness of the information on the list. However, data lags of up to several months can occur between completion of an inspection and posting of data on this list. We advise interpreting this information cautiously and supplementing it with information from the ombudsman's office, the State survey agency, or other sources.

Table A: Facilities Newly Added to the SFF Program

Facility Name	Address	City	State	Zip	Phone Number	Months as an SFF
Terracina Post Acute	1618 Laurel Avenue	Redlands	CA	92373	909-792-6050	1
Winter Park Care & Rehabilitation Center	2970 Scarlett Rd	Winter Park	FL	32792	407-671-8030	3
Pinehill Nursing Center	712 Patterson Street	Byromville	GA	31007	478-433-5711	6
River Brook Healthcare Center	390 Sweat Street	Homerville	GA	31634	912-487-5328	4
Signature Healthcare Of Lafayette	300 Windy Hill Dr	Lafayette	IN	47905	765-477-7791	1
Simmons Loving Care Health Facility	700 E 21st Ave	Gary	IN	46407	219-882-2563	1
Serenity Care And Rehab	5211 W 103rd Street	Overland Park	KS	66207	913-383-2569	5
Woodcrest Nursing And Rehabilitation Center	3876 Turkeyfoot Road	Elsmere	KY	41018	859-342-8775	0
St Helena Parish Nursing Home	32 North 2nd Street	Greensburg	LA	70441	225-222-4102	1
Sweet Brook Of Williamstown Rehabilitation & N Ctr	1561 Cold Spring Road	Williamstown	MA	01267	413-458-8127	6
Western Horizons Care Center	1104 Hwy 12	Hettinger	ND	58639	701-567-2401	1
Cornell Hall Care & Rehabilitation Center	234 Chestnut Street	Union	NJ	07083	908-687-7800	2
Newark Care And Rehabilitation	75 Mcmillen Drive	Newark	OH	43055	740-344-0357	4
Scioto Pointe	740 Canonby Place	Columbus	OH	43223	614-224-5738	1
Conner-Williams Nursing Home	105 Morton Avenue	Ridley Park	PA	19078	610-521-1331	3
Kingston Center For Rehabilitation And Health Care	415 Gardner Road	West Kingston	RI	02892	401-295-8520	1
Commander Nursing Center	4438 Pamplico Highway	Florence	SC	29505	843-669-3502	2
Covington Care And Rehabilitation Center	3900 S Cathy Ave	Sioux Falls	SD	57106	605-361-8822	2
Bailey Park Clc	2400 Mitchell Street	Humboldt	TN	38343	731-784-5183	1
Heritage Healthcare Residence	1026 E Goode St	Quitman	TX	75783	903-763-2284	2
Kennedy Health & Rehab	504 N John Redditt Dr	Lufkin	TX	75904	936-632-3331	4
Bridges Of Milwaukee Rehab And Care Center (The)	6800 N 76th Street	Milwaukee	WI	53223	414-353-5000	3
Crossroads Care Center Of Mayville	305 S Clark St	Mayville	WI	53050	920-387-0354	2

Table B: Facilities That Have Not Improved

Facility Name	Address	City	State	Zip	Phone Number	Most Recent Inspection	Months as an SFF
Ahava Healthcare Of Alabaster	850 9th Street, Northwest	Alabaster	AL	35007	205-663-3859	01/16/2019	7
Diamond Cove, Llc	1203 S Bend Drive	Horseshoe Bend	AR	72512	870-670-5134	02/21/2019	6
Kingston Healthcare Center, Llc	329 Real Road	Bakersfield	CA	93309	661-327-7107	10/18/2018	10
La Mariposa Care And Rehabilitation Center	1244 Travis Blvd	Fairfield	CA	94533	707-422-7750	06/15/2018	36
San Fernando Post Acute Hospital	12260 Foothill Blvd	Sylmar	CA	91342	818-899-9545	01/14/2019	21
Bethany Nursing & Rehab Center	5301 West First Avenue	Lakewood	CO	80226	303-238-8333	05/16/2019	11
Legacy Hilo Rehabilitation & Nursing Center	563 Kaumana Drive	Hilo	HI	96720	808-498-0184	02/08/2019	24
Aperion Care Cairo	2001 Cedar Street	Cairo	IL	62914	618-734-1700	04/12/2019	5
Aperion Care Capitol	555 West Carpenter	Springfield	IL	62702	217-525-1880	04/12/2019	5
Cadia Healthcare - Springbrook	12325 New Hampshire Avenue	Silver Spring	MD	20904	301-622-4600	03/29/2019	6
Medilodge Of Grand Blanc	11941 Belsay Rd	Grand Blanc	MI	48439	810-694-1970	05/16/2019	4
Bay View Nursing & Rehabilitation Center	1412 West Fourth Street	Red Wing	MN	55066	651-385-4800	02/19/2019	22
Green Park Senior Living Community	9350 Green Park Road	Saint Louis	MO	63123	314-845-0900	05/22/2019	6
St Johns Place	3333 Brown Road	Saint Louis	MO	63114	314-426-2211	02/22/2019	9
Crest Nursing Home	3131 Amherst Ave	Butte	MT	59701	406-494-7035	05/02/2019	25
Macon Valley Nursing And Rehabilitation Center	3195 Old Murphy Road	Franklin	NC	28734	828-524-7806	02/22/2019	7
Richmond Pines Healthcare And Rehabilitation Cente	Highway 177 S Box 1489	Hamlet	NC	28345	910-582-0021	04/04/2019	14
New Grove Manor	101 North Grove Street	East Orange	NJ	07017	973-672-1700	03/29/2019	16
Mission Arch Center	3200 Mission Arch Drive	Roswell	NM	88201	575-624-2583	04/09/2019	5
New Roc Nursing And Rehabilitation Center	1335 Portland Ave	Rochester	NY	14621	585-544-4000	05/30/2019	4
Saratoga Center For Rehab & Skilled Nursing Care	149 Ballston Avenue	Ballston Spa	NY	12020	518-885-2288	05/13/2019	4
Fairlawn Rehab And Nursing Center	3558 Ridgewood Rd	Akron	OH	44313	330-666-3776	05/22/2019	6
Isabelle Ridgway Post Acute Care Campus Llc	1520 Hawthorne Avenue	Columbus	OH	43203	614-252-4931	01/31/2019	15
Portsmouth Health And Rehab	727 Eighth Street	Portsmouth	OH	45662	740-354-8631	01/16/2019	16
Prestige Post-Acute & Rehab Center - Mcminnville	421 S. Evans Street	Mcminnville	OR	97128	503-472-3141	09/14/2018	21
Gardens At West Shore, The	770 Poplar Church Road	Camp Hill	PA	17011	717-763-7070	04/12/2019	15
Brookhaven Manor	2035 Stonebrook Place	Kingsport	TN	37660	423-246-8934	01/30/2019	28
Legend Oaks Healthcare And Rehabilitation - North	12921 Misty Willow Dr	Houston	TX	77070	281-469-7881	01/12/2019	21
The Westbury Place	5201 S Willow Dr	Houston	TX	77035	713-721-0297	01/31/2019	7
Trisun Care Center-Westwood	801 Cantwell Ln	Corpus Christi	TX	78408	361-882-4284	02/14/2019	23
Lomond Peak Nursing And Rehabilitation, Llc	524 East 800 North	Ogden	UT	84404	801-782-3740	03/29/2019	8
Envoy Of Westover Hills	4403 Forest Hill Avenue	Richmond	VA	23225	804-231-0231	01/31/2019	12
Paramount Rehabilitation And Nursing	2611 South Dearborn	Seattle	WA	98144	206-325-6700	10/18/2018	24

Table C: Facilities That Have Shown Improvement

Facility Name	Address	City	State	Zip	Phone Number	Most Recent Inspection	Months as an SFF
Villa Campana Rehabilitation Hospital Llc	6651 East Carondelet Drive	Tucson	AZ	85710	520-731-8500	03/13/2019	9
Alexandria Care Center	1515 N Alexandria Ave.	Los Angeles	CA	90027	323-660-1800	04/09/2019	6
Riverside Heights Healthcare Center, Llc	8951 Granite Hill Drive	Riverside	CA	92509	951-685-7474	04/11/2019	23
Willows Center	320 North Crawford Street	Willows	CA	95988	530-934-2834	06/06/2019	6
Regalcare At Southport	930 Mill Hill Terrace	Southport	CT	06890	203-259-7894	06/12/2019	11
Westminster Village Health	1175 Mckee Road	Dover	DE	19904	302-744-3527	02/12/2019	26
Melbourne Terrace Rehabilitation Center	251 Florida Ave	Melbourne	FL	32901	321-725-3990	05/09/2019	3
Glen Haven Home	302 Sixth Avenue	Glenwood	IA	51534	712-527-3101	03/13/2019	29
Touchstone Healthcare Community	1800 Indian Hills Drive	Sioux City	IA	51104	712-239-4582	03/21/2019	21
Wellspring Health & Rehabilitation Of Cascadia	2105 12th Avenue Road	Nampa	ID	83686	208-467-5721	03/01/2019	25
Aperion Care Bloomington	1509 North Calhoun Street	Bloomington	IL	61701	309-827-6046	05/20/2019	19
Franklin Grove Living And Rehab	502 North State Street	Franklin Grove	IL	61031	815-456-2374	01/10/2019	9
Vernon Health & Rehabilitation	1955 S Vernon St	Wabash	IN	46992	260-563-8438	04/26/2019	15
Garden Valley Retirement Village	1505 E Spruce Street	Garden City	KS	67846	620-275-9651	06/04/2019	11
Worcester Health Center	25 Oriol Drive	Worcester	MA	01605	508-852-3330	04/03/2019	13
Brewer Center For Health And Rehabilitation Llc	74 Parkway South	Brewer	ME	04412	207-989-7300	03/08/2019	5
Medilodge Of Livingston	3003 W Grand River	Howell	MI	48843	517-546-4210	03/04/2019	6
Rochester East Health Services	501 Eighth Avenue Southeast	Rochester	MN	55904	507-288-6514	03/07/2019	17
Hidden Lake Care Center	11400 Hidden Lake Drive	Raytown	MO	64133	816-737-1010	03/22/2019	27
Meridian Comm Living Center	517 33rd Street	Meridian	MS	39305	601-483-3916	12/28/2018	21
Premier Estates Of Fremont, Llc	2550 North Nye Avenue	Fremont	NE	68025	402-727-1710	04/01/2019	18
Dover Center For Health & Rehabilitation	307 Plaza Drive	Dover	NH	03820	603-742-2676	05/13/2019	13
The Heights Of Summerlin, Llc	10550 Park Run Drive	Las Vegas	NV	89144	702-515-6200	02/15/2019	14
Utica Rehabilitation & Nursing Center	2535 Genesee Street	Utica	NY	13501	315-797-1230	05/09/2019	6
Ambassador Manor Nursing Center	1340 East 61st Street	Tulsa	OK	74136	918-743-7884	03/05/2019	18
The Golden Rule Home	38801 Hardesty Road	Shawnee	OK	74801	405-273-7106	05/30/2019	7
Grove At North Huntingdon, The	249 Maus Drive	North Huntingdon	PA	15642	724-863-4374	05/22/2019	6
Twin Lakes Rehabilitation And Healthcare Center	227 Sand Hill Road	Greensburg	PA	15601	724-837-6482	02/13/2019	11
Pecan Valley Healthcare Residence	1405 W Storey St	San Saba	TX	76877	325-372-5112	03/21/2019	12
Pines Rehab & Health Ctr	601 Red Village Road	Lyndonville	VT	05851	802-626-4304	04/17/2019	13
Trinity Health Care Of Logan	1000 West Park Avenue	Logan	WV	25601	304-752-8723	03/27/2019	14
Cheyenne Health Care Center	2700 E 12th Street	Cheyenne	WY	82001	307-634-7986	01/31/2019	14

Table D: Facilities That Have Recently Graduated from the SFF Program

Facility Name	Address	City	State	Zip	Phone Number	Most Recent Inspection	Months as an SFF
Avante At Orlando Inc	2000 North Semoran Boulevard	Orlando	FL	32807	407-671-5400	11/16/2018	13
Beneva Lakes Healthcare And Rehabilitation Center	741 South Beneva Road	Sarasota	FL	34232	941-957-0310	04/03/2019	11
Consulate Health Care Of Melbourne	3033 Sarno Rd	Melbourne	FL	32934	321-255-9200	01/10/2019	16
Chulio Hills Health And Rehab	1170 Chulio Road	Rome	GA	30161	706-235-1132	08/02/2018	11
Helia Healthcare Of Champaign	1915 South Mattis Street	Champaign	IL	61821	217-352-0516	12/13/2018	10
Aperion Care Arbors Michigan City	1101 E Coolspring Ave	Michigan City	IN	46360	219-874-5211	05/20/2019	11
Lawrence Manor Healthcare Center	8935 E 46th St	Indianapolis	IN	46226	317-898-1515	04/29/2019	17
Twin Rivers Nursing And Rehab Center	2420 West Third Street	Owensboro	KY	42301	270-685-3141	03/26/2019	23
Belle Maison Nursing Home	15704 Medical Arts Plaza	Hammond	LA	70403	985-542-0110	04/10/2019	12
Orono Commons	117 Bennoch Rd	Orono	ME	04473	207-866-4914	11/29/2018	19
Chalet Of Niles, Llc	911 S 3rd St	Niles	MI	49120	269-684-4320	09/13/2018	25
Trinity Homes	305 8th Ave Ne	Minot	ND	58703	701-857-5800	04/25/2019	18
Cooper River West	5101 North Park Drive	Pennsauken	NJ	08109	856-665-8844	02/25/2019	20
Cooperstown Center For Rehabilitation And Nursing	128 Phoenix Mills Cross Road	Cooperstown	NY	13326	607-544-2600	08/31/2018	27
Medford Multicare Center For Living	3115 Horseblock Road	Medford	NY	11763	631-730-3000	11/18/2018	54
Eastland Health Care And Rehabilitation Center	2425 Kimberly Parkway East	Columbus	OH	43232	614-868-9306	01/10/2019	14
Falling Spring Nursing And Rehabilitation Center	201 Franklin Farm Lane	Chambersburg	PA	17201	717-264-2715	04/04/2019	12
Oak Hill Health & Rehabilitation Center	544 Pleasant Street	Pawtucket	RI	02860	401-725-8888	04/18/2019	24
Riverside Health And Rehab	2375 Baker Hosp Blvd	Charleston	SC	29405	843-744-2750	02/14/2019	25
Regional Health Care Center	1065 Montgomery St	Custer	SD	57730	605-673-2237	03/13/2019	17
Lauderdale Community Living Center	215 Lackey Lane	Ripley	TN	38063	731-635-5100	03/19/2019	17
Benbrook Nursing & Rehabilitation Center	1000 Mckinley St	Benbrook	TX	76126	817-249-0020	01/25/2019	11

Exhibit J

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAYAKRISHNAN K NAIR, et al.,

Plaintiffs,

v.

CHANNA COPELAND, et al.,

Defendants.

CASE NO. C19-1296 MJP

CASE NO. C19-1307 MJP

ORDER ON MOTIONS FOR FEES
AND COSTS

The above-entitled Court, having received and reviewed Defendant Channa Copeland’s Motions for Attorneys’ Fees and Costs (Dkt. No. 30)¹, all attached declarations and exhibits, and relevant portions of the record, rules as follows:

IT IS ORDERED that the motion is DENIED as to both causes of action.

¹ Plaintiffs filed on response to this motion on November 4, 2019; fourteen days after a responsive pleading was due under the Local Rules (*see* LCR 7(d)(3)) and ten days after the motion noted. The response is stricken as untimely and was given no consideration in the Court’s ruling.

Discussion

Defendant Copeland filed this motion the day after the Court granted Plaintiffs' motion for reconsideration as to Case No. C19-1296, withdrew its *sua sponte* dismissal and reopened the case. (Dkt. No. 29.) She seeks attorney's fees and costs in two matters before this Court in which she is currently a defendant (C19-1296 and C19-1307²). Defendant's motion chronicles a history of threatening and abusive behavior and questionable litigation tactics by Plaintiff Jayakrishnan Nair stretching from August 2018 to the present. (*See* Motion, Statement of Facts, pp. 5-9.) While the Court is not without some sympathy for the travails of a *pro bono* Guardian ad Litem who has been subjected to extraordinary demands in the course of fulfilling her duties, that does not translate to an entitlement to fees and costs at this point in this litigation.

The Court will analyze the motion separately for each of Defendant's two cases.

C19-1296: Nair et al. v. Copeland et al.

This case is still ongoing, and Defendant's request must be analyzed in that light. The result is that some of her claims of entitlement to fees and costs are untimely; others are simply not supported by the statutory requirements. Defendant asserts her right to reimbursement of fees and costs under the following statutes and procedure rules:

- **28 USC § 1447(c)**: This statute concerns the right to attorney fees in removal matters, and only applies to orders of remand. C19-1296 is not a case which was removed from state court, neither was it remanded to state court.
- **FedRCivP Rule 11**: This rule requires that any motion for sanctions be filed separately from any other motion (*FRCP 11(c)(2)*), which was not done in this instance.

² C19-1307 has been closed; the Court denied the motion for reconsideration of its dismissal of that matter. *See* C19-1307, Dkt. No. 12.

- 1 • **FedRCivP Rule 68:** This procedural rule applies to offers of judgment. Although an
2 offer of judgment was made in C19-1296, the matter is still open and Plaintiff did not
3 accept the offer, so the rule is not (yet) applicable to this case.
- 4 • **28 USC § 1927:** This is the one statute which arguably might support Defendant’s
5 request for an award of fees and costs; it permits an award of fees and costs against
6 anyone who “multiplies the proceedings in any case unreasonably and vexatiously.” It
7 appears from the case law that courts have applied this statute against an offending party
8 during the pendency of the litigation, except at the outset (on the rationale that the filing
9 of a complaint in and of itself cannot operate to “multiply” the proceedings; *see, e.g.,*
10 Jensen v. Phillips Screw Co., 546 F.3d 59, 65 (1st Cir. 2008)).³

11 However, while the Court understands that Defendant Copeland has a long and
12 arduous history with Plaintiff, and might well believe that he has unreasonably and
13 vexatiously multiplied the various proceedings in which they have been jointly involved,
14 the Court must confine itself to the proceedings within this particular lawsuit in applying
15 the statute. A review of those proceedings indicates that, while Plaintiff himself has filed
16 a multitude of motions of questionable merit, Defendant has only been required to
17 respond substantively to one of them (*see* Dkt. No. 17, Defendant Channa Copeland’s
18 Answer and Affirmative Defenses). Under those circumstances, it cannot be said that she
19 qualifies for relief under § 1927 as regards this litigation in its current posture.

20 Based on the foregoing reasoning, the Court must conclude that Defendant Copeland is
21 not presently entitled to an award of costs and fees in Case No. C19-1296.

22
23 _____
24 ³ *See, e.g., De Dios v. Int’l Realty & RC Invs.*, 641 F.3d 1071 (9th Cir. 2011); Smith v. Psychiatric Solutions, Inc.,
750 F.3d 1253 (11th Cir. 2014).

1 **C19-1307: In the Matter of the Guardianship of Omana Thankamma**

2 Like C19-1296, the Court dismissed this matter *sua sponte* on September 24, 2019, based
3 on an absence of subject matter jurisdiction. (C19-1307, Dkt. Nos. 8 and 9.) Unlike the
4 preceding case, however, the Court denied Plaintiff's motion for reconsideration (Dkt. No. 12),
5 and the matter remains dismissed with prejudice. However, as will be seen from an analysis of
6 Defendant's various bases for requesting relief, Defendant is not entitled to an award of fees and
7 costs in this matter, either.

- 8 • **28 USC § 1447(c)**: This statute concerns the right to attorney fees in removal matters,
9 but only applies to orders of remand. C19-1307 was simply dismissed outright; there was
10 no order remanding the case back to state court.
- 11 • **RCW 11.96A.150**: This is a state statute which applies only to fees granted in
12 guardianship matters. Defendant argues that, since Plaintiff tried to remove a
13 guardianship proceeding to federal court, this statute applies, but the Court does not
14 accept that rationale. In dismissing the matter *sua sponte*, the Court specifically rejected
15 the idea that there was any jurisdiction pursuant to Washington State guardianship
16 statutes. (Dkt. No. 8, Order at 4-5.) The dismissal was based on federal law relating to
17 subject matter jurisdiction, not on the exercise of any authority under state guardianship
18 law. This absence of jurisdiction certainly extends to fee awards under that same
19 statutory scheme.
- 20 • **28 USC § 1927**: For much the same reasoning as cited *supra*, the Court cannot utilize this
21 statute to award fees and costs to Defendant Copeland. Other than filing an appearance
22 in the matter (and now this motion for attorneys' fees and costs), the party has not had to
23 respond in any fashion to Plaintiff's motions in this lawsuit. It cannot be said that, as
24

1 regards Defendant Copeland, Plaintiff has “unreasonably and vexatiously” multiplied the
2 proceedings within this litigation.

3 **Conclusion**

4 While Defendant Copeland has failed to establish her entitlement to attorney fees and
5 costs at this point in the litigation in which she has become involved, the Court nevertheless
6 takes this opportunity to express its concern over the behavior exhibited by Plaintiff as
7 chronicled in Defendant Copeland’s declaration and exhibits. While the Court understands that
8 this is a volatile matter touching on the concerns of a family for their aged and invalid mother,
9 abusive conduct by any party⁴ will not be tolerated, including abuse of the legal system by
10 means of frivolous or vexatious motions or discovery practice. While Defendant Copeland has
11 not established her right to fees and costs by virtue of unreasonable and non-meritorious
12 litigation tactics at this point, that is not to say that continued activity in that regard by Plaintiffs
13 will not qualify her for such reimbursement at a later date.

14 For now, however, the Court must deny her motion for the reasons stated above.

15
16 The clerk is ordered to provide copies of this order to all counsel.

17 Dated November 14, 2019.

18 

19
20 Marsha J. Pechman
21 United States Senior District Judge

22
23 _____
24 ⁴ The Court is well aware that Plaintiff himself has his own lengthy list of alleged abuses suffered by himself and his family.

Exhibit K



FIRST HILL
747 Broadway
Seattle WA 98122-4307

Thankamma, Omana
MRN: 1002529766, DOB: 2/23/1942, Sex: F

SWEDISH

ED Provider Notes by Nayak, Hemant R, MD at 03/12/18 1824

Author: Nayak, Hemant R, MD	Service: (none)	Author Type: Physician
Filed: 03/12/18 2200	Date of Service: 03/12/18 1824	Status: Signed
Editor: Nayak, Hemant R, MD (Physician)		

ISSAQUAH EMERGENCY DEPARTMENT

Patient Name: Omana Thankamma
Medical Record Number: 1003965862
Visit Date/time: 3/12/2018 5:42 PM
Mode of Arrival: Ambulance
Accompanied by: EMS Personnel
Primary Care Provider: No primary care provider on file.

History Obtained From: Information obtained from: police, social work, patient's son

BRIEF ED ASSESSMENT & TREATMENT SUMMARY

CHIEF COMPLAINT

Chief Complaint

Patient presents with

- ALLEGED DOMESTIC VIOLENCE

ED PHYSICIAN ASSESSMENT AND CLINICAL SUMMARY

Omana Thankamma is a 76 y.o. female who apparently is brought in after a complaint of possible neglect or inappropriate care. Apparently a neighbor was concerned when a caregiver approached them to ask a question and called the police. When they investigated they were concerned that care was not appropriate, caregiver might have been intoxicated, caregiver was not licensed and didn't seem to know how to care for the patient.

On arrival here the patient is contracted and largely nonverbal (I did witness her saying a few words to her son later). This is apparently her baseline. Her skin is generally very well cared for and there are no signs of trauma or neglect. There is a small area of skin breakdown in the perineum where the foley catheter seems to have broken through the skin.

I have spoken to the son who has arrived in the department and he seems to be quite caring and well-informed in regards to her care.

As risk management states we have no grounds to hold the patient at this time and she seems medically at her baseline, she will be discharged to follow up with her doctor pending investigation

FINAL DIAGNOSIS

	ICD-10-CM	ICD-9-CM
1. Dehydration	E86.0	276.51
2. Vascular dementia without behavioral disturbance	F01.50	290.40



FIRST HILL
747 Broadway
Seattle WA 98122-4307

Thankamma, Omana
MRN: 1002529766, DOB: 2/23/1942, Sex: F

SWEDISH

ED Records (continued)

ED Provider Notes by Nayak, Hemant R, MD at 03/12/18 1824 (continued)

DISCHARGE MEDICATIONS

New Prescriptions

No medications on file

FOLLOW-UP CARE

Issaquah Emergency Department
751 Ne Blakely Drive
Issaquah Washington 98029-6201
425-394-0610

As needed

DISPOSITION

Omana Thankamma is discharged to home well appearing and well hydrated in stable condition. Discharge diagnosis, instructions and plan were discussed and understood. The patient /family understood to return immediately to the emergency department if the symptoms worsen or if they have any additional concerns.

EXTENDED ED RECORD

HISTORY OF PRESENT ILLNESS (complete)

Omana Thankamma is a 76 y.o. female who apparently is brought in after a complaint of possible neglect or inappropriate care. Apparently a neighbor was concerned when a caregiver approached them to ask a question and called the police. When they investigated they were concerned that care was not appropriate, caregiver might have been intoxicated, caregiver was not licensed and didn't seem to know how to care for the patient.

On arrival here the patient is contracted and largely nonverbal (I did witness her saying a few words to her son later). This is apparently her baseline. Her skin is generally very well cared for and there are no signs of trauma or neglect. There is a small area of skin breakdown in the perineum where the foley catheter seems to have broken through the skin.

I have spoken to the son who has arrived in the department and he seems to be quite caring and well-informed in regards to her care.

As risk management states we have no grounds to hold the patient at this time and she seems medically at her baseline, she will be discharged to follow up with her doctor pending investigation



FIRST HILL
747 Broadway
Seattle WA 98122-4307

Thankamma, Omana
MRN: 1002529766, DOB: 2/23/1942, Sex: F

SWEDISH

ED Records (continued)

ED Provider Notes by Nayak, Hemant R, MD at 03/12/18 1824 (continued)

REVIEW OF SYSTEMS Patient unable to answer

Other pertinent items as noted in the HPI
All other systems reviewed and are negative

PAST MEDICAL HISTORY

Reviewed and

Past Medical History:

Diagnosis	Date
<ul style="list-style-type: none"> Diabetes mellitus (HCC) High blood pressure Mental health problem 	

There are no active problems to display for this patient.

PAST SURGICAL HISTORY

Reviewed and

Past Surgical History:

Procedure	Laterality	Date
<ul style="list-style-type: none"> CARDIAC SURG PROCEDURE UNLIST 		

SOCIAL HISTORY

Social History

Substance Use Topics

- | | |
|----------------------|------------------------|
| • Smoking status: | Unknown If Ever Smoked |
| • Smokeless tobacco: | Never Used |
| • Alcohol use | No |

No other significant social issues identified by me.

FAMILY HISTORY

No family history on file.

Family history reviewed by me.

CURRENT MEDICATIONS

Previous Medications

No medications on file

ALLERGIES

Allergies not on file



FIRST HILL
747 Broadway
Seattle WA 98122-4307

Thankamma, Omana
MRN: 1002529766, DOB: 2/23/1942, Sex: F

SWEDISH

ED Records (continued)

ED Provider Notes by Nayak, Hemant R, MD at 03/12/18 1824 (continued)

VITAL SIGNS

Patient Vitals for the past 24 hrs:

	Temp	BP	Heart Rate	Pulse Rate	Resp	SpO2
03/12/18 2050	-	124/73	-	82 bpm	14	97 %
03/12/18 2000	-	131/62	-	78 bpm	14	98 %
03/12/18 1930	-	126/70	88	-	14	98 %
03/12/18 1741	36.4 °C (97.6 °F)	115/72	-	77 bpm	15	100 %

PHYSICAL EXAM

General Appearance: elderly, contracted, nonverbal

Head: Atraumatic, normocephalic, normal facies

Ears: external ears normal,

Eyes: PERRL, EOM's intact, no drainage, no erythema

Nose: nares normal, mucosa normal, no drainage or sinus tenderness

Throat: oropharynx normal, mucous membranes dry, teeth and gums unremarkable

Neck: neck supple, no adenopathy, no meningismus

Lungs: Clear to auscultation, equal breath sounds, no wheezing or crackles, good air movement, no respiratory distress

Heart: Regular rate and rhythm. No murmurs or noted abnormal heart sounds

Abdomen: Benign and soft. G tube in place

Neuro: alert and oriented, conversant, no focal deficits noted

Extremities: Extremities atraumatic, warm, without cyanosis or edema.

Psych: Normal, appropriate interactions

Lymphatic: no significant adenopathy

Skin: Normal, warm and dry without rash or jaundice - area of skin breakdown at the perineum where the foley catheter appears to have been against the skin

DATA GATHERING

The patient was seen and evaluated by myself.

I reviewed the nurses notes and flow sheets.

Prior EMR records reviewed in EPIC as available and clinically relevant.

ED LABS AND STUDIES

Results for orders placed or performed during the hospital encounter of 03/12/18 (from the past 24 hour(s))

POCT GROUP CHEM 8+ (HGB,HCT,BMP-ICA)

Collection Time: 03/12/18 6:05 PM

Result	Value	Ref Range
SODIUM-POCT	140	138 - 146 mmol/L



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SWEDISH

ED Records (continued)

ED Provider Notes by Nayak, Hemant R, MD at 03/12/18 1824 (continued)

POTASSIUM-POCT	4.3	3.5 - 4.9 mmol/L
CHLORIDE-POCT	102	98 - 109 mmol/L
TOTAL CO2-POCT	28	24 - 29 mmol/L
ANION GAP-POCT	15	10 - 20 mmol/L
BUN-POCT	27 (H)	8 - 26 mg/dL
CREAT-POCT	0.6	0.6 - 1.3 mg/dL
GLUCOSE-POCT	190 (H)	70 - 105 mg/dL
CALCIUM,ION (MMOL/L)-POCT	1.30	1.12 - 1.32 mmol/L
HEMOGLOBIN-POCT	12.9	12.0 - 17.0 g/dL
HEMATOCRIT-POCT	38	38 - 51 %PCV

CBC WITH DIFF (ABS-%)

Collection Time: 03/12/18 6:34 PM

Result	Value	Ref Range
WBC	9.2	3.4 - 10.8 th/mm3
RBC	4.30	3.77 - 5.28 mil/mm3
HGB	11.9	11.1 - 15.9 g/dL
HCT	39.2	34.0 - 46.6 %
MCV	91	79 - 97 fL
MCH	27.7	26.6 - 33.0 pg
MCHC	30.4 (L)	31.5 - 35.7 g/dL
RDW	14.1	12.3 - 15.4 %
PLATELET CT	347	150 - 379 x10E3/uL
POLYS-AUTO	5.83	1.4 - 7.0 th/mm3
LYMPHS	2.39	0.7 - 3.1 th/mm3
MONOS	0.74	0.1 - 0.9 th/mm3
EOSINOPHILS	0.18	0.0 - 0.4 th/mm3
BASOPHILS	0.00	0.0 - 0.2 th/mm3
POLYS-AUTO,%	64	Not Established %
LYMPHS,%	26	Not Established %
MONOS,%	8	Not Established %
EOSINOPHIL %	2	Not Established %
BASOPHILS,%	0	Not Established %
IMMATURE GRANULOCYTES	1	See Notes %
IMMATURE GRAN ABSOLUTE VALUE	0.05	See Notes th/mm3

HEPATIC FUNCTION PANEL

Collection Time: 03/12/18 6:34 PM

Result	Value	Ref Range
PROTEIN,TOTAL	7.6	6.0 - 8.5 g/dL
ALBUMIN, S	3.6	3.5 - 4.8 g/dL
BILIRUBIN,TOTAL	<0.2	0.1 - 1.2 mg/dL
BILIRUBIN,DIR	<0.2	0 - 0.4 mg/dL
ALT (GPT)	12	0 - 32 U/L
AST(GOT)	11	0 - 40 U/L
ALK PTASE	71	39 - 117 U/L

LACTATE POCT

Collection Time: 03/12/18 6:39 PM

Result	Value	Ref Range
--------	-------	-----------



FIRST HILL
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Seattle WA 98122-4307

Thankamma, Omana
MRN: 1002529766, DOB: 2/23/1942, Sex: F

SWEDISH

ED Records (continued)

ED Provider Notes by Nayak, Hemant R, MD at 03/12/18 1824 (continued)

SPECIMEN TYPE-POCT	VEN	
LACTATE-POCT	0.86 (L)	0.90 - 1.70 mmol/L
URINALYSIS WITH CULTURE IF INDICATED		
Collection Time: 03/12/18 7:45 PM		
Result	Value	Ref Range
COLOR	Yellow	Yellow
APPEARANCE	SL CLDY	Clear
SPEC GRAV	1.020	1.005 - 1.030
BILIRUBIN	Negative	Negative
KETONES	Negative	Negative
GLUCOSE	Negative	Negative
PROTEIN	Negative	Negative/Trace
HEMOGLOBIN	Negative	Negative
PH	8.0 (H)	5.0 - 7.5
UROBILINOGEN	0.2	0.2 - 1.0 mg/dL
NITRITE	Negative	Negative
LEUK ESTERASE	2+ (A)	Negative
RBC	0-2	0 - 2 /hpf
WBC	11-30 (A)	0 - 5 /hpf
BACTERIA	Many	None-Few seen(<10) /hpf
EPITHELIAL CELLS, NON RENAL	0-10	0 - 10 /hpf
CRYSTALS	Present	See Notes
CRYSTAL TYPE	MIXED	See Notes
CULTURE INDICATED?	Yes (A)	See Notes

Urine Multistix

The above studies were interpreted by me contemporaneously in the emergency department.

Labs were reviewed

Radiology studies ordered and interpreted by radiology include

CT HEAD WITHOUT CONTRAST

Final Result



FIRST HILL
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Seattle WA 98122-4307

Thankamma, Omana
MRN: 1002529766, DOB: 2/23/1942, Sex: F

SWEDISH

ED Records (continued)

ED Provider Notes by Nayak, Hemant R, MD at 03/12/18 1824 (continued)

1. No intracranial hemorrhage, midline shift or hydrocephalus.
2. Findings compatible with remote chronic right MCA distribution infarct with encephalomalacia in the right frontal, right parietal, right insular and anterior right temporal lobe with Wallerian degeneration. Areas of calcification within the subcortical right frontal lobe likely within sites of previous remote hemorrhages. Clinical correlation suggested.

Dictated by: DANIEL SUSANTO
Dictated: 3/12/2018 7:25 PM
Job: 3244538

EMERGENCY DEPARTMENT COURSE/INTERVENTIONS

Medications administered in the Emergency Department include: IVNS 500 cc

MEDICAL DECISION MAKING

Diagnoses considered include neglect or abuse, CVA/TIA, metabolic abnormality, sepsis, infection, hypokalemia, dehydration, malnutrition, neuropathy or pinched nerve, MI/cardiac ischemia, hypoxia, head injury/bleed, and acute spinal insult.

PROCEDURES IN THE EMERGENCY DEPARTMENT

Please see top of note for assessment, diagnosis and disposition.

Hemant Nayak MD
3/12/2018
18:27

END OF REPORT



FIRST HILL
747 Broadway
Seattle WA 98122-4307

Thankamma, Omana
MRN: 1002529766, DOB: 2/23/1942, Sex: F

SWEDISH

Admission Information - Patient Record Only

Arrival Date/Time:	03/31/2018 2324	Admit Date/Time:	03/31/2018 2328	IP Adm. Date/Time:	04/01/2018 0140
Admission Type:	Emergency	Point of Origin:	Physician Referral (Non-health Care Facility Point Of Origin)	Admit Category:	
Means of Arrival:	Ambulance	Primary Service:	Medical	Secondary Service:	N/A
Transfer Source:		Service Area:	SWEDISH MEDICAL CENTER	Unit:	Issaquah 3 Cascade North
Admit Provider:	Andrews, Inna V, MD	Attending Provider:	Fisher, Trevor, MD	Referring Provider:	

Discharge Information - Hospital Account/Patient Record

Discharge Date/Time	Discharge Disposition	Discharge Destination	Discharge Provider	Unit
04/05/2018 1647	Dschg/trans To Home Health Service	Home	Kim, Jiyun, MD	Issaquah 3 Cascade North

Exhibit L

To whom it may concern,

My name is Ashley Redican and I would like to explain what happened on March 12, 2018 concerning Omana Thankamma. I have about 10 years working in dementia facilities, assisted living facilities, where I was both a CNA and a delegated Med Tech. I also worked at Physical Therapy Clinic where I assisted the Therapists with their patients. I also have prior experience working as a Med Tech at Park View Villas in Port Angeles, WA. I knew when I went in for the interview to take care of Omana Thankamma that I was perfect for the job. I was even grandfathered in under the new law that passed in 2008 so I could work in facilities without renewing my CNA Registration. However I also took the test when I became a Delegated Nursing Assistant / Med Tech.

Alexandria worked as a maid in the home (at 6706 Quigley AVE SE Snoqualmie WA) that I was staying in to take care of Omana and had told Jay that she had previous jobs caring for the elderly, however when I watched her attempt care, I could tell she was getting a bit squeamish, which to me, indicated that she may have been exaggerating on her experience level. Omana Thankamma's care came first, so Alexandria was staying at the house also to provide an extra adult oversight for times Omana did not need intensive care (that I and Jay took shifts to provide). She had told us she wanted to learn how to care for Omana and to become trained and certified so she can be more useful to Jay in addition to her housekeeping.

On March 12, before I left to go to one of Jay's other properties, I tried to show Alexandria, step by step, with a hard copy written description she wrote out, on how to boil the water and let the capsules fully dissolve/ or by poking the capsule and squeezing the medication into the food, after the water has cooled to a comfortable temperature. I personally flushed the tubing out myself so it wouldn't clog. Alexandria was not paying much attention to what I was showing her.

I started AM feeding after I made sure the food started going through the tubing, then checked that Omana was dry and didn't need to be changed. I assured Alexandria that she didn't need to do any other assistance with Omana's care before I left the house.

Within an hour or 2, as I was running to the gas station, Jay called and asked me to go back to the Snoqualmie house immediately because there had been an incident and the police where they were trying to take his mom away for neglect. I was in shock and couldn't believe what I was hearing because everything was fine when I had left not even 2 hours earlier.

I explained to the police my background as a CNA and what had transpired that morning with the feeding and they told me that Alexandria had said she had a brain injury and was mentally disabled. Alexandria was acting like a completely different person when she was speaking to the police.

I was, at this moment, still quite confused with what had happened, until the policeman explained that the neighbor had called after Alexandria went over and knocked on her door, asking for a pill crusher and blender, in a frantic panic because the tube had a clog again.

Omana Thankamma was being well cared for before and after the incident, and Jay hired both of us and did all he could so his mom would most certainly have the care she needed, and more. This all was a huge misunderstanding. Omana belongs at home with her son, who loves her dearly.

Alexandria lied about her experience and it became clear from how she handled this incident.

I will be caring for Omana after she returns home, along with Jay and qualified caregivers who I will help hire and train so there will be plenty of assistance for Omana. At most, it is only a matter of paying a renewal fee to make my registrations current if needed, but my best understanding is that for taking care of Omana at her residence, given my grandfathered status, long experience and formal medical education even that it is not necessary.

Thank you for your time and I hope to be seeing Omana very soon.

A handwritten signature in black ink, appearing to be 'AJR', written above a horizontal line.

October 09, 2018

Exhibit M

Ex_DrEdwardsReport

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

In re. the Guardianship of) No. **18-4-05231-6 SEA**
)
Omana Thankamma) **MEDICAL/PSYCHOLOGICAL**
) **REPORT**
an Alleged Incapacitated Person.)

I have been chosen by the Guardian ad Litem in the above matter to examine and interview the above-named person, and I submit the following report:

A. My name and address is:

Janice B. Edwards, Ph.D.
P.O. Box 33942
Seattle, Washington 98133
425-513-2410
FAX: 425-353-3261
janicedwards402@msn.com

B. The following is my education and experience pertinent to the type of disorder or incapacity involved in this case: [Note: You may attach your resume or curriculum vitae and so note it in this section.]

Attached

C. Date(s) of examinations of the alleged incapacitated person [EXAM DATE MUST BE NOT MORE THAN THIRTY DAYS PRIOR TO THIS REPORT]:

12 November 2018

D. A summary of the relevant medical, functional, neurological, psychological, or psychiatric history of the alleged incapacitated person as known to me:

Arranging to Meet Ms. Thankamma and her son: I was informed by Laura Sealey, the GAL, that Ms. Thankamma's son, Jay Nair, had reported to the guardianship commissioner that he felt that no one was listening to him about the possible guardianship. In reviewing the paperwork, there were notes that Mr. Nair felt that he was the only one that his mother would speak with and he disagreed with others who felt that Ms. Thankamma had cognitive impairment because she would not communicate with them.

To address both of these issues, I left both a voice mail and an e-mail for Mr. Nair stating that I would like to meet with him to hear his issues and then take him into his mother's hospital room to see if she would speak with him. On Friday, November 9, Mr. Nair responded by e-mail that he would be happy to meet with me and his mother, on the following Monday (November 12) at noon. Mr. Nair also attached 63 pages of information that he wanted me to see. Most of the information was about him, his accomplishments, articles that he has written, etc.

On Monday morning at 9:17 am I began to get e-mails from attorney Greg McBroom saying that Jay Nair had hired him and that I was not to go and meet with Ms. Thankamma on that day. This began a series of e-mails where I do admit to being less than totally professional (i.e. I wrote to him "Review your guardianship statutes.") However, I did leave my hospital office to make the noon meeting with Ms. Thankamma and her son. [I did miss the last e-mail while I was on the road telling me that the meeting would not take place that day.]

When I arrived on the hospital floor where Ms. Thankamma is staying, the unit secretary told me that the son wanted me to know that he was already there. I was not clear if his attorney was there also. I asked to speak to Ms. Thankamma's nurses, explained to them what was going on and assured them that I would leave immediately if there was any kind of disturbance.

In the meantime, Mr. Colby Parks who was appointed to represent Ms. Thankamma arrived as planned. I updated him on what was happening. Then one of the nurses took us to Ms. Thankamma's room (she is on contact precautions) and helped us to gown up. We could see inside the room before we entered and saw that Mr. Nair was there (without his attorney) and we found that he was pleasant and welcoming.

Visit with Omana Thankamma: The nurse brought in the phone for the telephone interpreter service. Given the rarity of the dialect that Ms. Thankamma speaks, it took a longer than usual time to give out information and for an interpreter to be found. While this was going on, I asked Mr. Nair to speak to his mother so I could observe whether or not she had the physical capacity to speak. Ms. Thankamma did reply briefly when her son spoke to her, affirming that she is physically capable of speech.

Ms. Thankamma was lying in bed on her right side. Her legs were constricted to the point that they were pulled up next to her torso. Her head was also turned to the right. She did not appear able to move herself.

When the interpreter came on the phone, she would ask a question, but Ms. Thankamma would not answer immediately. Her son would repeat the question to her several times until she would answer. In addition, Ms. Thankamma was having some difficulty in hearing the interpreter on the phone (speaker mode) and the phone was attached to a rolling table. He suddenly grabbed the table and tipped it toward his mother, saying "She can't hear!" I had to grab the table and hold it for the remainder of the session to keep it from tipping over. Even then, Mr. Nair felt that his mother was not close enough to the phone. He suddenly reached over, grabbed her under the shoulders, quickly lifted and moved her closer to the bedside railing and the phone and essentially dropped her several inches down onto the bed. I winced when this occurred. After the meeting I spoke to Mr. Parks who reported that he had the same reaction and that I was free to put that into my report.

During the course of the interview, Ms. Thankamma was able to tell me the year, her age, that she is at a "hospital," (but not the name of the specific hospital) and that she gets her food through a tube.

She did not respond to questions about having a guardian. She said that she wanted "live with son." When asked why, she said "love son," but was unable to give any fuller explanation or even to answer in a full sentence. When asked about other places that she could live or places that people had spoken to her about, she could not respond. When asked how many a day she sees her son, Ms. Thankamma said "Two."

After Ms. Thankamma said pretty much all we were going to get out of her, the phone was removed from the room. Mr. Parks had left already, but I stayed and spoke with Mr. Nair. We spoke about the possibility of his mother living in a professional care setting. At times, he would seem to be approaching agreement on this. At other times he would talk about how he had hired 24-hour help for his mother. I had 2 main arguments: the first being that the hiring of 24-hour help had not worked out so well and secondly that if his mother was in a 24-hour care facility he could come and visit and just be her son and not a part-time caregiver. Mr. Nair remained ambivalent.

Mr. Nair made the argument (which he had made to me before in a phone conversation) that his mother was very skilled with numbers and that she could do complicated multiplications in her head. He asked her a math question (50 X 11) and repeated the question several times until she gave an answer, which was the correct answer. [This was not as impressive as it could be since in his phone conversation with me, Mr. Nair gave this same math problem as an example of a difficult problem that his mother could do. I wondered if this is the only math problem that he asks his mother.]

As I was leaving, I bowed to Ms. Thankamma and said good-bye to Mr. Nair. He thanked me for coming. Then Mr. Nair said that it was not his idea that I not meet with his mother that day, but that it was his attorney's idea. I said, "Be sure to tell your attorney that I only hit your mother twice." Mr. Nair laughed and said, "You have a good sense of humor."

Meeting with hospital nurse: After I left Ms. Thankamma's room, I asked to speak to her nurse who luckily had time to meet with me. She said that Mr. Nair does come to visit his mother every day or every other day. She confirmed reports that he comes to visit in the middle of the night. [Which Mr. Nair had explained as being a time that his mother could talk to friends and family in India.] The nurse said that she has observed Ms. Thankamma talking freely on the phone, but since she does not understand Ms. Thankamma's she cannot tell whether the speech is nonsense or not.

The nurse went on to say that Ms. Thankamma's son does not provide good care for her. She has come into the hospital room when Mr. Nair was there to find that Ms. Thankamma had vomited and that her son had not turned her to her side as he had been instructed. The nurse said that Ms. Thankamma could aspirate her vomit, could develop pneumonia, and could possibly die from this disease.

She went on to say that the son has been instructed that Ms. Thankamma is only to have thickened liquids and to have the head of her bed raised while she is swallowing. She has observed Mr. Nair feeding his mother thickened liquids while she was lying flat in bed. He has also seen Mr. Nair bring some Indian food for his mother which she described as having thin liquid in the prepared dish, and then feeding that to Ms. Thankamma.

The nurse said that she has instructed Mr. Nair that when he is in his mother's room, he has to keep the curtain that blocks observation from the hall open so that the nurse can see in as she walks in the hallway.

Some information from other sources:

Swedish Hospital Issaquah: In March 2018 Ms. Thankamma was sent to the hospital by the police from her home. The hospital found her to be clean, nonverbal, dehydrated and demented.

Harborview Medical Center: In July 2018 Ms. Thankamma had a nutritional assessment on an inpatient basis. Among other findings, she was noted to have “decreased cognitive function” due to a stroke as well as recurrent urinary tract infections (UTI) due to her indwelling catheter.

In September 2018 Ms. Thankamma had a cognitive assessment by speech therapy. [In the hospital world, speech and language pathologists are the first professionals called to do a cognitive assessment with neurology, psychiatry, and psychology called subsequently as needed.] Her son was used as an interpreter. Ms. Thankamma was noted to have slow processing in her responses, the ability to follow only one-step directions, and to have short term memory impairment as shown by the ability to repeat only two out of five words after practicing and then a short delay before being asked to recall the words.

In September 2018, Ms. Thankamma’s care was transferred to a new medical team and the discharge summary included the following: “ongoing assessments make it seem less likely that she’ll be able to achieve a verbal baseline” [i.e. They do not believe that Ms. Thankamma will regain verbal skills.]

On October 25, 2018 the following nursing note was entered in Ms. Thankamma’s medical chart- noting that the son had come to visit. “Came and left room at least three times – was gone by 0500. Son had left side rail down and twice while he was here the foley catheter tubing was found draped over the side rail- impeding drainage. I had instructed the son in not leaving the side rail down last weekend when he again had appeared unannounced in the middle of the night.”

E. My findings as to the condition of the alleged incapacitated person:

Omana Thankamma suffers from cognitive impairment, most likely reaching the level of dementia. She has had several formal and informal assessments with findings of decreased cognitive function, lack of verbal skills, and slow processing – among others.

On meeting with this evaluator, Ms. Thankamma had slow cognitive processing as evidenced by her delay in answering questions, even ones from her son. She was able to give correct one-word answers to questions such as the name of the President and her method of getting food. Her answers to where she wanted to live and why were also two and three-word answers and she was unable to elaborate on them. She was also unable to express what her other choices in living situations might be; so she was saying what she knew (with son at home) but not expressing a positive choice by recognizing and excluding other options.

Her condition is permanent.

F. The alleged incapacitated person is currently on the following medications:

- **Acetaminophen-** for pain control
- **Amlodipine-** to control high blood pressure
- **Aspirin-** blood thinner to prevent stroke and heart attack
- **Atorvastatin-** to control high cholesterol
- **Baclofen-** to control movement disorders
- **Ben-Gay cream-** to soothe muscle pain
- **Clopidogrel-** to prevent stroke and heart attack
- **Dorzolamide eye drops-** to control glaucoma
- **Enoxaparin-** to prevent blood clots
- **Insulin-** to control diabetes
- **Latanoprost eye drops-** to control glaucoma
- **Lisinopril-** to control high blood pressure
- **Metformin-** to control diabetes
- **Metoprolol-** to control high blood pressure
- **Senna-** stool softener

G. The effect of these current medications on the alleged incapacitated person's ability to understand or participate in the guardianship proceedings is:

These medications are given to Ms. Thankamma, as prescribed, by the hospital nurses. They will not decrease her ability to participate in the guardianship process.

H. My opinions as to the specific assistance the alleged incapacitated person needs:

It is the opinion of this evaluator that Omana Thankamma requires the assistance of a guardian of both person and estate. She is unable to make any kind of considered decision regarding her financial affairs, her medical care, her living situation, or any other aspect of her life.

Although I was not asked specifically to comment on this topic, this evaluator would like to address the physical/caregiving involvement of Mr. Nair in his mother's life. In phone calls and e-mails with me, Mr. Nair always presents himself as an inventor, a businessman, and, in general, a real "go-getter." I have seen written communications from Mr. Nair to others and he presented himself in the same way.

I believe that this is Mr. Nair's view of himself and that it is reinforced by his actions. He is quick to move and has little-to-no patience with waiting for others or with any kind of delays. This appears to have served him well in his business life, but it is not serving him well in providing care for his mother. He has been observed to prod her to answer questions when she obviously needs more time to formulate an answer, he has roughly moved her while she is lying helpless in bed, he has fed her without taking the proper precautions to make sure that she eats safely (which includes the fact that she will be a very slow eater when she takes food and fluids orally).

In short, I believe that Mr. Nair loves his mother, but it is my opinion that he should not be involved in the physical care of his mother in any way.

I. I have also met or spoken with the following individuals regarding the alleged incapacitated person: (records reviewed and collateral contacts)

- Review of guardianship petition
- Review of Adult Protective Services Records
- Review of Order for Protection for Vulnerable Adult 18-2-20186-1 SEA
- Review of Response to Vulnerable Adult Protection Petition
- Review of Petition for Vulnerable Adult Protection Order
- Review of medical chart at Harborview Medical Center
- Review of Recent Interviews/Information by GAL
- Review of Motion to Dismiss by Jayakrishnan Nair
- Review of Medical Report by Angela Song, MD
- Review of declaration to APS by Rebekah Hoef
- Review of police reports and conditions of release for Jay Nair from the Issaquah Municipal Court
- Review of Comprehensive Investigation Document by APS
- Review of Petition for Vulnerable Adult Order for Protection

I declare under penalty of perjury under the laws of the State of Washington that to the best of my knowledge the statements above are true and correct.

Signed at Seattle, Washington this 26th day of November 2018.

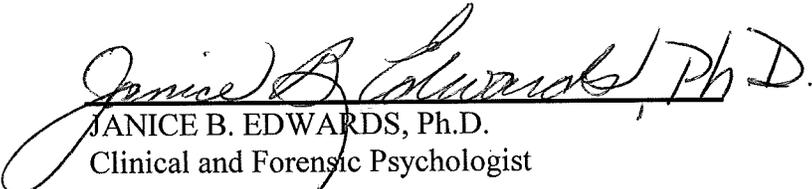

JANICE B. EDWARDS, Ph.D.
Clinical and Forensic Psychologist

Exhibit N

EX_ OMANA _ DECLARATION

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

Omana Thankamma

)

NO: 18-2-20186-15EA

Vulnerable Adult

)

)

Declaration by "Alleged Victim" & Request to DENY
Vulnerable Adult Protection SHE DOES NOT WANT!!

)

v.

)

)

Jayakrishnan Nair

)

Respondent

)

)

[Note: Ms. Thankamma is partially blind, and unable to sign with her hand. Therefore, she has dictated her declaration on video in English (despite suffering from dysphagia, i.e. slurred speech, to show how stressed she is about this purported "protection attempt" that is killing her). Here is a VERBATIM transcript of her humble request to Court. On her behalf, I am submitting this declaration with her thumbprint. - Respondent Jayakrishnan Nair]

This declaration is also available by video on youtube at

https://youtu.be/H2bRE_ZSlU

Honorable Judge,

Please let me go home with my son. I cannot live without my son. I want to see my son every day. My son is innocent. He loves me more than his life and has taken the best care of me. I want to see my son every day. I love my son and my home. I don't want to go to a Nursing Home. Please let me go home and live with my family.

*Prasad A. Athreya
Jayakrishnan Nair
[Signature]
8/22/2018*

Omana Thankamma,

Alleged "Victim" being harassed by this completely unnecessary "Petition" by DSHS

8/22/2018

Date

Exhibit O



SNOQUALMIE POLICE DEPARTMENT

Officer Report for Incident 18S-1192

8Z037534

Nature: SUSPICIOUS
Location: SNO

Address: 6706 QUIGLEY AVE SE
Snoqualmie WA 98065

Offense Codes: 383
 Received By: M BLACK How Received: T Agency: SNO
 Responding Officers: J FISCHBECK, P GRAHAM, C MILLER, S BRUTON
 Responsible Officer: J FISCHBECK Disposition: CAA 03/12/18
 When Reported: 14:56:32 03/12/18 Occurred Between: 14:48:48 03/12/18 and 14:48:48 03/12/18

Assigned To: Details: Date Assigned: **/**/**
 Status: Status Date: **/**/** Due Date: **/**/**

Complainant: 226952
 Last: O'BRIEN First: MARCIE Mid: LEAH
 DOB: 12/22/71 Dr Lic: O'BRIEML298R2 Address: 34002 SE CARMICHAEL ST
 Race: W Sex: M Phone: (425)888-9774 City: Snoqualmie, WA 98024

Offense Codes

Reported: 614 SUSPICIOUS Observed: 383 ADULT ABUSE/NEGLECT -
 CIRCUMSTANCES/PERSO NON VIOL
 Additional Offense: 383 ADULT ABUSE/NEGLECT -
 NON VIOL

Circumstances

Responding Officers:	Unit:
J FISCHBECK	660
P GRAHAM	615
C MILLER	618
S BRUTON	642

Responsible Officer: J FISCHBECK Agency: SNO
 Received By: M BLACK Last Radio Log: **/**/** **/**/**
 How Received: T TELEPHONE Clearance: CR CASE REPORT
 When Reported: 14:56:32 03/12/18 Disposition: CAA Date: 03/12/18
 Judicial Status: STP Occurred between: 14:48:48 03/12/18
 Misc Entry: APPROVED and: 14:48:48 03/12/18

03/23/18

Officer Report for Incident 18S-1192

Involvements

Date	Type	Description	
03/13/18	Name	GALLEGOS, JENNIFER MARIE	Subject
03/13/18	Name	REDICAN, ASHLEY RENEE	Contacted
03/13/18	Name	HALL, ALEXANDRA MARIE	Contacted
03/13/18	Name	FRANKAMMA, OMANA	Victim
03/12/18	Name	OBRIEN, MARCIE LEAH	Complainant
03/12/18	Name	NAIR, JAYAKRISHNAN K	Defendant
03/23/18	Citation	CRIMINAL/NON-TRAFFIC	Citation
03/23/18	Offense	Offense#: S02280 - 3F - 1 count	Charged With
03/13/18	Vehicle	WEI 2003 INFI G35 WA	Vehicle
03/13/18	Vehicle	RED 2001 VOLK CABCV WA	Vehicle
03/12/18	Cad Call	14:56:32 03/12/18 SUSPICIOUS	Initiating Call

03/23/18

*Officer Report for Incident 18S-1192***Narrative**

OFFICER: J. Fischbeck, #560
 SNOQUALMIE POLICE DEPARTMENT
 CASE NUMBER: 18S-1192
 VICTIM / OFFENDER RELATIONSHIP: Mother (99 years of age) / Son (Caretaker)
 NARRATIVE:

On 03/19/2018 at about 1450 hours I received a report of a suspicious person at 5706 Quigley Ave SE, Snoqualmie. The reporter stated about 2 hours ago a female came to her door asking to borrow a blender to crush up pills. The female was described as white, early 20's, dark hair, red sweater with a white button down underneath, and black pants.

I conducted a check of the area shortly after receiving the call and did not see anything I would normally associate with narcotics activity nearby. I called the reporter, Marcie O'Brien, who mentioned something was very strange with the young female. Marcie thought the female said something about an elderly woman in bed and she couldn't care for her. Reception was poor, so I told Marcie I would check the residence.

I arrived at the residence, 6706 Quigley Ave SE, at about 1544 hours. As I approached the residence, Alexandra M Hall [REDACTED] identified through her WA ID, came out the front door. Hall immediately appeared relieved to see me and told me she was wondering if the neighbors called her in. This confused me, as typically most people don't want to receive a visit from Police. Hall explained she was caring for an elderly woman by herself and didn't think she could do it anymore.

Hall invited me inside the residence. Inside I could see fresh groceries in the kitchen as if someone had just gone shopping. I could see many prescription bottles on the counter. On the kitchen counter was a list medications with some instructions. I could see several feeding tubes on the counter as well that appeared used. Hall showed me into a back room where I found Omara Thankkama DOB 01/07/1919 (identified through prescription bottles) laying on a futon. Omara didn't seem aware of my presence. Omara appeared old and frail. I could see a colostomy bag laying on the floor. Next to the bag appeared to be a stain from liquid food that hadn't yet been cleaned. Omara's bedding appeared fresh.

Hall relayed the following:

Hall has a history of DV and does not remember very well. Hall answered a Craigslist advertisement the previous week for a housekeeping position. Hall thought this meant cleaning dishes or assisting with household chores. Hall was offered 12-15\$ for 20 hours of work and the second 20 hours would go to room and board. Hall provided the Craigslist ad. Hall was a cook in a care facility prior, but other than that has no experience in home care or medical care. Hall is not licensed nor does she have any certification to dispense medications or perform basic medical procedures.

Hall stated several other females, Jenny and Ashley, were also hired to help care for Omara by Jayakrishnan K Nair DOB [REDACTED] (identified by mail and business card, later by WA DL). Nair is Omara's son and primary caretaker / provider. Hall thought over the past 4 days she had been working non-stop, without breaks caring for Omara and cleaning the residence. Hall was given basic instructions on how to provide liquid food via feeding tube, medications, and change the colostomy bag for Omara by Ashley. Hall does not know what the medications are for or the side effects if not properly administered. When Hall

03/23/18

APR 11 2018

0026/031

08/10/2018 PRI 17:06 FAX 2066840727 SPD DOMESTIC VIOLENCE

Officer Report for Incident 18S-1192

was showing me the medications she said "I am not familiar with all these". Hall said the other two caretakers left her alone to care for Omara. Hall didn't think she was qualified to care for Omara by herself.

During morning feeding (3/12/18), Hall was unable to provide the liquid breakfast to Omara. Hall was unable to feed Omara at all on 3/12/18.

Hall provided the text conversations between herself and Nair. I have added these to the case file. In the texts, it is clear Hall is in over her head and is requesting some type of CNA or RN to assist in the care.

Speaking with Hall, I do believe she has suffered from some sort of traumatic brain injury, whether from a DV incident or otherwise. Hall cannot focus on anything for more than a short while. Hall does not appear to understand consequences like a 26 year old should. Hall constantly asked me if I would excuse her from doing chores or otherwise Nair would be angry. Hall was very fearful Nair would be angry because I was there and she was not doing chores.

Hall pointed out the rooms all had numbers on them. The residence was also being used as an Air BnB as well as a care facility.

Sgt Graham arrived on scene and assisted. Snoqualmie Fire & Rescue was called and evaluated Omara. The decision was made to take Omara to Swedish Medical Center Issaquah for evaluation as she was non-verbal, hadn't been fed, we were unsure of which medication she was taking or had taken, and no one thought their was a qualified person to care for Omara in her associated state.

As we waited for transportation, I noticed the sheet of medications showed page 2 of 3. This means there was a page 1 and 3 of medications and instructions to go along with the plethora of pill bottles that was not being followed as it was missing.

I called Nair and informed him of the situation. Nair stated he was en-route from Redmond. Nair immediately called Hall and I could hear yelling. I heard "what did I tell you about talking to the neighbors without my permission?". At that point, I asked Hall for the phone and told Nair we would talk upon his arrival.

Omara was transported to Swedish Medical Center Issaquah without incident.

Nair and Ashley R Redican DOB [REDACTED] (identified from her WA DL) arrived shortly after Omara was transported to the hospital. Nair was immediately defensive and asked if I knew who he was. Nair produced a business card proclaiming himself to be a CEO of a bio-medical company. I explained to Nair that his position did not matter, I would investigate the possibility of neglect regardless of position. Nair stated he is a good son who spends ten thousand dollars a month caring for his mother and providing the best care money could buy. Nair stated all his caretakers have experience in the medical field and that Ashley had her license.

Ashley relayed the following: she answered a Craigslist ad about four days prior. Ashley told Nair her certification was not current, but her first aid, CPR, and food handlers permits were. Ashley has 7+ years working in assisted living facilities (Ashley did not explain what this meant). Ashley had been assisting with home care and cleaning Nair's other properties. Ashley appears to have been cleaning properties and not caring for Omara for most of the four days.

04/25/18

Officer Report for Incident 185-1192

Ashley stated the third female caretaker was Jenny Gallegos. I recognized this name as a local drug user, Jennifer M Gallegos DOB [REDACTED]. I showed Ashley a WA DOB and booking photo and thought that was the female. Ashley thought something was off with Jenny as she caught Jenny with old personal identification documents of Nair's at one of the Redmond houses. Jenny left a few days prior and never returned.

Ashley and Hall provided written statements.

Sgt Miller called Adult Protective Services and informed them of our investigation. As it was after hours, a phone message and email was left with APS giving them our case number, and contact information. Further, they were told that Omara was transported to Swedish in Issaquah, too.

I spoke with Swedish Medical Center Issaquah and explained the situation to the on-call social worker, the lead nurse, and ER doctor. Swedish Medical Center is going to keep Omara until APS can assess the situation. Swedish shared concerns about Omara's welfare and her inability to verbalize anything.

I checked LinX, a law enforcement report aggregate system, for Nair. In January 2018, Nair was arrested for Assault 4th Degree on a caretaker. In 2016, KOSO did a welfare check listing the mother as Omara Ebankema DOB 02/23/1942. It is possible the listing on the prescription bottle is wrong. This new age would make Omara 77 years of age which raises new concerns about her health. At 59 years of age, Omara's health made relative sense. At 76 years of age it makes less.

A check of the Washington State Department of Social and Health Services (DSHS) in-home caregiver that is being paid as having to meet several requirements: pass a criminal background check, provide picture ID, not be the spouse of cared for subject, sign a contract with WA DSHS, and successfully complete caregiver training requirements. The lowest level training (standard provider, category 1) requires 5 hours of orientation prior to providing care and an additional 75 hours basic training in the next 120 days. This is a state regulated certification process.

Hall and Ashley both stated they did not have current certifications to care for, dispense medications, or insert feeding tubes / change colostomy bags. Neither stated they completed the prerequisite 5 hours of orientation required.

Nair has assumed the responsibility to provide Omara the basic necessities of life. Nair recklessly abandoned Omara by finding uncertified and unqualified caretakers on Craigslist to dispense medications they have no idea what are for and perform basic medical procedures (feeding tubes, colostomy bags), without any medical supervision. This created an imminent and substantial risk that Omara would suffer substantial bodily harm if medications were improperly dispensed or not dispensed or if one of the medical procedures was done improperly (such as happened on 1/12, where Omara was not fed or given her prescribed pills). Omara is not able to voice complaints or speak for herself if something is wrong or if she needs something. This duty should fall to qualified medical personnel trained to recognize when something is amiss.

At this time, I am not recommending charges for either Hall or Ashley due to their cooperation in this matter.

I have completed SACROR citation #M0375368.

03723418

Officer Report for Incident 18S-1192

This case to be forwarded to the Snoqualmie Prosecutor with recommendations Nair be charged with Abandonment of a Dependent Person in the Third Degree (RCW SA.23.080). This case also to be forwarded to WA DSHS APS.

I certify under penalty of perjury under the laws of the State of Washington that all statements made herein are true and accurate and that I am entering my authorized User ID and password to authenticate it. (RCW SA.72.025).

Electronically Signed: Yes Signature: E.Pischbeck, #550
Snoqualmie-North Bend/King/Washington Date: 02/11/2018

02/23/18

Officer Report for Incident 18S-1192

Supplement

OFFICER: J. Fischbeck, #660
SNOQUALMIE POLICE DEPARTMENT
CASE NUMBER: 18S-1192
VICTIM / OFFENDER RELATIONSHIP: DV - Mother / Son
NARRATIVE:

I received several e-mails from Nair on 3/13-14/18 without any direction or questioning about clarification from me. I have attached the e-mails and attachments to this case. I have provided in this supplemental a brief overview of the e-mails and attachments.

3/13/18 J Nair - Alexandra Hall
E-mail forwarded to Nair from Hall concerning her involvement in caring for Grana. In the e-mail Hall now claims to mainly do housekeeping instead of providing medical care.

3/13/18 J Nair - Ashley Radican
E-mail including Ashley's resume for home care.

3/13/18 J Nair - Expressing Gratitude and Elaborating Facts
E-mail concerning not compromising on care giving qualifications and experience. The three homecareers are primarily hired for house work and not intensive care giving. Alexandra Hall and Jennifer Gallegos are housekeepers and not home care workers. E-mail includes Hall's resume, food worker card, and references.

3/14/18 J Nair - Ashley Radican
E-mail listing Ashley's previous certifications. It should be noted Ashley told responding officers her certification for home care was not current.

I am still recommending Nair be charged with Abandonment of a Dependent Person. Nair left his aging mother who cannot care for herself in the care of unqualified and uncertified persons. These persons conducted medical procedures and dispensed medications to Grana without proper supervision. Upon officer visit on 03/12, a complete list of medications and instructions was not located. Only one page of three regarding medications was plainly visible near the pile of medications.

This supplemental to be forwarded to the Snoqualmie Prosecutor.

I certify under penalty of perjury under the laws of the State of Washington that all statements made herein are true and accurate and that I am entering my authorized User ID and password to authenticate it (RCW 9A.72.035).

Electronically Signed: Yes Signature: J. Fischbeck, #660
Snoqualmie-North Bend/King/Washington Date: 03/15/2018

03/22/18

180/0000

Exhibit P



Jayakrishnan Nair <jknair@gmail.com>

Expressing Gratitude and Elaborating Facts

7 messages

Jay K. Nair <jkn@ratnerbio.com>
To: jfishbeck@ci.snoqualmie.wa.us
Cc: ashley.renee.redican@gmail.com

Tue, Mar 13, 2018 at 11:07 AM

Respected Officer Fischbeck

Thanks a lot for checking on my mother Ms. Omana Thankamma yesterday afternoon. It is reassuring to note that the community police is being vigilant to a gold standard that protects and serves disabled seniors like my lovely mom. As mentioned at the beginning of our conversation, I wish to reiterate the deepest appreciation in your kind efforts to making sure she is safe.

I wish to layout the details a little bit in further detail so you could kindly see the full picture. As mentioned my mom and I have a deep bond as I am her only surviving child since my dad passed when I was a child and she has nobody close other than me in this world (other than also a step daughter in India). The stroke affected her emotionally and to keep her spirits up I decided to be working from home as an entrepreneur so I can get to spend the maximum time with her nearly 24X7 and also be her SECONDARY FULL-TIME caregiver. This is in addition to one dedicated, full-time Live-in, experienced and LICENSED PRIMARY caregiver that I have always hired to assist me in taking care of her since the stroke. I do NOT compromise on the caregiving qualifications and experience of this position as this is a DEDICATED CAREGIVER position. At present that title is assigned to Ms. Ashley Renee, who has extensive experience working in nursing homes (please see attached resume).

In addition to the biotech startup, I also own several rental properties in the eastside that provide cashflow to help manage my mom's expenses and pay the salaries. My mom used to do the property management before the stroke, so I had to since hire three people to do property management, cleaning and maintenance. Logically in order to make it more practical as an employer and to increase flexibility, recently I shifted my strategy to make it such that these three people I hire to do the property management are also selected from people who are compassionate and can be trusted with simply being a respite person or adult at the home in between her morning and evening routines when she does not need any intensive care, but only a responsible person at the home to check on her. Please note they are NOT expected to do intensive caregiving, that is why I am staying home and also paying Ashley.

Therefore I found two HOUSEKEEPERS that can do double duty IF NEEDED as a respite for a few hours to give the primary (Ashley) and secondary (me) caregivers some additional freedom on those rarest of rare situations when we both need to step out for a few hours at the most. These two are Alexandra Hall and Jennifer Gallegos. Both of them are employed primarily to clean my rental homes and to do property management, and have both been given rooms in my home so they can also help as mentioned for my mom's care. As a matter of fact, I have also hired a handyman named Julian and though he is not involved with any caregiving, he too has been asked if he could help if needed for my mom's team. Please note these additional hands are not hired with caregiving in mind, but for the properties as my mother only needs two full time caregivers and she already has that in me (family) and Ashley (certified caregiver). Furthermore, Alexandra has also worked as a live-in caregiver for an elderly lady for 5 years and another year at Aegis Living. Jennifer has also taken care of her elderly family for several years according to her statement. As their focus is on property management and not caregiving, I hired them as I believed these two would ALSO make for decent respite for short hours in addition to their primary responsibilities. My mom does not need any more than two full time caregivers of course, let alone 5.

On 3/12/2018, it was on of rare days when I stepped out in the morning assuming that Ashley, as the primary caregiver and was sleeping in her room, will take care of the feeding when she wakes up. Ashley states that about 10 she came down to do the feeding, and that she saw Alexandra, whom I had let observe me in the previous night when I was feeding Omana. I had not asked Alexandra to feed my mom, as Ashley the more experienced and certified caregiver was at the house. However, Ashley apparently saw the feeding was already commenced and therefore left the home for a couple of hours.

Around 1 pm I checked with Alexandra how my mom was doing and she texted that the feeding bag got clogged somehow (it can happen often as the tube is too narrow) and the food packet had stopped dripping into her PEG tube AFTER Ashley left minutes earlier. Alarmed at this, I suggested several solution via several texts, such as simmering for a few minutes to make sure any lumps are dissolved and also other techniques to make it go down. She said she went to a neighbor to get a blender and to retry the blended food on the tube (which was not a bad idea as I have tried that

successfully in the past too when the feeding tube clogged). As you are aware, that somehow led to the neighbors calling the police, and leading to your call when I was already headed back home to take care of the feeding myself. I have handled her PEG tube since her stroke in Aug 2016 and I am very familiar with all ASPECTS of her care just as a certified caregiver would.

In addition I also have a reliable, well experienced and certified caregiver in Ashley who is a full time live in at our home. Between the two of us, I respectfully believe my mother's care is 100% covered, and therefore I apologize for any confusion caused by a new hire (Alexandra) trying to impress her boss by overdoing things that she was not required to do. If Alexandra never STARTED the feeding, Ashley would have surely never left the home without first doing so, and even so she reports that she did check with Alexandra that she had followed all the steps before loading the bag and watched the food dripping through. If I had to really be harsh on Ashley I could blame her for not having waited and watched it until the feeding was fully COMPLETED, but other than that everyone involved under my employment all care deeply to ensure my mom's care and safety is held to the same gold standard of professionalism that you are setting an example of as well as guiding and judging us on. Also of course, I would have either completed the morning feeding myself or asked Alexandra to do it in my presence had it not been that I trusted Ashley was the one going to do it. The lesson we have learnt is to detach Alexandra, Julian and Jennifer from caregiving and to have the focus on housekeeping and property management only, so Ashley can be shielded from any miscommunications. At the end of the day, my humble analysis on yesterday's sequence of events is that it was a combination of a miscommunication between Ashley and Alexandra on who should do the morning routine, coupled with a very unlucky clog that happened on the feeding tube which would have been easy to fix if either Ashley or I had handled the feeding as we both have way more experience with PEG feedings.

Once again, I wish to thank you for the diligence in making sure my mom is safe, and I apologize if in my anxiety to ensure she is OK I appeared impatient. I am very sorry if I came across so. My mom means everything to me (I am single, no kids) so she is all I have in this world. My love and kisses is what gives her the impetus and will to even survive given how debilitated and depressed the stroke left her. And I wish to humbly promise that not only I am glad to spend the right team is taking care of her, but also that you are MOST welcome to drop in and check anytime how happy and peaceful she is to be home. She has nothing else left other than family and little pleasures of hugs and kisses.

God bless.

Yours Most Respectfully

Jay K. Nair
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3 attachments

 **Alexandra Hall's Caregiving & Property Management Resume.docx**
15K

 **Alexandra Hall's Food Handler's Permit.docx**
35K

 **Alexandra Hall's Professional References.docx**
13K

Jay K. Nair <jkn@ratnerbio.com>

Thu, Mar 15, 2018 at 1:12 PM

EXHIBIT Q

EX_KAVESH_REPORT

To who it may concern

I, Kavesh Sharma, resident at 8646 230th Way NE Redmond WA 98053, hereby certify that I accompanied my extended relative Mr. Jayakrishnan Nair on May 25th around 4:15 PM to visit Ms. Omana Thankamma at Paramount Nursing Home at 2611 S. Dearborn St. Seattle WA. Upon entering her room, we saw she was drenched in vomit that had dried through as can be seen from attached picture. She was completely unresponsive. We ran to the nursing station and talked to one Shamsea, and Fatuma. The latter was defensive and said she has recently checked on Omana, although I pointed out to her the vomit had dried through the sheet which meant it was that way for hours.

Omana was taken to Emergency Room at Harborview. While there later, one of the nurses that also worked at Paramount harassed us and asked to keep the curtains open, and was hostile to us for no reason.


Kavesh Sharma 5/28/19

