

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.)	MOTION FOR REVISION OF COMMISSIONER'S RULINGS ON PETITIONS FOR TERMINATION/ REPLACEMENT OF GUARDIAN, FOR VAPO AND FOR A PRELIMINARY INJUNCTION
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I. SYNOPSIS

The Family of AIP in unison is requesting this Honorable Court to review the egregious conduct, racist rants from the bench and the blatantly unlawful & unconstitutional rulings by Commissioner Velategui, entered on 11/14/2019, denying the Petition to Terminate/ Replace Guardian [Addendum A], the Vulnerable Adult Protection Order [Addendum B] sought against the so-called "guardian" (who attempted to murder the AIP Ms. Thankamma in collusion with officially the worst ranked Shelter Home/ Care facility in the entire United States according to CMS [Exhibit 11]), as well as his orders on the same day granting the Petition for Instruction [Addendum N] and "Attorney Fees" [Addendum D] (to the tune of \$33,500 for attending two short hearings (which was subsequently immediately denied by Hon. Federal Court[Exhibit 12]adjudicating the 50 claims the plaintiffs filed for civil rights violations [Exhibit 13])). Ms. Omana Thankamma has been held incommunicado [Addendum E: Declaration of Dan Young, and Addendum F: Declaration of Paul Barrera, both former attorneys for Plaintiffs who have turned into witnesses] in illegal solitary confinement, in direct violation of the Constitution, about half a dozen State Statutes and also international travel treaties between the sovereign states of USA and India, for nearly 5 months, wherein she has been denied any contact with the outside world or anyone who can speak or understand her language. This is a most dastardly violation of human rights and abuse of the guardianship. The Commissioner has also made inexcusable insults against the Plaintiffs' nation, culture and religious beliefs [Addendum G: Full Transcript of the 11/14/2019 Hearing].

1 **II. STATEMENT OF FACTS**

2 Ms. Omana Thankamma is a citizen of India, who has been visiting her son Mr. Jayakrishnan
3 Nair MS MBA, who is her only remaining biological child out of three and a legal permanent resident of
4 USA. Her ONLY other family are all in India, which includes her step-daughter Ms. Rajakumari
5 Susheelkumar, her granddaughter Ms. Sukanya Susheel, and her brother Mr. Jayakumar Nair. She has
6 been spending 6 months out of every single year since 2002 to be with her son, who was a Program
7 Manager at Microsoft leading a team of 26 engineers and also a real estate & biotech entrepreneur,
8 while the other six were spent in India at her home by herself, in accordance with the terms of her
9 B1/B2 visitor visa, which she renewed for another 10 years in 2012, to be valid until 2022 [Exhibit 30].
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11 Tragedy struck in the form of a stroke which disabled her from going back to India in 2014, as
12 she was paralyzed waist down. Therefore son petitioned USCIS for extension of stay with supporting
13 medical reports from her PCP Mamata Palanati [Exhibit 16] and Neurologist Dr. Ming Hong [Exhibit
14 17], and had quit his job to become a work-at-home entrepreneur taking full-time care of his mother,
15 with only a live-in housekeeper/maid to support him as he is a divorced single man and a devoted son.
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17 In 2016, Omana suffered a second stroke, which paralyzed her body completely, except for
18 limited movement of right hand, and she now required PEG tube feeding, a urinary catheter and also
19 had her speech affected by Dysarthria. Following this, son hired additional help in the form of a
20 certified live-in caregiver in addition to the live-in housekeeper, so he could take alternate shifts with
21 the respite caregiver for taking care of his mother. Omana was still very cognizant, and lived very
22 contentedly in her customized home with ramps and hooyer lift and everything money could buy for a
23 good, happy and peaceful life with her beloved son. Her step-daughter Rajakumari also took a visitor's
24 visa to USA and have visited four times to spent several months helping her brother take care of their
25 mother at his home. Please see attached pictures of home [Exhibit 3] & family [Exhibit 4]. Omana is
26 extremely close to her children, and the son took every possible effort to give the best standard of care
27 and love for her - the only reason why she has not only survived but also recuperated well. Her new
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1 care team included three (speech, physio and occupational) therapists visiting three times a week, and
2 two CNAs [Exhibits 5 and 6]. Son purchased private insurance through Molina [Exhibit 7] as she was
3 not eligible for any state assistance. Ms. Thankamma was making a miraculous rehabilitation from the
4 strokes at home, and enjoyed a very vibrant social and religious life, and loves staying with her son.

5 In March 12 2018, her live-in CNA Ashley Redican [Her detailed statement is in Exhibit 8] had
6 started her regular tube feeding as usual after giving her medicines, after son Mr. Nair had stepped out
7 in the morning leaving her with the CNA and the housekeeper Alexandria Hall. She then left the home
8 for an errand leaving Ms. Thankamma with Ms. Hall, who went to a neighbor to borrow a blender. The
9 neighbor had never met Ms. Hall before, nor was even aware of Ms. Thankamma's existence, and
10 suspecting illegal drug activity from Ms. Hall's behavior, called Snoqualmie Police to check on the home
11 [Exhibit 9: Police Report]. The officer, finding Ms. Thankamma with Ms. Hall, decided to take her to
12 Issaquah Swedish Hospital as he could not understand her condition, and also spoke with Mr. Nair and
13 Ms. Redican as they both returned home soon after he visited. She was evaluated at the Hospital by Dr.
14 Nayak, who determined that she was "very well cared for, well hydrated, no signs of trauma or neglect,
15 skin has no rashes, and she was at her medical baseline, and caregivers appear to be quite
16 knowledgeable about her care" [Medical Report: Exhibit 10] and he decided to immediately return her
17 to her home with son (against the officer's request to hold her until Adult protection services had
18 investigated the "incident"). Notwithstanding the above, Mr. Nair was charged three weeks later by City
19 of Snoqualmie with "Abandonment in the third degree". Based on this charge, Adult Protection Services
20 filed for a VAPA against Mr. Nair, albeit there were statements from both the CNA Ms. Redican and the
21 maid Ms. Hall [Exhibit 14] that they were both present at home when Mr. Nair left that morning.

22 Ms. Thankamma opposed the action by APS to take her from home most vehemently [Exhibit
23 15: Omana's Declaration]. The APS action INCORRECTLY alleged that Mr. Nair had hired unqualified
24 caregivers from Craigslist [Addendum P: APS Complaint] but the fact was he had hired TWO CNAs
25 [Exhibits 5 & 6] from qualified sites like Care.com [Exhibit 29: Care.com premium paid membership].
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1 Despite Mr. Nair's opposition [Exhibit 18: Nair's response to VAPA] that pointed out several
2 factual errors in the petition, Commissioner Judson did NOT allow him to even make a sworn statement
3 [For Example, Omana has never had a Colostomy, and She was found in "Clean and Fresh Bedding" in
4 the Police Report in Exhibit 9] and instead signed a VAPO against Mr. Nair which has NO restrictions
5 other than that he would not be allowed to remove her from any facility [Addendum H: VAPO against
6 Mr. Nair]. Based on this VAPO, APS applied for a guardian for Ms. Thankamma. Mr. McBroom suggested
7 that it could be a "blessing in disguise" to accept the guardianship subject to certain terms, such as:
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- 9 1) She must be kept in a facility within 25 miles of home where she would have unrestricted
10 access to her family,
- 11 2) All decisions on her POLST Code must lie with Family,
- 12 3) She will receive a US Citizenship through Court Order so she can receive Medicaid benefits,
- 13 4) Her care will be held at the same gold standard that she had been receiving at home. and
- 14 5) She would be allowed to visit home and attend religious ceremonies with her son.

15 Mr. McBroom advised that such a negotiated settlement [Addendum I] would allow Mr. Nair to
16 offload the incredibly expensive private care (private insurance, salaries for caregiver and
17 housekeeper, private therapies and Botox injections for pain management etc) and also restart his
18 career that has been held in hiatus due to his being forced to become a work-at-home caregiver.
19 Therefore Ms. Thankamma and her family painfully agreed to bring in a third party subject to the above
20 conditions, but it has turned out to be disaster, as the so-called "pro bono" guardian turned out to be a
21 psychopath looking for an evil & pathetic means for self aggrandization at the expense of this family.
22 She has repeatedly used words like "dogs" to refer to them, and that too in front of our attorney and
23 others, and proclaimed in emails that she is the new head of the family. Furthermore, she changed the
24 POLST code to No Resuscitation, and confined Omana to a Shelter Home that is not capable of taking in
25 a long-term stable patient. They removed her urinary catheter, and always left her covered in excreta
26 and vomit whenever family and friends visited. Therefore family took several pictures of her abuse and
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1 gruesome neglect [Exhibit 1] and sent to this evil woman, but her response was to forward them to the
2 facility, and they promptly responded by trespassing ALL visitors for Omana the very next day that
3 family visited her. Family had even tried to do live sessions of her neglect through a Youtube Live
4 Meeting, so the guardian can see for herself how she was never getting any care or diaper-changes at
5 this horror shelter, littered with many homeless, drug addicts and dangerous felons. Omana had been
6 crying every day to be allowed to be taken back home, but the guardian gave the family three "choices":

- 7 1. Pay for 6 months of care upfront to move her back to Home [Exhibit 19],
- 8 2. Pay for the Cost of her medical transport so she can be returned home to India, or
- 9 3. Allow her to be murdered by withholding Insulin, medicines and food.

10 Family was utterly horrified that she even had the gall to make the third option as a
11 suggestion, as Omana is a fully conscious and intellectually functioning individual who can do advanced
12 math by head better than most people [Exhibit 20: Dr. Janice Edwards' psychological evaluation, in
13 which she states that Omana loves her son and needs family's emotional support for battling
14 Depression and Separation Anxiety Disorder - her clinical diagnosis is in Exhibit 21]. Despite this, in
15 several harassing emails to the family, Ms. Copeland reveled in telling them how she was going to kill
16 their mother if they don't have the money to pay for her care in USA or move her to India [Exhibit 22:
17 last email to Ms. Sukanya Susheel, Omana's granddaughter in India, on Page 2 of which she states that
18 based on her "ton of research on Hinduism, she did not believe that Omana should be allowed to
19 continue to live in this condition"]. Family were utterly horrified and flabbergasted, and every friend or
20 family member who visited her at this shelter reported that she was covered in dried stool and vomit
21 [Exhibit 26: Witness Kavesh Sharma's Report]. The guardian's response to these multiple reports of
22 evil abuse was to allow Paramount to stop visits from Mr. Kavesh Sharma and son Jayakrishnan Nair.
23 This prompted her daughter Ms. Rajakumari Susheelkumar to book tickets to USA to save her mother.
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26 As soon as she landed on June 13, 2019 she went to Paramount Nursing /Shelter Home, and
27 found that Omana had been left to die without medicines or nutrition for days, exactly as the Guardian
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1 had threatened over phone and emails. She was unconscious and delirious, and running a heavy fever.
2 Her body was covered with gruesome blisters, and she was lying in a pile of excreta, urine and vomit
3 that had been stinking dreadfully as it had not been changed for days [Exhibit 2]. Omana was reduced
4 to a skeleton without food, and had lost over 20lbs, and was near death, not even able to open her eyes.

5 Daughter was told by staff that Guardian and the administrator of the Shelter, one Roger, had
6 decided to "let her pass away peacefully" and to wait by her bedside for the inevitable, and that they
7 had orders to not intervene, and had been instructed NOT to provide her with any medication or
8 nutrition, or even water. At this Rajakumari screamed in panic and called Paramedics, who were
9 stunned at her horror condition, with Glucose over 400 and no hydration or medication. She was taken
10 to Harborview Emergency Burn Unit to treat her ghastly blisters, which were due to *bullosis*
11 *diabeticorum*, from having received no insulin for days with most diabolic intent to cook her organs.

12 Omana was stabilized at Harborview Medical Center with insulin, nutrition and hydration, and
13 in two weeks she was able to make a recovery and speak with family again, in which she narrated some
14 of the most evil abuse she suffered at Paramount, and pleaded to not be allowed to taken back there. So
15 her children spent every day for several hours comforting her and aiding her recuperation. Afraid that
16 she would be returned to Paramount after she had made a full recovery at Harborview, Rajakumari
17 decided to file a complaint with Seattle Police on her mother's murder attempt on July 3rd. Two days
18 later, as she was visiting her with her brother, she was escorted out by Harborview Security, stating
19 that Office of Risk Management (which is responsible for claims against state-owned institutions such
20 as both Harborview and Paramount), as well as the guardian, had ordered her to be held in complete
21 solitary confinement incommunicado, and that "no visitors were allowed for this patient".

22 Furthermore, they have kept her in an undisclosed location and removed her name from all
23 the registers. Many friends and family that attempted to visit her at Harborview were first told that she
24 was not there, but if they insist on seeing her, they would get Security called on them and escorted out.
25 This same experience has also happened to two attorneys representing the family, Mr. Paul Barrera
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1 and Mr. Dan Young, who attempted to ascertain her condition but were escorted out by security (please
2 see their attached declarations in Addendums D and E). After two months of no contact with their most
3 beloved dying mother and no response from the Guardian or Harborview that ignored all their emails,
4 on August 16, Family filed a Federal Civil Rights Lawsuit (C19-01296-MJP, in Exhibit 13) and also
5 removed the guardianship matter to Federal Court (C19-01307-MJP).

6 The Honorable U.S. Senior Judge Marsha J. Pechman retained the civil rights lawsuit (Exhibit
7 22: Order Granting Motion for Reconsideration by Federal Court), but also dismissed the C19-01307-
8 MJP for lack of subject matter jurisdiction under the "Rooker-Feldman doctrine".
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10 The "abandonment in the third degree case" against Mr. Nair was also dismissed by Issaquah
11 Municipal Court on July 10, 2019. Therefore all the wake of destruction it left, such as the VAPO and
12 Guardianship are entirely useless and completely unwarranted anymore, which so are presently sought
13 to be reversed *ab initio*. Mr. Nair has no criminal record and is ready and able to reassume her care.
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15 **III. Commissioner Velategui's Self-Described Racist "Kangaroo Court"**

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18 Immediately thereupon, the Family moved King County Superior Court on 9/25/2019 for (a)
19 Petition to Terminate or Replace Guardian and for a VAPO against Ms. Copeland [Addendums A & B].
20 The petition was duly noted on the Calendar for 10/04, following all the local civil rules, and all the
21 pleading documents were E-Served on the opposite party both by USPS mail AND by using King
22 County's E-Service System [Exhibit 23: Proof of E-Service]. However, on 10/04, nobody showed up
23 from the other side, and the Commissioner INCORRECTLY mentioned that the proof of Service was not
24 filed on matter (although there is evidence that it was, from the County electronic filing system), and
25 asked Family to re-note the calendar. Subsequently the motions were re-noted for 10/21.
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27 Plaintiffs also returned to the same Court on 10/07 and requested Commissioner Velategui for
28 a temporary restraining order against the Guardian to end Omana's illegal solitary confinement, but

1 that was again denied stating it was on the incorrect form. They re-tried again on 10/10, using the form
2 that the Commissioner suggested, but he simply laughed and said he was not going to hear the matter
3 until 10/21 - suggesting he was just playing abusive cruel games with the Plaintiffs about the "form".

4 On 10/21, again nobody showed up from the other side, and the Commissioner called their law
5 firm, Regeimbal McDonald and Young PLLC, on the phone and spoke with Mr. Robert McDonald and
6 asked why they had not shown up for the two previous Court dates. He mentioned that the attorney
7 handling the case, one Ms. Saphronia Young, was on a long leave and that mails sent to her were being
8 delivered to a different address. Commissioner then asked him to pick a date for the hearing, which was
9 set for 11/06/2019. The Commissioner then signed an unconstitutional order, in blatant violation of
10 the 14th amendment for due process, that only one party (the Family) had the burden to personally
11 serve all documents and pleadings to the other party (the law firm) at their office address and must get
12 all the copies time-stamped and receipt-stamped, while Regeimbal PLLC can simply use the e-Service.
13

14 This blatantly discriminatory order is attached as [Addendum K], which also raises concerns
15 about the Commissioner's mental health as he has shown classic signs of clinical Senile Dyslexia and
16 early onset symptoms of Dementia. He has repeatedly stated on record that Plaintiffs pleadings are
17 "several inches thick" and so he did not want to read them, and as shown in the order he cannot even
18 remember how to spell the simple word "Terminate", and yet he wants to deny all efforts by Family to
19 terminate the guardianship - although it appears that the so called "Super Guardian" needs a guardian
20 for his own self as his egregiously megalomaniacal, unlawful and racially bigoted conduct exhibits.
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22 The Family arranged their lawyer Mr. Paul Barrera to do rush service as ordered by the
23 Commissioner, and Mr. Barrera also tried to visit Ms. Thankamma at Harborview. However, as with all
24 other family and friends, he was also escorted out by Security after he enquired about her condition
25 and whereabouts at the Admissions office, and stated that he did not accept their lie that Omana was
26 not in their system. He then filed the attached declaration in Addendum E - in response to which Mr.
27 Ciric, another attorney from Regeimbal PLLC, demanded that he must withdraw from representing us
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1 as he has turned into a witness under RPC 3.7 [Line 2, Page 5 of Addendum E]. This left Plaintiffs in a
2 precarious situation having to scramble to find another attorney on the eve of the hearing, which they
3 did by engaging Attorney Dan Young, who agreed to represent them at the very last minute.

4 On November 6, the Commissioner refused to again let Mr. Jayakrishnan Nair, petitioner and
5 son of Ms. Thankamma, to testify or even speak at all in Court, as Mr. Judson had also done earlier. He
6 denied the request for an evidentiary hearing, and request by Attorney Young to allow his client testify.
7 He instead asked Mr. Nair to wait outside the court room in the lobby, and that he only intended to hear
8 what the Guardian had to say. He also suppressed the response from Mr. Nair for their petition for
9 instructions, and even disallowed proof of a Wire Transfer [Exhibit 24] from a Bitcoin account that Mr.
10 Nair held 100% personally, from which he had transferred \$10,500 to the family's joint account for
11 taking care of urgent expenses for the family- which was promptly STOLEN by the guardian.
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13 Omana is a retired accountant from a public services utility company in India (KSEB), from
14 which she only has a paltry pension of about \$300 per month as her only income, and all the expenses
15 for medical treatment, in-home caregivers, therapies, and living expenses have been borne by her son
16 entirely out of his pocket from his hard earned money as a Computer Consultant and entrepreneur.
17 Knowing this, the Commissioner refused to consider any of the evidence, and allowed the petition for
18 instructions in full for the Guardian allowing full use of the \$10,500 that she STOLE from his account.
19 Furthermore, he did not even let Family's attorney Dan Young represent his clients or make their case,
20 and threatened him with a bar complaint if he said anything or opened his mouth [Exhibit 25].
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22 23 **IV. Racist Rants, Personal Conflict and Corruption / Kickback of "Fees"** 24

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26 As can be seen from the attached Full Transcript [Addendum G] of the Commissioner's antics,
27 he launched a verbal tirade into Plaintiffs' culture and nationality. He had said previously that he had
28 personally disagreed with his own wife's religious beliefs, as she is a follower of a Spiritual Guru Ms.

1 Amritanadamayi Devi, popularly known as Amma ("mother" in Malayalam), who is also called a
2 hugging saint as she is known for her physical displays of affection through hugging and kissing her
3 disciples. Ms. Devi/ Amma is a good friend of Ms. Omana Thankamma and they have known each other
4 for over 50 years. When this was brought to light, the Commissioner turned unnecessarily hostile, and
5 made severely insulting remarks humiliating Amma, such as "if these people want to hug or kiss their
6 mothers, that should be done in India, but when these people come to MY country, they must acting
7 according to OUR culture". The Commissioner expressed disgust at his own wife's religious beliefs.
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9 On the question of returning Omana to India, he retorted that he did not believe that the
10 "poor" nation of India, (worlds' fifth largest economy and a major destination for 1000s of Americans
11 seeking affordable medical treatment) had ANY hospitals or nursing homes at all. and therefore Omana
12 cannot be put on a plane to a place without any medical facility. If this is not the worst insult possible to
13 one of US's major allied nation of 1.3 billion people, it is hard to imagine what can be. Not content with
14 these insults, he also said he has "great appreciation and commendation" for Ms. Copeland's brave
15 decision to withhold Omana's medicines and nutrition to kill her, as she was an unnecessary burden on
16 taxpayer money. He said that if "Mr. Nair wants to see his mother, he must come up with \$9k-\$12k a
17 month that would take to place her a private facility, so they can accommodate his requests to visit her,
18 but when she is on public assistance such as SSI or Medicaid, these facilities are not under any
19 obligation to allow any visitation to someone freeloading the system". In other words, he declared that
20 if Family cannot afford to pay for her care privately, Omana was to be punished with illegal solitary
21 confinement and denied access to anybody that can speak her language or understand her, let alone her
22 beloved family members. She has not seen or heard anybody she loves or knows for five months to date
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24 Following his unlawful and biased oral rulings on November 6th, the Family immediately filed a
25 joint petition for recusal [Addendum M] AND a notice of disqualification per RCW 4.12.050.
26 Notwithstanding the above, the Commissioner still went ahead with presentation hearing on November
27 14th, and awarded a huge amount of \$33,500 as "attorney fees" for the junior "Attorney" Ciric (who
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1 just graduated law school), for the two hearings on November 6th and 14th that lasted less than 15
2 minutes each, bringing up strong suspicions of corruption and kickback schemes for attorney fees. He
3 also declined to hear the Petition for Preliminary Injunction [Addendum C, please note Exhibit 25 also.]
4 The "rulings" can only be termed as malicious and raises questions on the Commissioner's integrity.
5 \$33,500 for attending a couple of hearings for a junior lawyer is beyond corrupt, it is a scam.

6 Fortunately however, it appears the Hon. Federal Court, although it remanded the guardianship
7 to State Court for lack of jurisdiction, was still paying close attention to this matter, as Commissioner's
8 egregious and corrupt "ruling" was immediately followed, in a matter of hours, by an Order DENYING
9 all attorney fees for the guardian on the same matter by Honorable U.S. Senior Judge Marsha Pechman,
10 as if a direct response to Commissioner Velategui's order [Exhibit 12: Order Denying Attorney Fees].
11 The guardian was denied attorney fees for the same billing time they requested Federal Court for fees.
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13 **V. STATEMENT OF ISSUES**

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- 17 1. Should the Court terminate the guardianship as volumes of medical records of Glucose levels,
18 metabolic tests, lipase tests, blood panel results, eye witness testimonies from several family and
19 friends, and Omana's own statement that shows the guardian had attempted to murder her through
20 withholding of Insulin and other critical medication as she had no money for her care? (Yes)
- 21
- 22 2. Should the Court terminate the guardianship imposed on Omana on the basis that she had not
23 consented to having a guardian per her [Ex: 15] declaration to Court, in violation of RCW 74.34.067(7)
24 that clearly states that AIP has a statutory right to refuse protective services (as she exercised)? (Yes)
- 25 3. Should the Court terminate the guardianship in accordance with RCW 11.88.120(1)(b), which
26 conclusively states that when the needs of the AIP are not being served by the guardianship (as is
27 obvious here), and a less restrictive alternative like a Power of Attorney is better suited as in this case,
28 the Court shall always choose the less restrictive option? (Yes)

- 1 4. Should the Court terminate the guardianship for good cause shown per RCW 11.88. 120
2 (2)(c)(i) that shows the guardianship is not in the benefit of the alleged incapacitated person (AIP)?
3 (Yes)
- 4 5. Should the Court terminate the guardianship because it infringes on Omana's travel rights to
5 her home country as guaranteed by her B1/B2 visa and bilateral ties with India? (Yes)
- 6 6. Should the Court terminate the guardianship because it infringes on Omana's and her family's
7 constitutional and civil rights (42 U.S.C. §1983), as well as the right to exercise Hindu religion? (Yes)
- 8 7. Should the Court terminate the guardianship for good cause per RCW 11.92.190. according to
9 which Omana cannot be detained against her will as she currently is for the last 56 days? (Yes)
- 10 8. Should the Court terminate the guardianship as cause exists per RCW 11.92.160, for guardian's
11 failure to file account or report to Family members despite their request per RCW 11.92.150? (Yes)
- 12 9. Should the Court terminate the guardianship because, Omana's timely opposition against using
13 Dr. Janice Edwards for the mandatory report per RCW 11.88.045(4), which she had promptly
14 expressed through Family's attorney Greg McBroom (his emails to Dr. Edwards strongly opposing and
15 disallowing her evaluation are noted in the opening of her report) was ignored in clear violation of
16 RCW 11.88.045(4), as Omana had preferred to use her PCP Dr. Seema Diddee MD for the same? (Yes)
- 17 10. Should the Court terminate the guardianship as cause exists per RCW 9A.56.010, (1), (5), (10,
18 (11), (19) through 23(b) given that the Guardian has embezzled funds to the tune of \$10,500 from Mr.
19 Nair's personal funds in Bank of America account ending in 3880, as well as confiscated two of Omana's
20 Dell Inspiron laptops and two Motorola Cell phones each? (Yes)
- 21 11. Should the Court terminate the guardianship as cause exists per guardian's failure to respect
22 AIP's right to associate with persons of her choosing per RCW 11.92.195? (Yes)
- 23 12. Should the Court terminate the guardianship as cause exists per guardian's failure to apply for a
24 protection order from Court within 14 days of placing an arbitrary restriction between AIP and family
25 members qualified under 11.92.150, as stipulated by RCW 11.92.195 (c) (iii)? (Yes)
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1 **VI. PETITION FOR PRELIMINARY INJUNCTION**

2 The petition for Preliminary Injunction [Addendum C], presented by Attorney Mr. Dan Young
3 but refused to be even heard by the Commissioner for reasons known only to him (Exhibit 25),
4 (perhaps due to his state of mental disability/ clinical dementia & dyslexia as he has also very comically
5 ignored all the half a dozen state statutes that the so-called "guardian" is in violation [Addendums A
6 and B] of: as shown by also the fact that also made "rulings" that MOST blatantly violated the Plaintiffs'
7 substantive and procedural due process rights guaranteed by the fourteenth amendment of the
8 Constitution, in addition to degrading himself terribly by failing to contain his xenophobic racial rage
9 against the Indian culture and nation, or to protect the integrity of his own Courtroom), is re-noted
10 here along with the Petition to Terminate or Replace Guardian (with the stand-by Guardian Mr. Stewart
11 Wallin, please see Exhibit 31) and the VAPA against Ms. Copeland. Mr. Velategui needs an evaluation by
12 a mental health expert, and should be stepped down from further desecrating this Honorable COURT.
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16 **VII. LEGAL ANALYSIS**

17 **Guardianship is in violation of RCW 74.36.067 (7)**

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19 RCW 74.36.067(7) is very clear that an alleged incapacitated person may CHOOSE to not accept
20 the protective services from DSHS, which Omana had exercised very vehemently in her declaration to
21 Court [Exhibit 15]. Therefore any proceeding thereon is moot by statutory definition.
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23 **Guardianship is in violation of Legislative Intent (RCW 11.88.005)**

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25 *"It is the intent of the legislature to protect the liberty and autonomy of all people of this state, and*
26 *to enable them to exercise their rights under the law to the maximum extent, consistent with the capacity*
27 *of each person. The legislature recognizes that people with incapacities have unique abilities and needs,*
28 *and that some people with incapacities cannot exercise their rights or provide for their basic needs*

1 without the help of a guardian. However, their liberty and autonomy should be restricted through the
2 guardianship process only to the minimum extent necessary to adequately provide for their own health or
3 safety, or to adequately manage their financial affairs."

4 It is thus abundantly clear to everyone that in Omana's case this mandate was polar reversed:
5 she was taken from a well-provided-for, happy and loving home to a homeless shelter where she was
6 abused and conspired to be murdered. After her children foiled the attempt, she is being kept in
7 solitary incarceration for nearly 144 days as of date. This is the very opposite of the legislative intent as
8 can be surmised by any reasonable person, and designed only for torture of a disabled dying mother.
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11 **Guardianship is in violation of Constitution & Indo-US Bilateral Travel Treaty**

12 U.S. Constitution clearly provides that only Congress and Federal Courts can hear matters
13 concerning the bilateral treating between United States and other Sovereign States like India, and State
14 Courts such as the Hon. King County Superior Court does not have the jurisdiction to place a custodial
15 guardianship in violation of Ms. Thankamma's travel rights governed by the bilateral treaties. She is
16 here in this nation ONLY for the purpose for visiting her son, and retains the sovereign right to return
17 to her home country, as guaranteed by her B1-B2 visa. She is not wanted in the USA for any criminal
18 case, so there is no legal basis for her custody and illegal incarceration incommunicado. The Family has
19 also filed a Habeas Corpus Petition, [Addendum J]: 19-CV-01881 -JCC-MLP], to release her so she can
20 return to her family in India, as is her fundamental right as a B1/B2 tourist [Exhibit 30] visiting USA.
21
22

23 **DESPITE MOST VEHEMENT AND REPEATED REQUESTS, PLAINTIFFS HAVE NOT BEEN**
24 **ALLOWED ANY CONTACT OR INFORMATION WITH OMANA IN 144 DAYS TO-DATE; OMANA**
25 **IS STILL IN ILLEGAL ISOLATION AND FAMILY AND FRIENDS HAVE NO ACCESS OR UPDATES.**
26

27 Please see Attached Certifications from Rajakumari, Sukanya and Jayakumar to corroborate
28 this fact, in [Addendum L], which also details the most dastardly evil telephonic and email harassments.

1 **THE MURDEROUS GUARDIAN HAD APPROVED WITHHOLDING INSULIN TO FINISH HER OFF**

2 [Exhibit 27] has the medical records of Omana at Paramount and then at Harborview after she
3 had been rescued by her family. showing clearly that her insulin was over 400 at Paramount but
4 immediately stabilized to 90-150 range with insulin at Harborview. Furthermore, her metabolic panel
5 test results, lipase test results and blood test details show conclusively that she was not receiving blood
6 pressure medication and other critical medication needed for survival of a patient in her condition.
7

8
9 **MS.COPELAND IS A CRUEL SADIST / MASOCHIST BIGOT THAT REVELS IN HURTING OTHERS**

10 Please see attached Certifications [Addendum L] from Omana's family Rajakumari, Jayakumar
11 and Sukanya about the outrageously harassing, cruel and aggressive behavior of the Guardian towards
12 them. It appears the only reason for this "pro bono" guardianship is as a cheap way of malicious power
13 tripping and for Ms. Copeland's pathetic need for stroking her ego and placating her own inadequacies.
14 Based on the evidence of this case, Ms. Copeland should be relieved of all guardianship rights for good.
15

16
17 **THE PROPOSAL TO MOVE OMANA TO INDIA WAS MADE BY THE PLAINTIFFS SEVERAL**
18 **TIMES BUT THE DEFEDANTS HAD IGNORED ALL PLEAS UNTIL HITHERTO.**

19 The first time the Defendant has showed any inclination towards this proposal is herein, on a
20 CR68 offer [Addendum O] she presented to allow Omana to be returned to India, but only if Plaintiffs
21 agree to dismiss all the civil rights claims presented in 19-CV-01296 [Exhibit 13] and therefore only as
22 a way to hoodwink this court from uncovering their serious human rights and civil rights violations.
23 There were several emails in which this was suggested earlier (please see Channa Emails: Exhibit 22)
24 but was ignored. Please note the so-called guardian is stating that she is willing to allow Omana to be
25 returned to India to her family, but at the same time she is not allowing her to receive any visitations
26 from any of her friends or family - the logical conclusion is inescapable that this is identical to any evil
27 kidnapper asking for ransom or for their demands to be met in order to release victim back to family.
28

1 **VAPO DOES NOT RESTRICT THE VISITS OF MR. NAIR OR ANY OTHER FAMILY MEMBERS**

2 A true copy of the VAPO is attached in [Addendum H]. The VAPO does not have any restrictions
3 other than barring Mr. Nair from removing her from a facility, and the only reason the guardianship
4 proposal was accepted was under the condition that Omana would be at a facility within 25 miles from
5 home, as can be seen from the negotiated Guardianship Settlement Order approved by this Hon. Court
6 [Addendum I, Pg 5 Line 15]: which clearly is only for the purpose of unrestricted access to family. But
7 for this promise, Family would have never accepted an external guardian and instead certainly would
8 have made arrangements to take Omana back to India before any of this ever had come about.
9

10
11 **OMANA AND FAMILY HAD VEHEMENTLY ALWAYS OPPOSED THE GUARDIANSHIP ACTION**

12 Omana's declaration clearly shows she never wanted a guardian, a sentiment she echoed to Dr.
13 Edwards and noted in her report. Legislature is clear that when a less restrictive option like Power of
14 Attorney is sufficient, the Court shall always choose that option instead of a full guardianship. Here it is
15 clear that Omana has NO estate, and that the \$10,500 the Guardian embezzled from Mr. Nair's BofA
16 account is Mr. Nair's money transferred just hours ago from another Bitcoin account he owns 100%.
17 Therefore the natural and logical thing to do would be return his money to him and terminate the
18 guardianship so he can resume his mother's care with the Power of Attorney and continue to take care
19 of her happily and peacefully at their home as before.
20

21
22 **GUARDIAN & THE OFFICE OF RISK MANAGEMENT (ORM) HAS RETALIATED AGAINST MR.**

23 **NAIR AND MS. SUSHEELKUMAR FOR REPORTING OMANA'S GHASTLY MURDER ATTEMPT**

24 **AND TERRIBLE NEGLECT BY STOPPING ALL VISITS FROM ALL FAMILY**

25
26 To any reasonable person examining the facts, the following dates stand out: each time there
27 has been a visitation restriction on Mr. Nair or Ms. Susheelkumar, it was THE VERY NEXT DAY of a
28 complaint they had initiated with authorities. The rest is self explanatory to any reasonable person.

1 **GUARDIAN HAS AUTHORIZED OMANA'S MURDER THROUGH WITHHOLDING OF INSULIN**

2 The attached medical records in [Exhibit 27] of her glucose, metabolic panel and blood work is
3 ample proof, as well as her multitude of extremely harassing emails and calls announcing her intent to
4 withhold her medication and nutrition as she "did not believe Omana deserved to live any longer in this
5 condition". Her glucose was over 400 when Paramedics found her, and she was stabilized with Insulin.
6

7
8 **OMANA OR HER FAMILY NEVER AGREED TO THE GUARDIANSHIP**

9 Ms. Thankamma and her family "admitted to agreeing to a guardianship" in so much as an
10 innocent victim agrees to sign a confession under most severe torture. Ms. Thankamma was being held
11 hostage by DSHS at Harborview, and accepting the guardianship was a Hobson's choice.
12

13 **MR. NAIR HAD NO RESPONSIBILITY TO KEEP PAYING INSURANCE PAYMENTS POST**

14 **GUARDIANSHIP SETTLEMENT (HE HAD MAINTAINED HER INSURANCE FOR 18 YEARS)**

15
16 The response states that Mr. Nair failed to pay the insurance premiums after the guardianship
17 settlement was approved by the King County Superior Court on 11/28- the main reason for which was
18 to relieve Mr. Nair from the exorbitant medical expenses of taking care of a Quadriplegic at home.
19 Therefore to say Mr. Nair stopped paying for the insurance is laughable, why else would he agree to a
20 Guardian?!! Since Omana's first visit in 2002, Mr. Nair has, as an ideal son as Omana calls him in her
21 declarations [Exhibit 15] and many videos, diligently maintained her visitor's travel insurance for long
22 18 years without fail and paid for all her therapies and in-home live-in caregivers. The Guardian had a
23 responsibility to take over the baton and continue her care and coverage, which she failed to do.
24

25
26 **PLAINTIFFS DID EVERYTHING HUMANLY POSSIBLE TO ASSIST WITH OMANA'S CARE AND**

27 **NATURALIZATION, BUT MS. COPELAND'S CONDESCENDING ATTITUDE IS THE PROBLEM**

1 Yet Defendants shamelessly claim on the response that somehow plaintiffs "interfered" in the
2 defendants To any reasonable person examining the evidence, it is abundantly clear that the only thing
3 the Plaintiffs interfered with was the Defendants' plan to murder Omana on 6/13 through withholding
4 insulin. thereby saving their beloved mother's life from these psychopaths that conspired to kill her.

5
6 **GUARDIAN HAS NEVER INITIATED THE IMMIGRATION PETITION FOR OMANA**

7
8 Despite multiple requests and followups from the Family, Channa never bothered with Omana's
9 citizenship application, and has instead was of the opinion she does not need to live anymore and
10 therefore she was not going to bother with her application. This is a statement she has directly made to
11 the family, saying it is not worth her time to do so because Omana is going to "die soon". Despite these
12 communications and proofs, the response shamelessly lies that Channa had started the application.

13
14 **MR. NAIR OR MS. SUSHEELKUMAR NEVER HAD ANY ALTERCATION WITH ANY STAFF AT**
15 **HARBORVIEW; THEIR TRESPASSING WAS RETALIATION FOR FILING POLICE COMPLAINT**

16
17 As part of the conspiracy for character assassination attempts, guardian claims there was a
18 verbal altercation between Omana's children and staff, which is another figment of her imagination. As
19 can be seen from the emails to Ombudsman, Mr. Nair and Ms. Susheelkumar has always been most
20 polite to all medical staff at the hospital and even showered praise for saving Omana's life after being
21 rescued from her pitiable mortal condition at Paramount. They have always been very respectful. The
22 simple truth is that Mr. Nair and Ms. Susheelkumar had nothing but the most cordial of relations with
23 all staff at Harborview, until the time Dr. Hahn relayed the directive from the WA State Office of Risk
24 Management to hold her incommunicado in complete isolation after the Police Complaint was filed
25 with Seattle PD on July 3rd by Ms. Susheelkumar. All the emails with Dr. Hahn and Harborview staff are
26 attached herein as [Exhibit 28], and emails with Ms. Copeland is attached as [Exhibit 22].
27
28

1 **PSYCHOLOGIST DR. EDWARDS' REPORT SHOWS OMANA NEEDS HER FAMILY TO SURVIVE**

2 The evaluation of Omana's mental abilities by Dr. Edwards is attached herein as [Exhibit 20]. It
3 is clear that Omana is a highly functional individual who can still do arithmetic by mind that most
4 average persons cannot. Dr. Edwards has stated that Omana is capable of holding a conversation,
5 understands Court proceedings, LOVES her son and her home, and would want to return home. She
6 also showed awareness of her location, time, and answered General Knowledge Questions such as "who
7 was the previous president of USA". She has very heartbreakingly described how much she desires to
8 spend her last days at home. To hold such an individual in isolation is beyond cruel, it is SATANIC EVIL.
9

10
11 **OMANA'S ISOLATION IS IN VIOLATION OF GUARDIANSHIP SETTLEMENT ORDER**

12
13 Page 5, Line 15 of the guardianship order [Addendum I] clearly states that Omana
14 should be kept in a facility no further than 25 miles from Plaintiffs' residence in Redmond, clearly for
15 the purpose of facilitating their unrestricted access as any reasonable person can surmise. But for the
16 guarantee for this access and her naturalization (and thus Medicaid coverage eligibility), this
17 guardianship was completely useless. This guardianship has turned to be a most abysmal bait and
18 switch scam, i.e. a murderous pogrom, and the Family feels mortally betrayed as they had ONLY
19 accepted the DSHS/APS proposal based on these immutable conditions, which have all been violated in
20 utter disdain. This is in addition to the fact the so-called "guardian" even unilaterally changed her
21 POLST code to "No Resuscitation" [Exhibit 32] without even bothering to consult the Family as the
22 Order required. She is in direct contempt of all provisions of [Addendum I] and therefore of this Court.
23
24
25
26
27
28

1 **VIII. CONCLUSION AND HUMBLE PRAYER**

2

3 Ms. Omana Thankamma, as well as her family, are innocent victims of racial hate crimes

4 perpetrated under the color of law and guardianship. To paraphrase, she was taken from a luxurious

5 six bedroom home in coveted Golf-Course community of Snoqualmie Ridge, where she had ample care

6 in the form of two CNAs, three professional therapists and a housekeeper, in addition to the devoted

7 love and care of BOTH her children Jayakrishnan and Rajakumari, to the WORST HELLHOLE in all of

8 America according to CMS- bottom most in dreaded Table B of the SFF Program [Exhibit 11], where

9 she was conspired to be murdered in isolation without access to food or medicine. After her daughter

10 foiled the attempt and reported this crime to Police, she is being held incommunicado without access to

11 any of her family or friends for the last 5 months. If this is not the QUINTESSENTIAL DEFINITION OF

12 MOST FIENDISH EVIL, then what is? As a matter of fact, the incompetence and racist xenophobia of

13 "Commissioner" Velategui is being abused for corruption, and his rulings are inherently invalid as none

14 of the due process, as can be seen from the transcript in Addendum G, were followed - in fact the

15 petitioners were not even allowed to present their case or provide a sworn-in testimony, and the

16 Commissioner even ignored the motion for recusal [Addendum N] that called out his personal conflict

17 of interest; preferring instead to go into a ridiculous verbal diatribe most scornfully denigrating the

18 Plaintiff's race, culture and national origin in open court. It is prayed that this Honorable Court will

19 correct this injustice by granting the Petition to Terminate Guardianship [Addendum A], VAPA against

20 the guardian [Addendum B] and most importantly also the Preliminary Injunction [Addendum C] so

21 Omana can fulfill her dying wish of reuniting with her children before she passes away - as a matter of

22 fact it is not even known whether she is alive at this point, causing all of Family incredibly painful

23 anxiety and depression.

24

25

26

27 The Family had done everything humanly possible to take the best care of their beloved mother

28 at home, and these tragic circumstances are entirely a product of inexcusable incompetence and

1 complete failure of the Commissioners Judson and Velategui who have abused their immense powers
2 for hurting this innocent family only for the "crime" of being from a different country and race. Any
3 person with reasonable intelligence can understand that everything that has happened in this case is a
4 result of racist hate crimes as Omana was staying happily and contentedly at home, and now for the last
5 5 months her whereabouts and condition are unknown - what did this poor quadriplegic woman do to
6 deserve such a cruel fate?? This horrid catastrophe is being brought to Public Attention through a book
7 we are publishing on Amazon that details the stupidly broken "Guardianship System" in the state,
8 which is being criminally abused by psychopaths for corruption and deriving evil sadistic pleasures.
9

10 Therefore the Family, on behalf of their helpless paralyzed mother is begging this Honorable
11 Court to end this crucifixion of the innocent, and to return her to her loving home where she belongs.
12 This motion is made in compliance with RCW 2.24.050 and relevant local rules. Omana's final days can
13 be spent in peace only if this Most Honorable Court sides with humanity, justice and kindness.
14

15 DATED this 20th day of November, 2019.
16

17
18 

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22

17
18 

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