

APPLICATION FOR GUARDIAN AD LITEM REGISTRY
Guardianship/Probate/Trust – Title 11

Mail or deliver the completed application, with all attachments, to:

Kitsap County Superior Court Administrator
614 Division Street, MS-24
Port Orchard, WA 98366

Name: Ellen E Barton
Business Name or Firm: Hertog & Coster, PLLC
Business Address: 200 W. Mercer St., Ste 310
City and State: Seattle WA Zip Code: 98119
Business Phone: (206) 587-6556 Fax: (206) 587-6553
Email Address: ellenb@hertogcosterlaw.com

- Non-Attorney Attorney WSBA or Washington State Certification No: 16209
- I am willing to serve as a Guardian ad Litem for Guardianships at public expense.
- I have no pending investigations or action against me involving felony allegations, professional certification or license suspension and/or revocation.
- I agree to advise the court immediately in the event of any complaint, investigation or action being commenced which could lead to professional discipline, or the suspension or revocation of my professional license, or to the filing of criminal charges for felony or crime involving allegations of theft, dishonesty or moral turpitude.
- I have read and agree to be bound by the Kitsap County Superior Court Guardian ad Litem Registry Code of Conduct.

Summary of my experiences as a GAL including years of experience and number of appointments.

See Statement of qualifications attached

Number of times serving as a Guardian as Litem that I have been removed for failure to perform my duties as a Guardian ad Litem: 0

I include the following with my application (please check all applicable boxes):

- Curriculum vitae, showing work and professional or personal experience in or related to the field that would assist in the performance and completion of Guardian ad Litem duties;
- Completed Washington State Patrol Conviction Criminal History;
- Signed release of information directed to all professional regulatory bodies which have licensed or supervised the applicant within the last ten years;
- Copies of any any professional complaints, investigations or disciplinary actions, lawsuits or professional liability claims filed, whether pending or completed, including a statement for each setting out the current status and any applicable response to said claims;
- Copies of any order for removal of the Guardian ad Litem prior to completion of the Guardian ad Litem's duties;
- Description of any claims or litigation that has been commenced, involving allegations of improper fee charges, charges of fraud, theft or other forms of dishonesty or professional malpractice or misconduct;
- Copy of fee schedule;

AND, EITHER

- Certificate of Qualification/Training for Guardian ad Litem seeking appointment under RCW Title 11,

OR

- I am currently on the Guardian ad Litem Registry and have included a certificate of updated training taken within the last year

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED: May 19, 2011

Seattle, wa
City Where Signed

Ellen E. Barton
Signature of Applicant

: Ellen E. Barton
Printed Name

ELLEN E. BARTON
200 W. Mercer St., Ste. 310
Seattle, WA 98119-3958
(206) 587-6556

EDUCATION:

Seattle University School of Law, Seattle, Washington
f/k/a University of Puget Sound School of Law
J.D. *cum laude* 1986

Western Washington University, Bellingham, Washington
B.A. 1982
Major: Industrial Psychology
Minor: Business Administration

PROFESSIONAL AFFILIATIONS:

Washington State Supreme Court - October, 1986
Federal District Court, W.D. Wash. - November, 1986
Federal District Court, E.D. Wash. - 1987
U.S. Ninth Circuit Court of Appeals - August, 1993
Minnesota State Supreme Court - March, 1996 (resigned 2003)
Member: King County Bar Association-Elder Law Section

EMPLOYMENT HISTORY:

Jan. 2008- Present **HERTOG & COSTER, PLLC.**, Seattle, Washington
Associate in five-attorney firm emphasizing will contests and the representation of guardians, trustees and other fiduciaries.

Nov. 2001- Jan. 2008 **WASHINGTON STATE DEPARTMENT OF LICENSING**, Olympia, Washington
Hearing Officer in the Driver's Services Division. Presided over hearings pertaining to the suspension or revocation of driver's licenses. Issued findings of fact, conclusions of law and orders granting or denying suspension or revocation.

Jan. 1998- Dec. 2000 **REIDENBERG & BARTON, P.L.L.P.**, Minneapolis, Minnesota
Partner in law firm practicing primarily in the area of domestic relations law, including, dissolutions, child custody disputes, order for protection hearings, post decree litigation and appeals. Management responsibilities included supervising staff and collection.

July, 1995- Dec. 1997 **LOUIS M. REIDENBERG LAW OFFICES**, Minneapolis, Minnesota
Contract attorney performing legal research and drafting of pleadings primarily in the area of domestic relations law. As in-house counsel for Amidon Graphics, a printing company, provided advice regarding employment issues, common carrier contracts, collection matters, stock issuance and transfer, valuation and bankruptcy litigation.

May 1994-
May 1995

ELLEN E. BARTON, Attorney at Law, Seattle, Washington

Sole practitioner emphasizing personal injury litigation. Also worked under contract for the Snohomish County Prosecutor, civil division, in cases involving personal injuries, civil rights and employment disputes.

Mar. 1991-
May 1994

COHEN, BARTON & NAVE, P.S., Seattle, Washington

Principal in firm emphasizing civil litigation. Responsible for preparation, arbitration and trial of tort cases, including automobile personal injury, premises liability, products liability, employment litigation, and insurance coverage matters.

Oct. 1988-
Mar. 1991

WILSON, SMITH, COCHRAN & DICKERSON, Seattle, Washington.

Associate attorney in 13-lawyer insurance defense firm. Responsible for preparation, arbitration and trial of insurance defense cases, including automobile personal injury, medical malpractice, products liability and premises liability.

May 1984-
Oct. 1988

McKAY & GAITAN, Seattle, Washington.

1984-1986 - Legal Secretary/Law Clerk while attending law school. 1986-1988 - Associate attorney in 17-lawyer litigation firm. Responsible for preparation and trial of products liability lawsuits involving asbestos exposure.

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

In the Guardianship of:) Case No.:
)
) GUARDIAN AD LITEM'S
) STATEMENT OF
) QUALIFICATIONS
) RCW 11.88.090(3)
)
A Minor.) (ST)

GUARDIAN AD LITEM STATEMENT OF QUALIFICATIONS

This statement is presented as required by RCW 11.88.090(3):

A. Requisite areas of background, knowledge, training, and experience are detailed below:

1. Level of formal education: J.D., B.A. Psychology
2. Training related to Guardian ad Litem duties: GAL Training in 2008, 2009, 2010 and 2011; Settlement GAL Training in 2002 and 2008
3. Number of years' experience as Guardian ad Litem: 3 years
4. Number of prior appointments as Guardian ad Litem (*as of today's date*):
 - (a) This County: 4
 - (b) Other Counties: 16
5. Criminal history (as defined in RCW 9.94.A.030): I have no criminal history as defined in RCW 9.94A.030.

1
2 6. Knowledge or experience in needs of:

3 (a) Impaired elderly: attended applicable CLEs

4 (b) Persons with physical disabilities: attended applicable CLEs

5 (c) Persons with mental illness: attended applicable CLEs

6 (d) Persons with developmental disabilities: one quarter of volunteer teaching
7 experience; attended applicable CLEs

8 (e) Other incapacitated persons: Legal representation of incapacitated persons
9 and/or their guardians

10 7. Familiarity and experience with legal procedures involving Guardianships: I have
11 represented guardians in guardianship proceedings since January, 2008.

12 8. Familiarity and experience in dealing with the provisions of Chapter(s) 11.88 and
13 11.92 RCW: I have represented guardians in guardianship proceedings since
14 January, 2008.

15 B. I have been removed as a Guardian ad Litem:

16 1. [] Yes

17 [X] No

18 2. If yes, please explain each instance on a page attached hereto.

19 C. I have successfully completed the model Guardian ad Litem recertification program on
20 May 6, 2011 at Seattle, Washington.

21 D. Fee Schedule: I am an attorney in practice since 1986. My usual hourly rate for Kitsap
22 County is \$225.00.

23 E. Professional Complaints: There has been one complaint filed against me with the
24 WSBA in connection with a GAL appointment, which was dismissed. There have been
25 no other professional complaints, investigations or disciplinary actions taken against me.

26 F. Claims/Litigation: I have been involved in one lawsuit seeking the recovery of fees that
included a counter-claim of malpractice against the law firm while I was practicing in
Minnesota.¹ The claims were settled after mediation. I was also involved in litigation

¹ This occurred more than 10 years ago and copies of pleadings are not longer readily available.

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arising from my actions as guardian ad litem, filed as King County Cause No. 09-2-07985-4 SEA. The proceeding against me was dismissed on pre-trial motion for failure to state a claim.

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

Signed at Seattle, Washington, May, 192011.

Ellen E. Barton

Ellen E. Barton

Signature
200 W. Mercer St., Ste. 310

Printed Name
(206) 587-6556/(206) 587-6553

Address
Seattle, WA 98119

Telephone/Fax Number
ellenb@hertogcosterlaw.com

City, State, Zip Code

Email Address

GUARDIAN AD LITEM FEE SCHEDULE - KITSAP COUNTY

Ellen E. Barton

Private Rate:	\$225.00 per hour
County Pay Rate:	Whatever rate is established by the County
Copy Cost:	\$.20 per page

Certificate of Completion

King County Bar Association

Ellen Barton

**2011 Washington State
RCW 11.88.090 Guardianship
Guardian ad Litem Training**

**Re-Certification
May 6, 2011**

Friday, May 6, 2011:

5.50 General & 1.00 Ethics CLE Credits Approved (approval #284 880)

Professional Guardian Credits: 5.75 Total: 2.00 Person; 1.00 Ethics; 2.75 General



Denise Medlock, Senior Continuing Legal Education Manager, King County Bar Association



Web Search No Record Found Report

Washington State Patrol
Identification and Criminal History Section
P.O. Box 42633
Olympia, Washington 98504-2633
Telephone (360) 534-2000

**THE FOLLOWING WEB SEARCH NO MATCH FOUND REPORT
IS FURNISHED FOR OFFICIAL USE ONLY**

This report was generated from a transaction run on 05/19/2011 at 11:15
Conviction Criminal History RCW 10.97.050(1)

Pursuant to the purpose of inquiry, **NO RECORD** was found in the Washington State Criminal History Repository based on the descriptors provided:

BARTON,ELLEN E

This may mean that the person you searched for has no criminal conviction record OR that your search criteria did not match the spelling of the person's name or date of birth.

Positive identification or non-identification in the Washington State Patrol's database, can only be determined by fingerprint comparison.

[See both sides]
[Exhibits omitted]

FILED
09 FEB 20 AM 8:35
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

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

Margie Taylor
Plaintiff/Petitioner,
vs.
Erangelina Zamb Et AL
Defendant/Respondent.

NO. 09-2-07985-4SEA SEA
[] KNT

Attendants Summons is attached.

RECEIVED
2009 FEB 19 PM 4:32
THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING COUNTY
AT SEATTLE

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

MARYLIN J. TAYLOR, Pro Se

CIVIL ACTION NO: 09-2-07985-4SEA

Plaintiff,

vs.

SUMMONS
IN A CIVIL ACTION

EVANGELINE ZANDT, AND
DIRK M. MAYBERRY, AND
ELLEN E. BARTON

Defendants.

A Lawsuit has been started against you in the above-entitled Court by, Plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and serve a copy upon the undersigned Plaintiff within 20 days after the service of this summons, excluding the day of service, if served within the State of Washington (or within 60 days after service of this summons), or a default judgment may be entered against you without notice. A default judgment is one where is one where Plaintiff is entitled to what Plaintiff asking for because you have not responded. If you serve a notice of appearance on the undersigned Plaintiff, you are entitled to notice before a default judgment may be entered against you.

You may demand that the Plaintiff file this lawsuit with the Court. If you do so, the demand must be in writing and must be served upon the Plaintiff. Within fourteen (14) days after you serve the demand, the Plaintiff must file this lawsuit with the court, or the service on you of this Summons and Complaint will be void.

FILED

09 FEB 20 AM 8:35

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

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

Margie J. Taylor

Plaintiff/Petitioner,

vs.

Evangeline Zandy ET AL

NO. *09-207985-4SEA*

SEA
 KNT

Defendant/Respondent.

Amended Complaint

is attached.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

This Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State of Washington.

DATED THIS 18 day of February 2009.

Name of clerk of court

Deputy clerk's signature



Marilyn J. Taylor, Pro Se.

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

09-2-07965-4 CEA

MARYLIN J. TAYLOR, Pro Se

NO:

Plaintiff,

vs.

EVANGELINE ZANDT, AND
DIRK M. MAYBERRY, AND
ELLEN E. BARTON

COMPLAINT FOR
DAMAGES CAUSED
IMPERSONATING AS
INPOSTERS EXECUTING
LANDLORDS LEASE AND
RENTAL DOCUMENTS TO
TENANTS
PURSUANT TO 42 U.S.C. SUB-
SECTION 1981; AND 42 U.S.C.
SUB-SECTION 1983; AND
PURSUANT TO 42 U.S.C. SUB-
1985 (3)
(JURY TRIAL DEMANDED)

Defendant.

Plaintiff makes the following claims for relief against the defendants:

I.

JURSDICTION

The Superior Court for King County, Washington has jurisdiction pursuant to RCW 2.08.010; RCW 19.86.090 and Article IV of the Washington State Constitution, Section 6.

II.

VENUE

Venue is proper in King County Washington. All that matters complained of in Plaintiff Complaint occurred in King County Washington.

III.

FACTS

"FIRST CAUSE OF ACTION"

1. On or about December 11, 2008, plaintiff Marilyn J. Taylor was injured. Plaintiff asserts that Defendants' jointly acting in the capacity as landlords of property under extremely fraudulent facts and circumstances and was purporting to act there under.

Neither of the defendants, Evangeline Zandt nor Dirk Mayberry are landlords of the property where Plaintiff reside on the above aforementioned said property, located at 5963 Rainier Ave. South, Seattle, Washington 98118. The true and correct landlord is John A. Zandt whom has not given permission or authorization for the above defendants' to act in the capacity as landlord of his property. Defendants' have been manipulating plaintiff from April 1, 2008 through February 5, 2009; In the aspects of misrepresenting, payments of rent and fabricating records, and having plaintiff proceeded against for eviction, processes and procedures. 1. Plaintiff is current in rent. See "Exhibit A;" 2. Late charges included in 3 day notice in violation of RCW59.12.030 (3). See "Exhibit B;" 3. Eviction was retaliatory as it was commenced after the defendants' asserted plaintiff rights as a tenant. See "Exhibit C;" 4. The Defendants violated the implied warranty of habitability. 5. Defendants did not act in good faith. 6. Under the lease rent is not due until the 15th of the month (See attachment) handwritten note in "Lease Agreement" that is attached to this complaint for damages and is incorporated herein. As "Exhibit D." 7. A small claims action was previously filed regarding claims in this matter, District Court #85-13906. See "Exhibit E;" 8. The defendants' acting under the pretense as landlords entered the Plaintiff's unit regularly without notice in violation of RCW 59.18.150. 9. Defendant's further performed acts such as applying bolt locks to the heater to prevent plaintiff from having any access to a warm unit which is imperatively necessary in these harsh winter months, plaintiff went with out heat from April 2008 through December 16, 2008 and then again on January 19, 2009 through January 23, 2009. Due to actions of retaliation by the defendants'; Plaintiff commenced a formal complaint with the Seattle Police Department, Police Report Number 2009-22856

(OPEN) regarding and concerning the above of aforementioned said retaliation efforts that was set into motion in full force in full effect against Plaintiff and her Daughter.

“SECOND CAUSE OF ACTION”

2. Plaintiff asserts that defendant Dirk Mayberry, has a prior history of conspiring to defraud the United States, in violation of 18 U.S.C. Sec. 371, and on nineteen counts of causing false material statements to be made in a matter under the jurisdiction of an agency of the United States, in violation of 18 U.S.C. Secs. 1001 and 1002. See “Exhibit F;” That is attached to this relevant complaint and is incorporated herein.

“THIRD CAUSE OF ACTION”

3. Plaintiff asserts that defendant Evangeline Zandt, entered into agreed plans and arrangements with Dirk Mayberry to conspire and deprive plaintiff of money for rent of a room in the property, where neither of Defendant’s are factual landlords of the house. Plaintiff asserts under the Ku Klux Klan Act must allege that defendants conspired or went in disguise on highway or premises of another for purpose of depriving, directly or indirectly, any person or class of persons of equal protection of laws or equal privileges and immunities under laws, and must assert that one or more of conspirators did , or caused to be done, an act in furtherance of object of conspiracy whereby another was injured in person or property or deprived of having and exercising any right or privilege of a citizen. 42 U.S.C.A. sub-section 1985 (3). See Griffin v. Breckenridge, cite as 91 S. Ct. 1790 (1971). Plaintiff asserts that sub-section 1985 (3) reaches private conspiracies to deprive others of legal rights can, of itself, cause no doubts of its constitutionality. It has long been settled that 18 U.S.C. sub-sections 241, a criminal statute of far broader phasing (see n.4, supra), reaches wholly private conspiracies and is constitutional. E.g., *In re Quarles*, 158 U.S. 532, 15 S.Ct. 959, 39 L.Ed. 1080;

Logan v. United States, 144 U.S. 263, 293-295, 12 S.Ct. 617, 626-627, 36 L.Ed. 429. Our inquiry, therefore, need go only to identifying a source of congressional power to reach the private conspiracy alleged by the complaint in this case. Plaintiff asserts that even as it struck down Rev. Stat. sub-section 5519 in United States v. Harris, the Court indicated that parts of its coverage would, if severable, be constitutional under the Thirteenth Amendment. 106 U.S., at 640-641, 1 S.Ct., at 610-611. And surely there has never been any doubt of the power of Congress to impose liability on private persons under sub-section 2 of that amendment. Plaintiff asserts that Griffin, made it unmistakably clear that sub-section 1985 (3) was intended to reach private conspiracies: "It is thus evident that all indicators – text, companion provisions, and legislative history – point unwaveringly to sub-section 1985 (3)'s coverage of private conspiracies." Griffin, 403 U.S. at 101, 91 S. Ct. at 1798. Although the scope of prohibited activity has thus been expanded to include the actors here, the scope of rights protected from their private conduct by sub-section 1985 (3) is subject to *much uncertainty*. See "Exhibit G;" that is attached to this relevant complaint and is incorporated herein. Additionally, plaintiff is inserting a very special letter that is from whom is the Guardian of Person and Estate of Shirley Zandt, whom is John A. Zandt "Sister." See "Exhibit I;" that is attached to this relevant complaint and is incorporated herein. Additionally, Plaintiff has one other very relevant letter composed by the Guardian addressed to Shirley Zandt, which precisely sets forth facts that Dirk Mayberry, has been constantly attempting to interact personally with Shirley Zandt, despite the fact that the guardian is fully and firmly aware that his intentions is to manipulate Shirley's mind and gain control over her Estate and Property in "Bad Faith."

"FOURTH CAUSE OF ACTION"

4. Plaintiff asserts that defendants, Evangeline Zandt and Dirk Mayberry, under the statue authorizing civil actions for conspiracy to deprive persons of their

civil rights, Plaintiff must show that the act done in furtherance of the conspiracy resulted in an injury. 42 U.S.C.A.sub-section 1985. Plaintiff is inserting a full in firm "Official Formal Seattle Police Department Complaint" Entitled in Caption," SEATTLE POLICE DEPARTMENT GENERAL OFFENSE HARDCOPY (ORIGINAL RELEASE) RELEASED BY SEATTLE POLICE DEPARTMENT GO 2009-22856 (OPEN) X - 19 DISTURBNCE-FAMILY. See "Exhibit J;" that is attached to this relevant complaint and is incorporated herein.

"FIFTH CAUSE OF ACTION"

5. Plaintiff asserts that Defendants Dirk Mayberry and Evangeline Zandt, after obtaining and securing personal knowledge that the above aforementioned said Seattle Police Department, had been filed in a Police Investigation occurred; both Defendants immediately contacted a attorney Mr. Jason Anderson WSBA #32232; in a emergency effort to cover up their illegal actions and unlawful conduct. See "Exhibit K;" That is attached to this complaint and is incorporated herein. This relative imperative above aforementioned said "Exhibit K;" directly reflects the facts that both defendants, Evangeline Zandt and Dirk Mayberry, continued to assert false misrepresentations and intentionally fabricating facts, to have the Attorney John Anderson intervene with their ongoing conspiracy efforts to factually accomplish obtaining John Zandt Estate and Property.

"SIXTH CAUSE OF ACTION"

6. Plaintiff asserts that defendant Ellen E. Barton, personally participated intentionally in subjecting plaintiff to race discrimination based upon plaintiff being a "Black African - American Female" several racial comments were made in plaintiff's presence where the attorney; representing the defendants Terrence Kellogg for the defendants directly stated: " that he does not trust

this black woman” referring to plaintiff in the presence of defendant Ellen E. Barton, plaintiff asserts that the above aforementioned said statement created a conflict of interest immediately on the part of defendant Ellen E. Barton and she immediately joined the forces of defendants and defendants attorneys and no longer function with the best interest of plaintiff, as defendant Ellen E. Barton, was fully and firmly appointed and assigned in the capacity as Guardian Ad Litem to be the advocate for plaintiff. Plaintiff asserts that defendants commenced and affirmative act that conveys and connotes defendant Barton, began acting outside of the scope and definitions of her employment as a Guardian Ad Litem. Plaintiff asserts that according to Superior Court Guardian Ad Litem Rules (GALR) that assigned and appointed persons acting in such capacity is to avoid conflicts of interest which in fact is concisely a major violation of plaintiffs rights. During the course of defendant Barton’s investigation she did not maintain independence and she failed to perform an act that she is legally required to do by law; such as accumulate necessary collaboration of plaintiff accounts of the incidents concerning and regarding venerable persons that could truly fully and firmly confirm and verify plaintiff’s versions and statements, such as also living in the household as a tenant is plaintiff’s daughter; Whom, was not interviewed nor contacted at all nor listed in defendant’s, Barton’s Sealed Confidential Report No. 09-2-01212-1 SEA, appointment dated January 9, 2009. Plaintiff asserts that defendant Barton, intentionally deprived plaintiff of her civil rights; “A person “subjects’ another to the deprivation of a constitutional right, within the meaning of the Civil Rights Act of 1871, if he does an affirmative act, participates in another’s affirmative acts, or omits to perform an act which he is legally required to do that causes the deprivation of which complaint is made. 42 U.S.C.A. subs – section 1983. See “Exhibit L;” that is attached to this relevant civil rights action and is incorporated herein. See Johnson v. Duffy, 588 F. 2d 740 (1978); this case supports plaintiffs position that defendant Barton, failed to perform an act that she is legally required to do. Plaintiff asserts that further facts that are necessary to state a claim upon

which relief can be granted is set forth as follows below: Civil Rights 1=13.7; is defined as follows: " As regards a violation of the Civil Rights Act of 1871, the requisite causal connection can be established not only by some kind of direct personal participation in the deprivation, but also by setting in motion a series of acts by others which the actor knows or reasonably should know would cause others to inflict the constitutional injury. 42 U.S.C.A. sub-sections 1983. Plaintiff asserts that defendant Barton's, acts and actions and conduct fulfills the requisite causal connection that also set into motion a series of acts by others which defendant Barton, knows or reasonably should know that others would cause others to inflict the constitutional injury. See "Exhibit M;" that directly and firmly reflects the facts that the infirm constitutional acts of defendant Barton, has intentionally caused several others to inflict constitutional injuries upon plaintiff and the vulnerable adult Mr. John Zandt, as is evidenced within the contents of "Exhibit M;" entitled in caption "Reissuance of Temporary Order for Protection and Notice of Hearing" under Case Number: 09-2-00490-1 SEA;" that is attached to this relevant civil rights action and is incorporated herein. Despite, the fact that defendant Barton, knew that the Seattle Police Department complaint confirmed that there restraining orders in existence prohibiting Evangeline Zandt and Dirk Mayberry, from being within the presence or the company of John Zandt, defendant Barton, permitted and allowed the Court Commissioner, to be misled and manipulated into the belief of several false facts that were intentionally introduced and presented during the hearing on February 4, 2009 at 10:30; with the Court Commissioner, Eric Watness, that the above aforementioned said "Protection Order" was firmly in full force and full effect and defendant Barton, failed to object to the decision made by the Court Commissioner, to allow and permit "John Zandt;" not to be put in harms way for twenty four hours (24 hours), and direct custody of defendants Dirk Mayberry and Evangeline Zandt. Plaintiff asserts that defendant Barton, acted with personal knowledge that a order for protection and police report and a police investigation had been conducted by the Seattle

Police Department, and it was concluded as a firm fact that the order for protection for John Zandt a Vulnerable Adult (Protected Person); As is evidence by "Exhibit N;" That is attached to this civil right action and is incorporated herein. Plaintiff asserts that during a relevant fact finding hearing that was held on February 4, 2009 at 10:30 a.m. the Court Commissioner of Seattle King County Superior Court; plaintiff was in attendance at the above aforementioned said fact finding hearing; as well as defendant Barton was firmly present, whom has been appointed and assigned to represent plaintiff. Nevertheless, however, defendant Barton intentionally refused to function in the capacity as she was assigned and appointed; at this hearing stated above defendant Barton, failed to make a very relevant objection to the Court Commissioner ruling and decision to place John Zandt, in harms way for a full twenty four hours (24) hours with the suspects that had a firm order of protection lodged against them to not have any personal interactions or contact with John Zandt. Plaintiff asserts that defendant Barton; observed Plaintiff hand up to the Court Commissioner, the officially filed Seattle Police Department Complaint, where Police Officers clearly stated and confirmed "The Order for Protection" in fact existed. Plaintiff asserts that this magnitude of relevant information to be considered by the Court Commissioner was arbitrarily and capriciously intentionally ignored and not any relevant due consideration, was extended or afforded to the above aforementioned said Seattle Police Department Complaint. With the fact that defendant Barton, made no attempt to insert a relevant "Objection" before or prior to the Court Commissioner making his ruling and decision to factually place the Vulnerable Adult (Protected Person) John Zandt, whom plaintiff is very concern about as a Care Giver, in light of true facts that mental health doctored reports confirmed that diminished capacity and loss of memory is a relevant situation and placed John Zandt, in serious danger and harm and at risk to be abused and taken advantage of. plaintiff's asserts that all properly named above aforementioned said defendants inflicted an invidiously discriminatory animus was the motivating force behind the race related

intentional discrimination that plaintiff is and was being subjected to by defendants' compounding the state action of the Court Commissioner and the private discrimination. Plaintiff asserts that there is a sufficient nexus between the state action and the private discrimination that is ongoing to this very present date. Plaintiff asserts conspiracy Civil rights statute, the so-called Ku Klux Klan Act, was intended to reach private conspiracies. Plaintiff further asserts that defendant Dirk Mayberry, applied for a Real Estate License in 1995; With the Department of Licensing Real Estate Division, in Olympia, Washington; above said application was firmly denied. Which Plaintiff researched and discovered this very relevant legal fact, on the 17th day of February, 2009. Precisely and concisely conveying that defendant Dirk Mayberry and Evangeline Zandt, has been intentionally impersonating as Real Estate Agents and collecting rent from plaintiff since April 2008 as is evidence by "Exhibit A" that is plainly and clearly plaintiffs rent receipts paid to defendants', See Life Ins. Co. Of North America v. Reichardt, 591 F.2d 499 (1979). See Reichardt at 501; The Supreme Court has declared that "where the impetus for the discrimination is private, the State must have 'significantly involved itself with [the] invidious discriminations.'" Moose Lodge No. 107 v. Irvis, 407 U.S. 163, 173, 92 S. Ct. 1956, 1971, 32 L. Ed.2d 627 (1972) (quoting in part Reitman v. Mulkey, 387 U.S. 369, 380, 87 S. Ct. 1627, 18 L.Ed.2d 830 (1967).

7. Plaintiff asserts that the Court Commissioner, entered another arbitrary and capricious ruling and decision lodged against plaintiff on the 4th day of February-2009; entitled in caption "ORDER APPROVING AND DIRECTING PAYMENT OF THE GUARDIAN AD LITEM FEES AND COSTS" plaintiff asserts that this order directly reflects that the Court Commissioner, is blatantly personally inflicting his own level and degree of race related racism against plaintiff, this form of judicial racism in the State Court, is a true reality based upon the facts and circumstances that plaintiff is a "Black African-American Female;" and is being subjected to this magnitude of intentional discrimination that should not be allowed or permitted to go

unaddressed and plaintiff is of the firm belief that the Court Commissioner, should be or shall be held accountable for his actions against plaintiff. See "Exhibit O;" that is attached to this civil rights action and is incorporated herein. Plaintiff asserts that according to Civil Rights, as is cited and noted in *Arnold v. IBM. supra*, at 1356; "The similarity between proximate cause and state action often disappears when the defendants are private parties, rather than state officials. In most cases involving private defendants caused the plaintiff's injury. The issue is whether the particular conduct is purely private, and thus immune from section 1983 liability, or is state action. See, e. g., *Flagg Bros., Inc. v. Brooks*, 436 U.S. 149, 98 S.Ct. 1729, 56 L.Ed.2d 185 (1978); *Jackson v. Metropolitan Edison Co.*, 419 U.S. 345, 95 S. Ct. 449, 42 L.Ed.2d 477 (1974). Plaintiff asserts that the Court Commissioner, personal participation and affirmative acts constitutes "STATE ACTIONS." Plaintiff asserts that the "under color" of state law requirement of statute authorizing civil actions for deprivation of rights under color of state law is equivalent to the "state action" requirement of the Fourteenth Amendment. 42 U.S.C.A. sub-section 1983; U.S.C.A. Const. Amend. 14. Plaintiff asserts that the proximate cause issue, it appears to have employed elements of proximate cause analysis in determining state action. This can occur when the Court Commissioner, is acting "under the color of state law;" Plaintiff asserts that the Court Commissioner, is clothed with the legitimacy of the government and was purporting to act there under at all times relevant to this complaint. See "Exhibit L." and "Exhibit O."

IV.

"PRAYERS FOR RELIEF"

- 1.) Plaintiff request for this Court, to Order; Declaratory Judgment that defendants violated plaintiff's Eighth and Fourteenth Amendments Rights to the United States Constitution.

- 2.) Plaintiff request for this Court, to Order, Dirk Mayberry, to pay to plaintiff the sum of not less than Five Hundred Thousand Dollars, [\$500,000] in compensation damages.
- 3.) Plaintiff request for this Court, to Order, Dirk Mayberry, to pay to plaintiff the sum of not less than Five Hundred Thousand Dollars [\$500,000] in punitive damages.
- 4.) Plaintiff request for this Court, to Order, Evangeline Zandt, to pay to plaintiff the sum of not less than Five Hundred Thousand Dollars [\$500,000] in compensation damages.
- 5.) Plaintiff request for this Court, to Order, Evangeline Zandt, to pay to plaintiff the sum of not less than Five Hundred Thousand Dollars [\$500,000] in punitive damages.
- 6.) Plaintiff request for this Court, to Order, Ellen E. Barton, to pay to plaintiff the sum of not less than Five Hundred Thousand Dollars [\$500,000] in compensation damages.
- 7.) Plaintiff request for this Court, to Order, Ellen E. Barton, to pay to plaintiff the sum of not less than Five Hundred Thousand Dollars [\$500,000] in punitive damages.
- 8.) Plaintiff request for this Court, to grant such other and further relief as the court deems just and equitable.
- 9.) Plaintiff request for this Court, to Order, recover damages for tremendous mental anguish caused by all the properly named defendants, for pain and suffering and emotional distress, economic loss and impairment of the ability to enjoy life.

WHEREFORE, the plaintiff asks for judgment against the defendants in such amounts as will fully and fairly compensate the plaintiff for her damages and costs, and for such other and further relief as the court deems just and equitable.

DATED this 18, day of February 2009.

Presented By: *Marilyn Taylor, Pro Se*

Marilyn J. Taylor, Pro - Se
5963 Rainier Ave. S.
Seattle, WA 98118

/s/ Marilyn Taylor, Pro Se
Marilyn J. Taylor, Pro - Se

[Both sides]

FILED

09 APR 27 AM 11:03

KING COUNTY
SUPERIOR COURT CLERK
E-FILED

CASE NUMBER: 09-2-07985-4 SEA

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

MARYLIN J. TAYLOR,)	Case No.: No. 09-2-07985-4 SEA
)	
Plaintiff,)	ANSWER OF DEFENDANT BARTON
)	
vs.)	
)	
EVANGELINE ZANDT, DIRK)	
MAYBERRY AND ELLEN E. BARTON,)	
)	
Defendant)	

Defendant Ellen E. Barton answers plaintiff's complaint as follows:

I. ANSWER

- 1.1 In response to paragraph I, Defendant denies the same.
- 1.2 In response to paragraph II, Defendant admits venue is proper.
- 1.3 Defendant denies the allegations contained in paragraph III, sub 1 for lack of information and belief.
- 1.4 Defendant admits the allegations contained in paragraph III, sub. 2 on information and belief.
- 1.5 Defendant denies the allegations contained in paragraph III, subs. 3 through 5 for lack of information and belief.
- 1.6 Defendant denies the allegations contained in paragraph III, subs 6 and 7.

DEFENDANT BARTON'S ANSWER TO
COMPLAINT - 1
Answer041409TAYLOR9991521
406100 / 234.0004

HERTOG & COSTER
Attorneys at Law
200 W. Mercer St., Ste. 310
Seattle, WA 98119-3958
Phone: 206-587-6556; Fax 206-587-6553

1 1.7 Defendant denies that the plaintiff is entitled to the relief requested in Paragraph
2 IV, subs. 1, 6, 7, 8 and 9 against this defendant.

3 1.8 Defendant denies any remaining allegations.

4 II. DEFENSES

5 2.1 The complaint fails to state a claim upon which relief can be granted.

6 2.2 Plaintiff's damages, if any, may have been caused by the acts or omissions of
7 third parties over whom Defendant had no control and may include codefendants.

8 2.3 Plaintiff's claims may be barred in whole or in part by the doctrines of
9 comparative fault, assumption of the risk, failure to mitigate damages, and/or the damages from
10 these claims must be reduced proportionately in accordance with the plaintiff's degree of fault.

11 2.4 Plaintiff suffered no damages as a result of the alleged actions by Defendant
12 Barton.

13 2.5 Plaintiff's damages, if any, were caused by third parties and the liability and fault
14 for said damages must be allocated to those third parties in accordance with CR 12(i) and RCW
15 4.22.070(1).

16 2.6 Plaintiff is not entitled to treble damages pursuant to RCW 19.86, the Consumer
17 Protection Act, against this defendant.

18 2.7 Defendant Barton was, at all times material, acting as a court appointed guardian
19 ad litem and is entitled to quasi-judicial immunity for all acts described in plaintiff's complaint.
20 See Copy of Temporary Order for Protection attached as Exhibit A.

21 2.8 The plaintiff lacks standing to pursue her claims against this defendant and thus
22 this court lacks jurisdiction and/or defendant owes no duty to plaintiff.

23 Defendant reserves the right to amend this answer to state additional affirmative or other
24 defenses, counterclaims or cross-claims as may become known during discovery.

25 III. PRAYER FOR RELIEF

WHEREFORE having fully answered the Plaintiff's complaint and having asserted
defenses, Defendant Barton requests the following relief:

DEFENDANT BARTON'S ANSWER TO
COMPLAINT - 2
Answer 041409TAYLOR9991521
406100 / 234.0004

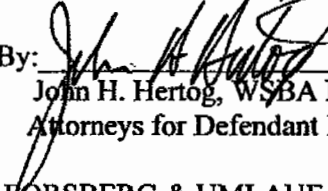
HERTOG & COSTER
Attorneys at Law
200 W. Mercer St., Ste. 310
Seattle, WA 98119-3958
Phone: 206-587-6556; Fax 206-587-6553

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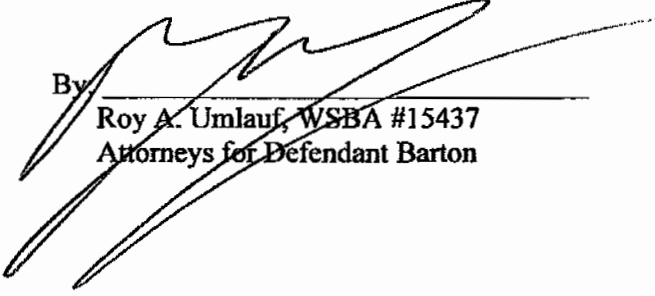
- 3.1 Dismissal of plaintiff's claims against this defendant with prejudice;
- 3.2 That this court find that plaintiff's claims against this defendant are frivolous and that the Court award this defendant her attorney fees and costs under RCW 4.84.185.
- 3.3 Entry of judgment against the plaintiff for defendant's costs and reasonable attorneys fees to the full extent allowed by applicable law and RCW 4.84 et Seq; and
- 3.4 Such other and further relief as the court deems just and equitable.

Dated this 24th day of April, 2009.

HERTOG & COSTER, PLLC

By: 
John H. Hertog, WSBA No. 7205
Attorneys for Defendant Barton

FORSBERG & UMLAUF, P.S.

By: 
Roy A. Umlauf, WSBA #15437
Attorneys for Defendant Barton

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CERTIFICATE OF SERVICE

The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the foregoing ANSWER OF DEFENDANT BARTON on the following individuals in the manner indicated:

Marilyn Taylor
5963 Rainier Ave. S.
Seattle, WA 98118
 Via U.S. Mail
 Via Facsimile
 Via Hand Delivery
 Via ECF

Evangeline Zandt
2858 S. Juneau St.
Seattle, WA 98108
 Via U.S. Mail
 Via Facsimile
 Via Hand Delivery
 Via ECF

Dirk Mayberry
8801 36th Ave. So.
Seattle, WA
 Via U.S. Mail
 Via Facsimile
 Via Hand Delivery
 Via ECF

SIGNED this 27th day of April, 2009, at Seattle, Washington.

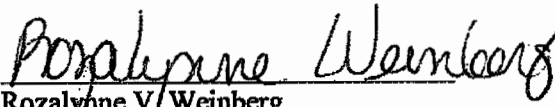

Rozalynne V. Weinberg

EXHIBIT 1

FILED
2009 JAN -9 PH 3: 08
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

ISSUED
PAB

EXPO 1

PRESENT IN PERSON

Superior Court of Washington For County

In re the Matter of:
John Zandt
A Vulnerable Adult (Protected Person) DOB

Francine Zandt ^{Dark}
Respondent (Restrained Person) DOB

09-2-00490-1 SEA
No.

Temporary Order for Protection and Notice of Hearing - Vulnerable Adult (TMORVA) (Clerk's Action Required)
Next Hearing Date: Jan. 22, 09
Time: 10:30 a.m. Room: W325
KC Courthouse, 516 3rd Avenue, Seattle, WA

Violation of Restraint Provisions 1, 3, 4 or 5 With Actual Notice of its Terms is a Criminal Offense Under Chapter 26.50 RCW and Will Subject a Violator to Arrest. RCW 74.34.145

The Petitioner is:

- the vulnerable adult.
- John Zandt / Cathleen (name), who filed on behalf of the vulnerable adult and is:
 - the vulnerable adult's guardian or legal fiduciary.
 - an interested person as defined in RCW 74.34.020(9).
 - WA Dep't of Social and Health Services.

Respondent Identification:

Sex	Race	Hair
Height	Weight	Eyes

Respondent's Distinguishing Features:

Access to weapons: yes no unknown

The Court Finds Based Upon the Court Record That:

The court has jurisdiction over the parties and the subject matter. The respondent and the vulnerable adult, if not the petitioner, were notified in writing of the ex parte hearing and their opportunity to be heard, or will be served notice of his or her opportunity to be heard at the scheduled hearing noted above. RCW 74.34.110. For good cause shown, the court finds that an emergency exists and that a Temporary Protection Order should be issued without notice to the respondent to avoid irreparable harm.

The Court Orders:

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

Additional no contact provisions are on the next page.

The terms of this order shall be effective until the end of the hearing, noted above.

Warnings to Respondent: Violation of restraint provisions 1, 3, 4 or 5 of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW and will subject you to arrest. If the violation of the protection order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States, which includes tribal lands, you may be subject to criminal prosecution in federal court under 18 U.S.C. § 2261, 2261A, or 2262.

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

If the court issues a final protection order, and your relationship to the vulnerable adult is that of spouse or former spouse, parent of a common child, or former or current cohabitant as intimate partner, you may not possess a firearm or ammunition for as long as that final protection order is in effect.

18 U.S.C. § 922(g)(8). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1). If you are convicted of an offense of domestic violence, you will be forbidden for life from possessing a firearm or ammunition.

18 U.S.C. § 922(g)(9); RCW 9.41.040.

You Can Be Arrested Even if the Person or Persons Who Obtained the Order Invite or Allow You to Violate the Order's Prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.

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

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

Service

Petitioner shall arrange for service of the petition and this order on:

- Respondent
- Vulnerable Adult
- Vulnerable Adult's guardian

The following persons appeared, further service is not required:

- Respondent
- Vulnerable adult
- Vulnerable adult's guardian

Law Enforcement Assistance

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

ERIC WATNESS

Dated: 1/8/09 at 4:30 p.m. (P.M.) JAN 09 2009
Judge/Commissioner

Presented by: M. Taylor 1/8/2009
Petitioner Date Respondent Date
I acknowledge receipt of a copy of this Order.
COURT COMMISSIONER

A Law Enforcement Information Sheet (LEIS) must be completed.

Case Number: 09-2-07985-4
Case Title: TAYLOR VS ZANDT ET AL
Document Title: ANSWER OF DEFENDANT ELLEN E. BARTON
User's Name: Roy Umlauf
Filed Date: 4/27/2009 11:03:45 AM

User Signed

Signed By: Roy Umlauf
WSBA #: 15437
Date: 4/27/2009 11:00:48 AM

[See both sides]

Honorable Julie Spector
Hearing Date: July 17, 2009
Hearing Time: 9:00 a.m.

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

MARYLIN J. TAYLOR,

Plaintiff,

vs.

EVANGELINE ZANDT, DIRK MAYBERRY
and ELLEN E. BARTON,

Defendants.

No. 09-2-07985-4 SEA

ORDER (1) GRANTING MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM AGAINST DEFENDANT BARTON; (2) AWARDING ATTORNEY FEES AND COSTS TO DEFENDANT BARTON; (3) DENYING PLAINTIFF'S MOTION TO DISMISS; (4) DENYING PLAINTIFF'S REQUEST FOR FEES; AND, (5) DIRECTING PLAINTIFF NOT TO FILE LIENS OR CLAIMS OF GARNISHMENT

This matter having come on regularly before the Court on Defendant Ellen E. Barton's Motion to Dismiss for Failure to State a Claim Against Defendant Barton, and Plaintiff's Motion to Dismiss Barton's Motion to Dismiss, the Court having reviewed the following documents:

1. Motion to Dismiss for Failure to State a Claim Against Defendant Barton;

ORDER GRANTING MOTION TO DISMISS, AWARDING FEES AND COSTS,
DENYING PLAINTIFF'S MOTION AND DIRECTING PLAINTIFF RE LIENS
AND CLAIMS OF GARNISHMENT - PAGE 1

417071 / 234.0004

FORSBERG & UMLAUF, P.S.
ATTORNEYS AT LAW
901 FIFTH AVENUE • SUITE 1700
SEATTLE, WASHINGTON 98164-2050
(206) 689-8500 • (206) 689-8501 FAX

1 2. Plaintiff's Response to Defendants' Motion to Dismiss for Failure to State a
2 Claim Against Defendant Barton;

3 3. Defendant Barton's Reply to Plaintiff's Response to Defendant Barton's
4 Motion to Dismiss;

5 4. Declaration of John Hertog re Fees and Costs;

6 5. Declaration of Susan K. McIntosh in Support of Request for Award of
7 Attorney Fees and Costs;

8 6. Plaintiff Declaration and Response to Barton's Motion to Dismiss and
9 Response to Declaration of Hertog and ~~Cosner~~^{Coster} and Susan McIntosh;

10 7. Corrections of Errors to Plaintiff Declaration and Response to Barton's Motion
11 to Dismiss Response to Declaration of Hertog and ~~Cosner~~^{Coster} and Susan McIntosh;

12 8. Plaintiff's Request for Awards of Declaration of Fees and Costs;

13 9. [Plaintiff's] Motion To Dismiss and Vacate Response of Defendant Ellen
14 Barton to (1) Plaintiff's Motion to Striken (sic) Answer; (3) Notice of Garnishment Claim of
15 Lien and Dismiss Motion of Defendant Ellen Barton to Dismiss Plaintiff Claim for Failure to
16 State Claim Against Defendant and Confirm Jury Trial or Grand Jury Trial for Defendant
17 Ellen E. Barton Only;

18 10. Defendant Barton's Preliminary Response to Plaintiff's Motion to Dismiss
19 Defendant Barton's Motion to Dismiss;

20 11. Defendant Barton's Response to Plaintiff's Motion to Dismiss, Notice of
21 Garnishment and Claim of Lien;

1 12. Revised Plaintiff's Reply Briefing to Defendant's Preliminary Plaintiff's
2 Motion to Dismiss Defendant Barton's Motion to Dismiss, Notice of Garnishment and Claim
3 of Lien and Any Other Motions of Barton's and Move Towards Jury Trial Barton Only;

4 13. Response of Defendant Ellen Barton to (1) Plaintiff's Motion to Striken (sic)
5 Answer of Defendant Ellen Barton; (2) Motion for Default; and (3) Notice of Garnishment
6 Claim of Lien;

7 14. Declaration of Roy Umlauf in Opposition to Plaintiff's Motions: 1. for Default
8 and 2. to Strike Answer and Re: Notice of Claim;

9 15. Plaintiff's Response to Declaration of Roy Umlauf in Opposition to Plaintiff's
10 Motions: (2) to Striken (sic) Answer and Re Notice of Claim (3) Notice of Garnishment /
11 Claim of Lien;

12 the Court having heard argument of counsel and *pro se* plaintiff, and otherwise being
13 fully advised in the premises, the Court makes the following Findings of Fact:

14 1. The Court finds plaintiff had no basis in fact or in law for bringing this lawsuit
15 against defendant Ellen E. Barton and the lawsuit was frivolous because it was advanced
16 without reasonable basis in either fact or law.

17 2. The Court finds that the billing rates and hours expended by Hertog &
18 ~~Coster's~~ Costner's attorneys and paralegals are reasonable for lawyers and staff with their background
19 and experience. The Court finds that the expenses incurred and costs advanced by Hertog &
20 ~~Coster~~ Costner are reasonable.

21 3. The Court finds that the billing rates and hours expended by Forsberg &
22 Umlauf's attorneys are reasonable for lawyers with their background and experience. The
23

1 Court finds that the expenses incurred and costs advanced by Forsberg & Umlauf, P.S. are
2 reasonable.

3 4. Plaintiff filed liens and claims of garnishment against defendant Barton and
4 Hertog & ~~Costner~~^{Coster} without following proper procedure and without first obtaining a court
5 order allowing her to file liens or claims of garnishment.

6 Based on the foregoing Findings of Fact, the Court makes the following Conclusions
7 of Law:

8 1. Plaintiff's lawsuit against defendant Ellen E. Barton fails to state a claim upon
9 which relief can be granted.

10 2. Plaintiff's lawsuit against Ellen E. Barton is frivolous and advanced without
11 reasonable basis in fact or in law.

12 3. Defendant Barton is entitled to an award of reasonable attorney fees and costs
13 under CR 11 and RCW 4.84.185 for having to appear and defend against plaintiff's frivolous
14 lawsuit.

15 4. Defendant Barton should be awarded \$12,860.00 for attorney fees and \$22.33
16 for costs incurred by Hertog & ~~Costner~~^{Coster} in defending her against plaintiff's claims.


17 5. Defendant Barton should be awarded \$5,671.50 for attorney fees and \$78.95
18 for costs incurred by Forsberg & Umlauf, P.S., in defending her against plaintiff's claims.

19 6. Plaintiff should be directed not to file or record liens or claims of garnishment
20 against E. Barton and Hertog & ~~Costner~~^{Coster} without first following proper procedures and
21 obtaining a court order allowing her to do so.


22 Based on the foregoing conclusions, it is hereby ORDERED as follows:
23

1 Presented by:

2 FORSBERG & UMLAUF, P.S.

3
4 By: 
5 Roy A. Umlauf, WSBA #15437
6 Susan K. McIntosh, WSBA #26138
7 Attorneys for Defendants

8 HERTOG & COSTER, PLLC,

9 By: 
10 John H. Hertog, WSBA No. 7205
11 Attorneys for Defendant Barton

12 Copy Received, Approved as to Form,
13 Notice of Presentation Waived;

14
15 _____
16 Marylin Taylor, *Pro Se*



WSBA

OFFICE OF DISCIPLINARY COUNSEL

Felice P. Congalton
Senior Disciplinary Counsel

July 29, 2009

Marylin Taylor

Re: WSBA File: 09-01122
Your grievance against lawyer Ellen E. Barton

Dear Ms. Taylor:

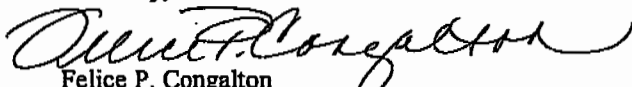
We received your grievance against a lawyer and assigned the file number indicated above. We appreciate receiving information from the public about lawyers licensed in Washington state. However, our authority and resources are limited. The Washington State Bar Association is authorized to investigate a grievance against a lawyer to determine whether the lawyer's conduct should have an impact on his or her license to practice law. We are not a substitute for protecting your legal rights. We do not and cannot represent you in legal proceedings.

We reviewed your grievance and determined that your primary concern is conduct by a lawyer opposing your interests in a dispute. While there are professional limits upon what lawyers may do, the available information does not indicate that these limits were exceeded. It does not appear that a court has found any impropriety.

We believe it is in your best interest, and in the best interest of the lawyer against whom you are complaining, that we tell you as soon as possible if it appears that the conduct you describe is not within our jurisdiction, does not violate the Supreme Court's Rules of Professional Conduct (RPC), or does not warrant further investigation by our office. Under the Rules for Enforcement of Lawyer Conduct (ELC), a lawyer may be disciplined only upon a showing by a clear preponderance of the evidence that the lawyer violated the RPC.

Based on the information we reviewed, there is insufficient evidence to warrant further action; therefore, we are dismissing your grievance under ELC 5.6(a). If you do not mail or deliver to us a written request for review of this dismissal within forty-five (45) days of the date of this letter, the decision to dismiss your grievance will be final. Should there be a judicial finding of impropriety, you may request that we reopen this matter. Absent special circumstances, and unless we are provided with reasons to do otherwise, we will forward to you a copy of any response we receive from the lawyer.

Sincerely,


Felice P. Congalton
Senior Disciplinary Counsel

Enclosure: Lawyer Discipline in Washington

cc: Ellen E. Barton
(with enclosure and copy of grievance)

RECEIVED GRIEVANCE AGAINST A LAWYER

JUL 23 2009
W.S.B.A. OFFICE OF
DISCIPLINARY COUNSEL



RECEIVED
JUL 23 2009
W.S.B.A.

Return your completed form to:

Office of Disciplinary Counsel
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

GENERAL INSTRUCTIONS

- Read our information sheet *Lawyer Discipline in Washington* before you complete this form, particularly the section about waiving confidentiality.
- Type or write legibly but do not use the back of any page.
- Do not fax your form to us or send your form to us via the Internet.
- If you have a disability or need assistance with filing a grievance, call us at (206) 727-8207. We will take reasonable steps to accommodate you.

INFORMATION ABOUT YOU

Taylor, Margie
Last Name, First Name

INFORMATION ABOUT THE LAWYER

Barton Eke
Last Name, First Name

Hertzog + Costner
Address

200 West Mercer Street, Suite 810
City, State, and Zip Code

206-587-6556
Telephone Number

Alternate address/phone where we can reach you

INFORMATION ABOUT YOUR GRIEVANCE

Describe your relationship to the lawyer who is the subject of your grievance by checking the box that best describes you:

Client
Former Client
 Opposing Party

Opposing Counsel
Judicial
Other: _____

Is there a court case related to your grievance? YES _____ NO

If yes, what is the case name and file number, and who is the lawyer representing you?

John Zandt - Guardianship/09-4-00807-5 SEA

09-2-00490-1 SEA Zandt v Zandt

09-2-07985-4 SEA

Explain your grievance in your own words. Give all important dates, times, places, and court file numbers. Attach additional pages, if necessary. Attach copies (not your originals) of any relevant documents.

Barton discriminated against Plaintiff,
+ let John East back into the hands
of his Abusers when there was a
full-force protection order in place
she conspired with Attorney Kellogg &
Attorney Jason Anderson to have the
Court Commissioner ^{Eric Watson} nullify the
order. Ellen Barton, Terrance Kellogg
& Jason Anderson joined forces
and had him lead the Commissioner
Eric Watson,

I, Maryn Taylor filed a civil
complaint against Barton because of
her official misconduct as Attorney
people practice and Post My case even
though I Maryn Taylor was the
Petitioner in the case Barton did
not do a professional job when hired
at my expense to due a duty of
reasonable care which she breached
that duty. Barton was awarded attorney
fees + cost had hired 2 attorneys to
defend her and 7 attorneys worked on her case
against I, Maryn Taylor

AFFIRMATION
I affirm that the information I am providing is true and accurate to the best of my knowledge.

Signature: Maryn Taylor

Date: 7/23/09

Barton should be dishonored
for official
misconduct