

The Honorable Thomas S. Zilly

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

BANK OF NEW YORK MELLON, a Delaware corporation, as trustee for Structured Asset Mortgage Investments II Trust, Mortgage Pass-Through Certificates Series 2005-AR2,  
Plaintiff,

vs.

SCOTT STAFNE, an individual; TODD STAFNE, an individual; and REAL TIME RESOLUTIONS, Inc., a Texas corporation,

Defendant

**Case No.: 2:16-cv-00077 TSZ**

MOTION FOR RECUSAL

NOTE ON MOTION CALENDAR:

June 9, 2017



1 between 80 and 89 years old either has dementia or a diagnosed cognitive impairment.” CBS  
 2 News Watch, [The Growing Danger to Elderly Americans](#), (January 28, 2015). Unfortunately,  
 3 federal judges are not exempted by God or government from the ravages of aging, many of  
 4 which are well documented for people Judge Zilly’s age. See e.g. Harada, Caroline N., Marissa  
 5 C. Natelson Love, and Kristen Triebel. “[Normal Cognitive Aging](#).” *Clinics in geriatric*  
 6 *medicine* 29.4 (2013): 737–752. PMC. Web. 24 May 2017.

7  
 8 Notwithstanding retired senior judges cannot reasonably argue that age related deficits may  
 9 compromise the ability of judges older than 80 to perform the tasks of Article III judging, some  
 10 insist they have the right to “judge” disputes whether they are competent or not. Valencia,  
 11 Milton J., The Boston Globe, [‘Senior status’ lets federal judges keep working — for free](#)  
 12 (December 12, 2014) (US Senior District Judge Mark L. Wolf quoted as stating: “I love it  
 13 [Article III judging]. One of the most appealing things is, if I want to keep working, nobody can  
 14 make me stop.” *Id.*) See United States Courts, [FAQs Federal Judges](#), at “What is a senior  
 15 judge”, which explains how senior judges work for free. In the district court for the Western  
 16 District of Washington there are only 4 active judges. Nine judges in this district are retired and  
 17 do not receive salaries.

18  
 19 Many reasonable people, even those who are not required to try cases before retired  
 20 judges between the ages of 80 and 104, have become concerned about the growing army of  
 21 elderly judges which claim the right to exercise judicial power under Article III regardless of  
 22 their abilities to do so.

23  
 24 Today, aging and dementia are the flip side of life tenure, with more and more  
 judges staying on the bench into extreme old age. ...

25 \* \* \*

26 [J]udges of advanced years are clearly at increased risk for trouble with memory  
 and cognition. According to the Alzheimer's Association, about 13 percent of  
 27 Americans over 65 have Alzheimer's and nearly half of those 85 and older develop

1 it or suffer from dementia.

2 The judiciary does not assess the competence of its senior judges. The courts have  
3 no formal policy requiring, or even recommending, that judges receive medical  
4 checkups or consult with geriatricians. Instead, the institution relies on other judges  
5 to monitor colleagues, and, working discreetly behind the scenes, to push out  
6 enfeebled judges gently.

7 Goldstein, Joseph, Slate, "[THE OLDEST BENCH EVER, Extreme Aging in the Federal](#)  
8 [Judiciary](#)" (January 18, 2011.) Stafne contends Judge Zilly's rulings in this case suggest he has  
9 cognitive disabilities and that because of this he relies heavily on DWT's briefing, possibly to  
10 the extent of not reading the briefs Stafne has provided. *See infra*.

11 Judge Zilly has a long standing relationship with the DWT law firm. He takes on clerks  
12 who seek jobs with DWT. DWT, on the other hand, seeks out law lawyers who have clerked  
13 for federal judges because they are all part of the judicial network which surrounds federal  
14 judges. DWT's web site indicates that law firm pays attorneys a bonus for having worked for a  
15 federal judge; many of whom have worked recently for retired judge Judge Zilly and  
16 other senior judges of the federal district court of the western district of Washington <sup>1</sup>.

17 Law clerks develop special and intimate courtroom relationships while working for  
18 judges. *See e.g.* Stewart, Honorable, Carl E., The Bencher, "[The Judge Law Clerk](#)  
19 [Relationship - More than Just a Job](#)" September-October Edition (2015) (explaining the "judge  
20 law clerk is one of the most special relationships in the legal profession."; *See* University of  
21 Wisconsin Law School, [Judicial Clerkship Handbook](#)(indicating clerks become "a member of  
22 an active network of former clerks. . . . Indeed, many former clerks view their judge,  
23 co-clerks and chambers staff as a family, with whom they remain personally close for years  
24

---

25 <sup>1</sup> A brief perusal of DWT's website revealed the following attorneys from DWT had externed or worked for Judge  
26 Zilly during his retirement: Robert E. Miller, extern for Judge Zilly, 2012; James Harlan Corning, Extern for Judge  
27 Zilly 2011; extern for Judge Zilly, 2009. Law clerks and externs associated with DWT identified as having clerked  
28 for Judge Coughenour include: John A. Goldmark, Law Clerk for 2000-2009; John Hodges-Howell, Extern in  
2008; Megan Vogel, Judicial Extern (years not stated); Lauren B. Rainwater, Volunteer Clerk 2010-2011.

1 after the clerkship has ended” p. 1.) *See also* The Catholic University, The Columbia School of  
 2 Law, “[What Does it Mean to be a Judicial Clerk?](#)”.

3 Law clerks, as well as other federal judicial employees, must follow ethical codes,  
 4 which Stafne claims were breached here. [Maintaining the Public Trust for Law Clerks](#)  
 5 (2011); [Code of Conduct for Judicial Employees](#), For example, Subpart C of Canon 3  
 6 (“A Judicial Employee Should Adhere to Appropriate Standards in Performing the  
 7 Duties of the Office”) states in pertinent part:  
 8

9 ... A judicial employee should never influence or attempt to influence the  
 10 assignment of cases, or perform any discretionary or ministerial function of the  
 11 court in a manner that improperly favors any litigant or attorney, ...

12 The problem with retired, part time judges, working for free in today’s world where more  
 13 than 70% of litigants cannot afford a lawyer to represent them<sup>2</sup> is these judges often only have  
 14 contact with one adversary, who often works for a firm like DWT and with whom they are well  
 15 acquainted. This poses the probability of bias against *pro se* litigants who must argue law and  
 16 facts against personnel of those law firms that these elderly part time jurists respect, have  
 17 trained, treat as family, and consistently rely upon.

## 18 ARGUMENT

### 19 *A. Retired Judge Zilly Working for Free as an Avocation is not an Article III Judge*

20  
21  
22

23 <sup>2</sup> Like most litigants in the United States and Washington Stafne does not have the money to afford an attorney to  
 24 represent him. [Lawyerist.com, Measuring the Access-to-Justice Gap: Nearly 70% of All Civil Defendants](#)  
 25 [Aren’t Represented \(2016\)](#); [ABA Journal, Can the access-to-justice gap be closed? These recommendations](#)  
 26 [might make it possible \(2016\)](#); [Washington State 2015 Civil Legal Needs Study Update: Center for American](#)  
 27 [Progress, The Justice Gap: Civil Legal Assistance Today and Tomorrow \(2011\)](#); [Legal services Corporation:](#)  
 28 [Documenting the Justice Gap In America The Current Unmet Civil Legal Needs of Low-Income Americans](#)  
 (2009); Gillian K. Hadfield, *Higher Demand, Lower Supply? A Comparative Assessment of the Legal Resource*  
*Landscape for Ordinary Americans*, 37 *Fordham Urb. L.J.* 129 (2009); [Washington State 2003 Civil Legal](#)  
[Needs Study Update](#). As the Washington Supreme Court noted in its 2015 Civil Legal Needs Study Update, *supra*,  
 “Justice is absent for low-income Washingtonians who frequently experience serious civil legal problems.” (Page 4)

1 The judicial power of the United States must be exercised by courts having judges who  
 2 “hold their offices during good behaviour, and shall, at stated times, receive for their Services, a  
 3 Compensation, which shall not be diminished during their Continuance in Office.” *N. Pipeline*  
 4 *Const. Co. v Marathon Pipeline Co.*, 458 US 50, 58-59 (1982). Under the “separation of  
 5 powers” structure of our federal government the power to adjudicate “private rights”, like those  
 6 involved in this dispute, must be vested in an Art. III courts. *Id.*, at 78. One of the primary  
 7 purposes of the separation of powers and checks and balances in the federal government is to  
 8 protect the liberty interests of people like Stafne. *See e.g. Bond v United States*, 564 U.S. 211,  
 9 217-223 (2011); *United States v McInIntosh*, 833 F.3d 1163, 1173-74 (9th Cir. 2016).

11 The judicial power of Article III courts must be exercised only by those judges which  
 12 comply with the attributes of Art. III, §1. Accordingly, it is the Constitution, not any one of the  
 13 branches of government, which establishes the attributes Art. III judges. *N. Pipeline Const.*  
 14 *Co.*, 458 U.S. at 59-60 and 83-84. *See also United States v. Will*, 449 U.S. 200, 217-218  
 15 (1980).

17 As expected, working judges have been the parties which have most often sought to  
 18 interpret the meaning of the “compensation clause”. Entin, Jonathan L., ["Getting What You Pay](#)  
 19 [For: Judicial Compensation and Judicial Independence"](#) (2011). Faculty Publications. Paper 84.  
 20 In this case, Stafne, a citizen, contends the “compensation clause” both guarantees ***and requires***  
 21 judges be paid “compensation” for exercising judicial power during their continuance in office<sup>3</sup>.  
 22 A retired judge, who is not compensated for the exercise of judicial power and who exercises  
 23

24  
 25 <sup>3</sup> In *N. Pipeline* the Supreme Court noted that in interpreting the literal commands of Article III courts must take  
 26 into account the historical context in which the Constitution was written. *Id.*, at 63-64. There is strong evidence that  
 27 our founders would not have viewed “judging for free by retired judges over 80 years old who have a hankering to  
 exercise judicial power” as promoting a strong and independent judicial department when overwhelming evidence  
 exists that most humans this old suffer from dementia or other cognitive defects. *Supra*.

1 such power only when s/he wants to, is not an Article III judge within the plain language and  
2 meaning of Article III, § 1. This provision as contemplated by our founders is both a check and  
3 balance imposed on the judicial department vis a vis the other branches of government by our  
4 founders as a way of protecting people's liberty interests against governmental tyranny.

5 There is nothing in the language of Article III which suggests retired judges who are not  
6 paid salaries should be allowed to adjudicate disputes for free just because they sometimes long  
7 to play in the sandbox of judicial power. In Federalist Paper 79 Hamilton states the reason for  
8 the compensation clause in Article III is to ensure those judges who exercise the judicial power  
9 of this nation are paid adequate salaries vis a vis the employees of the other branches of  
10 government. There is nothing in the Constitution or those materials most often used to interpret  
11 it which suggests Article III, § 1 was designed to protect judges at the expense of the people.  
12

13 There is no evidence that allowing a retired judge who may not have his full faculties at an  
14 advanced age to exercise judicial power is what our founders intended when they created the  
15 Constitution as a bulwark against tyranny. *See* Federalist Papers No. 47 and 78. Our founders  
16 made clear the Constitution was written so as to attract competent people to be judges in Article  
17 III courts because the Judicial Department has only the strength of jurist's judgments to rely  
18 upon for the support of the people. *See* The Federalist Papers No. 78 (A judge has neither the  
19 power of the sword nor purse, but must rely upon the strength of reasoned judgement with  
20 regard to the exercise of judicial power.)  
21

22 It doesn't take a Constitutional scholar to understand that stacking our Courts with retired  
23 judges, many of whom are statistically more likely than not to be suffering from dementia or  
24 other cognitive defects (*supra*), *but who will work for free*, was *not* the purpose of the  
25  
26  
27

1 compensation clause and does not protect the liberty interests of those who are unfortunate  
2 enough to find themselves before such retired judges.<sup>4</sup>

3 *Judge Zilly has so violated those basic tenets of judging as to make his probability of bias in*  
4 *this case too high to to be constitutionally tolerable and/or statutorily acceptable.*

5 “A motion for recusal must identify cold, hard facts which create the appearance of  
6 partiality.” *Sexson v. Servaas*, 830 F. Supp. 475, 481 (SD Ind. 1993) (quoting *Spangler v. Sears,*  
7 *Roebuck & Co.*, 759 F.Supp. 1327 (S.D.Ind.1991)). This motion outlines such facts here, which  
8 are then verified in Stafne’s declaration and exhibits supporting this motion.

9 Immediately after his appointment Judge Zilly excused DWT from FRCP Rule 11 and  
10 LCR 5(d) signature violations even though the complaint for purposes of establishing  
11 jurisdiction pursuant to 23 U.S.C. § 1332 was frivolous because it alleged “residences” instead  
12 of citizenships, and failed to allege the citizenship of the real party in interest, Nationstar  
13 Mortgage LLC which was not diverse from defendant Real Time Resolutions.

14 On 2/29/2016 Scott Stafne filed a motion to dismiss the complaint for lack of subject  
15 matter jurisdiction. Dkt. 12. Pleadings related to this motion include Dkt. 13, 14, 15, 18, 19, and  
16 21. On or about April 26 or 27 Fred Burnside indicated that he would like to take Stafne’s  
17 deposition. Stafne told Burnside he was not inclined to participate in merits discovery until the  
18 district court resolved the jurisdictional challenge. Mr. Burnside argued with Stafne. Less than a  
19 week later on Monday April 29, 2016 retired Judge Zilly denied the motion challenging the  
20 court’s subject matter jurisdiction by a “minute order”, which did not demonstrate its  
21 jurisdiction or rebut the presumption against federal jurisdiction. Dkt. 22.

22 Following the issuance of this minute order Stafne consented to have his deposition taken.  
23  
24  
25

---

26 <sup>4</sup> The assertions, facts and law presented here should in no way be taken to imply that retired senior judges should  
27 not be encouraged to continue their contributions to society in sharing of their experience and wisdom through  
28 institutions of higher learning, seminars, discussions, law journals and elsewhere.

1 It was noticed to take place between 1:00 and 5:00m at the office of DWT. Burnside continued  
2 the deposition until 7:00 pm notwithstanding that Stafne was a diabetic and he complained he  
3 was having trouble towards the end of the deposition.

4 On June 2, 2016 Stafne brought a motion challenging DWT's authority and standing to  
5 represent Bank of New York Mellon. The motion was supported by evidence (Dkts 28 & 29).  
6 Stafne's declaration showed DWT had made similar misrepresentations about its attorney-client  
7 relationship with another BNY Mellon entity to the western district court in another case (Dkt  
8 29). DWT through attorney Burnside thereafter misrepresented to the Court that his firm an  
9 attorney-client relationship with BNY Mellon. (Dkt. 32). On 6/17/2016 Stafne filed a reply and  
10 declaration, containing exhibits, which proved DWT's assertion it represented Bank of New  
11 York Mellon in the context of an attorney client relationship was an outright lie (Dkt 33-34).  
12

13 A week later DWT through Burnside filed a "motion to substitute the real party in interest"  
14 (Dkt. 36), supported by his own declaration (Dkt 38). Burnside's declaration conceded the  
15 name DWT used to sue Stafne, Bank of New York Mellon, was a false name. *Id.* Further, that  
16 even if DWT had utilized the correct name that entity would not be the real party in interest or  
17 have standing to bring the action. *Id.* DWT also admitted that (contrary to its arguments in Dkt.  
18 32) DWT, Burnside, and Bugaghais were only the attorneys for Nationstar Mortgage, the  
19 servicer, and not any BNY Mellon entity. *Id.*  
20

21 Following DWT's admission the named plaintiff did not exist, and that even if it did, that entity  
22 had no standing and was not the real party in interest for purposes of bringing this lawsuit,  
23 Stafne refused to provide DWT with any further merits discovery. *See* Dkt Nos. 40, 41, 46, 47,  
24 48, 50 (pleadings related to DWT's motion to compel); 51, 52, 53, 54, 55, & 56 (pleadings  
25 related to Stafne's motion for a Protective Order). Based on DWT's admissions, Stafne also  
26  
27

1 filed an FRCP 12(b)(1) factual motion challenging DWT's and Nationstar's lack of diversity  
2 jurisdiction under 28 U.S.C. § 1332 and DWT's and its client Nationstar's manipulation of  
3 jurisdiction pursuant to 28 USC § 1359 (Dkts. 42&43). DWT opposed the motion (Dkt. 53), but  
4 submitted no evidence to rebut Stafne's motion, which it was required to do or lose the motion.  
5 See *Leite v. Crane Co.*, 749 F.3d 1117, 1121 (9th Cir. 2014). Notwithstanding, questions as to  
6 the district court's subject matter jurisdiction were clearly before the Court, DWT attempted to  
7 do an end run around them by moving for a summary judgment. See Dkt 63. Stafne refused to  
8 participate in the merits litigation for fear that doing so could be construed as affecting his  
9 rights to insist on the district court's compliance with jurisdictional statutes and requirements.  
10

11 On 8/4/2016 DWT filed a motion for summary judgment on behalf of Bank of New York  
12 Mellon, a *Delaware corporation* (the entity it previously admitted had no standing and was not  
13 the real party in interest.) (Dkt 63) On 8/9/2016 Judge Zilly issued an order granting DWT's  
14 motion to substitute a different BNY Mellon entity as plaintiff, notwithstanding DWT did not  
15 claim to represent BNY Mellon and Stafne had challenged their standing to do so, which was  
16 never rebutted. Dkt 28, 29, 32, 33, 34.  
17

18 On 8/9/2016 Retired Judge Zilly held Stafne waived his right to challenge DWT's  
19 authority and/or standing to represent any BNY Mellon entity because Stafne had purportedly  
20 filed a similar motion before Judge Pechman. Dkt 69, p. 5-6. But this finding was not factually  
21 true and the legal conclusion was "off the wall" because litigants can't waive Article III  
22 standing issues.<sup>5</sup> In that same order (Dkt 69) retired Judge Zilly granted DWT's motion to  
23 compel discovery and failed to discuss Stafne's motion for a protective order without even  
24 addressing Stafne's disability or Burnside's abusive discovery techniques.  
25  
26

---

27 <sup>5</sup>*Marathon Pipe Line Co.*, 458 US at 59(" The question of standing is not subject to waiver.").

1 That same day, 8/9/2016, Scott Stafne promptly filed a motion to strike DWT's partial  
 2 motion for summary judgment on the merits. Dkt 66. Stafne supported the motion with  
 3 evidence. Dkt. 68. Those grounds for striking the motion included, among others, DWT and  
 4 retired Judge Zilly had not established the federal district court had subject matter jurisdiction  
 5 or rebutted the presumption it did not.<sup>6</sup> This was problematic because the unsigned complaint  
 6 still alleged jurisdiction based on residence and not citizenship.

7  
 8 On 8/16/2016 retired Judge Zilly DENIED Stafne's Motion to Strike DWT's motion for  
 9 summary judgment until the district court demonstrated the basis of its subject matter  
 10 jurisdiction to hear the merits of the dispute. Dkt. 66. Sua sponte retired Judge Zilly struck the  
 11 motion, stating: "[t]he court has already ruled on Stafne's jurisdictional challenges." Dkt. 70.  
 12 But this was not true. *See* Dkt. 22 & 69. Under Supreme Court and Ninth Circuit precedent his  
 13 orders were required to demonstrate how the presumption against federal jurisdiction had been  
 14 rebutted. *See Bender v Williamsport Area Sch. Dist.*, 475 U.S. 533, 536 (1986) and his  
 15 purported orders did not do so<sup>7</sup>.

16  
 17 On 9/1/2016 DWT brought a motion for summary judgment against Todd Stafne on behalf  
 18 of a different BNY Mellon entity, THE BANK OF NEW YORK MELLON, *a New York*  
 19 *Corporation* (Dkt 81). On 12/7/2016 retired Judge Zilly issued an order and partial judgment  
 20 against both Stafnes captioned BANK OF NEW YORK MELLON (identifying a name not  
 21 tethered to a party and having no citizenship) presumably to help blunt DWT's continuing  
 22  
 23

24 <sup>6</sup> "A federal court is presumed to lack jurisdiction in a particular case unless the contrary affirmatively appears."  
 25 *Stock West, Inc. v. Confederated Tribes*, 873 F.2d 1221, 1225 (9th Cir. 1989) (citing *California ex rel. Younger v. Andrus*, 608 F.2d 1247, 1249 (9th Cir.1979)).

26 <sup>7</sup> On a motion to dismiss for lack of subject matter jurisdiction, the plaintiff bears the burden of establishing subject  
 27 matter jurisdiction. *See Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 114 S.Ct. 1673, 128 L.Ed.2d  
 391 (1994).

1 blunders misidentifying BNY Mellon entities.

2 Following the *partial* summary judgment (which was certified pursuant to FRCP 54(b))  
3 the Stafnes filed an appeal with the Ninth Circuit on 12/12/2016. Dkt 117. On 1/3/2017 DWT  
4 filed a motion to amend the judgment. (Dkt 120) In a “minute order” dated 2/3/17 retired Judge  
5 Zilly appears to make several false statements so as to allow DWT to foreclose on the Stafne’s  
6 property. Dkt 123. Retired Judge Zilly states DWT moved to amend the judgment before the  
7 appeal was filed. *Id.* Not true. *Compare* Dkt 114, 115, *with* Dkt 117, 119, and 120. Retired  
8 Judge Zilly then states that he would grant the untimely motion to amend the partial judgment  
9 so as to set forth those damages necessary to allow DWT to foreclose. Retired Judge Zilly,  
10 however, would have had no authority to amend the partial judgment so as to affect damages  
11 because DWT never filed a motion for summary judgment with regard to damages. *See* Stafne’s  
12 opposition to Motion to Amend Judgment. Dkt 128.

14 Stafne testifies in support of this motion:

15  
16 My experience throughout this case has led me to believe that DWT retired Judge  
17 Zilly is biased towards DWT and/or against *pro se* litigants. For example, his first  
18 order was to excuse a Rule 11 violation. When I refused to testify with regards to  
19 the merits, I received the minute order denying my challenge to subject matter  
20 jurisdiction almost instantly. Even though Burnside’s testimony that I filed a  
21 motion on behalf of Robertson when he was *pro se* was demonstrably false,  
22 retired Judge Zilly accepted this lie without hesitation. Finally, in his most recent  
23 minute order retired Judge Zilly misrepresents to the Court of Appeals that DWT  
24 filed a motion to amend the judgment before the appeal was filed.

25 *See* Stafne Declaration, at ¶31

26 Retired Judge Zilly should be disqualified for bias pursuant to the the Due Process clause  
27 and 28 U.S.C. 455(a) and (b). Why is he working and/or allowed to work on Stafne’s case for  
28 free? The critical inquiry under the due process analysis is whether “as an objective matter, ‘the  
average judge in his position is ‘likely’ to be neutral, or whether there is an unconstitutional

1 'potential for bias.'" *Williams v. Pennsylvania*, 136 S. Ct. 1899, 1905 (2016); *Caperton v. A.T.*  
2 *Massey Coal Co.*, 556 U.S. 868, 881 (2009). At Judge Zilly's age approximately 50% of  
3 humans are cognitively compromised. *Supra*. In this case there is a pattern of retired Judge  
4 Zilly always siding with DWT, a law firm from which he recruits his clerks (and at which his  
5 former clerks are employed), coupled with evidence that he allows DWT to break procedural  
6 rules and lie to the court without consequences. Taken together, these circumstances require  
7 retired Judge Zilly be removed based on this record, or alternatively that Stafne be should be  
8 afforded the opportunity to develop the record further. *Rippo v Baker*, 137 S.Ct. 905, 907  
9 (2017) (Recusal is required when, objectively speaking, "the probability of actual bias on the  
10 part of the judge or decisionmaker is too high to be constitutionally tolerable.") (quoting  
11 *Withrow v. Larkin*, 421 U. S. 35, 47 (1975)); *see also Williams v. Pennsylvania*, 136 S.Ct. 1899,  
12 1902 (2016)("the appearance of bias demeans the reputation and integrity not just of one jurist,  
13 but of the larger institution of which he or she is a part."). *See also* Gabriel D. Serbulea, "Due  
14 Process and Judicial Disqualification: The Need for Reform," 38 Pepp. L. Rev. 4, 1126-1135,  
15 1140-1143 (2011).

16  
17  
18 Under 28 U.S.C. § 455, the standard to be employed is an objective one. That is, the trial  
19 judge is required to recuse himself only when a reasonable person with knowledge of all the  
20 facts would conclude that the judge's impartiality might reasonably be questioned. *United States*  
21 *v. Winston*, 613 F.2d 221, 222 (9th Cir. 1980). That standard is met here because a reasonable  
22 person would not expect an impartial federal judge to bypass federal jurisdiction requirements,  
23 excuse rule violations and find falsehoods as facts in order to accommodate the claims made by  
24 the law firms and lawyers s/he frequently associates with.

25  
26 **Conclusion.**

1 For the foregoing reasons retired Judge Zilly should be recused and/or disqualified from  
2 acting as an Article III judge with regards to this dispute.  
3  
4  
5  
6  
7  
8

9 DATED this 26th day of May 2017 at Arlington, Washington.  
10  
11

12 BY:  /s Scott E. Stafne

13 **STAFNE LAW FIRM**

14 239 N Olympic Avenue  
15 Arlington, WA 98223  
16 (360) 403 - 8700  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27