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6 **IN THE MUNICIPAL COURT FOR THE CITY OF SEATTLE**

7)
8 **CITY OF SEATTLE,**)

9 Plaintiff,)

10 vs.)

11 **KURT BENSHOOF,**)

12 Defendant.)
13)

No. 671384, 676175, 676207, 676216,
676463, 676492

CITY'S SENTENCING MEMORANDUM

14 **I. INTRODUCTION**

15 The City of Seattle, through its Assistant City Attorney Katrina Outland, submits this
16 memorandum to aid the Court in making its determination at the sentencing hearing currently
17 scheduled for February 24, 2025.

18 **II. CITY'S RECOMMENDATION**

19 On the verdicts of the jury of 81 counts Guilty of Domestic Violence Violation of a Court
20 Order and one count Guilty of Domestic Violence Custodial Interference, the City recommends
21 the following sentence:

- 22 • Count 1, DV Custodial Interference: 364 days to be served in jail, 0 suspended,
consecutive to counts 2-81.
23 • Counts 2-81, DV Violation of a Court Order: 18 days jail/346 suspended for each
count, to be served consecutively and consecutively with count 1 (for a total of
24 1,804 days in jail across all counts, 26,226 days suspended);

- Five year jurisdiction;
- Five year No Contact Orders for Jessica Owen, minor A.R.W., and Ms. Owen's fiancée, Magalie Lerman;
- No entry and stay 1000 feet from 1716 N 128th St in Seattle;
- Pay mandatory fines and fees;
- Notice of Ineligibility to Possess Firearms;
- No New Criminal Law Violations; and
- Keep address updated with the court.

III. SENTENCING STANDARDS

Washington courts have very broad discretion in the realm of misdemeanor sentences, similar to how felony sentences were determined before the Sentencing Reform Act.¹ The only hard guideline is the statutory maximum of 364 days in jail for a count of gross misdemeanor; this means that courts may in some circumstances impose misdemeanor sentences that could exceed the standard range for a comparable felony conviction.²

Because the Sentencing Reform Act only applies to felony convictions, any misdemeanor jail term must be served in the county jail, even during consecutive sentences over one year.³ If there is a combination of consecutive misdemeanor and felony sentences, the time must be served separately in county jail for the misdemeanor and in state prison for the felony.⁴

Despite the very broad sentencing discretion for misdemeanor courts, of course any sentence must also meet constitutional standards for cruel and unusual punishment. Generally, under the more protective Washington Constitution, "[t]he question is whether the punishment is grossly disproportionate to the offense committed."⁵ However, under both the federal and state constitutions, the fairness of each sentence is proportionate to each individual conviction—not to

¹ *State v. Besio*, 80 Wn. App. 426, 431, 907 P.2d 1220 (Div. 1 1995); *State v. Linnemeyer*, 54 Wn. App. 767, 776 P.2d 151 (Div. 3 1989).

² *State v. Bowen*, 51 Wn. App. 42, 45–47, 751 P.2d 1226 (Div. 3 1988) (upholding one-year sentence for fourth degree assault, for defendant with no felony convictions).

³ *Besio*, 80 Wn. App. at 431-32.

⁴ *Id.*

⁵ *Wahleithner v. Thompson*, 134 Wn. App. 931, 936, 143 P.3d 321 (Div. 1 2006).

1 the cumulative effect of many sentences for many convictions.⁶ The *Wahleithner* decision
2 clarifies that cumulative effects of consecutive sentences are only considered in “extremely rare”
3 and “shocking” situations, and describes *State v. Davis*⁷ as the rare example in which a 20-year
4 old with no history was sentenced to 52 years in prison for statutory rape of two teenagers (four
5 consecutive 13-year sentences).⁸ In nearly all other cases, consecutive sentences for separate
6 convictions have been upheld to avoid the “ridiculous consequence” of letting someone avoid
7 sanctions by re-offending:

8
9 If [the defendant] has subjected himself to a severe penalty, it is simply
10 because he has committed a *great many* of such offenses. It would
11 scarcely be competent for a person to assail the constitutionality of the
statute prescribing a punishment for burglary, on the ground that he had
committed so many burglaries that, if punishment for each were inflicted
upon him, he might be kept in prison for life.⁹

12 Therefore, this Court should consider the fairness and proportionality of each
13 sentence for each of Mr. Benshoof’s individual convictions in this case, in light of all the
14 background information and any mitigating information brought before the Court. A full
15 364 days for the Custodial Interference count captures the most egregious behavior, while
16 18 days for each Violation of a Court Order is a reasonable request in a DV case, perhaps
17 even comparatively light, particularly when all those counts involve a vulnerable child.

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19 /

22 ⁶ *Id.*

23 ⁷ 206 Ariz. 377, 79 P.3d 64 (2003), *cert. denied*, 541 U.S. 1037, 124 S.Ct. 2097 (2004).

24 ⁸ *Wahleithner* 134 Wn. App. at 323-24.

⁹ *Pearson v. Ramos*, 237 F.3d 881, 886 (7th Cir. 2001) (quoting *State v. Four Jugs of Intoxicating Liquor*, 58 Vt.
140, 2 Atl. 586, 593 (1886).

1 IV. BRIEF BACKGROUND & FACTS

2
3 Charges were initially filed via an arrest warrant on the above captioned case(s) against
4 Kurt Benshoof in March of 2023.¹⁰ This case stems from an incident on January 23, 2023, in
5 which SPD found Mr. Benshoof violating a no-contact order protecting his son, in person at
6 1716 N 128th St in Seattle (where Mr. Benshoof had been residing). Officers attempted to take
7 Mr. Benshoof into custody on that date under the mandatory arrest laws, but Mr. Benshoof shut
8 himself into the house and refused to comply, even after hours of hostage negotiations were
9 attempted. Attachment A¹¹.

10 Following this incident, an extensive history of Discord online chat messages were
11 discovered between Mr. Benshoof and his son, demonstrating not only Mr. Benshoof's ongoing
12 intent to violate the protection order, but also to deprive his ex-partner, Jessica Owen, of her
13 custody and relationship with their child through a months-long barrage of emotional
14 manipulation. *See* Exhibit 1, submitted into evidence.

15 From the time of the arrest warrant—March, 2023—until July, 2024, Mr. Benshoof
16 refused to abide by court orders to come to court in person, turn himself in, or comply with
17 frequent SPD attempts to serve the arrest warrant. Part of his interference with justice is
18 demonstrated through two reports of Mr. Benshoof deliberately eluding police, both of which
19 have been charged as felony Attempting to Elude in the pending companion felony case, King
20 County Superior Court case 24-1-02680-7 SEA. *See* Attachment B¹².

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22
23 ¹⁰ The original 89 charges were filed under 671384; the case was later split into several case numbers due to a
processing issue with the state JABS. Some of the original 89 charges were later dismissed for filing as part of the
felony stalking case.

24 ¹¹ GO 23-021770

¹² GO reports 23-114090, 23-246823

1 Mr. Benshoof was only brought into custody on July 3, 2024 after King County Superior
2 Court granted a search warrant for police to enter 1716 N 128th St, specifically to search for Mr.
3 Benshoof's person. Bringing Mr. Benshoof safely into custody required a coordinated task force
4 among multiple law enforcement agencies and involved a roughly six-hour standoff.

5 On September 27, 2024, after a two-week trial, the jury in this case returned guilty
6 verdicts for one count DV Custodial Interference related to Mr. Benshoof's ex-partner, Jessica
7 Owen, and for 80 counts DV Violation of a Court Order connected to A.R.W., their child in
8 common. Mr. Benshoof is currently awaiting trial on his felony case, 24-1-02680-7 SEA in King
9 County Superior Court, for charges of DV Stalking against Ms. Owen; misdemeanor Harassment
10 against Ms. Owen's current partner, Magalie Lerman; and the two Attempting to Elude counts
11 mentioned above. That trial is currently set for March 3, 2025.

12 As additional background beyond this case, Mr. Benshoof's alarming behavior towards
13 the community in general escalated in 2020 through a series of multiple trespasses and thefts of
14 Sprouts and PCC grocery stores. *See* SMC cases 656927, 656748, 656749, 659470, 662870. As
15 he argued in his jury closing for this convicted case, he considered himself a martyr for those
16 "who were being discriminated against [in stores] by being forced to wear a mask." At least one
17 of those encounters resulted in Mr. Benshoof assaulting a Sprouts employee, and later returning
18 to that same Sprouts with a rifle slung across his back (SMC case 656927; Attachment C¹³).

19 He was eventually brought to jury trial on one of those cases, 656749, in September of
20 2021 and found guilty of Criminal Trespass 1 and Theft. Mr. Benshoof has repeatedly avoided
21 sentencing on that case by filing motions to vacate, or remaining on bench warrant for every
22 scheduled sentencing date. More than three years later, he has still not been sentenced. In the
23

24 ¹³ GO reports 20-264905, 20-268834

1 meantime, the City attempted to bring him to trial on the assault and unlawful use of weapon
2 charges, 656927, but Mr. Benshoof eluded trial and was on bench warrant on that case from
3 January, 2022 through February, 2023, when the City was forced to dismiss that case due to
4 witnesses no longer being available to testify.

5 Prior to 2020, Mr. Benshoof was convicted in 2010 of a Felony Violation of the Uniform
6 Controlled Substances Act for his marijuana growing operation¹⁴ (thereby making him a
7 prohibited firearms possessor long before the incident in which he showed up to Sprouts with a
8 gun).

9 V. ARGUMENT

10 Kurt Benshoof has demonstrated one of the most egregious histories of eluding and
11 outright defying the justice system that has come before this Court. He boasts about his attempts
12 to manipulate the courts and destroy the lives of those who cross him. Being out of custody
13 allows him access to the internet and mail, both systems he has repeatedly abused to stalk and
14 harass his targets.

15 Mr. Benshoof not only demonstrates a complete lack of accountability and remorse, but
16 also shifts the blame onto those he victimizes. He exploits the harm he has inflicted on others to
17 portray himself as a victim of an ever-expanding conspiracy that includes anyone who dares to
18 challenge him. He is fully competent and acts with calculated intent, and so would not be
19 amenable to any kind of alternative treatment or diversion program. To further illustrate Mr.
20 Benshoof's calculating behavior and the ongoing risks he poses, the City highlights a few
21 examples.

22 /

24 ¹⁴ 09-01-04161-6, King County Superior Court

1 **A. Lack of Accountability**

2 Perhaps the most surprising feature of Kurt Benshoof is his charisma. When he chooses,
3 his arguments can be articulate and intelligent, undercut with witty persuasiveness. However,
4 this veneer of charm begins to peel any time his status as the smartest person in the room is
5 challenged. If his attempts at polite persuasion fail, he starts resorting to increasingly more
6 obstructive attempts, twisting any situation to position himself as the victim. His behavior at trial
7 was only a small sample of this behavior: what started as calm (though legally fallacious)
8 arguments to have his case dismissed eventually became a full-blown campaign of delay and
9 obstruction. He began repeatedly shouting over anyone else speaking, flipping off the judge, and
10 derailing proceedings for days with minor complaints, such as claiming the courtroom lighting
11 was slightly dimmer over his table.

12 Yet these were more than simple temper tantrums; Mr. Benshoof acts with calculated
13 intent, and switches tactics if he perceives his current approach is not working. For example,
14 when he became so disruptive that the court removed him to a separate room with a video stream
15 to participate remotely, he then began turning off the video. When the court had the video
16 controls moved out of his reach, he then pulled his pants down and sat on a toilet so that the
17 marshals were forced to turn the video off. But, when it became clear to Mr. Benshoof that the
18 trial would proceed without him if necessary, he then changed tactics. He returned calmly to the
19 courtroom, but would wait for opportune moments to burst out with calculated complaints in
20 front of the jury.

21 For example, early in the victim's direct examination, he sat quietly and only made
22 relatively appropriate objections for a long time. However, when the court announced it was
23 about to break for lunch, he loudly and calmly announced to the room and jury—over the judge's
24

1 repeated attempts to contain him—"I think it's time to take a break because I need to call 911.
2 This is a malicious prosecution. I'm suing your [the judge's] coworker judges, I'm suing her [the
3 prosecutor] in federal court, and I've had enough of this. The jury needs to know the City is
4 trying to put me in jail for 83 years... and I know she [the victim] is a lying, narcissistic,
5 borderline."

6 These trial tactics are only a highlight of Mr. Benshoof's extraordinary ability to deflect
7 any accountability for his own actions. In his closing statement to the jury, he went into a
8 detailed narrative about his actions at the grocery stores in 2020 during the Covid mask
9 mandates, and how he was at this trial not for the actual crimes he was charged with, but because
10 he "chose to take a stand... against violations of peoples' disabilities." Rather than acknowledge
11 that multiple courts with multiple judges over multiple years have issued protective orders for
12 Ms. Owen and her son due to his relentless harassment, he instead painted himself as a martyr of
13 government corruption, because he never "had any idea that public officials would be so
14 reluctant, so unwilling to admit when they made mistakes." He told the jury, "While I feel I have
15 been victimized... I don't consider myself a victim. I took a stand because my principles matter."
16 His only fault was "that [he] overestimated [his] ability to communicate the facts and the law to
17 people in positions of authority."

18 Mr. Benshoof's lack of accountability extends beyond the trial courtroom. Among his
19 many repeated demands to the City to dismiss any charges is the following email that he sent to
20 several prosecutors referring to the August, 2023 eluding incident (detailed in Attachment B):

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3 From: [kurt benshoof](#)
4 To: [Gelfand, Jason](#); [LePierre, Dallas](#); [Riedo, Catherine E](#); [Kilpatrick, Kevin](#); [Outland, Katrina](#); [Sarrafan, Soheila E](#)
5 Subject: Re: 675405
6 Date: Monday, October 30, 2023 6:17:18 PM
7 Attachments: [SMC - 675405 Incident #2023-246823.pdf](#)

8 **CAUTION: External Email**

9 Are the SPD officers snorting cocaine with Hunter Biden? Are the prosecutors high on meth?
10 Too much Red Bull?!

11 For your entertainment, attached is the "incident report" in which our heroic protectors, Ofc.
12 Benjamin Carter #8394 and Ofc. Hay #8352, requested the assistance of: (1) King County's
13 Guardian 1 helicopter, Snohomish County's helicopter, Washington State Patrol's helicopter,
14 and any agency with Star Chase."

15 Who trains these fucking clowns? A transvestite furry, sucking a rainbow-colored binky while
16 using a glow-stick to articulate the training in sign language?

17 Looks like all of you clowns are living in some drug addled alternate reality where ya'all think
18 you're hunting Osama Bin Laden. LMFAO. Are any of you capable of deductive reasoning?
19 Do you any of you possess an ounce of common sense? Sure doesn't look like it, and I've
20 been looking hard for three years.

21 There's a word for people this fucking stupid. RETARDED.

22 My advice: Grab a black sharpie. Stand in front of a mirror. Do Seattle a public service and
23 write "RETARD" on your forehead.

24 In Truth & Spirit,
Reverend Kurt Benshoof

"It's easier to build strong children than to repair broken men."
---Frederick Douglass

"It's amazing how much panic one honest man can spread among a multitude of hypocrites."
---Thomas Sowell

1 He has also attempted to interfere with the prosecution of this case. In June of 2023, he
2 offered to pay the prosecuting attorney \$50,000 if he were to take a polygraph test. Attachment
3 D. When that failed to illicit the desired response, he then threatened to make a Bar complaint.
4 *Id.* He attempted to sue the prosecuting attorney personally, along with over thirty other
5 individuals. Attachment E¹⁵. Like all his lawsuits, the case was deemed frivolous and dismissed
6 long before this case’s trial began. *Id.*

7 In the weeks leading up to and following trial, while Mr. Benshoof was in custody, he left
8 at least 18 lengthy voicemails with the prosecutor’s office, including:

- 9 • **threatening more lawsuits** (on August 12, 2024: “If you continue, I expressly
10 informed you of my right to sue you under 42 US code sections 1983, 1985, and
11 write this down, 1986, neglect to prevent. This is your friendly reminder to cease
12 and desist from malicious prosecutions”; on September 5: “I am expressly
13 reserving the right to file another lawsuit for your efforts to maliciously prosecute
14 me”);
- 15 • **accusing various public servants of corruption** (on September 10: “I intend to
16 put you [the prosecutor] on the stand because part of my defense is that I have the
17 proof that you, [a detective], a couple of perjuring prostitutes [the victim and her
18 fiancée] and other corrupt public officials have knowingly and willing been
19 conspiring to try to shut me up by putting me in jail on trumped up charges. I
20 look forward to putting you on the stand...”);

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24 ¹⁵ *Benshoof v. Admon et al.*, 2:23-cv-1392, Order Dismissing Plaintiff’s First Amended Complaint With Prejudice,
W. Dist. Wash. (June 28, 2024)

- **threatening Bar complaints** (on October 30: “If you choose not to do your job and hold [the victim] accountable, I will be making a bar grievance, complaint. I will be having people I know contact every council member, and the mayor, and the media with information proving that you and the Seattle Police Department are aiding and abetting prostitute perjurers and child abuse”; on November 15: “With the new presidential transition... when our new president appoints a US attorney for the Western district of Washington, I promise you that I will be making complaints the first day a person is appointed regarding my belief and evidence that you are engaging in the violation of the 18 US Code section 15-12B, 18 US code 241242, that you’ve suborned perjury, and that you’ve acted as an accessory after the fact”).

The only times Mr. Benshoof has even come close to acknowledging any of the convicted order violations or custodial interference is when he takes personal affront to *his* privacy being violated by the messages with his son being used as evidence:

From: [kurt.benshoof](#)
To: [Outland, Katrina](#); [Cotter, William](#); faiz.pirani@kingcounty.gov
Subject: Re: SMC Case No. 671384 - Re: Motion to Dismiss
Date: Monday, October 16, 2023 10:09:12 AM
Attachments: [2023-10-16 671384 MOTION TO DISMISS .pdf](#)

CAUTION: External Email

Good morning,

It dawned on me that I forgot to address several constitutional violations, not the least of which was the City divulging private Discord messages between my son and I *to the public*.

Please take note of the revised Motion to Dismiss attached to this email.

In Truth & Spirit,
Reverend Kurt Benshoof

1 Another voicemail from Mr. Benshoof to the prosecuting attorney containing a similar
2 statement was even admitted as evidence at trial, in response to which Mr. Benshoof told the
3 jury: **“I’m not denying those are my messages with my son and I stand by everything I said**
4 **in those messages.”**

5 To remind the court, those messages include role-playing with his 12-year-old son how to
6 lie to the police and take the blame for Mr. Benshoof’s order violations, bragging about
7 inundating Child Protective Services with false complaints against Ms. Owen, making plans to
8 hide out at friends’ houses to evade the police, using his son to surveil Ms. Owen, and attempting
9 to set up secret phone drops so that their communications and movements could not be traced.

10 In short, Mr. Benshoof has proven himself far beyond any hopes of rehabilitation. But
11 none of this behavior should be surprising to anyone who has looked at what Mr. Benshoof had
12 been doing outside of court for years prior. He unwaveringly demonstrated his belief that the
13 entire legal system is invalid, while simultaneously weaponizing it. He presents an ongoing
14 threat to the community as a whole, and particularly to the victims in this case and their families.

15 **B. Community Safety Considerations**

16 Anyone who defies or stands up to Mr. Benshoof risks making themselves a target of his
17 relentless harassment. He shows a consistent pattern of escalating his behavior if he does not
18 initially get his wishes. As in his repeated targeting of grocery store clerks during the mask
19 mandates, he “escalated each time he has shown up to the business: the first he was just passive
20 aggressive and said he would not leave, the second time he assaulted staff, and now he has
21 shown up with a shotgun.” Attachment C. Everyone in the store was too afraid to leave, and an
22 employee told officers, “I did not want to get shot.” *Id.*

1 The initial parentage case between Mr. Benshoof and Ms. Owen, begun in September,
2 2021, has similarly escalated far beyond the initial scope. Throughout the pendency of that case
3 (21-5-00680-6 SEA), Mr. Benshoof retaliated against Ms. Owen and anyone he perceived to
4 have helped her by filing a slew of frivolous lawsuits that he is still pursuing to this day. Other
5 courts have already exhaustively analyzed and compiled summaries of those lawsuits, (*see, e.g.*,
6 Attachment F¹⁶; and from the same matter, Attachment G¹⁷). In short, his actions lead to the
7 King County Superior Court declaring him a vexatious litigant (Attachment H),¹⁸ and then
8 finding him in contempt of the vexatious litigant order after he repeatedly violated it and
9 imposing a \$250 per day sanction on him (Attachment I)¹⁹. He has yet to pay any of that
10 sanction. The Court of Appeals, Division 1, just returned a second denial of Mr. Benshoof's
11 second appeal of that contempt finding and the underlying vexatious litigant order.²⁰

12 Since 2021, Mr. Benshoof's targets have expanded to include Ms. Owen's attorneys,
13 personal friends of hers unrelated to the parentage action, her extended family, multiple judges
14 and commissioners, prosecutors, law enforcement officers, the detective who filed for the search
15 warrant, the guardian ad litem in the parentage case, jail staff, Bill Gates, the previous Governor
16 of Washington...anyone whose name he can find, however tenuous their ties to his cases. "This
17 pattern of abusive litigation has taken a significant emotional and financial burden" on dozens of
18 community members in Mr. Benshoof's "saga of revenge and abuse." Attachment F.²¹

21
22 ¹⁶ *Benshoof v. Cliber et al.*, No. 85092-0-I, slip op., 1-6 (Div. 1, Aug. 26, 2024) (unpublished)

¹⁷ Respondent's Brief (Appendix A)

¹⁸ *Benshoof v. Cliber et al.*, 22-2-15958-8 SEA, Order Restricting Abusive Litigation... (Mar. 31, 2023)

¹⁹ *Benshoof v. Cliber et al.*, 22-2-15958-8 SEA, Order Finding of Contempt... (Mar. 1, 2024)

²⁰ *Benshoof v. Cliber et al.*, No. 86466-1-I, slip op. (Jan. 21, 2025)

<https://www.courts.wa.gov/opinions/pdf/864661.pdf> (unpublished)

²¹ *Benshoof v. Cliber et al.*, No. 85092-0-I, slip op. at 11, 13 (internal quotations omitted),

1 Indeed, Mr. Benshoof's motivations for retaliation and harassment are not veiled, nor are
2 his inclinations for escalating in violence. Under the guise of service of process, he barged into
3 the home of one of Ms. Owen's friends wearing a balaclava. And, as he bragged to his son in
4 messages that were later used as evidence in this underlying trial (Mr. Benshoof is "Seraph
5 d'Mortego" and "Jade" refers to Ms. Owen):

6  **Seraph d'Mortego** 07/06/2022 12:35 PM
7 Okay one last question that you don't know.....how the fuck has she paid the attorneys all this time? It has to be like \$100,000 worth of legal fees
8 Is her Dad paying them?
Sorry—you can get back to video games 💜

9  **Seraph d'Mortego** 07/06/2022 1:46 PM
10 Hey, if your phone all of a sudden isn't working or the power goes out at their house, LEAVE IMMEDIATELY.

11  **Seraph d'Mortego** 10/17/2022 6:10 PM
12 Anyways. Point is. Your silence is acquiescence.
Your silence is prolonging the injustice. And the suffering. And it's making the outcome even worse for people and more people are gonna get hammered.
13 Why? Because I tried playing nice and now it's gotta be DEFCON 5 to get you back home. I can't pull any punches and not see you for five more years.
The circle of destruction keeps getting wider. More of Jade's friends and family. Maximum damage. Maximum pain. That's all I can do on my end

14  **Seraph d'Mortego** 11/15/2022 8:26 PM
15 Phew
I told my attorney that if they don't fold their hand this week I'm ready and willing to drop \$100,000 on a team of attorneys and burn them to the fucking ground

16  **Seraph d'Mortego** 01/10/2023 3:27 PM
17 I think I bruised some egos and hurt some feelings the last 493 days. EVERYONE I know realizes that, at BEST, they are #2 or lower on my list. 🤔🤔🤔🤔
And I will take a flamethrower to ANYONE who is #2 or lower if they come between us . Period.

18  **Wrench** 01/10/2023 3:28 PM
19 Truth
Also try a dmg
With .50 caliber rounds
That would work waaaaay better (edited)

20  **Seraph d'Mortego** 01/10/2023 3:33 PM
21 The smell of their burning flesh and the sound of their screams is better with a flame thrower

22  **Wrench** 01/10/2023 3:33 PM
Hmmm
True

23  **Seraph d'Mortego** 01/10/2023 3:33 PM
24 Then I pull out the hot dogs and marshmallows!

1
2 **C. Victims' Safety Considerations**

3 Ms. Owen has already testified at length to the extent of Mr. Benshoof's abuse, and much
4 of his ongoing harassment of her will presumably be included in the upcoming felony stalking
5 trial. Therefore, the City will not exhaustively repeat those facts, but only highlight a few key
6 points here.

7 Kurt Benshoof's abuse of Jessica Owen began long before she moved out of their shared
8 house (1716 N 128th St.) Attachment J²². He remained in the home at 128th St. until SPD was
9 finally able to take him into custody on July 3, 2024—more than a year after King County
10 Superior Court had ordered his ejectment and awarded unjust enrichment over \$40,000 to Ms.
11 Owen. Attachment K.²³ Even as of the writing of this brief, months after this trial where a jury
12 found Mr. Benshoof guilty on 81 domestic violence crimes, Ms. Owen is now fighting to remove
13 Mr. Benshoof's brother from her house, where she recently discovered him squatting. Also, as
14 soon as Mr. Benshoof was released from custody on home monitoring, he re-initiated his
15 attempts to vacate the original parentage case, 21-5-00680-6 SEA. Attachment L.

16 During their relationship, Mr. Benshoof sometimes left Ms. Owen disturbing "messages"
17 to assert his control over her, such as a dead squirrel on her vehicle, or trapping her cat in a
18 sealed box without airholes. After she was able to physically separate from him, he then turned a
19 simple parenting agreement into a vicious campaign of vindictiveness, of which this instant case
20 encompasses only a snapshot. In August of 2022, he was arrested for violating the protection
21 order by following Ms. Owen's vehicle in his truck, tailgating her to her home, parking and
22

23 ²² See, e.g., GO Reports 15-393435, 15-424720.

24 ²³ *Benshoof v. Owen*, No. 22-2-03826-8 SEA, Findings of Fact...; Order for Ejectment, King Cty. Sup. Ct. (May 9, 2023).

1 blocking her driveway and screaming for their son. Attachment M.²⁴ He apparently learned from
2 that arrest, and afterwards sent third parties to continue harassing Ms. Owen and Ms. Lerman on
3 his behalf. Attachment N²⁵.

4 Starting in December of 2023, Mr. Benshoof began escalating his harassment of Ms.
5 Owen by contacting her directly again, in violation of both civil and criminal protection orders,
6 which persisted up until he was taken into custody. During that time, Ms. Owen became so
7 fearful of her own and her family's safety that they moved out of state, far away from her
8 lifelong home and circle of friends. Some of the threats he has made to her (which will be
9 covered in much greater depth at the felony trial) include references to Timothy McVeigh and
10 the Oklahoma City Bombings, telling Ms. Lerman that he would "demolish" her, and telling Ms.
11 Owen, "One day you're going to pay for your crimes."

12 Perhaps the greatest concern, on top of all this, is the past and future welfare of Ms.
13 Owen's and Mr. Benshoof's son, A.R.W., now 15 years old. He may not have been Mr.
14 Benshoof's intentional target for harm, but has nonetheless suffered irreparable harm from Mr.
15 Benshoof's actions. It is absolutely essential for his continued transition into adulthood that
16 A.R.W. be protected from his father's influence.

17 Maybe 80 separate violations of a court order seems shocking out of context—indeed, it
18 is one of the more extensive cases this office has pursued in recent memory. However, as was
19 shown to the jury through this demonstrative at trial, even that number is actually a conservative
20 interpretation of the nearly year-long manipulative barrage this child endured:

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22 /

23 ²⁴ (SMC case 669329, GO 22-215424, dismissed for felony filing as part of the stalking charge.)

24 ²⁵ See, e.g., GO# 22-265177.

2022 Calendar

January							February							March							April						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
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9	10	11	12	13	14	15	13	14	15	16	17	18	19	13	14	15	16	17	18	19	10	11	12	13	14	15	16
16	17	18	19	20	21	22	20	21	22	23	24	25	26	20	21	22	23	24	25	26	17	18	19	20	21	22	23
23	24	25	26	27	28	29	27	28						27	28	29	30	31			24	25	26	27	28	29	30
30	31																										

May							June							July							August						
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September							October							November							December						
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18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24
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2023

January						
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22	23	24	25	26	27	28
29	30	31				

Yellow circle / Red circle = custodial interference

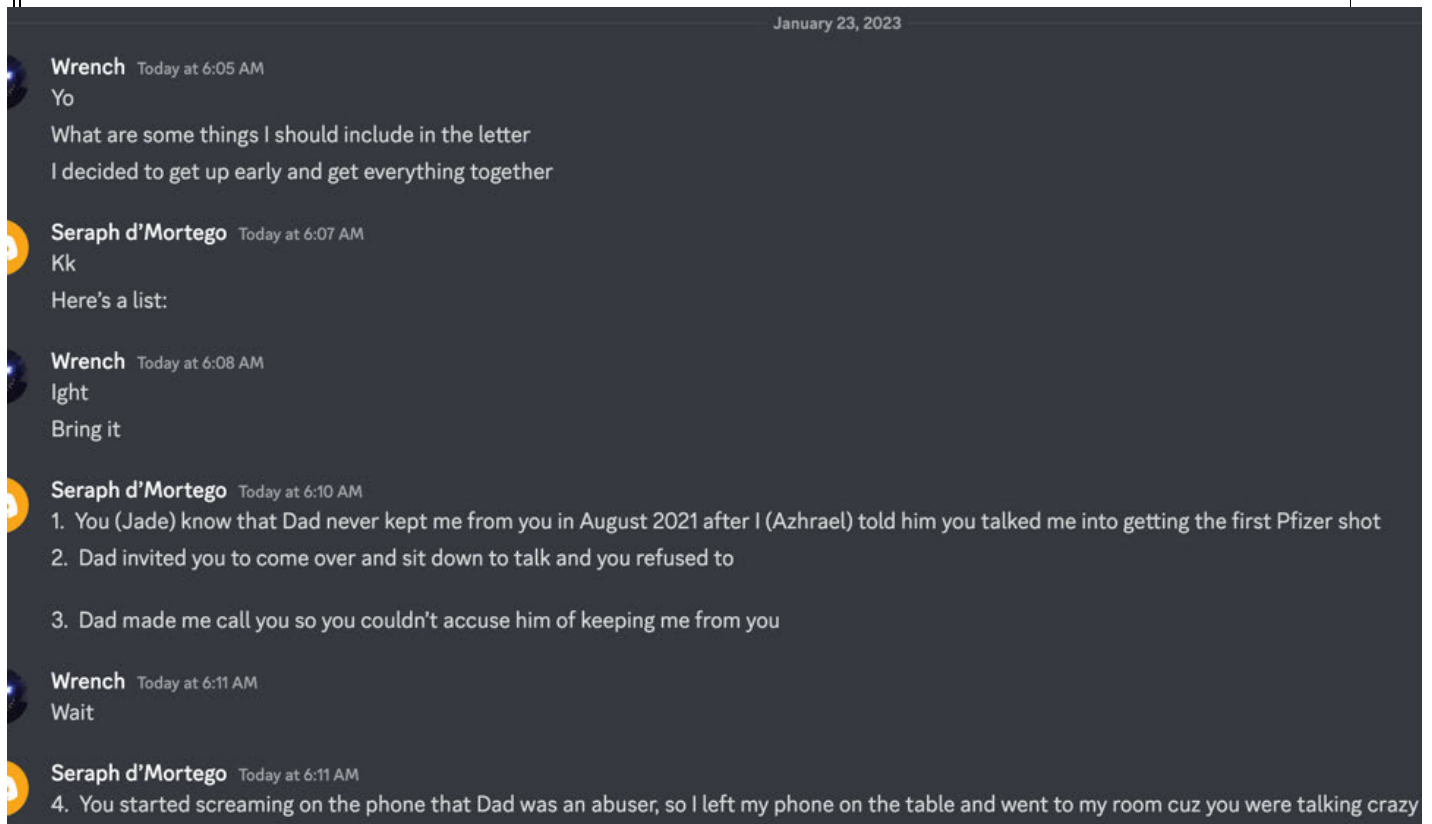
1. Red dates are charged violations; yellow dates are days where Mr. Benshoof undoubtedly contacted his son, but were NOT charged as separate violations. Messages from those days were only used to support the custodial interference charge.

Even at the charging stage, the City already gave Mr. Benshoof significant benefit of the doubt in not charging violations for days there may have been *any* conceivable misunderstanding of the family court's orders as they existed at the time. In addition, the City only charged Mr. Benshoof for violations committed via Discord app messages. As Ms. Owen testified at trial (and the City had prior knowledge of), Mr. Benshoof also likely committed multiple other violations throughout this time by trying to influence his son via court-endorsed video visitations and phone texts. Attachment O²⁶.

Finally, the City was also well aware of at least one additional violation following this time period, where Mr. Benshoof again contacted his son through a third party to sign a

²⁶ Emails from Ms. Owen's attorney to the City Attorney's Office, Aug. 17, 2022.

“declaration” that Mr. Benshoof wrote for him. This “affidavit” in full was included in the City’s initial arrest warrant materials from March 14, 2023²⁷. Mr. Benshoof actually referenced this document multiple times in the Discord messages as well: earlier on the same day that Mr. Benshoof lured A.R.W. to his house, barricaded himself inside and refused to talk to the Hostage Negotiation Team, the father and son had the following exchange:



Mr. Benshoof brazenly admitted to the subsequent violation during his closing to the jury. “Hasn’t [the prosecutor] been telling you that one of the conditions [of the protection order] is that I couldn’t even contact my son by a third party? So why didn’t [the City] file any charges related to February 10 of last year when my son’s tutor and two other adults witnessed my son sign a power of attorney & affidavit when he stepped off the schoolbus?”

²⁷ Mot. for Prob. Cause (Attachment H)

1 Why, indeed, didn't the City charge Mr. Benshoof for every single one of the known
2 violations he made against his son? Quite simply because, when a defendant such as Mr.
3 Benshoof commits such an extraordinarily relentless stream of abuse, the prosecution must set
4 some sort of boundaries in order to file and start pursuing some justice, or risk completely
5 overwhelming a jury. Eighty counts of court order violations, under the umbrella charge of
6 custodial interference, were already rather demanding of a municipal court jury. Even so, they
7 represent only those eighty days in which the City had the most incontrovertible, undeniable
8 proof of Mr. Benshoof's intent to weaponize their own suggestible, pre-teen son against Ms.
9 Owen.

10 In Mr. Benshoof's own words, again to the jury at closing, "The most vulnerable people
11 in domestic violence are actually the children. Because even though they may not be the direct
12 victim, often times the collateral harm that happens to the child is worse than anything that
13 happens to the adults. And I think this is one of those cases." Other than his skewed perspective
14 around himself, he was partially right about that. A.R.W., however bright for a 12-year-old, was
15 truly a vulnerable child during the events of this case. When this boy was preparing to run away
16 from his mother, go into hiding with his father at "friends'" houses, change schools, and leave
17 his cats and family and life behind—ostensibly forever—he packed only his portable gaming
18 device, one pair of underwear, one pair of socks, and his Pokémon cards.

19 Mr. Benshoof presents perhaps the most dangerous of abusive mind frames. He
20 undoubtably possesses knowledge, cunning, even wisdom, but completely lacks any self-
21 awareness. He is unyielding in his insistence that he is correct in all things, and there can be no
22 safe alternative for the people of Seattle, for Ms. Owen, and for A.R.W., other than having Mr.
23 Benshoof in custody.

1 **III. Conclusion**

2 The only way to ensure the safety of Mr. Benshoof's victims and the community at large
3 is through long-term confinement. Because so much of his harassment is conducted
4 electronically, any home monitoring is not a safe alternative. This Court has authority to sentence
5 him to the maximum term on this case—81 consecutive years in jail. However, given
6 considerations of practicality, fairness, and proportionality, the City is requesting far lower than
7 the maximum. The City asks this Court to follow the City's recommended sentence.

8
9 DATED this 11th day of February, 2025

10 Respectfully submitted,

11 

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13 _____
Katrina Outland, WSBA #54342
Assistant City Attorney

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ATTACHMENT A

GO# 23-021770 (report related to this
convicted case)

Report Number 2023-021770 - Incident / Offense Report Report

REPORT DATE / TIME	PRECINCT / SECTOR / BEAT / RA / MCPP	CAD EVENT START DATE / TIME - CAD EVENT END DATE / TIME
Jan 23, 2023 16:32	N / L / L1 / 3539	Jan 23, 2023 10:38

REPORT WRITER

NICHOLAS HUGHES #8408

ASSISTING PERSONNEL / TYPE(S)

AUDI ACUESTA #7417 (Screening Supervisor), JORDAN WALLACE #8362 (Backing Officer)

REPORT TAKEN LOCATION

[REDACTED], SEATTLE, WA 98125

EVENT STATISTICS

- | | |
|---|---|
| ☐ Event Contains Bias Elements | ☐ Homelessness |
| ☐ AED Used | ☐ Naloxone Administered |
| ☐ Hate Graffiti | ☐ Event is DV Related |
| ☒ ICV Exists | ☐ Cybercrime |
| ☒ DEMS | ☐ Shots Fired (Eyewitness/Casings/Property Damage) |
| ☐ Shooting (Fatal Injury) | ☒ Body Worn Video |
| ☐ Shooting (Non-Fatal Injury) | |

NARRATIVE

The following incident was recorded on the vehicle's ICV and body worn camera.

On January 23, 2023, at approximately 1234hrs, I wore full police uniform and rode in a fully marked two officer patrol vehicle within the city limits designation 2 Lincoln 3, with Officer Wallace. I was dispatched to "Remarks: RP'S 13 YOA SON WENT TO HIS FATHER'S HOME 20-30 MIN AND HAS BEEN COMMUNICATING WITH HIM VIA DISCORD. THIS IS A VIOLATION OF RESTRAINING ORDER IN PLACE."

Dispatch updated with the following:

"Subject WALKER AZHREL WM, 13 YOA, 5'7, SKINNY BUILD, GRN BACKPACK, BLK JKT WITH PNK TRIM, BLK PANTS"

"Suspect BENSHOOF KURT DOB:Jul-18-69 WM, 53 YOA, 6'0, SKINNY BUILD."

"(ZZ) UPDATED BY CTO: RP LIVES AT [REDACTED]. SUSP IS AT 1716 N 128 ST, WITH THE 13 YOA SON."

"(M)RP LIVES AT [REDACTED]. SUSP IS AT 1716 N 128 ST, WITH THE 13 YOA SON."

"(M)RP IS AT THE RESP LOC, SON WENT TO 1716 N 128 ST"

"(M)SON HAS DONE THIS ONE TIME BEFORE, LAST DECEMBER. RP WOULD LIKE TO PURSUE LEGAL ACTION FOR THE ORDER VIOLATION"

"(M)SUSP IS A FELON AND IS NOT SUPPOSED TO HAVE WPNS"

"ENTITY UPDATED SUSPECT BENSHOOF KURT DOB:JUL-18-69 TO SUSPECT BENSHOOF KURT DOB:JUL-18-69 WM, 53 YOA, 6'0, SKINNY BUILD."

"(M)CALLED RP BACK, SHE DOES NOT BELIEVE THE SON IS IN ANY DANGER"

(M)RP STATED THAT THE SON HAS BEEN CONSPIRING WITH HIS FATHER TO RUN AWAY FROM HOME ON DISCORD"

Prior to arrival I recognized the names due to past incidents, reference 2022-215424. I am also aware that Benshoof has violated the No Contact Order before, reference 2023-010065, 2022-338690, 2022-265177 and 2022-173684.

REPORTING OFFICER SIGNATURE / DATE	SUPERVISOR SIGNATURE / DATE
NICHOLAS HUGHES #8408 Jan 23, 2023 16:43 (e-signature)	AUDI ACUESTA #7417 Jan 23, 2023 17:19 (e-signature)
PRINT NAME	PRINT NAME
NICHOLAS HUGHES #8408	AUDI ACUESTA #7417

Mother is listed as a Jessica Owen, son as a Azhrael Walker, and father Kurt Benshoof. Dispatch updated the call with a valid No Contact Order. The protected persons are Owen and Walker. The respondent is Benshoof. The order specifically states that the respondent is restrained "50 OFT", and is restrained from having any contact with the protected person and minor which includes in person, by phone, by text or email. The order was served 11/15/2022, with a valid notice of service OCA 215006806.

I arrived to [REDACTED] and made contact with Owen. She stated the following:

Earlier today Walker was acting weird and tried to leave the house. She confronted him and he told her that he was going to Benshoof's house and walking there. Walker stated that he has been in communication with Benshoof using Discord. During the conversation Owen received a call from her mother. Owen's mother told her to check under Walker's pillow. When she checked Walker's pillow she found a note that stated that he "hated" her and that he was going to Benshoof's house and to not call the police. When she was checking under Walker's pillow, Walker left the house again. She stated that Walker and Benshoof have been in communicate for months using the Discord server. Owen was able to log into Walker's Discord since she had his cellphone. She found a conversation between Walker (handle Wrench) and a "Seraph d'Mortego" that is presumably Benshoof.

She showed me the conversation. I observed the conversation started earlier this morning. Seraph d'Mortego was instructing Walker how to leave the house. Where to leave the note and who to ask to call Owen to check for the note. He also instructed him how to block the phone signals by wrapping it in tinfoil. Owen was capturing the conversation with screen shots. Officer Wallace sent her a link for Axon capture to document the conversation.

I provided her a business card with the case number.

I then proceeded to 1716 N 128 ST. I arrived and knocked on the door. Benshoof answered the door and he stated that his son, Walker was here. Benshoof stated Walker told Owen that he wanted to go to Benshoof's house. Benshoof stated that Owens gave her permission for Walker to come here. He stated that he feels that Owen's is trying to entrap him. I then asked if he was aware of the No Contact Order, he stated that he was never service the order. We did advise him that the order was served. He went and got Walker. Walker exited the house. Walker confirmed his Discord name was "wrench." Both Walker and Benshoof denied ever speaking to each other on Discord. I asked Walker who he was talking to on Discord about planning his escape from his mother's house. He stated he did not know. Walker stated he did not have a key to Benshoof's house. Benshoof stated that he must have left the door open and that's how Walker gained entry into his house.

I explained to Walker that him being here is a violation of the no contact order against his father. He agreed to leave the house with officers.

We then told Benshoof to exit the residence. He declined to exit the house and then closed the door and fled into the interior of the home.

Officers set up containment on the house.

Owen responded to the scene to pick up Walker.

Hostage Negotiation Team responded. We attempted to start a dialogue with Benshoof. We attempted to call his cellphone but he turned it off. We then attempted to PA him from a patrol vehicle. He ignored all PA commands.

The decision was eventually made to leave the residence. Benshoof does not have any prior VNCO convictions, there was no assaults or threats to the protected person in this incident.

The incident was screened with Sgt. Acuesta.

REPORTING PARTY-1

REPORTING PARTY-1 (PERSON)

DOB / ESTIMATED AGE RANGE

R-1 OWEN, JESSICA RAE

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

REPORTING OFFICER SIGNATURE / DATE

NICHOLAS HUGHES #8408 Jan 23, 2023 16:43 (e-signature)

PRINT NAME

NICHOLAS HUGHES #8408

SUPERVISOR SIGNATURE / DATE

AUDI ACUESTA #7417 Jan 23, 2023 17:19 (e-signature)

PRINT NAME

AUDI ACUESTA #7417

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ATTACHMENT B

GO#s 23-114090, 23-246823 (eluding
reports)

Report Number 2023-114090 - Incident / Offense Report Report Cover Sheet

REPORT DATE / TIME	PRECINCT / SECTOR / BEAT / RA / MCPP	CAD EVENT START DATE / TIME - CAD EVENT END DATE / TIME
Apr 27, 2023 20:14	N / N / N2 / 2337 / NORTHGATE	Apr 27, 2023 19:23

OFFENSE-1

OFFENSE CODE
RCW - 46.61.024.1 ELUDING A POLICE VEHICLE

OFFENSE LOCATION	OFFENSE START DATE
N 128TH ST & DENSMORE AVE N, SEATTLE, WA 98133	Apr 27, 2023 19:23

INVOLVED PERSONS

INVOLVEMENT	NAME	HOME ADDRESS	DOB / ESTIMATED AGE RANGE	RACE	SEX
S-1	KURT ALDEN BENSHOOF		1969-07-18	White	Male

INVOLVED ORGANIZATIONS

INVOLVEMENT	NAME	ADDRESS
R-1	SPD	
INVOLVEMENT	NAME	ADDRESS
V-1	SOCIETY	

INVOLVED VEHICLES

STATUS	ITEM CATEGORY	MAKE / MODEL / PRIMARY COLOR
Involved Vehicle	Suv (sport Utility Vehicle)	Toyota / Fj Cruiser / Green (GRN)

NARRATIVE

On 4/27/2023 at approximately 1923 hours, I was working uniformed patrol for the City of Seattle in a two-officer patrol unit with Ofc. Carter #8394 as patrol unit 2N13. I was operating a fully marked patrol unit equipped with external emergency lighting, siren, and in-car video. I was also in full police uniform with Seattle Police patches on both shoulders, silver metal badge affixed to my chest, and duty belt. I was equipped with and operating my SPD issued BWV.

On the listed date and time, I was on routine patrol in the area just east of N 128th ST/Aurora Ave N when I observed a distinct vehicle in the distance consistent with a vehicle driven by a warrant suspect. The vehicle was a forest green Toyota FJ Cruiser (WA license plate later determined to be: [REDACTED]). The suspect was known to me to be Kurt A Benshoof (DOB 07.18.1969). BENSHOOF had an unverified Seattle Municipal Court Warrant for DV Stalking (WAR/990435958, AOB \$250,000). Ofc. Carter and I conducted a records check on Benshoof earlier in the day and verified the warrant was still active.

When initially observing the vehicle, I recognized that it was a mere few blocks away from Benshoof's residence and driving in the direction of the residence. I caught up to the vehicle in the area of N 128th ST/Ashworth Ave N. Ofc. Carter conducted a records check and verified the vehicle was the same vehicle I knew Benshoof to drive. Additionally, while looking at the reflection of the side view mirror, I observed a male driver who matched the description of Benshoof. I have viewed his mugshot on several previous occasions and recognized the reflection to be consistent with Benshoof's mugshot. This, in conjunction with my knowledge of Benshoof living only blocks away and driving a car that was almost always parked at his house, I determined probable cause existed that Benshoof was the driver of the vehicle.

I grew concerned Benshoof may return home to 1716 N 128 St which was at a tactically unsafe location down a long, narrow, and somewhat elevated driveway. I therefore activated my emergency lights in an attempt to get Benshoof to pull over at 128th/Densmore. Instead, he continued driving e/b past his residence. I then activated my continuous siren while my emergency lights were still activated. I observed several pedestrians who appeared surprised at the sight of the vehicle not stopping for a police car despite emergency lights and siren.

I observed Benshoof utilize a turn signal to travel N/B on Meridian Ave N at N 128th ST. Up until that moment, he was driving the regular flow of traffic, not increasing speed, and not taking evasive action. After making the turn, Benshoof accelerated. The traffic signal at 130th /Meridian turned to red and Benshoof accelerated through the red signal while my emergency equipment was still activated.

REPORTING OFFICER SIGNATURE / DATE	SUPERVISOR SIGNATURE / DATE
BENJAMIN CARTER #8394 Apr 27, 2023 20:22 (e-signature)	SHANE BURDITT #7790 Apr 28, 2023 16:26 (e-signature)
PRINT NAME	PRINT NAME
BENJAMIN CARTER #8394	SHANE BURDITT #7790

At that point, I determined Benshoof was taking evasive action, increasing speed, and his normal driving turned reckless. As such, in accordance with SPD policy, I deactivated my emergency equipment and returned to a normal driving pattern.

Surprisingly, Benshoof also returned to a normal driving pattern. He stopped at a stop sign, used his turn signal, and did not drive outside the normal pattern of traffic. I continued following him until he turned EB on NE 145th St and then turned onto the on-ramp to NB I-5 from 145th. At that point, I discontinued following Benshoof.

This incident was screened with Sgt. Burditt #7790.

REPORTING OFFICER SIGNATURE / DATE	SUPERVISOR SIGNATURE / DATE
BENJAMIN CARTER #8394 Apr 27, 2023 20:22 (e-signature)	SHANE BURDITT #7790 Apr 28, 2023 16:26 (e-signature)
PRINT NAME	PRINT NAME
BENJAMIN CARTER #8394	SHANE BURDITT #7790

Report Number 2023-246823 - Incident / Offense Report Report

REPORT DATE / TIME Aug 27, 2023 14:26	PRECINCT / SECTOR / BEAT / RA / MCPP N / N / N2 / 6541	CAD EVENT START DATE / TIME - CAD EVENT END DATE / TIME Aug 26, 2023 20:01
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REPORT WRITER

BENJAMIN CARTER #8394

REPORT TAKEN LOCATION

STONE AV N & N 130 ST, SEATTLE, WA 98133

EVENT STATISTICS

- | | |
|---|---|
| ☐ Event Contains Bias Elements | ☐ Homelessness |
| ☐ AED Used | ☐ Naloxone Administered |
| ☐ Hate Graffiti | ☐ Cybercrime |
| ☐ Event is DV Related | ☐ DEMS |
| ☐ Shooting (Non-Fatal Injury) | ☐ Shooting (Fatal Injury) |
| ☒ Body Worn Video | ☐ Shots Fired (Eyewitness/Casings/Property Damage) |
| ☒ ICV Exists | |

NARRATIVE

This incident was recorded over In-Car-Video and Body-Worn-Video.

On 08.26.2023 at approximately 2001 hours, I was working uniform patrol in a fully marked Seattle Police Department patrol vehicle within the City of Seattle as Unit '2-NORA-13' with my partner, Officer Hay #8352. Officer Hay and I made an eastbound turn onto N 125 St from Aurora Av N when Officer Hay observed a dark green Toyota FJ Cruiser bearing Washington license plate: [REDACTED]. The suspect vehicle turned northbound on Aurora Av N from N 125 St.

From prior contacts with the vehicle and based on the vehicle's Washington State registration, I knew the vehicle to be owned by a Kurt Alden Benshoof (DOB 07.18.1969). Further, I knew Kurt's address and registered DOL address to be very close to the east at 1716 N 128 St. Very recently, I had known Kurt to have an outstanding misdemeanor warrant out of the Seattle Municipal Court for stalking. The warrant is detailed below:

WAR/990435958

OCA/23021770

DOW/20230314

OFL/STALKING R9A461100

AOB/\$250000.00

I ran a routine record check on Kurt's given name. The warrant returned and was still active.

Officer Hay turned our patrol vehicle around and pulled along the passenger side of the suspect vehicle. Both Officer Hay and I recognized the driver of the suspect vehicle by sight as Kurt Benshoof. Kurt turned eastbound onto N 130 St from Aurora Av N. Near the intersection of Stone Av N and N 130 St, Officer Hay activated our patrol vehicle's emergency lights and chirped our patrol vehicle's emergency sirens ordering Kurt to pull over. Kurt failed to obey the lawful commands and continued driving northbound. Kurt turned northbound on Corliss Av N from N 130 St. Our patrol vehicle's emergency lights and emergency sirens were still activated. Kurt continued driving northbound following all normal traffic patterns with normal driving behavior. Kurt stopped at red lights, yielded at intersections, and drove at normal speeds. While driving northbound through the residential area, I gave commands to Kurt over our patrol vehicle's PA system (our emergency siren was not activated at this point). I identified myself as a Seattle Police Officer, advised Kurt he was under arrest, and ordered him to pull over. Kurt did not.

At the intersection of Corliss Av N and N 145 St, Kurt turned eastbound on N 145 St. At this point, Officer Hay deactivated our vehicle's emergency equipment. At the intersection of N 145 St and 1 Av Ne, Kurt came to a red light. Kurt was the first vehicle in line. Officer Hay reactivated our patrol vehicle's emergency lights. Officer Hay and I exited our patrol vehicle and conducted a high risk stop of Kurt. Kurt again failed to obey commands of officers. Instead of exiting the vehicle, Kurt inched his vehicle forward, then drove east through the red light against the red light.

REPORTING OFFICER SIGNATURE / DATE BENJAMIN CARTER #8394 Aug 27, 2023 14:31 (e-signature) PRINT NAME BENJAMIN CARTER #8394	SUPERVISOR SIGNATURE / DATE DAVID SULLIVAN #6953 Aug 27, 2023 15:12 (e-signature) PRINT NAME DAVID SULLIVAN #6953
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Based on Kurt failing to pull over while given lawful commands and driving through the red light, I determined his driving to be outside normal traffic patterns and behavior. I established probable cause to arrest Kurt for the Investigation of Eluding.

Kurt crossed over Interstate-5 driving eastbound, then made a northbound turn onto 5 Av NE from N 145 St. Kurt entered onto Interstate-5 northbound. Officer Hay and I followed Kurt from one vehicle behind while he drove in Lane 2 (fast lane) of Interstate-5 northbound. Kurt drove with normal traffic patterns and driving behaviors while following the speed limit. Officer Hay and I did not reactivate our patrol vehicle's emergency equipment.

Officer Hay and I requested the assistance of King County's Guardian 1 helicopter, Snohomish County's helicopter, Washington State Patrol's helicopter, and any agency with Star Chase. No additional resources were available. Further, Officer Ladd called Kurt to convince him to pull over. Kurt did not pick up. With no viable way to safely take Kurt into custody, Officer Hay and I disengaged from following Kurt in South Everett at the Everett Mall Wy exit.

REPORTING PARTY-1

REPORTING PARTY-1 (ORGANIZATION)

R-1 SPD

ORGANIZATION TYPE

Government

OFFENSE-1

OFFENSE CODE

RCW - 46.61.024.1 | ELUDING A POLICE VEHICLE

OFFENSE START DATE

Aug 26, 2023 20:07

OFFENSE END DATE

Aug 26, 2023 20:07

DOES EVENT CONTAIN BIAS ELEMENTS?

☐ YES ☒ NO

SUSPECTED COMPUTER/ HANDHELD DEVICE USE

☐ YES ☒ NO

SUSPECTED ALCOHOL CONSUMPTION

☐ YES ☒ NO

SUSPECTED DRUG USE

☐ YES ☒ NO**OFFENSE LOCATION**

CITY

SEATTLE

STATE

WA

ZIP

98133

COUNTRY CODE

US

INTERSECTION STREET 1

STONE AV N

INTERSECTION STREET 2

N 130 ST

LOCATION CATEGORY

Highway/ Road/ Alley/ Street/ Sidewalk

PRECINCT / SECTOR / BEAT / RA / MCPP

N / N / N2 / 6541

PUBLIC / PRIVATE

Public

VICTIMS-1

VICTIMS-1 NAME

V-1 SOCIETY

ORGANIZATION TYPE

Government

SUSPECTS-1

SUSPECTS-1 NAME (LAST, FIRST MIDDLE)

S-1 BENSHOOF, KURT ALDEN

DOB / ESTIMATED AGE RANGE

1969-07-18

SEX

Male

RACE / ETHNICITY

White / Not Hispanic Or Latino

PHONE NUMBER

[REDACTED]

[REDACTED]

VEHICLE INVOLVED: TOYOTA FJ CRUISER 2011

ITEM CATEGORY

Suv (sport Utility Vehicle)

MAKE

Toyota

MODEL

Fj Cruiser

YEAR OF MANUFACTURE

2011

DESCRIPTION

PASSENGER CAR TOYT FJC

LICENSE PLATE / REGISTRATION #

[REDACTED]

[REDACTED]

[REDACTED]

REPORTING OFFICER SIGNATURE / DATE

BENJAMIN CARTER #8394 Aug 27, 2023 14:31 (e-signature)

PRINT NAME

BENJAMIN CARTER #8394

SUPERVISOR SIGNATURE / DATE

DAVID SULLIVAN #6953 Aug 27, 2023 15:12 (e-signature)

PRINT NAME

DAVID SULLIVAN #6953

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ATTACHMENT C

GO reports 20-264905, 20-268834
(selected Sprouts/PCC market incidents)

Report Number 2020-264905 - Arrest Report Report

REPORT DATE / TIME	PRECINCT / SECTOR / BEAT / RA	CAD EVENT START DATE / TIME - CAD EVENT END DATE / TIME
Sep 11, 2020 19:38	N / N / N2 / 6541	Sep 11, 2020 18:16 - 19:30

REPORT WRITER

ROBERT MCCLELLAND #8563

ASSISTING PERSONNEL / TYPE(S)

BENJAMIN COOMER #8443 (Backing Officer), DAIN MUNNICH #8622 (Screening Supervisor), DAVID SULLIVAN #6953 (Backing Officer), SUZANNE PARTON #5830 (Backing Officer)

REPORT TAKEN LOCATION

13010 AURORA AV N, SEATTLE, WA 98133

EVENT STATISTICS

- | | |
|---|--|
| ☐ Event Contains Bias Elements | ☐ Homelessness |
| ☐ AED Used | ☐ Naloxone Administered |
| ☐ Hate Graffiti | ☐ Cybercrime |
| ☐ Shots Fired (Eyewitness/Casings/Property Damage) | ☐ Event is DV Related |
| ☐ DEMS | ☐ Shooting (Fatal Injury) |
| ☒ Body Worn Video | ☐ Shooting (Non-Fatal Injury) |
| ☒ ICV Exists | |

NARRATIVE

On 09/11/2020, I was working as a fully uniformed Police Officer, in a marked patrol vehicle, in the City of Seattle. At 1818 hours, I was dispatched to respond to an assault call at 13010 Aurora Av N (Sprouts).

Dispatch advised the following: INSIDE, REMOVE PREV TRESP INTOX MALE REFUSING TO LEAVE, HARASSING STAFF, NOW PHYSICALLY FIGHTING WITH STAFF. NO WPNS.

Upon arriving, I contacted A/ Benshoof, Kurt, who stated the following:

He had previously been trespassed from the business, for failing to wear a mask while shopping there. He found the trespass to be unlawful, due to the belief that he was being discriminated against based on a legally protected disability. He had returned to the store to shop, in spite of the previous warning.

Officers Coomer and Sullivan informed me that they had contacted store employees, who alleged that A/ Benshoof had assaulted them.

Per Officer Sullivan, the following allegations were made:

One employee stated that they recognized A/ Benshoof from a prior incident (2020-264791), during which he was formally trespassed, on video.

He observed A/ Benshoof returning to the store, again without a face mask. He informed him that he could not enter the store and attempted to physically block the entryway, with his body.

A/ Benshoof shoved past him, (committing the crime of Assault 4 and Criminal Trespass 1).

He followed A/ Benshoof into the store. A/ Benshoof presented printouts of Law, alleging that he was not legally barred from the store. The employee grabbed the printouts away from A/ Benshoof, and attempted to "lure" him out of the store, by walking toward the exit with them.

A/ Benshoof jumped on the employee's back, with his arm wrapped around their neck, in an attempt to reclaim the papers.

The employee relinquished the paperwork, at which point the physical altercation ended.

A/ Benshoof was recording the entirety of the encounter using a "Go-Pro" camera, affixed to his head.

REPORTING OFFICER SIGNATURE / DATE	SUPERVISOR SIGNATURE / DATE
ROBERT MCCLELLAND #8563 Sep 11, 2020 20:07 (e-signature)	DAIN JONES #6115 Sep 11, 2020 20:14 (e-signature)
PRINT NAME	PRINT NAME
ROBERT MCCLELLAND #8563	DAIN JONES #6115

A/ Benshoof continued to refuse to leave the premise when Officers informed him that he was committing criminal trespass and was subject to arrest.

When Officers went to place A/ Benshoof under arrest, he pulled away and attempted to flee. After a short struggle, A/ Benshoof stopped resisting arrest and allowed himself to be handcuffed.

A/ Benshoof was arrested for Criminal Trespass in the First Degree, Assault 4, and resisting arrest.

The arrest was screened at the North precinct and A/ Benshoof was booked into King County jail.

REPORTING PARTY-1

REPORTING PARTY-1 (ORGANIZATION)

R-1 Sprouts Supermarket

ORGANIZATION TYPE

Business

PHYSICAL ADDRESS

13010 AURORA AV N, SEATTLE, WA 98133

PHONE NUMBER

ARREST REPORT #20-011662 (NEW OFFENSE WITH ARREST-BOOKED)

ARREST DATE / TIME

Sep 11, 2020 18:16

ARRESTING ORGANIZATION

Seattle Police Department - SPD

ARREST TYPE

New Offense With Arrest-Booked

ARRESTING OFFICER

ROBERT MCCLELLAND #8563**DEFENDANT**

DEFENDANT NAME (LAST, FIRST MIDDLE)

D-1 BENSHOOF, KURT ALDEN

SEX

Male

DOB / ESTIMATED AGE RANGE

1969-07-18

RACE / ETHNICITY

White

PHONE NUMBER

[REDACTED]**[REDACTED]****[REDACTED]**

DEFENDANT WAS ARMED WITH

Unarmed**ARREST LOCATION**

LOCATION NAME / STREET ADDRESS/LOCATION NAME / APT, UNIT, STE / DESCRIPTION

13010 AURORA AV N

CITY

SEATTLE

STATE

WA

ZIP

98133

COUNTRY CODE

US

LOCATION CATEGORY

Grocery/ Supermarket

PRECINCT / SECTOR / BEAT / RA

N / N / N2 / 6541

PUBLIC / PRIVATE

Public**CHARGES**

CHARGES - 1

RCW - 9A.36.041 | ASSAULT - ASSAULT 4

REPORT NUMBER

2020-264905

OFFENSE CODE

RCW - 9A.36.041 | ASSAULT - ASSAULT 4

OFFENSE START DATE

Sep 11, 2020 18:16

OFFENSE END DATE

Sep 12, 2020 18:20

ARREST DISPOSITION DATE / TIME

Sep 11, 2020 19:40

ARREST DISPOSITION

☐ Not Booked (I&R)☒ Booked into jail

REPORTING OFFICER SIGNATURE / DATE

ROBERT MCCLELLAND #8563 Sep 11, 2020 20:07 (e-signature)

PRINT NAME

ROBERT MCCLELLAND #8563

SUPERVISOR SIGNATURE / DATE

DAIN JONES #6115 Sep 11, 2020 20:14 (e-signature)

PRINT NAME

DAIN JONES #6115

Report Number 2020-268834 - Incident / Offense Report Report

REPORT DATE / TIME	PRECINCT / SECTOR / BEAT / RA	CAD EVENT START DATE / TIME - CAD EVENT END DATE / TIME
Sep 16, 2020 16:17	N / N / N2	Sep 16, 2020 15:16

REPORT WRITER

JONATHAN MCELROY #8591

ASSISTING PERSONNEL / TYPE(S)

BENJAMIN COOMER #8443 (Backing Officer), DAIN JONES #6115 (Screening Supervisor), NICHOLAS ALPAUGH #8435 (Backing Officer), NICHOLAS HUGHES #8408 (Backing Officer), ROBERT MCCLELLAND #8563 (Backing Officer), SUZANNE PARTON #5830 (Backing Officer)

REPORT TAKEN LOCATION

SPROUTS, 13010 AURORA AV, SEATTLE, WA 98133

EVENT STATISTICS

- | | |
|---|---|
| ☐ Event Contains Bias Elements | ☐ Homelessness |
| ☐ AED Used | ☐ Naloxone Administered |
| ☐ Hate Graffiti | ☐ DEMS |
| ☐ Shooting (Non-Fatal Injury) | ☐ Cybercrime |
| ☒ ICV Exists | ☐ Shots Fired (Eyewitness/Casings/Property Damage) |
| ☒ Body Worn Video | ☐ Shooting (Fatal Injury) |
| ☐ Event is DV Related | |

NARRATIVE

On Wednesday, September 16, 2020, at 1516 hours, Sprouts personnel, James Ervin, called in from the Sprouts store located at 13010 Aurora Av N to report someone on the property with a gun. My call screen read: IN PARKING LOT - MALE WHO HAS BEEN TRESPASSED HAS A RIFLE

Officer Coomer, Officer McClelland, Officer Parton, and I arrived on scene and made contact with Arrested/Kurt Benshoof. He was walking to us with his hands up in the air. I could see that he had a shotgun or rifle slung over his shoulder and across his back. Officer Coomer and Officer Parton were familiar with him and identified him as Kurt.

Over the past week, Kurt has shown up at the Sprouts Market multiple times. On the first incident, he was told to leave and trespassed from the property for not wearing a mask. He was confrontational, but eventually left. He returned to the business and assaulted staff. That incident occurred on September 12, 2020. Today, September 16, 2020, he went back to the Sprouts Market and had a shotgun slung over his shoulder. He was approximately 25 to 50 yards from the front door and had his arms crossed in front of him. Sprouts personnel, specifically the individuals that are familiar with him and the assault/trespass incident, were scared of him.

When they saw Kurt and noticed that he had a gun, they immediately called 911 and did not confront him. When I asked Ervin why they did not want to confront him, he told me "I did not want to get shot." Ervin was concerned because Kurt has escalated each time he has shown up to the business: the first he was just passive aggressive and said he would not leave, the second time he assaulted staff, and now he has shown up with a shotgun. Ervin told me that he believes Kurt did this to intimidate him.

Due to Kurt arriving at the business that he was arrested within the past week, knowing that the witnesses from his previous arrest would most likely be there, that he had a shotgun slung over his shoulder, and he stood within 50 yards of the front door where he would be clearly visible with his arms crossed in front of him, he was placed under arrest for intimidating a witness. He was placed in the back seat of the patrol car. He told Officer Coomer that he brought the gun because he wanted to be taken seriously and for protection in case he was falsely arrested.

Ervin provided an audio statement and was provided with a business card. Kurt was transported to the North precinct and later transported to KCJ.

REPORTING PARTY-1

REPORTING PARTY-1 (PERSON)	DOB / ESTIMATED AGE RANGE
R-1 ERVIN, JAMES TESHANN	1983-06-06

REPORTING OFFICER SIGNATURE / DATE	SUPERVISOR SIGNATURE / DATE
JONATHAN MCELROY #8591 Sep 16, 2020 17:40 (e-signature)	DAIN JONES #6115 Sep 16, 2020 20:07 (e-signature)
PRINT NAME	PRINT NAME
JONATHAN MCELROY #8591	DAIN JONES #6115

Report Number 2020-268834 - Supplement - 1 Report

REPORT DATE / TIME	CAD EVENT START DATE / TIME - CAD EVENT END DATE / TIME	REPORT WRITER
Sep 16, 2020 16:44	Sep 16, 2020 15:16 - 15:30	SUZANNE PARTON #5830

SUPPLEMENT TYPE

Statement

NARRATIVE

Today I was working a two officer unit with Officer McElroy. We were assigned as unit 2N3. I was the passenger officer. I was in full SPD uniform and we were in a marked patrol vehicle.

A call came out at Sprouts Farmers Market. The call read, "IN PARKING LOT - MALE WHO HAS BEEN TRESPASSED HAS A RIFLE."

As we were en-route to the call radio updated that the suspect with the gun was the the same suspect who had been trespassed last week and came back the same day and assaulted an employee. I had been on both of those calls last week and broadcast the suspect's name, Kurt Benshoof, over radio.

We arrived just behind N11. I saw Kurt Benshoof with a long gun slung over his back standing about 30 feet away from the front door /main entrance to the very busy grocery store where he had assaulted an employee just a few days ago. Benshoof crossed his arms, put his hands up and put them out to the side as officers approached and gave him orders. Benshoof appeared to be smiling as we ordered him to the patrol vehicle. Once we Benshoof was stopped at the patrol vehicle, I went and spoke with some of the Sprouts employees.

James Ervin and Kevin Chavez were both standing in front of the store. Chavez told me that he and all of the employees and customers were terrified that the assault suspect had come back with a gun. Chavez said he told Ervin to call 911 immediately. Chavez was attempting to lock the store down in an attempt to keep his team members and customers safe. Chavez said that he was extremely frightened by the suspect's escalating behavior.

Ervin was also very frightened by Benshoof's escalating behavior. Ervin had been present during both previous incidents involving Benshoof.

I spoke with Acting Sgt. Dain Jones about the previous incidents and about what occurred today. He requested that we get a statement from Ervin.

Once I returned to the precinct I completed this statement.

This report was generated in Mark43 and the e-signature was affixed using the undersigned officer's unique login and password. I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge and belief.

ELECTRONICALLY SIGNED	DATE	PLACE
SUZANNE PARTON	09/16/2020	Seattle, WA

REPORTING OFFICER SIGNATURE / DATE	SUPERVISOR SIGNATURE / DATE
SUZANNE PARTON #5830 Sep 16, 2020 18:17 (e-signature)	DAIN JONES #6115 Sep 16, 2020 19:25 (e-signature)
PRINT NAME	PRINT NAME
SUZANNE PARTON #5830	DAIN JONES #6115

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ATTACHMENT D

Emails from Kurt Benshoof to the
prosecutor, June 21 & 23, 2023

From: kurt.benshoof
To: [Outland, Katrina](mailto:Outland,Katrina); faiz.pirani@kingcounty.gov; pwu@kingcounty.gov
Subject: Re: \$50,000 cash Offer + Turn myself in
Date: Friday, June 23, 2023 8:22:28 AM

CAUTION: External Email

Ms. Outland,

This is to inform you of my concern that you once again knowingly and willfully violated Washington BAR Rules of Professional Conduct (“RPC”) 8.4(c) on Friday June 16, 2023 by falsely asserting on the record in SMC case no 669329 before Judge Roache that I had committed another restraining order violation.

If you were referencing the legal service of a federal summons upon Ms. Owen in U.S. District Court for the Western District of Washington case no. 2:23-cv-00751-RAJ, then it logically follows that you are asserting that Judge David S. Keenan was delegated the authority to effectively rewrite Fed.R.Civ.P 4, thereby criminalizing my effecting legal service of process through any adult non-party to the case.

That would be the judicial equivalent of a Bill of Attainder.

I’ve hoped that Appellee Keenan (9th Circuit case no. 23-35418) would provide me with the law which delegated him such authority, but neither he nor his attorney of record, Ms. Peggy Wu, has been able to provide me such evidence. As such, it is my belief that David S. Keenan, while impersonating a judicial officer, committed an ultra vires act in the furtherance of an ongoing conspiracy to deny one or more of my rights in violation of 18 U.S.C. §§ 241; 242.

You are hereby afforded the opportunity to clarify or amend your slanderously false deceptions in violation of RPC 8.4(c). If I do not receive evidence clarifying and controverting my information and belief by 5pm today, June 23, 2023, I will presume that you have acted with mens rea in furtherance of the City of Seattle’s ongoing criminal conspiracy to violate the constitutional prohibitions enumerated in our state and federal constitutions, as well as the Civil Rights Acts of 1871 and 1964. In such event, I will be duty bound as a concerned citizen and crime victim to report your misconduct to the Washington state BAR Association, and the U.S. Attorney’s Office.

On Wednesday, June 21, 2023, kurt benshoof <kurtbenshoof@gmail.com> wrote:

Ms Outland,

While you have so far failed to 1) offer proof of your office’s compliance with the statutory mandate of RCW 35.20.270, and 2) evidence that the Seattle Municipal Codes you have falsely alleged I violated are “laws” applicable to the general public pursuant to Wash. Const. art 2 §§ 18; 19, and while you seem to believe that Wash. Const. art 1 § 14 does not prohibit a public servant, such as yourself, from “excessive bail,” I’m going to give you another opportunity to conduct yourself as if you have a tenable legal position.

I've made this offer to Ms. Owen and several of their attorneys previously, yet they curiously refused to take me up on the offer.

A friend has offered to post a \$50,000 cash prize for you and Ms. Owen. The conditions are simple. My friend hires the best expert polygraph analyst in Washington.

Ms Owen and I are both subjected to eight (8) hours of examination and cross-examination regarding the alleged crimes, and the evidentiary foundation of those alleged crimes.

If I am lying about anything, the \$50,000 is yours and Ms. Owen's. However, if everything I have said is true—which means Ms. Owen has been lying—then you drop all of the charges. Heck, I will also turn myself in as well!

Why wouldn't you take the offer, Ms. Outland?

For the same reason none of Ms. Owen's attorneys would take the "free" money?

You know Ms Owen is lying. You know that I know you know this. Is that why you sound so uncomfortable in court, Ms. Outland?

--

In Truth & Spirit,
Reverend Kurt Benshoof

"It's easier to build strong children than to repair broken men."

---Frederick Douglass

"It's amazing how much panic one honest man can spread among a multitude of hypocrites."

---Thomas Sowell

--

In Truth & Spirit,
Reverend Kurt Benshoof

"It's easier to build strong children than to repair broken men."

---Frederick Douglass

"It's amazing how much panic one honest man can spread among a multitude of hypocrites."

---Thomas Sowell

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ATTACHMENT E

Benshoof v. Admon et al., 2:23-cv-1392,
Order Dismissing Plaintiff's First
Amended Complaint With Prejudice, W.
Dist. Wash. (June 28, 2024) (excerpt)

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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 KURT BENSHOOF,

9 Plaintiff,

10 v.

11 MOSHE ADMON et al,

12 Defendant.

CASE NO. 2:23-cv-1392

ORDER DISMISSING PLAINTIFFS'
FIRST AMENDED COMPLAINT
WITH PREJUDICE

13
14 **1. INTRODUCTION**

15 Pro se Plaintiffs Kurt Benshoof and Briana D. Gage's First Amended
16 Complaint is sprawling in scope—it spans 184 pages, names over 30 defendants,
17 and asserts nearly 40 causes of action, covering family law issues, Constitutional
18 claims, conspiracy theories, and COVID-19 policies. *See generally* Dkt. No. 47.
19 Defendants City of Seattle, Nathan Cliber, Zachary Cook, Freya Brier, Puget
20 Consumer Co-Op (PCC), Seattle Public Schools, Blair Russ, Justin Booker, Central
21 CoOp, and Hon. David Keenan move to dismiss Plaintiffs' claims, and several other
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23

1 Defendants join their requests.¹ Dkt Nos. 55, 57, 172, 185, 209, 215, 218, and 221.
2 Their motions all argue the same thing, albeit from different angles: Plaintiffs'
3 claims are legally untenable.

4 The question, then, for this Court is whether Plaintiffs state a claim upon
5 which relief may be granted. They do not. It is clear from Plaintiffs' many long-
6 winded filings that they feel aggrieved by many actors, but through it all, they fail
7 to allege cognizable legal theories or factual assertions that show a facially plausible
8 claim for relief. Under these circumstances, the Court has an independent duty—
9 not just prompted by Defendants' pending motions—to dismiss Plaintiffs' complaint
10 for want of legal sufficiency. *See* 28 U.S.C. § 1915(e)(2)(i)–(iii).

11 Accordingly, the Court DISMISSES Plaintiffs' first amended complaint with
12 prejudice.

13 2. BACKGROUND

14 Benshoof's original complaint was plagued by "prolixity,' argumentativeness,
15 redundancy, and [was] often plain confusing [in] nature." Dkt. No. 38 at 12. The
16 Court ordered him to replead his complaint to provide a short, plain, and concise
17 statement of his claims. *Id.* at 12-13. Benshoof amended his complaint, adding Gage
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19

20 ¹ Defendants Durkan, Lentz, Outland, Sullivan, Ladd, Wallace, Lynch, Gregory,
21 Chess, Roache, Eisenberg, Crawford-Willis, Davidson, Sarrafan, and Coomer all join
22 the City of Seattle's motion. Dkt. Nos. 98, 117, 141, 148, 161, 176. Big 5 Sporting
23 Goods also join the City of Seattle's motion, Dkt. No. 55, PCC, Brier, and Cook's
motion, Dkt. No. 172, and Seattle Public Schools' motion, Dkt. No. 185. Dkt. No.
190.

as a plaintiff,² but the First Amended Complaint is plagued by the same defects. Dkt. No. 47. Indeed, it remains hard to make out the precise contours of Plaintiffs' claims through the irrelevant, conclusory, and confusing details. However, no matter how inartfully pled the First Amended Complaint may be, the Court must liberally construe Plaintiffs' claims so as to do justice. *Entler v. Gregoire*, 872 F.3d 1031, 1038 (9th Cir. 2017) ("A pro se complaint must be 'liberally construed,' since 'a pro se complaint, however clumsily pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.'") (quoting *Erickson v. Pardus*, 551 U.S. 89, 94 (2007)); see Fed. R. Civ. Proc. 8(e) ("Pleadings must be construed so as to do justice").

The facts below are from the First Amended Complaint.

2.1 Family law and related allegations.

Part of the First Amended Complaint involves a family law dispute between Benshoof and Defendant Jessica Owen. Benshoof and Owen are the parents of A.R.W. Dkt. No. 47 ¶ 377. According to Benshoof, they had an agreement to jointly raise A.R.W., but in 2020, Owen moved out of their shared home and began living

² Gage's name and physical signature appear on the First Amended Complaint. But save for her electronic filing registration, neither her name nor signature have appeared since on Plaintiffs' court filings, which now number in double digits. See generally Dkt. This is true despite Rule 11's requirement that "[e]very pleading, written motion, and other paper . . . must be signed . . . by a party personally if the party is unrepresented." Fed. R. Civ. P. 11(a). The Court is concerned that Gage has allowed Benshoof to represent her interests in this action. Benshoof, however, as a non-attorney pro se litigant may not represent other individuals in federal court. *Johns v. Cnty. of San Diego*, 114 F.3d 874, 876 (9th Cir. 1997). The Court makes no finding at this time whether Benshoof has engaged in the unauthorized practice of law but warns him that it is unlawful to do so in Washington. See RCW 2.48.180.

1 with Defendant Magalie Lerman. *Id.* ¶¶ 378, 381. Benshoof’s relationship with
2 Owen deteriorated soon after. *Id.* ¶ 383.

3 In 2021, represented by attorney Defendant Nathan Cliber, Owen filed a
4 parentage action in King County Superior Court, Case No. 21-5-00680-6 SEA. *Id.*
5 ¶ 403. During the proceedings, Defendant Amy Franklin-Bihary served as *guardian*
6 *ad litem* for A.R.W. *Id.* ¶ 436. Later, in August 2021, King County Superior Court
7 issued a temporary order for protection, restraining Benshoof from contacting
8 A.R.W. Dkt. No. 13-1 at 79; *see also Owen v. Benshoof*, Case No. 21-2-11149-8 (King
9 Cnty. Sup. Ct. Aug. 23, 2021).

10 On September 3, 2021, a court commissioner lifted the protection order with
11 a “denial order.” *Owen v. Benshoof*, Case No. 21-2-11149-8, King Cnty. Sup. Ct. Aug.
12 23, 2021. That same day, Benshoof alleges that Owen, Lerman, and their friend
13 Defendant Owen Hermsen, conspired to steal Benshoof’s FJ Cruiser SUV and to
14 prevent him from sharing custody of A.R.W. Dkt. No. 47 ¶¶ 396, 400. At some point,
15 Seattle Police Department (“SPD”) officers, including Defendant Gabriel Ladd,
16 arrested Benshoof even though Benshoof showed them a copy of the denial order.
17 *Id.* ¶¶ 396, 398.

18 On October 21, 2022, King County Superior Court Judge David Keenan
19 issued a final parentage order naming Owen “the sole residential and custodial
20 parent of A.R.W.” with “sole decision-making authority as to *any and all* issues (e.g.,
21
22
23

1 education, medical care, international travel, etc.) having to do with the child.” Dkt.
2 No. 13-1 at 448, 452 (emphasis in original).³

3 Over the next couple years, Benshoof filed lawsuits in superior court against
4 Owen, Lerman, Hermsen, and Cliber. Represented by attorneys Defendants Moshe
5 Admon and Blair Russ, Owen, Lerman, Hermsen, and Cliber moved to classify
6 Benshoof as a vexatious litigant. King County Superior Court Judge Marshall
7 Ferguson issued an Order Restricting Abusive Litigation of Kurt Benshoof, which
8 placed conditions on any future efforts by Benshoof to sue Owen, Lerman, Hermsen,
9 and Cliber.⁴ Without commenting on the propriety of a state court prohibiting an
10 individual from filing an action in federal court, there is no indication in the record
11 that Benshoof complied with Judge Ferguson’s order by seeking leave to proceed
12 with this action before suing Owen, Lerman, Hermsen, and Cliber.

13 The conflict continues and on January 23, 2023, Owen called 911 to have
14 Benshoof arrested for violating the parentage order because A.R.W. walked to
15

16 ³ “In reviewing the sufficiency of a complaint, we limit ourselves to the complaint
17 itself and its attached exhibits, documents incorporated by reference, and matters
properly subject to judicial notice.” *In re NVIDIA Corp. Sec. Litig.*, 768 F.3d 1046,
1051 (9th Cir. 2014).

18 ⁴ Under Rule 201(b), courts may take judicial notice of a fact that is not subject to
19 reasonable dispute because it “can be accurately and readily determined from
20 sources whose accuracy cannot be reasonably questioned.” Fed. R. Evid. 201(b)(2).
Judicial notice may be taken “of court filings and other matters of public record.”
21 *Reyn’s Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir. 2006).
The Court takes judicial notice of *Benshoof v. Cliber et al.*, Case No. 22-2-15958-8
22 (King Cnty. Sup. Ct. February 17, 2023), Dkt. No. 177, Order Restricting Abusive
Litigation of Kurt Benshoof; *see also* Dkt. No. 13-2 at 111-117.

1 Benshoof's house. Dkt. No. 47 ¶ 452. SPD officers, including Defendant Jordan
2 Wallace, responded to the call. The matter ended when A.R.W. left Benshoof's
3 house. *Id.* ¶¶ 453, 456.

4 **2.2 Allegations involving Covid-19 policies and Benshoof's related**
5 **arrests.**

6 Unrelated to his family law concerns, Benshoof makes claims about his
7 refusal to comply with various face-mask policies during the COVID-19 pandemic in
8 2020 and 2021. Benshoof argues that policies requiring members of the public to
9 wear face masks violated his religious beliefs. Benshoof says, "[t]he Breath of Life is
10 sacred: it shall not be restricted nor impeded by coercion" and he is "spiritually
11 proscribed from being coerced or forced to wear a face mask or face shield[.]" *Id.* ¶¶
12 1, 3. He goes on to say "[a] violation of the U.S. Constitution or the Washington
13 Constitution constitutes a violation of [his] firmly held religious beliefs" and his
14 "lawsuits are spiritual documents by which to perform exorcisms, removing demonic
15 forces from the bodies of defendants[.]" *Id.* ¶¶ 7, 10.

16 Benshoof also alleges he cannot wear a face covering because of an
17 unspecified disability. *Id.* ¶¶ 11-12. As for his alleged disability, Benshoof states he
18 "was sexually abused as a child by someone in a position of trust and authority; as
19 such, demands by [D]efendants that [he] restrict his breathing or cover his face
20 were . . . abusive and triggering[.]" *Id.* ¶ 11.

21 Next, Benshoof alleges a wide-ranging "RICO Covid-19 Enterprise" against
22 him that seeks "to coerce Washingtonians to wear Experimental Use Authorization
23 . . . medical devices (e.g., face masks and face shields), and . . . to be injected with an

1 [experimental] biologic or treatment (e.g., Pfizer BioNTech 162B2) by propagating
2 false claims.” Dkt. No. 47 ¶ 16.

3 During 2020 and 2021, employees at Defendants Big 5 Sporting Goods, PCC,
4 and Sprouts Farmers Market, LLC asked Benshoof to leave the premises or to don a
5 face mask in compliance with their policies for entry.⁵ Gage was present during
6 some of these interactions. On one occasion, a PCC manager, Defendant Zachary
7 Cook, called 911 to have Benshoof “removed from the store” because he refused to
8 wear a face covering, and Cook told Gage that she had to leave the store as well
9 even though she was wearing a mask. *Id.* ¶¶ 232, 235. Cook obtained a restraining
10 order against Benshoof in 2021. *Id.* ¶ 245. According to Benshoof, Cook lied in his
11 petition for the restraining order when he claimed that Benshoof yelled and
12 screamed at him. *Id.* ¶¶ 247-48. In 2023, PCC Vice President of Legal Counsel,
13 Defendant Freya Brier, barred Benshoof from entering all PCC stores. *Id.* ¶ 257.

14 SPD officers responded to several of these conflicts between Benshoof and
15 store employees. On September 11, 2020, Benshoof entered Sprouts Farmer’s
16 Market without a mask, and an employee told him to put on a face covering or
17 leave. *Id.* ¶¶ 81-83. The employee “then grabbed all three copies of [Benshoof’s]
18 printed RCW statutes and ran down an aisle.” *Id.* ¶ 86. Benshoof chased after him
19 and grabbed him by the shoulders to recover his printouts. *Id.* ¶ 87.

20
21 ⁵ Benshoof and Gage also name Central CoOp as a Defendant, but the factual
22 allegations against Central CoOp have nothing to do with masking policies.
23 Benshoof alleges a Central CoOp manager stole his shopping bags from him when
he tried to pay for his items. Dkt. No. 47 ¶¶ 273. It’s unclear how the Central CoOp
employee allegedly violated the constitution by taking his bags.

1 Benshoof called 911 to report Sprouts's employee, and five officers responded,
2 including Defendants Benjamin Coomer and David Sullivan. *Id.* ¶¶ 88-89. "Coomer
3 demanded that [Benshoof] hand [over] his groceries and leave the store." *Id.* ¶ 91.
4 While speaking to the officers outside of Sprouts, "without warning, Sullivan
5 grabbed [Benshoof's] papers out of his hand and officers shoved [him] to the ground,
6 knocking [Benshoof's] hat off and putting his forehead to the pavement." *Id.* ¶ 99.
7 The officers arrested Benshoof for assault and criminal trespass. *Id.* ¶ 100.
8 Benshoof was released from King County Jail the same day. *Id.* ¶ 106.

9 On September 16, 2020, Benshoof drove to Sprouts's parking lot and called
10 911 to "make a victim report to police." *Id.* ¶¶ 112-14. Benshoof carried a shotgun
11 strapped to his back. *Id.* ¶ 114. Around eight officers responded to the Sprouts
12 parking lot, including Coomer, and arrested Benshoof. *Id.* ¶ 117-18.

13 A few months later, on December 16, 2020, Benshoof entered PCC with
14 A.R.W. *Id.* ¶ 179. Benshoof refused to wear a face covering. Defendant Matthew
15 Lentz, an SPD officer, responded with another officer. *Id.* ¶ 182. The officers forced
16 Benshoof and A.R.W. to leave without their groceries under threat of arrest. *Id.* ¶
17 184.

18 Around 11:00 p.m. that night, Benshoof sped past an SPD cruiser. *Id.* ¶¶ 188-
19 89. According to Benshoof, he sought to be pulled over so that he could report being
20 escorted out of PCC. *Id.* Defendant David Auderer, an SPD officer, and another
21 officer arrested Benshoof for driving under the influence. *Id.* ¶ 201. Auderer
22 reported Benshoof had constricted pupils and he suspected opiate use. *Id.* ¶ 203.
23 Benshoof denies using any drugs. *Id.* ¶ 202. Auderer took Benshoof to a hospital for

1 a blood draw. *Id.* ¶ 207. Benshoof alleges Auderer improperly completed the
2 warrant authorizing the blood draw because it included the wrong date, did not
3 state whether it was issued pursuant to electronic or telephonic procedure, and “[n]o
4 record of Judge Mary Lynch’s permission to affix her magistrate’s signature to the
5 warrant was filed in the court record of SMC case no. 658268 nor case no. 662870.”
6 *Id.* ¶¶ 209, 211, 214.

7 On February 7, 2021, Benshoof tried to shop at PCC without a face covering.
8 *Id.* ¶ 229. Lentz responded and told Benshoof to leave or be arrested. *Id.* ¶ 234.

9 On September 23, 2021, Benshoof tried to visit Jane Addams Middle School
10 without wearing a face covering. *Id.* ¶ 417. Defendant Justin Booker, Vice Principal,
11 told Benshoof to leave, and “refused to bring A.R.W. outside the front doors to speak
12 with [him].” *Id.* ¶ 420.

13 **2.3 Allegations against judges and prosecutors.**

14 Benshoof alleges Seattle Municipal Court and King County Superior Court
15 judges issued orders and warrants even though he had not been properly served
16 with criminal process. Dkt. No. 47 ¶¶ 283, 454, 460, 470, 479, 483, 490, 498. He also
17 alleges those same judges lacked subject-matter jurisdiction. *Id.* ¶¶ 285, 315, 369,
18 469. Pursuant to a general order issued June 17, 2020, judges would not allow
19 Benshoof to appear in person in the courtroom without a mask unless he presented
20 a valid medical exemption letter. *Id.* ¶¶ 324, 328, 341.

21 Benshoof further alleges that prosecutors failed to provide evidence of the
22 court’s jurisdiction over him. Specifically, he alleges neither Defendant Katrina
23 Outland nor Defendant Soheila Sarrafan, both criminal prosecutors, provided

evidence of legal service of criminal process and that Sarrafan proposed \$250,000 for his bail and only \$5,000 for an African-American defendant in another case. *Id.* ¶¶ 469-70, 482-83, 472, 497-98, 501, 506.

3. DISCUSSION

3.1 Legal Standards.

3.1.1 Rule 12(b)(6).

The Court will grant a Rule 12(b)(6) motion to dismiss only if the complaint fails to allege “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citations omitted). The plausibility standard is less than probability, “but it asks for more than a sheer possibility” that a defendant did something wrong. *Id.* (citations omitted). “Where a complaint pleads facts that are ‘merely consistent with’ a defendant’s liability, it ‘stops short of the line between possibility and plausibility of ‘entitlement to relief.’” *Id.* (quoting *Twombly*, 550 U.S. at 557). In other words, a plaintiff must have pled “more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Id.*

When considering a motion to dismiss, the Court accepts factual allegations pled in the complaint as true and construes them in the light most favorable to the plaintiff. *Lund v. Cowan*, 5 F.4th 964, 968 (9th Cir. 2021). But courts “do not assume the truth of legal conclusions merely because they are cast in the form of factual allegations.” *Fayer v. Vaughn*, 649 F.3d 1061, 1064 (9th Cir. 2011) (citations

(the remainder of the Discussion section is omitted here for brevity)

1 sue immune parties, and allege an extremely implausible RICO conspiracy.
2 *See Gonzalez v. Planned Parenthood of L.A.*, 759 F.3d 1112, 1117 (9th Cir. 2014)
3 (“[T]he district court’s discretion in denying amendment is ‘particularly broad’ when
4 it has previously given leave to amend.”).

5 Benshoof filed a “Notice of Intent to Amend First Amended Complaint and
6 Joinder of Additional Defendants.” Dkt. No. 194. This “notice” does not comply with
7 LCR 15(a), as it does not include a copy of the proposed amended pleading as an
8 exhibit. Looking past this deficiency for the sake of judicial economy, the Court
9 finds that Benshoof’s proposed changes are futile. Benshoof does not propose fixing
10 any of the problems identified by the Court regarding the lack of constitutional
11 violations and state action, or absolute and qualified immunity. Moreover, Benshoof
12 seeks to add several unrelated parties including Jennifer Beus, Darren Feider, Julie
13 Kline, and Dallas LaPierre. He also seeks to add two additional immune parties:
14 King County Superior Court Judge Marshall Ferguson and prosecutor Sarah
15 MacDonald. Accordingly, this notice does not save Benshoof’s claims nor impact the
16 Court’s finding that permitting Plaintiffs’ to amend a second time would be an
17 exercise in futility.

18 Therefore, the Court dismisses Plaintiffs’ First Amended Complaint with
19 prejudice.

20 4. CONCLUSION

21 Accordingly, the Court GRANTS Defendants’ motions to dismiss and
22 DISMISSES all of Plaintiffs’ claims with prejudice.
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Jamal N. Whitehead
United States District Judge

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ATTACHMENT F

Benshoof v. Cliber et al., No. 85092-0-I,
slip op. (Div. 1, Aug. 26, 2024)
(unpublished)

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

KURT BENSHOOF,

Appellant,

v.

NATHAN CLIBER, JESSICA OWEN,
MAGALIE LERMAN, OWEN
HERMSEN,

Respondents.

No. 85092-0-I

DIVISION ONE

UNPUBLISHED OPINION

BIRK, J. — Kurt Benshoof appeals the trial court’s orders dismissing his claims under the Uniform Public Expression Protection Act (UPEPA or the Act), chapter 4.105 RCW, and CR 12(b)(6), finding that he was a vexatious litigant, and restraining future court filings accordingly. We affirm the trial court’s orders and grant the respondents’ request for attorney fees on appeal.

I

Benshoof and his former intimate partner Jessica Owen share a child in common. On September 23, 2021, Owen, represented by attorney Nathan Cliber, initiated a parentage action against Benshoof. On October 21, 2022, King County Superior Court Judge David Keenan entered final orders and awarded Owen sole residential care and decision-making authority for their child.

Between March and October 2022, Benshoof filed at least seven lawsuits against Owen, and dozens of others, in state and federal courts:

On March 1, 2022, Benshoof filed a complaint against Owen, arguing she “converted his Toyota FJ Cruiser,” which was titled in Owen’s name.¹

On March 16, 2022, Benshoof filed a complaint against Owen alleging claims of constructive fraud and intentional infliction of emotional distress relating to a previously shared residence that was titled in Owen’s name.²

On July 18, 2022, Benshoof filed an 85 page petition for writ of habeas corpus and named as respondents Cliber, Judge Keenan, King County Superior Court Commissioner Jason Holloway, Owen, and Magalie Lerman, Owen’s current partner.³

On August 2, 2022, Benshoof attempted to obtain an antiharassment protection order against Cliber based on Cliber’s representation of Owen in the parentage action.⁴

On September 9, 2022, Benshoof filed a 295 page complaint in the United States District Court for the Western District of Washington. Benshoof filed a litany of allegations against dozens of individuals, including the respondents in this action, multiple current and former King County Superior Court judges, former

¹ After Owen voluntarily transferred title to Benshoof, the complaint was dismissed.

² This complaint led to dismissal of Benshoof’s claims, and entry of judgment in favor of Owen on her counterclaims, as described in our opinion of even date in matter number 85465-8-I. As described in that opinion, on September 28, 2022, Benshoof filed a new complaint asserting the same claims he had asserted in his March 16, 2022 complaint, and this record reflects the consolidation of the latter filing with the earlier one. CP 480-82.

³ The writ was denied three days after the petition was filed and the case was dismissed.

⁴ The trial court denied Benshoof’s request.

federal official Anthony Fauci MD, Washington Governor Jay Inslee, and a grocery store in North Seattle, among others.⁵

On September 29, 2022, Benshoof filed an action in King County Superior Court “which was nothing short of a re-filing on the exact same claims” previously dismissed by the United States District Court.

On October 3, 2022, Benshoof filed a complaint against Cliber, Owen, and Lerman for “money damages resulting from Defamation or Abuse of Process.”⁶

The last listed filing underlies this appeal. Benshoof amended his complaint on October 11, 2022, adding Owen’s friend Owen Hermsen as a defendant. Benshoof alleged abuse of process against Owen and Cliber arising from their participation in the parentage action, defamation against Owen and Lerman based on their statements to law enforcement, and “coercion” against Owen and Hermsen related to their alleged refusal to return the Toyota FJ Cruiser to Benshoof.

In response to the October lawsuit, Owen on November 22, 2022, sent Benshoof written notice of her intent to file a special motion under UPEPA. On December 2, 2022, Cliber sent his written notice of intent to file a special motion under UPEPA. Benshoof filed a response and motion for limited discovery, seeking to depose Owen and Cliber as to their communications relating to the

⁵ The district court dismissed Benshoof’s complaint sua sponte.

⁶ These seven lawsuits are the ones evidenced in the record on this appeal. The respondents assert that Benshoof filed more lawsuits against Owen after the time period covered by our record.

various claims. Benshoof did not note the motion for consideration in accordance with King County Superior Court Local Civil Rule (KCLCR) 7(b)(5).

On December 12, 2022, Cliber filed a special motion for expedited relief, arguing “Benshoof’s complaint lacks merit in its entirety and should be dismissed pursuant to the protections provided by [UPEPA].” On the same day, Owen filed a special motion for expedited relief under UPEPA and requested “entry of a vexatious litigant order against [Benshoof] restricting him from continuing to file duplicative and nonsensical claims against her, her friends, and her attorneys.” On January 10, 2023, Lerman and Hermsen filed a “joinder” in Owen’s special motion for expedited relief. Benshoof filed a “response” to the “joinder” and requested discovery to “ensure a full rebuttal of opposing counsels’ claims of litigation privilege.”

On January 13, 2023, Benshoof filed a motion for leave to amend his first amended complaint. Benshoof did not note his motion to amend in accordance with KCLCR 7(b)(5). On January 18, 2023, Benshoof filed a motion to compel discovery from all defendants, a motion to stay Owen’s and Cliber’s special motions, and a motion to continue, all of which were not noted in accordance with KCLCR 7(b)(5).

Owen’s and Cliber’s motions under UPEPA were heard on January 27, 2023. By order dated February 2, 2023, the trial court granted Lerman and Hermsen’s joinder and granted Owen and Cliber’s special motion for expedited relief. The trial court dismissed Benshoof’s abuse of process and defamation claims under UPEPA, and dismissed the coercion claim under CR 12(b)(6), having

ruled orally that “coercion is not a cognizable civil claim in Washington.” The trial court ordered Benshoof to pay the mandatory award of all defendants’ court costs and attorney fees, and ordered Benshoof to pay Owen, Lerman, and Hermesen \$10,000.00 each in statutory damages. The trial court denied Owen’s request for a vexatious litigant order against Benshoof because “Benshoof would need to have an opportunity to more fully respond to that request.”

On February 17, 2023, the defendants filed a joint motion for a vexatious litigant order against Benshoof. The trial court granted the defendants’ joint motion, ruled that Benshoof was a vexatious litigant, and ordered a temporary restriction on Benshoof’s litigation. On March 31, 2023, the temporary restriction was superseded by a subsequent order restricting abusive litigation. The trial court ordered that Benshoof was enjoined and restrained from

initiating any litigation whatsoever in any Superior Court in the state of Washington against Defendants, their attorneys, their friends and family, or any other person related or connected to Defendants (collectively, “Persons Covered by This Order”) unless [Benshoof] first obtains advanced approval from this Court

2. To obtain advance approval from this Court, [Benshoof] shall submit an application to the undersigned Judge/Department 31 in the form of a one-page document. . . . The Court may, at its discretion, request a response from Persons Covered by This Order before ruling on [Benshoof’s] application.

. . . .

4. If [Benshoof] seeks to commence a new action against Persons Covered by This Order in a court *other than* a Superior Court, [Benshoof] must first bring a motion in the other court for leave to proceed with the action. The motion must be filed contemporaneous to the filing of the complaint or petition. The motion for leave must demonstrate that good cause exists to permit the action to proceed given the claims raised in the new complaint

and [Benshoof's] past litigation abuses. If the reviewing court finds good cause has not been show[n] for the action to proceed, it may dismiss the action with prejudice. If the reviewing court determines that sanctions are warranted, it may impose sanctions at the same time the action is dismissed. [Benshoof] shall have an opportunity to explain in writing why sanctions should not be imposed in a post-dismissal motion for reconsideration within ten (10) days of the dismissal.

5. [Benshoof] shall submit a copy of this Order with any future lawsuit he files or attempts to file in any court, including (but not limited to) any federal court.

6. If [Benshoof] fails to abide by the terms of this Order, any party may move, or the Court *sua sponte* may move, for a finding of contempt and sanctions. A contempt finding could result in the imposition of jail time as a sanction.

The trial court ordered the restraint in effect for the next five years. Benshoof appeals.

II

Benshoof argues the trial court erred in finding his claims violated UPEPA, asserting one of his claims falls within a UPEPA exception. We disagree.

The legislature passed UPEPA to safeguard traditional First Amendment rights guaranteed to the public and the press. See RCW 4.105.901. The Act creates a special procedure to resolve cases that target “[c]ommunication in a legislative, executive, judicial, administrative, or other governmental proceeding.” RCW 4.105.010(2)(a). It does this by allowing parties to bring a special motion for expedited relief “to dismiss the cause of action or part of the cause of action.” RCW 4.105.020(2). There are exceptions to UPEPA, one of which is that the Act does not apply to a cause of action “against a person named in a civil suit brought by a victim of a crime against a perpetrator.” RCW 4.105.010(3)(a)(iv).

Benshoof alleged three claims in his October 11, 2022 complaint: abuse of process, defamation, and coercion. Benshoof alleged Owen and Cliber were liable for abuse of process because they “illegally or improperly perverted the King County Family Court system against” Benshoof. Benshoof alleged Owen and Lerman made defamatory statements to either Seattle police officers or to Owen and Benshoof’s child. Benshoof’s coercion claim stemmed from Hermsen’s demand that Benshoof pay Owen for the return of what Benshoof asserted was his FJ Cruiser. The respondents’ filed their special motions for expedited relief to defend against Benshoof’s abuse of process and defamation claims because the claims stemmed from either their participation in the parentage action or statements made to law enforcement. In contrast, Owen requested the trial court dismiss the coercion claim under CR 12(b)(6), arguing it was not a cognizable cause of action in Washington. In its oral ruling, the trial court agreed that UPEPA did not apply to the coercion claim, and instead dismissed the claim under CR 12(b)(6).

On appeal, Benshoof argues his coercion claim falls within the UPEPA crime victim exception. Because the trial court did not dismiss the coercion claim under UPEPA, it is irrelevant whether the claim meets an exception to the Act. Benshoof does not otherwise assign error to the dismissal of his coercion claim, and therefore establishes no entitlement to appellate relief.

III

Benshoof argues the trial court erred in dismissing his claims under UPEPA without allowing discovery and a stay of hearing the special motions for expedited relief pending such discovery. We disagree.

On the giving of notice of intent to file a special motion for expedited relief, or the filing of the motion, “[a]ll other proceedings between the moving party and responding party, including discovery and a pending hearing or motion, are stayed.” RCW 4.105.030(1)(a). The stay remains in effect until entry of an order ruling on the motion. RCW 4.105.030(2). A trial court “may allow limited discovery if a party shows that specific information is necessary to establish whether a party has satisfied or failed to satisfy a burden under RCW 4.105.060(1) and the information is not reasonably available unless discovery is allowed.” RCW 4.105.030(4). Use of the term “may” in RCW 4.105.060(1) means that the trial court has discretion whether to allow limited discovery under the statute. See In re Pers. Restraint of Dove, 196 Wn. App. 148, 155, 381 P.3d 1280 (2016) (use of term “may” in statute providing that the court may require a defendant to pay costs means that the trial court has discretion whether to impose costs). A trial court abuses its discretion when its order is manifestly unreasonable or based on untenable grounds or for untenable reasons. Lindgren v. Lindgren, 58 Wn. App. 588, 595, 794 P.2d 526 (1990).

Benshoof filed a motion to compel discovery, a motion to stay Owen’s and Cliber’s special motions, and a motion to continue. However, Benshoof did not note any of these motions for consideration in accordance with KCLCR 7(b)(5), so

the trial court did not rule on them. Because Benshoof failed to note his motions, the trial court had no opportunity to exercise its discretion and made no rulings. Doyle v. Lee, 166 Wn. App. 397, 404, 272 P.3d 256 (2012). Therefore, these issues are not before us.

IV

Benshoof argues the trial court erred in allowing Lerman and Hermesen to join Owen's motion for expedited relief. However, Benshoof argues that joinder was improper for the first time on appeal. RAP 2.5(a) generally does not allow parties to raise issues for the first time on appeal. We decline to address this issue.

V

Benshoof challenges the trial court's order finding him to be a vexatious litigant.

The First Amendment to the United States Constitution provides that Congress shall make no law abridging the right of the people to "petition the Government for a redress of grievances." Under the Fourteenth Amendment, the First Amendment applies to the States. Cantwell v. State of Connecticut, 310 U.S. 296, 303, 60 S. Ct. 900, 84 L. Ed. 1213 (1940). The Petition Clause "protects the right of individuals to appeal to courts and other forums established by the government for resolution of legal disputes." Borough of Duryea, Pa. v. Guarnieri, 564 U.S. 379, 387, 131 S. Ct. 2488, 180 L. Ed. 2d 408 (2011). But when a petition "takes the form of a lawsuit," it may be "particularly disruptive," because "[m]ounting a defense to even frivolous claims" may consume a defendant's time and resources. Id. at 390. A lawsuit may be used "as a powerful instrument of

coercion or retaliation.” Bill Johnson’s Rests., Inc. v. Nat’l Lab. Rels. Bd., 461 U.S. 731, 740, 103 S. Ct. 2161, 76 L. Ed. 2d 277 (1983). Lawsuits “based on insubstantial claims” that lack a “ ‘reasonable basis’ ” are “not within the scope of First Amendment protection.” Id. at 743. Thus, a lawsuit amounting to a “ ‘mere sham’ ” receives no constitutional protection. Id. at 744 (quoting Cal. Motor Transp. Co. v. Trucking Unlimited, 404 U. S. 511, 92 S. Ct. 609, 30 L. Ed. 2d 641 (1972)).

Consistent with these principles, we have held that every court of justice in Washington has inherent power to control the conduct of litigants who impede the orderly conduct of proceedings. Yurtis v. Phipps, 143 Wn. App. 680, 693, 181 P.3d 849 (2008). “[T]rial courts have the authority to enjoin a party from engaging in litigation upon a ‘specific and detailed showing of a pattern of abusive and frivolous litigation.’ ” Id. (quoting Whatcom County v. Kane, 31 Wn. App. 250, 253, 640 P.2d 1075 (1981)). “We review a trial court’s order limiting a party’s access to the court for an abuse of discretion.” Bay v. Jensen, 147 Wn. App. 641, 657, 196 P.3d 753 (2008).

Because Benshoof does not assign error to the trial court’s findings of fact, we accept them as true. Cowiche Canyon Conservancy v. Bosley, 118 Wn.2d 801, 808, 828 P.2d 549 (1992). The trial court found that after his first complaint against Owen was dismissed with prejudice, Benshoof filed two additional complaints against Owen in the United States District Court and the King County Superior Court, the second of which “was nothing short of a re-filing on the exact same claims previously dismissed.” Benshoof then filed the lawsuit underlying this

appeal, and when Owen “sought to consolidate this matter with the other matter assigned to [the trial court], [Benshoof] filed an affidavit of prejudice. This was a concerted effort to circumvent the prior orders of the [s]uperior [c]ourt.” The trial court found that

[t]his case marked the fifth civil complaint filed by [Benshoof] against [Owen] in a nine-month period. In this action, [Benshoof] cited to the above-mentioned, previously adjudicated matters, King County Superior Court Cause Nos. 21-5-00680-6-SEA and 21-2-11149-8-SEA, alleging, among other things, “Defendants Cliber and Owen illegally and improperly perverted the King County Family Court system against [Benshoof].”

[] When [Owen] and [Cliber] availed themselves of the protections found in Ch. 4.105 RCW, [Benshoof] responded by threatening to file yet more litigation against the same parties arising out of the same “facts”.

The trial court concluded Benshoof “engaged in an extensive pattern of abusive litigation and weaponization of the court system against these defendants, their friends and family, and their attorneys. This pattern of abusive litigation has taken a significant emotional and financial burden on the defendants.” We accept these findings as true and in any event they are amply supported by the record. They in turn support the conclusion that Benshoof’s resort to the courts should be restrained. The trial court did not abuse its discretion in filing a vexatious litigant order against Benshoof.

VI

Benshoof argues the trial court’s vexatious litigant order is overbroad and “so vague as to be incapable of compliance.” We disagree.

Due process under both the state and federal constitutions requires that citizens have fair warning of proscribed conduct. State v. Bahl, 164 Wn.2d 739, 752, 193 P.3d 678 (2008). In Washington, the test for vagueness is the “common intelligence” test. State v. Reader’s Dig. Ass’n, 81 Wn.2d 259, 273, 501 P.2d 290 (1972). “An ordinance or statute is ‘void for vagueness if it is framed in terms so vague that persons of common intelligence must necessarily guess at its meaning and differ as to its application.’ ” City of Seattle v. Eze, 111 Wn.2d 22, 26, 759 P.2d 366 (1988) (quoting O’Day v. King County, 109 Wn.2d 796, 810, 749 P.2d 142 (1988)). “The purpose of the vagueness doctrine is to ensure that citizens receive fair notice as to what conduct is proscribed, and to prevent the law from being arbitrarily enforced.” Haley v. Med. Disciplinary Bd., 117 Wn.2d 720, 739-40, 818 P.2d 1062 (1991).

The trial court ordered that Benshoof was enjoined from “initiating any litigation whatsoever in any Superior Court in the state of Washington against Defendants, their attorneys, their friends and family, or any other person related or connected to Defendants (collectively, ‘Persons Covered by This Order’) unless [Benshoof] first obtains advanced approval from this Court.” Persons of common intelligence can understand the trial court’s order to mean that Benshoof may not file suit without permission against defendants known to be—or based on their being—related or connected to the respondents. This limitation is clearly necessary in light of Benshoof’s past abusive litigation tactics targeting the respondents’ friends and family. The transparent and improper purpose of Benshoof’s tactic is to attempt to control and isolate the respondents by using

litigation to deter others from being associated with or supporting them. Benshoof's argument that he is at risk of violating the order by inadvertently suing a person he cannot know to be related or connected to the respondents is a remote and fanciful risk, particularly given Benshoof's documented history of seeking out persons related or connected to the respondents to target in his baseless filings. And the order is narrowly tailored because it does not prohibit Benshoof from suing, but merely requires that he obtain advance permission to ensure that any new lawsuit is a legitimate one rather than merely another episode in his saga of revenge and abuse. The trial court's order is not overbroad or vague.

VII

Benshoof argues the trial court erred in entering judgments for attorney fees against Benshoof because "the Court should not have ruled on the UPEPA claims without first allowing discovery and a full hearing." We disagree.

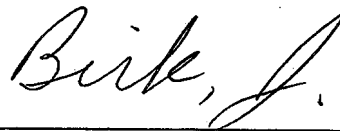
On a special motion for expedited relief, the trial court "shall award court costs, reasonable attorneys' fees, and reasonable litigation expenses related to the motion: (1) To the moving party if the moving party prevails on the motion." RCW 4.105.090. Because the trial court properly granted the respondents' special motion for expedited relief, the award of attorney fees was statutorily mandated. There was no error.

VIII

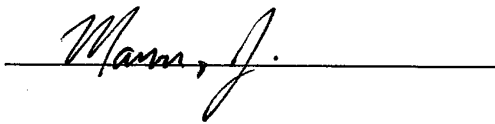
Cliber, Owen, Lerman, and Hermesen seek attorney fees and costs on appeal. Under RAP 18.1, a party may seek reasonable attorney fees on appeal. We may award attorney fees on appeal if a contract, statute, or recognized ground

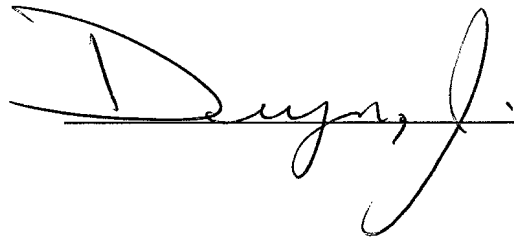
in equity permits recovery of attorney fees at trial and the party substantially prevails. Judges of the Benton & Franklin Counties Super. Ct. v. Killian, 195 Wn.2d 350, 363, 459 P.3d 1082 (2020). Because UPEPA authorizes an award of attorney fees and costs, RCW 4.105.090, and the respondents prevail on appeal, we grant their requests for attorney fees and costs subject to their further compliance with RAP 18.1(d).

Affirmed.



WE CONCUR:





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ATTACHMENT G

Benshoof v. Cliber et al., No. 85092-0-I,
Respondent's Brief (Appendix A) (table of Mr.
Benshoof's lawsuits up to January, 2024)

APPENDIX A

Ex.	85092-0-I (CP)	Date Filed	Cause No.	Title	Court	Judge	Status
1	354	09/15/2021	21-2-12270-8 SEA	Benshoof v. Owen	King County Superior	Commissioner	<i>Dismissed</i>
2	1063	03/01/2022	22-2-02932-3 SEA	Benshoof v. Owen	King County Superior	Williams	<i>Dismissed</i>
3	1085 ¹	03/16/2022	22-2-03826-8 SEA [consolidated with 22-2-15745-3 SEA]	Benshoof v. Owen	King County Superior	Wildan	<i>Dismissal on appeal</i> [85465-8-I]
4	356, 1239 ²	07/18/2022	22-2-11112-7 SEA	Benshoof v. Keenan; Cliber; Owen; Lerman	King County Superior	Rosen	<i>Dismissed</i>
5	1554-56 ³	08/01/2022	22CIV11976KCX	Benshoof v. Cliber	King County District Court, Shoreline	Pro Tem	<i>Petition Denied</i>
6	566 ⁴	09/09/2022	2:22-cv-01281-LK	Benshoof (and on behalf of ARW) v. Anthony Fauci, Owen, Cliber, Russ, Lerman, <i>et al.</i>	United States District Court, Western District of Washington	King	<i>Dismissed</i>
7	1791	09/28/2022	22-2-15745-3 SEA [consolidated with 22-2-03826-8 SEA]	Benshoof v. Owen	King County Superior	Wildan	<i>Dismissal On appeal</i> [85465-8-I]
8	Subject Case	10/03/2022	22-2-15958-8 SEA	Benshoof v. Cliber, Owen, Lerman <i>et al.</i>	King County Superior	Ferguson	<i>Dismissal On appeal</i> [85092-0-I]
9	1608 ⁵	01/26/2023	23-2-02503-2 SEA	Benshoof v. Lerman	King County Superior	Commissioner	<i>Petition Denied</i>
10	Petition ⁶ Attached	05/04/2023		Benshoof v. Keenan and Owen	Washington State Supreme Court	Gonzalez	<i>Dismissed</i>

¹ CP 1066 in 85468-8-I

² CP 963 in 85465-8-I

³ CP 977 in 85465-8-I

⁴ CP 1223 in 85465-8-I

⁵ CP 964 in 85465-8-I

⁶ See Respondent Owen's answering brief at fn. 5.

APPENDIX A

11	CP 2112	05/22/2023	2:23-cv-00751-RAJ	Benshoof v. Keenan, Diaz, Owen	United States District Court Western District of Washington at Seattle	Jones	<i>Dismissed</i>
12	Notice of Appeal Attached ⁷	06/23/2023	23-35418	Benshoof v. Keenan, Diaz, Owen	United States Court of Appeals for the Ninth Circuit	N/A	<i>Dismissal Affirmed</i>
13	CP 2223-49 ⁸	09/7/2023	23-cv-1392-JNW	Benshoof v. Cliber, Ferguson, Widlan, Russ, Lerman, <i>et al.</i>	United States District Court Western District of Washington at Seattle	Whitehead	<i>Pending</i>
14	Subject Appeal	04/07/2023	85092-0-I	Benshoof v. Cliber, <i>et al.</i>	COA Div 1	N/A	<i>Pending</i>
15		06/15/2023	85465-8-I	Benshoof v. Owen	COA Div 1	N/A	<i>Pending</i>
16	Petition Attached ⁹	11/09/2023	<i>Not assigned</i>	Benshoof v. City of Seattle, Keenan, Owen	Supreme Court of the United States	N/A	<i>Pending</i>
17	Answer and Counterclaim Attached	11/28/2023	2:23-cv-01829-MLP	Seattle School Dist. v. Benshoof (and on behalf of ARW) v. Owen, Cliber, Russ, <i>et al</i>	United States District Court Western District of Washington	Peterson	<i>Pending</i>

⁷ See Respondent Owen's answering brief at fn. 5.

⁸ CP 1223 in 85465-8-I

⁹ See Respondent Owen's answering brief at fn. 5.

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ATTACHMENT H

Benshoof v. Cliber et al., 22-2-15958-8
SEA, Order Restricting Abusive
Litigation (Mar. 31, 2023)

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7 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
IN AND OF THE COUNTY OF KING

8 KURT BENSHOOF,

9 Plaintiff,

10 v.

11 NATHAN CLIBER, JESSICA OWEN,
12 MAGALIE LERMAN, and OWEN
13 HERMSEN

Defendants.

NO. 22-2-15958-8 SEA

**ORDER RESTRICTING ABUSIVE
LITIGATION OF KURT BENSHOOF**

14 This Court has determined that Kurt Benshoof is a vexatious litigant, that he has
15 engaged in an extensive pattern of abusive litigation and weaponization of the court system
16 against Defendants, and that Defendants are entitled to entry of an order restricting Mr.
17 Benshoof's ability to file abusive legal actions against them, their friends and family, and their
18 respective counsel. *See* Dkt. #177 (Order Granting Defendants' Joint Motion for a Vexatious
19 Litigant Order Against Plaintiff, And Temporary Order Restricting Abusive Litigation By Kurt
20 Benshoof). The Court incorporates that order by reference as if set forth fully herein and makes
21 the following additional findings and final orders:
22
23

ORDER RESTRICTING ABUSIVE LITIGATION OF KURT
BENSHOOF - 1

**TOMLINSON
BOMSZTYK
RUSS**

1000 Second Avenue, Suite 3680,
Seattle, Washington 98104-1048
P/ 206.621.1871 F/ 206.621.9907

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1 **PRIOR ABUSIVE FILINGS BY MR. BENSHOOF**

2 **King County Superior Court Cause No. 22-2-02932-3 SEA**

3 1. On March 1, 2022, Mr. Benshoof filed his first of several complaints against Ms.
4 Owen arising from his claim that Ms. Owen had converted his Toyota FJ Cruiser, which was
5 titled in Ms. Owen's name.

6 2. After Ms. Owen voluntarily transferred title to Plaintiff, that matter was
7 dismissed.

8 3. However, and despite the vehicle being voluntarily transferred to him, Plaintiff
9 continued to allege facts in this case (and others) regarding the vehicle.

10 **King County Superior Court Cause No. 22-2-03826-8 SEA**

11 1. On March 16, 2022, Plaintiff filed another complaint against Ms. Owen.

12 2. In that complaint, Mr. Benshoof alleged claims of constructive fraud and
13 infliction of emotional distress relating to a previously shared residence (titled in Ms. Owen's
14 name). Further, and similar to the allegations alleged in this matter, Mr. Benshoof claimed that
15 Ms. Owen wrongfully filed police reports against him.

16 3. On June 24, 2022, Ms. Owen filed a motion to dismiss Mr. Benshoof's claims
17 in that lawsuit pursuant to CR 12(c). Judge Robertson granted Ms. Owen's motion on July 22,
18 2022, and his claims were dismissed with prejudice. Judge Robertson determined Mr.
19 Benshoof's claims were either time-barred or failed to state a claim upon which relief could be
20 granted.

21 4. As to the claims concerning Ms. Owen's communications with law enforcement,
22 those were dismissed because they did not remotely rise to anything close to a viable cause of
23 action.

1 5. Additionally, Judge Robertson's order admonished Mr. Benshoof's filings as
2 follows:

3 Plaintiff improperly attempt[ed] to "amend" the complaint via a
4 filing of an "amended" complaint coupled with what purports to be
5 criminal allegations. These items were all filed on 7/15/22 without
6 leave of this court. Plaintiff failed to comply with CR 15 to permit
7 an amendment of the complaint. However, *even if* this amended
8 complaint were to be considered, it falls under the same merits as
9 above [time-barred & failure to state a claim upon which relief can
10 be granted].

11 Plaintiff's Response to this motion was improper and untimely, and
12 Plaintiff failed to follow local rules regarding service of working
13 copies to the Court. However, the response was given consideration
14 by this Court as if it were filed timely. In this Response, Plaintiff
15 failed to provide any legal basis to deny Defendant's motion [to
16 dismiss].

17 **King County Superior Court Case No. 22-2-1112-7 SEA**

18 1. On July 18, 2022, Mr. Benshoof filed an 85-page Petition for Writ of Habeas
19 Corpus and named Mr. Cliber, Judge David Keenan, Commissioner Jason Holloway, Ms.
20 Owen, Ms. Lerman, and one other individual as Respondents. The writ was denied three days
21 after it was filed and the case was dismissed.

22 **King County District Court Cause No. 22CIV11976KCX**

23 1. On August 2, 2022, Mr. Benshoof attempted to obtain an anti-harassment
protection order against Mr. Cliber based on Mr. Cliber's representation of Ms. Owen in the
Parentage Action. The court denied Mr. Benshoof's request.

**U.S District Court for the Western District of Washington Cause No. 2:22-cv-
01281-LK and King County Superior Court Cause No. 22-2-15745-3 SEA**

 1. Following Judge Robertson's dismissal of his claims, Mr. Benshoof filed two
other complaints against Ms. Owen on September 9, 2022, and September 29, 2022,
respectively.

1 2. In the first of these two actions (the “Federal Action”), Mr. Benshoof filed a
2 litany of allegations against dozens of people, including all named Defendants here and multiple
3 sitting King County Superior Court Judges.

4 3. On September 26, 2022, Judge Lauren King dismissed Mr. Benshoof’s nearly
5 300-page complaint *sua sponte*.

6 4. Three days later, Mr. Benshoof filed another action which was nothing short of
7 a re-filing on the exact same claims previously dismissed by Judge Robertson (King Co. Sup.
8 Ct. No. 22-2-15745-3).

9 **King County Superior Court Cause No. 22-2-15958-8 SEA (this case)**

10 1. On October 3, 2022, Mr. Benshoof filed the present action. When Ms. Owen
11 sought to consolidate this matter with the other matter assigned to Judge Robertson, Mr.
12 Benshoof filed an affidavit of prejudice. This was a concerted effort to circumvent the prior
13 orders of the Superior Court.

14 2. This case marked the fifth civil complaint filed by Mr. Benshoof against Ms.
15 Owen in a nine-month period. In this action, Mr. Benshoof cited to the above-mentioned,
16 previously adjudicated matters, King County Superior Court Cause Nos. 21-5-00680-6 SEA
17 and 21-2-11149-8 SEA, alleging, among other things, “Defendants Cliber and Owen illegally
18 or improperly perverted the King County Family Court system against Plaintiff.”

19 3. When Ms. Owen and Mr. Cliber availed themselves of the protections found in
20 Ch. 4.105 RCW, Mr. Benshoof responded by threatening to file yet more litigation against the
21 same parties arising out of the same “facts”.

22 4. On March 17, 2023, this Court dismissed the one remaining claim asserted by
23 Mr. Benshoof after having previously dismissed all other claims.

1 Based on the factual findings above, this Court concludes that Mr. Benshoof has
2 engaged in an extensive pattern of abusive litigation and weaponization of the court system
3 against these defendants, their friends and family, and their attorneys. This pattern of abusive
4 litigation has taken a significant emotional and financial burden on the defendants.
5 Accordingly, the Court imposes the following filing restrictions against Mr. Benshoof.

6 FILING RESTRICTIONS

7 Based on the pattern of abusive litigation detailed above, the court enters the following
8 filing restrictions which will apply to any and all future litigation Mr. Benshoof may attempt
9 to bring. These restrictions shall be in effect for five (5) years from the date of the entry of
10 this order.

11 1. Kurt Benshoof is hereby **ENJOINED AND RESTRAINED**, in both an
12 individual and in any representative capacity, from initiating any litigation whatsoever in any
13 Superior Court in the state of Washington against Defendants, their attorneys, their friends
14 and family, or any other person related or connected to Defendants (collectively, "Persons
15 Covered by This Order"), unless Mr. Benshoof first obtains advanced approval from this
16 Court.

17 2. To obtain advance approval from this Court, Mr. Benshoof shall submit an
18 application to the undersigned Judge/Department 31 in the form of a one-page document, in
19 twelve-point type, that provides a summary of the parties involved and the proposed claims
20 or issues.¹ The proposed complaint/petition shall be attached to the summary. No other
21
22

23 ¹ Mr. Benshoof shall submit the application by filing it under the current case caption, King County Superior Court Case No. 22-2-15958-8 SEA, with copies served via e-mail on all parties and counsel of record.

1 exhibits or attachments may be included. The Court may, at its discretion, request a response
2 from Persons Covered by This Order before ruling on Mr. Benshoof's application.

3 3. Any new case against Persons Covered by This Order filed by Mr. Benshoof
4 with Court approval in King County Superior Court shall be assigned to the undersigned
5 judge/Department 31.

6 4. If Mr. Benshoof seeks to commence a new action against Persons Covered by
7 This Order in a court *other than* a Superior Court, Mr. Benshoof must first bring a motion in
8 the other court for leave to proceed with the action. The motion must be filed
9 contemporaneous to the filing of the complaint or petition. The motion for leave must
10 demonstrate that good cause exists to permit the action to proceed given the claims raised in
11 the new complaint and Mr. Benshoof's past litigation abuses. If the reviewing court finds
12 good cause has not been show for the action to proceed, it may dismiss the action with
13 prejudice. If the reviewing court determines that sanctions are warranted, it may impose
14 sanctions at the same time the action is dismissed. Mr. Benshoof shall have an opportunity to
15 explain in writing why sanctions should not be imposed in a post-dismissal motion for
16 reconsideration within ten (10) days of the dismissal.

17 5. Mr. Benshoof shall submit a copy of this Order with any future lawsuit he files
18 or attempts to file in any court, including (but not limited to) any federal court.

19 6. If Mr. Benshoof fails to abide by the terms of this Order, any party may move,
20 or the Court *sua sponte* may move, for a finding of contempt and sanctions. A contempt
21 finding could result in the imposition of jail time as a sanction. The Court has attached the
22 Knight warnings to this Order.

1 DONE this 31st day of March, 2023.

2 
3 The Hon. Marshall Ferguson

4 Presented by:

5 GORDON REES SCULLY MANSUKHANI, LLP

6 By: /s/ Kyle J. Rekofke
7 Kyle J. Rekofke, WSBA #49327
8 Attorney for Defendant Nathan Cliber

9 TOMLINSON BOMSZTYK RUSS

10 By: AM
11 Anthony S. Marinella, WSBA #55611
12 Attorney for Defendant Jessica Owen

13 ADMON LAW FIRM, PLLC

14 By: /s/ Moshe Y. Admon
15 Moshe Y. Admon
16 Attorney for Defendants Lerman and Hermesen

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ATTACHMENT I

Benshoof v. Cliber et al., 22-2-15958-8 SEA,
Order Finding of Contempt (Mar. 1, 2024)

The Honorable Marshall Ferguson

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

KURT BENSHOOF,

Plaintiff,

v.

NATHAN CLIBER, JESSICA OWEN and
MAGALIE LERMAN,

Defendants.

Case No. 22-2-15958-8 SEA

**ORDER FINDING OF CONTEMPT
AND IMPOSING SANCTIONS
AGAINST PLAINTIFF KURT
BENSHOOF**

This matter comes before the Court on Defendant Nathan Cliber's Motion for Finding of Contempt and Sanctions Against Plaintiff Kurt Benshoof ("Cliber's Motion"), Defendant Jessica Owen's Motion for Finding and Contempt and Sanctions Against Plaintiff Kurt Benshoof ("Owen's Motion"). The Court considered the arguments of the parties, the documents and pleadings on file herein, including the following:

- Cliber's Motion;
- The Declaration of Sarah N. Turner in Support of Cliber's Motion;
- Plaintiff's Opposition to Cliber's Motion;
- Defendant Nathan Cliber's Reply in Support of Cliber's Motion;
- Owen's Motion;
- The Declaration of Jessica Owen in Support of Owen's Motion;
- The Declaration of Paige Gagliardi in Support of Owen's Motion;

- The Declaration of Moshe Y. Admon in Support of Cliber's and Owen's Motions;
- Plaintiff's Opposition to Owen's Motion; and
- Defendant Jessica Owen's Reply in Support of Owen's Motion.

Based upon such review and consideration, the Court GRANTS both Cliber's Motion and Owen's Motion, and enters the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

1. Plaintiff has disregarded and failed to comply with this Court's Order Restricting Abusive Litigation of Kurt Benshoof (the "Abusive Litigation Order") (Dkt. 189) in his filing and attempted service of new claims and causes of action in Western District of Washington Case No. 2:23-cv-01392-JNW and Western District of Washington Case No. 2:23-cv-01829-JHC (now JNW) upon Defendants Nathan Cliber, Jessica Owen, and the other "Persons Covered by This Order" (as those persons are defined in the Abusive Litigation Order);

2. Specifically, Plaintiff failed to file a contemporaneous motion for leave to proceed with his claims against Mr. Cliber, Jessica Owen and other Persons Covered by This Order (as those persons are defined in the Abusive Litigation Order) in both Case No. 2:23-cv-01392-JNW and Case No. 2:23-cv-01829-JHC, as required by the Abusive Litigation Order (at p. 6, ¶ 4);

3. Plaintiff also failed to file a copy of the Abusive Litigation Order with the federal court in Case No. 2:23-cv-01829-JHC, as required by the Abusive Litigation Order (at p. 6, ¶ 5);

4. In Case No. 2:23-cv-01392-JNW, Plaintiff did file a copy of the Abusive Litigation Order, but he did so by burying the order among 2,034 pages of exhibits to his complaint. Plaintiff filed a 184-page original complaint and later a 280-page amended complaint in Case No. 2:23-cv-01392-JNW. Plaintiff's 2,034-page exhibit filing occurred on September 26, 2023, seven calendar days after Plaintiff filed the original complaint. Within the 2,034 pages of exhibits, the Abusive Litigation Order can be found at Pages 563 through 571. Plaintiff buried the Abusive Litigation Order among numerous other exhibits to reduce the likelihood that the federal court would become aware of the order;

1 5. Plaintiff is in contempt of court for violating the Abusive Litigation Order.

2 6. The Abusive Litigation Order warned Mr. Benshoof that if he “fails to abide by the
3 terms this Order, any party may move, or the Court *sua sponte* may move, for a finding of contempt
4 and sanctions. A contempt finding could result in the imposition of jail time as a sanction.”
5 Abusive Litigation Order (p. 6, ¶ 6);

6 7. The Abusive Litigation Order included the Knight¹ warnings as an attachment;

7 8. The Abusive Litigation Order clearly and unequivocally states that the filing
8 restrictions in the order “apply to any and all future litigation Mr. Benshoof may attempt to bring”
9 against the protected persons. Abusive Litigation Order, p. 5. The order further states that Mr.
10 Benshoof is “**ENJOINED AND RESTRAINED**...from initiating any litigation whatsoever in
11 any Superior Court in the state of Washington... unless Mr. Benshoof first obtains advanced
12 approval from this Court” and that “If Mr. Benshoof seeks to commence a new action...in a court
13 *other than* a Superior Court, Mr. Benshoof must first bring a motion in the other court for leave to
14 proceed with the action.” *Id.*, p. 5, ¶ 1 and p. 6, ¶ 4. Although the Abusive Litigation Order is
15 clear and unambiguous, the Court now clarifies, as guidance for Mr. Benshoof, that terms like “any
16 and all future litigation” and “new action” in the Abusive Litigation Order include all claims,
17 counterclaims, crossclaims, third party actions, and any other claims whatsoever brought by Mr.
18 Benshoof in any court against the “Persons Covered by This Order” as defined in the Abusive
19 Litigation Order.

20 9. Although the present Order does not include jail time as a sanction, any future
21 violation(s) of the Abusive Litigation Order by Mr. Benshoof could potentially result in jail time
22 as a remedial or punitive sanction.

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¹ *State ex rel. Schmitz v. Knight*, 142 Wn. App. 291, 174 P.3d 1198 (2007).

1 Based upon the above findings of fact and conclusions of law, the Court ORDERS the
2 following sanctions:

3 A. Mr. Benshoof is ordered to pay the attorneys' fees and costs incurred by Defendants
4 in bringing their respective motions for finding of contempt and sanctions against Mr. Benshoof,
5 including supporting filings, declarations, and replies. Defendants shall submit their respective
6 fee petitions to the Court within **14 days** of this Order.

7 B. Mr. Benshoof shall pay the attorneys' fees and costs incurred by Mr. Cliber in
8 bringing the Abusive Litigation Order to the attention of the federal court in Western District of
9 Washington Case No. 2:23-cv-01392-JNW and Western District of Washington Case No. 2:23-
10 cv-01829-JHC (now JNW). Mr. Cliber shall submit his fee petition to the Court within **14 days**
11 of this Order.

12 C. The Abusive Litigation Order's expiration date is extended by one year, to **March**
13 **31, 2029**.

14 D. Mr. Benshoof shall file the leave motion ("Leave Motion") required by the Abusive
15 Litigation Order in both Western District of Washington Case No. 2:23-cv-01392-JNW and
16 Western District of Washington Case No. 2:23-cv-01829-JHC (now JNW) as to any and all
17 Persons Covered by This Order, excluding Mr. Cliber, and including Moshe Admon, Owen
18 Hermesen, Magalie Lerman, Jessica Owen, and Blair Russ (collectively, "Other Named Defendants
19 Covered by this Order"). Such motion ("Leave Motion") shall be captioned "Motion for Leave to
20 Proceed Against Certain Parties in Accordance with the Order Restricting the Abusive Litigation
21 of Kurt Benshoof" and shall conspicuously identify the Abusive Litigation Order in the statement
22 of facts. Plaintiff shall attach a copy of the Abusive Litigation Order as an exhibit to a separately
23 filed supporting declaration, appendix, or addendum to the Leave Motion.

24 E. Upon filing the Leave Motions, Mr. Benshoof shall file proof in this action of such
25 filings in the federal court cases. Absent obtaining leave to proceed against the Other Named
26

1 Defendants Covered by this Order, Mr. Benshoof shall refrain from taking any action in pursuit of
2 his claims against those individuals including but not limited to, attempting effectuate service and
3 seeking affirmative relief in any form. To the extent necessary to comply with an impending
4 deadline, Mr. Benshoof may seek to extend that deadline to an extent necessary to accommodate
5 a ruling on the Leave Motion.
6

7 **F. Beginning one calendar week from the entry of this Order, for each day Mr.**
8 **Benshoof has failed to the file the Abusive Litigation Order's required leave motion in BOTH**
9 **pending actions, or otherwise dismissed claims in those actions against the Other Named**
10 **Defendants Covered by This Order, an ongoing remedial sanction shall be entered against**
11 **him in the amount of \$250 per day, per Other Defendant Covered by This Order. Mr.**
12 Benshoof shall deposit such accrued amounts in the King County Superior Court Registry under
13 this cause number and the Other Named Defendants may, at their option, apply for disbursement
14 or seek to enter a judgment for any accrued amounts not so deposited.

15 **G.** For any further legal proceedings filed by Mr. Benshoof in violation of the Abusive
16 Litigation Order, he shall be assessed, in addition to any other sanction which may be imposed, a
17 per diem sanction of \$250.00 per day per Person Covered by the Order named as a defendant in
18 such action.

19 DATED this 1st day of March, 2024.

20
21 THE HONORABLE MARSHALL FERGUSON
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King County Superior Court
Judicial Electronic Signature Page

Case Number: 22-2-15958-8
Case Title: BENSHOOF VS CLIBER ET AL
Document Title: ORDER RE CONTEMPT SANCTIONS

Signed By: Marshall Ferguson
Date: March 01, 2024



Judge: Marshall Ferguson

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: A4ABB09C7C1D81F742E845B69E1C4CD6FEAA5E8C
Certificate effective date: 7/17/2023 2:21:34 PM
Certificate expiry date: 7/17/2028 2:21:34 PM
Certificate Issued by: C=US, E=kcscefiling@kingcounty.gov, OU=KCDJA,
O=KCDJA, CN="Marshall Ferguson:
8skMktsk7hG1yuM6zbJ6iw=="

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ATTACHMENT J

GO Reports 15-393435, 15-424720 (re:
DV investigations in 2015)

Report Number 2015-393435 - Incident / Offense Report Report

REPORT DATE / TIME	PRECINCT / SECTOR / BEAT / RA / SUBDIVISION 5	CAD EVENT START DATE / TIME - CAD EVENT END DATE / TIME
Nov 10, 2015 15:17	N / N / N2 / 2337	Nov 9, 2015 20:00 - 20:00
REPORT WRITER		
STEVEN KIM #5955		
REPORT TAKEN LOCATION		
1716 N 128 ST, SEATTLE 98133		
LEGACY DATA		
GO_X_COORDINATE: 1270460 GO_GRID: 2337 GO_MUNICIPALITY: SEATTLE GO_LOCATION: 1716 N 128 ST PROPERTY_INFO: N DRUG_INFO: N GO_Y_COORDINATE: 267166		REPORT_NOTIFICATION_GROUP: V/C CLEARANCE NOTIFICATION - NOTIFIED: N ; DATE: ; NOTIFIED BY: ; HOW NOTIFIED: ENTRY_DATE: 11-NOV-15 GO_DISTRICT: N OP_STATUS: REFERRED -CITY ATTN LAW DEPT BY FOLLOW-UP UNIT, Cleared By: 5912 CLEARANCE_INFO: Y GO_ZONE: N2

NARRATIVE

Document No: GO0016288470001

Subject: NARRATIVE

Author: STEVEN KIM (5955)

Date: 2015-11-10 16:02:00

[TT_VERSION 1.0] [GENERAL OFFENSE INITIAL INVESTIGATION NARRATIVE]1 BACK-UP OFFICERS(S): (NAMES, SERIAL #'s, AND ROLES IN INCIDENT)[] 2 CHARGES: [] CHARGE DESCRIPTION:[] 3 ARREST SCREENED BY: (SUPERVISOR'S NAME AND SERIAL)[] 4 PHOTO(S) TAKEN? [N] IF SO, [] UPLOADED TO DEMS, OR [] ICV USED5 RECORDED STATEMENT(S) TAKEN? [Y] IF SO, [] UPLOADED TO DEMS, OR [X] ICV USED6 DIGITAL IN-CAR VIDEO(S) UPLOADED? [Y] FLAGGED? [Y] IF NO, [] PROVIDE REASON: RECORDING OFFICER(S): [Kim 5955] NAME(S), SERIAL #'(S) 7DNA / FORENSIC EVIDENCE SUBMITTED? [N] 8 FINGERPRINTS: FINGERPRINTS SEARCH MADE? [N] FINGERPRINT EVIDENCE OR CARDS SUBMITTED? [N] ANALYSIS REQUEST SUBMITTED?[N] COMPARISON REQUEST SUBMITTED? [N] 9 FELONY ALERT PACKET SUBMITTED? [N] OFFICER SUBMITTING: [] FOLLOW-UP UNIT DESTINATION: [] 10 USE OF FORCE REPORT SUBMITTED? [N] USE OF FORCE SCREENED BY (SUPERVISOR'S NAME AND SERIAL): [] 11 LIST ALL HARDCOPY PAPERWORK SUBMITTED:[] ARREST REFERRAL TRACKING SHEET (Crisis Solution Center)[] CRIMINAL TRESPASS WARNING 5.34.1[] DUI PACKET[] DV SUPPLEMENTALS[] IDENTITY and MAIL THEFT (Photocopy of Recovered ID or Mail)[] INVENTORY SEARCH FORM[] MENTAL HEALTH CONTACT REPORT[] PARK EXCLUSION[] TOW IMPOUND RECORD[] VEHICLE REPORT[] WRITTEN STATEMENTS (Required on Felony Arr, Juvenile Crime, DV Incident)[] OTHER (Describe in Box Below)[] 12 VICTIM(S) INJURIES: SFD Responded? [N][None.] 13 INCIDENTAL PROPERTY DAMAGE: (DESCRIPTION AND VALUE)[] 14 VEHICLE IMPOUNDED? [N] STORAGE LOCATION: [] 15 INITIAL INCIDENT DESCRIPTION / NARRATIVE:[V/Benshoof and S/Owen have been in a dating relationship for 5 years, but they have been platonic for the last two months, but still living together. V/Benshoof came to the N. Pct on 11-10-15 at 1517 Hr. to report the following: Last night (11-09-15), V/Benshoof and S/Owen had a discussion about house responsibilities. During the conversation, S/Owen became emotional as she had too much wine to drink. She stood up and started to "paw slap" (like a paddlewheel) V/Benshoof repeatedly. V/Benshoof blocked all the slaps with his arm as S/Owen screamed, "You're horrible!! hate you!" V/Benshoof walked out of the room to de-escalate the situation. Next morning, V/Benshoof wanted an apology but S/Owen denied having assaulted him. Instead S/Owen said that V/Benshoof had pushed her and scratched her hand. (She had a scratch on her right hand.) Back in July 2015, V/Benshoof had warned S/Owen not to assault him or else he would call the police next time. S/Owen denied assaulting him then, too. When V/Benshoof said he would call the police, S/Owen said, "Go ahead." V/Benshoof then came to the N. Pct. to make a report. V/Benshoof is undecided at this time if he was willing to assist in prosecution. S/Owen was not contacted at this time.]

OFFENSE-1

OFFENSE CODE			
13131 ASSLT-NONAGG-DV			
OFFENSE START DATE	OFFENSE END DATE	OFFENSE COMPLETION	DOES EVENT CONTAIN BIAS ELEMENTS?
Nov 9, 2015 20:00	Nov 9, 2015 20:00	☒ COMPLETED ☐ ATTEMPTED	☐ YES ☒ NO

REPORTING OFFICER SIGNATURE / DATE	SUPERVISOR SIGNATURE / DATE
STEVEN KIM #5955 Nov 10, 2015 15:17 (e-signature)	LORI AAGARD #5011 Nov 11, 2015 00:00 (e-signature)
PRINT NAME	PRINT NAME
STEVEN KIM #5955	LORI AAGARD #5011

Report Number 2015-424720 - Incident / Offense Report Report

REPORT DATE / TIME Dec 7, 2015 15:51	PRECINCT / SECTOR / BEAT / RA / SUBDIVISION 5 N / N / N2 / 2337	CAD EVENT START DATE / TIME - CAD EVENT END DATE / TIME Dec 6, 2015 13:21
REPORT WRITER RYAN KENNARD #7555		
REPORT TAKEN LOCATION 1716 N 128 ST, SEATTLE 98133		
LEGACY DATA GO_GRID: 2337 GO_MUNICIPALITY: SEATTLE PROPERTY_INFO: N OP_STATUS: REFERRED -CITY ATTN LAW DEPT BY FOLLOW-UP UNIT, Cleared By: 6057 GO_LOCATION: 1716 N 128 ST CLEARANCE_INFO: Y GO_Y_COORDINATE: 267166		
GO_X_COORDINATE: 1270460 DRUG_INFO: N REPORT_NOTIFICATION_GROUP: V/C CLEARANCE NOTIFICATION - NOTIFIED: N ; DATE: ; NOTIFIED BY: ; HOW NOTIFIED: GO_DISTRICT: N GO_ZONE: N2 ENTRY_DATE: 07-DEC-15		

NARRATIVE

Document No: GO0016373650001
Subject: NARRATIVE
Author: RYAN KENNARD (7555)
Date: 2015-12-07 17:37:00

[TT_VERSION 1.0] [GENERAL OFFENSE INITIAL INVESTIGATION NARRATIVE]1 BACK-UP OFFICERS(S): (NAMES, SERIAL #'s, AND ROLES IN INCIDENT)[None]2 CHARGES: [] CHARGE DESCRIPTION:[]3 ARREST SCREENED BY: (SUPERVISOR'S NAME AND SERIAL)[]4 PHOTO(S) TAKEN? [Y] IF SO, [X] UPLOADED TO DEMS, OR [] ICV USED5 RECORDED STATEMENT(S) TAKEN? [N] IF SO, [] UPLOADED TO DEMS, OR [] ICV USED6 DIGITAL IN-CAR VIDEO(S) UPLOADED? [Y] FLAGGED? [Y] IF NO, [] PROVIDE REASON: RECORDING OFFICER(S): [Kennard #7555] NAME (S), SERIAL #'(S) 7DNA / FORENSIC EVIDENCE SUBMITTED? [N]8 FINGERPRINTS: FINGERPRINTS SEARCH MADE? [N] FINGERPRINT EVIDENCE OR CARDS SUBMITTED? [N] ANALYSIS REQUEST SUBMITTED?[N] COMPARISON REQUEST SUBMITTED? [N]9 FELONY ALERT PACKET SUBMITTED? [N] OFFICER SUBMITTING: [] FOLLOW-UP UNIT DESTINATION: []10 USE OF FORCE REPORT SUBMITTED? [N] USE OF FORCE SCREENED BY (SUPERVISOR'S NAME AND SERIAL): []11 LIST ALL HARDCOPY PAPERWORK SUBMITTED:[] ARREST REFERRAL TRACKING SHEET (Crisis Solution Center)[] CRIMINAL TRESPASS WARNING 5.34.1[] DUI PACKET[] DV SUPPLEMENTALS[] IDENTITY and MAIL THEFT (Photocopy of Recovered ID or Mail)[] INVENTORY SEARCH FORM[] MENTAL HEALTH CONTACT REPORT[] PARK EXCLUSION[] TOW IMPOUND RECORD[] VEHICLE REPORT[] WRITTEN STATEMENTS (Required on Felony Arr, Juvenile Crime, DV Incident)[] OTHER (Describe in Box Below)[]12 VICTIM(S) INJURIES: SFD Responded? [N][small bruise to right bicep]13 INCIDENTAL PROPERTY DAMAGE: (DESCRIPTION AND VALUE)[none]14 VEHICLE IMPOUNDED? [N] STORAGE LOCATION: []15 INITIAL INCIDENT DESCRIPTION / NARRATIVE:[On 12-7-15 I was working as a fully uniformed Police Officer for the City of Seattle as unit 2-Nora-22. I responded to the lobby of the North Precinct where Jessica R. Owen WF 11-23-75 was waiting to report "INV ASLT. OCC'D YESTERDAY. EX-GRABBED THEIR SON OUT OF HER ARMS YESTERDAY AND BRUISED HER ARM. MEDICS DECLINED. SUSP NOT HERE NOW OR EXPECTED. SUSPECT LIVES IN THE FREMONT AREA. SEECOMP WAITING IN THE PCT LOBBY." I arrived and contacted V / Owen who stated that she and her ex-husband Kurt A. Benshoof WM 7-18-69 both own the house that she lives in at 1716 N 128 St. S / Benshoof works in the basement. Yesterday they got into an argument over giving their child [REDACTED] candy. V / Owen and W / Walker went to the kitchen and were sitting there talking. S / Benshoof decided to leave and take W / W [REDACTED] with him (they have a rotating 3 day informal parenting plan). V / Owen stated she would walk W / W [REDACTED] out to S / Benshoof's vehicle. S / Benshoof was upset by this and took W / W [REDACTED] out of V / Owens arms. She tried to grab W / W [REDACTED] back and they got into a "shoving" match during which he pushed her in the bicep causing the bruise. At one point he also "bumped" W / W [REDACTED] into a wall. V / Owen allowed me to take a couple of photographs of her bruise using my department issued digital camera. I offered V / Owen an SPD DV Pamphlet which she refused. She then told me she did not want to get S / Benshoof into any legal trouble and stated she would not assist with prosecution or seek any orders against him. She told me she just wanted a report written. I provided her with an SPD business card with my information and the case number on it.]

WITNESS-1

WITNESS-1 (PERSON) W-1 [REDACTED]	DOB / ESTIMATED AGE RANGE [REDACTED]
SEX [REDACTED]	[REDACTED]

REPORTING OFFICER SIGNATURE / DATE RYAN KENNARD #7555 Dec 7, 2015 15:51 (e-signature) PRINT NAME RYAN KENNARD #7555	SUPERVISOR SIGNATURE / DATE THERESE BEEMSTER #6354 Dec 7, 2015 23:59 (e-signature) PRINT NAME THERESE BEEMSTER #6354
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ATTACHMENT K

Benshoof v. Owen, No. 22-2-03826-8 SEA,
Findings of Fact...; Order for Ejectment,
King Cty. Sup. Ct. (May 9, 2023)

1 **THE HONORABLE SANDRA WIDLAN**

2 Findings of Fact & Conclusion of Law

3 Trial Date: May 9, 2023

4
5
6 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
7 **IN AND OF THE COUNTY OF KING**

8 KURT BENSHOOF,
9 Plaintiff,

10 v.

11 JESSICA R. OWEN,
12 Defendant.

NO. 22-2-03826-8 SEA

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

13 KURT BENSHOOF,
14 Plaintiff, *Pro Se*,

15 v.

16 JESSICA R. OWEN,
17 Defendant.

[CONSOLIDATED]

NO. 22-2-15745-3 SEA

18 THIS MATTER came before the Court for trial beginning on May 9, 2023. Plaintiff
19 Kurt Benshoof (“Plaintiff” or “Benshoof”) was represented by Ann LoGerfo of LoGerfo
20 Garella PLLC, and Defendant Jessica R. Owen (“Defendant” or “Ms. Owen”) was represented
21 by Blair Russ of Tomlinson Bomszyk Russ.

22 The Court, having heard the testimony of the witnesses, reviewed the exhibits admitted
23 into evidence, reviewed the briefing of the parties, having heard argument of counsel, and the
parties having rested following the presentation of evidence, hereby enters the following
Findings of Fact and Conclusions of Law:

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I. FINDINGS OF FACT

A. Facts Regarding the Subject Property

1. This matter arises from a parcel of residential real estate located at 1716 N 128th Street, in Seattle, Washington 98133 (“Property”) and legally described as follows:

THAT PORTION OF LOTS 7 AND 8, BLOCK 11, HALLER LAKE TRACTS, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 12 OF PLATS, PAGE 46, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 8 OF SAID BLOCK 11;

THENCE NORTH 89 DEGREES 54 MINUTES 13 SECONDS WEST ALONG THE SOUTH LINE OF LOTS 7 AND 8, A DISTANCE OF 115.0 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 0 DEGREES 05 MINUTES 17 SECONDS WEST PARALLEL WITH THE EAST LINE OF SAID LOT 8, A DISTANCE OF 120 FEET;

THENCE SOUTH 89 DEGREES 54 MINUTES 13 SECONDS EAST 75.0 FEET;

THENCE NORTH 0 DEGREES 05 MINUTES 17 SECONDS EAST 15.0 FEET;

THENCE SOUTH 89 DEGREES 54 MINUTES 13 SECONDS EAST 40.0 FEET TO THE EAST LINE OF SAID LOT 8;

THENCE NORTH 0 DEGREES 05 MINUTES 17 SECONDS WEST 67.6 FEET TO THE SOUTH LINE OF THE NORTH 173.0 FEET OF SAID LOTS 7 AND 8;

THENCE NORTH 89 DEGREES 54 MINUTES 13 SECONDS WEST ALONG SAID SOUTH LINE 135.0 FEET;

THENCE SOUTH 0 DEGREES 05 MINUTES 17 SECONDS EAST 202.6 FEET TO THE SOUTH LINE OF SAID LOT 7;

THENCE SOUTH 89 DEGREES 54 MINUTES 13 SECONDS EAST 20.0 FEET TO THE TRUE POINT OF BEGINNING;

SITUATE IN THE CITY OF SEATTLE COUNTY OF KING, STATE OF WASHINGTON.

2. As a Counterclaim Defendant, Ms. Owen asserts a claim of ejectment against Mr. Benshoof seeking to remove him from the Property. She also claims amounts attributable to his sole occupancy of the Property from after her departure from the Property in September

1 of 2020. The Court has already determined prior to trial that Mr. Benshoof lacks any legally
2 tenable claim to the Property. Thus, the sole issues before the Court concern (1) whether Mr.
3 Benshoof has any right to remain at the Property in spite of the fact that this Court has already
4 established that he lacks a viable ownership interest in the Property, and where it is undisputed
5 that Ms. Owen is the only party on title; and (2) whether Ms. Owen is entitled to restitution
6 due to Benshoof's sole occupancy at the Property from September 2020 to present. No other
7 issues have been properly raised by the operative pleadings in this matter.

8 3. Having defined the issues, the Court finds the following fact: Prior to
9 purchasing the Property, Mr. Benshoof and Ms. Owen were in a romantic relationship spanning
10 several years. They met through a mutual friend who had hired them both, independently, to
11 assist in refurbishing a wood floor in an old Capitol Hill home. About a year and a half later,
12 Ms. Owen and Benshoof began dating. They moved into the house that Mr. Benshoof rented
13 in Fremont. In approximately 2009, Ms. Owen unexpectedly became pregnant with their now-
14 teenaged son. Shortly after Ms. Owen's pregnancy, the relationship began to sour between her
15 and Mr. Benshoof. When their son turned four, Mr. Benshoof ended the relationship.

16 4. On October 13, 2014, Ms. Owen put the Property under contract. With the help
17 of her parents to co-sign the purchase financing, Ms. Owen closed the transaction on December
18 30, 2014. The title was conveyed to Ms. Owen, her father, Dennis Owen, and her mother,
19 Sandra Wood. Mr. Benshoof subsequently moved into the Property in early 2015.

20 5. In December of 2018, Ms. Owen refinanced the Property. Because she was
21 able to qualify for refinance on her own, her parents conveyed their interest to her. By that
22 time, Ms. Owen had decided to move on from Mr. Benshoof. That decision was precipitated
23 by an incident where Mr. Benshoof flew into a rage and broke dishes, windows, and ripped a

1 door of its hinges. This resulted in Ms. Owen frantically calling 911, but ultimately refusing
2 to press any charges.

3 6. In February of 2019, Ms. Owen began dating Magalie Lerman. As Ms. Owen
4 and Ms. Lerman's relationship evolved, Mr. Benshoof became more and more aggressive.

5 7. In July of 2020, Ms. Owen decided to move out, leaving Mr. Benshoof in the
6 house. In August in 2020, Ms. Owen found a home in a nearby neighborhood and moved in
7 after it closed in September of 2020. She testified that she looked for both rental options and
8 purchase options simultaneously. She also testified that she looked at similar properties nearby
9 for approximately \$3,500 to \$4,000 per month. After Ms. Owen purchased her new home,
10 which was situated within walking distance of the Property, things between Benshoof and Ms.
11 Owen devolved further between them, ultimately resulting in a custody battle over their son.
12 In August of 2021, and after the custody dispute arose, Ms. Owen finally told Mr. Benshoof
13 that she planned to evict him from the Property. Ms. Owen testified that the reason for the
14 delay was attributed to the fact that she was in fear of Mr. Benshoof.

15 8. A lawsuit over the Property was filed by Mr. Benshoof on March 16, 2022. Mr.
16 Benshoof's claims were ultimately dismissed on July 22, 2022, and his subsequent attempts to
17 re-allege them were denied by this Court.

18 9. Mr. Benshoof continued to reside at the Property from September 2020 through
19 the time of trial.

20 10. On May 9, 2023, the date of the trial of this matter, Mr. Benshoof failed to
21 appear for trial. His counsel stated that the reason for his failure to appear was due to his having
22 a warrant for his arrest from Seattle Municipal Court. Mr. Benshoof's counsel requested that
23

1 the Court allow him to appear by Zoom. Counsel for Ms. Owen objected to this request, and
2 the Court denied the request.¹

3 11. The Court finds that Ms. Owen's testimony at trial was credible, and that Ms.
4 Owen has met her burden of proof as related to her claims of ejectment and unjust enrichment.

5 12. As to Ms. Owen's unjust enrichment claim arising from Mr. Benshoof's
6 continued occupancy of the Property following Ms. Owen departure in September of 2020 to
7 the time of trial, the Court finds that Mr. Benshoof owes Ms. Owen **\$41,300**. This amount is
8 based on the following calculation:

9 A. The Court reviewed the data which was admitted from the Multiple Listing
10 Service (MLS) data provided by Ms. Owen and found that a reasonable rental
11 price for the subject Property is \$2,860. Mr. Benshoof has had exclusive
12 occupancy thereof for thirty-two (32) months (from September 2020 to
13 present). \$2,860 multiplied by 32 equals \$91,520.

14 B. Mr. Benshoof has made twenty-seven (27) mortgage payments toward the
15 Property since September 2020. He has paid approximately \$1,860 in each of
16 those payments. \$1,860 multiplied by 27 equals \$50,220.

17 C. The benefit retained by Mr. Benshoof in occupying the home and not paying a
18 reasonable market rental rate is the difference between the above-mentioned
19 figures (\$91,520 - \$50,220 = **\$41,300**).

20 13. The Court is aware of Mr. Benshoof's litigation tactics against Ms. Owen and
21 others associated with her or with litigation involving her. In separate orders in *Benshoof v.*
22

23 ¹ The Court adopts its oral ruling as the basis for its decision to deny Mr. Benshoof's request to testify by Zoom.

1 *Cliber, Owen, Lerman, and Hermsen*, King County Superior Court No. 22-2-15958-8, Mr.
2 Benshoof was found to be a **vexatious litigant** and was restricted from abusive litigation. *See*
3 Exhibit 1. In *Benshoof v. Judge David Keenan, Commissioner Jason Holloway, Nathan*
4 *Clober, Seattle Police Chief Adrian Diaz, Jessica R. Owen, and Magalie Lerman*, King County
5 Superior Court No. 22-2-11112-7, Mr. Benshoof's request for a Writ of Habeas Corpus was
6 denied. *See* Exhibit 2. In *Benshoof v. Magalie Lerman*, King County Superior Court No. 23-2-
7 02503-2, Mr. Benshoof's request for a protection order was denied. *See* Exhibit 3. Mr.
8 Benshoof has also filed a nearly 300 page lawsuit in federal district court against Judge Sean
9 O'Donnell, Judge Jim Rogers, Judge David Keenan, and Judge Jason Holloway, among others.
10 *See* Exhibit 4. To be clear, the Court is not relying on this litigation in its determination
11 regarding liability and damages in this case but it is nonetheless the context under which this
12 lawsuit occurs.

13 14. Further, Mr. Benshoof's deposition testimony in this case was not proffered in
14 good faith. For example, he refused to answer questions in a straightforward manner regarding
15 how he pays for items given his assertion that he has no income.

16 Q. So since approximately 1994 -- it's your testimony today you've not had a job since
17 that time?

18 A (Benshoof). I said I haven't had income.

19 Q. So how do you currently pay for things?

20 MS. LOGERFO (Benshoof Attorney): Objection. Vague and relevancy.

21 Q. BY MR. MARINELLA (Owen Attorney): You can answer.

22 A. Well, I can give you an example of today. When I walked into Trader Joe's,
23 **I reached into my pocket and I pulled out some money.** And I handed it to
the cashier. And then the cashier gave me some change.

1 Q. Okay. And how did you come across that money?

2 MS. LOGERFO: Objection. Relevancy.

3 THE WITNESS (Benshoof): **I'm not sure where that particular set of dollar**
4 **bills came from.**

5 II. CONCLUSIONS OF LAW

6 1. Based on the above facts, Ms. Owen is entitled to an order ejecting Mr.
7 Benshoof from the Property.

8 2. In an ejectment action, the defendant against such a claim (here, Mr. Benshoof)
9 is “the tenant in possession,” (*i.e.*, a person in possession of land against whom the plaintiff
10 (Ms. Owen) claims to have the right of possession). RCW 7.28.010. Ejectment is a remedy
11 for one who, claiming a paramount title, is out of possession. *Bar K Land Co. v. Webb*, 72 Wn.
12 App. 380, 383, 864 P.2d 435, 437 (1993). Moreover, “[a]ny person having a valid subsisting
13 interest in real property, and a right to the possession thereof, may recover the same by action
14 in the superior court of the proper county, to be brought against the tenant in possession.” *Id.*
15 The Washington Supreme Court has made it clear that RCW 7.28.010 codified the common
16 law claim of ejectment. *Bruhn v. Pasco Land Co.*, 67 Wn. 490, 121 P. 981 (1912). Here, Ms.
17 Owen seeks ejectment in circumstances where there is no claim to her fee-simple title that
18 needs to be resolved.² Again, and as already observed by this Court, Benshoof possesses no
19 claim to the Property’s title.

20 3. The plaintiff in an ejectment action must have some interest in the subject
21 property, such as a leasehold tenancy or a right of possession as contract purchaser, that gives
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23 ² Plaintiff’s *lis pendens* was denied on January 24, 2023. See RCW 4.28.320 (requiring that a *lis pendens* can only be recorded in “an action affecting title to real property has been commenced”). Because Plaintiff Benshoof does not have any claims to the title, the Court canceled it under RCW 4.28.328(2).

1 her the legal right of possession. RCW 7.28.010. The main object of an ejectment action is to
2 put a plaintiff into possession of her property. If the defendant in an ejectment action is in
3 possession of the property, as in this case here, the goal of an ejectment action is to oust him
4 from that property. RCW 7.28.010.

5 4. Mr. Benshoof, as the defendant in Ms. Owen’s ejectment action, must assert
6 affirmative defenses in his response thereto, and cannot simply deny her claim to the Property.
7 RCW 7.28.130. The form of specific relief is a court order awarding possession to a plaintiff
8 who prevails. RCW 7.28.010. Specifically, the statute states that the party who has the right
9 to possession “may recover the same.” *Id.*; *see also* RCW 7.28.320. Moreover, a person who
10 is in possession of another’s land without permission is not a tenant but either a trespasser or
11 an adverse possessor. *Meyer v. Beyer*, 43 Wn. 368, 86 P. 661 (1906); *Carlson v. Curran*, 42
12 Wn. 647, 85 P. 627 (1906); *Snyder v. Harding*, 34 Wn. 286, 75 P. 812 (1904).

13 5. As noted above, Mr. Benshoof lacks any claim to the title and there is no dispute
14 that title is properly vested in Ms. Owen. Ms. Owen is the sole owner of the Property, and her
15 ownership has not been put into question by any of the pleadings filed by Benshoof in this
16 action. Ms. Owen’s title is clearly superior to Benshoof’s non-existent title. He does not have
17 any legal title to the Property and, to the extent he claims a supposed promise to put his name
18 on the title or some sort of equitable interest—those issues have already been disposed of by
19 Judge Andrea Robertson (who was previously assigned to this case) and the undersigned judge.

20 6. Unjust enrichment is an equitable remedy which requires a showing that “the
21 circumstances of the benefit received or retained make it unjust for the defendant to keep the
22 benefit without paying.” *Norcon Builders, LLC v. GMP Homes VG, LLC*, 161 Wn. App. 474,
23 478, 254 P.3d 835, 838 (2011). The doctrine of unjust enrichment requires proof that one party

1 was enriched by the other, and the enrichment was unjust under the circumstances and between
2 the two parties to the transaction. *Farwest Steel Corp. v. Mainline Metal Works, Inc.*, 48 Wn.
3 App. 719, 732, 741 P.2d 58 (1987).

4 7. Here, Mr. Benshoof continuously occupied the Property from September 2020
5 forward. That was a benefit conferred to him by Ms. Owen, the owner of the Property, and for
6 which Mr. Benshoof retained under circumstances which would make it inequitable for him to
7 do so without reimbursement to Ms. Owen. *Bailie Commc'ns, Ltd. v. Trend Bus. Sys., Inc.*, 61
8 Wn. App. 151, 159-60, 810 P.2d 12 (1991).

9 8. The measure of recovery for an unjust enrichment claim is restitution (*i.e.*, the
10 value of benefit conferred on the recipient). *Dravo Corporation v. L.W. Moses Company*, 6
11 Wn. App. 74, 492 P.2d 1058 (1971); *Irwin Concrete, Inc. v. Sun Coast Properties, Inc.*, 33
12 Wn. App. 190, 195, 653 P.2d 1331, 1335 (1982) (“A claim for unjust enrichment is a quasi-
13 contractual claim”). As to Ms. Owen’s unjust enrichment claim arising from Mr. Benshoof’s
14 continued occupancy of the Property following Ms. Owen departure in September of 2020 to
15 the time of trial, Mr. Benshoof owes Ms. Owen **\$41,300**.

16 **III. ORDER**

17 The court having made and entered the Findings of Fact and Conclusions of Law, now
18 therefore,

19 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant Owen’s
20 claims for ejectment and unjust enrichment against Plaintiff are proven, and the following is
21 hereby ordered:

1 A. An order of ejectment against Plaintiff relative to the Property is hereby issued,
2 and, accordingly, Kurt Benshoof is ordered to vacate the Property within 30
3 days of this order.

4 B. Therefore, the Court **ORDERS** that a Writ of Ejectment be entered pursuant to
5 RCW 7.28, restoring the property commonly known as 1716 N 128th Street, in
6 Seattle, Washington 98133 and legally described above.

7 C. Accordingly, the Court hereby **ORDERS** Kurt Benshoof to vacate the Property
8 within 30 days of the date of this Order. The King County Sheriff's Office is
9 ordered to restore the Property to Jessica Owen pursuant to the established
10 procedures of the Civil Process Unit of King County Courthouse and the King
11 County Sheriff's Office. A Writ of Restitution shall issue 33 days from this
12 Order.

13 D. IT IS FURTHER ORDERED that Jessica Owen is entitled to a judgment in the
14 amount of **\$41,300** arising from Mr. Benshoof's continued occupancy from
15 September 2020 forward. Judgement shall be entered upon presentation by
16 motion with a proposed judgment summary with an award of statutory costs.

17 DONE this ____ day of _____, 2023.

18
19 _____
20 JUDGE SANDRA WIDLAN
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22
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King County Superior Court
Judicial Electronic Signature Page

Case Number: 22-2-03826-8
Case Title: BENSHOOF VS OWEN
Document Title: FINDINGS OF FACT AND CONCLUSIONS OF LAW
Signed By: Sandra Widlan
Date: June 02, 2023

A handwritten signature in black ink that reads "Sandra Widlan". The signature is written in a cursive, flowing style. The first letter 'S' is large and loops around the first part of the name. The last name 'Widlan' is written in a similar cursive style.

Judge: Sandra Widlan

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: A923B65A9FE83BD587BE12398DC6F053EDE11266
Certificate effective date: 3/30/2023 1:46:47 PM
Certificate expiry date: 3/30/2028 1:46:47 PM
Certificate Issued by: C=US, E=kcscefiling@kingcounty.gov, OU=KCDJA,
O=KCDJA, CN="Sandy Widlan:
jPntpqkz7RGhk7Pp/BkmVQ=="

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

KURT BENSHOOF,
Plaintiff,
v.
JESSICA R. OWEN,
Defendant.

NO. 22-2-03826-8 SEA

ORDER FOR EJECTMENT

KURT BENSHOOF,
Plaintiff, *Pro Se*,
v.
JESSICA R. OWEN,
Defendant.

[CONSOLIDATED]

NO. 22-2-15745-3 SEA

I. ORDER

THIS MATTER came before the Court for trial on May 9, 2023, and the Court having made and entered the Findings of Fact and Conclusions of Law, now therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Ms. Owen's claim for ejectment against Plaintiff has been proven, and the following is hereby ordered:

- A. The Court hereby enters an Order of Ejectment against Plaintiff as related to 1716 N 128th Street, Seattle, Washington 98133 ("Property"). Accordingly, Mr. Benshoof is **ORDERED** to vacate the Property within 30 days of this Order.

1 B. The Court **ORDERS** that a Writ of Ejectment be entered pursuant to RCW
2 7.28, restoring the Property, legally described in the Court's Findings of Fact
3 and Conclusions of Law (§ I(A)(1)) to Ms. Owen.

4 C. Accordingly, the Court hereby **ORDERS** the King County Sheriff's Office to
5 restore the Property to Jessica Owen pursuant to the established procedures of
6 the Civil Process Unit of the King County Courthouse and the King County
7 Sheriff's Office (<https://kingcounty.gov/depts/sheriff/services/evictions.aspx>).

8 D. The Court **ORDERS** Plaintiff to be ejected from the Property as soon as the
9 Civil Process Unit of King County and the King County Sheriff's Office (the
10 "Civil Unit") can accomplish restoration of the Property to Jessica Owen.

11 DONE IN OPEN COURT this ____ day of _____, 2023.

12
13 _____
14 JUDGE SANDRA WIDLAN

15 *Presented By:*

16 TOMLINSON BOMSZTYK RUSS

17 By: 

18 Blair M. Russ, WSBA #40374

19 Anthony S. Marinella, WSBA #55611

20 Attorneys for Jessica Owen
21
22
23

King County Superior Court
Judicial Electronic Signature Page

Case Number: 22-2-03826-8
Case Title: BENSHOOF VS OWEN
Document Title: ORDER RE EJECTMENT ORDER

Signed By: Sandra Widlan
Date: June 02, 2023

A handwritten signature in black ink that reads "Sandra Widlan". The signature is written in a cursive style with a large, stylized 'S' and 'W'.

Judge: Sandra Widlan

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: A923B65A9FE83BD587BE12398DC6F053EDE11266
Certificate effective date: 3/30/2023 1:46:47 PM
Certificate expiry date: 3/30/2028 1:46:47 PM
Certificate Issued by: C=US, E=kcscefiling@kingcounty.gov, OU=KCDJA,
O=KCDJA, CN="Sandy Widlan:
jPntpqkz7RGhk7Pp/BkmVQ=="

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ATTACHMENT L

Emails from Kurt Benshoof re: vacating
the parentage order, Dec. 2, 2024

From: Blair Russ [REDACTED]
Sent: Monday, December 2, 2024 12:08 PM
To: kurt benshoof; Court, Sutton; Outland, Katrina; Brennan, Stephanie
Subject: RE: 21-5-00680-6 SEA Motion to Show Cause and Vacate Final Orders

CAUTION: External Email

Good afternoon,

I do not represent Ms. Owen on this matter. Please remove me from any further communications relating to this matter.

Thank you,

Blair M. Russ
Attorney at Law



1000 Second Avenue, Suite 3550, Seattle, Washington 98104-0046 P/ 206.421.1871 F/ 206.421.9807
TBR-LAW.COM

CONFIDENTIALITY NOTE: This email and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this email or any attachment is prohibited. If you have received this email in error, please notify us immediately by returning it to the sender and delete this copy from your system. Thank you for your cooperation.

From: kurt benshoof <kurtbenshoof@gmail.com>
Sent: Monday, December 2, 2024 11:44 AM
To: Court, Sutton <sutton.court@kingcounty.gov>; Outland, Katrina <Katrina.Outland@seattle.gov>;
stephanie.brennan@kingcounty.gov; Blair Russ [REDACTED]
Subject: Re: 21-5-00680-6 SEA Motion to Show Cause and Vacate Final Orders

Great! December 20, 2024, at 300pm is perfect.

While I would never intentionally engage in unwarranted *ex parte* communication, Ms. Outland and Ms. Brennan recently obtained orders which criminalize any contact between Petitioner Owen and myself, which is making it nearly impossible for me to exercise my First Amendment right to petition for redress because our courts rightfully expect me to serve notice to the other party in accordance with our civil rules of procedure.

Until both Ms. Brennan and Ms. Outland confirm in writing that me cc'ing Petitioner Owen to comply with the Court's instructions will not violate any terms of any existing restraining orders or conditions of release, I cannot cc Ms. Owen without risking indefinite imprisonment.

In Truth & Spirit,
Reverend Kurt Benshoof

"Cowardice asks the question, 'Is it *safe*?' Expediency asks the question, 'Is it *politic*?' Vanity asks the question, 'Is it *popular*?' But, conscience asks the question, '**Is it right?**' And there comes a time when one

must take a position that is neither safe, nor politic, nor popular, but one must take it because one's conscience tells one that *it is right*."

---Rev. Dr. Martin Luther King, Jr.

"It's easier to build strong children than to repair broken men."

---Frederick Douglass

"Mercy for the guilty is cruelty to the innocent."

---Adam Smith

"It's amazing how much panic one honest man can spread among a multitude of hypocrites."

---Thomas Sowell

On Mon, Dec 2, 2024 at 11:01 AM Court, Sutton <sutton.court@kingcounty.gov> wrote:

Good morning,

December 30, 2024 at 3:00 PM is available. If you would like to reserve this date and time, please let me know. Also, you must include the opposing party on any communication with the court.

Thank you.

Salina Kis

Bailiff to Judge Aimée Sutton, Chief UFC Judge

King County Courthouse

516 3rd Avenue, Courtroom W331

Seattle, WA 98104

Sutton.court@kingcounty.gov

(206) 477-1629

IMPORTANT: Judge Sutton's court is paperless. Any working copies should be submitted via e-working copies through the Clerk's Office.

In order to avoid inappropriate ex parte contact, you are hereby directed to forward this communication to all other counsel/parties not already copied on this email.

From: kurt benshoof <kurtbenshoof@gmail.com>

Sent: Monday, December 2, 2024 10:51 AM

To: Court, Sutton <sutton.court@kingcounty.gov>; Blair Russ [REDACTED]; Outland, Katrina <Katrina.Outland@seattle.gov>; Brennan, Stephanie <stephanie.brennan@kingcounty.gov>; [REDACTED]
[REDACTED]

Subject: 21-5-00680-6 SEA Motion to Show Cause and Vacate Final Orders

[EXTERNAL Email Notice!] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Happy Monday!

Pro se Respondent Kurt Benshoof respectfully requests confirmation that December 20, 2024 is an

amenable date for the return hearing with oral argument regarding Benshoof's Motion to Vacate, and requests the appropriate time to note on the motion and Notice of Hearing to be provided to Petitioner Jessica Owen.

Benshoof will be filing the Motion to Show Cause and [proposed] Order Granting Motion to Show Cause today *ex parte* via the clerk. (See attached)

If December 20, 2024 is unavailable, please provide another date/time to note at your earliest convenience.

Thank you!

In Truth & Spirit,
Reverend Kurt Benshoof

"Cowardice asks the question, 'Is it *safe*?' Expediency asks the question, 'Is it *politic*?' Vanity asks the question, 'Is it *popular*?' But, conscience asks the question, '***Is it right?***' And there comes a time when one must take a position that is neither safe, nor politic, nor popular, but one must take it because one's conscience tells one that ***it is right.***"

---Rev. Dr. Martin Luther King, Jr.

"It's easier to build strong children than to repair broken men."

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---Thomas Sowell

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ATTACHMENT M

SMC case 669329, GO 22-215424
(dismissed for felony filing as part of
the stalking charge.)

Report Number 2022-215424 - Incident / Offense Report Report

REPORT DATE / TIME	PRECINCT / SECTOR / BEAT / RA / SUBDIVISION 5	CAD EVENT START DATE / TIME - CAD EVENT END DATE / TIME
Aug 15, 2022 15:24	N / L / L1 / 3539	Aug 15, 2022 13:40

REPORT WRITER

JARED ALDEN #8892

ASSISTING PERSONNEL / TYPE(S)

AUDI ACUESTA #7417 (Screening Supervisor), ERIC LAUMBATTUS #8788 (Backing Officer), JORDAN WALLACE #8362 (Backing Officer), NICHOLAS HUGHES #8408 (Backing Officer)

REPORT TAKEN LOCATION

[REDACTED] SEATTLE, WA 98125

EVENT STATISTICS

- | | |
|---|---|
| ☐ Event Contains Bias Elements | ☐ Homelessness |
| ☐ AED Used | ☐ Naloxone Administered |
| ☐ Hate Graffiti | ☐ Shots Fired (Eyewitness/Casings/Property Damage) |
| ☐ Cybercrime | ☒ Event is DV Related |
| ☒ Body Worn Video | ☐ DEMS |
| ☐ Shooting (Non-Fatal Injury) | ☐ Shooting (Fatal Injury) |
| ☒ ICV Exists | |

NARRATIVE

This report is intended as a summary of the events that occurred under case 2022-215424. I have paraphrased conversations and do not include an exact sequence of events. For any exact quotes or exact sequencing of events, I would refer the reader to my body worn video, as it was recording at the time of this incident.

BWV/ICV Active

On August 15, 2022, at approximately 1342 hours, I was dispatched to [REDACTED] Seattle, for a report of a violation of a DV court order. Dispatch call remarks stated, "RP ADV XBOYF VIOLATING ORDER, WAS ON PROPERTY 5 AGO, L/S UNK DIRECTION IN GRN TOYT FJ CRUISER, NO WPNS SEEN, NEG HIGH/INTOX."

Upon arrival, I contacted the victim, Jessica Owen. Jessica told me that she had just gotten off I-5 and was driving down NE 125 St, Seattle, when she noticed a Green Toyota FJ Cruiser behind her. Jessica said this Green FJ Cruiser caught her attention because it was the same vehicle her ex-boyfriend, Kurt A. Benshoof drives.

Jessica said that the Green Toyota FJ Cruiser was right behind her when she was in the left turn lane to turn onto 10 Ave NE. Jessica said it was at this time, she recognized the driver as Kurt A. Benshoof, her ex-boyfriend.

Jessica told me that Kurt followed her down 10 Ave NE and was tailgating her. When I asked her how close his vehicle was to hers, she said about five feet. She told me she could see him in the vehicle behind her.

Jessica then pulled onto NE 130 St and stopped. She said that Kurt then stopped his vehicle right behind her. Jessica continued to drive up NE 130 St and said that Kurt drove past her, continuing on 10 Ave NE. Finally, she said that after parking in her driveway, Kurt drove up NE 130 St and stopped his vehicle in front of her house.

Jessica stated that Kurt started to yell from his vehicle for their son. Jessica told Kurt that he can't be here. Kurt replied that it is a public street, and he could. Jessica told Kurt that it is a private street and cul-de-sac owned by her neighbor. Jessica stated that once she told Kurt she would be calling the police, he left the area.

Temporary Restraining Order OLN WDL531N3J43B was verified by Seattle PD dispatch.

REPORTING OFFICER SIGNATURE / DATE	SUPERVISOR SIGNATURE / DATE
JARED ALDEN #8892 Aug 15, 2022 17:09 (e-signature)	AUDI ACUESTA #7417 Aug 15, 2022 18:04 (e-signature)
PRINT NAME	PRINT NAME
JARED ALDEN #8892	AUDI ACUESTA #7417

Conditions of the order include "RESTRAINED 1000 FEET AND FROM DISTURBING THE PEACE OF THE PROTECTED PARTIES" and "THE SUBJECT IS REQUIRED TO STAY AWAY FROM THE RESIDENCE, PROPERTY, SCHOOL, OR PLACE OF EMPLOYMENT OF THE PROTECTED PERSON OR OTHER FAMILY OR HOUSEHOLD MEMBER."

Since Kurt was tailgating and following closely behind Jessica and stopped his vehicle in front of Jessica's residence, it was determined that he violated conditions of the Temporary Restraining Order and probable cause existed for his arrest.

Officer Wallace and Officer Hughes performed an area check of Kurt's residence and were able to locate him. They subsequently placed Kurt under arrest for violation of the temporary restraining order.

Officer Wallace read Kurt his Miranda rights, and Kurt verbally acknowledged them. Post Miranda Kurt denied ever being at Jessica's house. Instead, he said he was at the Kwik Mart by Home Depot.

Acting Sergeant Acuesta screened the arrest. Officer Wallace and Officer Hughes transported Kurt to King County Jail, where he was booked.

Jessica also stated that in the past, Kurt has been emailing, calling, and texting their son. Also, using other people to contact her son. Officer Laumbattus sent Jessica a Citizen Upload Link using Axon Capture so she could upload screenshots to Evidence.com.

I provided Jessica with a business card, case number, and Seattle PD DV Pamphlet. In addition, Jessica provided a recorded statement which I recorded using Axon Capture on my department-issued cell phone and uploaded to Evidence.com. I also filled out a Domestic Violence Supplement Form with her.

Two of the neighbor's houses did have exterior security cameras, but after checking their cameras, they did not capture any of the incident.

REPORTING PARTY-1

REPORTING PARTY-1 (PERSON)

DOB / ESTIMATED AGE RANGE

R-1 OWEN, JESSICA RAE

REPORTING PARTY SIGNATURE

OFFENSE-1

OFFENSE CODE

RCW - 26.10.220 | RESTRAINING ORDER VIOLATION

OFFENSE START DATE

Aug 15, 2022 13:35

OFFENSE END DATE

Aug 15, 2022 13:40

OFFENSE COMPLETION

☒ COMPLETED
☐ ATTEMPTED

DOES EVENT CONTAIN BIAS ELEMENTS?

☐ YES ☒ NO

DOMESTIC VIOLENCE

☒ YES ☐ NO

WEAPON / FORCE INVOLVED

None (Mutually Exclusive)

OFFENSE LOCATION

LOCATION NAME / STREET ADDRESS/LOCATION NAME / APT, UNIT, STE / DESCRIPTION

CITY	STATE	ZIP	COUNTRY CODE
SEATTLE	WA	98125	US
LOCATION CATEGORY	PRECINCT / SECTOR / BEAT / RA / SUBDIVISION 5	PUBLIC / PRIVATE	
Residence/ Home	N / L / L1 / 3539	Private	

VICTIMS-1

REPORTING OFFICER SIGNATURE / DATE

JARED ALDEN #8892 Aug 15, 2022 17:09 (e-signature)

PRINT NAME

JARED ALDEN #8892

SUPERVISOR SIGNATURE / DATE

AUDI ACUESTA #7417 Aug 15, 2022 18:04 (e-signature)

PRINT NAME

AUDI ACUESTA #7417

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ATTACHMENT N

GO# 22-265177 (one third party violation
of Ms. Owen's protection order)

Report Number 2022-265177 - Incident / Offense Report Report

REPORT DATE / TIME	PRECINCT / SECTOR / BEAT / RA / SUBDIVISION 5	CAD EVENT START DATE / TIME - CAD EVENT END DATE / TIME
Oct 3, 2022 21:33	N / L / L1 / 3539	Oct 3, 2022 19:51

REPORT WRITER

HANS STROO #8897

REPORT TAKEN LOCATION

SEATTLE, WA 98125

EMS / FIRE / OTHER LE AGENCIES ON SCENE

☐ YES ☒ NO

EVENT STATISTICS

- | | |
|---|--|
| ☐ Event Contains Bias Elements | ☐ Homelessness |
| ☐ AED Used | ☐ Naloxone Administered |
| ☐ Hate Graffiti | ☐ Shooting (Fatal Injury) |
| ☒ Body Worn Video | ☐ Shooting (Non-Fatal Injury) |
| ☒ ICV Exists | ☐ Cybercrime |
| ☐ Event is DV Related | ☐ DEMS |
| ☐ Shots Fired (Eyewitness/Casings/Property Damage) | |

NARRATIVE

ICV and BWV activated.

On 10/3/2022 I was working uniform patrol in my marked police car with my field training officer Sierra Rambo. At 20:08 we were dispatched to a DV order violation call at 849 NE 130th Street. The remarks provided by dispatch read: "RP ADVS EX WHOM SHE HAS A RESTRAINING ORDER AGAINST SENT UNK FEMALE TO HER HOME, CURRENTLY AT THE DOOR. ATTEMPTED HANDLED ONCE AND IS NOW SITTING IN FRONT OF DOOR. NO THRETS. NO WPNS SEEN".

Upon arriving at the scene at 20:19, we contacted the 911 caller, Jessica R. Owen, outside her home. Owen told me that individuals had been showing up at her house, seemingly on behalf of her ex-husband, Kurt A. Benshoof, against whom Owen had an active restraining order.

On or around September 29, 2022, an individual who identified herself as Molly Anderson appeared at Owen's home and served her with paperwork which threatened a lawsuit from Benshoof against Owen. Anderson appeared at Owen's home again around September 30 with more paperwork to that effect. Owen showed me the paperwork and it did not contain any valid case number, signature by a judge, or any other official elements that would lead me to believe it was anything other than a Word document created by Benshoof in an effort to intimidate Owen. Owen knew Anderson to be a longtime friend of Benshoof.

Owen further reported that on October 3, 2022, at approximately 1950, a woman unknown to Owen appeared at the front door of her home. The woman was white, with long dark hair, wearing a hooded jacket and a surgical mask, and carrying a purse. At one point while this woman was outside Owen's home, Owen's current partner left the home. The woman asked Owen's partner if she was Jessica Owen. Owen's partner told the woman that she was not Jessica Owen. Owen's partner asked the woman who she was and she identified herself as "Siri".

Owen shared video footage of this incident from her front door security camera. This footage has been submitted into evidence. The footage shows a woman knocking on the door repeatedly, pressing the doorbell button incessantly for several minutes, pressing her face against the door for a sustained period as if to listen inside, and sitting directly in front of the door with her legs blocking the entryway. In the video provided by Owen, the unknown woman goes down the outdoor stairs to pace in front of the garage before returning to the front door to knock and ring further. The woman eventually leaves.

According to Owen, the woman pressed the doorbell button so many times that it broke. She demonstrated to me that it no longer functioned. Also, Owen heard the woman trying the door handle in an attempt to enter the residence.

REPORTING OFFICER SIGNATURE / DATE	SUPERVISOR SIGNATURE / DATE
HANS STROO #8897 Oct 3, 2022 23:22 (e-signature)	THOMAS MCLAUGHLIN #6259 Oct 4, 2022 03:05 (e-signature)
PRINT NAME	PRINT NAME
HANS STROO #8897	THOMAS MCLAUGHLIN #6259

Owen has obtained a DV protection order against Benshoof that has yet to be served to him. She provided a copy of that order to Officer Rambo.

The unserved DV protection order prohibits Benshoof from harassing Owen or being within 1,000 feet of her. By sending third-parties to Benshoof's home to give her written messages, Benshoof violates the terms of the protection order. Owen said that the current temporary court order is an extension of a previous one which Owen stated did not expire until October 18, 2022. The current court order expires September 20, 2023.

I gave Owen a business card with the case number for this incident and told her I would document these events.

REPORTING PARTY-1

REPORTING PARTY-1 (PERSON)

DOB / ESTIMATED AGE RANGE

R-1 OWEN, JESSICA RAE

REPORTING PARTY SIGNATURE

OFFENSE-1

OFFENSE CODE

RCW - 26.09.300 | RESTRAINING ORDER VIOLATION

OFFENSE START DATE

Sep 29, 2022 00:00

OFFENSE END DATE

Oct 3, 2022 20:00

OFFENSE COMPLETION

☒ COMPLETED
☐ ATTEMPTED

DOES EVENT CONTAIN BIAS ELEMENTS?

☐ YES ☒ NO

SUSPECTED COMPUTER/ HANDHELD DEVICE USE

☐ YES ☒ NO

SUSPECTED ALCOHOL CONSUMPTION

☐ YES ☒ NO

SUSPECTED DRUG USE

☐ YES ☒ NO

DOMESTIC VIOLENCE

☒ YES ☐ NO

WEAPON / FORCE INVOLVED

None (Mutually Exclusive)

OFFENSE LOCATION

LOCATION NAME / STREET ADDRESS/LOCATION NAME / APT, UNIT, STE / DESCRIPTION

CITY	STATE	ZIP	COUNTRY CODE
SEATTLE	WA	98125	US
LOCATION CATEGORY	PRECINCT / SECTOR / BEAT / RA / SUBDIVISION 5	PUBLIC / PRIVATE	
Residence/ Home	N / L / L1 / 3539	Private	

VICTIMS-1

VICTIMS-1 NAME (LAST, FIRST MIDDLE)

V-1 OWEN, JESSICA RAE

DOB / ESTIMATED AGE RANGE

SUSPECTS-1

SUSPECTS-1 NAME (LAST, FIRST MIDDLE)

S-1 BENSHOOF, KURT ALDEN

DOB / ESTIMATED AGE RANGE

1969-07-18

SEX	RACE / ETHNICITY	PHONE NUMBER
Male	White / Not Hispanic Or Latino	

REPORTING OFFICER SIGNATURE / DATE

HANS STROO #8897 Oct 3, 2022 23:22 (e-signature)

PRINT NAME

HANS STROO #8897

SUPERVISOR SIGNATURE / DATE

THOMAS MCLAUGHLIN #6259 Oct 4, 2022 03:05 (e-signature)

PRINT NAME

THOMAS MCLAUGHLIN #6259

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ATTACHMENT O

Emails from Ms. Owen's attorney to the
City Attorney's Office, Aug. 17, 2022

[REDACTED]

From: Nathan Cliber [REDACTED]
Sent: Wednesday, August 17, 2022 2:48 PM
To: [REDACTED]
Subject: RE: Kurt Benshoof & RO Violations

CAUTION: External Email

Hi [REDACTED]

The current Restraining Order is attached. I've also attached the Temporary Parenting Plan which has relevant terms in Section 4 under Video Calls. I'm also attaching an Amendment to the TPP which has relevant provisions in section 2.b.

To string it all together, under the RO, Mr. Benshoof is supposed to have no contact with Ms. Owen or with his son at all, directly or through third parties, except as set out in the TPP. The TPP allows him (in Section 4): (a) supervised visits at AtIndaba, and (b) 2-3 weekly video calls with the child, which may be recorded. The Amendment to the TPP (at 2.b) clarifies that Mr. Benshoof is not allowed to discuss this case with the child.

Mr. Benshoof has shown up to Ms. Owen's house (on 8/15, for which he was arrested, but released the next day), but, additionally, has been texting the child, and calling him. We know he's been texting because Ms. Owen has seen the texts (she should be sending me screenshots shortly), and we know he's been calling the child because he actively did so during one of their video calls, which we have recorded (as allowed in the TPP). We also have recordings of at least two instances (that we've reviewed so far) where he's discussing the case with the child, and encouraging the child to leave Ms. Owen's home to come visit/stay with him. The texts and phone calls seem to be similar in their themes.

I am happy to share the videos with you, as well as transcripts as we're able to acquire them.

We just...need to find some way to reign this in before things escalate further.

Sorry, that's more than you asked for.

To answer your last question: do you mean the DV Unit at SPD? The name Ms. Owen has provided me for the SPD officer who responded to the incident on 8/15 (incident number 22-215424) is Officer Alden, #8892. I will ask her if she's been speaking regularly with any other specific officers. I tried contact the DV Unit myself two or three weeks ago and didn't successfully reach anyone. If I recall correctly, I ended up leaving a voicemail and didn't ever get a call back. With that said, I'm happy to keep pestering the DV Unit if you think that would be effective. Most of my experience with family law Restraining Orders has involved either no violations or really flagrant violations that have landed the restrained person in jail for a prolonged period without the need for much management of the process. So I'm super appreciative of any help or guidance you can

provide.

Thank you for what you've already done.

Best,

Nathan Cliber

Seattle Divorce Services

[2317 NW Market St.](#)

[Seattle, WA 98107](#)

[REDACTED]

NOTICE: This communication and the information contained within, along with any items attached as an enclosure, are **privileged and confidential**. This communication is intended solely for the use of the individual(s) named above. If you are not one of the intended addressees or you believe you may have received this communication in error, you are hereby notified that any consideration, dissemination or duplication of this communication is **strictly prohibited**. In addition, unless you are the intended recipient, you shall not print, copy, retransmit, disseminate, or otherwise use this information in any form without first receiving specific written permission from the author of this communication. If you have received this communication in error, please reply to the sender indicating that fact and delete this message from your system immediately.

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with IRS requirements, we inform you that any advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

From: [REDACTED]

Sent: Wednesday, August 17, 2022 2:08 PM

To: Nathan Cliber [REDACTED]

Subject: Re: Kurt Benshoof & RO Violations

Hi Nathan,

Thank you for your message. I have referred this case to the Firearms Unit. Are you able to send me a copy of the RO? We'd like to take a closer look at that. Also, who are you currently working with in the Domestic Violence Unit?

Thank you,

[REDACTED]

From: Nathan Cliber <[REDACTED]>
Sent: Wednesday, August 17, 2022 11:24 AM
To: [REDACTED]
Subject: Kurt Benshoof & RO Violations

CAUTION: External Email

Hi Brooke,

My name is Nathan Cliber. I'm a family law attorney at Seattle Divorce Services over in Ballard. I represent Jade Owen in her family law case against Kurt Benshoof, against whom she has a Restraining Order protecting her and their son, [REDACTED]

Ms. Owen let me know that you reached out to her yesterday about an incident from last autumn. I was super glad to hear that you did so.

I wanted to reach out because Mr. Benshoof has been violating the Restraining Order left and right over the last few weeks, with escalating frequency and boldness and we need help. He got arrested on Monday, 8/15, for going to Ms. Owen's house, but was released the next day and, as far as we can tell, not charged. This guy is contacting the child directly by phone, actively trying to convince the child to run away from home, and encouraging third parties to do the same. We are desperate for some sort of accountability for him.

I'm hoping, pleading really, that you might be able to help us get some kind of actual enforcement going for this Restraining Order. Ms. Owen is at her wits' end, and we're worried that, as Mr. Benshoof realizes he can violate the RO with impunity, he's going to become increasingly dangerous to the child and Ms. Owen. We're worried about him taking the child and running.

Please let me know if there's anything I can do to try and protect this family.

Thank you.

Best,

Nathan Cliber
Seattle Divorce Services
[2317 NW Market St.](#)
[Seattle, WA 98107](#)

[REDACTED]

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