

Honorable Judge Richard D. Eadie
Hearing Date: December 12, 2012
Hearing Time: 9:00 AM

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7 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
8 FOR THE COUNTY OF KING

9 LANE POWELL, PC, an Oregon
10 professional corporation,
11
12 Plaintiff,

No. 11-2-34596-3 SEA

**DECLARATION OF
DIANE WALTER**

v.

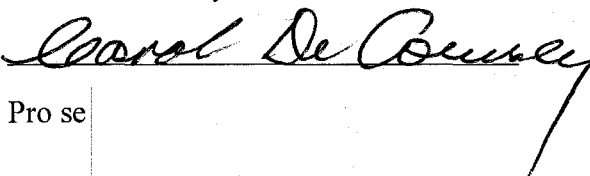
13 MARK DECOURSEY and CAROL
14 DECOURSEY

Defendants

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16 Herewith is the declaration of DIANE WALTER who attended the November 16, 2012
17 hearing before Judge Richard D. Eadie in the above-captioned case.

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19 DATED this 10 day of December 2012.
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22 Carol DeCoursey

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25 Pro se
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DECLARATION OF DIANE WALTER

Mark & Carol DeCoursey, pro se
8209 172nd Ave NE
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Telephone 425.885.3130

Affidavit

I, Diane Walter, being of legal age and competent to testify, swear under penalty of perjury of the State of Washington, the following statement is correct.

On November 16, 2012, I attended a hearing for partial summary judgment in the matter of Lane Powell v. Mark DeCoursey and Carol DeCoursey, Case No. 11-2-34596-3-SEA, Judge Richard D. Eadie presiding. My observations were these:

First of all, this was a sham of a hearing in my opinion. Why? Because present in Judge Eadie's courtroom that day were only two players that seemed to matter – Judge Eadie and Mr. Robert Sulkin of Lane Powell. If this hearing was in any way typical of the manner in which judicial decisions are made in King County Superior Court – and especially in cases involving pro se litigants - then the entire state of Washington should not only be highly concerned, but totally outraged. Citizens should be alerted to instances such as I witnessed on November 16, 2012.

It couldn't have been clearer who was running that courtroom – Mr. Robert Sulkin. He had Judge Eadie's undivided attention. Yet Judge Eadie appeared to find the DeCourseys little more than mild irritants taking up his time.

There was little fair or just about what I witnessed that day - unless of course one assumes that only attorneys know what is right and just, and pro se litigants like the DeCourseys are too ignorant of the law and proper procedure to deserve full consideration from the high and mighty court. Mark and Carol DeCoursey certainly did not get that full consideration from Judge Eadie's court. Both Judge Eadie and Mr. Sulkin seemed to imply that the DeCoursey's concerns were frivolous at best, and certainly not worthy of taking up time in a court of law.

On display that day in the King County Courthouse was a full-fledged embarrassment. Hopefully, it was an exception.

The mere fact that Judge Eadie acknowledged having somewhat of a conflict of interest in handling the case was an eye-opener. How often do judges handle cases in King County when they should recuse themselves due to an admitted conflict of interest? What I witnessed on November 16, 2012 bordered on a blatant disregard for the law.

Observing the hearing that day, one would think that the DeCourseys were not even in the courtroom for much of the time. Sulkin showed his utter disdain for the whole proceeding when he entered the courtroom, nose in the air, turning his chair facing away from the DeCourseys as he sat squarely facing Judge Eadie. It couldn't have been more obvious that Judge Eadie and Sulkin were the prime actors in this drama. Judge Eadie appeared riveted on every word Sulkin said, at times seeming to take his cues from Sulkin. He noted the documents to which Sulkin referred, taking all the time he needed to make sure he understood what Sulkin wanted him to do.

However, every time Mark and Carol DeCoursey presented their arguments – sometimes by having to interrupt the on-going dialogue between Sulkin and Eadie to get their voices heard – Eadie's body language seemed to change. He appeared to be irritated - as if he had little patience for what they had to say. He showed no interest in looking at the DeCoursey's documentation, even though it was offered to him more than once as proof of allegedly incorrect statements made over and over by Mr. Sulkin. Several times, the DeCourseys had to speak up to correct information that the Judge Eadie appeared eager to accept as fact from Sulkin, even though the DeCoursey's had evidence that such was not the case. Their remarks got little notice from Judge Eadie who seemed more concerned with pleasing Sulkin and how much time he was spending in the courtroom than with dispensing justice.

At the end of the hearing, Judge Eadie acknowledged that he would check the "rules" on an issue of law, and then decide if he should recuse himself from the case because of his connection with Windermere. It came across as nothing more than a ploy to show his "concern" that he *might* - at that point – have a conflict of interest. It seemed to me that he was just interested in appearing to those of us in the courtroom that he was indeed "fair," and unbiased in this case even though his wife is a Windermere real estate agent. I thought the law is clear that even if there is the "appearance" of bias or prejudice, a judge should recuse himself. Does that not apply in Washington state? Apparently not in Judge Eadie's courtroom.

Watching Judge Eadie show such favoritism to Mr. Sulkin while treating the pro se DeCoursey as nuisances, was a sad commentary on our entire judicial system. That was certainly not a fair and impartial hearing – the very thing that our constitution guarantees every citizen.



Diane Walter
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